

IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE  
COMMON LAW DIVISION

S CI 2010 01978

BETWEEN:

**PAUL ANTHONY MERCIECA**

First Plaintiff

**AMELIA JANE COOMBES**

Second Plaintiff

- and -

**AUSNET ELECTRICITY SERVICES PTY LTD (ACN 064 651 118)**  
**(FORMERLY SPI ELECTRICITY PTY LTD)**  
(and others according to the schedule)

Defendants

### ORDER

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**JUDGE:** The Honourable Justice J Forrest

**DATE MADE:** 5 September 2014

**ORIGINATING PROCESS:** Writ filed 15 April 2010

**HOW OBTAINED:** By minutes of consent signed by the solicitors for the parties, dated August 2014, filed 1 September 2014

**ATTENDANCE:** On the papers.

**OTHER MATTERS:** By minutes of consent filed 1 September 2014 and in a letter of 5 September 2014, the solicitors for the plaintiff indicated that:

1. Paragraph 1 of the orders is necessitated by the passing of John Sykes of John Sykes Rural Consulting on 4 January 2014.
2. Paragraph 3 of the orders concerns a person who was initially represented by a different firm, and whose matter was transferred to the solicitors for the plaintiff on about 20 August 2013 after consent was obtained from the defendants to include her as a participating group member ('PGM').
3. Paragraphs 4, 5, 6 and 7 are necessary to add persons who were inadvertently omitted from the list of registered PGMs.
4. The inclusion of the claims in paragraphs 3 to 7 is



unlikely to have any impact upon the distribution of funds to the balance of the class as the pool of funds available for distribution is not likely to be exhausted.

**THE COURT ORDERS BY CONSENT THAT:**

1. Clause 7.1 of the Deed of Settlement be amended to allow the appointment of Nigel McGuckian of Rendell McGuckian (RMCG) as a primary assessor.
2. Clause 7.2 of the Deed of Settlement be amended to appoint Adrian Kennelly of Rendell McGuckian (RMCG) as the reserve assessor.
3. [REDACTED] be admitted as a registered PGM of the class and for it to be recorded that Nevin Lenne Gross are solicitors for [REDACTED]
4. [REDACTED] be admitted as a registered PGM of the class and for it to be recorded that Maddens Lawyers are solicitors for [REDACTED]
5. [REDACTED] be admitted as registered PGMs of the class and for it to be recorded that Maddens Lawyers are solicitors for [REDACTED]
6. [REDACTED] be admitted as a registered PGM of the class and for it to be recorded that Maddens Lawyers are solicitors for [REDACTED]
7. [REDACTED] and [REDACTED] be admitted as registered PGMs of the class and for it to be recorded that Maddens Lawyers are solicitors for [REDACTED] and [REDACTED]
8. By 5 September 2014 the plaintiff's lawyers Nevin Lenne & Gross and Maddens Lawyers send a copy of this order to any PGM who has not yet lodged a claim book on the lawyers of SPJ Electricity in accordance with paragraph 8.1 of the Settlement Deed dated 29 March 2012.



9. Any outstanding claim by any registered PGM be lodged as identified in paragraph 8.1 of the Settlement Deed dated 29 March 2012 by 22 September 2014.
10. Pursuant to section 33Z of the *Supreme Court Act 1986* the Court order that any registered PGM who fails to comply with order 9 and who otherwise has not submitted a claim book in accordance with clause 8.1 of the Settlement Deed cease to have any entitlement to participate in the settlement.
11. No order as to costs.
12. Liberty to apply.

**DATE AUTHENTICATED:** 5 September 2014

  
  
**The Honourable Justice J Forrest**

SCHEDULE OF PARTIES

S CI 2010 01978

BETWEEN:

PAUL ANTHONY MERCIECA First Plaintiff

AMELIA JANE COOMBES Second Plaintiff

- and -

AUSNET ELECTRICITY SERVICES PTY LTD (ACN 064 651 118)  
(FORMERLY SPI ELECTRICITY PTY LTD) First Defendant

EAGLE TRAVEL TOWER SERVICES PTY LTD  
(ACN 070 093 766) Second Defendant

SECRETARY TO THE DEPARTMENT OF  
SUSTAINABILITY & ENVIRONMENT Third Defendant

PARKS VICTORIA Fourth Defendant

AND BETWEEN:

AUSNET ELECTRICITY SERVICES PTY LTD (ACN 064 651 118)  
(FORMERLY SPI ELECTRICITY PTY LTD) Plaintiff by Counterclaim

- and -

EAGLE TRAVEL TOWER SERVICES PTY LTD First Defendant by Counterclaim  
(ACN 070 093 766)

SECRETARY TO THE DEPARTMENT OF Second Defendant by Counterclaim  
SUSTAINABILITY & ENVIRONMENT

PARKS VICTORIA Third Defendant by Counterclaim

PAUL ANTHONY MERCIECA Fourth Defendant by Counterclaim

AMELIA JANE COOMBES Fifth Defendant by Counterclaim



5 September 2014