GERALDINE E ALLAN

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WITHOUT PREJUDUCE
CONFIDENTIAL

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GERALDINE E ALLAN

Mr. Fred Lester,
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P O Box 869,
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WITHOUT PREJUDUCE
CONFIDENTIAL

Dear Mr Lester,

CLAXTON: Writ no 280 of 2013

Your 14th May 2015 letter was Aus Post delivered, Monday, 17th May 2015.

CHANGE OF ADDRESS
Please note my change of address for service. Formal notice in Supreme Court Registry will be filed next week.

Previous and prudent advice was that I avoid disclosing my address to the defendants for a number of reasons, including stalking. This is no longer pertinent since contrary to denials direct evidence confirms that surveillance happened thus my address is known.

PREAMBLE
There are a number of points I raise. For now, commonsense promotes a hesitancy to provide copious detail in any legally-unsafe communication. I was to some extent willing to discuss more openly within the legally confidential forum of (what I now know to be pseudo) Mediation process. More on this in Item 12: MEDIATION.

In July and again in August 2014 I asked Mr Ashman to mention to you various matters of concern and suitably advise the court as required. It appears client instructions were either ignored or not acted upon for questionable legally strategic reasons, the value of which in my view was detrimental to progress. More on this in item 10: LEGAL REPRESENTATION.

Except, it is imperative before I proceed in this communication that I ask that it not be misconstrued as threatening. To date, I have refrained because I didn't want my openness to be mistaken for any sinister approach; it is not. Rather my intention is conciliatory and without malice, which is harmful — a situation I genuinely wish to avoid.

My intuition guides my direction for this letter. It has been sitting in draft form for several months, having intermittently been a discussion topic with my counsellor. Though, I have a dilemma balancing openness with essential restraint.

Out of goodwill in this matter, delicate and / or surprising matters remain hushed, so far. Within existing constraints, this is my best effort to be tastefully forthright.

The dishonour and betrayal assigned to my husband (both directly and indirectly) to date is appalling and deplorable. I can say no more on that at this time. My fidelity to an assurance to him dominates my priorities. Depending on how this matters proceeds, to do that may have to be 'a whatever it takes' decision for me.

For convenience, I itemise matters in A-Z order. Although the list may appear voluminous, and because I am aware of the legal sensitivities in detailing I am necessarily cautious in particularising to the extent I was prepared to at the July 2014 legally confidential mediation forum.

As best as I am able in given constraints, I develop the situation in writing in the context of anticipating a positive forward move. Thus, I offer the defendants a choice of how long this trip goes.

A-Z LIST: HEADERS

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2. COUNSELLING
3. DEFAMATION
4. DEFAMATION UNRELENTING
5. DEFENDANTS' CHOICE
6. DEPRESSION
7. DISCOVERY
8. ELDER ABUSE
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1. CRIME

It is past time to be subtle. Frankly speaking, you may be unaware of various criminal elements specifically linked to relevant-to-this-matter activities. On the other hand, there are some that ought be obvious, from the information you already have in your possession.

Because this is (or was) my family, I feel uncomfortable with proceeding with advice received. This subject-item was on my agenda for private confidential discussion at the 03/07/14 hearing. Due to a defective pre-mediation and hearing process, it was impossible to address specific items as I expected could and would happen.

a. Criminals will be punished

Genuinely, I am hopeful of avoiding further harm. I am including delicate comment as tactfully as my capabilities permit in an effort to find the middle ground to this action. Having put relevant advice on hold, with time the following excerpt appears to be a reality: -

"...But the point I want to stress is that criminals will be punished whether

they're young, whether they're old, whether they're male, whether they're female, whether they're criminals abroad or criminals at home," Abbott told reporters (May 2015)."

b. Notable

The Defence as filed appears in part to facilitate (take advantage of) particular known criminal activity.

2. COUNSELLING

a. I was and remain, shattered

Counselling was essential and sensible.

The defendants' actions remain debilitating and devastating. Bearing in mind para 3 of the Defence states:
They deny that the plaintiff has suffered any humiliation, loss of credibility, injury to reputation, diminished character or integrity as set out in paragraph 11, or at all, as a result of any action by them.

For me the challenge has been and is, to avoid becoming part of the intolerable, destructive and disturbing scene callously created. Yet, to do nothing is insufferable, perilous and not an option.

b. No place for denial of harm

A broken plate cannot be fixed. There is a worthwhile reflection that succinctly conveys the situation.

Grab a plate.
Throw it on the ground.
Okay, done.
Did it break?
Yes.
Now say sorry to it.
Sorry.
Did it go back the way it was before?
No.
Do you understand?

3. DEFAMATION

a. Action initiated

The defendants initiated the core action. People are complex, even bogus every so often.

As a last resort, when all else failed I instigated the only remaining remedy to stop further detrimental and abusive action and deal with that which had already happened. That is the right of every citizen. Hidden manipulations to derail me have been and will continue to be ineffectual. There is no space in my life for malicious persons. Tolerating attempts to unfairly dispossess me of my right to peace and happiness cannot and will not appear on my agenda.

b. AIM doesn't trick me now

Although being vulnerable and unsuspicious (others weren't) at the time this horrid situation developed, I am now alert to the processes applied and I grasp why and how they happened. They are: - Associate, Infiltrate, Manipulate (AIM).

4. DEFAMATION UNRELENTING

a. Further action pending

Reputational violence has continued in the form of social-media defamation. An online campaign of harassment / trashing of my reputation is further abuse and a game of 'thumbing nose' at the current Supreme Court action.

The abusive defamation will end, one way or the other. The more immediate questions are how and when?

The game challenge for me is shaping up as *you stop telling lies about me, I'll stop telling the truth about you*. Although to date I have refrained and prefer not to produce the 'dirt file', even though that is what will have to happen by relevant witnesses including myself, as required in the current Supreme Court action. For now I make the effort to not get ahead of myself. More on this in Item 9: EVIDENCE.

b. Concerns notice

Brashly denying me (1st action subject victim / plaintiff) any opportunity to react / respond before and after publishing (both 1st action and 2nd pending action) has defamation law consequences.

Unless matters are remedied ASAP, I will issue a concerns notice relevant to a pending 2nd defamation action. Specified SCR time limits prevented me from doing this before filing Writ No 280 of 2013; at least I attempted to incorporate an offer as best I could within the given constraints of the required civil process.

Time is not an issue for now as it relates to the further and continuing defamatory publications.

5. DEFENDANTS' CHOICE

a. Two (2) choices

Current litigation can and must proceed one way or the other. Said another way the short cut, or long route; the easy, or difficult way; a matter of choice. Which way is a decision for you and your clients.

b. Mutually or individually we can make decisions

Whatever is your / the defendants' choice, be assured the plaintiff (the writer) is here until the abuse including ongoing reputational violence ceases and is remedied, however long that may take.

6. DEPRESSION

a. Second-named defendant

It is unfortunate to say this, but not ill timed. Although my husband and I suspected it for numerous years, it is not until "depression" has been publicly declared that I / we (my husband too held grave concerns [expressed to witnesses] over several years) risked mentioning it, for fear of further repercussions. Over several decades anxiety has been apparent in a variety of ways.

Due to the second-named defendant's Facebook (public) disclosure, it is significant to me that wherever possible I avoid exacerbating the illness by any further anguish and distress. Having witnessed the many faces of depression over numerous years, I am acutely aware of them and have loyal empathy for persons who suffer the debilitating illness.

b. Consequently

Accordingly I offer my non-antagonistic and conciliatory approach. For now, it is essential that at least one (preferably both — plaintiff and defendants) of the parties to the litigation initiates and demonstrates a mature approach.

7. DISCOVERY

a. Which way forward?

If the choice is to avoid further conciliatory discussions, the next step in litigation is Discovery of Documents, followed by Interrogatories.

I expect once you have had an opportunity to discuss this with your clients, you will advise me which way you / they choose to proceed.

b. Proceed with SCR

If the decision is to proceed as is, I will immediately move forward under Supreme Court Rules, PART 13, Division 1A, as it relates to discovery. Whether or not that will be (*i*) mutually agreed or (*ii*) by order, will require further communication.

8. ELDER ABUSE

a. Campaign of harassment and siege mentality

One way or the other the illegitimate and malicious campaign will cease. Inciting hatred, oppression by misleading and at times, acting criminally, is unacceptable.

b. Right to Privacy

Everyone has the right to: -

- Be free from unwarranted and illegal interference of others;
- Respect for [his or] her private and family life, home and correspondence;
- Live in peace.

Although the invasions of my privacy were not limited to this — evidence exists of defendant(s) dishonorable spying efforts in an attempt to obtain

information thereby on occasion further harming (*i*) both my husband and me, and / or (*ii*) me alone.

c. Tolerating the intolerable can / will not happen

Having time and again been the target of drawn-out abuse, the time is well past for it to cease. Also refer item 4: DEFAMATION UNRELENTING.

9. EVIDENCE

a. Adverse consequences of immediately proceeding

If the decision is to proceed before fitting mediation has occurred, there are a few ways of doing that, which may require Supreme Court procedural decision(s).

To date records reveal that in rejoinder I have operated with discretion. Of necessity — pragmatically and quickly, I may have to pause that reservation. Revert to already-discussed items 3-6.

b. FACTS do not cease to exist because they are ignored

Disinformation is intentionally false or inaccurate information that is spread deliberately. That has happened.

The tactic identified appears to have been in an effort to:

i) Mix some truth and observation with false conclusions and lies, and / or
ii) Reveal part of the truth while presenting it as the whole in a limited diatribe as instanced during but not limited to, the 03/07/13 (simulated-mediation) second-named defendant's harangues.

c. False & misleading

Evidence confirms that dissemination of disinformation has occurred — disinformation to manipulate readers at a cogent level (*we are intelligent, we are medical practitioners — translating to we are wise*) by either omitting or discrediting conflicting information or supporting false conclusions.

Construction of false realities (deception) has been / is, witnessed. That is, statements made knowing them to be false or deliberately omitting matters knowing that without them, the information communicated is false and misleading. It has happened.

Evidence exists (including witnesses) that confirms the defendants' —

- Acts of deception and false statements to convince readers of untruth, (I do not confuse disinformation with misinformation);
- Misinformation that is unintentionally false;
- Half-truth modus operandi designed to engage emotional support, a strategic (common to writers) technique to gain specific perspective;
- Discrediting the plaintiff by association with many (easily disproved) false claims;

d. Hard and direct contradictory evidence exists

i. Dirt files;
Contrary to that of the defendants to date, my preference is to keep dirt files where they belong.

ii. Witnesses will be called; others subpoenaed;
Predictably, a few witnesses to be subpoenaed will suffer considerable discomfort and exposure under XXN. That is inescapable in a valid Supreme Court process. For obvious cautionary reasons I am unable to further detail, other than to say my preference is to avoid additional harm where possible, yet evidence on hand suggests sociopathy prevails in some decision-making.

iii. Particular evidence will be subpoenaed;
For obvious cautionary reasons I am unable to further detail.

iv. Going back a long time, as did the publications;
Being a hoarder for posterity, my hard-copy (direct) evidence dates back to relevant-to-the-defamation and before years. Providence?

v. Some testimony possibly will shock, even devastate;
Only if and when necessary, specific and unambiguous evidence and oral testimony can and will be produced that has never been spoken about to date. Additionally and repeating, *my preference is to keep dirt files where they belong.*

10. LEGAL REPRESENTATION

a. Self-represented for now
Because of my already given reasons: item 6 (a & b): DEPRESSION, in good faith and for now, my decision is to chance pursuance of this less conventional legal lane. Although it seems sensible to advise that I have taken alternative specialist defamation legal advice, for now I am a self-represented litigant. Let's see where this offer goes before I further instruct.

b. Client instructions ignored
While my 2014 requests to [redacted] act in an appropriate way as required, appear ignored, they are not buried.

Contrary to television advertising, at times it is untrue to broadcast, "[redacted] *will protect your rights".*

Without across-the-board detail, a number of issues are: -

i) Advise Supreme Court and Counsel for defendants of plaintiff dissatisfaction with the improper and pseudo-mediation;

Post-mediation I immediately lodged my concern. Refer: below item 10 d: Post-mediation immediate advice to [redacted]

ii) Malice;
See item 11. For obvious cautionary reasons I am unable to further detail. It may become necessary as discussed under headers items 9: EVIDENCE and 11: MALICE.

iii) Preliminary point;
For obvious cautionary reasons I am unable to further detail.

iv) Summary judgment;
Default judgment (defaulting defendant) relative to the defence filed, not the least of which related to SCR 266 (1).

v) Other
For obvious cautionary reasons I am unable to further detail.

c. Delay
Being well aware of the relevant time limitations in this action, one complaint (to LPBT re previous legal practitioner) is the affect of Bishops' unprofessional delay in reply, as it affects SCR 55. My inkling is the Supreme Court will consider this in any way it may affect moving forward.

Annoyingly, my former legal representative, Mr Ashman of [redacted] failed to respond to my Monday 18th August 2014 correspondence for almost five (5) months. On 13th January 2015 I received the firm's notice of intention to cease to act along with a letter containing undeniably simulated reasons that at best are considered as a rationalisation of reasons for the present awkward and unprofessional situation in which the firm found itself.

It immediately brought to mind a 1991 opinion[1] of then former Supreme Court judge Mr F M Neasey (now deceased). Extract reads: -

...

As a general comment on how things turned out, it is obvious that ... The solicitors have written a report on the reasons for settlement, ***and without suggesting that any of it is untrue, it undoubtedly represents their best rationalisation of their reasons for ...***

[GEA inserted emphasis]

[redacted]

d. Post-mediation immediate advice to
Less than 24 hours after 03/07/14 pseudo-mediation hearing, at 9.22am on 04/07/14, I advised [redacted] of my dissatisfaction with what had and had not occurred, as it conflicted with that to which I had agreed. I wrote: -

> *At this early stage after yesterday's mediation, and having given the matter at issue considerable and overnight consideration, I advise you that I feel indeed dissatisfied with the (i) venue (ii) process - pre and actual, and (iii) outcome. In my view it was far more about output, than outcome. Thus after the process, it seems decent to advise you ASAP that I hold considerable and numerous concerns, which I accept are not itemised here. ...*

[1] On a legal practitioner's report

e. Just a short while later I followed up re remedy?

During a 9th of July 2014 telephone call I received from [redacted], I identified several issues of concern that occurred pre and during the bogus-mediation process. Furthermore, I asked that the court be made aware of my dissatisfaction with that (privately arranged) process. That request was for a specific reason, as I detail below.

[redacted] advised me ... *that the court is not concerned with the opinion that you have over private mediation.*

Because [redacted] maintained that my *perception and satisfaction with mediation does not concern the court,* it is necessary to record here that I specifically wanted the court to be aware insofar as to my mind the court must be aware of the most unprofessional muddle-up of that process. For that reason I made and hold extensive records.

As matters progress, I suspect the court might then revert to a properly supervised (court-ordered) mediation.

Following that conversation, I asked [redacted] about any remedial action taken being mindful of relevant information.
http://www.msb.org.au/faqs/how-do-i-make-complaint-against-mediator
I wrote,
"...
Incorrectly, I anticipated you would take up the serious-in-my-view post-mediation concerns I raised with you and, where possible, address the issues notwithstanding belatedly. I waited ... and am still waiting on that matter.

Rather than assume (as I have been doing), I ask: -

- *Has mediator, , been paid?*
- *If so, is mediator, , aware of your client dissatisfaction and also yours, I would hope?*
- *Certainly dissatisfaction is warranted on several fronts.*
- *Is a qualified / accredited mediator under either a state or national oversighting organisation?*
- *If the answer is yes, as such, there exists an accountability requirement — to comply with specified approval and practice standards.*
- *Were you provided with any opportunity for feedback?*
- *Since I did not personally engage the mediator, I am in a disadvantaged position relating to remedy. I anticipated you would deal with the dissatisfaction. ..."*

f. Client instructions ignored

Specifically, as above-mentioned I requested that the Supreme Court be notified of my expressed concerns about failed mediation. Hindsight tells me that 24 hours prior to 03/07/14 hearing, having expressed my pre-mediation concerns re inadequate preparation / consultation, I ought have refused to participate / continue.

It seemed at the time that those in charge of the organising and representation (for what useful purpose remains unclear to me) believed everything that needed to be was covered. Clearly, it wasn't. It was naught but a weak and unsuccessful attempt at window-dressing representation for and at, a pseudo mediation process.

Turning a blind eye to unprofessional and most inadequate processes can occur through ignorance. I don't believe that happened; more likely the cause was because it was too difficult or it conflicted too much with commercial realities. Repeating my perception — it was more about output than outcome.

g. Subject to complaint to LPBT

Because of my below-expressed alarm about your non-declaration of conflict of interest (refer item 12 (e): MEDIATION), it seems fitting that I record my expectation that you will properly abstain from participation in any matter that may involve any associated membership role of a Law Society committee, if a situation arises in due course relating to my complaints about Messrs and .

11. MALICE

a. Siege mentality

I perceive black and white thinking that appears to be escalating the ill feeling, the consequences of which are detrimental to sensible resolution. Reckless ruthless actions sometimes result in unforeseen cruel outcomes.

b. Evidence of malice

For the record, there is a volume of supporting evidence. For obvious cautionary reasons I am unable to further detail.

12. MEDIATION

Mr Lester, though I recognise you are not my legal practitioner, since you were a participant to the arrangements, I am discussing the failed process with you to a limited extent.

a. My approach / attitude

The final four (4) sentences of DESIDERATA (the defendants have our framed version) have been and remain pertinent to me, as a guide.

From my end, I approached the mediation with a deep positive conviction whilst accepting that there were delicate times / issues that had to be covered. In spite of my fears (that became reality) I prepared with courage, that is — behind the dark *clouds* was sunshine.

I was prepared to look beyond the law and discuss what was morally right in the given circumstances.

Being aware issues were not as black and white as the law I was willing for a co-operative meeting of minds. Except, that had to be a two-way attitude for fairness, and it wasn't.

b. Defendants' approach / attitude

My attitude lost intensity fast, once my fears materialised as I witnessed the plaintiffs' negative / combative stance. Also refer item 12 (i): MEDIATION.

c. Confidentiality

No reminder for my end is needed re confidentiality of Mediation. Nevertheless, it needs to be said that my evidence is amassed from outside that forum.

d. Extensive list of matters

I had with me a considered précised list of matters believed to be relevant to the arranged / agreed mediation process. Notwithstanding and for several conspicuous reasons, the list was not addressed. However, I say my conciliatory approach prompted inclusion of (i-iii below) in that list for discussion about but not limited to: -

i) The second-named plaintiff's personal belongings;

Including but not limited to books, keepsakes both school and personal, and other items I believe are significantly meaningful and would preferably be wanted rather than destroyed, as will have to happen since I am unable to store them indefinitely.

ii) My Will;

This was and remains a delicately emotional matter in more than a few aspects. Repeating — *reckless ruthless actions sometimes result in an unforeseen cruel outcome*. The upshot of the current status of the family relationship seriously affects our grandchildren and their rightful claim to a heritage, whatever that may be. Undesirably, as circumstances prevented this discussion at mediation, unhappily I had to act in an appropriate-to-the-prevailing-circumstances, manner.

Having recorded private messages in sealed envelopes, which are in legal secure keeping for our four (4/7) grandchildren who are denied access, the tragedy will be in reading the contents. That is a harsh but necessary fact of the matter.

Our four (of 7) affected grandchildren are entitled to know the truth about why they have been deprived of grandparent and heritage access when the remaining three are not. There is also other information as it affects them in the future. They have been intentionally denied an important aspect of their birthright.

I know more about this than I am able to say here and now.

To the extent I am able, I refuse to be part of their dispossession. Consequently and upon prudent advice, I have taken the most remedial step currently available. Although I was loath to do this and discussed it wisely beforehand, for now that is how it has to be. I am open to reviewing this situation, in fair and reasonable discussion.

iii) Other;
The agenda was comprehensive. I'll leave it at that for now.

e. Conflict of Interest undeclared

This is of serious concern. Appallingly and in a dubious context, neither yourself nor mediator declared your conflict of interest. In my view, that was and remains unprofessional, unfair and discriminatory (to me) and, inconsistent with application of rules as per my understanding.

Belatedly, I came to know that you both are members of the . That is a shockingly close liaison amongst a select 12-person group that I believe ought have been declared. At this time, I am unaware if knew that. At one point, he advised he was a former student.

f. Complaint to LEADR & IAMA

Primarily and not unreasonably, my expectation was and remains that a competent mediator will have knowledge of human decision-making and plentiful communications skills whilst being adept at listening.

Skilled negotiation skills must be evident although follow the above-mentioned principal priorities. The efficacy test result of 03/07/14 mediation, is 0%

Thus, the importance of checks and balances is not to be instantly dismissed, as appears to have happened. Transparency, accountability and good practice go hand in hand with public interest. I refer the reader: -
https://www.leadriama.org/dispute-resolution/about-mediation
...
Giving feedback or making a complaint about a mediator
If you have a positive comment, a concern or a complaint about a mediator who is a member of LEADR & IAMA, please contact LEADR & IAMA. We take all feedback seriously and will respond to you promptly and sensitively. ...

g. Confidentiality

No reminder is needed re confidentiality of Mediation. Nevertheless, I am prompted to ponder the validity of the 2014 agreement, given the unsound situation as witnessed and identified.

h. Counselling

Following the unacceptable, farcical and shocking mediation processes, it was necessary for me to seek professional counselling, which has been regular and ongoing.

i. Defendants' approach / attitude

Although I expected some tension, early into the 03/07/14 hearing it was evident to me that a combative formidable mode was the order of the day. Pragmatism would have been beneficial, yet it was seriously lacking. Of necessity and without delay, I mentally reassessed my pre-meditated position.

It was time to be careful how I continued.

The task then became — to see through the defendants' trendy window-dressing that hid the true personalities / intentions.
The key was / is — not to be fooled by those who hide behind a facade built by themselves.

Inadvertently, in her discourse contribution, the second-named defendant verified a number of suspicions I already held. Also, you might recall that when I albeit briefly raised the "stalking" issue, denial happened to which I further detailed one instance. There followed a blank surprised reaction and then sniggering and indecipherable mumbling between the defendants, but no accountability to the forum hearing. Hmmmn.

Also, I witnessed areas of fabrication / deception about which I advised in the private room forum. That reduced credibility and good faith.

13. TRUTH

a. Selective memory and selective amnesia

There is no place for this in the current action. Although my understanding is that it is not court-recognised (in Tas), I am willing to undergo a specialist truth assessment of the allegations, by subscribing to a polygraph test. After any analysis, if the results indicate I am not truthful about contentious issues, I will initiate discontinuance.

Are the defendants prepared to subject themselves to the same analysis?

I note this could well be difficult for first-named defendant, since before 1991 he was not in our life at the times related to numerous published allegations about which *truth* is declared[2]. The snag is — how can an absent person (to unconfirmed reports) confirm them? Hearsay?

Being aware that certain people try to fool the test, by engaging in specific behaviours (tricks) in an effort to distort the trace of these things, my belief is that a credible operator knows what to look for.

While I'm on the subject of *behaviours*, at the 03/07/14 pseudo mediation conference via Skype, I was attentive to certain revealing traits that only a parent, (perhaps even *only* a mother) recognises relating to the second-named defendant.

b. Truth doesn't lie somewhere in the middle

Since we are amidst a court of law, Pontius Pilate's court comes to mind. He was not interested in truth and washed his hands of any responsibility for justice. I suggest our modern day courts have improved on that.

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[2] … *This is the truth. Louise and Scott*. Document published April 2012, refer Statement of Claim

Current defamation matters and evidence bear on, 'should I write what I want to, or should I write the truth?'

14. FINALLY

a. Where to from here?

If the reader has stayed patient with me to here, the concluding proposal is that a properly organised private mediation occur. Upfront modus operandi to be mutually agreed and that would include suitable time allocation and premises. I see no need for legal representation. In fact, I believe that could hinder progress.

An accredited, competent, experienced and fair facilitator would be well equipped to guide the process to a point where maybe legal representation is necessary. Prior to the July 2014 forum, I expressed trepidation re the Skype link-up as opposed to person-to-person direct. That position remains.

Having offered the above, and given the pseudo-mediation that occurred and about which I asked for the court to be notified, my understanding is that down the track the Supreme Court will order a properly constituted mediation. Thus we can do it either way.

b. This letter

This reply is intended to be a genuine intent of resolution with the least possible harm to parties to the litigation.

Yours faithfully,

GERALDINE ALLAN