



FUNDING INFORMATION SUMMARY STATEMENT

Case: S ECI 2019 02916

Filed on: 24/07/2020 11:40 AM

1. How is the Essure class action funded?

The law firm acting for the lead plaintiff, Slater and Gordon Lawyers, is acting on a conditional-fee or 'No-Win, No-Fee' basis. This means that Slater and Gordon is covering the costs of running the proceeding, and it will only be entitled to recover its legal costs if the class action is successful – that is, if money is paid by the defendants to resolve the claims of group members in the case. This can happen either through a judgment after the case is heard by the Court in a trial, or otherwise if the plaintiff and defendants agree to settle the case and the Court approves this settlement. Under either option, Slater and Gordon will only be paid the legal fees that the court approves, after it considers the fees proposed to be charged and receives evidence about whether they are reasonable.

There is no third-party litigation funder involved in the Essure class action.

Group members are not required to pay any money up-front in order to be involved in the case or to receive any compensation that they are entitled to from it. Some group members who are also clients of Slater and Gordon have the option of paying their lawyers some money up-front to contribute to the cost of the expenses (known as 'disbursements') in the litigation, in accordance with their own legal costs agreements with Slater and Gordon, however this is only an option and not a requirement. It is up to a group member to decide whether they want to be a client of Slater and Gordon, and they will remain a group member whether or not they also become a client, and whether or not they contribute any money. Group members who are not clients of Slater and Gordon or who do not contribute money up-front towards the cost of expenses in the case will not have their claims determined any differently in the class action compared to those who do.

2. How are legal costs charged in the Essure class action?

Slater and Gordon will charge its fees based on an hourly rate for the time its staff spend working on the class action. Expenses incurred in running the case (for example, fees charged by experts and barristers) are charged at cost.

If the class action is successful, because it is acting on a conditional-fee basis Slater and Gordon is entitled to charge an uplift fee of 25% of its ordinary fees. This is calculated as a percentage of the time-based fees charged by Slater and Gordon for the work its staff performed on the case, and is not a percentage of any of the money you'd be eligible to receive as compensation or damages which is recovered in the case.

If the class action is successful, Slater and Gordon will seek an order of the Court for approval of its fees, including the 25% uplift fee, in the course of seeking the Court's approval of any settlement or distribution of compensation to group members from the class action. If compensation is payable to group members, the plaintiff will seek an order from the Court to allow for some of this compensation to be used to pay for a share of the legal costs incurred in running the class action, to the extent these costs are not able to be recovered from the defendants.

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

3. Who can group members contact for more information?

For further information about the funding of the Essure class action, group members can contact Slater and Gordon Lawyers free of charge via:

Website: <https://www.slatergordon.com.au/essure>

Email: EssureContraceptiveImplant@slatergordon.com.au

Phone: 1800 568 723

Post: Essure Class Action, GPO Box 4864, Melbourne VIC 3001