

FORM 5A

Rule 5.02(1)

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



Case: S ECI 2020 02853

Filed on: 27/09/2021 09:00 PM

No. S ECI 2020 02853

BETWEEN

TRACY-ANN FULLER and another

Plaintiffs

(according to the attached Schedule)

and

**ALLIANZ AUSTRALIA INSURANCE LIMITED (ACN 000 122 850) and
another** (according to the attached Schedule)

Defendants

CONSOLIDATED WRIT

(Filed pursuant to Order 7 of the Orders of Justice Nichols made on 15 September 2021)

Date of Document: 27 September 2021

Filed on behalf of: The Plaintiffs

Prepared by: Joint Lawyers for the Plaintiffs

Johnson Winter & Slattery

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TO THE DEFENDANTS

TAKE NOTICE that this proceeding has been brought against you by the plaintiffs for the claim set out in this writ.

IF YOU INTEND TO DEFEND the proceeding, or if you have a claim against the plaintiffs which you wish to have taken into account at the trial, **YOU MUST GIVE NOTICE** of your intention by filing an appearance within the proper time for appearance stated below.

YOU OR YOUR SOLICITOR may file the appearance. An appearance is filed by—

- (a) filing a "Notice of Appearance" in the Prothonotary's office, 436 Lonsdale Street, Melbourne, or, where the writ has been filed in the office of a Deputy Prothonotary, in the office of that Deputy Prothonotary; and
- (b) on the day you file the Notice, serving a copy, sealed by the Court, at the plaintiff's address for service, which is set out at the end of this writ.

IF YOU FAIL to file an appearance within the proper time, the plaintiff may **OBTAIN JUDGMENT AGAINST YOU** on the claim without further notice.

***THE PROPER TIME TO FILE AN APPEARANCE** is as follows—

- (a) where you are served with the writ in Victoria, within 10 days after service;
- (b) where you are served with the writ out of Victoria and in another part of Australia, within 21 days after service;
- (c) where you are served with the writ in Papua New Guinea, within 28 days after service;
- (d) where you are served with the writ in New Zealand under Part 2 of the Trans-Tasman Proceedings Act 2010 of the Commonwealth, within 30 working days (within the meaning of that Act) after service or, if a shorter or longer period has been fixed by the Court under section 13(1)(b) of that Act, the period so fixed;
- (e) in any other case, within 42 days after service of the writ.

IF the plaintiff claims a debt only and you pay that debt, namely, \$ and \$ for legal costs to the plaintiff or the plaintiff's solicitor within the proper time for appearance, this proceeding will come to an end. Notwithstanding the payment you may have the costs taxed by the Court.

FILED 27 September 2021

Prothonotary

THIS WRIT is to be served within one year from the date it is filed or within such further period as the Court orders.

1. Place of trial – Melbourne.
2. Mode of trial – Judge.
3. This writ was filed on behalf of the plaintiffs by:

Johnson Winter & Slattery, 34/55 Collins Street, Melbourne Victoria 3000; and
Maurice Blackburn Lawyers, 21/380 La Trobe Street, Melbourne Victoria 3000,
as joint solicitors for the plaintiffs.

4. The addresses of the plaintiffs are as follows:

First Plaintiff: 3 Korina Avenue, Umina Beach NSW 2257.

Second Plaintiff: 13 Chantelle Court, Kangaroo Flat VIC 3555.

5. The address for service of the plaintiffs is c/- Johnson Winter & Slattery, Level 34, 55 Collins Street, Melbourne Victoria 3000.
6. The email address for service of the plaintiffs is AllianzJWSMB@jws.com.au.
7. The addresses of the defendants are as follows:

First Defendant: Allianz Australia Insurance Limited (ACN 000 122 850)
Level 12
2 Market Street
SYDNEY NSW 2000

Second Defendant: Allianz Australia Life Insurance Limited (ACN 076 033 782)
Level 12
9-12 Castlereagh Street
SYDNEY NSW 2000

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