

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 30/07/2021 3:35:34 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 to Admit - Form 41 - Rule 22.01  
File Number: NSD132/2021  
File Title: SWISS RE INTERNATIONAL SE v LCA MARRICKVILLE PTY  
LIMITED ACN 601 220 080  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF  
AUSTRALIA



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

Dated: 30/07/2021 3:37:27 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 to admit

No. NSD 132 of 2021

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

### SWISS RE INTERNATIONAL SE ARBN 138 873 211

Applicant

**LCA MARRICKVILLE PTY LIMITED ACN 601 220 080**

Respondent

To the Applicant

The Respondent requires you to admit, for the purpose of the proceeding only, the truth of the following facts:

1. Prior to 26 March 2020, there were at least two people with COVID-19 who had been within a 5km radius of Shop 45, Marrickville Metro Shopping Centre, 20 Smidmore Street, Marrickville NSW 2204.
2. Prior to 26 March 2020, there was at least one person with COVID-19 who had been within a 5km radius of Shop 45, Marrickville Metro Shopping Centre, 20 Smidmore Street, Marrickville NSW 2204.
3. Prior to 26 March 2020, there were at least two people:
  - a. with COVID-19;
  - b. who had been within a 5km radius of Shop 45, Marrickville Metro Shopping Centre, 20 Smidmore Street, Marrickville NSW 2204; and
  - c. who were not self-isolating whilst within that 5km radius:
    - i. after having contracted COVID-19, but
    - ii. prior to being diagnosed with COVID-19.
4. Prior to 26 March 2020, there was at least one person:

Filed on behalf of (name & role of party)	The Respondent, LCA Marrickville Pty Limited ACN 601 220 080		
Prepared by (name of person/lawyer)	Christopher Michael Erfurt		
Law firm (if applicable)	Clayton Utz		
Tel	(07) 3292 7799	Fax	(07) 3221 9669
Email	cerfurt@claytonutz.com		
<b>Address for service</b> (include state and postcode)	Level 28, Riparian Plaza, 71 Eagle Street, Brisbane QLD 4000		

- a. with COVID-19;
  - b. who had been within a 5km radius of Shop 45, Marrickville Metro Shopping Centre, 20 Smidmore Street, Marrickville NSW 2204; and
  - c. who was not self-isolating whilst within that 5km radius:
    - i. after having contracted COVID-19, but
    - ii. prior to being diagnosed with COVID-19.
5. Prior to 26 March 2020, there were at least two people:
- a. with COVID-19;
  - b. who had been within a 5km radius of Shop 45, Marrickville Metro Shopping Centre, 20 Smidmore Street, Marrickville NSW 2204; and
  - c. who were not self-isolating whilst within that 5km radius during a period during which they were capable of infecting another person with COVID-19.
6. Prior to 26 March 2020, there was at least one person:
- a. with COVID-19;
  - b. who had been within a 5km radius of Shop 45, Marrickville Metro Shopping Centre, 20 Smidmore Street, Marrickville NSW 2204; and
  - c. who was not self-isolating whilst within that 5km radius during a period during which they were capable of infecting another person with COVID-19.

If you dispute the truth of any fact or the authenticity of any document specified in this notice, you may, within 14 days after service of this notice on you, serve on the Respondent a notice of dispute (Form 42).

**If you do not serve a notice of dispute on the Respondent within 14 days, you will be taken to have admitted the truth of each fact or the authenticity of each document specified.**

Date: 30 July 2021



Signed by Christopher Michael Erfurt  
Lawyer for the Respondent