



Federal Court of Australia

District Registry: New South Wales Registry

Division: General

No: NSD689/2023

**BEN ROBERTS-SMITH** and others named in the schedule  
Appellant

**FAIRFAX MEDIA PUBLICATIONS PTY LTD (ACN 003 357 720)** and others named in  
the schedule  
Respondent

## **ORDER**

**JUDGE:** Justice Perram

**DATE OF ORDER:** 24 April 2025

**WHERE MADE:** Sydney

### **THE COURT ORDERS THAT:**

1. In respect of the Notice to Produce dated 16 April 2025 and issued to the Second Respondent by the Appellant,
  - a. paragraphs 2 to 3 and 5 to 10 be set aside;
  - b. paragraph 1 be taken to have a date range of 1 August 2020 to 30 April 2021; and
  - c. paragraph 4 be taken to have a date range of 1 August 2020 to 31 May 2021.
2. In respect of the Subpoena to Produce Documents filed on 17 April 2025 and issued to Mr Dean Levitan at the request of the Appellant, paragraphs 1 to 3 and 5 to 8 be set aside and paragraph 4 be taken to be limited to the date range of 1 August 2020 to 31 May 2021.
3. In respect of the Subpoena to Produce Documents filed on 17 April 2025 and issued to Mr Peter Bartlett at the request of the Appellant, paragraphs 1 to 3 and 5 to 8 be set aside and paragraph 4 be taken to be limited to the date range of 1 August 2020 to 31 May 2021.
4. The Subpoena to Produce Documents filed on 17 April 2025 and issued to the Australian Broadcasting Commission at the request of the Appellant be set aside.
5. The Subpoena to Produce Documents filed on 17 April 2025 and issued to Person 17 at the request of the Appellant be set aside.



6. The Subpoena to Produce Documents filed on 17 April 2025 and issued to Emma Roberts at the request of the Appellant be set aside.
7. The Subpoena to Produce Documents filed on 17 April 2025 and issued to Danielle Scott at the request of the Appellant be set aside.
8. The time for compliance with the paragraphs of the subpoenas and the notice to produce referred to in Orders 1, 2 and 3 that have not been set aside be amended to 5 pm on Monday 28 April 2025 with liberty to apply.
9. The costs of the Respondents' Interlocutory Application lodged on 22 April 2025 be costs in the cause.

Date orders authenticated: 24 April 2025

*Sia Lagos*  
Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



## **Schedule**

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Interested Person	DEAN LEVITAN
Interested Person	PETER BARTLETT
Second Respondent	NICK MCKENZIE
Third Respondent	CHRIS MASTERS
Fourth Respondent	DAVID WROE