

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

S ECI 2020 02853

BETWEEN

TRACY-ANN FULLER
(and **another** according to the Schedule)

Plaintiffs

and

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

Defendants

ORDER

JUDGE: The Honourable Justice Nichols

DATE MADE: 13 December 2022

ORIGINATING PROCESS: Writ filed 7 December 2020

HOW OBTAINED: By the plaintiffs' amended summons dated
1 September 2022

ATTENDANCE: Ms R Francois of counsel for the plaintiffs
Mr T Warner of counsel for the defendants

OTHER MATTERS: The dates mentioned in orders 7 and 8 will be fixed upon
the approval by the Court, of the materials described in
order 6.
Order 9 is made by consent.

THE COURT ORDERS THAT:

- 1 The legal costs payable to the solicitors for the plaintiffs and group members, Maurice Blackburn Pty Limited and Johnson Winter & Slattery Lawyers, be calculated as a percentage of the amount of any award or settlement that may be recovered in the proceeding (up to the conclusion of the trial of common issues), with such payment to be shared equally between the two firms of solicitors.



- 2 Subject to further order, the percentage referred to in order 1 above be 25% inclusive of GST.
- 3 Liability for payment of the legal costs pursuant to orders 1 and 2 be shared among the plaintiffs and all group members.
- 4 The solicitors for the plaintiffs and group members, Maurice Blackburn Pty Limited and Johnson Winter & Slattery Lawyers, be liable to pay any costs payable to the defendants in the proceeding, with each firm of solicitors being jointly and severally liable for such costs.
- 5 The solicitors for the plaintiffs and group members, Maurice Blackburn Pty Limited and Johnson Winter & Slattery Lawyers, be liable, jointly and severally, to give any security for the costs of the defendants in the proceeding that the Court may order to be given, with any such security to be given in equal proportions by the two firms of solicitors.
- 6 By **4.00pm on 20 December 2022** the plaintiffs provide to the Court for approval:
 - (a) a revised group proceeding summary statement;
 - (b) a revised funding information summary statement;
 - (c) a notice to group members that sets out an explanation of the orders made on 13 December 2022 under s 33ZDA of the *Supreme Court Act 1986* (Vic) and if applicable, any impact on the existing funding and/or retainer agreements affecting group members.
- 7 By a date to be fixed, the plaintiffs make available on their website by a date to be fixed, the approved revised group proceeding and funding information summary statements described in order 6.
- 8 By a date to be fixed, the solicitors for the plaintiffs are to provide a copy of the notice described in order 6(c) to all group members who at the date of these orders:
 - (a) have executed a conditional legal costs agreement with Maurice Blackburn Pty Limited; or



(b) have executed a conditional legal costs agreement with Johnson Winter & Slattery Lawyers.

9 The parties' costs of and incidental to the Group Costs Order Application be reserved.

DATE AUTHENTICATED: 15 December 2022



The Honourable Justice Nichols

SCHEDULE OF PARTIES

TRACY-ANN FULLER

and

JORDAN WILKINSON

and

ALLIANZ AUSTRALIA INSURANCE LIMITED (ACN 000 122 850)

and

**ALLIANZ AUSTRALIA LIFE INSURANCE LIMITED
(ACN 076 033 782)**



First plaintiff

Second plaintiff

First defendant

Second defendant