



GROUP PROCEEDING SUMMARY STATEMENT

Mark Laricchia v WiseTech Global Limited (ACN 065 894 724)

Case: S ECI 2024 06051

Filed on: 12/11/2024 12:20 PM

Supreme Court of Victoria

1. What is a class action?

Also known as a group proceeding or a representative proceeding, a class action is a case brought by a lead representative on their own behalf and on behalf of seven or more people who have claims against the defendant that arise out of similar circumstances. A class action is an efficient way for the Court to resolve common questions of fact and law in dispute.

2. Who is the defendant in this class action, and what is the claim about?

The claim is against WiseTech Global Limited (ACN 065 894 724) (ASX:WTC) (**WiseTech**) and concerns information available to investors who acquired an interest in WiseTech shares or equity swaps in respect of WiseTech shares over the period from 21 August 2019 to 18 February 2020 (inclusive) (**claim period**).

During the claim period, WiseTech made statements to the market of investors and potential investors in WiseTech as to the future expected financial performance of the company for the period ending 30 June 2020. On 19 February 2020, WiseTech revised that information, downgrading its expected earnings for the financial year ending 30 June 2020 from between \$145 million and \$153 million to between \$114 million and \$132 million.

The claim alleges that WiseTech breached relevant provisions of the *Corporations Act 2001* (Cth), the *Australian Securities and Investment Commission Act 2001* (Cth) and the Australian Consumer Law by making misleading or deceptive representations, and/or further, failed to comply with its continuous disclosure obligations as an ASX-listed company, in relation to the information it provided (and/or failed to provide) to investors during the claim period about its expected future earnings.

The class action alleges that WiseTech's share price was inflated by its disclosure failures and that as a result, group members suffered loss and damage. Alternatively, the class action alleges that some group members would not have purchased shares in WiseTech had the alleged wrongdoing not occurred.

3. Who is a group member in the class action?

You are automatically a group member if, between 21 August 2019 and 18 February 2020 (inclusive), you acquired an interest in ordinary shares in WiseTech, or long exposure to WiseTech shares by entering into equity swap confirmations in respect of WiseTech shares.

If you do not wish to participate in the class action, there will be an opportunity for you to opt out of the class action in the future.

If you do wish to participate in the class action and be entitled to receive compensation if the class action is successful, you will be required to formally register your claim at a future time.

You will receive a notice or notices about the opt out and registration process which will explain these options and the steps you are required to take at a future date.

4. Who is the representative plaintiff and what are their roles and responsibilities?

The representative plaintiff in the class action is Mark Laricchia. The representative plaintiff's role is to represent the claims of all group members and provide instructions to Phi Finney McDonald (**PFM**) regarding the conduct of the case. The representative plaintiff may give evidence during the

proceeding. In hearing the representative plaintiff's case, the Court will consider and determine questions of fact and/or law that are common to all group members.

5. Who is conducting this class action?

PFM acts for the representative plaintiff. PFM is a leading class action law firm with offices in Melbourne, Sydney and London.

6. How is the class action funded?

The representative plaintiff intends to apply for a Group Costs Order (**GCO**) pursuant to s 33ZDA of the *Supreme Court Act 1986* (Vic) at an early stage in the class action. The effect of a Group Costs Order if made, is that:

- (a) If the case is successful – meaning that there is a settlement or the case succeeds at trial and damages are awarded by the Court – then, subject to further order, the legal costs payable to PFM will be calculated as a percentage of any settlement sum or damages award (up to the conclusion of the trial of common issues) rather than on a time-billed basis. The Court will determine the percentage fixed by the GCO and is required to approve it as fair and reasonable as part of approving any resolution of the proceeding.
- (b) PFM (as the law practice representing the representative plaintiff) will be liable to pay any costs payable to the defendant in the proceeding (known as “adverse costs”). PFM will also carry or pay the representative plaintiff's legal costs and disbursements until the conclusion of the trial of common issues.
- (c) Liability for payment of the percentage fixed by the GCO would be shared among the representative plaintiff and all group members. That means that an amount representing the percentage fixed by that GCO would be deducted from any settlement sum or damages award and paid to PFM, before any distribution to the representative plaintiff and group members.

7. What costs are involved?

The representative plaintiff and group members will not be asked to pay any upfront or out-of-pocket costs. Costs will only be payable in the event of a successful outcome and will be subject to Court approval. Legal costs and any other amounts approved by the Court and payable to PFM will be deducted from, and will not exceed, any compensation that group members are entitled to receive.

If a successful outcome is not achieved in the class action, the representative plaintiff and group members will not be required to pay any costs or any other amounts to PFM. This means that **you will not be out of pocket by participating in the class action regardless of whether the case is successful or unsuccessful.**

8. Are there any overlapping class actions?

As at the time of filing this proceeding, there are no overlapping class actions filed against the defendant.

9. Who can I contact to get further information?

Group members may contact PFM about the class action, at no out-of-pocket cost, via:

Email wisetechshareholders@phifinney-mcdonald.com
Phone (03) 9134 7100.