

**IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
COMMERCIAL COURT  
COMMERCIAL LIST – GARDE J**

**BETWEEN**

**MICHAEL GARY WARNER**

Plaintiff

- and -

**ANSELL LIMITED (ACN 004 085 330)**

Defendant

**ORDER**

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**JUDGE:** The Honourable Justice Garde

**DATE MADE:** 22 August 2024

**ORIGINATING PROCESS:** Writ filed 9 August 2023

**HOW OBTAINED:** Return of the plaintiff's summons filed 15 May 2024 ('summons')

**ATTENDANCE:** Ms F Forsyth KC of counsel for the plaintiff

Mr K Loxley with Ms E Delany of counsel for the defendant

**OTHER MATTERS** This order is signed by a Judge pursuant to r 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic).

**THE COURT ORDERS THAT:**

1. Pursuant to section 33ZDA(1) of the *Supreme Court Act 1986* (Vic):
  - (a) the legal costs payable to the solicitors for the plaintiff and group members, Slater and Gordon Limited, are to be calculated as a percentage of the amount of any award or settlement that may be recovered in the proceeding, that percentage being:
    - i. 40% (inclusive of GST) for the amount of any award or settlement up to and including \$50,000,000; and
    - ii. 25% (inclusive of GST) for that part of the amount of any award or settlement that exceeds \$50,000,000; and
  - (b) liability for the payment of the legal costs pursuant to paragraph 1(a) above is to be shared equally among the plaintiff and all group members;



2. The plaintiff is to bear his own costs of and incidental to the summons.
3. The defendant's costs of and incidental to the summons are reserved.
4. Liberty to apply.

**DATE AUTHENTICATED:** 22 August 2024



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The Honourable Justice Garde

