

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION
MAJOR TORTS LIST

S ECI 2020 01535

BETWEEN:

NERITA SOMERS & ORS
(according to the attached Schedule)

Plaintiffs

- and -

BOX HILL INSTITUTE & ANOR
(according to the attached Schedule)

Defendants

ORDER

JUDGE: The Honourable Associate Justice Matthews

DATE MADE: 28 May 2021

ORIGINATING PROCESS: Writ filed 26 March 2020

HOW OBTAINED: By consent pursuant to Rule 59.07 of the *Supreme Court (General Civil Procedure) Rules 2015* ('**the Rules**') and the consent minute signed by the parties which have been placed on the Court file.

ATTENDANCE: Not required

OTHER MATTERS:

A. The Plaintiff and the Second Defendant have provided signed consent orders to the Court. In doing so, they have also requested that Attachment A to the orders, being the list of documents to be provided by the Second Defendant to Gordon Legal, be kept confidential. The Court has agreed to this course. Accordingly, Attachment A is referred to as Schedule A and is not attached to this order, but has been filed separately on the Court file as a confidential document.

B. This Order is authenticated by the Associate Judge pursuant to Rule 60.02(1)(b) of the *Supreme*



Court (General Civil Procedure) Rules 2015 ('the Rules').

THE COURT ORDERS THAT:

1. By 4pm on 4 June 2021, the Second Defendant provide to Gordon Legal, the solicitors for the Plaintiffs, copies of the documents listed in Confidential Schedule A (**Documents**).
2. The Documents must be kept confidential by Gordon Legal and:
 - a. may be used solely for the purposes of this proceeding; and
 - b. must not be disclosed to any person, other than on a confidential basis to:
 - i. Counsel for the Plaintiffs in this proceeding; and
 - ii. an existing or potential funder of the Plaintiffs in this proceeding (if any), including its legal advisers.
3. The Plaintiffs pay on an indemnity basis the Second Defendant's legal costs and expenses to date:
 - a. in connection with the Plaintiffs' request to the liquidators of the Second Defendant dated 4 March 2021 made pursuant to section 70-45 of the *Insolvency Practice Schedule (Corporations)* (**Request**); and
 - b. of and incidental to the Plaintiffs' application by summons dated 20 May 2021 (**Application**).
4. The Plaintiffs pay the Second Defendant's other reasonable costs and expenses to date in connection with the Request and the Application (including the remuneration and expenses of the liquidators of the Second Defendant).
5. Liberty to apply.
6. Confidential Schedule A be kept on the Court file as confidential and not made available for inspection other than to the Plaintiffs, the Second Defendant, and the Court.

DATE AUTHENTICATED: 4 June 2021



THE HON ASSOCIATE JUSTICE MATTHEWS

SCHEDULE OF PARTIES

BETWEEN:

NERITA SOMERS	First Plaintiff
ADEL HASSANEIN	Second Plaintiff
MATTHEW LAMONT	Third Plaintiff
FELIX OULDANOV	Fourth Plaintiff

-and-

BOX HILL INSTITUTE	First Defendant
GOBEL AVIATION PTY LTD (T/A SOAR ADVANCED FLIGHT TRAINING)	Second Defendant

AND BETWEEN:

GOBEL AVIATION PTY LTD (T/A SOAR ADVANCED FLIGHT TRAINING)	Plaintiff by Counterclaim
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-and-

BOX HILL INSTITUTE	Defendant by Counterclaim
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AND BETWEEN:

GOBEL AVIATION PTY LTD (T/A SOAR ADVANCED FLIGHT TRAINING)	Third Party by First Third Party Claim
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