

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

LIST E
No. S CI 2011 6777

BETWEEN:

FENCEPORT PROPRIETARY LIMITED (ACN 139 604 121)& ORS (according to the attached Schedule)
- and -

Plaintiff

CON MOSHOPOLOUS & ORS (according to the attached Schedule)

Defendants



ORDER

JUDGE OF THE COURT: The Honourable Justice Judd

DATE MADE: 12 December 2012

ORIGINATING PROCESS: Amended originating motion dated 20 December 2011

HOW OBTAINED: On application by summons dated 27 August 2012

ATTENDANCE: Dr O. Bigos for the Plaintiffs and Timbercorp Securities Limited (in liquidation)

Mr G. Bigmore, one of Her Majesty's Counsel for the First to Fifth 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 plaintiffs and the first to fifth defendants is approved and shall be binding on the absent persons who are represented by the first to fifth defendants.
2. The following exhibits be kept in a sealed envelope and that their contents remain confidential, until further order by the Court:

(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 "The Hon. Justice Judd".

The Hon. Justice Judd

SCHEDULE OF PARTIES

B E T W E E N

FENCEPORT PROPRIETARY LIMITED (ACN 139 604 121)

First Plaintiff

OLIVECORP LAND PTY LTD (IN LIQUIDATION) (ACN 090 141 512)

Second Plaintiff

MARK ANTHONY KORDA

(in his capacity as liquidator of Olivecorp Land Pty Ltd (in liquidation))

Third Plaintiff

MARK FRANCIS XAVIER MENTHA

(in his capacity as liquidator of Olivecorp Land Pty Ltd (in liquidation))

Fourth Plaintiff

- and -

CON MOSHOPOLOUS

(in his capacity as a Grower in the 2000 Timbercorp Olive Project (Private Offer)
(Unregistered))

First Defendant

PAULINE EMMA HAMMER

(in her capacity as a Grower in the 2001 Timbercorp Olive Project (ARSN 094 382
082))

Second Defendant

DAVID SYDNEY BUTTERFIELD

(in his capacity as a Grower in the 2002 Timbercorp Olive Project (ARSN 098 233
455))

Third Defendant

GRAHAM GOLDENBERG

(in his capacity as a Grower in the 2003 Timbercorp Olive Project (ARSN 104 648
473))

Fourth Defendant

SHUN KING LI

(in his capacity as a Grower in the 2004 Timbercorp Olive Project (ARSN 108 744
378))

Fifth Defendant