

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

F.5382

No. 2115 of 2001

B E T W E E N:

ANSETT AUSTRALIA GROUND STAFF SUPERANNUATION
PLAN PTY LTD (A.C.N. 065 590 178) (as Trustee of the Ansett
Australia Ground Staff Superannuation Plan) and others (according
to the schedule attached)

Plaintiffs

- and -

ANSETT AUSTRALIA LIMITED (Administrators Appointed)
(A.C.N. 004 209 410) and others (according to the schedule attached)

Defendants

GENERAL FORM OF ORDER



JUDGE: The Honourable Mr. Justice Beach

DATE MADE: 9 January 2002

ORIGINATING PROCESS: Originating Motion Between Parties

HOW OBTAINED: Plaintiffs' Initial Summons for Directions filed 21 December 2001.

ATTENDANCE: Mr. J. Santamaria, one of Her Majesty's Counsel with
Mr. D. Maclean of Counsel for the Plaintiffs.
Mr. P. Chiappi, the Solicitor for the Defendants.

OTHER MATTERS: Not applicable.

THE COURT ORDERS THAT:

1. Pursuant to rule 45.05(2) of the *Supreme Court (General Civil Procedure) Rules 1996* the requirements of rules 5.03(1) and 8.02 of the *Supreme Court (General Civil Procedure) Rules 1996* are dispensed with and the Plaintiffs are authorised nunc pro tunc to commence this proceeding by originating motion in Form 5C.
2. The Plaintiffs have leave nunc pro tunc under section 440D of the *Corporations Act 2001* to commence this proceeding against the Firstnamed Defendant.
3. Russell Thomas Booth is joined as the Thirdnamed Defendant in this proceeding.
4. James Herbert Hennessy is joined as the Fourthnamed Defendant in this proceeding.

5. On or before 4.00 p.m. on 25 January 2002 the Firstnamed Defendant file and serve a list of its discoverable documents in this proceeding, such list to be limited to the following documents and classes of documents:

- (a) all deeds and resolutions constituting or amending the Ansett Australia Ground Staff Superannuation Plan;
- (b) all deeds and resolutions constituting or amending the Ansett Transport Industries Limited Pilots/Management Superannuation Plan (including each of that Plan's predecessor plans);
- (c) all deeds and resolutions constituting or amending the Ansett Transport Industries Limited Flight Engineers Superannuation Plan;
- (d) all documents comprising the employment agreement between the Firstnamed Defendant and the Thirdnamed Defendant;
- (e) all documents comprising the employment agreement between the Firstnamed Defendant and the Fourthnamed Defendant;
- (f) all documents comprising each of the forms of employment agreement (including any and all letters of engagement) in use by the Firstnamed Defendant from 1979 until 2001. (The Firstnamed Defendant's obligation under this paragraph is limited to the discovery of one only of each version of each such form of agreement and letter of engagement);
- (g) all forms of notice of termination of employment (whether by reason of "retrenchment", "redundancy", dismissal or otherwise) given by the Firstnamed Defendant to any of its employees from 1979 until 2001. (The Firstnamed Defendant's obligation under this paragraph is limited to the discovery of one only of each version of each such notice of termination);



all forms of notice given by the Firstnamed Defendant to the administrator/s of the Plans referred to in paragraph 3 of the affidavit of Nigel Antony Fish sworn on 21 December 2001 in relation to the termination of the employment of any of its employees (whether by reason of "retrenchment", "redundancy", dismissal or otherwise) from 1979 until 2001. (The Firstnamed Defendant's obligation under this paragraph is limited to the discovery of one only of each version of each such notice of termination);

- (i) all editions of the members' booklets for each of the Plans referred to in paragraph 3 of the affidavit of Nigel Antony Fish sworn on 21 December 2001 published from 1979 until 2001.
6. The Plaintiffs file and serve any further affidavits upon which they intend to rely by 4.00 p.m. on 6 February 2002.
7. The further hearing of the summons for directions is adjourned before the Honourable Justice Warren on 8 February 2002 at 10.00 a.m.
8. Reserve liberty to apply upon 24 hours written notice to each other party.

9. Costs are reserved.

DATE AUTHENTICATED:

21 January 2002

370
SG: 21/12/01



SCHEDULE OF PARTIES

F.5382

No. 2115 of 2001

B E T W E E N:

ANSETT AUSTRALIA GROUND STAFF
SUPERANNUATION PLAN PTY LTD (A.C.N. 065 590 178)
(as Trustee of the Ansett Australia Ground Staff Superannuation Plan) Firstnamed Plaintiff

ANSETT AUSTRALIA PILOTS/MANAGEMENT
SUPERANNUATION PLAN PTY LTD (A.C.N. 065 590 043)
(as trustee of the Ansett Transport Industries Limited Pilots/
Management Superannuation Plan) Secondnamed Plaintiff

ANSETT AUSTRALIA FLIGHT ENGINEERS'
SUPERANNUATION PLAN PTY LTD (A.C.N. 065 589 979)
(as trustee of the Ansett Transport Industries Limited Pilots/
Management Superannuation Plan) Thirdnamed Plaintiff

- and -

ANSETT AUSTRALIA LIMITED (Administrators Appointed)
(A.C.N. 004 209 410) Firstnamed Defendant

MARK FRANCIS XAVIER MENTHA and
MARK ANTHONY KORDA Secondnamed Defendants

RUSSELL THOMAS BOOTH Thirdnamed Defendant

JAMES HERBERT HENNESSY Fourthnamed Defendant

