

GENERAL NOTICE OF PROPOSED SETTLEMENT

LINDSEY SCHOFIELD & ANOR v TFS MANUFACTURING PTY LTD & ORS

Proceeding NSD 181 of 2020 in the Federal Court

A. IMPORTANT INFORMATION

THIS IS AN IMPORTANT NOTICE APPROVED BY THE FEDERAL COURT OF AUSTRALIA.

The parties to this proceeding (the **TFS/IVS Vaginal Mesh Class Action**) will ask the Court to approve their proposed settlement of this case without a trial.

You should read this notice carefully because if you are a Group Member in the TFS/IVS Vaginal Mesh Class Action your legal rights may be affected by the proposed settlement. If you do not understand this notice or you have any questions, you can obtain more information at the website https://www.ajbstevens.com.au/class_actions/ivs-tfs-class-action/. You can also get advice about this notice from your own lawyer or you can contact the Applicants' lawyers, AJB Stevens Lawyers.

B. AM I A GROUP MEMBER IN THE TFS/IVS PELVIC MESH CLASS ACTION?

Provided you have not opted out of the TFS/IVS Vaginal Mesh Class Action, you are a Group Member if, at any time, you had surgery performed on you in Australia to implant one or more **Implants** manufactured or distributed by TFS Manufacturing Pty Ltd, IVS Pty Ltd or Covidien Pty Limited and the Implant was provided to you by your treating doctor or hospital to treat pelvic organ prolapse or stress urinary incontinence (as the case may be).

The Implants covered by the TFS/IVS Vaginal Mesh Class Action are the Intravaginal Sling Implant inserted with or without the use of an IVS Tunneller (the **IVS Implant**) and the Tissue Fixation System Implant (the **TFS Implant**).

You do not need to have suffered any complication from these Implants in order to be a Group Member in the TFS/IVS Vaginal Mesh Class Action.

C. WHAT IS THE TFS/IVS VAGINAL MESH CLASS ACTION IS ABOUT?

In the TFS/IVS Vaginal Mesh Class Action the Applicants have sought damages on their own behalf, and on behalf of Group Members, from the respondents because they allege that the Implants came with the risk of causing certain complications, and because they allege adequate warnings were not provided about those risks.

The respondents are TFS Manufacturing Pty Ltd, IVS Pty Ltd, Covidien Pty Limited, Peter Petros, MIPS Insurance Pty Ltd, Chubb Insurance Australia Limited.

The respondents are defending the TFS/IVS Vaginal Mesh Class Action and deny that they are liable to the Applicants and Group Members.

More detailed information about the TFS/IVS Vaginal Mesh Class Action can be found in the **Settlement Overview**, available for download here: https://www.ajbstevens.com.au/class_actions/ivs-tfs-class-action/.

D. WHAT IS THE PROPOSED SETTLEMENT?

It is proposed that the respondents will pay the amount of \$41,450,000 to establish a Settlement Fund. This will be done without any admission of liability by the respondents.

On the terms of the proposed settlement, **the Settlement Fund, less any approved legal and administration costs, will be distributed to Group Members who register to participate in the proposed settlement** and who have not opted out of this class action or settled their claim against the respondents (**Eligible Group Members**).

The amount that Eligible Group Members may receive from the Settlement Fund will depend on many factors, including:

1. The number of Registered Group Members who are eligible for compensation and the value of their claims;
2. Whether they were implanted with a TFS Implant or an IVS Implant;
3. Whether they were also implanted with an implant that is not the subject of the proceeding;
4. Whether they have experienced certain complications;
5. The severity and duration of their complications;
6. Whether they have undergone treatment for their complications and the number and types of treatment undergone;
7. The extent to which treatment has been successful;
8. Their age;
9. Whether they were working at the time they suffered their complications;
10. The date they suffered their complications;
11. The amounts that may need to be paid to third parties like Medicare, a private health fund or Centrelink;
12. Whether they have already received compensation for their complications from parties other than the respondents in this proceeding, such as a from the hospital where the implant was inserted or from a surgeon who carried out the surgery to insert the implant;
13. Whether their claim falls within a period for which Covidien, Chubb or MIPS are liable to pay compensation.

More detail concerning the proposed settlement is set out in the Settlement Overview.

By 17 August 2023, a settlement scheme and estimates of the average amounts of compensation will be available on https://www.ajbstevens.com.au/class_actions/ivs-tfs-class-action/ or by contacting AJB Stevens Lawyers.

If you do not register your claim to participate in the proposed settlement, you will not be eligible to make a claim on the Settlement Fund. If you have already registered your claim with AJB Stevens Lawyers you do not need to do anything further. If you have not yet registered, then in order to make a claim on the Settlement Fund you **must** register your claim by the Claim Deadline, which will be defined in the Settlement Scheme as 30 days after the last day on which the Settlement Notice is published.

E. WHAT HAPPENS IF I AM A GROUP MEMBER AND I DON'T REGISTER MY CLAIM?

Importantly, if the proposed settlement is approved, the claims made against the respondents in this class action will be dismissed and **any claim Group Members have against the respondents in relation to the Implants will be released even if they have not registered their claim with AJB Stevens Lawyers.**

F. HOW DO I REGISTER MY CLAIM?

If you have not already done so, you can register your claim by:

1. **Completing a Registration Form online** at the following website:

<https://www.ajbstevens.com.au/class-action-form/>

OR

2. **Downloading a Registration Form here:** https://www.ajbstevens.com.au/class_actions/ivs-tfs-class-action/

AND

Posting it to: AJB Stevens Lawyers
Level 9
287 Elizabeth Street
Sydney NSW 2000

or

Emailing it to: TFSandIVS@ajbstevens.com.au

If you are unsure whether you have registered your claim, you should seek legal advice or contact AJB Stevens Lawyers.

G. WHAT IF I WANT TO OBJECT TO THE PROPOSED SETTLEMENT?

The proposed settlement is subject to approval by the Federal Court of Australia.

Before the Court will approve the proposed settlement, it must be satisfied that the proposed settlement is fair and reasonable in the interests of all Group Members. The Court will also determine whether the proposed distribution of the Settlement Fund is reasonable, including the proposed distributions for legal and administration costs.

If you wish to object to the approval of the proposed settlement you should send an email to the Associate to Justice Lee setting out, in summary, why you oppose the settlement. Emails should be sent to tfscomments@fedcourt.gov.au by **21 August 2023**.

You may also attend, or send a representative to attend, the hearing of the application and seek to be heard in relation to your objection. The Court will hear the application to approve the proposed settlement on **24 August 2023 at 10.15am**. The hearing will take place at the **Federal Court** in the **Law Courts Building, Queens Square, Sydney**.

H. WHAT IF I HAVE FURTHER QUESTIONS?

If you have further questions about the proposed settlement, you should seek advice from your lawyer or contact the Applicant's lawyers, AJB Stevens Lawyers, as follows:

Email: TFSandIVS@ajbstevens.com.au

Tel: 02 8268 0600

Post: AJB Stevens Lawyers

Level 9
287 Elizabeth Street

Sydney NSW 2000

Further information can also be obtained from the website https://www.ajbstevens.com.au/class_actions/ivs-tfs-class-action/