

NOTICE OF FILING

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Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
File Number:	NSD1220/2020
File Title:	AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v MELISSA LOUISE CADDICK & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink, reading "Sia Lagos".

Dated: 17/12/2020 4:01:01 PM 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 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.



Form 59

Rule 29.02(1)

Affidavit

No. NSD1220 of 2020

Federal Court of Australia

District Registry: NSW

Division: Commercial and Corporations

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

Affidavit of: Isabella Lucy Allen

Address: Level 5, 100 Market Street, Sydney, New South Wales

Occupation: Investigator

Date: 25 November 2020

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I, Isabella Lucy Allen, Investigator, of Level 5, 100 Market Street Sydney New South Wales 2000 affirm:

1. I am employed by the Australian Securities and Investments Commission (**ASIC**) as an investigator in ASIC's Financial Services Enforcement team as part of the Office of Enforcement.
2. I am authorised to provide this affidavit on behalf of ASIC:
 - (a) in order to update the Court on the progress of ASIC's investigation;
 - (b) in support of ASIC's application for leave to amend the Originating Process in these proceedings in order to add additional orders pursuant to s 461(1)(k), 462(2) and 472(1) and (2) of the *Corporations Act 2001* (Cth) that Maliver Pty Ltd (ACN 164 334 918) (**Maliver**) be wound up and that prior to the hearing of ASIC's winding up application, a provisional liquidator be appointed, as set out in the proposed Amended Originating Process annexed and marked "**IA-5**"; and
 - (c) in support of ASIC's application for the appointment of a receiver and manager to the Property of the First Defendant and a provisional liquidator to the Second Defendant.

Discussions with Ms Caddick

3. I have read the affidavit of Thomas Conner (**Mr Conner**) affirmed 12 November 2020 in these proceedings. On 11 November 2020 I was present at Melissa Louise Caddick's (**Ms Caddick**) residence at [REDACTED] when Mr Conner served a copy of the court documents in these proceedings, including the Orders of the Honourable Justice Jagot of this Court dated 10 November 2020 (**Orders**), on Ms Caddick.




4. On 11 November 2020, ASIC officers with the assistance of officers of the Australian Federal Police executed search warrants pursuant to s39D of the *Australian Securities and Investments Commission Act 2001* (Cth) at the premises at [REDACTED] [REDACTED] South Wales and a National Australia Bank Limited safety deposit box numbered [REDACTED] located at 343 George Street, Sydney NSW 2000 (**Warrants**).
5. On 11 November 2020, while at Ms Caddick's residence conducting the Warrant, I had a conversation with Ms Caddick concerning the Orders. Ms Caddick asked me a number of questions in relation to the Orders. She stated words to the effect

"When do I have to appear in court?"

to which I replied with words to the effect

"Per order 4 you are to appear in Court on 13 November 2020 at 9:45am."

Ms Caddick then pointed to the address of the Federal Court of Australia New South Wales District Registry in footer of the Orders and asked me a question with words to the effect

"Do I have to appear at this address tomorrow to deliver the passports?"

I responded with words to the effect of

"I am unsure of the address, but looking at the Orders, that may be the address. A legal representative should be able to assist you."

Ms Caddick then pointed to order 10 (c) and said words to the effect of

"Does this mean I can't use credit cards? All day to day transactions are purchased on credit cards."

I responded with words to the effect

"By using a credit card you are incurring liabilities, however you should speak to a lawyer if you have one."

Ms Caddick then stated words to the effect of

"Am I to prepare a statement of assets and liabilities by Monday 16 November?"

I responded with words to the effect of

"Yes, you are required to prepare a statement of assets and liabilities."

Ms Caddick then asked me, with words to the effect of



"How am I supposed to do that when you have taken my computers?"

I responded with words to the effect of

"I am unable to answer that question and it may be best that you speak to a lawyer. Do you have a lawyer?"

Ms Caddick responded with words to the effect

"No. I have no one to call."

6. At the conclusion of the Warrant for Ms Caddick's residence, the following electronic devices were left in her possession:
 - (a) An Apple mac computer;
 - (b) Ms Caddick's iphone;
 - (c) Anthony Koletti's (**Mr Koletti**) personal computers; and
 - (d) [REDACTED] personal computers.
7. As detailed in paragraph 261 of my main affidavit affirmed on 9 November 2020 in these proceedings (**Main Affidavit**), Mr Koletti is Ms Caddick's current partner and [REDACTED]
8. On 12 November 2020 at 5:26 pm, I sent an email to Ms Caddick's email address [REDACTED]. A copy of that email is annexed and marked "IA-6".
9. On 13 November 2020 at 9:02 am I sent an email to Ms Caddick's email address [REDACTED]. A copy of that email is annexed and marked "IA-7".
10. On 13 November 2020 at 9:25 am I sent an email to Ms Caddick's email address [REDACTED]. A copy of that email is annexed and marked "IA-8".

Ms Caddick's disappearance

11. On 13 November 2020 at 9:45 am, I attended a hearing in this matter conducted over Microsoft Teams. At that hearing I observed a participant in the Microsoft Teams meeting with the name 'Anthony K'.
12. On 13 November 2020 at 10:09 am, Federal Agent Amelia Griffen of the Australian Federal Police (**Ms Griffen**) contacted me and told me that she had received a call from Mr Koletti. Ms Griffen told me that Mr Koletti told her that he believed his wife to be missing.

13. On 13 November 2020 at 10:23 am, Mr Koletti contacted me and told me that he believed his wife, Ms Caddick, to be missing as he had not heard from her.
14. On 13 November 2020 at 2:33 pm, I received a call from Detective Sergeant Michael Kyneur (**Detective Sergeant Kyneur**) of Eastern Suburbs Local Area Command at Bondi, who told me Mr Koletti had contacted them regarding the disappearance of his wife.
15. Over the course of the week beginning 16 November 2020, I reviewed various media articles online concerning Ms Caddick's disappearance, including those published by ABC News, 9 News, the Sydney Morning Herald and the Daily Mail Australia on their respective websites.
16. On 25 November 2020 I instructed Investigator Steph Colbran (**Ms Colbran**) to access the NSW Police Missing Persons Enquiry web page and search for 'Melissa Caddick'. Ms Colbran informed me that her search took her to a search result at the following url:

<https://apps.police.nsw.gov.au/missingpersonsenquiry/displayIndividualDetails.do?photoRefNum=230900>.

 A PDF copy of that webpage is annexed and marked "**IA-9**".
17. ASIC has assisted with all enquiries it has received from NSW Police from 13 November 2020 to the date of this affidavit and will continue to cooperate throughout the course of the NSW Police investigation into the disappearance of Ms Caddick.

Ms Caddick's non-compliance with orders of this Court

18. On 13 November 2020 I was carbon copied in on two emails sent by Ms Kofman to the New South Wales Registry of this Court (**Registry**). Annexed and marked "**IA-10**" is a copy of those emails. Ms Kofman enquired about whether order 12 of the Orders, which required Ms Caddick to surrender her passport to the Registry, or whether order 14 had been complied with.
19. On 16 November I was carbon copied in on an email from Alexander Proudford, Associate to the Honourable Justice Jagot, to Ms Kofman. Annexed and marked "**IA-11**" is copy of that email. Mr Proudford confirmed that orders 12 and 14 of the Orders had not been complied with.
20. On 16 November 2020 I received a phone call from Detective Sergeant Kyneur. Detective Sergeant Kyneur said words to the effect of

"I have got 5 Australian passports handed in by the husband in the name of Melissa Caddick".

21. On 16 November 2020 at 5:18 pm, I received an email from Jennifer Williamson (**Ms Williamson**), solicitor of Williamson & Associates. Annexed and marked "IA-12" is a copy of that email.
22. On 20 November 2020 at 12:35 pm, ASIC Litigation Counsel Nicolette Bearup (**Ms Bearup**) sent an email to Ms Williamson, into which I was carbon copied. Annexed and marked "IA-13" is a copy of that email.
23. Ms Bearup informed me and I believe it to be true that on 23 November 2020, she spoke on the phone with Ms Williamson.
24. On 23 November 2020 at 3:27 pm, Ms Bearup sent an email to Ms Williamson, into which I was carbon copied. Annexed and marked "IA-14" is a copy of that email.
25. On 23 November 2020 at 3:34 pm, Ms Williamson sent a reply email to Ms Bearup, which Ms Bearup forwarded to me and others within ASIC. Annexed and marked "IA-15" is a copy of that email.
26. On 24 November 2020 at 11:47am, Ms Williamson sent a letter to Ms Bearup via email, which Ms Bearup forwarded to me and others within ASIC. Annexed and marked "IA-16" is a copy of that letter.
27. On 24 November 2020 at 12:38 pm, Ms Bearup sent an email to Ms Williamson, into which I was carbon copied. Annexed and marked "IA-17" is a copy of that email.
28. On 25 November 2020 Ms Kofman informed me, and I believe it to be true, that at 4:26 pm she reviewed the docket for this matter, NSD1220 of 2020, on the Federal Court Portal at the following url:
<<https://www.comcourts.gov.au/pas/file/Federal/P/NSD1220/2020/actions#>> and did not identify any affidavits filed on behalf of the Defendants.
29. On the basis of the matters outlined in paragraphs 18 to 28 of this affidavit, it appears that to date, Ms Caddick and Maliver have not complied with orders 8, 12 and 14 of the Orders.

ASIC's contact with consumers since 12 November 2020

30. Since 12 November 2020, ASIC officers including myself, Senior Investigator Brendan Hough (**Mr Hough**) and Ms Colbran have been in contact with approximately 21 consumers who claim to have paid money to Maliver for investment (**Investors**). Mr

Hough has informed me of the content of his discussions with investors, and I believe his accounts to be true.

31. I have not named the investors with whom ASIC has been in contact in this affidavit for the following reasons:

- (a) ASIC has not yet had an opportunity to have in depth discussions with the investors;
- (b) several of the investors contacted appear to be distressed;
- (c) several appear to have personal relationships with Ms Caddick; and
- (d) there is now considerable media interest in this proceeding.

It is my view that naming the investors in this affidavit would cause them undue embarrassment and distress, would potentially expose them to unsolicited contact by the media and that both of these things would prejudice the interests of justice.

32. Approximately 14 of the 21 investors contacted also provided information to ASIC through a dedicated email address set up for investors to use to contact ASIC, being maliver.investor@asic.gov.au. I have read the emails in that inbox up to and including 25 November 2020.

33. The information provided to ASIC by investors either via telephone conversation or by email indicates that:

- (a) 10 of the investors had not previously been specifically identified as potential consumers by ASIC during its investigation, and are additional to the potential consumers identified in paragraph 220 of my Main Affidavit; and
- (b) 8 of the investors reported that they have contacted Commonwealth Securities Limited (ACN 067 254 399) (**CommSec**) or share registries concerning accounts they believed were held in their names, only to be told that there was no record of such accounts.

34. On 20 November 2020, I instructed Ms Colbran to review the emails in the inbox of the maliver.investor@asic.gov.au address. On 23 November 2020, Ms Colbran informed me, and I believe it to be true, that she reviewed the emails in the maliver.investor@asic.gov.au received up to and including 25 November 2020. Ms Colbran informed me that she identified documents sent voluntarily by 14 investors, including some of the 7 investors mentioned in 33(b), that are similar in form to one or



more of the types of documents identified in paragraphs 39(c), 39(d), 39(e), 39(h), 39(m), 39(n), 39(o), 39(q), 39(r), 39(s), 40(f), 40(h) and 42 of my Main Affidavit.

35. On the basis of my conclusions concerning the falsification of documents as stated in paragraph 78 of my Main Affidavit, as well as the reports and information from consumers outlined in paragraphs 33(b) and 34 of this affidavit, I suspect that some of the documents received by ASIC as referred to in paragraph 34 of this affidavit, may have been falsified.
36. I am informed by Mr Hough and believe it to be true that on 18 November 2020 he received a call from Mr Dominic Calabria (**Mr Calabria**) of Bridges Lawyers. Mr Calabria told Mr Hough that he represents 6 investors who invested with Maliver and Ms Caddick and anticipates he will represent 10 investors in total. Mr Calabria requested that ASIC provide him with a copy of the Orders.
37. I am informed by Ms Bearup that on 25 November at 3:46 pm she received an email from Mr Calabria, in which Mr Calabria confirmed that he acts for 6 investors and their respective entities.

Additional assets of Ms Caddick and Maliver

38. Besides the information in paragraphs 39 to 47 of this affidavit, my understanding concerning the assets and liabilities of Ms Caddick and Maliver remains as outlined in paragraphs 251 to 252 and 257 to 258 of my Main Affidavit.
39. A number of physical and electronic documents and other items were seized during the Warrants as evidence as part of ASIC's investigation into Maliver and Ms Caddick.
40. The evidence seized includes a number of pieces of jewellery, watches, and designer label clothing, accessories and footwear.
41. Some of the documents seized by ASIC included valuation documents for jewellery and art works. The valuation documents that I reviewed indicate that some of the art works are owned by Maliver and some are owned by Ms Caddick. ASIC has not undertaken a comparison of the jewellery seized during the Warrants against the valuation documents.
42. During the Warrant executed at Ms Caddick's residence, Mr Hough and I undertook a comparison of the artworks on display with the valuation documentation found onsite. From our review we noted that the artworks sighted matched the valuation documentation. However, due to storage limitations at ASIC's Sydney office the artworks were not seized.

43. One of the physical documents that was seized during the Warrant at Ms Caddick's residence is a copy of [REDACTED]

(a) The property located at [REDACTED]

(b) 15 separately identified art works; and

(c) 48 separately identified pieces of jewellery.

44. On 11 November 2020 I saw two vehicles parked at the premises at [REDACTED]
[REDACTED], being:

(a) a blue Audi with registration number [REDACTED]; and

(b) a black Mercedes with registration number [REDACTED]

45. I am informed by Ms Kofman and believe it to be true that on 17 November 2020, she and Mr Hough spoke to Stefano and Patricia Canturi, Directors of Canturi Corporation Pty Ltd (ACN 071 862 952), Ms Caddick's jeweller, at their offices on Clarence Street in Sydney.
46. Stefano and Patricia Canturi told Ms Kofman and Mr Hough that they are in possession of a necklace that Ms Caddick had paid for but not yet taken delivery of, with a value of approximately \$100,000.
47. Stefano and Patricia Canturi also told Ms Kofman and Mr Hough that Ms Caddick told them she had sold a property in New York and had lost money on the sale due to Covid.
48. On the basis of the information conveyed to Ms Kofman and Mr Hough by Stefano and Patricia Canturi, I believe there are additional valuable assets of Ms Caddick in Sydney and possibly in the United States of America.

Winding up and appointment of a provisional liquidator

49. I continue to hold the concerns set out in paragraphs 13, 18, 78 and 256 of my Main Affidavit, in particular about:

(a) Maliver and Ms Caddick carrying on an unlicensed financial services business;

(b) Maliver falsely holding out to consumers as an AFSL holder or authorised representative by using without authorisation the AFSL license number of [REDACTED] on Maliver documentation sent to consumers;

(c) the mixing of funds of Maliver with the funds of Ms Caddick;

(d) Ms Caddick's subsequent misappropriation of consumer funds for her personal benefit, contrary to the purpose for which the funds were transferred to Maliver;

(e) the falsification of various financial documents;

as well as concerns about the matters to which I depose in this affidavit, in particular:

(f) that a wider pool of consumers has contacted ASIC and provided copies of documents they claim were given to them by Ms Caddick, which appear to be similar in form to the falsified documents identified in my Main Affidavit; and

(g) that several consumers have told ASIC that they made inquiries with CommSec and share registries, with which they believed they held accounts, only to be told that there was no record of such accounts.

50. Given my concerns, I believe that there is an urgent need for an independent person to be appointed to examine the affairs of Maliver and Ms Caddick to determine each of their assets and liabilities, and in particular any liabilities to consumers who have invested money with Maliver and what has happened to that money.



Affirmed by the deponent

)

at Sydney

)

in New South Wales

)


on 25 November 2020

)

Before me:

)



Signature of deponent

Signature of witness

Marina Kofman

An Australian Legal Practitioner within the
meaning of the Legal Profession Uniform Law (NSW)

SCHEDULE

Federal Court of Australia

No. NSD1220 of 2020

District Registry: NSW

Division: Commercial and Corporations

Defendants

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

Date: 25 November 2020



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

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

This is the annexure marked "IA-5" referred to in the affidavit of Isabella Lucy Allen affirmed on 25 November 2020.

Before me:



Marina Kofman

An Australian Legal Practitioner within the Meaning of the Legal Profession
Uniform Law (NSW)

AMENDED ORIGINATING 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:

- (a) section 1323, s461(1)(k), 462(2), 472(1) and (2) of the *Corporations Act 2001* (Cth) (**Act**);
- (b) sections 21, 23, 37AF(1)(a) and (b) and 37AG(1)(a) of the *Federal Court of Australia Act 1974* (Cth) (**FCA Act**).

The nature of the proceeding is an application for orders:

- (a) relating to the property of the First and Second Defendants, including for asset preservation orders against the First and Second Defendants under s1323 of the Act and/or the appointment of a receiver / receiver and manager to the Property of the First and Second Defendants;
- (b) requiring the First Defendant to deliver up her passport to the Court;
- (c) prohibiting the First Defendant from leaving Australia without the consent of the Court;

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	
Address for service	Email address above and Level 5, 5 Market Street, Sydney NSW 2000 Attention: Nicolette Bearup

- (d) provision of information from the First and Second Defendants as to their financial affairs;
- (e) suppression or non-publication orders;
- (f) for the appointment of a provisional liquidator to the Second Defendant pursuant to 472(2) of the Act and the winding up of the second defendant on the ground set out in s461(1)(k) of the Act and the appointment of a liquidator pursuant to 472(1) of the Act.

For the purposes of this Application:

- (a) **"Property"** means all real or personal property, assets or interests in property of any kind, within or outside Australia including, by virtue of subsection 1323(2A) of the Act, any property held otherwise than as sole beneficial owner
- (b) **"Third Party"** means a person other than the First or Second Defendant or the Plaintiff.

On the facts stated in the supporting affidavits, including the affidavit of Isabella Lucy Allen affirmed on 9 November 2020 (**Main Allen Affidavit**) and the affidavit of Isabella Lucy Allen affirmed on 9 November 2020 (**Suppression Allen Affidavit**), and the affidavit of Isabella Lucy Allen affirmed on 25 November 2020 (**Third Allen Affidavit**) the Plaintiff claims the following orders:

INTERLOCUTORY RELIEF

1. Leave to file this Originating Process in Court.
2. In the first instance, service of this Originating Process be dispensed with, and the Originating Process be returnable immediately.
3. Time for service of this Originating Process and supporting affidavits be abridged to 5pm Wednesday 11 November 2020.
4. That this Originating Process be returnable on _____ for a further hearing in respect of the orders sought by the Plaintiff.
5. Anyone served with or notified of the orders may apply to the Court to vary or discharge them or so much of them as affects the person served and notified, on the giving of reasonable notice.

6. Subject to order 7 below, an order pursuant to sections 37AF(1)(a) and (b) and 37AG(1)(a) of the FCA Act that the publication or disclosure of any ex-parte orders obtained by the Plaintiff, the Originating Application, the Main Allen Affidavit (including the exhibits to that affidavit), the Suppression Allen Affidavit and any written submissions advanced by the Plaintiff in support of the ex-parte orders is prohibited until 5pm Wednesday 11 November 2020, except to enable the Plaintiff to serve the Defendants or provide copies of the orders to the entities set out in paragraph 24 for the purpose of enforcing the orders.
7. An order pursuant to s.37AF(1)(a) and (b) and 37AG(1)(a) of the FCA Act, that until further order, the publication or disclosure (except to the parties and their legal representatives) of:
 - (a) the Main Allen Affidavit in so far as it identifies the names identified in Annexure IA-4 to the Suppression Allen Affidavit;
 - (b) the Suppression Allen Affidavit in so far as it identifies the names or words identified in Annexure IA-4 to the Suppression Allen Affidavit;
 - (c) ASIC's written submissions filed in support of its application for the orders set out in this Originating Process in so far as it identifies the names or words identified in Annexure IA-4 to the Suppression Allen Affidavit;
 - (d) the whole of Exhibit IA-1, IA-2 and IA-3 to the Main Allen Affidavit;
 be prohibited.

Provision of information

8. Subject to paragraph 9, pursuant to s 1323(1) of the Act and s 23 of the FCA Act, by 5pm on 16 November 2020, the First and Second Defendant swear and serve upon the Plaintiff an affidavit, in the case of the First Defendant deposing in detail to the matters set out in 8. (a) – (h) below, and in the case of the Second Defendant deposing in detail to the matters set out in 8. (a) – (i) below:
 - (a) the name and address of any bank, building society or other financial institution at which there is an account in the name of or under the control of the relevant Defendant, together with the number of such account, the name of such account and the balance of that account;

- (b) the name and address of any person indebted to the relevant Defendant and the amount and nature of the indebtedness;
- (c) an itemised inventory of all Property owned or controlled by the relevant Defendant or in which that Defendant has any legal or beneficial interest giving each item's value, location and the extent of the relevant Defendant's interest in the property;
- (d) the names and address of any person to whom the relevant Defendant is indebted and the amount and nature of the indebtedness, including amounts owed to any person who has deposited funds with the relevant Defendant for investment (**Investor**);
- (e) in respect of any of the Property of the relevant Defendant which has been given as security for any debt, the details of that Property and the nature of the security and the nature and amount of the debt;
- (f) the sources and amount of any income, wages, earnings or other payments received by the relevant Defendant in the last 12 months and expected to be received by the relevant Defendant in the next 12 months;
- (g) the name, physical address, email address and phone number of each person who currently has funds deposited with the relevant Defendant for investment at the date of these orders, or on whose behalf the Defendant holds shares or other Property, and the amount of, location and nature of those funds and/ or the Property;
- (h) for the period from 1 January 2020 to 31 October 2020, details regarding:
 - (i) each amount deposited with the relevant Defendant by an Investor, the date of each deposit and the name and address of the Relevant Investor;
 - (ii) each amount paid to an Investor and the date of the payment;
- (i) the Second Defendant's financial statements and accounts for the year

ended 30 June 2020 or 31 December 2019 (as the case may be depending upon its particular financial year), whether or not audited and whether or not in the form of management accounts only.

9. If:

- (a) the First Defendant wishes to object to complying with paragraph 8 on the grounds that some or all of the information required to be disclosed may tend to prove that:
 - (i) she has committed an offence against or arising under Australian law or a law of a foreign country; or
 - (ii) is liable to a civil penalty,
- (b) all of the persons who are able to comply with paragraph 8 on behalf of the Second Defendant and with whom it has been able to communicate, wish to object to the Second Defendant complying with paragraph 8 on the grounds that some or all of the information required to be disclosed may tend to prove that they:
 - (i) have committed an offence against or arising under Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty,

the First Defendant or Second Defendant must:

- (c) disclose so much of the information required to be disclosed to which no objection is taken; and
- (d) prepare an affidavit containing so much of the information required to be disclosed to which objection is taken, and deliver it to the Court in a sealed envelope; and
- (e) file and serve on each other party a separate affidavit setting out the basis of the objection.

INTERLOCUTORY AND FINAL RELIEF

Asset restraint

10. Pursuant to sections 1323(1) and 1323(3) of the Act and/or section 23 of the FCA Act that until further order, the Defendants, by themselves and their servants, agents and employees or any other person on their behalf, must not:
- (a) remove, or cause or permit to be removed from Australia any of their Property, including, but not limited to, funds in bank accounts held by the Defendants;
 - (b) sell, charge, mortgage or otherwise deal with, dispose of and/or diminish the value of any of their Property;
 - (c) without limiting the terms of sub-paragraphs (a) and (b) above, incur new liabilities, including, without limitation, liabilities incurred either directly or indirectly, through the use of a credit card, a credit facility, a drawdown facility or a re-draw facility;
 - (d) cause or permit to be sold, charged, mortgaged or otherwise dealt with, disposed of, or diminished in value, any of their Property; and
 - (e) without limiting the terms of sub-paragraphs (a) to (d) above, withdraw, transfer or otherwise dispose of or deal with, any monies available in any account with any bank, building society or other financial institution in which the First or Second Defendants have any legal or equitable interest, including without limitation the bank accounts listed in **Annexure A**.
11. The order sought in paragraph 10 above, shall not prevent:
- (a) any of the Defendants from paying or otherwise incurring a liability for costs reasonably incurred in these proceedings and any criminal proceedings arising from the Plaintiff's investigation into the affairs of each of the Defendants; and
 - (b) any bank, building society or financial institution from exercising any right of set-off which it may have in respect of a facility afforded by it to any of the Defendants prior to the date of this order;
 - (c) the First Defendant from:

- (i) paying ordinary living expenses not exceeding \$800 per week or such other amount as determined by the Court;
 - (ii) dealing with or disposing of her Property in the discharge of obligations bona fide and properly incurred under any contract entered into by the First Defendant before these orders were made, following a request in writing to the Plaintiff including details and documentary evidence of the obligation and receipt of the Plaintiff's approval;
- (d) the Second Defendant from:
- (i) paying trade creditors bona fide and properly incurred not exceeding \$800 weekly;
 - (ii) paying other business expenses bona fide and properly incurred, or dealing with or disposing of its Property in the discharge of obligations bona fide and properly incurred under any contract entered into by the Second Defendant before these orders were made, following a request in writing to the Plaintiff including details and documentary evidence of the expense or obligation and receipt of the Plaintiff's approval.

Receiver - First Defendant

12. Pursuant to s 1323(1)(h) and / or 1323(3) of the Act appointing a receiver or receiver and manager of the Property of the First Defendant (**Caddick Receiver**).
13. That the Caddick Receiver have the powers set out in sections 420(1), (2)(a), (b), (e), (f), (g), (k), (n), (o), (p), (q), (r), (t) and (u) of the Act and can exercise those powers in respect of all of the Property of the First Defendant, as if the First Defendant was a corporation.
14. That the Caddick Receiver provide a report to the Court and the Plaintiff regarding the financial affairs of the First Defendant.

15. That the Caddick Receiver's reasonable costs and expenses be payable from the Property of the First Defendant.

Receiver and Manager– Second Defendant

16. Pursuant to s 1323(1)(h) and / or 1323(3) of the Act appointing a receiver or receiver and manager of the Property of the Second Defendant (**Maliver Receiver**).
17. That the Maliver Receiver have the powers set out in sections 420(1), (2)(a), (b), (e), (f), (g), (k), (n), (o), (p), (q), (r), (t) and (u) of the Act and can exercise those powers in respect of all of the Property of the Second Defendant.
18. That the Maliver Receiver provide a report to the Court and the Plaintiff regarding the financial affairs of the Second Defendant.
19. That the Maliver Receiver's reasonable costs and expenses be payable from the Property of the Second Defendant.

Winding Up

- 19A. Pursuant to section 461(1)(k) of the Act, the Second Defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
- 19B. Joint and several liquidators (**Liquidators**) be appointed to the Second Defendant.
- 19C. Paragraph 7 of the orders made on 10 November 2020 be varied and the Plaintiff have leave to provide the Liquidators with unredacted copies of the affidavits filed by the Plaintiff in these proceedings.
- 19D. The Plaintiff's costs of and incidental to the winding up application be costs in the winding up of the Second Defendant (taxed or as agreed) and reimbursed in accordance with section 466(2) of the Act.

Appointment of Provisional Liquidator

- 19E. Joint and several provisional liquidators be appointed (**Provisional Liquidators**) to the Second Defendant.

19F. The Provisional Liquidators have the powers set out in the Act and the power to investigate and report on the matters set out in paragraph 19G.

19G. The Provisional Liquidators shall, within 30 days of their appointment, provide to the Court and to the Plaintiff a report as to the provisional liquidation of the Second Defendant, including:

- (a) the persons who have paid money to the Second Defendant for investment, the amounts they invested, and whether, and to what extent, these amounts have been repaid;
- (b) identifying any bank accounts in which funds paid to the Second Defendant for investment (**Investor Funds**) are held;
- (c) identifying any Property purchased or acquired with Investor Funds;
- (d) the assets and liabilities of the Second Defendant, including any assets in which the Second Defendant has any legal or beneficial interest and an estimate of the value of each asset;
- (e) an opinion as to the solvency of the Second Defendant;
- (f) an opinion as to whether the Second Defendant has proper financial records;
- (g) the likely return to creditors;
- (h) any other information necessary to enable the financial position of the Second Defendant to be assessed;
- (i) an opinion as to whether the Second Defendant has contravened any provisions of the Act and/or any other legislation; and
- (j) any suspected contraventions of the Act by any directors or officers of the Second Defendant.

19H. Within 14 days of their appointment, the Provisional Liquidators send a notice to each creditor of the Second Defendant at the last known address for each such person as shown in the books and records of the defendant giving notice of:

- (a) the appointment of the Provisional Liquidators; and

(b) a contact address for the Provisional Liquidators.

19I. Paragraph 7 of the orders made on 10 November 2020 be varied and the Plaintiff have leave to provide the Provisional Liquidators with unredacted copies of the affidavits filed by the Plaintiff in these proceedings, including the Main Allen Affidavit and the Suppression Allen and Exhibits IA-1, IA-2 and IA-3 to the Main Allen Affidavit.

19J. The Provisional Liquidators shall be entitled to such remuneration as is determined by the Court pursuant to section 473(2) of the Act.

19K. The Provisional Liquidators shall have liberty to apply on 48 hours' notice.

Travel restriction

20. Pursuant to ss 1323(1)(j) and 1323(3) of the Act, the First Defendant deliver up all passports in her name which are in her possession, custody or control, and any tickets for international travel by her, to the Sydney Registry of this Court by 4.00 pm Australian Eastern Daylight Time on 12 November 2020 to be retained by the Court until further order.
21. Pursuant to ss 1323(1)(k) and 1323(3) of the Act, the First Defendant be restrained from leaving Australia without the consent of the Court until further order.
22. Pursuant to s 23 of the FCA Act, in the event that the First Defendant cannot locate any passport within one day of the making of these orders, she file an affidavit stating that fact and exhibiting a copy of a written notification sent by her to the Department of Home Affairs or the Australian Passport Office / Information Service informing them of the same.
23. Pursuant to s 23 of the FCA Act, the First Defendant may not apply for the issue of any passport until further order.

FURTHER ORDERS

24. Pursuant to s 23 of the FCA Act, the Plaintiff have leave, to the extent necessary, to give notice of any orders made, to:

- (a) any relevant authorities that record, control and regulate the ownership of real property, motor vehicles and maritime vessels; and
- (b) any bank, building society or other financial institution with which, to the best of the Plaintiff's belief, any of the Defendants may operate any account; and
- (c) any securities broking firm, foreign exchange broking or trading firm or futures broking firm with which, to the best of the Plaintiff's belief, any of the Defendants may operate any account; and
- (d) any other person or entity, holding or controlling property, which, to the best of the Plaintiff's belief, may belong to any of the Defendants;
- (e) the Australian Border Force or the Australian Federal Police;

by giving a copy of a minute of the order to a person apparently in the employ of that entity or person.

25. Liberty to apply on 48 hours' notice.

26. Costs.

27. Such further or other orders that the Court considers appropriate.

Date: 10 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 DEFENDANTS

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. As soon after that time as the business of the Court will allow, any of the following may happen:

- (a) the application may be heard and final relief given;
- (b) directions may be given for the future conduct of the proceeding;
- (c) any interlocutory application may be heard.

Before appearing before the Court, you must file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff.

Note Unless the Court otherwise orders, a defendant 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

Date of filing:

Registrar

This originating process is filed by the Plaintiff.

D. SERVICE

The Plaintiff'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.

The time by which a copy of this originating process is to be served has been abridged
by order made on to pm on .

ANNEXURE A – BANK ACCOUNTS

Account Name	BSB	Account Number	Bank
Melissa Caddick		Card ending 44005	AMEX
Melissa L Caddick		Card ending 71008	AMEX
ML Caddick	082057	67 738 0367	NAB
Maliver Pty Ltd	082057	946084145	NAB
Maliver Pty Ltd	067167	19309571	CBA
Melissa Caddick	067167	15770731	CBA
Maliver Pty Ltd		2776566	CommSec
Maliver Pty Ltd		2776613	CommSec
Melissa Caddick		0AC-375746	CommSec
Mrs Melissa Louise Caddick		2422359	CommSec
Caddick - US Dollar Account		CADSTUDS01	NAB
Melissa Caddick & Adam Grimley - Home loan	082057	841504991	NAB
Melissa Caddick & Adam Grimley	082057	840053439	NAB
Melissa Caddick - Home loan	082057	980989888	NAB
Melissa Caddick	082057	715801266	NAB
Melissa Caddick	082057	981224254	NAB
Melissa Caddick		4303 3064 7494 4912	NAB

SCHEDULE

Federal Court of Australia

No. NSD 1220 / 2020

District Registry: NSW

Division: Commercial and Corporations

Defendants

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

Date: 40- November 2020

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

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

This is the annexure marked "**IA-6**" referred to in the affidavit of Isabella Lucy Allen affirmed on 25 November 2020.

Before me:



Marina Kofman

An Australian Legal Practitioner within the Meaning of the Legal Profession
Uniform Law (NSW)

From: [Isabella Allen](#)
To: [REDACTED]
Subject: AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION V MELISSA LOUISE CADDICK & ANOR
[SEC=OFFICIAL]
Date: Thursday, 12 November 2020 5:26:00 PM
Importance: High

Good evening Melissa,

The court hearing tomorrow will be occurring electronically.

To assist you in appearing at the court hearing at 9:45am please refer to the information below:

Justice Jagot

Court Room 18A By Web Conference

9:45 AM (AEDT)

Hearing

If a member of the public wishes to observe this proceeding, and subject to any changes to building access at this location and public health movement restrictions, this proceeding will be viewable from the courtroom location listed above. If a member of the public wishes to observe the hearing remotely they must contact the Associate to the Honourable Justice Jagot by email at associate.jagotj@fedcourt.gov.au by 8.30am AEDT 13 November 2020.

1	NSD1220/2020	AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION V
	by Videoconference	MELISSA LOUISE CADDICK & ANOR

Please do not hesitate to contact me if you have any further questions.

Kind regards,

Isabella Allen

Investigator, Financial Services Enforcement

Office of Enforcement

Australian Securities and Investments Commission

Level 5, 100 Market Street, Sydney, 2000

Tel: +61 2 9911 2712

Mob: +61 435 700 164

Isabella.Allen@asic.gov.au



ASIC

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

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

This is the annexure marked "**IA-7**" referred to in the affidavit of Isabella Lucy Allen affirmed on 25 November 2020.

Before me:



Marina Kofman

An Australian Legal Practitioner within the Meaning of the Legal Profession
Uniform Law (NSW)

From: Isabella Allen
To: [REDACTED]
Subject: ASIC v Melissa Louise Caddick & Maliver Pty Ltd [SEC=OFFICIAL:Sensitive]
Date: Friday, 13 November 2020 9:02:00 AM
Importance: High

Good morning Melissa,

Please in addition to my email sent to you yesterday an alternative method for attending the hearing this morning can be through the Microsoft teams link below;

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Join with a video conferencing device

[862016018@t.plcm.vc](tel:862016018)

Video Conference ID: 138 329 603 1

[Alternate VTC dialing instructions](#)

Or call in (audio only)

[+61 2 9161 1229, 306882712#](tel:+61291611229306882712) Australia, Sydney

Phone Conference ID: 306 882 712#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

Should you have any questions please do not hesitate to contact me.

Kind regards,

Isabella Allen

Investigator, Financial Services Enforcement

Office of Enforcement

Australian Securities and Investments Commission

Level 5, 100 Market Street, Sydney, 2000

Tel: +61 2 9911 2712

Mob: +61 435 700 164

Isabella.Allen@asic.gov.au



ASIC

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

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

This is the annexure marked "**IA-8**" referred to in the affidavit of Isabella Lucy Allen affirmed on 25 November 2020.

Before me:



Marina Kofman

An Australian Legal Practitioner within the Meaning of the Legal Profession
Uniform Law (NSW)

From: Isabella Allen
To: [REDACTED]
Bcc: Nicolette Bearup; Alec Cassidy; Marina Kofman
Subject: ASIC v Melissa Louise Caddick & Maliver Pty Ltd [SEC=OFFICIAL:Sensitive]
Date: Friday, 13 November 2020 9:25:00 AM
Importance: High

Good morning Melissa,

In the event you didn't receive my email yesterday evening, I want to confirm with you that the court hearing this morning will be occurring electronically.

To assist you in appearing at the court hearing at 9:45am please refer to the information below:

Justice Jagot

Court Room 18A By Web Conference

9:45 AM (AEDT)

Hearing

If a member of the public wishes to observe this proceeding, and subject to any changes to building access at this location and public health movement restrictions, this proceeding will be viewable from the courtroom location listed above. If a member of the public wishes to observe the hearing remotely they must contact the Associate to the Honourable Justice Jagot by email at associate.jagotj@fedcourt.gov.au by 8.30am AEDT 13 November 2020.

1	NSD1220/2020	AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION V
	by Videoconference	MELISSA LOUISE CADDICK & ANOR

Please do not hesitate to contact me if you have any further questions.

Kind regards,

Isabella Allen

Investigator, Financial Services Enforcement
Office of Enforcement

Australian Securities and Investments Commission

Level 5, 100 Market Street, Sydney, 2000
Tel: +61 2 9911 2712
Mob: +61 435 700 164

Isabella.Allen@asic.gov.au



ASIC

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

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

This is the annexure marked "**IA-9**" referred to in the affidavit of Isabella Lucy Allen affirmed on 25 November 2020.

Before me:



Marina Kofman

An Australian Legal Practitioner within the Meaning of the Legal Profession
Uniform Law (NSW)



New South Wales Government
NSW Police Force



NSW Police Force
www.police.nsw.gov.au

You are at: NSWPF Website > Community Issues > Missing Persons > Missing Persons - Enquiry

Missing Persons - Enquiry

Missing Persons Enquiry System



Details

Name: CADDICK Melissa Louise

Sex: Female

Year of Birth: 1971

Age Now: 49

Birth:

Now:

At Time of Disappearance

Age: 49

Height (cm): 165.0

Build: Thin

Hair Colour: Brown

Eye Colour: Brown

Complexion: Fair

Nationality:

Racial Appearance: Caucasian

Circumstances

Melissa CADDICK is believed to have left her home in Dover Heights about 5.30am on 12/11/2020 possibly wearing black singlet, black leggings and silver Nike runners. There are serious concerns for the welfare of the missing person.

If you have any information that may assist with locating this person please contact the Missing Persons Unit
or call Crime Stoppers 1800 333 000

New Search

© Copyright State of New South Wales through the NSW Police Force

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

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

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

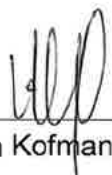
Plaintiff

MELISSA LOUISE CADDICK and others named in the Schedule

Defendants

This is the annexure marked "IA-10" referred to in the affidavit of Isabella Lucy Allen affirmed on 25 November 2020.

Before me:



Marina Kofman

An Australian Legal Practitioner within the Meaning of the Legal Profession
Uniform Law (NSW)

From: Marina Kofman
To: nswdr@fedcourt.gov.au
Cc: Nicolette Bearup; Isabella Allen; Alec Cassidy; Brendan Hough
Subject: FW: NSD1220 of 2020 - Australian Securities and Investments Commission v Melissa Louise Caddick & Ano [SEC=OFFICIAL]
Date: Friday, 13 November 2020 3:54:50 PM

Dear Madam/Sir,

I refer to my email below. Would it be possible to have a response to our enquiry by today? We would like to provide an update to Australian Federal Police about whether or not the passport has been surrendered.

Kind regards

Marina Kofman

Lawyer, Financial Services Enforcement
Office of Enforcement

Australian Securities and Investments Commission

Level 5, 100 Market Street, Sydney NSW 2000

Tel: +61 2 9911 5131 Mob: +61 431 770 290

marina.kofman@asic.gov.au



ASIC

From: Marina Kofman

Sent: Friday, 13 November 2020 10:59 AM

To: nswdr@fedcourt.gov.au

Cc: Nicolette Bearup <Nicolette.Bearup@asic.gov.au>; Isabella Allen <Isabella.Allen@asic.gov.au>; Alec Cassidy <Alec.Cassidy@asic.gov.au>; Brendan Hough <Brendan.Hough@asic.gov.au>

Subject: NSD1220 of 2020 - Australian Securities and Investments Commission v Melissa Louise Caddick & Ano [SEC=OFFICIAL]

Dear Madam/ Sir,

I refer to the above matter and to my phone call to the Registry a short time ago this morning.

Could the Registry please confirm whether Order 12 or 14 of the Orders of Justice Jagot of 10 November 2020 concerning the delivery up of the First Defendant's passport has been complied with?

Kind regards

Marina Kofman

Lawyer, Financial Services Enforcement
Office of Enforcement

Australian Securities and Investments Commission

Level 5, 100 Market Street, Sydney NSW 2000

Tel: +61 2 9911 5131 Mob: +61 431 770 290
marina.kofman@asic.gov.au



ASIC

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

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

This is the annexure marked "**IA-11**" referred to in the affidavit of Isabella Lucy Allen affirmed on 25 November 2020.

Before me:



Marina Kofman

An Australian Legal Practitioner within the Meaning of the Legal Profession
Uniform Law (NSW)

From: [Associate JagotJ](#)
To: [Marina Kofman](#); [Nicolette Bearup](#); [Isabella Allen](#); [Alec Cassidy](#)
Cc: [NSW DR](#); [Associate JagotJ](#)
Subject: NSD1220 of 2020 - Australian Securities and Investments Commission v Melissa Louise Caddick & Anor
Date: Monday, 16 November 2020 3:47:16 PM

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

UNCLASSIFIED

Dear Parties

I refer to the above matter and the orders of Jagot J dated 10 November 2020 (the **Orders**). I further refer to your correspondence to the NSW Registry dated 13 November 2020.

I confirm that orders 12 and 14 of the Orders have not been complied with.

Yours faithfully

Alexander Proudford | Associate to the Hon Justice Jagot
Federal Court of Australia | Level 20 184 Phillip Street Sydney NSW 2000
+61 2 9230 8418 | Associate.JagotJ@fedcourt.gov.au | www.fedcourt.gov.au

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

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

This is the annexure marked "**IA-12**" referred to in the affidavit of Isabella Lucy Allen affirmed on 25 November 2020.

Before me:



Marina Kofman

An Australian Legal Practitioner within the Meaning of the Legal Profession
Uniform Law (NSW)

From: Jenny Williamson
To: Isabella Allen
Subject: RE: MALIVER PTY LTD AND MELISSA LOUISE CADDICK
Date: Monday, 16 November 2020 5:18:32 PM

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Madam,

I advise I act on behalf of Mr Adam Grimley who is the Attorney under an Enduring Power of Attorney for his sister Melissa Louise Caddick.

Mr Anthony Koletti has also asked me to make enquiries on his behalf. [REDACTED] and Mr Grimley has asked that I make enquiries on behalf of [REDACTED]

I note the investigation into the affairs of Maliver Pty Ltd and Melissa Louise Caddick are anticipated to take approximately 20 weeks.

The other concerned persons in this matter are Melissa's [REDACTED] and Melissa's partner Anthony.

It will be the duty of the Attorney (Adam) to approach ASIC in the first instance to engage with ASIC in the Attorney's duties and responsibilities to provide for [REDACTED] and Anthony.

I understand there is normally a minimum amount Defendants' may spend on living expenses during this process.

To enable that to occur it would be suggested that one of the accounts the defendant Melissa operated that was not used in the mixing of funds be released from freezing to allow the Attorney to access funds that were not considered part of the investigation.

For example [REDACTED] accounts have been frozen. He has not been mentioned as a defendant nor has it been mentioned that funds were mixed into his account. There seems to be a number of accounts which are not being investigated as part of the investigation.

Anthony Koletti has not been mentioned as a defendant nor a party to the proceedings. It is questioned why his business assets relating to Paws Off Productions Pty Ltd has been collected by ASIC. He will need his business assets to generate his income.

In the first instance answers are sought as to ASIC's intention with regard to [REDACTED] bank account [REDACTED] and date of return of Anthony Koletti's business assets.

We look forward to hearing from you.

Yours faithfully,

JENNIFER WILLIAMSON

Principal Solicitor

Williamson & Associates

PO Box 2112 Graceville QLD 4075

4 Rakeevan Road, Graceville

Ph: 3278 2109

Fax: 3278 5957

williamson@jlw.com.au

www.jlw.com.au

Accounts

Accounts will be sent by email.

Destruction of Files

Files will be destroyed after 12months.

Liability limited by a scheme approved under professional standard legislation

Disclaimer: The contents of this email and any attachments are intended solely for the addressee(s) named in this message. This email may contain information which is confidential or subject to applicable solicitor/client privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert Williamson & Associates Solicitors by email and then destroy this message and its attachments. You must not use or distribute this information in any way.



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

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

This is the annexure marked "**IA-13**" referred to in the affidavit of Isabella Lucy Allen affirmed on 25 November 2020.

Before me:



Marina Kofman

An Australian Legal Practitioner within the Meaning of the Legal Profession
Uniform Law (NSW)

From: Nicolette Bearup
To: williamson@jlw.com.au
Cc: Emman Farrukh; Alec Cassidy; Isabella Allen; Marina Kofman
Subject: ASIC v Louise Caddick and Maliver Pty Ltd [SEC=OFFICIAL:Sensitive]
Date: Friday, 20 November 2020 12:35:19 PM

Dear Jennifer

I refer to your email to my colleague Isabella Allen on 16 November, my conversation with you on 18 November and your subsequent email to me.

Could I ask that you direct all correspondence on this matter directly to me, and copy my colleagues from ASIC whose email addresses appear in the cc line to this email. However, during the period 28 November to 6 December could you please directly email Emman Farrukh (who is one of the people copied into this email) as I will be away on leave.

Could you please provide me with a copy of the Enduring Power referred to in your notice of appearance as the basis upon which you are instructed by Adam Grimley to act for Melissa Louise Caddick and Maliver Pty Ltd (**Defendants**).

Could you also advise what steps are being taken to address the non-compliance with paragraphs 8 and 12 (and 14 if applicable) of the orders made in this matter on 10 November 2020.

I note the issues raised in your email to Isabella Allen. As discussed with you on 18 November, the orders made in this matter apply to the Property of Melissa Louise Caddick and Maliver Pty Ltd (with that term being widely defined in the orders) including any money in any account with any bank, building society or financial institution in which the Defendants have a legal or equitable interest (**Accounts**), including **but not limited to** the bank accounts listed in the Schedule to the orders.

Can you please advise if Anthony Koletti and [REDACTED] seek access to money in Accounts covered by the orders to pay their living expenses and the basis upon which they do? Could you also please advise if there are specific accounts that have been frozen by the relevant financial institution that it is alleged are not covered by the orders and the basis for this claim.

Could you also please provide details of the property of Anthony Koletti's business "Paws Off Productions Pty Ltd" that is alleged to have been seized by ASIC and which you claim is outside the scope of the three conditions included in the search warrant that was executed on 11 November 2020.

Regards

Nicolette Bearup
Litigation Counsel, Chief Legal Office
Australian Securities and Investments Commission
Level 5, 100 Market Street, Sydney, 2000
Tel: +61 2 9911 5745 | Mob: +61 0478 325 087
nicolette.bearup@asic.gov.au



ASIC

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

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

This is the annexure marked "IA-14" referred to in the affidavit of Isabella Lucy Allen affirmed on 25 November 2020.

Before me:



Marina Kofman

An Australian Legal Practitioner within the Meaning of the Legal Profession
Uniform Law (NSW)

From: Nicolette Bearup
To: Jenny Williamson
Cc: Emman Farroukh; Alec Cassidy; Isabella Allen; Marina Kofman
Subject: ASIC v Melissa Caddick and Maliver Pty Ltd NSD 1220/2020 [SEC=OFFICIAL:Sensitive]
Date: Monday, 23 November 2020 3:27:57 PM

Dear Ms Williamson

I refer to my email to you of 20 November and my conversation with you this morning.

I note that you advised me that you do not act for Maliver Pty Ltd. Could you please confirm this and file the necessary documentation with the Court to regularise this?

Could you also please provide me with a copy of the power of attorney which is the basis for your appointment as the solicitor for Melissa Caddick, as requested this morning and in my email on Friday.

Finally, I understand you have briefed a barrister to appear on behalf of Ms Caddick at Court on Friday 27 November. Could you please advise what position will be taken regarding the orders sought and obtained in this matter by ASIC and what, if any, orders your client will be seeking.

Regards

Nicolette Bearup
Litigation Counsel, Chief Legal Office
Australian Securities and Investments Commission
Level 5, 100 Market Street, Sydney, 2000
Tel: +61 2 9911 5745 | Mob: +61 0478 325 087
nicolette.bearup@asic.gov.au



ASIC

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

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

This is the annexure marked "**IA-15**" referred to in the affidavit of Isabella Lucy Allen affirmed on 25 November 2020.

Before me:



Marina Kofman

An Australian Legal Practitioner within the Meaning of the Legal Profession
Uniform Law (NSW)

From: Nicolette Bearup
To: Alec Cassidy; Marina Kofman; Marita Hogan; Isabella Allen; sfendekian@selbornechambers.com.au; Emman Farroukh
Cc: Conrad Gray
Subject: FW: ASIC v Melissa Caddick and Maliver Pty Ltd NSD 1220/2020 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Date: Monday, 23 November 2020 3:34:48 PM

FYI

Nicolette Bearup
Litigation Counsel, Chief Legal Office
Australian Securities and Investments Commission

Level 5, 100 Market Street, Sydney, 2000
Tel: +61 2 9911 5745 | Mob: +61 0478 325 087
nicolette.bearup@asic.gov.au



ASIC

From: Jenny Williamson <williamson@jlw.com.au>
Sent: Monday, 23 November 2020 3:31 PM
To: Nicolette Bearup <Nicolette.Bearup@asic.gov.au>
Subject: RE: ASIC v Melissa Caddick and Maliver Pty Ltd NSD 1220/2020 [SEC=OFFICIAL:Sensitive]

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Madam,

I advise Counsel briefed is Ms Jane Muir. Please advise if you have briefed Counsel.

I am currently preparing an Affidavit outlining matters of concern.

I anticipate it will be settled by Counsel and filed prior to the hearing.

Yours faithfully,

JENNIFER WILLIAMSON
Principal Solicitor

Williamson & Associates
PO Box 2112 Graceville QLD 4075
4 Rakeevan Road, Graceville
Ph: 3278 2109
Fax: 3278 5957
williamson@jlw.com.au
www.jlw.com.au

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From: Nicolette Bearup <Nicolette.Bearup@asic.gov.au>

Sent: Monday, 23 November 2020 2:28 PM

To: Jenny Williamson <williamson@jlw.com.au>

Cc: Emman Farroukh <Emman.Farroukh@asic.gov.au>; Alec Cassidy <Alec.Cassidy@asic.gov.au>;
Isabella Allen <Isabella.Allen@asic.gov.au>; Marina Kofman <Marina.Kofman@asic.gov.au>

Subject: ASIC v Melissa Caddick and Maliver Pty Ltd NSD 1220/2020 [SEC=OFFICIAL:Sensitive]

Dear Ms Williamson

I refer to my email to you of 20 November and my conversation with you this morning.

I note that you advised me that you do not act for Maliver Pty Ltd. Could you please confirm this and file the necessary documentation with the Court to regularise this?

Could you also please provide me with a copy of the power of attorney which is the basis for your appointment as the solicitor for Melissa Caddick, as requested this morning and in my email on Friday.

Finally, I understand you have briefed a barrister to appear on behalf of Ms Caddick at Court on Friday 27 November. Could you please advise what position will be taken regarding the orders sought and obtained in this matter by ASIC and what, if any, orders your client will be seeking.

Regards

Nicolette Bearup

Litigation Counsel, Chief Legal Office

Australian Securities and Investments Commission

Level 5, 100 Market Street, Sydney, 2000

Tel: +61 2 9911 5745 | Mob: +61 0478 325 087

nicolette.bearup@asic.gov.au



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

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

This is the annexure marked "**IA-16**" referred to in the affidavit of Isabella Lucy Allen affirmed on 25 November 2020.

Before me:



Marina Kofman

An Australian Legal Practitioner within the Meaning of the Legal Profession
Uniform Law (NSW)



Williamson
& Associates
ABN 38 009 892 040



Your Ref:
Our Ref: JLW:20-13302

24 November 2020

Ms N Bearup,
Litigation Counsel,
Chief Legal Office,
ASIC,
Level 5, 100 Market Street,
SYDNEY 2000

Dear Madam,,

RE: MELISSA CADDICK AND ORS ATS ASIC

We refer to previous correspondence herein.

Please provide to us a copy of any proposed Orders you intend to place before the Court Friday 27th November 2020.

Yours faithfully

Jennifer Williamson
Principal Solicitor



Member of
the Queensland
Society of
Notaries

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PO Box 2112 Graceville Qld 4075
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E williamson@jlw.com.au
W www.jlw.com.au

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

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

This is the annexure marked "**IA-17**" referred to in the affidavit of Isabella Lucy Allen affirmed on 25 November 2020.

Before me:



Marina Kofman

An Australian Legal Practitioner within the Meaning of the Legal Profession
Uniform Law (NSW)

From: Nicolette Bearup
To: Jenny Williamson
Cc: Emman Farroukh; Alec Cassidy; Isabella Allen; Marina Kofman
Subject: RE: RE MELISSA CADDICK ATS ASIC [SEC=OFFICIAL:Sensitive]
Date: Tuesday, 24 November 2020 12:38:31 PM

Dear Ms Williamson

Could you please provide me with a complete response to my emails of 20 November and 23 November by close of business today?

ASIC has briefed counsel, Stephanie Fendekian, to appear for it on Friday 27 November. We anticipate being in a position to provide you with details of the orders ASIC will be seeking tomorrow.

Regards

Nicolette Bearup
Litigation Counsel, Chief Legal Office
Australian Securities and Investments Commission
Level 5, 100 Market Street, Sydney, 2000
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nicolette.bearup@asic.gov.au



ASIC

From: Jenny Williamson <williamson@jlw.com.au>
Sent: Tuesday, 24 November 2020 11:47 AM
To: Nicolette Bearup <Nicolette.Bearup@asic.gov.au>
Subject: RE MELISSA CADDICK ATS ASIC

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Madam,

Please find attached our letter dated 24 November 2020.

Yours faithfully,

JENNIFER WILLIAMSON
Principal Solicitor

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PO Box 2112 Graceville QLD 4075
4 Rakeevan Road, Graceville
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Fax: 3278 5957

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