

**EPPING GARDENS AGED CARE GROUP PROCEEDING**  
***Agnello v Heritage Care Pty Ltd***  
(Supreme Court of Victoria Case No. S ECI 2020 03282)



**FUNDING INFORMATION SUMMARY STATEMENT**

Case: S ECI 2020 03282

Filed on: 21/10/2020 10:28 AM

**1. Who is the litigation funder in this case?**

Whilst the case is underway, Carbone Lawyers' legal costs will be borne by Carbone Lawyers itself and disbursements will be funded via litigation loans obtained from Equal Access Funding Pty Ltd (**EAF**) on behalf of individual group members and underwritten by Carbone Lawyers.

**2. How will the class action be funded?**

As provided in the Retainer Agreement and EAF Agreement made available by Carbone Lawyers to group members:

Carbone Lawyers is running the Epping Gardens Aged Care Group Proceeding on a "no win no fee" basis, meaning that Carbone Lawyers' legal costs, and disbursements funded via litigation loans obtained from EAF, are 'conditional'. These legal costs and disbursements are only recoverable if there is a successful outcome to the Epping Gardens Aged Care Group Proceeding, and they will never exceed a group member's recovery; this is notwithstanding how the legal costs are calculated (as set out in the next paragraph).

In the event of a successful outcome, Carbone Lawyers will charge for its legal costs, which it shall calculate using time-based billing and in accordance with the Supreme Court's scale of costs (available for viewing at <https://www.liv.asn.au/Professional-Practice/LIV-Cost-Lawyers/Scales-of-Costs>). In addition to the fees charged under the scale of costs, Carbone Lawyers' legal costs also include an 'Uplift' success fee of 25 per cent, which shall only be payable by group members upon a successful outcome and which shall be calculated as a percentage of the fees charged under the scale of costs, not as a percentage of the compensation. In the event of a successful outcome, Carbone Lawyers will also repay the litigation loans for disbursements obtained from EAF on behalf of individual group members, using the settlement funds received on behalf of individual group members. In the event that the Epping Gardens Aged Care Group Proceeding claim fails, group members may be ordered to pay part of the other party's costs. However, if there is a real risk of this happening, Carbone Lawyers shall inform group members about the same without any delay and shall advise group members on their options.

**3. Who can group members contact for further information about the case?**

For further information about the Epping Gardens Aged Care Group Proceeding, group members may contact Carbone Lawyers, at zero out of pocket cost, via:

**Email** [info@carbonelawyers.com.au](mailto:info@carbonelawyers.com.au)  
**Phone** 1800369888  
**Post** PO Box 13203, Law Courts Vic 8010  
DX 38238 Melbourne