

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

No. S CI 2011 5202

IN THE MATTER OF **TASMANIAN PLANTATION PTY LTD** ACN 009 560 463 (subject to deed of company arrangement) (controllers acting), **FOREST ENTERPRISES AUSTRALIA LIMITED** ACN 009 553 548 (subject to deed of company arrangement) (receivers and managers appointed) and **FEA CARBON PTY LTD** ACN 009 505 195 (subject to deed of company arrangement) (receivers and managers appointed)

BETWEEN

TASMANIAN PLANTATION PTY LTD ACN 009 560 463 (subject to deed of company arrangement) (controllers acting) and others

Plaintiffs

AND

FEA PLANTATIONS LIMITED ACN 055 969 429 (subject to deed of company arrangement) (receivers appointed)

Defendant

INTERLOCUTORY PROCESS

Date of document:
Filed on behalf of: The Plaintiffs
Prepared by:
Maddocks
Lawyers
140 William Street
Melbourne VIC 3000

1 June 2012
Solicitor's Code: 230
DX 259 Melbourne
Tel: (03) 9288 0555
Fax: (03) 9288 0666
Ref: IMJ:MBP:5674554.023
Attention: Michael Johns
E-mail Address: michael.johns@maddocks.com.au

A. DETAILS OF INTERLOCUTORY APPLICATION

This is an application for the joinder of representative defendants under rules 9.06 and 18.03 of the *Supreme Court (General Civil Procedure) Rules 2005*.

On the facts stated in the supporting affidavit(s), the applicants (the Plaintiffs) apply for the following interlocutory relief:

1. In this order, **Relevant Grower**, means a Grower with one or more woodlots on the land referred to in Annexure D of the Amended Originating Process dated 4 November 2011.

2. Richard Ian Latham be joined as a defendant, representing Relevant Growers in each of the following registered managed investment schemes:

1994	Tasmanian Forests Trust No. 2	ARSN 093 165 505
1995	Tasmanian Forests Trust No. 3	ARSN 093 165 005
1996	Tasmanian Forests Trust No. 4	ARSN 093 165 103
1997	Tasmanian Forests Trust No. 5	ARSN 093 165 050
1998	Tasmanian Forests Trust No. 6	ARSN 093 165 327
1999	Tasmanian Forests Trust No. 7	ARSN 093 164 866
2001	Tasmanian Forests Project 2001	ARSN 094 614 678
2005	FEA Plantations Project 2005	ARSN 113 195 583
2006	FEA Plantations Project 2006	ARSN 119 069 591
2008	FEA Plantations Project 2008	ARSN 129 750 296
2009	FEA Plantations Project 2009	ARSN 136 438 616

apart from any members of those schemes represented by Taunton Enterprises Pty Ltd or Ronald Michael Blessington.

3. Taunton Enterprises Pty Ltd (ACN 009 521 591) be joined as a defendant, representing Relevant Growers in each of the registered managed investment schemes listed below to whom the Second Plaintiff (**FEA**) issued a notice terminating their Grower Lease on 27 September 2011 or 18 October 2011:

1995	Tasmanian Forests Trust No. 3	ARSN 093 165 005
1999	Tasmanian Forests Trust No. 7	ARSN 093 164 866

4. Ronald Michael Blessington be joined as a defendant, representing:

- (a) Relevant Growers in each of the registered managed investment schemes listed below to whom FEA issued a notice terminating their Grower Lease on 27 September 2011 or 18 October 2011:

1996	Tasmanian Forests Trust No. 4	ARSN 093 165 103
1997	Tasmanian Forests Trust No. 5	ARSN 093 165 050
1998	Tasmanian Forests Trust No. 6	ARSN 093 165 327

; and

- (b) all Relevant Growers in the registered managed investment schemes listed below:

2004	FEA Plantations Project 2004	ARSN 108 148 198
2007	FEA Plantations Project 2007	ARSN 125 108 063

5. Peter Edward Lamb be joined as a defendant, representing all Relevant Growers in each of the following registered managed investment schemes:

2000	Tasmanian Forests Project 2000	ARSN 092 500 984
2002	Australian Forests Project 2002	ARSN 099 656 381
2003	Forest Enterprises Plantation Project 2003	ARSN 104 311 533

6. The title to the proceeding be amended accordingly.

7. As soon as practicable:

- (a) FEA and the Fourth and Fifth Plaintiffs (**the Receivers**) publish a notice on the FEA website (www.fealtd.com) and the Receivers' website, in the form of Exhibit **IMJ-35** to the Affidavit of Ian Michael Johns dated 1 June 2012 (**the Proposed Notice**); and
- (b) the Defendant take all reasonable steps to procure that the Proposed Notice be published on the websites of its administrators (BRI Ferrier) and the FEA Growers Group Inc.

8. The Receivers provide to each representative defendant respectively the access details and passwords for the relevant email address specified in the Proposed Notice for communication with each representative defendant.

9. Such further or other orders as to the Court deems appropriate.

Date: 1.6.2012

Maddocks
.....

Maddocks
Solicitors for the Applicants (the Plaintiffs)

This interlocutory application will be heard by Justice Ferguson at 210 William Street, Melbourne at 10am on 29 June 2012.

B. NOTICE TO RESPONDENTS

TO:

1. the Defendant,
whose address for service is DLA Piper Australia, Level 17, 140 William Street,
Melbourne, Victoria 3000;
2. Richard Ian Latham,
of 807 Sandy Bay Road, Sandy Bay, Tasmania 7005;
3. Taunton Enterprises Pty Ltd (ACN 009 521 591),
of London House, 62-64 Emu Bay Road, Deloraine, Tasmania 7304;
4. Ronald Michael Blessington,
of 109 Edith Street, Enoggera, Queensland 4051;
5. Peter Edward Lamb,
of 10/52 Toorumbree Drive, Mooloolaba, Queensland 4557;

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence.

Before appearing before the Court, you must, except if you have already done so or you are the plaintiff in this proceeding, file a notice of appearance, in the prescribed form, in the office of the Prothonotary and serve a copy of it on the plaintiff in the originating process.

Note: Unless the Court otherwise orders, a respondent that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

C. FILING

This interlocutory process is filed by Maddocks, solicitors for the Applicants (the Plaintiffs).

D. SERVICE

The Applicants' (the Plaintiffs') address for service is C/- Maddocks, 140 William Street, Melbourne, (Ref: IMJ:MBP:5674554.023)

It is intended to serve a copy of this interlocutory process on each of the respondents named above.



- 1 JUN 2012



FORM 1

Service and Execution of Process Act 1992 (Section 16)

NOTICE TO RESPONDENT

PLEASE READ THIS NOTICE

AND THE ATTACHED DOCUMENT VERY CAREFULLY

IF YOU HAVE ANY TROUBLE UNDERSTANDING THEM YOU SHOULD GET LEGAL ADVICE
AS SOON AS POSSIBLE.

Attached to this notice is an Interlocutory Process ("the attached process") issued out of the Supreme Court of Victoria at 210 William Street, Melbourne, Victoria.

Service of the attached process outside Victoria is authorised by the Service and Execution of Process Act 1992.

YOUR RIGHTS

If a court of a State or Territory other than Victoria is the appropriate court to determine the claim against you set out in the attached process, you may be able to apply to the Supreme Court in Victoria to have the proceeding transferred to another Supreme Court, or another superior court.

If you think the proceeding should be stayed or transferred you should get legal advice as soon as possible.

CONTESTING THIS CLAIM

If you want to contest this claim, you must take any action set out in the attached process as being necessary to contest the claim.

If you want to contest this claim, you must also file an appearance in the Supreme Court of Victoria General Registry at Level 2, 436 Lonsdale Street, Melbourne, Victoria. You have only 21 days after receiving the attached process to do so.

The notice of appearance must contain an address in Australia where documents can be left for you or sent to you.

