



**Benjamin Hillman v Mayne Pharma Group Ltd – SECI 2020 [insert proceed]
FUNDING INFORMATION SUMMARY STATEMENT**

Case: S ECI 2020 03351

Filed on: 21/08/2020 11:25 AM

1. How is the Mayne Class Action funded?

The Mayne Class Action is funded by litigation funder Vannin Capital Operations Limited (Vannin).

2. What is the role of Vannin and how are Litigation Funding Charges calculated?

Legal Costs and Disbursements will be paid by Vannin pursuant to the terms of the Litigation Funding Agreement, or otherwise carried by Phi Finney McDonald on a No Win No Fee (**NWNF**) basis.

Vannin will indemnify the plaintiff (and group members who participate) against liability for paying any adverse costs orders (an order that the plaintiff pay the defendant's costs).

In return for funding the proceeding, Vannin will be entitled (if approved by the Court) to be reimbursed from any recoveries for its costs in prosecuting the class action, and, subject to court approval, to 25 percent of all recoveries to group members who have signed a Litigation Funding Agreement (**Funding Commission**).

Pursuant to the terms of Phi Finney McDonald's retainer with the lead plaintiff, Phi Finney McDonald is entitled to recover an uplift fee on any professional fees carried on a NWNF basis from any resolution sum.

On application by the plaintiff, the Court may make an order to the effect that all group members (whether they have signed a Litigation Funding Agreement or not) are to contribute from their entitlement to any Proceeds to the costs of conducting the proceeding on terms assessed as fair and reasonable and in the interests of justice by the Court.

3. What Litigation Funding Charges are Vannin entitled to if there is a successful outcome?

In the event of a successful outcome (such as a settlement that is approved by the Court or a judgment by the Court awarding damages to group members), Vannin will be entitled to recover both:

- the legal costs and disbursements it paid during the course of the proceeding; and
- the Funding Commission, being 25% percent of all proceeds recovered on behalf of group members who have signed a litigation funding agreement.

Before any amounts can be deducted from any recovery, the legal costs and disbursements and the Funding Commission must first be approved by the Court as reasonable. The Court will also consider whether to make either a common fund order or a funding equalisation order so that all group members contribute to the legal costs and disbursements and the Funding Commission.

4. What happens if there is *not* a successful outcome?

If there is not a successful outcome, Vannin will pay the legal fees and disbursements, and any adverse costs order. Vannin will not seek or be entitled to recover from group members any costs it has paid on their behalf in relation to the class action.

Phi Finney McDonald will not seek to recover from group members any costs it has incurred on their behalf in relation to the class action.

5. **Who can group members contact for further information about the funding of the class action?**

For further information about the funding of the Mayne Class Action, including to obtain a copy of the funding documentation, group members may contact Phi Finney McDonald at classactions@phifinney-mcdonald.com or (03) 9134 7100. Group members will not be charged for such enquiries.