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Form 59
Rule 29.02(1)

Second Affidavit of Roger Dobson sworn 14 July 2021

No. of 2021

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

SMBC Leasing and Finance, Inc. Sydney Branch ABN 88 327 596 442

Applicant

Forum Enviro (Aust) Pty Ltd ABN 78 607 484 364

First Respondent

Basile Papadimitriou

Second Respondent

Affidavit of: **Roger Dobson**
Address: Level 41, 88 Phillip Street, Sydney 2000
Occupation: Solicitor
Date: 14 July 2021

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Filed on behalf of (name & role of party) _____
 Prepared by (name of person/lawyer) Maria Yiasemides
 Law firm (if applicable) Jones Day
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 Email myiasemides@jonesday.com
Address for service L41 Aurora Place, 88 Phillip Street, Sydney, NSW 2000
 (include state and postcode)

[Version 3 form approved 02/05/2019]

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I Roger Dobson, Solicitor, Level 41, 88 Phillip Street Sydney 2000, say on oath:

1. I am a Partner at Jones Day and the Solicitor with carriage of this matter on behalf of the Applicant, SMBC Leasing & Finance Inc. (**SMBC L&F**). I am authorised to make this affidavit on the Applicant's behalf.
2. I swear this affidavit to be true and correct to the best of my own knowledge, information and belief. Where indicated otherwise, I depose to matters on the basis of information provided by another person and in the belief that the source of my information is true and correct.

Introduction

3. I refer to my affidavit sworn on 13 July 2021 in these proceedings (**the First Dobson Affidavit**) which I made in support of the Applicant's Originating Application and Interlocutory Application both filed on 14 July 2021.
4. I make this affidavit to supplement certain matters addressed in the First Dobson Affidavit.
5. At paragraph 26 of the First Dobson Affidavit, I indicated that SMBC L&F was in the process of recalling certain payment confirmations from archive to provide evidence of the payments made by SMBC L&F pursuant to the 2018 MRASA as identified at paragraphs 25, 28, 30 and 32 of the First Dobson Affidavit.
6. Those payment confirmations have now been located by SMBC L&F.

Details of purchases made by SMBC L&F pursuant to the 2018 MRASA

7. At paragraph 25 of the First Dobson Affidavit, I referred to an amount paid by SMBC L&F pursuant to the First 2018 Offer Letter and the terms of the 2018 MRASA in the sum of **\$14,411,503.49**. Annexed to this affidavit and marked **RD2** is a copy of SMBC L&F's SWIFT Payment Confirmation for this payment.

8. At paragraph 28 of the First Dobson Affidavit, I referred to an amount paid by SMBC L&F pursuant to the Second 2018 Offer Letter and the terms of the 2018 MRASA in the sum

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of **\$3,829,312.30**. Annexed ~~to this affidavit and marked RD3~~ is a copy of SMBC L&F's
CB F.II.63 p.F.II.2 Ln 2 SWIFT Payment Confirmation for this payment.

9. At paragraph 30 of the First Dobson Affidavit, I referred to an amount paid by SMBC L&F pursuant to the Third 2018 Offer Letter and the terms of the 2018 MRASA in the sum of **\$5,728,041**. Annexed ~~to this affidavit and marked RD4~~ is a copy of SMBC L&F's SWIFT
CB F.II.63 p.F.II.2 Ln 3 Payment Confirmation for this payment.

10. At paragraph 32 of the First Dobson Affidavit, I referred to an amount paid by SMBC L&F pursuant to the Fourth 2018 Offer Letter and the terms of the 2018 MRASA in the sum of **\$5,740,857.35**. Annexed ~~to this affidavit and marked RD5~~ is a copy of SMBC L&F's
CB F.II.63 p.F.II.2 Ln 4 SWIFT Payment Confirmation for this payment.

Service on the First and Second Respondents

11. I have been informed by Maria Yiasemides, Partner at Jones Day, and verily believe, that she has caused the Originating Application, the Interlocutory Application, the First Dobson Affidavit and the affidavit of Michael Timpany (sworn 13 July 2021) filed in the Federal Court of Australia on behalf of SMBC L&F on 14 July 2021 to be served on the First and Second Respondents with service effected in accordance with the Order made by the Honourable Justice Lee on 14 July 2021. Annexed to this affidavit and marked **RD6** are copies of the Letters of Service dated 14 July 2021 and the emails from Ms Yiasemides to the First and Second Respondents.

Sworn by the deponent
 at Sydney
 in New South Wales
 on 14 July 2021
 Before me:

Roger Dobson

 Signature of deponent

 Signature of witness

Name:

Qualification:

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 14/07/2021 3:24:36 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: NSD681/2021
File Title: SMBC LEASING AND FINANCE, INC. ARBN 602 309 366 v FORUM
ENVIRO (AUST) PTY LTD (VOLUNTARY ADMINISTRATORS
APPOINTED) ACN 607 484 364 & ANOR
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF
AUSTRALIA



Sia Lagos

Dated: 14/07/2021 3:26:07 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.