



Level 38 Tower Three
300 Barangaroo Avenue
SYDNEY NSW 2000

ABN: 51 194 660 183
Telephone: +61 2 9335 7000
Facsimile: +61 2 9335 7001

PO Box H67
Australia Square
SYDNEY NSW 1215
Australia

www.kpmg.com.au

5 February 2020

To Creditors

Dear Sir/Madam

McWilliam's Wines Group Ltd ACN 000 024 108
Mount Pleasant Wines Pty Ltd ACN 000 024 813
(Both Administrators Appointed) (Collectively referred to as "the Group")

Notification to Creditors for the extension of the convening period of the Second Meeting of Creditors

As you are aware, Tim Mableson, Ryan Eagle and I, Gayle Dickerson, were appointed Administrators of the Group on 8 January 2020 pursuant to Section 436A of the Corporations Act 2001 ('the Act').

As advised in the First Meeting of Creditors of the Group held concurrently on 20 January 2020, the Second Meeting of Creditors is usually held within 20 business days of appointment, however an application can be made to the Court to extend this 20 business day convening period to further assess the Group's affairs. In this respect, on 23 January 2020, we wrote to all creditors advising of our intention to make an application to the Federal Court of Australia for an extension to the convening period. We were of the opinion that an extension would place us in a better position to make a fully informed recommendation to creditors about the Group's future.

We made an application to the Federal Court of Australia on 3 February 2020 seeking an extension of the convening period up to and including 31 July 2020. On 4 February 2020, Justice Yates of the Federal Court of Australia handed down the attached Orders granting extension to the convening period up to and including 31 July 2020. A copy of the Order is available via the following link: www.kpmg.com/au/mcwilliams

As a result, the Second Meeting of Creditors can be held on a date on or up to 7 August 2020. It is at this meeting, the creditors will determine the Group's future by either returning the Group to the control of its directors, accepting a deed of company arrangement or placing the Group into liquidation. A report to creditors pursuant to the Act and a notice of meeting will be sent to all known creditors of the Group at least five business days prior to the second meeting of creditors. In the event we are in a position to report and make a recommendation to creditors in accordance with section 75-225(3) of the Insolvency Practice Rules (Corporations) 2016, sooner than the end of the extension, the second meeting of creditors will be convened as soon as practicable notwithstanding the extended convening period being until 31 July 2020.

We note that the Administrators can make a further application to extend the convening period past 31 July 2020 if deemed in the best interests of creditors.

The Administrators will send a report to creditors prior to the Second Meeting of Creditors.

Should you have any questions, please contact Luke Meany of this office on (02) 9346 6066 or via email at mcwilliams@kpmg.com.au.

Yours faithfully

Gayle Dickerson
Administrator

Encl.



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD92/2020

**GAYLE DICKERSON, TIM MABLESON AND RYAN EAGLE IN THEIR
CAPACITY AS JOINT AND SEVERAL ADMINISTRATORS OF MCWILLIAM'S
WINES GROUP LTD (ADMINISTRATORS APPOINTED) ACN 000 024 108 AND
MOUNT PLEASANT WINES PTY LTD (ADMINISTRATORS APPOINTED)
ACN 000 024 813 and others named in the schedule**

First Plaintiffs

ORDER

JUDGE: JUSTICE YATES

DATE OF ORDER: 4 February 2020

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. The Originating Process dated 3 February 2020 be returnable instanter.
2. Pursuant to s 439A(6) of the *Corporations Act 2001* (Cth) (**Act**), the date of the convening period as defined by s 439(A)(5) of the Act for the second meeting of the creditors of each of the second plaintiff, McWilliam's Wines Group Ltd (Administrators Appointed) ACN 000 024 108, and the third plaintiff, Mount Pleasant Wines Pty Ltd (Administrators Appointed) ACN 000 024 813, (together, **the Companies**), be extended up to and including 31 July 2020.
3. Pursuant to section 447A(1) of the Act, Pt 5.3A of the Act is to operate in relation to the Companies such that, notwithstanding s 439A(2) of the Act, the second meeting of the creditors of the Companies under s 439A of the Act may be convened at any time before, or within five (5) business days after, the end of the convening period as extended by Order 2 above, provided that the first plaintiffs give notice of the meetings to eligible creditors of the Companies (including the persons claiming to be creditors of the Companies) at least five (5) business days before the meeting.
4. Pursuant to s 447A(1) of the Act, Pt 5.3A of the Act is to operate such that the requirement on the first plaintiffs, pursuant to ss 75-225(1) and 75-15 of the



Insolvency Practice Rules (Corporations) 2016 (Cth) (**IPR**), to issue notices of the meeting of creditors of the Companies under s 439A(1) of the Act (the **Notice**) will be validly given to creditors of the Companies by reason of the following steps having been taken at least five (5) business days before the meeting:

- (a) where the first plaintiffs:
 - (i) have an email address for a creditor, by sending the Notice by email to each such creditor;
 - (ii) do not have an email address for a creditor or have received notification of non-delivery of a notice sent in reliance on (i) but have a postal address for the creditor, by sending the Notice by posting a copy of it to the postal address for each such creditor;
 - (iii) do not have an email address for a creditor or a postal address, by sending or communicating the Notice to the creditor in any other way provided for by the Act or the IPR; and
 - (b) by causing the Notice to be published on the Australian Securities and Investments Commission (**ASIC**) published notices website at <https://insolvencynotices.asic.gov.au>.
5. Within two (2) business days after the making of these orders, the first plaintiffs are to provide notice of these orders to:
- (a) all creditors of the Companies (including the persons claiming to be creditors of the Companies):
 - (i) in the manner prescribed by Order 4(a) above; and
 - (ii) by publishing a notice on the KPMG website at <https://home.kpmg/au/en/home/services/advisory/deal-advisory/services/restructuring/creditors-shareholders/mcwilliams-wines-group.html>; and
 - (b) ASIC.
6. The plaintiffs have leave to apply for any further extension of the convening period as extended by Order 2 above at any time before that period expires.



7. Liberty to apply be granted to any person claiming to be interested, including any creditor of the Companies (including a person claiming to be a creditor of the Companies) or ASIC, who can demonstrate sufficient interest to vary or discharge these orders upon three (3) business days' notice being given to the plaintiffs and to this Court.
8. The plaintiffs' costs and expenses of and incidental to this application be costs and expenses in the administration of the Companies and be paid from the assets of the Companies.
9. These orders be entered forthwith.

10. Date that entry is stamped: 4 February 2020

Sia Lagos
Registrar



Schedule

No: NSD92/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Plaintiff MCWILLIAM'S WINES GROUP LTD (ADMINISTRATORS
APPOINTED)

Third Plaintiff MOUNT PLEASANT WINES PTY LTD (ADMINISTRATORS
APPOINTED)