

ISG MANAGEMENT CLASS ACTION

Mutch v ISG Management Pty Ltd

IMPORTANT NOTICE TO GROUP MEMBERS

(Issued by Order of the Federal Court of Australia)

If you were identified as a person who might be a group member of the ISGM Class Action, you should have received an Opt Out notice by email and/or post from Shine Lawyers.

This further notice is about recent media articles which commented on this class action which you may have read. Class actions commonly attract media attention and further articles may be published from time to time. Media commentary is not always accurate and may leave the reader with an incorrect understanding, including about an opt-out process which the Federal Court is supervising.

In deciding whether to opt out of the class action you should rely on the information provided in the Opt Out Notice that was approved by the Court and previously provided to you, together with any legal advice you may have received. If there is anything in the Opt Out Notice that you do not understand, you should speak to Shine Lawyers on 1800 325 172 or seek your own independent legal advice. Enquiries should not be directed to the Court.

The recent media articles about this class action made statements about the possible exposure of group members to cross claims made by ISGM and about the potential liability of group members to pay legal costs. Information about these matters that the Court has reviewed and approved as being accurate is set out in paragraphs 5-11 and 14 (regarding the cross claims) and paragraph 16 (regarding legal costs) of the Opt Out Notice. In particular you should note:

- ISGM's cross claims against group members and their related companies are currently stayed (that means that those claims are not active and will not become active until the Court decides they should be activated). (See para 7 of the Opt Out Notice)
- Group members will incur no liability for legal costs by remaining in the class action up to and including the initial trial of the claims made by and against Mr Mutch, which is scheduled for October 2021. (See para 16 of the Opt Out Notice)
- After the initial trial has been held and the Court has published its decision, group members will be given the opportunity to decide whether or not they wish to pursue their own individual claims. ISGM has indicated that it will only pursue its cross claim against a group member and any related corporation if the group member decides to pursue his or her individual claim. (See paras 9-11 of the Opt Out Notice)

Furthermore, the recent media articles referred to a different class action and to comments made about what group members would receive from the settlement of that action by a Judge of this Court. Each class action is different to the next. You should not understand the comments made in that other action to be applicable to this class action.

If you were motivated to opt out of the class action because of recent statements in the media about those aspects of this class action referred to above, but wish to reconsider your position and withdraw the Opt Out Notice you sent to the Court, you may apply to the Court **before 4.00pm on 7 May 2021** to withdraw the Opt Out Notice so that you can be reinstated as a group member in the class action. You should only make this application if you were motivated to opt out because of a misunderstanding caused by those media statements. If you wish to pursue such an application, please complete the attached form and send it so that it is received by the Court **before 4.00pm on 7 May 2021**.

Application for leave to withdraw Opt Out Notice

No. VID1492 of 2018

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

ROBERT MUTCH

Applicant

ISG MANAGEMENT PTY LTD

Respondent

To: The Registrar
Federal Court of Australia
Victoria District Registry
305 William Street
Melbourne VIC 3000

By this application, the person named below (**Group Member**) seeks:

- (a) leave of the Court pursuant to section 33ZF of the *Federal Court of Australia Act 1976* (Cth) (the **Act**) to withdraw their notice of opt-out of the proceeding previously given to the Court; and
- (b) an order that they be reinstated as a group member within the meaning of s 33A of the Act.

The Court may determine any application that is filed with the Registrar **before 4.00pm on 7 May 2021** on the basis of the documents filed with the Court and without hearing further from the Group Member or the parties to the proceeding.

Name of Group Member	
Name of company of Group Member	
Postal address of Group Member	
Telephone contact	
Email address	

If signing as the solicitor or representative of the Group Member:

Person completing form	
Authority of person completing form	
Postal address of person completing this form	
Telephone contact	
Email address	

Date:

Signed by _____ (print name)
Group Member / Lawyer for Group Member / Group Member representative