

[ANNEXURE B]

SUPREME COURT OF VICTORIA  
SCOTSBURN FIRE CLASS ACTION

SCHMID v SKIMMING & ORS  
(S CI 2016 05027)

NOTICE OF SETTLEMENT APPROVAL

The notice relates to a class action commenced in the Supreme Court of Victoria as a result of a fire which started at 260 Finns Rd, Scotsburn on 19 December 2015 (**Scotsburn Fire**).

The Supreme Court has ordered that this notice be provided to inform registered group members that a settlement of the class action on behalf of victims of the Scotsburn Fire 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 registered group member in the class action. This notice is provided to you further to the Notice of Proposed Settlement distributed in April 2020.

**Settlement of the Class Action**

The defendants to the class action are:

- (a) Mr Roger James Skimming, who was operating an "Agrison" branded tractor and slasher at 260 Finns Road, Scotsburn on 19 December 2015;
- (b) Ms Maureen Lynette Johns, who owned the property upon which Mr Skimming was operating the tractor and slasher;
- (c) Auto & General Insurance Company Limited (ACN 111 586 353), Mr Skimming's insurer; and
- (d) EL Mining Solutions Pty Ltd (ACN 151 983 603), the manufacturer of the tractor and slasher.

The parties have agreed to a settlement of the class action, under which EL Mining Solutions Pty Ltd has agreed to pay \$10,000,000.00 and Auto & General Insurance Company Limited has agreed to pay \$500,000.00, totalling \$10,500,000.00 (**Settlement Sum**) inclusive of the plaintiff's legal costs. The plaintiff will discontinue his claims against Mr Skimming and Ms Johns, with each party bearing their own legal costs incurred in the proceeding. 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 Ms Johns (**Deed**) and a separate Settlement Agreement agreed between the plaintiff and the other defendants (**Agreement**).

On 17 August 2020 the Supreme Court approved the settlement. The Court approval means that the settlement becomes binding on you and all other persons who fall under the definition of group member in the proceeding.

**Distribution of the Settlement Sum**

**Settlement Distribution Scheme**



The Court has also approved a Settlement Distribution Scheme (**Scheme**) which details the process for assessing registered group member's individual claims and sharing the Settlement Sum between them.

The Scheme provides for the lead plaintiff (Mr Schmid) to receive a payment of \$30,000.00 from the Settlement Sum in addition to any amount the lead plaintiff may be entitled to by way of compensation for loss suffered as a result of the Scotsburn Fire.

Registered group members 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 entitlement under the Scheme in due course.

#### Legal Costs

The plaintiff's legal costs payable to Maddens Lawyers, including the costs of administering the Scheme, have been assessed by an independent costs solicitor and partly approved by the Court, and will be paid from the Settlement Sum. You will not have any additional liability for the plaintiff's legal costs.

#### 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.

Contact details for Maddens Lawyers

Scotsburn Fire Class Action  
Maddens Lawyers  
219 Koroit Street  
Warrnambool VIC 3280  
Telephone: (03) 5560 2000  
Email: akc@maddenslawyers.com.au

