

Duplicate

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: BS4967/2013

In the matter of: **INVESTMENT INTELLIGENCE CORPORATION PTY LTD
(IN LIQUIDATION)**

ACN: **101 616 371**

First Applicant: **BLAIR ALEXANDER PLEASH IN HIS CAPACITY AS
LIQUIDATOR OF INVESTMENT INTELLIGENCE
CORPORATION PTY LTD (IN LIQUIDATION) ACN 101 616
371**

AND

Second Applicant: **INVESTMENT INTELLIGENCE CORPORATION PTY LTD
(IN LIQUIDATION) ACN 101 616 371**

AND

First Respondent **AUSTRALIAN SECURITIES AND INVESTMENT
COMMISSION APPEARING AS AMICUS CURIAE**

ORDER

Before: Justice Byrne SJA

Date: 8 September 2014

Initiating document: Application filed 20 June 2014

THE COURT DIRECTS THAT:

Definitions

1. In this order:



Order
Filed on behalf of the Applicants
Form 59 Rule 661

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- 1.1 **Investors** means persons who invested monies in the Scheme identified by the Australian Securities and Investments Commission in the Points of Claim filed in proceeding BS6474/12.
- 1.2 **US Receiver** means Mr Guy Hohmann, the person appointed as Receiver of certain estates including to the Second Applicant (**Company**) pursuant to orders issued in September 2012 by the United States District Court for the Western District of Texas, Austin division in proceedings case 1:12-cv-00862-LY and 1:12-cv-00863-LY.

Dividend

2. Should the US Receiver make a distribution to creditors prior to the First Applicant (**Liquidator**) making a distribution, the Liquidator is entitled to withhold dividends from those creditors who are admitted creditors in the winding up of the Company, until all other admitted creditors have received a dividend of equal proportion to that paid by the US Receiver.

THE COURT ORDERS THAT:

Proportionate Liability/Contributory Negligence

3. Insofar as the Liquidator has determined and does determine that Investors have claims for loss against the Company for contravention of section 1041E of the *Corporations Act 2001* (Cth) (**the Act**), then the appropriate method for the Liquidator to apply in determining those claims is to admit proven claims for loss without deduction for either:
 - 3.1 contribution pursuant to section 1041I(1B) of the Act; or
 - 3.2 proportionate liability pursuant to chapter 7 Division 2A of the Act.

Costs

4. The First Applicant's costs of and incidental to this application be costs in the winding up.

Signed: _____



Deputy Registrar