

**KALBAR OPERATIONS PTY LTD CLASS ACTION
PRIVATE AND CONFIDENTIAL**

**INTRODUCTION AND FAQs
FOR PROSPECTIVE CLASS ACTION PARTICIPANTS**

Mitry Lawyers is instructed to advise on, and to commence, a class action on behalf of all parties adversely affected by the alleged actions of Kalbar Operations Pty Ltd.

Who are Mitry Lawyers?

Mitry Lawyers is a full-service law firm with branches in Sydney CBD and Melbourne. The firm provides specialised class action advice and has carriage of significant class actions, including the Sydney Light Rail Class Action.

The lawyers who will have carriage of the class action are **Rick Mitry**, principal (rick@mitry.com.au) and **Katherine Deves**, Special Counsel (katherine.deves@mitry.com.au) Other lawyers and resources will be added to the team as the matter develops.

What is a class action?

A representative action, commonly known as a class action, is an action brought by one person/entity (the 'Plaintiff') on their own behalf and on behalf of a group of members who hold common claims against the Defendant(s).

Class members who register are bound by any judgment or settlement awarded to the class. This means that if the class action is successful, members of the class are eligible for a share of any settlement monies or Court-awarded damages. If the class action is unsuccessful, members are bound by that result. Members of the class will not be able to pursue their claim against the Defendant in separate proceedings once they have joined the class.

What is the Kalbar class action?

From approximately 2014, representatives of Kalbar Operations Pty Ltd have allegedly been continuously approaching and intimidating property owners and business proprietors with livelihoods dependent on the successful running of their business in the Gippsland rural region. Mitry Lawyers is instructed that there has been substantial pressure imposed on the property owners and businesses to sell their properties and dispose of their businesses and leave the area, as there would soon be a Mineral Sands Mine approved by the Victorian Minister for Planning. Such an approval would displace them from their properties and their businesses developed over decades. They were also in fear of losing farmland that had been the livelihood of the farmers and renowned in Australia for its food and vegetables.

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The impact of this improper pressure on the farmers has been widespread and devastating. The farmers and affected residents have suffered serious psychological trauma which has led to the diminution of their ability to properly conduct their businesses and lifestyles in one of the most scenic and productive landscapes in Australia.

The potential class action will be seeking damages for the psychological trauma suffered over the last seven years as well as for the losses of their businesses, and for damages for the losses of their business, due to the apparent improper and negligent conduct of the defendant. It will be argued, amongst other things, that the defendant has failed to take the proper precautions to prevent the improper conduct of its representatives where it was reasonably foreseeable and known to them that the business and property owners would be affected.

The claim is likely to run in a two-stage process. The first stage will be an assessment of whether the defendant is liable to the class for loss of their properties, lifestyle, mental health and businesses. The second stage will assess the quantum of damages to be awarded to the class members.

Is there any financial risk when joining as a member?

There is no financial risk to members of the class as the proceedings will be sought to be funded by a litigation funder.

A litigation funder will be sought to fund the legal proceedings on a ‘**NO WIN, NO FEE**’ basis. If the litigation funder agrees to fund the legal proceedings, in the unlikely event that the claim is not successful, and there are any adverse cost orders made, you will not be liable for the payment of any share of the adverse costs orders, legal costs or disbursements as these will be covered by the litigation funder. In the event of a successful outcome or settlement, the litigation funder will be entitled to a share in the proceeds, as set out in the Funding Agreement to be provided. No other amounts will be deducted from the proceeds.

What you need to do

If you wish to become a member of this class action, please complete the attached form with your contact details and return it to us via mail or email. thereafter, you will be registered as a class member and we will maintain close contact with you by providing you with regular updates on the proceedings. These updates on the status of proceedings, and access to available documents, will be made on our website and brought to the attention of the class members by regular reports.

If you are aware of any property or business owners who have been affected by this and may wish to join the class, please advise them that they are able to do so by contacting us and register their details.

Please note that until Mitry Lawyers is formally retained, we cannot provide legal advice.

Accordingly, this document is not intended to constitute legal advice and should not be relied upon by you as such.

If you have any queries on any of the above, please do not hesitate to contact Rick Mitry or Katherine Deves on 02 9222 2833.

Yours faithfully,

Mitry Lawyers