



Federal Court of Australia
District Registry: New South Wales
Division: General

No: NSD602/2020

ANDREW PARKIN
Applicant

BORAL LIMITED (ACN 008 421 762)
Respondent

No: NSD935/2020

**MARTINI FAMILY INVESTMENTS PTY LTD ACN 606 000 944 ATF MARTINI
FAMILY INVESTMENTS SUPER FUND**
Applicant

BORAL LIMITED ACN 008 421 762
Respondent

ORDER

JUDGE: JUSTICE LEE

DATE OF ORDER: 27 October 2023

WHERE MADE: Sydney

THE COURT ORDERS THAT:

In the Parkin Proceeding:

Opt out

1. Pursuant to s 33J(1) of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**), and with the exception of the Parkin Group Members (as defined in Order 18(b) of the Orders dated 9 August 2021), 4pm on 12 January 2024 be fixed as the date on or before which a group member (as defined in paragraph 1 of the amended statement of claim) may opt out of the proceeding (**Class Deadline**).
2. Pursuant to ss 33ZF and/or 37P of the FCA Act, the “opt out form” set out at Annexure A to these Orders (**Opt Out Form**), be approved for this proceeding for the purposes of r 9.34 of the *Federal Court Rules 2011* (Cth).



3. Pursuant to s 33J(2) of the FCA Act, and subject to Order 1 above, any group member who wishes to opt out of this proceeding must, before the Class Deadline, deliver an Opt Out Form to the New South Wales Registry of the Federal Court of Australia.
4. If, on or before the Class Deadline, the solicitors for any party receive a notice purporting to be an opt out form referable to this proceeding, the solicitors must file the opt out form in the New South Wales District Registry of the Federal Court of Australia within three business days after the Class Deadline, and the opt out form shall be treated as an opt out form received by the Court at the time it was received by the solicitors.
5. The solicitors for any party be granted leave to inspect the Court file and to copy any opt out forms filed by group members.

Claim registration

6. Pursuant to s 33ZF of the FCA Act, any group member who wishes to register their claim for the purposes of seeking any benefit pursuant to any settlement of this proceeding may do so before the Class Deadline (**Registered Group Members**).
7. Pursuant to s 33ZF of the FCA Act, any group member who wishes to register their claim in accordance with Order 6 must, subject to Order 9, before the Class Deadline, submit a “**Group Member Registration Form**” through a domain hosted by Maurice Blackburn at <https://classaction.mauriceblackburn.com.au/Boral>, or, in the event that the group member is unable to register online, by providing Maurice Blackburn with the information it requires in order to submit a Group Member Registration Form on the group member’s behalf.
8. In submitting the Group Member Registration Form, each group member is required to submit the following “**Share Trade Data**”:
 - (a) the group member’s name (or names in the case of joint security holders) and address and/or email address;
 - (b) any relevant Holder Identification Number (HIN) or Security Reference Number (SRN) or equivalent reference number (if available) in respect of the Boral Shares, Boral American Depository Receipts (**ADRs**) and/or Boral



Equity Swaps (as defined in paragraph 1(a)(i), 1(a)(ii) and 1(a)(iii) of the further amended statement of claim) (together, **Boral securities**);

- (c) the number of Boral securities held by each group member as at close of trade on 18 November 2016 (or in the case of Boral Equity Swaps, the number of shares to which the equity swap relates);
- (d) for each acquisition of Boral securities between 21 November 2016 and 8:54am on 10 February 2020 (inclusive), the date of acquisition, the quantity of securities acquired, the price of securities acquired (if available) and the type of securities acquired (that is, Boral Shares, Boral ADRs or Boral Equity Swaps);
- (e) for each sale or disposal of Boral securities between 21 November 2016 and 31 December 2021, the date of sale, the quantity of securities sold, the price of securities sold (if available) and the type of securities sold or disposed of (that is, Boral Shares, Boral ADRs or Boral Equity Swaps); and
- (f) in respect of Boral Equity Swaps:
 - (i) copies of the instruments and documents for each equity swap and related transaction (including any back-to-back transaction);
 - (ii) details of all other arrangements entered into in connection with each equity swap; and
 - (iii) details of any other trading in, or other transactions relating to, Boral Shares that affect or may affect the calculation of loss under each equity swap.

9. A group member will be deemed to have complied with Order 6 if, by the Class Deadline:

- (a) that group member:
 - (i) has retained Maurice Blackburn in writing to act for that group member in connection with this proceeding; or
 - (ii) has registered an interest in participating in this proceeding with Maurice Blackburn; or



(iii) is a Parkin Group Member,

(Existing Registered Group Member); and

- (b) that group member provides Share Trade Data to Maurice Blackburn, save that for any group members who provided such information to Maurice Blackburn before the date of these Orders, the applicant's solicitors are to request that group members use their best endeavours to provide information about any sale or disposal of Boral securities that occurred after 8:54am on 10 February 2020 and before 31 December 2021.

Notice of opt out and registration

10. Pursuant to s 33X of the FCA Act, notice be given to group members:

- (a) of their right to opt out of the proceeding; and
- (b) that upon any settlement (subject to Court approval) of this proceeding prior to 29 July 2024, the parties will seek an order which, if made, has the effect of providing that any group member who by the Class Deadline: (i) has not registered; or (ii) has not opted out in accordance with the Court's orders, will remain a group member for all purposes of this proceeding but shall not, without leave of the Court, be permitted to seek any benefit pursuant to that settlement (subject to Court approval).

11. The form and content of notices to group member be approved for the purposes of ss 33X and 33Y(2) of the FCA Act, being:

- (a) a notice to all group members other than the Parkin Group Members, being Annexure B to these Order (the "**Standard Notice**"); and
- (b) a notice to the Parkin Group Members, being Annexure C to these Orders (the "**Supplementary Notice**").

12. The notices referred to in Order 10 above be given to the group members according to the following procedure:

- (a) by 10 November 2023, the respondent shall instruct its share registry to prepare a list of contact details (including the last known postal address and/or email address) for all security holdings for which securities in Boral were



recorded on the Boral share register as acquired between the Relevant Period, including those security holders whose qualifying transactions were recorded on the register within the two-day settlement window following 10 February 2020;

- (b) by 28 November 2023, the respondent shall cause the Standard Notice to be sent by email to any of the security holders that have email addresses recorded on the share register;
- (c) to the extent that any security holder does not have an email address recorded on the share register, the respondent shall, by 28 November 2023, cause the Standard Notice to be sent by prepaid ordinary post to that security holder at the address recorded for that person on the share register;
- (d) to the extent that any email sent to a security holder referred to in Order 12(b) above experiences a delivery failure, the respondent shall cause the Standard Notice to be sent by prepaid ordinary post to that security holder at the address recorded for that person on the share register, within two business days of receiving that delivery failure notice;
- (e) the applicant shall cause a copy of the Standard Notice to be sent by email to:
 - (i) each Existing Registered Group Member (other than a Parkin Group Member); and
 - (ii) other potential group members that registered an interest in participating in the Martini proceeding to Phi Finney McDonald and who are neither Existing Registered Group Members nor “Martini Group Members” (as defined in Order 18(a) of the Orders dated 9 August 2021);

and for whom Maurice Blackburn and/or Phi Finney McDonald hold a current email address;

- (f) the applicant shall cause a copy of the Supplementary Notice to be sent by email to each Parkin Group Member for whom Maurice Blackburn hold a current email address;



- (g) the applicant shall cause a copy of the Standard Notice, together with copies of the originating application, the further amended statement of claim, defence to the further amended statement of claim and these orders to be displayed on the website of Maurice Blackburn, <https://www.mauriceblackburn.com.au>, and remain continuously displayed up to and including the Class Deadline; and
- (h) the District Registrar of the New South Wales District Registry of the Federal Court of Australia shall cause a copy of the Standard Notice to be displayed on the Federal Court website and remain continuously displayed up to and including the Class Deadline.

13. The costs of distributing the Standard Notice charged by the share registry or third party mail house, in accordance with Order 12 above shall be paid in the first instance by the applicant, but ultimately be costs in the cause.

Claim registration information

14. By 4pm on 23 February 2024 the applicant must:

- (a) deliver to the solicitors for the respondent a list of the Registered Group Members, which is to contain:
 - (i) a unique identification number for each Registered Group Member;
 - (ii) the information provided in accordance with order 8 for each Registered Group Member, on a de-identified basis;
 - (iii) any amendments to the information as notified to Maurice Blackburn by that date; and
- (b) file, in a sealed envelope marked “Confidential List of Group Members Not to be Opened without leave of the Court or a Judge”, a list of Registered Group Members which list shall contain (if available):
 - (i) a unique identification number for each Registered Group Member;
 - (ii) the information listed at order 8 for each Registered Group Member;
 - (iii) any amendments to the information as notified to Maurice Blackburn by that date.



15. The list of Registered Group Members provided in accordance with order 14(a), and any information contained therein, is to be kept confidential to:
 - (a) the respondent's legal advisers;
 - (b) those officers and employees of the respondent who have the conduct of this proceeding on behalf of the respondent;
 - (c) the applicant in the Martini proceeding; and
 - (d) experts retained by the respondent in the proceeding.

Mediation

16. Pursuant to s 53A of the FCA Act, the whole of this proceeding is to be referred to mediation, with such mediation to have commenced no later than 31 May 2024 and to continue until the mediator concludes the mediation.
17. The mediation referred to in Order 16 is to be conducted before a mediator agreed between the parties, or failing agreement as to the identity of the mediator by 1 February 2024, a registrar of the Court.

Other

18. The notices to group members approved pursuant to Order 10 above may be amended before they are emailed, posted, displayed or published in order to correct any website or email address or telephone number or other non-substantive error.

AND THE COURT NOTES THAT:

19. Pursuant to the Orders dated 13 May 2021, the date and time on or before which a Parkin Group Member could have opted out was 4pm on 18 June 2021.
20. In the event that the proceedings settle (subject to Court approval) at any time between the date of these Orders and 29 July 2024, then the parties intend to apply to the Court for an order, which, if made, has the effect of providing that any Group Member who by the Class Deadline does not opt out and who is not a Registered Group Member, will remain a group member for all purposes of this proceeding but shall not, without leave of the Court, be permitted to seek any benefit pursuant to any settlement (subject to Court approval) of this proceeding.



AND THE COURT ORDERS THAT:

In the Martini Proceeding:

Group composition

21. Pursuant to s 33K of the FCA Act, the applicant be granted leave to amend the group member definition contained in the third further amended statement of claim in the Martini proceeding so that it reads:

1. This proceeding is commenced as a representative proceeding pursuant to Part IVA of the Federal Court of Australia Act 1976 (Cth) by the Applicant on its own behalf and on behalf of persons (Group Members) who or which:

...

d) are identified as Martini Group Members in the confidential list of group members provided to the associate to the Hon Lee J on 26 October 2023.

22. The applicant be granted leave to amend the further amended originating application to engross the group member definition alteration the subject of Order 221 above.

23. The amendments set out in Orders 221 and 222 take effect on the date the amendments are made.

24. By 27 October 2023, the applicant have leave to file and serve a second further amended originating application and a fourth further amended statement of claim, which engrosses the group member definition alterations the subject of Orders 221 and 222.

Claim registration information

25. In these Orders, “Share Trade Data” is defined as:

- (a) the group member’s name (or names in the case of joint security holders) and address and/or email address;
- (b) any relevant Holder Identification Number (HIN) or Security Reference Number (SRN) or equivalent reference number (if available) in respect of the



Boral Shares, Boral American Depository Receipts (ADRs) and/or Boral Equity Swaps (as defined in paragraph 1(a)(i), 1(a)(ii) and 1(a)(iii) of the Further Amended Statement of Claim) (together, **Boral securities**);

- (c) the number of Boral securities held by each group member as at close of trade on 18 November 2016 (or in the case of Boral Equity Swaps, the number of shares to which the equity swap relates);
- (d) for each acquisition of Boral securities between 21 November 2016 and 8:54am on 10 February 2020 (inclusive), the date of acquisition, the quantity of securities acquired, the price of securities acquired (if available) and the type of securities acquired (that is, Boral Shares, Boral ADRs or Boral Equity Swaps);
- (e) for each sale or disposal of Boral securities between 21 November 2016 and 31 December 2021, the date of sale, the quantity of securities sold, the price of securities sold (if available) and the type of securities sold or disposed of (that is, Boral Shares, Boral ADRs or Boral Equity Swaps); and
- (f) in respect of Boral Equity Swaps:
 - (i) copies of the instruments and documents for each equity swap and related transaction (including any back-to-back transaction);
 - (ii) details of all other arrangements entered into in connection with each equity swap; and
 - (iii) details of any other trading in, or other transactions relating to, Boral Shares that affect or may affect the calculation of loss under each equity swap.

26. Group members are to provide Share Trade Data to Phi Finney McDonald, save that group members who provided such information to Phi Finney McDonald before the date of these orders will be deemed to have complied with this order if the applicant's solicitors request that group members use their best endeavours to provide information about any sale or disposal of Boral securities that occurred after 8:54am on 10 February 2020 and before 31 December 2021.

27. By 4pm on 23 February 2024 the applicant must:



- (a) deliver to the solicitors for the respondent, on a de-identified basis, a list of group members, which is to contain (if available):
 - (i) a unique identification number for each group member;
 - (ii) the information provided in accordance with order 6 for each group member, on a de-identified basis;
 - (iii) any amendments to the information as notified to Phi Finney McDonald by that date; and
- (b) file, in a sealed envelope marked “Confidential List of Group Members Not to be Opened without leave of the Court or a Judge”, a list of group members containing:
 - (i) a unique identification number for each group member;
 - (ii) the information provided in accordance with order 6 for each group member; and
 - (iii) any amendments to the information as notified to Phi Finney McDonald by that date.

28. The list of group members provided in accordance with Order 214(a), and any information contained therein, is to be kept confidential to:
- (a) the respondent’s legal advisors;
 - (b) those officers and employees of the respondent who have the conduct of this proceeding on behalf of the respondent;
 - (c) the applicant in the Parkin proceeding and his legal advisors; and
 - (d) experts retained by the respondent in the proceeding.

Mediation

29. Pursuant to s 53A of the FCA Act, the whole of this proceeding is to be referred to mediation, with such mediation to have commenced no later than 31 May 2024 and to continue until the mediator concludes the mediation.
30. The mediation referred to in Order 216 is to be conducted before a mediator agreed between the parties, or failing agreement as to the identity of the mediator by 1



February 2024, a registrar of the Court.

AND THE COURT NOTES THAT:

31. Pursuant to the orders made on 13 May 2021 in the Parkin proceeding, the date and time by which a group member of this proceeding could have opted out was fixed pursuant to s 33J of the FCA Act as 4pm on 18 June 2021.

Date that entry is stamped: 27 October 2023

Sia Lagos
Registrar



ANNEXURE A

Form 21
Rule 9.34

Opt out notice

No. 602 of 2020

Federal Court of Australia
District Registry: New South Wales
Division: General

Andrew Parkin
Applicant

-and-

Boral Limited (ACN 008 421 761)
Respondent

To: The Registrar
Federal Court of Australia
New South Wales District Registry
Level 17
Law Courts Building
184 Phillip St
Sydney NSW 2000

Or by email to: nswdr@fedcourt.gov.au

[Name of group member], a group member in this representative proceeding, gives notice under section 33J of the *Federal Court of Australia Act 1976*, that [Name of group member] is opting out of the representative proceeding.

Date:

Signed by [Name]
[Insert capacity eg group member / Lawyer
for the group member]

(please also complete the next page)



Group member details:

Name of securityholder opting out (person or entity):

HIN/SRN:

Name of person completing this form:

Telephone:

Email:

Address:

ACN/ABN (if a company or trustee):

If the securityholder is a company or business, your name and your position within the company or business (e.g. director or partner)

If the securities were acquired on behalf of another person/entity, name of that person/entity:

If you are signing as the solicitor or representative of the group member:

Name:

Capacity in which you are signing:

Telephone:

Email:

Address:



ANNEXURE B

BORAL SHAREHOLDER CLASS ACTION

Opt Out Notice and Notice of Registration for Mediation

This is an important notice that the Federal Court of Australia has ordered to be published to persons who may be group members in the Boral Class Action.

The **Boral Class Action** was commenced against Boral Limited in the Federal Court of Australia by Andrew Parkin (the **Applicant**). This class action relates to the financial irregularities in Boral's North American windows business (**Windows**), resulting in misreporting which impacted the FY2018 and FY2019 financial accounts of Windows, Boral North America and Boral.

You are receiving this notice because you may be a group member.

You should read this notice carefully. Any questions you have concerning the matters contained in this notice should not be directed to the Court. If there is anything in it that you do not understand, you should seek legal advice.

As explained below, you may do 1 of 3 things in response to this notice:

1. **Register** for the class action by **12 January 2024** and guarantee the opportunity to receive monies that may be available pursuant to any settlement reached before 29 July 2024; or
2. **Do nothing** and remain a group member but risk losing the opportunity to receive monies *if* a settlement is reached before 29 July 2024; or
3. **Opt out** of the class action by **12 January 2024** and lose a right to any money compensation available in this action (but keep your right to try and get compensation in an action you may start yourself).

If you are unsure whether you are a group member, you should contact Maurice Blackburn, the solicitors for the Applicant in this class action, or seek your own legal advice without delay. Maurice Blackburn's contact details are noted in Section D of this notice.

A. THINGS YOU SHOULD KNOW ABOUT THE BORAL CLASS ACTION

What is the Boral Class Action?

1. On 28 May 2020, a class action was commenced against Boral Limited in the Federal Court of Australia by the Applicant.
2. The Boral Class Action alleges that, between 21 November 2016 and 10 February 2020 (the **Relevant Period**), Boral:
 - (a) breached its continuous disclosure obligations in failing to inform the ASX of certain information relating to the Windows financial irregularities; and
 - (b) engaged in conduct which was misleading or deceptive, or likely to mislead or deceive, by misrepresenting the level of due diligence, integration and monitoring in respect of Windows.



3. The Boral Class Action also alleges that group members suffered loss as a result of these alleged breaches.
4. Boral denies the claims made against it, and is defending the class action.
5. The detailed allegations are set out in the Further Amended Statement of Claim. A copy of the Further Amended Statement of Claim and Boral's Defence to it is available at <https://www.mauriceblackburn.com.au/boral>

Are you a group member in the Boral Class Action?

6. You are a group member in the Boral Class Action if you:
 - (a) during the Relevant Period, acquired: (i) an interest in ordinary shares in Boral Limited (**Boral shares**); (ii) an interest in American Depository Receipts that represented Boral shares; or (iii) long exposure to Boral shares by entering into equity swap confirmations in respect of Boral shares; and
 - (b) suffered loss or damage by reason of the alleged conduct of Boral; and
 - (c) have not previously opted out of the Boral Class Action, such as opting out in order to participate in the separate class action brought by Martini Family Investments against Boral Limited (**Martini Class Action**); and
 - (d) were not during any part of the Relevant Period, and as at the date of the Further Statement of Claim, any of the following:
 - i. a related party (as defined by section 228 of the *Corporations Act 2001* (Cth) (**Corporations Act**)) of Boral Limited;
 - ii. an officer or a close associate (as defined by section 9 of the *Corporations Act*) of Boral Limited;
 - iii. a judge or the Chief Justice of the Federal Court of Australia or a Justice or the Chief Justice of the High Court of Australia; or
 - iv. an officer or employee of, or other legal practitioner engaged by Maurice Blackburn Pty Ltd in relation to this proceeding.
7. If you are unsure whether you are a group member, you should contact the Applicant's solicitor, Maurice Blackburn, on 1800 519 707 or email BoralClassAction@mauriceblackburn.com.au or seek your own legal advice without delay.



B. FURTHER INFORMATION ABOUT CLASS ACTION PROCEEDINGS

8. **What is a class action?** A class action is a proceeding that is brought by one or more persons (referred to as “**applicants**”) on their own behalf and on behalf of a class of people (referred to as “**group members**”) against another person (referred to as the “**respondent**”) where the applicant and the group members have similar claims against the respondent.
9. A class action can be commenced without the consent of group members. However, group members can choose to cease being a group member by opting out.
10. Unless you have opted out of the proceeding, group members will be “bound” by the outcome in the class action, which will occur where (i) there is a judgment in the proceeding following a trial; or (ii) a settlement is reached at any time. If there is a judgment or a settlement, group members will not be able pursue the same claims against the respondent and may not be able to pursue similar or related claims against the respondent in other legal proceedings.
11. If you consider that you have claims against Boral which are based on your individual circumstances or otherwise additional to the claims described in the Boral Class Action, then it is important that you seek independent legal advice about the potential binding effects of the class action before the deadline for opting out.
12. **Will I be liable for legal costs?** You will not be liable for any legal costs associated with bringing the class action by remaining as a group member. This costs of running the class action are being paid for by Maurice Blackburn, who is representing the Applicant on a “no win, no fee” basis.
13. If the class action is unsuccessful, group members will have no liability.
14. If the class action is successful, the Court may make an order requiring group members to contribute (from proceeds received by group members in judgment or settlement) to the costs incurred by the Applicant in running the class action. The Court will assess whether any amounts proposed to be deducted are fair and reasonable. You will be given a notice at that time informing you of the amount which it is proposed to be deducted and given an opportunity to tell the Court if you agree or disagree with what is proposed.
15. **Why am I receiving this Notice?** You have received this notice because you may be a group member in the Boral Class Action.
16. The purpose of this notice is to:
 - (a) inform you that the Court has ordered the parties to commence mediation discussions by no later than 31 May 2024, during which the parties will explore the possibility of a settlement of the class action; and



- (b) provide you with information on how to register in respect of the class action or opt out of it. The deadline for making this choice is **4pm on 12 January 2024**.

17. **As the choice you make may affect your legal rights, you should read this notice carefully. Any questions you have concerning the matters contained in this notice should not be directed to the Court.** If there is anything in it that you do not understand, you should seek legal advice.

C. YOUR OPTIONS

18. If you are a group member, you have three options at this stage, and must choose one of them before **12 January 2024**:
- (a) register;
 - (b) do nothing; or
 - (c) opt out.
19. There are different consequences depending on which option you choose. Noting the deadline of 12 January 2024, if you decide you want to register, you should make every effort to do so as soon as possible.

OPTION A – Register

20. If you wish to remain a group member and guarantee the opportunity to receive monies from any settlement that may be agreed to before 29 July 2024, you must register by **4pm on 12 January 2024**, by completing a 'Group Member Registration Form' available online at <https://classaction.mauriceblackburn.com.au/Boral>.
21. While registration is not mandatory, if you do not register, there may be significant consequences. This is because the parties intend to seek an order which, if made, has the effect that group members who do not register will not be entitled to participate in any settlement reached before 29 July 2024.
22. You do not need to complete a Group Member Registration Form if you have already entered into a retainer with Maurice Blackburn to act for you in connection with the Boral Class Action and/or have already provided your claim details to Maurice Blackburn. You will be contacted directly by Maurice Blackburn if anything further is required from you.
23. If you register, you will be bound by any settlement reached between the parties and will have the opportunity to share in any benefit resulting from the settlement. The settlement will be subject to Court approval and you may have to satisfy certain conditions before your entitlement to share in this benefit arises. You will also be bound by any final judgment and have the opportunity to share in the benefit of any favourable judgment.



24. If you are unable to access to the online Group Member Registration Form, or have difficulties completing it, please contact Maurice Blackburn on 1800 519 707 or email BoralClassAction@mauriceblackburn.com.au

OPTION B – Do nothing

25. Group members who do not opt out or register by **4pm on 12 January 2024** will remain as group members and await the outcome of the proceedings.
26. If a settlement is reached at any time prior to 29 July 2024, the parties intend to seek an order that group members who did not register by 12 January 2024 will not be entitled to participate in that settlement without leave of the Court but will otherwise be bound by the terms of the settlement.
27. This means that, if you do nothing by 12 January 2024, and a settlement agreement is reached at any time prior to 29 July 2024, an order may be made that disentitles you from receiving any compensation from the settlement. You may also be prevented from making a claim against Boral in respect of matters relating to the subject matter of this class action.
28. If you wish to have the opportunity to participate in or receive any benefit from a settlement of the Boral Class Action, the safest course is to register as per Option A above before 12 January 2024. If you are a member of the Martini Class Action, the registration requirements in this notice do not apply to you and you do not need to take any steps in response to this notice.

OPTION C – Opt out and cease to be a group member

29. If you do not wish to remain a group member in the Boral Class Action, you must opt out of the proceeding by completing an “Opt Out” form that is **enclosed** with this Notice by **4pm on 12 January 2024**.
30. If you opt out of the Boral Class Action, you:
- (a) will not be affected by any orders made in the Boral Class Action or by any settlement reached between the parties;
 - (b) will not be permitted to receive any distribution from any damages award or settlement outcome arising from the Boral Class Action; and
 - (c) will be able to commence separate proceedings against Boral on your own behalf if you so wish (subject to any applicable time limits).
31. Opt Out forms must be submitted directly to the New South Wales District Registry of the Federal Court of Australia before 4pm on 12 January 2024. Opt Out forms received after this time may not be accepted, with the result being that you will be treated as having not responded to this Notice (see Option B above).
32. Each group member seeking to opt out should fill out a separate Opt Out form.



D. WHERE TO GET FURTHER INFORMATION

33. Copies of relevant documents, including the Originating Application, the Further Amended Statement of Claim and the Defence may be obtained by downloading them from <https://www.mauriceblackburn.com.au/boral>
34. If you are unable to access any of the documents referred to in this notice, or if there is anything about this notice you do not understand or which you are unsure about, you should contact Maurice Blackburn on 1800 519 707 or email BoralClassAction@mauriceblackburn.com.au or seek legal advice. You should not delay in making your decision.



ANNEXURE C

BORAL SHAREHOLDER CLASS ACTION

Notice of Registration for Mediation

This is an important notice that the Federal Court of Australia has ordered to be published to persons who may be group members in the Parkin Class Action against Boral Limited.

The **Parkin Class Action** was commenced against Boral Limited in the Federal Court of Australia by Andrew Parkin (the **Applicant**). This class action relates to the financial irregularities in Boral's North American windows business (**Windows**), resulting in misreporting which impacted the FY2018 and FY2019 financial accounts of Windows, Boral North America and Boral.

You are receiving this notice because you are a group member.

You should read this notice carefully. Any questions you have concerning the matters contained in this notice should not be directed to the Court. If there is anything in this Notice that you do not understand, you should seek legal advice.

As explained below, you may do one of two things in response:

1. **Register** for the class action by **12 January 2024** and guarantee the opportunity to receive monies that may be available pursuant to any settlement reached before 29 July 2024; or.
2. **Do nothing** and remain a group member but risk losing the opportunity to receive monies *if* a settlement is reached before 29 July 2024.

If you are unsure whether you are a group member, you should contact Maurice Blackburn, the solicitors for the Applicant in this class action, or seek your own legal advice without delay. Maurice Blackburn's contact details are noted in Section C of this notice.

A. UPDATE ON THE PARKIN CLASS ACTION

1. In May 2021, you were provided with an opportunity to opt out of the Parkin Class Action (being run by Maurice Blackburn) and you did not do so. As such, you remain a group member in the Parkin Class Action.
2. You have been sent this notice because the Court has ordered that you must provide Maurice Blackburn with details in relation to your claim by **4pm on 12 January 2024** in order to have the opportunity to receive any compensation that may become available in the Parkin Class Action following any settlement that may occur before 29 July 2024.
3. **You cannot rely on any information you previously submitted to Phi Finney McDonald or Therium**, as this has not been provided to Maurice Blackburn on your behalf because it is confidential and privileged. In other words, if you wish to guarantee the opportunity to receive monies that may be available pursuant to any settlement, you need to either:



- (a) re-provide your share trade to Maurice Blackburn if you wish to register in the Parkin Class Action; or
- (b) instruct Phi Finney McDonald to provide your share trade information to Maurice Blackburn.

B. YOUR OPTIONS

4. You have 2 options at this stage, and must choose one of them before **4pm on 12 January 2024**:
 - (a) register; or
 - (b) do nothing.
5. There are different consequences depending on which option you choose. Noting the deadline of 12 January 2024, if you decide you want to register, you should make every effort to do so as soon as possible.

OPTION A – Register

6. If you wish to remain a group member and guarantee the opportunity to receive monies from any settlement that may be agreed to before 29 July 2024, you must register by **4pm on 12 January 2024** by completing a 'Group Member Registration Form' available online at <https://classaction.mauriceblackburn.com.au/Boral>.
7. While registration is not mandatory, if you do not register, there may be significant consequences. This is because the parties intend to seek an order which, if made, has the effect that group members who do not register will not be entitled to participate in any settlement reached before 29 July 2024.
8. You do not need to complete a Group Member Registration Form if you have already entered into a retainer with Maurice Blackburn to act for you in connection with the Parkin Class Action and/or have already provided your claim details to Maurice Blackburn. You will be contacted directly by Maurice Blackburn if anything further is required from you.
9. If you register, you will be bound by any settlement reached between the parties and will have the opportunity to share in any benefit resulting from the settlement. The settlement will be subject to Court approval and you may have to satisfy certain conditions before your entitlement to share in this benefit arises. You will also be bound by any final judgment and have the opportunity to share in the benefit of any favourable judgment.
10. If you are unable to access to the online Group Member Registration Form, or have difficulties completing it, please contact Maurice Blackburn on 1800 519 707 or email BoralClassAction@mauriceblackburn.com.au

OPTION B – Do nothing



11. Group members who do not opt out or register by **4pm on 12 January 2024** will remain as group members and await the outcome of the proceedings.
12. If a settlement is reached at any time prior to 29 July 2024, the parties intend to seek an order that group members who did not register by 12 January 2024 will not be entitled to participate in that settlement without leave of the Court but will otherwise be bound by the terms of the settlement.
13. This means that, if you do nothing by 12 January 2024, and a settlement agreement is reached at any time prior to 29 July 2024, an order may be made that disentitles you from receiving any compensation from the settlement. You may also be prevented from making a claim against Boral in respect of matters relating to the subject matter of this class action.
14. If you wish to have the opportunity to participate in or receive any benefit from a settlement of the Parkin Class Action, the safest course is to register as per Option A above before 12 January 2024. If you are a member of the Martini Class Action, the registration requirements in this notice do not apply to you and you do not need to take any steps in response to this notice.

C. WHERE TO GET FURTHER INFORMATION

15. Copies of relevant documents, including the Originating Application, the Further Amended Statement of Claim and the Defence may be obtained by downloading them from <https://www.mauriceblackburn.com.au/boral>
16. If you are unable to access any of the documents referred to in this notice, or if there is anything about this notice you do not understand, or which you are unsure about, you should contact Maurice Blackburn on 1800 519 707 or email BoralClassAction@mauriceblackburn.com.au or seek legal advice. You should not delay in making your decision.