

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
GROUP PROCEEDINGS LIST

S ECI 2024 07057

BETWEEN:

JEREMY BERGMAN

Plaintiff

- and -

SPORTSBET PTY LTD (ACN 088 326 612)

Defendant

ORDER

JUDGE: The Honourable Justice Delany

DATE MADE: 27 October 2025

ORIGINATING PROCESS: Writ filed on 24 December 2024

HOW OBTAINED: On the Court's own motion pursuant to r 1.14(2)(a) of the *Supreme Court (General Civil Procedure) Rules 2015*

ATTENDANCE: N/A

OTHER MATTERS: N/A

THE COURT ORDERS THAT:

Notice and opt out

1. Pursuant to ss 33X(1)(a), 33X(5) and 33Y of the *Supreme Court Act 1986* (Vic) ('Act'), the form and content of the Opt Out Notice in Annexure A is approved.
2. The date by which a group member may opt out of this group proceeding, pursuant to s 33J(1) of the Act be fixed at **4:00pm AEDT on 13 February 2026** ('Opt Out Deadline').
3. For the purposes of s 33J(2) of the Act, each group member who wishes to opt out of this group proceeding must opt out by the Opt Out Deadline by:
 - (a) completing and submitting the Opt Out Notice in the form attached to Annexure A to this Order; or
 - (b) completing and submitting the 'Online Opt Out Notice' through the Supreme Court of Victoria website at <https://www.supremecourt.vic.gov.au/sportsbet-class-action/opting-out>.



4. Each group member who wishes to opt out of the group proceeding in accordance with paragraph 3 of this Order must complete the Opt Out Notice or the Online Opt Out Notice either:
 - (a) by personally signing or personally affixing their electronic signature;
 - (b) by the group member's solicitor personally authorised to act on behalf of the group member personally signing or personally affixing their electronic signature as that group member's solicitor;
 - (c) in the case of an executor of an estate which is a group member, by the executor personally signing or personally affixing their electronic signature; or
 - (d) 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.
5. Unless an Opt Out Notice or Online Opt Out Notice is completed by or on behalf of a group member:
 - (a) by that group member personally in accordance with paragraph 4(a) of this Order; or
 - (b) by a person in accordance with paragraphs 4(b)-(d) of this Order,any Opt Out Notice or Online Opt Out Notice otherwise received by the Court will not be treated as a valid and effective Opt Out Notice for the purposes of s 33J of the Act.
6. Pursuant to s 33Y of the Act, the Opt Out Notice be given to Group Members (as defined in the Amended Statement of Claim) on or before **4:00pm on 23 January 2026** ('Notice Date'), according to the following procedure:
 - (a) during business hours between **9:00am on 5 January 2026** and **4:00pm on 23 January 2026**, the defendant will cause a link to the Opt Out Notice to be sent to Group Members as follows:
 - (i) by email under the cover of the email in Annexure B from a 'no-reply' email address to the email address on file for each Group Member; or
 - (ii) by SMS under the cover of the SMS in Annexure C to the mobile phone number on file for each Group Member.
 - (b) Where a Opt Out Notice is sent by email (in accordance with paragraph 6(a)(i)) and a 'bounce-back' notification is received within three days after dispatch by the sender of the email to the effect that an email was not delivered, or the sender is otherwise notified within two days after dispatch that the email was not delivered, then within 5 business days of the notification, an Opt Out Notice is to be sent by ordinary post to the last known postal address of the intended recipient, if the sender of the email has a postal address for that person or entity.
 - (c) By **9:00am on 5 January 2026**, the solicitors for the plaintiff will cause the Opt Out Notice to be posted on its publicly available website until the Opt Out Deadline of **4:00pm on 13 February 2026**.
 - (d) The Registry of the Supreme Court of Victoria will cause the Opt Out Notice to be posted on the Supreme Court of Victoria website by the **4:00pm on 5 January 2026**; and



- (e) the solicitors for the plaintiff will cause a link to the Opt Out Notice to be sent to each person who has registered with Maurice Blackburn in respect of the proceeding by email.
7. The Opt Out Notice may be amended by the solicitors for the plaintiff before it is published or distributed in order to correct any typographical error, link, postal address, email address or telephone number.
8. If the Opt Out Notice is amended in accordance with paragraph 7 of this Order, the solicitors for the plaintiff will provide a copy of the amended Opt Out Notice to the Commercial Court Registry of the Supreme Court of Victoria by **9:00am** on **5 January 2026**, being 7 days before the Notice Date.
9. Within **14 days** of the Notice Date, the defendant is to write to the solicitors for the plaintiff to confirm that the Opt Out Notice was distributed in accordance with paragraph 6.
10. If, between the Notice Date and the Opt Out Deadline, the solicitors for any party, either directly or through a third party retained by the plaintiffs' solicitors, receive an Opt Out Notice referable to this proceeding, the solicitors are to send such notice to the Commercial Court Registry of the Supreme Court of Victoria within 5 business days of receipt, together with a notation specifying the date on which the Opt Out Notice was received.
11. An Opt Out Notice received within the meaning of paragraph 10 of this Order shall be treated as having been received by the Court at the time it was received by the solicitors, or the third party retained by the Plaintiffs' solicitors, whichever is the earlier.
12. The solicitors for any party be granted leave to inspect the Court file and copy any Opt Out Notice(s) received by the Court.

Costs

13. The costs of and incidental to the procedure set out in paragraph 6 above, including addressing inquiries by Group Members and members of the public, be borne by the parties in equal shares. For the avoidance of doubt, addressing inquiries by group members and members of the public in relation to the Opt Out Notice is work that is 'incidental to' to the Opt Out Notice.

DATE AUTHENTICATED: 27 October 2025



The Hon. Justice Delany

**SUPREME COURT OF VICTORIA
OPT OUT NOTICE TO GROUP MEMBERS**



**Sportsbet Class Action
Bergman v Sportsbet Pty Ltd (S ECI 2024 07057)**

This notice is sent by Order of the Supreme Court of Victoria

The Supreme Court of Victoria has ordered that you receive this notice because you may be a group member in a class action in the Supreme Court of Victoria against Sportsbet Pty Ltd.

IMPORTANT NOTICE

It is important that you read this notice carefully because it may affect your legal rights.

You do not need to do anything now if you want to participate in the Sportsbet Class Action.

You can register your interest in the Sportsbet Class Action with Maurice Blackburn, the lawyers representing the plaintiff and group members, here: <https://www.mauriceblackburn.com.au/sportsbet/>. You do not have to register now but you might be required to register later if you want to claim compensation through the class action. Registering now will mean Maurice Blackburn can keep you up to date about the progress of the Sportsbet Class Action, including any deadlines to register.

If you do not want to participate in the class action and you are a group member, you must ‘opt out’ by 13 February 2026 at 4:00pm (AEDT). To opt out you must:

- a) submit the online opt out notice at the Supreme Court of Victoria website: <https://www.supremecourt.vic.gov.au/sportsbet-class-action/opting-out>; OR
- b) fill out and return an ‘**opt out notice**’ to the Supreme Court of Victoria Registry at the address on the form attached to this Notice.:

Opt out notices received after the deadline will not be effective, unless the Court makes a further order. Read the full Opt Out Notice: <https://www.supremecourt.vic.gov.au/sportsbet-class-action>

Am I a group member?

1. You are a group member in the Sportsbet Class Action if you placed one or more live bets with Sportsbet using a “Fast Code” from 24 December 2018 to 24 December 2024, and suffered loss or damage arising from bets with Sportsbet using the Fast Code.
2. You are not a group member if you are (i) a Minister of the Commonwealth, a State or Territory; (ii) a judge, magistrate or other judicial officer of the Commonwealth, a State or Territory; or (iii) an officer or employee of Sportsbet.

What is a class action?

3. A class action is a legal case which brings the claims of a group of persons (Group Members) together in a single proceeding. This can occur because their claims arise out of the same, similar, or related circumstances.
4. Unless a group member opts out (as explained below), they are automatically covered by the class action even if they did not take any active steps to join it.

What is the Sportsbet Class Action about?

5. The Sportsbet Class Action alleges that Sportsbet’s use of Fast Codes for the placing of live bets on sporting events is illegal. It seeks a refund of all live bets on sporting events using a Fast Code made in the relevant period. The class action does not seek compensation for other losses a person may have suffered because of in-play betting or gambling with Sportsbet more generally.
6. Sportsbet denies the allegations and is defending the claim.

What does “opting out” mean?

7. If you do not want to participate in this class action and you are a group member, you must opt out by **4.00pm (AEDT) on 13 February 2026**.
8. If you ‘opt out’ of the Sportsbet Class Action:
 - a) you will not be a group member in this class action.
 - b) you will not be able to claim any money or have a right to share in any benefit of any order, judgment or settlement, and you will not be bound by any settlement or judgment.
 - c) you may be able to bring your own claims common to the class action against the defendant, if you bring the case within the time limit that applies.
9. You do not have to opt out to preserve your ability to bring any claims against Sportsbet which are not common to the Sportsbet Class Action. However, if you want to bring your own claims against the defendant, you should seek independent legal advice about your claims and any time limits before opting out.
10. If you do not opt out, you will continue to be a group member and you will be bound by any settlement or judgment in the class action. This includes potentially being eligible to share in any compensation from a settlement or judgment if the class action is successful.

Does it cost anything to be part of the class action or to opt out?

11. Group members will never have to pay “out of pocket” legal costs simply by remaining a group member in the class action. Any legal costs payable to Maurice Blackburn will

be 33% of the amount of monetary compensation recovered for the group members through any successful settlement or judgment. The Court ordered that costs be calculated in this way. This is called a “group costs order”.

12. It does not cost anything to opt out of the Class Action.
13. For more information, please visit:
 - (a) Maurice Blackburn’s website:
<https://www.mauriceblackburn.com.au/sportsbet/>
 - (b) The Supreme Court of Victoria’s website:
<https://www.supremecourt.vic.gov.au/sportsbet-class-action>
14. Alternatively, you can seek independent legal advice.
15. The Supreme Court should not be contacted for legal advice.
16. This notice was approved by the Supreme Court and published pursuant to the Order made on 27 October 2025.

Sportsbet Class Action
Bergman v Sportsbet Pty Ltd (S ECI 2024 07057)

NOTICE OF OPTING OUT BY GROUP MEMBER

ONLY FILL IN THIS FORM IF YOU DO **NOT** WANT TO BE A GROUP MEMBER

To: Commercial Court Registry
Supreme Court of Victoria
210 William Street
Melbourne Victoria 3000
sportsbetclassaction@supcourt.vic.gov.au

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

- ☐ a group member;
- ☐ an Executor for the Estate of who is a group member;
- ☐ a power of attorney for who is a group member; or
- ☐ a solicitor acting for who is a group member.

in the above group proceeding, and give notice under section 33J(2) of the *Supreme Court Act 1986* that I am **opting out** of this proceeding (if a group member) or on behalf of the group member whom I represent (if I am a representative of that group member).

Date:	
Email address of group member:	
Mobile telephone number of group member:	
Postal Address of group member:	
<input type="checkbox"/> I acknowledge that by affixing my name or signature below that I am giving notice to opt out of the proceeding, either on my own behalf or on behalf of the group member whom I represent, and declare that I have authority to do so.	
Signature of group member, Executor, power of attorney or solicitor for group	

member: <i>[if you are completing this form online please type your full name]</i>	
---	--

If you would like to **opt out of the Sportsbet Class Action, you must complete this form online via the Supreme Court of Victoria website OR return this completed form to the Supreme Court of Victoria by email or by post, at the addresses on this form, by **4:00pm (AEDT) on 13 February 2026.****

Annexure B

RE: Court Notice about the Sportsbet Class Action – Bergman v Sportsbet

Dear [full name],

The Supreme Court of Victoria has ordered that you receive this notice because you may be a group member in the Sportsbet Class Action. The Class Action is about Sportsbet's use of Fast Codes for the placing of live bets on sporting events.

Sportsbet's records show that you made a bet using a Fast Code between 24 December 2018 to 24 December 2024. This means you may be a group member.

Please read this notice carefully. You should also read the full Opt Out Notice here:

<https://www.supremecourt.vic.gov.au/sportsbet-class-action>

You do not have to do anything now if you want to participate in the Sportsbet Class Action.

You can register your interest in the Sportsbet Class Action with Maurice Blackburn here: <https://www.mauriceblackburn.com.au/sportsbet/>. You do not have to register now but you might be required to register later if you want to claim compensation through the class action.

If you do not want to participate, you must fill out the form here

<https://www.supremecourt.vic.gov.au/sportsbet-class-action/opting-out> or follow the instructions on page 4 of the full Opt Out Notice to inform the Court of your decision.

The deadline to opt out is 13 February 2026.

If you opt out, you will not be eligible to claim money from any settlement or judgment in the Sportsbet Class Action, and no part of any claim you may have will be determined by the Sportsbet Class Action, but you may pursue any rights you may have independently.

You should also read the full Opt Out Notice available here

<https://www.supremecourt.vic.gov.au/sportsbet-class-action> **before you opt out.**

The Class Action alleges that these bets were illegal and that any person who made a bet using a Fast Code is entitled to compensation for loss and damage.

Sportsbet denies the allegations and is defending the claim.

Visit Maurice Blackburn's website for more information on the claims and for a copy of the full Opt Out Notice: <https://www.supremecourt.vic.gov.au/sportsbet-class-action>

The links in this email are legitimate and safe to click. To confirm this Notice's legitimacy, you can also visit the Supreme Court of Victoria's website here:

<https://www.supremecourt.vic.gov.au/sportsbet-class-action>

The Proceeding Number for this class action is S ECI 2024 07057.

Kind regards,

[Sportsbet email signature]

Annexure C

The Supreme Court of Victoria has ordered that you receive this notice because you may be part of the Sportsbet Class Action, which concerns Sportsbet's use of Fast Codes for placing live bets on sporting events.

You do not have to do anything now if you want to stay in the Class Action.

If you do not want to participate, you must opt out by **13 February 2026**. Read the full Opt Out Notice for more information: <https://www.supremecourt.vic.gov.au/sportsbet-class-action>

The links in this SMS are safe to click. To confirm the legitimacy of this notice, visit the Supreme Court of Victoria's website.