

**Mayne Pharma Group Ltd Shareholder Class Action  
Frequently Asked Questions and Responses**

<b>No.</b>	<b>Topic</b>
	<b>Group Members and Eligibility</b>
1.	Am I a group member?
2.	Am I eligible if I did not suffer any financial loss?
3.	I have not sold my shares. Am I a group member?
4.	I have sold my shares. Am I a group member?
5.	Am I eligible if I acquired my shares through the June 2016 institutional component of the Entitlement Offer and/or Institutional Placement?
6.	Am I eligible if I acquired my shares through the June 2016 Retail Entitlement Offer?
7.	Am I eligible if I received shares through a dividend reinvestment plan?
8.	Group member has passed away
9.	My shares were bequeathed to me. Am I a group member?
	<b>Registration</b>
10.	Why do I need to register?
11.	What is the registration deadline?
12.	Can I still register after the registration deadline?
13.	How do I register?
14.	How can I confirm registration?
15.	How can I confirm that multiple registered claimants have been recorded?
16.	Does it cost anything to register?
17.	What are the legal implications of registering?
18.	What happens if I do not register?
19.	What happens if I opt out of the Mayne Pharma Shareholder Class Action?
20.	Will I be entitled to compensation, and if so how much?
21.	I want to change the details I gave when I registered, how can I update my records?
22.	I could not meet the registration deadline
	<b>Supporting documents</b>
23.	What kind of supporting documents do you require?
24.	What is my HIN number?
25.	How do I upload my supporting documents?
26.	What are my options if I can't find my contract notes
27.	I am experiencing issues registering/uploading documents
	<b>Other</b>
28.	I wish to Opt Out of the Mayne Pharma Shareholder Class Action
29.	My question has not been answered. Can I speak to a lawyer?

## 1. Am I a group member?

A group member in the Mayne Pharma Class Action is a person or entity who acquired an interest in ordinary shares in Mayne Pharma Group Limited (ASX: MYX) (**Mayne Pharma**) on the ASX between 24 November 2014 and 15 December 2016 (inclusive) (**Claim Period**) and who are alleged to have suffered loss or damage by or resulting from Mayne Pharma's alleged misconduct.

However, the following persons and entities are not eligible to participate:

- (a) a related party, related body corporate, associated entity, or officer or close associate of Mayne Pharma;
- (b) a judge of the Supreme Court of Victoria or of the High Court of Australia

If you are a current or former Mayne Pharma employee, you are a group member if you acquired Mayne Pharma shares during the Claim Period and you have not been, at any time from 24 November 2014:

- (a) a director or company secretary of Mayne Pharma;
- (b) a person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of Mayne Pharma, or who has the capacity to affect significantly Mayne Pharma's financial standing, or a person in accordance with whose instructions or wishes the directors of the Mayne Pharma are accustomed to act; or
- (c) a director or secretary of a related body corporate of Mayne Pharma

Please note that the parties to the class action or their lawyers do not have a list of group members. You received the email from Mayne Pharma's share registry containing a link to the opt-out and registration notice because your email address was recorded on the registry.

## 2. Am I eligible if I did not suffer any financial loss?

As the determination of loss or damage is a matter for expert evidence and the Court, group members do not need to establish loss or damage at this stage of the proceeding to participate.

If you acquired an interest in Mayne Pharma shares during the Claim Period, you should still register even if you believe you did not suffer any financial loss.

## 3. I have not sold my shares. Am I a group member?

Yes, if you acquired the shares during the Claim Period. You do not need to have sold your shares to be a group member.

## 4. I have sold my shares. Am I a group member?

Yes, if you acquired the shares during the Claim Period. You do not need to have retained your Mayne Pharma shares to be a group member.

For the purpose of loss assessments, shares sold during the Claim Period may be considered in the calculation. This will be a matter for expert evidence and the Court. That does not affect your status as a group member for present purposes.

**5. Am I eligible if I acquired my shares through the June 2016 institutional component of the Entitlement Offer and/or Institutional Placement?**

Yes, eligibility extends to any shares you acquired as part of the institutional component of the Entitlement Offer and the Institutional Placement.

On 22 July 2016, Mayne Pharma issued:

- (a) 469,592,084 Mayne Shares at \$1.28 per share pursuant to the terms of an Entitlement Offer; and
- (b) 191,300,000 Mayne Shares at \$1.50 per share pursuant to the Placement.

**6. Am I eligible if I acquired my shares through the June 2016 Retail Entitlement Offer?**

Yes, eligibility extends to any shares you acquired as part of the retail component of the Entitlement Offer.

On 22 July 2016, Mayne Pharma issued 469,592,084 Mayne Shares at \$1.28 per share pursuant to the terms of an Entitlement Offer.

**7. Am I eligible if I received shares through a dividend reinvestment plan (DRP)?**

You are still eligible if you received shares through a dividend reinvestment plan, so long as you acquired the shares during the Claim Period.

For the purpose of any assessment of recoverable loss, shares acquired under a DRP may be treated differently to other share acquisitions. This will be a matter for the Court to determine. That does not affect your status as a group member.

**8. Group member has passed away.**

The estate of the group member may elect to register on their behalf via the Group Member Registration Form available at <https://phifinney-mcdonald.com/mayne-registration>.

**9. My shares were bequeathed to me. Am I a group member?**

If your only interest in Mayne Pharma shares was because the shares were inherited or gifted to you, you are not a group member, because you did not pay money or other consideration in order to acquire or purchase the interest in those shares, and therefore cannot establish that you suffered loss or damage by paying too much for those shares.

However, if you were bequeathed or gifted some Mayne Pharma shares and you also separately acquired an interest in other Mayne Pharma shares during the Claim Period, including via a dividend reinvestment scheme (DRP) or a capital raising, then you are a group member as a result of the other acquisition(s) of shares.

## 10. Why do I need to register?

If you wish to obtain compensation by participating in any settlement reached between the Plaintiff and Defendant at the Court Ordered Mediation or within 3 months after the first day of that mediation, you must register your participation in the Mayne Pharma Class Action.

This is because, if an in-principle settlement is reached at the Court Ordered Mediation or within 3 months after the first day of that mediation, the Court has ordered that, subject to any further order of the Court, group members who neither opted out nor registered (i.e. “do nothing”) by the Registration Deadline will be bound by the settlement reached between the Plaintiff and Defendant and will not be able to seek any benefit under that settlement.

The Group Member Registration Form is available at <https://phifinney-mcdonald.com/mayne-registration>.

## 11. What is the Registration Deadline?

You must register your participation in the Mayne Pharma Class Action by **Wednesday, 4:00pm (AEST) on 28 June 2023**.

## 12. Can I still register after the Registration Deadline?

As the registration deadline has passed, without further order of the Court, there is no longer an entitlement to participate in any in-principle settlement reached at the Court Ordered Mediation or within 3 months after the first day of that mediation.

We encourage you to still confirm your details and interest in participating in any settlement of the Mayne Pharma Class Action by completing a registration form. If there is a proposed settlement of the class action within the above time period, we intend to apply to the Court for orders at the appropriate time that persons who completed a registration form after the registration deadline (but before the settlement was negotiated) be allowed to participate in the proposed settlement.

## 13. How do I register?

If you have not already registered, and you wish to confirm your interest in participating in any settlement of the Mayne Pharma Class Action, you should confirm your details and interest by completing the registration form without delay.

To notify Phi Finney McDonald of your interest in participating in any settlement of the Mayne Pharma Class Action, please complete the Group Member Registration Form available at <https://phifinney-mcdonald.com/mayne-registration>. Information submitted will be used only for the purpose of confirming your request to register your claim in the Mayne Pharma Class Action, and for no other purpose.

Alternatively, you may confirm your details and interest in participating in any settlement of the Mayne Pharma Class Action by entering into a litigation funding agreement with Vannin Capital Operations Limited (Vannin). Vannin, a global litigation funder, is providing funding for the class action. A litigation funding agreement is available on request by emailing: [MaynePharma@phifinney-mcdonald.com](mailto:MaynePharma@phifinney-mcdonald.com)

Please note, if you have already entered into a Litigation Funding Agreement with Vannin Capital Operations Limited, you are deemed by the Supreme Court of Victoria to have already registered to participate in the Mayne Pharma Class Action, and you do not have to take any further steps to register your claim.

#### **14. How can I confirm registration?**

Once you have completed and submitted the Group Member Registration Form, a message should appear in your browser confirming that the submission has been accepted. If you do not see the confirmation, please re-submit the information.

#### **15. I need to register multiple claims on behalf of several claimants. What should I do?**

If you are authorised to act on behalf of more than one Mayne Pharma security holder or person with a beneficial interest, please complete and submit the Group Member Registration Form separately for each. You should receive a separate confirmation of submission for each claim registered (see question 13 above).

#### **16. Does it cost anything to register and to participate in the Mayne Pharma Class Action?**

You will not be liable for any out-of-pocket costs.

If the class action does not result in a judgment or settlement payable by Mayne Pharma, you will not be liable to pay any amount.

If the class action does result in a judgment or settlement payable by Mayne Pharma, then under the terms of its litigation funding agreements with some group members and subject to Court order, Vannin will be entitled to recover:

- (a) legal costs, disbursements, and other litigation expenses;
- (b) costs and fees referable to the Mayne Pharma Class Action paid or payable under the commercial litigation insurance policy underwritten by AmTrust Europe Limited that Vannin has procured; and
- (c) twenty-five percent (25%) of any compensation to which group members, who have entered into a litigation funding agreement with Vannin, become entitled, as commission for funding the Mayne Pharma Class Action.

Group members who have signed funding litigation agreements with Vannin have agreed to pay the above entitlements between them. However, if compensation is recovered for group members, one of the plaintiff or Vannin will seek orders from the Court that Vannin's entitlements (as outlined in (a) to (c) above) be paid out of the total amount recovered for all group members.

The effect of such an order would be to share the liability for payment of Vannin's entitlements on a pro rata basis between all group members who have benefited from the action, so that all registered group members are in the same position, regardless of whether they have entered into a litigation funding agreement with Vannin or have registered by completing the Group Member Registration Form. These costs will never exceed the amount of compensation to which you may otherwise become entitled.

The Court will assess whether the costs proposed to be deducted are fair and reasonable. You will be given a notice at that time informing you of the amount which it is proposed to be deducted and given an opportunity to tell the Court if you agree or disagree with what is proposed.

## **17. What are the legal implications of registering?**

If you register for the Mayne Pharma Group Class Action, you may be eligible to receive compensation as part of any settlement prior to judgment (provided that it is approved by the Court and you satisfy any eligibility requirements).

You will be bound by any resolution of the class action. Therefore, you will not be permitted to bring any future claims related to the subject matter litigated in the Mayne Pharma Group Class Action.

## **18. What happens if I do not respond to the Opt-Out and Registration Notice?**

If you did not register your participation or opt out of the class action by the 28 June 2023 deadline, you will remain an unregistered group member and you will not be entitled to participate in any in-principle settlement reached between the Plaintiff and Defendant at the Court Ordered Mediation or within 3 months of the first day of that mediation.

Further, you will be bound by the terms of the settlement including any releases (despite not being eligible to participate in the settlement). This means that your right to bring a claim against Mayne Pharma (and potentially its related entities and officers) for matters related to those canvassed in the Mayne Pharma Class Action will be extinguished.

If there is no settlement prior to a final judgment being made by the Court, you will be bound by that final judgment. You will be entitled to obtain compensation ordered by the Court in the event that the Court finds in favour of the Plaintiff and Group members and you satisfy any eligibility criteria for compensation determined by the Court.

If the Mayne Pharma Class Action is unsuccessful, or it is not as successful as you might have wished, you will not be able to sue on the same claim in any other proceeding unless you choose to opt out of this proceeding prior to the 28 June 2023 deadline.

If you do not want to risk missing out on the option to participate in any settlement of the Mayne Pharma Class Action, you should notify Phi Finney McDonald of your interest in participating in any settlement of the Mayne Pharma Class Action by completing the Group Member Registration Form available at <https://phifinney-mcdonald.com/mayne-registration>.

We encourage you to still confirm your details and interest in participating in any settlement of the Mayne Pharma Class Action by completing a registration form. If there is a proposed settlement of the class action within the above time period, we intend to apply to the Court for orders at the appropriate time that persons who completed a registration form after the registration deadline (but before the settlement was negotiated) be allowed to participate in the proposed settlement.

## **19. What happens if I opt out of the Mayne Pharma Class Action?**

If you choose to opt out of the class action, then, after the Opt Out Deadline (which is the same as the Registration Deadline):

- (a) you will no longer be a group member in the Mayne Pharma Class Action;
- (b) you will not be entitled to any benefit that ultimately is obtained on behalf of group members in the Mayne Pharma Class Action, whether by way of settlement or Court judgment; and
- (c) you will preserve your right to pursue a separate claim against Mayne Pharma in relation to the matters the subject of the Mayne Pharma Class Action, if you so choose; however
- (d) because there are time limits in which to commence proceedings to recover any loss and damage you may have suffered, if you wish to pursue a separate claim against Mayne

Pharma, you should seek legal advice as soon as possible regarding the amount of time available to you in which to commence a proceeding.

## **20. Will I be entitled to compensation, and if so how much?**

It is too early to answer this question. If the class action results in a judgment against Mayne Pharma, your entitlement to compensation will be determined by the Court. If the class action results in a settlement, your entitlement will be determined as part of the settlement.

Class action settlements must be approved by the Court as fair and reasonable, including as to any amounts payable to the litigation funder Vannin and for legal costs, and the manner in which settlement proceeds are distributed amongst participating group members.

## **21. I want to change the details I gave when I registered, how can I update my records?**

Please send an email to [MaynePharma@phifinney-mcdonald.com](mailto:MaynePharma@phifinney-mcdonald.com) detailing the required changes to your registration information. Please ensure the name of the claimant is included in the subject line of the email.

## **22. I could not meet the Registration Deadline**

As the registration deadline has passed, if you have not already registered, you will no longer be entitled to participate in any in-principle settlement reached at the Court Ordered Mediation or within 3 months after the first day of that mediation, unless the Court makes orders otherwise to allow your participation.

We encourage you to still confirm your details and interest in participating in the Mayne Pharma Class Action by completing a registration form. If there is a proposed settlement of the class action within the above time period, we intend to apply to the Court for orders at the appropriate time that persons who completed a registration form after the registration deadline (but before the settlement was negotiated) be allowed to participate in the proposed settlement.

If you have not already registered, and you wish to confirm your interest in participating in any settlement of the Mayne Pharma Class Action, you should confirm your details and interest by completing the registration form without delay.

## **23. What kind of supporting documents do you require?**

During the online registration process, you will be asked to provide information about your Mayne Pharma share trading history. Details requested will include:

- the full name of the registered owner and any relevant Holder Identification Number (HIN) or Security Reference Number (SRN) or equivalent reference number in respect of Mayne Pharma securities;
- the number of Mayne Pharma securities held at the close of trade on 21 November 2014 (AEDT);
- details of the acquisition(s) of Mayne Pharma securities between 24 November 2014 and 15 December 2016 (inclusive), including date of acquisition(s), quantity acquired and the price at each acquisition; and

- details of the sale(s) and/or disposal(s) of Mayne Pharma securities between 24 November 2014 and 15 December 2016 (inclusive), including date of sale(s)/disposal(s), quantity sold/disposed and the price at each sale/disposal.

We recommend that you have with you a Transaction History Statement (or similar document) while completing the online registration.

You will be prompted to upload supporting documents (for example trade confirmations and contract notes) evidencing your share transactions in Mayne Pharma when completing the Group Member Registration Form. For this reason, we recommend that you collate electronic files of your supporting documents so that the files are ready to upload prior to commencing the Group Member Registration Form.

Please make sure these supporting documents are legible, and clearly show your (or the claimant's) name. Screenshots and photos of supporting documents are acceptable.

#### **24. What is my HIN Number?**

A Holder Identification Number (HIN) is a unique number that identifies you as a CHESSE sponsored shareholder with a broker. A HIN usually starts with the letter "X" followed by ten numbers (e.g. X0001234567).

You can find the HIN/SRN number on your trade confirmation statement. It will either be 10 or 11 characters in length. If it is 11 characters in length, the HIN or SRN begins with the letter i, n or x. The remaining 10 characters are numbers. For example, i0012345678, n0012345678, x0012345678.

If you have not retained your holding statement(s), you can request this number from your financial advisor, stockbroker, CHESSE Sponsor, Issuer Sponsor, or Mayne Pharma's share registry, Computershare Investor Services Pty Limited.

#### **25. How do I upload my supporting documents?**

You will be prompted to upload your supporting documents when completing the Group Member Registration Form.

If you encounter any difficulties in uploading your documents, please email the documents to [MaynePharma@phifinney-mcdonald.com](mailto:MaynePharma@phifinney-mcdonald.com) ensuring the name of the claimant is included in the subject line of the email.

#### **26. What are my options if I can't find my contract notes?**

You can request confirmation of your holdings from Mayne Pharma's share registry, Computershare Investor Services Pty Limited. Please ensure you have your supporting documentation evidencing your share transactions in Mayne Pharma before you complete and submit the Group Member Registration Form.

#### **27. I am experiencing issues registering/uploading documents.**

If you are experiencing issues with your registration, please email [MaynePharma@phifinney-mcdonald.com](mailto:MaynePharma@phifinney-mcdonald.com) so we can arrange further assistance for you.



**28. I wish to opt out.**

The deadline for a group member to opt out of the Mayne Pharma Group Class Action was Wednesday, 4:00pm (AEDT) on 28 June 2023.

The Court, on the application of a group member, the plaintiff or the defendant, may extend the period within which a group member may opt out of the group proceeding.

**29. My question has not been answered. Can I speak to a lawyer?**

Because of the large number of shareholders who would have received the opt out and registration notice, we cannot guarantee a timely response to a telephone enquiry. If you have a question that is not addressed above, please email [MaynePharma@phifinneymcdonald.com](mailto:MaynePharma@phifinneymcdonald.com).