

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Interlocutory Application (Human Rights Div 2.4 Exemption) - Form 35 - Rule 17.01(1)(a)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 28/08/2025 4:06:19 PM AEST
Date Accepted for Filing: 28/08/2025 4:52:33 PM AEST
File Number: NSD950/2025
File Title: JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: Interlocutory Hearing
Time and date for hearing: 13/10/2025, 10:15 AM
Place: Court to be Advised (see Court Lists), Level 17, Law Courts Building 184 Phillip Street Queens Square, Sydney



Sia Lagos

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.



Interlocutory application

No. NSD950 of 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz and others
Applicants

Nick Riemer and another
Respondents

To the Applicants and the First Respondent

The Second Respondent applies for the interlocutory orders 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.

Time and date for hearing: [Registry will insert time and date]

Place: 184 Philip Street Sydney

The Court ordered that the time for serving this application be abridged to [Registry will insert date, if applicable]

Date: 28 August 2025

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

Filed on behalf of (name & role of party) The University of Sydney, the Second Respondent
Prepared by (name of person/lawyer) Stephen Woodbury
Law firm (if applicable) Ashurst Australia
Tel +61 2 9258 6444 Fax _____
Email Stephen.Woodbury@ashurst.com
Address for service Level 8, 39 Martin Place, Sydney, NSW, 2000, Australia
(include state and postcode)



Interlocutory orders sought

1. Pursuant to s 31A of the *Federal Court of Australia Act 1976* and rule 26.01(a) and (c) of the *Federal Court Rules 2011 (Cth)* (**Rules**), the following parts of the Amended Statement of Claim filed in this proceeding on 30 July 2025 (**ASOC**) be summarily dismissed:
 - a. Paragraphs 52 and 53 and 60;
 - b. Paragraphs 86 - 89 in so far as they relate to paragraphs 52, 53 and 60; and
 - c. Paragraphs 90 – 94.
2. Pursuant to rule 16.21 of the Rules, the following parts of the ASOC be struck out with no leave to replead:
 - a. The word “*descent*” in paragraph 8(a) and the word “*nationality*” in paragraph 8(b);
 - b. The words “*and/or cumulatively and/or collectively*” in paragraph 86;
 - c. Paragraph 88(a) and (c).
3. Costs in the cause.
4. Such other order as the Court deems fit.

Service on the Applicants and the First Respondent

It is intended to serve this application on the Applicants and the First Respondent.

Date: 28 August 2025

A handwritten signature in blue ink, appearing to read "S. Woodbury", written over a horizontal line.

Signed by Stephen Woodbury
Lawyer for the Second Respondent