

## NOTICE OF FILING

### Details of Filing

Document Lodged:	Submissions
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
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File Number:	NSD642/2021
File Title:	SOCIETE GENERALE (ABN 71 092 516 286) v FORUM FINANCE PTY LIMITED (ACN 153 301 172) & ORS
Registry:	NEW SOUTH WALES 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.



**Societe Generale v Forum Finance Pty Limited (In Liquidation) & Ors**

**Federal Court of Australia Proceeding No. NSD642/2021**

**Applicant's submissions on application to re-open case to adduce further evidence**

1. Societe Generale seeks leave to re-open its case to adduce a single Affidavit of Service of Julian Zoller sworn on 20 February 2023 and its exhibits (**affidavit of service**).
2. The affidavit of service concerns the service on the respondents of:
  - (a) the orders made on 8 February 2023 for the proceeding to proceed generally in the absence of Mr Papas (**Rule 30 order**); and
  - (b) documents that were added to the court book following the commencement of the hearing. Those documents were Societe Generale's: supplementary opening submissions (tab B2); a chronology (tab b3); a diagram (tab b4); the further Affidavit of Service sworn on 18 October 2022 together with its exhibits (tab D8); and emails that were in original exhibits but not in the original Court Book.
3. The affidavit of service is relevant in that it evidences that Mr Papas has been:
  - (a) served with all relevant materials that the Court has been or will be taken to;
  - (b) informed about the Rule 30 Order.
4. Pursuant to rule 1.32 of the *Federal Court Rules 2011* (Cth), the Court may make any order that the Court considers appropriate in the interests of justice. The principles relating to granting leave to a party to re-open a case were summarised by Jackson J in *Frigger v Trenfield (No 7)* [2020] FCA 1740 at [22]-[24]. The ultimate question is where the interests of justice lie.
5. It is in the interest of justice to grant Societe Generale leave to re-open its case to read the affidavit of service because:
  - (a) the affidavit relates to procedural matters rather than substantive matters;
  - (b) the affidavit concerns events that occurred after the hearing commencing and the reading of its evidence, and is therefore fresh evidence; and
  - (c) there is no material prejudice to any of the respondents to the proceeding;
  - (d) there is no delay and little or no trouble and expenditure of resources involved in reopening;
  - (e) it is not opposed.

**Dated 20 February 2023**

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