

'CUDLEE CREEK BUSHFIRE' DECEMBER 2019

FURTHER INFORMATION NOTICE

This notice contains important information about the Cudlee Creek Fire Class Action. You should read this notice carefully as it may affect your rights.

On 10 March 2021, Mr Kristen Thrower (“the **Applicant**”) commenced a representative proceeding or “class action” in the Supreme Court of South Australia against SA Power Networks and Mr Michael and Ms Marianne Georgiou (“the **Respondents**”). This class action arises out of a fire that commenced near Hollands Creek Road, Cudlee Creek on 20 December 2019 (**Cudlee Creek Fire**) and is brought by the Applicant on his own behalf and on behalf of persons who suffered personal injury or loss of or damage to property as a result of the Cudlee Creek Fire.

The Supreme Court has ordered that this notice be published. Any questions you have concerning the matters contained in this notice should not be directed to the Court. If there is anything in it that you do not understand, you should seek legal advice.

First Information Notice

In August 2021 the Supreme Court ordered that an Information Notice in relation to the class action be published (“the **First Information Notice**”). A copy of this First Information Notice is attached.

Will you be liable for costs?

Rule 24.10 of the Uniform Civil Rules provides that unless the Court otherwise orders, any right or liability to receive or pay costs in a representative proceeding vests in the representative party and not in the represented parties.

In the First Information Notice under the heading “Will you be liable for costs?”, the notice stated that represented parties will not become liable for any legal costs simply by participating in the class action.

Subsequently to the publication of the First Information Notice, the Supreme Court delivered judgment in *Kurray v Brinkworth* [2023] SASC 16 in which the Court explained: ‘... *the power of the Court to otherwise order is not limited to exempting the representative party from the liability to pay costs: it extends to ordering that a represented party bare all or part of those costs. It follows that represented parties who have... not opted out... are vulnerable to an adverse exercise of the discretion conferred by r 24.10.*’

You may wish to seek legal advice on how the application of the decision in *Kurray v Brinkworth* affects you as a represented party in the Cudlee Creek class action.

Opt out

In order to allow you the opportunity to seek legal advice, the Court has extended the time within which you may opt out of this proceeding.

If you do not wish to be a represented party, you should opt out of the class action by completing the “Opt Out Notice” below. If you opt out then you will cease to be a represented party and you will not be affected by any orders made in the class action.

Because it may now be too late to bring a claim, given the operation of the *Limitation of Actions Act 1936* (SA) to personal injury and property claims, unless the Court grants an extension, if you wish to bring your own claim against the respondents you should seek your own legal advice about your claim before opting out.

You must decide what to do BEFORE 31 January 2024. If you want to opt out you must send your “Opt Out Notice” to Maddens Lawyers or the Supreme Court so that it arrives before that deadline. **It**

is very important that you act promptly in deciding what you want to do. If you are not sure whether you are a represented party, or you want further information or advice, you can contact Maddens Lawyers on **1800 815 228** or email kae@maddenslawyers.com.au. Please **do not** contact the Court.

Where can you obtain further information?

Please consider the above matters carefully. If you are not sure whether you are eligible to participate in the class action or want further information, you can contact Maddens Lawyers on **1800 815 228** or seek your own legal advice.

Copies of relevant documents including the Statement of Claim and Defence may also be obtained by inspecting them by visiting the Registry of the Supreme Court at Lower Ground Floor, Sir Samuel Way Building, 241—259 Victoria Square, Adelaide, South Australia

You should not delay in making your decision, as the deadline for opting out is **31 January 2024**.

Notice of Opting Out

Case number: CIV-21-002144

SUPREME COURT OF SOUTH AUSTRALIA
CIVIL JURISDICTION

KRISTEN TROY THROWER

Applicant

SA POWER NETWORKS

First Respondent

MICHAEL GEORGIU

Second Respondent

MARIANNE GEORGIU

Third Respondent

NOTICE OF OPTING OUT

To: Maddens Lawyers
PO Box 320
Warrnambool VIC 3280

And to: The Prothonotary
Supreme Court of South Australia - Registry
Lower Ground Floor, Sir Samuel Way Building,
241—259 Victoria Square
Adelaide SA 5000

Name of Represented Party:

Address of Represented Party:

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The abovenamed Represented Party gives notice that the Represented Party is **opting out** of this proceeding.

Dated: 2024

Signed:

Name of person
signing (print)

Telephone

Email

Postal address