

IN THE SUPREME COURT OF VICTORIA  
AT LATROBE VALLEY  
COMMON LAW DIVISION

No. S CI 05162 of 2014

IRWIN JAMES RAMSAY

Plaintiff

and

AUSNET ELECTRICITY SERVICES PTY LTD  
(ACN 064 651 118) and ANOTHER  
(in accordance with the Schedule of parties)

Defendants

**AFFIDAVIT OF BRENDAN FRANCIS PENDERGAST**

Date of document: 27 February 2017	Solicitor's Code: 102650
Filed on behalf of: The Plaintiff	DX: 28001
Prepared by:	Tel: (03) 5560 2000
Maddens Lawyers	Fax: (03) 5560 2099
219 Koroit Street	Ref: B Pendergast / S Maraldo: 140509
WARRNAMBOOL VIC 3280	Attention: Brendan/Sophie
	Email: <a href="mailto:mmm@maddenslawyers.com.au">mmm@maddenslawyers.com.au</a>

I, **Brendan Francis Pendergast** of 219 Koroit Street, Warrnambool, Solicitor, MAKE OATH AND SAY as follows:

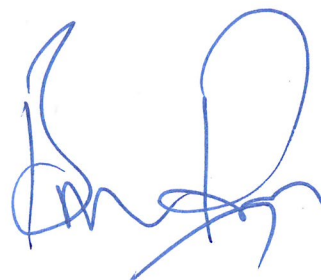
1. I am the Commercial Litigation Principal at Maddens Lawyers ("My Firm") and I have the conduct and control of this matter for and on behalf of the plaintiff and I am duly authorised to make this Affidavit on behalf of the plaintiff.
2. I make this Affidavit from my own knowledge and belief, save where otherwise stated.
3. By way of background, the parties to this proceeding agreed upon terms of settlement on 4 July 2016. The document titled "Settlement deed – Jack River Class Action" ('Deed') was subsequently executed on 20 July 2016.
4. On 2 December 2016 Her Honour Justice Emerton delivered her decision approving the settlement and making orders in relation to the approval.



5. On 9 January 2017 the defendants attended to payment of the Settlement Sum in accordance with the Deed.
6. Pursuant to the Settlement Distribution Scheme ('SDS') On 16 January 2017 My Firm sent correspondence to group members notifying them of their Assessed Entitlement.
7. My Firm received no objections from group members in relation to the notices of Assessed Entitlement.
8. Assessments of each group members' claims were substantially completed prior to settlement. The final assessment was completed on 12 January 2017.
9. In accordance with the SDS, group members were sent payment of their Assessed Entitlement on 6 and 7 February 2017. As directed by group members the payments were made by EFT or Cheque.
10. All cheques have been presented.
11. As Scheme Administer I believe the administration is completed and no further action is required.
12. I confirm that there are no outstanding matters relating to costs.

SWORN by **BRENDAN FRANCIS PENDERGAST** at  
WARRNAMBOOL  
in the State of Victoria this 27<sup>th</sup> day of February 2017

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Before me:



**SOPHIE MAREE MARALDO**  
of Maddens Lawyers 219 Koroit Street  
Warrnambool An Australian legal practitioner  
within the meaning of the Legal Profession  
Uniform Law (Victoria)

**IN THE SUPREME COURT OF VICTORIA  
AT LATROBE VALLEY  
COMMON LAW DIVISION**

No. S CI 05162 of 2014

**SCHEDULE OF PARTIES**

**BETWEEN**

**IRWIN JAMES RAMSAY**

Plaintiff

**AUSNET ELECTRICITY SERVICES PTY LTD (ACN 064 651 118)**

First Defendant

**GIPPSLAND CONTRACTING PTY LTD (ACN 104 187 911)**

Second Defendant

*AND BETWEEN:*

**AUSNET ELECTRICITY SERVICES PTY LTD**

Plaintiff by Counterclaim

**IRWIN JAMES RAMSAY**

First Defendant by Counterclaim

**GIPPSLAND CONTRACTING PTY LTD (T/A BJ & BJ MURPHY)**

Second Defendant by Counterclaim