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Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 14/04/2026 8:16:41 PM AEST
Date Accepted for Filing: 14/04/2026 8:16:45 PM AEST
File Number: VID404/2025
File Title: ALON CASSUTO v MARY KOSTAKIDIS
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



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Important Information

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Form 59
Rule 29.02(1)

Affidavit

No. VID404 of 2025

Federal Court of Australia
District Registry: Victoria
Division: General

ALON CASSUTO

Applicant

MARY KOSTAKIDIS

Respondent

Affidavit of: Jack Douglas Vaughan
Address: 1/299 Elizabeth Street, Sydney NSW 2000
Occupation: Solicitor
Date: 14 April 2026

I, Jack Douglas Vaughan, of 1/299 Elizabeth Street, Sydney NSW 200, solicitor, affirm:

1. I am the solicitor with day-to-day carriage of the proceedings on behalf of the respondent, under the supervision of the solicitor on record for the respondent, Mark Davis. I am authorised to make this affidavit on the respondent's behalf.
2. I make this affidavit from my own knowledge except where otherwise indicated. By making this affidavit, I do not waive any privilege in the work undertaken by myself or my colleagues in acting for the respondent, or instructions given by the respondent in respect of these proceedings.

Filed on behalf of (name & role of party)	Mary Kostakidis, the Respondent
Prepared by (name of person/lawyer)	Jack Vaughan
Law firm (if applicable)	XD Law & Advocacy
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3. Exhibited to me at the time of affirming this affidavit is a bundle of documents marked "Exhibit JV-2". When I refer to a document by page number in Exhibit JV-2, I am referring to the page number of Exhibit JV-2 where the document is located.
4. I make this affidavit in support of an interlocutory application for non-standard discovery pursuant to rule 20.15 of the *Federal Court Rules 2011* (Cth) (the **Rules**) filed by the respondent on 10 March 2026 (the **Application**).
5. This affidavit should be read with my affidavit affirmed on 10 March 2026 (my **First Affidavit**) that was also made in support of the Application.

Extent of agreement as to discovery following conferral

6. I understand that following a conferral process between Junior Counsel for the parties (**Conferral**), agreement has been reached as to the terms of the applicant's proposed categories, but that there is disagreement as to the end date of the "Relevant Period". The respondent's position is that that end date should be 19 March 2025, the date of the last post in the Annexure to the applicant's Further Amended Statement of Claim. The applicant's position is that that end date should be 16 March 2026. The respondent considers that a period of 2 years following the making of the Posts is too long, would constitute an unjustified interference in her otherwise private communications and amounts to a fishing expedition by the applicant.
7. As to the respondent's proposed categories, I understand the following to be the position following the Conferral:
 - (a) there is agreement as to the terms of categories 1 and 4;
 - (b) there is agreement as to the terms of categories 2 and 3, but the applicant seeks to add the words "to and from the applicant" to these categories whereas the respondent does not agree to those words of limitation;
 - (c) the applicant does not agree to categories 5, 6 or 8, whereas the respondent presses for them;
 - (d) the respondent does not press category 7; and
 - (e) the respondent presses for a definition of the word "Document", so that it includes "any deleted, edited or archived communications".

Relevance of respondent's categories



8. In my First Affidavit, I stated that categories 2 to 8 are directly relevant to the respondent's claim that the applicant instituted the proceeding vexatiously, without reasonable cause and in bad faith. For the avoidance of doubt, categories 2 to 8 are directly relevant not only to costs, but to the applicant's claim that the respondent's 4 January Post and 13 January Post (**Posts**) were "reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people" (a condition for unlawful behaviour contrary to s 18C(1) of the *Racial Discrimination Act 1975* (Cth) (**RDA**)). The relevant groups of people are Jewish Australians and Israeli Australians. For conciseness, I will refer to that condition as whether the Posts were reasonably likely to offend the relevant groups.

The role of the Zionist Federation of Australia

9. On 13 April 2026 I accessed a webpage with the following URL:
<https://www.zfa.com.au/our-purpose/>. A .pdf version of that webpage is contained at pages 1 to 5 of Exhibit JV-2.
10. On the same day I accessed a webpage with the following URL:
<https://www.zfa.com.au/supporters-and-partners/>. A .pdf version of that webpage is contained at pages 6 to 10 of Exhibit JV-2.
11. On the same day I accessed a webpage with the following URL:
<https://www.wzo.org.il/sub/39th-zionist-congress/zionist-federations>. A .pdf version of that webpage is contained at pages 11 to 17 of Exhibit JV-2.
12. On the same day I accessed a webpage with the following URL:
<https://www.wzo.org.il/sub/39th-zionist-congress/australia>. A .pdf version of that webpage is contained at pages 18 to 19 of Exhibit JV-2.
13. On the same day, I obtained a copy of the Constitution of the Zionist Federation of Australia from the webpage referred to in the previous paragraph to this affidavit. A copy of that document is contained at pages 20 to 34 of Exhibit JV-2.
14. On the same day, I accessed a webpage with the following URL:
<https://www.wzo.org.il/page/about/jerusalem-program/en>. A .pdf version of that webpage is contained at pages 35 to 38 of Exhibit JV-2.
15. On the same day, I accessed a webpage with the following URL:
<https://www.amnesty.org.au/coalition-urges-australia-to-sanction-world-zionist-organisation-and-other-israeli-entities-committing-grave-violations-in-the-occupied->



[palestinian-territory/](#). A .pdf version of that webpage is contained at pages 39 to 42 of Exhibit JV-2.

16. On the same day, I accessed an article by Matthew Knott and Nick Newling of the *Sydney Morning Herald (SMH)* published on 11 February 2026 titled "Albanese raises Australian's death in Gaza with Herzog after condemning Israeli settlers". A copy of that article is contained at pages 43 to 48 of Exhibit JV-2.
17. On the same day, I accessed a webpage with the following URL: <https://globalsanctionscoalition.org/our-work/west-bank-settlement-expansion/>. I was not able to convert that webpage to a .pdf file due to the nature of the webpage, instead I caused screenshots of that webpage to be taken. A copy of the screenshots of the webpage referred to in this paragraph are contained at pages 49 to 57 of Exhibit JV-2.
18. The evidence referred to in the preceding nine paragraphs shows that:
 - (a) the Zionist Federation of Australia (**ZFA**) is an organisational partner of the World Zionist Organization (**WZO**), the former being the territorial Zionist federation for Australia;
 - (b) both the ZFA and the WZO are guided by the "Jerusalem Program", which states that the foundations of Zionism are "[s]trengthening Israel as a Jewish, Zionist, and democratic State" and "[s]ettling the country as an expression of practical Zionism"; and
 - (c) the Global Sanctions Coalition has called upon governments, including the government of Australia, to impose economic sanctions against the WZO, its Settlement Division and its leadership for allegedly (among other things) illegally allocating Palestinian land to Israeli settlers in the Occupied Palestinian Territory, in violation of international law.
19. In light of the above, the respondent considers that:
 - (a) the WZO supports the conduct of the State of Israel, and its expansion into the Occupied Palestinian Territory;
 - (b) the ZFA is acting as the Australian partner of the WZO;
 - (c) The applicant is CEO of the ZFA. Accordingly, it is his 'professional' responsibility to promote the aims of the WZO in Australia;



- (d) both the WZO and the ZFA are likely to view the support of the Australian government and community for the conduct of the State of Israel as being undermined if prominent Australians, such as she, are critical of the conduct of the State of Israel;
- (e) the present proceeding against the respondent has been instituted in an attempt to cause a chilling effect on her and others in Australia who are critical of the conduct of the State of Israel;
- (f) the proceeding has not been instituted because the applicant himself felt offended and insulted by the Posts, or because the Posts were reasonably likely to offend the relevant groups; and
- (g) the proceeding is a bad faith misuse of the offensive behaviour provision in s 18C of the RDA, by the CEO of the ZFA, aimed at minimising criticism of Israel in order that the latter may pursue its expansionist aims into Palestinian land (e.g pursuant to the "Jerusalem Program") uncriticised and unhindered by foreign governments including that of Australia.

Respondent's category 5 - ZFA press conference

- 20. On 13 April 2026, I accessed a recording of the press conference conducted by the applicant and by the President of the ZFA, Jeremy Leibler, on 14 July 2024 foreshadowing the filing of the complaint giving rise to these proceedings (**Press Conference**). As at the date of this affidavit, that recording remains available online on the ZFA's YouTube channel by the following URL:
<https://www.youtube.com/watch?v=K0aEj8S1fl4>.
- 21. On the same day I caused a transcript of the abovementioned press conference to be generated using the software tool known as Otter.ai. A copy of that transcript is contained at pages 58 to 61 of Exhibit JV-2.
- 22. Two screenshots of the video from the recording which show microphones of Channel 9 and Channel 7 broadcasters are located at pages 62 to 63 of Exhibit JV-2.
- 23. The evidence referred to in the preceding three paragraphs shows that:
 - (a) on 14 July 2024, the applicant and Jeremy Leibler, the President of the ZFA, held a press conference announcing the applicant's intention to file a complaint with the Australian Human Rights Commission;



- (b) the Press Conference was held before the applicant had filed his complaint with the Australian Human Rights Commission later that day; and
 - (c) organisations from the mainstream media were invited to attend the Press Conference, including 9 News and Channel 7.
24. The respondent considers that the above indicates that:
- (a) the applicant and the ZFA were courting widespread publicity through the Press Conference;
 - (b) the applicant did not institute the proceeding because he himself felt offended and insulted, or because the Posts were reasonably likely to offend the relevant groups; and
 - (c) the applicant (as Chief Executive Officer of the ZFA) instituted the proceeding in order to cause a chilling effect on the respondent and others in Australia who are critical of the conduct of the State of Israel.

Respondent's category 6 - ZFA official statement

25. On 13 April 2026, I accessed an official statement of the ZFA regarding the filing of the complaint giving rise to these proceedings located on the ZFA's website by the following URL: <https://www.zfa.com.au/zfa-ceo-alon-cassuto-to-file-18c-complaint-against-mary-kostakidis/> (**Official Statement**). A .pdf copy of the Official Statement is contained at pages 64 to 66 of Exhibit JV-2.
26. The Official Statement as it appears on the ZFA's website links to the respondent's post on 4 January 2024 which the applicant alleges is unlawful (and which is located by the following URL: <https://x.com/MaryKostakidis/status/1742699924259758355>). A screenshot of the Official Statement as it appears on the ZFA's website which demonstrates that link is contained at page 67 of Exhibit JV-2.
27. The applicant, in his Reply, admits that on 14 July 2024 the ZFA published the Official Statement.
28. The Official Statement appears to have remained on the ZFA's website from 14 July 2024 until the date of this affidavit, as has the link to the respondent's 4 January Post.
29. The respondent considers that the matters above indicate that the applicant did not institute the proceeding because he himself felt offended and insulted by the Posts, or because the Posts were reasonably likely to offend the relevant groups. Like the Press



Conference, the Official Statement was likely designed to cause a chilling effect on the respondent and others who are critical of the conduct of the State of Israel in pursuance of the aims of the WZO and the ZFA.

Respondent's category 8 - the lawyers' WhatsApp group

30. On 13 April 2026, I accessed a full copy of the Creative WhatsApp Group referred to at paragraph 29(g) of the respondent's Defence. I extracted the sections of the WhatsApp Group referred to at paragraph 29(g) of the respondent's Defence and removed any personal information contained in those messages. A copy of my extract of the Creative WhatsApp Group is contained at page 68 of Exhibit JV-2.
31. On the same day I accessed an article by Michael Bachelard and Calum Jaspan of the *SMH* published on 16 January 2024 and titled "*Secret WhatsApp messages show co-ordinated campaign to oust Antoinette Lattouf from ABC*". A copy of that article is contained at pages 69 to 72 of Exhibit JV-2.
32. On the same day I accessed an article by Nino Bucci of *the Guardian* published on 22 August 2024 and titled "*Jewish creatives allegedly threatened after WhatsApp doxing consider suing New York Times*". A copy of that article is contained at pages 73 to 76 of Exhibit JV-2.
33. On the same day I accessed an article by *the Conversation* published on 25 June 2025 and titled "*Antoinette Lattouf's unfair dismissal win shows ABC must be more courageous in defending its journalists*". A copy of that article is contained at pages 77 to 82 of Exhibit JV-2.
34. On the same day I accessed an article by Alexi Demetriadi of *The Australian* published on 21 January 2024 and titled "*Lawyers at centre of Antoinette Lattouf furore receive death threats, online abuse*". A copy of that article is contained at pages 83 to 87 of Exhibit JV-2.
35. The above evidence shows that:
 - (a) the respondent was referred to by name many times in the Creative WhatsApp Group, including:
 - i. on 6 December 2023, when a member of the Creative WhatsApp Group stated, "Perhaps this is suitable for lawyers group [mobile phone number]?"; and

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ii. on 14 January 2024, when a member of the Creative WhatsApp Group stated, "Is there no legal avenue against her?"; and

(b) a lawyers' WhatsApp group was in existence from at least December 2023 to at least January 2024.

36. I note that in the Reply, the applicant pleads that as far as he is aware neither he nor his legal representatives are members of the Creative WhatsApp Group, but that he does not plead whether he or his legal representatives were or are members of the lawyers' WhatsApp group.

37. On the basis of the above, the respondent:

(a) considers that it is highly likely there will be specific references to her in the lawyers' WhatsApp group;


(b) is concerned that the applicant is resistant to giving discovery of relevant messages in the lawyers' WhatsApp group;

(c) considers that relevant messages in the lawyers' WhatsApp group go to the issues of whether the applicant himself felt offended and insulted by the Posts, and whether the Posts were reasonably likely to offend the relevant groups; and


(d) considers that relevant messages in the lawyers' WhatsApp group go to the reason why the applicant instituted the proceeding, and in particular whether he did so at the instigation of his legal representatives or any other legal practitioner and/or as part of a co-ordinated campaign to punish and silence those critical of the conduct of the State of Israel.

Affirmed by the deponent
at Sydney
in New South Wales
on 14 April 2026
Before me:

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Signature of deponent



Signature of witness

Anthony Bonaccorso
Solicitor, XD Law & Advocacy
Level 1, 299 Elizabeth Street
Sydney NSW 2000