

IN THE SUPREME COURT OF NEW SOUTH WALES
EQUITY DIVISION
SYDNEY REGISTRY
CORPORATIONS LIST

No. 2015/00237028

IN THE MATTER OF BBY LIMITED (RECEIVERS AND MANAGERS APPOINTED)
(IN LIQUIDATION)
ACN: 006 707 777

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
First Plaintiff

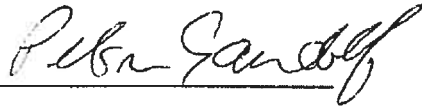
BBY LIMITED (RECEIVERS AND MANAGERS APPOINTED)(IN LIQUIDATION)
ACN 006 707 777
Second Plaintiff

J MAZZETTI PTY LTD ACN 006 705 602 as Trustee for
J MAZZETTI PTY LIMITED STAFF SUPERANNUATION FUND (and Others)
First Defendants

AFFIDAVIT

On 10 September 2015, I, **PETER SALVATORE GANDOLFO** of Level 13, 636 St Kilda Road, Melbourne 3004, Managing Partner of Partners Legal, Australian lawyers, **MAKE OATH AND SAY** as follows:

1. I act on behalf of the First Defendants and have the care and conduct of this matter.
2. I have sworn this affidavit in support of the First Defendants' Interlocutory Process dated 17 September 2015. The information contained in this affidavit is based on investigations of the records of BBY Limited which have been undertaken by and on behalf of the First Defendants.



Filed on behalf of: the First Defendants

Prepared by:

Partners Legal

of Level 13, 636 St Kilda Road

MELBOURNE VIC 3004

by their agents, Bamford Lawyers

Level 11, 14 Martin Place

SYDNEY NSW 2000

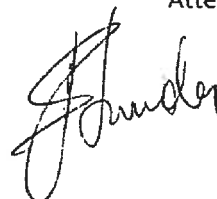
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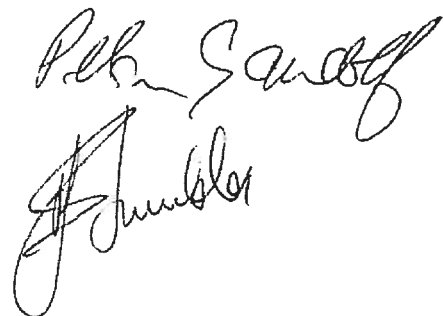
email: talktpus@bamfordlaw.com

Ref: JGB150061

Attention Mr. Bamford



3. I make this affidavit based upon my own knowledge, information and belief or from information that I have obtained through acting on behalf of the First Defendants.
4. Discussions have taken place between the representatives of the Plaintiffs and myself regarding the representation of the Option Clients and the Equity Clients.
5. As a result of those discussions, the first defendants seek directions and orders that the group of former clients of the Second Plaintiff ("BBY") described by the First Plaintiff ("the Receivers") as the ETO/Equities product group be divided into 2 product groups, namely:
 - (a) Options Clients; and
 - (b) Equities Clients.
6. I have received instructions from the firstnamed First Defendant, J Mazzetti Pty Ltd ACN 006 705 602 as Trustee for J Mazzetti Pty Ltd Staff Superannuation Fund ("Mazzetti") consents to be appointed as a representative defendant to represent the interests of all Options Clients, being all former clients of BBY who as at 15 May 2015 held open positions in Exchange Traded Options.
6. I am instructed to seek an order that on or before 2 October 2015 the Receivers make file and serve an affidavit disclosing to the best of the Receivers' knowledge details of:
 - (a) any demands for payment by Options Clients of any liability owed to BBY outstanding as at 15 May 2015; and
 - (b) their attempts to locate or create client ledgers for Option Clients, including but not limited to attempts to obtain relevant information from the ASX Clear System and from the audit packs of BBY.
7. In order to properly prepare the claims on behalf of the Options clients I seek orders that by 2 October 2015 the Receivers obtain from ASX Clear and make available to Partners Legal a schedule of collateral held for Option Clients as at 15 May 2015 and the market value of open option positions of Options Clients as at that date.



Handwritten signatures of Peter Sandberg and J. J. Jumbler.

- 8. It is proposed to file more extensive material in due course in support of the orders that we seek. However, we require the information sought in the attached directions which is in the custody of the Receivers.

- 9. In all the circumstances it would be reasonable for the Receivers to obtain and provide us with the information sought in the directions.

Signature of deponent



Name of witness

Address of witness

RODNEY STUMBLES
636 St. Kilda Road, Melbourne 3004
An Australian Legal Practitioner
within the meaning of the Legal
Profession Uniform Law (Victoria).

Capacity of witness

And as a witness, I certify the following matters concerning the person who made this affidavit (the deponent):

- 1. I saw the face of the deponent.

- 2. I have confirmed the deponent's identity using the following identification document:
Current Victorian Driver Licence No .022100371

Signature of witness

