

NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	30/04/2025 10:51:24 AM AEST
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File Number:	NSD527/2024
File Title:	FORTESCUE LIMITED ACN 002 594 872 & ORS v ELEMENT ZERO PTY LIMITED ACN 664 342 081 & 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 59
Rule 29.02(1)

Affidavit

Federal Court of Australia

No. NSD 527 of 2024

District Registry: New South Wales

Division: General

FORTESCUE LIMITED ACN 002 594 872 and others named in the schedule

Applicants

ELEMENT ZERO PTY LIMITED ACN 664 342 081 and others named in the schedule

Respondents

Affidavit of: **Michael Geoffrey Hales**

Address: C/- MinterEllison, Level 9, One the Esplanade, Perth WA 6000

Occupation: Solicitor

Date: 30 April 2025

Contents

I, Michael Geoffrey Hales, c/- MinterEllison, Level 9, One the Esplanade, Perth WA 6000, Solicitor, sincerely declare and affirm that:

1. I am the solicitor for the Third Respondent in these proceedings. I am the partner at MinterEllison with care and conduct of this proceeding on behalf of the Third Respondent. I am instructed to affirm this affidavit on behalf of the Third Respondent.
2. I affirm this affidavit from my own knowledge, except where otherwise indicated. Where I depose to matters based on information and belief, I believe these matters to be true and I set out the source of that information or belief.

Filed on behalf of (name & role of party)

Bjorn Winther-Jensen, Third Respondent

Prepared by (name of person/lawyer)

Mike Hales

Law firm (if applicable)

MinterEllison

Tel (08) 6189 7800

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MinterEllison, Level 9, One the Esplanade, PERTH WA 6000

(include state and postcode)

Version 3 form approved 02/05/2019

3. I affirm this affidavit in relation to the proposed deadline for the Applicants to comply with order 3 of the orders made 26 February 2025, and response to the Applicant's draft minute of orders.
4. I do not waive and am not authorised to waive the Third Respondent's privilege in respect of any matter in this affidavit, other than where expressly referred to in this affidavit.

Applicant's Discovery Deadline

5. I have read the affidavit of Rebecca Mary Dunn sworn and filed 29 April 2025 in these proceedings.
6. The statistics relating to the document per hour review rate deposed to within Ms Dunn's affidavit are similar to the rates used within by MinterEllison to estimate the time and costs of a discovery process.
7. MinterEllison also utilises tools such as artificial intelligence and technology assisted review tools to accelerate its discovery search processes in matters containing high numbers of documents.

Affirmed by the deponent
at Perth
in the State of Western Australia
on 30 April 2025

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Signature of deponent

Before me:



Signature of witness

Melissa Hanna

.....
Name of witness

Legal practitioner who has held a practising certificate for at least 2 years and who holds a current practising certificate

.....
Qualification of witness

Schedule

Federal Court of Australia

No. NSD 527 of 2024

District Registry: New South Wales

Division: General

Applicants

Second Applicant: **Fortescue Future Industries Pty Ltd ACN 625 711 373**

Third Applicant: **FMG Personnel Services Pty Ltd ACN 159 057 646**

Respondents

Second Respondent: **Bartlomiej Piotr Kolodziejczyk**

Third Respondent: **Bjorn Winther-Jensen**

Fourth Respondent: **Michael George Masterman**

Date: 30 April 2025

