

**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
GROUP PROCEEDINGS LIST**

S ECI 2022 05424

BETWEEN:

ANNE-MAREE JOHNSTON

Plaintiffs

- and -

**HYUNDAI MOTOR COMPANY AUSTRALIA PTY
LIMITED (ACN 008 995 588)**

Defendant

S ECI 2023 00959

BETWEEN:

JANE VICTORIA MORONEY

Plaintiffs

- and -

KIA AUSTRALIA PTY LIMITED ABN 97 110 483 353

Defendant

ORDERS

JUDGE:	The Honourable Justice M Osborne
DATE MADE:	8 August 2025
ORIGINATING PROCESS:	Originating application filed 26 May 2023
HOW OBTAINED:	On return of the Johnston and Moroney Plaintiffs' summons dated 4 August 2023 and the Edwards and Sims Plaintiffs' summonses dated 4 August 2023, 14 October 2023, 17 November 2023, 18 June 2024 and 4 April 2025
ATTENDANCE:	W A D Edwards KC with P Strickland of counsel for the Johnston and Moroney Plaintiffs

K Foley SC with R Zambelli of counsel for the
Edwards and Sims Plaintiffs

B Quinn KC with B Mostafa of counsel for the
Defendants

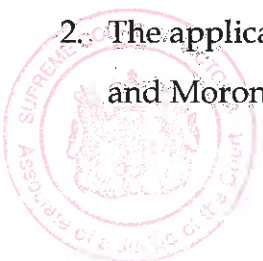
OTHER MATTERS:

- A. These proceedings are referred to as the **Johnston and Moroney Proceedings** and the plaintiffs to these proceedings as the **Johnston and Moroney Plaintiffs**.
- B. Separate proceedings S ECI 2023 04365 and S ECI 2023 04370 are referred to as the **Edwards and Sims Proceedings** and the plaintiffs to those proceedings as the **Edwards and Sims Plaintiffs**.
- C. Due to the substantial factual and legal overlap between the Edwards and Sims Proceedings with the Johnston and Moroney Proceedings, the Court determined that the multiplicity of proceedings be resolved (**Carriage Dispute**).
- D. On 18 July 2025, the Court delivered reasons in the Carriage Dispute (**Reasons**); see *Edwards v Hyundai Motor Company Australia Pty Ltd*; *Sims v Kia Australia Pty Ltd* (Ruling No 3) [2025] VSC 429. The summary of the Court's conclusions in respect of the Carriage Dispute are contained at [181] of the Reasons.
- E. These orders give effect to the Reasons.

THE COURT ORDERS THAT:

Carriage

1. Leave be granted to the Edwards and Sims Plaintiffs to intervene in the Johnston and Moroney Proceedings.
2. The application by the Edwards and Sims Plaintiffs for orders that the Johnston and Moroney Proceedings be permanently stayed and the alternative application



that the Johnston and Moroney Proceedings be consolidated with the Edwards and Sims Proceedings is dismissed.

3. The Johnston and Moroney Proceedings shall continue as open class proceedings.

Group Costs Order

4. Pursuant to s 33ZDA of the *Supreme Court Act 1986*, the legal costs payable to the solicitors for the plaintiffs and group members, Maurice Blackburn Pty Ltd, be calculated as a percentage of the amount of any award or settlement that may be recovered in the proceeding and the percentage payable is as follows (subject to further order):

For each dollar of any award or settlement that is recovered in the proceeding:	The applicable percentage (inclusive of GST) is:
Between \$0 - \$120,000,000	24.75%
Between \$120,000,001 - \$150,000,000	20%
Over \$150,000,000	15%

5. Liability for payment of the legal costs pursuant to paragraph 4 is to be shared among the plaintiff and all group members (other than those group members who opt out of the proceeding in accordance with s 33J of the *Supreme Court Act 1986*).

Costs

6. The Johnston and Moroney Plaintiffs costs of the directions hearing held on 11 April 2025 be paid by the Edwards and Sims Plaintiffs in an amount to be taxed absent agreement.
7. By **29 August 2025**, the parties in the Edwards and Sims Proceedings and the Johnston and Moroney Proceedings are to have conferred with each other in respect of proposed orders relating to the costs incurred in the determination of the multiplicity of proceedings (other than those to be sought by any Costs Applications mentioned in paragraph 15 of the orders made by this Honourable

Court on 18 June 2024) with a view to reaching agreement and submitting consent orders to the Court.

8. The deadline for conferral, to have occurred in respect of any Costs Applications mentioned in paragraph 15 of the orders made by this Honourable Court on 18 June 2024, as set out in paragraph 16 of those orders be extended to **29 August 2025**.
9. If by **29 August 2025** no agreement has been reached concerning orders relating to the costs incurred in the determination of the multiplicity of proceedings or any Costs Applications mentioned in paragraph 15 of the orders made by this Honourable Court on 18 June 2024, then:
 - (a) in the event there are not to be any Costs Applications against non-parties:
 - (i) By **19 September 2025** each party must file and serve competing minutes of proposed orders, any evidence in support, and written submissions in support limited to 5 pages;
 - (ii) By **3 October 2025** each party must file and serve any responsive written submissions limited to 3 pages; and
 - (iii) the issue as to the form of orders and costs be determined on the papers; and
 - (b) in the event there are to be Costs Applications against non-parties:
 - (i) By **19 September 2025** each party must file and serve any Cost Applications for costs orders against any non-party (including on the applicable third party) and otherwise file and serve competing minutes of proposed orders and any evidence in support;
 - (ii) By **3 October 2025** each non-party the subject of a Cost Application must file and serve any evidence in relation to the Cost Application against them;



- (iii) By **17 October 2025** each party must file and serve written submissions in support of their respective minutes of proposed orders and/or Cost Applications, limited to 10 pages;
- (iv) By **31 October 2025** each non-party must file and serve written submissions in relation to the Cost Application against them, limited to 10 pages;
- (v) By **14 November 2025** each party must file and serve any responsive written submissions minutes in relation to the proposed orders and/or Cost Applications, limited to 5 pages;
- (vi) The proceedings be listed for determination of the competing minutes of orders in relation to costs and the Cost Applications, before his Honour Justice M Osborne on a date to be fixed.

10. Pursuant to s 18(1)(a) of *the Open Courts Act 2013*:

- (a) the information contained in the materials listed at Annexure A to these orders not be published or disclosed without the prior leave of the Court to any person or entity other than the Johnston and Moroney Plaintiffs and their legal advisers, CF FLA Australia Investments 3 Pty Ltd (**CF3**), its legal advisers and the Court; and
- (b) the information contained in the materials listed at Annexure B to these orders not be published or disclosed without the prior leave of the Court to any person or entity other than the Johnston and Moroney Plaintiffs, CF3, the Edwards and Sims Plaintiffs, International Litigation Partners No 22 Pte Ltd (202318293E), the respective legal advisers to each and the Court.

11. The proceeding is listed for a directions hearing on a date to be fixed before her Honour Justice Nichols.



12. Liberty to apply.

DATE AUTHENTICATED: 8 August 2025



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The Honourable Justice M Osborne



ANNEXURE A

DISCLOSURE ONLY TO JOHNSTON AND MORONEY PLAINTIFFS, THEIR LEGAL ADVISERS, CF3, ITS LEGAL ADVISERS AND THE COURT

Row	Document	Pinpoint Reference/s
1.	Affidavit of Lee Taylor affirmed 12 May 2025	• [63](part) • [205] (part) • [238] to [239] (part)
2.	Affidavit of Rebecca Gilsenan affirmed 13 May 2025	• [43] • [56] to [86] • [94] (part) • [98]
3.	Affidavit of Lee Taylor affirmed 26 May 2025	• N/ A
4.	Johnston & Moroney Plaintiffs' submissions dated 6 June 2025	• [20] (part) • [30] (part) • [31] (part) - from "was" in third line to "The" in fourth line • [35](c) (part) • [35](d) • [35](e)
5.	Affidavit of Lee Taylor Affirmed 20 June 2025	• N/ A
6.	Johnston & Moroney Plaintiffs' reply submissions dated 20 June 2025	• [18] (part)



ANNEXURE B
NO DISCLOSURE TO DEFENDANTS

Row	Document	Pinpoint Reference/s
1.	Affidavit of Lee Taylor affirmed 12 May 2025	• [42] to [43] • [73] (part) • [101] to [105] • [107](c), (d), [109] to [110], including footnote 29 • [114](a),(b),(c),(d) (part) • [122] to [123] (part) • [124] (part) • [140](a),(b), [141], [142](a) (part) • [143] • Table 3 (part) • [159](b),(c),(d),(e) (part) • [160](a),(b)(c) (part) • [161](a),(c) (part) • [163] (part) • [165] (part) • [167] to [173] • [174](a),(b),(c) (part) • [175] (part) • [176] • [187] (part) • [189] • The following pages of exhibit LT-1: 84 (part), 93 (part), 107 to 109 (part), 120 to 121 (part), 128 to 129 (part), 142 to 143 (part), 144 to 146 (part), 159 to 162 (part), 170 to 171 (part), 178 to 179 (part), 361 (part), 363 to 366 (part), 373 to 376 (part), 382 (part), 391 to 394 (part), 400 (part), 406 (part), 408 to 409 (part), 416 (part), 418 to 421 (part), 429 to 432 (part), 438 (part), 445 (part), 447 to 448 (part), 450 to 454 (part), 460 (part), 467 to 470 (part), 472 (part), 486 to 488

Row	Document	Pinpoint Reference/s
		(part), 490 (part), 496 (part), 958 (part), 959 (part), 962 (part), 966 to 967 (part), 974 (part), 980 (part), 981 (part), 984 (part), 988 to 989 (part), 996 (part), 1051 (part), 1052 to 1053 (part), 1057 (part), 1059 (part), 1329 to 1331 (part), 1334 (part), 1340 to 1341 (part), 1345 to 1346 (part), 1355 to 1359 (part), 1366 (part), 1375 (part), 1378 to 1380 (part), 1387 to 1389 (part), 1392 (part), 1398 to 1399 (part), 1403 to 1404 (part), 1413 to 1417 (part), 1424 (part), 1433 (part), 1436 to 1438 (part), 1444 to 1446 (part), 1449 (part), 1455 to 1456 (part), 1460 to 1461 (part), 1470 to 1473 (part), 1480 (part), 1489 (part) and 1492 to 1494 of LT-1 (part)
2.	Affidavit of Rebecca Gilsenan affirmed 13 May 2025	• [22] • [25] to [27] • [28] (part) • [30] to [33] • [34] (part) • [40] • [47] to [50] • [51] to [53] • The following pages of exhibit RG-4: 34 to 36 (part), 40, 42, 44 to 45 (part), 48 (part), 52 to 53 (part), 60, 66 to 68, 69 (part), 70 (part), 73 (part), 77 to 78 (part), 85 and 91 to 93
3.	Affidavit of Lee Taylor affirmed 26 May 2025	• [22]
4.	Johnston & Moroney Plaintiffs' submissions dated 6 June 2025	• [31] (part) – from “rate” in first line to “was” in third line and from “was” in third line to “The” in fourth line • [35](a) to [35](b) • [36](a) (part) and [36](b) (part) • [38] • [61] (part) • [62] to [65]

Row	Document	Pinpoint Reference/s
		• [68] (part) • [69](b) (part) • [71] to [74] (part) • [76] (part) • [80] (part)
5.	Affidavit of Lee Taylor Affirmed 20 June 2025	• [10] to [14]
6.	Johnston & Moroney Plaintiffs' reply submissions dated 20 June 2025	• [2] (part) • [6] (part) • [9] to [10] (part) • [11] (part), including footnote 4 • [15] (part)
7.	Johnston Plaintiff's Revised Statement of Position dated 28 July 2023	• [6.5]
8.	Moroney Plaintiff's Revised Statement of Position dated 28 July 2023	• [6.5]
9.	Johnston & Moroney Plaintiffs' Costs Submissions	• Annexure – letter to Banton Group re costs of 11 April 2025 hearing (part)

