



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

No: NSD462/2019

STEPHEN HATHWAY and others named in the schedule
Plaintiff

SOUTHERN CROSS ESTATE DEVELOPERS PTY LTD (DEREGISTERED) and
others named in the schedule
Defendant

ORDER

JUDGE: JUSTICE JAGOT

DATE OF ORDER: 29 July 2019

WHERE MADE: Sydney


THE COURT ORDERS THAT:

1. Pursuant to section 601AH(2) of the *Corporations Act 2001* (Cth) (the **Act**), the Australian Securities and Investments Commission reinstate the registration of the First Defendant, Southern Cross Estate Developers Pty Ltd (deregistered), with effect from the date of deregistration, being 22 February 2018.
2. Pursuant to section 75-41 of the Insolvency Practice Schedule (Corporations), the resolution passed at the meeting of creditors of the First Defendant held on 8 May 2015 that it enter into a deed of company arrangement be set aside.
3. Pursuant to section 75-41 of the Insolvency Practice Schedule (Corporations), the deed of company arrangement dated 28 May 2015 between:
 - (a) the First Defendant;
 - (b) David Nicholas Iannuzzi as administrator of the First Defendant;
 - (c) Nasser Khalil Merhi;
 - (d) Merhis Pty Limited;
 - (e) the Fourth Plaintiff; and
 - (f) Payroll Management Pty Ltd,be set aside.



4. Pursuant to section 459A of the Act, the First Defendant be wound up in insolvency with such order to take effect from 8 May 2015.
5. Pursuant to section 472(1) of the Act, Stephen Hathway and Philip Hosking be appointed as the liquidators of the First Defendant.
6. Pursuant to section 90-15(1) of the Insolvency Practice Schedule (Corporations), Philip Hosking be appointed as an additional liquidator of the Fourth Plaintiff and the Fifth Plaintiff.
7. Pursuant to section 579E(1) of the Act, each of the Second, Third, Fourth and Fifth Plaintiff and the First Defendants (the Group) are a pooled group for the purposes of section 579E of the Act.
8. The Fourth, Fifth and Sixth Defendants pay the Plaintiffs' costs occasioned by their application to join and their joinder.
9. The costs of these proceedings otherwise be costs in the pooled winding up of the Group.

Date that entry is stamped: 29 July 2019


Registrar



Schedule

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Second Plaintiff	STACEY APARTMENTS PTY LTD (IN LIQUIDATION) ACN 600 480 699
Third Plaintiff	ARGYLE BUILDERS PTY LTD (IN LIQUIDATION) ACN 119 092 045 (FORMERLY MERHIS CONSTRUCTIONS PTY LTD)
Fourth Plaintiff	SOUTHERN CROSS RIGGING & CONSTRUCTIONS PTY LTD (IN LIQUIDATION) ACN 077 596 108
Fifth Plaintiff	LIVERPOOL BUSINESS ESTATE PTY LTD (IN LIQUIDATION) ACN 126 846 634
Sixth Plaintiff	PHILIP HOSKING
Second Defendant	DAVID IANNUZZI
Third Defendant	AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION
Fourth Defendant	NKMH HOLDINGS PTY LTD ACN 102384314
Fifth Defendant	MERHIS MANAGEMENT GROUP PTY LTD (ACN 602 122 716)
Sixth Defendant	PAYROLL MANAGEMENT PTY LTD ACN 122 191 422
Interested Person	E Z HIRE PTY LTD ACN 159 848 450