

## DEFENCE

### COURT DETAILS

|             |                                  |
|-------------|----------------------------------|
| Court       | Supreme Court of New South Wales |
| Division    | Common Law                       |
| List        | Common Law General               |
| Registry    | Sydney                           |
| Case number | 2021/358501                      |

### TITLE OF PROCEEDINGS

|   |                             |
|---|-----------------------------|
| Plaintiff                               | <b>Jason Peter Hegemann</b> |
| First defendant                         | <b>Joseph Tannous</b>       |
| Second defendant                        | <b>Moussa Tannous</b>       |
| Number of defendants (if more than two) | 4                           |

### FILING DETAILS

|                                |   |
|--------------------------------|---|
| Filed for                      | Joseph Tannous, Moussa Tannous and Charbel Tannous, <b>First, Second and Third Defendants</b> |
| Filed in relation to           | Plaintiff's Statement of Claim  |
| Legal representative           | Paramonte Legal   |
| Legal representative reference | GH:212626   |
| Contact name and telephone     | George Hadchiti 02 9635 7388  |
| Contact email                  | ghadchiti@paramontelegal.com.au   |

### HEARING DETAILS

If the proceedings do not already have a listing date, they are to be listed at

### PLEADING AND PARTICULARS

- In answer to paragraph 1 of the Statemetn of Claim, The First, Second and Third Defendants (herein known as the **Defendants**):
  - Admit that on 4 December 2019 a fire started at 1620 Upper Turon Road, Palmers Oaky NSW;
  - Does not know and does not admit that the size of the area burned by the fire.
- The Defendants does not admit paragraph 2 of the Statement of Claim.

3. The Defendants do not admit paragraph 3 of the Statement of Claim and says the plaintiff has refused to identify any other persons on who's behalf he is bringing these proceedings.
4. The Defendants deny paragraph 4 of the Statement of Claim.
5. The Defendants admit paragraph 5 of the Statement of Claim.
6. The Defendants admit paragraph 6 of the Statement of Claim.
7. The Defendants admit paragraph 7(a) of the Statement of Claim and deny paragraph 7(b) of the Statememnt of Claim.
8. The Defendants admit paragraph 8 of the Statement of Claim.
9. In answer to paragraph 9 of the Statement of Claim, the Defendants:
  - (a) admit paragraph 9(a);
  - (b) admit paragraph 9(b); and
  - (c) does not admit paragraph 9(c).
10. In answer to paragraph 10, the Defendants admit that Jamie Edwards was undertaking fencing works as a contractractor of Kwik Flo and otherwise deny the balance of paragraph 10.
11. The Defendants do not admit paragraph 11 of the Statement of Claim.
12. In answer to paragraph 12, the Defendants:
  - (a) Admit they were the owners and occupiers of the Property;
  - (b) Does not admit the balance of the paragraph.
13. In answer to paragraph 13 of the Statement of Claim, the Defendants:
  - (a) Admit they that Kwik Flo had the right to control and direct the occupation of their contractors (including Edwards) in the carrying out of the Works at the Property; and
  - (b) Otherwise does not admit the balance of the paragraph.

14. In answer to paragraph 14 of the Statement of Claim, the Defendants:
  - (a) Admit that Kwik Flo knew or ought to have known that welding causes the discharge of sparks which have the potential to ignite a fire if they contact combustible material, including dry grass; and
  - (b) Otherwise deny the balance of paragraph 14.
15. The Defendants deny paragraph 15 of the Statement of Claim.
16. The Defendants deny paragraph 16 of the Statement of Claim.
17. The Defendants deny paragraph 17 of the Statement of Claim.
18. The Defendants deny paragraph 18 of the Statement of Claim.
19. The Defendants does not admit paragraph 19 of the Statement of Claim.
20. The Defendants deny paragraph 20 of the Statement of Claim.
21. The Defendants deny paragraph 21 of the Statement of Claim.
22. The Defendants do not know and cannot admit paragraph 22 of the Statement of Claim.
23. The Defendants deny paragraph 23 of the Statement of Claim.
24. The Defendants deny paragraph 24 of the Statement of Claim.
25. The Defendants deny paragraph 25 of the Statement of Claim.
26. The Defendants admit paragraph 26 of the Statement of Claim.
27. The Defendants admit paragraph 27 of the Statement of Claim.
28. The Defendants deny paragraph 28 of the Statement of Claim.
29. The Defendants deny paragraph 29 of the Statement of Claim.
30. The Defendants deny paragraph 30 of the Statement of Claim.
31. The Defendants deny paragraph 31 of the Statement of Claim.

32. The Defendants agree with the proposed questions of law and fact as pleaded at paragraph 32 of the Statement of Claim.

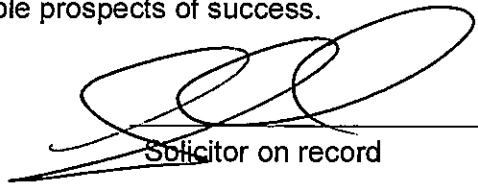
**SIGNATURE OF LEGAL REPRESENTATIVE**

I certify under clause 4 of Schedule 2 to the *Legal Profession Uniform Law Application Act 2014* that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that the defence to the claim for damages in these proceedings has reasonable prospects of success.

Signature

Capacity

Date of signature

  
Solicitor on record  
13 April 2022

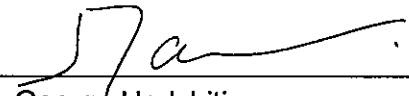
**AFFIDAVIT VERIFYING**

Name Joseph Tannous  
 Address 17-116 McCredie Road, Guildford NSW 2161  
 Occupation Director  
 Date 13 April 2022

I say on oath:

1. I am the First Defendant.
2. I believe that the allegations of fact contained in the defence are true.
3. I believe that the allegations of fact that are denied in the defence are untrue.
4. After reasonable inquiry, I do not know whether or not the allegations of fact that are not admitted in the defence are true.

SWORN at Parramatta

Signature of deponent   
 \_\_\_\_\_


Name of witness George Hadchiti

Address of witness Suite 4, 18-20 Ross Street, Parramatta NSW 2150

Capacity of witness Solicitor

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

1. I saw the face of the deponent. *[OR, delete whichever option is inapplicable]*  
~~I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering.~~
2. I have known the deponent for at least 12 months. *[OR, delete whichever option is inapplicable]*  
~~I have confirmed the deponent's identity using the following identification document:~~

Signature of witness   
 \_\_\_\_\_

Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

**AFFIDAVIT VERIFYING**

Name                                 Moussa Tannous  
 Address                            17-116 McCredie Road, Guildford NSW 2161  
 Occupation                        Director  
 Date                                 13 April 2022

I say on oath:

5.     I am the Second Defendant.
6.     I believe that the allegations of fact contained in the defence are true.
7.     I believe that the allegations of fact that are denied in the defence are untrue.
8.     After reasonable inquiry, I do not know whether or not the allegations of fact that are not admitted in the defence are true.

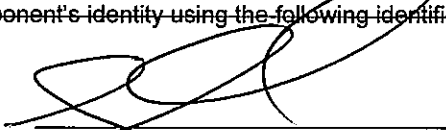
SWORN at                            Parramatta

Signature of deponent              
 \_\_\_\_\_

Name of witness                   George Hadchiti  
 Address of witness                Suite 4, 18-20 Ross Street, Parramatta NSW 2150  
 Capacity of witness               Solicitor

And as a witness, I certify the following matters concerning the person who made this affidavit (the deponent):

1.     I saw the face of the deponent.*[OR, delete whichever option is inapplicable]*  
~~I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering.~~
2.     I have known the deponent for at least 12 months.*[OR, delete whichever option is inapplicable]*  
~~I have confirmed the deponent's identity using the following identification document:~~

Signature of witness              
 \_\_\_\_\_

Note: The deponent and witness ~~must sign each~~ page of the affidavit. See UCPR 35.7B.

**AFFIDAVIT VERIFYING**

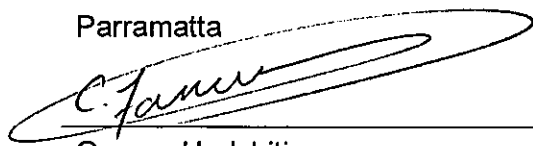
Name Charbel Tannous  
 Address 17-116 McCredie Road, Guildford NSW 2161  
 Occupation Director  
 Date 13 April 2022

I say on oath:

- 9. I am the Third Defendant.
- 10. I believe that the allegations of fact contained in the defence are true.
- 11. I believe that the allegations of fact that are denied in the defence are untrue.
- 12. After reasonable inquiry, I do not know whether or not the allegations of fact that are not admitted in the defence are true.

SWORN at Parramatta

Signature of deponent




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Name of witness George Hadchiti

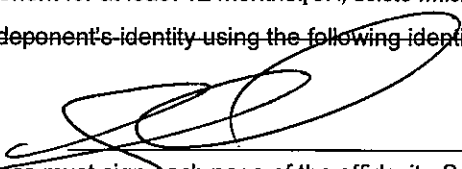
Address of witness Suite 4, 18-20 Ross Street, Parramatta NSW 2150

Capacity of witness Solicitor

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

- 1. I saw the face of the deponent. *[OR, delete whichever option is inapplicable]*  
~~I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering.~~
- 2. I have known the deponent for at least 12 months. *[OR, delete whichever option is inapplicable]*  
~~I have confirmed the deponent's identity using the following identification document:~~

Signature of witness




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Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

**FURTHER DETAILS ABOUT FILING PARTY****Filing party****First Defendant**

Name Joseph Tannous  
Address 17/116 McCredie Road  
GUILDFORD NSW 2161

**Second Defendant**

Name Moussa Tannous  
Address 17/116 McCredie Road  
GUILDFORD NSW 2161

**Third Defendant**

Name Charbel Tannous  
Address 17/116 McCredie Road  
GUILDFORD NSW 2161

**Fourth Defendant**

Name Kwik Flo Pty Ltd  
Address 17/116 McCredie Road  
GUILDFORD NSW 2161

**Legal representative for filing party**

Name George Hadchiti  
Practising certificate number 46897  
Firm Paramonte Legal  
Contact solicitor George Hadchiti  
Address Suite 4, Ground Floor, 18-20 Ross Street  
Parramatta NSW 2150  
DX address DX 8263 Parramatta  
Telephone 02 9635 7388  
Fax 02 9630 7051  
Email ghadchiti@paramontelegal.com.au  
Electronic service address ghadchiti@paramontelegal.com.au