

**MONASH IVF CLASS ACTION**  
**Danielle Bopping v Monash IVF Pty Ltd & ORS**  
**(Supreme Court of Victoria Case No. S ECI 2020 04761)**

**FREQUENTLY ASKED QUESTIONS FOR REGISTERED GROUP MEMBERS**

The following Frequently Asked Questions applies to Registered Group Members in the Monash IVF Class Action.

**1. What documents should I have received about the proposed settlement?**

In mid October 2024, potential Group Members were sent the *Notice of Proposed Settlement*. This document set out your rights in regard to the proposed settlement and what action (if any) you need take.

If you do not object to the proposed settlement, you do not need take any action at this time.

We do ask that you provide us with your relevant documents to assist us in assessing your claim by 28 November 2024.

**2. How was the Notice of Proposed Settlement distributed?**

The Supreme Court of Victoria required that the *Notice of Proposed Settlement* be provided to potential Group Members in two ways:

- a. our office was required to forward the *Notice of Proposed Settlement* (where we held that person's contact details) to all potential Group Members on 16 October 2024.
- b. in addition to the above, an independent third party was also required to forward the *Notice of Proposed Settlement* to all potential Group Members on 17 October 2024. The name of the independent third party was Law in Order. They sent the *Notice of Proposed Settlement* to all potential Group Members on 16 October 2024. The defendants provided Law in Order with a list of people whom they considered were potential Group Members on a strictly confidential basis. At no time has our office been provided with the details of all potential Group Members.

**3. What does the Notice of Proposed Settlement mean?**

The *Notice of Proposed Settlement* tells you what you need to do now. We ask that you read the *Notice of Proposed Settlement* carefully as it details your rights in relation to the Proposed Settlement.

---

The Proposed Settlement is subject to Court approval. The hearing of the Plaintiffs' Application for Approval of the Proposed Settlement will take place at **10.30am (AEDT) on 12 December 2024** at the Supreme Court of Victoria. You are entitled to attend this hearing but are not required to do so.

In deciding whether to approve the Proposed Settlement, the Court will consider whether the Proposed Settlement is fair and reasonable and in the interests of the Registered Group Members as whole. The Court will also hear any objections to the Proposed Settlement together with any applications from group members who did not register for the class action who now wish to seek permission from the Court to participate in the Proposed Settlement.

If you wish to object to the Proposed Settlement, you must make an application to the Court by **4pm (AEDT) on 28 November 2024**. The instructions on how to object to the Proposed Settlement are set out in the *Notice of Proposed Settlement*.

If you do not wish to object to the proposed settlement, you do not need to take any further action.

#### **4. What will happen if the Court does not approve the proposed settlement?**

If the Court does not approve the Proposed Settlement, the Class Action will proceed to trial unless a new settlement is reached.

#### **5. What is the 'Settlement Distribution Scheme'?**

The *Settlement Distribution Scheme* sets out the procedure for the payment of compensation to the Registered Group Members. It sets out the process of calculating the entitlements of the individual Registered Group Members and their rights of review.

The proposed *Settlement Distribution Scheme* has not yet been approved by the Court. The Court will consider the proposed *Settlement Distribution Scheme* at the hearing on 12 December 2024. At the hearing, the Court may also make changes to the proposed Settlement Distribution Scheme.

If the Proposed Settlement is approved by the Court, only Registered Group Members will be entitled to participate in the settlement and receive compensation calculated in accordance with the *Settlement Distribution Scheme*.

#### **6. Can I see the 'Settlement Distribution Scheme'?**

Group Members may request a copy of the proposed *Settlement Distribution Scheme*. If you wish to receive a copy, please email our office with your request at [classaction@margalitlawyers.com.au](mailto:classaction@margalitlawyers.com.au) and we will provide you with a copy of the proposed *Settlement Distribution Scheme* as soon as possible.

We emphasise that the Proposed *Settlement Distribution Scheme* is subject to legal professional privilege, meaning it is a document that can only be shared between our firm and Group Members. Therefore, in requesting a copy you undertake to maintain strict confidentiality around the document and its contents. If you fail to keep the Proposed *Settlement Distribution Scheme* confidential, this may negatively impact your own personal claim and the claim of the whole Group.

---

## **7. What is my personal entitlement?**

It is not yet possible to tell you what compensation you will receive. This is because the Court has not yet approved the proposed *Settlement Distribution Scheme*. We can only start to assess each individual claim once the Proposed Settlement is approved by the Court.

On 12 December 2024 the Court will consider the proposed *Settlement Distribution Scheme*. If it is approved, we can then start assessing the claims of each Registered Group Member.

It is important to understand that every claim will be assessed individually. The entitlement of each Registered Group Member will depend on their own personal injury and loss.

The compensation will not be calculated based on the total settlement figure divided by the number of Registered Group Members. Every Registered Group Member will NOT receive the same amount.

Please be mindful that there are more than 700 claims to assess. Each claim will be carefully examined and this will take time.

Once your claim has been assessed we will contact you to advise you what our damages assessment is for you and how that figure was reached. If you disagree with the assessment of your claim, under the *Settlement Distribution Scheme* that we have proposed, there is an opportunity for you to ask for your assessed entitlement to be reviewed.

## **8. When will I receive my compensation?**

No compensation can be paid to you until the Proposed Settlement is approved. If the Court does in fact decide to approve the proposed settlement, it may take up to 12 months before Registered Group Members will receive any payment.

The reason payment will take time is that the Proposed Settlement will be paid by the defendants in instalments, with the last instalment due to be paid in July 2025.

## **9. Have you received any objections from Group Members?**

The *Notice of Proposed Settlement* requires any objections to the Proposed Settlement to be made to the Supreme Court of Victoria in the manner set out in the Notice of Proposed Settlement by **4pm (AEDT) on 28 November 2024**.

Objections will not be provided to our office, but rather objections must be sent to the Court. We have permission from the Court review the Court records, any objections from Group Members and any applications from Group Members for permission to participate in the settlement. There will also be an opportunity for our office to file material with the Court in relation to these objections and applications.

---

**10. What should I do if I have any questions?**

We kindly ask that you first carefully read the the *Notice of Proposed Settlement*. If you still have questions, we ask that you email your questions to: [classaction@margalitlawyers.com.au](mailto:classaction@margalitlawyers.com.au). Please be mindful that we are experiencing an unprecedented high volume of inquiries at this time. We will respond to you at the earliest opportunity.