

SUPREME COURT OF  
VICTORIA  
COMMERCIAL COURT  
BULLETIN  
**No. 9/2011**



**Matter: Primebroker Securities Ltd v Fortis Clearing Sydney Pty Ltd  
(No 3)**

**Judge:** Judd J

**Date:** 10/5/2011

**Citation:** [2011] VSC 182

**Subject:** Corporations – Securities lending agreement – Valuation of securities – Securities suspended from trading – Requirement to agree upon a market value – Parties unable to agree – Parties agreed that court decide market value.

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**Matter:** **Metalicus Pty Ltd v Metwholesale Pty Ltd & Anor (No 2)**

**Judge:** Croft J

**Date:** 13/5/2011

**Citation:** [2011] VSC 157

**Subject:** COSTS – General principles applicable – Extent to which usual costs orders ought to be departed from in circumstances where resolution of substantive matters in dispute in the interests of both parties – Costs incurred in application for leave to amend pleadings of and occasioned by and thrown away in consequence of amendment – *Supreme Court Act 1986, s 24(1) - Civil Procedure Act 2010, s 20 – Supreme Court (General Civil Procedure) Rules 2005, order 63 and also rule 36.01 – Oshlack v Richmond River Council (1998) 193 CLR 192 – Donald Campbell & Co v Pollak [1927] AC 732 – Chen v Chan [2009] VSCA 233 – O’Neill v TD Williamson Aust Pty Ltd (No 2) [2008] VSC 430.*

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**Matter:** Global Paving Pty Ltd v TJM Operations Pty Ltd

**Judge:** Gardiner AsJ

**Date:** 6/5/2011

**Citation:** [2011] VSC 190

**Subject:** CORPORATIONS – internal administration – winding up – statutory demand – plaintiff’s application to set aside statutory demand served by the defendant – *Corporations Act 2001 (Cth)* ss459G, 459J – whether genuine dispute and offsetting claim in respect of construction contract – whether defects in statutory demand are source of substantial injustice –whether the demand should be set aside for want of provision of particulars.

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**Matter:** **Texxcon Pty Ltd v Austexx Corporation Pty Ltd & Ors**

**Judge:** Davies J

**Date:** 13/5/2011

**Citation:** [2011] VSC 203

**Subject:** CORPORATIONS — Statutory derivative action – Requirements of s 237(2) *Corporations Act 2001* (Cth) – Criteria for grant of leave satisfied – *Corporations Act 2001* (Cth), s 237.

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