

**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
GROUP PROCEEDINGS LIST**

S ECI 2020 03365

BETWEEN

STEELE LEE CRAWFORD

Plaintiff

and

**AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD
(ACN 005 357 522)
(and others according to the Schedule attached)**

Defendants

ORDER

JUDGE:

The Honourable Justice Nichols

DATE MADE:

2 August 2022

ORIGINATING PROCESS:

Writ filed 21 August 2020

HOW OBTAINED:

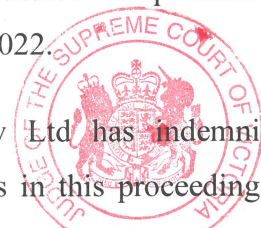
Summons filed 3 June 2022

ATTENDANCE:

Not applicable

OTHER MATTERS:

- A The plaintiff (Steele Lee Crawford) became bankrupt and the Official Trustee was appointed trustee of his bankrupt estate on 29 March 2022.
- B. Consequent upon Mr Crawford becoming bankrupt, Daniel Christian O'Brien, a group member in this proceeding, consented to be the plaintiff in place of Mr Crawford and made an application to be substituted as plaintiff by summons dated 2 June 2022.
- C Maurice Blackburn Pty Ltd has indemnified Mr O'Brien for all costs in this proceeding for which he is, or may become, liable to pay as a result of these orders.

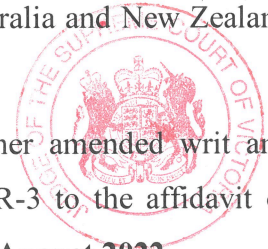


- D. On the basis of the matters set out in the affidavit of Richard Erle Ryan of Maurice Blackburn affirmed 2 June 2022, the Court is satisfied that it is appropriate to make these orders.
- E. Mr O'Brien seeks orders 1 and 2 on the condition that order 3 also be made.
- E. The Court has been advised that the Official Trustee in Bankruptcy as trustee for the bankrupt estate of Mr Crawford is content with these orders.
- F From the date of these orders, Mr Crawford continue in his capacity as a group member.
- G For the purpose of making these orders, a distinction has been made between the Original Plaintiff and the Substitute Plaintiff. However, following the date of these orders, references in documents in the proceeding to the Plaintiff, unless the context otherwise requires, be taken to be a reference to Daniel Christian O'Brien.

THE COURT ORDERS:

Plaintiff substitution

- 1 Pursuant to ss 33T and 33ZF of the *Supreme Court Act 1986* (Vic) (**Act**), Daniel Christian O'Brien (**Substitute Plaintiff**) be substituted for Steele Lee Crawford (**Original Plaintiff**) as the plaintiff in this proceeding, and the title of the proceeding be amended accordingly to "Daniel Christian O'Brien v Australia and New Zealand Banking Group Limited (ACN 005 357 522) & Anor".
- 2 The Substitute Plaintiff has leave to file and serve a further amended writ and statement of claim substantially in the form of Exhibit RER-3 to the affidavit of Richard Erle Ryan affirmed on 2 June 2022, by **4:00pm on 9 August 2022**.
- 3 That:

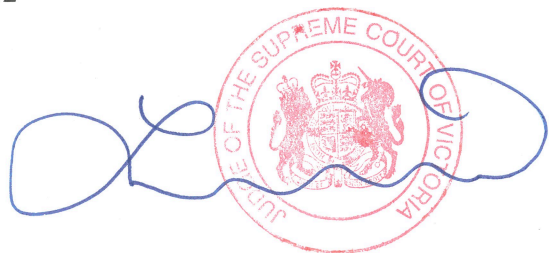


- (a) the Substitute Plaintiff pay the defendants' costs thrown away in consequence of orders 1 and 2 of these orders;
- (b) the Substitute Plaintiff be liable to the defendants for any costs order made against the Original Plaintiff in favour of the defendants in this proceeding prior to the date of his substitution;
- (c) the defendants be liable to the Substitute Plaintiff for any costs order made against the defendants in favour of the Original Plaintiff in this proceeding prior to the date of his substitution;
- (d) the Substitute Plaintiff be liable to the defendants for any costs incurred by the defendants in this proceeding prior to the date of his substitution to the extent a costs order in respect of such costs is subsequently made in favour of the defendants in the proceeding; and
- (e) the defendants be liable to the Substitute Plaintiff for any costs incurred by the Original Plaintiff in this proceeding prior to the date of his substitution to the extent that a costs order in respect of such costs is subsequently made against the defendants in the proceeding.

Pleadings

- 4 By **4:00pm on 6 September 2022**, the defendants file and serve amended defences consequential to the further amended writ and statement of claim filed pursuant to order 2 of these orders.
- 5 By **4:00pm on 20 September 2022**, the Substitute Plaintiff file and serve any amended replies.

DATE AUTHENTICATED: 2 August 2022

A handwritten signature in blue ink is written over a red circular seal. The seal features the coat of arms of Victoria in the center, surrounded by the text "JUDICIAL OFFICE OF THE SUPREME COURT OF VICTORIA".

The Honourable Justice Nichols

SCHEDULE OF PARTIES

STEELE LEE CRAWFORD

and

**AUSTRALIA AND NEW ZEALAND
BANKING GROUP LTD (ACN 005 357 522)**

and

MACQUARIE BANK LTD (ACN 008 583 542)

and

~~MACQUARIE LEASING PTY LTD (ACN 002 674 982)~~



Plaintiff

First defendant

Second defendant

~~Third defendant~~