

NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
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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



A handwritten signature in blue ink that reads "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: 16 September 2025

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Filed on behalf of (name & role of party)

Third Respondent, Bjorn Winther-Jensen

Prepared by (name of person/lawyer)

Michael Geoffrey Hales

Law firm (if applicable) MinterEllison

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(include state and postcode)

[Version 3 form approved 02/05/2019]

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 have sworn four previous affidavits in these proceedings.
3. 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.
4. I affirm this affidavit in response to the Applicants' interlocutory application dated 17 June 2025 (**the Applicants' IA**). I affirm this affidavit to provide supplementary evidence to my affidavit in response filed 12 September 2025.
5. I do not waive and am not authorised to waive the Third Respondent's privilege in respect of any matter in this affidavit.

Scale of Discovery Process

6. I am informed by Tom Graham of the MinterEllison Legal Technical Consulting team, and believe, that as part of the Third Respondent's discovery:
 - (a) 532,915 documents were searched using technology.
 - (b) 7,557 documents were then reviewed personally.
 - (c) The Third Respondent reviewed the proposed discovery.
 - (d) The Third Respondent then produced 2,525 documents for inspection (including 13 documents in response to alleged deficiencies).
7. I am informed by Oliver Hoare, solicitor in the team working on discovery, and believe, that:
 - (a) MinterEllison spent approximately 360 hours on the discovery exercise up to the inspection of the documents.
 - (b) Since then, MinterEllison has spent approximately 90 hours responding to issues raised by the Applicants with respect to discovery following its provision.



Affirmed by the deponent
at Perth
in the State of Western Australia
on 16 September 2025

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Signature of deponent

Before me:


Signature of witness



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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: 16 September 2025