

PETER LEWIS v PHILIPS ELECTRONICS AUSTRALIA LIMITED
T/AS PHILIPS HEALTHCARE (ACN 008 445 743) & ANOR
(VID565/2021)

FURTHER NOTICE TO GROUP MEMBERS

WHY ARE YOU SEEING THIS NOTICE?

This notice is further to the Notice distributed to Group Members in February 2023 (**February Notice**). This notice is a Court-ordered Notice. It is not a communication issued by Philips in relation to the remediation of your device or the corrective action.

On 3 April 2023 the Federal Court of Australia heard an application by the Applicant (Mr Peter Lewis) to discontinue a class action commenced on behalf of individuals who purchased, rented, or used certain sleep and respiratory care devices set out in Annexure 1 (**List of the Affected Devices**): *Peter Lewis v Philips Electronics Australia Limited & Anor (VID565/2021)* (**Class Action**). This application to discontinue was made on the basis that Mr Lewis and his legal advisors no longer wished to continue the Class Action.

The Court has now ordered that this Notice be published to provide Group Members with the outcome of that hearing and the further orders made by the Court.

120-DAY TIME PERIOD TO MAKE AN APPLICATION TO BE SUBSTITUTED AS LEAD APPLICANT

The Federal Court of Australia has ordered that any Group Member who wishes to be substituted as the Applicant in this proceeding and to take over the conduct of this Class Action must file and serve an application and affidavit in support seeking orders for substitution by no later than **4:00 pm on 31 July 2023**.

The proposed substitute applicant must be willing to conduct the case on his or her own behalf and on behalf of Group Members. They must appoint new lawyers to act in the Class Action and make arrangements to fund the legal costs of the Class Action.

Any Group Member who is interested in being substituted as the Applicant to take over the conduct of the Class Action should seek independent legal advice.

If no Group Member applies to be substituted as the Applicant, the Class Action will be discontinued and come to an end.

If the Class Action comes to an end, Group Members will be notified by way of notice published on each of the following websites from 1 August 2023 for a period of not less than 3 months:

(1) The website of the Applicant's lawyers, accessible at this address:

<https://www.carbonelawyers.com.au/class-actions/philips-cpap-ventilator-machines/>

(2) The First Respondent's SRC corrective action website, accessible at this address:

<https://www.philips.com.au/healthcare/e/sleep/communications/src-update>

(3) The Federal Court of Australia's class actions website, accessible at this address:

<https://www.fedcourt.gov.au/law-and-practice/class-actions/class-actions>

List of individuals who have objected to the proposed discontinuance of the Class Action

The Federal Court of Australia has ordered that a list with the names and contact details of the individuals who objected to the proposed discontinuance of the Class Action (**Objectors**) be provided to certain Group Members who appeared before the Court on 3 April 2023 to object to the proposed discontinuance of the Class Action. This information is to be provided for the purpose of enabling these individuals (or any lawyers they appoint) to contact the Objectors to discuss with them the potential continuation of the present Class Action by substitution of a new Applicant in the place of Mr Lewis. The recipients of this information are not permitted to disclose the Objector's contact details to any other individuals except for any legal representatives retained to represent the recipient of the list in these proceedings.

If you contacted *Carbone Lawyers* or the Federal Court of Australia in February or March 2023 to object to the proposed discontinuation of the Class Action, you may be contacted by these Group Members for this purpose.

ANNEXURE 1: LIST OF THE AFFECTED DEVICES

Product Code	Product Description
1029759	BIPAP Synchrony, International.Core Pkg
1038916	BIPAP Auto SV w/ Smartcard Int.
1042900	BIPAP autoSV Advanced w/SmartCard, INTL
1043342	OmniLab Advanced, Core, (International)
1068942	BIPAP Auto SV w/ Smartcard Int.
1111126	OmniLab Advanced plus w/Humidifier INTL
1111127	OmniLab Advanced plus w/HT Humidifier INTL
AU1029756	BIPAP Synchrony Australia
AU1060486	BIPAP AVAPS, C SERIES, AUSTRALIA
AU1061419	BIPAP AVAPS, C Series Core Package with Humidifier
AU1061421	PR BIPAP ST, C SERIES, AUSTRALIA
AU1061423	BIPAP ST, C SERIES, Core Package with Humidifier
AU1161S	BIPAP AVAPS 60 series platform
AU1161X	BIPAP AVAPS, 60/C Series, AU, 30cmH2O
AU251HS	Philips/Respironics New Gen RemStar Plus, w/Humid, w/SD Card, Aust
AU251S	Philips/Respironics New Gen RemStar Plus w/SD Card, Aust
AU451HS	Philips/Respironics New Gen RemStar Pro w/Humid w/SD Card, Aust
AU451S	Philips/Respironics New Gen RemStar Pro w/SD Card Aust
AU461HS	REMstar Pro System One 60 Series with Heated Humidifier
AU461S	REMstar Pro System One 60 Series
AU461TS	REMstar Pro System One 60 Series with Heated Tube Humidifier
AU551HS	Philips/Respironics New Gen RemStar Auto A-Flex w/Humid w/SD Card Aust
AU551S	Philips/Respironics New Gen RemStar Auto A-Flex w/SD Card Aust
AU561HS	REMstar Auto System One 60 Series with Heated Humidifier
AU561S	REMstar Auto System One 60 Series
AU561TS	REMstar Auto System One 60 Series with Heated Tube Humidifier
AU751HS	Bipap Auto w/Humid w/SD Card Aust, OBS..Discontd..
AU751S	Philips/Respironics New Gen Bipap Auto w/SD Card Aust
AU761HS	BIPAP Auto System One 60 Series with Heated Humidifier
AU761S	BIPAP Auto System One 60 Series
AU761TS	BIPAP Auto System One 60 Series with Heated Tube Humidifier
AU951HS	BIPAP Auto SV Advanced System One with Humidifier
AU951S	BIPAP Auto SV Advanced System One (OBS. Repl AU961S)

Product Code	Product Description
AU961HS	BiPAP autoSV Syst One 60 Srs with Heated Humidifier
AU961S	BiPAP autoSV System One 60 Series
AU961TS	BiPAP autoSV Sys One 60 Srs with HT Humid Obsolete (Repl by DS)
AUG400H15	DreamStation Go CPAP with Humidifier
AUG400S15	DreamStation Go CPAP with Bluetooth®, Australia
AUG500H15	DreamStation Go Auto CPAP with Humidifier, AU
AUG500S15	DreamStation Go Auto CPAP with Bluetooth®, Australia
AUX1131T15	DreamStation BiPAP AVAPS Hum HT
AUX1131T15C	DreamStation BiPAP AVAPS Cellular with Humidifier & Heated Tube
AUX400S15	DreamStation CPAP Pro
AUX400T15	DreamStation CPAP Pro Hum HT
AUX400T15C	DreamStation CPAP Pro Humid HT Cellular
AUX500S15	DreamStation Auto CPAP
AUX500T15	DreamStation Auto CPAP Hum HT
AUX500T15C	DreamStation Auto CPAP Hum HT Cellular
AUX700T15	DreamStation Auto BiPAP Hum HT
AUX700T15C	DreamStation Auto BiPAP Hum HT Cellular
AUX900T15	DreamStation AutoSV Hum HT
AUX900T15C	DreamStation AutoSV Hum HT Cellular
GBX400S15	GB DreamStation CPAP Pro
GBX500S15	GB DreamStation Auto CPAP
INX9999H19	BiPAP E30 Ventilator w/Humidifier, IN