

Federal Court finds Dallas Gibson of Icarus College guilty!

MedEntry has comprehensively won the Federal Court case against Dallas Gibson for breach of copyright and breach of the Trade Practices Act (Claim number VID1289-2004). The Judge was scathing of Dallas Gibson. Following is a selection of the comments made by the Judge about Dallas Gibson (NB: Judges rarely use strong language).

Paragraph numbers correspond to paragraphs in the judgement (the full judgement can be found at the Federal Court website: <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2008/995.html>).

Paragraph 28: 'Only four of the 45 Icarus College practice exams contained none of the questions and answers appearing in MedEntry's practice exams.'

Paragraph 52: MedEntry not only had legal rights but 'moral rights' in its practice exams.

Paragraph 63: 'I find that Dallas Gibson was not an honest witness.' 'He was evasive when questioned.'

Paragraph 66: '[Dallas Gibson's] evidence... was unbelievable.' *Paragraph 67:* 'Dallas Gibson's evidence... was unbelievable.' *Paragraph 70:* 'Dallas Gibson's evidence... was unbelievable.' '[His] propositions are simply incredible.'

Paragraph 71: My Hanh Ton (Dallas Gibson's wife) gave an explanation that was 'unconvincing.' Her Honour did 'not find this believable.' *Paragraph 74:* 'Ms Hanh Ton... was unconvincing.' *Paragraph 75:* 'Ms Hanh Ton... was evasive and not altogether truthful. I do not consider her a reliable or an entirely honest witness.'

Paragraph 78: Her Honour said: 'I am satisfied that both the respondents [Dallas Gibson and his company] directly infringed the applicant's [MedEntry's] copyright.'

Paragraph 84: 'Dallas Gibson claimed to be well credentialed... however, it became clear that... his qualifications were slight.' Of his purported teaching methods, Her Honour stated, 'I doubt these claims.'

Paragraph 86: 'I do not find Dallas Gibson a reliable, credible or honest witness.'

Paragraph 88: Dallas Gibson was bankrupt for the second time between '18 October 2000 and... 19 October 2003.'

Paragraph 93: '[Dallas Gibson's] explanation... was entirely unconvincing.' *Paragraph 100:* 'Dallas Gibson[s]... proposition was unbelievable.' *Paragraph 101:* This 'confirmed my opinion that Dallas Gibson was a dishonest witness.' 'In summary, Dallas Gibson was not a credible witness... he was evasive or deliberately sought to obfuscate the evidence... he gave dishonest answers.'

Paragraph 104: 'It became increasingly plain at the trial that Dallas Gibson was simply making up much of his evidence as he went along.' ie., he fabricated evidence. 'His evidence... was unconvincing'

Paragraph 118: Dallas Gibson fabricated evidence in the form of a floppy disk.

Paragraph 145: Evidence for his cross claims was 'thin'.

Paragraph 153: 'Dallas Gibson published the warning in an attempt to denigrate [MedEntry's] qualifications, experience and commitment to students.'

Paragraph 189: 'The evidence at trial established that the cross-claimants [Dallas Gibson and his business] were in fact prepared to mislead and tell untruths in order to secure business.'