

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 1/07/2022 12:14:49 PM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

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



Sia Lagos

Dated: 1/07/2022 12:24:33 PM AEST

Registrar

Important Information

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

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



Form 59
Rule 29.02(1)

Affidavit

No. NSD616/2021

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

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

Applicants

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

Respondents

Affidavit of: Caitlin Maria Murray
Address: Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000
Occupation: Solicitor
Date: 30 June 2022

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1.	Affidavit of Caitlin Maria Murray sworn on 30 June 2022	1	2
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I, Caitlin Maria Murray of Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000, Solicitor, say on oath:

- I am a partner of the firm of solicitors, MinterEllison and the solicitor for the first applicant, Westpac Banking Corporation (**WBC**) and the second applicant Westpac New Zealand Limited (**WNZL**) (together, **Westpac**).

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

Version 3 form approved 02/05/2019

2. Exhibited to me at the time of swearing this affidavit is a paginated bundle of documents marked 'Exhibit CMM-26' (**CMM-26**). Throughout this affidavit I make reference to documents which appear at CMM-26.
3. References to time in this affidavit are to Australian Eastern Standard Time.

Notice to Produce

4. I refer to paragraph [25] of my affidavit sworn on 28 June 2022, and the documents exhibited at CMM-25 pages 64 to 101 (being pages 115 to 152 of the Court Book for the hearing on 1 July 2022 (the **Court Book**)). Paragraph [25] refers to a letter I caused Alana Galasso (solicitor of MinterEllison) (**Ms Galasso**) to send to Madgwicks Lawyers (**Madgwicks**). The 24 June letter enclosed by way of service a notice to produce (**NTP**) in Form 61 addressed to Mr Tesoriero seeking production to the Court at the next return of subpoena hearing at 9.30am (AEST) on 29 June 2022. A copy of the NTP is at pages 71 to 77 of CMM-25 (pages 122 to 128 of the Court Book).
5. I am informed by Ms Galasso and verily believe that she attended the return of subpoena hearing on 29 June 2022 and that Mr Tesoriero did not produce documents in relation to the NTP at this hearing. At the time of swearing this affidavit, I am not aware of any production from Mr Tesoriero in response to the NTP.

Subpoenas

6. On 24 June 2022, an Order was made by this Court (**Subpoena Order**) granting Westpac leave to file and issue subpoenas to produce documents to:
 - (a) Judo Bank Pty Ltd ACN 615 995 581 (**Judo**);
 - (b) National Australia Bank Limited ACN 004 044 937 (**NAB**); and
 - (c) Australia and New Zealand Banking Group Limited ACN 005 357 522 (**ANZ**)
 (the **Subpoenas**),

with leave to effect such short service of the Subpoenas with one clear business day of the date of return (being 29 June 2022).

7. Further Orders were made by this Court:
 - (a) on 29 June 2022, granting leave to the parties to this proceeding to inspect and copy the following documents produced in response to Subpoenas:
 - (i) Packet S82 (produced by NAB);
 - (ii) Packet S83 (produced by ANZ);
 - (b) on 30 June 2022, granting leave to the parties to this proceeding to inspect and copy the documents in Packet S84 produced by Judo in response to Subpoenas.
 (the **Uplift Orders**).




8. A copy of documents in Packet S82 and S83 was uplifted on 29 June 2022. A copy of the documents in Packet S84 was uplifted on 30 June 2022. A copy of the materials produced by ANZ are at pages 1 to 68 of CMM-26; and a copy of the materials produced by Judo are at pages 69 to 104 of CMM-26 (together, the **Subpoena Material**).

Sworn by the deponent
at Sydney
in New South Wales
on 30 June 2022

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Signature of deponent

Before me:



Signature of witness
Alana Stephanie Giuseppina Galasso
Solicitor
Level 40, Governor Macquarie Tower, 1 Farrer
Place NSW 2000.

As a witness, I certify the following matters concerning the person who made this affidavit (**deponent**):

1. This affidavit is witnessed over audio visual link in accordance with Part 2B of the *Electronic Transactions Act 2000* (NSW).
2. I saw the face of the deponent.
3. I observed the deponent signing a copy of this affidavit in real time.
4. I attest or otherwise confirm witnessing the deponent's signature by signing this affidavit.
5. I am reasonably satisfied this affidavit signed by me is a copy of the affidavit signed by the deponent.
6. I have known the deponent for over twelve months.

Schedule of Parties

No. NSD616/2021

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

Applicants

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

Respondents

First Respondent	Forum Finance Pty Limited (in liquidation) ACN 153 301 172
Second Respondent:	Basile Papadimitriou
Third Respondent	Vincenzo Frank Tesoriero
Fourth Respondent:	Forum Group Financial Services Pty Ltd (in liquidation) ACN 623 033 705
Fifth Respondent:	Forum Group Pty Ltd (Receivers Appointed) (in liquidation) ACN 153 336 997
Sixth Respondent:	Forum Enviro Pty Ltd (in liquidation) ACN 168 709 840
Seventh Respondent:	Forum Enviro (Aust) Pty Ltd (in liquidation) ACN 607 484 364
Eighth Respondent	64-66 Berkeley St Hawthorn Pty Ltd ACN 643 838 662
Ninth Respondent	14 James Street Pty Ltd (in liquidation) ACN 638 449 206
Tenth Respondent	26 Edmonstone Road Pty Ltd (in liquidation) ACN 622 944 129
Eleventh Respondent	5 Bulkara Street Pty Ltd (in liquidation) ACN 630 982 160
Twelfth Respondent	6 Bulkara Street Pty Ltd (in liquidation) ACN 639 734 473
Thirteenth Respondent	23 Margaret Street Pty Ltd ACN 623 715 373
Fourteenth Respondent	1160 Glen Huntly Road Pty Ltd ACN 639 447 984
Fifteenth Respondent	14 Kirwin Road Morwell Pty Ltd ACN 641 402 093
Sixteenth Respondent	Canner Investments Pty Ltd ACN 624 176 049
Seventeenth Respondent	123 High Street Taradale Pty Ltd ACN 639 872 512
Eighteenth Respondent	160 Murray Valley Hwy Lake Boga Pty Ltd ACN 641 392 921
Nineteenth Respondent	31 Ellerman Street Dimboola Pty Ltd ACN 641 392 887
Twentieth Respondent	4 Cowslip Street Violet Town Pty Ltd ACN 639 872 352
Twenty-First Respondent	55 Nolan Street Maryborough Pty Ltd ACN 641 392 912
Twenty-Second Respondent	89 Betka Road Mallacoota Pty Ltd ACN 641 393 179
Twenty-Third Respondent	9 Gregory Street Ouyen Pty Ltd ACN 641 392 707

Twenty-Fourth Respondent	9 Main Street Derrinallum Pty Ltd ACN 639 872 736
Twenty-Fifth Respondent	286 Carlisle Street Pty Limited ACN 610 042 343
Twenty-Sixth Respondent	275 High Street Golden Square Pty Ltd ACN 639 870 545
Twenty-Seventh Respondent	Mazcon Investments Hellas IKE
Twenty-Eighth Respondent	Palante Pty Ltd (in liquidation) ACN 135 344 151
Twenty-Ninth Respondent	Anastasios Giamouridis
Thirtieth Respondent	The Forum Group of Companies Pty Ltd (in liquidation) ACN 151 964 626
Thirty-First Respondent	Iugis Pty Ltd (in liquidation) ACN 632 882 243
Thirty-Second Respondent	Iugis (UK) Limited
Thirty-Third Respondent	Iugis Holdings Limited
Thirty-Fourth Respondent	Iugis Global Financial Services Limited
Thirty-Fifth Respondent	Iugis Finance Limited
Thirty-Sixth Respondent	Spartan Consulting Group Pty Ltd (in liquidation) ACN 168 989 544
Thirty-Seventh Respondent	Intrashield Pty Ltd (in liquidation) ACN 133 426 534
Thirty-Eighth Respondent	Tesoriero Investment Group Pty Ltd ACN 161 088 115
Thirty-Ninth Respondent	Mangusta (Vic) Pty Ltd ACN 631 520 682
Fortieth Respondent	193 Carlisle Street Enterprises Pty Ltd ACN 612 615 237
Forty-First Respondent	8-12 Natalia Ave Oakleigh Pty Ltd ACN 643 838 626
Forty-Second Respondent	Iugis Hellas IKE
Forty-Third Respondent	Iugis Energy SA
Forty-Fourth Respondent	Eric Constantinidis
Forty-Fifth Respondent	Giovanni (John) Tesoriero
Forty-Sixth Respondent	Moussa (Tony) Bouchahine
Forty-Seventh Respondent	Louisa Maria Agostino
Forty-Eighth Respondent	D&D Group O.E
Forty-Ninth Respondent	Aromatika Fyta Tsai Olympou Theion Ike