

FILED

17 APR 2019



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
#Third plaintiff	Ryan Stokes
[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. **Justine Munsie**
2. Kerry Stokes
3. Ryan Stokes
4. Sandy Dawson SC
5. Richard Keegan
6. Martin O'Connor
7. Alexander Latu
8. Seven West Media Limited ACN 05348084
9. Addisons Lawyers

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.)].

9:30 AM 3/5/19

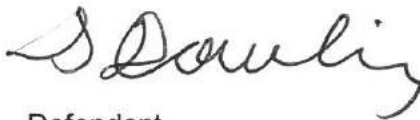
[on separate page]

ORDERS SOUGHT

- 1 A declaration that the plaintiffs and respondents are in contempt of court for conspiring to pervert the course of justice and/or attempting to pervert the course of justice.
- 2 A declaration that the second and third plaintiffs (Kerry Stokes and Ryan Stokes) are in contempt of court for bribing a witness (Justine Munsie) to pervert the course of justice and that Justine Munsie is in contempt of court for accepting a bribe to pervert the course of justice.
- 3 A declaration that the second and third plaintiffs (Kerry Stokes and Ryan Stokes) are in contempt of court for trying to interfere with a witness.
- 4 A declaration that Justine Munsie is in contempt of court for breaching the solicitors rules and making a knowingly false statement to the other party.
- 5 A declaration that Justine Munsie, Richard Keegan, Sandy Dawson SC, Martin O'Connor and Alexander Latu are in contempt of court for breaching the solicitors rules and/or barrister rules.
- 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

17/4/19

#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 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 Seven West Media
Address Media City
8 Central Avenue
Eveleigh
Sydney NSW 2015

Name Addisons Lawyers
Address Level 12 / 60
Carrington St
Sydney NSW 2000

"A"

Statement of Charge

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

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Charge

1. On the 14th of April 2014 Kerry Stokes and his lawyer Justine Munsie instituted defamation proceedings against me and had a super-injunction and suppression orders put on the matter so no details could be published, and no one could be told about the matter. I was served the court documents on the 15th of April 2014. On the 16th of April 2014 I published a post titled "Kerry Stokes has suppression order put on defamation proceedings against KCA publisher". The following day (17/4/14) we were in court to argue the notice of motion for the suppression order.
2. The following week on Thursday (24/4/14) Justice Harrison handed down his judgement "Munsie v Dowling [2014] NSWSC 458" which was in my favour and lifted the super-injunction and suppression orders. There never was any justification for the suppression orders. The defamation proceedings and an application for contempt by Kerry Stokes continued.

3. The application and affidavit to start the defamation proceedings against me is dated the 14th of April 2014 and was filed and served on the 15th April 2014 and was signed by Justine Munsie.

4. Justine Munsie says in her affidavit at paragraph 1: "I am a partner at Addisons and the first plaintiff".

5. Justine Munsie says in her affidavit at paragraph 2: "I am authorised by Mr Kerry Stokes, the second plaintiff, to swear this affidavit on his behalf and make this affidavit based on my personal knowledge or else on information provided to me by Mr Stokes or other employees of officers of the Seven West Media Group, of which Mr Stokes is Chair, and to whom I will refer my affidavit, which information I believe to be true."

6. Justine Munsie says in her affidavit at paragraph 3: "Mr Stokes, the second plaintiff, is the Chairman of Seven West Media, whose media assets include the Seven Network which broadcasts news, current affairs and other programs throughout Australia.

7. Justine Munsie says in her affidavit at paragraph 4: "I am informed by Mr Stokes, and believe that he recently became aware of the existence of an article concerning him and me on a website at the internet address <https://kangarocourtsofaustralia.com> ("**Website**").

8. Justine Munsie says in her affidavit at paragraph 9: "The Article contains several false allegations about me".

9. Justine Munsie says in her affidavit at paragraph 10: "The Article also contains several allegations about Mr Stokes which, I am informed by him and believe, are false.

10. Below are relevant parts of the Solicitor Rules - Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015

5 Dishonest and disreputable conduct

5.1 A solicitor must not engage in conduct, in the course of practice or otherwise, which demonstrates that the solicitor is not a fit and proper person to practise law, or which is likely to a material degree to:

5.1.1 be prejudicial to, or diminish the public confidence in, the administration of justice, or

5.1.2 bring the profession into disrepute.

12 Conflict concerning a solicitor's own interests

12.1 A solicitor must not act for a client where there is a conflict between the duty to serve the best interests of a client and the interests of the solicitor or an associate of the solicitor, except as permitted by this Rule.

17 Independence—avoidance of personal bias

17.3 A solicitor must not make submissions or express views to a court on any material evidence or issue in the case in terms which convey or appear to convey the solicitor's personal opinion on the merits of that evidence or issue.

24 Integrity of evidence—*influencing evidence*

24.1 A solicitor must not:

24.1.1 advise or suggest to a witness that false or misleading evidence should be given nor condone another person doing so, or

24.1.2 coach a witness by advising what answers the witness should give to questions which might be asked.

25 Integrity of evidence—*two witnesses together*

25.1 A solicitor must not confer with, or condone another solicitor conferring with, more than one lay witness (including a party or client) at the same time:

25.1.1 about any issue which there are reasonable grounds for the solicitor to believe may be contentious at a hearing, and

25.1.2 where such conferral could affect evidence to be given by any of those witnesses, unless the solicitor believes on reasonable grounds that special circumstances require such a conference.

27 Solicitor as material witness in client's case

27.1 In a case in which it is known, or becomes apparent, that a solicitor will be required to give evidence material to the determination of contested issues before the court, the solicitor may not appear as advocate for the client in the hearing.

11. On Friday the 2nd of May 2014 at 8.40pm I received an email from Justine Munsie which said:

From: Justine Munsie [<mailto:justine.munsie@addisonslawyers.com.au>]

Sent: Friday, 2 May 2014 8:40 PM

To: shanedowling@hotmail.com

Cc: Richard Keegan

Subject: Supreme Court defamation claim

Mr Dowling

With apologies for the late hour, we are writing to advise that we intend to relist this defamation matter for further argument before the defamation list judge next week.

Could you please let us know what day or days are more convenient for you to attend so that we can arrange a mutually suitable time?

Regards

Justine Munsie | Partner
ADDISONS

D +61 2 8915 1011 | M +61 414 695 092 | F +61 2 8916 2011
E justine.munsie@addisonslawyers.com.au
Level 12, 60 Carrington Street, Sydney NSW 2000

12. On the 2nd of May at 22.16Pm I responded to Justine Munsie's email:

From: Shane Dowling <shanedowling@hotmail.com>

Sent: 02 May 2014 22:16

To: 'Justine Munsie' <justine.munsie@addisonslawyers.com.au>

Cc: 'Richard Keegan' <richard.keegan@addisonslawyers.com.au>

Subject: RE: Supreme Court defamation claim

Dear Ms Munsie

The day is not important but I am not in receipt of any notice of motion with a supporting affidavit which "must be served at least 3 days before the date fixed for the motion" as per UNIFORM CIVIL PROCEDURE RULES 2005 - REG 18.4

So if you file and serve the notice of motion on Monday that means the "3 days before..." will take us to Friday as the earliest date for it to be heard.

Regards

Shane Dowling

Kangaroo Court of Australia

Ph 0411 238 704

13. On the 6th of May 2014 I received the below email from Addisons lawyer Kate Eaglen.

From: Kate Eaglen <kate.eaglen@addisonslawyers.com.au>

Sent: 06 May 2014 16:41

To: shanedowling@hotmail.com

Cc: Martin O'Connor <Martin.OConnor@addisonslawyers.com.au>; Richard Keegan <richard.keegan@addisonslawyers.com.au>

Subject: Munsie v Dowling

Mr Dowling,

Please find attached, by way of service, Notice of Motion, Affidavit of Justine Melissa Munsie and Short Minutes of Order, all dated 6 May 2014.

You will see that the Notice of Motion is returnable at 10am on Thursday 8 May 2014 before the Duty Judge. We believe the Duty Judge will be Justice Hall.

Regards <<Notice of Motion.pdf>> <<Affidavit of Justine Melissa Munsie dated 6 May 2014.pdf>>
<<Short Minutes of Order.pdf>>

Kate Eaglen | Solicitor

ADDISONS

D +61 2 8915 1039 | F +61 2 8916 2000

E kate.eaglen@addisonslawyers.com.au

Level 12, 60 Carrington Street, Sydney NSW 2000

14. On the 6th of May 2014 I sent the below email:

From: Shane Dowling <shanedowling@hotmail.com>

Sent: 06 May 2014 20:10

To: martin.oconnor@addisonslawyers.com.au

Cc: richard.keegan@addisonslawyers.com.au; kate.eaglen@addisonslawyers.com.au;
michael.phelan@afp.gov.au; jeffrey.kokles@afp.gov.au; office@hazzard.minister.nsw.gov.au;
andrew.carter@ashurst.com; crownsol@agd.nsw.gov.au

Subject: Kerry Stokes - Urgent - Abuse of process - Judgement already handed down on same issues - Conspiracy tpo have someone falsley charged

Dear Mr O'Connor

Just to confirm what you said on the phone today in our conversation at 5.35 pm which lasted 9 minutes.

1. I asked you at least 5 times "*is Kerry Stokes paying Justine Munsie to represent him in my matters*". Each and every time you refused to answer. All you would say was that Addison Lawyers was representing Kerry Stokes which you said each time and you said that you did not have to answer my question.
2. I said words to the effect that your barrister Sandy Dawson had deliberately lied and misled the court in my matters. You said to me "*you should watch what you say on your website*" I said that I had already said it on my website in a post that I had posted on Sunday. You said that you do not read my website.
3. I asked you who the judge was today who set the hearing down for Thursday. You said you did not know.
4. I asked you who was the barrister who was in court today representing Kerry Stokes and you said you did not know.
5. I asked you if Sandy Dawson would be the barrister in court on Thursday and you said you did not know. You said if it was not him it would be someone else.

6. I pointed out that it was a criminal offence to have someone falsely charged in relation to your application for contempt which seemed to agitate you. You may wish to look at section 42 of the 1914 Crimes Act.

42 Conspiracy to defeat justice

Any person who conspires with another to obstruct, prevent, pervert, or defeat, the course of justice in relation to the judicial power of the Commonwealth, shall be guilty of an indictable offence. Penalty: Imprisonment for 5 years.

Three questions Mr O'Connor

1. Can you please explain why you do not have a clue about my matters given you are listed on the court documents as the "Legal Representative" for Kerry Stokes and Justine Munsie.
2. Is it true that you are nothing more than a front and Justine Munsie is the lawyer getting paid to represent Kerry Stokes as per her email to me last Friday? (This shows up in an affidavit she filed as per attached) (As it turns out I was going to file that email as evidence but she has done it for me. Thank you)
3. You are well aware that Justice Harrison has handed down a judgement on the suppression orders that Kerry Stokes sought and you lost see: (*Munsie v Dowling [2014] NSWSC 458*) 24/04/2014. Now you want the court to hear the same issue on Thursday, at the tax payers expense, which you claim is urgent but failed to reveal why it is urgent. Can you please explain why it is urgent

Please confirm the above immediately.

Regards

Shane Dowling
Kangaroo Court of Australia
 Ph 0411 238 704

15. On the 7th of May 2014 I received the below email which did not address most of the questions that I had asked:

From: Martin O'Connor <Martin.OConnor@addisonslawyers.com.au>

Sent: 07 May 2014 17:15

To: Shane Dowling <shanedowling@hotmail.com>

Cc: Richard Keegan <richard.keegan@addisonslawyers.com.au>

Subject: RE: Kerry Stokes - Urgent - Abuse of process - Judgement already handed down on same issues - Conspiracy to have someone falsely charged

Dear Mr Dowling

I refer to your email below.

For the record, I point out that during our 9 minute telephone conversation yesterday:

1. I advised you that I did not attend Court yesterday and as I had just come out of a meeting, I had not yet received a report as to what happened at Court from the solicitor I had attend Court; and

2. We discussed a number of other matters which are not referred to your email.

Of the matters which are listed in your email, although I agree these matters were discussed, I do not agree that your summary of what we discussed is an accurate or full summary of our discussions regarding these matters.

In relation to the three questions set out at the conclusion of your email, I do not propose to respond to questions 1 & 2, as I do not believe these questions are relevant to any matter in issue in the proceedings nor seriously call for a response.

In relation to question 3, I note that of your own volition, you had this matter listed before Justice Hall today and that his Honour stood this matter over until 10.00 am tomorrow. His Honour also directed my clients to provide you with an outline of submissions in support of the orders which they are seeking prior to tomorrow's hearing. I anticipate being in a position to provide you with the outline of submissions later today. Once you read these submissions you should be able to understand why my clients say this matter is urgent and why my clients seek the orders which are set out in their Notice of Motion.

Regards

Martin O'Connor | Partner
ADDISONS

D +61 2 8915 1027 | M +61 412 307 547 | F +61 2 8916 2027
E martin.oconnor@addisonslawyers.com.au
Level 12, 60 Carrington Street, Sydney NSW 2000

16. On the 7th of May 2014 I sent the below email but never received a response:

From: Shane Dowling <shanedowling@hotmail.com>
Sent: 07 May 2014 17:25
To: 'Martin O'Connor' <Martin.OConnor@addisonslawyers.com.au>; judcom@judcom.nsw.gov.au; office@hazzard.minister.nsw.gov.au
Cc: richard.keegan@addisonslawyers.com.au; sandy.dawson@banco.net.au
Subject: RE: Kerry Stokes - Urgent - Abuse of process - Judgement already handed down on same issues - Conspiracy tpo have someone falsley charged

Dear Mr O'Connor

Given you have had time to confer. Can you please name the Judge who heard the matter yesterday and abridged the matter as I will be making a complaint against the judge to the Judicial Commission of NSW and to the Attorney General.

Regards

Shane Dowling
Kangaroo Court of Australia
Ph 0411 238 704

SIGNATURE

~~#Signature of legal representative~~

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



Capacity

Defendant

Date of signature

17/4/19

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