

McCullough J.

Form 3A (version 6)  
UCPR 6.2

## FURTHER AMENDED STATEMENT OF CLAIM

### COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
List	Defamation
Registry	Sydney
Case number	2016/151925

FILED

- 2 FEB 2017



### TITLE OF PROCEEDINGS

Plaintiff	Elizabeth Wilson
Defendant	Rebel Wilson



### FILING DETAILS

Filed for	Elizabeth Wilson, Plaintiff
Legal representative	Patrick George, Kennedys
Legal representative reference	AUSW119-807198 (PTG)
Contact name and telephone	Patrick George
Contact email	patrick.george@kennedyslaw.com

### TYPE OF CLAIM

Defamation.

**RELIEF CLAIMED**

1. Damages including aggravated damages.
2. Interest.
3. An order requiring that the defendant remove from Twitter and/or the world wide web the matters complained of, or matters substantially to the same effect as such matters.
4. An order permanently restraining the defendant by herself, her servants or agents, from publishing or causing to be published any of the matters complained of, or matters substantially to the same effect as such matters, on Twitter or the world wide web or otherwise.
5. An order that the defendant by herself, her servants or agents, be permanently restrained from publishing or broadcasting of or concerning the plaintiff, any of the following allegations or similar allegations:
  - (a) The plaintiff is a disgraceful person in that she harassed Rebel Wilson's sick grandmother.
  - (b) The plaintiff is a low, despicable and worthless person.
  - (c) The plaintiff repeatedly harasses people and writes rubbish.
  - (d) The plaintiff is a dodgy tabloid journalist who writes rubbish on a weekly basis.
  - (e) The plaintiff harassed the defendant's unwell 86 year old grandmother.
  - (f) The plaintiff verbally abused and scared the defendant's unwell 86 year old grandmother.
6. Costs.

**PLEADINGS AND PARTICULARS**

The plaintiff relies on the following facts and assertions:

1. The plaintiff was at all material times the Senior Features Editor of Australian House and Garden Magazine which is published by the Bauer Media Group.

2. The former publisher of Australian House and Garden Magazine was ACP Magazines (formerly Australian Consolidated Press).
3. The defendant is an actress who tweets under the twitter handle @RebelWilson.

#### **First Matter Complained Of**

4. On or about 26 February 2016, the defendant published a tweet of and concerning the plaintiff, a copy of which is set out in Annexure A to this amended statement of claim together with a separate transcript (**First Matter Complained Of**).

#### **Particulars of Publication**

- (a) The defendant is the author of the First Matter Complained Of.
- (b) The First Matter Complained Of was made available for download by the defendant to her Twitter followers in each state and territory in Australia from on or about 26 February 2016, including (but not limited to) from the URL:  

<https://twitter.com/RebelWilson>
- (c) The plaintiff alleges publication to the persons within Australia with the twitter handles contained in the list annexed and marked "Annexure FE". In addition, the Plaintiff alleges publications to the persons who read the matter complained of and contacted her afterwards. Those persons include, but are not limited to, the following:
  - (i) Christina Gee (New South Wales);
  - (ii) Ashley Pratt (New South Wales);
  - (iii) Vanessa Walker (New South Wales);
  - (iv) Shayne Burton (New South Wales);
  - (v) Katlyn MacDonald (New South Wales);
  - (vi) Lisa Green (Melbourne, Victoria);
  - (vii) Lewis Wilson (New South Wales).
- (d) Further, the Plaintiff alleges that publication may be established by inference by reason of the following circumstances in relation to the First Matter Complained Of:

- (i) Responses were made by a number of persons who read the matters complained of and uploaded them on to the Defendant's Twitter feed.
  - (ii) There are a number of persons not limited to the Defendant's Twitter followers who became aware of and/or read the matters complained of through the grape-vine effect.
- (e) Further particulars of publication will be supplied following discovery and interrogatories.
5. The First Matter Complained Of, in its natural and ordinary meaning, was defamatory of the plaintiff.

**Particulars of Imputation**

- (a) The plaintiff is a disgraceful person in that she harassed Rebel Wilson's sick grandmother.

**Particulars pursuant to UCPR 15.19(e)**

- (a) The plaintiff relies on the whole of the tweet.

**Second Matter Complained Of**

6. On or about 26 February 2016, the defendant published a tweet of and concerning the plaintiff, a copy of which is set out in Annexure B to this amended statement of claim together with a separate transcript (**Second Matter Complained Of**).

**Particulars of Publication**

- (a) The defendant is the author of the Second Matter Complained Of.
- (b) The Second Matter Complained Of was made available for download by the defendant to her Twitter followers in each state and territory in Australia from on or about 26 February 2016, including (but not limited to) from the URL:

<https://twitter.com/RebelWilson>

- (c) The Plaintiff repeats the allegations at 4c and 4d above.
- (d) Further particulars of publication will be supplied following discovery and interrogatories.

7. The Second Matter Complained Of in its natural and ordinary meaning, was defamatory of the plaintiff.

**Particulars of Imputations**

- (a) The plaintiff is a low, despicable and worthless person.

**Particulars pursuant to UCPR 15.19e**

The plaintiff relies on the whole of the tweet including the photograph.

**Particulars of Identification**

The tweet included a photograph of the plaintiff. It also followed minutes after the First Matter Complained Of which named the plaintiff.

**Third Matter Complained Of**

8. On or about 26 February, 2016, the defendant published a tweet of and concerning the plaintiff, a copy of which is set out in Annexure C to this Further Amended Statement of Claim together with a separate transcript (Third Matter Complained Of).

**Particulars of Publication**

- (a) The defendant is the author of the Third Matter Complained Of.
- (b) The Third Matter Complained Of was made available for download by the defendant to her Twitter followers in each State and Territory in Australia from on or about 26 February 2016, and to the best of the plaintiff's knowledge after the Second Matter Complained Of and before the Fourth Matter Complained Of, including (but not limited to) from the URL: <https://twitter.com/rebelwilson>.
- (c) The plaintiff repeats the allegations at 4(c) and 4(d) above.
9. The Third Matter Complained Of, in its natural and ordinary meaning, was defamatory of the plaintiff.

**Particulars of Imputations**

- (a) The plaintiff harassed the defendant's unwell 86 year old grandmother.
- (b) The plaintiff verbally abused and scared the defendant's unwell 86 year old grandmother.

Particulars of Pursuant to UCPR 15.19(e)

- (c) The plaintiff relies on the whole of the tweet.

Particulars of Identification

The tweet followed on from the Second Matter Complained Of which contained the plaintiff's photograph and it would be apparent that she was the "journalist" identified.

Fourth~~Third~~ Matter Complained Of

8-10. On or about 26 February 2016, the defendant published a tweet of and concerning the plaintiff, a copy of which is set out in Annexure DG to this amended statement of claim together with a separate transcript (~~Third~~-Fourth Matter Complained Of).

**Particulars of Publication**

- (a) The defendant is the author of the ~~Third~~-Fourth Matter Complained Of.
- (b) The Fourth~~Third~~ Matter Complained Of was made available for download by the defendant to her Twitter followers in each state and territory in Australia from on or about 26 February 2016, including (but not limited to) from the URL:

<https://twitter.com/RebelWilson>

- (c) The ~~P~~plaintiff repeats the allegations at 4c and 4d above.
- (d) Further particulars of publication will be supplied following discovery and interrogatories.

9-11. The Fourth~~Third~~ Matter Complained Of in its natural and ordinary meaning, was defamatory of the plaintiff.

**Particulars of Imputations**

- (a) The plaintiff repeatedly harasses people and writes rubbish.
- (b) The plaintiff is a low, despicable and worthless person.

**Particulars pursuant to UCPR 15.19e**

The plaintiff relies on the whole of the tweet.

### Particulars of Identification

The tweet followed on from the First Matter Complained Of which named the Plaintiff, and the Second Matter Complained Of which contained her photograph, and it would be apparent that she was one of the "assholes".

### Fifth~~Fourth~~ Matter Complained Of

10.12. On or about 26 February 2016, the defendant published a tweet of and concerning the plaintiff, a copy of which is set out in Annexure ED to this amended statement of claim together with a separate transcript (~~Fourth-Fifth~~ Matter Complained Of).

### Particulars of Publication

- (a) The defendant is the author of the ~~Fourth-Fifth~~ Matter Complained Of.
- (b) The Fifth~~Fourth~~ Matter Complained Of was made available for download by the defendant to her Twitter followers in each state and territory in Australia from on or about 26 February 2016, including (but not limited to) from the URL:

<https://twitter.com/RebelWilson>

- (c) The Plaintiff repeats the allegations at 4c and 4d above.
- (d) Further particulars of publication will be supplied following discovery and interrogatories.

11.13. The ~~Fourth-Fifth~~ Matter Complained Of in its natural and ordinary meaning, was defamatory of the plaintiff.

### Particulars of Imputations

- (a) The plaintiff is a dodgy tabloid journalist who writes rubbish on a weekly basis.

### Particulars pursuant to UCPR 15.19e

The plaintiff relies on the whole of the tweet.

### Particulars of Identification

The tweet followed on from the First Matter Complained Of which named the Plaintiff, and the Second Matter Complained Of which contained her photograph and it would be apparent that she was one of the "dodgy" journalists being attacked by the plaintiff.

~~42.14.~~ By reason of the publication of the matters complained of, the plaintiff has been greatly injured in her credit and reputation and has suffered and will continue to suffer loss and damage.

~~43.15.~~ The plaintiff claims the relief set out in this amended statement of claim.

#### Particulars of aggravated damages

The plaintiff relies on the following matters as affecting the harm sustained by the plaintiff:

- (a) The defendant made no inquiries of the plaintiff prior to the time of first publishing the matters complained of and was recklessly indifferent to their truth or falsity:
- (i) The defendant used her Twitter feed to ask her followers if anyone had an Elizabeth Wilson on staff. The defendant then tweeted (shortly before the matters complained of) "*We've worked out she actually works for ACP magazines!!*".
  - (ii) A South African follower with the handle @mojie1611 replied "*Here she is*" and attached the plaintiff's LinkedIn profile.
  - (iii) That is, the defendant with gross negligence and entirely careless of the person she was about to attack, relied on the information offered by some random follower, and made no attempt to check or verify that information with the plaintiff or anyone.
- (b) The defendant persisted in publishing the First Matter Complained Of after she knew it was false:
- (i) Within an hour of the posting of the matters complained of, the defendant received tweets identifying her error. For instance at 12.28 pm Sydney time on Friday 26 February 2016 she received a tweet from Kayla Gex saying "*Could you please take down this photo. This is not the right Elizabeth Wilson. Elizabeth in this photo is from House&Garden Mag*". Ms Gex then sent a similar number of tweets to the same effect. Tweets to the same effect were also sent between 12.24pm and 11:23pm by Katlyn McDonald, Ashley Pratt (handle APTLD) and Alaana Fitz.
  - (ii) The defendant, completely indifferent to the turmoil she had inflicted, responded with arrogant defiance at around 12.30 pm Australian time "*Oh really? Well send me the pic of Elizabeth Wilson who called me grandma over the last 2 days and I will happily replace...*"

(iii) The defendant at or about this time published the tweet:

"She's 86 and not well, for a "journalist" to harass and verbally abuse her leaving her scared, is totally wrong X."

and in response to @mrpford:

"They can't keep harassing people and writing bullshit. I've kept all the voicemails and texts from these assholes."

~~(iii) At or about this time the defendant proceeded to removed the second matter complained of from her twitter feed but not the first matter complained of.~~

(iv) At or about 2.40 pm (Australian time) a lawyer on behalf of Bauer Media, Ms Quist left a message with the defendant's Australian agent Jesinta Waters and asked her to call back with regard to the defendant's posts. Ms Waters returned the call at 2.50 pm. Ms Quist advised the tweets were causing real damage and ought to be taken down immediately. She also requested an apology. Ms Waters indicated she would speak to the defendant and get back to Ms Quist but she did not return the call.

~~(v) At or about 3.30 pm (Australian time) the defendant proceeded to remove the second matter complained of from her twitter feed but not the first matter complained of.~~

~~(v)~~(vi) Throughout the Saturday (Australian time) the plaintiff continued to read tweets containing criticisms, sometimes extreme and disgusting criticisms of her. All the while the defendant knew her allegations about the plaintiff – still up on her Twitter feed with its millions of followers - were completely false. The defendant responded with further defiant and defamatory tweets including the Third and Fourth Matters Complained Of.

~~(vi)~~(vii) It was not until Sunday 28 February 2016 at about 7.00 am (Australian time) – some 43 or so hours after the first tweets from persons alerting the defendant to the mistake - that the defendant finally posted "Hey guys clarification to earlier tweet. Here is the picture of Elizabeth Wilson who is total scum". This tweet attached a photograph of some other person the defendant intended to attack.

~~(vii)~~(viii) On Sunday at 7.33 am (Australian time), the defendant posted:  
"Unfortunately there are two Elizabeth Wilson's who have worked for ACP

*magazines in Oz (now known as Bauer Media Group), my apologies X."*  
At about 7.49 am the defendant posted "My utter gratitude to everyone who has been helping with this case and again my apologies to the innocent "other" Elizabeth Wilson". Again these half-hearted, begrudging retractions and apologies followed some 43 hours after the defendant had been alerted to the mistake.

~~(viii)~~(ix) Even after this belated apology, the defendant did not remove her tweets on the issue including particularly the first matter complained of. She did not do so until 7 March 2016. This was only after she had received on 3 March 2016 a letter from Kennedys solicitors alerting her to the fact that they were taking instructions from the plaintiff.

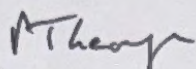
- (c) The defendant has failed to give a proper apology as requested by the plaintiff in her solicitor's letters of 11 March 2016 and 13 April 2016. The 28 February tweet contained only the most grudging apology.
- (d) The sensational and extreme language employed within the matters complained of and particularly the reference to the plaintiff as "scum" and "dodgy" and "asshole" and "writing bullish ..." allegations forwarded to more than 2 million persons.

**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 claim for damages in these proceedings has reasonable prospects of success.

I have advised the plaintiff that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.

Signature



Capacity

Solicitor on record

Date of signature

2 February 2017

**NOTICE TO DEFENDANT**

If you do not file a defence within 28 days of being served with this statement of claim:

- You will be in default in these proceedings.
- The court may enter judgment against you without any further notice to you.

The judgment may be for the relief claimed in the statement of claim and for the plaintiff's costs of bringing these proceedings. The court may provide third parties with details of any default judgment entered against you.

**HOW TO RESPOND**

**Please read this statement of claim very carefully. If you have any trouble understanding it or require assistance on how to respond to the claim you should get legal advice as soon as possible.**

You can get further information about what you need to do to respond to the claim from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au).
- The court registry for limited procedural information.

You can respond in one of the following ways:

- 1 **If you intend to dispute the claim or part of the claim**, by filing a defence and/or making a cross-claim.
- 2 **If money is claimed, and you believe you owe the money claimed**, by:
  - Paying the plaintiff all of the money and interest claimed. If you file a notice of payment under UCPR 6.17 further proceedings against you will be stayed unless the court otherwise orders.

- Filing an acknowledgement of the claim.
- Applying to the court for further time to pay the claim.

**3 If money is claimed, and you believe you owe part of the money claimed, by:**

- Paying the plaintiff that part of the money that is claimed.
- Filing a defence in relation to the part that you do not believe is owed.

Court forms are available on the UCPR website at [www.lawlink.nsw.gov.au/ucpr](http://www.lawlink.nsw.gov.au/ucpr) or at any NSW court registry.

### REGISTRY ADDRESS

Street address	Supreme Court of New South Wales Level 5 Law Courts Building, Queens Square 184 Phillip Street Sydney NSW 2000
Postal address	GPO Box 3 Sydney NSW 2000
Telephone	(02) 9230 8111

**PARTY DETAILS****Plaintiff**

Elizabeth Wilson, Plaintiff

**Defendant**

Rebel Wilson, Defendant

**FURTHER DETAILS ABOUT PLAINTIFF****Plaintiff**

Name

Elizabeth Wilson

Address

C/- Kennedys  
Level 22, 85 Castlereagh Street  
SYDNEY NSW 2000**Legal representative for filing party**

Name

Patrick George

Practising certificate number

7674

Firm

Kennedys

Address

Level 22, 85 Castlereagh Street  
SYDNEY NSW 2000

Telephone

8215 5999

Fax

8215 5988

Email

patrick.george@kennedyslaw.com

**DETAILS ABOUT DEFENDANT****Defendant**

Name

Rebel Wilson

Address

C/- Corrs Chambers Westgarth  
Level 25  
567 Collins Street  
Melbourne VIC 3000

## Transcript of First Matter Complained Of

1. If your name is Elizabeth Wilson and you work for ACP Magazines, just know that you are a disgrace for harassing my sweet, sick grandma.




## Transcript of Second Matter Complained Of

1. Here she is: total scum.

## Annexure C

### Third Matter Complained Of

Other replies to @RebelWilson's Tweet

 In reply to [Beenie Ednie](#)



**Rebel Wilson** · RebelWilson · 3h

[@reenieednie](#) she's 86 and not well, for a 'journalist' to harass and verbally abuse her leaving her scared, is totally wrong X



 4

 33



## Transcript of Third Matter Complained Of

1. @reenieednie she's 86 and not well, for a 'journalist' to harass and verbally abuse her leaving her scared, is totally wrong X

Annexure D

Fourth Matter Complained Of



**Rebel Wilson** ✓  
RebelWilson



Following

@mrpford they can't keep harassing people and writing bullshit. I've kept all the voicemails and texts from these assholes.

RETWEETS  
9

LIKES  
91



6:37 PM - 25 Feb 2016



Reply to @RebelWilson @mrpford

## Transcript of Fourth Matter Complained Of

1. @mrpford they can't keep harassing people and writing bullshit. I've kept all the voicemails and texts from these assholes.

# Annexure E

## Fifth Matter Complained Of

Home Notifications Messages Search Twitter

**Rebel Wilson** @RebelWilson

TWEETS 4,570 FOLLOWING 119 FOLLOWERS 2.43M LIKES 5

534 Photos and videos

Find friends

Trends - Change

- #IndyaPak 185K Tweets
- #BuyWorkFromHomeNOW 45K Tweets
- #CleanForTheQueen Trending for 8 hours now
- Khurram Manzoor Just started trending
- #LipSyncBattlePH 152K Tweets
- #StopTrident 13.8K Tweets
- Sharjeel Just started trending
- Defoe Started trending in the last hour
- West Ham 1-0 Sunderland Just started trending
- Mannone Started trending in the last hour

**Rebel Wilson** · RebelWilson · Feb 26

Ps the lawyers who represent these dodgy tabloid 'journalists' who write utter crap on a weekly basis are now telling me I have facts wrong?

17 0

## Transcript of Fifth Matter Complained Of

1. Ps the lawyers who represent these dodgy tabloid 'journalists' who write utter crap on a weekly basis are now telling me I have facts wrong?

## Annexure F

No	Twitter Handle	Region
1	@jenguin19	Queensland
2	@RoseTyler70	Australia
3	@aussieblonk	Melbourne, Victoria
4	@emmadeancooks	Northcote, Victoria
5	@Mara_Jane_	Australia
6	@JenniferMColes	Melbourne
7	@PlaterJessica	Melbourne, Victoria
8	@lookatthesparks	Australia
9	@aussieblonk	Melbourne
10	@CharlotteBull88	Queensland
11	@georgepnott	Sydney, New South Wales
12	@tatianasclone	Australia
13	@juzstevo	Newcastle, New South Wales
14	@KatrinaWilson16	Melbourne, Victoria
15	@mrpford	Australia
16	@hell4u02	Melbourne, Victoria
17	@20thCenturyDan	Norwood, South Australia
18	@sapphmonster	Brisbane, Queensland
19	@davidtmiles	Sydney, New South Wales
20	@KarlMayerhofer	Clovelly, New South Wales
21	@Michael41899366	Grayndler, New South Wales
22	@RoycieGaGa	Melbourne, Victoria
23	@Tpickardphoto	Australia

24	@CashionARC	Melbourne, Victoria
25	@EsmereldaLately	Melbourne, Victoria
26	@kelliewallace85	Sydney, New South Wales
27	@DeeDeeDunleavy	Melbourne, Victoria