

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 AMENDED ORIGINATING PROCESS**

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

**GREAT SOUTHERN OLIVE PROCESSING PTY LTD (ACN 128 547 437) (IN LIQUIDATION)**

Eighth 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 AMENDED ORIGINATING PROCESS**

Fourth Defendants



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**ORDERS BEFORE THE HONORABLE JUSTICE LE MIERE  
15 JUNE 2010**

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Date of Document: 15 June 2010  
Date of Filing: 17 June 2010  
Filed on behalf of: The First to Eighth Plaintiffs  
Prepared by

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UPON THE HEARING Mr R W Douglas of counsel for the First to Eighth Plaintiffs, Mr D Solomon of counsel for those Fourth Defendants listed in Schedule A to the amended notice of appearance dated 12 May 2010 and listed in Schedule A to the further notice of appearance dated 12 May 2010, Mr J A Thomson of counsel for the 4065<sup>th</sup> Fourth Defendant and Ms Z Kelly of counsel for the First to Third Defendants on 15 June 2010, IT IS ORDERED THAT:

### Pleadings

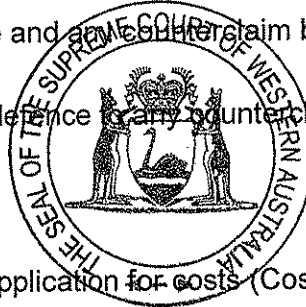
1. The plaintiffs file and serve a statement of claim by 6 July 2010.
2. Each defendant file and serve any defence and answer to the claim by 9 August 2010.
3. The plaintiffs file and serve any reply and defence to any counterclaim by 30 August.

### Cost Application

4. The fourth defendants file and serve any application for costs (Costs Application) to be paid out of the fund created by paragraph 6 of the orders made by the Honourable Justice Le Miere on 27 May 2010 by 15 July 2010.
5. The plaintiffs and the first, second and third defendants file and serve any material in response to the Costs Application by 29 July 2010.

### Amendment of Pleadings

6. Unless the Case Manager otherwise orders:
  - (a) Any party may without leave amend any pleading at any time prior to the date 7 weeks before the day fixed for the commencement of trial by filing and serving the amended pleading; and
  - (b) any other party may without leave make consequential amendments within 7 working days from service of the amendment by filing and serving the amended pleading.
7. Within 7 days after the service on a party of a pleading amended under paragraph 6 that party may apply to the Case Manager to disallow the amendment.
8. Unless the Case Manager otherwise orders, the costs incurred and thrown away by reason of a party amending a pleading under paragraph 6(a) be the other parties in any event.



### Non-Compliance with Directions

9. In the event of default by any party for 5 working days in complying with a direction for the taking of any interlocutory step, the solicitor for the party in default shall submit to the solicitor for each other party a proposed revised timetable for the interlocutory steps outstanding. If the party in default has previously defaulted, the period of 5 working days is reduced to 2 working days.

10. Upon receipt of the revised timetable the solicitor for each party shall forthwith inform that solicitor's client:

- (a) of the existing timetable;
- (b) of the fact of the default;
- (c) of the proposed revised timetable,



and obtain the client's instructions as to whether the client consents to the proposed revised timetable.

11. Upon receipt of the client's instructions the solicitor for each party shall forthwith inform the solicitor for the party in default of those instructions.

12. If all parties consent to the proposed revised timetable, interlocutory steps shall proceed in accordance with it, and the Case Manager may at the next review hearing make an order that the timetable be revised accordingly. (The Case Manager may nevertheless remove the matter from the CMC List or impose other sanctions if not satisfied that the parties are proceeding with the diligence and expedition appropriate).

13. If all parties do not consent to the proposed revised timetable, the solicitor for the party in default shall forthwith secure the re-listing of the matters for review by the Case Manager so that appropriate directions may be given.

### Discovery

14. By 27 July 2010, the parties are to confer in relation to the classes or categories of documents to be discovered in these proceedings.

### Directions Hearing

15. The next directions hearing shall be at 9.15am on Tuesday, 10 August 2010.

**Costs**

16. Costs be in the cause.

BY THE COURT



THE HONOURABLE JUSTICE LE MIERE

