

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

No. S362 of 2011

BETWEEN: INTERNATIONAL LITIGATION PARTNERS PTE LTD
Appellant

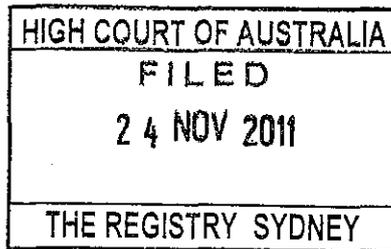
and

CHAMELEON MINING NL
(RECEIVERS AND MANAGERS APPOINTED)
First Respondent

CAPE LAMBERT RESOURCES LIMITED
Second Respondent

ANDREW HUGH JENNER WILY
Third Respondent

DAVID ANTHONY HURST
Fourth Respondent



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**APPELLANT'S CHRONOLOGY
(REDACTED VERSION)**

PART I: CERTIFICATION

30 This chronology is in a form suitable for publication on the internet.

PART II: PRINCIPAL EVENTS

Date	EVENT	APPEAL BOOK PAGE NO.
22.12.2004	John Vouris was appointed as Official Liquidator of Chameleon Mining N.L. (CHM) by order of the Supreme Court of NSW.	
15.03.2005	Koh and Evans commenced Supreme Court of NSW proceedings number 1944 of 2005 against Murchison Metals Limited (MMX) and others (Supreme Court Proceedings).	
18.06.2005	John Vouris was appointed as Voluntary Administrator of CHM pursuant to an order	

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	for leave from the Supreme Court of NSW.	
11.05.2006	By order of the Supreme Court of NSW, the liquidation of CHM was terminated: see <i>Rupert Co Ltd v Chameleon Mining NL (In Liq)</i> [2006] NSWSC 415.	
26.11.2007	CHM commenced proceedings number NSD 2355 of 2007 against MMX and others in the Federal Court of Australia (Federal Court Proceedings).	
27.02.2008	CHM entered into a Deed of Commercial Management with Koh and Evans in respect of the Supreme Court Proceedings pursuant to which CHM would fund and manage the Supreme Court Proceedings on behalf of Koh and Evans in return for: <ol style="list-style-type: none"> 1. repayment of funding; and 2. 80% of the proceeds. 	
06.2008	Paul Lindholm (Lindholm) of International Litigation Partners Pte Limited (ILP), met with the directors of CHM to discuss litigation funding.	
02.09.2008	CHM's legal costs of the Federal Court Proceedings as at 02.09.2008 were approximately \$	
10.10.2008	The directors of CHM were considering an offer of \$ plus legal costs made by MMX in respect of the Federal Court Proceedings. CHM's then solicitors had advised CHM to accept the offer.	
28.10.2008	CHM and ILP entered into the CHM Litigation Funding Deed, pursuant to which ILP agreed to provide litigation funding for the Federal Court Proceedings (Federal Court Funding Deed).	
10.11.2008	Koh and Evans entered into a Deed of Assignment with CHM, assigning the cause of action which was the subject of the Supreme Court Proceedings to CHM.	
11.12.2008	ILP provided CHM with the sum of \$250,000	

Date	EVENT	APPEAL BOOK PAGE NO.
	in respect of security for costs of the Federal Court Proceedings.	
28.12.2008	CHM granted ILP a fixed and floating charge over all of its assets and undertakings (Charge).	
05.07.2009	The Supreme Court Proceedings were resolved.	
21.12.2009	CHM settled claims against two defendants to the Federal Court Proceedings (Gregory Bennett Barnes (Barnes) and Pinnacle Nominees Pty Ltd) for the sum of \$	
21.12.2009	ILP entered into a Deed of Indemnity with CHM to indemnify CHM in the event CHM had to make any payment to Barnes by reason of the indemnity granted to Barnes by CHM.	
21.12.2009	Lindholm and the directors of CHM discussed a minimum settlement figure for the Federal Court Proceedings and the parties agreed that they would not be prepared to accept less than \$	
01.2010 to 08.2010	Disputes arose between CHM, Piper Alderman and ILP as to the conduct of the Federal Court Proceedings.	
On/ around July 2010	CHM entered into discussions with Cape Lambert Resources Limited (CL) to enter into a facility pursuant to which CL would lend \$ to CHM.	
On/around 08.2010	Freehills made an oral offer to Lindholm to pay \$ in settlement of the Federal Court Proceedings.	
10.08.2010	CHM and CL executed a terms sheet.	
10.08.2010	<p>CHM wrote letters to Piper Alderman, as solicitors of CHM, giving notice of (amongst other things):</p> <ol style="list-style-type: none"> 1. CHM's rescission of the Federal Court Funding Deed pursuant to s925A of the <i>Corporations Act 2001</i> (Cth); and 	

Date	EVENT	APPEAL BOOK PAGE NO.
	2. the occurrence of a 'Change of Control' pursuant to the Federal Court Funding Deed. (Notice of Rescission)	
11.08.2010	Letter from CHM to ILP withdrawing its Notice of Rescission of the Federal Court Funding Deed.	
11.08.2010	ILP appointed Andrew Wily and David Hurst as receivers and managers of CHM (Receivers) pursuant to the Charge.	
11.08.2010	CHM filed a Summons at Court challenging the appointment of the Receivers.	
11.08.2010	Orders made by the Supreme Court, including an order restraining the Receivers from acting.	
17.08.2010	Letter from CHM to ILP, stating that: <ol style="list-style-type: none"> 1. the Notice of Rescission had full force and effect; and 2. the Federal Court Funding Deed had been rescinded. 	

Dated: 24 November 2011

Signed: 
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