

**Exhibit certificate**

No. NSD 616 of 2021

Federal Court of Australia  
 District Registry: Sydney  
 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 and others named in the Schedule**  
 Respondents

This is the exhibit marked '**CMM-29**' now produced and shown to Caitlin Maria Murray at the time of swearing her affidavit on 2 February 2023 before me



Simon Henry Brandis  
 Solicitor

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	
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	Our reference: 1353397	



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

No: NSD616/2021

**WESTPAC BANKING CORPORATION ABN 33 007 457 141** and another named in the schedule  
 Applicants

**FORUM FINANCE PTY LIMITED (IN LIQUIDATION) ACN 153 301 172** and others  
 named in the schedule  
 Respondents

### ORDER

**JUDGE:** JUSTICE LEE

**DATE OF ORDER:** 07 December 2021

**WHERE MADE:** Sydney

#### THE COURT ORDERS THAT:

1. The applicants, Westpac Banking Corporation ABN 33 007 457 141 (**Westpac**) and Westpac New Zealand Limited (company registration number company number 1763882) (**Westpac New Zealand**), have leave pursuant to r 10.43(2) of the *Federal Court Rules 2011* (Cth) (**FCR**) to serve the fourth further amended originating application and the second further amended statement of claim in the form provided to the Associate to Justice Lee on 3 December 2021 on:
  - a. the twenty-seventh respondent, Mazcon Investments Hellas IKE;
  - b. the twenty-ninth respondent, Anastasios Giamouridis;
  - c. the forty-second respondent, Iugis Hellas IKE;
  - d. the forty-third respondent, Iugis Energy SA,
  - e. the forty-seventh respondent, Louisa Maria Agostino;
  - f. the forty-eighth respondent, D&D Group O.E; and
  - g. the forty-ninth respondent, Aromatika Fyta Tsai Olympou Theion Ike,

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in the Hellenic Republic in accordance with the *Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* done at The Hague on 15 November 1965 by the Court Bailiff of the Court in Athens pursuant to Article 134 of the *Greek Civil Procedural Code* at the following addresses:

- h. the twenty-seventh respondent, Mazcon Investments Hellas IKE, at 17 Ionos Dragoumi, 54625 Thessaloniki, Greece;
  - i. the twenty-ninth respondent, Anastasios Giamouridis, at Eirinis 50, Evosmos 56224 Thessaloniki, Greece;
  - j. the forty-second respondent, Iugis Hellas IKE, at Giannitson 90, 54627 Thessaloniki, Greece;
  - k. the forty-third respondent, Iugis Energy SA, at Building square 48A, Industrial Area of Thessaloniki, 57022 Sindos, Thessaloniki, Greece.
  - l. the forty-seventh respondent, Louisa Maria Agostino, at Δ1 (D1) located at 11 Megalou Alexandrou Avenue, Thessaloniki, Greece or Δ2 (D2) located at 1 Lytra Street, Thessaloniki, Greece;
  - m. the forty-eighth respondent, D&D Group O.E, at 35 Grigoriou E' Stre, Thessaloniki, Postal Code 54248; Greece; and
  - n. the forty-ninth respondent, Aromatika Fyta Tsai Olympou Theion Ike, at 1st KM of Regional National Road of Katerini, Thessaloniki, 60100, Katerini; Greece.
2. Westpac and Westpac New Zealand have leave, pursuant to FCR 10.43(2), to serve the fourth further amended originating application and the second further amended statement of claim in the form provided to the Associate to Justice Lee on 3 December 2021 on:
- a. the thirty-second respondent, Iugis (UK) Limited;
  - b. the thirty-third respondent, Iugis Holdings Limited;
  - c. the thirty-fourth respondent, Iugis Global Financial Services Limited;
  - d. the thirty-fifth respondent, Iugis Finance Limited,

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in the United Kingdom in accordance with the *Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* done at The Hague on 15 November 1965 by sending a copy of the originating process as issued by this court by international registered post with return receipt to:

- e. for the thirty-second respondent, Iugis (UK) Limited, to its registered office address at 64 New Cavendish Street, London, United Kingdom, W1G 8TB;
- f. for the thirty-third respondent, Iugis Holdings Limited, to its registered office address at 64 New Cavendish Street, London, United Kingdom, W1G 8TB;
- g. for the thirty-fourth respondent, Iugis Global Financial Services Limited, to its registered office address at 9th Floor 107 Cheapside, London, United Kingdom, EC2V 6DN;
- h. for the thirty-fifth respondent, Iugis Finance Limited, to its registered office address at 64 New Cavendish Street, London, United Kingdom, W1G 8TB.

3. Leave to enter these orders forthwith.

Date that entry is stamped: 7 December 2021

*Sia Lagos*  
Registrar



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### Schedule

No: NSD616/2021

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

Second Applicant	Westpac New Zealand Limited (company registration number company number 1763882)
Second Respondent	Basile Papadimitriou
Third Respondent	Vincenzo Frank Tesoriero
Fourth Respondent	Forum Group Financial Services Pty Ltd (provisional liquidators appointed) ACN 623 033 705
Fifth Respondent	Forum Group Pty Ltd (Receivers Appointed) (in liquidation) ACN 153 336 997
Sixth Respondent	Forum Enviro Pty Ltd (provisional liquidators appointed) ACN 168 709 840
Seventh Respondent	Forum Enviro (Aust) Pty Ltd (provisional liquidators appointed) 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 26
Tenth Respondent	Edmonstone Road Pty Ltd (in liquidation) ACN 622 944 129 26
Eleventh Respondent	5 Bulkara Street Pty Ltd (in liquidation) ACN 630 982 160 6
Twelfth Respondent	Bulkara Street Pty Ltd (in liquidation) ACN 639 734 473 6
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

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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 55
Twenty First Respondent	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 Eight Respondent	Palante Pty Ltd 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	Iugis Global Financial Services Limited

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Respondent	
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 Eight 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 Eight Respondent	D&D Group O.E
Forty Ninth Respondent	Aromatika Fyta Tsai Olympou Theion Ike


## STATUS TABLE

### 14: Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters

Entry into force: 10-II-1969

Last update: 17-VI-2021

Number of Contracting Parties to this Convention: 79

 View and/or print full status report

*The expression "Contracting Party" covers both cases in which the Convention has, and cases in which the Convention has not yet, entered into force for that Party following the deposit of its instrument of ratification, accession, acceptance or approval (see column EIF in the chart).*

Contracting Parties to this Convention that are also Members of the HCCH (i.e., the Organisation) are in **bold**; Contracting Parties that are not Members of the HCCH are in *italics*.

Contracting Party	S <sup>1</sup>	R/A/S <sup>2</sup>	Type <sup>3</sup>	EIF <sup>4</sup>	EXT <sup>5</sup>	Auth <sup>6</sup>	Res/D/N/DC <sup>7</sup>
<b>Albania</b>		1-XI-2006	A	1-VII-2007		3	
<b>Andorra</b>		26-IV-2017	A	1-XII-2017		3	D
<i>Antigua and Barbuda</i>		1-V-1985	Su	1-XI-1981		1	
<b>Argentina</b>		2-II-2001	A	1-XII-2001		2	D,Res
<b>Armenia</b>		27-VI-2012	A	1-II-2013		1	
<b>Australia</b>		15-III-2010	A	1-XI-2010	7	5	D
<b>Austria</b>	22-XI-2019	14-VII-2020	R	12-IX-2020		3	D,Res
<i>Bahamas</i>		17-VI-1997	A	1-II-1998		1	
<i>Barbados</i>		10-II-1969	A	1-X-1969		1	
<b>Belarus</b>		6-VI-1997	A	1-II-1998		1	
<b>Belgium</b>	21-I-1966	19-XI-1970	R	18-I-1971		2	D
<i>Belize</i>		8-IX-2009	A	1-V-2010		1	
<b>Bosnia and Herzegovina</b>		16-VI-2008	A	1-II-2009		1	
<i>Botswana</i>		10-II-1969	A	1-IX-1969		3	D
<b>Brazil</b>		29-XI-2018	A	1-VI-2019		1	D,Res



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HCCH | #14 - Status table

Contracting Party	S <sup>1</sup>	R/A/S <sup>2</sup>	Type <sup>3</sup>	EIF <sup>4</sup>	EXT <sup>5</sup>	Auth <sup>6</sup>	Res/D/N/DC <sup>7</sup>
<b>Bulgaria</b>		23-XI-1999	A	1-VIII-2000		3	D
<b>Canada</b>		26-IX-1988	A	1-V-1989		4	D
<b>China</b>		6-V-1991	A	1-I-1992		8	D,N
<i>Colombia</i>		10-IV-2013	A	1-XI-2013		1	D
<b>Costa Rica</b>		16-III-2016	A	1-X-2016		1	
<b>Croatia</b>		28-II-2006	A	1-XI-2006		3	D,Res
<b>Cyprus</b>		26-X-1982	A	1-VI-1983		4	D
<b>Czech Republic</b>		28-I-1993	Su	1-I-1993		4	D,Res
<b>Denmark</b>	7-I-1969	2-VIII-1969	R	1-X-1969		3	D
<b>Egypt</b>	1-III-1966	12-XII-1968	R	10-II-1969		1	Res
<b>Estonia</b>		2-II-1996	A	1-X-1996		1	D
<b>Finland</b>	15-XI-1965	11-IX-1969	R	10-XI-1969		2	D
<b>France</b>	12-I-1967	3-VII-1972	R	1-IX-1972	1	3	D
<b>Georgia</b>		31-V-2021	A	1-I-2022		1	D,Res
<b>Germany</b>	15-XI-1965	27-IV-1979	R	26-VI-1979		3	D
<b>Greece</b>	20-VII-1983	20-VII-1983	R	18-IX-1983		1	D
<b>Hungary</b>		13-VII-2004	A	1-IV-2005		3	D
<b>Iceland</b>		10-XI-2008	A	1-VII-2009		1	D,Res
<b>India</b>		23-XI-2006	A	1-VIII-2007		1	D,Res
<b>Ireland</b>	20-X-1989	5-IV-1994	R	4-VI-1994		3	D,Res
<b>Israel</b>	25-XI-1965	14-VIII-1972	R	13-X-1972		2	D,Res
<b>Italy</b>	25-I-1979	25-XI-1981	R	24-I-1982		3	D
<b>Japan</b>	12-III-1970	28-V-1970	R	27-VII-1970		3	D
<b>Kazakhstan</b>		15-X-2015	A	1-VI-2016		1	D
<i>Kuwait</i>		8-V-2002	A	1-XII-2002		3	D,Res
<b>Latvia</b>		28-III-1995	A	1-XI-1995		4	D
<b>Lithuania</b>		2-VIII-2000	A	1-VI-2001		3	D,Res
<b>Luxembourg</b>	27-X-1971	9-VII-1975	R	7-IX-1975		1	D,Res
<i>Malawi</i>		24-IV-1972	A	1-XII-1972		1	
<b>Malta</b>		24-II-2011	A	1-X-2011		2	D

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Contracting Party	S <sup>1</sup>	R/A/S <sup>2</sup>	Type <sup>3</sup>	EIF <sup>4</sup>	EXT <sup>5</sup>	Auth <sup>6</sup>	Res/D/N/DC <sup>7</sup>
<i>Marshall Islands</i>		29-VII-2020	A	1-II-2021		3	D
<b>Mexico</b>		2-XI-1999	A	1-VI-2000		2	D
<b>Monaco</b>		1-III-2007	A	1-XI-2007		2	D
<b>Montenegro</b>		16-I-2012	A	1-IX-2012		2	D
<b>Morocco</b>		24-III-2011	A	1-XI-2011		1	
<b>Netherlands</b>	15-XI-1965	3-XI-1975	R	2-I-1976	1	5	D
<b>Nicaragua</b>		24-VII-2019	A	1-II-2020		1	D
<b>North Macedonia</b>		23-XII-2008	A	1-IX-2009		1	D,Res
<b>Norway</b>	15-X-1968	2-VIII-1969	R	1-X-1969		3	D,Res
<i>Pakistan</i>		7-XII-1988	A	1-VIII-1989		3	D
<b>Philippines</b>		4-III-2020	A	1-X-2020		1	D
<b>Poland</b>		13-II-1996	A	1-IX-1996		4	D,Res
<b>Portugal</b>	5-VII-1971	27-XII-1973	R	25-II-1974		2	D
<b>Republic of Korea</b>		13-I-2000	A	1-VIII-2000		2	D,Res
<b>Republic of Moldova</b>		4-VII-2012	A	1-II-2013		2	D,Res
<b>Romania</b>		21-VIII-2003	A	1-IV-2004		2	D
<b>Russian Federation</b>		1-V-2001	A	1-XII-2001		4	D,Res
<i>Saint Vincent and the Grenadines</i>		6-I-2005	Su	27-X-1979		3	D
<i>San Marino</i>		15-IV-2002	A	1-XI-2002		3	D
<b>Serbia</b>		2-VII-2010	A	1-II-2011		2	D
<i>Seychelles</i>		18-XI-1980	A	1-VII-1981		1	D
<b>Slovakia</b>		15-III-1993	Su	1-I-1993		4	D
<b>Slovenia</b>		18-IX-2000	A	1-VI-2001		1	D,Res
<b>Spain</b>	21-X-1976	4-VI-1987	R	3-VIII-1987		3	D
<b>Sri Lanka</b>		31-VIII-2000	A	1-VI-2001		3	D
<b>Sweden</b>	4-II-1969	2-VIII-1969	R	1-X-1969		2	D
<b>Switzerland</b>	21-V-1985	2-XI-1994	R	1-I-1995		3	D,Res
<b>Tunisia</b>		10-VII-2017	A	1-II-2018		1	D
<b>Türkiye</b>	11-VI-1968	28-II-1972	R	28-IV-1972		3	D,Res

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HCCH | #14 - Status table

Contracting Party	S <sup>1</sup>	R/A/S <sup>2</sup>	Type <sup>3</sup>	EIF <sup>4</sup>	EXT <sup>5</sup>	Auth <sup>6</sup>	Res/D/N/DC <sup>7</sup>
<b>Ukraine</b>		1-II-2001	A	1-XII-2001		3	D,Res
<b>United Kingdom of Great Britain and Northern Ireland</b>	10-XII-1965	17-XI-1967	R	10-II-1969	14	4	D
<b>United States of America</b>	15-XI-1965	24-VIII-1967	R	10-II-1969	1	1	D
<b>Venezuela (Bolivarian Republic of)</b>		29-X-1993	A	1-VII-1994		1	D,Res
<b>Viet Nam</b>		16-III-2016	A	1-X-2016		3	D,N

1) S = Signature

2) R/A/Su = Ratification, Accession or Succession

3) Type = R: Ratification;

A: Accession;

A\*: Accession giving rise to an acceptance procedure; click on A\* for details of acceptances of the accession;

A<sup>EU</sup>: Accession by the European Union

A<sup>EU\*</sup>: State bound as a result of the accession by the European Union

A\*\*: Objection

C: Continuation;

Su: Succession;

Den: Denunciation;

4) EIF = Entry into force

5) EXT = Extensions of application

6) Authorities per Convention = Designation of Authorities

7) Res/D/N/DC = Reservations, declarations, notifications or depositary communications



## **14. CONVENTION ON THE SERVICE ABROAD OF JUDICIAL AND EXTRAJUDICIAL DOCUMENTS IN CIVIL OR COMMERCIAL MATTERS<sup>1</sup>**

*(Concluded 15 November 1965)*

The States signatory to the present Convention,  
Desiring to create appropriate means to ensure that judicial and extrajudicial documents to be served abroad shall be brought to the notice of the addressee in sufficient time,  
Desiring to improve the organisation of mutual judicial assistance for that purpose by simplifying and expediting the procedure,  
Have resolved to conclude a Convention to this effect and have agreed upon the following provisions:

### Article 1

The present Convention shall apply in all cases, in civil or commercial matters, where there is occasion to transmit a judicial or extrajudicial document for service abroad.  
This Convention shall not apply where the address of the person to be served with the document is not known.

### CHAPTER I – JUDICIAL DOCUMENTS

### Article 2

Each Contracting State shall designate a Central Authority which will undertake to receive requests for service coming from other Contracting States and to proceed in conformity with the provisions of Articles 3 to 6.  
Each State shall organise the Central Authority in conformity with its own law.

### Article 3

The authority or judicial officer competent under the law of the State in which the documents originate shall forward to the Central Authority of the State addressed a request conforming to the model annexed to the present Convention, without any requirement of legalisation or other equivalent formality.  
The document to be served or a copy thereof shall be annexed to the request. The request and the document shall both be furnished in duplicate.

### Article 4

If the Central Authority considers that the request does not comply with the provisions of the present Convention it shall promptly inform the applicant and specify its objections to the request.

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<sup>1</sup> This Convention, including related materials, is accessible on the website of the Hague Conference on Private International Law ([www.hcch.net](http://www.hcch.net)), under "Conventions" or under the "Service Section". For the full history of the Convention, see Hague Conference on Private International Law, *Actes et documents de la Dixième session (1964)*, Tome III, *Notification* (391 pp.).



#### Article 5

The Central Authority of the State addressed shall itself serve the document or shall arrange to have it served by an appropriate agency, either –

- a) by a method prescribed by its internal law for the service of documents in domestic actions upon persons who are within its territory, or
- b) by a particular method requested by the applicant, unless such a method is incompatible with the law of the State addressed.

Subject to sub-paragraph (b) of the first paragraph of this Article, the document may always be served by delivery to an addressee who accepts it voluntarily.

If the document is to be served under the first paragraph above, the Central Authority may require the document to be written in, or translated into, the official language or one of the official languages of the State addressed.

That part of the request, in the form attached to the present Convention, which contains a summary of the document to be served, shall be served with the document.

#### Article 6

The Central Authority of the State addressed or any authority which it may have designated for that purpose, shall complete a certificate in the form of the model annexed to the present Convention.

The certificate shall state that the document has been served and shall include the method, the place and the date of service and the person to whom the document was delivered. If the document has not been served, the certificate shall set out the reasons which have prevented service.

The applicant may require that a certificate not completed by a Central Authority or by a judicial authority shall be countersigned by one of these authorities.

The certificate shall be forwarded directly to the applicant.

#### Article 7

The standard terms in the model annexed to the present Convention shall in all cases be written either in French or in English. They may also be written in the official language, or in one of the official languages, of the State in which the documents originate.

The corresponding blanks shall be completed either in the language of the State addressed or in French or in English.

#### Article 8

Each Contracting State shall be free to effect service of judicial documents upon persons abroad, without application of any compulsion, directly through its diplomatic or consular agents.

Any State may declare that it is opposed to such service within its territory, unless the document is to be served upon a national of the State in which the documents originate.

#### Article 9

Each Contracting State shall be free, in addition, to use consular channels to forward documents, for the purpose of service, to those authorities of another Contracting State which are designated by the latter for this purpose.

Each Contracting State may, if exceptional circumstances so require, use diplomatic channels for the same purpose.

#### Article 10

Provided the State of destination does not object, the present Convention shall not interfere with –

- a) the freedom to send judicial documents, by postal channels, directly to persons abroad,

- b) the freedom of judicial officers, officials or other competent persons of the State of origin to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the State of destination,
- c) the freedom of any person interested in a judicial proceeding to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the State of destination.

#### Article 11

The present Convention shall not prevent two or more Contracting States from agreeing to permit, for the purpose of service of judicial documents, channels of transmission other than those provided for in the preceding Articles and, in particular, direct communication between their respective authorities.

#### Article 12

The service of judicial documents coming from a Contracting State shall not give rise to any payment or reimbursement of taxes or costs for the services rendered by the State addressed.

The applicant shall pay or reimburse the costs occasioned by —

- a) the employment of a judicial officer or of a person competent under the law of the State of destination,
- b) the use of a particular method of service.

#### Article 13

Where a request for service complies with the terms of the present Convention, the State addressed may refuse to comply therewith only if it deems that compliance would infringe its sovereignty or security. It may not refuse to comply solely on the ground that, under its internal law, it claims exclusive jurisdiction over the subject-matter of the action or that its internal law would not permit the action upon which the application is based.

The Central Authority shall, in case of refusal, promptly inform the applicant and state the reasons for the refusal.

#### Article 14

Difficulties which may arise in connection with the transmission of judicial documents for service shall be settled through diplomatic channels.

#### Article 15

Where a writ of summons or an equivalent document had to be transmitted abroad for the purpose of service, under the provisions of the present Convention, and the defendant has not appeared, judgment shall not be given until it is established that —

- a) the document was served by a method prescribed by the internal law of the State addressed for the service of documents in domestic actions upon persons who are within its territory, or
- b) the document was actually delivered to the defendant or to his residence by another method provided for by this Convention, and that in either of these cases the service or the delivery was effected in sufficient time to enable the defendant to defend.

Each Contracting State shall be free to declare that the judge, notwithstanding the provisions of the first paragraph of this Article, may give judgment even if no certificate of service or delivery has been received, if all the following conditions are fulfilled —

- a) the document was transmitted by one of the methods provided for in this Convention,
- b) a period of time of not less than six months, considered adequate by the judge in the particular case, has elapsed since the date of the transmission of the document,
- c) no certificate of any kind has been received, even though every reasonable effort has been made to obtain it through the competent authorities of the State addressed.

Notwithstanding the provisions of the preceding paragraphs the judge may order, in case of urgency, any provisional or protective measures.

#### Article 16

When a writ of summons or an equivalent document had to be transmitted abroad for the purpose of service, under the provisions of the present Convention, and a judgment has been entered against a defendant who has not appeared, the judge shall have the power to relieve the defendant from the effects of the expiration of the time for appeal from the judgment if the following conditions are fulfilled –

- a) the defendant, without any fault on his part, did not have knowledge of the document in sufficient time to defend, or knowledge of the judgment in sufficient time to appeal, and
- b) the defendant has disclosed a *prima facie* defence to the action on the merits.

An application for relief may be filed only within a reasonable time after the defendant has knowledge of the judgment.

Each Contracting State may declare that the application will not be entertained if it is filed after the expiration of a time to be stated in the declaration, but which shall in no case be less than one year following the date of the judgment.

This Article shall not apply to judgments concerning status or capacity of persons.

### CHAPTER II – EXTRAJUDICIAL DOCUMENTS

#### Article 17

Extrajudicial documents emanating from authorities and judicial officers of a Contracting State may be transmitted for the purpose of service in another Contracting State by the methods and under the provisions of the present Convention.

### CHAPTER III – GENERAL CLAUSES

#### Article 18

Each Contracting State may designate other authorities in addition to the Central Authority and shall determine the extent of their competence.

The applicant shall, however, in all cases, have the right to address a request directly to the Central Authority.

Federal States shall be free to designate more than one Central Authority.

#### Article 19

To the extent that the internal law of a Contracting State permits methods of transmission, other than those provided for in the preceding Articles, of documents coming from abroad, for service within its territory, the present Convention shall not affect such provisions.

#### Article 20

The present Convention shall not prevent an agreement between any two or more Contracting States to dispense with –

- a) the necessity for duplicate copies of transmitted documents as required by the second paragraph of Article 3,
- b) the language requirements of the third paragraph of Article 5 and Article 7,
- c) the provisions of the fourth paragraph of Article 5,
- d) the provisions of the second paragraph of Article 12.

#### Article 21

Each Contracting State shall, at the time of the deposit of its instrument of ratification or accession, or at a later date, inform the Ministry of Foreign Affairs of the Netherlands of the following –

- a) the designation of authorities, pursuant to Articles 2 and 18,
- b) the designation of the authority competent to complete the certificate pursuant to Article 6,
- c) the designation of the authority competent to receive documents transmitted by consular channels, pursuant to Article 9.

Each Contracting State shall similarly inform the Ministry, where appropriate, of –

- a) opposition to the use of methods of transmission pursuant to Articles 8 and 10,
- b) declarations pursuant to the second paragraph of Article 15 and the third paragraph of Article 16,
- c) all modifications of the above designations, oppositions and declarations.

#### Article 22

Where Parties to the present Convention are also Parties to one or both of the Conventions on civil procedure signed at The Hague on 17th July 1905, and on 1st March 1954, this Convention shall replace as between them Articles 1 to 7 of the earlier Conventions.

#### Article 23

The present Convention shall not affect the application of Article 23 of the Convention on civil procedure signed at The Hague on 17th July 1905, or of Article 24 of the Convention on civil procedure signed at The Hague on 1st March 1954.

These Articles shall, however, apply only if methods of communication, identical to those provided for in these Conventions, are used.

#### Article 24

Supplementary agreements between Parties to the Conventions of 1905 and 1954 shall be considered as equally applicable to the present Convention, unless the Parties have otherwise agreed.

#### Article 25

Without prejudice to the provisions of Articles 22 and 24, the present Convention shall not derogate from Conventions containing provisions on the matters governed by this Convention to which the Contracting States are, or shall become, Parties.

#### Article 26

The present Convention shall be open for signature by the States represented at the Tenth Session of the Hague Conference on Private International Law.

It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

#### Article 27

The present Convention shall enter into force on the sixtieth day after the deposit of the third instrument of ratification referred to in the second paragraph of Article 26.

The Convention shall enter into force for each signatory State which ratifies subsequently on the sixtieth day after the deposit of its instrument of ratification.



## Article 28

Any State not represented at the Tenth Session of the Hague Conference on Private International Law may accede to the present Convention after it has entered into force in accordance with the first paragraph of Article 27. The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force for such a State in the absence of any objection from a State, which has ratified the Convention before such deposit, notified to the Ministry of Foreign Affairs of the Netherlands within a period of six months after the date on which the said Ministry has notified it of such accession.

In the absence of any such objection, the Convention shall enter into force for the acceding State on the first day of the month following the expiration of the last of the periods referred to in the preceding paragraph.

## Article 29

Any State may, at the time of signature, ratification or accession, declare that the present Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect on the date of entry into force of the Convention for the State concerned.

At any time thereafter, such extensions shall be notified to the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force for the territories mentioned in such an extension on the sixtieth day after the notification referred to in the preceding paragraph.

## Article 30

The present Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of Article 27, even for States which have ratified it or acceded to it subsequently.

If there has been no denunciation, it shall be renewed tacitly every five years.

Any denunciation shall be notified to the Ministry of Foreign Affairs of the Netherlands at least six months before the end of the five year period.

It may be limited to certain of the territories to which the Convention applies.

The denunciation shall have effect only as regards the State which has notified it. The Convention shall remain in force for the other Contracting States.

## Article 31

The Ministry of Foreign Affairs of the Netherlands shall give notice to the States referred to in Article 26, and to the States which have acceded in accordance with Article 28, of the following –

- a) the signatures and ratifications referred to in Article 26;
- b) the date on which the present Convention enters into force in accordance with the first paragraph of Article 27;
- c) the accessions referred to in Article 28 and the dates on which they take effect;
- d) the extensions referred to in Article 29 and the dates on which they take effect;
- e) the designations, oppositions and declarations referred to in Article 21;
- f) the denunciations referred to in the third paragraph of Article 30.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Convention.

Done at The Hague, on the 15th day of November, 1965, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Netherlands, and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Tenth Session of the Hague Conference on Private International Law.

## AUTHORITY

### Greece - Central Authority & practical information

#### Central Authority:

*Hellenic Ministry of Justice*

#### Contact details:

Address:	Hellenic Ministry of Justice Directorate of Special Legal Affairs Department of Private International Law 96 Mesogeion Av. Athens 11527 Greece
Telephone:	+30 213 130 7529
Fax:	
E-mail:	civilunit@justice.gov.gr, gkouvelas@justice.gov.gr
General website:	www.ministryofjustice.gr
Contact person:	Mr. George Kouvelas
Languages spoken by staff:	Greek, English

#### Practical Information:

*(The following information was provided by the relevant State authorities or was obtained from the replies to the 2003 and/or 2008 Service Convention Questionnaires)*

Forwarding authorities (Art. 3(1)):	The Ministry of Justice, Transparency & Human Rights  Article 134 (1)(a) of the Civil Procedure Code: the party requesting service of documents abroad submits the document to the competent Public Prosecutor (of the Court of First Instance, Court of Appeal or Supreme Court of Appeal) through its lawyer, who afterwards forwards it to the competent foreign authority.
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HCCH | Authority

Methods of service (Art. 5(1)(2)):	<p>Law 1334 / 1983 implemented the Hague Service Convention in Greece.</p> <p>The service of judicial and extrajudicial documents is executed by virtue of an order of the competent Public Prosecutor namely the Prosecutor of the district where the person being served is resident. According to the Civil Procedure Code, articles 122 and subsequent, the service of documents is performed by a process server.</p> <p>For more information on methods of service, see European Judicial Network in Civil and Commercial Matters – Service of documents – Greece</p>
Translation requirements (Art. 5(3)):	<p>Greece has declared that formal service will be effected only if the document to be served is written in, or translated into, Greek.</p> <p><a href="#">Click here to read all the declarations made by Greece under the Service Convention.</a></p>
Costs relating to execution of the request for service (Art. 12):	<p>All <i>formal service</i> under Article 5(1)(a) must be sent to the competent Public Prosecutor at a flat fee.</p> <p>The cost of service will be €50, <i>starting</i> from August 1st, 2013.</p> <p>Payment of fees shall be made by bank transfers payable to the Hellenic Ministry of Justice, Transparency &amp; Human Rights. All service requests should comply with the described method. However, if unaccompanied by proper payment and bank receipt, they will be returned without processing. The <i>website</i> provides detailed information on method of payment.</p> <p>European Judicial Network in Civil and Commercial Matters – Service of documents – Greece (question 8).</p>
Time for execution of request:	One month
Oppositions and declarations (Art. 21(2)):	<a href="#">Click here to read all the declarations made by Greece under the Service Convention.</a>
Art. 8(2):	Opposition
Art. 10(a):	Opposition
Art. 10(b):	Opposition
Art. 10(c):	Opposition
Art. 15(2):	Declaration of applicability
Art. 16(3):	No declaration of applicability

Derogatory channels (bilateral or multilateral agreements or internal law permitting other transmission channels) (Arts. 11, 19, 24 and 25)

**Disclaimer:**

*Information may not be complete or fully updated – please contact the relevant authorities to verify this information.*

Greece has not acceded to the Hague Conventions of 1905 and 1954 and has not therefore concluded with other Contracting States any additional to the above agreements.

Greece has concluded bilateral agreements on legal assistance with *Germany* (11 May 1938), the *Czech Republic* and *Slovakia* (22 October 1980) and *Cyprus* (5 March 1984).

Council Regulation (EC) No 1393/2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (Strasbourg, 13 November 2007) (European Judicial Atlas – Service of Documents)

Useful links:

[www.mfa.gr](http://www.mfa.gr) (Ministry of Foreign Affairs)

This page was last updated on: 14 April 2022

### Conventions (incl. Protocols and Principles)

Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters [14]



## DECLARATION/RESERVATION/NOTIFICATION

Declarations

Articles: 8,10,15

**(Click here for the Central Authority designated by Greece and other practical information)**

### **Text of the declarations:**

(Translation)

The judges of the Hellenic Republic may give judgment if all the conditions in Article 15, paragraph 2, letters (a), (b) and (c), of the Convention are fulfilled even if no certificate of service or delivery has been received.

Greece declares that formal service will be effected only if the document to be served is written in, or translated into, Greek.

Greece is opposed to the method of service provided in Article 8, unless the document to be served is addressed to a citizen of the requesting State.

Greece is opposed to the method of services provided in Article 10.

### **Declaration of 24 July 2009**

With respect to the declaration made by the former Yugoslav Republic of Macedonia relating to Article 5 of the Hague Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial Matters of 1965, which was attached to its instrument of accession, Greece declares that all documents exchanged between Greece and the former Yugoslav Republic of Macedonia pursuant to this Convention shall continue to be written in or translated into the French language following the practice established in accordance with the 1959 Convention between Greece and the former Socialist Federal Republic of Yugoslavia concerning Mutual Legal Relations, which remains in force between Greece and the former Yugoslav Republic of Macedonia by virtue of article 12 of the Interim Accord of 13 September 1995. Furthermore, the provisions of the Memorandum on "Practical Measures" related to the above Interim Accord concerning the official correspondence between the two countries shall continue to apply between them. Subject to this condition, Greece will not exercise its right to object to the accession by the former Yugoslav Republic of Macedonia to the 1965 Convention.

## DECLARATION/RESERVATION/NOTIFICATION

### Declarations

Articles: 5,8,9,10,15,16,17,29

#### *Article 5, paragraph 3 - translation requirements*

Documents forwarded for service under a method prescribed in Article 5(a) and (b) must be written in or translated into English. A translation is not required where an addressee voluntarily accepts service of documents in another language and the Central or Additional Authority to which it was sent has no objection. In this circumstance, the Letter of Request must confirm that the documents forwarded for service are duly certified.

#### *Article 8*

Australia does not object to service upon a national who is not from the requesting State.

#### *Article 9*

The requirements set out in Articles 3 and 5 regarding use of the model form and translation apply for service via indirect consular channels.

#### *Article 10, paragraph a - service by postal channels*

Australia does not object to service by postal channels, where it is permitted in the jurisdiction in which the process is to be served. Documents forwarded via postal channels must be sent via registered mail to enable acknowledgement of receipt.

#### *Article 15, paragraph 2 - default judgments*

Australia accepts that a default judgment may be awarded against a defendant even if no evidence of service had been provided, if all of the conditions outlined in Article 15, paragraph 2, are satisfied.

#### *Article 16, paragraph 3 - relief from expiration of time for appeal*

An application for relief by a defendant from the effects of the expiration of the time to appeal will not be entertained if it is filed after the expiration of one year following the date of the judgment, except where it is determined otherwise by the Court seized by the matter.

#### *Article 17*

The requesting State must bear responsibility for costs incurred in the employment of a competent officer for the service of extrajudicial documents in Australia.

#### *Article 29 - external territories*

The Convention shall extend to all the States and Territories of Australia including external territories.



## Report

Global research

Strictly confidential

14 July 2021

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## Greek corporate interests

Based on research in Greek corporate records, Bill Papas has the following direct corporate interests in Greece:

► **Table 6: Bill Papas' corporate interests in Greece**

Company	Position(s)
iugis Hellas IKE	Administrator and 98% shareholder. The remaining 2% share is held by Greek national Anastasios Chalemis.
Mazcon Investments Hellas IKE	Administrator and 99% shareholder. The remaining 1% share is held by Greek national Anastasios Giamouridis.

Greek business registry

Additionally, Greek company iugis energy SA is 98% owned by UK company iugis Holdings Limited and 2% owned by Craig Stephen Rollinson.

Mazcon Investments Hellas IKE ("Mazcon") holds a 94.38% stake in Greek professional soccer club Xanthi FC. According to the Greek business registry, Mazcon has share capital of EUR 5.3m (AUD 8.384m). As noted above, the company is 99% owned by Bill Papas, while Greek national Anastasios Giamouridis ("Giamouridis") holds the remaining 1%. According to Greek media articles, Giamouridis is the owner of a company that manufactures waste processing machines based in Sindos near Thessaloniki.<sup>1</sup>

For the financial year 2019, Mazcon reported losses of EUR 114,161.98 (AUD 180,592). On 31 December 2019, its equity amounted to EUR 321,401.58 (AUD 508,422). According to its 2019 annual report, Mazcon has full ownership of the following properties:

- ▶ 155.47 sq. m. apartment on 11 Megalou Alexandrou Street, 54640 Thessaloniki
- ▶ 125.63 sq. m. apartment on 11 Megalou Alexandrou Street, 54640 Thessaloniki
- ▶ 39.56 sq. m. office at 17 Ionos Dragoumi & Agiou Minas Street, 54625 Thessaloniki
- ▶ 25.73 sq. m. office at 17 Ionos Dragoumi & Agiou Minas Street, 54625 Thessaloniki

## Ownership of Xanthi FC

Bill Papas has been referenced in media reporting regarding his majority stake in Xanthi FC, a professional soccer club based in Xanthi, north-eastern Greece, which he acquired in 2020. In August 2020, Greek media reported that he was in the process of acquiring a majority stake in Xanthi FC from its shareholders Christos Panopoulos and Polychronis Syggelidis.<sup>2</sup> One month later, in September 2020, further news articles stated that the acquisition had been completed.<sup>3</sup> According to a press release from Xanthi FC published on 26 August 2020, Xanthi FC announced that Insports IKE, which owned the majority stake in Xanthi FC, reached an agreement with Bill Papas for the transfer

<sup>1</sup> [https://www.sdna.gr/podosfairo/752206\\_agorazei-tin-xanthi-o-basilis-papadimitrioy-katethese-fakelo-stin-eea](https://www.sdna.gr/podosfairo/752206_agorazei-tin-xanthi-o-basilis-papadimitrioy-katethese-fakelo-stin-eea)

<sup>2</sup> <https://www.fosonline.gr/podosfairo/superleague/article/106123/apokta-tin-xanthi-o-omogenis-epixeirimatias-vasilis-papadimitrioy>, <https://www.makthes.gr/o-vasilis-papadimitrioy-aghorazei-tin-pae-ksanthi-306414>

<sup>3</sup> <https://www.ertnews.gr/perifereiakoi-stathmoi/seres/me-serraiki-katagogi-to-neo-afentiko-tis-xanthis/>



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**HELLENIC REPUBLIC**  
**THESSALONIKI CHAMBER OF COMMERCE AND INDUSTRY**  
**DEPARTMENT OF REGISTRY/GEMI Service**  
Address: 29 Tsimiski Str  
Postal Code: 54624  
Information: General Commercial Registry (GEMI) Service  
Telephone: 2310370100  
E-mail: root@ebeth.gr

Thessaloniki, 09/09/2021  
Protocol No: 1597567.2318782

**CERTIFICATE**

We hereby certify, as concluded by the details of the Company under the name IUGIS HELLAS IKE and the distinctive title IUGIS HELLAS PC, with registered office in the municipality of THESSALONIKI and registered in the General Commercial Registry (G.E.M.I.) with Reg. No 149668304000, registered and kept in the GEMI Service of our THESSALONIKI CHAMBER OF COMMERCE AND INDUSTRY, in accordance with the provisions of Law 4635/19, as currently in force, as well as the Ministerial Decisions issued by authorisation of the said law, that:

The company was electronically incorporated on 13/03/2019 via the e-yms (electronic one-stop shop) and the address 90 GIANNITSON Str (ΓΙΑΝΝΙΤΣΩΝ 90), 54627 THESSALONIKI was declared in the platform at the care of the company. In the 21-05-2019 amended articles of association of the above company and specifically in article 2, regarding its registered seat, the Municipality of Thessaloniki is mentioned as the registered seat of the company.

We issue and grant this Certificate following the relevant application of Mr/Mrs VARRA IOANNA, exclusively to be lawfully used by her.

**The GEMI Service of the**  
**THESSALONIKI CHAMBER**  
**OF COMMERCE & INDUSTRY**

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Athens, 10.09.2021  
The certifying lawyer

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**ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ**  
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**ΤΜΗΜΑ: ΜΗΤΡΩΟΥ / Υπηρεσία Γ.Ε.ΜΗ.**

Δ/ση: Τσιμισκή 29

Τ.Κ.: 54624

Πληροφορίες: Υπηρεσία Γ.Ε.ΜΗ.

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Θεσσαλονίκη, 09/09/2021  
 Αριθ.Πρωτ.: 1597567.2318782

#### ΠΙΣΤΟΠΟΙΗΤΙΚΟ

Πιστοποιούμε, όπως προκύπτει από τα καταχωρισμένα και τηρούμενα δυνάμει των διατάξεων του ν. 4635/19 ως ισχύουν, καθώς και των κατ' εξουσιοδότηση των νόμων αυτών εκδοθεισών υπουργικών αποφάσεων, στην Υπηρεσία Γ.Ε.ΜΗ. του ΕΜΠΟΡΙΚΟΥ & ΒΙΟΜΗΧΑΝΙΚΟΥ ΕΠΙΜΕΛΗΤΗΡΙΟΥ ΘΕΣ/ΝΙΚΗΣ μας στοιχεία, της Εταιρείας με την επωνυμία IUGIS HELLAS ΙΚΕ, τον διακριτικό τίτλο IUGIS HELLAS ΡC, που εδρεύει στο Δήμο ΘΕΣΣΑΛΟΝΙΚΗΣ και είναι καταχωρισμένη στο Γενικό Εμπορικό Μητρώο με αριθμό Γ.Ε.ΜΗ. 149668304000, ότι:

Η εταιρία συστάθηκε στις **13/03/2019** ηλεκτρονικά μέσω της e-gms όπου και δηλώθηκε στην πλατφόρμα με την ευθύνη της εταιρίας η Διεύθυνση **ΠΙΑΝΝΙΤΣΩΝ 90**, 54627, ΘΕΣΣΑΛΟΝΙΚΗ. Στο από 21-05-2019 τροποποιημένο καταστατικό της ως άνω εταιρίας, και συγκεκριμένα στο άρθρο 2, σχετικά με την έδρα της, ως τέτοια αναφέρεται ο Δήμος Θεσσαλονίκης.

Την βεβαίωση αυτή χορηγούμε ύστερα από σχετική αίτηση της ΒΑΡΡΑ ΙΩΑΝΝΑΣ αποκλειστικά για δική της νόμιμη χρήση.

Η Υπηρεσία ΓΕΜΗ του

**ΕΜΠΟΡΙΚΟΥ & ΒΙΟΜΗΧΑΝΙΚΟΥ ΕΠΙΜΕΛΗΤΗΡΙΟΥ**  
**ΘΕΣ/ΝΙΚΗΣ**

Η γνησιότητα του παρόντος μπορεί να ελεγχθεί μέσω του ακόλουθου συνδέσμου <https://services.businessportal.gr/publicCertificateDownload/form>

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HELLENIC REPUBLIC  
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 Postal Code: 54624  
 Information: General Commercial Registry (GEMI) Service  
 Telephone: 2310370100  
 E-mail: [root@ebeth.gr](mailto:root@ebeth.gr)

Thessaloniki, 15/12/2022  
 Protocol No: 2059338.3049503

#### CERTIFICATE

We certify, as concluded by the details registered and kept in the GEMI Service of the THESSALONIKI CHAMBER OF COMMERCE AND INDUSTRY, in accordance with the provisions of Law 4919/2022, as currently in force, as well as the Ministerial Decisions issued by authorisation of the said law, of the Private Company under liquidation under the name IUGIS HELLAS IKE and the distinctive title IUGIS HELLAS PC, with registered office in the MUNICIPALITY OF THESSALONIKI and registered in the General Commercial Registry (G.E.MI.) with Reg. No 149668304000, that:

On **09/03/2022** the Minutes of the General Assembly dated 31/12/2021 of the Private Company under the name IUGIS HELLAS IKE and the distinctive title IUGIS HELLAS PC, with Reg. No 149668304000 were registered in the GEMI Service, with Code Registration Number **2810274**, by virtue of which the shareholders decided the dissolution and liquidation of the company.

Appointed liquidator of the company is:

1. **PAPADIMITRIOU VASILEIOS**, son of Antonios, with Tax Identification No 172586822, holder of the ID Card No AM687549, resident in Lagyna of Thessaloniki.

This Certificate is issued following the relevant application of Ms Brouma Panagiota, exclusively to be lawfully used by her.

The GEMI Service of the  
 THESSALONIKI CHAMBER OF COMMERCE AND INDUSTRY

The genuineness hereof may be inspected via the following link <https://services.businessportal.gr/publicCertificateDownload/form>



I hereby certify that the present document constitutes a true and exact translation from the...greek.....into the...english..... language of the attached certified copy, which I have effected according to article 36 par. 2 of Law 4194/2013 "Code of Lawyers", and in respect to which I hereby declare that I am proficient in the...english.....language.

Athens,.....16.12.2022.....

The certifying lawyer

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**ΕΙΝΙ ΝΙΚ. ΚΑΡΡΑ**  
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ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ

ΕΜΠΟΡΙΚΟ & ΒΙΟΜΗΧΑΝΙΚΟ ΕΠΙΜΕΛΗΤΗΡΙΟ ΘΕΣ/ΝΙΚΗΣ

ΤΜΗΜΑ: ΜΗΤΡΩΟΥ / Υπηρεσία Γ.Ε.ΜΗ.

Δ/ση: Σαμιακή 29

Τ.Κ.: 54624

Πληροφορίες: Υπηρεσία Γ.Ε.ΜΗ.

Τηλέφωνο: 2310370100

E-mail: root@ebeth.gr

Ε.Β.Ε.Θ.  
 Ψηφιακά υπογεγραμμένο από  
 ILIANA GKOGKOU  
 2022.12.16 09:15:27 EET

Θεσσαλονίκη, 15/12/2022  
 Αριθ.Πρωτ.: 2059338.3049503

### ΠΙΣΤΟΠΟΙΗΤΙΚΟ

Πιστοποιούμε, όπως προκύπτει από τα καταχωρισμένα και τηρούμενα δυνάμει των διατάξεων του ν. 4919/2022 ως ισχύουν, καθώς και των κατ' εξουσιοδότηση των νόμων αυτών εκδοθεισών υπουργικών αποφάσεων, στην Υπηρεσία Γ.Ε.ΜΗ. του ΕΜΠΟΡΙΚΟΥ & ΒΙΟΜΗΧΑΝΙΚΟΥ ΕΠΙΜΕΛΗΤΗΡΙΟΥ ΘΕΣ/ΝΙΚΗΣ μας στοιχεία, της υπό εκκαθάριση Εταιρείας με την επωνυμία (ΥΠΟ ΕΚΚΑΘΑΡΙΣΗ) IUGIS HELLAS ΙΚΕ, τον διακριτικό τίτλο IUGIS HELLAS ΡC, που εδρεύει στο Δήμο ΘΕΣΣΑΛΟΝΙΚΗΣ και είναι καταχωρισμένη στο Γενικό Εμπορικό Μητρώο με αριθμό Γ.Ε.ΜΗ. 149668304000, ότι:

Στις 09/03/2022 καταχωρίσθηκε στο Γενικό Εμπορικό Μητρώο (Γ.Ε.ΜΗ.), με Κωδικό Αριθμό Καταχώρισης (Κ.Α.Κ.) **2810274**, το από 31/12/2021 πρακτικό της συνέλευσης της Ιδιωτικής Κεφαλαιουχικής Εταιρείας με την επωνυμία IUGIS HELLAS ΙΚΕ, το διακριτικό τίτλο IUGIS HELLAS ΡC και αριθμό Γ.Ε.ΜΗ. 149668304000, με το οποίο οι εταίροι αποφάσισαν την λύση της εταιρείας και τη θέση αυτής σε εκκαθάριση.

Εκκαθαριστής της εταιρείας ορίζεται ο:

1. ΠΑΠΑΔΗΜΗΤΡΙΟΥ ΒΑΣΙΛΕΙΟΣ του Αντωνίου, με ΑΦΜ 172586822, ΑΔΤ ΑΜ687549, κάτοικος Λαγυνών Θεσσαλονίκη

Την βεβαίωση αυτή χορηγούμε ύστερα από σχετική αίτηση της Μπρούμα Παναγιώτας αποκλειστικά για δική της νόμιμη χρήση.

Η Υπηρεσία ΓΕΜΗ του

ΕΜΠΟΡΙΚΟΥ & ΒΙΟΜΗΧΑΝΙΚΟΥ ΕΠΙΜΕΛΗΤΗΡΙΟΥ  
 ΘΕΣ/ΝΙΚΗΣ

Η γνησιότητα του παρόντος μπορεί να ελεγχθεί μέσω του ακόλουθου συνδέσμου <https://services.businessportal.gr/publicCertificateDownload/form>

I hereby certify that the attached translation concerns this document.

Athens,..... 16.12.2022.....

The certifying Lawyer

**ΕΙΝΙ ΝΙΚ. ΚΑΡΡΑ**  
**ATTORNEY AT LAW - D.E.S.**  
 ATHENS BAR Nr.: 25775  
 11, LASKARFOS STR., - 114 71 ATHENS  
 VAT Nr.: 226878187 / TAX OFFICE: D' ATHENS  
 TEL.: 210 3612077 - 6974307041  
 email: fkarra@bernitsaslaw.com

I hereby certify that this is a true and accurate photocopy of the original document in my possession.

Athens,..... 16.12.2022.....

The certifying Lawyer

**ΕΙΝΙ ΝΙΚ. ΚΑΡΡΑ**  
**ATTORNEY AT LAW - D.E.S.**  
 ATHENS BAR Nr.: 25775  
 11, LASKARFOS STR., - 114 71 ATHENS  
 VAT Nr.: 226878187 / TAX OFFICE: D' ATHENS  
 TEL.: 210 3612077 - 6974307041  
 email: fkarra@bernitsaslaw.com



Simon Brandis

**From:** Bernadette Henderson <Bernadette.Henderson@fedcourt.gov.au>  
**Sent:** Thursday 15 September 2022 04:04 PM  
**To:** Andrew Clarke; thaystead@jonesday.com  
**Cc:** myiasemides@jonesday.com; rdobson@jonesday.com; Alana Galasso; Caitlin Murray; Claire Latham  
**Subject:** NSD616/2021 - NSD681/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (in liq) & Ors - SMBC Leasing and Finance Inc v Forum Enviro (Aust) Pty Ltd (in Liq) [ME-ME.FID6264995] [SEC=OFFICIAL]  
**Attachments:** Certificate - no service - Iugis Hellas IKE.pdf; Certificate of service - Anastasios Giamouridis.pdf

**OFFICIAL**

Dear Mr Clarke

The Court has just received further deliveries from Greece, including a certificate that unfortunately states that the documents could not be served. Please find attached:

- A certificate of service which certifies that the relevant documents were served on Anastasios Giamouridis; and
- A certificate advising that the relevant documents were not served on Iugis Hellas IKE on the basis that the recipient was unknown at the address given.

The Registrar is arranging for the certificate of service to be filed.

Kind regards

**Bernadette Henderson | Principal Registry, Legal**

Federal Court of Australia | Harry Gibbs Commonwealth Law Courts, 119 North Quay BRISBANE QLD 4000

e. [Bernadette.Henderson@fedcourt.gov.au](mailto:Bernadette.Henderson@fedcourt.gov.au) | w. [www.fedcourt.gov.au](http://www.fedcourt.gov.au)**From:** Bernadette Henderson**Sent:** Wednesday, 14 September 2022 2:54 PM**To:** Andrew Clarke <Andrew.Clarke@minterellison.com>**Cc:** Haystead, Tom <thaystead@jonesday.com>; Yiasemides, Maria <myiasemides@jonesday.com>; Dobson, Roger <rdobson@jonesday.com>; Alana Galasso <Alana.Galasso@minterellison.com>; Caitlin Murray <Caitlin.Murray@minterellison.com>; Claire Latham <Claire.Latham@minterellison.com>**Subject:** RE: NSD616/2021 - NSD681/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (in liq) & Ors - SMBC Leasing and Finance Inc v Forum Enviro (Aust) Pty Ltd (in Liq) [ME-ME.FID6264995] [SEC=OFFICIAL]**OFFICIAL**

Dear Mr Clarke

In relation to your email below, the Court has received return copies of the documents to be served on Iugis Hellas IKE, however, there was no accompanying certificate of service.

The Registrar is presently following up with the Greek Central Authority.

I will get back in touch once we receive further information.

Kind regards

**Bernadette Henderson | Principal Registry, Legal**

Federal Court of Australia | Harry Gibbs Commonwealth Law Courts, 119 North Quay BRISBANE QLD 4000

e. [Bernadette.Henderson@fedcourt.gov.au](mailto:Bernadette.Henderson@fedcourt.gov.au) | w. [www.fedcourt.gov.au](http://www.fedcourt.gov.au)**From:** Andrew Clarke <Andrew.Clarke@minterellison.com>**Sent:** Tuesday, 13 September 2022 4:15 PM**To:** Bernadette Henderson <Bernadette.Henderson@fedcourt.gov.au>



**Cc:** Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Yiasemides, Maria <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>; Dobson, Roger <[rdobson@jonesday.com](mailto:rdobson@jonesday.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Claire Latham <[Claire.Latham@minterellison.com](mailto:Claire.Latham@minterellison.com)>  
**Subject:** RE: NSD616/2021 - NSD681/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (in liq) & Ors - SMBC Leasing and Finance Inc v Forum Enviro (Aust) Pty Ltd (in Liq) [SEC=OFFICIAL] [ME-ME.FID6264995]

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Dear Ms Henderson

Thank you for advising the below.

In relation to the Westpac proceedings (NSD616/2021), the outstanding requests for service abroad submitted to Greece are in respect of the following respondents:

- (a) the twenty-seventh respondent, Mazcon;
- (b) the twenty-ninth respondent, Anastasios Giamouridis;
- (c) the forty-second respondent, Iugis Hellas IKE; and
- (d) the forty-third respondent, Iugis Energy SA.

We assume that the Court is yet to receive any confirmation from the Greek Central Authority of the status of service on the abovementioned respondents and would be grateful if you could confirm this. The matter is listed for a case management hearing on Friday, 16 September 2022 before his Honour Justice Thawley and we would like to be in a position to give an overview of the status of service of the Greek based respondents to his Honour at that time.

Regards

**Andrew Clarke**

Associate

T +61 2 9921 8514 M + 61 475 670 974

[andrew.clarke@minterellison.com](mailto:andrew.clarke@minterellison.com)

**MinterEllison** Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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**From:** Bernadette Henderson <[Bernadette.Henderson@fedcourt.gov.au](mailto:Bernadette.Henderson@fedcourt.gov.au)>

**Sent:** Tuesday 13 September 2022 03:08 PM

**To:** Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>

**Cc:** Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Yiasemides, Maria <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>; Dobson, Roger <[rdobson@jonesday.com](mailto:rdobson@jonesday.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Claire Latham <[Claire.Latham@minterellison.com](mailto:Claire.Latham@minterellison.com)>

**Subject:** RE: NSD616/2021 - NSD681/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (in liq) & Ors - SMBC Leasing and Finance Inc v Forum Enviro (Aust) Pty Ltd (in Liq) [ME-ME.FID6264995] [SEC=OFFICIAL]

## OFFICIAL

Dear Mr Clarke

I can advise that to date the Court has received the following from the Greek authorities:

- A certificate of service which certifies that the relevant documents were served on Aromatika Fyta Tsai Olympou Theion Ike (attached); and
- A certificate advising that the relevant documents were not served on D & D Group O.E. because, according to the Tax Office, it is not a registered company (attached).



The Registrar is now arranging for the certificate of service regarding the service of documents on Aromatika Fyta Tsai Olympou Theion Ike to be filed.

Kind regards

**Bernadette Henderson | Principal Registry, Legal**

Federal Court of Australia | Harry Gibbs Commonwealth Law Courts, 119 North Quay BRISBANE QLD 4000

e. [Bernadette.Henderson@fedcourt.gov.au](mailto:Bernadette.Henderson@fedcourt.gov.au) | w. [www.fedcourt.gov.au](http://www.fedcourt.gov.au)

**From:** Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>

**Sent:** Tuesday, 6 September 2022 3:15 PM

**To:** Bernadette Henderson <[Bernadette.Henderson@fedcourt.gov.au](mailto:Bernadette.Henderson@fedcourt.gov.au)>

**Cc:** Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Yiasemides, Maria <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>; Dobson, Roger <[rdobson@jonesday.com](mailto:rdobson@jonesday.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Claire Latham <[Claire.Latham@minterellison.com](mailto:Claire.Latham@minterellison.com)>

**Subject:** RE: NSD616/2021 - NSD681/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (in liq) & Ors - SMBC Leasing and Finance Inc v Forum Enviro (Aust) Pty Ltd (in Liq) [SEC=OFFICIAL] [ME-ME.FID6264995]

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Dear Ms Henderson

We refer to the chain below regarding Westpac's requests for service abroad in Greece pursuant to the *Hague Convention*.

We would be grateful if the Court could advise whether there has been any update from the Greek Central Authority since Westpac's requests were dispatched on 14 July 2022.

Regards

Andrew Clarke

Associate

T +61 2 9921 8514 M + 61 475 670 974

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**From:** Bernadette Henderson <[Bernadette.Henderson@fedcourt.gov.au](mailto:Bernadette.Henderson@fedcourt.gov.au)>

**Sent:** Thursday 14 July 2022 05:36 PM

**To:** Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>

**Cc:** Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Yiasemides, Maria <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>; Dobson, Roger <[rdobson@jonesday.com](mailto:rdobson@jonesday.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Claire Latham <[Claire.Latham@minterellison.com](mailto:Claire.Latham@minterellison.com)>

**Subject:** RE: NSD616/2021 - NSD681/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (in liq) & Ors - SMBC Leasing and Finance Inc v Forum Enviro (Aust) Pty Ltd (in Liq) [ME-ME.FID6264995] [SEC=OFFICIAL]

## OFFICIAL

Dear Mr Clarke

Please be advised that the Registrar has accepted the Forms 25 and 26 for filing and the documents were dispatched to Greece today.

Kind regards

**Bernadette Henderson | Principal Registry, Legal**

Federal Court of Australia | Harry Gibbs Commonwealth Law Courts, 119 North Quay BRISBANE QLD 4000

e. [Bernadette.Henderson@fedcourt.gov.au](mailto:Bernadette.Henderson@fedcourt.gov.au) | w. [www.fedcourt.gov.au](http://www.fedcourt.gov.au)

**From:** Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>  
**Sent:** Wednesday, 13 July 2022 4:45 PM  
**To:** Bernadette Henderson <[Bernadette.Henderson@fedcourt.gov.au](mailto:Bernadette.Henderson@fedcourt.gov.au)>  
**Cc:** Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Yiasemides, Maria <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>; Dobson, Roger <[rdobson@jonesday.com](mailto:rdobson@jonesday.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Claire Latham <[Claire.Latham@minterellison.com](mailto:Claire.Latham@minterellison.com)>  
**Subject:** RE: NSD616/2021 - NSD681/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (in liq) & Ors - SMBC Leasing and Finance Inc v Forum Enviro (Aust) Pty Ltd (in Liq) [SEC=OFFICIAL] [ME-ME.FID6264995]

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Dear Ms Henderson

Further to my email below, this is email 2 of 2 with **attached** translated Form 26 documents in respect of:

- (a) the forty-third respondent, Iugis Energy SA,
- (b) the forty-eighth respondent, D&D Group O.E; and
- (c) the forty-ninth respondent, Aromatika Fyta Tsai Olympou Theion Ike.

We would be grateful if you could confirm receipt of both this email and the email below.

Regards

—  
**Andrew Clarke**  
 Associate  
 T +61 2 9921 8514 M + 61 475 670 974  
[andrew.clarke@minterellison.com](mailto:andrew.clarke@minterellison.com)  
**MinterEllison** Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000  
[minterellison.com](http://minterellison.com) Follow us on **LinkedIn** and **Twitter**

**From:** Andrew Clarke  
**Sent:** Wednesday 13 July 2022 04:42 PM  
**To:** Bernadette Henderson <[Bernadette.Henderson@fedcourt.gov.au](mailto:Bernadette.Henderson@fedcourt.gov.au)>  
**Cc:** Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Yiasemides, Maria <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>; Dobson, Roger <[rdobson@jonesday.com](mailto:rdobson@jonesday.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Claire Latham <[Claire.Latham@minterellison.com](mailto:Claire.Latham@minterellison.com)>  
**Subject:** RE: NSD616/2021 - NSD681/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (in liq) & Ors - SMBC Leasing and Finance Inc v Forum Enviro (Aust) Pty Ltd (in Liq) [SEC=OFFICIAL] [ME-ME.FID6264995]

Dear Ms Henderson

I refer to your attached email and resend my email of 4.03pm below with attachments separated into two separate emails due to size.

This is email 1 of 2 with the translated Form 26 documents for:

- (a) the twenty-seventh respondent, Mazcon;
- (b) the twenty-ninth respondent, Anastasios Giamouridis;
- (c) the forty-second respondent, Iugis Hellas IKE;

Regards



---

**Andrew Clarke**

Associate

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andrew.clarke@minterellison.com

**MinterEllison** Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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---

**From:** Andrew Clarke

**Sent:** Wednesday 13 July 2022 04:03 PM

**To:** 'Bernadette Henderson' <[Bernadette.Henderson@fedcourt.gov.au](mailto:Bernadette.Henderson@fedcourt.gov.au)>

**Cc:** Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Yiasemides, Maria <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>; Dobson, Roger <[rdobson@jonesday.com](mailto:rdobson@jonesday.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Claire Latham <[Claire.Latham@minterellison.com](mailto:Claire.Latham@minterellison.com)>

**Subject:** RE: NSD616/2021 - NSD681/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (in liq) & Ors - SMBC Leasing and Finance Inc v Forum Enviro (Aust) Pty Ltd (in Liq) [SEC=OFFICIAL] [ME-ME.FID6264995]

Dear Ms Henderson

Thank you for your email.

Westpac has obtained injunctive relief in Greece against Mazcon Investments Hellas IKE (**Mazcon**) in aid of proceedings NSD 616/2021 (where SMBC has not) and is concerned to ensure that the Westpac documents are served as soon as possible. In those circumstances, Westpac does not consent to SMBC's request for dispatch of the Westpac documents to be delayed and respectfully request the Registrar to dispatch the documents prior to receipt of SMBC's application.

With respect to the documents provided to the Court by Westpac, we note that Greek translated versions of the Form 26 documents with respect to the respondents to be served in Greece were not available and not provided at the time of the submission of the hard copy documents on 22 June 2022. We understand that the Greek Central Authority, the Hellenic Ministry of Justice does not require Greek translations of the Form 26 documents to be included in the packages to be dispatched to Greece. However, we have obtained translations of these documents, and provide a copy of the same, out of completeness noting the requirements of r 10.64(2)(d) of the *Federal Court Rules 2011* (Cth). Accordingly, we attach the relevant translations of Form 26 in respect of:

- (a) the twenty-seventh respondent, Mazcon;
- (b) the twenty-ninth respondent, Anastasios Giamouridis;
- (c) the forty-second respondent, Iugis Hellas IKE;
- (d) the forty-third respondent, Iugis Energy SA,
- (e) the forty-eighth respondent, D&D Group O.E; and
- (f) the forty-ninth respondent, Aromatika Fyta Tsai Olympou Theion Ike.

We would be grateful if the Registry could confirm when the documents relating to the Westpac proceedings (NSD616/2021) have been dispatched to Greece. We note that this matter is before his Honour Justice Lee for an interlocutory application next Tuesday, 19 July 2022 commencing at 9.30am.

Regards

---

**Andrew Clarke**

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andrew.clarke@minterellison.com

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**From:** Bernadette Henderson <[Bernadette.Henderson@fedcourt.gov.au](mailto:Bernadette.Henderson@fedcourt.gov.au)>  
**Sent:** Wednesday 13 July 2022 02:45 PM  
**To:** Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Claire Latham <[Claire.Latham@minterellison.com](mailto:Claire.Latham@minterellison.com)>; Yiasemides, Maria <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>  
**Cc:** Dobson, Roger <[rdobson@jonesday.com](mailto:rdobson@jonesday.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>  
**Subject:** RE: NSD616/2021 - NSD681/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (in liq) & Ors - SMBC Leasing and Finance Inc v Forum Enviro (Aust) Pty Ltd (in Liq) [SEC=OFFICIAL]

## OFFICIAL

Dear Mr Haystead

Thank you for your prompt response.

The Registrar is content to postpone the dispatch of the Westpac documents until the SMBC documents are received to ensure that all documents reach Greece's Central Authority at the same time.

Many thanks

**Bernadette Henderson | Principal Registry, Legal**

Federal Court of Australia | Harry Gibbs Commonwealth Law Courts, 119 North Quay BRISBANE QLD 4000  
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**From:** Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>  
**Sent:** Wednesday, 13 July 2022 2:14 PM  
**To:** Bernadette Henderson <[Bernadette.Henderson@fedcourt.gov.au](mailto:Bernadette.Henderson@fedcourt.gov.au)>; Claire Latham <[Claire.Latham@minterellison.com](mailto:Claire.Latham@minterellison.com)>; Yiasemides, Maria <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>  
**Cc:** Dobson, Roger <[rdobson@jonesday.com](mailto:rdobson@jonesday.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>  
**Subject:** RE: NSD616/2021 - NSD681/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (in liq) & Ors - SMBC Leasing and Finance Inc v Forum Enviro (Aust) Pty Ltd (in Liq) [SEC=OFFICIAL]

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Dear Bernadette,

Thank you for your email. I can confirm that we are in the process of having the translated versions of SMBC's documents finalised.

We anticipate receiving copies of the translated and certified documents from Greece, ready for submission to the Court Registry in accordance with your email, in the next few days. If the Registrar considers it appropriate, we would be grateful if the Court would postpone dispatching any documents on behalf of the parties pending the submission of SMBC's translated documents and Forms 25 and 26 (so that all of the applications to the Central Authority in Greece might be made simultaneously).

We will provide confirmation of the delivery of our documents to the Registry as soon as possible.

Kind regards

Tom Haystead

Associate

[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)

Aurora Place



Level 41, 88 Phillip Street  
 Sydney, NSW 2000 Australia  
 Office +61.2.8272.0737

**From:** Bernadette Henderson <[Bernadette.Henderson@fedcourt.gov.au](mailto:Bernadette.Henderson@fedcourt.gov.au)>  
**Sent:** Wednesday, July 13, 2022 1:54 PM  
**To:** Claire Latham <[Claire.Latham@minterellison.com](mailto:Claire.Latham@minterellison.com)>; Yiasemides, Maria <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>  
**Cc:** Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Dobson, Roger <[rdobson@jonesday.com](mailto:rdobson@jonesday.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>  
**Subject:** RE: NSD616/2021 - NSD681/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (in liq) & Ors - SMBC Leasing and Finance Inc v Forum Enviro (Aust) Pty Ltd (in Liq) [SEC=OFFICIAL]

**\*\* External mail \*\***

## OFFICIAL

Good afternoon

I refer to the above matter and would like to confirm receipt of the documents from Minter Ellison in relation to Westpac. The documents have been processed, including the signing and sealing of the Forms 25 and 26 by the Registrar. They are ready to be dispatched to Greece.

The Registrar has enquired as to when the documents from Jones Day in relation to SMBC can be expected. As advised in my email below, in accordance with Rule 10.64 of the *Federal Court Rules 2011 (Cth)*, you are now welcome to submit the documents in triplicate to the Court.

Please post or deliver the documents to:

Registrar Hammerton Cole  
 Federal Court of Australia  
 Principal Registry  
 Level 17, Law Courts Building  
 184 Phillip Street  
 Queens Square, Sydney NSW 2000

Please don't hesitate to contact me if I can assist any further.

Kind regards

**Bernadette Henderson | Principal Registry, Legal**  
 Federal Court of Australia | Harry Gibbs Commonwealth Law Courts, 119 North Quay BRISBANE QLD 4000  
 e. [Bernadette.Henderson@fedcourt.gov.au](mailto:Bernadette.Henderson@fedcourt.gov.au) | w. [www.fedcourt.gov.au](http://www.fedcourt.gov.au)

**From:** Bernadette Henderson  
**Sent:** Thursday, 16 June 2022 2:16 PM  
**To:** Claire Latham <[Claire.Latham@minterellison.com](mailto:Claire.Latham@minterellison.com)>  
**Cc:** [thaystead@jonesday.com](mailto:thaystead@jonesday.com); [myiasemides@jonesday.com](mailto:myiasemides@jonesday.com); [rdobson@jonesday.com](mailto:rdobson@jonesday.com); Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>  
**Subject:** RE: NSD616/2021 - NSD681/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (in liq) & Ors - SMBC Leasing and Finance Inc v Forum Enviro (Aust) Pty Ltd (in Liq) [SEC=OFFICIAL]

## OFFICIAL

Dear Ms Latham

Thank you for your email and amending the documents.

In accordance with Rule 10.64 of the *Federal Court Rules 2011 (Cth)*, you are now welcome to submit the documents in triplicate to the Court.



Please post or deliver the documents to:

Registrar Hammerton Cole  
Federal Court of Australia  
Principal Registry  
Level 17, Law Courts Building  
184 Phillip Street  
Queens Square, Sydney NSW 2000

Kind regards

**Bernadette Henderson | Principal Registry, Legal**

Federal Court of Australia | Harry Gibbs Commonwealth Law Courts, 119 North Quay BRISBANE QLD 4000

e. [Bernadette.Henderson@fedcourt.gov.au](mailto:Bernadette.Henderson@fedcourt.gov.au) | w. [www.fedcourt.gov.au](http://www.fedcourt.gov.au)

**From:** Claire Latham <[Claire.Latham@minterellison.com](mailto:Claire.Latham@minterellison.com)>

**Sent:** Thursday, 9 June 2022 8:43 AM

**To:** Bernadette Henderson <[Bernadette.Henderson@fedcourt.gov.au](mailto:Bernadette.Henderson@fedcourt.gov.au)>

**Cc:** [thaystead@jonesday.com](mailto:thaystead@jonesday.com); [myiasemides@jonesday.com](mailto:myiasemides@jonesday.com); [rdoobson@jonesday.com](mailto:rdoobson@jonesday.com); Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>

**Subject:** RE: NSD616/2021 - NSD681/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (in liq) & Ors - SMBC Leasing and Finance Inc v Forum Enviro (Aust) Pty Ltd (in Liq) [SEC=OFFICIAL]

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Dear Ms Henderson

Thank you for your email below and the Registrar's comments on:

1. Westpac Banking Corporation and Westpac Zealand Limited's (the applicants in proceedings NSD616/2021) (together, **Westpac**); and
2. SMBC LEASING AND FINANCE, INC. SYDNEY BRANCH ARBN 602 309 366's (the applicant in proceeding NSD681/2021) (**SMBC**),

draft requests for service abroad (Form 25) and summary of documents to be served (Form 26).

We and Jones Day have updated the relevant forms for our respective clients taking into account the Registrar's comments and **attach** for the Registrar's further review:

1. a zipfile of the updated Form 25 and Form 26 documents prepared on behalf of Westpac;
2. a zipfile of compares of the updated Form 25 and Form 26 documents prepared on behalf of Westpac against the previous drafts circulated by email to the Registry from Andrew Clarke of MinterEllison dated 27 May 2022 at 1.05pm;
3. a zip file of the updated Form 25 and Form 26 documents prepared on behalf of SMBC;
4. a zipfile of compares of the updated Form 25 and Form 26 documents prepared on behalf of SMBC against the previous drafts circulated by email to the Registry from Andrew Clarke of MinterEllison dated 27 May 2022 at 1.05pm;
5. a draft costs undertaking of Caitlin Maria Murray, the solicitor on the record for Westpac in proceedings NSD616/2021;
6. a draft costs undertaking of Maria Yiasemides, the solicitor on the record for SMBC in proceedings NSD681/2021.

We and Jones Day note in regards to the Registrar's request for more fulsome details, including email addresses, under the 'ENQUIRIES ABOUT THE AVAILABILITY OF LEGAL AID OR ADVICE IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED MAY BE DIRECTED TO:' section of Form 26 that Law Access NSW has advised that it does not have an enquiries email address. Accordingly, the only contact details which appear next to the details of Law Access NSW are a telephone number, fax number and postal address.

The solicitors for SMBC, Jones Day, are copied to and consent to this email.

We and Jones Day look forward to receiving the Registrar's confirmation that the documents are suitable for filing or any further comments.

Kind regards

—  
**Claire Latham**

Senior Associate

T +61 2 9921 4280 | M +61 420 759 930

claire.latham@minterellison.com

**MinterEllison** Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

minterellison.com Follow us on **LinkedIn** and **Twitter**




---

**From:** Bernadette Henderson <[Bernadette.Henderson@fedcourt.gov.au](mailto:Bernadette.Henderson@fedcourt.gov.au)>

**Sent:** Thursday 2 June 2022 02:34 PM

**To:** Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>

**Cc:** [thaystead@jonesday.com](mailto:thaystead@jonesday.com); [myiasemides@jonesday.com](mailto:myiasemides@jonesday.com); [rdobson@jonesday.com](mailto:rdobson@jonesday.com); Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>

**Subject:** NSD616/2021 - NSD681/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (in liq) & Ors - SMBC Leasing and Finance Inc v Forum Enviro (Aust) Pty Ltd (in Liq) [SEC=OFFICIAL]

## OFFICIAL

Dear Mr Clarke

Thank you for providing the New South Wales District Registry of the Federal Court (the **Court**) with digital copies of:

- the nine 'Request for Service Abroad of Judicial Documents and Certificate' (**Form 25**), and
- the nine 'Summary of Document to be Served' (**Form 26**),

with a view to having those documents served abroad pursuant to the Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the **Convention**) on six respondents in proceedings NSD616/2021 Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (in liq) & Ors and on three respondents in proceedings NSD681/2021 SMBC Leasing and Finance Inc v Forum Enviro (Aust) Pty Ltd (in Liq). I note that Jones Day is acting for the applicant in the SMBC proceedings and that you have provided the relevant documents in those proceedings on behalf of Jones Day.

The documents submitted to the New South Wales District Registry have been forwarded to a Registrar in the Principal Registry of the Court for consideration. I note that while the Principal Registry does not offer legal advice, it does have an interest in the expeditious service of documents in accordance with the Convention.

The Registrar has reviewed the documents submitted and makes the following comments with respect to them. The comments are made in general and, unless otherwise stated, refer to each copy of the forms 25 and 26.

### A. Additional document

While noting your intention to provide pre-paid international post boxes to the Court's NSW Registry, at this stage of the application, the Court does require a written and signed undertaking pursuant to rule 10.64(3) of the *Federal Court Rules 2011* (Cth) in both matters.

### B. Form 25 – Request for service abroad of judicial documents and certificate

Proceedings number

A complete proceedings number should be listed in the top right corner of the first page of Form 25 and, in particular, the prefix "NSD" should be included. I note that the full proceedings number has already been included in Form 25 with respect to the SMBC proceedings.

#### Contact details in the footer

The Registrar requests that the address for service in the footer include reference to "Australia".

#### List of documents

On page 2 of Form 25, under the heading 'list of documents', there are references to the documents for service. The Registrar has noted that the references to the dates on the documents being served require more specificity. This is because there are actually two dates on the documents to be served; one is the date on which the documents were lodged electronically for filing, and the other is the date that they were processed by Registry staff.

To avoid ambiguity, the Registrar requests that information communicated about filing dates be more precise. You may wish to use words, for example, to the following effect:

Fourth Further Amended Originating Application, submitted for filing, and filed, on 19 November 2021 at 2:08:20 PM AEDT

Such unambiguous references should be carried through to all documents mentioned in the list of documents.

### **C. Form 26 (Originating Application) – First Respondent: Summary of documents to be served**

#### Proceedings number

A complete proceedings number should be listed in the top right corner of the first page of Form 26 and, in particular, the prefix "NSD" should be included. I note that the full proceedings number has already been included in Form 26 with respect to the SMBC proceedings.

#### Contact details in the footer

The Registrar requests that the address for service in the footer include reference to "Australia".

#### Enquiries about the availability of legal aid

The Registrar notes that the contact details for legal aid could be more generous. It is recommended that you amend by including full details for each organisation including the postal address and email address, where not already included, for both Legal Aid NSW and Law Access NSW.

#### Name and address of forwarding authority

The Registrar requests that a telephone number be included in the contact details and that it be preceded by Australia's international dial prefix.

#### Particulars of the parties

In relation to the Form 26 prepared in the Westpac proceedings, the Registrar recommends that you either list all respondents in the 'Particulars of the parties' section or, alternatively, you refer to the Schedule at the end of the form using a formulation of words such as "Please see the Schedule at the end of this document for a full list of the respondents in these proceedings".

In relation to the Form 26 prepared in the SMBS proceedings, the Registrar recommends that the applicant's address details be included.

#### Judicial Documents

The Registrar requests that the references to the judicial documents recorded on the second page of Form 26, as much as possible, reflect, at least in respect of filing dates of those documents, the manner in which those documents were recorded under the 'List of documents' subheading on page 2 of Form 25.

### **D. Next steps**

Once the requested additional documents have been provided, and the amendments to Forms 25 and 26 have been made, please forward digital copies of those amended forms to me so that I can draw them to the Registrar's attention. You will be notified if the Registrar is satisfied with the documents and of any further steps that need to be taken.



As you have noted that translations need to be undertaken, the Registrar suggest that this not be completed until you receive further confirmation from the Court that the documents are in order and suitable to be accepted for filing. I note that the Forms 25 and 26 will not formally be accepted for filing until hard copies of all documents are received and reviewed by a Registrar.

In relation to your enquiry regarding a conference, the Registrar does not think it is necessary at this stage. However, you should feel free to contact me if you have any questions.

Kind regards

**Bernadette Henderson | Principal Registry, Legal**

Federal Court of Australia | Harry Gibbs Commonwealth Law Courts, 119 North Quay BRISBANE QLD 4000

e. [Bernadette.Henderson@fedcourt.gov.au](mailto:Bernadette.Henderson@fedcourt.gov.au) | w. [www.fedcourt.gov.au](http://www.fedcourt.gov.au)

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**IMPORTANT INFORMATION, PLEASE READ**

MinterEllison respectfully acknowledges the Traditional Custodians on whose lands we live, work and learn. We offer our respects to Elders past and present.

**VACCINATED WORKPLACES**

Only **fully vaccinated** (at least two doses of an approved COVID-19 vaccination) MinterEllison partners, staff, clients, suppliers, and visitors can meet and work at our offices. By visiting our offices, you confirm you are fully vaccinated.

**OTHER MATTERS**

This email, including any attachments, is confidential and may be legally privileged (and neither is waived or lost by mistaken delivery). Please notify us if you have received this email in error and promptly delete it from your system. Any unauthorised use of this email is expressly prohibited. Our liability in connection with this email (including due to viruses in any attachments) is limited to re-supplying this email and its attachments. We collect personal information to provide and market our services and for other purposes - please refer to our privacy policy for more information on how we collect and handle personal information.

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Sensitive: Legal

\*\*\*This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.\*\*\*

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**IMPORTANT INFORMATION, PLEASE READ**

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**VACCINATED WORKPLACE**

MinterEllison is committed to keeping our people and communities safe and preventing the spread of COVID-19 and its variants. Our offices are fully vaccinated workplaces. Only fully vaccinated partners and staff, clients, suppliers, contractors and visitors can meet and work at our offices. [Read more for access procedures.](#)

**OTHER MATTERS**

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collect personal information to provide and market our services and for other purposes - please refer to our privacy policy for more information on how we collect and handle personal information.

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MinterEllison respectfully acknowledges the Traditional Custodians on whose lands we live, work and learn. We offer our respects to Elders past and present.

#### **VACCINATED WORKPLACE**

MinterEllison is committed to keeping our people and communities safe and preventing the spread of COVID-19 and its variants. Our offices are fully vaccinated workplaces. Only fully vaccinated partners and staff, clients, suppliers, contractors and visitors can meet and work at our offices. [Read more for access procedures.](#)

#### **OTHER MATTERS**

This email, including any attachments, is confidential and may be legally privileged (and neither is waived or lost by mistaken delivery). Please notify us if you have received this email in error and promptly delete it from your system. Any unauthorised use of this email is expressly prohibited. Our liability in connection with this email (including due to viruses in any attachments) is limited to re-supplying this email and its attachments. We collect personal information to provide and market our services and for other purposes - please refer to our privacy policy for more information on how we collect and handle personal information.

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Sensitive: Legal




## CERTIFICATE ATTESTATION

The undersigned authority has the honour to certify, in conformity with Article 6 of the Convention,  
L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

1. that the document has been served\*  
que la demande a été exécutée\*

– the (date) / le (date):	1.
– at (place, street, number): à (localité, rue, numéro) :	2.

– in one of the following methods authorised by Article 5:  
dans une des formes suivantes prévues à l'article 5 :

<input type="checkbox"/>	a) in accordance with the provisions of sub-paragraph a) of the first paragraph of Article 5 of the Convention* selon les formes légales (article 5, alinéa premier, lettre a))*	
<input type="checkbox"/>	b) in accordance with the following particular method*: selon la forme particulière suivante* : _____	
<input type="checkbox"/>	c) by delivery to the addressee, if he accepts it voluntarily* par remise simple*	

The documents referred to in the request have been delivered to:  
Les documents mentionnés dans la demande ont été remis à :

Identity and description of person: Identité et qualité de la personne :	3
Relationship to the addressee (family, business or other): Liens de parenté, de subordination ou autres, avec le destinataire de l'acte :	4.

2. that the document has not been served, by reason of the following facts\*:  
que la demande n'a pas été exécutée, en raison des faits suivants\*:

5. Recipient Unknown at the Given Address	
---	--

- In conformity with the second paragraph of Article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement\*.  
Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint\*.

### Annexes / Annexes

Documents returned: Pièces renvoyées :	
In appropriate cases, documents establishing the service: Le cas échéant, les documents justificatifs de l'exécution :	

\* if appropriate / s'il y a lieu

Done at / Fait à THESSALONIKI	Signature and/or stamp The Prosecutor Signature et/ou cachet
The / le 24/8/2022	  <b>ΣΟΦΙΑ ΔΗΛΙΟΤΑΔΟΥ</b> <b>ΑΝΤΙΣΤΑΓΓΕΛΕΑΣ ΠΡΩΤΟΔΙΚΩΝ</b>

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 1/07/2021 5:35:31 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: Notice of Address for Service - Form 10 - Rule 5.02  
File Number: NSD616/2021  
File Title: WESTPAC BANKING CORPORATION ABN 33 007 457 141 v FORUM  
FINANCE PTY LIMITED & ANOR  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF  
AUSTRALIA



*Sia Lagos*

Dated: 2/07/2021 9:31:10 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.

Form 10  
Rules 5.02; 11.07



### Notice of address for service

No. NSD616 of 2021

Federal Court of Australia  
District Registry: NSW  
Division: General

#### Westpac Banking Corporation

Applicant

#### Forum Finance Pty Ltd and another

Respondent

Basile Papadimitriou of 23 Margaret St Rozelle NSW 2039, the second respondent, gives notice that the second respondent's address for service is:

Place: c/-Panetta Lawyers  
Level 6, 111 Elizabeth St  
Sydney NSW 2000

Email: law@panetta.com.au

Date: 1 July 2021

Signed by Rocco Vincenzo Panetta  
Lawyer for the second respondent

Filed on behalf of (name & role of party)	Basile Papadimitriou, the second respondent		
Prepared by (name of person/lawyer)	Rocco Panetta, Lawyer		
Law firm (if applicable)	Panetta Lawyers		
Tel	02 9159 9048	Fax	02 8572 9992
Email	law@panetta.com.au		
<b>Address for service</b> (include state and postcode)	Level 6, 111 Elizabeth St Sydney NSW 2000		

[Form approved 01/08/2011]

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 8/07/2021 8:54:39 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: Notice of Acting - Appointment of Lawyer - Form 4 - Rule 4.03  
File Number: NSD616/2021  
File Title: WESTPAC BANKING CORPORATION ABN 33 007 457 141 v FORUM  
FINANCE PTY LIMITED & ORS  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF  
AUSTRALIA



Dated: 9/07/2021 8:44:54 AM AEST

A handwritten signature in blue ink that reads 'Sia Lagos'.

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 4  
Rule 4.03



## Notice of acting – appointment of lawyer

No. NSD616 of 2021

Federal Court of Australia  
District Registry: NSW  
Division: General

### Westpac Banking Corporation

Applicant

### Forum Finance Pty Ltd and others

Respondent

Basile Papadimitriou the second respondent has appointed Rocco Vincenzo Panetta of Panetta Lawyers to represent the second respondent in the proceeding.

The address for service of the second respondent is:

Place: c/-Panetta Lawyers  
Level 6, 111 Elizabeth St  
Sydney NSW 2000

Email: law@panetta.com.au

Date: 8 July 2021

Signed by Rocco Panetta  
Lawyer for the second respondent

Filed on behalf of (name & role of party)	Basile Papadimitriou, the second respondent		
Prepared by (name of person/lawyer)	Rocco Panetta, Lawyer		
Law firm (if applicable)	Panetta Lawyers		
Tel	02 9159 9048	Fax	02 8572 9992
Email	law@panetta.com.au		
<b>Address for service</b> (include state and postcode)	Level 6, 111 Elizabeth St Sydney NSW 2000		

[Form approved 01/08/2011]



**Simon Brandis**

---

**From:** Andrew Clarke  
**Sent:** Thursday 23 September 2021 04:51 PM  
**To:** r.panetta@panetta.com.au; Sazz Nasimi; Prestwich, Chris; Prinsloo, Kirsty; Goldberg, Tyler; Forum (Allens)  
**Cc:** Caitlin Murray; Michael Hughes; Anthony Sommer; Kate Cockburn; Simon Brandis; Alana Galasso; Damien Jones  
**Subject:** Westpac Banking Corporation & Anor v Forum Finance Pty Ltd & Ors - Federal Court of Australia Proceedings No. NSD616/2021 [ME-ME.FID6264995]  
**Attachments:** Third further amended originating application (sealed) - 23 September 2021.pdf; Further amended statement of claim (sealed) - 23 September 2021.pdf

Dear Colleagues

We refer to the abovementioned proceedings and **attach** by way of service the following Court documents which have been filed today:

1. the Applicants' Third Further Amended Originating Application; and
2. the Applicants' Further Amended Statement of Claim.

Regards

\_\_\_\_\_  
**Andrew Clarke**  
Associate  
T +61 2 9921 8514  
andrew.clarke@minterellison.com  
**MinterEllison** Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000  
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## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 27/09/2021 8:38:17 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: Notice of Ceasing to Act - Form 8 - Rule 4.05(1)(b) 4.04(3)  
File Number: NSD616/2021  
File Title: WESTPAC BANKING CORPORATION ABN 33 007 457 141 & ANOR v FORUM FINANCE PTY LIMITED & ORS  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 27/09/2021 1:21:05 PM AEST

A handwritten signature in blue ink that reads 'Sia Lagos'.

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 8  
Rules 4.04(3); 4.05(1)(b)



## Notice of ceasing to act

No. NSD616 of 2021

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

### Westpac Banking Corporation and another

Applicant

### Forum Finance Pty Ltd (In Liquidation) and others

Respondent

Rocco Vincenzo Panetta of Panetta Lawyers has ceased to act as lawyer for Basile Papadimitriou, the second respondent in the proceedings.

The last known residential or business address of the second respondent is 23 Margaret St Rozelle NSW 2039.

Date: 16 September 2021

Signed by Rocco Vincenzo Panetta  
Lawyer

Filed on behalf of (name & role of party)	Basile Papadimitriou, second respondent		
Prepared by (name of person/lawyer)	Rocco Panetta, lawyer		
Law firm (if applicable)	Panetta Lawyers		
Tel	02 9159 9048	Fax	02 8572 9992
Email	<a href="mailto:law@panetta.com.au">law@panetta.com.au</a>		
<b>Address for service</b> (include state and postcode)	Level 6, 111 Elizabeth St Sydney NSW 2000		

[Version 2 form approved 09/05/2013]

Simon Brandis

---

**From:** Andrew Clarke  
**Sent:** Thursday 11 November 2021 12:53 PM  
**To:** Prestwich, Chris; Prinsloo, Kirsty; Forum (Allens); Sazz Nasimi; Alexandra Lawrence; Melissa.Passarelli@madgwicks.com.au; 'law@panetta.com.au'; Yiasemides, Maria; Dobson, Roger; ian.bolster@ashurst.com; matthew.youssef@ashurst.com; justin.kang@dentons.com; b.quan@cornwalls.com.au; billp@whparsons.com.au; sathya@whparsons.com.au; hayley@whparsons.com.au  
**Cc:** Caitlin Murray; Michael Hughes; Anthony Sommer; Simon Brandis; Kate Cockburn  
**Subject:** RE: Federal Court of Australia Proceedings NSD616/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd & Ors [ME-ME.FID6264995]  
**Attachments:** Second further amended statement of claim (sealed) - 05.11.21.pdf; Fourth further amended originating application (sealed) - 05.11.21.pdf

Dear Colleagues

We refer to our previous email correspondence and now **attach** by way of service sealed copies of:

1. the Applicants' Fourth Further Amended Originating Application; and
2. the Applicants' Second Further Amended Statement of Claim.

Regards

Andrew Clarke

Associate

T +61 2 9921 8514 M + 61 475 670 974

andrew.clarke@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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---

**From:** Andrew Clarke

**Sent:** Friday 5 November 2021 06:46 PM

**To:** 'Prestwich, Chris' <Chris.Prestwich@allens.com.au>; 'Prinsloo, Kirsty' <Kirsty.Prinsloo@allens.com.au>; Forum (Allens) <ForumAllens@allens.com.au>; Sazz Nasimi <Sazz.Nasimi@madgwicks.com.au>; Alexandra Lawrence <Alexandra.Lawrence@madgwicks.com.au>; 'Melissa.Passarelli@madgwicks.com.au' <Melissa.Passarelli@madgwicks.com.au>; 'law@panetta.com.au' <law@panetta.com.au>; 'Yiasemides, Maria' <myiasemides@jonesday.com>; Dobson, Roger <rdoobson@jonesday.com>; 'ian.bolster@ashurst.com' <ian.bolster@ashurst.com>; 'matthew.youssef@ashurst.com' <matthew.youssef@ashurst.com>; 'justin.kang@dentons.com' <justin.kang@dentons.com>; 'b.quan@cornwalls.com.au' <b.quan@cornwalls.com.au>

**Cc:** Caitlin Murray <Caitlin.Murray@minterellison.com>; Michael Hughes <Michael.Hughes@minterellison.com>; Anthony Sommer <Anthony.Sommer@minterellison.com>; Simon Brandis <Simon.Brandis@minterellison.com>; Kate Cockburn <Kate.Cockburn@minterellison.com>

**Subject:** Federal Court of Australia Proceedings NSD616/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd & Ors [ME-ME.FID6264995]

Dear Colleagues

**Federal Court of Australia Proceedings NSD616/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd & Ors**

We refer to order 15 of the orders of Lee J dated 21 October 2021 in the abovementioned proceedings and **attach** by way of service unsealed copies of the following documents which have been filed with the Court:

1. the Applicants' Fourth Further Amended Originating Application; and
2. the Applicants' Second Further Amended Statement of Claim.

Once sealed copies are received from the Court they will be provided.

Regards

---

**Andrew Clarke**

Associate

T +61 2 9921 8514

andrew.clarke@minterellison.com

**MinterEllison** Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000  
minterellison.com Follow us on **LinkedIn** and **Twitter**





# MinterEllison

9 Ιουνίου 2022

## ΔΙΑ ΧΕΙΡΟΣ

Βασίλειος Παπαδημητρίου  
 Διαχειριστής και Νόμιμος εκπρόσωπος  
 Mazcon Investments Hellas IKE  
 c/-Panetta Lawyers  
 Level 6, 111 Elizabeth St  
 Sydney NSW 2000

Αγαπητέ κ. Παπαδημητρίου

**Westpac Banking Corporation & Anor v Forum Finance Pty Limited & Ors – Διαδικασία υπ' αριθ. NSD616/2021 ενώπιον του Ομοσπονδιακού Δικαστηρίου Αυστραλίας (Διαδικασίες ενώπιον του Ομοσπονδιακού Δικαστηρίου της Αυστραλίας) και Αίτηση Ασφαλιστικών Μέτρων των Westpac Banking Corporation και Westpac New Zealand Limited κατά των Βασιλείου Παπαδημητρίου και της Mazcon Investments Hellas IKE με Γενικό Αριθμό Κατάθεσης 27651/2021 και Ειδικό Αριθμό Κατάθεσης 23527/2021 κατατεθείσα ενώπιον του Μονομελούς Πρωτοδικείου Θεσσαλονίκης επί της οποίας εξεδόθη η υπ' αριθ. 5193/2022 απόφαση (οι Διαδικασίες ενώπιον των Ελληνικών Δικαστηρίων)**

1. Ενεργούμε για τη Westpac Banking Corporation και τη Westpac New Zealand Limited (από κοινού, **Westpac**), οι ενάγουσες στις Διαδικασίες ενώπιον του Ομοσπονδιακού Δικαστηρίου Αυστραλίας.
2. Αναφερόμαστε:
  - (a) Στη γνωστοποίηση διεύθυνσης προς επίδοση που κατατέθηκε από εσάς (τον Βασίλειο Παπαδημητρίου) στις Διαδικασίες ενώπιον του Ομοσπονδιακού Δικαστηρίου Αυστραλίας με ημερομηνία 1 Ιουλίου 2021, αναφέροντας ειδικά ως πραγματική διεύθυνση επίδοσης την c/-Panetta Lawyers, Level 6, 111 Elizabeth St, Sydney NSW 2000, και
  - (b) Στην υπ' αριθ. 6663/23.05.2022 απόφαση του Μονομελούς Πρωτοδικείου Θεσσαλονίκης εκδοθείσα επί της αιτήσεως της Westpac ενώπιον του εν λόγω Δικαστηρίου με Γενικό Αριθμό Κατάθεσης 10031/2022 και Ειδικό Αριθμό Κατάθεσης 8396/2022 για την παράταση της προβλεπόμενης στο άρθρο 715 παρ. 5 του Ελληνικού Κώδικα Πολιτικής Δικονομίας προθεσμίας για την επίδοση της αγωγής (ήτοι της Τέταρτης Περαιτέρω Τροποποιημένης Αγωγής (Fourth Further Amended Originating Application) και της Δεύτερης Περαιτέρω Τροποποιημένης Αγωγής (Second Further Amended Statement of Claim) της Westpac) στην Mazcon Investment Hellas IKE, η οποία (αίτηση) υποβλήθηκε από την Westpac κατά του Β. Παπαδημητρίου και της Mazcon Investment Hellas IKE στο πλαίσιο των Διαδικασιών ενώπιον των Ελληνικών Δικαστηρίων, και η οποία (υπ' αριθ. 6663/23.05.2022 απόφαση) περιλάμβανε τα εξής:

*«Λαμβάνοντας υπόψιν ότι το Άρθρο 148 του Ελληνικού Κώδικα Πολιτικής Δικονομίας (ΚΠολΔ) είναι επίσης εφαρμοστέο στην περίπτωση του Άρθρου 715 παρ. 5, αλλά εφαρμόζεται μόνο κατ' εξαίρεση, ώστε η προστασία του πιστωτή να μην επηρεάζεται στην πράξη, ενώ η έγερση μιας αγωγής κρίνεται βάσει του εθνικού δικαίου, ακόμη κι αν η κατάθεση γίνεται ενώπιον αλλοδαπού δικαστηρίου, και ενώ εν προκειμένω οι ενάγοντες συμφώνησαν να προχωρήσουν με την επίδοση της αγωγής της κύριας διαδικασίας στον Βασίλειο Παπαδημητρίου στην Αυστραλία ατομικά, γεγονός που σημαίνει ότι είναι εφικτό να γίνει η επίδοση της αγωγής της κύριας διαδικασίας αμέσως σε αυτόν (στην Αυστραλία) υπό*

**CHRISTOS PAF**  
**ATTORNEY**  
 Athens Bar Assoc  
 11 Timoleonos s  
 Tel.: 69  
 10388226  
 E-mail: cparaskevop

την ιδιότητά του ως νόμιμος εκπρόσωπος της MAZCON INVESTMENTS HELLAS IKE, η οποία προθεσμία που τίθεται στο Άρθρο 715 παρ. 5 του ΚΠολΔ παρατείνεται, σύμφωνα με την υπ' αριθ. 5193/2022 απόφαση του Μονομελούς Πρωτοδικείου Θεσσαλονίκης, μόνο σε σχέση με την επίδοση της αγωγής στη MAZCON INVESTMENTS HELLAS IKE, για είκοσι (20) ημέρες, ώστε η συνολική προθεσμία να είναι πενήντα (50) ημέρες, η οποία επαρκεί για την ανωτέρω επίδοση».

3. Αντίστοιχα και σε συμμόρφωση με την υπ' αριθ. 6663/23.05.2022 απόφαση του Μονομελούς Πρωτοδικείου Θεσσαλονίκης, **επιδίδουμε** προς εσάς, υπό την ιδιότητά σας ως διαχειριστής και νόμιμος εκπρόσωπος της Mazcon Investments Hellas IKE:
- (a) επικυρωμένο μεταφρασμένο στην Ελληνική αντίγραφο μαζί με ένα σφραγισμένο και με αποστίλλη αντίγραφο στην Αγγλική της Τέταρτης Περαιτέρω Τροποποιημένης Αγωγής (Fourth Further Amended Originating Application) της Westrac που κατατέθηκε στις Διαδικασίες ενώπιον των Αυστραλιανών Δικαστηρίων, και
  - (b) επικυρωμένο αντίγραφο μεταφρασμένο στην Ελληνική μαζί με ένα σφραγισμένο και με αποστίλλη αντίγραφο στην Αγγλική της Δεύτερης Περαιτέρω Τροποποιημένης Αγωγής της Westrac (Second Further Amended Statement of Claim) που κατατέθηκε στις Διαδικασίες ενώπιον του Ομοσπονδιακού Δικαστηρίου της Αυστραλίας.

Επισυνάπτεται επικυρωμένο μεταφρασμένο στην Ελληνική γλώσσα αντίγραφο της παρούσας επιστολής.

Με εκτίμηση  
**MinterEllison**

[τίθεται χειρόγραφη υπογραφή]

Partner: Caitlin Murray T: +61 2 9921 4279  
 caitlin.murray@minterellison.com  
 OUR REF: CMM: 1353397

I hereby certify that the present document constitutes a true and exact translation from the English.....into the Greek..... language of the attached original document, which I have effected according to article 36 par. 2 of Law 4101/1973 "Code of Lawyers", and in respect to which I hereby declare that I am proficient in the English.....language.  
 Athens, 9.06.2022  
 The certifying lawyer

**CHRISTOS PARASKEVOPOULOS**  
 ATTORNEY AT LAW - LL.M.  
 Athens Bar Association Reg. No. 21821  
 11 Timoleonos str. - ATHENS 116 36  
 Tel.: 75647432426  
 Greek TIN: 102882767 - VVI Athens Tax Authority  
 E-mail: cparaskevopoulos@bernitsslaw.com

KEVOPOULOS  
 \_AW - LL.M.  
 n Reg. No. 21821  
 ATHENS 116 36  
 132426  
 // Athens Tax Authority  
 @bermitsaslaw.com

# MinterEllison

9 June 2022

## BY HAND

Basile Papadimitriou  
 Administrator and Legal Representative  
 Mazcon Investments Hellas IKE  
 c/-Panetta Lawyers  
 Level 6, 111 Elizabeth St  
 Sydney NSW 2000

Dear Mr Papadimitriou

**Westpac Banking Corporation & Anor v Forum Finance Pty Limited & Ors - Federal Court of Australia Proceeding No. NSD616/2021 (the Federal Court of Australia Proceedings) and Interim Measures Application of Westpac Banking Corporation and Westpac New Zealand Limited against Basile Papadimitriou and Mazcon Investment Hellas IKE with General Filing No. 27651/2021 and Special Filing No. 23527/2021 filed before the Single Member First Instance Court of Thessaloniki on which Decision no. 5193/2022 was issued (the Greek Court Proceedings)**

1. We act for Westpac Banking Corporation and Westpac New Zealand Limited (together, **Westpac**), the applicants in the Federal Court of Australia Proceedings.
2. We refer to:
  - (a) the notice of address for service filed by you (Basile Papadimitriou) in the Federal Court of Australia Proceedings dated 1 July 2021, specifying your physical notice of address for service as c/-Panetta Lawyers, Level 6, 111 Elizabeth St, Sydney NSW 2000; and
  - (b) the Decision no. 6663/23.05.2022 of the Single Member First Instance Court of Thessaloniki issued upon Westpac's application before said Court with General Filing No. 10031/2022 and Special Filing No. 8396/2022 for extending the provided by art. 715 par. 5 of the Greek Civil Procedure Code deadline for the service of the legal action (i.e. Westpac's Fourth Further Originating Application and Second Further Amended Statement of Claim) on Mazcon Investment Hellas IKE which (application) was submitted by Westpac against B. Papadimitriou and Mazcon Investment Hellas IKE in the context of the Greek Court Proceedings and which (Decision no. 6663/23.05.2022) included the following:

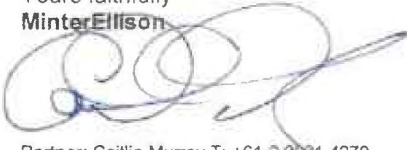
*Taking into account that the provision of the Article 148 of the Greek Civil Procedure Code (GCPC) may also apply to the deadline set in Article 715 par. 5, but this application should only take place exceptionally, so that the provision of consideration to the debtor is not affected in practice, while also that bringing an action should be judged in accordance with domestic law, even if the filing takes place before a foreign court, while in the present case the applicants agreed to proceed with the service of the legal action in the main proceedings to Basile Papadimitriou in Australia, individually, meaning that it is possible to serve the legal action in the main proceedings immediately to him there (in Australia) under his capacity as the legal representative of MAZCON INVESTMENTS HELLAS IKE, the deadline set in Article 715 par. 5 of the GCPC is extended, regarding the Court Judgment no 5193/2022 of the First Instance Court of Thessaloniki, only in respect of the service of the legal action to MAZCON INVESTMENTS HELLAS IKE, for twenty (20) days, so as the total deadline is fifty (50) days, which is sufficient enough for the aforementioned service.'*



3. Accordingly and in compliance with Decision no. 6663/23.05.2022 of the Single Member First Instance Court of Thessaloniki, we **enclose** by way of service on you in your capacity as the administrator and the legal representative of Mazcon Investments Hellas IKE:
- (a) a certified Greek translated copy bound together with an Apostilled English sealed copy of Westpac's Fourth Further Amended Originating Application filed in the Federal Court of Australia Proceedings; and
  - (b) a certified Greek translated copy bound together with an Apostilled English sealed copy of Westpac's Second Further Amended Statement of Claim filed in the Federal Court of Australia Proceeding.

A certified Greek translated copy of the present letter is also attached hereto.

Yours faithfully  
MinterEllison



Partner: Caitlin Murray T: +61 2 9121 4279  
caitlin.murray@minterellison.com  
OUR REF: CMM: 1353397

enclosures

I hereby certify that the attached translation concerns this document.

Athens, 906 2022.....  
The certifying Lawyer

**CHRISTOS PARASKEVOPOULOS**  
ATTORNEY AT LAW - LL.M.  
Athens Bar Association Reg. No. 21821  
11 Timoleonos str. - ATHENS 116 36  
Tel: 6947432426  
Greek TIN: 103582760 - XVI Athens Tax Authority  
E-mail: cparaskevopoulos@bernitsslaw.com




1:15

4G

< 4  BP Greek Number (For...  

20 Jun 2022

 NSD616/2021 - Court Documents -  
Service on Mazcon - 20 June 2022 -...

Dear Mr Papas

This is a message from  
MinterEllison, solicitors for  
Westpac. By this message and the  
link we serve on you as  
Administrator and Legal  
Representative of Mazcon  
Investments Hellas IKE:

- Our correspondence dated 9  
June 2022 (excluding its  
enclosures) in English with a  
certified Greek translation  
referring to the Australian and  
Greek Court Proceedings;




- a sealed copy of Westpac's  
Fourth Further Amended  
Originating Application (4FAOA) in  
English;

- a sealed copy of Westpac's  
Second Further Amended  
Statement of Claim (2FASOC) in



1:15

4G

< 4  BP Greek Number (For...  

June 2022 (excluding its enclosures) in English with a certified Greek translation referring to the Australian and Greek Court Proceedings;

- a sealed copy of Westpac's Fourth Further Amended Originating Application (4FAOA) in English;

- a sealed copy of Westpac's Second Further Amended Statement of Claim (2FASOC) in English;

- a Greek translated copy of the 4FAOA; and

- a Greek translated copy of the 2FASOC.

Confidential



Please contact Caitlin Murray | [caitlin.murray@minterellison.co...](mailto:caitlin.murray@minterellison.co...)

4:00 pm ✓

+   

Confidential



Sign in

NSD616/2021 - Court Documents - Service on Mazcon - 20 June 2022

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Name	Owner	Last modified	File size
Letter to Panetta GR-ENG 09 06 22 .pdf		Jun 20, 2022	1.2 MB
Westpac_s Fourth further amended originating application (sealed) - 05.11.21 (in Greek).PDF		Jun 20, 2022	433 KB
Westpac_s Second further amended statement of claim (sealed) - 05.11.21 (in Greek).PDF		Jun 20, 2022	3.9 MB
Westpac's Fourth Further Amended Originating Application (sealed) - 05.11.21.pdf		Jun 20, 2022	463 KB
Westpac's Second Further Amended Statement of Claim (sealed) - 05.11.21.PDF		Jun 20, 2022	2.1 MB

Simon Brandis

---

**From:** Alana Galasso  
**Sent:** Monday 20 June 2022 03:54 PM  
**To:** rebekah@companygiles.com.au  
**Cc:** Caitlin Murray  
**Subject:** Westpac Banking Corporation & Anor v Forum Finance Pty Limited & Ors - Federal Court of Australia Proceeding No. NSD616/2021 and related proceedings [ME-ME.FID6264995]

Dear Ms Giles

**Westpac Banking Corporation & Anor v Forum Finance Pty Limited & Ors - Federal Court of Australia Proceeding No. NSD616/2021 (the Federal Court of Australia Proceedings) and Interim Measures Application of Westpac Banking Corporation and Westpac New Zealand Limited against Basile Papadimitriou and Mazcon Investment Hellas IKE with General Filing No. 27651/2021 and Special Filing No. 23527/2021 filed before the Single Member First Instance Court of Thessaloniki on which Decision no. 5193/2022 was issued (the Greek Court Proceedings)**

We act for Westpac Banking Corporation and Westpac New Zealand Limited (together, **Westpac**), the applicants in the Federal Court of Australia Proceedings and also refer to the Greek Court Proceedings.

In accordance with the Orders made in the Federal Court of Australia Proceedings on 10 March 2022, by way of service on Mr Basile Papadimitriou in his capacity as Administrator and Legal Representative of Mazcon Investments Hellas IKE please find enclosed in this link: **Confidential**

**Confidential**

1. our correspondence dated 9 June 2022 (excluding its enclosures) in English with a certified Greek translation;
2. a sealed copy of Westpac's Fourth Further Amended Originating Application (**4FAOA**) in English;
3. a sealed copy of Westpac's Second Further Amended Statement of Claim (**2FASOC**) in English;
4. a Greek translated copy of the 4FAOA;
5. a Greek translated copy of the 2FASOC.

Yours Faithfully

—  
**Alana Galasso**

Lawyer

T +61 2 9921 4287

alana.galasso@minterellison.com

**MinterEllison** Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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Status: Archived 5 of 5

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<b>Envelope Details</b>		
From (Envelope)	alana.galasso@minterellison.com	alana.galasso@minterellison.com
From (Header)	alana.galasso@minterellison.com	alana.galasso@minterellison.com
To	rebekah@companygiles.com.au	rebekah@companygiles.com.au
Transmission Event	Email Received via Authorised IP address	Email Delivered via MX resolution
Processing Server	au-mta-15.au.mimecast.lan	au-mta-15.au.mimecast.lan
Message Route	Outbound	Outbound
<b>Remote Server Details</b>		
Remote Server	bulldogs.minterellison.com	mail-sy4aus010138.inbound.protection.outlook.com
Remote IP	203.9.73.209	104.47.71.138
Remote Greeting	EHL O BULLDOGS.minterellison.com	220 SY4AUS01FT017 mail.protection.outlook.com Microsoft ESMTTP MAIL Service ready at Mon, 20 Jun 2022 05:55:18 +0000
Receipt Acknowledgement	250 SmtptThread-7273806-1655704516450@au-mta-15.au.mimecast.lan Received OK	250 2.6.0 <SY3PR01MB1018AABC229AE82C8865350EEB809@SY3PR01MB1018.ausprd01.prod.outlook.com> [InternalId=10359461131821, Hostname=ME2PR01MB4355.ausprd01.prod.outlook.com] 33666 bytes in 0.160, 204.901 KB/sec Queued mail for delivery



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD616/2021

**WESTPAC BANKING CORPORATION ABN 33 007 457 141** and another named in the schedule

Applicant

**FORUM FINANCE PTY LIMITED (IN LIQUIDATION) ACN 153 301 172** and others named in the schedule

Respondent

Division: General

No: NSD747/2021

**THE FORUM GROUP OF COMPANIES PTY LIMITED (ADMINISTRATORS APPOINTED)** and others named in the schedule

Plaintiff

Division: General

No: NSD642/2021

**SOCIETE GENERALE (ABN 71 092 516 286)**

Applicant

**FORUM FINANCE PTY LIMITED (ACN 152 301 172)** and others named in the schedule

Respondent

Division: General

No: NSD681/2021

**SMBC LEASING AND FINANCE, INC. ARBN 602 309 366**

Plaintiff

**FORUM ENVIRO (AUST) PTY LTD (VOLUNTARY ADMINISTRATORS APPOINTED) ACN 607 484 364** and others named in the schedule

Defendant

## ORDER

**JUDGE:** JUSTICE LEE

**DATE OF ORDER:** 10 March 2022

**WHERE MADE:** Sydney

- 2 -



**THE COURT ORDERS THAT:**

**In all proceedings**

1. Pursuant to FCR 39.05, Order 7(g)(i) of the orders made by Justice Lee dated 20 October 2021 be amended *nunc pro tunc* from 20 October 2021 to read:

*In hard copy to C/ Panetta Lawyers, Level 6, 111 Elizabeth Street Sydney NSW 2000.*

2. Any documents discovered in proceeding NSD616/2021 (**Westpac Proceeding**), proceeding NSD681/2021 (**SMBC Proceeding**), and proceeding NSD642/2021 (**Societe Generale Proceeding**) (together, the **Related Proceedings**) are to be accessible to each of the parties to the Related Proceedings as if the documents had been discovered in the Related Proceeding.
3. Evidence in one proceeding is to be evidence in the other.
4. Pursuant to FCR 10.24, each of the applicants serve any material they will rely on at the trial in these proceedings scheduled to commence on 10 October 2022 and any other material filed from the date of these orders concerning Mr Basile Papadimitriou (**Mr Papas**), 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 those proceedings by Mr Papas, by email to law@panetta.com.au;
  - b) sending a short message service (**sms**) to the “Greek phone number” for Mr Papas, being the number identified in confidential exhibit RVP-02 tendered on 6 October 2021 in the Westpac proceeding, containing an unprotected online file share link with the material to be served; and
  - c) sending an email to Rebekah Giles of Company (Giles) to the address rebekah@companygiles.com.au. If that 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.
5. Service of documents on Mr Papas pursuant to Order 4 is taken to be effected the business day after the applicant by their solicitors has sent each of the forms of communication set out in Order 4.



### Timetable

#### *Pleadings*

6. Any remaining defences from respondents who have been served with the applicable originating application and statement of claim in the proceeding in which they are sued (**Active Respondents**) are to be filed and served by 4pm on 1 April 2022 with the exception of:
  - a) any entity in external administration, and
  - b) Ms Agostino.

#### *Evidence*

7. By 4pm on 27 May 2022:
  - a) the Active Respondents (except for any entity in external administration) are to file and serve the affidavit evidence on which they rely; and
  - b) the liquidators of the Forum companies are to serve any material which constitutes opinion accounting evidence.
8. By 4pm on 1 July 2022, the applicants are to file and serve any affidavit evidence in reply.
9. By 4pm on 15 July 2022, the applicants are to serve a summary for the purposes of s 50(2) of the *Evidence Act 1995* (Cth) of any documentary evidence to be relied upon at the hearing.
10. By 4pm on 29 July 2022, the applicants and Active Respondents are to notify each other of any witnesses required for cross-examination.

#### *Trial Preparation*

11. By 4pm on 15 July 2022, the applicants are to serve an index of all documents that they propose to tender at the hearing.
12. By 4pm on 29 July 2022, each Active Respondent is to serve an index of any additional documents that they propose to tender at the hearing.
13. In the week commencing 1 August 2022, pursuant to s 37P(2) of the *Federal Court of Australia Act 1976* (Cth) (**Act**), the junior counsel for the parties are to confer, under





the direction and supervision of a Senior Judicial Registrar of the Court, and attempt to agree on and produce the following documents (**Conferral**):

- a) a document entitled “Factual and Legal Issues for Determination” (**Issues Document**) which document:
    - i. identifies each substantive contested factual issue in respect of which the parties consider it is necessary for the Court to make findings (**Principal Contested Facts in Issue**);
    - ii. identifies each contested legal issue in respect of which the parties consider it is necessary for the Court to determine at the hearing (**Contested Legal Issues**);
  - b) a template for opening submissions (**Submission Template**), which document, when completed will:
    - i. provide an overview of each party’s case in summary form (Part A);
    - ii. identify that party’s summary contentions in relation to each of the Principal Contested Facts in Issue to the extent they relate to that party (Part B);
    - iii. identify that party’s summary contentions in relation to each of the Contested Legal Issues to the extent they relate to that party (Part C).
14. The legal representatives for the parties participating in the Conferral are to do so in good faith and consistently with their obligations under Pt VB of the Act (including by assisting in facilitating the narrowing of issues by reducing the scope of any documentary tender).
15. By 15 August 2022, the parties provide to the Associate to Justice Lee:
- a) the agreed documents prepared in accordance with Order 13; or
  - b) in the event the parties are unable to reach agreement as to the contents of any of the documents to be prepared in accordance with Order 13, one version of the draft agreed document with the extent of the disagreement identified in mark-up together with brief submissions explaining the reasons for the disagreement



16. By 4pm on 22 August 2022, the applicants and the Active Respondents serve an agreed index of any document required to be tendered following the completion of the Conferral, which a party considers it necessary to tender at the hearing.
17. By 4pm on 26 August 2022, the applicants file and serve a written outline of opening submissions.
18. By 4pm on 9 September 2022, the Active Respondents file and serve any written outline of opening submissions.
19. By 4pm on 16 September 2022, the applicants provide their reply to the opening submissions of the Active Respondents, by way of including, in a revised opening submission, any material in reply and file and serve their revised opening submissions (and a Microsoft Word version of the revised opening submissions is to be provided by email to the Associate to Justice Lee).
20. The submissions filed by the parties in accordance with these orders are to be in Times Roman 12-point type, follow the Submissions Template, are to refer to any authorised report of any cases referred to or cited (or in the absence of an authorised report, any unauthorised report and the medium neutral citation), and are not to include footnotes.
21. By 4pm on 23 September 2022, the parties are to deliver to the Associate to Justice Lee a Court Book, in hard copy and electronically, which:
  - a) as Part A contains the final version only of the pleadings or points of claim or responses to point of claim relied upon by the parties, any particulars not included in the pleadings to be relied upon, and the final versions of the Agreed Background Facts and the Issues Document;
  - b) as Part B contains the final versions of the Opening Submissions of each party (updated to contain cross references to Part C of the Court Book to the extent a document is the subject of reference);
  - c) as Part C contains, in chronological order, one paginated copy only of the documents for tender notified by each party (being only documents to which a party proposes to refer to in submissions) and, in this regard, if only part of a document is to be relied upon, only part of the document should be reproduced



- (additionally, in relation to any email, the email “chain” should not be reproduced but only one copy of each individual email communication should be extracted and then placed in the bundle chronologically by reference to when it was sent);
- d) as Part D contains any of the lay affidavit material proposed to be relied upon by any party (without any annexures or exhibits) and, to the extent the affidavit refers to any document, a cross reference to Part C of the Court Book;
  - e) as Part E contains any of the expert affidavit and report material proposed to be relied upon by any party (without any annexures or exhibits) and, to the extent the affidavit and report material refers to any document which is to be referred to by a party in submissions, a cross reference to Part C of the Court Book; and
  - f) as Part F contains any Joint Report(s) of an expert of any report of any referee adopted (or any report of any referee, which any party proposes be adopted by the Court at the trial).
22. The Court Book contain double-sided printing and, to the extent filed Court documents are reproduced, the Notice of Filing form is to be reproduced at the end of the relevant Court document.
  23. By 30 September 2022, each party notify each other party of the objections which the notifying party has to material contained in Parts C, D and E of the Court Book and, in respect of each objection, the grounds of the objection.
  24. By 5 October 2022, junior counsel briefed by each party confer and endeavour to resolve all objections.
  25. By 12 noon on 7 October 2022, the applicants file and serve a Consolidated List of Objections that contains a list of those objections that are pressed and, in respect of each such objection, the grounds of the objection and the response to those grounds provided by the counter-party.

### **In the Westpac Proceeding**

#### *Application of Mr Tesoriero seeking summary dismissal / strike out of Westpac’s claim*

26. The hearing of the application filed by the third respondent (**Mr Tesoriero**) on 21 February 2022 is adjourned to the trial scheduled to commence on 10 October 2022.





27. Order 2 of the orders made by Justice Lee dated 22 February 2022 and Order 11 of the orders of Justice Lee dated 12 November 2021 be vacated.

*Service on Iugis Global Financial Services Limited*

28. The applicants, Westpac Banking Corporation ABN 33 007 457 141 (**Westpac**) and Westpac New Zealand Limited (company registration number company number 1763882) (**Westpac New Zealand**), have leave, pursuant to r 10.43(2) of the *Federal Court Rules 2011* (Cth) (**FCR**), to serve the fourth further amended originating application and the second further amended statement of claim on the thirty-fourth respondent, Iugis Global Financial Services Limited, in the United Kingdom in accordance with the *Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* done at The Hague on 15 November 1965 by sending a copy of the originating process as issued by this Court by international registered post with return receipt to:

- a) its registered office address at 9th Floor 107 Cheapside, London, United Kingdom, EC2V 6DN; and
- b) its new registered office address PO Box 4385, 11785331: Companies House Default Address, Cardiff, CL14 8LH.

*Defence of Ms Agostino*

29. Any defence from the forty-seventh respondent, Louisa Marie Agostino (**Ms Agostino**) in the Westpac proceeding is to be filed and served by 4pm on 29 April 2022.

*Discovery in Westpac proceeding*

30. By 4pm on 29 April 2022, Westpac and Westpac New Zealand and each of the respondents who have been served with the fourth further amended originating application and the second further amended statement of claim (except for any entity in external administration) in the Westpac proceeding must give standard discovery in accordance with FCR 20.14 and 20.16 and in accordance with the Electronic Discovery Protocol provided to the Court on 11 March 2022 (noting that documents produced under any subpoena issued in any of the proceeding or obtained pursuant to



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the search orders made by Justice Lee dated 28 June 2021 in the Westpac Proceeding are not required to be discovered).

31. By 17 March 2022, Westpac is to file and provide to the Associate to Justice Lee an affidavit from its solicitors describing the steps Westpac has taken in relation to the contempt charge against Mr Papas since the orders of Justice Lee dated 20 October 2021 and any steps Westpac intends to take in relation to that charge.

*Foreshadowed Application by Ms Agostino*

32. By 4pm on 21 March 2022, the forty-seventh respondent, Ms Agostino, through her solicitors is to notify Westpac's solicitors and the Associate to Justice Lee if any application is to be made for the variation or discharge of the Freezing Order made against her on 25 January 2022. In the event such an application is made, it is to be made by 21 March 2022, and:
- a) any evidence relied upon by Ms Agostino is to be filed with the application;
  - b) in the event that Ms Agostino relies upon any affidavit sworn by her, Westpac is to advise Ms Agostino and the Associate to Lee J whether it requires Ms Agostino for cross examination by 4pm on 22 March 2022;
  - c) any evidence from Westpac or submissions filed in relation to the application is to be filed and provided to the Associate to Lee J by no later than 4pm on 25 March 2022;
  - d) any submissions on which Ms Agostino seeks to rely in relation to the application are to be filed and provided to the Associate to Lee J by no later than 4pm on 25 March 2022;
  - e) the application will be listed for hearing on 29 March 2022 commencing at:
    - i. 9.30am in the event Ms Agostino is not required for cross examination;  
or
    - ii. 4.30pm in the event Ms Agostino is required for cross-examination.

Date that entry is stamped: 21 March 2022

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*Sia Lagos*  
Registrar

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**Schedule**

No: NSD616/2021

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person	JOHN THOMAS TUCK
Supporting Creditor	SOCIETE GENERALE
Second Interested Person	NATIONAL AUSTRALIA BANK LIMITED
Second Applicant	WESTPAC NEW ZEALAND LIMITED (COMPANY REGISTRATION NUMBER COMPANY NUMBER 1763882)
Third Interested Person	ANTONY RESNICK & MARK JULIAN ROBINSON IN THEIR CAPACITIES AS THE JOINT AND SEVERAL RECEIVERS OF FORUM GROUP PTY LTD (RECEIVERS APPOINTED) ACN 153 336 997
Interested Person	ANTONY RESNICK
Interested Person	MARK JULIAN ROBINSON
Interested Person	ROCCO VINCENZO PANETTA
Respondent	GIOVANNI TESORIERO
Second Respondent	BASILE PAPADIMITRIOU
Third Respondent	VINCENZO FRANK TESORIERO
Fourth Respondent	FORUM GROUP FINANCIAL SERVICES PTY LTD (PROVISIONAL LIQUIDATORS APPOINTED) ACN 623 033 705
Fifth Respondent	FORUM GROUP PTY LTD (RECEIVERS APPOINTED)(IN LIQUIDATION) ACN 153 336 997
Sixth Respondent	FORUM ENVIRO PTY LTD (PROVISIONAL LIQUIDATORS APPOINTED) ACN 168 709 840
Seventh Respondent	FORUM ENVIRO (AUST) PTY LTD (PROVISIONAL LIQUIDATORS APPOINTED) ACN 607 484 364
Eighth Respondent	64-66 BERKELEY ST HAWTHORN PTY LTD (ACN 643 838

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	662)
Ninth Respondent	14 JAMES STREET PTY LTD (IN LIQUIDATION) ACN 638 449 206 26
Tenth Respondent	EDMONSTONE ROAD PTY LTD (IN LIQUIDATION) ACN 622 944 129 26
Eleventh Respondent	5 BULKARA STREET PTY LTD (IN LIQUIDATION) ACN 630 982 160 6
Twelfth Respondent	BULKARA STREET PTY LTD (IN LIQUIDATION) ACN 639 734 473 6
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 55
Twenty First Respondent	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 LTD ACN 610 042 343
Twenty Sixth	275 HIGH STREET GOLDEN SQUARE PTY LTD ACN 639 870



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Respondent	545
Twenty Seventh Respondent	MAZCON INVESTMENTS HELLAS IKE
Twenty Eighth Respondent	PALANTE PTY LTD 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	IUGIS ENERGY SA

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Respondent

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

**MISCELLANEOUS ACTION**

Applicant    WESTPAC BANKING CORPORATION ABN 33 007 457 141

Second Applicant                                      WESTPAC NEW ZEALAND LIMITED (COMPANY  
REGISTRATION NUMBER COMPANY NUMBER 1763882)

No: NSD747/2021

Federal Court of Australia

District Registry: New South Wales

Division: General

Applicant    JASON PRESTON

Applicant    JASON IRELAND

Applicant    VINCENZO TESORIERO

Second Plaintiff                                      14 JAMES STREET PTY LTD ACN 638 449 206  
(ADMINISTRATORS APPOINTED)

Third Plaintiff                                        26 EDMONSTONE ROAD PTY LTD ACN 622 944 129  
(ADMINISTRATORS APPOINTED)

Fourth Plaintiff                                      5 BULKARA STREET PTY LTD ACN 630 982 160  
(ADMINISTRATORS APPOINTED)



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Fifth Plaintiff	6 BULKARA STREET PTY LTD ACN 639 734 473 (ADMINISTRATORS APPOINTED)
Sixth Plaintiff	ARAMIA HOLDINGS PTY LTD ACN 114 958 717 (ADMINISTRATORS APPOINTED)
Seventh Plaintiff	EROS MANAGEMENT PTY LTD ACN 622 298 346 (ADMINISTRATORS APPOINTED)
Eighth Plaintiff	FORUM DIRECT PTY LTD ACN 054 890 710 (ADMINISTRATORS APPOINTED)
Ninth Plaintiff	FORUM FLEET PTY LIMITED ACN 155 440 994 (ADMINISTRATORS APPOINTED)
Tenth Plaintiff	FORUM GROUP PTY LTD ACN 153 336 997 (ADMINISTRATORS APPOINTED)
Eleventh Plaintiff	FORUM GROUP (QLD) PTY LTD ACN 103 609 678 (ADMINISTRATORS APPOINTED)
Twelfth Plaintiff	FORUM GROUP (VIC) PTY LTD ACN 153 062 018 (ADMINISTRATORS APPOINTED)
Thirteenth Plaintiff	IMAGETEC FINANCIAL SERVICES PTY LTD ACN 111 978 182 (ADMINISTRATORS APPOINTED)
Fourteenth Plaintiff	IMAGETEC SOLUTIONS AUSTRALIA PTY LTD ACN 074 715 718 (ADMINISTRATORS APPOINTED)
Fifteenth Plaintiff	INTRASHIELD INVESTMENT GROUP PTY LTD ACN 645 578 829 (ADMINISTRATORS APPOINTED)
Sixteenth Plaintiff	INTRASHIELD PTY LTD ACN 133 426 534 (ADMINISTRATORS APPOINTED)
Seventeenth Plaintiff	IUGIS INVESTMENTS PTY LTD ACN 647 627 745 (ADMINISTRATORS APPOINTED)
Eighteenth Plaintiff	IUGIS PTY LTD ACN 632 882 243 (ADMINISTRATORS APPOINTED)
Nineteenth Plaintiff	IUGIS WASTE SOLUTIONS PTY LTD ACN 647 212 299 (ADMINISTRATORS APPOINTED)
Twentieth Plaintiff	ONESOURCE AUSTRALIA HOLDINGS PTY LIMITED ACN 120 463 541 (ADMINISTRATORS APPOINTED)
Twenty First Plaintiff	ORCA ENVIRO SOLUTIONS PTY LTD ACN 626 552 645

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## (ADMINISTRATORS APPOINTED)

Twenty Second Plaintiff	ORCA ENVIRO SYSTEMS PTY LTD ACN 627 597 782 (ADMINISTRATORS APPOINTED)
Twenty Third Plaintiff	SMARTPRINT FLEET MANAGEMENT PTY LTD ACN 132 807 080 (ADMINISTRATORS APPOINTED)
Twenty Fourth Plaintiff	SPARTAN CONSULTING GROUP PTY LTD ACN 168 989 544 (ADMINISTRATORS APPOINTED)
Twenty Fifth Plaintiff	FORUM FINANCE PTY LTD ACN 153 301 172 (IN LIQUIDATION)
Twenty Sixth Plaintiff	FORUM GROUP FINANCIAL SERVICES PTY LTD ACN 623 033 705 (PROVISIONAL LIQUIDATORS APPOINTED)
Twenty Seventh Plaintiff	FORUM ENVIRO PTY LTD ACN 168 709 840 (PROVISIONAL LIQUIDATORS APPOINTED)
Twenty Eighth Plaintiff	FORUM ENVIRO (AUST) PTY LTD ACN 607 484 364 (PROVISIONAL LIQUIDATORS APPOINTED)

No: NSD642/2021

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

Second Respondent	BASILE PAPADIMITRIOU
Third Respondent	FORUM GROUP FINANCIAL SERVICES PTY LTD (ACN 623 033 705) (IN PROVISIONAL LIQUIDATION)

No: NSD681/2021

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

Respondent	286 CARLISLE STREET PTY LTD (ACN 610 042 343)
Respondent	64-66 BERKELEY ST HAWTHORN PTY LTD (ACN 643 838 662)



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Respondent                    23 MARGARET STREET PTY LTD (ACN 623 715 373)

Second Defendant        BASILE PAPADIMITRIOU

Third Defendant         FORUM ENVIRO PTY LTD ACN 168 709 840 (IN  
PROVISIONAL LIQUIDATION)