

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 15/08/2018 5:43:10 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:	Originating Application - Form 15 - Rule 8.01(1)
File Number:	NSD1485/2018
File Title:	BEN ROBERTS-SMITH v FAIRFAX MEDIA PUBLICATIONS PTY LTD (ACN 003 357 720) & ORS
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



A handwritten signature in blue ink, reading 'Warwick Soden'.

Dated: 17/08/2018 9:27:48 AM 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 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.

Form 15  
Rules 8.01(1); 8.04(1)



## Originating application

No. of 2018

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

### Ben Roberts-Smith

Applicant

**Fairfax Media Publications Pty Limited ACN 003 357 720** and others named in the schedule  
Respondents

To the Respondents

The Applicant applies for the relief 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.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

#### Time and date for hearing:

**Place:** Levels 17 - 22 Law Courts Building  
Queens Square Sydney NSW 2000

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

{00405022.doc-v}

Filed on behalf of (name & role of party) Ben Roberts-Smith, Applicant

Prepared by (name of person/lawyer) Mark Geoffrey O'Brien

Law firm (if applicable) Mark O'Brien Legal

Tel +61 2 9216 9828 Fax \_\_\_\_\_

Email mark.obrien@markobrienlegal.com.au

**Address for service** Level 3, 44 Martin Place, Sydney NSW 2000  
(include state and postcode)



### **Details of claim**

On the grounds stated in the statement of claim, accompanying affidavit or other document prescribed by the Rules, the Applicant claims:

1. Damages, including general damages and aggravated damages.
2. An order that the Respondents be permanently restrained from publishing any defamatory imputation of and concerning the Applicant as particularised by the Applicant and found by the Court to be carried by the matters complained of.
3. An order that the second, fourth and sixth matters complained of (as defined in the pleadings and particulars in the Statement of Claim), or any matter in substantially the same form, be permanently removed from:
  - a. the First Respondent's websites [www.smh.com.au](http://www.smh.com.au) and/or any archive and/or other website(s) associated with that website;
  - b. any other website operated or controlled by the First Respondent.
4. Interest pursuant to sections 51A and 52 of the *Federal Court of Australia Act 1976* (Cth) including interest on costs.
5. Costs pursuant to section 43 of the *Federal Court of Australia Act 1976* (Cth).
6. Such further and other orders as the Court deems fit or thinks necessary.

### **Applicant's address**

The Applicant's address for service is:

Place: c/- Mark O'Brien Legal, Level 3, 44 Martin Place, Sydney, NSW, 2000

Email: [mark.obrien@markobrienlegal.com.au](mailto:mark.obrien@markobrienlegal.com.au)

The Applicant's address is 560 Sir Samuel Griffith Dr, Mount Coot-Tha QLD 4066.

### **Service on the Respondent**

It is intended to serve this application on all the Respondents.

First Respondent's address is: 1 Darling Island Road, Pyrmont, NSW, 2009

Second Respondent's address is: 1 Darling Island Road, Pyrmont, NSW, 2009

Third Respondent's address is: 1 Darling Island Road, Pyrmont, NSW, 2009

Fourth Respondent's address is: 1 Darling Island Road, Pyrmont, NSW, 2009



Date: 15 August 2018

A handwritten signature in black ink, appearing to read "Mark Geoffrey O'Brien", is written over a horizontal line.

Signed by Mark Geoffrey O'Brien  
Lawyer for the Applicant

**Schedule**

No. of 2018

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

**Respondents**

First Respondent: Fairfax Media Publications Pty Limited ACN 003 357 720

Second Respondent: Nick McKenzie

Third Respondent: Chris Masters

Fourth Respondent: David Wroe

Date: 15 August 2018