

**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
GROUP PROCEEDINGS LIST**

S ECI 2020 02853

BETWEEN:

**TRACY-ANN FULLER AND ANOTHER
(according to the Schedule)**

Plaintiffs

- and -

**ALLIANZ AUSTRALIA INSURANCE LTD (ACN 000 122 850)
(according to the Schedule)**

Defendants

ORDER

JUDGE: The Honourable Justice Delany

DATE MADE: 11 December 2024

ORIGINATING PROCESS: Writ filed on 27 September 2021

HOW OBTAINED: On return of the plaintiffs' summons filed on 22 November 2024

ATTENDANCE: N/A

OTHER MATTERS: A. N/A

THE COURT ORDERS THAT:

Group Members Deemed Registered Group Members

1. Pursuant to paragraph 6 of the Order of the Honourable Justice Waller made on 2 May 2024 and paragraph 2 of the Order of the Honourable Justice Nichols made on 2 July 2024, any person who was a 'matched group member' from Supreme Court proceeding S ECI 2021 00930 is deemed a Deemed Registered Group Member in this proceeding and is granted leave to seek a benefit pursuant to the settlement, if the plaintiffs' application for approval of the proposed settlement of this proceeding ('Settlement Approval Application') is approved by the Court.

Notices to Group Members

2. Pursuant to ss 33X(4) and 33Y(1) of the *Supreme Court Act 1986* (Vic) ('the Act'), the terms of the notices and correspondence in the Annexures to this Order informing persons identified in paragraph 9 of the Amended Consolidated Statement of Claim



dated 23 September 2022, other than such persons who have opted out of the proceeding pursuant to s 33J of the Act or otherwise ceased to be a Group Member pursuant to s 33KA of the Act ('Group Members'), of a proposed settlement of the proceeding are approved. Those notices and correspondence are the following Annexures to this Order:

- (a) Annexure A: the Specific Notice (summary version);
- (b) Annexure B: email and SMS correspondence for Registered Group Members (excluding Deemed Registered Group Members) and Unmatched Registrants in relation to the Specific Notice (summary version);
- (c) Annexure C: email and SMS correspondence for Deemed Registered Group Members in relation to the Specific Notice (summary version);
- (d) Annexure D: the Specific Notice (full version);
- (e) Annexure E: the General Notice;
- (f) Annexure F: email and SMS correspondence for Late Registrants;
- (g) Annexure G: the newspaper advertisement (Advertisement).

Timing and Mode of Distribution of Notice

Notices intended for Registered Group Members, Deemed Registered Group Members, and Unmatched Registrants

3. Pursuant to s 33Y(2) of the Act, the Specific Notice (summary version) is to be given to Registered Group Members (being persons identified in paragraph 3 of the 17 July 2024 letter from Maurice Blackburn to the defendants' solicitors King & Wood Mallesons, which includes Deemed Registered Group Members) and Unmatched Registrants (being persons who registered their claim in this proceeding prior to the Registration Deadline but whose details were not matched to the plaintiffs' registration distribution list, which was based on the List of Purchasers as defined in paragraph 1 of the Order of the Honourable Justice Nichols made on 20 December 2021) according to the following procedure:
 - (a) during business hours between 13 January 2025 (being the 'Notice Date') and 24 January 2025, Maurice Blackburn shall cause the Specific Notice (summary version) to be sent by:
 - (i) email, where the person has provided an email as part of their registration form, under cover of the email correspondence in Annexure B (for Registered Group Members (excluding Deemed Registered Group Members) and Unmatched Registrants) and under cover of the email correspondence in Annexure C (for Deemed Registered Group Members); or
 - (ii) SMS, where the person has not provided an email address but has provided a mobile phone number as part of their registration form, under cover of the SMS correspondence in Annexure B (for Registered Group Members (excluding Deemed Registered Group Members) and Unmatched Registrants) and under cover of the SMS correspondence in Annexure C (for Deemed Registered Group Members); or
 - (iii) ordinary post, where the person has provided neither email nor mobile phone number as part of their registration form, but has provided their postal address; and



- (b) the subject line of the email in paragraph 3(a)(i) above shall be ‘Court Notice regarding proposed settlement in the Allianz Add-On Insurance Class Action’.
4. Pursuant to s 33Y(2) of the Act, the Specific Notice (full version) at Annexure D is to be published according to the following procedure:
- (a) between the Notice Date and 17 January 2025, the joint solicitors for the plaintiffs shall cause the Specific Notice (full version) to be posted on their respective publicly available websites, together with:
- (i) the Amended Consolidated Statement of Claim dated 23 September 2023;
 - (ii) the Defence dated 30 September 2022;
 - (iii) the Amended Reply dated 14 October 2022; and
 - (iv) this Order,
- and such materials shall remain continuously displayed or available up to and including the final hearing and determination of the Settlement Approval Application.

Correspondence to Late Registrants

5. Pursuant to s 33Y(2) of the Act, the following is to be given to Late Registrants (being persons who registered their claim in this proceeding after the Registration Deadline) according to the following procedure:
- (a) during business hours between the Notice Date and 24 January 2025, Maurice Blackburn shall send to each Late Registrant:
- (i) the email correspondence to Late Registrants (Annexure F), where the person has provided an email as part of their registration form; or
 - (ii) the SMS correspondence to Late Registrants (Annexure F), where the person has not provided an email address but has provided a mobile phone number as part of their registration form; and
- (b) the subject line of the email in paragraph 5(a)(i) above shall be ‘Court Notice regarding Allianz class action – late registration’.

Notices intended for all Group Members

6. Pursuant to s 33Y(2) of the Act, between the Notice Date and 20 January 2025:
- (a) the joint solicitors for the plaintiffs shall cause the General Notice at Annexure E to be posted on their respective publicly available websites;
- (b) the Commercial Court Registry of the Supreme Court of Victoria shall cause the General Notice to be posted on the Supreme Court of Victoria website and available for inspection at the Commercial Court Registry of the Supreme Court of Victoria; and
- (c) the joint solicitors for the plaintiffs shall cause the Advertisement at Annexure G to be published once in each of the following newspapers:
- (i) the Adelaide Advertiser;
 - (ii) the Age;
 - (iii) the Australian;
 - (iv) the Courier-Mail;
 - (v) the Canberra Times;



- (vi) the Mercury;
- (vii) the Northern Territory News;
- (viii) the Sydney Morning Herald; and
- (ix) the West Australian.

7. The General Notice shall remain continuously displayed or available at the websites referred to in paragraphs 6(a)-(b) up to and including the final hearing and determination of the Settlement Approval Application.

Amendments to Notices

8. The materials in Annexures A to G may be amended by the joint solicitors for the plaintiffs before they are given or published in order to correct any typographical errors, dates, or any postal, website, email address or telephone number.
9. If the General Notice is amended by the joint solicitors for the plaintiffs in accordance with paragraph 8 above, a copy of the amended General Notice shall be provided to the Commercial Court Registry of the Supreme Court of Victoria by 4.00pm on the day 6 days before the Notice Date.

Settlement Distribution Scheme

10. By the Notice Date, the joint solicitors for the Plaintiffs shall cause the plaintiffs' proposed settlement distribution scheme ('SDS') in redacted form to be posted on their respective publicly available websites, with instructions provided should any Group Member want to request a copy of the SDS in unredacted form.

Objections

11. Pursuant to s 33ZF of the Act, any Group Member who wishes to oppose the proposed settlement:
- (a) by 4.00pm AEDT on 10 February 2025 ('Objection Deadline'), must:
 - (i) complete and submit the Online Objection Notice through the Supreme Court of Victoria website; or
 - (ii) submit a completed Notice of Objection as set out in the Specific Notice (full version) and the General Notice to the Commercial Court Registry of the Supreme Court of Victoria either by email at allianzclassaction@supcourt.vic.gov.au or by post; and (collectively, 'Notices of Objection')
 - (b) must, unless the Court otherwise orders, attend, or send a legal representative to attend, the Supreme Court of Victoria on 11 March 2025 at 10:00am when the Settlement Approval Application is to be heard, and may address the Court with reasons why the proposed settlement should not be approved.
12. Each Group Member who wishes to oppose the proposed settlement in accordance with paragraph 11 of this Order must complete the Notice of Objection or Online Notice of Objection either:
- (a) by personally signing or personally affixing their electronic signature;
 - (b) in the case of a corporation who is a Group Member, by a director of the corporation personally signing or personally affixing their electronic signature;



- (c) by the Group Member's solicitor personally authorised to act on behalf of the Group Member personally signing or personally affixing their electronic signature as that Group Member's solicitor;
 - (d) in the case of an executor of an estate which is a Group Member, by the executor personally signing or personally affixing their electronic signature; or
 - (e) in the case of a person holding a power of attorney for a Group Member, by the attorney personally signing or personally affixing their electronic signature.
13. The parties' solicitors have leave to inspect the Court file to copy any Notices of Objection and submissions filed with the Court by the Objection Deadline.
14. In the event that any Notice of Objection is received by the defendants or the solicitors for a party prior to the Objection Deadline, the defendants or solicitors shall within 10 business days file the Notice with the Court and the Notice shall be deemed to have been filed in the Court on the date it was received by the said defendants or solicitors.

Costs of giving notice

15. The costs of and incidental to preparation and distribution of the materials in Annexures A to G, and the costs of responding to enquiries by Group Members or potential Group Members, shall be costs in the proceeding.

Adjournment

16. The hearing of the plaintiffs' application made by summons dated 22 November 2024, being the hearing of the Settlement Approval Application, be adjourned to 11 March 2025 at 10:00am.

Liberty to apply

17. The parties have liberty to apply on three business days' notice to each other party.

Legal costs referee

18. Pursuant to s 33ZF of the Act and/or r 50.01 of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic) ('Rules'), Kerrie Rosati of DGT Costs Lawyers is appointed as a special referee ('Referee') for the purpose of conducting an inquiry ('Reference'), and making a report to the Court ('Report'), as to the Referee's estimate as to the reasonable costs that are likely to be incurred during the settlement administration process.
19. The Reference will commence forthwith and:
- (a) the Referee is to consider and implement the Reference without undue formality or delay to enable a just, efficient and cost-effective resolution of the Reference;
 - (b) the Referee may give such directions and make such further or other enquiries for the purposes of the Reference as the Referee considers reasonable having regard to the terms of the Reference and the objective in 'a' hereof;



- (c) any directions given by the Referee to any party for the purposes of the Reference shall be mandatory for the party (subject to other orders of the Court);
 - (d) the information provided by any party to the Referee shall, upon that party's request, be treated by the Referee as confidential and not be disclosed to any other party; and
 - (e) the Referee and parties have liberty to seek directions with respect to any matter arising in the Reference upon 24 hours' notice to each other party.
20. By 4:00 pm on 21 February 2025 the Referee shall deliver the Report to:
- (a) the Court; and
 - (b) with such redactions as may be appropriate having regard to Order 19.d above, to the solicitors for the Plaintiffs,
- but shall not deliver the Report to the Defendants.
21. The costs of and incidental to the appointment of the Referee and the conduct of the Reference shall be paid as part of the administration costs (as defined in the SDS to be approved by the Court).

Extension of time for materials

22. The date in paragraph 6 of the Order made on 7 November 2024, in relation to the plaintiffs' evidence and submissions, be amended from 24 January 2025 to **4:00pm on 28 February 2025**.
23. The date in paragraph 8 of the Order made on 7 November 2024, in relation to any of the defendants' evidence and submissions, be amended from 31 January 2025 to **4:00pm on 7 March 2025**.

DATE AUTHENTICATED: 11 December 2024



The Hon. Justice Delany

SCHEDULE OF PARTIES

TRACY-ANN FULLER

First Plaintiff

JORDAN WILKINSON

Second Plaintiff

- and -

ALLIANZ AUSTRALIA INSURANCE LTD
(ACN 000 122 850)

First Defendant

ALLIANZ AUSTRALIA LIFE INSURANCE LTD
(ACN 076 033 782)

Second Defendant

ANNEXURE A

SUPREME COURT OF VICTORIA



SUMMARY NOTICE

PROPOSED SETTLEMENT of ALLIANZ CLASS ACTION

1. Why did I receive this notice?

The Supreme Court of Victoria has ordered that this summary notice be sent to you, to let you know about a proposed settlement of the case.

You have registered a claim in this class action. The majority of people who registered claims in the class action have been matched to Allianz's records using information they provided during registration. Those people are '**registered group members**'.

A small group of registrants have not been clearly matched to Allianz's records. These people will be contacted at a later date asking for more information and if they cannot be matched they will not be entitled to share in the compensation.

As someone who has registered, there is nothing that you need to do at this stage, unless you wish to object to the proposed settlement. Please read this summary notice about the proposed settlement. For more information, you should read the detailed version of the Notice of Proposed settlement, accessible here [\[link\]](#):

2. The Proposed Settlement

The plaintiffs and Allianz have agreed to a proposed settlement on terms that Allianz will pay **\$170 million (Settlement Sum)** without admission of liability.

The Court must approve the settlement for it to take effect. The Court will need to decide whether the proposed settlement is fair and reasonable *in the interests of the group members*.

The Court will hold a hearing to decide whether to approve the settlement on **11 March 2025 at 10:00am**. More details about the settlement approval hearing are in the Notice of Proposed Settlement at the link above.

If the Court approves the settlement then –

- (a) some of the Settlement Sum will be used to pay legal costs (25% of the Settlement Sum), reimbursement payments to the two plaintiffs (\$30,000 to each plaintiff), and the costs of administering payment of the Settlement Sum (estimated at \$5m (excl. GST)), which also need to be approved by the Court;
- (b) the rest of the Settlement Sum will be shared proportionately between eligible registered group members, according to a ‘formula’ or method that the Court approves; and
- (c) all group members, whether or not they are registered group members, will be ‘bound’ by the settlement, meaning they will not be able to sue Allianz for issues arising from, in connection with, in respect of, or related to the claims against Allianz in the class action.

3. What are my options?

Option 1: Do nothing

If you are content with the proposed settlement, and do not want to object to it, you do not need to do anything in response to this notice.

If the proposed settlement is approved, updates will be published on Maurice Blackburn’s website [\[link\]](#) after the settlement approval hearing on 11 March 2025 at 10:00am. You will be contacted at a later date with further information about anything you need to do.

We cannot provide an individual estimate of compensation amounts at this stage and you are not guaranteed to receive compensation from the Settlement Sum. Compensation amounts will depend on a range of factors including individual circumstances, such as the price of your policy and when you purchased it. It is harder to succeed on legal claims applying to some policies, in particular policies purchased before 7 July 2014, and so a greater reduction will be applied to those claims. Once again, we are not yet in a position to advise anyone of individual compensation amounts and we cannot give further information at this time. This will only be possible once the settlement distribution process is underway.

Option 2: You can object to the proposed settlement

You can object to the proposed settlement if you think it should not be approved.

If you think you might want to object then it is important that you read the Notice of Proposed Settlement, at the link above. It explains the process and that the deadline to object is **4pm (AEDT) on 10 February 2025**.

4. More information

You can obtain more information and relevant documents about the Allianz class action by visiting:

- (a) www.mauriceblackburn.com.au/allianzaddoninsurance
- (b) www.allianzclassaction.com.au
- (c) www.supremecourt.vic.gov.au/areas/group-proceedings/allianz

If you have any questions, you can contact Maurice Blackburn via:

- (a) addonclassaction@mauriceblackburn.com.au; or
- (b) [Phone number]

Please do not ask any questions to the Supreme Court. The Court staff are not permitted to give you legal advice. If you have any questions and you do not want to speak to Maurice Blackburn, you may get independent legal advice.

ANNEXURE B

Email and SMS correspondence for Registered Group Members (excluding Deemed Registered Group Members) and Unmatched Registrants

1. Email correspondence

Email subject line: Court Notice regarding proposed settlement in the Allianz Add-On Insurance Class Action

Dear [Name]

You are receiving this email because you registered a claim in the Allianz class action.

The Supreme Court of Victoria has ordered that the following summary notice be sent to you, to let you know about a proposed settlement of this class action: [\[link\]](#)

Please read the summary notice about the proposed settlement, including the link within the summary notice to the detailed version of the notice. These are important legal documents which contain information that may affect your legal rights.

As someone who has registered, there is nothing that you need to do at this stage, unless you wish to object to the proposed settlement. The settlement must be approved by the Court at a hearing on **11 March 2025 at 10:00am** for it to take effect.

You can read more information, including to access copies of these notices, on Maurice Blackburn's website [\[link\]](#) (or search online: Maurice Blackburn + Allianz Class Action)

Please note: at this stage we cannot answer any questions about individual eligibility or potential individual compensation amounts. If the settlement is approved by the Court, you will be contacted at a later stage.

Kind regards

2. SMS correspondence

Dear [Name]

You registered a claim in the Allianz class action. The Supreme Court of Victoria has ordered the following notice about a proposed settlement of this class action to be sent to you [\[link\]](#)

Please read the notice as it may affect your legal rights. There is nothing that you need to do at this stage, unless you wish to object to the proposed settlement.

Read more information, including to access copies of this notice, on Maurice Blackburn's website [\[link\]](#) (or search online: Maurice Blackburn + Allianz Class Action)

ANNEXURE C

Email and SMS correspondence for Deemed Registered Group Members

1. Email correspondence

Email subject line: Court Notice regarding AAI registration details and proposed settlement in the Allianz Add-On Insurance Class Action

Dear [First Name]

You are receiving this email because you registered a claim with Maurice Blackburn in the AAI class action. However, your registration details did not match AAI's customer records meaning you are not a group member in the AAI class action.

Maurice Blackburn, together with another law firm (JWS), is also conducting a similar class action to the AAI class action – the Allianz class action. The registration periods for the AAI class action and the Allianz class action overlapped.

The Supreme Court of Victoria allowed Maurice Blackburn to check whether your AAI registration details matched Allianz's customer records in the Allianz class action. This was to check whether you had mistakenly registered in the AAI class action instead of the Allianz class action.

Your registration details **do** match Allianz's customer records regarding group members in the Allianz class action.

The Court has recently made an order permitting people who mistakenly registered in the AAI class action to be considered as registered group members in the Allianz class action.

This means that **you are now a registered group member in the Allianz class action.**

The Supreme Court of Victoria has ordered that the following summary notice be sent to you, to let you know about a proposed settlement of the Allianz class action: [link]

Please read the summary notice about the proposed settlement, including the link within the summary notice to the detailed version of the notice. These are important legal documents which contain information that may affect your legal rights.

As someone who is a registered group member in the Allianz class action, there is nothing that you need to do at this stage, unless you wish to object to the proposed settlement. The settlement must be approved by the Court at a hearing on **11 March 2025 at 10:00am** for it to take effect.

You can read more information, including to access copies of these notices, on Maurice Blackburn's website [link] (or search online: Maurice Blackburn + Allianz Class Action)

Please note: at this stage we cannot answer any questions about individual eligibility or potential individual compensation amounts. If the settlement is approved by the Court, you will be contacted at a later stage.

Kind regards

2. SMS correspondence

Dear [name]

The Supreme Court of Victoria has made an order permitting people who mistakenly registered for the AAI class action instead of the Allianz class action to be considered as registered group members in the Allianz class action. You have been identified as one of these people, because your AAI registration details did not match AAI's records but did match Allianz's records. This means you are now a registered group member in the Allianz class action.

The Supreme Court of Victoria has ordered the following notice about a proposed settlement of the Allianz class action to be sent to you [link]

Please read the notice as it may affect your legal rights. There is nothing that you need to do at this stage, unless you wish to object to the proposed settlement.

Read more information, including to access copies of this notice, on Maurice Blackburn's website [link] (or search online: Maurice Blackburn + Allianz Class Action)

ANNEXURE D

SUPREME COURT OF VICTORIA



NOTICE OF PROPOSED SETTLEMENT

ALLIANZ CLASS ACTION

TRACY-ANN FULLER & ANOR V ALLIANZ AUSTRALIA INSURANCE
LIMITED & ANOR

(PROCEEDING NUMBER: S ECI 2020 02853)

THIS NOTICE IS PUBLISHED BY ORDER OF THE SUPREME COURT OF VICTORIA

PLEASE READ CAREFULLY

This notice contains important information about the proposed settlement of a class action against Allianz. This is an important legal document which contains information that may affect your legal rights.

1. Why did I receive this notice?

- 1.1. The Supreme Court of Victoria has ordered that this notice be published for registered group members, to let them know about a proposed settlement of the class action.
- 1.2. Specifically, this notice provides important information about:
 - (a) the key things to know about the proposed settlement; and
 - (b) what you need to do if you want to object to the proposed settlement.

2. Background information

What is a class action?

- 2.1 A class action is a legal case where one or more plaintiffs make a claim for themselves and on behalf of other people. The people make a claim together because their claims arise out of the same, similar, or related circumstances. The people represented by the plaintiffs are called 'group members'.

What is the Allianz class action about?

- 2.2 The class action is about Allianz 'add-on' insurance products sold at car dealerships. These insurance products are:
- (a) Loan Protection Insurance;
 - (b) GAP Insurance (also known as Motor Equity, Purchase Price, Value Protect);
 - (c) Extended Motor Warranty;
 - (d) Tyre and Rim Insurance.
- 2.3 Sometimes these insurance products were 'added onto' car loans arranged by car dealers. The class action alleges that these add-on insurance products had no value or very limited value, and were sold to consumers in ways that breached the law.
- 2.4 The Defendants deny the claims made against them in the Allianz class action.
- 2.5 The plaintiffs in the Allianz class action are Tracy-Ann Fuller and Jordan Wilkinson, represented by Johnson Winter Slattery (JWS) and Maurice Blackburn. The defendants in the class action are Allianz Australia Insurance Limited and Allianz Australia Life Insurance Limited (Allianz).
- 2.6 The trial for the Allianz class action was set to commence on 23 October 2024. The parties agreed a proposed settlement of the class action before the trial started. The Court must approve the settlement for it to take effect.

3. The Proposed Settlement

What are the key things to know?

- 3.1 The key elements of the proposed settlement are:
- (a) Allianz will pay (without admission of liability) **\$170 million** (Settlement Sum) to settle the claims in the class action;
 - (b) the Court must approve the proposed settlement for it to take effect; and
 - (c) if the Court approves the settlement, the settlement will apply to all group members. This means that group members will not be able to sue Allianz for issues arising from, in connection with, in respect of, or related to the claims that were made against Allianz in this class action.

What will group members get?

- 3.2 The majority of people who registered claims in the class action are eligible registered group members and will be entitled to receive a share of the compensation from the Settlement Sum.
- 3.3 A small group of registrants have not been clearly matched to Allianz's records. These people will be contacted at a later date asking for more information and if they cannot be matched they will not be entitled to share in the compensation.
- 3.4 For the registered group members who are entitled to share in the compensation, we are not yet able to confirm the amount that each person will be paid.
- 3.5 This is because:
- (a) the Court must approve deductions from the Settlement Sum, including for legal costs (see more detail in Part 5 below); and
 - (b) for the remainder of the Settlement Sum, the Court must approve the method to determine registered group members' eligibility and how payments are to be calculated. The plaintiffs' proposed method for this will be set out in a 'settlement distribution scheme'. A copy of this will be available on Maurice Blackburn's website at [\[link\]](#) on and from 13 January 2025.
- 3.6 Therefore, we cannot provide an individual estimate of compensation amounts at this stage and you are not guaranteed to receive compensation from the Settlement Sum. Compensation amounts will depend on a range of factors including individual circumstances, such as the price of your policy and when you purchased it. It is harder to succeed on legal claims applying to some policies, in particular policies purchased before 7 July 2014, and so a greater reduction will be applied to those claims. Once again, we are not yet in a position to advise anyone of individual compensation amounts and we cannot give further information at this time. This will only be possible once the settlement distribution process is underway.

4. What are my options?

Option 1: Do nothing

- 4.1 If you are content with the proposed settlement, and do not want to object to it, you do not need to do anything in response to this notice.
- 4.2 If the proposed settlement is approved, all relevant information will be published on Maurice Blackburn's website at the link above after the settlement approval hearing on **11 March 2025 at 10:00am**. You will then be contacted at a later date with further information about anything you need to do.

Option 2: You can object to the proposed settlement

- 4.3 **If you want to object to the proposed settlement, by 4pm (AEDT) on 10 February 2025** you need to either:

- (a) complete and submit the Online Objection Notice through the Supreme Court of Victoria website at: <https://www.supremecourt.vic.gov.au/areas/group-proceedings/allianz/objection>; or
- (b) complete the 'Notice of Objection' form below, and send it to the Court by email or post at the addresses on the form.

4.4 **You, or your legal representative must also attend the settlement approval hearing (unless the Court orders otherwise), which is on 11 March 2025 at 10:00am (AEDT) in the Supreme Court of Victoria.**

4.5 The Notice of Objection or Online Objection Notice must be completed in one of the following ways, depending on, for example, whether the group member is a person, a corporation or represented by a solicitor or another person:

- (a) if the group member is a **person**, by that person personally signing or personally inserting their electronic signature;
- (b) if the group member is a **corporation**, by a director of the corporation personally signing or personally inserting their electronic signature;
- (c) if the group member is **represented by a solicitor**, by the solicitor personally signing or personally inserting their electronic signature;
- (d) if the group member is an **estate**, by the executor of the estate personally signing or personally inserting their electronic signature; or
- (e) if there is a person holding a **power of attorney** for the group member, by the attorney personally signing or personally inserting their electronic signature.

4.6 Aside from objecting group members, there is no requirement that any group member attend the hearing.

5. Deductions from the Settlement Sum

5.1 The Court will be asked to approve the following deductions from the Settlement Sum *before* the remainder is distributed to eligible registered group members.

Legal Costs

5.2 The Court previously made a 'group costs order', which means that unless the Court changes the order, the plaintiffs' lawyers' will be paid 25% of the Settlement Sum to cover the legal costs they incurred and the legal risks they took in running the class action.

5.3 Group members are not, and will not be, liable for any legal costs out of their own pocket.

5.4 The Court can adjust the GCO percentage at the settlement approval hearing if it considers the adjustment to be appropriate.

Plaintiffs' reimbursement payment

- 5.5 The Court will also be asked to approve a 'reimbursement payment' to the two plaintiffs, to compensate them for their expenses and the time, inconvenience and stress associated with acting as the plaintiffs in the class action. The reimbursement payment is proposed to be \$30,000 for each plaintiff.

Settlement administration costs

- 5.6 The Court will be asked to appoint Maurice Blackburn as the Administrator to implement the distribution process set out in the settlement distribution scheme.
- 5.7 Regardless of who is the Administrator, there will be costs associated with the implementation of the settlement distribution scheme. The Court will be asked to authorise those costs to be paid from the Settlement Sum before the balance is shared among eligible registered group members.
- 5.8 The settlement administration costs are expected to total around \$5m (excl. GST), but this is an estimate. The Court might fix a lower or higher amount if it thinks that a different figure is appropriate.
- 5.9 As part of the settlement approval process, the plaintiffs will ask the Court to appoint an independent costs referee to determine whether the amount of settlement administration costs is reasonable.

6. What next?

- 6.1 The Court will conduct a hearing on **11 March 2025 at 10:00am** to decide whether to approve the proposed settlement, including how the compensation from the Settlement Sum will be distributed.
- 6.2 If it is approved, see Maurice Blackburn's website using the link below for updates about next steps.

7. More information

- 7.1 You can obtain more information and relevant documents about the Allianz class action by visiting:
- (a) www.mauriceblackburn.com.au/allianzaddoninsurance
 - (b) www.allianzclassaction.com.au
 - (c) www.supremecourt.vic.gov.au/areas/group-proceedings/allianz
- 7.2 If you have any questions, you can contact Maurice Blackburn via:
- (a) addonclassaction@mauriceblackburn.com.au; or
 - (b) [Phone number]

- 7.3 If you have any questions, please do not contact the Supreme Court of Victoria. The Court staff are not permitted to give you legal advice.
- 7.4 If you have any questions and you do not want to speak to Maurice Blackburn, you may get independent legal advice.

NOTICE OF OBJECTION

ALLIANZ CLASS ACTION

*Fuller & Wilkinson v Allianz Australia Insurance Limited &
Allianz Australia Life Insurance Limited*
(Supreme Court of Victoria S ECI 2020 02853)

ONLY COMPLETE THIS NOTICE IF YOU DO NOT WANT THE COURT TO APPROVE THE PROPOSED SETTLEMENT.

You are unable to object to the proposed settlement if you 'opted out' of the class action.

To: The Supreme Court of Victoria at:

Commercial Court Registry
Supreme Court of Victoria
210 William Street
Melbourne Victoria 3000
allianzclassaction@supcourt.vic.gov.au

A. DETAILS OF GROUP MEMBER OBJECTING

Name of Group Member OR Contact name (if different from name of Group Member)	
Capacity of person completing Notice of Objection (<i>select one</i>)	<input type="checkbox"/> Group Member;
	<input type="checkbox"/> Director of [company name].....;
	<input type="checkbox"/> Executor for the Estate of [name].....;
	<input type="checkbox"/> Power of attorney for [name].....;
	<input type="checkbox"/> Solicitor acting for [name].....;
Postal address	

Email address	
Telephone number(s)	

B. REASONS

Explain why you object to the proposed settlement. Please include all details that you think relevant.

Please note if you are completing this form online there is a 2,000 character limit.

Continued on next page

C. SUBMISSIONS AND EVIDENCE

- I attach submissions and/or evidence in support of my objection (limited to 2 pages)
- I do not attach any submissions or evidence in support of my objection, but wish for my objection to be considered based on my reasons set out above

(please tick one of the above options)

D. ATTENDANCE AT HEARING ON 11 MARCH 2025 at 10:00AM:

At the hearing:

- I will appear on my own behalf
- I will be represented by a lawyer: *[insert name]*.....

E. SIGNING OF NOTICE:

.....
Please sign notice here

Date:.....

IMPORTANT NOTE – if you want this form to be considered by the Court you must ensure that you complete this form online via the Supreme Court of Victoria website OR ensure that it reaches the Supreme Court of Victoria at the postal or email address above by **4pm (AEDT) on 10 February 2025.**

ANNEXURE E

SUPREME COURT OF VICTORIA



NOTICE OF PROPOSED SETTLEMENT

ALLIANZ CLASS ACTION

**TRACY-ANN FULLER & ANOR V ALLIANZ AUSTRALIA INSURANCE
LIMITED & ANOR**

(PROCEEDING NUMBER: S ECI 2020 02853)

THIS NOTICE IS PUBLISHED BY ORDER OF THE SUPREME COURT OF VICTORIA

PLEASE READ CAREFULLY

This notice contains important information about the proposed settlement of a class action against Allianz. This is an important legal document which contains information that may affect your legal rights.

1. What is this notice about?

- 1.1. The Supreme Court of Victoria has ordered that this notice be published for potential group members, to let them know about a proposed settlement of the class action.
- 1.2. Specifically, this notice provides important information about:
 - (a) background to the Allianz class action;
 - (b) the key things to know about the proposed settlement;
 - (c) whether you may be eligible to receive potential compensation; and
 - (d) what you need to do if you want to object to the proposed settlement.

2. Background information

What is a class action?

- 2.1 A class action is a legal case where one or more plaintiffs make a claim for themselves and on behalf of other people. The people make a claim together because their claims arise out of the same, similar, or related circumstances. The people represented by the plaintiffs are called 'group members'.

What is the Allianz class action about?

- 2.2 The class action is about Allianz 'add-on' insurance products sold at car dealerships. These insurance products are:
- (a) Loan Protection Insurance;
 - (b) GAP Insurance (also known as Motor Equity, Purchase Price, Value Protect);
 - (c) Extended Motor Warranty;
 - (d) Tyre and Rim Insurance.
- 2.3 Sometimes these insurance products were 'added onto' car loans arranged by car dealers. The class action claims that these add-on insurance products had no, or very limited, value and were sold to consumers in ways that breached the law.
- 2.4 The Defendants deny the claims made against them in the Allianz class action.
- 2.5 The plaintiffs in the Allianz class action are Tracy-Ann Fuller and Jordan Wilkinson, represented by Johnson Winter Slattery (**JWS**) and Maurice Blackburn. The defendants in the class action are Allianz Australia Insurance Limited and Allianz Australia Life Insurance Limited (**Allianz**).
- 2.6 The trial for the Allianz class action was set to commence on 23 October 2024. The parties agreed to settle the class action before the trial started.

Am I a group member in the Allianz class action?

- 2.7 Group members in the Allianz class action include persons who, at any time between 1 June 2006 and 27 September 2021:
- (a) purchased a motor vehicle or motorcycle from a car dealership;
 - (b) purchased one or more of the add-on insurance products in paragraph 2.2 above, issued by Allianz Australia Insurance Ltd and / or Allianz Australia Life Insurance Ltd (as well as OnePath Life Limited for some Loan Protection Insurance products) at or around the time they purchased a motor vehicle or motorcycle from the dealership;
 - (c) became liable to pay, or paid, a premium to Allianz; and

- (d) suffered loss or damage by reason of the alleged contravening conduct of Allianz.
- 2.8 The full group member definition is available on the websites in Part 7 below. If you meet this definition, you are a group member in this class action. You are a group member regardless of whether or not you filled in a registration form to be a registered group member prior to the deadline at 4pm on 15 July 2024.
- 2.9 If you are a group member but you have previously **opted out** of the Allianz class action, you may disregard this notice. By opting out you are no longer a group member.
- 2.10 Not all group members are eligible to receive potential compensation from the proposed settlement. This is explained in paragraph [3.2] below.

3. The Proposed Settlement

What are the key things to know?

- 3.1 The key things to know about the proposed settlement are:
 - (a) Allianz will pay (without admission of liability) **\$170 million (Settlement Sum)** to settle the claims in the Allianz class action;
 - (b) the Court must approve the proposed settlement for it to take effect; and
 - (c) if the Court approves the settlement, the settlement will apply to **all** group members (including unregistered group members). This means that group members will not be able to sue Allianz for issues arising from, in connection with, in respect of, or related to the claims against Allianz in this class action.

Are all group members eligible to receive potential compensation?

- 3.2 No, not all group members will be eligible to receive compensation under the proposed settlement.
- 3.3 The Court previously ordered that only group members who registered their claim by 4pm on 15 July 2024 (**registered group members**) would be eligible to receive compensation if the Allianz class action settled before trial.
- 3.4 Notices about that deadline were sent to all group members between May and July 2024. The notices made clear that group members had to register if they wanted to receive compensation from any pre-trial settlement.

What if I did not register by 4pm on 15 July 2024?

- 3.5 If you are a group member but did not register by 4pm on 15 July 2024, you are an **unregistered group member**. This means that, if the Court approves the proposed settlement:
 - (a) you will remain a group member and be 'bound' by the settlement, meaning that you will not be able to bring other proceedings against Allianz in relation to any

of the issues that were covered by the class action; but

- (b) you will also not be eligible to receive compensation from the settlement in this class action.

3.6 Some people submitted registrations after the deadline. The Court will be told about those late registrations. It will be a matter for the Court whether it allows those persons to be treated as registered group members.

Registrants not matched to Allianz records

3.7 A small group of registrants have not been clearly matched to Allianz's records. These people will be contacted at a later date asking for more information and if they cannot be matched they will not be entitled to share in the compensation.

How much will registered group members receive?

3.8 For the registered group members who are entitled to share in the compensation, we are not yet able to confirm the amount that each person will be paid.

3.9 This is because:

- (a) the Court must approve deductions from the Settlement Sum, including for legal costs (see more detail in Part 5 below); and
- (b) for the remainder of the Settlement Sum, the Court must approve the method to determine registered group members' eligibility and how payments are to be calculated. The plaintiffs' proposed method for this will be set out in a 'settlement distribution scheme'. A copy of this will be available on Maurice Blackburn's website at [\[link\]](#) on and from 13 January 2025.

3.10 Therefore, we cannot provide an individual estimate of compensation amounts at this stage and registered group members are not guaranteed to receive compensation from the Settlement Sum. Compensation amounts will depend on a range of factors including individual circumstances, such as the price of your policy and when you purchased it. It is harder to succeed on legal claims applying to some policies, in particular policies purchased before 7 July 2014, and so a greater reduction will be applied to those claims. Once again, we are not yet in a position to advise anyone of individual compensation amounts and we cannot give further information at this time. This will only be possible once the settlement distribution process is underway.

4. What are my options?

Option 1: Do nothing

4.1 **If you are content with the proposed settlement, and do not want to object to it, you do not need to do anything in response to this notice.**

4.2 If the proposed settlement is approved, all relevant information will be published on Maurice Blackburn's website at the link above after the settlement approval hearing on

11 March 2025 at 10:00am. You will then be contacted at a later date with further information about anything you need to do.

Option 2: You can object to the proposed settlement

- 4.3 If you want to object to the proposed settlement, by **4pm (AEDT) on 10 February 2025** you need to either:
- (a) complete and submit the Online Objection Notice through the Supreme Court of Victoria website at: <https://www.supremecourt.vic.gov.au/areas/group-proceedings/allianz/objection>; or
 - (b) complete the 'Notice of Objection' form below, and send it to the Court by email or post at the addresses on the for.
- 4.4 **You, or your legal representative must also attend the settlement approval hearing (unless the Court orders otherwise), which is on 11 March 2025 at 10:00am (AEDT) in the Supreme Court of Victoria.**
- 4.5 The Notice of Objection or Online Objection Notice must be completed in one of the following ways, depending on, for example, whether the group member is a person, a corporation or represented by a solicitor or another person:
- (a) if the group member is a **person**, by that person personally signing or personally inserting their electronic signature;
 - (b) if the group member is a **corporation**, by a director of the corporation personally signing or personally inserting their electronic signature;
 - (c) if the group member is **represented by a solicitor**, by the solicitor personally signing or personally inserting their electronic signature;
 - (d) if the group member is an **estate**, by the executor of the estate personally signing or personally inserting their electronic signature; or
 - (e) if there is a person holding a **power of attorney** for the group member, by the attorney personally signing or personally inserting their electronic signature.
- 4.6 Aside from objecting group members, there is no requirement that any group member attend the hearing.

5. Deductions from the Settlement Sum

- 5.1 The Court will be asked to approve the following deductions from the Settlement Sum *before* the remainder is to be distributed to registered group members.

Legal Costs

- 5.2 The Court previously made a 'group costs order', which means that unless the Court changes the order, the plaintiffs' lawyers' will be paid 25% of the Settlement Sum to cover the legal costs they incurred and the legal risks they took in running the class action.
- 5.3 Group members are not, and will not be, liable for any legal costs out of their own pocket.
- 5.4 The Court can adjust the GCO percentage at the settlement approval hearing if it considers the adjustment to be appropriate.

Plaintiffs' reimbursement payment

- 5.5 The Court will also be asked to approve a 'reimbursement payment' to the two plaintiffs, to compensate them for their expenses and the time, inconvenience and stress associated with acting as the plaintiffs in the class action. The reimbursement payment is proposed to be \$30,000 for each plaintiff.

Settlement administration costs

- 5.6 The Court will be asked to appoint Maurice Blackburn as the Administrator to implement the distribution process set out in the settlement distribution scheme.
- 5.7 Regardless of who is the Administrator, there will be costs associated with the implementation of the settlement distribution scheme. The Court will be asked to authorise those costs to be paid from the Settlement Sum before the balance is shared among eligible registered group members.
- 5.8 The settlement administration costs are expected to total around \$5m (excl. GST), but this is an estimate. The Court might fix a lower or higher amount if it thinks that a different figure is appropriate.
- 5.9 As part of the settlement approval process, the plaintiffs will ask the Court to appoint an independent costs referee to determine whether the amount of settlement administration costs is reasonable.

6. What next?

- 6.1 The Court will conduct a hearing on **11 March 2025 at 10:00am** to decide whether to approve the proposed settlement, including how the compensation from the Settlement Sum will be distributed.
- 6.2 If it is approved, see Maurice Blackburn's website using the link below for updates about next steps.

7. More information

- 7.1 You can obtain more information and relevant documents about the Allianz class action by visiting:

- (a) www.mauriceblackburn.com.au/allianzaddoninsurance
- (b) www.allianzclassaction.com.au
- (c) www.supremecourt.vic.gov.au/areas/group-proceedings/allianz

7.2 If you have any questions, you can contact Maurice Blackburn via:

- (a) addonclassaction@mauriceblackburn.com.au; or
- (b) [Phone number]

7.3 If you have any questions, please do not contact the Supreme Court of Victoria. The Court staff are not permitted to give you legal advice.

7.4 If you have any questions and you do not want to speak to Maurice Blackburn, you may get independent legal advice.

NOTICE OF OBJECTION

ALLIANZ CLASS ACTION

*Fuller & Wilkinson v Allianz Australia Insurance Limited &
Allianz Australia Life Insurance Limited*
(Supreme Court of Victoria S ECI 2020 02853)

ONLY COMPLETE THIS NOTICE IF YOU DO NOT WANT THE COURT TO APPROVE THE PROPOSED SETTLEMENT.

You are unable to object to the proposed settlement if you ‘opted out’ of the class action.

To: The Supreme Court of Victoria at:

Commercial Court Registry
Supreme Court of Victoria
210 William Street
Melbourne Victoria 3000
allianzclassaction@supcourt.vic.gov.au

A. DETAILS OF GROUP MEMBER OBJECTING

Name of Group Member OR Contact name (if different from name of Group Member)	
Capacity of person completing Notice of Objection (<i>select one</i>)	<input type="checkbox"/> Group Member;
	<input type="checkbox"/> Director of [company name].....;
	<input type="checkbox"/> Executor for the Estate of [name].....;
	<input type="checkbox"/> Power of attorney for [name].....;
	<input type="checkbox"/> Solicitor acting for [name].....;

Postal address	
Email address	
Telephone number(s)	

B. REASONS

Explain why you object to the proposed settlement. Please include all details that you think relevant.

Please note if you are completing this form online there is a 2,000 character limit.

Continued on next page

C. SUBMISSIONS AND EVIDENCE

- I attach submissions and/or evidence in support of my objection (limited to 2 pages)
- I do not attach any submissions or evidence in support of my objection, but wish for my objection to be considered based on my reasons set out above

(please tick one of the above options)

D. ATTENDANCE AT HEARING ON 11 MARCH 2025 at 10:00AM

At the hearing:

- I will appear on my own behalf
- I will be represented by a lawyer: *[insert name]*.....

E. SIGNING OF NOTICE:

.....
Please sign notice here

Date:.....

IMPORTANT NOTE – if you want this form to be considered by the Court you must ensure that you complete this form online via the Supreme Court of Victoria website OR ensure that it reaches the Supreme Court of Victoria at the postal or email address above by **4pm (AEDT) on 10 February 2025.**

ANNEXURE F

Email and SMS correspondence for late registrants

1. Email correspondence

Email subject line: Court Notice regarding Allianz class action – late registration

Dear [Name],

You recently registered to make a claim in the Allianz class action. However, your registration was made **after** the Court-ordered deadline of 4pm AEST on 15 July 2024.

It was a requirement of the Court order for group members to register **before** the deadline in order to be eligible for any pre-trial settlement.

The parties agreed to settle the class action before the trial was due to start on 23 October 2024.

What does this mean?

The settlement must be approved by the Court at a hearing on **11 March 2025 at 10:00am** for it to take effect. If it is approved by the Court, then:

- all group members will be 'bound' by the settlement, meaning they will not be able to sue Allianz in relation to any of the issues that were covered by the class action; but
- only the group members who registered before the deadline will be eligible to receive potential compensation.

This means that group members who registered after the deadline are still bound, but are not eligible to receive potential compensation, *unless the Court makes a further order as explained in the next section.*

What next?

The plaintiffs' solicitors (Maurice Blackburn and Johnson Winter Slattery) will identify 'late registrants' in the evidence they file with the Court.

It is a matter for the Court whether it decides to make an order to allow any late registrants to be treated as registered group members.

There is nothing you need to do at this stage. You will be told whether the Court has permitted your late registration to be accepted or not.

Please do not contact the plaintiffs' solicitors or the Court to request late registration.

For more information on the proposed settlement and to read a copy of the notice to group members, please visit Maurice Blackburn's website [[link](#)] (or search online: Maurice Blackburn + Allianz Class Action)

Kind regards

2. SMS correspondence

Dear [Name]

The Supreme Court of Victoria has ordered this be sent to you, as someone who registered in the Allianz class action after the deadline of 4pm AEST on 15 July 2024.

The parties in the Allianz class action agreed to settle this case. If the Court approves the settlement on 11 March 2025, group members who registered after the deadline are bound (meaning they will not be able to sue Allianz on the issues covered by the class action) but are not eligible to receive potential compensation, unless the Court makes an order allowing this.

There is nothing you need to do at this stage. You will be told whether the Court has permitted your late registration to be accepted or not. For more information and to read the notice to group members, visit Maurice Blackburn's website [[link](#)] (or search online: Maurice Blackburn + Allianz Class Action)

ANNEXURE G

Newspaper advertisement

NOTICE OF PROPOSED SETTLEMENT - ALLIANZ CLASS ACTION (S ECI 2020 02853) – PUBLISHED BY ORDER OF THE SUPREME COURT OF VICTORIA

This is a notice to potential group members about a **proposed settlement of the Allianz Class Action**.

Group members include persons who, at any time between 1 June 2006 and 27 September 2021 (inclusive), purchased one or more 'add-on' insurance products issued or offered by Allianz, or by Allianz and Allianz Life (**Allianz**), at or around the time they purchased a motor vehicle or motorcycle from a vehicle dealership.

The relevant products are: **Loan Protection Insurance; GAP Insurance; Extended Motor Warranty; and Tyre & Rim Insurance**. If you are a potential group member, you should read the full Notice of Proposed Settlement at the links below.

The Allianz Class Action alleges that these add-on insurance products had no, or very limited, value and were sold to consumers in ways that breached the law. Allianz deny the claims. The trial for the Allianz class action was set to commence on 23 October 2024. The parties agreed to settle the class action before the trial started.

As part of the proposed settlement, the Plaintiffs and Allianz agreed that **Allianz will pay \$170 million (Settlement Sum)** without admission of liability.

Not all group members are eligible to receive potential compensation from the proposed settlement. The Court previously ordered that only group members who registered their claim by 4pm on 15 July 2024 would be eligible to receive compensation if the Allianz class action settled before trial.

The Court must approve the settlement for it to take effect. The Court will hold a hearing to decide whether to approve the settlement on **11 March 2025 at 10:00am**. If the Court approves the settlement then:

- (a) some of the Settlement Sum will be used to pay legal costs and other amounts including the costs of administering payment of the Settlement Sum, which also need to be approved by the Court;
- (b) the rest of the Settlement Sum will be shared proportionately between eligible registered group members, according to a 'formula' or method that the Court approves; and
- (c) all group members, whether or not they are registered group members, will be 'bound' by the settlement, meaning they will not be able to sue Allianz for issues arising from, in connection with, in respect of, or related to the claims against Allianz in the class action.

Group members are not guaranteed to receive compensation from the Settlement Sum, as compensation amounts will depend on a range of factors including individual circumstances, such as the price of your policy and when you purchased it. It is harder to succeed on legal claims applying to some policies, in particular policies purchased before 7 July 2014, and so a greater reduction will be applied to those claims.

If you are a group member but did not register by 4pm on 15 July 2024, you are an **unregistered group member**. This means that, if the Court approves the proposed settlement you will not be eligible to receive compensation from the Settlement Sum but will be 'bound' by the settlement.

If you are a group member, your options are:

1. DO NOTHING – if you are content with the proposed settlement, and do not want to object to it, you do not need to do anything in response to this notice. If the proposed settlement is approved, updates will be published on Maurice Blackburn's website. You will be contacted at a later date with further information about anything you need to do.

2. OBJECT – you can object to the proposed settlement if you think it should not be approved. If so, you should read the Notice of Proposed Settlement at the links below. It explains the process and that the deadline to object is **4pm (AEDT) on 10 February 2025**.

For more information, visit:

www.mauriceblackburn.com.au/allianzaddoninsurance

www.allianzclassaction.com.au

www.supremecourt.vic.gov.au/areas/group-proceedings/allianz

or contact Maurice Blackburn via: addonclassaction@mauriceblackburn.com.au; or [Phone number]