



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD2001/2016

IN THE MATTER OF PUMPKIN PATCH (AUSTRALIA) PTY LIMITED (ADMINISTRATORS APPOINTED) (RECEIVERS AND MANAGERS APPOINTED) ACN 068 264 693 AND PUMPKIN PATCH AUSTRALIA PROPERTIES PTY LTD (ADMINISTRATORS APPOINTED) (RECEIVERS AND MANAGERS APPOINTED) ACN 146 055 236

JOSEPH DAVID HAYES AND SHAUN ROBERT FRASER IN THEIR CAPACITY AS JOINT AND SEVERAL ADMINISTRATORS OF PUMPKIN PATCH (AUSTRALIA) PTY LIMITED (ADMINISTRATORS APPOINTED) (RECEIVERS AND MANAGERS APPOINTED) ACN 068 264 693 and another named in the schedule
Plaintiff

ORDER

JUDGE: JUSTICE JAGOT

DATE OF ORDER: 22 November 2016

WHERE MADE: Sydney


THE COURT ORDERS THAT:

1. Pursuant to section 439A(6) of the *Corporations Act* 2001 (Cth) (**Act**), the period within which the First Plaintiffs must convene the meeting of creditors of Pumpkin Patch (Australia) Pty Limited (Administrators Appointed) (Receivers and Managers Appointed) (**PPA**), as required by section 439A(1) of the Act, be extended up to and including 28 February 2017.
2. Pursuant to section 439A(6) of the Act, the period within which the Second Plaintiffs must convene the meeting of creditors of Pumpkin Patch Australia Properties Pty Ltd (Administrators Appointed) (Receivers and Managers Appointed) (**PPAP**), as required by section 439A(1) of the Act, be extended up to and including 28 February 2017.
3. Pursuant to section 447A(1) of the Act, Part 5.3A of the Act is to have effect in relation to PPA and PPAP such that the meetings of creditors of each of PPA and PPAP required by section 439A(1) of the Act may be held, together or separately, at any time during the period up to, or within 5 business days after the end of, the convening period as extended by orders 1 and 2 above, notwithstanding the provisions of section 439A(2) of the Act.



4. Pursuant to section 447A(1) of the Act, Part 5.3A of the Act is to have effect in relation to each of PPA and PPAP such that the requirement for the Plaintiffs to give written notice under section 439A(3) of the Act will be satisfied by them, not less than 5 business days prior to the date of the meeting:
 - a. sending such notice by email to any creditor (including any person claiming to be a creditor) of each of PPA and PPAP for whom or which the Plaintiffs have a current email address;
 - b. sending such notice to the postal address or facsimile number, or otherwise sending such notice in a manner provided for by the Act or the *Corporations Regulations 2001* (Cth), to any creditor not being a creditor referred to in subparagraph (a); and
 - c. causing such notice to be made available on the website maintained by the Plaintiffs at <http://www.mcgrathnicol.com>.
5. Within 2 business days of the making of the orders, the Plaintiffs are to cause notice of the Originating Process dated 21 November 2016 and the orders made to be given to creditors of each of PPA and PPAP, by:
 - a. means of a circular sent by email transmission to creditors (including persons claiming to be creditors) of PPA and PPAP for whom or which the Plaintiffs have current email addresses; and
 - b. placing copies of the said documents on the website maintained by the Plaintiffs at <http://www.mcgrathnicol.com>.
6. Costs of the application be treated as costs in the administrations of PPA and PPAP.
7. Liberty to apply to be granted to the Plaintiffs in relation to any further extension of the convening period or any other matter arising in the administrations of PPA and PPAP generally.
8. Liberty be reserved to any party affected by the above orders to apply to modify or discharge them on no less than 48 hours' notice to the Plaintiffs.

Date that entry is stamped: 22 November 2016


Registrar



Schedule

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Second Plaintiff Joseph David Hayes and Shaun Robert Fraser in their capacity as
joint and several administrators of Pumpkin Patch Australia
Properties Pty Ltd (Administrators Appointed) (Receivers And
Managers Appointed) ACN 146 055 236