

"B"

**IN THE DISTRICT COURT OF NEW ZEALAND
NORTH SHORE REGISTRY**

CIV - 2016 - 044 - 001219

IN THE MATTER

of an application for a restraining order pursuant to
Sections 15 and 16 of the Harassment Act 1997.

BETWEEN

OLIVIA BAKER of 17 Huntington Drive, Greenhithe, Auckland

Applicant

AND

KARL ROE of [confidential address due to concern for safety]

Respondent

**NOTICE OF DEFENCE TO APPLICATION FOR RESTRAINING ORDER, AND APPLICATIONS TO HAVE THE
COURT HOLD THE APPLICANT IN CONTEMPT FOR PERJURY, AND TO GRANT OTHER SUCH RELIEF AS
SOUGHT BY THE RESPONDENT AGAINST THE APPLICANT, AND OTHERS**

Dated 3 November 2016

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Counsel for Applicant
Mr Gloyn
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Auckland

Solicitor of the High Court of New Zealand

This the document marked exhibit
"B" referred to in the annexed
affidavit of Karl Andrew Roe
sworn at Auckland this 3rd day of
November 200 before me:

TO: The Registrar, North Shore District Court

AND TO: The Applicant

NOTICE OF DEFENCE TO APPLICATION FOR RESTRAINING ORDER, AND APPLICATIONS TO HAVE THE COURT HOLD THE APPLICANT IN CONTEMPT FOR PERJURY, AND TO GRANT SUCH OTHER RELIEF AS SOUGHT BY THE RESPONDENT AGAINST THE APPLICANT AND OTHERS

TAKE NOTICE - That the respondent opposes the making of the orders sought by the applicant for a restraining order pursuant to section 16 of the Harassment Act 1997, **AND SEEKS ORDERS AS SOUGHT AGAINST THE APPLICANT AND OTHERS;**

UPON THE GROUNDS;

[Precis]

- [A] The respondent is not legally qualified, and is not pretending to be a practising certified Lawyer like Mr Blomfield from Blomfield & Co, of Northshore Auckland, who has stated that he has 15 years specializing in Human Resources and Employment Law.
- [B] In order to respond to the appellants false claims, the respondent has been required to do substantial research on the "Govt Justice" sites, and to use Google "search terms" in order to understand the applicable legal terms, references, precedent cases, and relevant statutes.
- [C] Numerous lawyer sites have been very useful to the applicant, as has numerous legal papers by Family Court, High Court, and Supreme Court Judges, past and present.
- [D] The respondent has also gleaned information from sites that have been formed in order to assist men that have been subject to false allegations made by women in mostly the Family Court of New Zealand, but also in other Courts in New Zealand and numerous overseas common law jurisdictions.
- [E] The applicant, since being served with these proceedings, has been effectively "Internet home schooled" in the matters of;
 - [i] Civil and Criminal Harassment, **[The Harassment Act 1997]**, and where those matters are engaged, litigation is commenced, and the evidentiary threshold required to obtain orders of the Court.
 - [ii] Domestic Violence, **[The Domestic Violence Act 1995]**, and where those matters are engaged, litigation is commenced, and the evidentiary threshold required to obtain orders of the Court.
 - [iii] Contempt of Court [the New Zealand Law Commission Report IP 36], what constitutes contempt in the modern day judicial setting - Criminal Procedure Act s365[3] - inherent jurisdiction of the Court to protect its processes¹. Contempts relating to interference with the administration of justice². Perjury s[108], [109] and [115] Crimes Act 1961, Fabricating Evidence s [113] Crimes Act 1961, and Conspiring to Defeat Justice and False Accusation, sections [115] and [116] Crimes Act 1961.
 - [iv] Abuse of process, want of jurisdiction, vexatious litigation, and vexatious litigant, and scandalous material³.
- [F] It would appear that the applicant has filed these claims in the wrong jurisdiction if she had **not** committed perjury, by omission and commission, in her affidavit, filed in support of her claims contained in counsels pleadings filed in support of seeking that the Court grant the orders sought. The Harassment Act 1997 does not become engaged as a recourse for victims of domestic violence, pursuant to section 4 of the Domestic Violence Act 1995. Section 4 provides at subsection [1][d];

¹ Siemer v Solicitor-General [2009] NZCA 62, [2009] 2 NZLR 556

² R. v. Doz, [1987] 2 S.C.R. 463

³ The Attorney-General v Vincent Ross Siemer [2014] NZHC 859. The prompt for the original Vexatious Actions Act 1896 (UK) was Mr Alexander Chaffers, a former attorney and solicitor who initiated years of litigation in numerous courts, much of which was mortifying to his defendants and most of which he carried on without any financial means to do so.

4 Meaning of domestic relationship

(1) For the purposes of this Act, a person is in a **domestic relationship** with another person if the person—

(d) has a close personal relationship with the other person.

[G] Subsection [3] of section [4] is not engaged because, whilst the applicant was at times the employer of the Respondent, they entered into a domestic relationship pursuant to the aforementioned ss[4][1][d] in having a **“close personal relationship with the other person”**.

[H] Subsection [4] of section [4] of the Domestic Violence Act 1995 provides that the Court has the inherent power to interpret without limitation what amounts to a close personal relationship, but may take into account the following guidelines;

[4] Without limiting the matters to which a court may have regard in determining, for the purposes of subsection (1)(d), whether a person has a close personal relationship with another person, the court must have regard to—

(a) the nature and intensity of the relationship, and in particular—

(i) the amount of time the persons spend together:

(ii) the place or places where that time is ordinarily spent:

(iii) the manner in which that time is ordinarily spent;—

but it is not necessary for there to be a sexual relationship between the persons:

(b) the duration of the relationship.

[I] The respondent claims that the applicant and the respondent were in a committed domestic relationship, albeit that the relationship was unfortunately entwined with what the respondent and the applicant believed was a homosexual relationship that the applicants husband and others, and Mr Blomfield had over a similar, if not longer period of time. It will be argued that the actions of the applicant, the applicants husband, and Mr Blomfield against the respondent amount to “domestic violence⁴” pursuant to section [3] of the Domestic Violence Act 1995. That section provides;

Meaning of domestic violence

(1) In this Act, domestic violence, in relation to any person, means violence against that person by any other person with whom that person is, or has been, in a domestic relationship.

(2) In this section, violence means—

(a) physical abuse:

(b) sexual abuse:

(c) psychological abuse, including, but not limited to,—

(i) intimidation:

(ii) harassment:

(iii) damage to property:

(iv) threats of physical abuse, sexual abuse, or psychological abuse:

(iva) financial or economic abuse (for example, denying or limiting access to financial resources, or **preventing or restricting employment** opportunities or access to education):

(v) in relation to a child, abuse of the kind set out in subsection (3).

(3) Without limiting subsection (2)(c), a person psychologically abuses a child if that person—

(a) causes or allows the child to see or hear the physical, sexual, or psychological abuse of a person with whom the child has a domestic relationship; or

(b) puts the child, or allows the child to be put, at real risk of seeing or hearing that abuse occurring;—but the person who suffers that abuse is not regarded, for the purposes of this subsection, as having caused or allowed the child to see or hear the abuse, or, as the case may be,

⁴Domestic violence and emotional abuse are behaviors used by one person in a relationship to control the other. Partners may be married or not married; heterosexual, gay, or lesbian; living together, separated or dating.

as having put the child, or allowed the child to be put, at risk of seeing or hearing the abuse.

(4) Without limiting subsection (2),–

(a) a single act may amount to abuse for the purposes of that subsection:

(b) a number of acts that form part of a pattern of behaviour may amount to abuse for that purpose, even though some or all of those acts, when viewed in isolation, may appear to be minor or trivial.

(5) Behaviour may be psychological abuse for the purposes of subsection (2)(c) which does not involve actual or threatened physical or sexual abuse.

[J] The respondent claims that the actions of the applicant, the applicants husband, and Mr Blomfield amount to domestic violence against the respondent pursuant to section [3][1], and specifically [3][2][c][i], [ii], [iv], [iva]. There has been systemic abuse, intimidation, harassment, and criminal harassment⁵, against the respondent inclusive of bringing these false allegations contained in this misguided application [in want of jurisdiction], in order to obtain an order by fraudulent means, which order was sought in order to destroy the respondents credibility when, or if, the respondent made allegations relating to the behaviour of the applicants husband and Mr Blomfield and others.

[K] The Domestic Violence Act was passed into law recognizing that such domestic violence required zero tolerance. Such violence on the internet, or through other electronic means, is now subject to the provisions of the Harmful Digital Communications Act 2015⁶. The object of the Act is laid out in section 5. The relevant subsections of that section to the facts of this matter are as follows in relation to what the respondent will be seeking when filing in the Family Court at Nortshore, Auckland as against the applicant, the applicants husband, and Mr Blomfield;

5 Object

(1) The object of this Act is to reduce and prevent violence in domestic relationships by–

(a) recognising that domestic violence, in all its forms, is unacceptable behaviour; and
(b) ensuring that, where domestic violence occurs, there is effective legal protection for its victims.

(2) This Act aims to achieve its object by–

(a) empowering the court to make certain orders to protect victims of domestic violence:

(b) ensuring that access to the court is as speedy, inexpensive, and simple as is consistent with justice:

(c) providing, for persons who are victims of domestic violence, appropriate safety programmes:

(d) requiring respondents and associated respondents to attend non-violence programmes that have the primary objective of stopping or preventing domestic violence:

(e) providing more effective sanctions and enforcement in the event that a protection order is breached.

(3) Any court which, or any person who, exercises any power conferred by or under this Act must be guided in the exercise of that power by the object specified in subsection (1).

[L] The respondent as applicant in the Family Court, will be seeking restraining orders protecting the respondent as applicant for a period of two years minimum. However the respondent could proceed as against the applicants husband and the applicants husbands partner pursuant to section 8 of the Harrassment Act 1997.

[M] The respondent comments that he is aware that certain language used may be seen as inappropriate in this formal setting, and apoligises in advance, but the terms and references used is the language used by the respondent, and the applicant, and the applicants husband, and Mr Blomfield. The applicant does not wish to seem to scandalize the Court, but believes that a statement of defence

⁵ Criminal Harassment – s8 of the 1997 Act.

⁶ Exhibit KR14 pages 90 to 97.

must be accurate and robust relating the defence in terms that the parties understand.

The Evidentiary Grounds of Vexatious Proceedings [sections [29], [32][1] and [5], brought under the Harassment Act 1997.

Applicants affidavit knowingly perjurious by omission and commission.

1. The applicant's affidavit is perjurious on strictly relevant matters, and/or intentionally misleading on others matters that whilst not strictly relevant, are misleading in order to deceive the Court nevertheless, and the above alleged fraudulent matters, if proven to an appropriate standard, amount to a contempt of Court in the following manner;
 - 1.1 The applicant has purposively omitted to inform the court of the following cogent matters⁷ in order to knowingly mislead the Court in order to obtain an order by fraud⁸;
 - 1.1.1 That the applicant engaged in a lengthy consensual intimate domestic relationship with the respondent, commenced at her request, which intimate relationship involved;
 - 1.1.1.1 The applicant texting the respondent when she wanted intercourse, or other types of sexual gratification, which included oral, vaginal, and anal, stimulation, with marital toys, that the respondent would bring with her, or with bodily appendages or digits of the respondent.
 - 1.1.1.2 The applicant using "burner" phones⁹ and special phone applications in order to secret the intimate communications and imagery from the applicants husband¹⁰. Such intimate communications and imagery being of the following nature;
 - 1.1.1.2.1 Images of the applicant without any clothes, or if wearing some clothes, her underwear not worn, or her private parts exposed, or partially exposed¹¹. [This omission amounts to perjury and an attempt to obtain an order by fraudulent means being a contempt of court and a conspiracy to defeat, pervert, obstruct, and defeat the course of justice]
 - 1.1.1.2.2 Images of the applicant at the family house wearing lingerie that had been purchased by the respondent at the applicants request¹². [This omission amounts to perjury and an attempt to obtain an order by fraudulent means being a contempt of court and a conspiracy to defeat, pervert, obstruct, and defeat the course of justice].

⁷ R v Goodyear-Smith HC Auckland T332/92, 26 July 1993

⁸ Lazarus Estates Ltd v Beasley; CA 1956 1 QB 702 1 ALLER 341 - Lord Denning said "No Court in this land will allow a person to keep an advantage he has obtained by fraud. No judgment of a court, no order of a Minister, can be allowed to stand if it has been obtained by fraud. Fraud unravels everything. The court is careful not to find fraud unless it is distinctly pleaded and proved; but once it is proved it vitiates judgments, contracts and all transactions whatsoever; see, as to deeds.

See also;

HIH Casualty and General Insurance Limited and others -v- Chase Manhattan Bank and others HL (House of Lords, Bailii, [2003] UKHL 6, [2003] 1 All ER Comm 349, [2003] 2 Lloyd's Law Reports 61, [2004] ICR 1708, [2003] Lloyd's Rep IR 230, [2003] 1 CLC 358)

Prest -v- Petrol Resources Ltd and Others SC (Bailii, [2013] UKSC 34, [2013] WLR(D) 237, [2013] 3 FCR 210, [2013] 4 All ER 673, [2013] Fam Law 953, [2013] 2 FLR 732, [2013] BCC 571, [2013] 2 AC 415, [2013] WTLR 1249, [2013] 3 WLR 1, Bailii Summary, UKSC 2013/0004, SC Summary, SC)

Moynihan -v- Moynihan (No 2) FD ([1997] 1 FLR 59)

Rapisarda -v- Colladon (Irregular Divorces) FC (Bailii, [2014] EWFC 35)

⁹KR20 pages 124 to 127, KR21 pages 128 to 129

¹⁰KR16 pages 107 to 114, KR18 page 134, KR17 pages 115 to 123

¹¹KR16 pages 108 to 109,

¹² KR15 page 104 [sent images using the burner with the delete app] see also KR17 pages 115 to 123 with reference to sending sexually explicit images and videos to each other

- 1.1.1.2.3 The applicant communicating with the respondent when her husband would be out on business or pleasure, with Mr Blomfield, [either at Mr Blomfields house, at a motel/hotel, or at a club/pub] or when the husband was overseas, or at home, but watching television, or entertaining her parents, and others, in social events at their home, asking the respondent to come around and to have intimate relations with the applicant in order for the applicant to be sexually gratified¹³. [This omission amounts to perjury and an attempt to obtain an order by fraudulent means being a contempt of court and a conspiracy to defeat, pervert, obstruct, and defeat the course of justice].
- 1.1.1.2.4 The applicant had suggested having a baby with the respondent and wanted to leave her husband in May of 2016, which was after the respondents dismissal on 14 March 2016, and after service of trespass notices by Mr Blomfield. [This omission amounts to perjury and an attempt to obtain an order by fraudulent means being a contempt of court and a conspiracy to defeat, pervert, obstruct, and defeat the course of justice].
- 1.1.1.2.5 The applicant would become tearful about her husbands infidelities with family friends, both male and female, and the husbands use of, and interest in, online;
- 1.1.1.2.5.1 Meeting for sex sites hetro and homo - which were not limited to the following;
- [i] Adult friend finder
 - [ii] Squirt.org
 - [iii] Eroprofile.com
 - [iv] imgsrc.ru
- 1.1.1.2.5.1 Pornography trading sites where he would trade objectionable material inclusive of viewing and downloading child pornography. He regularly visited .RU sites using the searches terms that unmistakably referred to prepubescent children which the applicant downloaded and gave the respondent¹⁴.
- [This omission amounts to perjury and an attempt to obtain an order by fraudulent means being a contempt of court and a conspiracy to defeat, pervert, obstruct, and defeat the course of justice]

¹³ **KR17** page 133a, **KR20** page 124, **KR22** page 130 [The secret messaging is contained in **KR20[A]** pages 1 to 6 where it can be seen that the respondent and the applicant are sending sexual explicit messaging and imagery with a self destruct - delete mode.

¹⁴ **KR27** pages 142, 144

- 1.1.2 That the respondent and the applicant purchased each other personal items such as jewelry, perfume, ornaments, art work, lingerie, marital aids¹⁵ [butt plug, anal beads, and other sex toy items].
- 1.1.3 That the applicant asked the respondent to purchase a "burner phone" which the applicant would hide behind the trunk fusebox in her black BMW X5. The burner phone was a Vodafone Smart First¹⁶ which had the;

Phone number 021 02231115

Puk Code 2024 1889

Sim number 6401151103500517

[Note the applicant still has the docket that came with the phone]

- 1.1.4 Obtaining the records for that phone will evidence most of the above excepting where the applicant had used app software to secret, or destroy, such evidence of the domestic relationship. That the applicants husband found out about the domestic relationship a year prior to the respondent being dismissed and threatened the applicant regarding his belief that the applicant had asked the respondent to search their joint family computer, and had discovered the following as listed in paragraphs 1.1.1.2.5.1.¹⁷ The respondent is aware that the applicant raised these issues with her husband when she admitted that she had asked the respondent to access the computer, and that she would do the same with the work computers. The applicant shared information with the respondent that she had obtained from the family computer, as she was considering what to do next, as far as ending the marriage, as she was concerned for her children. That particular information had been accessed by the applicant, or someone else being given access to the computers by the applicant, without the respondent being involved. However the respondent admits to assisting the applicant in her endeavor to prove the extent of her husbands depravity by accessing the family computer on at least two occasions. "Depravity and deviancy" were the applicants favourite terms when discussing her husbands interests and activities. The respondent believes that the applicant identified Mr Blomfield communicating with her husband on their joint computer. [This omission amounts to perjury and an attempt to obtain an order by fraudulent means being a contempt of court and a conspiracy to defeat, pervert, obstruct, and defeat the course of justice].
- 1.1.5 The applicant informed the respondent, that she had threatened her husband with divulging this information to the Police and family friends, and that this had led the applicants husband to destroy all of his computers¹⁸. The applicant, at that time, informed the respondent about the destruction of the computers by those involved including Mr Blackman. Neither the applicant or the applicants husband mentioned any report by Mr Blackman, at that time, but the applicants husband did hint at something he had obtained against the respondent in text messaging.
- 1.1.6 The respondent believes that the report by Mr Blackman a year later resulted from Mr Blomfield attempting to allege criminality in order to make the evidence tainted and not admissible in Court, and to create fear in the respondent that going to the Police would backfire on the respondent.
- 1.1.7 The statement in Mr Blackmans report that an unnamed staff member had informed Mr Blackman that the respondent had installed a key logger is a falsity. This is not to say that key loggers had not been placed on the computers by someone else at the behest of the applicant, or even the applicants husband. This report was given to the respondent by Mr Blomfield at a dismissal meeting when Mr Blomfield said he was a lawyer, with 15 years expertise in Human Relations, and that he had a relationship with the North Shore Police, and that the applicant

¹⁵ KR15 pages 98 to 106

¹⁶ KR 19

¹⁷ KR14 page 90 to 97

¹⁸ Paragraphs 8 and 9 Exhibit "A" to the affidavit of Olivia Baker

- and the applicants husband had laid a complaint against the respondent of entering a computer for a dishonest purpose, with Mr Blomfield inferring that it would only be a matter of time before the respondent would be arrested, convicted, and incarcerated¹⁹. Mr Blomfield was very focused on explaining the destruction of the computers and blaming it on the respondent. [All of these omissions amount to perjury and an attempt to obtain an order by fraudulent means being a contempt of court and a conspiracy to defeat, pervert, obstruct, and defeat the course of justice].
- 1.1.8 After the dismissal meeting with the respondent Mr Blomfield stated to the respondent in so many words;
- 1.1.6.1 That Mr Blomfield could make the respondents life a virtual hell because:
- 1.1.6.1.1 His law firm Blomfield & Co specialised in defamation, employment and criminal law, and;
- 1.1.6.1.2 He was closely connected to certain local Police, and the Head Hunters gang, and;
- 1.1.6.1.3 That Mr Blomfield would do anything to protect himself and the applicants husband, and that the respondent should walk away if he knew what was good for him [or words to that effect]
- 1.1.9 The applicants husband had stolen the applicants, the applicants mothers, and the applicants sister in laws lingerie sets, and taken photos of him and his intimate partners, wearing the sets, or in sexual activity wearing the sets. [This omission amounts to perjury and an attempt to obtain an order by fraudulent means being a contempt of court and a conspiracy to defeat, pervert, obstruct, and defeat the course of justice].
- 1.1.10 In one phone call to the respondent the applicant had stated that she had seen Mr Blomfields landrover around at the family residence during the day time, and believed that they were more than friends. The respondent met with the applicant that day at the snapper rock cemetery. It was during these times that the applicant would say to the respondent "do you want me to have your baby" and would tell the respondent that she was not on the pill, and to come inside her. [This omission amounts to perjury and an attempt to obtain an order by fraudulent means being a contempt of court and a conspiracy to defeat, pervert, obstruct, and defeat the course of justice].
- 1.1.11 At that same time the applicants husband had threatened the respondent via text message that unless the respondent resigned from employment, the applicants husband would get a restraining order, and he had a "Trump Card" that the respondent did not know about. This was in relation to the applicants husband believing that the respondent had retained evidence of the applicants husband visiting known child pornography trading sites²⁰, and storing images on the home computer of that illegal and imprisonable material and "scat" porn²¹. The applicant knew all about this behaviour by her husband, and the threats against the respondent. [This omission amounts to perjury and an attempt to obtain an order by fraudulent means being a contempt of court and a conspiracy to defeat, pervert, obstruct, and defeat the course of justice].
- 1.2 At that same time the applicants husband threatened the respondent with the fact that he had to change the passwords for the computers, due to his belief that the respondent, at the applicants request, had access to the computers that held evidence of the child pornography offending, and that the applicants husband knew a Police Detective, and that if the respondent did not resign, and stop seeing the applicant, that he would make a false

¹⁹ Exhibit "C" to the affidavit of Olivia Baker

²⁰ Imgsr.cu with searches under prepubescent and preteen

²¹ pornography featuring defecation or fecal play - <http://onlineslangdictionary.com/meaning-definition-of/scat>

complaint to the Police²². Due to the material that the applicant was sharing with the respondent it is entirely possible that the applicant had placed a key logger or such other device on the family computer using either Mr Blackman, or someone else.

- 1.4 About this time the respondent was approached by the applicants husband, when the applicants husband, according to the applicant, had spent the night with Mr Blomfield, and Mr Blomfield had driven the applicants husband back to work the following morning. Mr Blomfield drove a black defender which the respondent had worked on days prior tinting the entire vehicle. When working on Mr Blomfields vehicle the respondent noted that in the vehicle there was;
 - 1.4.1 The smell of Marijuana and there was a large black handled kitchen knife in front of the drivers seat on the floor.
 - 1.4.2 There were also some pornographic DVD's with large black males on the covers. [During this contact the applicants husband stated very aggressively that the information that he thought the respondent had obtained, also held information about his contacts with Mr Blomfield over the internet, and that Mr Blomfield, if outed, would come after the respondent. The respondent believes that the invention of the "homemade" weapons likely belonging to the respondent was in order to be able to suggest that what the respondent was to say about Mr Blomfield was fabricated, or retaliatory.]
- 1.5 The respondent refused to resign given the nature of the applicants husbands admitted offending, and the way that he was trying to use Mr Blomfields involvement to scare the respondent, and the applicant would not agree to dismiss the respondent because she wished to continue the intimate domestic relationship, when giving her husband a false undertaking that she had ended the relationship. It follows as far as the respondent is concerned that if there was a real issue as to illegal activities regarding the computers that the applicant and her husband would have simply sacked the respondent at that time. Further the respondent had no access to the family computer without the involvement of the applicant.
- 1.6 The intimate relationship continued as per previous, and if anything intensified as to frequency of intimacy. The respondent would stay at the marital home when the husband was away, either with Mr Blomfield, or out of town, and sleep in the husbands separate bed with the applicant where the applicant and the respondent would have vaginal, oral, and anal, sex without the use of contraception.
- 1.7 The applicants husband found out that the relationship had continued and increased in intimacy to the point that the applicant was seriously considering leaving the husband, and the applicant, and the respondent, were looking at planning a future together. The applicant had a very close relationship with the applicants two children Sophia and Sienna. The respondent purchased the two children presents at Christmas 2015²³, and would purchase meals for the children and the applicant when out with them, or when home with them, when the applicants husband was away.
- 1.8 The applicant was now reasonably computer savvy and suggested various phone applications be used that erased images, videos, and messages, at predetermined interval settings when the applicant and the respondent would communicate in text or with imagery.
- 1.9 The applicant would take pictures and video of the respondent, and seek that the respondent take such imagery of himself, and this imagery was, according to the applicant, circulated

²²KR14 pages 91, and 94

²³ KR 30

amongst selected friends with the same phone application²⁴. This application was called "Telegram"²⁵.

- 1.10 Likewise the applicant and the respondent took turns as to who was videoing what. The applicant wanted a video of the respondent performing cunnilingus on the applicant to show her husband "one day". The applicant asked the respondent to take a video of her performing oral sex on the respondent when the applicants husband was just metres away in the next room²⁶. The applicant obtained a copy of this video and used to watch it at night, and every Wednesday during the day she had off, when masturbating²⁷.
- 1.11 The applicant and her husband then agreed, once the applicant had met with Mr Blomfield, that the respondent would be dismissed on the allegations made a year earlier, about dishonest access with a computer, contained in a previously unseen letter from Circle I.T. If the letter had been genuine, it would have been given at the time of the alleged conduct. It is the respondents position that the destruction was due to the fear of the applicants husband that the Police would raid his computers. However the internet activity would still be available from the Internet Service Provider.
- 1.12 As stated such letter admitted to the cleansing and destruction of the offending material by the destruction or wiping of the computers. Malware is present from looking at pornography on the Internet and the use of file sharing software. The reason for Mr Blomfield lying about the Police complaint was because he, as the applicant had maintained, was also surfing the homosexual and child pornography sites. This is the reason why Mr Blomfield has gone to such extremes relating to threats, and advised the applicant to take this action on false grounds and perjury. It is in order that Mr Blomfield is not outed as being in an intimate relationship with the applicants husband, and both of them being involved in child pornography trading group, and wearing stolen and shared female's panties whilst masturbating, falatiating and penetrating each other, and others.
- 1.13 The respondent attended a meeting with Mr Blomfield, Mr Norling, and the National Master Franchise Owner for Tint-a-Car [Sharyn Parkin] as a support person for the respondent. At that meeting Mr Blomfield made ludicrous allegations such as;
 - 1.13.1 That he had the Police on standby to attend the meeting if things went astray.
 - 1.13.2 That a criminal complaint had been made to the Police about the respondent accessing computer systems for dishonest purposes, and that they would await that outcome, but nevertheless this gave grounds for immediate dismissal.
- 1.14 After dismissal the applicant then approached the respondent seeking further intimate relations, and had had such intimate relations with the respondent days before the dismissal decision when the applicants husband had spent the night with Mr Blomfield²⁸.
- 1.15 After the dismissal the applicant had been in intimate relations with the respondent at public places, due to the trespass orders. However the applicant would sneak out of the family home and have sex with the respondent not far from the family home. On occasions when the applicant had her hair coloured at Oscar & Co in Takapuna she would request the respondent to have sex with her in the public toilets on Hurstmere Road where she would take selfies of the respondents erect penis entering her. On other occasions the applicant would purposefully go on "girl nights out" in Takapuna for the sole purpose of a rendezvous with the respondent. The respondent would take images and video of the sexual encounters. The

²⁴ KR17 pages 115 to 123B

²⁵ KR21 pages 128 to 129

²⁶ KR18.

²⁷ KR17 page 123 B

²⁸ KR28 page 156 to 159

applicant would hide these images and videos on her phone inside a software application disguised as a calculator. This application was called "KYMS".

- 1.16 The relationship became "rocky" when the applicant was informed that the respondent had had sexual relations with a very attractive 26 year old real estate agent from Christchurch, and had been seen having dinner with a blonde in ponsonby, and a friend had taken a picture of the respondent, without the respondents knowledge²⁹.
- 1.17 The applicant has sent extremely abusive and hurtful texts to the respondent stating "yet again have some cunt fuck on me"³⁰. That "you cheat on me to cunt"³¹, and "you totally fucked me over"³² and "risked everything for you. Nearly left it all... only to realise that you were no better than him"³³.
- 1.18 The applicant sent text messages saying that the respondent was ruining her business by taking work off of her, and her husband and they could be ruined³⁴. This was after the dismissal and the respondent had to start out again as an independent contractor³⁵. After the applicant and her husband had dismissed the respondent, the Dealer Principal of North Harbour Ford & Mazda had approached the respondent directly given that the quality of work and service had deteriorated at Tint-a-Car, and asked the respondent to contract in house.
- 1.19 The applicant got Mr Blomfield to approach the respondent and to threaten the Respondent whilst the respondent was in his car in a Supermarket, after having completed his shopping. Mr Blomfield was very aggressive and threatening in the manner he spoke and banged on the car window. It was more of an attack than an approach. Mr Blomfield accused the respondent of stalking the applicant, and taking their business. The respondent was so concerned about the approach that he went to the Police and laid a complaint.
- 1.20 The respondent became aware of rumour's of the respondent stalking the applicant circulating the business area around where the respondent worked. The respondent is aware that these rumours were being spread by Mr Blomfield, more than the applicants husband, or the applicant. This false accusations were the very reason for the direct approach of the applicant to attempt to understand why they were getting Mr Blomfield involved.
- 1.21 The respondent was served at his work at North Harbour Ford & Mazda, after the Dealer Principal had confirmed that no more work was to be given to the applicant and the applicants Tint-A-Car account was to be closed.
- 1.22 The server, a large Maori male came to the applicants work and decribed the proceedings nature to other staff. The applicant returned to work to be served, and whilst service was told by this very intimidating Maori male that Mr Blomfield had gang connections and that Mr Blomfield had informed the server that the respondent was not safe. The server [himself] was not threatening at all, and commented that he was an ex police officer, and asked was the respondent all right or was the respondent frightened of Mr Blomfield, and his known gang associations.
- 1.22 The respondent denied being frightened, but was frightened. The service on the respondents work was not necessary as the applicant knew where the respondent could be contacted given the nature of their intimate relationship.

²⁹ KR1 page 10

³⁰ KR1 page 2

³¹ Ibid page 7

³² Ibid page 3

³³ Ibid page 2

³⁴ Ibid pages 1 and 4

³⁵ Ibid

- 1.23 The respondent and the applicant had intimate relations in Queenstown well after the dismissal and stated that she wished to leave her husband. The respondent did not pay for any food, or drink, or the hotel room they shared. The respondent and the applicant stayed at the Crown Plaza Hotel, and again the applicant mentioned her belief that her husband was having a homosexual relationship with Mr Blomfield.
2. The respondent believes that the perjury of the applicant was suborned by Mr Blomfield, and the lawyer, given that the respondent has supplied material to the applicant and her husband to prove that he was not involved in any hacking and that the applicant gave access to the home computer in order to prove what her husband had been up to, and that her husband had invented the nonsense about hacking all of the computers in order to create a false allegation, with the advice of co-offender Mr Blomfield, to stop the respondent doing anything with the information he thought the respondent had obtained, but which information was only ever obtained at the direct instructions of the applicant so that she could use it against both men.
3. It is the respondents belief that the applicant and the applicants husband at the advice of Mr Blomfield destroyed the computers in 2015, due to the information that they all knew was on them. The respondent never had access to the business computers, other than what was normal but never used them for any dishonest purpose.
4. The allegations were invented a year earlier to the final dismissal in order to intimidate the respondent into resigning, and reinvented a year later in order to force the resignation, or to sack the respondent because the applicant thought that the respondent had been unfaithful. The applicant and the applicants husband had separate adultfriendfinder accounts³⁶, but the applicant did not know about the husbands separate accounts, or the child pornography and the depraved homosexual activities until she asked the respondent to search the home computer for such activity. The respondent and the applicant were both stunned at what they found. The respondent would not resign because he had done nothing wrong in following the instructions of a domestic partner involving a computer she owned. She also owned the work computers. The respondent did not install a key logger, but it is very possible that the applicant simply downloaded free software off the internet with instructions.
5. Such material obtained from the applicant was supplied to Mr Blomfield and was discussed in the dismissal meeting, but he stated that there was nothing in it that affected the respondents criminality. The respondent kept quiet in the dismissal meeting as he was being represented by Mrs Sharyn Parkin who correctly referred to the issue as a "love triangle".
6. The respondent has never harassed the applicant, and it could be said that the applicant has harassed the respondent by her actions, in;
 - 6.1 Using the respondent, an employee, for sex at work, inclusive of;
 - a] Giving the respondent falatio, and sending the film to her burner phone so she could show her friends, and for her to masturbate over.
 - b] Having the respondent give the applicant cunnilingus on numerous occasions whilst the applicant filmed the act for her own gratification.
 - c] Having anal and vaginal sex in every room at work, and upstairs.
 - d] All of the above was done whilst the husband was at work next door, and on numerous occasions whilst the husband was in the next room. On one occasion the applicant had sex with the respondent because she has seen Mr Blomfield arrive at work in the evening to be greeted by her husband.
 - e] Upon dismissing the respondent, continuing the domestic relationship and intensifying it if any, and seeking that the respondent breach the trespass orders.
 - 6.2 Using the respondent, an employee, for an affair that turned into a full blown domestic relationship, which included;

³⁶ KR31 which discloses the applicants sexual interests as "straight sex, threesomes, anal sex, gang bangs, phone sex, group sex, oral sex, masturbation, outdoor sex, voyeurism"

- a] Having the respondent attend at the applicants family home when she would want immediate sexual gratification, mostly in the husbands bed, but at times on the washing machine, in the bathroom, in the lounge, spa pool, and once in the garage, where their activity gave the applicant carpet burns on her back.
 - b] Having the respondent attend outside the applicants family home when she would want immediate sexual gratification by giving or receiving oral, or having mostly anal sex in a standing position. The pretext for her leaving the house was that she was going for a smoke, and the applicant would text the respondent saying that she would be having a "smoke" or a "moke" in say 10, 20, or 30 minutes. On occasions the applicant would refer to the respondent as "little fucker" in texting setting up the illicit rendezvous where she would give oral or receive anal, whilst the husband, family and friends, were but a few metres away.
- 7. The intimacy was initiated by the applicant, after the applicant had requested that the respondent search the family computer and found the material she sought. The respondent initially resisted the sexual advances [on three or more occasions], but then relented as the applicant was the respondents friend, was extremely attractive, and the respondent knew of the husband's infidelity, homosexuality, and interest in viewing and storing images of child pornography with friends and others.
- 8. The applicant would never have invented the false material about the home made weapons, and the respondent believes that this is the work of Mr Blomfield. The applicant is a responsible and endorsed firearms owner, having been extensively vetted by the Police.
- 9. The respondent would never ever do anything to endanger or frighten, or cause fear to the applicant, or any member of her family. The respondent notes that there is no contemporaneous allegations made by anyone of this nature. It suddenly appeared after it became apparent that the respondent being dismissed had a direct result on the bottom line of the applicants Tint-A-Car business. The allegations are hackneyed machinations of the likes of Mr Blomfield who wants to intimidate the respondent from going to the Police, by alleging that he has laid a complaint of computer hacking.
- 10. The respondent has no interest in the applicant, but admits that he did have deep feelings of love and compassion for the applicant which have been completely dissipated by her behaviour in using him, and making false allegations against him, in order to obtain an order by perjury and other frauds in order to be able to spread that result around the local business area, in an attempt to get the business back that they lost as a direct result of firing the respondent without lawful cause by the invention of false allegations, and falsely alleging that these had been reported to the Police.

What the Respondent seeks as orders of this Court.

- 11. The Respondent seeks that the Court;
 - 11.1 Dismiss the application upon hearing the respondent's application to dismiss the application due to the perjury of the applicant, and that the application is in want of jurisdiction.
 - 11.2 Find the applicant in contempt of Court, on the respondents application to be filed, for the perjury committed by commission and omission by the applicant, and for conspiring with Matthew Blomfield, Stuart Gloyn, and Craig Baker, for suborning the perjury and for filing a fraudulent claim, which claim included a claim for indemnity costs if the deception of the Court had worked.
 - 11.3 Give a finding that Craig Baker, and Matthew Blomfield, conspired to, and did blackmail, the respondent from taking legal action over his wrongful dismissal, on the fabricated grounds that the respondent had entered computers for a dishonest purpose, and that a complaint had been made by Mr Blomfield to the Police and that Mr Baker had a personal friend as a Police Detective.

- 11.4 Give a finding that the respondent is entirely innocent of all allegations made against him and that the allegations and proceedings were fabricated by the applicant and her husband and Mr Blomfield to obtain an order by fraud, and to effect the respondents income at Northshore Ford.
- 11.5 Give a finding that the applicant and her husband abused their respective employer relationships with the respondent by the use of threats, abuse, and other emotional abuse inclusive of bringing these fraudulent proceedings.
- 11.6 Refer the matter to the Auckland District Law Society and the Police in relation to Mr Blomfield and Mr Stuart Gloyn, assisting the applicant and her husband to make false complaints to the police, fabricate evidence, make false accusations, commit and suborn perjury in furtherance of a conspiracy to falsely accuse, and defeat, pervert, and obstruct justice inclusive of the destruction of evidence known to have been relevant to criminal offending involving trading in child pornography, and the applicant making this fraudulent application supported by perjury.
- 11.7 Refer the matters of Mr Bakers alleged criminal offending involving child pornography be referred to the New Zealand Police Service.
- 11.8 That in order that the Court can find the applicant guilty of perjury, and the others guilty of suborning perjury, [in order to hold them all in contempt] the Court order third party discovery on their respective ISP and telephone providers to obtain the traffic that will be available to prove the perjury and the conspiracy that is afoot before this Court, or alternatively the Court draw the negative inference due to their being no reasonable excuse for the lack of honesty, and that further any competent lawyer would have obtained the ISP and phone records in order to prove the claims made by the applicant, and to satisfy the Court of counsels integrity. The respondent refers this court to Wigmore, and the analogous duties of a defence lawyer [once a prima facie case of perjury is made out to that lawyer and the court], and counsel [officers of the High Court of New Zealand in general;

11.8.1 **1. 2 Wigmore on Evidence (Chadborn Revision 179)**, para 285 at page 192 that;

"The failure to bring before the Tribunal some circumstance, document, or witness, when either the party himself, or his opponent claims that the facts would thereby be elucidated, serves to indicate, as the most natural inference, that the party fears to do so, and this fear is some evidence that the circumstance or document or witness, if brought, would have exposed facts unfavourable to the party. These inferences are always open to explanation by circumstances which make some other hypothesis a more natural one than the party's fear of exposure. But the propriety of such an inference in general is not doubted."

11.8.2 **Duties of defence lawyer**

- 13.13 A defence lawyer must protect his or her client so far as is possible from being convicted (**except upon admissible evidence sufficient to support a conviction for the offence with which the client is charged**) and in doing so must–
 - (a) put the prosecution to proof in obtaining a conviction regardless of any personal belief or opinion of the lawyer as to his or her client's guilt or innocence; and
 - (b) put before the court any proper defence in accordance with his or her client's instructions–**but must not mislead the court in any way.**³⁷

³⁷ Lawyers and Conveyancers Act [Lawyers: Conduct and Client Care] Rules 2008 Crute v. Crute, 86 Ga.App. 96, 97, 70 S.E.2d 727, 728 (1952) - In the United States it is well settled law that perjury may be punishable as a contempt of Court. In the divorce case of Crute v Crute³⁷, the appellate Court upheld the findings of the trial court that a contempt was committed by a party when giving perjurious evidence. The appellate court upheld the trial court's finding that the husband was in contempt of court for "testifying falsely" and for "deliberately attempting to mislead the court and conceal from the court evidence in the case".

See also the Conduct Rules state at their preface and Chapters 1 [Introduction] and 2 [Rule Of Law and Administration of Justice] of the Schedule, respectively;

The obligations lawyers owe to clients are described in the Rules of conduct and client care for lawyers (the rules). **Those obligations are subject to other overriding duties, including duties to the courts and to the justice system.**

The rules are based on the fundamental obligations of lawyers set out in section 4 of the Act, namely–

• **to uphold the rule of law and to facilitate the administration of justice in New Zealand:**

- to be independent in providing regulated services to clients:
- to act in accordance with all fiduciary duties and duties of care owed by lawyers to their clients:

The rules are not an exhaustive statement of the conduct expected of lawyers. They set the minimum standards that lawyers must observe and are a reference point for discipline. **A charge of misconduct or unsatisfactory conduct may be brought and a conviction may be obtained despite the charge not being based on a breach of any specific rule, nor on a breach of some other rule or regulation made under the Act.**

1.4 Conduct for which lawyer may be disciplined

The kinds of conduct, including criminal offences, for which a lawyer or former lawyer may be disciplined are as follows:

- (a) misconduct as defined in section 6 of the Act:
- (b) unsatisfactory conduct as defined in section 6 of the Act:
- (c) **negligence or incompetence in a lawyer's professional capacity of such a degree or so frequent as to reflect on the lawyer's fitness to practise, or as to bring the legal profession into disrepute:**

Rule of law and administration of justice

2. A lawyer is obliged to uphold the rule of law and to facilitate the administration of justice.

2.1 The overriding duty of a lawyer is as an officer of the court.

2.2 A lawyer must not attempt to obstruct, prevent, pervert, or defeat the course of justice.

Proper purpose

2.3 A lawyer must use legal processes only for proper purposes. A lawyer must not use, or knowingly assist in using, the law or legal

See also *Lamb v. Lamb*, 83 Nev. 425, 428, 433 P.2d 265 (1967), *Russell v. Casebolt*, 384 S.W.2d 548, 554 (Mo. 1964), *Ex Parte Sheldon*, 44 Nev. 268, 193 P. 967 (1920). See SCR 150(1) and 156(1) [Supreme Court Rules] – SCR156 stipulates that "[a] lawyer may reveal such information to the extent that the lawyer reasonably believes necessary . . . to prevent, or rectify, the consequences of a client's criminal or fraudulent act in the commission of which the lawyer's services have been used, but the lawyer shall, where practicable, first make reasonable effort to persuade the client to take corrective action." – SCR172 provides on point to what has occurred before Judges Collins and Paul;

"Rule 172. Candor toward the tribunal.

1. A lawyer shall not **knowingly**:

(a) make a false statement of material fact or law to a tribunal;

b) **fail to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client;**

(c) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or

(d) **offer evidence that the lawyer knows to be false. If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall take reasonable remedial measures.**

2. The duties stated in subsection 1 continue to the conclusion of the proceeding, **and apply even if compliance requires disclosure of information otherwise protected by Rule 156.**

3. A lawyer may refuse to offer evidence that the lawyer reasonably believes is false.

processes for the purpose of causing unnecessary embarrassment, distress, or inconvenience to another person's reputation, interests, or occupation.

Assisting in fraud or crime

2.4 A lawyer must not advise a client to engage in conduct that the lawyer knows to be fraudulent or criminal, **nor assist any person in an activity that the lawyer knows is fraudulent or criminal. A lawyer must not knowingly assist in the concealment of fraud or crime.**

Misconduct is defined at section 7 of the Lawyers and Conveyancers Act 2006, and the relevant subsections are³⁸;

Misconduct defined in relation to lawyer and incorporated law firm

(1) In this Act, **misconduct**, in relation to a lawyer or an incorporated law firm,—

(a) **means conduct of the lawyer** or incorporated law firm that occurs at a time when he or she or it is providing regulated services and is conduct—

(i) **that would reasonably be regarded by lawyers of good standing as disgraceful or dishonourable; or**

(ii) **that consists of a wilful or reckless contravention of any provision of this Act or of any regulations or practice rules made under this Act that apply to the lawyer**

Chapter 13 of the New Zealand Rules materially provides;

A lawyer must not claim privilege on behalf of a client unless there are proper grounds for doing so.

Presenting evidence and witnesses

A lawyer must not adduce evidence knowing it to be false.

If a witness (not being the lawyer's client) gives material evidence in support of the lawyer's client's case that the lawyer knows to be false, the lawyer must, in the absence of a retraction, refuse to examine the witness further on that matter. If the witness is the client of the lawyer, the lawyer must, in the absence of a retraction, cease to act for that client.

A lawyer cross-examining a witness must not put any proposition to a witness that is either not supported by reasonable instructions or that lacks foundation by reference to credible information in the lawyer's possession.

A lawyer must not discourage a witness or potential witness from discussing the case with the lawyer acting for the other party or otherwise obstruct access to that witness or potential witness by the lawyer acting for the other party. A lawyer is, however, entitled to inform a witness or potential witness of the right to decline to be interviewed by the other party and of any relevant legal obligations.

A lawyer must not communicate with a witness during the course of cross-examination or re-examination of that witness or between the cross-examination and the re-examination, except where good reason exists and with the consent of either the judge or the lawyers for all other parties (or, where

³⁸ The leading case [most frequently cited] of Lawyer Misconduct in New Zealand is *Gazley v Wellington District Law Society* [1976] 1 NZLR 452. English cases feature strongly in New Zealand Law due to the similarity of the laws, both common and statute. In this regard *Medcalf v Mardell* [2003] 1 AC 120, [2002] 3 WLR, [2002] 3 ALL ER 721 is cited in such cases as is *Rondel v Worsley* [1969] 1 AC [HC]. In the more recent disciplinary case on appeal and Judicial Review in *Evgeny Orlov v The New Zealand Lawyers and Conveyancers Disciplinary Tribunal (Anor)* – unreported – CIV 2013 – 404 – 5088 [2014] NZHC 1987

a party is unrepresented, the consent of that party).

This applies during adjournments of the hearing. Where a lawyer proposes to interview a witness for the other side, it is prudent to inform the lawyer representing the other side of this fact, especially in respect of sensitive criminal matters where it is important to take steps to avoid any suggestion of interfering with the course of justice.

A lawyer must not suggest to a witness or potential witness, **whether expressly or impliedly, that false or misleading evidence ought to be given or that evidence should be suppressed.**

A lawyer who retains an expert witness must take reasonable steps to ensure that the expert's independence is preserved and must advise the witness of his or her duty to the court.

12. The respondent has filed this statement of defence in order to protect his position, but has been told by others that, because the respondent and the applicant were in a domestic relationship, that this Court is not the proper jurisdiction and that the family Court is. If that is the case, then the respondent seeks that the Court dismiss the application immediately.
13. The respondent is to file an application in the Family Court seeking restraining orders against the applicant, her husband, and Mr Blomfield.
14. The respondent now fears for his life given the nature of the threats made by Mr Blomfield, and the manner in which Mr Blomfield has made the applicant lie under oath. When Mr Blomfield attacked the respondent in the car park, Mr Blomfield appeared disheveled and looked like he had not slept well in a week. The respondent has researched Mr Blomfield and it is obvious that he is a very dangerous and violent man, who attacks people and is attacked by people. It appears that he is closely associated with criminal gangs, and uses these connections in his falsely asserted legal practice.
15. The respondent did not take up litigation for unfair dismissal because of his fear of Mr Blomfield, his known reputation as being related to, and doing business with, criminal gangs.
16. The applicant is aware of these allegations against Mr Blomfield, as the applicant and the respondent have discussed this relating to her thoughts about what she would do if there was a battle for custody should she leave her husband, and her husband used Mr Blomfield against her.

Mr Blomfield is following the respondent attempting to find out where he lives in order to obtain what Mr Blomfield believes the respondent holds in evidence against Mr Blomfield and the applicants husband.

17. The respondent has seen Mr Blomfield in traffic behind him at numerous times. The respondent has taken clearly evasive routes to see if Mr Blomfield is following him. On one occasion the respondent got out of his car and walked into a shop until he felt that Mr Blomfield had gone. The shop was on the way to the respondents home.
18. The next day the respondent decided to walk to a local café to purchase a cup of coffee. This café was close to the shops that he had pretended to visit the previous evening.
19. When approaching the café the respondent could see Mr Blomfield sitting in the driving seat of an old metallic green BMW M3. It was Mr Blomfields car as it was metallic green, had black wheels, and had the number plate JRH137.
20. The respondent walked towards the air base and Mr Blomfield followed the respondent by car and continued to follow the respondent until the respondent was clearly approaching the security gates to the air base. Mr Blomfield then sped away. The respondent believes that he was being followed by Mr Blomfield last Friday from the respondents place of work, and some days earlier the respondent

believes that he was being videoed by a person not known to the respondent in the respondents home area of Hobsonville.

THE RESPONDENT RELIES ON;

- [I] The common law of contempt including the Courts abilities to act to protect any attempts to interfere or pervert the course of justice.
- [II] That the Court has to have jurisdiction in order to entertain the application filed by the applicant.
- [III] That the only affidavit evidence is given by the applicant, because she has likely been threatened by her husband and Mr Blomfield.
- [IV] The contents of the affidavit filed in support of the statement of defence, and applications for orders against the applicant and others.

Specific replies to the paragraphs to the applicants claims.

Paragraph 1

21. This is not relevant to the matters at hand and to be decided.

Paragraph 2

22. This is not relevant to the matters at hand and to be decided.

Paragraph 3

23. This is true in part but is perjurious in that it does not admit to the forming of a domestic relationship pursuant to the Domestic Violence Act 1995.

Paragraph 4

24. This is untrue, and known to the applicant to be untrue, and materially untrue and is perjury³⁹. The respondent was a crucial part of the Tint-A-Car brand and the reason for the fabrication is in order to mislead the Court as to the nature of the ongoing domestic relationship between the applicant and the respondent, and the fear that the applicants husband had about any material obtained from the family computer by the applicant with the assistance of the respondent in part, and others in part who may have set up a key logging system where they or the applicant could obtain information about the activities of the applicants husband and others.

Paragraph 5

25. This is likely true, but is perjurious in its omissions as to why this review took place.

Paragraph 6

26. This is untrue, and known to the applicant to be untrue, and materially untrue and is perjury⁴⁰. As stated the respondent was a valued member of the Tint-A-Car team and this was never mentioned in the dismissal meeting, and is not mentioned in the dismissal letter or the letter confirming the dismissal meeting [exhibit B]

Paragraph 7

27. This is untrue as it was Mr Blomfield that met with the respondent, with Mr Norling. The respondents employment was terminated.

³⁹ R v Goodyear-Smith HC Auckland T332/92, 26 July 1993 - then Anderson J [HC]

⁴⁰ R v Goodyear-Smith HC Auckland T332/92, 26 July 1993 - then Anderson J [HC]

Paragraph 8

28. This is untrue, and known to the applicant to be untrue, and materially untrue and is perjury⁴¹. The Police documents referred to as exhibit C relate to Mr Norling serving copies of the trespass notices on the Police Station, as it relates to an incident recorded as being "public relations". Additionally the second page is a generic one given to persons who attend the police station. There was never a complaint made to the police as alleged. The court will note the time is well before the meeting to discuss dismissal and obtain explanations. This proves the meeting was a farce as the decision had already been made.

Paragraph 9

29. This is untrue, and known to the applicant to be untrue, and materially untrue and is perjury⁴². It was the applicants behaviour that had become erratic and obsessive relating to wanting the respondent not to see anyone else.

Paragraph 10

30. This is untrue, and known to the applicant to be untrue, and materially untrue and is perjury⁴³. The affidavit to be filed will disclose that the applicant is committing perjury in all regards in order to obtain and order by fraud. The respondent does not believe that the applicant would do this without significant pressure from her husband and Mr Blomfield. The excuse for the deletion is ludicrous if the circumstances if the applicant feared for her safety. Such deletions and blocking would still remain on the phones hard drive with dates, or could be recoverable from the Internet service provider, or phone company.

Paragraph 11

31. This is untrue, and known to the applicant to be untrue, and materially untrue and is perjury⁴⁴. The affidavit to be filed will disclose that the applicant is committing perjury in all regards in order to obtain and order by fraud. The respondent does not believe that the applicant would do this without significant pressure from her husband and Mr Blomfield. The excuse for the deletion is ludicrous in the circumstances if the applicant feared for her safety. Such deletions and blocking would still remain on the phones hard drive with dates, or could be recoverable from the Internet service provider, or phone company.

Paragraph 12

32. This is untrue, and known to the applicant to be untrue, and materially untrue and is perjury⁴⁵. The applicant could never have made the allegation as she knows that it is untrue, and that the tragic weapons were made by the applicants husband and Mr Blomfield.

Paragraph 13

33. This is untrue, and known to the applicant to be untrue, and materially untrue and is perjury⁴⁶. The applicant was texting and calling the respondent wanting sex, and they met in Queenstown for the purpose of sex, with the applicant wanting to have the respondents child. This was done under the cover of a franchisee conference.

⁴¹ R v Goodyear-Smith HC Auckland T332/92, 26 July 1993 - then Anderson J [HC]

⁴² R v Goodyear-Smith HC Auckland T332/92, 26 July 1993 - then Anderson J [HC]

⁴³ R v Goodyear-Smith HC Auckland T332/92, 26 July 1993 - then Anderson J [HC]

⁴⁴ R v Goodyear-Smith HC Auckland T332/92, 26 July 1993 - then Anderson J [HC]

⁴⁵ R v Goodyear-Smith HC Auckland T332/92, 26 July 1993 - then Anderson J [HC]

⁴⁶ R v Goodyear-Smith HC Auckland T332/92, 26 July 1993 - then Anderson J [HC]

Paragraph 14

34. This is true. And the respondent when it became obvious that the applicant did not want to discuss why Mr Blomfield and her husband were making false allegations against the respondent, the respondent left. It was civil on behalf of the respondent and not civil on behalf of the applicant.

Paragraph 15

35. This is untrue, and known to the applicant to be untrue, and materially untrue and is perjury⁴⁷. The relationship did not end to May 2016. This is pure fabrication to invent a breach of the trespass order. The texts disclose that the applicant wanted the respondent to breach the trespass order and have sex in the family home or in the grounds of the property. If it was true and she feared for her safety she would have complained to the Police.

Paragraph 16

36. This is true in part, but the contact was to discuss why the false allegations were being circulated by Mr Blomfield. The respondent left immediately when it was clear that the applicant was embarrassed and would not discuss any issue other than the respondents infidelities. The applicant said outside "go fuck one of your girlfriends you creep". The respondent decided that the applicant needed time to calm down.

Paragraph 17

37. This is true, excepting that the respondent inquired as to the false allegations made by Mr Blomfield.

Paragraph 18

38. This is untrue as to her omission to relate that she had split with the respondent after finding out about alleged infidelities, and that she and her husband had, along with Mr Blomfield, spread untrue rumours about being stalked in order to affect the reputation of the respondent in order to recover business lost to the respondent.

Paragraph 19

39. This is untrue, and known to the applicant to be untrue, and materially untrue and is perjury⁴⁸. The applicant had contacted the respondent in order to carry of their relationship behind her husbands back. The relationship became 'rocky' when the respondent decided to see, but not sleep with other women.

⁴⁷ R v Goodyear-Smith HC Auckland T332/92, 26 July 1993 - then Anderson J [HC]

⁴⁸ R v Goodyear-Smith HC Auckland T332/92, 26 July 1993 - then Anderson J [HC]

Paragraph 20.

40. The respondent cannot plead to this as he has no knowledge, other than to say that the respondent believes that it was Mr Blomfield that began to plan to try and record me in the same area, but not when the respondent attempted to make contact with the applicant because by this time the respondent had given up.

Paragraph 21

41. This is untrue, and known to the applicant to be untrue, and materially untrue and is perjury⁴⁹. If the respondent had approached the applicant she could have taken a picture up close. Exhibit "F" discloses what the respondent believes is Mr Blomfield taking a picture of the respondent. Further the second picture clearly shows the picture being taken from the passenger side, when the applicant states no one else was there except her children and she was driving.

Paragraph 22

42. This is untrue, and known to the applicant to be untrue, and materially untrue and is perjury⁵⁰. The allegations are ludicrous. The respondent maintains that is impossible that such serious allegations had been made against an endorsed firearm licensee, and that the Police's reaction would not have been immediate. There is no recording device in the bathroom to the knowledge of the respondent. It is invented just like the home made weapons were.

Paragraph 23

43. The respondent can not confirm this as no dates or times are given. The applicant knows that the respondent has moved on and this was part of the reason for her becoming upset and abusive. This allegation is invented for the purpose of this application.

Paragraph 24

44. This is untrue, and known to the applicant to be untrue, and materially untrue and is perjury⁵¹. If anything the applicant knows that Mr Blomfield is unstable. The applicant is deceiving this court about her domestic relationship that lasted 2 years with the respondent, and is deceiving this court as to her alleged fear, and if anything the respondent now fears the applicant and her desire to destroy him financially and reputationally.

Paragraph 25

45. This is untrue, and known to the applicant to be untrue, and materially untrue and is perjury⁵². If the respondent was following the respondent from her home, given the instructions to photograph the respondent, why are not photographs supplied. They are not supplied because they do not exist because the applicant is lying. It never happened.

⁴⁹ R v Goodyear-Smith HC Auckland T332/92, 26 July 1993 – then Anderson J [HC]

⁵⁰ R v Goodyear-Smith HC Auckland T332/92, 26 July 1993 – then Anderson J [HC]

⁵¹ R v Goodyear-Smith HC Auckland T332/92, 26 July 1993 – then Anderson J [HC]

⁵² R v Goodyear-Smith HC Auckland T332/92, 26 July 1993 – then Anderson J [HC]

Paragraph 26

46. This is untrue, and known to the applicant to be untrue, and materially untrue and is perjury⁵³. The effort involved in putting a perjurious affidavit together to support a fraudulent application in order to obtain an order by fraud has no value in law that can be compensated.

Paragraph 27

47. This is untrue, and known to the applicant to be untrue, and materially untrue and is perjury⁵⁴. The respondent had completed shopping at the Countdown supermarket, and would have been seen by the applicant and Mr Blomfield getting into his car. The applicant assumes that this was when the photograph was taken from Mr Blomfield's office building. Importantly, the applicant alleges that Mr Blomfield approached the respondent telling the respondent not to follow the applicant, and then reports that Mr Blomfield stated that the respondent was somewhere hiding in the carpark. None of that statement even makes sense. The truth of the matter is that Mr Blomfield approached the respondent from behind when the respondent was about to pull out, and verbally abused and threatened the respondent "for effect", and then the respondent left to attend at the local police station to make a complaint. The image exhibit "G" encompasses 3 cars. The picture was taken prior to Mr Blomfield coming downstairs and threatening the respondent.

General comment of victim of perjury and false accusation

48. The Harassment Act requires 2 specified Acts within a 12 month period. Surely after the dismissal the first two acts by telephone, text, etc, would have been enough given the alleged computer offending, going through the applicants phone, and personal belongings, to complain to the Police about criminal harassment - s8 of the Harassment Act 1997, and the Police would have acted without hesitation given the number and type of firearms the respondent is licenced to own and operate. There are no allegations of this nature made in the letter of dismissal as they never occurred.
49. The respondent maintains that the perjury committed by the applicant has been suborned by the applicants husband and Mr Blomfield, in order to disguise their own criminal behaviour and that the feigned police complaint is clear proof by inference that this was the case.
50. Mr Blomfield following the respondent is clear evidence that he wanted to secure material that he believes that the respondent holds as to his, and the applicants husbands, criminal activities on the internet. Mr Blomfield spreading rumours of stalking around the local business area did not work, and if anything enhanced the belief that the respondent had been subject to unfair dismissal, decided to play the formal allegations angle believing that the respondent would buckle and not defend the ludicrous allegations because of the respondents fear of Mr Blomfield.
51. The contempts of Court are very serious, and should not be tolerated when the Court can clearly identify perjury and suborning perjury.
52. Certain allegations are made in the annexures to the applicants affidavit but are not mentioned or confirmed in the affidavit for a good reason. The respondent believes that the applicant has been subject to some form of coercion, or is of the belief that unless she acts, that her businesses will be destroyed. Fittingly it would seem that her perjury and attempt to ruin the respondents reputation will be the matter that causes her the most grief. The respondent is aware that the applicant, her husband and Mr Blomfield are spreading the allegations that the respondent is already subject to protection orders.

⁵³ R v Goodyear-Smith HC Auckland T332/92, 26 July 1993 - then Anderson J [HC]

⁵⁴ R v Goodyear-Smith HC Auckland T332/92, 26 July 1993 - then Anderson J [HC]

53. As stated the respondent will seek orders of the Family Court pursuant to the Domestic Violence Act 1995 against the applicant as respondent, and the applicants husband and Mr Blomfield as associated respondents. The respondent cannot overemphasise his fear of Mr Blomfield, and what Mr Blomfield is capable of when he is seen for what he is.
54. The respondent seeks that the Court apply its actual and inherent powers to protect the respondent and the administration of justice. Those that seek to defeat justice, and to bring the Courts by deception and other fraud into embarrassment and public humiliation do so, with the desire that they obtain a gain otherwise not possible to obtain, if they told the truth.

Fiat justitia ruat cælum should not negotiable in this case

55. The respondent reminds this honourable court of the latin idiom, [or in these times, argot of the judiciary past]; "Fiat justitia ruat cælum" which translates into "Let justice be done though the heavens fall". The applicant and her cohorts chose to commit to this malicious strategy, and in failure they must face a deterrant punishment, to punish them specifically, but to also send a warning to all others that may seek to commit similar egregious acts.
56. The respondent has had to react to the manner in which he was served the offensive and malicious application, and in the manner in which the applicant and her cohorts have been spreading malicious rumours that they have already obtained a protection order against me as a result of my dishonesty and the applicants fear for her safety. I have had to copy the documentation to be filed in this Court and to supply it to my employers, customers, and clients, that I deal with that have been subject to the behaviour aforementioned.

Respondent in person