

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: 1/05/2026 5:57:41 PM AEST
Date Accepted for Filing: 1/05/2026 5:57:46 PM AEST
File Number: VID404/2025
File Title: ALON CASSUTO v MARY KOSTAKIDIS
Registry: VICTORIA 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

No. VID404 of 2025

Federal Court of Australia
District Registry: Victoria
Division: General

ALON CASSUTO

Applicant

MARY KOSTAKIDIS

Respondent

Affidavit of: **Raphael Yehudah Leibler**
Address: Level 21, 333 Collins Street, Melbourne VIC 3000
Occupation: Solicitor
Date: 1 May 2026

Contents

I Raphael Yehudah Leibler, of Level 21, 333 Collins Street, Melbourne, Victoria, 3000, solicitor, affirm:

1. I am a partner at Arnold Bloch Leibler (**ABL**), the solicitors for Alon Cassuto. Together with Leon Zwier, I have the care and conduct of this proceeding on behalf of Mr Cassuto.
2. Except where I otherwise indicate, I make this affidavit from my own knowledge. Where I depose to matters from information and belief, I believe those matters to be true.

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Raphael Leibler

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Signed by:

Ella White

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Filed on behalf of (name & role of party) Alon Cassuto – The Applicant
Prepared by (name of person/lawyer) Raphael Leibler
Law firm (if applicable) Arnold Bloch Leibler
Tel (03) 9229 9693 Fax _____
Email rleibler@abl.com.au and lzwier@abl.com.au
Address for service Level 21, 333 Collins Street, Melbourne VIC 3000
(include state and postcode) _____

3. I am not authorised to waive legal professional privilege. Nothing in this affidavit should be construed as waiving legal professional privilege. To the extent that anything in this affidavit may be so construed, I withdraw and do not rely on that part of this affidavit.
4. I make this affidavit in relation to the Respondent's application seeking non-standard discovery pursuant to Rule 20.15 of the *Federal Court Rules 2011* (Cth). In this affidavit I respond to matters raised in the affidavit of Jack Vaughan affirmed 14 April 2026 in support of the Kostakidis Discovery Application (**Second Vaughan Affidavit**).

Background

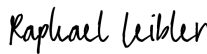
5. On 10 March 2026, the Respondent filed an application seeking discovery within 8 categories (**Kostakidis Discovery Application**). The Respondent filed an affidavit of Jack Vaughan affirmed 10 March 2026 in support of the Kostakidis Discovery Application.
6. On 30 April 2026, the Respondent filed an amended interlocutory application seeking discovery within a further category (**Amended Kostakidis Discovery Application**). The Respondent filed a further affidavit of Jack Vaughan affirmed 30 April 2026 in support of the Amended Kostakidis Discovery Application.

Extent of Agreement

7. At paragraph 7 of the Second Vaughan Affidavit, Mr Vaughan sets out his understanding of the parties' respective positions on the Kostakidis Discovery Application following conferral between Counsel for the Applicant and Respondent (**Conferral**). My understanding of the extent of agreement as to the categories in the Kostakidis Discovery Application is consistent with paragraph 7 of the Second Vaughan Affidavit, save for one matter.

Category 1

8. The Respondent seeks discovery of documents responsive to Category 1, being:
 1. Any sources upon which the Applicant based his assertions of the:
 - (a) matters particularised at paragraph 7 of the Further Amended Statement of Claim (**FASOC**);
 - (b) statements particularised at paragraph 8 of the FASOC; and
 - (c) statements particularised in the fourth and fifth (unnumbered) particulars to paragraph 10 of the FASOC.
9. The Applicant has agreed to discover documents in response to Category 1 on the basis that the Respondent:

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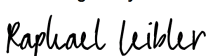
- (a) accepts that the Applicant may have relied on other sources in relation to the matters and statements referred to in Category 1; and
- (b) will not seek to constrain the Applicant's reliance on other evidence or sources in relation to the matters and statements referred to in Category 1 at trial.

10. Category 7 is no longer pressed by the Respondent.

Extent of Disagreement

Categories 2, 3 and 9


11. In the Kostakidis Discovery Application, the Respondent seeks discovery of documents responsive to categories 2 and 3, being:
- 2. All documents recording or evidencing any communications in the period 4 January to 14 July 2024 inclusive, referring or relating to either the 4 January Post or the 13 January Post.
 - 3. All documents recording or evidencing any communications in the period 7 October 2023 to 14 July 2024 inclusive, referring or relating to posts by the respondent on the social media platform X.
12. In the Amended Kostakidis Discovery Application, the Respondent also seeks discovery of documents responsive to category 9, being:
- 9. All documents recording or evidencing any communications in the period 7 October 2023 to 14 July 2024 inclusive, referring to the respondent.
13. During Conferral, the following amendments to categories 2 and 3 were proposed on behalf of the Applicant:
- 2. All documents recording or evidencing any communications to or from the Applicant in the period 4 January to 14 July 2024 inclusive, referring or relating to either the 4 January Post or the 13 January Post.
 - 3. All documents recording or evidencing any communications to or from the Applicant in the period 7 October 2023 to 14 July 2024 inclusive, referring or relating to posts by the respondent on the social media platform X.
14. The Applicant agrees to category 9 on the basis that it is amended as follows:

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9. All documents recording or evidencing any communications to or from the Applicant in the period 7 October 2023 to 14 July 2024 inclusive, referring to the respondent.
15. I am informed by the Applicant and believe as follows:
- (a) The Applicant commenced the proceeding voluntarily and in his personal capacity, not under direction by the ZFA.
 - (b) As the Chief Executive Officer of the ZFA, the Applicant has access to the books and records, files and documents of the ZFA (**ZFA Records**), and is concerned about the burden of complying with proposed categories 2, 3 and 9 of the Amended Kostakidis Discovery Application if required to search for and review ZFA Records to which he was not a party for the purposes of discovery.
 - (c) The ZFA is a registered charity and elected representative organisation of the Australian Jewish community, which operates as a national coordinating body for over 200 organisations, institutions and community groups across Australia.
 - (d) The ZFA supports a wide range of activities including educational programs, leadership development, youth movements, cultural initiatives, and advocacy on issues relating to the Jewish community and Israel. The ZFA also engages with government, media, and the broader public in relation to matters affecting the Jewish community.
 - (e) The ZFA is a small organisation with limited financial resources.
 - (f) The ZFA engages approximately 20 employees and volunteers in Australia and two employees overseas. Since about 2024, there has been a significant staff turnover (about 90%).
 - (g) The ZFA does not operate a system to centralise the filing and organisation of electronic or hardcopy ZFA Records. ZFA Records in electronic form are saved across local hard drives, Microsoft One Drive and Google Drive.
 - (h) The ZFA provides employees with ZFA-issued computers and '@zfa.com.au' Gmail accounts (**ZFA Accounts**).
 - (i) When employees cease working for the ZFA, their computers are restored to factory settings and re-issued to new employees. This process is conducted by

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Core Desktop, being the ZFA's master services provider for IT. The Applicant is unaware if:

- (i) documents saved to local hard drives are transferred to any cloud-based systems before being restored to factory settings; and
 - (ii) emails sent to or from ZFA Accounts of former employees would remain accessible to him via the Administrator function of the Gmail platform.
- (j) The ZFA deals regularly with sensitive matters. Many ZFA Records contain security information, communications with government agencies and sensitive third-party information of people engaging with the organisation.
16. Based on my experience in managing document discovery processes of this kind, including estimating the time and resources required for document collection, review and production, I estimate that discovery based on the Respondent's Discovery Categories (assuming that the ZFA Records will need to be identified, extracted and reviewed) would require approximately 200 hours of work by the Applicant, his legal representatives, and any engaged forensic service providers.
17. That estimate is based on the steps that would be required to carry out the discovery process, including:
- (a) extracting documents from the Applicant's devices;
 - (b) identifying, preserving and extracting documents from ZFA systems and employee devices;
 - (c) investigating and attempting to recover documents from former employees and other sources;
 - (d) processing and de-duplicating collected material;
 - (e) running key word searches across all documents;
 - (f) reviewing documents for relevance, privilege and confidentiality; and
 - (g) preparing and producing documents in accordance with the Rules.
18. I am informed by the Applicant and believe that:
- (a) the ZFA has been required to devote increased time and resources to matters concerning community safety and wellbeing due to rising antisemitism since 7 October 2023;

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Raphael Leibler

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Ella White

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- (b) the ZFA has been granted leave to appear at the Royal Commission on Antisemitism and Social Cohesion and expects to be heavily engaged in the Royal Commission in the coming months;
- (c) the diversion of resources to comply with the Respondent's Discovery Categories in their unamended form would reduce the capacity of the ZFA to carry out its core functions in relation to these matters, and would impose a substantial burden on the Applicant.

Categories 5, 6 and 8

19. The Applicant does not agree to discovery of documents in categories 5, 6 and 8.

Affirmed by the deponent)
 at Level 22, 333 Collins Street, Melbourne)
 VIC 3000)
 in Victoria)
 on 1 May 2026)

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Raphael Leibler
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Signature of deponent

Before me:

Signed by:
Ella White
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Signature of witness

Ella Grace White
 Arnold Bloch Leibler
 Level 21, 333 Collins Street, Melbourne VIC 3000
 An Australian Legal Practitioner within the meaning
 of the Legal Profession Uniform Law (Victoria)

This affidavit was signed and sworn or affirmed by the deponent by audio visual link and the authorised affidavit taker has used a scanned or electronic copy of the affidavit and not the original in completing the jurat requirements. All requirements of section 12 of the *Electronic Transactions (Victoria) Act 2000 (Vic)* have been met.