

## Exhibit certificate

No. NSD616/2021

Federal Court of Australia  
District Registry: Sydney  
Division: General

**Westpac Banking Corporation ABN 33 007 457 141** and another  
Applicants

**Forum Finance Pty Limited ACN 153 301 172** and another  
Respondents

This is the exhibit marked '**CMM-15**' now produced and shown to Caitlin Maria Murray at the time of swearing her affidavit on 2 October 2021 before me

*agalasso*

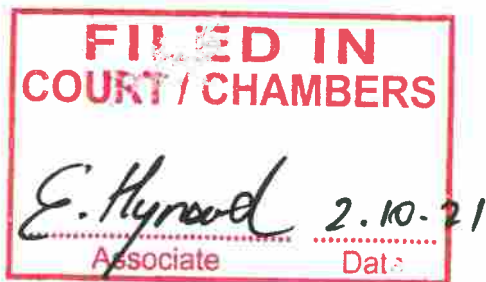


Exhibit 32 pages..

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Filed on behalf of (name & role of party)	Westpac Banking Corporation and Westpac New Zealand Limited, Applicants		
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		
<b>Address for service</b> (include state and postcode)	Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000 Our reference: 1353397		

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## Alana Galasso

---

**From:** Anthony Sommer  
**Sent:** Wednesday 29 September 2021 02:08 PM  
**To:** Rocco Panetta  
**Cc:** Caitlin Murray; Michael Hughes; Simon Brandis; 'Samuel Crowder'  
**Subject:** RE: Westpac Banking Corporation and Another v Forum Finance Pty Ltd (In Liquidation) and Others [ME-ME.FID6264995]  
**Attachments:** Notice of Ceasing to Act - B Papadimitriou (sealed 27 September 2021).pdf

Dear Mr Panetta

We refer to the attached notice of ceasing to act you served on us below.

As you are aware, Mr Papas does not presently reside at 23 Margaret Street, Rozelle NSW 2039, which is listed as Mr Papas' last known residential or business address in your notice.

Can you please provide the last known contact details for Mr Papas which he can be contacted on.

Regards

—  
**Anthony Sommer**  
Senior Associate  
T +61 2 9921 4182 M +61 431 058 780  
anthony.sommer@minterellison.com  
**MinterEllison** Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000  
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■  
**From:** Rocco Panetta <r.panetta@panetta.com.au>  
**Sent:** Wednesday 29 September 2021 09:10 AM  
**To:** Anthony Sommer <Anthony.Sommer@minterellison.com>  
**Cc:** Caitlin Murray <Caitlin.Murray@minterellison.com>; Michael Hughes <Michael.Hughes@minterellison.com>; Simon Brandis <Simon.Brandis@minterellison.com>; 'Samuel Crowder' <samuel.crowder@panetta.com.au>  
**Subject:** Westpac Banking Corporation and Another v Forum Finance Pty Ltd (In Liquidation) and Others

Dear Mr Sommer

We enclose by way of service sealed copy of Notice of ceasing to act in relation to the second respondent. In relation to the twenty-eighth respondent, we have not filed an appearance but confirm that we no longer act for it.

Kind regards

Rocco Panetta

PANETTA LAWYERS

Level 6, 111 Elizabeth St  
Sydney NSW 2000  
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M: +61 406 888 999  
F: +61 2 8572 9992

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## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 27/09/2021 8:38:17 AM 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: Notice of Ceasing to Act - Form 8 - Rule 4.05(1)(b) 4.04(3)  
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



*Sia Lagos*

Dated: 27/09/2021 1:21:05 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.



## Notice of ceasing to act

No. NSD616 of 2021

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

### **Westpac Banking Corporation and another**

Applicant

### **Forum Finance Pty Ltd (In Liquidation) and others**

Respondent

Rocco Vincenzo Panetta of Panetta Lawyers has ceased to act as lawyer for Basile Papadimitriou, the second respondent in the proceedings.

The last known residential or business address of the second respondent is 23 Margaret St Rozelle NSW 2039.

Date: 16 September 2021

A handwritten signature in cursive script that reads 'Rocco Panetta'.

Signed by Rocco Vincenzo Panetta  
Lawyer

---

Filed on behalf of (name & role of party)	Basile Papadimitriou, second respondent		
Prepared by (name of person/lawyer)	Rocco Panetta, lawyer		
Law firm (if applicable)	Panetta Lawyers		
Tel	02 9159 9048	Fax	02 8572 9992
Email	<a href="mailto:law@panetta.com.au">law@panetta.com.au</a>		
<b>Address for service</b> (include state and postcode)	Level 6, 111 Elizabeth St Sydney NSW 2000		

## Alana Galasso

---

**From:** Rocco Panetta <r.panetta@panetta.com.au>  
**Sent:** Thursday 30 September 2021 08:16 PM  
**To:** Anthony Sommer  
**Cc:** Caitlin Murray; Michael Hughes; Simon Brandis; 'Samuel Crowder'  
**Subject:** RE: Westpac Banking Corporation and Another v Forum Finance Pty Ltd (In Liquidation) and Others [ME-ME.FID6264995]  
**Attachments:** FCA\_form008\_20130509.doc; FCA\_form010\_20110801.doc

Dear Mr Sommer

As you know the form of the current Notice of ceasing to act (attached) only provides for the last known residential or business address, not an email address. The address we provided is the last known physical address we have for Mr Papas.

In the Notice of intention of ceasing to act served on Mr Papas he is required to file a notice of address for service with a physical address and email address. Presumably he will do that or if he engages new lawyers they will file an appearance.

We note you have included us on correspondence to the court where you to appear to now have an email address that the liquidator has been using to correspond with Mr Papas.

Kind regards

Rocco Panetta

PANETTA LAWYERS

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Sydney NSW 2000  
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## Alana Galasso

---

**From:** Rocco Panetta <r.panetta@panetta.com.au>  
**Sent:** Thursday 30 September 2021 08:41 PM  
**To:** Anthony Sommer  
**Cc:** Caitlin Murray; Michael Hughes; Simon Brandis; Andrew Clarke; Kate Cockburn; Alana Galasso; 'Samuel Crowder'  
**Subject:** RE: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [Allens-File-DMS.FID2091065] [ME-ME.FID6264995]  
**Attachments:** RE: Westpac Banking Corporation and Another v Forum Finance Pty Ltd (In Liquidation) and Others [ME-ME.FID6264995]

Dear Mr Sommer

I refer to the affidavit and exhibit of Ms Murray of 30 September 2021 served on us addressing, in part, the Notice of ceasing to act served on you.

If you intend to rely on that part of Ms Murray's affidavit and exhibit in relation to the Notice, please bring to the attention of the Court my email sent to you, attached again here.

Kind regards

Rocco Panetta

PANETTA LAWYERS

Level 6, 111 Elizabeth St  
Sydney NSW 2000  
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M: +61 406 888 999  
F: +61 2 8572 9992

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---

**From:** Anthony Sommer <Anthony.Sommer@minterellison.com>  
**Sent:** Thursday, 30 September 2021 7:40 PM  
**To:** Associate LeeJ <Associate.LeeJ@fedcourt.gov.au>  
**Cc:** Prinsloo, Kirsty <Kirsty.Prinsloo@allens.com.au>; Caitlin Murray <Caitlin.Murray@minterellison.com>; Michael Hughes <Michael.Hughes@minterellison.com>; Simon Brandis <Simon.Brandis@minterellison.com>; Andrew Clarke <Andrew.Clarke@minterellison.com>; Kate Cockburn <Kate.Cockburn@minterellison.com>; Haystead, Tom <thaystead@jonesday.com>; Alana Galasso <Alana.Galasso@minterellison.com>; Goldberg, Tyler <Tyler.Goldberg@allens.com.au>; Dobson, Roger <rdobson@jonesday.com>; Yiasemides, Maria <myiasemides@jonesday.com>; Shanahan, Lucy J. <lshanahan@jonesday.com>; Brycki, Jessica I.

<jbrycki@jonesday.com>; Byrne, Corey M. <cbyrne@jonesday.com>; Prestwich, Chris <Chris.Prestwich@allens.com.au>; Ian.Bolster@ashurst.com; matthew.youssef@ashurst.com; Leen, Delano <delano.leen@dentons.com>; justin.kang@dentons.com; b.quan@cornwalls.com.au; A.Lee@cornwalls.com.au; Morris, Olivia <Olivia.Morris@allens.com.au>; Sazz.Nasimi@madgwicks.com.au; Melissa Passarelli <Melissa.Passarelli@madgwicks.com.au>; Candy Nelson <Candy.Nelson@madgwicks.com.au>; billpapas07@gmail.com; Rocco Panetta <r.panetta@panetta.com.au>; Forum (Allens) <ForumAllens@allens.com.au>

**Subject:** RE: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [Allens-File-DMS.FID2091065] [ME-ME.FID6264995]

Dear Associate

We refer to our email below.

Please find attached the following further documents on which Westpac will rely at tomorrow's hearing:

- Affidavit of Caitlin Maria Murray sworn 30 September 2021 and Exhibit CMM-13 which can be downloaded from this link: <https://share.minterellison.com/w/f-78d26305-84a5-4aee-99bd-6e2998e1b1ea>
- An extract of Exhibit CMM-10 to the affidavit of Ms Murray sworn 25 August 2021, being pages 770-772.

We would be grateful if these documents are brought to his Honour's attention prior to the hearing.

Yours faithfully

—  
**Anthony Sommer**

Senior Associate

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---

**From:** Anthony Sommer

**Sent:** Thursday 30 September 2021 05:05 PM

**To:** 'Prinsloo, Kirsty' <[Kirsty.Prinsloo@allens.com.au](mailto:Kirsty.Prinsloo@allens.com.au)>; Associate LeeJ <[Associate.LeeJ@fedcourt.gov.au](mailto:Associate.LeeJ@fedcourt.gov.au)>

**Cc:** Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Michael Hughes <[Michael.Hughes@minterellison.com](mailto:Michael.Hughes@minterellison.com)>;

Simon Brandis <[Simon.Brandis@minterellison.com](mailto:Simon.Brandis@minterellison.com)>; Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>; Kate

Cockburn <[Kate.Cockburn@minterellison.com](mailto:Kate.Cockburn@minterellison.com)>; Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Alana Galasso

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<[lshanahan@jonesday.com](mailto:lshanahan@jonesday.com)>; Brycki, Jessica I. <[jbrycki@jonesday.com](mailto:jbrycki@jonesday.com)>; Byrne, Corey M. <[cbyrne@jonesday.com](mailto:cbyrne@jonesday.com)>;

Prestwich, Chris <[Chris.Prestwich@allens.com.au](mailto:Chris.Prestwich@allens.com.au)>; Ian.Bolster@ashurst.com; [matthew.youssef@ashurst.com](mailto:matthew.youssef@ashurst.com); Leen,

Delano <[delano.leen@dentons.com](mailto:delano.leen@dentons.com)>; [justin.kang@dentons.com](mailto:justin.kang@dentons.com); [b.quan@cornwalls.com.au](mailto:b.quan@cornwalls.com.au);

[A.Lee@cornwalls.com.au](mailto:A.Lee@cornwalls.com.au); Morris, Olivia <[Olivia.Morris@allens.com.au](mailto:Olivia.Morris@allens.com.au)>; [Sazz.Nasimi@madgwicks.com.au](mailto:Sazz.Nasimi@madgwicks.com.au); Melissa

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<[ForumAllens@allens.com.au](mailto:ForumAllens@allens.com.au)>

**Subject:** RE: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [Allens-File-DMS.FID2091065] [ME-ME.FID6264995]

Dear Associate

We refer to the emails below.

Jeremy Giles SC, James Arnott and Catherine Hamilton-Jewell will appear for Westpac Banking Corporation and Westpac New Zealand Limited, the applicants in NSD616/2021 (together, **Westpac**).



Please find attached the following documents on behalf of Westpac to be relied upon at the hearing tomorrow:

- A document summarising Westpac's claims against the respondents in NSD616/2021, as requested by his Honour at the last hearing on 22 September 2021; and
- Affidavit of Jason Ireland affirmed 29 September 2021 and Exhibit JI-2.

We will provide draft short minutes of order proposed by Westpac, written submissions and further affidavit evidence separately.

Yours faithfully

**Anthony Sommer**

Senior Associate

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anthony.sommer@minterellison.com

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---

**From:** Prinsloo, Kirsty <[Kirsty.Prinsloo@allens.com.au](mailto:Kirsty.Prinsloo@allens.com.au)>

**Sent:** Thursday 30 September 2021 10:47 AM

**To:** Associate LeeJ <[Associate.LeeJ@fedcourt.gov.au](mailto:Associate.LeeJ@fedcourt.gov.au)>

**Cc:** Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Michael Hughes <[Michael.Hughes@minterellison.com](mailto:Michael.Hughes@minterellison.com)>;

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<[jbrycki@jonesday.com](mailto:jbrycki@jonesday.com)>; Byrne, Corey M. <[cbyrne@jonesday.com](mailto:cbyrne@jonesday.com)>; Prestwich, Chris

<[Chris.Prestwich@allens.com.au](mailto:Chris.Prestwich@allens.com.au)>; [Ian.Bolster@ashurst.com](mailto:Ian.Bolster@ashurst.com); [matthew.youssef@ashurst.com](mailto:matthew.youssef@ashurst.com); Leen, Delano

<[delano.leen@dentons.com](mailto:delano.leen@dentons.com)>; [justin.kang@dentons.com](mailto:justin.kang@dentons.com); [b.quan@cornwalls.com.au](mailto:b.quan@cornwalls.com.au); [A.Lee@cornwalls.com.au](mailto:A.Lee@cornwalls.com.au);

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<[Melissa.Passarelli@madgwicks.com.au](mailto:Melissa.Passarelli@madgwicks.com.au)>; Candy Nelson <[Candy.Nelson@madgwicks.com.au](mailto:Candy.Nelson@madgwicks.com.au)>;

[billpapas07@gmail.com](mailto:billpapas07@gmail.com); Rocco Panetta <[r.panetta@panetta.com.au](mailto:r.panetta@panetta.com.au)>; Forum (Allens)

<[ForumAllens@allens.com.au](mailto:ForumAllens@allens.com.au)>

**Subject:** RE: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [ME-ME.FID6264995] [Allens-File-DMS.FID2091065]

Dear Associate

Nick Kidd SC will be appearing for the Liquidators.

Kind regards

Kirsty

Kirsty Prinsloo

Managing Associate, **Allens**

**DL** [+61 2 9230 4735](tel:+61292304735) **M** [+61 420 347 183](tel:+61420347183)

---

**From:** Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>

**Sent:** Thursday, 30 September 2021 10:44 AM

**To:** Associate LeeJ <[Associate.LeeJ@fedcourt.gov.au](mailto:Associate.LeeJ@fedcourt.gov.au)>

**Cc:** Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Michael Hughes <[Michael.Hughes@minterellison.com](mailto:Michael.Hughes@minterellison.com)>;

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Cockburn <[Kate.Cockburn@minterellison.com](mailto:Kate.Cockburn@minterellison.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Anthony

Sommer <[Anthony.Sommer@minterellison.com](mailto:Anthony.Sommer@minterellison.com)>; Goldberg, Tyler <[Tyler.Goldberg@allens.com.au](mailto:Tyler.Goldberg@allens.com.au)>; Dobson, Roger

<[rdoobson@jonesday.com](mailto:rdoobson@jonesday.com)>; Yiasemides, Maria <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>; Shanahan, Lucy J. <[lshanahan@jonesday.com](mailto:lshanahan@jonesday.com)>; Brycki, Jessica I. <[jbrycki@jonesday.com](mailto:jbrycki@jonesday.com)>; Byrne, Corey M. <[cbyrne@jonesday.com](mailto:cbyrne@jonesday.com)>; Prinsloo, Kirsty <[Kirsty.Prinsloo@allens.com.au](mailto:Kirsty.Prinsloo@allens.com.au)>; Prestwich, Chris <[Chris.Prestwich@allens.com.au](mailto:Chris.Prestwich@allens.com.au)>; [Ian.Bolster@ashurst.com](mailto:Ian.Bolster@ashurst.com); [matthew.youssef@ashurst.com](mailto:matthew.youssef@ashurst.com); Leen, Delano <[delano.leen@dentons.com](mailto:delano.leen@dentons.com)>; [justin.kang@dentons.com](mailto:justin.kang@dentons.com); [b.quan@cornwalls.com.au](mailto:b.quan@cornwalls.com.au); [A.Lee@cornwalls.com.au](mailto:A.Lee@cornwalls.com.au); Morris, Olivia <[Olivia.Morris@allens.com.au](mailto:Olivia.Morris@allens.com.au)>; [Sazz.Nasimi@madgwicks.com.au](mailto:Sazz.Nasimi@madgwicks.com.au); Melissa Passarelli <[Melissa.Passarelli@madgwicks.com.au](mailto:Melissa.Passarelli@madgwicks.com.au)>; Candy Nelson <[Candy.Nelson@madgwicks.com.au](mailto:Candy.Nelson@madgwicks.com.au)>; [billpapas07@gmail.com](mailto:billpapas07@gmail.com); Rocco Panetta <[r.panetta@panetta.com.au](mailto:r.panetta@panetta.com.au)>

**Subject:** RE: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [ME-ME.FID6264995]

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Dear Associate,

We refer to the case management hearing before his Honour Justice Lee at 12:00 noon tomorrow, 1 October 2021.

Emma Beechey of counsel will be appearing for the Applicant, SMBC L&F, in Proceeding No. NSD 681 of 2021.

Kind regards

**Tom Haystead**

Associate

**JONES DAY® - One Firm Worldwide<sup>SM</sup>**

Aurora Place

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---

**From:** Anthony Sommer <[Anthony.Sommer@minterellison.com](mailto:Anthony.Sommer@minterellison.com)>

**Sent:** Thursday, 30 September 2021 10:16 AM

**To:** Goldberg, Tyler <[Tyler.Goldberg@allens.com.au](mailto:Tyler.Goldberg@allens.com.au)>; Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Dobson, Roger <[rdoobson@jonesday.com](mailto:rdoobson@jonesday.com)>; Yiasemides, Maria <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>; Shanahan, Lucy J. <[lshanahan@jonesday.com](mailto:lshanahan@jonesday.com)>; Brycki, Jessica I. <[jbrycki@jonesday.com](mailto:jbrycki@jonesday.com)>; Byrne, Corey M. <[cbyrne@jonesday.com](mailto:cbyrne@jonesday.com)>; Prinsloo, Kirsty <[Kirsty.Prinsloo@allens.com.au](mailto:Kirsty.Prinsloo@allens.com.au)>; Prestwich, Chris <[Chris.Prestwich@allens.com.au](mailto:Chris.Prestwich@allens.com.au)>; [Ian.Bolster@ashurst.com](mailto:Ian.Bolster@ashurst.com); [matthew.youssef@ashurst.com](mailto:matthew.youssef@ashurst.com); Leen, Delano <[delano.leen@dentons.com](mailto:delano.leen@dentons.com)>; [justin.kang@dentons.com](mailto:justin.kang@dentons.com); [b.quan@cornwalls.com.au](mailto:b.quan@cornwalls.com.au); [A.Lee@cornwalls.com.au](mailto:A.Lee@cornwalls.com.au); Morris, Olivia <[Olivia.Morris@allens.com.au](mailto:Olivia.Morris@allens.com.au)>; [Sazz.Nasimi@madgwicks.com.au](mailto:Sazz.Nasimi@madgwicks.com.au); Melissa Passarelli <[Melissa.Passarelli@madgwicks.com.au](mailto:Melissa.Passarelli@madgwicks.com.au)>; Candy Nelson <[Candy.Nelson@madgwicks.com.au](mailto:Candy.Nelson@madgwicks.com.au)>; [billpapas07@gmail.com](mailto:billpapas07@gmail.com); Rocco Panetta <[r.panetta@panetta.com.au](mailto:r.panetta@panetta.com.au)>

**Cc:** Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Michael Hughes <[Michael.Hughes@minterellison.com](mailto:Michael.Hughes@minterellison.com)>; Simon Brandis <[Simon.Brandis@minterellison.com](mailto:Simon.Brandis@minterellison.com)>; Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>; Kate Cockburn <[Kate.Cockburn@minterellison.com](mailto:Kate.Cockburn@minterellison.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>

**Subject:** FW: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [ME-ME.FID6264995]

**\*\* External mail \*\***

Dear Colleagues

Please see the below communication from the Associate to Lee J.

Regards

---

**Anthony Sommer**

Senior Associate

T +61 2 9921 4182 M +61 431 058 780

anthony.sommer@minterellison.com

**MinterEllison** Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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---

**From:** Associate LeeJ <[Associate.LeeJ@fedcourt.gov.au](mailto:Associate.LeeJ@fedcourt.gov.au)>

**Sent:** Thursday 30 September 2021 10:01 AM

**To:** Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; PROJECT OLYMPUS <[PROJECTOLYMPUS@minterellison.com](mailto:PROJECTOLYMPUS@minterellison.com)>; Sazz Nasimi <[Sazz.Nasimi@madgwicks.com.au](mailto:Sazz.Nasimi@madgwicks.com.au)>

**Subject:** Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL]

**OFFICIAL - Business related email**

Dear Practitioners

I refer to the above proceeding listed for a case management hearing before his Honour Justice Lee at **12 noon tomorrow, 1 October 2021**. I confirm that the case management hearing will proceed via MS Teams (the link for which is located below and may be forwarded to counsel and any client representatives):

[Click here to join the meeting](#)

Further, it has come to the Court's attention that the case management hearing listed at 9.30am on 20 October 2021 (which was vacated by order 9 of the orders dated 22 September 2021) had a broad function of bringing all of the Related Proceedings back before his Honour following the filing of evidence in chief.

His Honour has therefore determined that the case management hearing listed on 20 October 2021 should remain. An order relisting the proceeding on this date will be incorporated into any orders that flow from the case management hearing tomorrow.

**His Honour directs that the solicitors for Westpac provide this communication to all interested parties so that: (1) they may appear at the case management hearing tomorrow, should they so wish; and (2) for clarification about the case management hearing on 20 October 2021.**

Finally, could the parties please, by **5pm today**, provide the names of counsel who will appear.

Yours faithfully

**Emerson Hynard** | Associate to the Hon. Justice M B J Lee  
Federal Court of Australia | Law Courts Building, Queens Square, Sydney NSW 2000  
t: +61 2 8099 8493 | e: [Associate.LeeJ@fedcourt.gov.au](mailto:Associate.LeeJ@fedcourt.gov.au)

---

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Website: <https://www.allens.com.au> | Office locations: <https://www.allens.com.au/offices> | Partner contacts: <https://www.allens.com.au/experts>

\*\*\*\*\*

**From:** Exchange Postmaster <postmaster@minterellison.com>  
**Sent:** Thursday 30 September 2021 07:40 PM  
**To:** Anthony Sommer  
**Subject:** Your message couldn't be delivered

**mimecast**

## Your message couldn't be delivered

The message you sent to [billpapas07@gmail.com](mailto:billpapas07@gmail.com) couldn't be delivered due to: Recipient email address is possibly incorrect.

### Further information

5.1.1 The email account that you tried to reach does not exist. Please try double-checking the recipient's email address for typos or unnecessary spaces. Learn more at <https://support.google.com/mail/?p=NoSuchUser> b7si3051164pfr.374 - gsmt

If you sent this message to multiple addresses, you'll receive a notification like this for every one that didn't arrive.

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## Alana Galasso

---

**From:** Anthony Sommer <Anthony.Sommer@minterellison.com>  
**Sent:** Friday 1 October 2021 10:32 AM  
**To:** Rocco Panetta; 'Samuel Crowder'  
**Cc:** Caitlin Murray; Michael Hughes; Simon Brandis; Kate Cockburn; Alana Galasso  
**Subject:** FW: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [Allens-File-DMS.FID2091065] [ME-ME.FID6264995]  
**Attachments:** Submissions for 1 October - FINAL.pdf; 01.10.21 - NSD6162021 SMO.DOCX; Marcus Sinclair LLP v Your Lawyers Ltd [2021] UKSC 32; [2021] 3 WLR 598.pdf  
**Importance:** High

Dear Mr Panetta

We refer to the email below to which you were copied.

We confirm the court book includes a copy of the email correspondence dated yesterday which you have asked us to bring to the Court's attention.

We note that our clients seek an order that "*Subject to further order, within 7 days Mr Panetta file an amended Form 8 which provides any information he has about:*

- (a) *the current physical address for Mr Papas;*
- (b) *the current mobile telephone number of Mr Papas;*
- (c) *the current email addresses of Mr Papas.*"

We write to notify you of this proposed order, in the event that you wish to be heard at the hearing at 12pm in respect of this order.

Regards

—  
**Anthony Sommer**

Senior Associate

T +61 2 9921 4182 M +61 431 058 780

anthony.sommer@minterellison.com

**MinterEllison** Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

minterellison.com [Follow us on LinkedIn and Twitter](#)



## Alana Galasso

---

**From:** Anthony Sommer <Anthony.Sommer@minterellison.com>  
**Sent:** Friday 1 October 2021 11:45 AM  
**To:** Rocco Panetta  
**Cc:** 'Prinsloo, Kirsty'; Caitlin Murray; Michael Hughes; Simon Brandis; Andrew Clarke; Kate Cockburn; 'Haystead, Tom'; Alana Galasso; 'Goldberg, Tyler'; 'Dobson, Roger'; 'Yiasemides, Maria'; 'Shanahan, Lucy J.'; 'Brycki, Jessica I.'; 'Byrne, Corey M.'; 'Prestwich, Chris'; Ian.Bolster@ashurst.com; matthew.youssef@ashurst.com; 'Leen, Delano'; justin.kang@dentons.com; b.quan@cornwalls.com.au; A.Lee@cornwalls.com.au; 'Morris, Olivia'; Sazz.Nasimi@madgwicks.com.au; 'Melissa Passarelli'; 'Candy Nelson'; billpapas07@gmail.com; 'Forum (Allens)'; 'Christopher Nehme'; 'Pierre Safi'; 'Roy Hanna'; 'Ramsha Sulaman'  
**Subject:** RE: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [Allens-File-DMS.FID2091065] [ME-ME.FID6264995]  
**Attachments:** Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Cour... (18.0 KB)

Dear Mr Panetta

We refer to your email below.

We invite you to appear at the hearing at 12pm today and explain your position to Lee J.

The Teams hearing details are in the attached email for your reference.

Regards

---

**Anthony Sommer**

Senior Associate

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anthony.sommer@minterellison.com

**MinterEllison** Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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---

**From:** Rocco Panetta <r.panetta@panetta.com.au>  
**Sent:** Friday 1 October 2021 11:21 AM  
**To:** Anthony Sommer <Anthony.Sommer@minterellison.com>  
**Cc:** 'Prinsloo, Kirsty' <Kirsty.Prinsloo@allens.com.au>; Caitlin Murray <Caitlin.Murray@minterellison.com>; Michael Hughes <Michael.Hughes@minterellison.com>; Simon Brandis <Simon.Brandis@minterellison.com>; Andrew Clarke <Andrew.Clarke@minterellison.com>; Kate Cockburn <Kate.Cockburn@minterellison.com>; 'Haystead, Tom' <thaystead@jonesday.com>; Alana Galasso <Alana.Galasso@minterellison.com>; 'Goldberg, Tyler' <Tyler.Goldberg@allens.com.au>; 'Dobson, Roger' <rdobson@jonesday.com>; 'Yiasemides, Maria' <myiasemides@jonesday.com>; 'Shanahan, Lucy J.' <lshanahan@jonesday.com>; 'Brycki, Jessica I.' <jbrycki@jonesday.com>; 'Byrne, Corey M.' <cbyrne@jonesday.com>; 'Prestwich, Chris' <Chris.Prestwich@allens.com.au>; Ian.Bolster@ashurst.com; matthew.youssef@ashurst.com; 'Leen, Delano' <delano.leen@dentons.com>; justin.kang@dentons.com; b.quan@cornwalls.com.au; A.Lee@cornwalls.com.au; 'Morris, Olivia' <Olivia.Morris@allens.com.au>; Sazz.Nasimi@madgwicks.com.au; 'Melissa Passarelli' <Melissa.Passarelli@madgwicks.com.au>; 'Candy Nelson' <Candy.Nelson@madgwicks.com.au>; billpapas07@gmail.com; 'Forum (Allens)' <ForumAllens@allens.com.au>; 'Christopher Nehme' <cnehme@fortislaw.com.au>; 'Pierre Safi' <pjsafi@fortislaw.com.au>; 'Roy Hanna' <rhanna@fortislaw.com.au>; 'Ramsha Sulaman' <ramsha@fortislaw.com.au>

**Subject:** RE: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [Allens-File-DMS.FID2091065] [ME-ME.FID6264995]

Dear Mr Sommer

I refer to the recent communications and in particular your email of 29 September 2021 of 2:08 PM and my response of 30 September 2021 at 8:16 PM.

I have now received draft submissions in which orders are sought that I disclose various matters.

You will appreciate that I have filed a notice of ceasing to act and no longer represent Mr Bill Papas in the proceeding.

I believe that I have satisfied my obligations under the provisions of rule 4.05 of the Federal Court Rules 2011 consistent with the requirements of Form 8 of the prescribed forms. The last known address is correctly stated.

I do not have an address in Greece for Mr Papas although I am aware that he is located in that jurisdiction.

You will remember that at an earlier time a request was made for increasing Mr Papas' living expenses to be funded by your client for the purpose of enabling Bill Papas to return to Australia. That request was refused.

I am unaware of the circumstances under which the email address that you now identify has been cancelled. It was not cancelled on my instruction or with my prior knowledge: Submissions 1 October 2021 paragraph [6 (b)].

I am unaware whether Mr Papas has or intends to seek to appoint an alternate lawyer and, in that respect, confirm: firstly, Bill Papas did not terminate my retainer as would be contemplated under rule 4.02 of the Federal Court Rules 2011. I terminated the retainer in terms of rule 4.05 of the Federal Court Rules 2011.

I have a concern about disclosure of other matters such as a telephone number due to my ongoing obligations to maintain confidentiality, client legal privilege and legal professional privilege on behalf of Mr Papas. I am not able to waive any of those obligations.

If it is intended to seek positive relief against me, I require that you file and serve an appropriate Interlocutory Application together with affidavits in support, in order that I may fully consider my position and take advice as to my rights and obligations before any orders are made. In this regard I am not aware of any Interlocutory Application having been filed in relation to the relief which is now sought and as identified in the submissions dated 1 October 2021 and the draft short minutes of order so far as they relate to me.

I require that a copy of this communication be provided to the Court considering the apparent *ex parte* application made in circumstances where no initiating application has been filed and served against me and I have not been given an adequate opportunity of considering my position other than as disclosed above.

Yours sincerely

Rocco Panetta

PANETTA LAWYERS

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Sydney NSW 2000  
P: +61 2 9159 9048  
M: +61 406 888 999  
F: +61 2 8572 9992

[r.panetta@panetta.com.au](mailto:r.panetta@panetta.com.au)  
[www.panetta.com.au](http://www.panetta.com.au)

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---

**From:** Anthony Sommer <[Anthony.Sommer@minterellison.com](mailto:Anthony.Sommer@minterellison.com)>  
**Sent:** Friday, 1 October 2021 10:42 AM  
**To:** Associate LeeJ <[Associate.LeeJ@fedcourt.gov.au](mailto:Associate.LeeJ@fedcourt.gov.au)>  
**Cc:** Prinsloo, Kirsty <[Kirsty.Prinsloo@allens.com.au](mailto:Kirsty.Prinsloo@allens.com.au)>; Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Michael Hughes <[Michael.Hughes@minterellison.com](mailto:Michael.Hughes@minterellison.com)>; Simon Brandis <[Simon.Brandis@minterellison.com](mailto:Simon.Brandis@minterellison.com)>; Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>; Kate Cockburn <[Kate.Cockburn@minterellison.com](mailto:Kate.Cockburn@minterellison.com)>; Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Goldberg, Tyler <[Tyler.Goldberg@allens.com.au](mailto:Tyler.Goldberg@allens.com.au)>; Dobson, Roger <[rdobson@jonesday.com](mailto:rdobson@jonesday.com)>; Yiasemides, Maria <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>; Shanahan, Lucy J. <[lshanahan@jonesday.com](mailto:lshanahan@jonesday.com)>; Brycki, Jessica I. <[jbrycki@jonesday.com](mailto:jbrycki@jonesday.com)>; Byrne, Corey M. <[cbyrne@jonesday.com](mailto:cbyrne@jonesday.com)>; Prestwich, Chris <[Chris.Prestwich@allens.com.au](mailto:Chris.Prestwich@allens.com.au)>; [Ian.Bolster@ashurst.com](mailto:Ian.Bolster@ashurst.com); [matthew.youssef@ashurst.com](mailto:matthew.youssef@ashurst.com); Leen, Delano <[delano.leen@dentons.com](mailto:delano.leen@dentons.com)>; [justin.kang@dentons.com](mailto:justin.kang@dentons.com); [b.quan@cornwalls.com.au](mailto:b.quan@cornwalls.com.au); [A.Lee@cornwalls.com.au](mailto:A.Lee@cornwalls.com.au); Morris, Olivia <[Olivia.Morris@allens.com.au](mailto:Olivia.Morris@allens.com.au)>; [Sazz.Nasimi@madgwicks.com.au](mailto:Sazz.Nasimi@madgwicks.com.au); Melissa Passarelli <[Melissa.Passarelli@madgwicks.com.au](mailto:Melissa.Passarelli@madgwicks.com.au)>; Candy Nelson <[Candy.Nelson@madgwicks.com.au](mailto:Candy.Nelson@madgwicks.com.au)>; [billpapas07@gmail.com](mailto:billpapas07@gmail.com); Rocco Panetta <[r.panetta@panetta.com.au](mailto:r.panetta@panetta.com.au)>; Forum (Allens) <[ForumAllens@allens.com.au](mailto:ForumAllens@allens.com.au)>; Christopher Nehme <[cnehme@fortislaw.com.au](mailto:cnehme@fortislaw.com.au)>; Pierre Safi <[pjsafi@fortislaw.com.au](mailto:pjsafi@fortislaw.com.au)>; Roy Hanna <[rhanna@fortislaw.com.au](mailto:rhanna@fortislaw.com.au)>; Ramsha Sulaman <[ramsha@fortislaw.com.au](mailto:ramsha@fortislaw.com.au)>  
**Subject:** RE: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [Allens-File-DMS.FID2091065] [ME-ME.FID6264995]

Dear Associate

Attached is a stamped copy of Westpac's written submissions for today's hearing attached to our email below.

Yours faithfully

\_\_\_\_\_

**Anthony Sommer**

Senior Associate

T +61 2 9921 4182 M +61 431 058 780

[anthony.sommer@minterellison.com](mailto:anthony.sommer@minterellison.com)

**MinterEllison** Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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## Alana Galasso

---

**From:** Anthony Sommer  
**Sent:** Friday 1 October 2021 02:50 PM  
**To:** Rocco Panetta  
**Cc:** 'Prinsloo, Kirsty'; Caitlin Murray; Michael Hughes; Simon Brandis; Andrew Clarke; Kate Cockburn; 'Haystead, Tom'; Alana Galasso; 'Goldberg, Tyler'; 'Dobson, Roger'; 'Yiasemides, Maria'; 'Shanahan, Lucy J.'; 'Brycki, Jessica I.'; 'Byrne, Corey M.'; 'Prestwich, Chris'; Ian.Bolster@ashurst.com; matthew.youssef@ashurst.com; 'Leen, Delano'; justin.kang@dentons.com; b.quan@cornwalls.com.au; A.Lee@cornwalls.com.au; 'Morris, Olivia'; Sazz.Nasimi@madgwicks.com.au; 'Melissa Passarelli'; 'Candy Nelson'; billpapas07@gmail.com; 'Forum (Allens)'; 'Christopher Nehme'; 'Pierre Safi'; 'Roy Hanna'; 'Ramsha Sulaman'  
**Subject:** RE: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [Allens-File-DMS.FID2091065] [ME-ME.FID6264995]

Dear Mr Panetta

We refer to our email below.

His Honour has stood the matter down until 4.15pm to address this matter.

Please confirm that you will be appearing before the Court at that time.

Regards

---

**Anthony Sommer**

Senior Associate

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anthony.sommer@minterellison.com

**MinterEllison** Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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---

**From:** Anthony Sommer

**Sent:** Friday 1 October 2021 02:45 PM

**To:** 'Rocco Panetta' <r.panetta@panetta.com.au>

**Cc:** 'Prinsloo, Kirsty' <Kirsty.Prinsloo@allens.com.au>; Caitlin Murray <Caitlin.Murray@minterellison.com>; Michael Hughes <Michael.Hughes@minterellison.com>; Simon Brandis <Simon.Brandis@minterellison.com>; Andrew Clarke <Andrew.Clarke@minterellison.com>; Kate Cockburn <Kate.Cockburn@minterellison.com>; 'Haystead, Tom' <thaystead@jonesday.com>; Alana Galasso <Alana.Galasso@minterellison.com>; 'Goldberg, Tyler' <Tyler.Goldberg@allens.com.au>; 'Dobson, Roger' <rdobson@jonesday.com>; 'Yiasemides, Maria' <myiasemides@jonesday.com>; 'Shanahan, Lucy J.' <lshanahan@jonesday.com>; 'Brycki, Jessica I.' <jbrycki@jonesday.com>; 'Byrne, Corey M.' <cbyrne@jonesday.com>; 'Prestwich, Chris' <Chris.Prestwich@allens.com.au>; Ian.Bolster@ashurst.com; matthew.youssef@ashurst.com; 'Leen, Delano' <delano.leen@dentons.com>; justin.kang@dentons.com; b.quan@cornwalls.com.au; A.Lee@cornwalls.com.au; 'Morris, Olivia' <Olivia.Morris@allens.com.au>; Sazz.Nasimi@madgwicks.com.au; 'Melissa Passarelli' <Melissa.Passarelli@madgwicks.com.au>; 'Candy Nelson' <Candy.Nelson@madgwicks.com.au>; billpapas07@gmail.com; 'Forum (Allens)' <ForumAllens@allens.com.au>; 'Christopher Nehme' <cnehme@fortislaw.com.au>; 'Pierre Safi' <pjsafi@fortislaw.com.au>; 'Roy Hanna' <rhanna@fortislaw.com.au>; 'Ramsha Sulaman' <ramsha@fortislaw.com.au>

**Subject:** RE: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [Allens-File-DMS.FID2091065] [ME-ME.FID6264995]

Dear Mr Panetta

We refer to the email below.

I note that I have not been able to contact you by telephone just now.

His Honour has directed that we contact you as to whether you might be available today to appear before the Court to address to the matters below as to Mr Papas' whereabouts.

We are in the hearing now – Teams details are attached again for reference.

Absent your appearance today his Honour is minded to direct we file an application, as to which issues of costs then arise.

Please urgently respond.

Regards

\_\_\_\_\_

**Anthony Sommer**

Senior Associate

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anthony.sommer@minterellison.com

**MinterEllison** Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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## Alana Galasso

---

**From:** Associate LeeJ <Associate.LeeJ@fedcourt.gov.au>  
**Sent:** Thursday 30 September 2021 10:01 AM  
**To:** Alana Galasso; PROJECT OLYMPUS; Sazz Nasimi  
**Subject:** Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL]

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### OFFICIAL - Business related email

Dear Practitioners

I refer to the above proceeding listed for a case management hearing before his Honour Justice Lee at **12 noon tomorrow, 1 October 2021**. I confirm that the case management hearing will proceed via MS Teams (the link for which is located below and may be forwarded to counsel and any client representatives):

[Click here to join the meeting](#)

Further, it has come to the Court's attention that the case management hearing listed at 9.30am on 20 October 2021 (which was vacated by order 9 of the orders dated 22 September 2021) had a broad function of bringing all of the Related Proceedings back before his Honour following the filing of evidence in chief.

His Honour has therefore determined that the case management hearing listed on 20 October 2021 should remain. An order relisting the proceeding on this date will be incorporated into any orders that flow from the case management hearing tomorrow.

**His Honour directs that the solicitors for Westpac provide this communication to all interested parties so that: (1) they may appear at the case management hearing tomorrow, should they so wish; and (2) for clarification about the case management hearing on 20 October 2021.**

Finally, could the parties please, by **5pm today**, provide the names of counsel who will appear.

Yours faithfully

**Emerson Hynard** | Associate to the Hon. Justice M B J Lee  
Federal Court of Australia | Law Courts Building, Queens Square, Sydney NSW 2000  
**t:** +61 2 8099 8493 | **e:** [Associate.LeeJ@fedcourt.gov.au](mailto:Associate.LeeJ@fedcourt.gov.au)

6:36



+61 406 888 999 >

Text Message  
Wed, 22 Sep, 2:45 pm

Hi Rocco, Associate says to perhaps try another device?

I'm going to use my phone. I'm trying now

Today 4:11 pm

Hi Mr Panetta, Anthony Sommer at MinterEllison. Judge would like to hear from you at 4:15pm re Mr Papas. Check emails I sent today regarding details in this regard. Regards



Text Message



## Anthony Sommer

---

**From:** Anthony Sommer  
**Sent:** Saturday 2 October 2021 07:50 AM  
**To:** 'Rocco Panetta'  
**Cc:** Caitlin Murray; Michael Hughes; Alana Galasso  
**Subject:** FW: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [Allens-File-DMS.FID2091065] [SEC=OFFICIAL] [ME-ME.FID6264995]  
**Attachments:** Order dated 1 October 2021.pdf

Dear Mr Panetta

We refer to the attached orders made by the Court on 1 October 2021, attached to the email below from the Associate to Lee J to which you were copied.

Please note that orders 3 and 5 provide:

*3. The applicants have leave to file an interlocutory application, to be served on Rocco Vincenzo Panetta of Panetta Lawyers, requiring that Mr Panetta provide information about the means to communicate with and serve documents on the second respondent, Basile Papadimitriou (**Interlocutory Application**).*

*4. Pursuant to rule 1.39 of the Federal Court Rules 2011 (Cth) the time for service of the interlocutory application and any supporting affidavit is abridged to 5pm (AEST) on 4 October 2021, with service to be effected on Mr Panetta by 5pm (AEST) on 4 October 2021 by email to [r.panetta@panetta.com.au](mailto:r.panetta@panetta.com.au).*

*5. The interlocutory application be listed for hearing at 9.30am on 6 October 2021 before Justice Lee.*

Regards

---

**Anthony Sommer**

Senior Associate

T +61 2 9921 4182 M +61 431 058 780

[anthony.sommer@minterellison.com](mailto:anthony.sommer@minterellison.com)

**MinterEllison** Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

[minterellison.com](http://minterellison.com) **Follow us on LinkedIn and Twitter**

---

**From:** Associate LeeJ <[Associate.LeeJ@fedcourt.gov.au](mailto:Associate.LeeJ@fedcourt.gov.au)>

**Sent:** Friday 1 October 2021 07:29 PM

**To:** Anthony Sommer <[Anthony.Sommer@minterellison.com](mailto:Anthony.Sommer@minterellison.com)>

**Cc:** Prinsloo, Kirsty <[Kirsty.Prinsloo@allens.com.au](mailto:Kirsty.Prinsloo@allens.com.au)>; Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Michael Hughes <[Michael.Hughes@minterellison.com](mailto:Michael.Hughes@minterellison.com)>; Simon Brandis <[Simon.Brandis@minterellison.com](mailto:Simon.Brandis@minterellison.com)>; Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>; Kate Cockburn <[Kate.Cockburn@minterellison.com](mailto:Kate.Cockburn@minterellison.com)>; Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Goldberg, Tyler <[Tyler.Goldberg@allens.com.au](mailto:Tyler.Goldberg@allens.com.au)>; Dobson, Roger <[rdobson@jonesday.com](mailto:rdobson@jonesday.com)>; Yiasemides, Maria <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>; Shanahan, Lucy J. <[lshanahan@jonesday.com](mailto:lshanahan@jonesday.com)>; Brycki, Jessica I. <[jbrycki@jonesday.com](mailto:jbrycki@jonesday.com)>; Byrne, Corey M. <[cbyrne@jonesday.com](mailto:cbyrne@jonesday.com)>; Prestwich, Chris <[Chris.Prestwich@allens.com.au](mailto:Chris.Prestwich@allens.com.au)>; [Ian.Bolster@ashurst.com](mailto:Ian.Bolster@ashurst.com); [matthew.youssef@ashurst.com](mailto:matthew.youssef@ashurst.com); Leen, Delano <[delano.leen@dentons.com](mailto:delano.leen@dentons.com)>; [justin.kang@dentons.com](mailto:justin.kang@dentons.com); [b.quan@cornwalls.com.au](mailto:b.quan@cornwalls.com.au); [A.Lee@cornwalls.com.au](mailto:A.Lee@cornwalls.com.au); Morris, Olivia <[Olivia.Morris@allens.com.au](mailto:Olivia.Morris@allens.com.au)>; [Sazz.Nasimi@madgwicks.com.au](mailto:Sazz.Nasimi@madgwicks.com.au); Melissa Passarelli <[Melissa.Passarelli@madgwicks.com.au](mailto:Melissa.Passarelli@madgwicks.com.au)>; Candy Nelson <[Candy.Nelson@madgwicks.com.au](mailto:Candy.Nelson@madgwicks.com.au)>; [billpapas07@gmail.com](mailto:billpapas07@gmail.com); Rocco Panetta <[r.panetta@panetta.com.au](mailto:r.panetta@panetta.com.au)>; Forum (Allens) <[ForumAllens@allens.com.au](mailto:ForumAllens@allens.com.au)>; Christopher Nehme <[cnehme@fortislaw.com.au](mailto:cnehme@fortislaw.com.au)>; Pierre Safi <[pjsafi@fortislaw.com.au](mailto:pjsafi@fortislaw.com.au)>; Roy Hanna <[rhanha@fortislaw.com.au](mailto:rhanha@fortislaw.com.au)>; Ramsha Sulaman <[ramsha@fortislaw.com.au](mailto:ramsha@fortislaw.com.au)>

**Subject:** RE: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [Allens-File-DMS.FID2091065] [ME-ME.FID6264995] [SEC=OFFICIAL]

**OFFICIAL - Business related email**

Dear Practitioners

His Honour is content to enter the proposed orders. Please find **attached** a sealed copy.

Yours faithfully

**Emerson Hynard** | Associate to the Hon. Justice M B J Lee  
Federal Court of Australia | Law Courts Building, Queens Square, Sydney NSW 2000  
t: +61 2 8099 8493 | e: [Associate.LeeJ@fedcourt.gov.au](mailto:Associate.LeeJ@fedcourt.gov.au)

---

**From:** Anthony Sommer <[Anthony.Sommer@minterellison.com](mailto:Anthony.Sommer@minterellison.com)>  
**Sent:** Friday, 1 October 2021 6:21 PM  
**To:** Associate LeeJ <[Associate.LeeJ@fedcourt.gov.au](mailto:Associate.LeeJ@fedcourt.gov.au)>  
**Cc:** Prinsloo, Kirsty <[Kirsty.Prinsloo@allens.com.au](mailto:Kirsty.Prinsloo@allens.com.au)>; Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Michael Hughes <[Michael.Hughes@minterellison.com](mailto:Michael.Hughes@minterellison.com)>; Simon Brandis <[Simon.Brandis@minterellison.com](mailto:Simon.Brandis@minterellison.com)>; Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>; Kate Cockburn <[Kate.Cockburn@minterellison.com](mailto:Kate.Cockburn@minterellison.com)>; Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Goldberg, Tyler <[Tyler.Goldberg@allens.com.au](mailto:Tyler.Goldberg@allens.com.au)>; Dobson, Roger <[rdobson@jonesday.com](mailto:rdobson@jonesday.com)>; Yiasemides, Maria <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>; Shanahan, Lucy J. <[lshanahan@jonesday.com](mailto:lshanahan@jonesday.com)>; Brycki, Jessica I. <[jbrycki@jonesday.com](mailto:jbrycki@jonesday.com)>; Byrne, Corey M. <[cbyrne@jonesday.com](mailto:cbyrne@jonesday.com)>; Prestwich, Chris <[Chris.Prestwich@allens.com.au](mailto:Chris.Prestwich@allens.com.au)>; [ian.bolster@ashurst.com](mailto:ian.bolster@ashurst.com); [matthew.youssef@ashurst.com](mailto:matthew.youssef@ashurst.com); Leen, Delano <[delano.leen@dentons.com](mailto:delano.leen@dentons.com)>; [justin.kang@dentons.com](mailto:justin.kang@dentons.com); [b.quan@cornwalls.com.au](mailto:b.quan@cornwalls.com.au); [A.Lee@cornwalls.com.au](mailto:A.Lee@cornwalls.com.au); Morris, Olivia <[Olivia.Morris@allens.com.au](mailto:Olivia.Morris@allens.com.au)>; [Sazz.Nasimi@madgwicks.com.au](mailto:Sazz.Nasimi@madgwicks.com.au); Melissa Passarelli <[Melissa.Passarelli@madgwicks.com.au](mailto:Melissa.Passarelli@madgwicks.com.au)>; Candy Nelson <[Candy.Nelson@madgwicks.com.au](mailto:Candy.Nelson@madgwicks.com.au)>; [billpapas07@gmail.com](mailto:billpapas07@gmail.com); Rocco Panetta <[r.panetta@panetta.com.au](mailto:r.panetta@panetta.com.au)>; Forum (Allens) <[ForumAllens@allens.com.au](mailto:ForumAllens@allens.com.au)>; Christopher Nehme <[cnehme@fortislaw.com.au](mailto:cnehme@fortislaw.com.au)>; Pierre Safi <[pjsafi@fortislaw.com.au](mailto:pjsafi@fortislaw.com.au)>; Roy Hanna <[rhanha@fortislaw.com.au](mailto:rhanha@fortislaw.com.au)>; Ramsha Sulaman <[ramsha@fortislaw.com.au](mailto:ramsha@fortislaw.com.au)>  
**Subject:** RE: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [Allens-File-DMS.FID2091065] [ME-ME.FID6264995]

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Dear Associate

We refer to the hearing today in the above proceedings before his Honour and enclose proposed short minutes of order.

We have communicated with Mr Nasimi following the hearing regarding the proposed freezing orders against the Twenty-Fifth Respondent, 286 Carlisle Street Pty Ltd, the Thirty-Eighth Respondent, Tesoriero Investment Group Pty Ltd, and the Forty-First Respondent, 8-12 Natalia Ave Oakleigh Pty Ltd, to which we understand Mr Nasimi indicated during the hearing that his clients' consent. We have not received Mr Nasimi's reply at the time of writing and according, we have not included the freezing orders in the attached short minutes.

Mr Nasimi and the solicitors for the other parties and interested persons are copied to this email.

Yours faithfully

\_\_\_\_\_  
**Anthony Sommer**  
Senior Associate  
T +61 2 9921 4182 M +61 431 058 780  
[anthony.sommer@minterellison.com](mailto:anthony.sommer@minterellison.com)  
**MinterEllison** Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000





---

**From:** Anthony Sommer

**Sent:** Friday 1 October 2021 10:42 AM

**To:** 'Associate LeeJ' <[Associate.LeeJ@fedcourt.gov.au](mailto:Associate.LeeJ@fedcourt.gov.au)>

**Cc:** 'Prinsloo, Kirsty' <[Kirsty.Prinsloo@allens.com.au](mailto:Kirsty.Prinsloo@allens.com.au)>; Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Michael Hughes <[Michael.Hughes@minterellison.com](mailto:Michael.Hughes@minterellison.com)>; Simon Brandis <[Simon.Brandis@minterellison.com](mailto:Simon.Brandis@minterellison.com)>; Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>; Kate Cockburn <[Kate.Cockburn@minterellison.com](mailto:Kate.Cockburn@minterellison.com)>; 'Haystead, Tom' <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; 'Goldberg, Tyler' <[Tyler.Goldberg@allens.com.au](mailto:Tyler.Goldberg@allens.com.au)>; 'Dobson, Roger' <[rdoobson@jonesday.com](mailto:rdoobson@jonesday.com)>; 'Yiasemides, Maria' <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>; 'Shanahan, Lucy J.' <[lshanahan@jonesday.com](mailto:lshanahan@jonesday.com)>; 'Brycki, Jessica I.' <[jbrycki@jonesday.com](mailto:jbrycki@jonesday.com)>; 'Byrne, Corey M.' <[cbyrne@jonesday.com](mailto:cbyrne@jonesday.com)>; 'Prestwich, Chris' <[Chris.Prestwich@allens.com.au](mailto:Chris.Prestwich@allens.com.au)>; 'Ian.Bolster@ashurst.com' <[Ian.Bolster@ashurst.com](mailto:Ian.Bolster@ashurst.com)>; 'matthew.youssef@ashurst.com' <[matthew.youssef@ashurst.com](mailto:matthew.youssef@ashurst.com)>; 'Leen, Delano' <[delano.leen@dentons.com](mailto:delano.leen@dentons.com)>; 'justin.kang@dentons.com' <[justin.kang@dentons.com](mailto:justin.kang@dentons.com)>; 'b.quan@cornwalls.com.au' <[b.quan@cornwalls.com.au](mailto:b.quan@cornwalls.com.au)>; 'A.Lee@cornwalls.com.au' <[A.Lee@cornwalls.com.au](mailto:A.Lee@cornwalls.com.au)>; 'Morris, Olivia' <[Olivia.Morris@allens.com.au](mailto:Olivia.Morris@allens.com.au)>; 'Sazz.Nasimi@madgwicks.com.au' <[Sazz.Nasimi@madgwicks.com.au](mailto:Sazz.Nasimi@madgwicks.com.au)>; 'Melissa Passarelli' <[Melissa.Passarelli@madgwicks.com.au](mailto:Melissa.Passarelli@madgwicks.com.au)>; 'Candy Nelson' <[Candy.Nelson@madgwicks.com.au](mailto:Candy.Nelson@madgwicks.com.au)>; 'billpapas07@gmail.com' <[billpapas07@gmail.com](mailto:billpapas07@gmail.com)>; 'Rocco Panetta' <[r.panetta@panetta.com.au](mailto:r.panetta@panetta.com.au)>; 'Forum (Allens)' <[ForumAllens@allens.com.au](mailto:ForumAllens@allens.com.au)>; 'Christopher Nehme' <[cnehme@fortislaw.com.au](mailto:cnehme@fortislaw.com.au)>; 'Pierre Safi' <[pjsafi@fortislaw.com.au](mailto:pjsafi@fortislaw.com.au)>; 'Roy Hanna' <[rhanna@fortislaw.com.au](mailto:rhanna@fortislaw.com.au)>; 'Ramsha Sulaman' <[ramsha@fortislaw.com.au](mailto:ramsha@fortislaw.com.au)>

**Subject:** RE: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [Allens-File-DMS.FID2091065] [ME-ME.FID6264995]

Dear Associate

Attached is a stamped copy of Westpac's written submissions for today's hearing attached to our email below.

Yours faithfully

\_\_\_\_\_

**Anthony Sommer**

Senior Associate

T +61 2 9921 4182 M +61 431 058 780

[anthony.sommer@minterellison.com](mailto:anthony.sommer@minterellison.com)

**MinterEllison** Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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---

**From:** Anthony Sommer

**Sent:** Friday 1 October 2021 10:07 AM

**To:** 'Associate LeeJ' <[Associate.LeeJ@fedcourt.gov.au](mailto:Associate.LeeJ@fedcourt.gov.au)>

**Cc:** 'Prinsloo, Kirsty' <[Kirsty.Prinsloo@allens.com.au](mailto:Kirsty.Prinsloo@allens.com.au)>; Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Michael Hughes <[Michael.Hughes@minterellison.com](mailto:Michael.Hughes@minterellison.com)>; Simon Brandis <[Simon.Brandis@minterellison.com](mailto:Simon.Brandis@minterellison.com)>; Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>; Kate Cockburn <[Kate.Cockburn@minterellison.com](mailto:Kate.Cockburn@minterellison.com)>; 'Haystead, Tom' <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; 'Goldberg, Tyler' <[Tyler.Goldberg@allens.com.au](mailto:Tyler.Goldberg@allens.com.au)>; 'Dobson, Roger' <[rdoobson@jonesday.com](mailto:rdoobson@jonesday.com)>; 'Yiasemides, Maria' <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>; 'Shanahan, Lucy J.' <[lshanahan@jonesday.com](mailto:lshanahan@jonesday.com)>; 'Brycki, Jessica I.' <[jbrycki@jonesday.com](mailto:jbrycki@jonesday.com)>; 'Byrne, Corey M.' <[cbyrne@jonesday.com](mailto:cbyrne@jonesday.com)>; 'Prestwich, Chris' <[Chris.Prestwich@allens.com.au](mailto:Chris.Prestwich@allens.com.au)>; 'Ian.Bolster@ashurst.com' <[Ian.Bolster@ashurst.com](mailto:Ian.Bolster@ashurst.com)>; 'matthew.youssef@ashurst.com' <[matthew.youssef@ashurst.com](mailto:matthew.youssef@ashurst.com)>; 'Leen, Delano' <[delano.leen@dentons.com](mailto:delano.leen@dentons.com)>; 'justin.kang@dentons.com' <[justin.kang@dentons.com](mailto:justin.kang@dentons.com)>; 'b.quan@cornwalls.com.au' <[b.quan@cornwalls.com.au](mailto:b.quan@cornwalls.com.au)>;



'A.Lee@cornwalls.com.au' <[A.Lee@cornwalls.com.au](mailto:A.Lee@cornwalls.com.au)>; 'Morris, Olivia' <[Olivia.Morris@allens.com.au](mailto:Olivia.Morris@allens.com.au)>; 'Sazz.Nasimi@madgwicks.com.au' <[Sazz.Nasimi@madgwicks.com.au](mailto:Sazz.Nasimi@madgwicks.com.au)>; 'Melissa Passarelli' <[Melissa.Passarelli@madgwicks.com.au](mailto:Melissa.Passarelli@madgwicks.com.au)>; 'Candy Nelson' <[Candy.Nelson@madgwicks.com.au](mailto:Candy.Nelson@madgwicks.com.au)>; 'billpapas07@gmail.com' <[billpapas07@gmail.com](mailto:billpapas07@gmail.com)>; 'Rocco Panetta' <[r.panetta@panetta.com.au](mailto:r.panetta@panetta.com.au)>; 'Forum (Allens)' <[ForumAllens@allens.com.au](mailto:ForumAllens@allens.com.au)>; Christopher Nehme <[cnehme@fortislaw.com.au](mailto:cnehme@fortislaw.com.au)>; 'Pierre Safi' <[psjafi@fortislaw.com.au](mailto:psjafi@fortislaw.com.au)>; Roy Hanna <[rhanha@fortislaw.com.au](mailto:rhanha@fortislaw.com.au)>; 'Ramsha Sulaman' <[ramsha@fortislaw.com.au](mailto:ramsha@fortislaw.com.au)>  
**Subject:** RE: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [Allens-File-DMS.FID2091065] [ME-ME.FID6264995]  
**Importance:** High

Dear Associate

We refer to the emails below.

This is a share file link to the court book for today's hearing: <https://share.minterellison.com/w/f-ecd1cb35-3195-4fd8-ba1e-964b5aba02c2>

Please find attached for ease of reference:

1. a copy of Westpac's submissions;
2. draft short minutes of order proposed by Westpac; and
3. a copy of *Harcus Sinclair LLP v Your Lawyers Ltd* [2021] UKSC 32; [2021] 3 WLR 598, which is referred to in the submissions.

Document 1 and 2 are included in today's court book. We confirm that a hard copy of the court book will be provided to Chambers shortly.

We note that the solicitors for the parties and interested persons are copied to this email.

Yours faithfully

\_\_\_\_\_

**Anthony Sommer**

Senior Associate

T +61 2 9921 4182 M +61 431 058 780

[anthony.sommer@minterellison.com](mailto:anthony.sommer@minterellison.com)

**MinterEllison** Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

[minterellison.com](http://minterellison.com) Follow us on [LinkedIn](#) and [Twitter](#)

---

**From:** Anthony Sommer

**Sent:** Thursday 30 September 2021 07:40 PM

**To:** 'Associate LeeJ' <[Associate.LeeJ@fedcourt.gov.au](mailto:Associate.LeeJ@fedcourt.gov.au)>

**Cc:** 'Prinsloo, Kirsty' <[Kirsty.Prinsloo@allens.com.au](mailto:Kirsty.Prinsloo@allens.com.au)>; Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Michael Hughes <[Michael.Hughes@minterellison.com](mailto:Michael.Hughes@minterellison.com)>; Simon Brandis <[Simon.Brandis@minterellison.com](mailto:Simon.Brandis@minterellison.com)>; Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>; Kate Cockburn <[Kate.Cockburn@minterellison.com](mailto:Kate.Cockburn@minterellison.com)>; 'Haystead, Tom' <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; 'Goldberg, Tyler' <[Tyler.Goldberg@allens.com.au](mailto:Tyler.Goldberg@allens.com.au)>; 'Dobson, Roger' <[rdobson@jonesday.com](mailto:rdobson@jonesday.com)>; 'Yiasemides, Maria' <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>; 'Shanahan, Lucy J.' <[lshanahan@jonesday.com](mailto:lshanahan@jonesday.com)>; 'Brycki, Jessica I.' <[jbrycki@jonesday.com](mailto:jbrycki@jonesday.com)>; 'Byrne, Corey M.' <[cbyrne@jonesday.com](mailto:cbyrne@jonesday.com)>; 'Prestwich, Chris' <[Chris.Prestwich@allens.com.au](mailto:Chris.Prestwich@allens.com.au)>; 'Ian.Bolster@ashurst.com' <[Ian.Bolster@ashurst.com](mailto:Ian.Bolster@ashurst.com)>; 'matthew.youssef@ashurst.com' <[matthew.youssef@ashurst.com](mailto:matthew.youssef@ashurst.com)>; 'Leen, Delano' <[delano.leen@dentons.com](mailto:delano.leen@dentons.com)>; 'justin.kang@dentons.com' <[justin.kang@dentons.com](mailto:justin.kang@dentons.com)>; 'b.quan@cornwalls.com.au' <[b.quan@cornwalls.com.au](mailto:b.quan@cornwalls.com.au)>; 'A.Lee@cornwalls.com.au' <[A.Lee@cornwalls.com.au](mailto:A.Lee@cornwalls.com.au)>; 'Morris, Olivia' <[Olivia.Morris@allens.com.au](mailto:Olivia.Morris@allens.com.au)>; 'Sazz.Nasimi@madgwicks.com.au' <[Sazz.Nasimi@madgwicks.com.au](mailto:Sazz.Nasimi@madgwicks.com.au)>; 'Melissa Passarelli' <[Melissa.Passarelli@madgwicks.com.au](mailto:Melissa.Passarelli@madgwicks.com.au)>; 'Candy Nelson' <[Candy.Nelson@madgwicks.com.au](mailto:Candy.Nelson@madgwicks.com.au)>; 'billpapas07@gmail.com' <[billpapas07@gmail.com](mailto:billpapas07@gmail.com)>; 'Rocco Panetta' <[r.panetta@panetta.com.au](mailto:r.panetta@panetta.com.au)>; 'Forum (Allens)' <[ForumAllens@allens.com.au](mailto:ForumAllens@allens.com.au)>

**Subject:** RE: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [Allens-File-DMS.FID2091065] [ME-ME.FID6264995]

Dear Associate

We refer to our email below.

Please find attached the following further documents on which Westpac will rely at tomorrow's hearing:

- Affidavit of Caitlin Maria Murray sworn 30 September 2021 and Exhibit CMM-13 which can be downloaded from this link: <https://share.minterellison.com/w/f-78d26305-84a5-4aee-99bd-6e2998e1b1ea>
- An extract of Exhibit CMM-10 to the affidavit of Ms Murray sworn 25 August 2021, being pages 770-772.

We would be grateful if these documents are brought to his Honour's attention prior to the hearing.

Yours faithfully

**Anthony Sommer**

Senior Associate

T +61 2 9921 4182 M +61 431 058 780

[anthony.sommer@minterellison.com](mailto:anthony.sommer@minterellison.com)

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---

**From:** Anthony Sommer

**Sent:** Thursday 30 September 2021 05:05 PM

**To:** 'Prinsloo, Kirsty' <[Kirsty.Prinsloo@allens.com.au](mailto:Kirsty.Prinsloo@allens.com.au)>; Associate LeeJ <[Associate.LeeJ@fedcourt.gov.au](mailto:Associate.LeeJ@fedcourt.gov.au)>

**Cc:** Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Michael Hughes <[Michael.Hughes@minterellison.com](mailto:Michael.Hughes@minterellison.com)>; Simon Brandis <[Simon.Brandis@minterellison.com](mailto:Simon.Brandis@minterellison.com)>; Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>; Kate Cockburn <[Kate.Cockburn@minterellison.com](mailto:Kate.Cockburn@minterellison.com)>; Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Goldberg, Tyler <[Tyler.Goldberg@allens.com.au](mailto:Tyler.Goldberg@allens.com.au)>; Dobson, Roger <[rdobson@jonesday.com](mailto:rdobson@jonesday.com)>; Yiasemides, Maria <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>; Shanahan, Lucy J. <[lsahanahan@jonesday.com](mailto:lsahanahan@jonesday.com)>; Brycki, Jessica I. <[jbrycki@jonesday.com](mailto:jbrycki@jonesday.com)>; Byrne, Corey M. <[cbyrne@jonesday.com](mailto:cbyrne@jonesday.com)>; Prestwich, Chris <[Chris.Prestwich@allens.com.au](mailto:Chris.Prestwich@allens.com.au)>; [lan.Bolster@ashurst.com](mailto:lan.Bolster@ashurst.com); [matthew.youssef@ashurst.com](mailto:matthew.youssef@ashurst.com); Leen, Delano <[delano.leen@dentons.com](mailto:delano.leen@dentons.com)>; [justin.kang@dentons.com](mailto:justin.kang@dentons.com); [b.quan@cornwalls.com.au](mailto:b.quan@cornwalls.com.au); [A.Lee@cornwalls.com.au](mailto:A.Lee@cornwalls.com.au); Morris, Olivia <[Olivia.Morris@allens.com.au](mailto:Olivia.Morris@allens.com.au)>; [Sazz.Nasimi@madgwicks.com.au](mailto:Sazz.Nasimi@madgwicks.com.au); Melissa Passarelli <[Melissa.Passarelli@madgwicks.com.au](mailto:Melissa.Passarelli@madgwicks.com.au)>; Candy Nelson <[Candy.Nelson@madgwicks.com.au](mailto:Candy.Nelson@madgwicks.com.au)>; [billpapas07@gmail.com](mailto:billpapas07@gmail.com); Rocco Panetta <[r.panetta@panetta.com.au](mailto:r.panetta@panetta.com.au)>; Forum (Allens) <[ForumAllens@allens.com.au](mailto:ForumAllens@allens.com.au)>

**Subject:** RE: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [Allens-File-DMS.FID2091065] [ME-ME.FID6264995]

Dear Associate

We refer to the emails below.

Jeremy Giles SC, James Arnott and Catherine Hamilton-Jewell will appear for Westpac Banking Corporation and Westpac New Zealand Limited, the applicants in NSD616/2021 (together, **Westpac**).

Please find attached the following documents on behalf of Westpac to be relied upon at the hearing tomorrow:

- A document summarising Westpac's claims against the respondents in NSD616/2021, as requested by his Honour at the last hearing on 22 September 2021; and
- Affidavit of Jason Ireland affirmed 29 September 2021 and Exhibit JI-2.

We will provide draft short minutes of order proposed by Westpac, written submissions and further affidavit evidence separately.

Yours faithfully

---

**Anthony Sommer**

Senior Associate

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anthony.sommer@minterellison.com

**MinterEllison** Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

minterellison.com **Follow us on LinkedIn and Twitter**



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**From:** Prinsloo, Kirsty <[Kirsty.Prinsloo@allens.com.au](mailto:Kirsty.Prinsloo@allens.com.au)>

**Sent:** Thursday 30 September 2021 10:47 AM

**To:** Associate LeeJ <[Associate.LeeJ@fedcourt.gov.au](mailto:Associate.LeeJ@fedcourt.gov.au)>

**Cc:** Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Michael Hughes <[Michael.Hughes@minterellison.com](mailto:Michael.Hughes@minterellison.com)>; Simon Brandis <[Simon.Brandis@minterellison.com](mailto:Simon.Brandis@minterellison.com)>; Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>; Kate Cockburn <[Kate.Cockburn@minterellison.com](mailto:Kate.Cockburn@minterellison.com)>; Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Anthony Sommer <[Anthony.Sommer@minterellison.com](mailto:Anthony.Sommer@minterellison.com)>; Goldberg, Tyler <[Tyler.Goldberg@allens.com.au](mailto:Tyler.Goldberg@allens.com.au)>; Dobson, Roger <[rdobson@jonesday.com](mailto:rdobson@jonesday.com)>; Yiasemides, Maria <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>; Shanahan, Lucy J. <[lshanahan@jonesday.com](mailto:lshanahan@jonesday.com)>; Brycki, Jessica I. <[jbrycki@jonesday.com](mailto:jbrycki@jonesday.com)>; Byrne, Corey M. <[cbyrne@jonesday.com](mailto:cbyrne@jonesday.com)>; Prestwich, Chris <[Chris.Prestwich@allens.com.au](mailto:Chris.Prestwich@allens.com.au)>; [lan.Bolster@ashurst.com](mailto:lan.Bolster@ashurst.com); [matthew.youssef@ashurst.com](mailto:matthew.youssef@ashurst.com); Leen, Delano <[delano.leen@dentons.com](mailto:delano.leen@dentons.com)>; [justin.kang@dentons.com](mailto:justin.kang@dentons.com); [b.quan@cornwalls.com.au](mailto:b.quan@cornwalls.com.au); [A.Lee@cornwalls.com.au](mailto:A.Lee@cornwalls.com.au); Morris, Olivia <[Olivia.Morris@allens.com.au](mailto:Olivia.Morris@allens.com.au)>; [Sazz.Nasimi@madgwicks.com.au](mailto:Sazz.Nasimi@madgwicks.com.au); Melissa Passarelli <[Melissa.Passarelli@madgwicks.com.au](mailto:Melissa.Passarelli@madgwicks.com.au)>; Candy Nelson <[Candy.Nelson@madgwicks.com.au](mailto:Candy.Nelson@madgwicks.com.au)>; [billpapas07@gmail.com](mailto:billpapas07@gmail.com); Rocco Panetta <[r.panetta@panetta.com.au](mailto:r.panetta@panetta.com.au)>; Forum (Allens) <[ForumAllens@allens.com.au](mailto:ForumAllens@allens.com.au)>

**Subject:** RE: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [ME-ME.FID6264995] [Allens-File-DMS.FID2091065]

Dear Associate

Nick Kidd SC will be appearing for the Liquidators.

Kind regards

Kirsty

Kirsty Prinsloo

Managing Associate, **Allens**

**DL** [+61 2 9230 4735](tel:+61292304735) **M** [+61 420 347 183](tel:+61420347183)

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**From:** Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>

**Sent:** Thursday, 30 September 2021 10:44 AM

**To:** Associate LeeJ <[Associate.LeeJ@fedcourt.gov.au](mailto:Associate.LeeJ@fedcourt.gov.au)>

**Cc:** Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Michael Hughes <[Michael.Hughes@minterellison.com](mailto:Michael.Hughes@minterellison.com)>; Simon Brandis <[Simon.Brandis@minterellison.com](mailto:Simon.Brandis@minterellison.com)>; Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>; Kate Cockburn <[Kate.Cockburn@minterellison.com](mailto:Kate.Cockburn@minterellison.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; Anthony Sommer <[Anthony.Sommer@minterellison.com](mailto:Anthony.Sommer@minterellison.com)>; Goldberg, Tyler <[Tyler.Goldberg@allens.com.au](mailto:Tyler.Goldberg@allens.com.au)>; Dobson, Roger <[rdobson@jonesday.com](mailto:rdobson@jonesday.com)>; Yiasemides, Maria <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>; Shanahan, Lucy J. <[lshanahan@jonesday.com](mailto:lshanahan@jonesday.com)>; Brycki, Jessica I. <[jbrycki@jonesday.com](mailto:jbrycki@jonesday.com)>; Byrne, Corey M. <[cbyrne@jonesday.com](mailto:cbyrne@jonesday.com)>; Prinsloo, Kirsty <[Kirsty.Prinsloo@allens.com.au](mailto:Kirsty.Prinsloo@allens.com.au)>; Prestwich, Chris <[Chris.Prestwich@allens.com.au](mailto:Chris.Prestwich@allens.com.au)>; [lan.Bolster@ashurst.com](mailto:lan.Bolster@ashurst.com); [matthew.youssef@ashurst.com](mailto:matthew.youssef@ashurst.com); Leen, Delano <[delano.leen@dentons.com](mailto:delano.leen@dentons.com)>; [justin.kang@dentons.com](mailto:justin.kang@dentons.com); [b.quan@cornwalls.com.au](mailto:b.quan@cornwalls.com.au); [A.Lee@cornwalls.com.au](mailto:A.Lee@cornwalls.com.au); Morris, Olivia <[Olivia.Morris@allens.com.au](mailto:Olivia.Morris@allens.com.au)>; [Sazz.Nasimi@madgwicks.com.au](mailto:Sazz.Nasimi@madgwicks.com.au); Melissa Passarelli <[Melissa.Passarelli@madgwicks.com.au](mailto:Melissa.Passarelli@madgwicks.com.au)>; Candy Nelson <[Candy.Nelson@madgwicks.com.au](mailto:Candy.Nelson@madgwicks.com.au)>;

[billpapas07@gmail.com](mailto:billpapas07@gmail.com); Rocco Panetta <[r.panetta@panetta.com.au](mailto:r.panetta@panetta.com.au)>

**Subject:** RE: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [ME-ME.FID6264995]

**CAUTION:** This email originated from outside the organisation. Do not act on instructions, click links or open attachments unless you recognise the sender and know the content is authentic and safe.

Dear Associate,

We refer to the case management hearing before his Honour Justice Lee at 12:00 noon tomorrow, 1 October 2021.

Emma Beechey of counsel will be appearing for the Applicant, SMBC L&F, in Proceeding No. NSD 681 of 2021.

Kind regards

**Tom Haystead**

Associate

**[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)**

Aurora Place

Level 41, 88 Phillip Street

Sydney, NSW 2000 Australia

Office +61.2.8272.0737

---

**From:** Anthony Sommer <[Anthony.Sommer@minterellison.com](mailto:Anthony.Sommer@minterellison.com)>

**Sent:** Thursday, 30 September 2021 10:16 AM

**To:** Goldberg, Tyler <[Tyler.Goldberg@allens.com.au](mailto:Tyler.Goldberg@allens.com.au)>; Haystead, Tom <[thaystead@jonesday.com](mailto:thaystead@jonesday.com)>; Dobson, Roger <[rdobson@jonesday.com](mailto:rdobson@jonesday.com)>; Yiasemides, Maria <[myiasemides@jonesday.com](mailto:myiasemides@jonesday.com)>; Shanahan, Lucy J. <[lsanahan@jonesday.com](mailto:lsanahan@jonesday.com)>; Brycki, Jessica I. <[jbrycki@jonesday.com](mailto:jbrycki@jonesday.com)>; Byrne, Corey M. <[cbyrne@jonesday.com](mailto:cbyrne@jonesday.com)>; Prinsloo, Kirsty <[Kirsty.Prinsloo@allens.com.au](mailto:Kirsty.Prinsloo@allens.com.au)>; Prestwich, Chris <[Chris.Prestwich@allens.com.au](mailto:Chris.Prestwich@allens.com.au)>; [Ian.Bolster@ashurst.com](mailto:Ian.Bolster@ashurst.com); [matthew.youssef@ashurst.com](mailto:matthew.youssef@ashurst.com); Leen, Delano <[delano.leen@dentons.com](mailto:delano.leen@dentons.com)>; [justin.kang@dentons.com](mailto:justin.kang@dentons.com); [b.quan@cornwalls.com.au](mailto:b.quan@cornwalls.com.au); [A.Lee@cornwalls.com.au](mailto:A.Lee@cornwalls.com.au); Morris, Olivia <[Olivia.Morris@allens.com.au](mailto:Olivia.Morris@allens.com.au)>; [Sazz.Nasimi@madgwicks.com.au](mailto:Sazz.Nasimi@madgwicks.com.au); Melissa Passarelli <[Melissa.Passarelli@madgwicks.com.au](mailto:Melissa.Passarelli@madgwicks.com.au)>; Candy Nelson <[Candy.Nelson@madgwicks.com.au](mailto:Candy.Nelson@madgwicks.com.au)>; [billpapas07@gmail.com](mailto:billpapas07@gmail.com); Rocco Panetta <[r.panetta@panetta.com.au](mailto:r.panetta@panetta.com.au)>

**Cc:** Caitlin Murray <[Caitlin.Murray@minterellison.com](mailto:Caitlin.Murray@minterellison.com)>; Michael Hughes <[Michael.Hughes@minterellison.com](mailto:Michael.Hughes@minterellison.com)>; Simon Brandis <[Simon.Brandis@minterellison.com](mailto:Simon.Brandis@minterellison.com)>; Andrew Clarke <[Andrew.Clarke@minterellison.com](mailto:Andrew.Clarke@minterellison.com)>; Kate Cockburn <[Kate.Cockburn@minterellison.com](mailto:Kate.Cockburn@minterellison.com)>; Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>

**Subject:** FW: Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL] [ME-ME.FID6264995]

**\*\* External mail \*\***

Dear Colleagues

Please see the below communication from the Associate to Lee J.

Regards

---

**Anthony Sommer**

Senior Associate

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**From:** Associate LeeJ <[Associate.LeeJ@fedcourt.gov.au](mailto:Associate.LeeJ@fedcourt.gov.au)>  
**Sent:** Thursday 30 September 2021 10:01 AM  
**To:** Alana Galasso <[Alana.Galasso@minterellison.com](mailto:Alana.Galasso@minterellison.com)>; PROJECT OLYMPUS <[PROJECTOLYMPUS@minterellison.com](mailto:PROJECTOLYMPUS@minterellison.com)>; Sazz Nasimi <[Sazz.Nasimi@madgwicks.com.au](mailto:Sazz.Nasimi@madgwicks.com.au)>  
**Subject:** Westpac Banking Corporation v Forum Finance Pty Ltd & Ors – Federal Court of Australia Proceedings No. NSD616/2021 [SEC=OFFICIAL]

**OFFICIAL - Business related email**

Dear Practitioners

I refer to the above proceeding listed for a case management hearing before his Honour Justice Lee at **12 noon tomorrow, 1 October 2021**. I confirm that the case management hearing will proceed via MS Teams (the link for which is located below and may be forwarded to counsel and any client representatives):

[Click here to join the meeting](#)

Further, it has come to the Court's attention that the case management hearing listed at 9.30am on 20 October 2021 (which was vacated by order 9 of the orders dated 22 September 2021) had a broad function of bringing all of the Related Proceedings back before his Honour following the filing of evidence in chief.

His Honour has therefore determined that the case management hearing listed on 20 October 2021 should remain. An order relisting the proceeding on this date will be incorporated into any orders that flow from the case management hearing tomorrow.

**His Honour directs that the solicitors for Westpac provide this communication to all interested parties so that: (1) they may appear at the case management hearing tomorrow, should they so wish; and (2) for clarification about the case management hearing on 20 October 2021.**

Finally, could the parties please, by **5pm today**, provide the names of counsel who will appear.

Yours faithfully

**Emerson Hynard** | Associate to the Hon. Justice M B J Lee  
Federal Court of Australia | Law Courts Building, Queens Square, Sydney NSW 2000  
t: +61 2 8099 8493 | e: [Associate.LeeJ@fedcourt.gov.au](mailto:Associate.LeeJ@fedcourt.gov.au)

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\*\*\*\*\*



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD616/2021

**WESTPAC BANKING CORPORATION ABN 33 007 457 141** and another named in the schedule  
Applicant

**FORUM FINANCE PTY LIMITED** and another named in the schedule  
Respondent

### **ORDER**

**JUDGE:** JUSTICE LEE

**DATE OF ORDER:** 01 October 2021

**WHERE MADE:** Sydney

#### **THE COURT ORDERS THAT:**

##### Orders relating to solicitors' undertaking given by Mr Nehme

1. Within 5 business days of these orders, Fortis Law pay the amount of \$773,362.88 held in its trust account in the name of the third respondent, Vincenzo Frank Tesoriero into Court (**Funds**).
2. Any person who claims an interest in the Funds has liberty to apply in writing on 5 business days' notice.

##### Mr Papas' service information application

3. The applicants have leave to file an interlocutory application, to be served on Rocco Vincenzo Panetta of Panetta Lawyers, requiring that Mr Panetta provide information about the means to communicate with and serve documents on the second respondent, Basile Papadimitriou (**Interlocutory Application**).
4. Pursuant to rule 1.39 of the *Federal Court Rules 2011* (Cth) the time for service of the interlocutory application and any supporting affidavit is abridged to 5pm (AEST) on 4



October 2021, with service to be effected on Mr Panetta by 5pm (AEST) on 4 October 2021 by email to r.panetta@panetta.com.au.

5. The interlocutory application be listed for hearing at 9.30am on 6 October 2021 before Justice Lee.

Case management

6. Proceeding NSD616/2021 commenced by Westpac Banking Corporation, proceeding NSD681/2021 commenced by SMBC Leasing and Finance, Inc. Sydney Branch, and proceeding NSD642/2021 commenced by Societe Generale, be listed for a case management hearing at 9.30am on 20 October 2021 before Justice Lee.

Date that entry is stamped: 1 October 2021

*Sia Lagos*  
Registrar





**Schedule**

No: NSD616/2021

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

Interested Person	JOHN THOMAS TUCK
Supporting Creditor	SOCIETE GENERALE
Second Interested Person	NATIONAL AUSTRALIA BANK LIMITED
Second Applicant	WESTPAC NEW ZEALAND LIMITED (COMPANY REGISTRATION NUMBER COMPANY NUMBER 1763882)
Third Interested Person	ANTONY RESNICK & MARK JULIAN ROBINSON IN THEIR CAPACITIES AS THE JOINT AND SEVERAL RECEIVERS OF FORUM GROUP PTY LTD (RECEIVERS APPOINTED) ACN 153 336 997
Interested Person	ANTONY RESNICK
Interested Person	MARK JULIAN ROBINSON
Respondent	VINCENZO FRANK TESORIERO
Second Respondent	BASILE PAPADIMITRIOU
Third Respondent	VINCENZO FRANK TESORIERO
Fourth Respondent	FORUM GROUP FINANCIAL SERVICES PTY LTD (ADMINISTRATORS APPOINTED) ACN 623 033 705
Fifth Respondent	FORUM GROUP PTY LTD (RECEIVERS APPOINTED)(ADMINISTRATORS APPOINTED) ACN 153 336 997
Sixth Respondent	FORUM ENVIRO PTY LTD (ADMINISTRATORS APPOINTED) ACN 168 709 840
Seventh Respondent	FORUM ENVIRO (AUST) PTY LTD (ADMINISTRATORS APPOINTED) ACN 607 484 364