

## CIRCULAR TO CREDITORS

20 February 2015

Dear Sir/Madam

**Retail Adventures Pty Limited (RAPL) (“the Company”)  
(In Liquidation)  
ACN 135 890 845**

### *Update on Court Application by IMF Bentham Limited (IMF) Funded Creditors*

In our circulars to creditors dated 1 December 2014 and 3 February 2015, we advised creditors of an application to the Court by creditors of RAPL who had obtained litigation funding from IMF (**Funded Creditors**) to have IMF’s costs and funding fee paid in priority to any distribution to unsecured creditors.

The purpose of this circular is to provide creditors with an update on the progress of that application.

The application was filed by one of the Funded Creditors, Sperling Enterprises Pty Ltd, on 23 December 2014 in the Supreme Court of New South Wales and had a first Court hearing on 16 February 2015 as advised in our circular of 3 February 2015.

At the hearing on 16 February 2015, the Court ordered that:

- a creditor who is not a Funded Creditor, TNW Australia Pty Ltd (**TNW**), be appointed as a representative defendant in the proceedings to represent the interests of non-IMF funded creditors;
- TNW’s costs of the proceedings be paid as costs of the liquidation;
- the parties must serve any evidence on which they rely by 27 February 2015;
- the Funded Creditors must serve an outline of submissions by 6 March 2015;
- TNW must serve an outline of submissions by 13 March 2015;
- the Funded Creditors must serve an outline of submissions in reply by 18 March 2015;
- the proceedings be listed for further directions on 30 March 2015; and
- the proceedings be set down for hearing on 6 May 2015.

Creditors are not required to do anything in relation to the proceedings. The interests of non-IMF funded creditors will be represented in the proceedings by TNW. However, any individual creditor that wishes to be heard in connection with the Funded Creditor’s application should attend the directions hearing on 30 March 2015 at the Supreme Court of New South Wales, Law Courts Building, 184 Philip Street, Sydney NSW.

We will provide a further update to creditors as the matter progresses.

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## Update on proposed interim distribution to creditors

In our 1 December 2014 circular to creditors, we advised creditors that the timing of the proposed interim distribution to creditors was dependent on:

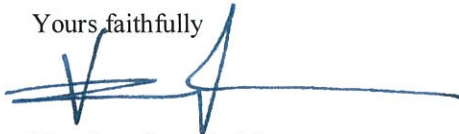
- receipt of the necessary approval from the Australian Taxation Office (ATO); and
- the timing of the Court's determination of the application by the Funded Creditors.

We have now received the notification from the ATO which will enable us to make the interim distribution once the Court application is determined. In the interim we are continuing our adjudication process. We expect to provide you with our dividend timetable following the next directions hearing on 30 March 2015, which we anticipate will coincide with a judgement hearing on 6 May 2015.

A large number of creditors have responded to the request in our 1 December 2014 circular to submit formal proofs of debt and supporting information. If you have not done so yet or have received a request for further supporting information, please could you provide this information promptly. This will assist us to ensure that we are in a position to proceed with the distribution as soon as practicable.

If you have any queries in relation to the above, please contact us on (02) 9322 3834 or by email at [retailadventures@deloitte.com.au](mailto:retailadventures@deloitte.com.au).

Yours faithfully



**Vaughan Strawbridge**  
Joint and Several Liquidator