



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule

Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 24 February 2022

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. Leave be granted to Messrs Gleeson and Soire in their capacity as the joint and several receivers of the property of the first defendant (**Receivers**) to file and serve an **amended interlocutory application**.
2. Paragraphs 1, 3 and 4A of the amended interlocutory application be listed for hearing before Markovic J on 4 March 2022 at 11.00 am AEDT with an estimate of one hour.
3. The Receivers are justified in paying their remuneration, costs and expenses approved by the Court in the sum of \$188,017.84 from the Receivers' Trust Account as defined in the Orders made on 22 November 2021.

Edgecliff Property

4. Any claim by Edward Grimley, Barbara Grimley or Adam Grimley asserting an interest in the Edgecliff Property is to be articulated on behalf of those parties in a concise statement, in accordance with Federal Court Practice Note C&C-1, and is to be filed and served on the Receivers by 7 April 2022.
5. The Receivers are to file and serve a concise response by 28 April 2022. If more than one of Edward Grimley, Barbara Grimley and Adam Grimley serve a concise statement, the Receivers are to file a concise response for each concise statement and are to serve



each concise response on those of Edward Grimley, Barbara Grimley and Adam Grimley who served a concise statement.

6. This proceeding, insofar as it relates to any claim articulated by Edward Grimley, Barbara Grimley or Adam Grimley in respect of the Edgecliff Property, be listed for case management hearing before Markovic J on 3 May 2022 at 9.30 am.
7. If no claim is articulated by the filing of a concise statement by Edward Grimley, Barbara Grimley or Adam Grimley in respect of the Edgecliff Property by 7 April 2022, the Receivers be granted leave to approach the Court to seek directions regarding the realisation of the Edgecliff Property.

Dover Heights Property

8. Anthony Koletti be joined as a respondent to this proceeding for the purpose of the following orders in respect of the Dover Heights Property.
9. Any claim by Anthony Koletti asserting an interest in the Dover Heights Property is to be articulated by or on behalf of Anthony Koletti in a concise statement, in accordance with Federal Court Practice Note C&C-1, and is to be filed and served on the Receivers by 17 March 2022.
10. The Receivers are to file and serve on Anthony Koletti a concise response by 31 March 2022.
11. The proceeding, insofar as it relates to any claim to the Dover Heights Property by Anthony Koletti, be listed for case management hearing before Markovic J on 3 May 2022 at 9.30 am.
12. In the absence of any concise statement being filed and served in accordance with Order 5 above, the Receivers be granted leave to file and serve an application seeking vacant possession and delivery up of the Dover Heights Property for sale, such application to be returnable before Markovic J at a time fixed by the Court upon contact being made with the Associate to Markovic J.
13. The Receivers are to file and serve any affidavits in support of the relief sought in paragraph 7 of the amended interlocutory application on Mr Koletti by 5.00 pm on 24 February 2022.
14. Mr Koletti is to file and serve any affidavits in reply in relation to the relief sought by the respondents in paragraph 7 of the amended interlocutory application by 4 March 2022.



15. The Receivers are to file and serve their submissions in support of the relief sought in paragraph 7 of the amended interlocutory application, not exceeding five pages in length, by 9 March 2022.
16. Mr Koletti is to file and serve any submissions in response to the submissions served by the Receivers in accordance with Order 15, not exceeding five pages in length, by midday on 16 March 2022.
17. Paragraph 7 of the amended interlocutory application be listed for hearing before Markovic J on 17 March 2022 at 10.15 am AEDT.
18. Liberty to apply on two days' notice.

THE COURT NOTES:

19. The plaintiff is excused from further appearance in the proceeding unless it wishes to do so.

Date that entry is stamped: 24 February 2022

Sia Lagos
Registrar



Schedule

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Interested Person	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
Second Defendant	MALIVER PTY LTD