



## FUNDING INFORMATION SUMMARY STATEMENT

### EDWARD JOHN NELSON AND GAIL CHRISTINE NELSON V BEACH ENERGY LTD (ACN 007 617 969)

Case: S ECI 2021 04440

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#### *How is the group proceeding funded?*

Slater and Gordon is acting in the Beach Group Proceeding on the basis that the Lead Plaintiff will seek a Group Costs Order, pursuant to which:

- Legal costs payable to Slater and Gordon would be calculated as a percentage (as approved by the Court) of any amount of damages award or settlement that may be recovered in the Beach Group Proceeding;
- The liability for that payment would be shared by the Lead Plaintiff and all group members in the Beach Group Proceeding;
- Slater and Gordon would be liable for any costs payable to the Defendant in the proceeding that the Court may order; and
- If an order for security for costs is made in favour of the Defendant, Slater and Gordon will provide this security.

In the event that a Group Costs Order is not sought by the Lead Plaintiff or granted by the Court, Slater and Gordon may seek litigation funding to fund the legal costs (both fees and disbursements) and the risk of an adverse cost order being made in the proceeding (including any need to provide security for costs).

There is no third-party litigation funder currently involved in the Beach Group Proceeding.

**In no circumstances will group members ever be out of pocket by participating in the Beach Group Proceeding – whether the case is successful or unsuccessful.**

#### *How are legal costs charged in this group proceeding?*

During the life of the Beach Group Proceeding, Slater and Gordon will record its fees based on an hourly rate for the time its staff spend working on the claim. If the Beach Group Proceeding is subject to litigation funding or any other time-based billing arrangement, then Slater and Gordon will be paid pursuant to those rates and hours. Expenses incurred in running the case (for example, fees charged by experts and barristers) are charged at cost.

If the class action is successful, then subject to a Court order, Slater and Gordon is acting in the group proceeding on the basis that its fees and expenses will be recovered by the Lead Plaintiff by way of a Group Costs Order. This means that Slater and Gordon would receive payment for its fees and expenses calculated as a percentage of the amount of any damages

award or settlement. Liability for payment of the percentage is shared amongst the Lead Plaintiff and all group members.

The percentage paid under a Group Costs Order is determined by the Court and the Court would have the power to adjust the percentage at any time over the course of the Beach Group Proceeding, including following a successful outcome.

If the group proceeding is not successful, group members are not required to pay anything.

***Who can I contact to get further information?***

You can contact Slater and Gordon by sending an email to [BPT@slatergordon.com.au](mailto:BPT@slatergordon.com.au) or by calling 1800 071 827.

You will not be charged a fee for contacting Slater and Gordon to ask questions about the group proceeding (the cost of responding to such enquiries fall within the definition of costs of the proceeding generally).