

IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE  
COMMON LAW DIVISION



BETWEEN

ERIN DOWNIE

Plaintiff

v

SPIRAL FOODS PTY LTD (ACN 006 292 780)

First Defendant

MUSO CO. LTD

Second Defendant

MARUSAN-AI CO. LTD

Third Defendant

**ORDER APPROVING COMPROMISE OF CLAIMS OF MINORS**

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JUDGE: The Honourable Associate Justice Daly

DATE MADE: 5 August 2016

ORIGINATING PROCESS: Amended Writ dated 21 December 2012

HOW OBTAINED: On the papers

ATTENDANCE: Not applicable



**OTHER MATTERS:**

- A. By judgment of 7 May 2015 and orders of 8 May 2015 the Court approved a scheme for distribution of settlement in this proceeding ('Settlement Scheme') and appointed Maurice Blackburn Pty Ltd as Administrator of the Settlement Scheme.
- B. Clause 11 of the Settlement Scheme sets out the requirements for the assessment of claims of persons under disability ('Order 15 Registrants') and the procedure to facilitate approval of settlement of claims of Order 15 Registrants.
- C. The Order 15 Registrants the subject of this order are the persons set out in exhibit IL-3 of the confidential affidavit of Irina Lubomirska, affirmed 16 June 2016 ('the confidential affidavit').
- D. The claims of the Order 15 Registrants have been assessed in accordance with the Settlement Scheme and Final Assessment values are contained in

Notices of Assessment exhibited in the confidential affidavit.

- E. Notwithstanding clause 11.6 of the Settlement Scheme, orders approving the compromise in exhibit IL-3 to the confidential affidavit have been made by the Honourable Associate Justice Daly (see rule 77.08 of the *Supreme Court (General Civil Procedure) Rules 2015*).

THE COURT ORDERS THAT:

1. Approval is granted for compromise of the claims of Order 15 Registrants set out in exhibit IL-3 of the confidential affidavit by the Final Assessment of each of the claims.
2. The Final Assessment of the claims to be included in pro-rata distribution pursuant to clause 13 of the Settlement Scheme.
3. Subject to any further order, the Administrator to pay any Distribution in respect of the Order 15 Registrants into Court.
4. Costs of this application be Administration Costs, as defined in the Settlement Scheme.

DATE AUTHENTICATED: 5 August 2016



THE HONOURABLE ASSOCIATE JUSTICE DALY

