

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

**SUBMISSIONS ON BEHALF OF TAYLOR AUERBACH**

1. This is a submission on behalf of Taylor Auerbach, a witness in these proceedings in response to the invitation made by the Court on 5 April 2024.
2. It is not in dispute that he came before the Court as a result of the chronology set out in his first affidavit, dated 30 March 2024, namely:
  - (a) he was employed until August 2023 by Seven [3];
  - (b) he made a claim against Seven that was settled on confidential terms [5];
  - (c) he was defamed by the applicant and Seven on or shortly before 21 March 2024 [7]-[10];
  - (d) he contacted Sue Chrysanthou SC on 26 March 2024, who referred him to Giles George [12];
  - (e) concerns notices were issued on his behalf to the applicant and Seven on 27 March 2024 [13];
  - (f) the documents produced to the Court were located in the course of obtaining advice connected to his claims against the applicant and Seven [14]-[17];
  - (g) having seen them he prepared the affidavit at the request of Network Ten only for use in these proceedings to the extent considered to be relevant by the Court [23];
  - (h) he was issued with a subpoena to appear and gave evidence on 4 and 5 April 2024;
  - (i) he was issued with a subpoena to produce documents by the applicant, which resulted in further relevant material being tendered in the proceedings.
3. There is no suggestion that his defamation complaints were illegitimate or in any way lacking in bona fides. It was suggested by the applicant that his evidence was motivated by vengeance or other ill will towards Seven. Further that his evidence was false by reason of that motive: T2790.1-5.
4. That submission is untenable for a number of reasons.
5. First, none of his evidence has been demonstrated to be false. It was put to him that a number of matters were false, but no contradictory evidence was adduced in response. Indeed, documents were produced in answer to the subpoena issued by the applicant and tendered that wholly corroborated Mr Auerbach's evidence: Exs R900; R902; R903; R904; R905; R906.

6. Mr Lehrmann entered into an agreement with Seven to provide it with materials for publication in exchange for financial benefit. That is particularly apparent from the text exchanges in October 2022: Ex R905. It is borne out by the documents that Mr Auerbach was able to retrieve. It cannot be seriously contended that Mr Auerbach is not telling the truth about these matters, having regard to the documents and as a matter of common sense.
7. Notably, it was not put to Mr Auerbach that his evidence about the massages or the drugs was false – other than that there was no per diem paid to reimburse those expenses: T2799.38. That was answered the following day by the tender of the invoice sent by Mr Lehrmann to Mr Auerbach's Seven email address for the attention of and payment by Seven: Ex R903; T2828.10-47. That document was (belatedly) produced by Seven on 4 April 2024 (prior to Mr Auerbach's cross-examination): T2828.10.
8. Mr Lehrmann had personal knowledge of each of these matters. Importantly, and relevantly to the proceedings, Mr Lehrmann could have given evidence about what documents he did or did not provide to Seven – via Mr Auerbach, Mr Llewellyn, or otherwise. Further, Mr Lehrmann had direct knowledge of the payments and benefits he received from Seven (or did not receive). He could have easily responded to Mr Auerbach's evidence if he had any response to make. His silence was deafening such that the Court should find that his evidence could not have assisted him. Further, that Mr Auerbach's evidence was truthful and should be accepted.
9. Second, Mr Auerbach's affidavits were limited to:
  - (a) an explanation of how he came to locate the documents and give evidence;
  - (b) evidence of the documents and how he obtained them;
  - (c) evidence explaining why he did not have further documents.
10. His affidavit evidence did not contain any attacks against any current or former employee of Seven. Paragraph 20 was plainly part of Mr Auerbach's explanation of why he had so few documents in his possession. The witness' understanding of what he was told was clearly influenced by the conversation with Mr Llewellyn deposed to in paragraph [19] of the 30 March affidavit.
11. Mr Auerbach was frank in his answers when asked about his feelings towards Steve Jackson: T2786.34. His hatred of Mr Jackson is irrelevant to whether the content of his affidavits are true, given he says nothing critical of Mr Jackson in those affidavits.
12. Having regard to the obvious and self-evident truth of his evidence, for the reasons set out above, and the matters raised in written and oral submissions on behalf of each of Network Ten and Lisa Wilkinson, Mr Auerbach's feelings or motives towards Seven, Mr Jackson or Mr Llewellyn are irrelevant and should not be the subject of any findings against him.



**Rebekah Giles**  
**Solicitor for Mr Auerbach**  
**9 April 2024**