

FILED  
Form 2  
15 SEP 2011



(rules 2.2 and 15A.3)  
No. of 2011

IN THE SUPREME COURT OF NEW SOUTH WALES

DIVISION: EQUITY

REGISTRY: SYDNEY

CORPORATIONS LIST

297593

IN THE MATTER OF KIRBY STREET (HOLDING) PTY LIMITED ACN 116 849 113  
(RECEIVERS AND MANAGERS APPOINTED) (IN LIQUIDATION) AND THE OTHER  
COMPANIES IN THE SCHEDULE TO THE ORIGINATING PROCESS

**DAVID JOHN FRANK LOMBE (AS LIQUIDATOR OF THE COMPANIES REFERRED  
TO IN THE ATTACHED SCHEDULE)**  
First Plaintiff

**THE COMPANIES REFERRED TO IN THE ATTACHED SCHEDULE**  
Second Plaintiffs

**DISCOUNT VARIETY GROUP PTY LIMITED ACN 096 097 719**  
Defendant

### ORIGINATING PROCESS

#### A. DETAILS OF APPLICATION

This application is made under sections 461(1)(a) and 579E of the *Corporations Act 2011 (Cth)* (the **Corporations Act**).

The nature of the proceedings is an application at the first court hearing for the winding up of the defendant and an application at the second court hearing for a pooling order in respect of the second plaintiffs and the defendant.

On the facts stated in the supporting affidavits, the plaintiffs claim:

*At the first court hearing:*

1. An order dispensing with service on the defendant.

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Filed on behalf of: The Plaintiff

Prepared by:

Freehills

Lawyers

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Ref: MRC:LAP:27B


Attention: Mark Clifton

2. An order pursuant to section 467(3) of the Corporations Act dispensing with compliance with section 465A of the Corporations Act and Rule 5.6 of the *Supreme Court (Corporations) Rules 1999* (NSW).
3. An order that the defendant be wound up by the Court pursuant to section 461(1)(a) of the Corporations Act and that David John Frank Lombe be appointed liquidator of the defendant.
4. Directions for the further conduct of the proceeding.
5. Further or other relief.

*At the second court hearing:*

6. An order that the second plaintiffs and the defendant are a pooled group for the purposes of section 579E of the Corporations Act (**Pooled Group**).
7. Such ancillary or other orders pursuant to section 579G(1) of the Corporations Act (subject to conditions under section 579G(3) or otherwise) as this Honourable Court considers to be just and equitable.
8. The costs of this application be costs in the liquidation of the Pooled Group.
9. Further or other relief.

Date: 15 September 2011

  
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 Mark Russell Clifton  
 Legal practitioner for the plaintiffs

This application will be heard by the Supreme Court of New South Wales at Law Courts Building Queens Square Sydney at *10AM* on *19-9-* 2011.

## B. FILING

Date of filing: 15 September 2011

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 This originating process is filed by Freehills for the plaintiffs.

## C. SERVICE

The plaintiffs' address for service is MLC Centre, 19 Martin Place, Sydney NSW 2000. It is not intended to serve a copy of this originating process on any person.

## SCHEDULE

<b>Company</b>	<b>ACN</b>
Angzol Pty Limited (In Liquidation)	109 316 350
Armmate Pty Limited (In Liquidation)	104 711 891
Arnnete Pty Limited (In Liquidation)	104 727 924
Kirby Street (Holding) Pty Limited (Receivers and Managers Appointed) (In Liquidation)	116 849 113
Kirby Street (Finance) Pty Limited (In Liquidation)	117 268 532
Kirby Street (Logistics) Pty Limited (In Liquidation)	103 305 700
Kirby Street (Trading) Pty Limited (Receivers and Managers Appointed) (In Liquidation)	117 238 945
Blue Spike Pty Limited (In Liquidation)	092 192 204
Bluebend Pty Limited (In Liquidation)	098 726 526
Bluepeer Pty Limited (In Liquidation)	098 726 553
Caloundra Retail Co Pty Limited (In Liquidation)	108 773 208
Cashbound Pty Limited (In Liquidation)	095 230 407
Cashbuild Pty Limited (In Liquidation)	095 241 875
Kirby Street (Ipswich) Pty Limited (In Liquidation)	050 403 695
Kirby Street (Warwick) Pty Limited (In Liquidation)	073 395 838
Kirby Street (Dalby) Pty Limited (In Liquidation)	074 910 946
Kirby Street (Nth Qld) Pty Limited (In Liquidation)	058 407 471
Kirby Street (CC Retail) Pty Limited (In Liquidation)	092 197 914
DPCo Pty Limited (In Liquidation)	117 640 310
Fireright Pty Limited (In Liquidation)	095 578 386
Freshfame Pty Limited (In Liquidation)	102 337 164
Garden Pty Limited (In Liquidation)	071 458 930
General Variety Pty Limited (In Liquidation)	097 076 447
Goralin Pty Limited (In Liquidation)	087 268 719
Group Variety Pty Limited (In Liquidation)	097 076 401
GSCo Pty Limited (In Liquidation)	117 640 301
Imagewatch Pty Limited (In Liquidation)	102 323 786
ITCo Pty Limited (In Liquidation)	117 640 338
Look Sharp Concepts Pty Limited (In Liquidation)	003 116 621

<b>Company</b>	<b>ACN</b>
Makro Cannon Park Pty Limited (In Liquidation)	105 140 752
Makro Toowoomba Pty Limited (In Liquidation)	107 491 618
Mallwalk Pty Limited (In Liquidation)	102 324 569
Moneycure Pty Limited (In Liquidation)	098 727 596
O'Neills Property Company Pty Limited (In Liquidation)	095 230 416
Queensland Discounters Pty Limited (Receivers and Managers Appointed) (In Liquidation)	097 076 410
Shopping Variety Pty Limited (In Liquidation)	097 076 367
State Group Pty Limited (In Liquidation)	097 076 385
Sungate Pty Limited (Receivers and Managers Appointed) (In Liquidation)	010 497 551
Youngdown Pty Limited (Receivers and Managers Appointed) (In Liquidation)	003 393 548