

IN THE SUPREME COURT OF VICTORIA
COMMON LAW DIVISION
GROUP PROCEEDINGS LIST

S ECI 2024 01683

BETWEEN:

ELWYN GONSALVEZ & ORS (according to the Schedule attached)

Plaintiffs

- and -

EMERGENCY SERVICES SUPERANNUATION BOARD

Defendant

ORDER

JUDGE: The Honourable Justice Watson

DATE MADE: 3 November 2025

ORIGINATING PROCESS: Writ filed 11 April 2024

HOW OBTAINED: Following the hearing on 29 October 2025

ATTENDANCE: Mr M Costello KC of counsel for the plaintiffs
Mr C O H Parkinson KC with Mr R Minson of counsel for the defendant

OTHER MATTERS: A. This order is signed by the Judge pursuant to r 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2025* (Vic)

THE COURT ORDERS THAT:

Pre-Mediation Information

1. Pursuant to s 33ZF of the *Supreme Court Act 1986* (Vic), on or before **4:00pm** on **28 November 2025** the defendant shall provide the plaintiffs with:
 - (a) a list, in Microsoft Excel form, containing the following information for each person who, between 1 December 2005 and 22 April 2024 became a former member of the Transport Fund:
 - i. the date on which the former member's defined benefit was calculated;
 - ii. the date on which the former member's defined benefit was paid;



- iii. the “final average salary” applied by the defendant in the calculation of that member’s defined benefit;
 - iv. the “accrued benefit multiple” applied by the defendant in the calculation of that member’s defined benefit;
 - v. the employer(s) with whom the person was employed in the two years prior to the defendant’s calculation of that member’s defined benefit; and
- (b) the total number of current members of the Transport Fund.
2. The information in order 1 is to be kept confidential and only used by the plaintiffs’ solicitors for the limited purpose of preparing for mediation, or assisting in any negotiations directed at the potential resolution of the matter.

Mediation

3. Order 13 of the orders made by the Honourable Justice Watson on 1 July 2025 be vacated.

Lay and expert evidence

4. By **2 February 2026**, the plaintiffs are to file and serve:
- (a) any lay witness statements on which they intend to rely at trial (document identifiers are to cross refer to the pages in their respective paginated bundles);
 - (b) any expert evidence on which they intend to rely at trial (document identifiers are to cross refer to the pages in their respective paginated bundles); and
 - (c) a bundle containing all documents referred to in the evidence;
 - i. in fully text-searchable PDF format;
 - ii. with page numbers that correspond with the display page numbers of the PDF; and
 - iii. bookmarked with the short-form name of each document.
5. By **1 May 2026** the defendant is to file and serve:



- (a) any lay witness statements on which it intends to rely at trial (document identifiers are to cross refer to the pages in their respective paginated bundles);
- (b) any expert evidence on which it intends to rely at trial (document identifiers are to cross refer to the pages in their respective paginated tender bundles); and
- (c) a bundle containing all documents referred to in the evidence ;
 - i. in fully text-searchable PDF format;
 - ii. with page numbers that that correspond with the display page numbers of the PDF; and
 - iii. bookmarked with the short-form name of each document.

Statement of agreed facts

- 6. On or before **11 May 2026**, the parties are to provide to the Trial Judge's Chambers a statement of agreed facts for the purpose of the initial trial of the proceeding which the parties have agreed are not, for the purpose of the initial trial, to be disputed.

Case management conference

- 7. The proceeding is listed for a further case management conference at **9:30am** on **15 May 2026**.

Other

- 8. Costs reserved.
- 9. Liberty to apply.

DATE AUTHENTICATED: 3 November 2025



THE HONOURABLE JUSTICE WATSON



SCHEDULE OF PARTIES

S ECI 2024 01683

ELWYN GONSALVEZ

First Plaintiff

SEBASTIANO FERRARO

Second Plaintiff

BASIL SEVENTIS

Third Plaintiff

- AND -

**EMERGENCY SERVICES SUPERANNUATION
BOARD**

Defendant

