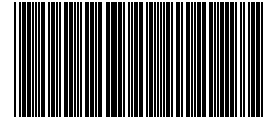




Filed: 5 June 2024 9:14 AM



D0001YNVWP

Form 3

INTERLOCUTORY PROCESS – COVERSHEET AND ACKNOWLEDGEMENT

IN THE MATTER OF Direct Fx Trading Pty Ltd

COURT DETAILS

Court	Supreme Court of NSW
Division	Equity
List	Corporations List
Registry	Supreme Court Sydney
Case number	2020/00152668

FILING DETAILS

Filed for	Jason Tracy, Applicant 1 Direct Fx Trading Pty Ltd, Applicant 2
Legal representative	Alexandra Smith
Legal representative reference	
Telephone	0295132434
Your reference	7412431.00001

HEARING DETAILS

This application will be heard at Supreme Court Sydney on 17 June 2024 at 09:15 AM

ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Interlocutory Application, along with any other documents listed below, were filed by the Court.

Corporations Law Interlocutory Process (Form 3) (20240604_Direct FX_Interlocutory Application_Form 3 [Executed].pdf)

[attach.]

Form 3

(rules 2.2, 15A.4, 15A.8 and 15A.9)

IN THE SUPREME COURT OF NEW SOUTH WALES

No. 00152668 of 2020

DIVISION: EQUITY

REGISTRY: SYDNEY

CORPORATIONS LIST

IN THE MATTER OF DIRECT FX TRADING PTY LTD

ACN: 120 189 424

**JASON TRACY IN HIS CAPACITY AS LIQUIDATOR OF DIRECT FX TRADING PTY LTD
(IN LIQUIDATION) ACN 120 189 424**

First Plaintiff

DIRECT FX TRADING PTY LTD (IN LIQUIDATION) ACN 120 189 424

Second Plaintiff

INTERLOCUTORY PROCESS

A. DETAILS OF APPLICATION

The First Plaintiff/Applicant is the liquidator (**Liquidator**) of the Second Plaintiff/Applicant Direct FX Trading Pty Ltd ACN 120 189 424 (**Direct FX**).

This application is made under section 90-15 of the *Insolvency Practice Schedule (Corporations)* (being Schedule 2 to the *Corporations Act 2001* (Cth)) by the Liquidator and under section 63 of the *Trustee Act 1925* (NSW) by Direct FX.

On the facts stated in the supporting affidavit of the Liquidator sworn 4 June 2024 (**Affidavit**), the Liquidator seeks the following relief:

1. A direction, and judicial advice, as to whether the Liquidator and Direct FX are justified in treating the Identified Beneficiaries (as that term is defined in the Affidavit) who have a credit balance of less than AU\$100 (or some other amount and, if so, what amount) as having no right to participate in the distribution of funds by the Liquidator.
2. A direction, and judicial advice, as to whether the Liquidator and Direct FX are justified in distributing the Outstanding Client Balances (as that term is defined in the Affidavit) on a pro rata basis to the 74 Proposed Beneficiaries (as that term is defined in the Affidavit).

K&L Gates
Level 31, 1 O'Connell Street
Sydney NSW 2000

DX 170 Sydney
Tel: 61 2 9513 2300
Ref: 7412431.00001

3. An order that the name of the First Plaintiff be changed to "Jason Tracy in his capacity as liquidator of Direct FX Trading Pty Ltd (in Liquidation) ACN 120 189 424".
4. Pursuant to s 7 of the *Court Suppression and Non-publication Orders Act 2010* (NSW) (**Act**) and on the ground that it is necessary to prevent prejudice to the proper administration of justice for the purposes of s 8(e) of the Act, the redacted column marked "Name" to the exhibit to the affidavit of Jason Tracy sworn 23 April 2024 and marked "CE JT-2" is not to be disclosed or made available for inspection by any person until further order other than the docket Judge, her Honour's personal staff, any officer of the Court authorised by the docket Judge, the plaintiffs, their staff and their legal representatives.
5. An order that the expenses associated with this application including expenses associated with the distribution to the 74 Proposed Beneficiaries (as that term is defined in the Affidavit) are paid from the Outstanding Client Balances (as that term is defined in the Affidavit).
6. Such further or other orders and/or directions and/or advice as the Court considers appropriate.

Date: 4 June 2024



Alexandra Elizabeth Luck Smith
Solicitor for the Plaintiffs

This application will be heard by the Supreme Court of New South Wales at Law Courts Building, Queens Square, Sydney at [time] [am/pm] on [date]

B. NOTICE TO RESPONDENT(S) (IF ANY)

N/A

C. FILING

This interlocutory process is filed by K&L Gates, Solicitors for the applicant.

D. SERVICE

The Plaintiffs' address for service is c/- K&L Gates, Level 31, 1 O'Connell Street, Sydney NSW 2000, DX 170 Sydney.

It is not intended to serve a copy of this interlocutory process on any person.