

# Supreme Court New South Wales

Medium Neutral Citation

Munsie v Dowling [2014] NSWSC 598

Hearing Dates

8 May 2014

Decision Date

16/05/2014

Jurisdiction

Common Law

Before

Hall J

Decision

(1) The defendant be restrained, until further order, from publishing:

(a) The Article and the Twitter Publication respectively identified in Exhibits JMM-1 and JMM-6 to the affidavit of Justine Melissa Munsie sworn 14 April 2014);

(b) The alleged imputations set out in the Statement of Claim filed herein on 15 April 2014;

(c) Any matter of and concerning the plaintiffs to the same effect as the Article, the Twitter Publication referred to in order 1(a) or the alleged imputations referred to in Order 1(b).

(2) The question of costs of the Notice of Motion is reserved.

Catchwords

PRACTICE AND PROCEDURE - interlocutory relief - injunction - previous application for injunctive relief no bar to subsequent application on different ground - relevant principles in granting interlocutory injunctive relief in defamation proceeding - defendant restrained until further order from publishing the Article and Twitter publication - defendant restrained until further order from publishing the imputations set out in the statement of claim - defendant restrained until further order from publishing any matter of and concerning the plaintiffs to the same effect as the Article, the Twitter publication or the imputations - costs reserved

Legislation Cited

Court Suppression and Non-Publication Orders Act 2010

Cases Cited

Australian Broadcasting Corporation v O'Neill (2006) 227 CLR 57

Beecham Group Ltd v Bristol Laboratories Pty Ltd (1968) 118 CLR 618

Church of Scientology of California Inc. v Readers Digest Services Pty Ltd (1980) 1 NSWLR 344

Jakudo Pty Ltd v South Australian Telecasters Limited (1997) 69 SASR 440

Munsie v Dowling [2014] NSWSC 548

Tate v Duncan-Strelec [2013] NSWSC 1446

Y and Z v W [2007] NSWCA 329; (2007) 70 NSWLR 377

Category

Interlocutory applications

Parties

Justine Munsie (First Plaintiff)  
Kerry Stokes (Second Plaintiff)  
Shane Dowling (Defendant)

Representation

Solicitors:  
Addisons (Plaintiffs)  
In Person (Defendant)

Counsel:  
ATS Dawson (Plaintiffs)  
In person (Defendant)

File Number(s)

2014/114469

## Judgment

## Background

1 On 15 April 2014 proceedings were commenced by Statement of Claim filed in this Court by the first and second plaintiffs against the defendant in respect of an article published in or about February 2014, a copy of which is Confidential Exhibit JMM-1 to Ms Munsie's affidavit sworn 14 April 2014 to which I will refer below.

2 In paragraph [5] of the Statement of Claim the plaintiffs allege that the relevant article in its natural and ordinary meaning carried defamatory imputations in respect each of the plaintiffs. Paragraph [5] particularises in respect of each plaintiff the imputations relied upon.

3 On 6 May 2014, the plaintiffs filed a Notice of Motion, also dated 6 May 2014, in which the following orders were sought:

"5. 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. Any matter of and concerning the plaintiffs to the same effect as the Article, the Twitter Publication or the imputations."

4 The application for interlocutory injunctive relief was supported by the affidavit of Justine Melissa Munsie sworn 14 April 2014 and the affidavit of Richard Michael Keegan, solicitor, sworn 17 April 2014.

5 The first plaintiff, Ms Munsie, is a solicitor and partner of the law firm Addisons.

6 The second plaintiff, Mr Kerry Stokes, is the Chairman of Seven West Media for whom Addisons act.

7The defendant is alleged to be the registrant of the domain name kangarocourtofaustralia.com and the publisher of a website connected to that domain name called Kangaroo Court of Australia ("**the Website**").

## Factual Matters

8Ms Munsie stated in her affidavit that she is authorised by the second plaintiff to swear her affidavit on his behalf and make the affidavit based on her personal knowledge or else on information provided to her by Mr Stokes or other employees and officers of the Seven West Media Group, of which Mr Stokes is Chair.

9The evidence of Ms Munsie addresses a number of specific matters entitled "*the Website*", "*search results*", "*the Twitter Link*" and "*AFP Proceeding*". Additional matters referred to in the Article, and the subject of evidence concerning what is referred to as the "*C7*" proceedings, are separately addressed in her affidavit: at [32]-[39].

10The evidence in Ms Munsie's affidavit is under the abovementioned subheadings and paragraph numbers as summarised below.

## The Website

11Exhibited to Ms Munsie at the time of swearing her affidavit are a number of documents relating to the website. These are marked as **JMM-1** and **JMM-2** and Annexure A concerning search results.

12The evidence establishes that an article existed on a website at the internet address kangarocourtofaustralia.com.

13Confidential Exhibit JMM-1 is a printout of the home page of the Website and an article, a link to which appears on the home page, and it refers to Mr Stokes and Ms Munsie (the "**Article**").

14Also exhibited to Ms Munsie at the time of her swearing her affidavit was a typed copy of the Article (**Confidential JMM-2**)

15Ms Munsie's evidence establishes that the defendant is the registrant of the Website.

16Ms Munsie stated in her affidavit:

"9. The Article contains several false allegations about me.

10. The Article also contains several allegations about Mr Stokes which, I am informed by him and believe, are false."

## Search Results

17Ms Munsie caused to be made searches, using Google, for the name "*Kerry Stokes*". The Article appeared on the second page of the search results.

18Ms Munsie also caused to be made a search for the name "*Justine Munsie*" using Google. The Article was the second item on page 1 of those results.

19Ms Munsie stated that on the basis of the "... *false statements made in the Article ...*" she caused to be prepared a letter to Google, Inc requesting that the website be removed from search results for Mr Stokes and herself: at [13].

20A copy of a report which Ms Munsie caused to be made to Google in relation to the Article dated 19 March 2014 was exhibited to her affidavit: (**Confidential JMM-5**). At the time of swearing her affidavit she had not received a response to her letter.

## The Twitter Link

21Ms Munsie became aware of a "*tweet*" made on the defendant's Twitter page at [www.twitter.com/kangarocourt](http://www.twitter.com/kangarocourt), together with a link to the Article. A copy of the same was exhibited to her when swearing the affidavit and was marked **Confidential JMM-6**.

## AFP Proceedings

22In paragraphs [16] to [31], Ms Munsie set out a number of matters concerning Federal Court proceedings commenced, inter alia, by Seven West Media, Pacific Magazines Pty Ltd, herself and her firm, Addisons, against the Commissioner of the Australian Federal Police (AFP) and others in relation to certain search warrants: at [16].

23The history of the proceedings and related matters are addressed in her affidavit. It is unnecessary here to set out the detail concerning the same. The affidavit establishes that the Federal Court, her Honour Justice Jagot, delivered judgment in the AFP proceedings on 26 March 2014. The result of the proceedings led to a decision by her Honour quashing the search warrants.

## C7 Matter Referred to in the Article

24In paragraph [32], Ms Munsie stated that the Article referred to a "*threatening*" legal letter said to have been sent by Ms Munsie to the defendant. Exhibited to Ms Munsie's affidavit at the time of swearing it, and marked **Confidential JMM-7** is a copy of her letter dated 26 May 2011 sent to the defendant to which Ms Munsie said she did not receive a response.

25Exhibited to her affidavit at the time of swearing it, and marked **Confidential JMM-8** is a printout from the Website of the defendant's Article concerning her letter.

26In paragraph [35], Ms Munsie stated that given the defendant's reaction to her letter, **Confidential JMM-7**, neither Mr Stokes nor her had any confidence that a similar letter requesting the defendant to remove the Article from the website would be treated differently. She expressed concern by her and Mr Stokes not to provide a basis for the defendant to repeat the false and defamatory imputations contained in the Article elsewhere on the Website.

27The Article and other material posted on the Website referred to findings made in the C7 proceedings. It is unnecessary for the purposes of the present application to detail the further evidentiary material concerning those proceedings as set out in paragraphs [35]-[39] of Ms Munsie's affidavit.

28Also exhibited to her affidavit and marked **Confidential JMM-9** were copies of other statements made by the defendant concerning Ms Munsie and/or Mr Stokes.

29The plaintiffs allege that on or about 23 February 2014 the defendant published a link to the Article on his Twitter page together with the words which are set out in Confidential **JMM-6** of Ms Munsie's affidavit sworn April 2014, particulars of which are set out in the Statement of Claim at paragraph [6].

30The plaintiffs allege that the Twitter Publication in its natural and ordinary meaning carried defamatory imputations as therein specified: *Statement of Claim* at [7].

31The plaintiffs plead that they have been greatly injured in their reputations and have been held up to public ridicule and contempt and have and continue to suffer loss and damage: *Statement of Claim* at [8].

32A copy of the Website as at 8 May 2014 was marked "MFI 1".

## **The First Application for Interlocutory Injunctive Relief**

33On 17 April 2014, the plaintiffs obtained leave to file in court a Notice of Motion, inter alia, seeking injunctive relief against the defendant.

34The application determined by this Court (Harrison J) was originally brought on two grounds, firstly, on the basis of threatened defamation (the defamation ground) and secondly, a threatened abuse of process or contempt of court (the contempt ground).

35In his the judgment on the application (*Munsie v Dowling* [2014] NSWSC 548), particulars of the alleged defamatory imputations published on the Website and the Article published on the Twitter page, were set out: at [7]. It is unnecessary here to repeat what there appears.

36On 14 April 2014, Harrison J made an order pursuant to s 8(1)(a) of the *Court Suppression and Non-Publication Orders Act 2010* prohibiting up to 4.00pm on Thursday, 17 April 2014, the disclosure by publication or otherwise of the existence of the proceedings initiated before his Honour and certain specified related matters. A copy of the Orders made on 14 April 2014 was served on the defendant on 15 April 2014.

37Subsequent to the making of the suppression order, however, his Honour noted that an arguably defamatory article was published on the defendant's website: at [22]. This, it appears, allegedly occurred on 16 April 2014.

38When the matter was argued before Harrison J, Mr Dawson of counsel who appeared for the plaintiffs, contended that in light of what was described as the "*scurrilous, threatening*

*and defamatory material*" allegedly published by the defendant subsequent to the making of the suppression order, an injunction in wide terms should be granted.

39His Honour proceeded to determine the application upon the basis that Mr Dawson had discarded continued reliance upon the suggestion that the case was one that amounted to an exception to the principle enunciated in *Australian Broadcasting Corporation v O'Neill* (2006) 227 CLR 57 ("the defamation ground"), but instead relied in support of his application upon dicta of the Court of Appeal in *Y and Z v W* [2007] NSWCA 329; (2007) 70 NSWLR 377.

40In his Honour's judgment delivered on 24 April 2014 at [51], Harrison J in relation to the contempt ground stated that he was not satisfied that the defendant had done, or that he threatened to do anything that could amount to an abuse of process or a contempt of this Court by acting in a way calculated to cause, or possibly have the effect of amounting to, an interference with the proper administration of justice.

41Accordingly, his Honour declined to make orders 4 and 5 as sought in the plaintiff's Notice of Motion filed in court on 17 April 2014.

## **The Present Application**

42The proceedings came before me in the Duty Judge List on 7 May 2014. On that occasion Mr Dawson of counsel appeared on behalf of the plaintiffs and the defendant, Mr Dowling, appeared in person. On that date I confirmed that the hearing of the Notice of Motion filed on 6 May 2014 would be heard, in accordance with its original listing, the next day, 8 May 2014.

43On that occasion Mr Dawson again appeared for the plaintiffs and the defendant appeared in person unrepresented.

44Mr Dawson confirmed that the application sought an interlocutory injunction restraining further publication of the matter complained of in the proceedings, in particular, the imputations particularised in the Statement of Claim filed on 15 April 2014.

45In support of the application the plaintiffs relied upon the abovementioned affidavit of Ms Munsie sworn 14 April 2014 and the affidavit of Mr Keegan, solicitor, sworn 17 April 2014.

46Mr Dawson stated that although Harrison J had gained the impression that the plaintiffs had discarded continued reliance on the defamation count, that in fact had not been the case. In that respect, Mr Dawson referred to references in the transcript of 17 April 2014 at T 4:30; T 25:32-40; T 28:40-T29:10; T 54:46-T 55:6.

47I am satisfied that, as submitted by Mr Dawson, the plaintiffs did not relinquish the cause of action in defamation as a basis for the interlocutory injunctive relief sought and that accordingly it remains open for the plaintiffs to now proceed on the application for such relief filed on 6 May 2014 on that basis.

## **Interlocutory Injunctions**

48The relevant principles to be applied in determining applications for interlocutory injunctive relief were explained by the High Court in *Beecham Group Ltd v Bristol Laboratories Pty Ltd* (1968) 118 CLR 618. In that case it was made clear that there were two main inquiries. The first is whether the plaintiff seeking relief has made out a prima facie case in the sense that if the evidence remains as it is at the time of the application there is a probability that at the trial of the action the plaintiff will be held entitled to relief. The second inquiry is whether the inconvenience or injury which the plaintiff would be likely to suffer if an injunction were refused outweighs or is outweighed by the injury which the defendant would suffer if an injunction were granted.

49In *O'Neill*, supra, at [65], Gummow and Hayne JJ stated that by using the phrase "*prima facie case*" the High Court in *Beecham* (Kitto, Taylor, Menzies and Owen JJ) did not mean that the plaintiff must show that it is more probable than not that at trial the plaintiff will succeed. It is sufficient that a plaintiff shows a sufficient likelihood of success to justify in the circumstances the preservation of the status quo pending a trial.

50As Giles JA observed in *Y and Z v W*, supra, at [19], the judgments in *O'Neill* considered the exceptional caution with which publication of allegedly defamatory material should be restrained having regard to the public interest in free speech, and issues which may arise such as privilege or truth, respect for the role of the jury and the possibility of nominal damages.

51His Honour also observed:

"An injunction may nonetheless be granted if proper account is taken of the public interest in free speech and other considerations more particular to the allegedly defamatory material, albeit that it is an 'unusual form of relief' (per Gleeson CJ and Crennan J [in *O'Neill*] at 73 [33]. There is still a balancing of convenience, but the wider consideration of freedom of speech in our democracy weighing heavily against prior restraint of publication." (at [20])

## Prima Facie Case

52In the judgment on the plaintiffs' previous Notice of Motion filed on 17 April 2014, Harrison J observed:

"The plaintiffs would appear to have a strong case in the proceedings. Although the truth of Mr Dowling's assertions are yet to be tested or established, it seems highly unlikely to me, taken at face value, that anything said by him in the article complained of can be justified ..." (at [45])

53I respectfully agree with his Honour's observation in [45] in relation to the article in question. Mr Dowling did not advance a basis that would, in my assessment, preclude a conclusion that the plaintiffs do have a strong prima facie case.

## Balance of Convenience

54Mr Dawson acknowledged the now well-accepted approach to the exercise of the jurisdiction to enjoin defamatory publications, namely, that caution must be exercised primarily because of the consideration of free speech in the circumstances discussed by the High Court in *O'Neill*. However, he observed that the "*exceptional caution*" as explained by

Gleeson CJ and Crennan J in *O'Neill* at [16] was hinged upon the pre-condition that "*there is a plea of justification*".

55Mr Dawson submitted there is no viable defence of justification or otherwise. In this respect he relied upon the findings of Harrison J at [45] as to the nature of the material published by the defendant as well as the nature of some of the other material on the website (**Confidential JMM-1**) which it was said was consistent with this contention. Mr Dawson observed that the defence filed by the defendant on 30 April 2014 does no more than assert defences without any supporting particulars and the pleading is in breach of the applicable pleading rules.

56The plaintiffs in their submissions properly conceded that whilst the defendant does not have to prove a defence in order to engage the considerations referred to in *O'Neill* in an attempt to successfully resist an application for an injunction, a defendant, however, should, at a minimum, lead some evidence to show that the defences have some prospects of success. Reliance was placed upon the observations in this respect in *Church of Scientology of California Inc. v Readers Digest Services Pty Ltd* (1980) 1 NSWLR 344 at [42]. In that case, Hunt J (as his Honour then was) observed:

"I conclude that a defendant is not required on an application such as this to lead the evidence upon which he relies to establish the defences asserted. In some cases, particularly where such defences are not clear from the matter complained of itself, or from the circumstances of its publication as established by the plaintiff, or otherwise, it will be advisable for a defendant to produce some evidence to permit the Court to say that those defences have some prospect of success. Even then, the evidence need not be such that the defence is thereby proved; all that is needed is sufficient to suggest the defence in a manner and with circumstances which show that there is a case for consideration by a jury or the trial judge, as the case may be ..."

57I am of the opinion that this is a case in which, in terms employed by Hunt J, any defence by the defendant is not clear from the matter complained of, or from the circumstances of its publication. The defendant did not adduce evidence of a kind that enables an assessment to be made of the prospects of success of any defence relied upon by him.

58It was contended for the plaintiffs that the evidence that was before Harrison J clearly established that the seriously defamatory material published by the defendant could not be defended. In that respect the plaintiffs relied upon the following matters:

(a) That the defamatory material was demonstrably false, precluding any defence of truth or opinion;

(b) That the material is not published, even arguably, on any occasion of qualified privilege; and

(c) There is no other defence that is arguably available.

59On the issue of prejudice, it was submitted that there was no identifiable prejudice to the defendant if he is not permitted to publish the matter complained of and the imputations pending the outcome of the proceedings. In that respect it was contended that the relief sought would not prevent him from legitimately exercising his right to free speech which the defendant, by publication of the matter complained of in the present proceedings, exceeded.

In that respect, reliance was placed upon observations in *Tate v Duncan-Strelec* [2013] NSWSC 1446 at [19].

60 On the above bases it was submitted that the balance of convenience favoured the plaintiffs.

## **Damages are Not an Adequate Remedy**

61 It was observed that in the present proceedings damages are not sought by the plaintiffs, rather, a permanent injunction was sought. It was noted that the defendant himself had asserted that he has no capacity to pay any damages award. Such an award, it was submitted, would make little difference to his apparent determination to damage the reputations of the plaintiffs and anyone who he perceives to be in "*the camp*" of the second plaintiff.

62 It was further submitted that the evidence indicates a desire by the defendant to continue to publish the material complained of using a variety of social media to maximise publication and that, accordingly, there is the prospect of ongoing and irreparable damage to the reputation of the plaintiffs. It was emphasised that the presence of the matter in its various electronic forms is easily accessible and that, unless restrained, the defamation will continue up to and during the trial. Reliance was placed upon the material in the **Confidential JMM-3** and **4**.

63 Finally, the plaintiffs relied upon the proposition that the value of the final relief sought would be significantly reduced if not destroyed if there is no interlocutory restraint.

## **Defendant's Submissions**

64 The defendant resisted the interlocutory relief sought by the plaintiffs and in doing so relied upon a number of matters which may be summarised as follows:

- (i) That the application made by way of the Notice of Motion filed on 6 May 2014 was in substance an application that sought to challenge the judgment of Harrison J delivered on 24 April 2014 and accordingly was in the nature of a purported appeal (what was termed a "*backdoor appeal*"): T 36:12, 8 May 2014.
- (ii) That the civil proceedings, including the subject Notice of Motion, should be stayed on the basis that criminal proceedings (which I take to be intended as a reference to the contempt proceedings taken against Mr Dowling) should take precedence: T 35:10-30, T 38:25-30, 8 May 2014.
- (iii) That there are grounds for defending the alleged imputations as defamatory: T 35:37-45; T 36:4-5; T 36:35-36.
- (iv) That the bases upon which the plaintiffs allege that they have, or will, suffer damage from the publications in question were disputed. It being asserted by the defendant that "*no damage will be done*": T 36:45.

(v) That the evidence in support of the Notice of Motion is lacking. Reference was made to Ms Munsie's abovementioned affidavit as having been used in support of the *original* application for interlocutory relief before Harrison J "... she did not do so in support of the *current application*. Mr Stokes has not provided an affidavit on [sic] either case": T 37:5-10; T 35:15-17.

## Decision

65I have given close consideration to the matters raised in the submissions on behalf of the plaintiffs and by Mr Dowling in his submissions opposing the grant of the relief now sought by the plaintiffs. I have concluded that Mr Dowling's submissions do not raise matters that preclude the grant of interlocutory injunctive relief of the kind sought in these proceedings.

66In deference to Mr Dowling's submissions and the matters he has raised, I will deal with each in turn:

(i) The present application by the plaintiffs is not in the nature of a purported appeal from any matter decided, or order made, by his Honour Harrison J on 24 April 2014. In particular, his Honour decided the outcome of the Notice of Motion before him on what has been referred to as the "*contempt*" ground and not the defamation ground. The present application by way of the Notice of Motion filed on 6 May 2014 relies solely upon the latter ground and not the former.

(ii) The orders sought in the Notice of Motion of 6 May 2014 do not raise any issues, factual or otherwise, that bear upon or in any way enter upon matters that are the subject of the current contempt proceedings. There is accordingly no basis for the submission that those proceedings should in some way take precedence over the present application, or that they would warrant the grant of a "*stay*" of the kind referred to in the defendant's submissions.

(iii) The evidence in support of the application and which is relevant to the issues required to be considered and determined in this application essentially arise from the affidavit of Ms Munsie sworn 14 April 2014. That affidavit, as the defendant observed, was utilised for the purposes of the application heard by Harrison J. There is no basis, however, for the submission that it was not, and could not, be relied upon in the hearing of the Notice of Motion filed on 6 May 2014. The affidavit was read, without objection, and is evidence available and is required to be considered in the determination of the present application.

(iv) In relation to the question as to whether there is any basis for a defence to the plaintiff's proceedings in defamation, whilst the defendant made some general allegations as to factual matters he asserts in relation to both the AFP proceeding and the C7 litigation, there was no evidence adduced by the defendant on the present application that identifies how and on what basis a defence is available. I have referred in this judgment to the principles that determine the circumstances in which a defendant has some onus to adduce evidence of that kind.

(v) The submission that the plaintiffs have not or will not suffer damage, amounts to no more than an unsupported assertion to that effect by the defendant. It is sufficient for the purpose of the present application to observe that the nature and terms of the alleged defamatory materials or imputations have the capacity to inflict reputation damage.

67The question remains whether an interlocutory injunction should be granted and, if so, its form.

68It is well accepted that freedom of speech is an important value in our community and it should not lightly be interfered with. In this case, however, in my opinion, the plaintiffs, on the evidence before me, have a strong case that the defendant has exceeded his rights to freedom of speech.

69Whilst the evidence does not establish the extent of the access to the Website that has been made to it in terms of the number of "hits", the evidence does, in my assessment, establish that the defendant intends, unless restrained, to continue to publish the matter complained of using a variety of social media to maximise publication and that that in itself suggests the potential for ongoing damage to the reputations of the plaintiffs. The ready accessibility in today's world of published material in various electronic forms is an established fact and this is to be taken into account in determining whether there is now a need for restraint to be imposed up to and during the trial of the proceedings.

70In determining this application I have had regard to the principles to which I have earlier referred and as additionally stated in *Jakudo Pty Ltd v South Australian Telecasters Limited* (1997) 69 SASR 440 at 442-3 per Doyle CJ.

71I am satisfied that the plaintiffs, on the evidence before me, do have a strong case that the defendant has exceeded his rights to freedom of speech and that the balance of convenience favours the granting of the interlocutory injunctive relief sought in the Notice of Motion.

72As to the form of orders, the plaintiffs seek orders in terms of paragraph [5] of the Notice of Motion set out earlier in this judgment. In Mr Dawson's submissions it was acknowledged that although a separate order requiring the removal of the matter complained of is not strictly necessary by reason of the fact that Order 5 would, on a proper analysis, require its removal, an order in that form, he submitted, would "*perhaps be desirable in the circumstances of this case*": *Written Submissions* at [18].

73I consider that the appropriate form of relief to which the plaintiffs are entitled is that set out in paragraph [5](a), (b) and (c) of the Notice of Motion. I do not consider that a specific order for the removal of the material is required or appropriate. Whilst an order in those terms was not sought in the Notice of Motion, relief granted in terms of paragraph [5] would, as Mr Dawson conceded, have the effect that the material complained of be removed.

74Accordingly, in order to make clear the effect of the orders I propose to make, those orders require that the defendant take the steps necessary, upon the making of the orders, to cease publication of the Article and Twitter Publication and alleged imputations as identified in the Statement of Claim.

75Accordingly, I make an order in the following terms:

## Orders

(1)The defendant be restrained, until further order, from publishing:

(a)The Article and the Twitter Publication respectively identified in Exhibits JMM-1 and JMM-6 to the affidavit of Justine Melissa Munsie sworn 14 April 2014);

(b)The alleged imputations set out in the Statement of Claim filed herein on 15 April 2014;

(c)Any matter of and concerning the plaintiffs to the same effect as the Article, the Twitter Publication referred to in order 1(a) or the alleged imputations referred to in Order 1(b).

(2)The question of costs of the Notice of Motion is reserved.