



Form 59
Rule 29.02(1)

Affidavit

No. NSD642 of 2021

Federal Court of Australia
District Registry: New South Wales
Division: Commercial and Corporations

Societe Generale (ABN 71 092 516 286)

Applicant

Forum Finance Pty Limited (ACN 153 301 172) (In Liquidation) and others named in the Schedule

Respondents

Affidavit of: Ian Timothy Bolster
Address: Level 11, 5 Martin Place, Sydney NSW 2000
Occupation: Solicitor
Date: 9 August 2022

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Filed on behalf of (name & role of party) Societe Generale (ABN 71 092 516 286), Applicant
 Prepared by (name of person/lawyer) Ian Timothy Bolster
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[Version 3 form approved 02/05/2019]

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37.	Exhibit "ITB-37", being a copy of emails between Ashurst and Allens in respect of the notice of acting filed on behalf of FGFS dated 6 and 7 June 2022	55	16

I, Ian Timothy Bolster of Level 11, 5 Martin Place, Sydney in the State of New South Wales, Solicitor, say on oath:

1. I am a partner at Ashurst, and am the solicitor for the applicant.
2. The contents of this affidavit are true and correct to the best of my knowledge and belief as at the time of swearing this affidavit.
3. The source of my knowledge of the matters set out in this affidavit are from my own knowledge or the documents that are exhibited to this affidavit.
4. In this affidavit I set out the means by which the applicant has served documents on the respondents.

PART A: SUMMARY OF SERVICE OF DOCUMENTS

5. In the table below I summarise when each document was served on the first respondent (**Forum Finance**), the second respondent (**Mr Papas**) and the third respondent (**FGFS**), and give references to the paragraphs of this affidavit providing details. Forum Finance and Mr Papas were always parties to the proceeding. FGFS was joined as a party to the proceeding on 2 August 2021, and was represented by the same solicitors acting for Forum Finance at that time, Allens.

Documents	Service on Forum Finance and FGFS	Service on Mr Papas
<ul style="list-style-type: none"> • Sealed Originating Application filed on 1 July 2021 • Sealed Concise Statement filed on 1 July 2021 • Sealed Applicant's Genuine Steps Statement filed on 1 July 2021 	<p>Email to Vobis (former solicitors) on 1 July 2021 (paragraph 38)</p> <p>Email to Mr Hunt (former solicitor) on 2 July 2021 (paragraph 43)</p> <p>Emails to Allens (current solicitors) on 12 July 2021 and 1 July 2022 (paragraphs 47 and 56)</p>	<p>Email to Mr Papas on 1 July 2021 (paragraph 7)</p> <p>Emails to Panetta Lawyers (former solicitor) on 1 July 2021, 2 July 2021 and 1 July 2022 (paragraphs 9, 11 and 33)</p> <p>Email to Company (Giles) on 1 July 2022 (paragraph 33)</p> <p>SMS to Mr Papas' Greek Phone Number on 1 July 2022 (paragraph 34)</p>



Documents	Service on Forum Finance and FGFS	Service on Mr Papas
<ul style="list-style-type: none"> • Sealed Amended Originating Application filed on 2 August 2021 • Sealed Statement of Claim filed on 2 August 2021 	<p>Emails to Allens (current solicitors) on 2 August 2021 and 1 July 2022 (paragraphs 51 and 56)</p>	<p>Emails to Panetta Lawyers (former solicitor) on 2 August 2021 and 1 July 2022 (paragraphs 13 and 33)</p> <p>Email to Rebekah Giles of Company (Giles) on 1 July 2022 (paragraph 33)</p> <p>SMS to Mr Papas' Greek Phone Number on 1 July 2022 (paragraph 34)</p>
<ul style="list-style-type: none"> • Sealed Affidavit of Gregory Thong sworn on 30 June 2021 (First Thong Affidavit), and Exhibits GT-1 to GT-38 to that affidavit (First Thong Exhibits) • Sealed Affidavit of Gurpreet Brar sworn on 1 July 2021 (Brar Affidavit), and Exhibits GB-1 to GB-7 to that affidavit (Brar Exhibits) 	<p>Email to Vobis (former solicitors) on 1 July 2021 (paragraph 38)</p> <p>Email to Mr Hunt (former solicitor) on 2 July 2021 (paragraph 43)</p> <p>Emails to Allens (current solicitors) on 12 July 2021, 9 February 2022 and 1 July 2022 (paragraph 47, 54 and 56)</p>	<p>Email to Mr Papas on 1 July 2021 (paragraph 7)</p> <p>Emails to Panetta Lawyers (former solicitor) on 1 July 2021, 2 July 2021, 9 February 2022 and 1 July 2022 (paragraphs 9, 11, 20 and 33)</p> <p>SMS to Mr Papas' Greek Phone Number on 9 February 2022 (paragraph 21)</p> <p>By hand to Panetta Lawyers (former solicitors) office on 14 February 2022 (paragraph 23)</p> <p>Letter by email to Louisa Maria Agostino on 14 February 2022 (paragraph 25); see also email to William Roberts Lawyers (solicitors for Ms Agostino) on 14 February 2022 (paragraph 27)</p> <p>Email to Rebekah Giles of Company (Giles) on 1 July 2022 (paragraph 33)</p> <p>SMS to Mr Papas' Greek Phone Number on 1 July 2022 (paragraph 34)</p>



Documents	Service on Forum Finance and FGFS	Service on Mr Papas
<p>Sealed Affidavit of Gregory Thong sworn on 14 December 2021 (Second Thong Affidavit), and Exhibits GT-39 to GT-45 to that affidavit (Second Thong Exhibits)</p>	<p>Emails to Allens (current solicitors) on 4 February 2022 and 1 July 2022 (paragraphs 52 and 56)</p>	<p>Emails to Panetta Lawyers (former solicitor) on 4 February 2022 and 1 July 2022 (paragraphs 16 and 33)</p> <p>SMSs to Mr Papas' Greek Phone Number on 4 February 2022, 9 February 2022 and 1 July 2022 (paragraphs 17, 21, 34)</p> <p>By hand to Panetta Lawyers (former solicitors) office on 14 February 2022 (paragraph 23)</p> <p>Letter by email to Louisa Maria Agostino on 14 February 2022 (paragraph 25); see also email to William Roberts Lawyers (solicitors for Ms Agostino) on 14 February 2022 (paragraph 27)</p> <p>Email to Rebekah Giles of Company (Giles) on 1 July 2022 (paragraph 33)</p>
<ul style="list-style-type: none"> Sealed Affidavit of Nicolas Dumont sworn on 8 February 2022 (Dumont Affidavit), together with Exhibits ND-1 to ND-3 to that affidavit (Dumont Exhibits) Bundle of bank statements for the account of Forum Finance Pty Ltd (BSB 082-080; Account Number: 84-848-3695) (Forum Finance Bank Statements) Bundle of bank statements for the account of Forum Group Financial Services Pty Ltd (BSB 082-080; Account Number: 27-105-8642) (FGFS Bank) 	<p>Emails to Allens (current solicitors) on 9 February 2022 and 1 July 2022 (paragraphs 53, 54 and 56)</p>	<p>Emails to Panetta Lawyers (former solicitors) on 9 February 2022 and 1 July 2022 (paragraphs 19 and 33)</p> <p>SMSs to Mr Papas' Greek Phone Number on 9 February 2022 and 1 July 2022 (paragraphs 21 and 34)</p> <p>By hand to Panetta Lawyers (former solicitors) office on 14 February 2022 (paragraph 23)</p> <p>Letter by email to Louisa Maria Agostino on 14 February 2022 (paragraph 25); see also email to William Roberts Lawyers (solicitors for Ms Agostino) on 14 February 2022 (paragraph 27)</p>



Documents	Service on Forum Finance and FGFS	Service on Mr Papas
<p>Statements)</p>		<p>Email to Rebekah Giles of Company (Giles) on 1 July 2022 (paragraph 33)</p>
<ul style="list-style-type: none"> • Affidavit of Jason Preston affirmed on 7 February 2022 and filed in proceeding NSD616/2021 (First Tracing Affidavit) and Exhibits JP-1 to JP-10 to that affidavit (First Tracing Exhibits) • Affidavit of Jason Preston affirmed on 10 June 2022 and filed in proceeding NSD616/2021 (Second Tracing Affidavit) and Exhibits JP-11 to JP-18 to that affidavit (Second Tracing Exhibits) • Current and historical ASIC extract in respect of Forum Finance dated 29 June 2022 (Forum Finance Extract) • Current and historical ASIC extract in respect of FGFS dated 29 June 2022 (FGFS Extract) • Draft index to the court book for the trial of these proceedings (Draft Court Book Index) 	<p>Email to Allens (current solicitors) on 1 July 2022 (paragraph 56)</p>	<p>Email to Panetta Lawyers (former solicitors) on 1 July 2022 (paragraph 33)</p> <p>SMS to Mr Papas' Greek Phone Number on 1 July 2022 (paragraph 34)</p> <p>Email to Rebekah Giles of Company (Giles) on 1 July 2022 (paragraph 33)</p>



PART B: SERVICE OF DOCUMENTS ON THE SECOND RESPONDENT (MR PAPAS)

6. On 1 July 2021, the court made orders for, among other things, the service of documents on Mr Papas by email to bpapas@forumgroup.com.au (order 2(b)). Exhibited and marked "ITB-1" is a copy of the orders made on 1 July 2021.
7. On 1 July 2021 at 4:52pm, Ashurst sent an email to Mr Papas at email address bpapas@forumgroup.com.au serving, among others, the following documents:
 - (a) Sealed Originating Application filed on 1 July 2021;
 - (b) Sealed Concise Statement filed on 1 July 2021;
 - (c) Sealed Applicant's Genuine Steps Statement filed on 1 July 2021;
 - (d) The First Thong Affidavit and the First Thong Exhibits; and
 - (e) The Brar Affidavit and the Brar Exhibits,
(collectively, the **First Service Documents**).
8. Each of the First Service Documents was attached to that email, except for the First Thong Exhibits and the Brar Exhibits, where links to download those exhibits were included in the email body. Exhibited and marked "ITB-2" is a copy of that email (excluding the attachments).
9. On 1 July 2021 at 5:58pm, Ashurst sent an email to Rocco Panetta at email address law@panetta.com.au serving the First Service Documents (**1 July Panetta Email**). Each of the First Service Documents was attached to that email, except for the First Thong Exhibits and the Brar Exhibits, where links to download those exhibits were included in the email body. Exhibited and marked "ITB-3" is a copy of the 1 July Panetta Email (excluding the attachments).
10. On 2 July 2021, Mr Panetta appeared for Mr Papas during a hearing in this matter. During the course of that hearing, Mr Panetta indicated that he had not seen the documents referred to above.
11. On 2 July 2021 at 9:45am, Ashurst sent an email to Rocco Panetta at email address r.panetta@panetta.com.au forwarding a copy of the 1 July Panetta Email (including attachments). Exhibited and marked "ITB-4" is a copy of that email (excluding the attachments).
12. On 15 July 2021 at 4:57pm, Ashurst received an email from Rocco Panetta attaching a sealed Notice of Acting in respect of Mr Papas. Exhibited and marked "ITB-5" is a copy of that email.
13. On 2 August 2021 at 4:18pm, Ashurst sent an email to, among others, Rocco Panetta at email address r.panetta@panetta.com.au attaching sealed copies of the applicant's



Amended Originating Application filed on 2 August 2021 and the applicant's Statement of Claim filed on 2 August 2021. Exhibited and marked "ITB-6" is a copy of that email (excluding the attachments).

14. On 1 October 2021 at 6:54am, Ashurst received an email from Rocco Panetta attaching sealed copies of a Notice of Intention to Cease to Act dated 7 September 2021 and a Notice of Ceasing to Act dated 16 September 2021 (each of which were filed on 30 September 2021) in respect of Mr Papas. Exhibited and marked "ITB-7" is a copy of that email.
15. On 20 October 2021, the Court made orders concerning the substituted service of documents on Mr Papas (being paragraphs 12 and 13 of the orders). A copy of those orders is exhibited and marked "ITB-8". In particular, order 12 permitted service of documents on Mr Papas by:
 - (a) sending them to Panetta Lawyers in hard copy (Level 6, 11 Elizabeth Street, Sydney) and by email to law@panetta.com.au (order 12(a));
 - (b) sending a letter by email to Louise Agostino (loulou1743@gmail.com) containing certain information set out in the order (order 12(b)); and
 - (c) sending a short message service (sms) in the form set out in the order, to "the **Greek Phone Number**" for Mr Papas (being the number identified in confidential exhibit RVP-02 tendered in proceeding NSD616/2021 on 6 October 2021).
16. On 4 February 2022 at 6:59pm and again at 8:09pm, Ashurst sent emails to, among others, law@panetta.com.au attaching a sealed copy of the Second Thong Affidavit, and Second Thong Exhibits. The 8.09pm email also attached a copy of the Orders made on 20 October 2021. Exhibited and marked:
 - (a) "ITB-9" is a copy of the email sent at 6:59pm (excluding the attachments); and
 - (b) "ITB-10" is a copy of the email sent at 8:09pm (excluding the attachments).
17. Matthew Youssef, a former employee and solicitor of Ashurst who had carriage of this matter under my supervision until he left the firm in April 2022, has informed me that on 4 February 2022 at 8:15pm he sent a message from a mobile phone number ending in 9376 to the Greek Phone Number. Mr Youssef has provided me with screenshots of the sent text message. The message contained a link through which a zip file containing the Second Thong Affidavit and the Second Thong Exhibits could be downloaded. That message was marked as "delivered". Exhibited and marked "ITB-11" is a copy of a file note of Mr Youssef concerning the sending of that message, and which annexed screenshots of the sent message. The original file note displayed the full Greek Phone Number at the top of the screenshots, which has been redacted for the purpose of



exhibiting it to this affidavit. The number has been redacted in accordance with a suppression order the Court made on 6 October 2021.

18. On 7 February 2022 at 11:48am, Ashurst received an email from William Roberts Lawyers attaching a Notice of Acting filed by them in proceeding NSD616/2021 in respect of Louisa Maria Agostino.
19. On 9 February 2022 at 8:03pm, Ashurst sent an email to law@panetta.com.au attaching:
 - (a) the Dumont Affidavit, together with the Dumont Exhibits;
 - (b) the Forum Finance Bank Statements, a copy of which is exhibited and marked "ITB-12"; and
 - (c) the FGFS Bank Statements, a copy of which is exhibited and marked "ITB-13".
20. The email of 9 February 2022 also contained a link in which a zip file containing the First Thong Affidavit and the First Thong Exhibits, and a zip file containing the Brar Affidavit and the Brar Exhibits, could be downloaded. Exhibited and marked "ITB-14" is a copy of the email (excluding the attachments).
21. On 9 February 2022, Mr Youssef:
 - (a) at 8:39pm, sent a message from a mobile phone number ending in 9376 to the Greek Phone Number. The message contained a link through which the following documents could be downloaded:
 - (i) a zip file containing the First Thong Affidavit and the First Thong Exhibits;
 - (ii) a zip file containing the Second Thong Affidavit and the Second Thong Exhibits;
 - (iii) a zip file containing the Dumont Affidavit and the Dumont Exhibits;
 - (iv) a zip file containing the Brar Affidavit and the Brar Exhibits;
 - (v) the Forum Finance Bank Statements; and
 - (vi) the FGFS Bank Statements.

After that message was sent, the message appeared with a green background (rather than a blue background as it was for the 4 February message) with the message "Sent as Text Message"; and
 - (b) at 8:54pm, also sent a message using a different mobile phone number, ending in 5414, to the Greek Phone Number which contained the same link as contained in the message referred to in paragraph 21(a) above. Shortly after sending the message, the phone indicated that the message (which had a blue background) had been "delivered".



22. The source of my knowledge of the matters referred to in paragraph 21 above is a file note of Mr Youssef concerning the sending of those messages, and which annexed screenshots of the sent messages, a copy of which is exhibited and marked "ITB-15". The original file note displayed the full Greek Phone Number at the top of the screenshots, which has been redacted for the purpose of exhibiting it to this affidavit.
23. On 14 February 2022, Matthew Youssef hand delivered hard copies of the following documents:
- (a) a signed letter to Panetta Lawyers dated 14 February 2022, a copy of which is exhibited and marked "ITB-16";
 - (b) the 20 October Orders;
 - (c) a folder containing:
 - (i) The First Thong Affidavit.
 - (ii) The Second Thong Affidavit and the Second Thong Exhibits;
 - (iii) The Dumont Affidavit and the Dumont Exhibits;
 - (iv) The Brar Affidavit and the Brar Exhibits;
 - (v) the Forum Finance Bank Statements; and
 - (vi) the FGFS Bank Statements;
 - (d) the First Thong Exhibits (which were contained in two folders due to their size), by leaving them at the reception desks at:
 - (e) Level 6, 111 Elizabeth Street, Sydney NSW 2000 (at approximately 2:59pm); and
 - (f) Level 13, 111 Elizabeth Street, Sydney NSW 2000 (at approximately 3:01pm).
24. The source of my knowledge of the matters set out in paragraph 23 above is a file note of Mr Youssef concerning that attendance, a copy of which is exhibited and marked "ITB-17".
25. On 14 February 2022 at 5:21pm, Ashurst sent a letter by email to Louise Agostino at email address loulou1743@gmail.com (**Agostino Email**). The letter provided the following documents:
- (a) the First Thong Affidavit and the First Thong Exhibits;
 - (b) the Second Thong Affidavit and the Second Thong Exhibits;
 - (c) the Dumont Affidavit and the Dumont Exhibits;
 - (d) the Brar Affidavit and the Brar Exhibits;



- (e) the Forum Finance Bank Statements; and
 - (f) the FGFS Bank Statements.
26. The documents referred to in sub-paragraphs (b), (c), (e) and (f) above were attached to that email. As for the documents at (a) and (d) above, the letter also contained a link through which a zip file containing the First Thong Affidavit and the First Thong Exhibits, and a zip file containing the Brar Affidavit and the Brar Exhibits, could be downloaded. Exhibited and marked "ITB-18" is a copy of that email with the attached letter (but excluding the enclosures to the letter).
27. On 14 February 2022 at 5:27pm, Ashurst forwarded a copy of the Agostino Email to William Roberts Lawyers (including the attachments). Exhibited and marked "ITB-19" is a copy of that email (excluding the attachments and enclosures).
28. On 10 March 2022, the Court made orders that the applicant serve any material it will rely on at the trial on Mr Papas via each of the following means:
- (a) *"sending the documents to the addresses noted in the Form 10 Notice of Address for Service filed in the Westpac proceedings by Mr Papas, by email to law@panetta.com.au" (order 4(a));*
 - (b) *"sending a short message service (sms) to the "Greek Phone Number" for Mr Papas containing an unprotected online file share link with the material to be served" (order 4(b)); and*
 - (c) *"sending an email to Rebekah Giles of Company (Giles) to the address rebekah@companygiles.com.au. If the material is too voluminous to attach to an email, the email is to contain an unprotected online file share link with the material to be served" (order 4(c)).*
29. Exhibited and marked "ITB-20" is a copy of the orders made on 10 March 2022.
30. On 30 May 2022, the Court made orders amending order 4(a) of the orders made on 10 March 2022 to read as follows: *"sending the documents to the email address noted in the Form 10 Notice of Address for Service filed in the Westpac Proceeding by Mr Papas, that is, by email to law@panetta.com.au".*
31. Exhibited and marked "ITB-21" is a copy of the orders made on 30 May 2022.
32. On 1 July 2022 at 4:20pm, Ashurst sent an email to, among others, law@panetta.com.au and rebekah@companygiles.com.au, serving:
- (a) Sealed Concise Statement filed on 1 July 2021;
 - (b) Sealed Applicant's Genuine Steps Statement filed on 1 July 2021;



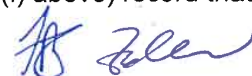
- (c) Sealed Amended Originating Application filed on 2 August 2021;
 - (d) Sealed Statement of Claim filed on 2 August 2021;
 - (e) First Thong Affidavit and First Thong Exhibits;
 - (f) Brar Affidavit and Brar Exhibits;
 - (g) Second Thong Affidavit and Second Thong Exhibits;
 - (h) Dumont Affidavit and Dumont Exhibits;
 - (i) Forum Finance Bank Statements;
 - (j) FGFS Bank Statements;
 - (k) Forum Finance Extract, a copy of which is exhibited and marked "ITB-22";
 - (l) FGFS Extract, a copy of which is exhibited and marked "ITB-23";
 - (m) First Tracing Affidavit and First Tracing Exhibits;
 - (n) Second Tracing Affidavit and Second Tracing Exhibits; and
 - (o) Draft Court Book Index,
- collectively, the **July 2022 Service Documents**.

33. The email contained a link through which a zip file containing the July 2022 Service Documents could be downloaded. Exhibited and marked "ITB-24" is a copy of that email.
34. On 1 July 2022 at 3:58pm, I sent a message from a mobile phone number ending in 5841 to the Greek Phone Number. The message contained a link through which a zip file containing the July 2022 Service Documents could be downloaded. The message was marked as "delivered". Exhibited and marked "ITB-25" is a copy of screenshots of the sent message. The original screenshots displayed the full Greek Phone Number, which has been redacted for the purpose of exhibiting it to this affidavit.

PART C: SERVICE OF DOCUMENTS ON THE FIRST AND THIRD RESPONDENTS

Forum Finance and FGFS

35. Following orders entered on 2 August 2021, FGFS was joined to the proceedings as the third respondent pursuant to the amended originating application and statement of claim filed on 2 August 2021. A copy of the orders made on 2 August 2021 is exhibited and marked "ITB-26".
36. The Forum Finance Extract (Exhibit "ITB-22" referred to in paragraph 32(k) above) and the FGFS Extract (Exhibit "ITB-23" referred to in paragraph 32(l) above) record that:



- (a) Since 19 September 2011, Mr Papas was a director of Forum Finance.
- (b) Since 23 November 2017, Mr Papas was a director (and from 30 April 2020, the sole director) of FGFS.
- (c) On 9 July 2021, Forum Finance entered into liquidation, with Mr Jason Preston and Mr Jason Ireland of McGrathNicol having been, and continuing to be, appointed as its liquidators.
- (d) On 15 July 2021, FGFS entered into provisional liquidation, and on 12 November 2021 it entered into liquidation. Between 15 July and 12 November 2021, Mr Preston and Mr Ireland were the provisional liquidators of FGFS, and since 12 November 2021 they have been, and continue to be, the liquidators of FGFS.

Service of documents

- 37. The orders made on 1 July 2021 also provided for the service of documents on Forum Finance by email to alexander.carlos@vobis.com.au and francis.farmakidis@vobis.com.au (order 2(a)).
- 38. On 1 July 2021 at 4:49pm, Ashurst sent an email to alexander.carlos@vobis.com.au and francis.farmakidis@vobis.com.au (**Vobis Service Email**) serving, among others, the First Service Documents. Each of the First Service Documents was attached to that email, except for the First Thong Exhibits and the Brar Exhibits, where links to download those exhibits were included in the email body. Exhibited and marked "ITB-27" is a copy of that email (excluding the attachments).
- 39. On 1 July 2021 at 5:18pm, Ashurst received an email from Alexander Carlos at Vobis stating that Vobis did not act for Forum Finance, and had forwarded Ashurst's email and its attachments to Forum Finance. Exhibited and marked "ITB-28" is a copy of that email.
- 40. On 1 July 2021 at 5:52pm, Ashurst sent an email to enquiries@fortislaw.com.au serving, among others, the First Service Documents. Each of the First Service Documents was attached to that email, except for the First Thong Exhibits and the Brar Exhibits, where links to download those exhibits were included in the email body. Exhibited and marked "ITB-29" is a copy of that email (excluding the attachments).
- 41. On 2 July 2021, between 8:50am and 8:54am, I had an email exchange with Mr Nehme of Fortis Law in which he informed me that he was no longer acting for Forum Finance, he did not know who was, that he would forward the communication (which I understood to be referring to the email and the attachments referred to in paragraph 40 above) to Forum Finance, and that the applicant should not rely on the email as service. Exhibited and marked "ITB-30" is a copy of that email chain.



42. On 2 July 2021, the proceeding was listed before his Honour Justice Lee. Mr Hunt appeared for Forum Finance.
43. On 2 July 2021 at 10:17am, during the listing before Justice Lee, Ashurst forwarded the Vobis Service Email (including attachments) to Paul Hunt (p.hunt@huntslaw.com.au). Exhibited and marked "ITB-31" is a copy of that email (excluding the attachments).
44. On 6 July 2021 at 11:54am, Ashurst received an email from Mr Hunt attaching a sealed Notice of Acting – appointment of lawyer filed on 5 July 2021 in respect of the first respondent. Exhibited and marked "ITB-32" is a copy of that email.
45. As set out in paragraph 36(c) above, on 9 July 2021, the first respondent was placed into external administration (liquidation), with Mr Preston and Mr Ireland of McGrathNicol being appointed as its liquidators.
46. On 12 July 2021, Ashurst had an email exchange with Allens (the solicitors for the liquidators, and Forum Finance which was in liquidation), in which Allens confirmed that it was instructed to file a Notice of Acting – Change of Solicitor on behalf of Forum Finance.
47. On 12 July 2021 at 9:13pm, Ashurst sent an email to Allens serving, among others, the First Service Documents. Each of the First Service Documents was attached to that email, except for the First Thong Exhibits and the Brar Exhibits, where links to download those exhibits were included in the email body. Exhibited and marked "ITB-33" is a copy of that email (excluding the attachments).
48. On 13 July 2021 at 12:13pm, Ashurst received an email from Allens attaching a sealed Notice of Acting – Change of Lawyer filed on 12 July 2021 in respect of Forum Finance. Exhibited and marked "ITB-34" is a copy of that email.
49. As set out in:
 - (a) Paragraph 35 above, on 2 August 2021, orders were made joining FGFS to the proceeding (orders 15 and 16).
 - (b) Paragraph 36(d), as at 2 August 2021 FGFS was in provisional liquidation, and Mr Ireland and Mr Preston had been appointed as its provisional liquidators.
50. Allens also acted for FGFS, and filed a Notice of Acting in proceeding NSD616/2021 in respect of FGFS on 21 July 2021.
51. The 2 August 2021 email (referred to in paragraph 13 above, and comprising Exhibit "ITB-6") that attached sealed copies of the Amended Originating Application filed on 2 August 2021 and the applicant's Statement of Claim filed on 2 August 2021, was also sent to Allens.



- 52. On 4 February 2022 at 6:59pm, Ashurst sent an email to, among others, Allens, serving the Second Thong Affidavit and the Second Thong Exhibits. Exhibit "ITB-9" is a copy of that email (excluding the attachments).
- 53. On 9 February 2022 at 10:05am, Ashurst sent an email to, among others, Allens, serving the Dumont Affidavit and the Dumont Exhibits. Exhibited and marked "ITB-35" is a copy of that email (excluding the attachments).
- 54. On 9 February 2022 at 8:09pm, Ashurst sent an email to, among others, Allens, serving the Forum Finance Bank Statements and the FGFS Bank Statements. The email also included a link through which a zip file containing the First Thong Affidavit and the First Thong Exhibits, and a zip file containing the Brar Affidavit and the Brar Exhibits, could be downloaded. Exhibited and marked "ITB-36" is a copy of that email (excluding the attachments).
- 55. On 6 June 2022, Ashurst sent an email to Allens noting that while Ashurst appreciated that Allens were acting and at all times had acted for both Forum Finance and FGFS, Ashurst had recently identified that while Allens had filed a notice of acting in the related proceeding commenced by Westpac Allens had inadvertently omitted to file a notice of acting in respect of FGFS in this proceeding. That email asked that Allens file a notice of acting in respect of FGFS in this proceeding. Allens responded by email attaching a Notice of Acting in respect of FGFS filed in this proceeding on 6 June 2022. A copy of that email chain, without the sealed notice of acting, is exhibited and marked "ITB-37" .
- 56. The email referred to in paragraph 32 above (exhibit "ITB-24"), serving the July 2022 Service Documents, was also sent to Allens.

SWORN by the deponent)
 at Sydney)
 in New South Wales)
 on 9 August 2022)
 Before me:)



 Signature of deponent



 Signature of witness

Julian Zoller
 Solicitor
 Level 11, 5 Martin Place, Sydney NSW 2000

Schedule

First Respondent	FORUM FINANCE PTY LIMITED (ACN 153 301 172) (IN LIQUIDATION)
Second Respondent	BASILE PAPADIMITRIOU
Third Respondent	FORUM GROUP FINANCIAL SERVICES PTY LTD (ACN 623 033 705) (IN LIQUIDATION)

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 31/08/2022 10:02:35 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: NSD642/2021
File Title: SOCIETE GENERALE (ABN 71 092 516 286) v FORUM FINANCE PTY LIMITED (ACN 153 301 172) & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Dated: 31/08/2022 10:04:17 AM 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.