

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 25/11/2020 7:00:11 PM AEDT and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

### Filing and Hearing Details

Document Lodged: Interlocutory process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 3  
File Number: NSD1220/2020  
File Title: AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v MELISSA LOUISE CADDICK & ANOR  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA  
Reason for Listing: Case Management Hearing  
Time and date for hearing: 27/11/2020, 9:30 AM  
Place: Court Room 18A, Level 17, Law Courts Building 184 Phillip Street Queens Square, Sydney; By Web Conference William Street, 80 William Street, Sydney



*Sia Lagos*

Dated: 26/11/2020 9:13:19 AM AEDT

Registrar

### Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



## INTERLOCUTORY PROCESS

Federal Court of Australia  
District Registry: NSW  
Division: Commercial and Corporations

No. NSD 1220 / 2020

### IN THE MATTER OF MALIVER PTY LTD (ACN 164 334 918)

#### AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

#### MELISSA LOUISE CADDICK and others named in the Schedule

Defendants

#### A. DETAILS OF APPLICATION

This application is made under rule 8.21 of the *Federal Court Rules 2011* and/or the Court's inherent jurisdiction, for leave to amend the Plaintiff's originating process, dated 10 November 2020, filed under rule 2.2 of the *Federal Court (Corporations) Rules 2000*.

On the facts stated in the supporting affidavits, including the affidavit of Isabella Lucy Allen affirmed on 9 November 2020 (**Main Allen Affidavit**), the affidavit of Isabella Lucy Allen affirmed on 9 November 2020 (**Suppression Allen Affidavit**), and the affidavit of Isabella Lucy Allen affirmed 25 November 2020 (**Third Allen Affidavit**), the applicant, Australian Securities and Investments Commission, applies for the following orders:

1. That the Plaintiff have leave to amend the Originating Process as set out in the proposed Amended Originating Process being Annexure IA-5 to the Third Allen Affidavit (**the Amended Originating Process**).

Filed on behalf of	Australian Securities and Investments Commission, Plaintiff
Prepared by	Nicolette Bearup
Tel (02) 9911 5745	Fax (02) 9911 2414
Email Nicolette.Bearup@asic.gov.au	
<b>Address for service</b>	Email address above and Level 5, 5 Market Street, Sydney NSW 2000 Attention: Nicolette Bearup



2. That the Plaintiff have leave to file the Amended Originating Process in Court, returnable immediately.
3. In the first instance, that service of the filed Amended Originating Process be dispensed with.
4. The costs of this application be costs in the cause.
5. Such further or other orders that the Court considers appropriate.

Date: 25 November 2020

.....  
Nicolette Bearup  
Legal Practitioner for the  
Australian Securities and Investments Commission

This application will be heard by \_\_\_\_\_ at \_\_\_\_\_ am/pm  
on \_\_\_\_\_ 2020.

**B. NOTICE TO RESPONDENTS**

TO: **Melissa Louise Caddick**  
Williamson and Associates  
4 Rakeevan Road  
Graceville QLD 4075

**Maliver Pty Ltd (ACN 164 334 918)**  
C/O LSI Taxation & Business Advisors Pty Ltd  
22 Webster Avenue  
Hendra QLD 4011



If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence.

Before appearing before the Court, you must, except if you have already done so or are the plaintiff in this proceeding, file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff in the originating process.

*Note* Unless the Court otherwise orders, a respondent that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

### **C. FILING**

This interlocutory process is filed by the applicant.

### **D. SERVICE**

The applicant's address for service is:

Australian Securities and Investments Commission, Level 5, 5 Market Street, Sydney  
NSW 2000

It is intended to serve a copy of this originating process on each defendant.



## SCHEDULE

Federal Court of Australia

No. NSDD 1220 of 2020

District Registry: NSW

Division: Commercial and Corporations

### **Defendants**

Second Defendant: MALIVER PTY LTD (ACN 164 334 918)

Date: 25 November 2020