

## **McCann v Gonçalo Amaral Libel Trial in Lisbon - Day 9**

Lisbon - Tuesday 19 Nov 2013

All lawyers are present. VCFilmes/Multimedia's lawyer is substituted by a lawyer who states that she took part in the Providência Cautelar (Injunction hearing). Witnesses due to testify today are dismissed by defendants TVI, VC and Gonçalo Amaral and will no longer be required to give evidence.

The Judge starts the session by raising the issue of documents requested by the plaintiffs evidencing the value of royalties paid to Gonçalo Amaral. She reminds the Court that G&P's position is that the request is extemporaneous and illegal and that no other payment was received beyond that previously declared to the Court. One such document relates to a request to Gonçalo Amaral to provide receipts X and Y specific to the period from 17 - 30 October 2008 and from 6 - 30 November 2009. The Judge adds that any others are of no consequence since G&P has proven that no other royalties were paid to Gonçalo Amaral.

The Judge reminds the Court of the principle that when a Party declares to another Party that a requested document does not exist or is not in their possession, the legal remedy is not for the pursuer to make a further request but to prove through whatever means that the respondent is being untruthful. The Judge therefore grants a request by the plaintiffs that receipts be provided as previously requested since the defender has failed to produce the information sought.

TVI must provide an extract of accounts for the fiscal years 2008, 2009 and 2010 related to VCFilmes and VCMultimédia. They are given 10 days to produce the relevant documents.

The Judge omits partially a request concerning the accounts of VCFilmes, which are limited to the the period from the 7 February 2012 onwards. VC Filmes is also given 10 days to produce the documents.

The Judge reminds the Court that the request by the plaintiffs is related to the search of material facts in order that justice is done. However, she adds that the lawyer representing G&P should consider that if any of the documents requested in the process contain information unrelated to Gonçalo Amaral then that should be maintained apart for commercial and/or fiscal reasons. The defence is therefore authorised to present said documents in the judicial section in order to protect any commercially sensitive information, making only available that which relates to the process concerning the relationship between G&P and Gonçalo Amaral. G&P is given 10 days to respond to the request.

The Judge adds that G&P has already provided indications about the financial aspect of the publication of the book and about the number of books that have been sold.

The Judge finally confirms that the date of the next hearing will be on Wednesday 27 November 2013. The date for the final allegations will then be fixed.

**End of session.**