

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 23/03/2022 12:10:07 PM AEDT 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: NSD912/2020
File Title: CLIVE FREDERICK PALMER v MARK MCGOWAN
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads 'Sia Lagos'.

Dated: 23/03/2022 12:17:32 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 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.



Form 59
Rule 29.02(1)

Affidavit

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

No. NSD 912 of 2020

Clive Frederick Palmer
Applicant/Cross-Respondent

Mark McGowan
Respondent/Cross-Claimant

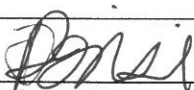
Affidavit of: Timothy James Donisi
Address: 250 St Georges Terrace, Perth, WA 6000
Occupation: Solicitor
Date: 22 March 2022

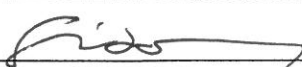
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I, **Timothy James Donisi**, care of Clayton Utz, Level 27, QV1 Building, 250 St Georges Terrace, Perth in the State of Western Australia, Solicitor, affirm and say as follows:

- I am a Special Counsel at Clayton Utz, the solicitors for the Respondent and Cross-Claimant in this matter. I am one of the lawyers with day to day conduct of this matter under the supervision of Nick Cooper, Partner at Clayton Utz.
- Unless otherwise stated, the facts contained in this affidavit are within my own knowledge and are true.


Deponent


Witness

Filed on behalf of: The respondent

Prepared by: Nick Cooper
Law firm: Clayton Utz

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Perth WA 6000

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Ref: 14101/17189/81011768

3. I affirm this affidavit in relation to the application that the Respondent/Cross-Claimant be given leave to adduce further evidence in the form of an affidavit of John Robert Quigley sworn 17 March 2022 (**Quigley Affidavit**).
4. On Tuesday, 15 March 2022 Clayton Utz received notice that Mr Quigley wanted to file a correcting affidavit in relation to his oral testimony given in this matter on 9 March.
5. On 17 March 2022 Mr David Grace QC, who I understand to be retained by Mr Quigley, sent Clayton Utz a copy of the Quigley Affidavit. The Quigley Affidavit identifies mistakes Mr Quigley says were made during his oral testimony. A copy of the Quigley Affidavit was subsequently provided by Clayton Utz to the Applicant/Cross-Respondent's solicitor and by the Respondent/Cross-Claimant's Senior Counsel to the Applicant/Cross-Respondent's Senior Counsel. As at the time of swearing this affidavit, the Applicant/Cross-Respondent has refused to consent to the Quigley Affidavit or its contents being disclosed to this Honourable Court.

Affirmed by the deponent Timothy James Donisi at Perth in the State of Western Australia
this 22nd day of March 2022

Before me:



Signature of witness



Deponent

Samuel Charles Fiddian, a legal practitioner who has held a practice certificate for 2 years and who holds a current practice certificate