

# Order NOT Entered

**IN THE FEDERAL COURT OF AUSTRALIA  
VICTORIA DISTRICT REGISTRY  
GENERAL DIVISION**

No: **(P)VID95/2010**

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION  
Plaintiff

MARK RONALD LETTEN  
First Defendant

LGH HOLDINGS LIMITED (ACN 077 191 943)  
Second Defendant

211 WELLINGTON ROAD PTY LTD (ACN 092 663 860)  
Third Defendant

BLUEMIST HOLDINGS PTY LTD (ACN 097 306 922)  
Fourth Defendant

DELLWOOD HOLDINGS PTY LTD (ACN 098 505 803)  
Fifth Defendant

ENMORE ENTERPRISES PTY LTD (ACN 082 158 487)  
Sixth Defendant

FIRBANK ARCH PTY LTD (ACN 059 464 381)  
Seventh Defendant

GLENLINE PTY LTD (ACN 098 532 364)  
Eighth Defendant

GERLING HOLDINGS PTY LTD (ACN 091 726 457)  
Ninth Defendant

LGH ADMINISTRATION PTY LTD (ACN 077 165 069)  
Tenth Defendant

LGH FINANCE PTY LTD (ACN 078 859 248)  
Eleventh Defendant

LOW HEAD VILLAGE PTY LTD (ACN 091 731 958)  
Twelfth Defendant

NICHOLSON STREET PTY LTD (ACN 069 104 089)  
Thirteenth Defendant

HOLLOWAY CREST PTY LTD (ACN 091 731 967)  
Fourteenth Defendant

ROSEBERY ENTERPRISES PTY LTD (ACN 091 826 229)  
Fifteenth Defendant

SIMMS INVESTMENTS PTY LTD (ACN 093 504 511)  
Sixteenth Defendant

SY21 RETAIL PTY LTD (ACN 107 874 564)  
Seventeenth Defendant

THE GLEN CENTRE HAWTHORN PTY LTD (ACN 089 906 543)  
Eighteenth Defendant

CASTELLO HOLDINGS PTY LTD (ACN 088 204 175)  
Nineteenth Defendant

TWINVIEW NOMINEES PTY LTD (ACN 097 307 278)  
Twentieth Defendant

YARRA VALLEY GOLF PTY LTD (ACN 066 632 479)  
Twenty First Defendant

ADINA RISE PTY LTD (ACN 083 181 122)  
Twenty Second Defendant

ALBRIGHT INVESTMENTS PTY LTD (ACN 088 204 166)  
Twenty Third Defendant

ASHFIELD RISE PTY LTD (ACN 093 504 806)  
Twenty Fourth Defendant

BRADFIELD CORPORATION PTY LTD (ACN 088 204 371)  
Twenty Fifth Defendant

COPELAND ENTERPRISES PTY LTD (ACN 093 504 824)  
Twenty Sixth Defendant

DEVLIN WAY PTY LTD (ACN 088 264 813)  
Twenty Seventh Defendant

FIRST HAZELWOOD PTY LTD (ACN 093 505 303)  
Twenty Eighth Defendant

GLENBELLE PTY LTD (ACN 097 306 646)  
Twenty Ninth Defendant

GLENVALE WAY PTY LTD (ACN 088 287 021)  
Thirtieth Defendant

GREENVIEW LANE PTY LTD (ACN 093 505 312)  
Thirty First Defendant

HALLMARK CORPORATION PTY LTD (ACN 083 180 812)  
Thirty Second Defendant

MOORLEIGH HOLDINGS PTY LTD (ACN 088 287 058)  
Thirty Third Defendant

NORTON RIDGE PTY LTD (ACN 078 821 066)  
Thirty Fourth Defendant

RALEIGH GLEN PTY LTD (ACN 088 204 380)  
Thirty Fifth Defendant

REDCREST HOLDINGS PTY LTD (ACN 100 836 486)  
Thirty Sixth Defendant

SURI CORPORATION PTY LTD (ACN 093 505 321)  
Thirty Seventh Defendant

SUTTON RISE PTY LTD (ACN 088 204 399)  
Thirty Eighth Defendant

THE VIRTUAL MLMER PTY LTD (ACN 065 374 665)  
Thirty Ninth Defendant

TIVENDALE PTY LTD (ACN 093 505 349)  
Fortieth Defendant

TULLOCH DOWNES PTY LTD (ACN 078 895 048)  
Forty First Defendant

MAINKING PTY LTD (ACN 100 790 485)  
Forty Second Defendant

TOPGLEN PTY LTD (ACN 096 857 564)  
Forty Third Defendant

ALLBLUE PTY LTD (ACN 100 836 388)  
Forty Fourth Defendant

ARANBAY PTY LTD (ACN 098 532 319)  
Forty Fifth Defendant

## ORDER

**JUDGE:** Justice Gordon

**DATE OF ORDER:** 30 April 2010

**WHERE MADE:** Melbourne

NOTE: For the purposes of this order, “Scheme” has the meaning ascribed to it in the Orders of Justice Gordon in this proceeding made on 25 February 2010 (“**25 February Orders**”), the Orders of Justice Gordon in this proceeding made on 4 March 2010 (“**4 March Orders**”) and the Orders of Justice Gordon in this proceeding made on 16 April 2010 (“**16 April Orders**”).

### THE COURT ORDERS THAT:

1. Until further order, pursuant to section 50 of the *Federal Court Act 1976* (Cth), there be no publication of the contents of the following pages of the following exhibits to the Sixth Affidavit of Damian John Templeton sworn on 27 April 2010 other than to ASIC and its legal representatives, the defendants and their legal representatives, the secured financiers of the defendants (as applicable) and their professional advisers, judges of the Court, judges’ associates and executive assistants and the Receivers, their staff and their professional advisers (“Confidential Sections”):
  - 1.1.1 In respect of the Yarra Valley Golf Joint Venture Disclosure Report contained as Exhibit DJT-30 (Scheme number 15):
    - Appendix 7 to the Disclosure Report;
    - Appendix 8 to the Disclosure Report; and
    - Annexure 12 to the Disclosure Report.
  - 1.1.2 In respect of the Glenbelle Project Disclosure Report contained as Exhibit DJT-31 (Scheme number 16):
    - Appendix 4 to the Disclosure Report;
    - Appendix 5 to the Disclosure Report; and
    - Annexure 5 to the Disclosure Report.
  - 1.1.3 In respect of the Reef House Resort Disclosure Report contained as Exhibit DJT-32 (Scheme number 6):
    - Appendix 4 to the Disclosure Report;
    - Appendix 5 to the Disclosure Report;

- Annexure 5 to the Disclosure Report; and
  - The information contained in page 28 of the Reef House Resort Disclosure Report which has been redacted in the page attached as Annexure D.
2. Until further order, the Disclosure Reports (referred to in paragraph 1 above) which are made available to investors pursuant to paragraph 18 of the 25 February Orders shall not contain the Confidential Sections.
  3. That paragraph 18 of the 25 February Orders be varied so as to include the following sentence: "*Nothing in this paragraph 18 shall prevent an Investor or a Secured Lender from disclosing, on a confidential basis, the contents of a Disclosure Report provided to them by the Receivers to their professional advisers for the purpose of obtaining advice or assistance in relation to their position as an Investor in the relevant Scheme or as a Secured Lender to the defendant(s) involved in the Scheme*".
  4. That paragraph 13 of the 4 March Orders be varied so as to include the following sentence: "*Nothing in this paragraph 13 shall prevent an Investor or a Secured Lender from disclosing, on a confidential basis, the contents of the Disclosure Report provided to them by the Receivers to their professional advisers for the purpose of obtaining advice or assistance in relation to their position as an Investor in the Scheme or as a Secured Lender to the defendant(s) involved in the Scheme*".
  5. Paragraph 2 of the 16 April Orders be varied so as to replace the following text: "*...other than to ASIC and its legal representatives, the defendants and their legal representatives, the secured financiers of the defendants (as applicable) and their legal representatives, judges of the Court, judges' associates and executive assistants and the Receivers, their staff and their legal representatives...*" with "*...other than to ASIC and its legal representatives, the defendants and their legal representatives, the secured financiers of the defendants (as applicable) and their professional advisers, judges of the Court, judges' associates and executive assistants and the Receivers, their staff and their professional advisers...*".
  6. Until further order, it shall be sufficient compliance with paragraph 18 of the 25 February Orders if the Receivers provide copies of the Disclosure Reports (as described in paragraphs 1 and 2 above) to the investors in the respective Schemes:

- 6.1.1 by uploading each of the Disclosure Reports onto a secure page of the KPMG website so that each Disclosure Report is accessible only to investors in the Scheme to which the Disclosure Report relates by use of a password;
- 6.1.2 by sending a letter to each of the known investors in the Schemes notifying investors that the Disclosure Reports are contained on the KPMG website and providing investors with a password so that they may access the Disclosure Reports for the Scheme in which they are investors and informing investors that they may request a hard copy of the relevant Disclosure Reports by the following method:
  - email in respect of investors who have notified the Receivers that email is their preferred method of communication;
  - post in respect of all other known investors.
7. The Receivers shall provide by post a hard copy of the Disclosure Report for the Scheme in which the investor has invested upon receipt of a request by an investor.
8. Costs be reserved.

Date that entry is stamped:

Deputy District Registrar