

NOTICE OF FILING

Details of Filing

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933 362 & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

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Form 59
Rule 29.02(1)

AFFIDAVIT OF JOHN MICHAEL CHURCHILL

No. NSD673/2022

Federal Court of Australia
District Registry: New South Wales
Division: General

LACHLAN KEITH MURDOCH

Applicant

PRIVATE MEDIA PTY LTD & ORS

Respondents

Affidavit of: John Michael Churchill
Address: Level 3, 32 Martin Place, Sydney
Occupation: Solicitor
Date: 29 November 2022

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1	Exhibit JC-1 , being the bundle of documents exhibited to the Affidavit of John Churchill sworn on 29 November 2022	4	8-349

I **JOHN MICHAEL CHURCHILL** of Level 3, 32 Martin Place, Sydney, Solicitor say on oath:

1. I am the solicitor on the record for the applicant in these proceedings.

00019034 0018461 0018458

Filed on behalf of (name & role of party) Applicant

Prepared by (name of person/lawyer) John Churchill

Tel 02 9216 9816 Fax _____

Email jmc@johnchurchill.com.au

Address for service Level 3, 32 Martin Place
(include state and postcode) Sydney NSW 2000

2. Nothing that I say in this affidavit is intended to waive legal professional privilege.
3. I refer to and rely on my affidavits filed in these proceedings sworn on 22 September and 6 October 2022. I also refer to the Case Management Court Book prepared for the Case Management Hearing on 30 November 2022 and the documents contained therein (**Court Book**).
4. Exhibited before me at the time of swearing this affidavit is a paginated electronic bundle of documents marked "**Exhibit JC-1**". I will refer to documents contained in Exhibit JC-1 by page number.
5. On 11 November 2022 the parties exchanged outlines of evidence (and affidavits) on the issues on which they bear the onus and on 25 November the respondents served further outlines said to be in reply. The respondents have served outlines on behalf of Mr Fray and Mr Keane which did not go beyond 29 June 2022 in that they do not address the matters about their conduct from 30 June 2022 pleaded in the SOC and the Reply. No outlines have been served from any officer, manager or director of the Private Media.
6. An outline of the applicant's evidence was served on 11 November 2022.
7. On 18 November 2022 the applicant served his verified list of documents (Court Book pp **2-159**), and I received one list of documents verified by Will Hayward, the CEO of Private Media (Court Book pp **160-194**). The parties also, by reason of previous agreement, provided dropbox access to the discovered documents. I was not served with verified lists by Mr Fray or Mr Keane.
8. Discovery discloses and it is apparent from a review of the documents, that Mr Hayward and Mr Beecher were actively involved in the development of and decisions in relation to what is referred to as the "Lachlan Murdoch Campaign" in July and August of 2022.
9. On the evening of 18 November 2022 senior counsel sought to access the first respondent's discovered documents by use of the dropbox link and informed me that she was concerned that the respondents had inadvertently discovered privilege material. As a result of information received from senior counsel, I did not access those documents on the evening of the 18th of November.



10. At about 9:27pm on 18 November 2022 I received an email from the respondents' solicitors re-sending the dropbox link and confirming that no privileged documents had been produced in error. Exhibit at **pp 8-9 of Exhibit JC-1** is a copy of that email and my reply.
11. Over the next few days senior counsel and I reviewed the discovered documents and had made (privileged) notes about them and given advice and described their content to my client for the purposes of updating him on the matter and obtaining instructions. I do not waive privilege over the content of any of those communications.
12. On 21 November 2022 I wrote to Marque Lawyers regarding the failure by Mr Keane and Mr Fray to serve verified lists of documents. In this correspondence, I also confirmed that Mr Murdoch will be giving evidence at the trial of this matter. A copy of this correspondence is located at pages **464 to 467** of the Court Book.
13. On 23 November 2022 I served proposed interrogatories to the respondents. Exhibited at pages **10-143, 144-217, and 218-298** of **Exhibit JC-1** are the respective interrogatories served on each of the first, second and third respondents and their annexures. These documents also mostly appear in the Court Book at pages **195-307, 308-378, and 379-447**, however, upon reviewing the content of the Court Book I observed that some of the annexures had been omitted. For instance, the documents referred to at paragraphs 84 and 85 of the interrogatory directed towards Private Media have not been included in the Court Book. Those documents appear at pages **75-77** of **JC-26**.
14. On 25 November 2022 I received correspondence from Marque Lawyers asserting inadvertent discovery of 6 documents and an attachment said to be privileged. I responded to that correspondence shortly after its receipt on 25 November 2022. I have not received any response to that letter. Those letters appear at pages **468-469** and **474** of the Court Book.
15. At present Ms Chrysanthou and I are of the view that the documents referred to in Marque's letter of 25 November 2022 are not privileged. Copies of the six emails referred to in Marque's letter of 25 November 2022 are located at pp **299-307 of Exhibit JC-1**, and the attachment titled "10. MB August 1 email to us" appears at p **409** of the Court Book.

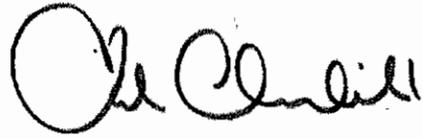


16. Another document has been discovered by the respondents as Item 660A, and it is partially redacted. This document together with the marketing advice annexed to those emails which was Item 660B (which does not appear to have been created for the purpose of legal advice) appears at pages **291-307** of the Court Book.
17. On 25 November 2022 I received objections to the proposed interrogatories to the respondents (Court Book pp **452-454**).
18. On 25 November I received outlines of evidence "in reply" which were limited to Mr Fray and Mr Keane and a purported "expert" outline which does not appear to comply with the rules or practice notice about expert evidence and is plainly not in reply given it seeks to support the reasonableness of the respondents' conduct relevant to the defences pleaded in paragraphs 42 and 43 of the Amended Defence. No other witness evidence has been served by the respondents in reply.
19. Also, on 25 November 2022 I sent a letter to Marque Lawyers raising queries about documents missing from the discovery. A copy of this letter appears at pages **475-480** of the Court Book.
20. On 27 November 2022 I responded to the respondents' objections to the proposed interrogatories to them. A copy of this letter appears at pages **455-457** of the Court Book
21. The objected to interrogatories are relevant and necessary for the proper conduct of the proceedings for the reasons set out in my letter of 27 November 2022. I draw attention to the following general matters:
 - (a) No outline of evidence has been served by any responsible person or decision maker of Private Media;
 - (b) The discovery discloses that both Will Hayward and Eric Beecher were key in the decision making process concerning the Article and its promotion;
 - (c) I am informed by Ms Chrysanthou and believe that the UK authorities in relation to s4 hold that the public interest defence can be lost if the Article remains online and there is a relevant change of circumstances from the date of first publication;

- (d) The only outlines served by the respondents are by Mr Fray and Mr Keane and an “expert” outline in relation to contacting my client before publication;
 - (e) Neither Mr Keane nor Mr Fray address any of their conduct or state of mind after 29 June 2022;
 - (f) None of the outlines of Mr Keane nor Mr Fray state that they contain the entirety of the relevant information that they had at all material times;
 - (g) No confirmation or undertaking has been given that Mr Fray and Mr Keane will both be witnesses at the trial of this matter;
 - (h) Neither Mr Keane nor Mr Fray have given verified discovery.
22. Further, there appear to be many documents that are missing from the respondents’ discovery and further issues about claims for privilege that arise because of the many statements made by the respondents about the Article, the correspondence between the parties, the reasons for the removal of the Article and the reasons why it was reposted and these proceedings, in particular the defences being agitated by the respondents.
23. There has been no discovery about some matters pleaded including the respondents’ insurance position, the subscription numbers, the reach of all of the promotional activity engaged in by the respondents in August in connection with the Article, the Go Fund me page, the decision to remove the Article on 30 June, telephone records of phone calls between the respondents and the author of the SMH Article (it would appear from text messages that there were such telephone calls).
24. He is also referred to as the potential author of articles forming part of the marketing campaign concocted by the respondents from on or shortly before 25 July 2022 as has now been evidenced in emails on 25 July 2022 (**Exhibit JC-1 p 308**), 1 August 2022 (which included a link to a document called LACHLAN MURDOCH CAMPAIGN, which was seemingly not produced by way of discovery) (**Exhibit JC-1 p 309-310**), and a lengthy PowerPoint slide presentation, including a number of comments, some referring to Mr Bradley (**Exhibit JC-1 p 311-339**). A bundle of screenshots of the comments and notes made on slides of the PowerPoint presentation are annexed and marked **JC-33**.



Sworn by the deponent
at Sydney
in New South Wales
on 29 November 2022
Before me:

)
)
)
)
)


Signature of deponent



Signature of witness

Sam Hagan, lawyer with a current practising certificate

Signed and witnessed via audio-visual link in accordance with section 14G of the *Electronic Transactions Act 2000* (NSW)

Certificate Identifying Exhibit

No. NSD 673 of 2022

Federal Court of Australia
District Registry: NSW
Division: General Division

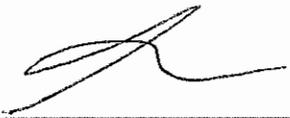
LACHLAN KEITH MURDOCH

Applicant

PRIVATE MEDIA PTY LTD & ORS

Respondents

This is the Exhibit marked "**JC-1**" now produced and shown to John Michael Churchill at the time of swearing his affidavit on 29 November 2022 before me



Signature of witness

Sam Hagan, lawyer with a current practising certificate

John Churchill

From: John Churchill
Sent: Friday, 18 November 2022 9:34 PM
To: Lauren Gasparini
Cc: Michael Bradley; Phyllida Behm
Subject: Re: Murdoch v Private Media - respondents' discovery [Marque-DOCUMENTS.FID78758]

Dear Lauren

Thank you for the confirmation.

Kind Regards

John

John Churchill
Level 3,32 Martin Place Sydney NSW 2000
Telephone (02) 9216 9816 Mobile 0413 986 677
jmc@johnchurchill.com.au

This email is confidential. If you are not the intended recipient, you must not disclose or use the information contained in it. If you have received this email in error, please notify me immediately by return email and delete the document. John Churchill is not responsible for any changes made to a document other than those made by John Churchill or for the effect of those changes on the documents meaning.

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From: Lauren Gasparini <laureng@marquelawyers.com.au>
Sent: Friday, November 18, 2022 9:27:48 PM
To: John Churchill <jmc@johnchurchill.com.au>
Cc: Michael Bradley <michaelb@marquelawyers.com.au>; Phyllida Behm <phyllidab@marquelawyers.com.au>
Subject: Murdoch v Private Media - respondents' discovery [Marque-DOCUMENTS.FID78758]

Dear John

We refer to the below email serving our clients' verified list of documents.

We confirm that no privileged documents were inadvertently disclosed with service of the below email.

The below Dropbox link contains two folders. We confirm that the folder marked 'Part 2' contains partially privileged documents, which have been redacted for the purpose of discovery.

Kind regards
Lauren

From: Phyllida Behm <phyllidab@marquelawyers.com.au>
Sent: Friday, 18 November 2022 5:56 PM

To: jmc@johnchurchill.com.au

Cc: Lauren Gasparini <laureng@marquelawyers.com.au>; Michael Bradley <michaelb@marquelawyers.com.au>

Subject: Murdoch v Private Media - respondents' discovery [Marque-DOCUMENTS.FID78758]

Dear John

Please see attached, by way of service, the respondents' verified List of document in accordance with order 8 of the orders made by Justice Wigney on 26 September 2022.

Parts one and two of the documents discovered by the respondents are available in this Dropbox [here](#). Please let us know if you have any difficulties with access.

Kind regards

Phyllida Behm

Lawyer

MARQUE Lawyers Pty Ltd



P: +61 2 8216 3043

Gadigal Country | Level 4, 343 George Street, Sydney NSW 2000

marquelawyers.com.au / [LinkedIn](#) / [Twitter](#) / [Instagram](#)

Official lawyers for **TEDxSydney**

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INTERROGATORIES TO FIRST RESPONDENT

No. NSD673/2022

Federal Court of Australia

District Registry: New South Wales

Division: General

LACHLAN KEITH MURDOCH

Applicant

PRIVATE MEDIA PTY LTD & ORS

Respondents

Definitions

In these interrogatories:

- (a) **SOC** means the Statement of Claim filed on 23 August 2022;
- (b) **First Respondent** means Private Media Pty Limited and/or any of its employees, servants and/or agents;
- (c) **Article** has the same meaning as defined in paragraph 5 of the SOC.
- (d) **Reply** is the Reply to the Amended Defence dated 8 November 2022;
- (e) Defined terms are as they appear in the SOC and Reply.

DECISION MAKERS

1. As at July and August 2022, in relation to Eric Beecher, please state his:
 - (a) job title;
 - (b) job description; and
 - (c) role in relation to content published on the Crikey website and in associated Crikey newsletters and social media.

2. As at July and August 2022, in relation to Will Hayward, please state his:
 - (a) job title;
 - (b) job description; and
 - (c) role in relation to content published on the Crikey website and in associated Crikey newsletters and social media.

3. Which officer(s) or employee(s) of the First Respondent made the decision to publish and/or approved the publication of the Article on about 29 June 2022?

4. Which officer(s) or employee(s) of the First Respondent made the decision to remove the Article from the Crikey website on about 30 June 2022?

5. Which officer(s) or employee(s) of the First Respondent made the decision to publish and/or approved the publication of the Article on about 15 August 2022?

6. Which officer(s) or employee(s) of the First Respondent made the decision to publish and/or approved the publication of the NY Times ad on about 22 August 2022?

7. Which officer(s) or employee(s) of the First Respondent made the decision to publish and/or approved the publication of the articles about Lachlan Murdoch on the Crikey website on about 22 August 2022?

8. Which officer(s) or employee(s) of the First Respondent made the decision to publish and/or approved the publication of the correspondence with Lachlan Murdoch's lawyers on the Crikey website on about 22 August 2022?

9. Which officer(s) or employee(s) of the First Respondent made the decision to publish and/or approved the publication of the Canberra Times ad on about 23 August 2022?

REMOVAL AND REPOSTING OF ARTICLE

10. Why did the First Respondent remove the Article from the Crikey website on 30 June 2022?
11. When did the First Respondent make the decision to repost the Article as occurred on 15 August 2022?
12. Why did the First Respondent repost the Article on 15 August 2022?
13. Did the First Respondent, or any person on its behalf, communicate with any person from the SMH on or before 15 August 2022 in relation to the dispute with Lachlan Murdoch concerning the Article?
14. If the answer to the preceding interrogatory is in the affirmative, please state:
 - (a) the date of each communication;
 - (b) the person who communicated on behalf of the First Respondent;
 - (c) the content of each such communication, if in writing and available, annex to the First Respondent's answers.
15. Prior to 14 August 2022, did the First Respondent, or any person on its behalf, inform any third party (by telling that person or giving them the letters in question) to the effect that (please answer separately in relation to each):
 - (a) Murdoch had sent a Concerns Notice and multiple legal letters to Crikey since June;
 - (b) the Article had been taken down from the Crikey website and various social media platforms;
 - (c) lawyers are continuing to negotiate;
 - (d) Murdoch is demanding an apology.
16. If the answer to any part of the preceding interrogatory is in the affirmative, please state:
 - (a) the person on behalf of the First Respondent who communicated the information;

- (b) the name(s) of any such third person;
 - (c) when they were so informed, and
 - (d) what information they were provided.
17. As at about 15 August 2022, did the First Respondent believe it to be true that Lachlan Murdoch was intimidating Crikey and its publisher Private Media.
18. If the answer to the preceding interrogatory is in the affirmative please state:
- (a) which person(s) held that view;
 - (b) the information upon which that view was based?

REACTION

19. Since the publication of the Article, has any person spoken to the First Respondent or written to the First Respondent or otherwise communicated with the First Respondent about the Article?
20. If the answer to the preceding interrogatory is in the affirmative, please identify:
- (a) the name of each person;
 - (b) the date of each communication;
 - (c) the substance of each communication. In the case of written communications, please annex a copy to the First Respondent's answers.
21. Since the publication of the Article, has any person spoken to the First Respondent or written to the First Respondent or otherwise communicated with the First Respondent about Lachlan Murdoch in relation to the Article?
22. If the answer to the preceding interrogatory is in the affirmative, please identify:
- (a) the name of each person;
 - (b) the date of each communication;

- (c) the substance of each communication. In the case of written communications, please annex a copy to the First Respondent's answers.

IMPUTATIONS

First publication – 29 June

23. Did the First Respondent intend to identify Lachlan Murdoch in the Article when first published?
24. If the answer to the preceding interrogatory is in the negative, who did the First Respondent intend to identify by (please answer separately in relation to each):
- (a) the term "*Murdoch*" in the headline; and
 - (b) "*Murdochs*" in the final paragraph?
25. At the time of first publication of the Article, did the First Respondent intend to convey the following imputations (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
 - (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
 - (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
 - (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
 - (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;

- (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
 - (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
 - (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
 - (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
 - (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome.
26. If the answer to the preceding interrogatory is in the negative in relation to any such imputation, did the First Respondent give any consideration to the possibility of any such imputation being conveyed by the Article (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
 - (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;

- (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
- (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
- (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
- (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
- (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
- (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
- (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
- (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome?

27. If the answer to the preceding interrogatory is in the affirmative in relation to any imputation, what consideration was given and what steps, if any, were taken to reduce the possibility of such imputation being conveyed (please answer separately in relation to each):

- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
- (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
- (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
- (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
- (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
- (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
- (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
- (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
- (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
- (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
- (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United

States of America to overturn the 2020 election outcome;

- (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome?
28. At the time of first publication of the Article, did the First Respondent believe in the truth of any of the following imputations (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
 - (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
 - (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
 - (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
 - (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
 - (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
 - (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
 - (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
 - (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;

- (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome?
29. If the answer to the preceding interrogatory is in the affirmative in relation to any such imputation, upon what information did the First Respondent hold that belief at the time of first publication of the Article (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
 - (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
 - (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
 - (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
 - (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
 - (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;

- (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
 - (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
 - (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
 - (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome
30. Please state the name of the officer(s) and/or employee(s) of the First Respondent who relevantly held the beliefs and intentions in answer to each of interrogatories 23-29 above (please answer separately in relation to each).

Reposted Article – 15 August

31. Did the First Respondent intend to identify Lachlan Murdoch in the Article when it was reposted?
32. If the answer to the preceding interrogatory is in the negative, who did the First Respondent intend to identify by (please answer separately in relation to each):
- (a) the term “*Murdoch*” in the headline; and
 - (b) “*Murdochs*” in the final paragraph?
33. At the time of reposting the Article, did the First Respondent intend to convey the following imputations (please answer separately in relation to each):

- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
- (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
- (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
- (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
- (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
- (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
- (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
- (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
- (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
- (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
- (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United

States of America to overturn the 2020 election outcome;

- (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome.
34. If the answer to the preceding interrogatory is in the negative in relation to any such imputation, did the First Respondent give any consideration to the possibility of any such imputation being conveyed by the Article (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
 - (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
 - (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
 - (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
 - (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
 - (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
 - (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
 - (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
 - (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason

against the United States of America to overturn the 2020 election outcome;

- (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome?

35. If the answer to the preceding interrogatory is in the affirmative in relation to any imputation, what consideration was given and what steps, if any, were taken to reduce the possibility of such imputation being conveyed (please answer separately in relation to each):

- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
- (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
- (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
- (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
- (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
- (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;

- (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
 - (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
 - (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
 - (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
 - (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome?
36. At the time of reposting the Article, did the First Respondent believe in the truth of any of the following imputations (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
 - (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
 - (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the

United States of America in relation to the 2020 presidential election result;

- (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
- (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
- (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
- (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
- (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
- (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
- (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome?

37. If the answer to the preceding interrogatory is in the affirmative in relation to any such imputation, upon what information did the First Respondent hold that belief at the time of reposting the Article (please answer separately in relation to each):

- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;

- (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
- (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
- (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
- (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
- (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
- (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
- (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
- (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
- (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
- (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress

to overturn the 2020 election outcome

38. Please state the name of the officer(s) and/or employee(s) of the First Respondent who relevantly held the beliefs and intentions in answer to each of interrogatories 31-37 above (please answer separately in relation to each).

INFORMATION

39. At the time of publication of the Article did the First Respondent have any information with respect to any of the material in the Article? If so:
- (a) state what information the First Respondent had;
 - (b) who or what was the source of the information (identify specifically what information was received from each source);
 - (c) identify all documents containing such information which the First Respondent had in its possession at the time of the publication of the Article (and annex them to the First Respondent's answers);
 - (d) identify all documents containing such information as to which the First Respondent had been informed of their contents or parts thereof but which it did not have in its possession at the time of publication of the Article and provide a complete description as to the terms by which these documents were described to the First Respondent;
 - (e) state the use made of each of the documents described or referred to in (c) and (d) above;
 - (f) identify any such information which consisted of an oral communication and state the substance of what was said by each such person.
40. In respect of each source of information for the Article (specifying each source) at the time of publication of the Article, did the First Respondent have a view as to:
- (a) the nature and/or quality of the information furnished by the source;
 - (b) the accuracy of the information furnished by the source;

- (c) whether the source was biased against Lachlan Murdoch;
 - (d) whether information furnished by the source required corroboration?
41. If the answer to the preceding interrogatory is in the affirmative as to any part, in respect of each such part (specifying it):
- (a) what was that view;
 - (b) on what facts, matters and circumstances was the view based;
 - (c) when precisely was that view formed?
42. At the time of reposting the Article, did the First Respondent have any information with respect to any of the material in the Article in addition to the material set out in answer to interrogatory 39, above?
43. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) what additional information the First Respondent had;
 - (b) who or what was the source of the information (identify specifically what information was received from each source);
 - (c) identify all documents containing such additional information which the First Respondent had in its possession at the time of the reposting of the Article (and annex them to the First Respondent's answers);
 - (d) identify all documents containing such information as to which the First Respondent had been informed of their contents or parts thereof but which it did not have in its possession at the time of the reposting of the Article and provide a complete description as to the terms by which these documents were described to the First Respondent;
 - (e) state the use made of each of the documents described or referred to in (c) and (d) above;
 - (f) identify any such additional information which consisted of an oral communication and state the substance of what was said by each such person.

44. Please state the name of the officer(s) and/or employee(s) of the First Respondent who relevantly had the information and held the views in answer to each of interrogatories 39-43 above (please answer separately in relation to each).

PROMOTION AND ADVERTISING

45. How much did the First Respondent pay to place the NY Times ad?
46. How much did the First Respondent pay to place the Canberra Times ad?
47. How much did the First Respondent spend on Twitter advertising and promotions in August 2022 in relation to the Article, Lachlan Murdoch or these proceedings?
48. How much did the First Respondent spend on Facebook advertising and promotions in August 2022 in relation to the Article, Lachlan Murdoch or these proceedings?
49. How much did the First Respondent spend on Instagram advertising and promotions in August 2022 in relation to the Article, Lachlan Murdoch or these proceedings?
50. What other paid advertising or promotion did the First Respondent engage in in relation to the Article, Lachlan Murdoch or these proceedings in August 2022?
51. How much did the First Respondent spend on paid advertising in relation to the Article, Lachlan Murdoch or these proceedings in August 2022?
52. Has the First Respondent received any reports in relation to the reach or potential reach of any of the paid advertising referred to in interrogatories 45-51? If so, please annex copies of any such reports to the First Respondent's answers.

OFFER TO MAKE AMENDS

53. Please look at the letter from Marque Lawyers to John Churchill dated 27 July 2022 (attached). For what purpose did the First Respondent instruct Marque Lawyers to send this letter?
54. At the time of the letter dated 27 July 2022 (and over the 28 day period thereafter while it was open for acceptance), if Lachlan Murdoch had accepted the offer, did the First Respondent intend to still pursue the strategy summarised in the email dated 25 July 2022

from Eric Beecher to Peter Fray and Will Hayward (respondents' discovery document 52) (attached)?

55. At the time of the letter dated 27 July 2022 (and over the 28 day period thereafter while it was open for acceptance), if Lachlan Murdoch had accepted the offer, did the First Respondent intend to still pursue the strategy summarised in the email dated 1 August 2022 from Will Hayward to Peter Fray and Eric Beecher, including the shared document LACHLAN MURDOCH CAMPAIGN (respondents' discovery document 53) (attached)?

INSURANCE

56. Does the First Respondent have an insurance policy in relation to defamation claims?
57. If the answer to the preceding interrogatory is in the affirmative, please annex a copy of the policy to the First Respondent's answers and state:
- (a) whether a claim has been made in relation to these proceedings under the policy;
 - (b) if a claim has not been made, why not;
 - (c) if a claim has been made, has indemnity been granted;
 - (d) what is the extent of any indemnity granted.

SUBSCRIPTIONS

58. Please state the monthly subscription numbers from 1 July 2021 until 30 June 2022.
59. Please state the monthly subscription numbers from 1 July 2022 to date.

DISCOVERY DOCUMENTS

60. Please look at respondents' discovery document 6 (attached). Please state:
- (a) which "*twitter thread*" is being referred to by Will Hayward; and
 - (b) in relation to the term "*a huge source of subs*", how many subscriptions were generated by that twitter thread.
61. Please look at respondents' discovery document 8 (attached) and state (in relation to the

messages from Will Hayward):

- (a) what Axios wanted a quote for;
 - (b) what does “FT” refer to;
 - (c) what FT wanted a quote for.
62. Please look at respondents’ discovery document 13 (attached). How many media organisations, journalist and/or news bodies did Eric Beecher speak to about Lachlan Murdoch from 13 August until 26 August 2022? Please list each of those organisations, journalists and news bodies.
63. Please look at respondents’ discovery document 17 (attached). How many media organisations, journalist and/or news bodies did Will Hayward speak to about Lachlan Murdoch from 13 August until 26 August 2022? Please list each of those organisations, journalists and news bodies.
64. Please look at respondents’ discovery document 17 (attached). What did Will Hayward mean when he wrote “*There must be other ways to get heat on this*”?
65. Please look at respondents’ discovery document 19 (attached). What was Will Hayward referring to when he wrote “*Washington post. Waiting for rates.*”?
66. Please look at respondents’ discovery document 22 (attached). What was Will Hayward referring to when he wrote “*1.3M on twitter. Not bad*”?
67. Please look at respondents’ discovery document 22 (attached):
- (a) what was Eric Beecher referring to when he wrote “*Is Twitter feasible? How much reach?*”?
 - (b) please attach to the First Respondent’s answers the “*note*” referred to at the bottom of that text exchange.
68. Please look at respondents’ discovery document 27 (attached):
- (a) what was Will Hayward referring to when he wrote “*Do we want to let Rudd, Turnbull, others know*”?

- (b) what communications did Mr Beecher or Mr Hayward have in August 2022 in relation to Lachlan Murdoch with “*Rudd, Turnbull, others*”?
69. Please look at respondents’ discovery document 30 (attached), why did Will Hayward seek to have the publications about Lachlan Murdoch referred to in that text occur within a week of the SMH Article?
70. Please look at respondents’ discovery document 31 (attached), what was Eric Beecher referring to when he wrote “*Is another option to run the ad on Twitter, maybe flood the zone? Wouldn’t that get noticed?*”
71. Please look at respondents’ discovery document 37 (attached), what is the full name and position of the “Jim” referred to in those messages?
72. Please look at respondents’ discovery document 47 (attached), please set out what was said about Lachlan Murdoch and the strategy in relation to him at the meetings between Beecher, Hayward and Fray referred to in those messages that took place on:
- (a) 5 July 2022; and
- (b) 7 July 2022.
73. Please look at respondents’ discovery document 49 (attached), what was Will Hayward referring to when he wrote “*Peter - I have told Eric we will not run a disclaimer on the GFM about Alliance’s neutrality*”?
74. Please look at respondents’ discovery document 50 and annex the invoice attachment referred to in those emails to the First Respondent’s answers.
75. Please look at respondents’ discovery document 51 (attached) being an email exchange dated 4 July 2022 between Fray, Beecher and Hayward about Lachlan Murdoch. Please set out the conversation that occurred as referred to in that email.
76. Please look at respondents’ discovery document 52 (attached) being an email dated 25 July 2022 and state what Eric Beecher was referring to when he wrote “*aligns with Peter’s verbal list the other day*” including the content of that list, and when that list was communicated to Mr Beecher.

77. Please look at respondents' discovery document 53 (attached) please identify by reference to discovery number or annex to the First Respondent's answers the document shared by Eric Beecher in that email entitled "LACHLAN MURDOCH CAMPAIGN".
78. Please look at respondents' discovery document 117 (attached) being a text message exchange between Beecher and Fray, what was Eric Beecher referring to when he wrote:
- (a) "*When are you thinking about launching LM?*";
 - (b) "*My piece and chronology finished, in LM Copy doc*"?
- Please attach to the First Respondent's answers to "*piece*" and "*chronology*" referred to.
79. Please look at respondents' discovery document 118 (attached):
- (a) what position did Damien Cave hold at the time;
 - (b) what did Eric Beecher intend to brief him on?
80. Please look at respondents' discovery document 134 (attached) and state what Will Hayward was referring to when he wrote "*Don't think this changes anything*".
81. Please look at respondents' discovery document 135 (attached) and state:
- (a) whether Eric Beecher wrote this email before he saw the SMH Article;
 - (b) what Eric Beecher was referring to when he wrote the "*idea that Will had on Friday*".
82. Please look at respondents' discovery document 136 and state:
- (a) what "Us and him" was a reference to; and
 - (b) the purpose of the research attachment.
83. Please look at respondents' discovery document 137 and annex to the First Respondent's answers any article produced by Mr Warren about the Murdochs as referred to in this email exchange.
84. Please look at respondents' discovery document 140 and annex to the First Respondent's

answers the attachment to that email called “*chronology of threats*”.

85. Please look at respondents’ discovery document 141 (attached) being an email from Peter Fray to Zoe Samios with attachments including an advice from Michael Bradley dated 1 August 2022 (attached):
- (a) please identify by reference to discovery number (or otherwise annex it to the First Respondent’s answers) the “*far more rude and entertaining*” letter that Mr Bradley annexed to this advice;
 - (b) annex to the First Respondent’s answers any document(s) evidencing the request for advice about the use of the letters between the solicitors for the parties;
 - (c) annex to the First Respondent’s answers any other document that refers to the advice about the use of the letters between the solicitors for the parties.
86. Please look at respondents’ discovery document 147 (attached) and state the date that this document was created.
87. Please look at respondents’ discovery document 149 (attached) being a text dated 4 July 2022 between Beecher and Fray. Please set out the discussion that occurred about Lachlan Murdoch on or about that day arising from the message “*Chat re Lachlan?*”.
88. Please look at respondents’ discovery document 150 (attached). Please state:
- (a) the date the first draft of this document was created;
 - (b) when the document was distributed or presented;
 - (c) to whom the document was distributed or presented;
 - (d) the job title of Anthony Beinhart-Smollen (who commented on slide 16 on 11 August 2022);
 - (e) the job title of Rachel Karpman (who commented on slide 16 on 11 August 2022);
 - (f) what the words “OOH campaign” refer to in slide 24;
 - (g) what merchandise was proposed as referred to in slide 24.

89. Please look at respondents' discovery document 152 (attached) being a message exchange on 24 August 2022. What was Will Hayward referring to when he wrote "*campaigning team*"?
90. Please look at respondents' discovery document 159-164 (attached), and state:
- (a) what was the job title of Imogen Champagne;
 - (b) what was the job title of William Mawhinney;
 - (c) what was the purpose of the communications between Imogen Champagne and William Mawhinney as evidenced by these documents;
 - (d) what is Imogen Champagne referring to when she wrote:
 - i. "*quite big, though not the biggest*";
 - ii. "*annnd this big one*";
 - iii. "*another big one*"; and
 - iv. "*this big one*" (etc)
 - (e) is there a document or documents that Imogen Champagne is referring to when she refers to what appear to be figures associated with certain social media posts, if so please annex such documents to the First Respondent's answers.
91. Please look at respondents' discovery document 217 (attached) and state the job title of "*Rachel K*".
92. Please look at respondents' discovery document 220 (attached) and state:
- (a) the job title of Amy K at the time;
 - (b) why Eric Beecher wanted a PDF copy of the Article on (or about) 22 July 2022.
93. Please look at respondents' discovery documents 223 and 224 (attached) and state what the graphs in those messages depict, and annex a copy of each graph to the First Respondent's answers.

94. Please look at respondents' discovery document 225 (attached) and state what the reference to each of the "*sign ups*" and "*sale*" meant.
95. Please look at respondents' discovery document 226 (attached) and state where the figures cited by "Rachel K" came from and annex to the First Respondent's answers any document(s) from which these figures were obtained including the graph that appears on the screenshot.
96. Please look at respondents' discovery document 227 (attached) and state where the figures cited by "Kevin C" came from and annex to the First Respondent's answers any document from which these figures were obtained including the graph that appears in the screenshot.
97. Please look at respondents' discovery document 271 (attached) being messages on 15 August. Tom Clift refers to the plan to launch the "*series*" on Wednesday:
- (a) what was the "*series*" referred to;
 - (b) when was the "*plan*" to "*launch the series*" first formulated;
 - (c) annex to the First Respondent's answers the documents in the linked Google drive.
98. Please look at respondents' discovery document 660 (attached) and state:
- (a) when did the First Respondent engage Populares in relation to Lachlan Murdoch;
 - (b) why did the First Respondent engage Populares in relation to Lachlan Murdoch;
 - (c) what services did Populares provide the First Respondent in relation to Lachlan Murdoch;
 - (d) how much did the First Respondent pay Populares for its services in relation to Lachlan Murdoch;
 - (e) why did Will Hayward believe on 8 August that it was unlikely that Lachlan Murdoch would sue the respondents;
 - (f) why was Will Hayward worried about not being sued by Lachlan Murdoch;
 - (g) please annex to the First Respondent's answers the publishing plan shared by Will

Hayward on 8 August 2022 with Anthony Reed from Populares;

- (h) please annex to the First Respondent's answers any documents produced by Populares as a result of this email exchange;
- (i) what instructions were given to Populares for it to produce the advice being document 660B?

A handwritten signature in black ink, appearing to read 'John Churchill', written in a cursive style.

Signature of legal representative

Capacity

John Churchill

Solicitor for the Applicant

Date of signature

23 November 2022

Our reference MB/13921
Phone +61 2 8216 3006
Email michaelb@marquelawyers.com.au

27 July 2022

John Churchill
Level 3, 32 Martin Place
Sydney NSW 2000

By email: jmc@johnchurchill.com.au

Dear Mr Churchill

Private Media Pty Limited – Lachlan Murdoch

1. We now act for Private Media Pty Limited, Peter Fray and Bernard Keane in respect of this matter. We refer to your letter to Minter Ellison of 19 July 2022.
2. This letter contains an offer to make amends, pursuant to section 13 of the *Defamation Act 2005* (NSW), in respect of your client's purported concerns notice dated 30 June 2022. It is made on an open, not "without prejudice", basis.
3. This offer is made in relation to the matter generally, including all of the imputations alleged in the concerns notice. It is a genuine attempt by our clients to resolve this matter, notwithstanding that our clients maintain that none of the alleged imputations were conveyed by the publications the subject of the concerns notice.

Terms of offer

4. Our clients offer to do the following:
 - (a) publish, by the usual means of publication of articles in *Crikey* and under Mr Fray's by-line as editor, an editorial statement in the form set out below (**Statement**);
 - (b) publish, on its Facebook and Twitter accounts, links to the Statement;
 - (c) not republish the original article;
 - (d) pay the expenses reasonably incurred by your client before this offer was made and the expenses reasonably incurred by him in considering this offer.
5. This offer is open for 28 days from the date of this letter, that is until 24 August 2022.

Form of Statement

Mr Lachlan Murdoch

On 29 June 2022, Crikey published an opinion piece by Bernard Keane titled “Trump is a confirmed unhinged traitor. And Murdoch is his unindicted co-conspirator.”

The article laid out a case against Donald Trump in respect of the attempt to overthrow the result of the 2020 US presidential election, culminating in the assault on the Capitol on January 6, 2021. It concluded with Keane’s opinion that:

“The Murdochs and their slew of poisonous Fox News commentators are the unindicted co-conspirators of this continuing crisis.”

Mr Lachlan Murdoch took exception to the article, instructing his lawyers to issue a defamation concerns notice to Crikey as well as to Bernard Keane and me personally, threatening to sue us.

As a gesture of goodwill, we made the decision to remove the article from publication as soon as we received the letter from Mr Murdoch’s lawyers.

We would now like to set the record straight. Mr Murdoch feels that the article conveyed a large number of extremely serious defamatory imputations regarding his actions, by virtue of the article’s title and its closing sentence (which were the only mentions of him in the article).

We do not agree that the article did convey these imputations. However, we don’t want there to be any confusion about exactly what we do say about his actions.

To be fair to Mr Murdoch, this is the full list of defamatory imputations he says the article conveyed about him:

- He illegally conspired with Donald Trump to overturn the 2020 presidential election result;
- He illegally conspired with Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
- He illegally conspired with Trump to incite a mob with murderous intent to march on the Capitol;
- He illegally conspired with Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
- He knowingly entered into a criminal conspiracy with Trump to overturn the 2020 presidential election result;
- He knowingly entered into a criminal conspiracy with Trump and a large number of Fox News commentators to overturn the 2020 election result;
- He engaged in treachery and violent intent together with Trump to overturn the 2020 presidential election result;
- He was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
- He was a co-conspirator in a plot with Trump to overturn the 2020 election result which costs people their lives;
- He has conspired with Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;

- He has conspired with Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- He should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- He should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- He conspired with Trump to lead an armed mob on Congress to overturn the 2020 election outcome.

There is no evidence that Mr Murdoch did any of the things described above. Crikey does not say that he did any of them.

Crikey does believe that Mr Murdoch bears some responsibility for the events of January 6 because of the actions of Fox News, the network he leads. However, Crikey does not believe that he was actively involved in the events of that day as the things described above would suggest.

Yours sincerely



Michael Bradley
Managing Partner

John Churchill

From: Eric Beecher <ebeecher@privatemedia.com.au>
Sent: Monday, 25 July 2022 1:59 PM
To: Peter Fray; Will Hayward
Subject: LM story thoughts

Here are a few thoughts on a possible story slate to kick it off, maybe over the first 7-8 days (ie keep it rolling) -- aligns with Peter's verbal list the other day, adds a few more:

Day 1: Overview news story (the facts) ... All legal letters (4?) ... Comment: why we're doing this (PF/EB?) (devote entire newsletter?)

2: Australia's defo laws (v US) (Bradley?) ... Lachlan Murdoch on media freedom/quotes from his speeches ... Crikey's history with LM defo claims

3: the Dominion/Trump connection (Warren?) ... US media and politician comments on Fox News and Jan 6/Trump ...

4: Fox News as a political player over decades (David McKnight?) ... Rudd or Turnbull write

5: S Mayne (?) ... News Corp's power (EB/regurgitate past series)

6: How LM defends Fox/his public comments ... Murdoch family wealth, ownership structure ...

7: Guest columns x 2 (academics, former politicians, former News Corp employee, etc).

8: Interviews with lawyers, others on defo law reform, using this case as the example

... plus obviously updates on the rolling story ...

Eric Beecher

Chairman Private Media | Solstice Media | Australian Communities Foundation

Phone [+ 61 412 584 251](tel:+61412584251)

ebeecher@privatemedia.com.au

Private Media Pty Ltd, 107 Elizabeth Street, Melbourne VIC 3000

John Churchill

From: Peter Fray <pfray@privatemediacom.au>
Sent: Monday, 1 August 2022 7:39 PM
To: Will Hayward
Cc: Eric Beecher
Subject: Re: Document shared with you: 'LACHLAN MURDOCH CAMPAIGN'

Defo law reform is a perennial and we could certainly turn news corps word against it. Where we sit is around the issue of what you can say about a public person: in the US, you can pretty well say anything though the gawker matter tempers that a bit. Here a public person have as much right as anyone and even more so because they have the money. Bradley will have a better view of this but the test here is also around that and what is fair comment. We used Murdoch as a synonym to Fox. His literalism makes the law an arse.

P

On 1 Aug 2022, at 5:50 pm, Will Hayward <whayward@privatemediacom.au> wrote:

This is great thank you.

Unsure if these comments go in the doc or in email, until settled.

We had a good call with Populares. I increasingly think we should explore how we can tie our fight to the wider issue of defo law reformation.

To me the issue has always been that, as currently constructed, one interpretation (Murdoch's) of the law is that we shouldn't even be allowed to publish what we did. That is absurd - even scary.

It seems to me there is a wide non partisan public consensus that defamation law needs to be reformed. It touches multiple issues - #metoo, Stokes, concentration of power, Porter (as you know, even he thought the law should be reformed).

The way I think we should think about this calculation is - one campaign has us at the centre (Murdoch wants to shut down Crikey!) - how much total positive impact would that have? Everyone it reached would think of us, but maybe total reach would be lower.

Vs - a wider campaign that says - enough is enough, defo law has to change. We build a big public consensus. Make it cross party. Set up a go fund me and a petition. Pull in multiple factions. Campaign to change the law. Sell merch. Probably has potential for wider reach, but lower connection to our brands.

How does that balance look, and which one supports the sustainability of Crikey over the long term?

On Mon, 1 Aug 2022 at 5:36 pm, Eric Beecher (via Google Docs) <drive-shares-dm-noreply@google.com> wrote:

Eric Beecher shared a document



Eric Beecher (ebeecher@privatemediacom.au) has invited you to **edit** the following document:

Here's the first draft of the doc we talked about.
Eric

 LACHLAN MURDOCH CAMPAIGN

[Open](#)

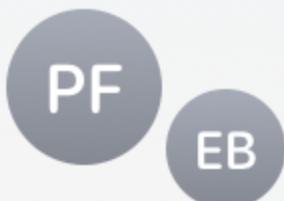
Google LLC, [1600 Amphitheatre Parkway, Mountain View, CA 94043, USA](https://www.google.com)

You have received this email because ebeecher@privatemediacom.au shared a document with you from Google Docs.



--

Will Hayward
CEO, Private Media
0481 112 662



2 People >

Fri 26 Aug at 8:52 am

Peter Fray

Need to talk more about go fund me . Need links, who is it From?

PF

Can be from me

Or someone else, don't mind

Peter Fray

Me and u maybe

PF



Re copy, we have it for the landing page

Kev will share on slack shortly

Peter Fray

Editorial focus might be useful

PF

Ok

Ignore Glenn's text it isn't right.

The twitter thread I did on Weds was a huge source of subs. I plan to do the same and get Bernard etc to retweet.

Appreciate you also need copy for the Daily and the article page.



iMessage





2 People >

Great; agreed

Am I ok to distribute?

Axios want a quote now. As does the FT.

Re the attribution for that quote - coming from three people might be a bit much. We can say it is a statement from PM. Or stick with the three?

Am emailing now

Am just sending as "statement from Private Media"

Logging off. Back at 5ish

Wed 24 Aug at 7:17 am

Eric Beecher

EB When are we aiming to talk?

In your diary for 7.45

Catch up
Wednesday 24 Aug · 7:45 – 8:30 am
Google Meet joining info
Video call link:



iMessage





2 People >

PF Agree . Looks like all systems go

Sat 20 Aug at 5:31 pm

Eric Beecher

EB Talking to Burnside in a couple of hours.



Sat 20 Aug at 7:28 pm

Eric Beecher

EB Burnside now looking at it, will discuss with him tomorrow.



Sun 21 Aug at 11:29 am

Peter Fray

PF Will be working from about 2 take a break for the footy and then on tonight

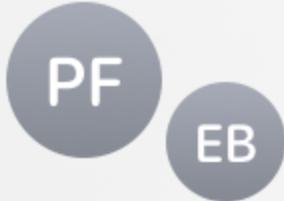


Mon 22 Aug at 5:10 pm



iMessage





2 People >

There must be other ways to get heat on this

"Lachlan Murdoch is threatening to sue for connecting him to Jan 6th riots"

Peter Fray

PF Folkenflik at npr keen to talk

Great

Peter Fray

PF Stelter has an offside whose contacts I have

Eric Beecher

EB I'm happy to brief J Swan at the right time — or should you, Peter?

Would we give the outlets we trust (NYT, WaPo, FT, Axios) all the letters on background? So that they all point to us as the source?

Fri 19 Aug at 9:01 am

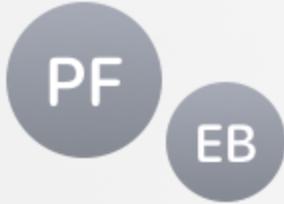
Peter Fray

Yes

Can we three talk soon

iMessage input field with camera, app store, and microphone icons





2 People >

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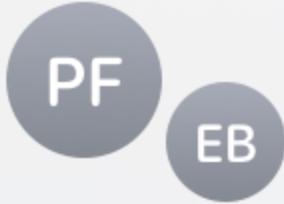
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Yes

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iMessage input field with camera, app store, and microphone icons





2 People >

Washington post

Waiting for rates

Peter Fray

PF V exciting

John Oliver off air in august! But getting good contacts for brian stelter and David folkenick

Folkenflick is npr

PF Btw, think we should all be in the Melbourne office on Monday 12.01 to send it! Big night in history of PM

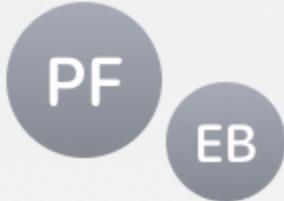
Fri 19 Aug at 6:28 am

Hi Will,
Good evening,
I got news from our legal team.
This ad is acceptable, provided you make two changes:
Please add "Advertisement" to the top center in 16 point Helvetica
The QR code is problematic because it requires you to log in to Crikey.com. There may be some privacy concerns there. You will need just to list the website or use a QR code that doesn't require a log-in.
I have also attached the booking order to this email



iMessage





2 People >

I do think having a US partner could be extremely powerful

We need a journo who is desperate for the story

Is DB best we can do?

1.3M on twitter

Not bad

Thu 18 Aug at 12:52 pm

Peter Fray

One challenge for Mark W: get us in touch with John Oliver's producers

He has Murdoch

Getting on that show would be huge

Agreed.

Anyone else?

Peter Fray

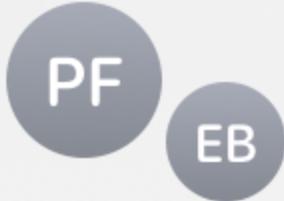
Bill Maher maybe

John Oliver broadcasts his show on a Sunday night at 11pm. That would make it 1pm Monday our time. Is



iMessage





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iMessage input area with camera, app store, microphone icons





2 People >

The NYT?

We could give them all a heads up that the ads are running, and that the link will work from midnight our time

Eric Beecher

Should we wait u til the ad is actually in circulation?

Sure

But the link will be live from midnight

So they could see the story and write it up

Eric Beecher

Maybe talk to NYT?

Same line of thinking - do we want to let Rudd, Turnbull, others know?

Peter - can you message your guy at NYT? Mine ignored me.

Do we need a press release?

Eric Beecher

Can't they wait until Koday, then



iMessage





PF

EB



2 People >

To confirm - we aren't publishing today because we all agree we want the print ads to run at the same time?

Irrespective of them running in the States, or just Australia.

I don't think the extra days matter too much. All anyone cares about now is Scomo.

If you were both hit by a bus, I'd now plan to delay until Monday next week, which should give the Scomo story time to air out, and also give us a better shot at the print ads. This is all probabilistic; might be Scomo story gets bigger, or we still can't get the ads. But I think it is a fairly sensible approach.

Still means we publish the whole thing one week after SMH story

But let me know the counter arguments.

Eric Beecher

EB

Happy for both of you to decide.



iMessage





2 People >

"Hi Will,
Great to be connected. I'm running
this creative by a couple of folks
internally and will be back with you
tomorrow.
Adam"

Eric Beecher

EB
Is another option to run the ad on
Twitter, maybe flood the zone?
Wouldn't that get noticed?

Yes

Good potential alternative

We might still have issues with
being published - they might reject

Will investigate.

Peter Fray

PF
Have contacted Gay . No reply as
yet

PF
FaceTime
Call Ended

To confirm - we aren't publishing
today because we all agree we
want the print ads to run at the



iMessage





PF

EB



2 People >

"Will, sorry it has taken me some time to get back to you. As I mentioned - and even though while I personally agree with your position / strategy - it would present some problems for us given we spend as much time engaging with News Limited in our business as anyone else. That being said I would be happy to help you find another option or be available to bounce some thoughts / ideas off informally. Jim "

"Not sure who you have contacted Will but Sue Cato, Mark Rudder (Cosway) or Tim Allerton (City PR) may be in a position to help. I can pass on contact details "

Sue is a no from what I understand. LMK if either of you are familiar with the other two.

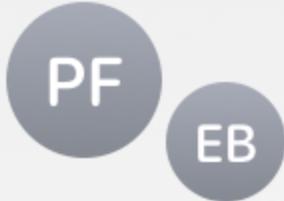
Re traffic, there shouldn't be any issues. If the site crashed it would more likely be because of someone launching some sort of coordinated attack. This is hard to prepare for. But the team are on alert.

Peter Fray



iMessage





2 People >

Eric, Peter - I had hoped to arrange a call to discuss the Murdoch matter this evening UK time but I don't think that is going to work (time difference isn't what I thought it was). Could we speak tomorrow at 4.30 Melbourne time?

Mon 4 Jul at 8:10 pm

Eric Beecher

EB Ok for me.

Mon 4 Jul at 10:57 pm

Peter Fray

PF Yup

Tue 5 Jul at 4:31 pm

Am on the link in the calendar invite

Eric Beecher

EB 3 mins

Thu 7 Jul at 4:58 pm

Eric Beecher

EB Are we talking at 5?

Yes

Fri 22 Jul at 8:44 am

iMessage input field with camera, app store, and microphone icons





2 People >

the Daily and the article page.

Intro to Daily you can sort? Is the article just the same as the GFM landing page?

Peter Fray



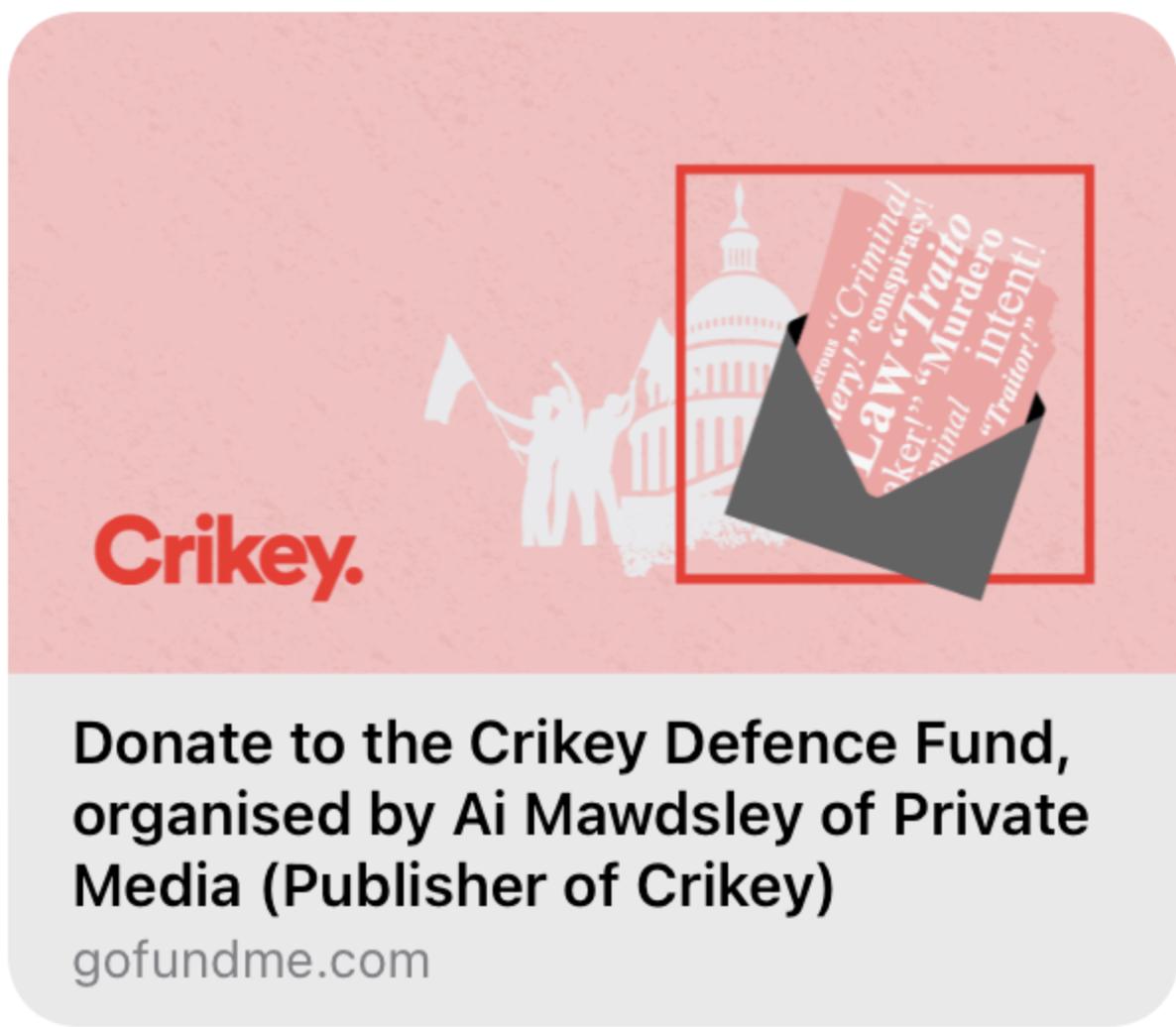
PF

Think so but see what Eric comes up with



PF

We talk about a separate story



The image will change.

Peter - I have told Eric we will not run a disclaimer on the GFM about Alliance's neutrality.



iMessage



John Churchill

From: Jorge Noguchi <jorge.noguchi@nytimes.com>
Sent: Monday, 29 August 2022 8:35 PM
To: Ai Mawdsley
Cc: Will Hayward; Kit Tam; Private Media AP
Subject: Re: NYT ad

Thank you, Ai. You're welcome.

Best

Jorge

Jorge Hidemasa Noguchi / 野口 秀正 ジョージ (He/Him)
Regional Advertising Director - Head of Japan & North East Asia.
日本・北東アジア 支社長 ヘッド・オブ・アドバタイジング



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T. +81 (0)3-3545-0940

E. jorge.noguchi@nytimes.com

T [Brand Studio / nytimes.com](#)

14/F, Asahi Shinbun Shin- Kan 5-3-2 Tsukiji
Chuo-Ku, Tokyo, 104-0045, Japan

On Mon, 29 Aug 2022 at 19:33, Ai Mawdsley <amawdsley@privatemediacom.au> wrote:
Thanks so much Jorge

On Mon, Aug 29, 2022 at 8:27 PM Jorge Noguchi <jorge.noguchi@nytimes.com> wrote:
Dear Will and Ai,

I hope you had a great weekend,

I'm sorry for the delay in sending over the invoice. Please look at the attachment and let me know if you have any questions.

Thank you again

Jorge

Jorge Hidemasa Noguchi / 野口 秀正 ジョージ (He/Him)
Regional Advertising Director - Head of Japan & North East Asia.
日本・北東アジア 支社長 ヘッド・オブ・アドバタイジング



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14/F, Asahi Shinbun Shin- Kan 5-3-2 Tsukiji

Chuo-Ku, Tokyo, 104-0045, Japan

On Tue, 23 Aug 2022 at 05:32, Will Hayward <whayward@privatemediacom.au> wrote:

Jorge - thanks so much for this.

W

Will Hayward

Chief Executive Officer

Private Media

0481 112 662



I respectfully acknowledge the Traditional Owners of the land where Private Media operates, the Boon Wurrung and Woiwurrung (Wurundjeri) peoples of the Kulin Nation, and pay respect to their Elders, past and present.

On Mon, 22 Aug 2022 at 20:00, Jorge Noguchi <jorge.noguchi@nytimes.com> wrote:

Dear Will and Ai,

Good evening.

I hope you both had a great weekend,

As promised, please kindly find attached the PDF copy of your ad in our NYT (NYC only edition) Page A7

For the invoice I am still waiting for my US team to get back to me on that, I hope to have it ready for you asap.

Please let me know if you have any questions.

Thank you very much

Jorge

Jorge Hidemasa Noguchi / 野口 秀正 ジョージ (He/Him)

Regional Advertising Director - Head of Japan & North East Asia.

日本・北東アジア 支社長 ヘッド・オブ・アドバイジング



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14/F, Asahi Shinbun Shin- Kan 5-3-2 Tsukiji

Chuo-Ku, Tokyo, 104-0045, Japan

On Fri, 19 Aug 2022 at 13:48, Jorge Noguchi <jorge.noguchi@nytimes.com> wrote:

Thank you Ai, great I will make sure to have the invoice sent over once ready.

Have a great weekend

Many thanks

Jorge

On Fri, Aug 19, 2022 at 13:40, Ai Mawdsley <amawdsley@privatemediacom.au> wrote:

Okay no problem - we can still process the prepayment by EOD today (Melb time). Please shoot through the invoice as soon as you can

Cheers

On Fri, Aug 19, 2022 at 2:31 PM Jorge Noguchi <jorge.noguchi@nytimes.com> wrote:

Hi Ai,

Thank you for your mail, as for our invoice I can only obtain it tonight from New York. Therefore I hope to have that ready for you before or after the ad has been published.

Please let me know if you have any questions

Thanks

Jorge

On Fri, Aug 19, 2022 at 12:50, Ai Mawdsley <amawdsley@privatemediacom.au> wrote:

Hi Jorge,

We will arrange that payment today. Will has shared the IO with us, could you also send an invoice?

Thanks

On Fri, Aug 19, 2022 at 1:15 PM Jorge Noguchi <jorge.noguchi@nytimes.com> wrote:

Hi Will,

Good afternoon

Thank you for the revise ad, your booking is all set.

As prepared 1. Revise ad and prepayment slip.

US Print

Depositor Account title: The New York Times Company

Depositor Account Number: 8900058471

Transit Routing Number (ABA#): 021000018

Bank's Name: Bank of New York Mellon

BIC: IRVTUS3N

The ad will be running in our main news sections

Please let me know if you have any questions

Thank you

Jorge

On Fri, Aug 19, 2022 at 7:41, Will Hayward <whayward@privatemediacom.au> wrote:
Jorge - thanks for helping this.

How can we best arrange pre-payment?

Will

Will Hayward

Chief Executive Officer

Private Media

0481 112 662



I respectfully acknowledge the Traditional Owners of the land where Private Media operates, the Boon Wurrung and Woiwurrung (Wurundjeri) peoples of the Kulin Nation, and pay respect to their Elders, past and present.

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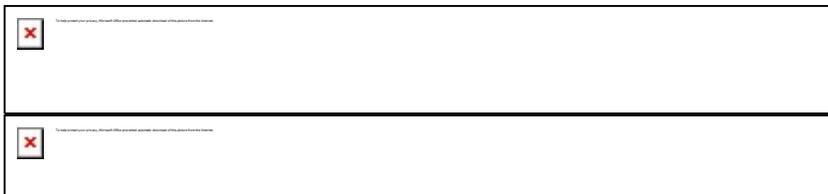
Kind regards,
Ai Mawdsley

Chief Operating Officer

Mobile: +61 43 000 9974

Email: amawdsley@privatemediacom.au

Address: [PO Box 5239 380 Bourke st Melbourne VIC 3000](#)



--

Jorge Hidemasa Noguchi / 野口 秀正 ジョージ
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Kind regards,
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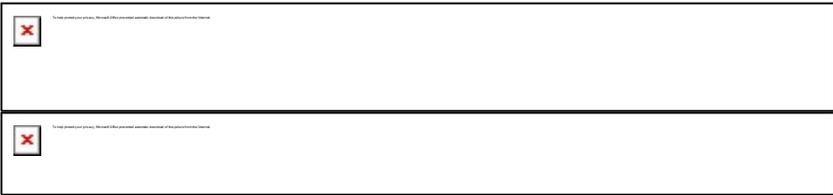
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Address: [PO Box 5239 380 Bourke st Melbourne VIC 3000](#)



John Churchill

From: Will Hayward <whayward@privatemediacom.au>
Sent: Monday, 4 July 2022 4:18 PM
To: Peter Fray
Cc: Eric Beecher
Subject: Re: Talk about Lachlan?

Morning - yes am working mornings UK time this week. Will give you a call shortly.

W

On Mon, 4 Jul 2022 at 5:35 am, Peter Fray <pfray@privatemediacom.au> wrote:

Hi Will

Sorry to interrupt your strawberries and cream.

If memory serves, u are doing a bit of work this week.

Eric and I have been talking about Lachlan — about taking him on in the cause of press freedom.

Obviously not without risk.

Chat later today?

I can do any time until 530 pm Sydney/Melb time.

Tomorrow works too

P

--

Will Hayward
CEO, Private Media
0481 112 662

John Churchill

From: Eric Beecher <ebeecher@privatemedias.com.au>
Sent: Monday, 25 July 2022 1:59 PM
To: Peter Fray; Will Hayward
Subject: LM story thoughts

Here are a few thoughts on a possible story slate to kick it off, maybe over the first 7-8 days (ie keep it rolling) -- aligns with Peter's verbal list the other day, adds a few more:

Day 1: Overview news story (the facts) ... All legal letters (4?) ... Comment: why we're doing this (PF/EB?) (devote entire newsletter?)

2: Australia's defo laws (v US) (Bradley?) ... Lachlan Murdoch on media freedom/quotes from his speeches ... Crikey's history with LM defo claims

3: the Dominion/Trump connection (Warren?) ... US media and politician comments on Fox News and Jan 6/Trump ...

4: Fox News as a political player over decades (David McKnight?) ... Rudd or Turnbull write

5: S Mayne (?) ... News Corp's power (EB/regurgitate past series)

6: How LM defends Fox/his public comments ... Murdoch family wealth, ownership structure ...

7: Guest columns x 2 (academics, former politicians, former News Corp employee, etc).

8: Interviews with lawyers, others on defo law reform, using this case as the example

... plus obviously updates on the rolling story ...

Eric Beecher

Chairman | Private Media | Solstice Media | Australian Communities Foundation

Phone [+ 61 412 584 251](tel:+61412584251)

ebeecher@privatemedias.com.au

Private Media Pty Ltd, 107 Elizabeth Street, Melbourne VIC 3000

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Cc: Eric Beecher
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Defo law reform is a perennial and we could certainly turn news corps word against it. Where we sit is around the issue of what you can say about a public person: in the US, you can pretty well say anything though the gawker matter tempers that a bit. Here a public person have as much right as anyone and even more so because they have the money. Bradley will have a better view of this but the test here is also around that and what is fair comment. We used Murdoch as a synonym to Fox. His literalism makes the law an arse.

P

On 1 Aug 2022, at 5:50 pm, Will Hayward <whayward@privatemedias.com.au> wrote:

This is great thank you.

Unsure if these comments go in the doc or in email, until settled.

We had a good call with Populares. I increasingly think we should explore how we can tie our fight to the wider issue of defo law reformation.

To me the issue has always been that, as currently constructed, one interpretation (Murdoch's) of the law is that we shouldn't even be allowed to publish what we did. That is absurd - even scary.

It seems to me there is a wide non partisan public consensus that defamation law needs to be reformed. It touches multiple issues - #metoo, Stokes, concentration of power, Porter (as you know, even he thought the law should be reformed).

The way I think we should think about this calculation is - one campaign has us at the centre (Murdoch wants to shut down Crikey!) - how much total positive impact would that have? Everyone it reached would think of us, but maybe total reach would be lower.

Vs - a wider campaign that says - enough is enough, defo law has to change. We build a big public consensus. Make it cross party. Set up a go fund me and a petition. Pull in multiple factions. Campaign to change the law. Sell merch. Probably has potential for wider reach, but lower connection to our brands.

How does that balance look, and which one supports the sustainability of Crikey over the long term?

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Here's the first draft of the doc we talked about.
Eric

 LACHLAN MURDOCH CAMPAIGN

[Open](#)

Google LLC, [1600 Amphitheatre Parkway, Mountain View, CA 94043, USA](https://www.google.com)

You have received this email because ebeecher@privatemediacom.au shared a document with you from Google Docs.



--

Will Hayward
CEO, Private Media
0481 112 662



EB



Eric >

Thu, 11 Aug, 8:42 am

When are you thinking about launching LM?

Wednesday

My piece and chronology are finished, in LM Copy doc.

Thanks

Thu, 11 Aug, 7:52 pm

Need to talk?

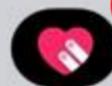
Tomorrow fine

Text Message
Sun, 14 Aug, 12:13 pm

You missed a call, but the caller didn't leave a message.



iMessage



68



 160

EB



Eric >

I'm around.

Sun, 14 Aug, 3:58 pm

Maybe time for one of us to confidentially brief Damian Cave? Maybe discuss at tomorrow morning's meeting with Populares?

Mon, 15 Aug, 7:17 pm

Day one looks good. One small point: I've been saying it's six weeks since the original BK story — it's exactly eight weeks on Wednesday.

Cool

Fri, 19 Aug, 7:00 am

From today's CBD column — is Workman any good?



iMessage



69



John Churchill

From: Will Hayward <whayward@privatemedia.com.au>
Sent: Sunday, 14 August 2022 3:16 PM
To: Anthony Reed; Ed Coper; Eric Beecher; Peter Fray
Subject: FYI

Someone leaked.

<https://www.smh.com.au/business/companies/lachlan-murdoch-sends-legal-threat-to-crikey-over-january-6-article-20220813-p5b9ll.html>

Don't think this changes anything.

--

Will Hayward
CEO, Private Media
0481 112 662

John Churchill

From: Eric Beecher <ebeecher@privatemedia.com.au>
Sent: Sunday, 14 August 2022 1:35 PM
To: Peter Fray; Will Hayward
Subject: Open letter to LM

We've talked separately about this idea that Will had on Friday: we write a story for day one, possibly in the form of a letter to LM, inviting/imploring/challenging him to sue us so we can resolve this matter in a court.

And maybe we attempt to publish the story/letter as a paid ad in a couple of newspapers and online (including The Australian, who will reject it). So it strengthens our positioning in the absence of a writ and, hopefully, gets the issue talked about. We take the bullying and hypocrisy beyond Crikey into the public arena ourselves.

We'd need to try to craft the piece in a way that was clearly not defamatory itself, because I suspect the Nine newspapers won't need much encouragement not to publish it and poke the bear themselves.

But even if they refuse it, are their online platforms that would carry it (FB, other)?

Eric

--

Eric Beecher

Chairman Private Media | Solstice Media | Australian Communities Foundation

Phone [+61 412 584 251](tel:+61412584251)

ebeecher@privatemedia.com.au

Private Media Pty Ltd, 107 Elizabeth Street, Melbourne VIC 3000

John Churchill

From: Peter Fray <pfray@privatemediacom.au>
Sent: Thursday, 11 August 2022 12:56 PM
To: Bernard Keane
Subject: Us and him....
Attachments: Research.docx

John Churchill

From: Peter Fray <pfray@privatemediacom.au>
Sent: Friday, 12 August 2022 6:49 PM
To: Christopher Warren
Subject: Re: Re Murdoch

Need to do the Murdoch letters related stuff. So don't want to muddy waters on Monday
How those pieces going? Did u get my email?
P

On 12 Aug 2022, at 5:50 pm, Christopher Warren <christopher@warren-media.net> wrote:

Hey: thinking with all this raid stuff going on (and the Jan 6 story shifting to the back-burner a bit) whether the piece for Monday should be:

Right now - Mixed messages out of the Murdoch camp: while WSJ and NYPost leaders are saying Trump must go (and while Lachlan is letting it known quietly per CNN that he doesn't rate Trump) Fox is still all Trump all the time (some data that he gets mentioned 10 times as often as deSantis) and they've all gone hard on the FBI conspiracy.

This can then spill into a second piece the following day: this as a repeat to the late 2020 strategy - while WSJ editorialised that time to move on (and Fox was humble bragging about getting Arizona call right) Fox was creating the environment through news and commentary for the big lie and encouraging people to be angry leading into January 6, (with data).

Can send both these pieces this weekend, then follow up later in the week on the clashing oligarchs - Trumps and Murdochs: best of frenemies over two generations

Chris

On Thu, Aug 11, 2022 at 6:24 AM Peter Fray <pfray@privatemediacom.au> wrote:

Great
Murdoch stuff by Monday would be great
The anti party would be great for this week if poss
P

On 10 Aug 2022, at 11:16 pm, Christopher Warren <christopher@warren-media.net> wrote:

Yep. Sounds good...when do you want this? Could file one tomorrow, or both by Monday for use by next week?

looks like a lot of the Fox shows from late 2020 have been taken down (I guess as a result of the Dominion and Smartmatic cases) but in the nature of the Internet, there's bits and grabs everywhere. Plus there's the defo cases and there's also some data tracking work done by Media Matters on the "big lie" so that gives some hard figures too.

In the meantime, been thinking of a piece: In Australia, the anti-party movement is on the rise (Teals, Greens, One Nation). In Europe, it rose a decade ago (Italy's 5 Star, Spain's Ciudadanos, even the Lib Dems in the UK) and are now collapsing and their voters are surging to the facist right . Why is that happening? What does it tell us about what Australia can expect?

If you want the Murdoch's stuff for next week, can file this tomorrow for Friday.

Best

Chris

On Wed, Aug 10, 2022 at 11:31 AM Peter Fray <pfray@privatemediacom.au> wrote:
Hi Chris

Can you do two things re Murdoch and Fox:

1. a detailed forensic piece looking at everything said on Fox about Jan 6 in the lead up to and on the day. Name names, times. I am sure you have done something similar before and obviously the Murdoch piece I held has some of it in it.
2. A recast of the piece I held that looks in detail at the relationship between Fox, the Murdochs (Rupert and Lachlan) and Trump. It could take in the Kushner book.

Happy to pay above normal rate for these as the first one might take up a bit of time. Can you let me know if you are cool with this?

P

John Churchill

From: Peter Fray <peter.fray@me.com>
Sent: Sunday, 21 August 2022 7:30 PM
To: dfolkenflik@npr.org
Cc: Will Hayward; Eric Beecher
Subject: Re: From Peter Fray re Lachlan M.
Attachments: Crikey_NYT_5.7x10.5in_5.1.pdf

Slight change din ad for NY audience here.

On 21 Aug 2022, at 7:24 pm, Peter Fray <peter.fray@me.com> wrote:

Hi David

Trust all is good with you.

I think we met many moons ago in the company of Bill Adair, who is the Australian Peter Fray — ok, I am the Australian B.Adair (an honour).

I believe Bill might have mentioned what we are up to at Crikey, a 20-year plus news site mainly covering politics/national affairs.

The gist of it is we have enough of being bullied — and threatened with defamation -- by Lachlan Murdoch over an article that asked very legitimate questions about the role of Fox in the Jan 6 insurrection and the amplification of the Big Lie.

We are drawing a line in the sand in the name of freedom of speech and press freedom.

To that end, we have taken out ads for an open letter in the NYT Monday metro edition, text below, inviting Lachlan to follow through with his threats and sue us.

We plan to publish the legal letters in full, the open letter plus the original article at 5 pm Sydney time on Monday August 22 — 3 am in New York.

It is all embargoed until then.

We will have related coverage all week.

Happy to talk more about this at any time. I am on +61 437 533760.

I am cc'ing in Eric Beecher, the chair of Private Media (Crikey's publisher) and Will Hayward, our CEO.

Below:

- the original article
- a chronology of threats

- the text of the open letter/ad.
- the back and forth of the letters

Best regards

Peter Fray

Peter

- <1. Crikey Article (00017710xECF95).pdf>
- <LMurdochChronology.docx>
- <Crikey_CANBERRA_TIMES_fullpage_374x260mm_7 3.pdf>

- <5. Letter to John Churchill from MinterEllison - Lachlan Murdoch - 7 July 2022.pdf>
- <4. Letter to The Editor Crikey, Private Media Pty Ltd and Mr Bernard Keane (00017717xECF95).pdf>
- <6. Letter to Bartlett re Crikey 19.7.22.pdf>
- <7. Letter to Churchill - Offer to make amends_2689036_1.PDF>
- <8.Letter to Mr Michael Bradley, Marque Lawyers (00017891xECF95).pdf>
- <9. Letter to Churchill_2690965_1.DOCX>
- <10. MB August 1 email to us.docx>
- <11. Letter to Mr Michael Bradley, Marque Lawyers (00017916xECF95).pdf>
- <Letter to Churchill 9 August 2022_2695836_1 2.PDF>

John Churchill

From: Peter Fray <peter.fray@me.com>
Sent: Sunday, 21 August 2022 8:32 PM
To: zoe.samios@nine.com.au
Cc: Will Hayward; Eric Beecher
Subject: Re Murdoch, note embargo
Attachments: Crikey_NYT_5.7x10.5in_5.1.pdf; Crikey_CANBERRA_TIMES_fullpage_374x260mm_7.pdf; LMurdochChronology.docx; 1. Crikey Article (00017710xECF95).pdf; 6. Letter to Bartlett re Crikey 19.7.22.pdf; 7. Letter to Churchill - Offer to make amends_2689036_1.PDF; 8.Letter to Mr Michael Bradley, Marque Lawyers (00017891xECF95).pdf; 9. Letter to Churchill_2690965_1.DOCX; 9. Letter to Churchill_2690965_1.DOCX; 10. MB August 1 email to us.docx; 11. Letter to Mr Michael Bradley, Marque Lawyers (00017916xECF95).pdf

Hey Zoe

Appreciate this isn't of any use for tomorrow's pages but thought you might be interested.

In the NYT on Monday Crikey has placed an advertisement inviting Lachlan Murdoch to actually follow through with his threat over the Fox article and sue us.

We have also placed a similar ad in The Canberra Times, after being rejected by Nine.

James Chessell told me it was probably knocked back because we were competitors (!/lol); someone in ads at Nine told Will Hayward it was because Nine didn't want to upset Rupert etc.

We strongly think we should be able to publish articles questioning Fox and its role in the Jan 6 insurrection.

Anyway, here are the copies of the ad, the original article, the legal threats from Lachlan and a piece detailing the chronology of the threats.

We will publish a special Crikey at 5 pm Monday to coincide with the NTY ad.

Myself, Eric or Will are happy to talk.

All best

Peter

Peter

LACHLAN MURDOCH CAMPAIGN

POSSIBLE TACTICS

- Send personal emails/letters to key influencers explaining what's happening (inc politicians)? Sarah Hansen-Young, etc?
- Rudd, Turnbull, former judges and lawyers, Burnside, etc?
- Fairfax family (John B) go public on this?
- US media coverage?
- Video?
- Crowd funding?
- Paid marketing?
- Privately brief social media influencers?
- Small survey showing ordinary Australians the story headline and asking them who they believe "Murdoch" is? (Maybe small sample, 200/300?).

TALKING POINTS

- "Lachlan Murdoch wants to wipe out Crikey financially. We are one of the very few viable independent news publications in Australia, and he wants to crush us."
- "The Billionaire Boss of one of the biggest most powerful media companies in the world wants to clobber a tiny independent news publisher..."
- "How could Australia's defamation laws allow a wealthy public figure like Lachlan Murdoch to sue over straight-out public interest journalism when, in the US, as a public figure, he couldn't sue at all?"
- "In his 2014 Keith Murdoch Oration, Lachlan Murdoch declared that 'censorship should be resisted in all its insidious forms ... we should be vigilant of the gradual erosion of our freedom to know, to be informed, and make reasoned decisions in our society and in our democracy. we must all take notice and, like Sir Keith, have the courage to act when those freedoms are threatened.' At Crikey, we fully agree with Lachlan's brave comments."

- “The Murdoch media regularly attacks hypocrisy in all its forms, which is why Crikey is taking a stand against the hypocrisy of a billionaire media owner trying to shut us down.”
- “We may not be anywhere as rich as Lachlan Murdoch, or as big as his media companies, but Crikey is tremendously proud of its moral compass and its editorial mission. If publishers like us didn’t exist in Australia, the Murdochs would be even more powerful and politically influential.”

POTENTIAL CONTENT SLATE:

Day 1: Short overview news story (the facts, including previous LM-Crikey skirmishes) ...
 Chronology: how media power works (quote key parts from BK story + all letters, plus repost the article and post all letters in full on website?) Comment: why we're doing this (EB?) (devote entire newsletter?)

Day 2: Australia's defo laws (v US) (Bradley?) ... Lachlan Murdoch on media freedom/quotes from his speeches ... Crikey's history with LM defo claims

3: the Dominion/Trump connection (Warren?) ... US media and politician comments on Fox News and Jan 6/Trump ...

4: Fox News as a political player over decades (David McKnight?) ... Rudd or Turnbull write?

5: S Mayne (?) ... News Corp's power (EB/regurgitate past series)

6: How LM defends Fox/his public comments ... Murdoch family wealth, ownership structure ...

7: Guest columns x 2 (academics, former politicians, former News Corp employee, etc).

8: Interviews with lawyers, ex-judges, others on defo law reform, using this case as the example

... plus obviously updates on the rolling story ...

Other possible stories:

BK? John B Fairfax story/interview? More on defo laws, history of reform? Fox and January 6? Mike Carlton? Interview other independent publishers about what this means? Paddy Manning (L Murdoch biographer)?

AUSTRALIA'S DISTORTED DEFAMATION LAWS:

Possible approach and content ... make it a campaign?

Will's thoughts: To me the issue has always been that, as currently constructed, one interpretation (Murdoch's) of the law is that we shouldn't even be allowed to publish what we did. That is absurd - even scary. It seems to me there is a wide non partisan public consensus that defamation law needs to be reformed. It touches multiple issues - #metoo, Stokes, concentration of power, Porter (as you know, even he thought the law should be reformed). The way I think we should think about this calculation is - one campaign has us at the centre (Murdoch wants to shut down Crikey!) - how much total positive impact would that have? Everyone it reached would think of us, but maybe total reach would be lower. Vs - a wider campaign that says - enough is enough, defo law has to change. We build a big public consensus. Make it cross party. Set up a go fund me and a petition. Pull in multiple factions. Campaign to change the law. Sell merch. Probably has potential for wider reach, but lower connection to our brands. How does that balance look, and which one supports the sustainability of Crikey over the long term?

VIDEO:

- Lachlan Murdoch's comments about media freedom and the role of Fox News as the "opposition" to the Biden administration ... interview grabs with Turnbull, Rudd, Bradley, etc ...

BACKGROUND:

A brief history of Lachlan Murdoch and Crikey/P Fray, July 2022.

In my time as EiC of Crikey (from Jan 2020 to now) we have had four run-ins with Lachlan Murdoch. We know about the current one. Here is an outline of the other three:

September 23 2020. On this day, in a headline, we referred to Lachlan Murdoch as being cited by ex British MP Tom Watson as organised crime figure. Mr Watson's statement, made in the wake of the UK hacking scandal and under parliamentary privilege, was of course a reference to James Murdoch, Lachlan's brother. Following a letter from Lachlan's lawyer, we issued an apology, under my name, the following day.

<https://www.crikey.com.au/2020/09/24/crikey-apologises-lachlan-murdoch/>

April 15, 2021. On this day in an article written by Stephen Mayne, we suggested that Christine Holgate, the recently sacked head of AusPost, had played dead as a board member of the then Lachlan Murdoch-run and controlled Channel 10 board on the issue of AFL football rights. We suggested that Mr Murdoch and his board, including Ms Holgate, had not bid for the rights to

assist the Murdoch-family controlled Foxtel in its negotiations. After letters between Minters and Lachlan's lawyer we published an apology to Mr Murdoch on April 21 and agreed to pay costs to the sum of approx. \$14,000. We also apologised to Ms Holgate. The Murdoch apology was kept in a prominence position on the Crikey homepage for several days.

<https://www.crikey.com.au/2021/04/21/apology-to-lachlan-murdoch/>

August 19, 2021. we received a concerns notice from Mr Churchill concerning an article by Stephen Mayne about the jobkeeper funding access by Mr Murdoch's Nova radio station on that same day. The article dealt with how many leading companies, such as Harvey Norman, had received many millions from jobkeeper and subsequently made profits. In the article Mr Mayne used the phrase that Mr Murdoch's Nova "helped itself" or "helped himself" (need to check this bit) to \$16 million in funding. Mr Churchill said the story alleged that Mr Murdoch had inappropriately done so, suggesting all sorts of illegal activity. Minters responded that, in essence, there were no such imputations in the article. Mr Churchill did not follow up and the concerns notice lapsed. Concerns notice attached.

Late June 2022, in an article by Bernard Keane, Crikey published that Lachlan Murdoch's Fox News had egged on, amplified and encouraged the actions of pro- Trump supporters on Jan 6 2021. Etc.

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Eric >



You missed a call, but the caller didn't leave a message.

iMessage
Mon, 4 Jul, 10:24 am

Chat re Lachlan?

Yup

Will get edition out

Text Message
Tue, 5 Jul, 12:04 pm

Chris Wallace CW >

I talked to her yesterday, she's interested in talking to you. Might be worth us talking briefly before you do.

iMessage



iMessage



82



Crikey.



**The Lachlan Murdoch
Letters Campaign**

Outline

- Editorial plan
- Technical plan
- Marketing plan
- Social strategy
- Mock ups
- Timeline
- Wishlist

Decisions needed are bolded throughout presentation.



Editorial newsletters

Monday, August 15

- Republish original article

Thursday, August 18 Launch

- Daily send: total content takeover to launch
- Daily.2 send: 30 min to 1 hour later to nonpaying subs, with marketing material added
 - Marketing material responsibility: Rachael (due Tuesday)

August 19 - 31

- Daily sent to “all”

Dynamic content:

https://docs.google.com/document/d/1z1JcLqMC4u4CbwFNkH8gzU6u9_yeKWWPTpJwGKtHGqM/edit?usp=sharing



Monday, August 15

- Republish original article

Thursday, August 18

- 12:01am
 - Publishing 8 stories (Why we're doing this, Chronological order, Open Letter, Original article, Initial letters): Production
 - One main social post on each channel, pinned, to topic page: Imogen
 - Homepage Screamer: Production(/Imogen?)
 - 50% off sale begins (Marketing/Ads)
- 7am
 - Worm takeover: Production
 - 8 stories (Why we're doing this, Chronological order, Open Letter, Original article, Initial letters)
 - Intro explaining why we're doing this, and that everyone will be getting the Daily for next two weeks
 - Sender - Crikey Special Edition
 - Lists - Crikey Worm, Crikey Special Edition
 - Format - Daily
 - Includes Image of the newspaper ad: Zennie/Production
- Midmorning (10-11ish)
 - Daily special edition: Production
 - Remainder of Day 1 stories
 - Sender - Crikey Special Edition
 - Lists - Crikey Daily, Crikey Special Edition
 - Format - Daily
 - Full social of all pieces - Imogen
 - If breaking news, a pointer to the homepage with more info

This is to coincide with the launch of newspaper advertising, and to take advantage of the American news cycle.



Editorial newsletters

Date	Time	NL	List	Publishing list/Sender	Notes
22 Aug	5pm	Daily	Crikey Daily - Active and Trialling, Crikey - SPECIAL EDITION - MASTER - Active Trialing and Lapsed	Special Edition/Daily	Initial articles
23 Aug	6am	Worm	Crikey - SPECIAL EDITION - MASTER - Active Trialing and Lapsed, Crikey Worm - Combined	Special Edition/Special Edition	Worm takeover, top stories
23 Aug	12pm	Daily	Crikey Daily - Active and Trialling, Crikey - SPECIAL EDITION - MASTER - Active Trialing and Lapsed	Special Edition/Daily	Early Daily
24 - 31 Aug	12:15 pm	Daily	Crikey Daily - Active and Trialling, Crikey - SPECIAL EDITION - MASTER - Active Trialing and Lapsed	Special Edition/Daily	Normal Daily (normal Worm too)
1 Sept	12:15 pm	Daily	Crikey Daily - Active and Trialling	Daily/Daily	Back to normal



Paywall and free trials

- Topic page to house all articles and pieces
 - Locked until Monday 4:30pm
 - Responsible party: Rachael
- Free trial pushes replaced with sale information
 - Includes paywall, modules, socials
 - Responsible party: Rachael
- Sign ups through article paywalls will link back to article they were originally on
 - Plan B: links back to article page
 - Dev linking coupon code of sale to track this
 - Responsible party: Dev



Marketing campaign plan



Marketing campaign plan

[Asana ticket](#)

Promo code: [LETTERS](#)

Newsletter plan: starts launch day, continues every 2 days

- Email 1: Strong sale intro
- Email 2 (Monday 12:30pm): Why Crikey and teaser for tonight
- Editorial email (Monday 5pm): included within launch email
- Email 3 (Thursday): Latest developments, Crikey Talkslet me
- Email 4 (Saturday): Impact
- Email 5 (Tuesday, 30th): Ends tomorrow
- Email 6 (Wednesday, 31st): Ends midnight



Marketing campaign plan: Gifts (if possible)

Promo code: [LETTERS](#)

Newsletter plan: starts launch day, continues every 2 days

- Email 1 (Wednesday): Strong sale intro
- Email 2 (Saturday): Gift plus CT push
- Email 3 (Tuesday, 30th): Ends tomorrow plus CT push
- Email 4 (Wednesday, 31st): Ends midnight plus CT push



Copy and Design

Needs to be sent to legal Friday

- [Overall copy needed](#)
 - Responsible party: Glenn, due Thursday
- [Sale messaging guide](#)
 - Responsible party: Rachael, awaiting Glenn sale copy, due Friday
- [Dynamic content](#)
 - Responsible party: Rachael, awaiting Glenn sale copy, due Friday
- 5 email headers
 - Matching article headers
 - Responsible party: Zennie, due Thursday
- Social ads, on site ads
 - Matching article headers
 - Responsible party: Zennie, first set due Thursday



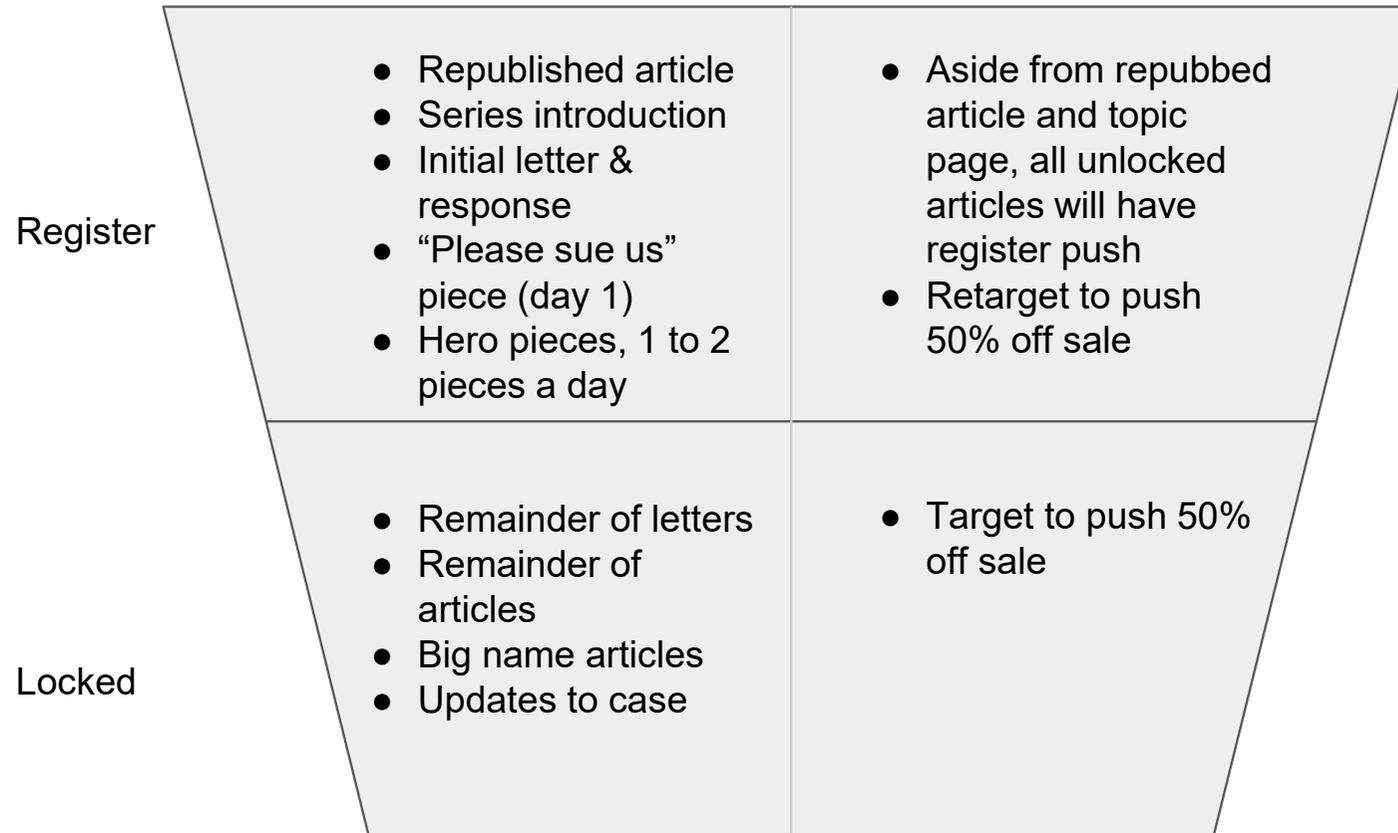
Website and logistics

Trialing a “direct to check out” approach to minimise clicks.

- All links in emails and paywalls are directly to the checkout
 - <https://www.crikey.com.au/subscribe/almost-there/?t=8a3699647d4b5cc0017d4f6013740804&cc=LETTERS&zid=%%Crikey%20-%20Zuora%20Customer%20ID%%>
- All external promotions (ads, socials, etc) will link to the topic page or specific articles
 - This ensures that we are capturing their details on free articles and pushing the paywall on locked articles
 - Should maximise leads and efficiency to payment



Funnel



Ratio of unlocked to locked = 20:80



Budget

Marketing budget: \$20,000

- Paid media: \$15,000
 - Strategy: Push articles, boosting organic
- Merchandise: \$5,000
 - Strategy: Should this lead to a fuller story, merchandise added in

Additional

- Print media: \$50,000
 - Strategy: Full page open letter ads in major newspapers across Australia



First day email marketing intro

Intro:

Dear Reader,

For the next two weeks you will be receiving the Daily, just like our paid members. This is because we are in a fight for freedom and think you deserve to see just how power works in Australia.

Below is today's Daily. We are putting our neck out here, and hope you're willing to walk the hard path with us. [Consider becoming a member](#) to help support independent media and make sure we can continue to speak truth to power.

Sign off:

Thank you for joining us as this story develops. We have so much more to share with you over the next two weeks. Enjoy your access and please feel free to share the email with family and friends.

Very early draft of email example



Slide 14

- 1 **Nothing defamatory in it!**
Tom Clift, 15/08/2022
- 1 **@tclift@crikey.com.au and @jcallil@crikey.com.au can you have a read? Does this need to go to legal?**
Rachael Karpman, 15/08/2022
- 2 **Italicise "Daily" throughout**
Tom Clift, 15/08/2022

Product inclusions

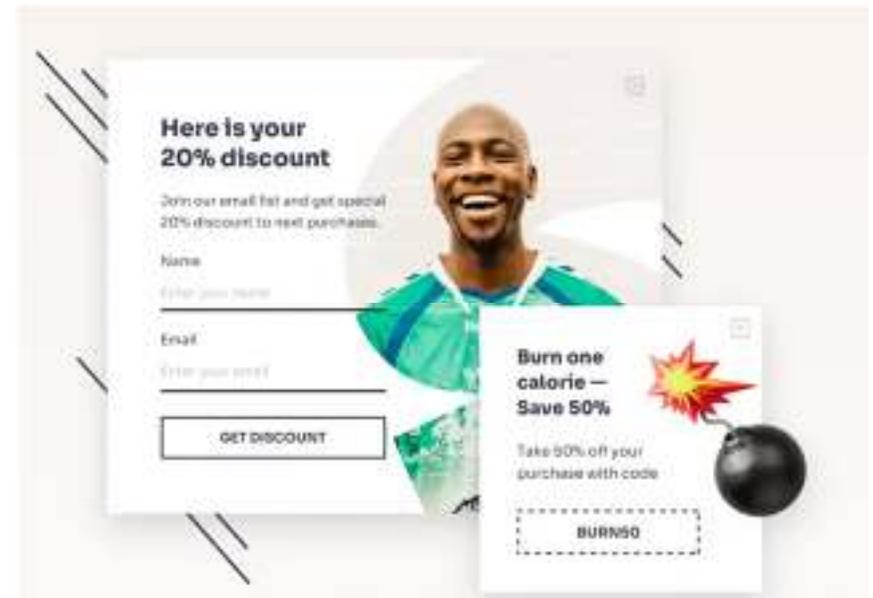


Product idea

2 To take advantage of extra traffic, we will trial a simple registration wall on these articles. The easiest way is to use an external platform like Wisepops to create a targeted popup on load.

- Anthony to create structure
- Zennie to design
- Rachael/Glenn for copy

Question: How does this interact with the paywall for the sale? Only on unlocked articles?



Slide 16

1

Can be targeted to specific articles, i.e specific unlocked stories. As we don't want this to be on the page page as the paywall. Leads can also be pushed thro for a custom journey.

Anthony Beinart-Smollan, 11/08/2022

2

Can you take me through how this works with the SFMC connection so I can create the journey?

Rachael Karpman, 11/08/2022

Social strategy



Organic

- August 22: 5pm Special Edition - Full takeover
 - Sale changes over to: “See how power really works”
- August 22 - August 29:
 - Key quotes shared from articles
 - Updates posted in real time as much as possible
 - Additional articles posted as normal with matching design theme
 - Sale posts
- 30 August: Sale ends tomorrow
- 31 August: Sale ends midnight

Social posting responsibility: [Imogen for editorial content](#), Rachael for sale content



Paid

- 3 ● Budget: \$25,000
 - \$300 on ads
 - \$200 on boosting organic posts that hit minimum engagement targets
 - Exception: organic announcement post on launch day with \$1000 boost
- Ad set up: send to articles as the CTA, not the campaign page
- Budget breakdown by channel: (with by day breakdown)

Ad mock ups:

Responsible: William



Slide 19

3

@wmawhinney@privatemediacom.au
Rachael Karpman, 19/08/2022

Mock ups



Mock ups



Article pop up

The screenshot shows a web browser displaying the Crikey website. The URL in the address bar is <http://staging.crikey.com/#/article/2020/02/02/national-psycho-gate-morrison-in-damage-control>. The page features a navigation menu with categories like News, Investigations, and Opinion. A prominent article headline reads "Psycho-gate: Morrison in damage control as Liberals deny leaking texts". A sidebar on the right contains a graphic titled "Politics has changed" with a "Join now" button. A large red pop-up overlay is positioned at the bottom of the page, containing the text "Register to keep reading, no payment required" and a "Join us" button.

12 weeks of Crikey for \$12
Subscribe

Search Sign in
Newsletters @ Crikey oncast

News News Investigations Analyse Opinion Politics Media Lifestyle Health Environment World

Crikey. Watch it unfold Join now

Opinion / Politics
Psycho-gate: Morrison in damage control as Liberals deny leaking texts
Wasn't me! Wasn't me! Senior ministers rush to declare their innocence as the prime minister says he's 'not fussed'.

9:58 AM AEST / 20 FEB 2020 12 Share

Politics has changed
Join now
Crikey.

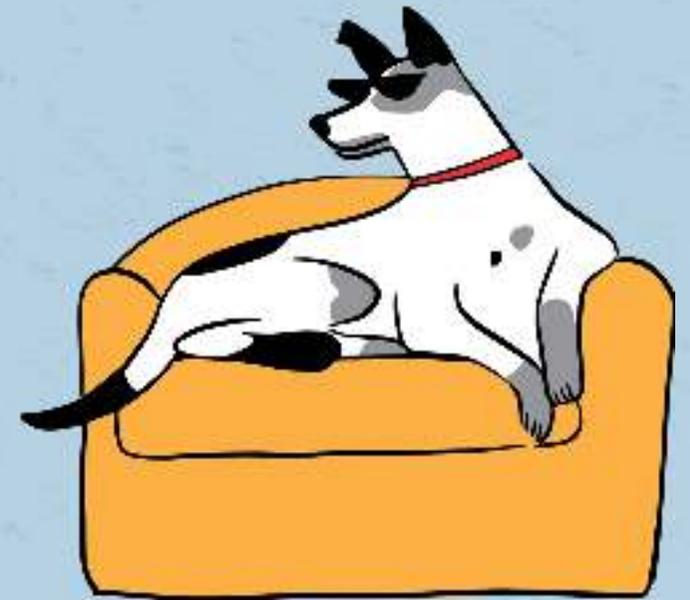
Register to keep reading, no payment required
Before you keep reading this article, we'd love if you took a moment to sign up. Get the latest from Crikey and support independent journalism.

Full name Join us

By registering you agree to our Terms and Conditions
Close



Wishlist



Recommendations

- 1
2
 - Twitter Space
 - Bernard and Peter
 - Talk about the history with Murdoch, how Crikey is different, the background of the situation
 - Tiktok
 - Bernard stars
 - Murdoch nearly sued us-thing
 - Imogen stars
 - Best bits of the legal letters ([quest star??](#))
- If sued we look into
 - Merch
 - OOH campaign
 - Special Edition newsletter with updates



Slide 24

2

Yes, we'd need to almost script this and run past lawyers first though. very iffy doing a life session on a defamation case

Imogen Champagne, 11/08/2022

1

Would be good to have Bradley break it down if he's up for it

Imogen Champagne, 16/08/2022

1

Agreed, and obvs has a strong sense of what we can and can't say. I'd assume News/LM will record the whole thing. We need to watch out for unforced errors

Will Hayward, 16/08/2022

Site takeover

The screenshot shows the Crikey website with a takeover overlay. The overlay consists of a light red banner at the top with the text "Help us hold power to account." and a "Join now" button. Below this is a large red banner with the Crikey logo. The main article title is "‘Short, dumpy girl’: Foxtel CEO insults Game of Thrones’ Emilia Clarke at House of the Dragon". Below the article title is another red banner with the text "Keep reading, no payment required" and a "Get access" button. The background of the website is a light red color.

News done fearlessly

SAVE \$100

Crikey.

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Menu News Investigations Analysis Opinion Politics Media Economy Health World Environment

Help us hold power to account.

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Crikey.

News / Media

‘Short, dumpy girl’: Foxtel CEO insults Game of Thrones’ Emilia Clarke at House of the Dragon

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Imogen Champagne

In a meeting • Google Calendar



discussion here - it not appropriate or not value add


Imogen Champagne 10:56

yeah i was thinking of asking you about this


Will Hayward 10:56

say no

Maybe I try then you deny if not good?


Imogen Champagne 10:57

i THINK it's a good idea

yeah, that makes sense


Will Hayward 10:57

Also - how can I get verified on twitter? If I am going to become part of the campaigning team I think it will change things.

Do we have an established process?


Imogen Champagne 10:58

can i rewrite what you've written for a video script, just to make it as tiktok ...ey as possible?

it's just this process for verification <https://help.twitter.com/en/managing-your-account/about-twitter-verified-accounts>

help.twitter.com

[Twitter Verification requirements - how to](https://help.twitter.com/en/managing-your-account/about-twitter-verified-accounts)

Imogen Champagne **has paused their notifications**



Message Imogen Champagne In a m...



Home



DMs



Mentions



Search



You



https://twitter.com/crikey_news/status/1561616514150985728

Monday, August 22nd ▾

 **Crikey** @crikey_news

Trump is a confirmed unhinged traitor. And Murdoch is his unindicted co-conspirator.

Lachlan Murdoch threatened to sue us for publishing this story. But this is public interest journalism. We stand by our story and your right to read it.

[FREE TO READ]

<https://www.crikey.com.au/2022/06/29/january-six-hearing-donald-trump-confirmed-unhinged-traitor/>

 Twitter | Aug 22nd

quite big, though not biggest



William Mawhinney 6:04 PM

Thanks! All locked in for boosting



Imogen Champagne  6:10 PM

thank you! do you have access to our buffer?



William Mawhinney 6:11 PM

Buffer?



Imogen Champagne  6:12 PM

our social scheduling app

it would just be an easy way to see what time things are going

but all good!



William Mawhinney 6:13 PM

Alas I don't think I do... maybe I can trouble you for access tomorrow/when you have time to breathe?



Imogen Champagne  6:30 PM

annnd this one big: <https://www.facebook.com/crikey.com.au/posts/pfbid07aui6PbpCLvnEGhUi6umNyMufYL2G7hoiRXkP8p3VsrBLP2pc6GihcNH38NRVLSgI>

 **facebook.com**

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See posts, photos and more on Facebook.



Imogen Champagne  6:50 PM

another big one: <https://www.facebook.com/crikey.com.au/posts/pfbid0aZfvvDSfsnvN6MjRTfiXLA5EAt3ts14iobJ8PYargSxGKmEAYkcBcioZVCUgUtuQI>

 **facebook.com**

[Log in or sign up to view](#)

See posts, photos and more on Facebook.

and this one big https://twitter.com/crikey_news/status/1561621298711007234

and this one big https://twitter.com/crikey_news/status/1561621298711007234

Monday, August 22nd ▾

 **Crikey** @crikey_news

When Crikey published an article referencing the role of Fox News in the January 6 insurrection, Lachlan Murdoch's lawyers sharpened their pencils.

What happened next paints a disturbing picture of Australian media power in its most bullying form.

<https://www.crikey.com.au/2022/08/22/lachlan-murdoch-letters-crikey-journalism-nuclear/>

 Twitter | Aug 22nd

and this one really big https://twitter.com/crikey_news/status/1561623588222169089

 **Crikey** @crikey_news

The Murdochs and their media empire pose an existential threat to the US & Australia.

Politics editor @BernardKeane has been threatened with defamation by Lachlan Murdoch for writing an article.

Here's why he'd write an even stronger article next time:

<https://www.crikey.com.au/2022/08/22/lachlan-murdoch-letters-calling-out-murdochs/>

 Twitter | Aug 22nd

and this oen mid big https://twitter.com/crikey_news/status/1561627988067815425

 **Crikey** @crikey_news

On June 30, Lachlan Murdoch's lawyer issued Crikey a concerns notice over an allegedly defamatory article. It was a whopping five pages long.

What does it look like to get threatened with defamation by a billionaire? See for yourself [FREE TO READ]

<https://www.crikey.com.au/2022/08/22/lachlan-murdoch-letters-in-full-1-2/>

 Twitter | Aug 22nd

and this one mid big https://twitter.com/crikey_news/status/1561635537370451968

 **Crikey** @crikey_news

"Mr Murdoch is content to have this issue determined by a Court."

Lachlan Murdoch didn't like our reply to his first legal letter. So in the next one, his lawyers doubled down. Read the exchange here in full.

<https://www.crikey.com.au/2022/08/22/lachlan-murdoch-letters-in-full-3-4/>

 Twitter | Aug 22nd

 **William Mawhinney** ▾

and if you're able to do insta both of these <https://www.instagram.com/p/ChjcwRXrCP>

Monday, August 22nd ▾

[instagram.com/p/ChjjfEhOhb/](https://www.instagram.com/p/ChjjfEhOhb/)

 **William Mawhinney** 7:01 PM
Boosting

Might be hitting our limit for post volume given our spend limit tonight. Will focus on the "biggs" instead of the mid-biggs. But keep letting me know if something is going viral!

 **Imogen Champagne**  7:28 PM
yeah makes sense

 1 

 **William Mawhinney** 7:33 PM
I'm on standby for anything else if you see something is going viral compared to the others.

 **Imogen Champagne**  7:40 PM
so the very first one and the open letter are both going the best - but i wouldnt say they are going viral. will keep an eye out

 **William Mawhinney** 7:45 PM
Roger that. Shoot me a line anytime.

 **Imogen Champagne**  7:54 PM
ok here's another one on fb <https://www.facebook.com/crikey.com.au/posts/pfbid02FbNwh7b97qv96c7MNqS4FxPCyKPt2hqwVFi9XiSbTvoqBJUz39axQdKMC76a9eRel>

 **facebook.com**

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See posts, photos and more on Facebook.

 **William Mawhinney** 7:58 PM
Nice! Might hold off FB boosting for now until we get at least some of them approved by our Meta overlords. Keeping this on my radar though!

Monday, August 22nd ▾



William Mawhinney 11:50 AM

Hey Imogen, are you free to link up today and talk me through your content plan? Will be good to nail down what your key posts will be and when they will launch on what paltforms. FYI the first couple of days will need me boosting stuff manually rather than via the hashtag. So I'll need to align VERY closely with your content schedule!



Imogen Champagne 11:55 AM

hey, i'm sorry, i literally don't have time for another meeting today, it's already very overfull. Is there a less time-consuming way we can do this? i thought the other day we agreed that we were going to go very hard on the first couple of days. ie. heavily boost everything?



William Mawhinney 12:04 PM

Yeah... that's changed as of a couple of hours ago apparently. I'm boosting manually for the first few days for fear of not putting enough spend on our best stuff at the right time.

Let's see. Definitely don't want to kill your time. Do you have a content calendar doc I could tap into by chance?

Maybe the most important things for me to know for the next 24-48 hours is:

- What posts are going live?
- When are they going live? (time)
- Where re they going live? (FB, Twitter etc.)
- What are your the posts that you expect will be the biggest hitters for engagement and click through today/tomorrow? (Top 3-5 posts on each channel ideally)

BTW stick with your hashtag plan too. The automated FB stuff will still go ahead but has been pushed back for now.

How easy is it for you to answer the above?



Imogen Champagne 12:06 PM

do you/kevin know that this is all going to be happening after hours though? As in we start at 5pm and go from there



William Mawhinney 12:07 PM

Yep - I'll be online most of tonight to keep an eye on ad performance as we go.



Imogen Champagne 12:07 PM

wow how annoying for you

this is my social content plan but i honestly don't know if it's going to make heaps of sense to you if you're not familiar with the articles https://docs.google.com/document/d/1H9gCh0BUg1Q-qael0_COZw3RqNr40DN0dGsGStlvz4M/edit?usp=sharing

can i just send the posts through to you as they go live and tell you if it's like a 'top three' post, or a 'second tier' post etc?

sorry i just don't know how to make it super clear. It's like, basically, on FB and Twitter every post that's published today will go live in the order of Peter's rundown



William Mawhinney 12:30 PM

Gotcha - so the order and timing of each post is still pretty fluid?

In that case if you can shoot me your "top 3" posts as they go live (the more forewarning you can get me the better) on each channel that would be great. Also let me know if another post has gone viral (if you're online) and I can put spend behind that too.

 **William Mawhinney** ▾

you're online) and I can put spend behind that too.

Monday, August 22nd ▾

 **Imogen Champagne** 🇺🇸 12:30 PM

yeah, I mean the first and most important one will go out at 5pm. From there they will go out between every 15 mins/half an hour

quick at first and then they'll slow down

and yes, absolutely to your second point

 **William Mawhinney** 4:05 PM

Awesome sauce - sorry for not replying!

I'm on standby for your posts. Shoot me a slack when you have the first of your top three going live or any other "letters" posts going viral. (edited)

 **Imogen Champagne** 🇺🇸 5:10 PM

ok William - number one, go big <https://www.facebook.com/crikey.com.au/posts/pfbid02s3ofuMFNKQfJHwicLq9VmnoJGeYZw1E78ndcCanEPsBuzpgPPvREouYdLYWWNLWRI>

 **facebook.com**

[Log in or sign up to view](#)

See posts, photos and more on Facebook.

 **William Mawhinney** 5:12 PM

Awesome. Let's do this. I'm setting the ads to go live at 5:30 so they have a bit of time to get organic traction first FYI.

 **Imogen Champagne** 🇺🇸 5:23 PM

did you want tweets as well?

 **William Mawhinney** 5:25 PM

Yes please!

Just added the Lachlan tweet

 **Imogen Champagne** 🇺🇸 5:25 PM

ok number one https://twitter.com/crikey_news/status/1561611483808534528

 **Crikey** @crikey_news

Lachlan Murdoch threatened to sue us for publishing public interest journalism.

We believe in media freedom. So today we're standing up to Murdoch and publishing the legal letters from his lawyer to show you how abuse of media power works in Australia.

<https://www.crikey.com.au/2022/08/22/lachlan-murdoch-letters-crikey-why/>

 Twitter | Aug 22nd

number two: https://twitter.com/crikey_news/status/1561614708641517568

Monday, August 22nd ▾

 **Crikey** @crikey_news

Back in June, Crikey mentioned the Murdochs in an article about Fox News, Trump and Jan 6 insurrection

The next day Lachlan Murdoch threatened legal action.

Now we're publishing an open letter in the @nytimes inviting him to follow through and sue us.

<https://www.crikey.com.au/2022/08/22/lachlan-murdoch-letters-open-letter-crikey/>

 Twitter | Aug 22nd

 **William Mawhinney** 5:30 PM

BTW are tonight's posts unlocked?

 **Imogen Champagne**  5:32 PM

some are some aren't here's the list <https://docs.google.com/document/d/1kHUAzmByyUnnRePLjkgVXfsE71KZcZQvIVq3Ckc7zKg/edit?usp=sharing>

 **William Mawhinney** 5:36 PM

Thanks - just sent a request for access

How about the ones above?

 **Imogen Champagne**  5:36 PM

above both free

 **William Mawhinney** 5:38 PM

Coolio. Thanks! I'll keep my messaging to a minimum from here on out. On standby for any posts you shoot my way tonight. Just slack me the links and I'll do the rest.

 **Imogen Champagne**  5:54 PM

<https://www.facebook.com/crikey.com.au/posts/pfbid02kPRKYJzjkRs7hkohe9w6ASkMj7DUfUjh3prF3mukoWcsoMit7LuZ2vTRBfePoJjJI>

 **facebook.com**

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See posts, photos and more on Facebook.

go big pleaseeee

Glenn Peters 12:16 AM
 Good one. I wrote copy for this in anticipation of it happening yesterday. I'll sleep on what I wrote and send back in the morning. Just got back from seeing KISS with the kids. It was so cool.

Zennie McLoughlin 8:09 AM
 Hi [@Anthony](#) here is a mock of the contributions flow. <https://xd.adobe.com/view/c1e236fd-4b54-4dbf-836a-22203673cbac-94b1/>

 **xd.adobe.com**
Crikey_contribute_1
 4 Screens, Published on Aug 23, 2022 21:59 GMT

❤️ 1 🗨️

Anthony 8:42 AM
 Thanks Zennie. Will confirm next steps on design once we have more certainty on copy and payment forms. If we go with an off-the-shelf payment form (my preference for quicker config), we'll have some customisations to design but it might be limited.

👍 1 🗨️

Anthony 8:49 AM
[@Adrian](#) [@Kevin C](#) I have set up a test product in Stripe and invited you to the account. I'm not wedded into Stripe but I'm interested in investigating it due to ease of implementation with pre-built plugins

Adrian 8:56 AM
[@Anthony](#) - will look shortly; just getting the briefs for the Patron plans locked in first

Kevin C 8:58 AM
 Will has pushed me to rethink GoFundMe now the situation has changed,

 **6 replies** Last reply 3 months ago

Glenn Peters 8:58 AM
 This can be adapted easily to what we choose to call it.

Contributions

For those want to dig deeper to support news done fearlessly.

Our fearless subscribers make our journalism possible – and some of you want to dig in even deeper to help out. If this is you (Thank you!), here's some contribution options.

 **1 reply** 3 months ago

Rachael K 9:17 AM
[@Anthony](#) can I go in with copy edits to Zennie's design now?

Rachael K 9:46 AM
 Here's my very initial marketing plan. I'll add in dates, timing, etc once we have more info

Marketing plan - Contribution page

- Initial marketing email to everyone ([@Glenn Peters](#) can you write a draft please)
 - By now you've seen what's happening
 - Lots of questions on how else to support
 - Option 1: buy full price memberships
 - Option 2: contribute
- Link to "SUPPORT CRIKEY PAGE"
 - Like a campaign page - landing page builder? (Anthony to get initial info together)
- Social media: reply to comments
 - instagram stories/tweets twice a day
 - tiktok/reel explaining
- On site:replace ads
 - New CTAs
- In newsletters: advertorial (link to topic page)
- In articles: include a link on all Murdoch articles
- Additional email marketing:
 - Add into subs journey
 - Additional email after next breaking story

Kevin C 9:54 AM
 stand by on this a little, might be moving to a gofundme page instead

Rachael K 9:56 AM
 ok well plan can stay mostly the same 😊 ready for whatever works

 **Amy K** Jul 22nd at 2:05 PM
Hey team - maybe [@Rachael K](#) or [@Tom Clift](#) - can someone send me the BK Lachlan Murdoch article we pulled down a few weeks ago in PDF format?

6 replies

 **Rachael K** 4 months ago
Sorry I'm not sure how. [@Jack](#) ?

 **Jack** 4 months ago
Yep will do

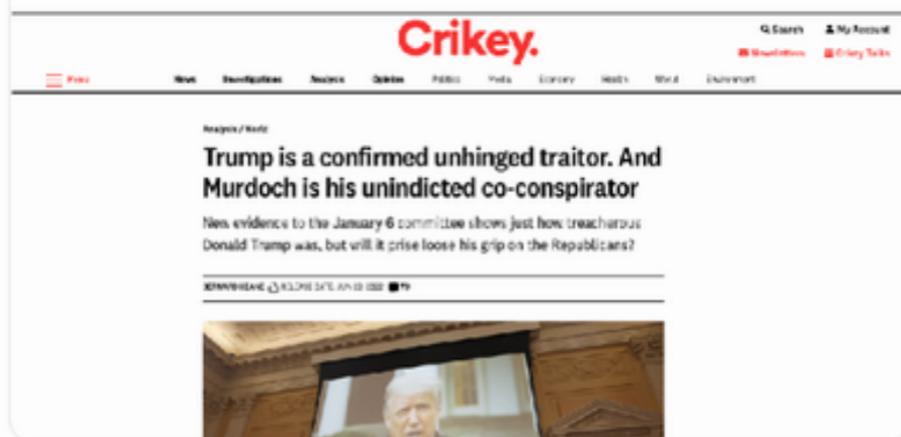
 **Amy K** 4 months ago
Thank you!

 **Jack** 4 months ago
[@Amy K](#) will this do? Not best quality but only way I can get a PDF of it

PDF ▾

**Trump is a confirmed unhinged traitor.pdf**

PDF



The screenshot shows the Crikey website interface. At the top, the Crikey logo is prominent. Below it, there are navigation links for News, Investigations, Analysis, Opinion, Public, Plus, Economy, Health, World, and Environment. The main article title is "Trump is a confirmed unhinged traitor. And Murdoch is his unindicted co-conspirator". Below the title, there is a sub-headline: "New evidence to the January 6 committee shows just how treacherous Donald Trump was, but will it prise loose his grip on the Republicans?". At the bottom of the screenshot, there is a video player showing a man speaking.

 **Amy K** 4 months ago
That's great, thanks Jack! It's for Eric...

 **Jack** 4 months ago
No worries 😊

B I     </> 

Reply...

 Also send to  crikey-team

120

+    @ Aa



David Hardaker 7:59 AM
Hello -- my Gmail is not up today -- could someone please send me the meeting link? Thanks!
2 replies Last reply 3 months ago

Amy K 8:56 AM
Should this have said the 'Crikey Worm' not the Crikey Daily?
image.png
Crikey Daily More power to him - Albanese investigates Morrison ministries.

Tom Cliff 8:57 AM
haha yep, we're aware and have flagged it so it doesn't happen again
1 reply View thread

Rachael K 12:31 PM
what a line @brendanking "Most aggrieved, naturally, are the Nationals, who learn that one of their own was the victim of Morrison's dial-a-ministry: the aptly named Pitt who was too fossil fuel even for Morrison's coal-flavoured taste"
1

Rachael K 1:31 PM
hats off to the team for putting together a HUGE edition and having a twitter space all the day before a series launch when eyes have been particularly on us. If there was ever a time to be putting on a masterclass it's right now, and you're all delivering!
4
4 replies Last reply 3 months ago

Jack 1:35 PM
We really be speedin off that hill with gusto today
Screenshot 2022-08-16 at 1.35.07 pm.png
172 views/min
2

Jordan Howard 2:15 PM
woooo set up the gofundme now!
Screenshot 2022-08-16 2.14.02 PM.png
3

Imogen Champagne 2:22 PM
Huge @brendanking @Charlie Lewis, huge! Well done
3

Charlie Lewis 2:23 PM
Thanks Imo! BK is such a stone cold pro

Rachael K 2:24 PM
So good! lotta check marks in there, including our bff Grace Tame

Charlie Lewis 2:25 PM
Plus humourist Mark Humphries!
2

Rachael K 5:39 PM
A great day but that line stayed up thanks to a strong daily, a twitter space, AND WebCam. #contentcontentcontent
2 files

A fine day

32% more traffic than on an average Tuesday

Yesterday was the 9th best Monday, 59th overall.

Page Views	Visitors	Minutes
40k	24k	48k
Avg. Time	Soc. Interactions	New Posts
2:02	8.1k	33



Rachael K 10:31 AM

image.png



2 reactions

1 reply 3 months ago

Imogen Champagne 1:35 PM

@Cam Wilson's story now running at 1k views every ten minutes. Can someone who is good at maths work out how quickly it will get to 100k?

Screenshot 2022-08-17 at 13.34.52.png



1 reaction

20 replies Last reply 3 months ago

Imogen Champagne 1:58 PM

just hit 10k!

4 reactions

Rachael K 2:42 PM

image.png

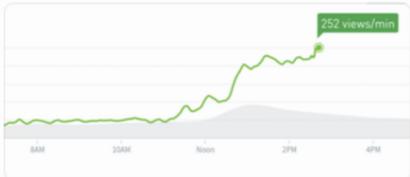


2 reactions

Jack 2:44 PM

She aint stoppin!

Screenshot 2022-08-17 at 2.44.35 pm.png



2 reactions

Imogen Champagne 2:45 PM

today might be the day we finally find out what comes after exceptional

4 replies Last reply 3 months ago

Rachael K 5:06 PM

hi all - to cap off an interesting day, the sale is live! It's version 1, so no mention of Murdoch, what's to come, the free Daily, etc etc etc. Essentially it just looks like 50% off a year of Crikey.

It means we can capitalise on the traffic on site AND I'll have the right ads on the newsletters whenever we go live with the series. You'll see much more interesting advertising to come, once we can actually talk about all the incredible stuff editorial is about to pull off.

I'm not requesting you to share anything about the sale just yet as I'd rather everyone support it editorially once that's live. So, more to come! Any questions please ask.

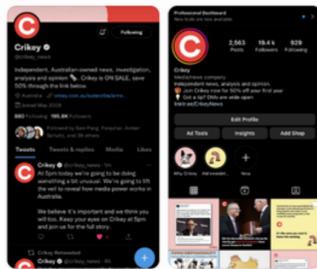
8 reactions

Rachael K 4:22 PM
Accepting bets on how high these numbers will go.

Also we've had over 100 new sign ups through the sale already, without any of this dropping.

A lot of time and brain power has gone into this series already. Here's to launch day 🚀🚀

2 files



👍 3 🗨️ 2 🔄

Imogen Champagne 4:24 PM
Hey guys, bit of forward sizzle for the 5pm drop, if you could help out by retweeting that would be very appreciated! https://twitter.com/crikey_news/status/1561598074912636928

Crikey @crikey_news
At 5pm today we're going to be doing something a bit unusual. We're going to lift the veil to reveal how media power works in Australia.

We believe it's important and we think you will too. Keep your eyes on Crikey at 5pm and join us for the full story.

Twitter | Aug 22nd

👍 1 🗨️

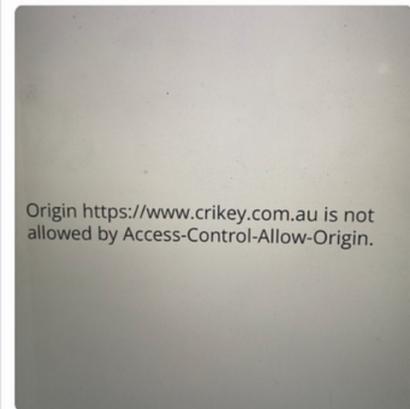
Also as usual if people could engage with our posts as much as possible it will help a lot with reach.

👍 1 🗨️

Cam Wilson 5:42 PM
<https://twitter.com/AltMediaWatch/status/1561614986195398657?s=20&t=-XbLKYREO41aTdPv3gaisA>

Alternate Media Watchers @AltMediaWatch
@cameronwilson Having some issues loading the actual letters on my IOS devices mate. <https://pbs.twimg.com/media/Fav4jKkAMAYhrl.jpg>

Twitter | Aug 22nd (246 kB)



1 reply 3 months ago

Cam Wilson 5:42 PM
getting this error @Imogen Champagne @Adrian

Imogen Champagne 5:43 PM
yes, there was an issue with the pdf thing we were using but it's fixed now

1 reply 3 months ago

Adrian 5:52 PM
Parsely is saying "woah!" in its own way

image.png



👍 3 🗨️

Rachael K 6:02 AM
Good morning!

2 files



7

Cam Wilson 6:36 AM
Here's a list of big international outlets I saw covering the story (edited)

7 replies Last reply 3 months ago

Rachael K 9:25 AM
Some early stats:

- Yesterday's 5pm edition
- Sent to 129278 people, 0.1% unsubscribe
 - 42,737 opens, 7.1% unique CTRs

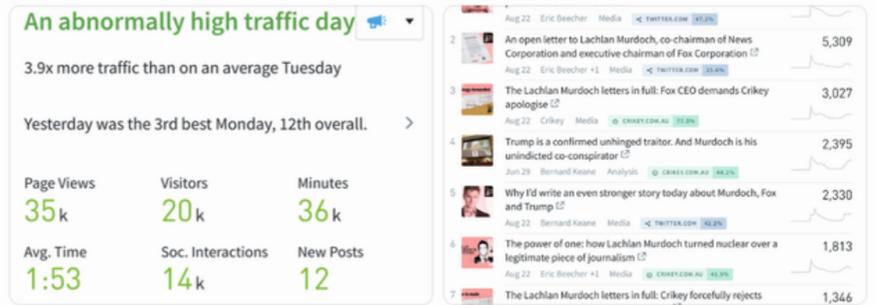
- Yesterday's sign ups
- 228 promo subs
 - 17 full price subs

- Today's worm
- Sent to 138125 people, 0.1% unsubscribe
 - Opens and CTRs are really too early to calculate yet, I'll update later

- Today's sign ups so far
- 79 promo subs
 - 7 full price subs

Today's stats for top 7 articles (already great) and an overview of traffic so far today and a bit of yesterday

2 files



Amy K 9:29 AM
Also lots of lovely comments on the website and in Zendesk!

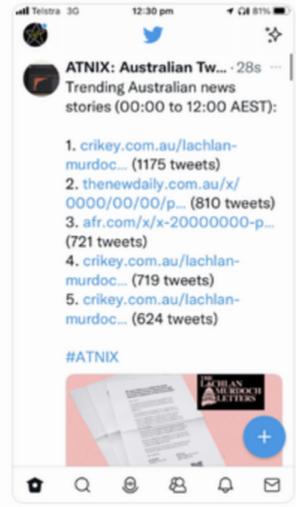
Rachael K 11:17 AM
[@Amber Schultz](#) and [@brendanking](#) that was EXCELLENT

Charlie Lewis 11:17 AM
That was so good guys

Glenn Peters 12:31 PM

Wow.

IMG_4406



4

Tom Clift 1:48 PM

Just caught up with Twitter spaces, great job Amber and Bernard!

1 2

Cam Wilson 5:52 PM

<https://twitter.com/MarkDiStef/status/1561983593878257666>

Mark Di Stefano @MarkDiStef
 Lachlan Murdoch's camp readying a defamation suit against Crikey; he's calling the bluff. Story to come.
 Twitter | Aug 23rd

2

Kevin C 5:55 PM

so the crikeynews account should definitely like that

1

Kevin C 8:53 PM

550 new subs for today and still going. 820 new subs since we launched the series!

image.png



4

Tom Clift 9:17 AM
(when Rundle says SF he means excerpt)

Peter Fray 9:17 AM
fine with Hardaker as one
has anyone spoken to him?

Tom Clift 9:18 AM
yeah
thoughts on what to make free today [@Gina Rushton](#)?

Peter Fray 9:19 AM
we plan to run the original BK LM today
will be lead

Tom Clift 9:19 AM
is the plan to still launch the series Wednesday? (edited)

Peter Fray 9:21 AM
yes
can u send me a pdf of the original two LM letters – him to us, us to him?

Tom Clift 9:23 AM
<https://drive.google.com/drive/folders/1XKLRI-h9RkuubncFcOpyxKvPAyCc0FHA>
they can all be downloaded from here. Clearly labelled

Gina Rushton 9:25 AM
Cam's abbott one could be cute to make free
👍 1 😊

Tom Clift 9:33 AM
this Rundle is very Rundle

Peter Fray 9:34 AM
very

Gina Rushton 9:34 AM
if AAP file on walt secord it could be worth pushing out on social this morning [@Imogen Champagne](#)

Peter Fray 9:34 AM
have they not done so already?
[@Tom Clift](#) can you resurface the original BK on LM to top of WP?

Gina Rushton 9:35 AM
not that i can see

Tom Clift 9:35 AM
sure thing Peter

Imogen Champagne 9:35 AM
no it doesn't look like it, but will jeep an eye out
👍 1 😊

Peter Fray 9:36 AM
Plan is to put that our on the site now but with a note which I will do in a few mins

Tom Clift 9:37 AM
put it on social too? Comments on or off?
and keep it free as it was when first published?
at top of backend now

Peter Fray 9:48 AM
[@Gina Rushton](#) [@Imogen Champagne](#) @ Tom
[@Tom Clift](#)

can we get to the morning meeting link . just for a short update on Lachlan

Tom Clift 9:48 AM
sure thing

Imogen Champagne 9:48 AM
yeah



From: Will Hayward <whayward@privatemediacom.au>
Sent: Monday, 15 August 2022 8:59 AM
To: Kevin Cooper
Subject: Fwd: Good to talk...in confidence
Attachments: Populares_ Private Media Advice (1).pdf

Will Hayward
Chief Executive Officer
Private Media
0481 112 662



I respectfully acknowledge the Traditional Owners of the land where Private Media operates, the Boon Wurrung and Woio-wurrung (Wurundjeri) peoples of the Kulin Nation, and pay respect to their Elders, past and present.

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

From: Will Hayward <whayward@privatemediacom.au>
Date: Fri, 12 Aug 2022 at 06:23
Subject: Fwd: Good to talk...in confidence
To: Eric Beecher <ebeecher@privatemediacom.au>, Peter Fray <pfray@privatemediacom.au>

I have suggested we speak to them at 12.30.

There isn't a great deal of value in here.

W

Will Hayward
Chief Executive Officer
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----- Forwarded message -----

From: Anthony Reed <anthony@populares.co>

Date: Thu, 11 Aug 2022 at 12:56

Subject: Re: Good to talk...in confidence

To: Will Hayward <whayward@privatemedias.com.au>

Cc: Ed Coper <ed@populares.co>, Peter Fray <pfray@privatemedias.com.au>

Hi Will,

We are available tomorrow morning to talk through with you at 9:30 am if you are available?

Regards

Anthony Reed

0402399572

Co-Founder - Populares

Populares.co

anthony@populares.co

On 11 Aug 2022, at 7:46 am, Will Hayward <whayward@privatemedias.com.au> wrote:

Great. Would be good to do a call subsequently to run through it. Let me know when suits.

W

On Wed, 10 Aug 2022 at 6:24 pm, Anthony Reed <anthony@populares.co> wrote:

Hi will

Yes it's nearly done I'll send through mid morning tomorrow.

Cheers

Anthony Reed

0402399572

On 10 Aug 2022, at 6:19 pm, Will Hayward <whayward@privatemedias.com.au> wrote:

Ed/Anthony - any update on this?

Thanks

Will

On Mon, 8 Aug 2022 at 6:10 am, Will Hayward <whayward@privatemedias.com.au> wrote:

Hi Ed,

Please see [here](#) a google drive with the various letters in order. We intend to send the below response today to Churchill's most recent message (with the usual intro and outro).

It is not Crikey's responsibility to solve a problem that you and your client have created. You are asking that our client apologise for the most extreme possible

interpretation of our article, but not explain what that interpretation is. Readers would think our client is apologising for the article itself. It won't. It stands by its reporting.

We do now feel it is unlikely that they are going to issue a writ. This concerns me - it might be the case that we publish and there is limited interest. Can you have a think about whether this is likely, and what we can do for maximum impact?

Also shared [here](#) a current publishing plan for day 1. We intend to publish all correspondence between both parties.

W

Will Hayward

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On Fri, 5 Aug 2022 at 15:21, Ed Coper <ed@populares.co> wrote:

Hi Will, thanks - that works for us. We'll get started on Monday and let you know what info we need from your end.

A quick update on where things are since our last conversation ie. whether the letter was sent and any response, and timetable for making this public would be great.

cheers,
Ed

On Thu, 4 Aug 2022 at 17:13, Will Hayward <whayward@privatemediacom.au> wrote:

Ed, Anthony - can we engage you to build an initial plan? Perhaps limited to two days work. You might propose two/three angles of approach. This would give us an idea of how we could use you on a longer term basis.

Does that work?

W

Will Hayward

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On Tue, 2 Aug 2022 at 19:52, Will Hayward <whayward@privatemedia.com.au> wrote:

OK thanks for clarity.

Will have a think then come back.

W

Will Hayward
Chief Executive Officer
Private Media
0481 112 662

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On Tue, 2 Aug 2022 at 19:47, Ed Coper <ed@populares.co> wrote:
Hi Will, we're not in a position to discount any further unfortunately.

Cheers,
Ed

On Tue, 2 Aug 2022, 9:19 am Will Hayward,
<whayward@privatemedia.com.au> wrote:
Thanks for this Ed.

Is there anything else you can do on the rate? We want to work with you guys but need to be super cost conscious. With legal fees included this gets expensive very quickly. There is another provider in the mix with a lower rate - but, again - we want to work with you guys.

Regards the initial scope of work, can you help us connect with any initial outreach to get others talking about what has happened/what we're doing?

Signed NDA [here](#)

Will

Will Hayward
Chief Executive Officer
Private Media

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On Mon, 1 Aug 2022 at 20:16, Ed Coper <ed@populares.co> wrote:

Hi Will,

Great to chat earlier. Our NDA is attached.

We've had a look at the letters and can see no reason not to proceed with your plans for them at this stage.

In terms of our approach, we think there are two clear phases:

1. some work in the immediate term to determine the best campaign approach
2. a campaign phase triggered by the Murdoch decision to pursue litigation

We are happy to dive in to provide some recommendations on the first point, and deliver you a piece of advice as to how to build the right campaign.

We would offer you our discounted nonprofit day rate of \$1650, and would think this is 2-3 days of work we could complete over the next week.

Let me know your thoughts

Ed

On Mon, 1 Aug 2022 at 18:03, Will Hayward

<whayward@privatemediacom.au> wrote:

Thanks for talking earlier.

Ed - can you share your usual pricing structure?

Thanks

Will

On Mon, 1 Aug 2022 at 5:21 pm, Peter Fray

<pfray@privatemediacom.au> wrote:

1= Crikey article

4 = original letter from Murdoch layer

5 = initial response from Minters

Final doc, draft of letter proposed to send to Churchill from Bradley tomorrow.

Regards

Peter

On 1 Aug 2022, at 4:07 pm, Will Hayward
<whayward@privatemediacom.au> wrote:

Great, speak then. Will send over an invite now.

Will Hayward
Chief Executive Officer
Private Media
0481 112 662

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On Mon, 1 Aug 2022 at 16:06, Ed Coper
<ed@populares.co> wrote:
Works for me, cc'ing my colleague Anthony Reed who can join too.

On Mon, 1 Aug 2022 at 15:32, Peter Fray
<pfray@privatemediacom.au> wrote:
445. Best to make a start

On 1 Aug 2022, at 3:29 pm, Will
Hayward
<whayward@privatemediacom.au>
wrote:

Thanks Eric (bcc).

Ed, could you talk today at 4.45 for 30
mins? Or, tomorrow morning?

W

Will Hayward

Chief Executive Officer
Private Media
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(Wurundjeri) peoples of the Kulin
Nation, and pay respect to their Elders,
past and present.*

On Mon, 1 Aug 2022 at 15:21, Eric
Beecher
<ebeecher@privatemediacom.au>
wrote:

Ed,

Great to talk this afternoon. I've
talked to Peter and Will, and they
would love to connect with you.

Regards

Eric

On Mon, 1 Aug 2022 at 1:16 pm, Ed
Coper <ed@populares.co> wrote:

Hi Eric, great - yes happy to chat this
afternoon.

I'm on 0408 662 575

cheers,
Ed

On Mon, 1 Aug 2022 at 09:52, Eric
Beecher
<ebeecher@privatemediacom.au>
wrote:

Ed: we now have our ducks in a
row, so wondering if you would be
up for a chat today?

Regards

Eric

CRIKEY MURDOCH CAMPAIGN



Briefing Paper: Positioning Crikey to Campaign Effectively

CONTEXT

This campaign relates to the issue of legal threats from Lachlan Murdoch following links made in Crikey content between Fox News and the January 6th Capitol insurrection. Murdoch disputes any such link, and Private Media must decide how to respond in a way that both protects the publisher and also positions Crikey for a moral victory that grows subscriber numbers.

None of what follows should be construed as legal advice regarding the strength of any defamation action, nor the actions Crikey should take to defend itself against this defamation action. This advice is strictly limited to campaign and public relations strategy, and Populares recommends legal advice also be sought regarding the ramifications of our campaign strategy suggestions to any potential defamation action.

1. TOPLINE ADVICE

Our key analysis is that in order to be successful in this campaign, Lachlan Murdoch **will need to launch a defamation action** against the publisher.

This would provide the narrative hook, point of interest/difference, and level of seriousness in order for this campaign to appeal to a broader base than simply Crikey's current audience. Without a defamation action, these elements are too thin. It is not surprising that the Murdoch's would reject the assertion made, nor that they would intimidate through lawyerly threats.

What would make this stand out was their being prepared to drag a small independent publisher through court over the issue of their complicity into January 6. It would be a notable escalation and a tangible action that could provide the foundation for interest in the conflict.

What happens if there is no writ issued?

It is difficult to see this generating outside interest if there is no writ issued.

The campaign goals are:

- To prevent further threats from Lachlan Murdoch or Fox Corporation
- To generate interest in Crikey from new audiences
- To drive traffic to the Crikey website
- To increase the number of subscribers

In the absence of a specific defamation action it will be difficult to break through to these new audiences, and therefore achieve the subsequent growth goals. We can foresee the publishing of the letters and a suite of articles on the topic driving increased engagement from existing subscribers (which may also be an internal goal in general for Private Media), but would suggest the risks outweigh the benefits where there is also failure to drive any new subscribers.

What happens if there is a writ issued?

The above advice notwithstanding, we believe the key recommendation to ensure success in this campaign is to think globally. If you can find interest in this case in the US — from the media and from partner organisations — then that will make the domestic Australian media more likely to cover the issue independently of Crikey’s own self-coverage.

The second key feature of a response will be to present easily digestible facts about the link between Murdoch and January 6 (to accompany the opinion/analysis that Crikey will be publishing). The key narrative framing for this should be focused on a discussion as to *the degree to which Fox News/Murdoch is complicit* rather than the degree to which Crikey did/did not defame Murdoch.

The third key feature of an approach should be to frame the reader action: that the best way to support Crikey and to take a stand against this behaviour is to buy a subscription.

2. FRAMING

As mentioned above, the recommended frame is to keep focus on the degree to which Murdoch and Fox News are complicit. That makes the best framing:

“The slightest mention of January 6th and the lawyers are called in to silence the suggestion. What is Lachlan Murdoch worried about coming to light?”

The goal is to make the discussion one about the degree to which the Murdochs are complicit and connected to the events, and to keep focus on their actions and intentions. This is akin to the ‘truth’ defence, where the party who wishes to bring an action against a publisher is made to sit through the airing of the details of the issue they are trying to suppress. By making the action uncomfortable and potentially more embarrassing than the original publication, the stakes of continuing the conflict are raised.

The second recommended frame is to suggest the motivations behind the complaint are not genuine, but are designed to silence and suppress the truth. Here, Crikey can play David to the

Goliath and take a brave stand against the powerful. This frame should reinforce the commercial incentive for the Murdoch companies to remove independent media voices from Australia, not the ideological differences of the debate.

Thirdly, the frame for ‘what to do about it’ should always present subscription as a values-based action, not in terms of the usual value proposition for the reader (of performing a useful service to them, ie the collection and presentation of news and analysis).

Messaging Grid

Our recommended key messages are provided in a simple and clear messaging grid.

	FACTS	MOTIVATIONS	ACTION
	Key Message 1	Key Message 2	Key Message 3
	<i>Murdoch/Fox News is complicit in January 6th</i>	<i>Murdoch/Fox News is trying to bully Crikey into silence</i>	<i>The best way you can take a stand is by subscribing to Crikey</i>
Key Supporting Message 1	The facts support our assertion	The way the powerful exert control is by legal intimidation	Independent media is our last bulwark against media monopolies
Key Supporting Message 2	Murdoch is worried about exposure to this link	News media companies should support free speech	News funded by advertising has perverse incentives
Key Supporting Message 3	Therefore he is panicking into silencing any mention of it	Defamation laws in Australia are broken	Collectively we can match the power of Murdoch

3. GLOBAL STRATEGY

The option to consider for best impact is to think of this campaign in global terms, not merely of interest to the Australian market. It will be difficult for the campaign to independently gain traction with the Australian media, coming as it does from a rival Australian news publication.

Were the campaign to generate international attention, however, this would make the Australian media outlets more inclined to cover the issue themselves. This is the ultimate goal - to drive subscriptions, a new Australian audience must be reached, so it is hard to achieve this only through owned channels.

We would recommend pitching Eric or Peter to US cable news (CNN, MSNBC) and print (The New York Times, Washington Post), and in the UK to pitch Sky UK now that it is not owned by the Murdochs, just for an extra bit of delicious irony. A defamation action would be of interest to the US and UK media both to highlight the state of the defamation laws in each country, and when presented as of international importance as a threat to press freedom in Murdoch's native Australia. This would then lead a domestic public relations campaign in Australia.

The second feature of the global strategy would be to get partner organisations involved in the campaign. Here are some suggestions:

- Media Matters for America (US)
 - <https://www.mediamatters.org/fox-news/fox-hosted-members-congress-who-voted-against-certifying-election-over-900-times-2021>
 - <https://www.mediamatters.org/january-6-insurrection/lies-fox-telling-about-january-6-hearing>
- Avaaz (Global)
 - https://secure.avaaz.org/campaign/en/murdoch_campaign_report/
- 38 Degrees (UK)
 - <https://home.38degrees.org.uk/category/murdoch/ruPERT-murdoch/>

In Australia the domestic partners would likely be:

- GetUp
- Australians for a Murdoch Royal Commission

4. CONTENT STRATEGY

Crikey should develop a suite of advertising content to deploy across your owned channels which drives subscribers and casual browsers to your actions. This content can be deployed quickly and cost effectively through digital channels on Facebook/Instagram and Google display and search channels.

The advertising should spell out the facts of the campaign and highlight the key facts around the January 6 link to News Limited.

Content ideas include:

- Top 5 examples of outrageous News Ltd clips
- Key quotes from News Commentators

- “David’ vs ’goliath” - Crikey versus News
- Boosted News of Crikey articles removed from the paywall

5. SUPPORTER ACTIONS

The goal of the campaign is to drive supporters through a ladder of engagement.

You create a low barrier to entry for supporters to get involved and then take them on the journey with you as you stand up for independent fact based news.

The typical supporter journey is:

Action Sequence

Petition Action - Signing the petition. Note that the Facebook ad should link directly to a petition page, and not a campaign information page.

Subscription Action - Donate to support the campaign *in the form of a Crikey subscription*. If there is a specific tactic we can reference, that is preferable, as that improves results. This is the crowdfunding element — having supportive audiences see a subscription as a donation.

Share Action - Sharing the petition or subscription action with friends on social media.

A low barrier petition action, with as little friction as possible, will maximise acquisition of new supporters. By following the petition with a donation ask, the paid Facebook advertising campaign can partially subsidize itself (i.e., if 25% of the cost of a new acquisition is covered by incoming subscriptions, that can be reinvested in further paid acquisitions). More importantly, this process allows Crikey to immediately identify potential subscribers among new supporters.

Third Party Validators

Third party validators can be huge boosts to campaign engagement. They bring the authority of their position to validate the campaign problem as an important issue or to validate the campaign strategy, solution, tactic, etc. Crikey should enlist the support of Academics, high profile defamation lawyers and media commentators to broaden the circle of those who are concerned and elevate the issue on the mind of the audience as being bigger than one media outlet and attack on free speech and independent journalism.

Crikey should identify and brief key academics and defamation lawyers on the case so they are available to comment in the media.

INTERROGATORIES TO SECOND RESPONDENT

No. NSD673/2022

Federal Court of Australia

District Registry: New South Wales

Division: General

LACHLAN KEITH MURDOCH

Applicant

PRIVATE MEDIA PTY LTD & ORS

Respondents

Definitions

In these interrogatories:

- (a) **SOC** means the Statement of Claim filed on 23 August 2022;
- (b) **First Respondent** means Private Media Pty Limited and/or any of its employees, servants and/or agents;
- (c) **Article** has the same meaning as defined in paragraph 5 of the SOC.
- (d) **Reply** is the Reply to the Amended Defence dated 8 November 2022;
- (e) Defined terms are as they appear in the SOC and Reply.

REMOVAL AND REPOSTING OF ARTICLE

1. Did you approve the removal of the Article from the Crikey website on 30 June 2022?
2. Did you approve the reposting of the Article as occurred on 15 August 2022?

REACTION

3. Since the publication of the Article, has any person spoken to you or written to you or otherwise communicated with you about the Article?
4. If the answer to the preceding interrogatory is in the affirmative, please identify:
 - (a) the name of each person;
 - (b) the date of each communication;
 - (c) the substance of each communication. In the case of written communications, please annex a copy to your answers.
5. Since the publication of the Article, has any person spoken to you or written to you or otherwise communicated with you about Lachlan Murdoch in relation to the Article?
6. If the answer to the preceding interrogatory is in the affirmative, please identify:
 - (a) the name of each person;
 - (b) the date of each communication;
 - (c) the substance of each communication. In the case of written communications, please annex a copy to your answers.

IMPUTATIONS

First publication – 29 June

7. Did you intend to identify Lachlan Murdoch in the Article when first published?
8. If the answer to the preceding interrogatory is in the negative, who did you intend to identify by (please answer separately in relation to each):
 - (a) the term “*Murdoch*” in the headline; and
 - (b) “*Murdochs*” in the final paragraph?
9. At the time of first publication of the Article, did you intend to convey the following

imputations (please answer separately in relation to each):

- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
- (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
- (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
- (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
- (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
- (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
- (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
- (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
- (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
- (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
- (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;

- (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome.
10. If the answer to the preceding interrogatory is in the negative in relation to any such imputation, did you give any consideration to the possibility of any such imputation being conveyed by the Article (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
 - (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
 - (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
 - (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
 - (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
 - (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
 - (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
 - (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;

- (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
 - (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome?
11. If the answer to the preceding interrogatory is in the affirmative in relation to any imputation, what consideration was given and what steps, if any, were taken to reduce the possibility of such imputation being conveyed (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
 - (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
 - (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
 - (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
 - (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;

- (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
 - (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
 - (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
 - (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
 - (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome?
12. At the time of first publication of the Article, did you believe in the truth of any of the following imputations (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
 - (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
 - (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the

United States of America in relation to the 2020 presidential election result;

- (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
 - (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
 - (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
 - (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
 - (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
 - (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
 - (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome?
13. If the answer to the preceding interrogatory is in the affirmative in relation to any such imputation, upon what information did you hold that belief at the time of first publication of the Article (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;

- (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
- (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
- (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
- (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
- (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
- (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
- (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
- (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
- (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
- (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress

to overturn the 2020 election outcome

Reposted Article – 15 August

14. Did you intend to identify Lachlan Murdoch in the Article when it was reposted?
15. If the answer to the preceding interrogatory is in the negative, who did you intend to identify by (please answer separately in relation to each):
 - (a) the term “*Murdoch*” in the headline; and
 - (b) “*Murdochs*” in the final paragraph?
16. At the time of reposting the Article, did you intend to convey the following imputations (please answer separately in relation to each):
 - (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
 - (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
 - (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
 - (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
 - (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
 - (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
 - (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the

planned rally and march on the Capitol building were on January 6 before it occurred;

- (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
 - (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
 - (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome.
17. If the answer to the preceding interrogatory is in the negative in relation to any such imputation, did you give any consideration to the possibility of any such imputation being conveyed by the Article (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
 - (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
 - (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
 - (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump

to overturn the 2020 presidential election result;

- (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
 - (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
 - (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
 - (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
 - (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
 - (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome?
18. If the answer to the preceding interrogatory is in the affirmative in relation to any imputation, what consideration was given and what steps, if any, were taken to reduce the possibility of such imputation being conveyed (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to

march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;

- (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
- (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
- (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
- (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
- (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
- (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
- (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
- (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
- (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome?

19. At the time of reposting the Article, did you believe in the truth of any of the following imputations (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
 - (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
 - (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
 - (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
 - (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
 - (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
 - (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
 - (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
 - (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
 - (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being

a traitor to the United States of America to overturn the 2020 election outcome;

- (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome?
20. If the answer to the preceding interrogatory is in the affirmative in relation to any such imputation, upon what information did you hold that belief at the time of reposting the Article (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
 - (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
 - (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
 - (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
 - (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
 - (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
 - (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
 - (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the

2020 election result which costs people their lives;

- (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
- (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome

INFORMATION

21. At the time of publication of the Article did you have any information with respect to any of the material in the Article? If so:
- (a) state what information you had;
 - (b) who or what was the source of the information (identify specifically what information was received from each source);
 - (c) identify all documents containing such information which you had in your possession at the time of the publication of the Article (and annex them to your answers);
 - (d) identify all documents containing such information as to which you had been informed of their contents or parts thereof but which you did not have in your possession at the time of publication of the Article and provide a complete description as to the terms by which these documents were described to you;
 - (e) state the use made of each of the documents described or referred to in (c) and (d) above;

- (f) identify any such information which consisted of an oral communication and state the substance of what was said by each such person.
22. In respect of each source of information for the Article (specifying each source) at the time of publication of the Article, did you have a view as to:
- (a) the nature and/or quality of the information furnished by the source;
 - (b) the accuracy of the information furnished by the source;
 - (c) whether the source was biased against Lachlan Murdoch;
 - (d) whether information furnished by the source required corroboration?
23. If the answer to the preceding interrogatory is in the affirmative as to any part, in respect of each such part (specifying it):
- (a) what was that view;
 - (b) on what facts, matters and circumstances was the view based;
 - (c) when precisely was that view formed?
24. At the time of reposting the Article, did you have any information with respect to any of the material in the Article in addition to the material set out in answer to interrogatory 21, above?
25. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) what additional information you had;
 - (b) who or what was the source of the information (identify specifically what information was received from each source);
 - (c) identify all documents containing such additional information which you had in your possession at the time of the reposting of the Article (and annex them to your answers);
 - (d) identify all documents containing such information as to which you had been informed of their contents or parts thereof but which you did not have in your

possession at the time of the reposting of the Article and provide a complete description as to the terms by which these documents were described to you;

- (e) state the use made of each of the documents described or referred to in (c) and (d) above;
- (f) identify any such additional information which consisted of an oral communication and state the substance of what was said by each such person.

OFFER TO MAKE AMENDS

26. Please look at the letter from Marque Lawyers to John Churchill dated 27 July 2022 (attached). For what purpose did you instruct Marque Lawyers to send this letter?

DISCOVERY DOCUMENTS

27. Please look at respondents' discovery document 52 (attached) being an email dated 25 July 2022:

- (a) have you seen this email before, if so, state the date you first saw it;
- (b) were you present when Peter Fray communicated the verbal list referred to in this email, if so state:
 - i. the date that occurred;
 - ii. the circumstances of the communication; and
 - iii. what was said.

28. Please look at respondents' discovery document 53 (attached) being emails dated 1 August 2022:

- (a) have you seen these emails before, if so state that the date you first saw them;
- (b) have you seen the document shared in those emails entitled "LACHLAN MURDOCH CAMPAIGN", if so state the date you first saw it and annex a copy to your answers.

29. Please look at respondents' discovery document 147 (attached), have you seen either of these documents before and if so, state the date that you first saw it.

30. Please look at respondents' discovery document 150 (attached), have you seen these documents before and if so, state the date that you first saw them.

31. Please look at respondents' discovery document 136 (attached) and state:
- (a) what "Us and him" was a reference to; and
 - (b) the purpose of the research attachment.
32. Please look at respondents' discovery document 660 (attached), have you seen this document before and if so, state the date that you first saw it.

A handwritten signature in black ink, appearing to read "John Churchill". The signature is written in a cursive style with a large initial "J".

Signature of legal representative

Capacity

John Churchill

Solicitor for the Applicant

Date of signature

23 November 2022

Our reference MB/13921
Phone +61 2 8216 3006
Email michaelb@marquelawyers.com.au

27 July 2022

John Churchill
Level 3, 32 Martin Place
Sydney NSW 2000

By email: jmc@johnchurchill.com.au

Dear Mr Churchill

Private Media Pty Limited – Lachlan Murdoch

1. We now act for Private Media Pty Limited, Peter Fray and Bernard Keane in respect of this matter. We refer to your letter to Minter Ellison of 19 July 2022.
2. This letter contains an offer to make amends, pursuant to section 13 of the *Defamation Act 2005* (NSW), in respect of your client's purported concerns notice dated 30 June 2022. It is made on an open, not "without prejudice", basis.
3. This offer is made in relation to the matter generally, including all of the imputations alleged in the concerns notice. It is a genuine attempt by our clients to resolve this matter, notwithstanding that our clients maintain that none of the alleged imputations were conveyed by the publications the subject of the concerns notice.

Terms of offer

4. Our clients offer to do the following:
 - (a) publish, by the usual means of publication of articles in *Crikey* and under Mr Fray's by-line as editor, an editorial statement in the form set out below (**Statement**);
 - (b) publish, on its Facebook and Twitter accounts, links to the Statement;
 - (c) not republish the original article;
 - (d) pay the expenses reasonably incurred by your client before this offer was made and the expenses reasonably incurred by him in considering this offer.
5. This offer is open for 28 days from the date of this letter, that is until 24 August 2022.

Form of Statement

Mr Lachlan Murdoch

On 29 June 2022, Crikey published an opinion piece by Bernard Keane titled “Trump is a confirmed unhinged traitor. And Murdoch is his unindicted co-conspirator.”

The article laid out a case against Donald Trump in respect of the attempt to overthrow the result of the 2020 US presidential election, culminating in the assault on the Capitol on January 6, 2021. It concluded with Keane’s opinion that:

“The Murdochs and their slew of poisonous Fox News commentators are the unindicted co-conspirators of this continuing crisis.”

Mr Lachlan Murdoch took exception to the article, instructing his lawyers to issue a defamation concerns notice to Crikey as well as to Bernard Keane and me personally, threatening to sue us.

As a gesture of goodwill, we made the decision to remove the article from publication as soon as we received the letter from Mr Murdoch’s lawyers.

We would now like to set the record straight. Mr Murdoch feels that the article conveyed a large number of extremely serious defamatory imputations regarding his actions, by virtue of the article’s title and its closing sentence (which were the only mentions of him in the article).

We do not agree that the article did convey these imputations. However, we don’t want there to be any confusion about exactly what we do say about his actions.

To be fair to Mr Murdoch, this is the full list of defamatory imputations he says the article conveyed about him:

- He illegally conspired with Donald Trump to overturn the 2020 presidential election result;
- He illegally conspired with Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
- He illegally conspired with Trump to incite a mob with murderous intent to march on the Capitol;
- He illegally conspired with Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
- He knowingly entered into a criminal conspiracy with Trump to overturn the 2020 presidential election result;
- He knowingly entered into a criminal conspiracy with Trump and a large number of Fox News commentators to overturn the 2020 election result;
- He engaged in treachery and violent intent together with Trump to overturn the 2020 presidential election result;
- He was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
- He was a co-conspirator in a plot with Trump to overturn the 2020 election result which costs people their lives;
- He has conspired with Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;

- He has conspired with Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- He should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- He should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- He conspired with Trump to lead an armed mob on Congress to overturn the 2020 election outcome.

There is no evidence that Mr Murdoch did any of the things described above. Crikey does not say that he did any of them.

Crikey does believe that Mr Murdoch bears some responsibility for the events of January 6 because of the actions of Fox News, the network he leads. However, Crikey does not believe that he was actively involved in the events of that day as the things described above would suggest.

Yours sincerely



Michael Bradley
Managing Partner

John Churchill

From: Peter Fray <peter.fray@me.com>
Sent: Sunday, 21 August 2022 8:32 PM
To: zoe.samios@nine.com.au
Cc: Will Hayward; Eric Beecher
Subject: Re Murdoch, note embargo
Attachments: Crikey_NYT_5.7x10.5in_5.1.pdf; Crikey_CANBERRA_TIMES_fullpage_374x260mm_7.pdf; LMurdochChronology.docx; 1. Crikey Article (00017710xECF95).pdf; 6. Letter to Bartlett re Crikey 19.7.22.pdf; 7. Letter to Churchill - Offer to make amends_2689036_1.PDF; 8.Letter to Mr Michael Bradley, Marque Lawyers (00017891xECF95).pdf; 9. Letter to Churchill_2690965_1.DOCX; 9. Letter to Churchill_2690965_1.DOCX; 10. MB August 1 email to us.docx; 11. Letter to Mr Michael Bradley, Marque Lawyers (00017916xECF95).pdf

Hey Zoe

Appreciate this isn't of any use for tomorrow's pages but thought you might be interested.

In the NYT on Monday Crikey has placed an advertisement inviting Lachlan Murdoch to actually follow through with his threat over the Fox article and sue us.

We have also placed a similar ad in The Canberra Times, after being rejected by Nine.

James Chessell told me it was probably knocked back because we were competitors (!/lol); someone in ads at Nine told Will Hayward it was because Nine didn't want to upset Rupert etc.

We strongly think we should be able to publish articles questioning Fox and its role in the Jan 6 insurrection.

Anyway, here are the copies of the ad, the original article, the legal threats from Lachlan and a piece detailing the chronology of the threats.

We will publish a special Crikey at 5 pm Monday to coincide with the NTY ad.

Myself, Eric or Will are happy to talk.

All best

Peter

Peter

John Churchill

From: Peter Fray <pfray@privatemediacom.au>
Sent: Monday, 1 August 2022 7:39 PM
To: Will Hayward
Cc: Eric Beecher
Subject: Re: Document shared with you: 'LACHLAN MURDOCH CAMPAIGN'

Defo law reform is a perennial and we could certainly turn news corps word against it. Where we sit is around the issue of what you can say about a public person: in the US, you can pretty well say anything though the gawker matter tempers that a bit. Here a public person have as much right as anyone and even more so because they have the money. Bradley will have a better view of this but the test here is also around that and what is fair comment. We used Murdoch as a synonym to Fox. His literalism makes the law an arse.

P

On 1 Aug 2022, at 5:50 pm, Will Hayward <whayward@privatemediacom.au> wrote:

This is great thank you.

Unsure if these comments go in the doc or in email, until settled.

We had a good call with Populares. I increasingly think we should explore how we can tie our fight to the wider issue of defo law reformation.

To me the issue has always been that, as currently constructed, one interpretation (Murdoch's) of the law is that we shouldn't even be allowed to publish what we did. That is absurd - even scary.

It seems to me there is a wide non partisan public consensus that defamation law needs to be reformed. It touches multiple issues - #metoo, Stokes, concentration of power, Porter (as you know, even he thought the law should be reformed).

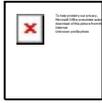
The way I think we should think about this calculation is - one campaign has us at the centre (Murdoch wants to shut down Crikey!) - how much total positive impact would that have? Everyone it reached would think of us, but maybe total reach would be lower.

Vs - a wider campaign that says - enough is enough, defo law has to change. We build a big public consensus. Make it cross party. Set up a go fund me and a petition. Pull in multiple factions. Campaign to change the law. Sell merch. Probably has potential for wider reach, but lower connection to our brands.

How does that balance look, and which one supports the sustainability of Crikey over the long term?

On Mon, 1 Aug 2022 at 5:36 pm, Eric Beecher (via Google Docs) <drive-shares-dm-noreply@google.com> wrote:

Eric Beecher shared a document



Eric Beecher (ebeecher@privatemediacom.au) has invited you to **edit** the following document:

Here's the first draft of the doc we talked about.
Eric

 LACHLAN MURDOCH CAMPAIGN

[Open](#)

Google LLC, [1600 Amphitheatre Parkway, Mountain View, CA 94043, USA](#)

You have received this email because ebeecher@privatemediacom.au shared a document with you from Google Docs.



--

Will Hayward
CEO, Private Media
0481 112 662

LACHLAN MURDOCH CAMPAIGN

POSSIBLE TACTICS

- Send personal emails/letters to key influencers explaining what's happening (inc politicians)? Sarah Hansen-Young, etc?
- Rudd, Turnbull, former judges and lawyers, Burnside, etc?
- Fairfax family (John B) go public on this?
- US media coverage?
- Video?
- Crowd funding?
- Paid marketing?
- Privately brief social media influencers?
- Small survey showing ordinary Australians the story headline and asking them who they believe "Murdoch" is? (Maybe small sample, 200/300?).

TALKING POINTS

- "Lachlan Murdoch wants to wipe out Crikey financially. We are one of the very few viable independent news publications in Australia, and he wants to crush us."
- "The Billionaire Boss of one of the biggest most powerful media companies in the world wants to clobber a tiny independent news publisher..."
- "How could Australia's defamation laws allow a wealthy public figure like Lachlan Murdoch to sue over straight-out public interest journalism when, in the US, as a public figure, he couldn't sue at all?"
- "In his 2014 Keith Murdoch Oration, Lachlan Murdoch declared that 'censorship should be resisted in all its insidious forms ... we should be vigilant of the gradual erosion of our freedom to know, to be informed, and make reasoned decisions in our society and in our democracy. we must all take notice and, like Sir Keith, have the courage to act when those freedoms are threatened.' At Crikey, we fully agree with Lachlan's brave comments."

- “The Murdoch media regularly attacks hypocrisy in all its forms, which is why Crikey is taking a stand against the hypocrisy of a billionaire media owner trying to shut us down.”
- “We may not be anywhere as rich as Lachlan Murdoch, or as big as his media companies, but Crikey is tremendously proud of its moral compass and its editorial mission. If publishers like us didn’t exist in Australia, the Murdochs would be even more powerful and politically influential.”

POTENTIAL CONTENT SLATE:

Day 1: Short overview news story (the facts, including previous LM-Crikey skirmishes) ...
 Chronology: how media power works (quote key parts from BK story + all letters, plus repost the article and post all letters in full on website?) Comment: why we're doing this (EB?) (devote entire newsletter?)

Day 2: Australia's defo laws (v US) (Bradley?) ... Lachlan Murdoch on media freedom/quotes from his speeches ... Crikey's history with LM defo claims

3: the Dominion/Trump connection (Warren?) ... US media and politician comments on Fox News and Jan 6/Trump ...

4: Fox News as a political player over decades (David McKnight?) ... Rudd or Turnbull write?

5: S Mayne (?) ... News Corp's power (EB/regurgitate past series)

6: How LM defends Fox/his public comments ... Murdoch family wealth, ownership structure ...

7: Guest columns x 2 (academics, former politicians, former News Corp employee, etc).

8: Interviews with lawyers, ex-judges, others on defo law reform, using this case as the example

... plus obviously updates on the rolling story ...

Other possible stories:

BK? John B Fairfax story/interview? More on defo laws, history of reform? Fox and January 6? Mike Carlton? Interview other independent publishers about what this means? Paddy Manning (L Murdoch biographer)?

AUSTRALIA'S DISTORTED DEFAMATION LAWS:

Possible approach and content ... make it a campaign?

Will's thoughts: To me the issue has always been that, as currently constructed, one interpretation (Murdoch's) of the law is that we shouldn't even be allowed to publish what we did. That is absurd - even scary. It seems to me there is a wide non partisan public consensus that defamation law needs to be reformed. It touches multiple issues - #metoo, Stokes, concentration of power, Porter (as you know, even he thought the law should be reformed). The way I think we should think about this calculation is - one campaign has us at the centre (Murdoch wants to shut down Crikey!) - how much total positive impact would that have? Everyone it reached would think of us, but maybe total reach would be lower. Vs - a wider campaign that says - enough is enough, defo law has to change. We build a big public consensus. Make it cross party. Set up a go fund me and a petition. Pull in multiple factions. Campaign to change the law. Sell merch. Probably has potential for wider reach, but lower connection to our brands. How does that balance look, and which one supports the sustainability of Crikey over the long term?

VIDEO:

- Lachlan Murdoch's comments about media freedom and the role of Fox News as the "opposition" to the Biden administration ... interview grabs with Turnbull, Rudd, Bradley, etc ...

BACKGROUND:

A brief history of Lachlan Murdoch and Crikey/P Fray, July 2022.

In my time as EiC of Crikey (from Jan 2020 to now) we have had four run-ins with Lachlan Murdoch. We know about the current one. Here is an outline of the other three:

September 23 2020. On this day, in a headline, we referred to Lachlan Murdoch as being cited by ex British MP Tom Watson as organised crime figure. Mr Watson's statement, made in the wake of the UK hacking scandal and under parliamentary privilege, was of course a reference to James Murdoch, Lachlan's brother. Following a letter from Lachlan's lawyer, we issued an apology, under my name, the following day.

<https://www.crikey.com.au/2020/09/24/crikey-apologises-lachlan-murdoch/>

April 15, 2021. On this day in an article written by Stephen Mayne, we suggested that Christine Holgate, the recently sacked head of AusPost, had played dead as a board member of the then Lachlan Murdoch-run and controlled Channel 10 board on the issue of AFL football rights. We suggested that Mr Murdoch and his board, including Ms Holgate, had not bid for the rights to

assist the Murdoch-family controlled Foxtel in its negotiations. After letters between Minters and Lachlan's lawyer we published an apology to Mr Murdoch on April 21 and agreed to pay costs to the sum of approx. \$14,000. We also apologised to Ms Holgate. The Murdoch apology was kept in a prominence position on the Crikey homepage for several days.

<https://www.crikey.com.au/2021/04/21/apology-to-lachlan-murdoch/>

August 19, 2021. we received a concerns notice from Mr Churchill concerning an article by Stephen Mayne about the jobkeeper funding access by Mr Murdoch's Nova radio station on that same day. The article dealt with how many leading companies, such as Harvey Norman, had received many millions from jobkeeper and subsequently made profits. In the article Mr Mayne used the phrase that Mr Murdoch's Nova "helped itself" or "helped himself" (need to check this bit) to \$16 million in funding. Mr Churchill said the story alleged that Mr Murdoch had inappropriately done so, suggesting all sorts of illegal activity. Minters responded that, in essence, there were no such imputations in the article. Mr Churchill did not follow up and the concerns notice lapsed. Concerns notice attached.

Late June 2022, in an article by Bernard Keane, Crikey published that Lachlan Murdoch's Fox News had egged on, amplified and encouraged the actions of pro- Trump supporters on Jan 6 2021. Etc.

Crikey.



**The Lachlan Murdoch
Letters Campaign**

Outline

- Editorial plan
- Technical plan
- Marketing plan
- Social strategy
- Mock ups
- Timeline
- Wishlist

Decisions needed are bolded throughout presentation.



Editorial newsletters

Monday, August 15

- Republish original article

Thursday, August 18 Launch

- Daily send: total content takeover to launch
- Daily.2 send: 30 min to 1 hour later to nonpaying subs, with marketing material added
 - Marketing material responsibility: Rachael (due Tuesday)

August 19 - 31

- Daily sent to “all”

Dynamic content:

https://docs.google.com/document/d/1z1JcLqMC4u4CbwFNkH8gzU6u9_yeKWWPTpJwGKtHGqM/edit?usp=sharing



Monday, August 15

- Republish original article

Thursday, August 18

- 12:01am
 - Publishing 8 stories (Why we're doing this, Chronological order, Open Letter, Original article, Initial letters): Production
 - One main social post on each channel, pinned, to topic page: Imogen
 - Homepage Screamer: Production(/Imogen?)
 - 50% off sale begins (Marketing/Ads)
- 7am
 - Worm takeover: Production
 - 8 stories (Why we're doing this, Chronological order, Open Letter, Original article, Initial letters)
 - Intro explaining why we're doing this, and that everyone will be getting the Daily for next two weeks
 - Sender - Crikey Special Edition
 - Lists - Crikey Worm, Crikey Special Edition
 - Format - Daily
 - Includes Image of the newspaper ad: Zennie/Production
- Midmorning (10-11ish)
 - Daily special edition: Production
 - Remainder of Day 1 stories
 - Sender - Crikey Special Edition
 - Lists - Crikey Daily, Crikey Special Edition
 - Format - Daily
 - Full social of all pieces - Imogen
 - If breaking news, a pointer to the homepage with more info

This is to coincide with the launch of newspaper advertising, and to take advantage of the American news cycle.



Editorial newsletters

Date	Time	NL	List	Publishing list/Sender	Notes
22 Aug	5pm	Daily	Crikey Daily - Active and Trialling, Crikey - SPECIAL EDITION - MASTER - Active Trialing and Lapsed	Special Edition/Daily	Initial articles
23 Aug	6am	Worm	Crikey - SPECIAL EDITION - MASTER - Active Trialing and Lapsed, Crikey Worm - Combined	Special Edition/Special Edition	Worm takeover, top stories
23 Aug	12pm	Daily	Crikey Daily - Active and Trialling, Crikey - SPECIAL EDITION - MASTER - Active Trialing and Lapsed	Special Edition/Daily	Early Daily
24 - 31 Aug	12:15 pm	Daily	Crikey Daily - Active and Trialling, Crikey - SPECIAL EDITION - MASTER - Active Trialing and Lapsed	Special Edition/Daily	Normal Daily (normal Worm too)
1 Sept	12:15 pm	Daily	Crikey Daily - Active and Trialling	Daily/Daily	Back to normal



Paywall and free trials

- Topic page to house all articles and pieces
 - Locked until Monday 4:30pm
 - Responsible party: Rachael
- Free trial pushes replaced with sale information
 - Includes paywall, modules, socials
 - Responsible party: Rachael
- Sign ups through article paywalls will link back to article they were originally on
 - Plan B: links back to article page
 - Dev linking coupon code of sale to track this
 - Responsible party: Dev



Marketing campaign plan



Marketing campaign plan

[Asana ticket](#)

Promo code: [LETTERS](#)

Newsletter plan: starts launch day, continues every 2 days

- Email 1: Strong sale intro
- Email 2 (Monday 12:30pm): Why Crikey and teaser for tonight
- Editorial email (Monday 5pm): included within launch email
- Email 3 (Thursday): Latest developments, Crikey Talkslet me
- Email 4 (Saturday): Impact
- Email 5 (Tuesday, 30th): Ends tomorrow
- Email 6 (Wednesday, 31st): Ends midnight



Marketing campaign plan: Gifts (if possible)

Promo code: [LETTERS](#)

Newsletter plan: starts launch day, continues every 2 days

- Email 1 (Wednesday): Strong sale intro
- Email 2 (Saturday): Gift plus CT push
- Email 3 (Tuesday, 30th): Ends tomorrow plus CT push
- Email 4 (Wednesday, 31st): Ends midnight plus CT push



Copy and Design

Needs to be sent to legal Friday

- [Overall copy needed](#)
 - Responsible party: Glenn, due Thursday
- [Sale messaging guide](#)
 - Responsible party: Rachael, awaiting Glenn sale copy, due Friday
- [Dynamic content](#)
 - Responsible party: Rachael, awaiting Glenn sale copy, due Friday
- 5 email headers
 - Matching article headers
 - Responsible party: Zennie, due Thursday
- Social ads, on site ads
 - Matching article headers
 - Responsible party: Zennie, first set due Thursday



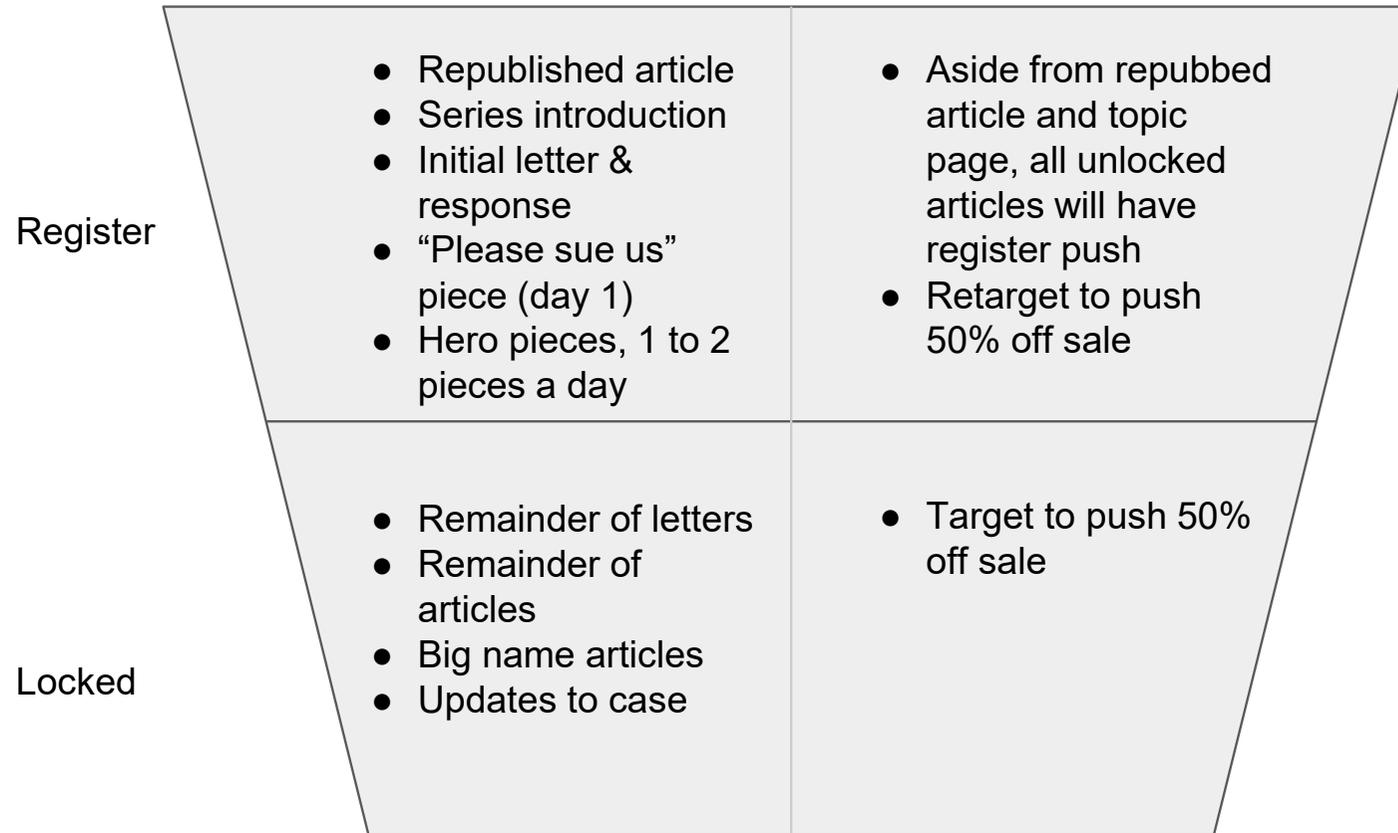
Website and logistics

Trialing a “direct to check out” approach to minimise clicks.

- All links in emails and paywalls are directly to the checkout
 - <https://www.crikey.com.au/subscribe/almost-there/?t=8a3699647d4b5cc0017d4f6013740804&cc=LETTERS&zid=%%Crikey%20-%20Zuora%20Customer%20ID%%>
- All external promotions (ads, socials, etc) will link to the topic page or specific articles
 - This ensures that we are capturing their details on free articles and pushing the paywall on locked articles
 - Should maximise leads and efficiency to payment



Funnel



Ratio of unlocked to locked = 20:80



Budget

Marketing budget: \$20,000

- Paid media: \$15,000
 - Strategy: Push articles, boosting organic
- Merchandise: \$5,000
 - Strategy: Should this lead to a fuller story, merchandise added in

Additional

- Print media: \$50,000
 - Strategy: Full page open letter ads in major newspapers across Australia



First day email marketing intro

Intro:

Dear Reader,

For the next two weeks you will be receiving the Daily, just like our paid members. This is because we are in a fight for freedom and think you deserve to see just how power works in Australia.

Below is today's Daily. We are putting our neck out here, and hope you're willing to walk the hard path with us. [Consider becoming a member](#) to help support independent media and make sure we can continue to speak truth to power.

Sign off:

Thank you for joining us as this story develops. We have so much more to share with you over the next two weeks. Enjoy your access and please feel free to share the email with family and friends.

Very early draft of email example



Slide 14

- 1 Nothing defamatory in it!
Tom Clift, 15/08/2022
- 1 @tclift@crikey.com.au and @jcallil@crikey.com.au can you have a read? Does this need to go to legal?
Rachael Karpman, 15/08/2022
- 2 Italicise "Daily" throughout
Tom Clift, 15/08/2022

Product inclusions

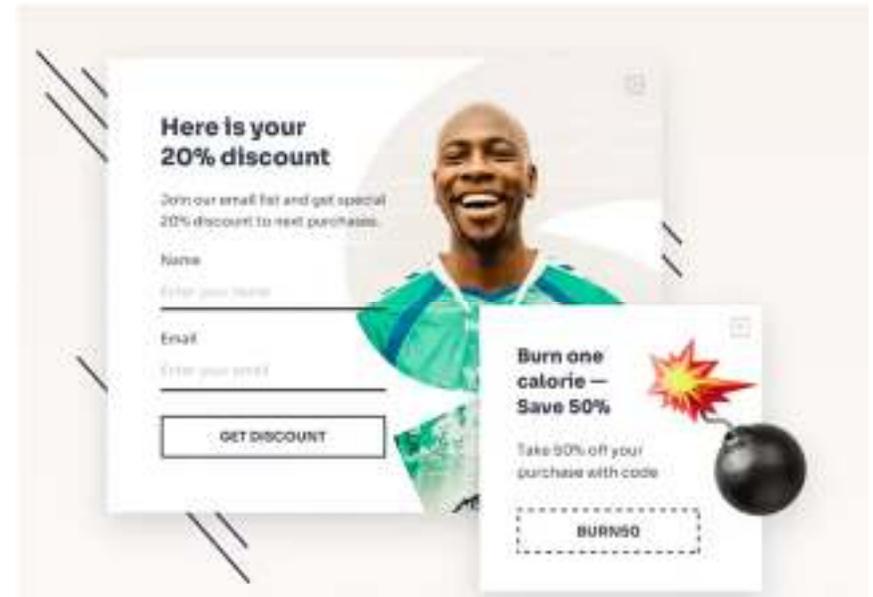


Product idea

2 To take advantage of extra traffic, we will trial a simple registration wall on these articles. The easiest way is to use an external platform like Wisepops to create a targeted popup on load.

- Anthony to create structure
- Zennie to design
- Rachael/Glenn for copy

Question: How does this interact with the paywall for the sale? Only on unlocked articles?



Slide 16

1

Can be targeted to specific articles, i.e specific unlocked stories. As we don't want this to be on the page page as the paywall. Leads can also be pushed thro for a custom journey.

Anthony Beinart-Smollan, 11/08/2022

2

Can you take me through how this works with the SFMC connection so I can create the journey?

Rachael Karpman, 11/08/2022

Social strategy



Organic

- August 22: 5pm Special Edition - Full takeover
 - Sale changes over to: “See how power really works”
- August 22 - August 29:
 - Key quotes shared from articles
 - Updates posted in real time as much as possible
 - Additional articles posted as normal with matching design theme
 - Sale posts
- 30 August: Sale ends tomorrow
- 31 August: Sale ends midnight

Social posting responsibility: [Imogen for editorial content](#), Rachael for sale content



Paid

- 3 ● Budget: \$25,000
 - \$300 on ads
 - \$200 on boosting organic posts that hit minimum engagement targets
 - Exception: organic announcement post on launch day with \$1000 boost
- Ad set up: send to articles as the CTA, not the campaign page
- Budget breakdown by channel: (with by day breakdown)

Ad mock ups:

Responsible: William



Slide 19

3

@wmawhinney@privatemediacom.au
Rachael Karpman, 19/08/2022

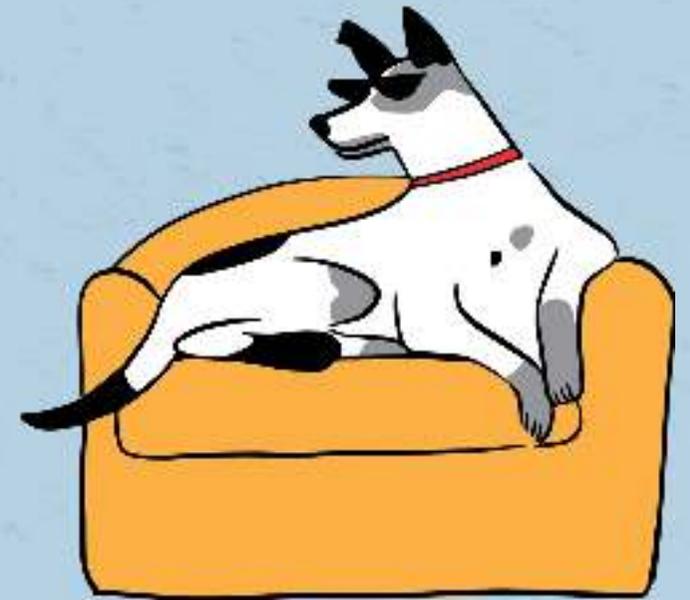
Mock ups



Mock ups



Wishlist



Recommendations

- 1
2
 - Twitter Space
 - Bernard and Peter
 - Talk about the history with Murdoch, how Crikey is different, the background of the situation
 - Tiktok
 - Bernard stars
 - Murdoch nearly sued us-thing
 - Imogen stars
 - Best bits of the legal letters ([quest star??](#))
- If sued we look into
 - Merch
 - OOH campaign
 - Special Edition newsletter with updates



Slide 24

2

Yes, we'd need to almost script this and run past lawyers first though. very iffy doing a life session on a defamation case

Imogen Champagne, 11/08/2022

1

Would be good to have Bradley break it down if he's up for it

Imogen Champagne, 16/08/2022

1

Agreed, and obvs has a strong sense of what we can and can't say. I'd assume News/LM will record the whole thing. We need to watch out for unforced errors

Will Hayward, 16/08/2022

Site takeover

The screenshot shows the Crikey website with a takeover overlay. The overlay is a light red banner with a darker red 'Crikey.' logo on the right. The main headline of the article is partially obscured by the overlay. Below the headline, there is a call to action: 'Keep reading, no payment required' and a form to sign up for free access.

News done fearlessly

SAVE \$100

Crikey.

Search Sign in

Newsletters Crikey Talks

Menu News Investigations Analysis Opinion Politics Media Economy Health World Environment

Help us hold power to account.

Join now

Crikey.

News / Media

'Short, dumpy girl': Foxtel CEO insults Game of Thrones' Emilia Clarke at House of the Dragon

Keep reading, no payment required

You can continue to access this article by signing up for free. Thank you for supporting independent journalism.

Your email

Get access

By submitting this form you agree to access Crikey's [privacy and cookies](#)

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From: Will Hayward <whayward@privatemediacom.au>
Sent: Monday, 15 August 2022 8:59 AM
To: Kevin Cooper
Subject: Fwd: Good to talk...in confidence
Attachments: Populares_ Private Media Advice (1).pdf

Will Hayward
Chief Executive Officer
Private Media
0481 112 662



I respectfully acknowledge the Traditional Owners of the land where Private Media operates, the Boon Wurrung and Woio-wurrung (Wurundjeri) peoples of the Kulin Nation, and pay respect to their Elders, past and present.

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

From: Will Hayward <whayward@privatemediacom.au>
Date: Fri, 12 Aug 2022 at 06:23
Subject: Fwd: Good to talk...in confidence
To: Eric Beecher <ebeecher@privatemediacom.au>, Peter Fray <pfray@privatemediacom.au>

I have suggested we speak to them at 12.30.

There isn't a great deal of value in here.

W

Will Hayward
Chief Executive Officer
Private Media
0481 112 662

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

From: Anthony Reed <anthony@populares.co>

Date: Thu, 11 Aug 2022 at 12:56

Subject: Re: Good to talk...in confidence

To: Will Hayward <whayward@privatemedias.com.au>

Cc: Ed Coper <ed@populares.co>, Peter Fray <pfray@privatemedias.com.au>

Hi Will,

We are available tomorrow morning to talk through with you at 9:30 am if you are available?

Regards

Anthony Reed

0402399572

Co-Founder - Populares

Populares.co

anthony@populares.co

On 11 Aug 2022, at 7:46 am, Will Hayward <whayward@privatemedias.com.au> wrote:

Great. Would be good to do a call subsequently to run through it. Let me know when suits.

W

On Wed, 10 Aug 2022 at 6:24 pm, Anthony Reed <anthony@populares.co> wrote:

Hi will

Yes it's nearly done I'll send through mid morning tomorrow.

Cheers

Anthony Reed

0402399572

On 10 Aug 2022, at 6:19 pm, Will Hayward <whayward@privatemedias.com.au> wrote:

Ed/Anthony - any update on this?

Thanks

Will

On Mon, 8 Aug 2022 at 6:10 am, Will Hayward <whayward@privatemedias.com.au> wrote:

Hi Ed,

Please see [here](#) a google drive with the various letters in order. We intend to send the below response today to Churchill's most recent message (with the usual intro and outro).

It is not Crikey's responsibility to solve a problem that you and your client have created. You are asking that our client apologise for the most extreme possible

interpretation of our article, but not explain what that interpretation is. Readers would think our client is apologising for the article itself. It won't. It stands by its reporting.

We do now feel it is unlikely that they are going to issue a writ. This concerns me - it might be the case that we publish and there is limited interest. Can you have a think about whether this is likely, and what we can do for maximum impact?

Also shared [here](#) a current publishing plan for day 1. We intend to publish all correspondence between both parties.

W

Will Hayward

Chief Executive Officer
Private Media
0481 112 662

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On Fri, 5 Aug 2022 at 15:21, Ed Coper <ed@populares.co> wrote:

Hi Will, thanks - that works for us. We'll get started on Monday and let you know what info we need from your end.

A quick update on where things are since our last conversation ie. whether the letter was sent and any response, and timetable for making this public would be great.

cheers,
Ed

On Thu, 4 Aug 2022 at 17:13, Will Hayward <whayward@privatemedia.com.au> wrote:

Ed, Anthony - can we engage you to build an initial plan? Perhaps limited to two days work. You might propose two/three angles of approach. This would give us an idea of how we could use you on a longer term basis.

Does that work?

W

Will Hayward

Chief Executive Officer
Private Media
0481 112 662

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On Tue, 2 Aug 2022 at 19:52, Will Hayward <whayward@privatemediacom.au> wrote:

OK thanks for clarity.

Will have a think then come back.

W

Will Hayward
Chief Executive Officer
Private Media
0481 112 662

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On Tue, 2 Aug 2022 at 19:47, Ed Coper <ed@populares.co> wrote:
Hi Will, we're not in a position to discount any further unfortunately.

Cheers,
Ed

On Tue, 2 Aug 2022, 9:19 am Will Hayward,
<whayward@privatemediacom.au> wrote:
Thanks for this Ed.

Is there anything else you can do on the rate? We want to work with you guys but need to be super cost conscious. With legal fees included this gets expensive very quickly. There is another provider in the mix with a lower rate - but, again - we want to work with you guys.

Regards the initial scope of work, can you help us connect with any initial outreach to get others talking about what has happened/what we're doing?

Signed NDA [here](#)

Will

Will Hayward
Chief Executive Officer
Private Media

0481 112 662

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On Mon, 1 Aug 2022 at 20:16, Ed Coper <ed@populares.co> wrote:

Hi Will,

Great to chat earlier. Our NDA is attached.

We've had a look at the letters and can see no reason not to proceed with your plans for them at this stage.

In terms of our approach, we think there are two clear phases:

1. some work in the immediate term to determine the best campaign approach
2. a campaign phase triggered by the Murdoch decision to pursue litigation

We are happy to dive in to provide some recommendations on the first point, and deliver you a piece of advice as to how to build the right campaign.

We would offer you our discounted nonprofit day rate of \$1650, and would think this is 2-3 days of work we could complete over the next week.

Let me know your thoughts

Ed

On Mon, 1 Aug 2022 at 18:03, Will Hayward

<whayward@privatemediacom.au> wrote:

Thanks for talking earlier.

Ed - can you share your usual pricing structure?

Thanks

Will

On Mon, 1 Aug 2022 at 5:21 pm, Peter Fray

<pfray@privatemediacom.au> wrote:

1= Crikey article

4 = original letter from Murdoch layer

5 = initial response from Minters

Final doc, draft of letter proposed to send to Churchill from Bradley tomorrow.

Regards

Peter

On 1 Aug 2022, at 4:07 pm, Will Hayward
<whayward@privatemedia.com.au> wrote:

Great, speak then. Will send over an invite now.

Will Hayward
Chief Executive Officer
Private Media
0481 112 662

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On Mon, 1 Aug 2022 at 16:06, Ed Coper
<ed@populares.co> wrote:

Works for me, cc'ing my colleague Anthony Reed who can join too.

On Mon, 1 Aug 2022 at 15:32, Peter Fray
<pfray@privatemedia.com.au> wrote:

445. Best to make a start

On 1 Aug 2022, at 3:29 pm, Will Hayward
<whayward@privatemedia.com.au>
wrote:

Thanks Eric (bcc).

Ed, could you talk today at 4.45 for 30 mins? Or, tomorrow morning?

W

Will Hayward

Chief Executive Officer
Private Media
0481 112 662

*I respectfully acknowledge the
Traditional Owners of the land where
Private Media operates, the Boon
Wurrung and Woiwurrung
(Wurundjeri) peoples of the Kulin
Nation, and pay respect to their Elders,
past and present.*

On Mon, 1 Aug 2022 at 15:21, Eric
Beecher
<ebeecher@privatemediacom.au>
wrote:

Ed,

Great to talk this afternoon. I've
talked to Peter and Will, and they
would love to connect with you.

Regards

Eric

On Mon, 1 Aug 2022 at 1:16 pm, Ed
Coper <ed@populares.co> wrote:

Hi Eric, great - yes happy to chat this
afternoon.

I'm on 0408 662 575

cheers,
Ed

On Mon, 1 Aug 2022 at 09:52, Eric
Beecher
<ebeecher@privatemediacom.au>
wrote:

Ed: we now have our ducks in a
row, so wondering if you would be
up for a chat today?

Regards

Eric

CRIKEY MURDOCH CAMPAIGN



Briefing Paper: Positioning Crikey to Campaign Effectively

CONTEXT

This campaign relates to the issue of legal threats from Lachlan Murdoch following links made in Crikey content between Fox News and the January 6th Capitol insurrection. Murdoch disputes any such link, and Private Media must decide how to respond in a way that both protects the publisher and also positions Crikey for a moral victory that grows subscriber numbers.

None of what follows should be construed as legal advice regarding the strength of any defamation action, nor the actions Crikey should take to defend itself against this defamation action. This advice is strictly limited to campaign and public relations strategy, and Populares recommends legal advice also be sought regarding the ramifications of our campaign strategy suggestions to any potential defamation action.

1. TOPLINE ADVICE

Our key analysis is that in order to be successful in this campaign, Lachlan Murdoch **will need to launch a defamation action** against the publisher.

This would provide the narrative hook, point of interest/difference, and level of seriousness in order for this campaign to appeal to a broader base than simply Crikey's current audience. Without a defamation action, these elements are too thin. It is not surprising that the Murdoch's would reject the assertion made, nor that they would intimidate through lawyerly threats.

What would make this stand out was their being prepared to drag a small independent publisher through court over the issue of their complicity into January 6. It would be a notable escalation and a tangible action that could provide the foundation for interest in the conflict.

What happens if there is no writ issued?

It is difficult to see this generating outside interest if there is no writ issued.

The campaign goals are:

- To prevent further threats from Lachlan Murdoch or Fox Corporation
- To generate interest in Crikey from new audiences
- To drive traffic to the Crikey website
- To increase the number of subscribers

In the absence of a specific defamation action it will be difficult to break through to these new audiences, and therefore achieve the subsequent growth goals. We can foresee the publishing of the letters and a suite of articles on the topic driving increased engagement from existing subscribers (which may also be an internal goal in general for Private Media), but would suggest the risks outweigh the benefits where there is also failure to drive any new subscribers.

What happens if there is a writ issued?

The above advice notwithstanding, we believe the key recommendation to ensure success in this campaign is to think globally. If you can find interest in this case in the US — from the media and from partner organisations — then that will make the domestic Australian media more likely to cover the issue independently of Crikey’s own self-coverage.

The second key feature of a response will be to present easily digestible facts about the link between Murdoch and January 6 (to accompany the opinion/analysis that Crikey will be publishing). The key narrative framing for this should be focused on a discussion as to *the degree to which Fox News/Murdoch is complicit* rather than the degree to which Crikey did/did not defame Murdoch.

The third key feature of an approach should be to frame the reader action: that the best way to support Crikey and to take a stand against this behaviour is to buy a subscription.

2. FRAMING

As mentioned above, the recommended frame is to keep focus on the degree to which Murdoch and Fox News are complicit. That makes the best framing:

“The slightest mention of January 6th and the lawyers are called in to silence the suggestion. What is Lachlan Murdoch worried about coming to light?”

The goal is to make the discussion one about the degree to which the Murdochs are complicit and connected to the events, and to keep focus on their actions and intentions. This is akin to the ‘truth’ defence, where the party who wishes to bring an action against a publisher is made to sit through the airing of the details of the issue they are trying to suppress. By making the action uncomfortable and potentially more embarrassing than the original publication, the stakes of continuing the conflict are raised.

The second recommended frame is to suggest the motivations behind the complaint are not genuine, but are designed to silence and suppress the truth. Here, Crikey can play David to the

Goliath and take a brave stand against the powerful. This frame should reinforce the commercial incentive for the Murdoch companies to remove independent media voices from Australia, not the ideological differences of the debate.

Thirdly, the frame for ‘what to do about it’ should always present subscription as a values-based action, not in terms of the usual value proposition for the reader (of performing a useful service to them, ie the collection and presentation of news and analysis).

Messaging Grid

Our recommended key messages are provided in a simple and clear messaging grid.

	FACTS	MOTIVATIONS	ACTION
	Key Message 1	Key Message 2	Key Message 3
	<i>Murdoch/Fox News is complicit in January 6th</i>	<i>Murdoch/Fox News is trying to bully Crikey into silence</i>	<i>The best way you can take a stand is by subscribing to Crikey</i>
Key Supporting Message 1	The facts support our assertion	The way the powerful exert control is by legal intimidation	Independent media is our last bulwark against media monopolies
Key Supporting Message 2	Murdoch is worried about exposure to this link	News media companies should support free speech	News funded by advertising has perverse incentives
Key Supporting Message 3	Therefore he is panicking into silencing any mention of it	Defamation laws in Australia are broken	Collectively we can match the power of Murdoch

3. GLOBAL STRATEGY

The option to consider for best impact is to think of this campaign in global terms, not merely of interest to the Australian market. It will be difficult for the campaign to independently gain traction with the Australian media, coming as it does from a rival Australian news publication.

Were the campaign to generate international attention, however, this would make the Australian media outlets more inclined to cover the issue themselves. This is the ultimate goal - to drive subscriptions, a new Australian audience must be reached, so it is hard to achieve this only through owned channels.

We would recommend pitching Eric or Peter to US cable news (CNN, MSNBC) and print (The New York Times, Washington Post), and in the UK to pitch Sky UK now that it is not owned by the Murdochs, just for an extra bit of delicious irony. A defamation action would be of interest to the US and UK media both to highlight the state of the defamation laws in each country, and when presented as of international importance as a threat to press freedom in Murdoch's native Australia. This would then lead a domestic public relations campaign in Australia.

The second feature of the global strategy would be to get partner organisations involved in the campaign. Here are some suggestions:

- Media Matters for America (US)
 - <https://www.mediamatters.org/fox-news/fox-hosted-members-congress-who-voted-against-certifying-election-over-900-times-2021>
 - <https://www.mediamatters.org/january-6-insurrection/lies-fox-telling-about-january-6-hearing>
- Avaaz (Global)
 - https://secure.avaaz.org/campaign/en/murdoch_campaign_report/
- 38 Degrees (UK)
 - <https://home.38degrees.org.uk/category/murdoch/ruPERT-murdoch/>

In Australia the domestic partners would likely be:

- GetUp
- Australians for a Murdoch Royal Commission

4. CONTENT STRATEGY

Crikey should develop a suite of advertising content to deploy across your owned channels which drives subscribers and casual browsers to your actions. This content can be deployed quickly and cost effectively through digital channels on Facebook/Instagram and Google display and search channels.

The advertising should spell out the facts of the campaign and highlight the key facts around the January 6 link to News Limited.

Content ideas include:

- Top 5 examples of outrageous News Ltd clips
- Key quotes from News Commentators

- “David’ vs ’goliath” - Crikey versus News
- Boosted News of Crikey articles removed from the paywall

5. SUPPORTER ACTIONS

The goal of the campaign is to drive supporters through a ladder of engagement.

You create a low barrier to entry for supporters to get involved and then take them on the journey with you as you stand up for independent fact based news.

The typical supporter journey is:

Action Sequence

Petition Action - Signing the petition. Note that the Facebook ad should link directly to a petition page, and not a campaign information page.

Subscription Action - Donate to support the campaign *in the form of a Crikey subscription*. If there is a specific tactic we can reference, that is preferable, as that improves results. This is the crowdfunding element — having supportive audiences see a subscription as a donation.

Share Action - Sharing the petition or subscription action with friends on social media.

A low barrier petition action, with as little friction as possible, will maximise acquisition of new supporters. By following the petition with a donation ask, the paid Facebook advertising campaign can partially subsidize itself (i.e., if 25% of the cost of a new acquisition is covered by incoming subscriptions, that can be reinvested in further paid acquisitions). More importantly, this process allows Crikey to immediately identify potential subscribers among new supporters.

Third Party Validators

Third party validators can be huge boosts to campaign engagement. They bring the authority of their position to validate the campaign problem as an important issue or to validate the campaign strategy, solution, tactic, etc. Crikey should enlist the support of Academics, high profile defamation lawyers and media commentators to broaden the circle of those who are concerned and elevate the issue on the mind of the audience as being bigger than one media outlet and attack on free speech and independent journalism.

Crikey should identify and brief key academics and defamation lawyers on the case so they are available to comment in the media.

INTERROGATORIES TO THIRD RESPONDENT

No. NSD673/2022

Federal Court of Australia

District Registry: New South Wales

Division: General

LACHLAN KEITH MURDOCH

Applicant

PRIVATE MEDIA PTY LTD & ORS

Respondents

Definitions

In these interrogatories:

- (a) **SOC** means the Statement of Claim filed on 23 August 2022;
- (b) **First Respondent** means Private Media Pty Limited and/or any of its employees, servants and/or agents;
- (c) **Article** has the same meaning as defined in paragraph 5 of the SOC.
- (d) **Reply** is the Reply to the Amended Defence dated 8 November 2022;
- (e) Defined terms are as they appear in the SOC and Reply.

REMOVAL AND REPOSTING OF ARTICLE

1. Did you, or any person on your behalf, communicate with any person from the SMH on or before 15 August 2022 in relation to the dispute with the Lachlan Murdoch concerning the Article?

2. If the answer to the preceding interrogatory is in the affirmative, please state:
 - (a) the date of each communication;
 - (b) the content of each such communication, if in writing and available, annex to the your answers.

3. Prior to 14 August 2022, did you, or any person on your behalf, inform any third party (by telling that person or giving them the letters in question) to the effect that (please answer separately in relation to each):
 - (a) Murdoch had sent a Concerns Notice and multiple legal letters to Crikey since June;
 - (b) the Article had been taken down from the Crikey website and various social media platforms;
 - (c) lawyers are continuing to negotiate;
 - (d) Murdoch is demanding an apology.

4. If the answer to any part of the preceding interrogatory is in the affirmative, please state:
 - (a) the name(s) of any such third person;
 - (b) when they were so informed, and
 - (c) what information they were provided.

5. As at about 15 August 2022, did you believe it to be true that Lachlan Murdoch was intimidating Crikey and its publisher Private Media?

6. If the answer to the preceding interrogatory is in the affirmative state the information upon which you based that view?

REACTION

7. Since the publication of the Article, has any person spoken to you or written to you or otherwise communicated with you about the Article?

8. If the answer to the preceding interrogatory is in the affirmative, please identify:

- (a) the name of each person;
 - (b) the date of each communication;
 - (c) the substance of each communication. In the case of written communications, please annex a copy to your answers.
9. Since the publication of the Article, has any person spoken to you or written to you or otherwise communicated with you about Lachlan Murdoch in relation to the Article?
10. If the answer to the preceding interrogatory is in the affirmative, please identify:
- (a) the name of each person;
 - (b) the date of each communication;
 - (c) the substance of each communication. In the case of written communications, please annex a copy to your answers.

IMPUTATIONS

First publication – 29 June

11. Did you intend to identify Lachlan Murdoch in the Article when first published?
12. If the answer to the preceding interrogatory is in the negative, who did you intend to identify by (please answer separately in relation to each):
- (a) the term “*Murdoch*” in the headline; and
 - (b) “*Murdochs*” in the final paragraph?
13. At the time of first publication of the Article, did you intend to convey the following imputations (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020

presidential election;

- (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
- (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
- (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
- (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
- (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
- (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
- (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
- (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
- (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome.

14. If the answer to the preceding interrogatory is in the negative in relation to any such

imputation, did you give any consideration to the possibility of any such imputation being conveyed by the Article (please answer separately in relation to each):

- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
- (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
- (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
- (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
- (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
- (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
- (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
- (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
- (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
- (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
- (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being

a traitor to the United States of America to overturn the 2020 election outcome;

- (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome?
15. If the answer to the preceding interrogatory is in the affirmative in relation to any imputation, what consideration was given and what steps, if any, were taken to reduce the possibility of such imputation being conveyed (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
 - (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
 - (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
 - (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
 - (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
 - (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
 - (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;

- (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
 - (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
 - (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome?
16. At the time of first publication of the Article, did you believe in the truth of any of the following imputations (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
 - (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
 - (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
 - (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
 - (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump

and a large number of Fox News commentators to overturn the 2020 election result;

- (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
 - (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
 - (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
 - (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
 - (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome?
17. If the answer to the preceding interrogatory is in the affirmative in relation to any such imputation, upon what information did you hold that belief at the time of first publication of the Article (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
 - (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with

murderous intent to march on the Capitol;

- (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
- (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
- (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
- (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
- (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
- (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
- (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
- (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome

Reposted Article – 15 August

18. Did you intend to identify Lachlan Murdoch in the Article when it was reposted?

19. If the answer to the preceding interrogatory is in the negative, who did you intend to identify by (please answer separately in relation to each):
- (a) the term “*Murdoch*” in the headline; and
 - (b) “*Murdochs*” in the final paragraph?
20. At the time of reposting the Article, did you intend to convey the following imputations (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
 - (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
 - (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
 - (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
 - (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
 - (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
 - (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
 - (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
 - (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason

against the United States of America to overturn the 2020 election outcome;

- (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
 - (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome.
21. If the answer to the preceding interrogatory is in the negative in relation to any such imputation, did you give any consideration to the possibility of any such imputation being conveyed by the Article (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
 - (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
 - (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
 - (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
 - (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
 - (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald

Trump to overturn the 2020 presidential election result;

- (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
- (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
- (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
- (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome?

22. If the answer to the preceding interrogatory is in the affirmative in relation to any imputation, what consideration was given and what steps, if any, were taken to reduce the possibility of such imputation being conveyed (please answer separately in relation to each):

- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
- (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
- (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;

- (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
- (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
- (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
- (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
- (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
- (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
- (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
- (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome?

23. At the time of reposting the Article, did you believe in the truth of any of the following imputations (please answer separately in relation to each):

- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;

- (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
- (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
- (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
- (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
- (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
- (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
- (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
- (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
- (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
- (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress

to overturn the 2020 election outcome?

24. If the answer to the preceding interrogatory is in the affirmative in relation to any such imputation, upon what information did you hold that belief at the time of reposting the Article (please answer separately in relation to each):
- (a) Lachlan Murdoch illegally conspired with Donald Trump to overturn the 2020 presidential election result;
 - (b) Lachlan Murdoch illegally conspired with Donald Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
 - (c) Lachlan Murdoch illegally conspired with Donald Trump to incite a mob with murderous intent to march on the Capitol;
 - (d) Lachlan Murdoch illegally conspired with Donald Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
 - (e) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump to overturn the 2020 presidential election result;
 - (f) Lachlan Murdoch knowingly entered into a criminal conspiracy with Donald Trump and a large number of Fox News commentators to overturn the 2020 election result;
 - (g) Lachlan Murdoch engaged in treachery and violent intent together with Donald Trump to overturn the 2020 presidential election result;
 - (h) Lachlan Murdoch was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
 - (i) Lachlan Murdoch was a co-conspirator in a plot with Donald Trump to overturn the 2020 election result which costs people their lives;
 - (j) Lachlan Murdoch has conspired with Donald Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;
 - (k) Lachlan Murdoch has conspired with Donald Trump to commit the offence of being

a traitor to the United States of America to overturn the 2020 election outcome;

- (l) Lachlan Murdoch should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (m) Lachlan Murdoch should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- (n) Lachlan Murdoch conspired with Donald Trump to lead an armed mob on Congress to overturn the 2020 election outcome

INFORMATION

25. At the time of publication of the Article did you have any information with respect to any of the material in the Article? If so:

- (a) state what information you had;
- (b) who or what was the source of the information (identify specifically what information was received from each source);
- (c) identify all documents containing such information which you had in your possession at the time of the publication of the Article (and annex them to your answers);
- (d) identify all documents containing such information as to which you had been informed of their contents or parts thereof but which you did not have in your possession at the time of publication of the Article and provide a complete description as to the terms by which these documents were described to you;
- (e) state the use made of each of the documents described or referred to in (c) and (d) above;
- (f) identify any such information which consisted of an oral communication and state the substance of what was said by each such person.

26. In respect of each source of information for the Article (specifying each source) at the time of publication of the Article, did you have a view as to:

- (a) the nature and/or quality of the information furnished by the source;
 - (b) the accuracy of the information furnished by the source;
 - (c) whether the source was biased against Lachlan Murdoch;
 - (d) whether information furnished by the source required corroboration?
27. If the answer to the preceding interrogatory is in the affirmative as to any part, in respect of each such part (specifying it):
- (a) what was that view;
 - (b) on what facts, matters and circumstances was the view based;
 - (c) when precisely was that view formed?
28. At the time of reposting the Article, did you have any information with respect to any of the material in the Article in addition to the material set out in answer to interrogatory 25, above?
29. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) what additional information you had;
 - (b) who or what was the source of the information (identify specifically what information was received from each source);
 - (c) identify all documents containing such additional information which you had in your possession at the time of the reposting of the Article (and annex them to your answers);
 - (d) identify all documents containing such information as to which you had been informed of their contents or parts thereof but which you did not have in your possession at the time of the reposting of the Article and provide a complete description as to the terms by which these documents were described to you;
 - (e) state the use made of each of the documents described or referred to in (c) and (d) above;

- (f) identify any such additional information which consisted of an oral communication and state the substance of what was said by each such person.

OFFER TO MAKE AMENDS

30. Please look at the letter from Marque Lawyers to John Churchill dated 27 July 2022 (attached). For what purpose did you instruct Marque Lawyers to send this letter?
31. At the time of the letter dated 27 July 2022 (and over the 28 day period thereafter while it was open for acceptance), if Lachlan Murdoch had accepted the offer, did you as Editor in Chief of Crikey intend to still pursue the strategy summarised in the email dated 25 July 2022 from Eric Beecher to Peter Fray and Will Hayward (respondents' discovery document 52) (attached)?
32. At the time of the letter dated 27 July 2022 (and over the 28 day period thereafter while it was open for acceptance), if Lachlan Murdoch had accepted the offer, did you as Editor in Chief of Crikey intend to still pursue the strategy summarised in the email dated 1 August 2022 from Will Hayward to Peter Fray and Eric Beecher, including the shared document LACHLAN MURDOCH CAMPAIGN (respondents' discovery document 53) (attached)?

DISCOVERY DOCUMENTS

33. Please look at respondents' discovery document 5 (attached). Please state what conversations you had with Zoe Samios about Lachlan Murdoch prior to your text on 14 August 2022.
34. Please look at respondents' discovery document 17 (attached). How many media organisations, journalist and/or news bodies did you speak to about Lachlan Murdoch from 13 August until 26 August 2022? Please list each of those organisations, journalists and news bodies.
35. Please look at respondents' discovery document 29 (attached). Please set out the conversation(s) you had with Mr Chessell in relation to Lachlan Murdoch on or about the date of these text exchanges 17 August 2022.
36. Please look at respondents' discovery document 47 (attached), please set out what was said about Lachlan Murdoch and the strategy to be used in relation to him at the meetings

between Beecher, Hayward and Fray referred to in those messages that took place on:

- (a) 5 July 2022; and
 - (b) 7 July 2022.
37. Please look at respondents' discovery document 49 (attached), what did you understand Will Hayward was referring to when he wrote "*Peter - I have told Eric we will not run a disclaimer on the GFM about Alliance's neutrality*"?
38. Please look at respondents' discovery document 51 (attached) being an email exchange dated 4 July 2022 between Fray, Beecher and Hayward about Lachlan Murdoch. Please set out the conversation that occurred as referred to in that email.
39. Please look at respondents' discovery document 52 (attached) being an email dated 25 July 2022 and state what you understood Eric Beecher was referring to when he wrote "*aligns with Peter's verbal list the other day*" including the content of that list, and when that list was communicated by you to Mr Beecher.
40. Please look at respondents' discovery document 53 (attached) please identify by reference to discovery number or annex to your answers the document shared by Eric Beecher in that email entitled "LACHLAN MURDOCH CAMPAIGN".
41. Please look at respondents' discovery document 117 (attached) being a text message exchange between Beecher and yourself, what did you understand was being referred to by the words:
- (a) "*When are you thinking about launching LM?*";
 - (b) "*My piece and chronology finished, in LM Copy doc*"?
42. Please look at respondents' discovery document 134 (attached) and state what you understood Will Hayward was referring to when he wrote "*Don't think this changes anything*".
43. Please look at respondents' discovery document 136 (attached) and state:
- (a) what "Us and him" was a reference to; and
 - (b) the purpose of the research attachment.

44. Please look at respondents' discovery document 140 (attached) and annex to your answers the attachment to that email called "*chronology of threats*".
45. Please look at respondents' discovery document 141 (attached) being an email from Peter Fray to Zoe Samios with attachments including an advice from Michael Bradley dated 1 August 2022 (attached):
- (a) please identify by reference to discovery number (or otherwise annex it to your answers) the "*far more rude and entertaining*" letter that Mr Bradley annexed to this advice;
 - (b) annex to your answers any document(s) evidencing the request for advice about the use of the letters between the solicitors for the parties;
 - (c) annex to your answers any other document that refers to the advice about the use of the letters between the solicitors for the parties.
46. Please look at respondents' discovery document 147 (attached) and state the date that this document was created.
47. Please look at respondents' discovery document 149 (attached) being a text dated 4 July 2022 between Beecher and Fray. Please set out the discussion that occurred about Lachlan Murdoch on or about that day arising from the message "*Chat re Lachlan?*".
48. Please look at respondents' discovery document 150 (attached). Please state:
- (a) the date the first draft of this document was created;
 - (b) when the document was distributed or presented;
 - (c) to whom the document was distributed or presented;
 - (d) what the words "OOH campaign" refer to in slide 24;
 - (e) what merchandise was proposed as referred to in slide 24.
49. Please look at respondents' discovery document 152 (attached) being a message exchange on 24 August 2022. What do you understand Will Hayward was referring to when he wrote "*campaigning team*"?
50. Please look at respondents' discovery document 212 (attached), being a text exchange between you and Zoe Samios from the SMH on 15 August 2022, which tweet and retweets are being referred to in that text exchange?

51. Please look at respondents' discovery document 271 (attached) being messages on 15 August 2022. Tom Clift refers to the plan to launch the "series" on Wednesday, at the time what did you understand:

- (a) was the "series" referred to;
- (b) when the "plan" to "launch the series" first formulated;
- (c) annex to your answers the documents in the linked Google drive.



Signature of legal representative

Capacity

John Churchill

Solicitor for the Applicant

Date of signature

23 November 2022

Our reference MB/13921
Phone +61 2 8216 3006
Email michaelb@marquelawyers.com.au

27 July 2022

John Churchill
Level 3, 32 Martin Place
Sydney NSW 2000

By email: jmc@johnchurchill.com.au

Dear Mr Churchill

Private Media Pty Limited – Lachlan Murdoch

1. We now act for Private Media Pty Limited, Peter Fray and Bernard Keane in respect of this matter. We refer to your letter to Minter Ellison of 19 July 2022.
2. This letter contains an offer to make amends, pursuant to section 13 of the *Defamation Act 2005* (NSW), in respect of your client's purported concerns notice dated 30 June 2022. It is made on an open, not "without prejudice", basis.
3. This offer is made in relation to the matter generally, including all of the imputations alleged in the concerns notice. It is a genuine attempt by our clients to resolve this matter, notwithstanding that our clients maintain that none of the alleged imputations were conveyed by the publications the subject of the concerns notice.

Terms of offer

4. Our clients offer to do the following:
 - (a) publish, by the usual means of publication of articles in *Crikey* and under Mr Fray's by-line as editor, an editorial statement in the form set out below (**Statement**);
 - (b) publish, on its Facebook and Twitter accounts, links to the Statement;
 - (c) not republish the original article;
 - (d) pay the expenses reasonably incurred by your client before this offer was made and the expenses reasonably incurred by him in considering this offer.
5. This offer is open for 28 days from the date of this letter, that is until 24 August 2022.

Form of Statement

Mr Lachlan Murdoch

On 29 June 2022, Crikey published an opinion piece by Bernard Keane titled “Trump is a confirmed unhinged traitor. And Murdoch is his unindicted co-conspirator.”

The article laid out a case against Donald Trump in respect of the attempt to overthrow the result of the 2020 US presidential election, culminating in the assault on the Capitol on January 6, 2021. It concluded with Keane’s opinion that:

“The Murdochs and their slew of poisonous Fox News commentators are the unindicted co-conspirators of this continuing crisis.”

Mr Lachlan Murdoch took exception to the article, instructing his lawyers to issue a defamation concerns notice to Crikey as well as to Bernard Keane and me personally, threatening to sue us.

As a gesture of goodwill, we made the decision to remove the article from publication as soon as we received the letter from Mr Murdoch’s lawyers.

We would now like to set the record straight. Mr Murdoch feels that the article conveyed a large number of extremely serious defamatory imputations regarding his actions, by virtue of the article’s title and its closing sentence (which were the only mentions of him in the article).

We do not agree that the article did convey these imputations. However, we don’t want there to be any confusion about exactly what we do say about his actions.

To be fair to Mr Murdoch, this is the full list of defamatory imputations he says the article conveyed about him:

- He illegally conspired with Donald Trump to overturn the 2020 presidential election result;
- He illegally conspired with Trump to incite an armed mob to march on the Capitol to physically prevent confirmation of the outcome of the 2020 presidential election;
- He illegally conspired with Trump to incite a mob with murderous intent to march on the Capitol;
- He illegally conspired with Trump to break the laws of the United States of America in relation to the 2020 presidential election result;
- He knowingly entered into a criminal conspiracy with Trump to overturn the 2020 presidential election result;
- He knowingly entered into a criminal conspiracy with Trump and a large number of Fox News commentators to overturn the 2020 election result;
- He engaged in treachery and violent intent together with Trump to overturn the 2020 presidential election result;
- He was aware of how heavily armed many of the attendees of the planned rally and march on the Capitol building were on January 6 before it occurred;
- He was a co-conspirator in a plot with Trump to overturn the 2020 election result which costs people their lives;
- He has conspired with Trump to commit the offence of treason against the United States of America to overturn the 2020 election outcome;

- He has conspired with Trump to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- He should be indicted with conspiracy to commit the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- He should be indicted with the offence of being a traitor to the United States of America to overturn the 2020 election outcome;
- He conspired with Trump to lead an armed mob on Congress to overturn the 2020 election outcome.

There is no evidence that Mr Murdoch did any of the things described above. Crikey does not say that he did any of them.

Crikey does believe that Mr Murdoch bears some responsibility for the events of January 6 because of the actions of Fox News, the network he leads. However, Crikey does not believe that he was actively involved in the events of that day as the things described above would suggest.

Yours sincerely



Michael Bradley
Managing Partner

John Churchill

From: Eric Beecher <ebeecher@privatemedias.com.au>
Sent: Monday, 25 July 2022 1:59 PM
To: Peter Fray; Will Hayward
Subject: LM story thoughts

Here are a few thoughts on a possible story slate to kick it off, maybe over the first 7-8 days (ie keep it rolling) -- aligns with Peter's verbal list the other day, adds a few more:

Day 1: Overview news story (the facts) ... All legal letters (4?) ... Comment: why we're doing this (PF/EB?) (devote entire newsletter?)

2: Australia's defo laws (v US) (Bradley?) ... Lachlan Murdoch on media freedom/quotes from his speeches ... Crikey's history with LM defo claims

3: the Dominion/Trump connection (Warren?) ... US media and politician comments on Fox News and Jan 6/Trump ...

4: Fox News as a political player over decades (David McKnight?) ... Rudd or Turnbull write

5: S Mayne (?) ... News Corp's power (EB/regurgitate past series)

6: How LM defends Fox/his public comments ... Murdoch family wealth, ownership structure ...

7: Guest columns x 2 (academics, former politicians, former News Corp employee, etc).

8: Interviews with lawyers, others on defo law reform, using this case as the example

... plus obviously updates on the rolling story ...

Eric Beecher

Chairman | Private Media | Solstice Media | Australian Communities Foundation

Phone [+ 61 412 584 251](tel:+61412584251)

ebeecher@privatemedias.com.au

Private Media Pty Ltd, 107 Elizabeth Street, Melbourne VIC 3000

John Churchill

From: Peter Fray <pfray@privatemediacom.au>
Sent: Monday, 1 August 2022 7:39 PM
To: Will Hayward
Cc: Eric Beecher
Subject: Re: Document shared with you: 'LACHLAN MURDOCH CAMPAIGN'

Defo law reform is a perennial and we could certainly turn news corps word against it. Where we sit is around the issue of what you can say about a public person: in the US, you can pretty well say anything though the gawker matter tempers that a bit. Here a public person have as much right as anyone and even more so because they have the money. Bradley will have a better view of this but the test here is also around that and what is fair comment. We used Murdoch as a synonym to Fox. His literalism makes the law an arse.

P

On 1 Aug 2022, at 5:50 pm, Will Hayward <whayward@privatemediacom.au> wrote:

This is great thank you.

Unsure if these comments go in the doc or in email, until settled.

We had a good call with Populares. I increasingly think we should explore how we can tie our fight to the wider issue of defo law reformation.

To me the issue has always been that, as currently constructed, one interpretation (Murdoch's) of the law is that we shouldn't even be allowed to publish what we did. That is absurd - even scary.

It seems to me there is a wide non partisan public consensus that defamation law needs to be reformed. It touches multiple issues - #metoo, Stokes, concentration of power, Porter (as you know, even he thought the law should be reformed).

The way I think we should think about this calculation is - one campaign has us at the centre (Murdoch wants to shut down Crikey!) - how much total positive impact would that have? Everyone it reached would think of us, but maybe total reach would be lower.

Vs - a wider campaign that says - enough is enough, defo law has to change. We build a big public consensus. Make it cross party. Set up a go fund me and a petition. Pull in multiple factions. Campaign to change the law. Sell merch. Probably has potential for wider reach, but lower connection to our brands.

How does that balance look, and which one supports the sustainability of Crikey over the long term?

On Mon, 1 Aug 2022 at 5:36 pm, Eric Beecher (via Google Docs) <drive-shares-dm-noreply@google.com> wrote:



Zoe >

iMessage
Sun, 14 Aug, 10:39 am

Hi Peter. I hope you're enjoying your weekend. Are you able to give me a call? Just regarding Lachlan Murdoch. Zoe Samios

Sun, 14 Aug, 2:02 pm

Will be at the scg for pies v swans game. If plan to write today my par would be along the line that : Crikey editor in chief Peter Fray declined to comment other than to say that "crikey and its publisher private media are sick of being intimidated by Lachlan Murdoch."

Oh I see that has gone up .
Thought you were going
To get back to



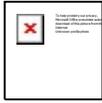
iMessage



244



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Here's the first draft of the doc we talked about.
Eric

 LACHLAN MURDOCH CAMPAIGN

[Open](#)

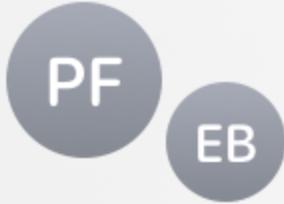
Google LLC, [1600 Amphitheatre Parkway, Mountain View, CA 94043, USA](#)

You have received this email because ebeecher@privatemediacom.au shared a document with you from Google Docs.



--

Will Hayward
CEO, Private Media
0481 112 662



2 People >

There must be other ways to get heat on this

"Lachlan Murdoch is threatening to sue for connecting him to Jan 6th riots"

Peter Fray

PF Folkenflik at npr keen to talk

Great

Peter Fray

PF Stelter has an offside whose contacts I have

Eric Beecher

EB I'm happy to brief J Swan at the right time — or should you, Peter?

Would we give the outlets we trust (NYT, WaPo, FT, Axios) all the letters on background? So that they all point to us as the source?

Fri 19 Aug at 9:01 am

Peter Fray

Yes

Can we three talk soon

iMessage input field with camera, app store, and microphone icons





2 People >

Peter Fray

All good. Will call Chessell later

PF No rush now

Actually doing so now

PF Will what was the name of the guy in ads at Fairfax ?

Sam Brownbill

He said it was above his pay grade to make the decision. He isn't the one who said no.

Peter Fray

Yup

PF Just good to know

Wed 17 Aug at 2:52 pm

Peter Fray

Chessell downs t know about but reckons we were knocked back because we are competitors!

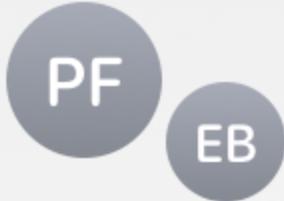
Doesn't

PF He is getting back to Me



iMessage





2 People >

Eric, Peter - I had hoped to arrange a call to discuss the Murdoch matter this evening UK time but I don't think that is going to work (time difference isn't what I thought it was). Could we speak tomorrow at 4.30 Melbourne time?

Mon 4 Jul at 8:10 pm

Eric Beecher

EB Ok for me.

Mon 4 Jul at 10:57 pm

Peter Fray

PF Yup

Tue 5 Jul at 4:31 pm

Am on the link in the calendar invite

Eric Beecher

EB 3 mins

Thu 7 Jul at 4:58 pm

Eric Beecher

EB Are we talking at 5?

Yes

Fri 22 Jul at 8:44 am

iMessage input field with camera, app store, and microphone icons





2 People >

the Daily and the article page.

Intro to Daily you can sort? Is the article just the same as the GFM landing page?

Peter Fray



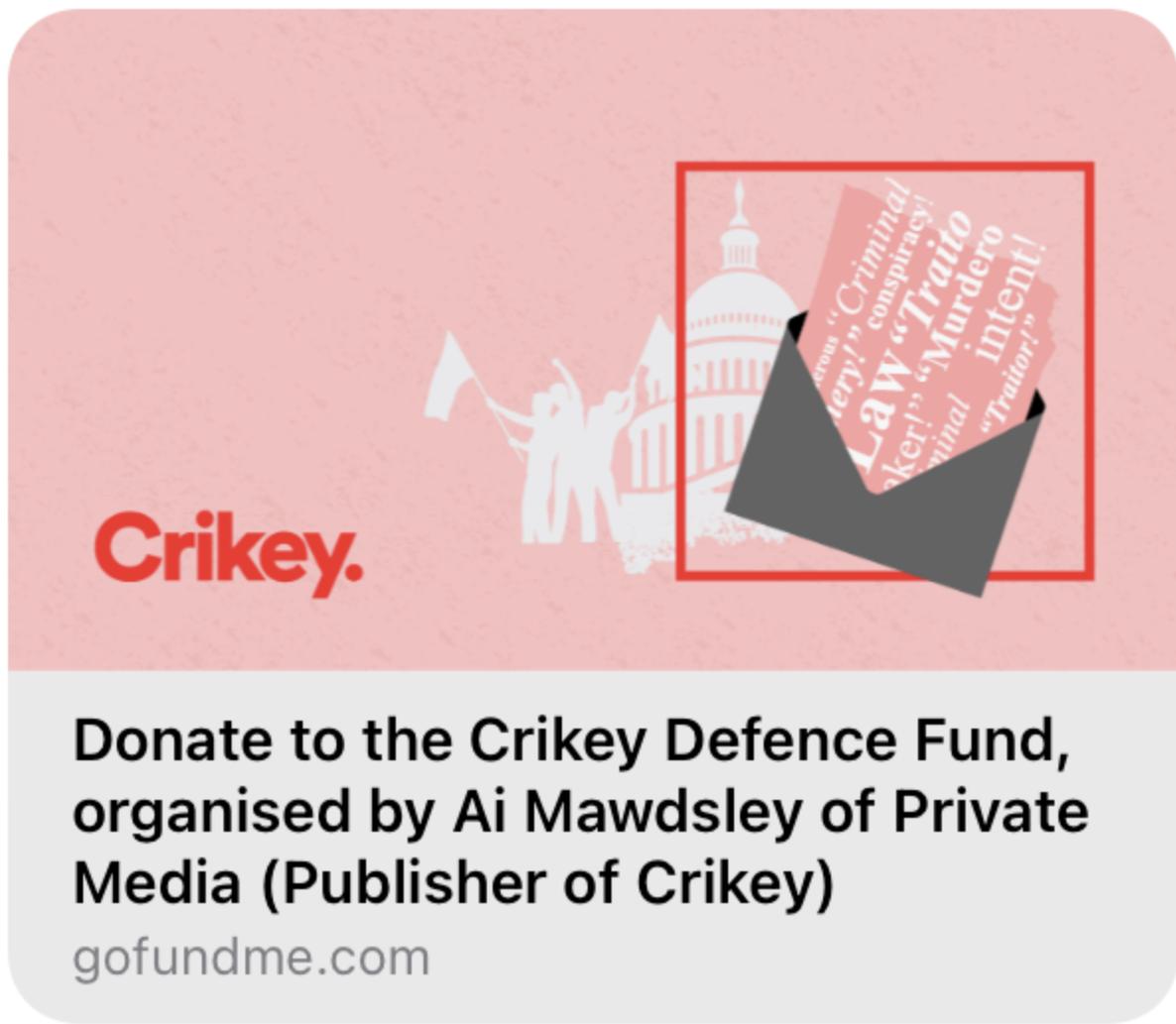
PF

Think so but see what Eric comes up with



PF

We talk about a separate story



The image will change.

Peter - I have told Eric we will not run a disclaimer on the GFM about Alliance's neutrality.



iMessage



John Churchill

From: Will Hayward <whayward@privatemediacom.au>
Sent: Monday, 4 July 2022 4:18 PM
To: Peter Fray
Cc: Eric Beecher
Subject: Re: Talk about Lachlan?

Morning - yes am working mornings UK time this week. Will give you a call shortly.

W

On Mon, 4 Jul 2022 at 5:35 am, Peter Fray <pfray@privatemediacom.au> wrote:

Hi Will

Sorry to interrupt your strawberries and cream.

If memory serves, u are doing a bit of work this week.

Eric and I have been talking about Lachlan — about taking him on in the cause of press freedom.

Obviously not without risk.

Chat later today?

I can do any time until 530 pm Sydney/Melb time.

Tomorrow works too

P

--

Will Hayward
CEO, Private Media
0481 112 662

John Churchill

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Chairman | Private Media | Solstice Media | Australian Communities Foundation

Phone [+ 61 412 584 251](tel:+61412584251)

ebeecher@privatemedia.com.au

Private Media Pty Ltd, 107 Elizabeth Street, Melbourne VIC 3000

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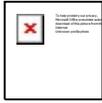
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 LACHLAN MURDOCH CAMPAIGN

[Open](#)

Google LLC, [1600 Amphitheatre Parkway, Mountain View, CA 94043, USA](https://www.google.com)

You have received this email because ebeecher@privatemediacom.au shared a document with you from Google Docs.



--

Will Hayward
CEO, Private Media
0481 112 662

John Churchill

From: Will Hayward <whayward@privatemedias.com.au>
Sent: Sunday, 14 August 2022 3:16 PM
To: Anthony Reed; Ed Coper; Eric Beecher; Peter Fray
Subject: FYI

Someone leaked.

<https://www.smh.com.au/business/companies/lachlan-murdoch-sends-legal-threat-to-crikey-over-january-6-article-20220813-p5b9ll.html>

Don't think this changes anything.

--

Will Hayward
CEO, Private Media
0481 112 662

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Eric >



Thu, 11 Aug, 8:42 am

When are you thinking about launching LM?

Wednesday

My piece and chronology are finished, in LM Copy doc.

Thanks

Thu, 11 Aug, 7:52 pm

Need to talk?

Tomorrow fine

Text Message
Sun, 14 Aug, 12:13 pm

You missed a call, but the caller didn't leave a message.



iMessage



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John Churchill

From: Peter Fray <pfray@privatemedias.com.au>
Sent: Thursday, 11 August 2022 12:56 PM
To: Bernard Keane
Subject: Us and him....
Attachments: Research.docx

John Churchill

From: Peter Fray <peter.fray@me.com>
Sent: Sunday, 21 August 2022 7:30 PM
To: dfolkenflik@npr.org
Cc: Will Hayward; Eric Beecher
Subject: Re: From Peter Fray re Lachlan M.
Attachments: Crikey_NYT_5.7x10.5in_5.1.pdf

Slight change din ad for NY audience here.

On 21 Aug 2022, at 7:24 pm, Peter Fray <peter.fray@me.com> wrote:

Hi David

Trust all is good with you.

I think we met many moons ago in the company of Bill Adair, who is the Australian Peter Fray — ok, I am the Australian B.Adair (an honour).

I believe Bill might have mentioned what we are up to at Crikey, a 20-year plus news site mainly covering politics/national affairs.

The gist of it is we have enough of being bullied — and threatened with defamation -- by Lachlan Murdoch over an article that asked very legitimate questions about the role of Fox in the Jan 6 insurrection and the amplification of the Big Lie.

We are drawing a line in the sand in the name of freedom of speech and press freedom.

To that end, we have taken out ads for an open letter in the NYT Monday metro edition, text below, inviting Lachlan to follow through with his threats and sue us.

We plan to publish the legal letters in full, the open letter plus the original article at 5 pm Sydney time on Monday August 22 — 3 am in New York.

It is all embargoed until then.

We will have related coverage all week.

Happy to talk more about this at any time. I am on +61 437 533760.

I am cc'ing in Eric Beecher, the chair of Private Media (Crikey's publisher) and Will Hayward, our CEO.

Below:

- the original article
- a chronology of threats

- the text of the open letter/ad.
- the back and forth of the letters

Best regards

Peter Fray

Peter

- <1. Crikey Article (00017710xECF95).pdf>
- <LMurdochChronology.docx>
- <Crikey_CANBERRA_TIMES_fullpage_374x260mm_7 3.pdf>

- <5. Letter to John Churchill from MinterEllison - Lachlan Murdoch - 7 July 2022.pdf>
- <4. Letter to The Editor Crikey, Private Media Pty Ltd and Mr Bernard Keane (00017717xECF95).pdf>
- <6. Letter to Bartlett re Crikey 19.7.22.pdf>
- <7. Letter to Churchill - Offer to make amends_2689036_1.PDF>
- <8.Letter to Mr Michael Bradley, Marque Lawyers (00017891xECF95).pdf>
- <9. Letter to Churchill_2690965_1.DOCX>
- <10. MB August 1 email to us.docx>
- <11. Letter to Mr Michael Bradley, Marque Lawyers (00017916xECF95).pdf>
- <Letter to Churchill 9 August 2022_2695836_1 2.PDF>

John Churchill

From: Peter Fray <peter.fray@me.com>
Sent: Sunday, 21 August 2022 8:32 PM
To: zoe.samios@nine.com.au
Cc: Will Hayward; Eric Beecher
Subject: Re Murdoch, note embargo
Attachments: Crikey_NYT_5.7x10.5in_5.1.pdf; Crikey_CANBERRA_TIMES_fullpage_374x260mm_7.pdf; LMurdochChronology.docx; 1. Crikey Article (00017710xECF95).pdf; 6. Letter to Bartlett re Crikey 19.7.22.pdf; 7. Letter to Churchill - Offer to make amends_2689036_1.PDF; 8.Letter to Mr Michael Bradley, Marque Lawyers (00017891xECF95).pdf; 9. Letter to Churchill_2690965_1.DOCX; 9. Letter to Churchill_2690965_1.DOCX; 10. MB August 1 email to us.docx; 11. Letter to Mr Michael Bradley, Marque Lawyers (00017916xECF95).pdf

Hey Zoe

Appreciate this isn't of any use for tomorrow's pages but thought you might be interested.

In the NYT on Monday Crikey has placed an advertisement inviting Lachlan Murdoch to actually follow through with his threat over the Fox article and sue us.

We have also placed a similar ad in The Canberra Times, after being rejected by Nine.

James Chessell told me it was probably knocked back because we were competitors (!/lol); someone in ads at Nine told Will Hayward it was because Nine didn't want to upset Rupert etc.

We strongly think we should be able to publish articles questioning Fox and its role in the Jan 6 insurrection.

Anyway, here are the copies of the ad, the original article, the legal threats from Lachlan and a piece detailing the chronology of the threats.

We will publish a special Crikey at 5 pm Monday to coincide with the NTY ad.

Myself, Eric or Will are happy to talk.

All best

Peter

Peter

August 1 email from MB

Hi, I've reworked the letter to be far more rude and entertaining while still claiming the high ground of reasonableness. It may actually make Churchill's head explode.

Regarding publishing the correspondence, the letters exchanged so far are:

1. Churchill to Private Media 30 June
2. Minters to Churchill 7 July
3. Churchill to Minters 19 July
4. Marque to Churchill 27 July
5. Churchill to Marque 29 July

The first two letters from Churchill are marked "Private & Confidential – Not for Publication". Minters' letter and ours do not say anything about confidentiality. Churchill's last letter doesn't include the confidentiality claim.

There is nothing preventing you from publishing all of the correspondence. You could only be restrained if you had agreed to not do so, which you clearly have not. Confidentiality cannot be imposed unilaterally, and there's nothing in the correspondence on which Churchill could base an argument that his demand for confidentiality had been even acknowledged, let alone accepted.

It is seen in some quarters as poor form to publish such correspondence, but that has no legal status. My personal

view is that it's not at all improper, all the more so when the complainant is a champion of free speech.

Minters cannot prevent you from publishing its letter on confidentiality grounds. The only obligation of confidence as between you and Minters is the one it owes to you; it doesn't work the other way. Technically, Minters owns the copyright in its own letter, so reproducing the letter without its consent would be an infringement of its copyright. I can't see it trying to prosecute the infringement. However, you could redact all references to the name of the firm and its employees from the published versions of Minters' letter and Churchill's reply, if that's its preference and you don't care either way.

LACHLAN MURDOCH CAMPAIGN

POSSIBLE TACTICS

- Send personal emails/letters to key influencers explaining what's happening (inc politicians)? Sarah Hansen-Young, etc?
- Rudd, Turnbull, former judges and lawyers, Burnside, etc?
- Fairfax family (John B) go public on this?
- US media coverage?
- Video?
- Crowd funding?
- Paid marketing?
- Privately brief social media influencers?
- Small survey showing ordinary Australians the story headline and asking them who they believe "Murdoch" is? (Maybe small sample, 200/300?).

TALKING POINTS

- "Lachlan Murdoch wants to wipe out Crikey financially. We are one of the very few viable independent news publications in Australia, and he wants to crush us."
- "The Billionaire Boss of one of the biggest most powerful media companies in the world wants to clobber a tiny independent news publisher..."
- "How could Australia's defamation laws allow a wealthy public figure like Lachlan Murdoch to sue over straight-out public interest journalism when, in the US, as a public figure, he couldn't sue at all?"
- "In his 2014 Keith Murdoch Oration, Lachlan Murdoch declared that 'censorship should be resisted in all its insidious forms ... we should be vigilant of the gradual erosion of our freedom to know, to be informed, and make reasoned decisions in our society and in our democracy. we must all take notice and, like Sir Keith, have the courage to act when those freedoms are threatened.' At Crikey, we fully agree with Lachlan's brave comments."

- “The Murdoch media regularly attacks hypocrisy in all its forms, which is why Crikey is taking a stand against the hypocrisy of a billionaire media owner trying to shut us down.”
- “We may not be anywhere as rich as Lachlan Murdoch, or as big as his media companies, but Crikey is tremendously proud of its moral compass and its editorial mission. If publishers like us didn’t exist in Australia, the Murdochs would be even more powerful and politically influential.”

POTENTIAL CONTENT SLATE:

Day 1: Short overview news story (the facts, including previous LM-Crikey skirmishes) ...
 Chronology: how media power works (quote key parts from BK story + all letters, plus repost the article and post all letters in full on website?) Comment: why we're doing this (EB?) (devote entire newsletter?)

Day 2: Australia's defo laws (v US) (Bradley?) ... Lachlan Murdoch on media freedom/quotes from his speeches ... Crikey's history with LM defo claims

3: the Dominion/Trump connection (Warren?) ... US media and politician comments on Fox News and Jan 6/Trump ...

4: Fox News as a political player over decades (David McKnight?) ... Rudd or Turnbull write?

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6: How LM defends Fox/his public comments ... Murdoch family wealth, ownership structure ...

7: Guest columns x 2 (academics, former politicians, former News Corp employee, etc).

8: Interviews with lawyers, ex-judges, others on defo law reform, using this case as the example

... plus obviously updates on the rolling story ...

Other possible stories:

BK? John B Fairfax story/interview? More on defo laws, history of reform? Fox and January 6? Mike Carlton? Interview other independent publishers about what this means? Paddy Manning (L Murdoch biographer)?

AUSTRALIA'S DISTORTED DEFAMATION LAWS:

Possible approach and content ... make it a campaign?

Will's thoughts: To me the issue has always been that, as currently constructed, one interpretation (Murdoch's) of the law is that we shouldn't even be allowed to publish what we did. That is absurd - even scary. It seems to me there is a wide non partisan public consensus that defamation law needs to be reformed. It touches multiple issues - #metoo, Stokes, concentration of power, Porter (as you know, even he thought the law should be reformed). The way I think we should think about this calculation is - one campaign has us at the centre (Murdoch wants to shut down Crikey!) - how much total positive impact would that have? Everyone it reached would think of us, but maybe total reach would be lower. Vs - a wider campaign that says - enough is enough, defo law has to change. We build a big public consensus. Make it cross party. Set up a go fund me and a petition. Pull in multiple factions. Campaign to change the law. Sell merch. Probably has potential for wider reach, but lower connection to our brands. How does that balance look, and which one supports the sustainability of Crikey over the long term?

VIDEO:

- Lachlan Murdoch's comments about media freedom and the role of Fox News as the "opposition" to the Biden administration ... interview grabs with Turnbull, Rudd, Bradley, etc ...

BACKGROUND:

A brief history of Lachlan Murdoch and Crikey/P Fray, July 2022.

In my time as EiC of Crikey (from Jan 2020 to now) we have had four run-ins with Lachlan Murdoch. We know about the current one. Here is an outline of the other three:

September 23 2020. On this day, in a headline, we referred to Lachlan Murdoch as being cited by ex British MP Tom Watson as organised crime figure. Mr Watson's statement, made in the wake of the UK hacking scandal and under parliamentary privilege, was of course a reference to James Murdoch, Lachlan's brother. Following a letter from Lachlan's lawyer, we issued an apology, under my name, the following day.

<https://www.crikey.com.au/2020/09/24/crikey-apologises-lachlan-murdoch/>

April 15, 2021. On this day in an article written by Stephen Mayne, we suggested that Christine Holgate, the recently sacked head of AusPost, had played dead as a board member of the then Lachlan Murdoch-run and controlled Channel 10 board on the issue of AFL football rights. We suggested that Mr Murdoch and his board, including Ms Holgate, had not bid for the rights to

assist the Murdoch-family controlled Foxtel in its negotiations. After letters between Minters and Lachlan's lawyer we published an apology to Mr Murdoch on April 21 and agreed to pay costs to the sum of approx. \$14,000. We also apologised to Ms Holgate. The Murdoch apology was kept in a prominence position on the Crikey homepage for several days.

<https://www.crikey.com.au/2021/04/21/apology-to-lachlan-murdoch/>

August 19, 2021. we received a concerns notice from Mr Churchill concerning an article by Stephen Mayne about the jobkeeper funding access by Mr Murdoch's Nova radio station on that same day. The article dealt with how many leading companies, such as Harvey Norman, had received many millions from jobkeeper and subsequently made profits. In the article Mr Mayne used the phrase that Mr Murdoch's Nova "helped itself" or "helped himself" (need to check this bit) to \$16 million in funding. Mr Churchill said the story alleged that Mr Murdoch had inappropriately done so, suggesting all sorts of illegal activity. Minters responded that, in essence, there were no such imputations in the article. Mr Churchill did not follow up and the concerns notice lapsed. Concerns notice attached.

Late June 2022, in an article by Bernard Keane, Crikey published that Lachlan Murdoch's Fox News had egged on, amplified and encouraged the actions of pro- Trump supporters on Jan 6 2021. Etc.

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Eric >



You missed a call, but the caller didn't leave a message.

iMessage
Mon, 4 Jul, 10:24 am

Chat re Lachlan?

Yup

Will get edition out

Text Message
Tue, 5 Jul, 12:04 pm

Chris Wallace CW >

I talked to her yesterday, she's interested in talking to you. Might be worth us talking briefly before you do.

iMessage



iMessage



266



Crikey.



**The Lachlan Murdoch
Letters Campaign**

Outline

- Editorial plan
- Technical plan
- Marketing plan
- Social strategy
- Mock ups
- Timeline
- Wishlist

Decisions needed are bolded throughout presentation.



Editorial newsletters

Monday, August 15

- Republish original article

Thursday, August 18 Launch

- Daily send: total content takeover to launch
- Daily.2 send: 30 min to 1 hour later to nonpaying subs, with marketing material added
 - Marketing material responsibility: Rachael (due Tuesday)

August 19 - 31

- Daily sent to “all”

Dynamic content:

https://docs.google.com/document/d/1z1JcLqMC4u4CbwFNkH8gzU6u9_yeKWWPTpJwGKtHGqM/edit?usp=sharing



Monday, August 15

- Republish original article

Thursday, August 18

- 12:01am
 - Publishing 8 stories (Why we're doing this, Chronological order, Open Letter, Original article, Initial letters): Production
 - One main social post on each channel, pinned, to topic page: Imogen
 - Homepage Screamer: Production(/Imogen?)
 - 50% off sale begins (Marketing/Ads)
- 7am
 - Worm takeover: Production
 - 8 stories (Why we're doing this, Chronological order, Open Letter, Original article, Initial letters)
 - Intro explaining why we're doing this, and that everyone will be getting the Daily for next two weeks
 - Sender - Crikey Special Edition
 - Lists - Crikey Worm, Crikey Special Edition
 - Format - Daily
 - Includes Image of the newspaper ad: Zennie/Production
- Midmorning (10-11ish)
 - Daily special edition: Production
 - Remainder of Day 1 stories
 - Sender - Crikey Special Edition
 - Lists - Crikey Daily, Crikey Special Edition
 - Format - Daily
 - Full social of all pieces - Imogen
 - If breaking news, a pointer to the homepage with more info

This is to coincide with the launch of newspaper advertising, and to take advantage of the American news cycle.



Editorial newsletters

Date	Time	NL	List	Publishing list/Sender	Notes
22 Aug	5pm	Daily	Crikey Daily - Active and Trialling, Crikey - SPECIAL EDITION - MASTER - Active Trialing and Lapsed	Special Edition/Daily	Initial articles
23 Aug	6am	Worm	Crikey - SPECIAL EDITION - MASTER - Active Trialing and Lapsed, Crikey Worm - Combined	Special Edition/Special Edition	Worm takeover, top stories
23 Aug	12pm	Daily	Crikey Daily - Active and Trialling, Crikey - SPECIAL EDITION - MASTER - Active Trialing and Lapsed	Special Edition/Daily	Early Daily
24 - 31 Aug	12:15 pm	Daily	Crikey Daily - Active and Trialling, Crikey - SPECIAL EDITION - MASTER - Active Trialing and Lapsed	Special Edition/Daily	Normal Daily (normal Worm too)
1 Sept	12:15 pm	Daily	Crikey Daily - Active and Trialling	Daily/Daily	Back to normal



Paywall and free trials

- Topic page to house all articles and pieces
 - Locked until Monday 4:30pm
 - Responsible party: Rachael
- Free trial pushes replaced with sale information
 - Includes paywall, modules, socials
 - Responsible party: Rachael
- Sign ups through article paywalls will link back to article they were originally on
 - Plan B: links back to article page
 - Dev linking coupon code of sale to track this
 - Responsible party: Dev



Marketing campaign plan



Marketing campaign plan

[Asana ticket](#)

Promo code: [LETTERS](#)

Newsletter plan: starts launch day, continues every 2 days

- Email 1: Strong sale intro
- Email 2 (Monday 12:30pm): Why Crikey and teaser for tonight
- Editorial email (Monday 5pm): included within launch email
- Email 3 (Thursday): Latest developments, Crikey Talkslet me
- Email 4 (Saturday): Impact
- Email 5 (Tuesday, 30th): Ends tomorrow
- Email 6 (Wednesday, 31st): Ends midnight



Marketing campaign plan: Gifts (if possible)

Promo code: [LETTERS](#)

Newsletter plan: starts launch day, continues every 2 days

- Email 1 (Wednesday): Strong sale intro
- Email 2 (Saturday): Gift plus CT push
- Email 3 (Tuesday, 30th): Ends tomorrow plus CT push
- Email 4 (Wednesday, 31st): Ends midnight plus CT push



Copy and Design

Needs to be sent to legal Friday

- [Overall copy needed](#)
 - Responsible party: Glenn, due Thursday
- [Sale messaging guide](#)
 - Responsible party: Rachael, awaiting Glenn sale copy, due Friday
- [Dynamic content](#)
 - Responsible party: Rachael, awaiting Glenn sale copy, due Friday
- 5 email headers
 - Matching article headers
 - Responsible party: Zennie, due Thursday
- Social ads, on site ads
 - Matching article headers
 - Responsible party: Zennie, first set due Thursday



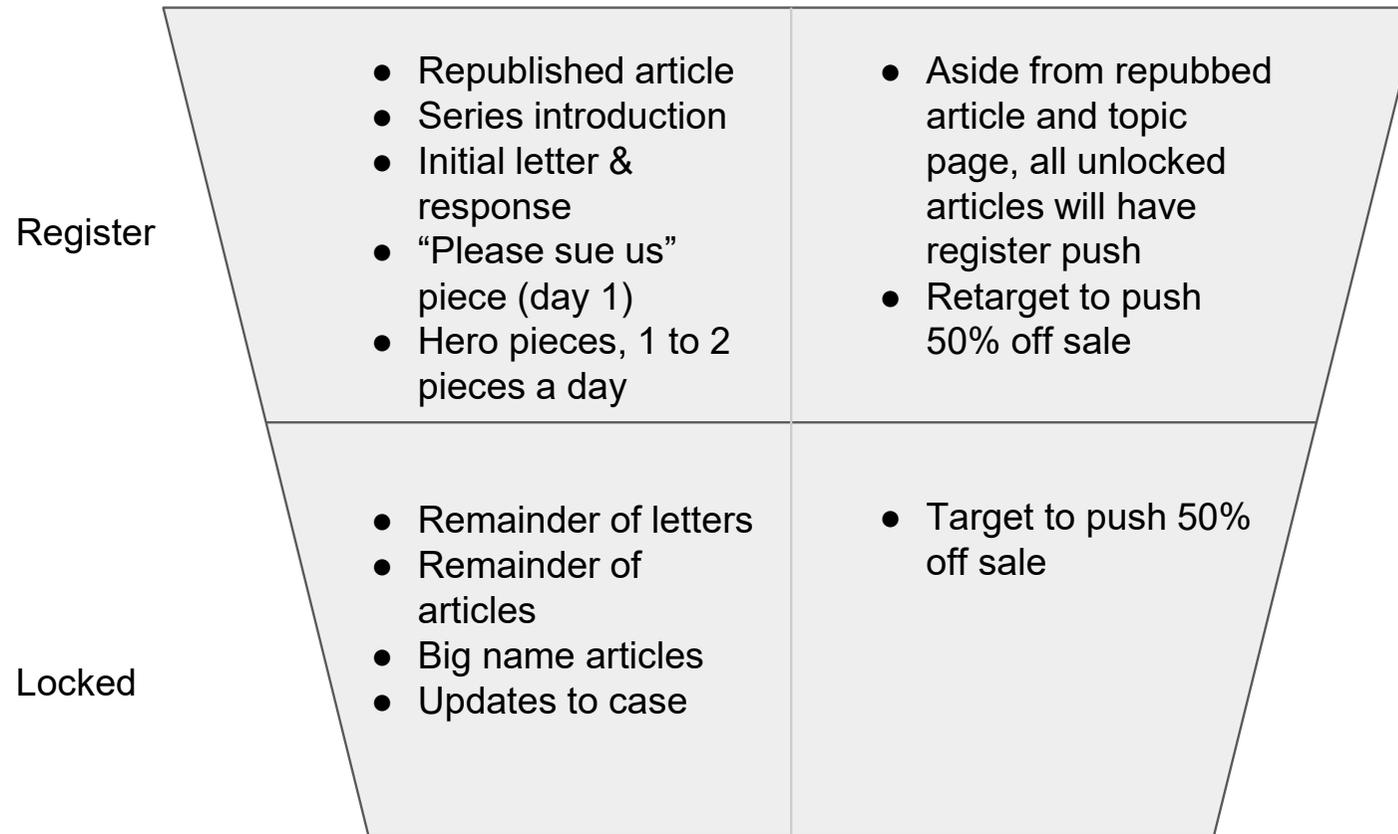
Website and logistics

Trialing a “direct to check out” approach to minimise clicks.

- All links in emails and paywalls are directly to the checkout
 - <https://www.crikey.com.au/subscribe/almost-there/?t=8a3699647d4b5cc0017d4f6013740804&cc=LETTERS&zid=%%Crikey%20-%20Zuora%20Customer%20ID%%>
- All external promotions (ads, socials, etc) will link to the topic page or specific articles
 - This ensures that we are capturing their details on free articles and pushing the paywall on locked articles
 - Should maximise leads and efficiency to payment



Funnel



Ratio of unlocked to locked = 20:80



Budget

Marketing budget: \$20,000

- Paid media: \$15,000
 - Strategy: Push articles, boosting organic
- Merchandise: \$5,000
 - Strategy: Should this lead to a fuller story, merchandise added in

Additional

- Print media: \$50,000
 - Strategy: Full page open letter ads in major newspapers across Australia



First day email marketing intro

Intro:

Dear Reader,

For the next two weeks you will be receiving the Daily, just like our paid members. This is because we are in a fight for freedom and think you deserve to see just how power works in Australia.

Below is today's Daily. We are putting our neck out here, and hope you're willing to walk the hard path with us. [Consider becoming a member](#) to help support independent media and make sure we can continue to speak truth to power.

Sign off:

Thank you for joining us as this story develops. We have so much more to share with you over the next two weeks. Enjoy your access and please feel free to share the email with family and friends.

Very early draft of email example



Slide 14

- 1 Nothing defamatory in it!
Tom Clift, 15/08/2022
- 1 @tclift@crikey.com.au and @jcallil@crikey.com.au can you have a read? Does this need to go to legal?
Rachael Karpman, 15/08/2022
- 2 Italicise "Daily" throughout
Tom Clift, 15/08/2022

Product inclusions

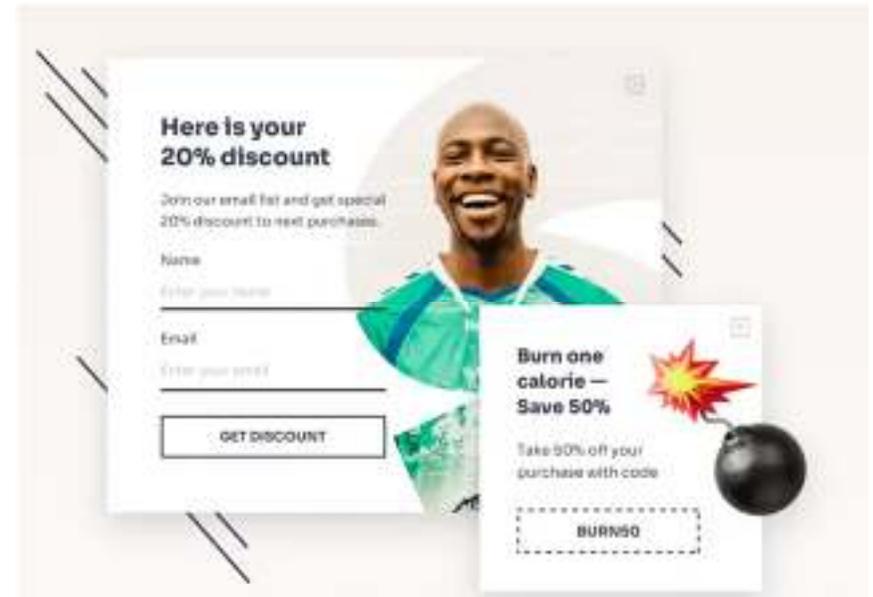


Product idea

2 To take advantage of extra traffic, we will trial a simple registration wall on these articles. The easiest way is to use an external platform like Wisepops to create a targeted popup on load.

- Anthony to create structure
- Zennie to design
- Rachael/Glenn for copy

Question: How does this interact with the paywall for the sale? Only on unlocked articles?



Slide 16

1

Can be targeted to specific articles, i.e specific unlocked stories. As we don't want this to be on the page page as the paywall. Leads can also be pushed thro for a custom journey.

Anthony Beinart-Smollan, 11/08/2022

2

Can you take me through how this works with the SFMC connection so I can create the journey?

Rachael Karpman, 11/08/2022

Social strategy



Organic

- August 22: 5pm Special Edition - Full takeover
 - Sale changes over to: “See how power really works”
- August 22 - August 29:
 - Key quotes shared from articles
 - Updates posted in real time as much as possible
 - Additional articles posted as normal with matching design theme
 - Sale posts
- 30 August: Sale ends tomorrow
- 31 August: Sale ends midnight

Social posting responsibility: [Imogen for editorial content](#), Rachael for sale content



Paid

- 3 ● Budget: \$25,000
 - \$300 on ads
 - \$200 on boosting organic posts that hit minimum engagement targets
 - Exception: organic announcement post on launch day with \$1000 boost
- Ad set up: send to articles as the CTA, not the campaign page
- Budget breakdown by channel: (with by day breakdown)

Ad mock ups:

Responsible: William



Slide 19

3

@wmawhinney@privatemediacom.au
Rachael Karpman, 19/08/2022

Mock ups



Mock ups

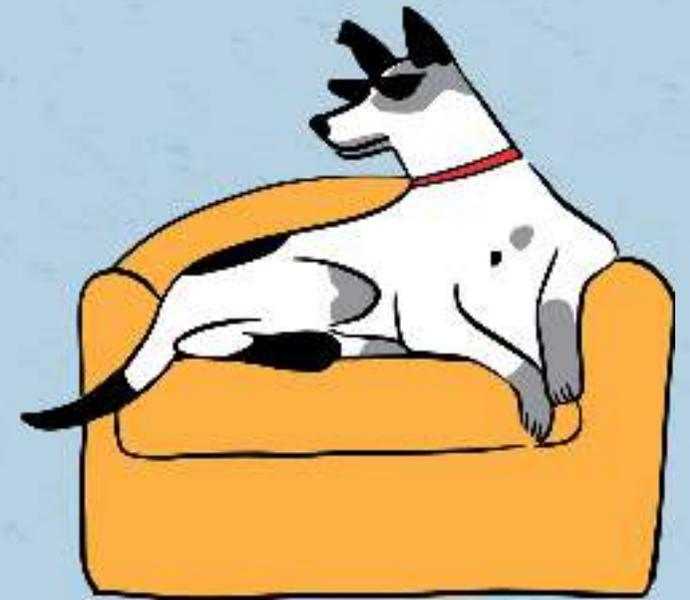


Article pop up

The screenshot shows a web browser displaying the Crikey website. The URL in the address bar is <http://staging.crikey.com/#/article/2020/02/02/national-psycho-gate-morrison-in-damage-control>. The page features a navigation menu with categories like News, Investigations, Analyse, Opinion, Politics, Media, Lifestyle, Health, Environment, and World. A prominent red banner at the top left offers a subscription: "12 weeks of Crikey for \$12" with a "Subscribe" button. The main article is titled "Psycho-gate: Morrison in damage control as Liberals deny leaking texts" and includes a sub-headline: "Wasn't me! Wasn't me! Senior ministers rush to declare their innocence as the prime minister says he's 'not fussed'". A "Share" button is visible below the article text. On the right side, there is a featured image with the text "Politics has changed" and "Jan 2020". A large red pop-up overlay is positioned at the bottom of the page, containing the text "Register to keep reading, no payment required" and a "Join us" button. The pop-up also includes a small input field for an email address and a "Close" button.



Wishlist



Recommendations

- 1
2
 - Twitter Space
 - Bernard and Peter
 - Talk about the history with Murdoch, how Crikey is different, the background of the situation
 - Tiktok
 - Bernard stars
 - Murdoch nearly sued us-thing
 - Imogen stars
 - Best bits of the legal letters ([quest star??](#))
- If sued we look into
 - Merch
 - OOH campaign
 - Special Edition newsletter with updates



Slide 24

2

Yes, we'd need to almost script this and run past lawyers first though. very iffy doing a life session on a defamation case

Imogen Champagne, 11/08/2022

1

Would be good to have Bradley break it down if he's up for it

Imogen Champagne, 16/08/2022

1

Agreed, and obvs has a strong sense of what we can and can't say. I'd assume News/LM will record the whole thing. We need to watch out for unforced errors

Will Hayward, 16/08/2022

Site takeover

The screenshot shows the Crikey website with a takeover overlay. The overlay consists of a light red banner at the top with the text "Help us hold power to account." and a "Join now" button. Below this is a large red banner with the Crikey logo. The main article title is "‘Short, dumpy girl’: Foxtel CEO insults Game of Thrones’ Emilia Clarke at House of the Dragon". Below the article title is another red banner with the text "Keep reading, no payment required" and a "Get access" button. The background of the page is a light red color.

News done fearlessly

SAVE \$100

Crikey.

Search Sign in

Newsletters Crikey Talks

Menu News Investigations Analysis Opinion Politics Media Economy Health World Environment

Help us hold power to account.

Join now

Crikey.

News / Media

‘Short, dumpy girl’: Foxtel CEO insults Game of Thrones’ Emilia Clarke at House of the Dragon

Keep reading, no payment required

You can continue to access these articles by signing up for free. Thank you for supporting independent journalism.

Your email

Get access

By submitting this form you agree to accept Crikey's [privacy and cookies](#)

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Imogen Champagne

In a meeting • Google Calendar



discussion here - it not appropriate or not value add


Imogen Champagne 10:56

yeah i was thinking of asking you about this


Will Hayward 10:56

say no

Maybe I try then you deny if not good?


Imogen Champagne 10:57

i THINK it's a good idea

yeah, that makes sense


Will Hayward 10:57

Also - how can I get verified on twitter? If I am going to become part of the campaigning team I think it will change things.

Do we have an established process?


Imogen Champagne 10:58

can i rewrite what you've written for a video script, just to make it as tiktok ...ey as possible?

it's just this process for verification <https://help.twitter.com/en/managing-your-account/about-twitter-verified-accounts>

help.twitter.com

[Twitter Verification requirements - how to](https://help.twitter.com/en/managing-your-account/about-twitter-verified-accounts)

Imogen Champagne **has paused their notifications**



Message Imogen Champagne In a m...



Home



DMs



Mentions



Search



You

296

157



Zoe >



Exciting!

Did you see how many people retweeted my tweet with your comment?

Yes

Great foresight by you yesterday!!

1 Reply

All repubed

Wow. That's not the Wednesday thing is it? Is it separate?

Great foresight by you yesterday!!

Thank you!!!



iMessage



297



Tom Clift 9:17 AM
(when Rundle says SF he means excerpt)

Peter Fray 9:17 AM
fine with Hardaker as one
has anyone spoken to him?

Tom Clift 9:18 AM
yeah
thoughts on what to make free today [@Gina Rushton](#)?

Peter Fray 9:19 AM
we plan to run the original BK LM today
will be lead

Tom Clift 9:19 AM
is the plan to still launch the series Wednesday? (edited)

Peter Fray 9:21 AM
yes
can u send me a pdf of the original two LM letters – him to us, us to him?

Tom Clift 9:23 AM
<https://drive.google.com/drive/folders/1XKLRI-h9RkuubncFcOpyxKvPAyCc0FHA>
they can all be downloaded from here. Clearly labelled

Gina Rushton 9:25 AM
Cam's abbott one could be cute to make free
👍 1 😊

Tom Clift 9:33 AM
this Rundle is very Rundle

Peter Fray 9:34 AM
very

Gina Rushton 9:34 AM
if AAP file on walt secord it could be worth pushing out on social this morning [@Imogen Champagne](#)

Peter Fray 9:34 AM
have they not done so already?
[@Tom Clift](#) can you resurface the original BK on LM to top of WP?

Gina Rushton 9:35 AM
not that i can see

Tom Clift 9:35 AM
sure thing Peter

Imogen Champagne 9:35 AM
no it doesn't look like it, but will jeep an eye out
👍 1 😊

Peter Fray 9:36 AM
Plan is to put that our on the site now but with a note which I will do in a few mins

Tom Clift 9:37 AM
put it on social too? Comments on or off?
and keep it free as it was when first published?
at top of backend now

Peter Fray 9:48 AM
[@Gina Rushton](#) [@Imogen Champagne](#) @ Tom
[@Tom Clift](#)
can we get to the morning meeting link . just for a short update on Lachlan

Tom Clift 9:48 AM
sure thing

Imogen Champagne 9:48 AM
yeah



John Churchill

From: Peter Fray <pfray@privatemediacom.au>
Sent: Sunday, 21 August 2022 8:16 PM
To: lachlan.cartwright@protonmail.com
Cc: Will Hayward; Eric Beecher
Subject: From Fray
Attachments: Crikey_NYT_5.7x10.5in_5.1.pdf; LMurdochChronology.docx; 1. Crikey Article (00017710xECF95).pdf; 6. Letter to Bartlett re Crikey 19.7.22.pdf; 7. Letter to Churchill - Offer to make amends_2689036_1.PDF; 8. Letter to Mr Michael Bradley, Marque Lawyers (00017891xECF95).pdf; 9. Letter to Churchill_2690965_1.DOCX; 10. MB August 1 email to us.docx; 11. Letter to Mr Michael Bradley, Marque Lawyers (00017916xECF95).pdf

Hi Lance

Tomorrow (Monday) at 5 pm Sydney time (3am NYC time) we are going to publish all the legal letters between L Murdoch and Crikey, the original article and the text of an open letter inviting him too actually sue us.

We think this is an important press freedom issue.

The open letter will be published in the NYT On Monday and the Canberra Times on Tuesday morning, Oz eastern time.

Here's the text of all of it. Obviously this is embargoed until 5pm Sydney time.

I am happy to chat as is Will Hayward, the CEO of Private Media (Crikey's publishers) and Eric Beecher, the chair of PM.

See attachments

All best

Peter

John Churchill

From: Peter Fray <peter.fray@me.com>
Sent: Sunday, 21 August 2022 7:30 PM
To: dfolkenflik@npr.org
Cc: Will Hayward; Eric Beecher
Subject: Re: From Peter Fray re Lachlan M.
Attachments: Crikey_NYT_5.7x10.5in_5.1.pdf

Slight change din ad for NY audience here.

On 21 Aug 2022, at 7:24 pm, Peter Fray <peter.fray@me.com> wrote:

Hi David

Trust all is good with you.

I think we met many moons ago in the company of Bill Adair, who is the Australian Peter Fray — ok, I am the Australian B.Adair (an honour).

I believe Bill might have mentioned what we are up to at Crikey, a 20-year plus news site mainly covering politics/national affairs.

The gist of it is we have enough of being bullied — and threatened with defamation -- by Lachlan Murdoch over an article that asked very legitimate questions about the role of Fox in the Jan 6 insurrection and the amplification of the Big Lie.

We are drawing a line in the sand in the name of freedom of speech and press freedom.

To that end, we have taken out ads for an open letter in the NYT Monday metro edition, text below, inviting Lachlan to follow through with his threats and sue us.

We plan to publish the legal letters in full, the open letter plus the original article at 5 pm Sydney time on Monday August 22 — 3 am in New York.

It is all embargoed until then.

We will have related coverage all week.

Happy to talk more about this at any time. I am on +61 437 533760.

I am cc'ing in Eric Beecher, the chair of Private Media (Crikey's publisher) and Will Hayward, our CEO.

Below:

- the original article
- a chronology of threats

- the text of the open letter/ad.
- the back and forth of the letters

Best regards

Peter Fray

Peter

<1. Crikey Article (00017710xECF95).pdf>

<LMurdochChronology.docx>

<Crikey_CANBERRA_TIMES_fullpage_374x260mm_7 3.pdf>

<5. Letter to John Churchill from MinterEllison - Lachlan Murdoch - 7 July 2022.pdf>

<4. Letter to The Editor Crikey, Private Media Pty Ltd and Mr Bernard Keane (00017717xECF95).pdf>

<6. Letter to Bartlett re Crikey 19.7.22.pdf>

<7. Letter to Churchill - Offer to make amends_2689036_1.PDF>

<8.Letter to Mr Michael Bradley, Marque Lawyers (00017891xECF95).pdf>

<9. Letter to Churchill_2690965_1.DOCX>

<10. MB August 1 email to us.docx>

<11. Letter to Mr Michael Bradley, Marque Lawyers (00017916xECF95).pdf>

<Letter to Churchill 9 August 2022_2695836_1 2.PDF>

John Churchill

From: Peter Fray <peter.fray@me.com>
Sent: Sunday, 21 August 2022 8:32 PM
To: zoe.samios@nine.com.au
Cc: Will Hayward; Eric Beecher
Subject: Re Murdoch, note embargo
Attachments: Crikey_NYT_5.7x10.5in_5.1.pdf; Crikey_CANBERRA_TIMES_fullpage_374x260mm_7.pdf; LMurdochChronology.docx; 1. Crikey Article (00017710xECF95).pdf; 6. Letter to Bartlett re Crikey 19.7.22.pdf; 7. Letter to Churchill - Offer to make amends_2689036_1.PDF; 8.Letter to Mr Michael Bradley, Marque Lawyers (00017891xECF95).pdf; 9. Letter to Churchill_2690965_1.DOCX; 9. Letter to Churchill_2690965_1.DOCX; 10. MB August 1 email to us.docx; 11. Letter to Mr Michael Bradley, Marque Lawyers (00017916xECF95).pdf

Hey Zoe

Appreciate this isn't of any use for tomorrow's pages but thought you might be interested.

In the NYT on Monday Crikey has placed an advertisement inviting Lachlan Murdoch to actually follow through with his threat over the Fox article and sue us.

We have also placed a similar ad in The Canberra Times, after being rejected by Nine.

James Chessell told me it was probably knocked back because we were competitors (!/lol); someone in ads at Nine told Will Hayward it was because Nine didn't want to upset Rupert etc.

We strongly think we should be able to publish articles questioning Fox and its role in the Jan 6 insurrection.

Anyway, here are the copies of the ad, the original article, the legal threats from Lachlan and a piece detailing the chronology of the threats.

We will publish a special Crikey at 5 pm Monday to coincide with the NTY ad.

Myself, Eric or Will are happy to talk.

All best

Peter

Peter

John Churchill

From: Peter Fray <pfray@privatemediacom.au>
Sent: Monday, 22 August 2022 10:54 AM
To: NFrankland@thenewdaily.com.au
Subject: Lachlan Murdoch. Embargoed until 5.15 pm today, Monday August 22.
Attachments: 1. Crikey Article (00017710xECF95).pdf; Untitled attachment 00045.htm; LMurdochChronology.docx; Untitled attachment 00048.htm; Crikey_NYT_5.7x10.5in_5.1 2.pdf; Untitled attachment 00051.htm; Crikey_CANBERRA_TIMES_fullpage_374x260mm_ 7 3.pdf; Untitled attachment 00054.htm; 4. Letter to The Editor Crikey, Private Media Pty Ltd and Mr Bernard Keane (00017717xECF95).pdf; Untitled attachment 00057.htm; 5. Letter to John Churchill from MinterEllison - Lachlan Murdoch - 7 July 2022.pdf; Untitled attachment 00060.htm; 6. Letter to Bartlett re Crikey 19.7.22.pdf; Untitled attachment 00063.htm; 7. Letter to Churchill - Offer to make amends_2689036_1.PDF; Untitled attachment 00066.htm; 8. Letter to Mr Michael Bradley, Marque Lawyers (00017891xECF95).pdf; Untitled attachment 00069.htm; 9. Letter to Churchill_2690965_ 1.DOCX; Untitled attachment 00072.htm; 10. MB August 1 email to us.docx; Untitled attachment 00075.htm; 11. Letter to Mr Michael Bradley, Marque Lawyers (00017916xECF95).pdf; Untitled attachment 00078.htm

Hi Neil

Not sure if this does qualify as manna from heaven but it is the best I can do.

We are taking it up to Lachlan Murdoch over his threats to sue over the bKeane article from June 29 about Fox, Trump and Jan 6 riot.

The two new bits are: 1) we are publishing in the NYT an open letter to Lachlan inviting him to follow through and sue us
2) we are publishing the letters between his lawyer and us.

We will also publish the letter in the Times tomorrow morning. Interestingly, Nine wouldn't take it.

We reckon this a free press/free speech issue very much worth fighting for.

Myself or Will Hayward (0481 112662), PM's CEO, or Eric Beecher (0412 584251), PM's chair avail to chat.

We've embargoed it for 5.15 pm today.

All best

Peter

=

John Churchill

From: Peter Fray <pfray@privatemediacom.au>
Sent: Monday, 22 August 2022 10:09 AM
To: Amanda Meade
Subject: Re Lachlan Murdoch. Embargoed until 5.15 pm today, Monday August 22.
Attachments: 1. Crikey Article (00017710xECF95).pdf; Untitled attachment 00084.htm; LMurdochChronology.docx; Untitled attachment 00087.htm; Crikey_NYT_5.7x10.5in_5.1 2.pdf; Untitled attachment 00090.htm; Crikey_CANBERRA_TIMES_fullpage_374x260mm_ 7 3.pdf; Untitled attachment 00093.htm; 4. Letter to The Editor Crikey, Private Media Pty Ltd and Mr Bernard Keane (00017717xECF95).pdf; Untitled attachment 00096.htm; 5. Letter to John Churchill from MinterEllison - Lachlan Murdoch - 7 July 2022.pdf; Untitled attachment 00099.htm; 6. Letter to Bartlett re Crikey 19.7.22.pdf; Untitled attachment 00102.htm; 7. Letter to Churchill - Offer to make amends_2689036_1.PDF; Untitled attachment 00105.htm; 8. Letter to Mr Michael Bradley, Marque Lawyers (00017891xECF95).pdf; Untitled attachment 00108.htm; 9. Letter to Churchill_2690965_ 1.DOCX; Untitled attachment 00111.htm; 10. MB August 1 email to us.docx; Untitled attachment 00114.htm; 11. Letter to Mr Michael Bradley, Marque Lawyers (00017916xECF95).pdf; Untitled attachment 00117.htm

Hi Amanda

Hope all is well with you.

I hope this might be of interest.

As you'd be aware, Lachlan Murdoch has been threatening to take legal action against Private Media over Crikey's June 29 publication about Trump, Fox News and Jan 6 insurrection.

Lachlan M believes the article identifies and defames him. We disagree.

More importantly, we believe we should be able to debate the role of Fox, its corporate leadership and the events leading up to Jan 6 and the day itself.

Later today (around 5 pm) Crikey will publish the letters to and for between Lachlan's layer John Churchill and our legal representatives, Minters and Michael Bradley as managing partner Marque.

Further, we have taken out 'open letter' an ad in the NYT metro edition on Monday inviting Lachlan to sue us over the article.

A similar ad will be published in tomorrow's Canberra Times.

This is an important matter for freedom of speech and freedom of the press.

We are sick of being intimidated by Lachlan Murdoch.

I attach the following:

1. The original article
2. A chronology of the letters

3. A copy of the open letter (Both NYT and CT)
4. The letters themselves .

I am on 0437 533760. If you can't reach me, try Will Hayward (0481 112662), PM's CEO, or Eric Beecher (0412 584251), PM's chair.

All best
=

John Churchill

From: Peter Fray <pfray@privatemediacom.au>
Sent: Sunday, 21 August 2022 8:48 PM
To: oliver.darcy@cnn.com
Cc: bstelter@gmail.com; Will Hayward
Subject: Peter Fray, EiC Crikey news website (Australia).
Attachments: LMurdochChronology.docx; 9. Letter to Churchill_2690965_1.DOCX; 10. MB August 1 email to us.docx

Hi Oliver

Hi Brian

V sad for the end of RS.
I am sure its essence will live on.

As such my timing might all be a tad awry, but I thought you might interested in the fact that Crikey, an independent owned news website in Oz, has been waging an almost 2 month campaign with Lachlan Murdoch over an article we published about Fox and the Jan 6 insurrection.

Such are our defamation laws in Australia, L Murdoch has been threatening to sue us over an article which barely touched on his family's involvement in Fox and Jan 6.

The original article is attachment below as are the letters from Lachlan Murdoch's Sydney based lawyer, John Churchill.

To raise the stakes, we are taking advertisement in the NYT metro edition on Monday in the name of freedom on the press.

We will publish a similar ad in the Canberra Times and a special Crikey edition on Monday 5pm Sydney time (3am NY time). We wish to embargo any story until then.

I am more than happy to discuss the what and why of our actions, as are Will Hayward the CEO of Private Media, Crikey's publishers, and Eric Beecher, PM's chair.

I am on +61 437533760.

Regards

Peter Fray

John Churchill

From: Eric Beecher <ebeecher@privatemediacom.au>
Sent: Monday, 25 July 2022 1:59 PM
To: Peter Fray; Will Hayward
Subject: LM story thoughts

Here are a few thoughts on a possible story slate to kick it off, maybe over the first 7-8 days (ie keep it rolling) -- aligns with Peter's verbal list the other day, adds a few more:

Day 1: Overview news story (the facts) ... All legal letters (4?) ... Comment: why we're doing this (PF/EB?) (devote entire newsletter?)

2: Australia's defo laws (v US) (Bradley?) ... Lachlan Murdoch on media freedom/quotes from his speeches ... Crikey's history with LM defo claims

3: the Dominion/Trump connection (Warren?) ... US media and politician comments on Fox News and Jan 6/Trump ...

4: Fox News as a political player over decades (David McKnight?) ... Rudd or Turnbull write

5: S Mayne (?) ... News Corp's power (EB/regurgitate past series)

6: How LM defends Fox/his public comments ... Murdoch family wealth, ownership structure ...

7: Guest columns x 2 (academics, former politicians, former News Corp employee, etc).

8: Interviews with lawyers, others on defo law reform, using this case as the example

... plus obviously updates on the rolling story ...

Eric Beecher

Chairman | Private Media | Solstice Media | Australian Communities Foundation

Phone [+ 61 412 584 251](tel:+61412584251)

ebeecher@privatemediacom.au

Private Media Pty Ltd, 107 Elizabeth Street, Melbourne VIC 3000

John Churchill

From: Peter Fray <pfray@privatemediacom.au>
Sent: Monday, 1 August 2022 7:39 PM
To: Will Hayward
Cc: Eric Beecher
Subject: Re: Document shared with you: 'LACHLAN MURDOCH CAMPAIGN'

Defo law reform is a perennial and we could certainly turn news corps word against it. Where we sit is around the issue of what you can say about a public person: in the US, you can pretty well say anything though the gawker matter tempers that a bit. Here a public person have as much right as anyone and even more so because they have the money. Bradley will have a better view of this but the test here is also around that and what is fair comment. We used Murdoch as a synonym to Fox. His literalism makes the law an arse.

P

On 1 Aug 2022, at 5:50 pm, Will Hayward <whayward@privatemediacom.au> wrote:

This is great thank you.

Unsure if these comments go in the doc or in email, until settled.

We had a good call with Populares. I increasingly think we should explore how we can tie our fight to the wider issue of defo law reformation.

To me the issue has always been that, as currently constructed, one interpretation (Murdoch's) of the law is that we shouldn't even be allowed to publish what we did. That is absurd - even scary.

It seems to me there is a wide non partisan public consensus that defamation law needs to be reformed. It touches multiple issues - #metoo, Stokes, concentration of power, Porter (as you know, even he thought the law should be reformed).

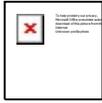
The way I think we should think about this calculation is - one campaign has us at the centre (Murdoch wants to shut down Crikey!) - how much total positive impact would that have? Everyone it reached would think of us, but maybe total reach would be lower.

Vs - a wider campaign that says - enough is enough, defo law has to change. We build a big public consensus. Make it cross party. Set up a go fund me and a petition. Pull in multiple factions. Campaign to change the law. Sell merch. Probably has potential for wider reach, but lower connection to our brands.

How does that balance look, and which one supports the sustainability of Crikey over the long term?

On Mon, 1 Aug 2022 at 5:36 pm, Eric Beecher (via Google Docs) <drive-shares-dm-noreply@google.com> wrote:

Eric Beecher shared a document



Eric Beecher (ebeecher@privatemediacom.au) has invited you to **edit** the following document:

Here's the first draft of the doc we talked about.
Eric

 LACHLAN MURDOCH CAMPAIGN

[Open](#)

Google LLC, [1600 Amphitheatre Parkway, Mountain View, CA 94043, USA](https://www.google.com)

You have received this email because ebeecher@privatemediacom.au shared a document with you from Google Docs.



--

Will Hayward
CEO, Private Media
0481 112 662

Crikey.



The Lachlan Murdoch Letters Campaign

Outline

- Editorial plan
- Technical plan
- Marketing plan
- Social strategy
- Mock ups
- Timeline
- Wishlist

Decisions needed are bolded throughout presentation.



Editorial newsletters

Monday, August 15

- Republish original article

Thursday, August 18 Launch

- Daily send: total content takeover to launch
- Daily.2 send: 30 min to 1 hour later to nonpaying subs, with marketing material added
 - Marketing material responsibility: Rachael (due Tuesday)

August 19 - 31

- Daily sent to “all”

Dynamic content:

https://docs.google.com/document/d/1z1JcLqMC4u4CbwFNkH8gzU6u9_yeKWWPTpJwGKtHGqM/edit?usp=sharing



Monday, August 15

- Republish original article

Thursday, August 18

- 12:01am
 - Publishing 8 stories (Why we're doing this, Chronological order, Open Letter, Original article, Initial letters): Production
 - One main social post on each channel, pinned, to topic page: Imogen
 - Homepage Screamer: Production(/Imogen?)
 - 50% off sale begins (Marketing/Ads)
- 7am
 - Worm takeover: Production
 - 8 stories (Why we're doing this, Chronological order, Open Letter, Original article, Initial letters)
 - Intro explaining why we're doing this, and that everyone will be getting the Daily for next two weeks
 - Sender - Crikey Special Edition
 - Lists - Crikey Worm, Crikey Special Edition
 - Format - Daily
 - Includes Image of the newspaper ad: Zennie/Production
- Midmorning (10-11ish)
 - Daily special edition: Production
 - Remainder of Day 1 stories
 - Sender - Crikey Special Edition
 - Lists - Crikey Daily, Crikey Special Edition
 - Format - Daily
 - Full social of all pieces - Imogen
 - If breaking news, a pointer to the homepage with more info

This is to coincide with the launch of newspaper advertising, and to take advantage of the American news cycle.



Editorial newsletters

Date	Time	NL	List	Publishing list/Sender	Notes
22 Aug	5pm	Daily	Crikey Daily - Active and Trialling, Crikey - SPECIAL EDITION - MASTER - Active Trialing and Lapsed	Special Edition/Daily	Initial articles
23 Aug	6am	Worm	Crikey - SPECIAL EDITION - MASTER - Active Trialing and Lapsed, Crikey Worm - Combined	Special Edition/Special Edition	Worm takeover, top stories
23 Aug	12pm	Daily	Crikey Daily - Active and Trialling, Crikey - SPECIAL EDITION - MASTER - Active Trialing and Lapsed	Special Edition/Daily	Early Daily
24 - 31 Aug	12:15 pm	Daily	Crikey Daily - Active and Trialling, Crikey - SPECIAL EDITION - MASTER - Active Trialing and Lapsed	Special Edition/Daily	Normal Daily (normal Worm too)
1 Sept	12:15 pm	Daily	Crikey Daily - Active and Trialling	Daily/Daily	Back to normal



Paywall and free trials

- Topic page to house all articles and pieces
 - Locked until Monday 4:30pm
 - Responsible party: Rachael
- Free trial pushes replaced with sale information
 - Includes paywall, modules, socials
 - Responsible party: Rachael
- Sign ups through article paywalls will link back to article they were originally on
 - Plan B: links back to article page
 - Dev linking coupon code of sale to track this
 - Responsible party: Dev



Marketing campaign plan



Marketing campaign plan

[Asana ticket](#)

Promo code: [LETTERS](#)

Newsletter plan: starts launch day, continues every 2 days

- Email 1: Strong sale intro
- Email 2 (Monday 12:30pm): Why Crikey and teaser for tonight
- Editorial email (Monday 5pm): included within launch email
- Email 3 (Thursday): Latest developments, Crikey Talkslet me
- Email 4 (Saturday): Impact
- Email 5 (Tuesday, 30th): Ends tomorrow
- Email 6 (Wednesday, 31st): Ends midnight



Marketing campaign plan: Gifts (if possible)

Promo code: [LETTERS](#)

Newsletter plan: starts launch day, continues every 2 days

- Email 1 (Wednesday): Strong sale intro
- Email 2 (Saturday): Gift plus CT push
- Email 3 (Tuesday, 30th): Ends tomorrow plus CT push
- Email 4 (Wednesday, 31st): Ends midnight plus CT push



Copy and Design

Needs to be sent to legal Friday

- [Overall copy needed](#)
 - Responsible party: Glenn, due Thursday
- [Sale messaging guide](#)
 - Responsible party: Rachael, awaiting Glenn sale copy, due Friday
- [Dynamic content](#)
 - Responsible party: Rachael, awaiting Glenn sale copy, due Friday
- 5 email headers
 - Matching article headers
 - Responsible party: Zennie, due Thursday
- Social ads, on site ads
 - Matching article headers
 - Responsible party: Zennie, first set due Thursday



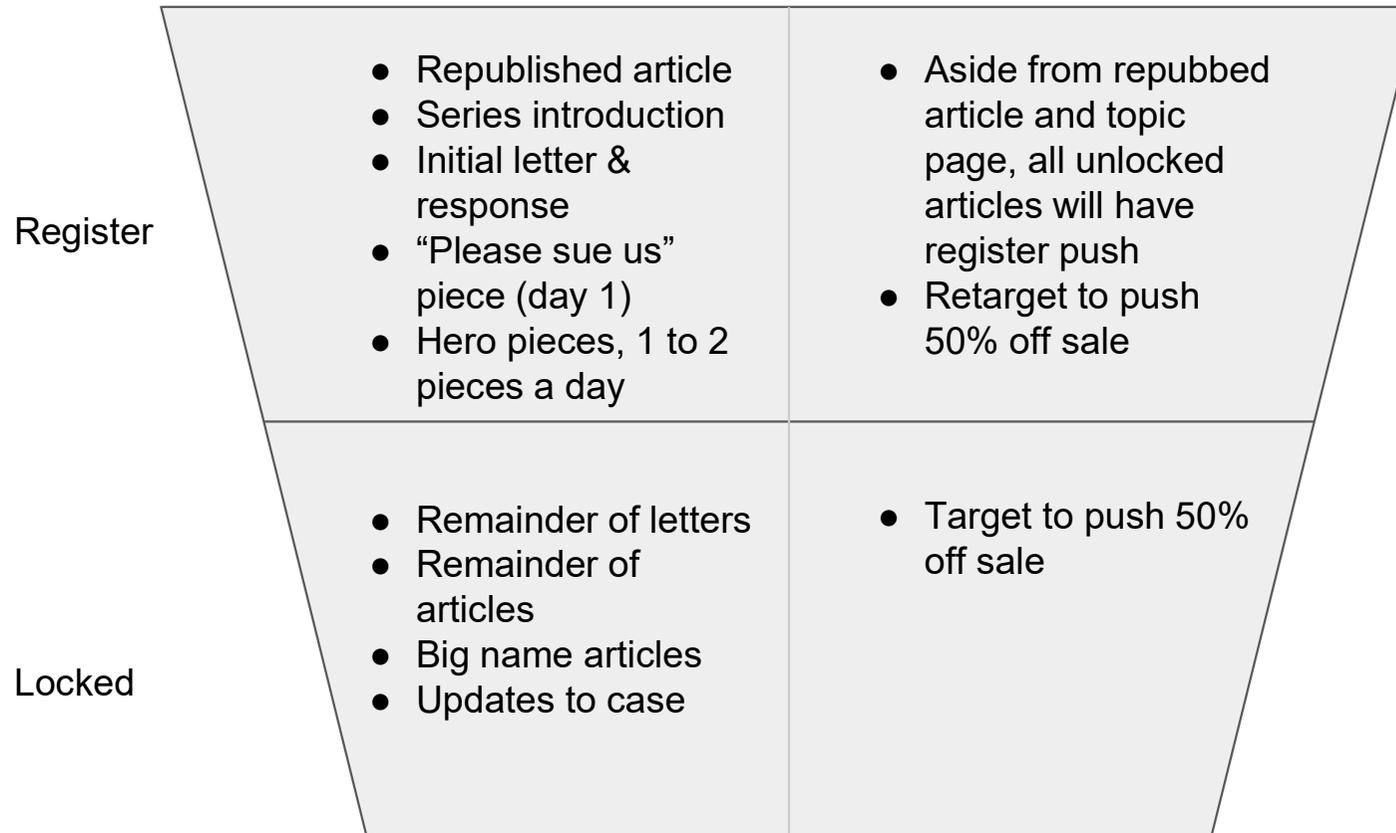
Website and logistics

Trialing a “direct to check out” approach to minimise clicks.

- All links in emails and paywalls are directly to the checkout
 - <https://www.crikey.com.au/subscribe/almost-there/?t=8a3699647d4b5cc0017d4f6013740804&cc=LETTERS&zid=%%Crikey%20-%20Zuora%20Customer%20ID%%>
- All external promotions (ads, socials, etc) will link to the topic page or specific articles
 - This ensures that we are capturing their details on free articles and pushing the paywall on locked articles
 - Should maximise leads and efficiency to payment



Funnel



Ratio of unlocked to locked = 20:80



Budget

Marketing budget: \$20,000

- Paid media: \$15,000
 - Strategy: Push articles, boosting organic
- Merchandise: \$5,000
 - Strategy: Should this lead to a fuller story, merchandise added in

Additional

- Print media: \$50,000
 - Strategy: Full page open letter ads in major newspapers across Australia



First day email marketing intro

Intro:

Dear Reader,

For the next two weeks you will be receiving the Daily, just like our paid members. This is because we are in a fight for freedom and think you deserve to see just how power works in Australia.

Below is today's Daily. We are putting our neck out here, and hope you're willing to walk the hard path with us. [Consider becoming a member](#) to help support independent media and make sure we can continue to speak truth to power.

Sign off:

Thank you for joining us as this story develops. We have so much more to share with you over the next two weeks. Enjoy your access and please feel free to share the email with family and friends.

Very early draft of email example



Slide 14

- 1 **Nothing defamatory in it!**
Tom Clift, 15/08/2022
- 1 **@tclift@crikey.com.au and @jcallil@crikey.com.au can you have a read? Does this need to go to legal?**
Rachael Karpman, 15/08/2022
- 2 **Italicise "Daily" throughout**
Tom Clift, 15/08/2022

Product inclusions

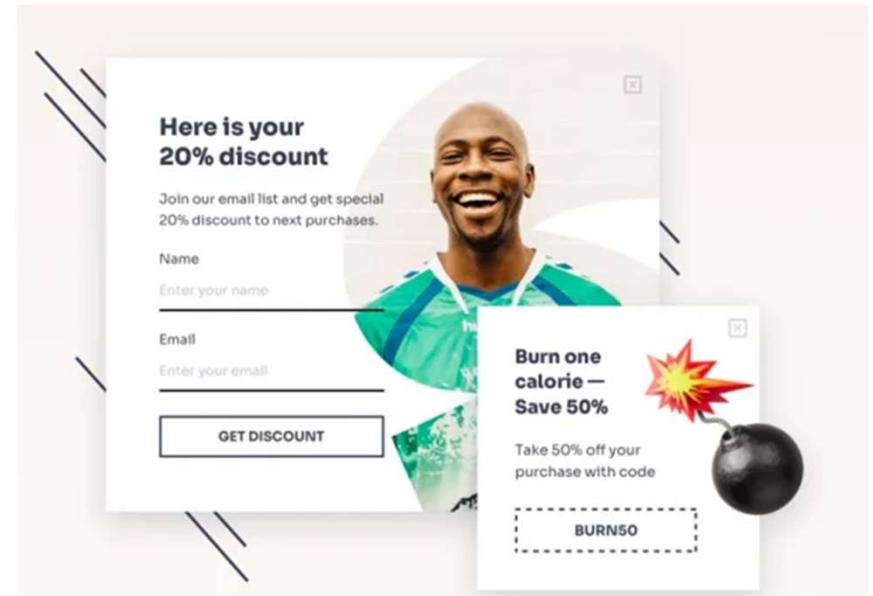


Product idea

2 To take advantage of extra traffic, we will trial a simple registration wall on these articles. The easiest way is to use an external platform like Wisepops to create a targeted popup on load.

- Anthony to create structure
- Zennie to design
- Rachael/Glenn for copy

Question: How does this interact with the paywall for the sale? Only on unlocked articles?



Slide 16

1

Can be targeted to specific articles, i.e specific unlocked stories. As we don't want this to be on the page page as the paywall. Leads can also be pushed through for a custom journey.

Anthony Beinart-Smollan, 11/08/2022

2

Can you take me through how this works with the SFMC connection so I can create the journey?

Rachael Karpman, 11/08/2022

Social strategy



Organic

- August 22: 5pm Special Edition - Full takeover
 - Sale changes over to: “See how power really works”
- August 22 - August 29:
 - Key quotes shared from articles
 - Updates posted in real time as much as possible
 - Additional articles posted as normal with matching design theme
 - Sale posts
- 30 August: Sale ends tomorrow
- 31 August: Sale ends midnight

Social posting responsibility: [Imogen for editorial content](#), Rachael for sale content



Paid

- 3 ● Budget: \$25,000
 - \$300 on ads
 - \$200 on boosting organic posts that hit minimum engagement targets
 - Exception: organic announcement post on launch day with \$1000 boost
- Ad set up: send to articles as the CTA, not the campaign page
- Budget breakdown by channel: (with by day breakdown)

Ad mock ups:

Responsible: William



Slide 19

3

@wmawhinney@privatemediacom.au
Rachael Karpman, 19/08/2022

Mock ups



Mock ups



Article pop up

The screenshot shows a web browser window with the URL `staging.crikey.com.au/2022/02/02/national-press-club-morrison-in-damage-control/`. The page features a navigation bar with the Crikey logo, search and sign-in options, and a menu of categories including News, Investigations, Analysis, Opinion, Politics, Media, Economy, Health, Environment, and World. A prominent red banner at the top left offers a subscription for \$12 over 12 weeks. Below the navigation, a large red banner encourages users to "Watch it unfold" and "Join now". The main article is titled "Psycho-gate: Morrison in damage control as Liberals deny leaking texts" and is categorized under "Opinion / Politics". The author is Kishor Napier-Raman, and the article was published on February 02, 2022, with 32 comments. A "Share" button is visible. To the right of the article is a red sidebar with the headline "Politics has changed" and a "Join now" button, accompanied by a cartoon illustration of a man in a suit and glasses. At the bottom of the page, a large red pop-up box prompts users to "Register to keep reading, no payment required" before they can continue reading the article. The pop-up includes a text input field for "Your email" and a "Join us" button. Below the input field, there is a link to "terms and conditions" and a link that says "I'll do this later".

12 weeks of Crikey for \$12
Subscribe

Crikey. Search Sign in
Newsletters Electioncast

Menu News Investigations Analysis Opinion Politics Media Economy Health Environment World

Crikey. Watch it unfold Join now

Opinion / Politics
Psycho-gate: Morrison in damage control as Liberals deny leaking texts
Wasn't me! Wasn't me! Senior ministers rush to declare their innocence as the prime minister says he's 'not fussed'.
KISHOR NAPIER-RAMAN FEB 02, 2022 32 Share

Politics has changed
Join now
Crikey.

Register to keep reading, no payment required
Before you keep reading this free article, we'd love it if you took a moment to sign up. Get the latest from Crikey and support independent journalism.

Your email Join us

By submitting this form, you agree to accept Crikey's [terms and conditions](#)
[I'll do this later](#)



Wishlist



Recommendations

- 1
2
 - Twitter Space
 - Bernard and Peter
 - Talk about the history with Murdoch, how Crikey is different, the background of the situation
 - Tiktok
 - Bernard stars
 - Murdoch nearly sued us-thing
 - Imogen stars
 - Best bits of the legal letters ([quest star??](#))
- If sued we look into
 - Merch
 - OOH campaign
 - Special Edition newsletter with updates



Slide 24

2

Yes, we'd need to almost script this and run past lawyers first though. very iffy doing a life session on a defamation case

Imogen Champagne, 11/08/2022

1

Would be good to have Bradley break it down if he's up for it

Imogen Champagne, 16/08/2022

1

Agreed, and obvs has a strong sense of what we can and can't say. I'd assume News/LM will record the whole thing. We need to watch out for unforced errors

Will Hayward, 16/08/2022

Site takeover

News done fearlessly

SAVE \$100

Crikey.

Search Sign in

Newsletters Crikey Talks

Menu News Investigations Analysis Opinion Politics Media Economy Health World Environment

Help us hold power to account.

Join now

Crikey.

News / Media

'Short, dumpy girl': Foxtel CEO insults Game of Thrones' Emilia Clarke at House of the Dragon premiere

Crikey.

Keep reading, no payment required

You can continue to access these articles by signing up for free. Thank you for supporting independent journalism.

Your email

Get access

By submitting this form, you agree to accept Crikey's [terms and conditions](#)

[I'll do this later](#)



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

Editorial newsletters

Monday, August 15

- Republish original article

Thursday, August 18 Launch

- Daily send: total content takeover to launch
- Daily.2 send: 30 min to 1 hour later to nonpaying subs, with marketing material added
 - Marketing material responsibility: Rachael (due Tuesday)

August 19 - 31

- Daily sent to "all"

Dynamic content:

https://docs.google.com/document/d/1z1JcLqMC4u4CbwFNkH8gzU6u9_yeKWWPTpJwGKtHGqM/edit?usp=sharing



PDF reader within the post for the letters

Comments

New

There are comments on other slides in this presentation. Use the Next and Previous buttons to see them.

- 1 
- 2 
- 3 
- 4 
- 5 
- 6 
- 7 
- 8 

Monday, August 15

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- 12:01am
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- 7am
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 - Format - Daily
 - Full social of all pieces - Imogen
 - If breaking news, a pointer to the homepage with more info

This is to coincide with the launch of newspaper advertising, and to take advantage of the American news cycle.



Updated publishing schedule

Comments

New

There are comments on other slides in this presentation. Use the Next and Previous buttons to see them.

- 1 Crikey. The Lachlan Murdoch Letters Campaign
- 2 Outline
- 3 Editorial newsletters
- 4 Proposed and free trials
- 5 Marketing campaign plan
- 6
- 7
- 8

Editorial newsletters

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1 Sept	12:15 pm	Daily	Crikey Daily - Active and Trialling	Daily/Daily	Back to normal



Dates TBC

Comments

New

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Marketing campaign plan

[Asana ticket](#)

Promo code: [LETTERS](#)

Newsletter plan: starts launch day, continues every 2 days

- Email 1: Strong sale intro
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- Email 4 (Saturday): Impact
- Email 5 (Tuesday, 30th): Ends tomorrow
- Email 6 (Wednesday, 31st): Ends midnight



No sub gift sale as per issues with Zuora
This is how power works in Australia
Post as the email goes live "you have to read this right now"

Comments

New

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Use the Next and Previous buttons to see them.

- 1
- 2
- 3
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- 7
- 8
- 9
- 10

Marketing campaign plan: Gifts (if possible)

Promo code: [LETTERS](#)

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This is how power works in Australia
 Post as the email goes live "you have to read this right now"

Comments

New

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 Use the Next and Previous buttons to see them.

- 9 Marketing campaign plan (2/16) (2/16)
- 10 Day and Design
- 11 Website and Logistics
- 12 Fund
- 13 Budget
- 14 First day email marketing intro
- 15 Product Inclusions
- 16 Product list

First day email marketing intro

Intro:
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Sign off:
Thank you for joining us as this story develops. We have so much more to share with you over the next two weeks. Enjoy your access and please feel free to share the email with family and friends.

Very early draft of email example 

Comments

[New](#)

Tom Clift 15 August 2022
 Nothing defamatory in it!
 Reply...

Rachael Karpman 15 August 2022
 @tclift@crickey.com.au and @jcallil@crickey.com.au can you have a read? Does this need to go to legal?
 Reply...

Tom Clift 15 August 2022
 Italicise "Daily" throughout
 Reply...

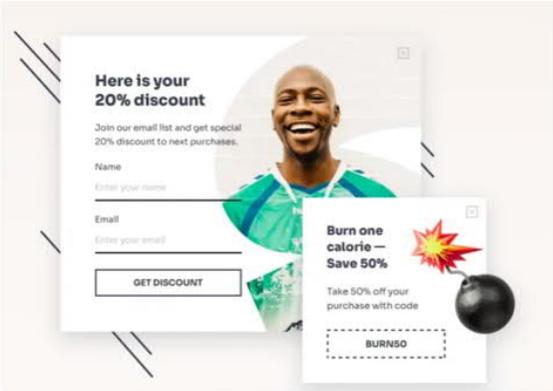
- 11 Website and graphics
- 12 Portal
- 13 Budget
- 14 First day email marketing site
- 15 Product inclusions
- 16 Product idea
- 17 Social strategy
- 18 Organic

Product idea

To take advantage of extra traffic, we will trial a simple registration wall on these articles. The easiest way is to use an external platform like Wisepops to create a targeted popup on load.

- Anthony to create structure
- Zennie to design
- Rachael/Glenn for copy

Question: How does this interact with the paywall for the sale? Only on unlocked articles?




Comments

New

Anthony Beinart-Smolan 11 August 2022

Can be targeted to specific articles, i.e specific unlocked stories. As we don't want this to be on the page page as the paywall. Leads can also be pushed through to SFMC for a custom journey.

Reply...

Rachael Karpman 11 August 2022

Can you take me through how this works with the SFMC connection so I can create the journey?

Reply...

Expected start date - August 16



Organic

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- 30 August: Sale ends tomorrow
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Social posting responsibility: [Imogen for editorial content](#), Rachael for sale content

The Election

Assuming August 16 launch

Comments

New

There are comments on other slides in this presentation. Use the Next and Previous buttons to see them.

- 13 Budget
- 14 First day social marketing mix
- 15 Product inclusions
- 16 Product idea
- 17 Social strategy
- 18 Organic
- 19 Paid
- 20 Mock ups

Paid

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 - \$200 on boosting organic posts that hit minimum engagement targets
 - Exception: organic announcement post on launch day with \$1000 boost
- Ad set up: send to articles as the CTA, not the campaign page
- Budget breakdown by channel: (with by day breakdown)

Ad mock ups:

Responsible: William



Update with William/Kev's new budget

Comments

New

Rachael Karpman · 19 August 2022

 @wmawhinney@privatemediamedia.com.au

Reply...

19

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Recommendations

-  Twitter Space
 - Bernard and Peter
 - Talk about the history with Murdoch, how Crikey is different, the background of the situation
- Tiktok
 - Bernard stars
 - Murdoch nearly sued us-thing
 - Imogen stars
 - Best bits of the legal letters ([guest star??](#))
- If sued we look into
 - Merch
 - OOH campaign
 - Special Edition newsletter with updates



Ignore!

Comments

New

Imogen Champagne 11 August 2022

 Yes, we'd need to almost script this and run past lawyers first though. very iffy doing a life session on a defamation case

Reply...

Imogen Champagne 16 August 2022

 Would be good to have Bradley break it down if he's up for it

Reply...

Will Hayward 16 August 2022

 Agreed, and obvs has a strong sense of what we can and can't say. I'd assume News/LM will record the whole thing. We need to watch out for unforced errors.

Reply...