

## Did you settle with Southern Response prior to 1 October 2014? You may be entitled to a 'top up' payment.

**It is estimated up to 3,000 homeowners may be entitled to further compensation where Southern Response underpaid earthquake damage settlements.**

The average 'top up' payment from Southern Response will be around \$100,000.

The *Ross v Southern Response Earthquake Services Limited* litigation looked as though it would be one of the most significant class actions in New Zealand's history, with a possible 3,000 class members entitled to payments from Southern Response of an estimated \$300 million. However, Mr and Mrs Ross have privately settled with Southern Response, and the class action will likely be discontinued.

If you qualified as a member of the class action, you are still entitled to a 'top up' payment from Southern Response, on top of what you have already received in your original settlement pre-1 October 2014. We can help you claim what you are owed, and to settle your claim directly with Southern Response.

### Brief history

There are three sets of proceedings relevant to Southern Response settlements that policyholders should be aware of: *Avonside Holdings Limited v Southern Response*, *Dodds v Southern Response*, and *Ross v Southern Response*.<sup>1</sup>

The above decisions confirmed that Southern Response, previously AMI Insurance, withheld information from policyholders about the cost of remedying earthquake damage to their home, such as professional fees and contingency fees for construction and design. As a result, those policyholders likely

settled with Southern Response on a less favorable basis than they otherwise would have, and are entitled to those additional costs (plus interest).

### Eligibility

You will likely be eligible for a 'top up' payment from Southern Response if you:

- a) own or owned a residential dwelling in Canterbury that was insured with AMI Insurance (now Southern Response) under a "Premier House Cover" or "Premier Rental Cover" policy (**Policy**);
- b) lodged a claim or claims with Southern Response under the Policy for damage suffered to the dwelling as a result of the 2010 – 2012 Canterbury earthquakes;
- c) received a DRA from Southern Response that did not include the 'Office Use' section (and did not receive a DRA that included the 'Office Use' section);
- d) entered into a settlement agreement with Southern Response prior to 1 October 2014 in settlement and discharge of your claim/s; and
- e) settled with Southern Response by some way other than a managed repair or rebuild of the dwelling.

### Engage us now to claim your 'top up' payment from Southern Response.

The High Court intends to provide directions in respect of class members who would otherwise have taken part of the class action. You do not need to wait, however, and can engage us to liaise with Southern Response directly on your behalf, to negotiate payment of what you are owed as soon as possible.

<sup>1</sup> Culminating in the following decisions: *Southern Response v Avonside Holdings Limited* [2015] NZSC 110, [2017] 1 NZLR 141; *Dodds v Southern Response Earthquake Services Limited* [2020] NZCA 395,

[2020] 3 NZLR 383; *Southern Response Earthquake Services Limited v Ross* [2020] NZSC 126.

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**Southern Response policy holders entitled to further compensation**  
(Continued)

The New Zealand government has approved a payment package for each eligible policy holder, which includes a contribution of \$2,000 towards legal fees.

We can act on your behalf to obtain the necessary information from Southern Response to determine what your additional entitlement should be, and negotiate a 'top up' payment to your settlement. We are offering this service for a fixed fee of **\$2,500 (plus GST)** (subject to our terms of engagement). This means the most you will pay is \$875.

**If you are not eligible for any further compensation from Southern Response, there is no fee.**

If you would like to enquire with us as to your eligibility, or if you would like to go ahead and engage our services, please visit [webpage](#) and fill in your details. We will then be in touch to progress your claim.

**Want to know more?**

If you have any questions or would like us to act on your behalf, please contact us at [SRpayment@al.nz](mailto:SRpayment@al.nz).