



MEDIA RELEASE: October 24 2008

## **OPES PRIME (OP) URGENT INFORMATION BULLETIN**

### **Slater & Gordon to reopen Class Action to accommodate Opes Prime investors**

Slater & Gordon will reopen the Opes Prime Class Action to include additional Opes Prime investors following the collapse of the mediation talks last night.

#### **What Slater & Gordon's is currently doing for OP investors?**

Slater & Gordon are the lawyers on record for claimant investors in the following Opes Prime related claims:

#### **Federal Court of Australia**

Imobilari Pty Ltd v Opes Prime Stockbroking Ltd & Ors (VID 395 of 2008) ("the Class Action")

Eric Preston Pty Ltd v Euroz Securities Ltd (VID 356 of 2008)

Asia Pacific Links Limited -v- Opes Prime Stockbroking Limited (Receivers & Managers Appointed) (Administrators Appointed) & Ors (NSD 878 of 2008)

#### **Supreme Court of Victoria**

Trent Patrick Barry & ors v Bell Potter Securities Limited (Supreme Court proceeding 2052 of 2008 (F6232))

#### **Supreme Court of New South Wales**

Melewar Steel Ventures Limited -v- Opes Prime Stockbroking & Ors"(Receivers & Managers Appointed) (Administrators Appointed) (2149 of 2008)

John Sotirious Terpu & Anor -v- Opes Prime Stockbroking Limited (Receivers & Managers Appointed) (Administrators Appointed) & Ors (2204 of 2008)

Slater & Gordon was earlier successful in obtaining temporary injunctions for affected OP investors.

In addition, David Andrews (Practice Group Leader, Business Law & Litigation) has been appointed to the Committee of Inspection by creditors. The Committee of Inspection is the keen consultative group that advises the Liquidator during the liquidation of OP. David was previously on the Committee of Creditors advising the Administrator of OP. David is the only lawyer representing OP investors on the Committee of Inspection.

Slater & Gordon have gathered extensive information concerning the Opes Prime business and its collapse both through our existing litigation efforts and membership on the Opes Prime Committees.

#### **New developments**

This morning Slater & Gordon has been contacted by a number of Opes Prime creditors seeking to join the Class Action in light of the failure of the mediation to deliver an outcome.

A number of Opes Prime investor creditors had taken the ANZ at face value in promising a mediated and "wholistic" settlement of their claims. They accordingly did not join the Class Action

in anticipation of a satisfactory settlement from the banks. We now know this will not be achieved without further legal action by affected investors.

We have now confirmed that Comprehensive Legal Funding (formerly Commonwealth Legal Funding) ("CLF") are willing to fund the reopening of the Class Action which is currently before the Federal Court to include any new Opes Prime investors who wish to join.

CLF have advised that they will be willing to fund investors who execute agreements with CLF by close of business, Friday 21 November 2008.

The reopening of the Class Action is subject to the approval of the Federal Court of Australia. We are confident this will not be a hurdle as a similar application was recently successful in another class action.

The Class Action before the Federal Court currently faces a strike out application which is a usual application by defendants in class action proceedings. We are currently waiting for his Honour's judgment. The outcome of the application will determine whether:

1. we are required to re-plead the Statement of Claim to meet any matters raised by his Honour in his judgment; or
2. Reissue a Statement of Claim in the event the current Statement of Claim is struck out.

Either way CLF and Slater & Gordon are committed to pursuing the claims of Opes Prime investors against both ANZ and Merrill Lynch. The Slater & Gordon actions are the only actions pursuing both banks.

Investors should not be discouraged from joining the Class Action if their account balance has deteriorated since the collapse of OP (including into the negative). The central allegation in the Class Action is that the agreements with OP should be set aside, entirely. It follows that we also allege that investor losses should not be calculated after taking account of recent market deterioration and the effect of that deterioration on the value of pledged securities.

For further information or to receive a funding agreement pack please contact Pina Graziani on (03) 9602 8683.

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