



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD54/2023

**JOHN RICHARD PARK AND JOANNE EMILY DUNN IN THEIR CAPACITIES AS
JOINT AND SEVERAL DEED ADMINISTRATORS OF ELLUME LIMITED** and
another named in the schedule
Plaintiff

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 31 January 2023

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. Pursuant to s 447A of the *Corporations Act 2001* (Cth) and s 90-15 of the *Insolvency Practice Schedule (Corporations)* set out in Schedule 2 of the Corporations Act (**IPS**), that the first plaintiffs (**Deed Administrators**) would be justified in providing the explanatory statement annexed to the second affidavit of John Richard Park sworn 30 January 2023 (as amended to reflect these Orders) for distribution to each of the creditors and members of the second plaintiff, Ellume Limited (Subject to Deed of Company Arrangement) (ACN 141 767 660) (**Company**).
2. That the plaintiffs give notice to each of the creditors and members of the Company of:
 - (a) the originating process;
 - (b) the explanatory statement;
 - (c) the affidavits of John Richard Park sworn on 20 January 2023 and 30 January 2023; and
 - (d) the Orders made by the Court,within three business days of the date of these Orders, by the following methods:
 - (e) where the Deed Administrators have an email address for a creditor or member (including from the books and records maintained by the Company), by notifying each such creditor and member, via email attaching the explanatory statement and stating that the originating process, affidavits, annexures and



- orders are available at the website maintained by the Deed Administrators at <https://www.fticonsulting.com/creditors/ellume-limited>, or upon request;
- (f) where the Deed Administrators do not have an email address for a creditor or member (or have received notification of non-delivery of a notice sent by email in accordance with sub-paragraph (e) above) but the Deed Administrators have a postal address for that creditor or member (including from the books and records maintained by the Company), by sending the a letter to each such creditor or member, via post, enclosing a copy of the explanatory statement and stating that the originating process, affidavits, annexures and orders are available at the website maintained by the Deed Administrators at <https://www.fticonsulting.com/creditors/ellume-limited>, or upon request; and
- (g) by placing scanned, sealed copies of the materials listed in sub-paragraphs (a)-(d) on the website maintained by the Deed Administrators at <https://www.fticonsulting.com/creditors/ellume-limited>.
3. Any interested person wishing to appear at the hearing of this application is to file and serve on the plaintiffs and the Australian Securities and Investments Commission a notice of appearance in the prescribed form and indicating the grounds of opposition by 4.00 pm on 13 February 2023.
 4. Any interested person who is entitled to oppose this application pursuant to s 444GA(2) of the Corporations Act may apply to be joined as a respondent to this application by no later than 4.00 pm on 13 February 2023.
 5. The plaintiffs are to file any further evidence upon which they intend to rely on the application, including any supplementary affidavits deposing as to any correspondence or communications received by the Deed Administrators and written submissions, from any interested person who is entitled to oppose this application pursuant to s 444GA(2) of the Corporations Act and any responsive correspondence or communication from the Deed Administrators and their submissions, not exceeding ten pages in length, by 4.00 pm on 17 February 2023.
 6. Subject to Order 7 below, this application be listed for hearing before the Commercial and Corporations Duty Judge on 22 February 2023 at 10.15 am.
 7. If it is anticipated that the hearing will take more than half a day the plaintiffs are to approach the Chambers of the Commercial and Corporations Duty Judge for the



purposes of determining whether there will need to be any change to the hearing date or, subject to the attitude of any interested persons, to list the proceeding for case management hearing.

Date that entry is stamped: 31 January 2023

Sia Lagos
Registrar



Schedule

No: NSD54/2023

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Second Plaintiff

ELLUME LIMITED (SUBJECT TO DEED OF COMPANY
ARRANGEMENT) (ACN 141 767 660)