

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMERCIAL AND EQUITY DIVISION
COMMERCIAL COURT

LIST E
No. S CI 2010 1354

BETWEEN:

BOSI SECURITY SERVICES LIMITED (ACN 009 413 852) as trustee for AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED (ACN 005 357 522) and BOS INTERNATIONAL (AUSTRALIA) LIMITED (ACN 066 601 250) and WESTPAC BANKING CORPORATION (ACN 007 457 141)
- and -

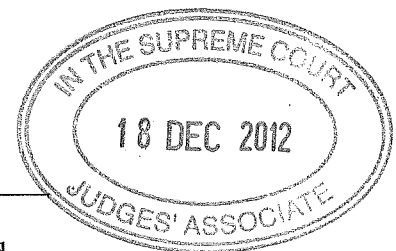
Plaintiff



B.B. OLIVES PTY LTD (IN LIQUIDATION)
(ACN 083 992 367) & ORS (according to the attached Schedule)

Defendants

ORDER



JUDGE OF THE COURT: The Honourable Justice Judd

DATE MADE: 12 December 2012

ORIGINATING PROCESS: Originating motion dated 16 March 2010

HOW OBTAINED: On application by summons dated 27 August 2012

ATTENDANCE: Mr P. Anastassiou of Senior Counsel with Mr R. G. Craig of counsel for the Plaintiff

Dr O. Bigos of counsel for the First to Sixth Defendants and Timbercorp Securities Limited (in liquidation)

Mr G. Bigmore, one of Her Majesty's Counsel for the Seventh to Ninth Defendants

K Bezencon and A Gubalovski for the TGG Committee

OTHER MATTERS: Nil

THE COURT ORDERS THAT:

1. Pursuant to rule 16.01(4) of the *Supreme Court (General Civil Procedure) Rules 2005*, the compromise set out in clause 2 of the Deed of Compromise

dated 25 July 2012 between the plaintiff and the first to ninth defendants is approved and shall be binding on the absent persons who are represented by the seventh, eighth and ninth defendants.

2. The following exhibits be kept confidential:

- (a) confidential exhibits CJA-1, CJA-2 and, CJA-3 to the Affidavit of Celia Jane Armstrong sworn 30 August 2012;
- (b) confidential exhibit MAK-6 to the Affidavit of Mark Anthony Korda sworn 18 September 2012;
- (c) confidential exhibit CJA-9 to the Third Affidavit of Celia Jane Armstrong sworn 19 September 2012;
- (d) confidential exhibit MAK-7 to the Affidavit of Mark Anthony Korda sworn 2 October 2012; and
- (e) confidential exhibits CJA-12 and CJA-14 to the Fifth Affidavit of Celia Jane Armstrong sworn on 2 October 2012,

and be sealed on the Court file in an envelope marked "Not to be opened except by leave of the Court".

THE COURT ORDERS FURTHER BY CONSENT THAT:

- 3. The proceeding is dismissed.
- 4. There is no order as to costs.

DATE AUTHENTICATED: **18 December 2012**



A handwritten signature in black ink, appearing to read "Justice Judd", written over a horizontal line.

The Hon. Justice Judd

SCHEDULE OF PARTIES

BETWEEN

BOSI SECURITY SERVICES LIMITED (ACN 009 413 852) as trustee for
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED
(ACN 005 357 522) and BOS INTERNATIONAL (AUSTRALIA) LIMITED
(ACN 066 601 250) and WESTPAC BANKING CORPORATION (ACN 007 457
141)

Plaintiff

- and -

B.B. OLIVES PTY LTD (IN LIQUIDATION)
(ACN 083 992 367)

First Defendant

ALMOND LAND PTY LTD (IN LIQUIDATION) (ACN 091 460 392)

Second Defendant

TIMBERCORP LIMITED (IN LIQUIDATION) (ACN 055 185 067)

Third Defendant

MARK ANTHONY KORDA
(in his capacity as liquidator of Almond Land Pty Ltd (in liquidation))
(in his capacity as liquidator of B.B. Olives Pty Ltd (in liquidation))

Fourth Defendant

LEANNE KYLIE CHESSER
(in her capacity as liquidator of B.B. Olives Pty Ltd (in liquidation))

Fifth Defendant

MARK FRANCIS XAVIER MENTHA
(in his capacity as liquidator of B.B. Olives Pty Ltd (in liquidation))

Sixth Defendant

MICHAEL CHARLES VICARY
(as the representative of the Growers in the 2006 Timbercorp Olive Project (ARSN
119 182 179))

Seventh Defendant

PAMELA JAN DRY

(as the representative of the Growers in the 2007 Timbercorp Olive Project (ARSN
123 155 715))

Eighth Defendant

DAVID BUTTERFIELD

(as the representative of the Growers in the 2008 Timbercorp Olive Project (ARSN
129 307 722))

Ninth Defendant