

IN THE SUPREME COURT OF VICTORIA
COMMERCIAL COURT
GROUP PROCEEDINGS

S ECI 2025 01120

BETWEEN:

JEREMY BERGMAN

Plaintiff

- and -

ENTAIN GROUP PTY LIMITED (ACN 151 956 768)

Defendant

ORDER

JUDGE: The Honourable Justice Nichols

DATE MADE: 20 July 2026

ORIGINATING PROCESS: Writ filed on 28 October 2018

HOW OBTAINED: On return of the Summons dated 20 March 2026 amended 14 April 2026

ATTENDANCE: Ms J Buncle with Mr O Nanlohy of counsel for the plaintiff
Mr B Holmes of counsel for the defendant

OTHER MATTERS:

- 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:

GCO approval

1. Pursuant to section 33ZDA(1) of the *Supreme Court Act 1986 (Vic)*:
 - (a) The legal costs payable to the solicitors for the plaintiff and group members, 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 33% (subject to further order); and
 - (b) liability for payment of the legal costs pursuant to paragraph 1(a) be shared among the plaintiff and all group members.
2. Pursuant to section 33ZDA(2) of the *Supreme Court Act 1986 (Vic)*, upon the making of orders pursuant to paragraph 1, the solicitors for the plaintiff and group members, Maurice Blackburn:
 - (a) be liable to pay any costs payable to the defendant in the proceeding; and



- (b) be liable to give any security for the costs of the defendant in the proceeding that the Court may order be given by the plaintiff.

Confidentiality

3. Pursuant to r 28.03(1) of the Rules, the highlighted material contained in the unredacted versions of the following documents:

- (a) submissions dated 20 March 2026;
- (b) affidavit of Jeremy Bergman affirmed 16 March 2026; and
- (c) affidavit of Lee Taylor affirmed 20 March 2026

and listed in Schedule A to these orders is confidential and is not to be published or disclosed without the prior leave of the Court to any person or entity other than the plaintiff, the plaintiff's legal advisers and the Court, and is to be sealed in an envelope marked 'Confidential, not to be opened without leave of the Court or a judge', and held on the court file on that basis until further order of the Court.

Costs

4. The plaintiff bear his own costs of, and incidental to, this application.

DATE AUTHENTICATED: 20 July 2026



THE HONOURABLE JUSTICE NICHOLS



SCHEDULE A: CONFIDENTIAL MATERIALS



Paragraph(s)/Page(s)	Redacted Portion
Affidavit of Jeremy Bergman affirmed 16 March 2026	
Paragraph [5]	The final two lines.
Paragraph [7]	Whole, save for the chapeau.
Paragraph [8]	The second, third and fourth sentences.
Paragraph [9]	The words following 'During this conversation' to the end of the paragraph.
Paragraph [11]	Whole.
Paragraph [12]	The first sentence.
Exhibit JB-1 to the Bergman Affidavit	
Page 8	The text in the box at the top of the page, and the final bullet-point under 'In signing this retainer you acknowledge and agree:', including sub-bullet points.
Pages 9-10	Cl 1.3(a), cl 1.3(f), cl 1.3(g); the date in cl 1.3(h); and the second sentence in cl 1.6(b).
Page 12	The first sentence of cl 7.2, except for 'If a GCO is not made'.
Pages 13-14	The third to fifth dot-points after 'What we have assumed when estimating Legal Costs'; and The entirety of the tables; and The paragraph under 'C. An estimate of any uplift fee in the event of a successful outcome' except the first sentence.
Page 16	Cl 12.1(f)-(g).
Page 17	Cls 13.2-13.5.
Page 20	The four words and number following 'means a funding arrangement' under the heading 'Third Party Funding Arrangement'.
Page 21	The table.
Pages 28-31	The contents of the letter.
First Affidavit of Lee Taylor affirmed 20 March 2026	
Paragraph [26]	The number of people who have registered as group members.
Paragraph [27]	Whole, save for the first sentence.
Paragraph [31]	Whole, save for the first 10 words.
Paragraph [36]-[50]	Whole.
Paragraph [51]	The percentage following 'uplift fee of' to the end of the paragraph.
Paragraph [52]	Whole.
Paragraph [53]	The first and third sentences.
Paragraphs [54]-[83]	Whole.
Paragraph [85]	Whole, save for the first 15 words.
Paragraphs [86]-[87]	Whole.
Paragraph [89]	The final sentence.
Paragraph [90]	Whole.
Paragraphs [96]-[102]	Whole.
Exhibit LT-1 to the First Affidavit of Lee Taylor affirmed 20 March 2026	
Page 30	The final bullet-point under 'In signing this retainer you acknowledge and agree:', including sub-bullet points.
Pages 31-32	Cl 1.3(a), cl 1.3(f), cl 1.3(g); the date in cl 1.3(h); and the second sentence in cl 1.6(b).
Page 34	Cl 7.2, except for 'If a GCO is not made' and 'Legal Costs are due for payment upon MB issuing a bill for Legal Costs'.
Pages 35-36	The final three dot-points under cl 10.1; The tables; and The paragraph under 'C. An estimate of any uplift fee in the event of a

Paragraph(s)/Page(s)	Redacted Portion
	successful outcome' except the first sentence.
Page 38	Cl 12.1(f)-(g).
Page 39	Cls 13.2-13.5.
Page 42	The four words and number following 'means a funding arrangement' under the heading 'Third Party Funding Arrangement'.
Page 43	The table.
Pages 50-53	The contents of the letter.
Plaintiff's outline of submissions on GCO application dated 20 March 2026	
Paragraph [1]	The final eight words of paragraph [1(a)]; and The final eight words of paragraph [1(d)].
Paragraph [7]	The rest of the paragraph following 'As part of these arrangements, Maurice Blackburn will', including footnote 9.
Paragraph [8]-[11]	Whole.
Paragraph [12]	The words of paragraph [12(b)] following 'the making of a GCO at the rate of 35% will'.
Paragraph [16]	Whole, except for 'Mr Taylor gives evidence that' and 'On Mr Taylor's evidence,'.
Paragraph [17]	Whole, except for 'However, Mr Taylor also gives evidence that', including footnote 28.
Paragraph [18]	The rest of the first sentence following 'the plaintiff's total costs'.
Paragraph [20]	The second and third sentences.
Paragraph [21]-[23]	Whole, including the words in italics between paragraphs [21] and [22].
Paragraph [24]	The rest of the first sentence, following 'The plaintiff's evidence is that,'.

