

# SUPREME COURT OF VICTORIA



## NOTICE OF PROPOSED SETTLEMENT

### ALLIANZ CLASS ACTION

### TRACY-ANN FULLER & ANOR V ALLIANZ AUSTRALIA INSURANCE LIMITED & ANOR

(PROCEEDING NUMBER: S ECI 2020 02853)

THIS NOTICE IS PUBLISHED BY ORDER OF THE SUPREME COURT OF VICTORIA

#### PLEASE READ CAREFULLY

This notice contains important information about the proposed settlement of a class action against Allianz. This is an important legal document which contains information that may affect your legal rights.

#### 1. What is this notice about?

- 1.1. The Supreme Court of Victoria has ordered that this notice be published for potential group members, to let them know about a proposed settlement of the class action.
- 1.2. Specifically, this notice provides important information about:
  - (a) background to the Allianz class action;
  - (b) the key things to know about the proposed settlement;
  - (c) whether you may be eligible to receive potential compensation; and
  - (d) what you need to do if you want to object to the proposed settlement.

## **2. Background information**

### ***What is a class action?***

- 2.1 A class action is a legal case where one or more plaintiffs make a claim for themselves and on behalf of other people. The people make a claim together because their claims arise out of the same, similar, or related circumstances. The people represented by the plaintiffs are called 'group members'.

### ***What is the Allianz class action about?***

- 2.2 The class action is about Allianz 'add-on' insurance products sold at car dealerships. These insurance products are:
- (a) Loan Protection Insurance;
  - (b) GAP Insurance (also known as Motor Equity, Purchase Price, Value Protect);
  - (c) Extended Motor Warranty;
  - (d) Tyre and Rim Insurance.
- 2.3 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.
- 2.4 The defendants deny the claims made against them in the Allianz class action.
- 2.5 The plaintiffs in the Allianz class action are Tracy-Ann Fuller and Jordan Wilkinson, represented by Johnson Winter Slattery (**JWS**) and Maurice Blackburn. The defendants in the class action are Allianz Australia Insurance Limited and Allianz Australia Life Insurance Limited (**Allianz**).
- 2.6 The trial for the Allianz class action was set to commence on 23 October 2024. The parties agreed to settle the class action before the trial started.

### ***Am I a group member in the Allianz class action?***

- 2.7 Group members in the Allianz class action 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 add-on insurance products in paragraph 2.2 above, issued by Allianz Australia Insurance Ltd and / or Allianz Australia Life Insurance Ltd (as well as OnePath Life Limited for some Loan Protection Insurance products) at or around the time they purchased a motor vehicle or motorcycle from the dealership;
  - (c) became liable to pay, or paid, a premium to Allianz; and

- (d) suffered loss or damage by reason of the alleged contravening conduct of Allianz.
- 2.8 The full group member definition is available on the websites in Part 7 below. If you meet this definition, you are a group member in this class action. You are a group member regardless of whether or not you filled in a registration form to be a registered group member prior to the deadline at 4pm on 15 July 2024.
- 2.9 If you are a group member but you have previously **opted out** of the Allianz class action, you may disregard this notice. By opting out you are no longer a group member.
- 2.10 Not all group members are eligible to receive potential compensation from the proposed settlement. This is explained in paragraph 3.2 below.

### **3. The Proposed Settlement**

#### ***What are the key things to know?***

- 3.1 The key things to know about the proposed settlement are:
- (a) Allianz will pay (without admission of liability) **\$170 million (Settlement Sum)** to settle the claims in the Allianz class action;
  - (b) the Court must approve the proposed settlement for it to take effect; and
  - (c) if the Court approves the settlement, the settlement will apply to **all** group members (including unregistered group members). This means that group members will not be able to sue Allianz for issues arising from, in connection with, in respect of, or related to the claims against Allianz in this class action.

#### ***Are all group members eligible to receive potential compensation?***

- 3.2 No, not all group members will be eligible to receive compensation under the proposed settlement.
- 3.3 The Court previously ordered that only group members who registered their claim by 4pm on 15 July 2024 (**registered group members**) would be eligible to receive compensation if the Allianz class action settled before trial.
- 3.4 Notices about that deadline were sent to all group members between May and July 2024. The notices made clear that group members had to register if they wanted to receive compensation from any pre-trial settlement.

#### ***What if I did not register by 4pm on 15 July 2024?***

- 3.5 If you are a group member but did not register by 4pm on 15 July 2024, you are an **unregistered group member**. This means that, if the Court approves the proposed settlement:
- (a) you will remain a group member and be 'bound' by the settlement, meaning that you will not be able to bring other proceedings against Allianz in relation to any of the issues that were covered by the class action; but

(b) you will also not be eligible to receive compensation from the settlement in this class action.

3.6 Some people submitted registrations after the deadline. The Court will be told about those late registrations. It will be a matter for the Court whether it allows those persons to be treated as registered group members.

### ***Registrants not matched to Allianz records***

3.7 A small group of registrants have not been clearly matched to Allianz's records. These people will be contacted at a later date asking for more information and if they cannot be matched they will not be entitled to share in the compensation.

### ***How much will registered group members receive?***

3.8 For the registered group members who are entitled to share in the compensation, we are not yet able to confirm the amount that each person will be paid.

3.9 This is because:

(a) the Court must approve deductions from the Settlement Sum, including for legal costs (see more detail in Part 5 below); and

(b) for the remainder of the Settlement Sum, the Court must approve the method to determine registered group members' eligibility and how payments are to be calculated. The plaintiffs' proposed method for this will be set out in a 'settlement distribution scheme'. A copy of this will be available on Maurice Blackburn's website at [www.mauriceblackburn.com.au/allianzaddoninsurance](http://www.mauriceblackburn.com.au/allianzaddoninsurance) on and from 13 January 2025.

3.10 Therefore, we cannot provide an individual estimate of compensation amounts at this stage and registered group members are not guaranteed to receive compensation from the Settlement Sum. Compensation amounts will depend on a range of factors including individual circumstances, such as the price of your policy and when you purchased it. It is harder to succeed on legal claims applying to some policies, in particular policies purchased before 7 July 2014, and so a greater reduction will be applied to those claims. Once again, we are not yet in a position to advise anyone of individual compensation amounts and we cannot give further information at this time. This will only be possible once the settlement distribution process is underway.

## **4. What are my options?**

### ***Option 1: Do nothing***

4.1 **If you are content with the proposed settlement, and do not want to object to it, you do not need to do anything in response to this notice.**

4.2 If the proposed settlement is approved, all relevant information will be published on Maurice Blackburn's website at the link above after the settlement approval hearing on

**11 March 2025 at 10:00am.** You will then be contacted at a later date with further information about anything you need to do.

### ***Option 2: You can object to the proposed settlement***

- 4.3 If you want to object to the proposed settlement, by **4pm (AEDT) on 10 February 2025** you need to either:
- (a) complete and submit the Online Objection Notice through the Supreme Court of Victoria website at: <https://www.supremecourt.vic.gov.au/areas/group-proceedings/allianz/objection>; or
  - (b) complete the 'Notice of Objection' form below, and send it to the Court by email or post at the addresses on the form.
- 4.4 **You, or your legal representative must also attend the settlement approval hearing (unless the Court orders otherwise), which is on 11 March 2025 at 10:00am (AEDT) in the Supreme Court of Victoria.**
- 4.5 The Notice of Objection or Online Objection Notice must be completed in one of the following ways, depending on, for example, whether the group member is a person, a corporation or represented by a solicitor or another person:
- (a) if the group member is a **person**, by that person personally signing or personally inserting their electronic signature;
  - (b) if the group member is a **corporation**, by a director of the corporation personally signing or personally inserting their electronic signature;
  - (c) if the group member is **represented by a solicitor**, by the solicitor personally signing or personally inserting their electronic signature;
  - (d) if the group member is an **estate**, by the executor of the estate personally signing or personally inserting their electronic signature; or
  - (e) if there is a person holding a **power of attorney** for the group member, by the attorney personally signing or personally inserting their electronic signature.
- 4.6 Aside from objecting group members, there is no requirement that any group member attend the hearing.

## **5. Deductions from the Settlement Sum**

- 5.1 The Court will be asked to approve the following deductions from the Settlement Sum *before* the remainder is to be distributed to registered group members.

## **Legal Costs**

- 5.2 The Court previously made a 'group costs order', which means that unless the Court changes the order, the plaintiffs' lawyers will be paid 25% of the Settlement Sum to cover the legal costs they incurred and the legal risks they took in running the class action.
- 5.3 Group members are not, and will not be, liable for any legal costs out of their own pocket.
- 5.4 The Court can adjust the GCO percentage at the settlement approval hearing if it considers the adjustment to be appropriate.

## **Plaintiffs' reimbursement payment**

- 5.5 The Court will also be asked to approve a 'reimbursement payment' to the two plaintiffs, to compensate them for their expenses and the time, inconvenience and stress associated with acting as the plaintiffs in the class action. The reimbursement payment is proposed to be \$30,000 for each plaintiff.

## **Settlement administration costs**

- 5.6 The Court will be asked to appoint Maurice Blackburn as the Administrator to implement the distribution process set out in the settlement distribution scheme.
- 5.7 Regardless of who is the Administrator, there will be costs associated with the implementation of the settlement distribution scheme. The Court will be asked to authorise those costs to be paid from the Settlement Sum before the balance is shared among eligible registered group members.
- 5.8 The settlement administration costs are expected to total around \$5m (excl. GST), but this is an estimate. The Court might fix a lower or higher amount if it thinks that a different figure is appropriate.
- 5.9 As part of the settlement approval process, the plaintiffs will ask the Court to appoint an independent costs referee to determine whether the amount of settlement administration costs is reasonable.

## **6. What next?**

- 6.1 The Court will conduct a hearing on **11 March 2025 at 10:00am** to decide whether to approve the proposed settlement, including how the compensation from the Settlement Sum will be distributed.
- 6.2 If it is approved, see Maurice Blackburn's website using the link below for updates about next steps.

## 7. More information

- 7.1 You can obtain more information and relevant documents about the Allianz class action by visiting:
- (a) [www.mauriceblackburn.com.au/allianzaddoninsurance](http://www.mauriceblackburn.com.au/allianzaddoninsurance)
  - (b) [www.allianzclassaction.com.au](http://www.allianzclassaction.com.au)
  - (c) [www.supremecourt.vic.gov.au/areas/group-proceedings/allianz](http://www.supremecourt.vic.gov.au/areas/group-proceedings/allianz)
- 7.2 If you have any questions, you can contact Maurice Blackburn via:
- (a) [addonclassaction@mauriceblackburn.com.au](mailto:addonclassaction@mauriceblackburn.com.au); or
  - (b) 1800 497 191
- 7.3 If you have any questions, please do not contact the Supreme Court of Victoria. The Court staff are not permitted to give you legal advice.
- 7.4 If you have any questions and you do not want to speak to Maurice Blackburn, you may get independent legal advice.

# NOTICE OF OBJECTION

## ALLIANZ CLASS ACTION

*Fuller & Wilkinson v Allianz Australia Insurance Limited &  
Allianz Australia Life Insurance Limited*  
(Supreme Court of Victoria S ECI 2020 02853)

**ONLY COMPLETE THIS NOTICE IF YOU DO NOT WANT THE COURT TO APPROVE THE PROPOSED SETTLEMENT.**

**You are unable to object to the proposed settlement if you ‘opted out’ of the class action.**

To: The Supreme Court of Victoria at:

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

**A. DETAILS OF GROUP MEMBER OBJECTING**

Name of Group Member <b>OR</b> Contact name (if different from name of Group Member)	
Capacity of person completing Notice of Objection ( <i>select one</i> )	<input type="checkbox"/> Group Member;
	<input type="checkbox"/> Director of [company name].....;
	<input type="checkbox"/> Executor for the Estate of [name].....;
	<input type="checkbox"/> Power of attorney for [name].....;
	<input type="checkbox"/> Solicitor acting for [name].....;



Postal address	
Email address	
Telephone number(s)	

**B. REASONS**

Explain why you object to the proposed settlement. Please include all details that you think relevant.

*Please note if you are completing this form online there is a 2,000 character limit.*

*Continued on next page*

**C. SUBMISSIONS AND EVIDENCE**

- I attach submissions and/or evidence in support of my objection (limited to 2 pages)
- I do not attach any submissions or evidence in support of my objection, but wish for my objection to be considered based on my reasons set out above

(please tick one of the above options)

**D. ATTENDANCE AT HEARING ON 11 MARCH 2025 at 10:00AM**

At the hearing:

- I will appear on my own behalf
- I will be represented by a lawyer: *[insert name]*.....

**E. SIGNING OF NOTICE:**

.....  
*Please sign notice here*

Date:.....

**IMPORTANT NOTE** – if you want this form to be considered by the Court you must ensure that you complete this form online via the Supreme Court of Victoria website OR ensure that it reaches the Supreme Court of Victoria at the postal or email address above by **4pm (AEDT) on 10 February 2025.**