IN THE SUPREME COURT OF VICTORIA AT MELBOURNE COMMON LAW DIVISION

BETWEEN

MCDONALD'S AUSTRALIA LIMITED (ACN 008 496 928)

and

JANINE WATSON AND ORS

Defendants

Plaintiff

AFFIDAVIT OF ANTHONY ROBERT IMOLESI

Date affirmed: 15 July 2013 Filed on behalf of: The plaintiff Prepared by: **Norton Rose Fulbright Australia** RACV Tower, 485 Bourke Street MELBOURNE VIC, 3000

Solicitor's Code: 370 DX: 445 Tel: (03) 8686 6000 Fax: (03) 8686 6505 Ref: 2773256 Attention: AM:CLS:2773256 Email: abigail.mcgregor@nortonrosefulbright.com

I, Anthony Robert Imolesi of

security guard, solemnly and sincerely affirm and say as follows:

- 1. I am a security guard for Southern Cross Security Group (Southern Cross).
- 2. I have been employed by Southern Cross since approximately April-2013. \mathcal{H}
- 3. I am authorised to make this affidavit on behalf of Southern Cross. I make this affidavit from my own knowledge, save where otherwise stated. Where in this affidavit I give evidence on information and belief, I believe those matters to be true.

McDonald's Tecoma Site

- 4. On 3, 4, 5, 8, 9, 10, 11, 12 and 15 July 2013 I worked as a security guard at the McDonald's Tecoma site, located at 1529 Burwood Highway, Tecoma (Land).
- 5. The Land currently has two main existing buildings on it.

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Marcia Stewart

- 6. On the morning of 4 July 2013 at approximately 8.30am, I was present on the Land. A Coates truck carrying 'portaloos' arrived at the Land to deliver the portaloos. A woman who appeared to be in her 60's or 70's jumped onto the back of the truck as it was reversing onto the Land, forcing it to stop and remain stationary. I asked the woman to step off the truck but she refused to do so a number of times. I told the woman that I was just doing my job. One of my coworkers, Anthony Foo, called the police while I spoke to the woman. At approximately 8.45am, the police arrived at the Land. At approximately 9.04am, the woman (who I learned was a 64 year old woman) was arrested by the police.
- 7. I believe that the woman's name is Marcia Stewart. I have this belief because after the incident occurred, I went onto Facebook to the "NO Maccas in the Hills" page where I saw a photograph that was posted from Twitter, that showed myself along with the woman that I saw arrested, and identified the woman as Marcia Stewart.
- Now produced and shown to me and marked "ARI1" is a copy of an Incident 8. Report for the morning of 4 July 2013, prepared by me. In the Incident Report, I am identified as guard number 25. Now produced and shown to me and marked "ARI2" is a copy of a photograph that was posted on Twitter by user "Ashlynne McGhee" at 10:37 pm on Wednesday, 3 July 2013, that shows Marcia Stewart holding on to the back of the stationary Coates truck. The photograph accords with my recollection of what happened during the incident on the Land. I appear in the photograph and am the person on the far left.

Janine Watson and Mark Lawrence

- 9. I was working on the Land on 12 July 2013. Now produced and shown to me marked "ARI3" are four photographs taken on Friday 12 July 2013. The photographs were taken by Jamie Hoggard, one of my colleagues who also works for Southern Cross. The photographs show a middle aged woman with curly hair and a middle aged man with grey hair and a short beard on the roof of one of the existing buildings on the Land.
- 10. I do not know the name of the person in the red coat, sitting with the woman with curly hair.

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- 11. I can identify the woman with curly hair as Janine Watson. I believe this woman to be Janine Watson because I have heard the police, other security guards and other protesters on the Land identify the woman as either "Janine" or "Janine Watson". Further, on or around 5 July 2013, I said to Janine something like "Happy Birthday for the other day Janine" and Janine acknowledged me. At this time she was back on the roof of one of the buildings on the Land.
- 12. I can identify the man with grey hair and a grey beard as Mark Lawrence. I believe this man to be Mark Lawrence because I have heard the police, other security guards on the Land and other protesters on the Land identify the man as either "Mark" or "Mark Lawrence". When I am working on the Land, I call out to Mark when I see him and he acknowledges me when I use the name "Mark".
- 13. I have had contact with Mark Lawrence on almost every day that I have attended on the Land. Although I cannot remember the exact date, when I first spoke to Mark, he was quite aggressive about the fact that there were security guards on the Land. I said to Mark something along the lines of "*we are here for your security and for the security of the Land*". Since that time, Mark has said hello to me when he sees me.

Shane Anderson

- 14. Now produced and shown to me marked "**ARI4**" is a copy of a photograph which shows 2 people on the roof of one of the existing buildings on the Land holding pennant flags. On 14 July 2013, I showed this photograph to Lachlan Thomas, who is a security guard on the Land. Lachlan told me that he took this photograph on his phone.
- 15. The person on the right, with the yellow flag, is Mark Lawrence. I believe the person standing on the left who is wearing glasses, with a red flag, is Shane Anderson. I believe this man to be Shane Anderson because I have heard other protesters and other security guards on the Land identify the man as either "Shane" or "Shane Anderson".
- 16. Now produced and shown to me marked "**ARI5**" is a copy of a photograph which shows a man standing on the hoarding that is around part of the Land holding onto the awning of the existing buildings on the Land. The man has glasses and is

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wearing a beanie. I am told by Jamie Hoggard, who is a fellow security guard, that he took this photograph.

17. I believe the man with glasses and wearing a beanie to be Shane Anderson. I believe this man to be Shane Anderson because I have heard other protesters and other security guards on the Land identify the man as either "Shane" or "Shane Anderson".

Jude Alexander

18. When I arrived at the Land on 15 July 2013, I was informed by my fellow security guard, Lachlan Thomas, that a lady named Jude Alexander had been arrested at the Land on Saturday, 13 July 2013 for trespass.

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AFFIRMED at Melbourne in Victoria on らつうんのろ

Signature of deponent

Before me:

Signature of person taking affidavit

HANNAH WENDY GOULD RACV Tower, 485 Bourke Street Melbourne Victoria 3000 An Australian Legal Practitioner within the meaning of the Legal Profession Act 2004.