

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

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Roy Den Hollander,

Plaintiff,

Index No. 152656/2014

Hon. Peter H. Moulton

-against-

Tory Shepherd, Political Editor of The Advertiser-  
Sunday Mail Messenger;  
Advertiser Newspapers Pty Ltd., d/b/a The Advertiser-  
Sunday Mail Messenger;  
Amy McNeilage, Education Reporter for The Sydney  
Morning Herald; and  
Fairfax Media Publications Pty Ltd., d/b/a The Sydney  
Morning Herald;

Defendants.

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**REPLY AFFIDAVIT IN SUPPORT OF MOTION FOR TRIAL ON PERSONAL  
JURISDICTION OVER DEFENDANTS**

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF NEW YORK        )

Roy Den Hollander, being duly sworn, deposes and says:

1. I am the plaintiff in this action, an attorney admitted to practice in the State of New York, and movant via a standing motion for a trial on whether this Court has personal jurisdiction over Defendants under New York’s long-arm statutes CPLR § 302(a)(1) & (3)(i) &(ii) concerning the causes of action: Injurious Falsehoods, Tortious Interference with a Prospective Contractual Relation, and, in the alternative to both, *Prima Facie* tort, and as alleged against Defendant Shepherd only—Libel.

## **Introduction**

2. Defendants, which includes a newspaper owned by Rupert Murdoch's News Corp, committed a number of perjuries and lied by omission in their first set of affidavits; committed many of those same offenses again in their second set of affidavits (see Addendum below at p. 25, "List of Perjuries and Omissions"); and now, along with attorney Katherine M. Bolger ("Bolger"), have criminally hacked into Plaintiff's digital cloud storage or his personal computer from which they stole an attorney work product document, all in an effort to avoid personal jurisdiction and send Plaintiff the message that if he persists with this case, they will destroy his reputation as a lawyer by publishing the hacked personal writings, family pictures, emails, histories and financial information as well as attorney work products and will crush his ability to oppose their authoritarian PC and feminist ideology by more hacking of his digital cloud or personal computer. In effect, they are telling him—"resistance is futile, you will be assimilated" to our beliefs or your career assassinated. (The Order to Show Cause motion details the hacking).

3. Plaintiff uses his digital cloud in pretty much the same way that people use their Apple iClouds—to store on a remote server both personal and business related material, such as, attorney work product, financial information, security codes, writings, ideas, contacts, photos, music, videos and emails. Plaintiff keeps the same information on his personal computer, which is connected to the Internet.

4. As explained in Plaintiff's Order to Show Cause motion of March 13, 2015, Bolger submitted to this Court an exhibit in her opposition to Plaintiff's motion for a trial on personal jurisdiction that was an attorney work product document or talking-points that she or Defendants or one of Rupert Murdoch's less than ethical private detectives obtained from Plaintiff's digital cloud or his personal computer without authorization.

5. Bolger clearly knew the document was attorney work product, but in order to cover that up, she refers to it in quotes as “Media Release” that communicates she is quoting from its title and also refers to it as Release without quotes. (Bolger Affirm. at ¶ 2; Bolger Mem. at 5, 9, 17, 18, 19). The title of the document, however, is “Responses to Media,” and it clearly shows a list of possible answers to reporters’ possible questions. It was never distributed to the media.

6. Plaintiff previously worked as an assignment editor, writer and field producer at Metromedia TV News and Eyewitness TV News in New York City. He knows what the term “Media Release” means, and that no one ever submits a 17 page “Media Release” in the form of the document Bolger hacked. Given Bolger’s experience in representing news organizations, she knows that as well. <http://www.lskslaw.com/attorney/katherine-bolger>.

7. Bolger refers to the document as a media release nine (9) times in her Memorandum in order to make sure her lie takes root. Such conduct infers that she intentionally misquoted the title in order to trick this Court into believing the hacked document had actually been presented to the media, and, therefore, was a public document. Just another incident in her and Defendants’ pattern of lying and deception in this case.

8. Bolger is exploiting this criminal activity to do what zealots always do when faced with those who do not believe as they do—assassinate the dissenter’s work product and character through *ad hominem* attacks invented by falsehood, prevarication and dissembling. (Bolger Mem. at 1, 4, 5, 9, 17, 18, 19).

9. Those personal attacks, however, are legally irrelevant because in considering personal jurisdiction, the courts construe pleadings and affidavits in the light most favorable to a plaintiff, and resolve all doubts in plaintiff’s favor. *See, e.g., Hoag v. Chancellor, Inc.*, 246 A.D.2d 224, 228 (1st Dept. 1998).

10. The issue on this motion is whether Defendants' contacts and activities in New York subject them to New York's long arm statute—not whether Plaintiff is “politically correct.”

11. The problem on this motion is how to get at the facts concerning jurisdiction, since it is only the Defendants who have access to them, and it is they who have so far tried to keep those facts hidden through perjury and lying by omission under oath with the assistance of Bolger.

12. Bolger tries to justify such conduct concerning Defendants' first set of affidavits by saying those affidavits responded to a completely different complaint than the second set of affidavits. (Bolger Mem. at 2, 6, 7, 8, 13 14, 15, 16). That is false. The issue of personal jurisdiction was the same in the first complaint as the second—the extent of Defendants contacts and activities in New York. The Defendants are the same in both complaints.

13. In addition, Defendants' second set of affidavits continued many of the perjuries and lying by omission over their contacts with New York as did the first set. So Defendants not only committed perjury and lied by omission in their first set of affidavits but in their second set as well—looks like a pattern. (Please see Addendum at p. 25, which compares the perjuries in both sets of affidavits).

14. Bolger, of course, tries to euphemize the making of falsehoods and omissions under oath to this Court on the material issue of jurisdiction as mere inconsistencies. (Bolger Mem. at 1, 2, 7, 8).

15. Forgery is the most recently discovered offense resorted to by Bolger. Exhibits 5 & 9 of Bolger's Affirmation include an article by McNeilage that is a forgery.<sup>1</sup> Bolger swore under penalty of perjury that Exhibits 5 & 9 were “true and correct cop[ies]” of McNeilage's affidavits and her article. In the forged article in Exhibits 5 & 9, Bolger deleted a chart prominently displayed as part of the original article (Ex. S) that was published. The chart is evidence of

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<sup>1</sup> Forgery is the crime of altering a written instrument so that it appears to be authentic. N.Y. Penal § 170.00.

McNeilage's state of mind when she wrote the article; therefore, it addresses material elements in the Injurious Falsehoods and Tortious Interference causes of action.

16. With all due respect Your Honor, this is really getting ridiculous with Bolger and Defendants committing perjury, suborning perjury, lying by omission, hacking a computer and now selectively editing the published articles at issue.

**New York's long arm statute CPLR 302(a)(1) and (3)**

17. Bolger has argued throughout this case that the only jurisdictional issue concerns Defamation because she misconstrues the First Amended Complaint to allege only that cause of action. (Bolger Mem. at 2, 3, 10, 13, 16). Bolger, therefore, has defaulted on the jurisdictional issues concerning Injurious Falsehoods, Tortious Interference with a Prospective Contractual Relation, and, in the alternative to both, *Prima Facie* Tort

18. Plaintiff alleges, in addition to the "arising from" requirement of CPLR 302(a) addressed below at p. 10, that this Court has personal jurisdiction over Defendants under CPLR § 302(a)(1) & (3)(i) & (3)(ii) for all the causes of action alleged:

- a. CPLR § 302(a)(1) requires that Defendants transact business in New York or contract to supply goods or services into New York.
- b. CPLR § 302(a)(3) requires that Defendants commit a tort, except for defamation, outside of New York that causes injury within New York, and either of
  - (i) Defendants regularly do business or regularly solicit business or engage in any other persistent course of conduct or derive substantial revenue in New York; or
  - (ii) Defendants reasonably expected their conduct would have consequences in New York and they derive substantial revenue from interstate or international commerce.

19. Defendants are two reporters and their employers: Tory Shepherd (“Shepherd”) is a reporter and political editor for The Advertiser-Sunday Mail Messenger owned and operated by Advertiser Newspapers Pty Ltd. (“Advertiser”). Amy McNeilage is the education reporter for The Sydney Morning Herald owned and operated by Fairfax Media Publications Pty Ltd. (“Fairfax”).

**Immediate trial under CPLR § 3211(c) and § 2218**

20. This Court has the authority under CPLR § 3211(c) and § 2218 to hold an immediate trial on the issue of personal jurisdiction over Defendants.

21. When court papers indicate there is a substantial question over personal jurisdiction, the jurisdictional question may be disposed of at the threshold of the litigation. *Hammond v. Hammond*, 9 A.D.2d 615, 616 (1<sup>st</sup> Dept. 1959).

22. Defendants’ first set of affidavits (Exhibits A, B, C, D) compared to their second set (Exhibits E, F, G, H) show that Defendants committed perjuries and omissions on the material issue of personal jurisdiction. (Summarized in Addendum below at p. 25, “List of Perjuries and Omissions”; Detailed in Plaintiff’s Opposition to Defendants Motion to Dismiss ¶¶ 6-10, 22-50).

23. Defendants modified their second set of affidavits in response to Plaintiff’s First Affidavit in Opposition to Dismissal, which exposed numerous perjuries and omissions by Defendants concerning personal jurisdiction.

24. However, the whole story as to Defendants’ contacts with New York is still unknown. Many of Defendants initial perjuries and omissions continued into their second set of affidavits (Addendum at p. 25, “List of Perjuries and Omissions”), which demonstrates a continuing proclivity by the defense to hide the truth. Such conduct by Defendants, which was permitted by

Bolger, reasonably infers that interrogatories, document requests and even depositions will be met with more falsehoods, prevarications and dissemblings under oath.

25. This is not a situation where a party submitted one or two material falsehoods and then realized the error itself and withdrew those falsehoods. Here, Defendants and their attorney are engaging in a concerted effort to do anything, including hacking a computer and forgery, to avoid this Court's jurisdiction.

26. Therefore, the only procedure that has a reasonable chance of uncovering the whole truth concerning Defendants contacts with New York is a trial on the issue of personal jurisdiction where this Court or referee can judge the credibility of Defendants in the witness box where they will be subject to cross-examination.

27. When conflicting affidavits are submitted on the issue of whether defendants are transacting business in New York under CPLR § 302(a)(1), that issue should be decided after an evidentiary hearing on the matter. *Rocha Toussier y Asociados, S.C. v. Rivero*, 91 A.D.2d 137, 140 (1<sup>st</sup> Dept. 1983); *Stardust Dance Prods., Ltd. v. Cruise Groups Intl., Inc.*, 63 A.D.3d 1262, 1265 (3<sup>rd</sup> Dept. 2009).

28. In *MPG Associates, Inc. v. Roeske*, 112 A.D.3d 590, 591 (2d Dept. 2013), the Second Department found that because of "contradictions in the record" as to whether CPLR 302(a)(1) applies "a question of fact exists that warrants a hearing . . . ."

29. In *Vandermark v. Jotomo Corp.*, 42 A.D.3d 931, 933 (4th Dept. 2007), the Fourth Department "remit[ted] the matter to Supreme Court for an immediate trial pursuant to CPLR 3211(c) on the issue whether [Defendant's] creation and maintenance of a Web site constitute[d] the transaction of business on the Web site sufficient to confer personal jurisdiction against [Defendant] under the long-arm statute [302(a)(1)]."

30. In *Benson v. Syntex Laboratories, Inc.*, 161 Misc.2d 822 (N.Y. Sup. Chautauqua Cty. 1994), the Court chose to conduct a trial on whether the relationship between the parent corporation and its subsidiary was such that the subsidiary was merely a department of the parent for jurisdictional purposes. Here, News Corp is headquartered in N.Y.C. and News Corp Australia, which owns Advertiser, is a wholly owned subsidiary of News Corp and considered by News Corp as part of its identity. (Ex. I, “Who We Are”).

31. According to Prof. David Siegel, “One of the most valuable uses of this power [for an immediate trial] is to resolve . . . a question about whether there is a basis for extraterritorial jurisdiction, such as whether Defendant committed acts within the state justifying long-arm jurisdiction under [any of the sections of ] CPLR 302 . . . .” David D. Siegel, Practice Commentaries, C3211:47 *Immediate Trial of Fact Issue*.

32. An immediate trial on the issue of jurisdiction is therefore applicable to all the sections of CPLR § 302 and not just the transacting business clause of § 302(a)(1).

33. Bolger asserts that Plaintiff must present “admissible evidence” that Defendants have sufficient contacts with New York before a trial can be ordered. (Bolger Mem. at 10, 14).<sup>2</sup> In effect Bolger claims that Plaintiff must make a *prima facie* showing that jurisdiction exists before this Court can hold a hearing. The New York Court of Appeals disagreed in *Peterson v. Spartan Industries, Inc.*, 33 N.Y.2d 463, 467 (1974). It held that a plaintiff need not establish *prima facie* jurisdiction under CPLR 302 before disclosure may be allowed in a hearing, ordered pursuant to CPLR 3211(d). CPLR 3211(d) “protects the party to whom essential jurisdictional facts are not presently known, especially where those facts are within the exclusive control of the

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<sup>2</sup> Bolger’s memorandum at p. 14 continues her “proof” argument by relying on *Thomas v. Abate*, 213 A.D.2d 251, 252 (1st Dept. 1995), which did not involve jurisdiction or CPLR 3211, but alleged discrimination in firing a N.Y. City employee, and *DMP Contracting Corp. v. Essex Ins. Co.*, 76 A.D.3d 844, 847 (1st Dep’t 2010), which also did not involve jurisdiction or CPLR 3211, but interpretation of an insurance contract. Bolger simply found cases that had some words she wanted for quotes even though those words applied to completely unrelated issues.

moving party [defendant]. The opposing party [plaintiff] need only demonstrate that facts ‘may exist’ whereby to defeat the motion.” *Id.* at 466.

34. Bolger also argues that the cost of requiring Defendants to come to New York to testify is prohibitive. (Bolger Mem. at 1, 2, 17, 18). One of the requirements under CPLR 302(a)(3)(ii) is to assure that a defendant is economically big enough to be able to defend a New York law suit without undue hardship. Siegel, *N.Y. Practice*. § 88 (5th ed.). Both Advertiser and Fairfax fit that description. They are not mom and pop struggling enterprises confined to an island continent. Besides, Plaintiff is willing to have Defendants testify via an electronic hook-up, if permit by Your Honor.

35. The importance of an early determination of the jurisdictional question is an overriding factor here, since Defendants’ objection to personal jurisdiction may implicate the statute of limitations. If a dismissal for lack of personal jurisdiction occurs after the original statute of limitations has expired, Plaintiff will be barred by the statute of limitations from bringing a new action because the additional six months provided by CPLR § 205(a) will not apply. Siegel, *N.Y. Practice* § 52 (5th ed.).

36. The statute of limitations for the Injurious Falsehoods cause of action and, in the alternative, *Prima Facie* Tort expired January 12, 2015, for Shepherd’s article and January 14, 2015, for McNeilage’s article; the Libel cause of action expired January 12, 2015, for one of Shepherd’s articles, January 14, 2015, for two of her articles and will expire June 18, 2015, for the fourth of her articles; lastly the Tortious Interference cause of action expires in January 2017.

37. Further, if it is found at a trial on jurisdiction that the New York long-arm statute does not apply, the need for summary judgment motions or a plenary trial will no longer exist, and, “even if the issue is decided differently, a substantial saving of time will still result.” *See Usher v.*

*Usher*, 41 A.D.2d 368, 370 (3d Dept. 1973), *superseded by statute on a different issue*, *Unanue v. Unanue*, 141 A.D.2d 31, 35-37 (2d Dept. 1988); 2 N.Y.Prac., Com. Litig. in New York State Courts § 7:52 *Immediate Trial* (3d ed.).

38. Without a trial on the issue of jurisdiction, Defendants will continue to commit perjury and lie by omission, aided by Bolger, on the threshold issue of personal jurisdiction.

39. If this Court decides not to allow a trial on the issue of personal jurisdiction over Defendants then all pleadings and affidavits concerning personal jurisdiction should be construed most favorably for Plaintiff because no evidentiary hearing has been held. *Hoffritz for Cutlery, Inc. v. Amajac, Ltd.*, 763 F.2d 55, 57 (2nd Cir.1985).

#### **“Arising from” under CPLR 302**

40. Defendants argue that there is no need for a trial, no need for discovery because the causes of action have to arise from each and every contact that Defendants have with New York—that is wrong. (Bolger Mem. at 2, 10, 11, 12, 16).

41. “The meaning given to ‘arising from’ may vary depending on the specific clause of CPLR 302 in question.” Weinstein Korn & Miller, *New York Civil Practice*, ¶ 302.04 *Specific Jurisdiction and Requirement of Nexus*.

42. CPLR § 302(a)(1) and (3) have different requirements, *id.*, and even the two clauses in CPLR §302(a)(1), “transacts any business within the state or contracts anywhere to supply goods or services in the state,” have “arising” requirements that are somewhat different.

“Arising from” under CPLR 302(a)(3)(i) & (ii), tort committed outside of state causing injury within, except for defamation.

CPLR 302(a)(3)(i) requires that a defendant “regularly does or [regularly] solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered, in the state . . . .” (Emphasis added).

43. “The cause of action sued on, however, need not be related to those New York activities. Requiring those activities is designed to assure only that the defendant’s overall contact with New York is substantial enough to make it reasonable to subject the defendant to jurisdiction here.” Siegel, *N.Y. Practice*. § 88 (5th ed.); see *Ingraham v. Carroll*, 90 N.Y.2d 592, 597 (1997).

44. “[Unlike 302(a)(1)] CPLR 302(a)(3)(i) does not require any connection between defendants’ regular activities and the particular tortious act or the cause of action arising from it.” *Hearst Corp. v. Goldberger*, 1997 U.S. Dist. LEXIS 2065 at \*46 (S.D.N.Y. 1997)(citing Weinstein, Korn & Miller, *New York Civil Practice: CPLR § 302.14* at 3-156 to 3-157 (1996)).

45. Under CPLR 302(a)(3)(i), the combination of regular solicitation to sell products in New York, plus a tortious injury in New York, will suffice for personal jurisdiction even if there is no relationship between the solicitation and the injury. See Joseph McLaughlin, *Practice Commentary to CPLR § C302:21* at pp. 109-10 (McKinney’s 1990)(unlike CPLR § 302(a)(1), the cause of action under CPLR 302(a)(3) need not arise out of the transacted business)).

46. The cause of action sued upon, however, which cannot be defamation, has to arise out of the tortious act without the state. *LaMarca v. Pak-Mor Mfg. Co.*, 95 N.Y.2d 210, 214 (2000).

47. Here the causes of action for Injurious Falsehood and Tortious Inference with a Prospective Contract, or, in the alternative to both, *Prima Facie* Tort, arose out of the articles created in Australia.

48. The full extent of Defendants’ conduct in New York for CPLR 302(a)(3)(i) purposes and whether Advertiser or Fairfax’s revenues from New York are substantial requires a factual inquiry. Siegel, *N.Y. Practice*. § 88 (5th ed.).

49. CPLR 302(a)(3)(ii) requires that a defendant “expects or should reasonably expect the act to have consequences in the state and derives substantial revenue from interstate or international commerce . . . .” (Emphasis added).

50. The first clause concerns foreseeability, which ties the case to New York and satisfies due process. *Ingraham v. Carroll*, 90 N.Y.2d 592, 598-599 (1997). The causes of action are not required to arise out of a defendant’s foreseeability, just the out-of-state tort. *See id.*

51. Whether Defendants foresaw the consequences of their five articles is a factual inquiry. They did not, however, have to foresee the specific injury-producing events within the state. *LaMarca v. Pak-Mor Mfg. Co.*, 95 N.Y.2d 210, 215 (2000). A defendant need only reasonably foresee that any defect in its product, here the articles’ interference and falsehoods, would have direct consequences within the State. *Id.*

52. Where consumers throughout the U.S. and in New York can purchase a defendant’s goods online or from a dealer, then foreseeability is satisfied. *McGlone v. Thermotex, Inc.*, 740 F.Supp.2d 381, 384 (E.D.N.Y. 2010).

53. Further, foreseeability exists where a defendant (1) ships its product directly into New York State, *Prentice v. Demag Material Handling, Ltd.*, 80 A.D.2d 741, 742 (4<sup>th</sup> Dept. 1981); (2) uses an agent through which substantial sales take place in New York; *Re v. Breezy Point Lumber Co.*, 118 Misc. 2d 206, 210 (Sup. Ct. Queens Cty. 1983); or (3) sells its products worldwide with direct and indirect sales into New York, *Reynolds v. Aircraft Leasing, Inc.*, 194 Misc. 2d 550, 554 (Sup. Ct. Queens Cty. 2002).

54. Both Advertiser and Fairfax’s websites offer for sale their respective online newspapers throughout the U.S. and New York. (For Advertiser Ex. E at ¶ 6; for Fairfax Ex. G at ¶ 6). The extent of sales in New York, however, has not been revealed to the Court.

55. In addition, News Corp Australia’s business relationship with Digital First Media in New York City (Ex. J) and Press Reader (Ex. K) may involve selling Advertiser stories in New York, but such information has not been revealed to the Court. The same is true for Fairfax and its business relationships with News Alert (Ex. L) and World Media, Inc. (Ex. M at 5) in New York as well as Press Reader (Ex. K).

56. The second clause of CPLR 302(a)(3)(ii) is to assure that a defendant is economically big enough to be able to defend a New York law suit without undue hardship. Siegel, *N.Y. Practice* § 88 (5th ed.).

57. The “interstate commerce” prong of clause (ii) requires no direct contact with New York State. *Ingraham v. Carroll*, 90 N.Y.2d 592, 598 (1997). “It must be noted that there need be no connection between the tortious act and the deriving of substantial revenues from interstate or international commerce”; that is, the causes of action are not required to arise out of a defendant’s “bigness.” *Gonzales v. Harris Calorific Co.*, 64 Misc.2d 287, 291 (Sup. Ct., Queens Cty. 1970). Whether Defendants Advertiser and Fairfax are sufficiently “big” is a factual issue.

“Arising from” under CPLR 302(a)(1): transacts any business or contracts to supply goods.

*Transacts any business within the state.*

58. Defendants’ interactions with and activities within New York, along with their nature and quality, are to be considered in their totality in order to determine whether a court has personal jurisdiction over Defendants. *Longines-Wittnauer Watch Co. v. Barnes & Reinecke, Inc.*, 15 N.Y.2d 443, 457-458 (1965)(still precedential for whether circumstances constitute transaction of business); *Paterno v. Laser Spine Institute*, 112 A.D.3d 34, 40 (2d Dept. 2013)(citing *Farkas v. Farkas*, 36 A.D.3d 852, 853 (2d Dept. 2007)); *Data Cure Evolution Inc. v Allied Wallet, Inc.*, 2013 N.Y. Misc. LEXIS 764 (Sup. Ct. Queens Cty. January 24, 2013)(“The totality of the

nonresident defendant's activities within the forum state is considered in order to determine whether its contacts satisfy the 'transacting business' requirement."); *Best Van Lines, Inc. v. Walker*, 490 F.3d 239, 242 (2d Cir. 2007); *D.H. Blair & Co., Inc. v. Gottdiener*, 462 F.3d 95, 104 (2d Cir. 2006).

59. New York courts have held that a claim "aris[es] from" a particular transaction when there is "some articulable nexus between the business transacted and the cause of action sued upon," *McGowan v. Smith*, 52 N.Y.2d 268, 272 (1981), or when "there is a substantial relationship between the transaction and the claim asserted," *Kreutter v. McFadden Oil Corp.*, 71 N.Y.2d 460, 467 (1988).

60. In addition, the U.S. Second Circuit in applying CPLR 302(a)(1) held that "A cause of action arises out of a defendant's New York transactions when it is 'sufficiently related to the business transacted that it would not be unfair to deem it to arise out of the transacted business.'" *PDK Labs, Inc. v. Friedlander*, 103 F.3d 1105, 1109 (2d Cir. 1997)(citation omitted).

61. The following cases support that the Injurious Falsehoods and Tortious Interference, or, in the alternative to both, *Prima Facie* Tort, causes of action arise out of Advertiser and Fairfax, two large corporations, transacting business in New York.

62. In *Licci v. Lebanese Canadian Bank*, 20 N.Y.3d 327, 339 (2012), concerning claims under the Anti-Terrorism Act, the Alien Tort Statute, and for negligence or breach of statutory duty in violation of Israeli law, the Court of Appeals held that the arising from prong of section 302(a)(1) does not require a causal link between a defendant's New York business activity and a plaintiff's injury. Arising from "is relatively permissive" and requires, "at a minimum, a relatedness between the transaction and the legal claim such that the latter is not completely unmoored from the former." *Id.* at 339. "[It] does not require that every element of the cause of

action pleaded must be related to the New York contacts; rather, where at least one element arises from the New York contacts, the relationship between the business transaction and the claim asserted supports specific jurisdiction under the statute.” *Id.* at 341.

63. In *Legros v. Irving*, 38 A.D.2d 53 (1st Dept.1971), *appeal dismissed*, 30 N.Y.2d 653 (1972), the Court held that “There is no requirement that jurisdiction be grounded upon either the final act or the ultimate act causing the injury . . . . It is sufficient if the cause of action is related to and grows out of the transaction of business in New York.”

64. In *Singer v. Walker*, 15 N.Y.2d 443, *cert. denied sub nom., Estwing Mfg. Co. v. Singer*, 382 U.S. 905 (1965), defendant solicited business in New York and shipped substantial quantities of a hammer into New York where plaintiff’s aunt bought one and gave it to plaintiff, an infant, who was injured while using it in Connecticut. Jurisdiction was upheld as arising out of defendant’s transaction of business in New York under CPLR 302(a)(1).

65. A modicum of research by Plaintiff revealed that Defendants Advertiser and Fairfax engaged in the following activities—activities that Defendants covered-up—which concern and support Defendants’ core business of publishing news stories to over 7 million readers:

- a. News Corp Australia has a partnership with Digital First Media of New York City concerning Advertiser websites. (Ex. J). The exact nature and operations of the partnership in New York have not been revealed by Defendant Advertiser.
- b. News Corp Australia, sole owner of Advertiser, is identified as part of News Corp, which is headquartered in N.Y.C. (Ex. I). The Fourth Department in *Porter v. LSB Industries, Inc.*, 192 A.D.2d 205, 213 (1993), held that the parent-subsidiary relationship is insufficient to confer personal jurisdiction unless there is a showing “that the subsidiary is, in fact, merely a department of the parent.” The exact relationship among News Corp, News Corp Australia and Advertiser has not been revealed by Defendant Advertiser.
- c. The Advertiser-Sunday Mail Messenger published 12 articles concerning New York in 2014.

- d. Bloomberg lists the Chairman for Advertiser as Brian Leonard Sallis with a corporate address of 1211 Avenue of the Americas, N.Y., N.Y. (Ex. O).
- e. Fairfax has a “representative,” World Media, Inc. in New York City for selling advertisements in its Sunday newspaper edition, which indicates New Yorkers use the paper to purchase items; otherwise, why sell advertisements in New York. (Ex. M).
- f. Fairfax had two reporters and an office in New York apparently as of 2012. (Exs. P, Q, G at ¶ 8). The question now is what replaced them.
- g. The Sydney Morning Herald published 13 articles concerning New York in 2014.
- h. Press Reader, a Canadian company, expands print and online circulation in international markets and has major partnerships with Fairfax and News Corp Australia, which owns Advertiser. (Ex. K). The exact nature and operations of these partnerships in New York have not been revealed by Defendants.
- i. Fairfax has a joint venture with the New York company News Alert LLC to provide business news to people in the U.S. (Ex. L). The exact nature and operations of this joint venture in New York have not been revealed by Fairfax.
- j. The Sydney Morning Herald online provides “access to exclusive discounts, events and competitions, unlimited access to our award-winning tablet apps, interactive quizzes, crosswords, Sudoku free in the iPad app.” (First Am. Cmplnt. ¶ 30). The website offers: an interactive photographer section called “Clique” where readers can publish their photographs, win prizes and receive advice; an online SMH Shop where readers can purchase art and other gifts; accounts for readers to receive “tweets”; the “goodfood” section that provides recipes; investment research and advice; and was offering a cruise trip for two from Spain to Italy. <http://www.smh.com.au/>. How many New Yorkers take advantage of these services has not been revealed.
- k. Advertiser and Fairfax knowingly solicit New York subscribers via their websites, sell their online newspapers and other products and services to New Yorkers, such as the New York Australian Community (Ex. R), and “shipped” their respective newspapers that contained the articles at issue in this case into New York via their websites.
- l. Bolger’s firm may be the one Advertiser and Fairfax regularly use for New York matters.

66. Defendants Advertiser and Fairfax clearly have a financial interest in New Yorkers purchasing their online newspapers, products and services, and have taken actions in New York

with an eye toward promoting those sales, *see Gleason Works v. Klingelberg-Oerlikon Geartec Vertriebs-GmbH*, 58 F.Supp.2d 47, 51 (W.D.N.Y. 1999), that included the five articles out of which the causes of action arose injuring Plaintiff.

67. Attorney Bolger unsuccessfully tries to analogize *Salfinger v. Fairfax Media Ltd.*, No. 13-cv-0100081, slip op. at 8-10 (Wis. Cir. Ct. Dec. 8, 2014), to this case. (Bolger Mem. at 1, 16 n.6). In *Salfinger*, the only activity of Fairfax in Wisconsin was the modern day equivalent of placing an advertisement in a circular distributed within the state. Here, Fairfax and Advertiser's contacts that Bolger has not been able to hide are far more extensive. (Pl. Opp. Aff. ¶¶ 22-53).

68. As for Defendant Shepherd transacting business in New York, an analogy with *McQueen v. Huddleston*, 17 F.Supp.3d 248, 251-252 (W.D.N.Y. 2014), is useful.

69. In *McQueen*, an out-of-state attorney sent a collection letter into the state that initiated contact with plaintiff, and made at least two telephone calls to plaintiff and left voicemails related to his debt collection efforts. "These activities demonstrate a substantial, direct relationship between defendant's collection transactions within the state and the claims asserted by plaintiff in this action, sufficient to authorize the court's exercise of long-arm jurisdiction under C.P.L.R. § 302(a)(1)." Plaintiff claimed the attorney violated the Fair Debt Collection Practices Act.

70. Defendant Shepherd, Advertiser's Political Editor and author of four of the five articles at issue, sent one email initiating contact with Plaintiff in New York (Ex. V), made one telephone call to Plaintiff that resulted in a short interview (Ex. F ¶ 13), sent six emails to Prof. Miles Groth in New York (Ex. U), researched Plaintiff's cases on file in New York and apparently relied on Internet bloggers located in New York as part of researching and composing her four articles that she must have known would be posted on The Advertiser-Sunday Mail Messenger website.

71. Therefore, key information used by Defendant Shepherd in her four articles was gained from her contacts with New York. How much and the extent of her contacts have not been fully revealed by Shepherd after attempting to hide her contact with Prof. Groth.

72. Where the information used to commit a tort comes from business activity in New York, it is sufficient for personal jurisdiction. *See Southridge Capital Management, LLC v. Lowry*, 188 F.Supp.2d 388, 398 (S.D.N.Y. 2002). Shepherd admits in both her affidavits that her business responsibilities included researching, sourcing and writing articles. (Exs. B ¶ 3 & F ¶ 3).

73. The causes of action concerning Defendant Shepherd arose from her New York activities because those activities substantially contributed to the researching, sourcing and writing of her four articles on which the causes of action for her Injurious Falsehoods, Tortious Interference and Libel are based. *See Davis v. Costa-Gavras*, 595 F.Supp. 982, 986 (S.D.N.Y. 1984).

74. Bolger wrongly relies on *Trachtenberg v. Failedmessiah.com*, --- F.Supp.2d ----, 2014 WL 4286154 (E.D.N.Y. 2014), which only deals with defamation, to argue that Shepherd did not transact business in N.Y. with regard to the Injurious Falsehood and Tortious Interference actions. (Bolger Mem. at 11).

75. As to Shepherd's libel, *Trachtenberg* is factually distinguishable. The *Trachtenberg* defendant's only contact with New York connected to the alleged defamation, besides its website, was accessing a N.Y. Government website from out of state. Here Shepherd interviewed Plaintiff over the telephone, engaged in a two-month conversation via email with another New York resident, and researched cases filed in New York as well as interviews and writings made in New York.

76. When a non-domiciliary engages in purposeful business transactions in New York, here Shepherd researching and sourcing her articles, and makes defamatory statements based on those

transactions that she knows will be published in New York via her employer's website, New York courts may exercise jurisdiction over her for defamation. *Cf. GTP Leisure Products, Inc. v. B-W Footwear Co., Inc.*, 55 A.D.2d 1009, 1010 (4<sup>th</sup> Dept. 1977).

77. Bolger also mistakenly relies on *SPCA of Upstate New York, Inc. v. American Working Collie Ass'n*, 18 N.Y.3d 400, 405 (2012)—another defamation case—to argue Shepherd did not transact any business in New York concerning the Libel cause of action. In *SPCA*, the defendant's only contacts with New York were not “to conduct research, gather information or otherwise generate material to publish on [defendant's] Web site.” *SPCA* at 405. Here Shepherd's numerous emails, a telephone call and research over the Internet of New York websites, such as records on file in the U.S. Southern District Court of New York and the Second Circuit Court of Appeals, were all for gathering information for her four articles to be posted on The Advertiser-Sunday Mail Messenger website.

78. In addition, Shepherd's libelous statements concerned the New York activities of a New York resident. They impugned the professionalism of an attorney whose legal career is centered in New York. The statements were drawn from New York sources, and the brunt of the harm, in terms of injury to his professional reputation, was suffered and will continue to be suffered in New York. In sum, New York is one of the focal points of the story and the harm suffered. Jurisdiction over Shepherd for Libel is therefore proper in New York. *See Calder v. Jones*, 465 U.S. 783, 788-789 (1984).

79. If Shepherd's own contacts with the state do not satisfy the transacting any business requirement for any of the causes of action against her, then this Court's jurisdiction over Advertiser can be imputed to Shepherd under an agency theory, since she acted on behalf of

Advertiser. See *Hypoxico, Inc. v. Col. Altitude Training LLC*, 2003 WL 21649437, at \*3 (S.D.N.Y. July 14, 2003)(citation omitted).

80. Agency requires that Shepherd be a primary actor in orchestrating the allegedly tortious conduct: Injurious Falsehoods, Tortious Interference and her Libel. *Karabu Corp. v. Gitner*, 16 F.Supp.2d 319, 323 (S.D.N.Y.1998)(citing *Retail Software Servs., Inc. v. Lashlee*, 854 F.2d 18, 22 (2d Cir.1988)).

81. Without Defendant Shepherd's volitional efforts, the five articles at issue in this case would not have existed to cause the harm they did and are doing. Defendant McNeilage's article was induced by Shepherd's initial January 12, 2014, article. (Ex. S).

82. Defendant McNeilage can also be viewed as Fairfax's agent for Injurious Falsehoods and Tortious Interference, or, in the alternative to both, *Prima Facie* Tort, since without her, Fairfax would never have approved and published her one article. No libel is alleged against McNeilage.

83. Neither Defendant Shepherd nor McNeilage can hide behind the fiduciary shield doctrine as employees because the New York Court of Appeals has refused to adopt it. *Kreutter v. McFadden Oil Corp.*, 71 N.Y.2d 460, 469 (1988).

*Contracts anywhere to supply goods or services in the state.*

84. Under this clause of CPLR 302(a)(1), there is no requirement that the plaintiff be the party to whom the goods or services were to be delivered, or that the plaintiff be in privity with the supplier. Weinstein Korn & Miller, New York Civil Practice, ¶ P 302.10 *Contract to Supply Goods or Services Within State.*

85. "The utility of the 'contracts anywhere' clause is plain in the vast realm of the mail order catalog and in mail solicitations generally. Every time a New Yorker orders something by mail and the seller at the other end sends it on, he has apparently contracted 'to supply goods' in the

state and on the face of CPLR 302(a)(1) that would mean jurisdiction.” Siegel, *N.Y. Practice* § 86A (5th ed.). Today, the mail order catalogs and solicitations are made electronically over the Internet.

86. In *Wholesale Wood Supplies, Inc. v. Blanchard Industries, Inc.*, 101 A.D.2d 878, 879-880 (2d Dept.1984), the court examined the language of “contracts anywhere” and held that the legislature intended it “to abrogate the ‘mere shipment’ rule established by prior case law,” and concluded that it must therefore be given “a broad construction. . . . As intended by its drafters, the [clause] deems the shipment of goods into the State or the performance of services in the State to be an act by which a nondomiciliary avails itself of the privilege of conducting activities in the State, Recommendation of the Law Rev. Comm to the 1979 Legislature, 1979 McKinney’s Session Laws of NY, p. 1453; *see* Farrell, *Civil Practice*, 31 *Syr. L. Rev.* 15, 25–26).”

87. When injury within New York results from those goods or services, then the creator of those goods or provider of those services is within the jurisdiction of New York. *See Tonns v. Spiegel’s*, 90 A.D.2d 548, 550 (2d Dept. 1982)(manufacturer shipped defective goods into New York that caused a person injury.).

88. Advertiser and Fairfax must have contracted with some firm or firms to create and maintain their newspapers’ websites in order to provide online access for New Yorkers, among others. Which firms and the specifics of those contracts have not been revealed by Defendants.

89. According to the Australian Community of New York (Ex. R), “many” of its 20,000 members subscribe to the Advertiser and Fairfax websites. Such subscriptions are contracts that supply goods and services to New Yorkers. How many of these contracts and contracts with other New Yorkers have not been revealed by Defendants Advertiser and Fairfax.

90. Defendants Shepherd and McNeilage’s employment contracts with their employers probably contain a provision in which their articles will be distributed in New York via their employers’ websites or otherwise. If so, then both have contracted to supply goods or services to New Yorkers. The facts concerning those contracts have not been revealed by Defendants.

91. All of the causes of action: Injurious Falsehoods, Tortious Interference with a Prospective Contractual Relation, or, in the alternative, Prima Facie tort, and Libel by Shepherd arise from the articles at issue here that by contract were supplied to New York readers; therefore, jurisdiction is satisfied under the second clause of CPLR 302(a)(1) for all Defendants.

Agency under CPLR 302

92. The causes of action do not have to arise only out of Defendants activities, but can arise out of their agents’ activities in New York. CPLR § 302(a).

93. News Corp Australia, the sole owner of Advertiser, has a partnership with Digital First Media of New York City concerning Advertiser websites, (Ex. J); Fairfax and News Corp Australia have major partnerships with Press Reader, which expands print and online circulation in international markets, (Ex. K); Fairfax has a joint venture with the New York company News Alert LLC concerning providing news to the U.S. market (Ex. L); and Fairfax has a “representative,” World Media Inc., in New York City for selling advertisements in its Sunday newspaper edition, which indicates New Yorkers’ interest in that paper. (Ex. M).

94. The specifics of Defendants Advertiser and Fairfax’s partnerships, joint ventures or contracts with these companies have not been revealed by Defendants, but they appear to be arrangements to provide and facilitate Defendants reported stories into the New York market, such as the five articles at issue in this case from which the causes of action arise.

95. The above cited companies would be agents of Defendants Advertiser or Fairfax by acting in New York for the benefit of, with the knowledge and consent of, and under some control of Defendants Advertiser and Fairfax. *Kreutter v. McFadden Oil Corp.*, 71 N.Y.2d 460, 467 (1988); *New Media Holding Co. LLC v. Kagalovsky*, 97 A.D.3d 463, 464 (1<sup>st</sup> Dept. 2012).

96. Under New York law, “where there is joint control of a business enterprise—similar to that existing in a partnership or joint venture” there is enough control to establish *prima facie* the element of agency so as to satisfy long-arm jurisdiction. *CutCo Industries, Inc. v. Naughton*, 806 F.2d 361, 366 (2d Cir. 1986). However, without more facts from Defendants, the issue of agency is unsettled.

### **Conclusion**

97. Bolger’s opposition to a trial on personal jurisdiction continues the strategy of her motion to dismiss in which she asserts the Injurious Falsehood and Tortious Interference causes of action are really for Libel and ignores the rule that the allegations of personal jurisdiction are construed in the favor of the Plaintiff—not Defendants, until a hearing is held.

98. Bolger’s libel arguments ignore many of her clients’ statements and their implications (Pl. Opp. Aff. ¶ 63) while conclusory alleging others are opinions and pretending that Defendants’ falsehood of Plaintiff being “anti-feminist” is true. (Bolger Mem. at 1, 4, 18, 19). That, of course, depends on how Defendants used that term, and they clearly use it to mean “anti-female.”

99. For example, Shepherd repeatedly calls the creators of the Males Studies courses, which includes Plaintiff, “misogynists”—haters of women. (*Pathetic bid for victimhood by portraying women as villains*, Tory Shepherd, The Advertiser, January 14, 2014, Ex. T). So for Shepherd, “anti-feminist” means anti-women. Plaintiff, however, defines “feminist” the same way Women

Against Feminism do—one who believes in the “vilification of men, support for female privilege, and a demeaning view of women as victims rather than free agents.” (Pl. Opp. Aff. ¶ 2). Bolger also equates the term “anti-feminist” to that of anti-women, anti-female and anti the “women’s rights movement,” (Bolger First Mem. Dismiss at 3, 5, 20, 22). So Defendants and Bolger’s usage of the term is dramatically different from Plaintiff’s, but Bolger simply ignores that fact.

100. Another part of Bolger’s strategy is that by repeating the term “anti-feminist” over and over again, she is hoping to depict Plaintiff as a miscreant not deserving of the law’s protection and intimidate him into withdrawing the complaint. (Bolger Mem. at 1, 4, 18, 19). It is called litigation by personal destruction.

101. Even if Plaintiff is a miscreant, the 1927 U.S. Supreme Court decision in *Buck v. Bell*, 274 U.S. 200, has been thoroughly discredited in the Courts. *Buck* endorsed negative eugenics, which was a movement to improve the human race by eliminating “defectives.” So if in the eyes of PC-feminist ideology and Bolger—who suborns perjury, hacks computers and submits forged exhibits—Plaintiff is a “defective,” due process still entitles him to protection under the law. (Bolger Mem. arguing Plaintiff is a defective at 4, 5, 8, 17, 18, 19).

102. Bolger also complains about Plaintiff insulting her clients Shepherd and McNeillage in court documents and his “iCloud” or personal computer that she hacked into. (Bolger Mem. at 5, 16, 17). Those two alleged reporters demeaned, denigrate and demonized Plaintiff to over 7 million readers. At the very least, Plaintiff has the right to do the same to them in the spirit of *quid pro quo*—one bad turn deserves another. Plaintiff’s audience, however, is limited to Court personnel and the odd lot member of the public who might take the time to read

the papers. So the misandrists from down under and Bolger have nothing to complain about—they are still ahead.

### **Addendum: List of Perjuries and Omissions by Defendants**

**Defendant Advertiser** relies on Michael Cameron, either National Editorial Counsel at News Corp Australia (doing business as News Limited)(Ex. A ¶ 2) or National Editorial Counsel at News Limited (doing business as News Corp Australia)(Ex. E ¶ 2). Cameron’s confusion over who is “doing business as” and for whom simply makes the relationship among News Corp Australia, News Limited and Advertiser even murkier. Further, such uncertainty in his role and whom he actually works for raises concern as to his knowledge of jurisdictional facts.

Lie 1<sup>st</sup> Aff.: Advertiser “does not sell any products in New York.” (Ex. A ¶ 7).  
Exposed: Advertiser sells The Advertiser-Sunday Mail Messenger paper (“The Advertiser”) to members of the Australian Community in New York City. (Ex. R).

Revision 2d Aff.: Advertiser “does not directly sell any products in New York.” (Ex. E ¶ 7, emphasis added).

Questions: Aren’t subscriptions over the Internet to the Australian Community in New York City direct sales?  
Does Advertiser sell products in New York through agents?

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Lie 1<sup>st</sup> Aff.: Advertiser “does not publish in New York.” (Ex. A ¶ 7).  
Exposed: Advertiser publishes The Advertiser in New York via its website because the site of downloading is considered the site of publication, *see Penguin Group (USA), Inc. v. American Buddha*, 16 N.Y. 3d 295, 301 (2011).

Revision 2d Aff.: None, Advertiser continues with the falsehood. (Ex. E ¶ 7).

Questions: How many New Yorkers are subscribers and what types of goods or services are provided them?  
What do News Corp Australia’s partnerships with Digital First Media, located in N.Y.C., and Press Reader, a Canadian company, do for Advertiser in New York?  
Do they act as agents?

-----  
Lie 1<sup>st</sup> Aff.: Advertiser “does not target any New York audience.” (Ex. A ¶ 8).  
Exposed: Published 12 articles concerning New York in 2014 and many of the members of the Australian Community in New York City subscribe to The Advertiser. (Ex. R).

Revision 2d Aff.: The Advertiser “does not target subscribers in New York.” (Ex. E ¶ 8).

Questions: What criteria does The Advertiser use in determining to publish a story concerning New York and what sources in New York does it use?  
How many subscribers in New York?

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Lie 1<sup>st</sup> Aff.: Advertiser does not have employees in New York. (Ex. A ¶ 10).  
Exposed: Bloomberg lists the Chairman for Advertiser as Brian Leonard Sallis with a corporate address of 1211 Avenue of the Americas, N.Y., N.Y. (Ex. O).

Revision 2d Aff.: None, Advertiser continues with the falsehood. (Ex. E ¶ 11).  
Questions: Why is the business address of the Chairman for Advertiser in New York?  
Who else at Advertiser has a business address at News Corp or in New York?

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Lie 1<sup>st</sup> Aff.: Advertiser “does not have any business ventures in New York.” (Ex. A ¶ 9).  
Exposed: On January 27, 2014, News Corp Australia, sole owner of Advertiser, entered into a partnership agreement with Digital First Media, headquartered in New York City, to provide advertising and marketing solutions for all its websites, which include The Advertiser website on which four of the five articles at issue here were published. (Ex. J).

Revision 2d Aff.: None, Advertiser continues with the falsehood. (Ex. E ¶ 10).  
Question: What exactly does the partnership with Digital First Media entail?

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Lie 1<sup>st</sup> Aff.: Omitted relationship between Rupert Murdoch’s News Corp headquartered in New York and News Corp Australia which controls Advertiser (Ex. A ¶ 3).  
Exposed: News Corp Australia is considered part of News Corp’s identity. (Ex. I).  
Revision 2d Aff.: News Corp Australia is a wholly-owned subsidiary of News Corp in N.Y., which “make[s] broad policy decisions” for Advertiser. (Ex. E ¶¶ 4, 5).  
Question: Exactly what decisions does News Corp in N.Y.C. make for Advertiser?

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**Defendant Tory Shepherd** is the Political Editor for The Advertiser-Sunday Mail Messenger (“The Advertiser”) owned and operated by Advertiser.

Lie 1<sup>st</sup> Aff.: In researching her articles, Shepherd’s only contact with New York was an email and telephone conversation with Plaintiff. (Ex. B ¶¶ 9, 11).  
Exposed: Shepherd had also contacted Miles Groth, Ph.D., a professor and resident in New York City, with six emails over a period of two months. (Ex. U).  
Revision 2d Aff.: She “forgot.”<sup>3</sup> (Ex. F ¶ 14).  
Question: What other research contacts and sources did she have that involved New York?

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Lie 1<sup>st</sup> Aff.: Shepherd emailed Plaintiff “requesting comment on the controversy . . . .” (Ex. B ¶ 9).  
Exposed: The email did not request comment on any controversy. It stated, “I’m trying to get in touch for a story I’m doing on the UniSA course you’re involved with, but can’t find a phone number for you-could you please get in touch?” Also, at that time, there was no controversy. (Ex. V).  
Revision 2d Aff.: No revision, she still claims her email was “requesting comment on the controversy . . . .” (Ex. F ¶ 11).  
Question: Didn’t the controversy begin with her contacting Dr. Gary Misan at the University and accusing Plaintiff of being a “member of extreme right wing groups in the USA”?

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<sup>3</sup> When Plaintiff worked for Eyewitness TV News and Metromedia TV News in N.Y.C. he kept a list of everyone interviewed for stories he produced, which is common in the media.

Lie 1<sup>st</sup> Aff.: Shepherd wrote only “two” articles regarding the Male Studies courses. (Ex. B ¶ 4).  
Exposed: She wrote four articles. (Ex. W).  
Revision 2d Aff.: She wrote “articles” and lists the four. (Ex. F ¶¶ 4-8).  
Questions: How could she have forgotten about an article she wrote after being served with the complaint, which was just two months prior to her first affidavit, or the second of two articles that she wrote on January 14, 2014?  
What other writings has she written and published on the Male Studies courses?

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Lie 1<sup>st</sup> Aff.: Shepherd implies that the two articles were only published in print in Australia by failing to mention they were published on The Advertiser website. (Ex. B ¶¶ 7, 8).  
Exposed: All four known articles appeared on the The Advertiser website. (Ex. W).  
Revision 2d Aff.: The four articles appeared on The Advertiser website. (Ex. F ¶¶ 5-8).  
Questions: Does her contract with Advertiser address the publication of her articles on The Advertiser website?  
Is she paid extra for such?  
Where else have the articles appeared?

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Lie 1<sup>st</sup> Aff.: The two articles “were intended for publication in Australia and were directed at an Australian audience.” (Ex. B ¶ 7).  
Exposed: All four known articles were published in New York via The Advertiser website.  
Revision 2d Aff.: All of the four articles “were intended for publication in Australia and were directed at an Australian audience.” (Ex. F ¶ 9).  
Questions: Why publish on the Internet if the articles were only intended for Australians?  
Were print copies of the four articles published or circulated in New York?  
Did she expect the publication of her articles to have consequences in New York?

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**Defendant Fairfax Media Publications Pty. Ltd.** (“Fairfax”) relies on Richard Coleman who in his first affidavit lists himself as solicitor for Fairfax Media Limited (Ex. C ¶ 1), the parent of Fairfax. In his second affidavit, he is the solicitor for Fairfax (Ex. F ¶ 1). Perhaps he’s the lawyer for both, but in both affidavits he states he is responsible for pre-publication advice. This role raises the question that he may not have firsthand knowledge of jurisdictional facts.

Lie 1<sup>st</sup> Aff.: Fairfax and the Sydney Morning Herald do not have any business ventures or bank accounts in New York. (Ex. C ¶¶ 9, 10).  
Exposed: Fairfax does have a “representative” in New York City, World Media, Inc., for selling advertisements in its Sunday newspaper edition. (Ex. M).  
Revision 2d Aff.: None. (Ex. G ¶¶ 7, 8).  
Questions: What exactly does World Media, Inc. do for Fairfax and the Sydney Morning Herald?  
Is World Media, Inc. an agent or part of a joint venture or partnership with Fairfax?

How does Fairfax pay for World Media, Inc.'s services?

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Lie 1<sup>st</sup> Aff.: Fairfax and The Sydney Morning Herald do not have office facilities, locations, employees, telephone listings and/or bank accounts in New York, which infers they never had such in New York because the market is unimportant to them. (Ex. C ¶ 10).  
Exposed: Fairfax had at least two correspondents and a New York office. (Exs. P, Q).  
Revision 2d Aff.: Fairfax did have correspondents in New York City until 2012. (Ex. G ¶ 8).  
Questions: Why did it have correspondents and an office in New York?  
Who or what does it rely on now for news from New York or office facilities?  
How long did it have a New York office?

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Lie 1<sup>st</sup> Aff.: Fairfax and The Sydney Morning Herald do not target “any New York audience.” (Ex. C ¶ 8).  
Exposed: Fairfax published 13 articles in 2014 concerning New York and many of the members of the Australian Community in New York City subscribe to The Sydney Morning Herald. (Ex. R).  
Revision 2d Aff.: None. (Ex. G ¶ 6).  
Question: What criteria does The Sydney Morning Herald use in determining to publish a story concerning New York and what sources in New York does it use?  
How many subscribers in New York?

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Lie 1<sup>st</sup> Aff.: Fairfax and The Sydney Morning Herald “do not directly publish in New York” but The Sydney Morning Herald is available online at its website. (Ex. C ¶¶ 6, 8).  
Exposed: By making The Sydney Morning Herald available on its website, Fairfax is publishing in New York, *Penguin Group (USA), Inc. v. American Buddha*, 16 N.Y. 3d 295, 301 (2011).  
Revision 2d Aff.: None. (Ex. G ¶¶ 4, 6).  
Questions: How many New Yorkers subscribe?  
Does Fairfax’s joint venture with the New York company News Alert LLC involve publication of The Sydney Morning Herald in New York? (Ex. L).  
Fairfax has a “representative,” World Media Inc., in New York City for selling advertisements in its Sunday newspaper edition. (Ex. M). Why sell advertising space in New York if the advertisements are not going to appear in the New York market?  
Does Fairfax’s partnership with the Canadian company Press Reader include publishing The Sydney Morning Herald in New York? (Ex. K).

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Lie 1<sup>st</sup> Aff.: Fairfax and The Sydney Morning Herald “do not directly sell any products in New York.” (Ex. C ¶ 6).  
Exposed: Fairfax sells The Sydney Morning Herald to the Australian Community in New York City. (Ex. R). The Sydney Morning Herald’s website provides “access to exclusive discounts, events and competitions, unlimited access to our award-winning tablet apps, interactive quizzes, crosswords, Sudoku free in the iPad app.” (First Am. Cmplnt. ¶ 30). The website offers an interactive

photographer section called “Clique” where readers can publish their photographs, win prizes and receive advice; an online Sydney Morning Herald Shop where readers can purchase art and other gifts; it offered a cruise trip for two from Spain to Italy; accounts for readers to receive “tweets,” and the “goodfood” section provides recipes; investment research; and investment advice. (www.smh.com.au/).

Revision 2d Aff.: “[D]o not sell any products in New York.” (Ex. G ¶ 4).

Questions: Aren’t subscriptions to The Sydney Morning Herald sales?  
To what extent are The Sydney Morning Herald website offers taken up by persons in New York?

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Lie 1<sup>st</sup> Aff.: Fairfax disturbs a print edition of The Sydney Morning Herald in the U.S. via Press Reader but has no “control” as to whether its U.S. edition is distributed in New York. Omitted to say whether it was or was not circulated in New York. (Ex. C ¶ 7).

Exposed: Press Reader allows its 30 million users to digitally download The Sydney Morning Herald and The Sydney Morning Herald even advertises an “app” for doing that. (Exs. K, X). Downloading in New York means publishing here. *Penguin Group (USA), Inc. v. American Buddha*, 16 N.Y. 3d 295, 301 (2011).

“Press Reader has developed major partnerships . . . [with] Fairfax Media [and] News Corp [Australia] . . . [that gives] publishers the ability to target audiences . . . [and] allow publishers to use [its] technology and adapt it to their market.” Fairfax is using Press Reader to “grow global circulation and revenues, and increase brand awareness and exposure of their publications in new international markets.” (Ex. K).

Revision 2d Aff.: None. (Ex. G ¶ 5).

Questions: Does Press Reader have an exclusive distributorship with Fairfax?  
Is Press Reader an agent of Fairfax and where are the printed editions printed?  
How many customers does Press Reader have in New York?  
How many of them download The Sydney Morning Herald?  
What markets is Fairfax targeting?

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Lie 1<sup>st</sup> Aff.: “Fairfax Media and The Sydney Morning Herald do not have any business ventures in New York.” (Ex. C ¶ 9).

Exposed: In 2000, Fairfax entered into a joint venture with the New York company News Alert LLC. The joint venture agreement with News Alert is apparently to create News Alert Asia-Pacific, a subsidiary company that would create a number of web sites aimed at providing financial and business information on the Asia-Pacific region and for investors and business people in the United States interested in researching opportunities in the Pacific. (Ex. L).

Revision 2d Aff.: None. (Ex. G ¶ 7).

Questions: What websites has the joint venture created?  
Are persons or entities in New York customers of the joint venture?  
Does the joint venture publish articles from The Sydney Morning Herald?

**Defendant McNeilage** is the education reporter for The Sydney Morning Herald.

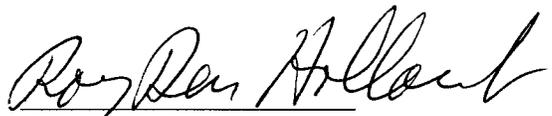
Lie 1<sup>st</sup> Aff.: McNeilage “did not intend to target” New York readers. (Ex. D ¶ 6).  
Exposed: The Sydney Morning Herald published the article on The Sydney Morning Herald’s interactive website that reaches into New York where Plaintiff conducts his business.

Revision 2d Aff.: None. (Ex. H ¶ 6)  
Questions: If she did not intend to target New York readers, then why was the article placed on The Sydney Morning Herald’s website?  
Does her contract with Fairfax provide for placing her articles online?  
Were print copies of her article published or circulated in New York?  
Did she expect the publication of her article to have consequences in New York?

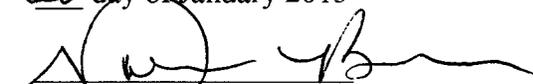
-----  
Lie 1<sup>st</sup> Aff.: McNeilage “made no contact with anyone” in New York in the process of reporting on the Male Studies courses. (Ex. D ¶ 7). Such infers she also did not access information from non-human sources in New York.  
Exposed: McNeilage’s article includes a photograph of Plaintiff that was taken by a New York photographer in New York (for which her newspaper failed to pay the photographer for its use).  
McNeilage cites the New York Times concerning one of Plaintiff’s cases and quotes from a website posting by a New York professor both of which infer she accessed websites located in or connected with New Yorkers—meaning New York sources.

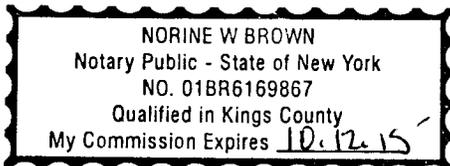
Revision 2d Aff.: None. (Ex. H ¶ 7).  
Questions: Where did she obtain the photograph?  
Were her sources for information about one of Plaintiff’s cases and the posting of the New York professor from New York sources?

**WHEREFORE** Plaintiff requests that the motion for a trial on the issue of personal jurisdiction be granted.

  
Roy Den Hollander  
Plaintiff and attorney  
545 East 14 St., 10D  
New York, N.Y. 10009  
(917) 687 0652  
roy17den@gmail.com

Sworn to before me on  
20 day of January 2015

  
Notary Public



# **Exhibit A**

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

----- x  
ROY DEN HOLLANDER,

Plaintiff,

-against-

TORY SHEPHERD, ADVERTISER NEWSPAPERS  
PTY LTD., AMY McNEILAGE, FAIRFAX MEDIA  
PUBLICATIONS PTY LIMITED,

Defendants.  
----- x

Index No. 152656/2014

**AFFIDAVIT OF MICHAEL CAMERON IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

City of Sydney )  
 ) ss.:  
State of New South Wales, Australia)

MICHAEL CAMERON, being duly sworn, deposes and says:

1. I have personal knowledge of the facts stated in this affidavit and submit this affidavit in support of Defendants' Motion to Dismiss.

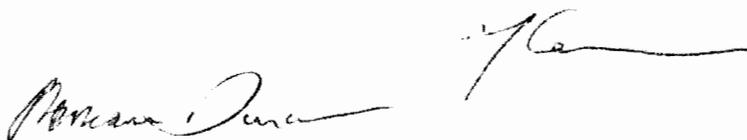
2. Since 2013 I have been employed as the National Editorial Counsel at News Corp Australia (doing business as News Limited). In that capacity I am responsible for oversight of the provision of legal advice for several newspapers and news websites across Australia.

3. Advertiser Newspapers Proprietary Limited ("Advertiser Newspapers") is a wholly-owned subsidiary of News Corp Australia and publishes *The Advertiser*.

4. Advertiser Newspapers is organized under the laws of Australia.

5. Advertiser Newspapers does not have any offices in New York.

{00745499;v2} 1



6. Advertiser Newspapers does not have any employees in New York.
7. Advertiser Newspapers does not publish in New York and does not sell any products in New York.
8. Advertiser Newspapers does not target any New York audience.
9. Advertiser Newspapers does not have any business ventures in New York.
10. Advertiser Newspapers does not have office facilities, locations, employees, telephone listings and/or bank accounts in New York..

**WHEREFORE**, Defendants Tory Shepherd, Advertiser Newspapers Pty Ltd., Amy McNeillage and Fairfax Media Publications Pty Ltd. respectfully request that this Court grant their motion to dismiss the Complaint with prejudice in its entirety together with costs and such other relief as is appropriate.

  
 MICHAEL CAMERON

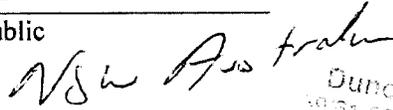
Sworn to and subscribed before me  
 this 7<sup>th</sup> day of August, 2014.



Notary Public

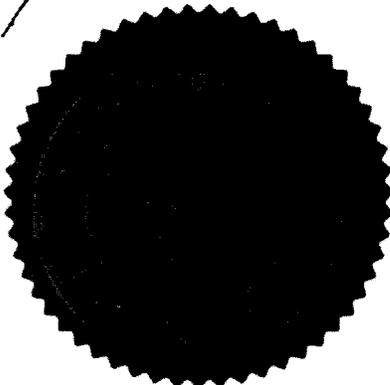






Duncan & Associates  
 39/61-89 Buckingham Street  
 Surry Hills, NSW 2010  
 www.lawyersnotaries.com.au

M Duncan & Associates  
 39/61-89 Buckingham Street  
 Surry Hills, NSW 2010  
 www.lawyersnotaries.com.au



# **Exhibit B**

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

----- x  
ROY DEN HOLLANDER,

Plaintiff,

-against-

TORY SHEPHERD, ADVERTISER NEWSPAPERS  
PTY LTD., AMY McNEILAGE, FAIRFAX MEDIA  
PUBLICATIONS PTY LIMITED,

Defendants.  
----- x

Index No. 152656/2014

**AFFIDAVIT OF TORY SHEPHERD IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

Adelaide  
South Australia  
Australia ) ss.:

TS  
TORY SHEPHERD, being duly sworn, deposes and says:

1. I am a citizen of Australia and a resident of Australia and a resident of Adelaide.

I have personal knowledge of the facts stated in this affidavit and submit this affidavit in support of Defendants' Motion to Dismiss.

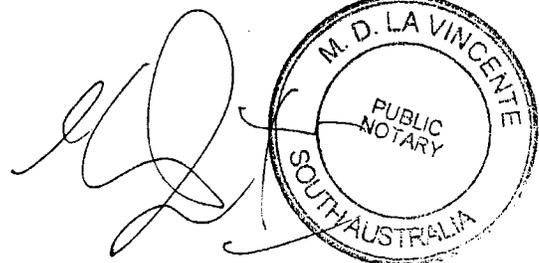
2. At all times relevant to this lawsuit, I was the Political Editor for *The Advertiser* in Adelaide, Australia.

3. As the Political Editor for *The Advertiser*, my responsibilities included researching, sourcing, and writing articles and commentary about politics in Australia, and, specifically, in South Australia.

4. In my capacity as the Political Editor, I wrote two articles dated January 12 and January 14 regarding a prospective male studies course at the University of South Australia.



{00745072,v1} 1



5. A true and correct copy of the article published on January 12, 2014 and given the headline "Lecturers in a world-first male studies course at the University of South Australia under scrutiny" is annexed hereto as Exhibit A.

6. A true and correct copy of the article published on January 14, 2014 and given the headline "University of South Australia gives controversial Male Studies court the snip" is annexed hereto as Exhibit B.

7. I wrote the articles because they related to a controversy taking place in Australia, and the articles were intended for publication in Australia and were directed at an Australian audience.

8. By writing the articles, I did not intend to target the United States or the State of New York.

9. In researching the articles I sent one email to Roy Den Hollander requesting comment on the controversy, as Mr. Den Hollander was slated as one of the professors potentially teaching the male studies course.

10. After writing the January 12 article, I spoke briefly to Mr. Den Hollander by telephone about the controversy.

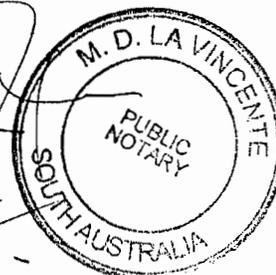
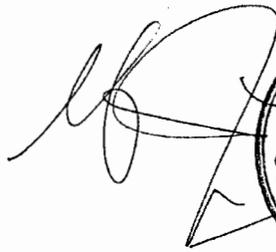
11. Except for that telephone call, I had no other contact with anyone in New York regarding the articles.

12. I have never visited the State of New York or travelled through the State of New York.

13. I do not reside in New York and I do not own any property, real or personal, that is situated there.



{00745072;v1}2

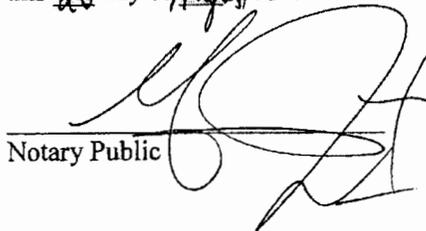


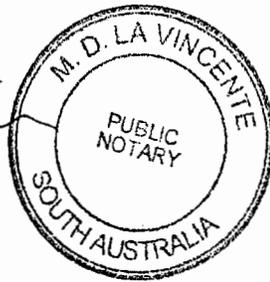
14. I do not have and have never had office facilities, locations, employees, telephone listings and/or bank accounts in New York.
15. I have never voted or been registered to vote in New York.
16. I have never undertaken any business ventures involving New York properties or entities.

**WHEREFORE**, Defendants Tory Shepherd, Advertiser Newspapers Pty Ltd., Amy McNeilage and Fairfax Media Publications Pty Ltd. respectfully request that this Court grant their motion to dismiss the Complaint with prejudice in its entirety together with costs and such other relief as is appropriate.

  
TORY SHEPHERD

Sworn to and subscribed before me  
this 25 day of August 2014.

  
Notary Public



# **Exhibit C**

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

----- x  
ROY DEN HOLLANDER, :  
 :  
 : Index No. 152656/2014  
 :  
 Plaintiff, :  
 :  
 -against- :  
 :  
 TORY SHEPHERD, ADVERTISER NEWSPAPERS :  
 PTY LTD., AMY McNEILAGE, FAIRFAX MEDIA :  
 PUBLICATIONS PTY LIMITED, :  
 :  
 :  
 Defendants. :  
----- x

**AFFIDAVIT OF RICHARD COLEMAN IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

City of Sydney )

) ss.:

In the state of New South Wales

RICHARD COLEMAN, being duly sworn, deposes and says:

I am an employee of Fairfax Media Limited of which Fairfax Media Publications Pty Limited ("Fairfax Media") is a subsidiary. I have personal knowledge of the facts stated in this affidavit and submit this affidavit in support of Defendants' Motion to Dismiss.

1. Since 1993, I have been employed as a Solicitor by Fairfax Media Limited. In that capacity I am responsible for prepublication advice to a range of publications of Fairfax Media and other subsidiaries of Fairfax Media Limited.

2. *The Sydney Morning Herald* is published by Fairfax Media.

3. Fairfax Media is organized under the laws of Australia.

4. Fairfax Media and *The Sydney Morning Herald* do not have any offices in New York.

5. Fairfax Media and *The Sydney Morning Herald* do not have any employees in New York.
6. Fairfax Media and *The Sydney Morning Herald* do not directly publish in New York and do not directly sell any products in New York.
7. Pursuant to a contract with Fairfax Media, Press Reader, an independent company, prints copies of *The Sydney Morning Herald* to be distributed in the United States but and neither Fairfax Media nor *The Sydney Morning Herald* has any control over whether copies printed by Press Reader are distributed in New York.
8. Fairfax Media and *The Sydney Morning Herald* do not target any New York audience, although readers of *The Sydney Morning Herald* are able to subscribe to the online version of *The Sydney Morning Herald* via its website.
9. Fairfax Media and *The Sydney Morning Herald* do not have any business ventures in New York.
10. Fairfax Media and *The Sydney Morning Herald* do not have office facilities, locations, employees, telephone listings and/or bank accounts in New York.
11. **WHEREFORE**, Defendants Tory Shepherd, Advertiser Newspapers Pty Ltd., Amy McNeilage and Fairfax Media Publications Pty Ltd. respectfully request that this Court grant their motion to dismiss the Complaint with prejudice in its entirety together with costs and such other relief as is appropriate, with costs and such other relief as is appropriate.

*R. Coleman*

Richard Coleman

Sworn to and subscribed before me  
this 28th day of August, 2014.

*Gail Hubby*

Notary Public

*Solicitor*

# **Exhibit D**



that article, which was given the headline "University of South Australia distances itself from males studies proposal" (the "Article"), is annexed hereto as Exhibit A.

5. I wrote the Article because it related to a controversy taking place in Australia, and the articles were intended for publication in Australia and were directed at an Australian audience.

6. By writing the Article, I did not intend to target the United States or the State of New York.

7. I made no contact with anyone in the United States or New York in the process of reporting on the controversy.

8. I did not attempt to contact Roy Den Hollander in the process of writing the Article and did not otherwise have any contact with Mr. Den Hollander.

9. I have never visited the State of New York or travelled through the State of New York.

10. I have only visited the United States once, and my travel at that time was limited to the west coast.

11. I do not reside in New York and I do not own any property, real or personal, that is situated there.

12. I do not have and have never had office facilities, locations, employees, telephone listings and/or bank accounts in New York.

13. I have never voted or been registered to vote in New York.

14. I have never undertaken any business ventures involving New York properties or entities.

**WHEREFORE**, Defendants Tory Shepherd, Advertiser Newspapers Pty Ltd., Amy McNeilage and Fairfax Media Publications Pty Ltd. respectfully request that this Court grant their motion to dismiss the Complaint with prejudice in its entirety together with costs and such other relief as is appropriate, with costs and such other relief as is appropriate.

  
\_\_\_\_\_  
Amy McNeilage

Sworn to and subscribed before me  
this Thursday 28th of August, 2014.



\_\_\_\_\_  
Notary Public  
*Solicitor*

# **Exhibit E**

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

----- X  
ROY DEN HOLLANDER, :

Plaintiff, :

-against- :

TORY SHEPHERD, ADVERTISER NEWSPAPERS  
PTY LTD., AMY McNEILAGE, FAIRFAX MEDIA  
PUBLICATIONS PTY LIMITED. :

Defendants. :  
----- X

Index No. 152656/2014

**AFFIDAVIT OF MICHAEL CAMERON IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS THE FIRST AMENDED COMPLAINT**

City of Sydney )  
) ss.:  
State of New South Wales, Australia )

MICHAEL CAMERON, being duly sworn, deposes and says:

1. I have personal knowledge of the facts stated in this affidavit and submit this affidavit in support of Defendants' Motion to Dismiss.
2. Since 2013 I have been employed as the National Editorial Counsel at News Limited (doing business as News Corp Australia). In that capacity I am responsible for oversight of the provision of legal advice for several newspapers and news websites across Australia.
3. Advertiser Newspapers Proprietary Limited ("Advertiser Newspapers") is organized under the laws of Australia.

4. Advertiser Newspapers is a wholly-owned subsidiary of News Corp Australia and publishes *The Advertiser*. News Corp Australia, in turn, is a wholly-owned subsidiary of News Corp, which is a Delaware Corporation with its principal place of business in New York.

5. Neither News Corp nor News Corp Australia run the day-to-day operations of Advertiser Newspapers, although News Corp does make broad policy decisions for Advertiser Newspapers.

6. *The Advertiser* is targeted to an Australian audience and particularly to people in Adelaide and South Australia. It is available at the URL: <http://www.adelaidenow.com.au>. The home page includes a weather icon listing the current temperature in Celsius in Adelaide, Australia and a section called "SA News." SA stands for South Australia. The publication contains local sports for the schools and regional teams in the Adelaide area as well as local news, restaurant reviews, and stories of local interest to individuals in Adelaide and South Australia.

7. Advertiser Newspapers does not publish in New York and does not directly sell any products in New York.

8. *The Advertiser* allows visitors to the website to subscribe to *The Advertiser*, but does not target subscribers in New York. Anyone with a computer and a credit card can subscribe.

9. Advertiser Newspapers does not target any New York audience or New York, generally.

10. Advertiser Newspapers does not have any business ventures in New York.

11. Advertiser Newspapers does not have office facilities, locations, employees, telephone listings and/or bank accounts in New York.

**WHEREFORE.** Defendants Tory Shepherd, Advertiser Newspapers Pty Ltd., Amy McNeilage and Fairfax Media Publications Pty Ltd. respectfully request that this Court grant their motion to dismiss the First Amended Complaint with prejudice in its entirety together with costs and such other relief as is appropriate.

  
MICHAEL CAMERON

Sworn to and subscribed before me  
this    day of October, 2014.

  
Larina Mullins  
Larina Mullins  
Legal Practitioner  
State of New South Wales  
Australia

# **Exhibit F**



4. In my capacity as the Political Editor, I wrote articles regarding a prospective male studies course at the University of South Australia, one of which was dated January 12, 2014, two of which were dated January 14, 2014, and another which was dated June 18, 2014.

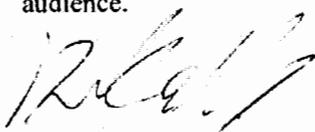
5. A true and correct copy of the article published on January 12, 2014 and given the headline "Lecturers in a world-first male studies course at the University of South Australia under scrutiny" is annexed hereto as Exhibit A. This article appears on *The Advertiser* website under the "South Australia" news section.

6. A true and correct copy of the article published on January 14, 2014 and given the headline "University of South Australia gives controversial Male Studies court the snip" is annexed hereto as Exhibit B. This article appears on *The Advertiser* website under the "South Australia" news section.

7. A true and correct copy of the article published on January 14, 2014 and given the headline "Tory Shepherd: Pathetic bid for victimhood by portraying women as villains" is annexed hereto as Exhibit C. This article appears on *The Advertiser* website under the "Opinion" subsection, which is within the "News" section.

8. A true and correct copy of the article published on June 18, 2014 and given the headline "Men's rights campaigner Roy Den Hollander attacks The Advertiser's Tory Shepherd in bizarre legal writ filed in New York County" is annexed hereto as Exhibit D. This article appears on *The Advertiser* website under the "Opinion" subsection, which is within the "News" section.

9. I wrote the articles because they related to a controversy taking place in Australia, and the articles were intended for publication in Australia and were directed at an Australian audience.



A. Short 24/10/14  
Andrew David Short  
A Commissioner for taking  
Affidavits in the Supreme Court  
of South Australia

10. By writing the articles, I did not intend to target the United States or the State of New York.

11. In researching the articles I sent one email to Roy Den Hollander requesting comment on the controversy, as Mr. Den Hollander was slated as one of the professors potentially teaching the male studies course.

12. After writing the January 12 article, I spoke briefly to Mr. Den Hollander by telephone about the controversy.

13. In my original affidavit in support of the Defendants' motion to dismiss the complaint, I erroneously stated that I had no other contact with anyone in New York besides the telephone call with Mr. Den Hollander. I regret this inadvertent error.

14. In fact, I also exchanged several emails with Miles Groth, a professor at a New York college. I did not purposefully omit this fact from my prior affidavit and did not intend to deceive the Court by accidentally omitting this fact. I simply forgot to include it.

15. Besides the email exchanges with Mr. Groth, the email sent to Mr. Den Hollander, and the single telephone call with Mr. Den Hollander, I had no contact with anyone else in New York in preparing the articles.

16. I have never visited the State of New York or travelled through the State of New York.

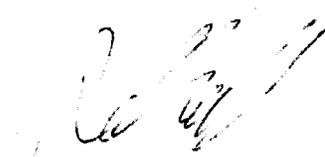
17. I do not reside in New York and I do not own any property, real or personal, that is situated there.

18. I do not have and have never had office facilities, locations, employees, telephone listings and/or bank accounts in New York.

19. I have never voted or been registered to vote in New York.

20. I have never undertaken any business ventures involving New York properties or entities.

**WHEREFORE**, Defendants Tory Shepherd, Advertiser Newspapers Pty Ltd., Amy McNeilage and Fairfax Media Publications Pty Ltd. respectfully request that this Court grant their motion to dismiss the First Amended Complaint with prejudice in its entirety together with costs and such other relief as is appropriate.



---

TORY SHEPHERD

Sworn to and subscribed before me  
this 24th day of October, 2014.



---

Andrew David Short  
A Commissioner for taking  
Affidavits in the Supreme Court  
of South Australia

# **Exhibit G**



5. Pursuant to a contract with Fairfax Media, Press Reader, an independent company, prints copies of *The Sydney Morning Herald* to be distributed in the United States, but neither Fairfax Media nor *The Sydney Morning Herald* has any control over whether copies printed by Press Reader are distributed in New York.

6. Fairfax Media and *The Sydney Morning Herald* do not target any New York audience, although readers of *The Sydney Morning Herald* are able to subscribe to the online version of *The Sydney Morning Herald* via its website. It is available at the URL: <http://www.smh.com.au/>. Like other local news websites, the homepage includes a weather icon for Sydney, Australia noting the temperature in Celsius and also has a link for live updates on traffic conditions in Sydney. It also has a section specific to "New South Wales" and articles tagged with "NSW," which stands for "New South Wales."

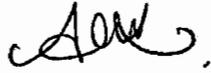
7. Fairfax Media and *The Sydney Morning Herald* do not have any business ventures in New York.

8. Fairfax Media and *The Sydney Morning Herald* do not have office facilities, locations, employees, telephone listings and/or bank accounts in New York. *The Sydney Morning Herald* formerly had correspondents located in New York City, but has not done so since 2012, almost two years before the Article was published.

**WHEREFORE**, Defendants Tory Shepherd, Advertiser Newspapers Pty Ltd., Amy McNeillage and Fairfax Media Publications Pty Ltd. respectfully request that this Court grant their motion to dismiss the First Amended Complaint with prejudice in its entirety together with costs and such other relief as is appropriate.

  
Richard Coleman

Sworn to and subscribed before me  
this 22 day of October, 2014.



\_\_\_\_\_  
Notary Public



# **Exhibit H**



of that article, which was given the headline "University of South Australia distances itself from males studies proposal" (the "Article"), is annexed hereto as Exhibit A. The Article appeared online under *The Sydney Morning Herald's* "Education" subsection, which is under the "National" section.

5. I wrote the Article because it related to a controversy taking place in Australia, and the Article was intended for publication in Australia and was directed at an Australian audience.

6. By writing the Article, I did not intend to target the United States or the State of New York.

7. I made no contact with anyone in the United States or New York in the process of reporting on the controversy.

8. I did not attempt to contact Roy Den Hollander in the process of writing the Article and did not otherwise have any contact with Mr. Den Hollander.

9. I have never visited the State of New York or travelled through the State of New York.

10. I have only visited the United States once, and my travel at that time was limited to the west coast.

11. I do not reside in New York and I do not own any property, real or personal, that is situated there.

12. I do not have and have never had office facilities, locations, employees, telephone listings and/or bank accounts in New York.

13. I have never voted or been registered to vote in New York.

  
22/10/19 R. Calman

14. I have never undertaken any business ventures involving New York properties or entities.

WHEREFORE, Defendants Tory Shepherd, Advertiser Newspapers Pty Ltd., Amy McNeilage and Fairfax Media Publications Pty Ltd. respectfully request that this Court grant their motion to dismiss the First Amended Complaint with prejudice in its entirety together with costs and such other relief as is appropriate.

  
Amy McNeilage

Sworn to and subscribed before me  
this 22 day of October, 2014.

  
Notary Public  
*Solicitor of Supreme Court  
of NSW*

# **Exhibit I**



---

Delivering *extraordinary* experiences for our customers and consumers is at the heart of who we are.

*News Corp* Australia



Together we're striving to unlock the power of the imagination.

We're obsessed by food. Like taste.com.au offering over 20,000 recipes providing ideas and inspiration to suit all levels of cooking ability from the first time cook to the fastidious foodie.

**for customers.**

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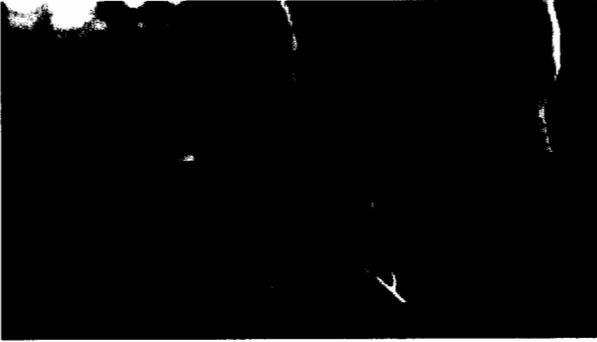
FB NEWSWIRE

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## AMPLIFY

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### **We're building digital curriculum to reflect the information-rich and collaborative structure of the K-12 classroom.**

Beginning Fall 2014, students in Grades 6-8 will get Language Arts classes with a twist — an e-library stocked with more than 300 books, richer digital media inside 20 curriculum-intense games, and a smarter analytics engine that promotes 3x more reading and writing. Together with Amplify's sturdier Intel-based tablets, the 2014-2015 school year is open for a better digital education.

---

## NEWS CORP AUSTRALIA

---



### **We're making leaps in mobile advertising by expanding our customers' connectivity in an increasingly mobile market.**

Advertisers in Australia can now take advantage of expanding timed and adhered mobile ads that don't interfere with user experience. This means that brands can optimize space and attractively engage readers in a friendly, non-intrusive way.

# **Exhibit J**

## **Digital First Media**

- [Home](#)
- [Products](#)
- [Careers](#)
- [Leadership](#)
- [Contact Us](#)

Digital First Media's more than 800 multi-platform products reach 64 million Americans each month across 14 states.

### **Press Releases**

#### **Digital First Media Announces AdTaxi Partnership with News Corp Australia**

**Monday, January 27, 2014**

New York, NY (January 27, 2014) – [Digital First Media](#) today announced an exclusive [AdTaxi Alliance Network](#) partnership with [News Corp Australia](#).

The partnership includes the launch of *news Xtend* by News Corp Australia, a digital-marketing extension package for small to medium sized businesses in Australia.

“We are pleased to have News Corp Australia as a partner and to introduce AdTaxi’s full-service suite of digital marketing products to the Australian market,” said John Paton, Chief Executive Officer of Digital First Media. “News Corp Australia has a powerful network of newspaper brands which have deep relationships with readers and advertisers. This partnership provides solutions that allow News Corp Australia to strengthen the relationships it has with local advertisers looking at expanding brand campaigns online.”

With the launch of *news Xtend*, News Corp Australia will be offering easy-to-buy packages that include digital display advertising across its network of websites, along with a full complement of digital marketing solutions including social media, email, search engine optimization and search engine marketing.

“The launch of *news Xtend* with Digital First Media means we can now provide tailored digital marketing solutions for our valued and valuable network of advertisers,” said Alisa Bowen, News Corp Australia’s Group Director – Digital Product and Development. “We are simplifying the process for small to medium businesses and offering access to a greater number of audiences across platforms. Our team of digital sales specialists will ensure, through this partnership, local advertisers receive the best and most creative multi-channel package possible for their brand.”

News Corp Australia joins the AdTaxi Alliance Network that includes partners in [Canada](#), [Ireland](#), [Israel](#) and the [United States](#).

### **About Digital First Media**

Digital First Media, headquartered in New York City, reaches more than 67 million Americans each month through more than 800 multi-platform products across 18 states.

#### **For more information contact:**

Jonathan Cooper  
Vice President Media Relations & Employee Communications  
Digital First Media  
jcooper@digitalfirstmedia.com  
(215) 867-2022

### **Press Releases**

#### **Digital First Media to Explore Strategic Alternatives**

Friday, September 12, 2014

#### **Digital First Media Announces Chief Financial Officer Barbara Bennett Leaving the Company; Michael Koren Appointed CFO**

Wednesday, July 23, 2014

#### **Digital First Media Announces the Appointment Of Steven B. Rossi As President**

Tuesday, July 8, 2014

### **What we do**

[Our Products](#)  
[Press Releases](#)  
[The Open Newsroom](#)  
[CEO John Paton's Blog](#)

### **Digital First Media**

5 Hanover Square  
25th Floor  
New York, NY 10005

### **Digital First Media**

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[Rss](#) [Twitter](#) [Facebook](#) [LinkedIn](#)

# **Exhibit K**

# The Newspaper Works partners with PressReader for app

The Newspaper Works / 19 August, 2014

1

The Newspaper Works will launch an app for iOS and Android devices this week, as part of a partnership with global digital distribution and publishing company PressReader.

PressReader, a major sponsor of this year's Future Forum industry conference, will host the app, which has been built to publish digital editions for mobile and tablet of print publications *The Bulletin*, *The Works* and special industry magazines like the *Infographic Annual*.

CEO of The Newspaper Works, Mark Hollands, said that "publishing and communication is at the heartbeat of this organisation."

"We are delighted to work with PressReader to offer our content in apps on both the iOS and Android platforms."

PressReader has developed major partnerships in Australia and New Zealand with newspaper and magazine publishers like Fairfax Media, News Corp, APN, Nextmedia and McPherson Media Group. In addition to its publisher partnerships, PressReader has also struck deals with local libraries, hotels, government agencies, city councils and device manufacturers (OEMs), as well as transportation companies like Virgin Australia – allowing customers or employees to access PressReader published content via a Wi-Fi connection.

Executive vice-president for PressReader, Nikolay Malyarov, who is in Sydney for the Future Forum, said the company's distribution network gave publishers the ability to target audiences that are not necessarily tied to individual titles, but accessed content through search.

"We're able to reach audiences that are incredibly difficult to reach as a single publisher – audiences when they're at hotels, libraries or on cruise ships," Mr Malyarov said.

"We allow publishers to use our technology and adapt it to their market, then retain their revenue to re-invest in the production of quality editorial content."

The Newspaper Works app will be launched this week and can be found by typing 'The Newspaper Works' into the iTunes Store, Google Play store or Windows Store from Friday. The desktop site linked to the app is currently live and features an archive of The Newspaper Works' publications from the past year. Readers can also subscribe to The Newspaper Works' PressReader site or app to have publications auto-sent when they are published.

Internationally, PressReader distributes content for more than 4000 publishing partners from over 100 countries.

For more news from The Newspaper Works, [click here](#).



# Welcome to PressReader

## Company Overview.

Founded in 1999, [PressReader \(http://www.PressReader.com/\)](http://www.PressReader.com/) is the global leader in multi-channel, cross-platform content distribution and monetization, and the chosen partner of more than 3,500 publishers from 100 countries.

PressReader provides consumers and businesses access to thousands of local, national and international full-content newspapers and magazines online, in print, and on tablets, smartphones and eReaders running iOS, Android, Android for Amazon, Windows 8 and Blackberry 10 operating systems.

It offers the world's most engaging reading experience to millions of readers in 60 languages and can be found in leading libraries, hotels, airlines, corporate and government buildings, cruise lines, airport lounges, schools and restaurants around the globe.

As a fully-customizable digital publishing platform, PressReader helps publishers of all sizes and media types expand their platform support, grow global circulation and revenues, and increase brand awareness and exposure of their publications in new international markets.

## PressReader by the Numbers:

- Over 30 million users worldwide
- Over 2,000 local, regional and international newspapers and magazines
- Over 3,500 publishers
- Services available in over 100 countries
- Publications from over 100 countries
- Titles in 60 languages
- More than 400 agents worldwide
- PressReader is in more than 15,000 organizations, institutions and businesses such as libraries, hotels, airport lounges and corporate offices around the world

### About Us.

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# **Exhibit L**

**Hoover's Company Profiles:**

**Fairfax Media Limited**

**Top**

[Home Library Business & Finance Hoover's Profiles](#)

(Australian:FXJ)

**Type:** Public

**On the web:** <http://www.fxj.com.au>

**Employees:** 7,043

**Employee growth:** (16.3%)

**Contact Information**

Fairfax Media Limited

Level 5, Darling Island Rd.

Pymont, New South Wales 2009, Australia

Tel. +61-2-9282-2833

Fax +61-2-9282-1633

If it's news in Australia, it's fair to say that Fairfax is on top of it.

Fairfax Media is a leading newspaper and magazine publisher in

Australia and New Zealand, with some 430 titles. Its flagship publications include Melbourne's The Age, The

Sydney Morning Herald, and the Sunday News of New Zealand. It also serves the financial news sector with The

Australian Financial Review, and it operates a portfolio of regional and community papers. In addition to its

traditional publishing operations, Fairfax Media operates a number of websites in conjunction with its papers, and it

owns about 15 radio stations.

**Key numbers for fiscal year ending June, 2013:**

**Sales:** \$1,836.2M

**One year growth:** (21.8%)

**Net income:** (\$15.0)M

**Officers:**

Chairman: Roger C. Corbett

Chief Executive Officer, Managing Director: Greg Hywood

Chief Financial Officer: David Housego

**Competitors:**

[APN News](#)

[PBL Media](#)

[21st Century Fox](#)

**Gale Directory of Company Histories:**

**Fairfax Media Ltd.**

**Top**

[Home Library Business & Finance Company Histories](#)

Tourang succeeded in taking over all the assets of Tryart, including John Fairfax Pty. Ltd. On January 7, 1992, Tourang changed its name to John Fairfax Holdings Limited and gained a listing on the Australian Stock Exchange.

The ill-fated attempt to save Fairfax Group Pty. Ltd. from nonfamily interests only accelerated the family's loss of its patriarch's company. However, it may have happened soon enough to save Fairfax from several years of poor performance under what many considered to be inept "newspaper man" management. Black restored financial strength to the Fairfax organization and ensured that, if nothing else, at least the company did not fall into the hands of Rupert Murdoch.

### **Diversifying for Financial Stability**

In Black's first year as nominal head of the resuscitated Fairfax group, the company's publications garnered numerous awards and marked respectable financial performances, in spite of the depressed Australian economy. Renamed John Fairfax Media Holdings Limited, under Black's leadership the company also began to diversify its interests.

In 1995 the company purchased interests in Australian Geographic Pty, a company that operated a popular magazine and a chain of retail stores selling books and outdoor exploration equipment. Although the company later sold *Australian Geographic* (in 1998), the purchase was one of several efforts in the 1990s to diversify the company's interests.

In 1998 Fairfax hired Fred Hilmer, former professor of business at the University of New South Wales, as the company's CEO. Hilmer inherited the business at a time when the laws surrounding Australian media ownership were in a state of flux and he attempted to streamline the company by selling several less profitable subsidiaries and funneling funds into the company's core assets. After a year with Hilmer at the helm, Fairfax was beginning to show signs of increased profitability. Advertising revenues increased by over 30 percent during 1998, and by early 1999 the company controlled 15 percent of the Australian advertising market.

Hilmer's various projects included increasing the company's focus on digital media and communication. In 1999, Fairfax launched a new web site, [www.sold.com.au](http://www.sold.com.au), to complement the company's growing digital media division. In 2000, Fairfax entered into a joint venture with the New York company News Alert LLC to create News Alert Asia-Pacific, a subsidiary company that would create a number of web sites aimed at providing financial and business information for the Asia-Pacific region and for investors and business people in the United States interested in researching opportunities in the Pacific.

### **Rebounding from Hard Times**

Like many Australian companies, Fairfax suffered reduced revenues during the economic slump that followed the 2000 Olympic Games. Despite falling advertising revenues, which constituted over 80 percent of the company's revenue base, many of Fairfax's subsidiaries showed an increase in consumers. Hilmer's response was to look into selective expansion procedures and acquisitions while investing capital to reinvigorate the company's most profitable properties.

Fairfax continued to suffer from a poor advertising market in 2002 year with a 28 percent reduction in profit from the previous year. In 2003 the company strengthened its position with strategic acquisitions. In March the company gained 10 percent interest in Text Media Group Limited, which gave the company a strong presence in the online real estate advertising market. The company acquired the remaining interest in Text Media in February 2004.

The most significant development of 2003 was the completion of a major acquisition, in May, of New Zealand-based Independent News Media, which became known as Fairfax New Zealand. In addition to gaining control of two metropolitan newspapers, two Sunday papers and 53 community publications, the purchase also gave Fairfax ownership of 66 percent of Sky TV New Zealand. "The acquisition of these prime publishing assets will contribute strongly to our future growth," Hilmer said in the company's official press statements. Fairfax reportedly paid over NZD 6.6 billion for ownership of the New Zealand media outlets.

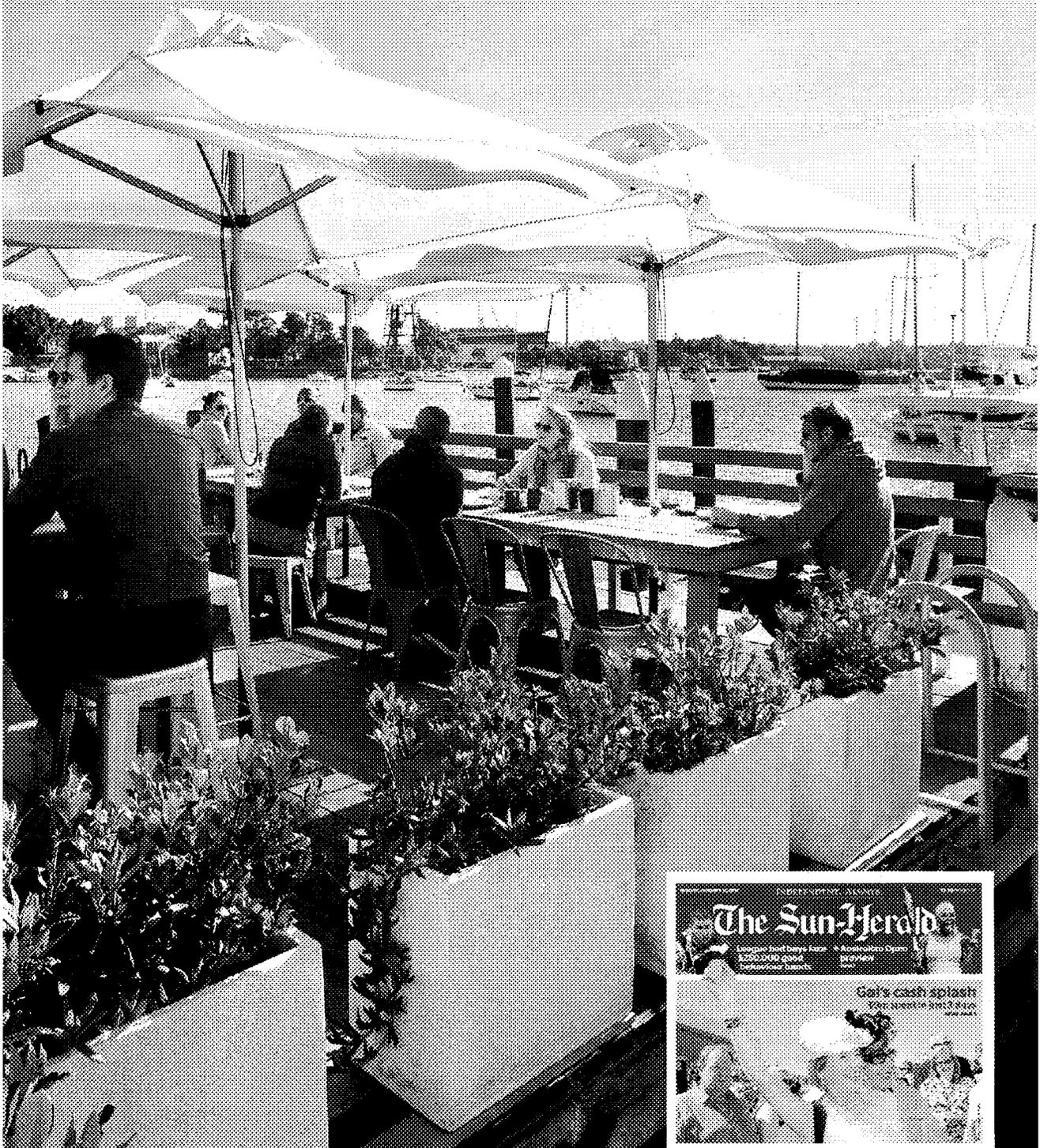
By 2004, Fairfax's financial returns were growing rapidly and profits had risen by over 60 percent from the previous year. Hilmer announced in 2004 that he would be stepping down the following year to pursue other opportunities, perhaps returning to academia for the final chapter in his professional life. While the board of directors conducted

# **Exhibit M**

The Sun-Herald

# The Sun-Herald Advertising Rates

FROM MARCH, 2014



## Deadlines

Section	Bookings Deadline	Material Deadline
<b>Sunday</b>		
News	2pm Wednesday	Noon Friday
World	2pm Wednesday	Noon Friday
Sport	2pm Wednesday	Noon Friday
Extra	2pm Wednesday	Noon Friday
<b>Sections</b>		
TV	Noon Monday	Noon Wednesday
Traveller	Noon Monday	Noon Wednesday
S	Noon Monday	Noon Wednesday
S (Classifieds)	Noon Wednesday	5pm Wednesday
Entertainment (Classifieds)	Noon Wednesday	5pm Wednesday
Money	10am Wednesday	Noon Friday

Cancellation deadlines are 2 working days prior to bookings deadlines for all publications.

Information correct at time of publishing.

For current information, please refer to:  
[adcentre.com.au/ad\\_spec\\_categories/newspaper](http://adcentre.com.au/ad_spec_categories/newspaper)

## Booking and Material Procedure

### Booking Procedure

Verbal bookings must be confirmed in writing. If appearance dates or material instructions need to be altered, changes must be advised by phone. Please take the contact name of the Fairfax Media representative and follow through with amended confirmation. Confirmations and verbal bookings must tally. Where there is discrepancy between verbal bookings and confirmation, the Company will not be liable unless confirmation is received two working days prior to appearance date.

### Cancellation Procedure

Cancellations must be made verbally and confirmed in writing prior to the cancellation deadline. Please note the cancellation number quoted by the Fairfax Media representative and their name. All bookings taken inside cancellation deadline are taken on a non-cancellation basis. No liability will be accepted unless the above procedures are followed.

### Material on Hand

Please note Fairfax Media will retain advertisements for a period of 3 months. Repeats outside this time span cannot be guaranteed.

### Terms and Conditions

All advertising services are governed by Fairfax Media Terms and Conditions of Advertising. Fairfax Media reserves the right to modify this ratecard or its Terms and Conditions at any time without prior notice.

100% space charge will apply when material fails to arrive in time for publication. No responsibility will be accepted for material arriving outside designated deadlines.

### Advertising Material and Specifications

Please note that Fairfax Media will only accept material via electronic transmission. Fairfax Media operates new advertising quality assurance measures for *The Sun-Herald*. All digital ads need to undergo Quality Assurance testing prior to being accepted for publication. To facilitate this, Fairfax Media has certified a number of methods for Quality Assurance testing and ad delivery (fees and charges apply):

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[www.adstream.com.au](http://www.adstream.com.au)

**Adsend Australia** • (+61) 02 8689 9000  
[www.adsend.com.au](http://www.adsend.com.au)

**Digital Ads International SENDlite** • (+61) 02 9818 1965  
[www.sendlite.com.au](http://www.sendlite.com.au)

**Fairfax Ad Designs** • (+61) 02 8777 6956  
[addesigns@fairfaxmedia.com.au](mailto:addesigns@fairfaxmedia.com.au)

For further information please refer to our website [www.adcentre.com.au](http://www.adcentre.com.au) or contact the Advertising Production Unit: 1300 666 326.

Note: All rates are in Australian Dollars.

## Australia

### NSW

Fairfax Media Publications Pty Limited  
Level 3, 1 Darling Island Road  
Pyrmont, New South Wales 2009  
**Phone:** (02) 9282 1734  
**Fax:** (02) 9282 1748

### VICTORIA

Fairfax Media Publications Pty Limited  
Media House, 655 Collins St  
Melbourne, Victoria 3000  
**Phone:** (03) 8667 2000  
**Fax:** (03) 9601 2929

### QUEENSLAND

Fairfax Media Publications Pty Limited  
Level 6, 340 Adelaide Street  
Brisbane, Queensland 4000  
**Phone:** (07) 3835 7500  
**Fax:** (07) 3835 7529  
**Email:** thehub@fairfaxmedia.com.au

### SOUTH AUSTRALIA

Fairfax Media Publications Pty Limited  
124 Franklin Street  
Adelaide, South Australia 5000  
**Phone:** (08) 8212 1212  
**Fax:** (08) 8212 1210

### WESTERN AUSTRALIA

Fairfax Media Publications Pty Limited  
A15 Level 2  
435 Roberts Road  
Subiaco Western Australia 6008  
**Phone:** (08) 9423 8903  
**Fax:** (08) 9423 8922

## Fairfax International Representatives

### LONDON

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**Fax:** +44 (0) 870 4953 440  
**Email:** bwarren@warren-media.com

### JAPAN

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**Phone:** 0011 81 3 3584 6420  
**Fax:** 0015 81 3 3505 5628  
**Email:** yibe@bunkoh.com

### SINGAPORE

Publicitas Singapore (S) Pte Ltd  
72, Bendermeer Road  
#02-20, The Luzerne  
Singapore 339941  
**Phone:** +65 6836 2272  
**Fax:** +65 6297 7302  
**Email:** peggy.thay@publicitas.com

### USA

World Media Inc.  
19 West 36th Street, 7th Floor  
New York 10018  
**Phone:** 0011 1 212 244 5610  
**Fax:** 0015 1 212 244 5321  
**Email:** sales@worldmediaonline.com

### CHINA

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Publicitas Beijing  
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No.18 Chaoyangmenwai Avenue  
Beijing 100020, China  
**Phone:** +86 10 6588 8155 ext. 626,  
**Fax:** +86 10 6588 3110  
**Email:** wendy.lin@publicitas.com.cn

### NEW ZEALAND

McKay & Bowman  
International Media Representatives Ltd  
PO Box 36-490, Northcote, Auckland  
60 McBreen Ave  
Northcote, Auckland  
**Phone:** 0011 64 9 419 0561  
**Fax:** 0015 64 9 419 2243  
**Email:** neil@mckaybowman.co.nz

### THAILAND

Publicitas Thailand  
5th Floor, Lumpini I Building, 239/2 Soi Sarasin,  
Rajdamri Road, Lumpini, Pathumwan  
Bangkok 10330 Thailand  
**Phone:** 0011 66 2 651 9273 to 7  
**Fax:** 0015 66 2 651 9278  
**Email:** janya.limmanee@publicitas.com

### MALAYSIA

Publicitas International Malaysia  
S105, 2nd Floor, Centrepoint,  
Lebuh Bandar Utama, Bandar Utama,  
47800 Petaling Jaya, Selangor  
**Phone:** 0011 60 3 772 9 6923  
**Fax:** 0015 60 3 772 9 7115  
**Email:** esther.chia@publicitas.com

### HONG KONG

Publicitas Hong Kong  
26/F Two Chinachem Exchange Square  
338 King's Road, North Point  
Hong Kong  
**Phone:** 0011 852 2516 1519  
**Fax:** 0015 852 2528 3260  
**Email:** catherine.ha@publicitas.com

### INDIA

The Times of India  
International Media Representation  
Response Department  
Dr Dadabhai Naoroji Road  
Bombay 400 001  
**Phone:** 0011 91 22 22731 338  
**Fax:** 0015 91 22 22731 145  
**Email:** santosh.pandey@timesgroup.com

### DUBAI

Vivienne Davidson  
Intermedia,  
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**Phone:** +971 346 6006  
**Fax:** +971 346 6016  
**Email:** v davidson@intermedia-quif.com

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Robert Logan & Associates  
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**Phone:** +44 (0) 208 579 4836  
**Fax:** +44 (0) 208 579 5057  
**Email:** rlogan@robertlogan.co.uk

### SOUTH AFRICA

Publicity Project Management  
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PO Box 78811, Sandton, 2146  
**Phone:** +27 11 803 8211  
**Fax:** +27 86 503 3237  
**Email:** mike@worldmediaonline.co.za

# **Exhibit O**



Advertiser Newspapers Ltd (/profiles/companies/FOXA:US)

Chairman, 1990-PRESENT

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## Other Memberships

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# **Exhibit P**

# The Women's Pages

## Australian Women Journalists Since 1850

### Lillian Roxon

Journalist, foreign correspondent and rock music expert Lillian Roxon enjoyed a long and varied career before her untimely death in New York at the age of 41. She was the first full-time female employee at the Sydney Morning Herald's New York office, and her *Rock Encyclopedia* was published in 1969.



More information about **Lillian Roxon** can be found in the AWAP register.

Lillian Roxon was born Liliana Ropschitz in 1932, the daughter of Polish Jewish parents Izydor and Rosa. She spent her early childhood in Alassio on the Italian Riviera before emigrating with her parents and her brothers, Emanuele and Jacob, in 1940. They settled in Brisbane, where Izydor began work as a doctor. In November 1940, the family changed their name by deed poll to Roxon (though Izydor later changed again to Roxon-Ropschitz). They became known as Isadore, Rose, Milo, Lillian and Jack.

Lillian was strongly influenced by the influx of American popular culture in wartime Brisbane, particularly after troops arrived with General MacArthur in 1942. At school she demonstrated obvious intelligence and was a great story-teller, but she was rebellious and she aimed to shock. In 1944, aged twelve, she was sent to St Hilda's School at Southport, an Anglican boarding school for girls. The discipline did not find its mark with Lillian, and she completed her secondary schooling at Brisbane State High School. As a teenager, she socialized with members of the Miya Studio and the Barjai group in Brisbane, and kept up a friendship with Barbara Blackman.

Roxon matriculated in 1948, and the following year she enrolled for a Bachelor of Arts at the University of Sydney. Almost inevitably, she became

involved with the Sydney 'Push', a 'self-styled group of socially, intellectually and sexually adventurous young people' who followed the philosophies of John Anderson, and of the Freethought Society co-founded by him. Essentially this meant questioning authority, particularly the authority of church and state. Lillian spent many formative hours with artists, actors, journalists, students, musicians, poets and fellow Push members at the Push hang-out, the Lincoln Inn Coffee Lounge. As an undergraduate, she contributed to the University's student newspaper, *Honi Soit*, including a regular gossip column called 'Postman's Knock'. She took five years to complete her degree, graduating in 1955 with majors in English and Philosophy.

In 1956, Roxon's father passed away, and she spent eight months in New York. From January 1957, to the chagrin of her mother, she was writing for *Weekend*, Frank Packer's weekly tabloid magazine in Sydney. Roxon became chief reporter and section editor under Donald Horne. Soon afterward she returned to the United States, where she was employed at the New York bureau of the Sydney *Daily Mirror*. A short stint in London saw her writing for the *Sydney Morning Herald's* Fleet Street bureau, but Roxon returned once again to New York as a freelance journalist. Her weekly column appeared in the women's pages of the Sydney *Sun* from 1962. She also wrote for the *Sun-Herald* and the *TV Times*, and became the first female full-time employee at the New York office of the *Sydney Morning Herald*. Roxon wrote for the *Herald* until the end of her life. On occasion, feature articles for *Woman's Day* brought her into contact with the big names of the era. One assignment saw her on the set of *Night of the Iguana* in Mexico with director John Huston and actors Richard Burton, Ava Gardner and Deborah Kerr. Elizabeth Taylor was also on set, and Roxon mixed with them all.

Evidently, Lillian Roxon was not phased by big names. By the 1960s, she was indulging a deep fascination with the new, fast and loud world of rock music and becoming well acquainted with the major rock musicians of the period. Her strong friendship with rock photographer Linda Eastman ended only with Linda's marriage to Paul McCartney. Roxon was renowned for her journalism, but perhaps found greater fame with her commentary on rock music, though the two often combined. In 1969 she published her now famous *Rock Encyclopedia*. It was, boasted its cover, 'the most ambitious book ever written on rock and its roots, an innovative treatment of the generation's heroes - the poets and minstrels of our time'. The encyclopedia listed rock groups, their members and their instruments, and contained biographical information, discographies and statistical analysis. It covered everyone from Chuck Berry to James Brown, Jimi Hendrix, Janis Joplin, Bo

Diddley and the Beatles, and was written with Roxon's trademark wit. The book was republished in 1971, and again by Eddie Naha in 1980. In her author's note, Roxon explained that 'trying to get the rock world to keep still long enough for me to take its picture was one of the most difficult tasks in putting this book together. Groups split even as I wrote of their inner harmony, and got themselves together just as I had acknowledged their tragic demise. Baritones turned sopranos overnight; bands expanded and contracted their personnel like concertinas... but then, isn't this restlessness exactly what rock is all about?' In the end, said Roxon, 'the music itself has to tell the story. This book is the companion to that story'.

By the early 1970s she had a regular column, 'The Top of Pop', with New York's *Sunday News*, and another, 'The Intelligent Woman's Guide to Sex' in *Mademoiselle* magazine. Roxon had well and truly carved her own niche. Toward the end of her life, says biographer Robert Milliken, she 'had an influential platform in New York as a popular feminist as well as a rock expert'. Roxon never married. Troubled by asthma throughout her life, she was finally overcome by the illness and died in her New York home on 10 August 1973, aged 41.

BARBARA LEMON

## Image

Image reproduced courtesy of the Sydney Morning Herald

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© Australian Women's Archives Project, 2008  
<http://www.womenaustralia.info/exhib/cal/roxon.html>

**Search the Australian Women's Register**

# **Exhibit W**

# THE ADVERTISER

## NEWS

### Lecturers in world-first male studies course at University of South Australia under scrutiny

- POLITICAL EDITOR TORY SHEPHERD
- THE ADVERTISER
- JANUARY 12, 2014 8:08PM

**LECTURERS in a "world-first" male studies course at the University of South Australia have been linked to extreme views on men's rights and websites that rail against feminism.**

The lecturers' backgrounds are likely to spark controversy, but organisers of the predominantly online course, promoted as the first of its type in the world, insist they are not anti-feminist and "it's very difficult for anybody who has opposing views to get a word in".

Two lecturers have been published by prominent US anti-feminist site A Voice for Men, a site which regularly refers to women as "bitches" and "whores" and has been described as a hate site by the civil rights organisation Southern Poverty Law Centre.

The US site specifically welcomed the UniSA course as a milestone, editor Paul Elam saying it marked the end of feminists' control of the agenda.

One American US lecturer - US attorney and self-professed "anti-feminist lawyer" Roy Den Hollander - has written that the men's movement might struggle to exercise influence but that "there is one remaining source of power in which men still have a near monopoly - firearms".

He also argues that feminists oppress men in today's world and refers to women's studies as "witches' studies".

Another, US psychology professor Miles Groth, says that date-rape awareness seminars might be deterring men from going to university.

Mr Den Hollander has tried to sue ladies' nights for discrimination against men. He has likened the position of men today to black people in America's south in the 1950s "sitting in the back of the bus", and blames feminists for oppressing men.

The course, which has no prerequisites, begins this year and will canvass subjects from men's health to gender bias.

Course founder Gary Misan, from UniSA's Centre for Rural Health and Community Development, said they were "not anti-women" and that lecturers were associated with a range of groups.

"I wouldn't say any of them are extreme or anti-feminist," Dr Misan said.

"The aim of the courses are to present a balanced view and to counter some of the negative rhetoric that exists in society in general and in some areas of academe about men.

"It's very difficult for anybody who has opposing views to get a word in. As soon as somebody mentions anything they perceive as being anti-feminist, they're pilloried, and in some cases almost persecuted."

Dr Misan also said that writing something for a specific website did not necessarily suggest an affiliation.

Dr Michael Flood, from the University of Wollongong's Centre for Research on Men and Masculinity, said these types of male studies "really represents the margins".

"It comes out of a backlash to feminism and feminist scholarship. The new male studies is an effort to legitimise, to give academic authority, to anti-feminist perspectives," he said.

Flinders University School of Education senior lecturer Ben Wadham, who has a specific interest in men's rights, said there was a big difference between formal masculinity studies and "populist" male studies.

He said there were groups that legitimately help men, and then the more extreme activists.

"That tends to manifest in a more hostile movement which is about 'women have had their turn, feminism's gone too far, men are now the victims, white men are now disempowered'," he said.

"I would argue that the kinds of masculinities which these populist movements represent are anathema to the vision of an equal and fair gendered world."

Dr Wadham said that universities needed to uphold research based traditions instead of the populist, partisan approach driven by some.

Men's Health Australia spokesman and Male Studies lecturer Greg Andresen is also the Australian correspondent for US-based site *National Coalition For Men*, which declares false rape accusations to be "psychological rape", argues that talking about violence against women makes men invisible.

Asked about his connection to NCFM, he said they were the longest-running organisation in the world to look at discrimination against men and boys.

"Certainly they don't shy away from touching issues like false rape allegations, domestic violence, some of those hot topics," he said.

"We have had 20 if not 30 or 40 years where the only study on gender has been from a feminist perspective ... that's why I think this course is so long overdue," he said.

UniSA's Provost and Chief Academic Officer, Professor Allan Evans, said the courses covered important men's health issues and would equip allied health professionals who deal with men's health.

"All new courses are reviewed thoroughly prior to being offered to ensure they are suitable and beneficial to our students," he said.

# HERALD SUN

## NATIONAL NEWS

### **University of South Australia gives controversial Male Studies course the snip**

- TORY SHEPHERD POLITICAL EDITOR
- THE ADVERTISER
- JANUARY 14, 2014 11:15AM

**CONTROVERSIAL aspects of a Male Studies course will not go ahead, the University of South Australia says - though lecturers involved with it still believe that it will.**

*The Advertiser* revealed yesterday that some of the lecturers listed for the professional certificates had links to extreme men's rights organisations that believe men are oppressed, particularly by feminists.

The university yesterday said two short courses that would cover male health and health promotion programs targeting males had been approved, that "no other courses have been approved" and that only university staff would teach the courses.

Over the past two days, *The Advertiser* has spoken to several lecturers who believe the remainder of the proposed courses - on topics including gender bias and male power and privilege - are set to go ahead. An information sheet on the Male Studies course said it would be considered "if there is sufficient interest".

US "anti-feminist" lawyer Roy Den Hollander said yesterday that he was preparing a course that looked at how the law favours females when it comes to employment, crime, domestic relations, property, divorce and illegitimate children.

"The course is really looking back at 200 or 300 years of history and how the law treated guys and girls - and it treated girls more favourably than guys and it still does, maybe even more so.

Mr Den Hollander also stood by his claim that men's remaining source of power was "firearms". Asked whether he thought that was "extreme", he said that it was true that it was "really the only area that they control in society now".

He said that even where men dominate areas such as boards and politics, they are still enforcing the belief system of feminism.

However, Mr Den Hollander is unlikely to be able to tell Adelaide students about similarities he sees between the men's rights movement and the civil rights movement, as the university says the subject he is down to teach was never approved.

A statement from the university issued yesterday said only UniSA staff would develop and teach courses, and that the university did not "endorse or support the controversial comments on gender issues" revealed in yesterday's *Advertiser*.

Yesterday men's rights activists attacked criticism of the course as lies, corruption and fascism.

"As we know, feminist ideologues are well placed with the luxury of great control. But while this is clearly an exercise in their power, it is an exercise in power that is waning," Paul Elam, editor of the anti-feminist site A Voice For Men wrote, adding the "only way forward" was "straight through them".

National Union of Students president Deana Taylor said a course like that proposed for the university provided "a dangerous platform for anti-women views".

# NEWS

## Tory Shepherd: Pathetic bid for victimhood by portraying women as villains

TORY SHEPHERD THE ADVERTISER JANUARY 14, 2014 11:04PM

**IF you accuse a bunch of men's rights extremists of calling women whores and bitches, be prepared for them to deny they call women whores and bitches.**

And then prepare for them to call you a whore and a ... well, worse.

Which is no big drama - I learned long ago what happens if you cross these guys. Besides, last week I was called ShortHairLargeArse and ButchHairBargeBum. Far more accurate insults, although my hair has really grown quite long lately.

But I'm pretty keen to go over some of the ground that's been covered this week after uncovering plans to have a Male Studies course at the University of South Australia.

Most of the courses now won't go ahead - the uni says they were never approved, while other materials they say were pending sufficient interest, and a swag of proposed lecturers seemed to think they were locked in.

**READ MORE:** Gillard 'treatment' a political turnoff

Big ups to UniSA for having the sense to reject anything linked to those at the very fringe of the men's rights spectrum, and instead focus on men's health, taught by their own lecturers, not overseas ring ins.

You'd think I'd shut up now the plans are off the table, but it's really important to get across the bigger picture. See, most people probably think that the men's rights guys I was talking about - the ones who habitually call women names, argue that they routinely make up rape, and put it about that women either incite their own domestic violence or are the abusers themselves - are just circle-jerk misogynists.

They are - misogynists, I mean. And we're talking old-school misogyny - the hatred of women - as well as the new-school misogyny - entrenched prejudice against women.

Not just harmless condescension or unthinking stereotypes, but some serious anger.

The problem is, the circle is no longer closed, no longer just a bunch of angry guys in a basement. They're trying to get up the stairs and into the light.

They want to play outside with legitimate experts in men's issues and male disadvantage.

It's a classic tactic, used by pseudoscientific fraudsters. Adopt the language of the actual scientists. Find odd reports and old stories, random statistics and shocking anecdotes, and stitch them into a Hannibal Lecter-style creation that mimics valid inquiry.

Try to sound like the real deal, and look enough like them to fool some people, some of the time.

The good news is most of them struggle to keep up the farce. Paul Elam, editor of *A Voice For Men*, which is the global hub of men's rights delirium, popped up on FiveAA yesterday and said it was a lie that his site referred to women as bitches. That is, in turn, a lie. Any doubters should just Google it.

I suspect that Mr Elam's defence, as it is entirely clear that he loves to call women names, that he thinks women sometimes are "begging" to be raped, that he scoffs at domestic violence and seems to think women deliberately provoke violence against themselves to somehow get at men, is rather piss weak.

Maybe he just uses those words to describe feminists. He may even follow his managing editor's line of logic. Dean Esmay, talking about *The Advertiser* story on how their site likes to call women whores and bitches, said yesterday:

"We do not regularly call women as a class whores or c\*\*ts... we will on occasion call a woman, like Tory Shepherd or a man like (University of Wollongong lecturer) Michael Flood a whore, a c\*\*t, or a bitch... yes, we use heated rhetoric."

Yes, they do use heated rhetoric, and they do bang on interminably about how hard done-by men are.

Not in the important areas of health, where men are behind, or even education, where the same thing is happening. Or suicide.

No, not because of that, but because they keep getting ripped off and attacked by crazy bitches and feminazis out to oppress them.

Poor boys, trying desperately to claim the mantle of victimhood. It would be pathetic if it wasn't for the fact that they are trying to make women into villains at the same time.

It could be dismissed if they weren't trying to creep in where they are not needed, or wanted. If they weren't trying to lobby for law changes or to brainwash people into thinking black is white.

The shades of grey, of course, are that sometimes men are victims - of domestic violence, of false rape accusations, of gold diggers.

But these guys drown out any real discussion with their endless angry spittle. And that's the real bitch.

# NEWS

## Men's rights campaigner Roy Den Hollander attacks *The Advertiser's* Tory Shepherd in bizarre legal writ filed in New York County

TORY SHEPHERD THE ADVERTISER JUNE 18, 2014 2:15PM

**ROY Den Hollander calls me a female-dog-in-heat reporter and a harpy, and says if feminists are hot, they can walk all over him in their stilettos.**

Which isn't all that interesting in and of itself, except this is the guy who wanted to teach the men of South Australia about their position in the world.

After *The Advertiser* revealed UniSA was planning a course in men's studies that included men with links to US men's rights extremists, the course was canned.

Well, according to the university it was never formally approved, although there was a course list in existence and certainly Mr Den Hollander thinks he was in line to be paid \$1250 to lecture.

His subject was going to be about how the law discriminates against men and in favour of women.

See, Mr Den Hollander is a proudly "anti-feminist" lawyer with a fairly unsuccessful track record.

Most famously, he lost a court case where he tried to sue nightclubs for hosting ladies' nights – alleging they discriminated against men by giving women cheaper or free drinks or entry.

Now Mr Den Hollander is suing me (as the political editor of the "online newspaper *The Advertiser-Sunday-Mail-Messenger*) and Fairfax journalist Amy McNeillage from his home base of New York County.

■ WATCH: THE COLBERT REPORT ON ROY DEN HOLLANDER

So this is now the subject of legal action – from the land where free speech is in the Constitution.

So I probably can't bang on too much. But Mr Den Hollander, representing himself, has penned a legal document (handed over to *The Advertiser* by a sheriff – who knew we had sheriffs?) that cannot remain between me and my lawyer. It's gold and genius like this should be shared.

So with no further ado, here are some lessons from Mr Den Hollander, who will not be paid to give lessons at UniSA:

**Lesson 1: How to censor a journalist by accusing them of censorship.**

"Two modern-day, book-burning, Bacchae reporters from down-under authored and published false and misleading information concerning Plaintiff (Den Hollander) with the intent and result of harming his economic interests and interfering with a prospective economic advantage by causing the University of SA to incinerate the section of a proposed male studies course that Plaintiff would have taught," he writes. But wait.

**Lesson 2: How to personally attack a journalist by accusing them of personal attacks.**

"The two reporters, Tory Shepherd, AKA "Tory the Torch" for *The Advertiser* and Amy McNeilage, AKA "Amy McNeuter" for *The Sydney Morning Herald*, used their power as reporters to do what weak-minded ideologues have done throughout history — employ personal attacks to prevent the spread of knowledge and ideas that they disagreed with."

**Lesson 3: How to prove you are not an extremist by sounding like an extremist.**

"If these two feminist book-burners had not jumped on their broomsticks and scared the bejesus out of the administrators of the University of SA, students there would have had an opportunity to acquire information and consider views not available anywhere else in higher education."

Brilliant, no?

Mr Den Hollander goes on to argue that the "psychological-bacchanalian frenzy" was "yellow, female-dog-in-heat reporting" that somehow created the impression that he was "evil and should figuratively, if not literally, have his tongue cut out". And questions where I "ever uttered a disparaging word about men when going through the trouble of maintaining blonde hair at (my) age". Whatever that means.

"Thank goodness for Australians that Tory was not around for Australia's battle against the Japanese. Her anti-gun advocacy for men might have even resulted in her and Amy ending up as Japanese 'comfort girls'," he writes.

He also talks of his concern that "alien wives and girlfriends" are making up phony abuse cases against men, and that men are being targeted by feminists because they were trying to escape said feminists by going overseas for girlfriends.

Guys don't get off scot-free, though – he also has a crack at "girlie-guys". In the men's rights vernacular, "girlie-guys" are usually known as "manginas". The terms refer to males who

believe in equality for women – in Mr Den Hollander’s words: “girlie-guys who hope that by being sycophants, they can avoid being hexed by the feminists”.

It’s at about this point that I start to wonder: Why on Earth give such a man more publicity?

But it’s important, I think, to remain aware and wary of people like Mr Den Hollander.

I suspect the people at UniSA who flirted with the idea of bringing him over to teach may not have really understood his philosophy.

I also wanted to use this opportunity to put on the public record that I may be a harpy, and somewhat bacchanalian, but I never, ever wear stilettos.

# **Exhibit U**



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**Fwd: Male studies course**

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**Miles Groth** <mgroth@wagner.edu>  
To: Roy Den Hollander <roy17den@gmail.com>

Mon, Sep 1, 2014 at 12:45 PM

----- Forwarded message -----

From: **Shepherd, Tory** <tory.shepherd@news.com.au>  
Date: Thu, Jan 9, 2014 at 7:18 PM  
Subject: Male studies course  
To: "mgroth@wagner.edu" <mgroth@wagner.edu>

Hi there – I need to speak to you about a story I'm writing on the Male Studies course- could you please get in touch? My number here is 0011 8 8206 2270

Thank you!

Tory

**Tory Shepherd**  
**Political Editor**

**D:** +61 8 8206 2270 **E:** tory.shepherd@news.com.au  
Twitter: @ToryShepherd

adelaidenow.com.au

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**Fwd: Male studies course**

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**Miles Groth** <mgroth@wagner.edu>  
To: Roy Den Hollander <roy17den@gmail.com>

Mon, Sep 1, 2014 at 12:46 PM

----- Forwarded message -----

From: **Shepherd, Tory** <tory.shepherd@news.com.au>  
Date: Thu, Jan 9, 2014 at 7:51 PM  
Subject: RE: Male studies course  
To: Miles Groth <mgroth@wagner.edu>

This one!

[http://www.bswhn.org.au/attachments/article/900/malestudies\\_eoi.pdf](http://www.bswhn.org.au/attachments/article/900/malestudies_eoi.pdf)

**From:** Miles Groth [mailto:mgroth@wagner.edu]  
**Sent:** Friday, 10 January 2014 11:15 AM

**To:** Shepherd, Tory  
**Subject:** Re: Male studies course

Hello!

You speak of "the Male Studies course." Which are you referring to? I will be happy to respond to you.

M Groth, PhD

[Quoted text hidden]

[Quoted text hidden]



plans to offer the first certificate and the other three proposed certificates, which will be the first graduate certificates in male studies anywhere in the world, to be followed in due course by a master's degree and a doctorate in the field. It is a much needed area of study given the importance of emergent health and well-being issues affecting men worldwide, as well as trends in education of boys and young males at the primary (elementary school) level and university level.

Boys are now well behind girls in primary school achievement; the suicide rate for teenage males is four times that of females at the same age in the States, Canada and other great democracies such as Australia; attendance at university is under 40%, an all-time low in the States. Research on male health (prostate cancer, for example) lags behind that of all health research (hypertension, diabetes) and research on female-specific ailments (breast and uterine cancer) in funding, which is a concern for our large democracies which need healthy men and women, fathers and mothers. The suicide rate for early middle-age men (30s and 40s) has increased dramatically in the last two decades, reflecting a decrease in health and well-being of men, in part due to economic trends in the States. My understanding is the economy is stronger in Australia, which means that the reasons for this tragedy are psychological. None of is good for women and female partners of men, children, and the parents of men in their prime years.

I am certainly encouraged to see UniSA in collaboration with the Australian Institute of Men's Health and Studies (AIMHS) (see the announcement you forwarded to me) taking the initiative in addressing these issues by offering instruction and professional certification for individuals (male and female) who wish to work with men and boys in healthcare, education and policy-creation. There is a great deal of informing to do about issues that have remained in the shadows for a very long time, and individuals with such certificates will be in a position to do this as counselors, nurses, teachers and others are much needed.

I think everyone will be supportive of your bringing this male-positive, proactive work to the readership of the *Advertiser*! As for hate, I see none of it in any of this. To the contrary, this is inspired by interest in supporting men and boys, which is good for women as well as the men served.

I am happy to talk with you more about this if you have additional questions.

[Quoted text hidden]

[Quoted text hidden]



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**Fwd: Male studies course**

---

**Miles Groth** <mgroth@wagner.edu>  
To: Roy Den Hollander <roy17den@gmail.com>

Mon, Sep 1, 2014 at 12:46 PM

----- Forwarded message -----

From: **Shepherd, Tory** <tory.shepherd@news.com.au>  
Date: Fri, Jan 10, 2014 at 12:46 AM  
Subject: RE: Male studies course  
To: Miles Groth <mgroth@wagner.edu>

The story I'm writing is about links between some of the lecturers in the new course and the fringe elements of the men's rights movements, so I'm trying to find out more on what people are passionate about...

**From:** Miles Groth [mailto:mgroth@wagner.edu]  
**Sent:** Friday, 10 January 2014 12:44 PM

**To:** Shepherd, Tory  
**Subject:** Re: Male studies course

I'm not certain what your second question has to do with the certificate course at UniSA.

[Quoted text hidden]

[Quoted text hidden]





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**Fwd: A Job Well Done!**

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**Miles Groth** <mgroth@wagner.edu>  
To: Roy Den Hollander <roy17den@gmail.com>

Mon, Sep 1, 2014 at 12:47 PM

----- Forwarded message -----

From: **Shepherd, Tory** <tory.shepherd@news.com.au>  
Date: Mon, Mar 3, 2014 at 7:35 PM  
Subject: RE: A Job Well Done!  
To: Miles Groth <mgroth@wagner.edu>

I have no idea what you're talking about.

If there is any substance to what you say, I'd be happy to write a follow up story.

**From:** Miles Groth [mailto:mgroth@wagner.edu]  
**Sent:** Tuesday, 4 March 2014 11:34 AM  
**To:** Shepherd, Tory  
**Subject:** A Job Well Done!

Tory,

Since talking with you here some weeks ago, a great deal has happened as a result of your article in the *Advertiser*, as you know. What you may not know is that since the program of studies was cancelled by the University of South Australia, many thousands of elderly men in the Outback will now not receive care, hundreds of thousands of boys will not be served who have been diagnosed with ADHD, the children (boys and girls) of fathers who would have been supported in dealing with divorce will now be left adrift, and in general the health care needs of young and middle-age men will be under-served overall. A job well done! And, yes, the impact of this on women and girls will be just as strong. That may not have been factored in your decision to submit a piece about an educational endeavor you did not really understand. How gratifying it must be! I will sleep well tonight. All the best to you.

Dr. Groth

PS: There are a number of courses on ethics in journalism to be had online at the Uni and elsewhere.

--

Miles Groth, PhD, Professor  
Department of Psychology  
Wagner College  
Staten Island, NY 10301

# **Exhibit X**

The Sydney Morning Herald

# Hands on with iPad news aggregators

Date

June 18, 2010



Gadgets on the go

*Adam Turner is an award-winning Australian freelance technology journalist with a passion for gadgets and the "digital lounge room".*

[View more entries from Gadgets on the go](#)

[Zoom in on this story. Explore all there is to know.](#)

The Early Edition on the iPad.

Newspapers are rushing to embrace the iPad, but impressive news aggregator apps are beating the media giants at their own game.

Old school media giants are hoping the iPad will offer a platform on which they can charge for content, which is obviously a challenge when they continue to give away that content for free on their websites and RSS feeds. The issue came to a head last week when the New York Times demanded Apple pull the Pulse iPad RSS reader from the iTunes store, with the NYT claiming the app was infringing copyright by using the paper's RSS feeds without permission. The whole situation would be laughable if it wasn't such an important issue that demonstrates the challenges facing old-world media dinosaurs in the new online age. Thankfully Apple didn't side with the New York Times, despite their close relationship, and Pulse was quickly returned to the iTunes store.

On Monday I took a look at some of the iPad apps offered by newspapers, but today I want to look at four impressive news aggregators; Pulse (\$4.99), The Early Edition (\$4.99), Sources(\$2.49) and PressReader (free).

Sources is really just an elegant skin for the Australian Google News website, copying the top headline in each news cluster. Compare Source's Science & Technology listing with Google News Australia Sci/Tech listings and you'll see they're identical. Sources just leaves out the images and only shows the top headline in each group of stories. Click on a headline and it opens a browser window within the app, with a Related button offering links to other stories in that Google News cluster.

Sources offers a nice looking interface, with the ability to change the font size and add your own RSS feeds. You can also add custom topic searches, such as "Kevin Rudd", but again this is sourcing its stories from Google's "Personalized Edition" feature. You'll get all the same information by viewing the Google News page in Mobile Safari, with the added benefits of seeing the pictures and extra story links that Sources strips away on its main pages.

Unlike Sources, Pulse is a dedicated RSS reader. You can load up to 20 RSS feeds, which are displayed in strips across the page. You can scroll across a strip to view entries in that feed, looking at the headline and either a pic or the intro. Tap on an item and it opens up a view of the RSS feed, with a web button that gives you a browser view (still within the app) so you can see the entire story.

One of Pulse's strengths is that while you're reading a story in portrait mode, the scrolling list of stories in the feed is displayed across the bottom of the screen - making it really easy to flick between stories. You can also stay in browser view, rather than flicking back to RSS view each time you flick to a new story, which offers a very smooth reading experience.

Pulse lets you search for RSS feeds, choose from a list of Features Sources or import feeds from Google Reader, which is

probably the easiest way to manage your feeds. The 20 feed limit is frustrating, but you could get around this by using services such as **Yahoo! Pipes** to combine feeds. Pulse doesn't seem to like Yahoo! Pipes feeds, but you can work around this by filtering them through other RSS services such as **FeedRinse** (although keep in mind the more step in the process the less up to date your RSS feeds will be).

**The Early Edition** (pictured above) doesn't look as slick as Pulse, but it's a lot more flexible. It's a "river of news" style reader which draws on multiple RSS feeds and lays out the results like a newspaper page. I've seen desktop RSS readers offer something similar, but this is the first time I've seen it on the iPad. The result is more impressive than some of the iPad apps offered by the newspapers. The front page displays around 10 stories, with the headline, the first few paragraphs and sometimes a pic (depending on what's included in the RSS feeds). If the full story is provided by RSS you can scroll through the text in the box or tap on it to open the story. Sometimes you'll only get a snippet but you can click on a link to view the original website while remaining within the app.

One of the things I love about **The Early Edition** is that I can keep flicking to see page after page of headlines, intros and pics laid out just like a newspaper. You even get an iBooks-esque curling page turn. **The Early Edition's** real strength is the ability to edit and group the news feeds. It contains 350 news feeds by default, split into categories such as Business, Design, Food & Wine, Politics, Technology and World News. You can click on All Feeds to see them all mixed together, or a single category to see just those feeds mixed together. You can even just click one feed to see all its articles laid out on the page. So it's possible to design your own custom newspapers and easily switch between them. There's also a Today button to ensure you're only reading the latest news.

The icing on the cake is that you can add new feeds and new categories, plus you can import feeds from Google Reader or an OPML file. If you know your way around Yahoo! Pipes you can dig into the newspaper websites and RSS feeds to build custom newspapers that would make the New York Times' lawyers turn purple.

The fact **The Early Edition** relies on RSS feeds is both its strength and its weakness. Sometimes you get the whole story, while sometimes you need to tap again to view the original (similar to Pulse). The story layout is very basic, you can't adjust the font size and you can't flick left and right directly to the next story. It would be great if **The Early Edition** could add a few features from Pulse, such as the ability to flick between stories and stay in browser mode.

The newspaper feeds are more user-friendly in Pulse because you can remain in browser mode, although it can be slow to load the bloated newspaper pages. **The Early Edition** makes it easier to skim through stories as you do with a physical newspaper, while Pulse is perhaps better suited to picking through blogs.

iPad apps such as **The Early Edition** and Pulse are putting the pressure on newspapers to deliver iPad apps that offer a superior reading experience to Mobile Safari. We've seen how the New York Times responds to such pressure, lets hope other publishers can take a more sensible approach.

Then you have **PressReader**, an iPad/iPhone newspaper app which is in a league of its own. **PressReader** is linked to the **PressDisplay** service, which lets you download digital copies of newspapers from anywhere in the world. You pay 99 US cents for each section of the newspaper under the Pay As You Go Plan, but the \$US9.95 per month plan buys you 31 credits and the \$US29.95 plan buys you unlimited credits. Depending on how many sections you read, it's pretty good value compared to the cost of buying the paper each day. The iPad app comes with 7 free credits, although I think you can get a better free credit deal if you create an account via the website. **PressReader** also features subscription options for automatically downloading sections each day.

**PressReader** downloads each newspaper section as a hi-res PDF, so you can flick through the pages as you would a normal newspaper. You can zoom in on an article to read it, but they've also been converted to text so you can tap on a story to bring it up in a text box. From here you can scroll through the story (changing the font size if you wish) and even tap on a button to have the story read aloud in a surprisingly natural female digital voice. Once you've opened a text box, you can jump to the next story with a tap rather than closing and opening the box again.

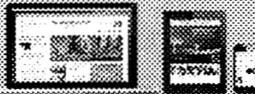
The user experience is very slick and probably the closest I've seen to replicating the traditional newspaper experience. The Age and SMH sections I downloaded were each around 50MB, so you might want to download the paper at home each morning rather than doing it on the train via a mobile broadband network. Tehnically you might be able to replicate something similar using **The Early Edition** and **Yahoo! Pipes**, but once you've seen **PressReader** in action you'll happily

hand over 99 cents per section. If the newspapers want people to cough up money for their dedicated iPad apps, they need to match the slick user experience of PressReader.

On top of this, PressReader offers an Online option which creates a "river of news stream" from papers around the world - you can tap on any story to read it and then see a list of related stories from other newspapers. You can even search for terms, such as Socceroos, and get a list of stories from various newspapers (which can be filtered according to country or language). As far as I can tell the online options are free, although the pricing model isn't very well explained.

From what I've seen, PressReader blows everything else out of the water. It almost seems too good to be true, but it is legit. This hasn't stopped the publishers trying to nobble it. It seems Fairfax is attempting to block NSW readers from downloading the Sydney Morning Herald and the Sun Herald, there's a long thread about it over at [Whirlpool](#). It's worth reading through that thread if you're thinking about signing up for a PressReader subscription.

Regular readers will know that I've been slow to warm to my iPad, even though I've had it since a few days after the US release. My argument has always been that the iPad is really just a luxury toy unless you can find a good use for it. If you're a news junkie, apps such as The Early Edition, Pulse and especially PressReader could be the excuse you've been looking for to buy an iPad. Soon I'll take a look at what the iPad has to offer in terms of magazines.



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# **Exhibit V**



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## Male Studies course

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**Shepherd, Tory** <tory.shepherd@news.com.au>  
To: "rdhhh@yahoo.com" <rdhhh@yahoo.com>

Thu, Jan 9, 2014 at 7:38 PM

Hi there – I'm trying to get in touch for a story I'm doing on the UniSA course you're involved with, but can't find a phone number for you – could you please get in touch? By email or phone – 0061 8 8206 2270

Thank you!

Tory

**Tory Shepherd**  
**Political Editor**

**D:** +61 8 8206 2270 **E:** tory.shepherd@news.com.au  
Twitter: @ToryShepherd

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