

IN THE SUPREME COURT OF WESTERN AUSTRALIA

COR 35 OF 2010

IN THE MATTER OF GREAT SOUTHERN MANAGERS AUSTRALIA LIMITED (ACN 083 825 405) (IN LIQUIDATION)

**GREAT SOUTHERN MANAGERS AUSTRALIA LIMITED (ACN 083 825 405) (IN LIQUIDATION)
IN ITS CAPACITY AS RESPONSIBLE ENTITY OF THE MANAGED INVESTMENT SCHEMES
LISTED IN SCHEDULE 2 TO THE APPLICATION**

First Plaintiff

GREAT SOUTHERN OLIVES COMPANY LIMITED (ACN 121 381 208) (IN LIQUIDATION)

Second Plaintiff

GREAT SOUTHERN OLIVE HOLDINGS PTY LIMITED (ACN 111 092 374) (IN LIQUIDATION)

Third Plaintiff

ANDREW JOHN SAKER

Fourth Plaintiff

MARTIN BRUCE JONES

Fifth Plaintiff

DARREN GORDON WEAVER

Sixth Plaintiff

JAMES HENRY STEWART

Seventh Plaintiff

JAMES GERARD THACKRAY

First Defendant

ANTHONY GREGORY MCGRATH

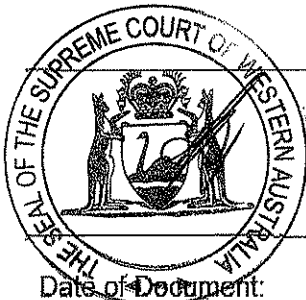
Second Defendant

COLIN MCINTOSH NICOL AND SIMON ANDREW READ

Third Defendants

THE GROWERS LISTED IN SCHEDULE 8 OF THE APPLICATION

Fourth Defendants



**ORDER TO AMEND ORIGINATING PROCESS
BEFORE THE HONOURABLE JUSTICE LE MIERE
12 MAY 2010**

Date of Document: 18 May 2010
Date of Filing: 18 May 2010
Filed on behalf of: The plaintiffs

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UPON THE APPLICATION of the first to seventh plaintiffs by interlocutory process dated 10 May 2010 and UPON HEARING Mr R W Douglas of counsel for the first to seventh plaintiffs, Mr P D Crutchfield SC and Mr J A Thomson of counsel for the Bendigo and Adelaide Bank Limited and Mr G Bigmore and Mr S Hopper of counsel on behalf of those fourth defendants listed in Schedule A to the Notice of Appearance dated 12 April 2010 and Schedule A to the Notice of Appearance dated 3 May 2010 IT IS ORDERED that:

~~1. The requirement that the interlocutory process dated 10 May 2010 be supported by an affidavit pursuant to Part 2 Rule 4 of the *Supreme Court (Corporations) (WA) Rules 2004* be dispensed with~~

2. Mr Simon Andrew Read, in his capacity as receiver and manager of Great Southern Managers Australia Limited (in liquidation) be added as a further third defendant in these proceedings.

23. The Bendigo and Adelaide Bank Limited (ACN 068 049 178) be joined as the 4065th fourth defendant in these proceedings.

34. The Minute of Amended Originating Process annexed and marked "A" to the interlocutory process dated 10 May 2010 and filed on behalf of the first to seventh plaintiffs stand as the Originating Process in these proceedings.

45. The confidential affidavits of:

(a) Jerome Clement Gumley sworn 19 April 2010;

(b) Brian Arthur Miles sworn 21 April 2010; and

(c) James Gerard Thackray sworn 30 April 2010,

and the annexures attached to those affidavits,

(d) be placed in a sealed envelope marked "Confidential – Not to be Accessed for Inspection except as so far as the Court orders"; and

(e) not be available for inspection except in so far as the Court orders; and

(f) any application to inspect the ~~document~~ *confidential affidavits or the attachments thereto* be referred to a Judge or Master of the Court with 3 days notice thereof to be provided to the solicitors for the plaintiffs.

BY THE COURT

D. Power
REGISTRAR