

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 5/04/2019 5:39:24 PM AEDT 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: Affidavit - Form 59 - Rule 29.02(1)
File Number: NSD1485/2018
File Title: BEN ROBERTS-SMITH v FAIRFAX MEDIA PUBLICATIONS PTY LTD
(ACN 003 357 720) & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink, appearing to read 'Warwick Soden'.

Dated: 5/04/2019 5:39:29 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 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.



Outline of Evidence of Emma Roberts-Smith

No. NSD 1485 of 2018

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

Ben Roberts-Smith

Applicant

Fairfax Media Publication Pty Limited ACN 003 357 720

First Respondent

Nick McKenzie

Second Respondent

Chris Masters

Third Respondent

David Wroe

Fourth Respondent

Filed on behalf of (name & role of party) Ben Roberts-Smith, Applicant

Prepared by (name of person/lawyer) Mark Geoffrey O'Brien

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20. Ben and I had difficulty coping with what had been written. We had previously separated, with Ben having moved out of our home in about October 2017 to about April 2018, when we reconciled and he moved back in. I was aware that Ben had a relationship with another woman. The article had brought back the issues that led to our separation which we had been working on, and it was emotional, stressful, and hurtful for us both.

22. I recall that at some stage I said words to the following effect to Ben:

"I can't believe this. They are saying you had an affair without me knowing about it. I feel humiliated. How can I go out in public when everyone will be talking about us."

23. I recall that Ben became very hurt and upset as we had tried to keep our separation private and now the issue had been raised publicly for all to read about. I recall Ben said to me words to the following effect:

"It's completely false. Fairfax are using her to ruin my reputation."