



14 November 2023

Conditional Settlement of Representative Proceeding filed by Shine Lawyers

ASX Announcement

E&P Financial Group Limited (ASX:EP1) (**E&P**) has reached an agreement to settle the representative proceeding that was filed by Shine Lawyers (the **Shine Proceeding**) in the Federal Court of Australia in December 2021 against Dixon Advisory & Superannuation Services Pty Ltd (**DASS**), E&P, Mr Alan Dixon and Mr Christopher Brown. The settlement of the Shine Proceeding is subject to Federal Court approval.

The Shine Proceeding was brought for the Applicant and on behalf of group members who were, at any time between 15 April 2011 to 23 December 2021, retail clients of the financial advisory business of DASS; and on or after 22 December 2015 held or acquired interests in the US Masters Residential Property Fund (**URF**); and allege they suffered loss and damage in respect of their URF interests.

The settlement amount will be comprised of:

1. \$4 million from E&P (part of which will be comprised of any unused portion of the Deposit under the Deed of Company Arrangement (**DOCA**) in respect of DASS); and
2. remaining available insurance proceeds (on the condition that the insurance proceeds be not less than \$12 million).

A provision of \$4 million has already been recognised as at 31 December 2022 in relation to the mechanism for settlement as contemplated in the DOCA, and was reflected in E&P's Annual Report for the full year ended 30 June 2023.

If the settlement is approved by the Federal Court, the Shine Proceeding will be dismissed against E&P, Mr Alan Dixon and Mr Christopher Brown, and permanently stayed against DASS, without admission of any liability. The settlement amount (less the Applicant's approved legal costs) will be transferred to the Deed Administrators, to be distributed pursuant to the DOCA and any directions given by the Court to the Deed Administrators on the allocation of that amount.

The permanent stay of the Shine Proceeding against DASS is intended to ensure that client creditors of DASS retain their ability to claim against DASS in any application before the Australian Financial Complaints Authority and/or under the financial services compensation scheme of last resort established pursuant to the *Treasury Laws Amendment (Financial Services Compensation Scheme of Last Resort) Act 2023* (Cth).

If the settlement of the Shine Proceeding is approved by the Federal Court, the representative proceeding that was filed by Piper Alderman in the Federal Court of Australia in November 2021 (the **Piper Alderman Proceeding**), which is currently stayed pending the resolution of the Shine Proceeding, will also be dismissed as against E&P and Mr Alan Dixon and permanently stayed against DASS.

This announcement has been authorised for release by the Company Secretary of E&P Financial Group Limited.

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About E&P Financial Group Limited

E&P Financial Group is an Australian Securities Exchange listed financial services group. In E&P Wealth we service over 7,400 clients, representing \$23.4 billion in funds under advice. In E&P Capital we are an advisor to many leading Australian institutions through the provision of research, institutional sales and trading, corporate advisory, equity capital market and debt capital market services. In E&P Funds, we manage \$4.3 billion of assets across a diverse range of asset classes.