

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	Jason Peter Hegemann
First defendant	Joseph Tannous
Second defendant	Moussa Tannous
Number of defendants (if more than two)	4

FILING DETAILS

Filed for	Joseph Tannous, Moussa Tannous and Charbel Tannous, First, Second and Third Defendants
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.

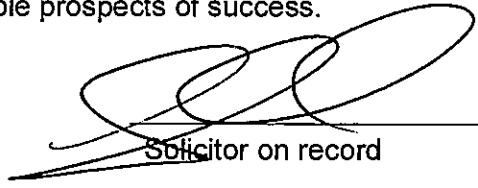
SIGNATURE OF LEGAL REPRESENTATIVE

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

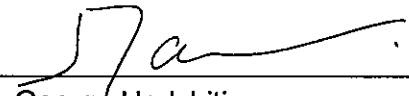
AFFIDAVIT VERIFYING

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

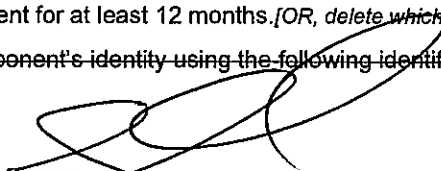
Capacity of witness

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

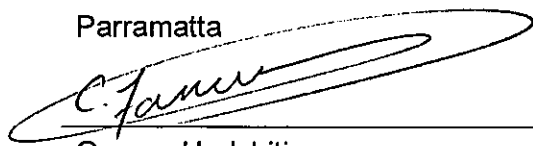
Name Charbel Tannous
 Address 17-116 McCredie Road, Guildford NSW 2161
 Occupation Director
 Date 13 April 2022

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



Name of witness George Hadchiti

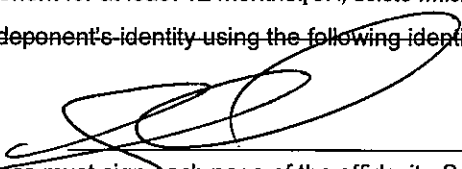
Address of witness Suite 4, 18-20 Ross Street, Parramatta NSW 2150

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.

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
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 Fax 02 9630 7051
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 Electronic service address ghadchiti@paramontelegal.com.au