



Federal Court of Australia

District Registry: New South Wales Registry

Division: General

No: NSD757/2026

ANDREW MCCABE, WENJIE (JESSIE) WANG AND JOSEPH HAYES IN THEIR CAPACITIES AS JOINT AND SEVERAL SPECIAL PURPOSE LIQUIDATORS OF MOSAIC BRANDS LIMITED (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 003 321 579) and others named in the schedule
Plaintiff

MOSAIC BRANDS LIMITED (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 003 321 579) and others named in the schedule
Defendant

ORDER

JUDGE: Justice Markovic

DATE OF ORDER: 13 May 2026

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. A direction, pursuant to s 90-15 of the *Insolvency Practice Schedule (IPS)*, being Schedule 2 to the *Corporations Act 2001* (Cth), that the plaintiffs produce, and would be justified in producing, to each of the Directors (as defined in the originating process filed on 7 May 2026) the **Potentially Privileged Documents** referred to in Order 3 below, despite any claim to privilege any of the Directors or the defendants have or may assert in relation to those documents, and despite any obligation imposed on the plaintiffs, including by reason of the implied obligation (as articulated in *Hearne v Street* (2008) 235 CLR 125) and s 486 of the Act. Agreement to, and compliance with, this direction shall not constitute a waiver by or on behalf of any of the defendants to any claim to privilege in respect of any of the Potentially Privileged Documents.
2. By 4 pm on 14 May 2026, Hamilton Locke are to provide copies of the following in electronic form:
 - (a) Packet S22 produced in proceeding NSD381/2026 (**Examination Proceeding**);
and



- (b) the documents proposed to be produced by Hamilton Locke to the Court in the Examination Proceeding on 14 May 2026;

(Further Hamilton Locke Documents)

to Kathryn van Gelder of LawInOrder by email at Kathryn.vangelder@lawinorder.com.

3. By 6 pm on 14 May 2026, the plaintiffs are to send an instruction to a third-party provider (LawInOrder) to create a sub-set of documents, by searching or otherwise applying filters to such of the documents as are held in electronic form contained in:
 - (a) the packets referred to in paragraph 20 (j) and (l) of the affidavit of Andrew McCabe affirmed on 7 May 2026 (**McCabe Affidavit**) (being Packets S10 and S12 in the Examination Proceeding);
 - (b) the documents contained in paragraph 15(b) to (d) of the McCabe Affidavit;
 - (c) the documents produced by Hamilton Locke in response to the request for delivery made by ERA Legal to Hamilton Locke on 23 February 2026; and
 - (d) the Further Hamilton Locke Documents;

(together, **Hamilton Locke Documents**)

for documents created between 1 January 2020 and 1 July 2025 (inclusive) and which:

 - (e) are sent to, received from or are otherwise cc'd to Nick Edwards; or
 - (f) contain any one or more of the words “safe harbour” or “588GA” or “588”

(Potentially Privileged Documents).
4. By 6 pm on 14 May 2026, the plaintiffs are to instruct LawInOrder to:
 - (a) place the Potentially Privileged Documents into a separate electronic location (for instance, “cold storage”), not to be accessible by the plaintiffs until further order;
 - (b) provide a list of Potentially Privileged Documents to the plaintiffs and to the Directors by 4 pm on 15 May 2026; and
 - (c) make available, by 4pm on 15 May 2026, the Potentially Privileged Documents to the Directors by:
 - (i) delivering up a separate electronic bundle (including the image files, load files, and any metadata regarding the same) of the Potentially Privileged Documents through an electronic file sharing platform; or



- (ii) if requested by a Relevant Director, providing, at the relevant Director's cost, access to a separate Relativity workspace, not accessible to the plaintiffs.
5. Within seven days of receipt of the Potentially Privileged Documents, any Director who wishes to assert a claim to Exclusive Privilege (not being a claim in respect of joint or common interest privilege with any one or more of the defendants) to any one or more of the Potentially Privileged Documents must identify to the Plaintiffs the types of document or documents in respect of which any claim to Exclusive Privilege is made, the basis for any claim to Exclusive Privilege, and their proposal as to how the privilege dispute should be resolved, and the time by which that should occur.
6. An order and direction, pursuant to s 90-15 of the IPS, that the plaintiffs are permitted to inspect and to utilise, and would be justified in inspecting and utilising, the Hamilton Locke Documents, other than Potentially Privileged Documents. The Directors' agreement to this direction shall not constitute a waiver by or on behalf of any of the Directors to any claim to privilege in respect of any of the documents so utilised or inspected.
7. The proceeding be listed before her Honour Justice Markovic for a further case management hearing on 28 May 2026 at 9.30 am for directions as to the process to be implemented for the determination of any dispute as to privilege.
8. Liberty to apply on two business days' notice.

AND THE COURT NOTES THAT:

9. The plaintiffs will endeavour to obtain access to, but not inspect, the documents contained in Packets S14 and S17 in the Examination Proceeding (**Further Packets**), and once that occurs those documents will be Potentially Privileged Documents and Orders 2 to 7 above will apply in respect of the Further Packets.

Date orders authenticated: 13 May 2026


Registrar

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



Schedule

No: NSD757/2026

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

- Interested Person SUE MARGUERITE MORPHET
- Second Plaintiff ANDREW MCCABE, WENJIE (JESSIE) WANG AND
JOSEPH HAYES IN THEIR CAPACITIES AS JOINT AND
SEVERAL SPECIAL PURPOSE LIQUIDATORS OF NONI B
HOLDINGS PTY LIMITED (IN LIQUIDATION)
(RECEIVERS AND MANAGERS APPOINTED) (ACN 614
340 537)
- Second Interested Person SCOTT GRAHAM EVANS
- Third Plaintiff ANDREW MCCABE, WENJIE (JESSIE) WANG AND
JOSEPH HAYES IN THEIR CAPACITIES AS JOINT AND
SEVERAL SPECIAL PURPOSE LIQUIDATORS OF PRETTY
GIRL FASHION GROUP HOLDINGS PTY LTD (IN
LIQUIDATION) (RECEIVERS AND MANAGERS
APPOINTED) (ACN 089 304 941)
- Third Interested Person DAVID OLIVER WILSHIRE
- Fourth Plaintiff ANDREW MCCABE, WENJIE (JESSIE) WANG AND
JOSEPH HAYES IN THEIR CAPACITIES AS JOINT AND
SEVERAL SPECIAL PURPOSE LIQUIDATORS OF PRETTY
GIRL FASHION GROUP PTY LTD (IN LIQUIDATION)
(RECEIVERS AND MANAGERS APPOINTED) (ACN 051
283 900)
- Fifth Plaintiff ANDREW MCCABE, WENJIE (JESSIE) WANG AND
JOSEPH HAYES IN THEIR CAPACITIES AS JOINT AND
SEVERAL SPECIAL PURPOSE LIQUIDATORS OF
MILLERS RETAIL PTY LTD (IN LIQUIDATION)
(RECEIVERS AND MANAGERS APPOINTED) (ACN 626
380 309)
- Sixth Plaintiff ANDREW MCCABE, WENJIE (JESSIE) WANG AND
JOSEPH HAYES IN THEIR CAPACITIES AS JOINT AND
SEVERAL SPECIAL PURPOSE LIQUIDATORS OF NONI B
HOLDINGS 2 PTY LTD (IN LIQUIDATION) (RECEIVERS
AND MANAGERS APPOINTED) (ACN 626 335 760)



Seventh Plaintiff	ANDREW MCCABE, WENJIE (JESSIE) WANG AND JOSEPH HAYES IN THEIR CAPACITIES AS JOINT AND SEVERAL SPECIAL PURPOSE LIQUIDATORS OF RIVERS RETAIL HOLDINGS PTY LTD (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 626 380 934)
Eighth Plaintiff	ANDREW MCCABE, WENJIE (JESSIE) WANG AND JOSEPH HAYES IN THEIR CAPACITIES AS JOINT AND SEVERAL SPECIAL PURPOSE LIQUIDATORS OF KATIES RETAIL PTY LTD (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 626 380 158)
Ninth Plaintiff	ANDREW MCCABE, WENJIE (JESSIE) WANG AND JOSEPH HAYES IN THEIR CAPACITIES AS JOINT AND SEVERAL SPECIAL PURPOSE LIQUIDATORS OF CROSSROADS RETAIL PTY LTD (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 626 380 541)
Tenth Plaintiff	ANDREW MCCABE, WENJIE (JESSIE) WANG AND JOSEPH HAYES IN THEIR CAPACITIES AS JOINT AND SEVERAL SPECIAL PURPOSE LIQUIDATORS OF AUTOGRAPH RETAIL PTY LTD (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 626 380 390)
Eleventh Plaintiff	ANDREW MCCABE, WENJIE (JESSIE) WANG AND JOSEPH HAYES IN THEIR CAPACITIES AS JOINT AND SEVERAL SPECIAL PURPOSE LIQUIDATORS OF W.LANE PTY LTD (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 003 115 124)
Twelfth Plaintiff	ANDREW MCCABE, WENJIE (JESSIE) WANG AND JOSEPH HAYES IN THEIR CAPACITIES AS JOINT AND SEVERAL SPECIAL PURPOSE LIQUIDATORS OF NONI B HOLDCO PTY LTD (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 627 001 389)
Thirteenth Plaintiff	ANDREW MCCABE, WENJIE (JESSIE) WANG AND JOSEPH HAYES IN THEIR CAPACITIES AS JOINT AND SEVERAL SPECIAL PURPOSE LIQUIDATORS OF EZIBUY PTY LTD (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 058 215 722)
Interested Person	SCOTT GRAHAM EVANS
Second Defendant	NONI B HOLDINGS PTY LIMITED (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 614



340 537)

- Third Defendant PRETTY GIRL FASHION GROUP HOLDINGS PTY LTD (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 089 304 941)
- Fourth Defendant PRETTY GIRL FASHION GROUP PTY LTD (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 051 283 900)
- Fifth Defendant MILLERS RETAIL PTY LTD (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 626 380 309)
- Sixth Defendant NONI B HOLDINGS 2 PTY LTD (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 626 335 760)
- Seventh Defendant RIVERS RETAIL HOLDINGS PTY LTD (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 626 380 934)
- Eighth Defendant KATIES RETAIL PTY LTD (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 626 380 158)
- Ninth Defendant CROSSROADS RETAIL PTY LTD (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 626 380 541)
- Tenth Defendant AUTOGRAPH RETAIL PTY LTD (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 626 380 390)
- Eleventh Defendant W.LANE PTY LTD (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 003 115 124)
- Twelfth Defendant NONI B HOLDCO PTY LTD (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 627 001 389)
- Thirteenth Defendant EZIBUY PTY LTD (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) (ACN 058 215 722)