

## NOTICE – CONFIRMATION OF SETTLEMENT

### CLASS ACTION AGAINST WESTPAC BANKING CORPORATION

DATE OF NOTICE: 28 FEBRUARY 2018

#### THE IMPORTANCE OF THIS NOTICE

**This Notice contains important information regarding the settlement of a representative proceeding (or class action) brought against Westpac Banking Corporation.**

**If you are a Group Member you have legal rights that are affected by the settlement. Please read this Notice carefully.**

On 15 December 2017, the Federal Court of Australia approved a settlement of the class action proceedings in *Lee & Anor v Westpac Banking Corporation* (QUD 211 of 2013).

The settlement amount of \$7.5 million (**Settlement Amount**) plus accrued interest less any fees and tax has now been paid by Westpac Banking Corporation (**Westpac**) to Stewart Alan Levitt as trustee for distribution to Group Members who are entitled to make a claim on the Settlement Distribution Fund.

All Group Members are entitled to make a claim on the Settlement Distribution Fund unless you are an Excluded Person as defined in clause 4 of the Settlement Scheme.

You are a Group Member if you:

- a. borrowed money from the Respondent (“**Westpac**”) in the period between on or after 22 October 2004 and 31 October 2008 (the “**Relevant Period**”), or who increased their borrowings from Westpac during the Relevant Period, to invest in one or more of the Special Funds (as defined in paragraph 6(3)(d) of the Further Amended Statement of Claim); and
- b. suffered loss and damage as a result of:
  - i. Storm’s breaches of contract pleaded in paragraphs 73 and 74 of the Further Amended Statement of Claim; and, or alternatively

- ii. Storm's misrepresentations pleaded in paragraphs 83-88 of the Further Amended Statement of Claim; and
- c. have not settled with Westpac the claims the subject of these proceedings.

The Settlement Distribution Fund will be distributed in accordance with a Settlement Scheme after the deduction of certain approved costs as ordered by the Court on 15 December 2017.

If you think you are a Group Member and you do not have or have not seen a copy of the Settlement Scheme or the orders made by the Court on 15 December 2017, please contact Levitt Robinson Solicitors on (02) 9286 3133 or at [stormclassaction@levittrobinson.com](mailto:stormclassaction@levittrobinson.com)

**In order to participate in the Settlement Scheme you will need to complete a Registration Form in the form of annexure "B" to the Settlement Scheme and a Deed Poll in the form of annexure "C" to the Settlement Scheme to register your participation in the settlement and provide the necessary supporting documents by no later than 1 April 2018 (the Registration date).**

If you think you are entitled to claim on the Settlement Distribution Fund and do not have a copy of the Registration Form and/or the Deed Poll please contact Levitt Robinson on (02) 9286 3133 or at [stormclassaction@levittrobinson.com](mailto:stormclassaction@levittrobinson.com). The Registration Form contains information about the supporting documents you will be required to provide in order to participate in the settlement.