Dear <First Name>,

JETSTAR CANCELLED FLIGHTS CLASS ACTION
Federal Court of Australia Notice - Proceeding VID816/2024

The Federal Court of Australia has ordered that you receive this notice because you may be a Group Member in the Jetstar Cancelled Flights Class Action.

It is important that you read this notice carefully because it concerns your legal rights. If there is anything in this notice that you do not understand you should seek legal advice.

The purpose of this notice is to inform you of a class action that has been commenced in the Federal Court of Australia against Jetstar Airways Pty Ltd (**Jetstar**). The class action relates to flights between 1 January 2020 and 1 November 2022 which were cancelled by Jetstar (**Cancelled Flight**).

The class action alleges that:

- Between early 2020 and late 2022, in the context of the COVID-19 pandemic, Jetstar cancelled thousands of previously scheduled domestic and international flights.
- Jetstar breached its legal obligations to customers by failing to provide refunds for cancelled flights, including by its practice of instead offering customers credit vouchers.
- Jetstar misled customers and engaged in unconscionable conduct in breach of the Australian Consumer Law.
- By holding customers' funds that ought to have been refunded, Jetstar unlawfully benefitted from this conduct.

Jetstar denies the allegations made against it in the Jetstar Cancelled Flights Class Action, and is defending the class action.

You should read this notice carefully as it concerns your rights. If there is anything in it that you do not understand you should seek legal advice.

You can find further information about the class action:

- on the website of the solicitors conducting this class action, at https://www.echolaw.com.au/jetstar;
- by searching online for the 'Jetstar Cancelled Flights Class Action'.

You can also confirm the legitimacy of this notice by viewing a copy of it on:

- Jetstar's website, at https://www.jetstar.com/au/en/help/credit-vouchers-covid-19;
- the Federal Court of Australia's website, at https://www.fedcourt.gov.au/services/access-to-files-and-transcripts/online-files/kaye-perkins-v-jetstar-airways.

A. WHY AM I RECEIVING THIS NOTICE?

You are receiving this notice because Jetstar's records show that you are a primary point of

contact for a booking (or bookings) on a Cancelled Flight where Jetstar did not provide a refund or rebooking to affected ticketholders at the time of cancellation (in many cases, instead offering a credit voucher).

You may be one or more of the following categories of primary contact persons for a booking or bookings on a Cancelled Flight:

1. the primary point of contact who was nominated to receive communications regarding the booking (the **Booking Contact**); and/or

2. an authorised travel agent of Jetstar, where you made a booking on behalf of a customer(s).

As a Booking Contact in respect of a booking for a Cancelled Flight, you may be:

1. a Group Member in this class action; and/or alternatively,

2. the primary point of contact for one or more purchasers or passengers who are Group Member(s) in the class action.

You are not necessarily a Group Member just because you have received this notice. Whether or not you are a Group Member will depend upon whether you meet the definition of a Group Member in the Class Action (set out in section C below) and, in particular, whether you have suffered loss as a result of the alleged conduct of Jetstar (which is denied by Jetstar).

If you are the Booking Contact for these bookings, you are encouraged to provide a copy of this notice to the passengers and/or purchasers of those bookings so that they can consider their options which are set out below.

B. YOUR TWO OPTIONS

If you are a Group Member, you have two options set out below:

Option 1 **Do nothing and remain a Group Member**	• **If you wish to participate in the class action, there is <u>nothing</u> you need to do.** You will be eligible to receive any compensation or benefit in the event of a successful outcome, assuming you satisfy the criteria to receive any compensation or benefit in accordance with any orders made by the Court. • You will <u>not</u> be required to pay any out-of-pocket legal costs by remaining a Group Member and if the class action is unsuccessful, you will have no liability. • While you do not need to register at this time to remain a Group Member, if you wish to be kept informed about the class action as it proceeds (including receiving details of any settlement or other outcome) you can register to receive updates from Echo Law, the solicitors for the Applicant at https://www.echolaw.com.au/travel-credits-registration.

	• If you remain a Group Member and the class action is unsuccessful, or is not as successful as you might have wished, you will be bound by the outcome, and may not be able to pursue the same or related claims against Jetstar in other legal proceedings.
Option 2 **Opt Out and stop being a Group Member**	• **If you do not wish to participate in the class action, you must take steps to opt out.** • Group Members who opt out will not be bound by the outcome of the class action and will not receive any money from the class action if it wins or settles. • It is a good idea to seek legal advice before choosing to opt out. • If you opt out you will be able to bring your own claim against Jetstar, provided that you issue Court proceedings within the time limit applicable to your claim. • To opt out, you must complete the 'Opt Out Form' available at https://www.fedcourt.gov.au/services/access-to-files-and-transcripts/online-files/kaye-perkins-v-jetstar-airways and, before **4:00pm on 22 January 2027:** o post it directly to the Victoria District Registry of the Federal Court of Australia, or o email it to vicreg@fedcourt.gov.au • If you have permission to opt out on behalf of any other passengers on, or purchasers of, your flight bookings covered by the class action, you must also name those persons on the form and confirm that you have permissions to opt out on their behalf.

C. AM I A GROUP MEMBER?

You are a Group Member in this class action if:

1. you purchased for yourself or another person, or had purchased on your behalf, a Jetstar flight scheduled to take place between 1 January 2020 and 1 November 2022; and

2. that flight was cancelled by Jetstar; and

3. you have suffered loss or damage due to Jetstar's conduct or Jetstar was unjustly enriched at your expense. For example, on the applicant's case you may have suffered loss or damage if:

    - you received a credit voucher rather than a refund or a rebooking at the time the flight was cancelled, or

    - you never received a credit voucher or a refund or rebooking at all.

You may still be a Group Member even if you have used the credit voucher you were issued, or you have subsequently obtained a refund for your Cancelled Flight.

For clarity, this class action only concerns flights purchased from the respondent, namely Jetstar Airways Pty Ltd. If your flight number begins with the letters "**JQ**", it is a Jetstar Airways Pty Ltd flight.

D. WHAT WILL HAPPEN IF I REMAIN A GROUP MEMBER?

Group Members will not have to pay any costs out of their own pockets for participating in this class action. This is the case whether the class action is successful or unsuccessful.

You do not have to pay any out-of-pocket legal costs yourself to participate in the class action.

If the class action is successful, then you may be entitled to share in the benefit of any order, judgment or settlement in favour of the Applicant and Group Members. However, you may have to satisfy certain conditions before your entitlement arises.

The upfront costs of the class action are being paid in the first instance by a litigation funder. In the event of a successful outcome:

1. the Applicant will seek the Court's approval for the costs of the class action paid by the litigation funder to be reimbursed from the amount recovered, whether by way of settlement, or Court ordered damages (the **Resolution Sum**); and

2. the litigation funder of this class action will also seek the Court's approval to be remunerated for having paid the costs of the class action and for having agreed to pay any adverse costs orders or security for costs ordered against the Applicant. If the class action is resolved at or prior to the initial trial, and before any appeals of that initial trial, the fee sought by the litigation funder will not exceed 25% of the Resolution Sum.

   If there is an appeal of the initial trial, the fee sought by the litigation funder may increase by up to 5% of the Resolution Sum. If there are additional respondents added to the proceeding (which is not presently anticipated) the fee sought by the litigation funder may increase by, at most, a further 7.5% of the Resolution Sum.

If the class action is unsuccessful, Group Members will have no legal or financial liability and will not have to pay anything.

If the action is unsuccessful or is not as successful as you might have wished, and you have not opted out of the proceeding (using the Opt Out Form linked above), you will be bound by the outcome, will not be able to pursue the same claims and may not be able to pursue related claims against Jetstar in other legal proceedings.

E. FURTHER INFORMATION

The solicitors running the case are Echo Law.

If you are unsure whether you are a Group Member or would like more information, you can find

out more information about the class action (and get any copies of relevant documents) by visiting Echo Law's website https://www.echolaw.com.au/jetstar or by telephoning 1800 571 241.

If you don't want to speak with Echo Law (or you want to understand their involvement better), you should get legal advice from your own family solicitor or a solicitor you choose.