



Federal Court of Australia
District Registry: New South Wales Registry
Division: General

No: NSD41/2025

NEIL ROBERT CUSSEN and others named in the schedule
Plaintiff

KAPPA INVESTMENT HOLDINGS PTY LTD ACN 623 580 076 and others named in
the schedule
Third Defendant

ORDER

JUDGE: Justice Markovic

DATE OF ORDER: 27 February 2025

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. The first plaintiffs are to file and serve any further evidence upon which they intend to rely in support of the winding up of the third defendant (Kappa Investment Holdings Pty Ltd ACN 623 580 076), on or before 14 March 2025.
2. Any party or person intending to oppose the application to wind up the third defendant is to file and serve their affidavits in opposition on or before 28 March 2025.
3. The first plaintiffs are to file and serve their written submissions in support of their application to wind up the third defendant, not exceeding 10 pages in length, by 4 April 2025.
4. Any party who opposes the application to wind up the third defendant is to file and serve their written submissions in response to the application to wind up the third defendant, not exceeding 10 pages in length, by 17 April 2025.
5. The whole of the proceeding to the National Operations Registrar for allocation to a docket judge, noting that the first plaintiffs' application to wind up the third defendant will be ready for hearing on a date to be allocated on or after 22 April 2025, with an estimate of half a day, and that the first plaintiffs have requested that the proceeding also be listed for case management hearing on that date.
6. Liberty to apply on two days' notice in writing.



THE COURT NOTES THAT:

7. The plaintiffs and the second, fourth, sixth, seventh, tenth, twenty-first and twenty-second defendants informed the Court that they intend to file an interlocutory process, on or before 14 March 2025, seeking that the second, fourth, sixth, seventh, tenth, twenty-first and twenty-second defendants be joined as plaintiffs to the proceeding and amending the originating process so that those entities will seek winding up orders against others of the defendants.
8. Following the hearing to be scheduled in accordance with Order 5 above the plaintiffs anticipate they will seek a hearing date for the balance of relief sought in the originating process (as amended) in around mid-May 2025 or other time convenient to the Court.

Date orders authenticated: 27 February 2025

Sia Lagos
Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

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Supporting Creditor	DEPUTY COMMISSIONER OF TAXATION
Second Plaintiff	ACN 114 733 569 LIMITED ACN 114 733 569 (FORMERLY KNOWN AS ISG FINANCIAL SERVICES LIMITED) (IN LIQUIDATION) (RECEIVERS APPOINTED)
Fifth Defendant	THE MILLS NOMINEES PARKVIEW ESTATE PTY LTD ACN 655 549 607
Eighth Defendant	THE MILLS NOMINEES RETIREMENT VILLAGE PTY LTD ACN 642 328 701
Ninth Defendant	NEW NORFOLK MPA NOMINEES PTY LTD (CONTROLLERS APPOINTED) ACN 636 839 239
Eleventh Defendant	THE MILLS NOMINEES NORFOLK VIEWS PTY LTD ACN 654 522 219
Twelfth Defendant	THE MILLS STAGE 6 PTY LTD ACN 641 979 964
Thirteenth Defendant	NOBLE RETIREMENT HOLDINGS PTY LTD ACN 613 718 648
Fourteenth Defendant	1202 CREEK ROAD TDG PTY LTD ACN 613 999 107
Fifteenth Defendant	GATEWAY INVESTMENT HOLDINGS PTY LTD ACN 635 643 186
Sixteenth Defendant	GATEWAY ESTATE NOMINEES PTY LTD (CONTROLLERS APPOINTED) ACN 632 231 479
Seventeenth Defendant	NIVA GROUP PTY LTD ACN 640 026 222
Eighteenth Defendant	ISG NIVA PTY LTD ACN 643 041 043
Nineteenth Defendant	NOBLE NIVA PTY LTD ACN 639 738 588
Twenty Third Defendant	ISG CAPITAL PTY LTD ACN 167 460 924
Twenty Fourth Defendant	ISG SECURITIES PTY LTD ACN 613 718 193



Twenty Fifth Defendant	HMS PARTNERS NOMINEES PTY LTD ACN 603 992 052
Twenty Sixth Defendant	ISG INVESTMENT HOLDINGS PTY LTD ACN 612 514 235
Twenty Seventh Defendant	CAPITAL PROVIDER NOMINEES PTY LTD ACN 654 507 221
Twenty Eighth Defendant	NIVA INVESTMENT HOLDINGS PTY LTD (SUBJECT TO DOCA) ACN 644 343 279