

# STIASSNY'S SUBMISSION

3

NOVEM. 2001

TO COURT  
OF APPEAL

## 2.0 The Respondents' Case

2.1 The respondents' case, largely accepted by Her Honour, was that firstly the appellants had set up a website making the most serious allegations of criminal and grossly unethical conduct by Mr Stiassny in respect of a relatively brief receivership he undertook at the instigation of the respondents. The extraordinary attack on Mr Stiassny's personal and professional ethics and integrity was compounded by the highly sophisticated techniques adopted by the respondents to promote and publicise the website. The respondents' decision to hire two billboards on Hobson Street and Beaumont Street drawing attention to Mr Stiassny and the website were designed to reach the maximum number of people in the most public way. In such circumstances a court is entitled to look at both the content and the methods adopted to distribute the defamatory material when assessing what is an appropriate remedy.

★ 2.2 Secondly, the appellants' complaints had already been examined and rejected by ICANZ and the Serious Fraud Office.

★ 2.3 Thirdly, having failed to satisfy the appropriate regulatory authorities that there was any merit to the appellants' allegations, the appellants then published significantly more exaggerated and outrageous statements on the website with the intent of reaching the widest possible audience.

2.4 Fourthly, clear from the relevant contemporary documents, including the appellants', that there was no reasonable likelihood of the appellants being able to rely on truth, honest opinion or qualified privilege as a defence.

## 3.0 The Website

3.1 A full transcript of the website can be found annexed to the affidavit of A R Garrett, 19 April 2005 [COA 3 pp 556 – 700]. It is divided into six sections headed Welcome, Why Michael Stiassny?, Chartered