



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID320/2020

MICHAEL IVANY

Applicant

JOHN PULBROOK

Respondent

ORDER

REGISTRAR: REGISTRAR HIRD

DATE OF ORDER: 03 August 2020

WHERE MADE: Melbourne

THE COURT ORDERS THAT:

1. Personal service of the creditor's petition be dispensed with.
2. The creditor's petition be served as follows:
 - (1) by attaching the following documents (collectively, the **Documents**) by PDF to an email addressed to the respondent at john@pulbrookholdings.com.au:
 - (a) A covering letter;
 - (b) A sealed copy of this order;
 - (c) A sealed copy of the creditor's petition;
 - (d) A copy of the affidavit, or affidavits, verifying the creditor's petition;
 - (e) A copy of the affidavit required by r 4.04(1)(a) of the *Federal Court (Bankruptcy) Rules 2016*;



(f) A copy of the affidavit, or affidavits, of service of the bankruptcy notice; a

(g) A copy of any consent to act as trustee;

which contains in the subject header of the message the following: “Urgent - Important Legal Message” and which otherwise reads as follows in the body of the email:

EMAIL BY COURT ORDER - Proceeding VID320/2020 has been filed against John Pulbrook. Please refer to the documents attached. The case is listed for hearing at 9.30am on 17 September 2020 at the Federal Court of Australia, 305 William Street, Melbourne 3000. Please contact the writer or the Federal Court Registry on (03) 8600 3333.

(2) by sending a SMS message to the respondent at 0400 188 305 which reads as follows:

SMS BY COURT ORDER – A creditor’s petition has been issued against JOHN PULLBROOK and an order for its service has been made. Documents on file VID320/2020 can be inspected at the Court: level 7, 305 William Street, Melbourne by prior appointment with the Registry and the documents have been sent by email to john@pulbrookholdings.com.au.

3. Service of the creditor’s petition be deemed to be effected on 27 August 2020 upon condition that the 3 events referred to in paragraph 2 occur by 13 August 2020.

4. The costs of this application be reserved.



5. Liberty to apply.

Date that entry is stamped: 3 August 2020

This Order has been amended on 4 August 2020 in accordance with Rule 39.05(g) of the *Federal Court Rules 2011*.

Sia Lagos
Registrar

Subsection 35A (5) of the *Federal Court of Australia Act 1976* (the *Act*) provides that a party to proceedings in which a Registrar has exercised any of the powers of the Court under subsection 35A (1) of the Act may, within the time prescribed by the Rules of Court, or within any further time allowed in accordance with the Rules of Court, apply to the Court to review that exercise of power.

Rule 3.11 provides that a party may apply to the Court under subsection 35A (5) of the Act for review of the exercise of a power of the Court by a Registrar and that any application must be made within 21 days after the day on which the power was exercised. A party seeking a review can apply to the Court to dispense with any requirement of the Rules (Rule1.34).