

**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)  
(and another according to the Schedule)**

Defendants

**ORDER**

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JUDGE: The Honourable Justice Waller

DATE MADE: 2 May 2024

ORIGINATING PROCESS: Writ filed on 27 September 2021

HOW OBTAINED: By consent minute

ATTENDANCE: Not applicable

OTHER MATTERS:

- A. This order is made by the Court pursuant to r 59.07(1) of the *Supreme Court (General Civil Procedure) Rules 2015* ('**Rules**').
- B. This order is signed by the Judge pursuant to r 60.02(1)(b) of the Rules.

**THE COURT ORDERS BY CONSENT THAT:**

***Registration and soft class closure***

1. The date by which a group member may register their claim be fixed at **4:00 pm on 15 July 2024** ('**Registration Deadline**').



### ***Registration process***

2. The solicitors for the Plaintiffs will cause an online registration process to be made available for potential group members by which potential group members may register their claim (**‘Registration Form’**).
3. Pursuant to ss 33ZF and 33ZG of the *Supreme Court Act 1986* (**‘Act’**), any group member who wishes to participate in any distribution of any in-principle settlement of this proceeding reached prior to the first day of trial (subject to Court approval) must register their claim by the Registration Deadline by:
  - (a) completing and submitting the Registration Form (which shall capture equivalent information to that set out at Annexure D to this Order, although the formatting of the Registration Form may be modified as necessary to accommodate the logistics of online registration) through the following website hosted by KPMG: <https://www.allianzclassactionregistration.com.au>; or
  - (b) signing a retainer agreement with the Plaintiffs’ solicitors, Maurice Blackburn Lawyers or Johnson Winter Slattery,(and group members who take such action are the **‘Registered Group Members’**).
4. For the avoidance of doubt, group members who have registered their claim with the Plaintiffs’ solicitors before 13 May 2024 are taken to be Registered Group Members.
5. For the avoidance of doubt, failure by a group member to provide all the information requested on the Registration Form will not render the group member’s registration invalid provided the group member is identifiable as such based on the information provided.
6. Pursuant to ss 33ZF and 33ZG of the Act, subject to further order, only Registered Group Members shall be entitled to any relief or payment arising from an agreement to settle the proceedings where that agreement is reached at any time between the date of these orders and the day prior to the commencement of the trial and the agreement is subsequently approved by the Court. Any group member who by the Registration Deadline has not opted out, and who is not a Registered Group Member, will remain a group member for all purposes of this proceeding (including for the purpose of being



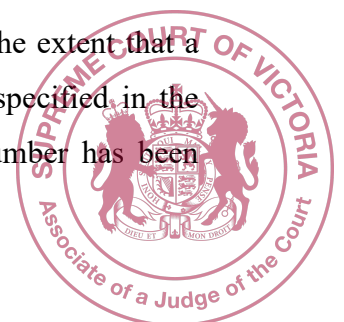
bound by any judgment in this proceeding and being entitled to participate in any award of damages by the Court) but will not, without the leave of the Court, be permitted to seek any benefit pursuant to any such settlement (subject to Court approval) of this proceeding, but will be bound by the terms of any settlement agreement approved by the Court in respect of such a settlement.

### *Notice of Registration*

7. Pursuant to ss 33X(5) and 33Y of the Act, the form and content of the registration notice (**‘Registration Notice’**), correspondence for the main round of notices (**‘Main Round Correspondence’**) and reminder notices (**‘Reminder Correspondence’**) set out in Annexures A to C respectively to this Order are approved.
8. Pursuant to s 33Y of the Act, notice of the registration process is to be distributed to group members or published according to the following procedure:

#### *Main round*

- (a) During business hours between **13 May 2024** and **27 May 2024** (**‘Notice Date’**), the solicitors for the Plaintiffs will cause KPMG to send the Registration Notice to each person, on the **‘Lists of Purchasers’** (being the spreadsheets provided by the Defendants on 16 September 2022 and 26 September 2022 and 25 September 2023), or to each person on the Lists of Purchasers using any updated contact information obtained via a data enrichment process provided by Equifax Australia Marketing Services Pty Ltd (**‘Equifax Australia’**) as set out at paragraph 17 of this Order (**‘Data Enrichment’**), under the cover of the Main Round Correspondence:
  - (i) by email to each person on the List of Purchasers, to the extent that an email address associated with that person is specified in the Lists of Purchasers or any updated email address has been provided by that person to the solicitors for the Plaintiffs following the opt out processes in this proceeding; and
  - (ii) by SMS to each person on the List of Purchasers, to the extent that a mobile phone number associated with that person is specified in the Lists of Purchasers, or any updated mobile phone number has been



provided by that person to the solicitors for the Plaintiffs following the opt out processes in this proceeding, or obtained via Data Enrichment;  
or

- (iii) by prepaid ordinary post, to the extent that a postal address, but no email address or mobile phone number, associated with that person is specified in the Lists of Purchasers or obtained via Data Enrichment;

*Reminder notices*

- (b) During business hours between **11 June 2024** and **25 June 2024**, the Plaintiffs' solicitors shall cause KPMG to send the Registration Notice under the cover of the Reminder Correspondence:

- (i) by email to each person in the List of Purchasers at that person's email address, to the extent that an email address associated with that person is specified in the List of Purchasers or any updated email address has been provided by that person to the solicitors for the Plaintiffs following the opt out processes in this proceeding, but excluding:

- (A) any Registered Group Members; and

- (B) any persons in respect of whom a 'bounce-back' notification was received from the associated email address from the distribution of notices in the main round;

- (ii) by SMS to each person in the List of Purchasers to that person's mobile phone number, to the extent that a mobile phone number associated with that person is specified in the List of Purchasers or any updated mobile phone number has been provided by that person to the solicitors for the Plaintiffs following the opt out processes in this proceeding, or obtained via Data Enrichment, but excluding:

- (A) any Registered Group Members; and



- (B) any persons in respect of whom a ‘bounce-back’ notification was received from the associated mobile phone number from the distribution of notices in the main round.
- (c) The subject line of the email shall be ‘Court Notice regarding Allianz Add-On Insurance Class Action (S ECI 2020 02853)’;
- (d) Where:
- (i) subject to 8(d)(ii) below, an email or text is not delivered and a ‘bounce-back’ notification is received, the Plaintiffs’ Solicitors may cause the Registration Notice to be sent by SMS if the mobile phone number can be obtained via Data Enrichment, for that group member within 10 business days of that bounce-back notification;
- (ii) a group member is sent both an email and a text Registration Notice (i.e. dual distribution), and only one of those delivery methods fails and a ‘bounce-back’ notification is received, the Plaintiffs’ Solicitors are not required to cause the Registration Notice to be sent again via the alternative method per 8(d)(i) above.
- (e) By the Notice Date, the solicitors for the Plaintiffs will cause the Registration Notice to be posted on the following publicly available website hosted by KPMG: <https://www.allianzclassactionregistration.com.au> until the Registration Deadline;
- (f) the Commercial Court Registry of the Supreme Court of Victoria shall cause the Registration Notice by the Notice Date to be posted on the Supreme Court of Victoria website and to be available for inspection at the Commercial Court Registry of the Supreme Court of Victoria until the Registration Deadline.
9. The Registration Notice, Main Round Correspondence, and Reminder Correspondence may be amended by the solicitors for the Plaintiffs and/or KPMG before it is sent or published in order to correct any typographical error, or any postal, website or email address or telephone number.



10. The solicitors for the Plaintiffs and/or KPMG may correct any typographical error in any postal, email or telephone number contained in the List of Purchasers.
11. If the Registration Notice is amended by the Plaintiffs' solicitors and/or KPMG in accordance with paragraph 9 of this Order, the Plaintiffs' solicitors shall provide a copy of the amended Registration Notice to the Commercial Court Registry of the Supreme Court of Victoria by **4:00 pm** on **7 May 2024**, being 6 days before the Notice Date.

### *Costs*

12. The costs of and incidental to the sending of the Registration Notice (including any disbursements incurred) shall be paid by the Plaintiffs and Defendants in equal shares, with the exception of:
  - (a) any online advertising, which will be borne by the Plaintiffs but on the basis that those costs will subsequently fall to be costs in the proceeding; or
  - (b) the costs of the Data Enrichment described at paragraph 17(b) below, which will be not be undertaken in the absence of written agreement between the Plaintiffs and the Defendants.
13. For the avoidance of doubt, addressing inquiries made by group members and members of the public in relation to the Registration Notice is work that is incidental to the Registration Notice.
14. The Defendants' summons dated 26 September 2023 is dismissed and the costs of the summons shall be costs in the cause.

### *Registration information*

15. By **4.00 pm** on each of **9 June 2024** and **17 July 2024**, the solicitors for the Plaintiffs must deliver to the solicitors for the Defendants (in electronic form), a list of Registered Group Members, which list shall contain a unique identification number for each Registered Group Member and otherwise will be in a form that will facilitate the rapid review and analysis of that list (including, where possible, to match a Registered Group Member to the relevant customer on the List of Purchasers).



***Data Enrichment***

16. By **4:00 pm** on **27 May 2024**, the Solicitors for the Plaintiffs are to cause KPMG to provide the List of Purchasers to Equifax Australia in order to perform the Data Enrichment set out at paragraph 17 of this Order.
17. With respect to those group members who:
- (a) only have a postal address on the List of Purchasers; or
  - (b) whose email address or mobile number as contained on the List of Purchasers results in a bounce-back as referred to at paragraph 8(d)(i) of this Order,
- the Plaintiffs may cause KPMG and Equifax Australia to search for an alternative mobile number to send the Registration Notice (with the Main Round Correspondence or Reminder Correspondence as relevant) by SMS to the group member.
18. By **4:00 pm** on **Friday, 5 April 2024**, the Plaintiffs are to obtain acknowledgment from Equifax Australia and KPMG that the List of Purchasers will be treated as confidential, only used for the purpose of these orders, and is subject to the usual implied undertaking to the Court.
19. The orders made by the Court on 3 April 2023 are vacated and the orders at paragraphs 1 to 18 above are made *nunc pro tunc*.

**DATE AUTHENTICATED:** 2 May 2024

  
\_\_\_\_\_  
**THE HONOURABLE JUSTICE WALLER**



**SCHEDULE OF PARTIES**

BETWEEN:

**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

Class Action ID: [insert]



**SUPREME COURT OF VICTORIA**

**NOTICE TO GROUP MEMBERS ABOUT REGISTRATION**

**ALLIANZ CLASS ACTION**

**Tracy-Ann Fuller & Anor v Allianz Australia Insurance Limited & Anor**

**(Proceeding number: S ECI 2020 02853)**

1. The Supreme Court of Victoria has ordered that you receive this notice because you may be a group member in the Allianz class action about add-on insurance sold at car dealerships.
2. The defendants' records show that you purchased the product/s listed in the table below.
3. You must register by 4:00pm on 15 July 2024 (AEST) if you want to be eligible to claim money if there is a settlement before the trial.

Your products:

Type of product	Date product purchased

This notice is sent by order of the Supreme Court of Victoria.

It is important that you read this notice carefully because it may affect your legal rights.



## A. Why did you receive this notice?

Allianz's records show that you purchased the product/s in the table above.

Therefore, you may be a group member.

Even if you don't remember purchasing the insurance, based on Allianz's records, it appears that you did.

1. The class action is about **'add-on' insurance products sold at car dealerships**. 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. The class action is in the **Supreme Court of Victoria** (proceeding no. S ECI 2020 02853).
3. The **defendants** in the class action are Allianz Australia Insurance Limited and Allianz Australia Life Insurance Limited. They deny the allegations and are defending the class action.
4. The **plaintiffs** representing the group members in the class action are Tracy-Ann Fuller and Jordan Wilkinson. The joint solicitors for the plaintiffs are **Johnson Winter Slattery ('JWS')** and **Maurice Blackburn**. They have engaged **KPMG** to send you this notice.
5. You are receiving this notice because, based on Allianz's records, **you have been identified as a potential group member in the class action**.
6. Group members 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 following add-on insurance products issued by at least one of the defendants at or around the time they purchased a motor vehicle or motorcycle from the dealership:
    - i. **Loan Protection Insurance;**
    - ii. **GAP Insurance (Motor Equity, Purchase Price, Value Protect);**
    - iii. **Extended Motor Warranty;**
    - iv. **Tyre and Rim Insurance.**
  - c. Became liable to pay, or paid, a premium to at least one of the defendants;
  - d. Suffered loss or damage by reasons of the alleged contravening conduct of the defendants.
7. **Allianz's records show that you purchased and paid, or became liable to pay, premiums** for at least one of these insurance products (see "Your products" table on page 1 of this notice). Therefore, you may be a group member.
8. The full group member definition is available here [\[link to ACSOC\]](#).



9. If you meet the above description of a group member but you have previously opted out of the Allianz Class Action, you may disregard this notice as you are no longer a group member.

## B. Information about registering

**You must register by 15 July 2024 to be eligible to claim money if there is a settlement in the class action before the trial.**

### How do you register?

10. You must register your claim by completing the online registration form at: <https://www.allianzclassactionregistration.com.au>;
11. If you have **previously registered** on Maurice Blackburn or JWS's website, you do not need to register again.

### What are the consequences of registering and not registering?

12. If you **do register by 15 July 2024** and there **is** a settlement in the class action before the trial and that settlement is then approved by the Court, then you:
- might be eligible to claim money in that settlement;
  - will be bound by the terms of that settlement.
13. If you **do not register** (i.e. do nothing in response to this notice), then you:
- will not be eligible to receive any compensation if there is a settlement before trial, unless the Court makes an order permitting you to participate;
  - may lose your right to claim against the defendants in relation to the same or similar claims alleged in the class action if there is a settlement before trial;
  - may be given another opportunity register in the future, but not in relation to a settlement reached before the trial;
  - will be bound by the terms of the settlement or any final judgment.

## C. Information about costs

**Group members will not have to pay any costs out of their own pockets for participating in the class action.**

**This is the case whether the class action is successful or unsuccessful.**

14. If the class action is **successful**:
- the legal costs payable to Maurice Blackburn and JWS will be calculated as 25% of any settlement or judgment sum. This percentage was approved by the Court.
  - that amount (25%) will then be deducted from settlement or judgment sum, and the remaining amount (75%) will be distributed between group members.



15. The Court may vary the percentage at any time during the class action, but if that occurs the Court will take into account the interests of group members in any re-assessment, and group members will be notified of any change.
16. If the class action is **unsuccessful**, group members will not have to pay any legal costs at all.
17. If there are any costs payable to the defendants in the class action, the law requires Maurice Blackburn and JWS to pay these.
18. **Regardless of the outcome of the class action, there are no out of pocket costs for group members.**

#### **D. More information?**

19. If you have any questions, you can contact KPMG on [phone number] or [email address]. KPMG are assisting Maurice Blackburn and JWS with the registration process. Questions about this notice should be directed to KPMG and should not be directed to the Court.
20. If you have any questions and you do not want to speak to KPMG, you may get independent legal advice.
21. The Supreme Court should not be contacted for legal advice.



## ANNEXURE B

### MAIN ROUND CORRESPONDENCE

#### Email to group members – main round

**Subject:** Court Notice regarding Allianz Add-On Insurance Class Action (S ECI 2020 02853)

**Email text:**

Dear [name]

You have been identified as a potential group member in the Allianz Class Action, which relates to add-on insurance products sold in car dealerships. The deadline to **register** to claim money from any pre-trial settlement is **4:00pm on 15 July 2024 (AEST)**.

**What to do?**

1. **Confirm this is legitimate** by visiting the websites of KPMG or the Victorian Supreme Court, which have information about the class action and this notice.

You can do this by searching: **Allianz class action + KPMG**. Or, click one of these links:

- **KPMG:** <https://www.allianzclassactionregistration.com.au>
- **The Supreme Court:** <https://www.supremecourt.vic.gov.au/areas/group-proceedings/allianz>

2. **Read your notice** in the attached pdf. The notice includes details of **the product/s which the defendants' records show that you purchased**.

The Supreme Court of Victoria has ordered KPMG to send this notice to you via email. However, if you do not want to click on the pdf, you can visit the above websites for a copy of the generic notice (but that generic notice will not have information about the products you purchased).

3. **Register by 4:00pm on 15 July 2024 (AEST)** if you want to be eligible to claim money if there is a settlement in the class action before the trial on KPMG's website<sup>1</sup>: <https://www.allianzclassactionregistration.com.au>;

**Any questions?**

Contact KPMG on:

- [email address]; or
- [phone number].

Please note: You might have received similar notices in relation to the *Flex Commissions* class actions about car loans arranged at car dealerships, or the *AAI & MTA* class action about similar add-on insurance products sold at car dealerships. This is a different class action. If you want to be eligible to claim money if there is a settlement before the trial in this case, you will need to register by the deadline.

*Please read the notice carefully as it contains information that may impact your legal rights.*

<sup>1</sup> By completing the form on KPMG's website you are agreeing to KPMG handling your personal information in accordance with the [KPMG Privacy Policy \(Linked\)](#)



**SMS message to group members – main round**

You are a potential group member in the Allianz Class Action. Register by 15 July 2024 to claim money from any pre-trial settlement.

Your notice, with the products you purchased, is in the PDF below. Confirm this is legitimate by searching 'Allianz Class Action + KPMG' then visit KPMG's website



## ANNEXURE C

### REMINDER CORRESPONDENCE

#### Email to group members – reminder

**Subject:** Reminder of Court Notice regarding Allianz Add-On Insurance Class Action (S ECI 2020 02853)

**Email text:**

Dear [name]

On [date], we emailed notifying that you had been identified as a potential group member in the Allianz Class Action, which relates to add-on insurance products sold at car dealerships.

This is a reminder that the deadline to register to claim money from any pre-trial settlement is **4:00pm on 15 July 2024 (AEST)**.

We **re-provide** the notice in the attached pdf, which **includes details of the product/s which the defendants' records show that you purchased**. If you do not want to click on the pdf, you can visit the following websites for a copy of the generic notice (but that generic notice will not have information about the products you purchased):

- **KPMG:** <https://www.allianzclassactionregistration.com.au>
- **The Supreme Court:** <https://www.supremecourt.vic.gov.au/areas/group-proceedings/allianz>

You can also search: **Allianz class action + KPMG** to visit KPMG's website.

If you want to be eligible to claim money if the class action settles before the trial, you **must register by 4:00pm on 15 July 2024 (AEST) on KPMG's website<sup>1</sup>:** <https://www.allianzclassactionregistration.com.au>;

If you have any questions, contact KPMG on:

- [email address]; or
- [phone number].

*Please read the notice carefully as it contains information that may impact your legal rights.*

<sup>1</sup> By completing the form on KPMG's website you are agreeing to KPMG handling your personal information in accordance with the [KPMG Privacy Policy \(Linked\)](#)

#### SMS message to group members – reminder

This is a reminder to register for the Allianz Class Action by 15 July 2024 to claim money from any pre-trial settlement. Your notice, with the products you purchased, is in our previous message to you.

Confirm this is legitimate by searching online 'Allianz Class Action + KPMG' then visit KPMG's website



**ANNEXURE D**

**ONLINE REGISTRATION**

**ALLIANZ CLASS ACTION**

**Proceeding No. S ECI 2020 02853  
Tracy-Ann Fuller & Anor v Allianz Australia Insurance Limited & Anor**

**REGISTRATION BY GROUP MEMBER**

ONLY COMPLETE THIS ONLINE REGISTRATION IF YOU WANT TO **REGISTER** FOR THE ALLIANZ CLASS ACTION. IF YOU REGISTER, YOU MAY BE ELIGIBLE TO CLAIM MONEY IF THERE IS A SETTLEMENT BEFORE THE TRIAL.

Date	
First Name	
Surname	
If you <u>received</u> a Notice via email, text message or post,	(a) your "Class Action ID" number (located in the top left corner of the 1 <sup>st</sup> page of your Notice):  <u>OR</u> (b) the email address, mobile number, or postal address that received your Notice:
If you <u>did not receive</u> a Notice via email, text message or post, your <u>postal address</u> at the time you purchased the add-on insurance in a car dealership	
Current email address (if different to the above)	
Current mobile (if different to the above)	
Company name ( <u>only</u> if your add-on insurance was purchased under a company name)	

