

Our Ref: ED:150460

Your Ref: -

Contact
Eli Davis-Ross
(03) 8621 8883

5 May 2015

Mr Brian Martin
C/- School of Humanities and Social Inquiry
University of Wollongong
WOLLONGONG NSW 2522

By email: bmartin@uow.edu.au

Dear Mr Martin

NOTIFICATION OF INTENT TO PUBLISH

We act for Mr John Cunningham.

We are receipt of your email dated 4 May 2015 (*your email*).

Your email states that you intend to publish an 'article', in which you propose to make certain references to our client.

In particular we note your proposed publication will:

1. make reference to a purported 'mobbing' of a Ms Judy Wilyman;
2. make reference to our client which, by inference, appears to link our client to such purported 'mobbing' of Ms Wilyman;
3. refer to certain statements made by our client as being incorrect and adverse.

We are instructed that at no time was our client a party to any alleged 'mobbing' of Ms Wilyman. Further, we note that all statements made by our client in response to Ms Wilyman were factually correct and referenced, where appropriate, supporting third party sources.

Our client considers that any statements published in the manner or subject outlined above, as alluded to in your email, carry the following defamatory imputations:

1. that our client was involved in, or otherwise a party to, organised (and unwarranted or illegal) action against Ms Wilyman, whether personally or professionally, which caused loss, damage or harm to Ms Wilyman or otherwise victimised Ms Wilyman;
2. that our client has made statements regarding matters of medical research which are incorrect; and
3. that our client has made statements regarding Ms Wilyman and certain medical research and knowledge associated with Ms Wilyman's topic of study which are adverse (either to the study of medicine or Ms Wilyman personally) and which are by imputation false.

We are instructed that there is no reasonable basis in fact for any of the imputations which you propose to publish.

We hereby put you on notice that we are instructed to bring such action as is necessary to protect our client's personal and professional reputation and good standing. Accordingly, if we do not receive a written undertaking from you not to publish any statement or imputation regarding our client (whether direct or by inference) which is likely to defame or otherwise cause damage to our client, by 9 a.m. AEST on 6 May 2015, we shall seek our client's instructions with respect to taking any action necessary to prevent publication of any defamatory imputations, which action may include seeking urgent injunctive relief in the Supreme Court of Victoria.

We further put you on notice that in the event that you proceed with publication of any defamatory imputations regarding our client, our client reserves his right to bring action against you to recover any loss and damage suffered by him as a result of such publication, including the recovery of all our client's legal fees associated with such action.

Please note that, publication of defamatory imputations includes, without limitation, communication of such imputations to another person, whether in writing, orally or other means of communication.

We now await your urgent response.

Yours sincerely



Eli Davis-Ross

edavis-ross@grillohiggins.com.au