

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

S ECI 2020 04566

BETWEEN:

GREG LIEBERMAN

Plaintiff

- and -

CROWN RESORTS LIMITED (ACN 125 709 953)

Defendant

ORDER

JUDGE OF THE COURT: The Honourable Justice Nichols

DATE MADE: 2 June 2025

ORIGINATING PROCESS: Writ filed 11 December 2020

HOW OBTAINED: At the plaintiff's request

ATTENDANCE: On the papers

OTHER MATTERS:

A. This order is made pursuant to Rule 59.07(1) of the *Supreme Court (General Civil Procedure) Rules 2015*.

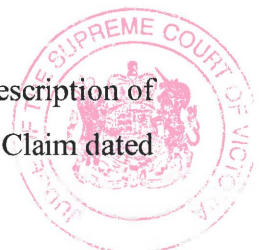
B. The plaintiff and defendant have agreed to a settlement of the proceeding subject to approval by the Court.

C. By orders made 7 June 2024, group members were required to register their claims by 4.00pm on 23 August 2024 in order to be eligible to participate in any settlement achieved on or before the commencement of the trial. Those group members who registered their claims in accordance with those orders are referred to in these orders as “**Registered Group Members**”.

THE COURT ORDERS THAT:

Definition of “Group Members”

1. In these orders, **Group Members** are all persons who or which meet the description of ‘Group Members’ in para [1] of the Second Further Amended Statement of Claim dated



21 July 2022 (**2FASOC**), other than any persons who have opted out of this proceeding pursuant to s 33J of the *Supreme Court Act 1986* (Vic) (**Act**).

Vacation of Existing Timetabling Orders

2. All extant timetabling orders in this proceeding be vacated:
 - (a) orders 12-40 of the orders made by the Honourable Justice Nichols on 31 May 2024, and the trial of the proceeding scheduled to commence on 13 April 2026; and
 - (b) orders 4-6 of the orders made by the Honourable Justice Nichols on 1 October 2024.

Notice to Group Members

3. Pursuant to s 33Y(1) of the Act, the form and content of the notices set out in Annexure A (**Abridged Notice**) and Annexure B (**Full Notice**) to these orders (together, **Notices**) are approved as the notice that must be given to Group Members under s 33X(4) of the Act.
4. Pursuant to ss 33X(4) and 33Y(2) and (3) of the Act, the Notices be given to Group Members in accordance with the following procedure:
 - (a) By 16 June 2025, the Plaintiff's solicitors (**Maurice Blackburn**) shall cause a copy of the Abridged Notice to be sent:
 - (i) by email to each person for whom an email address is held by Maurice Blackburn and who:
 - (A) is a Registered Group Member (within the meaning of orders 12 and 13 of the orders made by the Honourable Justice Nichols on 7 June 2024 (**7 June Orders**)); or
 - (B) has registered their claim with Maurice Blackburn after 4.00 pm AEST on 23 August 2024 (being the 'Class Deadline', as that term is defined in order 1 of the 7 June Orders); and



- (ii) by ordinary post to all of the persons referred to in order 4(a)(i) above for whom an email address is not held by Maurice Blackburn;
 - (b) if any email sent to a person referred to in order 4(a)(i) above experiences a delivery failure, Maurice Blackburn shall, if a postal address is held for that person, send a copy of the Abridged Notice by ordinary post to that person within five (5) business days of receiving notice of that delivery failure;
 - (c) by 16 June 2025, Maurice Blackburn shall cause a copy of the Full Notice, together with a copy of the following documents, to be displayed on Maurice Blackburn's 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 *Supreme Court Act 1986* (Vic):
 - (i) the 2FASOC;
 - (ii) Defence to Second Further Amended Statement of Claim dated 10 October 2022;
 - (iii) Reply to the Defence to Second Further Amended Statement of Claim dated 7 November 2022;
 - (iv) Rejoinder to Reply to Defence to Second Further Amended Statement of Claim dated 21 December 2022;
 - (v) the orders made by the Honourable Justice Stynes on 22 December 2022;
 - (vi) the 7 June Orders;
 - (vii) these orders; and
 - (viii) the Plaintiff's proposed Settlement Distribution Scheme (SDS) (with confidential information redacted); and
 - (d) by 16 June 2025, the Commercial Court Registry shall cause a copy of the Full Notice to be posted on the Supreme Court of Victoria website and made available for inspection at the Commercial Court Registry.
5. The Notices may be amended by Maurice Blackburn before they are published or distributed in order to correct any typographical error, or any postal, website or email address or telephone number or other non-substantive error.



Objections to the Proposed Settlement

6. By 4.00 pm on 14 July 2025, any Group Member who wishes to oppose any aspect of the proposed settlement of the proceeding shall:
 - (a) deliver to the Commercial Court Registry a completed Notice of Objection to Proposed Settlement in the form of Attachment A to the Full Notice (**Objection Notice**); or
 - (b) submit the required information through the Supreme Court of Victoria's "Online Objection" facility at:
<https://www.supremecourt.vic.gov.au/areas/group-proceedings/crown-resorts-shareholder/objection> (**Online Objection**).
7. Each Group Member who wishes to object in accordance with order 6 above must complete the Objection Notice or the Online Objection by doing one of the following:
 - (a) by personally signing or personally affixing their electronic signature;
 - (b) in the case of a corporation who is a Group Member, by a director of the corporation personally signing or personally affixing their electronic signature;
 - (c) by the Group Member's solicitor personally authorised to act on behalf of the Group Member personally signing or personally affixing their electronic signature as that Group Member's solicitor;
 - (d) in the case of an executor of an estate which is a Group Member, by the executor personally signing or personally affixing their electronic signature; or
 - (e) in the case of a person holding a power of attorney for a Group Member, by the attorney personally signing or personally affixing their electronic signature.
8. Any group member who wishes to oppose the proposed settlement must, unless the Court otherwise orders, attend or send a legal representative to attend, the Settlement Approval Application on **5 September 2025 at 10:30 am** at the Supreme Court of Victoria.
9. If the solicitors for any party receive a notice purporting to be an Objection Notice referable to this proceeding, the solicitors are to file such notice in the Commercial Court



Registry by 21 July 2025, and such a notice shall be treated as an Objection Notice received by the Court at the time it was received by the solicitors.

10. The parties' solicitors have leave to inspect the Court file and to:
 - (a) copy any Objection Notices filed by or on behalf of Group Members; and
 - (b) obtain information relating to any Online Objections submitted by or on behalf of Group Members.

Unregistered Group Member Applications

11. Pursuant to s 33ZF of the Act, any Group Member who did not register their claim by the Class Deadline in accordance with orders 12 and 13 of the 7 June Orders (**Unregistered Group Member**) and who now wishes to seek leave to participate in the proposed settlement:
 - (a) by 4.00 pm on 14 July 2025 must send an email to CrownAML@mauriceblackburn.com.au identifying the basis on which the Unregistered Group Member considers the Court should grant them leave to participate and must attach evidence in support (in the form of an affidavit or statutory declaration) and any written submissions of no more than two (2) pages; and
 - (b) may attend, or send a legal representative to attend, the Supreme Court of Victoria **on 5 September 2025 at 10:30 am** when the Section 33V Application is to be heard.
12. By 21 July 2025, the Plaintiff is to file by way of email to the Commercial Court Registry, and serve on the Defendant, copies of any Unregistered Group Member applications that Maurice Blackburn receives pursuant to order 11 above.

Provision of information to the Defendant

13. By 4.00 pm on 16 June 2025 Maurice Blackburn shall provide to the Defendant's solicitors (**HSF**), on a confidential basis, the following information in its possession in respect of each person referred to in order 4(a)(i) above:



- (a) the full name and addresses of individual persons;
- (b) the name and jurisdiction of registration of corporate entities; and
- (c) the name of any trust and, where applicable, the names of any disclosed beneficiaries,

(Registered Group Member Information).

14. HSF may disclose the Registered Group Member Information to the Defendant and each of the Defendant's insurers for the sole purpose of them:
 - (a) undertaking the inquiries contemplated by sub-clause 8(h)(1) of the Deed of Settlement and Release dated 9 May 2025 (being pages 47-78 of Confidential Exhibit 'SMF-10' to the Tenth Affidavit of Steven Mark Foale affirmed 29 May 2025 (**Tenth Foale Affidavit**)) (**Settlement Deed**); and
 - (b) complying with orders 15 and 16 below.
15. By 4.00 pm on 14 July 2025 the Defendant and each of the Defendant's insurers shall notify Maurice Blackburn in writing:
 - (a) if they require additional information to substantiate the identity of any person referred to in order 4(a)(i) above, and if so, the nature of the information required; or
 - (b) if no such information is required, which (if any) of the persons referred to in order 4(a)(i) above are 'Prohibited Persons' as defined in the Settlement Deed.
16. If a request for additional information is made by the Defendant and/or the Defendant's insurers pursuant to order 15(a) above:
 - (a) to the extent that the additional information is not already in Maurice Blackburn's possession, Maurice Blackburn shall use reasonable endeavours to obtain the additional information;
 - (b) by 4.00 pm on 21 July 2025 Maurice Blackburn shall notify HSF in writing of the additional information it has in its possession or, if it was not able to obtain some or all of the additional information, the reason(s) why that additional information is not within its possession or otherwise unavailable; and



- (c) by 4.00 pm on 4 August 2025 the Defendant and each of the Defendant's insurers shall notify Maurice Blackburn in writing which (if any) of the persons referred to in order 4(a)(i) above are 'Prohibited Persons' as defined in the Settlement Deed.

Timetable for Hearing of Section 33V Application

17. By **4.00 pm on 15 August 2025** the Defendant file and serve any evidence and written submissions on which it relies in relation to the Section 33V Application.
18. Save for any document in respect of which the Plaintiff proposes to seek confidentiality orders (**Confidential Document**), by **4.00 pm on 29 August 2025** the Plaintiff file and serve any evidence and written submissions on which he relies in support of the Section 33V Application.
19. In respect of any Confidential Document over which the Plaintiff seeks a confidentiality order, by **4.00 pm on 29 August 2025** the Plaintiff shall send a copy of the Confidential Document by email to the chambers of the Honourable Justice Nichols, together with an indication as to whether confidentiality is claimed over the whole or only part of the Confidential Document, and if so which part(s).
20. Documents identified as a Confidential Document are to be marked "*Confidential Material for Purposes of Settlement Approval Application – Not to be Accessed Except by Order of the Court*" and, until the Court's determination of the Section 33V Application, or until further order, are to be kept confidential and are not to be disclosed to any person or entity except the Court, the Plaintiff or Maurice Blackburn.
21. The Section 33V Application be listed for hearing before the Honourable Justice Nichols on **5 September 2025 at 10.30 am**.

DATE AUTHENTICATED: 2 June 2025



The Honourable Justice Nichols