

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 4/05/2022 12:21:34 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: NSD616/2021  
File Title: WESTPAC BANKING CORPORATION ABN 33 007 457 141 & ANOR v FORUM FINANCE PTY LIMITED (IN LIQUIDATION) ACN 153 301 172 & ORS  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



*Sia Lagos*

Dated: 4/05/2022 12:29:54 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

No. 616 of 2021

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

### **Westpac Banking Corporation ACN 007 457 141 and another**

Applicants

### **Forum Finance Pty Ltd (in liquidation) ACN and others**

Respondents

In answer to the Second Further Amended Statement of Claim filed on 11 November 2021 (**SFASOC**) by Westpac Banking Corporation and Westpac Banking New Zealand, the Forty Seventh Respondent pleads as follows:

1. The Forty Seventh Respondent admits to paragraph 1 of the SFASOC.
2. The Forty Seventh Respondent admits to paragraph 2 of the SFASOC.
3. The Forty Seventh Respondent does not know and therefore cannot admit paragraphs 3 to 34O of the SFASOC, which do not contain any allegations against her.
- 34P. In answer to paragraph 34P on the SFASOC, the Forty Seventh Respondent:
  - a. admits that she is ordinarily a resident of Australia;
  - b. admits that she left Australia on 15 July 2021 and says that she is currently in Athens in the Hellenic Republic (**Greece**);
  - c. admits that she was in Thessaloniki in Greece on 29 July 2021;
  - d. says that she commenced a relationship with Mr Papas in or around late 2018 to early 2019 and that she commenced residing with Mr Papas in or around September 2020;

---

Filed on behalf of (name & role of party) Louisa Maria Agostino, the Forty Seventh Respondent

Prepared by (name of person/lawyer) Robert Ishak

Law firm (if applicable) William Roberts Lawyers

Tel 02 9552 2111 Fax 02 9522 1911

Email [Robert.Ishak@williamroberts.com.au](mailto:Robert.Ishak@williamroberts.com.au)

**Address for service** Level 22, 66 Goulburn Street, Sydney NSW 2000  
(include state and postcode)

[Form approved 01/08/2011]

- e. says that LM Agostino Pty Ltd ACN 160 260 168 was deregistered on 8 February 2016;
- f. admits that she was employed within the Forum Group of Companies during the relevant period; and
- g. otherwise denies the balance of the paragraph.

34Q. The Forty Seventh Respondent does not know and therefore cannot admit paragraphs 34Q to 2683 of the SFASOC, which do not contain any allegations against her.

2684. In answer to paragraph 2684 of the SFASOC, the Forty Seventh Respondent:

- a. admits that from time to time, during the course of her employment within the Forum Group of Companies, she received payments from the Forum Group of Companies;
- b. says that such payments were made to her in accordance with the terms of her employment, including as:
  - i. salary payments;
  - ii. reimbursements for out-of-pocket expenses;
  - iii. commission payments to which she was entitled;
- c. otherwise denies the paragraph.

2685. The Forty Seventh Respondent denies paragraph 2685 of the SFASOC and in further answer repeats *mutatis mutandis* paragraph 2684.

2686. The Forty Seventh Respondent denies paragraph 2686 of the SFASOC.

2687. The Forty Seventh Respondent:

- a. denies paragraph 2687 of the SFASOC; and
- b. further says that the pleading, and its particulars, are embarrassing and liable to be struck out as it fails to properly plead and particularise her alleged conduct and knowledge.

2688. The Forty Seventh Respondent denies paragraph 2688 of the SFASOC and in further answer repeats *mutatis mutandis* paragraph 2687(b).

2689. The Forty Seventh Respondent:

- a. denies paragraph 2689 of the SFASOC; and
- b. further says that the pleading is embarrassing and liable to be struck out as it fails to properly plead and particularise her alleged conduct and knowledge.

2690. The Forty Seventh Respondent denies paragraph 2690 of the SFASOC.
2691. The Forty Seventh Respondent denies paragraph 2691 of the SFASOC.
2692. The Forty Seventh Respondent denies paragraph 2692 of the SFASOC and in further answer repeats *mutatis mutandis* paragraph 2684, 2687-2688.
2693. The Forty Seventh Respondent denies paragraph 2693 of the SFASOC and in further answer repeats *mutatis mutandis* paragraph 2692.
2694. The Forty Seventh Respondent denies paragraph 2694 of the SFASOC.
2695. The Forty Seventh Respondent does not know and therefore cannot admit paragraph 2695 of the SFASOC.
2696. The Forty Seventh Respondent does not know and therefore cannot admit paragraph 2696 of the SFASOC.
2697. The Forty Seventh Respondent denies paragraph 2697 of the SFASOC and in further answer repeats *mutatis mutandis* paragraph 2687-2688.
2698. The Forty Seventh Respondent denies paragraph 2698 of the SFASOC and in further answer repeats *mutatis mutandis* paragraph 2687-2688.
2699. The Forty Seventh Respondent denies paragraph 2699 of the SFASOC.
2700. The Forty Seventh Respondent denies paragraph 2700 of the SFASOC and in further answer repeats *mutatis mutandis* paragraph 2687-2688.
2701. The Forty Seventh Respondent denies paragraph 2701 of the SFASOC.

Date: 4 May 2022



---

Signed by  
Lawyer for the Forty Seventh Respondent

This pleading was prepared by Raymond Makko and Robert Ishak, Solicitors and Kathleen Morris of Counsel

### Certificate of lawyer

I Robert Ishak certify to the Court that, in relation to the defence filed on behalf of the Forty Seventh Respondent, the factual and legal material available to me at present provides a proper basis for:

- (a) each allegation in the pleading; and
- (b) each denial in the pleading; and
- (c) each non admission in the pleading.

Date: 4 May 2022



---

Signed by Robert Ishak  
Lawyer for the Forty Seventh Respondent