



**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
GROUP PROCEEDINGS LIST**

Case: S ECI 2020 02853

Filed on: 21/12/2022 03:42 PM

No. S ECI 2020 02853

BETWEEN

TRACY-ANN FULLER & Anor
(according to the attached Schedule)

Plaintiffs

and

ALLIANZ AUSTRALIA INSURANCE LIMITED (ACN 000 122 850) & Anor
(according to the attached Schedule)

Defendants

FUNDING INFORMATION SUMMARY STATEMENT

Date of document:	20 December 2022	
Filed on behalf of:	The Plaintiffs	
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ALLIANZ CLASS ACTION

TRACY-ANN FULLER & JORDAN WILKINSON V ALLIANZ AUSTRALIA INSURANCE LIMITED (ACN 000 122 850) & ALLIANZ AUSTRALIA LIFE INSURANCE LIMITED (ACN 076 033 782)

SUPREME COURT OF VICTORIA S ECI 2020 02853

FUNDING INFORMATION SUMMARY STATEMENT

1 Consolidation of the Allianz Class Action

On 15 September 2021, the Supreme Court of Victoria ordered the Allianz Class Action, conducted by Johnson Winter Slattery (**JWS**) on behalf of Ms Tracy-Ann Fuller, be consolidated with a similar class action against Allianz, being conducted by Maurice Blackburn on behalf of Mr Jordan Wilkinson (*Jordan Wilkinson v Allianz Australia Insurance Limited* S ECI 2020 04230). As a result, there are two representative plaintiffs: Ms Tracy-Ann Fuller (**Fuller Plaintiff**) and Mr Jordan Wilkinson (**Wilkinson Plaintiff**), who are, together, **the Plaintiffs**.

2 How is the Allianz Class Action funded?

Group Costs Order

On 13 December 2022, her Honour Justice Nichols ordered that the legal costs payable to JWS and Maurice Blackburn be calculated as a percentage of the amount of any award or settlement that may be recovered in the proceeding, rather than using time-based billing (group costs order or **GCO**).

The Court ordered that the GCO percentage be 25% inclusive of GST, and any GCO payment is to be shared equally between MB and JWS. Therefore, the Plaintiffs and all group members are guaranteed to share 75% of any award or settlement that may be recovered in the proceeding.

The GCO percentage can be adjusted by the Court at any time over the course of the Allianz Class Action, including and up to the conclusion of the trial or any settlement.

What do the Plaintiffs and group members pay?

If the Allianz class action is successful, JWS and Maurice Blackburn will be paid according to the GCO. The liability for payment of the GCO amount to JWS and Maurice Blackburn will be shared by the Plaintiffs and all group members in the Allianz Class Action. **However, group members will never have to pay anything upfront or out of their own pockets.** They will only contribute to the legal costs through a deduction from any settlement or judgment amount they receive as ordered by the Court.

If the Allianz Class Action is unsuccessful, **the Plaintiffs and group members will not have to pay any costs** to Maurice Blackburn, JWS or the defendants. By reason of the GCO, JWS and Maurice Blackburn are jointly and severally liable for any costs payable to the defendants in the Allianz Class Action.

JWS and Maurice Blackburn are also liable to give any security for costs to the defendants, if required.

Retainers

Each Plaintiff has entered a retainer with either JWS or Maurice Blackburn. These arrangements are summarised below.

JWS retainer

The Fuller Plaintiff retained JWS. Initially the Fuller Plaintiff was provided litigation funding by Balance Legal Capital I UK Ltd (**Balance**) to pay JWS' fees and the expenses incurred in prosecuting the Allianz Class Action. Subsequently, the Fuller Plaintiff elected to enter into an arrangement, and a further

retainer, with JWS that enabled her to make an application for a GCO.

JWS' further retainer provides that JWS will represent the Fuller Plaintiff in the Allianz Class Action, and will only be paid for its fees and expenses incurred in the Allianz Class Action in the event of settlement or an award of damages in the Plaintiffs' favour (**Successful Outcome**).

As part of this arrangement, JWS has been issued with a limited recourse loan by Balance (**Loan**). This Loan allows JWS to provide the legal services and pay for any expenses over the course of the Allianz Class Action. Balance is not entitled to claim repayment of the Loan from JWS unless there is a Successful Outcome, and any amount payable to Balance cannot exceed any amount that is payable to JWS pursuant to the GCO. Balance has no contractual recourse against the Plaintiff or group members for repayment of its Loan with JWS.

Group members can ask to see a confidential copy of the further retainer signed by the Fuller Plaintiff by contacting JWS.

Maurice Blackburn retainer

The Wilkinson Plaintiff retained Maurice Blackburn. According to the retainer:

- prior to the Court making the GCO, MB acted for Mr Wilkinson on a 'no win no fee' basis;
- there were a number of options that MB could pursue if the Court did not make a GCO;
- now that the Court has made the GCO, the terms of the GCO govern the costs arrangements between Mr Wilkinson and MB.

Group members can ask to see a confidential copy of the retainer signed by the Wilkinson Plaintiff by contacting Maurice Blackburn.

3 What happens if there is no Successful Outcome?

As noted above, if there is no Successful Outcome, the Plaintiffs and group members will not be required to pay anything to JWS, Maurice Blackburn or the defendants.

4 Who can group members contact for further information about the funding of the Allianz Class Action?

Group members may obtain further information about the funding of the Allianz Class Action by visiting <https://www.allianzclassaction.com.au> and <https://www.mauriceblackburn.com.au/allianzaddoninsurance/>.

Group members may also contact Maurice Blackburn and JWS, at no cost, through one of the following:

Email:	allianzclassaction@jws.com.au	addonclassaction@mauriceblackburn.com.au
Post:	Johnson Winter Slattery Allianz Class Action GPO Box 9831 MELBOURNE VIC 4001	Maurice Blackburn Allianz Car Dealer Add-On Insurance Class Action PO Box 523, MELBOURNE VIC 3001

SCHEDULE OF PARTIES

TRACY-ANN FULLER First Plaintiff

JORDAN WILKINSON Second Plaintiff

and

ALLIANZ AUSTRALIA INSURANCE LIMITED (ACN 000 122 850) First Defendant

ALLIANZ AUSTRALIA LIFE INSURANCE LIMITED (ACN 076 033 782) Second Defendant