

ANDREW GILCHRIST
BARRISTER

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October 17, 2016

Dispute Administrator
GoDaddy

VIA EMAIL

Dear Sir

www.laudafinem.com

I am a lawyer based in Auckland New Zealand who is appointed by the High Court of New Zealand for the purpose of supervising the implementation of the enclosed Court Order dated 13 October 2016 (annexed "A").

I refer to the email of Mr Matthew John Blomfield dated Monday, 19 September 2016 at 12.25pm and your response on Tuesday, 20 September 2016 at 10.32am, subject [Incident ID: 30288536] - <http://www.laudafinem.com/> (annexed "B").

Mr Blomfield has now obtained a number of Court Orders, including a Court Order concerning my control and access to the Lauda Finem website. A Judgement in relation to these proceedings was delivered on 12 October 2016 (annexed "C").

As per your email, can you please transfer the domain name into my control for the purpose of complying with the Court Order.

Furthermore, to assist in the effective implementation of this Court Order, please ensure the writer that the current administrators and/or owners will not able to access the site while I am conducting my investigation. I would ask that your company takes steps to preserve the following information:

Any and all information relating to the identification of the owner, or administrator, or user, or subscriber for the Lauda Finem website (WWW.LAUDAFINEM.COM), including any associated email addresses, subscriber details, payment data and internet protocol addresses used to connect to the account and any device identification data for data to upload images and documents which are the subject matter of the attached Court Order.

The Plaintiff in these proceedings, Mr Blomfield, has asked me to pass on his apologies for any inconvenience that compliance with this Court Order may cause your company.

As I am sure you will appreciate, Mr Blomfield has spent a considerable amount of time and money obtaining these urgent Orders and I ask that you provide access to the site as soon as reasonably possible.

I look forward to your prompt response and assistance with this matter.

Yours faithfully,

Andrew Gilchrist

A large, stylized handwritten signature in blue ink, written over the typed name and extending upwards and to the right.

"A"

DUPLICATE

IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

IN THE MATTER	of the Defamation Act 1992
CIV:	CIV-2016-044-1215
BETWEEN	MATTHEW JOHN BLOMFIELD Plaintiff
AND	THE OWNER AND/OR ADMINISTRATOR OF WWW.LAUDAFINEM.COM Unknown Defendant

ORDERS OF THE COURT

Date : 13/10/2016

Mathew Blomfield

A 7 Rame Road • Greenhithe • Auckland 0632
C 021362462
E matt@blomfield.co.nz



TO the owner of www.laudafinem.com

1. The interlocutory application for an interim injunction by MATTHEW JOHN BLOMFIELD dated 21 September 2016 was further determined by the honourable Justice Woodhouse in a Judgement on 12 October 2016 CIV-2016-044-1215 [2016] NZHC 2425.
2. The determination was made following a hearing held on 29 September 2016 at High Court of New Zealand Auckland Registry. Matthew John Blomfield appeared for himself as Plaintiff in person.
3. The following orders were made:
 - a) Pending further order of the Court, the owner and any administrator of the website www.laudafinem.com (the website), and any other person capable of having material published on the website, and any servant or agent or company under the control of any of the foregoing, shall not publish on the website or elsewhere any information or material of any sort, and in any form which directly or indirectly relates to the plaintiff Matthew John Blomfield or to any other person associated with the plaintiff an referred to because of that association.
 - b) All information and material of any sort, and if any form, presently published or available on the website, which directly or indirectly relates to the plaintiff Matthew John Blomfield or to any other person associated with the plaintiff and referred to because of that association, shall forthwith be removed and shall not be made accessible on the website or published elsewhere pending further order of the court.



c) Control of and access to the website shall forthwith be transferred to and made available to Andrew Robert Gilchrist of Auckland, New Zealand, barrister and, pending further order of the Court, Andrew Robert Gilchrist shall retain control of the website, and is to be assured of access to the website, subject to the following:

(i) Mr Gilchrist's control of and access to the website is, subject to any further direction of the court, limited to the following purposes:

- Obtaining any and all information relating to the identification of the owner, or administrator, or user, or subscriber for the website, including any associated email addresses, subscriber details, payment data and internet protocol addresses used to connect to the account and any device identification data for data to upload images and documents which are the subject matter of the application leading to these orders.
- Giving effect to the preceding orders (a) and (b).

(ii) As soon as Mr Gilchrist has any information identifying a person or persons, or entities, to whom notice of this proceeding should be given as a respondent or potential respondent, Mr Gilchrist is to file a report, and deliver a copy to the plaintiff, recording the relevant information. The plaintiff shall forthwith serve on the identified persons or entities copies of the documents filed by the plaintiff in this proceeding to date together with a copy of this judgement. Any such person or entity may apply on three days' notice to the plaintiff for orders setting aside or varying the present orders, and for other orders.



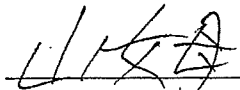
(iii) Once Mr Gilchrist is satisfied that there are no further steps properly available to him for the purposes identified in the preceding sub-paragraph (i), or by 20 January 2017, whichever occurs first, Mr Gilchrist is to file a report with the Court recording the steps taken by him, the information obtained, and Mr Gilchrist's proposals as to any further orders that might properly be made in respect of the website.

- d) The plaintiff has leave to apply for variation of the preceding orders.
- e) Mr Gilchrist's reasonable costs and disbursements shall in the first instance be met by the plaintiff. The plaintiff has leave to apply to recover those costs against the defendant or an interest third party against whom such an application might properly be made.
- f) The plaintiff's costs of and incidental to this application are reserved.

Date:

12-10-2016

Signature:



(Registrar/Deputy Registrar)

S MILLS
DEPUTY REGISTRAR



"B"

From: Courtdisputes-GD <Courtdisputes@godaddy.com>
Date: 20 September 2016 at 10:31:53 AM NZST
To: "matt@blomfield.co.nz" <matt@blomfield.co.nz>
Subject: RE: Update [Incident ID: 30288536] - <http://www.laudafinem.com/>

Dear Matthew Blomfield,

Thank you for your email. A review of the documentation provided indicates that the registrant of [laudafinem.com](http://www.laudafinem.com) is not a listed defendant in this case. As the documentation also does not list the domain name that you have requested to be transferred, we are not able to assist with your request at this time.

Should you obtain an order from the court that lists the domain name and directs the registrant to transfer the domain name to the Plaintiff's control, we will assist you with its implementation.

Please let us know if you have any questions.

Regards,

Alex H.
Dispute Administrator | GoDaddy
ENCO [laudafinem.com](http://www.laudafinem.com)

From: Domains By Proxy [<mailto:generalmanager@domainsbyproxy.com>]
Sent: Monday, September 19, 2016 12:25 PM
To: Courtdisputes-GD
Subject: Update [Incident ID: 30288536] - <http://www.laudafinem.com/>

PRIVATE REGISTRATIONS@

Discussion Notes

Support Staff Response

-----ORIGINAL NOTE-----

Subject: <http://www.laudafinem.com/>

From: matt@blomfield.co.nz

Date: Mon, 19 Sep 2016 02:47:26 +0000

To: generalmanager@domainsbyproxy.com

The above website contains documents that belong to me and were illegally obtained. There also an order preventing the plaintiff from publishing these documents see attached.

It was the subject of much media attention in New Zealand

see http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11339962

Please have my emails removed and provide me with the details of who posted this content.

The most recent story

<http://www.laudafinem.com/2016/09/15/the-die-is-cast-perpetual-business-failure-matt-blomfield-goes-all-trekky/> is also clearly in breach of your own policies.

Can I please ask that the site be suspended and reviewed.

Yours faithfully

Matthew Blomfield

M 021 362 462

Level 1, 124 Hobsonville Road

Hobsonville, Auckland 0618

PO Box 317038

Hobsonville, Auckland 0664

Office of the General Manager,
Domains By Proxy, LLC

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All rights reserved.
U.S. Pat No. 7,130,878

" C "

IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

CIV-2016-044-1215
[2016] NZHC 2425

IN THE MATTER of the Defamation Act 1992

BETWEEN MATTHEW JOHN BLOMFIELD
 Plaintiff

AND THE OWNER AND/OR
 ADMINISTRATORS OF
 WWW.LAUDAFINEM.COM
 Unknown Defendant

Hearing: 29 September 2016 and further memoranda filed to 10 October
 2016

Appearances: Plaintiff in person

Judgment: 12 October 2016

JUDGMENT OF WOODHOUSE J

*This judgment was delivered by me on 12 October 2016 at 1:00 p.m.
pursuant to r 11.5 of the High Court Rules 1985.*

Registrar/Deputy Registrar

.....

Parties:
Mr M J Blomfield, Auckland
Copy to:
Mr A R Gilchrist, Barrister, Auckland

BLOMFIELD v THE OWNER AND/OR ADMINISTRATORS OF WWW.LAUDAFINEM.COM [2016] NZHC
2425 [12 October 2016]

[1] Matthew Blomfield has applied for injunctions against a party described as “the owner and/or administrators of www.laudafinem.com”. The identity of the owner or administrator of this website is not known to Mr Blomfield.

[2] The injunctions sought, as recorded in the application, are expressed as permanent injunctions of a mandatory nature. Mr Blomfield’s application and submissions nevertheless make clear that what is sought are interim injunctions, although of a mandatory nature.

[3] This proceeding was originally filed in the District Court where Mr Blomfield was referred to as the applicant and the other party as the respondent. The parties are properly described as plaintiff and defendant. There is an order amending the intituling accordingly.

[4] There were three substantive memoranda filed by Mr Blomfield in support of his application and two substantial affidavits. A large number of documents are attached to the affidavits. In addition, I heard oral submissions from Mr Blomfield and in the course of those submissions discussed the precise form of one of the orders he sought. That is an order, in summary, that the domain name www.laudfinem.com be transferred to Mr Blomfield for specified reasons and that the website then be shut down.

[5] I am satisfied that the orders sought may be made, with some modifications. There is, at the very least, a serious question to be tried on Mr Blomfield’s essential contention that a great deal of material published on this website and relating, directly or indirectly, to him should not have been published and that any further publication of such material should be prohibited pending further order of the Court. It is seriously arguable that the material is defamatory and it is seriously arguable that a substantial amount of material has been obtained unlawfully, by hacking or by other means. The evidence before the Court in fact establishes a strong prima facie case for permanent injunctions. That conclusion is relevant to the fact that mandatory interim injunctions are sought. They are well justified.

[6] Although the respondent, or respondents, are not identified at this point, I am satisfied that orders can be made. There is precedent for an order against an unknown respondent in cases such as the present.¹ This is not a case where there would be no utility in making the orders sought against a presently unknown respondent or respondents. There is evidence which satisfies me that it is reasonably possible that the orders will be capable of being given effect.

[7] There are the following orders:

- (a) Pending further order of the Court, the owner and any administrator of the website www.laudafinem.com (**the website**), and any other person capable of having material published on the website, and any servant or agent or company under the control of any of the foregoing, shall not publish on the website or elsewhere any information or material of any sort, and in any form which directly or indirectly relates to the plaintiff Matthew John Blomfield or to any other person associated with the plaintiff and referred to because of that association.
- (b) All information and material of any sort, and in any form, presently published or available on the website, which directly or indirectly relates to the plaintiff Matthew John Blomfield or to any other person associated with the plaintiff and referred to because of that association, shall forthwith be removed and shall not be made accessible on the website or published elsewhere pending further order of the Court.
- (c) Control of and access to the website shall forthwith be transferred to and made available to Andrew Robert Gilchrist of Auckland, New Zealand, barrister and, pending further order of the Court, Andrew Robert Gilchrist shall retain control of the website, and is to be assured of access to the website, subject to the following:

¹ *Slater v APN New Zealand Ltd* [2014] NZHC 5152 and *Slater v APN New Zealand Ltd (No. 2)* [2014] NZHC 2157.

(i) Mr Gilchrist's control of and access to the website is, subject to any further direction of the Court, limited to the following purposes:

- Obtaining any and all information relating to the identification of the owner, or administrator, or user, or subscriber for the website, including any associated email addresses, subscriber details, payment data and internet protocol addresses used to connect to the account and any device identification data for data used to upload images and documents which are the subject matter of the application leading to these orders.
- Giving effect to the preceding orders (a) and (b).

(ii) As soon as Mr Gilchrist has any information identifying a person or persons, or entity or entities, to whom notice of this proceeding should be given as a respondent or potential respondent, Mr Gilchrist is to file a report, and deliver a copy to the plaintiff, recording the relevant information. The plaintiff shall forthwith serve on the identified persons or entities copies of the documents filed by the plaintiff in this proceeding to date together with a copy of this judgment. Any such person or entity may apply on three days' notice to the plaintiff for orders setting aside or varying the present orders, and for other orders.

(iii) Once Mr Gilchrist is satisfied that there are no further steps properly available to him for the purposes identified in the preceding sub-paragraph (i), or by 20 January 2017, whichever occurs first, Mr Gilchrist is to file a report with the Court recording the steps taken by him, the information obtained, and Mr Gilchrist's proposals as to any further orders that might properly be made in respect of the website.

- (d) The plaintiff has leave to apply for variation of the preceding orders.
- (e) Mr Gilchrist's reasonable costs and disbursements shall in the first instance be met by the plaintiff. The plaintiff has leave to apply to recover those costs against the defendant or an interested third party against whom such an application might properly be made.
- (f) The plaintiff's costs of and incidental to this application are reserved.

Woodhouse J