



Form 59
Rule 29.02(1)

Affidavit

No. NSD616/2021

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

Westpac Banking Corporation ABN 33 007 457 141 and another named in the Schedule
Applicants

Forum Finance Pty Limited ACN 153 301 172 and others named in the Schedule
Respondents

Affidavit of: Juan Martinez
Address: Level 8, 447 Collins Street, Melbourne VIC 3000
Occupation: Managing Partner, HWL Ebsworth Lawyers
Date: 4 February 2022

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I, Juan Martinez, of Level 8, 447 Collins Street, Melbourne VIC 3000, solicitor, say on oath:

- Exhibited to me at the time of swearing this affidavit is a paginated bundle of documents marked 'Exhibit JM-1' (**JM-1**). Throughout this affidavit I refer to documents which appear within JM-1.

Filed on behalf of (name & role of party) Westpac Banking Corporation and Westpac New Zealand Limited, applicants
Prepared by (name of person/lawyer) Caitlin Murray
Law firm (if applicable) MinterEllison
Tel (02) 9921 8888 Fax 02 9921 8123
Email caitlin.murray@minterellison.com
Address for service Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000
(include state and postcode) Our reference: CMM:AGS:1353397

Version 3 form approved 02/05/2019

2. From 1998 to present, I have been the Managing Partner of the partnership trading as HWL Ebsworth Lawyers (HWLE).
3. HWLE is a full service commercial law firm with offices in Adelaide, Brisbane, Canberra, Darwin, Hobart, Melbourne, Norwest, Perth and Sydney.
4. In my role as Managing Partner of HWLE, I am the person with ultimate responsibility for signing contractual documents on behalf of HWLE.
5. On 23 June 2021, I had a discussion with Kris Hopkins, Chief Operating Officer of HWLE, in my office, who said to me in words to the following effect:

KH: *"It appears as if Forum has fraudulently executed contracts on our behalf using our signatures".*

6. The reference to "our signatures" in the conversation deposed to at paragraph 5 above, was a reference to my and Kris Hopkins signatures for HWLE.
7. I was provided with a copy of the documents to which I refer in paragraphs 8 to 11 below by Mr Hopkins.
8. At ~~pages 1 to 19 of JM-1~~ are copies of documents with the following descriptions:

**MIN.5000.0007.0001
Section 50 Summary of
Fraudulent Transaction
Documents CB.F.I.1**

- (a) Customer Payment Schedule dated 23 August 2018 for the purchase of 38 INEO + 658 and 38 INEO + 754e; **CB.F.I.1 pF.I.3 Ln 3**
- (b) Customer Payment Schedule dated 22 February 2019 for the purchase of 32 Develop ineo +759; **CB.F.I.1 pF.I.13 Ln 22**
- (c) Customer Payment Schedule dated 13 June 2019 for the purchase of 19 INEO + 659; and **CB.F.I.1 pF.I.18 Ln 28**
- (d) Customer Payment Schedule dated 30 September 2020 for the purchase of 36 Ineo+759, 17 BIZHUB 754E, 23 BIZHUB C754E, 5 Ineo 758, 9 LaserJet M605, 1 Ineo 4000 and 1 BIZHUB 758, **CB.F.I.1 pF.I.44 Ln 75**

(the **Payment Schedules**).
9. At ~~pages 20 to 23 of JM-1~~ are documents with the descriptions:
 - (a) Certificate of Acceptance of Delivery dated 27 August 2018 purportedly recording delivery of equipment on 27 August 2018; **CB.F.I.1 pF.I.3 Ln 3**
 - (b) Certificate of Acceptance of Delivery undated purportedly recording delivery of equipment on 1 March 2019; **CB.F.I.1 pF.I.13 Ln 22**

Signed:

Taken by:

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- (c) Certificate of Acceptance of Delivery purportedly recording delivery of equipment on 13 June 2019; and **CB.F.I.1 pF.I.18 Ln 28**
- (d) Certificate of Acceptance of Delivery purportedly recording delivery of equipment on 1 October 2020, **CB.F.I.1 pF.I.44 Ln 75**
- (the **Delivery Certificates**).
10. At ~~pages 24 to 28 of JM-1~~ are documents with the descriptions:
- (a) A letter from Forum Finance Pty Ltd to me dated 7 September 2018 in relation to the Payment Schedule dated 23 August 2018 ; **CB.F.I.1 pF.I.3 Ln 3**
- (b) A letter from Forum Finance Pty Ltd to me dated 1 March 2019 in relation to the Payment Schedule dated 22 February 2019; **CB.F.I.1 pF.I.13 Ln 22**
- (c) A letter from Forum Finance Pty Ltd to me dated 18 June 2019 in relation to the Payment Schedule dated 13 June 2019; **CB.F.I.1 pF.I.18 Ln 28**
- (d) a letter from Forum Finance Pty Ltd to me HWLE dated 24 July 2019; and **CB.F.I.1 pF.I.22 Ln 34**
- (e) A letter from Forum Finance Pty Ltd to me dated 7 October 2020 in relation to the Payment Schedule dated 30 September 2020, **CB.F.I.1 pF.I.45 Ln 75**
- (the **Forum Letters**).
11. At ~~page 29 of JM-1~~ is an undated letter from NMF and Forum Finance Pty Ltd to HWLE purporting to be a notice of assignment (the **NMF Letter**). **CB.F.I.1 pF.I.22 Ln 34**
12. Each of the Payment Schedules and Delivery Certificates include an acknowledgment purportedly for and on behalf of HWLE with a signature above my name. The signatures appear to be in handwriting and not an electronic signature.
13. The signatures on the Delivery Certificates purport to be witnessed by either Aaron Elliott (the Head of Information Technology at HWLE) or Bill Papas.
14. The signatures purporting to be mine in the Payment Schedules and Delivery Certificates are not mine.
15. The occasion on which I first saw the Payment Schedules, the Delivery Certificates, the Forum Letters and the NMF Letter was when Mr Hopkins provided them to me on 23 June 2021. During the conversation deposed to at paragraph 5 above, I told Mr Hopkins that the signatures appearing on those documents were not mine.
16. In my role as Managing Partner of HWLE, I have access to the books and records of HWLE. I know from reviewing the books and records of HWLE that:

Signed:

Taken by:

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- (a) HWLE has not entered into the arrangement with respect to the goods referred to by serial number in the Payment Schedules;
- (b) the goods referred to by serial number in the Payment Schedules have not been delivered to HWLE; and
- (c) HWLE has not made lease payments on those goods.
17. I have also caused a search of the books and records of HWLE and that search has not located within those records, the original or a copy of the Payment Schedules, the Delivery Certificates, the Forum Letters, or the NMF Letter.
18. The only legitimate agreements between HWLE and NMF or Forum Finance are as follows:
- (a) three agreements styled as "Corporate and Government Print Plan Management" between NMF and HWLE dated 28 June 2016 (~~at pages 30 to 53 of JM-1~~); **WES.5004.0001.0099**
- (b) an agreement styled as a "Print Services Plan" between Forum Finance and HWLE dated 22 February 2019 (~~at pages 54 to 59 of JM-1~~); and **WES.5004.0001.0129**
- (c) an agreement styled as a "Print Services Plan" between Forum Finance and HWLE dated 1 October 2020 (~~at pages 60 to 66 of JM-1~~); **WES.5004.0001.0122**
19. In the course of preparing this affidavit, I was also provided with the following documents (copies of which are at ~~pages 67 to 107 of JM-1~~): **WBC.5000.0001.0431**
- (a) a document titled Corporate and Government Print Management purportedly entered into by HWLE and Northern Managed Finance Pty Ltd ABN 43 125 018 582 (NMF) dated 28 June 2016 for the lease of the following equipment: 11 KONICA MINOLTA C754E COM2, 12 KONICA MINOLTA 754E COM2 and 10 HP LJ M605X;
- (b) a document titled Corporate and Government Print Management purportedly entered into by HWLE and NMF dated 17 August 2016 for the lease of the following equipment: 15 KONICA MINOLTA C754E COM2, 14 KONICA MINOLTA 754E COM2 and 8 HP LJ M605X;
- (c) a document titled Print Plan Management Agreement purportedly entered into by HWLE and NMF dated 24 March 2017 for the lease of the following equipment: 51 KM C754e and 12 KM 754e; and

Signed:

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Taken by:

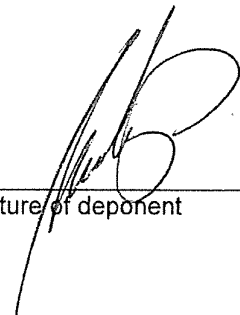
(d) a document titled Print Plan Management Agreement purportedly entered into by HWLE and NMF dated 30 May 2017 for the lease of the following equipment: 20 KM Bizhub 4700P and 19 KM C754eb,

(the NMF Agreements).

20. Prior to preparing this affidavit, I had not seen the NMF Agreements. The signatures on the NMF Agreements that purport to be my signature are not mine.

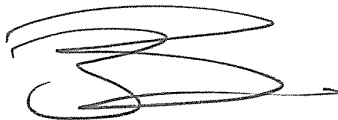
Sworn by the deponent
at Melbourne
in Victoria
on 4 February 2022

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)
)



Signature of deponent

Before me:



Signature of witness

SIMON HENRY BRANDIS
Solicitor

And as a witness, I certify the following matters concerning the person who made this affidavit (the deponent) in accordance with the requirements of section 27 of the Oaths and Affirmations Act 2018 (VIC):

1. The affidavit was signed or initialled by the deponent by an electronic signature.
2. I witnessed the deponent signing a copy of this affidavit by electronic signature in real time.
3. I attest or otherwise confirm witnessing the deponent's electronic signature over audio visual link.
4. I have used an electronic copy of the affidavit in completing the jurat requirements under section 26 of the Oaths and Affirmations Act 2018 (VIC).
5. I have confirmed the deponent's identity using the following identification document: Driver's License

Schedule of Parties

No. NSD616/2021

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

Applicants

First Applicant	Westpac Banking Corporation ABN 33 007 457 141
Second Applicant	Westpac New Zealand Limited (company registration number company number 1763882)

Respondents

First Respondent	Forum Finance Pty Limited (in liquidation) ACN 153 301 172
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
Tenth Respondent	26 Edmonstone Road Pty Ltd (in liquidation) ACN 622 944 129
Eleventh Respondent	5 Bulkara Street Pty Ltd (in liquidation) ACN 630 982 160
Twelfth Respondent	6 Bulkara Street Pty Ltd (in liquidation) ACN 639 734 473
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
Twenty-First Respondent	55 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 Limited ACN 610 042 343
Twenty-Sixth Respondent	275 High Street Golden Square Pty Ltd ACN 639 870 545
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 Respondent	Iugis Energy SA
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 Olympou Theion Ike

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 4/02/2022 4:00:32 PM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
File Number: NSD616/2021
File Title: WESTPAC BANKING CORPORATION ABN 33 007 457 141 & ANOR v
FORUM FINANCE PTY LIMITED (IN LIQUIDATION) ACN 153 301 172
& ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF
AUSTRALIA



A handwritten signature in blue ink that reads 'Sia Lagos'.

Dated: 4/02/2022 4:06:44 PM AEDT

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.