

Duplicate

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: 11917/15

Applicant

**KORDAMENTHA PTY LTD (ACN 100
169 391) AS TRUSTEE FOR THE LM
MANAGED PERFORMANCE FUND**

AND

Respondent

**THE MEMBERS OF THE LM
MANAGED PERFORMANCE FUND**

ORDER

Before: Justice Applegarth

Date: 27 November 2015

Initiating document: Originating Application filed 24 November 2015

THE ORDER OF THE COURT IS THAT:

1. Service of:

- (a) the originating application filed 24 November 2015;
- (b) the First Affidavit of Jarrod Villani to be sworn;
- (c) the Second Affidavit of Jarrod Villani filed 26 November 2015;
- (d) any further applications the applicant may file for approval of its remuneration; and
- (e) any orders made in respect of the originating application filed 24 November 2015 and not required to be served personally;

be deemed effected on the respondents five days after the applicant:

- (f) posts such documents in PDF format on the applicant's website on the page dedicated to the LM Managed Performance Fund ("**the MPF**") with the URL <http://www.kordamentha.com/creditor-information/australia/109> ("**the Website**"); and
- (g) either:



ORDER
Filed on Behalf of the Plaintiff
Form 59, Version 1
Uniform Civil Procedure Rules 1999
Rule 661

Name: Squire Patton Boggs
Address: NSW
Phone No:
Fax No:

- (i) sends an email to all members of the MPF at their last known email addresses, notifying them of the general nature of the Court documents and that the documents have been posted on the Website; or
 - (ii) in the circumstances set out in paragraph 2, sends a notice by pre-paid post to relevant members of the MPF.
2. Where the applicant receives a response to an email, such as an undeliverable message, that indicates the email referred to in paragraph 1(g)(i) was not received, and the applicant has a postal address for that MPF member, the applicant is to send a notice by pre-paid post to the postal address of the MPF member, which notifies them of the general nature of the Court documents and that the documents have been posted on the applicant's website.
3. The applicant is not required to take further steps to serve MPF members whose email addresses return permanent undeliverable receipts and for whom the applicant does not have a postal address.
4. The applicant's costs and expenses of and incidental to this application be paid on the indemnity basis from the funds of the MPF.
5. The originating application otherwise be adjourned to a date to be fixed.

Signed:

Abuavane
Deputy Registrar

