



Federal Court of Australia

District Registry: Queensland

Division: General

No: QUD338/2021

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

A ONE MULTI SERVICES PTY LTD ACN 612 839 540 and others named in the
schedule

Defendants

ORDER

JUDGE: JUSTICE DERRINGTON

DATE OF ORDER: 01 November 2021

WHERE MADE: Brisbane

THE COURT ORDERS, BY CONSENT, THAT:

1. The plaintiff have leave to file an amended originating application in the form annexed to these orders at Annexure A.
2. Order 11 of the Orders made on 21 October 2021 be varied as follows:
 - (a) The words “*or at least before 5:00pm AEST on 23 October 2021*” be replaced with “*or at least before 5:00pm AEST on 3 November 2021*”; and
 - (b) An additional paragraph be subjoined to Order 11 as follows:

“(e) Direct assistance in the form of instructing an ASIC officer as to the use of the defendants’ electronic devices to effect the transfer of the balance of Digital Currency held or in the control of the defendants to the Receivers, such assistance to be provided at the offices of the plaintiff in Brisbane at a time to be agreed but no later than 5:00pm on 3 November 2021”; and
 - (c) The word “*and*” be deleted from the end of Order 11(c).
3. Order 12 of the Orders made on 21 October 2021 be varied by:
 - (a) Deleting from Order 12(a) the words “*the First*”; and
 - (b) Deleting the words “*eight hundred dollars (\$800)*” and replacing with “*two thousand six hundred dollars (\$2,600)*”.



4. Orders 13, 14 and 15 be varied by deleting the phrase "*on the date which is 14 days after service of this Order*" with "*19 November 2021*".

General orders

5. The proceeding be adjourned to a date to be fixed.
6. Costs be reserved.
7. There be liberty to any party to apply to the Commercial & Corporations List Judge on reasonable notice.

Date that entry is stamped: 1 November 2021

Sia Lagos
Registrar



Schedule

No: QUD338/2021

Federal Court of Australia

District Registry: Queensland

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Interested Person	JOHN ROSS LINDHOLM AS RECEIVER & MANAGER OF THE DEFENDANTS
Interested Person	TIMOTHY JAMES MICHAEL AS RECEIVER & MANAGER OF THE DEFENDANTS
Second Defendant	ARYN HENRY HALA
Third Defendant	HEIDI ELIZABETH WALTERS



ANNEXURE A

Form 2

IN THE FEDERAL COURT OF AUSTRALIA

No. QUD/2021

DISTRICT REGISTRY: QUEENSLAND

DIVISION: COMMERCIAL AND CORPORATIONS

IN THE MATTER OF A ONE MULTI SERVICES PTY LTD (ACN 612 839 540)

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

A ONE MULTI SERVICES PTY LTD (ACN 612 839 540) and others named in
the schedule

Defendants

AMENDED ORIGINATING PROCESS

(Rule 2.2)

A. DETAILS OF APPLICATION

This application is made under sections 1323(1) and (3) of the *Corporations Act 2001* (Cth) (**Corporations Act**), sections 23, 37AF(1) and 37AG(1) of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**), and the inherent jurisdiction of the Court.

The relief sought includes orders for the appointment of a suitable person or persons as Receiver and / or Receiver Manager to the property of the Defendants and asset preservation orders. The Plaintiff also seeks orders restraining the Second Defendant and Third Defendant from leaving Australia.

On the facts stated in the supporting affidavits of Jessica Mary Latimer affirmed on 20 October 2021 (**First Latimer Affidavit**), the supplementary affidavit of Jessica Mary Latimer affirmed on 20 October 2021 (**Second Latimer Affidavit**) and the affidavit of Meaghan Lesley Brooks sworn on 19 October 2021 (**Brooks Affidavit**), the Plaintiff claims the following relief:



Definitions:

- Books:** *includes a register, any other record of information, financial reports or financial records however compiled or recorded or stored, a document, papers, records, books of account, ledgers, journals, banking records, computer records, or other documents of any type whatsoever recording or evidencing any dealings of any of the Defendants in relation to the Business.*
- Business:** *means all activities and arrangements whereby the First, Second or Third Defendants, whether by themselves or any of them, or by their servants, agents or employees, elicited or obtained funds from investors for the ostensible purpose of reinvesting, trading with and/or otherwise dealing with such funds for the purpose of providing a return to investors on the funds invested.*
- Dealing:** *includes:*
(a) *Removing, causing, procuring, assisting or permitting any Property in the possession or under the control of the Defendants to be removed from Australia or from the jurisdiction of this Court; and/or*
(b) *Selling, charging, mortgaging, encumbering, securing, diminishing, disposing of, parting with possession, making any declaration of trust in relation to, exercising any power to vary or modify any trust deed or any interest under any trust in relation to the Defendants' Property.*
- Digital Currency:** *means property, as defined under section 9 of the Corporations Act, that is a digital currency, virtual currency, cryptocurrency or similar.*
- Investor Funds:** *means monies provided to the Defendants or any of them, whether directly, or through any of the other Defendants, or any of the Defendants' authorised agents, servants and/or representatives for the ostensible purpose of reinvesting, trading with and/or otherwise dealing with such funds for the purpose of providing a return to investors on the funds invested.*
- Property:** *means property as defined under section 9 of the Corporations Act, 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 Currency.*



The ex parte/short service orders:

1. An order that the Plaintiff have leave to file in Court the First Latimer Affidavit, the Second Latimer Affidavit and the Brooks Affidavit.
2. An order that in the first instance, service of this Originating Process be dispensed with.
3. An order that in the first instance, this Originating Process be returnable *instanter*.
4. An order that the time for service of this Originating Process, the First Latimer Affidavit, the Second Latimer Affidavit and the Brooks Affidavit on the First, Second and Third Defendants be abridged to 5:00pm AEST on Monday, 25 October 2021.

Receiver orders:

5. An order pursuant to sections 1323(1)(h) and (3) of the Corporations Act for the appointment effective on and from 11:59pm AEST on Thursday, 21 October 2021, until further order, of John Ross Lindholm of KPMG, 727 Collins Street, Melbourne, Victoria and Timothy James Michael of KPMG, 71 Eagle Street, Brisbane, Queensland as joint and several Receivers and/or Receivers Managers (**Receivers**) of the Property of each of the First and Second and Third Defendants for the purpose of:
 - (a) identifying, collecting and securing the Property of the First, Second and Third Defendants held for the purposes of the Business;
 - (b) ascertaining the amount of the Investor Funds received by the First, Second or Third Defendants;
 - (c) identifying any dealings with, payments of, or distributions by or uses made of the Investor Funds by the First, Second or Third Defendants;
 - (d) identifying any Property purchased or acquired with Investor Funds;
 - (e) recovering Investor Funds; and



- (f) providing a report to the Court within 28 days in relation to the matters referred to in paragraphs 5(a) to 5(e) of this application.
6. An order that the Receivers shall have the following powers:
- (a) the powers set out in subsections 420(2)(a), (b), (e), (f), (g), (k), (n), (o), (p), (q), (r), (t) and (u) of the Corporations Act and can exercise these powers in respect of the Property of the First and Second and Third Defendants as if, in the case of the Second and Third Defendants, the Second and Third Defendants were corporations; and
 - (b) the power to apply to the Court for directions or further orders.
7. An order that the Defendants shall immediately deliver up to the Receivers all the books, records and other papers including, but not limited to, all files, computer records and data in their possession, custody or control which relate to the Business or to the Property of the Defendants.
8. An order that the Plaintiff shall, upon the request of the Receivers, deliver up to the Receivers copies of the First Latimer Affidavit, the Second Latimer Affidavit and the Brooks Affidavit.
9. An order that the Receivers' reasonable costs and expenses be payable from the Property of the First and Second and Third Defendants.

Asset preservation orders:

10. Further or in the alternative to the orders sought in paragraphs 6, 7, and 8 above, subject to paragraph 12 below, an order pursuant to section 1323 of the Corporations Act that, that until further order, the First and Second and Third Defendants, by themselves and their servants, agents and employees are restrained from:
- (a) removing, or causing or permitting to be removed from Australia all or any of the Property of any of the Defendants;
 - (b) selling, charging, mortgaging or otherwise dealing with, disposing of and/or diminishing the value of all or any of the Property of any of the Defendants;



- (c) causing or permitting to be sold, charged, mortgaged or otherwise dealt with, disposed of, or diminished in value, all or any of the Property of any of the Defendants;
 - (d) without limiting the terms of sub-paragraphs (a) to (c) above, incurring liabilities including, without limitations, 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 any monies or Digital Currency available in any account with any bank, building society, cryptocurrency exchange, recorded in any blockchain or other financial institution (in Australia and elsewhere), in which the Defendants have any legal or equitable interest.
11. Further to the orders sought in paragraphs 6, 7 and 8 above, subject to paragraph 12 below, and without limiting the terms of the orders sought in paragraph 10 above, the First and Second and Third Defendants be required to do all things necessary to effect forthwith, or at least before 5:00pm AEST on Saturday, 23 October 2021, the transfer of control over any and all Digital Currency held or controlled by the Defendants to the Receivers, including but not limited to providing the Receivers with:
- (a) all relevant credentials and passwords for access to any cryptocurrency held by the Defendants, including but not limited to, the public and private keys and / or seed string for any soft or cold wallet held or controlled by the Defendants;
 - (b) any and all authentication devices required to facilitate access, operation or control of any cryptocurrency held or controlled by the Defendants;
 - (c) all relevant credentials and passwords for access to the authentication devices or systems, including email, SMS or mobile apps, that facilitate access, operation or control of cryptocurrency held or controlled by the Defendants; and



- (d) any cold wallet device containing cryptocurrency held or controlled by the Defendants together with that device's access code.

The information to be provided by the Defendants to give effect to this order may, amongst other means, be provided to the Receivers in person, by contacting the Receivers by telephone (John Ross Lindholm on 0419 307 879 or Timothy James Michael on 0412 090 170) or by email addressed to jlindholm@kpmg.com.au or tmichael2@kpmg.com.au.

12. An order that the orders sought in paragraphs 10 and 11 above, do not prevent:
 - (a) the First or Second or Third Defendants from paying or otherwise incurring a liability for ordinary living and operating expenses up to an amount of eight hundred dollars (\$800) per week each;
 - (b) the First or Second or Third 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 First or Second or Third Defendants; and
 - (c) 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 First or Second or Third Defendants prior to the date of this Order.

Disclosure orders:

13. Except to the extent that a claim of privilege against self-incrimination or civil penalty privilege is made, an order that the First Defendant, by a proper officer, deliver or cause to be delivered to the Plaintiff and any Receivers appointed by the Court, by 9:45am AEST on the date which is 14 days after service of this order, a full and detailed affidavit sworn or affirmed by a proper officer of the First Defendant 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 First Defendant, together with the number of such account, the name of such account and the balance of that account;



- (b) a list of the locations for all cryptocurrency held or controlled by the First Defendant together with the public access keys for any soft or cold wallets held or controlled by the First Defendant and the nature and amount of the cryptocurrency held in any such wallets;
- (c) a list of any escrow accounts which hold cryptocurrency on the First Defendant's behalf;
- (d) the name and address of any person or persons indebted to the First Defendant and the amount of the indebtedness;
- (e) an itemised inventory of the First Defendant's assets and liabilities;
- (f) an itemised inventory of any and all Property whether real or personal owned or controlled by the First Defendant or in which the First Defendant has any legal or beneficial interest;
- (g) in respect of any of the Property of the First Defendant which has been given as security for any debt, the details of that Property and the nature of the security and the debt so incurred; and
- (h) a comprehensive and detailed list of all persons who, in the period 1 January 2019 to the date of these orders, have provided monies to the First Defendant or any entity associated with it for the purpose of investing in the Business, such list to include particulars of:
 - (i) the name, address and other contact details of each such person;
 - (ii) the amount(s) paid by such person identifying the date or dates on which payment was received;
 - (iii) the manner in which each payment was received, and how that money or part thereof, was expended or applied; and
 - (iv) the amount calculated by the First Defendant as presently owing to each such person arising out of operation of the Business (including a full statement of debits and credits relating to such person's investment).



14. Except to the extent that a claim of privilege against self-incrimination or civil penalty privilege is made, an order that the Second Defendant deliver or cause to be delivered to the Plaintiff and any Receivers appointed by the Court, by 9:45am AEST on the date which is 14 days after service of this order, a full and detailed affidavit sworn or affirmed by the Second Defendant setting out to the best of the Second Defendant's knowledge or belief:
 - (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 Second Defendant, together with the number of such accounts, the name of any such account and the balance of any such account;
 - (b) a list of the locations of all cryptocurrency held or controlled by the Second Defendant together with the public access keys for any soft or cold wallets held or controlled by the Second Defendant and the nature and amount of the cryptocurrency held in any such wallets;
 - (c) a list of all escrow accounts which hold cryptocurrency on behalf of the Second Defendant;
 - (d) the name and address of any person or persons indebted to the Second Defendant and the amount of the indebtedness;
 - (e) an itemised inventory of the Second Defendant's assets and liabilities;
 - (f) an itemised inventory of any and all Property whether real or personal owned or controlled by the Second Defendant or in which the Second Defendant has any legal or beneficial interest; and
 - (g) in respect of any of the Property of the Second Defendant which has been given as security for any debt, the details of that Property and the nature of the security and the debt so incurred.
15. Except to the extent that a claim of privilege against self-incrimination or civil penalty privilege is made, an order that the Third Defendant deliver or cause to be delivered to the Plaintiff and any Receivers appointed by the Court, by 9:45am AEST on the date which is 14 days after service of this order, a full and detailed affidavit sworn or affirmed by the Third Defendant setting out to the best of the Third Defendant's knowledge or belief:



- (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 Third Defendant, together with the number of such accounts, the name of any such account and the balance of any such account;
 - (b) a list of the locations of all cryptocurrency held or controlled by the Third Defendant together with the public access keys for any soft or cold wallets held or controlled by the Third Defendant and the nature and amount of the cryptocurrency held in any such wallets;
 - (c) a list of any escrow accounts which hold cryptocurrency on the Third Defendant's behalf;
 - (d) the name and address of any person or persons indebted to the Third Defendant and the amount of the indebtedness;
 - (e) an itemised inventory of the Third Defendant's assets and liabilities;
 - (f) an itemised inventory of any and all Property whether real or personal owned or controlled by the Third Defendant or in which the Third Defendant has any legal or beneficial interest; and
 - (g) in respect of any of the Property of the Third Defendant which has been given as security for any debt, the details of that Property and the nature of the security and the debt so incurred.
16. An order that in the event that the First or Second or Third Defendant wishes to object to compliance with the order sought in paragraphs 13 or 14 or 15 above, on the basis that compliance may tend to incriminate the Defendant or make the Defendant liable to a civil penalty, the relevant 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 paragraphs 13 or 14 or 15 to which no objection is taken;
 - (b) prepare an affidavit containing so much of the information required to be disclosed by paragraph 13 or 14 or 15 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.

Travel restraint orders:

17. An order pursuant to section 1323(1)(k) of the Corporations Act that, until further order, the Second Defendant and the Third Defendant be restrained from leaving or attempting to leave Australia.
18. An order pursuant to section 1323(1)(j) of the Corporations Act that, until further order, the Second Defendant deliver up to the Registry of this Court, all passports in his name which are in his possession, custody or control and any airline tickets concerning any travel arrangements made for the twelve (12) month period commencing from the date of this order.
19. An order pursuant to section 1323(1)(j) of the Corporations Act that, until further order, the Third Defendant deliver up to the Registry of this Court, all passports in her name which are in her possession, custody or control and any airline tickets concerning any travel arrangements made for the twelve (12) month period commencing from the date of this order.
20. An order that the documents delivered up to the Registry pursuant to the orders in paragraphs 18 and 19 above be held by the Registry until further order.
21. An order pursuant to section 1323(1)(j) of the Corporations Act, that in the event that the Second Defendant cannot locate any passport, he:
 - (a) give notification to the Australian Passport Office, or other relevant authorities responsible for the issue and control of Australian passports, confirming that he has lost his passport; and
 - (b) file an affidavit within 14 days of the date of this order stating that fact and exhibiting a copy of the notification sent.
22. An order pursuant to section 1323(1)(j) of the Corporations Act, that in the event that the Third Defendant cannot locate any passport, she:



- (a) give notification to the Australian Passport Office, or other relevant authorities responsible for the issue and control of Australian passports, confirming that she has lost her passport; and
- (b) file an affidavit within 14 days of the date of this order stating that fact and exhibiting a copy of the notification sent.

Service of Orders on Third Parties:

23. To the extent necessary, the Plaintiff has leave to give to:

- (a) the relevant authorities that record, control and regulate the ownership of real property;
- (b) the relevant authorities that record, control and regulate the ownership of motor vehicles;
- (c) the relevant authorities that record, control and regulate the ownership of maritime vessels and craft;
- (d) any bank, building society, cryptocurrency exchange or other financial institution through which, to the best of the Plaintiff's belief, Property belongs to the First or Second or Third Defendant;
- (e) any other person or entity, holding or controlling Property, which, to the best of the Plaintiff's belief, belongs to the First or Second or Third Defendant;
- (f) the relevant authorities that issue and control passports; and
- (g) the Australian Border Force;

notice of the making of any of the foregoing interim orders by giving a copy of the minute of the orders to a person apparently in the employ of any such entity or person.



Non-publication orders

24. An order pursuant to sections 37AF(1)(a) and (b) and 37AG(1)(a) of the FCA Act that, in order to avoid prejudice to the proper administration of justice, the publication or disclosure of the following is prohibited until 11:00am AEST, Friday, 22 October 2021, except to enable the Plaintiff to serve the Defendants, provide copies of the material to the Receivers pursuant to paragraph 8 and provide copies of the orders to the entities set out in paragraph 23 for the purpose of enforcing the orders:
- (a) any ex-parte orders obtained by the Plaintiff;
 - (b) this Originating Process;
 - (c) the First Latimer Affidavit (including the exhibits to that affidavit);
 - (d) the Second Latimer Affidavit;
 - (e) the Brooks Affidavit (including the exhibits to that affidavit);
 - (f) the Receivers' Consent; and
 - (g) any written submissions advanced by the Plaintiff in support of the ex-parte orders

General orders:

25. An order that the First and Second and Third Defendants pay the Plaintiff's costs of and incidental to this Originating Process.
26. An order that there be liberty to any party to apply to the Commercial & Corporations List Judge on reasonable notice.
27. Such further or other order as to the Court deems appropriate.



Date: 1 November 2021

Hugh Copley
Signature of Plaintiff's legal practitioner

This application will be heard by the Federal Court of Australia, Harry Gibbs Commonwealth Law Courts Building, 119 North Quay (cnr Tank Street), Brisbane, QLD at 10am on 21 October 2021.

B. NOTICE TO DEFENDANTS

TO: A ONE MULTI SERVICES PTY LTD

ACN 612 839 540

L 1 7 Bay Street, Southport, Queensland 4215

TO: ARYN HENRY HALA

644 Pacific Parade, Tugun, Queensland 4224

TO: HEIDI ELIZABETH WALTERS

644 Pacific Parade, Tugun, Queensland 4244

If you or your legal practitioner do not appear before the Court on the return of the application, 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. APPLICATION FOR WINDING UP ON GROUND OF INSOLVENCY

Not applicable.

D. FILING

Date of filing:

.....
Registrar

This Originating Process is filed by Hugh Copley, Legal Practitioner for the Plaintiff.

E. SERVICE

The Plaintiff's address for service is:

Name:	Australian Securities and Investments Commission
Plaintiff's address:	Level 20, 240 Queen Street, Brisbane, Queensland, 4000
Plaintiff's solicitor's name:	Hugh Copley
Telephone:	(07) 3867 4892
Facsimile:	(07) 3867 4790
Email:	hugh.copley@asic.gov.au

It is intended to serve a copy of this Originating Process on the defendants following the making of an ex-parte application for interim orders.



Schedule

No. QUD338/ 2021

Federal Court of Australia

District Registry: Queensland

Division: Commercial & Corporations

Plaintiff Australian Securities and Investments Commission

First Defendant A One Multi Services Pty Ltd
ACN 612 839 540

Second Defendant Aryn Henry HALA

Third Defendant Heidi Elizabeth WALTERS