



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: 3 June 2022

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. Despite Order 19 of the Orders made by Markovic J on 19 May 2021 in this proceeding, the Liquidators are justified in:
 - (a) allowing clients more than the time periods set out in Orders 19(c) and 19(e)(i) and (ii) to perform the respective actions referred to therein (save for the actions referred to in Order 19(b)(ii)) and in Order 19(b)(i) and (iii) in the manner contemplated by the First Investor Notice referred to in Order 2 below; and
 - (b) in the event a client submitted a query regarding the Investor Portal or the Distribution Notice within 35 days of the Distribution Notice, allowing that client 35 days from the later of:
 - (i) the date of the First Investor Notice (as that term is defined in Order 2 of these Orders); or
 - (ii) the date the Liquidators respond to the client's query,to notify the plaintiffs of any dispute of the kind referred to in Order 19(b)(ii).
2. In implementing the actions referred to in Order 1, within two business days of the later of the date of these Orders and the date of equivalent orders being made in the High Court of New Zealand, the Liquidators are to provide a copy of these Orders and a communication to investors substantially in the form set out at pages 35 to 37 of Exhibit MJK-12 to the Kelly Affidavit (**First Investor Notice**).



3. In implementing the actions referred to in Order 1, at least three business days prior to the closure of the Investor Portal such that it will become inaccessible to clients, the Liquidators are to provide a communication to investors substantially in the form set out at page 38 of Exhibit MJK-12 to the Kelly Affidavit.
4. Any requirement for service of this application and any documents associated with it on the defendants be dispensed with.
5. 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 in this proceeding.

Date that entry is stamped: 3 June 2022

Sia Lagos
Registrar



Schedule

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Second Plaintiff	PHILIP ALEXANDER QUINLAN
Third Plaintiff	HALIFAX INVESTMENT SERVICES PTY LTD (IN LIQUIDATION)
Interested Person	WANG CHEN
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