#### NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 16/03/2021 8:46:47 PM AWST 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: Affidavit - Form 59 - Rule 29.02(1)

File Number: WAD59/2021

File Title: ADAM NICHOLAS IAN FLETCHER & ORS v CHRISTOPHER

MICHAEL BROWN & ANOR

Registry: WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF

AUSTRALIA



Dated: 17/03/2021 3:58:01 PM AWST Registrar

#### **Important Information**

Sia Lagos

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.

THE ERAL COURT OF PUSTRALIA

Form 59 Rule 29.02(1)

## **Affidavit**

No. WAD of 2021

Federal Court of Australia

District Registry: Perth

Division: Commercial and Corporations

Plaintiff

Defendants

Affidavit of:

Jaysen Andrew Taylor

Address:

Occupation:

Company Director

Date:

16 March 2021

## Contents

Document	Details	Paragraph	Page
	Affidavit of Jaysen Andrew Taylor affirmed	1	1-7
JAT -1	Email from Chris to Jaysen dated 23 October 2018 with attachments		8-
JAT - 2	Screenshot of bank transfers		
JAT - 3	Spreadsheet JT Individually updated		
JAT - 4	Spreadsheet JTNES – program 0203221		

I, Jaysen Taylor, of 1

affirm as follows:

- I am a Company Director. I run a plant and equipment hire business, called 365 Plant Hire Pty Ltd of which I am a director.
- The contents of this affidavit are true to my knowledge, unless otherwise stated, in which
  case they are true to the best of my information and belief and the source of my
  information and belief is stated.

#### PURPOSE OF THIS AFFIDAVIT

- 3. This affidavit is affirmed by me in support of:
  - (a) an originating process to be filed by the plaintiffs to this action (OP); and
  - (b) an interlocutory process to further be filed by the plaintiffs to this action (IP).
- 4. Mr Christopher Brown (Chris), and without notice to him. This is because I am extremely concerned that Chris, being a person who may be in possession of a substantial sum of money (in excess of \$300m) in circumstances where he owes a similarly substantial sum belonging to other people (including myself):
  - (a) has misrepresented the amount and status of the money held in his accounts;
  - (b) may dissipate assets, which would otherwise be available to me and other persons that he holds money on behalf of (Creditors); and
  - (c) is incapable of managing those assets for the benefit of the Creditors.
- 5. As a result, the relief sought in this action includes:
  - (a) asset preservation orders; and
  - (b) orders for the appointment of a receiver and manager to the property of the defendant.

#### INTRODUCTION TO DEFENDANT AND LOAN AGREEMENT

- 6. Chris is a friend of and I know him from having met at various social events. The first time I more formally met Chris was in 2018 through his father, Gavin Brown, who had advised me of an investment opportunity that his son was doing.
- 7. Chris explained the investment opportunity to me at a meeting. He explained that he puts money into a horse race at greater odds, say 8:1, and then sells bets on the same at shorter odds, for example 4:1. He explained that he would do this using online sport betting accounts.
- I didn't really understand, at the time, how Chris was able to buy and sell the difference in the odds to make money, so I asked my business partner Nader El Sayed to look at

(1)

- the investment opportunity. I then set up a meeting between Chris, Nader and myself to have Chris explain the opportunity to us.
- 9. I don't recall any specific returns explained to me at the initial meetings. However, later on, Chris sent me through emails and presentations which set out the investment approach. Attached hereto and marked "JAT-1" is an example of an email from Chris to me dated 23 October 2018.
- 10. After the investment approach being explained to me in greater detail, and after becoming convinced that it had the potential to make money, I, together with Nader and through companies that we jointly manage, loaned money to Chris to invest. Attached hereto and marked "JAT-2" is a screenshot showing sums that I transferred to Chris to pursue the initial investment strategy. The funds shown in this screenshot include funds that originally came from Jaytona and 365 Plant Hire.
- 11. The investment strategy that was adopted, followed the pattern of Chris sending us the opportunities for the upcoming racing via email. We would then see what profit existed, based on Chris' strategy, and we would decide how much we would invest.
- 12. From that Chris would make 'cash calls' to us. That is, he would make requests for funding and Nader and I, together, would agree how much to advance. Nader, Chris and I would then share the profits from any success on the investment opportunity.
- 13. I note that we did not have a written agreement in place at the beggining, however one was subsequently put together in around mid 2019 but dated 1 September 2018. The date was, from my position, intended to reflect when the agreement was reached with Chris but not specifically documented.

# MONEY ADVANCED TO DEFENDANT & PROFITS GENERATED

- 14. At all times I was the person advancing money directly to Chris. Nader and I decided, from the beginning, that it would be cleaner, from an accounting point of view, if all the money went through a single source.
- 15. As a result, whenever Chris received funding from, for example, Jaytona, that money would go from Jaytona's bank account to my personal account and then to Chris.
- 16. Over the course of our relationship, I transferred significant sums of money to Chris for the purposes of pursuing the investment strategy and later traditional gambling. The amounts that I advanced for myself and on behalf of others are set out in a document attached hereto and marked "JAT-3", which is a true copy of a spreadsheet labelled JT individually update that I created and which I maintain. This spreadsheet is current as at 2 March 2021. This spreadsheet records \$ deposited from me individually and

Mh

other sums deposited by other investors, through me, as listed in in each of the separate tabs to that spreadsheet.

- 17. I am also aware that a range of other people advanced money to Chris. On 9 February 2021 Chris sent me an excel spreadsheet listing the names or initials of 27 other investors, which shows that those investors have contributed approximately \$11,610,500. I note that the defendant provided this spreadsheet to me in confidence and, given that it contains personal information about other individuals I have decided not to include it in this affidavit. If required to I am able to produce this document to the Court. I also note that, on review of the document, there appear to me to be some errors (for example the amount that I am listed to have contributed is not entirely accurate and I am aware of other investors who are not listed).
- 18. From my reconciliation of the records initially provided by Chris and then maintained by me, and from working up a spreadsheet that Chris initially provided to me on 23 October 2018 but I later maintained, I am also able to calculate that the following amounts are due as profits plus principal from Chris:
  - (a) Me plus other investors that I advance money for: \$ principal)
  - (b) 365 Plant Hire: \$ (principal only);
  - (c) Jaytona: \$ (principal only); and
  - (d) Nameo: \$ (profits plus principal)

Attached hereto and marked "JAT-4" is a true copy of that spreadsheet entitled JTNES, which together with the spreadsheet at "JAT-3".

## REQUESTS FOR RETURN OF MONEY

- 19. I have made multiple requests for Chris to return money over the past two and a half years both on my own behalf and on behalf of others.
- 20. Initially Chris would verbally say the payment was done. Then when it didn't arrive, I would ask him for a payment receipt and then he would send me a payment receipt, but the money still never arrived.
- 21. Chris would then say he would follow it up. After he told us there were issues with the Banks, he would then say the Banks were holding the funds up for various reasons.
- 22. This process has continued throughout this two and a half year period. Just the reason the Banks were holding funds has changed over time. For example, at times the reason explained to me, by Chris, is that people were making enquiries on the account, people

My



were then trying to impersonate him, he was then having issues with Anti Money Laundering (AML) or with the ATO and AUSTRAC.

# PROMISES MADE BY THE DEFENDANT AND STATUS OF FUNDS

- 23. Chris has continued to state that the money is there and that it is being investigated.
- Once he had admitted that there was issues with the Banks, Chris continued to advise me that there were issues with funds being released and the banks continuing to carry out their internal investigations. He has done this verbally and by forwarding emails, screen shots via texts and letters that are supposedly from the Banks.
- 25. No money, however, has ever been released to me, despite several communications stating that the banks had finished their investigations and that there were no more holds on the account. Chris has, on several occasions, communicated that the funds are free and then when funds didn't flow, there was another reason, like AUSTRAC or ATO.

# **FALSIFICATION OF RECORDS & DISHONESTY**

- 26. Chris has sent numerous amounts of receipts of payments allegedly made to me and I have never received any of these funds.
- 27. I advised Chris around the end of January 2021 to stop betting and stop moving money from the betting accounts to the bank accounts. I also suggested he spend all his available time liaising with the banks to find why the funds are not being released. I also advised him to allow me to be included with the discussion between the banks and himself so we can assist with all required documentation the banks require. Chris has continuously made promises to me that he would do this, but has never fulfilled those promises.

## RECENT DEVELOPMENTS - URGENCY

- 28. Chris has given me login access for accounts held with two of his banks, since from around the last month, being BOQ and NAB Trade. Chris gave me login because I am his largest creditor and I asked him to provide me with access so I could have some assurance that the funds that he said he was holding, but which he has told me are frozen accounts, were in the accounts.
- 29. I constantly receive a number of phone calls every day from other creditors of Chris who are also seeking information about funds held by Chris that are owed to them. Chris agreed to provide me with login access so that I could communicate with his other investors and assure myself that what I was being told by him was accurate.

My

right.

- 30. His current account with BOQ, shows a balance of \$3 and there is very little money in his NAB accounts (less than \$100 with the exception of the NAB Trade account balance of \$172m which I address below).
- 31. On Thursday 11 March 2021, I was in Port Hedland with Nader, when Nader requested I log into Chris' NAB trade account. Nader then took the phone and identified that the line item which held the cash balance was able to be changed on the screen manually. The purpose of this on the NAB app appears to be that it allows users to import external assets not held by NAB so that users can see a total Asset and Liability position. It is like a self generated balance sheet.
- Nader then called Adam Fletcher, in my presence, who was about to have a meeting with Josh Hunt, Chris and Stuart Campbell and advised him to ask Chris to log into the NAB trade app as Nader had changed the balance from \$172,623.478.42 to \$100.00.
- 33. I heard Nader speak again with Adam to say that he could change the balance again, but when I tried to log back in, I was denied access due to being locked out.
- 34. As a result of Chris' funds being able to be altered in his NAB Trade account, I have grown extremely concerned as I have relied on Chris informing me that he has \$172m in this account as security for the money that he owes me and others. The fact that this figure can simply be changed has caused me to question whether the money is there and whether Chris has ever held the money that he has continuously advised me that he has held.

## **Undertaking & Summary**

- 35. I understand that the plaintiffs in this action are required to give an undertaking as to damages in support of the freezing order and related relief sought in the absence of the defendant.
- 36. In the above circumstances, I respectfully request that this matter be heard on an urgent basis in the absence of the defendant because I am concerned that if the orders sought by the IP, and particularly the freezing orders, are not made on an ex parte basis, then there is a heightened risk that the Defendant will seek to transfer or dissipate the funds so that I and other investors are left without any recourse to our money.
- 37. For the reasons given above, I seek the IP be heard on an urgent ex parte basis in the first instance.

Affirmed by the deponent

At Perth

In Western Australia on 16 March 2021

Before me:

Signature of witness

MICHAEL PETER MCCARREY

Solicitor

Mills Oakley

24/240 St Georges Terrace Perth WA 6000

7

Signature of deponent

Federal Court of Australia

District Registry: Western Australia

Division: Commercial and Corporations

## ADAM NICHOLAS IAN FLETCHER AND OTHERS

**Plaintiffs** 

### CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

### **CERTIFICATE OF EXHIBIT**

This is the exhibit marked as "JAT-1" referred to in the affidavit of Jaysen Andrew Taylor affirmed on 16 March 2021.

Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

### Clare Miles

From:	Chris Brown <
Sent:	Tuesday, 23 O
To:	Javsen Taylor

Tuesday, 23 October 2010 2.19 Five

Subject:
Attachments:

Jaysen Taylor Complete Summary

image001.png; Jaysen Taylor - Program.xlsx

Hi Jaysen,

Finished meetings for the day now. Below is a summary of current state updated now I have allocated capital as Betfair's final field market opened up(where it adjusts to final field only).

- \$125,000.00 currently total gross amount on Winx.
- Return is currently a minimum of 30% and a maximum of 39% (at this stage pending withdrawals)
- After full capital allocation and a field of 8 with one removed this morning, there is room for 65k more to lay her off with price now at \$1.24. I will loan myself 12.5 from my trust for this leaving \$52.5k free to be capitalised on. Adding this likely increases the overall returns to a minimum of 33% and maximum of 42%
- I have a Friday trade position for the Manikato Stakes with a 3yo Filly 'Sunlight' carrying just 50.5kg. Shes now \$5. The return is better than I anticipated and I was just going to close this off myself. After my own capital allocation there is a return fixed of 22.5% available with a gap remaining of approx \$55k post my allocation, to be capitalised on if seen to be fit!

Thus in summary all set on Winx trade - room available on both trades where feel free to add any balance up to \$107.5k more. Would obviously be a very worthwhile exercise and my remaining capital is allocated forward over the next 3-4 weeks positions as you know, so someone may as well capitalise on the remainder.

I have attached a spreadsheet that shows what your entire program position would be if 107.5 was added - I can get cracking on this right away. Great to have you on board at a lucrative time, both helping each other out in a mutually beneficial arrangement!

Any queries let me know.

CB

Chris Brown
Investment Analyst
M: +61
141 Cambridge St
West Leederville
Perth WA 6007

www.resources-wa.com.au



Event	Investment	Net Investment	Return	Result	Running Balance		Notes
ings Will Dream	\$ 50,000	\$ 50,000	1.256	\$ 62,800 \$		2.800 COMPLETE	
Vinx Lose - Minimum Result	\$ 177,500	\$ 114,700	1.33	\$ 236,075 \$	23	6.075 PENDING OUTCOME	
Ninx Win - Max Result	\$ 177,500	\$ 114,700	1.42	\$ 252,050 \$	25	252,050 PENDING OUTCOME	
unlight Manikato	\$ 50,000		1.225	\$ 61,250	Pending Winx Result + 61	50 LOCKED ONLY ONE P.	ACCIDITE DECINE DETIIDAN

 Total Investment
 \$ 219,700

 Profit Winx Lose
 \$ 77,625

 Profit Winx Win
 \$ 93,600

 ROI Winx Loss
 35%

 ROI Winx Win
 43%

IF WINX LOSES BUT ONE OF BENBATL/HUMIDOR/DARGENTO WINS - THEN IT WILL BE A RETURN OF BETWEEN 34-38%

Federal Court of Australia

District Registry: Western Australia

Division: Commercial and Corporations

## ADAM NICHOLAS IAN FLETCHER AND OTHERS

Plaintiffs

### CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

## **CERTIFICATE OF EXHIBIT**

This is the exhibit marked as "JAT-2" referred to in the affidavit of Jaysen Andrew Taylor affirmed on 16 March 2021.

Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

PYMT Chris Brow Loan to CB	WITHDRAWAL ONLINE	22 Oct 2018
PYMT Chris Brow Loan to CB	WITHDRAWAL ONLINE	23 Oct 2018
PYMT Chris Brow Loan to CB	WITHDRAWAL ONLINE	24 Oct 2018
PYMT Chris Brow Loan to CB	WITHDRAWAL ONLINE	1 Nov 2018
PYMT Chris Brow Loan to CB	WITHDRAWAL ONLINE	6 Nov 2018

Federal Court of Australia

District Registry: Western Australia

Division: Commercial and Corporations

### ADAM NICHOLAS IAN FLETCHER AND OTHERS

**Plaintiffs** 

### CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

### **CERTIFICATE OF EXHIBIT**

This is the exhibit marked as "JAT-3" referred to in the affidavit of Jaysen Andrew Taylor affirmed on 16 March 2021.

Signature of witness

MICHAEL PETER MCCARREY
Solicitor
Mills Oakley
24/240 St Georges Terrace
Perth WA 6000

	Total for all	
w	61,061,817.50	\$103,270
s	125,000.00	
s	710,000.00	
8	1,870,000.00	
s	1,085,500.00	
s	500,000.00	
s	2,272,000.00	-\$103,270
ss.	150,000.00	
ss.	67,774,317.50	
•	65,502,317.50	
us.	67,774,317.50	

Notes Notes		9th May	10th May		16th May	30th May	12th June	13th June	14th June	23rd June	26th June	27th June	2nd July mistake Northam	Mistake 11th July	Mistake 11th July	Mistake 17th July	Mistake 23rd July 30k x 20	Mistake 18t July	Mistake 13th Aurust	betting Geraldton 23rd August				Material dth Sept		Mistake 17th Oct		Mistaka	Mistaka 12th December	Mistake 12th December		Ascot race 2 Tambora 23rd December		Mistake 23rd December 25k*80/2	Mistake 31st December 32st December 31st Dec	Mistake 31st December					20/02/2021	Mistake 21st February 80k/144		JT 61.061.818		\$ 24,124,518 Should = JTNES Sheet							
Running Balance	332,500.00	100,000.00	150,000.00	330 000 00	220,000,00	760,000.00	00:000'06	180,000.00	20,000.00	130,000.00	195,000.00	67,500.00	450,000.00	195,000.00	91,000.00	280,000.00	600,000,000	375 000 00	1 625 000 00	20,000.00	400,000.00	735,000.00	290,000,00	40,000,00	1 900 000 000	1 300 000 000	375,000,000	1.000.000.00	595 000 00	2,677,500.00	510,000.00		875,000.00	00.000,000	500,000,000	200,000.00	625,000.00	725,000.00	480,000.00	20,000.00	50,000.00	4,099,000.00	00.000, 200	36.937.300									
Result	69	49 6	A 4	9 66	59	69	69	89	S	69	89	69	69	8	69	\$	200	9 69	· va	8		25 \$	30		9	65	<i>u</i> 1	S	8	69	57	S	69 6	9 0	9 69	69	59	S	49	69	9 6	9 4		8									
Net investment Return																						30000	20000	00001					2000				5000	0000		2000	2000	1000															
Investment Net in																													\$ 5,000				5,000			\$ 2,000	\$ 5,000							\$ 114,800									
Event																																	Paid back 31/12/20	+																			

\$150,000.00			\$15,000.00	Total
\$150,000.00	23-Dec-20	10	\$15,000.00	

\$5,000.00	25	11th July		\$125,000.00
\$5,000.00			0,	\$125,000.00

\$710,000.00		\$57,000.00	Total
\$80,000.00	26th Jan 21	\$2,000.00	
\$130,000.00	28th July	\$5,000.00	
\$300,000.00	8th July	\$10,000.00	
\$100,000.00	16-Apr-20	\$15,000.00	
\$100,000.00	13-Apr-20	\$25,000.00	

\$1,870,000.00		\$330,000.00	Total
\$400,000,000	1st March 21	\$20,000.00	
\$630,000.00	23rd July-20	\$30,000.00	
\$200,000.00	30th May-20	\$40,000.00	
\$125,000.00	25th April-20	\$25,000.00	
\$100,000.00	24-Apr-20	\$25,000.00	
\$100,000.00	18-Apr-20	\$15,000.00	
\$75,000.00	13-Sep-19	\$25,000.00	
\$150,000.00	02-Jul-19	\$90,000.00	
\$90,000.00	28-Jun-19	\$60,000.00	

											including 50K to Knoxv			Funds in	\$23,000.00	\$8,500.00	\$13,000.00	\$9,000.00
\$37,000.00	\$7.500.00	\$10,000.00	\$21,000.00	\$32,000.00	\$5,500.00	\$7,000.00	\$18,000.00	\$22,500.00	\$125,000.00	\$50,000.00			2002	\$1,085,500.00	\$397,500	\$187,500	\$482,500.00	\$18,000.00
	\$7,500.00	\$10,000.00	\$11,000.00		\$5,500.00	\$1,500.00	\$9,000.00				\$5,000.00	\$10,000.00						
	1.5	2	5.5		5.5	က	2	7.5	25	25	28	46	- C+	lotal	Total Lachlan	Total Jordan	Total Jake	Total Liv
et		\$5,000.00	\$2,000.00															
first transactions on work spreadsheet	\$5,000.00	\$5,000.00	\$2,000.00	\$6,000.00	\$1,000.00	\$500.00	\$9,000.00	\$3,000.00	\$5,000.00	\$2,000.00	\$5,000.00	\$10,000.00						
fir																		

\$500,000.00			\$50,000.00	Total
\$500,000.00	13-Aug-20	10	\$50,000.00	

Federal Court of Australia

District Registry: Western Australia

Division: Commercial and Corporations

# ADAM NICHOLAS IAN FLETCHER AND OTHERS

**Plaintiffs** 

# CHRISTOPHER MICHAEL BROWN AND ANOTHER

Defendants

### **CERTIFICATE OF EXHIBIT**

This is the exhibit marked as "JAT-4" referred to in the affidavit of Jaysen Andrew Taylor affirmed on 16 March 2021.

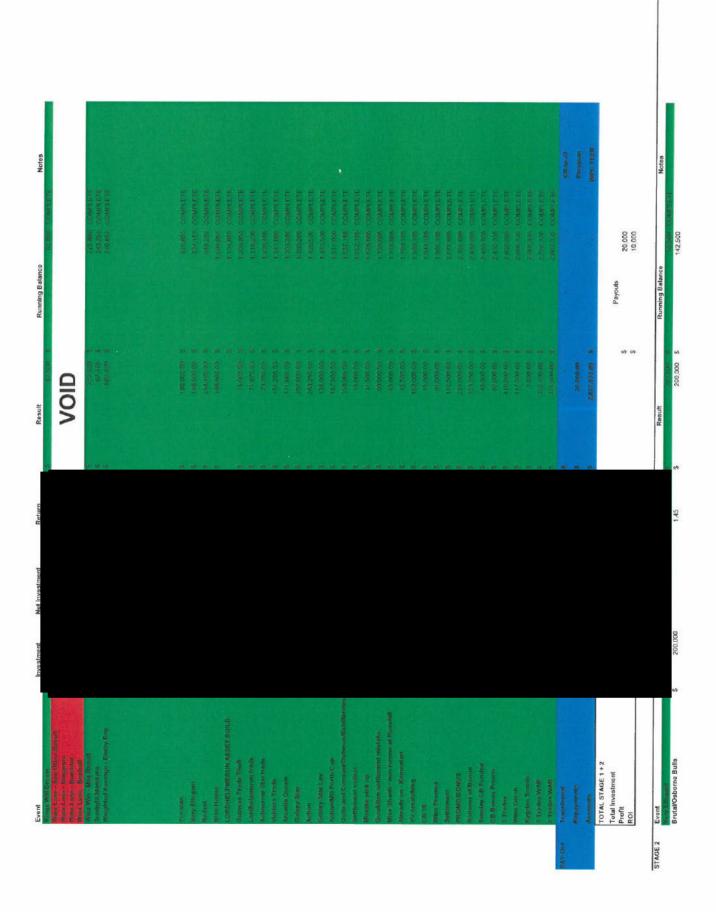
Signature of witness

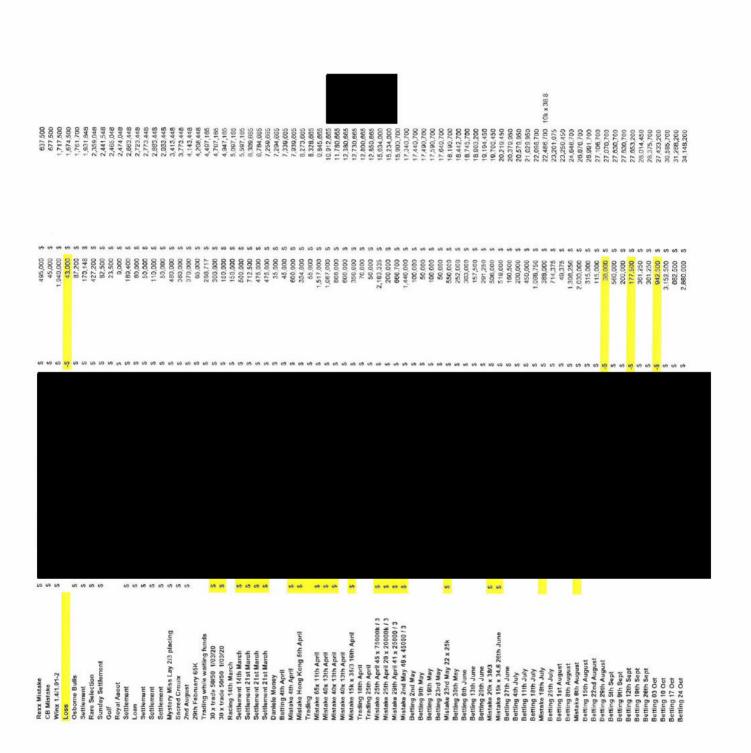
MICHAEL PETER MCCARREY

Solicitor Mills Oakley

24/240 St Georges Terrace Perth WA 6000

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35,648,200 mistake 41 x 75l/2				. 0	٥	0	0	0	0	0	0	0	C	0	0	0				Not received yet	Not received yet		8 Nador	8 Jaysen
35,648,200	36.711.050	00,111,00	37 779 450	39.819.450	38,074,450	38,334,450	41,723,200	41,228,200	40,368,200	41,468,200	40,960,700	41,474,450	45,461,950	47,171,950	47,303,200	47,653,200			Work Funds				24,124,518 Nader	24,124,518 Jaysen
8 000,000,1	5 220 000 s	477 500 8	5 000 000	2,040,000 \$	1,745,000 \$	260,000 \$	3,388,750 \$	495,000 \$	800,000 \$	1,100,000 \$	507,500 \$	513,750 \$	3,987,500 \$	1,710,000 \$	131,250 \$	350,000 \$	50,521,035					48,249,035		*
8 DOUGO COC C S			S 1.180.000.00 S				6,777,500.00	00'000'066	1,720,000.00		1,015,000.00	\$ 1,027,500.00 \$	\$ 7,975,000,00 \$	\$ 3,420,000.00 \$	\$ 262,500.00 \$	\$ 700,000.00 \$	ACTUAL RUNNING BALANCE \$					Total		
Betting 30 Oct	Betting 3rd November	Betting 4th November	Betting 7th November	Betting 14th November	Betting 21st November	Betting 28th November	Betting 5th December	Betting 12th December	Betting 19th December	Betting 26th December	Betting 2nd January 2021	Betting 9th January 2021	Betting 16th January 2021	Betting 23rd January 2021	Betting 30th January 2021	Betting 6th February 2021		J						

	Ctako		
	Stane	Multiplication	Value
-			\$330,000
+			\$400,000
+			\$380,000
-			\$390,000
+			\$375,000
1			\$1,500,000
			\$1,500,000
+			\$1,900,000
Wilstake 12th December work			\$750,000
Mistake 21st February			\$2,730,000
1			\$0
+			\$0
-			\$0
			\$0
			\$0
			\$0
			\$0
-			\$0
		TOTAL	610 355 000