

IN THE SUPREME COURT OF VICTORIA
COMMON LAW DIVISION
GROUP PROCEEDINGS LIST

S ECI 2020 03402

BETWEEN

5 BOROUGHES NY PTY LTD (ACN 632 508 304)

Plaintiff

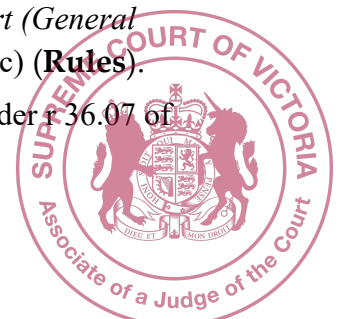
- and -

**STATE OF VICTORIA & ORS
(according to the attached Schedule)**

Defendants

ORDER

-
- JUDGE:** The Honourable Justice Watson
- DATE MADE:** 11 August 2026
- ORIGINATING PROCESS:** Further Amended Writ filed 4 August 2026
- HOW OBTAINED:** Following the hearing on 27 July 2026
- ATTENDANCE:** Not applicable
- OTHER MATTERS:**
- A. The parties have agreed to settle this proceeding, subject to the Court's approval pursuant to s 33V of the *Supreme Court Act 1986* (Vic) (**Proposed Settlement**).
 - B. The plaintiff filed its application for preliminary approval of the Proposed Settlement on 14 April 2026 (**Application**).
 - C. On 3 August 2026, the Court handed down a ruling granting the plaintiff's application to amend the group member definition in the proceeding.
 - D. On 4 August 2026, the plaintiff filed its Further Amended Writ in accordance with the Court's ruling on 3 August 2026.
 - E. This order is signed by the Judge pursuant to r 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2025* (Vic) (**Rules**).
 - F. This order has been amended under r 36.07 of the Rules.



THE COURT ORDERS THAT:

Form and content of notice of proposed settlement to group members

1. Pursuant to ss 33X(4) and 33Y(1) of the *Supreme Court Act 1986* (Vic) (**Act**), the form and content of the following notices and correspondence informing group members of the proposed settlement of this proceeding be approved:
 - (a) the notice of proposed settlement in Annexure A hereto (**Notice**);
 - (b) the covering email for the Notice in Annexure B hereto (**Correspondence**);
and
 - (c) the abridged notice in Annexure C hereto (**Abridged Notice**).

Distribution of notice of proposed settlement to group members

2. Pursuant to s 33Y of the Act, the Notice, the Correspondence and Abridged Notice be distributed to group members as follows:
 - (a) By 14 August 2026 (**Notice Date**), the plaintiff's solicitors (**Quinn Emanuel**) shall send a copy of the Notice by email to those group members who have provided an email to Quinn Emanuel in connection with this proceeding as at the date of these orders, under cover of the Correspondence, save, to the extent applicable, those group members identified in order 7 below.
 - (b) On the Notice Date, the first defendant shall post a copy of the Abridged Notice on each of the following:
 - i. the X account of Business Victoria;
 - ii. the website of Business Victoria (on the latest updates and news and updates sections of the website); and
 - iii. the Facebook page of Business Victoria.
 - (c) Within 5 business days of the Notice Date, Quinn Emanuel shall publish a copy of the Abridged Notice in each of the following newspapers: Melbourne Herald Sun and The Age.
 - (d) By the Notice Date, Quinn Emanuel shall cause the Notice to be posted on the website of Quinn Emanuel at <https://hotelquarantinesettlement.com.au> to be



continuously displayed until 4.00 pm AEST on 11 September 2026 (**Notice Deadline**).

- (e) By the Notice Date, the Civil Registry of the Supreme Court of Victoria (**Registry**) shall:
 - i. display the Notice on the website of the Supreme Court of Victoria continuously until the Notice Deadline; and
 - ii. make the Notice available for inspection at the Registry continuously from the Notice Date until the Notice Deadline.

Proposed settlement distribution scheme

- 3. By the Notice Date, Quinn Emanuel is to make the plaintiff's proposed settlement distribution scheme, being the proposed scheme for the allocation of the settlement monies to group members, available on its website.

Objections to proposed settlement

- 4. Pursuant to s 33ZF of the Act, by 4.00 pm AEST on 11 September 2026 (**Objection Deadline**), any group member who wishes to oppose any aspect of the proposed settlement shall:
 - (a) deliver to the Registry a completed Notice of Objection in the form of Schedule A to the Notice (**Objection Notice**); or
 - (b) submit the required information through the Supreme Court of Victoria's "Online Objection" process at:
<https://www.supremecourt.vic.gov.au/areas/group-proceedings/covid-19-state-government-business-losses/objection> (**Online Objection**).
- 5. Each group member who submits an Objection Notice or an Online Objection (collectively, an **Objection**) in accordance with order 4 above must complete the Objection in one of the following ways:
 - (a) by personally signing or personally affixing their electronic signature;
 - (b) in the case of a corporation, by a director of the corporation personally signing or personally affixing their electronic signature;



- (c) in the case of a group member who has retained a solicitor, by that solicitor personally signing or personally affixing their electronic signature as that group member's solicitor;
- (d) in the case of an executor of an estate, by the executor personally signing or personally affixing their electronic signature;
- (e) in the case of a person holding a power of attorney for a group member, by the attorney personally signing or personally affixing their electronic signature; or
- (f) in the case of an external administrator, by the administrator personally signing or personally affixing their electronic signature.

Inspection of Court file

- 6. The parties' solicitors have leave to inspect the Court file after the Objection Deadline and to:
 - (a) copy any Objection Notices filed by or on behalf of group members; and
 - (b) obtain information relating to any Online Objections submitted by or on behalf of group members.

Late registrants

- 7. Pursuant to ss 33X(4) and 33Y(1) of the Act, the form and content of the following notices and correspondence to be issued to group members who registered between 4.01 pm AEST on 8 July 2024 and 11.59 pm AEST on 11 March 2026 (**Late Registrant Group Members**) be approved:
 - (a) the form set out in Annexure D hereto (**Late Registrant Form**); and
 - (b) the covering email for the Late Registrant Form in Annexure E hereto (**Late Registrant Correspondence**).
- 8. Pursuant to s 33Y of the Act, by the Notice Date, Quinn Emanuel is to send the Notice and Late Registrant Form by email under cover of the Late Registrant Correspondence to Late Registrant Group Members.
- 9. Pursuant to s 33ZF of the Act, by the Objection Deadline, a Late Registrant Group Member who wishes to provide an explanation for why they registered late must submit to Quinn Emanuel a completed Late Registrant Form by emailing that form to the email address identified in that form.



Amendments to notice material

10. The materials in Annexures A to E hereto may be amended by Quinn Emanuel before they are given or published to correct any typographical errors, dates, or any postal, website, email address or telephone number.
11. If the Notice is amended by Quinn Emanuel in accordance with order 10 above, a copy of the amended Notice shall be provided to the Registry and the solicitors for the defendants as soon as practicable.

Costs of giving notice

12. The costs of and incidental to preparation and distribution of the materials in Annexures A to E hereto, and the costs of responding to enquiries by group members, will come out of the sum payable to Quinn Emanuel under the Group Costs Order in the proceeding.

Application for settlement approval

13. **By 7 September 2026**, the plaintiff is to file and serve an application for orders approving the settlement pursuant to s 33V of the Act and for related orders (**Settlement Approval Application**).
14. **By 17 September 2026**, the plaintiff is to file and serve any affidavits and submissions in relation to the Settlement Approval Application.
15. In relation to material filed pursuant to order 14:
 - (a) subject to further order, leave is granted to the plaintiff to redact any material over which it makes a claim of confidentiality or privilege, or which it contends ought not be disclosed to the defendants or to a member of the public; and
 - (b) where such a claim is made over any material, the plaintiff must provide the Court with:
 - i. an unredacted version of the material which identifies the redactions made with yellow highlighting or overlay;
 - ii. a document that identifies each redaction and a brief statement of the reasons why a claim is made over the material; and
 - iii. proposed orders in respect of the redacted material.



16. **By 24 September 2026**, the defendants are to file and serve any affidavits and submissions in relation to the Settlement Approval Application.
17. The Settlement Approval Application be listed for hearing on **29 September 2026**.

DATE AUTHENTICATED: 11 August 2026

A handwritten signature in black ink, appearing to read 'John Watson', written over a horizontal line.

THE HONOURABLE JUSTICE WATSON



SCHEDULE OF PARTIES

S ECI 2020 03402

5 BOROUGHES NY PTY LTD (ACN 632 508 304)

Plaintiff

- and -

STATE OF VICTORIA

First Defendant

THE HONOURABLE JENNY MIKAKOS (IN HER CAPACITY AS THE FORMER MINISTER FOR HEALTH AND THE FORMER MINISTER FOR THE COORDINATION OF HEALTH AND HUMAN SERVICES: COVID-19)

Second Defendant

THE HONOURABLE MARTIN PAKULA (IN HIS CAPACITY AS THE FORMER MINISTER FOR JOBS, INNOVATION AND TRADE AND THE FORMER MINISTER FOR THE COORDINATION OF JOBS, PRECINCTS AND REGIONS: COVID-19)

Third Defendant

KYM LEE-ANNE PEAKE (IN HER CAPACITY AS THE FORMER SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES)

Fourth Defendant

SIMON GRANT PHEMISTER (IN HIS CAPACITY AS THE SECRETARY, DEPARTMENT OF JOBS, PRECINCTS AND REGIONS)

Fifth Defendant



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 settlement 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 settlement;
 - (c) whether you may be eligible to participate in the proposed settlement if the settlement is approved by the Court; and
 - (d) what you need to do if you want to object to the proposed settlement.

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.

Am I a Group Member of the class action?

8. On 3 August 2026, the Court approved an amendment to the group member definition in this class action. Details of that amendment and the reasons for it can be found in the Court's ruling: *5 Boroughs NY Pty Ltd v The State of Victoria & Ors (No 8)* [2026] VSC 496 which is available here: <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VSC/2026/496.html>. If



you believe you would have been a group member under the previous group member definition, but are not a group member under the current group member definition, you should immediately seek legal advice regarding your rights.

9. In accordance with the Court's ruling, you are a group member in this class action if you meet all three of the following criteria:
 - (a) as at 1 July 2020, you operated a retail business that supplied goods or services to the public from physical premises located in Victoria;
 - (b) members of the public acquired those goods or services by attending the physical premises of the business; and
 - (c) as a result of the stage 3 and stage 4 restrictions in place in Melbourne and parts of regional Victoria between July and October 2020, your business was required to shut or operate at a reduced capacity and/or members of the public were restricted or prohibited from visiting your business premises and this caused your business to suffer financial 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/>

10. You do not need to still carry on your business to be a Group Member. However, if your business was carried on through a company, that company must still exist (i.e. must still be registered) in order to be a Group Member. If the company has been deregistered, the legal entity that suffered the loss no longer exists.
11. Quinn Emanuel is unable to provide you with individual legal advice in this regard. You may wish to seek independent advice from a lawyer or accountant about your options if the applicable legal entity would be a Group Member but has been deregistered.

What are the key things to know about the proposed settlement?

12. The State has agreed to pay the sum of \$125 million to settle the claims of all Group Members in the class action (**Settlement Sum**).
13. The settlement is without admission of liability by the Defendants.
14. The Court must approve the proposed settlement for it to take effect. The Court will only approve the proposed settlement if it is satisfied that the settlement is fair and reasonable and in the interests of the Group Members as a whole, including as between the Group Members.
15. If the Court approves the proposed settlement, it will apply to all Group Members, except Group Members who have opted out. This means that Group Members will not be permitted to take any other legal action against the Defendants or associated State entities for the same or related circumstances to those that are subject of the class action.



16. The Plaintiff will seek the Court's approval of the following deductions from the Settlement Sum:
- (a) \$37.5 million (30% of the Settlement Sum) in respect of legal costs; and
 - (b) \$310,000 by way of reimbursement to the Plaintiff and certain Group Members who assisted in advancing the claims of Group Members in the class action.
17. The balance of the Settlement Sum (\$87.19 million) will be distributed to eligible Group Members pursuant to a Settlement Distribution Scheme (**SDS**). The SDS will also need to be approved by the Court.

Am I eligible to receive compensation under the proposed settlement?

18. It is proposed that not all Group Members will be eligible to receive compensation under the proposed settlement.
19. In a previous notice published to Group Members from March 2024, Group Members were notified of a registration process to participate in any settlement that might be reached in the class action at a mediation held in November 2024. Group Members were told that in that notice that if they did not register by the Class Deadline (which was 4.00 pm AEST on 8 July 2024), then it was possible that they would not, without leave of the Court, be permitted to seek any benefit pursuant to any settlement of the class action, even if that occurred after the November 2024 mediation.
20. After the Class Deadline, the registration portal remained open until 11 March 2026 (by which time there were media reports of the settlement).
21. If you meet the definition of Group Member in the proceeding and registered by the Class Deadline (**Registered Group Member**), you will be eligible to receive compensation under the proposed settlement in accordance with the SDS.
22. If you are a person who registered after the Class Deadline (**Late Registrant**), Quinn Emanuel will be sending you a separate email with a form attached, inviting you to explain why you did not register by the Class Deadline (for example, if there are good reasons why you did not see the registration notice before then). If you are a Late Registrant and would like to receive compensation under the proposed settlement, you should respond to that email by **4.00 pm AEST on 11 September 2026**.
23. Under the plaintiff's proposal, only Registered Group Members and eligible Late Registrants (who provide a reasonable explanation for why they did not register by the Class Deadline) will be eligible to participate in the proposed settlement. Group Members who did not register prior to 12 March 2026 will be deemed ineligible for compensation under the SDS. Ultimately, it will be the Court, not the plaintiff, who determines which Group Members will be permitted to participate in the proposed settlement.



24. If you opted out of the class action by the Class Deadline, you are no longer a Group Member and will not be eligible to receive compensation (but can bring your own claim against the Defendants if you wish subject to applicable time limits).

More information about the proposed settlement

25. **How will entitlements of Registered Group Members be calculated?** The SDS will set out how eligible Group Members' entitlements will be calculated. To receive compensation, eligible Group Members will be required to provide financial information to the person administering the SDS (the **Settlement Administrator**). The SDS will set out a formula or mechanism for determining each eligible Group Member's entitlement. In general, an eligible Group Member will be entitled to compensation proportional to the size of their respective claim relative to the size of the other eligible Group Members' claims. This is known as a pro-rata distribution. A copy of the proposed SDS will be available at <https://hotelquarantinesettlement.com.au> by **21 August 2026**.
26. **How much will I be entitled to receive?** At this stage it is not possible to provide an estimate of how much individual Group Members will receive from the proposed settlement. That is because individual Group Member entitlements will depend on a number of factors, including the number of eligible Group Members sharing in the proposed settlement, the total amount of the deductions from the Settlement Sum which are approved by the Court, any interest earned on the Settlement Sum prior to final distributions, and the size of each eligible Group Member's claim for loss.
27. Presently, there are about 16,322 persons who registered by the Class Deadline and about 557 persons who registered after the Class Deadline. Not all of those persons are necessarily Group Members eligible to receive compensation. However, if all those persons were Group Members eligible to receive compensation, the average payment to each Group Member would be about \$5,165. This is an estimated average payment only and individual Group Members' payments may be higher or lower.
28. **What about Group Members who did not register or opt out?** If you are a Group Member who did not opt out and did not register, then, unless the Court otherwise orders, if the settlement is approved you will not receive any compensation and your claims against the Defendants will be settled, meaning that you cannot make any claim against the Defendants or associated State entities for the same or related circumstances to those that are subject of the class action.
29. **Why am I receiving less than my business lost as a result of the second wave lockdowns?** The proposed settlement will not result in businesses receiving full compensation for their losses resulting from the second wave lockdowns. That is because the settlement is a compromise of Group Members' claims. It takes into account, among other things, litigation risk and the benefit to Group Members of receiving compensation without having to wait for a trial and any appeals. If the settlement is not approved, there will need to be a trial of the



class action. If that occurs, it is possible that Group Members would receive no compensation (if the class action is unsuccessful). Even if the class action was successful, it would likely be a number of years before Group Members received compensation.

30. **Why are amounts being deducted from the Settlement Sum before it is distributed to Group Members?** There are two deductions proposed to be made from the Settlement Sum before distribution to Group Members: first, for legal costs, and second, to reimburse the Plaintiff and certain Group Members who assisted in advancing the claims of Group Members in the class action.
31. The payment for legal costs is pursuant to a 'group costs order' (**GCO**) made in the class action in November 2023. Under the GCO, Quinn Emanuel is to receive 30% of any settlement or judgment by way of payment for legal costs. In return, Quinn Emanuel conducted the class action for the benefit of Group Members and took on the risk of adverse costs if the class action had been unsuccessful. The GCO can be amended, but the Plaintiff does not propose any amendment in the present case.
32. Accordingly, if the proposed settlement is approved, the amount payable to Quinn Emanuel under the terms of the GCO (inclusive of GST) will be **\$37,500,000** (i.e. 30% of \$125 million).
33. Group Members are not, and will not be, liable for any legal costs of the class action out of their own pocket.
34. A payment to the Plaintiff is proposed to compensate the Plaintiff for assuming the important responsibility of acting as the class representative, conducting the class action for the benefit of all Group Members, and for the time and any out-of-pocket costs incurred in performing that role. In this case, it is proposed to seek an order that the Plaintiff be paid the sum of **\$250,000**. The Plaintiff will seek that sum on the basis that it performed the role of class representative for an extended period of time (more than 5 years) during which it was subjected to public ridicule and hatred (including a campaign to give its restaurant 1 star reviews on Yelp) that contributed to the closure of its business. Further, the Plaintiff borrowed about \$90,000 to avoid a liquidation, which it will need to repay from its reimbursement payment.
35. Deductions will also be sought for twelve Group Members who provided financial information for use in the mediation of the class action that took place in 2024. It is proposed that \$60,000 (\$5,000 each) be deducted and paid to those Group Members.
36. **Who will administer the SDS?** The Plaintiff will seek an order appointing Mr. Simon R. Weeks (Director of Sonority Pty Ltd trading as The Advisory Company) to administer the SDS (**Settlement Administrator**). The Settlement Administrator will communicate with eligible Group Members, calculate Group Members' entitlements and ultimately distribute funds to each eligible Group Member. The costs of the Settlement Administrator will be met from interest accrued on the Settlement Sum. Quinn Emanuel will, however, remain involved to



assist the Settlement Administrator with any legal queries (and Quinn Emanuel's costs of doing so will come out of the sum payable to it under the GCO).

What do I need to do?

37. The application for approval of the proposed settlement will be heard by the Court on 29 September 2026 at the Supreme Court of Victoria, 210 William Street, Melbourne, Victoria.

38. If:

- (a) the proposed settlement is approved by the Court; and
- (b) you are a Registered Group Member or a Late Registrant whom the Court determines should be eligible to receive compensation in accordance with the SDS,

you will be contacted by the Settlement Administrator about what you need to do next.

39. Any Group Member – whether registered or unregistered – can object to the proposed settlement. **The deadline to object to the proposed settlement is 4.00 pm AEST on 11 September 2026.**

40. If you wish to object to any aspect of the proposed settlement, you must notify the Court in writing of your objection by:

- (a) submitting the required information via the Supreme Court of Victoria website at <https://www.supremecourt.vic.gov.au/areas/group-proceedings/covid-19-state-government-business-losses/objection> or
- (b) completing a '**Notice of Objection to Proposed Settlement**' in the form of Schedule A to this Notice and returning it promptly to the Civil Registry of the Supreme Court of Victoria at the address shown on the form.

41. Any Group Member who wishes to object to any aspect of the proposed settlement may attend the hearing either in person or by audio-video link, or by a legal representative, on 29 September 2026 to address the Court in relation to their objection.

**IMPORTANT: THE NOTICE OF OBJECTION MUST BE SUBMITTED
ONLINE OR REACH THE REGISTRY BY NO LATER THAN 4.00 PM AEST
ON 11 SEPTEMBER 2026.**

Where can I obtain further information?

42. You can obtain copies of the relevant documents, including:

- (a) the Further Amended Statement of Claim;



- (b) the Amended Defence;
 - (c) the GCO referred to at paragraph 31;
 - (d) orders of the Court relating to settlement approval made on 11 August 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>
43. As noted, the proposed SDS will be available from Quinn Emanuel's website by **21 August 2026**.
44. If there is anything in this notice of which you are unsure, you should:
- (a) email Quinn Emanuel at enquiries@hotelquarantinesettlement.com.au; or
 - (b) seek independent legal advice.
45. If there is anything in the SDS of which you are unsure, you should email enquiries@hotelquarantinesettlement.com.au.
46. The Supreme Court should not be contacted for legal advice.
47. This Notice was approved by the Supreme Court and published pursuant to orders made on 11 August 2026.



Schedule A to Notice

You should only fill out this form if you wish to object to the proposed settlement of the Hotel Quarantine (Business Losses) Class Action, or any particular aspect of the proposed settlement.

Hotel Quarantine (Business Losses) Class Action

Notice of Objection to Proposed Settlement

THE DEADLINE TO OBJECT IS 4.00 pm AEST ON 11 SEPTEMBER 2026

To: Civil Registry
Supreme Court of Victoria
210 William Street,
Melbourne Victoria 3000
covidblclassaction@supcourt.vic.gov.au

A. CONTACT / IDENTIFICATION DETAILS

I, *[print name]*....., am
(select **one** option only)

☐ a group member;

☐ a director of *[company]*which is a group member;

☐ an Executor or Administrator for the Estate of *[print name]* who is a group member;

☐ a power of attorney for *[print name]*who is a group member;

☐ a solicitor acting for *[print name]* who is a group member.

Email address:	
Postal address:	
Telephone number:	



The trading name and address of the business(es) operated by the Group Member which is (are) said to have been impacted by the “stage 3” restrictions, the “stage 4” restrictions, and/or the regional “stage 3” restrictions referred to in paragraph 1(b) of the Further Amended Statement of Claim	
ABN/ACN	



B. GROUND(S) OF OBJECTION

The ground(s) for my objection to the proposed settlement are as follows.

Please note if you are completing this form online there is a 2,000 character limit.



C. SUBMISSIONS AND EVIDENCE

☐ I attach submissions (2 page limit) and/or evidence in support of my objection.

OR

☐ I do not attach any submissions or evidence in support of my objection but wish for my objection to be considered based on my reasons set out above.

(please tick the appropriate option/s)

D. ATTENDANCE AT HEARING ON 29 September 2026

At the hearing:

☐ I will appear on my own behalf.

☐ I will be represented by a lawyer [*print name*]:

.....

OR

☐ I do not intend to appear at the hearing.

(please tick the appropriate option)

E. SIGNATURE

Signature of person completing form:

Name of person completing form:

Date of signature:

IMPORTANT NOTE – if you want this form to be considered by the Court you must ensure that you complete this form online via the Supreme Court of Victoria website OR ensure that it reaches the Supreme Court of Victoria at the postal or email address above by 4.00 pm AEST on 11 September 2026.



ANNEXURE B

[SUBJECT] IMPORTANT LEGAL NOTICE: HOTEL QUARANTINE (BUSINESS LOSSES) CLASS ACTION

Dear Registrant

RE: HOTEL QUARANTINE (BUSINESS LOSSES) CLASS ACTION – NOTICE OF PROPOSED SETTLEMENT

This email contains important information that may affect your legal rights. Please read it carefully and consider your options.

This email has been sent pursuant to Court orders made on 11 August 2026.

You are receiving this email because you have been identified as a person who may be a group member in the Hotel Quarantine (Business Losses) Class Action.

The class action seeks compensation for retail businesses as a result of the “second wave” lockdown that occurred in Victoria from July to October 2020. The Plaintiff in the class action alleges that the lockdowns were a result of negligence in relation to the hotel quarantine program. The Defendants deny the Plaintiff’s claims and any liability.

The Plaintiff and the Defendants have agreed to settle the class action, subject to the approval of the Court. Attached to this email is a notice that sets out important details of the proposed settlement, including which group members it is proposed will be eligible to receive compensation under the proposed settlement. The notice also contains information about how you can object to the proposed settlement, should you wish to do so.

You can access a copy of the proposed settlement notice [here](#) [HYPERLINK]. It is important that you read the notice carefully.

If there is anything in the attached notice that you do not understand, or if you have any questions about the notice, you may seek independent legal advice or contact Quinn Emanuel, the solicitors for the Plaintiff, by email at enquiries@hotelquarantinesettlement.com.au.

Yours sincerely,

Quinn Emanuel Urquhart & Sullivan



ANNEXURE C

HOTEL QUARANTINE (BUSINESS LOSSES) CLASS ACTION 5 Boroughs NY Pty Ltd v State of Victoria & Ors (S ECI 2020 03402)

NOTICE OF PROPOSED SETTLEMENT

THIS NOTICE IS VERY IMPORTANT AND IS ISSUED PURSUANT TO AN ORDER OF THE SUPREME COURT OF VICTORIA – PLEASE READ IT CAREFULLY

The Plaintiff has been conducting a class action in the Supreme Court of Victoria, on its own behalf and on behalf of “group members”, against the State of Victoria and certain other Defendants. The class action seeks compensation for certain retail businesses as a result of the “second wave” lockdown that occurred in Victoria from July to October 2020. The Plaintiff alleges that the lockdown was a result of negligence in relation to the hotel quarantine program. The Defendants deny the Plaintiff’s claims and any liability.

Are you a group member?

On 3 August 2026, the Court approved an amendment to the group member definition in this class action. Details of that amendment and the reasons for it can be found in the Court’s ruling: *5 Boroughs NY Pty Ltd v The State of Victoria & Ors (No 8)* [2026] VSC 496 which may be found on the Austlii website at <https://www.austlii.edu.au/>. If you believe you would have been a group member under the previous group member definition, but are not a group member under the current group member definition, you should immediately seek legal advice regarding your rights.

In accordance with the Court’s ruling, you are a group member if you meet all three of the following criteria:

- a. as at 1 July 2020, you operated a retail business that supplied goods or services to the public from physical premises located in Victoria;
- b. members of the public acquired those goods or services by attending the physical premises of the business; and
- c. as a result of the stage 3 and stage 4 restrictions in place in Melbourne and parts of regional Victoria between July and October 2020, your business was required to shut or operate at a reduced capacity and/or members of the public were restricted or prohibited from visiting your business premises and this caused your business to suffer financial 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/#section-7>

Proposed settlement of the class action

The Plaintiff and the Defendants have agreed to settle the class action. However, the Court must approve the proposed settlement for it to take effect. If the Court approves the proposed settlement, it will apply to all group members, except group members who have opted out. This means that group members will not be permitted



to take any other legal action against the Defendants or associated State entities for the same or related circumstances to those that are subject of the class action.

Key terms of the proposed settlement include the following:

- a. The State has agreed to pay the sum of \$125 million to settle the claims of all group members in the class action (**Settlement Sum**). The settlement is without admission of liability by the Defendants.
- b. The Plaintiff will seek the Court's approval of the following deductions from the Settlement Sum:

\$37.5 million (30% of the Settlement Sum) in respect of legal costs; and
\$310,000 by way of reimbursement to the Plaintiff and certain group members who assisted in advancing the class action.
- c. The balance of the Settlement Sum (\$87.19 million) will be distributed to eligible group members pursuant to a settlement distribution scheme.
- d. The Plaintiff proposes that not all group members will be eligible to receive compensation. Specifically, it is proposed that only the following group members will be eligible to receive compensation: those who registered a claim by 4.00 pm AEST on 8 July 2024 (**Class Deadline**); and those who registered a claim between 4.01 pm AEST on 8 July 2024 and 11.59 pm AEST on 11 March 2026, provided they can provide a reasonable explanation for why they did not register before the Class Deadline. Ultimately, it will be the Court, not the Plaintiff, who determines which group members will be permitted to participate in the proposed settlement.

**The deadline to object to the proposed Settlement is by
4.00pm AEST on 11 September 2026.**

More information

Further details of the proposed settlement, including how you can object to the proposed settlement, can be found in the long-form notice of proposed settlement available on the website of Quinn Emanuel, the solicitors for the Plaintiff in the class action at <https://hotelquarantinesettlement.com.au>



ANNEXURE D

LATE REGISTRANT FORM

A. CONTACT DETAILS

Name of contact person	
Email address	
Postal address	
Telephone number	
Trading name and address of affected business	
ABN/ACN in respect of affected business	

B. EXPLANATION FOR LATE REGISTRATION

Please set out in the space below in your own words an explanation for why you did not register a claim before 4.00 pm AEST on 8 July 2024 (**Class Deadline**). Please note that simply stating that you did not see the notice informing group members of the Class Deadline (**Notice**) prior to the Class Deadline is unlikely to be considered a reasonable explanation for late registration. If you did not see the Notice prior to the Class Deadline, please explain the circumstances in which this occurred.

C. SIGNATURE AND DECLARATION

☐	I confirm that the above information is true and correct.
Name of person completing form:	
Signature of person completing form:	
Date of signature:	

D. HOW TO SUBMIT THIS FORM

This form must be sent to enquiries@hotelquarantinesettlement.com.au by **4.00 pm AEST on 11 September 2026**.



ANNEXURE F

RE: HOTEL QUARANTINE (BUSINESS LOSSES) CLASS ACTION – PROCESS FOR LATE REGISTRANTS

This email contains important information that may affect your legal rights. Please read it carefully and consider your options.

This email has been sent pursuant to Court orders made on 11 August 2026.

You are receiving this email because you have been identified as a person who:

1. may be a group member in the Hotel Quarantine (Business Losses) Class Action; and
2. sought to register a claim between 4.01 pm AEST on 8 July 2024 and 11.59 pm AEST on 11 March 2026.

Proposed Settlement

The class action seeks compensation for retail businesses as a result of the “second wave” lockdown that occurred in Victoria from July to October 2020. The Plaintiff in the class action alleges that the lockdowns were a result of negligence in relation to the hotel quarantine program. The Defendants deny the Plaintiff’s claims and any liability.

The Plaintiff and the Defendants have agreed to settle the class action, subject to the approval of the Court. Attached to this email is a notice that sets out important details of the proposed settlement, including which group members it is proposed will be eligible to receive compensation under the proposed settlement. The notice also contains information about how you can object to the proposed settlement, should you wish to do so.

Late Registration of Claim

In early March 2024, a notice that was sent to and/or made available to group members indicated that, if a group member did not register a claim by 4.00 pm AEST on 8 July 2024 (**Class Deadline**), it was possible that such a group member would not, without leave of the Court, be permitted to seek any benefit pursuant to any settlement of the Hotel Quarantine (Business Losses) Class Action, even if that settlement occurred after a mediation then scheduled for November 2024. A copy of the notice sent to and/or made available to group members from early March 2024 is available at <https://www.supremecourt.vic.gov.au/sites/default/files/2024-03/Notice%20to%20group%20members.pdf>.

In terms of which group members will be eligible to receive compensation under the proposed settlement, the plaintiff intends to seek orders that the following group members be so eligible:

1. those who registered by the Class Deadline; and
2. those who registered after the Class Deadline but before 12 March 2026, provided they can provide a reasonable explanation for why they did not register by the Class Deadline.



The purpose of the form attached to this email is to give you, as a person identified as a potential group member who did not register before the Class Deadline, an opportunity to provide a reasonable explanation for why you did not do so.

To that end, please complete and return the form attached to this email by **4.00 pm AEST on 11 September 2026** by emailing it to enquiries@hotelquarantinesettlement.com.au

Please note that the plaintiff intends to seek an order that group members who registered late and did not submit a reasonable explanation by completing and submitting the form attached to this email by this deadline will not be eligible to receive compensation under the proposed settlement. Accordingly, it is very important that you complete and submit the form by the deadline.

Yours sincerely

Quinn Emanuel Urquhart & Sullivan

