

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

LIST B
No. S CI 2014 02972

BETWEEN:

**TIMBERCORP FINANCE PTY LTD
(IN LIQUIDATION) (ACN 054 581 190)**

Plaintiff

- and -

DOUGLAS JAMES COLLINS

First Defendant

- and -

JANET ANN COLLINS

Second Defendant

ORDER

JUDGE OF THE COURT:	The Honourable Justice Judd
DATE MADE:	1 April 2015
ORIGINATING PROCESS:	Writ filed 13 June 2014
HOW OBTAINED:	Directions Hearing
ATTENDANCE	D J Batt one of Her Majesties Counsel with C Parkinson of counsel for the plaintiff M D Wyles one of Her Majesties Counsel with D Clough of counsel for the defendants
OTHER MATTERS:	Nil



THE COURT ORDERS THAT:

1. Pursuant to rule 47.04 the following question in the proceeding be tried before the trial of the proceeding:

Are the defendants precluded from raising any and if so what defences pleaded by them in this proceeding by reason of their participation as group members within the meaning of Part 4A of the Supreme Court Act 1986 (Vic) in proceeding S CI 9807 of 2009?

2. The Plaintiff has leave to amend the particulars subjoined to paragraph 1 of its reply to conform to the wording of the preliminary question in Order 1, and shall file and serve any such amended reply by 10 April 2015.
3. By 13 April 2015 the defendants file and serve any affidavits on which they intend to rely at the hearing of the preliminary question in Order 1.
4. By 20 April 2015 the plaintiff file and serve any affidavits on which it intends to rely at the trial of that question and its written submissions.
5. By 20 April 2015 the defendants file and serve their written submissions.
6. The trial of the question referred to in Order 1 above commence on 29 April 2015 on an estimate of two days before The Honourable Justice Robson.
7. Costs are reserved.

DATE AUTHENTICATED: **13 April 2015**


The Hon. Justice Judd
