



ASIC
Australian Securities &
Investments Commission

**Australian Securities
and Investments Commission**

Office address (inc courier deliveries):
Level 5, 100 Market Street,
Sydney NSW 2000

Mail address for Sydney office:
GPO Box 9827,
Brisbane QLD 4001

Tel: +61 1300 935 075
Fax: +61 1300 729 000

www.asic.gov.au/

Robert Mangioni
Senior Lawyer, Director
Watson Mangioni Lawyers Pty Ltd

By Email: rmangioni@wmlaw.com.au

Our Reference: CAS-79330-J4C7V5
Your Reference:

21 November 2022

Dear Mr Mangioni

ASIC Investigation – Everblu Capital Pty Ltd | Creso Pharma Limited

1. I refer to your email dated 21 October 2022 and our communications on 21 November 2022.
2. ASIC is currently conducting an investigation pursuant to s13(1) of the *Australian Securities and Investments Commission Act 2001* in relation to persons and entities associated with Everblu Capital Pty Limited (**Everblu Capital**) and Creso Pharma Limited (**Creso**).
3. As you are aware, in relation to your client, Creso, the scope of ASIC's investigation has previously included suspected contraventions of:
 - a. s1041A and/or s1041B of the Corporations Act 2001 (**the Act**) by Creso and its officers, agents, employees or representatives relating to trading in securities of Creso in the period 5 March 2021 to 16 November 2021; and
 - b. s180, s181, s182, s183 and/or s184 of the Act by officers of Creso relating to trading in securities of Creso in the period 5 March 2021 to 16 November 2021.
4. ASIC confirms that as at the date of this letter the scope of its investigation no longer includes any suspected contraventions by Creso.
5. ASIC confirms that as at the date of this letter, Mr James Ellingford (Director Creso), Mr Boaz Wachtel, (Director Creso) and Mr Chris Grundy (Chief Financial Officer of Creso), who were officers or employees during the period 5 March 2021 to 16 November 2021, are not persons of interest in its

investigation. The current scope of ASIC's investigation does not include any suspected contraventions by those individuals.

6. This letter contains a statement of ASIC's intention in relation to its investigation at this particular point in time based on information currently available. ASIC may change the scope of its investigation, including to reintroduce suspected contraventions that previously were, but are not currently, under investigation.

Yours faithfully

A black rectangular redaction box covering the signature area. The text 's 22' is visible in white, indicating a redacted signature under section 22 of the Freedom of Information Act.

Senior Specialist — Corporations & Corporate Governance Enforcement
Australian Securities and Investments Commission