

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:	23/12/2025 6:52:24 PM AEDT
Date Accepted for Filing:	24/12/2025 12:20:28 PM AEDT
File Number:	NSD951/2025
File Title:	JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR
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



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.

Form 35
Rule 17.01(1)



Interlocutory application

No. NSD951 of 2025

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

Joseph Toltz & Ors named in schedule

Applicants

John Keane & Anor named in schedule

Respondents

To the Respondents

The Applicants apply 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:

Place: Sydney

The Court ordered that the time for serving this application be abridged to

Date: 23 December 2025

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

Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Upekha Wedage
Law firm (if applicable) Rotstein Commercial Lawyers
Tel 61 3 90988785 Fax _____
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(include state and postcode) _____



Interlocutory orders sought

1. The Court vacates the previous timetable made pursuant to the orders of 2 December 2025 and in lieu thereof makes the orders in accordance with Schedule A to this interlocutory application.
2. The Court hears this application in Chambers on the papers in the absence of the parties.

Service on the Respondents

It is intended to serve this application on all Respondents.

Date: 23 December 2025

A handwritten signature in black ink, appearing to read "Upekha Wedage", written over a horizontal dotted line.

Signed by Upekha Wedage
Lawyer for the Applicants



Schedule A

1. The Applicants serve particulars of the matters pleaded in paragraphs 23 and 54(f) of the Statement of Claim, as requested by the Second Respondent, by 13 February 2026.
2. The Applicants file and serve an Amended Statement of Claim (ASOC), in accordance with order 3 of the orders made on 14 November 2025, by 13 February 2026.
3. The Applicant have leave to file an amended Originating Application adding Andy Smidt as the fifth applicant by 13 February 2026.
4. The First Respondent file and serve his Defence to the ASOC by 6 March 2026.
5. The Second Respondent file and serve its Defence to the ASOC by 13 March 2026.
6. The Applicants file and serve any Reply to the Respondents' Defences by 3 April 2026.
7. The matter be listed for further case management hearing on [17 April 2026 or such other date convenient to the Court].
8. The First Respondent file and serve any written submissions on the costs of the interlocutory application filed on 1 August 2025, including as to whether the issue of costs should be determined on the papers, by 13 February 2026.
9. Any other party seeking to be heard on the costs of the interlocutory application filed on 1 August 2025 is to file and serve written submissions in response by 27 February 2026, including as to:
 - a. whether the issue should be reserved for determination as part of the final judgment in the proceeding; and
 - b. whether the issue should be determined on the papers.
10. If no submissions are filed in accordance with order 8, the issue of costs will remain reserved and will be dealt with as part of the final judgment.
11. Liberty to apply.



Schedule

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

No. NSD951/2025

Applicants

Second Applicant: Suzanne Rutland

Third Applicant: Ariel Eisner

Fourth Applicant: Yaniv Levy

Respondents

Second Respondent: The University of Sydney

Date: 23 December 2025