

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 28/07/2020 10:03:06 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: NSD818/2020  
File Title: IN THE MATTER OF VAH NEWCO NO. 2 PTY LTD (IN LIQUIDATION) ACN 160 881 354 AND VB INVESTCO PTY LTD (IN LIQUIDATION) ACN 101 961 095  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



*Sia Lagos*

Dated: 28/07/2020 10:03:09 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. NSD 818 of 2020

Federal Court of Australia  
District Registry: New South Wales  
Division: Commercial and Corporations List

#### IN THE MATTER OF VAH NEWCO NO. 2 PTY LTD (IN LIQUIDATION) ACN 160 881 354 AND VB INVESTCO PTY LTD (IN LIQUIDATION) ACN 101 961 095

**RICHARD HUGHES IN HIS CAPACITY AS LIQUIDATOR OF EACH OF VAH NEWCO NO. 2  
PTY LTD (IN LIQUIDATION) AND VB INVESTCO PTY LTD (IN LIQUIDATION)**

First Plaintiff

#### AND OTHERS IN THE SCHEDULE

Affidavit of: Richard John Hughes  
Address: Level 23, Riverside Centre, 123 Eagle Street, Brisbane QLD 4000  
Occupation: Registered Liquidator and Chartered Accountant  
Date: 28 July 2020

I, Richard John Hughes, of Deloitte Touche Tohmatsu (of which Deloitte Financial Advisory Pty Ltd is a wholly owned subsidiary) (**Deloitte**), at Level 23, Riverside Centre, 123 Eagle Street, Brisbane QLD 4000, Registered Liquidator and Chartered Accountant, solemnly and sincerely declare and affirm:

1. I make this affidavit to supplement my affidavit affirmed on 24 July 2020 and filed in the proceeding (**Affidavit**).
2. I refer to paragraph 34 of my Affidavit, which contains an error and should read *"At this stage, but subject to potential change, the proposed date for the second meetings of creditors is 25 August 2020".*

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Filed on behalf of (name & role of party)	The Plaintiff		
Prepared by (name of person/lawyer)	Timothy James Sackar		
Law firm (if applicable)	Clayton Utz		
Tel	+61 2 9353 4000	Fax	+61 2 8220 6700
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<b>Address for service</b> (include state and postcode)	Level 15, 1 Bligh Street, Sydney NSW 2000		

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- 3. I refer to paragraph 41 of my Affidavit, which contains an error and should read *"Furthermore, as set out above, if the Companies are placed in administration, the Companies may be included in any deed of company arrangement proposal at the second meeting of creditors of the Virgin Companies which is anticipated to be held on or before 25 August 2020".*
- 4. **SWEARING OF THIS AFFIDAVIT**
- 5. I have not been able to swear this affidavit in proper form at the time that I have signed it due to the measures I have taken to minimise the spread of COVID-19.
- 6. I have been informed by *Kassandra Suzann Adams*, as the proposed witness to this affidavit, and believe, that the relaxation of formality with respect to the unsworn nature of this affidavit does not diminish the need for me to satisfy myself that the contents of this affidavit are true and correct. I have satisfied myself that that is the case.
- 7. I will formally swear this affidavit when circumstances allow and will instruct Clayton Utz to file the sworn version with the Court.

Affirmed by the deponent  
 at Brisbane  
 in Queensland on 28 July  
 2020  
 Before me:

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 ) \_\_\_\_\_  
 ) Signature of deponent,  
 ) **Richard John Hughes**

\_\_\_\_\_  
 Signature of witness  
**Kassandra Suzann Adams**

**SCHEDULE**

No. NSD

of 2020

Federal Court of Australia

District Registry: New South Wales

Division: Commercial and Corporations List

IN THE MATTER OF VAH NEWCO NO. 2 PTY LTD (IN LIQUIDATION) ACN 160 881 354 AND  
VB INVESTCO PTY LTD (IN LIQUIDATION) ACN 101 961 095

**Plaintiffs**

First Plaintiff	RICHARD HUGHES IN HIS CAPACITY AS LIQUIDATOR OF EACH OF VAH NEWCO NO.2 PTY LTD (IN LIQUIDATION) ACN 160 881 354 AND VB INVESTCO PTY LTD (IN LIQUIDATION) ACN 101 961 095
Second Plaintiff	VAH NEWCO NO.2 PTY LTD (IN LIQUIDATION) ACN 160 881 354
Third Plaintiff	VB INVESTCO PTY LTD (IN LIQUIDATION) ACN 101 961 095
Fourth Plaintiffs	SALVATORE ALGERI, VAUGHAN NEIL STRAWBRIDGE AND JOHN LETHBRIDGE GREIG