

**DEFENCE TO FURTHER AMENDED STATEMENT OF CLAIM**

**COURT DETAILS**

Court	Supreme Court of New South Wales
Division	Common Law
List	Defamation
Registry	Sydney
Case number	2016/00151925

FILED

28 FEB 2017

T.K.



**TITLE OF PROCEEDINGS**

Plaintiff **Elizabeth Wilson**

Defendant **Rebel Wilson**

**PREPARATION DETAILS**

Prepared for	<b>Rebel Wilson, Defendant</b>
Legal representative	Richard Leder, Corrs Chambers Westgarth
Legal representative reference	RAL/GA: 9118947
Contact name and telephone	Thomas Hutton (03) 9672 3401
Contact email	thomas.hutton@corrs.com.au

**HEARING DETAILS**

If the proceedings do not already have a listing date, they are to be listed at

**PLEADINGS AND PARTICULARS**

By way of defence to the plaintiff's further amended statement of claim dated 2 February 2017, the defendant says as follows:

- 1 She admits the allegations made in paragraph 1.
- 2 She does not admit the allegations made in paragraph 2.
- 3 She admits the allegations made in paragraph 3.
- 4 As to paragraph 4, she:
  - (a) admits that she is the author of the First Matter Complained Of;

- (b) admits that it is likely that some persons within Australia downloaded from Twitter, and read, the First Matter Complained Of, and, therefore, that she published the First Matter Complained Of within Australia;
- (c) further to sub-paragraph (b) above, says that, at all material times, only a small proportion of her Twitter followers were based in Australia; and
- (d) admits that the First Matter Complained Of was of and concerning the plaintiff; but
- (e) says further that she did not intend the First Matter Complained Of to be of and concerning the plaintiff, but rather intended it to be (as it in fact was) of and concerning another person named Elizabeth Wilson who is a journalist whose work includes writing articles about celebrities for magazines published by ACP Magazines (now Bauer Media Group).

5 She denies the allegations made in paragraph 5.

6 As to paragraph 6, she:

- (a) admits that she is the author of the Second Matter Complained Of;
- (b) admits that it is likely that some persons within Australia downloaded from Twitter, and read, the Second Matter Complained Of, and, therefore, that she published the Second Matter Complained Of within Australia;
- (c) further to sub-paragraph (b) above, says that:
  - (i) at all material times, only a small proportion of her Twitter followers were based in Australia;
  - (ii) the Second Matter Complained Of was only available to be downloaded from Twitter, and read, for a period of no more than about 3 hours;
  - (iii) within an hour of the Second Matter Complained Of being available to be downloaded from Twitter, it was accompanied by statements correcting the defendant's error in using a photograph of the plaintiff when she had intended to use a photograph of the person referred to in sub-paragraph 4(e) above. The corrective statements are set out in sub-paragraph (b) of the particulars of

aggravated damages in the further amended statement of claim  
(Corrective Statements); and

- (d) admits that the Second Matter Complained Of was of and concerning the plaintiff until such time as the Second Matter Complained Of was corrected as alleged in sub-paragraph (c)(iii), and otherwise denies that the Second Matter Complained Of was of and concerning the plaintiff.

7 She denies the allegations made in paragraph 7.

8 As to paragraph 8, she:

- (a) admits that she is the author of the Third Matter Complained Of;
- (b) admits that it is likely that some persons within Australia downloaded from Twitter, and read, the Third Matter Complained Of, and, therefore, that she published the Third Matter Complained Of within Australia;
- (c) further to sub-paragraph (b) above, says that, at all material times, only a small proportion of her Twitter followers were based in Australia; and
- (d) denies that the Third Matter Complained Of was of and concerning the plaintiff.

9 She denies the allegations made in paragraph 9.

10 As to paragraph 10, she:

- (a) admits that she is the author of the Fourth Matter Complained Of;
- (b) admits that it is likely that some persons within Australia downloaded from Twitter, and read, the Fourth Matter Complained Of, and, therefore, that she published the Fourth Matter Complained Of within Australia;
- (c) further to sub-paragraph (b) above, says that, at all material times, only a small proportion of her Twitter followers were based in Australia; and
- (d) denies that the Fourth Matter Complained Of was of and concerning the plaintiff.

11 She denies the allegations made in paragraph 11.

12 As to paragraph 12, she:

- (a) admits that she is the author of the Fifth Matter Complained Of;

- (b) admits that it is likely that some persons within Australia downloaded from Twitter, and read, the Fifth Matter Complained Of, and, therefore, that she published the Fifth Matter Complained Of within Australia;
- (c) further to sub-paragraph (b) above, says that, at all material times, only a small proportion of her Twitter followers were based in Australia; and
- (d) denies that the Fifth Matter Complained Of was of and concerning the plaintiff.

13 She denies the allegations made in paragraph 13.

14 She denies the allegations made in paragraph 14.

15 She denies that the plaintiff is entitled to the relief sought in the further amended statement of claim.

16 Further or alternatively, if, which is denied, the plaintiff has been defamed by any or all of the publications complained of, then the defendant relies upon the following in mitigation of damages:

- (a) the Corrective Statements;
- (b) on 27 February 2016, the defendant posted on Twitter a series of corrective tweets, and apologised to the plaintiff, as follows:
  - (i) 'Hey guys, clarification to earlier tweet. Here is the picture of the Elizabeth Wilson who is total scum', which was accompanied by a photograph of the person referred to in sub-paragraph 4(e) above;
  - (ii) 'Unfortunately there are two Elizabeth Wilsons who have worked for ACP Magazines in Oz (now known as Bauer Media Group), my apologies X';
  - (iii) 'This Elizabeth Wilson, it is now confirmed, was the one who harassed my 86 year old frail grandma', which was accompanied by a photograph of the person referred to in sub-paragraph 4(e) above;
  - (iv) 'I was only trying to protect my beautiful grandma who is the kindest, loveliest person from harassment and verbal abuse';

- (v) 'I usually don't respond to their awful crap but when someone comes after my innocent grandma, I just have to take action'; and
- (vi) 'My utter gratitude to everyone who has been helping with this case and again my apologies to the innocent 'other' Elizabeth Wilson';
- (c) the above corrective tweets, and the apology, received widespread publicity within Australia. Copies of the publications will be discovered by the defendant;
- (d) on 7 March 2016, the defendant removed each of the publications complained of from her Twitter account; and
- (e) the defendant has taken steps to have all references to the contents of the publications complained of removed from the internet. A copy of the correspondence will be discovered.

**SIGNATURE OF LEGAL REPRESENTATIVE**

I certify under clause 4 of Schedule 2 to the *Legal Profession Uniform Law Application Act 2014* that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that the defence to the claim for damages in these proceedings has reasonable prospects of success.

Signature



Capacity:

Richard Leder, solicitor for the defendant.

Date of signature

27 February 2017

**AFFIDAVIT VERIFYING**

Name Richard Alexander Leder  
Address 567 Collins Street, Melbourne, Victoria  
Occupation Australian Legal Practitioner  
Date 27 FEBRUARY 2017

I, Richard Alexander Leder, say on oath:

- 1 I am the solicitor for the defendant in this proceeding.
- 2 I believe that the allegations of fact contained in the defence are true.
- 3 I believe that the allegations of fact that are denied in the defence are untrue.
- 4 After reasonable inquiry, I do not know whether or not the allegations of fact that are not admitted in the defence are true.

SWORN at Melbourne

Signature of deponent



Name of witness

SANJAY BRIAN SCHRAPEL

Address of witness

LEVEL 22, 567 COLLINS ST, MELBOURNE 3000

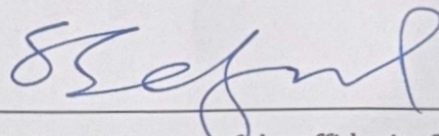
Capacity of witness

SOLICITOR

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.

Signature of witness



Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

**SANJAY BRIAN SCHRAPEL**  
Corrs Chambers Westgarth  
567 Collins Street, Melbourne Vic 3000  
An Australian Legal Practitioner within the meaning  
of the Legal Profession Uniform Law (Victoria)

27-2-17