

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 23/12/2021 12:45:51 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: Defence - Form 33 - Rule 16.32
File Number: NSD616/2021
File Title: WESTPAC BANKING CORPORATION ABN 33 007 457 141 & ANOR v FORUM FINANCE PTY LIMITED (IN LIQUIDATION) ACN 153 301 172 & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Dated: 23/12/2021 12:46:02 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.



Defence of Forty-Fourth Respondent

No. NSD616 of 2021

Federal Court of Australia
District Registry: NSW
Division: General

Westpac Banking Corporation ABN 33 007 457 141 and Anor

Applicants

Eric Constantinidis

44th Respondent

1. The forty-fourth respondent admits paragraph 1 of the Second Further Amended Statement of Claim (SFASOC).
2. The forty-fourth respondent admits paragraph 2 of the SFASOC.
3. The forty-fourth respondent admits paragraph 3 of the SFASOC.
4. The forty-fourth respondent does not admit paragraph 4 of the SFASOC.
5. In response to paragraph 5 of the SFASOC, the forty-fourth respondent:
 - 5.1. Admits subparagraphs (a)-(b);
 - 5.2. Otherwise does not admit the balance of paragraph 5.
6. The forty-fourth respondent does not admit paragraphs 6-34M of the SFASOC.
7. The forty-fourth respondent admits paragraph 34N.
8. The forty-fourth respondent does not admit paragraphs 34O-2635 of the SFASOC.
9. The forty-fourth respondent does not admit paragraph 2636 of the SFASOC.
10. The forty-fourth respondent does not admit paragraph 2637 of the SFASOC.
11. The forty-fourth respondent does not admit paragraph 2638 of the SFASOC.
12. The forty-fourth respondent does not admit paragraph 2639 of the SFASOC.

Filed on behalf of (name & role of party) Eric Constantinidis, Forty-Fourth Respondent
Prepared by (name of person/lawyer) Edmund Finnane, barrister of 13 Wentworth Chambers
Law firm (if applicable) WH Parsons & Associates
Tel (02) 9264 9466 Fax (02) 9283 2066
Email bparsons@whparsons.com.au

Address for service WH Parsons & Associates
(include state and postcode) Suite 302, Level 3, 49-51 York Street, Sydney NSW 2000

13. The forty-fourth respondent does not admit paragraph 2640 of the SFASOC.
14. In answer to paragraph 2641 of the SFASOC, the forty-fourth respondent:
 - 14.1. Admits that on or about 2 July 2021 he received the amount of \$150,000 in the account described in paragraph 2641 of the SFASOC;
 - 14.2. Does not admit the balance of paragraph 2641.
15. The forty-fourth respondent does not admit paragraph 2642 of the SFASOC.
16. In answer to paragraph 2643 of the SFASOC, the forty-fourth respondent:
 - 16.1. Admits that on or about 8 July 2021 he received the amount of \$570,000 in the account described in paragraph 2643 of the SFASOC;
 - 16.2. Does not admit the balance of paragraph 2643 of the SFASOC.
17. In answer to paragraph 2644 of the SFASOC the forty-fourth respondent:
 - 17.1. Denies subparagraph (a);
 - 17.2. Denies subparagraph (b) and says:
 - 17.2.1. as of 5 February 2021 the forty-fourth respondent was owed \$1,265,000 by Forum Group Financial Services Pty Ltd guaranteed by Basile Papadimitriou (Mr Papas) under a Deed of Loan dated 5 February 2021;
 - 17.2.2. that the payment of \$150,000 referred to in paragraph 2641 of the SFASOC was a reimbursement of two payments made by the forty-fourth respondent on Mr Papas's behalf on 1 July 2021. Those payments were a payment of \$90,000 to Panetta Lawyers, and a payment of \$60,000 to Fortis Law;
 - 17.2.3. that after receiving the payment of \$570,000 referred to in paragraph 2643 of the SFASOC, Mr Papas asked the forty-fourth respondent to make a payment of \$100,000 to Panetta Lawyers and to keep the balance as a partial repayment of amounts otherwise owing to the forty-fourth respondent; and
 - 17.2.4. that at all times, the forty-fourth respondent was unaware of the Freezing Orders against Mr Papas, or of any of the allegations in these proceedings.
 - 17.3. Denies subparagraph (c) and says that none of the funds which he received are held on trust for Westpac or WNZL;
 - 17.4. Denies subparagraph (d).
18. The forty-fourth respondent denies paragraph 2645 of the SFASOC.

19. In answer to paragraph 2646 of the SFASOC, the forty-fourth respondent repeats his responses to paragraphs 2636 and 2637 of the SFASOC.
20. The forty-fourth respondent does not admit paragraph 2647 of the SFASOC.
21. In answer to paragraph 2648 of the SFASOC the forty-fourth respondent:
 - 21.1. Does not admit that he has asserted that the Audi Race Cars belong to him (noting that the allegation in this regard is not particularised);
 - 21.2. Says that he has asserted that the Audi Race Cars belong to BECM Holdings Pty Ltd (ACN: 112 129 950) (**BECM Holdings**), which is not a party to these proceedings.
 - 21.3. Does not otherwise admit the allegations in paragraph 2648 of the SFASOC.
22. The forty-fourth respondent admits paragraph 2649 of the SFASOC.
23. The forty-fourth respondent does not admit paragraph 2650 of the SFASOC.
24. The forty-fourth respondent does not admit paragraph 2651 of the SFASOC.
25. The forty-fourth respondent does not admit paragraphs 2652-2711 of the SFASOC.

Date: 23 December 2021

W.H. Parsons

Signed by
Lawyer for the Forty-Fourth Respondent

This pleading was prepared by William Henry Parsons, lawyer

Certificate of lawyer

I, William Henry Parsons, of WH Parsons & Associates, certify to the Court that, in relation to the defence filed on behalf of the Forty-Fourth Respondent, the factual and legal material available to me at present provides a proper basis for:

- (a) each allegation in the pleading; and
- (b) each denial in the pleading; and
- (c) each non admission in the pleading.

Date: 23 December 2021

W. H. Parsons

Signed by William Henry Parsons
Lawyer for the Respondent