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Listeria Class Action

Please take notice that the Gauteng Local Division of the High Court of South Africa has granted an order permitting a class action lawsuit to be brought against Tiger Brands Limited, Enterprise Foods (Pty) Ltd and Tiger Consumer Brands Limited ("the Defendants") arising from an outbreak of listeriosis which is allegedly attributable to the consumption of contaminated ready-to-eat food products such as polony, viennas and russians manufactured and/or distributed by the Defendants. The order was granted on **3 December 2018**.

A class action is a lawsuit brought on behalf of a group of persons who claim they have suffered the same objective harm flowing from the same cause ("the plaintiffs"). In this case, the class action against the Defendants is brought on behalf of the plaintiffs by attorneys Richard Spoor Incorporated Attorneys and LHL Attorneys Incorporated who have been authorised to represent the plaintiffs in the class action ("the plaintiff's attorneys") for the loss or harm allegedly suffered by the victims of the listeriosis outbreak. For the victims to be compensated for the harm they claim to have suffered, the plaintiffs must first prove that the Defendants are liable in law to any of the plaintiffs.

The plaintiff's attorneys are required by the Court to notify all persons who may fall within the classes defined below of this court order so that such persons are afforded the opportunity to opt out of this class action if they do not wish to be bound by any subsequent decision regarding the liability of the Defendants to the plaintiffs.

You are considered to form part of the class action lawsuit if you are one of the following persons:

Class 1: Individuals who contracted – but did not die as a consequence of – an infection of *Listeria monocytogenes* as a result of ingesting contaminated food products originating from, or having passed through, the Enterprise meat processing facility at Polokwane over the period 23 October 2016 to 3 September 2018.

Class 2: Individuals who, while *in utero*, contracted – but did not die as a consequence of – an infection of *Listeria monocytogenes*, as a result of their mothers ingesting contaminated food products originating from, or having passed through, the Enterprise meat processing facility at Polokwane over the period 23 October 2016 to 3 September 2018, or who suffered adverse health consequences as a result of their mothers having contracted listeriosis in this manner.

Class 3: Individuals who were dependent upon another person who died as a consequence of contracting an infection of *Listeria monocytogenes* by ingesting contaminated food products originating from, or having passed through, the Enterprise meat processing facility at Polokwane over the period 23 October 2016 to 3 September 2018.

Class 4: Individuals who were and/or are in fact maintaining another person who contracted an infection of *Listeria monocytogenes*, whether or not the other person died as a consequence of the infection, by ingesting contaminated food products originating from, or having passed through, the Enterprise meat processing facility at Polokwane over the period 23 October 2016 to 3 September 2018; or their mothers ingesting the food products whilst carrying the other person *in utero*.

If you fall within any one of the above categories and do not wish to be bound by any subsequent decision in the class action proceedings, you must opt out of the class action by notifying the plaintiffs' attorneys that you choose to opt out in the manner explained in the next paragraph below. If you opt out, you will not be entitled to share in any award or settlement from these class action proceedings.

To opt out of the class action proceedings you should hand deliver, fax or email a written notice to the plaintiffs' attorneys' (whose details are provided below) and by including in your opt out notice the following information:

1. Your name and South African Identity Number and if you have no South African Identity Number, then your date of birth;
2. Your contact details i.e. your telephone number and/or email address and/or postal address and/or physical address;
3. The name and contact details of your attorney if you are legally represented;
4. A statement to the effect that you do not wish to participate in the listeriosis class action proceedings.

(A form for completion is available from the plaintiffs' attorneys on request)

In order to be valid, your notice to opt out must be signed, dated and provided to the plaintiffs' attorneys by no later than **3 March 2019**.

Further information, including copies of the Court Order and Contingency Fee Agreement, are available on the plaintiffs' attorneys' websites or on request.

The plaintiffs' attorneys details are:

Website: www.listeriosisclassaction.co.za

Richard Spoor Incorporated Attorneys

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