

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 27/09/2018 5:20:02 PM AEST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

Document Lodged: Originating Application - Form 15 - Rule 8.01(1)
File Number: NSD1826/2018
File Title: BEN ROBERTS-SMITH v JOHNATHAN PEARLMAN
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: Case Management Hearing
Time and date for hearing: 25/10/2018, 9:00 AM
Place: Court No. 1 Level 5, Roma Mitchell Commonwealth Law Courts Building Level 5, 3 Angas Street, Adelaide



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

Dated: 28/09/2018 11:54:53 AM AEST

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.

Will be via Video Conference. Above listing is in South Australian time.



Originating application

No. of 2018

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

Ben Roberts-Smith

Applicant

Johnathan Pearlman

Respondent

To the Respondent

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place: Levels 17 - 22 Law Courts Building
Queens Square Sydney NSW 2000

The Court ordered that the time for serving this application be abridged to

Date:

Signed by an officer acting with the authority
of the District Registrar

{00415917.doc-v}

Filed on behalf of (name & role of party) Ben Roberts-Smith, Applicant

Prepared by (name of person/lawyer) Paul Svilans

Law firm (if applicable) Mark O'Brien Legal

Tel +61 2 9216 9828

Fax -

Email mark.obrien@markobrienlegal.com.au; paul.svilans@markobrienlegal.com.au

Address for service Level 3, 44 Martin Place, Sydney NSW 2000
(include state and postcode)



Details of claim

On the grounds stated in the Statement of Claim the Applicant claims:

1. Damages, including general damages and aggravated damages.
2. An order that the Respondent be permanently restrained from publishing any defamatory imputation of and concerning the Applicant as particularised by the Applicant and found by the Court to be carried by the matters complained of.
3. An order that the Respondent cause the first matter complained of (as defined in the pleadings and particulars in the Statement of Claim), or any matter in substantially the same form, be permanently removed from:
 - a. the Straits Times Website www.straitstimes.com and/or any archive and/or other website(s) associated with that website;
 - b. any other website operated or controlled by the Respondent.
4. Interest pursuant to sections 51A and 52 of the *Federal Court of Australia Act 1976* (Cth) including interest on costs.
5. Costs pursuant to section 43 of the *Federal Court of Australia Act 1976* (Cth).
6. Such further and other orders as the Court deems fit or thinks necessary.

Applicant's address

The Applicant's address for service is:

Place: c/- Mark O'Brien Legal, Level 3, 44 Martin Place, Sydney, NSW, 2000

Email: mark.obrien@markobrienlegal.com.au

The Applicant's address is 560 Sir Samuel Griffith Dr, Mount Coot-Tha QLD 4066

Service on the Respondent

It is intended to serve this application on the Respondent.

Respondent's address is: Level 1, 221 Drummond Street, Carlton, VIC 3053

Date: 27 September 2018

A handwritten signature in black ink, appearing to read 'Paul Svilans', written over a horizontal line.

Signed by Paul Svilans
Lawyer for the Applicant