

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

LIST E
No. SC1 2009 10699

BETWEEN:

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

- and -
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED Defendants
(A.C.N. 005 357 522) & ORS (according to the attached Schedule)

MINUTE OF ORDER

JUDGE:	The Honourable Justice Davies	
DATE MADE:	22 March 2010	
ORIGINATING PROCESS:	Originated Motion filed 15 December 2009	
HOW OBTAINED:	On return of the orders made on 19 March 2010	
ATTENDANCE:	Mr P Anastassiou S.C. with Mr R.G. Craig	Counsel for the Plaintiffs
	Mr M. Moshinsky S.C. with Ms W.Harris	Counsel for the First Defendant
	Mr P. Crutchfield SC with Oren Bigos	Counsel for the Second, Third and Fourth Defendants
	Mr G. Bigmore QC with Mr S.Hopper	Counsel for Garry Goldenberg, Christopher Mark Littley, Constantine Moshopoulos and David Butterfield
OTHER MATTERS:	Not applicable	

1. That paragraph 10 of the orders of the Honourable Justice Robson made on 9 October 2009 in proceeding number 9408 of 2009 is discharged insofar as it relates to exhibit MAK-14 to the affidavit of Mark Anthony Korda sworn 5 October 2009.
2. On or before 4pm on 19 April 2010 the parties file and serve:
 - (a) written contentions of fact and law in rebuttal to the reply Rights Contentions; and
 - (b) any affidavit material upon which they wish to rely by way of rebuttal in relation to the Rights Issue.
3. That paragraph 10 of the orders of the Honourable Justice Davies made on 22 December 2009 be vacated and in lieu thereof the following order be made:

The Liquidators of the second defendant pay from the Funds to Clarendon Lawyers, the solicitors for the fifth, sixth, seventh and eighth defendants, the legal costs and disbursements incurred in this proceeding by the fifth, sixth, seventh and eighth defendants in complying with paragraphs 6, 7, 8 and 9 of this Order on a solicitor and client basis pursuant to rule 63.32(2)(a) of the *Supreme Court (General Civil Procedure) Rules 2005* (Vic) within 14 days of presentation to the Liquidator by Clarendon Lawyers of:

- (i) a tax invoice for Clarendon Lawyers' legal costs and disbursements in relation to this proceeding; and
 - (ii) a bill of costs on a solicitor and client basis, prepared and certified by an appropriately qualified costs consultant, to be agreed by the parties (the Consultant).
4. The Liquidators of the second defendant pay from the Funds to Clarendon Lawyers, the solicitors for the fifth, sixth, seventh and eighth defendants the legal costs and disbursements of the fifth, sixth, seventh and eighth defendants of and incidental to this proceeding from and including this day on a solicitor and client basis pursuant to rule 63.32(2)(a) of the *Supreme Court (General Civil Procedure) Rules 2005* (Vic) within 14 days of presentation to the Liquidator by Clarendon Lawyers of:

- (i) a tax invoice for Clarendon Lawyers' legal costs and disbursements in relation to this proceeding; and
 - (ii) a bill of costs on a solicitor and client basis, prepared and certified by an appropriately qualified costs consultant, to be agreed by the parties (the Consultant).
5. The proceeding be listed for further directions on 23 April, 2010.
6. All other questions of costs are reserved.
7. Liberty to apply.

DATE AUTHENTICATED: **March 2010**

JUDGE

SCHEDULE

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(A.C.N. 066 601 250) and WESTPAC BANKING CORPORATION (A.C.N.007 457
141)**

Plaintiff

and

**AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED
(A.C.N. 005 357 522)**

First Defendant

and

ALMOND LAND PTY LTD (IN LIQUIDATION) (A.C.N 091 460 392)

Second Defendant

and

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

Third Defendant

and

**LEANNE KYLIE CHESSEER
(in her capacity as liquidator of Almond Land Pty Ltd (in liquidation))**

Fourth Defendant