

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 14/09/2022 2:57:32 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 Application - Form 35 - Rule 17.01(1)(a)
File Number: NSD1220/2020
File Title: AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v
MELISSA LOUISE CADDICK & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF
AUSTRALIA
Reason for Listing: Case Management Hearing
Time and date for hearing: 10/10/2022, 9:30 AM
Place: Court Room 21A, Level 17, Law Courts Building 184 Phillip Street Queens
Square, Sydney



Sia Lagos

Dated: 20/09/2022 12:10:25 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.



Interlocutory Application

No. NSD1220 of 2020

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

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK

First Defendant

BRUCE GLEESON

First Applicant in Interlocutory Application

DANIEL ROBERT SOIRE

Second Applicant in Interlocutory Application

To: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

The Applicants in the Interlocutory Application, Bruce Gleeson and Daniel Robert Soire in their capacity as Joint and Several Receivers ("Receivers") of the Receivership Property of the first defendant as appointed by this Court pursuant to the orders of her Honour Justice Markovic on 22 November 2021 apply for the interlocutory orders set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

Time and date for hearing:

Place:

Filed on behalf of (name & role of party)	Bruce Gleeson & Daniel Robert Soire, Receivers of the Property of Melissa Louise Caddick		
Prepared by (name of person/lawyer)	Michael Kevin Hayter		
Law firm (if applicable)	Swaab Lawyers		
Tel	02 9233 5544	Fax	02 9233 5400
Email	mkh@swaab.com.au		
Address for service (include state and postcode)	Level 4, 20 Hunter Street, Sydney NSW 2000		



The Court ordered that the time for serving this application be abridged to [Registry will insert date, if applicable]

Date:

Signed by an officer acting with the authority
of the District Registrar



Interlocutory orders sought

This application is made pursuant to Rule 14.24 of the *Federal Court Rules 2011* (Cth), section 37M(2)(b) of the *Federal Court Act 1976* (Cth), orders 7(b) and 15 of the orders made in this proceeding on 22 November 2021 and the Court's inherent jurisdiction including for the approval of remuneration.

1. An order that the remuneration of the Applicants as Receivers of the Property of the first defendant (**Receivership Property**) for the period:
 - a. from 23 February 2021 to 22 November 2021 (**Balance of Interim Receivership Period**) be fixed in the sum of \$87,118.35 inclusive of GST; and
 - b. from 23 November 2021 to 30 June 2022 (**Initial Receivership Period**) be fixed in the sum of \$354,613.05 inclusive of GST; or
 - c. in respect of (a) and / or (b) above, be fixed in such other amount as the Court deems fit and proper.

(Remuneration)

2. An order that the costs and expenses of the Receivers:
 - a. For the Balance of the Interim Receivership Period be fixed in the amount of \$95,676.46 inclusive of GST; and
 - b. For the Initial Receivership Period be fixed in the amount of \$393,648.31 inclusive of GST; or
 - c. In respect of (a) and / or (b) above, be fixed in such other amount as the Court deems fit and proper.

(Costs and Expenses)

3. The Remuneration and the Costs and Expenses be paid from the Receivership Property, including from the Receivers' Trust Account created in accordance with Order 4(d) of the orders dated 22 November 2021.
4. The Costs, Expenses and Remuneration of the Applicants as referred to in Orders 1 and 2 above be paid out of the Receivership Property in priority to all other unsecured debts or claims in the Receivership.
5. The determination of any Remuneration in accordance with Order 1(c) be referred to a Registrar of the Court.



6. The determination of any Costs and Expenses in accordance with Order 2(c) be referred to a Registrar of the Court for determination, with legal costs included in the Costs and Expenses to be determined on a solicitor and own client basis.
7. The Applicants' costs of and incidental to this application be costs in the receivership of the first defendant.
8. Such further or other orders or directions as the Court may deem fit.

A handwritten signature in cursive script, appearing to read 'Michael Hayter'.

Signed by Michael Hayter
Lawyer for the Applicants in the Interlocutory
Application