

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

S ECI 2023 01835

BETWEEN:

JUSTINE LIDGETT

First Plaintiff

CAMERON LIDGETT

Second Plaintiff

- and -

DOWNER EDI LIMITED (ACN 003 872 848)

Defendant

ORDER

JUDGE: The Honourable Justice Delany

DATE MADE: 28 August 2023

ORIGINATING PROCESS: Writ filed on 4 May 2023

HOW OBTAINED: At the hearing on 28 August 2023

ATTENDANCE: Rachel Doyle SC with Ryan May, counsel for the plaintiffs
Patrick Meagher, counsel for the defendant

OTHER MATTERS: A. Four overlapping proceedings have been issued against the defendant, Downer EDI Limited, being:

- (i) this proceeding;
- (ii) the proceeding issued by Jowene Pty Limited (ACN 001 714 585) atf Biro Citer Souvenirs Pty Limited Pension Fund (S ECI 2023 03646) ('Jowene Proceeding');
- (iii) the proceeding issued by Timothy Hui Chong Teoh and Peter Hermann Eckardt (S ECI 2023 03647) ('Teoh Proceeding'); and
- (iv) the proceeding issued by Kajula Pty Ltd (ACN 065 474 713) (S ECI 2023 03645) ('Kajula Proceeding').



THE COURT ORDERS THAT:

Confidentiality

1. Pursuant to s 33ZF of the *Supreme Court Act 1986* (Vic) ('Act') and/or r 28.05(4) of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic) ('Rules'), subject to further order of the Court, each item in:
 - (a) Schedule 1 which is identified as Confidential from Defendant is confidential and must not be published or made available to any persons except:
 - (i) the plaintiffs in this proceeding, and their legal representatives (including their directors and employees) or any counsel briefed by them;
 - (ii) the plaintiffs in the Jowene Proceeding, the Teoh Proceeding and the Kajula Proceeding, and their legal representatives or any counsel briefed by them;
 - (iii) any servant or agent of CASL Funder Pty Limited as trustee for CASL Fund 1 (ACN 645 229 643) and/or CASL Management Pty Limited (ACN 645 229 116); and
 - (iv) personnel of the Court.
 - (b) Schedule 2 which is identified as Confidential from Other Parties is confidential and must not be published or made available to any persons except:
 - (i) the plaintiffs in this proceeding, and their legal representatives (including their directors and employees) or any counsel briefed by them; and
 - (ii) personnel of the Court.

Consolidation of the Jowene Proceeding and the Lidgett Proceeding

2. Pursuant to r 9.12 of the Rules and s 33ZF of the Act, the Lidgett Proceeding be consolidated with the Jowene Proceeding.
3. The consolidated proceeding be known as *Justine Lidgett and Cameron Lidgett v Downer EDI Limited* and be identified as S ECI 2023 01835 ('Consolidated Proceeding').
4. The plaintiffs in the Lidgett Proceeding are to be the representative plaintiffs in the Consolidated Proceeding.
5. Costs incurred in the Jowene Proceeding be costs in the Consolidated Proceeding.

Consolidation of the Teoh Proceeding and the Lidgett Proceeding

6. Pursuant to r 9.12 of the Rules and s 33ZF of the Act, the Consolidated Proceeding be further consolidated with the Teoh Proceeding.
7. Following such further consolidation, the consolidated proceeding be known as *Justine Lidgett and Cameron Lidgett v Downer EDI Limited* and is to be identified as S ECI 2023 01835 ('Final Consolidated Proceeding').
8. The plaintiffs in the Lidgett Proceeding are to be the representative plaintiffs in the Final Consolidated Proceeding (the 'Plaintiffs').



9. Pursuant to s 33ZF of the Act, Maurice Blackburn Pty Ltd ('Maurice Blackburn') is to be the solicitor on the record for the Plaintiffs in the Final Consolidated Proceeding and William Roberts Pty Ltd, t/as William Roberts Lawyers ('William Roberts') is to act as an agent for Maurice Blackburn.
10. Costs incurred in the Lidgett Proceeding and the Teoh Proceeding be costs in the Final Consolidated Proceeding.

DATE AUTHENTICATED: 11 September 2023



The Hon. Justice Delany

SCHEDULE 1

CONFIDENTIAL FROM DEFENDANT

Page number	Pinpoint reference
First Affidavit of Andrew John Watson sworn 31 July 2023 and Exhibit AJW-1	
Page 18	In paragraph [62], second sentence, the figure after the word “approximately”, the figure after the words, “comprised of” and the figure after the words, “professional fees and”.
Pages 24-27	All of paragraphs [89]-[101].
Page 55	All figures.
Page 172-174	All.
Third Affidavit of Andrew John Watson sworn 21 August 2023 and Exhibit AJW-2	
Pages 9-10	All of paragraphs [39]-[41].
Page 14-15	In paragraph [63a], in the first sentence, the figure after the words “be responsible for paying” and in the third sentence, the figure after the words “on average”.
Page 78	All of clause 9(a)(ii).
Page 83	In the column headed “Particulars”, all words in row (e) and all figures in row (f).
Page 84	In the column headed “Particulars”, all figures in rows (i), (j), (l), (m) and (o).
Page 116	All of clause 9(a)(ii).
Page 121	In the column headed “Particulars”, all words in row (e) and all figures in row (f).
Page 122	In the column headed “Particulars”, all figures in rows (i), (j), (l), (m) and (o).
Page 158	All figures.
Page 177	All figures.
Page 179	All figures.
Page 189	In clause 3.2(b), the figure after the words, “Professional fees:” and the figure after the word, “Disbursements:”.
Fourth Affidavit of Andrew John Watson sworn 25 August 2023 and Exhibit AJW-3	
Page 32	In the column headed “Particulars”, all figures in rows (d), (e), (f), (g) and (h).
Page 37	In clause 5.1, the figure after the words, “Professional fees:” and the figure after the word, “Disbursements:”.

SCHEDULE 2

CONFIDENTIAL FROM OTHER PARTIES

Page number	Pinpoint reference
First Affidavit of Andrew John Watson sworn 31 July 2023 and Exhibit AJW-1	
Page 20	All of paragraph [66e].
Page 39	In clause 5.9, the figure after the words, “CASL and MB agree that”.
Second Affidavit of Andrew John Watson sworn 31 July 2023	
Pages 2-5	All of paragraphs [8]-[24] and footnote 1.
Page 6	In paragraph [27], the figure at the end of the sentence.
Third Affidavit of Andrew John Watson sworn 21 August 2023 and Exhibit AJW-2	
Page 15	In paragraph [63b], second sentence, the figure after the words, “contributing approximately”.
Page 18	In paragraph [79], in the second sentence, the figure after the words, “additional facility of up to”, and in the third sentence, the figure after the words, “undrawn facilities of up to approximately”.
Page 32	In clause 5.9, the figure after the words, “CASL and MB agree that”.
Fourth Affidavit of Andrew John Watson sworn 25 August 2023 and Exhibit AJW-3	
Page 21	In clause 4B(i), the figure after the words, “Funder and Lawyer agree that”.