

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 26/07/2021 9:45:53 PM AEST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

Document Lodged:	Interlocutory Application - Form 35 - Rule 17.01(1)(a)
File Number:	NSD642/2021
File Title:	SOCIETE GENERALE (ABN 71 092 516 286) v FORUM FINANCE PTY LIMITED (ACN 152 301 172) & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Interlocutory Hearing
Time and date for hearing:	28/07/2021, 3:00 PM
Place:	Virtual Recorder Four, Level 17, Law Courts Building 184 Phillip Street Queens Square, Sydney; By Web Conference, Level 17, Law Courts Building 184 Phillip Street Queens Square, Sydney



Sia Lagos

Dated: 27/07/2021 9:40:25 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 Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

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.



Interlocutory application

No. NSD642 of 2021

Federal Court of Australia
District Registry: NSW
Division: Commercial and Corporations

Societe Generale (ABN 71 092 516 286)

Applicant

Forum Finance Pty Limited (ACN 153 301 172) (In Liquidation) and another
Respondents

To **Forum Finance Pty Limited (ACN 153 301 172) (In Liquidation)**, the first respondent,
Basile Papadimitriou (also known as Bill Papas), the second respondent, and **Forum Group**
Financial Services Pty Ltd (In Provisional Liquidation), the proposed third respondent

The Applicant applies for the interlocutory orders set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

Time and date for hearing:

Place: Federal Court of Australia, Law Courts Building, Queen Square, 184 Phillip Street, Sydney NSW 2000

The Court ordered that the time for serving this application be abridged to

Date: 26 July 2021

Signed by an officer acting with the authority
of the District Registrar

Filed on behalf of (name & role of party)	Societe Generale (ABN 71 092 516 286), Applicant		
Prepared by (name of person/lawyer)	Ian Timothy Bolster / Matthew Youssef		
Law firm (if applicable)	Ashurst Australia		
Tel	(02) 9258 6697 / (02) 9258 6323	Tel	(02) 9258 6697 / (02) 9258 6323
Email	ian.bolster@ashurst.com / matthew.youssef@ashurst.com		
Address for service (include state and postcode)	Ashurst Australia Level 11, 5 Martin Place, Sydney NSW 2000		



Interlocutory orders sought

1. To the extent necessary, the applicant be granted leave pursuant to section 471B of the *Corporations Act 2001* (Cth) to:
 - (a) proceed against the first respondent in this proceeding;
 - (b) begin and proceed against Forum Group Financial Services Pty Limited (In Provisional Liquidation) in this proceeding; and
 - (c) file an amended originating application in a form set out in Annexure A.
2. Pursuant to rule 9.05 of the *Federal Court Rules 2011* (Cth) (**FCR**), Forum Group Financial Services Pty Ltd (In Provisional Liquidation) be joined as the third respondent.
3. Pursuant to rule 8.21 of the FCR, the applicant be granted leave to file an amended originating application in the form set out in Annexure A.
4. The costs of this application be costs in the proceeding.
5. Such further or other order as the court sees fit.

Service on the Respondents

It is intended to serve this application on all of the respondents and Forum Group Financial Services Pty Ltd (In Provisional Liquidation), the proposed third respondent.

Date: 26 July 2021


Signed by Ian Timothy Bolster
Lawyer for the Applicant

"A"

Form 15
Rules 8.01(1); 8.04(1)



Amended Originating application
(Filed pursuant to leave granted on July 2021)

No. NSD642 of 2021

Federal Court of Australia
District Registry: New South Wales
Division: Commercial and Corporations

Societe Generale (ABN 71 092 516 286)

Applicant

Forum Finance Pty Limited (ACN 153 301 172) (In Liquidation) and another others

Respondents

To the Respondents

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place: Federal Court of Australia, Law Courts Building, Queen Square, 184 Phillip Street, Sydney NSW 2000

~~The Court ordered that the time for serving this application be abridged to~~

Filed on behalf of (name & role of party) Societe Generale (ABN 71 092 516 286), Applicant

Prepared by (name of person/lawyer) Ian Timothy Bolster / Matthew Youssef

Law firm (if applicable) Ashurst Australia

Tel (02) 9258 6697 / (02) 9258 6323 Fax (02) 9258 6999

Email ian.bolster@ashurst.com / matthew.youssef@ashurst.com

Address for service Ashurst Australia

(include state and postcode) Level 11, 5 Martin Place, Sydney NSW 2000



Date: July 2021

Signed by an officer acting with the authority
of the District Registrar



Details of claim

On the grounds stated in the statement of claim, accompanying affidavit or other document prescribed by the Rules, the Applicant claims:

In respect of **Forum Finance Pty Limited (ACN 153 301 172) (In Liquidation), the first respondent:**

1. A declaration that the first respondent and/or the second respondent holds on trust for the applicant the sum of \$8,688,398 and any traceable property acquired by it or any entity that it controls using those funds on trust for the applicant.
2. An order that the first respondent and the second respondent account to the applicant for the amount referred to in order 1 above that it or any entity that it controls has received.
3. Damages at common law and/or pursuant to section 236 of schedule 2 of the Competition and Consumer Act 2010 (Cth) (ACL) and/or section 12GF of the Australian Securities and Investments Commission Act 2001 (Cth) (ASIC Act). ~~the Australian Consumer Law.~~
4. Compensation pursuant to section 237 of the ACL and/or section 12GM of the ASIC Act
- ~~4-5.~~ Equitable compensation.
- ~~5~~ 6. Interest pursuant to the Receivables Acquisition and Servicing Agreement entered into between (among others) the first respondent and the applicant dated 6 November 2020 (Master Agreement), and/or interest pursuant to ss 51A and 52 of the Federal Court of Australia Act 1976 (Cth).
- ~~6~~ 7. Costs on an indemnity basis pursuant to the Master Agreement, or in the alternative, costs on an indemnity basis, or in the further alternative, costs on a party/party basis.
- ~~7~~ 8. Any further or other order as the court sees fit.

In respect of **Basile Papadimitriou (also known as Bill Papas), the second respondent:**

9. A declaration that the second respondent holds on trust for the applicant the sum of \$8,688,398 and any traceable property acquired by him or any entity that he controls using those funds.
10. An order that the second respondent account to the applicant for the amount referred to in order 1 above that he or any entity that he controls has received.
11. Damages at common law and/or pursuant to section 236 of the ACL and/or section 12GF of the ASIC Act.
12. Compensation pursuant to section 237 of the ACL and/or section 12GM of the ASIC Act.



13. Equitable compensation.
14. Interest pursuant to ss 51A and 52 of the Federal Court of Australia Act 1976 (Cth).
15. Costs on an indemnity basis, or in the alternative, costs on a party/party basis.
16. Any further or other order as the court sees fit.

In respect of Forum Group Financial Services Pty Ltd (ACN 623 033 705) (In Provisional Liquidation), the third respondent:

17. A declaration that the third respondent holds on trust for the applicant the sum of \$8,688,398 and any traceable property acquired by it or any entity that it controls using those funds.
18. An order that the third respondent account to the applicant for the amount referred to in order 1 above that it or any entity that he controls has received.
19. Equitable compensation.
20. Interest pursuant to ss 51A and 52 of the Federal Court of Australia Act 1976 (Cth).
21. Costs on an indemnity basis, or in the alternative, costs on a party/party basis.
22. Any further or other order as the court sees fit.

Claim for interlocutory relief

The Applicant also claims interlocutory relief.

~~1. The orders set out in the Interlocutory Application dated 1 July 2021.~~

- 2.1. An order that the ~~first respondent and/or the second respondents~~ forthwith disclose to the applicant all facts within their knowledge as to the present whereabouts of the sum of:
 - a. \$4,128,757 that was paid by the applicant into the first respondent's account on or about 9 March 2021, and transferred to the third respondent's account on 9 March 2021;
 - b. \$2,299,539 that was paid by the applicant into the first respondent's account on or about 6 May 2021, and transferred to the third respondent's account on 7 May 2021; and
 - c. \$2,558,902 that was paid by the applicant into the first respondent's account on or about 24 May 2021, and transferred to the third respondent's account on 24 May 2021.



3.2. Such further or other order as the court sees fit.

Applicant's address

The Applicant's address for service is:

Place: Ashurst Australia
ATT: Ian Bolster / Matthew Youssef
Level 11
5 Martin Place
Sydney NSW 2000

Email: ian.bolster@ashurst.com / matthew.youssef@ashurst.com

The Applicant's address is Level 25, 1 Bligh Street, Sydney NSW 2000

Service on the Respondents

~~It is not intended to serve this application on any Respondent until after the hearing for the Applicant's Interlocutory Application dated 1 July 2021.~~

It is intended to serve this application on all Respondents.

Date: July 2021

Signed by Ian Timothy Bolster
Lawyer for the Applicant

**Schedule**

No. NSD642 of 2021

Federal Court of Australia
District Registry: New South Wales
Division: Commercial and Corporations

Respondents

Second Respondent: Basile Papadimitriou (also known as Bill Papas)
Third Respondent: Forum Group Financial Services Pty Ltd (ACN 623 033 705)
(In Provisional Liquidation)

Date: 4 July 2021