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31 August 2018

BY EMAIL

Mr Nicholas Pullen
HWL Ebsworth Lawyers
Level 14, Australia Square
264-278 George Street
SYDNEY NSW 2000

ashurst

Dear Colleagues

**Geoffrey Rush v Nationwide News Pty Limited & Anor
Federal Court of Australia Proceeding No. NSD2179/2017**

We refer to your letter dated 21 August 2018 regarding the First Respondent's answers to interrogatories.

Sales and readership figures

In relation to paragraphs 1 to 4 of your letter concerning sales and readership figures of *The Daily Telegraph*, the First Respondent has checked the figures and confirms that the answers provided are correct.

Hits on online versions of matters complained of

In relation to paragraphs 1 to 3 in the section of your letter concerning hits on online versions of the matters complained of we note that, contrary to the suggestion in your letter, interrogatories 47, 48 and 51 to 58 refer only to the second matter complained of and interrogatories 76, 77, 80, 81 and 84 to 89 refer only to the third matter complained of. None of these interrogatories include the wording "or an article to the same effect".

We respond as follows to that section of your letter (adopting the numbering in your letter):

1. Upon review of the number of hits referred to in the answer to interrogatory 47, the First Respondent has become aware that the URL linking to the second matter complained of was changed during the course of 30 November 2017 and that the number of hits referred to in answer 47 (670 hits) only captures hits after the URL was changed. The number of hits before the URL was changed was 7,087 (a total of 7,757 hits on 30 November 2017). We **attach** a copy of the First Respondent's supplementary answers to interrogatories clarifying this issue.

The number of hits for the second matter complained of referred to in answer 48 (949 hits) is correct. The numbers of hits for the third matter complained of referred to in the answers 76 (10,157 hits) and 77 (5,499 hits) are also correct.

2. The First Respondent has also become aware that the URLs linking to each of the versions of the matters complained of made available on the websites referred to in paragraphs 2(a)-(d) of your letter were changed during the course of 30 November 2017. The numbers of hits referred to in the First Respondent's answers to interrogatories only

capture hits after the URL was changed. The numbers of hits on each website before the URL was changed are as follows:

- (a) Adelaide Advertiser: 2 (2 in total);
- (b) Courier Mail: 898 (903 in total);
- (c) Gold Coast Bulletin: 56 (56 in total); and
- (d) Herald Sun: 1 (18 in total).

The above figures have also been clarified in the attached supplementary answers to interrogatories.

3. The numbers of hits referred to in the First Respondent's answers to interrogatories 76, 77, 80, 81 and 84 to 89 are correct.

Yours faithfully,



Ashurst

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Supplementary answers to interrogatories

No. NSD2179 of 2017

Federal Court of Australia
District Registry: New South Wales
Division: General

Geoffrey Roy Rush

Applicant

Nationwide News Pty Limited and another

The First Respondent provides the following supplementary answers to the Applicant's interrogatories:

REPUBLICATION

Second Matter Complained of

Internet

DT

47. Please state how many hits (or estimated number of hits) the second matter complained of received on the DT website on about 30 November 2017.

47A 7,757

Advertiser

51. Please state how many hits (or estimated number of hits) the second matter complained of received on the Advertiser website on about 30 November 2017.

51A 2

The Courier Mail

53. Please state how many hits (or estimated number of hits) the second matter complained of received on the Courier Mail website on about 30 November 2017.

53A 903 hits from 29 November 2017 to 16 May 2018.

54. Please state how many hits (or estimated number of hits) the second matter complained of received on the Courier Mail website after 30 November 2017.

54A 903 hits from 29 November 2017 to 16 May 2018.

Gold Coast Bulletin

55. Please state how many hits (or estimated number of hits) the second matter complained of received on the Gold Coast Bulletin website on about 30 November 2017.

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55A 56

Herald Sun

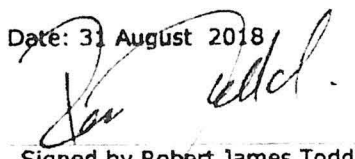
57. Please state how many hits (or estimated number of hits) the second matter complained of received on the Herald Sun website on about 30 November 2017.

57A 18 hits from 29 November 2017 to 16 May 2018.

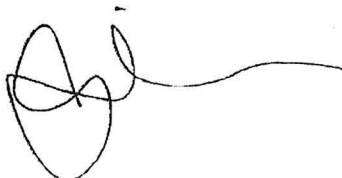
58. Please state how many hits (or estimated number of hits) the second matter complained of received on the Herald Sun website after 30 November 2017.

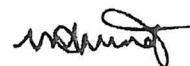
58A 18 hits from 29 November 2017 to 16 May 2018.

Date: 31 August 2018


Signed by Robert James Todd
Lawyer for the Respondents

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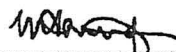
Affidavit

On 31 August 2018, I Marlia Ruth Saunders, solicitor, affirm:

1. I am the Senior Litigation Counsel of the First Respondent and I am authorised to make this affidavit on the First Respondent's behalf.
2. I verify that the above answers are true and complete answers to the Applicant's interrogatories.

Affirmed by the deponent
at Sydney
in New South Wales
on 31 August 2018
Before me:

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Signed by deponent


Signed by witness

Gina Marie McWilliams
Solicitor
c/- 2 Holt Street
Surry Hills NSW 2010