

Notice to the parties in a dispute regarding case appraisal

pursuant to subsection 71(4) of the *Australian Small Business and Family Enterprise Ombudsman Act 2015*

Addressee 1: FTI Consulting, Inc (formerly Taylor Woodings Limited)

Addressee 2: Mr Sean Butler of Butler Construction Pty Limited

CASE APPRAISAL

In relation to the ongoing dispute between Butler Constructions Pty Limited (Butler Construction) and FTI Consulting, Inc (FTI) regarding the administration of Mr Butler's former business, Lighthouse Beachouse Resort. I recommend that the parties take part in a case appraisal process, and that the process be conducted in Western Australia and be paid for by Mr Butler.

In particular, the case appraisal should address the following two issues (along with any other relevant issues) and that all documentation be provided to the case appraiser:

1. Why an interested purchaser was told that the sale negotiations were so advanced that they were no longer taking offers yet the apparent negotiations fell through and the aforementioned purchaser was apparently not given opportunity to place an offer (see attached email); and
2. Withholding of updated financials including current trading figures.

Our Office will separately contact you and the other party to arrange the process. Please be aware that the case appraisal may lead to a further Alternative Dispute Resolution process that would come at a shared cost to both parties.

Failure to engage in this process (or withdrawal) is publishable under section 74 of the Australian Small Business and Family Enterprise Ombudsman Act 2015 in any way I think appropriate.

Date: 17 December 2018



Signed by: Kate Carnell AO

Note: A decision of the Ombudsman, under subsection 74, to publicise that a party to a dispute has refused to engage in, or has withdrawn from an alternative dispute resolution process may be reviewed by the Administrative Appeals Tribunal, in accordance with section 92 of the *Australian Small Business and Family Enterprise Ombudsman Act 2015*.