

IN THE SUPREME COURT OF VICTORIA
COMMERCIAL COURT
GROUP PROCEEDINGS

S ECI 2022 03433

BETWEEN:

JANE FULLER AND SUSAN WEEN IN THEIR CAPACITY
AS JOINT EXECUTORS AND LEGAL PERSONAL
REPRESENTATIVES OF THE ESTATE OF GERALD ROGER
FULLER

Substituted Plaintiffs

- and -

FLETCHER BUILDING LIMITED (ARBN 096 046 936)

Defendant

ORDER

JUDGE: The Honourable Justice Waller

DATE MADE: 3 June 2026

ORIGINATING PROCESS: Writ filed on 2 September 2022

HOW OBTAINED: By consent pursuant to r 59.07 of the *Supreme Court (General Civil Procedure) Rules 2025* (Vic) (**Rules**) and the consent minute signed by the parties which has been placed on the Court file

ATTENDANCE: On the papers

OTHER MATTERS: This Order is authenticated by the Judge of the Court pursuant to Rule 60.02(1)(b) of the Rules.

THE COURT ORDERS BY CONSENT THAT:

Opt Out Deadline

1. The date by which a Group Member (as defined in paragraph 1 of the Amended Statement of Claim filed on 24 August 2023) may opt out of this proceeding, pursuant to s 33J(1) of the *Supreme Court Act 1986* (Vic) (the **Act**), be fixed at **4:00pm (AEST) on 20 August 2026 (Class Deadline)**.

Notice Procedure for Opt Out and Registration

2. Pursuant to ss 33X(1)(a) and (5) and 33Y of the Act, the form and content of the opt-out and claim registration notice set out in Annexure A to these Orders (**Notice**) is approved.



3. Pursuant to s 33Y of the Act, the Notice be given to Group Members between **6 July 2026** and **10 July 2026 (Notification Period)** according to the following procedure:
- (a) By **25 June 2026**, the defendant is to:
- (i) engage Computershare Investor Services Pty Limited (**Mailing House**) to act as the agent in respect of the distribution of the Notice in accordance with paragraphs 3(a)–(b) of these Orders;
 - (ii) provide the Mailing House with a copy of these Orders, the Notice and a covering email agreed to in writing by the parties (**Covering Email**); and
 - (iii) instruct the Mailing House to provide the parties with a report identifying the following information by **2 July 2026**:
 - (A) the total number of all persons who or which, at any time during the period from 17 August 2016 to the close of trade on 23 October 2017 (inclusive) (the **Relevant Period**) acquired an interest in fully paid ordinary shares in Fletcher Building Limited (ARBN 096 046 936) (**Fletcher**), including those persons who no longer hold any Fletcher shares or whose qualifying transactions are recorded on the register within the two-day settlement window following 23 October 2017 (**Confidential List of Shareholders**);
 - (B) the total number of all persons recorded on the Confidential List of Shareholders who or which have an email address (**Email Recipients**);
 - (C) the total number of all persons recorded on the Confidential List of Shareholders who or which have only a postal address (**Postal Recipients**);
 - (D) an itemised estimate of the Mailing House’s costs to carry out its engagement in accordance with paragraph 3(a)-(b) of these Orders (**Cost Estimate**); and
 - (E) an acknowledgement that the Mailing House is to notify the parties within two (2) business days of becoming aware that its Cost Estimate is likely to exceed such estimate by more than 10% and specify the revised estimate.
- (b) By **9 July 2026**, the defendant shall instruct the Mailing House to:
- (i) cause the Notice and Covering Email to be sent by email by **4:00pm on the final day of the Notification Period** to the Email Recipients with the subject line ‘Important Class Action Court Notice – The Estate of Gerald Fuller v Fletcher Building Limited (S ECI 2022 03433)’ (**First Email Notification**);



- (ii) cause the Notice to be sent by prepaid ordinary post by **4:00pm on the final day of the Notification Period** to the Postal Recipients at the address recorded for that person on the Mailing House (**First Postal Notification**);
- (iii) in the event that the Mailing House receives an email delivery failure notification from an Email Recipient, or otherwise becomes aware that the First Email Notification was not delivered to an Email Recipient:
 - (A) attempt a second delivery to the intended Email Recipient within five (5) business days of becoming aware of such a delivery failure with the subject line ‘Important Class Action Court Notice – The Estate of Gerald Fuller v Fletcher Building Limited (S ECI 2022 03433)’ (**Second Email Notification**); and
 - (B) cause the Notice to be sent by prepaid ordinary post to the intended recipient within five (5) business days of becoming aware of such a delivery failure, if it has a postal address for that person or entity (**Second Postal Notification**);
- (iv) by **31 July 2026**, provide a report to the parties setting out:
 - (A) the total number of emails sent to persons in the Confidential List of Shareholders;
 - (B) the number of emails marked ‘delivered’ to the recipient;
 - (C) the number of emails marked ‘undelivered’ (i.e., the recipients for whom there is a ‘bounce-back’ notification);
 - (D) the number of Notices sent by post; and
 - (E) the number of postal Notices returned undelivered.
- (c) By **4:00 pm on the first day of the Notification Period**, the solicitors for the plaintiffs shall cause a copy of these Orders and, separately, the Notice to be displayed on their website at <https://www.mayweathers.com.au/fletcher-building> until the Class Deadline.
- (d) By **4:00 pm on the final day of the Notification Period**, the solicitors for the plaintiffs shall cause the Notice to be sent to each person who has provided contact details to the solicitors for the plaintiffs because they are or may be a Group Member, with such Notices to be sent by email where an email address is available, or otherwise by prepaid ordinary post.
- (e) By **4:00 pm on the first day of the Notification Period**, the Supreme Court Registry of the Supreme Court of Victoria shall cause the Notice to be displayed on the website of the Supreme Court of Victoria at <https://www.supremecourt.vic.gov.au/areas/group-proceedings/fletcher-building-group>.



[proceeding-class-action](#), and to be available for inspection at the Supreme Court Registry of the Supreme Court of Victoria, until the Class Deadline.

(f) The Notice and Covering Email may be amended by agreement between the parties before they are sent or published, without further approval by the Court, in order to correct any typographical error, or any postal, website or email address or telephone number.

(g) By **12:00 pm on 3 July 2026**, if the Notice is amended in accordance with paragraph 3(f) of these Orders, the plaintiffs' solicitors shall provide a copy of the amended Notice to the Supreme Court Registry of the Supreme Court of Victoria and the defendant.

4. The costs of notification are to be paid by the plaintiffs in the first instance, on the basis that those costs will subsequently be costs in the proceeding.

Opt Out

5. Pursuant to s 33J(2) of the Act, any Group Member who wishes to opt out of this proceeding must, before the Class Deadline, complete an **Opt-Out Form** in the form of Schedule B to the Notice and submit the completed Opt-Out Form to the Supreme Court Registry of the Supreme Court of Victoria by email or post, or via the Online Opt-Out Notice via the Supreme Court of Victoria website.

6. If, on or before the Class Deadline, the solicitors for any party receive a notice purporting to be an Opt-Out Form, or any other form of notice of opt-out, referable to this proceeding, the solicitors are to provide such notice to the Supreme Court Registry of the Supreme Court of Victoria within three days of receipt with a notation specifying the date it was received and the notice shall be treated as an opt out notice received by the Court at the time when it was received by the solicitors.

7. The solicitors for any party be granted leave to inspect the Court file and to copy Opt-Out Form(s) submitted by Group Members, with such inspection and copying to only occur after the Class Deadline.

Claim Registration Process and Deadline

8. Pursuant to ss 33ZF and 33ZG of the Act, any Group Member who wishes to obtain any benefit arising from any settlement (subject to Court approval) reached at any time between the date of this Order up to two weeks before the commencement of the initial trial in this proceeding must register their claim by the Class Deadline.

9. Pursuant to s 33ZF of the Act, any Group Member who wishes to register their claim in this proceeding may:

(a) complete the online registration process provided for in the Notice; or



- (b) if they are unable to complete the online registration process, complete and return the registration form appearing at Schedule A to the Notice to the solicitors for the plaintiffs via the contact details in the Notice.

10. In order to register their claim, each Group Member shall be required to use their best endeavours to provide the following information:

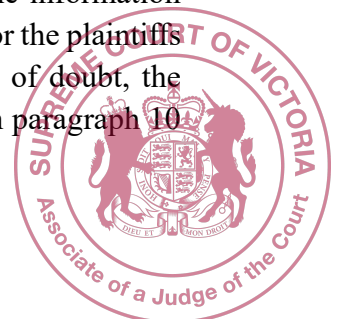
- (a) the Group Member's full name (or names in the case of multiple security holders), address and/or email address, if they acquired an interest in fully paid ordinary shares in Fletcher;
- (b) if the Group Member referred to in sub-paragraph (a) above did not acquire the beneficial interest in the fully paid ordinary shares in Fletcher, the full name, address and/or email address of the beneficial owner of those shares;
- (c) all relevant Holder Identification Reference Numbers (**HIN**) or Security Reference Numbers (**SRN**) or equivalent reference number in respect of fully paid ordinary shares in Fletcher (if known);
- (d) the number of fully paid ordinary shares in Fletcher in which the Group Member held an interest at close of trade on 16 August 2016 (even if that number is nil);
- (e) details of the Group Member's acquisition(s) of an interest in fully paid ordinary shares in Fletcher between 17 August 2016 and 23 October 2017 (inclusive), including the date of acquisition(s), quantity acquired and the price at each acquisition; and
- (f) details of the Group Member's sale(s) and/or disposal(s) of an interest in fully paid ordinary shares in Fletcher between 17 August 2016 and 23 October 2017 (inclusive), including the date of each sale(s)/disposal(s), the quantity sold/disposed and the price at each sale/disposal,

(together, the **Share Trade Data**).

11. A Group Member will be deemed to have registered a claim for the purposes of paragraph 8 of these Orders if that Group Member:

- (a) has, as at the date of these Orders, submitted an expression of interest in connection with this proceeding to the plaintiffs' solicitors or CASL Management Pty Ltd; and
- (b) has, by the Class Deadline, provided the information specified in paragraph 10 of these Orders to the plaintiffs' solicitors or CASL Management Pty Ltd.

12. Any Group Member who: (i) has completed the registration process described in paragraphs 9 and 10 of these Orders, or who has provided no less than the information specified in paragraphs 10(a) and (d) to (e) of these Orders to the solicitors for the plaintiffs by any other means, is a 'Registered Group Member'. For the avoidance of doubt, the failure by any Group Member to provide all of the information specified in paragraph 10



of these Orders by the Class Deadline shall not automatically invalidate that Group Member's registration, provided that the eligibility of the Group Member to register their claim can nonetheless be established based upon the information provided.

Class Closure

13. Pursuant to ss 33ZF and 33ZG of the Act, and subject to any further order of the Court, any Group Member who, by the Class Deadline, does not register or opt out of the proceeding in accordance with the manner provided for in these Orders:
 - (a) will remain a Group Member in this proceeding for all purposes, including for the purpose of being bound by any judgment in this proceeding and being bound by the terms (including releases) of any approved settlement reached at any time between the date of this Order and the commencement of the initial trial in this proceeding; and
 - (b) shall not, without leave of the Court, be permitted to seek any benefit pursuant to any settlement (subject to the approval of the Court) reached at any time between the date of this Order up to two weeks before the commencement of the initial trial in this proceeding (**Class Closure Order**).

Claims Data

14. By **4:00 pm** on **17 September 2026**, the solicitors for the plaintiffs must deliver to the solicitors for the defendant (in electronic form) a list of **Registered Group Members**, which list shall contain (if available):
 - (a) a unique identification number for each Registered Group Member; and
 - (b) the Share Trade Data listed at paragraph 10 of these Orders for each Registered Group Member, to the extent it is available.
15. Liberty is reserved to the solicitors for the plaintiffs to amend the Registered Group Members data referred to in paragraph 14 of these Orders by written notice to the defendant before **1 October 2026**, but only to the extent there appears that there has been an omission or inclusion in the already registered Share Trade Data resulting in an error (and not to include additional registration data from late registrants).
16. The list of Registered Group Members provided to the defendant in accordance with paragraph 14 of these Orders, and any information contained therein, is to be kept and treated at all times as confidential by:
 - (a) the defendant's legal advisors;
 - (b) those officers and employees of the defendant who have conduct of this proceeding on behalf of the defendant;
 - (c) the defendant's insurers (and their legal advisors), if any; and



(d) experts retained by the defendant in the proceeding.

Other

17. Costs reserved.

18. Liberty to apply.

DATE AUTHENTICATED: 3 June 2026




THE HONOURABLE JUSTICE WALLER



ANNEXURE A

SUPREME COURT OF VICTORIA

NOTICE TO GROUP MEMBERS: OPT OUT OR REGISTRATION



FLETCHER BUILDING CLASS ACTION

The Estate of Gerald Fuller v Fletcher Building Limited

Proceeding No. S ECI 2022 03433

IMPORTANT NOTICE

The Supreme Court of Victoria has ordered that you receive this notice (**Notice**) because you may be a group member in the Fletcher Building Class Action (**Class Action**).

This Notice applies to group members residing in Australia and overseas.

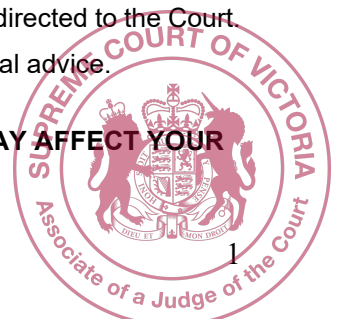
If you are a group member, you may do one of three things in response to this Notice:

- (a) **Option 1 - Register** for the Class Action by **4:00pm (AEST) on 20 August 2026** (being the **Class Deadline**) in order to obtain any benefit arising from any settlement (subject to Court approval) reached at any time up to two weeks before the commencement of the initial trial in this Class Action. To participate in any such settlement, you must register your interest before the Class Deadline.
- (b) **Option 2 – Opt out** of the Class Action by the Class Deadline of **4:00pm (AEST) on 20 August 2026** if you do not wish to participate. This means you will not be eligible to receive any benefit arising from any settlement reached between the parties and subsequently approved by the Court, or from any judgment by the Court, but will preserve your rights to make an individual claim.
- (c) **Option 3 - Do nothing** and remain a group member in the Class Action but, subject to any further order of the Court, you will not be permitted to obtain any benefit arising from any settlement (subject to Court approval) reached at any time up to two weeks before the commencement of the initial trial in this Class Action and your right to claim against the defendant in relation to the matters raised in the Class Action may be extinguished as part of that settlement.

For further information regarding your options, please see Section D of this Notice.

Any questions you have concerning the matters contained in this Notice should not be directed to the Court. If there is anything in this Notice that you do not understand, please seek your own legal advice.

IT IS IMPORTANT THAT YOU READ THIS NOTICE CAREFULLY BECAUSE IT MAY AFFECT YOUR LEGAL RIGHTS.



A WHY HAVE YOU RECEIVED THIS NOTICE?

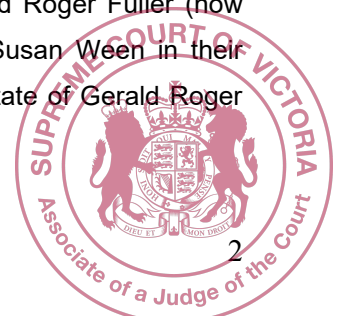
- 1 This Notice has been issued pursuant to an order of the Supreme Court of Victoria.
- 2 If you have been sent this Notice, you may be a group member in the Class Action if you acquired an interest in fully paid ordinary shares in Fletcher Building Limited (ARBN 096 046 936) (**Fletcher**) on the Australian Securities Exchange (**ASX**) or on the New Zealand Main Board (**NZSX**) during the period 17 August 2016 to 23 October 2017 (inclusive) (**Relevant Period**).
- 3 The purpose of this Notice is to inform you of the Class Action in the Supreme Court of Victoria brought against Fletcher and to provide you with options regarding your participation in the case.
- 4 If you believe that you meet the above description of a group member, you should read this Notice carefully as it will affect your rights. If you are unsure whether you are a group member, you should seek your own legal advice without delay.

B WHAT IS A CLASS ACTION

- 5 A class action, also known as a group proceeding, is an action that is brought by one or more plaintiff(s) on behalf of themselves and group members against one or more other defendant(s), where the plaintiff(s) and group members have similar claims against the defendant(s).
- 6 Group members are bound by any judgment or settlement (subject to Court approval) entered into in the Class Action unless they choose not to participate by 'opting out' of the Class Action. This means that:
 - (a) if the Class Action is successful, group members may be eligible for a share of any court-awarded damages;
 - (b) if the Class Action is unsuccessful, group members are bound by that result; and
 - (c) regardless of the outcome of the Class Action, group members will not be able to pursue their claims against the defendant(s) in separate legal proceedings unless they have opted out.

C INFORMATION ABOUT THE FLETCHER BUILDING CLASS ACTION

- 7 On 2 September 2022, this Class Action was commenced and a Statement of Claim was filed on 3 March 2023 against Fletcher in the Supreme Court of Victoria by Gerald Roger Fuller (now deceased and substituted, on 8 September 2025, with Jane Fuller and Susan Ween in their capacity as Joint Executors and Legal Personal Representatives of the Estate of Gerald Roger Fuller (together, the **Plaintiffs**)).



- 8 The Class Action is brought by the Plaintiffs on their own behalf and on behalf of group members who acquired an interest in fully paid ordinary shares in Fletcher on the ASX or NZSX during the Relevant Period (between 17 August 2016 and 23 October 2017 inclusive).
- 9 The Plaintiffs allege that during the Relevant Period, Fletcher made representations to the market of actual and potential investors in Fletcher about Fletcher's expected operating earnings for the financial years ending 30 June 2017 and 30 June 2018 and the performance of the Buildings + Interiors business unit within the Construction Division.
- 10 The Plaintiffs allege that in making the representations described in paragraph 9 above, amongst other things, Fletcher engaged in misleading or deceptive conduct in contravention of the *Corporations Act 2001* (Cth), the *Australian Securities and Investments Commission Act 2001* (Cth), the *Australian Consumer Law*, the *Financial Markets Conduct Act 2013* (NZ) and the *Fair Trading Act 1986* (NZ).
- 11 The Plaintiffs further allege that, by reason of Fletcher's conduct, the Plaintiffs and all group members suffered loss or damage by acquiring shares in Fletcher at the price they did, as that price was higher than the price at which the shares would otherwise have traded on the market, or alternatively, because the price of the shares fell as a result of the disclosure of information correcting the alleged misleading or deceptive representations.
- 12 The Plaintiffs claim compensation for the alleged damage suffered by them and the group members.
- 13 Fletcher denies the allegations made against it and is defending the Class Action.
- 14 The Court has not expressed any opinion on the merits of the claims or defences in the Class Action.
- 15 The allegations made in the Class Action are set out in full in the Plaintiffs' Amended Statement of Claim dated 24 August 2023. Fletcher's defence of those allegations is set out in full in its Defence dated 20 November 2023. Both the Amended Statement of Claim and Defence are available at the website listed at [Mayweathers to insert link].
- 16 The Court has ordered the parties in the Class Action to attend a mediation by **10 December 2026**.
- 17 The Supreme Court of Victoria has ordered that this Notice be distributed for the information of persons who may be group members in the Class Action.
- 18 You should read this Notice carefully. Any questions you have concerning the matters contained in this Notice should not be directed to the Court. If there is anything in it that you do not understand, you should email fletcherclassaction@mayweathers.com.au or call **+61 2 8020 5720**.



D YOUR OPTIONS

- 19 You have three options that you may elect to take in response to this Notice. There may be different consequences depending on which option you choose.

OPTION 1 – REGISTER YOUR INTEREST TO RECEIVE COMPENSATION

You must register your claim by the Class Deadline if you wish to obtain any benefit arising from any settlement (subject to Court approval) reached at any time up to two weeks before the commencement of the initial trial in this Class Action.

What is registration?

- 20 You may register your claim by either:
- (a) completing the online registration process available at:
 - i. <https://www.mayweathers.com.au/fletcher-building>; or
 - ii. If you are having difficulty registering on the website, emailing fletcherclassaction@mayweathers.com.au or calling +61 2 8020 5720 and arranging for the online registration process to be done on your behalf and it being done so; **or**
 - (b) completing and submitting an “**OPTION 1: GROUP MEMBER REGISTRATION FORM**” at **Schedule A** to this Notice by email to [Mayweathers to insert] or by post to [Mayweathers to insert].
- 21 You must register your claim by the Class Deadline of **4:00pm (AEST) on 20 August 2026** to be eligible to obtain any benefit arising from any settlement reached at any time up to two weeks before the commencement of the initial trial in this Class Action.
- 22 If you register for the Class Action, you will become a **Registered Group Member**. This means that:
- (a) if a settlement is reached between the parties at any time up to two weeks before the commencement of the initial trial in this Class Action you may be eligible to obtain any benefit pursuant to the settlement (provided that the settlement is approved by the Court and you satisfy any other eligibility requirements); and
 - (b) you will be bound by any settlement (subject to Court approval) reached at any time up to two weeks before the commencement of the initial trial in this Class Action, or any judgment by the Court (meaning that you will not be permitted to bring any future claims related to the subject matter of the Class Action).
- 23 Becoming a Registered Group Member does not mean that you enter into a contract with the solicitor for the Plaintiffs. Becoming a Registered Group Member does not mean that you will be



liable for any “out of pocket” costs. Costs are only payable to the Plaintiffs’ solicitor, Mayweathers, and the commercial litigation funder, CASL Funder Pty Ltd (ACN 645 229 643), in the event of a successful outcome, as explained in Section E below, and in that event, you will not be liable to pay any “out of pocket” costs.

OPTION 2 – OPT OUT AND CEASE BEING A GROUP MEMBER

24 If you do not want to remain a group member in the Class Action, you must opt out by the Class Deadline.

What is opting out?

25 Each group member seeking to opt out must either:

(a) submit the required information in the ‘Online Opt Out Notice’ through the Supreme Court Registry of the Supreme Court of Victoria website available at <https://www.supremecourt.vic.gov.au/areas/group-proceedings/fletcher-building-group-proceeding-class-action/opting-out>; **or**

(b) complete and submit an “**OPTION 2: OPT OUT FORM**” at **Schedule B** to this Notice. Opt out forms must be returned directly to the Supreme Court Registry of the Supreme Court of Victoria:

i. by post to:

Supreme Court Registry
Supreme Court of Victoria
210 William Street
Melbourne, VIC, 3000

ii. or by email to fletcherbuildingclassaction@supcourt.vic.gov.au

26 You must opt out by **4:00pm (AEST) on 20 August 2026** if you do not want to remain a group member. Opt out notices received by the Court after this time will not be accepted without leave of the Court and (subject to Court order) you will remain an unregistered group member.

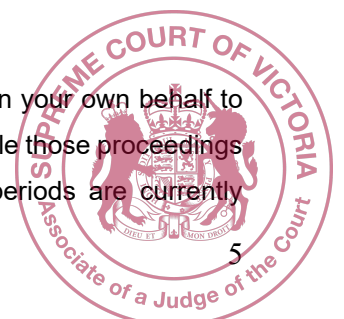
What are the consequences of opting out?

27 If you opt out of the Class Action:

(a) you will cease to be a group member in the Class Action;

(b) you will not be bound by any order, judgment, or settlement in the Class Action and you will not be entitled to share in the benefit of any order, judgment, or settlement in the Class Action; and

(c) you may be able to bring separate proceedings against Fletcher on your own behalf to claim compensation outside of the Class Action, provided that you file those proceedings within the time limit applicable to your claims. While limitation periods are currently



suspended for group members by the commencement of this proceeding, limitation periods may already have expired for some claims and may recommence if you opt out.

- 28 If you are unsure how opting out will affect your rights, you should seek independent legal advice about your claim and the applicable time limit prior to opting out.

OPTION 3 – DO NOTHING

- 29 If you do nothing before the Class Deadline of **4:00pm (AEST) on 20 August 2026** (i.e. you do not register and you do not opt out), you will remain an **unregistered** group member in the Class Action.

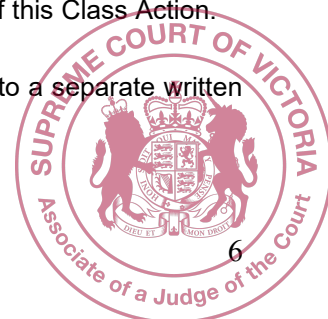
- 30 Doing nothing will mean that:

- (a) **If a settlement is reached** between the parties at any time up to two weeks before the commencement of the initial trial in this Class Action, and that settlement is approved by the Court, you **will not** be entitled to obtain any benefit pursuant to such a settlement, without leave of the Court. Further, you will be bound by the terms of the settlement (if approved by the Court), including any releases in respect of matters related or similar to the claims the subject of the Class Action (despite you not being eligible to seek any benefit). This means that your right to bring your own claim against Fletcher for matters related or similar to the claims that are the subject of the Class Action will be extinguished.
- (b) **If there is no settlement reached** between the parties at any time up to two weeks before the commencement of the initial trial in this Class Action, you will be bound by any final judgment, and you **will be** entitled to obtain compensation (if you satisfy the eligibility criteria set down by the Court) in the event that the Court delivers judgment in favour of the Plaintiffs and group members. If the Class Action proceeds to judgment and is unsuccessful or is not as successful as you might have wished, you will be bound by the judgment determined at trial and will not be able to bring the same claim in any other proceedings.

E HOW THE CLASS ACTION IS BEING FUNDED

- 31 The Plaintiffs have entered into agreements with the Plaintiffs' solicitor in the Class Action, Mayweathers, and a commercial litigation funder, CASL Funder Pty Limited (ACN 645 229 643) (**Funder**). The Funder has appointed CASL Management Pty Limited (**Manager**) to assist the Funder with services in respect to the management of the litigation funding of this Class Action.

- 32 Group members are not clients of the Plaintiffs' solicitor unless they enter into a separate written agreement with them.



33 The agreements between the Plaintiffs, the Funder and the Manager in the Class Action (**Funding Agreements**) provide that:

- (a) the Funder has agreed to fund 75% of the reasonable fees of Mayweathers in running the Class Action (**Lawyer's Funded Fees**) and 100% of Mayweathers' disbursement costs (**Lawyer's Disbursements**);
- (b) the other or remaining 25% of Lawyer's Fees are conditional upon a successful outcome (**Lawyer's Remaining Fees**). If the Class Action achieves a successful outcome, Mayweathers is entitled to its Lawyer's Remaining Fees and an additional 25% of its Lawyer's Remaining Fees for the risk Mayweathers has agreed to assume in prosecuting the Class Action (**Uplift Fee**); and
- (c) the Funder will also provide any security for costs which has been or will be ordered by the Court and pay any costs orders made against the Plaintiffs and in favour of Fletcher in the Class Action.

34 If the Class Action is **unsuccessful**:

- (a) group members will not pay any costs associated with the Class Action; and
- (b) group members will not be liable for the costs of the defendant. In litigation, the Court will typically order the losing party to pay a proportion of the legal costs of the successful party. That is known as an "adverse costs order". In class actions, only the plaintiff faces the risk of an adverse costs order if the class action fails. However, the effect of the Funding Agreements is that, if the Class Action is unsuccessful, the Funder and/or Mayweathers will be liable to pay any such adverse costs payable to Fletcher in the Class Action, and the Funder, Mayweathers and Manager have no entitlement to recover their costs or any remuneration against the group members.

35 If the Class Action is **successful**:

- (a) subject to Court order, in return for funding the Class Action, the Funder will charge funding fees based on a percentage of the amount recovered in the Class Action and Mayweathers will charge an additional 25% Uplift Fee. In the event of a settlement or judgment, the Plaintiffs and the Funder will apply to the Court for an order which will require every group member who is entitled to receive benefits in the Class Action to pay a share of the costs in this Class Action and to pay the Funder a percentage of the amount of the benefit as commission for funding the Class Action and an additional 25% Uplift Fee to Mayweathers. Such an order will not be made unless the Court is satisfied that it should be made. If such an order is sought, group members will be provided with further information and have an opportunity to object to it should they wish to do so;
- (b) the Court will assess whether any amounts proposed to be deducted from any resolution sum are fair and reasonable. You will be given a notice at that time informing you of the amount which it is proposed to be deducted, and given an opportunity to tell the Court if you agree or disagree with what is proposed; and



- (c) the total amounts deducted for legal costs and the Funder's commission from any benefits payable to group members will never exceed the amount a group member may be entitled to in the event of a successful outcome.

F FURTHER QUESTIONS

- 36 Please consider the above matters carefully.
- 37 If there is anything of which you are unsure, you can find more information or contact Mayweathers by email to fletcherclassaction@mayweathers.com.au or by calling +61 2 8020 5720.
- 38 You may also seek your own legal advice. You should not delay in making your decision.
- 39 Please do not contact the Court for legal advice, as it will be unable to assist you.
- 40 Copies of relevant documents, including the most recent version of the pleadings may be obtained by:
- (a) accessing the Supreme Court's website here: <https://www.supremecourt.vic.gov.au/areas/group-proceedings/fletcher-building-group-proceeding-class-action>; and/or
 - (b) accessing the Fletcher Shareholder Class Action website here <https://www.mayweathers.com.au/fletcher-building>; and/or
 - (c) contacting Mayweathers via email at fletcherclassaction@mayweathers.com.au or by telephone on +61 2 8020 5720.



SCHEDULE A
FLETCHER BUILDING CLASS ACTION

The Estate of Gerald Fuller v Fletcher Building Limited (ARBN 096 046 936) (Proceeding No. S ECI 2022 03433)

OPTION 1 - GROUP MEMBER REGISTRATION FORM

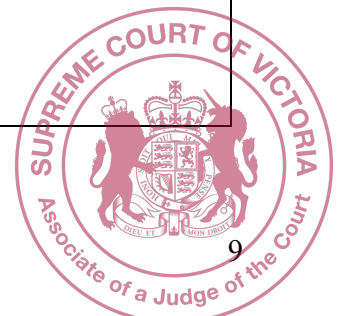
If you would like to **REGISTER** for the Class Action you may complete an online version of this registration form at: **[Mayweathers to insert]**. Alternatively, please return this form to Mayweathers by email or post at the below address by the Class Deadline of **4:00pm (AEST) on 20 August 2026**.

By post: Mayweathers
 The Mezzanine, 12 O'Connell Street
 SYDNEY NSW 2000
 Australia

By email: fletcherclassaction@mayweathers.com.au

1. Group member and security holding details

GROUP MEMBER DETAILS	
Full name(s) of group member(s):	
Name of registered/beneficial owner(s) of securities (if different from name of group member):	
ABN/ACN/ARSN (if applicable):	
HIN/SRN/Reference number (if known):	
Opening Balance (number of FBU shares held at the close of trade on 16 August 2016):	
Name of person completing this form (print):	
Capacity of person(s) completing this form (please check appropriate box)	<input type="checkbox"/> Acquired shares in own name(s) <input type="checkbox"/> Trustee(s) of super fund or trust <input type="checkbox"/> Director(s) of incorporated entity <input type="checkbox"/> Power of attorney for Claimant <input type="checkbox"/> Other (please specify)
Email address:	
Postal address:	



2. Documents in support

In addition to the above information, please provide any copies of supporting documents evidencing your share transactions in Fletcher including any trade confirmations, contract notes, system-generated reports or lists of trades (acquisitions, sales and/or disposals) of Fletcher shares relied upon to complete this registration form.

3. Confirmation

By signing below, you confirm that:

1. The person or entity named above as the owner or beneficial titleholder of fully paid ordinary shares in Fletcher Building Limited (ARBN 096 046 936) wished to register with the Class Action;
2. You authorise Mayweathers to submit information recorded in this form about the person or entity to the Supreme Court of Victoria as notice that the person or entity wished to register with the Class Action; and
3. If you are completing this form on behalf of a group member, you are authorised to submit this information on their behalf for the purpose of registering their claim in the Class Action.

Date:

Name:

Signature:

The information that you provide in this registration form will be managed consistently with Mayweather's privacy policy available at <https://www.mayweathers.com.au/privacy-policy>

End of Registration Form



**SCHEDULE B
NOTICE OF OPTING OUT BY GROUP MEMBER**

FLETCHER BUILDING CLASS ACTION

The Estate of Gerald Fuller v Fletcher Building Limited (ARBN 096 046 936) (Proceeding No. S ECI 2022 03433)

OPTION 2 – OPTING OUT AND CEASE BEING A GROUP MEMBER

ONLY COMPLETE THIS FORM IF YOU WISH TO **OPT OUT** OF THE FLETCHER BUILDING CLASS ACTION. IF YOU OPT OUT, YOU WILL **NO LONGER** BE A GROUP MEMBER. IF YOU WANT TO **REGISTER** DO NOT COMPLETE THIS FORM. YOU MUST FOLLOW THE STEPS IN **OPTION 1**.

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

I, *[print name]* _____, am

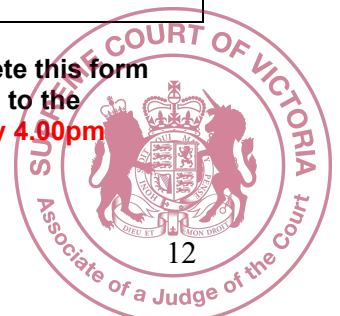
(select **one** option only)

- 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* (Vic) that I am **opting out** of this proceeding (if a group member) or on behalf of the group member whom I represent is **opting out** of this proceeding (if I am a representative of that group member).

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

If you would like to **opt out** of the Fletcher Building 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 (AEST) on 20 August 2026**.



ANNEXURE B
COVERING EMAIL

Subject: IMPORTANT NOTICE - FLETCHER BUILDING CLASS ACTION - The Estate of Gerald Fuller v Fletcher Building Limited Proceeding No. S ECI 2022 03433 (Class Action)

IMPORTANT NOTICE

This email contains important information that may affect your legal rights. Please read it carefully and consider your options.

The Supreme Court of Victoria has ordered that the **attached** Notice be issued to persons who may be a group member in the Class Action. You are receiving this email because you have been identified as a person who may be a group member in the Class Action.

This Notice is an important Court-approved document. It sets out the steps you must take if you wish to:

- **Register your claim** in the Class Action so that you may be eligible to participate in any settlement (subject to Court approval) reached between the parties at any time up to two weeks before the commencement of the initial trial; or
- **Opt out** of the Class Action if you do not wish to be bound by the outcome of any settlement reached between the parties and subsequently approved by the Court, or from any judgment by the Court, but will preserve your rights to make an individual claim; or
- **Do nothing** if you wish to remain a group member in the Class Action but, subject to any further order of the Court, you will not be permitted to obtain any benefit arising from any settlement (subject to Court approval) reached at any time up to the commencement of the initial trial in this Class Action and your right to claim against the defendant in relation to the matters raised in the Class Action may be extinguished as part of that settlement.

The deadline to register your claim or opt out of the Class Action is **4:00 pm (AEST) on 20 August 2026 (Class Deadline)**. The Court has set a strict Class Deadline by which completed notices must be returned. Failure to act before this Class Deadline may result in you losing the ability to claim compensation or otherwise protect your legal interests.

It is important that you carefully read the attached Notice and take action, as your decision may affect your legal rights.

If there is anything you do not understand in the Notice, or if you have any questions, you may seek independent legal advice or contact the plaintiff's lawyers by email at fletcherclassaction@mayweathers.com.au or by telephone on +61 2 8020 5720. Any questions you have concerning the matters contained in the notice should not be directed to the Court.

If you want to verify the legitimacy of this email, you can visit the Supreme Court of Victoria website by typing this address into your internet browser <https://www.supremecourt.vic.gov.au/areas/group-proceedings/fletcher-building-group-proceeding-class-action> or use a search engine to search for "Supreme Court of Victoria Fletcher Building class action" and locate a copy of the Notice on the Supreme Court of Victoria's website.

