

# CLAYTON UTZ

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13 December 2006

## By Email

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Ms Astrid Haban-Beer  
Associate to the Honourable Justice Bongiorno  
Supreme Court of Victoria  
210 William Street  
Melbourne VIC 3000

Our reference: 180/11138/800500

Dear Ms Haban-Beer

### **Gunns Limited and others v Alexander Marr and others Supreme Court of Victoria No 9575 of 2004**

1. We refer to:
  - (a) the summons dated 2 November 2006; and
  - (b) the affidavit of Richard Alan Mereine sworn 2 November 2006.
2. We are instructed that the plaintiffs will not seek leave to proceed with those parts of the proceeding known as:
  - (a) the Banksia Awards Claim (pleaded in paragraphs 503 to 540 of V3);
  - (b) the Japanese Customers Claim (pleaded in paragraphs 541 to 638 of V3); and
  - (c) the Banks Claim (pleaded in paragraphs 639 - 694 of V3).
3. Accordingly at the hearing on 25 January 2007:
  - (a) the plaintiffs will not seek an order in terms of paragraph 6 of the summons;
  - (b) the plaintiffs will seek an order that they file:
    - (i) a notice of discontinuance in respect of those parts of the proceeding known as the Banksia Awards Claim, the Japanese Customers Claim and the Banks Claim; and
    - (ii) a notice of discontinuance of the proceeding against the Tenth Defendant (Robert Brown), the Eleventh Defendant (Margaret Putt), the Twelfth

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Defendant (Helen Gee), the Eighteenth Defendant (Peter Pullinger) and the Twentieth Defendant (Doctors for Native Forests Inc).

4. A copy of this letter has been sent to the solicitors for each of the defendants.

Yours faithfully

  
**Richard A Mereine, Partner**  
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