

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 25/01/2022 12:15:32 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: NSD912/2020  
File Title: CLIVE FREDERICK PALMER v MARK MCGOWAN  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



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

Dated: 25/01/2022 12:32:00 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 1      Affidavit**  
(rule 2.6)

No.    NSD 912/2020

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

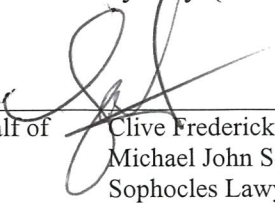
**Clive Frederick Palmer**  
Applicant/Cross-Respondent

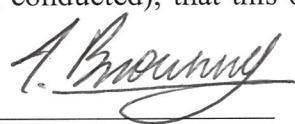
**Mark McGowan**  
Respondent/Cross-Claimant

Affidavit of:    Sameh Morris Iskander  
Address:        4 Princess Street, Paddington QLD 4064  
Occupation:    Solicitor  
Date:            25 January 2022

I, Sameh Morris Iskander of 4 Princess Street, Paddington in the State of Queensland, Solicitor, say on oath:

1. I am the Principal of the law firm Alexander Law which is based in Queensland and has two offices there.
2. I have been informed by Michael John Sophocles, and I verily believe, that Mr Sophocles has previous experience personally of giving evidence by way of an audio-visual link between the Registry of the Federal Court in Brisbane (where the witness was located) and the Court in Sydney (where the relevant trial was being conducted), that this occurred in

Filed on behalf of  Clive Frederick Palmer, Applicant  
Prepared by        Michael John Sophocles  
Law firm            Sophocles Lawyers  
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Address for service    Level 23, 52 Martin Place, Sydney NSW 2000

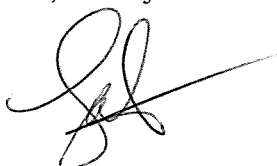


Signature of person making this affidavit (deponent)

Signature of witness

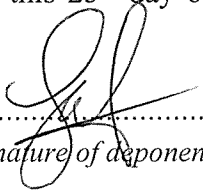
December 2019 and that the audio-visual link was successful in the sense that no technical complications issues arose with the link established between the two courts.

3. Facilities are available at my firm or our firm's associated facilities for remote access technology, including the conduct of Microsoft Teams video conferencing. I have personal experience in the use of Microsoft Teams video conferencing being conducted from my offices. My experience is that those facilities have invariably worked well in that participant in the Microsoft Teams conferences have all been able to be seen and heard clearly and that the remote access technology has not suffered from any major technical glitches].
4. There have been some occasions where Microsoft Teams video conferences between my offices and the Supreme Court of Western Australia have experienced technical difficulties such as inconsistent connection and freezing; however, these technical difficulties have been rectified in a relatively short period of time. In my personal experience, if and when technical difficulties do occur, it is generally at the commencement of a hearing and once the video conference is terminated in resumed the technical issues are resolved. I am only personally aware a complete failure of video conferencing on one occasion. On that occasion, the Supreme Court of Western Australia was unable to commence the video conference and legal representatives appearing remotely (from Queensland and Victoria) were unable to establish a connection. I understand this was caused by a technical issue at the Supreme Court of Western Australia and was not caused by the Microsoft Teams software itself.
5. I have also had experience in a 2-week trial that was conducted in the Federal Court of Australia in 2020 from Sydney where the judge had presided and I with our witnesses and counsel were in Brisbane as well as the other party were in Adelaide, and they had witnesses in Melbourne as well as the United States of America. I recall that this hearing went very well without any issues whatsoever.
6. I am informed by Mr Palmer, and I verily believe, that he has a copy of the Court Book which was filed in this matter on 24 January 2022.
7. If the Court were to order that Mr Palmer's evidence in this proceeding be given by video link from my offices in Brisbane, then I would ensure that I, and if necessary additional solicitors within my firm, would be available to resolve any technical issues which might arise, in conjunction with Court staff.



8. All the facts and circumstances above deposed to are within my own knowledge save such as are deposed to from information only and my means of knowledge and sources of information appear on the face of this my affidavit.

Sworn by the above-named deponent, at Brisbane in the State of Queensland, this 25<sup>th</sup> day of January 2022:

  
.....  
*Signature of deponent*

Before me:

  
.....

Name of witness:

Thomas Vincent Browning

Address of witness:

Solicitor

Qualification of witness: