

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 24/02/2021 3:19:43 PM AEDT 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:	NSD134/2021
File Title:	INSURANCE AUSTRALIA LIMITED ABN 11 000 016 722 v THE TAPHOUSE TOWNSVILLE PTY LTD ACN 603 252 482
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: 26/02/2021 12:18:12 PM AEDT

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.



## Originating application

No.

of 2021

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

**Insurance Australia Limited (ACN 000 016 722)**

Applicant

**The Taphouse Townsville Pty Ltd (ACN 603 252 482)**

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:**

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

Filed on behalf of (name & role of party)	Insurance Australia Limited, the Applicant		
Prepared by (name of person/lawyer)	Guy Foster		
Law firm (if applicable)	Allens		
Tel	(02) 9230 4798	Fax	(02) 9230 5333
Email	Guy.Foster@allens.com.au		
<b>Address for service</b> (include state and postcode)	Level 28, Deutsche Bank Place, Corner Hunter and Phillip Streets, Sydney NSW 2000		



### **Details of claim**

On the grounds stated in the accompanying concise statement, the Applicant claims:

1. A declaration that the Applicant is not liable to indemnify the Respondent under Extension 7 of the Respondent's Business Insurance Policy 15T8202892.
2. A declaration that the Applicant is not liable to indemnify the Respondent under Extension 8 of the Respondent's Business Insurance Policy 15T8202892.
3. In the alternative, if it is found that either extension responds, a declaration that:
  - (a) the Respondent's claimed loss was not caused by, or alternatively not wholly caused by, insured events but was caused by, or alternatively in part caused by, uninsured events relating to the COVID-19 pandemic; and
  - (b) further or alternatively, the Applicant is entitled to adjust any payment to the Respondent by reference to those uninsured events.
4. Further or alternatively, if it is found that either extension responds and the Applicant is liable to pay an amount to the Respondent, a declaration that interest on that amount pursuant to section 57 of the *Insurance Contracts Act 1984* (Cth) runs from the date of adjudication of the proceeding.

### **Applicant's address**

The Applicant's address for service is:

Place: Level 28, Deutsche Bank Place, Corner Hunter and Phillip Streets, Sydney NSW 2000

Email: Guy.Foster@allens.com.au

The Applicant's address is Level 13, Tower Two Darling Park 201 Sussex Street Sydney NSW 2000.



**Service on the Respondent**

It is intended to serve this application on all Respondents.

Date: 24 February 2021

*M Stephens*

Signed by Guy Foster  
Lawyer for the Applicant

*by his partner, Malcolm Stephens*