



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another/others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 22 February 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to paragraph 7 of the orders dated 15 December 2021.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to paragraph 12 of the orders dated 15 December 2021.

THE COURT ORDERS THAT:

Report from Receivers and Provisional Liquidators

1. By 23 February 2021, the plaintiff is to file complete copies of the Receivers’ Report and Provisional Liquidators’ Report on a confidential basis.
2. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the Receivers’ Report and the Provisional Liquidators’ Report is prohibited other than to:
 - (a) Mr Adam Grimley, as the representative of the first defendant, and his legal representatives;
 - (b) those who have invested money with the first or second defendant and their legal advisors, with the following redacted:



- (i) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (ii) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (iii) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (iv) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (v) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (vi) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (vii) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (viii) any values of specific assets;
 - (ix) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (x) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.
3. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) and (c) of the of the *Federal Court of Australia Act 1976* (Cth), until further order, the publication or disclosure of the whole of the affidavit of Isabella Lucy Allen affirmed on 22 February 2021 concerning the suppression of sensitive information in the Receivers' Report and Provisional Liquidators' Report is prohibited.

Timetable for hearing

4. By 1 March 2021, the receivers of the first defendant are to file any application to have the receivership remuneration and expenses approved and paid out of property of the receivership, such application to be made returnable for hearing on 7 April 2021 at 10.15 am.



5. By 8 March 2021, the plaintiff is to provide the first defendant with a draft further amended originating process.
 6. By 10 March 2021, the first defendant is to advise the plaintiff whether the first defendant consents to the filing of the further amended originating process.
 7. By 15 March 2021:
 - (a) if the first defendant consents, the plaintiff is to file consent orders and a further amended originating process; or
 - (b) if the first defendant does not consent, the plaintiff is to file an application to further amend the originating process.
 8. By 22 March 2021, the plaintiff is to file and serve any evidence on which it intends to rely in the proceeding.
 9. By 29 March 2021, the defendants are to file and serve any evidence on which they intend to rely in the proceeding.
 10. The proceeding be listed for hearing commencing on 7 April 2021 at 10.15 am with an estimate of one to two days.
 11. By midday on 1 April 2021, the plaintiff is to:
 - (a) file and serve an electronic copy of the court book containing the material filed for the purposes of the hearing and on which the parties intend to rely, in a form to be notified to the parties by the associate to Markovic J; and
 - (b) provide to the associate to Markovic J an unredacted electronic copy of the court book.
 12. The parties are file and serve their opening submissions, in each case limited to 10 pages in length, by midday on 6 April 2021.
 13. Liberty to apply on 48 hours' notice.
- Other**
14. The plaintiff is to serve a copy of these orders on the first defendant by 5.00 pm on 23 February 2021.



Date that entry is stamped: 22 February 2021

Sia Lagos
Registrar



Schedule

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Second Defendant MALIVER PTY LTD