

ANNEXURE D

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SUPREME COURT OF VICTORIA



**IMPORTANT INFORMATION
FOR CERTAIN GROUP MEMBERS FROM WESTERN AUSTRALIA
UBER CLASS ACTIONS**

Andrianakis v Uber Technologies Inc & Ors (S ECI 2019 01926)

Salem v Uber Technologies Inc & Ors (S ECI 2020 01834)

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

PLEASE READ CAREFULLY

This notice contains important information for certain Group Members in the Uber Class Actions. It should be read in conjunction with the Notice of Proposed Settlement for the Uber Class Actions.

A. WHY HAVE YOU RECEIVED THIS NOTICE?

1. The Supreme Court of Victoria has ordered that you receive this Notice because you are:
 - a. a Group Member in the class action *Andrianakis v Uber Technologies Inc & Ors* (called the “**Andrianakis Proceeding**”) or *Salem v Uber Technologies Inc & Ors* (called the “**Salem Proceeding**”). These class actions are called the “**Uber Class Actions**” because they involve claims against certain companies in the Uber group (**Uber**); and
 - b. a plaintiff in a proceeding commenced in the Supreme Court of Western Australian (*Rosengrave v Uber Technologies Incorporated and Others*; CIV 2013 of 2020) (called the “**Rosengrave Proceeding**”). The Rosengrave Proceeding is explained below.



2. You should read this Notice carefully as it contains important information relevant to your claim and it might affect your rights. If there is anything in this Notice that you do not understand, you should seek legal advice.
3. A separate document titled “Notice of Proposed Settlement” has also been approved by the Court. You should read the Notice of Proposed Settlement together with this document.

B. INFORMATION ABOUT THE UBER CLASS ACTIONS

4. There are two class actions that are called the Uber Class Actions.
5. The first class action is the Andrianakis Proceeding. The Andrianakis Proceeding is a class action that has been brought on behalf of all taxi and hire car/limousine/charter vehicle drivers, operators, licence owners and taxi network service providers in Victoria, New South Wales, Queensland and Western Australia.
6. The second class action is the Salem Proceeding. The Salem Proceeding is a class action brought on behalf of persons who as at 19 June 2023:
 - a. held a claim that vested in or was assigned, devolved or transferred to them from a person who would otherwise have been a group member in the Andrianakis Proceeding; or
 - b. were the beneficiary of a trust whose trustee had been deregistered and so that trustee could not bring a claim against Uber in the Andrianakis Proceeding.
7. Mr Andrianakis and Mrs Salem allege that Uber engaged in the tort of “conspiracy by unlawful means,” causing Group Members to suffer a loss of the value of taxi and hire car licences and loss of income.
8. Uber denies the claims made against it in the Uber Class Actions.
9. In October 2020, the Rosengrave Proceeding was commenced in the Supreme Court of Western Australia on behalf of approximately 800 plaintiffs and as a “representative proceeding” under Western Australian law, which is similar to a “class action” in Victoria.
10. The Rosengrave Proceeding was only commenced to ensure that the limitation periods that applied to Western Australian group members in the Uber Class Actions were “paused” while the Uber Class Actions proceeded in Victoria. In other words, the Rosengrave Proceeding was only commenced to protect Western Australian group members’ claims in the Uber Class Actions. The Rosengrave Proceeding did not make any claims in addition to those raised in the Uber Class Actions.
11. On 17 March 2024, the parties in the Uber Class Actions reached an agreement to settle the Uber Class Actions (**Proposed Settlement**). Before the Proposed Settlement can take effect,



it must first be approved by the Supreme Court of Victoria. The Notice of Proposed Settlement contains information about the terms of the Proposed Settlement and next steps for Group Members.

12. As part of Proposed Settlement, the parties also agreed to settle the Rosengrave Proceeding. Settlement of the Rosengrave Proceeding involves some additional steps, as explained in Part C below.

C. INFORMATION ABOUT THE ROSENGRAVE PROCEEDING

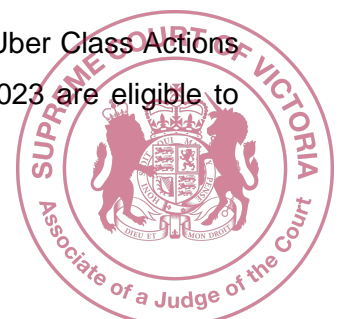
13. In January 2021, the Supreme Court of Western Australia made orders staying (or “pausing”) the Rosengrave Proceeding, pending the outcome of the Uber Class Actions in the Supreme Court of Victoria. No steps have been taken in the Rosengrave Proceeding since that time.

14. If the Supreme Court of Victoria approves the Proposed Settlement of the Uber Class Actions, following the applicable appeal period, the lead plaintiff in the Rosengrave Proceeding (Mr Rosengrave) will apply to the Supreme Court of Western Australia to dismiss the claims in the Rosengrave Proceeding. That is for the following reasons:

- a. plaintiffs and represented persons in the Rosengrave Proceeding who are Group Members in the Uber Class Actions will be bound by the settlement in the Uber Class Actions, which means that it would be an “abuse of process” for them to continue to pursue their claims in the Rosengrave Proceeding (or to take any legal action against Uber for the same, similar or related circumstances that are the subject of the Uber Class Actions);
- b. practically, that means that all plaintiffs and represented persons in the Rosengrave Proceeding who are group members in the Uber Class Actions are unable to pursue their claims against Uber in the Rosengrave Proceeding (or any other proceeding), if the Proposed Settlement is approved by the Supreme Court of Victoria; and
- c. the Rosengrave Proceeding was only commenced to protect Western Australian group members’ claims in the Uber Class Actions. It was never intended that Group Members’ claims against Uber would be pursued in the Rosengrave Proceeding. If the Proposed Settlement is approved, the Uber Class Actions will come to an end, in which case it is appropriate that the Rosengrave Proceeding also comes to an end.

15. As a formality, Mr Rosengrave will also apply to the Supreme Court of Western Australia to approve the settlement of the representative aspect of the Rosengrave Proceeding.

16. Plaintiffs in the Rosengrave Proceeding who are group members in the Uber Class Actions and who registered their claim with Maurice Blackburn by 2 October 2023 are eligible to



participate in the Proposed Settlement, if it is approved the Court. The dismissal of the Rosengrave Proceeding will not affect the eligibility to participate in the Proposed Settlement.

D. WHAT ACTIONS CAN I TAKE?

17. The Proposed Settlement will only take effect if it is approved by the Supreme Court of Victoria. In deciding whether to approve the Proposed Settlement, the Supreme Court of Victoria will consider whether the Proposed Settlement is fair and reasonable and in the interests of the Group Members as a whole.
18. As detailed in the Notice of Proposed Settlement, the Supreme Court of Victoria will have a hearing on **9 to 10 September 2024** to determine whether to approve the Proposed Settlement (**Settlement Approval Hearing**). The Court will also have a hearing on 25 July 2024 to deal with administrative matters concerning the settlement approval process (**Directions Hearing**). Group Members are entitled to attend both the Settlement Approval Hearing and the Directions Hearing.
19. If you wish to participate in the Proposed Settlement, you do not need to do anything in response to this notice. If the Proposed Settlement is approved, the Administrator will contact you further with information about the settlement distribution process and any actions you may be required to take to receive a distribution under the settlement distribution scheme.
20. If you wish to object to any aspect of the Proposed Settlement – including the proposed application to dismiss the Rosengrave Proceeding – you must complete a Notice of Objection and send it along with evidence (by way of affidavit) in support of the objection, and any written submissions (of no more than 2 pages in length), to the Court and Maurice Blackburn, by email:
 - (a) the Supreme Court of Victoria, Principal Registry – uberclassactions@supcourt.vic.gov.au; and
 - (b) Maurice Blackburn at uber@mauriceblackburn.com.au.

A copy of the Notice of Objection is contained at Schedule B to the Notice of Proposed Settlement.

21. If you wish to object to the Proposed Settlement, it is important that you comply strictly by submitting a Notice of Objection by **4pm on 2 July 2024**. Subject to the Supreme Court of Western Australia requiring otherwise, there will not be a further opportunity to object to the Proposed Settlement and the proposed application to dismiss your claim in the Rosengrave Proceeding.



22. If you complete a Notice of Objection, you may also address the Supreme Court of Victoria at the Settlement Approval Hearing, either by yourself or by retaining an independent lawyer other than Maurice Blackburn to represent you.

E. WHERE CAN I GET FURTHER INFORMATION?

23. Further information regarding the Proposed Settlement can be obtained from Maurice Blackburn's website: www.mauriceblackburn.com.au/uber

24. If you have any questions about this document or the Notice of Proposed Settlement, you may also contact Maurice Blackburn by:

a. Phone: 1800 291 047 or

b. Email: uber@mauriceblackburn.com.au

25. If there is anything of which you are unsure and you do not want to speak with Maurice Blackburn (or you want to understand their involvement better), you may get legal advice from another lawyer of your choice.

