

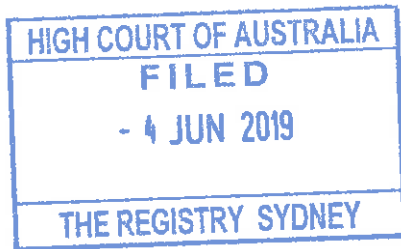
BETWEEN:

SHANE DOWLING
Applicant

and

SEVEN NETWORK (OPERATIONS) LIMITED
First Respondent

SEVEN WEST MEDIA LIMITED
Second Respondent



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AFFIDAVIT

I, Alexander Maile Latu of Level 12, 60 Carrington Street, solicitor, say on oath as follows:

1. I am a solicitor employed by Addisons, solicitors for the plaintiffs. Subject to the supervision of Martin O'Connor, who is the partner on the record; and with Richard Keegan, solicitor of Addisons, I have the day to day carriage of this matter.

2. I believe that the contents of this affidavit are true and correct.

3. I have reviewed Mr Dowling's Application for Removal filed on 14 May 2019 (No. S145 of 2019) – "Application".

30 4. Part A of this affidavit sets out details of some other proceedings involving the applicant, Mr Dowling, and a procedural history of events in this proceeding.

5. Parts B-C then address specific facts set out in Mr Dowling's Application.

A. BACKGROUND

6. I have acted, and am acting, for various plaintiffs in multiple proceedings in the Supreme Court of New South Wales commenced against the defendant, Mr Dowling, based on publications he has made online, including on a website that he operates (the "KCA Website").

7. To summarise those proceedings:

40 a. Proceeding number 2014/114469, *Munsie & Ors v Shane Dowling* (the 2014 KCA Proceeding). The cause of action was defamation. Final orders were made by his Honour Justice Rothman on 27 May 2019. The plaintiffs, three individual persons, were successful. A contempt charge was successfully brought by the plaintiffs based on breaches of orders made in this proceeding (see *Munsie v Dowling* (No 2) [2014] NSWSC 1042).

A. Maile Latu

A. Maile Latu

- b. Proceeding number 2016/299522, *Capilano Honey Limited & Anor v Shane Dowling* (the **Capilano Ltd v Dowling Proceeding**). The causes of action are defamation, injurious falsehood and a claim under the Australian Consumer Law. In the most recent judgment in the proceeding (*Capilano Honey Ltd v Dowling (No 3)* [2019] NSWSC 539), the plaintiffs (the named corporate entity and its CEO) successfully struck out portions of Mr Dowling's defence.
- 10 c. Proceeding number 2016/00383575, *Jane Doe 1 & Ors v Dowling* (the **Jane Does Proceeding**). The cause of action is defamation. In *Doe 1 v Dowling* [2018] NSWSC 1278, the plaintiffs (four individual persons) successfully struck out Mr Dowling's defence, with no leave granted to re-plead. On 17 May 2019 his Honour Justice Hoeben, Chief Judge at Common Law, listed the proceeding for hearing on 26 and 27 August 2019. A contempt charge was successfully brought by the plaintiffs based on breaches of orders made in this proceeding (see *Doe v Dowling* [2017] NSWSC 1037).
- 20 d. This proceeding, number 2017/116771, initially commenced against an unknown "Publisher X" (the **Publisher X Proceeding**). The cause of action is breach of confidence. The plaintiffs have brought a contempt charge in this proceeding based on apparent breaches of court orders, which is yet to be heard. At that hearing they will rely on evidence including documents on a hard drive produced under subpoena in 2017, which they were able to access this year following orders made by her Honour Justice Rees (*Seven Network (Operations) Limited v Shane Dowling* [2018] NSWSC 1890 – which judgment contains a detailed overview of this proceeding's history).
8. The table below sets out a procedural history of events in this proceeding, and includes references to other relevant events outside of this proceeding that are italicised.

Row No.	Date	Event
1.	19 April 2017	Plaintiffs commence this proceeding by way of summons. Orders restraining publication of specified material by the defendant made by the Court.
2.	21 June 2017	<i>NSW Police execute a search warrant at an address in Bondi Beach. (Plaintiffs become aware of this subsequently based on comments made by the defendant on his KCA Website)</i>
3.	23 June 2017	Plaintiffs amend summons to refer to the defendant, Mr Dowling, instead of "Publisher X".
4.	5 July 2017	Subpoena issued at the plaintiffs' request to the Commissioner of Police, NSW (Subpoena) seeking material resulting from the execution of the search warrant on an address in Bondi Beach on 21 June 2017.
5.	18 July 2017	McCallum J rules on access to material produced to the Court under the Subpoena. Packet S-6, a laptop computer, returned to defendant. Access to packet S-5, the "Hard Drive" yet to be determined. Matter stood over to 24 July 2017.
6.	21 July 2017	Plaintiffs file a Contempt Motion seeking a declaration that the defendant was in contempt of court for breaching

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		the orders made in this proceeding on 19 April 2017.
7.	24 July 2017	Directions made for the plaintiffs to serve a statement of claim, evidence in support of the Contempt Motion and for the defendant to file a defence. Matter stood over to 25 August 2017.
8.	10 August 2017 – 9 December 2017	<i>Mr Dowling sentenced to four months' imprisonment for breach of orders made in the Jane Does Proceeding (Doe v Dowling [2017] NSWSC 1037).</i> Defendant does not appear at directions hearings in this proceeding scheduled during his period of imprisonment, and seeks stay until release. During the period of imprisonment, the Contempt Motion was listed for hearing on 30 January 2018 before Kunc J, and the matter was stood over until 13 December 2017.
9.	13 December 2017	Hearing before McDougall J. Defendant sought adjournment based on recent release from gaol. Plaintiffs sought access to the Hard Drive. Subpoena issues stood over to 30 January 2018 before Kunc J.
10.	12 January 2018	Defendant files a motion seeking interstate judge in this proceeding or transfer to the Federal Court of Australia and for the Subpoena to be set aside (Transfer Motion).
11.	30 January 2018	Hearing before Kunc J. Defendant raises possibility of agreeing to plaintiffs' access to the Hard Drive if he has first access, plaintiffs agree. Orders made for defendant's first access accordingly, Transfer Motion and Contempt Motion stood over to 1 March 2018.
12.	28 February 2018	Defendant seeks adjournment on legal aid grounds. Matter adjourned to 10 April 2018.
13.	10 April 2018	Parties unable to agree on a regime to allow plaintiffs to inspect Hard Drive. Defendant insists that the Subpoena be set aside completely, and seeks the Transfer Motion to be heard before the Contempt Motion. Timetable ordered for Transfer Motion, with hearing date to be fixed in June 2018
14.	13 June 2018	Registrar lists Transfer Motion for hearing at 10.00am on 13 September 2018
15.	22 August 2018	<i>Mr Dowling sentenced to 18 months' imprisonment (13 months' non-parole) for contempt of court, arising from comments made in Court (and subsequent behaviour) on 3 February 2017 that led to the initiation of contempt proceedings by the Prothonotary of the New South Wales Supreme Court. (Prothonotary of the Supreme Court of New South Wales v Shane Francis Dowling [2018] NSWSC 1301)</i>
16.	13 September 2018	Transfer Motion hearing before Rees J. Defendant (appearing via AVL) sought adjournment until release from gaol. Given procedural history, Court only willing to adjourn hearing of Transfer Motion for two weeks. Defendant declines to participate in hearing.

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		Transfer Motion adjourned to 27 September 2018.
17.	23 September 2018	Defendant faxes to the chambers of Rees J an Application for Removal to the High Court of Australia (unknown to plaintiffs).
18.	27 September 2018	Hearing of defendant's Transfer Motion before Rees J, defendant's Application for Removal treated as an application for a stay. Plaintiffs seek dismissal of Transfer Motion and access to Hard Drive.
19.	7 December 2018	Rees J delivers judgment on matters heard on 13 and 27 September 2018 (<i>Seven Network (Operations) Limited v Shane Dowling</i> [2018] NSWSC 1890). Stay refused, Transfer Motion dismissed, regime put into place to allow plaintiffs access to Hard Drive following inspection by an independent solicitor.
20.	21 December 2018	<i>Sentence referred to in row 15 above reduced to 4 months by Court of Appeal. (Dowling v Prothonotary of the Supreme Court of New South Wales [2018] NSWCA 340). Mr Dowling released from gaol.</i>
21.	11 March 2019	Plaintiffs able to access subset of documents on Hard Drive pursuant to orders made by Rees J on 7 December 2018. Directions hearing before Registrar. Relisted for directions on 3 April 2019, with plaintiffs to review the Hard Drive and indicate their position on filing further evidence.
22.	3 April 2019	Orders timetabling evidence made by Registrar. Relisted for directions on 22 May 2019.
23.	22 May 2019	Directions hearing adjourned to 28 May 2019 at defendant's request.
24.	28 May 2019	Orders extending timetable for evidence made by Registrar. Relisted for directions on 3 July 2019.

B. Part III of the Application

9. In the last sentence of paragraph [3.5] Mr Dowling refers to the withdrawal of a police charge for reasons that are asserted to be obvious. I dispute that it is obvious that the reasons asserted are the true reasons behind any withdrawal of a police charge.
10. Exhibited to this affidavit and marked "AML1" is the transcript to the hearing on 13 September 2018 before her Honour Justice Rees, which is referred to in paragraph [3.9] of the Application. I was present at this hearing. I dispute that Rees J engaged in bullying or intimidating behaviour.
11. I dispute the characterisation of lawsuits by the identified parties in the second sentence of paragraph [3.10]. Proceedings in which Addisons acts or has acted against Mr Dowling have been identified above. The first identified person is a plaintiff in this proceeding, and the second identified person is a plaintiff in the 2014 KCA Proceeding. They are not parties to the other proceedings identified above.

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C. Other Parts of the Application

12. At paragraph [4.3] of the Application, Mr Dowling discusses a related Application for Special Leave to Appeal. On 16 May 2019 my colleague Richard Keegan sent an email to Mr Dowling (and to which I was copied) as follows:

Dear Mr Dowling

Further to my email below, I note that at para 4.3 of the application for removal, which refers to a special leave application, you state:

10

"4.3 This matter is directly associated with the High Court of Australia matter S22/2019 which I have filed an Application for Special Leave to Appeal and both matters should be heard together."

Could you please provide the underlying documents to your special leave application S22/2019 either by return email or by hardcopy?

Mr Dowling replied as follows later that day:

Dear Mr Keegan

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Please find the attached document but matter S22/2019 has been finalized so it was an oversight by me not to have deleted that section. I have also written an article on my website in regards to the issue which I am sure you are aware.

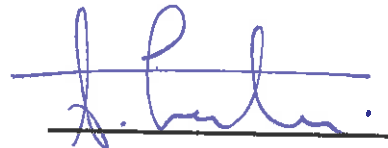
13. Exhibited to this affidavit and marked "AML2" is a copy of the 16 May 2019 email correspondence.

SWORN by the deponent
at Sydney in New South Wales
on 4 June 2019.

Before me: *Catherine Sendall*

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Address: Level 12, 60 Carrington Street, Sydney
NSW 2000



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.

2. I have known the deponent for at least
12 months.

C Sendall

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an Australian legal practitioner within the
meaning of the Legal Profession Uniform Law
(NSW)

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

No. S145 of 2019

Affidavit of Alexander Maile Latu sworn on 4 June 2019

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INDEX OF EXHIBITS

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IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

No. S145 of 2019

BETWEEN:

SHANE DOWLING
Applicant

and

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SEVEN NETWORK (OPERATIONS) LIMITED
First Respondent

SEVEN WEST MEDIA LIMITED
Second Respondent

EXHIBIT "AML1"

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This is the exhibit marked AML1 produced and shown to Alexander Maile Latu at the time of swearing his affidavit this 4 June 2019.

Transcript of hearing before Justice Rees on 13 September 2018

Before me

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Solicitor

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Ref: Richard Keegan

ATJ:KCS:OL

IN THE SUPREME COURT
OF NEW SOUTH WALES
EQUITY DIVISION

5 REES J

THURSDAY 13 SEPTEMBER 2018

10 2017/00116771 - SEVEN NETWORK (OPERATIONS) LIMITED & ANOR v
SHANE DOWLING

HEARING

15 Ms M Cowden for the Plaintiff
Defendant appeared in person via AVL

20 VIDEO LINK TO ST HELIERS CORRECTIONAL CENTRE,
MUSWELLBROOK COMMENCED

HER HONOUR: Mr Dowling, I understand that you can now hear us via the phone, is that right?

25 DEFENDANT: Yeah, I can hear but not brilliant but I can hear, yes.

HER HONOUR: All right. At any point if you can't hear, can you speak up so that we can make sure that you know what is going on?

30 DEFENDANT: Can I have your name, your Honour?

35 HER HONOUR: Rees, R-E-E-S. So, Mr Dowling, I understand the matter is listed today for the hearing of your motion filed on 12 January 2018. Have you been served with a Court book which contains the motion and the evidence in respect of that motion?

40 DEFENDANT: I got a book yesterday, I don't have it on me, I wasn't told until ten minutes ago that I was - had a hearing today. They'd called me up, put me straight in a booth here. Point one is, I don't know if you've noticed but I'm in gaol. I'm not in a position to proceed and won't be until I get out of gaol, as simple as that.

45 HER HONOUR: I'll tell you what is simple, Mr Dowling, is that the motion is proceeding today. I have reviewed the Court file and I can see that orders have been made by a number of Court officers, being both Registrars and judges, to progress the determination of the issues which you have raised, and you have been given a number of adjournments in order to put your evidence on and I can see that the matter is now listed for hearing today.

50 Can arrangements be made. Firstly, might I hear from the plaintiff's counsel as

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to the service which has been effected of the Court book on Mr Dowling?

COWDEN: Yes, your Honour, may I read and hand up the affidavit of Cassie Lock which is the affidavit of service of the Court book?

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DEFENDANT: I don't have it.

HER HONOUR: I don't have it either yet, Mr Dowling. We'll just do this one step at a time.

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COWDEN: If it's of assistance, I provide your Honour with a working copy, thank you.

15

HER HONOUR: I give the plaintiff leave to file in Court an affidavit of service of Cassie Lock sworn today. Is there a way, Ms Cowden, that we can get a copy of this affidavit to Mr Dowling, or has that already been attended to?

COWDEN: We have not yet attended to it but we could serve it in the same way that we have served the Court book.

20

HER HONOUR: Just give me a moment. Mr Dowling, I'm just making inquiries to see how we can get this affidavit to you. I'm just going to read to you, Mr Dowling, what the affidavit says.

25

DEFENDANT: I'd just like to say this, I won't be proceeding, I've been denied natural justice. I got called up ten minutes ago, I've got a bit of paper in front of me. I do not have access to all of my documents. I will not be proceeding today. If you want to proceed you do it, you hand down your judgment, and you will be held accountable for your judgment like every judge is.

30

HER HONOUR: Mr Dowling, can I just say that we are making arrangements, that is, my staff are making arrangements for the Court book to be provided to you where you are now so that it is before you.

35

DEFENDANT: Your Honour, I'm not going to proceed with these proceedings. I have been denied natural justice. I'm in a booth and I got called up ten minutes ago. You're telling me, we're going to provide you with a Court book and then we're going to proceed now. You've got to be kidding. They served that Court book yesterday. I'm in a working gaol, I've got to try and file an appeal and everything like that. And here you are saying, Mr Dowling, we'll lock you up in a booth, demand that you proceed with these proceedings.

40

This is a civil proceeding. If you have a look at that claim, they own that website they are instituting proceedings against. It's a joke. You want to hand down some dodgy judgment, so be it. They are after, they want a police brief on evidence which has allegations in it that Chief Justice Tom Bathurst is a known paedophile. That is in that police brief of evidence that they want, and here you are trying to stitch me up while ten minutes ago I was out walking in the yard.

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HER HONOUR: Mr Dowling, I'm just going to read, allow to you this affidavit of service, but a copy is being provided to you.

5 DEFENDANT: No, no, I'm not proceeding, I'm going to hang up, thank you for your time. Hand down that dodgy judgment, you can explain that you denied me natural justice, and you've tried to stitch me up ten minutes after I've been locked up and advised on this hearing. Thank you for your time.

10 HER HONOUR: Mr Dowling, I can arrange for the Court book to be provided to you. Can it be noted for the record that Mr Dowling has hung up and the time is presently 10.14am and he has left the booth.

15 COWDEN: Your Honour, may I note for the record Mr Dowling has not left the booth.

HER HONOUR: No, he hasn't left the booth. Where is he?

COWDEN: He's lying down on the ground, your Honour.

20 HER HONOUR: Pardon me. But in any event he doesn't appear to have the telephone anymore.

COWDEN: Yes.

25 HER HONOUR: So what shall we do today?

DEFENDANT: I'm not proceeding with the proceedings.

30 CORRECTIONS OFFICER: Pardon?

DEFENDANT: I've told her. I said they can stitch me up if they want.

CORRECTIONS OFFICER: Hello?

35 HER HONOUR: Hello, thank you.

CORRECTIONS OFFICER: Sorry. Can you call back?

40 DEFENDANT: No, I'm not going to proceed.

CORRECTIONS OFFICER: Could you possibly call back the centre, please? This inmate is underneath the desk and he doesn't want to proceed with the call.

45 HER HONOUR: All right.

DEFENDANT: It's simple, I'm being bullied. They call me up and they tell me I'm going to proceed with some proceeding, simple. I'm not a criminal.

50 HER HONOUR: Okay. I'll just be a moment.

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CORRECTIONS OFFICER: He is sitting under the desk and I see the corporation doesn't think - they can hear us but we can't hear them--

5 SPEAKER: All right, what's he doing to do, go and get called?

DEFENDANT: I'm not going to come back.

10 SPEAKER: Go and get your call - listen, you're in custody--

DEFENDANT: Yep.

15 SPEAKER: --okay, you have to appear. If you want to hide under the table when you come back here, that's fine.

DEFENDANT: Okay, I'll do that.

20 HER HONOUR: For the record, I've been informed we need to adjourn for ten minutes to allow time for the Court book to be placed in Mr Dowling's hands, and for him to be given an opportunity to resume his seat. But I ask during that time that the affidavit of service be faxed by my Associate to the facility so that hopefully that can also be provided to Mr Dowling. I'll adjourn until I'm informed that those matters have been attended to.

25 SHORT ADJOURNMENT

HER HONOUR: Mr Dowling, I understand that you have now been provided with a copy of the Court book which you were given yesterday, is that right?

30 DEFENDANT: No, no, I've told you once, I will not be participating in these proceedings, I've been denied natural justice. Up until 10 to 10 I didn't even know these proceedings were going to be afoot. I was called up here to go into the video link and then told. So if you think that's allowing someone natural justice you've got to be kidding, you shouldn't be on the bench.

35 HER HONOUR: Mr Dowling, I would like to afford you natural justice in the following manner. It seems to me that this matter was listed for hearing today by Registrar Walton on 13 June 2018, and I understand that your evidence in support of your motion has been filed by you which are two affidavits that you
40 have sworn of 12 January 2018 and 12 June 2018, is that right?

45 DEFENDANT: Look, I'm not participating, your Honour. You've got to be kidding. If you think you can ring up a gaol and put someone on video ten minutes before a hearing and say, "Represent yourself, son". I haven't got access to all my documents, one. Two, any final - you've got to remember, the whole - whole thing is a joke. The allegations, they are after police documents, they are after police documents, that's what they want, in a malicious police prosecution which they dropped, and they own the website that they want locked. It's a total joke the whole case, and I don't have access to all of my
50 documents. You shouldn't be bullying me and making me represent myself.

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You're a bully, you're committing a crime. Bullying is a criminal offence, do you realise that?

5 HER HONOUR: Mr Dowling, is it correct that you rely on the two affidavits--

DEFENDANT: No, I'm not answering questions.

10 HER HONOUR: --that you have sworn on 12 January 2018 and 12 June 2018 in support of your application, Mr Dowling?

DEFENDANT: What you need to put down: "Mr Dowling was in gaol, we stitched him up, we told him ten minutes before the hearing that there was an actual hearing. So we've stitched him up." Put that in your judgment.

15 HER HONOUR: Mr Dowling, you were informed by Registrar Walton on 13 June 2018 that the motion was listed for hearing today.

20 DEFENDANT: I'm in gaol, we don't have documents and everything to gaol, and we don't have access to a computer or the Internet or anything like that. To suggest otherwise shows you're nothing but a joke and you are trying to stitch me up on behalf of Chief Justice Tom Bathurst. Is that correct? Is that what's happening?

25 HER HONOUR: I notice from the file that you have not filed any written submissions in support of your motion, Mr Dowling? Is it your intention to file any written submissions in respect of your motion?

30 DEFENDANT: Your Honour, I am in gaol, I have no intention of proceeding with this matter. You might as well cut off the video link now. You spend tax payers money on behalf of Channel Seven. Are you on their payroll, too, are you? Why are you spending tax payers money trying to stitch up someone in gaol?

35 HER HONOUR: Is it the case that you don't intend to proceed with your application made on 12 January 2018, Mr Dowling?

DEFENDANT: I have full intentions of proceeding but I'm not going to proceed now while I am denied natural justice.

40 Now, I can tell you now the evidence they want and the police statement, there's allegations against 18 judicial officers - well, 15 judicial judges, one magistrate and two registrars, for being suspected paedophiles and known paedophiles, and raising allegations of judicial bribery. Now, it includes
45 allegations against Chief Justice Tom Bathurst, that he is a known pedophile which I don't challenge the allegations, which shows up in Chris Day's police statement. Chris Day filed that evidence with the police in a police statement--

50 HER HONOUR: Mr Dowling, I understand from what you are generally saying, that what you would like to see today is to adjourn your motion of 12 January 2018 to be heard on another occasion. Is that, in essence, what you want to

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happen today?

DEFENDANT: Yes, your Honour, until I'm out of gaol.

5 HER HONOUR: Are you able to indicate when that is expected to be, Mr Dowling?

DEFENDANT: Well at the latest it should be 21 September 2019.

10 HER HONOUR: All right. I will just hear from counsel for the plaintiff.

DEFENDANT: Did you get the date right--

15 HER HONOUR: Just a moment, Mr Dowling. I'll come back to you in a minute. But just in respect of Mr Dowling's application to adjourn the application today, might I hear from you, Ms Cowden, as to the plaintiff's attitude to that application?

20 COWDEN: We would oppose any adjournment of the length that Mr Dowling is seeking. Clearly 21 September next year is an inappropriate length of time for an adjournment. Given the circumstances, and given your Honour is au fait procedurally with how long this has been on foot, we would say there's no reason why Mr Dowling isn't in a position today to deal with this motion, and if he chooses not to, the parties and your Honour would be in a position to
25 dispose of or deal with the motion. If Mr Dowling chooses not to be represented, that's a matter for him.

DEFENDANT: I don't have any money to represent me. What do you mean--

30 HER HONOUR: Just hang on, Mr Dowling, I'll hear from you shortly. I'm just trying to capture the plaintiff's attitude to your application to adjourn the motion. Yes, Ms Cowden?

35 COWDEN: Weighing all the matters in balance, if an adjournment of one to two weeks is sought, Mr Dowling clearly has the Court book, all he needs to do is read it. All the evidence is on. The timetable for submissions has come and gone, and in the circumstances, we would consent to an adjournment of that length but not of anything of the kind Mr Dowling is seeking.

40 HER HONOUR: Before you sit down, I notice that the matter is listed for a full day. Does that remain your estimate of the length of time? And Mr Dowling, I'll ask that of you in a moment.

45 COWDEN: May I turn my back on your Honour momentarily?

HER HONOUR: Yes.

COWDEN: My estimate is half a day, your Honour, at the most.

50 HER HONOUR: All right.

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Mr Dowling, the plaintiff is amenable to the motion being adjourned for a week or two to enable you to review the Court book. That seems to me to be sufficient time to do that, but I just want to see if there is - before I ask -
 5 Mr Dowling, do you remain of the opinion that the hearing of your motion would take a full day, or do you agree that it is more likely to take half a day?

DEFENDANT: I have no viewpoint on that, your Honour, but what I am arguing is that I shouldn't have to deal with this until I get out of gaol. I've got
 10 documents that prove the website is not mine on, you know, in storage. So I have evidence that - the website is not even mine, your Honour. I just make this point now--

HER HONOUR: Can I just stop you there, Mr Dowling. All that I am being asked to determine at the moment is not the whole of this case which is brought against you by Channel Seven, but is simply your motion of
 15 12 January 2018 in which you seek two matters. You seek an order that the whole case be heard by an interstate judge or a judge of the Family Court. So that's the first matter.

20 DEFENDANT: Federal Court.

HER HONOUR: Yes, thank you. Pardon me. So that's the first matter that I'm being asked to decide, and the second matter is in respect of the subpoena. So it's not proposed that I would today or on any adjourned date be
 25 determining the entirety of the case which Channel Seven is bringing it against you, but simply your application which I've just referred to. That's all that we are dealing with at this point. So I understand that you want an adjournment of this application, is that right?

30 DEFENDANT: Yes.

HER HONOUR: Firstly, do you agree that the length of time to hear this application is more like half a day than a day, or do you think it needs a full
 35 day?

DEFENDANT: I think it probably needs a full day, your Honour, because they give me that.

40 HER HONOUR: Would you just pardon me for a minute, Mr Dowling. We're just having a look, Mr Dowling, to see if we can find a day which would be - I'm not going to adjourn your motion of 12 January 2018 until you are released from gaol, Mr Dowling, because I can see from the Court file that the issue that is presently before me which is in relation to the subpoena, has been an issue
 45 since July 2017, and it needs to be dealt with promptly, and I can see that there have been a number of orders of the Court to progress that issue to a determination. What I can do is adjourn the motion to 27 September at 11.30am.

50 DEFENDANT: I need, your Honour, I just got in three weeks ago, and I am on

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5 a tight timeframe for making sure I have everything filed for my appeal, and so over the next two weeks I need a - I don't technically have a lawyer but I have someone helping me a little bit. How long they will keep helping me I don't know. But over the next two weeks I need to focus on my appeal, bail, trying to get Legal Aid. I filled in Legal Aid - I'm not going to bore you with my situation - but I filed Legal Aid a couple of weeks ago. It still hasn't been - gone through, so I'm refiling all that sort of stuff. So the next two weeks I need to totally focus on that, otherwise, it just doesn't get done.

10 HER HONOUR: Mr Dowling, I hear what you say but in fact this matter was listed for determination today, and I'm not prepared to give you an adjournment longer than two weeks. I'm only giving you an adjournment because the plaintiff is amenable to that happening. I note that the Court book was provided to you yesterday. It contains material which dates from 19 April 2017, 15 and the most recent document in it is the plaintiff's written submissions of 26 July 2018. I understand that you, from the Court file, that you have had most of, if not all of, the contents of that Court book for some time already. I am prepared to give you--

20 DEFENDANT: I'm in gaol.

HER HONOUR: Mr Dowling, let me finish. I am prepared to give you a further two weeks to prepare for the hearing of your motion, and I'm also prepared to give you an opportunity, should you wish to avail yourself of it, to provide any 25 written submissions in support of your application before the matter comes back before me on 27 September 18. So I propose to make the following orders:

30 DEFENDANT: What day is the 27th?

HER HONOUR: A Thursday.

35 1. On the defendant's application for an adjournment of the hearing of his motion filed on 12 January 2018, and with the consent of the plaintiff to that application, I adjourn the hearing of the motion to 11.30am on 27 September 2018.

40 2. I grant leave to the defendant to provide any written submissions in support of his motion by Monday 24 September 2018. Those submissions may be emailed to my chambers and copied to the plaintiff's legal representatives.

DEFENDANT: I don't have email, your Honour.

45 HER HONOUR

3. I reserve the costs of today.

50 DEFENDANT: I don't have email. Why put that order in there "I can email you the submissions"?

ATJ:KCS:OL

HER HONOUR: Pardon me. Mr Dowling, thank you for drawing that to my attention. I understand, however, that there are fax facilities at the correctional facility so you may wish - I'll go back to that order, and you can delete the reference to email as it's not applicable.

5

DEFENDANT: How come it's an 11.30 start? I think it needs a full day.

HER HONOUR: It's an 11.30 start because I have another matter at 10 o'clock, Mr Dowling, and so I will start it at 11.30. If we need to sit on to complete the hearing of your application, then we will do so.

10

DEFENDANT: Sit on another day you mean?

HER HONOUR: I beg your pardon?

15

DEFENDANT: Sit on another day?

HER HONOUR: No, on that day.

20 4. Liberty to apply.

DEFENDANT: Can I be sent a copy of the orders you just made?

HER HONOUR: I'll arrange, Mr Dowling, for my chambers to fax a copy of the orders to you.

25

DEFENDANT: If you could just mail them, will be fine.

HER HONOUR: Something will happen in that regard to make sure that they get to you. Ms Cowden, can I enquire whether you think it will be necessary to file any written submissions in reply, or not?

30

COWDEN: I don't think so, your Honour.

35 HER HONOUR: All right. I will adjourn the Court.

DEFENDANT: Just one other issue, your Honour. Can you ask Mr Keegan to mail me a copy of the transcript from the other day with McCallum J?

40 HER HONOUR: I'll have to leave that between the parties. I'm not going to make any order in respect of that. I'll adjourn the Court.

DEFENDANT: Thank you.

45 AUDIO VIDEO-LINK DISCONNECTED 10.55AM

ADJOURNED TO THURSDAY 27 SEPTEMBER 2018 AT 11.30AM

oOo

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

No. S145 of 2019

BETWEEN:

SHANE DOWLING
Applicant

and

10

SEVEN NETWORK (OPERATIONS) LIMITED
First Respondent

SEVEN WEST MEDIA LIMITED
Second Respondent

EXHIBIT "AML2"

20

This is the exhibit marked AML2 produced and shown to Alexander Maile Latu at the time of swearing his affidavit this 4 June 2019.

Email correspondence between Shane Dowling and Richard Keegan dated
16 May 2019

Before me

30



.....
Solicitor

From: SHANE DOWLING <shanedowling@hotmail.com>
Sent: Thursday, 16 May 2019 6:43 PM
To: Richard Keegan
Cc: Alexander Latu
Subject: RE: Seven Network (Operations) Limited & Anor ats Dowling: S145 of 2019
Attachments: Special Leave to Appeal - Filed.pdf

Dear Mr Keegan

Please find the attached document but matter S22/2019 has been finalized so it was an oversight by me not to have deleted that section. I have also written an article on my website in regards to the issue which I am sure you are aware.

Regards

Shane Dowling
[Kangaroo Court of Australia](#)
Ph 0411 238 704

From: Richard Keegan
Sent: 16 May 2019 18:09
To: 'SHANE DOWLING'
Cc: Alexander Latu
Subject: RE: Seven Network (Operations) Limited & Anor ats Dowling: S145 of 2019

Dear Mr Dowling

Further to my email below, I note that at para 4.3 of the application for removal, which refers to a special leave application, you state:

"4.3 This matter is directly associated with the High Court of Australia matter S22/2019 which I have filed an Application for Special Leave to Appeal and both matters should be heard together."

Could you please provide the underlying documents to your special leave application S22/2019 either by return email or by hardcopy?

Regards

Richard Keegan | Special Counsel
ADDISONS

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From: Richard Keegan
Sent: Thursday, 16 May 2019 3:09 PM
To: 'SHANE DOWLING'
Subject: Seven Network (Operations) Limited & Anor ats Dowling: S145 of 2019

Dear Mr Dowling

We attach, by way of service, our clients' notice of appearance.

Regards

Richard Keegan | Special Counsel
ADDISONS

D +61 2 8915 1075 | M +61 410 554 357 | F +61 2 8916 2075
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