

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 25/01/2022 3:40:27 PM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
File Number: 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

Dated: 25/01/2022 3:46:27 PM AEDT

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 59
Rule 29.02(1)

Affidavit

No. NSD616/2021

Federal Court of Australia
District Registry: New South Wales
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

Affidavit of: Caitlin Maria Murray
Address: Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000
Occupation: Solicitor
Date: 25 January 2022

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Document number	Details	Paragraph	Page
1.	Affidavit of Caitlin Maria Murray sworn on 25 January 2022	1	1 - 4
2.	Exhibit CMM-21	2	1

I, Caitlin Maria Murray of Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000, Solicitor, say on oath:

- I am a partner of the firm of solicitors, MinterEllison and the solicitor for the first applicant, Westpac Banking Corporation and the second applicant Westpac New Zealand Limited (together, **Westpac**). I make this affidavit in support of Westpac's application for freezing orders against Ms Louisa Agostino (Ms Agostino).
- Shown to me at the time of swearing this affidavit and exhibited to this affidavit is a paginated bundle of documents marked 'Exhibit CMM-21' (**CMM-21**). Throughout this affidavit I make reference to documents which appear at CMM-21.

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		
Tel	(02) 9921 8888	Fax	02 9921 8123
Email	caitlin.murray@minterellison.com		
Address for service	Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000		
(include state and postcode)	Our reference: CMM:AGS:1353397		

Version 3 form approved 02/05/2019

Service of documents on Louise Agostino (Ms Agostino)

3. On 24 January 2022 at approximately 3:47pm, I sent an email to Ralph Daher of Cobden and Hayson Balmain at ralph@ch.com.au and Peter Gordon of Cobden and Hayson Balmain at peterg@ch.com.au (being email addresses listed in orders 3(c) and 3(d) of the orders made by Justice Lee J on 24 January 2021 (the **Orders**)). This email attached copies of the:



- (a) Orders;
- (b) interlocutory application filed on 24 January 2022 seeking freezing orders over Louise Agostino's assets (the **Interlocutory Application**); and
- (c) email from the Associate of Lee J containing the link to the hearing of the Interlocutory Application on 25 January 2022 (**Hearing Email**).

A copy of this email and its attachments are at pages 1 to 26 of CMM-21.

4. Included within that email was a link to a drive with the following URL https://drive.google.com/drive/folders/1SuRpkIjLxG1p6ixsOZmvAeR8xYILdY_p (the **Link**), being the link listed within order 3(b) of the Orders, that contains copies of the following documents:

- (a) the Orders;
- (b) the Interlocutory Application;
- (c) my sealed affidavit sworn on 19 October 2021 and its exhibit (CMM-16);
- (d) my sealed affidavit sworn on 21 January 2021 and its exhibit (CMM-20);
- (e) sealed subpoena addressed to Balmain Real Estate Pty Limited (ACN 058 302 882) issued by the Federal Court on 24 January 2022;
- (f) sealed subpoena addressed to Sydney City Realty Pty Limited ACN 143 282 044 issued by the Federal Court on 24 January 2022;
- (g) sealed subpoena addressed to the Commonwealth Bank of Australia ACN 123 123 124, (the **Link Documents**). A copy of a screenshot of the Link showing it contained the Link Documents is at page 27 of CMM-21. A copy of the front page of each of the documents contained within the Link is at pages 28 to 36 of CMM-21. Due to the size of the documents a complete copy of the Link Documents has not been included in CMM-21.

5. On 24 January 2022 at approximately 3:48pm, I caused Alana Galasso (**Ms Galasso**) a solicitor of MinterEllison under my employ, to send a text message to 0439 392 008 (the phone number listed within order 3(b) of the Orders) containing the Link. A copy of this text is at page 37 of CMM-21.

Signed:  Taken by: 

6. On 24 January 2022 at approximately 3:53pm, I caused Kate Cockburn a solicitor of MinterEllison under my employ, to send an email to loulou1743@gmail.com, being an email address listed in order 3(a) of the Orders that:

- (a) attached a copy of the Orders;
- (b) attached a copy of the Interlocutory Application;
- (c) attached a copy of the Hearing Email; and
- (d) contained the Link.

A copy of this email, to which I was copied, is at pages 38 to 39 of CMM-21. I have not included the attachments to the email in the exhibit due to the size of the documents.

7. In addition, on 25 January 2022, I received documents from Cobden and Hayson Balmain which included details of the solicitors' firm (Harris Friedman Lawyers) acting for Ms Agostino in relation to the sale of the Rozelle Apartment.

8. On 25 January 2022, I spoke to Mr Jonathan Harris from Harris Friedman Lawyers. At 11:37am, following this call, I forwarded to Mr Harris the email I had sent to Mr Daher and Mr Gordon that attached the Orders, the Interlocutory Application, the Hearing Email and which contained the Link. A copy of this email, without its attachments, is at pages 40 to 41 of CMM-21.

Service of documents on Basile Papadimitriou (Mr Papas)

9. On 24 January at approximately 6.50pm, I caused Ms Galasso to email law@panetta.com.au attaching:



- (a) a sealed interlocutory application filed on 24 January 2022 seeking leave to serve a freezing order on Mr Papas in the Hellenic Republic (**Greek Freezing Orders Application**);
- (b) my sealed affidavit sworn on 21 January 2021 (**Greek Freezing Orders Affidavit**); and
- (c) the Hearing Email.

A copy of this email and its attachments are at pages 42 to 58 of CMM-21.

10. On 24 January at approximately 6:52pm, I caused Ms Galasso to email loulou1743@gmail.com attaching:

- (a) the Greek Freezing Orders Application;
- (b) the Greek Freezing Orders Affidavit; and
- (c) the Hearing Email.

A copy of this email, without its attachments, is at page 59 of CMM-21.

Signed:  Taken by: 

11. On 24 January at approximately 6:56pm, I caused Ms Galasso to text message Mr Papas' confidential Greek phone (**Greek Phone Number**) containing the link https://drive.google.com/drive/folders/1LCiQ8GQlt_UGs0k4zmE_QI7tZRJkFYVU?usp=sharing which contained:

- (a) the Greek Freezing Orders Application; and
- (b) the Greek Freezing Orders Affidavit,

(the **Greek Freezing Orders Link**). A copy of this text message is at pages 60 to 61 of CMM-21.

12. On 25 January at approximately 10:46am, I caused Ms Galasso to text message Mr Papas' Greek Phone Number the following paragraph:

The link provided in the text message directly above has now been updated to include an email from the Court with details of the hearing at 4pm today, 25 January 2022.

A copy of a screenshot of the updated Greek Freezing Orders Link (which now contains the Hearing Email) is at page 61 of CMM-21.


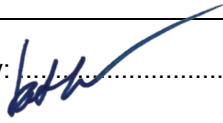
13. On 25 January at approximately 10:47am, I caused Ms Galasso to send a message to Mr Papas' Greek Phone Number on WhatsApp which contained the Greek Freezing Orders Link.

A copy of this message is at page 62 of CMM-21.

14. On 25 January at approximately 12.00pm, I caused Ms Galasso to deliver a prepaid envelope addressed to Mr Papas, care of Panetta Lawyers to Level 6, 11 Elizabeth Street Sydney NSW 2000 enclosing:

- (a) a letter addressed to Mr Papas, care of Panetta Lawyers;
- (b) the Greek Freezing Orders Application;
- (c) the Greek Freezing Orders Affidavit; and
- (d) the Hearing Email.

A copy of this letter is at page 63 of CMM-21. I am informed by Ms Galasso and believe that she delivered the envelope.

Signed:  Taken by: 

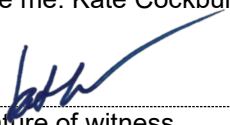
Sworn by the deponent
at Sydney in New South Wales
on 25 January 2022

)
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)
)
)



Signature of deponent

Before me: Kate Cockburn



Signature of witness

Solicitor
Level 40, Governor Macquarie Tower, 1 Farrer
Place NSW 2000.

As a witness, I certify the following matters concerning the person who made this affidavit (**deponent**):

1. I saw the face of the deponent.
2. I observed the deponent signing this affidavit.
3. I attest or otherwise confirm witnessing the deponent's signature by signing this affidavit.
4. I have confirmed the person's identity based on the following document presented to me: drivers licence.

Signed:

Taken by:

Schedule of Parties

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 (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
 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 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
 Twenty-First Respondent 55 Nolan Street Maryborough Pty Ltd ACN 641 392 912

Signed: Taken by:

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-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 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 Olympou Theion Ike