

IN THE SUPREME COURT OF VICTORIA
COMMON LAW DIVISION
GROUP PROCEEDINGS LIST

S ECI 2020 03402

BETWEEN

5 BOROUGHES NY PTY LTD (ACN 632 508 304)

Plaintiff

- and -

STATE OF VICTORIA & ORS
(according to the attached Schedule)

Defendants

ORDER

-
- JUDGE:** The Honourable Justice Watson
- DATE MADE:** 21 October 2026
- ORIGINATING PROCESS:** Further Amended Writ filed 4 August 2026
- HOW OBTAINED:** Following the hearing on 29 September 2026
- ATTENDANCE:** Mr A Hochroth SC with Mr H Whitwell, Ms A Ilic and Mr M Kingsland of counsel for the plaintiff
Ms R Doyle SC with Ms R Amamoo of counsel for the defendants
- OTHER MATTERS:**
- A. The parties have agreed to settle this proceeding on the terms set out in a Deed of Settlement dated 16 March 2026 exhibited to the affidavit of Damian John Scattini affirmed 15 April 2026 (**Settlement Deed**), subject to the Court's approval pursuant to s 33V of the *Supreme Court Act 1986* (Vic) (**Act**).
 - B. Pursuant to the Settlement Deed the first defendant will pay the sum of \$125 million (**Settlement Sum**) in full and final settlement of the claims of the plaintiff and group members with a denial of liability.
 - C. In this order **Group Members** has the meaning given to it in the Further Amended Statement of Claim dated 25 July 2025 as indorsed on the Further Amended Writ dated 4 August 2026 but



excludes persons who were group members but who opted out of the proceeding: in accordance with paragraphs 1, 6 and 7 of the orders made on 21 February 2024; and pursuant to paragraph 1 of the orders made on 2 February 2026 or paragraph 2 of these orders.

- D. 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:

Persons affected by these orders

1. Pursuant to s 33ZB and s 33ZF of the Act, these orders are binding upon the plaintiff, Quinn Emanuel Urquhart & Sullivan LLP (**Quinn Emanuel**), Group Members and the defendants.
2. Pursuant to s 33KA of the Act, the persons identified in Schedule A cease to be group members in this proceeding.

Settlement approval

3. Pursuant to s 33V(1) of the Act, the settlement of this proceeding on the terms in the Settlement Deed be approved.

GCO percentage

4. Pursuant to s 33ZDA(3) of the Act, the percentage specified in the order made 23 November 2023 (**Group Costs Order**) be amended to 29% (inclusive of GST).

Distribution of Settlement Sum

5. Pursuant to s 33V(2) of the Act, the settlement distribution scheme exhibited at pages 1–26 of exhibit SW-1 to the affidavit of Mr Simon Weeks sworn 22 September 2026 (as amended by paragraphs 7, 8(b) and 9 below) (**SDS**) be approved.
6. Mr Simon Weeks, Director of Sonority Pty Ltd (ACN 660 124 167) trading as The Advisory Company be appointed as administrator of the SDS (**Administrator**) to act in accordance with, and to have the powers and immunities conferred by, the SDS, subject to any direction of the Court.
7. Pursuant to s 33V(2) of the Act, the following payments be approved as payments from the Settlement Sum and any interest earned on that sum:



- (a) \$36.25 million to Quinn Emanuel as payment of its legal costs under the GCO;
 - (b) \$60,000 to the plaintiff as the Plaintiff's Reimbursement Payment;
 - (c) \$5,000 to each group member listed in paragraph 323 of the affidavit of Damian John Scattini affirmed 23 September 2026; and
 - (d) an amount of up to \$1.3 million to the Administrator for costs incurred in giving effect to the SDS and these orders (**Administration Costs**).
8. Pursuant to s 33V(2) and s 33ZG of the Act, only the following Group Members are permitted to participate in the settlement:
- (a) those who registered or were deemed to have registered with Quinn Emanuel by 4:00pm on 8 July 2024 in accordance with the orders made on 21 February 2024;
 - (b) those persons listed in Schedule B; and
 - (c) those currently deregistered companies in Schedule C, if on or before 29 January 2027 or such later date as the Scheme Administrator in his absolute discretion shall allow, those companies notify the Scheme Administrator that they have been reinstated pursuant to s 601AH of the *Corporations Act 2001* (Cth).
9. Pursuant to s 33V(2) of the Act, the loss assessment formula in paragraph 9 of Schedule 1 of the SDS be amended as set out in Schedule D.
10. Pursuant to s 33V(2) of the Act:
- (a) The Administrator has liberty to apply to the Court in respect of any matter arising in or in relation to the administration of the SDS upon not less than three clear business days' notice to the Court and to each of the parties to the proceeding.
 - (b) Each three months (or such other period as the Court determines) the Administrator is to:
 - (i) report to the Court as to the progress of the implementation of the SDS; and
 - (ii) seek approval for the payment of Administration Costs.



Vacation of costs orders

11. All previous costs orders in the proceeding other than the Group Costs Order (as amended by paragraph 4 of these orders and any costs orders that have been satisfied by payment of the relevant costs) are vacated.
12. Save for the matters set out in paragraphs 4, 7(a) and 11 of this order, there be no order as to costs in the proceeding.

Return of security

13. All orders in the proceeding requiring the provision of security for costs be vacated.
14. The security for the defendants' costs held in Court comprising the amount of \$600,000 is to be released by way of transfer to the trust account of Quinn Emanuel.
15. Further to the orders made on 2 January 2025, the parties are to facilitate the transfer of the \$3 million held in an interest-bearing account in the name of Quinn Emanuel and Herbert Smith Freehills, together with any interest which has accrued thereon to the trust account of Quinn Emanuel.

Dismissal of proceeding

16. The proceeding otherwise be dismissed with effect from the date of the completion of the administration of the SDS.

Confidentiality

17. The proceeding be listed on a date to be fixed on or after the expiration of the appeal period from these orders for further hearing regarding the appropriate form of confidentiality orders.

Other

18. If it be necessary, pursuant to s 33ZF of the Act the Court authorises the plaintiff, *nunc pro tunc*, to enter into and give effect to the Deed of Settlement.

DATE AUTHENTICATED: 21 October 2026



THE HONOURABLE JUSTICE WATSON



SCHEDULE OF PARTIES

S ECI 2020 03402

5 BOROUGHES NY PTY LTD (ACN 632 508 304)

Plaintiff

- and -

STATE OF VICTORIA

First Defendant

THE HONOURABLE JENNY MIKAKOS (IN HER CAPACITY AS THE FORMER MINISTER FOR HEALTH AND THE FORMER MINISTER FOR THE COORDINATION OF HEALTH AND HUMAN SERVICES: COVID-19)

Second Defendant

THE HONOURABLE MARTIN PAKULA (IN HIS CAPACITY AS THE FORMER MINISTER FOR JOBS, INNOVATION AND TRADE AND THE FORMER MINISTER FOR THE COORDINATION OF JOBS, PRECINCTS AND REGIONS: COVID-19)

Third Defendant

KYM LEE-ANNE PEAKE (IN HER CAPACITY AS THE FORMER SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES)

Fourth Defendant

SIMON GRANT PHEMISTER (IN HIS CAPACITY AS THE SECRETARY, DEPARTMENT OF JOBS, PRECINCTS AND REGIONS)

Fifth Defendant



SCHEDULE A

FURTHER LATE OPT OUTS

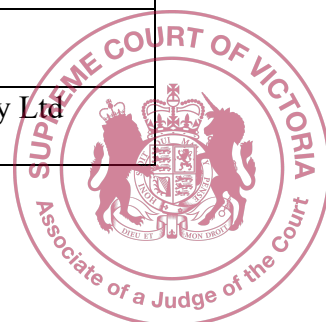
Contact Person	Business Name
Stephen McGinness	Extracted TMR Pty Ltd
Paul Patterson	Farmers Field Service Pty Ltd



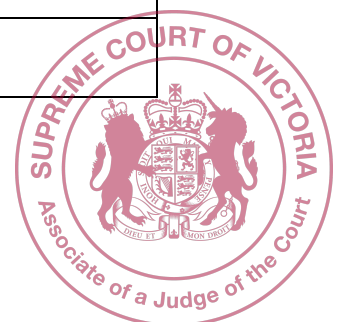
SCHEDULE B

APPROVED LATE REGISTRANTS

Contact Person	Business Name
Andrew Tomisich	Mountain View Denture Clinic P/L
David Glenn	Pivotal Projects Pty Ltd trading as Loanworx
Michael Krajina	MTK SONS Pty Ltd
Michael Nathaniel Dinovitser	BOSO (Bosozoku)
Goran Lazarovski	Lazarovski Design
Stewart Fenton	Royal South Yarra Lawn Tennis Club
Sharon Carter	Dark Horse Cafe Wine + Produce
Elise Mills	Tokar Estate Winery
Wayne Malady	The Wharf @ Port Fairy
Lauren Scott	Marylee Clothing
Judith Harper	Richmond Fine Dentistry Metro Dental Unit Trust
David Braue	Mentone Dermatology / Wren Hall Pty Ltd t/a Mentone Dermatology
Xiaofeng Zheng	Lucky's veggies Pty Ltd trading as Jackie's on Vincent
Dean Codrington	Bravada Films Pty Ltd
Karola Belton	The Clinical Psychology Group
Long Zhou	Obento
Mario Siketa	The Ugly Duckling Cafe t/a Parkington Pantry
Bareetu Aba-Bulgu	Jemila Boutique
Lucas Guilbert	Libertas Food Gardens
Clinton Pearce	The Australian Luggage Company Pty Ltd



Tarun Srivastava	Builders Outlet
Jonathan Sherren	AMFR Holdings Pty Ltd T/as The Deck Brighton
Jonathan Sherren	TSBR Pty Ltd T/as True South Black Rock
Jonathan Sherren	NIHO Pty Ltd T/as Nixon Hotel
Jonathan Sherren	MCLI Pty Ltd T/as Melbourne Central Lion
Jonathan Sherren	BONC Pty Ltd T/as Bank on Collins
Jonathan Sherren	EXCH Pty Ltd T/as King Hotel
Jonathan Sherren	HBBS Pty Ltd T/as Hotel Brighton
Jonathan Sherren	GRHO Pty Ltd T/as Grosvenor Hotel
Jonathan Sherren	DWHO Pty Ltd T/as Sandbar Beach Cafe
Kathleen Joy Mitchem	Wings and Fins Seafood Restaurant
Zbigniew Szelag	Woodcroft Enterprises Pty Ltd (trading now as Empire Business Group Pty Ltd)
Matthew Peter Fraser	Premium Seats
Christine Martin	Designer Room Nunawading Brand Smart Outlet Centre
Narelle Findling	Yarra Oral Maxillofacial Surgery
Narelle Findling	Northern Hair Care
Lee Rowland	Go Adventure Nagambie
Anthony Miragaya	Swedish Wreckers Pty Ltd - Viking Motors
Paul Joseph Quinn	Paul Quinn M&C Services
Amanda Kate O'Keeffe	MCI Window Furnishings
Melinda Stewart	M Stewart + T Stewart T/A Wish Fish
Thuan Doan	Connect Me Pty Ltd



Mohammed Dinbil	Plunket Social Services
Georgina Kirby	Total Tree Care Australia P/L
Hongfu Sun	Windsor Cellarbrations Pty Ltd and Pro-Unite Pty Ltd
Nicholas Gillies	Athleta Gymnastics Pty Ltd
Nicholas Packou	Athleta 24/7 Pty Ltd
Ray Zhang	Tazio Flinders Lane
Tracey Angseesing	K & T Communications Pty Ltd and Home Communication Solutions Pty Ltd
Kristy Manton	Rosysang Pty Ltd and D Wilson Enterprises trading as Sweeney's Swim School
John Irwan Purwanto	Fruitful Learning Centre Pty Ltd
Humaira Bahrami	D'Ghan Coffee
Humaira Bahrami	Afghan Bakery – Tasty Food
Andrew Cunningham	Advanced Health (Seti Solutions Pty Ltd, as trustee for the Cunningham and Associates Family Trust)
Paul Brackley	Virtual Reality Melbourne



SCHEDULE C

**DEREGISTERED COMPANIES WHO MAY PARTICIPATE IF
REINSTATED BY 29 JANUARY 2027
(or such later date as the Scheme Administrator allows)**

Contact Person	Deregistered Company
Lana Ziday	The Sporting Globe (TSG Doncaster Pty Ltd)
Munthatar Al-Sharifi	The company carrying on business as Fresh Gents Barbershop
Kylie Mumby	Blissful Skin Clinic Pty Ltd (t/a Dermal Aesthetic and Step into Great Skin and Health)
Federico Di Mauro	The Massage Company Pty Ltd
Andrea Parsons	Reformation Group Pty Ltd (t/a Reformation Pilates)
Robert Corry	The company carrying on business as Yuni Massage Echuca
Jitender Kumar	The Trustee for Bizzmate Family Trust trading as Brainy Munchkins
Hussey Dala	The company carrying on business as AAVA Studio
Robert de Murtas	The company carrying on business as Cafe Babbo
Youngjin (Youngin) Yoo	E Mart Grocery (YJ Trade Pty Ltd, director)
Guy Taylor	Trigpoint 3 Investment Pty Ltd Owner of Cycle Collective Richmond
Bridget Bowe	Gaznia Pty Ltd and Violet Town Pty Ltd



SCHEDULE D

AMENDED LOSS ASSESSMENT FORMULA

$$L_i = \Delta S - A$$

where:

- (a) $\Delta S = S_{2019} - S_{2020}$
- o $S_{2019} = G1_{2019} - G2_{2019}$
 - o $S_{2020} = G1_{2020} - G2_{2020}$
 - o S is sales income calculated by subtracting export sales G2 from total sales G1, with “G1” and “G2” being the respective amounts provided by or on behalf of the Registered Group Member to the Australian Taxation Office evidenced by the corresponding Business Activity Statement(s) for the Comparison Periods. All figures exclude GST.
 - o The subscripts “2019” and “2020” represent the Clean Period and Assessed Period, together forming the Comparison Periods.
- (b) A is the amount of Assistance received by the Registered Group Member in respect of the Assessed Period, evidenced by tax account statements, bank statements, formal communication (or similar, as determined by the absolute discretion of the Administrator) for the Assessed Period.

