



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD2191/2018

MORGAN JOHN KELLY and others named in the schedule
Plaintiff

CHOO BOON LOO and others named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 25 August 2022

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. Pursuant to s 37AF of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**) and on the ground that it is necessary to prevent prejudice to the proper administration of justice for the purposes of s 37AG(1)(a) of the FCA Act, until the conclusion of the proceeding contemplated by the plaintiffs which is the subject of the application for judicial advice or directions or further order of the Court, the following material is not to be disclosed or made available for inspection by any person other than the docket judge, a member of the docket judge's staff, any officer of the Court authorised by the docket judge or any judge or other officer of the High Court of New Zealand, the plaintiffs, their staff and their legal representatives:
 - (a) the unredacted copy of the affidavit of Morgan John Kelly affirmed on 11 August 2022 (**Kelly August affidavit**);
 - (b) Confidential Exhibit H (formerly Confidential Exhibit MJK-15) to the Kelly August affidavit;
 - (c) the unredacted copy of the written submissions dated 11 August 2022 provided by the plaintiffs in support of the amended interlocutory process; and
 - (d) the transcript of today's hearing.
2. On the basis that it is necessary to prevent prejudice to the proper administration of justice from 11.24 am AEST the Court be closed on the hearing of the plaintiffs'



amended interlocutory process filed on 15 August 2022 (**Amended Interlocutory Process**) until further direction with only the following persons permitted to remain:

- (a) officers of the Court;
 - (b) representatives of the transcript provider;
 - (c) the plaintiffs; and
 - (d) the plaintiffs legal representatives.
3. The requirement for service of the Amended Interlocutory Process, the Kelly August affidavit and the exhibits to the Kelly August affidavit on the defendants be dispensed with.
 4. Pursuant to s 477(2B) of the *Corporations Act 2001* (Cth), the plaintiffs be granted approval to enter into the funding agreement (**Funding Agreement**) in substantially the form appearing at pages 192 to 217 of Confidential Exhibit H to the Kelly August affidavit.
 5. The plaintiffs are justified in bringing and prosecuting proceedings substantially in the form of those set out in the draft statement of claim at pages 2 to 113 of Confidential Exhibit H in circumstances in which the Funding Agreement is in place.
 6. The plaintiffs are justified in paying the plaintiffs' remuneration, costs and expenses in respect of the proceedings referred to in Order 5 in accordance with the process provided for by the Orders of Gleeson J made on 2 July 2020.
 7. The plaintiffs' costs of and incidental to this application be costs and expenses in the liquidation of the third plaintiff and be paid out of the funds and accounts listed in Order 1 of the Orders made by Gleeson J on 2 July 2020.

Date that entry is stamped: 25 August 2022


Registrar



Schedule

No: NSD2191/2018

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

Second Plaintiff	PHILIP ALEXANDER QUINLAN
Third Plaintiff	HALIFAX INVESTMENT SERVICES PTY LTD (IN LIQUIDATION)
Second Defendant	ELYSIUM BUSINESS SYSTEMS PTY LTD
Third Defendant	JASON PAUL HINGSTON
Fourth Defendant	ATLAS ASSET MANAGEMENT PTY LTD
Fifth Defendant	FIONA MCMULLIN
Sixth Defendant	ANDREW PHILLIP WHITEHEAD AND MARLENE WHITEHEAD IN THEIR CAPACITY AS THE TRUSTEES OF THE BEELINE TRUST
Seventh Defendant	ANDREW PHILLIP WHITEHEAD
Eighth Defendant	JEFFREY JOHN WORBOYS
Ninth Defendant	HONG KONG CAPITAL HOLDINGS PTY LIMITED