

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

S CI 2011 05202

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) Plaintiffs/Applicants
(subject to deed of company arrangement) (controllers acting) and others (according to the schedule attached)

- and -

FEA PLANTATIONS LIMITED (ACN 055 969 429) (subject to deed of company arrangement) (receivers appointed) and others Defendants/Respondents
(according to the schedule)

ORDER

JUDGE OF THE COURT: The Honourable Justice Robson

DATE MADE: 13 December 2012

ORIGINATING PROCESS: Filed 30 September 2011 and amended on 4 November 2011

HOW OBTAINED: Pursuant to Rule 59.07 of the *Supreme Court (General Civil Procedure) Rules 2005*

ATTENDANCE: Not applicable.

OTHER MATTERS: Not applicable.



THE COURT ORDERS BY CONSENT THAT:

1. The orders contained in paragraphs 3 to 10 (inclusive) of the orders made on 31 August 2012 are vacated.
2. The First Defendant file an amended statement of facts and contentions responding to the Plaintiffs' amended statement of facts and contentions on or before 18 December 2012.

3. The First Defendant provide a first tranche of documents in discovery, comprising documents relevant to the issues raised by its amended statement of facts and contentions and to the Plaintiffs' amended statement of facts and contentions, on or before 25 January 2013.
4. The Second and Third Defendant file their statement of facts and contentions, responding to the Plaintiffs' amended statement of facts and contentions, on or before 1 February 2013.
5. The Plaintiffs have leave to file a reply on or before 15 February 2013.
6. The parties provide any further documents in discovery, comprising documents relevant to the issues raised by any of the parties' statements of facts and contentions, on or before 22 February 2013.
7. The matter be listed for directions on 1 March 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 1 March 2013.
9. The parties have liberty to apply.
10. Costs are reserved.

DATE AUTHENTICATED: **12 April 2013**

LV



SCHEDULE OF PARTIES

S CI 2011 05202

BETWEEN:

TASMANIAN PLANTATION PTY LTD (ACN 009 560 463)
(subject to deed of company arrangement) (controllers acting) Firstnamed
Plaintiff/Applicant

FOREST ENTERPRISES AUSTRALIA LTD
(ACN 009 553 548)(subject to deed of company arrangement)
(receivers and managers appointed) Secondnamed
Plaintiff/Applicant

FEA CARBON PTY LTD (ACN 009 505 195) (subject to deed of
company arrangement)(receivers and managers appointed) Thirdnamed
Plaintiff/Applicant

TIMOTHY BRYCE NORMAN in his capacity as joint and several
receiver and manager of FOREST ENTERPRISES AUSTRALIA
LTD (ACN 009 553 548) (subject to deed of company
arrangement) (receivers and managers appointed) and of FEA
CARBON PTY LTD (ACN 009 505 195) (subject to deed of
company arrangement)(receivers and managers appointed) and as
controller of TASMANIAN PLANTATION PTY LTD (ACN 009
560 463) (subject to deed of company arrangement) (controllers
acting) Fourthnamed
Plaintiff/Applicant

SALVATORE ALGERI in his capacity as joint and several receiver
and manager of FOREST ENTERPRISES AUSTRALIA LTD
(ACN 009 553 548) (subject to deed of company arrangement)
(receivers and managers appointed) and of FEA CARBON PTY
LTD (ACN 009 505 195) (subject to deed of company
arrangement)(receivers and managers appointed) and as controller
of TASMANIAN PLANTATION PTY LTD (ACN 009 560 463)
(subject to deed of company arrangement) (controllers acting) Fifthnamed
Plaintiff/Applicant

- and -

FEA PLANTATIONS LIMITED (ACN 005 969 429)(subject to
deed of company arrangement)(receivers and managers appointed) Firstnamed
Defendant/Respondent

RICHARD IAN LATHAM Secondnamed
Defendant/Respondent

PATRICIA ANNE BENNETT Thirdnamed
Defendant/Respondent

