



Federal Court of Australia

District Registry: Victoria Registry

Division: General

No: VID536/2024

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

KEYSTONE ASSET MANAGEMENT LTD (RECEIVERS AND MANAGERS APPOINTED) (ADMINISTRATORS APPOINTED) (ACN 612 443 008) and another
named in the schedule
Defendants

ORDER

JUDGE: Justice Moshinsky

DATE OF ORDER: 29 November 2024

WHERE MADE: Melbourne

OTHER MATTERS

1. Paragraph 11 of the orders of the Honourable Justice Moshinsky dated 27 August 2024 (**27 August Orders**) provides:

The First Defendant shall immediately make available to the Receivers all books and records (including all files, computer records and data in its possession, custody or control) which relate to the Property of the First Defendant.

2. On 21 October 2024, King & Wood Mallesons (**KWM**) (the previous solicitors for the First Defendant) provided a schedule of documents (**Schedule**) to the solicitors for the Receivers, the Second Defendant, and solicitors for directors of the First Defendant.
3. The Schedule comprises documents contained in the Nuix Database derived from the email inbox of the Second Defendant, and responsive to search terms agreed between the Receivers, the Second Defendant, and the former directors of the First Defendant, Mark Yorston, Maadhvi Patel, and Louie Kortesis.
4. The Second Defendant and the Directors object to the production of the documents listed in the Schedule until their respective solicitors have reviewed the Schedule and identified any documents subject to their legal professional privilege, or to which they otherwise object providing to the Receivers.



5. On 9 October 2024, Baker & McKenzie who are the former solicitors for the directors of the First Defendant, informed the Receivers that their clients object to KWM producing the documents captured by the search terms until they had a reasonable opportunity to review the Schedule (which was at the time to be prepared by KWM and ultimately circulated on 21 October 2024 as noted above).
6. On 14 November 2024, Baker & McKenzie advised the Receivers that they are no longer engaged to act on behalf of the directors of Keystone and that a copy of the First Defendant's proposed orders had been provided to each of the directors.
7. On 15 November 2024, the Second Defendant provided each of the Directors with a copy of the Schedule.

THE COURT ORDERS THAT:

1. By 5.00pm on 3 December 2024, the Second Defendant must provide to KWM a schedule of any documents in the Schedule to which he objects providing to the Receivers, and identifying the basis of any objections (**Objection Schedule**).
2. As soon as practicable after 5.00pm on 3 December 2024, KWM must provide to the Receivers all of the documents listed in the Schedule without limitation or redaction, save for any documents identified in the Objection Schedule provided strictly in accordance with order 1.
3. Costs reserved.
4. There is liberty to apply on two (2) days' notice to the parties, the Directors, and KWM.

Date orders authenticated: 29 November 2024


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

PAUL ANTHONY CHIDO