

**SUPREME COURT OF VICTORIA**



**NOTICE TO GROUP MEMBERS:**

**UPDATE TO THE FUNDING STRUCTURE OF THIS PROCEEDING**

**CLASS ACTION  
(GROUP PROCEEDING)**

**NICHOLAS JOHN GEHRKE and LESTER BUCH v NOUMI LIMITED (formerly,  
FREEDOM FOODS GROUP LTD) (ACN 002 814 235) and DELOITTE TOUCHE  
TOHMATSU (A FIRM) (ABN 490 121 060  
(S ECI 2020 04505)**

**THIS NOTICE IS SENT BY ORDER OF THE SUPREME COURT OF  
VICTORIA.**

**IT IS IMPORTANT THAT YOU READ THIS NOTICE CAREFULLY.**

## WHY HAVE YOU RECEIVED THIS NOTICE?

1. You are receiving this Notice because you have either:
  - (a) executed a conditional legal costs agreement with Slater and Gordon Limited with respect to the class action against Noumi Limited (formerly Freedom Foods Group Ltd) and Deloitte Touche Tohmatsu (A Firm) ; or
  - (b) executed a conditional legal costs agreement with Phi Finney McDonald Pty Limited with respect to the class action against Noumi Limited (formerly Freedom Foods Group Ltd) and Deloitte Touche Tohmatsu (A Firm) (**PFM CLCA**); or
  - (c) completed an application form to join the Freedom Foods Group Litigation Funding Scheme (**Funding Scheme**).
2. This is the first Court-ordered Notice in this proceeding.

## PURPOSE OF THIS NOTICE

3. On 8 November 2022, Justice Nichols of the Supreme Court of Victoria made a Group Costs Order (**GCO**) in this proceeding.
4. The purpose of this Notice is to update you on the making and the effect of the **GCO**.
  - (a) The Court has ordered that legal costs payable to the solicitors for the plaintiffs and group members, Slater and Gordon Limited and Phi Finney McDonald Pty Limited, 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. Subject to further order, the **GCO** percentage rate is to be 22% inclusive of GST.
  - (b) The Court has ordered that the solicitors for the plaintiffs and group members be liable to pay any costs payable to the defendants in the proceeding, with each firm of solicitors being severally liable for 50% of such costs.
  - (c) The Court has ordered that the solicitors for the plaintiffs and group members be liable 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 shares by the two firms of solicitors.

## WHAT THIS NOTICE MEANS FOR YOU

5. **You do not need to do anything in response to this Notice.** The purpose of this Notice is to notify you of the making of a GCO in this proceeding.
6. Subject to further order, any amount payable to the solicitors for the plaintiffs and group members will be paid in accordance with the GCO, as described above and as further explained in the Updated Funding Information Statement (a link to which is provided below).
7. If you have executed a PFM CLCA or have made an application to join the Funding Scheme, then a separate Court-approved notice from Omni Bridgeway Investment Management Limited titled "Notice to Group Members: Amendment to Funding Scheme" will be provided to you which explains how the Funding Scheme Constitution is automatically amended to reflect the terms of the GCO.

## IF YOU WOULD LIKE MORE INFORMATION

8. You can find more information together with the Updated Class Action Summary Statement and Updated Funding Information Statement on [Phi Finney McDonald's Website](#).
9. If there is anything that you are unsure about, you can contact the solicitors for the plaintiffs free of charge via: [freedomfoods@omnibridgeway.com](mailto:freedomfoods@omnibridgeway.com).