

Duplicate

SUPREME COURT OF QUEENSLAND

REGISTRY
NUMBER

Brisbane
1076 of 2017

Plaintiff

**KORDAMENTHA PTY LTD (ACN 100 169 391) IN ITS CAPACITY
AS TRUSTEE OF THE LM MANAGED PERFORMANCE FUND**

AND

Defendant

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

ORDER

Before: Justice Atkinson

Date: 1 February 2018

Initiating document: Application filed 22 January 2018

THE ORDER OF THE COURT IS THAT:

1. Subject to further order, pursuant to section 500(2) of the *Corporations Act* 2001 (Cth), the plaintiff be granted leave *nunc pro tunc* to commence and to proceed with this Supreme Court of Queensland proceeding against the defendant, LM Investment Management Limited (Receivers & Managers Appointed) (In Liquidation) (ACN 077 208 461), on the condition that any judgment against the defendant will not be enforced without further leave of the Court.
2. The plaintiff serve the claim and statement of claim in this matter on or before 5 February 2018.
3. The defendant is not required to file a defence and any counterclaim until 28 days after the plaintiff gives written notice to the defendant's solicitors, Clayton Utz, that a defence and any counterclaim is required to be filed.
4. Nothing in this order affects the ability of the defendant or any insurer of the defendant to argue at any trial of the proceeding or on any application to revoke the leave granted under paragraph 1, that an insurance policy does not respond to the claim.
5. The applicant plaintiff's costs and expenses of and incidental to this application be paid on the indemnity basis out of the LM Managed Performance Fund.

ORDER

Filed on behalf of the Plaintiff

Form 59 Rule 661

ME_144499765_2

MINTER ELLISON

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1 Eagle Street

BRISBANE QLD 4000

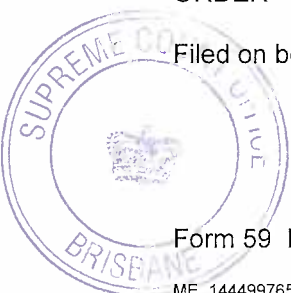
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Reference NYB DOB 1109005



6. If the plaintiff does not give notice in accordance with paragraph 3 by 31 January 2019 then the leave to proceed in paragraph 1 is withdrawn.
7. Liberty to apply on 3 clear days' notice.

Signed: ABUONANO
Deputy Registrar

