

IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY

No. M66 of 2010

B E T W E E N

KPMG (a firm)

Plaintiff

and

**COMMONWEALTH OF
AUSTRALIA**

Firstnamed Defendant

**AUSTRALIAN SECURITIES AND
INVESTMENTS COMMISSION**

Secondnamed Defendant

10

PLAINTIFF'S CHRONOLOGY
(Based on Form 27B, adapted as appropriate)

20 **Part I: Certification that the chronology or the redacted version of the chronology (as the case requires) is in a form suitable for publication on the Internet**

1. The plaintiff certifies that this chronology is in a form suitable for publication on the Internet.

Part II: List of principal events leading to the litigation, with appropriate references to the Demurrer Book

Date	Event	Reference
October 2008	A proceeding was commenced in the Supreme Court of Victoria (the Ann Street proceeding) in which the plaintiffs were Ann Street Mezzanine Pty Ltd (in liq), Bayshore Mezzanine Pty Ltd (in liq), Bayview Heritage Mezzanine Pty Ltd (in liq), Market Street Mezzanine Pty Ltd (in liq), Market Street Mezzanine No 2 Pty Ltd (in liq), Mount Street Mezzanine Pty Ltd (in liq), North Sydney Finance Ltd (in liq), York Street Mezzanine Pty Ltd (in liq) (the Westpoint companies) and the defendant was KPMG.	Paragraph 5 of the amended statement of claim (Demurrer Book (DB) 19).

Date of document: 5 January 2011
Filed on behalf of: the Plaintiff
Prepared by: Allens Arthur Robinson
Lawyers
Level 27, Stock Exchange Building
530 Collins Street
Melbourne VIC 3000

Solicitor code: 21455
DX 30999 Melbourne Stock Exchange
Tel 9614 1011
Fax 9614 4661
Ref: MTS (Michael Schoenberg)

-	In the Ann Street proceeding, each of the Westpoint companies seeks damages for negligence and seeks an order for compensation under s 87 of the <i>Trade Practices Act 1974</i> (Cth) in respect of conduct in contravention of s 52 of that Act.	Paragraph 6 of the amended statement of claim (DB 19)
All relevant times	Each of the Westpoint companies is and was at all material times a company within the meaning of the <i>Corporations Act 2001</i> (Cth) and the ASIC Act. The dates and places of incorporation and registration of the Westpoint companies are set out in the particulars under paragraph 7 of the amended statement of claim at DB 20.	Paragraph 7 of the amended statement of claim (DB 20)
October 2008	ASIC caused the Ann Street proceeding to be begun and carried on in the Supreme Court of Victoria in the names of the Westpoint companies in reliance on the statutory power conferred by s 50 of the ASIC Act.	Paragraph 8 of the amended statement of claim (DB 21)
Since October 2008	Since the commencement of the Ann Street proceeding, ASIC has carried on the proceeding and has caused to be taken all steps that have been taken by the Westpoint companies in the proceeding, in reliance on the statutory power conferred by s 50.	Paragraph 9 of the amended statement of claim (DB 21)
9 April 2010	By order of the Supreme Court of Victoria, the Ann Street proceeding was transferred to the Federal Court of Australia	Paragraph 10 of the amended statement of claim (DB 21)

Dated: 5 January 2011



Alan C Archibald QC
 Tel: (03) 9225 7478
 Fax: (03) 9225 8370
 Email: archibaldsec@owendixon.com

Mark Moshinsky SC
 Tel: (03) 9225 7328
 Fax: (03) 9225 6061
 Email: m.moshinsky@vicbar.com.au

Philip Solomon SC
 Tel: (03) 8600 1711
 Fax: (03) 8600 1725
 Email: solomon@chancery.com.au