



Issued: 8 March 2016 9:31 AM

JUDGMENT/ORDER

COURT DETAILS

Court	Supreme Court of NSW
Division	Equity
List	Corporations List
Registry	Supreme Court Sydney
Case number	2015/00237028

TITLE OF PROCEEDINGS

First Plaintiff	Stephen Ernest Vaughan and Ian Richard Hall in their capacity as Liquidators of BBY Limited (Receivers and Managers Appointed)(In Liquidation) ACN 006 707 777
Second Plaintiff	BBY Limited (Receivers and Managers Appointed)(In Liquidation) ACN 006 707 777
First Defendant	J Mazzetti Pty Ltd ATF J Mazetti Pty Limited Staff Superannuation Fund & ORS ACN 006705602
Second Defendant	Securities Exchanges Gurantee Corporation Limited

DATE OF JUDGMENT/ORDER

Date made or given	7 March 2016
Date entered	7 March 2016

TERMS OF JUDGMENT/ORDER

THE COURT ORDERS THAT:

1. The question stated in the schedule be decided before the other questions in the proceedings.
2. The separate question be fixed for hearing on 22 March 2016.
3. There be liberty to apply to amend the question and for further directions by arrangement with my Associate on three days' notice, any such notice to specify the issues to be raised and the relief to be sought.
4. The first defendants lodge with my Associate and serve an outline of submissions by 9 March and any other party wishing to do so lodge and serve its outline of submissions by 16 March 2016.

SCHEDULE

Whether the first defendants are entitled to the return of the returned collateral and the erroneous withdrawals in priority to any other claims on those funds other than liquidator's charge and costs; regardless of whether the 541 account is unable to be reconciled, the 541 account contains funds of clients in different product groups, the 541 account was in shortfall at the date of the appointment of the first plaintiff, and/or the 541 account was in shortfall at the time when BBY paid moneys to ASX Clear by way of lodgement of what is now the returned collateral.

SEAL AND SIGNATURE



Signature Chris D'Aeth
Capacity Principal Registrar
Date 8 March 2016

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.

FURTHER DETAILS ABOUT Plaintiff(s)

First Plaintiff

Name Stephen Ernest Vaughan and Ian Richard Hall in their capacity as Liquidators of BBY Limited (Receivers and Managers Appointed)(In Liquidation) ACN 006 707 777

Address
Telephone
Fax
E-mail
Client reference

Second Plaintiff

Name BBY Limited (Receivers and Managers Appointed)(In Liquidation) ACN 006 707 777

Address
Telephone
Fax
E-mail
Client reference

Legal representative for plaintiffs

Name EMANUEL JOHN POULOS
Practicing certificate number 36117
Address Level 11
 5 Martin Place
 SYDNEY NSW 2000
DX address DX 388 Sydney NSW
Telephone 02 9258 6000
Fax 02 9258 6999
Email

FURTHER DETAILS ABOUT Defendant(s)

First Defendant

Name J Mazzetti Pty Ltd ATF J Mazetti Pty Limited Staff Superannuation Fund & ORS
 ACN 006705602

Address Australian Tax Masters Level 1
 714 - 716 Glen Huntly Road
 CAULFIELD SOUTH VIC 3162

Second Defendant

Name

Securities Exchanges Gurantee Corporation Limited

Address

20 Bridge Street
SYDNEY NSW 2000