



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

File Number: S119/2023
File Title: Morgan & Ors v. McMillan Investment Holdings Pty Ltd & Ar
Registry: Sydney
Document filed: Form 27B - Appellant's chronology
Filing party: Appellants
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Important Information

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Form 27B – Appellants’ chronology

Note: see rule 44.02.3.

IN THE HIGH COURT OF AUSTRALIA
 SYDNEY REGISTRY

BETWEEN:

John Maxwell Morgan
 First Appellant

Sydney Allen Printers Pty Ltd (In Liquidation)
 Second Appellant

Sydney Allen Manufacturing Pty Ltd (In Liquidation)
 Third Appellant

- and -

McMillan Investment Holdings Pty Ltd

First Respondent

Australian Securities and Investments Commission
 Second Respondent

APPELLANTS’ CHRONOLOGY**Part I: CERTIFICATION**

The Appellants certify that the chronology is in a form suitable for publication on the internet.

Part II: CHRONOLOGY OF PRINCIPAL EVENTS

	Date	Event	Core Appeal Book Reference
1.	May 2014 to 27 March 2015	MIH and its directors, Robert and Julie-Anne McMillan (collectively, the McMillan interests), become involved in the Business, including a dispute with the landlord from which the Business operates.	CAB 15 [16], 49 [11], 78-79 [168]
2.	27 March 2015	SAP and SAM enter into a loan agreement with MIH (Facility Agreement), whereby MIH loans certain sums of money to SAP	CAB 15 [17], 49 [12], 69 [118], 79 [169]

		and / or SAM. The loan is secured by charges over all of SAP / SAM property, including the Business, in addition to real property mortgages and other securities from, among others, the directors of SAP/SAM.	
3.	28 August 2015	Deed of Assignment of Debt and Securities between Westpac and MIH	CAB 15 [18], 79 [170]
4.	27 March 2015 to 7 April 2016	The McMillan interests continue to be involved in the affairs of SAP and SAM.	CAB 15 [18], 49, 78, 94
5.	7 April 2016	MIH enters into possession of the assets of SAP and SAM as mortgagee in possession. On the same day Scottish Pacific Business Finance Pty Ltd (Scottish Pacific) appoint receivers and managers to SAP.	CAB 69-70 [120]
6.	7 April 2016	Scottish Pacific, which factored SAP's debts, appoints Mr Albarran and Mr Kijurina as receivers and managers (Receiver(s)) of SAP seeking to collect these debts	CAB [120]
7.	7 April 2016	SAP placed into administration by a resolution passed by its sole director, Mr Mangos John Maxwell Morgan (Mr Morgan) and Geoffrey Davis (Mr Davis) (Messrs Morgan and Davis) appointed joint and several administrators of SAP.	CAB 9 [1], 32 [92], 50 [13], 69 [120], 79 [171]
8.	7 April 2016	SAM placed into liquidation. Messrs Morgan and Davis appointed as joint and several liquidators of SAM.	CAB 9 [1], 32 [92], 50 [13], 69 [120], 79 [171]
9.	8 April 2016	MIH appoints Anthony John Warner (Mr Warner) as receiver and manager of SAP, who retires on the same day.	CAB 70 [121]
10.	12 April 2016	Eastern Media Group Pty Ltd T/as Mascot Printing enters into a Business Licence Agreement with SAP (BLA) taking control of SAP's former business. The BLA remained in place under Mr Warner's, as SAP Receiver, oversight until the business sale was entered into.	CAB 70 [122]
11.	13 April 2016	MIH reappoints Mr Warner as receiver of SAP. Other than the book debts over which Scottish Pacific had appointed the Receiver	CAB 50 [14], 70 [123], 79 [172]
12.	18 April 2016	MIH lodged a proof of debt in SAP in the amount of \$1.8M	CAB 19 [35]
13.	2 May 2016	Mr Warner is appointed the SAM receiver by MIH	CAB 16 [22], 50 [14], 70 [123], 79 [173]

14.	4 May 2016	The Business and assets of SAP/SAM are sold by Mr Warner as receiver for an alleged sale price of \$1.3M and the proceeds of sale paid to MIH.	CAB 16 [23], 50 [15], 70 [124], 79 [174]
15.	13 May 2016	The second meeting of SAP creditors	CAB 9 [2], 17 [27], 51 [22], 70 [127], 80 [175]
16.	13 May 2016	SAP was placed into the liquidation and Messrs Morgan and Davis appointed as joint and several liquidators of SAP.	CAB 70 [127], 80 [175]
17.	14 June 2016	Purchaser pays an additional \$300,000 to MGS.	CAB 50 [17], 51 [21]
18.	5 April 2018	The SAP Liquidator lodged Form 578 “Deregistration request” with ASIC stating that there are no funds left in the creditors’ voluntary liquidation to hold a final meeting and also the affairs of the company are fully wound up	CAB 9 [4], 23 [57], 30 [82]
19.	10 June 2018	SAM is deregistered and Messrs Davis and Morgan ceased to be the liquidators of SAM.	CAB 9 [5], 51 [25], 54 [41], 71 [129], 80 [178]
20.	29 January 2021	The SAP Liquidator calls for proofs of debt and MIH lodges a proof of debt in SAP (MIH POD) with a schedule of invoices and other amounts claimed and SR Legal sends an email to ERA Legal attaching the MIH Formal Proof of Debt lodged in relation to SAP and schedule of alleged principal and interest owing to MIH	CAB 61 [79]
21.	4 February 2021	The SAP Liquidator commences proceedings below.	CAB 42
22.	15 February 2021	MIH POD is rejected by the SAP Liquidator following failure of MIH to provide further information and supporting documentation.	CAB 19 [36], 20 [40], 61 [81], 81 [181]
23.	21 July 2021	MIH files proceedings in the Federal Court of Australia (proceeding NSD731/2021) seeking to appeal the rejection of the MIH POD.	CAB 21 [42], 81 [182]
24.	26 July 2021	SAP Liquidator makes further request for information and documents in support of MIH POD	CAB 21 [43], 62 [84]

Dated 3 November 2023

A handwritten signature in black ink, appearing to read 'M R PESMAN', with a long horizontal line extending to the right.

M R PESMAN

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