

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 23/04/2021 4:25:25 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:	Notice of Cross-Claim - Form 31 - Rule 15.02(1)
File Number:	NSD132/2021
File Title:	SWISS RE INTERNATIONAL SE v LCA MARRICKVILLE PTY LIMITED ACN 601 220 080
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



A handwritten signature in blue ink that reads 'Sia Lagos'.

Dated: 26/04/2021 9:24:00 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.

## Notice of cross-claim



No. NSD 132 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: Commercial and Corporations

**Swiss Re International SE ARBN 138 873 211**

Applicant

**LCA Marrickville Pty Limited ACN 601 220 080**

Respondent

**LCA Marrickville Pty Limited ACN 601 220 080**

Cross-claimant

**Swiss Re International SE ARBN 138 873 211**

Cross-respondent

To Swiss Re International SE ARBN 138 873 211, the cross-respondent

The cross-claimant LCA Marrickville Pty Limited ACN 601 220 080, the respondent in the proceeding, applies for the relief set out in this cross-claim.

The Court will hear this cross-claim, 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.

If you have not already done so, 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.

Filed on behalf of (name & role of party)	LCA Marrickville Pty Limited ACN 601 220 080, the cross-claimant		
Prepared by (name of person/lawyer)	Christopher Michael Erfurt, Lawyer for the cross-claimant		
Law firm (if applicable)	Clayton Utz		
Tel	+61 7 3292 7799	Fax	+61 7 3221 9669
Email	cerfurt@claytonutz.com		
<b>Address for service</b> (include state and postcode)	Level 28 Riparian Plaza, 71 Eagle Street, Brisbane QLD 4000 Australia		



**Time and date for hearing:**

**Place:**

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

Date: 23 April 2021

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

**Details of cross-claim**

On the grounds stated in the statement of cross-claim, accompanying affidavit or other document prescribed by the Rules, the cross-claimant claims:

1. a declaration that Swiss Re International SE is liable to indemnify LCA Marrickville Pty Limited under Section 2 - Interruption Insurance of the Vertex Industrial Special Risks policy P23089.04-00;
2. a declaration that the counter-factual required under clause 8 of the Vertex Industrial Special Risks policy P23089.04-00 ignores the insured peril and trends or circumstances arising out of the same underlying or originating cause as the insured peril, namely the COVID-19 pandemic; and
3. a declaration that LCA Marrickville Pty Limited is entitled to interest pursuant to section 57 of the *Insurance Contracts Act 1984* (Cth) on any amount for which Swiss Re International SE is liable under the Vertex Industrial Special Risks policy P23089.04-00 to pay LCA Marrickville Pty Limited in respect of the claim, calculated from the date Swiss Re International SE should reasonably have paid the claim in accordance with its contractual obligation to do so.

**Cross-claimant's address**

The cross-claimant's address for service is:

Place: Level 28 Riparian Plaza, 71 Eagle Street, Brisbane QLD 4000

Email: [cerfurt@claytonutz.com](mailto:cerfurt@claytonutz.com)

The cross-claimant's address is Shop 45A, 34 Victoria Road, Marrickville Metro, New South Wales



**Service on the cross-respondent**

It is intended to serve this cross-claim on the cross-respondent.

Date: 23 April 2021

A handwritten signature in blue ink, appearing to read "C. Erfurt", is written over a horizontal line.

Signed by Christopher Michael Erfurt  
Lawyer for the cross-claimant