

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

S ECI 2021 04738

BETWEEN:

PAUL LEIGHTON MUMFORD

First Plaintiff

GAYLE MUMFORD

Second Plaintiff

- and -

EML PAYMENTS LTD

Defendant

ORDER

JUDGE:	The Honourable Justice Delany
DATE MADE:	28 April 2025
ORIGINATING PROCESS:	Writ filed on 16 December 2021
HOW OBTAINED:	Following ruling of 16 April 2025
ATTENDANCE:	N/A
OTHER MATTERS:	N/A

THE COURT ORDERS THAT:

Group definition

1. Pursuant to s 33K of the *Supreme Court Act 1986* (Vic) ('Act'), the plaintiffs have leave to amend the writ dated 16 December 2021 by expanding the description of the group such that it conforms with paragraph 1 of the further amended statement of claim filed 24 February 2025.
2. The amendment referred to in paragraph 1 is to take effect from 16 February 2023.

Notice

3. Pursuant to s 33ZF of the Act, the notice set out in Annexure A to this Order ('Notice') be approved.
4. Pursuant to s 33ZF of the Act the Notice be given according to the following procedure:



- (a) by **4:00pm** on **2 May 2025** the plaintiffs send the Notice via email to 398 shareholders who or which acquired an interest in ordinary shares in the defendant during the period between 20 May 2021 to 17 August 2021 and who registered their interest to participate in any distribution of any in-principle settlement of this proceeding reached prior to trial (subject to Court approval) pursuant to the Order made on 5 December 2024 by the Honourable Justice Nichols ('Affected Registered Shareholders'), save that if the plaintiffs:
- (i) do not possess an email address for any Affected Registered Shareholder; or
 - (ii) receive electronic notice that an email sent pursuant to paragraph 4 had not been delivered to the addressee,

the plaintiffs shall within 72 hours send a copy of the Notice by ordinary post to the Affected Registered Shareholder concerned to the last recorded physical address of that Affected Registered Shareholder.

- 5. By **4:00pm** on **2 May 2025**, the plaintiffs shall cause Shine Lawyers to publish the Notice on its website, and remain continuously displayed at least to the conclusion of the proceedings.
- 6. By **4:00pm** on **2 May 2025**, the Registrar of the Commercial Court Registry of the Supreme Court of Victoria shall cause a copy of the Notice to be displayed on the Supreme Court of Victoria's website and remain continuously displayed up to and including the conclusion of the proceedings.
- 7. The disbursement costs of and incidental to the procedure set out in paragraph 4 above be paid in the first instance by the plaintiffs, but ultimately be costs in the cause.

Other matters

- 8. Costs reserved.
- 9. Liberty to apply.

DATE AUTHENTICATED: 28 April 2025



The Hon. Justice Delany

ANNEXURE A



SUPREME COURT OF VICTORIA

EML PAYMENTS SHAREHOLDER CLASS ACTION

Paul Leighton Mumford and Gayle Mumford

V

EML Payments Limited

(S ECI 2021 04738)

IMPORTANT COURT NOTICE

This is an important notice that the Supreme Court of Victoria has ordered to be published and distributed to shareholders who may be affected by this class action.

You should read this notice carefully as it may affect your legal rights. Any questions you have concerning this notice should not be directed to the Supreme Court of Victoria. If there is anything in this notice that you do not understand, you should seek legal advice.

A class action has been commenced by Mr Mumford and Mrs Mumford (the **Plaintiffs**) in the Supreme Court of Victoria against EML Payments Limited (**EML**). You will have received a notice between 13 January 2025 and 15 January 2025 explaining the EML class action and inviting you to opt out, register, or do nothing (**Previous Notice**).

The Previous Notice stated that you may be a group member in the EML class action if you acquired an interest in ordinary shares in EML during the period between 19 December 2020 to 25 July 2022.

The court has since made a ruling and orders that means that:

- persons who acquired EML shares between 19 December 2020 and 19 May 2021 are group members as of 16 December 2021.
- persons who acquired EML shares between 18 August 2021 and 25 July 2022 are group members as of 16 February 2023.

- persons who **only** acquired EML shares between 20 May 2021 and 17 August 2021 (**Omitted Period**) are not and never have been group members.
- persons who acquired EML shares **both** in the Omitted Period **and** at other times between 19 December 2020 and 25 July 2022 are group members, but no claim is being brought in relation to the shares acquired in the Omitted Period.

You have received this notice because:

- you acquired an interest in ordinary shares in EML during the Omitted Period;
- you have registered your interest in participating in any distribution of any in-principle settlement of this proceeding reached prior to trial (subject to Court approval) in this EML class action; and
- the Plaintiffs no longer make any allegations of disclosure failures and misleading or deceptive conduct against EML for the Omitted Period.

THINGS YOU SHOULD KNOW

1. The Plaintiffs have the responsibility of identifying and choosing what claims can properly be brought in the EML class action. The Plaintiffs have filed a Further Amended Statement of Claim, amending the allegations brought on behalf of themselves and group members.
2. The Plaintiffs do not intend to advance claims in respect of EML shares acquired in the Omitted Period from 20 May 2021 to 17 August 2021. Evidence will not be directed to those claims at the trial of the class action.
3. This means that if you acquired ordinary shares in EML during the Omitted Period, namely between 20 May 2021 and 17 August 2021 (inclusive), the Plaintiffs consider that there was no inflation in the price of EML shares during that Omitted Period.
4. You may nonetheless be a group member in the EML class action if you acquired ordinary shares in EML in **both** the Omitted Period **and** also at other times between 19 December 2020 and 25 July 2022, as set out in the Further Amended Statement of Claim. However, no compensation will be sought for claims acquired in the Omitted Period.
5. If you are a person who **only** acquired EML shares in the Omitted Period (from 20 May 2021 to 17 August 2021) and you wish to advance claims in respect of EML, you should seek legal advice without delay because there are time limits within which you need to act if you wish to bring any such claim. The EML class action has not paused or altered the limitation period in respect of any such claim.

WHERE TO GET FURTHER INFORMATION

6. The detailed allegations in the EML Class Action are set out in the Further Amended Statement of Claim dated 24 February 2024. A copy of this document is available at: <https://www.shine.com.au/service/class-actions/eml-payments-shareholder-class-action#case-documents>

7. Copies of relevant documents, including this notice and the Further Amended Statement of Claim, may be obtained by downloading them from:
 - (a) Shine Lawyers website: <https://www.shine.com.au/service/class-actions/eml-payments-shareholder-class-action>; and/or
 - (b) the Supreme Court of Victoria website: <https://www.supremecourt.vic.gov.au/areas/group-proceedings/eml-payments-group-proceeding-class-action>.
8. If you would like to know why the Plaintiffs are no longer advancing claims in respect of EML shares acquired in the Omitted Period, please contact Shine Lawyers, and information can be provided to you if you agree to sign a confidentiality undertaking.

OTHER MATTERS

9. Please consider the above matters carefully. If there is anything of which you are unsure, but require assistance, you can contact Shine Lawyers on 1800 325 172 or emlclassaction@shine.com.au.
10. If you are unclear about whether you are a group member, or if you have any other questions regarding the EML Class Action, you should contact Shine lawyers on the above contact details or seek independent legal advice without delay.
11. The Supreme Court should not be contacted for legal advice.
12. This notice is published pursuant to the Order made on 28 April 2025.

You should not delay in making any decision to seek further advice.