

**SUPREME COURT OF VICTORIA**

**GARVOC FIRE CLASS ACTION**

**FRANCIS**

**v**

**POWERCOR AUSTRALIA LIMITED LTD and ELECTRIX PTY LIMITED**

**(S CI 2018 01113)**

**IMPORTANT NOTICE**

**GM NOTICE OF PROPOSED SETTLEMENT OF GARVOC FIRE CLASS ACTION**

The Supreme Court has ordered that this notice be published to inform group members about a proposed settlement of the class action. You should read this notice carefully as the matters set out below may affect your legal rights.

**The Class Action**

Mr Andrew Francis (**plaintiff**) commenced this class action on his own behalf and on behalf of all those who suffered loss as a result of the bushfire which started at 974 Sisters-Garvoc Road, The Sisters, Victoria on 17 March 2018 (**Garvoc Fire**).

**Group Members**

You are a group member in the class action if you:

- (a) suffered personal injury (whether physical or psychiatric); and/or
- (b) suffered loss of or damage to property; and/or
- (c) resided in the Garvoc Fire area or had real or personal property in the area and suffered economic loss

as a result of the Garvoc Fire.

Psychiatric injury in paragraph (a) means nervous shock or another psychiatric or psychological injury, disturbance, disorder or condition which has been diagnosed as such in a diagnosis given to a person by a medical practitioner prior to 1 March 2019.

The above includes injury and loss resulting from emergency action taken by any person in response to the Garvoc Fire.

You are also a group member if you are the legal personal representative of the estate of any deceased person who would otherwise have qualified as a group member.

In addition to the plaintiff, 40 group members have registered claims with Maddens Lawyers. Those group members are referred to as Registered Group Members (**RGMs**).

**Proposed Settlement**

The parties have agreed to a settlement of the class action.

The settlement cannot take effect without Court approval. The plaintiff has asked the Court to approve: -

- (a) the proposed settlement;
- (b) the payment of the plaintiff's legal costs from the settlement sum; and
- (c) a scheme for the distribution of the balance of the settlement sum to RGMs (**Settlement Distribution Scheme**).

The Court will consider whether or not to approve the settlement, the plaintiff's legal costs and the Settlement Distribution Scheme on a date to be fixed in the week beginning 25 November 2019.

If the settlement is approved, only RGMs will be entitled to participate in the settlement and receive compensation. RGMs will be entitled to participate in the settlement in accordance with the terms of the Settlement Distribution Scheme. RGMs will also be bound by the settlement and will not be able to bring any other claim against the defendants for any loss suffered as a result of the Garvoc Fire.

Group members who suffered loss as a result of the Garvoc Fire but who are not RGMs will **not** be entitled to participate in the settlement or receive compensation under the Settlement Distribution Scheme. Those group members **will be** bound by the settlement and will **not** be entitled to bring a separate claim against the defendants for any loss suffered as a result of the Garvoc Fire.

If you are unsure whether you are a RGM (and therefore entitled to participate in any settlement that may be approved) or a group member, please contact Maddens Lawyers on 1800 815 228 or seek your own legal advice immediately.

### **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.

Option 2      If you oppose the settlement and wish to object then you must complete the 'Notice of Objection to Proposed Settlement' which is Annexure A to this Notice. You must return the Notice to Maddens Lawyers or the Supreme Court of Victoria Registry before **4.00pm** on **18 November 2019**. You may be invited to come to Court on a date to be fixed in the week beginning 25 November 2019 to argue your objection.

If you are not sure what to do, you should contact Maddens Lawyers or seek independent legal advice. You must act quickly because the deadline for objections is **4.00pm** on **18 November 2019**.

### **When your Objection will be Considered**

The Court has ordered that any objections to the proposed settlement (made in accordance with Option 2 above) will be considered by the Court at the Supreme Court, Melbourne, Victoria on a date to be fixed in the week beginning 25 November 2019.

If there are no objections, or the objections are overruled, then the proposed settlement will be given final approval by the Court. It will then take effect. When it takes effect, RGMs will have their claims assessed in accordance with the Settlement Distribution Scheme to determine their compensation entitlements.

### **Addresses for questions**

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

### **Contact details for Maddens Lawyers**

Garvoc Fire Class Action

Maddens Lawyers

219 Koroit Street

Warrnambool VIC 3280

Telephone: (03) 5560 2000

Email: [cvw@maddenslawyers.com.au](mailto:cvw@maddenslawyers.com.au)

**Contact details for the Supreme Court of Victoria**

Note: Questions you have concerning the matters contained in this notice should **not** be directed to the Court.

Principal Registry

Supreme Court

210 William Street, Melbourne, Victoria, 3000

Telephone: 03 9603 9300

Fax: 03 9603 9400

Email: [cldclassactions@supremecourt.vic.gov.au](mailto:cldclassactions@supremecourt.vic.gov.au)

## Annexure A

Francis v Powercor Australia Limited and Electrix Pty Limited S CI 2018 01113

*Garvoc Fire Class Action*

### NOTICE OF OBJECTION TO PROPOSED SETTLEMENT

The person identified below:

1. was affected by the Garvoc Fire; and
2. is a group member in this class action; and
3. wishes to object to the proposed settlement of the class action.

The group member's contact details are as follows:

Name of group member:

Telephone number:

Postal address:

Email address:

Signed:

If nominating a contact person who is not the named group member, please state the contact's name and relationship to the group member:

The group member has read the "Notes for Objectors" below: Yes / No (circle one)

**Notes for Objectors:** Orders [5 and 7] of the Court's Orders made on **24 October 2019** require that Objectors deliver to Maddens Lawyers or the Supreme Court of Victoria Registry, by **4.00 pm** on **18 November 2019**, any written submissions (not exceeding 2 pages in length) and any affidavit evidence the Objector wishes to rely on in support of their objection to the proposed settlement.