

**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
GROUP PROCEEDINGS LIST**

S ECI 2021 04738

BETWEEN

PAUL LEIGHTON MUMFORD

First Plaintiff

GAYLE MUMFORD

Second Plaintiff

and

EML PAYMENTS LTD

Defendant

ORDER

JUDGE: The Honourable Justice Nichols

DATE MADE: 2 October 2025

ORIGINATING PROCESS: Writ filed 16 December 2021

HOW OBTAINED: On the Court's own motion

ATTENDANCE: Not applicable

OTHER MATTERS: Not applicable

THE COURT ORDERS THAT:

Settlement Approval Application

- 1 By **4.00pm on 17 October 2025**, the Plaintiffs are to file and serve any evidence and submissions in relation to unregistered group members upon which they intend to rely at the Settlement Approval Application.
- 2 By **4.00pm on 24 October 2025**, the Defendant is to file and serve any evidence and submissions in relation to unregistered group members upon which it intends to rely at the Settlement Approval Application.
- 3 Leave be granted to Shine Lawyers to intervene and appear at the Settlement Approval Hearing listed on 30 October 2025.
- 4 By **4.00pm on 7 October 2025**, Shine Lawyers is to file and serve an affidavit explaining to the Court the arrangements it has put in place for the management of conflicts in



relation to the Settlement Approval Application (as defined in order 1 of the Orders made 29 July 2025) and the GCO Variation Application (as defined in order 5 below).

Group Costs Order Variation Application

- 5 By **4:00pm on 17 October 2025**, Shine Lawyers is to file and serve any evidence and submissions in support of its application that pursuant to section 33ZDA(3) of the *Supreme Court Act 1986* (Vic) (**Act**), Order 1(a) of the Orders made 6 December 2022 be varied such that the legal costs payable to the solicitors for the plaintiffs and group members (as defined in paragraph 1 of the Further Amended Statement of Claim dated 24 February 2025 (**Group Members**)), Shine Lawyers, be calculated as a percentage of the amount of any award or settlement that may be recovered in the proceeding, and that percentage be 30% (**GCO Variation Application**).
- 6 By **4:00pm on 28 November 2025**, the Contradictor (as appointed pursuant to further orders of the Court), the Plaintiffs and Defendant are to file and serve any evidence and submissions on which they intend to rely in relation to the GCO Variation Application.
- 7 By **4:00pm on 12 December 2025**, Shine Lawyers is to file and serve any submissions in reply in relation to the GCO Variation Application.
- 8 Shine Lawyers is not permitted to file any evidence in reply pursuant to order 7 above, except with leave of the Court.
- 9 The GCO Variation Application is listed for hearing before Justice Nichols at **10.30am on 28 January 2026**.

Further Settlement Notice to Group Members

- 10 Pursuant to sections 33X(4) and (5) and 33Y of the Act, the form and content of the Further Notice of Proposed Settlement to group members, set out in Schedule 1 to these Orders, is approved (**Further Settlement Notice**).
- 11 Pursuant to section 33Y of the Act, the Further Settlement Notice is to be distributed to Group Members by **4:00pm on 3 October 2025 (Further Settlement Notice Date)** in accordance with the following procedure:
 - (a) Shine Lawyers shall cause the Further Settlement Notice to be sent to each Registered Group Member:
 - (i) by email to the last known email address held by Shine Lawyers with respect to each Registered Group Member; or



- (ii) where no email address is held by Shine Lawyers, by post to the last known mailing address held by Shine Lawyers with respect to each Registered Group Member;
 - (b) Shine Lawyers shall cause a copy of the Further Settlement Notice, together with a copy of these orders, to be displayed on Shine Lawyers' website, and to remain continuously so displayed up to and including the final determination of the Plaintiffs' application for approval of the settlement pursuant to section 33V of the Act; and
 - (c) the Registry of the Supreme Court of Victoria shall display the Further Settlement Notice on the Court's website.
- 12 The Further Settlement Notice may be amended by Shine Lawyers before it is published or distributed in order to correct any typographical error, or any postal, website, or email address or telephone number or other non-substantive error.
- 13 If the Further Settlement Notice is amended by Shine Lawyers in accordance with order 12 above, Shine Lawyers shall provide a copy of the amended Further Settlement Notice to the Commercial Court Registry of the Supreme Court of Victoria by **4:00pm on 2 October 2025**.

Objections to the GCO Variation Application

- 14 Pursuant to s 33ZF of the Act, by **4:00pm on 31 October 2025**, any Group Member who wishes to object to the GCO Variation Application shall:
- (a) deliver to the Commercial Court Registry a completed Notice of Objection in the form of Annexure A to the Further Settlement Notice (**GCO Objection Notice**);
or
 - (b) submit the required information through the Supreme Court of Victoria's "Online Objection" facility at:

<https://www.supremecourt.vic.gov.au/areas/group-proceedings/eml-payments/gco-objection> (**GCO Online Objection**).
- 15 Each Group Member who wishes to object in accordance with order 14 above must complete the GCO Objection Notice or the GCO Online Objection by doing one of the following:
- (a) by personally signing or personally affixing their electronic signature;
 - (b) in the case of a corporation who is a Group Member, by a director of the corporation personally signing or personally affixing their electronic signature;



- (c) by the Group Member's solicitor personally authorised to act on behalf of the Group Member personally signing or personally affixing their electronic signature as that Group Member's solicitor;
 - (d) in the case of an executor of an estate which is a Group Member, by the executor personally signing or personally affixing their electronic signature; or
 - (e) in the case of a person holding a power of attorney for a Group Member, by the attorney personally signing or personally affixing their electronic signature.
- 16 The parties' solicitors, and Shine Lawyers, have leave to inspect the Court file and to:
- (a) copy any GCO Objection Notices filed by or on behalf of Group Members; and
 - (b) obtain information relating to any GCO Online Objections submitted by or on behalf of Group Members.

Confidentiality

- 17 For the purposes of material filed pursuant to these orders:
- (a) subject to further order, leave is granted to Shine Lawyers and the Plaintiffs to redact any material over which a claim of confidentiality is made and which it is contended ought not be disclosed to the Defendant, or to a member of the public;
 - (b) where a confidentiality claim is made over any material, Shine Lawyers or the Plaintiffs (as the case may be) must provide the Court with an unredacted version of the material that identifies the redactions made with a yellow highlight or overlay, with a document that identifies each redaction and a brief statement of the basis for each redaction, and a draft order in respect of confidentiality.

Appointment of contradictor

- 18 By **4.00pm on 2 October 2025**, Shine Lawyers and the plaintiffs are to jointly identify a list of three senior counsel who can appear as contradictor in relation to the GCO Variation Application.



DATE AUTHENTICATED: **2 October 2025**



The Honourable Justice Nichols



SCHEDULE 1



SUPREME COURT OF VICTORIA **FURTHER NOTICE IN RELATION TO THE PROPOSED** **SETTLEMENT**

EML PAYMENTS SHAREHOLDER CLASS ACTION

Paul Leighton Mumford and Gayle Mumford v EML Payments Limited
(PROCEEDING NUMBER: S ECI 2021 04738)

IMPORTANT COURT NOTICE **PLEASE READ CAREFULLY**

This notice contains important information about the proposed settlement of a class action against EML Payments Limited.

You should read this notice carefully as it may affect your legal rights. Any questions you have concerning this notice should not be directed to the Supreme Court of Victoria. If there is anything in this notice that you do not understand, you should seek legal advice.



A. WHY HAVE YOU RECEIVED THIS FURTHER NOTICE?

1. The Supreme Court of Victoria (**Court**) has ordered that you receive this further notice because, according to information contained in the share register of EML Payments Limited (**EML**), you may be a Group Member in the EML Payments Shareholder class action (**Class Action**). The Court has ordered this notice be published to inform you about an application by the solicitors for the Plaintiffs, Shine Lawyers, to vary the Group Costs Order which provides for the Plaintiffs' legal costs to be paid to Shine Lawyers as a percentage of the Settlement Sum.

B. WHAT IS THIS FURTHER NOTICE OF PROPOSED SETTLEMENT?

2. On 29 July 2025, the Court approved a Notice of Proposed Settlement (**Notice**) that was subsequently distributed to you and other Group Members.
3. The Court has approved this Further Notice of Proposed Settlement to be distributed to Group Members.
4. In the Notice of Proposed Settlement distributed to Group Members on 31 July 2025, the Notice referred to the amount the plaintiffs' lawyers will be paid, which has been set by the Court ahead of settlement in what is called a **Group Costs Order**. The Notice stated that:

"Unless the Court changes the current Group Costs Order, the plaintiffs' lawyers will be paid 24.5% (inclusive of GST) of the Settlement Sum to cover the legal costs they incurred and the legal risks they took in running the Class Action."

5. The solicitors for the plaintiffs, Shine Lawyers Pty Ltd (**Shine Lawyers**), have applied to the Court to vary the percentage of the Group Costs Order.
6. In its application, Shine Lawyers seeks a variation to the GCO to increase the percentage of the Settlement Sum payable to Shine Lawyers from 24.5% to 30% (**GCO Variation Application**).
7. The GCO Variation Application does **not** seek to vary the amount of the Settlement Sum. The GCO Variation Application made by Shine Lawyers only seeks to vary the percentage of the Group Costs Order payable to Shine Lawyers from the Settlement Sum.
8. The Court will determine the GCO Variation Application on 28 January 2026.



9. If the Court approves a variation to the Group Cost Order to 30%, this will mean that Group members will share no less than 68.5% of the Settlement Sum subject to the Court's approval of the deductions sought as set out in the Notice of Proposed Settlement.

C. WHAT ARE MY OPTIONS?

Option 1: Do nothing

10. If you do not wish to object to the GCO Variation Application, you do not need to do anything in response to this further notice.

Option 2: Object to the GCO Variation Application

11. Any Group Member (whether Registered or Unregistered) may, if they wish to do so, object to the GCO Variation Application. If you wish to do so, you **must** notify the Court in writing of your objection, by no later than **4:00pm (AEDT) on 31 October 2025**, by:
- (a) submitting a GCO Notice of Objection via the Supreme Court of Victoria website at <https://www.supremecourt.vic.gov.au/areas/group-proceedings/eml-payments/gco-objection> ; or
 - (b) completing the GCO Notice of Objection (which is also on pages 4 to 6 of this document and is also available for download from <https://www.supremecourt.vic.gov.au/areas/group-proceedings/eml-payments>) and emailing the completed Notice of Objection to the Commercial Court Registry of the Supreme Court of Victoria at this address: emlclassaction@supcourt.vic.gov.au.

D. MORE INFORMATION

12. You can obtain more information and relevant documents about the Class Action at:
- (a) <https://www.shine.com.au/service/class-actions/eml-payments-shareholder-class-action>; and
 - (b) <https://www.supremecourt.vic.gov.au/areas/group-proceedings/eml-payments>.
13. If you have any questions, please do not contact the Court. The Court staff are not permitted to give legal advice.



14. If you have any questions regarding the Class Action, you should contact Shine Lawyers by emailing emlclassaction@shine.com.au or seek independent legal advice without delay.



Annexure A

EML PAYMENTS SHAREHOLDER CLASS ACTION

GROUP MEMBER NOTICE OF OBJECTION TO APPLICATION TO VARY GROUP COSTS ORDER

Or you can object to the application to vary the Group Costs Order
online here:

<https://www.supremecourt.vic.gov.au/areas/group-proceedings/eml-payments/gco-objection>

SUPREME COURT OF VICTORIA

Paul Leighton Mumford & Anor v EML Payments Ltd (S ECI 2021 04738)

ONLY COMPLETE THIS NOTICE IF YOU OBJECT TO SHINE LAWYERS'
APPLICATION TO VARY THE GROUP COSTS ORDER

If you have opted out of the EML Payments Shareholder Class Action, you are
unable to object to the Group Costs Order.

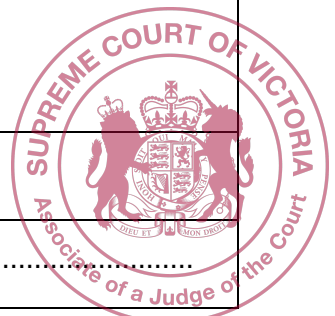
You must complete this form online via the Supreme Court of Victoria website
OR ensure that a completed objection notice reaches the Court by post or at the
email address below, by **4:00pm (AEDT) on 31 October 2025.**

Postal address:
Commercial Court Registry
Supreme Court of Victoria
210 William Street
MELBOURNE VIC 3000

Email address:
emlclassaction@supcourt.vic.gov.au

A. DETAILS OF OBJECTOR

Name of Group Member OR contact name (if different from name of Group Member)	
Capacity of person completing Notice of Objection (select one)	☐ Group Member
	☐ Director of



	☐ Executor for the estate of ☐ Power of attorney for..... ☐ Solicitor acting for.....
Telephone:	
Email Address:	
Postal Address:	
HIN/SRN under which EML securities were traded:	
Total number of EML Payments securities <u>purchased</u> by the objector during 19 December 2020 to 19 May 2021 and/or 18 August 2021 to 25 July 2022:	
Total number of EML Payments securities <u>sold</u> by the objector during 19 December 2020 to 19 May 2021 and/or 18 August 2021 to 25 July 2022:	
Are you a Registered Group Member: [Select]	☐ Yes ☐ No ☐ Unsure

Continued on next page



B. REASONS FOR OBJECTING TO APPLICATION TO VARY GROUP COSTS ORDER

Please explain in the box below why you are objecting to Shine Lawyers' application to amend the Group Costs Order. Please note if you are completing this form online there is a character limit.

C. SUBMISSIONS

I attach submissions in support of my objection: [Select]	☐ Yes (2 page limit) ☐ No
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D. SIGNING OF NOTICE:

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Please sign notice here

Date:.....

IMPORTANT NOTE – if you want this form to be considered by the Court you must ensure that you complete this form online via the Supreme Court of Victoria website OR ensure that a completed objection notice reaches the Court, at the email address above, by 4:00pm (AEDT) on 31 October 2025.

