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

S ECI 2020 03402

BETWEEN

5 BOROUGHS 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

SUPREME COURT OF VICTORIA
Associate of a Judge of the Court

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:

SUPREME COURT OF VICTORIA
Associate of a Judge of the Court

(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.

SUPREME COURT OF VICTORIA
Associate of a Judge of the Court

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

SUPREME COURT OF VICTORIA
Associate of a Judge of the Court

SCHEDULE OF PARTIES

S ECI 2020 03402

5 BOROUGHS 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

SUPREME COURT OF VICTORIA
Associate of a Judge of the Court