



PRESS RELEASE

Lodo Mondadori

FININVEST states there are unsettling omissions in the appeals sentence. Marina Berlusconi: "We've been sentenced to pay 564 million Euros thanks to a phrase being cut out."

Today the Minister of Justice and the Attorney General of the Court of Cassation were presented a statement by Marina Berlusconi, the Chairman of Fininvest, that documents a serious matter pertaining to the July 9, 2011 ruling by the Milan Court of Appeals sentencing Fininvest to pay 564 million euros to CIR in the "Lodo Mondadori" case.

The statement shows that, in the appellate verdict, a ruling by the Court of Cassation essential to the verdict was registered with a decisive passage cut out, while citing other equally decisive passages was ignored.

The result is that the meaning attributed to the Court of Cassation has the exact opposite meaning of that confirmed by the court in its verdict. Only in this unique way can judicial limits be surpassed. Essentially, a literal "precedent" has been created, as the existing one is contrary to it and, had it been applied, would have led to an entirely different verdict in favor of Fininvest.

In the July ruling, the Milan Court, convinced that the verdict of the Court of Appeals of Rome in 1991, which canceled the Lodo and gave reason to Fininvest, ruled that verdict was based on corruption and that the 1991 case had to be retried, then later ruled in favor of CIR.

The Code of Civil Procedure explicitly provides, however, that to obtain the cancellation and replacement of a final verdict, a legal claim to revoke the verdict must be made. CIR made no such claim. However, in the July ruling the Milan Court of Appeals declared that it intends to follow the criminal law principle stated by the Court of Cassation in a decision that states that, in the event of the corruption of a judge, the verdict does not apply and any civil court can and must re-try the case and issue a new verdict.

The statement demonstrates - as anyone reading the precedent cited by the Milan Court in its intact, original version has no reason to doubt - that the Court of Cassation made precisely the contrary decision, namely that there is no other way, other than withdrawing the case, to re-open the verdict of the Rome Court of Appeals for discussion.

What is disturbing is that the Milan Court not only has failed to cite the numerous passages in which, clearly, the Court of Cassation affirms exactly the opposite of what it is said to state, but has also transcribed a large portion of the decision by the Supreme Court, replacing a clause with an ellipsis explicitly referring, once again, to revocation.

"It's a fact whose seriousness is beyond question," said Marina Berlusconi. "In the face of something this grave, making a statement and submitting what took place for the scrutiny of the competent authorities is an obligation. This of course is unconnected to the appeal made to the Court of Cassation, which will continue.

"We have always known," adds the Chairman of Fininvest, "to be right, to have worked with complete correctness and to have undisputedly documented it. Nevertheless, we have been subjected to, first a Court decision and then that of the Milan Court of Appeals that is an unfair expropriation in favor of the De Benedetti Group. "

"We never would have imagined that a verdict to pay 564 million euros could even be based on material cut out of a phrase and on other startling omissions in reporting a ruling by the Court of Cassation. In short, a decisive precedent has been created to harm Fininvest."

"We cannot remain silent about this and feel it is our duty to disclose this deeply unsettling fact."

Milan, October 4, 2011