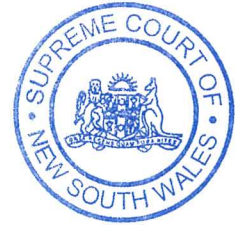


FILED

- 8 MAR 2019



NOTICE OF MOTION

COURT DETAILS

Court	Supreme Court of New South Wales
#Division	Common Law
#List	Defamation
Registry	Sydney
Case number	2016/299522

TITLE OF PROCEEDINGS

[First] plaintiff	Capilano Honey
#Second plaintiff #Number of plaintiffs (if more than two)	Ben McKee
[First] defendant	Shane Dowling

FILING DETAILS

Person seeking orders	Shane Dowling
#Filed in relation to	Application for contempt
#Legal representative	Self-represented
#Legal representative reference	Shane Dowling Ph: 0411 238 704
Contact name and telephone	shanedowling@outlook.com.au

PERSON AFFECTED BY ORDERS SOUGHT

1. **Capilano Honey**
2. Ben McKee
3. Sandy Dawson SC
4. Richard Keegan
5. Martin O'Connor
6. Alexander Latu
7. Monique Cowden

This matter has been listed before the Court

on 22/3/2019
at 9.30 am

Clerk of the Court

HEARING DETAILS

This motion is listed at [time, date and place to be inserted by the registry unless otherwise known (Court registry will leave blank if being dealt with in chambers.)].

[on separate page]

ORDERS SOUGHT

- 1 A declaration that the plaintiffs and respondents are in contempt of court for attempting to destroy evidence.
- 2 A declaration that the plaintiffs and respondents are in contempt of court fro attempting to pervert the course of justice.
- 3 A declaration that the plaintiffs and respondents are in contempt of court for trying to interfere with a witness.
- 4 A declaration that Richard Keegan is in contempt of court for breaching the solicitors rules and making a knowingly false statement to the other party.
- 5 The court orders Capilano Honey to file and serve their evidence for their Injurious Falsehood claim within 5 working days as they have avoided doing it for over 2 ½ years.
- 6 That the plaintiffs and respondents pay my costs for this motion forthwith.
- 7 Such further or other order as the court thinks fit.

SIGNATURE

~~#Signature of legal representative~~

#Signature of or on behalf of person seeking orders if not legally represented



Capacity

Defendant

Date of signature

7/3/19

#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

[on separate page]

[Only include this section if a non-party is (a) seeking orders (ie an applicant), or (b) affected by orders sought (ie a respondent). Do not include the contact details for any person who is already a party to the proceedings. "Person" includes a corporation. See Guide to preparing documents for further information about parties and non-parties in the proceedings]

#FURTHER DETAILS ABOUT APPLICANT

Applicant

[A person is an applicant only if not already a party to the proceedings.]

#FURTHER DETAILS ABOUT RESPONDENT[S]

[A person is a respondent only if not already a party to the proceedings.]

Respondents

Name	Sandy Dawson
Address	Banco Chambers Level 5 / 65 Martin Place Sydney 2000

Name	Richard Keegan
Address	Level 12 / 60 Carrington St Sydney NSW 2000

Name	Martin O'Connor
Address	Level 12 / 60 Carrington St Sydney NSW 2000

Name	Alexander Latu
Address	Level 12 / 60 Carrington St Sydney NSW 2000

Name	Monique Cowden
Address	Level 22 Chambers Level 22 / 52 Martin Place Sydney NSW 2000

"A"

Statement of Charge

(Part 55 rule 7 of the Supreme Court Rules 1970)

COURT DETAILS

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[First] plaintiff	Capilano Honey
#Second plaintiff #Number of plaintiffs (if more than two)	Ben McKee
[First] defendant	Shane Dowling

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#Filed in relation to	Application for contempt
#Legal representative	Self-represented
#Legal representative reference	Shane Dowling Ph: 0411 238 704
Contact name and telephone	shanedowling@outlook.com.au

Charge

1. On the 7th of October 2016 the applicants instituted defamation and injurious falsehood proceedings against me and where granted wide ranging suppression orders and non-publication orders and a super-injunction by Justice Peter Hall based on the affidavits of Richard Keegan and submissions of Sandy Dawson.
2. On the 10th October 2016 Justice David Davies continued those orders.
3. On the 24/5/2017, in an almost identical matter against Simon Mulvany by the same applicants and legal team, the applicants and their lawyers tried to get Simon Mulvany to contractually agree, as part of the Dowling clause in a Deed of Release, to destroy a video / sex tape and to have nothing further to do with me in a deliberate attempt to pervert the course of justice and interfere with a witness. It was documentary maker working with Simon Mulvany's who filmed the video. The content of the video / sex tape and evidence from

Simon Mulvany are vital to my defence for the defamation and injurious falsehood claim against me.

4. The video / sex tape was and is vital evidence for my defence in relation to at least the defamation matter which the applicants and their lawyers were well aware.

5. Simon Mulvany and his evidence is also vital to my defence in both the defamation and injurious falsehood matters and the applicants and their lawyers were well aware of this.

6. The Dowling clause is part 6 of the draft Deed of Release between Capilano Honey, Ben McKee and Simon Mulvany which they never agreed as Simon Mulvany didn't want to be part of their attempt to destroy evidence and pervert the course of justice. Clause 6 is as per below:

6.1 Mulvany undertakes that he will not publish, whether on the internet or otherwise, material from Mr Shane Dowling, or links to any material from, or any website operated or controlled by, Mr Shane Dowling ("Dowling material").

6.2 Further, Mulvany undertakes that should it:

- a) come to his attention; or
- b) be brought to his attention by Capilano,

that a third party has posted Dowling material, he will use all reasonable endeavours to cause such posting to be removed forthwith, to the extent it is within his power to do so.

6.3 Mulvany undertakes that he will not publish, whether on the internet or otherwise, the recording made on or about 26 May 2016 of any conversation between him and Ben McKee (Recording) and will destroy any copy of the Recording in his possession.

6.4 Further, Mulvany undertakes that should it:

- a) come to his attention; or
- b) be brought to his attention by Capilano,

that a third party has a copy of the Recording, he will use all reasonable endeavours to cause such recording to be destroyed forthwith, to the extent it is within his power to do so.

7. Capilano Honey's and Ben McKee's legal team consists of: Sandy Dawson SC, Richard Keegan, Martin O'Connor, Alexander Latu and Monique Cowden.

8. On the 27th of May 2017 Richard Keegan sent me an email and made numerous false statements including but not limited to: "You should be aware, however, that it was at the explicit request of Mr Mulvany that you and your publication be included as part of any proposed settlement of his dispute with Capilano."

9. In court on the 6th of April and 19th of April 2018, before Justice Lucy McCallum, barrister Sandy Dawson confirmed that Capilano Honey and Ben McKee wanted the video / sex tape destroyed to conceal what happened and that is why Capilano Honey and Ben McKee put the Dowling clause in a Deed of Release with Simon Mulvany.

10. In a judgment on the 8th of June 2018 the suppression orders and non-publication orders were lifted by Justice Lucy McCallum as they were so dodgy and based of lies by Capilano Honey, Ben McKee and their lawyers. The super-injunction had been lifted a few weeks earlier via consent as it was embarrassing for the court. The lifting of the suppression orders and non-publication orders was re-enforced by a unanimous decision by the Court of Appeal on the 3rd of October 2018. The bottom line is the applicants Capilano Honey and Ben McKee and their lawyers had lied and deceived the NSW Supreme Court to get suppression orders, non-publication orders and a super-injunction they had no legal right to get to try and conceal from the public they are selling poisonous and toxic honey.

SIGNATURE

~~#Signature of legal representative~~

#Signature of or on behalf of person seeking orders if not legally represented

Capacity

Date of signature



Defendant

7/3/19

REGISTRY ADDRESS

Street address

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