

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMERICAL COURT
CORPORATIONS LIST

S ECI 2019 05568

IN THE MATTER of BARDOT PTY LTD (ADMINISTRATORS APPOINTED) (ACN
074 147 434)

BETWEEN:

BRENDAN RICHARDS AND RYAN EAGLE IN THEIR
CAPACITY AS JOINT AND SEVERAL ADMINISTRATORS
OF BARDOT PTY LTD (ADMINISTRATORS APPOINTED)
(ACN 074 147 434)

Plaintiffs

ORDER

JUDGE: The Honourable Associate Justice Efthim

DATE MADE: 11 December 2019

ORIGINATING PROCESS: Filed on 6 December 2019

HOW OBTAINED: At the return of the plaintiffs' application

ATTENDANCE: Mr P Fary, of Counsel for the plaintiffs

OTHER MATTERS: This order is signed by the Associate Judge pursuant to
Rule 60.02(1)(b) of the *Supreme Court (General Civil
Procedure) Rules 2015 (Vic)*.

THE COURT ORDERS THAT:

1. Pursuant to section 439A(6) of the *Corporations Act 2001 (Cth)* ('the Act') the convening period by which the plaintiffs are required by s 439A of the Act to convene the second meeting of creditors of the Bardot Pty Ltd (Administrators Appointed) ACN 074 147 434 ('the Company') be extended up to and including 27 March 2020.
2. Pursuant to s 447A(1) of the Act, Part 5.3A of the Act is to operate in relation to the Company such that, notwithstanding s 439A(2) of the Act, the second meeting of creditors of the Company may be convened at any time during, or within 5 business days after the end of, the convening period as extended by the Court provided that the plaintiffs give notice of the meeting in accordance with s 439A(3) of the Act.
3. Pursuant to s 447A(1) of the Act, Part 5.3A of the Act is to operate such that the requirement on the plaintiffs to issue notices under ss 75-225(1) and 75-15 of the *Insolvency Practice Rules (Corporations) 2016 (Cth)* be modified such that notice of



the second meeting of creditors will be validly given to the creditors by, not less than five business days prior to the date of the proposed meeting:

- (a) giving such notice electronically by email sent to the email address of any creditor (including persons claiming to be creditors) of the Company for whom or which the plaintiffs hold an email address;
 - (b) sending such notice to the last known postal address or facsimile number, or otherwise as provided for by the Act or the *Corporations Regulations 2001 (Cth)*, to any creditors not being a creditor referred to in sub-paragraph (a); and
 - (c) causing such notice to be published in the Insolvency Notices website located at <http://insolvencyntices.asic.gov.au>.
4. The plaintiffs, as soon as practicable, provide a copy of these orders to the creditors of the Company by:
- (a) email (where an email address for the creditors is held), or by way of correspondence sent to the last known address; and
 - (b) making available a copy of these orders on the website of the plaintiffs <http://kpmg.com.au>.
5. Any person has liberty to apply to the Court in this proceeding, including any creditor of the Company or the Australian Securities and Investments Commission, who can demonstrate sufficient interest to set aside or vary orders 1 or 2 above on the giving of 48 hours' notice to the plaintiffs and to the Court.
6. The plaintiffs have leave to apply for any further extension of the convening period referred to in order 1 above or any other matter arising in the administration of the Company generally.
7. The costs of this application be the costs in the administration of the Company.

DATE AUTHENTICATED: 11 December 2019




THE HONOURABLE ASSOCIATE JUSTICE EFTHIM