



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID996/2017

**MICHAEL ROBERT LUKE (IN HIS CAPACITY AS THE CO-EXECUTOR OF THE ESTATE OF ROBERT COLIN LUKE, DECEASED)**

and others named in the schedule

Applicants

**AVEO GROUP LIMITED (ACN 010 729 950)**

Respondent

**ORDER**

**JUDGE:** JUSTICE ANDERSON

**DATE OF ORDER:** 27 October 2022

**WHERE MADE:** Melbourne

**THE COURT ORDERS BY CONSENT AND WITHOUT ADMISSION, NOTING THE USUAL UNDERTAKING TO THE COURT BY THE RESPONDENT, THAT:**

- 1 Stewart Alan Levitt of Levitt Robinson Solicitors be restrained from attending any meetings at Aveo villages up until 4 pm on 17 November 2022.
- 2 For the avoidance of doubt and without prejudice affecting the prior undertakings given by the partners of Levitt Robinson Solicitors and orders of the Court, order 1 above does not prevent Mr Levitt from responding to any queries pursuant to paragraphs 6, 60 and 61 of the Opt Out Notice approved by the Court on 15 September 2022.

**THE COURT FURTHER ORDERS BY CONSENT THAT:**

**Notice to group members**

- 3 Pursuant to sections 33X and 33Y of the *Federal Court of Australia Act 1976 (Cth) (Act)*, the terms of the notice set out in Annexure A to these orders (**Notice**) is approved.
- 4 Pursuant to section 33Y of the Act:
  - (a) within two business days from the date of this order:



- (i) the Applicants shall cause the Notice to be displayed on:
    - (A) the Applicants' solicitor's website at <http://levittrobinson.com/classactions> under the "Current Class Actions" and then "Aveo" tabs; and
    - (B) the Class PR website at <https://www.classpr.com.au/aveo/#>;
  - (ii) the District Registrar of the Victorian Registry of the Federal Court of Australia shall cause the Notice to be displayed on the Federal Court website at an address beginning <https://www.fedcourt.gov.au>,  
up to and including the Opt Out Deadline, being 21 November 2022.
- (b) within three business days of this order, Aveo shall cause the Mailing House to send the Notice by post and email, to each person identified as an Assumed Group Member in accordance with order 3(a) of the 12 September 2022 orders.

#### **Application by Aveo seeking relief with respect to Levitt Robinson Solicitors**

- 5 By 4pm on 2 November 2022, the Respondent file and serve an interlocutory application naming the legal entities against whom orders are sought, being orders in the form of the draft minute of order filed by the Respondent on 24 October 2022 (**Draft Orders**).
- 6 By 4pm on 3 November 2022, as to each of the nine paragraphs of allegedly misleading statements identified in the draft Corrective Letter annexed to the Draft Orders, Aveo particularise:
- (a) where the alleged misleading statements appear in either or both of the file notes at pages 196-197 (18 October 2022) and 199-202 (20 October 2022) of Exhibit JM-5 to the affidavit of John Mitchell affirmed 24 October 2022; and
  - (b) which particular prior orders of or undertakings to the Court are alleged to have been breached by the making of each alleged misleading statement;
- 7 The time for the parties to make applications for leave to issue subpoenas and notices to produce returnable on 9 November 2022 before the Registrar is abridged to 2 November 2022.
- 8 Mr Levitt and Levitt Robinson Solicitors file and serve any evidence in response to the evidence filed by the Respondent on 24 October 2022, by 10 November 2022.
- 9 The Respondent file and serve any evidence in reply by 15 November 2022.
- 10 The parties exchange submissions by 16 November 2022.



- 11 The interlocutory application of the Respondent seeking orders against Stewart Alan Levitt and the partners of Levitt Robinson Solicitors be set down for hearing on 17 November 2022 at 9.30 am.

**Application to vacate trial date**

- 12 The Applicants' interlocutory application seeking orders vacating the March 2023 trial and vacating previous timetabling orders (**Vacation Application**) be set down for hearing on 17 November 2022 at 9.30 am.
- 13 The Respondent file and serve any evidence and submissions in response to the Vacation Application by 9 November 2022.
- 14 The parties have leave to issue notices to produce returnable on 16 November 2022 before the Registrar.
- 15 The Applicants file and serve any evidence and submissions in reply in relation to the Vacation Application by 15 November 2022.

**Other**

- 16 The costs of and incidental to the hearing on 27 October 2022 be reserved.

Date that entry is stamped: 8 November 2022

*Sia Lagos*  
Registrar



**Schedule**

No. VID 996 of 2017

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Second Applicant: MEREDITH ANNE LUKE (IN HER CAPACITY AS THE CO-EXECUTOR OF THE ESTATE OF ROBERT COLIN LUKE, DECEASED)

Third Applicant: ANN MARY STROUD (IN HER CAPACITY AS THE CO-EXECUTOR OF THE ESTATE OF JOAN MARY COLOMBARI, DECEASED)

Fourth Applicant: NEIL BERNARD COLOMBARI (IN HIS CAPACITY AS THE CO-EXECUTOR OF THE ESTATE OF JOAN MARY COLOMBARI, DECEASED)