

**IN THE SUPREME COURT OF VICTORIA
AT LATROBE VALLEY
COMMON LAW DIVISION**

No. S CI 05162 of 2014

IRWIN JAMES RAMSAY

Plaintiff

and

**AUSNET ELECTRICITY SERVICES PTY LTD
(ACN 064 651 118) and ANOTHER
(in accordance with the Schedule of parties)**

Defendants

AFFIDAVIT OF BRENDAN FRANCIS PENDERGAST

Date of document: 23 March 2017
Filed on behalf of: The Plaintiff
Prepared by:
Maddens Lawyers
219 Koroit Street
WARRNAMBOOL VIC 3280

Solicitor's Code: 102650
DX: 28001
Tel: (03) 5560 2000
Fax: (03) 5560 2099
Ref: B Pendergast / S Maraldo: 140509
Attention: Brendan/Sophie
Email: smm@maddenslawyers.com.au

I, **Brendan Francis Pendergast** of 219 Koroit Street, Warrnambool, Solicitor, MAKE OATH AND SAY as follows:

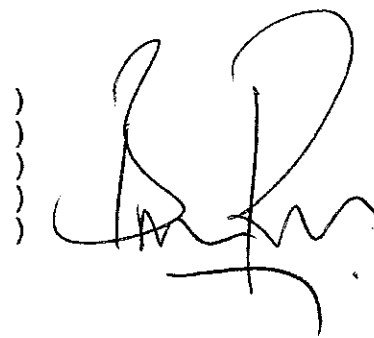
1. I am the Commercial Litigation Principal at Maddens Lawyers ("My Firm") and I have the conduct and control of this matter for and on behalf of the plaintiff and I am duly authorised to make this Affidavit on behalf of the plaintiff.
2. I make this Affidavit from my own knowledge and belief, save where otherwise stated.
3. I make this affidavit further to my affidavit sworn 27 February 2017.
4. The parties to this proceeding agreed upon terms of settlement on 4 July 2016. The document titled "Settlement deed – Jack River Class Action" ('Deed') was subsequently executed on 20 July 2016. Now produced and shown to me marked "BFP-1" is a copy of the executed counterparts of the Deed.



5. The settlement of this proceeding was effected by the Settlement Distribution Scheme ('SDS'). Pursuant to the SDS I am the Scheme Administrator. Now produced and shown to me marked "BFP-2" is a copy of the Settlement Distribution Scheme.
6. A total of 34 Registered Group Members ("RGMs") were entitled to participate in the settlement all of whom are identified in Schedule C of the SDS.
7. At the request of the Court I have prepared a reconciliation of the distributions made to RGMs, the costs as approved by the Court and any ancillary costs or expenses. A copy of the Reconciliation Statement is now produced and shown to me marked confidential exhibit "BFP-3".
8. I confirm that no further legal costs are sought above the Common Benefit Legal costs that were fixed in the sum of \$2,300,000.00 pursuant to the Orders of Emerton J dated 2 December 2016.
9. My Firm has received correspondence from 3 RGM's who have phoned to express thanks. My Firm has not received any negative feedback from RGM's in relation to settlement and distribution.
10. I confirm that all cheques have been presented and that there are no RGM's who were entitled to participate in the settlement that were uncontactable.
11. As Scheme Administer I believe the administration is completed and no further action is required.

SWORN by **BRENDAN FRANCIS PENDERGAST** at
 WARRNAMBOOL
 in the State of Victoria this 23rd day of March 2017

Before me:

ANNA CATHERINE FRANCES BUZOLICH
 of Maddens Lawyers 219 Koroit Street
 Warrnambool An Australian legal practitioner
 within the meaning of the Legal Profession
 Uniform Law (Victoria)