

IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE  
COMMON LAW DIVISION

S CI 2010 05318

BETWEEN:

ERIN DOWNIE

Plaintiff

and

SPIRAL FOODS PTY LTD (ACN 006 292 780)

First Defendant

MUSO CO. LTD

Second Defendant

MARUSAN-AI CO. LTD

Third Defendant

**ORDER**

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JUDGE: The Honourable Justice J Forrest  
DATE MADE: 27 July 2016  
ORIGINATING  
PROCESS: Amended Writ dated 21 December 2012  
HOW OBTAINED: Court's own motion.  
ATTENDANCE: Nil.  
OTHER MATTERS: Nil.



**THE COURT ORDERS THAT:**

1. Pursuant to r.50.01 of the *Supreme Court (General Civil Procedure) Rules 2005* ('Rules'), Mr John White is appointed as a special referee.
2. The special referee shall report in writing to the Court on the question set out in Annexure A to these orders and state his opinion in that report with reasons.
3. The special referee shall provide a report under paragraph 2 on each occasion that approval is sought from the Court for payment of the costs of administering the Settlement Distribution Scheme, commencing with those sought at the case management conference of 22 June 2016.
4. In relation to the costs of administering the Settlement Distribution Scheme sought prior to those under paragraph 3 of these orders and not otherwise dealt with by

the orders of Justice J Forrest made on 8 May 2015, the special referee shall provide a retrospective report as provided by paragraph 2.

5. Pursuant to r.50.06 of the Rules, the special referee shall be remunerated by the Plaintiff from the Settlement Distribution Fund as part of the costs of the settlement distribution process.
6. Pursuant to r.2.04 of the Rules, the need to comply with r.50.03(2) is dispensed with for the purposes of this special reference.
7. Liberty to apply.

DATE AUTHENTICATED: 27 July 2016

  
The Honourable Justice J Forrest  


## ANNEXTURE A

### Questions

1. Are the costs sought in relation to administration of the settlement distribution scheme reasonable?
2. If not, in what amount should the costs be disallowed?



