



**WESTPAC CAR LOAN CLASS ACTION**  
***Fox and anor v Westpac Banking Corporation & St George Finance Ltd***  
Supreme Court of Victoria

Case: S ECI 2020 02946

Filed on: 15/07/2020 04:20 PM

**FUNDING INFORMATION SUMMARY STATEMENT**

---

**1. How is the Westpac Car Loan Class Action funded?**

All costs associated with the class action will be borne by Maurice Blackburn, unless there is a successful outcome to the class action (such as a settlement that is approved by the Court or a judgment by the Court awarding damages to group members).

Maurice Blackburn's no win no fee retainer agreement sets out the terms on which it is acting. Members of the class (group members) can ask to see a confidential copy of the retainers signed by Ms Fox and Ms Natasi by contacting Maurice Blackburn.

The plaintiffs intend to make an application for a Group Costs Order in the Westpac Car Loan Class Action. If a Group Costs Order is made, then subject to the Court's further orders, that order will govern the costs to be charged by Maurice Blackburn.

A Group Costs Order is an order of the Court in which the legal costs payable to the law practice representing the plaintiffs and the group members are calculated as a percentage of the amount of any award or settlement. The percentage is determined by the Court.

The plaintiffs and group members will not be asked to pay anything upfront. Costs will only be payable in the event of a successful settlement or judgment and then only as approved by the Court.

**2. How are legal fees and disbursements charged?**

The plaintiff's legal fees and disbursements are 'conditional', meaning that they are only recoverable by Maurice Blackburn if there is a successful outcome in the class action. Amounts recoverable by Maurice Blackburn for legal fees and disbursements must be approved by the Court as reasonable, before being deducted from the money to be paid to group members. Those deductions will never exceed a group member's recovery.

If there is a successful outcome, the plaintiff's legal fees and disbursements will be charged in one of two ways:

- (a) calculated using time based billing for professional fees, with disbursements (for example, fees for experts and barristers) charged at cost; OR
- (b) calculated as a percentage of the amount of any collective award or settlement in the event that the Court makes a Group Costs Order. The percentage is determined by the Court.

If there is not a successful outcome the plaintiffs and group members will not be asked to pay Maurice Blackburn's costs or disbursements. Also, the group members cannot be pursued for costs by Westpac or St George as the *Supreme Court Act* prohibits orders for

costs against group members unless and until a group member takes their own individual action.

**3. Who can group members contact for further information about the funding or costs of the class action?**

Group members may contact Maurice Blackburn, at no out of pocket cost, via:

**Email** flexclassaction@mauriceblackburn

**Phone** 1800 318 063

**Post** Westpac Car Loan Class  
Action Maurice Blackburn  
PO Box 523  
Melbourne VIC 3001