

OUTCOME DETAILS

**Supreme Court - Civil
at Supreme Court Sydney
on 27 September 2023**

2018/00310118-011 / Notice of Motion Civil - Komlotex Pty Ltd v AMP LIMITED

The following hearing dates are vacated:

06 Oct 2023 10:00 AM

Reason: Other

Other Reason: Not required - motion dealt with by Ball ACJ in Eq.

2018/00310118-001 / Statement of Claim: Komlotex Pty Ltd v AMP LIMITED

This matter is listed for Hearing on 14 November 2023 10:00 AM before the Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 1 Days

HH gives leave for the plaintiffs to file in court the notice of motion dated 26 September 2023.

HH makes orders in terms of paragraphs 1 to 20 of the plaintiffs' notice of motion as amended.

Notice of Motion

1 Annexure VM-1 to the Affidavit of Vavaa Mawuli affirmed 26 September 2023, being the Settlement Deed, be marked "Confidential Annexures for Purposes of Settlement Approval Application – Not to be Accessed Except by Direction of a Judge or the Court" and be kept confidential until further order.

Timetable for Settlement Approval Application

2 The hearing of the Settlement Approval Application be listed at 10.00am on 14 November 2023.

3 By 3 November 2023, the plaintiffs are to file and serve a notice of motion seeking an order approving the settlement under section 173 of the Civil Procedure Act 2005 (NSW) (the Act) and for related orders (Settlement Approval Application).

4 Save for any affidavit or written submissions in respect of which confidentiality orders will be sought (Confidential Affidavit and Confidential Submissions, respectively), by 10 November 2023, the Plaintiffs and the Defendant shall file and serve any affidavit(s) and written submissions in relation to the Settlement Approval Application.

5 By 10 November 2023, the Plaintiffs are to provide any Confidential Affidavit and/or Confidential Submissions on which the Plaintiffs propose to rely in support of the Settlement Approval Application to the chambers of the Judge assigned to hear the Settlement Approval Application by email marked "Confidential [Affidavit or Submissions] for Purposes of Settlement Approval Application – Not to be Accessed Except by Direction of a Judge or the Court".

Settlement Notice

6 Pursuant to s176(1) of the Act, the form and content of the Notice of Proposed Settlement (Settlement Notice), in the form contained in Schedule A to these orders, be approved.

7 Pursuant to s176(1) of the Act, the form and content of the Abridged Notice of Proposed Settlement, Objection and Registration (Abridged Notice), in the form contained in Schedule B to these orders, be approved.

8 Pursuant to s 176(2) of the Act, notice is to be given to the group members (as defined in paragraph 8 of the Further Amended Commercial List Statement filed on 7 December 2021, excluding any person who opted out in accordance with order 9 made on 26 August 2020) of the proposed settlement in the following manner:

(a) the plaintiffs are to display the Settlement Notice on the plaintiffs' solicitor's website, www.mauriceblackburn.com.au, from on or before 4:00pm, 6 October 2023 continuously until 4:00pm, 3 November 2023;

(b) the plaintiffs are to cause an advertisement in the terms of the Abridged Notice to be published in the Australian Financial Review and The Australian by 6 October 2023; and

(c) on or before 4:00pm, 6 October 2023, where a group member has, by 4pm on 5 October 2023, registered with Maurice Blackburn, the plaintiffs will give notice to the group member by sending the Abridged Notice to the contact email address or postal address (in the absence of an email address or where the email address does not accept delivery) available to the plaintiffs.

9 By 4:00pm on 6 October 2023, the Registry of the Supreme Court of New South Wales shall:

(a) display the Settlement Notice on the Court's website, www.supremecourt.justice.nsw.gov.au; and

(b) make the Settlement Notice available for inspection.

10 The Settlement Notice, Abridged Notice and Registration Form (defined in order 11 below) may be amended by Maurice Blackburn in order to correct or add any postal, website or email address or telephone number of Maurice Blackburn, or to correct any typesetting or typographical error or any other formatting issue as Maurice Blackburn determines.

Registration

11 Pursuant to ss 173(2) and/or s 183 of the Act, 4.00pm on 3 November 2023 be fixed as the date on or before which any Group Member, other than group members who have previously registered, who wishes to participate in the proposed settlement must:

(a) complete and submit the online registration form at <https://classaction.mauriceblackburn.com.au/AMPShareholder/> (Registration Form); or

(b) complete a hard-copy Registration Form and return it to the Plaintiffs' solicitors at Level 8, 179 North Quay Brisbane Qld 4000.

12 In completing the Registration Form, each Group Member will be required to submit:

(a) the Group Member's name and address and/or email address;

(b) any relevant Holder Identification Number (HIN) or Security Reference Number (SRN), if available;

(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:

i. transactional information consisting of the date of acquisition, the quantity of securities acquired, the price per security paid and the brokerage paid, regarding AMP securities acquired from 10 May 2012 to 13 April 2018 (inclusive); and

ii. total amount paid (net of brokerage) in respect of the acquisition, if available;

(e) for each sale:

i. transactional information consisting of the date of sale, the quantity of securities sold, the price per security and the brokerage paid regarding AMP securities sold from 10 May 2012 to 13 April 2018 (inclusive); and

ii. total amount received (net of brokerage) in respect of the acquisition, if available.

13 Pursuant to s 173(2) and/or s 183 of the Act, any person (other than group members who have previously registered) who is a group member in the Proceeding and who, following distribution of the Notice in accordance with the procedure set out above, does not register in accordance with orders 11 and 12 above, shall remain a group member for all purposes of the Proceeding, and will be bound by an order approving the proposed settlement, but shall not, subject to any further order, be entitled to receive a distribution from any amount paid in settlement of the Proceeding.

Objections

14 Any group member who wishes to oppose the proposed settlement:

(a) By 4.00pm on 3 November 2023, must provide to the plaintiffs' solicitors written reasons why they oppose the proposed settlement by completing a notice of objection, in the form contained in Schedule C to these orders, which will be available to download from Maurice Blackburn's website, and delivering them to the email address AMPClassActionObjections@mauriceblackburn.com.au; and/or

(b) may attend, or send a representative to attend, the Supreme Court of New South Wales on 14 November 2023 when the Settlement Approval Application is to be heard and must be prepared to address the Court with reasons why the proposed settlement should not be approved.

15 By 10 November 2023, the plaintiffs are to file and serve copies of any objections that the plaintiffs' solicitors receive pursuant to order 14(a) above.

Registered Group Member Information

16 Pursuant to s 183 of the Act, Maurice Blackburn shall, on a confidential basis and for the sole purpose of the Defendant and the Defendant's insurers complying with legal obligations regarding prevention of payments to persons or organisations associated with terrorism and/or money laundering, disclose the following information regarding registered group members which is in its possession, to representatives of AMP and AMP's insurers (details of which will be advised by the Defendant's solicitors), in accordance with clause 9(g) of the Settlement Deed:

(a) the full name and addresses of individual persons;

(b) the name and jurisdiction of registration of corporate entities; and

(c) the name of any trust and, where applicable, the names of any disclosed beneficiaries

(Registered Group Member Information).

17 Maurice Blackburn is to provide such Registered Group Member Information as is in its possession:

(a) regarding group members who have registered as at 27 September 2023, by 4 October 2023; and

(b) regarding all other group members who registered by 3 November 2023, by 17 November 2023.

18 The Defendant and the Defendant's insurers are to disclose to Maurice Blackburn, on a confidential basis, the names of any person identified by them to be a Prohibited Person by 15 December 2023.

Further orders

19 Pursuant to Rule 41.3 of the Uniform Civil Procedure Rules 2005 (NSW), all amounts paid into Court by or on behalf of the plaintiffs as security for the defendant's costs of the proceeding, and any interest accrued on those amounts, be repaid to Maurice Blackburn.

20 All orders requiring the provision of security for costs are vacated.

Acting Chief Judge in Equity M Ball

Signed

Date