



## RELEASE TO AUSTRALIAN SECURITIES EXCHANGE

TUESDAY, 9 APRIL 2019

### BRISBANE FLOODS CLASS ACTION MEDIA ARTICLE

#### Summary

- **IMF notes the article which appeared in the Courier Mail today with regard to the Brisbane Floods class action (Article), a copy of which is attached to this announcement.**
- **The Article was based upon a confidential communication to the group members in the case.**
- **In reference to the Article, IMF provides certain clarifications with regard to its investment in the Brisbane Floods Class Action.**

IMF Bentham Limited (**IMF**) refers to the Article concerning the Brisbane Floods Class Action (**Wivenhoe**). The Article is based on a confidential communication from Maurice Blackburn lawyers to their client group members (**Client Update**). The Article makes a number of comments about matters which are confidential. IMF provides the following clarifications.

The Article publishes part of the contents of a confidential and privileged Client Update to the group members by Maurice Blackburn. IMF does not consider the remaining part requires disclosure in accordance with the Listing Rules. This is consistent with IMF's approach to the disclosure of legal advice received by its funded clients.

IMF notes the statement in the Article that *"a decision is expected by mid-year"*. IMF in its Investor Presentation dated 22 February 2019, stated *"we estimate at the present time that Wivenhoe and Westgem will both complete in FY19, however, if these investments do not settle prior to judgment, completion may slip to FY20 (subject to further appeals, if any)"*. This reflects IMF's current assessment which is that judgement at first instance in the Brisbane Floods Class Action is likely before 30 June 2019. This judgement will be in relation to the common issues in the class action and the representative plaintiff's compensation.

#### IMF background

IMF is one of the leading global litigation funders, headquartered in Australia and with offices in the US, Canada, Singapore, Hong Kong and London. IMF has built its reputation as a trusted provider of innovative litigation funding solutions and has established an increasingly diverse portfolio of litigation funding assets.

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# Sky clears for flood victims

**MICHAEL MADIGAN**  
REGIONAL REPORTER

## Class action optimism after long wait for hearing

LAWYERS for up to 6000 victims of the 2011 Brisbane floods are increasingly confident of a win as one Australia's biggest class actions begins winding up.

A decision is expected by mid-year.

The class action by law firm Maurice Blackburn against Seqwater, Sunwater and the State Government began in

Sydney in December, 2017. It has, at its core, the simple proposition that Wivenhoe and Somerset dams were allowed to fill with water, which then required that the floodgates be open at the height of the flood, causing hundreds of millions of dollars in damage.

Julian Sexton, QC, for the plaintiff, told the hearing in the

opening days that dam engineers effectively "bet against" Bureau of Meteorology forecasts and failed to allow adequate storage space for incoming flows during the crucial days of heavy rainfall in early January 2011.

Maurice Blackburn, in an update to plaintiffs, said lawyers at the forefront of the case

were pleased with the progress of the trial as final submissions were prepared in the case before New South Wales Justice Robert Beech-Jones.

"As we have mentioned previously, we are pleased with the way the hearing progressed," Maurice Blackburn said. "The Judge's questions and comments demonstrated a

very thorough understanding of the case and he appeared favourably disposed to many of our arguments.

"Whilst we think that the plaintiff is more likely to win than the defendants, it needs to be remembered that this has been a very complex case and there are many legal and factual issues to be considered."

Maurice Blackburn said it was particularly significant that the evidence of a crucial hydrologist witness, which was initially rejected, had been allowed.

Seqwater has consistently said that its dam engineers did nothing wrong during the floods and had actually helped mitigate the damage caused.

Flood victim Paul Tully said a few people had begun to become a little despondent about the length of time it had taken