

IN THE SUPREME COURT OF VICTORIA  
COMMON LAW DIVISION  
GROUP PROCEEDINGS LIST  
S ECI 2022 03440

BETWEEN:

**JORDAN BROWN**

Plaintiff

- and -

**STATE OF VICTORIA**

Defendant

**ORDER**

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JUDGE: The Honourable Justice Harris

DATE MADE: 17 February 2026

ORIGINATING PROCESS: Writ filed 1 September 2022

METHOD OBTAINED: At the initial trial of the proceeding

ATTENDANCE: Ms F Forsyth KC with Ms S Gold SC and P Hamilton of counsel for the plaintiff.  
Mr S Hay KC with Ms M Pekevaska and Ms B King of counsel for the defendant.

- OTHER MATTERS:
- A. 'Initial trial of the proceeding' is defined as the trial that resulted in the judgment of Harris J in *Brown v State of Victoria (No 3)* [2025] VSC 765.
  - B. 'Group members' is defined in paragraph 1 of the Plaintiff's Statement of Claim filed 1 September 2022.
  - C. The initial trial has been heard and determined but the proceeding remains on foot. As such, the limitation period for claims of group members continues to be suspended pursuant to s 33ZE of the *Supreme Court Act 1986* (Vic).
  - D. The interest in order 1 is calculated as up to 17 February 2026.
  - E. This order is signed by the Judge pursuant to r 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2025* (Vic).



**THE COURT ORDERS THAT:**

1. There be judgment for the Plaintiff in the amount of \$54,000 and interest of \$17,328 totalling \$71,328.
2. The Defendant pay the Plaintiff's costs of and incidental to the proceeding up to and including the date of these orders on a standard basis to be taxed if not agreed.
3. There be certification for three counsel at \$7,700 per day (incl GST) for Ms Forsyth KC, \$5,500 per day (incl GST) for Ms Gold SC, and \$5,500 per day (incl GST) for Mr Hamilton.
4. The Court declares that the deployment of OC foam on the Plaintiff by two members of Victoria Police on 30 October 2019 constituted unlawful batteries of the Plaintiff for which the State is liable.
5. Pursuant to s 33ZB of the *Supreme Court Act 1986* (Vic), all group members are bound by the answers to common questions 1 to 23.
6. The matter be adjourned for case management until 10:30am on Friday 24 April 2026.

DATE AUTHENTICATED: 17 February 2026



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THE HONOURABLE JUSTICE HARRIS

