



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

Case: S ECI 2022 03440
S ECI 2022 03440
Filed on: 28/05/2023 11:41 AM

BETWEEN

JORDAN BROWN

Plaintiff

- and -

STATE OF VICTORIA

Defendant

REPLY

Date of Document:	26 May 2023	Solicitor Code:	110756
Filed on behalf of:	The Plaintiff	DX:	N/A
Prepared by:	Phi Finney McDonald	Ref:	200049
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In Reply to the Defence of the Defendant dated 12 May 2023, the Plaintiff joins issue and says:

1. The Plaintiff denies the positive allegations made in paragraph 30 of the Defence and, further and in the alternative, says to subparagraphs (j) and (k) that the police members referred to were acting in concert and/or pursuant to direction of their superiors as part of a collective use of force by members of Victoria Police against the protesters as a whole, including regarding the deployment of OC spray on the Plaintiff and the Group Members, and not pursuant to their individual assessment and belief regarding the tactical options available and the reasonable and proportionate use of force.

Particulars

That the police members acted in concert and/or pursuant to direction, and failed to exercise individual judgment in respect of the use of force, can be inferred from:

- (a) The coordinated nature of the planned response to the IMARC Protest by Victoria Police, both in advance and on the day, including as pleaded in the Defence at paragraphs 15, 16, 17 and 23.
- (b) The coordinated use of OC spray (in time and place) on the Plaintiff and the Group Members who were participating in the IMARC Protest.
- (c) The indiscriminate deployment of OC spray on and around the Plaintiff and the Group Members by multiple police members.

Further particulars may be provided upon completion of interlocutory procedures.

FIONA FORSYTH KC

STELLA GOLD

DATED: 26 May 2023



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Signed by Olivia McMillan

Phi Finney McDonald

Solicitors for the Plaintiff