

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

LIST E

SCI 2009 10699

BETWEEN:

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

Plaintiff

and

**AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED  
(ACN 005 357 522) & ORS (according to the attached Schedule)**

Defendants

**MINUTE OF PROPOSED CONSENT ORDERS**

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Date of document: 2 July 2010

Filed on behalf of: The First Defendant

Prepared by:

**Allens Arthur Robinson**  
Lawyers  
530 Collins Street  
Melbourne VIC 3000

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Ref: CCHM:306246584

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The parties consent to the Court making orders that:

1. In paragraph 2 of the orders made by the Honourable Justice Davies on 23 April 2010 (**Orders**), the date by which the fifth to eighth defendants must 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 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**),

be extended to 16 July 2010.

2. In paragraph 3 of the Orders, the date by which 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,

be extended to 10 September 2010.

3. In paragraph 5 of the Orders, the date on which the proceeding be listed for further directions be amended to 15 October 2010.
4. The proceeding be fixed for trial on the first date convenient to the Court on or after 14 February 2011 (estimate 10 days).

DATE: 2 JULY 2010

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Blake Dawson  
Solicitors for the plaintiff

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Allens Arthur Robinson  
Solicitors for the first defendant



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Arnold Bloch Leibler  
Solicitors for the second, third and fourth  
defendants

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Clarendon Lawyers  
Solicitors for the fifth to eighth defendants

## **SCHEDULE**

**BOSI SECURITY SERVICES LIMITED (A.C.N. 009 413 852) 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)**  
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

and

**GRAHAM GOLDENBERG (as the representative of the Growers in the 2002  
Timbercorp Almond Project (ARSN 099 611 935))**  
Fifth Defendant

and

**CHRISTOPHER MARK LITTLE (as the representative of the Growers in the 2005  
Timbercorp Almond Project (ARSN 112 935 092))**  
Sixth Defendant

and

**CONSTANTINE MOSHOPOULOS (as the representative of the Growers in the 2006  
Timbercorp Almond Project (ARSN 118 387 974))**  
Seventh Defendant

and

**DAVID BUTTERFIELD (as the representative of the Growers in the 2002 Timbercorp  
Almond Project (Private Offer No.1) and the 2007 Timbercorp Almond Project (ARSN  
122 511 040))**  
Eighth Defendant