



Form 59
Rule 29.02(1)

Affidavit

No. NSD527 of 2024

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

FORTESCUE LIMITED (ACN 002 594 872) and others

Applicants

ELEMENT ZERO PTY LIMITED (ACN 664 342 081) and others

Respondents

Affidavit of: **Paul Alexander Dewar**
Address: Level 4, 7 Macquarie Place, Sydney NSW 2000
Occupation: Lawyer
Date: 29 November 2024

I, PAUL ALEXANDER DEWAR, of Level 4, 7 Macquarie Place, Sydney, New South Wales, 2000, Lawyer, affirm:

1. I am a principal of the firm Davies Collison Cave Law (**DCCL**) of Level 4, 7 Macquarie Place, Sydney, in the State of New South Wales and have the care, conduct and control of this proceeding on behalf of the Applicants (**Fortescue**).
2. This is my eighth affidavit in this proceeding. I am authorised to make this affidavit on behalf of Fortescue. The statements that I make in this affidavit are based on my own personal knowledge and belief, unless I expressly state otherwise. Where I make statements based on information and belief, I state as much and identify the source of that information.

Filed on behalf of	Fortescue Limited and others, the Applicants		
Prepared by	Paul Alexander Dewar, Principal Lawyer		
Law firm	Davies Collison Cave Law		
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[Version 3 form approved 02/05/2019]

3. I am not instructed, and do not intend in this affidavit, to waive privilege on behalf of Fortescue, nor do I have the authority to do so.
4. I make this affidavit in answer to the First, Second and Fourth Respondents' (**EZ Respondents**) interlocutory application for discovery dated 22 November 2024.
5. By Category 1, the EZ Respondents seek "*documents recording or referring to **all** research and development work undertaken by the Second Respondent, the Third Respondent and/or Fortescue during the period from 25 March 2019 to 12 November 2021 on **Direct Electrochemical Reduction processes**...*" (emphasis added).
6. On 28 November 2024, I was informed by Dr Anand Indravadan Bhatt (Manager of Minerals, Research & Development at Fortescue), and I believe, that "Direct Electrochemical Reduction processes" encompasses numerous processes including, but not limited to, a process involving ionic liquids. For example, "Direct Electrochemical Reduction processes" is broad enough to encompass Fortescue's slurry process, and high-temperature molten electrolysis processes, that are not the subject of dispute in these proceedings.
7. As to Category 1 as presently drafted, I am informed by Dr Bhatt, and I believe, that:
 - (a) Dr Bhatt estimates that Fortescue may hold approximately 100,000 documents concerning its research and development into all processes that may be characterised as "*Direct Electrochemical Reduction processes*". Those documents are held by at least 20 custodians (current and former employees) involved in electrochemistry, engineering, and business/management for the Green Iron team; and
 - (b) the process of collecting the ~100,000 documents for review would require searches to be conducted across multiple digital platforms (for example, SharePoint, emails, and Microsoft Teams) and physical information sources (for example, laboratory books, reports, and general notebooks); and
 - (c) due to both the technical nature of the documents which may fall within category 1 and the complexity of searching for such documents, Fortescue would be required to divert its internal technical experts in electrochemistry, material sciences and engineering from their projects, in order to assist with the giving of discovery in terms of category 1. Given the volume of documents, this would require Fortescue to divert 10 internal technical experts away from their projects for a period of

approximately 3 months each. This would cause very significant business disruption to Fortescue.

Affirmed by Paul Alexander Dewar
at Sydney
in New South Wales
on 29 November 2024
Before me:

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Signature of deponent



Signature of witness

ROHIT MANOJ DIGHE
An Australian Legal Practitioner
within the meaning of the Legal
Profession Uniform Law (New South Wales)
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