



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID567/2019

J WISBEY & ASSOCIATES PTY LTD (ACN 001 959 851)

Applicant

UBS AG (ABN 47 088 129 613) and others named in the schedule

Respondents

ORDER

JUDGE: JUSTICE BEACH

DATE OF ORDER: 5 April 2024

WHERE MADE: Melbourne

OTHER MATTERS:

1. The applicant's solicitors are conferring with potential additional publishers to those identified in order 9 of these orders.
2. The parties have liberty to apply to add additional publishers to those identified in order 9 of these orders.

THE COURT ORDERS THAT:

Time for opt-out or registration

1. Pursuant to s 33J(1) and s 33ZF of the *Federal Court of Australia Act 1976* (Cth) (the Act), 4.00pm AEST on 12 August 2024 (Class Deadline) be fixed as the date by which a group member may:
 - (a) opt out of this proceeding; or
 - (b) register to participate in the proceeding pursuant to the procedure set out below.



Approval and distribution of notices

2. Pursuant to s 33X of the Act, notice be given to group members:
 - (a) of their right to opt out of the proceeding; and
 - (b) that upon any settlement (subject to Court approval) of this proceeding, the parties will seek an order which, if made, has the effect of providing that any group member who by the Class Deadline: (i) has not registered; or (ii) has not opted out in accordance with the Court's orders, will remain a group member for all purposes of this proceeding but shall not, without leave of the Court, be permitted to seek any benefit pursuant to any settlement (subject to Court approval) of this proceeding agreed within three months of the first day of the mediation conducted in accordance with order 26, or such other time as agreed by the parties and/or ordered by the Court.

3. Pursuant to s 33X(1)(a) and (5) and s 33Y of the Act, the terms of the following notices are approved:
 - (a) the notice set out in Annexure C to these orders (Customer Notice);
 - (b) the notice set out in Annexure D to these orders (General Notice); and
 - (c) the notice set out in Annexure E to these orders (Press Notice).

4. By 21 May 2024, each of the respondents is to provide to Epiq Class Actions and Claims Solutions, Inc. (Distribution Agent), a list of the persons (other than persons referred to in order 6) who that respondent has identified as having entered into FX Instruments in relation to one or more of the Affected Currency Pairs with the respondent during the Relevant Period where the FX Instrument was entered into, whether orally, in writing, electronically or otherwise where the person was domiciled or incorporated in Australia and/or where the Dealer or their employee or agent was in Australia (as those terms are defined in the amended statement of claim), which list is to include the following information in respect of each person (insofar as it is reasonably available):
 - (a) name; and



(b) the best available contact address (being an email or postal address or both email and postal address) for the person,

(Customer Distribution List).

5. Pursuant to s 33Y of the Act, the applicant's solicitors are to instruct the Distribution Agent to, by 17 June 2024 (Distribution Date), cause the Customer Notice to be distributed to each person referred to in each Customer Distribution List, by email, or if an email address is not available or in the case of any bounce-backs, by ordinary pre-paid post.
6. By the Distribution Date, each of the respondents is to distribute the Customer Notice by email or, if email is not available or in the case of any bounce-backs, by ordinary pre-paid post, to the best available address (insofar as those details are reasonably available) for each person that the respondent has identified:
 - (a) as having entered into FX Instruments in relation to one or more of the Affected Currency Pairs with the respondent during the Relevant Period where the FX Instrument was entered into, whether orally, in writing, electronically or otherwise where the person was domiciled or incorporated in Australia and/or where the Dealer or their employee or agent was in Australia (as those terms are defined in the amended statement of claim); and
 - (b) in light of applicable foreign bank secrecy and/or data privacy laws, as a person whose information cannot be included in the Customer Distribution List.
7. Pursuant to s 33Y of the Act, by the Distribution Date, the applicant's solicitors are to distribute the General Notice by email, or if email is not available or in the case of any bounce-backs, by ordinary pre-paid post, to the last-known address for each of the persons that have, as at the date of these orders:
 - (a) registered with the applicant's solicitors (directly or indirectly via a claims aggregator) their interest in participating in the proceeding; or
 - (b) retained the applicant's solicitors in writing to act for the person in relation to the proceeding.



8. The applicant's solicitors are to display the General Notice on their website at <https://www.mauriceblackburn.com.au/FX> and shall cause the General Notice to remain so displayed continuously until at least 12 August 2024.
9. Pursuant to s 33Y of the Act, the applicant's solicitors shall cause the Press Notice to be published in quarter-page format (or digital equivalent) once in each of the following publications by the Distribution Date:
 - (a) The Australian;
 - (b) The Australian Financial Review;
 - (c) The Age;
 - (d) The Sydney Morning Herald;
 - (e) FX Markets;
 - (f) Morningstar;
 - (g) Investopedia;
 - (h) MarketWatch; and
 - (i) Motley Fool.
10. The Customer Notice, General Notice and/or Press Notice may be amended if agreed by the solicitors for the parties before it is distributed/published in order to correct any minor error, date, or any postal, website or email address or telephone number.
11. The costs of and incidental to the procedure set out in orders 7 and 8 above are to be initially borne by the applicant but on the basis that those costs will subsequently fall to be dealt with by the Court as part of the costs of the proceeding.
12. Each respondent's costs of and incidental to the procedures set out in orders 4 and 6 above are to be initially borne by that respondent but on the basis that those costs will subsequently fall to be dealt with by the Court as part of the costs of the proceeding.



13. The costs of and incidental to the procedure set out in orders 5 and 9 above are to be initially borne by the applicant and the respondents in equal shares (1/6th of the costs to be borne by each party) but on the basis that those costs will subsequently fall to be dealt with by the Court as part of the costs of the proceeding.
14. The costs of the applicant's solicitors addressing inquiries by group members and members of the public in relation to the Customer Notice, the General Notice and/or the Press Notice are to be initially borne by the applicant and the respondents in equal shares (1/6th of the costs to be borne by each party) but on the basis that those costs will subsequently fall to be dealt with by the Court as part of the costs of the proceeding.
15. The applicant's solicitors are to instruct the Distribution Agent to keep each Customer Distribution List strictly confidential, including from the parties and the parties' solicitors (except, in the case of each Customer Distribution List, the respondent which provided that Customer Distribution List to the Distribution Agent and that respondent's solicitors).

Return of opt-out notices

16. Pursuant to s 33J(2) of the Act, and subject to order 1 above, any group member who wishes to opt out of this proceeding must, before the Class Deadline, deliver an opt out notice to the Victorian Registry of the Federal Court of Australia.
17. If, on or before the Class Deadline, the solicitors for any party receive a notice purporting to be an opt out notice referable to this proceeding, the solicitors are to file such notice in the Victorian District Registry of the Federal Court within 14 days of receipt with a notation specifying the date it was received and the notice shall be treated as an opt out notice received by the Court at the time when it was received by the solicitors.
18. The solicitors for the parties have leave to inspect the court file and to copy any opt out notices submitted by group members.

Claim registration

19. Any group member may, by the Class Deadline, register their claim for the purpose of seeking any benefit pursuant to any settlement of this proceeding agreed within three



months of the first day of the mediation conducted in accordance with order 26, or such other time as agreed by the parties and/or ordered by the Court, by:

- (a) completing the Registration Form set out in Schedule 1 to the Customer Notice or General Notice (Registration Form) online at <https://www.mauriceblackburn.com.au/FX> (Registration Portal); or
- (b) completing a hard copy of the Registration Form and returning it to the applicant's solicitors by email at ForexClassAction@mauriceblackburn.com.au or via post at Australian FX Class Action, Maurice Blackburn, Level 21, 380 La Trobe Street, Melbourne, VIC, 3000.

20. A person will be deemed to have registered pursuant to order 19 above if that person has, by the Class Deadline:

- (a) retained the applicant's solicitors in writing to act for that person in connection with this proceeding; and
- (b) to the extent they have not already done so, provided the information required by the Registration Form.

21. Subject to orders 22 to 24, by 9 September 2024, the applicant's solicitors must deliver to the solicitors for each of the respondents, a list of the persons who have registered their claim in accordance with orders 19 or 20 above (Registered Persons), which list shall contain, in respect of each Registered Person:

- (a) a unique identification number and the information provided by the Registered Person via the Registration Form in response to:
 - (i) Parts B, C & D of the Registration Form; and
 - (ii) question 1 of Part A of the Registration Form (Identifying Information); or
- (b) in the case of a person deemed to have registered pursuant to order 20, the equivalent information provided to the applicant's solicitors,

(List of Registered Persons).



22. Subject to further order, the List of Registered Persons is to be kept confidential by the respondents' solicitors and may only be provided to:
 - (a) the respondents' external solicitors and counsel (including support staff) who are directly working on this proceeding and who have executed a confidentiality undertaking in the form set out in Annexure A to these orders;
 - (b) experts retained by the respondents in connection with the proceeding (including support staff) who have executed a confidentiality undertaking in the form set out in Annexure A to these orders; and
 - (c) the mediator who conducts the mediation in accordance with order 26.
23. The List of Registered Persons provided to the respondents' solicitors in accordance with order 21, excluding any Identifying Information, may be provided to any employees of the respondents who provide instructions in relation to the proceeding and who have executed a confidentiality undertaking in the form set out in Annexure B to these orders.
24. The List of Registered Persons provided in accordance with order 21 and all information contained within that list must not be used by, or on behalf of, any respondent to contact any Registered Person in relation to the proceeding.
25. The respondents must file, on a confidential basis, any confidentiality undertaking executed pursuant to orders 22 and 23 within fourteen (14) days of the respondents' solicitors receiving such document.

Mediation

26. By 6 November 2024, the parties participate in a mediation before a private mediator to be agreed by the parties.

Case management hearing

27. The matter be listed for a case management hearing at 9.30 am on 6 December 2024.



Other

28. The costs of the interlocutory application dated 8 December 2023 are costs in the cause.

29. Liberty to apply.

Date that entry is stamped: 5 April 2024

Sia Lagos
Registrar



Annexure A

Confidentiality Undertaking

I, of,
hereby undertake to the Court as follows:

Definitions

Applicant means J Wisbey & Associates Pty Ltd.

Confidential Information means the information comprising the “List of Registered Persons”, excluding the Identifying Information, defined in Order 21 of the orders made in the Proceeding on [date].

Court means the Federal Court of Australia.

Identifying Information means the information defined in Order 21(a)(ii) of the orders made in the Proceeding on [date].

Mediation means the mediation referred to in Order 26 of the orders made in the Proceeding on [date].

Proceeding means J Wisbey & Associates Pty Ltd v UBS AG & Ors (VID567/2019).

Respondent means any of the Respondents.

Respondents mean UBS AG (ABN 47 088 129 613), Barclays Bank Plc (01026167), Citibank N.A. (ABN 34 072 814 058), JPMorgan Chase Bank N.A. (ABN 43 074 112 011), NatWest Markets Plc (SC090312).

Terms of Undertaking

1. I am one of the following persons:
 - (a) one of the Respondents’ external solicitors or counsel (including support staff) who are directly working on the Proceeding; or
 - (b) an expert (including support staff) retained by one or more of the Respondents in connection with the Proceeding.
2. I must keep the Confidential Information and the Identifying Information strictly confidential



at all times and shall use it only for the purposes of analysing the Confidential Information and the Identifying Information and assessing the potential quantum of claims of the Applicant or group members for the purpose of the Mediation of the Proceeding.

3. I may only disclose the Confidential Information and the Identifying Information if:
 - (a) permitted to do so by this undertaking; or
 - (b) compelled to do so by law.

4. I may only disclose the Identifying Information to:
 - (a) any of the persons listed at clause 1 above, provided that person has executed a confidentiality undertaking in the form of this undertaking; or
 - (b) the Applicant, their legal representatives (including support staff) or any persons deemed eligible in writing by the Applicant's solicitors; or
 - (c) the mediator of the Proceeding.

5. In addition to the persons listed at clauses 1 and 4 above, I may disclose the Confidential Information to any employees of the Respondents who provide instructions in relation to the proceeding and who have executed a confidentiality undertaking in the form of Annexure B to the orders made in the Proceeding on [date].

6. I understand and acknowledge that failure to comply could expose me to orders under rule 39.21 of the *Federal Court Rules 2011* (Cth) for a breach of this undertaking.

.....

Signature

.....

Date



Annexure B

Confidentiality Undertaking

I, of,
hereby undertake to the Court as follows:

Definitions

Applicant means J Wisbey & Associates Pty Ltd.

Confidential Information means the information comprising the “List of Registered Persons”, excluding the Identifying Information, defined in Order 21 of the orders made in the Proceeding on [date].

Court means the Federal Court of Australia.

Identifying Information means the information defined in Order 21(a)(ii) of the orders made in the Proceeding on [date].

Mediation means the mediation referred to in Order 26 of the orders made in the Proceeding on [date].

Proceeding means J Wisbey & Associates Pty Ltd v UBS AG & Ors (VID567/2019).

Respondent means any of the Respondents.

Respondents mean UBS AG (ABN 47 088 129 613), Barclays Bank Plc (01026167), Citibank N.A. (ABN 34 072 814 058), JPMorgan Chase Bank N.A. (ABN 43 074 112 011), NatWest Markets Plc (SC090312).

Terms of Undertaking

1. I am an employee of one of the Respondents who provides instructions in relation to the Proceeding.
2. I must keep the Confidential Information strictly confidential at all times and shall use it only for the purposes of analysing the Confidential Information and assessing the potential quantum of claims of the Applicant or group members for the purpose of the Mediation of the Proceeding.
3. I am not entitled to, and will not, receive or access the Identifying Information.



4. I may only disclose the Confidential Information if:
 - (a) permitted to do so by this undertaking; or
 - (b) compelled to do so by law.

5. I may only disclose the Confidential Information to:
 - (a) the Respondents' external solicitors or counsel (including support staff) who are directly working on the Proceeding, provided that person has executed a confidentiality undertaking in the form of Annexure A to the to the orders made in the Proceeding on [date];
 - (b) an expert retained by one or more of the Respondents in connection with the Proceeding (including support staff), provided that person has executed a confidentiality undertaking in the form of Annexure A to the to the orders made in the Proceeding on [date];
 - (c) an employee of one of the Respondents who provides instructions in relation to the Proceeding, provided that person has executed a confidentiality undertaking in the form of this undertaking;
 - (d) the Applicant, their legal representatives (including support staff) or any persons deemed eligible in writing by the Applicant's solicitors; or
 - (e) the mediator of the Proceeding.

6. I understand and acknowledge that failure to comply could expose me to orders under rule 39.21 of the *Federal Court Rules 2011* (Cth) for a breach of this undertaking.

.....

Signature

.....

Date



Annexure C – Customer Notice

Dear [INSERT FIRST AND SURNAME/COMPANY NAME, AND BUSINESS NAME
UNDER IF ADDRESSED TO AN INDIVIDUAL]

Australian FX Class Action

This is an important notice from the Federal Court of Australia, which requires your attention before **4pm AEST on 12 August 2024**.

The notice concerns a class action against UBS, Barclays Bank, Citibank, JPMorgan and NatWest Markets (formerly The Royal Bank of Scotland) (**Respondent Banks**) in relation to alleged cartel conduct by the Respondent Banks relating to FX trading between 1 January 2008 to 15 October 2013.

You are receiving this notice because one or more of the Respondent Banks has identified you as a person/company who conducted potentially relevant FX trades with them during the relevant period. This means that you may be a group member who is affected by the class action.

You should read the notice carefully and follow the instructions contained within it. It will help you to determine whether you are a group member and, if so, what your options are.

If you have any questions about the notice, please direct them to Maurice Blackburn who can provide legal advice, or seek alternative legal advice.

Maurice Blackburn can be contacted on 1800 270 800 or by email at ForexClassAction@mauriceblackburn.com.au.



This is a notice from the Federal Court of Australia
Please read this notice carefully – as it sets out your legal rights

CLASS ACTION NOTICE

This is an important notice from the Federal Court of Australia about the **Australian FX Class Action**.

The class action is being brought by J Wisbey & Associates Pty Ltd (the **Applicant**) against UBS AG, Barclays Bank PLC, Citibank, N.A., JPMorgan Chase Bank N.A. and NatWest Markets PLC (formerly The Royal Bank of Scotland PLC) (the **Respondent Banks**).

In summary, the action arises out of alleged cartel conduct relating to the trading of FX spots and FX outright forwards in certain currency pairs during the period from 1 January 2008 to 15 October 2013.

You have been identified as a potential group member because the Respondent Banks' records indicate you conducted one or more qualifying FX trades with one or more of those banks during the relevant period for the claim (1 January 2008 to 15 October 2013). Read further below to determine whether you also satisfy the other criteria required to be a group member.

If you are a group member, it is important that you consider this notice carefully and make a decision about whether you would like to be involved in the class action. As explained further below, you currently have three options:

1. **Register** for the class action by 4pm AEST on 12 August 2024 – this means that you will have the right to be considered for a compensation payment pursuant to any settlement the parties may reach at or shortly after the mediation; or
2. **Do nothing** – this means you will remain a group member but may not have the opportunity to be considered for a compensation payment *if* a settlement is reached at or shortly after the mediation; or
3. **Opt-out** of the class action by 4pm AEST on 12 August 2024 – this means you would lose the opportunity to receive any compensation available in this action (either from a settlement or judgment), but keep your right to try to get compensation in any action you may start yourself.

If you have already received compensation relating to alleged cartel conduct in respect of the same FX trades (anywhere in the world, including from any other litigation and/or settlement), you will not be eligible to receive compensation in respect of those trades in this case.



A: THINGS YOU SHOULD KNOW ABOUT THE AUSTRALIAN FX CLASS ACTION

What is the Australian FX class action?

The Australian FX Class Action is a class action commenced in the Federal Court of Australia against each of the Respondent Banks - UBS, Barclays, Citibank, JPMorgan and NatWest Markets (formerly The Royal Bank of Scotland).

The case has been brought by the Applicant on its own behalf and on behalf of all persons who are **group members** in the proceeding. See the section below to help you work out if you are a group member.

The case relates to the trading of certain foreign exchange instruments, namely FX spots and FX outright forwards (together, **FX Instruments**) by persons in Australia (or through a dealer in Australia) in the period between 1 January 2008 and 15 October 2013 (**Relevant Period**) in respect of certain currency pairs (see below).

The Applicant alleges that the Respondent Banks engaged in cartel conduct in respect of that trading that had the effect of artificially influencing the prices at which FX Instruments were traded in the Relevant Period, and that this caused financial loss to the group members.

Specifically, the Applicant alleges that:

- the Respondent Banks reached arrangements or understandings between themselves (and certain other entities) to co-operate in relation to trading in FX Instruments by sharing non-public information about, and co-ordinating, their trading in FX Instruments or the prices at which FX Instruments were offered; and
- this conduct had the purpose or effect, or likely effect, of fixing, controlling or maintaining the prices at which FX Instruments were offered, causing loss to the Applicant and group members.

The Applicant alleges that the Respondent Banks, among other things, shared information on customer order type, customer order attributes (including as to size, direction, identity and customer type), planned trading activities and customer spreads and co-ordinated trading in advance of customer orders to move the price of the relevant currency to their advantage.

The Respondent Banks deny those allegations and are defending the proceedings.

The Applicant has retained Maurice Blackburn (a law firm) to run the case on its behalf and on behalf of group members.

Are you an eligible group member in the Australian FX Class Action?

You are an eligible group member in the Australian FX Class Action if:



- at any time during the Relevant Period, you were party to an FX Instrument or FX Instruments in relation to one or more of the Affected Currency Pairs* where either you or the Dealer with whom you transacted was located in Australia; and
- you transacted at least AUD 500,000 (or equivalent) in FX Instruments in Affected Currency Pairs*, during the Relevant Period; and
- you suffered loss or damage because of the conduct of one or more of the Respondent Banks (and you have not already received compensation relating to such loss or damage in respect of the same FX trades (anywhere in the world, including from any other litigation and/or settlement)).

Importantly, you do not need to have traded with one of the Respondent Banks to be a group member. You are a group member if you satisfy the above trading requirements irrespective of who you placed your trades through.

The requirement to have transacted at least AUD 500,000 (or equivalent) in FX Instruments in Affected Currency Pairs* during the Relevant Period is not limited to transactions with a single bank or trading agency. You can satisfy this requirement by adding together qualifying transactions from any number of banks or other trading agencies.

*Affected Currency Pairs means any two of the following currencies: Australian dollar (AUD), British pound (GBP), Euro (EUR), Japanese yen (JPY), New Zealand dollar (NZD) or the US dollar (USD) paired with another currency from any of the following: AUD, Brazilian real (BRL), GBP, Canadian dollar (CAD), Chinese yuan (CNY), Czech koruna (CZK), EUR, Hong Kong dollar (HKD), Hungarian forint (HUF), Indian rupee (INR), Indonesian rupiah (IDR), Israeli shekel (ILS), JPY, Malaysian ringgit (MYR), Mexican peso (MXN), NZD, Norwegian krone (NOK), Polish zloty (PLN), Romanian leu (RON), Russian ruble (RUB), Singapore dollar (SGD), South African rand (ZAR), South Korean won (KRW), Swedish krona (SEK), Swiss franc (CHF), Taiwan dollar (TWD), Thai baht (THB), Turkish lira (TRY).

If you are unsure whether you are a group member, you should contact the Applicant's solicitors, Maurice Blackburn, on 1800 270 800 or email ForexClassAction@mauriceblackburn.com.au or seek your own legal advice without delay.

How is the Australian FX class action being funded?

Maurice Blackburn are representing the Applicant, and running the class action for group members, on a "no win, no fee" basis.

If the class action is unsuccessful, group members will have no liability to pay costs.

If the class action is successful (either through a judgment or settlement), the Court may make an order requiring group members to contribute (from proceeds received by group members in any judgment or settlement) to the costs incurred by Maurice Blackburn in running the class action. In these circumstances:



- the Court will assess whether any amounts proposed to be deducted are fair and reasonable; and
- you will be given notice at that time informing you of the amount which it is proposed to be deducted and given an opportunity to make a submission to the Court if you do not think the amounts proposed are fair and reasonable.

The total of any amounts deducted from compensation payable to group members for legal costs will never exceed the amount a group member receives in the event of a successful outcome.

That is, you will never be out of pocket by remaining in the class action.

A copy of the terms on which Maurice Blackburn is acting in the class action may be obtained by contacting Maurice Blackburn 1800 270 800 or ForexClassAction@mauriceblackburn.com.au.

B: WHY HAS THIS NOTICE BEEN ISSUED NOW?

A class action can be commenced without the consent of group members. However, group members must be given the opportunity to cease being a group member by "opting out". This notice has been issued because the Court has set a deadline by which any group member who does not want to participate in the proceeding must opt out.

The Court has also made orders inviting any group member who wishes to participate in the class action to register their interest. This is because the parties have agreed to mediate to see whether they can reach a settlement, and having information about the number of group members who want to participate in the case (and the volume of their FX trading) will assist in those negotiations.

The options to opt-out or register are explained below. The deadline for opting-out or registering is 4pm AEST on 12 August 2024.

If you consider that you have claims against the Respondent Banks in the Australian FX Class Action which are based on your individual circumstances or otherwise additional to the claims described in the Australian FX Class Action, then it is important that you seek independent legal advice about the potential binding effects of the class action before the deadline for opting out or registering.

C: WHAT ARE MY OPTIONS?

If you are a group member, you have three options at this stage and must choose one of them by 4pm AEST on 12 August 2024:

1. register;
2. do nothing; or
3. opt-out.

There are different consequences depending on which option you choose.



Option A – Register

If you wish to remain a group member and make sure that you will have the right to be considered for a compensation payment pursuant to any settlement the parties may reach within three months of the first day of the mediation, you must register by 4pm AEST on 12 August 2024. You can register by filling in:

- the details at the Registration Portal, available online at <https://www.mauriceblackburn.com.au/FX>; or
- the Registration Form at Schedule 1 to this notice and returning it to Maurice Blackburn by email at ForexClassAction@mauriceblackburn.com.au or by post at Maurice Blackburn FX Class Action Team, Level 19, 380 La Trobe Street, Melbourne VIC 3000.

There is no cost to register your interest in the class action.

While registration is not mandatory, if you do not register by 4pm AEST on 12 August 2024, there may be significant consequences. This is because if a settlement is reached within three months of the first day of the mediation, the parties intend to seek an order which, if made, has the effect that group members who have not registered by 4pm AEST on 12 August 2024 will not, without leave of the court, be entitled to participate in that settlement. This means that this could be your only chance to register and if you do not register by 4pm AEST on 12 August 2024 you may lose the chance to receive a payment from any such settlement that is reached.

If you register, and do not opt-out, you will be bound by any settlement reached between the parties and will have the opportunity to share in any benefit resulting from the settlement. The settlement will be subject to Court approval and you may have to satisfy certain conditions (such as providing evidence of your trading) before your entitlement to share in this benefit arises. You will also be bound by any final judgment and have the opportunity to share in the benefit of any favourable judgment.

If you have any queries regarding the registration process, please contact Maurice Blackburn on 1800 270 800 or by email at ForexClassAction@mauriceblackburn.com.au.

Note:

1. You do not need to register if you have already entered into a retainer with Maurice Blackburn to act for you in connection with the Australian FX Class Action and/or have already provided your claim details to Maurice Blackburn. You will be contacted directly by Maurice Blackburn if anything further is required from you.
2. If you have already received compensation relating to alleged cartel conduct in respect of the same FX trades (anywhere in the world, including from any other litigation and/or settlement), you will not be eligible to receive compensation in respect of those FX trades in this case.



Option B – Do nothing

Group members who do not opt out or register by 4pm AEST on 12 August 2024 will remain as group members and await the outcome of the proceedings.

If a settlement is reached at or shortly after the mediation, the parties intend to seek an order that group members who did not register by 4pm AEST on 12 August 2024 will not be entitled to participate in that settlement without leave of the Court but will otherwise be bound by the terms of the settlement.

This means that, if you do nothing, and a settlement agreement is reached at or shortly after the mediation, an order may be made that excludes you from receiving any compensation from the settlement of the class action. You may also be prevented from making your own claim against any Respondent Bank relating to the subject matter of this class action.

If you wish to have the opportunity to participate in or receive any benefit from a settlement of the Australian FX Class Action, the safest course is to register as per Option A above, by 4pm AEST on 12 August 2024.

Option C – Opt-out and cease to be a group member

If you do not wish to remain a group member in the Australian FX Class Action, you must opt-out of the proceeding by completing an opt-out form that is enclosed with this notice by 4pm AEST on 12 August 2024.

If you opt out of the Australian FX Class Action, you:

1. will not be affected by any orders made in the Australian FX Class Action or by any settlement reached between the parties;
2. will not be permitted to receive any distribution from any damages award or settlement outcome arising from the Australian FX Class Action; and
3. will be able to commence separate proceedings against the Respondent Banks (or any of them) on your own behalf if you wish (subject to any applicable time limits).

Opt-out forms must be submitted directly to the Victorian Registry of the Federal Court of Australia by 4pm AEST on 12 August 2024. Opt-out forms received after this time may not be accepted, with the result being that you will be treated as having not responded to this notice (see Option B above).

Each group member seeking to opt-out should fill out a separate opt-out form.

D: WHERE CAN I FIND OUT MORE INFORMATION?

Copies of relevant documents, including the Originating Application, the Amended Statement of Claim and the Defences may be obtained by downloading them from <https://www.mauriceblackburn.com.au/FX>.



If you are unable to access any of the documents referred to in this notice, or if there is anything about this notice you do not understand or which you are unsure about, you should contact Maurice Blackburn on 1800 270 800 or email ForexClassAction@mauriceblackburn.com.au or seek legal advice. You should not delay in making your decision.



**SCHEDULE 1
GROUP MEMBER REGISTRATION FORM**

***Information provided in this form will be treated as confidential#**

There is a court-ordered confidentiality regime in place in respect of any information provided in this form. Those orders detail who can access the information and what they can do with it. General legal principles also dictate that this information can only be used for the purposes of this litigation i.e. it cannot be used for any other purpose.

If you have any questions in relation to the disclosure of your information, you may contact the Applicant's solicitors, Maurice Blackburn, by email at ForexClassAction@mauriceblackburn.com.au.

Part A: Name and contact details		
1. Full name of person or company (please supply the name in which the trades were conducted)		
2. Contact details (this information will not be provided to the Respondent Banks or their representatives)	Contact name (if trading by a company): Email: Telephone: Postal address:	
Part B: Questions to help determine if you are a group member		
References to 'you' below are to the person or company named in response to question 1		
3. In the period from 1 January 2008 to 15 October 2013 did you (or your employee or agent): (a) trade in FX Spots or FX Outright Forwards; <i>and</i> (b) in one or more of the Currency Pairs* set out below?	Yes, my trading meets each of the requirements in both (a) and (b)	No
4. If you answered yes to question 3, was the combined value of those trades made: (a) while you (or your employee or agent) were in Australia; and/or (b) through a Dealer** located in Australia, at least AUD 500,000 (or equivalent)?	Yes	No
Part C: Additional information about your trading		
If you answered 'yes' to each of questions 3 and 4, please answer the following questions to the best of your ability.		
Each question applies to the trades that meet each of the criteria in questions 4 and 5. These are referred to in this section as Qualifying Trades .		
References to 'you' below are to the person or company named in response to question 1		



<p>5. What was the total value your Qualifying Trades in the period from 1 January 2008 to 15 October 2013? * If you do not know, please provide your best reasonable estimate. You may provide an estimated range in responding to this question.</p>	<p>AUD \$ _____ or AUD \$ _____ to SAUD _____</p>	
<p>6. In which Currency Pairs* did you predominantly trade?</p>		
<p>7. Did you place your Qualifying Trades directly with any of UBS AG, Barclays Bank Plc, Citibank N.A., JPMorgan Chase Bank N.A. and/or NatWest Markets Plc (formerly known as The Royal Bank of Scotland plc)? If you do not <u>know</u> write "Unknown".</p>	<p>If <u>yes</u> please select all that apply:</p> <ul style="list-style-type: none"> • UBS AG • Barclays Bank Plc • Citibank N.A. • JPMorgan Chase Bank N.A. • NatWest Markets Plc (formerly known as The Royal Bank of Scotland plc) <p>If you do not know, write "Unknown" below:</p>	
<p>8. Which (if any) other Dealers** located in Australia did you place your Qualifying Trades with (please include all known)?</p>		
<p>9. Will you be able to provide, if requested and given reasonable time, records of your Qualifying Trades?</p>	Yes	No
<p>Part D: Additional questions about you / your business If you answered 'yes' to each of questions 3 and 4, please answer the following questions to the best of your ability. References to 'you' below are to the person or company named in response to question 1</p>		
<p>10. Please provide a general description of the nature of the business (or other context) in which your Qualifying Trades were conducted, including whether you were in the business of trading FX as distinct from another business (eg goods importer)?</p>		
<p>11. Have you already received any money or submitted a claim to receive a payment in respect of your Qualifying Trades (anywhere in the world, including from other litigation and/or settlement) or otherwise agreed to release your claim?</p>	Yes (if you answer "Yes" to this question, please provide further information in the space below about the value of your Qualifying Trades that were covered by the	No



	claim, and the amount of compensation you received. Please note, if you do not specify the currency in your answer, we will assume your answer to be in \$AUD.)	
<p><i>You can complete this form online at: https://www.mauriceblackburn.com.au/FX or you can return it via email at ForexClassAction@mauriceblackburn.com.au, or via post to the following address: Maurice Blackburn FX Class Action Team, Level 19, 380 La Trobe Street, Melbourne VIC 3000 The preferred method for responding is by completing the form online if you can do so.</i></p>		
<p>*Currency Pairs means: the Australian dollar (AUD), British pound (GBP), Euro (EUR), Japanese yen (JPY), New Zealand dollar (NZD) or the US dollar (USD) paired with another currency from any of the following: AUD, Brazilian real (BRL), GBP, Canadian dollar (CAD), Chinese yuan (CNY), Czech koruna (CZK), EUR, Hong Kong dollar (HKD), Hungarian forint (HUF), Indian rupee (INR), Indonesian rupiah (IDR), Israeli shekel (ILS), JPY, Malaysian ringgit (MYR), Mexican peso (MXN), NZD, Norwegian krone (NOK), Polish zloty (PLN), Romanian leu (RON), Russian ruble (RUB), Singapore dollar (SGD), South African rand (ZAR), South Korean won (KRW), Swedish krona (SEK), Swiss franc (CHF), Taiwan dollar (TWD), Thai baht (THB), Turkish lira (TRY).</p> <p>** Dealer means: an individual or firm acting as a principal, rather than as an agent, in the purchase and sale of currencies, and the quoting of prices for the purchase and sale of currencies, to customers in the Dealer's capacity as an FX market maker.</p>		

Important: If you choose to complete and submit this registration form, you consent to the disclosure of your information and transaction data relating to your trades in FX Instruments, and to the extent permitted by law waive any protections provided by any applicable foreign or domestic bank secrecy, client confidentiality or data privacy law protections in relation to your information and transaction data relating to your trades in FX Instruments, for the purpose of the Australian FX Class Action and any appeal.

ACKNOWLEDGEMENT

By signing this form, I acknowledge that I have reviewed this form and agree to its terms, including the preceding notice marked "Important".

.....
Name:
Position:
Date:



SCHEDULE 2

Form 21
Rule 9.34

Opt out notice

No. VID 567 of 2019

Federal Court of Australia
District Registry: Victoria
Division: General

J Wisbey & Associates Pty Ltd (ACN 001 959 851)
Applicant

UBS AG (ABN 47 088 129 613) & Ors
Respondents

To: The Registrar
Federal Court of Australia
Victoria District Registry
level 7, 305 William Street Melbourne VIC 3000

[Print name], a group member in this representative proceeding, gives notice under section 33J of the *Federal Court of Australia Act 1976*, that [he, she, they or it (circle as applicable)] is opting out of the representative proceeding.

Date:

Signed by [Print name]
[Insert capacity eg group member / Lawyer
for the group member]
[Insert ABN/ACN]
[Insert contact details – phone, email, address]



Annexure D– General Notice

[Note: it is intended that the General Notice will be identical to the Customer Notice save that it will not include the statements that the recipient has been identified as a potential group member based on the respondents' own records]



Annexure E– Press Notice

Australian FX Class Action

J Wisbey & Associates Pty Ltd v UBS AG & Ors

No. VID 567 of 2019

The Federal Court of Australia has ordered that this notice be published for the information of persons who might have claims affected by this class action.

The class action alleges that the respondents - UBS AG, Barclays Bank PLC, Citibank, N.A., JPMorgan Chase Bank N.A. and NatWest Markets PLC (formerly The Royal Bank of Scotland PLC) - entered into an arrangement or understanding to fix the prices for certain FX instruments, causing loss to the persons who traded in those instruments.

The respondents deny those allegations and are defending the proceedings.

If you traded in FX spots or FX outright forwards between 1 January 2008 and 15 October 2013 and:

- either you or the dealer with whom you transacted were located in Australia; and
- you traded a minimum total value of AUD 500,000 or equivalent over that period,

you may be a group member in this class action. You do not need to have traded with the respondents to be a group member.

The Court has ordered a mediation of the proceeding to be conducted by 6 November 2024 for the purposes of the parties attempting to reach settlement.

If you are a group member and wish to be considered for a payment from any settlement of the class action agreed within three months of the first day of the mediation, you must register your claim by 4pm AEST on 12 August 2024. If you do not register by that date and the class action settles, you may lose the right to receive compensation from any such settlement and to pursue your own claim against the respondents in relation to the subject matter of the class action.

If you have already received compensation relating to alleged cartel conduct in respect of the same FX trades, you will not be eligible to receive compensation in respect of those trades in this case.

If you do not wish to remain part of the class action, you must opt-out by 4pm AEST on 12 August 2024. Details on how to opt-out can be found at <https://www.mauriceblackburn.com.au/FX>.

For more information, including registration forms, please contact Maurice Blackburn on 1800 270 800 or email ForexClassAction@mauriceblackburn.com.au.



Schedule

No: VID567/2019

Federal Court of Australia
District Registry: Victoria
Division: General

Second Respondent	BARCLAYS BANK PLC (01026167)
Third Respondent	CITIBANK N.A. (ABN 34 072 814 058)
Fourth Respondent	JPMORGAN CHASE BANK N.A. (ABN 43 074 112 011)
Fifth Respondent	NATWEST MARKETS PLC (SC090312)