

## NOTICE OF PROPOSED SETTLEMENT

### NSW JUNIOR DOCTORS CLASS ACTION

*Dr Amireh Fakhouri v Secretary of the NSW Ministry of Health and Anor (2020/00356588)*

#### PLEASE READ THIS CAREFULLY – IT MAY AFFECT YOUR LEGAL RIGHTS

1. This notice contains important information about the proposed settlement of the NSW Junior Doctors Class Action. It has been distributed in accordance with orders made by the Supreme Court of New South Wales. Please read it carefully as the proposed settlement may affect your legal rights.
2. If you do not understand this notice or if you have any questions, please contact Maurice Blackburn Lawyers whose contact details are at the end of this notice.

#### THE NSW JUNIOR DOCTORS CLASS ACTION

3. In December 2020, Dr Amireh Fakhouri (the Plaintiff) filed a class action against the NSW Ministry of Health and the State of NSW (together, the Defendants) covering current and former junior medical officers who worked anytime in the period 16 December 2014 to 21 March 2024. The class action makes claims for rostered overtime, unrostered overtime, meal breaks, and superannuation.

#### THE PROPOSED SETTLEMENT

4. On 4 March 2024, the Parties reached a settlement of the class action for **\$229.8 million** inclusive of legal and other costs. The settlement is subject to approval by the Court. The legal team acting for Dr Fakhouri and group members recommend the settlement and regard it as fair and reasonable.

#### WHY YOU HAVE RECEIVED THIS NOTICE

5. You are receiving this notice because you previously lodged an ‘opt-out’ notice.
6. If you wish to participate in the settlement, you may rejoin the class action. At this stage, it is not possible to tell you how much money you would receive by rejoining the class action. This will depend on how many group members register and an estimate of each group member’s unpaid wages.

#### YOUR OPTIONS

**Option 1: Withdraw your opt-out notice and register.** To participate in the proposed settlement, you must undertake the following steps **by 12 July 2024**:

- (a) complete the annexed ‘Withdrawal of Opt-Out Form’ and send it to the Court at [sc.emailfiling@justice.nsw.gov.au](mailto:sc.emailfiling@justice.nsw.gov.au); **and**
- (b) register your details with Maurice Blackburn Lawyers at [mauriceblackburn.com.au/juniordoctors](http://mauriceblackburn.com.au/juniordoctors).

These are Court ordered deadlines and Maurice Blackburn Lawyers will not have discretion to accept notices or registrations after this date.

**Option 2: Do nothing.** If you do not withdraw your opt-out notice by the deadline of 12 July 2024, you will remain opted out of the class action. This means you will not be bound by, or entitled to share in the benefit of, the settlement (if it is approved), but you will be able to bring your own claim against the Defendants if you issue proceedings within the time limit applicable to your claim. If you wish to bring your own claim against the Defendants, you should seek independent legal advice.

### **OBJECTING TO THE PROPOSED SETTLEMENT**

7. If you withdraw your opt-out notice, you have the right to object to the proposed settlement and to make submissions as to why the Court should not approve it (or any aspect of it). If you wish to exercise those rights, you must complete the Notice of Objection form available at [mauriceblackburn.com.au/juniordoctors](https://mauriceblackburn.com.au/juniordoctors) and email it to Maurice Blackburn Lawyers at [NSWJuniorDoctors@mauriceblackburn.com.au](mailto:NSWJuniorDoctors@mauriceblackburn.com.au) by 12 July 2024.
8. Any group member who objects may (but is not obliged to) appear before the Court at the hearing of the application to approve the proposed settlement at 10am on Monday 19 August 2024 at the Court in Queens Square, Sydney.
9. Any objections will be considered by the Court in determining whether to approve the proposed settlement.
10. If you want to object to the proposed settlement, but nevertheless participate in it if your objection is overruled and the proposed settlement is approved, you should withdraw your opt-out notice and register as set out above.

### **KEY DOCUMENTS**

11. Key documents regarding the class action are available on the Court's website at <https://supremecourt.nsw.gov.au/cases/class-actions/current-class-actions/junior-doctors-underpayment.html>.

### **WHO YOU SHOULD CONTACT FOR MORE INFORMATION**

12. You may contact Maurice Blackburn Lawyers for more information about the class action on 1800 318 062, by email at [NSWJuniorDoctors@mauriceblackburn.com.au](mailto:NSWJuniorDoctors@mauriceblackburn.com.au), or by visiting their website at [mauriceblackburn.com.au/juniordoctors](https://mauriceblackburn.com.au/juniordoctors).
13. You may also wish to seek independent legal advice.
14. Please do not contact the Court as it will not be able to answer your questions about the proposed settlement.

**ANNEXURE**

**WITHDRAWAL OF OPT OUT NOTICE**

**COURT DETAILS**

Court	Supreme Court of New South Wales
Division	Common Law
List	Common Law General
Registry	Sydney Registry
Case number	2020/00356588

**TITLE OF PROCEEDINGS**

Plaintiff	Amireh Fakhouri
First Defendant	The Secretary for the NSW Ministry of Health ABN 92697899630
Second Defendant	The State of New South Wales

**FILING DETAILS**

Filed for (name): .....

Telephone: .....

Email: .....

Address: .....

**WITHDRAWAL OF OPT OUT NOTICE**

I, ..... wish to withdraw my opt out notice and be reinstated as a Group Member in these proceedings.

**SIGNATURE**

Signature of or on behalf of person  
withdrawing opt out notice:

.....

Capacity:

.....

[eg solicitor, person withdrawing opt out notice]

Date of signature:

**NOTICE TO PERSON WITHDRAWING AN OPT OUT NOTICE**

You must by 12 July 2024:

1. file this notice, by emailing [sc.emailfiling@justice.nsw.gov.au](mailto:sc.emailfiling@justice.nsw.gov.au), or sending it to the Supreme Court of NSW, GPO Box 3, Sydney NSW 2001; and
2. to participate in the proposed settlement, you must also register your details at [mauriceblackburn.com.au/juniordoctors](http://mauriceblackburn.com.au/juniordoctors).