

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 16/12/2020 2:49:28 PM AEDT 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: 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



Sia Lagos

Dated: 16/12/2020 2:49:34 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: General

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

First Defendant

Affidavit of: **Anthony Marcus Rodo Koletti**

Address: [Redacted]

Occupation: Hairdresser

Date: 8 December 2020

I Anthony Marcus Rodo Koletti of [Redacted], hairdresser, on oath:

1. I am the husband of the First Defendant.
2. I make this affidavit in relation to the orders made by the Honourable Justice Jagot on 10 November 2020 by which, inter alia, the First Defendant's assets became the subject of asset preservation orders made under sections 1323(1) and (3) of the *Corporations Act (Cth) 2001* ("**Asset Preservation Orders**") and the application by Mr Adam Grimley on behalf of the First Defendant to:
 - (a) vary the Asset Preservation Orders in relation to the amount of, and access to, funds for the ordinary living expenses of the First Defendant's household and dependants, and for legal expenses; and
 - (b) seek access to certain of the books and records of the First Defendant.

Filed on behalf of	<u>Melissa Louise Caddick, First Defendant</u>		
Prepared by	<u>Scott Harris</u>		
Law firm	<u>Hogan Lovells</u>		
Tel	<u>+61 2 9093 3500</u>	Fax	<u>+61 2 9221 9541</u>
Email	<u>Scott.harris@hoganlovells.com</u>		
Address for service	<u>scott.harris@hoganlovells.com and</u> <u>Level 17, 20 Martin Place, Sydney NSW 2000</u>		

3. I make this affidavit from my own knowledge except where otherwise stated. Where I refer to matters of information, I believe the information to be true.
4. Now exhibited to me and marked "**AMRK1**" is a bundle of documents to which I refer in this affidavit. References to pages numbers are references to page numbers in Exhibit AMRK1.
5. I reside in the property at [REDACTED] ("**Dover Heights Property**") with the First Defendant and her son. The First Defendant has been missing since around 5:30am on 12 November 2020. I have not received any communication from the First Defendant since then.
6. I refer to the enduring power of attorney of the First Defendant dated 15 September 2016 ("**EPOA**") by which Mr Grimley is appointed the attorney of the First Defendant. I
[REDACTED]
7. I was last employed on a part time basis as a hairdresser until the Covid-19 lockdown commenced in or about late March 2020. At that time, the First Defendant, who was the primary bread winner in our family, and I had a discussion and agreed that, in order to reduce the health risk to the family, I would cease working and remain at home and attend to household duties, child care and facilitating after school appointments for [REDACTED]. As a result, I currently do not earn an income.
8. My living expenses, and that of our household at the Dover Heights Property, are paid by the First Defendant. I have no assets. I have one bank account, a Smart Access account at Commonwealth Bank of Australia. That bank account had a balance of \$1.95 as at 4 December 2020. I refer to:
 - (a) bank statement dated 6 December 2020 for the period from 9 November 2020 to 4 December 2020 at pages 2 to 3; and
 - (b) screen shot taken at 12:58pm on 6 December 2020 at page 4.
9. I believe that, other than the bank accounts and assets which are the subject of the Asset Preservation Orders, there are no other assets or funds which can be immediately applied to meet the Living Expenses save that [REDACTED]
[REDACTED]
10. There is a property at Aspen, Colorado in the US that our family visit from time to time. I believe it is owned by the First Defendant, but I do not know the details of its ownership.

one [unclear]

I further believe that that property does not generate income and is not tenanted when it is not used by the First Defendant.

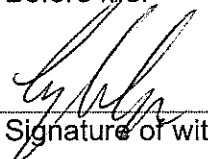
- 11. I am the sole director and shareholder of a company, Paws Off Productions Pty Limited. This company is currently not deriving any income and has no assets.
- 12. I am concerned that, if the immediate living expenses that would otherwise be paid by the First Defendant are not paid, [REDACTED] will not be able to return to his current school to commence his year 10 studies, insurance and security will not be able to be maintained in relation to the First Defendant's assets, the basic utilities attached to the Dover Height Property may not be paid and may be cut off, and basic health and food requirements will be jeopardised.
- 13. I am informed by Mr Grimley and believe that the loan repayments in relation to the Dover Heights Property have been paid for the period up to early March 2021. Access to further funds may be required at that time to pay this liability to National Australia Bank.

Sworn by the deponent
 at Sydney
 in NSW
 on 8 December 2020
 Before me:

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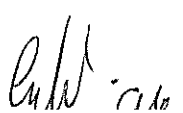


 Signature of deponent



 Signature of witness

Evy Wiggins, Solicitor



Schedule

No. NSD1220 of 2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Defendant MALIVER PTY LTD

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Federal Court of Australia
District Registry: New South Wales
Division: General

**AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v MELISSA LOUISE
CADDICK & ANOR**

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EXHIBIT "AMRK1" TO THE AFIDAVIT OF ANTHONY MARCUS RODO KOLETTI

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2.	Bank statement dated 6 December 2020	2-3
3.	CBA account screen shot taken at 12:58pm on 6 December 2020	4



ANTHONY MARCUS KOLETTI
 [REDACTED]

06 December 2020

Dear ANTHONY MARCUS KOLETTI,

Here's your account information and a list of transactions from 06/11/20-06/12/20.

Account name ANTHONY MARCUS KOLETTI
BSB 062189
Account number [REDACTED]
Account type Smart Access
Date opened 28/01/2004

Date	Transaction details	Amount	Balance
09 Nov 2020	Direct Credit 279219 PAYPAL AUSTRALIA 1010995897205	\$88.22	\$94.09
09 Nov 2020	Direct Credit 279219 PAYPAL AUSTRALIA 1011016135964	\$28.91	\$123.00
09 Nov 2020	Direct Credit 279219 PAYPAL AUSTRALIA 1011019365548	\$47.83	\$170.83
09 Nov 2020	Direct Credit 279219 PAYPAL AUSTRALIA 1010998020733	\$9.38	\$180.21
10 Nov 2020	LLOYDS AUCTIONEERS & V CARRARA AUS Card xx4712 Value Date: 09/11/2020	-\$38.79	\$141.42
10 Nov 2020	LLOYDS AUCTIONEERS & V CARRARA AUS Card xx4712 Value Date: 09/11/2020	-\$135.48	\$5.94
10 Nov 2020	Direct Credit 279219 PAYPAL AUSTRALIA 1011032434807	\$24.04	\$29.98
12 Nov 2020	Direct Credit 279219 PAYPAL AUSTRALIA 1011058398920	\$24.04	\$54.02
16 Nov 2020	Direct Debit 279234 PAYPAL AUSTRALIA 1011120205028	-\$58.34	-\$4.32
16 Nov 2020	Return 16/11/20 Direct Debit 279234 PAYPAL AUSTRALIA 1011120205028	\$58.34	\$54.02
16 Nov 2020	Unpaid Payment Fee	-\$5.00	\$49.02
18 Nov 2020	COLES 0770 ROSE BAY AU AUS Card xx4712 Value Date: 15/11/2020	-\$49.95	-\$0.93

Date	Transaction details	Amount	Balance
19 Nov 2020	Direct Debit 279241 PAYPAL AUSTRALIA 1011147547689	-\$58.34	-\$59.27
19 Nov 2020	Return 19/11/20 Direct Debit 279241 PAYPAL AUSTRALIA 1011147547689	\$58.34	-\$0.93
19 Nov 2020	Unpaid Payment Fee	-\$5.00	-\$5.93
23 Nov 2020	Direct Credit 279219 PAYPAL AUSTRALIA 1011198415007	\$60.81	\$54.88
23 Nov 2020	Direct Credit 279219 PAYPAL AUSTRALIA 1011209266900	\$24.04	\$78.92
25 Nov 2020	Direct Credit 279219 PAYPAL AUSTRALIA 1011233998027	\$24.04	\$102.96
27 Nov 2020	SUPAMART ROSE BAY ROSE BAY NS AUS Card xx4712 Value Date: 24/11/2020	-\$55.75	\$47.21
28 Nov 2020	COLES 0770 ROSE BAY AU AUS Card xx4712 Value Date: 26/11/2020	-\$44.95	\$2.26
01 Dec 2020	Debit Excess Interest	-\$0.01	\$2.25
01 Dec 2020	Account Fee	-\$4.00	-\$1.75
02 Dec 2020	Direct Credit 279219 PAYPAL AUSTRALIA 1011332737095	\$45.95	\$44.20
04 Dec 2020	WOOLWORTHS 1416 DOUBLE BAY NS AUS Card xx4712 Value Date: 02/12/2020	-\$42.25	\$1.95

Any pending transactions haven't been included in this list. Proceeds of cheques aren't available until cleared.

If you have questions or need more information, go to commbank.com.au/support.

Yours sincerely,



Brian Moseley
General Manager, Retail Customer Service

12:58 ↗



AA

commbank.com.au



CommonwealthBank



Hi Anthony

You last logged in 2/12/2020 at 05:43 AM (Syd/Melb time)

Smart Access



[Redacted]

Available

\$1.95

Balance

\$1.95

[Apply for a new product](#)

Total credits

\$1.95

Total debits

\$0.00

Net position

\$1.95

Your assets & liabilities

[View portfolio](#)

