

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 that reads 'Warwick Soden'.

Dated: 23/09/2019 4:35:00 PM 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 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.



No. NSD 679 of 2019

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

On appeal from the Federal Court of Australia

Nationwide News Pty Limited and another
Appellants

Geoffrey Roy Rush
Respondent

Appellants' Chronology

No.	Date	Event	Reference
1.	February 2008	Respondent and Eryn Jean Norvill meet after she performs in a production of <i>Platonov Recut</i>	Part B Tabs 113 (T74.11-17), 119 (T507.41-508.02)
2.	March – May 2014	Eryn Jean Norvill performs in <i>The Government Inspector</i> at the Belvoir Theatre. Respondent attends the show one night and has a conversation with Ms Norvill and other cast members after the show, during which he offers to write Ms Norvill a letter of reference to assist her in obtaining a US visa	Part B Tab 119 (T508.13-24)
3.	20 April 2014 – 12 September 2014	Respondent and Eryn Jean Norvill exchange text messages	Part B Tab 48 (Exhibit A19)
4.	2 June 2014	Eryn Jean Norvill sends an email to the Respondent providing material for a reference to be written by the Respondent	Part B Tab 49 (Exhibit A20)
5.	5 – 10 June 2014	Respondent and Eryn Jean Norvill exchange emails attaching a reference letter written by the Respondent	Part B Tab 50 (Exhibit A21)

Filed on behalf of	Nationwide News Pty Ltd and Jonathan Moran, Appellants		
Prepared by	Robert Todd		
Law firm	Ashurst Australia		
Tel	(02) 9258 6000	Fax	(02) 9258 6999
Email	Robert.Todd@ashurst.com		
Address for service	Level 9, 5 Martin Place, Sydney NSW 2000 DX 388 Sydney		

No.	Date	Event	Reference
6.	25 March 2015	Respondent agrees to take on title role in the Sydney Theatre Company's production of <i>King Lear</i>	Part B Tab 85 (Exhibit A56)
7.	Circa late March 2015	Respondent attends <i>Suddenly Last Summer</i> , a play in which Eryn Jean Norvill was appearing. Eryn Jean Norvill alleges that after the performance, the Respondent stands very close to Ms Norvill and whispers in her ear in a way that makes her feel uncomfortable. Ms Norvill alleges the Respondent then follows Ms Norvill outside and interrupts her conversation by standing directly in front of her	Part B Tabs 113 (T75.08-10), 119 (T512.14-513.35)
8.	3 July 2015	Eryn Jean Norvill offered role of Cordelia in <i>King Lear</i>	Part B Tab 119 (T513.46-47)
9.	12 October – 21 November 2015	Rehearsals take place for <i>King Lear</i>	Part B Tab 88 (Exhibit A59)
10.	Circa 12 October – 21 November 2015	Eryn Jean Norvill alleges that, during rehearsal of the scene in which King Lear grieves over the body of his dead daughter, Cordelia, the Respondent makes a joke of a sexual nature over Ms Norvill's body at her expense in the presence of the cast, which involves the Respondent gesturing stroking up and down Ms Norvill's torso, gesturing groping or cupping above her breasts, raising his eyebrows, bulging his eyes, smiling and licking his lips (allegation one)	Part B Tabs 119 (T516.07-517.10) 120 (T671.29-672.19)
11.	Circa 12 October – 21 November 2015	Eryn Jean Norvill alleges that, during rehearsals, the Respondent regularly makes comments or jokes about or gestures towards Ms Norvill or about Ms Norvill's body which she finds inappropriate and which make her feel uncomfortable, including motioning in the shape of her body/an hourglass, groping the air, licking his lips, bulging his eyes, sometimes growling and describing her as "yummy" and "scrumptious" (allegations two and three)	Part B Tab 119 (T517.12-518.47, T519.30-44)
12.	16 November 2015	Technical production week commences	Part B Tab 119

No.	Date	Event	Reference
		for <i>King Lear</i>	(T523.15-16)
13.	17 November 2015	Elissa Blake, journalist for the Sydney Morning Herald, interviews the Respondent, Eryn Jean Norvill, Helen Buday and Helen Thomson. During the interview the Respondent describes having a "stage-door Johnny crush" on Ms Norvill (allegation four)	Part B Tabs 88 (Exhibit A59), 119 (T521.30-522.28)
14.	19 November 2015	Sydney Morning Herald publishes article by Elissa Blake titled "Three girls – lucky me! says Geoffrey Rush as he plays in <i>King Lear</i> "	Part B Tab 19 (Exhibit R9)
15.	24-27 November 2015	Preview performances take place for <i>King Lear</i>	Part B Tabs 16 (Exhibit R6), 39-46 (Exhibits A10-A15)
16.	Circa 24-27 November 2015	Eryn Jean Norvill alleges that, in a preview performance of <i>King Lear</i> , during the scene in which King Lear grieves over the body of his dead daughter, Cordelia, the Respondent traces his hand down the torso and across the side of the breast of Ms Norvill in a slow and deliberate manner, in a departure from the way in which the scene had been rehearsed (allegation five)	Part B Tabs 119 (T525.42-528.18), 120 (T672.36-675.01)
17.	Circa 24-27 November 2015	Eryn Jean Norvill alleges that, during a cast meeting following a preview performance of <i>King Lear</i> , director Neil Armfield gives the Respondent an oral note to be more 'paternal' during the scene in which the Respondent is grieving over Cordelia's dead body as the Respondent's actions were becoming 'creepy' and 'unclear'	Part B Tab 119 (T529.01-16)
18.	Circa 24-27 November 2015	Eryn Jean Norvill alleges that, during the preview performances whilst Ms Norvill is standing backstage waiting to be carried on stage by the Respondent, the Respondent touched Ms Norvill on her hand, including brushing his fingers across Ms Norvill's fingers and tracing the palm of her hand with his fingers, on about eight to 10 occasions, maybe a few more	Part B Tab 119 (T532.41-T534.44)

No.	Date	Event	Reference
19.	28 November 2015 – 9 January 2016	Performances take place for <i>King Lear</i>	Part B Tabs 85-86 (Exhibits A56, A57)
20.	Circa 14-26 December 2015	During performances of <i>King Lear</i> whilst Eryn Jean Norvill is standing backstage waiting to be carried on stage by the Respondent, Ms Norvill alleges that the Respondent touches her back above her shirt, rubbing her back from side to side, before moving his hand underneath Ms Norvill's shirt and slowly and lightly tracing his fingers across the bare skin on her back just above the waistline of her jeans (allegation six)	Part B Tab 119 (T534.46-536.34)
21.	3 December 2015	Daily Telegraph publishes article entitled "King Lear star Eryn Jean Norvill spills on Geoffrey Rush, Neil Armfield and the challenge of Shakespeare's women", containing an interview in which Eryn Jean Norvill discussed the Respondent	Part B Tab 89 (Exhibit A60)
22.	25 December 2015	Respondent attends Christmas party hosted by Eryn Jean Norvill	Part B Tabs 114 (T111.01-25); 115 (T215.04-39)
23.	7 January 2016	Respondent and Eryn Jean Norvill exchange emails regarding feedback on <i>King Lear</i> from Andrew Bovell	Part B Tab 51 (Exhibit A22)
24.	Circa 8 January 2016	During a performance whilst Eryn Jean Norvill is standing backstage waiting to be carried on stage by the Respondent, Ms Norvill alleges that the Respondent touches the lower back of Ms Norvill above her shirt, rubbing her back from side to side. Ms Norvill tells the Respondent to "Please stop that" (allegation seven)	Part B Tab 119 (T540.30- 541.39)
25.	9 January 2016	Respondent and Eryn Jean Norvill attend the <i>King Lear</i> closing night party	Part B Tabs 114 (T117.21-24); 119 (T557.42-558.04); 120 (T592.23-29, 602.03-06)
26.	9 January 2016	Eryn Jean Norvill states that on this night she tells Annelies Crowe, Company Manager at the Sydney Theatre Company (STC) that she has had a "bad	Part B Tab 119 (T558.27-31)

No.	Date	Event	Reference
		time" with the Respondent	
27.	5 April 2016	Eryn Jean Norvill meets with Annelies Crowe to discuss her complaints about the Respondent	Part B Tab 97 (Exhibit A68)
28.	6 April 2016	Annelies Crowe sends an email to Patrick McIntyre, Rachael Azzopardi and Serena Hill of the STC, regarding her conversation with Eryn Jean Norvill	Part B Tab 97 (Exhibit A68)
29.	10 June 2016	Respondent sends a text message to Eryn Jean Norvill	Part B Tab 11 (Exhibit R1)
30.	Circa June – July 2016	Eryn Jean Norvill states that during this period she has a conversation with Robyn Nevin during the run of the production of <i>All My Sons</i> about the Respondent's behaviour during <i>King Lear</i>	Part B Tab 119 (T544.36-546.08)
31.	27 June 2017	The Respondent agrees to appear in the Melbourne Theatre Company's (MTC) production of <i>Twelfth Night</i>	Part B Tab 58 (Exhibit A29)
32.	10 November 2017	The Respondent telephones Damien Trehwella, CEO of the Australian Academy of Cinema Television Arts (AACTA), previously known as AFI	Part B Tab 13 (Exhibit R3)
33.	14 November 2017	Damien Trehwella sends an email to AFI Board regarding his conversation with the Respondent	Part B Tab 13 (Exhibit R3)
34.	30 November 2017	First Appellant publishes the First Matter Complained Of	Part A Tab 1; Part B Tab 30 (Exhibit A1)
35.	30 November 2017	First Appellant publishes the Second Matter Complained Of	Part A Tab 1; Part B Tab 31 (Exhibit A2)
36.	1 December 2017	First Appellant publishes the Third Matter Complained Of	Part A Tab 1; Part B Tab 32 (Exhibit A3)
37.	1 – 15 December 2017	Robyn Nevin and Eryn Jean Norvill exchange text messages regarding Matters Complained Of	Part B Tab 20 (Exhibit R10)
38.	1 December 2017	Damian Trehwella sends an email to the Respondent requesting he step aside as President of AFI/AACTA	Part B Tab 17 (Exhibit R7)

No.	Date	Event	Reference
39.	3 December 2017	The Second Appellant sends an email to the Respondent's agent, Ann-Churchill Brown, requesting further comment on the accusations of inappropriate behaviour made against the Respondent	Part B Tab 79 (Exhibit A50)
40.	8 December 2017	Respondent files an Originating Application and Statement of Claim in the Federal Court of Australia (Proceeding No. NSD 2179/2017) (the Primary Proceedings)	Part A Tabs 1 and 2
41.	21 December 2017	The Chairman, CEO and Board of AFI/ACTA send a letter to the Respondent apologising to him	Part B Tab 37 (Exhibit A8)
42.	1 February 2018	The Appellants file their Defence	Part A Tab 3
43.	19 February 2018	Hearing before Primary Judge regarding Respondent's strike-out application, Respondent's suppression order application and Appellants' subpoena to the STC. The interim suppression order in relation to the Defence is vacated	Part B Tab 129
44.	20 February 2018	The Appellants file their Amended Defence	Part A Tab 4
45.	20 March 2018	Judgment delivered in relation to strike-out application and STC subpoena application (<i>Rush v Nationwide News Pty Limited</i> [2018] FCA 357)	Part B Tabs 130, 145
46.	16 April 2018	Hearing regarding Appellants' application for leave to file a Further Amended Defence and cross-claim against the STC	Part B Tab 133
47.	20 April 2018	Judgment delivered in relation to Appellants' application for leave to file a Further Amended Defence and cross-claim (<i>Rush v Nationwide News Pty Limited (No 2)</i> [2018] FCA 550)	Part B Tabs 134, 146
48.	20 April 2018	Tony Wright, Creative Director and Executive Producer at December Media, sends an email to Ann Churchill-Brown regarding Respondent's voiceover role	Part B Tab 52 (Exhibit A23)
49.	23 April 2018	The Appellants file their Further	Part A Tab 6

No.	Date	Event	Reference
		Amended Defence	
50.	9 June 2018	Respondent sends an email to Brett Sheehy, artistic director at the MTC, regarding his possible withdrawal from MTC production of <i>Twelfth Night</i>	Part B Tab 18 (Exhibit R8)
51.	Circa 17-29 June 2018	Respondent tells Simon Phillips, director of <i>Twelfth Night</i> , that he may have to withdraw from the production	Part B Tab 113 (T63.23-34)
52.	8 August 2018	Hearing before Primary Judge in relation to Appellants' application for leave to file Second Further Amended Defence and timetable for evidence	Part B Tab 136
53.	9 August 2018	The Appellants file their Second Further Amended Defence	Part A Tab 9
54.	4 October 2018	Appellants serve outline of evidence of Colin Moody on the Respondent	Part B Tabs 2 (Affidavit of Nicholas James Perkins sworn 8 October 2018), 2.1
55.	8 October 2018	Appellants serve affidavit attaching outline of evidence of Colin Moody on the Respondent	Part B Tabs 2 (Affidavit of Nicholas James Perkins sworn 8 October 2018), 2.1
56.	8 October 2018	Hearing before Primary Judge in relation to Appellants' application to rely on evidence of Colin Moody (the Colin Moody Application) and other aspects of case management	Part B Tab 139
57.	10 October 2018	Judgment delivered in relation to the Colin Moody Application (<i>Rush v Nationwide News Pty Limited (No 4)</i> [2018] FCA 1558)	Part A Tabs 10-11 Part B Tab 140
58.	22 October – 9 November 2018	Final hearing for the Primary Proceedings	Part B Tabs 113-127
59.	26 October 2018	Leon Zwier, solicitor for Yael Stone, telephones Robert Todd, solicitor for the Appellants, and indicates Yael Stone may be prepared to give evidence at the hearing	Part B Tab 3 (Affidavit of Marlia Ruth Saunders affirmed 28 October 2018) [Suppressed Document]

No.	Date	Event	Reference
60.	28 October 2018	Appellants serve the statement of Yael Stone on the Respondent	Part B Tab 8 (Affidavit of Nicholas William Grant Pullen sworn 30 October 2018)
61.	29 October 2018	Judgment delivered in relation to the Expert Evidence Application (<i>Rush v Nationwide News Pty Limited (No 5)</i> [2018] FCA 1622)	Part A Tabs 12-13
62.	30 October 2018	Appellants file Interlocutory Application for leave to file Third Further Amended Defence and rely on further evidence of Yael Stone (the Yael Stone Application)	Part A Tab 14 [Suppressed Document]
63.	6 November 2018	Judgment delivered in relation to the Yael Stone Application (<i>Rush v Nationwide News Pty Limited (No 6)</i> [2018] FCA 1851)	Part A Tabs 15-16
64.	11 April 2019	Judgment delivered in the primary proceedings (<i>Rush v Nationwide News Pty Limited (No 7)</i> [2019] FCA 496)	Part A Tabs 17-18
65.	1 May 2019	Appellants file Notice of Appeal in the Federal Court (Proceeding No. NSD 679/2019)	Part A Tab 21