

**Form 3**

**Amended Interlocutory process**

(Rules 2.2, 15A.4, 15A.8 and 15A.9)

Federal Court of Australia  
District Registry: New South Wales  
Division: Commercial and Corporations List

No. NSD 714 of 2020

**IN THE MATTER OF VB LEASECO PTY LTD (ADMINISTRATORS APPOINTED) ACN 134 268 741 & ORS**

**VB LEASECO PTY LTD (ADMINISTRATORS APPOINTED) ACN 134 268 741 AND OTHERS NAMED IN SCHEDULE 1**

Applicants

**WELLS FARGO TRUST COMPANY, NATIONAL ASSOCIATION (AS OWNER TRUSTEE) AND ANOTHER NAMED IN SCHEDULE 2**

Respondents

**A. DETAILS OF APPLICATION**

This application is made under sections 443B(8) and 447A of the *Corporations Act 2001* (Cth) (**Corporations Act**) and sections 90-15 and 90-20 of the Insolvency Practice Schedule (Corporations), being Schedule 2 to the Corporations Act (**IPSC**).

On the facts stated in the supporting affidavit of Salvatore Algeri sworn on 17 July 2020 and the further affidavit of Salvatore Algeri sworn on 5 August 2020 the Applicants seek the following orders:

1. An order pursuant to section 443B(8) or section 447A(1) of the Corporations Act that the Third Applicants be excused from liability in respect of the property identified in Schedule 2 to the Originating Process.
2. A declaration or an order pursuant to section 90-15(1) of the IPSC that the Third Applicants may exercise a lien over the property identified in Schedule 2 to the Originating Process for the Third Applicants' reasonable and proper remuneration, costs and expenses attributable to work done in identifying, caring for, preserving or facilitating the return of that property to the Respondents.
3. Costs.

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Filed on behalf of (name & role of party)	The Applicants		
Prepared by (name of person/lawyer)	Timothy James Sackar		
Law firm (if applicable)	Clayton Utz		
Tel	+61 2 9353 4000	Fax	+61 2 8220 6700
Email	kaadams@claytonutz.com		
<b>Address for service</b> (include state and postcode)	Level 15, 1 Bligh Street, Sydney NSW 2000		

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4. Such further or other orders or directions as the Court considers appropriate.
5. A declaration, or alternatively, a direction pursuant to section 90-15 of the IPSC, that, to the extent that any of the First Applicant, Second Applicant and Fourth Applicant are ordered to:
  - a. “give possession” of the “aircraft objects” in the manner sought in paragraph 3 of Amended Originating Application filed by the Respondents on 28 July 2020 (Respondent’s Originating Application) or such other manner as the Court determines;
  - b. maintain the “aircraft objects” in the manner sought in paragraph 4 of the Respondents’ Originating Application or such other manner as the Court determines;
  - c. take all steps necessary to cause to be completed, and “give possession” of, records and information in the manner sought in paragraph 4A of the Respondents’ Originating Application or such other manner as the Court determines;

the expenses of complying with those orders are:

- d. expenses properly incurred by the Third Respondent in carrying on the company’s business within the meaning of s 556(1)(a) of the Corporations Act; or, alternatively,
- e. debts or liabilities for which s 443D(aa) entitles the Third Respondent to be indemnified within the meaning of s 556(1)(c) of the Corporations Act.

Date: 5 August 2020

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Signed by Timothy James Sackar (by his partner  
Orfhlaith Maria McCoy)  
Solicitor for the Applicants

This application will be heard by the Federal Court of Australia at the Owen Dixon Commonwealth Law Courts Building, 305 William Street, Melbourne, Victoria at **2:15pm on 5 August 2020**.

**B. NOTICE TO RESPONDENT(S) (IF ANY)**

C/ Mr Noel McCoy / Ms Safiyya Khan  
Norton Rose Fulbright Australia  
Level 5, 60 Martin Place  
Sydney, NSW 2000  
noel.mccoy@nortonrosefulbright.com /safiyya.khan@nortonrosefulbright.com

**C. FILING**

This interlocutory process is filed by Clayton Utz for the Applicants.

**E. SERVICE**

The Applicants' address for service is:

Attention: Timothy Sackar/Kassandra Adams  
C/- Clayton Utz Lawyers  
Level 15,  
1 Bligh Street  
SYDNEY NSW 2000

The Applicants intend to serve a copy of this Interlocutory Process on the Respondents and ASIC.

**SCHEDULE 1**

Federal Court of Australia  
District Registry: New South Wales  
Division: Commercial and Corporations List

No. NSD 714 of 2020

**IN THE MATTER OF VB LEASECO PTY LTD (ADMINISTRATORS APPOINTED) ACN 134 268 741 & ORS****Applicants**

First Applicant:	VB Leaseco Pty Ltd (Administrators Appointed) ACN 134 268 741
Second Applicant:	Virgin Australia Airlines Pty Ltd (Administrators Appointed) ACN 090 670 965
Third Applicant	Vaughan Strawbridge, Salvatore Algeri, John Greig and Richard Hughes, in their capacity as joint and several voluntary administrators of the First and Second Applicants
<u>Fourth Applicant</u>	<u>Tiger Airways Australia Pty Limited (Administrators Appointed)</u> <u>ACN 124 369 008</u>

**SCHEDULE 2**

Federal Court of Australia  
District Registry: New South Wales  
Division: Commercial and Corporations List

No. NSD 714 of 2020

**IN THE MATTER OF VB LEASECO PTY LTD (ADMINISTRATORS APPOINTED) ACN 134 268 741 & ORS**

**Respondents**

First Respondent: Wells Fargo Trust Company, National Association (as owner trustee)

Second Respondent: Willis Lease Finance Corporation