

SUPREME COURT OF QUEENSLAND

REGISTRY Brisbane
NUMBER 8792 of 2013

Applicants

**KORDAMENTHA PTY LTD (ACN 100
169 391) AND CALIBRE CAPITAL
LIMITED (ACN 108 318 985) IN THEIR
CAPACITY AS TRUSTEES FOR THE
LM MANAGED PERFORMANCE
FUND**

AND

Respondent

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

APPLICATION

TAKE NOTICE that the applicants are applying to the Court for the following orders:

1. The subpoena issued 13 June 2014 directed to Simon Michael Vertullo be set aside pursuant to rule 416 of the *Uniform Civil Procedure Rules*.
2. In the alternative to paragraph 1, a declaration that Simon Michael Vertullo is excused from further attending.
3. The respondent pay the applicants' costs of and incidental to this application.

This application will be heard by the Court at Brisbane

on: 17 June 2014 at 10:00am

Filed in the Brisbane Registry on:

2014

APPLICATION

Filed on behalf of the Applicants

Form 9 Rules 31, 416

MINTER ELLISON

Lawyers

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Registrar

If you wish to oppose this application or to argue that any different order should be made, you must appear before the Court in person or by your lawyer and you shall be heard. If you do not appear at the hearing the orders sought may be made without further notice to you.

On the hearing of the application the applicant intends to rely on the following affidavit:

1. Affidavit of Simon Michael Vertullo filed 13 June 2014 (CFI 11).

THE APPLICANTS ESTIMATE THE HEARING SHOULD BE ALLOCATED 10 minutes.

Signed:



Description: MINTER ELLISON
Solicitors for the applicants

Dated: 16 June 2014

This application is to be served on:

The respondent, LM Investment Management Limited (Receivers and Managers Appointed) (In Liquidation) (ACN 077 208 461), c/- Russells, Level 18, 300 Queen Street, Brisbane, 4000