

**SUPREME COURT OF VICTORIA
HAMILTON-BYRNE CLASS ACTION**

CREESE

v

LIFE FOR ALL CREATURES LTD & ORS

(S CI 2017 03007)

IMPORTANT NOTICE

**NOTICE OF APPROVAL OF SETTLEMENT OF HAMILTON-BYRNE CLASS
ACTION**

This Notice relates to a class action commenced in the Supreme Court of Victoria on behalf of children of Anne Hamilton-Byrne (deceased) who suffered personal injury as a result of cruel and inhumane treatment by Anne Hamilton-Byrne and/or her servants or agents during the period from 1968 to 1987 (**Hamilton-Byrne Class Action**).

The Supreme Court has ordered that this notice be provided to inform registered group members that a settlement of the Hamilton-Byrne Class Action has now been approved by the Court.

You are receiving this notice because you have registered with Mills Oakley Lawyers, the plaintiff's solicitors, as a group member in the class action. This notice is provided to you further to the Notice of Proposed Settlement distributed in January 2021.

1. Settlement of the class action

The defendants to the class action are:

- (a) Life For All Creatures Ltd, a company to whom Anne Hamilton-Byrne transferred two properties in Olinda in 2010;
- (b) Roger Leonard Butcher and Geoffrey John Benjamin Dawes in their capacity as executors of the deceased estate of Anne Hamilton-Byrne.

The parties have agreed to a settlement of the class action, under which defendants have agreed to pay \$600,000.00 (**Settlement Sum**) inclusive of the plaintiff's legal costs, without any admission of liability. The terms of the settlement of the proceeding are set out in a settlement agreement that has been signed on behalf of the plaintiff and the defendants.

On 29 March 2022 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.

2. 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 entitlement to compensation and for distributing the Settlement Sum between them.

The Scheme provides for the lead plaintiff (Ms Creese) to receive a payment of \$15,000.00 from the Settlement Sum which is intended to compensate her for the personal burden of being the lead plaintiff, a role which has benefitted all Registered Group Members. This amount is in addition to any amount the lead plaintiff may be entitled to by way of compensation for loss suffered as a result of her treatment as a child by Anne Hamilton-Byrne.

Persons who have registered and who meet the definition of 'group member' will receive an equal proportion of the Settlement Sum once the payment to Ms Creese and legal costs have been deducted. You will be contacted by Mills Oakley Lawyers in relation to your compensation entitlement under the Scheme in due course.

Legal Costs

The plaintiff's legal costs payable to Mills Oakley Lawyers, including the costs of administering the Scheme, have been assessed by an independent costs solicitor and 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.

3. Address for questions

If you have any questions about the settlement or this notice, you can contact Mills Oakley Lawyers at any time, or seek your own independent legal advice.

Contact details for Mills Oakley Lawyers

Att: Sophie Caldwell
Hamilton-Byrne Class Action
Mills Oakley Lawyers
Level 6, 530 Collins Street
Melbourne Vic 3000
Telephone: (03) 9670 9111
Email: caldwell@millsoakley.com.au