

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 19/04/2022 2:19:43 PM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

### Details of Filing

Document Lodged: Concise Statement  
File Number: NSD1220/2020  
File Title: AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v  
MELISSA LOUISE CADDICK & ANOR  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF  
AUSTRALIA



*Sia Lagos*

Dated: 19/04/2022 2:27:42 PM AEST

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 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.



## Concise Statement

No. NSD1220 of 2020

Federal Court of Australia

District Registry: New South Wales

Division: General

**Australian Securities & Investments Commission**

Plaintiff

**Melissa Louise Caddick and others**

Defendant

This Concise Statement is filed in accordance with Order 9 made on 24 February 2022, and is filed noting that Anthony Koletti's claim against the first defendant is made in Federal Circuit and Family Court proceedings 1992/2022 and that this Court does not have jurisdiction to determine a matrimonial cause pursuant to s.39 of the *Family Law Act 1975 (cth)*.

*(A) The important facts giving rise to the claim*

1. Mr Koletti, the Fourth Interested Party, is married to the Defendant, Ms Melissa Louise Caddick. Mr Koletti proposed to the defendant in 2012. They married on 31 December 2013.
2. Mr Koletti is the primary carer of the Defendant's son, [REDACTED]
3. Mr Koletti previously earned approximately \$70,000 per annum as a hairdresser. He has not been able to obtain employment at a hairdressing salon since 2020 due to the allegations related to his wife, the first Defendant.
4. Mr Koletti last saw the Defendant on 11 November 2020.
5. When Mr Koletti met the Defendant, he had approximately \$100,000 in cash and assets, comprised of a car and \$70,000 in cash.
6. Mr Koletti moved to [REDACTED] (the matrimonial home) in about April 2014.
7. The matrimonial home was purchased using the proceeds of sale from a property the Defendant owned at 2 York Place, Kensington, which sold on about 10 December 2013 for \$1,670,000.

Filed on behalf of (name & role of party)	Anthony Koletti, Fourth Interested Party
Prepared by (name of person/lawyer)	Judith Swan
Law firm (if applicable)	Swan Lawyers
Tel	0414341317
Tel	0414341317
Email	<a href="mailto:Judy.swan@swanlawyers.com.au">Judy.swan@swanlawyers.com.au</a>
<b>Address for service</b>	87 Victoria Road Bellevue Hill NSW 2023
(include state and postcode)	

8. During Mr Koletti's marriage to the first defendant he has made financial and non-financial contributions, including as a parent and as a homemaker, to the conservation and improvement of the property of the first defendant and Mr Koletti. Contributions and future needs relevant to s.79 and 75(2) of the Family Law Act 1975 are:
  - a. During the relationship Mr Koletti used almost all his income to support the Defendant and her son.
  - b. During the relationship Mr Koletti made non-financial contributions to the assets of the Defendant.
  - c. Mr Koletti deposited his income into the Defendant's account, and the Defendant applied those funds to meet the family's expenses. For example, he received \$77,265.69 from his employer between 2017 to 2020 and he paid \$56,280 to the Defendant's account. Mr Koletti spent the remaining amount on day-to-day expenses.
  - d. Since November 2020 Mr Koletti pays approximately \$500 per week toward the care and expenses of the Defendant's son.
  - e. Mr Koletti makes all the homemaker contributions in relation to the Defendant's son.
  - f. Due to the extensive media coverage relating to the Defendant's disappearance, the time taken by legal proceedings and Mr Koletti's grief, he has not been able to secure gainful employment in his usual trade other than casual hairdressing services and some income from his music.
  
9. As a result of the matters set out above, Mr Koletti contends that he is entitled to an alternation of property interests in respect of the pool of matrimonial property which is comprised of:
  - a. [REDACTED], which is 5 bedrooms, 4 baths and 2 car - \$15,000,000-\$17,000,000 based on advice from real estate agents. This property has a mortgage of approximately \$4,000,000;
  - b. [REDACTED], which is 3 bedrooms, 2 bath and 3 car - \$4,000,000. This property has a mortgage of approximately \$1,500,000;
  - c. Chattel (jewellery, clothes) – This property is estimated to be valued at \$2,000,000;
  - d. Cars - \$360,000, which property has been sold; and
  - e. Shares - \$7,000,000 as at 2020.

*(B) The relief sought from the Court (and against whom)*

10. That upon a final order of the Federal Circuit and Family Court of Australia, the Receivers of the first defendant's property pay to Mr Koletti such adjustment of property as is ordered by the Federal Circuit and Family Court of Australia from the proceeds of sale of the first defendant's assets.
11. Mr Koletti seeks an order for delivery up of the following personal property to him, for his exclusive use:
  - a. 5 John Olsen paintings;
  - b. Gucci Wedding Dress;
  - c. 18CT White Gold Cross from Canturi, valued at \$8,360.
  - d. 18CT White Gold Onxy Cufflinks, valued at \$5,600.
  - e. 18CT White Gold and Sapphire Ring, valued at \$10,450.
  - f. 18CT White Gold Skull Pendant, valued at \$6,300.
  - g. A diamond ring set by Canturi, valued at \$33,960.
  - h. The Applicant's wedding band valued at \$26,500.
  - i. A digital Louis Vuitton Watch, valued at \$4,900;
  - j. USD\$3,000 cash.

*(C) The primary legal grounds for the relief sought*

12. Sections 75(2) and 79(4) *Family Law Act 1975*
13. Section 32 *Federal Court of Australia Act 1976*

## Certificate of lawyer

I Judith Swan certify to the Court that, in relation to the statement of claim filed on behalf of the Fourth Interested Party, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: 23 March 2022

A handwritten signature in blue ink, appearing to read 'Swan', is positioned above a horizontal dotted line.

Signed by Judith Swan

Lawyer for the Fourth Interested Party