

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

S ECI 2021 00930

BETWEEN:

ZOEY ANDERSON-VAUGHAN

Plaintiff

- and -

**AAI LIMITED (ACN 005 297 807) & ORS (according to the
Schedule)**

Defendants

ORDER

JUDGE: The Honourable Justice Delany
DATE MADE: 27 March 2024
ORIGINATING PROCESS: Writ filed on 30 March 2021
HOW OBTAINED: By consent
ATTENDANCE: N/A
OTHER MATTERS: N/A

THE COURT ORDERS BY CONSENT THAT:

1. The Notice approved pursuant to the Order made on 12 March 2024 in this proceeding be replaced with the Notice in Annexure A to this Order.
2. The second date in paragraph 15(a) of the 12 March 2024 Order be amended from 9 April 2024 to **16 April 2024**, so that the paragraph read as follows:

Main round

(a) During business hours between **26 March 2024** ('Notice Date') and **16 April 2024**, Maurice Blackburn shall send the Notice (or instruct Computershare Communication Services Pty Limited ('Computershare') in the case of prepaid ordinary post) under the cover of the Main Round Correspondence:

- (i) by email to each person in the Customer Data at that person's email address, to the extent that an email address associated with that person is specified in the Customer Data; and



- (ii) by SMS to each person in the Customer Data to that person's mobile phone number, to the extent that a mobile phone number associated with that person is specified in the Customer Data; or
- (iii) by prepaid ordinary post to each person in the Customer Data to that person's postal address for whom the Customer Data does not include an email address or mobile phone number, and to the extent that a postal address associated with that person is specified in the Customer Data; and

DATE AUTHENTICATED: 27 March 2024



The Hon. Justice Delany

SCHEDULE OF PARTIES

Anderson-Vaughan, Zoey

Plaintiff

- and -

AAI Limited (ACN 005 297 807)

First Defendant

TAL Life Limited (ACN 050 109 450)

Second Defendant

MTA Insurance Pty Ltd (ACN 070 583 701)

Third Defendant

ANNEXURE A

Class Action ID:



SUPREME COURT OF VICTORIA

NOTICE TO GROUP MEMBERS: OPT OUT OR REGISTRATION

AAI & MTA CLASS ACTION

Zoey Anderson-Vaughan v AAI Limited & Ors
(Proceeding number: S ECI 2021 00930)

IMPORTANT NOTICE

The Supreme Court of Victoria has ordered that you receive this notice because you may be a group member in the AAI & MTA Class Action about add-on insurance sold in car dealerships. **The defendants' records show that you purchased and paid premiums for the product/s listed on the next page of this notice.**

You have three options:

- a) If you want to be eligible to claim money if there is a settlement before the trial, **you must register by 4:00pm on 18 June 2024 (AEST).**
- b) If you do not want your rights determined by the class action, **you must opt out by 4:00pm on 18 June 2024 (AEST).** If you opt out, you will not be eligible to claim money from any settlement of or judgment in the AAI & MTA Class Action, and no part of any claim you may have will be determined by the AAI & MTA Class Action, but you may pursue such rights as you may have independently.
- c) **Do nothing** and you will remain a group member in the class action but you **will not** be eligible to claim any money if there is a settlement before the trial, unless the Court makes a further order.

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.**

1. WHAT IS THIS NOTICE?

1. The purpose of this notice is to inform you of the **AAI & MTA Class Action** about **add-on insurance products sold in car dealerships**. The class action is in the Supreme Court of Victoria against AAI Limited, MTA Insurance Pty Limited (both companies in the Suncorp Group) and TAL Life Limited (the **defendants**). The plaintiff representing the class is Zoey Anderson-Vaughan. The lawyers for the plaintiff are Maurice Blackburn Lawyers.
2. The class action relates to the following types of **add-on insurance products** issued by the defendants and sold in car dealerships:
 - a. **Loan Protection Insurance;**
 - b. **Equity or Equity Plus Insurance;**
 - c. **Cash Benefit Insurance;**
 - d. **Extended Vehicle Warranty Insurance;**
 - e. **Tyre & Rim Insurance.**

2. WHY ARE YOU GETTING THIS NOTICE?

3. The defendants were required by Court-order to provide Maurice Blackburn with customer information relevant to the class action.
4. **The defendants' records show that you purchased and paid premiums for the following add-on insurance products relevant to this class action:***

Type of product	Date product purchased

5. **Therefore, you may be a Group Member in the class action and you may be entitled to compensation if the class action is successful.**
6. The rest of this notice provides important information about the class action and your options, including how to register, if you are a Group Member. Your options are explained below under the heading 'What are your options?'
7. **You should read this notice carefully.** If you have any questions about the notice, they should *not* be directed to the Court. Please seek independent legal advice or contact Maurice Blackburn (see section 8 below).

* For a small number of people, this table may not include all policy purchases. These people may also receive more than one notice, if multiple email addresses were provided for the policies. These issues do not impact eligibility for the class action. Eligibility will be determined at a later stage.

3. WHAT IS A CLASS ACTION?

8. A class action is a type of legal proceeding in which the claims of a group of persons (the group members) are brought in a single proceeding.
9. A class action is brought by one or more persons (the plaintiffs) on behalf of the group members. Unless a group member opts out, they are automatically covered by the class action even if they did not take any active steps to join it before it was commenced.

4. WHAT IS THE AAI & MTA CLASS ACTION?

10. The plaintiff commenced the AAI & MTA Class Action on 30 March 2021.
11. The class action relates to **add-on insurance products** issued by one or more of the defendants and sold in car dealerships.
12. The plaintiff makes a number of allegations, including that the defendants engaged in **misleading or deceptive conduct** and made **false or misleading representations** in relation to the sale of the products to the plaintiff and Group Members. The plaintiff says that, as a consequence of the defendants' alleged conduct, the plaintiff and Group Members suffered **loss or damage**.
13. The plaintiff seeks damages to compensate each Group Member (as well as other types of relief).
14. The defendants deny the allegations and are defending the class action.

5. ARE YOU A GROUP MEMBER?

15. Group Members in the AAI & MTA Class Action include persons who, at any time between 1 May 2006 and 30 June 2018:

(a)	purchased or leased a vehicle from a car dealer using a loan arranged by the car dealer;
(b)	in connection with the above, also purchased at least one of the following add-on insurance products issued by one or more of the defendants: <ul style="list-style-type: none">- Loan Protection Insurance or Commercial Loan Protection Insurance;- Equity or Equity Plus Insurance;- Cash Benefit Insurance;- Extended Vehicle Warranty Insurance;- Tyre & Rim Insurance;
(c)	by reason of the above purchases, made payments to any of the defendants (directly or indirectly);
(d)	suffered loss or damage by reason of the alleged contravening conduct of the defendants

16. In addition to the above requirements, for persons who purchased add-on insurance products prior to 30 March 2015, you are a Group Member if your claim falls within the exception to the statutory limitation period applicable to your claim.
17. The full Group Member definition is available on Maurice Blackburn's website: www.mauriceblackburn.com.au/aai-statement-of-claim.

18. We are sending you this notice because the defendants' records show that you purchased at least one add-on insurance product relevant to the class action, and therefore you may be a Group Member.

6. WHAT ARE YOUR OPTIONS?

19. If you are a Group Member, you have three options, which are set out in detail below.

Option 1 - Register

If you want to be eligible to claim money if there is a settlement before the trial, **you must register by 4:00pm on 18 June 2024 (AEST).**

How do I register?

You may register your claim by:

- completing the online registration form with Maurice Blackburn Lawyers at: <https://classaction.mauriceblackburn.com.au/aiiaddoninsurance>; OR
- completing the '**registration form**' in **Attachment A** below and sending it to Maurice Blackburn (who are acting for the plaintiff in the AAI & MTA Class Action).

If you have **already registered** on Maurice Blackburn's website for the AAI & MTA Class Action, you do not need to register again.

If you are unsure whether you have already registered your claim, you may contact Maurice Blackburn using the contact details in section 8 below.

What are the consequences of registering and not registering?

If you **register**, and the parties **agree to settle** before the trial of the AAI & MTA Class Action and the settlement is approved by the Court, then you might be eligible to claim money in that settlement and will be bound by the terms of that settlement. There is no guarantee that the proceeding will settle before trial or at all, but if a settlement is agreed before trial and compensation is payable to Group Members, **you can only be eligible to receive compensation if you register by 4:00pm on 18 June 2024 (AEST).**

If you **do not register**, you will not be eligible to receive any compensation if a pre-trial settlement occurs.

If you **register**, and the parties **do not agree to settle** the AAI & MTA Class Action before trial, then the class action will proceed to trial and you will remain a Registered Group Member. You will be bound by the result of the trial. You might be eligible to claim money in any subsequent settlement or judgment decided in favour of the plaintiff.

Option 2 - Opt out

If you are a Group Member and do **not** want your rights to be determined by this class action **you must opt out** by **4:00pm on 18 June 2024 (AEST).**

What does opting out mean?

If you choose to 'opt out':

- **you will cease to be a Group Member** in the AAI & MTA Class Action;
- you will not be entitled to share the benefit of any order, judgment or settlement in favour of the plaintiff and Group Members in the AAI & MTA Class Action;
- you may be at liberty to bring your own claims against one or more of the defendants, provided that you file Court proceedings within the time limit applicable to your claims. **If you want to bring your own claims against one or more of the defendants, you should seek your own independent legal advice about your claims and any time limits before opting out.**

How can you opt out?

If you **do not** want to remain a Group Member in the AAI & MTA Class Action, you must opt out of the class action by **no later than 4:00pm on 18 June 2024 (AEST)** by:

- completing the online opt out notice at the Supreme Court of Victoria website at: <https://www.supremecourt.vic.gov.au/areas/group-proceedings/aai-limited/opting-out>; OR
- completing an ‘**opt out notice**’ in the form shown at **Attachment B** below and returning the completed notice to the Registry of the Supreme Court of Victoria at the address on the form.

Each Group Member who wants to opt out must complete their own separate form.

Opt out notices received after 4:00pm on 18 June 2024 (AEST) will not be effective, unless the Court makes a further order.

Option 3 - Do nothing

If you are a Group Member and you decide **not to opt out and do not register**:

- You will **not** be entitled to receive any compensation if there is a settlement before trial, unless the Court makes an order permitting you to participate.
- You may lose your right to seek monetary relief from the defendants in relation to the same (or similar) claims alleged in the AAI & MTA Class Action if there is a settlement before trial.
- You may be given another opportunity to register in the future, but not in relation to a settlement reached before trial. If, following a trial, the judgment concludes that Group Members may be entitled to receive compensation, then you may be eligible to receive compensation.
- If the AAI & MTA Class Action does not result in a settlement before trial, you will be bound by any final judgment determined at trial.

7. INFORMATION ABOUT COSTS

No Group Member will ever be “out of pocket” simply by remaining a Group Member in the AAI & MTA Class Action.

No ‘out of pocket’ costs for Group Members

20. If the class action is **unsuccessful**, Group Members will not be liable to pay any legal costs at all.
21. If the class action is **successful** (that is, if any monetary compensation is recovered from the defendants by judgment or settlement), Group Members will not have to pay any costs out of their own pockets. Any legal costs that are payable to Maurice Blackburn will be deducted from, and will not exceed, the amount of monetary compensation recovered for the Group Members.

What will happen with legal costs?

22. If the class action is successful, the legal costs payable to Maurice Blackburn will be calculated as 25% of any settlement or judgment sum recovered for Group Members. This means that 75% of any settlement or judgment sum will be distributed to the Group Members, unless the Court makes an order to vary the percentage. This is called a “group costs order” and it was approved by the Court.
23. 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.
24. If there are any costs payable to the defendants in the class action, the law requires Maurice Blackburn to pay these.
25. This means that Group Members will not have to pay any costs out of their own pocket regardless of the outcome of the class action.

8. WHERE CAN YOU OBTAIN FURTHER INFORMATION?

26. For more information about the class action, please see relevant documents on:
 - a. Maurice Blackburn’s website: www.mauriceblackburn.com.au/aai-mta-class-action
 - b. the Supreme Court of Victoria website: <https://www.supremecourt.vic.gov.au/areas/group-proceedings/aai-limited>
27. If there is anything in this notice of which you are unsure, you can:
 - a. contact Maurice Blackburn on 1800 571 256 or aai_addonclassaction@mauriceblackburn.com.au
 - b. seek independent legal advice.
28. The Supreme Court should **not** be contacted for legal advice.
29. This notice was approved by the Supreme Court and published pursuant to Orders made on 12 March 2024.
30. **You should not delay in making any decision to register or opt out or seek further advice.**

ATTACHMENT A

NOTICE OF REGISTRATION BY GROUP MEMBER

AAI & MTA CLASS ACTION – Proceeding No. S ECI 2021 00930

Zoey Anderson-Vaughan v AAI Limited & Ors

OPTION 1: NOTICE OF REGISTRATION BY GROUP MEMBER

ONLY COMPLETE THIS FORM IF YOU WANT TO **REGISTER** FOR THE AAI & MTA CLASS ACTION. IF YOU REGISTER, YOU MAY BE ELIGIBLE TO CLAIM MONEY IF THERE IS A SETTLEMENT BEFORE THE TRIAL.

IF YOU WANT TO **OPT OUT** YOU MUST COMPLETE THE ONLINE OPT OUT NOTICE OR OPT OUT NOTICE. SEE **OPTION 2 - OPT OUT**.

REGISTRATION FORM - you must complete and send this form to Maurice Blackburn by email to aai_addonclassaction@mauriceblackburn.com.au or by post to Level 29 Liberty Place, 161 Castlereagh St, Sydney, NSW 2000 by **4:00pm on 18 June 2024 (AEST)**

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

By sending this form to Maurice Blackburn, you acknowledge that:

- you are the registrant or are acting on behalf of and with the authority of the registrant;
- the information you have provided is true and correct to the best of your knowledge; and
- you have read and understood the Maurice Blackburn Privacy Statement, found at: www.mauriceblackburn.com.au/privacy

OR, you can register your claim on Maurice Blackburn's website:
<https://classaction.mauriceblackburn.com.au/aaaddoninsurance>

ATTACHMENT B

NOTICE OF OPTING OUT BY GROUP MEMBER

AAI & MTA CLASS ACTION – Proceeding No. S ECI 2021 00930

Zoey Anderson-Vaughan v AAI Limited & Ors

OPTION 2: NOTICE OF OPTING OUT BY GROUP MEMBER

ONLY COMPLETE THIS FORM IF YOU WANT TO **OPT OUT** OF THE AAI & MTA CLASS ACTION.
IF YOU OPT OUT, YOU WILL **NO LONGER** BE A GROUP MEMBER.

IF YOU WANT TO **REGISTER** YOU MUST COMPLETE THE **OPTION 1 - REGISTRATION**.

THIS FORM MAY ONLY BE COMPLETED BY A GROUP MEMBER PERSONALLY, OR BY A DIRECTOR OF A COMPANY WHICH IS A GROUP MEMBER, A PERSON WHO IS AN EXECUTOR OF AN ESTATE OF A PERSON WHO IS A GROUP MEMBER, A POWER OF ATTORNEY OF A PERSON WHO IS A GROUP MEMBER OR A SOLICITOR ACTING FOR A GROUP MEMBER.

To: Commercial Court Registry
Supreme Court of Victoria
210 William Street
Melbourne Victoria 3000
aaiclassaction@supcourt.vic.gov.au

I, [print name]....., am
(select **one** option only)

- a group member;
- a director of [company].....which is a group member;
- an Executor for the Estate of [print name].....who is a group member;
- a power of attorney for [print name].....who is a group member; or
- a solicitor acting for [print name].....who is a group member.

in the above group proceeding, and give notice under section 33J(2) of the *Supreme Court Act 1986* that I am **opting out** of this proceeding.

Date:	
Signature of group member, director of group member, Executor, power of attorney or solicitor for group member:	
Email address of group member:	
Address of group member:	

If you would like to opt out of the AAI & MTA Class Action, please complete this form online via the Supreme Court of Victoria website **OR** return this completed form to the Supreme Court of Victoria by email or by post, at the addresses on this form, by **4:00pm on 18 June 2024 (AEST)**.