

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 <https://www.mauriceblackburn.com.au/allianzaddoninsurance> 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) 1800 497 191

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 (select one)	<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.**