

Global Recovery Solutions for Institutional Investors

The price of greatness is responsibility

Sir Winston Churchill

Institutional investors carry significant responsibility for making prudent decisions. Their actions directly impact the prosperity of their clients – from government entities and large multi-nationals to millions of individuals entrusting their life savings. They are responsible for over US \$44 trillion¹ in global stock market investments and their collective buying power exerts significant influence on the global equities market. They can affect the valuation of individual stocks as well as corporate conduct.

Given the magnitude of their investment mandates, the time and expertise expended in building high-performing investment portfolios, and their duty to preserve and improve value for beneficiaries, it is understandable that institutional investors are often highly engaged asset managers. However, even with the most diligent oversight, investments can sometimes lose value.

IMF
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INTERNATIONAL LITIGATION FUNDING

With responsibility comes opportunity

Sir Winston Churchill

When value erosion is attributable to corporate misconduct or fraud within an investee company, there are established and effective remedies for restitution.

One of the most successful recourses is collective redress through group or class actions and institutional investors are increasingly using this option around the world to recover significant sums on behalf of beneficiaries.



Investors should be open to collaborating with other investors (both domestic and overseas investors) to leverage the voice of minority investors and exert influence, where required, with investee companies

International Corporate Governance Network (ICGN),
2016 Global Stewardship Principles, Guidance 4.5.

However, pursuing claims in foreign jurisdictions requires careful consideration. Legal frameworks differ between countries and strategies must be tailored for each environment. Institutional investors may need to decide whether to join a class action, when to join, which class to join if multiplicity exists and how to engage investees.

Teaming with a highly experienced, well-resourced dispute financier enables institutional investors to navigate complex legal landscapes to maximise recoveries for investors.

A strong dispute financier can provide:

- endorsement that the claim is worth pursuing
- capital to back a claim all the way to resolution (including settlement or trial)
- cover for adverse costs and security for costs
- input on case strategy
- project management expertise and resources
- legal costs management
- introductions to leading legal advisers around the globe
- book-building capability and investor communication strategies

IMF Bentham is one of the most experienced and successful dispute financing companies in the world. We are pioneers of the dispute financing industry and have offices worldwide with significant capital to invest throughout the globe.

Teaming with IMF Bentham

Capital

IMF Bentham is an ASX listed company with transparent funding sources, financial reporting and governance. We have the resources to back claims to resolution.



IMF Bentham is absolutely THE major funder

Partner, leading law firm.

Track record

We have a 90% success rate over seventeen years. We carefully choose matters with strong prospects of success and do not engage in speculative or frivolous actions. When IMF Bentham finances a case, it sends a message of the strength of the case. We are a strong ally by your side.



If IMF is funding it, it's been properly researched and it's a good case

Partner, leading law firm.

Returns

We have become a trusted leader in the global dispute finance industry, recovering A\$1.4 billion for claimants.

Unmatched expertise

Our multi-disciplinary global team includes former in-house corporate counsel, lawyers from premier global law firms, barristers, business leaders and company directors educated at some of the world's leading institutions. With 500+ years collective litigation and finance experience, we have unsurpassed know-how in case selection and management. We understand which cases to fund and strategies for how to run them to bring claimants a successful result.



Institutional investors have a duty to pursue recoveries for their clients. The question is not whether to participate in a class action, it is which team of lawyers and funders to join. Quality of service and a proven track record with a high rate of success makes IMF Bentham second to none

John Abernethy, Director, Clime Investment Management Limited.

Project management & strategic insights

We assign highly experienced Investment Managers to each claim who provide strategic and project management support to increase prospects of success.



Smart, strategic, experienced litigators who add value to the litigation process

Partner, leading law firm.

Global resources

We have 14 offices in 6 countries and are conversant in 13 languages. We have the resources on the ground with local knowledge to support you in key jurisdictions.

Adverse costs & security for costs

Our finance includes cover for adverse costs and security for costs in 'loser-pays' jurisdictions.

Aligned interests

In class actions our commission is usually calculated on the resolution amount so we are incentivised to achieve the maximum resolution for claimants.



Not only litigation funders but experts in this field... reliable and transparent

Partner, leading law firm.

Book build & communication

Our highly skilled team undertakes book building, mass communication to investors and loss reports at no extra cost.



They make a very significant contribution in assessing loss, managing numbers, managing communications with group members

Partner, leading law firm.

Relationships with leading advisers

We work with the best law firms, barristers, market analysts, economists and other experts throughout the globe. You can choose your preferred providers or draw on our network.

Experience counts

IMF Bentham has evaluated hundreds of potential class actions, developed unmatched expertise in identifying those with merit and commercial viability and achieved successful resolutions for thousands of claimants. Recent examples of IMF Bentham funding and co-funding include:

Tesco PLC - a group action by shareholders of the UK's largest supermarket chain to recover losses caused by a potential major accounting fraud. This was one of the first shareholder cases to be brought in the UK under s.90A of the Financial Services & Markets Act 2000².

Volkswagen AG - an institutional claim before the courts in Germany under KapMuG by Volkswagen's shareholders seeking compensation for the sharp fall in share price caused by non-disclosure of the diesel emissions scandal³.

Treasury Wine Estates Limited - a shareholder class action by institutional and retail investors seeking damages caused by Treasury Wine Estates' alleged failure to disclose material information concerning the amount of excess inventory held by US distributors. The claim reached settlement in 2017 for A\$49 million.

AMP Limited - a shareholder class action against Australian financial services giant, AMP Limited, in which retail and institutional investors are seeking damages for losses caused by AMP's failure to disclose the misconduct that was revealed at the Financial Services Royal Commission in 2018. This class action has the potential to be the largest in Australian history.

Commonwealth Bank of Australia - a shareholder class action against the Commonwealth Bank of Australia regarding an alleged failure to keep shareholders properly informed regarding its non-compliance with the Anti-Money Laundering and Counter-Terrorism Financing Act 2006.

Sirtex Medical Limited - a class action by shareholders against this leading medical device company alleging the company made misleading statements to the Australian Securities Exchange in relation to earnings and sales growth, and that the CEO engaged in inappropriate share trading activities, causing loss and damage to shareholders.

Vocation - a class action by shareholders claiming loss of value due to the vocational education and training company's alleged misleading and deceptive conduct concerning compliance issues and financial statements and failure to disclose material information.

2 & 3. IMF Bentham funding involvement via joint venture until 2017

Curious to know more?

We would be delighted to explore tailored solutions to recover shareholder value for you.

USA

Noah Wortman

Business Development Manager
(Global Investor Recoveries)
Philadelphia & London

Noah has extensive experience advocating for investors, connecting them with law firms and funders to pursue investment recovery actions throughout the world. He is based in Philadelphia and leads IMF Bentham's global program for assisting institutional investors in finding global litigation and shareholder engagement solutions. Noah is also a frequent speaker around the globe on shareholder legal redress, recovery, rights and responsibilities.

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IMF Bentham is one of the world's premier commercial dispute financiers. I am excited to be part of this talented team working alongside institutional investors to achieve global recoveries

Noah Wortman

Australia

Matthew Kennedy

Investment Manager
Melbourne

Matthew is a former barrister at the Victorian Bar, has previously worked in private legal practice at a leading law firm and as an associate to a Federal Court judge. He has extensive experience in multi-party actions and leads IMF Bentham's investments in some of the largest class actions in Australia.

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Ewen McNee

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Ewen has specialised in litigation funding for seven and a half years and oversees and manages IMF Bentham's investments in numerous securities class actions, seeking recoveries of hundreds of millions of dollars for claimants.

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UK and Europe

Alistair Croft

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Alistair is a former barrister and litigation partner in private practice and is based in London. He has particular experience of funding large shareholder claims in England and Europe, advising on actions where damages claimed have exceeded €2bn.

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Jeremy Marshall

Senior Investment Manager
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Jeremy has been involved in shareholder cases as a lawyer and a funder. He has considerable experience building and managing shareholder actions in the UK and Europe and has recently worked on significant cases including Tesco (UK) and Volkswagen (Germany).

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IMF Bentham applies its global funding expertise across the UK and Europe where high-profile, multi-party matters have become a prominent feature of the market

Alistair Croft



www.imf.com.au

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Australia

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Brisbane
Melbourne
Perth
Sydney

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Los Angeles
New York
San Francisco

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