



SPORTSBET CLASS ACTION
Jeremy Bergman v Sportsbet Pty Ltd

Case: S ECI 2024 07057

Filed on: 24/12/2024 11:56 AM

Supreme Court of Victoria

GROUP PROCEEDING SUMMARY STATEMENT

Date of Document:	24 December 2024	Solicitors Code:	564
Filed on behalf of:	The Plaintiff	DX:	N/A
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1. What is a group proceeding?

Where seven or more people have claims that arise out of similar circumstances (such as in this case), a group proceeding, also known as a class action, can be brought by a lead plaintiff on their own behalf and as a representative of others. The group proceeding will resolve the common issues of fact or law for the class through the vehicle of the lead plaintiff's case. This is an efficient way for the Court to determine the common issues that apply to claims involving large numbers of people.

2. Who is the Sportsbet Class Action against, and what is the claim for?

The claim is against Sportsbet Pty Ltd (**Sportsbet**) and seeks refunds of losses on in-play bets (also known as live bets) made on sporting events using Sportsbet's Fast Code service.

The Fast Code service is part of the in-play betting product offered by Sportsbet. A code (e.g. 'XPE') is shown to the customer once they make a bet selection on the app or website. The customer then calls Sportsbet and the code is recited to a Sportsbet staff member as part of placing the bet.

Betting on a sporting event after the event commences is prohibited in Australia under the *Interactive Gambling Act 2001* (Cth). There is an exception to this if the bet is made wholly by telephone.

We allege that Sportsbet's use of the Fast Code service is illegal because key information about the bet is communicated otherwise than by telephone, and that by providing the illegal Fast Code service:

- Sportsbet engaged in misleading or deceptive conduct under the Australian Consumer Law;
- Sportsbet breached its betting contracts with customers; and
- the contracts are void or voidable for illegality.

3. Who is a group member in the Sportsbet Class Action?

You are a Group Member in the Sportsbet Class Action if you:

- made one or more in-play bets on a sporting event using Sportsbet's Fast Code service and
- lost more than you won

between 24 December 2018 and 24 December 2024.

An in-play bet is one made after the beginning of an event. The class action does not include bets placed on racing (horse, harness or greyhound) events.

A complete definition of group members is available in paragraph 3 of the Statement of Claim.

4. What is the role and responsibility of the lead plaintiff?

The role of the lead plaintiff is to be the representative for the class. They will give instructions to Maurice Blackburn regarding the conduct of the case and may give evidence during the proceeding. In hearing the lead plaintiff's case, the Court will be asked to make findings in relation to questions of fact and/or law that are common to all group members.

5. Who is the law firm acting for the lead Plaintiff?

Maurice Blackburn Lawyers.

6. How is the Sportsbet Class Action funded?

The lead plaintiff and group members will not be asked to pay anything upfront. Costs will only be payable in the event of a successful settlement or judgment and then only as approved by the Court.

The lead plaintiff will make an application for a group costs order. A Group Costs Order is an order of the Court in which the legal costs payable to the law practice representing the lead plaintiff and the group members are calculated as a percentage of the amount of any award or settlement. The percentage is determined by the Court.

7. How are legal fees and disbursements charged?

The lead plaintiff's legal fees and disbursements are 'conditional', meaning that they are only recoverable by Maurice Blackburn if there is a successful outcome in the class action. Amounts recoverable by Maurice Blackburn for legal fees and disbursements must be approved by the Court as reasonable, before being deducted from the money to be paid to group members. Those deductions will never exceed a group member's recovery.

If there is a successful outcome, the lead plaintiff's legal fees and disbursements will be determined by the Court.

If there is a successful outcome, the liability for the lead plaintiff's legal fees and disbursements will be shared among the lead plaintiff and all group members.

If there is not a successful outcome the lead plaintiff and group members will not be asked to pay Maurice Blackburn's costs or disbursements. Group members cannot be pursued for costs by Sportsbet as the *Supreme Court Act 1986* (Vic) prohibits orders for costs against group members unless and until a group member takes their own individual action.

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

Group members may contact Maurice Blackburn, at no out of pocket cost, via:

Email	SportsbetClassAction@mauriceblackburn.com.au
Phone	1800 298 580
Post	Maurice Blackburn Sportsbet Class Action Level 21, 380 La Trobe St Melbourne, VIC, 3000