

Frederick Alan Specktor

Report of Fred Specktor

Geoffrey Roy Rush v Nationwide News Pty Ltd & Anor (Federal Court of Australia Proceedings: NSD2179/2017)

1. I am the agent of the Applicant (Mr Geoffrey Rush). I live and work in Los Angeles.
2. Mr Rush's Australian lawyers, HWL Ebsworth Lawyers, have requested that I provide expert evidence for the purposes of Mr Rush's claim in defamation against Nationwide News Pty Ltd and Jonathon Moran (the Respondents). They have requested that I give evidence in relation to the likely effect of the articles about Mr Rush which were published by the Respondents on 30 November and 1 December 2017 on Mr Rush's future earnings and future film, television and theatre work.
3. Given I have been Mr Rush's agent since February 1996, I think I am uniquely well-positioned to give that evidence based on my personal knowledge of Mr Rush, and my specialised knowledge of the entertainment industry in Hollywood over the course of over 60 years.
4. I have read the letter of instruction from Mr Rush's lawyers, dated 31 August 2018. A copy of that letter is Annexure A. I have also read all of the documents which were enclosed with that letter. One of the documents was the 'Expert Evidence Practice Note GPN-EXPT'. I have read and understood that Practice Note, and agree to comply with it in giving evidence in these proceedings.

Background

5. I have worked as an agent since 1958, so for approximately 60 years. I have only ever worked as an agent.
6. I am a talent agent at Creative Artists Agency (CAA) based in Hollywood. CAA is one of the largest and most successful agencies in America. CAA's clients range from Bruce Springsteen to Madonna to Steven Spielberg.
7. I previously worked for another talent agency, William Morris Agency now (WME), located in Beverly Hills, California.
8. Apart from Mr Rush, some of my other clients include Morgan Freeman, Jeremy Irons, Helen Mirren, Taylor Hackford (an American director and former president of the Directors Guild of America), Danny Devito, Dan Aykroyd, Beau Bridges, Gene Hackman, Phil Kaufman, and play writes and screenwriters Jez and John-Henry Butterworth, Kirk Douglas, among others.
9. In the past, I have represented actors such as Robert De Niro, Glenn Close, Jack Lemmon, and Gregory Peck.

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Background with Geoffrey Rush

10. For the purposes of giving evidence in these proceedings, I have assumed the facts set out at 'Schedule 1' to the letter of instruction. Most of those facts were already within my knowledge since I have represented Mr Rush for over 20 years.
11. I saw the film *Shine* (1996), soon after it was played at the Sundance Festival. A friend showed it to me. I left my friend's house, went back to the office, and decided to fly to Australia to connect with Geoffrey. I thought he was a terrific talent. I have been his agent ever since.
12. As Geoffrey's agent, I solicit new work for him, and negotiate contracts/deals. He has been in very significant highly acclaimed movies, such as *Elizabeth* and *Shakespeare in Love* (both in 1998) and *The King's Speech* (2010). He has also been in block-buster movies such as the *Pirates of the Caribbean* franchise, which are famous in America and throughout the world.

Report of Richard Marks

13. I have been asked to respond to the report of Richard Marks dated 26 July 2018.
14. In response to Mr Marks' opinion, my response is as follows:
15. I agree with Mr Marks' general proposition that there tend to be more roles for younger actors than older actors. At the same time, however, there tend to be fewer elite older actors for those roles to go to. Mr Marks' mistake is that he is generalising. He is not referring to a pedigree actor like Geoffrey. In my opinion, Mr Rush is an elite actor, and one of the top character actors in the business.
16. There are many examples of actors who are still well-known and successful, and are still earning significant money, through their 60's, 70's and 80's. For example - Bruce Willis (63), Danny DeVito (73), Don Johnson (68), Al Pacino (78), Donald Sutherland (83), Gene Hackman (88), Jackie Chan (64), Jeff Bridges (68), Jeremy Irons (69), Tom Hanks (62), Tommy Lee Jones (71), Robert De Niro (74), Morgan Freeman (81), Anthony Hopkins (80), Jack Nicholson (81), Ian McKellen (79), Helen Mirren (73), Meryl Streep (69), and Glenn Close (71) etc.
17. Mr Rush has won an Academy Award, and various other awards including three BAFTA's, two Golden Globes, a Tony Award and four Screen Actors Guild Awards. He was also been nominated for other Academy Awards and countless other awards. In my experience, actors do not reach such a level of professional acclaim because they are average actors - they do not win all those awards by accident; they only reach that level if they are exceptional, highly gifted actors. Such actors do not tend to lose their appeal as they get older. Mr Rush is, in my opinion, in the same elite echelon as the actors referred to in the preceding paragraph.
18. Because of Mr Rush's reputation, prior to the publications in late 2017, other actors wanted to work with him. He was very highly regarded. I recall taking Jeremy Irons to see Geoffrey play *Diary of a Madman* at the Brooklyn Academy in about 2011. Jeremy joked that he should quit acting because he had just seen "a master" perform.
19. Likewise, directors and producers wanted to work with Mr Rush. As an example, I recall that Academy Award winner Steven Spielberg wanted to work with Mr Rush (for the film *Munich* (2005)). Academy Award winner Ron Howard wanted to work with Geoffrey so badly that he waited for 3

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months for him to become available to do the mini-series *Genius*. Also, the script for *The King's Speech* was sent straight to Geoffrey's house by the writers. He was the first actor cast in that movie. In my opinion, that film would not have been made at all if Geoffrey had not agreed to be involved. It certainly would not have been as successful. Geoffrey turned down *Pirates Of The Caribbean* multiple times because he wanted to do a play instead. I finally convinced him that the movie was the right thing to do but it was because of Jerry Bruckheimer a renowned Hollywood producer who wouldn't give up trying to get him to do the film.

20. In addition, Mr Rush is what is described as a "character actor". He is not an "action star" (those sorts of roles may require a younger actor who is more physical). Leading men might lose value as they get older because it is not as easy to step into character roles. Geoffrey likes to play character roles and complex human beings. For example, *King's Speech* and *Genius*. His age does not matter for those sorts of roles. If anything his age works in his favour in my opinion.
21. Prior to the publications in late 2017, Mr Rush was a star and was steadily working. Since I have been his agent from 1998, I have never felt there was a decline in demand for Geoffrey or the offers I received for him. For example in 2017 he was in *Genius* and *The Final Portrait*. I would have expected that, but for the publications of the articles in late 2017, Mr Rush would have continued to act, and would have continued to earn similar income, for at least another 10 years.
22. I do not agree with Mr Marks' comment that, when there are roles for older characters, they are generally played by younger actors with make-up and prosthetics. It is very expensive to do that, and is not common.
23. I also do not agree with Mr Marks' characterisation of the importance of cast insurance. All actors have to be insured for a film but if they are a star they are not turned down for roles because of this unless they have a prior illness which can't be insured. In my experience, that is not a relevant factor (and certainly it is not a determinative factor) in who is cast for film roles unless they have a prior illness such as cancer etc.
24. Finally, I disagree with Mr Marks' opinion that, if Mr Rush is successful in this case, Hollywood would show support for him and he would begin to receive new work. I hope that is the case, but I do not think it will be in the immediate future. Often, in my experience, when an actor or celebrity is tainted by an allegation of impropriety then, regardless of whether or not that allegation is proven, there can be lingering doubts in the minds of the public. If that is the case for Geoffrey, which I think is likely, then it would be unlikely that Hollywood would publicly support him by giving him further work.
25. Even if Mr Rush's case is successful, and he is cleared by the Court, I think there would still be a lag of twelve months or more before he would receive offers for movies at the same rate as before the publication of the articles.

Dated: 9/20/18

Signed: Frederick A. Specktor



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FRED SPECKTOR

Fred Specktor is a Motion Picture Agent at leading entertainment and sports agency Creative Artists Agency (CAA). A 39-year veteran of CAA, Fred is based in the company's Los Angeles office.

Fred represents many of the entertainment industry's most renowned actors, actresses, and directors, including Bille August, Dan Aykroyd, Steven Bochco, Beau Bridges, Pierce Brosnan, Bryan Brown, Jez Butterworth, John-Henry Butterworth, Peter Bogdanovich, Danny DeVito, Kirk Douglas, Morgan Freeman, Taylor Hackford, Gene Hackman, Stephen Hopkins, Jeremy Irons, Helen Mirren, Goldie Hawn, Jean Reno, and Geoffrey Rush. While representing DeVito and De Niro, Fred formed their production companies, Jersey Films and Tribeca Films, respectively, and brokered their initial studio deals. In addition, he represents Pat Riley, who is the President of the Miami Heat, the 2006, 2012, and 2013 NBA champions.

Prior to the entertainment business, Fred attended USC and UCLA. Between universities, he served in the U.S. Army from 1953 to 1955. He graduated from UCLA in 1956 and began his career at MCA in Los Angeles in October of 1956. In 1968, Fred joined the Motion Picture Department at the William Morris Agency. He joined CAA in 1978.

Fred is on the Board of Directors for the American Civil Liberties Union, The Geffen Playhouse, and the Atlantic Theatre in New York City. He is married to Nancy Heller. Together, they have three adult children.

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"A"

Our Ref: NWP:JIM:687924

31 August 2018

Mr Fred Specktor

Private & Confidential

Email: [REDACTED]

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Dear Sir,

**Geoffrey Roy Rush v Nationwide News Pty Ltd & Anor
Federal Court of Australia Proceedings: NSD2179/2017**

1. As you know, we act for the Applicant, Geoffrey Rush, in Federal Court of Australia proceedings NSD2179/2017 (the **Proceedings**).
2. The purpose of this letter is to request that you please provide us with an expert opinion in relation to Mr Rush's claim for economic loss in the **Proceedings**. In this letter, we have set out the requirements for giving expert evidence in the Federal Court as well as the specific questions we would like you to answer.
3. We have also ***enclosed** with this letter:
 - (a) At '**Schedule 1**', the assumptions on which you should found your opinion; and
 - (b) At '**Schedule 2**', the relevant documents which you should have regard to in forming your opinion.

Background

4. Mr Rush sues, in the **Proceedings**:
 - (a) Nationwide News Pty Limited, as the First Respondent; and
 - (b) Jonathan Moran, as the Second Respondent;

in respect of a poster and two front page articles published by the Respondents on 30 November and 1 December 2017 ("the matters complained of") which he alleges were defamatory of him.

Adelaide
Brisbane
Canberra
Darwin
Hobart
Melbourne
Norwest
Perth
Sydney

5. We have *enclosed, at Tab 1 of Schedule 2, a copy of Mr Rush's Statement of Claim filed on 8 December 2017.
6. You will see that, at paragraphs 12(l) to (o) of the Statement of Claim, on page 11, Mr Rush brings a claim for "special damages". In brief, if a plaintiff in a defamation matter can prove that the matters complained of caused actual financial loss, he or she is entitled to claim special damages.
7. Thank you for agreeing to provide us and Mr Rush with an expert opinion, in support of his claim for special damages.
8. Please note that:
 - (a) The Court has on 9 August 2018 ordered that Mr Rush is to serve any further expert evidence by 4.00pm on 14 September 2018; and
 - (b) The Proceedings are listed for a final hearing to commence on 22 October 2018 and with a 14 day estimate (so from Monday 22 October to Thursday 8 November inclusive). You will be required to attend to give evidence at that hearing.

Federal Court Rules 2011 (Cth)

9. In addition to the Statement of Claim, we have also *enclosed, at Tab 4 of Schedule 2, a copy of Rules 23.11, 23.12 and 23.13 of the *Federal Court Rules 2011 (Cth)*.
10. Rule 23.11 of the *Federal Court Rules 2011 (Cth)* provides that a party may call an expert to give expert evidence at a trial only if the party has delivered an expert report that complies with Rule 23.13 to all other parties.
11. Rule 23.12 of the *Federal Court Rules 2011 (Cth)* obliges us to provide you with a copy of the relevant Federal Court Practice Note in relation to expert witnesses. As such, we have *enclosed, at Tab 3 of Schedule 2, a copy of Expert Evidence Practice Note "GPN-EXPT" (the Practice Note). Please familiarise yourself with the content of the Practice Note.
12. Rule 23.13 of the *Federal Court Rules 2011 (Cth)* provides:
 - (1) An expert report must:
 - (i) be signed by the expert who prepared the report; and
 - (ii) contain an acknowledgement at the beginning of the report that the expert has read, understood and complied with the Practice Note; and
 - (iii) contain particulars of the training, study or experience by which the expert has acquired specialised knowledge; and
 - (iv) identify the questions that the expert was asked to address; and
 - (v) set out separately each of the factual findings or assumptions on which the expert's opinion is based; and

- (vi) *set out separately from the factual findings or assumptions each of the expert's opinions; and*
- (vii) *set out the reasons for each of the expert's opinions; and*
- (viii) *comply with the Practice Note.*

13. The requirement at Rule 23.13(c) - that your expert report contain particulars of the training, study or experience by which you have acquired specialised knowledge - is consistent with sections 76 and 79 of the *Evidence Act 1995* (NSW). We have also *enclosed, at Tab 5 of Schedule 2, a copy of those sections. Section 76 ("*The Opinion Rule*") provides that evidence of an opinion is not admissible to prove the existence of a fact about the existence of which the opinion was expressed. However, section 79(1) provides an exception to the opinion rule. It provides that:

If a person has specialised knowledge based on the person's training, study or experience, the opinion rule does not apply to evidence of an opinion of that person that is wholly or substantially based on that knowledge.

14. Schedule 1 of the *Federal Court Rules 2011* (Cth) contains the following definitions:
- (a) The term "expert" means "a person who has specialised knowledge based on the person's training, study or experience".
 - (b) The term "expert evidence" means "the evidence of an expert that is based wholly or substantially on the expert's specialised knowledge".
 - (c) The term "expert report" means "a written report that contains the opinion of any expert on any question in issue in the proceeding based wholly or substantially on that expert's specialised knowledge, including any report in which an expert comments on the report of any other expert".

Assumptions

15. Please assume the assumptions which are set out in Schedule 1 to this letter.

Respondents' Evidence

16. The Respondents rely upon the report of Mr Richard Marks, whose report of 26 July 2018 is *enclosed at Tab 2 of Schedule 2.

Questions

17. We would be grateful if you would please review Mr Marks' report and then provide us with your own report in which you address the following questions:
- (a) Do you agree with the opinion expressed by Mr Marks at paragraph 10(a) of his report) - on pages 2 and 3?
 - (b) Do you agree with the opinion expressed by Mr Marks at paragraph 10(b) of his report) - on pages 3 and 4? In particular:

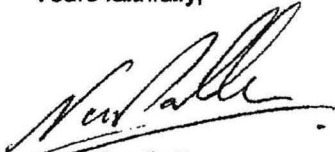
- (i) Do you agree with Mr Marks' comment (on page 3) that: *"As a general rule...actors' roles and remuneration over the course of their career are speculative, uncertain, and unpredictable especially because they are dependent on offers from third parties which ebb, flow and/or dry up based upon the producers' perceptions of the actor and the marketplace"*? If not, why not?
- (ii) If you agree with that *"general rule"*, do you think it applies in the case of Mr Rush specifically? Please answer that question in light of your own personal knowledge of Mr Rush's professional attributes, background and experience, and professional recognition (including the assumptions set out in Schedule 1, any other accolades and awards you are aware of Mr Rush receiving, and any other matters you think are relevant).
- (iii) Do you agree with Mr Marks' comment (on page 3) that *"the number of roles offered [to] actors decreases when they are perceived as 'old'"*? If so, do you think that is likely to be true in the case of Mr Rush specifically? In other words, assuming that the matters complained of had not been published in 2017, would you have expected at any rate that the number and quality of the roles offered to Mr Rush would have decreased in the next 5 or 10 years? Please answer those questions in light of your own personal knowledge of Mr Rush's professional attributes, background and experience, and professional recognition (including the assumptions set out in Schedule 1, any other accolades and awards you are aware of Mr Rush receiving, and any other matters you think are relevant).
- (iv) Do you agree with Mr Marks' comments (on page 4) in relation to the importance of *"cast insurance"*?
- (v) Do you agree with Mr Marks' comments (on page 4) that *"the number and quality of roles in terms of remuneration generally decrease with age, in general the number and quality of roles and remuneration would be less for an actor between the ages 67 and 77 than for an actor between the ages of 57 and 67 and further decreasing for an actor between the ages of 77 and 87, etc"*? If so, do you think that is likely to be true in the case of Mr Rush specifically? In other words, assuming that the matters complained of had not been published in 2017, would you have expected at any rate that Mr Rush's remuneration would have decreased in the next 5 or 10 years? Please answer those questions in light of your own personal knowledge of Mr Rush's professional attributes, background and experience, and professional recognition (including the assumptions set out in Schedule 1, any other accolades and awards you are aware of Mr Rush receiving, and any other matters you think are relevant).
- (c) Do you agree with the opinion expressed by Mr Marks at paragraph 10(c) of his report) - on pages 4 and 5. In particular, assuming that the Court finds in favour of Mr Rush, and finds that the matters complained of were defamatory and false, would you expect that Mr Rush's income, and the number and quality of

offers of work, would return to the same or similar level as prior to the matters complained of? If not, why not?

18. We would be grateful to receive your report as soon as possible prior to 14 September.

19. In the meantime, please feel free at any time to contact either Nicholas Pullen on [REDACTED]
[REDACTED] or Jeremy Marel on [REDACTED]

Yours faithfully,



Nicholas Pullen
Partner
HWL Ebsworth Lawyers

[REDACTED]

Jeremy Marel
Associate
HWL Ebsworth Lawyers

[REDACTED]

"Schedule 1" - Assumptions

In preparing your report, please assume the following facts:

1. Mr Rush was born on 8 July 1951, and so is currently 67 years old.
2. Mr Rush has been acting since the early 1970's, when he appeared in 21 productions for the Queensland Theatre Company (QTC) between 1971 and 1974.
3. Since that time, Mr Rush has acted in movies, in theatre, and on television - both in Australia and overseas. He rose to particular international acclaim after winning the Academy Award for Best Actor in 1996 for his role in the movie *Shine* in 1996, and then winning the Academy Award for Best Supporting Actor for his role in the movie *Shakespeare in Love* in 1998.
4. In particular:
Film / television
5. Mr Rush has been in various well-known films and television programs - including:
 - (a) 1979-1981 - *Consumer Capers* (TV series) - playing Jim Boy;
 - (b) 1981:
 - (i) *Hoodwink*;
 - (ii) *Menotti* (TV series);
 - (c) 1987 - *Twelfth Night* (an Australian film) - playing Sir Andrew Aguecheek;
 - (d) 1996:
 - (i) *Shine* - playing David Helfgott¹;
 - (ii) *Mercury* (TV series) - playing Bill Wyatt;
 - (iii) *Children of the Revolution* - an Australian film in which Mr Rush played Zachary Welch and which also starred Judy Davis, Sam Neill, F. Murray Abraham, Richard Roxburgh, and Rachel Griffiths;
 - (e) 1997:
 - (i) *Frontier* (TV miniseries);

¹ For which he won the Academy Award for Best Actor; an Australian Film Institute Award for Best Actor in a Leading Role; a BAFTA Award for Best Actor in a Leading Role; a Boston Society of Film Critics Award for Best Actor; a Broadcast Film Critics Association Award for Best Actor; a Films Critics Circle of Australia Award for Best Actor; a Florida Film Critics Circle Award for Best Actor; a Golden Globe for Best Actor (Motion Picture Drama); a London Film Critics Circle Award for Best Actor; a Los Angeles Film Critics Circle Award for Best Actor; a New York Film Critics Circle Award for Best Actor; a Satellite Award for Best Actor (Motion Picture Drama); a Screen Actors Guild Award (for Outstanding Performance by a Male Actor in a Leading Role); a Society of Texas Film Critics Award for Best Actor. He was also nominated for various other awards internationally.

- (ii) *Oscar and Lucinda* - as the narrator;
- (f) **1998:**
 - (i) *A Little Bit of Soul* - an Australian film in which Mr Rush played Godfrey Usher and which also starred David Wenham and Heather Mitchell - for which Mr Rush was nominated for an Australian Film Institute Award for Best Actor in a Supporting Role;
 - (ii) *Elizabeth* - a British film in which Mr Rush played Sir Francis Walsingham and which also starred Cate Blanchett, Christopher Eccleston, Joseph Fiennes, Richard Attenborough and Daniel Craig - for which Mr Rush won a BAFTA Award for Best Actor in a Supporting Role;
 - (iii) *Les Misérables* - in which Mr Rush played Javert and starred alongside Liam Neeson, Uma Thurman and Claire Danes;
 - (iv) *Shakespeare in Love* - in which Mr Rush played Philip Henslowe and which also starred Gwyneth Paltrow, Joseph Fiennes, Colin Firth, Ben Affleck and Judi Dench - for which Mr Rush won a Screen Actors Guild Award (for Outstanding Performance by a Cast in a Motion Picture); and for which he was nominated for various other awards including an Academy Award for Best Supporting Actor, a BAFTA Award for Best Supporting Actor, a Golden Globe Award for Best Supporting Actor (Motion Picture), and a Screen Actors Guild Award (for Outstanding Performance by a Male Actor in a Supporting Role);
- (g) **1999:**
 - (i) *Mystery Men* - playing Casanova Frankenstein;
 - (ii) *House on Haunted Hill* - playing Stephen H. Price;
- (h) **2000:**
 - (i) *Quills* - in which Mr Rush played Marquis de Sade and starred alongside Kate Winslet, Joaquin Phoenix and Michael Caine - for which Mr Rush won various awards including a Florida Film Critics Circle Award for Best Actor, a Kansas City Film Critics Circle Award for Best Actor, a Las Vegas Film Circle Award for Best Actor, a Phoenix Film Critics Society Award for Best Actor, and a Satellite Award for Best Actor (Motion Picture Drama); and for which he was nominated for various other awards including an Academy Award for Best Actor, a BAFTA Award for Best Supporting Actor, a Golden Globe Award for Best Actor (Motion Picture Drama), and a Screen Actors Guild Award (for Outstanding Performance by a Male Actor in a Leading Role).
 - (ii) *The Magic Pudding*;
- (i) **2001:**

- (i) *The Tallor of Panama* - in which Mr Rush played Harold 'Harry' Pendel and starred alongside Pierce Brosnan, Jamie Lee Curtis, Brendan Gleeson and Daniel Radcliffe;
- (ii) *Lantana* - in which Mr Rush played John Knox and which also starred Anthony LaPaglia, Kerry Armstrong and Vince Colosimo;
- (j) **2002:**
 - (i) *Frida* - in which Mr Rush played Leon Trotsky and which also starred Salma Hayek;
 - (ii) *The Banger Sisters*;
- (k) **2003:**
 - (i) *Pirates of the Caribbean: The Curse of the Black Pearl* - in which Mr Rush played Captain Hector Barbossa and which also starred Johnny Depp, Orlando Bloom and Kiera Knightley;
 - (ii) *Swimming Upstream*;
 - (iii) *Ned Kelly* - in which Mr Rush played Superintendent Francis Hare and which also starred Heath Ledger, Naomi Watts and Orlando Bloom;
 - (iv) *Finding Nemo* - playing the voice of Nigel;
 - (v) *Intolerable Cruelty*;
 - (vi) *Harvie Krumpet* - narrating;
- (l) **2004 - *The Life and Death of Peter Sellers*** - playing Peter Sellers - for which he won a Primetime Emmy Award for Outstanding Lead Actor in a Miniseries or Movie, a Golden Globe Award for Best Actor (Miniseries or Television Film), and a Screen Actors Guild Award (for Outstanding Performance by a Male Actor in a Miniseries or Television Movie); and for which he was nominated for various other awards;
- (m) **2005 - *Munich*** - which also starred Eric Bana and Daniel Craig;
- (n) **2006:**
 - (i) *Pirates of the Caribbean: Dead Man's Chest* - playing Captain Hector Barbossa;
 - (ii) *Candy* - playing Casper - for which he won a Film Critics Circle of Australia Award for Best Actor in a Supporting Role and was nominated for an Australian Film Institute Award for Best Actor in a Supporting Role;
- (o) **2007:**

- (i) *Pirates of the Caribbean: At World's End* - playing Captain Hector Barbossa;
- (ii) *Elizabeth: The Golden Age* - playing Sir Francis Walsingham;
- (p) **2009** - *Bran Nue Dae* - playing Father Benedictus;
- (q) **2010:**
 - (i) *Legends of the Guardians: The Owls of Ga'Hoole* - playing the voice of Ezyryb & Lyze of Klel - for which he was nominated for an Annie Award for Best Voice Acting in an Animated Feature Production;
 - (ii) *The King's Speech* - in which Mr Rush played Lionel Logue and starred alongside Colin Firth, Helena Bonham Carter, Guy Pearce, Derek Jacobi and Michael Gambon - for which Mr Rush won various awards including a BAFTA Award for Best Actor in a Supporting Role, British Independent Film Award for Best Supporting Actor, and Screen Actors Guild Award (for Outstanding Performance by a Cast in a Motion Picture); and was nominated for various other awards including an Academy Award for Best Supporting Actor, a Golden Globe Award for Best Supporting Actor (Motion Picture), and a Screen Actors Guild Award (for Outstanding Performance by a Male Actor in a Supporting Role);
 - (iii) *Lowdown*;
 - (iv) *The Warrior's Way*;
- (r) **2011:**
 - (i) *Pirates of the Caribbean: On Stranger Tides* - playing Captain Hector Barbossa - for which he was nominated with a People's Choice Award for Favourite Ensemble Movie Cast;
 - (ii) *Green Lantern* - playing the voice of Tomar-Re;
 - (iii) *The Eye of the Storm* - playing Basil Hunter - for which he was nominated for an AACTA Award for Best Actor in a Leading Role, a Film Critics Circle of Australia Award for Best Actor, and an Inside Film Award for Best Actor;
- (s) **2013:**
 - (i) *The Best Offer*;
 - (ii) *The Book Thief* - in which Mr Rush played Hans Hubermann and starred alongside Emily Watson - for which he was nominated for an AACTA International Award for Best Supporting Actor;
- (t) **2014** - *Unity* - narrating;

- (u) **2015:**
 - (i) *The Daughter*;
 - (ii) *Minkons* - narrating;
 - (iii) *Holding the Man*;
- (v) **2016** - *Gods of Egypt* - in which Mr Rush played Ra and which also starred Gerard Butler and Nikolaj Coster-Waldau;
- (w) **2017:**
 - (i) *The Final Portrait* - playing Alberto Giacometti;
 - (ii) *Genius* - playing Albert Einstein - for which he was nominated for a Golden Globe Award for Best Actor (Miniseries or Television Film), a Primetime Emmy Award (for Outstanding Actor in a Limited Series or Movie), and a Screen Actors Guild Award (for Outstanding Performance by a Male Actor in a Miniseries or Television Movie);
 - (iii) *Pirates of the Caribbean: Dead Men Tell No Tales* - playing Captain Hector Barbossa.

Theatre

6. In addition to the 21 QTC productions referred to at paragraph 2 above, Mr Rush has also been in various other stage productions - including:
- (a) The Fool in *King Lear* (QTC);
 - (b) Co-Director of *A Midsummer's Night Dream* (QTC);
 - (c) *Clowneroonies*;
 - (d) *Dave in On Our Selection* (Jane St Theatre);
 - (e) Vladimir in *Waiting for Godot* (Jane St Theatre);
 - (f) *The Revengers Tragedy* (South Australian Theatre Company (SATC));
 - (g) *No End of Blame* (SATC);
 - (h) Various plays for the Lighthouse Company;
 - (i) Various plays for the Magpie Theatre for Young People;
 - (j) Co-Director of *Cabaret Scandals of '85* (Belvoir);
 - (k) Director of *Pearls Before Swine* (Belvoir);
 - (l) *Benefactors* (STCSA);

- (m) *On Parliament's Hill* (Belvoir);
- (n) *Shepherd on the Rocks* (STCSA);
- (o) *The Winter's Tale* (STCSA);
- (p) Director of *Merry Wives Of Windsor* (QTC);
- (q) Director of *The Popular Mechanicals* (Belvoir);
- (r) *Tristram Shandy* (Melbourne Theatre Company (MTC));
- (s) The Fool in *King Lear* (STCSA);
- (t) *The Importance Of Being Earnest* (MTC);
- (u) *Troilus and Cressida* (Grin and Tonic Theatre Company - Queensland);
- (v) *Les Enfants du Paradis* (Belvoir);
- (w) *The Diary of A Madman* (Belvoir);
- (x) Director of *The Wolf's Banquet* (Belvoir);
- (y) *Marat-Sade* (STCSA);
- (z) *The Comedy Of Errors* (STCSA);
- (aa) *The Importance of Being Earnest* (Sydney Theatre Company (STC));
- (bb) *The Government Inspector* (STC);
- (cc) *Popular Mechanicals 2* (Belvoir);
- (dd) *Uncle Vanya* (STC);
- (ee) Director of *FROGS* (Belvoir) ;
- (ff) *Oleanna* (STC);
- (gg) Horatio in *Hamlet* (Belvoir);
- (hh) *The Alchemist* (Belvoir);
- (ii) *The Marriage of Figaro* (QTC);
- (jj) *Small Poppies* (Belvoir);
- (kk) *Life x 3* (MTC);
- (ll) King Berenger in *Exit the King* (Malthouse Theatre and Belvoir, then Broadway);
- (mm) Man in Chair in *The Drowsy Chaperone* (MTC);

- (nn) *The Diary of a Madman* (Belvoir);
- (oo) Lady Bracknell in *The Importance of Being Earnest* (MTC);
- (pp) Pseudolus in *A Funny Thing Happened On the Way to the Forum* (MTC);
- (qq) *King Lear* (STC);

Awards

7. In addition to the awards which have been referred to at paragraph 5 above, Mr Rush has also been honoured with the following awards:
- (a) He is one of 23 people who has won the 'Triple Crown' of Acting: an Academy Award, a Primetime Emmy Award, and a Tony Award;
 - (b) He has won one Academy Award for Best Actor out of four nominations;
 - (c) He has won three British Academy Film Awards out of five nominations;
 - (d) He has won two Golden Globe Awards out of six nominations;
 - (e) He has been awarded four Screen Actors Guild Awards;
 - (f) He has won three AFI Awards;
 - (g) He has won two Helpmann awards;
 - (h) He was the first actor to win the Academy Award, BAFTA Award, Critics' Choice Movie Award, Golden Globe Award, and Screen Actors Guild Award for a single performance in a film, for *Shine* in 1996;
 - (i) He was awarded the Sidney Myer Award in 1993;
 - (j) In 2004 he received the Charles Chauvel Award;
 - (k) In 2009 he received the AFI Raymond Longford Award;
 - (l) He is the founding President of the Australian Academy of Cinema and Television Arts which honours achievements (performance and technical in 49 categories) for Australian screen excellence. It was formerly (1958 – 2011) the Australian Film Institute;
 - (m) He is the Patron of the Melbourne International Film Festival, the Empire Theatre Foundation for Young Artists in Toowoomba and the Spina Bifida Foundation of Victoria. He is also an Ambassador of the Melbourne Symphony Orchestra and UNICEF;
 - (n) In 2012 he was named Australian of the Year for services to the arts and community;

- (o) In 2013 he was honoured for 4 months in a career retrospective multi-media exhibition *The Extraordinary Shapes of Geoffrey Rush* at the Victoria Arts Centre;
- (p) On Australia Day in 2014 he was awarded a Companion of the Order of Australia for eminent service to the arts as a theatre performer, motion picture actor, role model and mentor for aspiring artists, and through support for, and promoting of, the Australian Arts Industry;
- (q) In 2017 he was honoured with the Berlinale Camera award at the Berlin Film Festival.

The matters complained of

- 8. On 30 November 2017 and 1 December 2017, two front page articles ("the matters complained of") were published by *The Daily Telegraph* about Mr Rush, in which it was alleged that an actress had made a complaint against Mr Rush of "*inappropriate behaviour*" during the stage production of *King Lear* which ran from November 2015 to January 2016.
- 9. The matters complained of have damaged Mr Rush's reputation such that he has not received, and is unlikely in the foreseeable future to receive, the same number of offers of work as an actor.
- 10. As a result of the matters complained of, Mr Rush has been unable to work since publication of the matters complained of and is unlikely to be able to work for some time in the future.
- 11. Before publication of the matters complained of Mr Rush was expecting to continue his acting career for at least another 10 years.
- 12. The continuity of Mr Rush's career is predicated on the roles he enjoys in cinema as more of a 'character actor' than in a leading role. However, in theatre productions there is more likelihood to have a leading role.

"Schedule 2" - Documents

No.	Document	Date
1.	Mr Rush's Statement of Claim	8 December 2017
2.	Report of Richard Marks	26 July 2018
3.	Expert Evidence Practice Note "GPN-EXPT"	N/A
4.	Rules 23.11, 23.12 and 23.13 of the <i>Federal Court Rules 2011</i> (Cth)	N/A
5.	Sections 76 and 79 of the <i>Evidence Act 1995</i> (NSW)	N/A