

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

S ECI 2021 00930

BETWEEN:

ZOEY ANDERSON-VAUGHAN

Plaintiff

- and -

AAI LIMITED (ACN 005 297 807) and others according to
the schedule

Defendants

GENERAL FORM OF ORDER

JUDGE: The Honourable Justice Matthews

DATE MADE: 30 June 2025

ORIGINATING PROCESS: Writ filed 30 March 2021

HOW OBTAINED: On the further return of the plaintiff's summons filed on
27 March 2025

APPEARANCES: Mr L Armstrong KC with Mr D Fahey and Mr T Farhall,
of counsel, for the plaintiff
Ms J Findlay, of counsel, for the defendants

OTHER MATTERS:

- A. This Order is authenticated by the Judge pursuant to Rule 60.02(1)(b) of the
Supreme Court (General Civil Procedure) Rules 2015 (Rules).

THE COURT ORDERS THAT:

Confidentiality

1. Pursuant to s 18(1)(a) of the *Open Courts Act 2013* (Vic) and/or the Court's inherent
jurisdiction, and subject to any further order of the Court:
 - (a) the documents or parts of documents identified in Part A of Schedule A to
this Order (**Confidential Materials**) be confidential and, absent prior order
of the Court, not be disclosed to any person other than:
 - (i) her Honour Justice Matthews or as the Court may direct
(**Settlement Judge**), staff of the Settlement Judge, and staff in the
Court Registry necessarily involved in the filing or administration of
the Confidential Materials (**Approved Persons**); and



- (ii) the Plaintiff's solicitors and counsel;
- (b) the Plaintiff file in the Registry unredacted copies of the documents being or containing the Confidential Materials, such documents to be placed by the Registry in a sealed envelope marked 'Confidential materials – not to be opened except by direction of a judge or the Court';
- (c) the Plaintiff have leave to file, and serve on the defendants, copies of the documents being or containing the Confidential Materials, redacted to conceal the Confidential Materials; and
- (d) the Plaintiff be otherwise excused from any requirement to file or serve the Confidential Materials.

Settlement approval

2. Pursuant to s 33V of the *Supreme Court Act 1986* (Vic) (**SCA**), the settlement of the proceeding upon the terms set out in:
 - (a) the Settlement Deed exhibited to the Affidavit of Rebecca Gilsenan affirmed 27 March 2025; and
 - (b) the Settlement Distribution Scheme (**SDS**) exhibited to the Affidavit of Rebecca Gilsenan affirmed 11 June 2025;(together the **AAI Class Action Settlement**) be approved.
3. All of the claims of the Plaintiff and of each Group Member in the proceeding be dismissed, with –
 - (a) no order as to costs; and
 - (b) all previous costs orders (excluding the Group Costs Order made on 11 August 2023) vacated.
4. Pursuant to s 33V of the SCA, further or alternatively s 33ZF of the SCA, the following amounts are approved for the purposes of the SDS:
 - (a) the sum of \$8.5 million as the "Plaintiff's Costs and Disbursements";
 - (b) the sum of \$1,364,330 for "Administration Costs" (including GST and the costs of the special referee report by Kerrie Rosati dated 26 May 2025); and
 - (c) the sum of \$30,000 as the "Plaintiff Reimbursement Payment".

Group members

5. Any person who, between the Registration Deadline of 18 June 2024 at 4pm (AEST), or 21 August 2024 at 4pm in respect of persons on the Equifax List (as defined in the SDS), and the date of these orders:
 - (a) registered their claim via the portal for this proceeding maintained by Maurice Blackburn; and/or
 - (b) emailed Maurice Blackburn to seek to register their claim in this proceeding,

is deemed to be an Unmatched Registrant for the purpose of the SDS, unless:



- (i) they are matched to 'matching group 1', in which case they are deemed to be a Matching Group 1 RGM for the purpose of the SDS; or
 - (ii) they are matched to 'matching group 2', in which case they are deemed to be a Matching Group 2 RGM for the purpose of the SDS.
6. All requests to opt out of the proceedings received after 24 February 2025 are refused.

Authority and binding effect

7. Pursuant to s 33ZF of the SCA, the Plaintiff be authorised *nunc pro tunc* to enter into and give effect to the AAI Class Action Settlement for and on behalf of Group Members.
8. Pursuant to s 33ZB of the SCA, further or alternatively s 33ZF of the SCA:
- (a) the persons affected and bound by the AAI Class Action Settlement are the Plaintiff, the Group Members (which for the avoidance of doubt excludes persons who were group members but opted out of, or ceased to be group members in, and did not re-join the proceeding), and the Defendants; and
 - (b) each of the Released Parties identified in the Settlement Deed is released by the Plaintiff and each of the Group Members from the Released Claims (as defined in the Settlement Deed).

SDS Administrator

9. Pursuant to s 33ZF of the Act, Maurice Blackburn be appointed as the Administrator of the SDS (**SDS Administrator**), with the powers and immunities set out in the SDS.
10. Pursuant to r 9.06 of the Rules, the SDS Administrator be joined as a party to the proceeding for the limited purpose of exercising the SDS Administrator's liberty to apply for the purpose of Order 11.
11. The SDS Administrator has liberty to apply in respect of any matter arising in or in relation to the administration of the Scheme, on not less than 3 clear business days' notice to the Court and to each party to the proceeding.

Sanctions laws compliance

12. Pursuant to s 33ZF of the Act:
- (a) Maurice Blackburn is permitted to disclose to the Defendants and/or the Defendants' insurers, for the sole purpose of compliance with legal obligations concerning payment to "**Prohibited Persons**" as defined in the Settlement Deed and on a confidential basis, the details specified in clause 3.4(b) of the Settlement Deed of the Plaintiff and Group Members; and
 - (b) the Defendants and Defendants' insurers are permitted to disclose to Maurice Blackburn on a confidential basis the names of any persons identified by them to be Prohibited Persons.



Scheme Administration and dismissal

13. The SDS Administrator shall provide reports to the Settlement Judge as to the performance of the settlement, including the costs incurred and distributions made, every 6 months, or as otherwise agreed with the Court.
14. Upon the SDS Administrator being satisfied that the implementation of the SDS has been completed:
 - (a) the SDS Administrator shall deliver to the Court:
 - (i) addressed to the Associate to the Settlement Judge – a report identifying the principal steps taken to implement the SDS and itemising the distributions made to any person pursuant to the SDS;
 - (ii) proposed orders for the dismissal of the proceeding;
 - (b) the SDS Administrator shall notify the Defendants that the steps in ‘a’ have been taken; and
 - (c) subject to other order of the Court – the proceeding shall be dismissed with no order as to costs.

Costs

15. There be no order as to the costs of the proceeding.
16. All inter partes costs orders in the proceeding as between the Plaintiff and the Defendants be vacated, but for the avoidance of doubt this order does not affect the Group Costs Order dated 11 August 2023.

DATE AUTHENTICATED: 1 July 2025



THE HONOURABLE JUSTICE MATTHEWS



SCHEDULE A - CONFIDENTIAL MATERIALS

The following documents or parts of documents comprise the Confidential Materials referred to in Order 1(a) of these Orders:

1. the text highlighted in grey in the affidavit of Rebecca Gilsenan affirmed 11 June 2025 (**Second Gilsenan Affidavit**);
2. the text highlighted grey in exhibit RG-4 to the Second Gilsenan Affidavit;
3. the whole of confidential exhibit RG-5 to the Second Gilsenan Affidavit;
4. the text highlighted grey in the special referee report by Kerrie Rosati dated 26 May 2025.



SCHEDULE OF PARTIES

S ECI 2021 00930

BETWEEN:

ZOEY ANDERSON-VAUGHAN

Plaintiff

- v -

AAI LIMITED (ACN 005 297 807)

First Defendant

TAL LIFE LIMITED (ACN 050 109 450)

Second Defendant

MTA INSURANCE PTY LTD (ACN 070 583 701)

Third Defendant

