

IN THE SUPREME COURT OF VICTORIA
COMMERCIAL COURT
GROUP PROCEEDINGS LIST
S ECI 2024 04990

BETWEEN:

JONATHAN WONG First Plaintiff

CONSTANTINOS DAGLAS Second Plaintiff

-and-

HARVEY NORMAN HOLDINGS LTD (ACN 003 237 545) First Defendant

YOOGALU PTY LTD (ACN 002 269 132) Second Defendant

ORDER

JUDGE: The Honourable Justice Harris

DATE MADE: 20 May 2026

ORIGINATING PROCESS: Consolidated Writ and Statement of Claim filed on 28 August 2025

METHOD OBTAINED: Following delivery of ruling in *Wong v Harvey Norman Holdings Ltd* [2026] VSC 293

ATTENDANCE: Mr D Fahey with Mr J Page of counsel for the plaintiffs.
Ms M Salinger of counsel for the defendants.

OTHER MATTERS:

- A. The original confidential material provided to the chambers of Justice Harris will be retained on the Court file in a manner identifying that it is subject to an order, that it is confidential, and is not available for inspection.
- B. This order is signed by the Judge pursuant to rule 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2025* (Vic).

THE COURT ORDERS THAT:

1. Pursuant to section 33ZDA(1) of the *Supreme Court Act 1986* (Vic):
 - a. the legal costs payable to the solicitors for the plaintiffs and group members, Maurice Blackburn and Echo Law as agent of Maurice Blackburn, be calculated as a percentage of the amount of any award or settlement that may be recovered in the proceeding, and that percentage be 30% (subject to further order); and



- b. liability for payment of the legal costs pursuant to paragraph 1(a) be shared among the plaintiffs and all group members.
2. Pursuant to section 33ZDA(2) of the *Supreme Court Act 1986* (Vic), the solicitors for the plaintiffs and group members, Maurice Blackburn:
 - a. are liable to pay any costs payable to the defendants in the proceeding; and
 - b. are liable to give any security for the costs of the defendants in the proceeding that the Court may order be given by the plaintiffs.

Confidentiality

3. Pursuant to rule 28.05(4) of the *Supreme Court (General Civil Procedure) Rules 2025* (Vic) (**Rules**) and/or ss 17(b) and 18(1)(a) of the *Open Courts Act 2013* (Vic) (**OCA**), and/or in the inherent jurisdiction of the Court, each item contained in Schedule 1 to this order is confidential and is not to be published, disclosed or made available for inspection without the prior leave of the Court to any person or entity other than the plaintiffs, the plaintiffs' legal advisers, any directors or employees of CF FLA Australia Investments 4 Pty Ltd and Fortress Investment Group (Australia) Pty Ltd (collectively, **Fortress**) and the Court.
4. Pursuant to rule 28.05(4) of the Rules and/or ss 17(b) and 18(1)(a) of the OCA and/or in the inherent jurisdiction of the Court, each item contained in Schedule 2 to this order is confidential and is not to be published, disclosed or made available for inspection without the prior leave of the Court to any person or entity other than the plaintiffs, Maurice Blackburn, the plaintiffs' counsel, any directors or employees of Fortress and the Court.
5. The plaintiffs have leave to uplift and remove the redacted copies of the following documents previously filed in RedCrest, and, pursuant to rule 28.03.3 of the Rules, file in their place in RedCrest copies which are redacted in accordance with Schedules 1 and 2 to these orders:
 - a. Affidavit of Jonathan Wong sworn on 13 November 2025 (**Wong Affidavit**);
 - b. Affidavit of Constantinos Daglas affirmed on 13 November 2025 (**Daglas Affidavit**);
 - c. Affidavit of Vavaa Mawuli affirmed on 14 November 2015 (**Mawuli Affidavit**);
 - d. Affidavit of Rebecca Gilsenan affirmed on 14 November 2025 (**Gilsenan Affidavit**);
and
 - e. Plaintiffs' Outline of Submissions dated 6 February 2026 (**Submissions**).



6. The plaintiffs have leave, pursuant to rule 28.03.3 of the Rules, to file in RedCrest a copy of the Plaintiffs' Further Submissions dated 12 March 2026 (**Further Submissions**) which is redacted in accordance with Schedule 2 to these orders.

DATE AUTHENTICATED: 20 May 2026

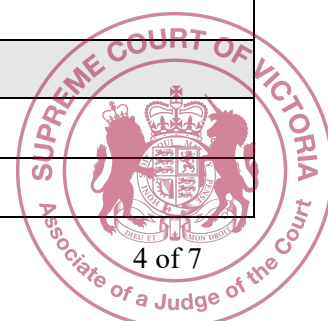


THE HONOURABLE JUSTICE HARRIS

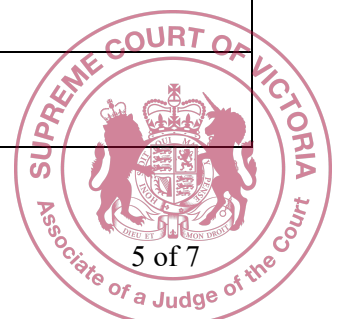


Schedule 1 – Confidential Material

Page/Paragraph Reference(s)	Confidential Part(s)
Wong Affidavit	
Page 1 (first line of body of affidavit)	The part which discloses the First Plaintiff’s home address
[11]	The part of the first sentence between the phrases “provided me with” and “an explanation about”, and the part of the second sentence after the phrase “these documents carefully”
[21]	Whole
[23]	The first six sentences
[24]	The first three sentences
[25]	The second sentence, and the part of the third sentence after the phrase “denying the claims”
Pages 9-12 of Tab 1 of Exhibit JW-1	Whole
Pages 16-19 and 21-23 of Tab 2 of Exhibit JW-1	Parts of clauses 1.3(h), 1.6(b), 4.5(c), 4.5(f), 4.5(g) and 10 of MB’s Retainer and Costs Agreement (MB Retainer)
Daglas Affidavit	
Page 1 (first line of body of affidavit); page 6 (jurat); page 20 of Tab 1 of Exhibit CD-1	The parts which disclose the Second Plaintiff’s home address
[25]	The second last sentence
[29]	The first two sentences
Pages 12-13 of Tab 1 of Exhibit CD-1	Parts of clauses 2.5 and 3.1 of the Conditional Legal Costs Agreement and Costs Disclosure Statement with Echo Law
Page 22 of Tab 2 of Exhibit CD-1	The parts which disclose the Second Plaintiff’s home address, email address and contact number
Pages 24 and 33-37 of Tab 2 of Exhibit CD-1	Whole of clauses 7, 8(d)-(g) and 10(a)(ii), and parts of clauses 1.1, 6(c)(iv) and 10(d), of the Litigation Management and Funding Agreement with CASL Management Pty Ltd (LMFA)
Pages 42-43 of Tab 2 of Exhibit CD-1	Parts of items (f)-(h) and (j)-(o) of Schedule 1 to the LMFA
Pages 47-49 of Tab 2 of Exhibit CD-1	Parts of terms 5(a), 6(c), 6(d)(ii) and 7 of Schedule 3 to the LMFA
Mawuli Affidavit	
[34]	The last sentence
[40]	The last sentence



Page/Paragraph Reference(s)	Confidential Part(s)
[45]	The first and third sentences
[46]	The part of the last sentence before the phrase “and accordingly, the arrangements”
[47]	The part of the first sentence before the phrase “if a GCO is not made”
[50]	The part between the words “that” and “people”
[55]	The first two sentences of the chapeau
[56]-[57]	Whole
[59]	Whole
[61]	Whole
[63]-[65]	Whole
[66]	The whole of the chapeau
[66(a)]-[66d)]	Whole
[68]	The part after the phrase “has not been exchanged),”
[69]-[74]	Whole
[75]	The part after the phrase “or claim value”
[76]	The last sentence
[77]	The parts which disclose the estimates of legal costs
[78]	Whole
[80]	Whole
[81]-[82]	Whole
[83]	The part of the first sentence before the phrase “I note that”, and the second sentence
[84]-[98]	Whole
[99]	The second, third and fourth sentences
[102]	The part of the first sentence after the phrase “paragraph 43 above”
[107]	Whole (save for the word “Finally”)
Pages 35-36 of Tab 1 of Exhibit VM-1	Parts of clauses [3.9] and [3.13] of the Agency Agreement between MB and EL (AA)
Pages 53-61 of Tab 1 of Exhibit VM-1	Whole of clauses 1.1(b), 1.1(d), 1.1(f), 1.1(p)-(q), 1.1(t), 3.4 and 4 of Schedule A to Annexure 1 to the AA
Pages 62 of Tab 1 of Exhibit VM-1	Whole of Annexure 2 to the AA



Page/Paragraph Reference(s)	Confidential Part(s)
Pages 66-69 and 71-73 of Tab 2 of Exhibit VM-1	Parts of clauses 1.3(h), 1.6(b), 4.5(c), 4.5(f), 4.5(g) and 10 of the MB Retainer
Pages 90-93 and 95-97 of Tab 4 of Exhibit VM-1	Parts of clauses 1.3(h), 1.6(b), 4.5(c), 4.5(f), 4.5(g) and 10 of the MB Retainer
Pages 110-113 of Tab 5 of Exhibit VM-1	Whole
Pages 114-116 of Tab 6 of Exhibit VM-1	Whole
Pages 120-122 of Tab 7 of Exhibit VM-1	Whole of clauses 4.6, 6.4 and 8.2-8.4 of the Revised Cost Sharing Agreement (RCSA))
Page 125 of Tab 7 of Exhibit VM-1	Whole of Annexure A to the RCSA
Page 127 of Tab 7 of Exhibit VM-1	Parts of Annexure B to the RCSA
Page 404 of Tab 24 of Exhibit VM-1	Whole
Submissions	
[22]	The part of the footnote to this paragraph after the phrase “Mawuli Affidavit, [34]”
[26]	The part of the second sentence after the phrase “legal costs and disbursements”
[28]	The part of the second sentence after the phrase “32.5% CFO rate”
[42]	The parts of the first sentence which disclose the estimates of legal costs, and the second sentence
[51(a)]	The first three sentences
[51(b)]	Whole
[51(c)]	The first three sentences



Schedule 2 – Confidential Material (Maurice Blackburn Only)

Page/Paragraph Reference(s)	Redacted Part(s)
Gilsenan Affidavit	
[13]	The first three sentences
[15]	Whole
[17]-[18]	Whole
[19]-[34]	Whole
[35]-[40]	Whole
[41]	The parts of the last sentence between the phrases “range of scenarios” and “to decide on”, and after the phrase “sufficient potential returns”.
[42(c)]	Whole (save for the phrase “Portfolio considerations”)
[42(e)(ii)]	Whole
[42(f)]	Whole (save for the phrase “Risk/reward analysis”)
[43(a)]-[43(g)]	Whole
[44]	Whole
Submissions	
[43]	The third and fourth sentences
[44]	The last sentence
[47]	The second sentence
[48]-[50]	Whole
[51(a)]	The last sentence
[51(c)]	The last sentence
[52]	Whole
Further Submissions	
[4]	Whole

