



Federal Court of Australia
District Registry: Victoria
Division: General

No: VID 505/2019

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MERLIN DIAMONDS LIMITED
Defendant

ORDER

JUDGE: JUSTICE O'BRYAN

DATE OF ORDER: 17 October 2019

WHERE MADE: Melbourne

NOTE: For the purposes of this Order, “Opposing Shareholders” means the first to thirteenth interested persons who have informed the Court and the plaintiff that they wish to be heard in opposition to the application filed by the plaintiff for the appointment of a liquidator to the defendant (“**Application**”).

THE COURT ORDERS BY CONSENT THAT:

1. The Application be set down for hearing on 10 March 2020 on an estimate of 3 days.
2. There is to be a further case management hearing on 31 January 2020.
3. By 4:00pm on 22 November 2019, the plaintiff must:
 - a. file and serve any material on which it relies; and
 - b. deliver to the Opposing Shareholders a list of the documents it proposes to tender at the hearing.
4. By 4:00pm on 6 December 2019 the Opposing Shareholders must:
 - a. file and serve any material on which they intend to rely; and
 - b. deliver to the plaintiff a list of documents they intend to tender at the hearing, which are additional to those identified in paragraph 3(b).



5. By 4:00pm on 20 December 2019, the plaintiff must:
 - a. file and serve any material in reply; and
 - b. deliver to the Opposing Shareholders a list of the documents proposed to be tendered at the hearing, which are additional to those identified in paragraphs 3(b) and 4(b).
6. On or before 31 January 2020, the plaintiff and the Opposing Shareholders must serve a list of any objections to evidence (and brief reasons for the objections).
7. The plaintiff and the Opposing Shareholders must confer with a view to resolving any evidentiary objections and, on or before 14 February 2020, must file a joint list of any evidentiary objections which remain unresolved.
8. The Court will endeavour to deal with those objections in Chambers and notify the plaintiff and the Opposing Shareholders of its decisions before the commencement of the trial.
9. The plaintiff is to file and serve its written opening by no later than 4:00pm on 21 February 2020.
10. The written opening of the Opposing Shareholders is to be filed and served by no later than 4:00pm on 28 February 2020.
11. On or before 28 February 2020, the plaintiff file a copy of the Court Book in electronic form, which:
 - a. is produced in a text-recognised PDF format;
 - b. is paginated sequentially throughout;
 - c. is divided into volumes such that each volume is contained within a single PDF file and the file name of each PDF file is the volume number; and
 - d. each PDF file contains electronic bookmarks to each document in that file.
12. There is liberty to apply.
13. Costs are reserved.



Date that entry is stamped: 17 October 2019

Warrick Soden
Registrar



Schedule

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Supporting Creditor	ONSITE RENTAL GROUP OPERATIONS PTY LTD ACN 126 102 485
Interested Person	CHAYA REICHER
Second Interested Person	MENACHEM REICHER
Third Interested Person	MOSNOW PTY LTD
Third Interested Person	MOSNOW PTY LTD
Fourth Interested Person	RESNIK HOLDINGS PTY LTD
Fifth Interested Person	BETZALEL REICHER
Sixth Interested Person	Y.A.D INVESTMENTS PTY LTD
Seventh Interested Person	MENACHEM ENGEL
Eighth Interested Person	MORDEL INVESTMENTS PTY LTD
Ninth Interested Person	SHOLOM ENGEL
Tenth Interested Person	EMSHAR PTY LTD
Eleventh Interested Person	GERSH PTY LTD
Twelfth Interested Person	INTANTO PTY LTD
Thirteenth Interested Person	M&CS ROTH FAMILY TRUST