

## NOTICE OF FILING

### Details of Filing

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*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 59  
Rule 29.02(1)

### Affidavit

No. NSD950 of 2025

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

**Joseph Toltz** and others  
Applicants

**Nick Riemer** and another  
Respondents

Affidavit of: **Michael David Bradley**  
Address: Level 4, 343 George Street, Sydney NSW 2000  
Occupation: Managing Partner  
Date: 5 August 2025

#### Contents

Document number	Details	Paragraph	Pages
1	Affidavit of Michael David Bradley in support of application for strike out affirmed on 5 August 2025	1-12	1-3
2	Annexure "MDB-1," being a letter from Marque Lawyers to Rotstein Commercial Lawyers dated 11 July 2025 and enclosure.	5	4-30
3	Annexure "MDB-2", being an email chain between Marque Lawyers and Rotstein Commercial Lawyers dated 16-18 July 2025.	6-7	31-35
4	Annexure "MDB-3", being an email chain between Marque Lawyers and Rotstein Commercial Lawyers dated 26 July 2025-28 July 2025.	10	36-44

Filed on behalf of (name & role of party) Nick Riemer, First Respondent  
 Prepared by (name of person/lawyer) Michael Bradley  
 Law firm (if applicable) Marque Lawyers  
 Tel (02) 8216 3000 Fax (02) 8216 3001  
michaelb@marquelawyers.com.au; laureng@marquelawyers.com.au;  
 Email andrea@marquelawyers.com.au  
**Address for service** Level 4, 343 George Street  
 (include state and postcode) Sydney NSW 2000

I Michael David Bradley, Level 4, 343 George Street, Sydney NSW 2000, Managing Partner affirm:

1. I am the Managing Partner of the firm Marque Lawyers, solicitors for the First Respondent. I am authorised to make this affidavit on the First Respondent's behalf.
2. Unless otherwise indicated, I make this affidavit on my own knowledge, information and belief and based on my knowledge and experience as a solicitor.
3. I make this affidavit in support of the First Respondent's application filed 5 August 2025 (**Application**), which seeks orders that certain parts of the Amended statement of claim filed by the Applicants in this proceeding on 30 July 2025 (**Amended Statement of Claim**) be struck out.

#### **Correspondence with Applicants' solicitors**

4. On 19 June 2024, I was copied to an email from Mr Elijah Rasic of Rotstein Commercial Lawyers, solicitors for the Applicants, in which he attached (among other things) a statement of claim filed on behalf of the Applicants on 13 June 2025 (**Statement of Claim**).
5. On 11 July 2025, I was copied to an email from Ms Andrea Farrugia of Marque Lawyers to Mr Rasic attaching a letter which (among other things):
  - (a) notified the Applicants of the First Respondent's intention to apply to strike out parts of the Statement of Claim;
  - (b) invited the Applicants to rectify those parts of the Statement of Claim by serving an amended statement of claim in the form identified in an enclosure to the letter by 4pm on 16 July 2025.

Annexed to this affidavit and marked "**MDB-1**" is a copy of this letter and its enclosure.

6. On 16 July 2025, I was copied to an email from Mr Daniel McCoach of Rotstein Commercial Lawyers, in which he confirmed that the Applicants intended to amend (among other things) the Statement of Claim and proposed a timetable for the delivery of that amended pleading.
7. Between 16 July 2025 and 18 July 2025, I was copied to further correspondence between Marque Lawyers and Rotstein Commercial Lawyers concerning the timetabling of (among other things) the delivery of the Applicants' amended pleading. Annexed to this affidavit and marked "**MDB-2**" is a copy of the email chain referred to in paragraphs 6-7 of this affidavit.
8. On 21 July 2025, his Honour Justice Kennett made Orders by consent in this proceeding requiring (among other things) the delivery of the Applicants' amended pleading by 4pm on 25 July 2025.

- 9. Notwithstanding those Orders, the Applicants did not file and serve their amended pleading on 25 July 2025.
- 10. Between 26 July 2025 and 28 July 2025, I was copied to the following further correspondence between Marque Lawyers and Rotstein Commercial Lawyers.
  - (a) An email from Ms Gasparini to Mr McCoach dated 26 July 2025 requesting that the Applicants deliver their amended pleading as soon as possible.
  - (b) An email from Ms Farrugia to Mr McCoach dated 28 July 2025 in which she (among other things) sought an update in respect of the delivery of the Applicants' amended pleading, and notified the Applicants of the First Respondent's intention to relist the matter if the amended pleading was not delivered by 12pm on 28 July 2025; and
  - (c) An email from Mr McCoach to Ms Farrugia dated 28 July 2025 in relation to the delivery of the Applicants' amended pleading
  - (d) An email from Ms Farrugia to Mr McCoach dated 28 July 2025 requesting that the Applicants provide (among other things) a draft order extending the time for the Applicants to deliver their amended pleading.

Annexed to this affidavit and marked "MDB-3" is a copy of the email chain referred to in the preceding paragraph.

- 11. On 30 July 2025, I received an email from Mr McCoach attaching the Amended Statement of Claim.
- 12. From my review of the Amended Statement of Claim, I have observed that the Applicants did not amend the parts of the pleading or otherwise rectify the defects identified by the First Respondent and brought to the Applicants' attention in Marque Lawyers' letter of 11 July 2025.

Affirmed by the deponent  
 at Sydney  
 in New South Wales  
 on 5 August 2025  
 Before me:

)  
 )  
 )  
 )  
 )  
 \_\_\_\_\_  
 Signature of deponent

  
 \_\_\_\_\_  
 Signature of witness  
 Andrea-Marie Farrugia  
 Solicitor

Rule 29.02(8)

**Certificate identifying annexure**

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

Affidavit of: **Michael David Bradley**

Address: Level 4, 343 George Street, Sydney NSW 2000

Occupation: Managing Partner

Date: 5 August 2025

**Annexure "MDB-1"**

This is the annexure marked "MDB-1" to the affidavit of Michael David Bradley affirmed before me on 5 August 2025.



.....  
Signature of Witness



Our reference MB:LG:15012  
Phone +612 8216 3006  
Email michaelb@marquelawyers.com.au

11 July 2025

Hamish Rotstein  
Managing Director & Founder  
Rotstein Commercial Lawyers  
Suite 409,488 Bourke Street  
Melbourne VIC 3000

**By email:** hamish@rotsteins.com.au

Dear Mr Rotstein

**Joseph Toltz & Ors v Nick Riemer & Anor - Foreshadowed strike out application**

1. We act for Dr Nick Riemer.
2. We refer to the statement of claim filed by your clients on 13 June 2025 (**SOC**).
3. The purpose of this letter is to put your clients on notice that our client intends to apply to strike out certain parts of the SOC on the basis that they suffer from fundamental pleading deficiencies, or otherwise will prejudice or delay the just resolution of the real issues in dispute in this proceeding.
4. **Enclosed** with this letter is a marked up copy of the SOC, which identifies (in red underline) the parts of the SOC which our client intends to apply to the Court to have struck out (**Impugned Parts**).

**Pleading deficiencies in the SOC**

5. In the interest of narrowing the issues the subject of our client's foreshadowed strike out application, and without intending to be exhaustive, we provide examples of the pleading deficiencies that we have identified with respect to the Impugned Parts below.
6. *First*, a significant portion of your clients' pleading is taken up with factual assertions concerning matters relating to the historical conflicts which have arisen between Israel and the Palestinian people. These matters are not only irrelevant to the core issues in dispute between the parties, but they are also the subject of significant controversy and debate.

7. By way of example, paragraphs 21 and 23-25 of the SOC contain alleged descriptions of the first and second intifadas, including:
  - (a) purported statistics concerning the casualties allegedly suffered by both sides during each of those intifadas;
  - (b) descriptions of the alleged means by which violence was perpetrated; and
  - (c) assertions as to the purported motivation of "*the Palestinians*" having engaged in that alleged violence, including the claim that they did so because the victims were, or were believed to be, Jewish or Israeli.
8. Plainly, these are not matters of fact which are capable of being properly pleaded. They amount to highly contested opinions on matters regarding which there is no settled consensus. Our client objects to your clients' attempt to use their SOC as a vehicle to litigate their political views or to assert clearly contested and controversial claims as fact. Further, none of these controversies requires resolution as an element of your clients' pleaded cause of action.
9. In the circumstances, our client takes the view that your clients' pleading with respect to the first and second intifadas is liable to be struck out on the basis that it does not disclose any reasonable cause of action, and is likely to prejudice or delay the resolution of the real issues in dispute.
10. *Second*, paragraphs 10, 28 and 32 of the SOC suffer from the same defects. It is not open to your client to include broad and simplistic assertions as to the alleged motivations of Hamas, or to ascribe a single set of views and meaning to the philosophy or political ideology of Zionism. Again, these are matters of opinion disguised as assertions of fact. They disclose no reasonable cause of action, do not warrant judicial consideration, and risk causing delay to the resolution of this proceeding. They are apt to be struck out on that basis.
11. Further, and as to the specific assertions regarding Hamas' alleged motivations, it is unclear to us how those assertions could genuinely be said by your clients to advance any legitimate claim against our client. The scandalous and ambiguous nature of these allegations gives rise to a serious concern that they have been designed for the sole purpose of inflaming prejudice. It is clear that they cannot be proved.
12. *Third*, your clients' definition of "*Israeli person*" as contained in paragraph 7 of the SOC, and subsequently deployed throughout the pleading, is confused and embarrassing. Your clients purport to define the group as persons who are, or are eligible to be, Israeli citizens. Under Israeli law, the group of persons who are eligible to be Israeli citizens includes every person who has a Jewish mother or has converted to Judaism (collectively, a "*Jew*"), as well as any person who is a spouse, child, grandchild, spouse of a child or spouse of a grandchild, of a Jew. Thus, your clients' definition of "*Israeli person*" comprises an extraordinarily wide and eclectic

assortment of individuals worldwide, most of whom are unlikely to even know they fall within it and who, more importantly, have no common connection or characteristics that could conceivably cause them to constitute a protected group for the purposes of the *Racial Discrimination Act 1975* (Cth).

13. As such, the definition of 'Israeli person' in paragraph 7 will not in any way assist the Court in determining the controversy in respect of section 18C(1)(a) or (b), and is apt to be struck out.

**Next steps**

14. In the interest of affording your clients an opportunity to rectify the deficiencies identified in this letter and the **enclosed** version of your clients' SOC, we invite your clients to confirm by no later than **4pm on 16 July 2025** that they intend to withdraw the Impugned Parts by filing an amended SOC in the form enclosed.
15. Should your clients agree to proceed with this course, we propose the following timetable for the change of pleadings.
- (a) The applicants file and serve any amended pleadings by 4pm on 18 July 2025.
  - (b) The respondents file and serve their respective defences by 4pm on 1 August 2025.
  - (c) The applicants file and serve any reply by 4pm on 15 August 2025.
  - (d) The matter be listed for case management at a date not before 18 August 2025.
16. If your clients do not intend to take that course, or fail to confirm their position by 4pm on 16 July 2025, we are instructed to file the foreshadowed application to strike out the Impugned Parts without further notice in lieu of filing and serving a defence by 17 July 2025. To the extent it is necessary for our client to file such an application, our client will rely on this letter in seeking his costs of doing so.

Yours sincerely



**Michael Bradley**  
Managing Partner

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Registrar

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## Statement of claim

No. \_\_\_\_\_ of 2025

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

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

### Jurisdiction

1. This proceeding is within the jurisdiction of the Federal Court of Australia conferred by section 46PO of the *Australian Human Rights Commission Act 1986* (Cth) and section 39B(1A)(c) of the *Judiciary Act 1903* (Cth).

### Parties

2. The Applicants are all natural persons capable of suing.
3. The First Applicant (**Dr Joseph Toltz**), is and at all relevant times was, a researcher at Sydney University specialising in Jewish music and its migrations, and Manager of Research Support in the Faculty of Arts and Social Sciences.
4. The Second Applicant (**Professor Emeritus Suzanne Rutland**), is and at all relevant times was, a Professor Emeritus of The University of Sydney (**Sydney University**), Department of Hebrew, Biblical & Jewish Studies.
5. The Third Applicant (**Mr Ariel Eisner**):
  - a. is and at all relevant times was an elected officer of the Australasian Union of Jewish Students (**AUJS**);

### Particulars

- (i) AUJS is the peak representative body for Jewish university students across Australia and New Zealand.

---

Filed on behalf of (name & role of party) The Applicants  
Prepared by (name of person/lawyer) Hamish Rotstein  
Law firm (if applicable) Rotstein Commercial Lawyers  
Tel 61 3 9604 7888 Fax \_\_\_\_\_  
Email hamish@rotsteins.com.au  
**Address for service** Suite 409, 488 Bourke Street, Melbourne VIC 3000  
(include state and postcode) \_\_\_\_\_

- (ii) From 7 October 2023, the Third Applicant was the head of politics for AUJS NSW.
  - (iii) From January 2025 to the present, the Third Applicant has been the national head of campaigns for AUJS.
  - b. was until he graduated in November 2024, a student enrolled at Sydney University studying a Bachelor of Architecture.
6. The Fourth Applicant (**Mr Yaniv Levy**):
- a. is and at all relevant times was a Research Education Lead in the Faculty of Medicine and Health at Sydney University; and
  - b. was a student at Sydney University enrolled in a Graduate Diploma of Crosscultural and Applied Linguistics from Semester 1 2024 until he withdrew on about 6 August 2024.
7. Each Applicant is a **Jewish person** or a person who is, or is eligible to be, an Israeli citizen (Israeli person).
8. For the purposes of the *Racial Discrimination Act 1975* (Cth):
- a. Jewish people constitute a group of people with a shared race, descent and/or ethnic origin.
  - b. Israeli people constitute a group of people with a shared ethnic origin and/or nationality.
9. Israel is a nation state and the national home of and for Jewish people. Its citizens are mostly Jewish people.
10. Zionists are predominantly Jewish people and/or Israeli people who believe in Israel being a nation state and the national home of and for the Jewish people. A substantial proportion of Jewish and/or Israeli people identify themselves as Zionists.
11. The first respondent (**Dr Riemer**) is and at all relevant times was:
- a. a Senior Lecturer in the Discipline of English and Writing at Sydney University;
  - b. President of the Sydney University Branch of the National Tertiary Education Union (**USYD NTEU**), and from about 18 October 2024 its Vice President;

**Particulars**

- (i) The President of USYD NTEU was required to be a member of the academic staff of Sydney University.

(ii) Dr Riemer has, since about 18 October 2024, been Vice-President (academic) of USYD NTEU, a position that also needs to be filled by an academic staff member of Sydney university.

c. Head of the Sydney Staff for Boycott, Divestment and Sanctions (**BDS**) movement at Sydney University.

12. The Second Respondent (**Sydney University**) is a body corporate incorporated under s 5 of the *University of Sydney Act 1989* and is capable of being sued.

#### **Dr Riemer's X (Twitter) and FaceBook Pages**

13. At all material times Dr Riemer operated and still operates an X page (**Riemer X Page**) at the web address: <https://x.com/nickriemer1?lang=en>

#### **Particulars**

a. The First Respondent's handle is '@NickRiemer1.'

b. At least since 7 October 2023 the First Respondent has referred to himself as being an 'academic,' 'President, USYD @NTEUnion' (recently 'Vice-president (academic)'), USYD @NTEUnion, and Author, Boycott Theory & the Struggle for Palestine (2023).

c. The First Respondent joined that site on January 2013.

14. In around October 2024 the Riemer X Page had approximately 5,220 Followers and at the time of the Statement of Claim has about 5,519 Followers.

15. The Riemer X Page is and was at all relevant times accessible by members of the public whether or not they 'follow' Dr Riemer.

16. The Riemer X Page is regularly updated with various publications including text, photos and audio-visual recordings of remarks and speeches.

17. A number of the publications which appear on the Riemer X Page include links to various written or spoken material by Dr Riemer or material the content of which he endorses or on which he comments.

18. Dr Riemer still operates and has at all material times operated a Facebook page (**Riemer Facebook Page**) at the web address: <https://www.facebook.com/nick.riemer.9>

19. The Riemer Facebook Page is and was at all relevant times accessible by members of the public whether or not they 'follow' Dr Riemer.

20. The Riemer Facebook Page was or has been regularly updated with various publications including text, photos and audio-visual recordings of remarks and speeches. Dr Riemer stated that he does not post much on Facebook anymore since Facebook "*cancel pro-*

*Palestinian content so much.*” Accordingly the Riemer X Page is more recently and extensively used by him than Facebook.

### **The first and second intifadas**

21. The intifadas were, and were known as, the armed and violent uprising of Palestinians against Israeli occupation of the West Bank (including East Jerusalem) and Gaza strip.
22. The first intifada began in December 1987 and ended in September 1993. The second intifada began in December 2000 and had run its course by late 2005. The two uprisings resulted in the death of more than 5,000 Palestinians and some 1,400 Jews or Israelis.
23. The first intifada began with rioting but after the first year it shifted from throwing rocks and Molotov cocktails at Israeli targets to attacking Jews or Israelis with rifles, hand grenades and explosives.
24. The second intifada was much more violent than the first. The violence included directly attacking Jewish or Israeli civilian centres, but also attacks on vehicles and civilians through suicide bombings, drive by shootings and rocket attacks. Over 1,000 Jews or Israelis were killed, and thousands of Jews or Israelis were severely injured, in those attacks. During the approximate five-year uprising, more than 4,300 fatalities were registered with a similar ratio of Palestinian to Jewish or Israeli deaths to the first intifada of the second intifada being slightly more than 3 to 1.
25. The Palestinians engaging in the violence described above against Jewish persons or Israeli persons did so because they were, or were believed to be, Jewish persons or Israeli persons.

### **Hamas**

26. Since 4 March 2022 Hamas has been listed by the Attorney General of the Commonwealth as a terrorist organisation under the *Criminal Code Act 1995* (Cth): s 102.1.
27. The Statement of Reasons for listing Hamas as a terrorist organisation include that it is guided by Islamic principles of “*destroying Israel*”.
28. The Hamas Covenants express an intention is to dismantle Israel as “*the Zionist entity*” and to create an Islamic State in its place.
29. The Hamas Covenants identify Hamas’ *raison d’etre* as “*obliterating*” Israel and “*killing the Jews*”.

**7 October 2023**

30. On 7 October 2023, Hamas members illegally invaded the State of Israel and killed, raped, maimed, sexually abused or tortured more than 1,200 Jewish people and/or Israeli people.
31. During the 7 October 2023 invasion, Hamas members also kidnapped, abducted and took as hostages more than 250 persons who were overwhelmingly Jewish people or Israeli people including women, children and the elderly.
32. Hamas's acts described above were taken because Hamas's leadership, commanders, members and operatives in the field believed the men, women and children intended by them to be subjected, and in fact subjected, to those acts:
- a. were Jewish persons or Israeli persons; and
  - b. were subjected to those acts because they were or were believed to be in almost all cases Jewish persons or Israeli persons.

**DR RIEMER'S IMPUGNED ACTS UNDER s 18C of the *Racial Discrimination Act 1975 (Cth)* (RDA)**

- a. **'The call for a Global Intifada'**
33. On 1 November 2023, Dr Riemer posted the following post calling for a meeting of students to promote "Palestine: the case for a global intifada" (**the Riemer Global Intifada X Post**), which post was coupled with a Hamas bulldozer picture showing the widely publicised bulldozing by Hamas on 7 October 2023 of the Israeli security fence separating Gaza from Israel.



A student meeting on Palestine at @Sydney\_Uni has been banned on the false grounds that it 'may be linked to support for terrorist activities', without a shred of evidence. I've written to VC @mscott in protest: the university must be a place for critical & independent thought.

#Mark

Thank you for your reply to my earlier email about disproportionate restrictions on pro-Palestinian speech at the university.

Receiving it this morning, I have become aware of your decision to ban from any university room the student meeting 'Palestine: the case for a global intifada', that was held today, on the grounds that it 'may be linked to support for terrorist activities'. The justification you cite for this extraordinary claim is that (a) the poster for the event shows an image of a bulldozer knocking down the Gaza fence; and (b) the phrase 'the intifada' occurs in the event's title.

Your decision is a serious affront to academic freedom, freedom of assembly and freedom of political speech on campus. It is exactly an instance of the censorship and silencing of pro-Palestinian political speech on campus that I warned of in my earlier email. I can only conclude that your assurances to me that this speech is protected will not be taken at face value.

The reasons you have offered for banning the meeting could not withstand the slightest objective scrutiny and are unworthy of an institution supposedly dedicated to the independent pursuit of knowledge. 'Intifada' refers to an 'uprising', and is used in relation to many different kinds of political and military activity. As I reminded you in my earlier email, armed resistance is a right of an occupied people. Short of considering the act of Palestinian resistance as definitionally terrorist – exactly the position of the Israeli government and its international supporters, which your decision reinforces – the use of the term 'intifada' cannot possibly justify banning a meeting.

Furthermore, the image of the bulldozer is a factual representation of one of the events of the 2008-9 intifada. You have not explained how it can be construed in any way as 'support for terrorism'. The poster contains a second, and in fact larger, image of a mass protest, which the university counts this as 'support for terrorism' too?

solidarity with Palestine as even worth discussing?

By suppressing campus Palestine solidarity in this way, the university under your leadership is siding with a state responsible for genocidal war-crimes and contributing to the toxic and state-sponsored racism and Islamophobia that already afflicts Palestinian and other Middle Eastern people in Australia. The reasoning behind the ban makes a mockery of the claim that the university is treating Palestine and Israel support equitably, or that it is a place that generally values its role as a source of independent and critical perspectives on current events.

The meaning and use of the term 'intifada' does not require significant research to establish, but I would be happy to arrange a briefing on it for you and other decision-makers at the university so this serious miscarriage of justice does not recur.

I urge you to rescind the ban immediately, and I remain available to discuss what steps can be taken to undo the damage that your decision has caused to students, staff, and the cause of a just peace in historic Palestine.

2:19 PM · Nov 1, 2023 · 123.2K Views



34. The photo at the bottom of the post when clicked on becomes visible as a larger picture. The photo states at the top "A student meeting hosted by Solidarity".

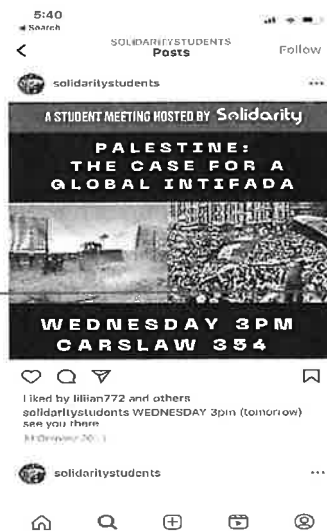
**Particulars**

a. Solidarity is a pro-Palestinian student group that closely follows and mimics Dr Riemer. Further particulars to be provided.



35. In Dr Riemer's letter to the Vice Chancellor of Sydney University, Mark Scott, which is annexed to the post, Dr Riemer protests a decision by Mark Scott to ban an intended Solidarity student meeting (that in any event ensued) on 1 November 2023 which was to

support a global intifada as set out in the headline '*Palestine: the case for a global intifada*'.



36. The Riemer Global Intifada X Post has been constantly displayed on the Riemer X Page since 1 November 2023, attracted over 124,700 views as at the time of filing the Complaint (October 2024), and about 125,100 views as at the date of the Statement of Claim.

37. On 1 November 2023 - the same day as Dr Riemer posted the Riemer Global Intifada X Post - the Solidarity meeting did take place in a public open-air space location at Sydney University.
38. There was group chanting at the meeting by persons, including Dr Nick Riemer, as follows:
- "...Israel out of Gaza, Israel out of Palestine, long live the intifada! Free, free the West Bank, Israel out of Gaza, Israel out of Palestine long live the intifada!"*
39. The individual speech made by Dr Riemer at the meeting included the following statement:
- "...we have a right to organise around supporting Palestinians. It's not just a slogan. Their resistance is justified because of the occupation, at all times, violent or not."*
40. The Riemer Global Intifada X Post and Dr Riemer's participation in the chant and the quoted section of his speech conveyed the following imputations:
- a. The violent uprising against Jewish people and Israeli people in Israel in support of a Palestinian state in the first and second intifadas should extend to a violent global uprising against Jews and Israelis in Australia and other parts of the world in support of the Palestinian resistance.
  - b. That the events of 7 October were to be celebrated and endorsed.
  - c. That Hamas' Intifada and its related violence against Israelis and Jews, including on 7 October, is justified until Israel, Israelis and Jews are removed from Palestine.

b. **Riemer's 8 October Post**

41. On 8 October 2023, the day after the 7 October Hamas attacks in Israel, Dr Riemer posted the following to his Riemer X Page (**Riemer's 8 October Post**):



**Nick Riemer**  
@NickRiemer1



No progressive should feel the need to publicly condemn any choices by the Palestinian resistance. Doing so just adds to the perception that their cause is unjust. Condemnation is the speech-act you perform when breaking contact off with someone, not when standing in solidarity.

10:44 AM · Oct 8, 2023 · 315.6K Views

42. In about October 2024, Dr Riemer's 8 October Post had in excess of 319,100 views and at the date of this Statement of Claim it had about 320,000 views and remains accessible.
43. Dr Riemer's 8 October Post conveyed the following imputations:
- Hamas' cause, and what it did, on 7 October 2023 against Jewish people and Israeli people in pursuit of that cause should not be considered to be unjust;
  - people should express solidarity with, and support of, Hamas' objectives and activities against Jewish people and Israeli People;
  - people should express their solidarity with, and support of, Hamas' cause and its activities on 7 October 2023 in support of that cause.

c. **Riemer's 7 October Repost**

44. On 7 October 2023 Dr Riemer reposted the following tweet on his Riemer X account:



45. As at about March 2024, Riemer's 7 October repost had over 42,000 views.
46. The post (endorsed by the Repost) proceeds on the basis that the Jewish people and/or Israeli people who had been murdered, maimed, kidnapped, raped or sexually abused were Zionists by virtue of being Jewish and/or Israeli.
47. The 7 October repost had the following imputation:
- There is no basis or reason for anyone to be upset or shocked by the murder, maiming, kidnapping, rape and sexual abuse by Hamas of Jewish people and Israeli people on 7 October 2023.

d. **Riemer's Overland Article published on 15 October 2023**

48. On 15 October 2023, Dr Riemer published an article in *Overland* which was and remains able to be viewed at: <https://overland.org.au/2023/10/it-has-never-been-more-vital-to-stand-with-palestine/>
49. Overland is an established Australian literary and cultural magazine published quarterly in print as well as online.

50. The article describes the author as follows: “Nick Riemer works in the English and linguistics departments at the University of Sydney. He is currently president of the Sydney University branch of the National Tertiary Education Union.”

51. The article contained the following extracts:

*“That is just one reason why solidarity with Palestinians is essential for anyone who wants to retain their own fundamental freedoms. Palestine solidarity is not just internationalism or anticolonialism or antiracism or even humanitarianism; it is not just an expression of compassion, or altruism, or basic decency: it is a necessity for the defence of democratic prerogatives against authoritarianism and neo-fascism in Western nations. In cheering on the antidemocratic suppression of protest Zionists sometimes thought of as ‘liberal’ have let their masks slip. Their support for Israeli apartheid and permanent war against Palestinians can only mean opposition to democracy in their own countries” [P 3/13]*

...  
*The official representatives of democracy, with honourable rare exceptions, have failed democracy again.*

...  
*Condemning a person means abandoning the effort to understand them. After a condemnation, all that is left is absolute rejection and banishment: renouncing the devil and all his works. Condemning is what a judge does when they sentence a prisoner to death. Once someone is condemned, there’s no point in talking about why they might have done what they have done: the final verdict is delivered; no more remains to be said. This is exactly why Zionists demand that we condemn Hamas: to block any move towards understanding it and what might motivate its resistance to Israeli colonisation – to erase the understanding of why Palestinians fight back.” [P-4/13]*

52. The first extract set out above has the following imputation:

- a. contrary to the false image that Jewish people and Israeli people have cultivated, Jewish people and Israeli people have now been exposed as racist supporters of apartheid and of a permanent war against Palestinians as well as being people who surreptitiously oppose democracy in their own countries.

53. The third extract set out above has the following imputation:

- a. Jewish people and Israeli people demand condemnation of Hamas only so as to erase any understanding of why there is Palestinian resistance to Israel’s occupation of the Palestinian territories.

e. **The Saturday Paper “Owned By Zionists” Repost**

54. On 28 October 2023, Dr Riemer reposted an Amy McQuire post as follows:



55. As at about March 2024, the Saturday Paper “Owned by Zionists” Repost had about 102,000 views.
56. The Saturday Paper “Owned by Zionists” Repost had the following imputations:
- a. Jewish people misuse their ownership of the media to conceal from the public the genocide that Jewish people and Israeli people are engaging in Gaza;
  - b. the silence of Jewish people and Israeli people about that genocide will fail because history will remember and record it.
57. By making those imputations, the “Owned by Zionists” Repost repeats and amplifies the well known antisemitic trope that the Jews control the media.

***f. The “No room for Zionism in our Unions” Speech and Posts***

58. Dr Riemer made two X Posts on 12 November 2023. The first Post quotes Dr Riemer’s own speech at a rally the day before:



Nick Riemer  
@NickRiemer1



There were some hugely powerful & moving speeches from Palestinians at yesterday's Botany protest which I hope we captured on video. I spoke on why there's no room for racism, settler-colonialism, apartheid or Zionism in our unions. 🇲🇵



11:08 AM · Nov 12, 2023 · 6,629 Views



47



43



174



3



Nick Riemer @NickRiemer1 · Nov 12, 2023



Replying to @NickRiemer1

That's why there is no room for racism, for settler-colonialism, for apartheid in our unions, and there is no room for Zionism in our unions.



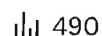
3



2



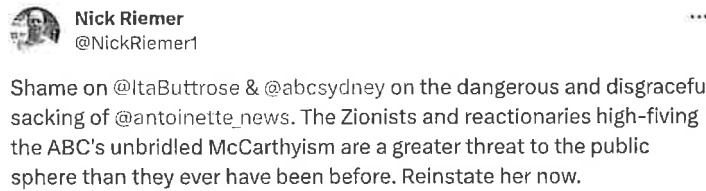
8



490



59. At the time of filing this Statement of Claim, the “No room for Zionism in our Unions” Posts had about 6,706 and 526 views respectively and remain accessible online.
60. The “No room for Zionism in our Unions” Speech and Posts had the following imputations:
- a. Jewish people and Israeli people should be excluded from any participation in Unions in Australia including in the National Tertiary Education Union.
  - b. Because of the racism, settler-colonialism and apartheid engaged in by Jewish people and Israeli people there is no room for such people in the Union movement in Australia, including in the National Tertiary Education Union.
- g. **The Lattouf sacking Post**
61. On 12 November 2023, being the same day as Dr Riemer posted the “No room for Zionism in our Unions” Speech and Posts, Dr Riemer posted the following:



### **ABC presenter Antoinette Lattouf sacked after anti-Israel social media posts**



5:31 PM · Dec 20, 2023 · 7,541 Views

62. At the time of filing this Statement of Claim, the Lattouf sacking Post had over 25,600 views.
63. The Lattouf sacking Post had the following imputations:
- a. Jewish people and/or Israeli people are “unbridled McCarthyists” when they supported the sacking of ABC presenter Antoinette Lattouf.
  - b. Those Jewish people and/or Israeli people are a threat to the public and that threat is getting worse.
- h. **The Zionists are racists Post***
64. On 29 December 2023, Dr Riemer reposted the following in two postings on the Riemer X Page:

↳ Nick Riemer reposted



**Mondoweiss** ✓  
@Mondoweiss

Subscribe



"Palestinians bear no responsibility to coddle the feelings of Zionist racists. We collectively refuse to provide Zionists with reassurances to placate and soothe their political anxieties." - @RandaAFattah

[bit.ly/3voU77K](https://bit.ly/3voU77K)

#ZionistFragility



1:00 PM · Dec 29, 2023 · 5,688 Views

### Particulars

- a. A repost of Mondoweiss.
  - b. A repost of Randa Abdel-Fattah.
65. At the time of filing the Complaint in October 2024, the Zionists are racists Reposts had over 112,600 views (Randa Abdel-Fattah repost) and 5,862 views (Mondoweiss).
66. The Zionists are racists Reposts had the following imputation:
- a. Jewish people, Israeli people and Zionists are racists.
  - i. **The Zionists smartwash Repost**
67. On 24 December 2023, Dr Riemer reposted the following post:



68. At the time of filing the Complaint in October 2024, the Zionists smartwash Repost had about 940 views.
69. The Zionists smartwash Repost had the following imputation:
- a. Jewish people, Israeli people and Zionists deceptively and falsely proclaim that the atrocities committed by Israel were normal lawful activities.
  - j. **The Zionists' Licence to Lie and Slander Post**
70. On 2 February 2024, Dr Riemer posted the following Post:



Nick Riemer  
@NickRiemer1

Now even the police reject the slur about antisemitism at the October Palestine rally. Zionists are losing their licence to lie & slander.

Time for all the servile politicians who unhesitatingly jumped on the bandwagon to rethink their loyalties, but I'm not holding my breath.

From 1h ago

22.28 GMT

**NSW police say no evidence offensive antisemitic phrase chanted at pro-Palestine protest last year**

Tory Shepherd

**New South Wales police** say an independent analysis of audio and video files from a pro-Palestine protest at the Sydney Opera House last year found no evidence for claims that anyone had chanted “gas the Jews”.

People reported hearing the comments at the protest in October last year, and the reports are being investigated by **Strike Force Mealing**.

In a statement this morning, police said they would continue their investigation and urged anyone with information to contact Crime Stoppers. Police said:

**“Strike Force Mealing was established to investigate reported unlawful activity committed during an unauthorised protest at the Sydney Opera House on 9 October 2023.**

*Police received reports following the protest suggesting that an offensive antisemitic phrase was chanted during the event.*

**As a result of independent forensic analysis of audio-video files of the demonstration provided to investigators, police have no evidence that this phrase was used.**

*Police also obtained statements from several individuals who attended the protest indicating they heard the phrase however these statements have not attributed the phrase to any specific individual.*

We'll bring you more after a press conference due to start shortly.

10:52 AM · Feb 2, 2024 · 6,938 Views



63



97



247



10



71. At the time of filing this Statement of Claim, Riemer's Zionists' Licence to Lie and Slander Post had about 7,085 views and remains accessible.
72. The Zionists' "Licence to Lie and Slander" Post had the following imputation:
  - a. Jewish people, Israeli people and Zionists are people who lie and slander in pursuing their causes.
73. By making those imputations, the "Zionists' Licence to Lie and Slander" Post repeats and amplifies the well known antisemitic trope that the Jews are deceptive.
  - k. ***The Zionists support genocide Repost***

74. On 5 March 2024, Dr Riemer reposted the following post:



75. At the time of filing the Complaint in October 2024, Dr Riemer's "Zionists support genocide" Repost had in excess of 67,900 views.

76. The "Zionists support genocide" Repost had the following imputations:

- a. Jewish people, Israeli people and Zionists support genocide;
- b. Jewish people, Israeli people and Zionists are hypocrites.

1. **The genocide enablers Post**

77. On 19 March 2024, Dr Riemer posted the following post on his Facebook page which remains accessible:



78. The "genocide enablers" Post had the following imputation:

- a. The Israeli people at the Tel Aviv University stall at Sydney University and other Jewish people or Israeli people are genocide enablers.



“Safety means opposing Genocide”:

...

*A ‘march for a single campus’: Let’s reflect on that. Zionists clearly think that if they talk about safety, then they’ll be able to make people think that they’re the victims, and forget that, actually, they’re supporting a genocidal slaughter. They think safety on campus will turn the debate in their favour and put us on the back foot.”*

...

*“What happens when we tell Zionists that there just is no identity that can have as its condition the dispossession and slaughter of an entire people? They instantly tell us that we’re making them feel unsafe”*

83. At the time of filing the Complaint in about October 2024, Riemer’s Genocide Post and Speech had in excess of 34,300 views.
84. The paragraphs set out above, and the speech contain the following imputations:
- a. Jewish people, Israeli people and Zionists support the genocidal slaughter of Palestinians.
  - b. Jewish people, Israeli people and Zionists mislead people into thinking they feel unsafe when what they are really doing seeking freedom to support genocide.

#### **Contravention of s 18C - Dr Riemer**

85. Dr Riemer’s postings, repostings, chant, speeches and the article described above (**the impugned acts**) each caused words, sounds and/or images to be communicated to the public. They were:
- a. done in a public place; and were
  - b. done in the sight and hearing of people who were in a public place; and
  - c. not acts done in private.
86. Dr Riemer’s making of each of the impugned acts, by conveying any or all of the imputations alleged, when considered individually and/or cumulatively and/or collectively, were reasonably likely in all the circumstances, to offend, insult, humiliate or intimidate Jewish people or Israeli people in Australia.
87. The impugned acts were done or made because of the race, national or ethnic origin of the people reasonably likely to be offended, insulted, humiliated or intimidated by the posting including because:
- a. References to Zionists are, properly understood, to be a reference to (at least) a majority of Jewish people and Israeli people in Australia;

- b. The subject matter of the impugned acts was related by context to events that were themselves directly related to the race, ethnic origin or national origin (Jewish and/or Israeli) of the victims of the events of October 7; and
- c. Dr Reimer has a tendency to engage in conduct which does and is intended to offend and/or insult and/or humiliate and/or intimidate Jewish people and Israeli people.

88. In the premises, Dr Riemer contravened s 18C of the *Racial Discrimination Act 1975* (Cth) and engaged in unlawful discrimination within the meaning of ss 3(1) and 46P of the *Australian Human Rights Commission Act 1986* (Cth).

**Dr Riemer's Overland article and No Room for Zionism in our Unions Speech and Post – Vicarious liability of Sydney University**

- 89. Dr Riemer is an employee of Sydney University.
- 90. The Overland article and the "No Room for Zionism in our Unions" Speech and Posts were made in connection with Dr Riemer's duties as an employee of Sydney University.
  - a. The Overland Article is a formal academic publication by Dr Riemer which includes the statement: "*Nick Riemer works in the English and linguistics departments at the University of Sydney. He is currently president of the Sydney University branch of the National Tertiary Education Union.*"
  - b. The "No Room for Zionism in our Unions" Speech and Posts relates to the participation of Jewish and Israeli people in Unions.
  - c. The Enterprise Agreement, cl 366(b)(ii)(iii)(iv), holds the Parties to that Agreement, including Sydney University, the NTEU, and all staff (including Dr Riemer), to protect the right of participation in Unions and to engage in community services "*without fear of harassment, intimidation or unfair treatment in their employment*" and "*staff must not engage in harassment, vilification or intimidation.*"
  - d. The Overland Article and the "No Room for Zionism in our Unions" Speech and Posts, had the potential to and, did have an adverse effect on the workplace with which he was connected at Sydney University.
  - e. That public speech of this kind by its employees is connected to their duties of employment by Sydney University is demonstrated by:
    - i. the *University of Sydney Enterprise Agreement 2023-2026* (eg. cl 354, 360, 361, 362, 366 and 368);

- ii. Sydney University Staff and Affiliates Code of Conduct 2021 (eg. cl 3, 5, 7, 8, 11, 15, 19, 20, 21, 23, 24);
  - iii. Public Comment Policy of Sydney University (eg. Guidelines and Pt 2);
  - iv. *University of Sydney Act 1989* (NSW) (eg. s 2); and
  - v. *Charter of Freedom of Speech and Academic Freedom 2019*.
91. The Overland article and the “No Room for Zionism in our Unions” Speech and Posts are acts that would have been unlawful had they been done by Sydney University for the reasons set out at paragraphs [48]-[53], [58]-[60], and [85]-[88] above.
92. Sydney University failed to take all reasonable steps to prevent Dr Riemer from publishing the Overland article and from making the No Room for Zionism our Unions Speech and Posts.
93. In the premises above, Dr Riemer’s Overland Article and the “No Room for Zionism in our Unions” Speech and Posts (and their non-removal) were acts of Dr Riemer done in connection with his duties as an employee or agent of Sydney University for the purposes of imposing vicarious liability on Sydney University for the unlawful discrimination by Dr Riemer for the purposes of s 18E of the RDA.

#### **Complaint to the Australian Human Rights Commission**

94. On about 31 October 2024, the Applicants lodged with the Australian Human Rights Commission under sections 46P and 46PB of the *Australian Human Rights Commission Act 1986* (Cth) a complaint against the Respondents alleging unlawful discrimination (**AHRC Complaint**).
95. The unlawful discrimination alleged above is the same or the same in substance as the unlawful discrimination alleged in the AHRC Complaint.
96. On 14 April 2025, a delegate of the President of the Australian Human Rights Commission terminated the AHRC Complaint under section 46PH(1B)(b) of the *Australian Human Rights Commission Act 1986* (Cth), on the ground that there was no reasonable prospect of the matter being settled by conciliation.

#### **Particulars**

- a. AHRC Notice of Termination in File No. 2024-15487 dated 14 April 2025 including Attachment A (Reasons for decision), Attachment B (A copy of the complaint) and Attachment C (A copy of the amendment to the complaint).

#### **Relief**

97. In the premises, the Applicants are entitled to the relief claimed in the Originating Application.

Date: 13 June 2025



---

Signed by Hamish Rotstein  
Lawyer for the Applicants

This pleading was prepared by Adam Butt and settled by Saul Holt KC.

**Certificate of lawyer**

I Hamish Rotstein certify to the Court that, in relation to the statement of claim filed on behalf of the Applicant, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: 13 June 2025



---

Signed by Hamish Rotstein  
Lawyer for the Applicant

**Certificate identifying annexure**

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

**Joseph Toltz** and others  
Applicants

**Nick Riemer** and another  
Respondents

Affidavit of: **Michael David Bradley**  
Address: Level 4, 343 George Street, Sydney NSW 2000  
Occupation: Managing Partner  
Date: 5 August 2025

**Annexure “MDB-2”**

This is the annexure marked “MDB-2” to the affidavit of Michael David Bradley affirmed before me on 5 August 2025.

  
.....

Signature of Witness

## Andrea Farrugia

---

**From:** Daniel McCoach <daniel.mccoach@rotsteins.com.au>  
**Sent:** Friday, 18 July 2025 1:18 PM  
**To:** Andrea Farrugia  
**Cc:** Michael Bradley; Hamish Rotstein; Elijah Rasic; Upekha Wedage; angela.pearsall@ashurst.com; stephen.woodbury@ashurst.com; Lauren Gasparini; erina.higgins@ashurst.com; Jennifer.Chen@ashurst.com; julie.mills@ashurst.com  
**Subject:** RE: Federal Court Proceedings Nos. NSD950/2025 and NSD951/2025 [Marque-DOCUMENTS.FID124631]

Good afternoon Andrea,

We confirm that the proposed orders set out in your below email from earlier today at 10:59am are acceptable. We will shortly circulate proposed minutes of consent in each proceeding reflecting the updated timetabling.

Kind regards,

**Daniel McCoach**  
**Director**



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**From:** Andrea Farrugia <andrea@marquelawyers.com.au>  
**Sent:** Friday, 18 July 2025 10:59 AM  
**To:** Lauren Gasparini <laureng@marquelawyers.com.au>; Daniel McCoach <daniel.mccoach@rotsteins.com.au>  
**Cc:** Michael Bradley <michaelb@marquelawyers.com.au>; Hamish Rotstein <hamish@rotsteins.com.au>; Elijah Rasic <Elijah.Rasic@rotsteins.com.au>; Upekha Wedage <upekha.wedage@rotsteins.com.au>; angela.pearsall@ashurst.com; stephen.woodbury@ashurst.com; erina.higgins@ashurst.com; Jennifer.Chen@ashurst.com; julie.mills@ashurst.com  
**Subject:** RE: Federal Court Proceedings Nos. NSD950/2025 and NSD951/2025 [Marque-DOCUMENTS.FID124631]

Dear Daniel

Further to Lauren's email below, we confirm that the first and second respondents to each proceeding have since conferred and have agreed the following revised form of order.

- (a) The applicants file and serve their amended pleadings in each proceeding by 4pm on 25 July 2025.
- (b) The case management hearing scheduled for both proceedings at 9:30am on 22 July 2025 be adjourned and both matters be listed for case management at a date not before 6 August 2025.

Please note the above form order is proposed in lieu of that proposed by the first respondent on 16 July 2025.

We would appreciate if you could please obtain instructions and confirm whether these orders are acceptable to your clients by no later than **2pm today**.

Kind regards  
Andrea

**Andrea Farrugia**  
Lawyer

MARQUE Lawyers Pty Ltd



P: +61 2 8216 3029

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*We do not disclaim anything about this email. We're quite proud of it, really.*

**From:** Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>

**Sent:** Friday, 18 July 2025 9:31 AM

**To:** Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>

**Cc:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Andrea Farrugia <[andrea@marquelawyers.com.au](mailto:andrea@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[elijah.rasic@rotsteins.com.au](mailto:elijah.rasic@rotsteins.com.au)>; Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>; [angela.pearsall@ashurst.com](mailto:angela.pearsall@ashurst.com); [stephen.woodbury@ashurst.com](mailto:stephen.woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); [julie.mills@ashurst.com](mailto:julie.mills@ashurst.com)

**Subject:** RE: Federal Court Proceedings Nos. NSD950/2025 and NSD951/2025 [Marque-DOCUMENTS.FID124631]

Dear Daniel

We refer to our below email to which we have not received a response, despite his Honour having requested that short minutes of order be provided by 12:00pm on Monday.

As we explained below, we hope that the parties can work together to avoid unnecessary costs of attending a case management hearing. To facilitate this, we request that you please confirm your clients' position with respect to the orders proposed in our below email by no later than 12:00pm today.

Our clients are committed to defending these proceedings as expeditiously as possible and we are instructed to take all steps to resist any delay. If we do not hear from you with respect to our proposed timetable by this time, we will file interlocutory applications in both proceedings seeking to strike out the parts of your clients' pleading which we identified in our letter sent on 11 July.

Kind regards  
Lauren

**From:** Lauren Gasparini

**Sent:** Wednesday, 16 July 2025 4:18 PM

**To:** Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>

**Cc:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Andrea Farrugia <[andrea@marquelawyers.com.au](mailto:andrea@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>; [Angela.Pearsall@ashurst.com](mailto:Angela.Pearsall@ashurst.com); [stephen.woodbury@ashurst.com](mailto:stephen.woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); [julie.mills@ashurst.com](mailto:julie.mills@ashurst.com)

**Subject:** RE: Federal Court Proceedings Nos. NSD950/2025 and NSD951/2025 [Marque-DOCUMENTS.FID124631]

Dear Daniel

We refer to your below email.

Thank you for confirming that your clients will be amending their pleadings in accordance with r 16.51(1). We agree that the parties should avoid incurring unnecessary costs in attending a case management hearing and we hope the parties can agree on an appropriate timetable for the amendments and responsive pleadings.

Unfortunately, your email does not disclose the extent to which your clients intend to amend their pleadings. It does not confirm (as we had hoped) that your clients will remove the parts of their pleadings identified in red underline in the enclosures to our letters sent on 11 July. In circumstances where we have provided your clients with versions of the statements of claim which we believe cures the defects we have identified, your clients should not require 3 weeks from the date of receiving our letters to make those amendments.

In our letters sent on 11 July, we proposed a timetable for next steps which could see a case management hearing scheduled as early as 18 August 2025. Your below proposal envisages a case management occurring almost a month later.

In the interests of avoiding costs of attending on Tuesday, we propose the following:

- (a) The applicants file and serve their amended pleadings in each proceeding by 4pm on 25 July 2025.
- (b) The respondents file and serve their respective defences in each proceeding by 4pm on 8 August 2025.
- (c) The applicants file and serve any reply in each proceeding by 4pm on 22 August 2025.
- (d) The case management hearing scheduled for both proceedings at 9:30am on 22 July 2025 be adjourned and both matters be listed for case management at a date not before 25 August 2025.

Please confirm whether your clients agree to this timetable and if so, we will seek the consent of the second respondents' solicitors and arrange for a draft minute to be circulated.

We reserve our clients' position with respect to any costs they have incurred that will be thrown away as a result of your clients' amendments to their pleading.

Kind regards  
Lauren

**Lauren Gasparini**  
Senior Associate  
MARQUE Lawyers Pty Ltd

Certified P: +612 8216 3087



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*We do not disclaim anything about this email. We're quite proud of it, really.*

Corporation

**From:** Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>

**Sent:** Wednesday, 16 July 2025 2:47 PM

**To:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; [julie.mills@ashurst.com](mailto:julie.mills@ashurst.com)

**Cc:** Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; [Angela.Pearsall@ashurst.com](mailto:Angela.Pearsall@ashurst.com); [stephen.woodbury@ashurst.com](mailto:stephen.woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Andrea Farrugia <[andrea@marquelawyers.com.au](mailto:andrea@marquelawyers.com.au)>

**Subject:** RE: Federal Court Proceedings Nos. NSD950/2025 and NSD951/2025

Dear Colleagues,

**Federal Court Proceeding No. NSD951/2025: Joseph Toltz & Ors v John Keane & Anor**  
**Federal Court Proceeding No. NSD950/2025: Joseph Toltz & Ors v Nick Riemer & Anor**

We refer to your respective correspondence with our office in connection with the above proceedings.

Kindly note that the applicants in these proceedings intend to amend their pleadings in accordance with rule 16.51(1) of the *Federal Court Rules 2011* (Cth). In view of the foregoing, and to avoid the parties incurring unnecessary costs in attending next Tuesday's case management hearing(s) for these proceedings, we propose the following timetabling arrangements for you and your clients to consider:

- (a) The applicants file and serve their amended pleadings in each proceeding by 4pm on 1 August 2025.
- (b) The respondents file and serve their respective defences in each proceeding by 4pm on 22 August 2025.
- (c) The applicants file and serve any reply in each proceeding by 4pm on 5 September 2025.
- (d) The case management hearing scheduled for both proceedings at 9:30am on 22 July 2025 be adjourned and both matters be listed for case management at a date not before 12 September 2025.

Kindly confirm your respective clients' position on the above, when able. If acceptable to all parties, we will circulate proposed minutes of consent in each proceeding reflecting the updated timetabling and can then inform the Court of same, with a request that such orders are made "on the papers" to avoid the need to appear at the case management hearing scheduled for next Tuesday, 22 July 2025.

Please contact us with any questions.

Kind regards,

**Daniel McCoach**  
Director



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**Certificate identifying annexure**

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

**Joseph Toltz** and others  
Applicants

**Nick Riemer** and another  
Respondents

Affidavit of: **Michael David Bradley**  
Address: Level 4, 343 George Street, Sydney NSW 2000  
Occupation: Managing Partner  
Date: 5 August 2025

**Annexure "MDB-3"**

This is the annexure marked "MDB-3" to the affidavit of Michael David Bradley affirmed before me on 5 August 2025.



.....  
Signature of Witness

## Andrea Farrugia

**From:** Andrea Farrugia  
**Sent:** Monday, 28 July 2025 5:15 PM  
**To:** Daniel McCoach  
**Cc:** Michael Bradley; Lauren Gasparini; Julie.Mills@ashurst.com; Hamish Rotstein; Elijah Rasic; Stephen.Woodbury@ashurst.com; erina.higgins@ashurst.com; Jennifer.Chen@ashurst.com  
**Subject:** NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR [ASH-AUS.FID31571233] [SEC=OFFICIAL] [Marque-DOCUMENTS.FID124631]

Dear Daniel

### Amended pleadings

As it stands, your clients are presently in breach of paragraph 1 of His Honour's Orders of 21 July 2025 and your below email does not identify when your clients will be filing and serving their amended pleadings.

When your clients realised they would be unable to comply with the Court's orders, they ought to have sought an extension from the parties and proposed a draft form of order in the ordinary course. Instead, your clients have disregarded His Honour's orders without explanation and provided a vague explanation for the delay for the first time some 72 hours after the time for compliance has already passed.

In circumstances where it now appears that your clients intend to seek an extension and a revised timetable, the position ought to be regularised by way of court order. We would be grateful if your clients could circulate a draft consent order to that effect for the parties' consideration, as well as a draft email addressing the Court and explaining your clients' delay.

For clarity, nothing in this email should be taken as our clients consenting to the form or substance of your clients' foreshadowed amendments to their pleadings. Our clients reserve their rights in that regard.

### Requested documents

It is unclear from your email whether your clients intend to produce the documents sought in our letter of 21 July 2025, or if not, the basis on which they refuse to do so.

In circumstances where the documents the subject of that letter were relied upon by your clients in their complaint to the Australian Human Rights Commission dated 31 October 2024 and have since been pleaded against Professor Keane in this proceeding, there is no legitimate reason for withholding them.

If those documents are to remain part of your clients' amended pleading, we expect that they will be produced without further delay. Failing that, Professor Keane will proceed with issuing a notice to produce without further notice and seek his costs of doing so.

Kind regards  
Andrea

**Andrea Farrugia**  
Lawyer  
MARQUE Lawyers Pty Ltd



P: +61 2 8216 3029  
Gadigal Country | Level 4, 343 George Street, Sydney NSW 2000  
[marquelawyers.com.au](http://marquelawyers.com.au) / [LinkedIn](#) / [X](#) / [Instagram](#)  
*We do not disclaim anything about this email. We're quite proud of it, really.*

**From:** Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>  
**Sent:** Monday, 28 July 2025 3:40 PM

**To:** Andrea Farrugia <[andreaaf@marquelawyers.com.au](mailto:andreaaf@marquelawyers.com.au)>

**Cc:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>;  
[Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com); Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic  
<[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com);  
[Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com)

**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR [ASH-AUS.FID31571233] [SEC=OFFICIAL] [Marque-DOCUMENTS.FID124631]

Dear Ms Farrugia,

We refer to your email.

We have been delayed beyond the time set out in paragraph 1 of His Honour's orders due, in part, to corresponding delays experienced by our clients in their preparations to seek to add an additional number of parties to be represented by them, as a result of the proposed amendments to their pleadings. We expect to finalise this process shortly.

In the premises, we consider it premature for your clients to seek to relist these matters in circumstances where it is known that our clients' Statements of Claim are being amended, and where no material prejudice is suffered by your clients as a result of this delay (noting that His Honour's orders on 21 July 2025 do not contemplate any action being taken by the Respondents other than in respect of the Case Management Hearing scheduled for 26 August 2025). To confirm, our clients do not propose to truncate your clients' time for filing and serving their pleadings once our clients' amended pleadings are filed and served.

Regarding the documents requested in your letter dated 21 July 2025, we similarly consider it premature for you to issue a notice to produce in circumstances where your clients are aware that the Statements of Claim are being amended and where no material prejudice is suffered by such documents being unavailable to them at this time.

In the event that you nevertheless proceed to seek to relist these matters or issue notices to produce, this email and other correspondence may be produced on the question of costs.

Kind regards,

**Daniel McCoach**  
Director



*Member of Consulegis, an international network of law firms*

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E [daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)

W [www.rotsteins.com.au](http://www.rotsteins.com.au)

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**From:** Andrea Farrugia <[andrea@marquelawyers.com.au](mailto:andrea@marquelawyers.com.au)>  
**Sent:** Monday, 28 July 2025 12:05 PM  
**To:** Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>  
**Cc:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>;  
[Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com); Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic  
<[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com);  
[Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com)  
**Subject:** NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR [ASH-AUS.FID31571233] [SEC=OFFICIAL] [Marque-DOCUMENTS.FID124631]

Dear Daniel

I tried to give you a call earlier, but wasn't able to get through. I left a message with reception.

Please urgently confirm when your clients will deliver their amended pleadings, noting that they are presently in breach of paragraph 1 of his Honour Justice Kennett's Order of 21 July 2025. If we do not receive your clients' amended pleadings by 4pm today, then we will have no option but to relist the matter without further notice.

We would also be grateful if you could please confirm whether your clients intend to produce the documents referred to in our letter of 21 July 2025 in respect of the proceedings against Professor Keane? If we do not receive those documents by **12pm tomorrow**, then we anticipate obtaining instructions to issue a notice to produce to your clients, and will rely on this email in seeking our client's costs of doing so.

Kind regards  
Andrea

**Andrea Farrugia**  
Lawyer  
MARQUE Lawyers Pty Ltd



P: +61 2 8216 3029  
Gadigal Country | Level 4, 343 George Street, Sydney NSW 2000

[marquelawyers.com.au](http://marquelawyers.com.au) / [LinkedIn](#) / [X](#) / [Instagram](#)

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**From:** Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>  
**Sent:** Saturday, 26 July 2025 11:48 AM  
**To:** Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>  
**Cc:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Andrea Farrugia <[andrea@marquelawyers.com.au](mailto:andrea@marquelawyers.com.au)>;  
[Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com); Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic  
<[elijah.rasic@rotsteins.com.au](mailto:elijah.rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com);  
[Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com)  
**Subject:** FW: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR [ASH-AUS.FID31571233] [SEC=OFFICIAL] [Marque-DOCUMENTS.FID124631]

Dear Daniel

We refer to the **attached** orders, requiring your clients to file and serve their amended pleadings by 4pm yesterday.

We have not received your clients' filed pleadings, or an explanation for the delay.

We would appreciate if you could please provide us with your clients' amended pleadings as soon as possible.

Kind regards  
Lauren

**Lauren Gasparini**  
Senior Associate  
MARQUE Lawyers Pty Ltd

**From:** Associate Kennett J <Associate.KennettJ@fedcourt.gov.au>  
**Sent:** Monday, 21 July 2025 12:54 PM  
**To:** Julie.Mills@ashurst.com; Lauren Gasparini <laureng@marquelawyers.com.au>; hamish@rotsteins.com.au; Michael Bradley <michaelb@marquelawyers.com.au>; Elijah.Rasic@rotsteins.com.au; Andrea Farrugia <andrea@marquelawyers.com.au>; Stephen.Woodbury@ashurst.com; erina.higgins@ashurst.com; Jennifer.Chen@ashurst.com; daniel.mccoach@rotsteins.com.au  
**Cc:** nsd9512025@fedcourt.gov.au; nsd9502025@fedcourt.gov.au  
**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR [Marque-DOCUMENTS.FID124631] [ASH-AUS.FID31571233] [SEC=OFFICIAL]

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## OFFICIAL

Dear practitioners

We confirm receipt of the applicants' and first and second respondents' emails. Please see **attached** sealed copies of the orders made by Justice Kennett in Chambers this afternoon.

The proceeding has been listed for case management at **9:30am AEST on 26 August 2025**. Please provide appearances and any short minutes of order by **12:00pm on 25 August 2025**.

Kind regards

**Simran Goklaney** (she/her) (sender)  
Associate to the Hon. Justice Kennett  
Federal Court of Australia | NSW  
P 02 8099 8525  
E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

**Jack Dowling**  
Associate to the Hon. Justice Kennett  
Federal Court of Australia | NSW  
P 02 8099 8590  
E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

**From:** Julie.Mills@ashurst.com <Julie.Mills@ashurst.com>  
**Sent:** Monday, 21 July 2025 12:06 PM  
**To:** Lauren Gasparini <laureng@marquelawyers.com.au>; Associate Kennett J <Associate.KennettJ@fedcourt.gov.au>  
**Cc:** nsd9512025@fedcourt.gov.au; nsd9502025@fedcourt.gov.au; hamish@rotsteins.com.au; michaelb@marquelawyers.com.au; Elijah.Rasic@rotsteins.com.au; andrea@marquelawyers.com.au; Stephen.Woodbury@ashurst.com; erina.higgins@ashurst.com; Jennifer.Chen@ashurst.com; daniel.mccoach@rotsteins.com.au  
**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR [SEC=OFFICIAL] [Marque-DOCUMENTS.FID124631] [ASH-AUS.FID31571233]

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Dear Associates

We confirm that the Second Respondent does not object to his Honour's proposal to list the proceedings for case management on 26 August 2025.

Kind regards

Julie

## Julie Mills

Global Practice Management Counsel - Employment

Ashurst Australia, Level 8, 39 Martin Place, Sydney, NSW 2000, Australia  
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www.ashurst.com

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**From:** Lauren Gasparini <laureng@marquelawyers.com.au>  
**Sent:** Monday, 21 July 2025 12:00 PM  
**To:** Associate Kennett J <Associate.KennettJ@fedcourt.gov.au>  
**Cc:** nsd9512025@fedcourt.gov.au; nsd9502025@fedcourt.gov.au; Hamish Rotstein <hamish@rotsteins.com.au>;  
Mills, Julie 66761 <Julie.Mills@ashurst.com>; Michael Bradley <michaelb@marquelawyers.com.au>; Elijah Rasic  
<Elijah.Rasic@rotsteins.com.au>; andrea@marquelawyers.com.au; Woodbury, Stephen 66444  
<Stephen.Woodbury@ashurst.com>; Higgins, Erina 66322 <erina.higgins@ashurst.com>; Chen, Jennifer 63781  
<Jennifer.Chen@ashurst.com>; Daniel McCoach <daniel.mccoach@rotsteins.com.au>  
**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v  
JOHN KEANE & ANOR [SEC=OFFICIAL] [Marque-DOCUMENTS.FID124631]

### Caution: External email.

Dear Associates

We act on behalf of the First Respondents and confirm that our clients also do not object to his Honour's proposal to list the proceedings for case management on 26 August 2025.

Kind regards  
Lauren

**Lauren Gasparini**  
Senior Associate  
MARQUE Lawyers Pty Ltd

Certified P: +612 8216 3087



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[marquelawyers.com.au](http://marquelawyers.com.au) / [LinkedIn](#) / [Bluesky](#) / [Instagram](#)  
*We do not disclaim anything about this email. We're quite proud of it, really.*

**From:** Daniel McCoach <daniel.mccoach@rotsteins.com.au>  
**Sent:** Monday, 21 July 2025 11:43 AM  
**To:** Associate Kennett J <Associate.KennettJ@fedcourt.gov.au>  
**Cc:** nsd9512025@fedcourt.gov.au; nsd9502025@fedcourt.gov.au; Hamish Rotstein <hamish@rotsteins.com.au>;  
julie.mills@ashurst.com; Michael Bradley <michaelb@marquelawyers.com.au>; Elijah Rasic  
<Elijah.Rasic@rotsteins.com.au>; Lauren Gasparini <laureng@marquelawyers.com.au>;  
andrea@marquelawyers.com.au; Stephen.Woodbury@ashurst.com; erina.higgins@ashurst.com;  
Jennifer.Chen@ashurst.com  
**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v  
JOHN KEANE & ANOR [SEC=OFFICIAL]

Dear Associates,

Thank you for your email. We confirm that the Applicants do not object to His Honour's proposed date for the case management hearing for these proceedings per the **below** email.

Kind regards,

**Daniel McCoach**  
Director



*Member of Consulegis, an international network of law firms*

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**From:** Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>  
**Sent:** Monday, 21 July 2025 9:59 AM  
**To:** Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>;  
[andrea@marquelawyers.com.au](mailto:andrea@marquelawyers.com.au); Stephen.Woodbury@ashurst.com; julie.mills@ashurst.com; Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; erina.higgins@ashurst.com; Jennifer.Chen@ashurst.com  
**Cc:** [nsd9512025@fedcourt.gov.au](mailto:nsd9512025@fedcourt.gov.au); [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au)  
**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR [SEC=OFFICIAL]

### OFFICIAL

Dear practitioners

Justice Kennett is minded to make the proposed orders. His Honour intends to list the proceeding for case management on **26 August 2025 at 9:30am AEST**.

Could the parties please confirm they have no objections to this proposed approach?

Kind regards

**Simran Goklaney** (she/her) (sender)  
Associate to the Hon. Justice Kennett  
Federal Court of Australia | NSW  
P 02 8099 8525  
E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

**Jack Dowling**  
Associate to the Hon. Justice Kennett  
Federal Court of Australia | NSW  
P 02 8099 8590  
E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

**From:** Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>  
**Sent:** Monday, 21 July 2025 9:41 AM  
**To:** Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>  
**Cc:** Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; [andrea@marquelawyers.com.au](mailto:andrea@marquelawyers.com.au); [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [julie.mills@ashurst.com](mailto:julie.mills@ashurst.com); Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au); [nsd9512025@fedcourt.gov.au](mailto:nsd9512025@fedcourt.gov.au)  
**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR [SEC=OFFICIAL]

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Dear Associates,

**RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR**

We refer to the above proceedings, the **below** email and the case management hearing listed in these proceedings for 9:30am Tuesday, 22 July 2025.

Please see **attached** copies of minutes of proposed consent orders in each proceeding executed on behalf of the parties and Word versions of same, for the Court's consideration. We seek that the proposed orders set out in the minutes are made "on the papers" in each proceeding, and request that the Court please inform the parties whether an appearance tomorrow morning is still required.

We confirm that the solicitors acting for the First Respondents and Second Respondent have been copied into this email.

Please contact us with any questions or if any further information is required.

Kind regards,

**Daniel McCoach**  
**Director**



*Member of Consulegis, an international network of law firms*

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W [www.rotsteins.com.au](http://www.rotsteins.com.au)

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**From:** Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>  
**Sent:** Friday, 11 July 2025 12:00 PM  
**To:** Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; [michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au); Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; [andrea@marquelawyers.com.au](mailto:andrea@marquelawyers.com.au); [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com)  
**Cc:** [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au); [nsd9512025@fedcourt.gov.au](mailto:nsd9512025@fedcourt.gov.au)  
**Subject:** NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR [SEC=OFFICIAL]

## OFFICIAL

Dear practitioners

Justice Kennett is the allocated docket judge for the NSD950/2025 and NSD951/2025 proceedings.

His Honour has listed these proceedings for a first case management hearing at **9.30 am AEST on 22 July 2025** in the NSW Registry (Queen's Square, Sydney). Justice Kennett has indicated that this listing can be brought forward if the parties consider it necessary.

Please otherwise provide Chambers with appearances and any short minutes of order by 12.00 pm AEST on 21 July 2025.

Kind regards

**Jack Dowling** (he/him) (sender)  
Associate to the Hon. Justice Kennett  
Federal Court of Australia | NSW  
P 02 8099 8590  
E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

**Simran Goklaney**  
Associate to the Hon. Justice Kennett  
Federal Court of Australia | NSW  
P 02 8099 8548  
E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

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