# IN THE SUPREME COURT OF VICTORIA AT MELBOURNE COURT OF APPEAL

**SACPI 2011 0103** 

**BETWEEN:** 

**GRAHAM GOLDENBERG & ORS** (according to the Schedule)

**Appellants** 

- and -

BOSI SECURITY SERVICES LIMITED (ACN 009 413 852) & ORS (according the schedule attached)

Respondents

### SECOND AFFIDAVIT OF ELI GOLDFINGER

Date of document:	27 September 2012
Filed on behalf of:	MRB Equities Pty Ltd,
	Redvil Pty Ltd and Ferrari
	Investments Holdings Pty
	Ltd
MGA Lawyers	Solicitors Code: 104101
Level 9,	Tel: 8631 5555
179 Queen Street	Fax: 8631 5599
MELBOURNE VIC 3000	Ref: MG5400/08

- I, ELI GOLDFINGER, accountant, of Level 18, 499 St Kilda Road, Melbourne, Victoria, MAKE OATH AND SAY as follows:
- 1. I refer to my affidavit sworn 19 September 2012 (my earlier affidavit). In this affidavit I use the same defined terms as in my earlier affidavit.
- 2. At paragraph 29 of my earlier affidavit I stated that I had attached, as confidential exhibit 9, "most" of the accounts that had been paid by the funders. Now produced and shown to me and marked "Confidential Exhibit EG-14" are full copies of all of the accounts rendered by Clarendons Lawyers together with copies of the accounts rendered by Counsel. The account dated 28 October 2011 refers to an earlier account dated 29 June 2011 and that account is also exhibited as, under the

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agreement between the Appellants and the Funders, the Funders also paid part of this account.

- 3. Further, at paragraph 29 of my earlier affidavit I stated that the total of such accounts was \$199,926.27. In fact, on review, the total was \$186,796.95. The error arose as a result of the confusion with the accounts and as a result of double counting.
- 4. In addition to the accounts rendered by Clarendons, the Funders have paid an account for \$25,000 for the costs incurred by some of the Respondents in respect of the aborted pre-emptive costs application. Now produced and shown to me and marked "EG-15" is the copy of the account from Ashurst relating to this matter.
- 5. In the circumstances, the total amount of the legal costs paid by the funders to date is \$211,796.95.

SWORN by Eli Goldfinger At Melbourne In the State of Victoria On the 27th day of September 2012

Before me:

MARK GEREMIA

Level 9 179 Queen Street, Melbourne VIC 3000 An Australian Legal Practitioner within the meaning of the Legal Profession Act 2004

### SCHEDULE OF PARTIES

### **BETWEEN:**

**GRAHAM GOLDENBERG** (in his capacity as representative of the Growers in the 2002 Almond Project)

First Appellant

**CHRISTOPHER MARK LITTLEY** (in his capacity as representative of the Participant Growers in the 2005 Almond Project)

Second Appellant

**CONSTANTINE MOSHOPOULOS** (in HER capacity as representative of the Participant Growers in the 2006 Almond Project)

Third Appellant

**DAVID BETTERFIELD** (in his capacity as representative of the Participant Growers in the 2007 Almond Project and as representative of the Growers in the 2002 Private Offer Scheme)

Fourth Appellant

-and-

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

First Respondent

AUSTRALIA AND NEW ZEALAND BANK GROUP LIMITED ACN 005 357 522

Second Respondent

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

Third Respondent

MARK ANTHONY KORDA

(in his capacity of liquidator of Almond Land Pty Ltd (in liq))

Fourth Respondent

**LEANNE KYLIE CHESSER** 

(in her capacity of liquidator of Almond Land Pty Ltd (in liq))

Fifth Respondent

# IN THE SUPREME COURT OF VICTORIA AT MELBOURNE COURT OF APPEAL

**SACPI 2011 0103** 

**BETWEEN:** 

**GRAHAM GOLDENBERG & ORS** (according to the Schedule)

**Appellants** 

- and -

BOSI SECURITY SERVICES LIMITED (ACN 009 413 852) & ORS (according the schedule attached)

Respondents

### **EXHIBIT EG-14**

27 September 2012
MRB Equities Pty Ltd,
Redvil Pty Ltd and Ferrari
Investments Holdings Pty
Ltd
Solicitors Code: 104101
Tel: 8631 5555
Fax: 8631 5599
Ref: MG5400/08

This is the exhibit marked "EG-14" now produced and shown to Eli Goldberg at the time of swearing his affidavit on 27 September 2012.

Before me:

MARK GERENIA

Level 9 179 Queen Street, Melbourne VIC 3000
An Australian Legal Practitioner
within the meaning of the
Legal Profession Act 2004

MGA Lawyers, Level 9, 179 Queen St, Melbourne Vic An Australian Legal Practitioner with the meaning of the Legal Practice Act 2001

"EG-14"
Accounts of Clarendons Lawyers and
Counsel

29 July 2011

# STRICTLY PRIVATE & CONFIDENTIAL TO BE OPENED BY ADDRESSEE ONLY

our ref: invoice no: MJF:CL:1100297

no: B06721

your ref:

Chris Garnaut Garnaut Private Wealth Pty Ltd Level 10 499 St Kilda Road MELBOURNE VIC 3004

Dear Chris

# Almonds Apportionment Appeal - SAPCI 2011 103

We **enclose** a memorandum of our professional costs relating to disbursements only for the period to 27 July 2011, details of which are set out in the attached schedule.

If you have any queries, please contact us.

Yours faithfully

Michael Fernon Director Clarendon Lawyers Pty Ltd

Tel: 03 8681 4419

E-mail: michael.fernon@clarendonlawyers.com.au

Encl.

Garnaut Private Wealth Pty Ltd Level 10 499 St Kilda Road MELBOURNE VIC 3004 date: our ref: invoice no: contact: 29 July 2011 MJF:CL:1100297 B06721

Michael Fernon

your ref:

ABN

TAX INVOICE 43 704 593 249

Almonds Apportionment Appeal - SAPCI 2011 103

### DISBURSEMENTS

('\*' indicates a disbursement paid as your agent)

Less trust monies	<b>-</b> \$13,089.32	\$0.00
Invoice Total		\$13,089.32
GST @ 10%		\$841.64
Subtotal	<u> </u>	\$12,247.68
Appeals Court filing fees - Lodgment of Summons - 270711		\$333.60
Foley's List Pty Ltd - Barristers Fees - G Bigmore QC Fee Slip No 1010451 - 11/07/11	\$280.0	00 \$2,800.00
Supreme Court of Victoria - Additional Filing Fee on Notice of Appeal Michael Green Pty Ltd - Barristers fees - S Hopper - Fee slip 464936 - 070711	\$556.	\$69.60 32 \$5,568.18
Form 205 Supreme Court of Victoria - Filing Fee - Notice of Appeal		\$3,077.10
Australian Securities & Investments Commission - Lodgement Fees -	<b>¥</b>	\$351.00
Lawpoint Pty Ltd - ASIC Company & Business Searches (Manual	\$4.8 \$4.8	•

### Amount due for payment within 14 days

We reserve the right to charge interest under the *Penalty Interest Rates Act 1983* if this account is not paid in accordance with our terms

### **REMITTANCE ADVICE** Bill to: Garnaut Private Wealth Pty Ltd Client Name: Garnaut Private Wealth Pty Ltd Almonds Apportionment Appeal - SAPCI 2011 103 MJF:1100297:B06721 Matter Name: Our Ref: Invoice Date: 29 July 2011 Invoice No: B06721 Amount Due: \$NIL Payable By: 12 August 2011 Please choose a payment method and return this advice to our office. 1. CHEQUE Please return this advice with your cheque payable to Clarendon Lawyers Pty Ltd for \$NIL to: Clarendon Lawyers Pty Ltd GPO Box 4930 MELBOURNE VIC 3001 Please quote bill number 1100297:B06721

Please fax this advice to 03 8681 4499 or email accounts@clarendonlawyers.com.au stating the reference number and the amount paid.

Transfer Amount:

2. 

BANK TRANSFER

\$NIL

Swift Code (overseas transfer only): NATAAU3303M

Bank:

National Australia Bank

BSR. Account: 083170

Account Name:

Clarendon Lawyers Pty Ltd

856779023

Please quote reference 1100297:B06721 and fax this advice to us.

3.	CRI	EDIT	CARD	

Card Number:		Card Type (Please tick):
xpiry Date:		☐ Visa ☐ MasterCard
Amount Due: \$NIL		
lame on Card:	<del>-</del> -1-	
Signature:		

# If You Dispute Your Legal Costs

If you have any concern about our legal costs, or our legal services, please do not hesitate to speak to Michael Fernon. If we cannot satisfactorily resolve your concern with you, you may:

- Seek a costs review by the Taxing Master under Division 7 of Part 3.4 of the Legal Profession Act 2004 ("the Act") within 60 days after the bill is given to you or the law practice requests payment of costs or you pay the costs (whichever is earlier or earliest). You may seek a costs review outside the 60 day time limit. In these circumstances the Taxing Master will not deal with the review if we can establish that to do so would, in all the circumstances, cause unfair prejudice to us;
- Apply to VCAT to set aside this agreement under section 3.4.32 of the Act; or
- Make a complaint to the Legal Services Commissioner under chapter 4 of the Act within 60 days after the legal costs were payable or, if an itemised bill was requested in respect of those costs, within 30 days after the request was complled with. You may be able to make a complaint to the Legal Services Commissioner up to 4 months after the end of the period referred to. This is provided that you can satisfy the Commissioner that there was a reasonable cause for the delay in making the complaint, and legal proceedings have not been commenced for the recovery or review of the legal costs that are subject of the complaint.

Amount due for payment within 14 days Please return with your payment

GAR001 1100297 046

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PAYING BY EFT DEPOSIT, COMMONWEALTH BANK - BSB: 663 009 AM IF RECEIPT REQUIRED, RETURN THIS PAGE INTACT WITH PAYMENT

## Memorandum of fees - Sam Hopper

Τo

Michael Fernon

Clarendon Lawyers

From

Sam Hopper

Tel: 9225 6857

Barrister

Fax: 9225 8485

Date

5 July 2011

Subject

In the matter of Timbercorp Almonds

Set out in the table below are my fees accrued to date in the above matter. My clerk will forward to you with this memorandum a tax invoice for the outstanding amount.

Fees are incurred at the rate of \$350 per hour (including GST) and \$3,000 per day (including GST).

Date	Narration	Total
20 June 2011	Telephone conference with G Bigmore QC (1/4 hour)	\$87.50
21 June 2011	Researching stay; telephone conference with G Bigmore QC; considering stay (2½ hours)	\$787.50
22 June 2011	Considering orders and dispersal of fund; researching costs (6¾ hours)	\$2,362.50
23 June 2011	Conference re appeal (2¼ hours)	\$787.50
25 June 2011	Memo of advice (¾ hour)	\$262.50
27 June 2011	Appearing at mention (¾ hour)	\$262.50
4 July 2011	Reading and considering notice of appeal (1% hours)	\$612.50
5 July 2011	Notice of Appeal (2 ¾ hours)	\$962.50
	Total fees (inc GST):	\$6,125.00

Liability limited by a scheme under Professional Standards Legislation

Fee Slip 1010451 TAX INVOICE Date 11/07/2011 Fees Due to 10881 Mr Garry T Bigmore QC ABN: 50 805 058 321 THINK FOLEY'S FIRST Foley's List Pty Ltd Solicitor 1085700 A.B.N. 19 064 152 218 Attention: Michael Fernon Please forward cheque to: Clarendon Lawyers Foley's List Pty Ltd Owen Dixon Chambers Level 17, Rialto North Tower 205 William St 525 Collins Street Melboume, Vic 3000 Melbourne 3000 AusDoc: DX 92 Melbourne Tel: (03) 9225 7777 Your Reference Fax: (03) 9225 8480 Email: foleys@Toleys.com.au MJF Michael Fernon Approved by:

3,080.00 8/07/2011 Settling Notice of Appeal (4 hours) \$3,080.00 **Total Payable** 

The amount of GST included in the above supply is \$280.00 In the absence of an arrangement to the contrary, these fees are payable within 30 days of this account.

Ledger/Malter

Signed:

Date:

### **Payment Options**

Cause or Matter

Date

Timbercorp Almonds Appeal

Cheque Payable to "Foley's List Pty Ltd"

Description

Direct Deposit

BSB: 013035 Account Number: 255038705

Account Name: Foley's List Pty Ltd Trust Account

Description/Message/Reference: 1010451



200

Biller Code: 170613 Reference: 10104511

Telephone & Internet Banking - BPAY Call your bank, credit union or building society to make this payment from your cheque, savings or credit card account.

Fees

Note: Credit Card payments incur a 1.2% surcharge. If paying by Credit Card, balance owing is: \$3,116.96

Statement for the purposes of s.3.4.21(3) of the Legal Profession Act 2004

Interest under s.3.4.21(1) or (2) of the Legal Protession Act 2004 may be charged on unipaid legal costs and is payable if the costs are not pald:

(i) under s.3.4:21(1) if the costs are unpaid 30 days after this Fee-Slip Is-given and at the rate prescribed by regulation 3.4.3 of the Legal Profession Regulations 2005 (namely, the rate that is equal to the Cash Rate Target as defined in regulation 3.4.3(4) as at the date this Fee Slip is issued, increased by 2 percentage points); or

(ii) in accordance with a costs agreement at the rate specified in the costs

Notification of rights under Section 3.4.35 of the Lagai Profession Act 2004:

YOUR RIGHTS IN RELATION TO LEGAL COSTS

The following avenues are available to you if you are not happy with this bill:

requesting an itemised bill
discussing your concerns with us

having our costs assessed
 making a complaint to the Legal Services Commissioner

: , applying to set aside our costs agreement

There may be other avenues available in your State or Territory (such as mediation).

Time limits apply to the evenues for resolving costs disputes:

For more information about your rights, please read the fact sheet titled "Your Right to Challenge Legal Costs," You can ask us for a copy; or obtain it from the Legal Services Commissioner (or download it from their website).

From 1/07/2008 liability limited by a scheme approved under Professional Standards Legislation.

Approved Clerk 1914

28 October 2011

STRICTLY PRIVATE & CONFIDENTIAL TO BE OPENED BY ADDRESSEE ONLY

our ref: invoice no: MJF:CL:1100297

: B07217

your ref:

MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

Dear Sirs

### Almonds Apportionment Appeal - SAPCI 2011 103

We **enclose** a memorandum of our professional costs for the period 29 June to 28 October 2011, details of which are set out in the attached schedule.

We also enclose our bill dated 29 July 2011 which has been paid from the original moneys held in trust. The total amount the funders should pay is: \$97,109.63.

If you have any queries, please contact us.

Yours faithfully

Michael Fernon Director Clarendon Lawyers Pty Ltd

Tel: 03 8681 4419

E-mail: michael.fernon@clarendonlawyers.com.au

Encl.

MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

date: our ref: invoice no: contact: your ref:

28 October 2011 MJF:CL:1100297 B07217 Michael Fernon

TAX INVOICE ABN 15 774 771 940

Almonds	Apportionment	Anneal -	SADCESO	144 402
Annonus	whhormometer	Appeal -	SAPULZU	111 103

Annonds Apportionment Appeal - SAPCI 2011 103		
PROFESSIONAL COSTS		
To our professional costs as per the attached schedule:		
	GST	
Professional Costs subject to GST	\$5,248.35	\$52,483.50
DISBURSEMENTS		
(** indicates a disbursement paid as your agent)		
	GST	
Foley's List Pty Ltd - Barristers fees - Fee slip 1010451 - 110711	\$280.00	\$2,800.00
Michael Green Pty Ltd - Barristers fees - S Hopper - Fee slip 465999 -	\$460.23	\$4,602.27
020811 Supreme Court Library Photocopying Charges - 18/08/11	40.05	<b>40.77</b>
Michael Green Pty Ltd - Barristers fees - S Hopper - Fee slip 467230 -	\$0.95 \$613.64	\$9.55
250811	<b>ФО13.04</b>	\$6,136.36
Michael Green Pty Ltd - Barristers fees - S Hopper - Fee slip 468248 -	\$417.61	\$4,176.14
140911	• • • • • • • • • • • • • • • • • • • •	, .,
Lawpoint / SAI Global - ASIC Company & Business Searches (Manual	\$1.51	\$15.10
Michael Green Pty Ltd - Barristers fees - S Hopper - Fee slip 468657 - 220911	\$363.64	\$3,636.36
Foley's List Pty Ltd - Barristers fees - G Bigmore QC - Fee slip 1016661	\$70.00	\$700.00
- 071011	\$10.00	\$700.00
List A Barristers - Barristers fees - T Woodward SC - Fee slip 285178 -	\$120.00	\$1,200.00
071011	•	4 1,1110000
Michael Green Pty Ltd - Barristers fees - S Hopper - Fee slip 469680 -	\$340.91	\$3,409.09
131011 SAI Global/Anstat Pty Ltd - ANSTAT searches	<b>0.4</b> 0.7	010.770
OAI Global/Alistat Fty Ltu - ANSTAT searches	\$1.37	\$13.73
Subtotal		\$76,382.10
GST @ 10%		\$7,638.21
Invoice Total	+	\$84,020.31
Plus invoice B06721 reimbursement	<del></del>	\$13,089.32
		\$97,109.63
		4011100100

### Amount due for payment within 14 days

We reserve the right to charge interest under the Penalty Interest Rates Act 1983 if this account is not paid in accordance with our terms

MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

date: our ref: invoice no: contact: your ref:

28 October 2011 MJF:CL:1100297 B07217 Michael Fernon

TAX INVOICE ABN 15 774 771 940

Almonds Apportionment Appeal - SAPCI 2011 103

	E OF PROFESS	IONAL COSTS		
Date	Solicitor/Clerk	Description	Units	Value
29/ <b>06</b> /11	MJF	Telephone attendance on C Garnaut discussing funding; telephone attendance on O Lennie discussing appeal points; telephone attendance on S Hopper instructing to draw appeal; telephone attendance on C Garnaut re funding; drafting funding agreement; telephone attendance on C Garnaut discussing funding; telephone attendance on O Lennie re Korda's evidence; email to O Lennie re copies of valuer's evidence.	25.00	\$1,237.50
30/06/11	MJF	Finalising funding agreement and sending to Garnaut; telephone attendance eon C Garnaut.	8.00	\$396.00
05/07/11	YCH	Locate orders for S Hopper; telephone attendance on Supreme Court registry regarding authenticated orders	2.00	\$65.00
06/07/11	MJF	Telephone attendance on O Lennie.	2.00	\$105.00
07/07/11	JLF	Discussion with M. Fernon and C.Curtain about upcoming appeal proceeding and incorporation of company to fund initial application; drafting ASIC forms to appoint C.Garnaut as director of company to fund initial application.	9.00	\$180.00
07/07/11	JLF	Considering Supreme Court Website and appeal court process.	2.00	\$40.00
07/07/11	JLF	Cross referencing and amending management and funding agreement for M.Fernon.	16.00	\$320.00
<b>07/</b> 07/11	JLF	Drafting notification of resolution to change company name of Melbourne Investments; drafting resolutions of sole shareholder; drafting minutes of meeting of directors to issue shares.	26.00	\$520.00
07/07/11	\$DD	Attendance on the Supreme Court of Victoria's prothonotary office to collect an authenticated order for matter number 10699/2009.	7.00	\$140.00
07/07/11	SDD	Administration Attendance at ASIC to lodge ASIC form 205.	14.00	\$0.00
07/07/11	CXC	Administration Taking Instructions from M Fernon; preparation for filing; researching the appeal process on VSC website:	20.00	\$650.00
07/07/11	MJF	Finalising costs agreement, including telephone attendances on counsel, senior and junior, C Garnaut, O Lennie,	45.00	\$2,362.50
07/07/11	YCH	Telephone attendance on S Hopper, locate project names for S Hopper; locate and send authenticated orders to S Hopper.	4.00	\$130.00
08/07/11	MJF	Telephone attendances on D Butterfield, C Littley, S Hopper, C Moshopoulos; perusing appeal notice and making amendments.	13.00	\$682.50
11/07/11	SDD	Filing Notice of Appeal at the Supreme Court of Victoria.	23.00	\$460.00
11/07/11	CXC	Administration Reading emails from S Hopper re service and arranging filing and service of notice of appeal; email copies to T May (Herbert Geer) and A Tregear (ASIC); discussion with M Fernon re application for costs.	37.00	\$1,202.50
12/07/11	CXC	Administration Taking instructions from M Fernon re preparation of information for Litigation Lending Services; considering documents to be sent; preparing cover letter; preparing court documents header document.	25.00	\$0.00
12/07/11	MJF	Telephone attendance on L Brentnull re funding; meeting with K Bezencon, T May, M Pointor and R Booker; drafting affidavit.	37.00	\$1,942.50
12/07/11	MXN	* Administration Preparation of CD's containing documents to be forwarded to Litigation Lending Services and IMF regarding funding for the Appeal.	39.00	\$0.00
13/07/11	MJF	Two letters to expert witnesses advising of court order and notice that they may need to attend the hearing on 22 August 2011; amending costs agreement; drafting affidavit.	29.00	\$1,522.50
14/07/11	MJF	Reviewing material concerning citrus, olives and TPIF almonds; drafting summons.	69.00	\$3,622.50
15/07/11 15/07/11	MJF MXN	Perusing counsels amendments to draft affidavit; collating exhibits. Emailing documents to assist Counsel in finalising Index to Appeal Book to be filed with the Court on Monday 18 July 2011; drafting letter to parties serving Index to Appeal Book.	12.00 40.00	\$630.00 \$720.00

Date	Solicitor/Clerk	Description	Units	Value
18/07/11	SDD	Attendance at the Supreme Court of Victoria registry to file the proposed index to the appeal book for Y Hsueh.	14.00	\$280.00
18/07/11	MJF	Finalising affidavit and exhibits,	5.00	\$262,50
18/07/11	YCH	Finallse Proposed Index to Appeal Book; arrange for filing and service of the same.	5.00	\$162.50
18/07/11	DXM	Discussion with M Fernon regarding liquidators' sale process in Willmott.	2.00	\$79.00
19/07/11	MJF	Reviewing counsel's amendments and finalising exhibits; further amending affidavit.	22.00	\$1,155.00
20/07/11	cxc	Instructions from M Fernon re directions on Appeal Book; telephone attendance on Appeal Court Registrar.	4.00	\$130.00
20/07/11	MJF	Attending to cost consultant queries; telephone attendance on C Hinchen and R McClymont re costs; telephone attendance on O Lennie re costs claim.	10.00	\$525.00
20/07/11	YCH	Meet with M Fernon and C Curtain to discuss next steps.	1.00	\$32.50
21/07/11	MJF	Drafting letter to Korda.	5.00	\$262.50
25/07/11	cxc	Administration Reading email re funding; follow up phone attendances on prospective funding providers.	2.00	\$0.00
26/07/11	DXM	Administration Discussion with M Fernon regarding IMF and Timbercorp case.	2.00	\$0.00
26/07/11	CXC	Administration Follow up phone attendances on Litigation Lending Services; email to L Brentnall; email to G Bigmore.	8.00	\$0.00
27/07/11	CXC	Review and amend affidavit of M Fernon as instructed.	13.00	\$422.50
27/07/11	СХС	Administration Telephone attendance on L Brentnall of Litigation Lending Services; follow up discussions with M Fernon; telephone attendance on G	15.00	\$0.00
27/07/11	схс	Bigmore; preparation of emails to G Bigmore and S Hopper and to L Brentnall. Filing summons and affidavit at Court of Appeal registry in accordance with instructions.	10.00	\$325.00
27/07/11	CXC	Preparing file note re Court of Appeal filing procedures.	2.00	<b>#07.50</b>
27/07/11	MXN	Collation of Affidavit of M J Fernon, including hyperlinking, updating Court documents folder and Index.	3.00 18.00	\$97.50 \$324.00
29/07/11	CXC	Serving summons and affidavit on other parties.	21.00	\$682.50
01/08/11	SDD	Service by hand of documents to C Hinchen at Allens Arthur Robinson, R McClymont at Blake Dawson and L Zwier at Arnold Bloch Leibler.	12.00	\$240.00
02/08/11	CXC	Responding to email of S Hopper re summons and affidavit.	2.00	\$65.00
02/08/11	cxc	Locating folder of authorities for previous pre-emptive costs application; emails to S Hopper re submissions.	14.00	\$455.00
03/08/11	SDD	Collating authorities to send to S Hopper; attendance at Supreme Court library to collect an article; drafting index; delivering folder titled 'Pre-emptive Costs Authorities' to each of S Hopper and G Bigmore.	37.00	\$740.00
03/08/11	CXC	Telephone attendance on S Hopper re submissions for pre-emptive costs application; attending to fax from S Hopper re authorities for submission; collating authorities for submission.	20.00	\$650.00
03/08/11	YCH	Telephone attendance on 8 Rechter of AAR regarding proposed index of appeal book; email to M Fernon regarding the same; leave message for S Hopper to return call.	4.00	\$130.00
05/08/11	CXC	Arranging for submissions to be filed and served.	5.00	\$162.50
05/08/11	CXC	Administration tasks.	2.00	\$0.00
05/08/11	MXN	Attendance at the Supreme Court to file Appellants' Submissions in Support of a Pre-Emplive Costs Order.	5.00	\$90.00
05/08/11	YCH	Review Supreme Court practice notes relating to appeal book index; telephone attendance on Court of Appeal Registry regarding the same; email to S Hopper regarding the same.	4.00	\$130.00
08/08/11	CXC	Telephone attendance on J Josephs (AAR) and sending email.	2.00	\$65.00
08/08/11	YCH	Telephone attendance on G Bigmore regarding approach regarding appeal book index; telephone attendance on S Hopper about the same.	2.00	\$65.00
09/08/11	CXC	Administration Telephone attendance on B Walker - a grower.	4.00	\$0.00
09/08/11	YCH	Telephone attendance on B Rechter regarding steps regarding appeal book; internal update and update to Counsel.	2.00	\$65.00
10/08/11	CXC	Administration Discussion with M Fernon; organising litigation schedule and ensuring dates are all entered in FS Calendar; telephone attendance on S Hopper re Brief to Counsel folders and litigation funding proposal.	20.00	\$0.00
11/08/11	cxc	Administration Telephone attendance on S Hopper re letter to LFS; reading letter; forwarding letter re merit and quantum to LFS.	5.00	\$0.00
12/08/11	MXN	Attendance at Counsels chambers to deliver Brief.	5.00	\$90.00
12/08/11	MXN	Updating Brief to Counsel with Court documents filed in this proceeding and further documents served by Blake Dawson Including preparation of Index.	18.00	\$324.00
12/08/11	MXN	Creating Brief to Counsel folder in M drive and copying court documents across.	4.00	\$72.00
12/08/11	CXC	Reading submissions of Blakes and AAR; attending to filing of same.	10.00	\$325,00

Date	Solicitor/Clerk	Description	Units	Value
17/08/11	ŞDD	Collating the authorities referred to in the respondent's outline of submissions for G Bigmore and S Hopper.	15.00	\$300.00
17/08/11	JLF	Obtaining softcopies and hardcopies of cases for brief to counsel.	10.00	\$200.00
18/08/11	SDD	Collating the authorities for counsel; delivering authorities to G Bigmore and S Hopper.	41.00	\$820.00
18/08/11	CXC	Administration Telephone attendance on P Bennett (grower in Timbercorp almonds 2004),	4.00	\$0.00
18/08/11	JLF	Obtaining authorities for G.Bigmore and S.Hopper - attending Supreme Court Library; scanning documents into system for softcopy brief.	16.00	\$320.00
19/08/11	cxc	Administration Preparing email to L Brentnall from M Fernon; telephone attendance on D Mackay re IMF; telephone message from IMF re funding; telephone attendance on S Douznlak of IMF; forwarding further advice from counsel re merits to IMF.	8.00	\$0.00
22/08/11	CXC	Administration Telephone attendance on L Brentnall of LFS re understanding of matters requiring proof in appeal.	3.00	\$0.00
23/08/11	MXN	Updating Brief to Counsel and Court documents folders with recent material including Appellant's Pre-Emptive Costs Authorities and Respondents Pre-Emptive Costs Authorities; updating Index; attending Counsels' chambers to update folders.	40.00	\$720.00
23/08/11	CXC	Administration Updating Litigation Schedule.	12.00	\$0.00
25/08/11	CXC	Administration Dealing with email from S Hopper re litigation funding; email response to L Brentnall; telephone attendances on M Fernon and LFS;	7.00	\$0.00
25/08/11	MXN	* Administration Attendance at Counsels chambers to update brief folders.	4.00	\$0.00
26/08/11	cxc	Telephone attendance on S Hopper re list of authorities; perusing court of appeal practice notes for relevant procedural matters; emails and discussion about letter to other side re litigation funding.	10.00	\$325.00
29/08/11	CXC	Preparing and emailing letter to other side re litigation funding.	8.00	\$260.00
29/08/11	cxc	Administration Filing.	7.00	\$0.00
30/08/11	CXC	Telephone attendance on Court of Appeal registry re adjournment of hearing on 02/09/2011; email correspondence with B Slocum re adjournment; telephone attendance on S Hopper re adjournment; preparation of email to Court of Appeal re adjournment; telephone attendance on J Joseph, C Fenwick, S Hopper and G Bigmore re date for adjournment.	16.00	\$520.00
31/08/11	cxc	Dealing with arrangements for adjournment: reading emails from Court of Appeal Registry, Allens, ABL and Blakes; telephone attendances on Court of Appeal Registry, G Bigmore and S Hopper; preparation of email to parties to confirm availability; preparation of consent orders; dealing with email from S Hopper re reply submissions; further telephone attendances on Blakes and Allens re consent to adjournment; further telephone attendances on G Bigmore and S Hopper; further telephone attendance on Court of Appeal Registry; preparation of email to other parties re their objections to consenting to adjournment.	30.00	\$975.00
01/09/11	cxc	Telephone attendances on Aliens, G Blgmore re adjournment; review and amend minute of consent order; email to parties with consent order; follow up signed consent order with emails and telephone attendances.	14.00	\$455.00
01/09/11	JLF	Delivering brief to S.Hopper in chambers.	7.00	\$140.00
02/09/11	CXC	Dealing with issues re updating Brief to Counsel In accordance with request from S Hopper; perusing emails from Blakes, Court of Appeal Registry, G Bigmore and S Hopper re consent orders and appearances at court; considering court of appeal practice notes in preparation for directions hearing; review and amend litigation schedule for directions hearing tasks.	32.00	\$1,040.00
02/09/11	MXN	Updating Brief to Counsel and Court documents folders with recent document, including updating Indexes and hyperlinking.	35.00	\$630.00
05/09/11	cxc	Discussion with M Fernon re progress of matter, adjournment of hearing and next steps.	1.00	\$32.50
05/09/11	CXC	Administration Considering email from L Brentnall re Board's consideration of application for appeal funding; email to G Bigmore.	2.00	\$0.00
05/09/11	MJF	Attendance reviewing documents list and considering additional documents; settling email to counsel.	5.00	\$262.50
06/09/11 06/09/11	KFD CXC	Reviewing Robson transcripts regarding grower's equitable rights.  Dealing with email from L Brentnall re application for funding; emails from G  Bigmore and M Fernon In response; research to find applicable HCA case re proprietary rights; telephone attendance on B Slocum of ABL re participating In appeal proceedings.	7.00 15.00	\$175.00 \$487.50
06/09/11 07/09/11	MJF CXC	Preparing response to email including research.  Email to M Fernon dealing with telephone call from B Slocum (ABL).	25.00 1.00	\$1,312.50 \$32.50

Date	Solicitor/Clerk	Description	Units	Value
12/09/11	CXC	Administration Email reply to B Slocum re Liquidator involvement; responding to email from L Brentnall re further advice with further emails to counsel.	2.00	\$0.00
13/09/11	SDD	Compiling a copy of the pre-emptive costs authorities previously sent to G Bigmore and S Hopper.	4.00	\$80.00
13/09/11	cxc	Administration Considering correspondence from Allens; considering emails from LSS and reply to S Hopper re preparation of further advice for LSS; telephone attendances on L Brentnall and on S Hopper re preparation of detailed advice for LSS; email to L Brentnall re estimate from counsel re preparation of detailed advice; email to S Hopper re instructions to proceed with advice.	15.00	\$0.00
13/09/11	MJF	Perusing letter from AAR and drafting letter in response; telephone attendance on L Brentnall.	4.00	\$210.00
14/09/11	CXC	Telephone attendance on S Hopper; organising printing of submissions and contentions and preparation of folder for S Hopper.	8.00	\$260.00
14/09/11	JLF	* Administration Creating court document folder for S.Hopper of counsel.	9.00	\$0.00
15/09/11	JLF	* Administration Creating court documents folder for S.Hopper; scanning missing documents from original proceeding into back end.	4.00	\$0.00
15/09/11	SDD	Delivered Orders, Pleadings and Contentions sub section of brief to S Hopper.	6.0 <b>0</b>	\$120.00
15/09/11	CXC	Organising for folder of contentions to go to S Hopper and covering email.	2.00	\$65.00
16/09/11	CXC	Locating submission documents for S Hopper; preparing folder, delivering folder to S Hopper; telephone attendance on S Hopper; analysing definitions in head leases for S Hopper; locating contentions in reply for S Hopper.	47.00	\$1,527.50
19/09/11	CXC	Reviewing memorandum of advice and roadmap prepared by S Hopper for LFS.	27.00	\$877.50
20/09/11	CXC	Responding to emails from L Brentnall re closing submissions and contentions of fact and law.	7.00	\$0.00
21/09/11	cxc	Considering requirements for appeal book and orders for directions; email to M Fernon; email to counsel re appeal book and draft directions; discussion with M Ong; considering grounds of appeal in view of memorandum of advice from counsel; reading email from S Hopper re grounds.	24.00	\$780.00
26/09/11	cxc	Telephone attendance on S Hopper re orders and appeal book contents for directions hearing; telephone attendance on S Hopper re pre-emptive costs order; internal meeting with M Fernon; email to S Hopper with copy of CoA faxed instructions.	5.00	\$162.50
27/09/11 28/09/11	CXC	Dealing with proposed directions. Telephone attendance on S Hopper re directions hearing and proposed	5.00 9.00	\$162.50 \$292.50
		indexes of appeal book; obtaining and sending to S Hopper CoA Standard Directions 1 and other Practice Notes for CoA; follow up telephone call to Litigation Funding Services; preparation for attendance at Directions hearing; reading and responding to email from Litigation Funding Services.		<b>V</b> -20000
29/09/11	CXC	Attendance at court for directions hearing; discussion with counsel; preparing brief to counsel for pre-emptive costs application.	37.00	\$1,202.50
30/09/11	MXN	Attendance at B Hopper's chambers to update Brief to Counsel folders.	4.00	\$130.00
04/10/11	cxc	Preparation of file note as to attendance at Directions Hearing; preparing brief to T Woodward for pre-emptive costs application.	32.00	\$1,040.00
05/10/11 05/10/11	SDD	Delivering brief to counsel.	9.00	\$180.00
05/10/11	CXC	Telephone attendance on S Hopper re list of authorities; telephone attendance on C Fenwick of Blake Dawson re list of authorities.	2.00	\$65.00
	MXN	Preparation of Index to Brief to T Woodward, Including compiling documents and saving to Clarendon Lawyers system; updating Court documents folder and Index, including hyperlinking documents.	32.00	\$576.00
05/10/11	MJF	Telephone attendance on C Garnaut re funding issues.	8.00	\$420.00
06/10/11	cxc	Dealing with emait correspondence from S Hopper, C Fenwick of Blakes, and T Woodward of counsel; telephone attendance with M Fernon on S Hopper; telephone attendance on D Mackay re laws with respect to arrangements for litigation funding; research litigation funding laws; considering form of agreement between appellants and litigation funders; teleconference with S Hopper, G Bigmore and C Garnaut re litigation funding proposal; email to other parties re withdrawal of application; telephone attendance on AAR re content of email; considering form of withdrawal of application; drafting minute of consent order; preparing email to S Hopper with draft wording of correspondence to other parties.	76.00	\$2,470.00
06/10/11	DXM	Telephone attendance on on M Fernon and C Curtain (in) regarding litigation funding arrangement; telephone attendance on S Dluzniak of IMF (out) - unavailable, message left; drafting and sending email to S Dluzniak; forwarding same to C Curtain; drafting and sending further email to S Dluzniak with contact details for C Curtain.	2.00	\$79.00

Date	Solicitor/Clerk	Description	Units	Value
06/10/11 06/10/11	DXM MJF	Reviewing and amending power of attorney for potential litigation funder. Telephone attendance on C Garnaut; telephone attendance on S Hopper; telephone attendance on S Hopper;	2.00 28.00	\$79.00 \$1,470.00
07/10/11 07/10/11	CXC CXC	telephone attendance on C Garnaut; teleconference. Internal Meeting with C Curtain to discuss costs orders. Reading email from S Hopper re consent order; review and amend consent order and prepare email to all parties; considering form of agreement for	1.00 35.00	\$39.50 \$1,137.50
10/10/11	cxc	funding appeal; drafting agreement for funding appeal; prepare email to court of appeal registry notifying withdrawal of application.  Review and amend Management and Funding Agreement; prepare email to C	4.00	\$130.00
11/10/11	CXC	Garnaut re Management and Funding Agreement.  Considering email correspondence from AAR and Blake Dawson re consent orders; emails to and from S Hopper re consent orders; review and amend consent orders; preparing correspondence to AAR and Blake Dawson re consent orders; preparing correspondence to Court of Appeal Registry re consent orders; review and amend Management and Funding Agreement.	22.00	\$715.00
11/10/11 12/10/11	CXC	Entering new dates from Directions orders; filing. Finalise funding agreement; telephone attendance on S Hopper re hearing; telephone attendance on Court of Appeal Registry re hearing; email to other parties re hearing.	8.00 8.00	\$260.00 \$260.00
13/10/11	CXC	Administration tasks.	6.00	\$0.00
17/10/11	cxc	Review and amend costs agreement and forward to client; emails to and from T Schubert.	16.00	\$520.00
19/10/11	CXC	Email to S Hopper re Funding Agreement.	1.00	\$32,50
20/10/11	CXC	Telephone attendance on R McClymont re possible settlement of all proceedings; telephone attendance on S Hopper re settlement discussions.	4.00	\$130.00
21/10/11	CXC	Discussion with M Fernon re telephone conversation with R McClymont re settlement; follow up actions re power of attorney for Management and Funding Agreement; considering requirement of court approval for Management and Funding Agreement; review and amend Management and Funding Agreement.	23.00	\$747.50
24/10/11	CXC	Internal meeting with M Fernon re powers of attorney for litigants and organising execution of Funding Agreement by litigants; drafting and typing letter to LFS re contribution towards preparation of application; perusing powers of attorney prepared for Timbercorp cases; amending letter to representative growers and powers of attorney.	28.00	\$910.00
25/10/11	cxc	Review and amend letters and powers of attorney to representative growers; telephone attendance on S Hopper consulting counsel's opinion re application to approve Management and Funding Agreement; preparing brief to counsel for advice about application to approve Management and Funding Agreement; sending brief to counsel.	31.00	\$1,007.50
			-	\$52,483.50
GST				\$5,248.35
Total Profe	Total Professional Costs \$57,			

## FEE EARNER SUMMARY

	Hourly Rate	Hours	Amount
Catherine Curtain	0.00	60.20	\$14,560.00
Catherine Curtain	325.00	29.40	\$9,555.00
Dan Mackay	0.00	0.20	\$0.00
Dan Mackay	395.00	0.70	\$276.50
Jon-Lee Farrell	0.00	1.30	\$0.00
Jon-Lee Farrell	200.00	8.60	\$1,720.00
Katie Desmond	250.00	0.70	\$175.00
Michael Fernon	495.00	3.30	\$1,633.50
Michael Fernon	525.00	31.90	\$16,747.50
Marianne Natoli	0.00	8.60	\$832.00
Marianne Natoli	180.00	15.80	\$2,844.00
Sarah Dorn	0.00	5.10	\$740.00
Sarah Dorn	200.00	13.10	\$2,620.00
Yu-chiao Hsueh	325,00	2,40	\$780.00
	-	181.30	\$52,483,50
GST			\$5,248.35
Total Professional Fees			\$57,731.85

#### REMITTANCE ADVICE Bill to: Funders C/- EGA Corporate Advisers Client Name: Garnaut Private Wealth Pty Ltd Matter Name: Almonds Apportionment Appeal - SAPCI 2011 103 Our Ref: MJF:1100297:B07217 Invoice Date: 28 October 2011 Invoice No: B07217 \$84,020.31 Amount Due: Payable By: 11 November 2011 Please choose a payment method and return this advice to our office. 1. CHEQUE Please return this advice with your cheque payable to Clarendon Lawyers Pty Ltd for \$84,020.31 to: Clarendon Lawyers Pty Ltd **GPO Box 4930** MELBOURNE VIC 3001 Please quote bill number 1100297:807217 2. BANK TRANSFER Please fax this advice to 03 8681 4499 or email accounts@clarendonlawyers.com.au stating the reference number and the amount paid. Transfer Amount: \$84,020.31 Swift Code (overseas transfer only): NATAAU3303M National Australia Bank BSB; 083170 Clarendon Lawyers Pty Ltd Account Name: 856779023 Account: Please quote reference 1100297:B07217 and fax this advice to us. 3. CREDIT CARD Please fax this advice to 03 8681 4499 or email accounts@clarendonlawyers.com.au stating the reference number and the amount paid. Card Number: Card Type (Please tick): □ Visa Expiry Date: ☐ MasterCard

Please note that If this invoice is paid by credit card after the due date, a 1.5% additional fee will apply as provided for in our Terms of

Engagement.

### Your Rights in Relation to Legal Costs

The following avenues are available to you if you are not happy with this bill -

- requesting an itemised bill;
- discussing your concerns with us;
- having our costs assessed;
- making a complaint to the Legal Services Commissioner;

Please quote reference 1100297:B07217 and fax this advice to us.

applying to set aside our costs agreement.

\$84,020.31

There may be other avenues available in your State or Territory (such as mediation). Time limits apply to the avenues for resolving costs disputes. For more information about your rights, please read the fact sheet titled "Your right to challenge legal costs. You can ask us for a copy, or obtain it from the Legal Services Commissioner (or download it from their website - http://www.lsc.vic.gov.au).

If you have any concerns about our legal costs, or our legal services, please do not hesitate to speak to the director responsible for your matter. If we cannot satisfactorily resolve your concern with you, the above avenues are available.

Amount due for payment within 14 days Please return with your payment

GAR001\_1100297\_088

Amount Due:

Name on Card:

Signature:

		(** c-	7 <del>13</del> 4 ( 3. )
	GREENS	<b>-</b>	Michael Green Pty Ltd
	LDLIENIC		as Trustee for the
	JILLINO		4/10 20s. Green Family Trust
_			ABN: 76 924 553 989
SLIP N	UMBER:	PROCESSED DATE:	205 William Street
	465999	02-08-2011	Melbourne Victoria
	403535	02-00-2011	
FEECE	DUE TO:	ADV II. 40 070 070 570	◆ Australia 3000
		ABN #: 43 873 876 570	Phone: (03) 9225 7222
(	MR. S. HOPPER	)	Fax: (03) 9225 8485
$\geq$			DX: 98
SOLICI	TOR:	6977500	E-Mail: payments@greenslist.com.au
	CLARENDON LAWYERS		TAX INVOICE
1			
İ	G.P.O. BOX 4930		REFERENCE:
i	MELBOURNE 3001		
(		· )	MICHAEL FERNON
NAME	OF ONLINE OF MATTER		
NAME	OF CAUSE OR MATTER:		)
(	IN THE MATTER OF TIMBERCORP AL	MONDS	)
DATE		PARTICULARS	FEES
parties described in 12 for 12 for			and a property of the second
5-07-2011	AS PER ATTACHED MEMORAND	)um of fees	5,062.50
	]	Approved By: V	
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		Ledger/Matter:LLOC	2297 1
	i	Signed	
	1	Date: H. R. II	
		Louis. A D	
n the absen	ice of an arrangement to the contrary t	he fees are payable within 30 days	s of this account
Interest is na	yable on this bill under the Legal Professi	on Act 2006 as amonded either	s of this account TOTAL: \$5,062,50
1 Hodor C 2	3.4.21(1) if this bill is unpaid 30 days or m	on Act 2004 as amended, entre;	<u> </u>
The refere	fistores seeds is a cont	ore after desing given to the recipient.	٠.
	f interest payable is 6.50%.	_	
2. or under S	\$3.4.21(2) in accordance with a costs agr	eement.	
	THE TOTAL AMOUN	IT IS INCLUSIVE OF 10.00% GST,	\$460.23
rai Professi	on Act 2004 [as amended] - Notificatio	n of vour rights	
	venues are open to you in the event of a		
			The state of the state of
	may seek a costs review under Division 7		For and on behalf of:
Such	application must be made to the Costs (	Court Registrar within 12 months afte	Michael Green - Approved Clerk
	(a) The bill was given or the request for		Legal Profession Act 2004
	(b) The costs were paid if neither a bil		
	(a) the costs note bare a manifel a mi	i was given noi a request was made.	1 1 1 1 1 1 1 1 1
			Per:
<ol><li>If this</li></ol>	s bill is subject to a costs agreement you	may apply to VCAT to have that agre	eement set aside under Section 3.4.32 of the Act.
			Legal Services Commissioner. Such a complaint
			ted, within 30 days after the Itemised bill is provided.
		•	•
tessional S	tandards Act 2003 [Vic] - "Liability lim		
EMITTA	NCE ADVICE "	LEASE DETACHHERE AND RETURN WITH REMITTANC	PROCESSED: 02-08-2011

■ MASTERCARD ☐ VISA SLIP NUMBER: 465999 CARD NUMBER: TOTAL: NAME ON CARD: \$ 5,062.50 **EXPIRY DATE:** SIGNED: SEND TO: 6977500 SOLICITOR: MICHAEL GREEN PTY LTD **CLARENDON LAWYERS** 205 WILLIAM STREET

DUE TO: **AUSTRALIA 3000** MR. S. HOPPER PAYING BY CHEQUE, MAKE CHEQUE PAYABLE TO "MICHAEL GREEN PTY LTD"
PAYING BY CREDIT CARD, COMPLETE THE DETAILS AND POST, FAX OR PHONE
PAYING BY EFT DEPOSIT, COMMONWEALTH BANK - BSB: 063 099 ACC: 1010 B402 - FAX OR EMAIL NOTIFICATION
IF RECEIPT REQUIRED, RETURN THIS PAGE INTACT WITH PAYMENT

MELBOURNE, VICTORIA

3783

## Memorandum of fees - Sam Hopper

To

Michael Fernon

Clarendon Lawyers

From

Sam Hopper Barrister Tel: 9225 6857 Fax: 9225 8485

Date

25 July 2011

Subject

In the matter of Timbercorp Almonds

Set out in the table below are my fees accrued to date in the above matter. My clerk will forward to you with this memorandum a tax invoice for the outstanding amount.

Fees are incurred at the rate of \$375 per hour (including GST) and \$3,000 per day (including GST).

Date	Narration	Total
7 July 2011	Drafting notice of appeal (31/4 hours)	\$1,218.75
8 July 2011	Considering notice of appeal and appeal book index (2¼ hours)	\$843.75
14 July 2011	Perusing affidavit regarding costs; summons; drafting appeal book index (51/4 hours)	\$1,968.75
15 July 2011	Drafting appeal book index; settling costs application (2 hours)	\$750.00
21 July 2011	Telephone conference with G. Bigmore QC; telephone conference with Michael Fernon; email to Michael Fernon (34 hour)	\$281.25
	Total fees (inc GST):	\$5,062.50

Liability limited by a scheme under Professional Standards Legislation

46599a

Michael Green Pty Ltd

as Trustee for the

# **GREENS LIST**

**Green Family Trust** ABN: 76 924 553 989 SLIP NUMBER: PROCESSED DATE: 205 William Street 467230 25-08-2011 Melbourne Victoria Australia 3000 FEES DUE TO: ABN #: 43 873 876 570 Phone: (03) 9225 7222 MR. S. HOPPER Fax: (03) 9225 8485 DX: 98 SOLICITOR: 6977500 E-Mail: payments@greenslist.com.au TAX INVOICE **CLARENDON LAWYERS** G.P.O. BOX 4930 REFERENCE: **MELBOURNE 3001** MICHAEL FERNON NAME OF CAUSE OR MATTER: IN THE MATTER OF TIMBERCORP ALMONDS DATE PĀRTIÇŪLĀRS. FEES . 25-08-2011 AS PER ATTACHED MEMORANDUM OF FEES 6,750.00 Approved By: Ledger/Matter: Signed: Date:. In the absence of an arrangement to the contrary the fees are payable within 30 days of this account TOTAL: \$ 6,750,00 Interest is payable on this bill under the Legal Profession Act 2004 as amended, either: 1. Under S 3.4.21(1) if this bill is unpaid 30 days or more after being given to the recipient. The rate of interest payable is 6.50%. 2. or under S3.4.21(2) in accordance with a costs agreement. THE TOTAL AMOUNT IS INCLUSIVE OF 10,00% GST, \$613.64 Legal Profession Act 2004 [as amended] - Notification of your rights The following avenues are open to you in the event of a dispute in relation to legal costs: You may seek a costs review under Division 7 of Part 3.4 of the Act. For and on behalf of: Such application must be made to the Costs Court Registrar within 12 months after Michael Green - Approved Clerk The bill was given or the request for payment was made, or Legal Profession Act 2004 The costs were paid if neither a bill was given nor a request was made. 2. If this bill is subject to a costs agreement you may apply to VCAT to have that agreement set aside under Section 3.4.32 of the Act. You may make a complaint under Chapter 4 of the Act - "Complaints and Discipline" - to the Legal Services Commissioner. Such a complaint must be made within 60 days after the legal costs are payable or, if an itemised bill is requested, within 30 days after the itemised bill is provided. Professional Standards Act 2003 [Vic] - "Liability limited by a scheme approved under Professional Standards Legislation" (PLEASE DETACH HERE AND RETURN WITH REMITTANCE) REMITTANCE ADVICE PROCESSED: 25-08-2011 ■ MASTERCARD SLIP NUMBER: 467230 CARD NUMBER: TOTAL: NAME ON CARD: \$ 6,750.00 EXPIRY DATE: SIGNED; SEND TO: 697750D SOLICITOR: MICHAEL GREEN PTY LTD **CLARENDON LAWYERS** 

DUE TO:

MR. S. HOPPER

PAYING BY CHEQUE, MAKE CHEQUE PAYABLE TO 'MICHAEL GREEN PTY LTD'
PAYING BY CREDIT CARD, COMPLETE THE DETAILS AND POST, FAX OR PHONE
PAYING BY EFT DEPOSIT, COMMONWEALTH BANK - 85B; 083 009 A/C: 1010 8402 - FAX OR EMAIL NOTIFICATION
IF RECEIPT REQUIRED, RETURN THIS PAGE INTACT WITH PAYMEN!

205 WILLIAM STREET MELBOURNE, VICTORIA

**AUSTRALIA 3000** 

Bernster Management Accounts v7.5.1.287
 Copyright 1997-2011 E-Commerce Australia Pty Ltd
 The Australia Pty Ltd

# · Memorandum of fees - Sam Hopper

To

Michael Fernon

Clarendon Lawyers

From

Sam Hopper

Tel: 9225 6857

Barrister

Fax: 9225 8485

Date

25 August 2011

Subject

In the matter of Timbercorp Almonds

Set out in the table below are my fees accrued to date in the above matter. My clerk will forward to you with this memorandum a tax invoice for the outstanding amount.

Fees are incurred at the rate of \$375 per hour (including GST) and \$3,000 per day (including GST).

Date	Narration	Total
2 August 2011	Researching and considering submissions re pre- emptive orders (51/4 hours)	
		\$1,968.75
3 August 2011	Submissions (3½ hours)	
		\$1,218.75
4 August 2011	Submissions; reviewing cases (1¾ hours)	
		\$656.25
5 August 2011	Reviewing cases; settling submissions (4 hours)	\$1,500.00
10 August 2011	Memo to litigation funders (2½ hours)	41,500.00
		\$937.50
11 August 2011	Settling memo of advice and email (¾ hour)	
		\$281.25
15 August 2011	Reading submissions and email to solicitor (½ hour)	
		\$187.50
	Total fees (inc GST):	\$6,750.00

Liability limited by a scheme under Professional Standards Legislation

GREEN	TO T TO		Michael Green Pty Ltd as Trustee for the
* UKEEL	12 TT	> I de la Se	D Green Family Trust
			ABN: 76 924 553 989
SLIP NUMBER:		D DATE: 17	205 William Street Melbourne Victoria
468248		14-09-2011	Australia 3000
FEES DUE TO:	ABN # : 43	873 876 570	Phone: (03) 9225 7222
MR. S. HOPPER		)	Fax: (03) 9225 8485
			DX; 98
SOLICITOR:		6977500	E-Mail: payments@greenslist.com.au
CLARENDON LAWYERS		T	<b>AX INVOICE</b>
G.P.O. BOX 4930		<u> </u>	
MELBOURNE 3001		<i>(</i> F	REFERENCE:
			MICHAEL FERNON
NAME OF CAUSE OR MATTER:			
IN THE MATTER OF TIMBE	RCORP - ALMONDS		)
	Colonia Philosophia Colonia Philosophia	Contract of the second of the	N. C. Company of the
DATE	PARTICUL	ARS	FEES
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İ		Signed 1/4	19 11
		Date:	<del>43-1</del>
. Under S 3.4.21(1) if this bill is unpaid 3 The rate of interest payable is 6.50%. . or under S3.4.21(2) in accordance will	,	given to the recipient.	
THE TO	TAL AMOUNT IS INCLUST	VE OF 10.00% GST, \$417	7.61
gal Profession Act 2004 [as amended] e following avenues are open to you in th			
1. You may seek a costs review und			For and on behalf of:
Such application must be made t			Michael Green - Approved Clerk
(a) The bill was given or t			Legal Profession Act 2004
(b) The costs were paid it	neither a bill was given nor	r a request was made.	NH-
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2. If this bill is subject to a costs ago	eement you may apply to V	/CAT to have that acreem	ent set aside under Section 3.4.32 of the Act.
u may make a complaint under Chapter 4	of the Act - "Complaints ar	nd Discipline" – to the Lega	al Services Commissioner. Such a complaint
st be made within 60 days after the legal	costs are payable or, if an i	itemised bill is requested,	within 30 days after the itemised bill is provided.
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SEND TO:			6977500
MICHAEL GREEN PTY LT	D	SOLICITOR:	N LAWYERS
205 WILLIAM STREET		OLANCIDO:	
MELBOURNE, VICTORIA		DUE TO:	3783

MR. S. HOPPER

PAYING BY CHEQUE, MAKE CHEQUE PAYABLE TO "MICHAEL GREEN PTY LTD"
PAYING BY CREDIT CARD, COMPLETE THE DETAILS AND POST, FAX OR PHONE
PAYING BY EFT DEPOSIT, COMMONWEALTH BANK - BSB: 063 009 AC: 1010 8402 - FAX OR EMAIL NOTIFICATION
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**AUSTRALIA 3000** 

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# Memorandum of fees - Sam Hopper

To

Michael Fernon

Clarendon Lawyers

From

Sam Hopper

Tel: 9225 6857

Barrister

Fax: 9225 8485

Date

12 September 2011

Subject

In the matter of Timbercorp Almonds

Set out in the table below are my fees accrued to date in the above matter. My clerk will forward to you with this memorandum a tax invoice for the outstanding amount.

Fees are incurred at the rate of \$375 per hour (including GST) and \$3,000 per day (including GST).

Date	Narration	Total
23 August 2011	Perusing Bank's cases (3 hours)	
		\$1,125.00
25 August 2011	Attending to correspondence; reply submissions (6 hours)	
		\$2,250.00
26 August 2011	E.mail regarding costs application (1 hour)	
		\$375.00
30 August 2011	Attending to directions hearing and correspondence (¾ hour)	
		\$281.25
31 August 2011	Teleconference with Catherine Curtain and other counsel (½ hour)	
		\$187.50
2 September 2011	Arranging adjournment of directions hearing (1 hour)	
		\$375.00
	Total fees (inc GST):	\$4,593.75

Fee Slip	1016661
TAX INVOICE	Date 7/10/2011
Fees Due to	10881
Mr Garry T Bigmore QC	ABN: 50 805 058 321

Solicitor 1085700

Attention: Michael Fernon Clarendon Lawyers Level 17, Rialto North Tower 525 Collins Street Melbourne 3000



# Foley's List Pty Ltd

A.B.N. 19 064 152 218

Please forward cheque to:

Foley's List Pty Ltd Owen Dixon Chambers 205 William St Melbourne, Vic 3000

AusDoc: DX 92 Melboume

Your Reference Tel: (03) 9225 7777 Pax: (03) 9225 8480. Email: foleys@fpleys.com.au Michael Fernon Approved By: 0029 Ledger/Matter Cause or Matter Signed Timbercorp Apportionment - Settlement Date: Date Description Fees 6/10/2011 Teleconference re funding of appeal (1 hour) 770.00 Total Payable \$770.00

The amount of GST included in the above supply is \$70.00

In the absence of an arrangement to the contrary, these fees are payable within 30 days of this account.

### Payment Options

- Cheque Payable to "Foley's List Pty Ltd"
- Direct Deposit

BSB: 013035 Account Number: 255038705

Account Name: Foley's List Pty Ltd Trust Account

Description/Message/Reference: 1016661

PAY

Biller Code: 170613 Reference: 10166619

Telephone & Internet Banking - BPAY Call your bank, credit union or building society to make this payment from your cheque, savings or credit card account.

\* Note: Credit Card payments incur a 1.2% surcharge. If paying by Credit Card, balance owing is \$779.24

Statement for the purposes of s.3.4.21(3) of the Legal Profession Act 2004

Interest under s.3.4.21(1) or (2) of the Legal Profession Act 2004 may be charged on unpaid legal costs and is payable if the costs are not paid:

(I) under s.3.4.21(1) if the costs are unpaid 30 days after this Fee Silp is given and at the rate prescribed by regulation 3.4.3 of the Legal Profession Regulations 2005 (namely, the rate that is equal to the Cash Rate Target as defined in regulation 3.4.3(4) as at the date this Fee Slip is issued, increased by 2 percentage points); or

(ii) In accordance with a costs agreement at the rate specified in the costs

Notification of rights under Section 3.4.35 of the Legal Profession Act 2004

YOUR RIGHTS IN RELATION TO LEGAL COSTS

The following avenues are available to you if you are not happy with this bill:

- requesting an itemised bill
   discussing your concerns with us

- having our costs assessed
   making a complaint to the Legal Services Commissioner
- · applying to set aside our costs agreement

There may be other avenues available in your State or Territory (such as

Time limits apply to the avenues for resolving costs disputes.

For more information about your rights, please read the fact sheet filled "Your Right to Challenge Legal Costs." You can ask us for a copy, or obtain it from the Legal Services Commissioner (or download it from their website).

From 1/07/2008 liability limited by a scheme approved under Professional Standards Legislation.

Approved Clerk 1920

Fee Slip **TAX INVOICE** Date 7/10/2011

Fees Due to

Mr Ted W Woodward S.C.

ABN: 26 007 407 500



List A Barristers Pty Ltd A.B.N. 25 832 335 126 A.C.N. 007 370 256

Please forward cheque to: List A Barristers Pty Ltd Room 6 Ground Floor Owen Dixon Chambers West 205 William St Melbourne Vic 3000

AusDoc: DX 90 Melbourne Tel: (03) 9225 8444 Fax: (03) 9225 8395 Email: accounts@listabarristers.com.au

# Client

Attention: Michael Fernon Clarendon Lawyers Level 17 Rialto North Tower 525 Collins Street Melbourne VIC 3000

### Your Reference

MJF:1100297

### Cause or Matter

Goldenberg & Ors v Bosi Security Services Limited (as trustee for Australia and New Zealand Banking Group Ltd) & Ors

Date	Description	Fees
7/10/2011	As per Summary of Attendances dated 7 October	2011. 1,320.00
Total Payab	ile	\$1,320.00
The amount	of GST included in the above supply is \$120.00	Approved By: MW Ledger/Matter: 100297
In the abs	sence of an arrangement to the contrary, these are payable within 30 days of this account.	Signed Date: Approved Clerk

This invoice is a bill for the purposes of Section 3.4.34 of the Legal Profession Act 2004. If all or any part of the legal costs referred to in this bill are not paid within 30 days, interest is payable by you on those unpaid legal costs at the Cash Rate Target fixed by the Reserve Bank plus 2%.

Liability limited by a scheme approved under Professional Standards Legislation.

Your rights in relation to legal costs

The following evenues are available to you if you are not happy with this bill ---

Requesting an itemized bill.
 Discussing your concerns with us.

3. Having our costs assessed.

4. Making a complaint to the Legal Services Commissioner.

5. Applying to set aside our costs agreement.

There may be other avenues available in your State or Territory (such as mediation).

Time limits apply to the avenues for resolving costs disputes.

For more information about your rights, please read the fact sheet titled Your Right To Challenge Legal Costs. You can ask for a copy, or obtain it from the Legal Services Commissioner

(or download it from their website).

BY:....

Fee Slip

285178

Clarendon Lawyers

### Bank Account Details for Direct Deposits:

Account Name: List A Barristers Pty Ltd Trust Account Note: Please provide the Fee Slip number(s) in the account description. BSB: 063-009 Account Number: 10232016

Alternatively please return the section below with your payment to:

LIST A BARRISTERS PTY LTD

Room 6 Ground Floor Owen Dixon Chambers West 205 William Street Melbourne Vip 3000 A.B.N. 25 832 335 126

Client: 945000 Date: 7/10/2011 Ref: MJF:1100297

Barrister 57700 Fee Slip:

Amount:

285178 \$1,320.00

AusDoc: DX 90 Melbourne

Matter:

Goldenberg & Ors v Bosi Security Services Limited (as trustee for Australia and New Zealand Banking Group

## **Ted Woodward SC**

### Barrister

List A 205 William Street Melbourne Vic. 3000 Telephone 9225 7090 Fax 9670 5756 Mobile 0411 221 929 DX 90 Melbourne E-mail ted.woodward@vicbar.com.au

Chambers: Lonsdale Chambers Level 5 530 Lonsdale Street MELBOURNE VIC 3000

### **SUMMARY OF ATTENDANCES**

To:

Clarendon Lawyers

Ref:

MJF:1100297

Contact:

Michael Fernon

Matter:

Goldenberg & Ors v Bosi Security Services Limited (as trustee for Australia and New

Zealand Banking Group Ltd) & Ors

Timbercorp Almonds Apportionment Appeal

Proceeding no. S APCI 2011 0103

Basis of charging:

\$660 per hour up to \$6,600 per day (inc. GST)

Attendances for the period:

6 Oct 2011

Commencing preparation for hearing and

associated attendances

2 \$1,320.00

**TOTAL** 

\$1,320.00

Ted Woodward Date: 7 October 2011

	GREENS	LIST	1 7 OCT 2011	Page 1 of 1  Michael Green Pty Ltd as Trustee for the Green Family Trust ABN: 76 924 553 989
1	UMBER: <b>469680</b>	PROCESSED DATE: 13-10-2011		205 William Street Melbourne Victoria
1	DUE TO: MR. S. HOPPER	ABN#: 43 873 876 570	<u></u>	Australia 3000 Phone: (03) 9225 7222 Fax: (03) 9225 8485 DX: 98
SOLICI	TOR:	6977500	E-Mail: paymen	ts@greenslist.com.au
	CLARENDON LAWYERS G.P.O. BOX 4930 MELBOURNE 3001		TAX IN	VOICE CHAEL FERNON
	OF CAUSE OR MATTER: IN THE MATTER OF TIMBERCORP			
DATE (1) 10-2011	AC DED ATTACHED MEMORA	**************************************	and the second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second s	FEES 3,750.00
10-2013	AS PER ATTACHED MEMORA	Approved By Ledger/Matte Signed Date:		3,735.00
erest is pa Under S 3 The rate o	nce of an arrangement to the contraryable on this bill under the Legal Profes. 4.21(1) if this bill is unpaid 30 days of interest payable is 6.50%. 53.4.21(2) in accordance with a costs.	ession Act 2004 as amended, eil more after being given to the re	iher;	OTAL: \$3,750.00
	THE TOTAL AMO	UNT IS INCLUSIVE OF 10.00%	6 GST, \$340.91	
following a	on Act 2004 [as amended] - Notifica venues are open to you in the event of may seek a costs review under Division	a dispute in relation to legal cos	sts: For and on beh	alf of:

Such application must be made to the Costs Court Registrar within 12 months after

(a) The bill was given or the request for payment was made, or

(b) The costs were paid if neither a bill was given nor a request was made.

Legal Profession, Act 2004

2. If this bill is subject to a costs agreement you may apply to VCAT to have that agreement set aside under Section 3/4.32 of the Act. You may make a complaint under Chapter 4 of the Act - "Complaints and Discipline" — to the Legal Services Commissioner. Such a complaint must be made within 60 days after the legal costs are payable or, if an itemised bill is requested, within 30 days after the itemised bill is provided.

Professional Standards Act 2003 [Vic] - "Liability limited by a scheme approved under Professional Standards Legislation"

REMITTANCE ADVICE	(PLEASE DETACH HERE AND RETURN WITH RENITTANCE)	PROCESSED: 13-10-2011
SLIP NUMBER: 469680  CARD NUMBER: NAME ON CARD:	MASTERCARD VISA	
\$ 3,750.00 EXPIRY DATE:	signed:	
SEND TO: MICHAEL GREEN PTY LTD 205 WILLIAM STREET	SOLICITOR: CLARENDON LAWYERS	6977500
MELBOURNE, VICTORIA AUSTRALIA 3000	DUE TO: MR, S. HOPPER	3783

PAYING BY CHEQUE, MAKE CHEQUE PAYABLE TO "MICHAEL GREEN PTY LTD"
PAYING BY CREDIT CARD, COMPLETE THE DETAILS AND POST, FAX OR PHONE
PAYING BY EFT DEPOSIT, COMMONWEALTH BANK - BSB: 083 008 AVC: 1010 8402 - FAX OR EMAIL NOT IF RECEIPT REQUIRED, RETURN THIS PAGE INTACT WITH PAYMENT

# Memorandum of fees - Sam Hopper

To

Michael Fernon Clarendon Lawyers

From

Sam Hopper

Tel: 9225 6857

Barrister

Fax: 9225 8485

Date

12 October 2011

Subject

In the matter of Timbercorp Almonds

Set out in the table below are my fees accrued to date in the above matter. My clerk will forward to you with this memorandum a tax invoice for the outstanding amount.

Fees are incurred at the rate of \$375 per hour (including GST) and \$3,000 per day (including GST).

Date	Narration	Total
21 September 2011	Email re appeal grounds (½ hour)	\$187.50
27 September 2011	Interlocutory timetable (1/4 hour)	\$93.75
28 September 2011	Conference with opposing counsel and preparing for directions hearing (4½ hours)	\$1,687.50
29 September 2011	Directions hearing (½ day)	\$1,500.00
6 October 2011	Telephone conference with Garry Bigmore QC, Michael Fernon, Catherine Curtain and Chris Garnaut (1/4 hour)	\$281.25
	Total fees (inc GST):	\$3,750.00

30 November 2011

our ref: invoice no: MJF:CL:1100297

oice no: B07367

your ref:

# STRICTLY PRIVATE & CONFIDENTIAL TO BE OPENED BY ADDRESSEE ONLY

Eli Goldfinger MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

Dear Eli

### Almonds Apportionment Appeal - SAPCI 2011 103

We **enclose** a memorandum of our professional costs for the period to 30 November 2011, details of which are set out in the attached schedule.

If you have any queries, please contact us.

Yours faithfully

Michael Fernon Director Clarendon Lawyers Pty Ltd

Tel: 03 8681 4419

E-mail: michael.fernon@clarendonlawyers.com.au

Encl.

MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

date: our ref: invoice no: contact: your ref:

30 November 2011 MJF:CL:1100297 B07367 Michael Fernon

ABN

TAX INVOICE 15 774 771 940

Almonds Apportionment Appeal - SAPCI 2011 103

### **PROFESSIONAL COSTS**

To our professional costs as per the attached schedule:

**GST** 

Professional Costs subject to GST

\$1,581.50 \$15,815.00

### **DISBURSEMENTS**

('\*' indicates a disbursement paid as your agent)

**GST** 

Australian Securities & Investments Commission - Annual Statement fees - C & G Funding Pty Ltd ACN 147 114 716 - 291011 Michael Green Pty Ltd - Barristers fees - S Hopper - Fee slip 471882 -281111

\$226.50

\$93.75

\$937.50

Subtotal GST @ 10% Invoice Total \$16,979.00 \$1,675.25

\$18,654.25

### Amount due for payment within 14 days

We reserve the right to charge interest under the Penalty Interest Rates Act 1983 if this account is not paid in accordance with our terms

MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

date: our ref: invoice no: contact:

30 November 2011 MJF:CL:1100297 B07367 Michael Fernon

your ref:

ABN

TAX INVOICE 15 774 771 940

# Almonds Apportionment Appeal - SAPCI 2011 103

SCHEDULE OF PROFESSIONAL COSTS				
Date	Solicitor/Clerk	Description	Units	Value
27/10/11	CXC	Perusing authenticated order re dismissed pre-emptive costs application (1 folio); perusing executed powers of attorney from G Goldenberg and C Moshopolous (1 folio).	1.00	\$32.50
31/10/11	ELD	Reviewing reviewing judgements and writing memo on tax paragraphs	20.00	\$270.00
31/10/11	ELD	Reading reading the two judgements to understand the facts	55.00	\$742.50
03/11/11	cxc	Considering Management and Funding Agreement and Powers of Attorney returned.	3.00	\$97.50
03/11/11	cxc	Administration Billing tasks.	2.00	\$0.00
08/11/11	CXC	Prepare brief to counsel (G Bigmore) re court approval for Management and Funding Agreement; travel and attendance at Korda Mentha re settlement negotiations.	27,00	\$877.50
08/11/11	MJF	Conference with KordaMentha.	15.00	\$787.50
08/11/11	ELD	Meeting - draft settlement	15.00	\$202.50
09/11/11	CXC	Considering litigation schedule; email to J Sheridan confirming litigation schedule; file note of attendance at Korda Mentha;	4.00	\$130.00
09/11/11	MJF	Email to counsel.	2.00	\$105.00
10/11/11	CXC	Reading correspondence from C Littley re PoAs and Management and Funding Agreement; responding to email of D Butterfield re PoAs; telephone voice message left for C Littley; organising for documents to be sent again to C Littley; teleconference with S Hopper and G Bigmore re settlement issues; dictating file note of teleconference.	25.00	\$812.50
11/11/11	CXC	Review and amend file note of teleconference.	6.00	\$195.00
16/11/11	cxc	Organising teleconference with counsel to discuss proposals for settlement of appeal; telephone attendance on S Hopper.	3.00	\$97.50
17/11/11	cxc	Teleconference with S Hopper and G Bigmore discussing proposals in relation to settlement of Timbercorp schemes.	6.00	\$195.00
18/11/11	MXO	Considering court of appeal practice statements (18 follos); considering orders of court 29/09/11; research re notice of contention.	10.00	\$325.00
18/11/11	MXO	Reviewing judgment of Robson J (20 folios).	26.00	\$845.00
21/11/11	MXO	Reviewing material/research on preparing summary of proceedings & issues & summary of facts; reviewing judgment of Davies J (45 folios).	64.00	\$2,080.00
22/11/11	MXO	Considering grounds of appeal in notice of appeal, reviewing documents & preparing draft summary of proceedings & issues.	62.00	\$2,015.00
23/11/11	MXO	Reviewing documents/judgments; preparing draft summary of facts for court of appeal; discussion with M Fernon re 1st & 2nd respondents' notice of contention.	50.00	\$1,625.00
23/11/11	MJF	Email to counsel re next steps; telephone attendance on E Goldfinger re funding.	4.00	\$210.00
24/11/11	MXO	Considering the notice of contention filed by the 1st and 2nd respondents (3 folios); preparing summary in light of the contentions.	20.00	\$650.00
25/11/11	MXO	Perusing proposed "framework of steps to achieve binding compromises of the proposed TPIF proceedings" in relation to global settlement.	5.00	\$162.50
28/11/11	CXC	Reading Notice of Contentions from First and Second Respondents; reading draft summary of appeal proceeding facts.	5.00	\$162.50
29/11/11	MXO	Reviewing Summary for Court of Appeal and discussion with M Fernon on same.	5.00	\$162.50
29/11/11	MXO	Reviewing S Hopper's email with comments re Summary; reviewing & amending Summary in accordance with S Hopper's comments; telephone attendances on S Hopper re Summary.	55.00	\$1,787.50
29/11/11	MJF	Settling summary.	7.00	\$367.50
30/11/11	MXO	Revising Summary for Court of Appeal; email same to S Hopper for settling; preparing covering letter for service on all parties.	8.00	\$260.00

Date	Solicitor/Clerk	Description	Units	Value
30/11/11	MXO	Telephone attendances on S Hopper re Summary; reviewing search on The TGG (Timbercorp Growers Group) Inc; reviewing document for Receivers winding-up proceeding in SCI 7114/2009.		\$357.50
30/11/11	MXO	Attending to G Bigmore & S Hopper's query re Summary; amending Summary; serving of Summary on all parties via email.	8.00	\$260.00
			-	\$15,815.00
GST				\$1,581.50
<b>Total Prof</b>	essional Costs		-	\$17,396.50
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### **REMITTANCE ADVICE** MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd Garnaut Private Wealth Pty Ltd Bill to: Client Name: Matter Name: Almonds Apportionment Appeal - SAPCI 2011 103 Our Ref: MJF:1100297:B07367 Invoice Date: 30 November 2011 Invoice No: B07367 Amount Due: \$18,654.25 Payable By: 14 December 2011 Please choose a payment method and return this advice to our office. 1. CHEQUE Please return this advice with your cheque payable to Clarendon Lawyers Pty Ltd for \$18,654.25 to: Clarendon Lawyers Pty Ltd **GPO Box 4930** MELBOURNE VIC 3001 Please quote bill number 1100297:B07367 2. BANK TRANSFER Please fax this advice to 03 8681 4499 or email accounts@clarendonlawvers.com.au stating the reference number and the amount paid. Transfer Amount: \$18,654.25 Swift Code (overseas transfer only): NATAAU3303M National Australia Bank BSB: 083170 Account Name: Clarendon Lawyers Pty Ltd 856779023 Account: Please quote reference 1100297:B07367 and fax this advice to us. 3. ☐ CREDIT CARD

Card Number:		Card Type (Please tick):
Expiry Date:		☐ Visa ☐ MasterCard
Amount Due:	\$18,654.25	Please note that if this invoice is paid by credit card after the due date, a 1.5% additional fee will apply as
Name on Card:		provided for in our Terms of Engagement.
Signature:		
Please quote refer	ence 1100297:B07367 and fax this adv	ice to us

## Your Rights in Relation to Legal Costs

The following avenues are available to you if you are not happy with this bill -

- requesting an itemised bill;
- discussing your concerns with us;
- having our costs assessed;
- making a complaint to the Legal Services Commissioner;
- applying to set aside our costs agreement.

There may be other avenues available in your State or Territory (such as mediation). Time limits apply to the avenues for resolving costs disputes. For more information about your rights, please read the fact sheet titled "Your right to challenge legal costs. You can ask us for a copy, or obtain it from the Legal Services Commissioner (or download it from their website http://www.lsc.vic.gov.au).

If you have any concerns about our legal costs, or our legal services, please do not hesitate to speak to the director responsible for your matter. If we cannot satisfactorily resolve your concern with you, the above avenues are available.

> Amount due for payment within 14 days Please return with your payment

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	THE TOTAL AMO	·	VE OF 10.00	% GST. \$93.75	<u> </u>		
l anal Profession	Act 2004 [as amended] - Notifica				•		
The following aver	nues are open to you in the event of	a dispute in relation	as on to legal co	sts <sup>,</sup>			
<ol> <li>You ma</li> </ol>	ay seek a costs review under Divisio	n 7 of Part 3.4 of t	he Act.		For and on	behalf of:	
Such a	pplication must be made to the Cost	ls Court Registrar	within 12 mor	nths after		een • Approve	i Clerk
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2. If this b	ill is subject to a costs agreement you	วน may apply to Vi	CAT to have	that agreement	set aside und	ier Section 8.4/3	2 of the Act.
must be made with	complaint under Chapter 4 of the Ac hin 60 days after the legal costs are	t - "Complaints and navable or lif an it	a Discipline" :	- to the Legal S	Services Comi bio 30 deve al	NISSIONER. SUCH Her the Itemised	a complaint bill is provided
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1	05 WILLIAM STREET IELBOURNE, VICTORIA		-	- 21 - 11 - 11 - 11 - 11 - 11 - 11 - 11			
	USTRALIA 3000		DUET	O:			3783

MR. S. HOPPER

PAYING BY CHEQUE, MAKE CHEQUE PAYABLE TO "MICHAEL GREEN PTY LTD"
PAYING BY CREDIT CARD, COMPLETE THE DETAILS AND POST, FAX OR PHONE
PAYING BY EFT DEPOSIT, COMMONWEALTH BANK - 858; 063 009 A/C: 1010 8492 - FAX OR EMAIL NOTIFICATION
IF RECEIPT REQUIRED, RETURN THIS PAGE INTACT WITH PAYMENT

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www.e-commerce.net.au Info@e-commerce.net.au

# Memorandum of fees - Sam Hopper

To

Michael Fernon

Clarendon Lawyers

From

Sam Hopper

Tel: 9225 6857

Barrister

Fax: 9225 8485

Date

24 November 2011

Subject

In the matter of Timbercorp Almonds Appeal

Set out in the table below are my fees accrued to date in the above matter. My clerk will forward to you with this memorandum a tax invoice for the outstanding amount.

Fees are incurred at the rate of \$375 per hour (including GST) and \$3,000 per day (including GST).

Date	Narration	Total
7 November 2011	Considering advice re litigation funding; teleconference with G. Bigmore regarding funding (2¾ hours)	\$1031.23 \$1,031.25
	Total fees (inc GST):	\$1031-25 <del>\$1,013.25</del>

29 February 2012

STRICTLY PRIVATE & CONFIDENTIAL TO BE OPENED BY ADDRESSEE ONLY

our ref: invoice no: MJF:CL:1100297

ce no: B07803

your ref:

Eli Goldfinger MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

Dear Eli

## Almonds Apportionment Appeal - SAPCI 2011 103

We **enclose** a memorandum of our professional costs in respect of this matter for the period to 28 February 2012, details of which are set out in the attached schedule.

If you have any queries, please contact us.

Yours faithfully

Michael Fernon Director Clarendon Lawyers Pty Ltd

Tel: 03 8681 4419

E-mail: michael.fernon@clarendonlawyers.com.au

Enci.

MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

date: our ref: invoice no: contact: your ref:

29 February 2012 MJF:CL:1100297 B07803 Michael Fernon

ABN

**TAX INVOICE** 15 774 771 940

Almonds Apportionment Appeal - SAPCI 2011 103

#### PROFESSIONAL COSTS

To our professional costs as per the attached schedule:

**GST** Professional Costs subject to GST \$1,799.80 \$17,998.00

#### **DISBURSEMENTS**

(\*\* indicates a disbursement paid as your agent)

Lawpoint / SAI Global - ASIC Company & Business Searches (Manual Michael Green Pty Ltd - Barristers fees - S Hopper - Fee slip 472964 - 151211	\$5.88 \$187.50	\$58.80 \$1,875.00
SAI Global/Anstat Pty Ltd - ANSTAT searches Young's List Pty Ltd - Barristers fees - G Bigmore QC - Fee slip INVGTB8 - 200212	\$1.37 \$70.00	\$13.73 \$700.00

Subtotal	\$20,645.53
GST @ 10%	\$2,064.55
Invoice Total	\$22,710.08

## Amount due for payment within 14 days

We reserve the right to charge interest under the Penalty Interest Rates Act 1983 if this account is not paid in accordance with our terms

MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

date: our ref: invoice no: contact: your ref:

29 February 2012 MJF:CL:1100297 B07803 Michael Fernon

TAX INVOICE ABN 15 774 771 940

Almonds Apportionment Appeal - SAPCI 2011 103

SCHEDUL	E OF PROFESS	IONAL COSTS		
Date	Solicitor/Clerk	Description	Units	Value
01/12/11	MXO	Perusing email from ABL acknowledging receipt of draft Summary & its clients' non-participation in the appeal.	1.00	\$32.50
06/12/11	MXO	Reviewing list of scheme documents for Almond & Olives projects to ascertain the documents we have on our system & preparing a consolidated list.	20.00	\$650.00
07/12/11	cxc	Meeting with Grower Representatives about Management and Funding Agreement and request from funders re amendment to the agreement; reading draft email to funders re proposal for amendment of agreement; reading email from J Josephs re summary of appeal.	11.00	\$357.50
07/12/11	MJF	Drawing response to funders letter; conference; drafting letter.	12.00	\$630.00
08/12/11	MXO	Perusing revised summary for court of appeal received from the first and	15.00	
00/12/11	WINO		15.00	\$487.50
08/12/11	MXO	second respondents; telephone attendance on S Hopper re same.		
		Preparing covering letter to court of appeal registry for filing of summary.	5.00	\$162,50
09/12/11	MXQ	Reviewing revised summary with S Hopper's comments; incorporating the comments into the summary; email to Blake Dawson & Allens Arthur Robinson for their approval.	23.00	\$747.50
09/12/11	CXC	Administration Updating litigation schedule.	3.00	\$0.00
12/12/11	MXO	Reviewing changes made to summary by the respondents; telephone attendances on S Hopper discussing the changes.	8.00	\$260.00
12/12/11	MXO	Telephone attendances on S Hopper discussing the further changes made by the respondents & also G Bigmore's comments on same; amending & finalising summary for court of appeal (18 pages); filing summary with the court of appeal; service of summary on all parties.	40.00	\$1,300.00
12/12/11	CXC	Review amended Funding Agreement.	4.00	\$130.00
12/12/11	CXC	Reading correspondence from AAR re Appeal summary; discussion with M	11.00	\$357.50
		Ong re amendments proposed by banks to summary.	11.00	φυσι.υυ
12/12/11	MJF	Perusing email from Hinchen and telephone attendance; amending funding agreement (drafting).	11.00	\$577.50
14/12/11	MJF	Finalising funding agreement amendments.	7.00	\$367.50
14/12/11	ELD	Travel time Taking brief to council	5.00	\$67.50
23/12/11	MXO	Perusing letter from AAR requesting for costs of the pre-emptive costs application & orders of 11/10/11.	5.00	\$162.50
23/12/11	MXO	Research on party-party costs & solicitor-client costs.	19.00	\$617.50
18/01/12	CJA	Peruse appeal documents.	10.00	\$425.00
23/01/12	CJA	Draft letter to R McClymont and C Fenwick.	4.00	\$170.00
23/01/12	CJA	Draft letter to C Hinchen and J Joseph.	4.00	\$170.00
23/01/12	CJA	* Administration Considering court documents; amend index.	5.00	
23/01/12	CJA	Email to C Garnaut.		\$0.00
23/01/12	CJA	Peruse letter from BD.	1.00	\$42.50
23/01/12	CXC		1.00	\$42.50
		Drafting letter to grower representatives by way of update; perusal of correspondence from Blake Dawson re costs of pre-emptive costs application (12 folios).	7.00	\$227.50
24/01/12	CJA	Take instructions on costs issue.	3.00	\$127.50
24/01/12	CXC	<ul> <li>Administration Getting together signed Management and Funding Agreements for sending to grower representatives.</li> </ul>	5.00	\$0.00
24/01/12	CJA	Letter to C Hinchen re costs.	5.00	\$212,50
24/01/12	MJF	Telephone attendance on C Garnaut.	2.00	\$105.00
25/01/12	CJA	Further drafting letter to C Hinchen re costs.	3.00	\$127.50
25/01/12	CJA	Letter to R McClymont re costs.	3.00	\$127.50
25/01/12	CJA	Letter to Grower Representatives.	4.00	\$170.00
27/01/12	CJA	Letter to Grower Representatives.	10.00	•
01/02/12	MXO	Perusing letter to ABL, AAR & BD re confirmation of costs & confirmation of		\$425.00
01/02/12	CJA	proposed compromise. Teleconference with counsel.	2.00	\$65.00
	~vn	- Stade (Application of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control	5.00	\$212.50

## SCHEDULE OF PROFESSIONAL COSTS

Date	Solicitor/Clerk	Description	Units	Value
01/02/12	CJA	Draft letter to all parties.	15.00	\$637.50
01/02/12	CJA	Email to counsel.	1.00	\$42.50
02/02/12	CJA	Peruse letter from AAR.	1.00	\$42.50
02/02/12	CJA	Discussion with M Fernon.	1.00	\$42.50
02/02/12	CJA	Draft letter to AAR.	3.00	\$127.50
06/02/12	CJA	Telephone attendance on S Hopper.	2.00	\$85.00
07/02/12	CJA	Telephone attendance S Hopper.	1.00	\$42.50
07/02/12	CJA	Telephone attendance on J Joseph.	2.00	\$85.00
08/02/12	CJA	Peruse email from G Biomore.	1.00	\$42.50
08/02/12	CJA	Draft letter to other parties.	4.00	\$170,00
08/02/12	CJA	Consider and amend draft proposed minute of consent orders.	4.00	\$170.00
08/02/12	CJA	Peruse email from counsel.	1.00	\$42.50
08/02/12	CJA	Peruse email and letter from AAR,	2.00	\$85.00
08/02/12	CJA	Various emails with counsel.	4.00	\$170.00
08/02/12	MXO	Preparing proposed minutes of consent orders for extension of time to file outline submissions; reviewing & amending same.	13.00	\$422.50
09/02/12	CJA	Peruse letter from R McClymont.	2.00	\$85.00
10/02/12	CJA	Telephone call S Hopper.	2.00	\$85.00
10/02/12	CJA	Telephone call S Hopper.	2.00	\$85.00
10/02/12	CJA	Scan transcripts of apportionment proceeding; email to S Hopper.	4.00	\$170.00
10/02/12	CJA	Email to S Hopper.	1.00	\$42.50
13/02/12	CJA	Discuss list of authorities with M Ong.	3.00	\$127,50
13/02/12	MXO	Discussion with C Armstrong re draft outline submission; reviewing court of	38.00	\$1,235.00
		appeal practice notes; preparing preliminary list of authorities.		7.,
14/02/12	MXO	Telephone attendances on C Fenwick of Blake Dawson & J Sheridan of ABL following up on signed proposed minutes of consent orders; email to Court of	8.00	\$260.00
14/02/12	ELD	Appeal filing the proposed orders.	0.00	<b>#40.50</b>
14/02/12	CJA	Research Appeal Transcripts	3.00	\$40.50
14/02/12	CJA	Peruse submissions; identify queries.	12.00	\$510.00
14/02/12	CJA	Consider draft list of authorities; suggest amendments.	5.00	\$212.50
14/02/12	CJA	Telephone attendance J Joseph.	2.00	\$85.00
14/02/12	CJA	Telephone attendance S Hopper. Peruse letter from J Joseph.	2.00	\$85.00
14/02/12	CJA	Email to counsel.	1.00	\$42.50
14/02/12	CJA	Email to counsel.	2.00	\$85.00
14/02/12	CJA	Peruse email from counsel.	2.00	\$85.00
14/02/12	CJA		1.00	\$42.50
14/02/12	CJA	Peruse letter and email from C Fenwick.	1.00	\$42,50
15/02/12	CJA	Peruse email from D Briggs.	1.00	\$42.50
16/02/12	MXO	Locate outstanding references for submissions.	15.00	\$637.50
16/02/12	CJA	Reviewing & amending list of authorities; email to S Hopper for his comments.	3.00	\$97.50
16/02/12	CJA	Amend draft submissions. Email to counsel.	15.00	\$637.50
21/02/12	CJA	Emails with counsel.	1.00	\$42.50
22/02/12	CJA		2.00	\$85.00
23/02/12	MXO	Emails with counsel. Reviewing court of appeal practice notes re list of authorities as requested by	3.00 3.00	\$127.50 \$97.50
23/02/12	MXO	S Hopper.	40.00	****
23/02/12	CJA	Reviewing & amending list of authorities according to S Hopper's instructions.	10.00	\$325.00
23/02/12	CJA	Email to counsel.	2.00	\$85.00
28/02/12	MXO	Peruse email from M Ong.	2.00	\$85.00
20/02/ (2	IWAO	Reviewing & amending outline submissions forwarded by S Hopper; telephone attendance on S Hopper; filing of outline submissions & list of authorities with court of appeal registry & service of same on all parties.	20.00	\$650.00
			-	\$17,998.00
GST	_		_	\$1,799.80
Total Profe	ssional Costs		_	\$19,797.80

FFF	EARNE	R SHIB	VGAMA

	Hourly Rate	Hours	Amount
Celia Amstrong	0.00	0.50	\$0.00
Celia Armstrong	425,00	17.80	\$7.565.00
Catherine Curtain	0.00	0.80	\$0.00
Catherine Curtain	325.00	3.30	\$1,072.50
Ebony Dinsdale	135.00	0.80	\$108.00
Michael Fernon	525.00	3.20	\$1,680.00
Michelle Ong	325.00	23.30	\$7,572.50
	<del>-</del>	49.70	\$17,998.00
GST			\$1,799.80
Total Professional Fees			\$19,797.80

#### **REMITTANCE ADVICE** Bill to: MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd Garnaut Private Wealth Pty Ltd Client Name: Almonds Apportionment Appeal - SAPCI 2011 103 MJF:1100297:B07803 Matter Name: Our Ref: Invoice Date: 29 February 2012 Invoice No: B07803 Amount Due: \$22,710.08 Payable By: 14 March 2012 Please choose a payment method and return this advice to our office. 1. CHEQUE Please return this advice with your cheque payable to Clarendon Lawyers Pty Ltd for \$22,710.08 to: Clarendon Lawyers Pty Ltd GPO Box 4930 MELBOURNE VIC 3001 Please quote bill number 1100297:B07803 2. □ BANK TRANSFER Please fax this advice to 03 8681 4499 or email accounts@clarendonlawyers.com.au stating the reference number and the amount paid. Transfer Amount: \$22,710.08 Swift Code (overseas transfer only): NATAAU3303M Rank<sup>\*</sup> National Australia Bank 083170 Account Name: Clarendon Lawyers Pty Ltd Account: 856779023 Please quote reference 1100297:B07803 and fax this advice to us. 3. CREDIT CARD Please fax this advice to 03 8681 4499 or email accounts@clarendonlawyers.com.au stating the reference number and the amount paid. Card Number: Card Type (Please tick): ☐ Visa Expiry Date: ☐ MasterCard Amount Due: \$22,710.08 Please note that if this involce is paid by credit card after the due date, a 1.5% additional fee will apply as Name on Card: provided for in our Terms of Engagement.

# Your Rights in Relation to Legal Costs

The following avenues are available to you if you are not happy with this bill -

- requesting an itemised bill;
- discussing your concerns with us;
- having our costs assessed;
- making a complaint to the Legal Services Commissioner;

Please quote reference 1100297:B07803 and fax this advice to us.

applying to set aside our costs agreement.

There may be other avenues available in your State or Territory (such as mediation). Time limits apply to the avenues for resolving costs disputes. For more information about your rights, please read the fact sheet titled "Your right to challenge legal costs. You can ask us for a copy, or obtain it from the Legal Services Commissioner (or download it from their website - http://www.lsc.vic.gov.au).

If you have any concerns about our legal costs, or our legal services, please do not hesitate to speak to the director responsible for your matter. If we cannot satisfactorily resolve your concern with you, the above avenues are available.

Amount due for payment within 14 days
Please return with your payment

Signature:

ODDENI	Trom	Michael Green Pty Ltd
GREENS	2 T121	as Trustee for the Green Family Trust  ABN: 76 924 553 989  205 William Street
SLIP NUMBER:	PROCESSED DATE:	ABN: 76 924 553 989 205 William Street
472964	15-12-2011	Melbourne Victoria Australia 3000
FEES DUE TO:	ABN # : 43 873 876 570	Phone: (03) 9225 7222
MR. S. HOPPER		Fax: (03) 9225 8485
SOLICITOR:	6977500	DX: 98 E-Mail: payments@greensiist.com,au
CLARENDON LAWYERS		TAX INVOICE
G.P.O. BOX 4930 MELBOURNE 3001		REFERENCE:
MECBOOKNE SUUT		MICHAEL FERNON
NAME OF CAUSE OR MATTER: TIMBERCORP ALMONDS APPEA	NL.	
DATE	PARTICULARS	FEES
12-12-2011 AS PER ATTACHED MEMOR		2,062.50
	Approve	
	Ledger/t	
	Signed*. Date:	201011
	Date	
in the absence of an arrangement to the conti	rary the fees are pavable within 30 da	avs of this account
Interest is payable on this bill under the Legal Pro	ofession Act 2004 as amended, either:	101AL. \$2,002.00
<ol> <li>Under S 3.4.21(1) if this bill is unpaid 30 days The rate of interest payable is 6.25%.</li> </ol>	or more after being given to the recipie	ent.
2. or under S3.4.21(2) in accordance with a cost		
THE TOTAL AN	OUNT IS INCLUSIVE OF 10,00% GS	T, \$187.50
Legal Profession Act 2004 [as amended] - Notifi	cation of your rights	
The following avenues are open to you in the event  1. You may seek a costs review under Divis	of a dispute in relation to legal costs:	For and on behalf of:
Such application must be made to the Co	osts Court Registrar within 12 months a	
	est for payment was made, or	Legal Profession Act/2004
(b) The costs were paid it hermer	a bill was given nor a request was mad	per;
2. If this bill is subject to a costs agreement	you may apply to VCAT to have that a	greement set aside under Section 3.4.32 of the Act.
You may make a complaint under Chapter 4 of the	Act - "Complaints and Discipline" - to the	he Legal Services Commissioner, Such a complaint ested, within 30 days after the itemised bill is provided.
Professional Standards Act 2003 [Vic] - "Liability		
REMITTANCE ADVICE	(PLEASE DETACH HERE AND RETURN WITH RENETTA	
SLIP NUMBER:	☐ MASTERCARD ☐ VISA	1110000000, 10-12-2011
472964 CARD NUMBER		
TOTAL: NAME ON CARD		
\$ 2,062.50 EXPIRY DATE	: SIGNED	
SEND TO: MICHAEL CREEN BYVITD	SOLICITOR:	6977500
MICHAEL GREEN PTY LTD 205 WILLIAM STREET		ENDON LAWYERS
MELBOURNE, VICTORIA	DUE TO:	3783
AUSTRALIA 3000		HOPPER )
PAYING BY CHECKE WAKE CHECKE PAYARIE TO WICHAEL		

PAYING BY CHEQUE, WAKE CHEQUE PAYABLE TO "MICHAEL GREEN PTY LTD"
PAYING BY CREDIT CARD, COMPLETE THE DETAILS AND POST, FAX OR PHONE
PAYING BY EFT DEPOSIT, COMMONWEALTH BANK - BSB: 083 029 A/C: 1010 8402 - FAX OR EMAIL HOTIFICATION
IF RECEIPT REQUIRED, RETURN THIS PAGE INTACT WITH PAYMENT

Barister Managemeni Ascernta y7.6.1.128
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 www.e-commerce.nel.au Info@e-commerce.nel.au

# Memorandum of fees - Sam Hopper

To

Michael Fernon

Clarendon Lawyers

From

Sam Hopper

Tel: 9225 6857

Barrister

Fax: 9225 8485

Date

12 December 2011

Subject

In the matter of Timbercorp Almonds Appeal

Set out in the table below are my fees accrued to date in the above matter. My clerk will forward to you with this memorandum a tax invoice for the outstanding amount.

Fees are incurred at the rate of \$375 per hour (including GST) and \$3,000 per day (including GST).

Date	Narration	Total
29 November 2011	Summary for Court of Appeal (2 ¾ hours)	\$1,031.25
30 November 2011	Settling Court of Appeal summary (1 1/4 hour)	\$468.75
9 December 2011	Considering agreed summary of facts (1 hour)	\$375.00
12 December 2011	Considering summary of facts (½ hour)	\$187.50
	Total fees (inc GST):	\$2,062.50

# **TAX INVOICE**

INVOICE NUMBER: PROCESSED DATE: 1NVGTB8 29/02/2012

FEES DUE TO: ABN: 50805058921
Mr Garry Bigmore QC

OUR REF: 128

YOUR REF: Michael Fernon

Mr Michael Fernon Clarendon Lawyers Level 17, North Rialto Tower 525 Collin Street Melbourne, Victoria, 3000



Young's List Pty Ltd ABN 58 153 974 184 Joan Rosanove Chambers Level1, 550 Lonsdale Street Melbourne Victoria 3000

GPO BOX 4770 MELBOURNE VICTORIA 3001 DX 86 Melbourne VIC

T: 03 9225 6777 F: 03 9225 6355 E: tammy@youngslist.com.au www.youngslist.com.au



NAME OF CAUSE/MATTER

Timbercorp (Almonds Appeal)

-Dates :	PARTICULARS			GS 63	ে; জ্যো
13/02/2012	Settling submissions to VSCA		\$700.00	10%	\$70.00
of this tax invoice be	agreement to the contrary, this tax invoice is payable within 30 days ing given. Interest under s.3.4.21 of the Legal Profession Act 2004	Total Fees	\$700.00		
	npaid legal costs and is payable if the costs are not paid; ax invoice is given and at the Casis Rate Target as set by the Reserve	Total GST	\$70.00		
Bank of Australia, as points; or	active date of issue of this tax Invoice, increased by 2 percentage  - tax of the date of issue of this tax invoice, increased by 2 percentage	Total Due	\$7770£30		٠.
ii. In accordance with	a costs agreement at the rate specified in the costs agreement.				

Notification of Rights under \$3.4.35 of the Legal Profession Act 2004 - Your rights in relation to legal costs:

- Requesting an itemised bill;
- 4. making a complaint to the Legal Services Commissioner;
- 2. discussing your concerns with us;
- 5. applying to set aside our costs agreement.
- having our costs assessed;

These may be other avenues available in your State or Territory (such as mediation). Time limits apply to the avenues for resolving costs disputes. For more information about your rights, please read the fact sheet titled 'Your right to challenge legal costs'. You can ask us for a copy, or obtain it from the Legal Services Commissioner (or download it from their website).

For and on behalf of: Tamara L Young Legal Profession Act 2004 Per:

Approved By:	M	JF	**************************************	· · · · ·
Ledger/Matter:	1	$\overline{\mathcal{Q}}$	297	
S:				
Signeov_/_				
Signed Date:	21	2	12	

From 01/07/2008, liability limited by a scheme approved under Professional Standards legislation

PROCESSED

20/02/2012

#### **REMITTANCE ADVICE**

PLEASE MAKE CHEQUE PAYABLE TO "Young's List Pty Ltd"

SOLICITORS NAME: Clarendon Lawyers

FEES DUE TO: Mr Garry Bigmore QC

SEND TO: Young's List Pty Ltd

GPO BOX 4770

MELBOURNE VICTORIA 3002

DIRECT DEPOSIT

Account Name: Young's List Pty Ltd

Account Number: 12-451-4492

Description/ Reference: 128 - inv no: INVGTB8

O Verdict Practice Management Software - Bar Squared Pty Ltd

INVOICE NUMBER: INVGTB8

REFERENCE 128

TOTAL: \$770.00

(PLEASE DETACH HERE AND RETURN WITH REMITTANCE)

PLEASE EMAIL REMITTANCE ADVICETO: tammy@youngsilst.com.au — CASE REF: 128, INVOICE NO: INVGT88, BARRISTER: Mr Garry Bigmore QC 30 March 2012

STRICTLY PRIVATE & CONFIDENTIAL TO BE OPENED BY ADDRESSEE ONLY

our ref: invoice no: your ref: MJF:CL:1100297

B08021

Eli Goldfinger MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

Dear Eli

## Almonds Apportionment Appeal - SAPCI 2011 103

We **enclose** a memorandum of our professional costs in respect of this matter for the period to 25 March 2012, details of which are set out in the attached schedule.

If you have any queries, please contact us.

Yours faithfully

Michael Fernon Director Clarendon Lawyers Pty Ltd

Tel: 03 8681 4419

E-mail: michael.fernon@clarendonlawyers.com.au

Encl.

MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

date: our ref: involce no: contact:

30 March 2012 MJF:CL:1100297 B08021

Michael Fernon

your ref:

ABN

**TAX INVOICE** 15 774 771 940

Almonds	Apportionment Appeal - SAPCI 2011 10	)3
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#### **PROFESSIONAL COSTS**

To our professional costs as per the attached schedule:

**GST** 

Professional Costs subject to GST

\$658.50

\$6,585.00

# **DISBURSEMENTS**

(\*\* indicates a disbursement paid as your agent)

**GST** 

\$336.36

\$3,363.64

Michael Green Pty Ltd - Barristers fees - S Hopper - Fee slip 476472 -190312

Subtotal

\$9,948.64

**GST @ 10%** 

\$994.86

**Invoice Total** 

\$10,943.50

# Amount due for payment within 14 days

We reserve the right to charge interest under the Penalty Interest Rates Act 1983 if this account is not paid in accordance with our terms

MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

date: our ref: invoice no: contact:

30 March 2012 MJF:CL:1100297 B08021 Michael Fernon

your ref:

ABN

TAX INVOICE 15 774 771 940

SCHEDUL	E OF PROFESS	ONAL COSTS		
Date	Solicitor/Clerk	Description	Units	Value
28/02/12	CJA	Telephone attendance on S Hopper re submissions.	2.00	\$85.00
28/02/12	CJA	Peruse email from S Hopper; discuss with M Ong.	2.00	\$85.00
28/02/12	CJA	Peruse email from S Hopper.	1.00	\$42.50
28/02/12	CJA	Search transcripts; email to S Hopper.	4.00	\$170.0
28/02/12	CJA	Settle letter to Registrar.	2.00	\$85.0
28/02/12	CJA	Internal meeting with C Curtain and M Ong.	3.00	\$127.5
14/03/12	CJA	Peruse email from J Joseph; consider submissions.	7.00	\$297.5
14/03/12	CJA	Email to clients.	2.00	\$85.0
14/03/12	CJA	Email to counsel.	2.00	\$85.0
14/03/12	MXO	Perusing respondents' outline submission and list of authorities.	12.00	\$390.00
19/03/12	CJA	Peruse email from S Hopper; search for and collate requested information; email to S Hopper.	14.00	\$595.0
20/03/12	MXO	Reviewing submissions in reply prepared by G Bigmore & S Hopper; preparing covering letter for filing of submission with court of appeal; perusing practice notes for preparing note on proposed content of appeal book & proposed directions for preparing appeal book; reviewing & amending proposed index to appeal book.	53.00	\$1,722.5
20/03/12	CJA	Peruse email from S Hopper; consider and search transcripts; email to S Hopper.	2.00	\$85.0
20/03/12	CJA	Various discussions and emails with S Hopper re preparing and settling reply submissions.	8.00	\$340.0
20/03/12	CJA	Settle and sign letter.	1.00	\$42.5
21/03/12	MXO	Reviewing documents & preparing proposed orders for directions on preparing appeal book; reviewing & amending proposed index to appeal book.	25.00	\$812.5
22/03/12	CJA	Various emails and discussions regarding the appeal book index.	5.00	\$212.5
23/03/12	CJA	Review and discuss draft correspondence to other parties; various discussions with M Ong and S Hopper.	10.00	\$425.0
23/03/12	CJA	Attending to correspondence with other parties re communication to court.	2.00	\$85.0
23/03/12	МХО	Preparing draft letter to solicitors for respondents seeking extension of time to file revised agreed note of proposed content to appeal book; revising & amending It telephone attendances on B Rechter of AAR, C Fenwick of Ashurst & D Briggs of ABL to follow up on same.	25.00	\$812.5
				\$6,585.0
GST				\$658.59
Total Prof	essional Costs		_	\$7,243.5
FFF FARM	VER SUMMARY			
		Hourly Rate	Hours	Amour
Celia Arms	•	425.00	6.70	\$2,847.5
Vichelle O	ng	325.00	11.50	\$3,737.5
		_	18.20	\$6,585.0
GST				\$658.5
	essional Fees			
ı otal FiQI	coolulial FEES			\$7,243.5

#### **REMITTANCE ADVICE** Bill to: MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd Garnaut Private Wealth Pty Ltd Client Name: Almonds Apportionment Appeal - SAPCI 2011 103 Matter Name: Our Ref: MJF:1100297:B08021 Invoice Date: 30 March 2012 Invoice No: B08021 Amount Due: \$10,943.50 Payable By: 13 April 2012 Please choose a payment method and return this advice to our office. 1. CHEQUE Please return this advice with your cheque payable to Clarendon Lawyers Pty Ltd for \$10,943.50 to: Clarendon Lawyers Pty Ltd **GPO Box 4930** MELBOURNE VIC 3001 Please quote bill number 1100297:B08021 2. BANK TRANSFER Please fax this advice to 03 8681 4499 or email accounts@clarendonlawyers.com.au stating the reference number and the amount paid, Transfer Amount: \$10,943.50 Swift Code (overseas transfer only): NATAAU3303M Bank: National Australia Bank BSB: 083170 Account Name: Clarendon Lawyers Pty Ltd Account: 856779023 Please quote reference 1100297:B08021 and fax this advice to us. 3. CREDIT CARD Please fax this advice to 03 8681 4499 or email accounts@clarendonlawyers.com.au stating the reference number and the amount paid. Card Number: Card Type (Please tick): ☐ Visa Expiry Date: ☐ MasterCard Amount Due: \$10,943.50 Please note that if this invoice is paid by credit card after the due date, a 1.5% additional fee will apply as provided for in our Terms of Name on Card:

#### Your Rights in Relation to Legal Costs

The following avenues are available to you if you are not happy with this bill -

- requesting an itemised bill;
- discussing your concerns with us;
- having our costs assessed;
- making a complaint to the Legal Services Commissioner;

Please quote reference 1100297:B08021 and fax this advice to us.

applying to set aside our costs agreement.

There may be other avenues available in your State or Territory (such as mediation). Time limits apply to the avenues for resolving costs disputes. For more information about your rights, please read the fact sheet titled "Your right to challenge legal costs. You can ask us for a copy, or obtain it from the Legal Services Commissioner (or download it from their website - http://www.lsc.vic.gov.au).

Engagement.

If you have any concerns about our legal costs, or our legal services, please do not hesitate to speak to the director responsible for your matter. If we cannot satisfactorily resolve your concern with you, the above avenues are available.

Amount due for payment within 14 days
Please return with your payment

GAR001\_1100297\_135

Signature:

GREENS SLIP NUMBER: 476472	19-03-2012	Michael Green Pty Ltd as Trustee for the Green Family Trust ABN: 76 924 553 989 205 William Street Melbourne Victoria Australia 3000
FEES DUE TO: MR. S. HOPPER	ABN #: 43 873 876 570	Phone: (03) 9225 7222 Fax: (03) 9225 8485 DX: 98
SOLICITOR:	8977500	E-Mail: payments@greenslist.com.au
CLARENDON LAWYERS G.P.O. BOX 4930 MELBOURNE 3001		TAX INVOICE REFERENCE: MICHAEL FERNON
NAME OF CAUSE OR MATTER; TIMBERCORP ALMONDS APPEAL	-	
DATE  15-03-2012 AS PER ATTACHED MEMOR	ANDUM OF FEES  Approved By: Ledger/Matter: Signed: Date:	3,700.00 21312
In the absence of an arrangement to the contra Interest is payable on this bill under the Legal Prof 1. Under S 3.4.21(1) if this bill is unpaid 30 days of The rate of interest payable is 6.25%. 2. or under S3.4.21(2) in accordance with a costs THE TOTAL AM Legal Profession Act 2004 [as amended] - Notific	fession Act 2004 as amended, either; or more after being given to the recipient.  agreement,  OUNT IS INCLUSIVE OF 10,00% GST, \$3	101AL: \$ 3,700.00
The following avenues are open to you in the event of  1. You may seek a costs review under Divisi  Such application must be made to the Co.  (a) The bill was given or the reque	of a dispute in relation to legal costs: ion 7 of Part 3.4 of the Act. sts Court Registrar within 12 months after	For and on behalf of: Michael Green - Approved Clerk Legal Profession Act 2004 Per:
2. If this bill is subject to a costs agreement You may make a complaint under Chapter 4 of the A must be made within 60 days after the legal costs are Professional Standards Act 2003 [Vic] - "Liability	ct - "Complaints and Discipline" - to the Le e payable or, if an itemised bill is requested	d, within 30 days after the itemised bill is provided.
REMITTANCE ADVICE	(PLEASE DETACH HERE AND RETURN WITH REALTTANCE)	
SLIP NUMBER: 476472 CARD NUMBER:	MASTERCARD VISA	
TOTAL: NAME ON CARD: EXPIRY DATE:		
SEND TO: MICHAEL GREEN PTY LTD 205 WILLIAM STREET MELBOURNE, VICTORIA	SOLICITOR: CLARENDO	6977500 ON LAWYERS
AUSTRALIA 3000	MR. S. HOI	· · · · · · · · · · · · · · · · · · ·

PAYING BY CHEQUE, MAXE CHEQUE PAYABLE TO 'MICHAEL GREEN PTY LTD'
PAYING BY CREDIT CARD, COMPLETE THE DETAILS AND POST, FAX OR PHONE
PAYING BY EFT DEPOST, COMMONWEALTH BANK - BSB 063 009 AC: 1010 8402 - FAX OR EMAIL NOTIFICATION
IF RECEIPT REQUIRED, RETURN THIS PAGE INTACT WITH PAYMENT

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# Memorandum of fees - Sam Hopper

To

Michael Fernon

Clarendon Lawyers

From

Sam Hopper

Tel: 9225 6857

Barrister

Fax: 9225 8485

Date

15 March 2012

Subject

In the matter of Timbercorp Almonds Appeal

Set out in the table below are my fees accrued to date in the above matter. My clerk will forward to you with this memorandum a tax invoice for the outstanding amount.

Fees are incurred at the rate of \$400 per hour (including GST) and \$3,200 per day (including GST).

Date	Narration	Total
10 February 2012	Appeal submissions (2 ½ hours)	
		\$1,000.00
13 February 2012	Amending submissions; teleconference with Garry Bigmore QC (¼ hour)	
		\$300.00
14 February 2012	Submissions (3 hours)	
		\$1,200.00
22 February 2012	Considering submissions and email to Celia Armstrong (¾ hour)	
		\$300.00
28 February 2012	Appeal submissions (1 1/4 hours)	
		\$500.00
	Total fees (inc GST):	\$3,700.00

30 April 2012

# STRICTLY PRIVATE & CONFIDENTIAL TO BE OPENED BY ADDRESSEE ONLY

our ref: involce no: MJF:CL:1100297

: B08200

your ref:

Eli Goldfinger MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

Dear Eli

# Almonds Apportionment Appeal - SAPCI 2011 103

We **enclose** a memorandum of our professional costs in respect of this matter for the period to 27 April 2012, details of which are set out in the attached schedule.

If you have any queries, please contact us.

Yours faithfully

Michael Fernon Director Clarendon Lawyers Pty Ltd

Tel: 03 8681 4419

E-mail: michael.fernon@clarendonlawyers.com.au

Encl.

MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

date: our ref: invoice no: contact:

30 April 2012 MJF:CL:1100297 B08200 Michael Fernon

your ref:

ABN

TAX INVOICE 15 774 771 940

Almonds Apportionment Appeal - SAPCI 2011 103		
PROFESSIONAL COSTS		
To our professional costs as per the attached schedule:		
·	GST	
Professional Costs subject to GST	\$1,086.45	\$10,864.50
DISBURSEMENTS		
(** indicates a disbursement paid as your agent)		
	GST	
Optus Billing Services Pty Ltd - Teleconference Charges - 13.02.12 - 12.03.12	\$3.75	\$37.45
Young's List Pty Ltd - Barristers fees - G Bigmore QC - Fee slip INVGTB28 - 040412	\$70.00	\$700.00
Michael Green Pty Ltd - Barristers fees - S Hopper - Fee slip 477389 - 030412	\$372.73	\$3,727.27
Michael Green Pty Ltd - Barristers fees - S Hopper - Fee slip 477849 - 170412	\$54.55	\$545.45
Subtotal		\$15,874.67
GST @ 10%		\$1,587.48
Invoice Total		\$17,462.15

# Amount due for payment within 14 days

We reserve the right to charge interest under the Penalty Interest Rates Act 1983 if this account is not paid in accordance with our terms

MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

date: our ref: invoice no: contact: your ref:

30 April 2012 MJF:CL:1100297 B08200 Michael Fernon

TAX INVOICE 15 774 771 940 ABN

Almonds Apportionment Appeal - SAPCI 2011 103

Date	Solicitor/Clerk	Description	Units	Value
26/03/12	MXO	Telephone attendances on Ashurst, ABL and AAR re request for extension of time to comply with orders of the Court of Appeal; preparing proposed minutes of consent orders; forwarding to respective parties for execution; following up	6.00	\$195.00
26/03/12	CJA	for return of executed copies. Email to counsel.	1.00	£40 F0
26/03/12	CJA	Various internal discussions with M Ong re correspondence with other parties and consent orders.	3.00	\$42.50 \$127.50
27/03/12	MXO	Reviewing and forwarding proposed minute of consent orders to Court of Appeal registry.	2.00	\$65.00
29/03/12	CJA	Telephone attendance on S Hopper.	2.00	\$85.00
03/04/12	CJA	Peruse email and letter from Ashurst.	2.00	\$85.00
05/04/12	CJA	Various emails.	2.00	\$85.00
05/04/12	CJA	Prepare amended appeal book index.	10,00	\$425.00
10/04/12	CJA	Reviewing submissions and preparing revised proposed appeal book index.	12.00	\$510.00
10/04/12	CJA	Drafting proposed further directions.	7.00	\$297,50
10/04/12	CJA	Email to S Hopper.		
11/04/12	CJA	Email to all parties,	2.00 3.00	\$85.00
11/04/12	CJA	Various telephone attendances on S Hopper; finalising draft proposed further directions.	8.00	\$127.50 \$340.00
11/04/12	CJA	Telephone attendance on B Rechter.	2.00	\$85.00
12/04/12	CJA	Email to B Rechter,	2.00	\$85.00
16/04/12	CJA	Telephone attendance on C Garnaut.	2.00	
16/04/12	CJA	Telephone attendance on J Joseph.		\$85.00
16/04/12	CJA	Telephone attendance on S Hopper.	2.00	\$85.00
16/04/12	CJA	Peruse email from J Joseph; consider enclosures.	2.00	\$85.00
16/04/12	CJA	Email to counsel.	4.00	\$170.00
16/04/12	CJA	Telephone attendance on B Rechter.	2.00	\$85.00
16/04/12	CJA	Telephone attendance on M Grose.	2.00	\$85.00
16/04/12	CJA	Preparing to file.	2.00	\$85.00
16/04/12	CJA	Preparing to me.	4.00	\$170.00
16/04/12	CJA		3.00	\$127.50
16/04/12	CJA	Telephone attendance on S Hopper.	2.00	\$85.00
16/04/12	CJA	Telephone attendance on S Hopper.	2.00	\$85.00
17/04/12	EAO	Email to all parties.	2.00	\$85.00
17/04/12	CJA	Updating Court Folder.	7.00	\$94.50
17/04/12	CJA	Internal meeting with M Fernon.	2.00	\$85.00
17/04/12	CJA	Peruse email from S Hopper.	1.00	\$42.50
17/04/12	CJA	Email to AAR.	2.00	\$85.00
17/04/12	CJA	Attend to filing proposed index to appeal book.	4.00	\$170.00
17/04/12		Attend to service of proposed index to appeal book.	2.00	\$85.00
	CJA	Telephone attendance on C Fenwick.	2.00	\$85.00
17/04/12	CJA	Email to C Fenwick.	1.00	\$42.50
17/04/12	CJA	Telephone attendance on J Joseph (x2)	3.00	\$127.50
17/04/12	CJA	Telephone attendance on S Hopper.	1.00	\$42.50
17/04/12	CJA	Telephone attendance on C Garnaut.	4.00	\$170.00
18/04/12	EAO	Updating court documents.	3.00	\$40.50
18/04/12	CJA	Peruse email from G Bigmore; email to G Bigmore.	4.00	\$170.00
18/04/12	EAO	Preparing plan for preparing Appeal Book.	36.00	\$486.00
19/04/12	CJA	Letter and email to Ashurst.	5.00	\$212.50
19/04/12	CJA	Telephone attendance on C Fenwick; email to C Garnaut.	3.00	\$127.50
20/04/12	CJA	Consider preparation of appeal book; discuss with E Orum.	4.00	\$170.00
20/04/12	CJA	Peruse email from C Garnaut.	1.00	\$42,50
20/04/12	CJA	Email to C Gamaut.	1.00	\$42.50

# SCHEDULE OF PROFESSIONAL COSTS

20/04/12	Date	Solicitor/Clerk	Description	Units	Value
23/04/12   CJA   Discuss with M Fernon; arrange meeting with CWF.   2.00   \$85.00   23/04/12   CJA   Supervising E Orum.   3.00   \$127.50   23/04/12   CJA   Discussion with C Finlayson; email to C Fenwick.   3.00   \$127.50   23/04/12   CJA   Discussion with C Finlayson; email to C Fenwick.   3.00   \$127.50   23/04/12   CJA   Preparing Appeal Book.   1.00   \$42.50   24/04/12   CJA   Supervise E Orum.   3.00   \$127.50   24/04/12   CJA   Supervise E Orum.   3.00   \$127.50   24/04/12   CJA   Supervise E Orum.   3.00   \$127.50   24/04/12   CJA   Supervise E Orum.   54.00   \$729.00   24/04/12   CJA   Email to T Schubert.   5.00   \$212.50   25/04/12   CJA   Supervise E Orum; review checklist.   5.00   \$212.50   25/04/12   CJA   Supervise E Orum; review checklist.   5.00   \$212.50   25/04/12   CJA   Supervise E Orum; review checklist.   5.00   \$255.00   47/04/12   CJA   Various emails with E Orum; consider attachment; discuss with E Orum;   6.00   \$255.00   6.00   5255.00   6.00   6.00   5255.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.00   6.0	20/04/12	EAO	Preparing Appeal Book.	22.00	\$297.00
23/04/12   CJA   Supervising E Orum.   6.00   \$255.00   23/04/12   CJA   Discussion with C Finlayson; email to C Fenwick.   3.00   \$127.50   23/04/12   EAO   Preparing Appeal Book.   56.00   \$756.00   \$756.00   \$24/04/12   CJA   Telephone attendance on C Fenwick.   1.00   \$42.50   24/04/12   CJA   Supervise E Orum.   3.00   \$127.50   24/04/12   CJA   Supervise E Orum.   3.00   \$127.50   24/04/12   CJA   Supervise E Orum.   3.00   \$127.50   24/04/12   CJA   Supervise E Orum.   54.00   \$729.00   24/04/12   CJA   Email to T Schubert.   5.00   \$729.00   24/04/12   CJA   Supervise E Orum; review checklist.   5.00   \$212.50   26/04/12   CJA   Supervise E Orum; review checklist.   5.00   \$769.50   27/04/12   CJA   Supervise E Orum; review checklist.   5.00   \$769.50   27/04/12   CJA   Various emails with E Orum; consider attachment; discuss with E Orum;   6.00   \$255.00   drafting cover note.   72.00   \$972.00   47/04/12   EAO   Preparing Appeal Book- creating document cover sheets.   72.00   \$972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   7972.00   797		CJA			
23/04/12   EAO   Preparing Appeal Book.   \$56.00   \$758.00   \$24/04/12   CJA   Supervise E Orum.   3.00   \$127.50   \$24/04/12   CJA   Supervise E Orum.   3.00   \$127.50   \$24/04/12   EAO   Preparing Appeal Book.   54.00   \$729.00   \$24/04/12   CJA   Email to T Schubert.   1.00   \$42.50   \$26/04/12   CJA   Email to T Schubert.   5.00   \$212.50   \$26/04/12   CJA   Supervise E Orum; review checklist.   5.00   \$212.50   \$26/04/12   EAO   Preparing Appeal Book.   57.00   \$769.50   \$769.50   \$27/04/12   CJA   Various emails with E Orum; consider attachment; discuss with E Orum;   8.00   \$255.00   \$769.50   \$27/04/12   EAO   Preparing Appeal Book- creating document cover sheets.   72.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$97			Supervising E Orum.		
24/04/12   CJA   Telephone attendance on C Ferwick.   1,00   \$42,50     24/04/12   CJA   Supervise E Orum.   3,00   \$127,50     24/04/12   EAO   Preparing Appeal Book.   54,00   \$729,00     24/04/12   CJA   Email to T Schubert.   1,00   \$42,50     26/04/12   CJA   Supervise E Orum; review checklist.   5,00   \$212,50     26/04/12   EAO   Preparing Appeal Book.   57,00   \$769,50     27/04/12   EAO   Preparing Appeal Book.   57,00   \$769,50     27/04/12   EAO   Preparing Appeal Book- creating document cover sheets.   72,00   \$972,00     27/04/12   EAO   Preparing Appeal Book- creating document cover sheets.   72,00   \$972,00     27/04/12   EAO   Preparing Appeal Book- creating document cover sheets.   72,00   \$972,00     27/04/12   EAO   Preparing Appeal Book- creating document cover sheets.   72,00   \$972,00     27/04/12   EAO   Preparing Appeal Book- creating document cover sheets.   72,00   \$972,00     27/04/12   EAO   Preparing Appeal Book- creating document cover sheets.   72,00   \$972,00     27/04/12   EAO   Preparing Appeal Book- creating document cover sheets.   72,00   \$972,00     27/04/12   EAO   Preparing Appeal Book- creating document cover sheets.   72,00   \$972,00     31/0864.50   \$11,950.95     28/08/08/09/09/09/09/09/09/09/09/09/09/09/09/09/				3.00	\$127.50
24/04/12   CJA   Supervise E Orum.   3.00   \$127.50				56.00	\$756.00
24/04/12   EAO				1.00	\$42.50
24/04/12   CJA   Email to T Schubert.   1.00   \$42.50					\$127.50
26/04/12   CJA   Supervise E Orum; review checklist.   5.00   \$212.50					
26/04/12   EAO   Preparing Appeal Book.   57.00   \$769.50   27/04/12   CJA   Various emails with E Orum; consider attachment; discuss with E Orum;   6.00   \$255.00   drafting cover note.   72.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00   \$972.00			· · · · · · · · · · · · · · · · · · ·		
27/04/12   CJA   Various emails with E Orum; consider attachment; discuss with E Orum;   6.00   \$255.00					
27/04/12   EAO   Preparing Appeal Book- creating document cover sheets.   72.00   \$972.00			Preparing Appeal Book.		
\$10,864.50   \$10,864.50   \$10,864.50   \$10,864.50   \$10,864.50   \$10,950.95   \$10,950.95   \$10,950.95   \$10,950.95   \$10,950.95   \$10,950.95   \$10,950.95   \$10,950.95   \$10,950.95   \$10,950.95   \$10,950.95   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10,950.45   \$10			drafting cover note.	6.00	\$255.00
\$1,086.45           Total Professional Costs         \$1,950.95           FEE EARNER SUMMARY           Hourly Rate         Hours         Amount           Celia Armstrong         425.00         15.20         \$6,460.00           Edward Orum         135.00         30.70         \$4,144.50           Michelle Ong         325.00         0.80         \$260.00           GST         \$1,086.45         \$1,086.45	27/04/12	EAO	Preparing Appeal Book- creating document cover sheets.	72.00	\$972.00
Total Professional Costs \$11,950.95  FEE EARNER SUMMARY  Hourly Rate Hours Amount  Celia Armstrong 425.00 15.20 \$6,460.00 Edward Orum 135.00 30.70 \$4,144.50 Michelle Ong 325.00 0.80 \$260.00 GST 46.70 \$10,864.50 \$1,086.45					\$10,864.50
FEE EARNER SUMMARY    Hourly Rate   Hours   Amount					\$1,086.45
Celia Armstrong         425.00         15.20         \$6,460.00           Edward Orum         135.00         30.70         \$4,144.50           Michelle Ong         325.00         0.80         \$260.00           GST         \$1,0864.50         \$1,086.45	Total Profe	essional Costs			\$11,950.95
Edward Orum 135.00 30.70 \$4,144.50 Michelle Ong 325.00 0.80 \$260.00 GST \$1,086.45	FEE EARN	ER SUMMARY	Hourly Rate	Hours	Amount
Edward Orum     135.00     30.70     \$4,144.50       Michelle Ong     325.00     0.80     \$260.00       GST     46.70     \$10,864.50       \$1,086.45     \$1,086.45	Celia Arms	trong	425.00	15.20	\$6,460.00
Michelle Ong         325.00         0.80         \$260.00           46.70         \$10,864.50           GST         \$1,086.45	Edward Ord	um	1-11-1		
GST \$1,086.450 \$1,086.45	Michelle Or	าด	<del></del>		• •• • • • • • • • • • • • • • • • • • •
\$1,086.45		·3	325.00		
\$1,000.49	CST			46.70	
Total Professional Fees \$11,950.95				_	
	I Otal Profe	essional Fees		thom	\$11,950.95

#### MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd Garnaut Private Wealth Pty Ltd Bill to: Client Name: Matter Name: Almonds Apportionment Appeal - SAPCI 2011 103 Our Ref: CJA:1100297:B08200 Invoice Date: 30 April 2012 Invoice No: B08200 Amount Due: \$17,462.15 Payable By: 14 May 2012 Please choose a payment method and return this advice to our office. 1. CHEQUE Please return this advice with your cheque payable to Clarendon Lawyers Pty Ltd for \$17,462.15 to: Clarendon Lawyers Pty Ltd **GPO Box 4930** MELBOURNE VIC 3001 Please quote bill number 1100297:B08200 2. BANK TRANSFER Please fax this advice to 03 8681 4499 or email accounts@clarendonlawvers.com.au stating the reference number and the amount paid. Transfer Amount: \$17,462,15 Swift Code (overseas transfer only): NATAAU3303M Bank: National Australia Bank BSB: 083170 Account Name: Clarendon Lawyers Pty Ltd 856779023 Account: Please quote reference 1100297:B08200 and fax this advice to us. 3. CREDIT CARD Please fax this advice to 03 8681 4499 or email accounts@clarendonlawyers.com.au stating the reference number and the amount paid. Card Number: Card Type (Please tick): Visa Expiry Date: MasterCard **Amount Due:** \$17,462,15 Please note that if this invoice is paid by credit card after the due date, a 1.5% additional fee will apply as Name on Card: provided for in our Terms of Engagement.

# Your Rights in Relation to Legal Costs

The following avenues are available to you if you are not happy with this bill -

requesting an itemised bill;

**REMITTANCE ADVICE** 

- discussing your concerns with us;
- having our costs assessed;
- making a complaint to the Legal Services Commissioner;

Please quote reference 1100297:B08200 and fax this advice to us.

applying to set aside our costs agreement.

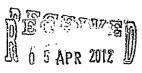
There may be other avenues available in your State or Territory (such as mediation). Time limits apply to the avenues for resolving costs disputes. For more information about your rights, please read the fact sheet titled "Your right to challenge legal costs. You can ask us for a copy, or obtain it from the Legal Services Commissioner (or download it from their website - http://www.lsc.vic.gov.au).

If you have any concerns about our legal costs, or our legal services, please do not hesitate to speak to the director responsible for your matter. If we cannot satisfactorily resolve your concern with you, the above avenues are available.

Amount due for payment within 14 days Please return with your payment

GAR001\_1100297\_177

Signature:



BA: .....



Mr Michael Fernon Clarendon Lawvers Level 17, Rialto North Tower 525 Collins Street Melbourne Victoria 3000

# TAX INVOICE

#### Fee due to Mr Garry Bigmore QC

ABN: 50805058321

Invoice Number: INVGTB28 Processed Date: 04/04/2012 Your Reference: Michael Fernon

Our Reference: 128

# Timbercorp (Almonds Appeal)

Date	PARTICUCAS 24		TO THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF THE STATE OF TH	GSTX.	GT.
20/03/2012	Settling reply submissions. (Hours Worked: 1h 0m)		\$700.00	10%	\$70.00
	igreement to the contrary, this tax invoice is payable within 30 days of given. Interest under s.3.4.21 of the Legal Profession Act 2004 may be	Total Fees	\$700.00		
charged on unpaid leg	gal costs and is payable if the costs are not paid: x invoice is given and at the Cash Bate Target as set by the Reserve Bank	Total GST	\$7.0.00		
of Australia, as at the	acts of issue of this tax invoice, increased by 2 percentage points; or a costs agreement at the rate specified in the costs agreement.	Total Due	\$77.0.00		

Notification of Rights under s.3.4.35 of the Legal Profession Act 2004 - Your rights in relation to legal costs:

- 1. Requesting an Itemised bill;
- 4. making a complaint to the Legal Services Commissioner;
- 2. discussing your concerns with us;
- 5. applying to set aside our costs agreement. 3. having our costs assessed:

There may be other avenues available in your State or Territory (such as mediation). Time limits apply to the avenues for resolving costs disputes. For more information about your rights, please read the fact sheet titled "Your right to challenge legal costs'. You can ask us for a copy, or obtain it from the Legal Services Commissioner (or download it from their website).

For and on behalf of: Tamara L Young Legal Professio

Approved By: Ledger/Matter

From 01/07/2008, liability limited by a scheme approved under Professional Standards legislation

Signed' Date:

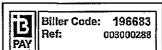
## **PAYMENT OPTIONS**

**BPAY** 

Please pay via BPAY (information to the right).

Please make cheque payable to "Young's List Pty Ltd" for the sum of .

\* Note: Credit card payments incur a 1.20% surcharge. If paying by credit card, the total payable for this invoice is \$779.24



Telephone & Internet Banking — BRAY Contact your bank or financial institution to make this payment from your cheque, savings, debit, credit card or transaction account. More info: www.bpay.com.au

PLEASE EMAIL REMITTANCE ADVICE TO: tammy@youngsfist.com.au = CASE REF; 128, INVOICE NO: INVGT028, BARRISTER: Mr Garry Bigmore QC

Joan Rosanove Chambers | Level 1, 550 Lonsdale Street, melbourne victoria 3000 Telephone O3 9225 6777 Facsimile O3 9225 6355 | ABN 58153 974 184 | youngslist.com.au

GREENS  SLIP NUMBER: 477389  FEES DUE TO: MR. S. HOPPER	PROCESSED DATE: 03-04-2012  ABN #: 43 873 876 570	BY:	el Green Pfy Ltd Trustee for the en Family Trust 76 924 553 989 5 William Street bourne Victoria Australia 3000 7 (03) 9225 7222 8 (03) 9225 8485
SOLICITOR;	6977500	E-Mail: payments@gr	DX: 98
CLARENDON LAWYERS		TAX INV	DICE
G.P.O. BOX 4930 MELBOURNE 3001		REFERENCE:	L FERNON
NAME OF CAUSE OR MATTER: TIMBERCORP ALMONDS APPEAL			
DATE 02-04-2012 AS PER ATTACHED MEMORA	PARTICULARS	and the state of the state of the state of the state of the state of the state of the state of the state of the	FEES
02-04-2012 AS PER ATTACHED MEMORA	NDUM OF FEES		4,100.00
In the absence of an arrangement to the contrar interest is payable on this bill under the Legal Profe 1. Under S 3.4.21(1) if this bill is unpaid 30 days or	ssion Act 2004 as amended, eithe	er:	<b>\$ 4,100.00</b>
The rate of interest payable is 6.25%, 2. or under S3.4.21(2) in accordance with a costs a		·	
THE TOTAL AMO  Legal Profession Act 2004 [as amended] - Notificat The following avenues are open to you in the event of  1. You may seek a costs review under Division Such application must be made to the Cost  (a) The bill was given or the request  (b) The costs were paid if neither a	a dispute in relation to legal costs n 7 of Part 3.4 of the Act. s Court Registrar within 12 month I for payment was made, or	For and on behalf of:  Michael Green - Appr  Legal Profession Act/2	
<ol> <li>If this bill is subject to a costs agreement yo You may make a complaint under Chapter 4 of the Act must be made within 60 days after the legal costs are  </li> </ol>	- "Complaints and Discipline" - to	o the Legal Services Commissioner, S	Such a complaint
Professional Standards Act 2003 [Vic] - "Liability II	mited by a scheme approved u	ınder Professional Standards Legisi	
REMITTANCE ADVICE	(PLEASE DETACHHERE AND RETURN WITH REA	PROCE	ESSED: 03-04-2012
SLIP NUMBER: 477389 CARD NUMBER:	MASTERCARD VISA		
TOTAL: NAME ON CARD: EXPIRY DATE:	SIGN	IED:	
SEND TO:  MICHAEL GREEN PTY LTD  205 WILLIAM STREET  MELBOURNE, VICTORIA  AUSTRALIA 3000	DUE TO:	ARENDON LAWYERS	8977500 3783
PAYING BY CHEQUE, MAKE CHEQUE PAYABLE TO MICHAEL GREE		. S. HOPPER	

PAYING BY CHEQUE, MAKE CHEQUE PAYABLE TO 'MICHAEL GREEN PTY LTD'
PAYING BY CREDIT CARD, COMPLETE THE DETAILS AND POST, FAX OR PHONE
PAYING BY EFT DEPOSIT, COMMONWEALTH BANK: 8SB: 683 009 AJC: 1010 8402 - FAX OR EMAIL NOTIFICATION
IF RECEIPT REQUIRED, RETURN THIS PAGE INTACT WITH PAYMENT

Bonister Management Accounts 97,5,1,128
 Copyright 1997-2012 E-Commarce Australia Pty Ltd
 www.e-commarce.nat.au Info@e-commarce.nat.au

# Memorandum of fees - Sam Hopper

To

Michael Fernon

Clarendon Lawyers

From

Sam Hopper

Tel: 9225 6857

Barrister

Fax: 9225 8485

Date

2 April 2012

Subject

In the matter of Timbercorp Almonds Appeal

Set out in the table below are my fees accrued to date in the above matter. My clerk will forward to you with this memorandum a tax invoice for the outstanding amount.

Fees are incurred at the rate of \$400 per hour (including GST) and \$3,200 per day (including GST).

Date	Narration	Total
19 March 2012	Considering and drafting reply submissions (4 3/4 hours)	
		\$1,900.00
20 March 2012	Reply submissions (5 ¼ hours)	
		\$2,100.00
22 March 2012	Email correspondence (¼ hour)	<b>42,200,00</b>
		\$100.00
	Total fees (inc GST):	\$4,100.00

477389

SLIP NUMBER: 477849			ED DATE: 17-04-2012 F)	· • • • • • • • • • • • • • • • • • • •	Melbou	illiam Street me Victoria
FEES DUE TO:		ΔRN # • Λ	3 873 876 570			stralia 3000
MR. S. HOPPER		nuit # . 4	)			3) 9225 7222 3) 9225 8485
SOLICITOR:			6977500	E-Mail: payr	nents@green:	DX: 98 slist.com.au
CLARENDON LAV	WEBS			TAX II	OVV	ICF
G.P.O. BOX 4930	TICNO				110	
MELBOURNE 300	<b>[</b>		J	REFERENCE:	MICHAEL FE	ERNON )
NAME OF CAUSE OR MAT		U MANISA ADD				=
IN THE MATTER C	PF TIMBERCORP	ALMUNDS APP	=AL			
DATE	and the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second o	PARTICUL	ARS			FEES
4-2012 AS PER ATT	ACHED MEMORAL	NDUM OF FEES				600.00
			Approved By	" MIG	<del></del>	
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			Signed		77	
			Date:	19 4 12.		į.
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ile ansence of an arrangemi	ent to the contrary	the fees are pa	iyable within 30 day	/s of this account	TOTAL:	\$ 600.00
rest is payable on this hill und	er the Legal Profes	ssion Act 2004 a	samended either		١٠	
rest is payable on this bill und Under S 3.4.21(1) if this bill is	unpaid 30 days or	ssion Act 2004 a more after being	s amended, either; given to the recipien	t.	<u></u>	
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UNT IS INCLUS ion of your right a dispute in relating 7 of Part 3.4 of a Court Registrar for payment was politically was given not usually was given not usually a scheme a court of an imited by a scheme in the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the court of the c	given to the recipien  IVE OF 10.00% GST  ts ion to legal costs: the Act. within 12 months aft is made, or a request was made  ICAT to have that ag ad Discipline" – to the termised bill is request termised bill is request termised bill is request termised bill is request termised bill is request termised bill is request termised bill is request termised bill is request termised bill is request termised bill is request termised bill is request termised bill is request termised bill is request termised bill is request termised bill is request termised bill is request termised bill is request termised bill is request termised bill is request termised bill is request termised bill is request termined bill is request	For and on the Michael Green Legal Professor Per:	pehalf of: pehalf of: pen - Approve sion Act 2004 per Section 3.4. pissioner. Such per the itemised per the itemised	32 of the Act, a complaint thill is provided, on" ED: 17-04-2012

# Memorandum of fees - Sam Hopper

To

Michael Fernon

Clarendon Lawyers

From

Sam Hopper

Tel: 9225 6857 Fax: 9225 8485

Barrister

Date

13 April 2012

Subject

In the matter of Timbercorp Almonds Appeal

Set out in the table below are my fees accrued to date in the above matter. My clerk will forward to you with this memorandum a tax invoice for the outstanding amount.

Fees are incurred at the rate of \$400 per hour (including GST) and \$3,200 per day (including GST).

Date	Narration	Total
11 April 2012	Attending to directions and index to Appeal Book (1 ½ hours)	
		\$600.00
	Total fees (inc GST):	\$600.00



Level 17 Rialto North Tower 525 Collins Street Melbourne Victoria 3000 Australia

> our ref: invoice no:

your ref:

T 03 8681 4400 F 03 8681 4499 www.clarendonlawyers.com.au ABN 15 774 771 940

MJF:CL:1100297

31 May 2012

# STRICTLY PRIVATE & CONFIDENTIAL TO BE OPENED BY ADDRESSEE ONLY

Eli Goldfinger MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

Dear Eli

#### Almonds Apportionment Appeal - SAPCI 2011 103

We **enclose** a memorandum of our professional costs in respect of this matter for the period to 31 May 2012, details of which are set out in the attached schedule.

If you have any queries, please contact us.

Yours/faithfully

Michael Fernon Director

Clarendon Lawyers Pty Ltd

Tel: 03 8681 4419

E-mail: michael.fernon@clarendonlawyers.com.au

Encl.



Level 17 Rialto North Tower 525 Collins Street Melbourne Victoria 3000 Australia

T 03 8681 4400 F 03 8681 4499 www.clarendonlawyers.com.au ABN 15 774 771 940

MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

date: our ref: invoice no: 31 May 2012 MJF:CL:1100297 B08388

contact:

Michael Fernon

your ref:

TAX INVOICE

ABN

15 774 771 940

# Almonds Apportionment Appeal - SAPCI 2011 103

Almonds Apportionment Appeal - SAPCI 2011 103		
PROFESSIONAL COSTS		
To our professional costs as per the attached schedule:		
Professional Costs subject to GST	GST \$1,337.90	\$13,379.00
DISBURSEMENTS		
('*' indicates a disbursement paid as your agent)		
Mail Call Couriers - Courier Fee Mail Call Couriers - Courier Fee Supreme Court of Victoria - Setting down fee Mail Call Couriers - Courier Fee LitSupport Pty Ltd - Specialist Photocopying LitSupport Pty Ltd - Photocopying - preparation of final court books	GST \$1.99 \$1.99 \$1.99 \$87.64 \$207.45	\$19.86 \$19.86 \$755.20 \$19.86 \$876.40 \$2,074.50
Subtotal		\$17,144.68
GST @ 10%		\$1,638.96
Invoice Total	<del></del>	\$18,783.64

# Amount due for payment within 14 days

We reserve the right to charge interest under the Penalty Interest Rates Act 1983 if this account is not paid in accordance with our terms



MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

date: our ref: invoice no: contact:

31 May 2012 MJF:CL:1100297 B08388 Michael Fernon

your ref:

ABN

**TAX INVOICE** 15 774 771 940

# Almonds Apportionment Appeal - SAPCI 2011 103

SCHEDUL	E OF PROFESS	IONAL COSTS		
Date	Solicitor/Clerk	Description	Units	Value
30/04/12	CJA	Peruse and comment on draft appeal book; discuss with E Orum.	25.00	\$1,062.50
30/04/12	CJA	Email to J Joseph.	2.00	\$85.00
30/04/12	EAO	Preparing Appeal Book.	50.00	\$675.00
30/04/12	EAO	Meeting with C Armstrong about Appeal Book.	16.00	\$216.00
01/05/12	CJA	Supervise E Orum.	6.00	\$255.00
01/05/12	EAO	Applying rules for leases and sub-leases to appeal book.	49.00	\$661.50
02/05/12	CJA	Various emails and telephone attendances on E Orum re preparation of the appeal book; peruse amended proposed index to appeal book.	6.00	\$255.00
02/05/12	CJA	Amend draft proposed directions.	2.00	\$85.00
02/05/12	CJA	Email to all parties.	2.00	\$85.00
02/05/12	CJA	Peruse emails from J Joseph.	2.00	\$85.00
02/05/12	CJA	Peruse email from B Rechter.	1.00	\$42.50
02/05/12	EAO	Amending and preparing appeal book.	60.00	\$810.00
03/05/12	CJA	Telephone call to B Rechter.	1.00	\$42.50
03/05/12	CJA	Telephone call to B Rechter.	1.00	\$42.50
03/05/12	CJA	Telephone attendance on B Rechter.	1.00	\$42.50
03/05/12	CJA	Review and amend proposed index to appeal book.	13.00	\$552.50
03/05/12	CJA	Further amend proposed directions.	2.00	\$85.00
03/05/12	CJA	Email to all parties.	3.00	\$127.50
03/05/12	CJA	Telephone attendance on B Rechter.	2.00	\$85.00
03/05/12	EAO	Scanning and saving Appeal Book.	16.00	\$216.00
03/05/12	EAQ	Amending index to appeal book and document cover sheets	36.00	\$486.00
03/05/12	EAO	Drafting letter to the Registrar of Court of Appeal.	6.00	\$81.00
04/05/12	ÇJA	Peruse email from B Rechter.	1.00	\$42.50
04/05/12	CJA	Peruse email from C Fenwick.	1.00	\$42.50
04/05/12	CJA	Peruse email from M Grose.	1.00	\$42.50
04/05/12	CJA	Supervise E Orum; preparation of appeal book.	10.00	\$425.00
04/05/12	CJA	Attending to filing further revised proposed index to appeal book and proposed directions.	3.00	\$127.50
04/05/12	CJA	Attending to service of further revised proposed index to appeal book.	2.00	\$85.00
04/05/12	EAO	Photocopying appeal book.	22.00	\$297.00
04/05/12	EAO	Amending Appeal Book document cover pages.	20.00	\$270.00
04/05/12	EAO	Re paginating and compiling document.	31.00	\$418.50
06/05/12	CJA	Peruse draft appeal book.	15.00	\$637.50
07/05/12	CJA	Attending to finalising Appeal Book.	35.00	\$1,487.50
07/05/12	CJA	Amend appeal book index.	0.00	\$0.00
07/05/12	CJA	Settling letters enclosing appeal book.	6.00	\$255.00
07/05/12	EAO	Amending and printing Appeal Book.	66.00	\$891.00
08/05/12	ELD	Drafting and sending power of attorney for David Butterfield.	5.00	\$67.50
08/05/12	CJA	Various emails re payment of funds to Ashurst.	3.00	\$127.50
08/05/12	ĊJA	Instruct and supervise E Dinsdale re: power of attorney for D Butterfield.	3.00	\$127.50
11/05/12	EAO	Updating Court Documents folder.	8.00	\$108.00
15/05/12	EAO	Drafting Deed of Acknowledgment.	37.00	\$499.50
16/05/12	EAO	Further drafting Deed of Acknowledgment.	5.00	\$67,50
17/05/12	EAO	Attending Registry to collect appeal book.	6.00	\$81.00
17/05/12	CJA	Peruse correspondence from Court of Appeal; internal discussions.	3.00	\$127.50
21/05/12	EAO	Amending Deed of Acknowledgment	21.00	\$283.50
22/05/12	EAO	Correcting Appeal Book.	2.00	\$27.00
28/05/12	CJA	Following up payment of Ashurst's costs.	2.00	\$85.00
29/05/12	CJA	Review amended Appeal Book.	2.00	\$85.00
29/05/12	CJA	Supervise O Orum.	3.00	\$127.50
30/05/12	ELD	Drafting enclosing letters for Appeal Book.	3.00	\$40.50
JUI JUI 12	in in it.	prenong englosing letters for Whitegrapony.	3.00	<b>ֆ4U</b> .5U



# SCHEDULE OF PROFESSIONAL COSTS

Date	Solicitor/Clerk	Description		Units	Value
30/05/12 31/05/12 31/05/12	CJA CJA	Various emails following up payment of Ashurst's costs. Supervise E Orum. Settle and sign letters of service.		3.00 5.00 2.00	\$127.50 \$212.50 \$85.00
				~	\$13,379.00
GST					\$1,337.90
Total Prof	essional Costs			_	\$14,716.90
FEE EARN	IER SUMMARY				
FEE EARN	IER SUMMARY		Hourly Rate	Hours	Amount
FEE EARN			Hourly Rate	Hours	
Celia Arms	strong		·		Amount \$7,182.50 \$6,088.50
Celia Arms Edward Or	strong um		425.00	16.90	\$7,182.50
Celia Arms Edward Or	strong um		425.00 135.00	16.90 45.10	\$7,182.50 \$6,088.50
	strong um		425.00 135.00	16.90 45.10 0.80	\$7,182.50 \$6,088.50 \$108.00

#### REMITTANCE ADVICE

Bill to:

MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari investments Holdings Pty Ltd

Client Name: Garnaut Private Wealth Pty Ltd

Matter Name:

Almonds Apportionment Appeal - SAPCI 2011 103 CJA:1100297:B08388

Our Ref: Invoice Date:

31 May 2012 B08388

Invoice No: Amount Due: Payable By:

\$18,783.64 14 June 2012

Please choose a payment method and return this advice to our office.



#### 1. CHEQUE

Please return this advice with your cheque payable to Clarendon Lawyers Pty Ltd for \$18,783.64 to:

Clarendon Lawyers Pty Ltd GPO Box 4930 MELBOURNE VIC 3001

Please quote bill number 1100297:B08388

#### 2. BANK TRANSFER

Please fax this advice to 03 8681 4499 or email <a href="mailto:accounts@clarendonlawyers.com.au">accounts@clarendonlawyers.com.au</a> stating the reference number and the amount paid.

Transfer Amount:

\$18,783.64

Swift Code (overseas transfer only): NATAAU3303M

Bank: Account Name: National Australia Bank Clarendon Lawyers Pty Ltd BSB: Account: 083170 856779023

Please quote reference 1100297:B08388 and fax this advice to us.

#### 3. ☐ CREDIT CARD

Please fax this adv amount paid.	ice to 03 8681 4499 or email accounts@ctare	ndonlawyers.com.au stating the reference number and the
Card Number:		Card Type (Please tick):
Expiry Date:		☐ Visa ☐ MasterCard
Amount Due:	\$18,783.64	Please note that if this invoice is paid by credit card after the due date, a 1.5% additional fee will apply as
Name on Card:		provided for in our Terms of Engagement.
Signature:		

#### Your Rights in Relation to Legal Costs

The following avenues are available to you if you are not happy with this bill -

- requesting an itemised bill;
- discussing your concerns with us;
- having our costs assessed:
- making a complaint to the Legal Services Commissioner;

Please quote reference 1100297:B08388 and fax this advice to us.

applying to set aside our costs agreement.

There may be other avenues available in your State or Territory (such as mediation). Time limits apply to the avenues for resolving costs disputes. For more information about your rights, please read the fact sheet titled "Your right to challenge legal costs. You can ask us for a copy, or obtain it from the Legal Services Commissioner (or download it from their website http://www.lsc.vic.gov.au).

If you have any concerns about our legal costs, or our legal services, please do not hesitate to speak to the director responsible for your matter. If we cannot satisfactorily resolve your concern with you, the above avenues are available.

> Amount due for payment within 14 days Please return with your payment

GAR001\_1100297\_002.doc



Level 17 Rialto North Tower 525 Collins Street Melbourne Victoria 3000 Australia

> our ref: invoice no:

your ref;

T 03 8681 4400 F 03 8681 4499 www.clarendonlawyers.com.au ABN 15 774 771 940

MJF:CL:1100297

B08712

31 July 2012

# STRICTLY PRIVATE & CONFIDENTIAL TO BE OPENED BY ADDRESSEE ONLY

Eli Goldfinger MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

Dear Eli

## Almonds Apportionment Appeal - SAPCI 2011 103

We **enclose** a memorandum of our professional costs in respect of this matter for the period to 31 July 2012, details of which are set out in the attached schedule.

If you have any queries, please contact us.

Yours faithfully

Michael Fernon Director

Clarendon Lawyers Pty Ltd

Tel: 03 8681 4419

E-mail: michael.fernon@clarendonlawyers.com.au

Encl.



Level 17 Rialto North Tower 525 Collins Street Melbourne Victoria 3000 Australia

T 03 8681 4400 F 03 8681 4499 www.clarendonlawyers.com.au ABN 15 774 771 940

MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

date: our ref: invoice no: 31 July 2012 MJF:CL:1100297

contact:

B08712

your ref:

Michael Fernon

Almonds Apportionment Appeal - SAPCI 2011 103

ABN

**TAX INVOICE** 15 774 771 940

#### **PROFESSIONAL COSTS**

To our professional costs as per the attached schedule:

**GST** 

Professional Costs subject to GST

\$106.70

\$1,067.00

Subtotal

\$1,067.00

**GST @ 10%** Invoice Total

\$106.70 \$1,173.70

## Amount due for payment within 14 days

We reserve the right to charge interest under the Penalty Interest Rates Act 1983 if this account is not paid in accordance with our terms

Acrela lange oc



MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd C/- EGA Corporate Advisers Level 18, 499 St Kilda Road MELBOURNE VIC 3004

date: our ref: invoice no: contact: your ref: 31 July 2012 MJF:CL:1100297 808712 Michael Fernon

ABN

TAX INVOICE 15 774 771 940

Almonds	Apportionment	- Isonnoal	SAPCI	2011	103

SCHEDUL	E OF PROFESS	IONAL COSTS			
Date	Solicitor/Clerk	Description		Units	Value
29/05/12	EAO	Phoning other parties about appeal book.		6.00	\$81.00
29/05/12	EAO	Updating appeal book index.		14.00	\$189.00
29/05/12	EAO	Collecting Appeal Books to be amended.		13.00	\$175.50
31/05/12	EAQ	Organising Appeal Books to disperse.		18.00	\$243.00
31/05/12	EAO	Proofreading enclosure letters.		6.00	\$81.00
31/05/12	EAO	Delivering appeal books.		22.00	\$0.00
27/06/12	CJA	Various emails regarding query from T Schubert.		7.00	\$297.50
					\$1,067.00
GST					\$106.70
Total Prof	essional Costs			_	\$1,173.70
FEE EARN	IER SUMMARY		Hourly Rate	Hours	Amount
Celia Arms	trona		425.00	0.70	\$297.50
	_				-
Edward Or	um		135.00	7.90	\$769.50
				8.60	\$1,067.00
					#40C 70
GST					\$106.70

#### REMITTANCE ADVICE

Bill to:

MRB Equities Pty Ltd, Redvil Pty Ltd and Ferrari Investments Holdings Pty Ltd Garnaut Private Wealth Pty Ltd Almonds Apportionment Appeal - SAPCI 2011 103 CJA:1100297:B08712

Client Name: Matter Name:

Our Ref:

Invoice Date:

31 July 2012

Invoice No: Amount Due: B08712 \$1,173.70



Paya	ble By: 14 Aug	ust 2012		
Pleas	se choose a payment	method and return this advice to our	office.	
1.	☐ CHEQUE	· · · · · · · · · · · · · · · · · · ·		
	Please return this	advice with your cheque payable to C	Slareлdon Lawyer	s Pty Ltd for \$1,173.70 to:
	Clarendon Lawyer GPO Box 4930 MELBOURNE VIO	•		
	Please quote bill n	umber 1100297;B08712		
2. [	☐ BANK TRANS	FER		
	Please fax this ad amount paid.	vice to 03 8681 4499 or email accour	nts@clarendonlawy	rers.com.au stating the reference number and the
	Transfer Amount:	\$1,173.70	Swift Code	e (overseas transfer only): NATAAU3303M
	Bank: Account Name:	National Australia Bank Clarendon Lawyers Pty Ltd	BSB: Account:	083170 856779023
	Please quote refe	rence 1100297:B08712 and fax this a	advice to us.	
3. [	CREDIT CARE	)	·····	· · · · · · · · · · · · · · · · · · ·
	Please fax this ad amount paid.	vice to 03 8681 4499 or email <u>accoun</u>	nts@clarendonlawy	rers.com.au stating the reference number and the
	Card Number:		· · ·	Card Type (Please tick):
	Expiry Date:			☐ Visa ☐ MasterCard
	Amount Due:	\$1,173.70		Please note that if this invoice is paid by credit card after the due date, a 1.5% additional fee will apply as
	Name on Card:			provided for in our Terms of

Engagement.

## ·Your Rights in Relation to Legal Costs

The following avenues are available to you if you are not happy with this bill -

- requesting an itemised bill:
- discussing your concerns with us;
- having our costs assessed;
- making a complaint to the Legal Services Commissioner;

Please quote reference 1100297:B08712 and fax this advice to us.

applying to set aside our costs agreement.

There may be other avenues available in your State or Territory (such as mediation). Time limits apply to the avenues for resolving costs disputes. For more information about your rights, please read the fact sheet titled "Your right to challenge legal costs. You can ask us for a copy, or obtain it from the Legal Services Commissioner (or download it from their website http://www.lsc.vic.gov.au).

If you have any concerns about our legal costs, or our legal services, please do not hesitate to speak to the director responsible for your matter. If we cannot satisfactorily resolve your concern with you, the above avenues are available.

> Amount due for payment within 14 days Please return with your payment

GAR001\_1100297\_217

Signature:

# IN THE SUPREME COURT OF VICTORIA AT MELBOURNE **COURT OF APPEAL**

**SACPI 2011 0103** 

**BETWEEN:** 

**GRAHAM GOLDENBERG & ORS** (according to the Schedule)

**Appellants** 

- and -

BOSI SECURITY SERVICES LIMITED (ACN 009 413 852) & ORS (according the schedule attached)

Respondents

#### **EXHIBIT EG-15**

Date of document:	27 September 2012
Filed on behalf of:	MRB Equities Pty Ltd,
	Redvil Pty Ltd and Ferrari
	Investments Holdings Pty
	Ltd
MGA Lawyers	Solicitors Code: 104101
Level 9,	Tel: 8631 5555
179 Queen Street	Fax: 8631 5599
MELBOURNE VIC 3000	Ref: MG5400/08

This is the exhibit marked "EG-15" now produced and shown to Eli Goldberg at the time of swearing his affidavit on 27 September 2012.

MARK GEREMIA
Level 9 179 Queen Street, Melbourne VIC 3000
An Australian Legal Practitioner
within the meaning of the Legal Profession Act 2004

MGA Lawyers, Level 9, 179 Queen St, Melbourne Vic An Australian Legal Practitioner with the meaning of the Legal Practice Act 2001

> "EG-15" **Account from Ashurst**

Our ref:

RWM\ CHFE\ 03 2010 2555

Partner: Direct line:

Ross McClymont 9679 3025

Email:

ross.mcclymont@ashurst.com Chris Fenwick

Contact: Direct line:

9679 3148

Email:

chris.fenwick@ashurst.com

24 April 2012

Ashurst Australia Level 26 181 William Street

Melbourne VIC 3000

Australia

GPO Box 9938 Melbourne VIC 3001

Australia

Tel +61 3 9679 3000 Fax +61 3 9679 3111 DX 388 Melbourne www.ashurst.com

Attention: Celia Armstrong Clarendon Lawyers Level 17, Rialto North Tower 525 Collins Street MELBOURNE VIC 3000



Dear Celia

Graham Goldenberg & Ors v BOSI Security Limited as trustee for Australia and New Zealand Banking Group Limited, BOS International Limited and Westpac Banking **Corporation & Anor** Supreme Court Proceeding SAPCI 2011 103 (Proceeding)

We refer to your email sent on 23 April 2012 and as requested now enclose a tax invoice payable by your clients in respect of the Orders made in the proceeding on 13 October 2011.

Yours faithfully

**Ross McClymont** 

rtner

**Chris Fenwick** Senior Associate

AUSTRALIA BELGIUM CHINA FRANCE GERMANY HONG KONG SAR INDONESIA (ASSOCIATED OFFICE) ITALY JAPAN PAPUA NEW GUINEA SINGAPORE SPAIN SWEDEN UNITED ARAB EMIRATES UNITED KINGDOM UNITED STATES OF AMERICA

Ashurst Australia (ABN 75 304 286 095) is a general partnership constituted under the laws of the Australian Capital Territory carrying on practice under the name "Ashurst" under licence from Ashurst LLP. Ashurst LLP is a limited liability partnership registered in England and Wales, and is a separate legal entity from Ashurst Australia. In Asia, Ashurst Australia, Ashurst LLP and their respective affiliates provide legal services under the name "Ashurst". Ashurst Australia, Ashurst LLP or their respective affiliates has an office in each of the places listed above. 220154293.01

Ashurst Australia Level 26 181 William Street Melbourne VIC 3000

61 3 9679 3000 F 61 3 9679 3111 DX 187 Melbourne

GPO Box 9938 Melbourne VIC 3001

ABN 75 304 286 095

Our reference RWM CHFE 03 2010 2555

Date of Issue 24 April 2012

Amount due \$25,000.00

Payment due 8 May 2012

Messrs Goldenberg, Littley, Moshopoulos & Butterfield c/- Clarendons Lawyers Level 17 Rialto North Tower 525 Collins Street

MELBOURNE VIC 3000

Attention Graham Goldenberg, Christopher Littley, Constantine Moshopoulos & David Butterfield

Graham Goldenberg & Ors v BOSI Security Limited as trustee for Australia and New Zealand Banking Group Limited, BOS International Limited and Westpac Banking Corporation & Anor Supreme Court Proceeding SAPCI 2011 103

Costs as agreed between the parties in respect of the Orders made in the Supreme Court of Victoria Court of Appeal Proceeding No S APCI 2011 0103 on 13 October 2011

\$25,000.00

Total for this bill

\$25,000.00

Statement:
If the costs and disbursements in this bill are unpaid for 30 days after you have been given this bill, interest is payable on the unpaid costs and disbursements at the rate prescribed by regulations made under the Legal Profession Act 2004 (Vic), which is the percentage (or maximum percentage) specified by the Reserve Bank of Australia as the Cash Rate Target as at the date of the bill, increased by 2% per annum, unless we have agreed otherwise.

Your rights in relation to legal costs

The following avenues are available to you if you are not happy with this bill -

- requesting an itemised bill
- discussing your concerns with us
   having our costs assessed
- making a complaint to the Legal Services Commissioner
- applying to set aside our costs agreement

There may be other avenues available in your State or Territory (such as mediation). Time limits apply to the avenues for resolving costs disputes. For more information about your rights, please read the fact sheet tilled Your right to challenge legal costs. You can ask us for a copy, or obtain it from the Legal Services Commissioner (or download it from their website).

EFT Payment - Bills Only Account Name: Ashurst Bank: ANZ BSB: 013 030 Account No: 7750 69986 Swift Code: ANZB AU 3M Reference: 0001A

Account Enquiry Ms Jaya Ramalingam T 61 3 9679 3467 E jaya, ramalingam @blakedawson.com

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