

SUPREME COURT OF QUEENSLAND

REGISTRY: BRISBANE
NUMBER: 11593/2013

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

AND

Second Applicant: **KORDAMENTHA PTY LTD ACN 100 169 391**

AND

Third Applicant: **CALIBRE CAPITAL LTD ACN 108 318 985**

AND

First Respondents: **JOHN RICHARD PARK AND GINETTE MULLER IN THEIR
CAPACITY AS LIQUIDATORS OF LM INVESTMENT
MANAGEMENT LIMITED (IN LIQUIDATION) ACN 077 208
461**

AND

Second Respondent: **LM INVESTMENT MANAGEMENT LIMITED (IN
LIQUIDATION) ACN 077 208 461**

AND

Third Respondent: **THE MEMBERS OF THE LM MANAGED PERFORMANCE
FUND**

APPLICATION

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

1. The applicants post the second affidavit of Simon Vertullo sworn 13 December 2013 in PDF form on the website "<http://www.kordamentha.com/creditor-information/australia/109>", by 4pm on 17 December 2013.
2. The applicants post:
 - (a) any further court documents to be filed by the Applicants in these proceedings;
and
 - (b) any orders made in respect of the Application;in PDF form on the website "<http://www.kordamentha.com/creditor-information/australia/109>", by 4pm on the next business day after such documents are filed in Court.

APPLICATION
Filed on Behalf of the Applicants
Form 5, Version 1
Uniform Civil Procedure Rules 1999
Rule 26

PIPER ALDERMAN:
Level 23, Governor Macquarie Tower
1 Farrer Place, SYDNEY NSW 2000
Phone No: (02) 9253 9999
Fax No: (02) 9253 9900
Ref: AKB.PS.386376

3. That service of:

- (a) the originating application filed 3 December 2013;
- (b) the affidavit of Simon Vertullo filed 13 December 2013;
- (c) the further affidavit of Simon Vertullo sworn 13 December 2013;
- (d) any further court documents to be filed by any party to these proceedings; and
- (e) any orders made in respect of the Application and not required to be served personally;

be deemed effected on each of the members of the Third Respondent five days after the applicants:

- (f) post such documents in PDF form on the website
"<http://www.kordamentha.com/creditor-information/australia/109>"; and
- (g) send an email to all the members of the Third Respondent at their last known email addresses, notifying them of the general nature of the Court documents and that the documents have been posted on that website.

4. The originating application filed 3 December 2013 be adjourned to the Civil List, to be heard from 10 to 12 February 2014.

5. That the applicants' costs of this application be paid from the assets of the LM Managed Performance Fund on an indemnity basis.

This application will be heard by the Court at Brisbane.
on: 17 December 2013 at 10 am

Filed in the Brisbane Registry on _____ :

Registrar: *(registrar to sign and seal)*

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 affidavits:

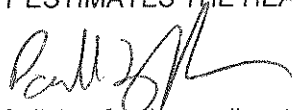
Affidavit of Simon Michael Vertullo to be sworn

Affidavit of Simon Michael Vertullo filed 13 December 2013.

Further affidavit of Simon Michael Vertullo sworn 13 December 2013.

THE APPLICANT ESTIMATES THE HEARING SHOULD BE ALLOCATED 30 minutes

Signed:



Description: Solicitor for the applicants

Dated: 16 December 2013

17

This application is to be served on:

The First and Second Respondents
c/o Russells Solicitors
Level 21, 300 Queen Street
Brisbane QLD 4000

APPLICATION

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