

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 13/08/2021 4:00:24 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: Notice of Dispute - Form 42 - Rule 22.02
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



Sia Lagos

Dated: 13/08/2021 4:02:32 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.



Notice of dispute

No. 137 of 2021

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

CHUBB INSURANCE AUSTRALIA LIMITED (ABN 23 001 642 020)

Applicant

MR PHILIP WALDECK

Respondent

Disputed facts

The Applicant disputes the truth of the following facts specified in the Respondent's notice to admit dated 30 July 2021:

1. Prior to 28 March 2020, there were at least two people with COVID-19 who had been within the suburb of Camberwell, Victoria 3124.
2. Prior to 28 March 2020, there was at least one person with COVID-19 who had been within the suburb of Camberwell, Victoria 3124.
3. Prior to 28 March 2020, there were at least two people:
 - a. with COVID-19;
 - b. who had been within the suburb of Camberwell, Victoria 3124; and
 - c. who were not self-isolating whilst within that suburb:
 - i. after having contracted COVID-19, but
 - ii. prior to being diagnosed with COVID-19.

Filed on behalf of (name & role of party) Chubb Insurance Australia Limited, the Applicant
Prepared by (name of person/lawyer) Adam Chylek
Law firm (if applicable) Wotton + Kearney
Tel (02) 8273 9940 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)

4. Prior to 28 March 2020, there was at least one person:
 - a. with COVID-19;
 - b. who had been within the suburb of Camberwell, Victoria 3124; and
 - c. who was not self-isolating whilst within that suburb:
 - i. after having contracted COVID-19, but
 - ii. prior to being diagnosed with COVID-19.
5. Prior to 28 March 2020, there was at least two people:
 - a. with COVID-19;
 - b. who had been within the suburb of Camberwell, Victoria 3124; and
 - c. who were not self-isolating whilst within that suburb during a period during which they were capable of infecting another person with COVID-19.
6. Prior to 28 March 2020, there was at least one person:
 - a. with COVID-19;
 - b. who had been within the suburb of Camberwell, Victoria 3124; and
 - c. who was not self-isolating whilst within that suburb during a period during which they were capable of infecting another person with COVID-19.
9. Prior to 28 March 2020, there were at least two people:
 - a. with COVID-19;
 - b. who had been within the City of Melbourne; and
 - c. who were not self-isolating whilst within the City of Melbourne:
 - i. after having contracted COVID-19, but
 - ii. prior to being diagnosed with COVID-19.
10. Prior to 28 March 2020, there was at least one person:
 - a. with COVID-19;

- b. who had been within the City of Melbourne; and
 - c. who was not self-isolating whilst within the City of Melbourne:
 - i. after having contracted COVID-19, but
 - ii. prior to being diagnosed with COVID-19.
11. Prior to 28 March 2020, there were at least two people:
- a. with COVID-19;
 - b. who had been within the City of Melbourne; and
 - c. who were not self-isolating whilst within the City of Melbourne during a period during which they were capable of infecting another person with COVID-19.
12. Prior to 28 March 2020, there was at least one person:
- a. with COVID-19;
 - b. who had been within the City of Melbourne; and
 - c. who was not self-isolating whilst within the City of Melbourne during a period during which they were capable of infecting another person with COVID-19.

Admitted Facts

The Applicant admits the truth of the following facts specified in the Respondent's notice to admit dated 30 July 2021

- 7. Prior to 28 March 2020, there were at least two people with COVID-19 who had been within the City of Melbourne.
- 8. Prior to 28 March 2020, there was at least one person with COVID-19 who had been within the City of Melbourne.

Date: 13 August 2021

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a long, sweeping horizontal line that tapers to the right.

Signed by Adam Chylek
Lawyer for the Respondents