



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

Case: S ECI 2020 02853

No S ECI 2020 02853 Filed on: 21/12/2022 03:41 PM

BETWEEN

TRACY-ANN FULLER and another

Plaintiffs

and

**ALLIANZ AUSTRALIA INSURANCE LIMITED (ACN 000 122 850) and
another**

Defendants

CLASS ACTION INFORMATION SUMMARY STATEMENT

Date of document: 20 December 2022

Filed on behalf of: The Plaintiffs

Prepared by: Joint Solicitors for the Plaintiffs

| | |
|--|------------------------|
| Johnson Winter Slattery | Solicitors code: 40411 |
| Level 34, 55 Collins Street | DX: N/A |
| MELBOURNE VIC 3000 | Tel: (03) 8611 1333 |
| Email: paul.buitendag@jws.com.au | Ref: C6228 |
| | |
| Maurice Blackburn Pty Limited | Solicitors code: 564 |
| Level 21, 380 La Trobe Street | DX: N/A |
| MELBOURNE VIC 3000 | Tel: (03) 9605 2700 |
| Email: awatson@mauriceblackburn.com.au | Ref: 3052948/AJW |

ALLIANZ CLASS ACTION

TRACY-ANN FULLER & JORDAN WILKINSON V ALLIANZ AUSTRALIA INSURANCE LIMITED
(ACN 000 122 850) & ALLIANZ AUSTRALIA LIFE INSURANCE LIMITED (ACN 076 033 782)

SUPREME COURT OF VICTORIA S ECI 2020 02853

CLASS ACTION INFORMATION SUMMARY STATEMENT

1 What is a class action?

Where at least seven or more people have claims that arise out of similar circumstances, a class action, (or “representative proceeding”) can be brought by one or more representative plaintiffs on their own behalf and on behalf of others, often called “group members”.

2 What is the Allianz Class Action about?

The class action is against Allianz Australia Insurance Limited (**Allianz**) and Allianz Australia Life Insurance Limited (**Allianz Life**). It concerns “add-on” insurance products offered or issued by Allianz, or by Allianz and Allianz Life, which were presented and sold to consumers at or around the time they purchased a car or motorcycle from a vehicle dealership. These “add-on” insurance products included:

- (a) **Loan Protection Insurance** (also referred to as “Repayment Insurance” or “Consumer Credit Insurance”);
- (b) **Motor Equity Insurance** (also referred to as “Guaranteed Asset Protection Insurance”, “GAP insurance”, “Shortfall Insurance”, “Purchase Price Insurance” or “Value Protect Insurance”);
- (c) **Extended Motor Warranty**; and
- (d) **Tyre and Rim Insurance**.

The Allianz Class Action alleges that Allianz engaged in misleading or deceptive conduct and unconscionable conduct in relation to the issue of the “add-on” insurance products. It is also alleged that some group members purchased “add-on” insurance products in circumstances where they were mistaken as to key matters relating to the products as a result of the conduct of Allianz and/or the dealers acting on its behalf. Further, the class action alleges that Allianz by itself, or by the dealers acting on its behalf, gave personal advice to some group members and breached various obligations under the *Corporations Act 2001* (Cth) in relation to the giving of that advice. The Allianz Class Action seeks compensation for group members who bought these products and/or recovery of the amount of the premiums mistakenly paid for the products.

3 Who is a group member in the Allianz Class Action?

You may be a group member if, at any time between 1 June 2006 and 27 September 2021, you:

- (a) purchased a car or motorcycle from a car dealership;
- (b) in conjunction with that purchase, purchased one or more “add on” insurance products issued by Allianz or Allianz and Allianz Life, or offered by Allianz on behalf of OnePath Life Limited (**OnePath**); and
- (c) became liable to pay or paid (directly or indirectly), a premium to either of Allianz or Allianz and Allianz Life for the “add on” insurance products.

A complete definition of Group Member is in paragraph 9 of the Amended Consolidated Statement of Claim.

4 What is the role and responsibility of the representative plaintiffs?

On 15 September 2021, the Supreme Court of Victoria ordered that the Allianz Class Action be consolidated with a similar class action against Allianz, being conducted by Maurice Blackburn on behalf of Mr Jordan Wilkinson (*Jordan Wilkinson v Allianz Australia Insurance Limited* S ECI 2020 04230). As a result, there are two representative plaintiffs: Ms Tracy-Ann

Fuller and Mr Wilkinson (**Plaintiffs**). The Plaintiffs have responsibility for the conduct of the Allianz Class Action on behalf of the group members and may give evidence during the Allianz Class Action.

5 Who are the firms acting for the Plaintiffs?

Johnson Winter Slattery (**JWS**) and Maurice Blackburn act jointly for the Plaintiffs.

6 How is the Allianz Class Action funded?

On 13 December 2022, her Honour Justice Nichols made a **group costs order** in the Allianz Class Action (**GCO**). A GCO is an order that the legal costs payable to the Plaintiffs' lawyers be calculated as a **percentage** of any award or settlement amount that may be recovered in the proceeding, rather than using time-based billing.

In this case, the Court ordered that:

- **the GCO percentage be 25% (incl. GST)**. This means that Maurice Blackburn's and JWS' legal costs (together) will be calculated as 25% of any award or settlement amount. Therefore, the Plaintiffs and all group members are guaranteed to share 75% of any award or settlement that may be recovered in the proceeding;
- the GCO payment is to be **shared equally** between JWS and Maurice Blackburn;
- the GCO percentage is 'subject to further order'. **The Court can adjust the GCO percentage** at any time over the course of the class action, including and up to the conclusion of the trial or any settlement.

Maurice Blackburn and JWS are also liable to give any 'security for costs' to the defendants if required, and to pay any costs payable to the defendants in the proceeding. Therefore, **the Plaintiffs and group members will not be liable to pay any 'out of pocket' costs**, whether or not the case is successful.

A copy of the GCO orders dated 13 December 2022 can be found on the websites of Maurice Blackburn, JWS and the Supreme Court of Victoria.

Further information with respect to the retainers in place between JWS and Ms Tracy-Ann Fuller, and Maurice Blackburn and Mr Wilkinson, can be found in the Funding Information Summary Statement.

7 Has another class action been filed, or likely to be filed, by another law firm that relates to the same subject matter as the Allianz Class Action?

No.

8 Who can group members contact for further information about the Allianz Class Action?

The best source of information about the Allianz Class Action is the Allianz Class Action websites: <https://www.allianzclassaction.com.au> and <https://www.mauriceblackburn.com.au/allianzaddoninsurance/>.

Group members may also contact Maurice Blackburn and JWS, at no cost, through one of the following:

Email: allianzclassaction@jws.com.au addonclassaction@mauriceblackburn.com.au

Post: Johnson Winter Slattery Maurice Blackburn
Allianz Class Action Allianz Car Dealer Add-On Insurance Class
GPO Box 9831 Action
MELBOURNE VIC 4001 PO Box 523, MELBOURNE VIC 3001

SCHEDULE OF PARTIES

TRACY-ANN FULLER

First Plaintiff

JORDAN WILKINSON

Second Plaintiff

and

ALLIANZ AUSTRALIA INSURANCE LIMITED (ACN 000 122 850)

First Defendant

ALLIANZ AUSTRALIA LIFE INSURANCE LIMITED (ACN 076 033 782) Second Defendant