

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 4/06/2021 4:05:15 PM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Defence - Form 33 - Rule 16.32
File Number: NSD137/2021
File Title: CHUBB INSURANCE AUSTRALIA LIMITED (ABN 23 001 642 020) v
PHILIP WALDECK
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF
AUSTRALIA



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

Dated: 4/06/2021 4:20:47 PM 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 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.



Defence to Cross-Claim

No. NSD 137 of 2021

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

Chubb Insurance Australia Limited (ABN 23 001 642 020)

Applicant

Mr Philip Waldeck

Respondent

Mr Philip Waldeck

Cross-claimant

Chubb Insurance Australia Limited (ABN 23 001 642 020)

Cross-respondent

In answer to the allegations in the Statement of Cross-Claim dated 23 April 2021 (**SCC**), the Respondent (**Chubb**) states as follows. Unless otherwise stated, this Defence adopts the defined terms used in the SCC.

The parties

1. Chubb admits the allegations in paragraph 1 of the SCC.
2. Chubb admits the allegations in paragraph 2 of the SCC.

The Policy

3. Chubb admits the allegations in paragraph 3 of the SCC.
4. Chubb admits the allegations in paragraph 4 of the SCC.

Claim by Waldeck

5. Chubb admits the allegations in paragraph 5 of the SCC.

Filed on behalf of (name & role of party) Chubb Insurance Australia Limited, the Applicant
Prepared by (name of person/lawyer) _____
Law firm (if applicable) Wotton + Kearney
Tel (02) 8273 9900 Fax (02) 8273 9901
Email Adam.Chylek@wottonkearney.com.au ; Matthew.Foglia@wottonkearney.com.au
Address for service Level 26, 85 Castlereagh Street, Sydney, NSW, 2000
(include state and postcode) _____

6. Chubb admits the allegations in paragraph 6 of the SCC.

7. Chubb admits the allegations in paragraph 7 of the SCC.

Response to COVID-19

8. Chubb denies the allegations in paragraph 8 of the SCC and repeats paragraphs 12 and 13 of the Statement of Claim filed 26 February 2021 (**the SOC**).

Response of Extension C

9. Chubb denies the allegations in paragraph 9 of the SCC and repeats paragraph 15 of the SOC.

Trend Clause

10. Chubb denies the allegations in paragraph 10 of the SCC and repeats paragraphs 16 to 18 of the SOC.

Test Case

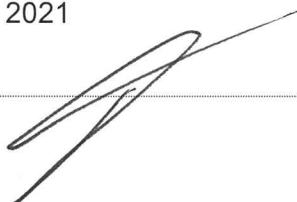
11. Chubb admits the allegations in paragraph 11 of the SCC.

12. Chubb admits the allegations in paragraph 12 of the SCC.

13. Chubb denies that Waldeck is entitled to the relief claimed in the Notice of Cross-Claim filed 26 April 2021.

Date: 4 June 2021

Signed by

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, positioned above a horizontal line.

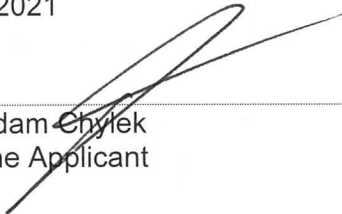
This pleading was prepared by Adam Chylek, lawyer.

Certificate of lawyer

I, Adam Chylek, certify to the Court that, in relation to the defence filed on behalf of the Cross-respondent, the factual and legal material available to me at present provides a proper basis for:

- (a) each allegation in the pleading; and
- (b) each denial in the pleading; and
- (c) each non-admission in the pleading.

Date: 4 June 2021


Signed by Adam Chylek
Lawyer for the Applicant