

Form 59
Rule 29.02(1)

Affidavit

No. NSD103 of 2023

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

Bruce Lehrmann

Applicant

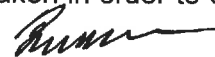
Network Ten Pty Limited ACN 052 515 250 and another
Respondents

Affidavit of: **Bruce McWilliam**
Address: Media City, 7th Floor, 8 Central Avenue, Eveleigh, NSW, 2015
Occupation: Commercial Director and General Counsel
Date: 4 April 2024

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I, Bruce McWilliam of Media City, 7th Floor, 8 Central Avenue, Eveleigh, NSW 2015, Solicitor, say on oath:

1. I am the Commercial Director and General Counsel of Seven Network (Operations) Limited (**Seven**).
2. I am making this affidavit in response to a direction of the Court made today regarding Seven’s compliance with subpoenas served in these proceedings on 5 June 2023 (**First Subpoena**) and 17 August 2023 (**Second Subpoena**).
3. After service on Seven of each of the First Subpoena and the Second Subpoena, I believed that all appropriate searches and enquiries were undertaken in order to comply



Filed on behalf of Seven Network (Operations) Limited	Filed on behalf of Seven Network (Operations) Limited ACN 052 845 262 - Applicant on the Application
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with those subpoenas and that proper production was made to the Court at the relevant time.

4. However, Seven became aware earlier this week from media reports that Seven's former employee, Taylor Auerbach, had alleged that there was additional material in Seven's possession which had not been produced in response to the subpoenas. Having become aware of those allegations, Seven's Director of Operations was directed to undertake a search of Seven's email and account systems for any additional documents that might be captured by the subpoenas.
5. As a result of those searches having been undertaken, Seven has produced to the Court today:
 - (a) In response to the First Subpoena, some accounting records evidencing payments which Mr Auerbach has claimed were to the benefit of Mr Lehrmann (a total of 20 pages including travel arrangements). Each of those payments pre-date Seven's exclusivity agreement with Mr Lehrmann and were not the basis of consideration at the time of receipt of the First Subpoena as they were not believed to be payments "in relation to the Lehrmann Spotlight Programme";
 - (b) In response to the Second Subpoena, four emails from employees of Seven to Mr Lehrmann. These relate to:
 - (i) A real estate inspection of the property rented for Mr Lehrmann pursuant to Seven's exclusivity agreement with him (2 pages);
 - (ii) A shooting schedule for the second Spotlight program (4 pages);
 - (iii) Travel arrangements to Canberra for filming of the second Spotlight program (10 pages); and
 - (iv) A copy of a promo for the second Spotlight program (provided on USB).
6. At the time of the original production under both the First Subpoena and the Second Subpoena, I had been informed by Mr Llewellyn, the Executive Producer of Spotlight, that the members of the Spotlight team only spoke on the phone or in person with Mr Lehrmann, with the result that I believed there were no communications to produce between Mr Lehrmann and any member of the Spotlight team in relation to the Spotlight programs. Given Mr Llewellyn's status as Executive Producer, I had no reason to doubt his indication that no written or electronic communications with Mr Lehrmann existed. Consistently with that indication, the extensive searches of Seven's email systems that have now been performed were not performed at that time. As a result, the limited communications described in 5(b) above were not identified in response to the Second Subpoena.




Sworn by the deponent
at *Sydney*
in New South Wales
on 4 April 2024
Before me:

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Signature of deponent



Signature of witness

Name: *ELLEN ANDERSON*
SOLICITOR