

NOTICE OF FILING

Details of Filing

Document Lodged:	Chronology
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
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File Number:	NSD689/2023
File Title:	BEN ROBERTS-SMITH v FAIRFAX MEDIA PUBLICATIONS PTY LTD (ACN 003 357 720) & ORS
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



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.

Chronology of relevant events in proceeding nos. NSD 1485, 1486 and 1487 of 2018

	Date	Event	Evidentiary references
1.	15 June 2018	Person 5 emailed the Appellant attaching a three-page statement outlining details of Person 5's IGADF interview.	Exhibit MHA-1 to the Affidavit of Monica Allen dated 27 March 2025 (Allen) (pages 203-206)
2.	25 June 2018	The Appellant emailed three draft chapters of his autobiography to Emma Roberts. Later that day, Ms Roberts forwarded the emails to Danielle Scott.	Exh MHA-1 (pages 391-393, 395-397)
3.	15 August 2018	The Appellant filed and served his Statement of Claim. Imputations 7 and 8 concerned an allegation that the Appellant had committed an act of domestic violence against Person 17.	Trial Judgment (J) [11]-[13], [1968]
4.	17 August 2018	The Appellant emailed Ms Roberts photographs of Person 17's medication and her diary, as well as a screenshot of a text message from Person 17 sent on 6 April 2018. Later that day, Ms Roberts forwarded the emails to Ms Scott.	J [2474]-[2476] Exhibit NM-1 to the Affidavit of Nick McKenzie dated 14 April 2025 (McKenzie) (pages 77-84)
5.	9 October 2018	The Respondents filed their Defence. It raised defences of justification and contextual truth in response to all alleged imputations. The justification case on the domestic violence imputations was that the Appellant punched Person 17, a woman with whom he was having an affair, on 28 March 2018 in a hotel room in Canberra.	J [16], [1969]
6.	3 November 2018	Person 29 sent an email to the Appellant with the subject line "108". The email attaches 3 images, each of which purported to be satellite imagery of the area around the W108 compound.	Exh MHA-1 (page 124)
7.	5 April 2019	The Appellant filed an outline of evidence for Ms Roberts. The outline stated that Ms Roberts and the Appellant were separated at the time he was in a relationship with Person 17.	McKenzie [20], Exh NM-1 (pages 1-41)
8.	7 June 2019	The Respondents filed an outline of evidence for Person 17. It said the relationship was an extramarital affair of which Ms Roberts was unaware. It foreshadowed that Person 17 would say that after the affair ended, she received emails from a person named "DKennedy" which she thought were sent on behalf of the Appellant to intimidate her.	McKenzie [21], Exh NM-1 (pages 42-57)
9.	29 June 2019	The Appellant sent an email to Person 29 that included a Dropbox link containing a video of the bomb being dropped on the W108 compound on 12 April 2009.	Exh MHA-1 (page 198)
10.	3 July 2019	The Appellant sent an email to Person 29 titled 'W108.copy'. The email attached a PowerPoint containing an aerial photograph of W108 that was created by Person 5 and had been marked up by the Appellant.	Exh MHA-1 (page 200), J [2480(5)]

	Date	Event	Evidentiary references
11.	11 July 2019	The Appellant filed an outline of evidence in reply for Ms Roberts. It stated that Ms Roberts and the Appellant separated in October 2017 and that Ms Roberts was aware at the time he was seeing a woman by Person 17's name. The outline also disputed other aspects of Person 17's foreshadowed evidence.	McKenzie [22], Exh NM-1 (pages 58-63)
12.	Mid-2019	The Appellant started receiving USBs in the mail containing photographs of Afghanistan as well as imagery of W108, a post operation report, and ScanEagle (drone) footage.	J [2481]
13.	24 September 2019	The parties agreed on the categories of discovery to be provided by the Appellant.	J [2470], [2477]
14.	23 October 2019	The Appellant served a sworn affidavit setting out a list of 63 discoverable documents in his possession. At J [2480], the trial judge listed 5 items that the Appellant had in his possession which were not discovered: <ol style="list-style-type: none"> 1. the USBs which included photographs, videos and mission-related documents (row 12 above); 2. Person 5's email and statement of complaint (row 1 above); 3. the email and aerial photographs sent by Person 29 on 3 November 2018 (row 6 above); 4. the video of W108 shared with Person 29 on 29 June 2019 (row 9 above); and 5. the email sent to Person 29 on 3 July 2019 attaching a document created by Person 5 (row 10 above). 	J [2471]-[2472], [2477], [2480]
15.	25 October 2019	The Respondents provided a list of documents affirmed by the Respondents' editorial counsel.	Exhibit BRN-2 to the Affidavit of Beverley Newbold dated 29 April 2025 (pages 1-11)
16.	6 November 2019	The Respondents' solicitors wrote to the Appellant's solicitors and queried why the list of discoverable documents included in the Appellant's affidavit served 23 October 2019 did not include any correspondence, including any correspondence with individuals on whose behalf the Appellant had filed outlines of evidence.	J [2478]
17.	11 November 2019	The Appellant's solicitors responded to the 6 November 2019 letter, stating that the Appellant does not retain messages sent or received by him, so any correspondence responsive to a discovery category was no longer in his possession.	J [2479]
18.	13 November 2019	The Second Respondent provided a list of documents affirmed on affidavit.	Exh BRN-2 (pages 12-20)
19.	Early January 2020	The Appellant and Ms Roberts separated.	J [2484]
20.	January to April 2020	According to the Appellant's 25 August 2021 affidavit in proceeding NSD 511 of 2021 (the Bromwich J Proceeding), the RS Group email hosting account was accessed 92 times between 20 January and 30 April	Exh MHA-1 (pages 412-414)

	Date	Event	Evidentiary references
		2020 via an IP address associated with the username "darren.phil@bigpond.com". Darren Phil is Ms Scott's husband.	
21.	11 March 2020	The Appellant issued a subpoena to Person 17, seeking: <ol style="list-style-type: none"> 1. Person 17's communications with the Respondents, ADF, AFP and her husband referring to or evidencing allegations of assault by the Appellant; 2. Person 17's telephone records with the Respondents and ADF; 3. Documents referring to any complaint, record or notation of assault by the Appellant; 4. Documents referring to Person 17's AFP and ACT Police complaint; and 5. Documents referring to Person 17's medical appointment on 29 March 2018. 	Exh BRN-2 (pages 21-28)
22.	2 May 2020	Person 17 produced documents responsive to the 11 March 2020 subpoena.	Exh BRN-2 (page 29)
23.	13 July 2020	The Appellant filed and served a further affidavit in relation to discovery, accompanied by an Amended List of Documents. The five items set out at row 14 above were again not discovered.	J [2471]
24.	August 2020	Nick McKenzie was first contacted by Ms Scott and spoke with her on the telephone twice.	McKenzie [44], [46]; Confidential Exhibit NM-3
25.	11 August 2020	According to the Appellant's 25 August 2021 affidavit in the Bromwich J Proceeding, the RS Group email hosting account was accessed twice on this day via an IP address associated with the username "darren.phil@bigpond.com".	Exh MHA-1 (page 413)
26.	12 August 2020	The Appellant served a further affidavit accompanying a Further Amended List of Documents. The five items set out at row 14 above were again not discovered.	J [2471]
27.	15 December 2020	The Respondents issued a notice to produce (the Person 17 NTP) seeking: <ol style="list-style-type: none"> 1. Photographs taken by the Appellant in the hotel room at the Hotel Realm Canberra on 28 March 2018, including those referred to in the Appellant's Outline of Evidence in Reply filed on 12 July 2019 at [201]; and 2. Video or photos taken of Person 17 on 6 March 2018 as referred to at paragraph 27 of Person 17's Outline of Evidence. 	J [2542]
28.	16 December 2020	According to the Appellant's affidavit filed 25 August 2021 in the Bromwich J Proceeding, the RS Group email hosting account is accessed twice on this day via an IP address associated with the username "darren.phil@bigpond.com".	Exh MHA-1 (page 414)

	Date	Event	Evidentiary references
29.	23 December 2020	The Appellant swore an affidavit to accompany a Second Further Amended List of Documents and discovered five documents. The five items set out at row 14 above were again not discovered.	J [2471]
30.	4 February 2021	In response to the Person 17 NTP, the Appellant produced two screenshots of the images taken of Person 17 on 28 March 2018 by embedding the screenshots in an email. The Appellant did not produce: <ol style="list-style-type: none"> 1. the video of Person 17 outside Greenslopes Private Hospital on 6 March 2018; or 2. the photographs concerning Person 17 that were sent to Ms Roberts on 17 August 2018. 	J [2542]-[2550]
31.	1-18 March 2021	Mr McKenzie obtained a series of images and screenshots from Ms Scott and subsequently provided these to Dean Levitan of MinterEllison.	McKenzie [4], Exh NM-1 (pages 158 to 208)
32.	3 March 2021	Mr McKenzie participated in a call with Ms Scott, Mr Levitan, Peter Bartlett and Dylan Dexter of MinterEllison.	McKenzie [48]
33.	5 March 2021	Mr McKenzie travelled to Cairns to meet with Ms Scott. She provided him with a copy of the contents of USBs that she and Ms Roberts had found buried in the backyard of the Appellant and Ms Roberts' home.	McKenzie [49]-[50]
34.	12 March 2021	Mr McKenzie sends an email to Mr Levitan and Mr Bartlett with the subject line ' <i>Messages and Intell – prepared for RS litigation</i> '.	McKenzie [54], Exh NM-1 (pages 209-214)
35.	14 March 2021	Mr McKenzie, Mr Bartlett and Mr Levitan met Ms Roberts and Ms Scott at Ms Roberts' home.	McKenzie [60]
36.	15 March 2021	The Respondents filed an interlocutory application seeking leave to: <ol style="list-style-type: none"> 1. issue subpoenas to give evidence to new Sensitive Witnesses, Ms Roberts, Ms Scott and (as subsequently amended) John McLeod; 2. amend their Defence to include additional particulars; and 3. file and serve and amended outline of evidence for Person 18. 	<i>Roberts-Smith v Fairfax Media Publications Pty Limited (No 12)</i> [2021] FCA 465 (RS No 12) at [1]-[11]
37.	22 March 2021	Mr McKenzie sends an email to Mr Levitan and Mr Bartlett with the subject line ' <i>Over view of USB – prepared for RS litigation</i> ', being an expanded version of his 12 March 2021 email.	McKenzie [56], Exh NM-1 (pages 215-222)
38.	24 March 2021	The Appellant served an affidavit of his solicitor, Mark O'Brien, in opposition to the Respondents' interlocutory application filed 15 March 2021. Annexed to Mr O'Brien's affidavit was an email from the Chairman of the SAS Association to its members in which the Chairman states that general expert legal advice is being sought relating to the witnesses' general rights under the relevant legislation, and that until that advice is received, "we strongly recommend that individuals should not take any action in preparing or providing evidence of any kind". The email said "the advice will be forwarded to you as soon as it is available".	RS No 12 at [38]; Exh BRN-2 (pages 30-32)

	Date	Event	Evidentiary references
39.	28 March 2021	According to the Appellant's affidavit filed 25 August 2021 in the Bromwich J Proceeding, the RS Group email hosting account is accessed on this day via an IP address associated with the username "darren.phil@bigpond.com".	Exh MHA-1 (page 414)
40.	29 March 2021	According to the Appellant's affidavit filed 25 August 2021 in the Bromwich J Proceeding, the RS Group email hosting account is accessed on this day via an IP address associated with the username "darren.phil@bigpond.com".	Exh MHA-1 (page 414)
41.	30 March 2021	According to the Appellant's affidavit filed 25 August 2021 in the Bromwich J Proceeding, the RS Group email hosting account is accessed on this day via an IP address associated with the username "darren.phil@bigpond.com".	Exh MHA-1 (page 414)
42.	31 March 2021	The Respondents issued a notice to produce, seeking an unredacted version of the email from the Chairman of the SAS Association that was Annexure MOB-4 to the affidavit of Mark O'Brien affirmed on 24 March 2021. The Appellant produced the responsive document at the case management hearing on 7 April 2021. The foreshadowed "legal advice" was not produced.	Exh BRN-2 (page 36)
43.	31 March 2021	<p>The Respondents issued a notice to produce, seeking, among other things:</p> <ol style="list-style-type: none"> 1. An unredacted copy of the email from the SAS Association Chairman marked as Annexure MOB-4 to Mr O'Brien's 24 March 2021 affidavit; 2. All correspondence between the Appellant (or his legal representatives) and the SAS Association relating or referring to the proceeding; 3. A copy of the correspondence sent to the Appellant or his legal representatives which forwarded or attached the email at Annexure MOB-4 to Mr O'Brien's 24 March 2021 affidavit; and 4. Communications between the Appellant (or his legal representatives) and the witnesses (or their legal representatives) that Mr O'Brien had identified in his 24 March 2021 affidavit as needing to be interviewed or re-interviewed (i.e. Persons 5, 27, 29, 35, 38 and 68). <p>In response, the Appellant produced a single document, being the same email from the SAS Association Chairman that was Annexure MOB-4 to Mr O'Brien's 24 March 2021 affidavit.</p>	Exh BRN-2 (pages 34-35)
44.	7 April 2021	Besanko J granted leave for the Respondents to issue subpoenas to give evidence to Ms Roberts and Ms Scott on condition that the respondents file outlines of evidence of those witnesses within seven days.	RS No 12 at [3]
45.	11 April 2021	Channel 9 broadcast a "60 Minutes" program alleging that the Appellant had buried USBs in his backyard, and arranged for correspondence to be sent in relation to Person 6 and Person 18.	J [2329], [2529]

	Date	Event	Evidentiary references
46.	12 April 2021	The Respondents served Outlines of Evidence for Ms Roberts and Ms Scott.	McKenzie [26], Exh NM-1 (pages 64-148)
47.	12 April 2021	The Respondents' solicitors wrote to the Appellant's solicitors, querying why the USBs had not been discovered.	J [2529]
48.	15 April 2021	The Respondents' solicitors wrote to the Appellant's solicitors, querying why the Appellant had not produced documents responsive to the Person 17 NTP.	Exh BRN-2 (pages 37-41)
49.	16 April 2021	The Respondents issued a notice to produce, seeking all USB drives (and any copies of their contents) which were taken by the Appellant from his former home in Ilkley Road, Ilkley, Queensland, on or around 5 June 2020.	J [2530]; Exh BRN-2 (pages 42-43)
50.	19 April 2021	The Respondents issued a notice to produce (the 19 April NTP), seeking: <ol style="list-style-type: none"> 1. One copy of each of the draft chapters of the Appellant's autobiographical book; 2. One copy of any email correspondence between the Appellant and Persons 5, 29, 32 or 35 in relation to the Whiskey 108 mission; 3. One copy of any attachments to the email correspondence referred to in the category above; 4. The statement provided by Person 36 in 2013 and/or July 2017 to Defence in support of the Appellant; 5. The request from the Appellant to Person 36 in approximately July 2017 to provide a statement/character reference in support of the Appellant, and any communications between the Appellant and Person 36 about that statement; and 6. All correspondence between the Appellant (including his legal representatives) and the SAS Association relating or referring to this proceeding. 	Exh BRN-2 (pages 44-46)
51.	19-20 April 2021	The Appellant searched his RS Group email account and identified documents responsive to the 19 April NTP: <ol style="list-style-type: none"> 1. draft chapters of his autobiography (responsive to category 1 of the 19 April NTP); 2. the W108-related communication with Person 29 dated 3 November 2018 (responsive to categories 2 and 3 of the 19 April NTP); and 3. communications with Person 36 in August and September 2017 (responsive to categories 4 and 5). 	Exh MHA-1 (pages 121, 122, 124, 128 and 130)
52.	22 April 2021	According to the Appellant's affidavit filed 25 August 2021 in the Bromwich J Proceeding, the RS Group email hosting account is accessed on this day via an IP address associated with the username "darren.phil@bigpond.com".	Exh MHA-1 (page 414)
53.	23 April 2021	Besanko J made orders requiring, among other things, that the Appellant must, by 5pm on 30 April 2021:	Exh BRN-2 (pages 47-51)

	Date	Event	Evidentiary references
		<ol style="list-style-type: none"> 1. respond to the letters from the Respondents' solicitors dated 12 and 15 April 2021 (concerning the non-disclosure of the USBs and the Person 17 documents, respectively); 2. file and serve any Third Further Amended List of Documents and produce any newly discovered document identified in Part 1 of the list; and 3. produce any further documents responsive to the Person 17 NTP, along with an explanation for any previous non-disclosure of this material. 	
54.	27 April 2021	The Appellant gave notice to the Attorney-General under s 38D(1) of the NSI Act that he may disclose national security information in relation to the 19 April NTP.	Exh BRN-2 (page 55)
55.	27 April 2021	The Respondents filed a Further Amended Interlocutory Application seeking leave to file outlines of evidence from Ms Roberts and Ms Scott as witnesses in the proceeding.	McKenzie [27], Exh NM-1 (pages 151-154)
56.	27 April 2021	According to the Appellant's affidavit filed 25 August 2021 in the Bromwich J Proceeding, the RS Group email hosting account is accessed on this day via an IP address associated with the username "darren.phil@bigpond.com".	Exh MHA-1 (page 414)
57.	28 April 2021	The First and Second Respondents provide a supplementary list of documents affirmed on affidavit	Exh BRN-2 (pages 57-62)
58.	29 April 2021	Orders made by Besanko J permitting the Respondents to file the outlines of evidence of Ms Roberts and Ms Scott within 7 days, and to file and serve an outline of evidence of John McLeod by 3 May 2021.	McKenzie [28], Exh NM-1 (pages 155-156)
59.	30 April 2021	<p>In response to the 19 April NTP, the Appellant produced a supplementary list of documents in which he discovered his draft book manuscript, a PowerPoint slide, a statement from Person 36, an email dated 3 November 2018 from Person 29 and attachment, and various W108 documents and images sourced from the USBs.</p> <p>No claim for legal professional privilege was made over any of the materials. However, the documents were physically withheld from production on the basis that they contained information subject to the national security orders and a section 38D notice had been issued.</p> <p>In accordance with orders 16(a) and 16(e) of Besanko J's orders dated 23 April 2021, the Appellant's lawyers explained in writing that the previous failures to discover the USBs was due to "inadvertence".</p>	Exh BRN-2 (pages 63-67, 68-69, 70-71)
60.	30 April 2021	In response to the Respondents' 15 December 2020 notice to produce, the Appellant produced photos taken of belongings in Person 17's handbag on the night of 28 March 2018. The Appellant also produced a copy of the video taken of Person 17 at Greenslopes Private Hospital on 6 March 2018, and stated that he was unaware that he had a copy until he received a copy of Ms Scott's outline of evidence served on 12 April 2021.	J [2542]-[2550]

	Date	Event	Evidentiary references
61.	3 May 2021	The Respondents filed the outlines of evidence of Ms Roberts and Ms Scott served 12 April 2021.	McKenzie [26], Exh NM-1 (pages 64-65 and pages 66-148)
62.	20 May 2021	The Appellant issued a subpoena to Ms Roberts, seeking: <ol style="list-style-type: none"> 1. Communications with Ms Scott regarding P17, John McLeod, the Respondents, and Appellant (from 1 January 2020 to date of subpoena), and any statements made by any person suggesting Ms Roberts and the Appellant were separated during the period October 2017 to April 2018; 2. Communications with Ms Scott regarding Ms Roberts' separation from the Appellant during the period October 2017 to April 2018 and any request for Ms Scott to keep documents for safekeeping; 3. Communications with any of the Respondents, including any communications referring to the Appellant, P17, Mr McLeod or Ms Scott; 4. Communications with Respondents providing copies of communications between Appellant and Appellant's solicitors in these proceedings, and documents filed in the Family Court proceedings; 5. Communications with Nine, including any communications referring to the Appellant, P17, Mr McLeod or Ms Scott; 6. Communications with John McLeod from 1 January 2020 to date, including referring to the Appellant, P17 or Ms Scott, and any request made by the Appellant of Mr McLeod to post letters for him; 7. Documents relating to allegation of concealment of evidence; 8. Documents relating to allegation of collusion with witnesses; and 9. Documents relating to allegation of threatening witnesses. 	Exh MHA-1 (pages 168-175 and pages 189-196)
63.	20 May 2021	The Second Respondent provided an updated list of further documents	Exh BRN-2 (pages 72-85)
64.	25 May 2021	The Respondents issued a notice to produce, seeking: <ol style="list-style-type: none"> 1. Communications with Person 5 re IGADF Inquiry, P5's and Appellant's interviews with IGADF, P5's legal representation at Inquiry and in this proceeding, and events at W108; 2. Communications with Person 11 re IGADF Inquiry, P11's and Appellant's interviews with IGADF, P11's legal representation at Inquiry and in this proceeding and events at Darwan; 3. Communications with Person 23 re IGADF Inquiry, P23's interviews with IGADF, Appellant's interviews with IGADF and events at Chora Pass; 4. Communications with Person 29 re IGADF Inquiry, P29's interviews with IGADF, Appellant's interviews with IGADF, events at W108 and Appellant and Ms Roberts being separated; 	Exh BRN-2 (pages 86-90)

	Date	Event	Evidentiary references
		<ol style="list-style-type: none"> 5. Communications with Person 35 re IGADF Inquiry, P35's interviews with IGADF, Appellant's interviews with IGADF, events at W108 and events at Darwan; 6. Communications with Person 36 re IGADF Inquiry, P36's interviews with IGADF, Appellant's interviews with IGADF and events at Chora Pass; 7. Communications with Neil Mooney re Appellant and Ms Roberts being separated; 8. Communications with Jed Wheeler re Appellant and Ms Roberts being separated; 9. Communications and documents evidencing work by John McLeod from 1 January 2016 – 30 June 2018; 10. Transcript of AWM interview on 28 March 2018; 11. Audio or visual recording of AWM interview on 28 March 2018; 12. Statements made by Appellant in relation to 32 news articles / publications; and 13. Communications or documents re purchase of new laptop, trade-in of old laptop and recommendation from Apple to erase hard drive on old laptop. 	
65.	26 May 2021	<p>The Appellant issued a subpoena to Ms Scott, seeking:</p> <ol style="list-style-type: none"> 1. Communications regarding Ms Roberts's separation with BRS, with P17, John McLeod, Respondents, Appellant (from 1 January 2020 to date of subpoena); 2. Communications with Ms Roberts regarding any request for Ms Scott to keep docs for safekeeping; 3. Communications with John McLeod, including regarding the Appellant's request for Mr McLeod to post threatening letters for him; 4. Communications with P17; 5. Communications with Respondents, including referring to Appellant, P17, McLeod or Ms Roberts; 6. Communications with Nine, including referring to Appellant, P17, McLeod or Ms Roberts; 7. Documents provided to Ms Scott by Ms Roberts for safekeeping; 8. Communications with AFP regarding the Appellant and providing USBs to them; 9. Computer on which Ms Scott copied contents of six USBs; and 10. Photographs (including metadata) of ground in which USBs were buried. 	Exh BRN-2 (pages 91-101)
66.	31 May 2021	<p>Ms Roberts produced two packets of documents in response to the 20 May 2021 subpoena.</p> <p>The first (Packet 38) included:</p>	Exh BRN-2 (page 102); Exh MHA-1 (pages 186-384)

	Date	Event	Evidentiary references
		<ol style="list-style-type: none"> 1. the 15 June 2018 statement from Person 5 referring to W108 (see row 1 above); 2. the 29 June 2019 email from the Appellant to Person 29 concerning W108 (see row 9 above); and 3. the 3 July 2019 communication from the Appellant to Person 29 concerning W108 (see row 10 above). <p>The second (Packet 39) included the privileged IGADF file note.</p>	
67.	1 June 2021	<p>The Appellant commenced the Bromwich J Proceeding <i>ex parte</i>.</p> <p>Bromwich J was told that the <i>ex parte</i> application was prompted by the 19 April NTP. The Appellant's evidence was that all of the documents he located in response to the 19 April 2021 NTP were all in his RS Group email account and "were not recorded or stored anywhere other than in that email account". He therefore concluded that "Ms Roberts had been accessing my emails stored in my RS Group Australia email account and divulging those communications without my consent to MinterEllison, who are representing the Respondents in the defamation proceedings."</p> <p>At the conclusion of the <i>ex parte</i> hearing, Bromwich J ordered Ms Roberts to deliver up all information she had from the Appellant's RS Group email account, along with an affidavit deposing to her compliance with that order.</p>	<p><i>Roberts-Smith v Roberts</i> [2022] FCA 18</p> <p>Exh MHA-1 at pages 14-16, paragraphs [18] and [21]-[23]</p>
68.	2 June 2021	<p>Besanko J makes orders requiring:</p> <ol style="list-style-type: none"> 1. The Appellant to file and serve itemised list of documents from Supplementary List dated 30 April 2021 (including date and title of each document) by 5pm on 4 June 2021; 2. The Appellant to provide copies of the metadata referred to at item 5 of Supplementary List of Documents (contents of USBs) by 5pm on 4 June 2021; and 3. The Appellant to provide laptop and any associated passwords to Shane Bell, the Court-appointed independent forensic IT expert. 	Exh BRN-2 (pages 103-110)
69.	2 June 2021	In response to the 25 May notice to produce, the Appellant produced a 325 page investigation document, and emails and invoices from Apple dated 16 April 2021 regarding the trade-in of his laptop.	Exh BRN-2 (page 111)
70.	2 June 2021	The Respondents issued a notice to produce, seeking all documents provided to the Court in the Bromwich J Proceedings, including affidavits and written submissions, and the transcript of any hearing.	Exh BRN-2 (pages 112-115)
71.	4 June 2021	The Appellant filed an interlocutory application seeking leave to make privilege claims over documents produced by Ms Roberts in response to the subpoena issued to her on 20 May 2021.	Exh BRN-2 (pages 116-118)
72.	7 June 2021	<p>In response to 26 May 2021 subpoena, Ms Scott produced a large number of documents, including:</p> <ol style="list-style-type: none"> 1. WhatsApp chain with Ms Roberts; 2. WhatsApp chain with John McLeod; 	Exh BRN-2 (page 119)

	Date	Event	Evidentiary references
		<ol style="list-style-type: none"> 3. Emails forwarded from Ms Roberts including information and documents about her separation with BRS, their divorce, related financial matters and custody of their children; 4. Screenshot of email "Drafts" folder showing correspondence with Person 17; and 5. Email from Mr Bartlett to Ms Scott seeking a meeting. 	
73.	7 June 2021	The trial commenced.	Trial judgment (hearing dates)
74.	10 June 2021	Ms Roberts' filed her first affidavit in the Bromwich J Proceedings. Ms Roberts' evidence was that she had not provided any person or entity with access to data from the Appellant's email account.	Exh MHA-1 (pages 164-175)
75.	10 June 2021	The Respondents issued a notice to produce seeking a copy of the document entitled "108.avi" referred to in the email from the Appellant to Person 29 dated 29 June 2019.	Exh BRN-2 (pages 120-122)
76.	16 June 2021	The Appellant's evidence in chief finished.	T.348/5 (trial transcript)
77.	25 June 2021	The Appellant's cross-examination finished.	T.354/43 (trial transcript)
78.	29 June 2021	The trial was adjourned until 26 July 2021.	Trial judgment (hearing dates)
79.	1 July 2021	<p>The Appellant issued a notice to produce, seeking:</p> <ol style="list-style-type: none"> 1. Communications prior to 10 August article between P17 and Respondents regarding particulars 132-138 of Further Amended Defence, or matters referred to in P17's Outline of Evidence; 2. Any note or record of conversation between P17 and an agent of the Respondents (other than a legal practitioner) or the Second, Third or Fourth Respondent re particulars 132-138 of Further Amended Defence, or matters referred to in P17's Outline of Evidence. 	Exh BRN-2 (pages 123-124)
80.	2 July 2021	<p>The Appellant issued a notice to produce, seeking:</p> <ol style="list-style-type: none"> 1. Notes or records of conversations between Mr McKenzie, Detective Superintendent Matthew Warren of AFP and P17 on 29 or 30 May 2018; 2. Any document provided by Mr McKenzie to Matthew Warren on 29 or 30 May 2018 concerning: <ol style="list-style-type: none"> a. matters in particulars 132-138 of Second Further Amended Defence; b. matters in P17's outline of evidence; or c. matters in particulars 17-129 of Second Further Amended Defence, 3. Any document provided by Respondents to any member of AFP concerning: <ol style="list-style-type: none"> a. matters in particulars 132-138 of Second Further Amended Defence; b. matters in P17's outline of evidence; 	Exh MHA-1 (pages 208-384)

	Date	Event	Evidentiary references
		<ul style="list-style-type: none"> c. matters in particulars 17-129 of Second Further Amended Defence; d. matters in Amended Outline of John McLeod; e. matters in outline of Ms Scott; or f. matters referred to in paras 26 or 27 of Amended Outline of P18. 	
81.	9 July 2021	Ms Roberts filed her second affidavit in the Bromwich J Proceeding.	Exh MHA-1 (pages 385-400)
82.	13 July 2021	The Appellant issued a second subpoena to Person 17, seeking communications between Person 17 and BRS and communications between Person 17 and others referring to BRS.	Exh BRN-2 (pages 125-134)
83.	13 July 2021	The Appellant issued a subpoena to South Side Medical, seeking all documents regarding treatment sought by and/or given to Person 17 during 1 January - 31 December 2018, including treatment notes, medical records, reports, opinions, referrals and any other documents. Subpoena ultimately set aside.	Exh BRN-2 (pages 135-143); <i>Roberts-Smith v Fairfax Media Publications Pty Limited (No 27)</i> [2022] FCA 79 at [6]
84.	14-15 July 2021	The First and Second Respondents provided a supplementary list of documents affirmed on affidavit	Exh BRN-2 (pages 144-156)
85.	22 July 2021	The Respondents filed an interlocutory application to seek orders setting aside two notices to produce served on the Respondents on 1 and 2 July 2021.	Exh BRN-2 (pages 157-169)
86.	26 July 2021	The trial temporarily recommenced to allow the Respondents to take evidence from the Afghan witnesses via video-link from Kabul. This evidence lasted a week. Once it was concluded the trial was again adjourned.	Trial judgment (hearing dates)
87.	13 August 2021	First hearing in the Bromwich J Proceeding.	<i>Roberts-Smith v Roberts</i> [2022] FCA 18 (hearing dates)
88.	13 August 2021	In response to the Appellant's 26 May 2021 subpoena, Ms Scott produced additional media from her WhatsApp chain with Ms Roberts.	Exh BRN-2 (page 170)
89.	19 August 2021	Ms Roberts filed a third affidavit in the Bromwich J Proceeding.	Exh MHA-1 (pages 401-408)
90.	20 August 2021	In response to the Appellant's 20 May 2021 subpoena, Ms Roberts produced media from her WhatsApp communications with Ms Scott.	Exh MHA-1 (pages 208-384)
91.	13 September 2021	In response to the 13 July subpoena, Person 17 produced a large number of documents over which the Respondents claimed first access on the basis of potential legal professional privilege claims.	Exh BRN-2 (pages 171-174)

	Date	Event	Evidentiary references
92.	17 September 2021	Further hearing in the Bromwich J Proceeding to address with the third interlocutory application (which sought to join and grant injunctive relief against Ms Scott and her husband).	<i>Roberts-Smith v Roberts</i> [2022] FCA 18 (hearing dates)
93.	22 September 2021	The Respondents claim privilege over many of the documents produced by Person 17 on 13 September 2021.	Exh BRN-2 (pages 175-199)
94.	21 January 2022	Judgment in the Bromwich J Proceedings. His Honour dismissed the applications to examine Ms Roberts and join Ms Scott and her husband. His Honour found that the Appellant's conclusion that none of the documents sought in the notice to produce were stored anywhere other than in the RS Group email account was incorrect: [73]. He considered that the material relied upon went "no further than bare possibilities and suspicions", with many assertions against Ms Roberts being shown to be ill-founded against her, and equally ill-founded as against Ms Scott: [147].	<i>Roberts-Smith v Roberts</i> [2022] FCA 18
95.	2 February 2022	The trial resumes.	Trial judgment (hearing dates)
96.	7 February 2022	Besanko J ordered that the notices to produce issued to the Respondents on 1 and 2 July 2021 be set aside.	<i>Roberts-Smith v Fairfax Media Publications Pty Limited (No 27)</i> [2022] FCA 79
97.	14 and 15 February 2022	Ms Roberts gave evidence before Besanko J.	Exh MHA-1 (pages 477-657)
98.	27 July 2022	The hearing of oral submissions at trial concludes.	Trial judgment (hearing dates)