

ANNEXURE B

SUPREME COURT OF NEW SOUTH WALES WALLA WALLA GEROGERY BUSHFIRE CLASS ACTION

WEBER
v
GREATER HUME SHIRE COUNCIL
(2015 / 368036)

IMPORTANT NOTICE

NOTICE OF SETTLEMENT AND DISTRIBUTION OF SETTLEMENT SUM

This notice relates to a class action that has been commenced in the Supreme Court of New South Wales. The Supreme Court has ordered that this notice be published to inform people about the settlement of the class action, and the distribution of the settlement sum to group members.

You are receiving this notice because you have registered with Maddens Lawyers, the plaintiff's solicitors, as a group member in the class action.

You should read this notice carefully as the matters set out below may affect your legal rights.

1. The Class Action

Ms Sharon Weber (**plaintiff**) commenced this class action against Greater Hume Shire Council (**defendant**) on her own behalf and on behalf of all those who suffered loss as a result of a fire in Walla Walla and Gerogery which started on 17 December 2009 (**Walla Walla/Gerogery fire**). Persons fitting that description are defined in this class action as "**group members**".

63 group members have registered claims with Maddens Lawyers (**Group Members**).

On 17 April 2019, the Supreme Court gave judgement for the plaintiff against the defendant in the amount of \$104,400 plus interest and costs. The defendant's appeal to the High Court was dismissed.

The judgment of the Supreme Court entitles each Group Member to a judgment in the amount of their individual claim plus interest and costs, once the Court has assessed that claim or it is agreed with the defendant.

2. The settlement, and distribution of the settlement sum

The plaintiff and the defendant have agreed to settle individual claims of Group Members in the class action. The terms of the settlement are set out in a Deed of Settlement (**Settlement Deed**) under which the defendant has agreed to pay a lump sum of \$16,000,000 inclusive of interest (**settlement sum**). As part of the settlement, the Court will enter judgment for the Group Members against the defendant in the sum of \$16,000,000 inclusive of interest, with no order as to costs.

A copy of the Settlement Deed that sets out the terms of the settlement is available to Group Members from Maddens Lawyers if you wish to inspect a copy.

Because of the Supreme Court's rules for class actions, the settlement between the plaintiff and the defendant cannot take effect without Court approval. On 6 March 2020 the Court provisionally

approved: -

- (a) the settlement; and
- (b) a scheme for the distribution of the settlement sum to Group Members (**Scheme**).

It is important that you are aware that:

- (a) as a Group Member you are entitled to receive your share of the settlement sum in accordance with the Scheme;
- (b) you are bound by the settlement and are not be able to commence your own proceedings against the defendant or advance any other individual claim against it for any loss suffered as a result of the Walla Walla/Gerogery fire.

Group Members can contact Maddens Lawyers on 1800 815 228 for further information in relation to the settlement.

3. How will the settlement sum be distributed?

The balance of the settlement sum will be distributed to Group Members in accordance with the Scheme after deduction of an amount towards the plaintiff's legal costs, which will be approved on a later date as part of the settlement approval process.

Under the Scheme, the final assessed loss of each Group Member will be determined by the Administrator of the Scheme. The determination of the assessed loss will be based on the information which Maddens Lawyers has received and obtained in relation to each Group Member's loss and damage and personal injury. That information includes information provided by Group Members and assessments conducted by an independent loss assessor engaged to assess Group Member claims. The procedures to determine the final assessed loss of Group Members are intended to minimise the overall costs of the process.

It is anticipated that under the settlement all Group Members will receive 100% of their assessed loss, plus interest on certain heads of loss, after deduction of an amount towards the plaintiff's legal costs from the settlement sum.

A copy of the Scheme is attached to this notice.

4. Will Group Members be liable for legal costs?

The costs which the plaintiff has incurred in running the class action for the benefit of all of the Group Members, including of the assessments conducted by an independent loss assessor engaged to assess Group Member claims, and the costs of Maddens Lawyers administering the Scheme, will be paid out of the overall settlement sum received from the defendant. There will not be any additional liability in respect of those costs for Group Members.

5. Plaintiff's Reimbursement Payment

The plaintiff will receive \$40,000 from the settlement sum. This payment is intended to compensate her for the cost risk she undertook and the personal burden of being the lead plaintiff, a role which has benefitted Group Members as a whole. This amount is in addition to the amount she has already received by way of compensation for property loss suffered as a result of the Walla Walla/Gerogery fire.

6. What will happen in the coming weeks?

Group Members will have their claims assessed in accordance with the Scheme to determine their individual compensation entitlements from the settlement sum.

Final approval for the settlement agreement including any amount to be paid towards the plaintiff's legal costs from the settlement sum will be determined by the Court at 9.30am on 1 May 2020. If you wish to be heard in opposition to final approval you are entitled to appear before the Supreme Court, Court 11C, Queen Square Sydney at that time.

Group Members will receive their individual compensation entitlements from the settlement sum after final approval is granted.

7. What You Must Do

There are only two options which you must consider.

Option 1 If you support the settlement then you do not need to do anything. If the settlement is finally approved, you will be entitled to receive your share of the settlement sum in accordance with the Scheme.

Option 2 If you oppose the settlement and wish to be heard in opposition to final approval you should inform Maddens by **24 April 2020** in writing of your objection(s) to final approval which you propose to put before the Court. You should come to Court on **1 May 2020** to argue your objection.

8. Addresses for questions

If you have any questions about the settlement or this notice, you can contact Maddens Lawyers at any time, or seek your own independent legal advice.

Contact details for Maddens Lawyers

Walla Walla Gerogery Bushfire Class Action
Maddens Lawyers
219 Koroit Street
Warrnambool VIC 3280
Telephone: (03) 5560 2000
Email: jlw@maddenslawyers.com.au