



FUNDING INFORMATION SUMMARY STATEMENT

DA LYNCH PTY LIMITED V THE STAR ENTERTAINMENT GROUP LTD

Case: S ECI 2022 01039

Filed on: 29/03/2022 05:02 PM

Does this group proceeding involve a litigation funder?

No. Neither the Plaintiff nor Slater and Gordon has any arrangement with a third-party commercial entity who has agreed to pay or contribute to the costs of the group proceeding in return for a share of any amount recovered.

How is the group proceeding funded?

Slater and Gordon is acting on the basis that the Plaintiff will seek a Group Costs Order, pursuant to which:

- Slater and Gordon's legal costs would be calculated as a percentage of the amount of any damages award or settlement that may be recovered in the group proceeding. The relevant percentage would be approved by the Court before those costs were paid;
- the liability for that payment would be shared by the Plaintiff and all group members in the group proceeding;
- Slater and Gordon would be liable for any costs payable to the Defendant in the proceeding that the Court may order (and not the Plaintiff); and
- if an order is made by the Court that security for costs be provided to the Defendant, Slater and Gordon will provide this security (and not the Plaintiff).

In the event that the Court does not make a Group Costs Order (or a Group Costs Order is made but is subsequently vacated), Slater and Gordon is acting on the basis that the Plaintiff will instruct it to seek litigation funding from a litigation funder.

If litigation funding is provided in connection with the proceeding, we will provide an updated Funding Information Summary Statement containing further information on how the group proceeding will be funded.

In no circumstances will group members ever be out of pocket by participating in the group proceeding – whether the case is successful or unsuccessful.

How are legal costs charged in this group proceeding?

Over the course of the group proceeding, Slater and Gordon will record its fees based on an hourly rate for the time its staff spend working on the claim. Expenses incurred in running the case (for example, fees charged by experts and barristers) will be charged at cost and paid by Slater and Gordon.

If the class action is successful, then subject to a Court order, Slater and Gordon is acting in the group proceeding on the basis that its fees and expenses will be recovered by the Plaintiff by way of a Group Costs Order. This means that Slater and Gordon would receive payment for its fees and expenses to be calculated as a percentage of the amount of any damages award or settlement. Liability for payment of the percentage is shared amongst the Plaintiff and all group members.

The percentage paid under a Group Costs Order is determined by the Court and the Court would have the power to adjust the percentage at any time over the course of the group proceeding, including following a successful outcome.

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

Who can I contact to get further information?

You can contact Slater and Gordon by sending an email to star@slatergordon.com.au or by calling 1800 071 827.

You will not be charged a fee for contacting Slater and Gordon to ask questions about the group proceeding (the cost of responding to such enquiries fall within the definition of costs of the proceeding generally).