

**Daniel Joseph Batchelor v Nuix Ltd (ACN 117 140 235), Macquarie Capital (Australia) Limited (ACN 123 199 548) and Macquarie Group Limited (ACN 122 169 279) [S ECI 2021 04391]
CLASS ACTION SUMMARY STATEMENT
23 November 2021**



Case: S ECI 2021 04391

Filed on: 23/11/2021 10:47 AM

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 Nuix Class Action, and what is the claim about?

The claim is against Nuix Ltd (**Nuix**), Macquarie Capital (Australia) Limited and Macquarie Group Limited (together **Macquarie**) in relation to information available to investors who purchased Nuix shares in Nuix's initial public offering (**IPO**) offer period of 26 November 2020 to 2 December 2020, and otherwise on the ASX from 4 December 2020 to 29 June 2021.

The claim alleges that Nuix's IPO Prospectus contained misleading statements and omissions, and that Nuix failed to comply with its continuous disclosure obligations and engaged in misleading or deceptive conduct. The claim alleges that Nuix's share price was inflated by its misleading Prospectus, disclosure failures and its misleading and deceptive conduct, and that the defendants' actions caused shareholders to suffer loss and damage.

3. Who is a group member in the Nuix Class Action?

You are a group member if you acquired an interest in Nuix ordinary shares in Nuix's IPO offer period of 26 November 2020 to 2 December 2020, and otherwise on the ASX from 4 December 2020 to 29 June 2021.

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

The lead plaintiff in the Nuix Class Action is Daniel Joseph Batchelor. 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. 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?

No.

7. What costs are involved?

The lead plaintiff has retained Phi Finney McDonald to commence the proceeding on a "no-win no-fee" basis. Under this retainer, the professional fees and disbursements incurred in the prosecution of the class action will be carried by Phi Finney McDonald. These will be calculated using time-based billing for professional fees, with disbursements charged at cost.

Phi Finney McDonald intends to secure third party litigation funding to prosecute the claims against the Defendants. In the event that Phi Finney McDonald secures third party litigation funding, this summary statement will be amended to include the funding terms secured and a Funding Information Summary Statement will be filed with the Court and made available to group members.

8. Have other class actions against Nuix and/or Macquarie that relate to the same subject matter as the Nuix Class Action been filed, or are likely to be filed?

As at the date of the filing of this Class Action Summary Statement, one other class action has been filed against Nuix relating to the same subject matter. The name of that class action is William Lay v Nuix Limited (ACN 117 140 235) (S ECI 2021 04360). That class action does not include claims against Macquarie.

Phi Finney McDonald is aware of two other class action investigations similar to the Nuix Class Action, however there is not enough publicly available information to determine whether they are likely to be filed.

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

For further information about the Nuix Class Action, group members can contact Phi Finney McDonald at classactions@phifinneymcdonald.com or phone +61 (0)3 9134 7100. Group members will not be charged for such enquiries.