



Level 27, 101 Collins Street, Melbourne VIC 3000  
ABN 21 123 291 510

LEGAL.AU@RHODIUM.COM

\* \* URGENT \* \*

Ms Margaret Teresa Cunniffe  
2 Vaughan Crescent  
Kew  
VIC 3101

—  
Dear Ms Cunniffe

RE: **CASE - VIC MC E11516804 - PSIO OBTAINED AGAINST JOANNE MARGARET COCHRANE  
[20140812 MTC VEXATIOUS PSIO.DOCX]**

We refer to your Application for an Interim Intervention Order on 09 May 2014 and note that you have made a number of false and deliberately misleading statements in order to pervert the course of justice.

The primary purpose of a Personal Safety Intervention Order is to protect the Applicant from the immediate fear of physical violence, or to a lesser extent psychological harm. Psychological harm is very difficult to ascertain and a Court cannot correctly ascertain that effect without Expert Testimony, which the Court has not requested and yourselves have not provided.

The e-mail that JMC sent was neither defamatory nor harassing and quite matter of fact in fact - perhaps you have forgotten that you sent two process servers to JMC's house on two separate evenings who served the same document - is that not harassment?

JMC was neither fazed nor upset - and it did certainly not drive her to anything apart from analyse the transcripts of various cases in Western Australia and Victoria in which you have made a series of false and deliberately misleading statements and to assist our in-house counsel and instructing attorneys to prepare various cases against yourself and your partner.

The threat of physical violence is the reason that the form PS01 states 'give a brief outline of each incident including the date and place it happened'.

Obviously 'place' does not mean 'computer screen' otherwise every time a newspaper article appears which causes someone, somewhere, some stress, then it would necessitate the Police getting involved.

Please review the following paragraphs and provide ACTUAL EVIDENCE of the following in relation to the same, providing ACTUAL EVIDENCE and not your usual baseless conjecture:-

### **Evidence Required 01**

You have stated that '*She has a history of abusive and harassing behaviour towards me*'. Your statement is false and deliberately misleading. It is in fact yourself that has a history or 'abusive and harassing



behaviour' and you have been the Respondent in a Violent Restraining Order made against yourself by Walter Steve Vermeulen in October 2009.

Furthermore when both yourself and JMC were residing in Western Australia it is a fact that you did not obtain a Violence Restraining Order against her during those three years

In fact your Partner has also found you to be aggressive on various occasions and he has been the subject of physical and verbal abuse from yourself at various times.

**We therefore hold you to STRICT PROOF to provide direct evidence supporting the allegations you have made.**

### **Evidence Required 02**

You have stated '*This behaviour has escalated recently since the respondent has moved from Perth to Melbourne*'. Your statement is false and deliberately misleading. JMC returned to Victoria in January 2014 (JMC was born in Moe, and Victoria is where her parents and siblings reside) and yet you are only now obtaining a PSIO 5 months after the pair of you have been residing in the same state.

**We therefore hold you to STRICT PROOF to provide direct evidence supporting the allegations you have made.**

### **Evidence Required 03**

You have stated '*The Respondent obtained a default judgement against me in Perth*'. Your statement is false and deliberately misleading because JMC was not the Plaintiff in the WA MC 1908 of 2013 case you are referring to therefore JMC did not obtain a judgment in her favour against yourself. In fact WA MC 1908 of 2013 is ongoing and RHOAU will be continuing that shortly until RHOAU decides to discontinue it for strategic reasons.

**We therefore hold you to STRICT PROOF to provide direct evidence supporting the allegations you have made.**

### **Evidence Required 04**

You have stated '*I appealed this and was successful and obtained a costs order against her*'. Your statement is false and deliberately misleading because the costs order was in relation to the alleged conduct of Rhodium Australia Pty ("RHOAU") which RHOAU denies (yet was never provided an opportunity to correct such conjecture), actually arising from various failures of the WA Magistrates Court itself the WA District Court and your own attorney Mr David Lenhoff and the antics of Mr Simon Thompson of McDonald Slater & Lay and Mr John Werner who who provided similarly deliberately misleading affidavits and testimony.

The costs order is only relevant to JMC should the situation arise in which RHOAU was unable to pay - which of course would never be the situation given RHOAU's own solvency and its access to significant financial resources in addition.

Given that there are already around AUD 1.3 million in judgments against yourself and your partner which are immediately enforceable then we fail to identify any real victory by yourself that would cause JMC to



be so acrimonious as you imply. In any event the documents that JMC authored were started in 2012 and continued in 2013.

**We therefore hold you to STRICT PROOF to provide direct evidence supporting the allegations you have made.**

### **Evidence Required 05**

*You have stated 'Since she was served with the costs order her harassment has escalated'. Your statement is false and deliberately misleading because RHOAU's decision to Appeal the flawed decision of the WA DC was already communicated to your attorney Mr David Lenhoff on the day of the Hearing by JMC, and RHOAU made an Appeal to the WA Supreme Court (APP CACV 52 of 2014), until RHOAU decided to discontinue it for strategic reasons in August 2014.*

By way of information the reason the matters was discontinued was for two reasons - firstly, that JDS had given an undertaking to the WA SC on behalf of RHOAU to discontinue proceedings if RHOAU documentation was not in place by a specified date, and secondly because JMC has contacted the Victoria and Western Australia Police and they have stated that they are reluctant to undertake investigations for Perjury whilst a matter is presently before the Courts.

**We therefore hold you to STRICT PROOF to provide direct evidence supporting the allegations you have made.**

### **Evidence Required 06**

*You have stated 'On the 30/4/14 she sent an email saying she was assisting another person claiming I had ripped them off and owed them money. Attached to this was a document of about 24pages detailing personal information, text messages between myself and my partner, and private financial documentation including a former bankruptcy notice. This email was sent to over 30 of my contacts disclosing personal information designed to discredit and defame me'.*

Your statement is false and deliberately misleading, firstly because your information ceased to be private upon yourself using RHOAU's technical resources to access and store it, as agreed via (your façade) Synergize Consulting Pty Ltd's ("SYN") contract with RHOAU under the overarching RHOAU Contractor Services Agreement first entered into in 2007 with subsequent revisions.

Secondly the information contained within JMC's document was in fact screenshots both legally and lawfully obtained from RHOAU equipment or from publicly accessible websites, and you were the author of the information contained within such screenshots. A screenshot of yourself making disparaging in relation to the weight of your partner's daughter is not JMC's authorship - and it would therefore seem that the disclosure of your own toxic and manipulative behaviour towards third parties is the real issue.

Thirdly the information that was contained within that document was true, therefore JMC has a complete defence to defamation in any event. Despite yourself stating repeatedly that such e-mails are defamatory we note that you have done absolutely nothing about the matter, except this PSIO in its place.

In any event there is INCONTROVERTIBLE evidence that you DID in fact DEFRAUD Dr Daljit Gill PhD MBA ("DSG") and you are also aware that DSG did write to various parties directly including your partner and at least some of the 30 contacts you are referring to with a copy of the judgment that RHOAU assisted in



obtaining for himself. For yourself to then imply that JMC was the driving force behind DSG's judgment is laughable as it has his signature on his Affidavit and it was sworn in Reading, United Kingdom.

**We therefore hold you to STRICT PROOF to provide direct evidence supporting the allegations you have made.**

### **Evidence Required 07**

You have stated *'On the 6/5/14 she started following me and stalking me on Twitter'*. Your statement is false and deliberately misleading firstly because parties using Twitter are able to read the posts of anyone without permission, and would not need prior access to do the same or to 'stalk' an individual.

It is therefore impossible to be 'stalked' on Twitter and secondly because JMC already has over 1,000 other parties whom she regularly reads the postings of, for a period pre-dating your own account creation by some years.

Furthermore it is in fact yourself that has been joining groups on Facebook that JMC was a member of and in fact yourself that have been making defamatory and inciteful comments regarding JMC and others ("Injurious Falsehoods").

In any event it is in fact YOURSELF that has communicated with JMC AFTER you put the PSIO was in place thereby making a mockery of it and thereby restating that the PSIO was indeed a sham, an abuse of process, and with a different purpose entirely.

**We therefore hold you to STRICT PROOF to provide direct evidence supporting the allegations you have made.**

### **Evidence Required 08**

You have stated *'On the 20/4/14 she sent an email to a large number of my personal and professional contacts defaming me'*. Your statement is false and deliberately misleading, firstly because the contacts were properly obtained from RHOAU equipment arising from your prior theft of RHOAU's technological resources, and secondly the information contained therein is true about yourself. As such the information is not defamatory.

**We therefore hold you to STRICT PROOF to provide direct evidence supporting the allegations you have made.**

### **Evidence Required 09**

You have stated *'She has become engaged in a personal vendetta against me'*. Your statement is false and deliberately misleading, because it is in fact yourself who propagates Injurious Falsehoods against third parties and polarise the masses against innocent parties via way of hate campaigns, arising from your repeated failures to actually achieve anything of note despite various opportunities and significant funds either loaned to yourself on your specific representation that you would repay the same or funds which you have misappropriated. Your haughty opinion of yourself is why you believe that third parties are interested in yourself and your activities.



**We therefore hold you to STRICT PROOF to provide direct evidence supporting the allegations you have made.**

### **Evidence Required 10**

You have stated *'Recently my partner and I have been receiving hang up calls from a private number in the middle of the night and also had our doorbell go off in the middle of the night and no one be there'*. Your statement is false and deliberately misleading because JMC has GPS logs confirming her whereabouts and also full phone logs, both of which can be provided to the Court directly for their review.

Unsurprisingly you have failed to specify any dates and times when these alleged incidents are meant to have occurred and you have also failed to demonstrate any evidence linking JMC to these alleged incidents.

Furthermore JMC's mobile and home number are not private and JMC, as the mother of two young children, would not abandon them to go driving for a two hour round-trip to your house in the middle of the night as you claim.

**We therefore hold you to STRICT PROOF to provide direct evidence supporting the allegations you have made.**

You have stated that *'The Boroondara Police have advised me to get an intervention order and I seek immediate protection'*. There is no doubt whatsoever that your false and deliberately misleading statements to the Police, are the sole reason that the same Police suggested an Intervention Order - your the argument is therefore circular in construction and something we see repeatedly in all matters involving yourself and your partner.

You both create problems and then when the other party responds to your aggression, your use that natural response to your aggression to propagate lies stating that they were the aggressor.

Having reviewed that which you wrote to obtain the PSIO it is patently obvious that the only matters of real concern to yourself is the alleged defamation and how it impacts on your perceived reputation of yourself, which further underlines the true reason for your obtaining the PSIO.

In fact you have used the words 'email', 'lies', 'discredit', 'defame', 'defaming', 'making comments', 'professional and personal contacts' several times. You have attempted to detail matters of alleged defamation, but miserably fail to detail any matters which pose an immediate threat to your Personal Safety. Read your statement again or ask a legal professional to analyse your real areas of concern.

You have miserably failed to detail any matters which pose an immediate threat to your Personal Safety and the only concern is the exposure of yourself and your partner as liars, which JMC's e-mail certainly does in no uncertain terms.

In view of the total absence of any information linking JMC to matters of Personal Safety, the obtaining of a Personal Safety Intervention Order, as a tool to shield yourself from defamation, was a malicious abuse of process and utterly disgraceful in the circumstances.

And finally, we note that the documentation you have filed to obtain the Personal Safety Intervention Order ("Originating Process") is deficient because you cannot use two different Acts for the same matter.



9. May. 2014 14:29

Criminal Co-ord +61386153820

No. 8387 P. 5/11

BDMZ

CRIMINAL CO COUNTER

PSO1

**MAGISTRATES' COURT PERSONAL SAFETY INTERVENTION ORDERS ACT 2010**

**APPLICATION AND SUMMONS FOR AN INTERVENTION ORDER**

Case Nr. E11516804

Date of Hearing **28/5/2014**

At **09:30 AM**

Who makes the application? **CUNNIFE, MARGARET T.**  
(Applicant)

9. May. 2014 14:29

Criminal Co-ord +61386153820

No. 8387 P. 6/11

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CRIMINAL CO COUNTER

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**MAGISTRATES' COURT FAMILY VIOLENCE PROTECTION ACT 2008**

Case Nr. E11516804

continued)

Your Page 5/11 references the Personal Safety Intervention Orders Act 2010 and its continuation sheet 6/11 references the Family Violence Protection Act 2008. JMC is thankfully not related to yourself by any stretch of the imagination.

Clearly because an order cannot exist across two opposing Acts at the same time, there is actually NO VALID Intervention Order before the Court at this time that JMC needs to comply with.

If a Court of [competent] jurisdiction has made a [deficient] order then JMC will respectfully comply with that [deficient] order until she challenges it and/or is directed otherwise.

However, since JMC was never the aggressor here and was merely responding to years of persistent harassment and psychological harm from yourself and/or your partner, the absence of the PSIO will have no effect on her dealings with yourself and/or your partner and she will go about her business as she has always done as a God-fearing Christian.

**NEEDLESS TO SAY, YOUR ACTIONS ARE AN INCREDIBLY VEXATIOUS ABUSE OF PROCESS.**

In order to preserve JMC's position please furnish us with the Evidence Required WITHOUT FAIL by 17:00 Melbourne Time today, 12 August 2014, to [legal.au@rhodium.com](mailto:legal.au@rhodium.com). Please note that JMC is bringing a civil claim against yourself and your partner for defamation, notwithstanding the Police complaint that JMC is also preparing against yourselves, for Perjury.

Yours sincerely



## LEGAL RESOLUTION

CR 10-08-2014 18:53:00 ■ LS 12-08-2014 10:36:00 ■ T15C ■ W2534 ■ 1028K ■ LEGAL