

ANNEXURE A

**SUPREME COURT OF VICTORIA**

**NOTICE TO GROUP MEMBERS**

**Bonsoy Class Action  
Erin Downie v Spiral Foods Pty Ltd and Others (SCI 2010 05318)**

**NOTICE OF HEARING TO CONSIDER APPROVAL OF A PROPOSED SETTLEMENT**

A group proceeding, or class action, is being conducted in the Supreme Court of Victoria by Erin Downie (the **Plaintiff**) on her own behalf and on behalf of group members. The Plaintiff is claiming compensation from Spiral Foods Pty Ltd, Muso Co Ltd and Marusan-AI Co Ltd (collectively, **the Defendants**) for alleged loss and damage suffered as a result of consuming Bonsoy soy milk in the period 1 July 2004 to 24 December 2009 (**the Relevant Period**).

You have received this notice because you registered to participate in any settlement of these proceedings before Monday 24 November 2014.

**Proposed Settlement and Settlement Scheme**

The Plaintiff and the Defendants have agreed to settle the proceedings, subject to the Court's approval.

Under the terms of the settlement, the Defendants will pay into a Settlement Distribution Fund an amount of \$25 million in settlement of the proceedings, including interest and costs. Maurice Blackburn, the Plaintiff's solicitors, will administer the Settlement Distribution Fund in the interests of all group members in accordance with a Settlement Scheme, also to be approved by the Court. The Plaintiff has proposed a Settlement Scheme which is available to be viewed at [www.mauriceblackburn.com.au/bonsoy](http://www.mauriceblackburn.com.au/bonsoy).

The proposed Settlement Scheme provides for the distribution of the monies in the Settlement Distribution Fund to the Claimants. It also provides for payment of the Plaintiff's costs and disbursements and re-imbusement of the Plaintiff's reasonable time and expenses incurred in the litigation.

Before payments are distributed to the Claimants, the information on which their losses will be estimated, and the estimates of loss, will be notified to them. They will have an opportunity to request a formal review of this information. They may also be required to provide further information, such as medical records or reports.

**Court approval**

The settlement will not take effect unless and until the settlement and proposed Settlement Scheme are approved by the Court. In determining whether to grant approval the Court will assess whether the settlement is fair and reasonable in the interests of all Group Members.

The Plaintiff will submit to the Court that the proposed settlement is fair and reasonable in the interests of all Group Members.



**Is there anything you need to do?**

If you **approve** of the proposed settlement, there is nothing you need to do.

If you wish to **oppose** the proposed settlement, you must deliver to Maurice Blackburn and the Supreme Court, at the addresses below, by no later than **4pm on Tuesday 23 December 2014:**

1. written notice of your objection;
2. your reasons for objecting; and
3. any affidavit or other evidence on which you intend to rely.

You will then need to attend and make submissions to the Court in Melbourne on Thursday 29 January 2015. On that day the Court will hear the application for approval of the proposed settlement.

<b>Maurice Blackburn</b>	<b>Supreme Court of Victoria</b>
<i>Re Erin Downie v Spiral Foods Pty Ltd and Others</i>	<i>Re Erin Downie v Spiral Foods Pty Ltd and Others</i>
<b>No S CI 2010 05318</b>	<b>No S CI 2010 05318</b>
Maurice Blackburn	The Prothonotary
PO Box 13094	Supreme Court of Victoria
Law Courts VIC 8010	436 Lonsdale Street
	Melbourne VIC 3000

**Further information**

A copy of the proposed Settlement Scheme is available on Maurice Blackburn's website at <http://www.mauriceblackburn.com.au/bonsoy>

If you have any other questions please contact Maurice Blackburn at the address above or on 1800 633 187 or seek independent legal advice.

