



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

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

Third Plaintiff MOUNT PLEASANT WINES PTY LTD (ADMINISTRATORS
APPOINTED)