



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

No: NSD654/2021

**MICHELE BOTTIGLIERI ARMATORE SPA**  
Plaintiff

**MICHELE BOTTIGLIERI ARMATORE S.P.A.**  
Defendant

### **ORDER**

**JUDGE:** JUSTICE RARES

**DATE OF ORDER:** 9 July 2021

**WHERE MADE:** Sydney

#### **THE COURT ORDERS THAT:**

1. Pursuant to s 6 of the *Cross-Border Insolvency Act 2008* (Cth) (**Act**), Article 19 of the *Model Law on Cross-Border Insolvency of the United Nations Commission on International Trade Law* in Schedule 1 of the Act, and r 15A.4 of the *Federal Court (Corporations) Rules 2000* (Cth) (**Rules**), until the originating process in this proceeding is determined or until further order of the Court, the commencement or continuation of any individual action or legal proceeding (including without limitation any arbitration, mediation or any judicial, quasi-judicial, administrative action, proceeding or process whatsoever) against the Defendant or any of its assets, rights and obligations is enjoined and stayed respectively.
2. Any application for the issue of a warrant of arrest in Australia of any vessel owned or chartered by the Defendant be dealt with by a Judge of this Court and at the time any such application is made the following matters and documents be drawn to the attention of the Court:
  - a. these Orders; and
  - b. the fact that the vessel is engaged in commercial trade; and



- c. copies of the reasons of the Court in *Yu v STX Pan Ocean Co Ltd* (2013) 223 FCR 189; [2013] FCA 680 at [2], [3] and [39] *et seq*, *Yakushiji v Kaisha* [2015] FCA 1170 and *Kim v SW Shipping Co Ltd* [2016] FCA 428.
3. In satisfaction of sub-rules (c) and (d) of r 15A.7(1) of the Rules, the Plaintiff, on or before 23 July 2021:
- (a) publish a notice of the making of Orders 1 and 2 in accordance with Form 21 in the *Daily Cargo News*; and
  - (b) publish a notice of the making of Orders 1 and 2 in accordance with Form 21 in *Lloyd's List International*; and
  - (c) send a notice of the making of Orders 1 and 2 above in accordance with Form 21 to each Australian creditor of the Defendant known to the Plaintiff.
4. The requirement in rr 15A.3(4), 15A.4(2), 2.7(1) and 2.7(2), for the Plaintiff to serve copies of the Interlocutory Process, the Originating Process and accompanying documents on the Defendant, is waived.
5. The requirement in r 15A.6(1)(b), that a notice of filing of the application for recognition of the foreign proceeding be published in a daily newspaper circulating in Italy as the State where the Defendant has its principal place of business, is waived.
6. The proceeding be adjourned to 5 November 2021.

Date that entry is stamped: 9 July 2021

  
Registrar