

Part C Schedule of Objections – 3rd and 45th Respondents (Tesoriero Parties) and Westpac’s Response

No	Doc ID	Title	Part/All	Basis for objection	Basis on which evidence is pressed and by whom	Proposed ruling by Tesoriero Parties	Susceptible to common ruling?
1.	SOH.5000.0002.0426	91.pdf	All	Hearsay.	<p>Pressed by Westpac – there is unchallenged evidence that the document (being a notebook) was found in Mr Papas’ office (see Michael Hughes affidavit at [7], [10(a)] CB D.1.11 pD.1.136-137). Westpac relies on the exceptions to the hearsay rule under 64(2)(b) and s69 and, in the case of Mr Papas, s81 & 82. The hearsay objection is not a basis for the document being inadmissible against the Tesoriero Parties, and it is relevant to the issue of the devising of the Scheme: see Westpac’s opening submissions at [39] CB B1 pB.16.</p>	<p>Inadmissible as against the Tesoriero Parties on the following bases:</p> <ul style="list-style-type: none"> - s 64(2)(b) cannot apply where Westpac has not sought to call the author of the document, Mr Papas; - there is no basis to infer that the representations in the document relied on by Westpac (SOH.5000.0002.0441-0443; .0450; .0471: per Westpac’s opening submissions at [39]) were made in the course of, or for the purposes of, the business of Forum (or any other business), when those representations are said by Westpac to constitute admissions by Mr Papas about his alleged conduct of a fraudulent scheme, such that s 69(1) has no application; - insofar as the hearsay exception for admissions under ss 81 and 82 applies in respect of Mr 	N/A

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						<p>Papas, the document is not admissible against the Tesoriero Parties by reason of s 83;</p> <p>- further or alternatively, in the event the document is admissible by reason of an exception to the hearsay rule, the Court should limit the use that may be made of the document and the relevant representations to the author of the notebook, Mr Papas, and not the Tesoriero Parties, on the basis it would be unfairly prejudicial to the Tesoriero Parties for the representations (said to constitute admissions by Mr Papas) made by Mr Papas in his personal notebook to which the Tesoriero Parties were not party to be admissible against them, pursuant to s 136.</p>	
2.	MCN.0001.0003.0107	KMBT_C454e-20180426072314	All	Relevance.	Pressed by Westpac - relevant to Mr Tesoriero’s knowledge of the Scheme as	Inadmissible on the following bases: - Westpac having abandoned the	Yes – Documents 2-21 in this schedule

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					<p>particularised in [1(b)] of the Response to Request for Particulars dated 11 November 2022 at CB A.11.123 and set out in Westpac’s supplementary submissions at [8] – [9] CB B2 pB.95.</p>	<p>allegation that relevant Forum entities were engaged in a fraudulent scheme involving Maia Financial Pty Ltd, the documents concerning Maia Financial Pty Ltd can be of no probative value and therefore relevance to the question of Mr Tesoriero’s knowledge of the alleged Scheme, as set out in Mr Tesoriero’s opening submissions at [10], and Westpac’s supplementary submissions at [8]-[9] and the Response to Request for Particulars dated 11 November 2022 fail to articulate their asserted relevance; - further or alternatively, the documents concerning Maia Financial Pty Ltd ought to be excluded pursuant to s 135, or limited so as not to be admissible against the Tesoriero Parties pursuant to s 136, on the basis that</p>	<p>concern Maia Financial Pty Ltd.</p>

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						any probative value in the documents on the grounds of relevance asserted by Westpac is outweighed by the danger that the evidence may be unfairly prejudicial to the Tesoriero Parties.	
3.	MCN.0001.0003.0642	KMBT_C454e-20181022090330	All	Relevance.	As above at item 2.	As above at item 2.	As above at item 2.
4.	MCN.0001.0003.0667	KMBT_C454e-20181022090538	All	Relevance.	As above at item 2.	As above at item 2.	As above at item 2.
5.	SEC.5000.0023.1003	FW: FW: Duplicated serial numbers	All	Relevance.	As above at item 2.	As above at item 2.	As above at item 2.
6.	SEC.5000.0023.1005	Veolia.pdf	All	Relevance.	As above at item 2.	As above at item 2.	As above at item 2.
7.	SEC.5000.0023.1009	Coles.pdf	All	Relevance.	As above at item 2.	As above at item 2.	As above at item 2.
8.	MCN.0001.0003.0729	Fwd: Sub-Agency Agreement between Maia Financial & Northern Managed Finance	All	Relevance.	As above at item 2.	As above at item 2.	As above at item 2.
9.	MCN.0001.0003.0731	img-309170201-0001.pdf	All	Relevance.	As above at item 2.	As above at item 2.	As above at item 2.
10.	MCN.0001.0003.0072	FW: Maia Visit Tomorrow	All	Relevance.	As above at item 2.	As above at item 2.	As above at item 2.

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11.	MCN.0001.0003.0252	FW: Maia Visit Tomorrow	All	Relevance.	As above at item 2.	As above at item 2.	As above at item 2.
12.	SEC.5000.0033.5218	Next Steps - Standstill Agreement	All	Relevance.	As above at item 2.	As above at item 2.	As above at item 2.
13.	MCN.0001.0003.0801	RE: Variation to Standstill	All	Relevance.	As above at item 2.	As above at item 2.	As above at item 2.
14.	MCN.0001.0003.0802	KMBT_C454e-20180711160342	All	Relevance.	As above at item 2.	As above at item 2.	As above at item 2.
15.	FOG.1000.0008.2622	Standstill Forum & Maia Financial Variation & Guarantee	All	Relevance.	As above at item 2.	As above at item 2.	As above at item 2.
16.	FOG.1000.0008.2623	20180904 Variation to Standstill	All	Relevance.	As above at item 2.	As above at item 2.	As above at item 2.
17.	MCN.0001.0003.0601	KMBT_C454e-20180910100032	All	Relevance.	As above at item 2.	As above at item 2.	As above at item 2.
18.	MCN.0001.0003.0607	KMBT_C454e-20180907170653	All	Relevance.	As above at item 2.	As above at item 2.	As above at item 2.
19.	SEC.5000.0023.8859	Fwd: Fwd: Maia agreements	All	Relevance.	As above at item 2.	As above at item 2.	As above at item 2.
20.	MCN.0001.0003.0748	Standstill Forum & Maia Financial Variation & Guarantee	All	Relevance.	As above at item 2.	As above at item 2.	As above at item 2.
21.	MCN.0001.0003.0606	Guarantee and Indemnity	All	Relevance.	As above at item 2.	As above at item 2.	As above at item 2.