



Case: S ECI 2023 01521

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## HINO CLASS ACTION

*James Kendall McCoy v Hino Motors Ltd & Anor*

Supreme Court of Victoria

### AMENDED FUNDING INFORMATION SUMMARY STATEMENT

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Date of Document:	31 August 2023	Solicitors Code:	564
Filed on behalf of:	The Plaintiff		
Prepared by:	Maurice Blackburn Lawyers	Telephone:	03 9605 2700
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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 intends to make an application for a Group Costs Order in the Hino Class Action. If a Group Costs Order is made, then subject to the Court's further orders, that order will govern the 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 is acting on a "no win no fee" basis until the lead Plaintiff's application for a Group Costs Order is determined.

If a Group Costs Order is not made Maurice Blackburn may elect to continue the proceeding on a no win no fee basis, procure litigation funding or terminate its retainer.

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

It is important to note that the Costs Sharing agreement with Vannin 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 charged in one of two ways:

- (a) calculated using time-based billing for professional fees, with disbursements (for example, fees for experts and barristers) charged at cost; OR
- (b) the Court may make a "group costs order" which is an order that the lead Plaintiff's lawyers are to be paid a percentage of the amount of any damages award or settlement. The percentage would 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:

<b>Email</b>	Hino@mauriceblackburn.com.au
<b>Phone</b>	1800 161 343
<b>Post</b>	Maurice Blackburn Hino Class Action Level 21, 380 La Trobe St Melbourne, VIC, 3000