



Keeping in touch

JUNE 2015



■ Special edition: free legal advice* + questions to ask the lawyers of the proposed class action

In this special edition of *Keeping in touch*, we share our thoughts on the proposed class action, what it could mean for you should you be considering participating, and the help and support we provide.

We understand the importance of getting you settled at home and getting back to enjoying the things that really matter.

It is our commitment to work alongside you, support you and ensure you have all the necessary information to make an informed decision about the best settlement option for you.

If you have any questions or concerns, big or small, you're unsure about the next steps, or you're simply feeling stuck somewhere in the process, we encourage you to let us know so that we can help get things moving.

We know that there's a lot of confusion, noise and misinformation out there at the moment and you may be feeling unsure about the best way forward.

Are you considering joining the proposed class action?

Are you unsure whether you have the full picture of what's going on from the organisers of the class action?

We would like to offer you the opportunity to seek unbiased, expert legal advice, at no cost to you*. Further information on this service can be found below.

We don't contest our customers' rights to take action and challenge us regarding their claim, if they wish to do so. However, we are genuinely concerned about the risks and potential negative impacts on our customers signing up to a proposed class action without being fully informed.

If you have any questions or concerns, please don't hesitate to **contact us**.

- Peter Rose, CEO Southern Response

■ 2 hours free legal advice*



If you're considering joining the proposed class action and you are presented with contractual documents from the fronting lawyers to sign, but you're not sure if you have the full picture of what's involved or the risks you may be exposed to, we would like to offer you the opportunity to seek unbiased, expert legal advice, at no cost to you.

To access this service there are a few simple criteria:

- The service is limited to 2 hours, which should be a sufficient amount of time to review and advise you on the contractual documentation. The 2 hours will be at reasonable fees at standard rates
- You can use any New Zealand lawyer you like, so long as they are not involved with the proposed class action.

Please speak with your Claims Specialist to confirm your choice in advance, before speaking to a lawyer.

■ Questions you could ask the proposed class action lawyers

If you are considering whether the proposed class action is right for you, here are some

questions you may want to consider asking the fronting lawyers, or get advice about;

- **How will a class action address my specific insurance claim?**
- **Each person's specific insurance claim and circumstances are different. How does this fit with the concept of a class action?**
- **If the fees are a percentage, what are they a percentage of?**
For example, if Southern Response has already offered \$400,000 to repair my house, and the result of the class action means that I get paid \$420,000, are the fees a percentage of the additional \$20,000 the class action got for me, or a percentage of the full \$420,000?
- **If I have a mortgage against my property, do I need my bank's permission to sign the contractual documentation?**
- **How will you receive the fees and costs from me if I intend to repair or rebuild my house (should my claim be successfully settled under the class action) - directly from my settlement amount, or via a mortgage on my property?**
- **If I join the class action, but reach a claim settlement with Southern Response before the end of the class action, what happens?**
- **What fees and costs do I have to pay the fronting lawyers, the litigation funder, the QCs and other barristers, and experts (such as engineering, geotechnical, QS), and for disbursements, and what are these costs likely to be in the following scenarios:**
 - if I join the class action and it goes ahead, or
 - if I choose to pull out of the class action?
- **What are the likely and maximum fees payable to:**
 - the lawyers and their barristers?
 - the litigation funder?
- **How can you (fronting lawyers) guarantee I will get enough money to repair or rebuild my house once fees and other costs are deducted?**
- **What happens if either party appeals the Court decision? Who would pay?**
- **If the amount of the fee depends on the class action being resolved within a specific period of time, what happens if things go on for a lot longer?**
- **Can the funders pull out; if so, what would happen and how would this impact me?**
- **How long does it normally take to resolve a class action in New Zealand?**