

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 12/12/2019 3:18:15 PM AWST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

| | |
|----------------------------|--|
| Document Lodged: | Interlocutory process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 3 |
| File Number: | WAD481/2018 |
| File Title: | AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v CHRIS MARCO & ORS |
| Registry: | WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA |
| Reason for Listing: | Interlocutory Hearing |
| Time and date for hearing: | 17/12/2019, 10:15 AM |
| Place: | Please check Daily Court List for details |



Sia Lagos

Dated: 12/12/2019 4:15:09 PM AWST

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



INTERLOCUTORY PROCESS

Federal Court of Australia

No WAD 481 of 2018

District Registry: Western Australia

Division: General

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

and

CHRIS MARCO and the others named in the Schedule

First Defendant

A. DETAILS OF APPLICATION

This application is made under rule 8.21 of the Federal Court Rules (FCR), section 1101B(5) of the *Corporations Act 2001* (Cth) (*Corporations Act*), section 23 of the *Federal Court of Australia Act 1976* (Cth) (*FCA*) and the implied/inherent jurisdiction of the Court.

On the facts stated in the supporting affidavits of Whee-Jong Lim sworn on 12 December 2019, Richard Gomm sworn on 12 December 2019, Richard Nguyen sworn on 12 December 2019, Bernard Iriks sworn on 12 December 2019 and Michaela Giubilato sworn on 12 December 2019 and such further and other affidavits as may be filed and read, the plaintiff, the Australian Securities and Investments Commission applies for the following relief:

Leave to amend originating process

1. Pursuant to rule 8.21 of the FCR, the plaintiff has leave to file and serve an amended originating process in the form of the proposed amended originating process

| | |
|---|---|
| Filed on behalf of (name & role of party) | Australian Securities & Investments Commission, Plaintiff |
| Prepared by (name of person/lawyer) | Ingrid McCormick, Litigation Counsel |
| Law firm (if applicable) | |
| Tel 0481 400 447 | Fax (08) 9261 4227 |
| Email | ingrid.mccormick@asic.gov.au |
| Address for service (include state and postcode) | Level 1, 11 Mounts Bay Road, Perth WA 6000 Attention: Ingrid McCormick |



attached to the Schedule and marked as annexure "WJL99" to the affidavit of Whee-Jong Lim sworn 12 December 2019.

The Receiver orders – the first defendant

2. An order pursuant to section 1101B(5) of the *Corporations Act*, that until further order, a suitable person (**Individual Receiver**) be appointed as receiver or trustee, without security, of the property (as defined in the *Corporations Act*), whether within or outside the State of Western Australia, of the first defendant (**Individual Property**).
3. The Individual Receiver have, in respect of the Individual Property, the following powers:
 - (a) the power to do all things necessary or convenient to be done for or in connection with, or as incidental to, the identification, preservation and securing of all of the Individual Property for the benefit of potential creditors; and
 - (b) without limiting the generality of the power in the preceding sub-paragraph, the power to enter into possession and take control of the Individual Property to the extent that the exercise of the power is reasonably necessary to achieve the purposes set out in the preceding sub-paragraph.
4. The preceding powers shall not extend to the sale, letting or encumbering of the Individual Property without prior leave of the Court or the consent of the first defendant.
5. An order that the Individual Receiver shall, within 60 days of his or her appointment, or such other time as the Court considers appropriate, provide to the Court and the parties a report as to the receivership of the first defendant, including:
 - (a) the identification of the assets and liabilities of the first defendant;
 - (b) an opinion as to the solvency of the first defendant;
 - (c) the likely return to creditors, including investors, in the event that any scheme operated by the first defendant were to be wound up;



- (d) any other information necessary to enable the financial position of the first defendant to be assessed; and
 - (e) any suspected contravention of the *Corporations Act* by the first defendant.
6. In addition to the powers conferred upon him or her by order 3 above, the Individual Receiver has the power to investigate and report on the matters set out in paragraph 5 of this order.
7. An order that the Individual Receiver's reasonable costs and expenses be payable from the Individual Property.

The Receiver orders – the second and third defendants

8. An order pursuant to section 1101B(5) of the *Corporations Act*, that until further order, a suitable person (**Corporate Receiver**) be appointed as receiver or receiver and manager, without security, of the property (as defined in the *Corporations Act*), whether within or outside the State of Western Australia, of the second and third defendants (**Corporate Property**).
9. The Corporate Receiver have, in respect of the Corporate Property, the following powers:
- (a) the power to do all things necessary or convenient to be done for or in connection with, or as incidental to, the identification, preservation and securing of all of the Corporate Property for the benefit of potential creditors;
 - (b) without limiting the generality of the power in the preceding sub-paragraph, the power to enter into possession and take control of the Corporate Property to the extent that the exercise of the power is reasonably necessary to achieve the purposes set out in the preceding sub-paragraph; and
 - (c) without limiting the generality of the power in sub-paragraph (a) above, the powers set out in sections 420(1), 420(2)(a), 420(2)(e), 420(2)(f), 420(2)(g), 420(2)(k), 420(2)(n), 420(2)(p), 420(2)(q), 420(2)(r), 420(2)(t) and 420(2)(u) of the *Corporations Act*.



10. The preceding powers shall not extend to the sale, letting or encumbering of the Corporate Property without prior leave of the Court or the consent of the owner of such property.
11. An order that the Corporate Receiver shall, within 60 days of his or her appointment, or such other time as the Court considers appropriate, provide to the Court and the parties a report as to the receivership of the second defendant and third defendant, including:
 - (a) the identification of the assets and liabilities of each of the second defendant and third defendant;
 - (b) an opinion as to the solvency of each of the second defendant and third defendant;
 - (c) the likely return to creditors, including investors, in the event that each of the second defendant and third defendant were to be wound up;
 - (d) any other information necessary to enable the financial position of the second defendant and third defendant to be assessed;
 - (e) any suspected contravention of the *Corporations Act* by the second defendant or third defendant; and
 - (f) any suspected contravention of the *Corporations Act* by the directors and officers of the second defendant or third defendant.
12. In addition to the powers conferred upon him or her by order 9 above, the Corporate Receiver has the power to investigate and report on the matters set out in paragraph 11 of this order.
13. An order that the Corporate Receiver's reasonable costs and expenses be payable from the Corporate Property.

Notice of orders to third parties

14. To the extent necessary, the plaintiff has leave to give to:



- (a) the relevant authorities (domestic and overseas) that record, control and regulate the ownership of real property;
- (b) the relevant authorities (domestic and overseas) that record, control and regulate the ownership of motor vehicles;
- (d) any bank, building society or other financial institution (domestic and overseas) with which, to the best of the plaintiff's knowledge and belief, any defendant operates any account; and
- (e) any other person or entity (domestic and overseas) holding or controlling property, which, to the best of the plaintiff's knowledge and belief, belongs to the any defendant,

notice of these orders, by delivering a copy of a minute of the orders to that entity or person and/or any person apparently in the employ of that entity or person.

General orders

- 15. An order that the defendants pay the plaintiff's costs of, and incidental to, this interlocutory process, and the costs be taxed and reimbursed out of the property of the defendants.
- 16. An order that there be liberty to any party to apply to the Court on 48 hours' notice.
- 17. Such further and other orders as the Court thinks fit.

Date: 12 December 2019

A handwritten signature in blue ink, appearing to read "Ingrid McCormick", is written over a horizontal dotted line.

Ingrid McCormick

Solicitor for the Australian Securities and Investments Commission

This application will be heard by _____ at the Federal Court of Australia at Peter
 Durack Commonwealth Law Courts Building, 1 Victoria Avenue, Perth, Western Australia
 at _____ am/pm on _____ 2020.

**B. NOTICE TO THE DEFENDANTS**

TO: Chris Marco

AT: 90 Kalgoorlie Street, Mount Hawthorn, WA, 6016

TO: AMS Holdings (WA) Pty Ltd (ACN 164 700 485)

AT: 90 Kalgoorlie Street, Mount Hawthorn, WA, 6016

TO: AMS Holdings (WA) Pty Ltd (ACN 164 700 485) as trustee for AMS Holdings Trust

AT: 90 Kalgoorlie Street, Mount Hawthorn, WA, 6016

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence. As soon after that time as the business of the Court will allow, any of the following may happen:

- (a) the application may be heard and final relief given;
- (b) directions may be given for the future conduct of the proceeding;
- (c) any interlocutory application may be heard.

Before appearing before the Court, you must file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff.

Note: Unless the Court otherwise orders, a defendant that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

C. FILING

This interlocutory process is filed by Ingrid McCormick for the plaintiff.

D. SERVICE

The plaintiff's address for service is:

Australian Securities and Investments Commission
Level 1, 11 Mounts Bay Road
PERTH WA 6000

It is intended to serve a copy of this interlocutory process on the defendants.



No. WAD 481 of 2018

Federal Court of Australia
District Registry: Western Australia
Division: General

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

and

CHRIS MARCO and others in the Schedule

First Defendant

Schedule

AMS HOLDINGS (WA) PTY LTD (ACN 164 700 485)

Second Defendant

**AMS HOLDINGS (WA) PTY LTD (ACN 164 700 485)
AS TRUSTEE FOR AMS HOLDINGS TRUST**

Third Defendant

Federal Court of Australia



District Registry: Western Australia

Division: General

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

and

CHRIS MARCO and others in the Schedule

First Defendant

Schedule



AMENDED ORIGINATING PROCESS

Federal Court of Australia

No WAD 481 of 2018

District Registry: Western Australia

Division: General

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

and

CHRIS MARCO and others in the Schedule

First Defendant

A. DETAILS OF APPLICATION

This application is made under sections 461(1)(k), 464, 601ED(5), 601EE, 911A, 1101B(1), 1323 and 1324 of the *Corporations Act 2001* (Cth) (***Corporations Act***), section 21, 23 and 43 of the *Federal Court of Australia Act 1976* (Cth) (***FCA***) and the implied/inherent jurisdiction of the Court.

For the purposes of this application the term “the Scheme” means the Scheme as referred to and described in the affidavit of Whee-Jong Lim sworn 12 December 2019.

The relief sought includes orders for the appointment of a Trustee, Receiver or Receiver and Manager to the property of the defendants, asset preservation and disclosure orders against each of the defendants and other orders and by way of final relief the appointment of a liquidator to wind-up the Scheme, corrective advertising and the appointment of a liquidator to wind-up the second defendant and the AMS Holdings Trust.

| | | | |
|---|---|-----|----------------|
| Filed on behalf of (name & role of party) | Australian Securities & Investments Commission, Plaintiff | | |
| Prepared by (name of person/lawyer) | Ingrid McCormick, Litigation Counsel | | |
| Law firm (if applicable) | | | |
| Tel | 0481 400 447 | Fax | (08) 9261 4227 |
| Email | ingrid.mccormick@asic.gov.au | | |
| Address for service (include state and postcode) | Level 1, 11 Mounts Bay Road, Perth WA 6000 Attention: Ingrid McCormick | | |



On the facts stated in the supporting affidavits of Sarah Anne Diamond sworn 29 October 2018, Whee-Jong Lim sworn on 12 December 2019, Richard Gomm sworn on 12 December 2019, Richard Nguyen sworn on 12 December 2019, Bernard Iriks sworn on 12 December 2019 and Michaela Giubilato sworn on 12 December 2019 and such further and other affidavits as may be filed and read;

the plaintiff alleges that each of the defendants contravened:

- (a) section 911A of the *Corporations Act* in that each carried on a financial services business in Western Australia without holding an Australian financial services licence;
- (b) section 601ED of the *Corporations Act* in that each operated an unregistered managed investment scheme in Western Australia which had more than 20 members and was required to be registered under section 601EB of the *Corporations Act*.

Accordingly, the plaintiff, the Australian Securities and Investments Commission, applies for the following relief:

The Receiver orders – the First Defendant

1. An order pursuant to section 1323(1)(h)(i) of the *Corporations Act*, that until further order, a suitable person (**Individual Receiver**) be appointed as receiver or trustee, without security, of the property (as defined in the *Corporations Act*), whether within or outside the State of Western Australia, of the first defendant (**Individual Property**).
2. The Individual Receiver have, in respect of the Individual Property, the following powers:
 - (a) the power to do all things necessary or convenient to be done for or in connection with, or as incidental to, the identification, preservation and securing of all of the Individual Property for the benefit of potential creditors;
 - (b) without limiting the generality of the power in the preceding sub-paragraph, the power to enter into possession and take control of the Individual Property to the extent that the exercise of the power is reasonably necessary to achieve the purposes set out in the preceding sub-paragraph.



3. The preceding powers shall not extend to the sale, letting or encumbering of the Individual Property without prior leave of the Court or the consent of the first defendant.
4. An order that the Individual Receiver's reasonable costs and expenses be payable from the Individual Property.

The Receiver orders – the Second & Third Defendants

5. An order pursuant to section 1323(1)(h)(ii) of the *Corporations Act*, that until further order, a suitable person (**Corporate Receiver**) be appointed as receiver or receiver and manager, without security, of the property (as defined in the *Corporations Act*), whether within or outside the State of Western Australia, of the second and third defendants (**Corporate Property**).
6. The Corporate Receiver have, in respect of the Corporate Property, the following powers:
 - (a) the power to do all things necessary or convenient to be done for or in connection with, or as incidental to, the identification, preservation and securing of all of the Corporate Property for the benefit of potential creditors;
 - (b) without limiting the generality of the power in the preceding sub-paragraph, the power to enter into possession and take control of the Corporate Property to the extent that the exercise of the power is reasonably necessary to achieve the purposes set out in the preceding sub-paragraph; and
 - (c) without limiting the generality of the power in sub-paragraph (a) above, the powers set out in sections 420(1), 420(2)(a), 420(2)(e), 420(2)(f), 420(2)(g), 420(2)(k), 420(2)(n), 420(2)(p), 420(2)(q), 420(2)(r), 420(2)(t) and 420(2)(u) of the *Corporations Act*.
7. The preceding powers shall not extend to the sale, letting or encumbering of the Corporate Property without prior leave of the Court or the consent of the owner of such property.
8. An order that the Corporate Receiver's reasonable costs and expenses be payable from the Corporate Property.



The asset preservation orders

9. Further, or alternatively, to the orders sought in paragraphs 1 to 8 above, but subject to the terms of paragraph 10 below, an order pursuant to section 1323(1), alternatively section 1323(3), of the *Corporations Act* and section 23 of the *FCA* that, until further order, the defendants, by themselves and their servants, agents and employees be restrained from:
 - (a) removing, or causing or permitting to be removed from Australia all or any of the Individual Property or the Corporate Property;
 - (b) selling, charging, mortgaging or otherwise dealing with, disposing of and/or diminishing the value of all or any of the Individual Property or the Corporate Property;
 - (c) causing or permitting to be sold, charged, mortgaged or otherwise dealt with, disposed of, or diminished in value, all or any of the Individual Property or the Corporate Property;
 - (d) without limiting the terms of sub-paragraphs (a) to (c) above, incurring new liabilities including, without limitation, liabilities incurred either directly or indirectly, through the use of a credit card, a credit facility, a drawdown facility or a re-draw facility; and
 - (e) without limiting the terms of sub-paragraphs (a) to (d) above, withdrawing, transferring or otherwise disposing of or dealing with, any monies available in any account with any bank, building society or other financial institution (in Australia or elsewhere), in which the defendants have any legal or equitable interest.
10. An order that the orders sought in the preceding paragraph, shall not prevent:
 - (a) the first defendant from paying or otherwise incurring a liability for ordinary living expenses up to \$800 per week or such greater sum as may be set by the Court;



- (b) the second and third defendants from paying or otherwise incurring a liability for ordinary operating expenses up to \$800 per week or such greater sum as may be set by the Court;
- (c) the defendants from paying or otherwise incurring a liability for costs reasonably incurred in these proceedings and any criminal proceedings arising from the plaintiff's investigation into the affairs of the defendants; and
- (d) any bank, building society or financial institution from exercising any right of set-off which it may have in respect of a facility afforded by it to the defendants prior to the date of this order.

Disclosure orders

11. Except to the extent that a claim of privilege against self-incrimination or civil penalty privilege is made, an order that each of the defendants deliver or cause to be delivered to the plaintiff by the time nominated by the Court, a full and detailed affidavit sworn by each of them setting out:
 - (a) the name and address of any bank, building society or other financial institution at which there is an account in the name of or under the control of the relevant defendant, together with the number of such account, the name of such account and the balance of that account;
 - (b) the name and address of any person or persons indebted to the relevant defendant and the amount of the indebtedness;
 - (c) an itemised inventory of the relevant defendant's assets and liabilities;
 - (d) an itemised inventory of any and all property (as defined in the *Corporations Act*) whether real or personal owned or controlled by the relevant defendant or in which the relevant defendant has any legal or beneficial interest;
 - (e) in respect of any of the property (as defined in the *Corporations Act*) of the relevant defendant which has been given as security for any debt or liability, the details of that property and the nature of the security and the debt or liability so incurred; and



- (f) the sources and amount of any income, wages, earnings or other payments:
 - (i) received by the relevant defendant in the 18 months preceding the date on which this order is made; and
 - (ii) expected to be received by the relevant defendant in the 12 months following the date on which this order is made.

12. An order that in the event that a defendant wishes to object that compliance with the order sought in paragraph 11 above may tend to incriminate that defendant or make that defendant liable to a civil penalty, that defendant must, in accordance with section 128A of the *Evidence Act 1995* (Cth):

- (a) prepare, file and serve on the plaintiff an affidavit disclosing so much of the information required to be disclosed by paragraph 11 to which no objection is taken;
- (b) prepare an affidavit containing so much of the information required to be disclosed by paragraph 11 to which objection is taken and deliver it to the Court in a sealed envelope; and
- (c) prepare, file and serve on the plaintiff a separate affidavit setting out the basis of the objection.

Notice of orders to third parties

13. To the extent necessary, the plaintiff has leave to give to:

- (a) the relevant authorities (domestic and overseas) that record, control and regulate the ownership of real property;
- (b) the relevant authorities (domestic and overseas) that record, control and regulate the ownership of motor vehicles;
- (d) any bank, building society or other financial institution (domestic and overseas) with which, to the best of the plaintiff's knowledge and belief, any defendant operates any account; and



- (e) any other person or entity (domestic and overseas) holding or controlling property, which, to the best of the plaintiff's knowledge and belief, belongs to any defendant,

notice of these orders, by delivering a copy of a minute of the orders to that entity or person and/or any person apparently in the employ of that entity or person.

General orders

14. An order that the defendants pay the plaintiff's costs of, and incidental to, this originating process, and the costs be taxed and reimbursed out of the property of the defendants.
15. An order that there be liberty to any party to apply to the Court on 48 hours' notice.
16. Such further and other orders as the Court thinks fit.

BY WAY OF FINAL RELIEF, the plaintiff seeks the following declarations, injunctions and other relief and orders:

Declarations

17. A declaration that each of the defendants by investing client's funds with the intention of generating a financial return contravened the provisions of section 911A of the *Corporations Act* in that each carried on a financial services business without holding an Australian Financial Services Licence.
18. A declaration that each of the defendants operated an unregistered management scheme (Scheme), in contravention of section 601ED(5) of the *Corporations Act* in circumstances where the scheme was required to be registered under section 601EB of the *Corporations Act*.

Receiver orders

19. An order pursuant to section 1101B(1) of the *Corporations Act*, that until further order, a suitable person (**Individual Receiver**) be appointed as receiver or trustee, without security, of the property (as defined in the *Corporations Act*), whether within or outside the State of Western Australia, of the first defendant (**Individual Property**).



20. The Individual Receiver have, in respect of the Individual Property, the following powers:
- (a) the power to do all things necessary or convenient to be done for or in connection with, or as incidental to, the identification, preservation and securing of all of the Individual Property for the benefit of potential creditors;
 - (b) without limiting the generality of the power in the preceding sub-paragraph, the power to enter into possession and take control of the Individual Property to the extent that the exercise of the power is reasonably necessary to achieve the purposes set out in the preceding sub-paragraph.
21. The preceding powers shall not extend to the sale, letting or encumbering of the Individual Property without prior leave of the Court or the consent of the first defendant.
22. An order that the Individual Receiver's reasonable costs and expenses be payable from the Individual Property.
23. An order pursuant to section 1101B(1) of the *Corporations Act*, that until further order, a suitable person (**Corporate Receiver**) be appointed as receiver or receiver and manager, without security, of the property (as defined in the *Corporations Act*), whether within or outside the State of Western Australia, of the second and third defendants (**Corporate Property**).
24. The Corporate Receiver have, in respect of the Corporate Property, the following powers:
- (a) the power to do all things necessary or convenient to be done for or in connection with, or as incidental to, the identification, preservation and securing of all of the Corporate Property for the benefit of potential creditors;
 - (b) without limiting the generality of the power in the preceding sub-paragraph, the power to enter into possession and take control of the Corporate Property to the extent that the exercise of the power is reasonably necessary to achieve the purposes set out in the preceding sub-paragraph; and



- (c) without limiting the generality of the power in sub-paragraph (a) above, the powers set out in sections 420(1), 420(2)(a), 420(2)(e), 420(2)(f), 420(2)(g), 420(2)(k), 420(2)(n), 420(2)(p), 420(2)(q), 420(2)(r), 420(2)(t) and 420(2)(u) of the *Corporations Act*.
25. The preceding powers shall not extend to the sale, letting or encumbering of the Corporate Property without prior leave of the Court or the consent of the owner of such property.
26. An order that the Corporate Receiver's reasonable costs and expenses be payable from the Corporate Property.

Winding up

27. An order pursuant to section 601EE of the *Corporations Act* that the Scheme be wound up and a liquidator be appointed for the purposes of winding up the Scheme.
28. An order pursuant to section 461(1)(k) of the *Corporations Act* that the second defendant be wound up and a liquidator be appointed for the purposes of winding up the second defendant and the AMS Holdings Trust.

Refund of investor funds

29. An order pursuant to section 1324 of the *Corporations Act* that each of the defendants refund the total amount of principal invested by each investor in the Scheme and further or in the alternative invested with the first defendant personally, together with all undistributed returns due or payable to them as of the date of these orders, less the total amount of principal, if any, returned to each of them prior to the date of these orders.

Injunctions

30. Final injunctions pursuant to section 1324 of the *Corporations Act* that the first defendant be permanently restrained from:
- (a) carrying on a financial services business in Australia without holding an Australian financial services licence covering the provision of the financial services; and



- (b) operating an unregistered managed investment scheme in contravention of section 601ED(5) of the *Corporations Act*.

Publication orders

31. Orders pursuant to s 1324B of the *Corporations Act* that the first defendant shall within 5 days of the date of these orders cause to be published in The West Australian newspaper a notice in a form to be approved by the Court and further he should take all reasonable steps to ensure that the advertisement shall be:
- (a) of a size not less than 10 cm x 15 cm;
 - (b) in text which is in a font size not less than 12 point and Times New Roman font type (or equivalent);
 - (c) within the first 7 pages of the newspaper; and
 - (d) published once per week over three consecutive weeks with the first advertisement appearing within 5 days of the making of these orders.

Other Orders

32. Costs.
33. Such further or other orders as the Court considers appropriate.

Date: 29 October 2018 12 December 2019

.....
Ingrid McCormick

Solicitor for the Australian Securities and Investments Commission

This application will be heard by _____ at the Federal Court of Australia at Peter
Durack Commonwealth Law Courts Building, 1 Victoria Avenue, Perth, Western Australia
at _____ am/pm on 2018-2020.



B. NOTICE TO THE DEFENDANTS

TO: Chris Marco

AT: 90 Kalgoorlie Street, Mount Hawthorn, WA, 6016

TO: AMS Holdings (WA) Pty Ltd (ACN 164 700 485)

AT: 90 Kalgoorlie Street, Mount Hawthorn, WA, 6016

TO: AMS Holdings (WA) Pty Ltd (ACN 164 700 485) as trustee for AMS Holdings Trust

AT: 90 Kalgoorlie Street, Mount Hawthorn, WA, 6016

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence. As soon after that time as the business of the Court will allow, any of the following may happen:

- (a) the application may be heard and final relief given;
- (b) directions may be given for the future conduct of the proceeding;
- (c) any interlocutory application may be heard.

Before appearing before the Court, you must file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff.

Note: Unless the Court otherwise orders, a defendant that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

C. FILING

Date of filing: ~~October 2018~~ December 2019

.....
By the Court

This amended originating process is filed by Ingrid McCormick for the plaintiff.

**D. SERVICE**

The plaintiff's address for service is:

Australian Securities and Investments Commission
Level 1, 11 Mounts Bay Road
PERTH WA 6000

It is intended to serve a copy of this amended originating process on the defendants.

~~The time by which a copy of this originating process is to be served has been abridged by
order made by _____ on _____ October 2018 to~~



No. WAD 481 of 2018

Federal Court of Australia
District Registry: Western Australia
Division: General

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

and

CHRIS MARCO and others in the Schedule

First Defendant

Schedule

AMS HOLDINGS (WA) PTY LTD (ACN 164 700 485)

Second Defendant

**AMS HOLDINGS (WA) PTY LTD (ACN 164 700 485)
AS TRUSTEE FOR AMS HOLDINGS TRUST**

Third Defendant