

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 30/09/2020 1:45:14 PM AEST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

Document Lodged:	Interlocutory process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 3
File Number:	NSD818/2020
File Title:	IN THE MATTER OF VAH NEWCO NO. 2 PTY LTD (IN LIQUIDATION) ACN 160 881 354 AND VB INVESTCO PTY LTD (IN LIQUIDATION) ACN 101 961 095
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Interlocutory Hearing
Time and date for hearing:	02/10/2020, 2:15 PM
Place:	Please check Daily Court List for details



Sia Lagos

Dated: 30/09/2020 3:29:32 PM AEST

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



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

No. NSD 818 of 2020

IN THE MATTER OF VAH NEWCO NO. 2 PTY LTD (IN LIQUIDATION) (SUBJECT TO DEED OF COMPANY ARRANGEMENT) ACN 160 881 354 AND VB INVESTCO PTY LTD (IN LIQUIDATION) (SUBJECT TO DEED OF COMPANY ARRANGEMENT) ACN 101 961 095

RICHARD HUGHES IN HIS CAPACITY AS LIQUIDATOR OF EACH OF VAH NEWCO NO.2 PTY LTD (IN LIQUIDATION) (SUBJECT TO DEED OF COMPANY ARRANGEMENT) AND VB INVESTCO PTY LTD (IN LIQUIDATION) (SUBJECT TO DEED OF COMPANY ARRANGEMENT)

First Plaintiff

AND OTHERS IN THE SCHEDULE

A. DETAILS OF APPLICATION

This application is made under section 482(1) of the *Corporations Act 2001* (Cth) (**Corporations Act**).

On the facts stated in the supporting affidavit of Richard John Hughes sworn on 28 September 2020 the Plaintiffs seek the following orders:

1. An order pursuant to section 482(1) of the Corporations Act that the winding up of each of VAH Newco No. 2 Pty Ltd (in liquidation) (subject to deed of company arrangement) and VB Investco Pty Ltd (in liquidation) (subject to deed of company arrangement) (together, the **Companies**) be terminated.
2. An order that the Plaintiffs' costs of the application be treated as costs in the administration, or otherwise in the deed administration, of each of the Companies, jointly and severally.
3. An order that the First Plaintiff must take all reasonable steps to cause notice of these orders to be given, within two (2) business days of the making of these orders, to:
 - a. the creditors (including persons or entities claiming to be creditors) of each of the Companies, in the following manner:
 - i. where the creditor is a registered user on the Halo Platform, by publishing a notice via the Halo Platform;

Filed on behalf of (name & role of party)	The Plaintiffs		
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		
Address for service (include state and postcode)	Level 15, 1 Bligh Street, Sydney NSW 2000		



- ii. where the creditor is not a registered user on the Halo Platform but the First Plaintiff has an email address for a creditor, by notifying each such creditor, via email, of the making of the orders and providing a link to a website where the creditor may download the orders and the Interlocutory Process;
- iii. where a creditor is not a registered user on the Halo Platform and the First Plaintiff does not have an email address for a creditor but has a postal address for that creditor (or have received notification of non-delivery of a notice sent by email in accordance with paragraph (a)(ii) above), by notifying each such creditor, via post, of the making of the orders and providing a link to a website where the creditor may download the orders and the Interlocutory Process;
- iv. where a creditor is not a registered user on the Halo Platform and the First Plaintiff does not have an email address for a creditor but has an email address for a trustee, custodian or other agent who represents or may act on behalf of that creditor, by notifying each such trustee, custodian or other agent, via email, of the making of the orders and providing a link to a website where the trustee, custodian, other agent or creditor may download the orders and the Interlocutory Process; and
- v. placing scanned, sealed copies of the Interlocutory Process and the orders on the website maintained by the First Plaintiff at <https://www2.deloitte.com/au/en/pages/finance/articles/virgin-australiaholdings-limited-subsidiaries.html>; and

b. the Australian Securities and Investments Commission.

- 4. An order that these orders be entered forthwith.
- 5. Such further or other orders or directions as the Court considers appropriate.

Date: 30 September 2020

Signed by Timothy James Sackar
Solicitor for the Plaintiffs

This application will be heard by Justice Middleton at Federal Court of Australia at the Owen Dixon Commonwealth Law Court Building, 305 William Street, Melbourne, Victoria at _____ on _____.

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

TO: N/A



If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence.

Before appearing before the Court, you must, except if you have already done so or you are the Plaintiff in this proceeding, file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the Plaintiffs in the Interlocutory Process.

Note: Unless the Court otherwise orders, a respondent that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

C. FILING

This interlocutory process is filed by Clayton Utz, solicitors for the Plaintiffs.

E. SERVICE

The Plaintiffs' address for service is:

Attention: Timothy Sackar/Kassandra Adams
C/- Clayton Utz
Lawyers
1 Bligh Street, Sydney NSW 2000
DX 370 Sydney

Tel: (02) 9353 4000
Fax: (02) 8220 6700
Ref: 81005835

It is intended to serve a copy of this interlocutory process on the following persons:

Persons who are creditors of the Second and Third Plaintiffs

Australian Securities and Investments Commission

**Schedule**

No. NSD 818 of 2020

Federal Court of Australia

District Registry: New South Wales

Division: Commercial and Corporations List

IN THE MATTER OF VAH NEWCO NO. 2 PTY LTD (IN LIQUIDATION) (SUBJECT TO DEED OF COMPANY ARRANGEMENT) ACN 160 881 354 AND VB INVESTCO PTY LTD (IN LIQUIDATION) (SUBJECT TO DEED OF COMPANY ARRANGEMENT) ACN 101 961 095

Plaintiffs

First Plaintiff	RICHARD HUGHES IN HIS CAPACITY AS LIQUIDATOR OF EACH OF VAH NEWCO NO.2 PTY LTD (IN LIQUIDATION) (SUBJECT TO DEED OF COMPANY ARRANGEMENT) ACN 160 881 354 AND VB INVESTCO PTY LTD (IN LIQUIDATION) (SUBJECT TO DEED OF COMPANY ARRANGEMENT) ACN 101 961 095
Second Plaintiff	VAH NEWCO NO.2 PTY LTD (IN LIQUIDATION) (SUBJECT TO DEED OF COMPANY ARRANGEMENT) ACN 160 881 354
Third Plaintiff	VB INVESTCO PTY LTD (IN LIQUIDATION) (SUBJECT TO DEED OF COMPANY ARRANGEMENT) ACN 101 961 095
Fourth Plaintiffs	SALVATORE ALGERI, VAUGHAN NEIL STRAWBRIDGE AND JOHN LETHBRIDGE GREIG