

## Exhibit Certificate

Federal Court of Australia

No NSD642 of 2021

District Registry: New South Wales

Division: Commercial and Corporations

**Societe Generale (ABN 71 092 516 286)**

Applicant

**Forum Finance Pty Limited (ACN 153 301 172) (In Liquidation) and others**

Respondents

This is the exhibit marked "**ITB-20**" referred to in the affidavit of Ian Timothy Bolster sworn before me on 9 August 2022.

Signature of witness



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Name of witness

Julian Zoller

Address of witness

Level 11, Martin Place, Sydney NSW 2000

Capacity of witness

Solicitor



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD616/2021

**WESTPAC BANKING CORPORATION ABN 33 007 457 141** and another named in the schedule  
Applicant

**FORUM FINANCE PTY LIMITED (IN LIQUIDATION) ACN 153 301 172** and others  
named in the schedule  
Respondent

Division: General

No: NSD747/2021

**THE FORUM GROUP OF COMPANIES PTY LIMITED (ADMINISTRATORS APPOINTED)** and others named in the schedule  
Plaintiff

Division: General

No: NSD642/2021

**SOCIETE GENERALE (ABN 71 092 516 286)**  
Applicant

**FORUM FINANCE PTY LIMITED (ACN 152 301 172)** and others named in the schedule  
Respondent

Division: General

No: NSD681/2021

**SMBC LEASING AND FINANCE, INC. ARBN 602 309 366**  
Plaintiff

**FORUM ENVIRO (AUST) PTY LTD (VOLUNTARY ADMINISTRATORS APPOINTED) ACN 607 484 364** and others named in the schedule  
Defendant

## ORDER

**JUDGE:** JUSTICE LEE

**DATE OF ORDER:** 10 March 2022

**WHERE MADE:** Sydney



**THE COURT ORDERS THAT:**

**In all proceedings**

1. Pursuant to FCR 39.05, Order 7(g)(i) of the orders made by Justice Lee dated 20 October 2021 be amended *nunc pro tunc* from 20 October 2021 to read:

*In hard copy to C/ Panetta Lawyers, Level 6, 111 Elizabeth Street Sydney NSW 2000.*

2. Any documents discovered in proceeding NSD616/2021 (**Westpac Proceeding**), proceeding NSD681/2021 (**SMBC Proceeding**), and proceeding NSD642/2021 (**Societe Generale Proceeding**) (together, the **Related Proceedings**) are to be accessible to each of the parties to the Related Proceedings as if the documents had been discovered in the Related Proceeding.
3. Evidence in one proceeding is to be evidence in the other.
4. Pursuant to FCR 10.24, each of the applicants serve any material they will rely on at the trial in these proceedings scheduled to commence on 10 October 2022 and any other material filed from the date of these orders concerning Mr Basile Papadimitriou (**Mr Papas**), on Mr Papas via each of the following means:
  - a) sending the documents to the addresses noted in the Form 10 Notice of Address for Service filed in those proceedings by Mr Papas, by email to law@panetta.com.au;
  - b) sending a short message service (sms) to the "Greek phone number" for Mr Papas, being the number identified in confidential exhibit RVP-02 tendered on 6 October 2021 in the Westpac proceeding, containing an unprotected online file share link with the material to be served; and
  - c) sending an email to Rebekah Giles of Company (Giles) to the address rebekah@companygiles.com.au. If that material is too voluminous to attach to an email, the email is to contain an unprotected online file share link with the material to be served.
5. Service of documents on Mr Papas pursuant to Order 4 is taken to be effected the business day after the applicant by their solicitors has sent each of the forms of communication set out in Order 4.



### Timetable

#### *Pleadings*

6. Any remaining defences from respondents who have been served with the applicable originating application and statement of claim in the proceeding in which they are sued (**Active Respondents**) are to be filed and served by 4pm on 1 April 2022 with the exception of:

- a) any entity in external administration, and
- b) Ms Agostino.

#### *Evidence*

7. By 4pm on 27 May 2022:
- a) the Active Respondents (except for any entity in external administration) are to file and serve the affidavit evidence on which they rely; and
  - b) the liquidators of the Forum companies are to serve any material which constitutes opinion accounting evidence.
8. By 4pm on 1 July 2022, the applicants are to file and serve any affidavit evidence in reply.
9. By 4pm on 15 July 2022, the applicants are to serve a summary for the purposes of s 50(2) of the *Evidence Act 1995* (Cth) of any documentary evidence to be relied upon at the hearing.
10. By 4pm on 29 July 2022, the applicants and Active Respondents are to notify each other of any witnesses required for cross-examination.

#### *Trial Preparation*

11. By 4pm on 15 July 2022, the applicants are to serve an index of all documents that they propose to tender at the hearing.
12. By 4pm on 29 July 2022, each Active Respondent is to serve an index of any additional documents that they propose to tender at the hearing.
13. In the week commencing 1 August 2022, pursuant to s 37P(2) of the *Federal Court of Australia Act 1976* (Cth) (**Act**), the junior counsel for the parties are to confer, under



the direction and supervision of a Senior Judicial Registrar of the Court, and attempt to agree on and produce the following documents (**Conferral**):

- a) a document entitled "Factual and Legal Issues for Determination" (**Issues Document**) which document:
    - i. identifies each substantive contested factual issue in respect of which the parties consider it is necessary for the Court to make findings (**Principal Contested Facts in Issue**);
    - ii. identifies each contested legal issue in respect of which the parties consider it is necessary for the Court to determine at the hearing (**Contested Legal Issues**);
  - b) a template for opening submissions (**Submission Template**), which document, when completed will:
    - i. provide an overview of each party's case in summary form (Part A);
    - ii. identify that party's summary contentions in relation to each of the Principal Contested Facts in Issue to the extent they relate to that party (Part B);
    - iii. identify that party's summary contentions in relation to each of the Contested Legal Issues to the extent they relate to that party (Part C).
14. The legal representatives for the parties participating in the Conferral are to do so in good faith and consistently with their obligations under Pt VB of the Act (including by assisting in facilitating the narrowing of issues by reducing the scope of any documentary tender).
15. By 15 August 2022, the parties provide to the Associate to Justice Lee:
- a) the agreed documents prepared in accordance with Order 13; or
  - b) in the event the parties are unable to reach agreement as to the contents of any of the documents to be prepared in accordance with Order 13, one version of the draft agreed document with the extent of the disagreement identified in mark-up together with brief submissions explaining the reasons for the disagreement



16. By 4pm on 22 August 2022, the applicants and the Active Respondents serve an agreed index of any document required to be tendered following the completion of the Conferral, which a party considers it necessary to tender at the hearing.
17. By 4pm on 26 August 2022, the applicants file and serve a written outline of opening submissions.
18. By 4pm on 9 September 2022, the Active Respondents file and serve any written outline of opening submissions.
19. By 4pm on 16 September 2022, the applicants provide their reply to the opening submissions of the Active Respondents, by way of including, in a revised opening submission, any material in reply and file and serve their revised opening submissions (and a Microsoft Word version of the revised opening submissions is to be provided by email to the Associate to Justice Lee).
20. The submissions filed by the parties in accordance with these orders are to be in Times Roman 12-point type, follow the Submissions Template, are to refer to any authorised report of any cases referred to or cited (or in the absence of an authorised report, any unauthorised report and the medium neutral citation), and are not to include footnotes.
21. By 4pm on 23 September 2022, the parties are to deliver to the Associate to Justice Lee a Court Book, in hard copy and electronically, which:
  - a) as Part A contains the final version only of the pleadings or points of claim or responses to point of claim relied upon by the parties, any particulars not included in the pleadings to be relied upon, and the final versions of the Agreed Background Facts and the Issues Document;
  - b) as Part B contains the final versions of the Opening Submissions of each party (updated to contain cross references to Part C of the Court Book to the extent a document is the subject of reference);
  - c) as Part C contains, in chronological order, one paginated copy only of the documents for tender notified by each party (being only documents to which a party proposes to refer to in submissions) and, in this regard, if only part of a document is to be relied upon, only part of the document should be reproduced



- (additionally, in relation to any email, the email “chain” should not be reproduced but only one copy of each individual email communication should be extracted and then placed in the bundle chronologically by reference to when it was sent);
- d) as Part D contains any of the lay affidavit material proposed to be relied upon by any party (without any annexures or exhibits) and, to the extent the affidavit refers to any document, a cross reference to Part C of the Court Book;
  - e) as Part E contains any of the expert affidavit and report material proposed to be relied upon by any party (without any annexures or exhibits) and, to the extent the affidavit and report material refers to any document which is to be referred to by a party in submissions, a cross reference to Part C of the Court Book; and
  - f) as Part F contains any Joint Report(s) of an expert of any report of any referee adopted (or any report of any referee, which any party proposes be adopted by the Court at the trial).
22. The Court Book contain double-sided printing and, to the extent filed Court documents are reproduced, the Notice of Filing form is to be reproduced at the end of the relevant Court document.
23. By 30 September 2022, each party notify each other party of the objections which the notifying party has to material contained in Parts C, D and E of the Court Book and, in respect of each objection, the grounds of the objection.
24. By 5 October 2022, junior counsel briefed by each party confer and endeavour to resolve all objections.
25. By 12 noon on 7 October 2022, the applicants file and serve a Consolidated List of Objections that contains a list of those objections that are pressed and, in respect of each such objection, the grounds of the objection and the response to those grounds provided by the counter-party.

### **In the Westpac Proceeding**

*Application of Mr Tesoriero seeking summary dismissal / strike out of Westpac's claim*

26. The hearing of the application filed by the third respondent (**Mr Tesoriero**) on 21 February 2022 is adjourned to the trial scheduled to commence on 10 October 2022.



27. Order 2 of the orders made by Justice Lee dated 22 February 2022 and Order 11 of the orders of Justice Lee dated 12 November 2021 be vacated.

*Service on Iugis Global Financial Services Limited*

28. The applicants, Westpac Banking Corporation ABN 33 007 457 141 (**Westpac**) and Westpac New Zealand Limited (company registration number company number 1763882) (**Westpac New Zealand**), have leave, pursuant to r 10.43(2) of the *Federal Court Rules 2011* (Cth) (**FCR**), to serve the fourth further amended originating application and the second further amended statement of claim on the thirty-fourth respondent, Iugis Global Financial Services Limited, in the United Kingdom in accordance with the *Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* done at The Hague on 15 November 1965 by sending a copy of the originating process as issued by this Court by international registered post with return receipt to:

- a) its registered office address at 9th Floor 107 Cheapside, London, United Kingdom, EC2V 6DN; and
- b) its new registered office address PO Box 4385, 11785331: Companies House Default Address, Cardiff, CL14 8LH.

*Defence of Ms Agostino*

29. Any defence from the forty-seventh respondent, Louisa Marie Agostino (**Ms Agostino**) in the Westpac proceeding is to be filed and served by 4pm on 29 April 2022.

*Discovery in Westpac proceeding*

30. By 4pm on 29 April 2022, Westpac and Westpac New Zealand and each of the respondents who have been served with the fourth further amended originating application and the second further amended statement of claim (except for any entity in external administration) in the Westpac proceeding must give standard discovery in accordance with FCR 20.14 and 20.16 and in accordance with the Electronic Discovery Protocol provided to the Court on 11 March 2022 (noting that documents produced under any subpoena issued in any of the proceeding or obtained pursuant to





the search orders made by Justice Lee dated 28 June 2021 in the Westpac Proceeding are not required to be discovered).

31. By 17 March 2022, Westpac is to file and provide to the Associate to Justice Lee an affidavit from its solicitors describing the steps Westpac has taken in relation to the contempt charge against Mr Papas since the orders of Justice Lee dated 20 October 2021 and any steps Westpac intends to take in relation to that charge.

*Foreshadowed Application by Ms Agostino*

32. By 4pm on 21 March 2022, the forty-seventh respondent, Ms Agostino, through her solicitors is to notify Westpac's solicitors and the Associate to Justice Lee if any application is to be made for the variation or discharge of the Freezing Order made against her on 25 January 2022. In the event such an application is made, it is to be made by 21 March 2022, and:

- a) any evidence relied upon by Ms Agostino is to be filed with the application;
- b) in the event that Ms Agostino relies upon any affidavit sworn by her, Westpac is to advise Ms Agostino and the Associate to Lee J whether it requires Ms Agostino for cross examination by 4pm on 22 March 2022;
- c) any evidence from Westpac or submissions filed in relation to the application is to be filed and provided to the Associate to Lee J by no later than 4pm on 25 March 2022;
- d) any submissions on which Ms Agostino seeks to rely in relation to the application are to be filed and provided to the Associate to Lee J by no later than 4pm on 25 March 2022;
- e) the application will be listed for hearing on 29 March 2022 commencing at:
  - i. 9.30am in the event Ms Agostino is not required for cross examination;  
or
  - ii. 4.30pm in the event Ms Agostino is required for cross-examination.

Date that entry is stamped: 21 March 2022



*Sia Lagos*  
Registrar



**Schedule**

No: NSD616/2021

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

Interested Person	JOHN THOMAS TUCK
Supporting Creditor	SOCIETE GENERALE
Second Interested Person	NATIONAL AUSTRALIA BANK LIMITED
Second Applicant	WESTPAC NEW ZEALAND LIMITED (COMPANY REGISTRATION NUMBER COMPANY NUMBER 1763882)
Third Interested Person	ANTONY RESNICK & MARK JULIAN ROBINSON IN THEIR CAPACITIES AS THE JOINT AND SEVERAL RECEIVERS OF FORUM GROUP PTY LTD (RECEIVERS APPOINTED) ACN 153 336 997
Interested Person	ANTONY RESNICK
Interested Person	MARK JULIAN ROBINSON
Interested Person	ROCCO VINCENZO PANETTA
Respondent	GIOVANNI TESORIERO
Second Respondent	BASILE PAPADIMITRIOU
Third Respondent	VINCENZO FRANK TESORIERO
Fourth Respondent	FORUM GROUP FINANCIAL SERVICES PTY LTD (PROVISIONAL LIQUIDATORS APPOINTED) ACN 623 033 705
Fifth Respondent	FORUM GROUP PTY LTD (RECEIVERS APPOINTED)(IN LIQUIDATION) ACN 153 336 997
Sixth Respondent	FORUM ENVIRO PTY LTD (PROVISIONAL LIQUIDATORS APPOINTED) ACN 168 709 840
Seventh Respondent	FORUM ENVIRO (AUST) PTY LTD (PROVISIONAL LIQUIDATORS APPOINTED) ACN 607 484 364
Eighth Respondent	64-66 BERKELEY ST HAWTHORN PTY LTD (ACN 643 838



	662)
Ninth Respondent	14 JAMES STREET PTY LTD (IN LIQUIDATION) ACN 638 449 206 26
Tenth Respondent	EDMONSTONE ROAD PTY LTD (IN LIQUIDATION) ACN 622 944 129 26
Eleventh Respondent	5 BULKARA STREET PTY LTD (IN LIQUIDATION) ACN 630 982 160 6
Twelfth Respondent	BULKARA STREET PTY LTD (IN LIQUIDATION) ACN 639 734 473 6
Thirteenth Respondent	23 MARGARET STREET PTY LTD (ACN 623 715 373)
Fourteenth Respondent	1160 GLEN HUNTLY ROAD PTY LTD ACN 639 447 984
Fifteenth Respondent	14 KIRWIN ROAD MORWELL PTY LTD ACN 641 402 093
Sixteenth Respondent	CANNER INVESTMENTS PTY LTD ACN 624 176 049
Seventeenth Respondent	123 HIGH STREET TARADALE PTY LTD ACN 639 872 512
Eighteenth Respondent	160 MURRAY VALLEY HWY LAKE BOGA PTY LTD ACN 641 392 921
Nineteenth Respondent	31 ELLERMAN STREET DIMBOOLA PTY LTD ACN 641 392 887
Twentieth Respondent	4 COWSLIP STREET VIOLET TOWN PTY LTD ACN 639 872 352 55
Twenty First Respondent	NOLAN STREET MARYBOROUGH PTY LTD ACN 641 392 912
Twenty Second Respondent	89 BETKA ROAD MALLACOOTA PTY LTD ACN 641 393 179
Twenty Third Respondent	9 GREGORY STREET OUYEN PTY LTD ACN 641 392 707
Twenty Fourth Respondent	9 MAIN STREET DERRINALLUM PTY LTD ACN 639 872 736
Twenty Fifth Respondent	286 CARLISLE STREET PTY LTD ACN 610 042 343
Twenty Sixth	275 HIGH STREET GOLDEN SQUARE PTY LTD ACN 639 870



Respondent	545
Twenty Seventh Respondent	MAZCON INVESTMENTS HELLAS IKE
Twenty Eighth Respondent	PALANTE PTY LTD ACN 135 344 151
Twenty Ninth Respondent	ANASTASIOS GIAMOURIDIS
Thirtieth Respondent	THE FORUM GROUP OF COMPANIES PTY LTD (IN LIQUIDATION) ACN 151 964 626
Thirty First Respondent	IUGIS PTY LTD (IN LIQUIDATION) ACN 632 882 243
Thirty Second Respondent	IUGIS (UK) LIMITED
Thirty Third Respondent	IUGIS HOLDINGS LIMITED
Thirty Fourth Respondent	IUGIS GLOBAL FINANCIAL SERVICES LIMITED
Thirty Fifth Respondent	IUGIS FINANCE LIMITED
Thirty Sixth Respondent	SPARTAN CONSULTING GROUP PTY LTD (IN LIQUIDATION) ACN 168 989 544
Thirty Seventh Respondent	INTRASHIELD PTY LTD (IN LIQUIDATION) ACN 133 426 534
Thirty Eighth Respondent	TESORIERO INVESTMENT GROUP PTY LTD ACN 161 088 115
Thirty Ninth Respondent	MANGUSTA (VIC) PTY LTD ACN 631 520 682
Fortieth Respondent	193 CARLISLE STREET ENTERPRISES PTY LTD ACN 612 615 237
Forty First Respondent	8-12 NATALIA AVE OAKLEIGH PTY LTD ACN 643 838 626
Forty Second Respondent	IUGIS HELLAS IKE
Forty Third	IUGIS ENERGY SA



**Respondent**

Forty Fourth Respondent                      ERIC CONSTANTINIDIS

Forty Fifth Respondent                      GIOVANNI (JOHN) TESORIERO

Forty Sixth Respondent                      MOUSSA (TONY) BOUCHAHINE

Forty Seventh Respondent                      LOUISA MARIA AGOSTINO

Forty Eighth Respondent                      D&D GROUP O.E

Forty Ninth Respondent                      AROMATIKA FYTA TSAI OLYMPOU THEION IKE

**MISCELLANEOUS ACTION**

Applicant                                      WESTPAC BANKING CORPORATION ABN 33 007 457 141

Second Applicant                              WESTPAC NEW ZEALAND LIMITED (COMPANY  
REGISTRATION NUMBER COMPANY NUMBER 1763882)

No: NSD747/2021

Federal Court of Australia

District Registry: New South Wales

Division: General

Applicant                                      JASON PRESTON

Applicant                                      JASON IRELAND

Applicant                                      VINCENZO TESORIERO

Second Plaintiff                              14 JAMES STREET PTY LTD ACN 638 449 206  
(ADMINISTRATORS APPOINTED)

Third Plaintiff                                26 EDMONSTONE ROAD PTY LTD ACN 622 944 129  
(ADMINISTRATORS APPOINTED)

Fourth Plaintiff                               5 BULKARA STREET PTY LTD ACN 630 982 160  
(ADMINISTRATORS APPOINTED)



Fifth Plaintiff	6 BULKARA STREET PTY LTD ACN 639 734 473 (ADMINISTRATORS APPOINTED)
Sixth Plaintiff	ARAMIA HOLDINGS PTY LTD ACN 114 958 717 (ADMINISTRATORS APPOINTED)
Seventh Plaintiff	EROS MANAGEMENT PTY LTD ACN 622 298 346 (ADMINISTRATORS APPOINTED)
Eighth Plaintiff	FORUM DIRECT PTY LTD ACN 054 890 710 (ADMINISTRATORS APPOINTED)
Ninth Plaintiff	FORUM FLEET PTY LIMITED ACN 155 440 994 (ADMINISTRATORS APPOINTED)
Tenth Plaintiff	FORUM GROUP PTY LTD ACN 153 336 997 (ADMINISTRATORS APPOINTED)
Eleventh Plaintiff	FORUM GROUP (QLD) PTY LTD ACN 103 609 678 (ADMINISTRATORS APPOINTED)
Twelfth Plaintiff	FORUM GROUP (VIC) PTY LTD ACN 153 062 018 (ADMINISTRATORS APPOINTED)
Thirteenth Plaintiff	IMAGETEC FINANCIAL SERVICES PTY LTD ACN 111 978 182 (ADMINISTRATORS APPOINTED)
Fourteenth Plaintiff	IMAGETEC SOLUTIONS AUSTRALIA PTY LTD ACN 074 715 718 (ADMINISTRATORS APPOINTED)
Fifteenth Plaintiff	INTRASHIELD INVESTMENT GROUP PTY LTD ACN 645 578 829 (ADMINISTRATORS APPOINTED)
Sixteenth Plaintiff	INTRASHIELD PTY LTD ACN 133 426 534 (ADMINISTRATORS APPOINTED)
Seventeenth Plaintiff	IUGIS INVESTMENTS PTY LTD ACN 647 627 745 (ADMINISTRATORS APPOINTED)
Eighteenth Plaintiff	IUGIS PTY LTD ACN 632 882 243 (ADMINISTRATORS APPOINTED)
Nineteenth Plaintiff	IUGIS WASTE SOLUTIONS PTY LTD ACN 647 212 299 (ADMINISTRATORS APPOINTED)
Twentieth Plaintiff	ONESOURCE AUSTRALIA HOLDINGS PTY LIMITED ACN 120 463 541 (ADMINISTRATORS APPOINTED)
Twenty First Plaintiff	ORCA ENVIRO SOLUTIONS PTY LTD ACN 626 552 645



(ADMINISTRATORS APPOINTED)

Twenty Second Plaintiff	ORCA ENVIRO SYSTEMS PTY LTD ACN 627 597 782 (ADMINISTRATORS APPOINTED)
Twenty Third Plaintiff	SMARTPRINT FLEET MANAGEMENT PTY LTD ACN 132 807 080 (ADMINISTRATORS APPOINTED)
Twenty Fourth Plaintiff	SPARTAN CONSULTING GROUP PTY LTD ACN 168 989 544 (ADMINISTRATORS APPOINTED)
Twenty Fifth Plaintiff	FORUM FINANCE PTY LTD ACN 153 301 172 (IN LIQUIDATION)
Twenty Sixth Plaintiff	FORUM GROUP FINANCIAL SERVICES PTY LTD ACN 623 033 705 (PROVISIONAL LIQUIDATORS APPOINTED)
Twenty Seventh Plaintiff	FORUM ENVIRO PTY LTD ACN 168 709 840 (PROVISIONAL LIQUIDATORS APPOINTED)
Twenty Eighth Plaintiff	FORUM ENVIRO (AUST) PTY LTD ACN 607 484 364 (PROVISIONAL LIQUIDATORS APPOINTED)

No: NSD642/2021

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

Second Respondent	BASILE PAPADIMITRIOU
Third Respondent	FORUM GROUP FINANCIAL SERVICES PTY LTD (ACN 623 033 705) (IN PROVISIONAL LIQUIDATION)

No: NSD681/2021

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

Respondent	286 CARLISLE STREET PTY LTD (ACN 610 042 343)
Respondent	64-66 BERKELEY ST HAWTHORN PTY LTD (ACN 643 838 662)





Respondent	23 MARGARET STREET PTY LTD (ACN 623 715 373)
Second Defendant	BASILE PAPADIMITRIOU
Third Defendant	FORUM ENVIRO PTY LTD ACN 168 709 840 (IN PROVISIONAL LIQUIDATION)