

# Notice of Proposed Settlement

## “Coolaroo Recycling Plant 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 Castor Murillo (**plaintiff**) commenced this class action on his own behalf and on behalf of all those who suffered loss as a result of the fire that commenced at the Coolaroo Recycling Plant on 13 July 2017 (**Coolaroo Fire**). The operator of the Coolaroo Recycling Plant, SKM Services Pty Ltd (**SKM**), is the defendant to the class action.

### Group Members

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

- (a) suffered personal injury (physical or psychiatric) as a result of the Coolaroo Fire; and/or
- (b) suffered loss of or damage to property as a result of the Coolaroo Fire, including loss or damage arising from emergency action taken in response to the Coolaroo Fire; and/or
- (c) lived in, or had real or personal property in the area affected by the Coolaroo Fire and suffered economic loss as a result of the Coolaroo Fire.

In addition to the plaintiff, 209 group members have registered claims with Maddens Lawyers. Those group members are referred to as Participating Group Members (**PGMs**).

If you are aware of any person, such as a friend or neighbour, who you believe may have suffered injury, loss or damage as a result of the Coolaroo Fire please notify them of the proposed settlement and provide them with a copy of this notice.

### 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 the settlement and to approve: -

- (a) the payment of the plaintiff's legal costs from the settlement sum; and
- (b) a scheme for the distribution of the balance of the settlement sum to PGMs (**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 **8 August 2019**.

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

Group members who suffered loss as a result of the Coolaroo Fire but who are not PGMs will not be entitled to participate in the settlement or receive compensation under the Settlement Distribution Scheme. Those individuals and/or businesses will not be bound by the settlement

and will be entitled to bring a separate claim against the defendant for any loss suffered as a result of the Coolaroo Fire.

**If you are unsure if you are a PGM you should contact Maddens Lawyers.**

### **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 Registry before **4.00pm on 21 June 2019**. You may be invited to come to Court on 8 August 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 21 June 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 **8 August 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, PGMs 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**

Coolaroo Recycling Plant Fire Class Action  
Maddens Lawyers  
219 Koroit Street  
Warrnambool VIC 3280  
Telephone: (03) 5560 2000  
Email: [kae@maddenslawyers.com.au](mailto:kae@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**

**“Coolaroo Recycling Plant Fire Class Action”**

**Murillo v SKM Services Pty Ltd (ABN 15 130 864 621) S CI 217 02779**

**NOTICE OF OBJECTION TO PROPOSED SETTLEMENT**

The person identified below:

1. was affected by the Coolaroo Recycling Plant fire;
2. is a group member in this class action;
3. wishes to object to the proposed settlement of the class action.

The group member's contact details are as follows:

Name:

Telephone number:

Postal address:

Email address:

Signed:

(If not the named group member, please state the relationship to group member):

The group member is a participating group member: Yes / No (circle one)

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

***Notes for Objectors:*** Order 7 of the Court's Orders made on 9 May 2019 require that Objectors deliver to Maddens Lawyers or the Supreme Court Registry by **4:00pm** on **21 June 2019**, any written submissions (not exceeding 2 pages in length) and any affidavit the Objector wishes to rely on in support of their objection to the proposed settlement.