

**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: 22 August 2025

ORIGINATING PROCESS: Writ filed on 17 April 2023

HOW OBTAINED: At hearing on 22 August 2025

ATTENDANCE: Mr W A D Edwards KC with Mr D J Fahey,
counsel for Maurice Blackburn ('the intervenor')

Ms M Szydzik SC with Ms A Staker,
Contradictors

OTHER MATTERS:

A. An unredacted version of item (i) has been provided directly to the Court and the Contradictors; an unredacted version of (ii) has been provided directly to the intervenor and the Court; and a redacted version of item (ii) has been provided to the defendants:

i. Fourth Affidavit of Rebecca Gilsenan dated 1 August 2025 ('Fourth Gilsenan Affidavit') (defined as the 'Third Gilsenan Affidavit' in the Contradictors' written submissions dated 14 August 2025 and provided to the Court pursuant to paragraph 6 of the



- orders made on 24 July 2025)
(‘Contradictors’ Submissions’); and
ii. Contradictors’ Submissions.

THE COURT ORDERS THAT:

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’), the following documents or parts thereof are confidential and must not be inspected by, or disclosed to, any person or entity other than the plaintiff and his legal advisers, CF FLA Australia Investments 3 Pty Ptd and their legal advisers, the Contradictors (appointed pursuant to the Order made on 24 July 2025) and the Court:
 - (a) the Fourth Gilsenan Affidavit; and
 - (b) the highlighted parts of the Contradictors’ Submissions, as identified in a version of that document provided by the intervenors to the chambers of the Honourable Justice Delany on 21 August 2025.
2. Pursuant to s 33ZF of the Act and/or r 28A.06 of the Rules:
 - (a) the Fourth Gilsenan Affidavit may be filed on RedCrest on a confidential basis; and
 - (b) the intervenor is to file on RedCrest the redacted version of the Contradictors’ Submissions that was provided to the Chambers of the Honourable Justice Delany by the intervenor on 21 August 2025 (‘Redacted Contradictors’ Submissions’).
3. Pursuant to s 33ZF of the Act, a copy of the Redacted Contradictors’ Submissions (as filed) is to be made available on the respective websites of the Court and the intervenor until the Court makes any final orders to dismiss the proceeding.

DATE AUTHENTICATED: 27 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