

NOTICE OF FILING

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A handwritten signature in blue ink that reads "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.

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Form 59
Rule 29.02(1)

Affidavit

NSD527 of 2024

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

QFM1 (a pseudonym) and Ors

Applicants

RAB1 (a pseudonym) and Ors

Respondents

Affidavit of: **Stephen Klotz**
Address: Level 18, 347 Kent Street, Sydney, New South Wales
Occupation: Solicitor
Date: 14 May 2024

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Filed on behalf of (name & role of party) QFM1 (a pseudonym), the Applicants
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I, STEPHEN KLOTZ, of level 18, 347 Kent Street, Sydney in the State of New South Wales, Solicitor, do affirm as follows:

A. Background

1. I am a Partner in the Litigation and Dispute Resolution Practice Group at Hall & Wilcox (**H&W**). I have over 30 years of experience in the conduct of commercial disputes, including experience in the execution of search orders and as an independent solicitor supervising the execution of search orders, including search orders issued by the Federal Court of Australia (**Court**).
2. As a result of my experience referred to in the previous paragraph, I am familiar with the nature of the role and the duties and obligations of an independent solicitor supervising a search order.
3. H&W has been engaged by Davies Collison Cave Law (**DCCL**) to act as the independent solicitors for the execution of a prospective search order (**Search Order**) at the following locations:
 - (a) Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090;
 - (b) Unit 1, 19 Oxleigh Drive, Malaga, Western Australia 6090;
 - (c) Unit 4, 213 Gildercliffe Street, Scarborough, Western Australia 6019; and
 - (d) 5A Volga Street, Hadfield, Victoria 3046,

(Search Locations).
4. I received a briefing note from DCCL on 10 May 2024. Annexed to this affidavit and marked "**SK-1**" is a copy of that briefing note.

B. Proposed independent solicitors for the Search Locations

5. A copy of my curriculum vitae and the curriculum vitae of each lawyer proposed for the execution of the Search Order at the Search Locations is annexed and marked "**SK-2**".

6. I have been responsible for the engagement of H&W by DCCL, the establishment of a team of solicitors to carry out the role of independent solicitors at the various search locations, providing the team members with the information they require and acting as the point of contact between DCCL and the H&W team in the preparatory stage. I have been assisted in those tasks by Natalia Di Stefano, a solicitor employed by me. When the search commences at each location, I will be available, in the unlikely event that it is required, to answer any questions that may arise from the team.
7. I have been instructed by DCCL that the independent solicitor at each of the following Search Locations must be a woman:
 - (a) Unit 4, 213 Gildercliffe Street, Scarborough, Western Australia 6019; and
 - (b) 5A Volga Street, Hadfield, Victoria 3046.
8. I have also been instructed that the independent solicitors must be available to execute the Search Order at the Search Locations on a business day in the period from Wednesday, 15 May 2024 to Wednesday, 22 May 2024 (or such further date as required).
9. H&W proposes the following independent solicitors to execute the Search Order at the Search Locations:
 - (a) Nicholas Beech, assisted by Ebenezer Assibey-Bonsu and Alexander Crowhurst for Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090;
 - (b) Nicholas Beech, assisted by Ebenezer Assibey-Bonsu and Alexander Crowhurst for Unit 1, 19 Oxleigh Drive, Malaga, Western Australia 6090;
 - (c) Penelope Ford and/or Anna Prentice for Unit 4, 213 Gildercliffe Street, Scarborough, Western Australia 6019; and
 - (d) Katherine Payne and/or Sophie Caldwell for 5A Volga Street, Hadfield, Victoria 3046.
10. For the avoidance of doubt, in respect of the premises at 9(a) and 9(b) above, it is intended that the three independent solicitors will attend both premises, which are located on the same road and in close proximity to each other. Mr Beech is a Special Counsel at H&W, Mr Assibey-Bonsu is a Senior Associate, and Mr Crowhurst is a recently qualified Lawyer. It is intended that Mr Beech will act as the lead independent solicitor at both locations, and that he will be assisted in discharging those duties by Mr Assibey-Bonsu and Mr Crowhurst. It is not proposed for either of Mr Assibey-Bonsu or Mr Crowhurst to act as the lead independent lawyer at either of the two premises.



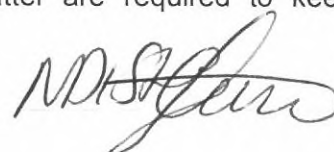
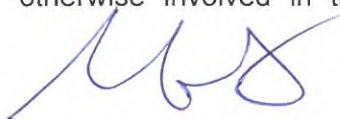
11. I have been provided with a copy of the interim suppression order and interim confidentiality orders made by the Court in this proceeding on 9 May 2024 as an annexure to the briefing note from DCCL. I confirm I have provided copies of the briefing note, including the interim suppression and confidentiality orders, to each of the solicitors in paragraph 9 above.
12. I am instructed that the Search Order is sought by the Applicants in respect of the First to Third Respondents.

C. Conflict checks

13. On 10 May 2024, I caused a conflict check to be run to ascertain whether H&W has any conflict of interest in acting for the Applicants or the Respondents.
14. I confirm that H&W has not acted for the Respondents or any of them at any time, and that H&W does not have any conflict in acting against the interests of the Respondents.
15. Based on a search that I caused to be conducted of H&W's records, I confirm that H&W has never acted and is not currently acting for the Applicants or any of their subsidiaries.
16. I am informed by Nicholas Beech, Ebenezer Assibey-Bonsu, Alexander Crowhurst, Penelope Ford, Anna Prentice, Katherine Payne and Sophie Caldwell, and believe, that none of them has ever acted for any of the Applicants (or, to the best of their knowledge, any of their subsidiaries) or the Respondents.

D. Policies and protocols for confidentiality at H&W

17. As a partner of the firm, I am aware that H&W has in place a number of policies and protocols for ensuring that all members of H&W including its partners, employees and any relevant third parties are aware of, and comply with, their confidentiality obligations.
18. The confidentiality protocols that are implemented by H&W from time to time, and which will be implemented for this matter, include:
 - (a) **Information barriers:** H&W uses the file protection feature in the iManage software to implement information barriers that limits access to certain designated file(s) to only those partners and employees authorised to access the file. In this matter, I confirm that H&W will implement an information barrier that permits access only to those independent solicitors who are referred to at paragraph 9 of this affidavit, in addition to Simona Wiltshire (my legal assistant), Natalia Di Stefano, a solicitor in my employ and me.
 - (b) **Obligations of confidence:** All H&W partners and employees working on, or otherwise involved in the running of, a client matter are required to keep



information concerning the matter confidential. Specifically, employees are required:

- (i) to store electronic files and any physical files securely;
- (ii) not to discuss H&W clients or their matters publicly, or otherwise display their information in public (including in the lifts, lobbies and shared corridors of H&W's offices, and while using public transport); and
- (iii) not to disclose any of H&W's clients' information or documents, and any other information concerning H&W clients' matters, to third parties without first obtaining the clients' express consent.

E. Practice Note GPN-SRCH and Undertakings

19. I believe that I am, and I have been informed by Nicholas Beech, Ebenezer Assibey-Bonsu, Alexander Crowhurst, Penelope Ford, Anna Prentice, Katherine Payne and Sophie Caldwell that each of them believes that they are, capable of fulfilling the role of an independent solicitor in respect of the Search Order.
20. I have read Federal Court Practice Note GPN-SRCH and the undertakings for independent solicitors enclosed by the briefing note from DCCL and agree to give those undertakings. I am also informed by Nicholas Beech, Ebenezer Assibey-Bonsu, Alexander Crowhurst, Penelope Ford, Anna Prentice, Katherine Payne and Sophie Caldwell that each of them has read Federal Court Practice Note GPN-SRCH and the undertakings enclosed by the briefing note from DCCL, and that each of them agrees to give those undertakings.

F. Measures for vulnerable persons at Volga St Premises

21. I am instructed by DCCL that a likely occupant of the Volga St premises, referred to at paragraph 9(d) above, is the 5 year old child of the Second Respondent.
22. On Monday 13 May 2024 I received the following email from Mr Paul Dewar, which is annexed hereto and marked "SK-3". I understand from Mr Dewar that "Georgie" is Dr McFarlane's practice manager.

Hi Georgie

I have now spoken with Dr McFarlane who has generously agreed to assist with the search order this Wednesday.

For the avoidance of doubt, I confirm that Dr McFarlane is retained at the instruction of the Federal Court of Australia and is entirely independent of DCCL and my client.




Correction in relation to timing of execution (its now 11am not 9am as I previously stated)

When I spoke with Dr McFarlane I stated that we would be executing the order at 9am on Wednesday and that we would meet with Dr McFarlane beforehand at 830 am.

This information is now incorrect - we are now commencing at 11am on Wednesday and would like to meet with Dr McFarlane at 1030am.

I understand that Dr McFarlane will need to leave the premises at 1.30pm on Wednesday to give evidence in the Family Court.

Assuming this is correct, then due to the later start we will likely need an additional qualified person to take over from Dr McFarlane at 1.30pm and stay for a further two hours or so. Hall & Wilcox (see below) will discuss this with Dr McFarlane today.

Independent Solicitors – Hall & Wilcox

The independent solicitors (the law firm Hall & Wilcox) will be in contact with Dr McFarlane shortly to arrange the usual retainer agreements so that Dr McFarlane can be reimbursed for her time.

I have cc'd Mr Stephen Klotz (a partner with Hall & Wilcox) on this email, so that everyone is on the same page.

If you can please forward this email to Dr McFarlane. I will now step out of the future arrangements.

Thank you for your assistance with this at such short notice.

Best, Paul

23. Following receipt of this email I had a telephone conversation with Dr McFarlane in which she confirmed that she had received the above email from Mr Dewar and that she was available to assist.
24. During that conversation I stated words to the effect that Dr McFarlane will be retained:
 - (a) by Hall and Wilcox;
 - (b) to assist the resident of the premises to care for their child;
 - (c) was otherwise to have no other role in the search order process.

- 25. I further informed Dr McFarlane of the names of the H&W independent solicitors, who were to be at the premises during the execution of the search orders and that, if she had any questions or concerns in relation to the process on the day, she should speak to them.
- 26. Dr McFarlane agreed to be retained on the above basis. Accordingly, on 13 May 2024 I engaged Dr McFarlane to act as a support person for the child on the day of the execution of the search order and confirmed that in writing today, including that she is required to keep confidential anything that she may observe at the residence while exercising her role of assisting with the care of the child. It is intended that Dr McFarlane will be available at the premises to provide support and assistance to the child during the execution of the search order, based on her expertise and experience working with small children.
- 27. I received a phone call from Georgie of Melbourne Children’s Psychology Clinic (Hampton) on behalf of Dr McFarlane at 9.42 am today to inform me that Dr McFarlane is now available to attend the Volga St premises until 5.00 pm on Wednesday 15 May 2024 as she is no longer required to attend the Family Court.

Affirmed by Stephen Klotz
 at Sydney in New South Wales
 on 14 May 2024
 Before me:

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Signature of deponent

Signature of witness

Natalia Di Stefano, solicitor

Form 59
Rule 29.02(1)

Certificate for confidential annexure

No. NSD527 of 2024

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

QFM1 (a pseudonym) and Ors

Applicants

RAB1 (a pseudonym) and Ors

Respondents

This is the confidential annexure marked '**SK-1**' now produced to Stephen Klotz at the time of affirming his affidavit on 14 May 2024 before me.



Signature of witness

Natalia Di Stefano, solicitor



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Our Ref: PXD: 2023413

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10 May 2024

Attention: Stephen Klotz

Stephen Klotz
Level 18
347 Kent Street
SYDNEY NSW 2000

Contact: Paul Dewar
pdewar@dcc.com

Ashley Cameron
acameron@dcc.com

CONFIDENTIAL

Dear Stephen

Briefing Note – Independent solicitors for search orders to be executed against Element Zero Pty Ltd, Bartlomiej Piotr Kolodziejczyk, and Bjorn Winther-Jensen

Thank you for accepting our instructions to act as independent solicitors supervising search orders against the above named respondents. This briefing note provides relevant background regarding the search orders, the parties subject to the search orders and the premises intended to be searched.

A. High-level background to matter

1. Fortescue Future Industries (now operating under the Fortescue brand) has, since early 2021, conducted an in-house technology development programme (**Green Iron project**) to produce green iron from iron ore using a refining process by electrochemical reduction (**ER**). Fortescue developed an ER process involving leaching of iron ore (to remove impurities), processing according to particular chemical parameters, and using a particular plant construction.
2. At various points from 2019 to 2021, Dr Winther-Jensen and Dr Kolodziejczyk (together, the **Individual Prospective Respondents**) were employed as part of Fortescue's Green Iron project, with Dr Winther-Jensen and Dr Kolodziejczyk having technical roles.
3. Dr Winther-Jensen and Dr Kolodziejczyk resigned from Fortescue in late 2021. In late 2022, the Individual Prospective Respondents established a new company named Element Zero Pty Ltd (**Element Zero**). Element Zero claims to have developed an ER process for processing green iron ore similar to what had been in development within Fortescue's Green Iron project around 2020–21 (see, for example, Element Zero's [website](#)).
4. In broad terms, Fortescue alleges, amongst other things, that:
 - a. Dr Winther-Jensen sent emails to his personal address attaching confidential Fortescue technical documents relevant to Element Zero's ER plant shortly before he left Fortescue;
 - b. Dr Kolodziejczyk accessed confidential Fortescue technical documents relevant to Element Zero's ER plant on his work-issued laptop using a USB

and deleted a local file with corresponding folder paths and file names shortly before he left Fortescue;

- c. At Fortescue, Dr Kolodziejczyk had worked on the substantially the same chemical process as Element Zero's present chemical process;
 - d. Fortescue are unable to locate a substantial number of documents recording the research and development of the ER process in the Green Iron project on its internal file systems, being documents a person would expect to see in such research and development;
 - e. Element Zero has applied for patent applications, at least one of which covers the subject matter of the ER process; and
 - f. Element Zero has achieved technology development milestones that are highly improbable based on the resources available to them, without a springboard advantage.
5. The causes of action which we relied upon for our search order application, and for which we consider Fortescue has a strong *prima facie* case, are:
- a. Breach of equitable obligations of confidence; and
 - b. Contravention of the obligations on directors, other officers and employees of a corporation regarding use of information under the *Corporations Act 2001* (Cth) s 183.
6. Fortescue has made an urgent *ex parte* application for a Federal Court search order pursuant to Division 7.5 of the *Federal Court Rules 2011* (Cth) to search premises belonging to Element Zero and each of the Individual Prospective Respondents, and seize documents which may be important evidentiary material for the above causes of action and which are at risk of destruction.
7. The application was heard on Thursday, 9 May 2024 before Justice Perry, who has indicated that she is minded to make the search orders, subject to minor amendments to the search order terms. Fortescue will return before her Honour for a short hearing at 11.00 am AEST on Tuesday, 14 May 2024, at which time it is expected her Honour will make the search orders. Please note that the proceedings are currently subject to the **enclosed** interim suppression and confidentiality orders.
8. **Enclosed** with this briefing note are the current draft terms of the search orders which we currently intend to apply for (marked up against the exemplar draft orders in the Federal Court Search Orders Practice Note GPN-SRCH), including a finalised list of things the subject of the search orders (Annex 1 to Schedule A, pp 15–18) and your proposed undertakings to the Court as independent solicitors (Schedule B.3, p 23).

B. Relevant time frame

9. If the Federal Court grants the search orders next Tuesday 14 May 2024, we envisage that the search orders will be executed on a weekday morning from **Wednesday, 15 May 2024 to Wednesday, 22 May 2024** (inclusive).

C. Private investigator and computer expert engaged

10. We have engaged **Robert Lancaster** of **Lancasters Investigations** as our private investigator to attempt to ascertain/obtain the following:
 - a. the current location of each of the Individual Prospective Respondents;
 - b. the typical location of each of the Individual Prospective Respondents during the work week (Monday to Friday) during business hours, including specifically from 9 am to 2 pm on each of those days, and whether the location is a private or business premises;
 - c. for each of the Individual Prospective Respondents, when they leave their residential premises to go to work on each of Monday to Friday;
 - d. an estimate of where each of the Individual Prospective Respondents will be during each day of the week commencing 29 April 2024 (based on the investigations in the bullet points above);
 - e. if any of the locations for any of the Individual Prospective Respondents include residential premises;
 - f. information regarding whether or not the only occupant of the premises to be searched is likely to be:
 - i. a female;
 - ii. a child under the age of 18;
 - iii. a vulnerable person; or
 - iv. any combination of the above, and any one or more of such persons,as we will need a statement positively stating there are or are not any of the above persons at the premises;
 - g. if any of the locations for any of the Individual Prospective Respondents include residential premises; and
 - h. a photograph of each of the Individual Prospective Respondents at their residential premises (if possible), to compare against known photographs of the same.
11. We have also engaged **Rod McKemmish** of **CYTER** as the independent computer expert to assist with imaging/analysing any seized computer materials.

D. Parties subject to the search orders

12. The parties the subject of the the search order are listed below. For the purposes of documents filed and issued in the proceeding, each of these parties have been allocated pseudonyms in the Federal Court's interim suppression and confidentiality orders, which are set out in brackets below.
 - (a) Element Zero ("RAB1");
 - (b) Bjorn Winther-Jensen ("RAD3"); and

(c) Bartłomiej Piotr Kolodziejczyk ("RAC2").

13. Please use the pseudonyms for the Applicants and the Respondents in any documents to be filed and issued in this proceeding.
14. Set out below are background details of each of the Individual Prospective Respondents.

D.1 Bjorn Winther-Jensen



15. Bjorn Winther-Jensen (born 09/04/1960 in Gladsaxe, Denmark) is the Third Prospective Respondent. An ASIC Historic Personal Name Extract and ASIC Company Person Name Search for Dr Winther-Jensen, both dated 13 March 2024, are **enclosed** with this briefing note.
16. The ASIC personal name extracts indicate that Dr Winther-Jensen was a Director of Element Zero from 7 December 2022 to 11 January 2024.
17. Mr Winther-Jensen is currently a Director of Proton Systems Pty Limited (Mr Kolodziejczyk and Mr Masterman are also currently directors of this company).
18. Dr Winther-Jensen was previously employed by FMG Personnel Services Pty Ltd (a wholly owned subsidiary of Fortescue Metals Group Ltd) (**Fortescue**) as the Technology Development Lead from 15 February 2021. His role was to develop an Electrochemical Green Iron Technology process. He resigned from his position on 3 November 2021 (his final day of employment being 12 November 2021).
19. Prior to working at Fortescue, Dr Winther-Jensen held various engineering research and advisory positions, beginning in the Danish metal industry in 1980.
20. The address listed under the current and former directorship roles in Dr Winther-Jensen's Historic Personal Name Extract is Unit 4, 213 Gildercliffe Street, Scarborough, WA 6019. Property searches conducted by the private investigators indicate that Dr Kolodziejczyk owns this property with his wife (Orawan Winther-Jensen).
21. **Dr Winther-Jensen's latest whereabouts:** since Sunday, 21 April 2024, the private investigator has observed Dr Winther-Jensen at and around his residence at Unit 4, 213 Gildercliffe Street, Scarborough, WA 6019. Dr Winther-Jensen does not appear to be working and has been observed conducting everyday activities such as watering plants, attending the gym, and going shopping.

D.2 Bartłomiej Piotr Kolodziejczyk



22. Bartłomiej ("Bart") Piotr Kolodziejczyk (born 03/05/1985 in Rzeszow, Poland) is the Second Prospective Respondent.
23. An ASIC Historic Personal Name Extract and ASIC Company Person Name Search for Dr Kolodziejczyk, both dated 13 March 2024, are **enclosed** with this briefing note.
24. Dr Kolodziejczyk was employed by FMG Personnel Services Pty Ltd as a Hydrogen Specialist, beginning in 25 March 2019. Dr Kolodziejczyk resigned from Fortescue on 22 October 2021, with his final day of employment being 5 November 2021.
25. Dr Kolodziejczyk currently holds the following directorship positions:
 - a. Chief Technology Officer and Director at Element Zero (Director since 7 December 2022);
 - b. Director of Proton Systems Pty Limited (since 16 December 2022);
 - c. Director of Personal Quantum Technologies Pty Ltd (since 12 January 2024).
26. Dr Kolodziejczyk also appears to currently hold various other positions, such as Associate Director at Boston Consulting Group in Melbourne, Victoria (where he advises on hydrogen, batteries, clean technologies and decarbonisation).
27. The address listed under each of the current directorship roles in Dr Kolodziejczyk's Historic Personal Name Extract is 5A Volga Street, Hadfield, Victoria 3046. Property searches conducted by the private investigators indicate that Dr Kolodziejczyk owns this property with a person believed to be his wife (Ranthini Manirajan). [Dr Kolodziejczyk](#) and [Ms Manirajan's](#) Facebook profiles indicate that they reside in Melbourne, Victoria.
28. **Dr Kolodziejczyk's latest whereabouts:** unknown. From Monday, 22 April to Friday, 26 April 2024, Dr Kolodziejczyk was observed at the Element Zero facilities in Malaga, Perth (see description of facilities below) and staying at Tribe Hotel, 4 Walker Avenue, West Perth. On Friday, 26 April 2024, Dr Kolodziejczyk was observed boarding a flight back to Melbourne, where he was followed back to his residence at 5A Volga Street, Hadfield, Victoria 3046. Dr Kolodziejczyk was observed at and in the vicinity of his Melbourne residence with his family until Saturday, 4 May 2024. On Saturday, 4 May 2024, Dr Kolodziejczyk travelled to Melbourne Airport (domestic terminal) carrying luggage. The private investigators were unable to ascertain Dr Kolodziejczyk's destination. Private investigators

deployed to the arrivals area at Perth Airport later that day did not sight Dr Kolodziejczyk. Dr Kolodziejczyk's whereabouts have been unknown since Saturday, 4 May 2024. Our private investigators continue to conduct searches for the current whereabouts of Dr Kolodziejczyk. Their current theory is that Dr Kolodziejczyk may have flown to Port Hedland because Element Zero is currently seeking Western Australian government approval for a green iron processing plant at the Boodarie Strategic Industrial Estate (near Port Headland). In the meantime, surveillance continues at the Hadfield, Victoria residence, where Dr Kolodziejczyk's wife and child are permanently residing.

E. Prospective search locations

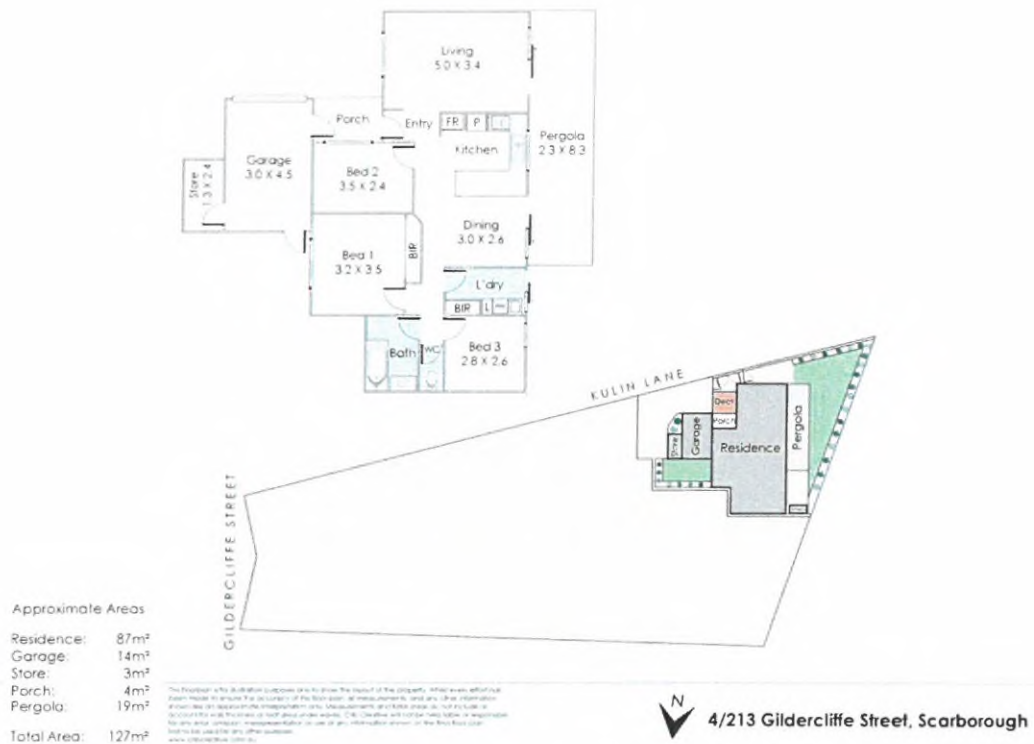
E.1 Unit 4, 213 Gildercliffe Street, Scarborough, WA 6019 – Dr Winther-Jensen's Residence

29. Property searches run by the private investigators indicate that Dr Winther-Jensen owns Unit 4, 213 Gildercliffe Street, Scarborough, WA 6019.

30. Exterior photographs of the property are shown below:



31. A floor plan of the property is included below:



32. As mentioned above, Dr Winther-Jensen has been observed at the property since Sunday, 21 April 2024. The private investigators have concluded that this is his residence. He has been seen with two females who also reside at the property, presumably his wife and his daughter.
33. Potential vulnerable persons present at the property (photos below):
- Dr Winther-Jensen's wife; and
 - Dr Winther-Jensen's daughter (aged approx. 16 years; was observed leaving for school at 8.30am and returning at 3.40pm on Tuesday, 23 April 2024).



E.2 5A Volga Street, Hadfield, Victoria, 3046 - Dr Kolodziejczyk's Potential Residence

34. Property searches run by our private investigators indicate that Dr Kolodziejczyk owns 5A Volga Street, Hadfield, Victoria, 3046. Below is a Google Maps Streetview screenshot showing the residence. The building is a duplex, with 5A Volga Street being accessed through the red door on the right hand side of the building.



35. A floor plan of the property is shown below:



36. The private investigators have observed the residence since Sunday, 21 April 2024. They have confirmed Dr Kolodziejczyk's wife (Ranthini Manirajan) and child are resident. Dr Kolodziejczyk was observed at the residence from Friday, 26 April 2024 to Saturday, 4 May 2024.
37. The private investigator noted that there appeared to be a home office set up within the Hadfield, Victoria residence in the room to the right hand side of the front entry door. This space is shown in an online property [listing](#) dated January 2020 as follows (this listing also shows various exterior and interior views of the property):



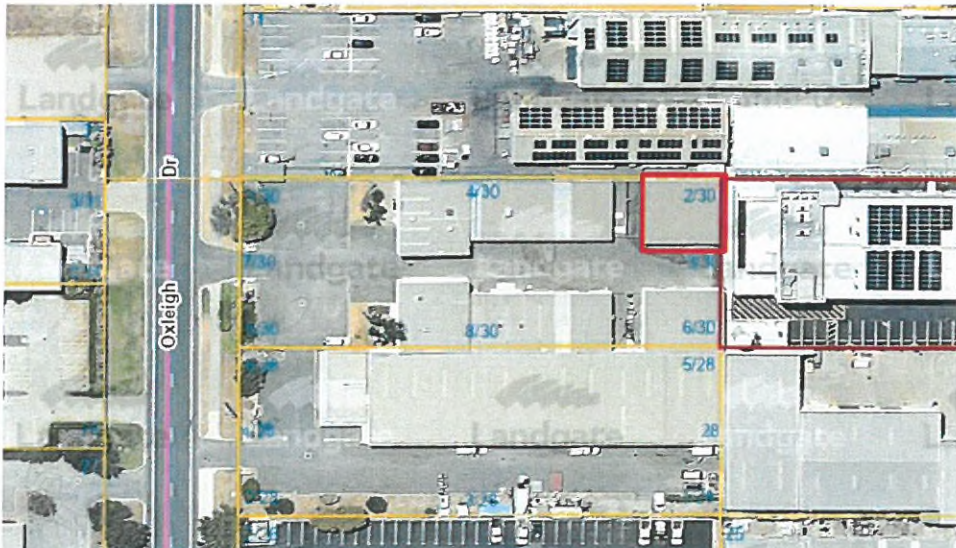
38. Potential vulnerable persons present at this property (photos below):

- a. Ms Ranthini Manirajan (Dr Kolodziejczyk's wife); and
- b. Dr Kolodziejczyk's child (approximately 5 years old).



E.3 Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090 – Element Zero's Facility

39. Element Zero's Principal Place of Business (according to an ASIC search and their website's 'Contact Us' page) is Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090.
40. Below is a WA Landgate Map Viewer Plus App showing a satellite image of Element Zero's premises, which is located at the north-east corner of 30 Oxleigh Drive, Malaga.



41. Below is a Google Maps Streetview screenshot of the entrance to 30 Oxleigh Drive, Malaga:



42. Below is an image of Unit 2, 30 Oxley Drive, Malaga (as it appeared in 2018, before Element Zero leased the premises):



43. Below are images taken by our private investigator on 22 April 2024 of the interior of the premises:





E.4 Unit 1, 19 Oxleigh Drive, Malaga, Western Australia 6090 – Element Zero's Potential Secondary Premises

44. From Monday, 22 April to Saturday, 26 April 2024, Mr Kolodziejczyk was observed by our private investigator visiting Unit 1, 19 Oxleigh Drive, Malaga, WA 6090 in addition to Element Zero's facility at Unit 2, 30 Oxleigh Drive, Malaga, Western Australia 6090. These premises are nearby to each other.
45. Unit 1, 19 Oxleigh Drive is an office building. There is apparently keycode access to the building. On Tuesday, 23 April 2024, electricians and air conditioner contractors were seen working within Unit 1, 19 Oxleigh Drive. This potentially suggests the office is still being set up. More recent investigations on Wednesday, 8 May 2024 revealed employees/staff from Unit 2, 30 Oxleigh Drive, Malaga attending Unit 1, 19 Oxleigh Drive, Malaga for an apparent meeting.
46. Based on these observations, our private investigator suggests Unit 1, 19 Oxleigh Drive may be a secondary office premises of Element Zero.
47. Below is a Google Maps Streetview screenshot of Unit 1, 19 Oxleigh Drive:



F. Summary

48. In summary:
- a. Element Zero's premises are Unit 2, 30 Oxleigh Drive, Malaga, WA and a suspected secondary office premises at Unit 1, 19 Oxleigh Drive, Malaga, WA 6090. These are both identified as search sites for Element Zero. Given their proximity we will have one search party with two independent solicitors and two computer experts for these sites.
 - b. Dr Winther-Jensen has been recently observed at his residence at Unit 4, 213 Gildercliffe Street, Scarborough, WA 6019. We consider this residence to be the only search site for Dr Winther-Jensen.
 - c. Dr Kolodziejczyk was recently observed visiting the Element Zero premises in Perth and staying at his residence in Hadfield, Victoria, however, he departed on an unknown domestic flight on Saturday, 4 May 2024 and has not been sighted since. Investigations are ongoing to ascertain his location (one theorised location being Port Hedland). We expect that he will return to his residence shortly.
49. As investigations are ongoing, the prospective search locations canvassed in this briefing note are subject to change.
50. In light of the above information, please confirm that you and your team will have the necessary resources available to attend as independent solicitors at the following locations **on each weekday from Wednesday, 15 May to Wednesday, 22 May 2024 (inclusive)**:
- a. at least three premises in Perth (identified in sub-paragraphs 48(a)-(c) above); and
 - b. one premises Melbourne.
51. For each of Dr Kolodziejczyk's residential premises (5A Volga Street, Hadfield, Victoria, 3046) and Dr Winther-Jensen's residential premises (Unit 4, 213 Gildercliffe Street, Scarborough, WA 6019), **you must include a female solicitor** (due to the vulnerable parties who are likely to be present at those premises).
52. Please promptly advise us if you or any of your colleagues in other cities are unavailable to assist with supervising the execution of the prospective search orders at these locations and on these days.
53. Please also provide us with a copy of your CV and the CVs of your colleagues who you propose supervise the execution of the search orders.
54. Please confirm whether you and your colleagues agree to give the independent lawyers' undertakings contained at Schedule B.3 to the proposed draft orders as soon as possible.
55. Please do not hesitate to contact us if you have any questions or if you wish to arrange a call to discuss. We will be in touch closer to the date of the execution of

the search orders to arrange a briefing session before the execution of the search orders.

Yours faithfully

A handwritten signature in blue ink, reading "David Collison Cave Law". The signature is written in a cursive style with a long horizontal flourish at the end.

DAVIES COLLISON CAVE LAW
Enc.

Form 59
Rule 29.02(1)

Certificate for annexure

No. NSD527 of 2024

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

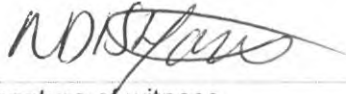
QFM1 (a pseudonym) and Ors

Applicants

RAB1 (a pseudonym) and Ors

Respondents

This is the annexure marked '**SK-2**' now produced to Stephen Klotz at the time of affirming his affidavit on 14 May 2024 before me.



Signature of witness

Natalia Di Stefano, solicitor

STEPHEN KLOTZ

Partner | Litigation and Dispute Resolution

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 E | Stephen.Klotz@hallandwilcox.com.au



Categories

- Litigation and Dispute Resolution (Lead Partner)

Recognition

Recognised in Alternative Dispute Resolution, Litigation 2014-2023, *Best Lawyers in Australia*
 Recommended for Dispute Resolution 2018 and Key lawyer for Dispute resolution: litigation 2022, *Legal 500 Asia Pacific*

Expertise

Stephen is a well-respected commercial litigation lawyer with over 30 years' experience. His area of practice is in corporate and commercial dispute resolution, including contract, real property, infrastructure and regulatory investigations.

He has represented both public and private companies across a range of industries and issues in most State Supreme Courts, the Federal Court and the High Court, and has led large-scale matters involving complex issues.

Stephen's industry experience covers financial services, government, infrastructure, health, IT, mining, pharmaceutical, property, retail and transport.

Clients appreciate Stephen's commercial advice, clear strategic direction and sound judgement.

Stephen has been recognised in The Best Lawyers in Australia in alternative dispute resolution and litigation since 2014. He is also recommended in The Legal 500 Asia Pacific, where he is noted for his 'experience and judgement'.

Relevant experience

- Acting for Hanes Group entities in Federal Court proceedings brought against them by Wesfarmers for alleged breaches of warranties arising out of the sale of Hanes' workwear business to Wesfarmers in late 2014.
- Acting for the former CEO and CFO of Dick Smith in proceedings brought against them in the Commercial List of the Supreme Court of NSW by the National Australia Bank and HSBC Bank Australia alleging misleading and deceptive conduct in connection with the entry into and extension of finance facilities with Dick Smith.
- Acting for Kuwaiti investment firm, Amwal International Investment Company, in an action in the Supreme Court of Victoria against Pepperstone Pty Ltd, an online Forex and CFD broker, to recover funds withdrawn from a trading account without authorisation and in breach of their trading terms.
- Acting for Retail Employees Superannuation Trust (REST) in proceedings brought against it in the Supreme Court of South Australia by Romeos Retail Group to recover superannuation contributions alleged to have been paid by mistake.
- Acting for Rio Tinto Minerals Inc in an ICC arbitration arising out of the sale of a subsidiary.
- Acting for Local Government Financial Services Pty Ltd (LGFS) in Federal Court proceedings brought by Bathurst and a number of other local councils involving claims arising out of failed investments of \$16.5m in a synthetic structured credit investment product sold to them by LGFS.
- Acting for Australian fashion designer, Kym Ellery, and her design company, Ellery Land

Pty Ltd in proceedings brought against them by Myer Pty Ltd in the Supreme Court of Victoria seeking to restrain them from taking their Ellery fashion label to David Jones, contrary to an exclusivity agreement with Myer. The matter settled on terms which, amongst other things, entitled Ellery branded merchandise to be supplied in Myer and David Jones – an industry first.

- Acting for Rio Tinto in proceedings brought by Walker Corporation in the Supreme Court of NSW over Rio Tinto's withdrawal from negotiations over an agreement for lease of a building in Brisbane's CBD.
- Acting for Calvary Health Care in Commercial List proceedings arising out of lease finance agreements it had rescinded on grounds including the financier's agent's misleading conduct.
- Acting for a creditor of Swan Services Group (In Liquidation) in Supreme Court proceedings to recover her loan. The liquidator has cross claimed that payments made to her are void as preferential payments or, alternatively, were uncommercial or unreasonable director related transactions and, in addition, has made an insolvent trading claim against her, asserting that she was a shadow director.
- Acting for Bellbird Ridge Pty Ltd (Johnson Property Group) in Supreme Court proceedings challenging the Office of State Revenue's refusal to apply the primary production exemption of the State's land tax legislation in relation to a parcel of land proposed for development.
- Acting for Pittwater Radiology Partnership (now PRP Diagnostic Imaging Pty Ltd) in Commercial List proceedings against a healthcare corporation concerning the operation of restraint clauses on the termination of their relationship.
- Acting on an appeal in the High Court for the owners of the Glasshouse building in a dispute with Westfield over the interpretation of an easement integral to Westfield's then proposed development of the Westfield Shopping Centre.
- Acting for Liberty Greenpower Pty Ltd (part of the GFG Alliance) in proceedings brought against it in the Commercial List of the SCNSW by Clermont Asset Co Pty Ltd, arising out of the termination by Liberty of a hedge contract with Clermont in relation to the wholesale price of electricity. Clermont alleges that Liberty unlawfully terminated the contract and claims a termination amount of up to about \$24 million under the contract, alternatively, damages. Liberty asserts that it was entitled to terminate the contract and is defending the proceeding.
- Acting for Altogether Pty Ltd (formerly Flow Pty Ltd) in SCNSW proceedings claiming damages against an engineering consultant for loss resulting from the failure of a number of concrete water tanks designed by the consultant.
- Assisting Protec Arisawa Europe S.A. to manage and avoid a dispute arising out of the issue of a notice of defect in connection with the supply of membrane pressure vessels to the Victorian desalination plant. Included urgent advice on causation and contractual liability, including on the meaning and effect of defects warranty and performance guarantee provisions in the contract and a firm (and effective) rebuttal of the claim.
- Acting for Transfield Construction in claim arising out of the design failure and subsequent replacement of a steel liner installed in a tunnel as part of a hydroelectric power station plant in Northern Luzon, The Philippines. Required analysis of geological conditions and expert evidence from geotechnical and hydrological engineers.
- Acting on numerous occasions for applicants on the execution of search orders and as independent solicitor supervising the execution of search orders.

NICHOLAS BEECH

Special Counsel | Work Health & Safety

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 E | nicholas.beech@hallandwilcox.com.au



Qualifications

BEC/LLB

Expertise

Nicholas (Nick) is a specialist workplace health and safety law practitioner. He focuses on risk management, incident management, inquiries, incident related litigation, due diligence advice and awareness and prevention matters.

Nick's clients include local government, resources, mining and marine. He provides strategic and procedural advice on all aspects of managing the response to workplace deaths and serious incidents, from undertaking investigations and dealing with regulators, through to defending prosecutions.

He offers a deep understanding of the WHS Acts and Regulations that apply to all Australian jurisdictions.

Nick is a highly requested presenter to senior management committees on their WHS duties and the implementation of the modernised laws. He has published on the introduction of industrial manslaughter laws across Australia and prepared guidance material on a range of WHS topics.

Nick's experience has included:

- WHS contractor compliance and management to local governments
- psychosocial risks and preparing policies, risk assessments and registers and procedures to ensure compliance with new *Work Health and Safety Regulations*
- conducting WHS risk management analysis for a major hospital and health care precinct
- defence of a prosecution involving charges for gross negligence and recklessness under the *Work Health and Safety Act*
- due diligence duty on officers under the WHS Act, including practical ways to meet the reasonable steps requirement
- WHS duties on volunteer organisations and the prohibition against insurance and indemnity for WHS penalties
- the new positive duty on employers to prevent sexual harassment under the *Sex Discrimination Act*
- WHS implications from the proposed national ban on engineered stone containing silica

EBENEZER ASSIBEY-BONSU

Senior Associate | Litigation & Dispute Resolution

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Qualifications

LLM, JD, GDLP,
BCom (Finance)

Expertise

Ebenezer has experience in commercial litigation, focusing on construction disputes, corporate insolvency, and restructuring.

Ebenezer has represented and advised clients in a broad range of litigation matters, including large construction defect claims and recovery proceedings, regulatory defence matters (ASIC prosecutions and WorkSafe prosecutions), and general commercial disputes (banking and finance litigation and debt recovery).

Ebenezer is passionate about giving back to the community and serves on the board for African Professionals Australia and the Society for African Lawyers Australia.

Ebenezer's experience has included:

- Acting for a contractor in a large payment claim dispute and defending a claim for liquidated damages in the Supreme Court.
- Advising major insurers on professional indemnity claims against insured contractors, engineers, and surveyors, and representing insured's in informal settlement conferences, mediations and Court proceedings.
- Acting for and advising financial institutions on commencing and defending litigation involving business loan recovery, mortgage recovery, bankruptcy and insolvency matters.
- Acting for a defendant in Supreme Court proceedings regarding a partnership dispute, and advising on the release of various PPSR registrations and loan facilities.
- Acting for and advising a CFO in relation to an ASIC regulatory investigation regarding a cryptocurrency.
- Acting for and advising a manufacturing company in relation to WorkSafe prosecution.
- Acting for a plaintiff in District Court proceedings against a motor vehicle manufacturer for a defective luxury car.
- Acting for a Respondent in the Supreme Court of Appeal regarding equitable claims for unconscionable conduct and undue influence.

ALEXANDER CROWHURST

Lawyer | Commercial Dispute Resolution

P | +61 8 9215 3068

E | alex.crowhurst@hallandwilcox.com.au



Qualifications

LLB (Dist.), BBus (Econs),
 GDLP

Expertise

Alex is a commercial dispute resolution lawyer with a focus on various corporate, regulatory and public law disputes.

Alex' experience has included:

- Advising and acting on behalf of a major shareholder of a private company in the Federal Court of Australia in relation to a shareholder oppression and misleading and deceptive conduct claim.
- Advising a director of a private company in the Federal Court of Australia in relation to various internal disputes and a shareholder oppression claim.
- Assisting with advising major insurers in relation to professional negligence claims against company directors and other professionals.
- Advising financial institutions and professionals in relation to commencing and defending litigation involving bankruptcy and insolvency matters.
- Acting for a plaintiff in Supreme Court proceedings over the control and access of a property, and the sale and partition of land.
- Assisting with advising beneficiaries of various trust funds in relation to equitable claims of breach of trust and fiduciary duty by the trustees.
- Assisting with advising a defendant in Supreme Court proceedings in relation to a partnership dispute and other equitable claims of unconscionable conduct and undue influence.

PENELOPE FORD

Partner | Partner, Arbitration and Disputes

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Qualifications

LLB (Hons) / BA,
GDLP

Expertise

Penelope is a disputes lawyer with more than 20 years' experience managing high value and complex claims and disputes for a wide range of commercial clients. Penelope is well known in the Australian projects disputes space, having worked in-house for extended periods on secondment with AMP, Chevron and INPEX managing and providing strategic advice in respect of project claims and disputes as well as leading teams in high value arbitral and court proceedings.

Penelope has also worked on some of Australia's most significant government disputes litigation and spent a period as acting General Counsel for a major federal government agency, on secondment from a private law firm

Penelope has worked on or been involved with many of Australia's largest construction projects including Ichthys and Gorgon. Penelope was seconded from her role at a previous firm to take up the role of Onshore Legal Team Lead for INPEX with carriage of all of INPEX's construction claims and disputes in respect of the Darwin-based Ichthys Project, thought to be the (then) most high value and complex construction project in the world.

Penelope joined Hall & Wilcox in July 2021 and continues to have a focus on commercial, resource and energy disputes. She has successfully advised principals, joint ventures and contractors in relation to the management and resolution of their major disputes including through structured negotiation, mediation, adjudication, contested superior court litigation and national and international arbitration.

She is also highly experienced at injunctive and urgent proceedings

Penelope is one of only nine Australian-based lawyers listed in the *Lawdragon Global Litigation 500*, an independently compiled guide comprising 500 leading litigation and arbitration lawyers from around the world. She is listed in Best Lawyers and Legal 500 for alternative dispute resolution and arbitration.

Penelope's experience has included:

- Advising Chevron, in-house, in respect of all aspects of arbitration preparation for a very high value and long running UNCITRAL arbitration involving international construction contractors in respect of its Gorgon Project. Penelope's work included advising as to expert selection, witness statement preparation, document and data collection and separate but related adjudication preparation.*
- Advising INPEX and its joint venture partners in-house whilst on secondment in respect of all onshore claims and disputes relating to the Ichthys Project for an approximate 16-month period. During this period Penny won a Director's award for her services in respect of the successful defence and management of multiple, concurrent rapid adjudications and

arbitral proceedings. This was the first time such an award was granted to an external contractor or consultant.*

- [After leaving Chevron and returning to private practice] Advising and acting for Chevron Australia in relation to separate high value UNCITRAL arbitration proceedings and related Western Australian Supreme Court and Court of Appeal proceedings involving jurisdictional issues.*
- Advising one of Australia's largest privately owned iron ore companies in relation to claims and dispute management and arbitration preparation relating to a dispute over the construction of critical ore management infrastructure at a major project site.*
- Advising and acting for an international construction company based in Dubai in relation to a series of international arbitrations with seats in Dubai and London.
- Acting for a global energy super-major in long running Supreme Court litigation concerning allegations of breach of contract surrounding the commissioning of a power station in the Pilbara.
- Advising a variety of clients in relation to tender processes, contract negotiation, drafting and project correspondence, including advising and acting for the Hughes Aircraft Corporation in respect of long running Federal Court proceedings arising from the tender process for the Australian air traffic control system*
- Acting for a major pipeline developer in respect of a gas pipeline to supply gas in Victoria.
- Providing training and advice to a range of clients in respect of claims liability, cladding legislation and compliance.*
- Acting for prominent global contractors in a dispute with an Australian principal in respect of early tender design for the development of major infrastructure.

**Carried out at previous firm(s)*

ANNA PRENTICE

Lawyer | Commercial Dispute Resolution

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Qualifications

LLB, BCom

Expertise

Anna is an experienced lawyer with expertise in construction litigation and dispute resolution.

Anna has advised clients on a number of construction projects with a particular focus on major mining and resource projects in Western Australia.

Her experience includes advising clients in adjudications, District Court of Western Australia, Supreme Court of Western Australia and Court of Appeal proceedings and in arbitrations conducted under the UNCITRAL Arbitration Rules, *International Arbitration Act 1974 (Cth)* and *Commercial Arbitration Act 2012 (WA)*.

Anna's experience has included:

- Advised on a dispute in relation to claims for delays, variations and defects arising out of the construction of a local government infrastructure project.
- Represented a corporation in proceedings in the Supreme Court of Western Australia involving claims for prolongation and variations on the Wheatstone LNG Project.
- Represented a transport company in urgent interlocutory proceedings in relation to disputes arising out of the construction of the Roy Hill Iron Ore Project in the Supreme Court of Western Australia and the subsequent urgent appeal in the Court of Appeal of Western Australia.
- Acted for a construction company in a dispute arising out of the construction of non-process infrastructure on the BHP South Flank Iron Ore Project in the Supreme Court of Western Australia.
- Advised on disputes in relation to claims for delays, resequencing and variations arising out of the installation of wind turbines on numerous windfarm projects in the Supreme Court of Victoria.
- Advised on disputes arising out of the construction work on the Wheatstone LNG Project in an arbitration conducted in London under the UNCITRAL Arbitration Rules. The dispute related to claims for prolongation, delay, disruption and variations.
- Acted for a transport company in relation to claims arising out of the construction of the Roy Hill Iron Ore Project in an arbitration conducted under the *International Arbitration Act 1974 (Cth)*.

KATHERINE PAYNE

Co-Lead Partner | Disputes & Litigation

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Katherine is a commercial litigation and insolvency specialist, with a particular focus on contractual disputes, construction disputes (particularly in a distressed debt context), the *Personal Property Securities Act 2009* (PPSA), the Australian Consumer Law and insolvency.

Katherine has worked with BlueScope Steel for five years. She is the BlueScope relationship partner and previously served on a twelve-month secondment in 2018-2019. During this time of being immersed in the BlueScope business, Katherine developed a deep understanding of the commercial and practical imperatives behind BlueScope's business and strategy, and strong relationships with key stakeholders.

Katherine has written two guides to the PPSA (for financiers and for insolvency practitioners), and wrote and developed the first Australian PPSA Online Checklist tool. She is a Board Member of The Song Room, a national not-for-profit organisation which partners with schools to deliver music and arts programs for children in areas of disadvantage.

Katherine is recognised as a Key lawyer - Dispute resolution: Litigation in the *Legal 500 Asia Pacific* 2016 and 2022. Katherine was a Finalist – Special Counsel of the Year in the *Lawyers Weekly Women in Law Awards* 2019 and recognised for Alternative Dispute Resolution, Insolvency & Reorganisation Law and Litigation in *Best Lawyers in Australia* annually since 2016.

Experience includes

- Currently acting on behalf of BlueScope in a product liability dispute with Amace Industries and Fletcher Insulation.
- While on secondment for BlueScope, acting in matters concerning intellectual property and patent protection, employment disputes and warranty protection.
- Acting on behalf of Ericsson Australia against Service Stream in a dispute regarding the build of the 3G telecommunications network. This commenced with approximately 15 security of payment legislation claims involving questions of defects and jurisdiction, and ultimately incorporated 34 breach of contract claims and issues of variations and liquidated damages.
- Acting on behalf of Yamaha Music Australia in claims under the Australian Consumer Law, including misrepresentation, misleading and deceptive conduct and passing off. These matters include considerations of enforcement of rights and reputational protection.
- Acting on behalf of Ozpak, a wine bottling and packaging company, in relation to contract disputes and enforcement and product liability matters. These include technically complex questions concerning the manufacturing process.
- Acting on behalf of a food and dairy manufacturer in matters including contract enforcement, application and variation of volume supply obligations, and the impact of international jurisdictions.
- Providing advice to the Victorian Government regarding specific areas concerning securities.
- Providing PPSA advice, training and enforcement to a wide variety of clients, including manufacturing entities, construction companies and shipping and logistics providers.

SOPHIE CALDWELL

Senior Associate | Finance and Debt Recovery Litigation



Sophie has strong experience in commercial litigation and insolvency.

Sophie advises and represents clients in matters including general commercial litigation, construction litigation, banking and finance litigation involving mortgages, guarantees and loan agreements, debt recovery and enforcement and personal and corporate insolvency advice. Sophie regularly acts for corporate clients in debt recovery proceedings, including issuing creditors' statutory demands for payment.

Sophie has acted on behalf of clients including liquidators and bankruptcy trustees, large corporates, private companies and individuals.

Sophie represents clients in the New South Wales District and Supreme Courts, the Victorian Magistrates', County and Supreme Courts, Federal Courts as well as the Victorian Civil and Administrative Tribunal.

Experience

- Acting for corporate clients in recovering outstanding debts by use of a variety of recovery methods, including creditors' statutory demands for payment.
- Acting for government clients and liquidators in debt recovery proceedings.
- Advising corporate clients on inherent risks in their corporate structures, trust structures and intercompany loans
- Advising on the application of the *Personal Property and Securities Act*.
- Defending corporate clients in voidable transaction proceedings brought by liquidators.
- Advising creditors of their rights and the processes involved in liquidations.

Form 59
Rule 29.02(1)

Certificate for annexure

No. NSD527 of 2024

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

QFM1 (a pseudonym) and Ors

Applicants

RAB1 (a pseudonym) and Ors

Respondents

This is the annexure marked '**SK-3**' now produced to Stephen Klotz at the time of affirming his affidavit on 14 May 2024 before me.



Signature of witness

Natalia Di Stefano, solicitor

Natalia Di Stefano

From: Natalia Di Stefano
Sent: Tuesday, 14 May 2024 9:34 AM
To: Natalia Di Stefano

Importance: High

From: Paul Dewar <PDewar@dcc.com>
Sent: Monday, May 13, 2024 1:11 PM
To: hampton_reception@melbournecpc.com.au
Cc: Stephen Klotz <Stephen.Klotz@hallandwilcox.com.au>
Subject: Confidential - Urgent Request for Information
Importance: High

Hi Georgie

I have now spoken with Dr McFarlane who has generously agreed to assist with the search order this Wednesday.

For the avoidance of doubt, I confirm that Dr McFarlane is retained at the instruction of the Federal Court of Australia and is entirely independent of DCCL and my client.

Correction in relation to timing of execution (its now 11am not 9am as I previously stated)

When I spoke with Dr McFarlane I stated that we would be executing the order at 9am on Wednesday and that we would meet with Dr McFarlane beforehand at 830 am.

This information is now incorrect - we are now commencing at 11am on Wednesday and would like to meet with Dr McFarlane at 1030am.

I understand that Dr McFarlane will need to leave the premises at 1.30pm on Wednesday to give evidence in the Family Court.

Assuming this is correct, then due to the later start we will likely need an additional qualified person to take over from Dr McFarlane at 1.30pm and stay for a further two hours or so. Hall & Wilcox (see below) will discuss this with Dr McFarlane today.

Independent Solicitors – Hall & Wilcox

The independent solicitors (the law firm Hall & Wilcox) will be in contact with Dr McFarlane shortly to arrange the usual retainer agreements so that Dr McFarlane can be reimbursed for her time.

I have cc'd Mr Stephen Klotz (a partner with Hall & Wilcox) on this email, so that everyone is on the same page.

If you can please forward this email to Dr McFarlane. I will now step out of the future arrangements.

Thank you for your assistance with this at such short notice.

Best, Paul

Paul Dewar
Principal



DAVIES COLLISON CAVE LAW | dcc.com

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*We extend our respect to all Aboriginal and Torres Strait Islander peoples throughout Australia and acknowledge the Traditional Owners and Custodians of the lands on which we work.
We recognise their ongoing connection to land, sea and community.*

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From: Paul Dewar

Sent: Monday, 13 May 2024 11:44 AM

To: 'hampton_reception@melbournecpc.com.au' <hampton_reception@melbournecpc.com.au>

Subject: Confidential - Urgent Request for Information

Importance: High

Confidential

Hi Georgie

By way of verification of our telephone discussion, please find a link to my profile: [Paul Dewar - Davies Collison Cave \(dcc.com\)](#)

As discussed, I am seeking advice from Dr McFarlane in relation to the appropriate person to attend at the search of a residential premises. It may be that the resident at that premises has a small child (around 5yo) and the Court wishes to ensure that an offer of assistance is made to the resident by a qualified child carer. I expect that the qualified child carer would be required only on one day this week from 830am to 130pm. My client will of course meet the qualified child carer's usual fees.

As discussed, the Court requires that we locate and retain the qualified child carer today.

Thank you for bringing this unusual request to Dr McFarlane's attention.

My mobile number is 0404 047 047

Best regards

Paul

Paul Dewar

Principal



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