



Federal Court of Australia
District Registry: New South Wales

No: NSD1590/2012

KATHRYN GILL and others named in the schedule
Applicant

ETHICON SARL and another named in the schedule
Respondents

Division: General

No: NSD310/2021

LISA TALBOT
Applicant

ETHICON SARL and others named in the schedule
Respondent

ORDER

JUDGE: JUSTICE LEE

DATE OF ORDER: 21 September 2023

WHERE MADE: Sydney

THE COURT ORDERS THAT:

Adoption of the Referee's Report

1. Pursuant to s 54A(3) of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**), the Report of the Honourable J L B Allsop AC (**referee**), dated 8 September 2023, be adopted in full (**Report**).

Payment of the Referee's and Counsel Assisting's costs and disbursements

2. Pursuant to s 33V(2) of the *FCA Act*, the costs and disbursements of the referee and counsel assisting, Ms Aditi Rao, be deducted from the settlement fund.

Settlement Distribution Scheme

3. Pursuant to s 33V(2) of the *FCA Act*, the amended settlement distribution scheme put forward by BDO, JGA Saddler and Slater and Gordon, a copy of which appears as Exhibit 3 to the Report (**Settlement Distribution Scheme**), be approved.



4. BDO, JGA Saddler and Slater and Gordon (**Administrators**) be appointed, jointly and severally, to administer the Settlement Distribution Scheme in accordance with its terms.

Data Transfer to Administrators

5. Within 14 days of the date of this Order, Shine Lawyers prepare a handover plan for the orderly handover of all hardcopy and electronic files required for the administration of the Settlement Distribution Scheme. The handover plan is to be provided to the Administrators and, if necessary, the Court.
6. Shine Lawyers deliver to the Administrators all documents required for the administration of the Settlement Distribution Scheme within a period of three months from the date of this Order. If Shine Lawyers is unable to effect a transfer of data within that time period, they immediately notify the Administrators and the Court and provide an updated time period in which the transfer can be completed.
7. Liberty be granted to Shine Lawyers to apply for a disbursement from the settlement fund in respect of the costs of and incidental to the collection, organisation and transfer of data by Shine Lawyers to the Administrators.

Costs

8. The time by which Mr Roland Matters (**Costs Referee**) is to provide his report to the Court in accordance with Orders 9 and 10 of the Orders dated 26 May 2023 (**Costs Report**) be extended to 18 September 2023.
9. Within 14 days of the Costs Referee providing the Costs Report to the Court, Shine Lawyers file and serve:
 - (a) an affidavit in relation to any costs and disbursements incurred after 27 May 2023 in respect of which an order pursuant to s 33V(2) of the FCA Act is sought; and
 - (b) written submissions, of not more than two pages, in support of approval of a disbursement from the settlement fund of any such costs.

Date that entry is stamped: 21 September 2023



Sia Lagos
Registrar



Schedule

No: NSD1590/2012

Federal Court of Australia
District Registry: New South Wales
Division: General

Second Applicant	DIANE DAWSON
Third Applicant	ANN SANDERS
Second Respondent	ETHICON, INC.
Third Respondent	JOHNSON & JOHNSON MEDICAL PTY LIMITED ACN 000 160 403

No: NSD310/2021

Federal Court of Australia
District Registry: New South Wales
Division: General

Second Respondent	ETHICON, INC.
Third Respondent	JOHNSON & JOHNSON MEDICAL PTY LIMITED ACN 000 160 403



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD244/2021

DEBRA FOWKES

Applicant

BOSTON SCIENTIFIC CORPORATION and another named in the schedule

Respondent

ORDER

JUDGE: JUSTICE LEE

DATE OF ORDER: 21 September 2023

WHERE MADE: Sydney

THE COURT ORDERS THAT:

Adoption of the Referee's Report

1. Pursuant to s 54A(3) of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**), the Report of the Honourable J L B Allsop AC (**referee**), dated 8 September 2023, be adopted in whole (**Report**).

Payment of the Scheme Referee's and Counsel Assisting's costs and disbursements

2. Pursuant to s 33V(2) of the FCA Act, the costs and disbursements of the referee and counsel assisting, Ms Aditi Rao, be deducted from the settlement fund.

Settlement Distribution Scheme

3. Pursuant to s 33V(2) of the FCA Act, the amended settlement distribution scheme put forward by BDO, JGA Saddler and Slater and Gordon, a copy of which appears as Exhibit 3 to the Report (**Settlement Distribution Scheme**), be approved.
4. BDO, JGA Saddler and Slater and Gordon (**Administrators**) be appointed, jointly and severally, to administer the Settlement Distribution Scheme in accordance with its terms.

Data Transfer to Administrators



5. Within 14 days of the date of this Order, Shine Lawyers prepare a handover plan for the orderly handover of all hardcopy and electronic files required for the administration of the Settlement Distribution Scheme. The handover plan is to be provided to the Administrators.
6. Shine Lawyers deliver to the Administrators all documents required for the administration of the Settlement Distribution Scheme within a period of three months from the date of this order. If Shine Lawyers is unable to effect a transfer of data within that time period, they immediately notify the Administrators and the Court and provide an updated time period in which the transfer can be completed.
7. Liberty be granted to Shine Lawyers to apply for a disbursement from the settlement fund in respect of the costs of and incidental to the collection, organisation, and transfer of data by Shine Lawyers to the Administrators.

Costs

8. The time by which Mr Roland Matters (**Costs Referee**) is to provide his report to the Court in accordance with the Orders dated 4 July 2023 (**Costs Report**) be extended to 2 October 2023.
9. Within 14 days of the Costs Referee providing the Costs Report to the Court, Shine Lawyers file and serve:
 - (a) an affidavit in relation to any costs and disbursements incurred after 27 May 2023 in respect of which an order pursuant to s 33V(2) of the FCA Act is sought; and
 - (b) written submissions, of not more than two pages, in support of approval of a disbursement from the settlement fund of any such costs.

Date that entry is stamped: 21 September 2023

Sia Lagos
Registrar



Schedule

No: NSD244/2021

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Respondent **BOSTON SCIENTIFIC PTY LIMITED**