

NOTICE OF FILING

Details of Filing

Document Lodged: Affidavit of Service - Form 59 - Rule 29.02(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 18/10/2022 12:38:38 PM AEDT
Date Accepted for Filing: 18/10/2022 12:38:44 PM AEDT
File Number: NSD1220/2020
File Title: AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v
MELISSA LOUISE CADDICK & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads "Sia Lagos".

Registrar

Important Information

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 of the filing of the document is determined pursuant to the Court's Rules.



Form 59
Rule 29.02(1)

Affidavit

No. 1220 of 2020

Federal Court of Australia
District Registry: New South Wales
Division: Commercial and Corporations

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and ANOR

Defendants

Affidavit of: **Vanessa Duckworth**
Address: Level 13, 189 Kent Street, Sydney NSW
Occupation: Assistant Manager
Date: 17 October 2022

Affidavit re Service

Contents

Document number	Details	Paragraph	Page VD1
1	Notice to Out of Pocket Investors and Creditors regarding Remuneration Application filed 14 September 2022	5	1 - 19
2	Contacts Report	6	20 - 22
3	Email to Out of Pocket Investors and Creditors regarding Remuneration Notice	7	23
4	Delivery receipts from the email to Out of Pocket Investors and Creditors regarding Remuneration Notice	8	24 - 27
5	Secure message to ATO enclosing copy of Remuneration Notice	9	28

Filed on behalf of (name & role of party) Bruce Gleeson – Registered Liquidator
Prepared by (name of person/lawyer) Michael Kevin Hayter
Law firm (if applicable) Swaab
Tel _____ Fax _____
Email mkh@swaab.com.au
Address for service Level 4, 20 Hunter Street, Sydney NSW 2000
(include state and postcode)

VD
Be · JP 225293

Document number	Details	Paragraph	Page VD1
6	Automatic email from Out of Pocket Investor and email to Out of Pocket Investor's alternative email enclosing Remuneration Notice	10	29 - 49
7	Email from and to Out of Pocket Investor complying with request for Affidavit in support	11	50 - 53
8	Letter to Swaab Lawyers dated 17 October 2022	13	54 - 55
9	Notice to Out of Pocket Investors regarding October Orders	14	56 - 59
10	Contacts Report	15	60 - 61
11	Email to Out of Pocket Investors regarding October Orders	16	62
12	Delivery receipts from the email to Out of Pocket Investors regarding October Orders	17	63 - 65
13	Secure message to ATO enclosing copy of October Orders	18	66

I, Vanessa Duckworth, Assistant Manager of Level 13, 189 Kent Street, Sydney New South Wales 2000, say on oath:

1. I am an Assistant Manager in the employ of Bruce Gleeson and Daniel Robert Soire, the Receivers of the property of Melissa Louise Caddick (**the Receivers**).
2. I assist the Receivers with the day to day carriage of this matter.
3. At the time of swearing this Affidavit, an Exhibit folder has been prepared on my behalf and I will refer to the documents in the Exhibit Folder as Exhibit **VD1**.
4. Due to confidentiality issues, the names, email address and postal address of each Out of Pocket Investor is redacted from the exhibit to this Affidavit. An unredacted copy will be provided to the Court.

Circular to Creditors and Out of Pocket Investors dated 21 September 2022

5. Appearing at pages 1 – 19 of **VD1** is a copy of the notice caused to be sent to the Out of Pocket Investors and Creditors on 21 September 2022:
 - (a) providing a copy of the Remuneration Application filed 14 September 2022; and

VLD

JP 225293

(b) stating that the Receivers would make available the affidavit in support upon request.

(Remuneration Notice)

6. Appearing at pages **20 – 22** of **VD1** is a copy of the Contacts Report that I referenced in sending a copy of the Remuneration Notice to each of the Out of Pocket Investors, their legal representatives and Creditors.
7. Appearing at page **23** of **VD1** is a copy of the email sent to each of the Out of Pocket Investors and Creditors enclosing a copy of the Remuneration Notice.
8. Appearing at pages **24 – 27** of **VD1** is a copy of the delivery receipts received from the email sent referred to in paragraph 7.
9. Appearing at page **28** of **VD1** is a copy of the secure message sent to the Australian Taxation Office (**ATO**) on 21 September 2022 via the Online Services for Business portal. All notifications sent to the ATO for all insolvency matters are sent via the Online Services for Business portal.
10. On 21 September 2022, I received an automatic reply from an Out of Pocket Investor indicating that the email address was no longer current. After contacting the Out of Pocket Investor by telephone, the Remuneration Notice was sent to a newly acquired email. Appearing at pages **29 - 49** of **VD1** is a copy of the Automatic reply received and the email sent to the Out of Pocket Investor enclosing a copy of the Remuneration Notice.

Correspondence from Out of Pocket Investors and Creditors

11. As at the date of this Affidavit, the Receivers have received one (1) request from Out of Pocket Investors and Creditors for the affidavit in support. Appearing at pages **50 - 53** of **VD1** is a copy of that email and the email in reply complying with that request.
12. On 12 October 2022, Jones Partners was contacted by telephone by the Out of Pocket Investor who made the request referred to in the preceding paragraph. The Out of

VJD



JP 225293

Pocket Investor raised a concern about the return to Out of Pocket Investors being diminished because of the costs associated with dealing with the Interested Parties. However, the Out of Pocket Investor confirmed that they did not object to the costs or remuneration being sought as part of the Receivers' application and did not wish or intend to file an objection to that application.

13. On 17 October 2022, Jones Partners received a copy of a letter received by the Receivers' solicitor from the solicitor for the Out of Pocket Investor referred to in paragraphs 11 and 12. Appearing at pages 54 – 55 of VD1 is a copy of such letter.

Circular to Out of Pocket Investors dated 11 October 2022

14. Appearing at pages 56 - 59 of VD1 is a copy of the notice caused to be sent to the Out of Pocket Investors on 11 October 2022 providing a copy of the Orders made by this Court on 10 October 2022 (**October Orders**).
15. Appearing at pages 60 – 61 of VD1 is a copy of the Contacts Report that I referenced in sending a copy of the October Orders to each of the Out of Pocket Investors and their legal representatives.
16. Appearing at page 62 of VD1 is a copy of the email sent to each of the Out of Pocket Investors enclosing a copy of the October Orders.
17. Appearing at pages 63 – 65 of VD1 is a copy of the delivery receipts received from the email sent referred to in paragraph 14.
18. Appearing at page 66 of VD1 is a copy of the secure message sent to the Australian Taxation Office (**ATO**) on 11 October 2022 via the Online Services for Business portal.

Objections

19. As at the date of this affidavit, the Receivers have not received any notification or been served with an Objection to the Remuneration Application filed on 14 September 2022 from any person including any Out of Pocket Investors, Interested Party and Creditors that they oppose the relief sought in the Remuneration Application.

VLY

JP

JP 225293

Sworn / Affirmed by the deponent
at Sydney NSW 2000
in New South Wales
on 17th October 2022
Before me:

)
)
)
)
)

[Signature]
Signature of deponent

[Signature]
Signature of witness

Name and qualification
Renee Tague

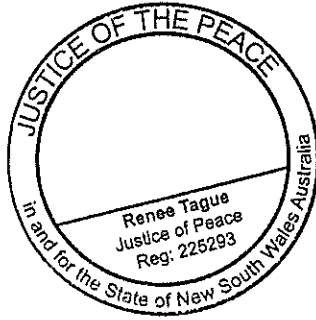


EXHIBIT NOTE VD1

COURT DETAILS

Court Federal Court of Australia
 Division Commercial and Corporations
 Registry New South Wales
 Case number NSD1220/2020

TITLE OF PROCEEDINGS

First plaintiff **Australian Securities and Investments Commission**
 First defendant **Melissa Louise Caddick and Anor**
 Number of defendants **2**

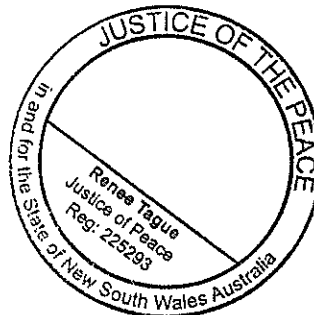
This is the Exhibit marked "VD 1" to the Affidavit of **Vanessa Duckworth** produced, shown and exhibited at the time of swearing this Affidavit before me on 17th October 2022.



Name:

Capacity: Justice of the Peace of NSW

Address: Ct - Level 13, 189 Kent St, Sydney
 NSW 2000



11 October 2022

To Out-of-Pocket Investors
As Addressed

Circular to Out-of-Pocket Investors

Dear Sir/Madam,

**Re: The Property of Melissa Louise Caddick
(Receivers Appointed)**

We refer to our appointment as Receivers on a final basis over the property of Melissa Louise Caddick (**Ms Caddick**) on 22 November 2021 and the Orders made on 10 October 2022 by Her Honour J Markovic (**October Orders**).

The October Orders direct us, as Receivers, to notify Out-of-Pocket Investors by 11 October 2022 of the October Orders. Accordingly, attached as **Annexure "A"** is a copy of the October Orders.

Order 2 of the October Orders provide for any Out-of-Pocket Investor who opposes the relief sought in the interlocutory application filed by us on 14 September 2022 (**Remuneration Application**) to file and serve objections **by 5pm on 12 October 2022**.

If you have any questions regarding the above or attached, please contact Mr Martin Vu of our office on (02) 9251 5222 or via email mvu@jonespartners.net.au

Yours faithfully,

**The Property of Melissa Louise Caddick
(Receivers Appointed)**



**Bruce Gleeson / Daniel Robert Soire
Joint and Several Receivers**

Sydney Level 13, 189 Kent Street, Sydney NSW 2000 Tel 02 9251 5222 Fax 02 9247 5911 Email info@jonespartners.net.au
Norwest Tel 02 9894 9966 | Gregory Hills Tel 02 4647 7468 | Miranda Tel 02 8236 2790

Liability limited by a scheme, approved under the Professional Standards legislation. Emgejay Pty Limited ABN 28 126 020 479 trading as Jones Partners Insolvency & Restructuring.

light at the end of the tunnel

www.jonespartners.net.au



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and others named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 10 October 2022

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. By 11 October 2022 the Receivers are to provide a copy of these Orders to:
 - (a) Out of Pocket Investors; and
 - (b) Interested Parties.

Receivers' Remuneration Application

2. By 5 pm on 12 October 2022 any Out of Pocket Investor or Interested Party who opposes the relief sought in the interlocutory application filed by the Receivers on 14 September 2022 (**Remuneration Application**) is to file and serve their **Objections** to that application.
3. On or before 17 October 2022 the Receivers are to file and serve on the Interested Parties an affidavit setting out any Objections received.
4. If no Objections are received, on or before 17 October 2022, then the Receivers are to provide to the Associate to Markovic J and serve on the Interested Parties a proposed form of orders to be made in Chambers for the referral of the Remuneration Application to a Registrar of the Court for determination.
5. If any Objection to the relief sought in the Remuneration Application is received by the Receivers then, on or before 17 October 2022 the Receivers are to notify the Court and the Remuneration Application will be listed for case management hearing on 18 November 2022 at 9.30 am AEDT.



Other Assets Application

6. On or before 24 October 2022 any Interested Party that opposes the relief sought in the interlocutory application filed by Receivers on 5 October 2022 (**Other Assets Application**) is to file and serve their Objection identifying the asset they object to the Receivers' selling, disclaiming or otherwise dealing with.
7. On or before 11 November 2022 any Interested Party who has filed and served an Objection in accordance with Order 6 above is to file and serve a points of claim setting out the basis of their Objection to the sale, disclaimer or otherwise dealing with the asset they have so identified.
8. On or before 26 October 2022 the Receivers are to file and serve an affidavit setting out:
 - (a) the assets in the Other Assets Application in relation to which an objection has been raised (**Contested Assets**); and
 - (b) the assets in the Other Assets Application in relation to which no objection has been raised (**Uncontested Assets**).
9. The Other Assets Application is listed for hearing as it relates to the Uncontested Assets on 31 October 2022 at 10.15 am AEDT.
10. The proceeding be listed for case management hearing in so far as it relates to the Contested Assets in the Other Assets Application and the Remuneration Application on 18 November 2022 at 9.30 am AEDT, if applicable.
11. Liberty to apply on two business days' notice.

Date that entry is stamped: 10 October 2022

Sia Lagos
Registrar



Schedule

No: NSD1220/2020

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

Second Defendant MALIVER PTY LTD

Third Defendant ANTHONY MARCUS KOLETTI

Interested Persons BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL
LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918
AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE
CADDICK

Interested Persons MR EDWARD GRIMLEY AND MRS BARBARA GRIMLEY

**Maliver Pty Limited
Contacts Report**



Key	Name	Email
CA00	[REDACTED]	[REDACTED]
CA01	[REDACTED]	[REDACTED]
CA02	[REDACTED]	[REDACTED]
CA03	[REDACTED]	[REDACTED]
CA04	[REDACTED]	[REDACTED]
CA06	[REDACTED]	[REDACTED]
CA07	[REDACTED]	[REDACTED]
CA08	[REDACTED]	[REDACTED]
CA09	[REDACTED]	[REDACTED]
CB00	[REDACTED]	[REDACTED]
CB01	[REDACTED]	[REDACTED]
CB02	[REDACTED]	[REDACTED]
CC00	[REDACTED]	[REDACTED]
CC01	[REDACTED]	[REDACTED]
CC02	[REDACTED]	[REDACTED]
CD00	[REDACTED]	[REDACTED]
CD01	[REDACTED]	[REDACTED]
CD02	[REDACTED]	[REDACTED]
CD03	[REDACTED]	[REDACTED]
CD04	[REDACTED]	[REDACTED]
CD05	[REDACTED]	[REDACTED]
CE00	[REDACTED]	[REDACTED]
CG00	[REDACTED]	[REDACTED]
CG01	[REDACTED]	[REDACTED]
CH00	[REDACTED]	[REDACTED]
CH01	[REDACTED]	[REDACTED]
CH02	[REDACTED]	[REDACTED]
CI00	[REDACTED]	[REDACTED]
CJ00	[REDACTED]	[REDACTED]
CJ01	[REDACTED]	[REDACTED]
CJ02	[REDACTED]	[REDACTED]
CJ03	[REDACTED]	[REDACTED]
CJ04	[REDACTED]	[REDACTED]
CJ05	[REDACTED]	[REDACTED]
CK00	[REDACTED]	[REDACTED]
CK01	[REDACTED]	[REDACTED]
CK02	[REDACTED]	[REDACTED]
CK03	[REDACTED]	[REDACTED]
CL00	[REDACTED]	[REDACTED]
CL01	[REDACTED]	[REDACTED]
CL02	[REDACTED]	[REDACTED]
CL03	[REDACTED]	[REDACTED]
CM00	[REDACTED]	[REDACTED]
CM01	[REDACTED]	[REDACTED]
CM02	[REDACTED]	[REDACTED]
CM03	[REDACTED]	[REDACTED]
CP00	[REDACTED]	[REDACTED]
CR00	[REDACTED]	[REDACTED]
CR01	[REDACTED]	[REDACTED]
CS00	[REDACTED]	[REDACTED]
CS01	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]tmail.com
CS03	S [REDACTED]	[REDACTED]

**Maliver Pty Limited
Contacts Report**

Key	Name	Email
CS04	[REDACTED]	[REDACTED]
CS05	S [REDACTED]	[REDACTED]
CT01	[REDACTED]	[REDACTED]
CT02	[REDACTED]	[REDACTED]
CT03	[REDACTED]	[REDACTED]
CT04	[REDACTED]	[REDACTED]
CU00	[REDACTED]	[REDACTED]
CW00	[REDACTED]	[REDACTED]
RQD1	[REDACTED]	[REDACTED]

[REDACTED]

Vanessa Duckworth

From: Vanessa Duckworth
Sent: Tuesday, 11 October 2022 4:42 PM
To: Bruce Gleeson; Daniel Soire; Martin Vu
Subject: The Property of Melissa Louise Caddick (Receivers Appointed)
Attachments: 221011 Circular to Out of Pocket Investors - Service of Orders.pdf

Importance: High

Bcc: [Redacted]

Dear Sir/Madam,

Please find attached Circular to Out-of-Pocket Investors dated 11 October 2022 regarding the above matter.

If you have any questions, please contact Mr Martin Vu of our office on (02) 9251 5222.

Kind regards,

Vanessa Duckworth

From: Microsoft Outlook
To: [REDACTED]
Sent: Tuesday, 11 October 2022 4:42 PM
Subject: Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)

From:
To:

Microsoft Outlook



Sent:
Subject:

Tuesday, 11 October 2022 4:42 PM
Relayed: The Property of Melissa Louise Caddick (Receivers Appointed)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[REDACTED]

Subject: The Property of Melissa Louise Caddick (Receivers Appointed)



Australian Government
Australian Taxation Office

Name EMGEJAY PTY LIMITED
ABN 28 126 020 479

Secure mail

[View message](#)

To: Tax Office

Sent date

11/10/2022

Subject

Insolvency: Receiver/Manager Appointed

Status

Sent

Receipt number

5010088701091

Message

Dear Sir/Madam, Re: The Property of Melissa Louise Caddick (Receivers Appointed) Please find attached a copy of the Orders made on 10 October 2022 by her Honour Justice Markovic regarding the above matter. Regards,

Attachments

Orders made on 10 October 2022.pdf