

# NOTICE OF PROPOSED SETTLEMENT & OPT OUT

## VICTOPIA CLASS ACTION

Dariusz Koper v Zurich Insurance Company Ltd and Ors  
Supreme Court of New South Wales Proceeding No: 2021/00224418

**THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT THE VICTOPIA CLASS ACTION.**

**PLEASE READ IT CAREFULLY, AS IT MAY AFFECT YOUR LEGAL RIGHTS.**

Any questions you have concerning the matters contained in this Notice should **NOT** be directed to the Court. If there is anything that you do not understand or if you have any questions, you should contact Omni Bridgeway Limited (**Omni Bridgeway**) by email at [victopia@omnibridgeway.com](mailto:victopia@omnibridgeway.com) or seek your own legal advice.

As explained further below, you have four options in response to this Notice:

**Option 1** – Participate in the Proposed Settlement, without objection. If you have previously signed up to the Victopia Funding Scheme (defined below), and wish to participate in the Proposed Settlement (defined and discussed further below) without objection, you do not need to do anything further at this stage (see paragraph 23 below). If you have not signed up to the Victopia Funding Scheme and wish to participate in the Proposed Settlement without objection, you must not opt out of the Victopia Class Action, and must register your details with Omni Bridgeway by **6 February 2026** by either: completing and submitting the online Registration Form available at <https://portal.omnibridgeway.com/victopia>, or completing and returning the hard copy Registration Form (at Annexure B to this Notice or available to download at <https://portal.omnibridgeway.com/victopia>) to Omni Bridgeway by email or post (address details are on the form).

**Option 2** – Object to the Proposed Settlement. If you disagree with the Proposed Settlement (or any particular aspect of it) but do not wish to opt out of the Victopia Class Action, you may file a completed Notice of Objection to Proposed Settlement (at Annexure C to this Notice) and any evidence and written submissions in support of your objection in the Registry of the Supreme Court of New South Wales by **6 February 2026** and send a copy of these documents to Omni Bridgeway. You will remain a Group Member, however, the Court and parties will hear the reasons why you disagree with the Proposed Settlement or any particular aspect of it. Despite your objection, you will still be entitled to participate in the Proposed Settlement if approved. Accordingly, if you have not previously signed up to the Victopia Funding Scheme, you must still register your details with Omni Bridgeway by **6 February 2026**.

**Option 3** – Opt out of the Victopia Class Action. If you do not wish to remain a Group Member or participate in the Proposed Settlement you may file a completed Opt Out Notice (at Annexure D to this Notice) in the Registry of the Supreme Court of New South Wales by **6 February 2026** and send a copy of the Opt Out Notice to Omni Bridgeway. You will no longer be a Group Member and your legal claim in relation to the Victopia Class Action will not be extinguished but you will **not** be entitled to any distribution from the Settlement Amount (defined below).

**Option 4** – Do nothing. If you have previously signed up to the Victopia Funding Scheme, you are deemed to have registered to participate in the Proposed Settlement. If you have not signed up to the Victopia Funding Scheme and do nothing you will remain a Group Member and be bound by the Proposed Settlement, and your legal claim in relation to the Victopia Class Action will be extinguished but you will **not** be entitled to any distribution from the Settlement Amount.

## **A. WHY IS THIS NOTICE IMPORTANT?**

1. This Notice is being sent to you because you are or may be a Group Member (defined at paragraph 14 below) in the class action against the Insurers of Brookfield Multiplex Constructions NZ (in liq) (**BMX**) (listed at Annexure A to this Notice and collectively, the **Defendants**), being the **Victopia Class Action**.
2. Settlement terms have been agreed by the parties to the Victopia Class Action. However, as this is a class action, a judge of the Supreme Court of New South Wales (the **Court**) will need to decide whether the terms of the Proposed Settlement (defined and discussed further below) are fair and reasonable for all Group Members. Unless determined on the papers, a judge will hear the application to approve the Proposed Settlement at a hearing (**Settlement Approval Hearing**). Further information regarding the Settlement Approval Hearing can be found in **Section I** of this Notice below.
3. The Court has also ordered that an opt out and registration process occur by **6 February 2026**.
4. This Notice has been approved by the Court and explains some things about the opt out process and the Proposed Settlement (defined and discussed further below) to allow you to work out whether you: (1) wish to remain a Group Member in the Victopia Class Action; and (2) agree or disagree with the Proposed Settlement and proposed distribution.
5. **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 that you do not understand or if you have any questions, please:
  - (a) contact Omni Bridgeway by email at [victopia@omnibridgeway.com](mailto:victopia@omnibridgeway.com); or
  - (b) seek your own legal advice.

## **B. WHAT IS A CLASS ACTION?**

6. A class action is an action that is brought by one or more persons (known as the Plaintiff) on their own behalf and on behalf of a class of people (known as the Group Members) against one or more other persons (known as the Defendant(s)) where the Plaintiff and the Group Members have similar claims against the Defendant(s). In this class action, there is one Plaintiff and eleven Defendants.
7. Group Members in a class action **are not** individually responsible for the legal costs associated with bringing the class action. In a class action, only the Plaintiff is responsible for the costs.
8. Group Members are eligible to share in the proceeds of the litigation, and are otherwise “bound” by any outcome reached in the class action, unless they have opted out of the proceeding.
9. A binding result can happen in two ways: either by a judgment following a trial, or like in this case, by a settlement which can happen at any time. If the Proposed Settlement for the Victopia Class Action (defined and discussed further below) is approved by the Court, Group Members will not be able to pursue the same claims or related claims

against the Defendants in other legal proceedings unless they have opted out of the Victopia Class Action.

10. If you consider that you have claims against any of the Defendants, which are based on your individual circumstances or which are additional to the claims described in the Victopia Class Action, then it is important that you seek independent legal advice about the potential binding effects of the class action before the **6 February 2026** deadline.

### **C. BACKGROUND TO THE VICTOPIA CLASS ACTION**

11. The Victopia Class Action is brought by Dariusz Koper (on his own behalf and as a representative Plaintiff for all Group Members, defined at paragraph 14 below).
12. Mr Koper is represented by solicitors, Piper Alderman.
13. The Victopia Class Action is funded by Omni Bridgeway (Fund 5) Australian Inv. Pty Ltd (ABN 91 635 083 984) (**Funder**) on the terms of the 'The Certain Underwriters at Lloyds Group Litigation Funding Scheme' (**Victopia Funding Scheme**).
14. Group Members in the Victopia Class Action are those who:
  - (a) are a judgment creditor of New Zealand High Court Proceedings No. CIV 2012-404-6290 (**New Zealand Proceeding**);
  - (b) have received an assignment of a judgment creditor's interest in the New Zealand Proceeding; or
  - (c) have, as at the date of filing the Further Amended Commercial List Statement in the Victopia Class Action, being 9 October 2023, applied for and been accepted as members of the Victopia Funding Scheme.

### **D. PROCEDURAL HISTORY**

15. On 22 March 2017, judgment was delivered in the New Zealand Proceeding in favour of Mr Koper and Group Members of the Victopia Class Action, pursuant to which the Honourable Thomas J awarded damages against BMX and another defendant in the amount of NZD 53,124,719.76 (**Judgment Sum**) of which NZD 23,124,719.76 remains unpaid (**Unpaid Judgment Sum**).
16. On 5 August 2021, the Victopia Class Action was commenced under Part 10 of the *Civil Procedure Act 2005* (NSW) in the Court against the Defendants. The Victopia Class Action seeks to recover, among other things, the Unpaid Judgment Sum from the Defendants directly, who have denied indemnity to BMX for the Judgment Sum due to certain exclusions included in the relevant insurance policies.
17. On 8 December 2021, his Honour Justice Rein made an order granting Mr Koper with leave, pursuant to s 5 of the *Civil Liability (Third Party Claims Against Insurers) Act 2017* (NSW) to proceed with the Victopia Class Action. The Defendants appealed Justice Rein's decision, however, it was upheld by the Supreme Court of New South Wales Court of Appeal on 20 July 2022 and by the High Court of Australia on 8 August 2023.

18. Following two further years of strongly contested litigation, Mr Koper and the Defendants have reached an agreement, without an admission of liability, to settle the Victopia Class Action on the terms summarised at **Section E** of this Notice below.
19. On 21 March 2023, the Liquidators of BMX commenced proceedings in the Court against the Defendants to the Victopia Class Action (**Liquidators' Proceeding**). Like the Victopia Class Action, the Liquidators' Proceeding, among other things, seeks to recover from the Defendants the Unpaid Judgment Sum. While Piper Alderman and Omni Bridgeway can confirm that a Group Member's decision to register for and participate in the Proposed Settlement for the Victopia Class Action will not affect their ability to receive any future distribution that they may get from the Liquidators of BMX, they are unaware whether any such distribution will occur, and if so, in what amount.

#### **E. TERMS OF PROPOSED SETTLEMENT**

20. Mr Koper and the Defendants have entered into a Settlement Agreement which contains a proposed settlement of the Victopia Class Action (the **Proposed Settlement**). The Proposed Settlement will only become final once it has been approved by the Court.
21. If approved, the Proposed Settlement is to be binding on all Group Members who **do not** opt out of the class action by the **6 February 2026** deadline.
22. The key terms of the Proposed Settlement are as follows:
  - (a) The Defendants will pay NZD 15.5 million in settlement of Mr Koper's and all Group Members' claims in the Victopia Class Action which is inclusive of interest, costs and applicable GST (**Settlement Amount**).
  - (b) Mr Koper and all Group Members will release and discharge the Defendants from the claims the subject of the Victopia Class Action and any other claims arising from or in connection with the facts, matters and contentions that are set out in the Further Amended Commercial List Statement filed in the Victopia Class Action on 9 October 2023 and any other common claims of the Group Members which could have been pleaded in the Victopia Class Action in relation to the subject matter of the Victopia Class Action.
  - (c) The Defendants will release and discharge Mr Koper, all Group Members, Omni Bridgeway and the Funder jointly and severally, from any claims they have in relation to the claims released by the Plaintiff and Group Members.
  - (d) The releases identified at paragraphs 22(b) and 22(c) above will only become effective once the Court has approved the Proposed Settlement and on and from the date on which the Defendants pay the Settlement Amount in full.

#### **F. HOW DO I PARTICIPATE IN THE PROPOSED SETTLEMENT?**

23. If you have previously signed up to the Victopia Funding Scheme and wish to participate in the Proposed Settlement, you are not required to do anything further at this stage. Your previous registration is your registration. However, there will come a time when you will be required to confirm your details and/or provide further information to receive any distribution from the Proposed Settlement (if approved). If after a period of time, a Group Member does not provide or confirm this requested information, that Group Member's:

- (a) legal claim in relation to the Victopia Class Action will be extinguished; and
- (b) entitlement to any amount of the Settlement Amount will be re-allocated and distributed by the administrator to Mr Koper and any Group Members who have registered to participate in the Proposed Settlement and provided all required information on a pro rata basis,

regardless of whether that Group Member as at the time of this Notice, had previously signed up to the Victopia Funding Scheme.

24. If you have not previously signed up to the Victopia Funding Scheme, and wish to participate in the Proposed Settlement, you must not opt out of the Victopia Class Action and must register your details with Omni Bridgeway by the **6 February 2026** deadline by either:
  - (a) completing and submitting the online Registration Form available at <https://portal.omnibridgeway.com/victopia>; or
  - (b) completing and returning the hard copy Registration Form at Annexure B to this Notice to Omni Bridgeway by email or post (address details are on the form).
25. If a Group Member has not previously signed up to the Victopia Funding Scheme, and does not register for the Victopia Class Action by **6 February 2026**, that Group Member's:
  - (a) legal claim in relation to the Victopia Class Action will be extinguished; and
  - (b) entitlement to any amount of the Settlement Amount will be re-allocated and distributed by the administrator to Mr Koper and any Group Members who have registered to participate in the Proposed Settlement by the **6 February 2026** deadline on a pro rata basis.

#### **G. PROPOSED DISTRIBUTION AND DEDUCTION FROM THE SETTLEMENT AMOUNT**

26. At the Settlement Approval Hearing (unless determined on the papers), Mr Koper will seek orders from the Court to approve the **Settlement Distribution Scheme** which will establish how Group Members' entitlements are to be calculated, and the process to distribute the Settlement Amount.
27. You may access a copy of the Settlement Distribution Scheme (which remains subject to Court approval) via Omni Bridgeway's website.

#### *What will be paid to Group Members from the Settlement Amount?*

28. At least 50% of the Settlement Amount, being NZD 7.75 million (not factoring in any interest which accrues on the Settlement Amount paid by the Defendants), will be distributed to Mr Koper and registered Group Members.
29. At this stage it is not possible to provide a final estimate of the amount that each registered Group Member will receive from the Proposed Settlement. That is because the amount of monies to be distributed to each Group Member will depend on a number of factors including:

- (a) the ownership interest of the Group Member;
  - (b) the total amount of deductions from the Settlement Amount approved by the Court;
  - (c) any interest earned on the Settlement Amount prior to final distributions;
  - (d) the total number of Group Members (if any) who opt out; and
  - (e) the total number of Group Members who register to participate in the Proposed Settlement.
30. The loss 'Entitlement Formula' contained in the Settlement Distribution Scheme details how each Group Member's entitlement will be calculated.
31. Additionally, Mr Koper will seek Court approval for the payment of AUD 20,000 (incl GST) to be reimbursed to him in recognition for his time acting as a representative Plaintiff in the Victopia Class Action. Mr Koper will seek approval for this amount to be paid from the balance of the Settlement Amount which is available for distribution to registered Group Members.

*What will be paid to Piper Alderman and Omni Bridgeway from the Settlement Amount?*

32. The Settlement Distribution Scheme will also detail the proposed deductions from the Settlement Amount to be paid to Piper Alderman and the Funder.
33. The estimated amount of proposed deductions to be paid to Piper Alderman and the Funder are set out at paragraph 43 below. The total amount of these deductions **will not exceed 50% of the Settlement Amount**.
34. The Funder provided litigation funding for Mr Koper's prosecution of the Victopia Class Action on behalf of Group Members, and:
- (a) indemnified Mr Koper against any adverse costs orders;
  - (b) paid '**Project Costs**' comprising legal costs and other costs incurred in prosecuting the Victopia Class Action, such as the costs of solicitors, barristers, experts and GST where applicable;
  - (c) paid, in addition to the Project Costs, other costs and/or provided other financial support ancillary to the provision of security for the Defendants' costs, for which no reimbursement is sought to be deducted from the Settlement Amount;
  - (d) provided client liaison team services to Group Members; and
  - (e) in respect of Mr Koper and Group Members who were accepted as registered members of the Victopia Funding Scheme:
    - i. agreed to return no less than 50% of the Settlement Amount to Mr Koper and Group Members; and
    - ii. to the extent that there is no inconsistency with the above obligation, is contractually entitled to be paid a commission of 25% of the Settlement Amount in consideration for providing funding and other

financial support in prosecuting the Victopia Class Action (**Funder's Commission**).

35. The Funder asserts its entitlement to be paid its Funder's Commission from the Settlement Amount.
36. In order for the Funder to obtain its Funder's Commission, Mr Koper will seek either a 'Common Funder Order' (**CFO**) or a 'Funding Equalisation Order' (**FEO**) from the Court.
37. A CFO is an order of the Court that provides for the Funder to receive a percentage of the Settlement Amount that the Court considers to be fair and reasonable, which is deducted from the Settlement Amount before distribution to Group Members. This means that if a CFO is made, all Group Members will contribute to the Funder's Commission, regardless of whether they have signed up to the Victopia Funding Scheme.
38. If the Funder asserts its contractual rights to its Funder's Commission, Mr Koper will seek a FEO. A FEO is an order of the Court that requires the 'unfunded' Group Members (being those Group Members who have not previously signed up to the Victopia Funding Scheme and wish to participate in the Proposed Settlement) to contribute equally to the funding commission that 'funded' Group Members (being those Group Members who have signed up to the Victopia Funding Scheme) have agreed to pay to the Funder. This means that if a FEO is made, all Group Members, both funded and unfunded, will contribute equally to the commission that funded Group Members have agreed to pay to the Funder.
39. At this stage, the Funder estimates that more than 90% of Group Members have signed up to the Victopia Funding Scheme. However, this percentage may vary in the lead up to the Settlement Approval Hearing (unless determined on the papers) as it is subject to the total number of additional Group Members that register to participate in the Proposed Settlement and the total number of Group Members (if any) who opt out of the Victopia Class Action.
40. Mr Koper will decide whether to seek a CFO, and, if so, at what percentage up to 25% or in the alternative, a FEO at 25% after the **6 February 2026** deadline.
41. In addition to seeking an order for payment of the Funder's Commission and if necessary, a CFO or a FEO, Mr Koper will also seek an order for the reimbursement of the Project Costs.
42. While the amount of the final proposed distributions to Piper Alderman and the Funder cannot yet be calculated precisely, and is subject to Court approval, the total amount of all deductions will not exceed 50% of the Settlement Amount.
43. The amounts which are currently proposed to be deducted from the Settlement Amount are for:
  - (a) Legal costs and disbursements paid (and to be paid) by the Funder by the time of the Settlement Approval Hearing (i.e. Project Costs), in an estimated amount of approximately **AUD 2,329,935.31** (incl GST).
  - (b) Funder's Commission in an estimated amount of **NZD 3,875,000.00** (incl GST) paid to the Funder (as explained above).

- (c) Piper Alderman's deferred legal costs (i.e. legal costs incurred but not paid by the Funder and held on risk by Piper Alderman) and a 20% uplift on those deferred legal costs, which total an estimated amount of **AUD 655,048.18** (incl GST).
  - (d) Costs of administering the Settlement Distribution Scheme, in an estimated amount of **AUD 165,000.00** (incl GST). It is proposed that Piper Alderman be appointed as settlement fund administrator under Court supervision.
  - (e) Representative Plaintiff reimbursement payment, in an estimated amount of **AUD 20,000.00** (incl GST) for Mr Koper's contribution in prosecuting the Victopia Class Action.
44. The Court will need to approve the deduction of all of these costs in advance and may approve lesser amounts than what is proposed. If you have a concern about the costs proposed to be deducted, you are free to tell the Court your concerns.

#### **H. WILL YOU BE LIABLE FOR LEGAL COSTS IF YOU REMAIN A GROUP MEMBER & REGISTER TO PARTICIPATE IN THE PROPOSED SETTLEMENT?**

45. You will not become liable for any "out of pocket" legal expenses by remaining a Group Member and registering to participate in the Proposed Settlement.
46. However, as stated above, the Court may make an order that some of the Settlement Amount (which will not exceed 50%) be used to help pay a share of the costs incurred by the Plaintiff as outlined at paragraph 43 above.

#### **I. WHAT IS THE COURT APPROVAL PROCESS?**

47. As noted above, the Proposed Settlement will only take effect if it is approved by the Court. In deciding whether to approve the Proposed Settlement, the Court will consider whether the Proposed Settlement is fair and reasonable and in the interests of the Group Members as a whole.
48. If not determined on the papers, the Court will determine whether to approve the Proposed Settlement at or following the Settlement Approval Hearing. If not determined on the papers, the Settlement Approval Hearing will take place on **Wednesday, 18 March 2026, in the Supreme Court of New South Wales, Sydney.**
49. If you are a Group Member in the Victopia Class Action, you have the right, if you wish, to attend the Settlement Approval Hearing (if not determined on the papers) and/or to make submissions as to why the Court should, or should not, approve the Proposed Settlement (or any particular aspect of it).
50. If you wish to exercise your right to object to the Proposed Settlement, you need to follow the steps outlined below at **Section K.**

#### **J. WHAT DOES IT MEAN TO 'OPT OUT'?**

51. The Plaintiff in a class action does not need to seek the consent of Group Members to commence a class action on their behalf or to identify a specific Group Member. However, Group Members can cease to be Group Members by opting out of the class action. An explanation of how a Group Member can opt out is found in the following **Section K** of this Notice.



## K. WHAT DO I NEED TO DO?

|  |   |
|--|---|
| <p><b>Option 1:</b> Participate in the Proposed Settlement, without objection.</p> | <ul style="list-style-type: none"> <li>• If you have previously signed up to the Victopia Funding Scheme, and wish to participate in the Proposed Settlement without objection, you do not need to do anything further at this stage (see paragraph 23 above).</li> <li>• If you have not signed up to the Victopia Funding Scheme and wish to participate in the Proposed Settlement without objection, you must not opt out of the Victopia Class Action, and must register your details with Omni Bridgeway by the <b>6 February 2026</b> deadline by either: <ul style="list-style-type: none"> <li>◦ completing and submitting the online Registration Form available at <a href="https://portal.omnibridgeway.com/victopia">https://portal.omnibridgeway.com/victopia</a>; or</li> <li>◦ completing and returning the hard copy Registration Form (at Annexure B to this Notice or available to download at <a href="https://portal.omnibridgeway.com/victopia">https://portal.omnibridgeway.com/victopia</a>) to Omni Bridgeway by email or post (address details are on the form).</li> </ul> </li> </ul>   |
| <p><b>Option 2:</b> Object to the Proposed Settlement.</p>                         | <ul style="list-style-type: none"> <li>• If you disagree with the Proposed Settlement (or any particular aspect of it) but do not wish to opt out of the Victopia Class Action, you may file a completed Notice of Objection to Proposed Settlement (at Annexure C to this Notice) and any evidence and written submissions in support of your objection in the Registry of the Supreme Court of New South Wales by <b>6 February 2026</b> and send a copy of these documents to Omni Bridgeway.</li> <li>• You will remain a Group Member, however, the Court and parties will hear the reasons why you disagree with the Proposed Settlement or any particular aspect of it.</li> <li>• Despite your objection, you will still be entitled to participate in the Proposed Settlement if approved. Accordingly, if you have not previously signed up to the Victopia Funding Scheme, you must still register your details with Omni Bridgeway by <b>6 February 2026</b>.</li> <li>• Your objection must reach the Court by no later than the <b>6 February 2026</b> deadline.</li> <li>• Unless determined on the papers, you may also appear in person or through a legal representative at the Settlement Approval Hearing on <b>Wednesday</b>,</li> </ul> |

|   |   |
|---|---|
|   | <p><b>18 March 2026.</b> If you wish to appear, then you should let the Court know by no later than <b>6 March 2026</b> by sending an email to <a href="mailto:sc.enquiries@justice.nsw.gov.au">sc.enquiries@justice.nsw.gov.au</a>, as the Court may otherwise determine the issue on the papers.</p>  |
| <p><b>Option 3:</b> Opt out of the Victopia Class Action.</p> | <ul style="list-style-type: none"> <li>• If you do not wish to remain a Group Member or participate in the Proposed Settlement you may file a completed Opt Out Notice (at Annexure D to this Notice) in the Registry of the Supreme Court of New South Wales by <b>6 February 2026</b> and send a copy of the Opt Out Notice to Omni Bridgeway.</li> <li>• You will no longer be a Group Member and your legal claim in relation to the Victopia Class Action will not be extinguished but you will <b>not</b> be entitled to any distribution from the Settlement Amount.</li> <li>• Your completed Opt Out Notice must reach the Court by no later than the <b>6 February 2026</b> deadline.</li> </ul>            |
| <p><b>Option 4:</b> Do nothing.</p>                           | <ul style="list-style-type: none"> <li>• Unless you choose to opt out (Option 3), if you have: <ul style="list-style-type: none"> <li>○ previously signed up to the Victopia Funding Scheme, you are deemed to have registered to participate in the Proposed Settlement, and are not required to do anything further at this stage (see paragraph 23 above).</li> <li>○ not previously signed up to the Victopia Funding Scheme and do nothing you will remain a Group Member and be bound by the Proposed Settlement, and your legal claim in relation to the Victopia Class Action will be extinguished but you will <b>not</b> be entitled to any distribution from the Settlement Amount.</li> </ul> </li> </ul> |

#### L. CONSEQUENCES OF THE COURT APPROVING OR NOT APPROVING THE PROPOSED SETTLEMENT

52. If the Court approves the Proposed Settlement and you have **not** opted out of the Victopia Class Action, you will:

- (a) be bound by the settlement;
- (b) no longer have the right to pursue any claims against the Defendants of the kind made in, and relating to, the Victopia Class Action;
- (c) be entitled to a share of the Settlement Amount (provided you have either signed up to the Victopia Funding Scheme (see paragraph 23 above) or completed and returned the Registration Form by the **6 February 2026** deadline); and

(d) not be required to pay any out of pocket expenses.

53. If the Court does not approve the Proposed Settlement there will be no distribution of monies under the Proposed Settlement and the Victopia Class Action will need to proceed to a final hearing, unless some other agreement can be reached. This will take considerable time and be expensive. There is no guarantee that there will be another settlement.

**M. WHERE CAN YOU OBTAIN COPIES OF THE RELEVANT DOCUMENTS?**

54. Copies of the relevant documents, including the pleadings, Settlement Distribution Scheme (which again, remains subject to Court approval), Registration Forms and Notices, may be obtained by visiting Omni Bridgeway's website at <https://portal.omnibridgeway.com/victopia>.

**N. CONTACT DETAILS**

55. The contact details for Omni Bridgeway are as follows:

Email: [victopia@omnibridgeway.com](mailto:victopia@omnibridgeway.com)

Phone: 1800 016 464 (free calls in Australia) or

(61) 8 9225 2322 (calls outside of Australia)

## **ANNEXURE A**

The Defendants to the Victopia Class Action, being the Insurers of BMX, are:

1. Zurich Insurance Company Limited (Company No. CHE-105.833.114);
2. Aspen Insurance UK Limited (Company No. 01184193, ARBN 128 637 650);
3. Liberty Mutual Insurance Europe SE (Company No. B232280);
4. Allianz Global Corporate & Speciality SE (Company No. HRB 208312);
5. American International Group UK Limited (Company No. 10737370);
6. Arch Managing Agency Limited for and on behalf of Syndicate 2012 at Lloyd's (Company No. 06948515);
7. Great Lakes Insurance SE (Company No. HRB 230378);
8. Swiss Re International SE (Company No. B134553);
9. Allied World Managing Agency Limited for and on behalf of Syndicate 2232 at Lloyd's (Company No. 07249776);
10. Chubb Underwriting Agencies Limited for and on behalf of Syndicate 2488 at Lloyd's (formerly Syndicate 1882) (Company No. 02287773); and
11. Starr Managing Agents Limited for and on behalf of Syndicate 1919 at Lloyd's (Company No. 06265337).

# ANNEXURE B

## VICTOPIA CLASS ACTION REGISTRATION FORM

### COURT DETAILS

|             |                                  |
|-------------|----------------------------------|
| Court       | Supreme Court of New South Wales |
| Division    | Equity                           |
| List        | Commercial                       |
| Registry    | Sydney                           |
| Case number | 2021/224418                      |

### TITLE OF PROCEEDINGS

|                      |   |
|----------------------|---|
| Plaintiff            | <b>Dariusz Koper</b>                    |
| First Defendant      | <b>Zurich Insurance Company Limited</b> |
| Number of Defendants | <b>11</b>                               |

### REGISTRATION FORM

**If you are a Group Member of the Victopia Class Action and you want to participate in the Proposed Settlement, you must register by the 6 February 2026 deadline by completing and sending this Registration Form:**

By post to: Level 7, 35 Clarence St, Sydney, NSW 2000

By email to: victopia@omnibridgeway.com

**Please note all fields are mandatory.**

|  |  |
|--|--|
| Full name of person or company that is the registered Victopia Building unit/apartment owner:                  |  |
| Unit/ apartment number in the Victopia Building:   |  |
| Capacity of person completing this form in relation to the Victopia Building (e.g. Owner, Assignee, Assignor): |  |
| Are you a judgment creditor of New Zealand High Court Proceedings No. CIV 2012-404-6290?                       | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> Unsure |
| Have you received an assignment of a judgment creditor's interest, for example by way of a deed of assignment? | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> Unsure |

2.

|  |  |
|--|--|
| Are you a registered member of 'The Certain Underwriters at Lloyds Group Litigation Funding Scheme' (as it was then known) | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> Unsure |
| Telephone (please include area code):  |  |
| Email:   |  |
| Postal address:  |  |

Date:

.....  
Signed by (print name): .....

Capacity: Group Member/ Lawyer for the Group Member (circle as applicable)

# ANNEXURE C

## NOTICE OF OBJECTION TO PROPOSED SETTLEMENT

### COURT DETAILS

|             |                                  |
|-------------|----------------------------------|
| Court       | Supreme Court of New South Wales |
| Division    | Equity                           |
| List        | Commercial                       |
| Registry    | Sydney                           |
| Case number | 2021/224418                      |

### TITLE OF PROCEEDINGS

|                      |   |
|----------------------|---|
| Plaintiff            | <b>Dariusz Koper</b>                    |
| First Defendant      | <b>Zurich Insurance Company Limited</b> |
| Number of Defendants | <b>11</b>                               |

### NOTICE OF OBJECTION TO PROPOSED SETTLEMENT

**Complete this form if you wish to submit an objection to the Proposed Settlement.**

If you support the Proposed Settlement, you do **NOT** need to return this form but you **MUST** complete the online Registration Form available at <https://portal.omnibridgeway.com/victopia> or complete and return the hard copy Registration Form (at Annexure B to the Notice or available to download at <https://portal.omnibridgeway.com/victopia>) to Omni Bridgeway by email or post (address details are on the form) by the **6 February 2026** deadline. However, if you do want to object to the Proposed Settlement you must complete this form **AND** you must also complete and submit a Registration Form.

**Please note** that if you file a Notice of Objection to Proposed Settlement, your name and your specific circumstances (including unit ownership details and grounds of objection) may be read out in Court and/or referred to in orders and/or judgments of the Court.

Your Notice of Objection will be considered by the Court when it is determining whether to approve the Proposed Settlement.

If you wish to object to the Proposed Settlement, or any aspect of it, your Notice of Objection and any evidence/submissions in support of your objection must be received by the Court and filed in the Registry of the Supreme Court of New South Wales by **6 February 2026**.

Any Notice of Objection received after this deadline may not be considered by the Court.

To: The Supreme Court of New South Wales, by email to [sc.enquiries@justice.nsw.gov.au](mailto:sc.enquiries@justice.nsw.gov.au).

The person identified below gives notice pursuant to order 13b. of the orders of the Court made on 12 December 2025 that the person is a Group Member in the Victopia Class Action and **OBJECTS** to the Proposed Settlement of the Class Action, for the reasons outlined.

**A. DETAILS OF OBJECTOR**

|   |  |
|---|--|
| Full name of person or company that is the registered Victopia Building unit/apartment owner:                               |  |
| Unit/ apartment number in the Victopia Building:  |  |
| Capacity of person completing this form in relation to the Victopia Building (e.g. Owner, Assignee, Assignor):              |  |
| Are you a judgment creditor of New Zealand High Court Proceedings No. CIV 2012-404-6290?                                    | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> Unsure |
| Have you received an assignment of a judgment creditor's interest, for example by way of a deed of assignment?              | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> Unsure |
| Are you a registered member of 'The Certain Underwriters at Lloyds Group Litigation Funding Scheme' (as it was then known): | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> Unsure |
| Telephone (please include area code):   |  |
| Email:  |  |
| Postal address:   |  |

**B. ATTENDANCE AT HEARING ON WEDNESDAY 18 MARCH 2026**

- ☐ I do not intend to appear, but wish for my submissions to be considered in my absence.
- ☐ I intend to appear before the Court at the hearing on Wednesday, 18 March 2026.

*[please tick one]*

If you intend to appear, please complete the following:

- ☐ I will appear on my own behalf.
- ☐ I will be represented by a lawyer:.....

*[please tick one if you intend to appear]*



**C. GROUND(S) OF OBJECTION**

Please state the reasons in support of your objections to the Proposed Settlement [*set out in the space below any submissions you wish to make, attach additional pages if necessary*]:

By signing below, I confirm that the information I have provided in this form is true, complete and correct:

Date:

---

Signed by (print name):

Capacity: Group Member/ Lawyer for the Group Member (circle as applicable)

# ANNEXURE D

Form 115 (version 2)  
UCPR 58.2

## OPT OUT NOTICE

### COURT DETAILS

|             |                                  |
|-------------|----------------------------------|
| Court       | Supreme Court of New South Wales |
| Division    | Equity                           |
| List        | Commercial                       |
| Registry    | Sydney                           |
| Case number | 2021/224418                      |

### TITLE OF PROCEEDINGS

|                      |   |
|----------------------|---|
| Plaintiff            | <b>Dariusz Koper</b>                    |
| First Defendant      | <b>Zurich Insurance Company Limited</b> |
| Number of Defendants | <b>11</b>                               |

### OPT OUT NOTICE

Name of person opting out:

Address of person opting out:

I, a Group Member in the Victopia Class Action, opt out of the proceedings.

I understand that in opting out:

1. I forego the right to share in any relief obtained by the representative party in the representative proceedings;
2. I am not entitled to receive any further notification about the conduct or disposition of the proceedings; and
3. To the extent that I have a claim against the Defendants, any limitation period suspended by the commencement of the representative proceedings has recommenced to run.

### SIGNATURE

#Signature of legal  
representative

#Signature of or on behalf of  
person opting out if not legally  
represented

Capacity

Group Member/ Lawyer for the Group Member (circle as  
applicable)

Date of signature

**NOTICE TO PERSON OPTING OUT**

You must, within the time specified in the notice to group members:

- 1 file this form in the registry of the court at the address below, or in the manner provided in the notice to group members; and
- 2 serve a copy of this form on the representative party at the address, or in the manner provided, in the notice to group members.

**REGISTRY ADDRESS**

|                |  |
|----------------|--|
| Street address | Supreme Court of NSW<br>Law Courts Building, Queen's Square<br>184 Phillip Street<br>Sydney NSW 2000 |
| Postal address | Supreme Court of NSW<br>GPO Box 3<br>Sydney NSW 2001   |
| Telephone      | 1300 679 272   |