

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: 8792 of 2013

Plaintiff:

**KORDAMENTHA PTY LTD
ACN 100 169 391 AND CALIBRE CAPITAL
LIMITED ACN 108 318 985 AS TRUSTEE
FOR THE LM MANAGED PERFORMANCE
FUND**

AND

Defendant:

**LM INVESTMENT MANAGEMENT
LIMITED (RECEIVERS AND MANAGERS
APPOINTED) ACN 077 208 461 (IN
LIQUIDATION)**

SUBPOENA FOR PRODUCTION

TO: Simon Michael Vertullo, Authorised Officer of Korda Mentha Pty Ltd, Level 14, 12 Creek Street, Brisbane.

THE COURT ORDERS that you attend and produce this Subpoena and the documents and things described in the Schedule:-

- (a) before the Supreme Court of Queensland;
- (b) at 415 George Street, Brisbane, Queensland;
- (c) on 17 June, 2014 at 10.00am and until you are excused from further attending.

SCHEDULE

1. The most recent (that is, on or prior to 13 June 2014) bank statement for each bank account of the plaintiff as trustee of the LM Managed Performance Fund ("MPF");

SUBPOENA FOR PRODUCTION

Filed on behalf of the Defendant

Form 41 Rules 415(1), 420

Russells
Level 18
300 Queen Street
BRISBANE 4000
Phone: 07 3004 8888
Fax: 07 3004 8899

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2. The most recent (that is, on or prior to 13 June 2014) financial accounting document recording each and all of the current and non-current assets and each and all of the current and non-current liabilities for the MPF;

3. A printout of the most recent (that is, on or prior to 13 June 2014) version of the management accounts of the MPF;

4. All documents recording any work in progress ("WIP") for any liability which might be payable by the plaintiff as trustee of the MPF, that is not otherwise recorded or reflected in the documents in paragraphs 2 or 3 above ;

5. Any documents recording or giving rise to any contingent or prospective liabilities for the plaintiff as trustee for the MPF on or prior to 30 June 2016, other than any liability already recorded in the documents listed in paragraphs 2 to 4 above.

TAKE NOTICE:

1. Failure to comply with this Subpoena without lawful excuse is contempt of Court and may result in your arrest.

2. You need not comply with this Subpoena unless conduct money sufficient to meet your reasonable expenses of complying with the Subpoena is paid, or tendered to you, not later than a reasonable time before the day on which you would be required to attend the Court.

3. You have the right to apply to the Court to have the Subpoena set aside on any sufficient grounds including:-

- (a) want of relevance; or
- (b) privilege; or
- (c) oppressiveness, including oppressiveness because substantial expenses may not be reimbursed; or

(d) non-compliance with the Uniform Civil Procedures Rules.

4. If you are not a party to these proceedings, instead of attending the Court you or your agent may produce the documents and things described in the Schedule to the Registry of the Court from which the Subpoena was issued, not later than the day before the day on which you are required to attend.

5. If you are not a party to the proceeding and you incur substantial loss or expense in complying with this Subpoena, you may apply to the Court for an Order that the party who requested the issue of the Subpoena pay to you an amount in addition to conduct money to compensate you for the loss or expense, including legal costs, incurred in responding properly to the Subpoena.

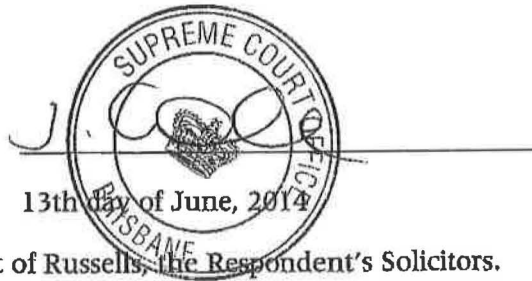
**ISSUED WITH THE AUTHORITY OF THE SUPREME COURT OF
QUEENSLAND**

Signed:

Dated:

13th day of June, 2014

Issued at the request of Russell, the Respondent's Solicitors.



Notice to Accompany Subpoena

Issued by the Brisbane Supreme and District Court Registry
QEII Courts of Law
415 George Street

IF THIS SUBPOENA IS DIRECTED TO YOU, PLEASE NOTE:

If compliance with this subpoena requires you to deliver documents to the Brisbane Supreme and District Court Registry, then to ensure that the documents are allowed into the building by Law Courts Security you should:-

- E-mail the Registry at esmaterial@justice.qld.gov.au advising the expected delivery date of the subpoenaed material together with particulars of the subpoena (i.e. File Number/Names of Parties);
- Clearly mark the outside of the delivery with the particulars of the subpoena (i.e. File Number/Names of Parties) and clearly indicating that the contents contain subpoenaed documents;

If delivery is made in person, please deliver subpoenaed material to the Search and Copy counter on Level 1 during normal business hours.

If you do not comply with the above instructions, it may result in the subpoenaed material not being allowed into the building by Law Courts Security. This may jeopardise your compliance with the subpoena and delay the associated court proceeding.

These requirements only apply to subpoenaed documents being delivered to the QEII Courts of Law via courier service, or in person.

This notice is issued with the authority of the Principal Registrar,
Supreme & District Courts, Brisbane.