

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 11/12/2018 8:07:51 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: QUD439/2018
File Title: AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v
LINCHPIN CAPITAL GROUP LTD ACN 163 992 961 & ANOR
Registry: QUEENSLAND REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: Case Management Hearing
Time and date for hearing: 26/02/2019, 9:30 AM
Place: Court No. 4, Level 7, Harry Gibbs Commonwealth Law Courts Building
Level 6, 119 North Quay, Brisbane



A handwritten signature in blue ink, reading 'Warwick Soden'.

Dated: 12/12/2018 10:15:35 AM 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

QUD439/2018

FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: QUEENSLAND
DIVISION: GENERAL

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

LINCHPIN CAPITAL GROUP LTD (ACN 163 992 961)

First Defendant

AND

ENDEAVOUR SECURITIES (AUSTRALIA) LTD (ACN 079 988 819)

Second Defendant

To the Plaintiff and the Defendants

David Orr and Jason Mark Tracy in their capacity as joint and several receivers and managers of the 'Property' as that expression is defined in the Order of the Honourable Justice Derrington made in this proceeding on 7 August 2018 (**Order**), and in their capacity as joint and several receivers and managers of the 'Endeavour Scheme Property' as defined in the Order apply to the Court for the 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.

Filed on behalf of (name & role of party) David Orr and Jason Mark Tracy
Prepared by (name of person/lawyer) Michael Vickery
Law firm (if applicable) MinterEllison
Tel (07) 3119 6000 Fax (07) 3119 1000
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Address for service Waterfront Place, 1 Eagle Street, BRISBANE QLD 4000
(include state and postcode) Our reference: MJV 1220885

Form approved 01/08/2011



Time and date for hearing:

Place: Federal Court of Australia
Level 6, Commonwealth Law Courts Building
119 North Quay
BRISBANE QLD 4000

The Court ordered that the time for serving this application be abridged to

Date: 11 December 2018

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

Interlocutory orders sought

Unless otherwise indicated, this application adopts the defined terms in the Order.

On the facts stated in the supporting affidavit of David Michael Orr affirmed on 11 December 2018, the Applicants apply for the following orders:

1. Pursuant to rule 14.24 of the *Federal Court Rules* 2011 (Cth) (**Rules**), section 1323(1)(h) of the *Corporations Act* 2001 (Cth) (**Corporations Act**) and section 23 of the *Federal Court Act* 1976 (Cth), the remuneration and internal expenses of Mr David Orr and Mr Jason Mark Tracy in their capacity as joint and several Receivers and Managers be fixed in the following amounts:
 - (a) \$108,070 plus GST, comprised of \$107,820.00 plus GST for remuneration and \$250.00 for internal disbursements (expenses) plus GST, for the period 7 August 2018 to 24 September 2018, to be paid from the property of the First Defendant in its own right; and
 - (b) \$231,690.00 plus GST for remuneration for the period 7 August 2018 to 24 September 2018, to be paid from the property of the First Defendant as trustee of the Investport Income Opportunity Fund (unregistered).
2. Pursuant to rule 14.24 of the *Rules*, section 1323(1)(h) of the *Corporations Act* and section 23 of the *Federal Court Act* 1976 (Cth), the remuneration of Mr David Orr and Mr Jason Mark Tracy in their capacity as joint and several Receivers and Managers of the Endeavour Scheme Property be fixed in the amount of \$145,123.00 plus GST for the



period 7 August 2018 to 24 September 2018, to be paid from the Endeavour Scheme Property.


3. That the Receivers and Managers' costs of and incidental to this application be paid from the property First Defendant in its own right, the property of the First Defendant as trustee of the Investport Income Opportunity Fund (unregistered) and the Endeavour Scheme Property in the same proportion as the remuneration and expenses referred to in paragraphs 1 and 2.
4. Such further or other orders as this Honourable Court considers just or necessary.

Service on the Defendants

It is intended to serve this application on the Plaintiff, First Defendant and Second Defendant.

It is not intended to service this application on any other person.

Date: 11 December 2018



Signed by Michael James Vickery
Lawyer for the Applicants