

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
IN THE COURT OF APPEAL  
CIVIL DIVISION

S APCI 2015 0104

BETWEEN:

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

-and-

DOUGLAS JAMES COLLINS and JANET ANN COLLINS Respondents

**ORDER OF THE COURT OF APPEAL**

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JUDICIAL OFFICER: Judicial Registrar Pedley

DATE MADE: 6 October 2015

ORIGINATING PROCESS: Application for leave to appeal

HOW OBTAINED: Directions made in chambers

ATTENDANCE: No attendances

OTHER MATTERS: The application for leave to appeal, and appeal should leave be granted, is listed on 30 November 2015. The timetable for filing of documentation has necessarily been truncated by the Judicial Registrar (Rule 64.07 of the *Supreme Court (General Civil Procedure) Rules* 2005).

THE COURT OF APPEAL ORDERS THAT:

Respondents materials

1. The respondents are to provide the following to the Court on or before 4 November 2015:
  - 1.1. their Written Case in response (of not more than 10 pages); and
  - 1.2. their position on the draft leave application book index.
2. The respondents are to provide advice of their position on the draft summary to the applicant on or before 4 November 2015.

Agreed Summary

3. The applicant is to file and serve the agreed summary on or before 5 November 2015.



### Leave Application Book Index

4. The applicant is to file and serve the agreed leave application book index on or before 5 November 2015.
5. Subject to the Judicial Registrar's satisfaction, the contents of the leave application book are settled in accordance with the agreed leave application book index to be filed 5 November 2015.

### Preparation and delivery of the Leave Application Book

6. The applicant prepare the leave application book as settled and deliver one copy to the Judicial Registrar and one copy to the respondents on or before 6 November 2015, in the following format:
  - 6.1. looseleaf (in a lever arch folder);
  - 6.2. double-sided, where practicable;
  - 6.3. transcript not repaginated;
  - 6.4. reasons for judgment not repaginated;
  - 6.5. transcript to be in a discrete volume or volumes, where practicable; and
  - 6.6. exhibits to be in a discrete volume or volumes, where practicable.
7. The applicant make any corrections required by the Judicial Registrar to the leave application book and deliver to the Judicial Registrar and the respondents 3 copies of the leave application book as so corrected (or a further 2 copies if no corrections are required) by 10 November 2015. The applicant is to also file an electronic copy of the leave application book on the same day.
8. The solicitor for the applicant provide written certification that the copies of the corrected leave application book delivered to the Judicial Registrar and to the respondents are in accordance with the Judicial Registrar's corrections.



### Summary and Written Cases with Leave Application Book References

9. The parties may file and serve the agreed summary and their written cases amended solely to replace existing references to documents or transcript with references to leave application book pages on or before 13 November 2015.

### Filing and service of combined Folder of Authorities, and list of transcript references

10. The parties to comply with section 13 of Court of Appeal Practice Direction No. 7 of 2014 in relation to the preparation of a combined folder of authorities.
11. The applicant file three copies of the combined folder of authorities and serve copies on the respondents by 13 November 2015.
12. The applicant file in electronic form and serve an agreed list of transcript references on or before 13 November 2015 (in compliance with section 14 of Practice Direction No. 7 of 2014).

E-filing

13. The applicant file and serve electronically the transcript of Supreme Court proceeding number S CI 2014 02972 on or before 13 November 2015.

Costs

14. Costs are costs in the application.

Liberty to Apply

15. The parties have liberty to apply to the Judicial Registrar for further directions.

**DATE AUTHENTICATED: 6 October 2015**



**PROTHONOTARY**

Ct: 6/10/15