



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1099/2020

**AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION** and another/others  
named in the schedule  
Plaintiff

**DAVID MURPHY** and another/others named in the schedule  
Defendant

### **ORDER**

**JUDGE:** JUSTICE JAGOT

**DATE OF ORDER:** 27 April 2021

**WHERE MADE:** Sydney

#### **BY CONSENT, THE COURT ORDERS THAT:**

1. Pursuant to s 1324(1) of the *Corporations Act 2001* (Cth):
  - (a) the third, fourth and fifth defendants be restrained whether by themselves, their servants, agents or employees from carrying on or promoting or providing referrals to any business associated with the first defendant or the second defendant, including any business under the business name “Debts Knockout” or “Debt Wipeout” or any other name, whereby:
    - (i) individuals or businesses with a loan or debt provide, or are encouraged to provide, an amount (or other consideration) to any person (or their servants, agents or employees); and
    - (ii) such person purports to make a non-cash payment in discharge (whether in whole or in part) of the loan or debt.
2. The proceedings against the third, fourth and fifth defendants otherwise be dismissed with no order as to costs.



Date that entry is stamped: 27 April 2021

*Sia Lagos*  
Registrar



**Schedule**

No: NSD1099/2020

Federal Court of Australia  
District Registry: New South Wales  
Division: General

Plaintiff	AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION
Second Defendant	ANASTASIOS MAVROULIS
Third Defendant	KEWA RUWHIU
Fourth Defendant	MATHEW RUWHIU
Fifth Defendant	DEBTS KNOCKOUT PTY LTD ACN 638 239 988



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named in the schedule  
Plaintiff

**DAVID MURPHY** and another/others named in the schedule  
Defendant

### **ORDER**

**JUDGE:** JUSTICE JAGOT

**DATE OF ORDER:** 27 April 2021

**WHERE MADE:** Sydney

#### **THE COURT ORDERS THAT:**

##### **Evidence**

1. The plaintiff file and serve any further affidavits of lay witnesses by 7 May 2021.
2. Subject to the making of any claim of privilege against self-incrimination or civil penalty privilege, the defendants file and serve any further affidavits of lay witnesses by 28 May 2021.
3. The plaintiff file and serve any affidavits of its lay witnesses in reply by 11 June 2021.

##### **Case management hearing**

4. The proceeding be listed for a Case Management Hearing at 9.30am on 15 June 2021.

##### **Subpoenas**

5. The plaintiff has leave to issue subpoenas to the following persons:
  - (a) Ms Waltraud Lapse;
  - (b) Mr Roderic Byrnes;



- (c) Ms Sophie Ujdur;
- (d) Mr Henry Fay;
- (e) Ms Rebecca Dunwell;
- (f) Mr Christopher Cooper;
- (g) OnDeck Capital Australia Pty Ltd;
- (h) Commonwealth Bank of Australia;
- (i) Australia and New Zealand Banking Group Limited;
- (j) AAI Limited; and
- (k) BMW Australia Finance Limited,

for production of the categories of documents set out in **Annexure A** to these orders, to be made returnable before a Registrar of the Court not less than 21 days after service of the subpoena.

**Other orders**

- 6. Liberty to restore on 2 days' notice.
- 7. Costs reserved.

Date that entry is stamped: 27 April 2021

*Sia Lagos*  
Registrar



**Schedule**

No: NSD1099/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Plaintiff                    AUSTRALIAN SECURITIES AND INVESTMENTS  
COMMISSION

Second Defendant        ANASTASIOS MAVROULIS

## Annexure A: Categories for Subpoenas

No	Addressee	Categories
1.	Mr Roderic Byrnes	<p>The documents and things you must produce are as follows:</p> <ol style="list-style-type: none"> <li>1. All correspondence between you and David Murphy or Debt Wipeout for the period from 1 January 2019 to date;</li> <li>2. All correspondence between David Murphy or Debt Wipeout and OnDeck Capital Australia Pty Ltd (OnDeck Australia) or the Commonwealth Bank of Australia from 1 November 2019 to date; and</li> <li>3. All correspondence between you and OnDeck Australia or the Commonwealth Bank of Australia, excluding bank statements, for the period 1 January 2019 to date.</li> </ol>
2.	Mr Henry Fay	<p>The documents and things you must produce are as follows:</p> <ol style="list-style-type: none"> <li>1. All correspondence between you and David Murphy or Debt Wipeout for the period from 1 January 2019 to date;</li> <li>2. All correspondence between David Murphy or Debt Wipeout and ANZ Banking Corporation or Gadens Lawyers for the period 1 January 2019 to date; and</li> <li>3. All correspondence between you and ANZ Banking Corporation (excluding bank statements) or Gadens Lawyers for the period 1 January 2019 to date.</li> </ol>
3.	Ms Waltraud Lapse	<p>The documents and things you must produce are as follows:</p> <ol style="list-style-type: none"> <li>1. All correspondence between you and David Murphy or Debt Wipeout for the period from 1 January 2020 to date;</li> <li>2. All correspondence between David Murphy or Debt Wipeout and the Commonwealth Bank of Australia or Dentons or Karen Guazzelli for the period 1 January 2020 to date; and</li> <li>3. All correspondence between you and the Commonwealth Bank of Australia (excluding bank statements) or Dentons or Karen Guazzelli for the period 1 January 2020 to date.</li> </ol>
4.	Ms Sophie Ujdur	<p>The documents and things you must produce are as follows:</p> <ol style="list-style-type: none"> <li>1. All correspondence between you, David Murphy or Debt Wipeout for the period from 1 January 2019 to date;</li> <li>2. All correspondence between you and Suncorp, AAI Limited t/as GIO or Ligeti Partners for the period from 1 January</li> </ol>

No	Addressee	Categories
		<p>2019 to date;</p> <p>3. All correspondence between David Murphy or Debt Wipeout and Suncorp, AAI Limited t/as GIO or Ligeti Partners for the period from 1 January 2019 to date;</p> <p>4. All correspondence between you and Greg Marsh for the period 1 January 2019 to date; and</p> <p>5. All correspondence between Greg Marsh and David Murphy for the period 1 January 2019 to date.</p>
5.	Ms Rebecca Dunwell	<p>1. All correspondence between you and David Murphy or Debt Wipeout for the period from 1 January 2019 to date.</p>
6.	Mr Christopher Cooper	<p>1. All correspondence between you and David Murphy or Debt Wipeout for the period from 1 January 2019 to date;</p> <p>2. All correspondence between David Murphy or Debt Wipeout and BMW Australia Finance Limited for the period from 1 January 2019 to date;</p> <p>3. All correspondence between you and BMW Australia Finance Limited for the period from 1 January 2019 to date;</p> <p>4. All correspondence between David Murphy or Debt Wipeout and ANZ Banking Corporation for the period from 1 January 2019 to date; and</p> <p>5. All correspondence between you and ANZ Banking Corporation (excluding bank statements) for the period 1 January 2019 to date.</p>
7.	AAI Limited	<p><b>Definitions</b></p> <p><b>Document</b> has the same meaning it has for the purposes of the <i>Evidence Act 1995</i> (Cth).</p> <p><b>Relevant Person</b> means Ms Sophie Ujdur of 2/4 Camlan Place, Ormeau, Queensland.</p> <p><b>Representative</b> means:</p> <p>(a) David Murphy;</p> <p>(b) Anastasios Mavroulis; or</p> <p>(c) any employee, agent or other representative of the Relevant Person.</p>



No	Addressee	Categories
		<p>The documents and things you must produce are as follows:</p> <ol style="list-style-type: none"> <li>1. Any Document created, sent or received on or after 19 March 2019, which; <ol style="list-style-type: none"> <li>a. records or constitutes a communication to or from the Relevant Person or her Representative; and</li> <li>b. relates to an actual or potential debt of or liability incurred by the Relevant Person.</li> </ol> </li> </ol>
8.	Australia and New Zealand Banking Group Limited	<p><b>Definitions:</b></p> <p><i>Document</i> has the same meaning it has for the purposes of the <i>Evidence Act 1995</i> (Cth).</p> <p><i>Relevant Person</i> means each of:</p> <ol style="list-style-type: none"> <li>(a) Henry Suen Siu Hong Fay of 2 Woorail Avenue, Kingsgrove, New South Wales; and</li> <li>(b) Christopher Cooper of Unit 1, 7 Deschamp Crescent, Rowville, Victoria.</li> </ol> <p><i>Representative</i> means:</p> <ol style="list-style-type: none"> <li>(c) David Murphy;</li> <li>(d) Anastasios Mavroulis; or</li> <li>(e) any employee, agent or other representative of a Relevant Person.</li> </ol> <p>The documents and things you must produce are as follows:</p> <ol style="list-style-type: none"> <li>1. Any Document created, sent or received on or after 19 March 2019, which; <ol style="list-style-type: none"> <li>a. records or constitutes a communication to or from a Relevant Person or his Representative; and</li> <li>b. relates to an actual or potential debt of or liability incurred by the Relevant Person.</li> </ol> </li> </ol>
9.	Commonwealth Bank of Australia	<p><b>Definitions:</b></p> <p><i>Document</i> has the same meaning it has for the purposes of the <i>Evidence Act 1995</i> (Cth).</p> <p><i>Relevant Person</i> means Ms Waltraud Lepse of 3 Hammond Avenue, Morphett Vale, South Australia.</p>

No	Addressee	Categories
		<p><b>Representative</b> means:</p> <ul style="list-style-type: none"> <li>(a) David Murphy;</li> <li>(b) Anastasios Mavroulis; or</li> <li>(c) any employee, agent or other representative of the Relevant Person;</li> </ul> <p>The documents and things you must produce are as follows:</p> <ul style="list-style-type: none"> <li>1. Any Document created, sent or received on or after 19 March 2019, which; <ul style="list-style-type: none"> <li>a. records or constitutes a communication to or from the Relevant Person or her Representative; and</li> <li>b. relates to an actual or potential debt of or liability incurred by the Relevant Person.</li> </ul> </li> </ul>
10.	On Deck Capital Australia Pty Ltd	<p><b>Definitions:</b></p> <p><b>Document</b> has the same meaning it has for the purposes of the <i>Evidence Act 1995</i> (Cth).</p> <p><b>Relevant Person</b> means Mr Roderic Byrnes of 26/115–117 Constitution Road, Dulwich Hill, New South Wales.</p> <p><b>Representative</b> means:</p> <ul style="list-style-type: none"> <li>(a) David Murphy;</li> <li>(b) Anastasios Mavroulis; or</li> <li>(c) any employee, agent or other representative of the Relevant Person;</li> </ul> <p>The documents and things you must produce are as follows:</p> <ul style="list-style-type: none"> <li>1. Any Document created, sent or received on or after 19 March 2019, which; <ul style="list-style-type: none"> <li>a. records or constitutes a communication to or from the Relevant Person or his Representative; and</li> <li>b. relates to an actual or potential debt of or liability incurred by the Relevant Person.</li> </ul> </li> </ul>

No	Addressee	Categories
11.	BMW Australia Finance Limited	<p><b>Definitions:</b></p> <p><i>Document</i> has the same meaning it has for the purposes of the <i>Evidence Act 1995</i> (Cth).</p> <p><i>Relevant Person</i> means Mr Christopher Cooper of Unit 1, 7 Deschamp Crescent, Rowville, Victoria.</p> <p><i>Representative</i> means:</p> <ul style="list-style-type: none"> <li>(a) David Murphy;</li> <li>(b) Anastasios Mavroulis; or</li> <li>(c) any employee, agent or other representative of the Relevant Person;</li> </ul> <p>The documents and things you must produce are as follows:</p> <ul style="list-style-type: none"> <li>1. Any Document created, sent or received on or after 19 March 2019, which; <ul style="list-style-type: none"> <li>a. records or constitutes a communication to or from the Relevant Person or his Representative; and</li> <li>b. relates to an actual or potential debt of or liability incurred by the Relevant Person.</li> </ul> </li> </ul>