

Affidavit

No. 1010 of 2017

Federal Court of Australia

District Registry: Victoria

Division: Corporations List

**IN THE MATTER OF ACN 004 410 833 LIMITED (FORMERLY ARRIUM LIMITED)
(SUBJECT TO DEED OF COMPANY ARRANGEMENT) ACN 004 410 833 (AND EACH OF
THE COMPANIES LISTED IN SCHEDULE ONE)**

MARK FRANCIS XAVIER MENTHA and ORS

First Plaintiffs

**ACN 004 410 833 LIMITED (FORMERLY ARRIUM LIMITED) (SUBJECT TO DEED OF
COMPANY ARRANGEMENT) ACN 004 410 833 (AND EACH OF THE COMPANIES
LISTED IN SCHEDULE ONE)**

Second Plaintiffs

EPIC ENERGY SOUTH AUSTRALIA PTY LIMITED (ACN 068 599 815)

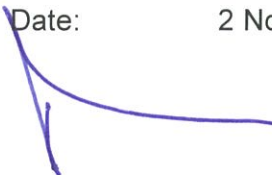
Defendant

Affidavit of: **Richard Alexander Lyne**

Address: Polczynski Lawyers, Level 12, 77 King Street Sydney

Occupation: Solicitor

Date: 2 November 2017



Filed on behalf of the Defendant

Prepared by Richard Alexander Lyne

Tel 02 9234 1500 Fax 02 9234 1511

Our Ref

SMP:DXM:201919

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Address for Service


Polczynski Lawyers of Level 12, 77 King Street, Sydney NSW 2000

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I **Richard Alexander Lyne**, Solicitor, Polczynski Lawyers, Level 12, 77 King Street, Sydney affirm:

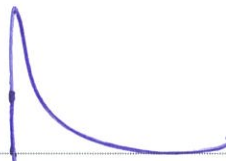
1. I am a Special Counsel in the employ of Polczynski Lawyers, the solicitors for the defendant. EPIC Energy Pty Limited (**EPIC**) and this is my second affidavit sworn in relation to these proceedings.
2. The sources of my knowledge of the facts set out in this affidavit are:
 - (a) my review of the documents and information held by Polczynski Lawyers in relation to the proceeding; and
 - (b) email communications between solicitors conducting the matter on behalf of the plaintiff and the defendant and the Financiers.
3. Exhibited at **RAL7** is a folder of documents which I refer to in this affidavit. Whenever I refer to a document in **RAL7** I shall identify the page or tab number at which the document appears in **RAL7**.
4. Exhibited at **Pages 4 to 5** of exhibit **RAL7** is a copy of a letter from Polczynski Lawyers to Arnold Bloch Liebler dated 26 October 2017, which was sent by email on 26 October 2017 at 4:04 pm.
5. Exhibited at **Pages 6 to 50** of exhibit **RAL** is a copy of a letter (including the attachment referred to) from King Wood Mallesons to Polczynski Lawyers dated 26 October 2017 which was sent by email on 26 October 2017 at 9.52 am.
6. Exhibited at **Page 51** of exhibit **RAL7** is a copy of a letter from Arnold Bloch Liebler to Polczynski Lawyers dated 27 October 2017 which was sent by email on 27 October 2017 at 10:40 am.



7. Exhibited at **Pages 52 to 56** of exhibit **RAL7** is a copy of an email (including the attachment referred to) from Arnold Bloch Liebler to Polczynski Lawyers dated 30 October 2017 which was sent by email on 30 October 2017 at 4.01 pm.
8. Exhibited at **Pages 57 to 64** of exhibit **RAL7** is a copy of an email (including the attachment referred to) from Polczynski Lawyers to Arnold Bloch Liebler dated 2 November 2017, which was sent by email on 2 November 2017 at 9.31 am.
9. Exhibited at **Pages 65 to 75** of exhibit **RAL7** is a copy of an email (including the attachment referred to) from Arnold Bloch Liebler to Polczynski Lawyers dated 2 November 2017, which was sent by email on 2 November 2017 at 2.33 pm.

Affirmed by the deponent
at Sydney
in New South Wales
on 2 November 2017
Before me:

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Richard Alexander Lyne



Signature of witness

DOMINIC DRAGICEVIC

Name of witness

Qualification of witness

Solicitor