



# UNITED PETROLEUM CLASS ACTION

**FNH United Pty Ltd & Ors vs United Petroleum Franchise Pty Ltd & Ors**

(Supreme Court of Victoria Case No. S ECI 2022 04261) Case: S ECI 2022 04261

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## FUNDING INFORMATION SUMMARY STATEMENT

### 1. How is the United Petroleum Class Action being funded?

The plaintiffs have entered into separate litigation funding agreements with Knightsbridge Litigation Funding Pty Ltd (**Knightsbridge**), an Australian registered company, and Golden Crane LF241 Limited (**Golden Crane**), a Hong Kong registered company. Knightsbridge has assigned its rights and obligations under its funding agreement to UP Capital Pty Ltd ATF UP Litigation Funding Unit Trust (**UP Capital**), an Australian company (UP Capital and Golden Crane are together, the **Co-Funders**).

Under the funding agreements, the Co-Funders agree to pay the reasonably incurred legal costs (fees and disbursements) in conducting the Class Action on behalf of the plaintiffs. If the Class Action results in a successful outcome (being a settlement approved by the Court in a judgment after trial), the Co-Funders are entitled to be repaid the legal costs they have outlaid, and to receive a litigation funding commission.

In the event of a settlement of the action all amounts recoverable by the Co-Funders for legal costs and the litigation funding commission must be approved by the Court as reasonable before being deducted from the money to be paid to Group Members. The Court may also order that all Group Members contribute proportionately to the reimbursement of those legal costs and the payment of the litigation funding commission. The plaintiffs agree to that course.

If there is an unsuccessful outcome, the plaintiffs and Group Members will not be asked to pay any costs or disbursements.

Group Members seeking further details about the Co-Funders or the terms of the litigation funding agreements may contact Maureen Oraha, Senior Associate, or Susan Doherty, Special Counsel, using the details provided at paragraph 4 below.

### 2. How are Litigation Funding Charges calculated?

Litigation Funding Charges are comprised of legal fees and disbursements, as well as any litigation funding commission. These charges are set out in the Litigation Funding Agreements.

The amount of the Co-Funders' litigation funding commission is 33% of the balance of any amount received by the Plaintiffs from the money recovered from the Defendants (by way of judgment or settlement) after payment (or repayment) of legal fees and disbursements, and is subject to Court approval. The Co-Funders will share the funding commission equally. The parties to the funding agreements, including the Co-Funders, acknowledge that a Court may vary the 33% in connection with the making of a Common Fund Order to be sought.

### 3. On what basis will Litigation Funding Charges be charged?

If the Class Action is successful, the Co-Funders will be entitled to recover the costs they have outlaid in conducting the litigation, plus the litigation funding commission as set out above, from any award by a Court or an amount of damages paid by way of settlement.

All amounts recoverable by the Co-Funders for legal fees, disbursements and the

litigation funding commission 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 the Group Members' recovery.

If there is an unsuccessful outcome, the Plaintiffs and Group Members will not be asked to pay any costs or disbursements.

#### **4. Who can I contact for more information?**

In order to obtain further information about the litigation Co-Funders and the terms of the Litigation Funding Agreements, or for further information about the Class Action generally, Group Members may contact Maureen Oraha, Senior Associate or Susan Doherty, Special Counsel, using the details below. Group Members will not be charged for these enquiries.

**Email:** [UPCA@levittrobinson.com](mailto:UPCA@levittrobinson.com)

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