

IN THE SUPREME COURT OF VICTORIA  
COMMERCIAL COURT  
GROUP PROCEEDINGS

S ECI 2024 05243

**BETWEEN:**

**TRACEY LEIGH HEPI, ERU MARTIN HEPI AND GLENDA WALKER**

Plaintiffs

- and -

**TOYOTA FINANCE AUSTRALIA LIMITED (ACN 002 435 181)**

First Defendant

**AIOI NISSAY DOWA INSURANCE COMPANY AUSTRALIA PTY LTD (ACN 132 524 282)**

Second Defendant

GENERAL FORM OF ORDER



JUDGE:

The Honourable Justice M Osborne

DATE MADE:

24 February 2026

ORIGINATING PROCESS:

Writ filed on 2 October 2024

HOW OBTAINED:

At case management conference

ATTENDANCE:

O Bigos KC with D Dias of counsel for the Plaintiffs

K Foley SC with L O'Rorke of counsel for the First Defendant

S Rosewarne KC with J Waller of counsel for the Second Defendant

OTHER MATTERS:

The Court notes that:

- a. in accordance with order 1 of the orders made by the Honourable Justice M Osborne dated 26 March 2025, this proceeding and *Hepi v Toyota Finance Australia* (S ECI 2023 02581) (the 'Flex Proceeding') are case managed together;
- b. a corresponding version of these orders have been made in the Flex Proceeding.

A. This Order is authenticated by the Judge of the Court pursuant to Rule 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2025 (Vic)* ('Rules').

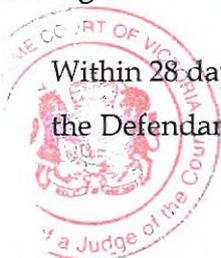
**THE COURT ORDERS THAT:**

**Plaintiffs' Removal Application**

1. Pursuant to rule 9.06 of the *Supreme Court (General Civil Procedure) Rules 2025 (Vic)* (the **Rules**), s 33T and/or s 33ZF of the *Supreme Court Act 1986 (Vic)*, Tracey Leigh Hepi and Eru Martin Hepi (the **First and Second Plaintiffs**) be removed as first and second plaintiffs from the proceeding, Glenda Walker (the **Third Plaintiff**) continue as the sole lead plaintiff in the proceeding, and the title to the proceeding be renamed as *Glenda Walker v Toyota Finance Australia Limited & Anor* (S ECI 2024 05243).
2. Pursuant to rules 9.11 and 36.01 of the Rules, the Third Plaintiff has leave to file and serve a further amended writ and a second further amended statement of claim substantially in the form provided to the Defendants on 4 February 2026.
3. Orders 1 and 2 be made on the following basis:
  - (a) the Third Plaintiff, but not the First and Second Plaintiffs, will be liable to the Defendants for any costs order which had been made against the First and Second Plaintiffs in favour of the Defendants in this proceeding prior to the date of this application;
  - (b) the Defendants will be liable to the Third Plaintiff, but not to the First and Second Plaintiffs, for any costs order made against the Defendants in favour of the First and Second Plaintiffs in this proceeding prior to the date of this application;
  - (c) if and to the extent that a costs order is made in future in favour of the Defendants in respect of costs incurred prior to the date of this application, such costs order will be made against the Third Plaintiff, but not the First and Second Plaintiffs; and
  - (d) if and to the extent that a costs order is made in future against the Defendants in respect of costs incurred prior to the date of this application, such costs order will be made in favour of the Third Plaintiff, but not the First and Second Plaintiffs.
4. Any other references in any existing orders to the Plaintiffs be taken to be a reference to the Third Plaintiff only.
5. The Third Plaintiff pay the Defendants' costs thrown away in consequence of orders 1 and 2 above.

**Pleadings**

6. Within 28 days of the Third Plaintiff filing the second further amended statement of claim, the Defendants file and serve defences to the second further amended statement of claim.



7. Within 14 days of the Defendants filing and serving the defences, the Third Plaintiff file and serve any reply to those defences.

#### **Opt Out Notice and Soft Class Closure Application**

8. By **6 March 2026**, the defendants are to:
  - a. respond to the plaintiffs' proposed form of order and draft notice regarding the commencement of the proceeding and the rights of group members to opt out of the proceeding which was circulated by the plaintiffs on 18 February 2026 (the '**Opt Out Notice**'); and
  - b. file any application for soft class closure (the '**Soft Class Closure Application**').
9. By **11 March 2026**, the defendants are to file and serve any evidence and submissions in support of the same and in relation to the form and content of the Opt Out Notice.
10. By **18 March 2026**, the plaintiffs are to file and serve any evidence and submissions in relation to the form and content of the Opt Out Notice, and in response to the defendants' Soft Class Closure Application and evidence and submissions in respect of the same.
11. Any dispute as to the Opt Out Notice and any Soft Class Closure Application be listed for hearing on at 10:00am on **20 March 2026**.
12. Liberty to apply.

DATE AUTHENTICATED: 24 February 2026


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THE HONOURABLE JUSTICE M OSBORNE



