

**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
GROUP PROCEEDINGS LIST**

S ECI 2019 02919

BETWEEN:

MOIRA SHIRE COUNCIL

First Plaintiff

HOBSONS BAY CITY COUNCIL

Second Plaintiff

- and -

JLT RISK SOLUTIONS PTY LTD (ABN 69 009 098 864)
formerly called JARDINE LLOYD THOMPSON PTY LTD
(ABN 69 009 098 864)

Defendant



JUDGE:

The Honourable Justice Lyons

DATE MADE:

18 September 2023

ORIGINATING PROCESS:

Writ filed on 28 June 2019

HOW OBTAINED:

Pursuant to Rule 59.07 of the *Supreme Court
(General Civil Procedure) Rules 2015* and of the
Court's own motion

ATTENDANCE:

N/A

OTHER MATTERS:

A. This Order is signed by the Judge of the
Court making the Order pursuant to Rule
60.02(1)(b) of the *Supreme Court (General
Civil Procedure) Rules 2015*

THE COURT ORDERS BY CONSENT THAT:

1. The form and content of the:

- (a) notice set out at Schedule A to these orders (**'JLT Victoria Settlement Notice'**); and
- (b) covering email set out at Schedule B to these orders (**'Covering Email'**),

are approved for the purpose of s 33Y of the *Supreme Court Act 1986* (Vic).

2. The JLT Victoria Settlement Notice and Covering Email, as approved pursuant to paragraph 1 above, may be amended before they are emailed, posted, displayed or published in order to correct any website or email address or telephone number or other non-substantive error.

Distribution of proposed settlement notice

3. By **4:00pm on 19 September 2023**, the solicitors for the plaintiffs shall cause each group member to be sent the JLT Victoria Settlement Notice and Covering Email.
4. By **4:00pm on 19 September 2023**, the District Registrar of the Supreme Court of Victoria shall cause the JLT Victoria Settlement Notice to be posted on the Supreme Court of Victoria website.

THE COURT ORDERS THAT:

Group member objections to the proposed settlement

5. By **4:00pm on 16 October 2023**, any group member who wishes to object to the proposed settlement (**‘objector’**) must complete a Notice of Objection in the form set out at Annexure 1 to the JLT Victoria Settlement Notice and send it to the Court either:

- (a) by email to the registry of the Supreme Court of Victoria at the email address: commercialcourt@supcourt.vic.gov.au; or
- (b) by post to the postal address:

JLT Risk Solutions Class Action
Commercial Court Registry
Supreme Court of Victoria
210 William Street
Melbourne Victoria 3000

6. Leave is granted to solicitors for the parties to inspect the Court file for, and make copies of, any Notices of Objection and any evidence or submissions filed in support in relation to the proposed settlement.
7. Any objector who has complied with paragraph 5 may attend the hearing of the summons filed on 3 July 2023 seeking approval of the settlement (**‘Settlement Approval Hearing’**) in person and seek leave to be heard for



that purpose, but must use reasonable endeavours to notify the solicitors for the plaintiffs of their intention to do so, in writing, 14 days before the hearing of the Settlement Approval Hearing.

Further materials

8. By **4:00pm** on **23 October 2023**, the plaintiffs are to file and serve:
 - (a) an affidavit deposing to compliance with paragraph 3 above; and
 - (b) any further evidence and written submissions in support of the Settlement Approval Hearing, including with respect to group member objections.
9. By **4:00pm** on **27 October 2023**, the defendant is to file and serve any further evidence and submissions in relation to the Settlement Approval Hearing.

Other

10. The hearing of the Settlement Approval Hearing be listed at **10:00am** on **15 November 2023**.
11. Costs reserved.
12. Liberty to apply.

DATE AUTHENTICATED: 19 SEPTEMBER 2023



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THE HONOURABLE JUSTICE LYONS

SCHEDULE A
NOTICE OF PROPOSED
DISCONTINUANCE
IMPORTANT LEGAL NOTICE

Moira Shire Council & Anor

v

*JLT Risk Solutions Pty Ltd (ABN 69 009 098 864) (formerly
called Jardine Lloyd Thomson Pty Ltd)*

*Supreme Court of Victoria, Proceeding No. S ECI 2019
02919*

**THE JLT RISK SOLUTIONS GROUP PROCEEDING
(CLASS ACTION)**

This notice contains important information about the representative proceeding commenced by Moira Shire Council and Hobsons Bay City Council (collectively, the **Plaintiffs**) against JLT Risk Solutions Pty Ltd (formerly called Jardine Lloyd Thomson Pty Ltd) (**JLT Victoria Class Action**). You should read this notice carefully. If there is anything that you do not understand, you should seek legal advice.

On 28 June 2019, the JLT Victoria Class Action was commenced in the Supreme Court of Victoria (the **Court**) against JLT Risk Solutions Pty Ltd (formerly called Jardine Lloyd Thomson Pty Ltd) (**JLT**).

On 13 September 2023, the Plaintiffs and JLT entered into an agreement to resolve the JLT Victoria Class Action, subject to the Court's approval (the **Settlement**). The relevant terms of the Settlement are:

- (1) that the JLT Victoria Class Action be discontinued with no order as to costs (which means that the Councils, other than the Plaintiffs who have provided a release to JLT, may individually proceed with their claims if they wish);
- (2) Quinn Emanuel Urquhart & Sullivan LLP undertakes that it will not directly or indirectly act for any local council situated in any State or Territory in Australia in bringing or making a claim against JLT (or any JLT related



entity) concerning the same or similar issues to those the subject of this proceeding and will not induce, encourage or procure any such local council to bring or make such a claim; and

- (3) Harbour Litigation Funding (or any related entity) undertakes that it will not directly or indirectly fund any local council situated in any State or Territory in Australia in bringing or making a claim against JLT (or any JLT related entity) concerning the same or similar issues to those the subject of this proceeding and will not induce, encourage or procure any such local council to bring or make such a claim.

The Group Members to the JLT Victoria Class Action have previously been advised of the Settlement and its relevant terms prior to entry into the agreement between the Plaintiffs and JLT.

On 18 September 2023, the Court made orders that this Notice was to be sent to all group members of the JLT Victoria Class Action to confirm that the parties have agreed to settle the JLT Victoria Class Action and seek approval of the Court to discontinue the proceeding.

This means that the JLT Victoria Class Action will no longer be on foot, and the Plaintiffs and Group Members will **not** receive any compensation from JLT.

The proposed discontinuance does **not** affect the legal rights of Group Members to institute new proceedings against JLT either individually or as part of another class action. However, there are time limits to bring claims for compensation in Australia, so it is important that any Group Member who wishes to make an individual claim seeks legal advice as soon as possible. Further, generally, the effect of the proposed discontinuance appears to be that time will begin to run again, for limitation purposes, on any individual claim(s) that any Group Member may wish to make such that individual claim(s) may be statute barred if proceedings are not commenced before the JLT Victoria Class Action is discontinued. However, the parties are seeking an order that pursuant to ss 33ZF and 33V of the *Supreme Court Act* (Vic), or alternatively by consent of the parties to the proceeding, that any limitation period that applies to the group member to which the proceeding relates shall continue to run from 30 days after the date of the discontinuance. The law is unsettled as to whether the Court has the power to 'extend' the limitation period in this way.

If you wish to object to the Settlement of the JLT Class Action, you must fill out the **Objection Form** at Annexure 1 to this notice and provide it to the Commercial Court Registry of the Supreme Court of Victoria by **4:00pm** on **16 October 2023**. You can



provide the Objection Form either by email to commercialcourt@supcourt.vic.gov.au, or alternatively by mail to: Commercial Court Registry, Supreme Court of Victoria, 210 William Street Melbourne Victoria 3000.

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

The contact details for Quinn Emanuel are:

Att: Michelle Fox
JLT Victoria Class Action
Quinn Emanuel
Level 15, 111 Elizabeth Street
Sydney, NSW 2000
Telephone: (02) 9146 3500

Email: councilsclassaction@quinnemanuel.com

The address for the Court is:

Postal Address: Supreme Court of Victoria
Commercial Court Registry
210 William Street
Melbourne Victoria 3000

Street Address: Supreme Court of Victoria
Commercial Court Registry
Ground floor, 450 Little Bourke Street
Melbourne Victoria 3000



ANNEXURE 1

OBJECTION FORM

**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
GROUP PROCEEDINGS LIST**

S ECI 2019 02919

BETWEEN:

MOIRA SHIRE COUNCIL

First Plaintiff

HOBSONS BAY CITY COUNCIL

Second Plaintiff

- and -

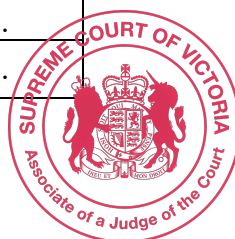
JLT RISK SOLUTIONS PTY LTD (ABN 69 009 098 864)
formerly called JARDINE LLOYD THOMPSON PTY LTD
(ABN 69 009 098 864)

Defendant

To: Manager, Commercial Court Registry and Deputy Registrar
Supreme Court of Victoria
Commercial Court Registry
210 William Street
Melbourne VIC 3000
commercialcourt@supcourt.vic.gov.au

The person identified as a group member below wishes to **object** to the proposed settlement of this class action.

Name of group member
Is the group member an individual or a company, partnership or some other structure (write which)
Signed
Name of person signing this notice
Role of person within company, partnership or other structure (if applicable)
Telephone:



Email:
Postal address:
Date:	
<p>Reasons for objection (attach any evidence you rely on and separate pages for reasons if more space is required):</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
<p>Do you wish to seek the Court's permission to make oral submissions at the hearing of the plaintiffs' application for approval of the proposed settlement on 15 November 2023?</p> <p>If so, please identify the lawyer who will appear on your behalf, or that you will represent yourself. There is no automatic right to make submissions.</p> <p>This form should clearly set out the basis for your objection. If you indicate that you are seeking permission to make submissions the Court will inform you before the hearing date, whether or not you will be permitted to make submissions.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>.....</p> <p>.</p> <p>.....</p> <p>.....</p>



SCHEDULE B
COVERING EMAIL

Dear Group Member

RE: Moira Shire Council & Anor v JLT Risk Solutions Pty Ltd – Notice of proposed settlement

This email contains important information that may affect your legal rights. Please read it carefully and consider your options.

You are receiving this email because you are a Group Member in the class action filed in the Victorian Supreme Court against JLT (**JLT Victoria Class Action**).

As you know, the Plaintiffs have agreed to settle the JLT Victoria Class Action on terms that the Proceeding be discontinued on the basis that each party is to pay its own costs (**JLT Victoria Settlement**).

The Notice of Proposed Settlement includes information about your right to object to any terms of the JLT Victoria Settlement.

The deadline to object to the proposed JLT Victoria Settlement is **4:00pm** AEST on **16 October 2023**.

This communication has been made pursuant to Court orders made 18 September 2023.

