



**JB Hi-Fi Class Action**  
**Jeremy Clarke v JB Hi-Fi Group Pty Ltd**  
**Supreme Court of Victoria**

**AMENDED GROUP PROCEEDING SUMMARY STATEMENT** Case: S ECI 2023 05830

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| Filed on behalf of: | The Plaintiff  | Telephone: 1800 411 708<br>(Group Member Hotline)  |
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**1. What is a class action?**

Where seven or more people have claims that arise out of similar circumstances, a class action can be brought by a lead plaintiff on their own behalf and as a representative of others. The class action will resolve the common issues of fact or law for the class through the vehicle of the lead plaintiff's case. This is an efficient way for the Court to determine the common issues that apply to claims involving large numbers of people.

**2. Who is the JB Hi-Fi Class Action against, and what is the claim for?**

The claim is against JB Hi-Fi Group Pty Ltd (**JB Hi-Fi**). The JB Hi-Fi Class Action seeks compensation on behalf of group members who have purchased extended warranties from JB Hi-Fi, on the basis of allegations that JB Hi-Fi has engaged in misleading or deceptive conduct or unconscionable conduct and/or that group members have purchased the warranties, which are alleged to be of little or negligible value because of the existence of statutory warranties, on the basis of mistake as to their value.

**3. Who is a group member in the JB Hi-Fi Class Action?**

The JB Hi-Fi Class Action is on behalf of persons who purchased an extended warranty (known from time to time as Extended Care, Extra Care or Customer Care), between 1 January 2011 and the date of filing the case (8 December 2023).

A complete definition of 'group member' is available in paragraph 3 of the Statement of Claim.

**4. What is the role and responsibility of the lead plaintiff?**

The role of the lead plaintiff is to be the representative for the class. The lead plaintiff will give instructions to Maurice Blackburn regarding the conduct of the case and may give evidence during the proceeding. In hearing the lead plaintiff's case, the Court will be asked to make findings in relation to questions of fact and/or law that are common to all group members. In this case the lead plaintiff is Jeremy Clarke.

**5. Who is the law firm acting for the lead plaintiff?** Maurice Blackburn Lawyers.

**6. How is the JB Hi-Fi Class Action Funded?**

The lead plaintiff and group members will not be asked to pay anything upfront.

Costs will be payable in the event of a successful settlement or judgment and then only as approved by the Court.

The lead plaintiff intends to apply to the Court for a Group Costs Order in the JB Hi-Fi 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 Court makes its decision on the lead plaintiff's application for a Group Costs Order.

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 4 Pty Ltd.](#)

[It is important to note that the Costs Sharing Agreement will not affect the amount of any recovery that is returned to group members pursuant to any Group Costs Order.](#)

## **7. 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 compensation amount.

If there is a successful outcome, the lead plaintiff's legal fees and disbursements for running the case will be charged in one of two ways:

- (a) If the Court makes a Group Costs Order (see 6), Maurice Blackburn will be paid a percentage of the amount of any damages award or settlement. The percentage is set by the Court.
- (b) Otherwise, if the Court does not make a Group Costs Order, the lead plaintiff's legal costs will be calculated using time-based billing for professional fees, with disbursements (for example, fees for experts and barristers) charged at cost, with interest and an uplift fee if 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 JB Hi-Fi 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.

## **8. Are there currently any other class actions against JB Hi-Fi? No.**

## **9. Who can group members contact for further information about the case?**

Group members may contact Maurice Blackburn, at no out of pocket cost, via:

**Email** [jbhificlassaction@mauriceblackburn.com.au](mailto:jbhificlassaction@mauriceblackburn.com.au)

**Phone** 1800 411 708

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