

NOTICE OF FILING

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Details of Filing

Document Lodged:	Chronology
File Number:	NSD679/2019
File Title:	NATIONWIDE NEWS PTY LIMITED & ANOR v GEOFFREY ROY RUSH
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink, reading "Warwick Soden".

Dated: 14/10/2019 4:26:48 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 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.

NATIONWIDE NEWS PTY LTD & ANOR

Appellants

GEOFFREY RUSH

Respondent

NSD 679 of 2019

RESPONDENT'S CHRONOLOGY

No.	Date	Event	Reference
1.	From approximately 1978 onwards	Over a period of approximately 40 years, Mr Rush developed a reputation as one of Australia's finest actors. He is one of only 24 people to have won the "Triple Crown of Acting" (an Academy Award, a Primetime Emmy Award, and a Tony Award); he was the first actor to win the Academy Award, BAFTA Award, Critics' Choice Movie Award, Golden Globe Award, and Screen Actors Guild Award for a single performance in film for <i>Shine</i> in 1996; he has won, among many other awards, an Academy Award, three BAFTA awards, two Golden Globe awards, four Screen Actor Guild Awards, three AFI Awards, and two Helpmann Awards; he was in 2012 named Australian of the Year for services to the arts and community; and he was in 2014 awarded a Companion of the Order of Australia.	Part B, Tab 33 (Exhibit A-4) Part B, Tab 57 (Exhibit A-28)

Eryn Jean Norvill

2.	2008	Mr Rush first saw Ms Norvill in a production of Anton Chekhov's <i>Platonov</i> , which was directed by Simon Stone. Mr Rush had attended the performance with Neil Armfield.	T74.11-21 T216.18-26 T507.41-47
3.	2011 to 2013	Mr Rush saw Ms Norvill in <i>Hamlet</i> at the Melbourne Theatre Company (MTC) in around 2011/2012, then in <i>Cyrano de Bergerac</i> , then in <i>The Government Inspector</i> . Prior to the matters complained of, Mr Rush attended between 20 and 30 theatre productions per year (T252.37-45).	T74.20-25
4.	Mid-2014	Ms Norvill asked Mr Rush to write her a reference. Mr Rush agreed. He gave evidence he had often been asked to prepare such references, and has done so about 25 times over the last 20 years. For example, he wrote a reference for Mark Leonard Winter (T676.17-23).	T109.5-21 T508.20-40
5.	From 20 April 2014	Mr Rush and Ms Norvill start to exchange texts. They developed a game in which they would use homophones for their names - " <i>a kind of wordplay one upmanship</i> " (T109.40).	Part B, Tab 48 (Exhibit A-19) T108.34-36 T109.40-41 T509.46-T510.7

6.	20 April 2014	<p>SMS from Ms Norvill to Mr Rush:</p> <p><i>See you tonight Jet Lee Thrust</i></p> <p><i>x</i></p>	Part B, Tab 48 (Exhibit A-19 - Court Book Tab 110, p.12/5)
7.	26 April 2014	<p>SMS from Ms Norvill to Mr Rush:</p> <p><i>Ahem God of Generic Lust. We are Supper-ing tomorrow night after the showsy. If you're about. Yullis on crown about 7. Ear and Jam Novelty xx</i></p>	Part B, Tab 48 (Exhibit A-19 - Court Book Tab 110, pp.12/5-6)
8.	27 April 2014	<p>SMS from Ms Norvill to Mr Rush:</p> <p><i>Ah Geraldine Nuf Nuf. Yes we are but it's only Zahra and moi and a few stragglers. But come. We are out the back x</i></p>	Part B, Tab 48 (Exhibit A-19 - Court Book Tab 110, pp.12/8-9)
		<p>SMS from Ms Norvill to Mr Rush:</p> <p><i>do it GR BANG BANG</i></p>	Part B, Tab 48 (Exhibit A-19 - Court Book Tab 110, p.12/9)
9.	28 April 2014	<p>SMS from Ms Norvill to Mr Rush:</p> <p><i>Gary,</i></p> <p><i>'Twas a delight to see the Gentle Riddler last night. Such very good company. I will stay in touch and as intriguing as an Eery Jaunty Novella. Thank you and the God of Ra for the meal. Very kind. See you very soon I hope xoxo</i></p>	Part B, Tab 48 (Exhibit A-19 - Court Book Tab 110, pp.12/10-11)

		<i>Meringue Jam Novelty</i>	
10.	24 May 2014	<p>SMS from Ms Norvill to Mr Rush:</p> <p><i>Giddy McHeadRush..! xx</i></p> <p><i>How's it? Myself and the team are on our last legs of the tour. Mildly entertaining but mostly offending the rural towns of Australia.</i></p> <p><i>Genuinely Plushly...I've made a plan to be in the US next year for a while and thought id ask you if your offer of AI assistance was still a plausible and palatable one...JERROBANG..JERROBANG.</i></p> <p><i>Let me know,</i></p> <p><i>BPAY</i></p> <p><i>aka Ellen DeJeanerous</i></p>	<p>Part B, Tab 48 (Exhibit A-19 - Court Book Tab 110, p.12/13)</p>
11.	2 to 10 June 2014	<p>Mr Rush and Ms Norvill exchange emails, in which Mr Rush provides Ms Norvill with a written reference.</p>	<p>Part B, Tab 49 (Exhibit A-20)</p> <p>Part B, Tab 50 (Exhibit A-21)</p>

12.	28 August 2014	<p>SMS from Ms Norvill to Mr Rush:</p> <p><i>Gruff Gruff. It's my birthday. If you're in Sydney come celebrate it with me xx EJ</i></p> 	Part B, Tab 48 (Exhibit A-19 - Court Book Tab 110, pp.12/14-15)
13.	4 September 2014	<p>SMS from Ms Norvill to Mr Rush:</p> <p><i>Jersey Cream Filled Puff. So excellent to see you also. Can't wait to catch your Leary King. I was thinking last night I hope we get to work together soon. ebay xxx</i></p>	Part B, Tab 48 (Exhibit A-19 - Court Book Tab 110, pp.12/16-17)

14.	6 September 2014	<p>SMS from Ms Norvill to Mr Rush:</p> <p><i>Galapagos Lusty Thrust. Please come celebrate my birthday. From 7pm.</i> [REDACTED] EJ xx</p>	Part B, Tab 48 (Exhibit A-19 - Court Book Tab 110, pp.12/18-19)
		<p>Further SMS from Ms Norvill to Mr Rush:</p> <p><i>Of course Double Jeopardy Shush Sush. Come when you can x</i></p>	Part B, Tab 48 (Exhibit A-19 - Court Book Tab 110, p.12/19)
		<p>Mr Rush was invited to, and attended, Ms Norvill's birthday party.</p>	<p>Part B, Tab 48 (Exhibit A-19 - Court Book Tab 110, p.12/15-20)</p> <p>T108.44-46</p>
15.	12 September 2014	<p>SMS from Ms Norvill to Mr Rush:</p> <p><i>Gatsby de Bottlebrush..</i></p> <p><i>It was lovely having you at my birthday celebrations. Hope filming is going well this week. I'm heading to the Children of the sun tonight. Hopefully see you there. I like our collisions it gives a glee to the usual foyer glum.</i></p> <p><i>Talk soon,</i></p> <p><i>Bear 'n' Grin x</i></p>	Part B, Tab 48 (Exhibit A-19 - Court Book Tab 110, pp.12/20)

16.	Approximately March 2015	Mr Rush returned from shooting <i>Pirates of the Caribbean</i> and saw Ms Norvill's performance in <i>Suddenly Last Summer</i> . After the show, he met the cast. He had attended with his voice coach and friend, Barbra Berkery. Other than Ms Norvill, Mr Rush knew others in the cast including Robyn Nevin and Mr Winter. During the hearing, for the first time, Ms Norvill made allegations about Mr Rush's behaviour after that show, including that he " <i>stood very close to her</i> ".	T75.8-19 T216.37-42
<i>King Lear</i>			
17.	2009	Mr Rush and Mr Armfield had discussed a production of <i>King Lear</i> as early as 2009.	T71.33-34
18.	Early 2014	Mr Rush was approached by Andrew Upton, the Artistic Director of the Sydney Theatre Company (STC). Mr Upton was programming his final, " <i>farewell season</i> " at the STC. He said he wanted to do <i>King Lear</i> with Mr Armfield and Mr Rush - he said " <i>I want to do the greatest play with what I regard as the greatest actor in the country and the greatest director in the country</i> ". Later, there was a preliminary read through of the play at Mr Armfield's house (T72.10-11).	T71.34-T72.16
19.	Mid-2014	They did promotional photographs, which were converted into a brochure which was released in the second half of 2014.	T72.15-20

20.	Early 2015	Mr Rush's preparation for <i>King Lear</i> began. This included reading through the script with the creative team in approximately March/April 2015 (T75.16-21), then learning the script over the course of several months (at the same time he was shooting <i>Pirates of the Caribbean</i> in Queensland). He worked with a voice coach. He analysed the script and took very detailed notes.	T75.11-T76.18 Part B, Tab 36 (Exhibit A-7)
21.	25 March 2015	Mr Rush signed a "Deal Memo", in which he agreed to play the title role in the STC's production of <i>King Lear</i> and be paid \$2,815.00 per week for rehearsals and \$2,815.00 per week for performances.	Part B, Tab 85 (Exhibit A-56)
22.	July 2015	Ms Norvill was cast as Cordelia. She was cast by Mr Armfield (T242.42-43; T283.28-38).	T73.36-39 T513.46-47
23.	12 October 2015	Rehearsals for <i>King Lear</i> commence.	Part B, Tab 86 (Exhibit A-57 - Court Book Tab 114, p.12/29) Part B, Tab 88 (Exhibit A-59) T86.6-7 T515.19-20

24.	12 October 2015 to 23 November 2015	<p>Allegation two. During the rehearsal period, Mr Rush "<i>regularly made comments or jokes about [Ms Norvill] or her body which contained sexual innuendo</i>". This conduct was said to have occurred in the presence of members of the cast and crew.</p> <p>(Rush No 7 at [233]; Second Further Amended Defence at [16]).</p>	<p>Ms Norvill's evidence: T517.12-T518.47, T519.30-44</p> <p>Mr Rush's evidence: T113.31-47, T173.1-T174.6, T179.37-T181.25</p> <p>Mr Armfield's evidence: T291.1-19, T311.6-36</p> <p>Ms Buday's evidence: T357.22-T358.24, T366.37-T367.12</p> <p>Ms Nevin's evidence: T466.5-22</p>
		<p>Allegation three. During the rehearsal period, Mr Rush would "<i>regularly (every few days) make lewd gestures in [Ms Norvill's] direction</i>" and "[o]n a number of occasions this comprised [Mr Rush] looking at [Ms Norvill], sticking his tongue out and licking his lips and using his hands to grope the air like he was fondling [Ms Norvill's] hips or breasts".</p> <p>(Rush No 7 at [234]; Second Further Amended Defence at [17]).</p>	
25.	13 October 2015	<p>Mr Rush signed a contract for the <i>King Lear</i> production, which confirmed (p.12/29) his agreement to accept \$2,815.00 per week for rehearsals and \$2,815.00 per week for performances.</p>	<p>Part B, Tab 86 (Exhibit A-57)</p>

26.	30 October 2015	The rehearsal schedules show that the final scene (Act V Scene III) was first rehearsed in the third week, on 30 October 2015.	Part B, Tab 88 (Exhibit A-59)
		<p>Allegation one. On one occasion when Mr Rush and Ms Norvill were rehearsing the final scene, in which Cordelia is dead and King Lear is grieving over her dead body, Ms Norvill saw Mr Rush "<i>hovering his hands over her torso and pretending to caress or stroke her upper torso</i>" and then make "<i>groping gestures in the air with two cupped hands, which gestures were intended to simulate and did in fact simulate him groping and fondling [Ms Norvill's] breasts</i>". This incident was alleged to have occurred in front of other members of the cast and perhaps crew.</p> <p>(Rush No 7 at [232]; Second Further Amended Defence at [15]).</p>	<p>Ms Norvill's evidence: T516.7-T517.10</p> <p>Mr Rush's evidence: T113.23-29</p> <p>Mr Armfield's evidence: T290.38-47; T311.13-25</p> <p>Ms Buday's evidence: T357.5-11; T359.25-44</p> <p>Ms Nevin's evidence: T465.35-T466.3</p>
27.	13 November 2015	Mr Rush attended the opening night of <i>Orlando</i> with Ms Norvill and Mr Winter. Mr Rush's daughter also attended as Mr Rush's date.	<p>T110.26-45</p> <p>T611.6-24</p>
28.	16 November 2015	Technical production week for <i>King Lear</i> commences.	T523.15-16

29.	17 November 2015	<p>Mr Rush attended an interview¹ with each of King Lear's daughters - Ms Buday (Goneril), Ms Norvill (Cordelia) and Ms Thomson (Regan). It was conducted on the premises of the STC (Exhibit A-59 - p.12/140). It was published by the <i>Sydney Morning Herald</i> on 19 November 2015. Ms Norvill said of Mr Rush (Exhibit R-9 - p.12/173):</p> <p><i>I love Geoffrey's ebullience and that's really something because this play looks into some deep dark holes in humanity...Sometimes fear can get into a rehearsal room and rot it. Nervousness, formality, all that bullshit. But Neil and Geoffrey work from moment to moment and we're all on the same journey together.</i></p> <p>Allegation four. During an interview with a journalist, Mr Rush described himself having a "<i>stage-door Johnny crush</i>" on Ms Norvill.</p> <p>(Rush No 7 at [235]; Second Further Amended Defence at [18]).</p>	<p>Part B, Tab 19 (Exhibit R-9)</p> <p>Ms Norvill's evidence: T521.30-T522.28</p> <p>Mr Rush's evidence: T116.21-T117.2, T241.1-46</p> <p>Mr Armfield's evidence: T290.29-36</p> <p>Ms Buday's evidence: T352.40-T353.20</p>
30.	24 November to 27 November 2015	<p>There were four previews of the play. Mr Armfield gave notes after each preview, which were emailed to the cast by the Stage Manager. He then spoke to the cast before the next performance.</p>	<p>Part B, Tab 39 (Exhibit A-10)</p> <p>Part B, Tab 40 (Exhibit A-11)</p> <p>Part B, Tab 41 (Exhibit A-12)</p> <p>Part B, Tab 42 (Exhibit A-13)</p> <p>Part B, Tab 43 (Exhibit A-14)</p>

¹ This was one of a number of interviews that Mr Rush did to promote the play - see, for example, Part B, Tab 88 (Exhibit A-59 - Court Book Tab 115, pp.12/70, 12/71, 12/72, 12/76, 12/79.

			Part B, Tab 44 (Exhibit A-15) Part B, Tab 45 (Exhibit A-16) Part B, Tab 46 (Exhibit A-17)
		<p>Allegation five. During a preview performance of the play, Mr Rush departed from the way that the last scene had previously been performed in that he "<i>did not touch [Ms Norvill's] hand and face as had been repeatedly rehearsed but rather [he] moved his hand so that it traced down [Ms Norvill's] torso and across the side of her right breast</i>". The following day, Mr Armfield allegedly gave Mr Rush an oral "<i>note</i>", apparently in the presence of other cast members, in which he said that Mr Rush should make his performance in the last scene more "<i>paternal</i>" as it was becoming "<i>creepy and unclear</i>". Mr Armfield was also said to have directed Mr Rush not to stroke Ms Norvill's body but to place his hand lightly on the side of her face and arm instead.</p> <p>(Rush No 7 at [236]; Second Further Amended Defence at [19]-[20]).</p>	Ms Norvill's evidence: T525.42-528.18, T529.1-16 Mr Rush's evidence: T115.1, T201.16-T202.4, T203.1-43 (see in general Mr Rush's unchallenged evidence about his preparation for this scene, at T102.30-T107.12 but particularly T107.6-12) Mr Armfield's evidence: T291.26-T292.5, T295.28-45, T299.36-T304.2, T304.45-T305.14, T309.22-25 Ms Buday's evidence: T358.26-46 Ms Nevin's evidence: T467.21-27
31.	28 November 2015	The opening night of <i>King Lear</i> .	Part B, Tab 85 (Exhibit A-56) Part B, Tab 86 (Exhibit A-57) T88.26-29

32.	Late November or early December 2015	<p>Ms Norvill gave an interview to the <i>Daily Telegraph</i> in which she said of Mr Rush:</p> <p><i>[He] is always flipping the coin to see what's underneath...Geoffrey is just forever playful. He's so generous he's very cheeky which is perfect for me. I feel very privileged to work with him and proud to be his 'favourite daughter'.</i></p>	Part B, Tab 89 (Exhibit A-60)
33.	Between 14 and 26 December 2015	<p>Allegation six. This incident is said to have occurred during a performance which occurred at some time between 14 and 26 December 2015. The final scene of the play involved Mr Rush carrying Ms Norvill onto the stage in his arms. Immediately before that occurred, Ms Norvill stood on a chair backstage in the prompt side wings so as to facilitate Mr Rush lifting her into his arms before carrying her onto the stage. It is alleged that in a performance during this period, before lifting Ms Norvill from the chair, Mr Rush placed his hand on Ms Norvill's lower back over her shirt. He then moved his hand under her shirt and along the waistline of Ms Norvill's jeans, brushing across the skin of her lower back. The movement is alleged to have been "<i>light in pressure, slow and...deliberate</i>", and to have lasted for about 20 to 30 seconds.</p> <p>(Rush No 7 at [237]; Second Further Amended Defence at [21]-[22]).</p>	<p>Ms Norvill's evidence: T534.46-T536.34</p> <p>Mr Rush's evidence: T117.4-19, T207.4-9, T207.35-41, T208.27-T211.35</p>
34.	22 December 2015	The STC filmed one of the performances of the play. Mr Rush and Mr Armfield confirmed it was (subject to minor variations) typical of the performances.	<p>Part B, Tab 38 (Exhibit A-9)</p> <p>T89.27-38</p> <p>T288.44-46</p>

35.	25 December 2015	Mr Rush and his friends attended a Christmas Party at Ms Norvill's invitation at her parents' home. Ms Norvill initially denied that she invited Mr Rush (T537.23-26; T611.26-29), but then admitted she invited him (T611.31-41). Mr Rush's friends, who were visiting from overseas, were also invited by Ms Norvill (T111.4-30).	T111.1-30 T611.26-46
36.	Between 4 and 9 January 2016	Allegation seven. This incident again concerned an incident that occurred immediately prior to Mr Rush lifting Ms Norvill from the chair before carrying her on stage for the final scene. The incident is said to have occurred during a performance in the period 4 to 9 January 2016. On this occasion, Mr Rush is alleged to have started to touch Ms Norvill's lower back on top of her shirt. He then gently rubbed his fingers over Ms Norvill's lower back from right to left. (Rush No 7 at [238]; Second Further Amended Defence at [23]).	Ms Norvill's evidence: T540.30-T541.39 Mr Rush's evidence: T117.4-19, T211.37-T212.11
37.	6 to 7 January 2016	Mr Rush received an email from Andrew Bovell, a playwright. Mr Bovell praised the show, and particularly the relationship between King Lear and Cordelia. Mr Rush forwarded the email to Ms Norvill. Ms Norvill responded: <i>That was wonderful.</i> <i>Thanks for sending it through Dearest Daddy DeGush.</i> <i>xoxo</i>	Part B, Tab 51 (Exhibit A-22)

38.	9 January 2016	Mr Rush attended the closing night party. He did not specifically recall seeing Ms Norvill. He did not follow Ms Norvill into the female bathroom (as alleged in the Amended Defence at [23], [23A], [23B] (Part A, Tab 4, p.6)).	T117.21-T118.5 T215.1-2 T557.42-T558.22
39.	5 April 2016	Ms Norvill met with Annelies Crowe, at a bar in Annandale.	Part B, Tab 97 (Exhibit A-68)
40.	6 April 2016	Ms Crowe sent an email to Patrick McIntyre, Rachael Azzopardi and Serena Hill of the STC providing allegations by Ms Norvill against Mr Rush (the Crowe Email).	Part B, Tab 97 (Exhibit A-68)
41.	10 May 2016	In a media release on 10 May 2016, the STC described a highlight of 2015 as <i>"the return of Geoffrey Rush to the STC, tackling one of the great roles of the canon, Lear in a bold production by director Neil Armfield"</i> .	Part B, Tab 90 (Exhibit A-61 - p.12/721B)
42.	10 June 2016	Mr Rush (oblivious to Ms Norvill's discussion with Ms Crowe and the Crowe Email) sent an SMS to Ms Norvill about her opening night in the Arthur Miller play <i>All My Sons</i> . The play also featured Ms Nevin (to whom Mr Rush had also sent a message).	Part B, Tab 11 (Exhibit R-1) T141.35-45
43.	June/July 2016	Ms Norvill and Ms Nevin both appear in <i>All My Sons</i> .	T474.13-18; T544.36-42
44.	June 2017	Mr Rush is engaged to perform the role of Malvolio in the MTC production of <i>Twelfth Night</i> . Rehearsals were to commence on 1 October 2018, previews were to commence on 12 November 2018, and performances were to run from 16 November 2018 to 5 January 2019.	Part B, Tab 58 (Exhibit A-29)

<i>The matters complained of</i>			
45.	10 November 2017	Mr Rush was contacted by a journalist of <i>The Australian</i> .	Part B, Tab 12 (Exhibit R-2)
46.	10 November 2017	Mr Rush was advised by Stan Rosenfield (his PR consultant in the US) to contact the STC. He telephoned the STC and spoke to Patrick McIntyre. Mr McIntyre refused to give Mr Rush any details because, he said, the complainant had requested anonymity and Mr Rush was no longer an employee of the STC (T55.24-31).	T53.19 - T55.31
47.	23 November 2017	The second appellant, Jonathan Moran, sent an email to Liz Mullinar, Heal for Life, asking to be put in touch with " <u>anyone</u> willing to speak on the local industry in relation to Weinstein and <u>any</u> local Australian angles" [added emphasis].	Part B, Tab 67 (Exhibit A-38)
48.	29 November 2017	Mr Moran informed the STC over the phone that the <i>Daily Telegraph</i> would be running a story about Mr Rush on the front page. Katherine Stevenson, the Public Relations Manager of the STC, urged Mr Moran not to publish the story because, she said, it was the complainant's decision " <i>if/when to tell story</i> " and it was " <i>her story to tell and she should tell it</i> ".	Part B, Tab 68 (Exhibit A-39)
49.	29 November 2017 (at 4.07pm)	Ms Stevenson sent an email to Patrick McIntyre, and others at the STC, informing them she had provided a statement to the <i>Daily Telegraph</i> .	Part B, Tab 69 (Exhibit A-40)
50.	29 November 2017 (at 5.06pm)	Mr Moran sent an email to Mr Rush's Australian agent, Ann Churchill-Brown.	Part B, Tab 34 (Exhibit A-5)

51.	29 November 2017 (at 6.33pm)	Ms Stevenson sent an email to Mr Moran, repeating her view that the complainant should have the right to tell the story " <i>at a time of her choosing - and on her own terms</i> ". She said the complainant " <i>does not want any part in this story</i> ".	Part B, Tab 70 (Exhibit A-41)
52.	29 November 2017 (at 8.03pm)	Mr Rush engaged his solicitor, Mr Nicholas Pullen, to respond to Mr Moran's email. Mr Pullen sent an email to Mr Moran clearly marked " <i>NOT FOR PUBLICATION</i> ". Mr Rush denied the allegations.	Part B, Tab 35 (Exhibit A-6)
53.	30 November 2017	Publication of the first and second matters complained of.	Part B, Tab 30 (Exhibit A-1) Part B, Tab 31 (Exhibit A-2)
54.	30 November 2017	Mr Moran tweeted an image of the second matter complained of.	Part B, Tab 59 (Exhibit A-30)
55.	30 November 2017	Brandon McClelland, an actor who had <u>not</u> been involved in <i>King Lear</i> tweeted: <i>Believe the women. This wasn't just once. It wasn't a misunderstanding. It wasn't a joke.</i>	Part B, Tab 71 (Exhibit A-42)
56.	30 November 2017	Meyne Wyatt, who had played Edmund in <i>King Lear</i> , posted the following Facebook post: <i>I was in the show. I believe whoever has come forward. It's time for Sydney Theatre Company and the industry in Australia and worldwide as a whole to</i>	Part B, Tab 72 (Exhibit A-43)

		<i>make a stand on this behaviour!!! It's been going on for far too long! And this culture of protecting people in power has to stop.</i>	
57.	30 November 2017 (at 2.37pm)	<p>Mr McClelland sent a Facebook message to Mr Moran:</p> <p><i>My tweet was not directly related to any particular individual and I am not able to comment on the complaint filed at STC as I do not have intimate or first hand knowledge regarding that production. I'm sorry.</i></p>	Part B, Tab 74 (Exhibit A-45)
58.	30 November 2017 (at 4.05pm)	<p>The STC sent the following statement to Mr Moran:</p> <p><i>Sydney Theatre Company was asked by a News Ltd journalist earlier this month whether it had received a complaint alleging inappropriate behaviour by Mr Rush while he was employed by the company. STC responded truthfully that it had received such a complaint.</i></p> <p><i>At that time the complaint was made, the complainant requested that the matter be dealt with confidentially, and did not want Mr Rush notified or involved in any investigation. STC complied, acting in the interest of the complainant's health and welfare. As already stated, the Company received the complaint after Mr Rush's engagement had ended.</i></p> <p><i>STC has at all times been clear that this was an allegation made to (not by) STC and not a conclusion of impropriety."</i></p>	<p>Part B, Tab 75 (Exhibit A-46)</p> <p>Part B, Tab 76 (Exhibit A-47)</p>
59.	30 November 2017 (at 5.08pm)	<p>In response to an earlier email from Mr Moran (at 2.28pm) requesting a statement "confirming Patrick McIntyre spoke with Geoffrey Rush regarding allegations highlighted in today's article", Ms Stevenson responded:</p> <p><i>A senior member of the STC management team spoke to Geoffrey Rush on or around the 9 or 10 of November. This person did not pass on any specific</i></p>	Part B, Tab 77 (Exhibit A-48)

		<i>information regarding the nature of the complaint to Mr Rush as they were maintaining the confidentiality of the complainant, however Mr Rush was aware that a complaint had been made.</i>	
60.	30 November 2017 (at 6.20pm)	Mr Moran sent a further email to Mr Rush's agent with further questions. There was no mention of the third matter complained of to be published the following day.	Part B, Tab 78 (Exhibit A-49)
61.	30 November 2017	After publication of the first and second matters complained of, the STC received requests for comment from media organisations throughout the world.	Part B, Tab 65 (Exhibit A-36)
62.	1 December 2017	Publication of the third matter complained of.	Part B, Tab 32 (Exhibit A-3)
63.	1 December 2017	Mr Moran tweeted a link to the third matter complained of.	Part B, Tab 60 (Exhibit A-31)
64.	1 December 2017	Foxtel and the Seven Network sent a joint letter to AACTA, emphasising that the " <i>entertainment industry, both here and abroad, [was] under intense scrutiny in relation to allegations of unacceptable behaviour</i> " and that they " <i>were concerned to ensure that the Board expresses AACTA's general condemnation of inappropriate behaviour by anyone associated with the industry</i> ".	Part B, Tab 61 (Exhibit A-32)
65.	1 December 2017	Damien Trehwella, the CEO of AACTA/AFI, had a telephone conversation with Mr Rush in which he told him there was a dispute at the Board level, " <i>there was blood on the walls</i> ", and the he would need to resign otherwise he would be asked to resign.	T84.29-39

66.	1 December 2017	Mr Trehwella sent an email to Mr Rush. He said that the stakeholders of AACTA/AFI were " <i>piling on massive pressure</i> " and requested Mr Rush " <i>step aside</i> " as President. He said that there was concern as to whether " <i>our awards next week would have a chance of survival</i> ".	Part B, Tab 17 (Exhibit R-7)
67.	2 December 2017	Mr Rush agreed to step aside from his post as President of the AACTA.	T84.29-T85.46
68.	2 December 2017	Mr Trehwella responded to the letter from Foxtel and Seven Network. He acknowledged the STC's statement about Mr Rush was " <i>serious in nature</i> ", and that Mr Rush had stepped aside as President of the AACTA " <i>until these matters are resolved</i> ".	Part B, Tab 62 (Exhibit A-33)
69.	3 December 2017	Mr Moran sent further questions to Mr Rush's agent. Though Mr Rush had consistently denied the allegations, Mr Moran nonetheless asked him whether he would " <i>like to say sorry to the victim</i> ".	Part B, Tab 79 (Exhibit A-50)
70.	3 December 2017 to 7 December 2017	The appellants continued to publish further articles about Mr Rush - including articles that repeated the allegations conveyed by the matters complained and/or which associated Mr Rush with Harvey Weinstein, Kevin Spacey or Don Burke.	Part B, Tab 66 (Exhibit A-37 - Court Book Tab 61, pp.7/120-137, 7/218-229, 7/297-309, 7/323-327, 7/369, 7/377-382) Part B, Tab 81 (Exhibit A-52) Part B, Tab 83 (Exhibit A-54) - pp.9/126-139)

<i>The proceedings</i>			
71.	8 December 2017	Mr Rush's Originating Application and Statement of Claim filed.	Part A, Tabs 1 and 2
72.	8 December 2017	Chris Dore, the Editor of the <i>Daily Telegraph</i> , stated that the <i>Daily Telegraph</i> stood by and "would defend its accurate reporting".	Part B, Tab 66 (Exhibit A-37 - Court Book Tab 61, pp.7/138-151, 7/204, 7/230, 7/274-276, 7/310, 7/344-346, 7/370-372, 7/383-385, 7/413-415)
73.	31 January 2018	The appellants' solicitor (Mr Todd) had a conversation with the STC's solicitor (Ms Stiel), in which Ms Stiel informed Mr Todd " <i>that Ms Norvill was not willing to speak to the Respondents' legal representatives or give evidence</i> ".	Affidavit of Marlia Saunders dated 31 July 2018 (paragraph 12(c))
74.	1 February 2018	Appellants' Defence filed.	Part A, Tab 3
75.	2 February 2018	Mr Rush serves his Interlocutory Application seeking to strike out the appellants' defence of justification. The application was subsequently filed on 5 February 2018.	-
76.	8 and 19 February 2018	Interlocutory hearing before Wigney J, in relation to Mr Rush's application to strike out the appellants' Defence. During that application, the appellants' Counsel <u>repeatedly</u> asserted that their case was that Mr Rush touched Ms Norvill in a manner that made her " <i>feel uncomfortable</i> ", that she asked him to stop, but that " <i>He didn't. He went on doing it.</i> " (transcript of 19 February	Part B, Tabs 128-129

		2018: T74.21-39, T75.17-23, T76.7-13, T76.34-36, T77.12-19, T79.23-27, T81.34-41, T82.25-46).	
77.	20 February 2018	Appellants' Amended Defence filed.	Part A, Tab 4
78.	20 February 2018	The appellants published further articles on the front pages of both <i>The Daily Telegraph</i> (Exhibit A-54, pp.9/146-148) and <i>The Australian</i> (Exhibit A-54, pp.9/149-150) - publishing allegations in the Amended Defence, including particulars of qualified privilege which they have never asserted are true. Those articles named Ms Norvill, apparently against her wishes. The story also appeared on the front page of the <i>Courier Mail</i> in Queensland (Exhibit A-54, pp.9/151-152), in <i>The Advertiser</i> (Exhibit A-37, pp.7/208-209) and in <i>The Herald Sun</i> (Exhibit A-54, pp.9/153).	Part B, Tab 83 (Exhibit A-54 - Court Book Tabs 101 and 103, pp.9/146-148, 9/149-150, 9/151-153, 9/161-168)
79.	19 March 2018	The appellants published a further article in <i>The Australian</i> which repeated the particular of qualified privilege (never said to be true) that Mr Rush touched Ms Norvill's genitals without her consent.	Part B, Tab 66 (Exhibit A-37 - Court Book Tab 61, pp.7/246-248) Part B, Tab 83 (Exhibit A-54 - Court Book Tab 101, pp.9/154-156)
80.	20 March 2018	<i>Rush v Nationwide News Pty Ltd</i> [2018] FCA 357 (Rush No 1).	Part B, Tab 130
81.	20 to 21 March 2018	The appellants continued to publish particulars of truth which had been struck out by Rush No 1. They also reported the Editor of the <i>Daily Telegraph</i> defending the articles, describing them as "reasonable" (Exhibit A-54, p.9/158).	Part B, Tab 83 (Exhibit A-54 - Court Book Tab 102, pp.9/157-160)

82.	28 March 2018	Mr Rush's Reply filed.	Part A, Tab 5
83.	3 April 2018	The appellants serve applications seeking leave to file a Cross-Claim against the STC and to file a Further Amended Defence. The applications were filed on 4 April 2018.	-
84.	9 April 2018	In opposition to those applications, the affidavit of Mr Pullen is filed.	Part B, Tabs 5 and 5.1
85.	16 April 2018	Hearing before Wigney J, in relation to the appellants' applications for leave to file a Cross-Claim against the STC and to file a Further Amended Defence.	Part B, Tab 133
86.	20 April 2018	<i>Rush v Nationwide News Pty Ltd (No 2)</i> [2018] FCA 550 (Rush No 2).	Part B, Tabs 134
87.	20 April 2018	Tony Wright from December Media Pty Ltd cancels Mr Rush's engagement to narrate a documentary about the Great Barrier Reef. He said he had been contacted by the distributors of the film who " <i>said that they think that [the] Geoffrey situation, while unresolved, is currently an issue for them</i> ".	Part B, Tab 52 (Exhibit A-23)
88.	23 April 2018	Appellants' Further Amended Defence filed.	Part A, Tab 6
89.	27 April 2018	<i>Nationwide News Pty Limited v Rush</i> [2018] FCAFC 70	-
90.	22 May 2018	Letter from HWL Ebsworth Lawyers to Ashurst, providing further particulars of Mr Rush's claim for economic loss.	Part A, Tab 7

91.	June/July 2018	Mr Rush was away with his family in London and Umbria because of the ongoing effect that the matters complained of, the litigation, and the further publicity were having on him and his family (T62.24-25, T63.13-T64.31, T222.30-41, T266.37-T267.26, T468.15-T469.15). He decided to withdraw from <i>Twelfth Night</i> because of the mental state he was in (T62.20-25, T63.23-T64.31, T338.11-37, T339.16-32, T341.5-17).	Part B, Tabs 6 and 6.1 (paragraphs 39 and 40) T62.20-25; T63.13-T64.31; T222.30-41; T266.37-T267.26; T338.11-37; T339.16-32; T341.5-17; T468.15-T469.15
92.	3 July 2018	Mr Rush's Amended Reply filed.	Part A, Tab 8
93.	31 July 2018	The appellants serve an Interlocutory Application seeking leave to file a Second Further Amended Defence and re-introduce a defence of justification, after Ms Norvill agreed to give evidence.	-
94.	3 August 2018	Mr Rush initially opposed that application. The affidavit of Mr Pullen is filed.	Part B, Tabs 6 and 6.1
95.	9 August 2018	Hearing before Wigney J, in relation to the appellants' application for leave to file a Second Further Amended Defence.	Part B, Tab 136
96.	9 August 2018	Orders made by Wigney J	-
97.	10 August 2018	Appellants' Second Further Amended Defence filed, pursuant to order 3 made by Wigney J on 9 August 2018.	Part A, Tab 9
98.	13 August 2018	Ms Norvill signs a 10-page witness statement.	-

99.	20 August 2018	The appellants served outlines of evidence from Ms Norvill and Mr Winter, as well as Ms Crowe and Mr McIntyre of the STC, pursuant to orders 5 and 6 made by Wigney J on 9 August 2018.	
100.	26 September 2018	Counsel for the STC informed the Court that " <i>there was no cooperation</i> " and " <i>no input</i> " from either Ms Crowe or Mr McIntyre in the preparation of their outlines. In fact, the Court was told, the STC did not receive Mr McIntyre's outline until 4 September 2018 and his evidence, if called, would " <i>be different</i> " to what was contained in the outline.	Transcript of hearing before Wigney J on 26 September 2018: T10.20-25
101.	4 October 2018	Appellants serve Outline of Evidence of Colin Moody.	Part B, Tabs 2 and 2.1
102.	8 October 2018	Case management hearing before Wigney J, including in relation to the appellants' application to rely upon the evidence of Colin Moody served out of time.	Part B, Tab 139
103.	10 October 2018	<i>Rush v Nationwide News Pty Ltd (No 4)</i> [2018] FCA 1558 (Rush No 4).	Part A, Tabs 10-11 Part B, Tab 140
104.	22 October 2018 to 9 November 2018	Trial before Wigney J.	Part B, Tabs 113-127
105.	29 October 2018	<i>Rush v Nationwide News Pty Ltd (No 5)</i> [2018] FCA 1622 (Rush No 5).	Part A, Tabs 12-13

106.	30 October 2018	Appellants move on application for leave to file a Third Further Amended Defence. The application could not be heard until 2 November 2018.	Part A, Tab 14 [SUPPRESSED]
107.	6 November 2018	<i>Rush v Nationwide News Pty Limited (No 6)</i> [2018] FCA 1851 (Rush No 6).	Part A, Tabs 15-16
108.	11 April 2019	<i>Rush v Nationwide News Pty Ltd (No 7)</i> [2019] FCA 496 (Rush No 7).	Part A, Tabs 17-18
<i>Appeal</i>			
109.	1 May 2019	Notice of Appeal filed.	Part A, Tab 21
110.	7 June 2019	Amended Notice of Appeal filed.	Part A, Tab 22
111.	5 July 2019	Further Amended Notice of Appeal filed.	Part A, Tab 23
112.	28 August 2019	<i>Rush v Nationwide News Pty Limited (No 8)</i> [2019] FCA 1382 (Rush No 8).	-
113.	28 August 2019	<i>Rush v Nationwide News Pty Limited (No 9)</i> [2019] FCA 1383 (Rush No 9).	-