

## NOTICE OF MOTION

### COURT DETAILS

Court	Supreme Court of NSW
Division	Equity
List	Commercial
Registry	Sydney
Case number	2018/310118 and 2018/309329

### TITLE OF PROCEEDINGS

Plaintiff	<b>Komlotex Pty Ltd &amp; Anor</b>
Defendant	<b>AMP Limited ABN 49079354519</b>

### FILING DETAILS

Filed for	<b>AMP Limited</b> , Defendant
Filed in relation to	Plaintiff's claim
Legal representative	Jason Betts, Herbert Smith Freehills
Contact name and telephone	Jason Betts (02 9225 5323)
Contact email	Jason.Betts@hsf.com

### PERSON AFFECTED BY ORDERS SOUGHT

**Komlotex Pty Ltd and Fernbrook (Aust) Investments Pty Ltd, the Plaintiffs**

### HEARING DETAILS

This motion is listed at 9.00am on 4 February 2020.

[on separate page]

## ORDERS SOUGHT

1 Orders 1 and 2 of the orders made on 4 December 2019 be vacated.

### Expert evidence and opt out date

2 On or before 14 April 2020, the Plaintiff serve any expert evidence on quantum and materiality upon which it intends to rely at trial.

3 On or before 10 June 2020, the Defendant serve any expert evidence on quantum and materiality upon which it intends to rely at trial.

4 Nothing in orders 2 and 3 prevents either party from filing and serving supplementary evidence on quantum and materiality at a later stage in proceedings, by a date to be ordered.

5 Pursuant to section 162 of the *Civil Procedure Act 2005* (NSW) (the **Act**), 4:00 pm (AEDT) on 17 April 2020 (the **Class Deadline**) be fixed as the date before which a Group Member may opt out of the proceeding.

### Form and distribution of notices to group members

6 By 28 February 2020, the Plaintiffs file and serve an application for approval of an opt out and registration notice for the purposes of section 176(1) of the Act.

7 The Plaintiffs' application for approval of an opt out notice be listed for hearing on a date convenient to the Court.

### Claim Registration

8 Subject to order 10 below, pursuant to section 183 of the Act, any Group Member who wishes to participate in the distribution of any amount agreed in settlement of this proceeding must, by the Class Deadline, register by submitting a completed registration form in a form set out in the opt out notice approved by the Court at the hearing referred to in order 7 above (**Registration Form**) through the 'AMP Class Action Claims Registration' webpage established on the website of the plaintiffs' solicitors (**New Registered Group Members**).

9 In completing the Group Member Registration Form, and in order to register for the purpose of Order 8 above, each Group Member will be required to submit:

- a. the Group Member's name and address and/or email address;
- b. any relevant and available Holder Identification Number (**HIN**) or Security Reference Number (**SRN**);

- c. the number of AMP securities held by each Group Member immediately prior to the commencement of trade on 10 May 2012;
  - d. for each acquisition, all transactional information (date of acquisition, quantity of securities acquired, total amount paid (including brokerage where provided)) regarding AMP securities acquired from 10 May 2012 to 13 April 2018 (inclusive); and
  - e. for each sale, all transactional information (date of sale, quantity of securities sold, and total amount received (net of brokerage)) regarding AMP securities sold from 10 May 2012 to 13 April 2018 (inclusive).
- 10 A Group Member is deemed to have complied with Order 9 above if, as at the date of these orders, a Group Member has retained the Plaintiffs' solicitors in writing to act for that group member in connection with this proceeding (**Existing Registered Group Members**).
- 11 To the extent that they have not already done so, Existing Registered Group Members are required to submit to the Plaintiffs' solicitors as soon as practicable but, in any event, by no later than the Class Deadline, the same information as New Registered Group Members are required to submit to the Plaintiffs' solicitors pursuant to Order 9 above.
- 12 By 4:00pm AEDT on 8 May 2020, the Plaintiffs must deliver to the solicitors for the Defendant (in electronic form), the information referred to in order 9 in respect of each Existing Registered Group Members and New Registered Group Members.
- 13 Pursuant to section 183 of the Act, and subject to any further order of the Court, any Group Member who by the Class Deadline does not opt out and who is not a New Registered Group Member or Existing Registered Group Member:
- a. will remain a group member for all purposes of this proceeding, including for the purpose of being bound by any judgment in this proceeding and being entitled to participate in any award of damages by the Court if this proceeding does not settle; and
  - b. subject to any further order of the Court, will not be entitled to receive a distribution from any settlement of this proceeding.

### **Mediation**

- 14 A mediation in this matter is to be conducted no later than 31 July 2020. In the absence of agreement by the parties as to a mediator, the mediation shall be conducted by a person to be appointed by the Court.

**Other Orders**

- 15 The proceedings be listed for further directions on a date convenient to the Court.
- 16 The parties have liberty to apply on 48 hours' written notice.

**SIGNATURE**

Signature of legal representative



Capacity

Solicitor for the Defendant

Date of signature

30 January 2020

**NOTICE TO PERSON AFFECTED BY ORDERS SOUGHT**

If you do not attend, the court may hear the motion and make orders, including orders for costs, in your absence.

**REGISTRY ADDRESS**

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