

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

S ECI 2023 01521

BETWEEN:

JAMES KENDALL MCCOY

Plaintiff

- and -

HINO MOTORS LTD

First Defendant

HINO MOTOR SALES AUSTRALIA PTY LTD (ACN 064 989 724) Second Defendant

ORDER

JUDGE: The Honourable Justice Delany

DATE MADE: 11 August 2025

ORIGINATING PROCESS: Writ filed on 17 April 2023

HOW OBTAINED: On the Court's own motion pursuant to r 1.14(2)(a) of the *Supreme Court (General Civil Procedure) Rules 2015*)

ATTENDANCE: N/A

OTHER MATTERS:

- A. The persons listed in Annexure A have sought to opt out of the proceeding. The Court is satisfied that those group members have taken adequate steps to seek to opt out, notwithstanding that their applications were made after the deadline for opting out.
- B. The persons listed in Annexure B have sought to register in the proceeding. The Court is satisfied that those group members have taken adequate steps to seek to register, notwithstanding that their applications were made after the deadline for registering.
- C. The persons listed in Annexure C have sought to opt out of the proceeding but have done so by communicating with the solicitors for the plaintiff. In accordance with paragraph 13 of



the Order made on 12 March 2025, when the defendants or solicitors for any party to the proceeding receive written communications or documents purporting to be opt out forms that are referable to this proceeding, they shall be treated as an opt out form received by the Court. The persons listed in Annexure C fall into that category.

THE COURT ORDERS THAT:

1. The persons listed in Annexure A cease to be group members in this proceeding pursuant to s 33KA of the *Supreme Court Act 1986* (Vic).
2. The persons listed in Annexure B are permitted to be registered group members.
3. The persons listed in Annexure C cease to be group members in this proceeding pursuant to s 33KA of the *Supreme Court Act 1986* (Vic).

DATE AUTHENTICATED: 11 August 2025



The Hon. Justice Delany

SCHEDULE OF PARTIES

JAMES MCCOY

Plaintiff

- and -

HINO MOTORS LTD

First Defendant

HINO MOTOR SALES AUSTRALIA PTY LTD
(ACN 064 989 724)

Second Defendant