



## HIGH COURT OF AUSTRALIA

### NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 06 May 2022 and has been accepted for filing under the *High Court Rules 2004*. Details of filing and important additional information are provided below.

#### Details of Filing

File Number: S42/2022  
File Title: Allianz Australia Insurance Limited v. Delor Vue Apartments ( )  
Registry: Sydney  
Document filed: Form 27B - Appellant's chronology  
Filing party: Appellant  
Date filed: 06 May 2022

#### Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. 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 and whenever the document is reproduced for use by the Court.

IN THE HIGH COURT OF AUSTRALIA  
 SYDNEY REGISTRY

No. S42 of 2022

BETWEEN: **ALLIANZ AUSTRALIA INSURANCE LIMITED**  
 Appellant

and

**DELOR VUE APARTMENTS CTS 39788**  
 Respondent

10

### APPELLANT'S CHRONOLOGY

#### Part I:

This chronology is in a form suitable for publication on the internet.

#### Part II:

	DATE	Event	Reference to CAB / AFM
1.	20 March 2017	Delor takes out policy of insurance with SCI (the <b>Policy</b> ) commencing on 23 March 2017.	AFM, p 57 CAB 38, [102]
2.	28 March 2017	Cyclone Debbie damages the Premises	CAB 38, [103]
3.	30 March 2017	Delor lodges notification of loss under the Policy in respect of damage sustained to the Premises from Cyclone Debbie	CAB 38, [103]
4.	5 April 2017	Keith Patterson ( <b>Patterson</b> ) chartered loss adjuster of Exigo issues site inspection advice to SCI	AFM, p 67 CAB 38, [104]
5.	21 April 2017	Morse Building Consultancy produce report for SCI prepared by Chris Johnstone ( <b>Johnstone report 1</b> )	AFM, p 69 CAB 41, [111]
6.	9 May 2017	Lander emails Macaulay and stated that despite Delor's non-disclosure SCI would pay for resultant damage ( <b>9 May 2017 email</b> )	AFM, p 90 CAB 44, [123] – [126]
7.	23 May 2017	Morse Building Consultancy produce second report ( <b>Johnstone report 2</b> )	AFM, p 122 CAB 48, [137]

	DATE	Event	Reference to CAB / AFM
8.	19 June 2017	Email from Patterson to Macaulay concerning issues	AFM, p 156 CAB 50, [141]
9.	22 June 2017	Email correspondence from Lander to Web in relation to expanded scope of works	AFM, p 157 CAB 50, [142]
10.	21 August 2017	Delor commissioned report from Andrew Whitehead of GHD ( <b>GHD Report 1</b> )	AFM, p 160 CAB 54, [154]
11.	3 November 2017	Exigo Report 4 prepared by Patterson	AFM, p 177 CAB 56, [163]
12.	December 2017	GHD produce second report for Delor ( <b>GHD Report 2</b> )	AFM, p 181 CAB 56, [165]
13.	18 January 2018	Body Corporate holds Extraordinary General Meeting. Special resolution passed to execute loan agreement to borrow up to \$750,000	AFM, p 226 CAB 58, [167]
14.	23 March 2018	Exigo Report 8 prepared by Patterson	AFM, p 229
15.	28 March 2018	Morse Building Consultancy produce third report ( <b>Johnstone report 3</b> )	AFM, p 233 CAB 61, [176]
16.	3 May 2018	LMI Legal write to SCI requesting coverage position ( <b>3 May 2018 letter</b> )	AFM, p 240 CAB 63, [182]
17.	28 May 2018	SCI respond to LMI Legal's 3 May 2018 letter and make offer ( <b>28 May 2018 letter</b> )	AFM, p 247 CAB 64, [183]
18.	12 June 2018	LMI Legal request more time for Delor to consider SCI's offer	CAB 66, [188]
19.	14 June 2018	SCI granted the requested extension	CAB 66, [188]
20.	27 July 2018	LMI Legal, on behalf of Velor, rejected offer and reserved its explanation for the rejection	CAB 66, [190]
21.	30 July 2018	LMI Legal provides reasons for rejection made on 27 July 2018	AFM, p 262 CAB 66, [190]
22.	22 August 2018	Holman Webb inform LMI Legal that Allianz had reduced its liability to \$nil under s 28(3) of the <i>Insurance Contracts Act</i> (Cth)	AFM, p 287 CAB 66, [192]
23.	14 November 2018	Delor commences Federal Court proceedings	

Dated: 5 May 2022



D A McLure SC  
(02) 9151 2029  
mclure@newchambers.com.au



T O Prince  
T: (02) 9151 2051  
prince@newchambers.com.au