



Issued: 11 October 2023 12:34 PM

## JUDGMENT/ORDER

### COURT DETAILS

Court	Supreme Court of NSW
Division	Equity
List	Corporations List
Registry	Supreme Court Sydney
Case number	2023/00314352

### TITLE OF PROCEEDINGS

First Plaintiff	Sule Arnautovic
Second Plaintiff	HILLS LIMITED

First

### DATE OF JUDGMENT/ORDER

Date made or given	9 October 2023
Date entered	10 October 2023

### TERMS OF JUDGMENT/ORDER

This matter is listed for Motion (Corporation List) on 24 October 2023 10:00 AM before the Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 1 Hours

VERDICT, ORDER OR DIRECTION:

Black J grants leave to appear to Starplex Pty Ltd as the deed proponent.

Black J makes orders (as amended) in accordance with the Short Minutes of Order initialled by him and placed in the file.

ORDERS:

1. An order that prayers 2-6 of this Originating Process be returnable instanter.
2. Pursuant to rule 2.13(1)(c) of the Supreme Court (Corporations) Rules 1999, leave to Starplex International Pty Ltd ACN 161 564 834 ("Starplex"), the deed proponent, to be heard in the proceedings.
3. Direct Starplex to file and serve on the Plaintiffs and the Australian Securities and Investments Commission a Notice of Appearance in the prescribed form by 5.00pm on 9 October 2023.
4. An order pursuant to section 447A of the Corporations Act and section 90-15 of the IPS that the Plaintiffs each give notice to each of the creditors and members of the Company of:
  - a. the Originating Process;
  - b. an Explanatory Statement pursuant to the requirements of ASIC Regulatory Guide 6 (Explanatory Statement);
  - c. the affidavit of Sule Arnautovic sworn on 4 October 2023;
  - d. any supplementary affidavits filed by the Plaintiffs in this proceeding;

e. the orders made by the Court,

by 4.00pm on 13 October 2023 by the following methods:

f. where the Deed Administrators have an email address for a creditor or member (including from the books and records maintained by the Company), by notifying each such creditor and member, via email;

g. by placing an advertisement in the Australian Financial Review with a website link, where the documents are available for download; and

h. by placing scanned, sealed copies on the websites [www.hallchadwick.com.au/insights](http://www.hallchadwick.com.au/insights) and [corporate.hills.com.au](http://corporate.hills.com.au).

5. An order that any interested person wishing to appear at the hearing of this application is to file and serve on the Plaintiffs, Starplex and the Australian Securities and Investments Commission a Notice of Appearance in the prescribed form and indicating the grounds of opposition by 4:00pm on 20 October 2023.

6. An order that the Plaintiffs file and serve on Starplex any further evidence upon which they intend to rely on the application, including any supplementary affidavits deposing as to any correspondence or communications received by the Deed Administrators from any interested person who is entitled to oppose this application pursuant to section 444GA(2) of the Corporations Act and any responsive correspondence or communication from the Deed Administrators, by 4:00pm on 20 October 2023.

6A. Direct the Plaintiffs to send to the Associate to Black J a Court Book containing all pleadings, affidavits, exhibits, documents relied on and submissions by noon on 23 October 2023.

8. This application be listed for hearing at 10.00am on 24 October 2023, with a time estimate of 1 hour.

## SEAL AND SIGNATURE



Signature	Chris D'Aeth
Capacity	Principal Registrar
Date	11 October 2023

If this document was issued by means of the Electronic Case Management System (ECM), pursuant to Part 3 of the Uniform Civil Procedure Rules (UCPR), this document is taken to have been signed if the person's name is printed where his or her signature would otherwise appear.

## PERSON PROVIDING DOCUMENT FOR SEALING UNDER UCPR 36.12

Name	Sule Arnautovic, Plaintiff 1 HILLS LIMITED, Plaintiff 2
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Legal representative	David Patrick Armstrong
Legal representative reference	
Telephone	(02)80357913

#### **FURTHER DETAILS ABOUT Plaintiff(s)**

##### **First Plaintiff**

Name Sule Arnautovic  
Address Level 40  
2 Park Street  
SYDNEY NSW 2000  
  
Telephone  
Fax  
E-mail  
Client reference

##### **Second Plaintiff**

Name HILLS LIMITED  
ACN 007573417  
Address F Unit 1  
3 - 29 Birnie Avenue  
LIDCOMBE NSW 2141  
  
Telephone  
Fax  
E-mail  
Client reference

##### **Legal representative**

Name David Patrick Armstrong  
Practicing certificate number 56609  
Address Level 7  
151 Clarence Street Street  
SYDNEY NSW 2000  
  
DX address  
Telephone (02)80357913  
Fax 02 9330 8111  
Email darmstrong@millsoakley.com.au  
Electronic service address darmstrong@millsoakley.com.au

#### **FURTHER DETAILS ABOUT (s)**