

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

S ECI 2020 03365

BETWEEN

**DANIEL CHRISTIAN O'BRIEN**

Plaintiff

and

**AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED  
(ACN 005 357 522)  
(and another according to the Schedule)**

Defendants

**ORDER**

**JUDGE:** The Honourable Justice Nichols

**DATE MADE:** 9 March 2023

**ORIGINATING PROCESS:** Writ filed 21 August 2020

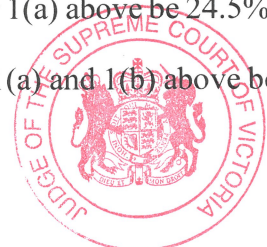
**HOW OBTAINED:** On return of the plaintiff's summons filed 5 September 2022

**ATTENDANCE:** Mr Dion Fahey of counsel for the plaintiff  
Mr Michael Rush KC with Ms Elizabeth Brumby of  
counsel for the defendants

**OTHER MATTERS:** Nil

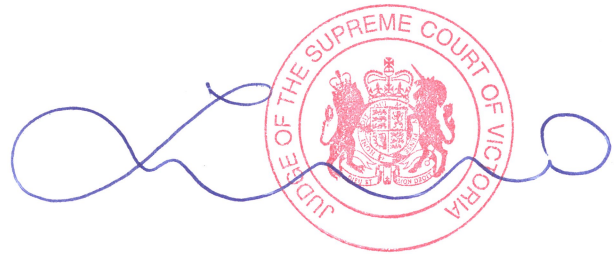
**THE COURT ORDERS THAT:**

- 1 Pursuant to s 33ZDA 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;
  - (b) subject to further order, the percentage referred to in order 1(a) above be 24.5%;
  - (c) liability for payment of the legal costs pursuant to orders 1(a) and 1(b) above be shared among the plaintiff and all group members;



- (d) the solicitors for the plaintiff and group members, Maurice Blackburn, be liable to pay any costs payable to the defendants in the proceeding; and
  - (e) the solicitors for the plaintiff and group members, Maurice Blackburn, be liable to give any security for the costs of the defendants in the proceeding that the Court may order to be given.
- 2 By **4:00pm on 23 March 2023**, the plaintiff provide to the Court for approval:
- (a) a revised group proceeding summary statement; and
  - (b) a revised funding information summary statement.
- 3 By a date to be fixed, the solicitors for the plaintiff and group members, Maurice Blackburn, make available on their website the approved revised group proceeding and funding information summary statements described in order 2 above.

**DATE AUTHENTICATED: 9 March 2023**



**The Honourable Justice Nichols**

**SCHEDULE OF PARTIES**

**DANIEL CHRISTIAN O'BRIEN**

and

**AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED  
(ACN 005 357 522)**

and

**MACQUARIE BANK LIMITED (ACN 008 583 542)**



Plaintiff

First defendant

Second defendant