

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

No S APCI 2011 0103

BETWEEN:

**GRAHAM GOLDENBERG & ORS**  
(according to the Schedule of Parties)

Appellants

- and -

**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) & ORS** (according to the Schedule of Parties)

Respondents

**SUMMONS**  
**(Almond Land Rights Appeal Proceeding)**

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Date of document: 27 August 2012

Filed on behalf of: The First Respondent

Prepared by:

**Ashurst Australia**  
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Ref: RWM 03 2010 2555

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To: the appellants and the second to fifth respondents.

You are summoned to attend before the Supreme Court of Victoria on the hearing of an application by the first respondent (**BOSI**) for the following orders:

1. Pursuant to rule 16.01(4) of the *Supreme Court (General Civil Procedure) Rules 2005*, the compromise set out in clause 2 of the Deed of Compromise dated 25 July 2012 between the first respondent, the appellants and the second to fifth respondents (the **Compromise**) is approved and shall be binding on the absent persons who are represented by the appellants.

Further, BOSI seeks orders by consent that:

2. The proceeding is dismissed.



3. There be no order as to costs.





This summons was filed by Ashurst Australia of Level 26, 181 William Street, Melbourne, solicitors for the first respondent.

## SCHEDULE OF PARTIES

**GRAHAM GOLDENBERG**

**(in his capacity as representative of the Members in the 2002 Almond Project)**

First Appellant

and

**CHRISTOPHER MARK LITTLE**

**(in his capacity as representative of the Participant Members in the 2005 Almond Project)**

Second Appellant

and

**CONSTANTINE MOSHOPOULOS**

**(in his capacity as representative of the Participant Members in the 2006 Almond Project)**

Third Appellant

and

**DAVID BUTTERFIELD**

**(in his capacity as representative of the Participant Members in the 2007 Almond Project and as representative of the Members 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

and

**AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED**

**(ACN 005 357 522)**

Second Respondent

and

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

Third Respondent

and

**MARK ANTHONY KORDA**

**(in his capacity as liquidator of Almond Land Pty Ltd (in liquidation))**



Fourth Respondent

and

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

Fifth Respondent

