



FORM 46A

Rule 46.04(1)

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

Case: S ECI 2020 02853

Filed on: 01/09/2022 04:25 PM

No. S ECI 2020 02853

BETWEEN:

TRACY-ANN FULLER & Anor

Plaintiffs

and

ALLIANZ AUSTRALIA INSURANCE LIMITED (ACN 000 122 850) & Anor

Defendants

AMENDED SUMMONS

(Filed pursuant to Order 1 of the Orders of Justice Nichols made on 6 September 2022)

Date of document: 1 September 2022 ~~11 September 2020~~

Filed on behalf of: The Plaintiffs

Prepared by:

Johnson Winter & Slattery

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To: The First Defendant and Second Defendant

You are summoned to attend before the Court on the hearing of an application by the Plaintiffs seeking the following orders: a group costs order pursuant to section 33ZDA of the Supreme Court Act 1986 (Vic) for:

1. Pursuant to section 33ZDA of the Supreme Court Act 1986 (Vic) (Act):

- a. ~~that~~ the legal costs payable to the solicitors for the Plaintiffs and group members, Johnson Winter & Slattery and Maurice Blackburn, and group members be calculated as a percentage of the amount of any award or settlement that may be recovered in the proceeding, that percentage being (subject to further order) 25% inclusive of GST being the percentage determined by the Court (subject to further

order) to be reasonable and appropriate following the hearing of this application;
and

2b. liability for payment of the legal costs payable pursuant to paragraph (a) ~~1~~ above be shared among the Plaintiffs and all group members.

2. Pursuant to rule 50.01(3) of the *Supreme Court (General Civil Procedure) Rules 2015* and section 33ZF of the Act, the appointment of Elizabeth Harris as costs referee cease with effect from the date of this order.

3. Such further or other orders as the Court considers appropriate.

4. The costs of this application be costs in the proceeding~~the Defendants pay the costs of this application.~~

The application will be heard by the Judge in Court No....., Supreme Court, 210 William Street, Melbourne ~~on 14 December 2020 at 10:30am or so soon afterwards~~ as soon as the business of the Court allows.

FILED 1 September 2022 ~~11 September 2020~~



Maurice Blackburn Lawyers

This summons was filed by Paul Buitendag of Johnson Winter & Slattery and Andrew Watson of Maurice Blackburn, solicitors for the Plaintiffs.

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