

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

S CI 2010 1354

List E

B E T W E E N

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

B.B. OLIVES PTY LTD (IN LIQUIDATION)
(ACN 083 992 367) & ORS (according to the attached Schedule)

Defendant

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 27 August 2012

Filed on behalf of: The Plaintiff

Prepared by:

Ashurst Australia

Level 26
181 William Street
Melbourne VIC 3000

Solicitor code: 53

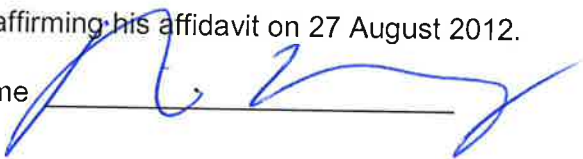
DX187 Melbourne

Tel 9679 3000 Fax 9679 3111

Ref: RWM 03 2010 2555

This is the **Exhibit** marked '**RWM-2**' now produced and shown to **Ross Whyte McClymont** at the time of affirming his affidavit on 27 August 2012.

Before me


'RWM-2'

Copies of an email from Mr Boisseau to Mr Fenwick dated
24 August 2012 and an email from Ms Murray dated 27 August
2012 and attachment

MICHAEL MURRAY

Ashurst Australia

181 William Street, Melbourne Vic. 3000
An Australian legal practitioner within the
meaning of the Legal Profession Act 2004

From: Matthew.Boisseau@supremecourt.vic.gov.au [mailto:Matthew.Boisseau@supremecourt.vic.gov.au]
Sent: Friday, 24 August 2012 10:33 AM
To: Fenwick Chris 3148
Subject: Re: Goldenberg & Ors v BOSI Security Services Ltd & Ors S APCI 2012 0103

Dear Mr Fenwick,

I confirm that the Court of Appeal have made the orders in the form of the proposed minute of consent orders submitted to the Court.

Kind regards,

Matthew Boisseau ■ Associate to the Honourable Justice Osborn
Court of Appeal, Supreme Court of Victoria ■ 210 William Street, Melbourne, 3000 ■ DX 210608
☎ +61 (03) 9603 6624 📠 +61 (03) 9670 8408 ✉ matthew.boisseau@supremecourt.vic.gov.au

Murray Michael 3861

From: Fenwick Chris 3148
Sent: Monday, 27 August 2012 1:47 PM
To: Murray Michael 3861
Subject: FW: Emailing: Goldenberg&Ors_24Aug12.doc
Attachments: Goldenberg&Ors_24Aug12.doc

From: Silverii, Jason [<mailto:Jason.Silverii@allens.com.au>]
Sent: Monday, 27 August 2012 12:17 PM
To: Hinchin, Clint
Cc: Adams, Elyse
Subject: FW: Emailing: Goldenberg&Ors_24Aug12.doc

Clint

Below is the email that was sent to me this morning by the Court of Appeal.

The woman who sent it to me, Jenny, called me looking for a generic firm email address to which to send the orders. I told her to send it to me and I would find the right person.

Jason Silverii
Senior Corporate Affairs Manager
Allens
DL +61 3 9613 8014
M +61 420 924 348

From: Jenny.B.Murray@supremecourt.vic.gov.au [<mailto:Jenny.B.Murray@supremecourt.vic.gov.au>]
Sent: Monday, 27 August 2012 10:59 AM
To: Justice.Judd@supremecourt.vic.gov.au
Cc: info@clarendonlawyers.com.au; legal.info@ashurst.com; info@abl.com.au; Silverii, Jason; Debra.Thomas@justice.vic.gov.au; coaregistry@justice.vic.gov.au
Subject: Emailing: Goldenberg&Ors_24Aug12.doc

Order from Friday 24 October fyi.

Regards
Jenny Murray
CoA

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SUPREME COURT OF VICTORIA

COURT OF APPEAL

S APCI 2011 0103

GRAHAM GOLDBERG & ORS ACORDING TO THE
ATTACHED SCHEDULE OF PARTIES

v

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 WESTPACK BANKING CORPORATION (ACN 007 457 141) & ORS

<u>JUDGES:</u>	BUCHANAN and OSBORN JJA
<u>WHERE HELD:</u>	MELBOURNE
<u>DATES OF HEARING:</u>	24 August 2012
<u>DATE OF JUDGMENT/ORDER:</u>	24 August 2012

ORDERS BY CONSENT

<u>APPEARANCES:</u>	<u>Counsel</u>	<u>Solicitors</u>
For the First Appellant Goldenberg	No appearances by leave of the Court	Clarendon Lawyers
For the Second Appellant Littley		Clarendon Lawyers
For the Third Appellant Moshopoulos		Clarendon Lawyers
For the Fourth Appellant Butterfield		Clarendon Lawyers

For the First Respondent Bosi
Security Services

Ashurst Australia

For the Second Respondent
Australia and New Zealand
Banking Group

Allens

For the Third Respondent
Almond Land

Arnold Bloch Leibler

For the Fourth Respondent
Korda

Arnold Bloch Leibler

For the Fifth Respondent Chesser

Arnold Bloch Leibler

BUCHANAN JA:

1 In accordance with minutes of consent orders signed by the solicitors for the parties, copies of which will be placed on the Court file, the Court orders as follows:

1. The proceeding be remitted to the Honourable Justice Judd of the trial division of the Supreme Court:
 - (a) for the hearing and determination of any application to approve the compromise of the proceeding (Compromise Application);
or
 - (b) if Justice Judd deems fit, for the purpose of making directions for the hearing and determination of the Compromise Application by another judge of the trial division.
2. There be no order as to costs.

SCHEDULE OF PARTIES

BETWEEN

GRAHAM GOLDENBERG (in his capacity as representative of the Growers in the 2002 Almond Project) First Appellant

CHRISTOPHER MARK LITTLE (in his capacity as representative of the Growers in the 2005 Almond Project) Second Appellant

CONSTANTINE MOSHOPOULOS (in his capacity as representative of the Growers in the 2006 Almond Project) Third Appellant

DAVID BUTTERFIELD (in his capacity as representative of the Growers in the 2007 Almond Project and as representative of the Growers in the 2002 Private Offer Scheme) Fourth Appellant

AND

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) First Respondent

AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED (ACN 005 357 522) Second Respondent

ALMOND LAND PTY LTD (IN LIQUIDATION) (ACN 091 460 392) Third Respondent

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

LEANNE KYLIE CHESSER (in her capacity as liquidator of Almond Land Pty Ltd (in liquidation)) Fifth Respondent