

## ORDERS

### COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
Registry	Sydney
Case number	2014 / 223271

### TITLE OF PROCEEDINGS

Plaintiff **David Moore**

Defendant **Scenic Tours Pty Limited**

### TERMS OF ORDER MADE BY THE COURT

The Court Orders:

- 1 Pursuant to s 162 of the Civil Procedure Act (hereafter 'the Act'), 4.00pm 22 May 2015 is fixed as the date by which a group member may opt out of this proceeding (hereafter the "opt out date").
- 2 Pursuant to ss 175(1)(a) and 176(1) of the Act, the Court approves the form and content of the proposed notice of opt out to group members (hereafter "the notice") attached to these orders.
- 3 Pursuant to s 176(2) of the Act, notice is to be given to group members of the right to opt out in the following way:
  - (a) On or before 3 April 2015, the defendant is (pursuant to s 176(3(a)) of the Act) to provide to the plaintiff's solicitor the names and address details of all persons who booked and paid the defendant for river cruises in Europe scheduled for the period from 10 May 2013 to 14 June 2013;
  - (b) On or before 17 April 2015, the plaintiff (at his expense) is to send by email or (if there is no email address recorded in the information supplied by the defendant referred to in (a)) the postal address the notice;
  - (c) by no later than 24 April 2015, the plaintiff, by his legal representative and at his expense, is to cause the notice to be published in the legal notice of *The Australian* newspaper;

(d) by no later than 17 April 2015, the plaintiff's solicitor is to cause the notice to be displayed on the firm's website, and would cause the notice to remain displayed until the opt out date

4 Direct that if the legal representatives for either party receive a document purporting to be an opt-out notice on or before 22 May 2015, the legal representative is to file the notice within 7 days of receipt whereupon the document is to be treated as a regularly received opt out notice pursuant to the Court's orders.

**SEAL AND SIGNATURE**

Court seal

Signature

Capacity

Date

**NOTICE**

Subject to limited exceptions, no variation of a judgment or order can occur except on application made within 14 days after entry of the judgment or order.

[Include the following section if the document is to be provided to the Registrar for sealing under UCPR 36.12.]