

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 24/02/2021 2:25:39 PM AEDT 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:	NSD132/2021
File Title:	SWISS RE INTERNATIONAL SE v LCA MARRICKVILLE PTY LIMITED ACN 601 220 080
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 that reads 'Sia Lagos'.

Dated: 26/02/2021 12:08:39 PM AEDT

Registrar

### Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

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

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.

Form 15

Rules 8.01(1); 8.04(1)



## Originating application

No: of 2021

Federal Court of Australia

District Registry: NSW

Division: General

**Swiss Re International SE ARBN 138 873 211**

Applicant

**LCA Marrickville Pty Limited ACN 601 220 080**

Respondent

To the Respondent

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.

---

Filed on behalf of (name & role of party)	Swiss Re International SE, Applicant		
Prepared by (name of person/lawyer)	Carmen Elder	Ref	CLE/CZO/319332/80
Law firm (if applicable)	DLA Piper Australia		
Tel	(02) 9286 8079	Fax	(02) 9286 8007
Email	Carmen.Elder@dlapiper.com		
<b>Address for service</b> (include State and postcode)	DLA Piper Australia Level 22 No. 1 Martin Place SYDNEY NSW 2000		

---



**Time and date for hearing:**

**Place:** Level 17, Law Courts Building, 184 Phillip Street, 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



## **Details of claim**

On the grounds stated in the Statement of Claim, and adopting the defined terms set out in the Statement of Claim (save where otherwise indicated), the Applicant seeks:

- 1 A declaration that the defendant (*LCA*) is not entitled to indemnity under the Policy in respect of the Policy Claim.
- 2 In the alternative:
  - 2.1 a declaration that in determining the amount of Swiss Re's liability under the Policy in relation to the Policy Claim in accordance with the Basis of Settlement Clause (cl 10.1), it is necessary to have regard to the effect that COVID-19 generally and any health measures taken in respect thereof had, or would have had, on *LCA*'s "Business" even if the "Damage" had not occurred; and
  - 2.2 a declaration that *LCA* is not entitled to interest pursuant to section 57 of the *Insurance Contracts Act* on any amount for which Swiss Re is liable under the Policy to pay to *LCA* in respect of the Policy Claim for any period prior to the determination of *LCA*'s entitlement to indemnity under the Policy in these proceedings, including the ascertainment of the amount for which Swiss Re is liable in accordance with the Basis of Settlement Clause.
- 3 No order as to costs.
- 4 Any other order(s) that the Court deems appropriate.

## **Applicant's address**

The Applicant's address for service is:

Place: DLA Piper Australia, Level 22, No. 1 Martin Place, Sydney, NSW 2000

Email: Carmen.Elder@dlapiper.com



The Applicant's address is Tower Two, International Towers, 200 Barangaroo Avenue, Sydney  
NSW 2000.

**Service on the Respondent**

It is intended to serve this application on the Respondent.

Date: 24 February 2021

A handwritten signature in black ink, appearing to read 'C. Elder'.

---

Signed by Carmen Elder  
**DLA Piper Australia**  
Lawyer for the Applicant