

Gunns 20 legal update

March '06

The proceedings

In December 2004, Gunns Ltd, Australia's largest export woodchipper, commenced civil proceedings in the Victorian Supreme Court against 20 individuals and organisations.

Gunns are claiming compensation for media statements, so-called unlawful lobbying of shareholders and customers, and disruption of its logging operations.

Versions 1 & 2 of the statement of claim* were struck out by Justice Bongiorno last July. A 3rd version of the claim has been filed. A number of serious claims were dropped against several defendants within this version.

This March will see the defendants apply to the court to have version 3 of the statement of claim struck out. The hearing is scheduled for 9 March and will run for around three days.

In the lead up to the hearing, the defendants' legal teams have made written submissions to the court arguing Gunns' case should be thrown out on a variety of grounds. Gunns have made submissions in answer to this. The final step before the hearing will be a response by the defendants' lawyers to Gunns' submissions. At the hearing, barristers for the defendants and for Gunns will make verbal presentations to the Judge. The Judge can also question the barristers on their arguments.

The hearing on March 9 will be before Justice Bongiorno in the Supreme Court of Victoria. The Supreme Court is located at 210 William St, Melbourne (close to Flagstaff train station). The hearing will start 10am. The general public are able to attend.

Thank you!

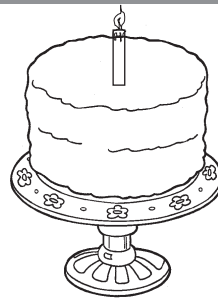
...To those able to donate to the December appeal and to all supporters for their continued interest in this landmark case.

Costs

In August 2005, Justice Bongiorno awarded costs to the defendants following the successful strike out of Gunns first and second statements of claim.

This means Gunns will be obliged to pay part, *but not all* of the legal costs of the defendants up to and including the strike out hearing in July 2005.

Whilst difficult to estimate, the costs award will probably cover 60-75% of the actual legal costs of the defendants. This means defendants will still be required to pay 25-40% of their own legal costs despite having successfully struck out Gunns' claim.



1st birthday for Gunns20!

It's just over a year since timber giant Gunns Ltd launched its claim against 3 environment groups and 17 individuals (the 'Gunns20')

6th defendant in the case, The Wilderness Society (TWS), marked the first anniversary of the case in December by delivering a first birthday cake to Gunns' head office in Launceston.

Spokesperson for TWS, Dr Greg Ogle said at the time, "While this litigation sent shock waves through the community when it was launched a year ago, the first year has seen great progress for the defendants."

Unfortunately, the front door was locked so TWS were not able to deliver the cake personally to Gunns staff. Instead, they left the cake on the front doorstep and sang happy birthday to the gathered crowd out the front of the office.

***STATEMENT OF CLAIM:** Written statement by a person commencing legal proceedings detailing the facts and legal principles which support the claim and the compensation sought.