

BETWEEN:

DAIMIN NATHAN

First Plaintiff

TANIA NATHAN

Second Plaintiff

-and-

MACQUARIE LEASING PTY LTD (ACN 002 674 982)

Defendant

ORDER

JUDGE: The Honourable Justice Harris

DATE MADE: 21 August 2025

ORIGINATING PROCESS: Writ filed 14 October 2020

METHOD OBTAINED: At hearing on 20 August 2025

ATTENDANCE: Mr D Fahey with Mr M Bui, counsel for the plaintiff.

Mr S Gerber, counsel for the defendant.

OTHER MATTERS:

- A. This order is signed by the Judge pursuant to Rule 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2015*.
- B. Justice Harris' reasons for the orders made will be delivered separately.
- C. These orders amend the original orders made on 21 August 2025 which refer in the heading to "Common Law Division" rather than "Commercial Court".

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in Schedule A to this Order (**Confidential Materials**) be confidential and, absent prior order of the Court, not be published or disclosed to any other person other than:



- i. her Honour Justice Harris (**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**);
 - ii. the plaintiffs' solicitors and counsel; and
 - iii. representatives of Vannin Capital Investments (Australia) Pty Limited (**Vannin**) with involvement in the proceeding;
- b. the plaintiffs file in the Registry unredacted copies of the documents being or containing the Confidential Materials, such documents to be marked as confidential on RedCrest;
- c. the plaintiffs have leave to file, and serve on the defendant, copies of the documents being or containing the Confidential Materials, redacted to conceal the Confidential Materials; and
- d. the plaintiffs be otherwise excused from any requirement to file or serve the Confidential Materials.

Settlement approval

2. Pursuant to s 33V(1) and (2) of the *Supreme Court Act 1986* (Vic) (the **Act**), the:
 - a. settlement of the proceeding is approved on the terms set out in:
 - i. the deed of settlement dated 10 April 2025, as amended by the deed of variation executed by the plaintiffs, defendant and Maurice Blackburn on 16, 14 and 19 August respectively (and which is to be executed by Vannin); and
 - ii. the Amended settlement distribution scheme exhibited at page 68 to exhibit RER-12 to the affidavit of Richard Erle Ryan dated 14 July 2025 (**SDS**); (together, the **Settlement**)and
 - b. the SDS is to be given effect.
3. Pursuant to s 33ZB of the Act, the persons affected and bound by the Settlement are the plaintiffs, defendant, and persons described in [1] of the Amended Statement of Claim filed on 28 August 2024, other than such persons who opted out of and have not been reinstated in the proceeding (**Group Members**).
4. The claims of the plaintiffs and Group Members in the proceeding be dismissed.



5. Pursuant to s 33V(2) of the Act, the following amounts are approved for the purposes of the SDS:
- a. the sum of \$13,842,500 as the “plaintiffs’ legal costs and disbursements”;
 - b. the sum of \$1,540,355.30 for “administration costs”; and
 - c. the sum of \$40,000 as the “plaintiffs’ reimbursement payment”.

Scheme Administrator

6. 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.
7. Pursuant to r 9.06 of the of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic) (**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 purposes of order 8 below and to give effect to orders 2(b) and 5 above.
8. The SDS Administrator has liberty to apply in respect of any matter arising in or in relation to the administration of the SDS, on not less than three clear business days’ notice to each party to the proceeding and the Court.

Administration and dismissal

9. The SDS Administrator shall report to the Settlement Judge regarding the performance of the SDS, including the costs incurred and distributions made, every six months.
10. 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, including the costs incurred and 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 defendant that the steps in order 10(a) above have been taken; and
 - c. subject to any other order of the Court - the proceeding shall be dismissed with no order as to costs.

Costs

11. There be no order as to the costs of the proceeding.



12. All inter partes costs orders in the proceeding as between the plaintiffs, the solicitors for the plaintiffs, and the defendant be vacated. This order does not affect the group costs order (being order 1 made by the Honourable Justice Nichols on 9 March 2023).

Group members (registration and reinstatement)

13. The persons listed in Schedule B be deemed to have registered to participate in this proceeding.
14. The persons listed in Schedule C be reinstated as group members in this proceeding pursuant to s 33J(6) of the Act.

DATE AUTHENTICATED: 21 August 2025



THE HONOURABLE JUSTICE HARRIS



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 blue in the affidavit of Richard Erle Ryan affirmed 14 July 2025 (**Ryan Affidavit**), other than the text highlighted in paragraph [156];
2. the text highlighted grey in exhibit RER-12 to the Ryan Affidavit;
3. the whole of confidential exhibit RER-13 to the Ryan Affidavit;
4. the whole of the independent expert report by Kerrie-Ann Rosati dated 27 June 2025; and
5. the text highlighted in blue and redacted in the plaintiffs' outline of submissions filed and served on 14 July 2025 excluding the text highlighted in paragraph [65].

