

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

No. S228 of 2014

BETWEEN: GRANT SAMUEL CORPORATE FINANCE PTY LIMITED
(ACN 076 176 657)
Appellant

10 AND WILLIAM JOHN FLETCHER AND KATHERINE ELIZABETH BARNET
AS LIQUIDATORS OF OCTAVIAR LIMITED (RECEIVERS AND
MANAGERS APPOINTED) (IN LIQUIDATION) AND
OCTAVIAR ADMINISTRATION PTY LIMITED (IN LIQUIDATION)
First Respondent



OCTAVIAR LIMITED (RECEIVERS AND
MANAGERS APPOINTED) (IN LIQUIDATION)
Second Respondent

20 OCTAVIAR ADMINISTRATION PTY LIMITED (IN LIQUIDATION)
Third Respondent

No. S229 of 2014

BETWEEN: JP MORGAN CHASE BANK, NATIONAL ASSOCIATION
(ACN 074 112 011)
First Appellant

30 J.P. MORGAN SECURITIES AUSTRALIA LIMITED
Second Appellant

AND WILLIAM JOHN FLETCHER AND KATHERINE ELIZABETH BARNET
AS LIQUIDATORS OF OCTAVIAR LIMITED (RECEIVERS AND
MANAGERS APPOINTED) (IN LIQUIDATION) AND
OCTAVIAR ADMINISTRATION PTY LIMITED (IN LIQUIDATION)
First Respondent

40 OCTAVIAR LIMITED (RECEIVERS AND
MANAGERS APPOINTED) (IN LIQUIDATION)
Second Respondent

OCTAVIAR ADMINISTRATION PTY LTD (IN LIQUIDATION)
(ACN 101 069 390)
Third Respondent

APPELLANTS' JOINT CHRONOLOGY

Part I:

We certify that this chronology is in a form suitable for publication on the internet.

Part II:

	Date	Event	Joint Appeal Book Page(s)
10	08.01.2008 to 04.03.2008	Various transactions by which the liquidators allege that JPMorgan Chase Bank National Association and J.P. Morgan Securities Australia Limited (together, JPMorgan) received unfair preferences from Octaviar Limited (Octaviar).	
	19.03.2008	Transaction by which the liquidators allege that Grant Samuel Corporate Finance Pty Ltd (Grant Samuel) received an unfair preference from Octaviar.	
20	04.06.2008	The date the winding up of Octaviar is taken to have commenced, being the date on which the Public Trustee of Queensland commenced winding up proceedings in the Supreme Court of Queensland against OL (<i>Re Octaviar Limited (No 8)</i> [2009] QSC 202; confirmed in <i>Re Octaviar Ltd (No 8)</i> [2010] QCA 45). Relation-back day for Octaviar.	
	13.09.2008	Directors of Octaviar resolved to place Octaviar into voluntary administration and to appoint Messrs Grieg and Harwood of Deloitte Touche Tohmatsu (Deloitte) as administrators of Octaviar.	
	15.09.2008	Receivers and managers appointed to Octaviar.	
30	12.01.2009	Octaviar enters into Deed of Company Arrangement (DOCA) with Messrs Greig and Harwood of Deloitte appointed as deed administrators.	
	31.07.2009	Pursuant to orders made by Justice McMurdo in <i>Re Octaviar Limited (No 8)</i> [2009] QSC 202, the DOCA was terminated and Messrs Grieg and Harwood of Deloitte were appointed as provisional liquidators of Octaviar.	
40	09.09.2009	Pursuant to orders made by Justice McMurdo in <i>Re Octaviar Ltd (No 10)</i> [2009] QSC 283, the provisional liquidation of Octaviar was terminated and William John Fletcher and Katherine Elizabeth Barnet (Liquidators) were appointed as the liquidators of OL.	
	10.05.2011	The Liquidators, Octaviar and Octaviar Administration Pty Ltd (OA) file Originating Process in proceeding no. 2011/153330 (the Proceeding) seeking an order under section 588FF(3) of the <i>Corporations Act 2001</i> (Cth) (the Act) that the time for the making of an application in respect of Octaviar under section 588FF(1) of the Act be extended to 3 October 2011.	

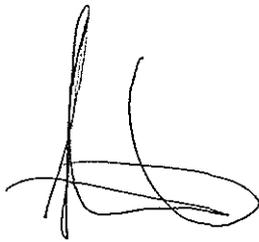
	Date	Event	Joint Appeal Book Page(s)
10	30.05.2011	Order made by Hammerschlag J in the Proceeding under section 588FF(3)(b) of the Act, that the time for the making of an application in respect of Octaviar under section 588FF(1) of the Act be extended to 3 October 2011 (Extension Order).	
	04.06.2011	3 years after the relation-back day for Octaviar.	
20	19.09.2011	The Liquidators, Octaviar and OA file amended originating process and an interlocutory process in the Proceeding seeking, inter alia, an order under section 588FF(3)(b) of the Act that the time for the making of an application in respect of Octaviar under section 588FF(1) of the Act be further extended to 3 April 2012, and an order under rule 36.16 of the <i>Uniform Civil Procedure Rules (UCPR)</i> that the Extension Order made on 30 May 2011 be varied to insert in lieu of "3 October 2011" the date "3 April 2012".	
		Hearing before Ward J on the amended originating process and interlocutory process.	
		Order made by Ward J pursuant to r 36.16 of the UCPR, with reasons given, that the Extension Order made by Hammerschlag J on 30 May 2011 be varied to insert, in lieu of 3 October 2011, the date "3 April 2012" (Variation Order).	
30	03.10.2011	End of period of time under the Extension Order as originally made (prior to its variation by the Variation Order) within which to make an application under section 588FF(1) of the Act in respect of Octaviar.	
	21.03.2012	The Liquidators, and Octaviar commence proceedings against Grant Samuel, making an application in respect of Octaviar under s 588FF(1) of the Act.	
40	03.04.2012	End of period of time under the Extension Order, as varied by the Variation Order, within which to make an application under s588FF(1) of the Act in respect of Octaviar.	
		The Liquidators and Octaviar commence proceedings against JP Morgan, making an application in respect of Octaviar under s 588FF(1) of the Act.	
	30.08.2012	Grant Samuel files an interlocutory application in the Proceeding, seeking to set aside the Variation Order (the Grant Samuel Application).	
50	18.10.2012	JP Morgan files an interlocutory application in the Proceeding, seeking to set aside the Variation Order (the JP Morgan Application).	

	Date	Event	Joint Appeal Book Page(s)
10	20.11.2012	The Liquidators, Octaviar and OA file interlocutory process in the Proceeding, seeking that the interlocutory applications of Grant Samuel, and JP Morgan be dismissed, and an order be made under s 588FF(3)(b) of the Act to take effect <i>nunc pro tunc</i> so as to authorise the proceedings brought under s588FF(1) against Grant Samuel, and JP Morgan (the Liquidators' Application).	
	07.12.2012	Hearing before Black J of the Grant Samuel Application, the JP Morgan Application and the Liquidators' Application.	
20	08.02.2013	Orders made by Black J, with reasons given, dismissing each of the Grant Samuel Application, the JP Morgan Application and the Liquidators' Application.	
	04.03.2013	JP Morgan files notice of intention to appeal decision of Black J.	
	08.03.2013	Grant Samuel files a summons seeking leave to appeal decision of Black J.	
	08.04.2013	JP Morgan files a summons seeking leave to appeal decision of Black J.	
	21.05.2013	Grant Samuel files notice of motion seeking leave under s471B of the Act to proceed with its application for leave to appeal.	
30	24.05.2013	JP Morgan files notice of motion seeking leave under s471B of the Act to proceed with its application for leave to appeal.	
	30.09.2013	Joint and concurrent hearing before the NSW Court of Appeal of Grant Samuel's and JP Morgan's applications for leave to appeal, and of their appeals.	
	28.02.2014	NSW Court of Appeal delivers judgment, granting Grant Samuel and JP Morgan leave to appeal (per curiam), but dismissing Grant Samuel's and JP Morgan's appeals (per Macfarlan and Gleeson JJA, Beazley P diss.)	
40	27.03.2014	Grant Samuel files an application for special leave to appeal the decision of the NSW Court of Appeal.	
	28.03.2014	JP Morgan files an application for special leave to appeal the decision of the NSW Court of Appeal.	
	16.07.2014	JP Morgan files an interlocutory application seeking leave under s471B of the Act to proceed with its application for special leave to appeal to the High Court of Australia.	
	17.07.2014	Grant Samuel files an interlocutory application seeking leave under s471B of the Act to proceed with its application for special leave to appeal to the High Court of Australia.	
50	21.07.2014	Orders made granting Grant Samuel and JP Morgan leave under s471B of the Act to appeal with their applications for special leave.	

Date	Event	Joint Appeal Book Page(s)
15.08.2014	Special leave granted.	
28.08.2014	Grant Samuel and JP Morgan file notices of appeal.	

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Date: 17 September 2014



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