

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:	23 April 2010	
ORIGINATING PROCESS:	Originated Motion filed 15 December 2009	
HOW OBTAINED:	On return of the orders made on 22 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. On or before 4pm on 28 May 2010, the parties may file and serve an amended list of documents, incorporating any documents upon which they intend to rely in relation to the Rights Issue.
2. On or before 4pm on 2 July 2010, the fifth to eighth defendants file and serve:
 - a. any expert material upon which they intend to rely in relation to the issue of the value, if any, of the rights asserted by the plaintiff, first defendant and fifth to eighth defendants to the net sale proceeds (the **Funds**) to be held on trust by the second defendant pursuant to paragraph 7 of the orders made by the Honourable Justice Robson on 9 October 2009 in proceeding 9408 of 2009 (the **Valuation Issue**);
 - b. any affidavit material upon which they intend to rely in relation to the Valuation Issue; and
 - c. a list of any documents (which are not exhibited to an affidavit or attached to an expert report) upon which they intend to rely in relation to the Valuation Issue (**Valuation List**).
3. On or before 4pm on 27 August 2010, the plaintiff and first to fourth defendants file and serve:
 - a. any expert material upon which they intend to rely in relation to the Valuation Issue;
 - b. any affidavit material upon which they intend to rely in relation to the Valuation Issue; and
 - c. an amended Valuation List incorporating any documents (which are not exhibited to an affidavit or attached to an expert report) upon which they intend to rely in relation to the Valuation Issue.
4. Within 30 days of receiving the expert material and affidavit material referred to in paragraph 3, the fifth to eighth defendants file and serve:

- a. any expert material upon which they intend to rely by way of reply in relation to the Valuation Issue;
 - b. any affidavit material upon which they intend to rely by way of reply in relation to the Valuation Issue; and
 - c. a further amended Valuation List incorporating any documents (which are not exhibited to an affidavit or attached to an expert report) upon which they intend to rely in relation to the Valuation Issue.
5. The proceeding be listed for further directions on 1 October, 2010.
6. Costs are reserved.
7. Liberty to apply.

DATE AUTHENTICATED: **23 April 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 CHESSER
(in her capacity as liquidator of Almond Land Pty Ltd (in liquidation))**

Fourth Defendant