



Annexure A

ISG MANAGEMENT CLASS ACTION
MUTCH V ISG MANAGEMENT PTY LTD VID 1492/2018
Notice to group members issued by order of the Federal Court of Australia

The Court has ordered that this notice be provided for the information of individuals who may be members of the class on whose behalf the action is brought and may be affected by the action. You should read this notice carefully.

On 1 July 2021 the respondent to this action, ISG Management Pty Ltd (**ISGM**), was placed into voluntary administration. At that time the action was ‘stayed’. On 5 August 2021, ISGM (and associated Tandem companies) were placed into liquidation. This means, in broad terms, that a liquidator has been appointed to sell any of ISGM’s assets, and, if there are any funds available, to pay a dividend to creditors. It is not possible to proceed with a court case against a company in liquidation without leave of the Court. In circumstances in which ISGM is in liquidation, the parties are now seeking orders for the discontinuance of the action.

Proposed discontinuance

The proposed orders for the discontinuance of the action include:

1. The discontinuance of this proceeding be approved pursuant to s 33V(1) of the *Federal Court of Australia Act 1976* (Cth) and r 26.12(4) of the *Federal Court Rules 2011* (Cth).
2. Leave be granted to the Applicant to discontinue the proceeding by filing a notice of discontinuance.
3. All cross-claims be discontinued with no order as to costs.
4. There be no order as to costs.

Orders 1, 2 and 3 seek to end the action with no decision being made for or against ISGM on the allegations brought by the applicant. Essentially it means that the case is withdrawn. That includes the cross-claims commenced by ISGM against group members which will also be discontinued. We recommend that you obtain independent legal advice in respect of any



personal right you may have to bring a claim against ISGM, including in respect of any time limits that may apply, if you wish to pursue such a claim.

The proofs of debt and FEG claims that Shine has lodged on behalf of certain group members with the liquidator and FEG respectively, will remain unaffected by the discontinuance of the proceedings and will continue to adjudication.

Order 4 means that no party has been ordered to pay the other party's legal costs. The costs that each party has incurred to date will be paid by that party, with the applicant's legal costs paid by the litigation funder.

Role of the Court

In determining whether to make the orders proposed by the parties to discontinue the proceedings the Court will consider whether the discontinuance is unfair, unreasonable or adverse to the interests of group members. The Court will have regard to the interests not only of the parties but of group members who may be affected by the terms of any grant of leave to discontinue the action. To that end you are invited to share any objections to the discontinuance of the action.

Objections

Objections to the proposed discontinuance of the action must be sent via email to isgmlegal@shine.com.au with the subject line "ISGM Class Action – Objection to Discontinuance". Your email must include: Your name, dates you worked at ISGM/Tandem; and the basis of your objection. All objections must be sent by 4.00 pm (AEST) on 28 April 2023. Any objections received after that date will not be considered in determining whether to discontinue the action.