

**IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMERCIAL LIST
COMMERCIAL AND EQUITY DIVISION**

2001 No 2115

B E T W E E N :

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

Plaintiffs

and

**ANSETT AUSTRALIA LIMITED (Administrator Appointed)
(ACN 004 209 410) & OTHERS**

Defendants

MEMORANDUM ON BEHALF OF THE FOURTH DEFENDANT (Clarke)

Pursuant to the liberty granted to the Fourth Defendant by Her Honour Justice Warren on 25 August 2003 to submit a written memorandum as to the relative cost apportionment to be made for the three principal issues in the proceeding, the Fourth Defendant submits that the appropriate proportions attributable to those issues are as follows:

- (a) to the first issue (retrenchment) dealt with in questions 1, 2, 4, 5, 7, 8, 9, 10 and 11A of the Fourth Amended Originating Motion - **25%**
- (b) to the second issue (obligation) dealt with in questions 12 and 13 - **25%**
- (c) to the third issue (priority) dealt with in question 14 - **50%**.

26 August 2003

J D MERRALLS

C C MACAULAY