

GROUP PROCEEDING SUMMARY STATEMENT
Jordan Brown v State of Victoria (S ECI 2022)



Case: S ECI 2022 03440

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1. What is a group proceeding (also known as a class action)?

Also known as a representative proceeding, a class action is a case that is brought by a lead plaintiff on their own behalf and on behalf of others where seven or more people have claims against the defendant(s) that arise out of similar circumstances.

2. Who is the defendant in this class action, and what is the claim about?

The claim is against the State of Victoria (**Defendant**) in relation to the conduct of members of Victoria Police (**Police Officers**) at a protest outside the International Mining and Resources Conference (**IMARC**) on 30 October 2019 (the **IMARC class action**).

The IMARC class action alleges that the lead plaintiff and group members were pushed, crushed and grabbed by Police Officers and sprayed with Oleoresin Capsicum (**OC**) foam (also known as capsicum spray). The IMARC class action alleges that Police Officers' conduct involved unreasonable and disproportionate force and was not lawfully justified, therefore constituting a series of batteries and assaults by Police Officers.

The IMARC class action also alleges that the actions and decisions of the Police Officers engaged and limited the lead plaintiff and group members' rights under the *Charter of Human Rights and Responsibilities Act 2006* (Vic). The IMARC class action seeks damages and declarations.

As at the date of this group proceeding summary statement, no other group proceedings have been, or are expected to be, filed in relation to the same subject matter or claims alleged in the IMARC class action.

3. Who is a group member in the IMARC class action?

You are a group member in the IMARC class action if you:

- a) were present at the protest outside the Melbourne Convention and Exhibition Centre (**Convention Centre**) in Southbank, Melbourne on 30 October 2019 between 11.44am and 12.35pm; and
- b) suffered harm as a result of being sprayed with OC foam by Police Officers between around 12.10pm to 12.35pm.

You are not a group member if you climbed the Convention Centre poles.

4. Who is the lead plaintiff and what is their role and responsibility?

The lead plaintiff in the IMARC class action is Jordan Brown. It is the lead plaintiff's role to represent the group members and provide instructions to Phi Finney McDonald regarding the conduct of the case. The lead plaintiff may also give evidence during the proceeding, and in hearing the lead plaintiff's case, the Court will consider questions of fact and/or law that are common to all group members.

5. Who is the law firm acting for the lead plaintiff?

The lead plaintiff has retained both Phi Finney McDonald and Inner Melbourne Community Legal as his legal representatives. Phi Finney McDonald are the solicitors on the record.

6. How is the IMARC class action funded? What costs are involved?

The case is being run by Phi Finney McDonald and Inner Melbourne Community Legal on a 'No-Win, No-Fee basis'. The case is not being funded by a litigation funder, and is not subject to any funding arrangement.

The legal costs of Phi Finney McDonald and Inner Melbourne Community Legal are calculated using a time-based billing. This means time is calculated on a per unit basis where each unit equals 6 minutes or part thereof. For example, 33 minutes equals 6 units. Disbursements, such as barrister and expert fees, are charged at cost. However, those costs are 'conditional', meaning they will only be recovered in the event of a successful outcome such as a Court judgment or settlement.

If the case is successful, then any costs payable to Phi Finney McDonald, Inner Melbourne Community Legal and other disbursements will be deducted from, and will not exceed, any compensation that group members are entitled to receive. Any deduction of costs will not be more than the compensation group members may receive.

This means that group members participating in the IMARC class action will **not** be out of pocket for legal costs incurred in the conduct of the case.

If the class action is not successful, the Court may make a costs order against the lead plaintiff and group members will not be required to pay any costs.

7. Contact Us

If you would like to find out more about the IMARC class action, or if you are a group member, please contact us at classactions@phifinneymcdonald.com. You will not be charged for making an enquiry about the IMARC class action.