

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION
GROUP PROCEEDINGS LIST

S ECI 2020 03402

BETWEEN:

5 Boroughs NY Pty Ltd (ACN 632 508 304)

Plaintiff

- and -

**State of Victoria (and Ors according to the attached
Schedule)**

Defendant

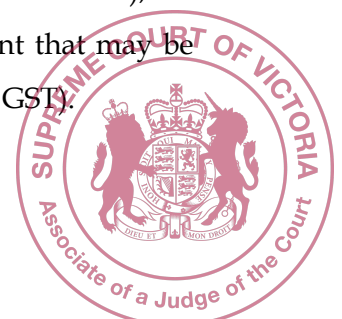
ORDER

JUDGE	The Honourable Justice Keogh
DATE MADE:	23 November 2023
ORIGINATING PROCESS:	Amended Writ filed 22 April 2022
HOW OBTAINED:	On return of the plaintiff's summons filed 23 June 2023
ATTENDANCE:	A Hochroth with H Whitwell, counsel for the plaintiff R Doyle SC with K Loxley & R Amamoo, counsel for the defendants
OTHER MATTERS:	The plaintiff has given the Court an undertaking not to apply in the proceeding for an order under s 33ZDA of the <i>Supreme Court Act 1986</i> ('Act') setting out a percentage any greater than 30%.

THE COURT ORDERS THAT:

Group Costs Order

1. The legal costs payable to the solicitors representing the plaintiff and group members, Quinn Emanuel Urquhart and Sullivan LLP ('Quinn Emanuel'), be calculated as a percentage of the amount of any award or settlement that may be recovered in the proceeding, that percentage being 30% (inclusive of GST).



2. Liability for payment of the legal costs pursuant to paragraph 1 be shared among the plaintiff and all group members (other than those group members who opt out of the proceeding in accordance with s 33J of the Act).
3. Quinn Emanuel be liable to:
 - (a) pay any costs payable to the defendants in the proceeding; and
 - (b) give any security for the costs of the defendants in the proceeding that the Court may order to be given.
4. The plaintiff bear its costs of the application.
5. The defendants' costs of the application be reserved.

DATE AUTHENTICATED:

23 January 2024



THE HONOURABLE JUSTICE KEOGH



SCHEDULE OF PARTIES

S ECI 2020 03402

BETWEEN:

5 BOROUGHES NY PTY LTD (ACN 632 508 304)

Plaintiff

-and-

STATE OF VICTORIA

First Defendant

THE HONOURABLE JENNY MIKAKOS (IN HER CAPACITY AS THE
FORMER MINISTER FOR HEALTH AND MINISTER FOR THE
COORDINATION OF HEALTH AND HUMAN SERVICES: COVID-
19)

Second Defendant

THE HONOURABLE MARTIN PAKULA (IN HIS CAPACITY AS THE
FORMER MINISTER FOR THE COORDINATION OF JOBS,
PRECINCTS AND REGIONS: COVID-19)

Third Defendant

KYM LEE-ANNE PEAKE (IN HER CAPACITY AS THE FORMER
SECRETARY, DEPARTMENT OF HEALTH AND HUMAN
SERVICES)

Fourth Defendant

SIMON GRANT PHEMISTER (IN HIS CAPACITY AS THE
SECRETARY, DEPARTMENT OF JOBS, PRECINCTS AND REGIONS)

Fifth Defendant

