

NOTICE OF FILING AND HEARING

Filing and Hearing Details

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Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
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Reason for Listing: To Be Advised
Time and date for hearing: To Be Advised
Place: To Be Advised



Sia Lagos

Registrar

Important Information

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 of the filing of the document is determined pursuant to the Court's Rules.



Interlocutory application

No. NSD 527 of 2024

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

QFM1 and others (pseudonyms)

Applicants

RAB1 and others (pseudonyms)

Respondents

To the First, Second and Third Respondents

The Applicants apply for the interlocutory orders 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.

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

Place: [address of Court]

Date: **14** May 2024

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

Filed on behalf of	QFM1 & Ors, Applicants
Prepared by	Paul Dewar
Law firm	Davies Collison Cave Law
Tel	+61 2 9293 1000
Email	PDewar@dcc.com
Address for service	Level 4, 7 Macquarie Place, Sydney NSW 2000



Interlocutory orders sought

1. Pursuant to r 7.42 of the *Federal Court Rules 2011* (Cth), a search order in the form of the orders in **Annexure I** to this application.
2. The costs of and incidental to this application be reserved.
3. Such further or other orders as the Court considers appropriate.

Service on the Respondents

It is intended to serve this application on the First, Second and Third Respondents at the time of execution of the search orders.

Date: 14 May 2024

A handwritten signature in blue ink, appearing to be 'Paul Dewar', written over a horizontal dotted line.

Signed by Paul Dewar
Lawyer for the Applicants



Annexure I to the Interlocutory Application (Search Order Application)

No. NSD 527 of 2024

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

QFM1 and others named in the schedule (pseudonyms)

Applicants

RAB1 and others named in the schedule (pseudonyms)

Respondents

PENAL NOTICE

TO:

- (a) Element Zero Pty Limited ACN 664 342 081;**
- (b) Bartłomiej Piotr Kolodziejczyk;**
- (c) Bjorn Winther-Jensen; and**
- (d) the occupants of each of:**
 - (i) Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090;**
 - (ii) Unit 1, 19 Oxleigh Drive, Malaga, Western Australia 6090;**
 - (iii) 5A Volga Street, Hadfield, Victoria 3046; and**
 - (iv) Unit 4, 213 Gildercliffe Street, Scarborough, Western Australia 6019.**

IF YOU (BEING THE PERSON BOUND BY THIS ORDER):

(A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THE ORDER FOR THE DOING OF THE ACT; OR

(B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,

Filed on behalf of	Fortescue Limited, Fortescue Future Industries Pty Ltd and FMG Personnel Services Pty Ltd, the Applicants		
Prepared by	Paul Dewar		
Law firm	Davies Collison Cave Law		
Tel	02 9293 1000	Fax	02 9262 1080
Email	PDewar@dcc.com		
Address for service	Level 4, 7 Macquarie Place, Sydney NSW 2000		



YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.

TO:

- (a) Element Zero Pty Limited ACN 664 342 081;
- (b) Bartłomiej Piotr Kolodziejczyk;
- (c) Bjorn Winther-Jensen; and
- (d) the occupants of each of
 - (i) Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090;
 - (ii) Unit 1, 19 Oxleigh Drive, Malaga, Western Australia 6090;
 - (iii) 5A Volga Street, Hadfield, Victoria 3046; and
 - (iv) Unit 4, 213 Gildercliffe Street, Scarborough, Western Australia 6019,

This is a **search order** made against You on [**] May 2024 by Justice **Perry** at a hearing without notice to You after the Court was given the undertakings set out in **Schedule B** to this order and after the Court read the affidavits listed in **Schedule C** to this order.

The Court orders:

Introduction

1. (a) The application for this order is made returnable immediately.
- (b) The time for service of the following documents:
 - (i) the Originating Application;
 - (ii) the Statement of Claim;
 - (iii) the Interlocutory Application and Annexure I thereto (Search Application);
 - (iv) the affidavits listed in **Schedule C** and their annexures or exhibits (other than the confidential affidavit text, confidential annexures and confidential exhibits) and the schedule of corrections to those affidavits;
 - (v) any other document listed in **Schedule B, Part B.2**, paragraph 2,



is abridged and service is to be effected by the Independent Lawyer on each Respondent in accordance with **Schedule B, Part B.3**, paragraph 1, on or before [**] May 2024.

2. Subject to the next paragraph, this order has effect up to and including [**] May 2024 (**Return Date**). On the Return Date at [**] am/pm there will be a further hearing before the Duty Judge in respect of this order.
3. You may apply to the Court at any time to vary or discharge this order; including, if necessary, by telephone to the chambers of the Duty Judge.
4. This order may be served only between [**9]am and [**2]pm (Australian Western Standard Time) on a business day.
5. In this order:
 - (a) **Applicant** means the person who applied for this order, and if there is more than one applicant, includes all the applicants.
 - (b) **Independent Computer Expert** means any person identified as an independent computer expert in the Search Party referred to in **Schedule A** to this order.
 - (c) **Independent Lawyer** means any person identified as an Independent Lawyer in the Search Party referred to in **Schedule A** to this order.
 - (d) **Listed Thing** means any thing referred to as such in **Schedule A** to this order.
 - (e) **Premises** means the premises and any of the premises identified in **Schedule A** to this order, including any vehicles and vessels that are under Your control on or about the premises or that are otherwise identified in **Schedule A**.
 - (f) **Search Party** means the persons identified or described as constituting the search party in **Schedule A** to this order.
 - (g) **Thing** includes a document.
 - (h) **You**, where there is more than one of you, includes all of you and includes you if you are a corporation.
 - (i) Any requirement that something be done **in your presence** means:
 - (i) in the presence of You or of one of the persons described in paragraph 6 below; or



- (ii) if there is more than one of You, in the presence of each of You at each of the Premises, or, in relation to each of You, in the presence of one of the persons described in paragraph 6 below.

6. This order must be complied with by:
- (a) Yourself;
 - (b) any director, officer, partner, employee or agent of Yourself; or
 - (c) any other person having responsible control of the Premises.
7. This order must be served by, and be executed under the supervision of, an Independent Lawyer.

Entry, search and removal

8. Subject to paragraphs 10 to 20 below, upon service of this order, You must permit members of the Search Party to enter the Premises so that they can carry out the search and other activities referred to in this order.
9. Having permitted members of the Search Party to enter the Premises, You must:
- (a) permit them to leave and re-enter the Premises on the same and the following day until the search and other activities referred to in this order are complete;
 - (b) permit them to search for and inspect the Listed Things and to make or obtain a copy, photograph, film, sample, test or other record of the Listed Things;
 - (c) disclose to them the whereabouts of all the Listed Things in Your possession, custody or power, whether at the Premises or otherwise;
 - (d) disclose to them the whereabouts of all computers (including smartphones, tablets and other mobile devices), computer disks, drives or memory (including portable drives and USB drives), electronic information storage devices or systems, and online accounts (including all cloud and email accounts) at or accessible from the Premises in which any documents among the Listed Things are or may be stored, located or recorded and cause and permit those documents to be copied or printed out;
 - (e) do all things necessary to enable them to access the Listed Things, including by opening or providing keys to physical or digital locks and enabling them to access and operate computers and online accounts and providing them with all necessary passwords, access credentials and other access means;



- (f) permit any Independent Lawyer to remove from the Premises into the Independent Lawyer's custody:
- (i) the Listed Things or things which reasonably appear to the Independent Lawyer to be the Listed Things and any things the subject of dispute as to whether they are Listed Things; and
 - (ii) the copies, photographs, films, samples, tests, other records and printed out documents referred to in paragraph 9(b) above; and
- (g) permit any Independent Computer Expert to search any computer (including any smartphone, tablet and other mobile device), computer disk, drive or memory (including any portable drive and USB drive), any electronic information storage device or system, and online accounts (including all cloud and email accounts) at or accessible from the Premises, and make a copy or digital copy of any of the foregoing and permit any Independent Computer Expert to remove any of the foregoing from the Premises as set out in paragraphs 20 and 21 below.

Restrictions on entry, search and removal

10. This order may not be executed at the same time as a search warrant (or similar process) is executed by the police or by a regulatory authority.
11. You are not required to permit anyone to enter the Premises until:
- (a) an Independent Lawyer serves You with copies of this order and any affidavits referred to in **Schedule C** (confidential annexures and exhibits, if any, need not be served until further order of the Court) and the schedule of corrections to those affidavits; and
 - (b) You are given an opportunity to read this order and, if You so request, the Independent Lawyer explains the terms of this order to You.
12. Before permitting entry to the Premises by anyone other than the Independent Lawyer, You, for a time (not exceeding two hours from the time of service or such longer period as the Independent Lawyer may permit):-
- (a) may seek legal advice;
 - (b) may ask the Court to vary or discharge this order;
 - (c) (provided You are not a corporation) may gather together any things which You believe may tend to incriminate You or make You liable to a civil penalty and hand them to the Independent Lawyer in (if You wish) a sealed envelope or container; and



- (d) may gather together any documents that passed between You and Your lawyers for the purpose of obtaining legal advice or that are otherwise subject to legal professional privilege or client legal privilege, and hand them to the Independent Lawyer in (if You wish) a sealed envelope or container.
13. Subject to paragraph 22 below, the Independent Lawyer must not inspect or permit to be inspected by anyone, including the Applicant and the Applicant's lawyers, any thing handed to the Independent Lawyer in accordance with subparagraphs 12(c) and 12(d) above and the Independent Lawyer must deliver it to the Court at or prior to the hearing on the Return Date.
14. During any period referred to in paragraph 12 above, You must:
- (a) inform and keep the Independent Lawyer informed of the steps being taken;
 - (b) permit the Independent Lawyer to enter the Premises but not to start the search;
 - (c) not disturb or remove any Listed Things. In the case of smartphones, You may continue to use any smartphone to obtain legal advice, provided that You comply with the terms of paragraphs 25 and 26 ('Prohibited Acts') below in relation to any such use; and
 - (d) comply with the terms of paragraphs 25 and 26 ('Prohibited Acts') below.
15. Any thing the subject of a dispute as to whether it is a Listed Thing must promptly be handed by You to the Independent Lawyer for safekeeping pending resolution of the dispute or further order of the Court.
16. Before removing any Listed Things from the Premises (other than things referred to in the immediately preceding paragraph), the Independent Lawyer must supply a list of them to You, give You a reasonable time to check the correctness of the list, and give You and the Applicant's lawyers a copy of the list signed by the Independent Lawyer.
17. The Premises must not be searched, and things must not be removed from the Premises, except in Your presence or of a person who appears to the Independent Lawyer to be Your director, officer, partner, employee, agent or other person acting on Your behalf or on Your instructions.
18. If the Independent Lawyer is satisfied that full compliance with the immediately preceding paragraph is not reasonably practicable, the Independent Lawyer may permit the search to proceed and the Listed Things to be removed without full compliance.
19. The Applicant's lawyer and the Independent Lawyer must not allow the Applicant in person to inspect or have copies of any thing removed from the Premises nor



communicate to the Applicant information about its contents or about anything observed at the Premises until 4:30pm on the Return Date or other time fixed by further order of the Court. However, the Applicant's lawyer may communicate to the Applicant:

- (a) for the purpose of obtaining instructions if it appears it is not safe or otherwise practicable to proceed or continue with the execution of this search order at any of the Premises; and
- (b) for the purpose of obtaining instructions for the hearing on the Return Date.

Computers

20. (a) The Search Party must include a computer expert, being an expert who is independent of the Applicant and of the Applicant's lawyers (the **Independent Computer Expert**), as set out in Schedule A to this order.
- (b) Any search of a computer (including smartphone, tablet and other mobile device), computer disk, drive or memory (including portable drive and USB drive), electronic information storage device or system, and online accounts (including all cloud and email accounts) must be carried out only by an Independent Computer Expert.
- (c) Subject to (d1) and (d2) below, an Independent Computer Expert may:
- (i) make a copy or digital copy of any computer (including smartphone, tablet and other mobile device), computer disk, drive or memory (including portable drive and USB drive), electronic information storage device or system and online accounts (including all cloud and email accounts), as follows:
 - (A) in the case of smartphones, tablets and other mobile devices, such copy is to be made at the Premises; and
 - (B) in any other case, such copy may be made at the Premises or offsite and
 - (ii) remove from the Premises that copy or digital copy (if made at the Premises) or the original device (if the copy is to be made offsite).
- (d) Subject to (d1) and (d2) below, the Independent Computer Expert may search any computer (including smartphone, tablet and other mobile device), computer disk, drive or memory (including portable drive and USB drive), electronic information storage device or system, and online accounts (including all cloud and email accounts) or the copy or digital copy thereof at the Premises or offsite for Listed Things and may copy the Listed Things electronically or in hard copy or both.
- (d1) For computers and other devices (except smartphones) claimed to belong to, or to be exclusively used by, an immediate family member of Dr Kolodziejczyk or



Dr Winther-Jensen (including a child), an Independent Computer Expert may gain access to, operate and search that computer or other device at the Premises to see whether they can exclude the computer or other device from further search activities on the basis that it does not contain anything falling within paragraphs 2 to 9 of the Listed Things.

- (d2) For smartphones claimed to belong to, or to be exclusively used by, an immediate family member of Dr Kolodziejczyk or Dr Winther-Jensen (including a child), an Independent Computer Expert may gain access to and operate that smartphone to confirm the claim, and if so confirmed, is to return and exclude the smartphone from further search activities.
- (e) The Independent Computer Expert must:
- (i) ~~within **[**one week]** after the execution of this order,~~ return any original device removed from any of the Premises as soon as practicable, and in any event within one week after the execution of this order; and
 - (ii) as soon as practicable and, in any event, prior to the hearing on the Return Date, deliver the copy or digital copy of the computers (including smartphones, tablets and other mobile devices), computer disks, drives or memory (including portable drives and USB drives), electronic information storage devices or systems, and online accounts (including all cloud and email accounts), and all electronic and hard copies of Listed Things to the Independent Lawyer, together with a report of what the Independent Computer Expert has done including a list of such electronic and hard copies.
- (f) The Independent Lawyer must, at or prior to the hearing on the Return Date, deliver to the Court all things received from the Independent Computer Expert and serve a copy of the Independent Computer Expert's report on the parties.
21. (a) This paragraph 21 applies if You are not a corporation and You wish to object to complying with paragraph 20 on the grounds that some or all of the information required to be disclosed may tend to prove that You:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (b) This paragraph 21 applies if You are a corporation and all of the persons who are able to comply with paragraph 20 on Your behalf and with whom You have been able to communicate, wish to object to Your complying with paragraph 20 on the grounds that some or all of the information required to be disclosed may tend to prove that they respectively:



- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (c) You must:
- (i) disclose so much of the information required to be disclosed to which no objection is taken; and
 - (ii) prepare an affidavit containing so much of the information required to be disclosed to which objection is taken, and deliver it to the Court in a sealed envelope; and
 - (iii) file and serve on each other party a separate affidavit setting out the basis of the objection.


Inspection

22. Prior to the Return Date, You or Your lawyer or representative shall be entitled, in the presence of the Independent Lawyer, to inspect any thing removed from the Premises and to:
- (a) make copies of the same; and
 - (b) provide the Independent Lawyer with a signed list of things which are claimed to be privileged or confidential and which You claim ought not to be inspected by the Applicant.

Provision of information

23. Subject to paragraph 24 below, You must:
- (a) at or before the further hearing on the Return Date (or within such further time as the Court may allow) to the best of Your ability inform the Applicant in writing as to:
 - (i) the location of the Listed Things;
 - (ii) the name and address of everyone who has supplied You, or offered to supply You, with any Listed Thing;
 - (iii) the name and address of every person to whom You have supplied, or offered to supply, any Listed Thing; and
 - (iv) details of the dates and quantities of every such supply and offer.
 - (b) within [****10**] working days after being served with this order, make and serve on the Applicant an affidavit setting out the above information.
24. (a) This paragraph 24 applies if You are not a corporation and You wish to object to complying with paragraph 23 on the grounds that some or all of the information

required to be disclosed may tend to prove that You:

- 
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (b) This paragraph 24 also applies if You are a corporation and all of the persons who are able to comply with paragraph 23 on Your behalf and with whom You have been able to communicate, wish to object to Your complying with paragraph 23 on the grounds that some or all of the information required to be disclosed may tend to prove that they respectively:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (c) You must:
- (i) disclose so much of the information required to be disclosed to which no objection is taken; and
 - (ii) prepare an affidavit containing so much of the information required to be disclosed to which objection is taken, and deliver it to the Court in a sealed envelope; and
 - (iii) file and serve on each other party a separate affidavit setting out the basis of the objection.

Prohibited Acts

25. Except for the sole purpose of obtaining legal advice, You must not, until 4:30pm on the Return Date, directly or indirectly inform any person of this proceeding or of the contents of this order, or tell any person that a proceeding has been or may be brought against You by the Applicant.
26. Until 4:30pm on the Return Date You must not destroy, tamper with, cancel or part with possession, power, custody or control of the Listed Things otherwise than in accordance with the terms of this order or further order of the Court.

Costs

27. The costs of this application are reserved to the Court hearing the application on the Return Date.



Schedule A

Premises

The premises located at:

- (a) Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090; Unit 1, 19 Oxleigh Drive, Malaga, Western Australia 6090;
- (b) 5A Volga Street, Hadfield, Victoria 3046; and
- (c) Unit 4, 213 Gildercliffe Street, Scarborough, Western Australia 6019 ,

including any vehicle or vehicles under Your control on or about those premises.

Listed Things

1. All computers (including smartphones, tablets or other mobile devices), computer disks, drives or memory (including any portable drives and USB drives), electronic information storage devices or systems, or online accounts (including all cloud and email accounts), at or accessible from the Premises (including offsite data storage, cloud, email and other platforms or services that are accessible from the Premises), including the following devices:
 - a. Toshiba branded USB drive with serial no. 07080A078F1B6304; and
 - b. Kingston branded USB drive with serial no. 900042ACAE668708.
2. All documents (whether in hardcopy or electronic form) containing the word “Fortescue”, “FFI”, “FMG” or “FMGL”.
3. All documents (whether in hardcopy or electronic form) recording or evidencing research and development work by or on behalf of Element Zero, Dr Kolodziejczyk or Dr Winther-Jensen, including laboratory notebooks and experimental data.
4. All documents (whether in hardcopy or electronic form) recording or evidencing the design, engineering, construction or operation of any pilot plant operated by or on behalf of Element Zero.
5. Any document listed in Annex 1 to this Schedule A (whether in hardcopy or electronic form) and any emails or communications attaching those documents.
6. Any document recording or evidencing communications to which any two or more of the Second to Fourth Respondents are parties. The email accounts and mobile numbers for the Second to Fourth Respondents include:



- a. "kolodziejczyk.bartlomiej@gmail.com", "kolodziejczykbartlomiej@gmail.com", and "bart@kolodziejczyk.com";
 - b. "bjornwj@gmail.com" and "b.wintherjensen@kurenai.waseda.jp";
 - c. "mgmasterman@gmail.com";
 - d. +61416833585;
 - e. +61447865470; and
 - f. +61418951792 or +447791288381.
7. Emails in Dr Kolodziejczyk's email accounts (including but not limited to "kolodziejczyk.bartlomiej@gmail.com", "kolodziejczykbartlomiej@gmail.com", and "bart@kolodziejczyk.com"):
- a. to or from any email account in the domain "fmgl.com.au"; or
 - b. in the period from 25 March 2019 to January 2024.
8. Emails in Dr Winther-Jensen's email accounts (including but not limited to "bjornwj@gmail.com" and "b.wintherjensen@kurenai.waseda.jp"):
- a. to or from any email account in the domain "fmgl.com.au"; or
 - b. in the period from 18 January 2021 to January 2024.
- 8A. Documents relating to Australian provisional patent application no. 2023902103, Australian provisional patent application no. 2023903979 and any other patent applications in the name of any of the Respondents which have not become open to public inspection as at the date of this order.
9. All of the above may be located on any computer (including smartphone, tablet or other mobile device), computer disk, drive or memory (including any portable drive and USB drive), electronic information storage device or system, or online accounts (including all cloud and email accounts), at or accessible from the Premises (including offsite data storage, cloud, email and other platforms or services that are accessible from the Premises).

Search Party for Premises at Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090 and for Unit 1, 19 Oxleigh Drive Malaga, Western Australia 6090

1. Independent Lawyers:

- (a) Nicholas Beech of Hall & Wilcox located at Level 19, 108 St Georges Terrace, Perth, Western Australia 6000, assisted by: Adrian Chai of Ashurst Australia-

located at 123 St Georges Terrace, Perth, Western Australia 6000.



- (b) Ebenezer Assibey-Bonsu of Hall & Wilcox located at Level 19, 108 St Georges Terrace, Perth, Western Australia 6000; or ~~Sam Mengler of Ashurst Australia located at 123 St Georges Terrace, Perth, Western Australia 6000~~
- ~~(b)~~(c) Alexander Crowhurst of Hall & Wilcox located at Level 19, 108 St Georges Terrace, Perth, Western Australia 6000.

2. Applicant's lawyers:

- (a) Paul Dewar of Davies Collison Cave Law located at level 4, 7 Macquarie Place, Sydney, New South Wales 2000.

3. Independent Computer Experts:

- (a) Rod McKemmish ~~Yian Sun~~ of Cyter located at level 8, 280 Pitt St, Sydney, New South Wales 2000.
- (b) Darren Michael of Evidence Advisory located at level 12, 192 St Georges Terrace, Perth, Western Australia 6000.
- (c) Phillip Russo of Evidence Advisory located at level 12, 192 St Georges Terrace, Perth, Western Australia 6000.

Search Party for Premises at 5A Volga Street, Hadfield, Victoria 3046

1. Independent Lawyers:

- (a) Katherine Payne of Hall & Wilcox located at Level 11, Rialto South Tower, 525 Collins Street, Melbourne, Victoria 3000 ~~Lucinda Hill or Angus Ross of Ashurst Australia located at South Tower, Level 16/80 Collins St, Melbourne, Victoria 3000.~~

2. Applicant's lawyers:

- (a) Rohit Dighe ~~Jessica Sapountsis or Lachlan Bart~~ of Davies Collison Cave Law located at Level 4, 7 Macquarie Place, Sydney, New South Wales 2000 ~~level 15, 1 Nicholson Street, Melbourne, Victoria 3000.~~

3. Independent Computer Experts:

- (a) Yian Sun ~~Rod McKemmish~~ of Cyter located at level 8, 280 Pitt St, Sydney, New South Wales 2000.

4. Independent child support person:

- (a) Dr Felicity McFarlane (child psychologist) of Melbourne Children's Psychology Clinic located at 617 Hampton St, Brighton, Victoria 3186.



Search Party for Premises at Unit 4, 213 Gildercliffe Street, Scarborough, Western Australia 6019

1. Independent Lawyers:

- (a) Penelope Ford of Hall & Wilcox located at Level 19, 108 St Georges Terrace, Perth, Western Australia 6000 Catherine Pedler of Ashurst Australia located at 123 St Georges Terrace, Perth, Western Australia 6000.

2. Applicant's lawyers:

- (a) Ashley Cameron of Davies Collison Cave Law located at level 4, 7 Macquarie Place, Sydney, New South Wales 2000.

3. Independent Computer Experts:

- (a) Phillip Russo of Evidence Advisory located at level 12, 192 St Georges Terrace, Perth, Western Australia 6000.



Annex 1 to Schedule A Specified Listed Things

Documents referred to in paragraph 19 of the Statement of Claim

1. Green Update (02.08.2021).pdf
2. Copies of the specifications and drawings, as filed on 24 May 2021, of Australian provisional patent application no. 2021901547 entitled 'Apparatus and process for producing iron' in the name of Fortescue Future Industries Pty Ltd, including documents with the file names "35557986AU- Specification as filed (35557986).pdf" and "35557986AU - Drawings as filed (35557986).pdf"
3. Document titled "Basis of Design – Chameleon Pilot Plant" having document number or file name FFI0302-10000-00-EG-BOD-0001
4. Bumblebee PID markups 26_10_21.pdf

Documents referred to in paragraph 20 of the Statement of Claim

5. 211029_Iron ore leaching_Report_ASH.R1.docx
6. 211014_FFI Green Steel_Ore Leach_ASH_XRF results.csv
7. 211014_FFI Green Steel_Ore Leach_ASH_ICP results.csv
8. Technical Evaluation.xlsx
9. Email from David White sent on 4 November 2024 with Subject "Technical Evaluation of Green Iron process"
10. Microsoft PowerPoint document with the internal title, 'Green Iron Forum', internally dated 1 November 2021, including documents with the file name "Green Iron Update (01.11.2021)"
11. Copies of the specifications and drawings, as filed on 24 May 2021, of Australian provisional patent application no. 2021901547 entitled 'Apparatus and process for producing iron' in the name of Fortescue Future Industries Pty Ltd, including documents with the file names "35557986AU- Specification as filed (35557986).pdf" and "35557986AU - Drawings as filed (35557986).pdf"

SharePoint documents referred to in Affidavit of Dr Anand Bhatt

12. 2. FFI Pilot - concept flowsheet REV0.pdf
13. 2. FFI pilot plant (Project Chameleon).msg
14. 20210813 All Operations Tailings Chemistry to Current_SCH.xlsx
15. 210827_Leaching project draft plan_NTH_ASH edits.docx
16. 210920_Update presentation_ASH.pptx
17. 211004_Leaching experimental design_ASH.xlsx



18. 211029_Iron ore leaching_Report_ASH.R1.docx
19. 570CBC0001-02007-BD-EG-0001_1_US.pdf
20. A22314 - ISAMill SigPlot Report Final.pdf
21. A22314 - SigPlot Report Final edit.xlsx
22. Brief notes on processing product from 'filter press' test rig 10_6_21.docx
23. BumbleBee FFI0301-10000-00-EG-BOD-0001_A.docx
24. Bumblebee layout.docx
25. Christmas Creek OPF2 Mass Balance.xlsx
26. Effluent stream potentials.docx
27. Electrochemical ore reduction Figures and flow diagram (002).pptx
28. Engineering Diary Week 36_21 12_9_21.docx
29. Example Flow Diagrams 22_2_21.docx
30. Feed Input calc.XLS
31. FFI INNOVATION CENTRE Engineering Diary Week 42_21 22_10_21 DJA input.docx
32. FFI0001-0001-00-DR-PR-0002_rA_COMMINUTION STAGE - CHECK.pdf
33. FFI0001-0001-00-DR-PR-0004_rA_LEACHING STAGE - CHECK.pdf
34. FFI0301-0001-00-DR-PR-0001_rA GS RIG OVERALL BLOCK DIAGRAM.pdf
35. FFI0302-8100-EG-BOD-0001_A.docx
36. FFI0302-8100-EG-TNN-0001 - Questions.docx
37. FFI0303-8100-EG-PLN-0002 Comminution Testing Plan.xlsx
38. FFICGreen_Steel_Process_Overview_Memo_v2.docx
39. FFI-Green_Steel_Process_Overview_Memo_v1.docx
40. filter press concepts 22_3_21.pdf
41. filter press conversion.pdf
42. Filter Press tesfa.docx
43. green iron quick intro.pptx
44. Green Iron Update (10.09.2021) v1.pdf
45. Green_Steel_PFD_Example_Overview_BWJ_16-07-21_Comments.pdf
46. Green_Steel_PFD_Example_Overview_NOT_FOR_USE.pdf
47. Green_Steel_PFD_Rev1_v2_Example.png
48. GreenSteel_ProcessFlow_Schematic_v4.pdf
49. GS_PFD.png
50. IsaMill Budget Quote ETM 2120 6721.pdf
51. Isamill call 28_4_21docx.docx
52. Isamill purchase review.pdf
53. IsaMill_Technology_Used_in_Efficient_Grinding_Circuits.pdf
54. Leaching results_Rob.xlsx
55. Multiple Aspen software files located within the folder named Models



56. Ore composition after drying.xlsx
57. Pilot Plant Assumptions.xlsx
58. Pilot Plant Basis of Design - Mechanical.docx
59. Pilot Plant MEL draft.xlsx
60. Pilot Plant Technical Workshop .potx
61. Pilot Plant Workshop_Outputs.pptx
62. PTHPSM01_3BF00564-PTH_PRN_Belmont_0576_001.pdf
63. SGS Filter Press review 29_03_21.docx
64. SOL DID Rc chip polished blocks grades_JCedits final.xlsx
65. Solomon_Stratigraphy_Geo-Met_GE.pptx
66. SWI RS-WI-MT-0101 Wet Low Intensity Magnetic Sperator (Rev 0) SG.doc
67. Tailings stream potentials.docx
68. Tank Review 1_6_21 expanded .docx
69. tanks.xlsx
70. Test Plan for leaching variables.docx
71. ULT_Green Steel_u330327.a_Alkali roasting_Diff NaOH trial+Wash trial.csv
72. ULT_Green Steel_u330327.b_ICP_Bjorn Leach solution.csv
73. ·V1.0_Estimated Grade_Logging_Template_8mm_Sample_Post_Scrub_20201216 AL.xlsx

Internal Fortescue procedure and specification documents

74. Any of the documents in the table below.

Document Number	Title
100-PR-PM-0013	FMG Procedure Safety In Design
100-SP-CI-0003	FMG Engineering Specification Concrete
100-SP-CI-0007	FMG Engineering Specification Earthworks
100-SP-EL-0001	FMG Engineering Specification Electrical Design Criteria
100-SP-EL-0002	FMG Engineering Specification Earthing & Bonding
100-SP-EL-0005	FMG Engineering Specification Low Voltage MCCs and Switchboards
100-SP-EL-0006	FMG Engineering Specification Distribution and Control Panels
100-SP-EL-0008	FMG Engineering Specification Electrical Installation
100-SP-EL-0009	FMG Engineering Specification for Preferred Electrical Equipment
100-SP-EL-0010	FMG Engineering Specification Testing and Commissioning of Electrical Installations
100-SP-EL-0013	FMG Engineering Specification Low Voltage Induction Motors
100-SP-EL-0014	FMG Engineering Specification High Voltage Induction Motors
100-SP-IN-0001	FMG Engineering Specification Preferred Instrumentation List



Document Number	Title
100-SP-IN-0002	FMG Engineering Specification Instrumentation and Control Design
100-SP-IN-0014	FMG Engineering Specification Instrumentation
100-SP-IN-0015	FMG Engineering Specification Field Communication and Marshalling Panels
100-SP-IN-0019	FMG Engineering Specification Instrument Installations
100-SP-ME-0002	FMG Engineering Specification Mechanical Equipment
100-SP-ME-0004	FMG Engineering Specification Installation of Mechanical Equipment
100-SP-ME-0042	FMG Engineering Specification Centrifugal Pumps
100-SP-PI-0001	FMG Engineering Specification Pipe Work and Valves
100-SP-ST-0001	FMG Engineering Specification Structural Steelwork Fabrication
100-SP-ST-0002	FMG Engineering Specification Structural Steelwork Erection
100-SP-ST-0003	FMG Engineering Specification Protective Coating Systems – Hot Dip Galvanising
500CB-00000-SP-PI-0002	Manual Valves Specification
500CB-00000-SP-PI-0007	Special Piping Items



Schedule B:
Undertakings given to the Court

B.1 Undertakings given to the Court by each Applicant by their counsel:

1. The Applicant undertakes to submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be assessed by the Court or as it may direct) to any person (whether or not a party) affected by the operation of the order.
2. The Applicant will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
3. The Applicant will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.



B.2 Undertakings given to the Court by each Applicant's lawyer:

1. The Applicant's lawyer will pay the reasonable costs and disbursements of the Independent Lawyer and of any Independent Computer Expert.
2. The Applicant's lawyer will provide to the Independent Lawyer for service on each Respondent copies of the following documents:
 - (a) this order;
 - (b) the Originating Application;
 - (c) the Statement of Claim;
 - (d) the Applicant's genuine steps statement;
 - (e) the Interlocutory Application and Annexure I thereto (Search Application);
 - (f) the following material in so far as it was relied on by the Applicant at the hearing when the order was made:
 - (i) the affidavits listed in **Schedule C** (other than confidential affidavit text) and the schedule of corrections to those affidavits;
 - (ii) annexures and exhibits capable of being copied (other than confidential annexures and exhibits);
 - (iii) the Applicant's written submissions dated filed on 8 May 2024; and
 - (iv) any other document that was provided to the Court.
 - (g) a transcript, or, if none is available, a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submissions that were put, to the Court.
3. The Applicant's lawyer will answer to the best of the lawyer's ability any question as to whether a particular thing is a Listed Thing.
4. The Applicant's lawyer will use the lawyer's best endeavours to act in conformity with the order and to ensure that the order is executed in a courteous and orderly manner and in a manner that minimises disruption to each Respondent.
5. The Applicant's lawyer will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
6. The Applicant's lawyer will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.



7. The Applicant's lawyer will not disclose to the Applicant any information that the lawyer acquires during or as a result of execution of the search order, until 4:30pm on the Return Date or other time fixed by further order of the Court, unless the disclosure is permitted by paragraph 19 of this order or with the leave of the Court.
8. The Applicant's lawyer will use best endeavours to follow all directions of the Independent Lawyer.



B.3 Undertakings given to the Court by each Independent Lawyer:

1. The Independent Lawyer will use his or her best endeavours to serve each Respondent with this order and the other documents referred to in undertaking **Part B.2** of the above (undertakings by each Applicant's lawyer).
2. Before entering the Premises, the Independent Lawyer will:-
 - (a) offer to explain the terms and effect of the search order to the person served with the order and, if the offer is accepted, do so; and
 - (b) inform each Respondent of his or her right to take legal advice.
3. Except for the Independent Computer Expert's removing computers, other devices and their copies or digital copies for copying or searching in accordance with paragraph 20 of this order and subject to undertaking 4 below, the Independent Lawyer will retain custody of all things removed from the Premises by the Independent Lawyer pursuant to this order until delivery to the Court or further order of the Court.
4. At or before the hearing on the Return Date, the Independent Lawyer will provide a written report on the carrying out of the order to the Court and provide a copy to the Applicant's lawyers and to each Respondent or each Respondent's lawyers. The report will attach a copy of any list made pursuant to the order and a copy of any report received from an Independent Computer Expert.
5. The Independent Lawyer will use best endeavours to ensure that members of the Search Party act in conformity with the order and that the order is executed in a courteous and orderly manner and in a manner that minimises disruption to each Respondent, and will give such reasonable directions to other members of the Search Party as are necessary or convenient for the execution of the order.
6. The Independent Lawyer will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
7. The Independent Lawyer will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.



B.4 Undertakings given to the Court by each Independent Computer Expert

1. The Independent Computer Expert will use his or her best endeavours to act in conformity with the order and to ensure that the order, so far as it concerns the Independent Computer Expert, is executed in a courteous and orderly manner and in a manner that minimises disruption to each Respondent.
2. The Independent Computer Expert will remove computers and other devices from the Premises for copying and searching in accordance with paragraph 20 of this order.
3. The Independent Computer Expert will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
4. The Independent Computer Expert will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.
5. The Independent Computer Expert will use best endeavours to follow all directions of the Independent Lawyer.



**Schedule C:
Affidavits relied on**

No.	Name of deponent	Date affidavit made
1.	Anand Indravadan Bhatt	1 May 2024
2.	Wayne McFaull	1 May 2024
3.	Susanne Monica Hantos	1 May 2024
4.	John Paul William Testaferrata Olivier	1 <u>2</u> May 2024
5.	Adrian Huber	1 May 2024
6.	Paul Alexander Dewar	1 May 2024
7.	Rodney McKemmish	6 May 2024
8.	Adrian Chai	8 May 2024
9.	Nicolas Marrast	8 May 2024
10.	Paul Alexander Dewar	9 May 2024
11.	Stephen Klotz	14 May 2024
12.	Paul Alexander Dewar	14 May 2024

Name and address of Applicant's lawyers

The Applicant's lawyers are:

Davies Collison Cave Law

Level 4, 7 Macquarie Place, Sydney NSW 2000

Email: PDewar@dcc.com ; ACameron@dcc.com ; RDighe@dcc.com

Mobile: +61 404 047 047

Tel: 02 9293 1000

Fax: 02 9262 1080



**Schedule D:
Schedule of Parties**

No. NSD **527** of 2024

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

Applicants

Second Applicant: **QFN2**

Third Applicant: **QFP3**

Respondents

Second Respondent: **RAC2**

Third Respondent: **RAD3**

Fourth Respondent: **RAE4**