



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

No: NSD35/2018

JODIE PHILIPSEN and another named in the schedule
Applicants

ASTORA WOMEN'S HEALTH, LLC
Respondent

No: NSD181/2020

LINDSEY SCHOFIELD and another named in the schedule
Applicants

TFS MANUFACTURING and others named in the schedule
Respondents

No: NSD244/2021

DEBRA FOWKES
Applicant

BOSTON SCIENTIFIC CORPORATION and another named in the schedule
Respondents

No: NSD310/2021

LISA TALBOT
Applicant

ETHICON SARL and others named in the schedule
Respondents

ORDER

JUDGE: JUSTICE LEE

DATE OF ORDER: 16 December 2021

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. In relation to the Astora, Boston and Second Ethicon proceedings, pursuant to section 33X, 33Y and 33ZF of the *Federal Court of Australia Act 1976 (Cth)* (**FCA**):



(a) the Astora Cover Letter set out at Annexure “A” to these orders;
(b) the Boston Cover Letter set out at Annexure “B” to these orders;
(c) the Ethicon 2 Cover Letter set out at Annexure “C” to these orders; and
(d) the Astora and Boston Cover Letter set out at Annexure “D” to these orders;
is approved for distribution in accordance with order 2.

2. Pursuant to section 33Y of the FCA, Shine Lawyers is to distribute the Astora, Boston and Ethicon 2 Opt Out and Registration Notices, approved pursuant to order 5 of the 3 September 2021 orders (Annexure “J”, “K” and “L” of the 7 September 2021 orders), along with the relevant Cover Letter (Annexures “A” to “D” of these orders), to any list of persons produced on subpoena by the following entities:

- (a) South Metropolitan Health Service (ABN 92 264 056 442);
- (b) North Metropolitan Health Service (ABN 61 282 636 9520);
- (c) East Metropolitan Health Service (ABN 11 297 417 435);
- (d) WA Country Health Service (ABN 26 680 145 816);
- (e) Bairnsdale Regional Health Service (ABN 99 640 620 478);
- (f) Northern NSW Local Health District (ABN 67 284 856 520);
- (g) Central Gippsland Health Service (ABN 85 050 485 681);
- (h) St Vincent’s Hospital Sydney Limited (ABN 77 054 038 872); and
- (i) Latrobe Health Services (ACN 137 187 0100);

by sending a copy of the relevant Opt Out and Registration Notice and Cover Letter once by way of email to the last known email address, and in the event that the sender receives a delivery error message or “bounce-back”, once by prepaid ordinary post to the last known postal address of each person on any list produced by the subpoenaed entities referred to above, and if there is no known postal address, or the sender receives a “return to sender” notice from the last known postal address, Shine Lawyers may contact the person via telephone to obtain their contact information to provide them with the relevant Notice and Cover Letter.



3. The case management hearing listed on 17 December 2021 pursuant to order 3 of the 22 October 2021 orders be adjourned to 2.15pm on 28 January 2022.

Date that entry is stamped: 16 December 2021

Sia Lagos
Registrar



**ANNEXURE “A”
Cover Letter to accompany Proceeding Specific
Notices in the Astora proceeding**

Dear Patient,

You are receiving this letter and enclosed Notice because you have been identified as a person who may be a group member in the Astora Class Action commenced in the Federal Court of Australia.

Your health care provider is conscious of the obligation to keep your personal information confidential and will continue to honour their obligations in that regard. They have been required, however, by order of the Federal Court of Australia, to provide details to send you the enclosed important Notices approved by the Court.

Details regarding the class action and the implants included in the proceedings is contained in the Notices enclosed with this letter.

Please read the enclosed Opt Out Notice and Claimant Registration Form carefully.

If you are receiving these Notices after the 29 October 2021 deadline mentioned in the enclosed Notices, please note that it is still possible to register or opt out of these proceedings. If you are receiving this letter after 29 October 2021, you are able to opt out or register before 28 January 2022. To register or opt out, please follow the steps described in the enclosed Notices.

If you have any enquiries or concerns in relation to these Notices, please **do not** direct them to your treating hospital or to the Court. Your questions should be direct to Shine Lawyers on 1800 884 139 or email prolapsemesh@shine.com.au, or you should seek your own legal advice.



ANNEXURE “B”
Cover Letter to accompany Proceeding Specific
Notices in the Boston proceeding

Dear Patient,

You are receiving this letter and enclosed Notice because you have been identified as a person who may be a group member in the Boston Class Action commenced in the Federal Court of Australia.

Your health care provider is conscious of the obligation to keep your personal information confidential and will continue to honour their obligations in that regard. They have been required, however, by order of the Federal Court of Australia, to provide details to send you the enclosed important Notices approved by the Court.

Details regarding the class action and the implants included in the proceedings is contained in the Notices enclosed with this letter.

Please read the enclosed Opt Out Notice and Claimant Registration Form carefully.

If you are receiving these Notices after the 29 October 2021 deadline mentioned in the enclosed Notices, please note that it is still possible to register or opt out of these proceedings. If you are receiving this letter after 29 October 2021, you are able to opt out or register before 28 January 2022. To register or opt out, please follow the steps described in the enclosed Notices.

If you have any enquiries or concerns in relation to these Notices, please **do not** direct them to your treating hospital or to the Court. Your questions should be direct to Shine Lawyers on 1800 884 139 or email prolapsemesh@shine.com.au, or you should seek your own legal advice.



ANNEXURE “C”
Cover Letter to accompany Proceeding Specific
Notices in the Second Ethicon proceeding

Dear Patient,

You are receiving this letter and enclosed Notice because you have been identified as a person who may be a group member in the Second Ethicon Class Action commenced in the Federal Court of Australia.

Your health care provider is conscious of the obligation to keep your personal information confidential and will continue to honour their obligations in that regard. They have been required, however, by order of the Federal Court of Australia, to provide details to send you the enclosed important Notices approved by the Court.

Details regarding the class action and the implants included in the proceedings is contained in the Notices enclosed with this letter.

Please read the enclosed Opt Out Notice and Claimant Registration Form carefully.

If you are receiving these Notices after the 29 October 2021 deadline mentioned in the enclosed Notices, please note that it is still possible to register or opt out of these proceedings. If you are receiving this letter after 29 October 2021, you are able to opt out or register before 28 January 2022. To register or opt out, please follow the steps described in the enclosed Notices.

If you have any enquiries or concerns in relation to these Notices, please **do not** direct them to your treating hospital or to the Court. Your questions should be direct to Shine Lawyers on 1800 884 139 or email prolapsemesh@shine.com.au, or you should seek your own legal advice.



ANNEXURE “D”
Cover Letter to accompany Proceeding Specific
Notices provided to patients of St Vincent’s Hospital
Sydney in the Astora and Boston proceedings

Dear Patient,

You are receiving this letter and the enclosed Notices because you have undergone a procedure which may have involved the implant of pelvic mesh that is the subject of the Astora and/or Boston Class Action proceedings in the Federal Court of Australia.

Your health care provider is conscious of the obligation to keep your personal information confidential and will continue to honour their obligations in that regard. They have been required, however, by order of the Federal Court of Australia, to provide details to send you the enclosed important Notices approved by the Court.

Details regarding the class actions and the implants included in the proceedings is contained in the Notices enclosed with this letter.

Please read the enclosed Opt Out Notices and Claimant Registration Forms carefully.

If you are receiving this letter after the 29 October 2021 deadline mentioned in the enclosed Notices, please note that it is still possible to register or opt out of these proceedings. If you are receiving this letter after 29 October 2021, you are able to opt out or register before 28 January 2022. To register or opt out, please follow the steps described in the enclosed Notices.

If you have any enquiries or concerns in relation to the Notices, please **do not** direct them to your treating hospital or to the Court. Your questions should be direct to Shine Lawyers on 1800 884 139 or email prolapsemesh@shine.com.au, or you should seek your own legal advice.



Schedule

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

No. NSD35/2018

Second Applicant: JANICE SEYMOUR

No. NSD181/2020

Second Applicant MELISSA WEEDON
Second Respondent IVS PTY LTD
Third Respondent COVIDIEN PTY LTD
Fourth Respondent PETER PETROS
Fifth Respondent MIPS INSURANCE PTY LTD
Sixth Respondent CHUBB INSURANCE AUSTRALIA LIMITED

No. NSD244/2021

Second Respondent BOSTON SCIENTIFIC PTY LTD ACN 071 676 063

No. NSD310/2021

Second Respondent ETHICON, INC.
Third Respondent JOHNSON & JOHNSON MEDICAL PTY LIMITED ACN
000 160 403