

NOTICE OF FILING AND HEARING

Filing and Hearing Details

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File Number: NSD681/2021
File Title: SMBC LEASING AND FINANCE, INC. ARBN 602 309 366 v FORUM ENVIRO (AUST) PTY LTD (VOLUNTARY ADMINISTRATORS APPOINTED) ACN 607 484 364 & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: To Be Advised
Time and date for hearing: To Be Advised
Place: To Be Advised



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 15
Rules 8.01(1); 8.04(1)



Second Further Amended Originating application

**Filed pursuant to leave granted by Order 2(a) of the orders made on
22 December 2022**

No. NSD681/2021

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

SMBC Leasing and Finance, Inc. ARBN 602 309 366

Applicant

**Forum Enviro (Aust) Pty Ltd (in provisional liquidation) ACN 607 484 364 and others
identified in the Schedule**

Respondents

To the Respondents

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place:

The Court ordered that the time for serving this application be abridged to p

Filed on behalf of (name & role of party)	SMBC Leasing and Finance, Inc.		
Prepared by (name of person/lawyer)	Maria Yiasemides		
Law firm (if applicable)	Jones Day		
Tel	(02) 8272 0500	Fax	(02) 8272 0599
Email	myiasemides@jonesday.com		
Address for service (include state and postcode)	Level 41, 88 Phillip Street, Sydney, NSW 2000		



Date:

.....
Signed by an officer acting with the authority
of the District Registrar



Details of claim

On the grounds stated in the statement of claim, the Applicant claims:

As against the First Respondent, Forum Enviro (Aust) Pty Ltd (in provisional liquidation)

1. An order that the First Respondent be wound up under the provisions of the *Corporations Act 2001 (Cth)* (**Corporations Act**).
2. An order that Jason Preston and Jason Ireland of Level 12, 20 Martin Place, Sydney NSW 2000 jointly and severally, or some other fit and proper person, be appointed liquidators of the First Respondent, Forum Enviro (Aust) Pty Ltd .
3. An order that the Plaintiff's costs of the winding up application be costs in the liquidation of the First Respondent.
- 3A. A declaration that the First Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent Capital Pty Ltd (**Flexirent**)) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
- 3B. An order that the First Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
- 3C. An order that the First Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.
- 3D. Judgment for the Applicant against the First Respondent in the amount of \$88,007,623.61.
- 3E. An order that the First Respondent pay equitable compensation.
- 3F. An order that the First Respondent pay damages for the tort of unlawful means conspiracy.
- 3G. An order that the First Respondent pay damages for deceit.
- 3H. An order that the First Respondent pay damages for breach of contract.
- 3I. An order that the First Respondent pay damages pursuant to section 236 of the Australian Consumer Law set out in Schedule 2 of the Competition and Consumer Act 2010 (Cth) (**Australian Consumer Law**).



- 3J An order that the First Respondent pay damages pursuant to section 12GF of the Australian Securities and Investments Commission Act 2001 (Cth) (**ASIC Act**), further or alternatively pursuant to section 1041I of the Corporations Act.

As against the Second Respondent, Basile Papadimitriou

4. Judgment for the Applicant against the Second Respondent in the amount of \$88,007,623.61.
5. A declaration that the Second Respondent holds on trust for the Applicant all funds that he has received or controls that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
6. An order that the Second Respondent disclose to the Applicant the amount of funds paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts that he has received or controls and all facts within his knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
7. An order that the Second Respondent account to the Applicant for all funds that he has received or controls through related entities that were paid by the Applicant in connection with the Receivables Contracts.
8. An order that the Second Respondent pay equitable compensation.
9. An order that the Second Respondent pay damages for the tort of unlawful means conspiracy.
10. An order that the Second Respondent pay damages in deceit.
11. An order that the Second Respondent pay damages pursuant to section 236 of the Australian Consumer Law.
12. An order that the Second Respondent pay damages pursuant to section 12GF of the ASIC Act.
13. [not used]
14. Interest on judgment pursuant to section 52 of the Federal Court Act and rule 39.06 of the *Federal Court Rules 2011* (Cth).
15. [not used]

As against the Third Respondent, Forum Enviro Pty Ltd (in provisional liquidation)

- 15A. A declaration that the Third Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in



connection with the Receivables Contracts, or the traceable property acquired using those funds. ★

- 15B. An order that the Third Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
- 15C. An order that the Third Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.
- 15D. Judgment for the Applicant against the Third Respondent in the amount of \$88,007,623.61.
- 15E. An order that the Third Respondent pay equitable compensation.
- 15F. An order that the Third Respondent pay damages for the tort of unlawful means conspiracy.
- 15G. [not used]
- 15H. [not used]
- 15I. [not used]
- 15J. [not used]
- 15K. An order that the Third Respondent be wound up under the provisions of the Corporations Act.
- 15L. An order that Jason Preston and Jason Ireland of Level 12, 20 Martin Place, Sydney NSW 2000 jointly and severally, or some other fit and proper person, be appointed liquidator of the Third Respondent.

As against each Respondent

- 15M. Interest, including interest up to judgment pursuant to section 52(2)(a) of the *Federal Court Act 1976 (Cth)* (**Federal Court Act**).
- 15N. Interest on judgment pursuant to section 52 of the Federal Court Act and rule 39.06 of the Federal Court Rules 2011 (Cth).
- 15O. Costs.
- 16. Such further or other orders as the Court deems fit.



As against the Fourth Respondent, Forum Group Financial Services Pty Ltd (in provisional liquidation)

17. A declaration that the Fourth Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
18. An order that the Fourth Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
19. An order that the Fourth Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.
20. Judgment for the Applicant against the Fourth Respondent in the amount of \$88,007,623.61.
21. An order that the Fourth Respondent pay equitable compensation.
22. An order that the Fourth Respondent pay damages for the tort of unlawful means conspiracy.
23. An order that the Fourth Respondent be wound up under the provisions of the Corporations Act.

As against the Fifth Respondent, Forum Group Pty Ltd (in liquidation)

24. A declaration that the Fifth Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
25. An order that the Fifth Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
26. An order that the Fifth Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.



27. Judgment for the Applicant against the Fifth Respondent in the amount of \$88,007,623.61.
28. An order that the Fifth Respondent pay equitable compensation.
29. An order that the Fifth Respondent pay damages for the tort of unlawful means conspiracy.

As against the Sixth Respondent, Forum Finance Pty Limited (in liquidation)

30. A declaration that the Sixth Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
31. An order that the Sixth Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
32. An order that the Sixth Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.
33. Judgment for the Applicant against the Sixth Respondent in the amount of \$88,007,623.61.
34. An order that the Sixth Respondent pay equitable compensation.
35. An order that the Sixth Respondent pay damages for the tort of unlawful means conspiracy.

As against the Seventh Respondent, The Forum Group of Companies Pty Ltd (in liquidation)

36. A declaration that the Seventh Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
37. An order that the Seventh Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.



38. An order that the Seventh Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.
39. Judgment for the Applicant against the Seventh Respondent in the amount of \$88,007,623.61.
40. An order that the Seventh Respondent pay equitable compensation.
41. An order that the Seventh Respondent pay damages for the tort of unlawful means conspiracy.

As against the Eighth Respondent, Forum Fleet Pty Ltd (in liquidation)

42. A declaration that the Eighth Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
43. An order that the Eighth Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
44. An order that the Eighth Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.
45. Judgment for the Applicant against the Eighth Respondent in the amount of \$88,007,623.61.
46. An order that the Eighth Respondent pay equitable compensation.
47. An order that the Eighth Respondent pay damages for the tort of unlawful means conspiracy.

As against the Ninth Respondent, Imagetec Financial Services Pty Ltd (in liquidation)

48. A declaration that the Ninth Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
49. An order that the Ninth Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the



present whereabouts of those funds or the traceable property acquired using those funds.

50. An order that the Ninth Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.
51. Judgment for the Applicant against the Ninth Respondent in the amount of \$88,007,623.61.
52. An order that the Ninth Respondent pay equitable compensation.
53. An order that the Ninth Respondent pay damages for the tort of unlawful means conspiracy.

As against the Tenth Respondent, Imagetec Solutions Pty Ltd (in liquidation)

54. A declaration that the Tenth Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
55. An order that the Tenth Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
56. An order that the Tenth Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.
57. Judgment for the Applicant against the Tenth Respondent in the amount of \$88,007,623.61.
58. An order that the Tenth Respondent pay equitable compensation.
59. An order that the Tenth Respondent pay damages for the tort of unlawful means conspiracy.

As against the Eleventh Respondent, Intrashield Pty Ltd (in liquidation)

60. A declaration that the Eleventh Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.



61. An order that the Eleventh Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
62. An order that the Eleventh Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.
63. Judgment for the Applicant against the Eleventh Respondent in the amount of \$88,007,623.61.
64. An order that the Eleventh Respondent pay equitable compensation.
65. An order that the Eleventh Respondent pay damages for the tort of unlawful means conspiracy.

As against the Twelfth Respondent, Spartan Consulting Group Pty Ltd (in liquidation)

66. A declaration that the Twelfth Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant in connection with the Receivables Contracts, or the traceable property acquired using those funds.
67. An order that the Twelfth Respondent disclose to the Applicant the amount of funds paid by the Applicant in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
68. An order that the Twelfth Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant in connection with the Receivables Contracts.
69. Judgment for the Applicant against the Twelfth Respondent in the amount of \$58,297,909.47.
70. An order that the Twelfth Respondent pay equitable compensation.
71. An order that the Twelfth Respondent pay damages for the tort of unlawful means conspiracy.

As against the Thirteenth Respondent, Iugis Pty Ltd (in liquidation)

72. A declaration that the Thirteenth Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant in connection with the Receivables Contracts, or the traceable property acquired using those funds.



73. An order that the Thirteenth Respondent disclose to the Applicant the amount of funds paid by the Applicant in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
74. An order that the Thirteenth Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant in connection with the Receivables Contracts.
75. Judgment for the Applicant against the Thirteenth Respondent in the amount of \$58,297,909.47.
76. An order that the Thirteenth Respondent pay equitable compensation.
77. An order that the Thirteenth Respondent pay damages for the tort of unlawful means conspiracy.

As against the Fourteenth Respondent, Iugis Waste Solutions Pty Ltd (in liquidation)

78. A declaration that the Fourteenth Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
79. An order that the Fourteenth Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
80. An order that the Fourteenth Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.
81. Judgment for the Applicant against the Fourteenth Respondent in the amount of \$88,007,623.61.
82. An order that the Fourteenth Respondent pay equitable compensation.
83. An order that the Fourteenth Respondent pay damages for the tort of unlawful means conspiracy.

As against the Fifteenth Respondent, Iugis Holdings Limited

84. A declaration that the Fifteenth Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in



connection with the Receivables Contracts, or the traceable property acquired using those funds.

85. An order that the Fifteenth Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
86. An order that the Fifteenth Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.
87. Judgment for the Applicant against the Fifteenth Respondent in the amount of \$88,007,623.61.
88. An order that the Fifteenth Respondent pay equitable compensation.
89. An order that the Fifteenth Respondent pay damages for the tort of unlawful means conspiracy.

As against the Sixteenth Respondent, Iugis (UK) Limited

90. A declaration that the Sixteenth Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
91. An order that the Sixteenth Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
92. An order that the Sixteenth Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.
93. Judgment for the Applicant against the Sixteenth Respondent in the amount of \$88,007,623.61.
94. An order that the Sixteenth Respondent pay equitable compensation.
95. An order that the Sixteenth Respondent pay damages for the tort of unlawful means conspiracy.

**As against the Seventeenth Respondent, Iugis Hellas IKE**

96. A declaration that the Seventeenth Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
97. An order that the Seventeenth Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
98. An order that the Seventeenth Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.
99. Judgment for the Applicant against the Seventeenth Respondent in the amount of \$88,007,623.61.
100. An order that the Seventeenth Respondent pay equitable compensation.
101. An order that the Seventeenth Respondent pay damages for the tort of unlawful means conspiracy.

As against the Eighteenth Respondent, Iugis Energy SA

102. A declaration that the Eighteenth Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
103. An order that the Eighteenth Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
104. An order that the Eighteenth Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.
105. Judgment for the Applicant against the Eighteenth Respondent in the amount of \$88,007,623.61.
106. An order that the Eighteenth Respondent pay equitable compensation.



107. An order that the Eighteenth Respondent pay damages for the tort of unlawful means conspiracy.

As against the Nineteenth Respondent, Mazcon Investments Hellas IKE (registered in the Hellenic Republic)

108. A declaration that the Nineteenth Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
109. An order that the Nineteenth Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
110. An order that the Nineteenth Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.
111. Judgment for the Applicant against the Nineteenth Respondent in the amount of \$88,007,623.61.
112. An order that the Nineteenth Respondent pay equitable compensation.
113. An order that the Nineteenth Respondent pay damages for the tort of unlawful means conspiracy.

As against the Twentieth Respondent, 26 Edmonstone Road Pty Ltd (in liquidation)

114. A declaration that the Twentieth Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
115. An order that the Twentieth Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
116. An order that the Twentieth Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.



117. Judgment for the Applicant against the Twentieth Respondent in the amount of \$88,007,623.61.
118. An order that the Twentieth Respondent pay equitable compensation.
119. An order that the Twentieth Respondent pay damages for the tort of unlawful means conspiracy.

As against the Twenty-First Respondent, 5 Bulkara Street Pty Ltd (in liquidation)

120. A declaration that the Twenty-First Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant in connection with the Receivables Contracts, or the traceable property acquired using those funds.
121. An order that the Twenty-First Respondent disclose to the Applicant the amount of funds paid by the Applicant in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
122. An order that the Twenty-First Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant in connection with the Receivables Contracts.
123. Judgment for the Applicant against the Twenty-First Respondent in the amount of \$58,297,909.47.
124. An order that the Twenty-First Respondent pay equitable compensation.
125. An order that the Twenty-First Respondent pay damages for the tort of unlawful means conspiracy.

As against the Twenty-Second Respondent, 6 Bulkara Street Pty Ltd (in liquidation)

126. A declaration that the Twenty-Second Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant in connection with the Receivables Contracts, or the traceable property acquired using those funds.
127. An order that the Twenty-Second Respondent disclose to the Applicant the amount of funds paid by the Applicant in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
128. An order that the Twenty-Second Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant in connection with the Receivables Contracts.



129. Judgment for the Applicant against the Twenty-Second Respondent in the amount of \$58,297,909.47.
130. An order that the Twenty-Second Respondent pay equitable compensation.
131. An order that the Twenty-Second Respondent pay damages for the tort of unlawful means conspiracy.

As against the Twenty-Third Respondent, 23 Margaret Street Pty Ltd

132. A declaration that the Twenty-Third Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
133. An order that the Twenty-Third Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
134. An order that the Twenty-Third Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.

As against the Twenty-Fourth Respondent, 286 Carlisle Street Pty Ltd

135. A declaration that the Twenty-Fourth Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
136. An order that the Twenty-Fourth Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
137. An order that the Twenty-Fourth Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.

As against the Twenty-Fifth Respondent, 64-66 Berkeley Street Hawthorn Pty Ltd

138. A declaration that the Twenty-Fifth Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in



connection with the Receivables Contracts, or the traceable property acquired using those funds.

139. An order that the Twenty-Fifth Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
140. An order that the Twenty-Fifth Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.

As against the Twenty-Sixth Respondent, 8-12 Natalia Avenue Oakleigh Pty Ltd (in liquidation)

141. A declaration that the Twenty-Sixth Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
142. An order that the Twenty-Sixth Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
143. An order that the Twenty-Sixth Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.

As against the Twenty-Seventh Respondent, Palante Pty Ltd (in liquidation)

144. A declaration that the Twenty-Seventh Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
145. An order that the Twenty-Seventh Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.



146. An order that the Twenty-Seventh Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.
147. Judgment for the Applicant against the Twenty-Seventh Respondent in the amount of \$88,007,623.61.
148. An order that the Twenty-Seventh Respondent pay equitable compensation.
149. An order that the Twenty-Seventh Respondent pay damages for the tort of unlawful means conspiracy.
- As against the Twenty-Eighth Respondent, Aramia Holdings Pty Ltd (in liquidation)**
150. A declaration that the Twenty-Eighth Respondent holds on trust for the Applicant all funds that it has received that were paid by the Applicant (whether directly or via Flexirent) in connection with the Receivables Contracts, or the traceable property acquired using those funds.
151. An order that the Twenty-Eighth Respondent disclose to the Applicant the amount of funds paid by the Applicant or Flexirent in connection with the Receivables Contracts that it has received or controls through related entities and all facts within its knowledge as to the present whereabouts of those funds or the traceable property acquired using those funds.
152. An order that the Twenty-Eighth Respondent account to the Applicant for all funds that it has received or controls through related entities that were paid by the Applicant or Flexirent in connection with the Receivables Contracts.
153. Judgment for the Applicant against the Twenty-Eighth Respondent in the amount of \$88,007,623.61.
154. An order that the Twenty-Eighth Respondent pay equitable compensation.
155. An order that the Twenty-Eighth Respondent pay damages for the tort of unlawful means conspiracy.

In this originating application, the **Receivables Contracts** means any arrangement between the First Respondent or the First Respondent acting as agent for Flexirent Capital Pty Ltd (ABN 93 064 046 046), pursuant to which the Applicant sold the receivables under contracts purportedly entered for the purchase of equipment between the First Respondent (including as agent) and Veolia Environmental Services (Australia) Pty Ltd (ABN 20 051 316 584).

**Applicant's address**

The Applicant's address for service is:

Place: Level 41, 88 Phillip Street, Sydney NSW 2000

Attention: Maria Yiasemides and Roger Dobson

Email: myiasemides@jonesday.com; rdoobson@jonesday.com

The Applicant's address is:

Place: Level 40, The Chifley Tower, 2 Chifley Square, Sydney, NSW 2000

Attention: [Daniel Lee](#)~~John Gilroy~~

Email: daniel_lee@au.smbc.co.jp~~john_gilroy@au.smbc.co.jp~~

Service on the Respondent

It is intended to serve this application on all Respondents.

Date: 22 December 2022

A handwritten signature in black ink, appearing to read 'Maria Yiasemides'.

Signed by Maria Yiasemides
Lawyer for the Applicant



Schedule

No. NSD681/2021

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

Applicant

Applicant: SMBC Leasing and Finance, Inc. ARBN 602 309 366

Respondents

First Respondent	Forum Enviro (Aust) Pty Ltd (in provisional liquidation) ACN 607 484 364
Second Respondent	Basile Papadimitriou
Third Respondent	Forum Enviro Pty Ltd (in provisional liquidation) ACN 168 709 840
Fourth Respondent	Forum Group Financial Services Pty Ltd (in provisional liquidation) (ACN 623 033 705)
Fifth Respondent	Forum Group Pty Ltd (in liquidation) (ACN 153 336 997)
Sixth Respondent	Forum Finance Pty Ltd (in liquidation) (ACN 153 301 172)
Seventh Respondent	The Forum Group of Companies Pty Ltd (in liquidation) (ACN 151 964 626)
Eighth Respondent	Forum Fleet Pty Ltd (in liquidation) (ACN 155 440 994)
Ninth Respondent	Imagetec Financial Services Pty Ltd (in liquidation) (ACN 111 978 182)
Tenth Respondent	Imagetec Solutions Pty Ltd (in liquidation) (ACN 074 715 718)
Eleventh Respondent	Intrashield Pty Ltd (in liquidation) (ACN 133 426 534)
Twelfth Respondent	Spartan Consulting Group Pty Ltd (in liquidation) (ACN 168 989 544)
Thirteenth Respondent	Iugis Pty Ltd (in liquidation) (ACN 632 882 243)
Fourteenth Respondent	Iugis Waste Solutions Pty Ltd (in liquidation) (ACN 647 212 299)
Fifteenth Respondent	Iugis Holdings Limited (UK Company No. 11123437)
Sixteenth Respondent	Iugis (UK) Limited (UK Company No. 10745974)
Seventeenth Respondent	Iugis Hellas IKE (registered in the Hellenic Republic)
Eighteenth Respondent	Iugis Energy SA (registered in the Hellenic Republic)



Nineteenth Respondent	Mazcon Investments Hellas IKE (registered in the Hellenic Republic)
Twentieth Respondent	26 Edmonstone Road Pty Ltd (in liquidation) (ACN 622 944 129)
Twenty-First Respondent	5 Bulkara Street Pty Ltd (in liquidation) (ACN 630 982 160)
Twenty-Second Respondent	6 Bulkara Street Pty Ltd (in liquidation) (ACN 639 734 473)
Twenty-Third Respondent	23 Margaret Street Pty Ltd (in liquidation) (ACN 623 715 373)
Twenty-Fourth Respondent	286 Carlisle Street Pty Ltd (in liquidation) (ACN 610 042 343)
Twenty-Fifth Respondent	64-66 Berkeley Street Hawthorn (in liquidation) (ACN 643 838 662)
<u>Twenty-Sixth Respondent</u>	<u>8-12 Natalia Avenue Oakleigh Pty Ltd (in liquidation) (ACN 643 838 626)</u>
<u>Twenty-Seventh Respondent</u>	<u>Palante Pty Ltd (in liquidation) (ACN 135 344 151)</u>
<u>Twenty-Eighth Respondent</u>	<u>Aramia Holdings Pty Ltd (in liquidation) (ACN 114 958 717)</u>