



1. **What is a class action?**

Also known as a representative proceeding, a class action is a case brought by a lead plaintiff on their own behalf and on behalf of others where seven or more people have claims against the defendant(s) that arise out of similar circumstances.

2. **Who are the defendants in the Freedom Foods Class Action, and what is the claim about?**

The claim is against Freedom Foods Group Ltd (**Freedom Foods**) and Deloitte Touche Tohmatsu (**Deloitte**) in relation to information available to investors who purchased Freedom shares over the period 7 December 2014 to the halt in trading on 24 June 2020 (inclusive).

The claim alleges that Freedom Foods breached its continuous disclosure obligations and both Freedom Foods and Deloitte engaged in misleading and deceptive conduct. The claim alleges that Freedom Foods' share price was inflated by its disclosure failures and its and Deloitte's misleading and deceptive conduct, and that the defendants' actions caused shareholders to suffer loss and damage.

3. **Who is a group member in the Freedom Foods Class Action?**

You are a group member if you acquired an interest in Freedom Foods ordinary shares and/or American Depository Receipts between 7 December 2014 and 24 June 2020 (inclusive).

4. **Who is the lead plaintiff and what is their role and responsibilities?**

The lead plaintiff in the Freedom Foods Class Action is Lester Buch. It is the lead plaintiff's role to represent the group members and provide instructions to Phi Finney McDonald regarding the conduct of the case. The plaintiff may also give evidence during the proceeding, and in hearing the lead plaintiff's case, the Court will consider questions of fact and/or law that are common to all group members.

5. **Who is the law firm acting for the lead plaintiff?**

Phi Finney McDonald acts for the lead plaintiff.

6. **Is this class action funded by a litigation funder?**

- a) Omni Bridgeway (Fund 5) Australian Int. Pty Limited (ABN 91 635 083 984) (**Omni Bridgeway**) provides funding to Phi Finney McDonald to enable Phi Finney McDonald to conduct the litigation on a "No Win, No Fee" (**NWNF**) basis in the Freedom Foods Class Action.
- b) Omni Bridgeway and Phi Finney McDonald have agreed that, if the Court makes a Group Costs Order pursuant to section 33ZDA of the *Supreme Court Act 1986* (Vic) in the proceeding (as detailed further in item 7 below) then Omni Bridgeway will be entitled to a portion of any amounts recovered by Phi Finney McDonald pursuant to the Group Costs Order.
- c) Omni Bridgeway Investment Management Limited has registered a managed investment scheme with the Australia Securities and Investments Commission with respect to the arrangements set out at (a) and (b). A Product Disclosure Statement for the Scheme is available at <https://portal.omnibridgeway.com/cases/register/freedom-foods-class-action/>.

More information about the terms is available from the Funding Information Summary Statement and the Product Disclosure Statement.

7. How are legal fees and disbursements to be charged?

Phi Finney McDonald will issue invoices for legal fees and disbursements incurred in the prosecution of the class action to the lead plaintiff and the litigation funder. These will be calculated using time-based billing for professional fees, with disbursements charged at cost.

Those legal fees and disbursements will be carried by Phi Finney McDonald on a NWNF basis, until there is a successful outcome in the class action in the form of a settlement or judgment in favour of the lead plaintiff and group members. In the event that the arrangement between Omni Bridgeway and Phi Finney McDonald is terminated, Phi Finney McDonald may be entitled to recover an uplift fee on any professional fees carried on a NWNF basis from any resolution sum.

8. How will legal fees and disbursements be recovered?

The lead plaintiff instructs Phi Finney McDonald to apply for a Group Costs Order. The terms of the Group Costs Order for which Phi Finney McDonald intends to apply are:

- a. Phi Finney McDonald will withhold an amount to be divided between Phi Finney McDonald and the litigation funder, Omni Bridgeway, in accordance with the terms of the Freedom Foods Group Litigation Funding Scheme (**Group Costs Order Amount**), with the balance of any resolution sum to be distributed amongst group members and otherwise in accordance with Court order;
- b. The Group Costs Order Amount will be set by the Court in its sole discretion, including with the potential assistance of an independent expert. However that amount is subject to the following maximum limits:
 - i. 29.5% of the first \$25 million of any resolution sum;
 - ii. 28% of the amount of any resolution sum greater than \$25 million but less than \$50 million;
 - iii. 25.5% of the amount of any resolution sum greater than \$50 million but less than \$75 million; and
 - iv. 22.5% of the amount of any resolution sum in excess of \$75 million.

In the event that there is an unsuccessful outcome to the Freedom Foods Class Action and/or the Court makes orders for the lead plaintiff to pay any of the defendant's costs ("adverse costs order"), neither the lead plaintiff nor group members will be required to pay any costs, including because the litigation funder will pay the full amount of any adverse costs order.

In the event a Group Costs Order is made, only the percentages the Court orders (subject to the above maximum limits) setting in place the Group Costs Order would be charged. That means that the legal fees and disbursements and any uplift fee set out in 7 above would not be charged.

9. Have other class actions against Freedom Foods and Deloitte that relate to the same subject matter as the Freedom Foods Class Action been filed, or are likely to be filed?

As at the date of this class action statement, one other class action has been filed against Freedom Foods and Deloitte. The name of that class action is Nicholas John Gehrke v Freedom Foods Group Limited (ACN 002 814 235) & Deloitte Touche Tohmatsu (ACN 490 121 060). It is not known if any others are likely to be filed.

10. How can you obtain further information about the class action?

For further information about the Freedom Foods Class Action, group members can visit <https://portal.omnibridgeway.com/freedom> or contact Omni Bridgeway at freedomfoods@omnibridgeway.com or phone 1800 016 464. Group members will not be charged for such enquiries.