

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 13/09/2018 9:33:20 AM 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: Subpoena to Give Evidence - Form 43A - Rule 24.13(1)(a)  
File Number: NSD2179/2017  
File Title: GEOFFREY ROY RUSH v NATIONWIDE NEWS PTY LIMITED & ANOR  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA  
Reason for Listing: Hearing  
Time and date for hearing: 22/10/2018, 10:15 AM  
Place: Please check Daily Court List for details



A handwritten signature in blue ink, appearing to read 'David Soden'.

Dated: 13/09/2018 10:54:07 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.

LAST DAY FOR SERVICE IS 12 OCTOBER 2018.



FEDERAL  
COURT OF  
AUSTRALIA

EXHIBIT / REF NO: A69  
RUSH v NATIONWIDE NEWS  
FILE NO: NSD 2179 OF 2017  
RETURN TO: A  
ASSOCIATE: CA  
DATE: 31/10/2018 WIGNEY J

Form 43A  
Rule 24.13(1)(a)



## Subpoena to give evidence

No. NSD2179 of 2017

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

**Geoffrey Roy Rush**

Applicant

**Nationwide News Pty Limited and another**

Respondents

To: Patrick McIntyre  
Sydney Theatre Company Limited  
Fox Studios 103/U9  
38 Driver Avenue  
MOORE PARK NSW 2021

**You are ordered to attend to give evidence. See next page for details.**

**Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.**

Please read Notes 1 to 8 at the end of this subpoena.

The last date for service of this subpoena is 12 October 2018. *(See Note 1)*

Date:

Signed by an officer acting with the authority  
of the District Registrar

Issued at the request of the Respondents, whose address for service is:

Place: Level 11, 5 Martin Place Sydney NSW 2000

Email: [REDACTED] / [REDACTED]

Filed on behalf of (name & role of party) Nationwide News Pty Limited and Jonathon Moran, Respondents

Prepared by (name of person/lawyer) Robert Todd / Nicholas Perkins

Law firm (if applicable) Ashurst Australia

Tel [REDACTED]

Tel [REDACTED]

Email [REDACTED] / [REDACTED]

**Address for service** Level 11, 5 Martin Place, Sydney NSW 2000

(include state and postcode) DX 388 Sydney

**Details of subpoena**

Date, time and place at which you must attend to give evidence, unless you receive a notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date: 22 October 2018

Time: 10:15am

Place: Federal Court of Australia

New South Wales District Registry

Level 17 Law Courts Building Queens Square

Sydney NSW 2000

You must continue to attend from day to day unless excused by the Court or the person authorised to take evidence in this proceeding or until the hearing of the matter is completed.



## **Notes**

### **Last day for service**

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

### **Informal service**

2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

### **Addressee a corporation**

3. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

### **Conduct money**

4. You need not comply with the subpoena in so far as it requires you to attend to give evidence unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date your attendance is required.

### **Applications in relation to subpoena**

5. You have the right to apply to the Court:
  - (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
  - (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

### **Loss or expense of compliance**

6. If you are not a party to the proceeding, you may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

### **Contempt of court - arrest**

7. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
8. Note 7 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.

**Schedule**

No. NSD2179 of 2017

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

**Respondents**

Second Respondent: Jonathon Moran

Date: 12 September 2018



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Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Hearing
Time and date for hearing:	22/10/2018, 10:15 AM
Place:	Please check Daily Court List for details



A handwritten signature in black ink, which appears to read "Warwick Soden".

Dated: 13/09/2018 10:54:02 AM AEST

Registrar

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Form 43A  
Rule 24.13(1)(a)



## Subpoena to give evidence

No. NSD2179 of 2017

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

**Geoffrey Roy Rush**

Applicant

**Nationwide News Pty Limited and another**

Respondents

To: Annelies Crowe

**You are ordered to attend to give evidence. See next page for details.**

**Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.**

Please read Notes 1 to 8 at the end of this subpoena.

The last date for service of this subpoena is 12 October 2018. (See Note 1)

Date:

Signed by an officer acting with the authority  
of the District Registrar

Issued at the request of the Respondents, whose address for service is:

Place: Level 11, 5 Martin Place Sydney NSW 2000

Email: [REDACTED] / [REDACTED]

Filed on behalf of (name & role of party) Nationwide News Pty Limited and Jonathon Moran, Respondents

Prepared by (name of person/lawyer) Robert Todd / Nicholas Perkins

Law firm (if applicable) Ashurst Australia

Tel [REDACTED] Tel [REDACTED]

Email [REDACTED] / [REDACTED]

[REDACTED] [REDACTED] [REDACTED] 2000

(include state and postcode) DX 388 Sydney

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Date: 22 October 2018

Time: 10:15am

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New South Wales District Registry  
Level 17 Law Courts Building Queens Square  
Sydney NSW 2000

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**Schedule**

No. NSD2179 of 2017

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

**Respondents**

Second Respondent: Jonathon Moran

Date: 12 September 2018