
HIGHER RIGHTS OF AUDIENCE ASSESSMENT

IN RESPECT OF CIVIL PROCEEDINGS

THE PRACTICAL ASSESSMENT

TRIAL BUNDLE FOR MINI-TRIAL

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

1. The witness statement of Henrietta Harry;
2. The witness statement of Fiona Lovegood;
3. The witness statement of Rowena Ronald; and
4. The witness statement of Bonnie Molly.

Henrietta Harry v Rowena Ronald

Witness Statement of Henrietta Harry

I, Henrietta Harry, of No.7A, Mason Road, Sydney, do say as follows:-

1. I am the Plaintiff in this action. The facts stated herein are within my personal knowledge unless otherwise stated.
2. I confirm that the contents of the Affirmation previously affirmed by me in these proceedings are true and accurate.
3. I have also read the draft witness statement of Ms Fiona Lovegood. Insofar as the matters stated therein are within my knowledge, I believe that they are true.

How I met Rowena

4. I first met the Defendant Ms Rowena Ronald ("**Rowena**") in 2019 when I went to study in Hong Kong on an exchange programme. We were in a café together when I heard her discussing cryptocurrencies and NFTs with friends. I was also interested in cryptocurrencies and NFTs, so I introduced myself and joined the conversation.
5. Rowena seemed really flattered by the fact that I was interested in what she had to say, and very soon we developed an intense friendship. While I had few friends in Hong Kong because I have just arrived on exchange, Rowena seems to have very few friends generally, and soon we were spending all our time together.
6. About 2 weeks after meeting me, Rowena told me that she had actually developed a new cryptocurrency and was ready to release it on the internet. She was worried however that it would not attract any publicity and will remain unknown, given that there were so many new cryptocurrencies being released every day, all competing for the public's attention.
7. On hearing Rowena's concerns, I proposed that I could take care of the marketing front of her cryptocurrency and try to raise attention for it by creating a YouTube channel about it. We soon reached an agreement whereby we would call Rowena's cryptocurrency "*Henrietta Coin*" and I would take on the public persona of the creator of "*Henrietta Coin*", in the hopes of generating popularity for "*Henrietta Coin*". In exchange for the 300,000 Henrietta Coins already

created, Rowena would give me 100,000 Henrietta Coins as my reward and incentive to popularise “*Henrietta Coin*”.

Launch of “*Henrietta Coin*” and my YouTube channel

8. Despite a slow start, my YouTube channel “*Henrietta Coin with Henrietta*” began to attract more and more subscribers. By May 2020, I already had approximately 8 million subscribers around the world, and I was releasing new videos every other day to keep them interested.
9. In all the YouTube videos about Henrietta Coin on my channel, I emphasised to the viewers that (a) I had 100,000 Henrietta Coins to my own name, so they should be aware that I have a direct financial interest in marketing Henrietta Coin, and (b) they should take careful independent advice before investing any substantial sums on Henrietta Coin (or in fact any other cryptocurrency).
10. I even expressed the view on my YouTube Channel since May 2020 that the price of Henrietta Coin was probably at an irrational high and that subscribers should be very careful about buying more.
11. Prior to my discovery of Rowena’s misappropriation of my Henrietta Coins, our friendship was growing stronger and stronger (or at least so I thought). We were both students still, and yet by creating and popularising Henrietta Coin, we have earned more money than we could have ever dreamt of.
12. We saw each other almost every day by video conferencing software on the internet, sometimes just to chat, sometimes to play one of the many new board games we have come across or invented.

Online meeting on 01.11.2020

13. I now know from Rowena’s Defence that she is now trying to twist the words I said during one of these online board game sessions to fabricate an alleged agreement between me and her for the exchange of my Henrietta Coins and her “*MISSIE*” NFTs. To set the record straight, I shall describe what in fact took place on 01.11.2020.
14. On 01.11.2020, Rowena and I as usual met by video conference to play 6-dimensional Go, a board game we invented together. 6-dimensional Go is a game played between 2 teams (with 2 players to each team). Apart from Rowena, 2 other people were present at our online meeting:-

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- 14.1. Ms Fiona Lovegood ("**Fiona**"), a friend of mine I met at university, playing for my team; and
- 14.2. Ms Bonnie Molly ("**Bonnie**"), a friend of Rowena and myself (whom I met on exchange), playing for Rowena's team.
15. After two hours of intense playing, we were all tired and took a break. Rowena's team was winning, but only by a small margin. Because, like Rowena and I, Fiona and Bonnie were also interested in cryptocurrencies and NFTs (especially NFTs), the conversation soon turned to news in these areas.
16. I told the group that I thought Henrietta Coin was getting overpriced, because however many times I warn viewers on my YouTube channel, investors just keep piling into Henrietta Coin and paying higher and higher prices for it.
17. The next big thing, I said, was in NFTs, because each NFT is unique and people will be willing to pay more and more to own these unique digital items, which have intrinsic artistic and philosophical value.
18. Rowena mocked the idea. She said that there was never any intrinsic value in either cryptocurrency or NFT, and the reason why people wanted them is because they are an agreed store of value beyond Government control. She also mocked my argument by saying that if intrinsic value is the guide, then people should be willing to pay huge sums for the privilege of reading good novels, which they plainly are not.
19. In response, I joked that, if that's right, why don't Rowena swap her "*MISSIE*" NFTs for my Henrietta Coins. Rowena paused and said "*yeah, yeah*" and the conversation moved on to general topics.
20. While I cannot recall the exact form of words used, I am sure that:-
- 20.1. I did not say which of Rowena's "*MISSIE*" NFTs and which of my Henrietta Coins we were supposed to be exchanging;
- 20.2. I did not say when the supposed exchange would take place; and
- 20.3. I did not authorise Rowena to directly take Henrietta Coins away from my account.
21. As explained above, I was making a joke and whatever I said did not have the kind of detail and certainty one would expect of a legally binding offer. In any

case Rowena clearly did not accept such offer (if any, which is denied) with her dismissive “*yeah, yeah*”.

22. Despite Rowena’s team initial lead, Fiona and I eventually gained the upper hand and beat them. Nothing further was said about exchanging my Henrietta Coins and Rowena’s “*MISSIE*” NFTs.

Oral discussion on 15.11.2020

23. On 10.11.2020, Rowena played another game of 6-dimensional Go with me by video conference (with an AI player as a teammate on each side). This time I thrashed Rowena.
24. Afterwards we chatted about how my YouTube channel was doing. I told Rowena that one video of mine had recently gone viral and became ranked 15th most viewed YouTube video of that week.
25. Rowena was really appreciative of this. To thank me for my great effort, she sent me her entire collection of “*MISSIE*” NFTs as a gift on 15.11.2020.

Discovery of my loss of Henrietta Coins

26. On 30.12.2020, I took my backpack (which had my laptop and phone in them) to film a YouTube video on a beach near where I lived in Sydney. I bumped into some friends there and left my backpack with them to go swimming. However, unfortunately when I came back my backpack, with all my valuables including my laptop and phone were stolen from me. I immediately reported the matter to the Police on 01.01.2021.
27. Later, when I used another laptop to login to my online account, I found that all of my 100,000 Henrietta Coins had been transferred to Rowena’s account. This is the first time I realised a theft has been made. I then immediately instructed solicitors to begin this action to recover my Henrietta Coins.

STATEMENT OF TRUTH

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

Henrietta Harry v Rowena Ronald

Witness Statement of Fiona Lovegood

I, Fiona Lovegood, of No.9, Scalia Road, Sydney, do say as follows:-

1. I am a friend of the Plaintiff in this action. The facts stated herein are within my personal knowledge unless otherwise stated.
2. I have studied the draft witness statement of the Plaintiff very carefully. Insofar as the matters stated therein are within my knowledge, I believe that they are true.

How I met Henrietta

3. Henrietta and I met each other in first year at university. After bumping into each other a few times at surfing events, we became good friends.
4. After Henrietta started her YouTube channel, she soon became very busy and did not have time to take care of the edits and subtitles for the videos. To start with I helped her out as a friend, but later she decided to pay me (the equivalent of) HKD 25,000 a month to help her with her video production.
5. It is great fun working with Henrietta and I hope to continue working with her on YouTube video productions after graduation.

Online meeting on 01.11.2020

6. On 01.11.2020, Henrietta asked me to join a game of “*6-dimensional Go*”, a game she invented, with the Defendant Rowena Ronald (“**Rowena**”) and Bonnie Molly (“**Bonnie**”), both friends of hers. She told me it would be a great opportunity to meet Rowena and Bonnie and see what we can do together.
7. Even though “*6-dimensional Go*” is a very complicated and difficult game (and Rowena and Bonnie were very skilful at it), I had a very enjoyable time. Throughout the game we were exchanging gossip about films, arguing about politics and religion, and just generally having a great time. It did not feel like a formal or business meeting at all.
8. During a break in the middle of the game, I heard Henrietta say to Rowena something along the lines of “*if you are so good, why don’t we make a bet and*

exchange my Henrietta Coins for your “MISSIE” NFTs”. For the avoidance of doubt, I cannot recall the exact words, but I believe my rendering above correctly catches Henrietta’s tone. We were all in the middle of a draining game of “6-dimensional Go”, and I don’t think either Henrietta or Rowena took this supposed exchange very seriously.

STATEMENT OF TRUTH

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

Henrietta Harry v Rowena Ronald

Witness Statement of Rowena Ronald

I, Rowena Ronald, of No.1, Avocado Road, Deep Water Bay, 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 confirm that the contents of the Affirmation previously affirmed by me in these proceedings are true and accurate.
3. I have read the draft witness statement of Ms Bonnie Molly. Insofar as the matters stated therein are within my knowledge, I believe that they are true.

How I met Henrietta

4. I met Henrietta when she came on exchange to study in Hong Kong. We were both interested in cryptocurrencies and NFTs. While she did not have much by way of technical skills, she clearly grasped the concepts of cryptocurrencies and NFTs and how they could revolutionised finance. I got on well with her because of my friends, she seemed to understand me the most.
5. Soon after we met, I told her about a cryptocurrency I had almost finished developing. We soon came to an informal oral agreement where I would give her 100,000 Henrietta Coins in return for her popularising Henrietta Coin for me.
6. Prior to Henrietta's present action, Henrietta and I had (I thought) an extremely close and trusting friendship. Unfortunately, it seems that her jealousy of me has got the better of her, so much so that she was willing to twist everything she said before in order to regain the 100,000 Henrietta Coins that she has agreed to exchange with me.

Henrietta's anxieties about Henrietta Coin and desire to acquire "MISSIE" NFTs

7. From around June to November 2020, I was seeing Henrietta almost every day by online meeting. Since we were both in self-imposed lock down, we spent almost all our time together, sharing our thoughts about our studies, Henrietta Coin, NFTs, other investments, families, friends, basically every aspect of our lives. I felt (and to an extent still feel) that we were very close and had a very deep friendship with each other at the time.

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8. From October 2020 onwards, Henrietta has been telling me on and off about her worries that Henrietta Coin was getting seriously overpriced and will soon suffer from a steep fall. I assured her repeatedly that she was over-worrying. While I have a technical grasp of the details of Henrietta Coin and know that it stands heads and shoulders about other cryptocurrencies, Henrietta does not and this seems to have contributed to her anxiety.
 9. On the other hand, Henrietta kept saying that she thought my “*MISSIE*” NFTs would be the next big thing and that I made a really good decision to buy them. I kept explaining to her that these NFTs are in my view just luxury items. While I was very fond of them (in the way that one would be fond of having, say, the first edition CDs of a favourite band), I kept saying to her that these NFTs were overpriced because they have little practical use.

Online meeting on 01.11.2020

10. In around October 2020, Henrietta told me that she wanted to do a series of YouTube videos on her channel covering NFTs. I therefore suggested an online meeting with Bonnie Molly (“**Bonnie**”), a mutual friend of ours, who has acquired a particularly large and interesting collection of NFTs. Henrietta agreed and suggested her friend and assistant, Fiona Lovegood (“**Fiona**”), to join the meeting as well.
11. The meeting took place as planned on 01.11.2020. While the original purpose of our meeting was to discuss the new YouTube video series, because this is the first time Bonnie and I would be meeting Fiona, we started off by some small talk and did not discuss the YouTube video series right away.
12. Fiona was a very personable and enthusiastic person and we got on really well right at the start. She has heard that Henrietta and I had invented a new board game, 6-dimensional Go, together, and was eager to try it out. Fiona’s enthusiasm was infectious and we decided to play the game as opposed to discuss work right away.
13. 6-dimensional Go is a game between 2 teams (each with 2 players). Bonnie and I were playing for one team and Henrietta and Fiona were playing for another.
14. After 2 hours of playing, we decided to take a break. Soon afterwards, Henrietta repeated her view that Henrietta Coin was overpriced whereas “*MISSIE*” NFTs were under-priced. Bonnie and Fiona both echoed Henrietta’s views. I stuck to my original position and maintained that Henrietta had got it all wrong.

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15. Henrietta seemed to be provoked by this. She said that, if I am so certain, why don't take all her Henrietta Coins and give her all my "*MISSIE*" NFTs instead.
 16. Once Henrietta made the suggestion, everybody fell quiet for a while. After around 20 seconds, I said "*yeah*", accepting Henrietta's offer. I may have then said another "*yeah*" after 5 seconds or so, but that was to confirm my previous "*yeah*" and not at all the same as the dismissive "*yeah, yeah*" as alleged by Henrietta.
 17. I have to emphasise that, while a large part of our online meeting was (eventually) spent on playing games as opposed to doing proper work, when I said "*yeah*" to Henrietta's proposal, both she and I were perfectly serious and everyone understood a legally binding agreement had been concluded.
 18. Just before the end of our meeting, I asked in front of everyone if Henrietta was serious about the proposed exchange. She answered: "*yeah*". This removes all doubt as to whether she intended her offer to be legally binding.
 19. While I considered then (as I know now) that Henrietta was making a very foolish investment choice, I also respected her decision. Her offer of exchange has been made after a long period of anxiety on her part, and (rather than keep arguing with her) I understood why she made it. I was reluctant to make the exchange with my friend, but since she appears to have really made an informed decision, I carried through with it.
 20. I should also emphasise that, from first meeting each other, Henrietta and I were very good friends and have complete trust in each other. All our important business agreements (e.g. the release and marketing of Henrietta Coin) were done purely by word of mouth. There is nothing unusual or surprising for us to make this legally binding agreement purely orally, especially given that two witnesses were present to witness the occasion.

Exchange on 15.11.2020

21. On 15.11.2020, Henrietta accessed her own account and transferred her 100,000 Henrietta Coins to me and I transferred my entire collection of "*MISSIE*" NFTs to her, thereby executing our agreement. For the avoidance of doubt, I did not hack into Henrietta's computer/online account as Henrietta's alleges without a shred of evidence.
22. I would like to stress that, even though Henrietta and I are very close friends, the "*MISSIE*" NFTs are very dear to my heart and I would not have transferred them to Henrietta but for her agreement to give me her Henrietta Coins in return.

The present case

23. Henrietta and I maintained our close friendship as usual until, on 15.01.2021, I was served with a *Mareva*/proprietary injunction from lawyers. I was shocked to learn that the injunction was from Henrietta, and that she now alleges that I have stolen her Henrietta Coins.
24. I feel very sorry for Henrietta for her mistaken prediction about the price of “*MISSIE*” NFTs. But while I am sympathetic and I am willing to go out of my way to reverse the deal to help her out, I reject her wholly untrue allegations against me.

STATEMENT OF TRUTH

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

Henrietta Harry v Rowena Ronald

Witness Statement of Bonnie Molly

I, Bonnie Molly, of Chemical House, No.443, Causeway Road, Sha Tin, do say as follows:-

1. I am a mutual 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 draft 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 met the Defendant Rowena Ronald ("**Rowena**") at university and the Plaintiff Henrietta Harry ("**Harry**") when she came on exchange in Hong Kong. We all shared an interest in cryptocurrencies and NFTs, and got on well together when Henrietta was in Hong Kong.
4. I lost touch with both Henrietta and Rowena somewhat after Henrietta went back to Australia. However, I did hear from the grapevine that they have become wildly successful as the joint creators of Henrietta Coin (with Rowena working behind the scenes). Since I was myself very busy with collecting NFTs, I just did not have much time to reach out and keep up with them.
5. Some time in October 2020, Rowena asked me if I would be interested in joining force with Henrietta to create a YouTube video series about NFTs. Given that at that point, Henrietta had already developed a very popular YouTube channel, I agreed. Rowena also mentioned that Henrietta's YouTube video assistant (who I later know to be Ms Fiona Lovegood ("**Fiona**")) would also be there, so we could cover everything together.
6. On 01.11.2020, I caught up with Henrietta and Rowena as appointed, and was introduced to Fiona for the first time. Rowena and Fiona were both very enthusiastic and charismatic people, and soon we forgot all about our plans about work and decided to play a 4-player game (6-dimensional Go) that Henrietta and Rowena invented together.
7. After two hours of intensive gaming, we were all tired and (I think) a little guilty about having taken out so much time out from work to play. We began catching up about the industry news, how prices of different asset were going up and down.

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8. In discussion, Henrietta took a very strong view that the price of Henrietta Coin would soon suffer a sharp fall and the price of “*MISSIE*” NFTs would soon balloon. I agreed with her: I am a great believer in the future of “*MISSIE*” NFTs, and if Henrietta, one of the foremost experts on Henrietta Coin, said they were going to fall in value, I have no reason to disbelieve her.
 9. It was in this context that Henrietta proposed to Rowena that she swaps all her Henrietta Coins for all of Rowena’s “*MISSIE*” NFTs. I believe that Henrietta and Rowena were earnest and intended the exchange to be concluded then and there.

STATEMENT OF TRUTH

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