



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID758/2019

**WETDAL PTY LTD (ACN 145 536 661) AS TRUSTEE FOR THE BLUECO TWO SUPERANNUATION FUND** and another named in the schedule  
Applicants

**ESTIA HEALTH LIMITED (ACN 160 986 201)**  
Respondent

### **ORDER**

**JUDGE:** JUSTICE BEACH

**DATE OF ORDER:** 29 March 2021

**WHERE MADE:** Melbourne

#### **THE COURT ORDERS THAT:**

##### *Further notice to group members*

1. Pursuant to ss 33J(3), 33ZF and 33V of the *Federal Court of Australia Act 1976* (Cth) (Act), 4.00 pm AEST on 23 April 2021 is fixed as the extended date (Extended Class Deadline) for opt out of this proceeding and for the submission of Group Member Registration Forms and/or Notices of Objection (in the forms annexed to these orders) with respect to the proposed settlement of the proceeding the subject of the applicants' application dated 17 February 2021, for all group members who did not receive the Notice of Registration and Opt Out (the Notice) approved by order 10 of Middleton J's orders made on 3 March 2020 (Omitted Group Members).
2. Order 8 of the orders made by Middleton J on 3 March 2020 is varied such that the words "any Group Member" is replaced with the words "any Group Member other than Omitted Group Members" (as defined in order 1 above).
3. Pursuant to ss 33X and 33Y(2) of the Act, notice be given to Omitted Group Members of their right to object, register and/or opt out of the proceeding by the Extended Class Deadline, in the form being Annexure A to this order (Second Registration and Opt Out Notice).



4. The Second Registration and Opt Out Notice be given to the Omitted Group Members on or before Thursday 1 April 2021 according to the following procedure:
  - (a) the respondent shall instruct its share registry service provider 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 the respondent were recorded on its share register as acquired between 12 August 2015 and 9.52 am on 6 October 2016 (inclusive);
  - (b) the list referred to in order 4(a) above shall exclude any security holders that were sent the Notice in accordance with Middleton J's orders made on 3 March 2020;
  - (c) the respondent shall cause the Notice to be sent by email to any of the security holders referred to in the list created in accordance with orders 4 (a) and (b) above that have email addresses recorded on the share register;
  - (d) to the extent that any security holder does not have an email address recorded on the share register, the respondent shall cause the Notice to be sent by prepaid priority post to that security holder at the address recorded for that person on the share register;
  - (e) to the extent that any email sent to a security holder referred to in order 4(c) above experiences a delivery failure, the respondent shall cause the Notice to be sent by prepaid express post to that security holder at the address recorded for that person on the share register, within 2 business days of receiving that delivery failure notice; and
  - (f) the applicants shall cause a copy of the Notice to be displayed on the website of the applicants' solicitors (at <http://phifinney-mcdonald.com/projects/>) and to remain continuously so displayed up to and including the hearing of the Approval Application (as that term is defined in order 6 of the orders of Middleton J dated 26 February 2021).
5. The Second Registration and Opt Out Notice may be amended by the applicants before it is emailed, posted or published in order to correct any postal, website, email address or telephone number or any typesetting or typographical error.
6. Any costs of or incidental to the procedure set out in order 3, 4 and 5 (including any costs charged by the share registry service provider, Link Market Services Limited and/or its subsidiary Link Digicom (Link)) shall be borne by the respondent.



7. Following compliance with order 4 above and by no later than 4.00 pm on 9 April 2021, the respondent shall file an affidavit detailing the steps taken by it, and by its share registry service provider, to comply with that order.

*Other*

8. Omitted Group Members who completed and returned a Notice of Objection, in the form annexed to the Settlement Notice distributed under order 2 of Middleton J's orders made on 26 February 2021, on the grounds that the Omitted Group Member wished to participate in the Proposed Settlement as a registered group member, will be deemed to have completed and returned Group Member Registration Forms in accordance with these orders.
9. Order 9 of Middleton J's orders made on 26 February 2021 be varied so as to replace "by 4.00 pm on 1 April 2021" with "by 4.00pm on 30 April 2021".
10. Liberty to apply.
11. Costs otherwise reserved.

Date that entry is stamped: 29 March 2021

*Sia Lagos*  
Registrar