

NOTICE OF MOTION

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
List	Defamation
Registry	Sydney
Case number	2014/114469

TITLE OF PROCEEDINGS

First plaintiff	Justine Munsie
Second plaintiff	Kerry Stokes
Defendant	Shane Dowling

FILING DETAILS

Person seeking orders	Kerry Stokes and Justine Munsie plaintiffs
Filed in relation to	Plaintiffs'
Legal representative	Martin O'Connor, Addisons
Legal representative reference	RMK:MOC
Contact name and telephone	Richard Keegan, +61 8915 1075
Contact email	richard.keegan@addisonslawyers.com.au

PERSON AFFECTED BY ORDERS SOUGHT

Shane Dowling, the defendant

HEARING DETAILS

This motion is listed at

ORDERS AND DECLARATIONS SOUGHT

- 1 That, on the undertaking of the plaintiffs' solicitor to pay the filing fee, leave be granted to file this motion in Court.
- 2 That service of this motion and the supporting affidavit of Richard Keegan sworn 16 April 2014 be effected by handing a copy of them to the defendant in Court on 17 April 2014.
- 3 If service in accordance with order 2 cannot be effected, personal service in accordance with SCR Pt 55 r 9 be dispensed with and service is to be effected by delivering this motion and the supporting affidavit of Richard Keegan sworn 16 April 2014 to the defendant's email address "shanedowling@hotmail.com" by 5pm on Thursday 17 April 2014.
- 4 Subject to order 7, the defendant be restrained, until further order, from publishing;
 - a. the Article and the Twitter Publication (as defined in the affidavit of Justine Melissa Munsie sworn 14 April 2014);
 - b. the imputations set out in the statement of claim filed herein;
 - c. the statement of claim filed herein;
 - d. any matter concerning these proceedings;
 - e. any matter of and concerning the plaintiffs, or their legal representatives (being the firm Addisons, Martin O'Connor, Richard Keegan and Sandy Dawson) which is calculated to expose any of them to hatred, ridicule and contempt.
- 5 Subject to order 7, a suppression order pursuant to s7 of the *Court Suppression and Non-publication Orders Act 2010* (NSW), on the ground set out in s8(1)(a), prohibiting the disclosure, by publication or otherwise, of:
 - a. the existence of these proceedings;
 - b. the pleadings herein;
 - c. any information as to the relief claimed in these proceedings;
 - d. any information that comprises evidence, or information about evidence, given in the proceedings, including any information which tends to reveal the identity of the plaintiffs;
 - e. any submissions filed, read or given in these proceedings;

- f. this notice of motion; and
- g. any orders of the Court made in these proceedings.

(the Suppression Order).

6 Subject to order 7, the Suppression Order:

- a. applies throughout the Commonwealth;
- b. operates, unless the Court otherwise orders, until the determination of these proceedings.

7 Orders 4, 5 and 6 do not prohibit:

- a. publication or disclosure by the parties for the purpose of obtaining legal advice for the conduct of these proceedings;
- b. publication or disclosure by the plaintiffs for the purpose of ensuring compliance with those orders.

8 A declaration that the defendant was in contempt of Court for breach of the orders of the Court made in these proceedings on Monday 14 April 2014, pursuant to the statement of charge subscribed to this motion and marked "A".

9 A declaration that the defendant has committed the offence provided for in s 16 of the *Court Suppression and Non-publication Orders Act 2010* (NSW) by contravening the suppression order made by the Court in these proceedings on Monday 14 April 2014, pursuant to the statement of charge subscribed to this motion and marked "A".

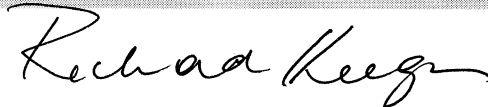
10 That the defendant be punished for contempt (including as provided for in s 16 of the *Court Suppression and Non-publication Orders Act 2010* (NSW)).

11 An order that the Defendant pay the plaintiffs' costs of this motion forthwith and on an indemnity basis.

12 Such further or other order as the Court thinks fit.

SIGNATURE

Signature of legal representative



Capacity

Solicitor for the plaintiffs

*by his employed
Solicitor*

Date of signature

17 April 2014

NOTICE TO PERSON AFFECTED BY ORDERS SOUGHT

If you do not attend, the court may hear the motion and make orders, including orders for costs, in your absence.

REGISTRY ADDRESS

Street address

Supreme Court of NSW, Law Courts Building, 184 Phillip Street, Sydney

Postal address

Supreme Court of NSW, GPO Box 3, Sydney NSW 2001

Telephone

1300 679 272