



## GROUP PROCEEDING SUMMARY STATEMENT

### DA LYNCH PTY LIMITED V THE STAR ENTERTAINMENT GROUP LTD

#### **What is a group proceeding?**

Case: S ECI 2022 01039

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A group proceeding is a legal proceeding commenced by a 'representative' plaintiff against one or more defendants, for the purpose of obtaining a legal remedy, such as compensation. In a group proceeding (sometimes also known as 'a class action'), the representative plaintiff brings the claim on their own behalf and on behalf of other people (known as 'group members') who have claims against the defendant(s) arising from similar or related circumstances. Group members are represented by the representative plaintiff in the group proceeding.

In a group proceeding, the representative plaintiff's claim is used to resolve legal and factual issues that are common to the claims of all group members. This allows those common issues to be considered and resolved once in a way that will apply to the claims of all group members affected by that issue, rather than needing to be determined individually for each group member.

#### **What is this group proceeding about?**

This group proceeding relates to allegations that The Star Entertainment Group Ltd (**Star**) made misleading representations and further, failed to comply with its continuous disclosure obligations as an ASX-listed company, breaching relevant provisions of the *Corporations Act 2001* (Cth), the *ASIC Act 2001* (Cth) and the *Australian Consumer Law*.

The group proceeding alleges that because of this conduct, the Plaintiff and group members paid more for shares in Star than would have been the case had the company complied with its obligations. Alternatively, the group proceeding alleges that some group members would not have purchased shares in Star had the alleged wrongdoing not occurred.

#### **Am I a group member?**

You are automatically a group member if you *purchased* shares in Star during the period 29 March 2016 to 16 March 2022 (inclusive).

If you do *not* wish to participate in the group proceeding, there will be an opportunity for you to opt out of the class action at a future time.

If you do wish to participate in the group proceeding and be entitled to receive compensation if the claim is successful, you will likely be required to formally register your claim at a future time.

You will receive further information about the opt out process and the registration process explaining these options, and any steps that you are required to take at a future date.

#### **Who is acting for the Plaintiff?**

Slater and Gordon is acting for the Plaintiff and other group members in this group proceeding against Star.

#### **Who is the Plaintiff and what responsibilities does it have?**

The Plaintiff, DA Lynch Pty Limited, receives advice from and provides instructions to Slater and Gordon about the case on behalf of all group members. DA Lynch Pty Limited provides instructions about key stages in the proceeding, including in relation to any offer of settlement.

DA Lynch Pty Limited has overarching obligations to act honestly, avoid undue delay and expense, and to exercise best endeavours to take steps to resolve the proceeding.

In the event that the case does not settle prior to trial, DA Lynch Pty Limited may be required to provide evidence regarding its individual claim.

### ***How will legal costs and disbursements be charged?***

Slater and Gordon is acting on the basis that the Plaintiff will seek a Group Costs Order, pursuant to which:

- Slater and Gordon's legal costs would be calculated as a percentage of the amount of any damages award or settlement that may be recovered in the group proceeding. The relevant percentage would be approved by the Court before they were paid;
- the liability for that payment would be shared by the Plaintiff and all group members in the group proceeding;
- Slater and Gordon would be liable for any costs payable to Star in the proceeding that the Court may order (and not the Plaintiff); and
- if an order is made by the Court that security for costs be provided to the Defendant, Slater and Gordon will provide this security (and not the Plaintiff).

In the event that the Court does not make a Group Costs Order (or a Group Costs Order is made but is subsequently vacated), Slater and Gordon is acting on the basis that the Plaintiff will instruct it to seek litigation funding from a litigation funder.

If litigation funding is provided in connection with the proceeding, we will provide an updated Group Proceeding Summary Statement containing further information on how the legal costs and disbursements will be charged.

**In no circumstances will group members ever be out of pocket by participating in the group proceeding – whether the case is successful or unsuccessful.**

### ***How is the group proceeding funded?***

If a Group Costs Order is made, Slater and Gordon is acting on the basis that it will not be paid any legal costs (including disbursements) unless and until an award of damages or a settlement sum is recovered in the class action.

Neither the Plaintiff nor Slater and Gordon has any arrangement with a third-party commercial entity who has agreed to pay or contribute to the costs of the group proceeding in return for a share of any amount recovered.

### ***Are there any other group proceedings relating to the same subject matter?***

Slater and Gordon is not presently aware of any group proceeding having been filed that relates to the same subject matter as this group proceeding.

In October 2021, Maurice Blackburn and Shine Lawyers each announced that they were investigating potential group proceedings against Star that may relate to the same subject matter as this group proceeding. Slater and Gordon is not aware of the likelihood of those group proceedings being filed in the future.

### ***Who can I contact to get further information?***

You can contact Slater and Gordon by sending an email to [star@slatergordon.com.au](mailto:star@slatergordon.com.au) or by calling 1800 071 827.

You will not be charged a fee for contacting Slater and Gordon to ask questions about the group proceeding (the cost of responding to such enquiries fall within the definition of costs of the proceeding generally).