

12-FEB-2002 11:31 FROM HERBERT GEER & RUNDLE TO 922999004371 P.02/03
IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL AND EQUITY DIVISION
COMMERCIAL LIST
F. 5382

2115 OF 2001

BETWEEN

**ANSETT AUSTRALIA GROUND STAFF SUPERANNUATION
PLAN PTY LTD (ACN 065 590 178) (as trustee of the Ansett
Australia Ground Staff Superannuation Plan) & Ors**

Plaintiffs

and

**ANSETT AUSTRALIA LIMITED (Administrators Appointed)
(ACN 004 209 410) & Ors**

Defendants

AFFIDAVIT OF BRIAN JAMES ARTHUR

Date of Document: 12 February 2002
Filed on behalf of: Fourth Defendant

Prepared by:

Herbert Geer & Rundle
Lawyers
Level 21
385 Bourke Street
MELBOURNE VIC 3000

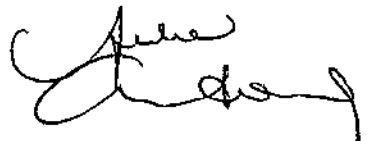
Solicitors Code: 174
DX 428 MELBOURNE
Tel: 03 9641 8786
Fax: 03 9670 3338
e-mail: barthur@hgr.com.au
Ref: AWS:BJA:1130020 (Brian Arthur)

I, **BRIAN JAMES ARTHUR**, solicitor of Level 21, 385 Bourke Street, Melbourne, **MAKE OATH AND SAY** as follows:

1. I am a solicitor in the employ of Herbert Geer & Rundle, solicitors of the Fourth Defendant, and have the care and conduct of this matter subject to the direction of my principals. I make this affidavit from my own knowledge save where otherwise indicated.
2. On Tuesday 12 February 2002, I caused to be down loaded from the website of the First Defendant solicitors, a copy of a document entitled, "Ansett Group of Companies First Report by Administrators", dated 16 January 2002.

Herbert Geer & Rundle
mel bja 1130020 179273

Julie Estelle Armstrong
Of 385 Bourke Street, Melbourne.
being of a current practitioner within
the meaning of the Legal Practice Act 1996.



Now shown to me marked "BJA-1", is a copy of the Ansett Group of Companies First Report by Administrators dated 16 January 2002.

- 3. I am informed by Mr Andrew Stops, partner of Herbert Geer & Rundle, and believe that on Saturday, 9 February 2002, he sent by facsimile a letter dated 9 February 2002 to the solicitors for the Plaintiffs and the solicitors for the First and Second Defendants and the solicitors for the Third Defendant. Now shown to me and marked "BJA-2" is a copy of the facsimile letter dated 9 February 2002 and transmission report sheet.
- 4. At the time of making this affidavit, the solicitors for the first and second defendants have not responded to the letter of 9 February 2002.

Sworn at *Melbourne* in the)
 State of Victoria this *Twelfth* day of)
Melbourne 2002.)

Before Me:

Julie
Armstrong

[Signature]

Julie Estelle Armstrong
 Of 385 Bourke Street, Melbourne,
 being of a current practitioner within
 the meaning of the Legal Practice Act 1996.