

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 8/06/2022 1:01:00 PM AEST 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:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



Sia Lagos

Dated: 15/06/2022 4:11:53 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 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.



Form 3 Interlocutory process

(rules 2.2, 15A.4, 15A.8 and 15A.9)

FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: NEW SOUTH WALES
DIVISION: GENERAL

NO. NSD 1220 OF 2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK

Defendant

BARBARA ANNE GRIMLEY AND EDWARD GRIMLEY

Applicants

**BRUCE GLEESON AND DANIEL ROBERT SOIRE IN THEIR CAPACITY AS JOINT
AND SEVERAL RECEIVERS OF THE PROPERTY OF MELISSA LOUISE CADDICK**

First Respondents

NATIONAL AUSTRALIA BANK LIMITED

ACN 004 044 937

Second Respondent

A. DETAILS OF APPLICATION

This application is made under sections 37M and 53A of the *Federal Court of Australia Act 1976* (Cth), rule 28 of the *Federal Court Rules 2011* (Cth) and pursuant to the Court's inherent jurisdiction.

On the facts stated in the supporting affidavit, the Applicants, Barbara Anne Grimley and Edward Grimley, apply for the following relief:

1. That on the sale of the property located at [REDACTED] [REDACTED] (**Dover Heights Property**), the First Respondents, Bruce Gleeson and Daniel Robert Soire (**Receivers**) in their capacity as joint and several



receivers of the property of Melissa Louise Caddick (**Ms Caddick**), apply the proceeds of sale to discharge any liability of Ms Caddick to the Second Respondent, National Australia Bank Limited (ACN 004 044 937) (**NAB**), secured over the property located at [REDACTED] (**Edgecliff Property**).

2. That NAB be joined to this proceeding for the purpose of the relief sought at paragraph 3.
3. That this honourable Court refer the issues relating to the interests of the Applicants in the Edgecliff Property, to mediation to be attended by:
 - a. the Applicants;
 - b. the Receivers; and
 - c. NAB.
4. That the mediation be conducted:
 - a. by an appropriate mediator as agreed between the parties willing to conduct the mediation on a pro bono basis;
 - b. alternatively, if an appropriate mediator willing to conduct the mediation on a pro bono basis cannot be agreed by the parties, a private mediator, such mediator's costs to be a cost of the receivership;
 - c. alternatively, by a Registrar of this Court, such mediator's costs to be a cost of the receivership.
5. Costs be reserved.
6. Any further order this honourable Court sees fit.

Date: 8 June 2022

A handwritten signature in black ink, appearing to read 'Maria Coffill O'Brien', written over a dotted line.

.....
Maria Coffill O'Brien
Solicitor for the Applicants



This application will be heard by the Federal Court of Australia at Law Courts Building, 184 Phillip Street, Queens Square, Sydney NSW 2000 at 9.30 am on 15 June 2022.

B. NOTICE TO RESPONDENT(S) (IF ANY)

TO: Bruce Gleeson and Daniel Robert Soire in their capacity as joint and several receivers of the property of Melissa Louise Caddick

OF: c/- Michael Kevin Hayter
Swaab Lawyers
Level 4, 20 Hunter Street, Sydney NSW 2000

TO: National Australia Bank Ltd (ACN 004 044 937)

OF: Level 28, 395 Bourke Street, Melbourne VIC 3000

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 you 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 Maria Coffill O'Brien of Baker McKenzie for the Applicants.

D. SERVICE

The Applicants' address for service is C/- Baker McKenzie, Tower One - International Towers Sydney, Level 46, 100 Barangaroo Avenue, Sydney NSW 2000.

It is intended to serve a copy of this interlocutory process on each respondent