

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

S ECI 2021 04738

BETWEEN

PAUL LEIGHTON MUMFORD

First Plaintiff

GAYLE MUMFORD

Second Plaintiff

and

EML PAYMENTS LTD

Defendant

ORDER

JUDGE: The Honourable Justice Nichols

DATE MADE: 7 November 2025

ORIGINATING PROCESS: Writ filed 16 December 2021

HOW OBTAINED: On the Court's own motion

ATTENDANCE: Not applicable

OTHER MATTERS: Not applicable

1. Pursuant to sections 33X(4), (5) and 33Y of the Act, the form and content of the Third Further Notice, which sets out the Plaintiffs' position on the Late Registered Claims (**Third Further Notice**), set out in **Schedule 1** of these orders, is approved.
2. Pursuant to section 33Y of the Act, the Third Further Notice is to be distributed to the cohort of Registered Group Members who made Late Registered Claims by **4:00pm on 7 November 2025 (Notice Date)** in accordance with the following procedure:
 - (a) The Plaintiffs' solicitors shall cause the Third Further Notice to be provided to each such Registered Group Member who made Late Registered Claims;
 - (i) by email to the last known email address held by the Plaintiffs' solicitors with respect to each Registered Group Member; or



- (ii) where no email address is held by the Plaintiffs' solicitors, by post to the last known mailing address held by the Plaintiffs' solicitors with respect to each Registered Group Member.
- (b) The Plaintiffs' solicitors shall cause a copy of the Third Further Notice to be displayed on the Plaintiffs' solicitors' website, and to remain continuously so displayed up to and including the final determination of the Settlement Approval Application pursuant to section 33V of the Act.
- 3. The Third Further Notice may be amended by the Plaintiffs' solicitors before being published or being distributed in order to correct any typographical error, or any postal, website, or email address or telephone number or other non-substantive error.
- 4. If the Third Further Notice is amended by the Plaintiffs in accordance with order 3, the Plaintiffs' solicitors shall provide a copy of the amended Third Further Notice to the Commercial Court Registry of the Supreme Court of Victoria by 4:00pm on 7 November 2025.

Late Registered Claim Applications

- 5. Pursuant to section 33ZF of the Act, by 4:00pm on 28 November 2025, any Registered Group Member who made a Late Registered Claim and wishes to seek the Court's leave to have their Late Registered Claim reflected in distributions made by the Administrator under the Settlement Distribution Scheme (SDS) must:
 - (a) by **4:00pm on 28 November 2025**, send an email to emlclassaction@supcourt.vic.gov.au identifying the basis on which the Registered Group Member considers the Court should grant them leave to have their Late Registered Claim reflected in the distributions made by the Administrator under the SDS, and:
 - i. **must** attach evidence in support of their request for leave (**in the form of an affidavit or statutory declaration**); and
 - ii. may provide any written submissions of no more than three (3) pages
(being a **Late Registered Claim Application**).
- 6. The plaintiffs' solicitors have leave to inspect the Court file and to obtain and copy any:
 - (a) Late Registered Claims Applications filed by or on behalf of Registered Group Members with Late Registered Claims; and/or



- (b) correspondence by or on behalf of Registered Group Members who made Late Registered Claims advising that the Registered Group Member intends to appear at the Settlement Approval Application by their legal representatives, or otherwise self-represented with leave of the Court, at the hearing set down for 19 December 2025.

Interim Confidentiality

7. For the purposes of material prepared pursuant to orders 1, 2, 3 and 5 of the orders made by the Honourable Justice Nichols on 5 November 2025:
- (a) subject to further order, leave is granted to the Plaintiffs to redact any material over which they make a claim of confidentiality and which they contend ought not be disclosed to the Defendant, or to a member of the public; and
- (b) where a confidentiality claim is made over any material, the Plaintiffs must provide the Court with an unredacted version of the material that identifies the redactions made with a yellow highlight or overlay, with a document that identifies each redaction and a brief statement of the basis for each redaction, and a draft order in respect of confidentiality.

DATE AUTHENTICATED: 7 November 2025



The Honourable Justice Nichols



SCHEDULE 1



SUPREME COURT OF VICTORIA **THIRD FURTHER NOTICE IN RELATION TO THE** **PROPOSED SETTLEMENT OF**

EML PAYMENTS SHAREHOLDER CLASS ACTION

Paul Leighton Mumford and Gayle Mumford v EML Payments Limited
(PROCEEDING NUMBER: S ECI 2021 04738)

IMPORTANT COURT NOTICE

PLEASE READ CAREFULLY

This notice contains important information about the proposed settlement of a class action against EML Payments Limited.

You should read this notice carefully as it may affect your legal rights. Any questions you have concerning this notice should not be directed to the Supreme Court of Victoria. If there is anything in this notice that you do not understand, you should seek legal advice.



A. WHY HAVE YOU RECEIVED THIS THIRD FURTHER NOTICE?

1. The Supreme Court of Victoria (**Court**) has ordered that you receive this notice because you are a Registered Group Member, meaning you registered your claim[s] with Shine Lawyers before the Class Deadline of 24 February 2025 (**Class Deadline**), and also did not notify Shine Lawyers by the Class Deadline of all the claims you had against EML in the proceeding. Between 14 August 2025 and 4 September 2025, you provided *additional* Share Trading Data which raised new claims in the Proceeding (**Late Registered Claims**).
2. The Court has ordered that this notice be published to inform you that the plaintiffs intend to seek orders excluding your Late Registered Claims from being reflected in the distributions made by the Administrator under the Settlement Distribution Scheme (the **Scheme**). This notice outlines your rights in relation to that process.

B. WHAT IS THIS THIRD FURTHER NOTICE OF PROPOSED SETTLEMENT?

3. On 5 December 2024, the Court made Opt Out and Registration Orders requiring Group Members wishing to participate in any settlement of the Proceeding to register their claims with Shine Lawyers by the Class Deadline (4:00pm on 24 February 2025). A requirement of registering their claim was that the group member provide all acquisitions and disposals of EML Securities between 19 December 2020 and 25 July 2022 (**Share Trading Data**).
4. On 14 August 2025, Shine Lawyers sent all Registered Group Members a verification form so that Registered Group Members could review the Share Trading Data provided to Shine Lawyers, and provide any corrections to the Share Trading Data by 4 September 2025.
5. The Third Further Notice of Proposed Settlement is directed to you as you have raised a Late Registered Claim and the plaintiffs' position is that your Late Registered Claim should be excluded from being reflected in the distributions made by the Administrator under the Scheme.



C. WHAT IS THE PLAINTIFFS' POSITION?

6. The Plaintiffs' position is that Late Registered Claims be excluded from being reflected in the distributions made by the Administrator under the Scheme.
7. The Plaintiffs have opposed the inclusion of the Late Registered Claims on the basis that it would adversely impact all other Registered Group Members under the proposed settlement. The Plaintiffs consider it necessary to take this step because all Registered Group Members were required to provide **all** of their trade data for the Relevant Period to Shine Lawyers by the Class Deadline (4pm on 24 February 2025). This trade data was relied upon by the Plaintiffs and their legal representatives as the totality of a Registered Group Members loss and was used in calculating the total losses of Registered Group Members for the purpose of mediating and ultimately settling the claims of Registered Group Members with the defendant, EML.
8. On 30 October 2025, the Court adjourned the Plaintiffs' application for approval of the proposed settlement in this matter so that Registered Group Members with Late Registered Claims could be given a formal opportunity to explain the reasons for not raising the Late Registered Claims by the Class Deadline, by sworn evidence, such that the Court could determine whether the Late Registered Claims should be reflected in the distributions from the settlement made by the Administrator under the Scheme.

D. WHAT DO I NEED TO DO?

9. The Court has ordered that **by 4:00pm on 28 November 2025** you are to send an email to the Commercial Court Registry (emlclassaction@supcourt.vic.gov.au) providing any:
 - (a) evidence, by way of affidavit or statutory declaration, setting out the reasons why the Late Registered Claim[s] should be reflected in distributions made by the Administrator under the Settlement Distribution Scheme;
 - (b) written submissions not exceeding 3 pages, being a **Late Registered Claim Application**.
10. If you complete a Late Registered Claim Application, you have the option to attend and appear at the Settlement Approval Application at the Supreme



Court of Victoria on 19 December 2025. If you choose to exercise this option, you must have legal representation, or otherwise seek leave of the Court to be heard.

11. If you wish to be heard in accordance with paragraph 10 above, you must inform the Commercial Court Registry and/or Shine Lawyers of your intention to appear by 4:00pm on 28 November 2025, by emailing the following information to emlclassaction@supcourt.vic.gov.au:

- (a) if you are legally represented; and
- (b) the name and contact details of your legal representative[s]; or
- (c) that you otherwise intend to seek the Court's leave to appear without legal representation.

E. MORE INFORMATION

12. You can obtain more information and relevant documents about the Class Action at:

- (a) <https://www.shine.com.au/service/class-actions/eml-payments-shareholder-class-action>; and
- (b) <https://www.supremecourt.vic.gov.au/areas/group-proceedings/eml-payments>.

13. If you have any questions, please do not contact the Court. The Court staff are not permitted to give legal advice.

14. If you have any questions regarding the Class Action, you should contact Shine Lawyers by emailing emlclassaction@shine.com.au or seek independent legal advice without delay.

