

NSD 1994/2008

BETWEEN:

CLIME CAPITAL LIMITED
(ACN 106 282 777)

Applicant

- and -

CREDIT CORP GROUP LIMITED
(ACN 092 697 151)

Respondent

Amended Application under Part IVA of the Federal Court of Australia Act 1976
(Order 73 rule 3)



1. This application is brought by the applicant as a representative party.
2. The Group Members to whom this proceeding relates are persons who:

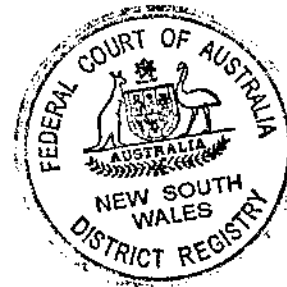
Filed by the Applicant

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Ref: 0208-1369



- a. at some time during the period between 8 November 2007 and 11 February 2008 (inclusive) (**Relevant Period**) acquired an interest in CCP Shares (as defined in the schedule to the further amended statement of claim);
 - b. suffered loss and damage by or resulting from the conduct of the respondent pleaded in the further amended statement of claim; and
 - c. ~~have, as at the date of the filing of the amended statement of claim, commencement of the proceeding,~~ had entered into a litigation funding agreement with IMF (Australia) Limited (**Group Members**).
3. On the grounds listed in the further amended statement of claim, the applicant claims for itself and the Group Members:
- a. An order pursuant to section 1317HA of the *Corporations Act 2001* (**Act**) that the respondent pay to the applicant and Group Members compensation for the loss or damage resulting from its contravention of section 674(2) of the Act.
 - b. An order for compensation pursuant to:
 - i. section 1041I(1) of the Act; or
 - ii. section 12GF(1) of the *Australian Securities and Investment Commission Act 2001* (**ASIC Act**); or
 - iii. section 68(1) of the *Fair Trading Act 1987* (NSW) (**FTA**)
 - c. Interest on any statutory compensation awarded



- d. Costs
- e. Such further or other relief as the Court determines is appropriate
4. The questions of law or fact common between the claims of the applicant and Group Members are:
- a. at what date(s) did CCP (as defined in the Schedule to the further amended statement of claim) become aware of the matters referred to in paragraphs ~~17, 18, and 22~~ and 22A of the further amended statement of claim, within the meaning of the ASX Listing Rules (as defined in the schedule to the further amended statement of claim);
- b. whether CCP contravened section 674 of the Act in relation to any and if so, which of the matters referred to in paragraphs ~~17, 18, and 22~~ and 22A of the further amended statement of claim;
- c. whether CCP contravened section 1041H of the Act, section ~~12DA(1)~~ of the ASIC Act and /or section 42 of the FTA in relation to making what is defined in the further amended statement of claim as the:
- i. the NPAT Representation; and/or
 - ii. the Ledger Purchase Representation; and/or
 - iii. the Likely Result Representation; and/or
 - iv. the Material Disclosure Representation; and/or
 - v. the Reasonable Enquiry Representation; and/or



- vi. the Accurate Disclosure Representation.
- d. whether any and if so, what conduct by CCP had the effect to make the price of CCP shares higher than that price would otherwise have been and, if so, to what extent;
- e. if the conduct of CCP had the effect outlined in paragraph 4(d) above, whether compensation is recoverable by the applicant and Group Members on that basis;
- f. the correct measure of the compensation for which CCP may be liable to the applicant and Group Members.

Date: ~~23 December 2008~~ 20 July 2011



Solicitor for the applicant (by his fellow solicitor director, Carlos Enrique Jaramillo)

Blagoj (Bill) Petrovski

William Roberts Lawyers

To the respondent

Credit Corp Group Limited (ACN 092 697 151)

Level 11, 10 Barrack Street

SYDNEY NSW 2000

A directions hearing in this application will be heard by the Court at the time and place specified below.

If there is not attendance before the Court by you or a legal practitioner representing you, the application may be dealt with and judgment may be given or an order made in your absence. Before any attendance at that time, you must file an appearance in the Registry.


Date: *Monday 8 August 2011*

Time: 9:30 am



Place:

Federal Court of Australia
Queens Square
Level 17, Law Courts Building
Queens Square
Sydney NSW 2000


an officer acting with the.....
authority of the District Registrar
20 JUL 2011

The applicant's address for service is:

William Roberts Lawyers
Level 3, 84 Union Street
PYRMONT NSW 2009



The applicant may also be served at the following exchange box:

DX 11591 Sydney Downtown

The applicant's address is

Level 1, Suite 1
7 Macquarie Place
SYDNEY NSW 2000

Date: 23 December 2008

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Solicitor for the applicant

Blagoj (Bill) Petrovski

William Roberts Lawyers