



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID243/2020

**KELVIN MCNICKLE**

Applicant

**HUNTSMAN CHEMICAL COMPANY AUSTRALIA PTY LTD (ACN 004 146 338)**

and others named in the schedule

Respondent

### **ORDER**

**JUDGE:** JUSTICE LEE

**DATE OF ORDER:** 22 November 2024

**WHERE MADE:** Sydney

#### **THE COURT ORDERS THAT:**

1. Pursuant to s 37AF of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**), on the ground that the order is necessary to prevent prejudice to the proper administration of justice and until 5pm on 14 December 2027, the figures contained in paragraphs [15], [17]–[18] of what is described as the “Confidential Affidavit of Lee Taylor” affirmed on 19 November 2024, together with its Annexures (being LT-51, LT-52 and LT-53) are to remain confidential and their publication be prohibited (**Confidential Material**).
2. For the purposes of s 33V of the FCA Act, the settlement of the proceeding be approved on the terms set out in the deed of release dated 11 November 2024.
3. For the purposes of s 33ZB of the FCA Act, the settlement of the proceeding approved by this order affects (and hence binds) all current group members in the class action (being those described in paragraph 1 of the Second Further Amended Statement of Claim filed on 19 October 2020 who did not opt out).
4. The proceeding be dismissed.
5. There be no order as to costs and all outstanding costs orders be vacated.



6. The confidentiality order made in Order 1 above does not prevent a group member, upon application to the Associate to Justice Lee, obtaining access to the Confidential Material prior to 13 December 2024, upon provision of an undertaking to the Court to keep the Confidential Material confidential to the group member and any legal representative acting for the group member (with any such undertaking to be provided to the parties).

Date orders authenticated: 22 November 2024

*Sia Lagos*  
Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



**Schedule**

No: VID243/2020

Federal Court of Australia  
District Registry: Victoria  
Division: General

Second Respondent      MONSANTO AUSTRALIA PTY LTD (ACN 006 725 560)

Third Respondent      MONSANTO COMPANY

Fourth Respondent      PHARMACIA LLC

**CROSS CLAIM**

Cross-Claimant      HUNTSMAN CHEMICAL COMPANY AUSTRALIA PTY LTD  
(ACN 004 146 338)