

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 23/09/2021 5:27:19 PM AEST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

### Filing and Hearing Details

Document Lodged: Interlocutory Application - Form 35 - Rule 17.01(1)(a)  
File Number: NSD616/2021  
File Title: WESTPAC BANKING CORPORATION ABN 33 007 457 141 & ANOR v  
FORUM FINANCE PTY LIMITED & ORS  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF  
AUSTRALIA  
Reason for Listing: Case Management Hearing  
Time and date for hearing: 20/10/2021, 9:30 AM  
Place: Court Room Not Assigned, Level 17, Law Courts Building 184 Phillip  
Street Queens Square, Sydney



*Sia Lagos*

Dated: 6/10/2021 2:45:30 PM AEDT

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 Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

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.



**Interlocutory application**

No. NSD616/2021

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

**Westpac Banking Corporation ABN 33 007 457 141** and another named in the Schedule  
Applicants

**Forum Finance Pty Limited ACN 153 301 172** and others named in the Schedule  
Respondents

To the second respondent, Basile Papadimitriou:

The first applicant, Westpac Banking Corporation (**Westpac**) applies for the interlocutory orders 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.

**Time and date for hearing:**

**Place:**

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

Date:

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

Filed on behalf of (name & role of party) Westpac Banking Corporation, First Applicant  
Prepared by (name of person/lawyer) Caitlin Murray  
Law firm (if applicable) MinterEllison  
Tel (02) 9921 4279 Fax (02) 9921 8123  
Email caitlin.murray@minterellison.com  
**Address for service** Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000  
(include state and postcode) Our reference: 1353397



### Interlocutory orders sought

1. Under r 1.34 of the *Federal Court Rules 2011* (the **Rules**), compliance with r 42.13 of the Rules be dispensed with insofar as r 42.13 requires that this application be served on the second respondent, Basile Papadimitriou (**Mr Papas**) personally on the basis that this application, the accompanying statement of charge and the supporting affidavit are served on Mr Papas by emailing them to Rocco Vincenzo Panetta, solicitor on the record for Mr Papas, at 'law@panetta.com.au' being the email address set out in Mr Papas' notice of address for service dated 1 July 2021.
2. Under s 31 of the *Federal Court of Australia 1976* (Cth) (the **Act**), Mr Papas be found guilty of contempt of this Court as set out in the Statement of Charge in that he disobeyed the freezing order made by Lee J on 28 June 2021 (which was subsequently extended on 2 July 2021, 9 July 2021 and 16 July 2021) by:
  - a. on 1 July 2021, giving instructions to Macrovue Pty Limited (**Macrovue**) to pay (or causing instructions to be given to Macrovue on his behalf using his user name and access credentials), and thereby causing the payment by Macrovue of \$150,000 held in cash by Macrovue for and on behalf of the twenty-eighth respondent, Palante Pty Limited (**Palante**), a company whose assets Mr Papas had power over, to a third party, Mr Eric Constantinidis; and
  - b. on 6 July 2021, giving instructions to Macrovue to pay (or causing instructions to be given to Macrovue on his behalf using his user name and access credentials), and thereby causing the payment by Macrovue of \$570,000 held in cash by Macrovue for and on behalf of Palante, a company whose assets Mr Papas had power over, to a third party, Mr Eric Constantinidis.
3. Under s 31 of the Act, in respect of the contempt referred to in prayer 2 above, an order that Mr Papas:
  - a. be committed to prison for a term of imprisonment as the Court considers fit;
  - b. be ordered to pay within 28 days a fine in a sum as the Court considers fit;
  - c. be ordered to do all things necessary to recover the amount of \$720,000 from Mr Eric Constantinidis and pay that amount or such amount as he does recover into Court or into a controlled monies account of MinterEllison to be held until further order of the Court for the benefit of the applicants and Mr Papas; and/or
  - d. be the subject to such further or other order as the Court considers fit.
4. Mr Papas pay the applicant's costs of and incidental to this application on an indemnity basis, or alternatively, on the ordinary basis.



5. Such further or other order as the Court thinks appropriate.

### **Service on the respondents**

It is intended to serve this application on Mr Papas by serving Mr Panetta, solicitor on the record for Mr Papas.

Date: 23 September 2021

A handwritten signature in blue ink, appearing to be "Caitlin Murray", written over a horizontal dotted line.

Signed by Caitlin Murray  
Lawyer for the applicants



## Schedule of Parties

No. NSD616/2021

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

### Applicants

First Applicant Westpac Banking Corporation ABN 33 007 457 141  
 Second Applicant Westpac New Zealand Limited (company registration number company number 1763882)

### Respondents

First Respondent Forum Finance Pty Limited (in liquidation) ACN 153 301 172  
 Second Respondent: Basile Papadimitriou  
 Third Respondent Vincenzo Frank Tesoriero  
 Fourth Respondent: Forum Group Financial Services Pty Ltd (provisional liquidators appointed) ACN 623 033 705  
 Fifth Respondent: Forum Group Pty Ltd (Receivers Appointed) (in liquidation) ACN 153 336 997  
 Sixth Respondent: Forum Enviro Pty Ltd (provisional liquidators appointed) ACN 168 709 840  
 Seventh Respondent: Forum Enviro (Aust) Pty Ltd (provisional liquidators appointed) ACN 607 484 364  
 Eighth Respondent 64-66 Berkeley St Hawthorn Pty Ltd ACN 643 838 662  
 Ninth Respondent 14 James Street Pty Ltd (in liquidation) ACN 638 449 206  
 Tenth Respondent 26 Edmonstone Road Pty Ltd (in liquidation) ACN 622 944 129  
 Eleventh Respondent 5 Bulkara Street Pty Ltd (in liquidation) ACN 630 982 160  
 Twelfth Respondent 6 Bulkara Street Pty Ltd (in liquidation) ACN 639 734 473  
 Thirteenth Respondent 23 Margaret Street Pty Ltd ACN 623 715 373  
 Fourteenth Respondent 1160 Glen Huntly Road Pty Ltd ACN 639 447 984  
 Fifteenth Respondent 14 Kirwin Road Morwell Pty Ltd ACN 641 402 093  
 Sixteenth Respondent Canner Investments Pty Ltd ACN 624 176 049  
 Seventeenth Respondent 123 High Street Taradale Pty Ltd ACN 639 872 512  
 Eighteenth Respondent 160 Murray Valley Hwy Lake Boga Pty Ltd ACN 641 392 921  
 Nineteenth Respondent 31 Ellerman Street Dimboola Pty Ltd ACN 641 392 887



Twentieth Respondent	4 Cowslip Street Violet Town Pty Ltd ACN 639 872 352
Twenty-First Respondent	55 Nolan Street Maryborough Pty Ltd ACN 641 392 912
Twenty-Second Respondent	89 Betka Road Mallacoota Pty Ltd ACN 641 393 179
Twenty-Third Respondent	9 Gregory Street Ouyen Pty Ltd ACN 641 392 707
Twenty-Fourth Respondent	9 Main Street Derrinallum Pty Ltd ACN 639 872 736
Twenty-Fifth Respondent	286 Carlisle Street Pty Limited ACN 610 042 343
Twenty-Sixth Respondent	275 High Street Golden Square Pty Ltd ACN 639 870 545
Twenty-Seventh Respondent	Mazcon Investments Hellas IKE
Twenty-Eighth Respondent	Palante Pty Ltd ACN 135 344 151
Twenty-Ninth Respondent	Anastasios Giamouridis
Thirtieth Respondent	The Forum Group of Companies Pty Ltd (in liquidation) ACN 151 964 626
Thirty-First Respondent	Iugis Pty Ltd (in liquidation) ACN 632 882 243
Thirty-Second Respondent	Iugis (UK) Limited
Thirty-Third Respondent	Iugis Holdings Limited
Thirty-Fourth Respondent	Iugis Global Financial Services Limited
Thirty-Fifth Respondent	Iugis Finance Limited
Thirty-Sixth Respondent	Spartan Consulting Group Pty Ltd (in liquidation) ACN 168 989 544
Thirty-Seventh Respondent	Intrashield Pty Ltd (in liquidation) ACN 133 426 534
Thirty-Eighth Respondent	Tesoriero Investment Group Pty Ltd ACN 161 088 115
Thirty-Ninth Respondent	Mangusta (Vic) Pty Ltd ACN 631 520 682
Fortieth Respondent	193 Carlisle Street Enterprises Pty Ltd ACN 612 615 237
Forty-First Respondent	8-12 Natalia Ave Oakleigh Pty Ltd ACN 643 838 626
Forty-Second Respondent	Iugis Hellas IKE
Forty-Third Respondent	Iugis Energy SA