

Schedule 3

Common fund orders

1. If the representative plaintiffs' claims against the defendants is settled, or judgment entered against all, some, or one of the defendants, the following payments will be paid from the Resolution Sum (defined below) before any payments or credits are made to the representative plaintiffs or other Class Members:
 - (a) all amounts to which Omni Bridgeway (Fund 5) NZ Inv. Limited (Omni Bridgeway) is entitled pursuant to the Phenylephrine NZ Litigation Funding Agreement between Omni Bridgeway and the representative plaintiffs dated 11 February 2025 (Funding Agreement) namely:
 - i Those Project Costs due under Clause 5.1.1 of the Funding Agreement;
 - ii Those amounts due as a percentage of the Resolution Sum (the Fees), as contained in the table at Clause 5.1.3 of the Funding Agreement and set out in this Common Fund Order (or such other fee as the Court considers reasonable at that time);
 - iii Any additional amounts due on account of GST further to Clause 5.1.2 of the Funding Agreement; and
 - iv Any applicable increase on amounts due under Clause 5.1 of the Funding Agreement, as provided for by Clause 5.2, 6 and 7.
2. The mechanics of the payments referred to above and those made to the representative plaintiffs or other Class Members from the Resolution Sum will be as directed by the Court, or if Court approval is not required, as agreed in writing by the defendants, the representative plaintiffs and Omni Bridgeway.
3. In this order:
 - (a) **Class members** means all class members as defined in the Representative Orders who have not opted out and are entitled to receive a payment from the defendant(s) pursuant to the settlement or judgment;
 - (b) **Project Costs** has the meaning defined in the Funding Agreement;
 - (c) **Resolution Sum** means the total, gross amount payable or credited (by whatever means whatsoever) by the defendants to the Class Members; and
 - (d) The **Fees** shall be a sum equivalent to:



Time to Resolution	Percentage of Resolution Sum
For each Resolution which occurs before 12 months from the Commencement Date:	20%
For each Resolution which occurs on or after 12 months and before 24 months from the Commencement Date:	25%
For each Resolution which occurs on or after 24 months and before 36 months from the Commencement Date:	30%
For each Resolution which occurs on or after 36 months from the Commencement Date:	35%

DATED this *1st* day of May 2026

Ingrid Peterson

 (Deputy) Registrar



Ingrid Peterson
 Deputy Registrar
 Auckland High Court