

GROUP MEMBER DEFINITION NOTICE

7-Eleven Class Actions in Federal Court Proceedings VID180/2018 and VID 182/2018

What is this notice about?

It is proposed that the “Group Member” definitions in Federal Court proceedings VID180/2018 and VID182/2018 (the **7-Eleven Class Actions**) will change on **3 August 2018**. A “Group Member” in a class action is someone who might have a claim against the person being sued, but does not need to appear or do anything to advance that claim until the Lead Applicant’s case has been determined by the Court because the Lead Applicant is suing that person on the Group Member’s behalf.

Changes to the “Group Member” definitions in the 7-Eleven Class Actions **may exclude some people from participating**. There are two class actions against 7-Eleven: One brought on behalf of Franchisee Companies (VID180/2018) and another brought on behalf of persons, including the Directors and Guarantors of those Franchisee Companies (VID182/2018).

The 7-Eleven Franchisee-Company Class Action

Previously, the 7-Eleven Franchisee-Company Class Action (VID180/2018) was being brought on behalf of people:

- 1 who entered into one or more franchise agreements with the first respondent, 7-Eleven Stores Pty Ltd (**Franchisor**) each in the form of a standard form of franchise agreement (**Franchise Agreement**) as issued by the Franchisor from time to time;
- 2 who entered into a Franchise Agreement prior to the date of the commencement of this proceeding, and who are not statute-barred;
- 3 who have suffered loss and damage as a result of the conduct of either or both of the Franchisor and the third respondent, ANZ Banking Group Limited (the **Bank**), alleged in the Statement of Claim; and
- 4 who have not entered into a binding and enforceable release of all of their claims against both the Franchisor and the Bank, which are the subject of this proceeding.

Now, the 7-Eleven Franchisee-Company Class Action is being brought on behalf of people who:

- 1 at any time between 20 February 2012 and 19 February 2018 were or commenced to be franchisee parties (**Franchisees**) to a standard-form franchise agreement (**Franchise Agreement**) with the first respondent, 7-Eleven Stores Pty Ltd (**7-Eleven**); and
- 2 have not entered into a release of all of their claims against both 7-Eleven and the Bank arising out of the conduct of 7-Eleven and the Bank described in the statement of claim.

7-Eleven Director and Guarantor Class Action

Previously, the 7-Eleven Director and Guarantor Class Action (VID182/2018) was being brought on behalf of people who:

- 1 provided indemnities, guarantees, mortgages or other securities in relation to the Franchise Agreements or Bank Loan Contracts entered into by a Franchisee;
- 2 have not entered into a binding and enforceable release of all their personal claims against the Franchisor and the Bank which are the subject of this proceeding.

Now, the 7-Eleven Director and Guarantor Class Action is being brought on behalf of people who:

- 1 **(Nominated Directors)** who were or commenced to be the nominated directors identified in a standard-form franchise agreement (**Franchise Agreement**) with the first respondent, 7-Eleven Stores Pty Ltd (**7-Eleven**) at any time between 20 February 2012 and 19 February 2018 (**Relevant Period**); or
- 2 **(Guarantors)** who provided indemnities, guarantees, mortgages or other securities (**Guarantees**) in respect of a Franchisee's obligations under a Franchise Agreement or Bank Loan Contract entered into by a Franchisee during the Relevant Period, and who have suffered loss and damage as a result of the conduct of either or both of 7-Eleven or the Bank, alleged in the Statement of Claim.

How might this affect me?

The new Group Member definition for the 7-Eleven Franchisee-Company Class Action (VID180/2018) will **exclude you from that particular proceeding** if:

- 1 You **were not** a Franchisee between 20 February 2012 and 19 February 2018; or
- 2 You **have** entered into a release of all of your claims against both 7-Eleven and the Bank described in the amended statement of claim.

The new Group Member definition for the 7-Eleven Director and Guarantor Class Action (VID182/2018) will **exclude you from that particular proceeding** if:

- 1 You:
 - (a) **were not** a nominated director identified in a Franchise Agreement with 7-Eleven at any time between 20 February 2012 and 19 February 2018; and
 - (b) **did not** provided indemnities, guarantees, mortgages or other securities in relation to the Franchise Agreements or Bank Loan Contracts between 20 February 2012 and 19 February 2018;
 or;
- 2 You have not suffered loss and damage as a result of the conduct of either or both of 7-Eleven or the Bank, alleged in the Statement of Claim.

If this affects me, what can I do?

Seek legal advice as soon as you can. You may wish to bring your own individual claim against 7-Eleven or the Bank or object to being excluded from the Group Member definition by completing the Objection Form attached to this notice and sending it to the:

Federal Court of Australia:

Email: vicreg@fedcourt.gov.au; or

Post: The Registry, Federal Court of Australia, 305 William St, Melbourne VIC 3000.

If you wish to object to either of the changed Group Member definitions, **you must do so** by completing and sending the Objection Form as set out below so that it is received **on or before 31 July 2018** or by appearing at the case management hearing **on 3 August 2018** at the Federal Court of Australia, 305 William Street Melbourne VIC 3000. You should seek your own legal advice, if you are unclear about anything contained in this notice.

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VID180/2018 and VID 182/2018

Objection Form

If you wish to object to either of the changed Group Member definitions in Federal Court proceedings VID180/2018 and/or VID182/2018, you must complete this form and send it by post or email so that it is **received on or before 31 July 2018**, to:

The Federal Court of Australia

Email: vicreg@fedcourt.gov.au; or

Post: The Registry, Federal Court of Australia, 305 William St, Melbourne VIC 3000.

You may also object to either of the changed Group Member definitions in Federal Court proceedings VID180/2018 and/or VID182/2018 by appearing at the case management hearing **on 3 August 2018** with a lawyer representing you or in person at the Federal Court of Australia, 305 William Street Melbourne VIC 3000.

I object to the changed Group Member definition
in Federal Court of Australia Proceedings VID180/2018
(the 7-Eleven Franchisee Company Class Action)

(please tick if you object)

I object to the changed Group Member definition
in Federal Court of Australia Proceedings VID182/2018
(the 7-Eleven Director and Guarantor Class Action)

(please tick if you object)

.....
Full Name

.....
Signature

.....
Name of Corporate Franchisee

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Dated: _____ 2018

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Address and Franchise Store Number(s)

I want to object to the changed Group Member definition because: *(State reasons for objecting)*

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(Please add more pages if necessary)