

## Glenmore Park Class Action Answers to Questions

Defined terms have the same meaning as in the Glenmore Park Class Action Litigation Funding Agreement (**Funding Agreement**).

*This document is confidential and provided to you for the purpose of assisting you (or your clients) to determine whether to participate in the proposed class action. This document should not be provided to any person without the permission of Mayweathers or Omni Bridgeway Limited.*

### 1. What is a class action?

A class action is a special type of court case which enables a number of claims to be pursued together in a cost effective and efficient manner, rather than as a series of individual cases for each affected person. A class action is brought by one person (known as the ‘applicant’) on his or her own behalf and on behalf of a class of people (known as ‘group members’) against another person or persons (known as the ‘respondent’).

In order to commence a class action, there must be at least 7 (but there are often many more) group members who have claims against the same respondent that are in respect of, or arise out of, the same, similar or related circumstances, and which give rise to a substantial common issue of law or fact.

In a class action, the applicant’s claims are used to resolve as many factual and legal issues common to the group members’ claims as possible. While the group members are represented by the applicant, it is not necessary that every class member has exactly the same type of claim.

### 2. Who is Omni Bridgeway?

Omni Bridgeway Limited (OBL) is a public company listed on the Australian Securities Exchange (ASX:OBL). Omni Bridgeway Limited provides, through its funding entities, funding for significant and large-scale litigation. Information about Omni Bridgeway Limited can be found on the Omni Bridgeway Limited website at [www.omnibrigeway.com](http://www.omnibrigeway.com).

Omni Bridgeway (Fund 5) Australian Invnt. Pty Limited (generally referred to as “Omni Bridgeway”) is providing litigation funding for the fees and disbursements of law firm Mayweathers (“**the Lawyers**”) who will be conducting proceedings on behalf of the class.

OBL will also provide litigation management services during the Class Action.

OBL is the holder of Australian Financial Services Licence 557079 (“AFSL 557079”). Neither Omni Bridgeway’s funding of nor OBL’s services to the class action is intended to be provided under AFSL 557079 but relies upon the operation of litigation funding schemes being an exempt financial product pursuant to the Corporations Regulations 2001. Your objectives, financial situation and needs have not been taken into account and you should consider whether the class action is appropriate for you taking any appropriate legal, financial or taxation advice you may require.

### 3. Who is the claim against?

The claim will be brought against:

- a. Mulpha Norwest Pty Ltd; and
- b. Penrith City Council.

#### **4. Who is eligible to participate in the Class Action?**

Owners, purchasers, landlords, investors and authorised representatives of deceased estates (Glenmore Park Property Owners) in respect of properties, lots or homes located within the suburb known as Glenmore Park in the State of New South Wales, with postcode 2745.

#### **5. If I sign a Funding Agreement, what will be the charges?**

The legal proceedings will be funded by Omni Bridgeway on a “no win, no pay” basis. This means that you do not have to pay anything in the event that the class action proceeds, and your claim is ultimately unsuccessful. If your claim is successful Omni Bridgeway will be entitled to receive certain amounts, but only from what is recovered. Mayweathers will also be entitled to its “Remaining Costs” as defined in the Funding Agreement, but again only from what is recovered. Fees recovered by Mayweathers will not exceed any amount approved by the Court in respect of legal fees.

#### **6. Does the Funding Agreement have a cooling off period?**

The Omni Bridgeway Funding Agreement is subject to a 21-day cooling off period during which time you may terminate the agreement by following the notice requirements set out in the agreement.

#### **7. Do I have to sign a Funding Agreement to participate in the class action?**

No. It is proposed that the Glenmore Park Class Action will be filed on an ‘open class’ basis. This means that all persons who purchased lots by entering into a contract for the sale and purchase of land in the suburb of Glenmore Park New South Wales 2745 in the Masterplan Area known as “Muloga Rise” are group members in the class action, irrespective of whether or not they have signed a Funding Agreement. However, for the reasons set out below, you are invited to sign a Funding Agreement.

#### **8. As the claim is going to be filed as an ‘open class’ proceeding, why should I sign a Funding Agreement?**

There are a number of reasons why group members may wish to consider signing a Funding Agreement even where the claim will, or has been, filed on an ‘open’ basis.

First, the initial trial in a class action will usually only determine the Representative’s claim and the common issues. Issues specific to your individual claims, such as whether you suffered loss and the value of the loss, will not be determined in the initial trial. It may be that further steps will then need to be taken in order to pursue your individual damages. This could include a court hearing at which your individual damages are determined. By signing a Funding Agreement, you will secure Omni Bridgeway’s funding at the agreed commission rates that cover not only the initial trial in the class action, but also any additional steps that may be needed to advance your individual claims. You will also be protected from any adverse costs orders that may be made against you in taking these additional steps.

Second, by signing a Funding Agreement you will be kept apprised of developments in the class action and be able to ask questions of Omni Bridgeway Limited and the Lawyers as a client.

Third, there will likely be a formal Court-ordered process whereby group members will need to register in the class action. By signing a Funding Agreement, Omni Bridgeway Limited will take steps to ensure you are automatically registered and that no further independent steps are required on the part of group members who have signed a Funding Agreement.

Fourth, as the claim has been filed on an ‘open’ basis the Representative may ask the Court for a ‘common fund’ order. A common fund order is an order made by the Court requiring all group members to contribute to the costs of funding the proceeding on a fair basis, including those who have not signed a Funding Agreement. If the Court is minded to make a common fund order in this case, Omni Bridgeway intends to submit that the funding rate that the Court should apply to the unfunded group members be the same as the rate in the Funding Agreement. The Court will set a rate (which may be different to the rate in the Funding Agreement) that will apply consistently to all group members. Under the Funding Agreement, where the Court makes a common fund order and sets a rate which is different to the rate in the Funding Agreement, the lower of the rate provided in the Funding Agreement and the rate set by the Court will apply to members of the group who have signed a Funding Agreement. In these circumstances, you will not be financially worse off for having signed a Funding Agreement with Omni Bridgeway.

In addition, if the Court is not minded to make a common fund order, the Court may make a “funding equalisation order” in relation to the distribution of any settlement sum. The effect of a funding equalisation order is to equalise the recovery that funded and unfunded group members receive in the hand, taking into account the fact that funded group members will be required to pay a commission to Omni Bridgeway. As far as we are aware, a funding equalisation order has been made upon request in all previous ‘open’ class actions that have included a combination of funded and unfunded group members, including several cases that were funded by Omni Bridgeway Limited and/or its funding entities. A funding equalisation order would mean that the return of unfunded group members would be reduced by the amount they would have paid had they signed a funding agreement to ensure that unfunded group members receive the same proportionate net outcome.

Finally, by signing a Funding Agreement with Omni Bridgeway you are also demonstrating support for the Omni Bridgeway funded proceeding.

We believe that our proven track record in funding matters of this type, our demonstrable financial strength (given Omni Bridgeway Limited is an ASX-listed public company) and the experience of the lawyers means that this class action will be an effective vehicle for group members to pursue their claims.

## **9. Will my personal information be kept private?**

We will only use and/or disclose your personal information strictly for the purpose of the legal proceedings, or as required by the Court or by law or as requested by the Lawyers. In all other cases, we will seek your consent before disclosing any of your personal information.

Omni Bridgeway Limited’s privacy policy can be found on the Omni Bridgeway Limited website at <https://omnibrigeway.com//website-policies/privacy-policy>

## **10. What is the Omni Bridgeway portal?**

The Omni Bridgeway portal is a client portal whereby you can log in and see details of the Omni Bridgeway funded claims you have signed up for. You can update your contact details and access information that is related to your claims.

## **11. What is Omni Bridgeway’s Conflicts Management Policy?**

Omni Bridgeway is required to have in place adequate practices for managing any conflict of interest that may arise between Omni Bridgeway, the Lawyers, and funded claimants and others in relation to any litigation funded by Omni Bridgeway.

This is a requirement of the Corporations Regulations, as recently amended.

Omni Bridgeway's Conflicts Management Policy sets out how Omni Bridgeway and/or Omni Bridgeway Limited identifies and manages any such conflict so as to ensure that Omni Bridgeway Limited and Omni Bridgeway comply with the Regulations. You can access Omni Bridgeway's Conflict Management Policy by going to Omni Bridgeway Limited's website and using the password which Omni Bridgeway Limited will provide to you.

## **12. Who is Omni Bridgeway's Client Liaison Team, what services do they provide, and how much will they charge for those services?**

Omni Bridgeway's Client Liaison Team (**CLT**) is a division of Omni Bridgeway Limited based in Omni Bridgeway's Perth Office. CLT supports the Lawyers with the administration of group member claims.

CLT's services include, but are not limited to, hosting online services for group members, processing group members' registrations, responding to enquiries from group members (and potential group members), claims analysis and verification, facilitating communications with group members over the course of the proceeding, and assisting with other tasks as requested by the Lawyers or as directed by the Court. The Conflict and Risk Statement sets out the services provided by CLT in further detail and group members are encouraged to read that document.

CLT charges for its services "at cost", meaning it does not seek to make a profit for the provision of those services. Further, group members will not be out of pocket for these costs.

CLT may enter into a services agreement with the Lawyers for the provision of client liaison services in respect of the Glenmore Park Class Action. If a services agreement is entered into, CLT will provide its services on a time-recorded billing basis which will then be paid by Omni Bridgeway (Fund 5) Australian Inv. Pty Limited. Omni Bridgeway will seek to recover these disbursements upon a successful resolution of the class action in accordance with the terms of the funding agreement (see clauses 5.1.1, 13.1.5 and also paragraphs (c) and (h)(i) of the definition of "Project Costs" in the funding agreement).

## **13. Where do I obtain more information?**

You may contact our Client Liaison Team on 1800 016 464 (if calling within Australia) or [glenmorepark@omnibrigeway.com](mailto:glenmorepark@omnibrigeway.com).