

DISTRICT COURT OF QUEENSLAND

REGISTRY: BRISBANE
NUMBER: 1707/18

Plaintiff: **MICHAEL HONSUE CHO**

AND

Defendant: **MARK THOMAS**

APPLICATION

TAKE NOTICE that the plaintiff is applying to the Court for the following orders:

1. That, pursuant to r.288, the Court make the following declaration:
 - a. Each of the Offending Articles (as defined in the Amended Statement of Claim) contains defamatory matter and is defamatory of the plaintiff under the common law of Australia as modified by the *Defamation Act 2005* (Qld).
2. That, pursuant to r.288, the Court deliver judgment in this proceeding as follows:
 - a. The defendant be permanently restrained, whether personally or by his agents or otherwise, howsoever, from continuing to publish, further publishing or causing to be published the same or similar words defamatory of the plaintiff as those in the Offending Articles;
 - b. The defendant pay the plaintiff general compensatory damages in the amount of \$250,000;
 - c. Further to sub-paragraph (b) above, the defendant pay the plaintiff aggravated compensatory damages in the amount of \$100,000;
 - d. The defendant pay interest on these amounts pursuant to the *Civil Proceedings Act 2011* (Qld), s.48; and
 - e. The defendant pay the plaintiff's costs of this proceeding on the indemnity basis.



APPLICATION

Filed on behalf of the Plaintiff
Form 9, Version 1
Uniform Civil Procedure Rules 1999
Rule 288

Jones Day

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This application will be heard by the Court at Brisbane on 12/4/19 at 10 am.

Filed in the Brisbane Registry on 27 March 2019:

Registrar: m.p.

If you wish to oppose this application or to argue that any different order should be made, you must appear before the Court in person or by your lawyer and you shall be heard. If you do not appear at the hearing the orders sought may be made without further notice to you.

On the hearing of the application the applicant intends to rely on the following affidavits:

1. Affidavit of Ashraf Hoosain Camroodien affirmed 27 September 2018 and filed 4 October 2018;
2. Affidavit of Alexandra Marie McMurdo sworn 24 October 2018 and filed 24 October 2018;
3. Affidavit of James Brett Lochran Heading sworn 27 February 2019;
4. Affidavit of Chiat Thian Chew sworn 4 March 2019;
5. Affidavit of Michael Honsue Cho sworn 14 March 2019;
6. Affidavit of Scott Philip Waters Sworn 14 March 2019;
7. Affidavit of James Gennaro Perri sworn 15 March 2019;
8. Affidavit of Alexandra Marie McMurdo sworn 19 March 2019.

THE APPLICANT ESTIMATES THE HEARING SHOULD BE ALLOCATED
3 HOURS

Signed: *Jones Day*

Description: Solicitor for the plaintiff

Dated: 27 March 2019

This application is to be served on:

Mark Thomas
mark@uspiked.net

pursuant to the Order of Ryrie DCJ made 31 October 2018.