



Issued: 3 September 2024 3:18 PM

## JUDGMENT/ORDER

### COURT DETAILS

Court	Supreme Court of NSW
Division	Equity
List	Corporations List
Registry	Supreme Court Sydney
Case number	2024/00309404

### TITLE OF PROCEEDINGS

First Plaintiff	Jonathon Keenan
Second Plaintiff	Peter Krejci
Number of Plaintiffs	3

First

### DATE OF JUDGMENT/ORDER

Date made or given	2 September 2024
Date entered	3 September 2024

### TERMS OF JUDGMENT/ORDER

This matter is listed for Directions (Corporation List) on 28 October 2024 9:15 AM before the Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 5 Minutes

VERDICT, ORDER OR DIRECTION:

Black J makes orders (as amended) in accordance with the Short Minutes of Order initialled by him and placed in the file.

THE COURT ORDERS THAT:

1 The Plaintiffs' application for relief pursuant to section 444GA of the Corporations Act 2001 (Cth), be tentatively listed before Black J at 2:00PM on 11 November 2024, for an estimate of 2 hours, with a court book containing all appearances, the originating process, all affidavits, exhibits, objections to evidence and submissions to be delivered to the Associate to Black J by 4:00PM on 7 November 2024.

2 Direct that the Plaintiffs serve a copy of these orders, the Originating Process, the affidavit of Jonathon Sherwood Keenan sworn on 21 August 2024, (Keenan Affidavit), and the independent expert report of Richard Stone dated 15 August 2024 (Independent Expert Report) on ASIC by no later than 5:00PM on 5 September 2025.

3 A direction that, by no later than 5:00PM on 27 September 2024, the Plaintiffs give notice to each Member of Bizpay Group Limited ACN 633 797 627 (receivers and managers appointed) (subject to deed of company arrangement) (Bizpay Limited) by sending to them copies of:

- a. the Originating Process;
- b. the Keenan Affidavit;
- c. the Independent Expert Report;

- d. the Explanatory Statement in a form that is approved by ASIC; and
- e. these orders,

(together, Documents), by way of the following methods:

- f. where the Deed Administrators have an email address for that Member (including from the books and records maintained by Bizpay Limited), by sending them an email stating the log-in details and link to the website maintained by the Deed Administrators at <https://briferrier.com.au/about-us/current-matters/bizpay-group-limited> (BRI Website) from which the Documents can be accessed; and
- g. where the Deed Administrators do not have an email address for that Member, by sending a letter to that Member by post at the postal address recorded in the books and records of Bizpay Limited or otherwise known to the Deed Administrators, stating the log-in details and link to the BRI Website from which the Documents can be accessed.

4 Order that any interested person wishing to appear at the hearing of this application is to file and serve on the Plaintiffs and ASIC, a Notice of Appearance in the prescribed form and indicating the grounds of opposition by no later than 4:00PM on 25 October 2024.

5 Order that the matter be listed for further directions in the Corporations Motions List on 28 October 2024, for the purpose of making any further directions as to the timetable and confirming the hearing date.

## SEAL AND SIGNATURE



Signature Rebel Kenna  
Capacity Principal Registrar  
Date 3 September 2024

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.

## PERSON PROVIDING DOCUMENT FOR SEALING UNDER UCPR 36.12

Name Jonathon Keenan, Plaintiff 1  
Peter Krejci, Plaintiff 2  
BIZPAY GROUP LIMITED, Plaintiff 3

Legal representative Mark Christopher Wilson  
Legal representative reference  
Telephone 02 9234 0010

## FURTHER DETAILS ABOUT Plaintiff(s)

First Plaintiff  
Name Jonathon Keenan  
Address Level 26  
25 Bligh Street

SYDNEY NSW 2000

Telephone  
Fax  
E-mail  
Client reference

Second Plaintiff

Name Peter Krejci  
Address Level 26  
25 Bligh Street  
SYDNEY NSW 2000

Telephone  
Fax  
E-mail  
Client reference

Third Plaintiff

Name BIZPAY GROUP LIMITED  
ACN 633797627  
Address Suite 1 Level 7  
25 Bligh Street  
SYDNEY NSW 2000

Telephone  
Fax  
E-mail  
Client reference

**Legal representative**

Name Mark Christopher Wilson  
Practicing certificate number 25502  
Address Level 5  
151 Macquarie Street  
SYDNEY NSW 2000  
  
DX address  
Telephone 02 9234 0010  
Fax  
Email mark.wilson@wadvisers.com  
Electronic service address mark.wilson@wadvisers.com

**FURTHER DETAILS ABOUT (s)**