# NOTICE OF FILING AND HEARING

## Filing and Hearing Details

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| Document Lodged**:** | Originating Application - Form 15 - Rule 8.01(1) |
| Court of Filing: | FEDERAL COURT OF AUSTRALIA (FCA) |
| Date of Lodgment: | 11/06/2025 7:27:28 PM AEST |
| Date Accepted for Filing: | 12/06/2025 9:22:12 AM AEST |
| File Number: | NSD602/2023 |
| File Title: | GREENSILL BANK AG & ANOR v INSURANCE AUSTRALIA LIMITED & 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 |




Registrar

## Important Information

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 of the filing of the document is determined pursuant to the Court's Rules.

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

# Fourth Amended Originating application

Filed pursuant to leave granted by Moshinsky J on 5 June 2025

No. NSD602 of 2023

Federal Court of Australia

District Registry: New South Wales

Division: General

**Greensill Bank AG**

First applicant

**Dr Michael C. Frege in his capacity as Insolvency Administrator of Greensill Bank AG**

Second applicant

**Insurance Australia Limited and others listed in the Schedule**

Respondents

To the respondents

The applicants apply 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**:

10788-00001/17004598.1


Filed on behalf of (name & role of party) Greensill Bank AG and Dr Michael C, Frege in his capacity as Insolvency Administrator of Greensill Bank AG, applicants

Prepared by (name of person/lawyer) Michelle Fox

Law firm (if applicable) Quinn Emanuel Urquhart & Sullivan

Tel (02) 9146 3500 Fax (02) 9146 3600

Email michellefox@quinnemanuel.com

**Address for service** (include state and postcode) Level 15, 111 Elizabeth Street, 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 Fifth ~~Third~~ Amended Statement of Claim, the applicants claim, against the first respondent:

1. Judgment in the amount of EUR 2,179,111,111.11 less any amounts owing under the Delta IPAs, the Delta HoldCo Guarantees or the Liberty House IPA Guarantee (as those terms are defined in the Fifth ~~Third~~ Amended Statement of Claim) and recovered by Greensill Bank from the Delta HoldCos or their related entities to the extent any such recoveries reduce the quantum of the Insured Losses (as that term is defined in the Fifth ~~Third~~ Amended Statement of Claim).

2. Alternatively, damages.

2A. Compensation pursuant to ss. 1041I and 1325 of the *Corporations Act 2001* (Cth), ss. 236 and 237 of Schedule 2 to the *Competition and Consumer Act 2010* (Cth) and/or s. 12GF of the *Australian Securities and Investments Commission Act 2001* (Cth).

3. Interest pursuant to s. 57 of the *Insurance Contracts Act 1984* (Cth), alternatively s. 51A of the *Federal Court of Australia Act 1976* (Cth).

4. Costs.

5. Such further or other order as the Court thinks fit.

On the grounds stated in the Fifth ~~Third~~ Amended Statement of Claim, the applicants claim, against the second, third, fourth, fifth and sixth respondents:

6. Damages.

7. Compensation pursuant to ss. 1041I and 1325 of the *Corporations Act 2001* (Cth), ss. 236 and 237 of Schedule 2 to the *Competition and Consumer Act 2010* (Cth) and/or s. 12GF of the *Australian Securities and Investments Commission Act 2001* (Cth).

8. Interest pursuant to s. 51A of the *Federal Court of Australia Act 1976* (Cth).

9. Costs.

10. Such further or other order as the Court thinks fit.

On the grounds stated in the Fifth Amended Statement of Claim, the applicants also claim against the fifth and sixth respondents:

11. Pursuant to ss. 236 and 237 of the Schedule 2 to the *Competition and Consumer Act 2010* (Cth) and/or s. 12GF of the *Australian Securities and Investments Commission Act 2001* (Cth) and/or ss. 1041I and 1352 of the *Corporations Act 2001* (Cth) and/or within s. 23 of the *Federal Court of Australia Act 1976* (Cth), a permanent injunction restraining the fifth

and sixth respondents from taking any steps, either directly or indirectly, by themselves or through any subsidiaries or affiliates or agents, in the High Court of England and Wales or any other court (other than the Federal Court of Australia) to pursue, or seek to renew, their claims for relief in the High Court of England and Wales (Claim number CL-2024-000433) (in their entirety, alternatively any one or more of those claims for relief) in relation to the letters of engagement between Greensill Capital (UK) Limited and Marsh Limited referred to in paragraph 4.a of the Amended Claim Form dated 16 April 2025.

**Applicants' address**

The applicants' address for service is:

Place: Quinn Emanuel Lawyers

Level 15, 111 Elizabeth Street

Sydney, New South Wales 2000

Email: michellefox@quinnemanuel.com

The first applicant's address is:

Place: Greensill Bank AG C/- Dr Michael C. Frege

CMS Hasche Sigle

Flughafenallee 26

28199 Bremen, Germany

The second applicant's address is:

Place: Dr Michael C. Frege

CMS Hasche Sigle

Stadthausbrücke 1 – 3

20355 Hamburg, Germany

**Service on the respondents**

It is intended to serve this application on the respondents.

Date: 11 June 2025



Signed by Michelle Fox
Lawyer for the applicants

## Schedule

No. NSD602 of 2023

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

**Applicants**

| | |
|---|---|
| Second applicant: | Dr Michael C. Frege in his capacity as Insolvency Administrator of Greensill Bank AG |

**Respondents**

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|---|---|
| Second respondent: | BCC Trade Credit Pty Ltd |
| Third respondent: | Greg Brereton |
| Fourth respondent: | Tokio Marine & Nichido Fire Insurance Co Ltd |
| Fifth respondent: | Marsh Pty Ltd |
| Sixth respondent: | Marsh Limited |