

**IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY**

No. S223 of 2015

**ON APPEAL FROM THE SUPREME COURT OF NEW SOUTH WALES –
COURT OF APPEAL**

BETWEEN:

ROBERT WILLIAM FISCHER
First Appellant

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JOHN JULES FISCHER
Second Appellant

ANDREA JULIANA FISCHER MUSSER
Third Appellant

SYLVIA BETH FISCHER KRAMER
Fourth Appellant

and

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NEMESKE PTY LTD (ACN 002 870 797)
First Respondent

LORAND LOBLAY
Second Respondent

KAREN LOBLAY
Third Respondent

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LAURA MUSSER SLOAT
Fourth Respondent

TOBIAS MUSSER
Fifth Respondent

EVE FISCHER GREGG
Sixth Respondent

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SETH DAVID FISCHER
Seventh Respondent

TODD MUSSER
Eighth Respondent

KATHLEEN ELIZABETH FISCHER
Ninth Respondent



WILLIAM GEORGE MARCEL FISCHER
Tenth Respondent

CORINNE AYERS
Eleventh Respondent

AARON KRAMER
Twelfth Respondent

MARIANNE FISCHER
Thirteenth Respondent

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APPELLANTS' CHRONOLOGY

Part I:

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

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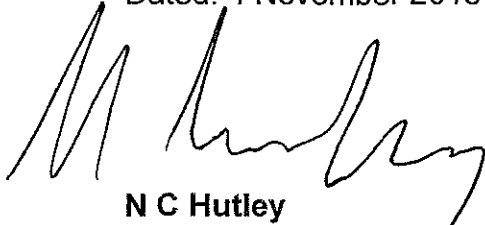
Part II:

Date	Event	Appeal Book Reference
24.06.1974	Settlement of the Nemes Family Trust (Trust)	
14.12.1984	Nemeske Pty Ltd (Nemeske) registered as a company	
14.12.1994	Lorand Loblay appointed a director of Nemeske	
14.12.1984	Mrs Madeleine Nemes appointed company secretary of Nemeske	
04.05.1987	Nemeske appointed trustee of the Trust	
~31.07.1994	The accounts for the Trust for the period ending 31 July 1994 show "asset revaluation reserve" of \$3,904,300	
23.09.1994	Unsigned minutes of meeting of the directors of Nemeske record a resolution to make a 'final distribution... out of the asset revaluation reserve" to "Emery George Nemes and Madeleine Nemes as joint tenants" (the 1994 Resolution)	

Date	Event	Appeal Book Reference
~30.09.1994	The accounts of the Trust for the period ending 30 September 1994 show a "Capital Distribution" of \$3,904,300 and a liability in the nature of a loan from Mr Emery Nemes and Mrs Nemes to the Trust for that amount	
26.04.1994	Letter from G A Elliott & Co (accountants for Mr and Mrs Nemes) engaging Makinson & D'Apice to prepare a charge securing the loan to Mr and Mrs Nemes	
28.06.1994	Makinson & d'Apice provide a draft Deed of Charge to G A Elliott & Co to secure the loan to Mr and Mrs Nemes	
03.07.1995	Minutes of meeting of the directors of Nemeske record a resolution to execute a charge over its 10 B Class shares in Aladdin Limited in favour of Mr and Mrs Nemes	
30.08.1995	Deed of Charge (Charge) executed by Nemeske in favour of Mr and Mrs Nemes	
20.03.1996	Charge registered by Australian Securities Commission	
15.07.2003	Mr Nemes appointed a director of Nemeske	
25.02.2010	Karen Loblay appointed a director of Nemeske	
09.11.2010	Mrs Nemes dies	
06.12.2010	Karen Loblay appointed company secretary of Nemeske	
12.04.2011	Grant of probate to the will of Mrs Nemes	
26.09.2011	Mr Nemes dies	
18.07.2012	Grant of probate to the will of Mr Nemes	
09.04.2013	Demand by solicitors for the plaintiffs to Nemeske to commence proceedings against the estate of the late Mr Nemes	
11.06.2013	Current proceedings commence	
10.03.2014	<i>Fischer v Nemeske Pty Ltd</i> [2014] NSWSC 203 (Stevenson J)	

Date	Event	Appeal Book Reference
24.03.2014	Orders made by Stevenson J	
11.02.2015	<i>Fischer v Nemeske Pty Limited</i> [2015] NSWCA 6 (Beazley P, Barrett and Ward JJA)	
07.04.2015	<i>Fischer v Nemeske Pty Limited (No 2)</i> [2015] NSWCA 79 (Beazley P, Barrett and Ward JJA)	

Dated: 4 November 2015



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