

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 - 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



Two handwritten signatures in blue ink, one appearing to read "Warwick" and the other "Soden".

Dated: 8/05/2019 4:19:45 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: Wing Khong
Address: 28-30 Market Street, Sydney NSW 2000
Occupation: Owner
Date: 8 May 2019

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I, WING KHONG, of 28-30 Market Street, Sydney NSW 2000, say on oath:

1. I am the franchise owner of Kwik Kopy Market Street, Sydney, New South Wales. I have owned Kwik Kopy Market Street for 35 years.
2. All the facts and circumstances deposed to in this affidavit are made within my own knowledge save as otherwise stated.
3. Exhibited to me at the time of swearing this affidavit and marked "WK-1" is a paginated bundle of documents to which I refer in this affidavit ("Exhibit").
4. Kwik Kopy provides corporate design and print solutions. Its services include assisting corporate clients with organising the printing and mailing of correspondence to substantial numbers of recipients.

5. In my role as the owner, I am responsible for managing a staff of five people at the Market Street location.

6. On 29 March 2019, I received a telephone call from Mr Tony Wright ("Mr Wright") of Deloitte Financial Advisory Pty Ltd ("Deloitte"). I spoke with Mr Wright in words to the following effect:

Mr Wright: *"Hi Wing. We have a notice to shareholders that we will need to get sent out next month, and we would like your help with this please. It will be a three page document, and there are around 6,100 shareholders that it needs to be sent to."*

We expect to have a court hearing in early April, and I will be able to give you more feedback around our specific timing requirements then.

Please could you let me have a fee quote, and also let me know how long you will need to print that many letters and send by post."

Me: *"Of course, I will come back to you as soon as I can."*

7. Later that day, I received an email from Mr Wright confirming his request for a quote for the work, a copy of which is at pages 2 to 3 of the Exhibit.

8. Between 30 March 2019 and 1 April 2019, I exchanged further emails with Mr Wright regarding the work and our quote, copies of which appear at pages 4 to 11 of the Exhibit.

9. On 16 April 2019, I received an email from Mr Jonathan Ribot of Deloitte, attaching a document entitled "contact list" ("Contact List"), which comprised an Excel spread sheet containing a list of names and addresses to which we were required to send the relevant document. The Contact List identified a total of 6,140 names and addresses. A copy of Mr Ribot's email with attachment appears at pages 12 to 118 of the Exhibit.

10. Following receipt of the Contact List, my staff caused each of the names and addresses listed in the Contact List to be printed onto a separate envelope, in readiness for posting.

11. On 16 April 2019, my staff exchanged further emails with Mr Wright in which he confirmed instructions to despatch the relevant document by standard post, copies of which are at pages 119 to 124 of the Exhibit.

12. On 18 April 2019, I received an email from Mr Wright, in which Mr Wright provided me with a document dated 23 April 2019 entitled "Notice to Shareholders" ("Notice") and further instructions regarding printing and despatch of the Notice to the parties identified in the Contact List. A copy of Mr Wright's email with attachment appears at pages 125 to 128 of the Exhibit.

13. Following receipt of the Notice from Mr Wright, my staff caused 6,140 copies of the Notice to be printed. My staff then used our machinery at our premises to insert one copy of the Notice into each of the envelopes prepared for posting to the names and addresses identified in the Contact List.

14. On 23 April 2019, I, together with a member of my staff, took all 6,140 addressed envelopes enclosing a copy of the Notice to the Australia Post branch located at 44 Market Street, Sydney and requested that all 6,140 envelopes be posted by standard post by Australia Post. The cost of the postage for the 6,140 envelopes was subsequently paid by me at Australia Post.

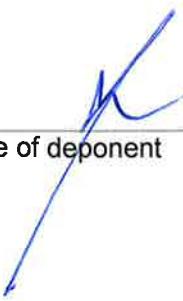
Parker

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Sworn by the deponent
at Sydney
in New South Wales
on 8 May 2019
Before me:

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Signature of deponent



M. Parker
Signature of witness

Name of witness: Madeleine Claire Parker
Qualification of witness: Australian legal practitioner