



**BEFORE THE HONOURABLE JUSTICE MACKENZIE**  
Thursday the 16th day of November 2006

**UPON READING** the statement of claim, the ex parte interlocutory application dated 16 November 2006 for an interim injunction and related orders, the affidavit of the plaintiff and the memorandum of counsel filed herein **AND UPON HEARING** Mr B W F Brown QC of counsel on behalf of the plaintiff and the plaintiff having undertaken that if, by reason of the making of the interim orders, any other parties sustain damages (being damages which, in the opinion of the Court, the plaintiff ought to pay), the plaintiff will abide by any order which the Court may make in respect of those damages, **THIS COURT ORDERS:**

1. The "first and second defendants" referred to in these orders are (i) those persons who gained unauthorised access to the plaintiff's computer system and took copies of email messages ("the copied emails") stored on the plaintiff's computer system and (ii) those persons who have physical possession of the copied emails or any part of them, whether in hard copy or as a record on a computer, without the consent of the plaintiff.
  
2. Pending the determination of this proceeding or the further order of the Court, the first and second defendants by themselves, their servants or agents or companies under their control be and are hereby restrained from:
  - (i) Copying (including by placing on a web site);
  - (ii) Issuing to the public;
  - (iii) Broadcasting or including in a cable programme service;
  - (iv) Making an adaptation of;
  - (v) Authorising any of the actions referred to in (i) to (iv) above in relation to,

copies of any emails in their possession, power or control, which emails were sent by the plaintiff to third persons or by third persons to the plaintiff, which copies of emails were not provided to the first or second defendants by either the plaintiff or by a third person, who in relation to any specific email, was the sender of that email;



3. Pending the determination of this proceeding or the further order of the Court, the first and second defendants by themselves, their servants or agents or companies under their control be and are hereby restrained from communicating to any other person the contents of copies of emails in their possession, power or control, which emails were sent by the plaintiff to third persons or by third persons to the plaintiff, which copies of emails were not provided to the first or second defendants by either the plaintiff or by a third person who, in relation to any specific email, was the sender of that email;
4. Pending the determination of this proceeding or the further order of the Court, all copies of emails in the possession, power or control of defendants served with a copy of these orders, which emails were sent by the plaintiff to third persons or by third persons to the plaintiff, which copies of emails were not provided to the first or second defendants by either the plaintiff or by a third person who, in relation to any specific email, was the sender of that email, shall be placed forthwith in the custody of the Court by being lodged with the Registrar of the High Court at Wellington;
5. That upon service of a sealed copy of these orders upon a defendant to this proceeding, the defendant so served shall forthwith, if requested by the solicitor for the plaintiff so to do, deliver up to the solicitor for the plaintiff for lodging with the Registrar of the High Court in Wellington to be held in the custody of the Court in accordance with order 4 above, all copies of emails in the defendant's possession, power or control which were sent by the plaintiff to third persons or by third persons to the plaintiff, which copies of emails were not provided to the first or second defendants by either the plaintiff or by a third person who, in relation to any specific email, was the sender of that email. For the purposes of this order, "the solicitor for the plaintiff" shall mean any one or more of the following persons: Peter Connor, Richard Raymond and Raewyn Lovett;
6. Any person served with a sealed copy of these orders shall at the same time be served with a clear and succinct statement of his or her rights in connection with this proceeding explained in language easily understood



by laypersons of average intelligence. In particular the statement is to explain the right to apply to this Court in terms of order 8.

7. The plaintiff shall within 10 working days after service of these orders on any defendant file in the Court a report of the process of such service
8. That leave be reserved to any defendant to apply to the Court for rescission or variation of these orders on 24 hours' notice;
9. That leave be reserved to the plaintiff or any other person affected by these orders to apply to the Court for such further or other orders as may be just.



**BY THE COURT**

  
.....  
**[Deputy] Registrar**

CAROLYN PRITCHETT

**SEALED** this 17<sup>th</sup> day of November 2006.