

Premium Income Fund

NSX Release: 22 February 2010



Litigation Update - Class Action

Mercedes Holdings Pty Ltd & Ors v KPMG & Ors – Federal Court Proceedings NSD324/2009 ('Class Action')

A hearing of the Notice of Motion brought by both the current and former responsible entities of the Premium Income Fund was heard on 18 February 2010. The Notice of Motion sought to have the former responsible entity (currently the Third Respondent in the class action) discontinued as a party to the court proceeding pursuant to an agreement entered into between Wellington Capital Limited and the Applicants of the class action.

Justice Perram today declined to grant approval of the discontinuance sought by the former responsible entity. As a consequence:

- ✿ the former responsible entity remains a Respondent in the class action; and
- ✿ the agreement between Wellington Capital Limited and the Applicants of the class action is at an end.

Further updates will be provided as the matter progresses.

For further information please contact:

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