

IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE  
COMMON LAW DIVISION  
GROUP PROCEEDINGS

S ECI 2019 01926

**BETWEEN:**

NICOS ANDRIANAKIS

Plaintiff

- and -

UBER TECHNOLOGIES INC and others (according to the  
Schedule of Parties)

Defendants

S ECI 2020 01834

**AND BETWEEN**

JAMAL SALEM in her capacity as executor  
for the estate of ANWAR SALEM

Plaintiff

- and -

UBER TECHNOLOGIES INC and others

Defendants

S ECI 2020 03593

**AND BETWEEN**

PETER STEWART

Plaintiff

- and -

UBER TECHNOLOGIES INC and others

Defendants

S ECI 2020 04787

**AND BETWEEN**

H.D. ANDREE & M. ANDREE (a partnership)

Plaintiff

- and -

UBER TECHNOLOGIES INC and others

Defendants



## GENERAL FORM OF ORDER

JUDGE: The Honourable Justice Matthews

DATE MADE: 24 July 2024

ORIGINATING PROCESS: Writ filed on 3 May 2019 in proceeding S ECI 2019 01926  
Writ filed on 20 April 2020 in proceeding S ECI 2020 01834  
Writ filed on 15 September 2020 in proceeding  
S ECI 2020 03593  
Writ filed on 24 December 2020 in proceeding  
S ECI 2020 04787

HOW OBTAINED: At the directions hearing on 24 July 2024

APPEARANCES: Ms M Szydzik SC and Ms A Staker of counsel for the  
Plaintiffs in each proceeding  
Ms M Ellicott of counsel for the Defendants in each  
proceeding  
Mr N De Young KC and Mr K Raghavan of counsel for  
the Harbour Fund III, L.P (the funder)  
Mr C Pym of counsel on behalf of D Torluccio,  
F Torluccio, J Torluccio, A Torluccio, A Spinelli and  
Torluccio Construction Pty Ltd (ACN 069 725 882)  
Mr A Grech on behalf of M Yusuf  
Ms M Kerhoulas on behalf of C & H Kerhoulas

### OTHER MATTERS:

- A. The Court is satisfied that the technical requirements in s 42G of the *Evidence (Miscellaneous Provisions) Act 1958* (Vic) (**'Evidence Act'**) are met and that all parties consent to the making of the direction.
- B. This Order is authenticated by the Judge pursuant to Rule 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic).

### **THE COURT ORDERS THAT:**

#### **Confidentiality order**

1. Pursuant to s 18(1)(a) of the Open Courts Act 2013 (Vic) and/or the Court's inherent jurisdiction, the following documents, being objections to the proposed settlement lodged by group members and provided to the Court by the Plaintiff on 23 July 2024, contain confidential information and unredacted versions of those documents shall not be published or disclosed without prior leave of the Court to any person or entity



other than the Plaintiff and his legal representatives, Harbour and their legal representatives, the Contradictor (as defined in order 6 below) and the Court:

- (a) UBCA.001.001.0073;
- (b) UBCA.001.001.0075;
- (c) UBCA.001.001.0119.

### **Late objections and applications**

- 2. Subject to orders 4 and 5 and any other orders made granting an extension, the Court will not consider any objections to the proposed settlement from group members or applications by unregistered group members to participate in the proposed settlement received by Maurice Blackburn and/or the Court after 4pm on 2 July 2024 (being the date and time referred to in paragraphs 17 and 21 of the Orders dated 19 April 2024).

### **Extension of time applications**

- 3. The following documents are to be lodged on Redcrest and placed on the Court file:
  - (a) the affidavit of Con Kerhoulas sworn 22 July 2024;
  - (b) the affidavit of Dominic Monsour sworn 23 July 2024;
  - (c) the summonses and submissions all dated 23 July 2024 on behalf of Dora Torluccio, Frank Torluccio, Josephine Torluccio, Angela Torluccio, Antonio Spinelli and Torluccio Construction Pty Ltd (ACN 069 725 882);
  - (d) the affidavit of Andrew Alexander Grech affirmed 23 July 2024; and
  - (e) the affidavit of Greg Webb dated 23 July 2024.
- 4. The date by which Taxicab Investments Pty Ltd may lodge an objection to the proposed settlement is extended to 5 July 2024.
- 5. The time in which the following persons may lodge an application to participate in the proposed settlement is extended to the dates specified in the following sub-paragraphs:
  - (a) Dora Torluccio, Frank Torluccio, Josephine Torluccio, Angela Torluccio, Antonio Spinelli and Torluccio Construction Pty Ltd (ACN 069 725 882), to 9.00am on 3 July 2024; and
  - (b) Con and Helen Kerhoulas, to 12.00pm on 23 July 2024.

### **Appointment of Contradictor**

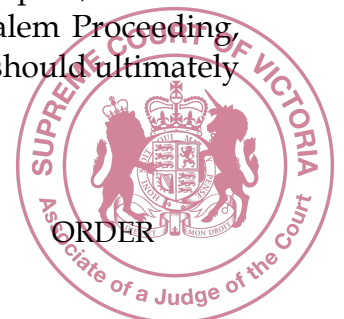
- 6. Pursuant to s 33ZF of the *Supreme Court Act 1986* (Vic) (the **Act**) and/or the Court's inherent jurisdiction, Kate Burke and Tom Rawlinson are together appointed as contradictors (the **Contradictor**) in the settlement approval application made in this proceeding pursuant to s 33V of the Act.
- 7. The Contradictor's role is limited to reviewing:



- (a) any notices of objection to the proposed settlement that were lodged by group members by 4pm on 2 July 2024 in accordance with paragraph 17 of the Orders dated 19 April 2024 (or in respect of which an extension of time has been granted) (**Objections**); and
- (b) any applications by unregistered group members to participate in the proposed settlement that were lodged by 4pm on 2 July 2024 in accordance with paragraph 21 of the Orders dated 19 April 2024 (or in respect of which an extension of time has been granted) (**UGM Applications**)

and making any submissions about the common themes contained in the Objections and UGM Applications.

- 8. For the avoidance of doubt, the Contradictor is not to act on behalf of any group member or otherwise seek to advance the position of any individual group member.
- 9. By 4pm on 29 August 2024, the Contradictor is to file and serve on the parties and Harbour any written submissions in relation to the matters identified in order 7, including in respect of the merits of those arguments or themes as contemplated by order 7.
- 10. By 4pm on 5 September 2024, the Plaintiff, Harbour and the Defendants shall file and serve any written submissions in relation to the matters addressed by the Contradictor's written submissions.
- 11. As soon as practicable, the Plaintiff's solicitors are to provide the Contradictor with the materials relevant to the matters identified in order 7, including but not limited to copies of:
  - (a) the Objections;
  - (b) the UGM Applications;
  - (c) the registers created in respect of the Objections and the UGM Applications;
  - (d) the update provided to the Court dated 10 July 2024;
  - (e) the Plaintiff's counsel's written submissions dated 23 July 2024 for the directions hearing on 24 July 2024; and
  - (f) other documents the Plaintiff's solicitors consider necessary.
- 12. Notwithstanding order 11, the Contradictor may seek such documents and information from the legal representatives for the Plaintiff or the legal representatives for Harbour as the Contradictor considers appropriate to perform the role in order 7, which shall be provided as soon as practicable, subject to appropriate confidentiality arrangements. If there is any dispute regarding the provision of such material the Contradictor, the Plaintiff and Harbour have liberty to apply to the chambers of the Honourable Justice Matthews on 24 hours' notice.
- 13. Subject to further order, the Contradictor's reasonable costs are to be paid, in the first instance, in equal parts by the Plaintiff and the Plaintiff in the Salem Proceeding, within 30 days of the presentation of an invoice. Where those costs should ultimately



fall is a matter for decision by the Court as part of the approval application in this proceeding and the approval application in the Salem Proceeding.

14. The parties and Harbour have liberty to apply on 3 days' notice.
15. Pursuant to s 42E(1) of the Evidence Act, counsel for the Defendants shall appear, give evidence and make submissions in this proceeding on 24 July 2024 by audiovisual/audio link.
16. Costs otherwise reserved.

DATE AUTHENTICATED: 29 July 2024



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**THE HONOURABLE JUSTICE MATTHEWS**



SCHEDULE OF PARTIES

**S ECI 2019 01926**

NICOS ANDRIANAKIS Plaintiff

- v -

UBER TECHNOLOGIES INCORPORATED (4849283) First Defendant

UBER INTERNATIONAL HOLDING B.V. (RSIN 851 929 357) Second Defendant

UBER B.V. (RSIN 852 071 589) Third Defendant

UBER AUSTRALIA PTY LTD (ACN 160 299 865) Fourth Defendant

RASIER OPERATIONS B.V. (RSIN 853 682 318) Fifth Defendant

UBER PACIFIC HOLDINGS B.V. (RSIN 855 779 330) Sixth Defendant

UBER PACIFIC HOLDINGS PTY LTD (ACN 609 590 463) Seventh Defendant

**S ECI 2020 01834**

JAMAL SALEM IN HER CAPACITY AS EXECUTOR FOR  
THE ESTATE OF ANWAR SALEM Plaintiff

- v -

UBER TECHNOLOGIES INCORPORATED (4849283) First Defendant

UBER INTERNATIONAL HOLDING B.V. (RSIN 851 929 357) Second Defendant

UBER B.V. (RSIN 852 071 589) Third Defendant

UBER AUSTRALIA PTY LTD (ACN 160 299 865) Fourth Defendant

RASIER OPERATIONS B.V. (RSIN 853 682 318) Fifth Defendant

UBER PACIFIC HOLDINGS B.V. (RSIN 855 779 330) Sixth Defendant

UBER PACIFIC HOLDINGS PTY LTD (ACN 609 590 463) Seventh Defendant



**S ECI 2020 03593**

PETER STEWART

Plaintiff

- v -

UBER TECHNOLOGIES INCORPORATED (4849283)	First Defendant
UBER INTERNATIONAL HOLDING B.V. (RSIN 851 929 357)	Second Defendant
UBER B.V. (RSIN 852 071 589)	Third Defendant
UBER AUSTRALIA PTY LTD (ACN 160 299 865)	Fourth Defendant
RASIER OPERATIONS B.V. (RSIN 853 682 318)	Fifth Defendant
UBER PACIFIC HOLDINGS B.V. (RSIN 855 779 330)	Sixth Defendant
UBER PACIFIC HOLDINGS PTY LTD (ACN 609 590 463)	Seventh Defendant

**S ECI 2020 04787**

H.D. ANDREE & M. ANDREE (a partnership)

Plaintiff

- v -

UBER TECHNOLOGIES INCORPORATED (4849283)	First Defendant
UBER INTERNATIONAL HOLDING B.V. (RSIN 851 929 357)	Second Defendant
UBER B.V. (RSIN 852 071 589)	Third Defendant
UBER AUSTRALIA PTY LTD (ACN 160 299 865)	Fourth Defendant
RASIER OPERATIONS B.V. (RSIN 853 682 318)	Fifth Defendant
UBER PACIFIC HOLDINGS B.V. (RSIN 855 779 330)	Sixth Defendant
UBER PACIFIC HOLDINGS PTY LTD (ACN 609 590 463)	Seventh Defendant

