

CIRCULAR TO CREDITORS

21 November 2024

Dear Creditors,

Abra Mining Pty Ltd (Administrators Appointed) ('Abra')
ACN 110 233 577

We refer to our appointment as voluntary administrators of Abra on 4 April 2024 and the circular dated 19 November 2024 advising of our intention to apply to the Supreme Court of Western Australia to extend the Convening Period.

Please be advised that the Administrators' application has been listed for hearing on Tuesday, 26 November 2024 at 9:15 am at the Supreme Court of Western Australia, David Malcolm Justice Centre, 28 Barrack Street, Perth WA.

A copy of the interlocutory application is enclosed.

Yours sincerely



Robert Hutson
Administrator

Enc.

IN THE SUPREME COURT OF WESTERN AUSTRALIA
AT PERTH

COR 68 of 2024

IN THE MATTER OF ABRA MINING PTY LIMITED (ADMINISTRATORS APPOINTED)
(ACN 110 233 577)

EX PARTE

RICHARD SCOTT TUCKER as joint and several voluntary administrator of
ABRA MINING PTY LIMITED (ADMINISTRATORS APPOINTED)
(ACN 110 233 577)

First named First Plaintiff

and

ROBERT WILLIAM HUTSON as joint and several voluntary administrator of
ABRA MINING PTY LIMITED (ADMINISTRATORS APPOINTED)
(ACN 110 233 577)

Second named First Plaintiff

and

ABRA MINING PTY LIMITED (ADMINISTRATORS APPOINTED)
(ACN 110 233 577)

Second Plaintiff

INTERLOCUTORY PROCESS

Date of Document: 20 November 2024

Date of Filing: 20 November 2024

Filed on behalf of: The Plaintiffs

Prepared by:
Clayton Utz
Level 27, QV1 Building
250 St Georges Terrace
PERTH WA 6000

Telephone: 9426 8000
Facsimile: 9481 3095
Reference: 81038340

A. DETAILS OF APPLICATION

This application is made under section 447A of the *Corporations Act 2001* (Cth) (**Act**).

This is an application for orders to extend the time within which the First Plaintiffs are to convene the second meeting of creditors of the Second Plaintiff pursuant to section 439A(6) of the Act.

FILED

20 NOV 2024

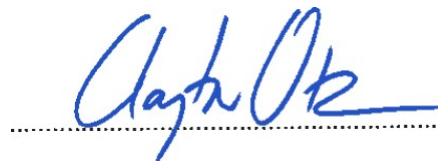
Via eLodgment
**CENTRAL OFFICE
SUPREME COURT**

On the facts stated in the supporting affidavits of Richard Scott Tucker sworn on 20 November 2024 (**Sixth Tucker Affidavit**), the Plaintiffs apply for the following relief:

1. An order pursuant to section 447A of the Act, the convening period as defined in section 439A(5)(b) of the Act as it applies to the Second Plaintiff is further extended by a period of 13 weeks to 28 February 2025.
2. An order pursuant to section 447A(1) of the Act, Part 5.3A of the Act is to operate in relation to the Second Plaintiff as if the second meeting of creditors of the Second Plaintiff required by section 439A of the Act can be held at any time during, or within five (5) business days after the end of, the convening period as extended by order 1 above, notwithstanding the provisions of sections 439A(2) of the Act.
3. Pursuant to Order 67B, rule 5 of the *Rules of the Supreme Court 1971 (WA)* (RSC), until further order, the confidential affidavit of Richard Scott Tucker sworn on 19 November 2024 and the annexures to it (**Third Confidential Tucker Affidavit**), be restricted to all persons except judicial officers and staff of the Court for the purpose of their employment, the Plaintiffs and their legal advisers, on the basis it contains information that is confidential.
4. Any application for access to the Third Confidential Tucker Affidavit pursuant to Order 67B rule 11 RSC:
 - (a) be referred to the Court; and
 - (b) not be determined until notice of the application is given to the deponent, by his solicitor, and the deponent has reasonable opportunity to be heard in opposition to the application for inspection.
5. Within two (2) business day of the making of these orders, the First Plaintiffs are to cause notice of these orders to be given to:
 - a. the creditors (including persons claiming to be creditors) of the Second Plaintiff by publishing on www.kordamentha.com/creditors and emailing creditors;
 - b. the Australian Securities and Investments Commission, by sending an email to RL.Legal@asic.gov.au; and
 - c. Commonwealth Department of Employment and Workplace Relations, by sending an email to feg@dewr.gov.au.
6. An order that liberty is granted to any person who can demonstrate sufficient interest to apply to modify or discharge these orders on not less than 48 hours' notice to the Plaintiffs.
7. An order that the Plaintiffs' costs of this application be treated as costs in the administration of the Second Plaintiff, to be paid from the assets of the Second Plaintiff.

8. Such further orders as this Honourable Court thinks fit.

Date: 20 November 2024



Alistair Fleming

Clayton Utz

Solicitors for the Plaintiffs

This application will be heard by the Supreme Court of Western Australia at the David Malcolm Justice Centre, 28 Barrack Street, Perth, Western Australia.

B. NOTICE TO RESPONDENT(S) (IF ANY)

TO: N/A

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence.

Before appearing before the Court, you must, except if you have already done so or you are the Plaintiff in this proceeding, file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the Plaintiff in the originating process.

Note: Unless the Court otherwise orders, a defendant that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

C. FILING

This interlocutory process is filed by Clayton Utz for the applicants.

D. SERVICE

The applicants' address for service is Clayton Utz, Level 27, QV1 Building, 250 St Georges Terrace, Perth WA 6000.

It is not intended to serve a copy of this interlocutory process on any person.





**SUPREME COURT
OF WESTERN AUSTRALIA**

ABN: 70 598 519 443
DAVID MALCOLM JUSTICE CENTRE
28 BARRACK STREET
PERTH WA 6000
TELEPHONE: 9421 5333
FACSIMILE: 9421 5353

**TUCKER & Ors
SUPREME COURT MATTER No. PER COR 68 of 2024**

This application has been listed for Tuesday, 26 November 2024 at 09:15 AM at the Supreme Court, David Malcolm Justice Centre, 28 Barrack Street, PERTH.

All parties are required to attend the hearing date unless otherwise advised.

Issued by the Supreme Court of Western Australia
21 Nov 2024

