

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



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 & 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) and others

Defendants

**ORDER**

JUDGE: The Honourable Justice Robson  
DATE MADE: 1 March 2013  
ORIGINATING PROCESS: Amended Originating Process filed 4 November 2011  
HOW OBTAINED: On return of the Amended Originating Process.  
ATTENDANCE: Mr PD Crutchfield, of Senior Counsel, and Dr O Bigos, of Counsel, for the Plaintiffs.  
Mr AP Young, and Dr VM Priskich, of Counsel, for the First Defendant.  
Mr S Hopper, of Counsel for the Second and Third Defendants.  
OTHER MATTERS: The defendants did not oppose the orders.

THE COURT ORDERS THAT:

1. The orders contained in paragraphs 4 to 8 of the orders made on 14 December 2012 be vacated.
2. By Monday 18 March 2013, the Second and Third Defendant file their Statement of Facts and Contentions, which must:



- (a) join issue with each paragraph of the Plaintiffs' Amended Statement of Facts and Contentions; and
  - (b) where they adopt the position taken in the First Defendant's Statement of Facts and Contentions, indicate that this is the case.
3. By Monday 18 March 2013, the Plaintiffs and the First Defendant write to each other in respect of each other's Statement of Facts and Contentions, indicating each paragraph which is not in dispute.
  4. By Monday 1 April 2013, the Second and Third Defendants write to the Plaintiffs in respect of the Plaintiffs' Amended Statement of Facts and Contentions, indicating each paragraph which is not in dispute.
  5. By Monday 15 April, the parties must, by their legal representatives, meet, confer, prepare jointly and file a list of the issues to be determined at trial, including a statement of the position of each party in respect of each issue.
  6. The amount of the Costs Cap in paragraph 4 of the orders made on 3 August 2012 be varied to \$320,000 plus GST.
  7. The matter be listed for directions on Friday 19 April 2013.
  8. The issue of any liability for costs associated with the filing by the Plaintiffs of an Amended Statement of Facts and Contentions be reserved for hearing on a date to be fixed.
  9. The Parties have liberty to apply.
  10. Costs be reserved.

**Date authenticated:** 6 March 2013

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**THE HONOURABLE JUSTICE ROBSON**

