

JUDGMENT/ORDER



COURT DETAILS

Court	Supreme Court of NSW
Division	Equity
List	Corporations Registrar's List
Registry	Supreme Court Sydney
Case number	2012/00379461

TITLE OF PROCEEDINGS

First Plaintiff	Christopher Robert Campbell, Vaughan Neil Strawbridge and David John Frank Lombe in their capacity as Liq of MF Gobal MF Global Limited (In Liquidation) ACN 001662077
Second Plaintiff	MF Global Limited (In Liquidation) ACN 001662077
Corporation subject of the proceeding	MF Global Limited (In Liquidation) ACN 001662077

DATE OF JUDGMENT/ORDER

Date made or given	11 December 2012
Date entered	12 December 2012

TERMS OF JUDGMENT/ORDER

VERDICT, ORDER OR DIRECTION:

Judgment handed down. Reasons published. [2012] NSWSC 1524.

Black J orders that exhibits and subpoenaed material may be returned forthwith; any exhibits returned must be retained intact by the party or person that produced the material until the expiry of the time to file an appeal, or until an appeal has been determined.

Black J makes orders in accordance with Short Minutes of Order initialled by him and placed in the file.

The Court:

1. Directs that the plaintiffs would be justified in compromising the claims that are the subject of the Statement of Cross-Claim on the terms set out in the Settlement Deed.
2. Directs that, subject to paragraph 4 below, the plaintiffs would be justified in making balancing payments between the Futures Pool, the CFD Pool and the general funds of MFGA (as relevant) in order that those funds bear the Agreed Costs in proportion to the Settlement Deed Proceeds paid into each of those pools.
3. Directs that the plaintiffs notify each Futures Client, CFD Client and unsecured creditor of MFGA by sending an email or letter to last known address for receipt of communications by the plaintiffs in the form set out in Annexure A before 12pm on or before 17 December 2012.
4. Orders that the direction in paragraph 2 above shall be effective on and from 5:00pm on 1 February 2013 unless, prior to that time:
 - (a) an interested person complies with order 5 below; and
 - (b) the Court varies or revokes the direction by reason of the objection of that interested person.
5. Directs that any interested person wishing to object to the direction in paragraph 2 above:
 - (a) file a notice of appearance and any affidavit(s) in support of the objection; and
 - (b) serve a copy of the notice of appearance and any affidavit(s) in support of the objection on the plaintiffs' solicitors,on or before 29 January 2013.
6. Lists the hearing of any objection by any interested person for Friday 1 February 2013 at 2pm.
7. Grants the plaintiffs liberty to apply on short notice specifying the relief sought.

Definitions

Agreed Costs means the sum of GB£400,000.

CFD Account means a CFD Account with MFGA established under a CFD Agreement or similar agreement with MFGA.

CFD Agreement means an agreement between MFGA and a person relating to the CFD Product

Line.

CFD Client means a client of MFGA with a CFD Account.

CFD Pool has the meaning given in paragraph 19 of the orders made on 19 September 2012 in proceeding number 2011/411117.

Futures Account means an account with MFGA established in connection with a Futures Agreement or similar agreement with MFGA.

Futures Agreement means an agreement between MFGA and a person relating to the Futures Product Line, including dealings in or clearing of futures and options contracts.

Futures Client means a client of MFGA with a Futures Account.

Futures Pool has the meaning given in paragraph 19 of the orders made on 19 September 2012 in this proceeding.

MFGA means MF Global Australia Limited (in liquidation).

Product Lines means the following financial products into which the Second Plaintiff organised its business: CFDs,

Futures, Margin FX and Online FX.

Settlement Deed means the settlement deed to be entered into between the First Plaintiffs, the Second Plaintiffs, MF Global UK Limited (in special administration) (MFGUK) and the special administrators of MFGUK substantially in the form of the document annexed to the supporting affidavit of Christopher Robert Campbell sworn 3 December 2012 in this proceeding.

Settlement Deed Proceeds means the amounts to be received by the plaintiffs pursuant to the Settlement Deed.

Statement of Cross-Claim means the statement of cross-claim filed by the Second Plaintiff on 31 August 2012 in the proceedings in the Federal Court of Australia Court with number 2348 of 2011.

SEAL AND SIGNATURE



Signature D Ray Choudhury

Capacity Chief Clerk
Date 12 December 2012