



HINO CLASS ACTION
James Kendall McCoy v Hino Motors Ltd & Anor

Case: S ECI 2023 01521
Filed on: 13/11/2024 03:05 PM

Supreme Court of Victoria

**SECOND AMENDED FUNDING INFORMATION
SUMMARY STATEMENT**

Date of Document:	13 November 2024	Solicitors Code:	564
Filed on behalf of:	The Plaintiff		
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1. How is the Hino Class Action funded?

The lead Plaintiff 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.

The lead Plaintiff made an application for a Group Costs Order in the Hino Class Action. On 15 December 2023, Justice Osborne of the Supreme Court of Victoria granted the Group Costs Order, and that order will govern the legal 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 lead plaintiff and the group members are calculated as a percentage of the amount of any award or settlement. The percentage is determined by the Court.

Maurice Blackburn has entered into a Costs Sharing agreement with Fortress (formerly CF FLA Australia Investments 3 Pty Ltd, Vannin).

It is important to note that the Costs Sharing agreement with Fortress will not affect the amount of any recovery that is returned to group members pursuant to any Group Costs Order.

2. How are legal fees and disbursements charged?

The lead 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 lead Plaintiff's legal fees and disbursements will be determined by the Court.

On 15 December 2023, the Court ordered that the legal costs payable to Maurice Blackburn will be calculated as a percentage of the amount of any award or settlement that may be recovered in the proceeding, in accordance with the following table:

For each dollar of any award or settlement that is recovered:	The applicable percentage (including GST) is:
Between \$0 to \$75,000,000	25%
Between \$75,000,001 to \$150,000,000	22.5%
Between \$150,000,001 to \$225,000,000	20%
Over \$225,000,000	17.5%

The effect of the GCO is that the legal costs payable by group members to Maurice Blackburn cannot exceed 25% of any resolution sum, subject to any further orders by the Court. There may also be separate but smaller deductions such as costs arising from administering and distributing any settlement sum but any such costs will also have to be approved by the Court.

If there is a successful outcome, the liability for the lead Plaintiff's legal fees and disbursements will be shared among the lead Plaintiff and all group members.

If there is not a successful outcome the lead Plaintiff and group members will not be asked to pay Maurice Blackburn's costs or disbursements. Also, group members cannot be pursued for costs by Hino Motors Ltd or Hino Motor Sales Australia Pty Ltd as the *Supreme Court Act 1986* (Vic) 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 Hino@mauriceblackburn.com.au
Phone 1800 161 343
Post Maurice Blackburn
 Hino Class Action
 Level 21, 380 La Trobe St
 Melbourne, VIC, 3000