

Feltex Claim

Court of Appeal, Wellington, week beginning Monday 11 April 2016 CA578/2014 Houghton v Saunders

Wilson McKay are the instructing solicitors in this court proceeding. We represent Eric Houghton and some 3,639 former Feltex shareholders in, Houghton v Saunders, Credit Suisse & ors. The total claim now exceeds \$200 million including interest and costs.

On 26 June 2015 Colin Carruthers QC advised the Court of Appeal that he had reviewed the Notice of Appeal (A copy of the Notice is attached to the left of this summary - in downloadable pdf format).

Colin Carruthers QC confirmed to the Court that he considers the existing grounds deal sufficiently with the available arguments for the Appellant (Eric Houghton).

Houghton's Appeal will be led by Colin Carruthers QC, assisted by Patricia Mills, Barrister, and will be heard in Wellington in the week commencing Monday 11 April 2016.

Recent History of the proceeding

High Court, Wellington (formerly) Christchurch CIV 2008 409 348

HIGH COURT TRIAL 17 MARCH 2014 - Decision of Dobson J dated 15 September 2014, being appealed as above

The High Court trial commenced Monday 17 March 2014 and was completed Thursday 12 June 2014. The Plaintiff' Closing submissions, which summarise the allegations and evidence against the promoters of the 2004 Feltex IPO,

are attached in pdf. The decision of Dobson J dated 15 September 2014, (as attached in pdf), has been appealed.

TIME LIMITATION AND INSURANCE - SUPREME COURT APPEALS

15th - 17th October 2013 - both successful

Credit Suisse was granted leave to appeal the decision to the Supreme Court from the judgment of the Court of Appeal dated 23 November 2012 on certain time limitations issues arising from the representative regime of the proceeding. Mr Houghton was successful in the Court of Appeal. The Supreme Court appeal, was also successful and Mr Houghton saved the running of time limitations - for all he represents - from the date he filed his statement of claim and his application for a representative order in February 2008.

A separate appeal to the Supreme Court was heard immediately after the above appeal concerning the Feltex defendant directors' rights to access their AIG Feltex IPO insurance policies for the costs of their defence. Mr Houghton was successful and the charges asserted over the defendants' insurance policies have been upheld by a majority of 3 judges to 2. A pdf copy of the decision is attached.

OPT IN - closed in Mid 2013

Prior milestones:

CONFIRMATION OF Decision of French J 8 June 2011 - COURT of APPEAL - 23 November 2012

9 June 2011 Co-Funding Investment Agreement entered JAFL/Harbour

DECISION of FRENCH J -8 June 2011 - Lifting Stay, setting Security for costs, approving Representative Order

INITIAL OPT-IN LISTS FILED - 2 June 2010

21 May 2010 IMPORTANT NOTICE TO QUALIFYING SHAREHOLDERS - INCLUDING Court approved JAFL AGREEMENT

DECISION OF COURT OF APPEAL - 19 December 2009 - Confirming decision of French J, 7 October 2008

DECISION OF FRENCH J, 7 October 2008 Amending Representative Order and confirming Opt - In basis

26 FEBRUARY 2008 - STATEMENT OF CLAIM FILED BY ERIC HOUGHTON,
REPRESENTATIVE ORDER GRANTED (EX-PARTE)

15 December 2006 - Feltex Carpets Limited placed in Liquidation

June 2004 Credit Suisse private equity partnership CSAMP exports net USD
100 million profit on Feltex float from NZ

5 May 2004 Prospectus for NZ\$254 million float of Feltex Carpets Limited

Roger Cann, Partner

Phone: (09) 520 4544

Fax: (09) 524 0397

Direct Dial: (09) 523 0759

Email: RogerCann@WilsonMcKay.co.nz