

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 19/04/2021 9:33:00 AM AWST 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:	WAD59/2021
File Title:	ADAM NICHOLAS IAN FLETCHER & ORS v CHRISTOPHER MICHAEL BROWN & ANOR
Registry:	WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Dated: 19/04/2021 9:37:31 AM AWST

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. WAD of 2021

Federal Court of Australia

District Registry: Perth

Division: Commercial and Corporations

ADAM NICHOLAS IAN FLETCHER AND OTHERS

Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

Affidavit of: **Adam Nicholas Ian Fletcher**

Address: [REDACTED]

Occupation: Company Director

Date: 18 March 2021

Contents

Document	Details	Paragraph	Page
1	Second Affidavit of Adam Nicholas Ian Fletcher affirmed 18 March 2021	1	1 - 2
2	Annexure "AF-2", being a copy of a photo sent from Chris Brown to Adam Fletcher on 9 September 2020 of Mr Brown's share and cash portfolio in NabTrade	5	3 - 4
3	Annexure "AF-3", being a copy of a NABTrade total wealth report generated by Adam Fletcher on 18 March 2021 as at 17 March 2021	8	5 - 6

I, Adam Nicholas Ian Fletcher, of [REDACTED], Western Australia, Company Director, affirm as follows:

1. The contents of this affidavit are true to my knowledge, unless otherwise stated, in which case they are true to the best of my information and belief and the source of my information and belief is stated.
2. This is my second affidavit affirmed in these proceedings, my first affidavit being affirmed on 16 March 2021.
3. I note, in relation to my first affidavit, that on page 11 it states that the affidavit was affirmed by me on 17 March 2021. That is an error. The affidavit was affirmed by me on 16 March 2021.

Information regarding shares held by Chris Brown

4. Around late August 2020, Chris told me that he could Off Market Transfer (**OMT**) shares to Stuart and me for payment. Chris said that he had around 20 million in shares and cash in NabTrade. Chris asked us not to tell anyone as he did not want people knowing that Stuart and I would be paid out of this account.
5. On 9 September 2020, Chris sent a photo to me of what he described as his share and cash portfolio in NabTrade. Attached hereto and marked "**AF-2**" is a true copy of that photo Chris sent to me on Whatsapp.

NABTrade Wealth Report

6. At tab 15 to my first affidavit I attached two videos as a demonstration by me of how to manually alter the total balance in a NABTrade total wealth report.
7. In that demonstration I observed that, after manually altering the net position (e.g by increasing the value by \$100,000,000) that figure would automatically update on the home screen ('net position' page), but that if a report was generated it would show the amount as at the previous day. That is, the report generated is as at the previous day's date.
8. Attached hereto and marked "**AF-3**" is a true copy of a report which I generated today, being 18 March 2021, and which shows the inputs in assets and liabilities as at yesterday, being 17 March 2021 (i.e. the additional \$100,000,000 that I inputted manually in the video referred to above).
9. I also observe that, in the generated report, the cash balance of \$100,000,000 is listed alongside the entry "*Assets and Liabilities - [REDACTED]*". This is the cash balance that I manually inputted without regard to how many funds I have.
10. I also observe that the balance alongside the entry "nabtrade Cash Account - [REDACTED]" remains unchanged and I confirm that, as reflected in this report, I have a zero balance in that account.

Affirmed by the deponent
At Perth
In Western Australia
on 18 March 2021
Before me:

)
)
)
)
)


Signature of deponent


Signature of witness

MITCHELL MARK SPURGE
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

No. WAD of 2021

Federal Court of Australia

District Registry: Western Australia

Division: Commercial and Corporations

ADAM NICHOLAS IAN FLETCHER AND OTHERS

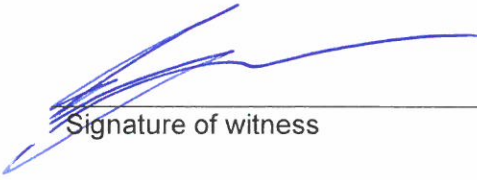
Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as “**AF-2**” referred to in the affidavit of **Adam Nicholas Ian Fletcher** affirmed on 18 March 2021.



Signature of witness

MITCHELL MARK SPURGE

Solicitor

Mills Oakley

24/240 St Georges Terrace

Perth WA 6000

10:03

4G

AA

nabtrade.com.au



Total Wealth

Total Wealth snapshot

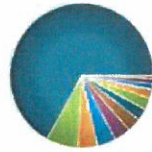
Net position: \$20,064,378.68

All | 12 months | 6 months | 3 months

Income: \$0.00

Fees: \$0.00

Total wealth



Cash
 DEG ASX
 AME ASX
 BHP ASX
 DXB ASX

Accounts in Total Wealth (1)

my C.M.BROWN

What's this?

Total Accounts to select (1) Select

[Accounts](#) | [Assets & Liabilities](#) | [Income & Fees](#) | [Payments & Transfers](#) | [Reports](#)

Assets & Liabilities

[View AUD Market Value](#) | [Add new Asset](#) | [Add new Liability](#) | [Download](#)
View by [Asset Class](#) | [Country](#) | [Sector](#) | [Management](#)

Assets & Liabilities

Listed investments (11)

Australasian equities (11)

Code	Description	Quantity	Price	Market Value	Today's Change	Total Wealth	Actions
1AD ASX	ADALTA LIMITED	1,000,000	\$0.115	\$115,000.00	+\$5,000.00 (+4.55%)	0.57%	
AME ASX	ALTO METALS LIM	10,000,000	\$0.09	\$900,000.00	-\$30,000.00 (-3.45%)	4.49%	
BHP ASX	BHP GROUP LIMIT	22,500	\$37.31	\$839,475.00	+\$5,625.00 (+0.67%)	4.18%	
CVN ASX	CARNARVON PETRO	1,250,000	\$0.20	\$250,000.00	+\$0.00 (+0.00%)	1.25%	
DEG ASX	DE GREY MINING	1,000,000	\$1.4325	\$1,432,500.00	-\$52,500.00 (-3.60%)	7.14%	
DXB ASX	DIMERIX LIMITED	1,000,000	\$0.73	\$730,000.00	-\$10,000.00 (-1.35%)	3.64%	
G1A ASX	GALENA MINING L	1,000,000	\$0.245	\$245,000.00	+\$0.00 (+0.00%)	1.22%	
NAB ASX	NATIONAL AUSTRA	35,000	\$17.745	\$621,075.00	+\$4,725.00 (+0.77%)	3.10%	
PAR ASX	PARADIGM BIOPHA	155,219	\$2.61	\$405,121.59	-\$4,656.57 (-1.14%)	2.02%	
PDI ASX	PREDICTIVE DISC	8,000,000	\$0.067	\$536,000.00	+\$8,000.00 (+1.52%)	2.67%	
VMT ASX	VMOTO LIMITED O	1,000,000	\$0.54	\$540,000.00	+\$0.00 (+0.00%)	2.69%	
Cash (5)				\$13,450,207.09	+\$0.00 (+0.00%)	67.04%	
Totals				\$20,064,378.68	+\$91,193.43 (+0.46%)	100.00%	

ASX & C.M.B. real time quotes as of 09/09/2020 12:01 PM AEST. Informational quotes delayed at least 15 minutes as of 09/09/2020 12:01 PM AEST.
 All quotes in local currency.

Important Notice

Australian market prices quoted reflect ASX prices only. All orders are executed in accordance with our **Best Execution Policy**. As a result, your order may be executed on Chi-X Australia or ASX order books at a price different from the price quoted on the Trading Site.

[nab.com.au](#) | [NAB Privacy Policy](#) | [Financial Services Guide](#) | [Sitemap](#) | [Contact Us](#)

DEFENCE

WealthHub Securities Limited. The information on this site is governed by Australian law and is subject to the **nabtrade** Client Agreement, terms of use and general advice warning.

No. WAD of 2021

Federal Court of Australia

District Registry: Western Australia

Division: Commercial and Corporations

ADAM NICHOLAS IAN FLETCHER AND OTHERS


Plaintiffs

CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

CERTIFICATE OF EXHIBIT

This is the exhibit marked as “**AF-3**” referred to in the affidavit of **Adam Nicholas Ian Fletcher** affirmed on 18 March 2021.



Signature of witness

MITCHELL MARK SPURGE

Solicitor

Mills Oakley

24/240 St Georges Terrace

Perth WA 6000



Total wealth report

Mr STUART CAMPBELL

As at date:
17/03/2021

Total wealth snapshot

Asset allocation	Legal entity	Holdings value	Cash balance
	Mr STUART DONALD CAMPBELL & Mr ADAM NICHOLAS IAN FLETCHER - [REDACTED]	\$0.00	\$100,000,000.00

Current holdings

Description	Code	Quantity	Market price	Market value
Mr STUART DONALD CAMPBELL & Mr ADAM NICHOLAS IAN FLETCHER - NT2371387				
			Total holdings value	\$0.00

Cash balances

Mr STUART DONALD CAMPBELL & Mr ADAM NICHOLAS IAN FLETCHER - NT2371387	
Assets and Liabilities	\$100,000,000.00
nabtrade Cash Account - [REDACTED]	\$0.00
Total cash balance	\$100,000,000.00