

Duplicate

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane  
NUMBER: 5329/15

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

**ORDER**

Before: Peter Lyons J

Date: 29 May 2015

Initiating document: Originating Application and Application filed 29 May 2015

THE ORDER OF THE COURT IS THAT:

1. The applicant serve the application for direction under section 96 of the Trust Act on unitholders of the Managed Performance Fund ("MPF") in accordance with this order.
2. By 4.00pm on 4 June 2015, the applicant is to email to the MPF unitholders a notice informing them that the applicant has applied ("**S 96 Application**") to this Honourable Court for directions under section 96 of the *Trusts Act 1973* (Qld) to prosecute Supreme Court Proceedings S8032/14 and S8034/14 against LM Investment Management Limited (Receivers and Managers Appointed) (In Liquidation) (ACN 077 208 461), and that they may view all substantive Court documents upon which the applicant intends to rely in support of its S 96



ORDER  
Filed on behalf of the applicant

MINTER ELLISON  
Waterfront Place  
1 Eagle Street  
BRISBANE QLD 4000  
DX 102 BRISBANE  
Telephone (07) 3119 6000  
Facsimile (07) 3119 1000  
Email  
david.obrien@minterellison.com  
Reference NYB DOB 407747729

Form 59 Rule 661

Application on the web-site whose address is:

<http://www.kordamentha.com/creditor-information/australia/109> (“Website”).

3. Where the applicant receives a response to an email that indicates the email was not received and the applicant has a postal address for any relevant MPF unitholder or unitholders, the applicant is to post the email to the postal address of the MPF unitholder.
4. Service of the originating application be deemed to be effective on each of the MPF unitholders as of 11 June 2015.
5. Before sending the emails referred to in paragraph 2 of this order, the applicant is to upload to the Website, copies of:
  - (a) the S 96 Application;
  - (b) the application within the S 96 Application for directions about service;
  - (c) the affidavit of Jarrod Villani to be filed in support of the application for directions about service;
  - (d) this order;
  - (e) the Claim and Statement of Claim filed in proceeding S8032/14;
  - (f) the Claim and Statement of Claim filed in proceeding S8034/14;
  - (g) the Statement or Statements of Facts drawn pursuant to section 96 (1) of the *Trusts Act* 1973 (Qld); and
  - (h) the substantive affidavits (including all the exhibits) that the plaintiff intends to rely upon in support of its S 96 Application.
6. Where the applicant proposes to rely on further material in support of its S 96 Application, it may serve that material by uploading the material to the website, sending letters to a postal address to unit holders to whom order 3 applies, and otherwise by email to the unitholders.

The applicant is not required to take further steps to serve MPF unitholders whose email addresses return permanent undeliverable receipts and for which the applicant does not have a postal address.



8. The applicant's costs and expenses of and incidental to its application for this order are reserved.
9. The applicant is to serve a copy of this order on LM Investment Management Limited (Receivers and Managers Appointed) (In Liquidation) (ACN 077 208 461).

Signed:

.....*Obwawana*.....

Deputy Registrar



Description: