

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 8/05/2019 4:19:36 PM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Affidavit of Lodgment at ASIC - Form 59 - Rule 29.02(1)
File Number: NSD2142/2018
File Title: AN APPLICATION BY NEIL ROBERT CUSSEN AND MATTHEW JAMES DONNELLY IN THEIR CAPACITY AS JOINT AND SEVERAL ADMINISTRATORS OF BIG UN LIMITED (ADMINISTRATORS APPOINTED)
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink, reading 'Warwick Soden'.

Dated: 8/05/2019 4:19:44 PM AEST

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Form 59
Rule 29.02(1)

Affidavit

No.NSD2142/2018

Federal Court of Australia
District Registry: New South Wales
Division: General

IN THE MATTER OF BIG UN LIMITED (SUBJECT TO DEED OF COMPANY ARRANGEMENT)

ACN 106 399 311

**NEIL ROBERT CUSSEN AND MATTHEW JAMES DONNELLY IN THEIR CAPACITY AS
JOINT AND SEVERAL DEED ADMINISTRATORS OF BIG UN LIMITED (SUBJECT TO
DEED OF COMPANY ARRANGEMENT) ACN 106 399 311**

Plaintiffs

Affidavit of: Evy Sandra Wiggins
Address: Level 17, 20 Martin Place, Sydney NSW 2000
Occupation: Paralegal
Date: 6 May 2019

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I, **EVY SANDRA WIGGINS**, of Level 17, 20 Martin Place, Sydney, NSW 2000, paralegal, say on oath:

1. I am a paralegal at Hogan Lovells, the solicitors for Neil Robert Cussen and Matthew James Donnelly in their capacity as joint and several deed administrators of Big Un Limited (Subject to Deed of Company Arrangement) ACN 106 399 311 ("**Company**"), the Plaintiffs in these proceedings. I work on this matter under the supervision of Scott Harris, the solicitor for the Plaintiffs.
2. At 10:42am on 26 April 2019, I attended the Sydney offices of the Australian Securities and Investments Commission ("**ASIC**") at Level 5, 100 Market Street, Sydney NSW 2000.

3. I was greeted by a female receptionist at ASIC, and had a conversation to the following effect:

I said: *I have documents to serve on the legal division of ASIC.*

She said: *Please take a seat; someone from the legal division will be with you shortly.*

4. At 10:50am, a lady walked out from the hallway to the right of the reception desk and we had a conversation to the following effect:

She said: *I am Alice Rees from ASIC's Legal Division.*

I said: *I have documents to serve on the legal division of ASIC.*

5. I handed to Ms Rees the following documents (which are (with the exception of exhibit NRC-1) annexed to this affidavit and marked "Annexure ESW-1"):

- (a) a covering letter from Hogan Lovells to ASIC dated 26 April 2019;
- (b) a copy of the interlocutory process filed in these proceedings on 4 April 2019;
- (c) a copy of the affidavit of Neil Robert Cussen sworn on 29 March 2019 and filed in these proceedings on 4 April 2019;
- (d) a copy of exhibit NRC-1 to the affidavit of Neil Robert Cussen;
- (e) a copy of a notice to shareholders of the Company regarding these proceedings dated 23 April 2019; and
- (f) a copy of the orders made by the Honourable Justice Stewart in these proceedings on 11 April 2019.

Sworn by the deponent
at Sydney
in New South Wales
on 6 May 2019
Before me:

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Signature of deponent



Signature of witness

Name of witness: Madeleine Claire Parker
Qualification of witness: Australian legal practitioner
Address of witness: Level 17, 20 Martin Place, Sydney NSW 2000