

SCHEDULE 1: OPT-OUT AND REGISTRATION NOTICE

OPT-OUT AND REGISTRATION NOTICE ISSUED BY ORDER OF THE FEDERAL COURT OF AUSTRALIA

SUN PRINCESS CLASS ACTION - NSD 1039 of 2022

Please read this notice carefully, as it sets out your legal rights. It is not a scam.

Julie McLean-Phillips v Carnival plc (ARBN 107 998 443) NSD 1039 of 2022

A. Why is this notice important?

1. A class action has been started in the Federal Court of Australia by Julie McLean-Phillips (**Applicant**) against Carnival plc (**Carnival**).
2. The class action is known as the “**Sun Princess Class Action**”. It is about certain Sun Princess cruises departing between 5 December 2016 and 26 February 2017 (**Affected Cruises**).
3. The class action is brought on behalf of passengers on the Affected Cruises who claim to have suffered loss or damage as a result of Carnival's alleged breaches of the Australian Consumer Law (**group members**).
4. The class action alleges that Carnival breached consumer guarantees under the Australian Consumer Law by failing to provide cruise services to group members that were reasonably fit for, or might reasonably be expected to achieve, the purpose of passengers having a relaxing and enjoyable cruise and experiencing the cruise in accordance with the itinerary and standards advertised by Carnival. In particular, the allegations concern the management of a contagious illness known as norovirus on board those cruises.
5. The class action seeks compensation on behalf of group members who claim to have suffered loss or damage as a result of Carnival's alleged breaches of the Australian Consumer Law.
6. The Federal Court has ordered that this notice be published for the information of persons who might be group members in the class action and who may be affected by it.

7. You are receiving this notice because records indicate that you may have travelled as a passenger on one of the Affected Cruises. This means you may be a group member in the class action. More information about this is contained in **Section G** of this notice.
8. If you are a group member in the class action, this Notice contains important information about your options, including:
 - (a) How to opt out of the class action.
 - (b) How to register so that you are eligible to share in any benefit obtained through settlement reached prior to the initial trial of the proceeding.
 - (c) What happens if you do nothing.
9. You should read this notice carefully. If there is anything in it that you do not understand, you should seek legal advice promptly.
10. You should not contact the Judge or the Judge's chambers about this notice. If you have questions about this notice, you may contact Shine Lawyers or seek your own legal advice.

B. What are your options?

YOU HAVE THREE OPTIONS:

OPTION 1: REGISTER	OPTION 2: OPT OUT	OPTION 3: DO NOTHING
<p>If you wish to be eligible to seek a share of any benefit from settlement that may be reached before the commencement of the initial trial, you should register by 13 November 2026.</p> <p>There is no cost to register. If you have retained Shine Lawyers to act on your behalf, you do not need to register – you will be treated as having registered.</p> <p>If a settlement is reached before the commencement of the initial trial, the Applicant intends to ask the Court to make orders which, if made, would have the effect that a</p>	<p>If you do not want to be a group member in the Sun Princess Class Action, you should opt out by 13 November 2026.</p> <p>If you opt out, you will not be bound by any judgment or settlement in the class action. You will also not be entitled to receive any money or other benefit from any judgment or settlement in the class action.</p> <p>You should get your own legal advice before opting out.</p>	<p>If you do nothing, you will be bound by any judgment or Court-approved settlement, whether favourable or unfavourable.</p> <p>If a settlement is reached before final judgment, the Applicant intends to ask the Court to make orders which, if made, would have the effect that a group member who has not registered and has not opted out by 13 November 2026 will remain a group member and be bound by the settlement, but will not, without leave of the Court, be permitted to seek any benefit from that settlement.</p>

<p>group member who has not registered and has not opted out by 13 November 2026 will remain a group member and be bound by the settlement, but will not, without leave of the Court, be permitted to seek any benefit from that settlement.</p> <p>The Court will decide whether to approve any settlement and whether to make any such orders. There may or may not be another opportunity to register after any settlement is reached. That will be a matter for the Court.</p>		<p>The Court will decide whether to approve any settlement and whether to make any such orders. There may or may not be another opportunity to register after any settlement is reached. That will be a matter for the Court.</p> <p>If you wish to remain a group member and wish to share in any settlement reached before final judgment, you should register by 13 November 2026 (see Option 1).</p> <p>If you do nothing by 13 November 2026, you will remain a group member in the Sun Princess Class Action but may not be eligible to claim compensation if a settlement is reached before trial (see Option 2).</p>
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C. What is a class action?

11. A class action is a legal proceeding brought by one person, called the Applicant, on that person's own behalf and on behalf of a group of other people, called group members, who have similar claims against another person, called the Respondent.
12. In this class action, Julie McLean-Phillips is the Applicant. Carnival is the Respondent.
13. Group members do not need to consent to being included in a class action.
14. Group members are bound by the outcome of a class action unless they opt out.
15. A binding outcome can happen in two ways:
 - (a) by judgment after a trial; or
 - (b) by a settlement approved by the Court.
16. If there is a judgment or Court-approved settlement, group members may not be able to bring the same, similar or related claims against Carnival in another proceeding.

17. If you think you may have claims against Carnival that are based on your individual circumstances, or that are different from or additional to the claims described in this class action, you should seek independent legal advice before the deadline for opting out.

D. What is the Sun Princess Class Action?

18. This class action is brought by the Applicant, Julie McLean-Phillips, on her own behalf and on behalf of group members.
19. The Applicant alleges that Carnival supplied cruise services to group members who travelled on certain voyages aboard the Sun Princess between 5 December 2016 and 26 February 2017.
20. The Applicant alleges that those voyages were affected by norovirus. Norovirus is a virus which has symptoms including diarrhoea and vomiting.
21. The Applicant alleges that Carnival breached consumer guarantees under the Australian Consumer Law by failing to provide cruise services of the quality and standard that:
- (a) made those services reasonably fit for the particular purpose for which they were acquired; or
 - (b) achieved the result that passengers might reasonably have expected.
22. In broad terms, the Applicant alleges that she acquired the cruise services for the purpose, or desired result, of having a relaxing and pleasurable cruise and experiencing the selected cruise in accordance with the itinerary and standards advertised by Carnival. A similar allegation is made on behalf of the group members.
23. The Applicant alleges that, because of norovirus and related matters, Carnival failed to provide services meeting those standards and that group members whose cruise experience was adversely affected suffered compensable loss and damage.
24. Carnival denies the Applicant's allegations and is defending the proceeding.
25. The Court has not decided whether the Applicant's allegations are correct.
26. The class action has been listed for an initial trial on 22 March 2027 to 30 April 2027.

E. Legal costs and deductions

27. The class action is being conducted by Shine Lawyers on a conditional “no win, no fee” basis. That means that, under Shine Lawyers’ costs agreement with the Applicant, if the proceeding is unsuccessful, neither the Applicant nor group members are required to pay Shine Lawyers’ costs.
28. If the proceeding is successful, Shine Lawyers may be entitled to recover its costs from the compensation payable to group members. Shine Lawyers’ costs include its professional costs, disbursements and an uplift fee (also known as a success fee) of up to 25% of professional fees.
29. Shine Lawyers has obtained after-the-event (ATE) insurance in relation to the proceeding. The insurance is intended to respond to certain adverse costs liabilities that may arise in the proceeding.
30. The ATE insurance includes an upfront premium and a deferred premium which becomes payable only if there is a successful outcome in the proceeding.
31. Any deduction from settlement or judgment monies must be approved by the Court. The Court will require detailed evidence from the Applicant and Shine Lawyers in relation to any amount it requests be deducted from any settlement or judgment monies, and will only approve the deductions if the Court considers that they are ‘fair and reasonable’.

F. Will you be liable for legal costs if you remain a group member?

32. You will not become liable for any legal costs simply by remaining a group member in the Sun Princess Class Action for the determination of the common questions.
33. In particular, group members will not be liable for any adverse costs order made against the Applicant if she does not succeed in establishing that Carnival has breached the Australian Consumer Law. Nor will they be required to pay any amount ‘out-of-pocket’ by merely remaining a group member for the determination of the common questions.
34. However:
 - (a) if the preparation or finalisation of your personal claim requires work to be done in relation to issues that are specific to your claim, you may choose to engage Shine Lawyers or other lawyers to do that work for you. Should this become necessary, you

may be exposed to legal costs risks arising from the pursuit of your personal claim (distinct from costs associated with the determination of the common questions);

- (b) if compensation becomes payable to you as a result of any judgment or settlement in the class action, the Court may make orders allowing some of that compensation to be used to contribute to legal costs, insurance premiums, funding-related amounts or other expenses incurred in conducting the class action; and
- (c) if you opt out and bring your own proceeding against Carnival, you may be exposed to legal costs risks in that separate proceeding.

G. Are you a group member?

35. The second further amended statement of claim (**2FASC**) defines group members by reference to passengers on the following cruises:

	Cruise	Port of Origin	Departure Date	Via	Arrival Date	Number of days	Definition
(i)	S622P	Fremantle	5/12/16	Fremantle Albany Kangaroo Island Adelaide Burnie Melbourne Port Lincoln	18/12/16	13 days	First Cruise
(ii)	S623	Fremantle	18/12/16	Margaret River	21/12/16	3 days	Second Cruise
(iii)	S701	Fremantle	21/12/16	Komodo Island Ujung Padang Semarang Probolinggo Bali Lombok	05/01/17	15 days	Third Cruise
(iv)	S702	Fremantle	5/01/17	Margaret River	08/01/17	3 days	Fourth Cruise
(v)	S703	Fremantle	8/01/17	Geraldton Broome Kimberley Coast Darwin Port Douglas Airlie Beach Brisbane	22/01/17	14 days	Fifth Cruise
(vi)	S704	Brisbane	22/01/17	Alotau Kitava Rabaul Kiriwana Island Doini Island Kawanasausau Strait	02/02/17	11 days	Sixth Cruise

(vii)	S705	Brisbane	2/02/17	Fiordland National Park Dunedin Akaroa Wellington Napier Tauranga Auckland	16/02/17	14 days	Seventh Cruise
(viii)	S706	Brisbane	16/02/17	Noumea Mystery Island Vila Champagne Bay Luganville	26/02/17	10 days	Eighth Cruise

36. This means that under the current pleading, you may be a group member if you are a natural person who:

- (a) travelled as a passenger on the Sun Princess on one or more of the cruises listed above;
- (b) in your dealings with Carnival, acquired services from Carnival within the meaning of section 2 of the Australian Consumer Law and were a “consumer” within the meaning of section 3 of the Australian Consumer Law; and
- (c) suffered loss or damage by reason of being a passenger on one or more of those cruises.

37. You are not a group member if you are:

- (a) a legal practitioner providing services to Ms McLean-Phillips or other group members in order to assist them to recover the relief claimed in this proceeding; or
- (b) a judicial officer of the Federal Court of Australia or the High Court of Australia.

38. If you are unsure whether you are a group member, you should contact Shine Lawyers or seek your own legal advice without delay.

H. What happens if you remain a group member?

39. You will remain a group member in the Sun Princess Class Action if you do not opt out of the proceeding by taking the steps explained in **section J** below.

40. If the class action is unsuccessful or is not as successful as you might have wished, you will be bound by that outcome and may not be able to pursue the same, similar or related claims against Carnival in another proceeding.

41. If the class action is successful, you may be entitled to share in the benefit of any judgment in favour of the Applicant and group members. You may have to satisfy certain conditions before any entitlement to compensation arises.
42. If a settlement of the class action is reached before final judgment, the Applicant intends to ask the Court to make orders which, if made, would have the effect that a group member who has not registered and has not opted out by 13 November 2026 will remain a group member and be bound by the settlement, but will not, without leave of the Court, be permitted to share in any benefit from that settlement.
43. The Court will decide whether to approve any settlement and whether to make any such orders. There may or may not be another opportunity to register after any settlement is reached. That will be a matter for the Court.
44. If you wish to remain a group member and may wish to seek compensation through any settlement reached before final judgment, you should register your interest by 13 November 2026, explained in **section I** below.

I. How can you register?

45. If you wish to register, you must complete the Group Member Registration Form in Annexure A and return it to Shine Lawyers so that it is received by no later than 4:00pm on 13 November 2026.
46. However, if you have retained Shine Lawyers to act on your behalf in the proceeding, you do not need to complete the Group Member Registration Form: you will be treated as having registered. If you wish to update the information Shine Lawyers holds about your claim, you should contact Shine Lawyers.
47. You may register by:
 - (a) completing the online registration form at <https://www.shine.com.au/service/class-actions/sun-princess-norovirus-class-action>; or
 - (b) sending the completed Group Member Registration Form to Shine Lawyers by email at sunprincess@shine.com.au or by post to **PO Box 589, Darlinghurst NSW 1300**.
48. There is no cost to register.

49. Registration does not guarantee that you will receive compensation. It also does not mean that the Court or Shine Lawyers has accepted that you have a valid claim. You may wish to seek independent legal advice if you require advice about the merits of your claim.
50. Please note that details from your Group Member Registration Form may be provided to the Respondent for the purposes of mediation only, and may include details that may identify you. The information may be used by the Respondent only for preparing for and conducting the mediation, and cannot be used to contact you.

J. How can you opt out of the Sun Princess Class Action?

51. You should submit an Opt Out Notice if:
- (a) you are a group member and you wish to opt out of the class action; or
 - (b) you believe that you have been incorrectly identified as a group member because you do not meet the criteria set out in **section G** above.
52. If you wish to opt out of the Sun Princess Class Action, you must complete the Opt Out Notice in Annexure B and return it to the Registrar of the Federal Court of Australia so that it is received by no later than 4:00pm on 13 November 2026.
53. The Opt Out Notice must be sent to:
- The Registrar
Federal Court of Australia
New South Wales District Registry
Level 17, Commonwealth Law Courts Building
184 Phillip Street, Queens Square
Sydney NSW 2000**
54. Each group member who wishes to opt out should complete a separate Opt Out Notice.
55. If your Opt Out Notice is received after 4:00pm on 13 November 2026, it may not be effective.
56. If you opt out, you will not be bound by or entitled to share in the benefit of any judgment or settlement in the class action. You may be able to bring your own claim against Carnival, but you should seek legal advice about your claim and any applicable time limits before deciding whether to opt out.

K. Where can you obtain copies of relevant documents?

57. Copies of relevant documents, including the originating application, the 2FASC, Carnival's defence, this notice and the orders approving this notice, may be obtained by:
- (a) downloading them from Shine Lawyers' website at <https://www.shine.com.au/service/class-actions/sun-princess-norovirus-class-action>;
 - (b) contacting Shine Lawyers by email at sunprincess@shine.com.au or by telephone on **1800 560 649**;
 - (c) contacting a District Registry of the Federal Court of Australia and paying any applicable inspection fee; or
 - (d) where arrangements have been made with the Court, inspecting them on the Federal Court website at <https://www.fedcourt.gov.au>.
58. Please consider this notice carefully. If there is anything of which you are unsure, you should contact Shine Lawyers or seek your own legal advice promptly. You should not delay in making your decision.

ANNEXURE A - REGISTRATION FORM

SUN PRINCESS CLASS ACTION Julie McLean-Phillips v Carnival plc Federal Court of Australia Proceeding No. NSD 1039 of 2022

Complete this form if you wish to register as a group member in the Sun Princess Class Action.

Please note that details from this form may be provided to the Respondent for the purposes of mediation only, and may include details that may identify you. The information may be used by the Respondent only for preparing for and conducting the mediation, and cannot be used to contact you.

1. Personal details

Full name:

Postal address:

Email address:

Telephone number:

2. Cruise details

Please identify the cruise or cruises on which you travelled:

- ☐ First Cruise: S622P, 13 nights, 5 December 2016 to 18 December 2016
- ☐ Second Cruise: S623, 3 nights, 18 December 2016 to 21 December 2016
- ☐ Third Cruise: S701, 15 nights, 21 December 2016 to 5 January 2017
- ☐ Fourth Cruise: S702, 3 nights, 5 January 2017 to 8 January 2017
- ☐ Fifth Cruise: S703, 14 nights, 8 January 2017 to 22 January 2017
- ☐ Sixth Cruise: S704, 11 nights, 22 January 2017 to 2 February 2017
- ☐ Seventh Cruise: S705, 14 nights, 2 February 2017 to 16 February 2017
- ☐ Eighth Cruise: S706, 10 nights, 16 February 2017 to 26 February 2017
- ☐ Other / unsure: please provide details below

3. Booking details

Booking reference, if known:

Cabin number, if known:

Names of any other passengers in your booking:

4. Norovirus illness

- a) Did you suffer from symptoms consistent with norovirus (such as but not limited to vomiting and diarrhoea) **during** the cruise on which you travelled?

☐ Yes

☐ No

☐ Unsure

If yes, to question 4(a) please provide brief details, including what symptoms you experienced, when they commenced and when they finished.

- b) Did you suffer from illness or symptoms consistent with norovirus (such as but not limited to vomiting and diarrhoea) which arose **immediately after** the cruise on which you travelled?

☐ Yes

☐ No

☐ Unsure

If yes to question 4(b), please provide brief details, including what symptoms you experienced, when they commenced and when they finished.

5. Loss

- a) **Did you incur any out-of-pocket expenses or other loss you say was connected with norovirus on the cruise?**

☐ Yes

☐ No

☐ Unsure

If yes, please provide brief details:

- b) **Was your enjoyment of the cruise otherwise affected by measures taken in response to the presence of norovirus?**

☐ Yes

☐ No

☐ Unsure

If yes, please provide brief details:

6. Declaration

I wish to register as a group member in the Sun Princess Class Action.

I understand that registration does not guarantee that I will receive compensation.

I believe the information contained in this form is true and accurate at the time of completion.

I understand that, if a settlement is reached before final judgment, the Court may be asked to make orders affecting whether group members who have not registered can share in that settlement.

Signature:

Date:

ANNEXURE B

Form 21
Rule 9.34

OPT OUT NOTICE

No. NSD 1039 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: General

JULIE MCLEAN-PHILLIPS
Applicant

CARNIVAL PLC
Respondent

To: The Registrar
Federal Court of Australia
New South Wales District Registry
Level 17, Commonwealth Law Courts Building,
184 Phillip Street, Queens Square
Sydney NSW 2000

[Name of group member], a group member in this representative proceeding, gives notice under section 33J of the *Federal Court of Australia Act 1976* (Cth) that [Name of group member] is opting out of the representative proceeding.

Date:

Signed by:
Capacity: [group member / lawyer for the group member / authorised representative]