

Exhibit certificate

No. NSD616 of 2021

Federal Court of Australia

District Registry: Sydney

Division: General

Westpac Banking Corporation ABN 33 007 457 141

Applicant

Forum Finance Pty Limited (in liquidation) ACN 153 301 172 and ors

Respondents

This is the exhibit marked '**CMM-30**' now produced and shown to Caitlin Maria Murray at the time of swearing her affidavit on 2 February 2023 before me



Alana Stephanie Giuseppina Galasso
Solicitor

Filed on behalf of (name & role of party)	Westpac Banking Corporation, Applicant		
Prepared by (name of person/lawyer)	Caitlin Murray		
Law firm (if applicable)	MinterEllison		
Tel	(02) 9921 4279	Fax	(02) 9921 8123
Email	caitlin.murray@minterellison.com		
Address for service (include state and postcode)	Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000 Our reference: 1353397		

Alana Galasso

From: Caitlin Murray <Caitlin.Murray@minterellison.com>
Sent: Monday 28 June 2021 03:35 PM
To: bpapas@forumgroup.com.au
Cc: Caitlin Murray; Michael Hughes; Anthony Sommer
Subject: Westpac Banking Corporation v Forum Finance Pty Limited & Basile Papadimitriou
Attachments: Orders (sealed) - 28.06.21.pdf; Originating application (sealed) - 28.06.21.pdf; Interlocutory application (sealed) - 28.06.21.pdf; NSD616_2021 20210628_Minter Ellison (NSW).pdf

Dear Mr Papadimitriou

We act for Westpac Banking Corporation.

Please find attached by way of service the following documents:

1. Orders made by the Federal Court of Australia today against Forum Finance Pty Limited and Mr Papadimitriou;
2. Originating application filed today;
3. Interlocutory application filed today;
4. Transcript of the hearing before his Honour Justice Lee today.

The following link also provides copies of the documents set out below, which are also served under cover this email:

Confidential

5. Affidavit of Geoffrey Keith Anderson sworn on 28 June 2021 – exhibit GKA-1 will be served separately by Accellion link;
6. Affidavit of Caitlin Maria Murray sworn on 28 June 2021 – exhibit CMM-1 will be served separately by Accellion link;
7. Affidavit of Nicholas Antony O'Brien sworn on 27 June 2021 – exhibit NOB-1 will be served separately by Accellion link;
8. Second affidavit of Caitlin Maria Murray sworn on 28 June 2021;
9. Submissions filed in Court today.

Please note that the proceedings have been made returnable at 9.30am on 2 July 2021 before his Honour Justice Lee in the Federal Court.

Regards
Caitlin

Caitlin Murray

Partner

T +61 2 9921 4279 M +61 422 977 971

caitlin.murray@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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Alana Galasso

From: Rocco Panetta <r.panetta@panetta.com.au>
Sent: Thursday 1 July 2021 03:28 PM
To: Caitlin Murray
Subject: Westpac Banking Corporation v Forum Finance Pty Ltd & Basile Papadimitriou - Federal Court Proceeding NSD616/2021

Dear Ms Murray

Further to our telephone conversation earlier, I have been instructed to act for Mr Basile Papadimitriou (Bill Papas), the second respondent in the above proceeding. I will be filing a notice of appearance in due course.

I will be sending you a list of things we will be seeking at tomorrow's appearance once we have further instructions and once we confirm certain matters with instructing Counsel.

In the meantime, would you please send me any and all documents relevant to Mr Papas that have previously been filed and served and any exhibits/additional evidence.

Regards

Rocco Panetta
Principal

PANETTA LAWYERS
Level 6, 111 Elizabeth St
Sydney NSW 2000
P: +61 2 9159 9048
M: +61 406 888 999
F: +61 2 8572 9992

r.panetta@panetta.com.au
www.panetta.com.au

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Alana Galasso

From: Rocco Panetta <r.panetta@panetta.com.au>
Sent: Thursday 8 July 2021 09:08 PM
To: Anthony Sommer
Cc: Caitlin Murray; Andrew Clarke
Subject: RE: Westpac Banking Corporation v Forum Finance Pty Limited & Basile Papadimitriou & Vincenzo Frank Tesoriero - Federal Court of Australia Proceeding NSD616/2021 [ME-ME.FID6264995]
Attachments: Notice of Acting Papadimitriou.pdf; P_NSD616_2021_1797641.pdf

Dear Mr Sommer

A notice of address for service was filed in this proceeding on 1 July and processed on 2 July 2021. I attach the sealed copy here. I understand from the Federal Court Rules 2011 - rule 4.01 Note 2 that such a notice applies when acting for a corporation. However the court has the power to dispense with this rule under rule 1.34.

For completeness I enclose notice of acting filed this evening, which also remains unprocessed. I will serve a sealed copy in due course.

Regards

Rocco Panetta
Principal

PANETTA LAWYERS

Level 6, 111 Elizabeth St
Sydney NSW 2000
P: +61 2 9159 9048
M: +61 406 888 999
F: +61 2 8572 9992

r.panetta@panetta.com.au
www.panetta.com.au

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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		
Address for service (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 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



A handwritten signature in blue ink that reads '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	
Address for service (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 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



Sia Lagos

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

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.

Form 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	law@panetta.com.au		
Address for service (include state and postcode)	Level 6, 111 Elizabeth St Sydney NSW 2000		

[Version 2 form approved 09/05/2013]

Alana Galasso

From: Anthony Sommer <Anthony.Sommer@minterellison.com>
Sent: Wednesday 21 July 2021 06:04 PM
To: Associate LeeJ
Cc: Dobson, Roger; Yiasemides, Maria; Ian.Bolster@ashurst.com; matthew.youssef@ashurst.com; Chris.Prestwich@allens.com.au; Luke@hiltonbradley.com.au; cnehme@fortislaw.com.au; r.panetta@panetta.com.au; Kirsty.Prinsloo@allens.com.au; kieran.kelly@hiltonbradley.com.au; b.quan@cornwalls.com.au; A.Lee@cornwalls.com.au; justin.kang@dentons.com; delano.leen@dentons.com; Caitlin Murray; Michael Hughes; Andrew Clarke; Simon Brandis; 'Yan Ong'
Subject: RE: Westpac Banking Corporation v Forum Finance Pty Limited (in liquidation) & Ors - Federal Court of Australia Proceeding NSD616/2021 [ME-ME.FID6264995]
Attachments: Statement of claim (sealed) - 21.07.21.pdf

Dear Associate

We refer to our email below.

Attached is a stamped copy of our client's statement of claim filed today.

Yours faithfully

Anthony Sommer

Senior Associate

T +61 2 9921 4182 M +61 431 058 780

anthony.sommer@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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Alana Galasso

From: Anthony Sommer <Anthony.Sommer@minterellison.com>
Sent: Wednesday 11 August 2021 10:07 AM
To: Associate LeeJ
Cc: Caitlin Murray; Haystead, Tom; matthew.youssef@ashurst.com;
Kirsty.Prinsloo@allens.com.au; cnehme@fortislaw.com.au; Yiasemides, Maria;
A.Lee@cornwalls.com.au; Dobson, Roger; Ian.Bolster@ashurst.com;
Chris.Prestwich@allens.com.au; r.panetta@panetta.com.au;
b.quan@cornwalls.com.au; Michael Hughes; Andrew Clarke; Simon Brandis; Luke
Whiffen; Kieran Kelly
Subject: RE: Westpac v Forum Finance Pty Ltd (NSD616/2021) [ME-ME.FID6264995]
Attachments: Sealed version - Amended Statement of Claim - dated 10 August 2021.PDF; Sealed
version - Second Further Amended Originating application - dated 10 August
2021.PDF
Importance: High

Dear Associate

We refer to the email below.

Please find attached sealed copies of Westpac's second further amended originating application and amended statement of claim dated 10 August 2021 which we recently received via eLodgement.

We note that the solicitors for the parties and interested persons are copied to this email.

Yours faithfully

Anthony Sommer

Senior Associate

T +61 2 9921 4182 M +61 431 058 780

anthony.sommer@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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Alana Galasso

From: Andrew Clarke <Andrew.Clarke@minterellison.com>
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

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



Alana Galasso

From: Andrew Clarke <Andrew.Clarke@minterellison.com>
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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Alana Galasso

From: Alana Galasso
Sent: Tuesday 15 February 2022 11:11 AM
To: Melissa Passarelli; kirsty.prinsloo@allens.com.au; Caitlin Murray; Michael Hughes; forumallens@allens.com.au; rdobson@jonesday.com; myiasemides@jonesday.com; thaystead@jonesday.com; lshanahan@jonesday.com; chris.prestwich@allens.com.au; Sazz Nasimi; Alexandra Lawrence; Candy Nelson; Mackenzie Preston; robert.ishak@williamroberts.com.au; Kate Cockburn; Simon Brandis; billp@whparsons.com.au; law@panetta.com.au; hayley@whparsons.com.au; sathya@whparsons.com.au; julian.zoller@ashurst.com; skarnib@mlglaw.com.au; melazzi@mlglaw.com.au; raymond.makko@williamroberts.com.au; Claire Latham; ian.bolster@ashurst.com; matthew.youssef@ashurst.com; Andrew Clarke
Subject: RE: Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (NSD 747/2021 and NSD 616/2021) [SEC=OFFICIAL] [ME-ME.FID6264995]
Attachments: WBC v Forum Finance - 5FAOA - 14.02.22 (sealed).PDF

Dear Colleagues

Please find attached, by way of service, a sealed copy of Westpac Banking Corporation's Fifth Further Amended Originating Application dated 9 February 2022.

Kind regards
 Alana

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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Alana Galasso

From: Kate Cockburn
Sent: Thursday 15 December 2022 10:20 AM
To: Nikolas Kalcic; Goldberg, Tyler; Prinsloo, Kirsty; Prestwich, Chris; Short, India; Forum (Allens); Gayanie Walton; George Anton; Admin 2; Nigel Evans; Eric Maben; Tuan Van Le; Emma Soulsby; julian.zoller@ashurst.com; lan.Bolster@ashurst.com; carla-rose.brett@ashurst.com; billp@whparsons.com.au; sathya@whparsons.com.au; hayley@whparsons.com.au; Greek Law; tbouchahine@gmail.com; law@panetta.com.au; Yiasemides, Maria; Dobson, Roger; EXT ForumGroupJD; lagostino1743@gmail.com; John, Ben
Cc: PROJECT OLYMPUS; Anthony Sommer
Subject: RE: NSD616/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (in liquidation)(receivers appointed) & Ors [SEC=OFFICIAL] [ME-ME.FID6264995]
Attachments: Westpac v Forum - Addendum 2FASOC - 14.12.22.pdf; WBC v Forum Finance - 6FAOA - 14.12.22 (1).pdf

Dear Colleagues

Further to our email of last night, please find attached by way of service sealed copies of:

1. our clients' Sixth Further Amended Originating Application; and
2. our clients' Addendum to the Second Further Amended Statement of Claim.

Kind regards

Kate

Kate Cockburn

Lawyer

T +61 2 9921 4304 M +61 421 169 706

kate.cockburn@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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From: Anthony Sommer <Anthony.Sommer@minterellison.com>

Sent: Wednesday 14 December 2022 05:43 PM

To: Nikolas Kalcic <nikolas@aptumlegal.com.au>; Goldberg, Tyler <Tyler.Goldberg@allens.com.au>; Prinsloo, Kirsty <Kirsty.Prinsloo@allens.com.au>; Prestwich, Chris <Chris.Prestwich@allens.com.au>; Short, India <India.Short@allens.com.au>; Forum (Allens) <ForumAllens@allens.com.au>; Gayanie Walton <Gayanie@galawyers.com.au>; George Anton <george@galawyers.com.au>; Admin 2 <admin2@galawyers.com.au>; Nigel Evans <nigel@aptumlegal.com.au>; Eric Maben <eric@aptumlegal.com.au>; Tuan Van Le <tuan@aptumlegal.com.au>; Emma Soulsby <emma@aptumlegal.com.au>; julian.zoller@ashurst.com; lan.Bolster@ashurst.com; carla-rose.brett@ashurst.com; billp@whparsons.com.au; sathya@whparsons.com.au; hayley@whparsons.com.au; Greek Law <info@greeklaw.com.au>; tbouchahine@gmail.com; law@panetta.com.au; Yiasemides, Maria <myiasemides@jonesday.com>; Dobson, Roger <rdobson@jonesday.com>; EXT ForumGroupJD <EXT-ForumGroupJD@groups.jonesday.com>; lagostino1743@gmail.com

Cc: PROJECT OLYMPUS <PROJECTOLYMPUS@minterellison.com>

Subject: RE: NSD616/2021 - Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (in liquidation)(receivers appointed) & Ors [SEC=OFFICIAL] [ME-ME.FID6264995]

Dear Colleagues

We refer to the Court's orders made in proceeding NSD616/2021 attached below.

Please find attached by way of service:

1. our clients' Sixth Further Amended Originating Application; and
2. our clients' Addendum to the Second Further Amended Statement of Claim.

We are attending to filing of these documents with the Court, and will serve stamped copies when available.

Regards

Anthony Sommer

Senior Associate

T +61 2 9921 4182 M +61 431 058 780

anthony.sommer@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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Alana Galasso

From: Kate Cockburn <Kate.Cockburn@minterellison.com>
Sent: Tuesday 25 January 2022 10:46 PM
To: loulou1743@gmail.com
Cc: Caitlin Murray; jharris@hflawyers.com.au
Subject: RE: Westpac Banking Corporation & Anor v Louisa Agostino & ors - URGENT [ME-ME.FID6264995]
Attachments: Second Further Amended Statement of Claim dated 5 November 2021.pdf; Fourth Further Amended Originating Application.pdf; NSD616_2021 Orders dated 25 January 2022.pdf

Dear Ms Agostino

I refer to my email below.

Please find attached, by way of service, a copy of the following documents:

1. orders made by Lee J in the Federal Court of Australia this afternoon (**Orders**);
2. the Fourth Further Amended Originating Application filed in these proceedings; and
3. the second Further Amended Statement of Claim filed in these proceedings.

A link to the affidavits and exhibits relied on at the hearing are in my email below. We are in the process of obtaining a copy of the transcript and a copy will be provided to you as soon as possible.

Kind regards

Kate

Kate Cockburn

Lawyer

T +61 2 9921 4304 M +61 421 169 706

kate.cockburn@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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Alana Galasso

From: Caitlin Murray <Caitlin.Murray@minterellison.com>
Sent: Tuesday 25 January 2022 10:29 PM
To: jharris@hflawyers.com.au
Cc: Claire Latham; Caitlin Murray; Kate Cockburn
Subject: RE: Westpac Banking Corporation & Anor v Louisa Agostino & ors - URGENT
Attachments: NSD616_2021 Orders dated 25 January 2022.pdf

Dear Jonathan

I refer to my email below and our discussion today.

Please find attached by way of service on Ms Agostino, a copy of the orders made by Lee J this afternoon. A copy of these orders will also be sent to Ms Agostino by email and by sms as required under the orders.

Kind regards
Caitlin

Caitlin Murray

Partner

T +61 2 9921 4279 M +61 422 977 971

caitlin.murray@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000
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Alana Galasso

From: Kate Cockburn <Kate.Cockburn@minterellison.com>
Sent: Wednesday 2 February 2022 07:11 PM
To: Raymond Makko
Cc: Robert Ishak; Andrew Clarke; Caitlin Murray; Alana Galasso
Subject: RE: Louisa Maria Agostino & Ors -ats- Westpac Banking Corporation & Anor Our Ref: (WR-702200008) [ME-ME.FID6627914]
Attachments: Second Further Amended Statement of Claim.pdf; RE: Forum Finance Proceedings (NSD616/2021; NSD642/2021; NSD681/2021) [S... (23.4 KB)

Dear Mr Makko

Thank you for your email.

Our apologies. We **attach** the Second Further Amended Statement of Claim.

The Court has received a non-party access request from the Commissioner of Police (NSWPF) seeking to inspect and uplift the documents seized in the Forum Finance Proceedings currently in the custody of the Court. We **attach** an email from Lee J's associate with the link for the hearing.

Kind regards

Kate

Kate Cockburn

Lawyer

T +61 2 9921 4304 M +61 421 169 706

kate.cockburn@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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



From: Raymond Makko <raymond.makko@williamroberts.com.au>
Sent: Wednesday 2 February 2022 05:20 PM
To: Andrew Clarke <Andrew.Clarke@minterellison.com>; Caitlin Murray <Caitlin.Murray@minterellison.com>; Kate Cockburn <Kate.Cockburn@minterellison.com>; Alana Galasso <Alana.Galasso@minterellison.com>
Cc: Robert Ishak <robert.ishak@williamroberts.com.au>
Subject: Louisa Maria Agostino & Ors -ats- Westpac Banking Corporation & Anor Our Ref: (WR-702200008)

Dear Colleagues,

**RE AGOSTINO & ORS ats WESTPAC BANKING CORPORATION & ORS
 IN THE FEDERAL COURT OF AUSTRALIA, SYDNEY REGISTRY
 NSD 616 OF 2021**

We act for Louisa Maria Agostino, the 47th Respondent in these proceedings.

We **attach**, by way of service, Notice of Acting – Appointment of Lawyer form that was filed with the Court yesterday afternoon. We are yet to receive a sealed copy of the attached form from the Court and we will provide you with a sealed copy once one is made available to us.

In the meantime, we seek your client's consent to send the below email to his Honour's Associate:

Dear Associate,

We act for Louisa Maria Agostino, the 47th Respondent in these proceedings.

Please find **attached** Notice of Acting – Appointment of Lawyer form that was filed with the Court via eLodgment yesterday afternoon. We are yet to receive a sealed copy of the attached form from the Court.

Yours Faithfully,

We note that the document described as "Second Further Amended Statement of Claim dated 5 November 2021" attached to the email sent to our client at 10.46PM on 25 January 2022 is a copy of the Fourth Further Amended Originating Application. Accordingly, we request that you please provide us with a copy of the Second Further Amended Statement of Claim as a matter of urgency.

Furthermore, we note that the proceedings are listed at 9.15AM on 4 February 2022 before his Honour Justice Lee for an Interlocutory Hearing. Could you please advise which Interlocutory Application is to be heard on that occasion and provide us with all documents relevant to that application.

Kind regards,

Raymond Makko Lawyer William Roberts Lawyers

2021 Finalist Insurance Team of the Year – Lawyers Weekly Australian Law Awards
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2020 Finalist Insurance Specialist Firm of the Year – Australasian Law Awards
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Please note that we are no longer using DX in Sydney (DX11591 Sydney Downtown)
 Level 22, 66 Goulburn Street, Sydney NSW 2000
 PO Box 20424 World Square NSW 2002
 t 02 9552 2111 | f 02 9552 1911
 e raymond.makko@williamroberts.com.au
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Alana Galasso

From: Samir Karnib <skarnib@mlglaw.com.au>
Sent: Wednesday 1 December 2021 01:33 PM
To: Anthony Sommer
Cc: Samir Karnib; Mark El Azzi
Subject: Bouchahine ats Westpac Banking Corporation and Ors- Federal Court Proceedings No: NSD616 of 2021 {Our Ref: 221643}
Attachments: Letter to MinterEllison Sydney 1.12.2021.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Colleagues,

Please find **attached** our correspondence of today's date for your attention.

Kind Regards,

Samir Karnib
Solicitor



Macquarie Law Group

133E Parramatta Rd Concord NSW 2137 | PO BOX 310 Burwood NSW 1805

Tel: (02) 9744 0000 | **Fax:** (02) 9744 0100

Mob: 0456 572 732

Web: www.mlglaw.com.au

Email: skarnib@mlglaw.com.au



MEMBER OF
 THE LAW SOCIETY
 OF NEW SOUTH WALES



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1 December 2021

MinterEllison Sydney
1 Farrer Place
Sydney NSW 2000
Australia

Our Ref: SK:221643
Your Ref:

By Email to: Anthony.sommer@minterellison.com

Dear Sir/Madam,

**RE: BOUCHAHINE ATS WESTPAC BANKING CORPORATION ABN 33 007 457
141 AND ANOTHER (APPLICANTS)– FEDERAL COURT PROCEEDINGS
NSD616 OF 2021**

We refer to the above matter and confirm we act for Mr Moussa (Tony) Bouchahine.

We understand you act for the Applicants in these proceedings.

We have only recently been provided with the volumes of materials served by the Applicants on our client and, as such, require time to consider same, advise our client and prepare a defence. Given the nature of the proceedings and the closure period fast approaching, we anticipate being in a position to do so by **7 February 2022**. Please confirm your client will not take any adverse action in the interim against our client. Should any adverse action be taken against our client in the interim, we will approach the court to reverse such actions and seek to rely on this correspondence on the question of costs, including costs on an indemnity basis.

Further, we request you provide our office with the details for the next court listing and details of such. We are in the process of preparing an Appearance with the court and will serve you with a sealed copy once this has been filed.

Yours faithfully,
MACQUARIE LAW GROUP

Elias Tabchouri
Principal Solicitor

ELIAS TABCHOURI PRINCIPAL	155F Parramatta Road Concord NSW 2137 Phone: 1021 9744 0000 Facsimile: 1021 9744 0100	100/101 Parramatta Road Concord NSW 2137 Phone: 1021 9744 0000 Facsimile: 1021 9744 0100	Level 57 MLC Centre 9/25 Market Place Sydney NSW 2000 Phone: 1021 9078 2168
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Alana Galasso

From: Samir Karnib <skarnib@mlglaw.com.au>
Sent: Friday 3 December 2021 01:01 PM
To: Anthony Sommer
Cc: Mark El Azzi; Caitlin Murray; Claire Latham; Andrew Clarke
Subject: RE: Bouchahine ats Westpac Banking Corporation and Ors- Federal Court Proceedings No: NSD616 of 2021 {Our Ref: 221643} [ME-ME.FID6264995]
Attachments: Sealed Notice of Acting - Lawyer - Forty Sixth Respondent.pdf

Dear Colleagues,

Please find **attached**, by way of service, filed Notice of Acting in relation to the Forty-Sixth Respondent, Mr Moussa Bouchahine for your attention.

Kind Regards,

Samir Karnib
 Solicitor



Macquarie Law Group

133E Parramatta Rd Concord NSW 2137 | PO BOX 310 Burwood NSW 1805

Tel: (02) 9744 0000 | **Fax:** (02) 9744 0100

Mob: 0456 572 732

Web: www.mlglaw.com.au

Email: skarnib@mlglaw.com.au



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Alana Galasso

From: Kate Cockburn
Sent: Thursday 29 December 2022 12:00 PM
To: Samantha Langan; Claire Latham; PROJECT OLYMPUS
Cc: Elias El Khoury; Gabriella Vancuylenberg; Caitlin Murray; Jonathan Tabone
Subject: RE: Westpac v Forum Finance Pty Limited - NSD616/2021 (Proceedings) [ME-ME.FID6264995]
Attachments: RE: Westpac v Forum Finance Pty Ltd (NSD616/2021) | SMBC Leasing & Finance, Inc v Forum Finance Pty Ltd (NSD681/2021) - Draft Court Book Index [ME-ME.FID6264995]

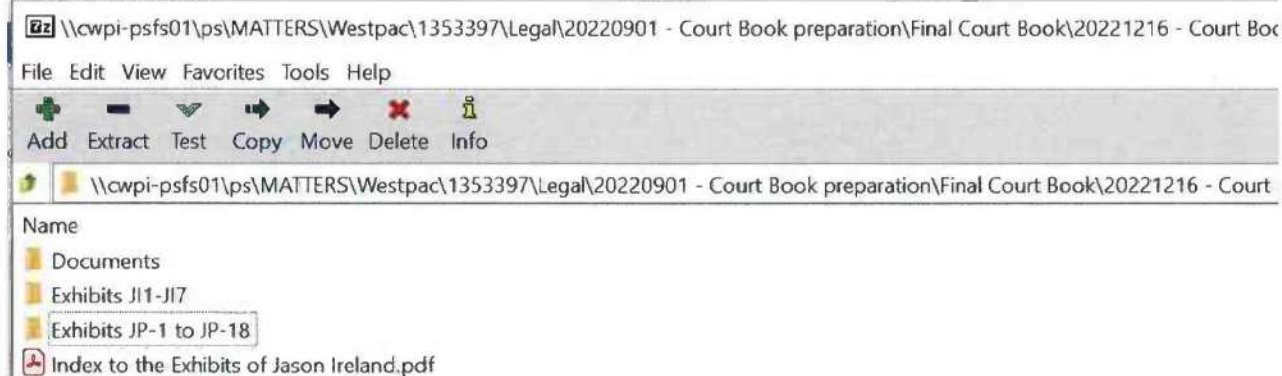
Dear Colleagues

Please find the updated Court Book within the following link: **Confidential**

Confidential

We have also attached the email which we sent to the parties (including Mr Bouchahine) on 16 December 2022 for your reference.

To the extent that you have any issues with the hyperlinks, please find the documents within the 'Documents' sub-folder of the zip file.



Kind regards

Kate

Kate Cockburn

Lawyer

T +61 2 9921 4304 M +61 421 169 706

kate.cockburn@minterellison.com

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

From: Caitlin Murray <Caitlin.Murray@minterellison.com>

Sent: Thursday 29 December 2022 11:44 AM

To: Samantha Langan <Samanthal@fracomlegal.com.au>; Claire Latham <Claire.Latham@minterellison.com>; PROJECT OLYMPUS <PROJECTOLYMPUS@minterellison.com>

Cc: Elias El Khoury <Eliasek@fracomlegal.com.au>; Gabriella Vancuylenberg <gabriellav@fracomlegal.com.au>;

Jonathan Tabone <jonathant@francomlegal.com.au>

Subject: RE: Westpac v Forum Finance Pty Limited - NSD616/2021 (Proceedings) [ME-ME.FID6264995]

Dear Ms Langan

There is an slightly updated version, which we will send to you a link to within the next hour.

In addition, please see attached a set of orders made by the Court last week in connection with the hearing of this matter and the trial plan which was sent to the Judge last week, as agreed between the representatives for the active parties.

Regards
Caitlin

Caitlin Murray

Partner

T +61 2 9921 4279 M +61 422 977 971

caitlin.murray@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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



From: Samantha Langan <Samanthal@francomlegal.com.au>

Sent: Thursday 29 December 2022 11:35 AM

To: Claire Latham <Claire.Latham@minterellison.com>; PROJECT OLYMPUS
<PROJECTOLYMPUS@minterellison.com>

Cc: Elias El Khoury <Eliasek@francomlegal.com.au>; Gabriella Vancuylenberg <gabriellav@francomlegal.com.au>;
Jonathan Tabone <jonathant@francomlegal.com.au>

Subject: Westpac v Forum Finance Pty Limited - NSD616/2021 (Proceedings) [ME-ME.FID6264995]

Dear Colleagues

We refer to the above proceedings and advise that we have received instructions to act on behalf of Mr Moussa (Tony) Bouchahine, the forty-sixth respondent.

We have been provided with a copy of the Court Book as at 2 December 2022 (as contained in the link in your email below) and urgently request you advise whether any updated or final version of the Court Book exists.

If so, we request that you urgently provide a copy of same.

We look forward to hearing from you.

Regards,
Samantha Langan | Associate

Phone (02) 8677 5457

Level 2, 34 Charles Street, Parramatta NSW 2150

Email samanthal@francomlegal.com.au



Alana Galasso

From: Samantha Langan <Samanthal@fracomlegal.com.au>
Sent: Tuesday 17 January 2023 12:12 PM
To: Anthony Sommer; Elias El Khoury; Gabriella Vancuylenberg
Cc: Kate Cockburn; Claire Latham; Caitlin Murray; PROJECT OLYMPUS
Subject: RE: Westpac v Forum Finance Pty Limited - NSD616/2021 (Proceedings) [ME-ME.FID6264995]
Attachments: Notice of acting - appointment of lawyer - 16.01.2023 (1).pdf

Dear Colleagues

We confirm that we had filed a notice of acting on behalf of the forty-sixth respondent, Mr Moussa (Tony) Bouchahine. We **attach** by way of service a court sealed copy.

Further, please be advised that we are preparing evidence on behalf of our client upon which our client will seek leave to rely. Counsel briefed to settle same is currently on leave until 23 January 2023. Accordingly, we anticipate being in a position to file and serve same by mid to late next week.

In the meantime, we note that our client's counsel is unable to access the updated Court Book using the link provided. We would be grateful if a new link could be generated and provided as soon as possible. Apologies for any inconvenience.

We look forward to hearing from you.

Regards,
Samantha Langan | Associate

Phone (02) 8677 5457
Level 1, 34 Charles Street, Parramatta NSW 2150
Email samanthal@fracomlegal.com.au



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NOTICE OF FILING**Details of Filing**

Document Lodged: Notice of Acting - Appointment of Lawyer - Form 4 - Rule 4.03
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 16/01/2023 3:32:39 PM AEDT
Date Accepted for Filing: 16/01/2023 4:39:47 PM AEDT
File Number: NSD616/2021
File Title: WESTPAC BANKING CORPORATION ABN 33 007 457 141 & ANOR v
FORUM FINANCE PTY LIMITED (IN LIQUIDATION) ACN 153 301 172 &
ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

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 of the filing of the document is determined pursuant to the Court's Rules.

Form 4
Rule 4.03



Notice of acting – appointment of lawyer

No. NSD616 of 2021

Federal Court of Australia
Registry: New South Wales

Westpac Banking Corporation ABN 33 007 457 141 and another named in the Schedule 1
Applicants

Forum Finance Pty Limited ACN 153 301 172 and others named in Schedule 1
Respondents

Moussa (Tony) Bouchahine, the forty-sixth respondent has appointed Elias El Khoury and Samantha Langan, Francom Legal to represent the forty-sixth respondent in the proceeding.

The address for service of the forty-sixth respondent is:

Place: Level 1, 34 Charles Street, Parramatta NSW 2150

Email: eliasek@fracomlegal.com.au; samanthal@fracomlegal.com.au

Date: 16 January 2023

Signed by Samantha Langan, Francom Legal
Solicitor for the forty-sixth respondent

Filed on behalf of (name & role of party)	Moussa (Tony) Bouchahine, Forty-sixth respondent		
Prepared by (name of person/lawyer)	Elias El Khoury; Samantha Langan		
Law firm (if applicable)	Francom Legal		
Tel	02 8677 5457	Fax	Not applicable
Email	eliasek@fracomlegal.com.au ; samanthal@fracomlegal.com.au		
Address for service (include state and postcode)	Level 1, 34 Charles Street, Parramatta NSW 2150		

[Form approved 01/08/2011]

Schedule 1

No. NSD616/2021

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

Applicants

First Applicant	Westpac Banking Corporation ABN 33 007 457 141
Second Applicant	Westpac New Zealand Limited (company registration number company number 1763882)

Respondents

First Respondent:	Forum Finance Pty Limited (in liquidation) ACN 153 301 172
Second Respondent:	Basile Papadimitriou
Third Respondent:	Vincenzo Frank Tesoriero
Fourth Respondent:	Forum Group Financial Services Pty Ltd (in liquidation) ACN 623 033 705
Fifth Respondent:	Forum Group Pty Ltd (Receivers Appointed) (in liquidation) ACN 153 336 997
Sixth Respondent:	Forum Enviro Pty Ltd (in liquidation) ACN 168 709 840
Seventh Respondent:	Forum Enviro (Aust) Pty Ltd (in liquidation) ACN 607 484 364
Eighth Respondent:	64-66 Berkeley St Hawthorn Pty Ltd (in liquidation) ACN 643 838 662
Ninth Respondent:	14 James Street Pty Ltd (in liquidation) ACN 638 449 206
Tenth Respondent:	26 Edmonstone Road Pty Ltd (in liquidation) ACN 622 944 129
Eleventh Respondent:	5 Bulkara Street Pty Ltd (in liquidation) ACN 630 982 160
Twelfth Respondent:	6 Bulkara Street Pty Ltd (in liquidation) ACN 639 734 473
Thirteenth Respondent:	23 Margaret Street Pty Ltd (in liquidation) ACN 623 715 373

Fourteenth Respondent: 1160 Glen Huntly Road Pty Ltd ACN 639 447 984
 Fifteenth Respondent: 14 Kirwin Road Morwell Pty Ltd (Administrators
 Appointed) ACN 641 402 093
 Sixteenth Respondent: Canner Investments Pty Ltd (in liquidation) ACN 624 176
 049
 Seventeenth Respondent: 123 High Street Taradale Pty Ltd (Administrators
 Appointed) ACN 639 872 512
 Eighteenth Respondent: 160 Murray Valley Hwy Lake Boga Pty Ltd
 (Administrators Appointed) ACN 641 392 921
 Nineteenth Respondent: 31 Ellerman Street Dimboola Pty Ltd (Administrators
 Appointed) ACN 641 392 887
 Twentieth Respondent: 4 Cowslip Street Violet Town Pty Ltd (Administrators
 Appointed) ACN 639 872 352
 Twenty-First Respondent: 55 Nolan Street Maryborough Pty Ltd (Administrators
 Appointed) ACN 641 392 912
 Twenty-Second Respondent: 89 Betka Road Mallacoota Pty Ltd (Administrators
 Appointed) ACN 641 393 179
 Twenty-Third Respondent: 9 Gregory Street Ouyen Pty Ltd (in liquidation) ACN 641
 392 707
 Twenty-Fourth Respondent: 9 Main Street Derrinallum Pty Ltd (Administrators
 Appointed) ACN 639 872 736
 Twenty-Fifth Respondent: 286 Carlisle Street Pty Limited (in liquidation) ACN 610
 042 343
 Twenty-Sixth Respondent: 275 High Street Golden Square Pty Ltd (Administrators
 Appointed) ACN 639 870 545
 Twenty-Seventh Respondent: Mazcon Investments Hellas IKE
 Twenty-Eighth Respondent: Palante Pty Ltd ACN 135 344 151 (in liquidation)
 Twenty-Ninth Respondent: Anastasios Giamouridis
 Thirtieth Respondent The Forum Group of Companies Pty Ltd (in liquidation)
 ACN 151 964 626
 Thirty-First Respondent lugis Pty Ltd (in liquidation) ACN 632 882 243
 Thirty-Second Respondent lugis (UK) Limited
 Thirty-Third Respondent lugis Holdings Limited
 Thirty-Fourth Respondent lugis 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 (in liquidation) ACN 161 088 115
Thirty-Ninth Respondent	Mangusta (Vic) Pty Ltd ACN 631 520 682
Fortieth Respondent	193 Carlisle Street Enterprises Pty Ltd (in liquidation) ACN 612 615 237
Forty-First Respondent	8-12 Natalia Ave Oakleigh Pty Ltd (in liquidation) ACN 643 838 626
Forty-Second Respondent	Iugis Hellas IKE
Forty-Third Respondent	Iugis Energy SA
Forty-Fourth Respondent	Eric Constantinidis
Forty-Fifth Respondent	Giovanni (John) Tesoriero
Forty-Sixth Respondent	Moussa (Tony) Bouchahine
Forty-Seventh Respondent	Louisa Maria Agostino
Forty-Eighth Respondent	D&D Group O.E
Forty-Ninth Respondent	Aromatika Fyta Tsai Olympou Theion Ike

Ref.Number of the
forwarding Authority: **NSD 616 of 2021**

ΠΙΣΤΟΠΟΙΗΤΙΚΟ
CERTIFICATE
ATTESTATION

CONVENTION ON THE SERVICE ABROAD OF JUDICIAL AND EXTRAJUDICIAL DOCUMENTS IN
CIVIL OR COMMERCIAL MATTERS, done at the HAGUE on 15 Nov.1965

Η κατωτέρω υπογράφουσα Αρχή έχει την τιμή να βεβαιώσει, σύμφωνα με το άρθρο 6 της Σύμβασης,

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention.

L'autorité soussignée à l'honneur d'attester conformément à l'article 6 de la dite Convention.

1) ότι το έγγραφο επιδόθηκε:*

1) that the document has been served*: **YES**

1) que la demande à été exécutée*

-την (ημερομηνία).....

-the (date)**17 August 2022**.....

-la (date)

-στ (τόπος, οδός, αριθμός).....

-at (place, street, number):**KATERINI, PIERIA(GREECE), G.Ritsou Str., 18**.....

-à (localité, rue, numéro)

- κατά μία απ' τις ακόλουθες μεθόδους, που προβλέπονται απ' το άρθρο 5 :

- in one of the following methods authorised by article 5 :

- dans une des formes suivantes prévues à l' article 5 :

(a) Σύμφωνα με την ευχέρεια της υποπαραγράφου α της πρώτης παραγράφου του άρθρου 5 της Σύμβασης*

(a) in accordance with the provisions of sub-paragraph a of the first paragraph of article 5 of the
Convention*.

(a) selon les formes légales (article 5, alinéa premier, lettre a) de la dite Convention*.

(β) σύμφωνα με την ακόλουθη ιδιαίτερη μέθοδο* :

(b) in accordance with the following particular method* :

(b) selon la forme particulière suivante * :

(γ) διά παράδοσης στον αποδέκτη, ο οποίος το παρέλαβε εκούσια*.

(c) by delivery to the addressee, who accepted it voluntarily*: **YES**

(c) par remise simple*.

Τα έγγραφα, που αναφέρονται στην Αίτηση, επιδόθηκαν στ :

The documents referred to in the request have been delivered to :

Les documents mentionnés dans la demande ont été remis à :

- (ονοματεπώνυμο και περιγραφή του προσώπου).....
 - (identity and description of person):(surname) **TAFRALIS** (name) **Vasileios Andreas**, father's name:
EVAGGELOS .
 (identité et qualité de la personne).....
 - σχέση αυτού προς τον αποδέκτη (οικογενειακή, επαγγελματική ή άλλη):
 - relationship to the addressee (family, business or other) : **legal representative of the recipient/addressee**
entity "AROMATIKA FYTA TSAI OLYMPOU THEION IKE"
 - liens de parenté, de subordination ou autres, avec le destinataire de l'acte :

- 2) Ότι το έγγραφο δεν επιδόθηκε, λόγω των ακόλουθων γεγονότων* :
 2) That the document has not been served, by reason of the following facts* :
 2) Que la demande n'a pas été exécutée, en raison des faits suivants* :

Σύμφωνα με τη δεύτερη παράγραφο του άρθρου 12 της Σύμβασης, ο Αιτών παρακαλείται να πληρώσει ή να εμβάσσει τα έξοδα που αναλύονται στην επισυναπτόμενη δήλωση.

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 la dite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint.

Παραρτήματα

Annexes

Annexes

Επιστρεφόμενα έγγραφα :

Documents returned :

Pièces renvoyées :

1. **Certificate of service in Greek by the competent...**

Έγινε στ

την

Police Authority in Katerini.....

Done at **KATERINI**, the **22 August 2022**

2. **The attached documents on the NSD616 of 2021**

Fait à

the

Request(for return)

Συντρέχουσας περίπτωσης, έγγραφα πιστοποιούντα την επίδοση

In appropriate cases, documents establishing the service :

Le cas échéant, les documents justificatifs de l' exécution :

ARETI DELOGLOU, PROSECUTOR

Υπογραφή και/ή σφραγίδα

Signature and/or stamp

Signatite et/ou cachet

THE PROSECUTOR'S OFFICE IN THE COURT OF
 FIRST INSTANCE IN KATERINI(GREECE)

*Διαγράψετε τις άχρηστες ενδείξεις

Delate of inappropriate

Rayer les mentions inutiles

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 UNKNOWN RECIPIENT. According to the local Tax Office the company "D & D Group O.E." is not registered in their records.

- 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 :	COPIES OF THE ORIGINAL DOCUMENTS
In appropriate cases, documents establishing the service: Le cas échéant, les documents justificatifs de l'exécution : * if appropriate / s'il y a lieu	PROOF OF NON-SERVICE

Done at / Fait à THESSALONIKI

The / le 26/8/2022

Signature and/or stamp The Prosecutor
Signature et / ou cachet



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):	
- at (place, street, number): à (localité, rue, numéro) :	

- 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 :	
Relationship to the addressee (family, business or other): Liens de parenté, de subordination ou autres, avec le destinataire de l'acte :	

- 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*:

The Addressee is unknown at the address given

- 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 :	The original documents
In appropriate cases, documents establishing the service: Le cas échéant, les documents justificatifs de l'exécution :	Certificate of non service

* if appropriate / s'il y a lieu

Done at / Fait à Thessaloniki The / le 14/9/2022	Signature and/or stamp Signature et / ou cachet
-----------------------------------------------------	----------------------------------------------------





FEDERAL COURT OF APPEAL
AUSTRALIA

Telephone: + 61 2 8099 8448

FEDERAL COURT OF APPEAL
PRINCIPAL

A.B.N. 49 110 847 399

Your Ref:
Our Ref: NSD 1133 of 2020



LAW COURT
QUI
SYDI

12 July 2022

Hellenic Ministry of Justice
Directorate of Special Legal Affairs
Department of Private International Law
96 Mesogeion Avenue
Athens 11527
GREECE

Air Mail

To the Proper Officer,

Request for service of documents pursuant to the Hague Convention

ΑΣΤΥΝΟΜΙΚΟ ΤΗΜΑ ΔΕΛΤΑ
ΒΕΒΑΙΩΣΗ

Ο κωδικός αποστολής είναι... ΤΖΑΜΠΕΛΑΚΗΣ ΚΩΣΤΑΣ...
... ΕΙΣΡΗΜΑΤΟ ΕΞΕΡΧ. ΕΠΙΧ. ΔΕΥ-0-9
... ΓΠ ΥΔ
... ΑΠ: 39208-04/08/2022
... ΙΚΕΙΣ ENERGY SA
... ΒΙΝΤ ΣΙΝΣΩ
... ΟΤ 48A

Σημείο 6-329024

ΒΕΒΑΙΩΣΗ
ΤΖΑΜΠΕΛΑΚΗΣ
ΑΠΟΣΤΟΛΗΣ
ΑΡΧ-ΚΑΤ

4. Apostilled sealed version of the Fourth Further Amended Originating Application filed on 11 November 2021;
5. Second Further Amended Statement of Claim filed on 11 November 2021; and
6. Apostilled sealed version of Second Further Amended Statement of Claim filed on 11 November 2021

Also enclosed with this letter are two copies of payment receipts.

I would be grateful if you would return to the New South Wales District Registry of the Federal Court of Australia, as soon as possible after service, a completed certificate of attestation of service for the addressee.

That certificate of attestation, along with return copies of the documents for service, should be sent to:

Registrar Hammerton Cole
Federal Court of Australia
Level 17, Law Courts Building
Queens Square
Sydney NSW 2000
AUSTRALIA

If you should have any queries, I would be grateful if you could please contact me by email at Claire.Hammerton-Cole@fedcourt.gov.au or by telephone on +61 2 8099 8448.

Yours faithfully,



Claire Hammerton Cole
Registrar

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	



ΣΟΦΙΑ ΔΙΠΛΟΥΔΟΥ
ΑΝΤΕΙΣΑΓΓΕΛΕΑΣ ΠΡΩΤΟΔΙΚΩΝ

FOTEINI NIK. KARRA
ATTORNEY AT LAW - D.E.S.
 ATHENS BAR Nr.: 25775
 11, LASKAREOS STR., - 114 71 ATHENS
 VAT Nr.: 126978197 - TAX OFFICE: D' ATHENS
 TEL.: 210 3612077 - 6974307041
 email: fkarra@bernitsaslaw.com



E.B.E.TH.
 Digitally Signed by
 ILIANA GKOGKOU
 2022.12.16 09:15:27 EEST

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, 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 Panagjota, 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

FOTEINI MIK. KARRA
ATTORNEY AT LAW - D.E.S.
ATHENS BAR N.: 25775
LASKAREOS STR. - 114 71 ATHENS
T. Nr.: 126978197 / TAX OFFICE: D' ATHENS
TEL.: 210 3612077 - 6974307041
email: fkarra@bernitsaslaw.com

FOI
ATTOI
ATH
11, LASKA
VAT Nr.: 12
TEL.: 2
email:

ΕΙΝΙ ΝΙΚ. ΚΑΡΡΑ
ATTORNEY AT LAW - D.E.S.
 ATHENS BAR Nr.: 25775
 11, LASKARFOS STR., - 114 71 ATHENS
 VAT Nr.: 126976197 TAX OFFICE: D' ATHENS
 TEL.: 210 3622077 - 6974307041
 email: fkarra@bernitsaslaw.com

ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ

ΕΜΠΟΡΙΚΟ & ΒΙΟΜΗΧΑΝΙΚΟ ΕΠΙΜΕΛΗΤΗΡΙΟ ΘΕΣ/ΝΙΚΗΣ

ΤΜΗΜΑ: ΜΗΤΡΩΟΥ / Υπηρεσία Γ.Ε.ΜΗ.

Δ/ση: Τσιμισκή 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** καταχωρίστηκε 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 εταιρίας 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.: 126976197 TAX OFFICE: D' ATHENS
 TEL.: 210 3622077 - 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.
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 VAT Nr.: 126976197 TAX OFFICE: D' ATHENS
 TEL.: 210 3622077 - 6974307041
 mail: fkarra@bernitsaslaw.com

Alana Galasso

From: Caitlin Murray
Sent: Tuesday 20 December 2022 05:05 PM
To: pallen@pkf.com.au; gfranklin@pkf.com.au
Cc: PROJECT OLYMPUS
Subject: Westpac Banking Corporation & Anor v Forum Finance Pty Ltd (in liquidation) & Ors
Attachments: 221219 - L - PKF - Westpac v Forum & Ors.pdf; 221219 - Draft SMO - PKF Externally Administered Respondents.DOCX; WBC v Forum Finance - 6FAOA - 14.12.22 (1).PDF; RE: Westpac Banking Corporation ABN 33 007 457 141 & Anor v Forum Finance Pty Ltd (In Liquidation) ACN 153 301 172 & Ors - Federal Court of Australia Proceeding NSD616/2021 [ME-ME.FID6264995]

Dear Paul and Glenn

We act for Westpac Banking Corporation.

Please see attached letter and attachments referred to for your consideration.

Kind regards
Caitlin

Caitlin Murray

Partner

T +61 2 9921 4279 M +61 422 977 971

caitlin.murray@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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



MinterEllison.

20 December 2022

By Email: pallen@pkf.com.au; gfranklin@pkf.com.au

Paul Allen and Glenn Franklin
Liquidators of the Companies Listed in the Schedule
PKF Melbourne
Level 12, 440 Collins Street
Melbourne VIC 3000

Dear Sirs

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

1. We act for:
 - (a) Westpac Banking Corporation ABN 33 007 457 141; and
 - (b) Westpac New Zealand Limited (company registration number 1763882),the Applicants in the above Proceedings.
2. We refer to your appointment as liquidator of the entities listed in the schedule (the **Externally Administered Respondent Companies**) on 16 December 2022.
3. As you will be aware, the Externally Administered Respondent Companies are respondents to the Proceedings, which have been listed for a 3 week hearing commencing on 6 February 2023 before Cheeseman J.
4. For your background and information, we attach to this letter a copy of a letter which we sent to Ashurst, who were acting for Messrs Campbell-Wilson and Byrnes in their capacity as voluntary administrators of the Externally Administered Respondent Companies setting out the background to the Proceedings and containing copies of various documents.
5. We note that the pleading was amended following the above letter being sent, but not in any way related to the Externally Administered Respondent Companies. For the avoidance of any doubt, we enclose the Sixth Further Amended Originating Process.
6. Given you have been appointed as liquidators of the Externally Administered Respondent Companies, leave of the Court is now required for our clients to continue the Proceedings against the Externally Administered Respondent Companies pursuant to s 471B of the *Corporations Act 2001* (Cth) (the **Act**).
7. Our clients intend to seek an order pursuant to section 471B of the Act granting the Applicants leave to proceed with the Proceedings as against the Externally Administered Respondent Companies (**Leave to Proceed Order**). We enclose a form of draft short minutes of order containing a Leave to Proceed Order with respect to the Externally Administered Respondents in substantially the same form as orders made in the Proceedings on 23 November 2022 by her Honour Justice Cheeseman regarding other respondent entities which are in external administration. As you will see, the orders relieve the Externally Administered Respondent Companies from having to take any further steps in the Proceedings.

Level 40 Governor Macquarie Tower 1 Farrer Place Sydney
GPO Box 521 Sydney NSW 2001 Australia DX 117 Sydney
T +61 2 9921 8888 F +61 2 9921 8123 minterellison.com

ME_205567097_1

MinterEllison.

8. Our clients' position is that given their claims in the Proceedings are proprietary in nature, i.e. a claim that the Externally Administered Respondent Companies' interests in property are held subject to our clients' interests, and stand outside the province of the proof of debt system, it is usual that leave to proceed will be granted: see e.g. *QBE Insurance (International) Ltd v Cycand Pty Ltd* [2009] NSWSC 1177; *Ong v Lottwo Pty Ltd (in liq)* [2013] SASCFC 57 at [61]; *Entwisle v Minken Pty Ltd* [2015] VSC 561 at [12].
9. In light of the above, our clients seek your consent to the orders contained within the **enclosed** short minutes of order. Once they are consented to, we would propose to ask the Judge to make the orders in chambers, likely in the new year.

Yours faithfully
MinterEllison



Caitlin Murray
Partner

Contact: Andrew Clarke T: +61 2 9921 8514
andrew.clarke@minterellison.com
Partner: Caitlin Murray T: +61 2 9921 4279
OUR REF: AAC:CMM 1353397

MinterEllison.

Schedule – Respondent Entities to which Paul Allen and Glenn Franklin of PKF are appointed as Liquidators

No.	Entity
1.	4 COWSLIP STREET VIOLET TOWN PTY LTD (IN LIQUIDATION) ACN: 639 872 352
2.	9 MAIN STREET DERRINALLUM PTY LTD (IN LIQUIDATION) ACN: 639 872 736
3.	14 KIRWIN ROAD MORWELL PTY LTD (IN LIQUIDATION) ACN: 641 402 093
4.	31 ELLERMAN STREET DIMBOOLA PTY LTD (IN LIQUIDATION) ACN: 641 392 887
5.	55 NOLAN STREET MARYBOROUGH PTY LTD (IN LIQUIDATION) ACN: 641 392 912
6.	123 HIGH STREET TARADALE PTY LTD (IN LIQUIDATION) ACN: 639 872 512
7.	160 MURRAY VALLEY HWY LAKE BOGA PTY LTD (IN LIQUIDATION) ACN: 641 392 921
8.	275 HIGH STREET GOLDEN SQUARE PTY LTD (IN LIQUIDATION) ACN: 639 870 545

Alana Galasso

From: Mike Chenoweth <mchenoweth@aitken.com.au>
Sent: Friday 23 December 2022 02:11 PM
To: Caitlin Murray
Cc: Alex Nicol
Subject: Federal Court of Australia No. NSD616/2021
Attachments: 23.12.22 - Letter to Minter Ellison.pdf

Dear Colleague,

Please find **attached** our letter dated 23 December 2022.

Regards

Mike Chenoweth

Principal Lawyer

T » [+61 3 8600 6055](tel:+61386006055)
E » mchenoweth@aitken.com.au
W » www.aitken.com.au

Aitken Partners
Level 28, 140 William Street
Melbourne Vic 3000



Liability limited by a scheme approved under Professional Standards Legislation.



The Principals and Staff wish you the compliments of the season and advise that our office will close at 3.00pm on Friday 23 December 2022 and re-open at 8.30am on Monday 9 January 2023. All urgent enquiries should be directed to ptatti@aitken.com.au and jmaxfield@aitken.com.au.

To minimise the risk of cyber fraud we request that you verify any email received from Aitken Partners containing bank account details by phoning our office.

Aitken Partners has a number of policies in place to protect the health of our staff and clients during the COVID-19 outbreak. While we will continue to service the needs of our clients, we are discouraging face-to-face meetings for the foreseeable future and are encouraging our staff to use video and teleconferencing technology to keep servicing you. We will have staff working from home at times, but this will not affect the service and advice we provide. Our contact details remain the same so please contact me if you want any further information.



Caitlin Murray
Minter Ellison

Principal Lawyer Alex Nicol
Contact Alex Nicol
Email anicol@aitken.com.au
Phone 03 8600 6055
Our Ref SPE566.44
Date 23 December 2022

By Email: Caitlin.Murray@minterellison.com

Dear Colleague,

**Westpac Banking Corporation & Anor -v- Forum Finance Pty Ltd (In Liquidation) & Ors
Federal Court of Australia No. NSD616/2021 (Proceedings)**

We act on behalf of Paul Allen and Glen Franklin in their capacity as liquidators of the following entities:

- (i) 4 Cowslip Street Violet Town Pty Ltd (In Liq) ACN 639 872 352;
- (ii) 9 Main Street Derrinallum Pty Ltd (In Liq) ACN 639 872 736;
- (iii) 14 Kirwin Road Morwell Pty Ltd (In Liq) ACN 641 402 093;
- (iv) 31 Ellerman Street Dimboola Pty Ltd (In Liq) ACN 641 392 887;
- (v) 55 Nolan Street Maryborough Pty Ltd (In Liq) ACN 641 392 912;
- (vi) 123 High Street Taradale Pty Ltd (In Liq) ACN 639 872 512;
- (vii) 160 Murray Valley HWY Lake Boga Pty Ltd (In Liq) ACN 641 392 921; and
- (viii) 275 High Street Golden Square Pty Ltd (In Liq) ACN 639 870 545.

(Collectively the **Companies**)

We refer to your letter to our clients dated 20 December 2022. You have sought our client's consent to your clients' proposed application for leave to be granted to proceed with Proceedings as against the Companies pursuant to section 471B of the *Corporations Act 2001* (Cth) and have provided proposed Short Minutes of Order for our clients' consideration (**Short Minutes**).

We are instructed to confirm that our clients consent to Orders being made in accordance with the Short Minutes of Order. Please provide us with a copy of any Orders made in due course.

Please let us know whether your clients require anything further.

Yours faithfully



Alex Nicol
Managing Principal



The Principals and Staff wish you the compliments of the season and advise that our office will close at 3.00pm on Friday 23 December 2022 and re-open at 8.30am on Monday 9 January 2023. All urgent enquiries should be directed to ptatti@aitken.com.au and jmaxfield@aitken.com.au.

Alana Galasso

From: Nikolas Kalcic <nikolas@aptumlegal.com.au>
Sent: Tuesday 31 January 2023 07:34 PM
To: Caitlin Murray
Cc: julian.zoller@ashurst.com; Tyler.Goldberg@allens.com.au; PROJECT OLYMPUS; Kirsty.Prinsloo@allens.com.au; Chris.Prestwich@allens.com.au; India.Short@allens.com.au; george@galawyers.com.au; admin2@galawyers.com.au; Nigel Evans; Tuan Van Le; Emma Soulsby; Ian.Bolster@ashurst.com; carla-rose.brett@ashurst.com; info@greeklaw.com.au; Samanthal@fracomlegal.com.au; Eliasek@fracomlegal.com.au; gabriellav@fracomlegal.com.au; law@panetta.com.au; myiasemides@jonesday.com; rdobson@jonesday.com; lshanahan@jonesday.com; loulou1743@gmail.com; Gayanie@galawyers.com.au; Kate Cockburn
Subject: RE: NSD616/2021; NSD 681/2021 and NSD 642/2021 - Westpac & Ors v Forum Finance & Ors [SEC=OFFICIAL] [ASH-AUS.FID30448741]

Dear Caitlin

Jesse Rudd will be appearing for the Third Respondent (Vincenzo Tesoriero) and Forty-Fifth Respondent (Giovanni (John) Tesoriero).

Please note we are instructed to cease acting for the Fourteenth Respondent (1160 Glen Huntly Road Pty Ltd) and Thirty-Ninth Respondent (Mangusta (VIC) Pty Ltd).

For completeness, we also note that we no longer act for the entities placed into liquidation.

Kind regards

Nikolas Kalcic
+ Senior Associate
03 7035 3580
aptumlegal.com.au



MELBOURNE | SYDNEY | BRISBANE

Experts in dispute resolution.
Specialists in litigation.

Our Melbourne office is relocating from 11 January 2023. Our updated Melbourne office address is Level 44, Rialto South Tower, 525 Collins Street, Melbourne, 3000.

This email may contain information which is legally privileged and/or confidential. We do not intend to waive any claim of privilege and/or confidentiality over any information contained in this email unless expressly stated otherwise. If you believe you received this email in error, please immediately notify the sender and permanently delete it and any attachments and copies.

Alana Galasso

From: Alana Galasso
Sent: Friday 2 December 2022 04:55 PM
To: Gayanie Walton; George Anton; Admin 2; Greek Law; Prestwich, Chris; McTaggart, Caitlin; Short, India; Forum (Allens); nigel@aptumlegal.com.au; eric@aptumlegal.com.au; tuan@aptumlegal.com.au; nikolas@aptumlegal.com.au; emma@aptumlegal.com.au; julian.zoller@ashurst.com; Ian.Bolster@ashurst.com; carla-rose.brett@ashurst.com; billp@whparsons.com.au; sathya@whparsons.com.au; hayley@whparsons.com.au; law@panetta.com.au; EXT ForumGroupJD; Prinsloo, Kirsty; Shanahan, Lucy J.; Yiasemides, Maria; tbouchahine@gmail.com; lagostino1743@gmail.com
Cc: PROJECT OLYMPUS; Caitlin Murray; Michael Hughes
Subject: RE: Westpac v Forum Finance Pty Ltd (NSD616/2021) | SMBC Leasing & Finance, Inc v Forum Finance Pty Ltd (NSD681/2021) - Draft Court Book Index [ME-ME.FID6264995]
Attachments: Draft Court Book Index - as at 02.12.22.pdf; Draft Court Book Index - as at 02.12.22.docx; Orders - 28.09.22.pdf

Dear Parties

We refer to Order 7 of the Orders dated 28 September 2022 (**September Orders**) requiring the applicants to provide the parties with an updated draft Court Book index. A copy of the September Orders are attached for ease of reference. As you would be aware, the proceedings have been set down for trial commencing 6 February 2023.

A copy of the draft Court Book index is attached to this email and contained within the sharefile link set out below, is a copy of the draft Court Book index hyperlinked to the various documents. Please note that the Court Book has not been fully paginated. And to the extent any document does contain a page reference, please disregard those references as they will be updated once the index has been finalised. The draft index has been hyperlinked and ordered in accordance with Order 12 of the September Orders, and the Federal Court practice note on the preparation of electronic court books (GPN-eBooks). Please note in order to access the hyperlinks, please download the zip file and extract the folder onto your desktop.

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In addition to the hyperlinked Court Book index, please find enclosed in the link, a draft Tender Bundle (being "Part C" to the Court Book). We are in the process of hyperlinking the Part C Index and will serve the hyperlinked index as soon as practicable. For the sake of completeness, we note that this list currently consists of Westpac and SMBC's respective tender bundles; with the latter being identifiable by the unique party code "SMB". Documents annexed to the affidavits of Mr Tesoriero Snr and Mrs Tesoriero are within Part D of the Court Book.

So that we may prepare a paginated and final version of the Court Book, including Part C, to be served on the parties and provided to the Court by 16 December 2022, we will require notification as soon as possible, and in any event by no later than **9 December 2022**, of any additional documents that are to be included within the Court Book. Please also provide us with a copy of any additional documents to facilitate their efficient inclusion in the Court Book.

As to the Tesoriero Parties: The Tesoriero Parties corporate entities' defences filed 20 April 2022 and 14 June 2022 have been removed from the draft Court Book due to the indication given in the emails from Aptum dated 31 October 2022, by which the amended defence of Mr Vincenzo Tesoriero was served. We would be grateful if Aptum can please indicate whether these defences should be re-inserted into the court book.

As to Mr Giamouridis: We have inserted placeholders in the court book noting that your documents are not yet due to be filed and served. We would be grateful if you could please confirm if any additional placeholders are required.

Please let us know if you have any issues accessing the materials.

Kind regards

Alana Galasso

Lawyer

T +61 2 9921 4287

alana.galasso@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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



Alana Galasso

From: Claire Latham <Claire.Latham@minterellison.com>
Sent: Monday 5 December 2022 02:44 PM
To: rebekah@companygiles.com.au; lagostino1743@gmail.com; tbouchahine@gmail.com
Cc: Gayanie Walton; George Anton; Admin 2; Greek Law; Prestwich, Chris; McTaggart, Caitlin; Short, India; Forum (Allens); Nigel Evans; Eric Maben; Tuan Van Le; Nikolas Kalcic; Emma Soulsby; julian.zoller@ashurst.com; Ian.Bolster@ashurst.com; carla-rose.brett@ashurst.com; billp@whparsons.com.au; sathya@whparsons.com.au; hayley@whparsons.com.au; law@panetta.com.au; EXT ForumGroupJD; Prinsloo, Kirsty; lshanahan@jonesday.com; Yiasemides, Maria; PROJECT OLYMPUS Westpac v Forum Finance Pty Limited - NSD616/2021 (Proceedings) [ME-ME.FID6264995]
Subject: Westpac v Forum Finance Pty Limited - NSD616/2021 (Proceedings) [ME-ME.FID6264995]

Dear Ms Giles, Ms Agostino and Mr Bouchahine

We refer to the Proceedings. The Proceedings have been listed for final hearing in the Federal Court of Australia, Sydney Registry commencing on 6 February 2023 and running for a period of three weeks.

A draft Court Book containing the pleadings, evidence and opening submissions was served on 2 December 2022 and can be accessed at the following share file link:

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The Defences filed and served by Louise Agostino and Moussa Bouchahine have been included in the Court Book. If any respondent intends for any additional documents to be included in the Court Book, these should be provided as soon as possible and by no later than 9 December 2022 so that they can be included in the final Court Book to be provided to the Court.

In the event you / Mr Papas (or a legal representative) does not appear at the final hearing on 6 February 2023, our client will seek an order pursuant to Rule 30.21(1)(b)(i) of the *Federal Court Rules* 2011 (Cth) that the claims and proceedings against each respondent that has not appeared be determined in their absence and that the trial continue.

If you require any further information in connection with the final hearing, please contact me at the details below.

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](#)



Alana Galasso

From: Alana Galasso
Sent: Friday 15 July 2022 05:00 PM
To: Simon Brandis; Ian.Bolster@ashurst.com; carla-rose.brett@ashurst.com; 047678 Tesoriero _ Dispute against Westpac Banking Corporation E_Mail; Alexandra Lawrence; Caitlin Murray; julian.zoller@ashurst.com; Andrew Clarke; Prinsloo, Kirsty; Melissa Passarelli; Michael Hughes; Forum (Allens); rdobson@jonesday.com; myiasemides@jonesday.com; thaystead@jonesday.com; Kate Cockburn; lshanahan@jonesday.com; Prestwich, Chris; Sazz Nasimi; Candy Nelson; robert.ishak@williamroberts.com.au; billp@whparsons.com.au; law@panetta.com.au; hayley@whparsons.com.au; sathya@whparsons.com.au; skarnib@mlglaw.com.au; melazzi@mlglaw.com.au; Claire Latham; Prestwich, Chris; rdobson@jonesday.com; EXT-ForumGroupJD@groups.jonesday.com; Anthony Sommer; Michael Swain; McTaggart, Caitlin; Maureen Petros; Effie Dimos
Cc: PROJECT OLYMPUS; Caitlin Murray
Subject: Westpac Banking Corporation & Anor v Forum Finance Pty Limited & Ors - Federal Court of Australia Proceeding No. NSD616/2021 [ME-ME.FID6264995]

Dear Colleagues

We refer to:

1. Order 9 of the Court's orders dated 10 March 2022 in proceedings NSD616/2021 (**Orders**) which requires the applicants 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 (**Section 50 Summaries**); and
2. Order 11 of the Orders which requires the applicants to serve an index of all documents that they propose to tender at the hearing (**Tender Documents Index**).

Please find by way of service a share file link to the following documents on behalf our clients, the applicants in NSD616/2021, Westpac Banking Corporation and Westpac New Zealand Limited:

1. the following Section 50 Summaries titled:
 - (a) Payments by WBC to Forum Finance;
 - (b) Payments by WNZL to Iugis NZ;
 - (c) Transfers of WBC Funds within Forum Group;
 - (d) Transfers of WNZL Funds within Forum Group;
 - (e) Payments from Forum Entities to Maia;
 - (f) Transfers to EQWE / BHO;
 - (g) Contractual Documents Summary;
 - (h) Corporate Summary: Directorships, Shareholdings and Trusts;
 - (i) Property Purchases and Ownership; and
2. the Tender Documents Index,

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We note that additional Section 50 Summaries will be served in the coming days.

Our clients reserve their right to provide a supplementary and/or amended Tender Documents Index, in circumstances where we received the list of documents of the third respondent, Mr Vincenzo Frank Tesoriero late yesterday, the other respondents in NSD616/2021 have not given any discovery, and our clients have sought additional documents under various subpoenas and notices to produce to which we do not yet have access.

Regards

—

Alana Galasso

Lawyer

T +61 2 9921 4287

alana.galasso@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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



Alana Galasso

From: Alana Galasso
Sent: Wednesday 30 November 2022 02:07 PM
To: Gayanie Walton; George Anton; Admin 2; Greek Law; Prestwich, Chris; Short, India; Forum (Allens); nigel@aptumlegal.com.au; eric@aptumlegal.com.au; tuan@aptumlegal.com.au; nikolas@aptumlegal.com.au; emma@aptumlegal.com.au; julian.zoller@ashurst.com; lan.Bolster@ashurst.com; carla-rose.brett@ashurst.com; billp@whparsons.com.au; sathya@whparsons.com.au; hayley@whparsons.com.au; law@panetta.com.au; EXT ForumGroupJD; Prinsloo, Kirsty; Shanahan, Lucy J.; Yiasemides, Maria; tbouchahine@gmail.com; lagostino1743@gmail.com
Cc: PROJECT OLYMPUS; Caitlin Murray; Michael Hughes
Subject: RE: Westpac v Forum Finance Pty Ltd (NSD616/2021) | Societe Generale v Forum Finance (NSD642/2021) | SMBC Leasing v Forum Finance (NSD681/2021) | In the matter of Forum Finance (NSD747/2021) [SEC=OFFICIAL] [ME-ME.FID6264995]

Categories: Orange Category

Dear Colleagues

We refer to our below emails by which the applicants' summaries for the purposes of s50(2) of the Evidence Act 1995 (Cth) have been served.

For ease of reference, we have compiled the amended and final versions of the documents in one location, together with hyperlinked versions which have cross-reference back to the relevant evidence. Accordingly, please find by way of service within this email a link to a sharefile containing all of the section 50 summaries that the applicants intend to rely on at the final hearing commencing on 6 February 2023:

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In order to access the hyperlinks in the "Hyperlinked Versions", please download the zip file and extract the documents onto your desktop. Please let us know if you have any issues accessing the sharefile link, or the hyperlinked documents.

For the sake of completeness, please disregard the previous links provided in our emails below.

Kind regards

—
Alana Galasso

Lawyer

T +61 2 9921 4287

alana.galasso@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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



Alana Galasso

From: Kate Cockburn
Sent: Friday 16 December 2022 03:57 PM
To: Serena Johnson; Gayanie Walton; George Anton; Admin 2; Greek Law; Prestwich, Chris; McTaggart, Caitlin; Short, India; Forum (Allens); nigel@aptumlegal.com.au; eric@aptumlegal.com.au; tuan@aptumlegal.com.au; nikolas@aptumlegal.com.au; emma@aptumlegal.com.au; julian.zoller@ashurst.com; lan.Bolster@ashurst.com; carla-rose.brett@ashurst.com; billp@whparsons.com.au; sathya@whparsons.com.au; hayley@whparsons.com.au; law@panetta.com.au; EXT ForumGroupJD; Prinsloo, Kirsty; Shanahan, Lucy J.; Yiasemides, Maria; tbouchahine@gmail.com; lagostino1743@gmail.com
Cc: PROJECT OLYMPUS; Caitlin Murray; Michael Hughes
Subject: RE: Westpac v Forum Finance Pty Ltd (NSD616/2021) | SMBC Leasing & Finance, Inc v Forum Finance Pty Ltd (NSD681/2021) - Draft Court Book Index [ME-ME.FID6264995]

Dear Colleagues

A hyperlinked and paginated copy of the Electronic Court Book is available via the below link, and will be sent to her Honour's Chambers shortly as per our email to all parties on 14 December 2022 and to Her Honour's Associate yesterday night.

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Kind regards

Kate

Kate Cockburn

Lawyer

T +61 2 9921 4304 M +61 421 169 706

kate.cockburn@minterellison.com

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

