

## Originating application

No. \_\_\_\_\_ of 2026

Federal Court of Australia  
District Registry: New South Wales  
Division: General Division  
National Practice Area: Commercial and Corporations  
Sub-area: Corporations and Corporate Insolvency

**ADAM WATSON**

First Applicant

**PIONEER LAKES PTY LTD (ACN 108 681 563)**

Second Applicant

**MICHAEL JOE BOTICA**

First Respondent

**STEPHEN BRIAN COLEMAN**

Second Respondent

**JOHN LESLIE O'TOOLE**

Third Respondent

**JOMIST DEVELOPMENTS PTY LTD (ACN 104 650 526)**

Fourth Respondent

**GRASSLAND PROPERTIES PTY LTD (ACN 106 656 802)**

Fifth Respondent

**To the Respondents**

The Applicants apply for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing: [Registry will insert time and date]

Place: [address of Court]

Date:

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Signed by an officer acting with the authority of the District Registrar

### **Details of claim**

On the grounds stated in the accompanying concise statement and affidavit, the Applicants claim:

### **Declaratory relief**

1. A declaration that the First Applicant was validly appointed as sole director and secretary of the Second Applicant with effect from 3 July 2026.
2. A declaration that the ASIC Form 484 lodged in respect of the Second Applicant on 14 July 2026 (ASIC document number 6EMDF9559) was duly authorised and validly lodged.
3. Further or alternatively, an order pursuant to section 1322(4)(a) of the Corporations Act 2001 (Cth) declaring that the appointment of the First Applicant as a director of the Second Applicant, and the cessation of the First, Second and Third Respondents as directors of the Second Applicant, are not invalid by reason of any contravention of that Act or of the Second Applicant's constitution.
4. An order pursuant to section 175(1) of the Corporations Act 2001 (Cth) that the register of members of the Second Applicant be rectified to record the First Applicant as the holder of the shares the subject of the Share Sale Agreement dated [insert date].

### **Relief in respect of the removal of Company funds**

5. An order that the First, Second and Third Respondents account to the Second Applicant for all monies withdrawn, transferred or otherwise removed from the Second Applicant's bank accounts on or after 3 July 2026, in the sum of approximately \$4,000,000 or such other sum as the Court finds.
6. An order pursuant to section 1317H of the Corporations Act 2001 (Cth) that the First, Second and Third Respondents pay compensation to the Second Applicant for damage suffered by it in consequence of their contraventions of sections 180, 181, 182 and 183 of that Act.
7. Further or alternatively, an order that the First, Second and Third Respondents pay equitable compensation to the Second Applicant for breach of the fiduciary duties they owed to it.

8. A declaration that the monies referred to in paragraph 5, and any property acquired with those monies, are held on constructive trust for the Second Applicant, and an order that they be paid or transferred to the Second Applicant.
9. An order that the Respondents provide a full account of the application and present whereabouts of the monies referred to in paragraph 5.

### **Oppression**

10. A declaration pursuant to section 232 of the Corporations Act 2001 (Cth) that the conduct of the affairs of the Second Applicant by the First, Second and Third Respondents on and from 3 July 2026 was contrary to the interests of the members as a whole, and oppressive to, unfairly prejudicial to, or unfairly discriminatory against, the First Applicant.
11. Orders pursuant to section 233 of the Corporations Act 2001 (Cth), including orders that the First, Second and Third Respondents repay to the Second Applicant the monies referred to in paragraph 5 and that they be regulated in the conduct of the Second Applicant's affairs.

### **Relief against the Fourth and Fifth Respondents**

12. A declaration that the transfers of ordinary shares in the Second Applicant recorded in the three Standard Transfer Forms each dated 3 July 2026 — being transfers by the Fourth Respondent to Watson Family Corporate Pty Ltd (30 shares), by the Fifth Respondent to GC Resources Corporate Pty Ltd (30 shares), and by the Fourth Respondent to the First Applicant (40 shares) — are valid and effective.
13. An order that the Fourth and Fifth Respondents specifically perform their obligations under the Share Sale Agreement and the said Standard Transfer Forms, and do all things necessary to give effect to the transfers referred to in paragraph 12.
14. Further or alternatively, damages against the Fourth and Fifth Respondents for breach of the Share Sale Agreement and the said Standard Transfer Forms.
15. An injunction restraining the Fourth and Fifth Respondents, whether by themselves, their servants or agents, from asserting to ASIC or to any other person that the transfers referred to in paragraph 12 are invalid or of no effect.

### **Statutory and general law damages**

16. Damages pursuant to section 12GF of the Australian Securities and Investments Commission Act 2001 (Cth) for contraventions of section 12DA of that Act.
17. Relief pursuant to sections 12GM and/or 12GNB of the Australian Securities and Investments Commission Act 2001 (Cth) in respect of contraventions of sections 12CB and 12DA of that Act.

18. Damages against the Respondents for conspiracy to injure the Applicants by unlawful means.
19. Exemplary and aggravated damages in favour of the First Applicant in respect of the claim in paragraph 18.

### **Injunctive and ancillary relief**

20. An injunction pursuant to section 1324 of the Corporations Act 2001 (Cth) restraining the First, Second and Third Respondents, whether by themselves, their servants or agents, from dealing with, disposing of, encumbering or diminishing the value of any asset of the Second Applicant.
21. An injunction restraining the Respondents, whether by themselves, their servants or agents, from representing to any person that the First Applicant is not a director of the Second Applicant, or that the ASIC Form 484 referred to in paragraph 2 was fraudulent or unauthorised.
22. Interest pursuant to section 51A of the Federal Court of Australia Act 1976 (Cth).
23. Costs.
24. Such further or other orders as the Court considers appropriate.

### **Claim for interlocutory relief**

The Applicants also claim interlocutory relief.

1. A freezing order pursuant to rule 7.32 of the Federal Court Rules 2011 (Cth) and/or the inherent jurisdiction of the Court restraining each of the Respondents from removing from Australia, or in any way disposing of, dealing with or diminishing the value of, any of their assets within Australia up to the unencumbered value of \$4,000,000.
2. An ancillary order pursuant to rule 7.33 of the Federal Court Rules 2011 (Cth) requiring each of the Respondents to swear and serve an affidavit disclosing all of their assets within and outside Australia, and the application and present whereabouts of the monies referred to in paragraph 5 above.
3. An order that the proceeding be expedited.
4. Such further or other interlocutory orders as the Court considers appropriate.

### **Applicants' address**

The Applicants' address for service is:

Place: 256A Malabar Road, Maroubra NSW 2035  
Email: adam@adamwatson.au  
Phone: 0419 135 888

The Second Applicant's address is its registered office and principal place of business: [insert registered office address].

The First Applicant's address is 256A Malabar Road, Maroubra NSW 2035.

### **Service on the Respondents**

It is intended to serve this application on all Respondents.

Date:

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Signed by Adam Watson

First Applicant, and director of the Second Applicant