



Federal Court of Australia

District Registry: Victoria Registry

Division: General

No: VID199/2025

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

FALCON CAPITAL LIMITED (IN LIQUIDATION) (ACN 119 204 554) and others
named in the schedule

Defendants

ORDER

JUDGE: Justice Moshinsky

DATE OF ORDER: 22 August 2025

WHERE MADE: Melbourne

PENAL NOTICE

TO: SIMON SELIMAJ

IF YOU (BEING THE PERSON BOUND BY THIS ORDER):

- (A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THIS ORDER FOR THE DOING OF THE ACT; OR**
- (B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,**

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.



THE COURT NOTES THAT: for the purpose of this order:

“**Digital Assets**” means property, as defined under s 9 of the *Corporations Act 2001* (Cth) that is a digital currency, virtual currency, cryptocurrency or similar, or a digital asset, virtual asset or crypto-asset which is a digital representation of value or rights (including rights to property), the ownership of which is evidenced cryptographically and that is held or transferred electronically by a type of distributed ledger technology or another distributed cryptographically verifiable data structure.

“**Property**” means all real or personal property, assets or interests in property of any kind, within or outside Australia including, by virtue of subsection 1323(2A) of the *Corporations Act*, any property held otherwise than as sole beneficial owner, and for the avoidance of doubt includes Digital Assets.

THE COURT ORDERS THAT:

1. Paragraph 1 of the interlocutory application filed by the Third Defendant on 7 August 2025 be dismissed.

Appointment of receiver

2. Pursuant to s 1323(1)(h)(i) of the *Corporations Act*, Paul Anthony Allen of PKF Melbourne (**Receiver**) be appointed as receiver to the Property of the Third Defendant, Mr Simon Selimaj.
3. The Receiver has, in respect of the Property of the Third Defendant, 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 the Property of the Third Defendant 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 Property of the Third Defendant to the extent that the exercise of the power is reasonably necessary to achieve the purpose set out in paragraph 3(a) above.
4. The powers referred to in paragraph 3 above shall not extend to the sale, letting or encumbering of the Property of the Third Defendant without prior leave of the Court or the consent of the Third Defendant.
5. The Receiver has the power to investigate and report on the following matters:
 - a. the identification of the assets and liabilities of the Third Defendant;
 - b. the solvency of the Third Defendant;



- c. any information necessary to assess the financial position of the Third Defendant; and
- d. any other matter that the Receiver considers relevant to the identification, preservation and securing of all the Property of the Third Defendant for the benefit of potential creditors,

and must, within 90 days of the date of this order, provide the Court and parties with a report as to the receivership of the Third Defendant.

- 6. The Plaintiff provide the Receiver with copies of such books and records relating to the Third Defendant which have been obtained by the Plaintiff under Pt 3, Div 3 of the *Australian Securities and Investments Commission Act 2001* (Cth), that the Receiver reasonably requests in writing for the purpose of performing his duties.
- 7. The Receiver is entitled to such remuneration and expenses properly incurred in the performance of his duties and the exercise of his powers, as may be fixed by the Court on the application of the Receiver.
- 8. The remuneration and expenses of the Receiver be paid, in the first instance, by the Plaintiff.
- 9. The Plaintiff have liberty to apply for an order that it be indemnified out of the assets of the Third Defendant for sums paid to the Receiver by way of remuneration for and expenses of the receivership of the Property of the Third Defendant.

Freezing orders

- 10. Paragraph 9 of the orders made on 26 June 2025, providing for matters which the Third Defendant is not prevented from doing, be varied to add the following subparagraphs:

- “e. the Receiver, or anyone else authorised by them, from taking any action in relation to the Property of the Third Defendant; or*
- f. the Third Defendant from paying or otherwise incurring a liability for costs reasonably incurred: from the appointment of the Receiver according to these orders; or because of the Plaintiff’s ongoing investigation as referred to in paragraphs 8 to 14 of the first affidavit of Brody Wons dated 24 February 2025 and paragraphs 6 to 11 of the fifth affidavit of Brody Wons dated 20 June 2025.”*

Other matters

- 11. Subject to further order, pursuant to s 37AF of the *Federal Court of Australia Act 1976* (Cth), on the grounds in s 37AG(1)(a) and (c), the confidential affidavit of the Third Defendant sworn 6 August 2025 and the confidential submissions of the Third Defendant dated 18 August 2025 be suppressed and not be published.



12. The costs of the Third Defendant's interlocutory application filed on 7 August 2025 be reserved.
13. The costs of the Plaintiff's application for the orders in paragraphs 21-25 of its Further Amended Originating Process be reserved, for determination after the report of the Receiver has been received by the Court.
14. There be liberty to apply.

Date orders authenticated: 22 August 2025


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

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Second Defendant DAVID CHARLES KNOWLES ANDERSON

Third Defendant SIMON SELIMAJ