

**ANNEXURE A**

**SUPREME COURT OF VICTORIA**



**IMPORTANT NOTICE**

***5 Boroughs NY Pty Ltd v State of Victoria & Ors***

***(Proceeding No. S ECI 2020 03402)***

**HOTEL QUARANTINE (BUSINESS LOSSES) CLASS ACTION**

THIS NOTICE IS PUBLISHED BY ORDER OF THE SUPREME COURT OF VICTORIA

IT IS IMPORTANT THAT YOU READ THIS NOTICE CAREFULLY BECAUSE IT MAY  
AFFECT YOUR LEGAL RIGHTS



### What is this notice about?

1. The Supreme Court of Victoria has ordered that this notice be published to group members to let them know about a proposed amendment to the group member definition of the Hotel Quarantine (Business Losses) Class Action (the "**class action**").
2. Specifically, this notice provides important information about:
  - (a) the background to the class action;
  - (b) the key things to know about the proposed amendment; and
  - (c) what you need to do if you want to object to the proposed amendment.

### What is a class action?

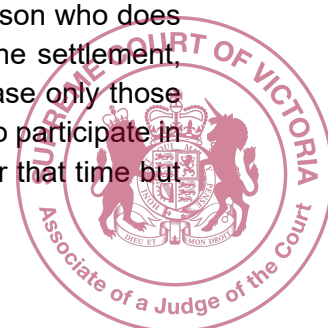
3. A class action is a lawsuit where one or more plaintiffs make a claim for themselves and on behalf of other people whose claims arise out of the same, similar, or related circumstances. The people represented by the plaintiff or plaintiffs are called 'Group Members'.

### The Hotel Quarantine (Business Losses) Class Action

4. The Plaintiff in the class action is 5 Boroughs NY Pty Ltd (**Plaintiff**), represented by Quinn Emanuel Urquhart & Sullivan (**Quinn Emanuel**). The Defendants are the State of Victoria and former Ministers and Secretaries of the Department of Health and Human Services and the Department of Jobs, Precincts and Regions.
5. In summary, the Plaintiff seeks compensation for certain retail businesses for alleged economic losses caused by the second wave lockdowns that occurred in Victoria between July to October 2020. The Plaintiff alleges that the lockdowns were the result of negligence in relation to the State's hotel quarantine program and that the State is liable for this alleged negligence.
6. The Defendants deny the claims made against them in the class action and deny any liability.
7. The parties agreed, in principle, to settle the class action before the trial, which was set to commence on Tuesday, 10 March 2026, and subsequently executed a Deed of Settlement. The Court must approve the settlement for it to take effect.
8. The Plaintiff seeks to amend the group member definition in the proceeding. The Court proposes to hear the Plaintiff's application to amend the group member definition before it considers whether to approve the settlement.

### Why is the group definition important?

9. The group member definition is important because it defines the people who the Plaintiff represents in the class action. A person who does not fall within the group member definition will not be able to participate in the settlement. A person who does fall within the group member definition may be able to participate in the settlement, although it is important to note that the Plaintiff proposes that in this case only those people who fall within the group member definition **and** who registered to participate in any settlement by 4:00pm AEST on 8 July 2024, or who registered after that time but



can provide a reasonable explanation for why they did not register by that time, should participate in the settlement (unless the Court otherwise orders).

### **What is the current group member definition?**

10. The current group member definition is all persons:
  - (a) who as at 1 July 2020 carried on a business involving the supply of goods or services to members of the general public from one or more premises physically located within Victoria; and
  - (b) whose ability to supply goods or services to members of the general public from their premises was adversely affected by one or more of the stage 3 and stage 4 restrictions in place in Melbourne and regional Victoria between July and October 2020; and
  - (c) who suffered economic loss as a result.

The full group member definition is contained in paragraph 1 of the Indorsement of Claim on the Writ filed in this proceeding a copy of which is available at <https://hotelquarantinesettlement.com.au/>

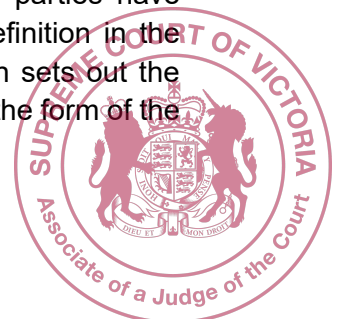
### **What is the proposed amended group member definition?**

11. Under the proposed amended group member definition you are a group member if you meet all three of the following criteria:
  - (a) as at 1 July 2020, you carried on a business the ordinary operations of which involved:
    - (i) the supply of goods or services at premises physically located in Victoria; and
    - (ii) the attendance by members of the public at those premises for the acquisition of the goods or services supplied at those premises; and
  - (b) as a result of the stage 3 and stage 4 restrictions in place in Melbourne and regional Victoria between July and October 2020, your business was prohibited from supplying, or was restricted in its ability to supply goods or services to members of the general public at such premises, or the attendance by members of the public at those premises was prohibited or restricted; and
  - (c) this caused your business to suffer economic loss.

The full group member definition appears at paragraph 1 of the Plaintiff's Further Amended Statement of Claim, a copy of which is available at <https://hotelquarantinesettlement.com.au/>

### **Why is the change proposed?**

12. On 12 February 2021 the Plaintiff prepared a Statement of Claim in this proceeding which contained a group definition which was different to the group member definition in the Writ and which was substantially in the same form as the proposed group member definition which the Plaintiff now seeks. Since that time the parties have conducted themselves on the basis that this is the group member definition in the proceeding. The Plaintiff's Further Amended Statement of Claim which sets out the claims made on behalf of the group members uses a group definition in the form of the proposed amended group member definition.



13. However, the Plaintiff did not amend the group definition in the Writ and so that is the group member definition which currently applies. The Plaintiff and the Defendants agree that the group member definition should be changed to bring it in line with the definition which is used in the Further Amended Statement of Claim and which is the basis upon which the parties have conducted themselves since February 2021.
14. The Plaintiff and the Defendants say that the proposed change to the group member definition is one of form only and does not affect anyone's substantive rights and agree that the amendment should apply retrospectively from 12 February 2021.

**Who might be affected by the proposed amendment?**

15. You may be affected by the proposed amendment if:
  - (a) you meet the current group member definition but would not meet the proposed group member definition;
  - (b) you would meet the proposed group member definition but do not meet the current group member definition; or
  - (c) you meet both the current and proposed group member definitions.

If any of those three scenarios apply then the proposed amendment might affect your legal rights. If you have any concerns regarding this issue you are strongly advised to obtain legal advice as to whether you should object to the proposed amendment.

**What do I need to do?**

16. Unless you wish to object to the proposed amendment to the group member definition you do not need to do anything.
17. If you wish to object to the proposed amendment you are strongly encouraged to obtain legal advice.
18. If you wish to object to the proposed amendment by no later than **4:00pm AEST on 10 July 2026** you should:
  - (a) file written submissions of no more than 5 pages together with any affidavit material on which you wish to rely (**objection materials**) by sending the objection materials to the Supreme Court via email at [covidblclassaction@supcourt.vic.gov.au](mailto:covidblclassaction@supcourt.vic.gov.au);
  - (b) serve the Plaintiff by emailing the objection materials to [hqobjections@quinnemanuel.com](mailto:hqobjections@quinnemanuel.com); and
  - (c) serve the Defendants by emailing the objection materials to [hqca@hsfkramer.com](mailto:hqca@hsfkramer.com).
19. The Court will hear the Plaintiff's application to amend the group member definition on **27 July 2026 at 10:30am**. If you wish to attend the hearing to make oral submissions in opposition to the Plaintiff's proposed amendment you should do so.
20. **PLEASE NOTE THE HEARING ON 27 JULY 2026 IS NOT FOR THE PURPOSES OF HEARING THE APPLICATION TO APPROVE THE PROPOSED SETTLEMENT. IT IS ONLY FOR THE PURPOSES OF CONSIDERING WHETHER TO APPROVE THE PLAINTIFF'S APPLICATION TO AMEND THE GROUP MEMBER DEFINITION.**



### **Where can I obtain further information?**

21. You can obtain copies of the relevant documents, including:
  - (a) the Writ;
  - (b) the Further Amended Statement of Claim;
  - (c) the Plaintiff's Summons dated 5 May 2026;
  - (d) the affidavit of Damian John Scattini dated 5 May 2026;
    - (i) by downloading them from Quinn Emanuel's website at <https://hotelquarantinesettlement.com.au>; or
    - (ii) by downloading them from the Supreme Court of Victoria's website at <https://www.supremecourt.vic.gov.au/areas/group-proceedings/covid-19-state-government-business-losses>
22. If there is anything in this notice of which you are unsure, you should seek independent legal advice or contact Quinn Emanuel, the solicitors for the Plaintiff, by email at [enquiries@hotelquarantinesettlement.com.au](mailto:enquiries@hotelquarantinesettlement.com.au)
23. The Supreme Court should not be contacted for legal advice.
24. This notice was approved by the Supreme Court and published pursuant to orders made on 5 June 2026.

