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**HIGHER RIGHTS OF AUDIENCE ASSESSMENT**

**IN RESPECT OF CIVIL PROCEEDINGS**

**THE PRACTICAL ASSESSMENT**

**TRIAL BUNDLE FOR MINI-TRIAL**

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The evidential material to be used in the mini-trial consists of the following witness statements/affirmations:

1. The witness statement of Celia Ho;
2. The witness statement of Brenda Christie; and
3. The witness statement of Ethel Yip

**Agatha Champion v Brenda Christie**

**Witness Statement of Celia Ho**

I, Celia Ho, of Xavier Laboratory, No.1, Fortune Road, Central, do say as follows:

1. I am a friend of the Plaintiff and the Defendant in this action. The facts stated herein are within my personal knowledge unless otherwise stated.
2. I have studied the Affirmation of the Plaintiff very carefully. Insofar as the matters stated therein are within my knowledge, I believe that they are true.
3. I met Agatha in January 2022 when we both started attending Xavier Labs. She came across as a very elegant and quietly confident person, and I was not surprised that her team's work was one of the best projects in Project 1.
4. For this reason, when Agatha invited me to join the Team for Project 2, I was pleased to accept.
5. Ever since working with her directly, I am even more in awe of Agatha's elegance and calm. She always had ways of conveying her thoughts and feelings in subtle phrases and gestures which put you immediate at ease.
6. Agatha is one of the best listeners I have ever met. Even though her mind is very sharp, Agatha would often listen intently to us explaining about our ideas, prompting us with questions (or even just quizzical looks).
7. When asked to give her own opinion, Agatha would usually do so via open ended questions. These were often extremely thought provoking and would lead us to consider the matter from an entirely different angle.
8. I was therefore initially very surprised when Agatha began a whirlwind romance with Brenda in August 2022. From my interaction with her, Brenda seemed the polar opposite to Agatha: always passionate, Brenda would without reservation

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share her thoughts and feelings to all who would listen, sometimes at the expense of properly listening to others.

9. While we all appreciated her technical talents, I think I speak for many of the Class of 2022 when I say I sometimes find Brenda overbearing and sometimes even aggressive.
10. I was therefore very sorry for Agatha when she broke up so publicly with Brenda in October 2022. My sympathies were with her as I felt she must be the more badly affected party, as it was so unlike her to engage in arguments with anyone on anything (let alone in public).
11. While Agatha did not confide with me the No Private Communications Agreement until 28 January 2023, from my memory, all her group interactions with Brenda from December 2022 are consistent with such an agreement.
12. As I explained above, Agatha was always a quiet person and keeps a distance even with friends. In her interactions with Brenda from December 2022, she was observably even more remote than usual.
13. I was therefore very surprised when Brenda suddenly invited herself to Agatha's boardgame session with me and Ethel on Friday 27 January 2023.
14. From my knowledge of Agatha, I am sure she did not want Brenda in her room but was just too polite to say "no". In fact, I myself almost wanted to tell Brenda to leave us alone, only that I felt it was not my place to speak as we were after all guests in Agatha's room.
15. Brenda was quieter than usual when she first joined the boardgame, and the atmosphere for a time became quite stiff and formal. However, we gradually relaxed more as we became absorbed in the game.
16. By the time Ethel said she was tired, and the party was breaking up at around 10:30pm, I had thoroughly enjoyed the boardgame and thought that Agatha and Brenda had reached a further stage in their reconciliation with each other.

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17. However, when Brenda asked to stay and chat in Agatha's room, I was surprised and a bit worried. However, seeing Agatha's apparently calm acceptance, I did not intervene. I did however text Agatha later that night to check if she was okay.
  18. On the morning of 28 January 2023, Agatha came into my room and burst out in tears. She told me about the No Private Communications Agreement and showed me the messages Brenda had sent her.
  19. I was shocked to learn of Brenda's continued sexual harassment with Agatha. Brenda clearly just cannot get over the relationship and clearly wants to browbeat Agatha to resume intimate relations with her.

### **STATEMENT OF TRUTH**

I believe that the facts stated in this witness statement are true.

**Agatha Champion v Brenda Christie**

**Witness Statement of Brenda Christie**

I, Brenda Christie, of Mountain College, Sha Tin, do say as follows:

1. I am the Defendant in this action. The facts stated herein are within my personal knowledge unless otherwise stated.
2. I have studied the Witness Statement of Celia Ho in draft. Insofar as the matters stated therein are within my knowledge, I believe that they are true.

**A. Background**

3. [The background at the “Factual Background” section of the Candidates Instructions for the Interim Application are set out by Brenda here.]

**B. The alleged “*No Private Communications Agreement*”**

4. In response to the allegations made by the Plaintiff, I would like to point out that we had never had a “*No Private Communications Agreement*” as alleged.
5. While I do not remember every detail from the time, my memory is that the Plaintiff and I were engaging in a constructive dialogue in and around early December 2022.
6. In fact, one of the results of our frank and open dialogue was the Plaintiff’s and my agreement to delete all our social media posts about our break-up, and our joint announcement of our truce on 5 December 2022.
7. For the wording of the announcement, we had carefully and constructively looked at each other’s drafts, in order to come up with a formulation that both of us would find acceptable.

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8. However, I would like to emphasise that beyond this announcement (which the Plaintiff now calls the “*Social Media Agreement*”), the Plaintiff and I did not come to any definite agreement about how our relationship would work going forward.
  9. In the course of our many discussions around this time, many ideas had been floated between me and the Plaintiff. This included amongst others (1) our taking a “*break*” from discussing anything about our relationship for a certain period, (2) our seeing a therapist together, and (3) each of us taking a more proactive step to date someone else in order to “*cement*” the end of our relationship.
  10. Amongst all these ideas that have been floated, one of them might have been some parallels like the “*No Private Communications Agreement*” now alleged by the Plaintiff.
  11. But I would like to emphasise that our (1) avoiding private conversations with one another but (2) still engaging in social activities together was only one of the many options we considered, was not anything we specifically agreed on. The fact that, after December 2022, our relationship seemed to have moved towards this model is largely due to my move to Mountain College, which meant I had less time on Campus and less opportunity to spend time with Agatha alone in any case.
  12. For the avoidance of doubt, I have no memory of anything passing between the Plaintiff and me on 9 December 2022 that could be remotely construed as the “*No Private Communications Agreement*”.

### **C. Continued private conversations**

13. In her Affirmation, the Plaintiff says that we no longer had any private conversations from December 2022 onwards. This is simply untrue.
14. As Agatha herself accepts, after our joint announcement on social media, Agatha and I have reconciled to the eyes of everyone at Xavier.

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15. We would participate in largely voluntary social activities at Xavier together, including yoga, book club and boardgames.
  16. In these activities, while other people would be present, Agatha and I would engage in pleasant chit-chat. Sometimes (as when we were playing certain team based boardgames), Agatha and I would even be in the same team of 3-4 players. Neither of us felt awkward about this.
  17. Over the course of these interactions, Agatha and I spoke to each other about general topics. While it is true that we no longer had long one-on-one conversations after early December, the picture Agatha seeks to paint of us keeping merely remote and formal relations from December 2022 onwards is simply untrue.
  18. For the avoidance of doubt, in the cold light of reason, I now regret the messages I wrote to Agatha which were unanswered. Given my new responsibilities at Mountain College, there were times when I felt lonely and wanted to get back together with Agatha.
  19. While the messages are extremely rude and inappropriate in isolation, I would like to emphasise that throughout this time Agatha was still very friendly and thoughtful to me when we saw each other in person.
  20. I thought that Agatha would understand my words on WhatsApp were just a reflection of my own internal turmoil. If I had known the distress I would not have sent such stupid messages.
  21. I would also like to add that, while Agatha always said she was busy when I knocked on her door, her tone was always calm and polite. I would not have continued to knock on her door if I had known this would be causing her distress.



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**D. 27 January 2023**

22. As explained above, I was not aware of Agatha's aversion to spending time with me. In fact, the first time I learnt of her alleged distress is when she served me with an injunction application on 31 January 2023.
23. On the night of 27 January 2023, I was back on the Xavier Campus for a night of drinks and friendly chit-chat with other Xavier students. I did not plan on seeing Agatha. In fact, it was only because I saw Agatha's door ajar that I went in and asked if I could join them for a boardgame. I was in no way forcing myself upon her and would entirely understand if Agatha said "*no*".
24. We had a really good time in Agatha's room. Agatha, Celia and Ethel are all talented people, and it is a pleasure to play boardgames with them.
25. By the time Ethel said she wanted to call it a night at around 10:30pm, I was really relaxed and really enjoying myself. I thought back of all the good times I have had with Agatha, and (not realising the distress that she felt at the time) wanted to stay behind and talk to her more.
26. So I stayed and tried to start a conversation with her. At first Agatha smiled and gave non-committal replies, but then seemed to grow more distant. She then told me "*you had to leave. I don't want to talk to you, just leave*".
27. I was surprised at this change of tone and was initially speechless. However, Agatha appeared to be serious, as she repeated the phrase verbatim several times. Realising that I may not have been welcome given the lateness of the hour, I immediately left the room and withdrew from her.
28. I would like to again emphasize that I never intended to cause Agatha any emotional distress or discomfort.
29. I must however point out that Agatha's version of events is objectively distorted, as we never had the so called "*No Private Communications Agreement*" and she

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never made her distress known to me until she served me with an injunction application on 31 January 2023.

**STATEMENT OF TRUTH**

I believe that the facts stated in this witness statement are true.

**Agatha Champion v Brenda Christie**

**Witness Statement of Ethel Yip**

I, Ethel Yip, of Xavier Laboratory, No.1, Fortune Road, Central, do say as follows:

1. I am a friend of the Plaintiff and the Defendant in this action. The facts stated herein are within my personal knowledge unless otherwise stated.
2. I have studied the Witness Statement of the Defendant very carefully. Insofar as the matters stated therein are within my knowledge, I believe that they are true.
3. I have known Agatha and Brenda since January 2022 since we started studying at Xavier Labs together. They are both extremely talented and friendly, and it was a pleasure to be invited to form a Team with them in July 2022.
4. It is clear to everyone who know them that Agatha and Brenda have very different personalities. Agatha is a quiet person, mindful of others, whereas Brenda is full of passion and enthusiasm. Agatha speaks in subtle hints and clues; Brenda speaks in punchlines.
5. However, at least before their very public break-up in October 2022, Agatha and Brenda always communicated well and understood one another, at least in the work setting where I was able to observe and interact with them.
6. While misunderstanding and distrust clearly arose when they broke up, it is clear that Agatha and Brenda had resolved these issues by early December 2022 when they deleted their post and jointly announced a truce.
7. While I have no direct knowledge of this, in my opinion it is clear that they must have found a way of communicating with one another and reaching an understanding with each other at this point.

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8. From my reading of their joint announcement and my interaction with them, it was clear that the only understanding they reached was that stated in the announcement, i.e. that they would not publish posts about their relationship again.
  9. While I resisted the urge to pry, there was nothing unusual in the way Agatha and Brenda interacted with one another from December onwards. It is true that Brenda is more enthusiastic and Agatha more reserved, but this has been the case from the first time I met them, and certainly the case when I started closely with them in July 2022.
  10. When Brenda invited herself to our boardgame on 27 January 2023, I was mildly surprised, but did not see anything unusual. Given her personality, it was unsurprising to me that Brenda would be keener on joining social activities with Agatha (as opposed to the other way round).
  11. While there may have been some initial awkwardness when Brenda joined the group, it came largely (if not mostly) from Celia and me, since I did not know exactly how matters stood between Agatha and Brenda (I do not believe Celia did either). In any case, any embarrassment was soon dissolved as we became absorbed in the game.
  12. I did not feel it was unusual for Brenda to ask to stay in Agatha's room after Celia and I left. It was none of my business and I did not feel any need to inquire into the private affairs of the former couple.
  13. As a Psychology major *summa cum laude* from a leading university, I believe that Agatha is simply playing the victim here. I do not believe in this purely oral agreement that Agatha has suddenly put forward. I also do not think that she really felt the degree of distress she now says she is feeling.
  14. Instead, I suspect she is simply using the lawsuit to re-open old wounds and to "punish" Brenda from tarnishing her name in the break up. She seems to be a

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typical example of an over-privileged child unable to accept defeat, despite all her surface polish and elegance.

**STATEMENT OF TRUTH**

I believe that the facts stated in this witness statement are true.