

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 20/04/2022 3:35:43 PM AEST 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: Defence - Form 33 - Rule 16.32
File Number: NSD681/2021
File Title: SMBC LEASING AND FINANCE, INC. ARBN 602 309 366 v FORUM ENVIRO (AUST) PTY LTD (VOLUNTARY ADMINISTRATORS APPOINTED) ACN 607 484 364 & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Dated: 20/04/2022 3:43:43 PM 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 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.



Defence of the Twenty-Fourth Respondent

No. NSD681 of 2021

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

SMBC Leasing and Finance, Inc. Sydney Branch ARBN 602 309 366

Applicant

286 Carlisle Street Pty Ltd ACN 610 042 343

Twenty-Fourth Respondent

In response to the Applicant's Amended Statement of Claim dated 5 November 2021, the Twenty-Fourth Respondent (**286 Carlisle St**) says:

NB: Unless otherwise stated:

- A. *terms defined in the Amended Statement of Claim have the same meaning when used in this Defence;*
- B. *headings and definitions are adopted from the Amended Statement of Claim for ease of reference and are not treated as part of the pleadings;*
- C. *for the avoidance of doubt, 286 Carlisle St does not plead to the headings or definitions employed by the Applicant and in particular does not plead to (and does not admit) headings or definitions which incorporate characterisations of conduct.*

Filed on behalf of (name & role of party)	Filed on behalf of the Twenty-Fourth Respondent
Prepared by (name of person/lawyer)	Prepared by Alexandra Lawrence
Law firm (if applicable)	Madgwicks Lawyers
Tel 03 9242 4744	Fax 03 9424 4777
Email	Alexandra.Lawrence@madgwicks.com.au
Address for service (include state and postcode)	Level 6, 140 William Street, MELBOURNE VIC 3000

A. PARTIES

1-4V It admits paragraphs 1 to 4V.

B. THE MASTER AGREEMENTS

5-11 It does not know and therefore does not admit paragraphs 5 to 11.

C. THE FRAUDULENT SCHEME

12-14 It does not know and therefore does not admit paragraphs 12 to 14.

D. THE FRAUDULENT TRANSACTIONS

15-88 It does not know and therefore does not admit paragraphs 15 to 88.

E-AA. CLAIMS AGAINST OTHER PARTIES

89-523 It does not know and therefore does not admit paragraphs 89 to 523.

BB. THE CLAIM AGAINST 286 CARLISLE ST

(1) Funds held on trust

529 It does not know and therefore does not admit paragraph 529.

530 As to paragraph 530, it:

- (a) admits that amounts were paid by FGFS into a bank account in its name, but:
 - (i) does not know and therefore does not admit that those amounts were received from payments made by SMBC L&F pursuant to the 2018 Transaction Documents and the 2020 Transaction Documents;
 - (ii) says further that it did not open that bank account, and did not request or authorise any money to be paid into it by FGFS, or out of it on behalf of 286 Carlisle St, and was not aware of any such payments at or around the time they were made;
 - (iii) says further that at no material time was Mr Papas its director or authorised to act on its behalf;
- (b) otherwise denies each and every allegation therein.

531 It denies paragraph 531.

Particulars

It refers to and repeats the matters pleaded and particularised in paragraph 525 above.

532 It denies paragraph 532.

Particulars

It refers to and repeats the matters pleaded and particularised in paragraph 525 above.

533 It denies paragraph 533.

Particulars

It refers to and repeats the matters pleaded and particularised in paragraph 525 above.

CC. THE CLAIM AGAINST 64-66 BERKELEY ST

534- It does not know and therefore does not admit paragraphs 529 to 538.
538

Date: 20 April 2022



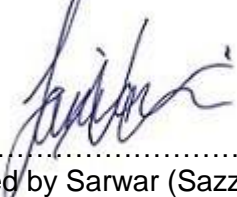
.....
Signed by Sarwar (Sazz) Nasimi
Lawyer for the Twenty-Fourth Respondent

This pleading was prepared by Paul Hayes QC and Michael O'Haire.

Certificate of lawyer

I, Sarwar (Sazz) Nasimi, certify to the Court that, in relation to the defence filed on behalf of the Twenty-Fourth Respondent, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: 20 April 2022



.....
Signed by Sarwar (Sazz) Nasimi
Lawyer for the Twenty-Fourth Respondent