

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 12/04/2022 11:53:13 AM 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: 12/04/2022 12:01:01 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: Solicitors

Date: 12 April 2022

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1.	Affidavit of Caitlin Maria Murray sworn on 12 April 2022	1	2
2.	Exhibit CMM-24, being a paginated bundle of documents	2	1

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

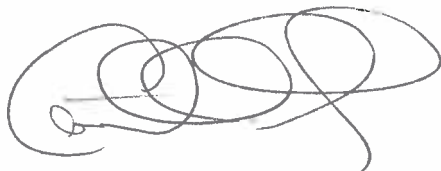
Version 3 form approved 02/05/2019

I, Caitlin Maria Murray of Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000, Solicitor, say on oath:

1. 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**).
2. Exhibited to me at the time of swearing this affidavit is a paginated bundle of documents marked 'Exhibit CMM-24' (**CMM-24**). Throughout this affidavit I make reference to documents which appear at CMM-24.

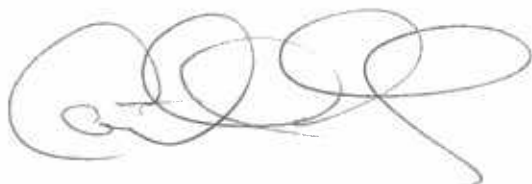
### **Correspondence with Mr Paul Hunt**

3. On 6 December 2021, leave was granted for the issue of a subpoena to Rocco Vincenzo Panetta (**Mr Panetta**) in relation to receipt of funds by Panetta Lawyers from National Voice and Data Pty Ltd (the **Subpoena**). A copy of the letter addressed to Mr Paul Hunt (**Mr Hunt**), Mr Panetta's solicitor, enclosing the Subpoena, together with a copy of the subpoena is at pages 1 to 12 of CMM-24.
4. In the period from 6 December 2021 to 2 March 2022, MinterEllison and Mr Hunt exchanged correspondence in relation to the Subpoena. A copy of these emails is at pages 13 to 39 of CMM-24.
5. In his email to MinterEllison on 16 February 2022, Mr Hunt stated that a message had been sent to Mr Papas about the bundle of documents marked as subject to a potential claim for privilege, but that it was unclear whether Mr Papas had received that message: see page 29 of CMM-24.
6. On 2 March 2022, Mr Panetta produced two packets of materials to the Court, being subpoena packet S74 and subpoena packet S75. Subpoena packet S75 was marked as subject to a potential claim for legal professional privilege. Mr Panetta had attempted to produce these documents to the Court on 15 February 2022.
7. On 9 March 2022, Registrar O'Connor granted leave to the parties to access subpoena packet S74 only. To date, no access orders have been made in relation to packet S75.
8. MinterEllison and Mr Hunt exchanged further correspondence in relation to the Subpoena in the period 8 March 2022 to 29 March 2002. A copy of this correspondence is at pages 40 to 43 of CMM-24.



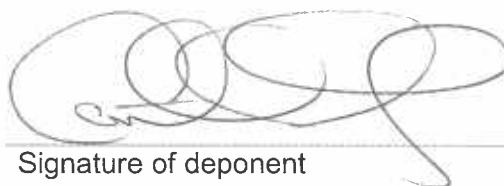

**Correspondence with O'Brien Criminal & Civil Solicitors**

9. I have been informed and verily believe that on 16 March 2022, Alana Galasso, a solicitor of MinterEllison under my supervision, received a phone call from Sidnie Sarang of O'Brien Criminal & Civil Solicitors (**O'Brien Solicitors**) and that during this call, Ms Sarang stated that O'Brien Solicitors had spoken to Mr Papas about subpoena packet S75 and whilst not yet formally retained, anticipated that a formal retainer would be arranged shortly.
10. In the period from 16 March 2022 to 29 March 2022, MinterEllison and O'Brien Solicitors exchanged correspondence in relation to subpoena packet S75 and O'Brien Solicitors' representation of Mr Papas. A copy of these emails is at pages 44 to 50 of CMM-24.
11. On 29 March 2022, MinterEllison received an email from O'Brien Solicitors stating that a Notice of Acting had been filed in the proceedings. A copy of this email is at page 51 of CMM-24. An unsealed copy of the Notice of Acting was provided to MinterEllison on 30 March 2022 and is at pages 52 to 55 of CMM-24.
12. On 30 March 2022, Ms Galasso sent a further email to Ms Sarang of O'Brien Solicitors, to which I was copied. A copy of this email is at page 56 of CMM-24.
13. On 30 March 2022, Registrar Cridland made the orders at pages 57 to 60 of CMM-24.
14. On 1 April 2022, MinterEllison sent an email to all legal representatives in these proceedings, including Mr Hunt, providing a copy of the orders of Registrar Cridland made on 30 March 2022 and the orders of Justice Lee dated 1 April 2022 listing the matter for a case management hearing on 13 April 2022. A copy of this email, excluding its attachments, is at page 61 of CMM-24.



Sworn by the deponent  
at Sydney  
in New South Wales  
on 12 April 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. I saw the face of the deponent.
2. I have known the deponent for over twelve months.

**Schedule**

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