

Schedule A

IMPORTANT NOTICE

QUAKERS HILL NURSING HOME CLASS ACTION

NOTICE OF PROPOSED SETTLEMENT

Any person who is a close family member of a resident of the Quakers Hill Nursing Home who died in, or as a result of fires lit by Roger Dean on 18 November 2011 (“the fire”) should if they claim to have suffered injury or loss, take notice of the matters set out below.

This notice relates to a class action that has been commenced in the Supreme Court of New South Wales. The Supreme Court has ordered that this notice be published to inform people about a proposed settlement of the class action.

If you are a close family member you should read this notice carefully as the matters set out below may affect your legal rights. Any questions you have concerning the matters contained in this notice should not be directed to the Court.

What is the Quakers Hill Nursing Home class action?

The class action was commenced in 2018. It has the Court title *Cachia v DPG Services Pty Ltd* (2018/68746).

The plaintiff in the class action is Mr Joe Cachia. He is suing DPG Services Pty Ltd which was the employee of Mr Dean.

The plaintiff brings his claim on his own behalf, and on behalf of all other persons who fit the definition of “**group members**” in the class action. This definition is set out below.

The plaintiff alleges that the defendant breached various legal obligations which it owed to the residents of the Nursing Home and their close family members. The plaintiff claims compensation for himself and on behalf of the group members.

The claim made by the plaintiff is set out in the Amended Statement of Claim which has been filed in the Court. The defendant denies that it is liable to the plaintiff or to the group members. The defendant has filed a Defence which sets out the grounds on which it disputes the plaintiff’s claim.

Copies of the Amended Statement of Claim and the defendant’s Defence may be inspected on the website of the Supreme Court of NSW.

Who are the “group members”?

The group members who are represented in the class action are defined as people who suffered mental harm, nervous shock, loss and damage caused by the death of a close family member as a result of the fires.

*If you fit that definition then you are **automatically** a group member in the class action.* If so, then it is essential that you read the rest of this notice very carefully. This notice explains ways in which the class action is likely to affect your legal rights, especially your rights to claim compensation from the defendant.

If you are not sure whether you are a group member in the class action, you should contact Shine Lawyers (address below) or seek independent legal advice. You should do this immediately because there are deadlines for you to take steps to protect your rights.

Proposed settlement of the class action

Following mediation in May 2015, the plaintiff and the defendant agreed upon terms for the settlement of the class action with respect to nine members of the group who had identified themselves to Shine Lawyers as being group members.

In summary, the defendant has agreed to pay the sum of \$1,100,000 to be shared among the nine identified group members and to pay nothing in respect of any other group members.

Because of the Supreme Court's rules for class actions, the settlement agreement between the plaintiff and the defendant cannot take effect unless and until it is approved by the Court.

The Supreme Court has examined the proposed settlement agreement, and has decided that before making a *final* determination about granting approval, this notice should be published to inform all of the group members about the settlement and give them an opportunity to make an **objection** to the settlement, if they wish.

What group members must do?

If you fit the definition of a group member (above) then there are three (3) options which must consider.

Option A ***If you want to claim compensation*** then you must notify your interest and the details of your claim, sending your notification to Mr Sutton at Shine Lawyers before 4pm on 7 June 2019, otherwise you will be deemed to have chosen Option C below.

Option B ***If you want to object*** to the proposed settlement then you must notify your proposed objection by sending that notification to Mr Sutton of Shine Lawyers by 7 June 2019 and attend Court on 14 June 2019.

Option C Do nothing. ***If you do not notify your interest*** according to Option A by the deadline, you will remain a group member for all purposes of the proceeding, but if there is any settlement of the proceedings you will **not** be able to claim compensation in the settlement. This means you will **lose** all rights to compensation from the defendant, in return for nil compensation.

To repeat, *even if you want to object* to the settlement under Option B, you should **still** register under Option A in case your objection is overruled and the settlement takes effect.

Please consider your options carefully. If you are not sure what to do, you must contact Mr Sutton of Shine Lawyers or seek independent legal advice. You must act quickly because the deadline for notifications is 4pm on 7 June 2019.

Will group members be liable for legal costs under the settlement?

The costs which the plaintiff has incurred in running the class action for the benefit of all of the eligible group members will be paid out of the settlement received from the defendant. The sum for costs is not included in the sum above.

You may be liable for any costs associated with any claim you choose to put forward.

What will happen in the coming weeks

The Court has ordered that any objections to the proposed settlement (from group members who take Option B above) will be heard by the Court at the Law Courts Building, 184 Phillip Street, Sydney NSW at 9.30am on 14 June 2019.

If there are no objections, or the objections are overruled, then the proposed settlement will be given approval by the Court. It will then take effect.

Addresses for questions and forms

If you have any questions about the proposed settlement or this notice, you can contact Mr Sutton of Shine Lawyers at any time, or seek your independent legal advice.

If you decide to notify a claim for compensation, and/or notify an objection to the Court approving the proposed settlement, you should send your notification to:

Shine Lawyers

Att: Mr Sutton
Shine Lawyers
Level 6
299 Elizabeth Street
Sydney NSW 2000