



Federal Court of Australia
District Registry: Queensland
Division: General

No: QUD11/2020

GARRY CHARLES FRANCIS AND JODI LEE FRANCIS BOTH IN THEIR OWN RIGHT, AND/OR ACTING AS TRUSTEES OF THE FRANCIS FAMILY TRUST, AND ALSO ACTING AS REPRESENTATIVES OF THE GROUP MEMBERS

Applicants

OCULUS ACCOUNTING PTY LTD ACN 097 021 031 and others named in the schedule
Respondents

ORDER

JUDGE: JUSTICE DERRINGTON

DATE OF ORDER: 19 February 2021

WHERE MADE: Brisbane

THE COURT ORDERS THAT:

1. The Applicants shall serve a copy of the opt out notice in the form in **Schedule 2** to this order upon the persons named in **Schedule 3** to this order, such service on each of such persons to be by an email or mail attaching the opt out notice and sent to each of the persons on the list at their email address or mailing address shown on the list.
2. The Applicant shall, within 14 days of these orders, place an advertisement in the form in **Schedule 4** to this order in the public notice section of an edition of The Australian newspaper.
3. The Respondent have leave to file and serve an Amended Defence on or before 10 February 2021.
4. The matter is listed for further case management hearing at 9:30 am AEST on 9 March 2021.
5. Each party's costs are costs in the cause.

Date that entry is stamped: 19 February 2021

Sia Lagos
Registrar



Schedule 1

No: QUD11/2020

Federal Court of Australia
District Registry: Queensland
Division: General

Second Respondent DUAL AUSTRALIA PTY LTD ACN 107 553 257

Third Respondent MIRAMAR UNDERWRITING AGENCY PTY LTD ACN 111
534 797



Schedule 2

OPT OUT NOTICE FEDERAL COURT OF AUSTRALIA

No. QUD11 of 2020

Federal Court of Australia
District Registry: Queensland
Division: General

GARRY CHARLES FRANCIS AND JODI LEE FRANCIS BOTH IN THEIR OWN RIGHT, AND/OR ACTING AS TRUSTEES OF THE FRANCIS FAMILY TRUST, AND ALSO ACTING AS REPRESENTATIVES OF THE GROUP MEMBERS
Applicants

OCULUS ACCOUNTING PTY LTD ACN 097 021 031 and others
Respondents

1. **Why is this notice important?**

A class action has been commenced in the Federal Court of Australia by **Garry Charles Francis and Jodi Lee Francis** against **Oculus Accounting Pty Ltd ACN 097 021 031**. The action arises out of the following allegations:

Where clients of Oculus Accounting received a recommendation from Oculus Accounting to subscribe for Guvera Shares, in circumstances where Oculus Accounting failed to carry out any, or any reasonable and adequate, due diligence with respect to their investment, failed to inform them of the true state of affairs with respect to the finances, assets, liabilities and past and future business operations of Guvera, failed to inform them of the high degree of risk they faced that Guvera would not list on the Australian Securities Exchange and conduct a successful IPO resulting in loss of investment monies, and further relating to non-disclosure of commissions received by Oculus Accounting for their recommendation to clients to subscribe for Guvera Shares.

The Federal Court has ordered that this notice be published for the information of persons who might be members of the class on whose behalf the action is brought and may be affected by the action. You have been identified as a potential class member. **You should read this notice carefully. Any questions you have concerning the matters contained in this notice should not be directed to the Court.** If there is anything in it that you do not understand, you should seek legal advice.



2. What is a class action?

A class action is an action that is brought by one person (“**Applicant**”) on his or her own behalf and on behalf of a class of people (“**class members**”) against another person (“**Respondent**”) where the Applicant and the class members have similar claims against the Respondent.

Class members in a class action **are not** individually responsible for the legal costs associated with bringing the class action. In a class action, only the Applicant is responsible for the costs.

Class members are “bound” by the outcome in the class action, unless they have opted out of the proceeding. A binding result can happen in two ways being either a *judgment* following a trial, or a *settlement* at any time. If there is a judgment or a settlement of a class action class members *will not* be able pursue the same claims and *may not* be able to pursue similar or related claims against the respondent in other legal proceedings. Class members should note that:

- (a) in a *judgment* following trial, the Court will decide various factual and legal issues in respect of the claims made by the applicant and class members. Unless those decisions are successfully appealed they bind the applicant, class members and the respondent. Importantly, if there are other proceedings between a class member and the respondent, it is likely that neither of them will be permitted to raise arguments in that proceeding which are inconsistent with a factual or legal issue decided in the class action.
- (b) in a *settlement* of a class action, where the settlement provides for compensation to class members it is likely to extinguish *all* rights to compensation which a class member might have against the respondent which arise in any way out of the events or transactions which are the subject-matter of the class action.

If you consider that you have claims against a respondent which are based in your individual circumstances or otherwise additional to the claims described in the class action, then it is important that you seek independent legal advice about the potential binding effects of the class action **before** the deadline for opting out (see below).

3. What is this class action?

This class action is brought by the **Applicants, Garry Charles Francis and Jodi Lee Francis v Oculus Accounting Pty Ltd**. That company claims that it is in a poor financial position and will be unable to meet any judgment against it from its own financial resources. Its actual financial position has not been verified by any expert financial report disclosed to the class members. Oculus Accounting Pty Ltd has sought to be indemnified under a policy of insurance in respect of the claims in the class action. At this stage its Professional Indemnity Insurer has declined to indemnify it. If the action is successful against Oculus Accounting Pty Ltd, the applicants will seek to ensure that the insurer indemnifies that company in respect of any judgment obtained if



that is possible. However, at the present time, even if the allegations are proven and judgment is obtained against Oculus Accounting Pty Ltd, there is some doubt whether the successful class members will be able to secure the recovery of any money.

The Applicant alleges in the statement of claim in Federal Court proceeding **Garry Charles Francis and Jodi Lee Francis v Oculus Accounting Pty Ltd QUD11 -2020** that from 1 July 2008 and ending 30 June 2016 *clients of Oculus Accounting received a recommendation from Oculus Accounting to subscribe for Guvera Shares, in circumstances where Oculus Accounting failed to carry out any, or any reasonable and adequate, due diligence with respect to their investment, failed to inform them of the true state of affairs with respect to the finances, assets, liabilities and past and future business operations of Guvera, failed to inform them of the high degree of risk they faced that Guvera would not list on the Australian Securities Exchange and conduct a successful IPO resulting in loss of investment monies, and further that Oculus Accounting received undisclosed commissions, emoluments or benefits in return for procuring its clients to invest in Guvera Shares.*

The respondent to the class action is **Oculus Accounting Pty Ltd ACN 097 021 031**

The respondent does not admit the allegations and is defending the class action.

4. **What is ‘Opt Out’?**

The Applicant in a class action does not need to seek the consent of class members to commence a class action on their behalf or to identify a specific class member. However, class members can cease to be class members by opting out of the class action. An explanation of how class members are able to opt out is found below in the section headed “How can you opt out of the proceeding”.

5. **Are you a class member?**

You are a class member if you;

- a. Received advice from the Respondent, its directors, servants and/or agents in respect of subscribing for Guvera Shares in the period commencing 1 July 2008 and ending 30 June 2016.
- b. Subscribed, either in their own right, or through the medium of the Respondent as their trustee, for Guvera Shares; and
- c. Suffered loss or damage as a consequence of the diminution in value of their Guvera Shares as compared with the subscription price.

If you are unsure whether or not you are a class member, you should contact Robert Anderson of Bounty Law Pty Ltd t/as Robert Anderson Lawyers by email robert@robertandersonlawyers.com.au or seek your own legal advice without delay.



6. **Will you be liable for legal costs if you remain a class member?**

You will **not become liable for any legal costs** simply by remaining as a class member for the determination of the common questions. 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 can engage Robert Anderson of Bounty Law Pty Ltd t/as Robert Anderson Lawyers or other lawyers to do that work for you. A copy of the terms on which Robert Anderson of Bounty Law Pty Ltd t/as Robert Anderson Lawyers are acting in the class action may be obtained from them on the email address below;
- (b) if any compensation becomes payable to you as a result of any order, judgment or settlement in the class action, the Court may make an order that some of that compensation be used to help pay a share of the costs which are incurred by the Applicant in running the class action but which are not able to be recovered from the respondents; and
- (c) class actions are often settled out of court. If this occurs in the class action, you may be able to claim from the settlement amount without retaining a lawyer.

7. **What will happen if you choose to remain a class member?**

Unless you opt out, you will be bound by any settlement or judgment of the class action. If the class action is successful you will be entitled to share in the benefit of any order, judgment or settlement in favour of the Applicant and class members, although you may have to satisfy certain conditions before your entitlement arises. If the action is unsuccessful or is not as successful as you might have wished, you will not be able pursue the same claims and may not be able to pursue related claims against the respondent in other legal proceedings.

8. **What class members need to do**

(a) **How you can remain a class member?**

If you wish to remain a class member there is **nothing you need to do** at the present time. The Applicant will continue to bring the proceeding on your behalf up to the point where the Court determines those questions that are common to the claims of the Applicant and the class members. However, you are invited to contact the Applicant's lawyers, Bounty Law Pty Ltd t/as Robert Anderson Lawyers, on the number below and register as a class member so that future notices about the class action can be sent to your preferred address.

(b) **How you can opt out of the class action?**

If you do not wish to remain a class member you must opt out of the class action. If you opt out you will not be bound by or entitled to share in the benefit of any order, judgment or settlement in the class action, but you will be at liberty to bring your own claim against the respondent, provided that you issue Court



proceedings within the time limit applicable to your claim. If you wish to bring your own claim against the respondent, you should seek your own legal advice about your claim and the applicable time limit **prior** to opting out.

If you wish to opt out of the class action you **must** do so by completing a “**Notice of opting out by class member**” in the form shown below (Form 21 of the Court’s approved forms), then returning it to the Registrar of the Federal Court of Australia at the address on the form. **IMPORTANT: the Notice must reach the Registrar by no later than 28 days after this email is sent to you**, otherwise it will not be effective.

You should submit the Notice of opting out by class member if:

- (i) you qualify as a class member and you wish to opt out of the class action; or
- (ii) you believe that you have been incorrectly identified as a class member, because you do not meet the criteria set out in the section headed “Are you a class member” above.

Each class member seeking to opt out should fill out a separate form. If you are opting out on behalf of a company or business please provide your name, the name of the company or business and your position within the company or business (e.g. director or partner).

9. **Where can you obtain copies of relevant documents?**

Copies of relevant documents, including the application, the statement of claim, and the defence or defences, may be obtained by:

- (a) Requesting them by email to Robert Anderson of Bounty Law Pty Ltd t/as Robert Anderson Lawyers by email robert@robertandersonlawyers.com.au ;
- (b) inspecting them between 9am and 5pm at one of the offices of Bounty Law Pty Ltd t/as Robert Anderson Lawyers, contact details for which are available from Bounty Law Pty Ltd t/as Robert Anderson Lawyers website;
- (c) by contacting a District Registry of the Federal Court (contact details are available www.fedcourt.gov.au) and paying the appropriate inspection fee; or
- (d) where appropriate arrangements have been made with the Court, inspecting them on the Federal Court website.

Please consider the above matters carefully. If there is anything of which you are unsure, you should contact Robert Anderson of Bounty Law Pty Ltd t/as Robert Anderson Lawyers by email robert@robertandersonlawyers.com.au or seek your own legal advice. You should not delay in making your decision.



Schedule 3

Legal Name	Contact	Address
C & N Alexander Pty Ltd ATF C & N Alexander Family Trust	Alexander, Narelle	narelle.alexander@bigpond.com
Darryl Anderson Consulting Pty Ltd ATF Serengeti Projects Pty Ltd AFT Simosa Superannuation Fund	Anderson, Sandra	admin@dacplanning.com.au
AKB Enterprises Pty Ltd ATF The Barker Family Trust	Barker, Aaron	aaron@akbenterprises.com
Barry, Diana Marion	Barry, Diana Marion	Unit 2, 4 Barker Street Currumbin Qld 4223
Bartlett, Carol Anne	Bartlett, Carol Anne	carolanne48@optusnet.com.au
Woodella Pty Ltd ATF Woodella Superannuation Fund	Batson, Keith Gregory & Susan Mary	bato@mullum.com.au
Benson, Zana Kasia	Benson, Zana Kasia	zana@ccc.com.au
Brace, Tracey	Brace, Tracey	tracey_brace@yahoo.com.au
Cushtie Pty Ltd (ACN 119 698 109) ATF Tony & Maryke Brown Family Trust	Brown, Tony & Maryke	cushtiepl@gmail.com
JCC Super Pty Ltd ATF John Carey Superannuation Fund	Carey, John	johncareywynnum@hotmail.com
Sea4Us Super Pty Ltd ATF Sea4Us Super Retirement Fund	Courtney, Richelle	richellecourtney@icloud.com
Geoffrey Cox & Trudi Cox ATF Geoff and Trudi Cox Super Fund	Cox, Geoffery & Trudi	trudicox@dodo.com.au
Crane, Marjorie Judith	Crane, Marjorie Judith	mcrane5@bigpond.com
Curik Family Super Fund	Curik, David & Craydon, Leone	dcurick@bigpond.net.au
Dallinger, Jennifer June	Dallinger, Jennifer June	dalling@onthenet.com.au
Davis, Rex Wayne & Heather Anne	Davis, Rex Wayne & Heather Anne	hda95785@bigpond.net.au
Sold Sold Sold P/L ATF Maria's Super Fund	de Fillipsis, Maria	mia.de957@gmail.com
Voltaire Pty Ltd ATF Deane Family	Deane, Gregory Arthur	greg_deane@bigpond.com



Superannuation Fund		
April 54 Pty Ltd ATF Steph's Superfund	Deane, Stephanie Anne	gsdeane@bigpond.net.au
Affiliated Publishing Group Pty Ltd ATF Fallon Family Pty Ltd atf Fallon Super Fund	Devlin, Nicole Bella	nikki.devlin@bigpond.com
Ann Dezentje & Donald Patrick Dezentje ATF Dezentje Superannuation Fund	Dezentje, Ann & Donald	dezen@dezentje.com.au
Doogan, David & Magee, Leanne	Doogan, David & Magee, Leanne	daveandlea63@gmail.com
Barry Dunnett & Karen Dunnett ATF Dunnett Superannuation Fund	Dunnett, Barry & Karen	barry@wfdassurance.com.au
Stephen John Elworthy & Richard John Hughes Elworthy ATF Hucks Super Fund	Elworthy, Stephen & Elworthy, Richard	admin@hucksbuilding.com
Fenton, Paul & Jane	Fenton, Paul & Jane	familyfenton@bigpond.com
Edwin Arthur Figg & Pauline Joy Figg ATF Karinya Constructions Pty Ltd Superannuation Fund	Figg, Edwin & Pauline	eddyfigg@optusnet.com.au
Gabrielle P & Steven P Flanagan ATF Flanno's Superfund	Flanagan, Stephen & Gabrielle	flanosrecycling@gmail.com
Flood, Gilbert	Flood, Gilbert	gilbert@sccsurveyors.com.au
Foster, Wayne Alan	Foster, Wayne Alan	wandjfoster@hotmail.com
Garry & Jodi Francis ATF The Francis Family Trust	Francis, Garry & Jodi	franclan@internode.on.net
Malcolm Ian Frazer and Linda Ann Frazer ATF M & L Frazer Investments Pty Ltd	Frazer, Malcolm Ian & Linda Ann	lynette.fraser2489@bigpond.com
Dennis & Margaret Freeman ATF DAMA Superfund	Freeman, Dennis & Margaret	denmaf@bigpond.com
Frogley, Matt	Frogley, Matt	matt@coastpodiatry.com.au
Furnell (now Millane), Jennifer	Furnell (now Millane), Jennifer	jenniemillane@gmail.com
Paul Stuart Gilbert & Jennifer Ann Gilbert ATF Paul & Jenny Super Fund	Gilbert, Paul and Jennifer	jenniferglbrt@gmail.com
Desmond William Greber & Anne Mary Greber ATF	Greber, Desmond & Anne	dnagreber@gmail.com



Landsend Super Fund		
Fussion Pty Ltd ATF RH & CA GREEN SUPERANNUATION FUND	Green, RA & CH	harrygreen45@hotmail.co.uk
Seegolden Pty Ltd ATF Seegolden Superannuation Fund	Habermann, Shane	seegold@bigpond.net.au
Hall, Roderick Joseph	Hall, Roderick Joseph	rhall@dods.com.au
AJ Hamilton Holdings Pty Ltd ATF Hamilton Family Superannuation Fund	Hamilton, Alan	jan.alan@bigpond.net.au
Hamilton Syndicate	Hamilton, Bianca	whlsh_85@hotmail.com
Elross Services Pty Ltd ATF R & E Hardy Super Fund	Hardy, Ross	kim@hardyshaulage.com.au
Hase Pty Ltd ATF Hase Superfund	Hase, Michael	mickhase@gmail.com
Haverland, Richard & Barbara	Haverland, Richard & Barbara	allfixed@bigpond.net.au
Stuart Grant Hebron and Lyshia Anne Hebron ATF Hebron Family Trust	Hebron, Stuart & Lyshia	stuart@hebrons.net
Heavenly Valley Pty Ltd ATF Superannuation Fund Account	Hick, Raymond Leslie	raymondhick2@gmail.com
James Richard Hopkins ATF The Hopkins Super Fund	Hopkins, James Richard	aaaron51@live.com
Hotchkis, Matthew	Hotchkis, Matthew	matthew@podiatryprofessionals.com.au
Kavanagh, David & Robyn	Kavanagh, David & Robyn	d.kavanagh@bigpond.com
Dudley Joseph Kelso and Beverly Anne Kelso ATF Kelso Superannuation Fund	Kelso, Dudley Joseph & Beverly Anne	bdkelso@bigpond.net.au
Graham C & Susan G Kemp ATF G&S Superfund	Kemp, Graham & Susan	ss44gk@hotmail.com
Kenny, Lisa	Kenny, Lisa	10 Inlet Drive West Tweed Heads NSW 2485
Kiss Graphics Pty Ltd ATF Kiss Graphics Superannuation Fund	Kiss, Alexander & Margaret	aki89000@bigpond.net.au
Benita Kleeman Trust	Kleeman, Benita	benitakleeman@gmail.com



Cluney Pty Ltd ATF D & B's SuperFund	Kurtz, Bernie	bernwah@yahoo.com
Sklab Pty Ltd ATF Labram Super Fund	Labram, Shane & Karen	sklabram@bigpond.net.au
Air Gold Coast Pty Ltd ATF P & M Long Superannuation Fund	Long, Peter & Michelle	pandmlong@bigpond.com
Kevin Richard John Magee & Katherine Joy Magee ATF Magee Family Super	Magee, Kevin & Katherine	joymagee@bigpond.net.au
Magee, Richard	Magee, Richard	rbmagee3@hotmail.com
Richard Bruce Magee & Katherine Joy Magee ATF Magee Family Super	Magee, Richard Bruce & Katherine Joy	rbmagee3@hotmail.com
Stephen Gerard Marchwicki & Marilyn Gai Marchwicki ATF Poznan Super Fund	Marchwicki, Stephen & Marilyn	s.marchwicki@bigpond.com
CST Investments Pty Ltd ATF CTS Superannuation Fund	Masters, Sally	C/- JRA PO Box 69 Mullumbimby NSW 2482
Maple Downs Pty Ltd ATF Teltrono No 1 Trust	Mavety, Annette	wisegirls@bigpond.com
C & J Maxwell Superannuation Pty Ltd ATF C & J Maxwell Superannuation Fund	Maxwell, Cameron & Jenni	jeni.maxwell@icloud.com
Pactolous Nominees Pty Ltd ATF McDonald & Company Superannuation Fund	McDonald, Jan	janrosemcd@gmail.com
McGuinness, Aaron	McGuinness, Aaron	almarg@craftsmanhomesth.com.au
AMAC Super Pty Ltd ATF Almarg Super Fund	McGuinness, Alan & Margaret	almarg@craftsmanhomesth.com.au
McGuinness, Carissa	McGuinness, Carissa	almarg@craftsmanhomesth.com.au
McKay, Michael R & Susan J	McKay, Michael R & Susan J	mrmckay1@bigpond.net.au
Rainbow Trust Super Fund	McMaster, Christine Irene	christine@coolangattarealty.com.au
Mills, Brett Michael	Mills, Brett Michael	Brett@nexusvoive.com.au
Mills, Leticia Jae	Mills, Leticia Jae	yogini72@mail.com
Mison, Ian & Giovana	Mison, Ian & Giovana	miso1gio@hotmail.com
Morris, Kerry & Ruth	Morris, Kerry & Ruth	rem101@optusnet.com.au
Neinert, Gregory	Neinert, Gregory	greg.colleen@bigpond.com



Nelson, Peter & Michelle	Nelson, Peter & Michelle	peter@nelsonnetworks.com
Matthew Paul & Jennifer Lynn O'Hara ATF Nancy Superannuation Fund	O'Hara, Matthew Paul & Jennifer Lynn	jennifer@oxbowaustralia.com
Pettigrew, Peter & Penny	Pettigrew, Peter & Penny	pettig@bigpond.net.au
Mark Stephan Prieditis and Carrie Lee Prieditis	Prieditis, Mark & Carrie	mark@telephonewreckers.com.au
Trayner Pty Ltd ATF CTE Superannuation Fund	Rayner, Thomas Edwin	t.rayner@civilteam.com.au
Icon Metal Roofing Pty Ltd	Reeve, Bill	iconmetalroofing2@bigpond.com
Restall Clan Pty Ltd ATF Restall Super Fund	Restall, Dave	daverestall@hotmail.com
Clasgold Pty Ltd ATF Robinson Family Super Fund	Robinson, John	johnr@jraccounting.com.au
Robinson Family Trust	Robinson, Scott	art@aussiemills.com
Carey International (Australia) Pty Ltd ATF CIA Superfund	Ryan, Marguerite & Paul	paulryan@qldnet.com.au
Kurt & Dianne Saward ATF Saward Family Superannuation Fund	Saward, Kurt & Dianne	kurt@tsa.net.au
Sawtell Properties Pty Ltd ATF Sawtell Superannuation Fund	Sawtell, Ken	grant@sawtells.com.au
Rodger & Michelle Scott ATF RMS Superfund	Scott, Rodger & Michelle	shagco@bigpond.com
Warwick John Self & Geoffrey David Self	Self, Warwick John & Geoffrey David	jacqueline.self@bigpond.com
Ian James Simpson & Annette Rose Simpson	Simpson, Annette Rose	annettesimpson16@hotmail.com
Lumiel Pty Ltd ATF Lumiel Super fund	Smith, Michael & Tracey	bookkeeping@lumiel.com.au
Gary Steele ATF Steele Family Trust	Steele, Gary	gsteele@gmail.com
Stray, Evan	Stray, Evan	bastray@gmail.com
Stray, Megan	Stray, Megan	bastray@gmail.com
Stuttle, Stephen William	Stuttle, Stephen William	steve@4crb.com
Crandy Pty Ltd ATF The Swan Family Superannuation Fund	Swan, Chris & Mandy	cswan1954@gmail.com
Swift, Gregory Marc and Katherine Mary	Swift, Gregory Marc and Katherine Mary	greg@qahotel.com



RP & EL Tomkinson Pty Ltd ATF Tomkinson Family Trust	Tomkinson, RP & EL	richtomkinson@hotmail.com
Uphill, Ronald & Pearson, Joanne	Uphill, Ronald & Pearson, Joanne	ruph5627@bigpond.net.au
Alan Colville Vincent, Lutgarda Vincent & Shane Vincent ATF Vincent Family Superannuation Fund	Vincent, Alan Colville & Lutgarda & Shane	alanvincent30@gmail.com
Christopher Michael Watt and Jennifer Anne Watt	Watt, Christopher & Jennifer	jwatt8@bigpond.com.au
Wheat Investments Pty Ltd ATF Wheat Family Super Fund	Wheat, Colin	colinw@ccg-qld.com.au
Darrell Stephen Whitt ATF Jaye Maree Whitt	Whitt, Darrell Stephen	darrell.s.whitt@mwhglobal.com
WiseJim Pty Ltd ATF WiseJim Superannuation Fund	Wise, Jim	Unit 6, 7 Dandaloo Drive Currumbin Qld 4223
Luke Wolfe Superannuation Pty Ltd ATF Luke Wolfe Superannuation Fund	Wolfe, Luke	PO Box 801 Elanora Qld 4221
Wooller Superannuation Pty Ltd ATF Wooller Family Superannuation Fund	Wooller, Dennis	drzzz@bigpond.net.au
Anthony Charles & Susan Lee Worrad ATF Worrad Family Super Fund	Worrad, Anthony Charles & Susan Lee	accounts@nrsgns.com.au
Zana Kasia Fewings	Zana Kasia Fewings	zana@ccc.com.au



Schedule 4

NOTICE

FEDERAL COURT OF AUSTRALIA

No. QUD11 of 2020

Federal Court of Australia
District Registry: Queensland
Division: General

GARRY CHARLES FRANCIS AND JODI LEE FRANCIS BOTH IN THEIR OWN RIGHT, AND/OR ACTING AS TRUSTEES OF THE FRANCIS FAMILY TRUST, AND ALSO ACTING AS REPRESENTATIVES OF THE GROUP MEMBERS

Applicants

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Respondents

A class action has been commenced in the Federal Court of Australia by Garry Charles Francis and Jodi Lee Francis against Oculus Accounting Pty Ltd ACN 097 021 031. The action arises out of:

- Where clients of Oculus Accounting received a recommendation from Oculus Accounting to subscribe for Guvera Shares, in circumstances where Oculus Accounting failed to carry out any, or any reasonable and adequate, due diligence with respect to their investment, failed to inform them of the true state of affairs with respect to the finances, assets, liabilities and past and future business operations of Guvera, failed to inform them of the high degree of risk they faced that Guvera would not list on the Australian Securities Exchange and conduct a successful IPO resulting in loss of investment monies, and further relating to non-disclosure of commissions received by Oculus Accounting for their recommendation to clients to subscribe for Guvera Shares.
- Where Oculus Accounting claims that it is in a poor financial position and will be unable to meet any judgment against it from its own financial resources. Its actual financial position has not been verified by any expert financial report disclosed to the class members. Oculus Accounting has sought to be indemnified under a policy of insurance in respect of the claims in the class action. At this stage its Professional Indemnity Insurer has declined to indemnify it. If the action is successful against Oculus Accounting, the applicants will seek to ensure that the insurer indemnifies that company in respect of any judgment obtained if that is possible. However, at the present time, even if the allegations are proven and judgment is obtained against Oculus Accounting, there is some doubt whether the successful class members will be able to secure the recovery of any money.



The Federal Court has ordered that this notice be published for the information of persons who might be members of the class on whose behalf the action is brought and may be affected by the action.

If you might be a member of the class, you are hereby advised that you should carefully read the long-form opt out notice (which is available by request sent to the email address – claims@bountylaw.com).

You should then decide whether you wish to 1) remain part of the class action; or 2) opt out of the class action by [insert date 30 days from date of advertisement].