

SUPREME COURT  
OF BRITISH COLUMBIA  
VANCOUVER REGISTRY

MAY 10 2006



~~Form 1 (Rule 8 (3))~~

S-063039

No.

Vancouver Registry

In the Supreme Court of British Columbia

Between

Nikki Hemming and Sharman Networks Limited,

Plaintiffs

and

Jon Newton, Interserver, Inc., John Doe,  
Jane Doe, Richard Roe, and Jane Roe,

Defendants

### WRIT OF SUMMONS

(Name and address of each plaintiff)

Nikki Hemming  
Suite 10, Level 1,  
Cremorne Town Centre  
287 Military Road  
Cremorne, NSW 2090  
Australia

Sharman Networks Limited  
Vanuatu

(Name and address of each defendant)

Jon Newton  
255 Kwassin Crescent  
Lake Cowichan, British Columbia  
V0R 2G0  
Interserver, Inc.  
110B Meadowlands Parkway  
Suite 305  
Secaucus, New Jersey 07094  
United States of America

John Doe

c/o Kwassin Crescent  
Lake Cowichan, British Columbia  
V0R 2G0  
Jane Doe  
c/o 255 Kwassin Crescent  
Lake Cowichan, British Columbia  
V0R 2G0  
Richard Roe  
c/o 255 Kwassin Crescent  
Lake Cowichan, British Columbia  
V0R 2G0  
Jane Roe  
c/o 255 Kwassin Crescent  
Lake Cowichan, British Columbia  
V0R 2G0

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

*To the defendants:* John Newton, Interserver, Inc., John Doe, Jane Roe, Richard Roe, and Jane Roe.

TAKE NOTICE that this action has been commenced against you by the plaintiffs for the claims set out in this writ.

IF YOU INTEND TO DEFEND this action, or if you have a set off or counterclaim that you wish to have taken into account at the trial, YOU MUST

- (a) GIVE NOTICE of your intention by filing a form entitled "Appearance" in the above registry of this court, at the address shown below, within the Time for Appearance provided for below and YOU MUST ALSO DELIVER a copy of the Appearance to the plaintiffs' address for delivery, which is set out in this writ, and
- (b) if a statement of claim is provided with this writ of summons or is later served on or delivered to you, FILE a Statement of Defence in the above registry of this court within the Time for Defence provided for below and DELIVER a copy of the Statement of Defence to the plaintiffs' address for delivery.

YOU OR YOUR SOLICITOR may file the Appearance and the Statement of Defence. You may obtain a form of Appearance at the registry.

**JUDGMENT MAY BE TAKEN AGAINST YOU IF**

- (a) YOU FAIL to file the Appearance within the Time for Appearance provided for below, or
- (b) YOU FAIL to file the Statement of Defence within the Time for Defence provided for below.

If this writ is served on a person in British Columbia, the time for appearance by that person is 7 days from the service (not including the day of service).

If this writ is served on a person outside British Columbia, the time for appearance by that person after service, is 21 days in the case of a person residing anywhere within Canada, 28 days in the case of a person residing in the United States of America, and 42 days in the case of a person residing elsewhere.

[or, if the time for appearance has been set by order of the court, within that time.]

**TIME FOR DEFENCE**

A Statement of Defence must be filed and delivered to the plaintiffs within 14 days after the later of

- (a) the time that the Statement of Claim is served on you (whether with this writ of summons or otherwise) or is delivered to you in accordance with the Rules of Court, and
- (b) the end of the Time for Appearance provided for above.

[or, if the time for defence has been set by order of the court, within that time.]

(1)	The address of the registry is: The Law Courts 800 Smithe Street Vancouver, British Columbia V6Z 2E1
(2)	The plaintiffs' ADDRESS FOR DELIVERY is: McConchie Law Corporation 701-100 Park Royal West Vancouver, B.C. V7A 1A2 Attention: Roger D. McConchie Fax number for delivery: None
(3)	The name and office address of the plaintiffs' solicitor is: Roger D. McConchie McConchie Law Corporation 701-100 Park Royal West Vancouver, B.C. V7A 1A2

The plaintiffs claim against the defendants John Newton and Interserver, Inc., jointly and severally, for general, aggravated, special and punitive damages for false and defamatory expression, of and concerning the plaintiffs which in May, 2006 they published or caused to be published and continue to publish or cause to be published on the Internet on the website at [www.p2pnet.net](http://www.p2pnet.net), and more specifically on that website the following stories and postings in reply to stories:

- a) <http://p2pnet.net/story/8699> "Nikki Hemming's Money Mansion" -- Story 8699
- b) <http://p2pnet.net/index.php?page=comment&story=8699&comment=39923> "Readers Write" -- Reply to Story 8699 -- "02 May, 2006 16:32"
- c) <http://p2pnet.net/index.php?page=comment&story=8699&comment=39951> "Readers Write" -- Reply to Story 8699 -- "03 May, 2006 10:03"
- d) <http://p2pnet.net/index.php?page=comment&story=8678&comment=39880> "Readers Write" - Reply to Story 8678 -- "01 May, 2006 21:53"
- e) <http://p2pnet.net/index.php?page=comment&story=8699&comment=40093> "Readers Write" -- Reply to Story 8699 -- "06 May, 2006 00:08"

The plaintiffs also claim against the defendant John Doe for general, aggravated, special and punitive damages for false and defamatory expression, of and concerning the plaintiffs, which the said defendant published to the defendant Jon Newton on or about May 2, 2006 with the knowledge, intention and expectation it would be republished by the defendants Jon Newton and Interserver, Inc. on the Internet at:

- f) <http://p2pnet.net/index.php?page=comment&story=8699&comment=39923>  
"Readers Write" -- Reply to Story 8699 -- "02 May, 2006 16:32"

or alternatively, such republication by the by the defendants Jon Newton and Interserver, Inc. was the natural and probable result of the original publication by the defendant John Doe to the defendant Jon Newton.

The plaintiffs also claim against the defendant Jane Doe for general, aggravated, special and punitive damages for false and defamatory expression, of and concerning the plaintiffs, which the said defendant published to the defendant Jon Newton on or about May 3, 2006 with the knowledge, intention and expectation it would be republished by the defendants Jon Newton and Interserver, Inc. on the Internet at:

- g) <http://p2pnet.net/index.php?page=comment&story=8699&comment=39951>  
Readers Write" -- Reply to Story 8699 -- "03 May, 2006 10:03"

or alternatively, such republication by the by the defendants Jon Newton and Interserver, Inc. was the natural and probable result of the original publication by the defendant Jane Doe to the defendant Jon Newton.

The plaintiffs also claim against the defendant Richard Roe for general, aggravated, special and punitive damages for false and defamatory expression, of and concerning the plaintiff, which the said defendant published to the defendant Jon Newton, on or about May 1, 2006 with the knowledge, intention and expectation it would be republished by the defendants Jon Newton and Interserver, Inc. on the Internet at:

- h) <http://p2pnet.net/index.php?page=comment&story=8678&comment=39880>  
"Readers Write" - Reply to Story 8678 -- "01 May, 2006 21:53"

or alternatively, such republication by the by the defendants Jon Newton and Interserver, Inc. was the natural and probable result of the original publication by the defendant Richard Roe to the defendant Jon Newton.

The plaintiffs also claim against the defendant Jane Roe for general, aggravated, special and punitive damages for false and defamatory expression, of and concerning the plaintiff, which the said defendant published to the defendant Jon Newton, on or about May 6, 2001 with the knowledge, intention and expectation it would be republished by the defendants Jon Newton and Interserver, Inc. on the Internet at:

- i) <http://p2pnet.net/index.php?page=comment&story=8699&comment=40093>

*"Readers Write" – Reply to Story 8699 – "06 May, 2001 00:08"*

or alternatively, such republication by the by the defendants Jon Newton and Interserver, Inc. was the natural and probable result of the original publication by the defendant Jane Roe to the defendant Jon Newton.

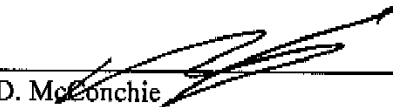
The plaintiffs further claim for an interim and permanent injunction to restrain further publication of the above-mentioned defamatory statements, and a mandatory injunction requiring the defendants to publish a full retraction and apology to the plaintiffs for the defamatory expression.

The plaintiffs further claim interest pursuant to the Court Order Interest Act, special costs, and such further and other relief as to this Honourable Court may appear just.

The plaintiffs do not know the true identities of the defendants John Doe, Jane Roe, Richard Roe and Jane Roe. The plaintiffs will apply to amend the style of cause to substitute their true names once their identities are known.

Full particulars of the allegations contained in this endorsement will be provided in the Statement of Claim which is to be filed separately by the plaintiffs in accordance with the Rules of Court.

DATED: May 9, 2006

  
\_\_\_\_\_  
Roger D. McConchie  
McConchie Law Corporation  
Solicitor for the Plaintiffs

**ENDORSEMENT ON ORIGINATING PROCESS  
FOR SERVICE EX JURIS**

The plaintiff claims the right to serve this Writ of Summons on the Defendants Interserver Inc. outside British Columbia on the grounds that:

- (i) the proceeding is founded on a tort committed in British Columbia; and
- (ii) an injunction is sought as to anything to be done in British Columbia;

as provided in Rule 13(h) and (i) of the Rules of Court.

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**WRIT OF SUMMONS**

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McConchie Law Corporation  
701-100 Park Royal S.  
West Vancouver, British Columbia  
V7T 1A2

Telephone: (604) 925-8906  
Attn: Roger D. McConchie