

**NOTICE OF SETTLEMENT**  
**“MICKLEHAM CLASS ACTION”**

This notice relates to a class action commenced in the Supreme Court of Victoria as a result of the Mickleham bushfire which started near the eastern edge of Mickleham Road between Mt Ridley Road and Bardwell Drive, Mickleham, on 9 February 2014 (**Mickleham bushfire**).

The Supreme Court has ordered that this notice be published to inform people that a settlement of the class action on behalf of victims of the Mickleham bushfire has now been approved by the Court.

You are receiving this notice because you have registered with Maddens Lawyers, the plaintiff’s solicitors, as a group member in the class action. This notice is provided to you further to the ‘Notice of Proposed Settlement’ distributed in April 2017.

You should **read this notice carefully** as the matters set out below may affect your legal rights.

**Settlement of the Class Action**

The defendants to the class action are:

- (a) AusNet Electricity Services Pty Ltd (**AusNet Services**);
- (b) Hume City Council (**Hume**);
- (c) Active Tree Services Pty Ltd (ACN 002 919 299) (**Active**); and
- (d) Homewood Consulting Pty Ltd (ACN 113 595 430) (**Homewood**).

The parties have agreed to a settlement of the class action, under which the defendants have agreed to pay \$16,000,000 (\$16 million) without admission of liability. The terms of the settlement of the proceeding are set out in a Deed of Settlement that has been signed on behalf of the plaintiff and each of the defendants (**Deed**).

In summary, the Deed sets out that AusNet Services and Homewood have each agreed to pay \$5,000,000 (\$5 million) and Hume has agreed to pay \$6,000,000 (\$6 million). Active has agreed to bear its own costs of the proceeding.

On 28 August 2017 the Supreme Court approved the settlement. The Court approval means that the Deed becomes binding on you and all other persons who fit the definition of ‘group member’ in the proceeding (whether registered with Maddens Lawyers or not).

**Distribution of the Settlement Sum**

**Legal Costs**

The plaintiff’s legal costs have been assessed by an independent costs assessor and the assessment has been provided to the Court. The Court will determine an amount to be approved toward payment of the plaintiff’s legal costs, which will not exceed \$7,300,000.00 (\$7.3 million), following a further hearing on a date to be fixed by the Court. The plaintiff’s legal costs, which were incurred for the benefit of all registered group members and registered insurers, will be paid out of the overall settlement sum received from the defendants. You will not have any additional liability for these costs.

### Settlement Distribution Scheme

The plaintiff's solicitors have prepared a Settlement Distribution Scheme (**Scheme**) which details the process for assessing group members' individual claims and sharing the compensation sum between them.

The Scheme provides for the plaintiff to receive a payment of \$25,000.00 from the settlement sum which is intended to compensate him for the personal burden of being the lead plaintiff, a role which has benefitted group members as a whole. This amount is in addition to any amount the plaintiff may be entitled to by way of compensation for loss suffered in the Mickleham bushfire.

A copy of the Scheme can be obtained on the website of maddens Lawyers at the following web address <http://maddenslawyers.com.au/protected-documents/settlement-distribution-scheme-mickleham-bushfire-class-action/>. Because it is confidential, access to the document is password protected. To obtain the password you will need to contact Laura Morgan of Maddens Lawyers on (03) 5560 2000.

Group members who have registered with Maddens Lawyers will shortly have their claims assessed pursuant to the Scheme to determine their compensation entitlements.

You will be contacted by Maddens Lawyers in relation to your compensation entitlements under the Scheme shortly.

### **Address for questions**

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

#### **Maddens Lawyers**

Attention: Brendan Pendergast  
Mickleham Bushfire Class Action  
Maddens Lawyers  
219 Koroit Street  
Warrnambool, Victoria 3280  
Telephone: (03) 5560 2000  
E-mail: lam@maddenslawyers.com.au