

**Daniel Joseph Batchelor v Nuix Ltd (ACN 117 140 235), Macquarie Capital (Australia) Limited (ACN 123 199 548) and Macquarie Group Limited (ACN 122 169 279) [S ECI 2021 04391]
FUNDING INFORMATION SUMMARY STATEMENT
04 March 2022**



1. How is the Nuix Class Action funded?

The Nuix Class Action is being funded by a litigation funder, Woodsford Litigation Funding 13 LLP (company number OC432977) (**Woodsford**).

Case: S ECI 2021 04391

Filed on: 04/03/2022 12:35 PM

2. What is the role of Woodsford and what are the basic terms of the Funding Agreement?

Legal costs and Disbursements will be paid by Woodsford pursuant to the terms of the Woodsford - Nuix - Litigation Funding Scheme (ARSN 655 927 521) (**Funding Scheme**) and the terms of the Litigation Finance Agreement entered into between the Funder and the Lead Plaintiff, or otherwise carried by Phi Finney McDonald on a No-Win-No-Fee (**NWNF**) basis.

As the litigation funder for the Nuix Class Action, Woodsford will pay a proportion of the legal costs and all disbursements (for example, barristers' and experts' fees) to Phi Finney McDonald on behalf of group members, for the duration of the case.

Pursuant to Phi Finney McDonald's retainer with the lead plaintiff, Phi Finney McDonald is entitled to charge a 25% uplift fee on professional fees carried on a NWNF basis and recover that uplift fee from any resolution sum in the event of a successful outcome.

Woodsford will also indemnify the Lead Plaintiff (and group members who participate) against liability for any adverse costs order made against the Lead Plaintiff (in the event that there is not a successful outcome).

3. What funding costs is Woodsford entitled to if there is a successful outcome?

In the event of a successful outcome (such as a settlement that is approved by the Court or a judgement by the Court awarding damages to group members), Woodsford will be entitled to recover the following:

- the costs of operating the Funding Scheme;
- the legal costs and disbursements it has paid during the course of the proceeding, including any adverse costs and security for costs; and
- a funding commission, being a percentage of any net proceeds (that is, the amount of resolution proceeds after deducting the above amounts), to be set by the Court at the time of the successful outcome.

Before any amounts can be deducted from any recovery, the cost of operating the Funding Scheme, the amount of legal costs and disbursements and the funding commission must first be approved by the Court. The Lead Plaintiff will also seek a Common Fund Order so that all group members contribute to the costs and the funding commission regardless of whether they are a member of the Funding Scheme.

The funding commission is a percentage of the recovery which reflects the risks assumed by Woodsford in funding the proceeding.

4. What happens if there is not a successful outcome?

In the event that there is not a successful outcome, Woodsford will pay any adverse costs order, should one be made. Woodsford will not seek or be entitled to recover from group members any costs it has paid on their behalf in relation to the case. Phi Finney McDonald will not seek to recover from group members any costs it has incurred on their behalf in relation to the case.

5. Who can group members contact for further information about the funding of the class action?

For further information about the funding of the Nuix Class Action and to register their interest, group members can visit <https://woodsfordlitigationfunding.com/australian-class-actions-nuix>.