

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION
GROUP PROCEEDINGS LIST

S ECI 2019 01926

BETWEEN

NICOS ANDRIANAKIS

Plaintiff

and

UBER TECHNOLOGIES INC
(and others according to the schedule)

Defendants

ORDER

JUDGE: The Honourable Justice Nichols

DATE MADE: 21 July 2023

ORIGINATING PROCESS: Writ filed 3 May 2019

HOW OBTAINED: By consent

ATTENDANCE: Not applicable

OTHER MATTERS: Pursuant to r 36.07 of the *Supreme Court (General Civil Procedure) Rules 2015* these orders replace the orders also made on 21 July 2023 (**Original Orders**) by adding order 2 to these orders and omitting in these orders, order 10 of the original orders. These changes reflect the Court's intention that Group Member opt out notices be lodged with the Supreme Court of Victoria and not with Maurice Blackburn.

THE COURT ORDERS BY CONSENT THAT:

Opting out

- 1 Pursuant to s 33J(1) of the *Supreme Court Act 1986 (Vic) (Act)*, **4.00pm AEST on 2 October 2023** is fixed as the date by which group members may opt out of this proceeding (**Class Deadline**).



- 2 Pursuant to s 33J(2) of the Act, any group member who wishes to opt out of this proceeding must, before the Class Deadline, deliver a signed opt out form by email or post to the Commercial Court Registry of the Supreme Court of Victoria.
- 3 If, on or before the Class Deadline, the solicitors for any party receives a written communication or document purporting to be an opt out form that is referable to this proceeding, the solicitors must file a copy of the written communication or document with the Registry, within seven (7) days after receiving it, and that shall be treated as an opt out form received by the Court at the time it was received by the solicitors.
- 4 The solicitors for the parties be granted leave to inspect the Court file from time to time and to copy any opt out forms filed.

Claim Registration

- 5 A Group Member may, by the Class Deadline, register their claim by:
 - (a) Completing the online registration process through the "Uber Class Action" website at www.mauriceblackburn.com.au/uber as described in order 6; or
 - (b) If they are unable to register online, contacting the solicitors for the Plaintiff, Maurice Blackburn, using the contact details provided on the Uber Class Action webpage; or
 - (c) Otherwise providing their name and contact information to the solicitors for the Plaintiff, Maurice Blackburn,(the **Registered Group Members**). For the avoidance of doubt, Group Members who have registered their claim with Maurice Blackburn before the date of these orders are taken to be Registered Group Members.
- 6 The solicitors for the plaintiffs will make an online registration process available on their website for potential group members by which potential group members may provide the following information:
 - (a) the class (or classes) of group member to which they belong;
 - (b) the relevant Australian State or States in respect of which the potential group member says they have suffered loss;
 - (c) if the person was a taxi plate owner:
 - (i) the licence number (or numbers) of each taxi plate that they owned;



- (ii) the category or type of each plate;
 - (iii) the dates that they held each plate within the Claim Period.
- (d) if the person was a taxi operator:
 - (i) the number of vehicles in respect of which the person was an operator in each financial year from 30 June 2013 to 30 June 2018;
- (e) if the person was a taxi driver:
 - (i) their taxi driver identification number (howsoever called);
 - (ii) the average number of shifts that the person worked as a taxi driver per week during the Claim Period.
- (f) if the person was a network services provider:
 - (i) details of their accreditation.
- (g) if the person was a hire car plate owner:
 - (i) the licence number (or numbers) of each hire car plate that they owned;
 - (ii) the category or type of each plate; and
 - (iii) the dates that they held each plate within the Claim Period.
- (h) if the person was a hire car operator:
 - (i) the number of vehicles in respect of which the person was an operator in each financial year from 30 June 2013 to 30 June 2018;
- (i) if the person was a hire car driver:
 - (i) their hire car driver identification number (howsoever called);
 - (ii) the average number of shifts that the person worked as a taxi driver per week during the Claim Period.

7 Pursuant to ss 33ZF and 33ZG of the Act, subject to further order, only Registered Group Members shall be entitled to any relief or payment arising from an agreement to settle the proceedings where that agreement is reached at any time between the date of these orders and 3 March 2024 and the agreement is subsequently approved by the Court. Any Group Member who by the Class Deadline does not opt out and who is not a Registered Group Member, will remain a Group Member for all purposes of this



proceeding but shall not, without leave of the Court, be permitted to seek any benefit pursuant to any such settlement (subject to Court approval) of this proceeding.

- 8 For the avoidance of doubt, failure by a group member to provide all the information requested on the registration form will not render the group member's registration invalid provided the group member is identifiable as such based on the information provided.

Notice of opting out and registration

- 9 Pursuant to ss 33X(1)(a), 33X(5) and 33Y(1) of the Act, the form and content of the notice in Annexure A (the **Notice**) and the notice in Annexure B (the **Advertisement**) be approved.
- 10 Pursuant to ss 33X and 33Y of the Act, notice be given to Group Members by **4.00pm AEST on 28 July 2023 (Notice Date)**:
- (a) of their right to opt out of the proceeding; and
 - (b) that upon any agreement reached between the parties to settle this proceeding prior to 3 March 2024 (subject to subsequent Court approval), any Group Member who by the Class Deadline:
 - (i) has not registered; or
 - (ii) has not opted out of the proceeding in accordance with the Court's orders,will remain a Group Member for all purposes of this proceeding but shall not, without leave of the Court, be permitted to seek any benefit pursuant to that settlement (subject to Court approval).

Publication and distribution of Notice

- 11 Pursuant to ss 33X(1)(a) and 33Y(2) of the Act, the Notice is to be given to group members on or before the **Notice Date**:
- (a) The Notice will be made available in downloadable form on the Court's websites (<https://www.supremecourt.vic.gov.au/areas/group-proceedings/andrianakis-v-uber> and <https://www.supremecourt.vic.gov.au/areas/group-proceedings/salem-v-uber>), continuously until Class Deadline;
 - (b) The solicitors for the Plaintiff (**Maurice Blackburn**) will cause a copy of the Notice and Advertisement, together with copies of the Fourth Further Amended Statement of Claim and Second Further Amended Defence and these orders to be



displayed in downloadable form on the website maintained by them in relation to these proceedings (www.mauriceblackburn.com.au/uber), continuously until the Class Deadline;

- (c) Maurice Blackburn will cause a copy of the Notice to be sent to each person who has registered with Maurice Blackburn in respect of the proceeding, with the Notice to be sent by email where an email address is available, or failing that by post;
- (d) By **24 July 2023**, Maurice Blackburn will cause a copy of the Notice to be sent to each of the following industry associations, bodies or individuals:
 - (i) Victorian Taxi Association;
 - (ii) Transport Matters Party;
 - (iii) New South Wales Taxi Council;
 - (iv) New South Wales Hire Car Association;
 - (v) Taxi Council Queensland;
 - (vi) Queensland Taxi Licence Owners Association;
 - (vii) Limo Action Group Queensland;
 - (viii) Mr Athan Tsirigotis;
 - (ix) Ms Julie Murray;
 - (x) Australian Taxi Industry Association; and
 - (xi) Black & White Cabs,

and request that, on or before the Notice Date, they distribute the Notice to their members or networks and inform them of the substantive proceeding and the Class Deadline, substantially in the manner described in the reasons for judgment *Andrianakis v Uber Technologies Inc & Ors; Salem v Uber Technologies Inc & Ors* [2023] VSC 415.

- (e) Maurice Blackburn will cause the Advertisement to be published once in one weekday edition of each of the Herald Sun, Daily Telegraph, Courier Mail and the West Australian newspapers on or before the Notice Date.



Bengali and Arabic (**Translated Languages**), to be made available in downloadable form from Maurice Blackburn's website and to any industry association or group member that requests information regarding the proceeding in the Translated Languages.

- 13 The costs of, and incidental to, the procedure set out in Order 11 and 12 above are to be borne by the Plaintiff, and such costs will be costs in the cause. For the avoidance of doubt, addressing inquiries by group members and members of the public in relation to the Notice and the Advertisement is work that is incidental to Order 11 and 12 above.

Provision of group member data

- 14 By **4.00pm AEST on 8 August 2023**, the solicitors for the plaintiff must deliver to the solicitors for the defendants (in electronic form), a de-identified list of Registered Group Members who had registered with Maurice Blackburn prior to the date of these orders, which list shall contain:

- (a) a unique identification number for each Registered Group Member;
- (b) the information that is included within order 5 of these orders for each Registered Group Member; and
- (c) any amendments to the information as notified to the solicitors for the plaintiffs by that date.

- 15 By **4.00pm AEST on 9 October 2023**, the solicitors for the plaintiff must deliver to the solicitors for the defendants (in electronic form), a de-identified list of Registered Group Members, which list shall contain:

- (a) a unique identification number for each Registered Group Member;
- (b) the information that is included within order 5 of these orders for each Registered Group Member; and
- (c) any amendments to the information as notified to the solicitors for the plaintiffs by that date.

- 16 The lists of Registered Group Members provided to the solicitors for the defendants in accordance with orders 14 and 15 of these orders, and any information contained therein, is to be kept confidential to:

- (a) the defendants' legal advisors;



- (b) the officers and employees of the defendants who have conduct of this proceeding on behalf of the defendants; and
- (c) experts retained by the defendants in these proceedings.

Other

- 17 The Notice and Advertisement approved pursuant to Order 9 above, may be amended before they are emailed, posted, displayed or published in order to correct any website or email address or telephone number or other non-substantive error.
- 18 Costs be reserved.
- 19 Liberty to apply.

DATE AUTHENTICATED: 21 July 2023



The Honourable Justice Nichols

SCHEDULE OF PARTIES

NICOS ANDRIANAKIS

Plaintiff

and



UBER TECHNOLOGIES INCORPORATED (4849283)

First defendant

and

UBER INTERNATIONAL HOLDING B.V. (RSIN 851 929 357)

Second defendant

and

UBER B.V. (RSIN 852 071 589)

Third defendant

and

UBER AUSTRALIA PTY LTD (ACN 160 299 865)

Fourth defendant

and

RASIER OPERATIONS B.V. (RSIN 853 682 318)

Fifth defendant

and

UBER PACIFIC HOLDINGS B.V. (RSIN 855 779 330)

Sixth defendant

and

UBER PACIFIC HOLDINGS PTY LTD (ACN 609 590 463)

Seventh defendant

ANNEXURE A



**THIS NOTICE IS SENT BY ORDER OF
THE SUPREME COURT OF VICTORIA**

NOTICE TO GROUP MEMBERS: OPT OUT OR REGISTRATION

UBER CLASS ACTIONS (GROUP PROCEEDINGS)

The Supreme Court of Victoria has ordered that you receive this notice because you may be a group member in one of the Uber Class Actions.

If you are a group member:

- You **must** register by 2 October 2023 in order to be eligible to receive any compensation if there is a settlement before trial. A mediation will occur in December 2023 and if there is no settlement, the trial will start in March 2024. Unless you register, you will lose your right to participate in any pre-trial settlement.
- If you do not want your rights determined by the class actions, you may opt out by 2 October 2023.
- If there is anything you are unsure about, you can find more information by visiting the Uber Class Actions Website or by contacting Maurice Blackburn via:
 - calling the Uber Class Actions Hotline on 1800 291 047; or
 - emailing uber@mauriceblackburn.com.au.

**IT IS IMPORTANT THAT YOU READ THIS NOTICE CAREFULLY
BECAUSE IT MAY AFFECT YOUR LEGAL RIGHTS**



WHAT IS A CLASS ACTION?

1. A class action is a legal case in which one or more plaintiffs make a claim for themselves and on behalf of other people. The people make a claim together because their claims arise out of the same, similar, or related circumstances. The group of people are referred to as 'group members'.

WHY HAVE YOU RECEIVED THIS NOTICE?

2. The Supreme Court of Victoria has ordered that you receive this Notice because you may be a Group Member in the class actions, *Andrianakis v Uber Technologies Inc & Ors* (called the "Andrianakis Proceeding") and *Salem v Uber Technologies Inc & Ors* (called the "Salem Proceeding"). These class actions are called the "Uber Class Actions" because they involve claims against certain companies in the Uber group (Uber).
3. You may be a Group Member if you were part of the Taxi and Hire Car industries:
 - In Victoria, between 1 April 2014 to 23 August 2017 (called the "Victorian Claim Period");
 - In New South Wales, between 7 April 2014 to 18 December 2015 (called the "New South Wales Claim Period");
 - In Queensland, between 17 April 2014 to 5 September 2016 (called the "Queensland Claim Period"); and
 - In Western Australia, between 10 October 2014 to 4 July 2016 (called the "Western Australian Claim Period").
4. A detailed description of the persons who are Group Members in the Uber Class Actions is contained at **Schedule A** of this Notice, however in summary they are:
 - Taxi licence holders;
 - Taxi operators;
 - Taxi drivers;
 - Taxi Network Service Providers



- Hire car licence holders;
 - Hire car operators; and
 - Hire car drivers.
5. If you do not fit any of the descriptions in Schedule A, you may disregard this notice.
 6. If you believe you may be a Group Member because you meet the above description, you should read this Notice carefully as it might affect your rights. If there is anything in this Notice that you do not understand, you should seek legal advice.

INFORMATION ABOUT THE UBER CLASS ACTIONS

7. There are two class actions that are called the Uber Class Actions.
8. The first class action is the Andrianakis Proceeding. The Andrianakis Proceeding is a class action that has been brought by Nicos Andrianakis, who was a taxi driver, operator and licence owner in Melbourne during the Victorian Claim Period. Mr Andrianakis brings the action on his own behalf and on behalf of all other taxi and hire car/limousine/charter vehicle drivers, operators and licence owners as well as taxi network service providers in Victoria, New South Wales, Queensland and Western Australia.
9. The second class action is the Salem Proceeding. The Salem Proceeding is a class action brought on behalf of persons who hold a claim that had vested in or was assigned, devolved or transferred to them prior to 1 July 2022 from a person who would otherwise have been a group member in the Andrianakis Proceeding.
10. Mr Andrianakis and Ms Salem claim that Uber engaged in the tort of “conspiracy by unlawful means,” causing the Group Members to suffer a loss of the equity value of taxi licences and loss of income.
11. Uber denies the claims made against it in the class action, and is defending the class action.
12. Information about how the class action is being funded is at paragraphs 31



to 40 of this Notice. You can obtain further information about the Uber Class Actions (and get any copies of relevant documents) by visiting the Supreme Court website: www.supremecourt.vic.gov.au/areas/group-proceedings/andrianakis-v-uber.

YOUR OPTIONS

13. The purpose of this Notice is to advise you that the Uber Class Actions have been commenced and to notify you of your options, which are explained below.

OPTION 1 - REGISTER YOUR INTEREST TO RECEIVE COMPENSATION

14. You must register if you wish to be eligible to claim money from any settlement of the Uber Class Actions.

What is registration?

15. You may register your claim online with Maurice Blackburn Lawyers (who are acting for the plaintiffs in the Uber Class Actions) at: www.mauriceblackburn.com.au/uber.
16. You must register your claim by **4.00pm AEST on 2 October 2023** to be eligible to participate in any pre-trial settlement.
17. If you choose to register a claim as a group member and become a "Registered Group Member", you will be required to provide information including:
- your name and contact details; and
 - information in relation to your claim about any taxi, hire car, limousine and/or charter vehicle licences that you may have held during the relevant period (including licence number, category, type and dates you held the licence); and
 - if you were a driver, your driver identification or licence number.
18. Registered Group Members will be provided with updates about the Uber Class Actions by Maurice Blackburn. Registering will ensure that your specific claim can be considered in settlement negotiations.



19. If you have **already registered**, you do not need to register again. You have already registered if you have already:
- provided your name and information about your claim in the Uber Class Actions; and
 - signed an agreement for Maurice Blackburn to represent you in the Uber Class Actions.
20. If you are unsure whether you have already registered your claim, you may contact Maurice Blackburn by emailing uber@mauriceblackburn.com.au or calling the Uber Class Actions Hotline on 1800 291 047.

What are the consequences of not registering?

21. If you register, and the parties agree to settle the Uber Class Actions and the settlement is approved by the Court, then you will be entitled to participate in that settlement and will be bound by that settlement. There is no guarantee that the proceeding will settle, but if a settlement is agreed and compensation is payable to group members, **you can only receive compensation if you register by 2 October 2023**. If you **do not** register, you cannot receive any compensation if a pre-trial settlement occurs.
22. If you register, and the parties **do not** agree to settle the Uber Class Actions, then the Uber Class Action will proceed. You will remain a registered Group Member. You will be bound by the result of the trial. You will be entitled to participate in any subsequent settlement or judgment decided in favour of the plaintiffs.

OPTION 2 - OPT OUT AND CEASE TO BE A GROUP MEMBER

23. If you do not want your rights determined by the Uber Class Actions you must opt out of the Uber Class Actions.

What is opting out?

24. If you wish to opt out, you must return the completed opt out notice set out at **Schedule B** to the Commercial Court Registry of the Supreme Court of Victoria by:



- **Emailing the form to:** uberclassactions@supcourt.vic.gov.au
- **Mailing to form to:**
Principal Registry
Supreme Court of Victoria
210 William Street
MELBOURNE VIC 3000

25. You must opt out by **4.00pm AEST on 2 October 2023**. If you do not opt out before this deadline, you will remain a group member (unless otherwise approved by the Court).

What are the consequences of opting out?

26. If you are a Group Member and you **decide to opt out** you will:

- cease to be a Group Member in the Uber Class Actions;
- not be bound by the outcome of the Uber Class Actions;
- not receive any money from the cases if they succeed or settle; and
- be able to commence your own court proceeding against Uber if you wish, provided you commence that proceedings within the time limits applicable to your claim.

27. However, if you decide **not to opt out**, whether you register or not (see option 1 above), you will remain as a group member in the Uber Class Actions and:

- if the class action is successful, you will be entitled to a share in the benefit of any order or judgment, provided that you satisfied the elements of your claim that are specific to you;
- you will be bound by the outcome of the proceeding; and
- you will not be able to bring any individual claim against Uber in relation to the subject matter of the class action.

28. If you are unsure how opting out will affect your rights, you should seek legal advice before opting out.

WHAT IF YOU DO NOTHING?

29. If you are a Group Member and you decide **not to opt out and do not register**, you will **not** be entitled to receive any compensation if there is an agreement reached between the plaintiffs and Uber to settle the class



action before 3 March 2024 (the day prior to the commencement of trial), unless the Court makes an order permitting you to participate.

30. If the proceeding **does not settle** before trial, you will be bound by the judgment determined at the trial and will remain a Group Member.

INFORMATION ABOUT HOW THE CLASS ACTION IS BEING FUNDED

No 'out of pocket' costs for group members in this class action

31. Group Members are not, and will not be, liable for any legal costs out of their own pocket by remaining in this class action.
32. If the class action is unsuccessful, Group Members will not pay any costs.
33. If the class action is **successful** (that is, if any money compensation is recovered from Uber), any legal and funding costs that are payable will be deducted from, and will not exceed, the amount of monetary compensation recovered for the Group Members. These costs must first be approved by the Court before they are able to be deducted from any monetary compensation.
34. This position will not change, even if the way in which the Uber Class Actions are being paid for changes in the future.

How the Uber Class Actions are currently being paid for

35. The solicitors running the case on behalf of Mr Andrianakis, Mrs Salem and the Group Members are Maurice Blackburn. They have entered into contracts with Mr Andrianakis, Mrs Salem and some of the Group Members to act on their behalf.
36. Part of Maurice Blackburn's legal costs as well as all of the external costs (for example, to barristers and experts) are being paid for by a litigation funder, Harbour Fund III, L.P. (called "**Harbour**"). Group Members may have entered into contracts with Maurice Blackburn and have also entered into a Funding Agreement with Harbour.
37. In the event that there is a successful outcome (such as a settlement that is approved by the Court or a judgment by the Court awarding damages to



Group Members), Harbour may be entitled to recover both:

- the legal costs and disbursements it paid during the course of the proceeding; and
- a funding commission.

The funding commission is a percentage of the recovery which reflects the risks assumed by Harbour in funding the case, as set out in the Funding Agreement. The amount of the funding commission under the Funding Agreements varies between 25% - 30% of any recovery, depending on when a successful outcome occurs. An additional 5% is added for any appeals which Harbour agrees to fund.

38. It may be that, instead of ordering that Harbour receives a funding commission under the Funding Agreements, the Court makes either a common fund order or a funding equalisation order. Those orders have the effect of ensuring that all group members are treated equally in terms of the amount deducted from their recovery for funding costs, regardless of whether they had a Funding Agreement with Harbour.
39. If the class action is successful Maurice Blackburn may also apply to the Court to be permitted to charge an 'uplift' fee of no more than 25% of their bills that were not paid by Harbour. An uplift fee is not a percentage of the money compensation recovered for Group Members. Instead, it is a percentage of the legal costs approved by the Court. For example, if there was a settlement for \$100,000 and the amount of legal costs not paid by Harbour of \$5,000, then under the contract the lawyers would be permitted to ask the Court to approve the payment of \$6,250, which would include the 25% extra uplift fee (being \$1,250 - 25% of \$5,000).
40. As noted at paragraph 33 above, if the class action is successful, no amounts will be paid from any settlement or judgment to Maurice Blackburn for the work they have done or to Harbour, unless the Court approves those amounts.



IF YOU WOULD LIKE MORE INFORMATION

41. Copies of the relevant documents, including the most recent version of the pleadings, may be obtained by:
 - accessing the [Supreme Court's website](#);
 - accessing the [Uber Class Actions Website](#); or
 - contacting the Uber Class Actions Hotline on 1800 291 047.

42. If there is anything you are unsure about, you can find more information by visiting the [Uber Class Actions Website](#) or by contacting Maurice Blackburn via:
 - calling the Uber Class Actions Hotline on 1800 291 047; or
 - emailing uber@mauriceblackburn.com.au.

43. If there is anything of which you are unsure and you do not want to speak with Maurice Blackburn (or you want to understand their involvement better), you may get legal advice from another lawyer of your choice.



SCHEDULE A

YOU ARE A GROUP MEMBER IN THE ANDRIANAKIS PROCEEDING IF:

- I. During the Victorian Claim Period (1 April 2014 to 23 August 2017), you were:
- A **taxi-cab licence holder**, being a person who or which held a taxi-cab licence as defined in s 86 of the *Transport (Compliance and Miscellaneous) Act 1983 (Vic)* (**Victorian Transport Act**);
 - An **accredited taxi-cab operator**, being a person who or which held accreditation under Division 4 of Part VI of the Victorian Transport Act as a taxi-cab operator;
 - An **accredited taxi-cab driver**, being a person accredited under Division 6 of Part VI of the Victorian Transport Act to drive a taxi-cab as defined in s 86 of the Victorian Transport Act;
 - An **accredited taxi-cab network service operator**, being a person accredited under Division 4 of Part VI of the Victorian Transport Act to provide a "taxi-cab network service", as defined in s 130A of the Victorian Transport Act;
 - A **hire car licence holder**, being a person who or which held a hire car licence as defined in s 86 of the Victorian Transport Act but which licence was not in respect of a vehicle that was a "Stretched Limousine Type Vehicle" as defined in:
 - (a) Schedule 1 to "Victorian hire cars - hire car age and type requirements", published by the Victorian Taxi Services Commission and dated 9 December 2013 (the 2013 Hire Car Policy);
 - (b) Schedule 1 to "Victorian hire cars - hire car age and type requirements", published by the Victorian Taxi Services Commission and dated 30 June 2014 (the 2014 Hire Car Policy).
 - and irrespective of the date on which the 2014 Hire Car Policy ceased



to apply; A **hire car operator**, being a person who or which operated a hire car, as defined in s 86 of the Victorian Transport Act but which hire car was not a "Stretched Limousine Type Vehicle" as defined in:

- (a) Schedule 1 to the 2013 Hire Car Policy;
- (b) Schedule 1 to the 2014 Hire Car Policy,

and irrespective of the date on which the 2014 Hire Car Policy ceased to apply ; and/or

- An **accredited hire car driver**, being a person accredited under Division 6 of Part VI of the Victorian Transport Act to drive a hire car as defined in s 86 of the Victorian Transport Act but which hire car was not a "Stretched Limousine Type Vehicle" as defined in:

- (a) Schedule 1 to the 2013 Hire Car Policy;
- (b) Schedule 1 to the 2014 Hire Car Policy,

and irrespective of the date on which the 2014 Hire Car Policy ceased to apply.

2. During the New South Wales Claim Period (7 April 2014 to 18 December 2015), you were:

- a **taxi-cab licence holder**, being a person who or which held a licence for a taxi-cab as defined in s 3 of the *Passenger Transport Act 1990* (NSW) (NSW Transport Act);
- an **accredited taxi cab operator**, being a person who or which was an accredited taxi-cab operator as defined in s 29A of the NSW Transport Act;
- an **authorised taxi cab driver**, being a person who was an authorised taxi-cab driver as defined in s 29A of the NSW Transport Act;
- an **authorised taxi-cab network provider**, being an authorised taxi-cab network provider as defined in s 29A of the NSW Transport Act;
- a **private hire vehicle licence holder**, being a person who or which held a licence for a private hire vehicle as defined in s 3 of the NSW



Transport Act, and which vehicle was a Category 1, Category 2 or Category 3 (convertible, coupe and sedan vehicles only) “unrestricted’ Private Hire Vehicle”, as defined in part A of the Schedule to the “Notice of Specifications and Criteria for Private Hire Vehicles” published in the New South Wales Government Gazette No 37 (28 March 2008) (page 2556);

- an **accredited private hire vehicle operator**, being a person who or which was an accredited private hire vehicle operator as defined at s 36A of NSW Transport Act, and who or which carried on a private hire vehicle service by means of one or more private hire vehicles that were Category 1, Category 2 or Category 3 (convertible, coupe and sedan vehicles only) “unrestricted’ Private Hire Vehicles”, as defined in part A of the Schedule to the “Notice of Specifications and Criteria for Private Hire Vehicles” published in the New South Wales Government Gazette No 37 (28 March 2008) (page 2556); and/or
- an **authorised private hire vehicle driver**, being a person who was an authorised private hire vehicle driver as defined at s 36A of the NSW Transport Act, and who was authorised to drive a private hire vehicle that was a Category 1, Category 2 or Category 3 (convertible, coupe and sedan vehicles only) “unrestricted’ Private Hire Vehicle”, as defined in part A of the Schedule to the “Notice of Specifications and Criteria for Private Hire Vehicles” published in the New South Wales Government Gazette No 37 (28 March 2008) (page 2556).

3. During the Queensland Claim Period (17 April 2014 to 5 September 2016), you were:

- a **taxi service licence holder**, being a person who:
 - (a) held a taxi service licence as defined in s 69 of the *Transport Operations (Passenger Transport) Act 1994 (Qld)* (**Queensland Transport Act**); or
 - (b) owned a peak demand taxi permit as defined in s 80D of the



Queensland Transport Act;

- an **accredited taxi service operator**, being a person who was an accredited operator as defined in Schedule 3 to the Queensland Transport Act, accredited under Part 2 of the *Transport Operations (Passenger Transport) Regulation 2005 (Qld)* (the **Queensland Transport Regulation**) to operate a "taxi service", as defined in Schedule 3 to the Queensland Transport Act;
- an **authorised taxi driver**, being a person who was an authorised driver as defined in Schedule 3 to the Queensland Transport Act, authorised under Part 3 of the Queensland Transport Regulation to drive a taxi as defined in Schedule 3 to the Queensland Transport Act;
- a **taxi service administrator**, being a person who administered a taxi service within the meaning of Part 3 of Chapter 6 of the Queensland Transport Act;
- a **limousine service licence holder**, being a person who or which held a limousine service licence as defined in s 82 of the Queensland Transport Act but which licence:
 - (a) was not a "special purpose limousine service licence" as defined in Schedule 3 to the Queensland Transport Act; and
 - (b) did not require the limousine service to be provided by a "luxury motor vehicle" of the kind referred to in r 105(b) of the Queensland Transport Regulation or which fell within Category D, E, F or G of Schedule 4 to the Queensland Transport Regulation;
- an **accredited limousine service operator**, being a person who or which was an accredited operator as defined in Schedule 3 to the Queensland Transport Act accredited under Part 2 of Division 3 of the Queensland Transport Regulation to operate a "limousine service", as defined in Schedule 3 to the Queensland Transport Act, but which service was not provided by:



- (a) a "special purpose limousine", as defined in Schedule 3 to the Queensland Transport Act; or
 - (b) a "luxury motor vehicle" of the kind referred to in r 105(b) of the Queensland Transport Regulation or which fell within Category D, E, F or G of Schedule 4 to the Queensland Transport Regulation; and/or
- an **authorised limousine driver**, being a person who was an authorised driver as defined in Schedule 3 to the Queensland Transport Act authorised under Part 3 of the Queensland Transport Regulation to operate a "luxury motor vehicle" while providing a "limousine service", as those terms are defined in Schedule 3 to the Queensland Transport Act, which luxury motor vehicle:
 - (a) was not a luxury motor vehicle of the kind referred to in r 105(b) of the Queensland Transport Regulation; and
 - (b) did not fall within Category D, E, F or G of Schedule 4 to the Queensland Transport Regulation.
4. During the Western Australian Claim Period (10 October 2014 to 4 July 2016), you were:
- a **taxi plate holder**, being a person who or which owned or leased one or more taxi plates as defined in s 3 of the *Taxi Act 1994 (WA)* (the **Taxi Act (WA)**);
 - a **district taxi-car licence holder**, being a person who or which held a taxi-car licence under Part IIIB of the *Transport Co-ordination Act 1966 (WA)* (the **Transport Co-ordination Act (WA)**);
 - a **taxi operator**, being a person who or which:
 - (a) was an operator of a taxi within the meaning of s 3 of the **Taxi Act (WA)** because you:
 - 1) drove the vehicle as a taxi; or
 - 2) were a taxi plate holder; or



3) caused another person to drive a vehicle as a taxi by providing to the person the vehicle, under a lease or otherwise and taxi plates for use on or in the vehicle, under a plate owner's lease or otherwise,

and where the vehicle being operated as a taxi used taxi plates; or

(b) operated a taxi-car within the meaning of s 47Z and Part IIIB of the Transport Co-ordination Act (WA) because you:

1) drove a taxi-car; or

2) permitted, caused or employed another person to drive that taxi-car;

and where the owner of the taxi-car was a district taxi-car licence holder.

- a **taxi driver**, being a person who held a driver's licence endorsed with an extension T under r 12 of the *Road Traffic (Authorisation to Drive) Regulations 2008 (WA)* or the *Road Traffic (Authorisation to Drive) Regulations 2014 (WA)* and who drove one or more taxis as defined in s 3 of the Taxi Act (WA) and/or one or more taxi-cars as defined in s 47Z of the Transport Co-ordination Act (WA);
- a **taxi dispatch service provider**, being a person who or which provided a taxi dispatch service as defined in s 3 of the Taxi Act (WA) and was registered under Division 2 of Part 3 of the Taxi Act (WA);
- an **omnibus licence holder**, being a person granted a licence under Division 2 of Part III of the Transport Co-ordination Act (WA) in respect of an omnibus, as defined in s 4 of the Transport Co-ordination Act (WA), which omnibus was a "Small Charter Vehicle" as defined in the "Small Charter Vehicle Licence Policy" published by the Western Australian Department of Transport (the **WA SCV Policy**) but which omnibus did not fall within Group B or C of Schedule 1 to the WA SCV Policy;
- an **omnibus operator**, being a person who or which operated an



omnibus within the meaning of s 4 of the Transport Coordination Act (WA), in respect of which omnibus a licence had been granted under Division 2 of Part III of the Transport Co-ordination Act (WA), which omnibus was a "Small Charter Vehicle" as defined in the WA SCV Policy but which omnibus did not fall within Group B or C of Schedule 1 to the WA SCV Policy; and/or

- an **omnibus driver**, being a person who held a driver's licence endorsed with an extension F under r 12 of the *Road Traffic (Authorisation to Drive) Regulations 2008 (WA)* or the *Road Traffic (Authorisation to Drive) Regulations 2014 (WA)* and who drove an omnibus in respect of which a licence had been granted under Division 2 of Part III of the Transport Co-ordination Act (WA) and which omnibus was a "Small Charter Vehicle" as defined in the WA SCV Policy but which omnibus did not fall within Group B or C of Schedule 1 to the WA SCV Policy.

YOU ARE A GROUP MEMBER IN THE SALEM PROCEEDING IF, PRIOR TO 1 JULY 2022:

1. A person who - but for their death - would otherwise have been a group member in the Andrianakis Proceeding, died, and their estate, including the claim for the tort alleged in the Further Amended Statement of Claim filed in the Salem Proceeding, devolved by the laws of succession to you as their respective legal personal representative(s);
2. A person who - but for being made bankrupt - would otherwise have been a group member in the Andrianakis Proceeding, was made bankrupt and the claim for the tort alleged in the Further Amended Statement of Claim filed in the Salem Proceeding vested in you as their respective trustee(s) in bankruptcy;
3. A person or company, who would have otherwise have been a group member in the Andrianakis Proceeding, assigned or transferred their claim for the tort alleged in the Further Amended Statement of Claim filed in the



Salem Proceeding to you as a person or company with a pre-existing genuine commercial interest in the claim;

4. A person or company, who would have otherwise have been a group member in the Andrianakis Proceeding in their capacity as a trustee of a trust, was replaced by you as another trustee in whom was vested the claim for the tort alleged in the Further Amended Statement of Claim filed in the Salem Proceeding; and/or
5. A company, formerly operating as the trustee of a trust, who would have otherwise have been a group member in the Andrianakis Proceeding in that capacity, was deregistered pursuant to Part 5A.1 of the *Corporations Act 2001* (Cth), thereby having ceased to exist and for that reason is incapable of pursuing the claim for the tort alleged in the Further Amended Statement of Claim filed in the Salem Proceeding in circumstances in which you, as a beneficiary of that trust, ought to be permitted to enforce the claim.



SCHEDULE B

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION
MAJOR TORTS LIST

S ECI 2019 01926

BETWEEN

NICOS ANDRIANAKIS

Plaintiff

and

UBER TECHNOLOGIES INC and others

Defendants

S ECI 2020 01834

BETWEEN

JAMAL SALEM in her capacity as executor for the estate of ANWAR
SALEM

Plaintiff

and

UBER TECHNOLOGIES INC and others

Defendants

NOTICE OF OPTING OUT BY GROUP MEMBER

DO NOT COMPLETE AND RETURN THIS FORM UNLESS YOU WISH TO OPT OUT OF
THE UBER CLASS ACTIONS.

IF YOU OPT OUT, YOU WILL NO LONGER BE A GROUP MEMBER

To: Principal Registry
Supreme Court of Victoria
210 William Street
Melbourne VIC 3000
uberclassactions@supcourt.vic.gov.au

I, *[print name]*.....

am a group member in the above group proceeding.

I give notice under s 33J(2) of the *Supreme Court Act 1986* (Vic) that I am opting out of this proceeding.

Dated:	
Signature of group member or the group member's solicitor:	
Address of group member:	
Email address of group member:	

If you would like to **opt out** of the Uber Class Actions please return this form to the Commercial Court Registry of the Supreme Court of Victoria by email or post at the above addresses by 2 October 2023.



ANNEXURE B
ADVERTISEMENT

SUPREME COURT OF VICTORIA - IMPORTANT NOTICE

TAXI & HIRE CAR CLASS ACTIONS AGAINST UBER

ANDRIANAKIS v UBER TECHNOLOGIES INC & ORS (S ECI 2019 01926)
SALEM v UBER TECHNOLOGIES INC & ORS (S ECI 2020 01834)

WHAT IS THIS?

The Supreme Court of Victoria has ordered that this advertisement be published to let people in the taxi and hire car industries who may be part of the class actions against Uber know about their rights. Maurice Blackburn are the lawyers for the class actions.

AM I PART OF THE CLASS ACTIONS?

You may be a Group Member if you were part of the taxi and hire car industries in:

- Victoria - between 1 April 2014 to 23 August 2017;
- New South Wales - between 7 April 2014 to 18 December 2015;
- Queensland - between 17 April 2014 to 5 September 2016; and
- Western Australia - between 10 October 2014 to 4 July 2016.

A detailed list of the people who are Group Members can be found in the opt out and registration notice available online at www.mauriceblackburn.com.au/uber. This advertisement is not a substitute for that notice, and you should read the notice carefully as it may affect your legal rights.

WHAT ARE THE CLASS ACTIONS ABOUT?

The class actions allege that during the periods set out above Uber engaged in the tort of "conspiracy by unlawful means," causing the group members to suffer a loss of the equity value of taxi licences and loss of income.

WHAT ARE MY OPTIONS?

1. Opt out of the class actions

If you chose to opt out you will not be bound by any judgment or settlement and you will be able to bring your own individual claims against Uber. However, if you decide to opt-out you will not be allowed to receive compensation should there be a judgment or settlement. If you want to opt-out, you must complete an opt out notice and return it to the Supreme Court of Victoria. The opt out notice can be found in the Long Form Notice available online at www.mauriceblackburn.com.au/uber.

2. Register your claim

If you want to be able to receive compensation if there is a settlement prior to 4 March 2024, you must register your intention to participate in the class actions with Maurice Blackburn by 4PM AEST on 2 October 2023.

3. Decide not to register and decide not to opt out



You may also choose not to register and not to opt out. If you decide to do so, if there is a settlement reached before the trial of the class actions (which starts on 4 March 2024), you will be prohibited from receiving any money in relation to the class actions and prohibited from bringing your own individual claim against Uber in relation to the subject matter of the class action.

IMPORTANT: There is a Long Form Notice with more detail that you should read before deciding whether or not to opt out of the Uber Class Action.

A copy of the opt out notice is attached to the Long Form Notice.

I WANT TO KNOW MORE – WHO SHOULD I CONTACT?

If you have any questions about the class actions or to obtain a copy of the Long Form Notice, you may contact Maurice Blackburn on 1800 291 047 or by email to uber@mauriceblackburn.com.au. You may also speak to your own lawyer if you wish.

