

## JUDGMENT/ORDER

### COURT DETAILS

Court	Supreme Court of NSW
Division	Equity
List	Corporations List
Registry	Supreme Court Sydney
Case number	2011/00297593

### TITLE OF PROCEEDINGS

First Plaintiff	David John Frank Lombe (As Liquidator of the Companies referred to in the schedule)
Second Plaintiff	Angzol Pty Limited (In Liquidation).
Number of Plaintiff(s)	40
First Defendant	Discount Variety Group Pty Limited. ACN 096097719
Corporation subject of the proceeding	Kirby Street (Holding) Pty Limited (Receivers and Managers Appointed) (In Liquidation) and the other companies in the schedule to the originating process. Refer to Party Details at rear for full list of parties

### DATE OF JUDGMENT/ORDER

Date made or given	16 December 2011
Date entered	21 December 2011

### TERMS OF JUDGMENT/ORDER

- Order pursuant to section 579E(1) of the Corporations Act 2001 (Cth) that the companies in the schedule to these orders, being the second plaintiffs and the defendant, are a pooled group for the purposes of section 579E of that Act.
- Order pursuant to section 579G(1)(d) of the Corporations Act 2001 (Cth), that the application of that Act in relation to the winding up of the companies in the schedule to these orders be modified so that:
  - section 539 has effect as if the following additional paragraph were included in subsection (7) immediately before paragraph (c):
  - the accounts (including assets, receipts and payments) under subsection (1) for the companies in the group may be consolidated;
  - section 548A has effect as if the following additional subsections were included therein:
    - For the purposes of this section, the "ADR Group" is the companies listed in the schedule to the orders made by the Supreme Court of New South Wales on 16 December 2011 in proceedings No 297593 of 2011.
    - On and from 16 December 2011 the committee of inspection for the ADR Group for the purposes of subsection (1) is taken to consist of Craig O'Sullivan, Mark Hurdis, Kathryn Tebbutt and John Zuqain without the need for any meeting.
- Order that the costs of these proceedings (including reserved costs) be costs in the pooled windings up of the said companies.
- Grant liberty to apply for variation of these orders pursuant to section 579F or 579H of the Corporations Act or otherwise on 2 days' notice.

### SEAL AND SIGNATURE



Signature

Z. Cumurovic (L.S.)

Capacity  
Date

Chief Clerk  
21 December 2011



## **PARTY DETAILS PARTIES TO THE PROCEEDINGS**

### **First Application under Corporation Law**

#### **Plaintiff(s)**

First Plaintiff	David John Frank Lombe (As Liquidator of the Companies referred to in the schedule)
Second Plaintiff	Angzol Pty Limited (In Liquidation). ACN 109316350
Third Plaintiff	Armmate Pty Limited (In Liquidation). ACN 104711891
Fourth Plaintiff	Arnnete Pty Limited.(In Liquidation). ACN 104727924
Fifth Plaintiff	Kirby Street (Holding) Pty Limited. (Receivers and Managers Appointed)(In Liquidation). ACN 116849113
Sixth Plaintiff	Kirby Street (Finance) Pty Limited (In Liquidation). ACN 117268532
Seventh Plaintiff	Kirby Street (Logistics) Pty Limited (In Liquidation). ACN 103305700
Eighth Plaintiff	Kirby Street (Trading) Pty Limited (Receivers and Managers Appointed) (In Liquidation).
Ninth Plaintiff	Blue Spike Pty Limited (In Liquidation). ACN 092192204
Tenth Plaintiff	Bluebend Pty Limited (In Liquidation). ACN 098726526
Eleventh Plaintiff	Bluepeer Pty Limited. (In Liquidation). ACN 098726553
Twelfth Plaintiff	Caloundra Retail Co Pty Limited. (In Liquidation). ACN 108773208
Thirteenth Plaintiff	Cashbound Pty Limited (In Liquidation).
Fourteenth Plaintiff	Cashbuild Pty Limited. (In Liquidation).
Fifteenth Plaintiff	Kirby Street (Ipswich) Pty Limited (In Liquidation). ACN 050403695
Sixteenth Plaintiff	Kirby Street (Warwick) Pty Limited. (In Liquidation).
Seventeenth Plaintiff	Kirby Street (Dalby) Pty Limited (In Liquidation).
Eighteenth Plaintiff	Kirby Street (Nth Qld) Pty Limited (In Liquidation). ACN 058407471
Nineteenth Plaintiff	Kirby Street (CC Retail) Pty Limited (In Liquidation). ACN 092197914
Twentyth Plaintiff	DPCo Pty Limited (In Liquidation). ACN 117640310

21 st Plaintiff	Fireright Pty Limited (In Liquidation). ACN 095578386
22 nd Plaintiff	Freshfame Pty Limited (In Liquidation). ACN 102337164
23 rd Plaintiff	Garden Pty Limited (In Liquidation). ACN 071458930
24 th Plaintiff	General Variety Pty Limited. (In Liquidation). ACN 097076447
25 th Plaintiff	Goralin Pty Limited (In Liquidation). ACN 087268719
26 th Plaintiff	Group Variety Pty Limited. (In Liquidation). ACN 097076401
27 th Plaintiff	GSCO Pty Limited (In Liquidation). ACN 117640301
28 th Plaintiff	Imagewatch Pty Limited (In Liquidation). ACN 102323786
29 th Plaintiff	ITCo Pty Limited (In Liquidation).
30 th Plaintiff	Look Sharp Concepts Pty Limited. (In Liquidation). ACN 003116621
31 st Plaintiff	Makro Cannon Park Pty Limited (In Liquidation). ACN 105140752
32 nd Plaintiff	Makro Toowoomba Pty Limited (In Liquidation). ACN 107491618
33 rd Plaintiff	Mallwalk Pty Limited (In Liquidation). ACN 102324569
34 th Plaintiff	Moneycure Pty Limited (In Liquidation). ACN 098727596
35 th Plaintiff	O'Neills Property Company Pty Limited (In Liquidation). ACN 095230416
36 th Plaintiff	Queensland Discounters Pty Limited. (Receivers and Managers Appointed) (In Liquidation). ACN 097076410
37 th Plaintiff	Shopping Variety Pty Limited (In Liquidation). ACN 097076367
38 th Plaintiff	State Group Pty Limited. (In Liquidation). ACN 097076385
39 th Plaintiff	Sungate Pty Limited.(Receivers and Managers Appointed). (In Liquidation). ACN 010497551
40 th Plaintiff	Youngdown Pty Limited. (Receivers and Managers Appointed) (In Liquidation). ACN 003393548

**Defendant(s)**  
First Defendant

Discount Variety Group Pty Limited.  
ACN 096097719



SCHEDULE TO THESE ORDERS

Company	ACN
Angzol Pty Limited (In Liquidation)	109 316 350
Armmate Pty Limited (In Liquidation)	104 711 891
Arnnete Pty Limited (In Liquidation)	104 727 924
Kirby Street (Holding) Pty Limited (Receivers and Managers Appointed) (In Liquidation)	116 849 113
Kirby Street (Finance) Pty Limited (In Liquidation)	117 268 532
Kirby Street (Logistics) Pty Limited (In Liquidation)	103 305 700
Kirby Street (Trading) Pty Limited (Receivers and Managers Appointed) (In Liquidation)	117 238 945
Blue Spike Pty Limited (In Liquidation)	092 192 204
Bluebend Pty Limited (In Liquidation)	098 726 526
Bluepeer Pty Limited (In Liquidation)	098 726 553
Caloundra Retail Co Pty Limited (In Liquidation)	108 773 208
Cashbound Pty Limited (In Liquidation)	095 230 407
Cashbuild Pty Limited (In Liquidation)	095 241 875
Kirby Street (Ipswich) Pty Limited (In Liquidation)	050 403 695
Kirby Street (Warwick) Pty Limited (In Liquidation)	073 395 838
Kirby Street (Dalby) Pty Limited (In Liquidation)	074 910 946
Kirby Street (Nth Qld) Pty Limited (In Liquidation)	058 407 471
Kirby Street (CC Retail) Pty Limited (In Liquidation)	092 197 914
DPCo Pty Limited (In Liquidation)	117 640 310
Fireright Pty Limited (In Liquidation)	095 578 386
Freshfame Pty Limited (In Liquidation)	102 337 164
Garden Pty Limited (In Liquidation)	071 458 930
General Variety Pty Limited (In Liquidation)	097 076 447
Goralin Pty Limited (In Liquidation)	087 268 719
Group Variety Pty Limited (In Liquidation)	097 076 401
GSCo Pty Limited (In Liquidation)	117 640 301
Imagewatch Pty Limited (In Liquidation)	102 323 786
ITCo Pty Limited (In Liquidation)	117 640 338
Look Sharp Concepts Pty Limited (In Liquidation)	003 116 621
Makro Cannon Park Pty Limited (In Liquidation)	105 140 752
Makro Toowoomba Pty Limited (In Liquidation)	107 491 618
Mallwalk Pty Limited (In Liquidation)	102 324 569
Moneycure Pty Limited (In Liquidation)	098 727 596
O'Neills Property Company Pty Limited (In Liquidation)	095 230 416
Queensland Discounters Pty Limited (Receivers and Managers Appointed) (In Liquidation)	097 076 410
Shopping Variety Pty Limited (In Liquidation)	097 076 367
State Group Pty Limited (In Liquidation)	097 076 385
Sungate Pty Limited (Receivers and Managers Appointed) (In Liquidation)	010 497 551
Youngdown Pty Limited (Receivers and Managers Appointed) (In Liquidation)	003 393 548
Discount Variety Group Pty Limited (In Liquidation)	096 097 719