

AMENDED SHORT MINUTES OF ORDER



COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
List	Professional Negligence
Registry	Sydney
Case number	2017/279308

TITLE OF PROCEEDINGS

First plaintiff	AMY RICKHUSS
Number of plaintiffs	12
First defendant	THE COSMETIC INSTITUTE PTY LTD (IN LIQUIDATION) ACN 153 061 155
Number of defendants	19

PREPARATION DETAILS

Prepared for	Van Huu Anthony Nguyen, Victor Lee, Chi-Vien Duong (aka Charles Wong), Anh Huy Tang, Napoleon Po-Han Chiu, Daniel Kwok, Pedro Miguel da Silva Valente, Farheen Ali, James Francis Christopher Kenny, Sri Darshn, seventh to sixteenth defendants
Legal representative	Leonie Beyers HWL Ebsworth Lawyers
Legal representative reference	PCN: 45509 NSW Ref: LRB:MUC:993524 Court User No: 1290
Contact name and telephone	Leonie Beyers, +61 2 9334 8555
Contact email	lbeyers@hwle.com.au

ORDERS

Soft Closure (For ease of reference the two notices are annexed to these orders, excluding the questionnaire)

- 1 With the consent of the plaintiffs and seventh to sixteenth defendants, the Court makes the orders, notations, and directions, in paragraphs 2 to 10 (inclusive) below.
- 2 Plaintiffs granted leave to remove the previous notices from the website of the plaintiffs' solicitors.
- 3 Pursuant to s 162(1) of the *Civil Procedure Act 2005* (NSW), the date before which group members may opt out of the proceedings be fixed at 14 April 2023.
- 4 Pursuant to ss 175(5) and 176 of the *Civil Procedure Act 2005* (NSW) direct that the plaintiffs give notice to all group members to the proceedings in the form of the approved

schedule marked "D" annexed to the Amended Notice of Motion filed on 1 March 2023 (**Notice D**) and the form of the approved schedule marked "B" annexed to the Amended Notice of Motion filed on 1 March 2023 (**Abridged Notice**) according to the following procedure:

- (a) on or before 17 March 2023, the plaintiffs to cause Notice D to be displayed on the website of the plaintiffs' solicitors, <http://www.turnerfreeman.com.au>, and to remain so displayed.
- (b) on or before 17 March 2023, the plaintiffs to post the Abridged Notice on the plaintiffs' solicitors' Facebook page, Instagram account and Twitter account.
- (c) on or before 17 March 2023, the plaintiffs to cause a paid advertisement in terms of the Abridged Notice to be advertised for a two-week period between dates to be set by the Court (inclusive) on Facebook, Twitter and Instagram.

5 Note that the effect of Notice D and the Abridged Notice is to inform the group members that:

- (a) The parties will be attending a mediation prior to 28 April 2023 and prior to the commencement of the hearing of the common issues on 4 September 2023;
- (b) If the parties reach a settlement of the proceedings at or after the mediation, an application will be made to the Court to approve the proposed settlement;
- (c) Upon any settlement of this proceeding being approved by the Court, any group member who has not opted out and who by the date of the hearing of the application for approval of the proposed settlement has not registered will cease being a group member to the proceeding and will not be entitled to any benefit from the settlement approved by the Court or any judgment made by the Court for the benefit of group members. The limitation period in respect of individuals who cease to be group members by reason of these orders will cease being suspended pursuant to s 182 of the *Civil Procedure Act 2005* (NSW) and such individuals will have to commence proceedings within any applicable limitation period if they wish to have their claim determined.

6 Pursuant to r 58.2 of the *Uniform Civil Procedure Rules 2005* (NSW), and for the purpose of mediation only, and on a confidential basis, the plaintiffs' solicitors are to provide the defendants with a list of persons who have filed and served any opt out notice or registration notice together with copies of completed registration questionnaires and where available any photographs, medical records (including any TCI records) and medical reports:

(a) as soon as possible (including in tranches) and, in any event, by two weeks prior to the next mediation

(b) two weeks prior to the hearing of any settlement approval application.

7 Note that, at the approval of the settlement the plaintiffs intend to seek an order to the effect that the proceedings no longer continue as representative proceedings, such as by way of seeking leave at the approval hearing to file a Fifth Further Amended Statement of Claim that amends the definition of group member in the proceedings to only include those group members who, in addition to presently falling with the existing definition, also meet the condition of having registered by the day of the approval of settlement with such registration consisting of the completion and return to Turner Freeman of a registration questionnaire in the form annexed to Notice D.

8 Note: the amendment contemplated by order 7 will be achieved by amending paragraph 2 of the 4FASOC to include subparagraph (g), as follows:

“(g) Have registered by completing and returning to Turner Freeman Lawyers a registration questionnaire substantially in the form of the Annexure to this pleading”.

9 The Notice of Motion filed by the seventh to sixteenth defendants on 17 February 2023 is dismissed with no order as to costs.

10 The costs of and incidental to the Amended Notice of Motion filed on 1 March 2023 by the seventh to sixteenth defendants be costs in the cause.

Seventh to Sixteenth Defendants’ Discovery Motion filed on 19 December 2023

11 With the consent of the plaintiffs and seventh to sixteenth defendants, the Court makes the orders, notations, and directions, in paragraphs 12 to 16 (inclusive) below.

12 On or before 24 March 2023, each lead plaintiff is to give discovery of all documents held, created, sent or received (including by their servants or agents, such as Turner Freeman) by the lead plaintiff up to 19 June 2020, recording or referring to the fact that: (a) the lead plaintiff knew that she had suffered an injury as a result of BAS, (b) knew that her injury was caused by the fault of the surgeon who performed her Breast Augmentation Surgery (BAS), (c) knew that her injury was sufficiently serious to justify the bringing of an action on the cause, or (d) which could reasonably inform an assessment of the matters stated in s 50D(1)(a)-(c) of the *Limitation Act 1969* (NSW) (**Limitation Act**).

13 Discovery of the documents in order 12 may be satisfied by production of those documents to the defendants without a verified list.

14 For the purpose of mediation only, and on a confidential basis, in respect of categories 4-7 of the Notices to Produce dated 13 February 2023 served by the seventh to sixteenth defendants on the lead plaintiffs, as soon as possible, in tranches, and in any event by no

later than 2 weeks prior to the mediation, the lead plaintiffs and Group Members are to produce to the defendants:

- a. A list of Group Members known to Turner Freeman on or before 1 July 2015;
- b. A list of Group Members known to Turner Freeman on or before 24 January 2017;
- c. A list of Group Members known to Turner Freeman on or before 13 April 2017;
- d. A list of Group Members known to Turner Freeman on or before 19 June 2017;
- e. Any letters sent to Group Members by Turner Freeman providing Group Members with information in respect of the proposed claim against one or other of the defendants and the status of the proposed representative action in the period from 1 July 2015 and 19 June 2017;
- f. The TCI records relating to:
 - i. the 365 Group Members referred to in the Turner Freeman letter to HWL Ebsworth dated 29 September 2021;
 - ii. any other Group Members that are held by Turner Freeman.

15 Note that the plaintiffs and defendants 7 to 16 are in agreement that compliance with orders 12 to 14 above satisfies the seventh to sixteenth defendant's Notices to Produce served on 13 February 2023.

16 The Discovery Motion filed by the seventh to sixteenth defendants on 19 December 2022 is otherwise fixed for directions on 22 March 2023.

Plaintiffs' Notice of Motion filed on 24 February 2023 concerning particulars and seventh to sixteenth defendants' Notice to Produce

17 With the consent of the plaintiff and the seventh to sixteenth defendants, the Court makes the orders, notations and directions in paragraphs 18 to 20 (inclusive) below.

18 Prayer 2 of the Notice of Motion filed by the plaintiffs on 24 February 2023 is dismissed.

19 The costs of and incidental to Prayer 2 of that Notice of Motion are costs in the cause.

20 Prayer 1 of the Notice of Motion filed by the plaintiffs on 24 February 2023 is otherwise fixed for directions on 22 March 2023.

Seventh to Sixteenth Defendants' Notice of Motion filed on 17 February 2023 concerning plaintiffs' Notice to Produce

21 The Court notes the plaintiffs and seventh to sixteenth defendants have agreed on 6 March 2023 to revised categories of documents for production in response to the plaintiffs' Notices to Produce. Such documents are to be produced to all parties by 31 March 2023.

22 With the consent of the plaintiffs and the seventh to sixteenth defendants, the seventh to sixteenth defendants' Notice of Motion filed on 17 February 2023 is dismissed with no order as to costs.

Seventh to Sixteenth Defendants' Notice of Motion filed on 24 February 2023 concerning Notifications held by Newline (seventeenth defendant)

23 With the consent of the plaintiffs, the seventh to sixteenth defendants, and the seventeenth defendant, the Court makes the orders, directions, and notations, in paragraphs 24 to 26(inclusive) below.

24 For the purpose of mediation only, and on a confidential basis, the seventeenth defendant is to produce to the fifth to nineteenth defendants all documents by which claims or circumstances that could give rise to claims were first notified in writing to the seventeenth defendant in the period from 28 July 2014 to 30 June 2016 inclusive, in respect of lead plaintiffs and group members:

- a. As set out in the List of Group Members that the plaintiffs' solicitors provided to the seventeenth defendant pursuant to order of 11 December 2020 (save for any persons who the plaintiffs' solicitors state have filed opt out notices) on or before 24 March 2023;
- b. As set out in any updated list provided by the plaintiffs' solicitors to the seventeenth defendant within 14 days of receipt of such list.

25 The seventh to sixteenth defendants withdraw their Notices to Produce issued to the seventeenth defendant dated 17 August 2022 and 3 March 2023.

26 The seventh to sixteenth defendants' Notice of Motion filed 24 February 2023 is dismissed with no order as to costs.

Interrogatories

27 The plaintiffs are to provide answers to the sixth to sixteenth defendants interrogatories in tranches and, in any event, by no later than 23 March 2023.

Directions for 22 March 2023 hearing

28 Extend time for the plaintiffs to file and serve any written submissions and evidence with respect to the 22 March 2023 hearing to 13 March 2023.

29 Extend time to the active defendants to file and serve any written submissions and evidence with respect to the 22 March 2023 hearing to 20 March 2023.

SIGNATURES

Plaintiffs

Amy Rickhuss & Ors, the plaintiffs consent.

Signature of legal representative _____

Name _____

Capacity _____

Solicitor

Date of signature _____

/ / 2023

First, Second, Third and Fourth Defendants

The Cosmetic Institute Pty Ltd (in liquidation) & Ors, First to Fourth Defendants consent.

Signature of or on behalf of party
if not legally represented _____

Name _____

Capacity _____

Date of signature _____

/ / 2023

Fifth Defendant

Eddy Dona, Fifth Defendant consents.

Signature of legal representative _____

Name _____

Capacity _____

Solicitor

Date of signature _____

/ / 2023

Sixth Defendant

Niroshan Sivathasan, Sixth Defendant consents.

Signature of legal representative _____

Name _____

Capacity _____

Solicitor

Date of signature _____

/ / 2023

Seventh to Sixteenth Defendants

Van Huu Anthony Nguyen, Victor Lee, Chi-Vien Duong (aka Charles Wong), Anh Huy Tang, Napoleon Po-Han Chiu, Daniel Kwok, Pedro Miguel da Silva Valente, Farheen Ali, James Francis Christopher Kenny and Sri Balakrishnan Darshn, Seventh to Sixteenth Defendants consent.

Signature of legal representative _____
Name _____
Capacity Solicitor
Date of signature / / 2023

Seventeenth Defendant

Certain Underwriters at Lloyd's subscribing to policy no. 04012, Seventeenth Defendant consents.

Signature of legal representative _____
Name _____
Capacity Solicitor
Date of signature / / 2023

Eighteenth Defendant

Allied World Assurance Company, Ltd, Eighteenth Defendant consents.

Signature of legal representative _____
Name _____
Capacity Solicitor
Date of signature / / 2023

Nineteenth Defendant

MDA National Insurance Pty Ltd, Nineteenth Defendant consents.

Signature of legal representative _____
Name _____
Capacity Solicitor
Date of signature / / 2023

SEAL AND SIGNATURE

Court seal

Signature

Capacity

Date made or given

Date entered

NOTICE

Subject to limited exceptions, no variation of a judgment or order can occur except on application made within 14 days after entry of the judgment or order.

Notice D

SUPREME COURT OF NEW SOUTH WALES

RICKHUSS & ORS

v

THE COSMETIC INSTITUTE PTY LIMITED & ORS

(2017 / 279308)

IMPORTANT NOTICE

REPRESENTATIVE ACTION CONCERNING BREAST AUGMENTATION SURGERY PERFORMED ON PATIENTS OF THE COSMETIC INSTITUTE

REGISTRATION REQUIRED FOR PARTICIPATION IN SETTLEMENT AND FURTHER OPPORTUNITY TO OPT OUT OF THE PROCEEDING

On 14 September 2017 proceedings were commenced in the Supreme Court of New South Wales against a number of defendants. The lead plaintiffs who are bringing the proceedings are Ms Rickhuss, Ms Pollock, Ms Bruen, Ms Rowlands, Ms Knowland, Ms Rutherford, Ms Axen, Ms Zahr, Ms Love, Ms Gielisse, Ms Turner and Ms Sanchez (**plaintiffs**). The first four defendants are The Cosmetic Institute Pty Limited (in liquidation), TCI Bondi Pty Limited (in liquidation), The Cosmetic Institute Parramatta Pty Limited (in liquidation) and TCI Southport Pty Limited (in liquidation) (**TCI companies**). The fifth defendant is a plastic surgeon, Dr Eddy Dona. The defendants who performed surgery at the TCI companies are Dr Eddy Dona, Dr Niroshan Sivathasan, Dr Van Huu Anthony Nguyen, Dr Victor Lee, Dr Chi-Vien Duong (aka Charles Wong), Dr Anh Huy Tang, Napoleon Po-Han Chiu, Dr Daniel Kwok, Dr Pedro Miguel da Silva Valente, Dr Farheen Ali, Dr James Francis Christopher Kenny, Dr Sri Balakrishnan Darshn (**doctor defendants**). The remaining defendants are Certain underwriters at Lloyd's subscribing to policy no. 04012, Allied World Assurance Company Ltd and MDA National Insurance Pty Ltd (**insurer defendants**).

The proceedings concern allegations about breast augmentation surgery performed at the TCI companies' premises or by the doctor defendants engaged and trained by the TCI companies and Dr Eddy Dona (**TCI Representative Action**). Persons on whose behalf the proceeding has been brought are defined as "**group members**".

The allegations are explained in more detail in section 2 of this notice. Section 3 describes who is a group member in the proceeding.

The Supreme Court has ordered that this notice be published for the information of persons who might be group members on whose behalf this representative action is brought and who may be affected by it.

If you think you may be a group member you should read this notice carefully as it may affect your rights. 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.

1. What is a representative proceeding?

A representative proceeding is commonly known as a class action. It is an action that is brought by the plaintiffs on their own behalf and on behalf of group members against the defendants, where the

plaintiffs and the group members have similar claims against the defendants.

Group members are bound by any judgment or settlement entered into in the representative proceeding unless they choose not to participate by “opting out” of the proceeding or an order is made that group members who have not registered are not permitted to receive any settlement amount. This means that:

- (a) if the representative action is successful or settles, group members may be eligible for a share of any settlement monies or Court-awarded damages;
- (b) if the representative action is unsuccessful, group members are bound by that result; and
- (c) regardless of the outcome of the representative action, group members will not be able to pursue their claims against the defendants in separate legal proceedings unless they have opted out.

2. What is the TCI Representative Action?

The TCI Representative Action is brought by each of the plaintiffs on their own behalf and on behalf of all persons who are group members as defined in the proceeding.

The plaintiffs claim that in and from 2012, the TCI companies and Dr Dona devised and implemented a system of breast augmentation surgery from facilities in New South Wales, and later, from a facility in Southport, Queensland. The plaintiffs in the TCI Representative Action allege that the TCI companies and Dr Dona were negligent in the design, implementation, performance and marketing of their system of breast augmentation surgery, including the anaesthesia under which the surgery was performed. The plaintiffs also allege that the defendants’ system of breast augmentation surgery performed by the surgical defendants was unsafe and not fit for purpose in contravention of the *Australian Consumer Law*.

The plaintiffs claim that they and group members have suffered personal injury, loss and damage as a result of undergoing breast augmentation surgery at the defendants’ premises or by the surgical defendants. They claim that their injury, loss and damage were caused by the defendants’ negligence and contravention of the *Australian Consumer Law* and that they are therefore entitled to damages.

The group members also include any “legal personal representatives” of the estates of any deceased person who would otherwise have qualified as a group member.

The plaintiffs’ allegations made on their own behalf and on behalf of group members are detailed in the Fourth Further Amended Statement of Claim filed 31 May 2022. The first to fourth defendants are not defending the allegations in the representative action. No insurer has agreed to indemnify the first to fourth defendants. The fifth defendant denies the allegations and is defending the representative action, as are the surgical defendants and the insurer defendants.

3. Are you a group member?

Group members are persons who at any time before 15 September 2017:

1. had breast augmentation surgery performed by a surgical defendant at TCI Parramatta, TCI Bondi Junction, TCI Southport, Concord Private Hospital or Holroyd Private Hospital; **AND**,
2. suffered injury as a result of the said breast augmentation surgery, whether it be physical or psychological injury; **OR**
3. are the legal personal representative of the estates of any deceased persons described in (1) **AND** (2) above.

4. What is opt-out?

The plaintiffs in representative proceedings do not need to seek the consent of group members to commence a representative proceeding on their behalf. However, group members can cease to be group members by “opting out” of the representative proceedings. If you have been included as a group member in the TCI Representative Action but you do not want to continue to be a group member, you **must** opt out now.

5. Order concerning settlement and registration for settlement

The parties to the proceeding will be engaging in a mediation to see if the proceedings can be resolved this year prior to the matter proceeding to hearing. The hearing is presently set down to commence on 4 September 2023.

Settlement is unlikely to occur without greater certainty about the number of group members. Registration in accordance with this notice will enable the parties to have greater certainty about the number of group members, which will in turn make settlement more likely.

If the proceedings settle prior to the hearing, the plaintiffs will then make an application to the Court for approval of the proposed settlement. At that time, the plaintiffs intend to seek an order from the Court that, if it approves the settlement, the proceedings no longer continue as a representative proceeding. If the court makes that order, any group member who has not registered (explained below) by the date of the application to approve the proposed settlement or has not opted out of the proceeding will cease being a group member and shall not, without applying for and obtaining leave of the Court, be permitted to obtain any benefit from the settlement.

It will also mean that any person who has not registered in accordance with this notice will have to commence their own proceedings to seek any compensation based on their individual claim. It will also mean that the running of the limitation period for the remaining group members' individual claims may be affected (addressed below under Limitation Period).

If you wish to register so that you can obtain the benefit of any settlement reached in the proceeding before final judgment, then you must register in accordance with this notice. If you do not register, you do not cease to be a group member. However, if (1) you have not registered for settlement by the date specified below (2) the proceedings settle and (3) the plaintiffs do seek and obtain approval of the settlement from the Court, you will be prevented from obtaining any benefit from the settlement unless you make an application to the Court seeking leave to participate in the settlement, and the Court grants that leave.

If you register after the date of the mediation, but prior to the date of the application to approve the settlement:

- a. the prospects of approval of the settlement may be adversely affected as the proposed settlement may be refused;
- b. the amount of any compensation you may receive could be adversely affected.

6. What should group members do?

If you have already opted out, then you do not need to do anything.

If you have already completed the questionnaire annexed to this Notice to the best of your ability and provided it to the plaintiffs' solicitors, Turner Freeman Lawyers, then you do not need to do anything.

If you do not know if you have completed the questionnaire annexed to this Notice and you wish to do so, you should contact Turner Freeman Lawyers.

If you fit the definition of a “group member” in the representative proceeding and you have not previously opted out or completed the questionnaire annexed to this Notice, then the following three

options are available to you:

Option 1: Do Nothing

If you do nothing, you will remain a group member and remain bound by any order or judgment in the representative proceeding. The plaintiffs will continue to bring the proceeding on your behalf up to the point where the Court determines the questions that are common to the claims of the plaintiffs and the group members. **However**, if the proceeding settles and the Court makes an order that only those who registered for settlement are entitled to obtain the benefit of any settlement reached, then you will **not** (subject to you applying to the Court for leave, and obtaining a grant of leave) be entitled to any benefit obtained from settlement of the proceeding. If the settlement is approved by the Court, the representative proceeding will be ended (if the Court is minded to make such an order) and you will have to commence your own proceeding to seek compensation for any injuries you may have suffered. In that event, your right to compensation may be affected by the limitation period relevant to your claim (addressed below under Limitation Period).

Option 2: Register for Settlement

If you wish to register for settlement, you should complete the "Registration for Settlement Notice" and questionnaire below to the best of your ability.

If you wish to help settle this action you should register for settlement before the deadline for mediation on **14 April 2023**. In order to help achieve the most favourable settlement and to bring these proceedings to an end, you should return your "Registration for Settlement" form to Turner Freeman Lawyers so that it arrives before that deadline.

Although you may register at any time up to the date set by the Court for approval of any settlement reached, the prospects of any settlement being approved may be adversely affected as may the amount you may recover.

You will not be able to register after the date set by the Court to approve settlement.

Option 3: Opt Out

If you do not wish to be a group member you should opt out of the proceeding by completing the "Opt Out Notice" below. If you opt out then you will cease to be a group member and will not be affected by any orders or settlement in the representative proceeding.

If you wish to bring your own claim against the defendants, you should seek your own legal advice about your claim and the applicable time limit before opting out (as a group member s 182 of the *Civil Procedure Act 2005* (NSW) suspends the running of any limitation period that may apply to your claim that relates to the proceedings. Once you cease being a group member the running of the limitation period ceases to be suspended and continues to run).

If you wish to opt out, you should do so as soon as possible but you must do so before 14 April 2023. To opt you, send your "Opt Out Notice" to Turner Freeman Lawyers so that it arrives before 14 April 2023.

7. Will you be liable for legal costs?

Group members will not become liable for any legal costs simply by remaining or registering as group members. Group members in a representative action **are not legally liable for the legal costs associated with bringing the proceedings** but may in some circumstances be called upon to contribute a sum by way of security for legal costs of the defendants.

However, if the proceedings are successful and there is a judgment or settlement that results in

compensation becoming payable to registered group members, then:

- (a) If the preparation or finalisation of your personal claim requires work to be done in relation to issues that are specific to your claim, you can engage Turner Freeman Lawyers or other solicitors to do that work for you. You may be liable for costs associated with the determination of issues concerned only with your claim;
- (b) If any compensation becomes payable to you as a result of any order, judgment or settlement in the representative proceeding, the Court may make an order that some of that compensation be used to help pay a share of the costs which are incurred by the plaintiffs in running the representative proceeding but which are not able to be recovered from the defendants. The plaintiffs will ask the Court to make such an order if the occasion arises; and
- (c) Representative proceedings are often settled out of Court. If this occurs in this proceeding, you may be able to claim from the settlement amount without retaining a lawyer (but you should register for settlement as outlined above).

8. Limitation Period

Limitation periods are set by statute. If a person with an entitlement to a claim does not commence legal proceedings by the time a limitation period expires, they may be barred from making a claim.

The commencement of this representative action suspended the limitation periods for all group members who have not opted out at the date each respective defendant was joined to the proceeding. Time starts to run again for any related claim against the respective defendants once a person opts out of the representative action or the representative proceeding is ended. If you opt out of the representative action (or the representative proceeding is ended) and the statutory time limit on your claim expires, or is found to have already expired because you are no longer covered by the representative action, you will be barred from bringing proceedings against the applicable defendants in court. This will depend on your particular individual circumstances. If you register to participate in any settlement of the proceeding and the settlement is approved by the Court, you will not be able to pursue your individual claim and so no issue with the limitation period will arise.

Again, if you wish to bring your own claim against the defendants in court, you should seek your own legal advice about your claim and the applicable time limit.

9. Where can you obtain further information, including copies of relevant documents?

Copies of relevant documents may be obtained by:

- (a) telephoning Turner Freeman Lawyers on (02) 8222 3333 and requesting a copy to be posted;
- (b) by downloading a copy from the Turner Freeman Lawyers website: <https://turnerfreeman.com.au/nsw/opt-out-notice>
- (c) inspecting a copy of the Statement of Claim by visiting the Registry of the Supreme Court in Sydney at Level 5, Law Courts Building, Queens Square, 184 Phillip Street, Sydney NSW;
- (d) by downloading a copy from the Supreme Court website: http://www.supremecourt.justice.nsw.gov.au/Pages/sco2_classaction/The-Cosmetic-Institute-Class-Action.aspx

Please consider the above matters carefully. If you are not sure whether you are a group member or want further information, you can contact the plaintiffs' solicitors, Turner Freeman Lawyers on (02) 8222 3333, or on the website (<https://www.turnerfreeman.com.au/nsw/cosmetic-institute-class>)

action/). You can also seek your own legal advice.

This notice is published pursuant to Orders made by the Supreme Court on 10 March 2023.

OPT OUT NOTICE

COURT DETAILS

Court Supreme Court of New South Wales
Division Common Law
List Professional Negligence
Registry Sydney
Case number 2017/279308

TITLE OF PROCEEDINGS

First plaintiff **Amy Rickhuss**
Number of plaintiffs 12

First defendant **The Cosmetic Institute Pty Ltd (In Liquidation)**
Number of defendants 19

FILING DETAILS

Filed for _____, person opting out of
representative proceedings

Legal representative
Legal representative reference
Contact name and telephone
Contact email

OPT OUT NOTICE

Name of person opting out:
Address of person opting out:

I,....., a group member in this representative proceeding, opt out of the proceeding.

I understand that in opting out:

- 1 I forego the right to share in any relief obtained by the representative parties in the representative proceeding;
- 2 I am not entitled to receive any further notification about the conduct or disposition of the proceeding; and
- 3 To the extent that I have a claim against the defendants, any limitation period suspended by the commencement of the representative proceeding, has recommenced running.

SIGNATURE

Signature of or on behalf of person
opting out

Capacity

Date of signature

NOTICE TO PERSON OPTING OUT

You must, within the time specified in the notice to group members do either of the following:

- 1 File this form in the registry of the court at the address below, or in the manner provided in the notice to group members and serve a copy of this form on the representative party (Turner Freeman Lawyers) at the address, or in the manner provided, in the notice to group members.

OR

- 2 Complete this form and email a copy of it to Sally.Gleeson@turnerfreeman.com.au and request in your email that Turner Freeman Lawyers file this form in the court on your behalf. Turner Freeman Lawyers will file your form and confirm by email to you that the form has been filed within three business days of receiving your email. If you do not receive a confirmation email from Turner Freeman Lawyers that this form has been filed for you, please call Sally Gleeson at Turner Freeman Lawyers on (02) 8222 3333.

REGISTRY ADDRESS

Street address Supreme Court of NSW
Law Courts Building, Queen's Square
184 Phillip Street
Sydney NSW 2000

Postal address Supreme Court of NSW
GPO Box 3
Sydney NSW 2001

Telephone 1300 679 272

REGISTRATION FOR SETTLEMENT NOTICE

COURT DETAILS

Court Supreme Court of New South Wales
Division Common Law
List Professional Negligence
Registry Sydney
Case number 2017/279308

TITLE OF PROCEEDINGS

First plaintiff **Amy Rickhuss**
Number of plaintiffs 12

First defendant **The Cosmetic Institute Pty Ltd (In Liquidation)**

Number of defendants 19

FILING DETAILS

Filed for , person registering for settlement

Legal representative

Legal representative reference

Contact name and telephone

Contact email

REGISTRATION FOR SETTLEMENT NOTICE

Name of person registering for settlement:

Address of person registering for settlement:

I,, a group member in this representative proceeding:

1. wish to register for settlement so that I may receive any benefit obtained from the proceeding.
2. have completed the attached Questionnaire to the best of my ability and enclosed any relevant photographs, medical records, or other evidence available to me.
3. have read, and understand, the content of the Notice and the consequences of registration.

SIGNATURE

Signature of or on behalf of person registering

Capacity

Date of signature

NOTICE TO PERSON REGISTERING FOR SETTLEMENT

You must, within the time specified in the notice to group members do either of the following:

- 1 Complete this form and email a copy of it to Sally.Gleeson@turnerfreeman.com.au.

Turner Freeman Lawyers will confirm by email to you that the form has been received within three business days of receiving your email. If you do not receive a confirmation email from Turner Freeman Lawyers, please call Sally Gleeson at Turner Freeman Lawyers on (02) 8222 3333.