

Order NOT Entered

No: (P)NSD757/2012

Federal Court of Australia
District Registry: New South Wales
Division: General

STEPHEN HOPKINS AS TRUSTEE FOR THE HOPKINS SUPERANNUATION FUND and another named in the schedule
Applicants

AECOM AUSTRALIA PTY LTD ACN 093 846 925 (FORMERLY KNOWN AS MAUNSELL AUSTRALIA PTY LTD) and others named in the schedule
Respondents

CROSS-CLAIM:
AECOM AUSTRALIA PTY LTD (ACN 093 846 925)
Cross-Claimant

PARTIES IN ATTACHED SCHEDULE
Cross-Respondents

ORDER

JUDGE: Justice Nicholas

DATE OF ORDER: 30 June 2016

WHERE MADE: Sydney

BY CONSENT, THE COURT ORDERS THAT:

1. The hearing of the Applicants' Interlocutory Application seeking the Court's approval of the proposed settlement under s 33V(1) the Federal Court of Australia Act 1976 (Cth) (FCAA), be heard on 10 August 2016 at 10.15am (**Court Approval Hearing Date**) or on such other date as the Court may appoint.

Date for opt out

2. Pursuant to s 33J of the FCAA 4.00 pm, 3 August 2016 being 5 business days before the Court Approval Hearing Date, be fixed as the time and date before which a Group Member may opt out of this proceeding.

Notification of Proposed Settlement

3. The form and content of the Notice of Proposed Settlement, Opt Out Rights and Assessment (**Notice**) which is Annexure RER 1-1 to the affidavit of Richard Erle Ryan dated 28 June 2016 is approved for the purposes of sections 33X and 33Y(2) of the FCAA.
4. Pursuant to sections 33Y and 33ZF of the FCAA, the Notice is to be given to Group Members according to the following procedure:
 - (i) by 5 July 2016, the Notice is to be sent by IMF Bentham Ltd to all Group Members in the proceeding to the email address maintained by IMF Bentham Ltd as the most recent email address for each Group Member;
 - (ii) by 5 July 2016 Maurice Blackburn is to display the Notice on its website.
5. The Notice may be amended by the solicitors for the Applicants and/or IMF Bentham Ltd before it is emailed, displayed or published in order to:
 - (i) correct any website or email address or telephone number or other non-substantive error;
 - (ii) insert the date fixed by the Court for the Court Approval Hearing Date, and the dates specified by the Court for the filing of documents relating thereto, as specified pursuant to Orders 7 and 8 below; and
 - (iii) insert the details pertaining to each Group Member into the Holding Verification Notice which is Schedule 1 to the Notice.

Date for hearing of s 33V application and procedural directions

6. The Applicants have liberty to file an Interlocutory Application seeking the Court's approval of the proposed settlement the subject of the Notice pursuant to s 33V(1) of the FCAA, with such Interlocutory Application to be returnable before the Honourable Justice Nicholas on 10 August 2016 as noted in order 1 above.
7. The Applicants file any affidavit evidence in support of the Interlocutory Application referred to in Order 6 above on or before 4pm on 5 August 2016, being 3 business days before the Court Approval Hearing Date.
8. Pursuant to s 33ZF of the FCAA, any Group Member who wishes to be heard on the hearing of the Interlocutory Application referred to in Order 6 above must:

- (i) on or before 4pm on 3 August 2016 being the date which is 5 business days before the Court Approval Hearing Date, send a written notice containing a written submission, to the solicitors for the Applicants, stating that the Group Member wishes to be heard and outlining whether the Group Member wishes to support, or oppose, the making of the orders sought in the Interlocutory Application, and the reasons why;
- (ii) attend (or send a representative to) the hearing at the Federal Court of Australia NSW Registry, Law Courts Building, Queens Square, Sydney on 10 August 2016, being the Court Approval Hearing Date.

Ancillary orders

9. Until further order, and subject to order 10, on the ground that it is necessary to prevent prejudice to the proper administration of justice, the “Settlement Document” entered between the parties to the proceeding be the subject of a suppression order under s 37AF of the FCAA and be ordered confidential within the meaning of rr 2.32(1)(b) and (3)(a) of the *Federal Court Rules 2011* (Cth).
10. Order 9 above does not prevent any person from disclosing any information in or relating to the Settlement Document:
 - (a) disclosed in the Notice;
 - (b) disclosed in any published reasons for judgment of the Court given in this proceeding; or
 - (c) pursuant to leave granted by a Judge of the Court.

Date that entry is stamped:

Deputy District Registrar

Schedule

Federal Court of Australia
District Registry: New South Wales
Division: General

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SECOND APPLICANT:	KIM DENISE HOPKINS AS TRUSTEE FOR THE HOPKINS SUPERANNUATION FUND
SECOND RESPONDENT:	RIVERCITY MOTORWAY MANAGEMENT LTD (IN LIQUIDATION) ACN 117 343 361
THIRD RESPONDENT:	RIVERCITY MOTORWAY SERVICES PTY LTD (IN LIQUIDATION) (RECEIVERS & MANAGERS APPOINTED) ACN 117 139 992
FIRST CROSS-CLAIM:	NATIONAL INSTITUTE OF ECONOMIC AND INDUSTRY RESEARCH PTY LTD ACN 006 234 626 Cross-Respondent
SECOND CROSS-CLAIM:	PETER JEREMY HICKS Cross-Respondent
THIRD CROSS-CLAIM:	RIVERCITY MOTORWAY SERVICES PTY LTD (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) ACN 117 139 992 Cross-Respondent
FOURTH CROSS-CLAIM:	RIVERCITY MOTORWAY MANAGEMENT LTD (IN LIQUIDATION) ACN 117 343 361 Cross-Respondent
FIFTH CROSS-CLAIM:	CPB CONTRACTORS PTY LIMITED ACN 000 893 667 Cross-Respondent
SIXTH CROSS-CLAIM:	RBS GROUP (AUSTRALIA) PTY LTD ACN 000 862 797 (FORMERLY ABN AMRO AUSTRALIA LIMITED) Cross-Respondent

SEVENTH CROSS-CLAIM:

**BILFINGER RE ASSET MANAGEMENT
PTY LIMITED ACN 055 541 770
(FORMERLY BILFINGER BERGER
CONCESSIONS PTY LTD)
Cross-Respondent**

EIGHTH CROSS-CLAIM:

**LEND LEASE BUILDING CONTRACTORS
PTY LTD ACN 002 625 130 (FORMERLY
BAULDERSTONE HORNIBROOK PTY LTD)
Cross-Respondent**

NINTH CROSS-CLAIM:

**BECA PTY LTD ACN 004 974 341
Cross-Respondent**

TENTH CROSS-CLAIM

**MALLESONS STEPHEN JAQUES
Cross-Respondent**