

Annexure “B”

Short Form Notice of Opt Out Rights

OPT OUT NOTICE

SUPREME COURT OF NEW SOUTH WALES

SYDNEY LIGHT RAIL NUISANCE CLASS ACTION

(2018/263841)

The Supreme Court of New South Wales has ordered that this notice be published. Any person who owns land, owns or operates a business, or lives in the vicinity of the Sydney Light Rail Project (the **Project**) should read this notice carefully as it may affect their rights.

1. Why is this notice important?

A class action has been commenced in the Supreme Court of New South Wales by Mistry Lawyers, acting for Rosa Maria Colagrossi, against Transport for NSW, bringing claims for monetary damages in “public nuisance” and “private nuisance” in relation to the Project.

This Notice contains important information about the proceedings and your rights – in particular, your right to opt out of the litigation. **The opt out deadline is 8 November 2019.**

2. The proceedings

The Supreme Court of New South Wales has ordered that the following information be provided to group members.

The Plaintiff alleges that Transport for NSW has substantially caused delays in the Project, and that the Project has substantially and unreasonably interfered with the enjoyment by the Plaintiff and group members of their private property, by reason of damage to and obstruction of roadways and footpaths through road closures and erection of hoardings, excessive noise, vibration, dust, and light spillage, with these effects prolonged by reason of the delays.

Transport for NSW does not admit these allegations and is defending the representative action on a number of grounds, including that it is not liable in nuisance because it was authorised to develop the Project under statute. The Plaintiff in response to these defences alleges that Transport for NSW is not entitled to rely upon these defences by reason of its conduct.

The proceedings are called the Sydney Light Rail Nuisance Class Action.

3. Are you a group member?

You are a group member if you:

- (a) hold, or have held, an interest in land in the vicinity of the Project and have suffered loss or damage by reason of Transport for NSW's alleged interference with your enjoyment of your interest in land; or
- (b) have suffered loss or damage by reason of Transport for NSW's alleged interference with public land through the carrying out of the Project (other than merely loss or damage in your capacity as a member of the general public).

In simple terms, you are likely to be a group member if you own land in the vicinity of the Project, own or operate a business in the vicinity of the Project, or live in the vicinity of the Project, and you have been adversely affected by the consequences of the construction of the Project.

You are excluded from being a group member if you are an officer or employee of the Defendant, a judge or registrar of the Supreme Court of NSW or the High Court of Australia, or an officer or employee of, or other legal practitioner engaged in connection with these proceedings by Mitry Lawyers.

4. What is opt out?

A class action can be commenced by one person without the consent of people who fall within the group definition. However, group members can cease to be group members by "opting out" of the class action.

If you wish to remain a group member there is **nothing you need to do** at the present time. The Plaintiff will continue to bring the proceeding on your behalf up to the point where the Court determines those questions that are common to the claims of the Plaintiff and the group members.

If you do not wish to remain a group member **you must opt out** of the class action **by 8 November 2019**. Information on how to opt out, together with further information regarding your rights in relation to the proceedings, can be obtained from Mitry Lawyers, or from the Supreme Court of New South Wales, at the websites below.

5. More information

If you believe you may be a group member, it is important that you read the further information available from Mitry Lawyers at www.mitry.com.au/sydneylightrail or from the Supreme Court of New South Wales at www.supremecourt.justice.nsw.gov.au/Pages/sco2_classaction/Light-Rail-Nuisance-Class-Action.aspx

OPT OUT NOTICE

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
List	Representative Proceedings
Registry	Sydney Registry
Case number	2018/263841

TITLE OF PROCEEDINGS

Plaintiff	Rosa Maria Colagrossi
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Defendant	Transport for New South Wales
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FILING DETAILS

Filed for	[name] , person opting out of representative proceedings
#Legal representative	[solicitor] [firm]
#Legal representative reference	[reference number]
Contact name and telephone	[name] [telephone]
Contact email	[email address]

OPT OUT NOTICE

[Name of person opting out]

[Address of person opting out]

I, [insert name], a group member in these representative proceedings, opt out of the proceedings.

I understand that in opting out:

- 1 I forego the right to share in any relief obtained by the representative party in the representative proceedings;

- 2 I am not entitled to receive any further notification about the conduct or disposition of the proceedings; and
- 3 To the extent that I have a claim against the defendant(s), any limitation period suspended by the commencement of the representative proceedings has recommenced to run.

SIGNATURE

#Signature of legal
representative

#Signature of or on behalf of
person opting out if not legally
represented

Capacity [eg solicitor, authorised officer of person opting out,
person opting out]

Date of signature

NOTICE TO PERSON OPTING OUT

You must, within the time specified in the notice to group members:

- 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
- 2 serve a copy of this form on the representative party at the address, or in the manner provided, in the notice to group members.

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