

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
CORPORATIONS LIST

S CI 2014

IN THE MATTER OF BANKSIA SECURITIES LIMITED (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) ABN 45 004 736 458

BETWEEN

ANTHONY GREGORY MCGRATH, JOSEPH DAVID HAYES, MATTHEW WAYNE CADDY AND ROBERT MICHAEL KIRMAN AS RECEIVERS AND MANAGERS OF BANKSIA SECURITIES LIMITED (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) ABN 45 004 736 458

First Plaintiffs

BANKSIA SECURITIES LIMITED (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) ABN 45 004 736 458

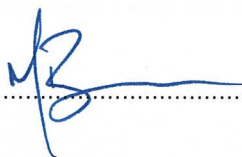
Second Plaintiff

AFFIDAVIT OF JOSEPH DAVID HAYES "JH-11"

Date sworn: 16 December 2015
Filed on behalf of: The Plaintiffs
Prepared by:
Ashurst Australia
Level 26
181 William Street
MELBOURNE VIC 3000

Solicitor's Code: 53
DX: 388
Tel: (03) 9679 3000
Fax: (03) 9679 3111
Ref: 03 3000 9288
Attention: Ross McClymont
Email: ross.mcclymont@ashurst.com

This is the exhibit marked "JH-11" now produced and shown to Joseph David Hayes at the time of swearing his affidavit on 16 December 2015.



.....

Exhibit "JH-11"

Orders made by Justice Ferguson in Class Action
dated 15 December 2014

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMERCIAL COURT
CORPORATIONS LIST

S CI 2012 7185

BETWEEN:

LAURENCE JOHN BOLITHO

Plaintiff

- and -

BANKSIA SECURITIES LTD (ACN 004 736 458) & OTHERS
(according to the attached Schedule)

Defendants

ORDER

JUDGE: The Honourable Justice Ferguson

DATE MADE: 15 December 2014

ORIGINATING PROCESS: Writ filed 24 December 2012

HOW OBTAINED: At the directions hearing.

ATTENDANCE: Mr M W L Symons, Counsel for the Plaintiff
Mr J Redwood, Counsel for the First Defendant
Ms K Anderson, Counsel for the liquidators of the First Defendant
Mr P Liondas, Counsel for the Third Defendant
Mr A J Kelly QC and Mr B Jellis, Counsel for the Fourth Defendant
Mr R Peters, Counsel for the Fifth Defendant
Mr Bennett, Counsel for the Sixth, Seventh and Ninth Defendants
Mr M Farquhar and Ms Skelley, Solicitors for the Eighth Defendant

THE COURT ORDERS THAT:

1. The Eighth Defendant file and serve his defence by no later than 4:00 pm 13 February 2015.
2. The Plaintiff file and serve any reply to the Defendants' defences (other than the Eighth Defendant's defence) by no later than 4:00 pm 6 February 2015.
3. The Plaintiff file and serve any reply to the Eighth Defendant's defence by no later than 4:00 pm 20 February 2015.
4. The Defendants file and serve any third party notices and cross-claims by no later than 4:00 pm 13 February 2015.



5. The proceeding be referred to mediation before a mediator agreed by the parties by 30 April 2015.
6. The mediator not later than seven days after the date of the mediation report back to the Court whether the mediation is concluded.
7. Subject to any further order, each of the following pay one seventh of the costs of the mediation:
 - a. Plaintiff (Mr Bolitho);
 - b. First Defendant in this proceeding (Banksia Securities Limited, also the Plaintiff in Proceeding No. S CI 2014 05875);
 - c. Third Defendant (The Trust Company (Nominees) Ltd);
 - d. Fourth Defendant (RSD Chartered Accountants, also the Eighth and Ninth Defendants in Proceeding No. S CI 2014 05875); and
 - e. collectively, the Fifth Defendant, Sixth Defendant, Seventh Defendant, Ninth Defendant (Messrs Godfrey, Carr, Keating and Skewes, also the First, Third, Second and Fourth Defendants respectively in Proceeding No. S CI 2014 05875), the Eighth Defendant (Mr Mathison), and the Fifth and Sixth Defendants in Proceeding No. S CI 2014 05875 (Messrs Lipshut and Santilla),

such costs otherwise to be costs in the proceeding.

8. The proceeding be listed for directions on 27 February 2015 at 10:00 am.

DATE AUTHENTICATED: 18 December 2014

THE HONOURABLE JUSTICE FERGUSON



SCHEDULE OF PARTIES

S CI 2012 7185

LAURENCE JOHN BOLITHO

Plaintiff

- and -

BANKSIA SECURITIES LIMITED (ACN 004 736 458)

First Defendant

THE TRUST COMPANY (NOMINEES) LTD (ACN 000 154 441)

Third Defendant

RSD CHARTERED ACCOUNTANTS (ABN 60 616 244 309)

(formerly known as RICHMOND SINNOTT and DELAHUNTY)

Fourth Defendant

PATRICK JOHN GODFREY

Fifth Defendant

NICHOLAS LIVINGSTONE CARR

Sixth Defendant

PETER WILLIAM KEATING

Seventh Defendant

NEIL STEWART MATHISON

Eighth Defendant

GEOFFREY GRENVILLE SKEWES

Ninth Defendant

