

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

S ECI 2020 02588

BETWEEN

LYNDEN AND GEOFFREY IDDLES

Plaintiffs

and

FONTERRA AUSTRALIA PTY LTD (ACN 006 483 665)
(& Ors according to the Schedule)

Defendants

ORDER

JUDGE: The Honourable Justice Nichols

DATE MADE: 18 November 2022

ORIGINATING PROCESS: Writ filed 17 June 2020

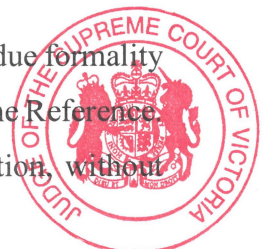
HOW OBTAINED: On the papers

ATTENDANCE: Not applicable

OTHER MATTERS: Not applicable

THE COURT ORDERS THAT:

- 1 Pursuant to rule 50.01 of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic), Cate Dealehr is appointed as a special referee (**Legal Costs Referee**) to report in writing to the Court (**Report**) her opinion on the following questions:
 - a. the amount of legal costs that the Court should approve as fair, reasonable and proportionately incurred, to be deducted from the settlement sum; and
 - b. an estimate as to the costs that would reasonably be incurred during the Settlement Administration process.
- 2 The Reference will commence forthwith and:
 - a. the Referee is to consider and implement the Reference without undue formality or delay to enable a just, efficient and cost-effective resolution of the Reference. This may include enquiries by telephone and direct communication, without



intervention of lawyers, with any person who the Referee believes may have relevant information. The Referee may seek submissions from the solicitors for each of the parties and shall take such submissions into account;

- b. to facilitate the just, efficient and cost-effective resolution of the Reference the Referee is to make such directions as the Referee considers appropriate as to the conduct of the Reference, including for the attendance of any person, the production of documents and records relevant to legal costs, and/or the provision of any submissions;
- c. the Plaintiffs' solicitors shall forthwith and without delay deliver to the Referee a copy of this order and immediately make available all information and records which the Referee believes are relevant to the reference; and
- d. the Referee and parties shall have liberty to seek directions with respect to any matter arising in the Reference upon 24 hours' notice, or such other notice ordered by the Court.

3 By **4.00 pm on 24 February 2023** the Costs Referee shall:

- a. in accordance with r 50.03 submit the Report to the Court, addressed to the chambers of the Honourable Justice Delany; and
- b. provide a copy of the Report to the solicitors for the plaintiffs.

4 The costs of and incidental to the appointment of the Costs Referee and the Costs Referee's reasonable costs shall be paid by the Plaintiffs in the first instance, but otherwise, subject to further order, shall be costs in the proceeding and shall be paid from the Settlement Sum.

DATE AUTHENTICATED: 18 November 2022



The Honourable Justice Nichols

SCHEDULE OF PARTIES

LYNDEN IDDLES

First plaintiff

and

GEOFFREY IDDLES

Second plaintiff

and

FONTERRA AUSTRALIA PTY LTD (ACN 006 483 665)

First defendant

and

FONTERRA MILK AUSTRALIA PTY LTD (ACN 114 326 448)

Second defendant

and

FONTERRA BRANDS (AUSTRALIA) PTY LTD (ACN 095 181 669)

Third defendant

