

FEDERAL COURT OF AUSTRALIA

VW, AUDI AND SKODA DIESEL CLASS ACTION PROCEEDINGS

NOTICE OF OPT OUT RIGHTS

A: ABOUT THIS NOTICE

1. Why are you receiving this Notice?

1.1 The Federal Court has ordered that this Notice be published for the information of persons who might be members of the class on whose behalf the action is brought and may be affected by the action. **You have been identified as a potential class member.**

1.2 **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.

1.3 You are receiving this Notice because you own or have owned, or otherwise hold an interest in, a Volkswagen, Audi or Skoda car fitted with an EA 189 1.6L or 2.0L diesel engine, purchased before about October 2015.

1.4 The Class Actions referred to and explained in this Notice are proceedings in the Federal Court of Australia against Volkswagen, Audi and Skoda seeking compensation for owners (and other interest holders) of certain cars including yours. These Class Actions may affect your rights.

2. What does this Notice tell you and why is it important?

2.1 This Notice contains important information about the background to the Class Actions and your rights as an affected owner/interest holder. In particular, it tells you about your right to opt out of the litigation. You will find this information in **Section B** of this notice.

The opt out deadline is 18 October 2017.

2.2 A list of the vehicles which are subject to the Class Actions (referred to in this Notice as the **Affected Vehicles**) is included at paragraph 5.1 on **pages 3 and 4.**

2.3 In October 2015, Volkswagen, Audi and Skoda announced a diesel emissions recall of particular Volkswagen, Audi and Skoda vehicles which they said may not comply with emission standards when driven under normal conditions.

Important information about the nature of the recall is set out at paragraphs 6.10–6.16 (pages 5 and 6) under the heading, “The Recall”

3. **What is a class action?**

3.1 A class action is an action that is brought by one or more persons ("applicants") on their own behalf and on behalf of a group of people ("class members") against other persons ("respondents") where the applicants and the class members have similar claims against the respondents.

3.2 Class members in a class action are not individually responsible for the legal costs associated with bringing the class action. Generally, in a class action, only the applicant is responsible for those costs.

3.3 Class members are "bound" by the outcome in the class action, unless they opt out of the proceeding. A binding result can happen in two ways: either by a *judgment* following a trial, or by a *settlement* which might happen at any time. If there is a judgment or a settlement of a class action, class members *will not* be able to pursue the same claims and *may not* be able to pursue similar or related claims against the respondent in other legal proceedings. Class members should note that:

(a) in a *judgment* following trial, the Court will decide various common factual and legal issues in respect of the claims made by the applicants and class members. Unless those decisions are successfully appealed, they bind the applicants, class members and the respondents. Importantly, if there are other proceedings between a class member and the respondents, it is likely that neither of them will be permitted to raise arguments in that proceeding which are inconsistent with a factual or legal issue decided in the class action.

(b) in a *settlement* of a class action, where the settlement provides for compensation to class members, it may extinguish all rights to compensation which a class member might have against the respondents which arise in any way out of the events or transactions which are the subject-matter of the class action.

3.4 If you consider that you have claims against any respondent in the Class Actions referred to in this Notice which are based on your individual circumstances or otherwise additional to the claims described in the Class Actions, then it is important that you seek independent legal advice about the potential binding effects of the Class Actions before the deadline for opting out (see below). **That deadline is 18 October 2017.**

B: INFORMATION ABOUT THE CLASS ACTIONS AND OPT OUT RIGHTS

4. **Information about the class actions**

4.1 There are 5 class actions which are being conducted by two different law firms, Maurice Blackburn and Bannister Law, in relation to the Affected Vehicles.

4.2 Bannister Law is conducting the following proceedings:

(a) Cantor v Audi Australia Pty Ltd [NSD1307/2015]

(b) Tolentino v Volkswagen Group Australia Pty Ltd [NSD1308/2015]

(Bannister Law Class Actions).

4.3 The Bannister Law Class Actions do not make any claims against the Volkswagen, Audi and Skoda parent companies which are based in Europe (Volkswagen AG, Audi AG and Skoda Auto a.s).

4.4 Maurice Blackburn is conducting the following proceedings:

- (a) Dalton & Anor v Volkswagen AG and Volkswagen Group Australia Pty Ltd [NSD1459/2015]
- (b) Richardson v Audi AG and Audi Australia Pty Ltd [NSD1472/2015]
- (c) Roe v Skoda Auto a.s, Volkswagen AG and Volkswagen Group Australia Pty Ltd [NSD1473/2015]

(Maurice Blackburn Class Actions).

4.5 The applicants in the Maurice Blackburn Class Actions make claims against the Australian companies as well as against their European parent companies (Volkswagen AG, Audi AG and Skoda Auto a.s).

4.6 The Class Actions are brought by the applicants, each on their own behalf and on behalf of all persons who are "class members" as defined in each of the Class Actions. This is explained in more detail below under the heading "**Who are these class actions brought on behalf of?**"

4.7 The Maurice Blackburn Class Actions and Bannister Law Class Actions are being case managed together in the Federal Court of Australia alongside two sets of proceedings commenced by the Australian Competition and Consumer Commission (**ACCC**) against Volkswagen Group Australia Pty Limited and Volkswagen AG and against Audi Australia Pty Limited and Audi AG. All of the proceedings are listed for an initial hearing on certain issues which are largely common to all proceedings. That hearing is due to commence on 30 October 2017.

5. Affected Vehicles

5.1 The vehicles the subject of the claims covered by the Class Actions are as follows:

Make	Model (Diesel)	Model Year	Maurice Blackburn Class Action	Bannister Law Class Action
Volkswagen	Golf	MY 2009 - 2013	Dalton Proceeding (NSD 1459/2015)	Tolentino Proceeding (NSD 1308/2015)
	Polo	MY 2010 - 2014		
	Jetta	MY 2009 - 2016		
	Passat	MY 2009 - 2015		
	Passat CC	MY 2009 - 2012		
	Volkswagen CC	MY 2012 - 2016		
	Eos	MY 2009 - 2014		
	Tiguan	MY 2008 - 2016		
	Caddy	MY 2010 - 2016		
Škoda	Amarok	MY 2011 - 2012	Roe Proceeding (NSD 1473/2015)	Tolentino Proceeding (NSD 1308/2015)
	Octavia	MY 2008 - 2013		
	Yeti	MY 2012 - 2016		
Audi	Superb	MY 2009 - 2015	Richardson Proceeding	Cantor Proceeding
	A1	MY 2010 - 2015		
	A3 (1.6L)	MY 2009 - 2013		

Make	Model (Diesel)	Model Year	Maurice Blackburn Class Action	Bannister Law Class Action
	A3 (2.0L)	MY 2011 - 2013	(NSD 1472/2015)	(NSD 1307/2015)
	A4	MY 2008 - 2015		
	A5	MY 2012 - 2016		
	A6	MY 2009 - 2015		
	Q3	MY 2012 - 2014		
	TT	MY 2009 - 2014		
	Q5 (CAH Engine)	MY 2009 - 2011		
	Q5 (CGL Engine)	MY 2009 - 2016	<i>SCR Sub-Group (McIntyre)</i>	

6. **What are the Volkswagen, Audi and Skoda Class Actions about?**

6.1 In October 2015, when Volkswagen, Audi and Skoda announced "a diesel emissions recall" of particular Volkswagen, Audi and Skoda vehicles, they disclosed that the affected vehicles contained software in the engine control unit that caused those vehicles (the Affected Vehicles) to operate in two different modes: one mode during a laboratory test cycle (for testing emissions) (mode 1) and a second mode when on the road. When operating in the second mode, the vehicle produces higher levels of emissions of oxides of nitrogen (NOx) than in mode 1.

6.2 The Class Actions are about, in part, whether or not it was legal to program the vehicles to operate in this way.

6.3 The Maurice Blackburn Class Actions and the Bannister Law Class Actions allege that:

- (a) the software fitted in the Affected Vehicles is a "defeat device" within the meaning of that expression under the Australian Design Rules and the applicable vehicle emissions standards; and
- (b) the Affected Vehicles failed to comply with the requirements of the Australian vehicle emission standards, which prohibit the use of "defeat devices" to cause vehicles to operate an emission control system differently in the test from the way in which that system functions when operating in normal use on the road.

6.4 The applicants in the Maurice Blackburn Class Actions (in respect of the European and Australian companies) and the Bannister Law Class Actions (in respect of the Australian companies only) allege that the respondents engaged in misleading and deceptive conduct and made false and misleading representations in respect of the Affected Vehicles by representing that those vehicles complied with the applicable Australian vehicle emission standards when, in truth, they did not comply with those standards. They also allege that the vehicles were not of acceptable quality and did not comply with applicable safety standards.

6.5 The applicants in the Maurice Blackburn Class Actions also allege that the European and Australian companies engaged in unconscionable conduct, deceit and general law misrepresentation, and also failed to comply with an express warranty.

6.6 In the Maurice Blackburn and Bannister Law Class Actions, the applicants seek, among other things, compensation on behalf of Affected Vehicle owners and interest holders for the decline in value of Affected Vehicles which they say has been caused by the respondents' conduct.

6.7 The respondents deny these allegations and are defending the Maurice Blackburn Class Actions and the Bannister Law Class Actions on a number of grounds, including that the Affected Vehicles do comply with the applicable legal standards and that at all relevant times the Affected Vehicles complied with all relevant Australian emissions standards.

6.8 In summary, the respondents contend that:

- (a) the software in the Affected Vehicles falls outside the definition of a “defeat device” because it does not impact upon any part of the Affected Vehicles’ emission control system;
- (b) in particular, the exhaust gas recirculation system (**EGR System**), which is part of the components affected by the software, is not part of the Affected Vehicles’ emission control system;
- (c) the relevant emissions limits for NO_x apply only in laboratory testing and have no application to ordinary driving conditions on the road;
- (d) even if the respondents contravened Australian law (which they deny doing) their conduct did not cause the Affected Vehicles to decline in value; and
- (e) the implementation of the voluntary recall work currently under way remedies any loss owners and interest holders may have suffered and restores any decline in the value (which is not admitted by the respondents) of the Affected Vehicles.

6.9 There are a number of additional issues to be determined in the Class Actions, including:

- (a) the impact of the ongoing voluntary recall of Affected Vehicles on the overall value of the vehicle;
- (b) the impact of the ongoing voluntary recall of Affected Vehicles on the vehicle’s performance, fuel economy and service intervals;
- (c) whether an owner or interest holder of an Affected Vehicle has grounds for compensation, even if the voluntary recall is conducted on the vehicle; and
- (d) whether admissions made by Volkswagen in proceedings in the United States are relevant to the Class Actions in Australia.

6.10 **The Recall**

6.11 Volkswagen, Audi and Skoda have described the recall as a software update to ensure the vehicle operates in the same mode whether or not the vehicle is being laboratory tested for emissions compliance. The software update implements changes to the software of the engine control unit. These changes affect a number of parameters of vehicle operation including the manner in which the engine runs, in particular in relation to fuel injection timing, quantity and pressure, exhaust gas recirculation, diesel particulate filter and, in the case of Audi Q5 vehicles equipped with a Selective Catalytic Reduction System (**SCR System**) the SCR System.

- 6.12 The applicants in the Class Actions contend that the software update will affect the manner in which the engine runs in that it will:
- (a) remove the test mode;
 - (b) change the fuel injection settings, the number, timing and fuel quantity of injections used in the combustion cycle in the engine;
 - (c) increase the fuel injection pressure (also known as rail pressure);
 - (d) increase the extent of exhaust gas recirculation into the engine;
 - (e) increase the production of particulate matter (soot), which likely will lead to more frequent regeneration of the diesel particulate filter; and
 - (f) in the case of Audi Q5 vehicles equipped with an SCR System, change its operation resulting in the use of a larger amount of AdBlue.
- 6.13 Volkswagen, Audi and Skoda have announced that the Federal Government has approved its recall. The relevant Australian vehicle approval authority, the Commonwealth Department of Infrastructure and Regional Development (DIRD), has confirmed that Affected Vehicles which are modified in the voluntary recall will comply with Australian emissions standards. DIRD has not determined whether the recall work will have any effect on the Affected Vehicles' performance, fuel economy or service intervals.
- 6.14 Having the recall work done is not compulsory. Your consent is required before any recall work is done. Volkswagen, Audi and Skoda recommend that the recall work is carried out on your vehicle.
- 6.15 You are still entitled to access servicing, repairs or spare parts for your vehicle whether or not you choose to have the recall work done. If you elect not to have the recall work done, there is a possibility that other service updates may not be able to be made to your vehicle in the future, where these updates incorporate the software update involved in the recall work.
- 6.16 If you decide not to have the recall work performed on your vehicle, this does not affect your warranty.
7. **Audi Q5 Vehicles (Richardson and Cantor Proceedings Only)**
- 7.1 **Some of the Affected Vehicles are Audi Q5 models. If your car is not an Audi Q5, you do not need to read this section.**
- 7.2 Certain Audi Q5 models have engines which contain both an EGR System and an SCR System. A Sub-Group has been formed in one of the Maurice Blackburn Audi Class Actions (Richardson Proceeding), led by Mr William McIntyre, in order to represent group members who own or hold an interest in Audi Q5 vehicles which also contain an SCR System in their engine. Common Questions which relate to the SCR System will be determined at the suit of this Sub-Group.
- 7.3 In the Richardson Proceeding there is an allegation that the defeat device software in these vehicles also caused the Audi SCR System to operate less effectively in Mode 2 than in Mode 1. The respondents deny this claim and say that there is no relevant difference in the operation of the SCR System as between Mode 1 and Mode 2.

7.4 There is no claim in respect of the SCR System in the Bannister Law Class Action which represents owners of Audi Affected Vehicles, including Audi Q5s (the Cantor Proceeding). If you are a group member in the Cantor Proceeding, your claim will only involve consideration of the EGR System and not also the SCR System, even if your vehicle is an Audi Q5 which has an engine which contains an SCR System.

8. **Who are these Class Actions brought on behalf of?**

8.1 These Class Actions have been commenced on behalf of all persons who acquired an interest in an Affected Vehicle and who retained an interest in those vehicles as follows ("**Relevant Periods and Holding Dates**"):

- (a) **Maurice Blackburn Class Actions:** persons who acquired the interest at any time prior to 3 October 2015 and who still held an interest in that Affected Vehicle at 3 October 2015 (and have not signed up only as a member of the Bannister Law Class Actions);
- (b) **Bannister Law Class Actions:** persons who acquired the interest between January 2008 and 28 October 2015 (inclusive) and who still held an interest in that Affected Vehicle at 18 September 2015 (and have not signed up only as a member of the Maurice Blackburn Class Actions).

9. **Are you a class member?**

9.1 You are a class member if you obtained and held an interest in an Affected Vehicle during the Relevant Periods and Holding Dates.

You are still a class member whether or not you have subsequently disposed of your interest in an Affected Vehicle after the Holding Dates.

9.2 If you are unsure whether or not you are a class member, you should:

- (a) contact Maurice Blackburn on 1800 554 350
email vw@mauriceblackburn.com.au; or
- (b) contact Bannister Law on 02 8999 2888
email vwclassaction@bannisterlaw.com.au; or
- (c) seek your own legal advice without delay.

10. **Do I need to enter into a retainer agreement with Maurice Blackburn or Bannister Law in order to be a class member in the Class Actions?**

10.1 No. You do not need to enter into a retainer agreement with Maurice Blackburn or Bannister Law in order to be a class member.

10.2 If you wish to retain one of these firms to represent you, please contact the firm at the phone numbers or email addresses set out above.

11. **How do I know which Class Action I am a member of?**

11.1 If you are a class member and you entered into a retainer agreement with either Bannister Law or Maurice Blackburn before 1 August 2017 you will be a class member only of the Class Action being conducted by the law firm you have retained.

- 11.2 If you are a class member and you did not enter into a retainer agreement with either Bannister Law or Maurice Blackburn before 1 August 2017 you are a class member in both Class Actions applicable to your vehicle.
- 11.3 If you are a class member and you entered into a retainer agreement with both Bannister Law and Maurice Blackburn before 1 August 2017 you are a class member in both Class Actions applicable to your vehicle.
- 11.4 The reference table below is a quick guide to assist to know whether you may be a class member in one or more of the Maurice Blackburn Class Actions and Bannister Law Class Actions:

	Am I a class member in the Maurice Blackburn Class Action?	Am I a class member in the Bannister Law Class Action?
If you have signed a Maurice Blackburn retainer before 1 August 2017	YES	NO
If you have signed a Bannister Law retainer before 1 August 2017	NO	YES
If you have NOT signed a retainer with either Maurice Blackburn or Bannister Law before 1 August 2017	YES	YES
If you have signed a retainer with BOTH Maurice Blackburn and Bannister Law before 1 August 2017	YES	YES

12. **What is 'Opt Out'?**

- 12.1 The applicant in a class action does not need to seek the consent of class members to commence a class action on their behalf or to identify a specific class member. However, class members can cease to be class members by opting out of the class action. An explanation of how class members are able to opt out is found below in the section headed "**How can you opt out of the class actions?**". **Please note that the opt out deadline for the Class Actions is 18 October 2017.**

13. **If I am a member of more than one Class Action, do I have to make a choice between them?**

- 13.1 No. You are not required to make a choice between the different Class Actions at this time. However, you may do so, if you wish.
- 13.2 If you do want to make a choice between the applicable Maurice Blackburn Class Actions or the applicable Bannister Law Class Actions, the information in this Opt Out Notice may assist you in making that choice, including the following information:

- (a) as stated above, the Bannister Law Class Actions are against the Australian companies only, and not against their European parent companies, whereas the Maurice Blackburn Class Actions are against both the Australian and European companies;
- (b) the applicants in the Bannister Law Class Actions make a narrower range of allegations against the respondents than do the applicants in the Maurice Blackburn Class Actions;
- (c) the Bannister Law Class Actions are being partially funded by a litigation funder. In the event that one or both of the Bannister Law Class Actions are successful, subject to Court approval, the litigation funder will be entitled to be reimbursed for the legal fees paid to Bannister Law, together with a percentage of between 25-30% of any compensation awarded by the Court to its clients (those class members who sign a retainer at any time with Bannister Law). Bannister Law is also entitled to a 25% uplift in respect of its fees not covered by the litigation funder;
- (d) the Bannister Law Class Actions are presently the subject of an application for an order for a Common Fund to be made in those Class Actions, to be heard sometime after the Stage 1 trial to be held in in October and November 2017. If a Common Fund order is made, the litigation funder of the Bannister Law Class Actions will be entitled to recover a percentage of any compensation awarded by the Court from all class members in the Bannister Law Class Actions regardless of whether those people are clients of Bannister Law. The Common Fund application presently seeks that 10% of any class member's recovery be paid to a third party litigation funder. However, the Court may not make a Common Fund order. If it does make such an order, the amount may be 10% or less;
- (e) the Maurice Blackburn Class Actions are being funded by Maurice Blackburn itself, on a no win no fee basis. In the event that the Maurice Blackburn Class Actions are successful, subject to Court approval, Maurice Blackburn is entitled to be reimbursed for its fees and to charge a 25% uplift on those fees from their clients (those class members who sign a retainer at any time with Maurice Blackburn);
- (f) further details about legal costs are set out in the following section.

13.3 If you have not retained Bannister Law or Maurice Blackburn, you may currently be a member of more than one Class Action. If you have entered a retainer with both Bannister Law and Maurice Blackburn, you will also currently be a member of more than one Class Action. However, in the event of a successful settlement or judgment, you can obtain compensation or other relief in respect of any one vehicle in one Class Action only. If you are currently in two Class Actions and do not wish to opt out of either at this point, there may be a subsequent opportunity for you to choose between the Class Actions although it is possible that the Court will make a subsequent determination of which Class Action or Actions you will participate in without further notice to you.

14. **Will you be liable for legal costs if you remain a class member?**

14.1 You will **not become liable for any legal costs** simply by remaining as a class member for the determination of the common questions. However:

- (a) you may choose to retain Bannister Law or Maurice Blackburn to act on your behalf in one or more of the Class Actions. A copy of the terms upon which Bannister Law and Maurice Blackburn are acting in the Class Actions (known as a costs agreement or retainer) may be obtained at the contact details listed at the end of this Notice;
- (b) if any compensation becomes payable to you as a result of any order, judgment or settlement in the class actions, the Court may make an order that some of that compensation be used to help pay a share of the costs which are incurred by the applicants in running the Class Actions but which are not able to be recovered from the respondents; and
- (c) class actions are often settled out of court. If this occurs in the Class Actions, you may be able to claim from the settlement amount without retaining a lawyer. In that event, the Court may nonetheless require you to contribute to the applicants' own legal costs (as to which, see subpar (b) above).

15. **What will happen if you remain a class member?**

15.1 Unless you opt out, you are a class member and you will be bound by any settlement or judgment of the Class Action. If the Class Action of which you are a class member is successful, you may be entitled to share in the benefit of any order, judgment or settlement in favour of the applicant(s) and class members, although you may have to satisfy certain conditions before your entitlement arises.

15.2 If the Class Action is unsuccessful, or is not as successful as you might have wished, you will not be able to pursue the same claims and may not be able to pursue related claims against the respondents in other legal proceedings.

16. **What do class members need to do?**

16.1 **Do I need to do something to remain a class member?**

No. If you wish to remain a class member there is nothing you need to do at the present time. The applicants will continue to bring the Class Actions on your behalf up to the point where the Court determines those questions that are common to the claims of the applicants and the class members.

16.2 **How can you opt out of the class actions?**

(a) **If you do not wish to remain a class member of:**

- (i) any Class Action applicable to your vehicle; or
- (ii) one of the Class Actions applicable to your vehicle;

you must opt out of the Class Actions, or applicable Class Action, by completing and returning:

- (iii) the Opt Out Notice marked **Annexure A** to this Notice for opt out of all class actions; or
- (iv) the Opt Out Notice marked **Annexure B** to this Notice for opt out of individual class actions,

prior to or on the Opt Out date (**18 October 2017**).

- (b) **If you opt out of all of the class actions**, you will not be bound by or entitled to share in the benefit of any order, judgment or settlement in the Class Actions, but you will be at liberty to bring your own claim against the respondents provided that you issue Court proceedings within the time limit applicable to your claim. If you wish to bring your own claim against the respondents you should seek your own legal advice about your claim and the applicable time limit prior to opting out.
- (c) **If you wish to opt out of the class actions** you **must** do so by completing a "Notice of opting out by class member" (Annexure A or Annexure B to this Notice), and returning it to the Registrar of the Federal Court of Australia at the address on the form.

16.3 **IMPORTANT: the Notice must reach the Registrar by no later than 18 October 2017 otherwise it will not be effective.**

You should submit the Notice of Opting Out by Class Member if:

- (a) you qualify as a class member and you wish to opt out of the Class Actions;
or
- (b) you believe that you have been incorrectly identified as a class member, because you do not meet the criteria set out in the section headed "Are you a class member?" above.

Each class member seeking to opt out should fill out a separate form. If you are opting out on behalf of a company or business, please provide your name, the name of the company or business and your position within the company or business (e.g. director or partner).

17. **Where can you obtain copies of relevant documents?**

17.1 Copies of relevant documents, including the Applications, the Statements of Claim, and the Defences, may be obtained by:

- (a) downloading them from vwclassaction.com.au or vwclassactionmb.com.au;
or
- (b) inspecting them between 9am and 5pm at one of the offices of Bannister Law or Maurice Blackburn, contact details for which are available from vwclassaction.com.au or vwclassactionmb.com.au; or by calling Bannister Law or Maurice Blackburn on the contact numbers below; or
- (c) by contacting a District Registry of the Federal Court (contact details are available www.fedcourt.gov.au) and paying the appropriate inspection fee.

17.2 Please consider the above matters carefully. If there is anything of which you are unsure, you should:

- (a) contact Maurice Blackburn on 1800 554 350 or email vw@mauriceblackburn.com.au; or

- (b) contact Bannister Law on 02 8999 2888 or email vwclassaction@bannisterlaw.com.au; or
- (c) seek your own legal advice.

You should not delay in making your decision.

Annexure "A"

Form 21
Rule 9.34

OPT OUT NOTICE - ALL PROCEEDINGS

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

No. NSD1307/2015
No. NSD1308/2015
No. NSD1459/2015
No. NSD1472/2015
No. NSD1473/2015

VOLKSWAGEN, AUDI AND SKODA CLASS ACTIONS

To: The Registrar
Federal Court of Australia
New South Wales District Registry
Level 1, Law Courts Building
Queens Square, Sydney NSW 2000

Please use this form if you wish to opt out of ALL class actions

..... [Name of group member], a class member in one or more of these class actions, gives notice under section 33J of the *Federal Court of Australia Act 1976*, that they opt out of all class actions.

Group Member Name:
Name of legal owner of Affected Vehicle (if different to above)
Make, Model and Model Year of Affected Vehicle
VIN of Affected Vehicle

Date: 2017

Signed by [Name]

Specify capacity (eg class member / Lawyer for the class member):

Annexure "B"

Form 21
Rule 9.34

OPT OUT NOTICE - INDIVIDUAL CLASS ACTIONS

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

No. NSD1307/2015
No. NSD1308/2015
No. NSD1459/2015
No. NSD1472/2015
No. NSD1473/2015

VOLKSWAGEN, AUDI AND SKODA CLASS ACTIONS

To: The Registrar
Federal Court of Australia
New South Wales District Registry
Level 1, Law Courts Building
Queens Square, Sydney NSW 2000

Please use this form if you wish to opt out of ONE class action

If you wish to opt out of **both Class Actions** please use the form at **Annexure A**.

Option 1 - Mark here to opt out of the Maurice Blackburn Class Actions and remain in the Bannister Law Class Actions

..... [Name of group member], a class member in one or more of these class actions, gives notice under section 33J of the *Federal Court of Australia Act 1976*, that they opt out of the Maurice Blackburn Class Actions, and acknowledge that they will remain in the applicable Bannister Law Class Action as per the Reference Table below.

Option 2 - Mark here to opt out of the Bannister Law Class Actions and remain in the Maurice Blackburn Class Actions

..... [Name of group member], a class member in one or more of these class actions, gives notice under section 33J of the *Federal Court of Australia Act 1976*, that they opt out of the Bannister Law Class Actions, and acknowledge that they will remain in the applicable Maurice Blackburn Class Action as per the Reference Table below.

[...form continues on the next page]

Group Member Name:
Name of legal owner of Affected Vehicle (if different to above)
Make, Model and Model Year of Affected Vehicle
VIN of Affected Vehicle

Date: 2017

Signed by [Name]

Specify capacity (eg class member / Lawyer for the class member):

REFERENCE TABLE

Vehicle Make	Bannister Law Class Actions	Maurice Blackburn Class Actions
Volkswagen	NSD1308/2015 Josephina Tolentino v Volkswagen Group Australia Pty Ltd	NSD1459/2015 Alistar Dalton & Joanna Dalton v Volkswagen AG & Volkswagen Group Australia Pty Ltd
Škoda	NSD1308/2015 Josephina Tolentino v Volkswagen Group Australia Pty Ltd	NSD1473/2015 Steven Roe v Škoda Auto a.s. & Volkswagen Group Australia Pty Ltd & Volkswagen AG
Audi	NSD1307/2015 Richard Cantor v Audi Australia Pty Ltd	NSD1472/2015 Robyn Tanya Richardson v Audi AG & Audi Australia Pty Ltd & Volkswagen AG