

No: (P)VID1463/2011

Federal Court of Australia  
District Registry: Victoria  
Division: General

**IN THE MATTER OF FLETCHER JONES AND STAFF PTY LTD  
(ADMINISTRATORS APPOINTED) (ACN 004 257 774)**

**BRUNO ANTHONY SECATORE** (in his capacity as joint and several administrator of Fletcher Jones and Staff Pty Ltd (Administrators Appointed) (ACN 004 257 774) and others named in the schedule  
Plaintiff

**ORDER**

**JUDGE:** Justice Gordon  
**DATE OF ORDER:** 20 December 2011  
**WHERE MADE:** Melbourne



**THE COURT ORDERS THAT:**

1. The Plaintiffs have leave to amend the Originating Process in the terms of the proposed amended Originating Process and service of that amended Originating Process is dispensed with.
2. Pursuant to s 447A(1) of the *Corporations Act 2001* (Cth) (the **Act**):
  - (a) the liabilities of the Plaintiffs, in their capacities as joint and several administrators of Fletcher Jones and Staff Pty Ltd (administrators appointed) (ACN 004 257 774) (the **Company**), pursuant to the terms of the funding deed between the Plaintiffs, the Company and Leslie Francis and Associates Australia Pty Ltd (ACN 004 895

---

Filed on behalf of the Defendant

Prepared by Ariel Borland

Law firm Mills Oakley Lawyers

Tel +61 3 9670 9111

Fax +61 3 9605 0933

Email [aborland@millsoakley.com.au](mailto:aborland@millsoakley.com.au)

Address for service Level 6, 530 Collins Street, MELBOURNE VIC 3000

(include state and postcode)

[Form approved 01/08/2011]

952) (the **Funding Deed**), be limited in the manner provided for by the Funding Deed;

- (b) the operation of s 443A(2) of the Act is modified so far as it applies to the liabilities of the Plaintiffs in their capacities as joint and several administrators of the Company pursuant to the Funding Deed, so as to permit the liabilities of the Plaintiffs to be limited in the manner provided for by the Funding Deed;
  - (c) s 443A(1) of the Act is modified so far as it applies to the liabilities of the Plaintiffs in their capacities as joint and several administrators of the Company pursuant to the Funding Deed, so the Plaintiffs are not personally liable under s 443A(1)(d)-(f) of the Act or otherwise for, or in connection with, the funds provided pursuant to the Funding Deed (including, without limitation, repayment of the money borrowed, interests thereon and borrowing costs) otherwise than in accordance with the terms of the Funding Deed.
3. Pursuant to s 447D(1) of the Act, the Plaintiffs are justified, and would otherwise be acting reasonably, in causing the Company to enter into the Funding Deed.
  4. By 23 December 2011, the Plaintiffs:
    - (i) upload a copy of this Order onto the Cor Cordis website; and
    - (ii) send a circular letter to Creditors of the Company (by email in respect of those Creditors who have informed the Plaintiffs that email is their preferred method of communication and by post in respect of all other known Creditors) informing them of the substance of these Orders.
  5. Liberty to apply is granted to any person who can demonstrate sufficient interest to modify or discharge Orders 2 or 3 on not less than 48 hours' notice to the Plaintiffs.
  6. The Plaintiffs' costs of the application are costs in the administration of the Company.

Date that entry is stamped:

20 DEC 2011



---

Filed on behalf of the Defendant

Prepared by Ariel Borland

Law firm

Mills Oakley Lawyers

Tel +61 3 9670 9111

Fax +61 3 9605 0933

Email [aborland@millsOakley.com.au](mailto:aborland@millsOakley.com.au)

Address for service

Level 6, 530 Collins Street, MELBOURNE VIC 3000

(include state and postcode)

[Form approved 01/08/2011]

**Schedule**

No: (P)VID1463/2011

Federal Court of Australia  
District Registry: Victoria  
Division: General

Second Plaintiff:

DANIEL PETER JURATOWITCH (in his capacity as joint and several administrator of Fletcher Jones and Staff Pty Ltd (Administrators Appointed) (ACN 004 257 774)

Third Plaintiff:

GLENN JOHN SPOONER (in his capacity as joint and several administrator of Fletcher Jones and Staff Pty Ltd (Administrators Appointed) (ACN 004 257 774)



---

Filed on behalf of the Defendant \_\_\_\_\_  
Prepared by Ariel Borland \_\_\_\_\_  
Law firm Mills Oakley Lawyers \_\_\_\_\_  
Tel +61 3 9670 9111 Fax +61 3 9605 0933  
Email aborland@millsOakley.com.au  
Address for service Level 6, 530 Collins Street, MELBOURNE VIC 3000  
(Include state and postcode)

---