

IN THE DISTRICT COURT
NORTHSHORE REGISTRY

A

This the document marked exhibit
"A" referred to in the annexed
affidavit of Karl Andrew Roe
sworn at Auckland this 3rd day of
November 2016 before me:

Solicitor of the High Court of New Zealand

CIV- 2016 - 044-1219

UNDER THE

HARASSMENT ACT 1997

IN THE MATTER OF an Application for a Restraining Order

BETWEEN

OLIVIA BAKER of 17 Huntington Drive,
Greenhithe, AUCKLAND.

Applicant

AND

KARL ROE of address unknown

Respondent

*Care of, North Harbour
Ford & Mazda
Cnr Target & Wairau Roads,
Glenfield, Auckland*

APPLICATION FOR RESTRAINING ORDER

Dated this 21th day of September 2016

Presented for filing by:

BYTALUS LEGAL
Barristers and Solicitors
PO Box 317038
Birkenhead
AUCKLAND

Telephone (09) 481 0688
Facsimile (09) 480 8805

S GLOYN - Counsel

481 0688
Stuart@bytalus.com

DISTRICT COURT

21 SEP 2016 3:20 pm

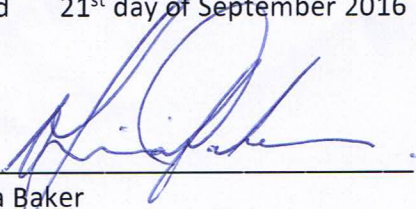
NORTH SHORE

To: the Registrar of the District Court of North Shore

And to: Olivia Baker

1. I, Olivia Baker, apply for a restraining order against Karl Roe, the respondent.
2. The proposed duration of the order sought is a period of 5 years.
3. In reliance on the accompanying affidavit of Olivia Baker, sworn 19th September 2016 and filed herein.

Dated 21st day of September 2016

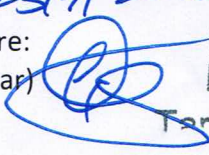

 Olivia Baker
 Applicant

Date of hearing

This document is filed by Stuart Gloyn of Bytalus Legal, Counsel for the Applicant for the hearing of this application. The address for service of the Applicant is C/- Bytalus Legal, R2 Level One, 124 Hobsonville Road, Hobsonville, Auckland 0618.

Documents for service on the Applicant may be left at that address for service, or may be:

- a) Posted to the Counsel at PO Box 317038, Birkenhead, Auckland; or
- b) Transmitted by email to stuart@bytalus.com provided that a confirmation copy is forthwith sent by ordinary post.

Date: 23/9/2016
 Signature: 
 (Registrar) Tariq Aziz
 Deputy Registrar
 District Court
 Tariq Aziz
 Registrar

IN THE DISTRICT COURT
NORTHSHORE OFFICE

CIV- 2016 - *044-1219*

Under the

HARASSMENT ACT 1997

In the matter of

an Application for a Restraining Order

BETWEEN

OLIVIA BAKER of 17 Huntington Drive,
Greenhithe, Auckland, Manager.

Applicant

A N D

KARL ROE of address ~~unknown~~

Respondent

*Case of, North Harbour
Ford & Magda
Chr Target & Wairau
Roads, Glenfield
Auckland*

Notice of proceeding

Presented for filing by:

DISTRICT COURT

23 SEP 2016

AUCKLAND

BYTALUS LEGAL
Barristers and Solicitors
PO Box 317038
Birkenhead
AUCKLAND

Telephone (09) 481 0688
Facsimile (09) 480 8805

S GLOYN – Counsel

DISTRICT COURT

21 SEP 2016

NORTH SHORE

Notice of proceeding

To: The Registrar of the District Court of North Shore

and

To: Karl Roe

Notification of application for restraining order

Olivia Baker has filed an application for a restraining order against you.


A copy of the application is attached. The nature of the order or orders sought is specified in the application, which also states the date of the hearing.

The applicant's address for service is Unit R2.206, Level 1, 124 Hobsonville Road, Hobsonville, Auckland 0618.

Documents for service on the Applicant may be left at that address for service, or may be:

- a) Posted to the Counsel at PO Box 317038, Birkenhead, Auckland; or
- b) Transmitted by email to stuart@bytalus.com provided that a confirmation copy is forthwith sent by ordinary post.

Dated: 21st day of September 2016

.....

Applicant

Note: Please carefully read the memorandum attached to this notice.

Notes

Notice of defence

If you wish to defend the application, you may file a notice of defence in this office of the court at least **5 working days** before the date of the hearing. An affidavit must be filed with the notice of defence. A copy of the notice of defence must be served on the other party. That copy may be delivered to the address for service given by that person.

If you do nothing, the hearing may proceed and the court can make an order in your absence.

Address for service

If you do not wish to defend the application but you do wish to know what is happening, you should—

- (a) file in this registry of the court a notice giving the address of a place in New Zealand at which documents can be left for you; and
- (b) serve a copy of the notice on the other party to the proceeding. That copy may be delivered to the address for service given by that person.

Advice

If you need help, consult a lawyer or contact a District Court registry immediately.

Registry hours

The registry of the District Court is open from 9 am to 5 pm on Mondays to Fridays inclusive.

IN THE DISTRICT COURT
NORTHSHORE OFFICE

CIV- 2016 - *044-1219*

Under the

HARASSMENT ACT 1997

In the matter of

an Application for a Restraining Order

BETWEEN

OLIVIA BAKER of 17 Huntington Drive,
Greenhithe, Auckland, Manager.

Applicant

A N D

KARL ROE of address unknown

Respondent

**AFFIDAVIT OF OLIVIA BAKER IN SUPPORT OF AN APPLICATION FOR RESTRAINING
ORDER**

Dated this *19* day of September 2016

Presented for filing by:

BYTALUS LEGAL
Barristers and Solicitors
PO Box 317038
Birkenhead
AUCKLAND

Telephone (09) 481 0688
Facsimile (09) 480 8805

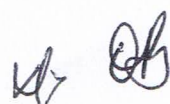
S GLOYN - Counsel

DISTRICT COURT
21 SEP 2016
NORTH SHORE

I, **OLIVIA BAKER** of Auckland, Manager **Swear**:

Background

1. I am a mother of two young children aged 4 and 6 years of age and have lived in the Auckland suburb of Greenhithe with my husband Mr Craig Baker (husband) for the past 5 years.
2. On or about 1 June 2012 my husband and I purchased the Northshore branch of Tint-a-car (business). I am the manager of the business.
3. Mr Karl Roe was employed as a Window Tinter at the business and this is when I first met Mr Roe. During the course of Mr Roes employment we formed a friendship and a good working relationship.
4. In mid-2014 I started noticing changes in Mr Roes behavior towards me. Mr Roes' employment obligations began to diminish as well.
5. In February 2016 my husband instructed Brent Norling as our lawyer to review the employment relationship between and Mr Roe and the business.
6. We had concerns that Mr Roe was accessing our work computer system for a dishonest purpose. My husband instructed a company called Circle IT to conduct a review to see if anyone was accessing the work computer system in a dishonest manner. The IT professionals installed software to scan the computers and found that keylogging malware was on the work computer and that private Facebook pages and emails had been accessed. My understanding is that keylogging software is used to covertly record (logging) the keys struck on a computer. I attach a copy of the report from Circle IT (Annexed "A").
7. It was the lawyer's recommendation that we meet with Mr Roe, inform him of the allegations of serious misconduct and invite his response. On 14 March 2016 a meeting between Mr Roe, his representative and Mr Norling took place and Mr Roe's employment was subsequently terminated. I attach a copy of the letter of dismissal (Annexed "B").
8. On the morning of the dismissal Mr Norling went to the Northshore Police station with my husband and reported some of the issues to the Police. It was Mr Norling's advice that Mr Roe's



misconduct constituted criminal behavior. I attach a copy of the acknowledgement of the complaint (Annexed "C").

9. On 14 March 2016 Mr Roe was served with two trespass notices for both my home and my work. I was concerned for the safety of my family including my two young children. Mr Roes behavior had become erratic and obsessive. I attach copies of the trespass notices that were served on Mr Roe (Annexed "D").

Continuing Contact

10. After Mr Roe finished his employment with our business, I began receiving numerous messages on various social media sites including but not limited to Facebook, Whatsapp (messenger app) text messages and Viber (Messenger app). I have blocked him from all of my accounts and deleted the messages that I received.
11. I have deleted all of the messages at the time when I blocked his various contact methods. I am aware now after receiving legal advice that these messages would have assisted as evidence to show Mr Roes' continued harassment however the stress and concern that Mr Roe has caused me was massive and I just didn't want anything that reminded me of him on any of my phones or computers.
12. Of further concern, I also found some homemade weapons that I believe belong to Mr Roe, hidden at my place of work. I attach photos of these (Annexed "E").
13. Following the date of Mr Roes dismissal he continued to call and message me. I had made it clear to Mr Roe that I wanted this to stop but he kept making contact. As I blocked his number and his social media accounts he would set up new accounts under different names and would set up new phone numbers to call me from.
14. Of real concern Mr Roe was waiting at my children's school in Greenhithe and approached me when I arrived and again when I walked back to my car. On these occasions I told him to go away and that I didn't want to talk to him or words to that effect. My husband has expressed his concern as on this occasion I was with my children.

OB

15. Sometime in April 2016, I was driving to work from Albany. I went past a petrol station and saw Mr Roe in my rear view mirror. He then drove up alongside me and was attempting to get me to pull over. He then proceeded to pull in front of me in an attempt to stop me. His driving was erratic and dangerous and I was very concerned for my personal safety. He then proceeded to drive to my place of work and pulled into the entrance. I did not want to see him so I carried on past and went and got a coffee. The entire incident went on for about five minutes.
16. On Sunday 8 May 2016 I was at the Nail Bar in Hobsonville with my two children aged 4 and 6. I was getting my nails done and he walked into the shop and asked me when do I want to talk. When I went to pay he was waiting outside and attempted to talk to me again. I walked away.
17. On or about Thursday 4 August 2016 I was at Vibra Train in Albany. I finished my training and Mr Roe was waiting in the carpark. He approached me and asked if we could talk. I said no or words to that effect and got in my car and drove away.
18. The following week I contacted a friend called Mr Matthew Blomfield who had assisted us with our Employment Issue. He is a consultant who knows our family and lives in Greenhithe. His children attend the same school as mine. Mr Blomfield recommended that we talk to a lawyer and make an application for a restraining order. I explained to Mr Blomfield that I had attempted to resolve things without help from others but it was becoming obvious that I was not able to deal with this on my own.
19. I explained to Mr Blomfield that on occasion I had myself contacted Mr Roe with a purpose to stop him from following me and contacting me. I was concerned that this in some way would prevent me obtaining a restraining order. Mr Blomfield said it would not but that I needed to involve a lawyer to advise me what to do.
20. During the week ending 11 September 2016 I contacted a lawyer who explained that I need to try and document the times that Mr Roe has followed me.
21. On Sunday 11 September 2016 I was going to the Nail Bar with my two children. I saw Mr Roe watching me from outside. He initially parked next to the Nail Bar and then moved his car over in to the next carpark by where my car was parked. When I walked back to my car, I was putting my kids in their car seats and Mr Roe approached me from behind. I called him "a creep" and told him to "stay the F... away from me. Recalling the advice from my lawyer I photographed his car and Mr Roe (Annexed "F").

WA 06

Summary

22. During Mr Roes employment with our business I believe that Mr Roe had done the following:

- a. Installed a GPS tracker on my car so that he could follow me.
- b. Loaded a key logger on computers at work to obtain my personal information.
- c. Gone through my handbag and personal items.
- d. Installed a recording device in the bathroom at our toilet.
- e. Manufactured weapons.

We have reported Mr Roe to the Police and ask that his behavior be investigated but this has not happened yet. For that reason, this is a list of allegations until the Police have investigated and proven these claims to be true.

23. My Husband, my friends and I often see Mr Roe driving around Greenhithe. He does not live in Greenhithe he does not work in Greenhithe. I believe he is wanting to see me.

24. The calls, messages and continued contact with Mr Roe is stressful and upsetting. As a result of them I do not feel safe being home alone at night or driving my car by myself. I am also concerned for my husband's safety. I don't believe Mr Roe is stable.

25. I seek a restraining order against the respondent given the history of contact from him and in particular, most recently the fact that he is following me when I leave my home.

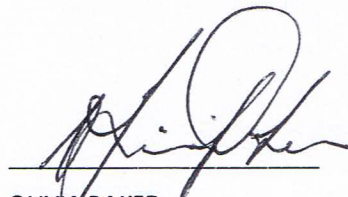
26. I have incurred significant costs as a result of this application, and therefore also seek costs.

Further Details

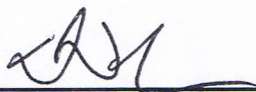
27. On 14 September 2016 I was at the lawyers office with Mr Matthew Blomfield who provides litigation support services to the lawyer I have instructed. When I was leaving the lawyers office at 124 Hobsonville Road, Hobsonville at 11:35am I noticed that Mr Roe was waiting in the carpark sitting in his car. Mr Blomfield was with me and approached Mr Roe telling him not to follow me. Mr Blomfield then suggested I call the Police as Mr Roe seemed very aggressive and was hiding somewhere in the carpark. I called the Police and they gave me a job number which is P026674292. I also photographed the car (Annexed "G").

WA 06

SWORN at Auckland this
day of September 2016

19th
OLIVIA BAKER

Before me:



A Solicitor of the High Court of New Zealand

DAVID DILLON
SOLICITOR
AUCKLAND

"A"

This is the exhibit marked with the letter "A"
mentioned and referred to in the annexed
affidavit of Olivia Baker
sworn at Auckland this 19 day of
Sept 2016 before me:

A Solicitor of the High Court of New Zealand

DAVID DILLON
SOLICITOR
AUCKLAND



Circle IT Limited
PO Box 7027
Wellesley St
09 3600806
www.circleit.co.nz

To Whom it may concern

Re: Tint a Car

1. On or about 27 April 2015 I was contacted by Craig Baker to help with a problem with their computers. I was advised that a staff member had told them he had installed a key logger onto the main Tint a Car pc.
2. I was told the key logger had been removed. I could not see the software installed but ran a Malwarebytes scan and it identified keylogging malware on the pc. I could not tell if this was just the remnants of the software after the uninstall or that the software was still there but hidden.
3. Mr Baker's home laptop also had Malware on it and the safest way I could find was to wipe the notebook completely and reinstall from scratch.
4. I was asked to check the computers in Mag and Turbo and found the same malware on their PC's. I cleaned them up and upgraded their antivirus software.
5. I didn't hear anything more on the subject until beginning of February 2016 when Olivia Baker called me to help with some unusual events with Facebook.
6. Mr and Mrs Baker had setup facebook logging so that it would notify when someone logged on from a new device. It showed Facebook had been logged on from the work device when Craig was overseas and Olivia was at home.
7. I logged onto Olivias laptop and identified keylogging software on it again. I told Olivia not to use this notebook any more as I could not guarantee I had removed the software 100% without knowing exactly what software was used.
8. With the work computer this was worse as the software had actually impacted the performance of the PC. Because Olivia didn't want it to be known that I was cleaning the software up she asked me to get the pc out of there. I remotely "broke" the machine so that it couldn't be started again.



9. I cleaned it up as best I could but the computer was deemed too risky to try to clean without the possibility of a back door being previously installed.
10. The Malwarebytes logs from the scans from the computer and the laptop that show software that could be key loggers. Key loggers are designed to be hidden and as such do not show as normal file installations when removing them.
11. I gave Tint a Car a new computer with her own account and an account for the staff so that they couldn't install any software or make and changes to the PC without administrative permissions.

"B"

14 March 2016

Karl Roe
C/: Tint a Car
51 Apollo Drive
Rosedale
Auckland 0632

BY POST

Dear Mr Roe

**RE: PROSPERITY HOLDINGS LIMITED T/A TINT A CAR NORTH SHORE ("TINT A CAR") – YOUR
DISMISSAL**

1. We refer to our letter of today's date and our meeting of today's date.
2. We confirm that at the meeting Mr Blomfield and I outlined the concerns to you and outlined the potential consequences to you.
3. We also gave you an opportunity to respond to the allegations you were facing.
4. You refused to respond to the allegations of serious misconduct.
5. As a result, Tint a Car considered that your actions amounted to serious misconduct warranting instant dismissal. The actions and serious misconduct has been detailed in our letter of today's date.
6. This letter confirms that you were dismissed as an employee from Tint a Car with instant effect at 3:04 pm today.

Yours faithfully
NORLING LAW



Brent Norling
Director

Email: brent@norlinglaw.co.nz
Mobile: 021 744 247

This is the exhibit marked with the letter "B"
mentioned and referred to in the annexed
affidavit of Olivia Baker
sworn at Auckland this 19 day of
Sept 20 16 before me:

A Solicitor of the High Court of New Zealand

DAVID DILLON
SOLICITOR
AUCKLAND

14 March 2016

Karl Roe
Auckland

BY HAND

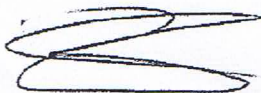
Dear Mr Roe

RE: PROSPERITY HOLDINGS LIMITED T/A TINT A CAR NORTH SHORE ("TINT A CAR") – YOUR EMPLOYMENT

1. As you are aware, you have signed an employment agreement with Tint a Car dated 31 May 2013.
2. Tint a Car has serious concerns in regard to your conduct as an employee. We are instructed that the following has occurred:
 - a. On 18 March 2015 you provided Olivia Baker with approximately 80 pages of information that had been sourced from the personal email of Craig Baker.
 - b. When you provided this information to Miss Baker you advised her that you obtained the information by installing a "key logger" on the computer of Mr Baker while in the workplace.
 - c. You then used private information obtained from the key logger to access private information. The information obtained is irrelevant for the purposes of your role as an employee of Tint a Car.
 - d. The computer you installed the key logger onto was a business computer.
 - e. Circle IT Limited has conducted scan and has found the key logger.
 - f. Circle IT Limited has also searched the other computers of Tint a Car and has identified further key loggers.
 - g. In addition to the inappropriate use of a computer, you have been engaging in inappropriate behaviour with Mrs Baker including:
 - i. Following her and installing GPS tracking devices on Mr and Mrs company cars.
 - ii. Making inappropriate statements to Mrs Baker.
 - iii. Reading private messages on Mrs Bakers phone when Mrs Baker has left the room.
 - iv. Making threats to show other people the information you have obtained through dishonest methods.
 - v. Sending pictures via mobile phone to Mrs Baker that you have obtained through dishonest methods.
 - vi. Trying to log into the facebook account of Mr Baker at the Tint a Car office.

3. The above matters are very serious and have resulted in Tint a Car being forced to expend resources in securing computers and have been extremely disruptive to the business operations.
4. A report from Circle IT Limited detailing their findings is **enclosed**.
5. Pursuant to your employment contract serious misconduct includes:
***Computer:** the employee acknowledges and agrees not to use any computer that is the property of the company for any purpose whatsoever other than to carry out your duties. Any misuse of a company computer shall result in instant dismissal for serious misconduct.*
6. Tint a Car seeks is having a meeting with you in regard to the above. On behalf of Tint a Car, I will be in attendance at this meeting together with Matthew Blomfield.
7. The purpose of the meeting is to advise you of these concerns and to give you an opportunity to respond before a decision is made as to the possible consequences for you.
8. Be advised that the conduct detailed above amounts to serious misconduct. A potential outcome of the meeting is your instant dismissal. Tint a Car seeks to discuss that with you.

Yours faithfully
NORLING LAW



Brent Norling
Director

Email: brent@norlinglaw.co.nz
Mobile: 021 744 247





CRAIG BAKER
17 HUNTINGTON PARK DRIVE
GREENHITHE
AUCKLAND 0632

This is the exhibit marked with the letter "C"
mentioned and referred to in the annexed
affidavit of Olivia Baker
sworn at Auckland this 19 day
Sept 20 16 before me:

A Solicitor of the High Court of New Zealand

DAVID DILLON
SOLICITOR
AUCKLAND

Police Acknowledgement

Details

Name: CRAIG ALAN BAKER

Address: 17 HUNTINGTON PARK DRIVE, GREENHITHE, AUCKLAND 0632

Offence/Incident: PUBLIC Relations

Location: 195C WAIRAU ROAD, WAIRAU VALLEY, AUCKLAND 0627

Date Reported: 14/03/2016 12:13 PM

Reference Number: 160314/1508

Please Note

To upload relevant photos or documents, please visit <http://www.crl.govt.nz>
If you need to speak to Police again on this matter please quote the reference number recorded above.
For insurance purposes a telephone report of crime is not evidence in itself that a crime has occurred.



Victim Support is a national organisation which provides information, personal advocacy and emotional support to victims of crime and trauma. This service is available 24 hours a day, 7 days a week.

Victim Support's highly skilled team of trained volunteer support workers will provide a free, comprehensive and personalised service to reduce the effects of crime and trauma.

The Police work in close cooperation with Victim Support and will refer you to them, or you may contact them yourself.

Victim Support works with other agencies in the community and can refer you, if necessary, for further assistance.

If someone is arrested for the offence, and you are required to go through a court process, Victim Support will provide support and information during the court process.

Victim Support does not make decisions for you, but will give you the choices and options you need to make good decisions for yourself.

You can contact Victim Support by dialling 0800-VICTIM (0800-842 846), calling your local police station or looking in the telephone book for your nearest Victim Support Office.

17



New Zealand
POLICE
Nga Pirihimana O Aotearoa

OPERATION)))))))
SNAP
www.snap.org.nz

Operation SNAP is a NZ Police community partnership designed to reduce property offending by encouraging the recording of serial numbers.

Your property may have been the recent target of a burglary where items of value to you may have been taken.

At www.snap.org.nz you can now store information including serial numbers, descriptions and photographs of your valuable assets.

This information is stored securely and can only be accessed by you, at anytime from anywhere in the world using your own unique login.

In the event that your property is lost or stolen you can log on to SNAP and easily access your property details to provide to Police.

For further information log on to the Operation SNAP website.
<http://www.snap.org.nz>

'Together we can beat burglary and stop the trade in stolen property'

"D"

DETAILS OF SERVICE OF TRESPASS NOTICE

This notice (photocopy attached) was served:

On Karl Roe

On the 14th day of March 2016 at 3:04pm

At 195C Wairau Road, Glenfield, Auckland

By Matthew Blomfield

I served the Trespass notice personally on Karl Roe by ~~handing it to them~~ dropping it at their feet, when he refused to accept service of the notice].

Karl Roe acknowledged that he was the person named in the notice.

I believe that Karl Roe's date of birth is _____

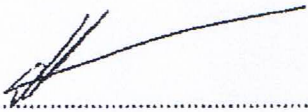
The occupiers address is 195C Wairau Road, Glenfield, Auckland

The occupiers of the above address is:

1. Craig Baker;
2. Olivia Baker;
3. Prosperity Holdings Limited T/A Tint a Car; and
4. Bakaro Enterprises Limited T/A Mag and Turbo North Shore.

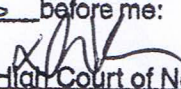
The occupiers phone number is 027 491 9099.

Dated: 14 March 2016



Matthew Blomfield of [address]

This is the exhibit marked with the letter "D" mentioned and referred to in the annexed affidavit of Olivia Baker sworn at Auckland this 19 day of Sept 20 16 before me:


A Solicitor of the High Court of New Zealand

DAVID DILLON
SOLICITOR
AUCKLAND

20

TRESPASS NOTICE

WARNING UNDER THE TRESPASS ACT 1980

SECTIONS 4(1) OR (2) AND SECTION 4(4)

TO: KARL ROE

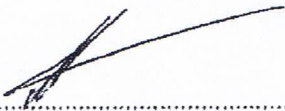
In accordance with the above sections and Act you are hereby warned to stay off the place known as
195c Wairau Road, Glenfield, Auckland.

It is an offence punishable by a fine not exceeding \$1,000.00 or imprisonment not exceeding 3 months to enter the above address within 2 years from the date you receive this warning.

The occupiers of the above address is:

1. Craig Baker;
2. Olivia Baker;
3. Prosperity Holdings Limited T/A Tint a Car; and
4. Bakaro Enterprises Limited T/A Mag and Turbo North Shore.

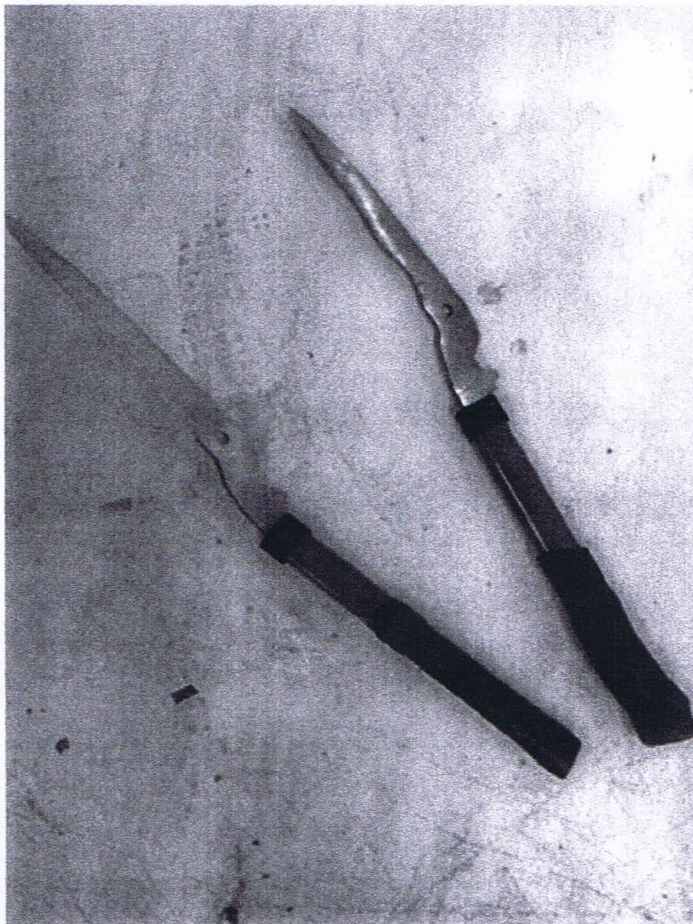
This warning is given by the person authorised on behalf of the occupiers of the above address.


.....

Matthew Blomfield as authorised by the occupiers



"E"

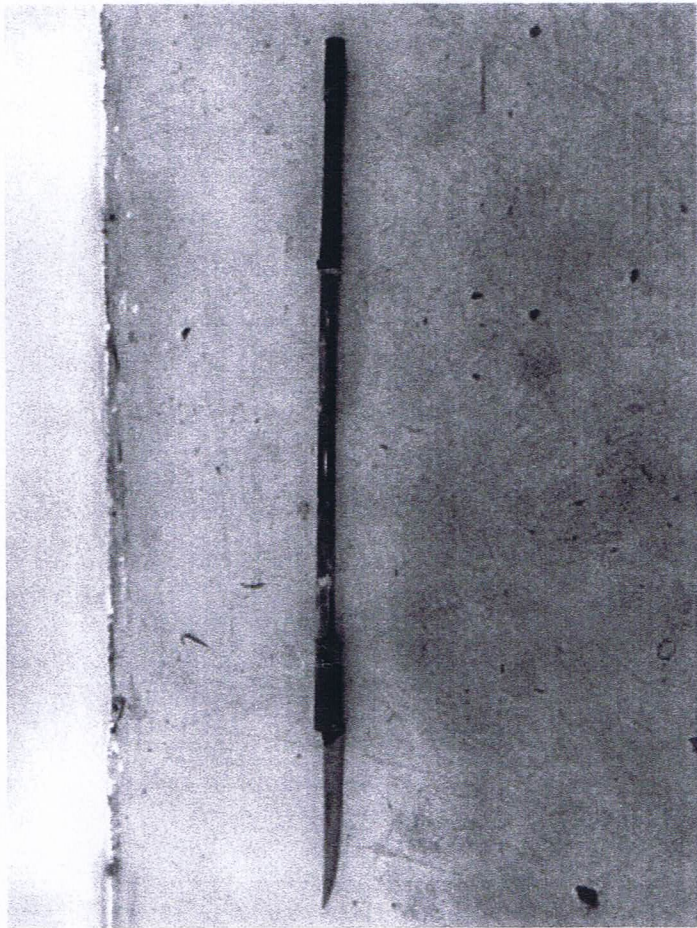


This is the exhibit marked with the letter "E"
mentioned and referred to in the annexed
affidavit of Olivia Baker
sworn at Auckland this 19 day of
Sept 20 16 before me:

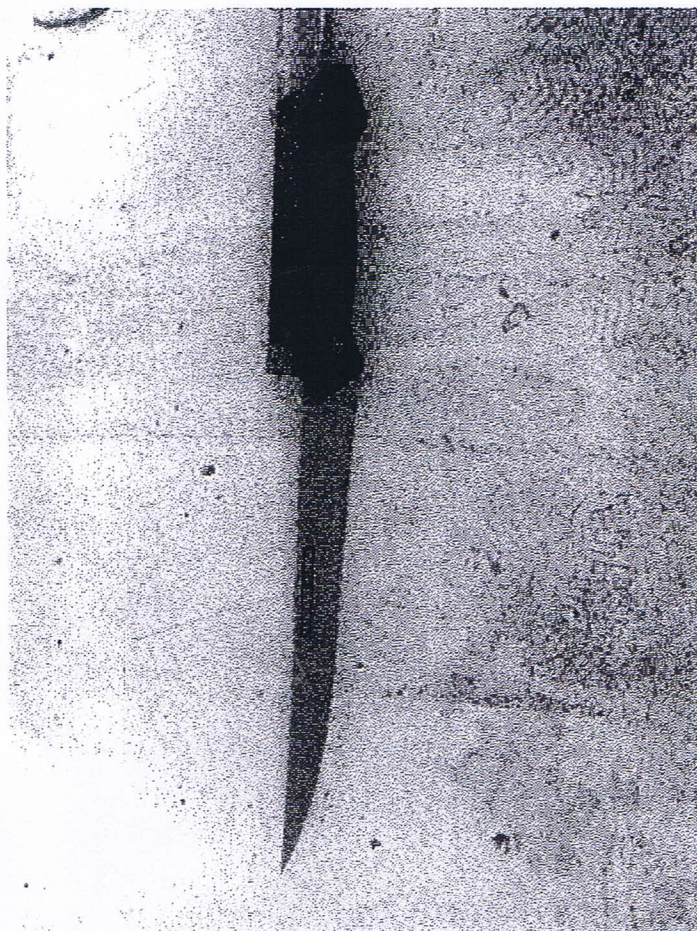
A Solicitor of the High Court of New Zealand

DAVID DILLON
SOLICITOR
AUCKLAND

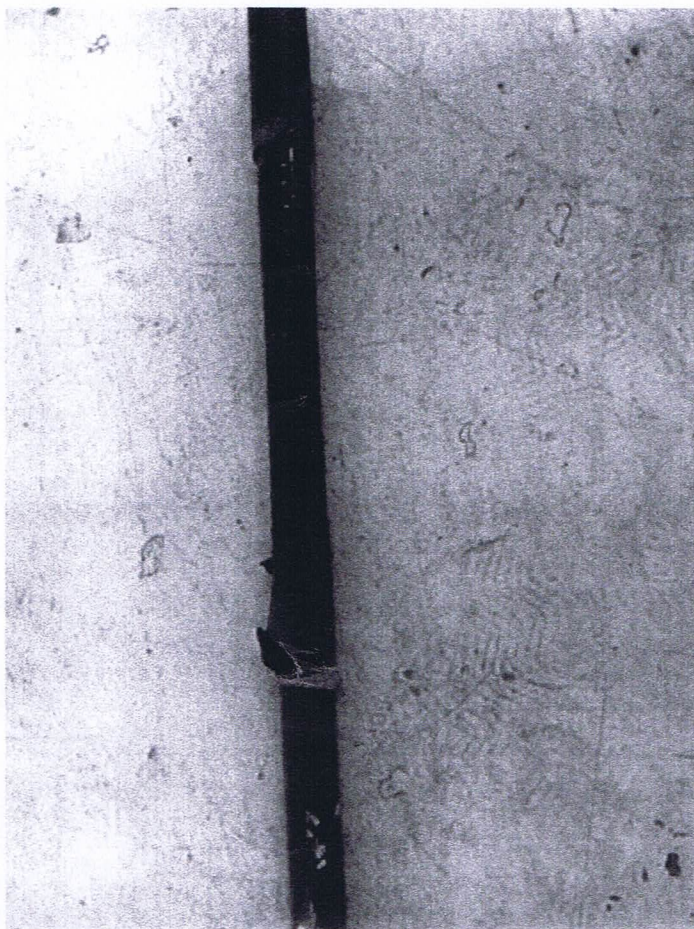
ND



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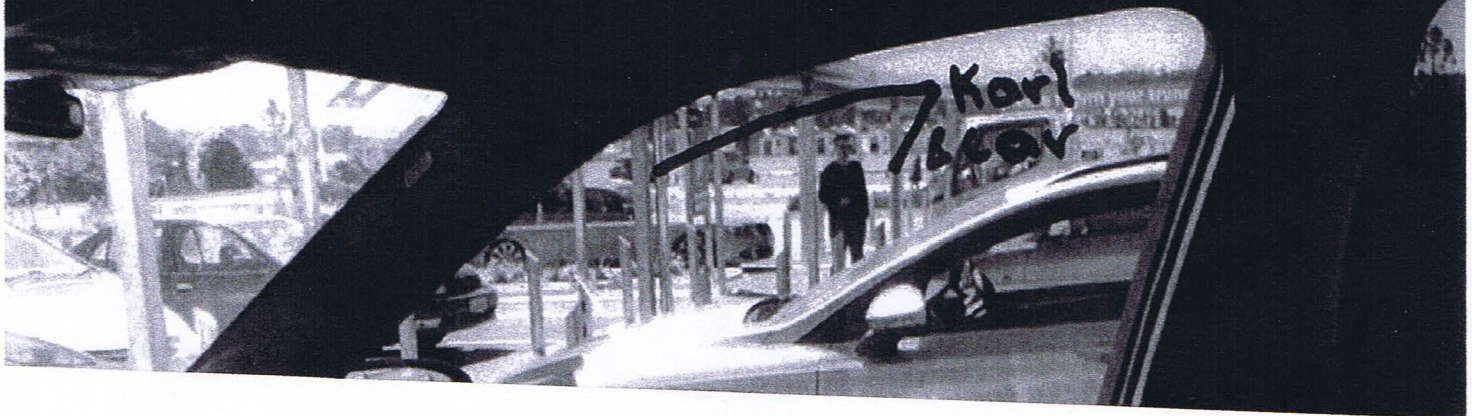


11




"F"

11/09/16



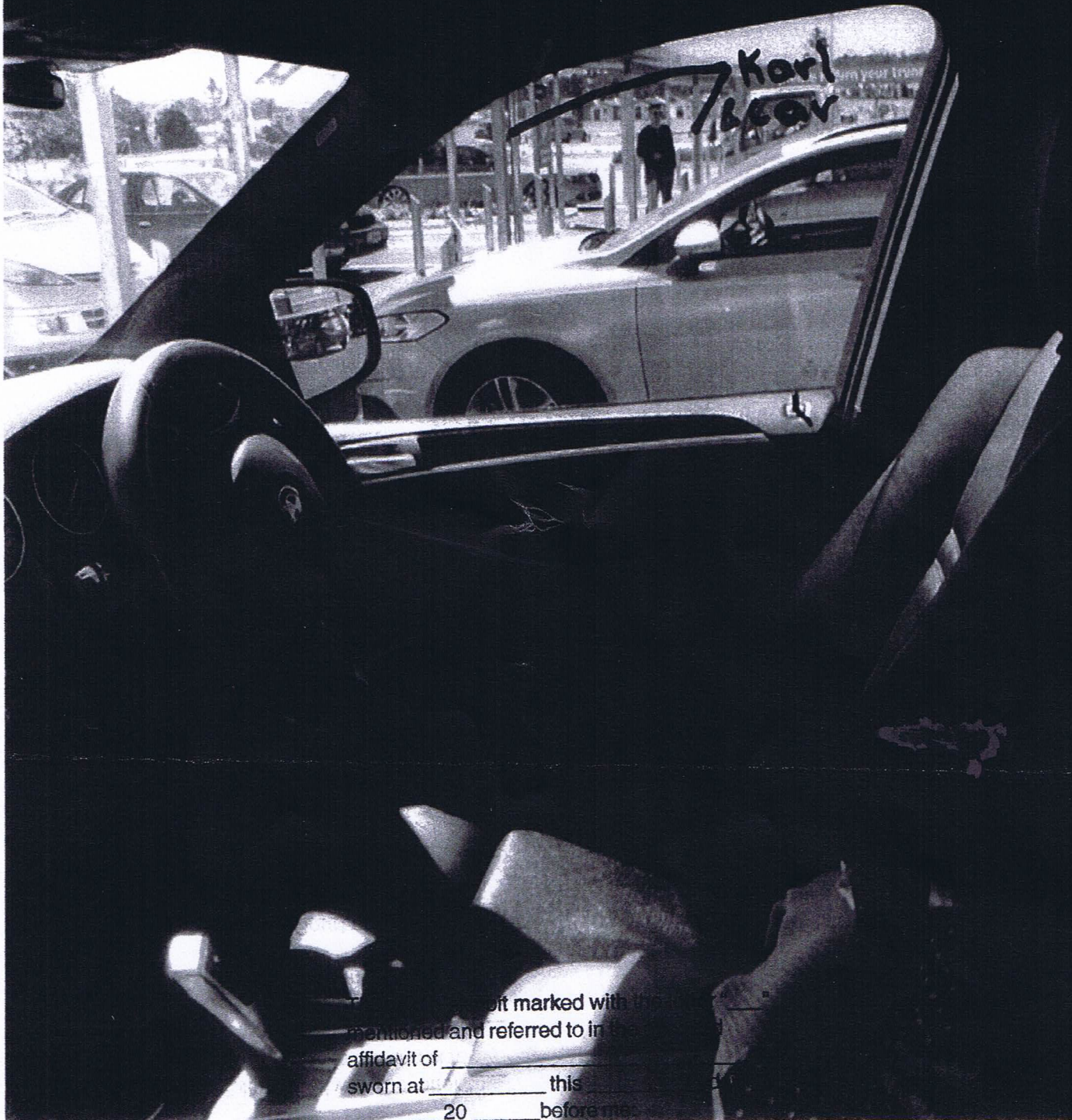
This is the exhibit marked with the letter "F"
mentioned and referred to in the annexed
affidavit of Olivia Baker
sworn at Auckland this 19 day of
September 20 16 before me:


A Solicitor of the High Court of New Zealand

DAVID DILLON
SOLICITOR
AUCKLAND

"F"

11/09/16



...it marked with the
mentioned and referred to in the
affidavit of _____
sworn at _____ this _____
20 _____ before me

A Solicitor of the High Court of New Zealand


(21)

"F"

11/09/16



This is the exhibit marked with the letter "F"
mentioned and referred to in the annexed
affidavit of Olivia Baker
sworn at Auckland this 19 day of
September 20 16 before me:


A Solicitor of the High Court of New Zealand

DAVID DILLON
SOLICITOR
AUCKLAND

"G"

14/09/16

