

ANNEXURE A

SUPREME COURT OF NEW SOUTH WALES

Dunne & Anor v Moin & Associates Pty Ltd

Proceeding 2021/10183

IMPORTANT NOTICE

1. Why is this notice important?

A representative action has been commenced in the Supreme Court of New South Wales by Christopher John Dunne and Linda Margaret Waters (the plaintiffs) against Moin & Associates Pty Ltd (the defendant).

The representative action claims damages for the plaintiffs and group members in respect of loss alleged suffered by them as a result of fraudulent conduct of a former employee of the defendant, Mrs Sandra Henri Edmonds, for which the plaintiffs allege the defendant is vicariously liable.

The Supreme Court of NSW has ordered that this notice be published for the information of persons who might be members of the group on whose behalf the action is brought and may be affected by the action. If you think that you may be a group member, then you should **should read this notice carefully. Any questions you have concerning the matters contained in this notice should not be directed to the court.** If there is anything you do not understand, you should seek legal advice.

2. What is a representative action?

A representative action is an action, commonly known as a class action, that is brought by one or more persons (“**the plaintiff(s)**”) on their own behalf and on behalf of a group of people (“**group members**”) against another person (“**the defendant**”) where the plaintiff(s) and the group members have similar claims against the defendant.

Group members are bound by any judgment or settlement entered into in the representative action unless they have opted out of the proceeding. This means that:

- (a) If the representative action is successful, group members may be eligible for a share of any settlement monies or Court-awarded damages;
- (b) If the representative action is unsuccessful, group members are bound by that result
- (c) Regardless of the outcome of the representative action, group members will not be able to pursue their claims against the defendant in separate legal proceedings unless they have opted out.

3. What is Opt Out?

The plaintiff in a representative action does not need to seek the consent of group members to commence a representative action on their behalf or to identify a specific group member. However, group members can cease to be group members by opting out of the representative action. An explanation of how group members are able to opt out is found

below in the section headed “How can you opt out of the proceeding”.

4.What is this representative action?

This representative action is brought by the plaintiffs (“**the plaintiffs**”) on their own behalf and on behalf of all persons who are “**group members**” as defined in the proceeding.

The plaintiffs claim that the defendant is vicariously liable for the fraudulent conduct of its former employee Mrs Sandra Henri Edmonds. The relevant fraudulent conduct was the purported sale of shares in Base Air Suspension Pty Ltd and DSJSE Pty Ltd by Mrs Edmonds to various persons during the period between June 2014 and October 2017. The plaintiffs claim that the defendant is liable for that conduct because it is alleged that conduct was done in the course of Mrs Edmonds’ employment.

The defendant is defending the proceedings. The defendant does not admit that Ms Edmonds made the fraudulent representations alleged by the plaintiffs and otherwise denies liability. The defendant denies that Mrs Edmonds’ alleged conduct was carried out during the course of her employment with Moin & Associates. The defendant also denies that it had any knowledge of Ms Edmonds’ alleged conduct at the time the conduct is alleged to have occurred.

5.Are you a group member?

You may be a group member if you:-

- (a) between June 2014 and October 2017, engaged Moin & Associates either directly or through its trading name Northern Star Conveyancing to provide legal services, including conveyancing work, and received legal services, including conveyancing work, from Moin & Associates;
- (b) between June 2014 and October 2017, were invited by Mrs Edmonds, either directly or through an agent who made representations on behalf of Mrs Edmonds, to purchase shares in Base Suspension Pty Ltd ACN 114 800 734 by purchasing shares in DSJSE Pty Ltd ACN 600 083 789;
- (c) between June 2014 and October 2017, were purportedly sold shares in Base Suspension by Mrs Edmonds;
- (d) between June 2014 and October 2017, provided funds to DSJSE or Mrs Edmonds to purchase shares in Base Suspension; and
- (e) are listed in Schedule 1 to the Amended Statement of Claim filed in the Supreme Court of New South Wales on 29 November 2022.

If you are unsure whether or not you are a group member, you should contact APJ Law on (02) 6776 4500 or email armrec@apjlaw.com.au or seek your own legal advice without delay.

6.Will you be liable for legal costs?

You will not become liable for any legal costs simply by remaining as a group member for the determination of the common questions. However:

- (a) if the preparation or finalisation of your personal claim requires work to be done

in relation to issues that are specific to your claim, you can engage APJ Law or other lawyers to do that work for you. A copy of the terms on which APJ Law are acting in the representative action may be obtained from them on the number shown below;

- (b) if any compensation becomes payable to you as a result of any order, judgment or settlement in the representative action, the Court may make an order that some of that compensation be used to help pay a share of the costs which are incurred by the plaintiffs in running the representative action but which are not able to be recovered from the defendant; and
- (c) representative actions are often settled out of court. If this occurs in the representative action, you may be able to claim from the settlement amount without retaining a lawyer.

7.What will happen if you choose to remain a group member?

Unless you opt out, you will be bound by the outcome of the representative action. If the representative action is successful, you will be entitled to share in the benefit of any order, judgment or settlement in favour of the plaintiffs and group members. (In some cases you may have to satisfy certain conditions before your entitlement arises.) If the action is unsuccessful or is not as successful as you might have wished, you will not be able to sue on the same claim in any other proceedings.

8.How can you remain a group member?

If you wish to remain a group member there is **nothing you need to do** at the present time. The plaintiffs will continue to bring the proceeding on your behalf up to the point where the Court determines those questions that are common to the claims of the plaintiffs and the group members.

9.How can you opt out of the representative action?

If you do not wish to remain a group member you must opt out of the representative action.

If you opt out you will not be bound by or entitled to share in the benefit of any order, judgment or settlement in the representative action, but you will be at liberty to bring your own claim against the defendant, provided that you issue court proceedings within the time limit applicable to your claim.

If you wish to bring your own claim against the defendant, you should seek your own legal advice about your claim and the applicable time limit **before** opting out.

If you wish to opt out of the representative action you **must** do so by completing an “**Opt Out Notice**” in the form provided with this notice, then returning it to the Registrar of the Supreme Court of NSW at the address on the form. **IMPORTANT: the Notice must reach the Registrar by no later than 4pm on 7 July 2022**, otherwise it will not be effective.

Each group member should fill out a separate form.

10. Where can you obtain copies of relevant documents?

You can obtain copies of the relevant documents by:-

- (a) inspecting them between 9am and 5pm at the Armidale office of APJ Law, contact details for which are available from www.apjlaw.com.au or by calling (02) 6776 4500.
- (b) inspecting them on the Supreme Court's website at https://www.supremecourt.justice.nsw.gov.au/Pages/sco2_classaction/sco2_class_action.aspx.

Please consider the above matters carefully. If there is anything of which you are unsure, you should contact APJ Law on (02) 6776 4500 or email armrec@apjlaw.com.au or seek your own legal advice. You should not delay in making your decision.

APJ Law contact details

Website: www.apjlaw.com.au

Email: armrec@apjlaw.com.au

Telephone: (02) 6776 4500

This Notice is published pursuant to the orders of the Supreme Court of New South Wales made on 2 June 2023.