



Federal Court of Australia
District Registry: Western Australia
Division: General

No: WAD2/2017

On Appeal from a single Judge of the Federal Court of Australia

RODNEY CULLETON
Appellant

BALWYN NOMINEES PTY LTD
Respondent

ORDER

JUDGE: CHIEF JUSTICE ALLSOP

DATE OF ORDER: 19 January 2017

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. Order 1 made by the Court (Dowsett J) on 12 January 2017 be continued up to midnight on Friday 27 January 2017 or earlier order.
2. Costs be reserved in relation to Order 1 above.
3. The appeal (as identified below) be expedited and fixed for hearing at 10:15am (Perth time) on Friday 27 January 2017 in Perth.
4. The appeal that is expedited and that is to be heard on 27 January 2017 be the question whether the appeal should be allowed and whether the sequestration order and any associated order as to costs should be set aside.
5. For the avoidance of doubt, if the appeal is allowed and if the sequestration order is set aside, any further consideration of the question of whether the appellant is or was on 23 December 2016 solvent or of whether the creditor's petition is an abuse of process and whether or not the creditor's petition should be dismissed will not be heard on 27 January 2017.
6. The appellant file and serve any further evidence and written submissions on the appeal by 2:00pm (Sydney time) Friday 20 January 2017.



7. The respondent file and serve any evidence and written submissions on the appeal by 4:30pm (Perth time) Tuesday 24 January 2017.
8. The appellant file and serve any written submissions in reply by 4:30pm (Sydney time) Wednesday 25 January 2017.
9. The practice note as to appeal books be dispensed with, with a view to the appeal books being a consolidated appeal book with the record below, any evidence on appeal and submissions.
10. Direct that the appeal books be prepared on or before 4:30pm (Perth time) Tuesday 24 January 2017 in cooperation between the Registrar of the Court and the parties, with the Registrar to settle the index by Friday 20 January 2017 at 4:00pm (Perth time).
11. The oral application for security for costs be dismissed.
12. There be no public access to the court file in respect of affidavits filed on the appeal and not yet read.
13. If any access is sought by the public to the file at first instance or the submissions on the appeal or the transcript of any hearing at first instance or appeal, such access be granted.
14. Liberty to apply on 6 hours' notice.
15. Costs of today (otherwise than as provided for) be costs in the appeal.

Date that entry is stamped: 19 January 2017

Warrick Soden
Registrar