



Federal Court of Australia
District Registry: Victoria
Division: General

No: VID64/2023

ZOE LEE MCCLURE
Applicant

MEDIBANK PRIVATE LIMITED (ACN 080 890 259)
Respondent

ORDER

JUDGE: JUSTICE BEACH

DATE OF ORDER: 01 August 2023

WHERE MADE: Melbourne

THE COURT ORDERS THAT:

Consolidation

1. Pursuant to rule 30.11 of the *Federal Court Rules 2011* (Cth) (Rules) and section 33ZF of the *Federal Court of Australia Act 1976* (Cth) (Act), the proceeding Cihan Solbudak & Anor v Medibank Private Limited (ACN 080 890 259) (VID302/2023) (Solbudak Proceeding) be consolidated with this proceeding, Zoe Lee McClure v Medibank Private Limited ACN 080 890 259 (VID64/2023) (McClure Proceeding), and the consolidated proceeding be known as Zoe Lee McClure v Medibank Private Limited (ACN 080 890 259) to be identified as VID64/2023 (Consolidated Proceeding).
2. The applicant in the McClure Proceeding is to be the lead applicant in the Consolidated Proceeding (Consolidated Applicant).
3. Pursuant to rule 1.32 of the Rules and section 33ZF of the Act, Baker & McKenzie (an Australian partnership) ABN 32 266 778 912 be granted leave to be named as solicitors on the record for the Consolidated Applicant in the Consolidated Proceeding on the basis that Omni Bridgeway (Fund 5) Australian Inv. Pty Ltd (Omni Bridgeway) and Balance Legal Capital II UK Ltd (Balance) fund the Consolidated Proceeding on the terms set out in the



Litigation Funding Agreement exhibited to the Affidavit of Paul George Forbes affirmed on 19 July 2023 (Forbes Affidavit).

4. Costs incurred in the McClure Proceeding and the Solbudak Proceeding shall be costs in the Consolidated Proceeding.
5. In the event that the Consolidated Applicant is required to provide security for costs in relation to the Consolidated Proceeding, Omni Bridgeway and Balance will each provide a form of security that shall be acceptable to the Respondent, or as otherwise ordered by the Court, and in the following proportions:
 - (a) Omni Bridgeway to provide 50%; and
 - (b) Balance to provide 50%.
6. In the event an adverse costs order is made against the Consolidated Applicant in the Consolidated Proceeding, Omni Bridgeway and Balance will each meet any such order in the following proportions:
 - (a) Omni Bridgeway to provide 50%; and
 - (b) Balance to provide 50%.

Pleadings

7. By 4:00 pm on 8 August 2023, the Consolidated Applicant in the Consolidated Proceeding shall file and serve a consolidated statement of claim.

Confidentiality

8. Pursuant to sections 37AF(1) and 37AG(1)(a) of the Act, there be no publication or other disclosure of the redacted material in:
 - (a) the Forbes Affidavit, and the exhibit thereto; and
 - (b) the affidavit of Paul George Forbes affirmed on 31 July 2023,



on the ground that it is necessary to prevent prejudice to the proper administration of justice.

Other

9. The Consolidated Proceeding be listed for a case management hearing at 9.30 am on 31 August 2023.

10. Costs be reserved.

Date that entry is stamped: 1 August 2023

Sia Lagos
Registrar