

Brisbane Floods Class Action – Update

Summary

- **The Supreme Court of NSW expects to deliver its decision on the apportionment of liability between the three defendants prior to 30 June 2020**
- **An all parties' mediation has been ordered to take place on or prior to 30 September 2020**
- **The Court has reserved 3 weeks commencing in October 2020 to determine all issues on first instance costs, damages of sample group members and any application concerning the method by which the claims of the other group members will be determined**
- **Hearing of the appeals from first instance decision by Sunwater and Seqwater likely to occur in November 2020 or early in 2021, the State of Queensland (State) has not appealed the first instance decision**

Omni Bridgeway Limited (OBL) announces that following the conclusion of a two day hearing of the Supreme Court of NSW (Court), conducted by remote video link, the Court has indicated that it expects to deliver judgment on the questions of the apportionment of liability between the three defendants and the quantification of the representative plaintiff's claim before 30 June 2020. In particular, this will determine the portion of liability attributable to the State, who has elected not to appeal the first instance decision. Following on from this it will be necessary to determine the quantum of the group members' claims, which will be done either by way of a settlement or determination by the Court, before any recovery from the State can be made.

Orders have been made for the parties to attend a mediation on or prior to 30 September 2020 in order to attempt to settle the proceedings prior to the hearing of the appeals by the remaining two defendants (Seqwater and Sunwater), which is likely to take place in November 2020 or early in 2021. The mediation will seek to resolve the quantification of damages claimed against all defendants and the costs of the litigation to be paid by them.

Subject to the date allocated for the hearing of the appeals, the Court has also reserved 3 weeks commencing on 12 October 2020, to determine, to the extent not settled at the prior mediation, all issues relating to first instance costs, the balance of the assessment of the damages of sample group members and any application by any party concerning the method by which the claims of the balance of group members will be determined.

Omni Bridgeway background

Omni Bridgeway is a global leader in dispute resolution finance, with expertise in civil and common law legal and recovery systems, and operations spanning Asia, Australia, Canada, Europe, the Middle East, the UK and the US. Omni Bridgeway has built its reputation as a trusted provider of funding solutions and offers end-to-end dispute finance from case inception through to post-judgment enforcement and recovery.

**Authorised by
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