

NOTICE OF FILING

Details of Filing

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File Title:	TAYLOR ROY AUERBACH v NATIONWIDE NEWS PTY LIMITED ACN 008 438 828 & ORS
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



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

Registrar

Important Information

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 of the filing of the document is determined pursuant to the Court's Rules.



Form 59
Rule 29.02(1)

Affidavit

No. 902 of 2026

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

Taylor Auerbach

Applicant

Nationwide News Limited

Respondent

Affidavit of: **Taylor Auerbach**
Address: 30A Billyard Avenue Elizabeth Bay NSW 2011
Occupation: Unemployed
Date: 20 July 2026

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Filed on behalf of (name & role of party) Taylor Roy Auerbach (Applicant)
Prepared by (name of person/lawyer) Taylor Roy Auerbach
Law firm (if applicable) _____
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(include state and postcode)

[Version 3 form approved 02/05/2019]

1. I, Taylor Auerbach, litigant-in-person, say on oath:
2. I am the applicant. I rely on this affidavit as well as my affidavits sworn 12 May, 28 June and 10 July 2026 filed in these proceedings.

Saunders Affidavit

3. On 1 April 2024 *Thomsons* partner Marlia Saunders (**Ms Saunders**) affirmed an affidavit and series of annexures in *Lehrmann v Network Ten & Anor* which included the statement:

The Auerbach Evidence was provided to us on the condition that it will only be used by our client and our firm for the purposes of this proceeding.

(Auerbach Evidence)

4. A copy of the affidavit and annexures affirmed by Ms Saunders is exhibited at **pages 2 to 141 of Exhibit TAI-4**. Copies of the affidavits included in the Auerbach Evidence are exhibited at **pages 142 to 323 of Exhibit TAI-4**.

McAvaney Letter

5. On about 11 September 2024, the first respondent's head of litigation Grant McAvaney (**Mr McAvaney**) sent a letter to my former solicitors (**McAvaney letter**).
6. The McAvaney letter was marked "**WITHOUT PREJUDICE EXCEPT AS TO COSTS AND PART 3, DIVISION 1 OF THE DEFAMATION ACT 2005 (NSW)**". The McAvaney letter, inter alia:

- (a) described the concerns notice settled by Sue Chrysanthou SC in these proceedings as a "*purported concerns notice*" four times;
- (b) contended that the concerns notice did not comply with s 12A(1)(a)(iv) of the *Defamation Act 2005* (NSW); and
- (c) contained an offer to make amends, which itself
- (d) contained an offer to "*take reasonable steps to comply with section 15(1)(e) of the Defamation Act.*"

7. The McAvaney letter stated:

[The] offer is put on behalf of Nationwide News Pty Ltd, Kelvin Healey and Stephen Rice, and any associated entities of Nationwide News Pty Ltd.

8. The McAvaney letter included a section under the heading "**No serious harm**" which contained the following words:



Your client's evidence and demeanour in the witness box was also the subject of a number of paragraphs of Justice Lee's judgment. The judgment was published on the Federal Court's website and Austlii and was the subject of extensive media reporting, including aspects of his Honour's judgment concerning your client's evidence.

*Any serious harm to your client's professional reputation has been the result of your client's own actions, largely in the context of his employment as a Spotlight producer, and his evidence, which was widely published by the media, regarding these matters to the Federal Court during the *Lehrmann v Network Ten* proceeding.*

9. The McAvaney letter included a section under the heading "**Thomson Geer**" (now *Thomsons*) which read as follows:

*Paragraph 34 of your 14 August 2024 letter states that your client objects to Thomson Geer acting for The Australian in this dispute, having regard to confidential communications between Mr Auerbach (as a witness for Network Ten) and Thomson Geer in the *Lehrmann v Network Ten* Federal Court proceedings.*

*We have discussed this matter with Thomson Geer. We disagree there should be any cause for concern with Thomson Geer acting for The Australian in this dispute. We understand that any information that may have been considered confidential is now the subject of your client's affidavits filed in the *Lehrmann v Network Ten* proceedings, and which the Federal Court has made publicly available. In any event, as your client was a witness in the proceeding, Thomson Geer does not owe him any duty. We are confident that Thomson Geer will comply with any duty it otherwise owes and will comply with its ethical obligations.*

10. A copy of the McAvaney letter is exhibited at **pages 324 to 328 of Exhibit TAI-4.**

Seven pleadings

11. In the proceedings NSD 413/2025 and NSD 1143/2026 (**Seven proceedings**) the parties make numerous references to *Thomsons* (frequently therein described as "*lawyers for Network Ten*" or in substantially similar terms) and the Auerbach Evidence as defined in the Saunders affidavit in their pleadings (**Seven pleadings**).
12. On 6 November 2025 Wheelahan J made orders granting leave to the respondent (**Seven**) to file an amended defence and cross-claim and requiring Seven to pay the costs associated with its amendments. By order 3, Seven was granted leave to strike out paragraphs 13 and 14 of its statement of cross-claim. By order 4 I was required to file an amended defence to Seven's cross-claim. A copy of the orders of Wheelahan J dated 6 November 2025 is exhibited at **pages 329 to 333 of Exhibit TAI-4.**



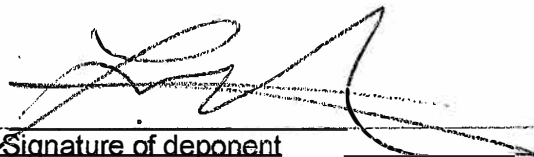
13. Paragraph 13 of my defence to cross-claim closely concerned the Auerbach Evidence and *Thomsons*. Copies of the Seven pleadings are exhibited at **pages 334 to 453 of Exhibit TAI-4.**

Media coverage

14. Since June 2026 various media articles have been published about me, these proceedings, this Interlocutory Application, the Seven proceedings and *Thomsons*.
15. A relevant selection of these media articles is exhibited at **pages 454 to 485 of Exhibit TAI-4.**

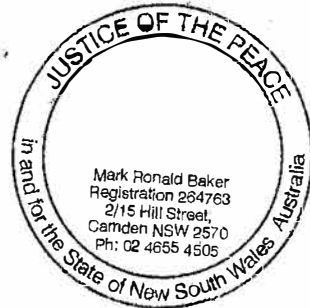
Sworn by the deponent
at Sydney
in New South Wales
on 20 July 2026
Before me:

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)
)
)


Signature of deponent



Signature of witness



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

No. 902 of 2026

Taylor Roy Auerbach

Applicant

Nationwide News Limited

Respondent

Affidavit of: Taylor Roy Auerbach
 Address: 30A Billyard Avenue, Elizabeth Bay NSW 2011
 Occupation: Unemployed

Certificate identifying Exhibit

This is the Certificate identifying Exhibit "TAI-4" annexed to the Affidavit of Taylor Roy Auerbach dated 20 July 2026.

MR BL
 Signature of witness
 Date *20 July 2026*



Filed on behalf of (name & role of party)	Taylor Auerbach (Applicant/Appellant)
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