

No: (P)NSD213/2011

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

TAMMY MAREE STANFORD and another named in the schedule
Applicant

DEPUY INTERNATIONAL LTD and another named in the schedule
Respondent

ORDER

JUDGE: Justice Wigney
DATE OF ORDER: 29 June 2016
WHERE MADE: Sydney



THE COURT ORDERS THAT:

Approval of the Settlement

1. Pursuant to section 33V and 33ZF of the *Federal Court of Australia Act 1976* (Cth) (**Act**), the settlement of the proceeding is approved on the terms set out in:
 - (a) the Settlement Deed dated 31 March 2016 (**Deed**) which is Annexure JKS-92 to the affidavit of Julian Klaus Schimmel affirmed on 17 June 2016;
 - (b) the Amended Settlement Scheme dated 17 June 2016 (**Amended Settlement Scheme**) which is Annexure JKS-93 to the affidavit of Julian Klaus Schimmel affirmed on 17 June 2016.
2. The proceeding be dismissed:
 - a) on the basis that the dismissal is a defence and absolute bar to any claim or proceeding by any Applicant or Group Member with respect to ASR Claims as defined in the Deed;
 - b) with no order as to costs; and

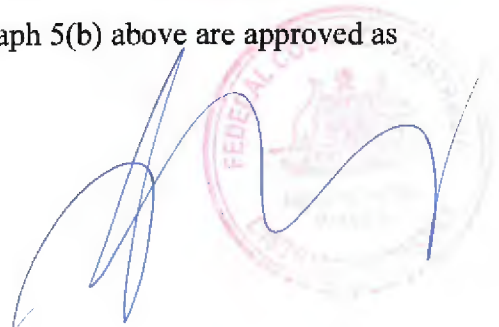
- c) without prejudice to the Parties' ability to relist the matter for the purpose of seeking orders consequential to the Deed or Amended Settlement Scheme.
3. Pursuant to section 33ZF of the Act:
- (a) The Applicants' Costs (as defined in clause 1.1 of the Deed) are approved in the amount certified as reasonable and recommended for approval in the report of Ross Nicholas dated 15 June 2016 (admitted as exhibit 4 on the hearing of the Amended Interlocutory Application) and are to be paid in accordance with clause 5.1 of the Deed and clause 3.1 of the Amended Settlement Scheme;
 - (b) The following payments are approved as Reimbursement Payments (as defined in clause 1.1 of the Deed) and are to be paid in accordance with clause 5.1 of the Deed and clause 3.1 of the Amended Settlement Scheme:
 - (i) Tammy Stanford - \$40,000;
 - (ii) Jamie Dunsmore - \$40,000;
 - (iii) Mary Bentjees - \$10,000;
 - (iv) Robert Webb - \$10,000;
 - (c) Maurice Blackburn Pty Limited (**Maurice Blackburn**) and Shine Lawyers Pty Limited (**Shine Lawyers**) are jointly appointed as Administrators of the Amended Settlement Scheme;
 - (d) The Applicants are authorised to enter into and give effect to the Deed *nunc pro tunc* for and on behalf of the Group Members as defined in the Third Further Amended Statement of Claim.

Further Notice to Group Members to Group Members

4. The form and content of a Further Notice to Group Members (**Further Notice to Group Members**) which is annexed as Annexure JKS-136 to the affidavit of Julian Klaus Schimmel affirmed on 23 June 2016 (with the date 29 June 2016 inserted in the first sentence of the second paragraph of the Further Notice to Group Members) is approved for the purposes of sections 33X and 33Y of the Act.
5. Pursuant to sections 33Y and 33ZF of the Act, the Further Notice to Group Members is to be given to Group Members according to the following procedure:
- (a) By 15 July 2016, the parties are to cause the Further Notice to Group Members to be sent by Crawford & Company (Australia) Pty Ltd (**Crawford**) to all Group Members in the proceeding for whom Crawford has contact details;
 - (b) By 15 July 2016:

- (i) Maurice Blackburn is to cause the Further Notice to Group Members to be displayed on the website www.depuyclassaction.com.au;
 - (ii) Maurice Blackburn is to display the Further Notice to Group Members on its website;
 - (iii) Shine Lawyers is to display the Further Notice to Group Members on its website;
 - (iv) Duncan Basheer Hannon is to display the Further Notice to Group Members on its website;
 - (v) Lempriere Abbott McLeod is to display the Further Notice to Group Members on its website;
- (c) By 15 July 2016, each of Maurice Blackburn, Shine Lawyers, Duncan Basheer Hannon and Lempriere Abbott McLeod are to send the Further Notice to Group Members to the Group Members for whom they (respectively) have postal and/or email addresses.
6. Distribution of the Further Notice to Group Members if done in compliance with order 5 is deemed to be satisfactory notice to all Group Members and the Further Notice to Group Members need not otherwise be given personally to each Group Member in accordance with sub-section 33Y(5) of the Act.
7. Pursuant to section 33ZF of the Act, Crawford's reasonable costs of giving effect to paragraph 5(a) above:
- (a) are approved as "Administration Costs" for the purpose of clauses 1.1, 6.5(a) and 9.3(b) of the Deed; and
 - (b) are to be paid by Maurice Blackburn within 14 days of presentation of an invoice with respect to such costs.
8. Pursuant to section 33ZF of the Act, the reasonable costs of distributing the Further Notice to Group Members in accordance with paragraph 5(b) above are approved as Administration Costs as defined in the Deed.

Date that entry is stamped: 4 July 2016



Deputy District Registrar

Schedule

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Second Applicant: JAMIE DUNSMORE

Second Respondent: JOHNSON & JOHNSON MEDICAL PTY LIMITED

