

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**
(Civil Jurisdiction)

Civil
Case No. 22/1324 SC/CRML

BETWEEN: Leitangi Morris
Claimant

AND: Richie Norman
First Defendant

AND: Obed Omry
Second Defendant

AND: Ben Tathy
Third Defendant

AND: Chief Tamara Kalotas
Fourth Defendant

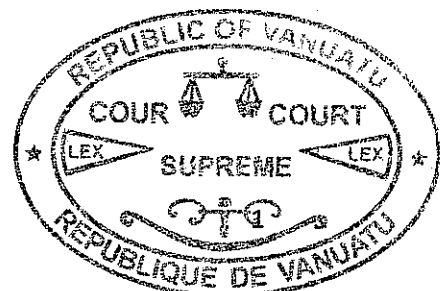
AND: Kalsale Philip
Fifth Defendant

Date of Trial: 8 April 2025
Before: Justice V.M. Trief
Counsel: Claimant – Ms J. Tari
Defendants – no appearance (in person)
Date of Decision: 18 July 2025

JUDGMENT

A. Introduction

1. The Claimant Leitangi Morris is suing the Defendants for damages for infringement of her privacy and unjust enrichment.



2. Ms Morris alleged in the Claim that in July 2022, the Second-Fifth Defendants' string band "Tokotanowia String Band" released and sold for profit the song "Shepherd Lady" about her romantic relationship in 2020 with the First Defendant Richie Norman. She alleged that the five defendants together wrote the song. She claimed that this has infringed her privacy, and that the Defendants have unjustly gained from the song.
3. The Claim is disputed. The Defendants pleaded in the Defence that there is no mention of Ms Morris in the song. They deny that the song was targeted at her but that the song was written to reflect Mr Norman's heartbreak over his relationship break-up.
4. Ms Morris filed one sworn statement. She deposed that she believes that the song, "Shepherd Lady" is about her and Mr Norman's 5-month relationship which ended in 2021. She stated that the song mentions her by the name, "Leilei" and refers to moments that she shared with Mr Norman. She stated that her *de facto* partner now distrusts her as a result of the song, and her friends, relatives and colleagues look at her differently since the release of the song and are not sure that she is faithful in her current relationship. She stated that her private life has been exposed by this song, and that the band has made a profit out of the song without her consent.
5. The Defendants did not file a sworn statement and despite being served, did not appear at the trial. Ms Tari requested judgment for the Claimant pursuant to rule 12.9(1)(b) of the *Civil Procedure Rule* ('CPR'):

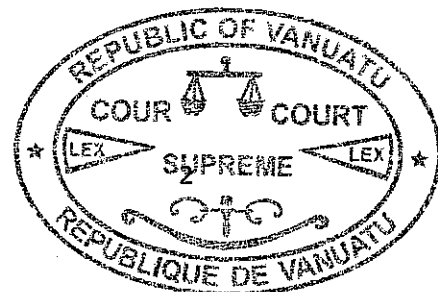
12.9 (1) If a defendant does not attend when the trial starts:

...

(b) the court may give judgment for the claimant; or

...

6. I directed the Claimant to file and serve written submissions to assist the Court with its consideration. On 2 May 2025, I extended the time for submissions at Ms Tari's request. On 2 June 2025, my secretary informed Ms Tari that her further request for a further 2 weeks was granted. It is now over a month later – no submissions have been filed.
7. This is the Court's decision.
- B. Consideration
8. There is no pleading in the Claim as to what cause of action is available in law to the Claimant for infringement of privacy. I am not aware of any Vanuatu statute



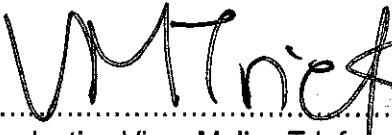
prescribing a statutory cause of action for infringement of privacy. I am not aware that there is a cause of action in Vanuatu law for infringement of privacy. This aspect of the Claim fails.

9. As for the alleged unjust enrichment, no contract or misrepresentation between the parties has been pleaded. In addition, I am not aware of a cause of action available in law for the subject of a song to sue the song's composers or performers for the creation of the song itself and its sale for profit. Even if there is, the Claim does not disclose what the elements of such cause of action are nor plead the facts from the Claimant's perspective on which she relies to sue under such cause of action: rules 4.1(2) and 4.2(1) of the CPR.
10. The Defendants have composed and released a song but I cannot tell from the way that the Claim is pleaded how it is alleged that the Defendants must be liable in law to the Claimant in respect of their music in the song, "Shepherd Lady."
11. Accordingly, this aspect of the Claim also fails.

C. Result and Decision

12. The Claimant has failed to prove the Claim on the balance of probabilities. The Claim is dismissed.
13. Costs must follow the event. The Claimant is to pay the Defendants' costs of the proceeding fixed summarily in the amount of VT30,000 **by 4pm on 18 August 2025.**

**DATED at Port Vila this 18th day of July, 2025
BY THE COURT**


Justice Viran Molisa Trief

