

Your reference: NOH 43238

Wednesday, 19<sup>th</sup> July 2017

Ms Natalie O'Halloran  
Solicitor  
Professional Standards  
Law Society of NSW  
170 Phillip Street  
Sydney NSW 2000

Dear Ms O'Halloran

**Re: *My complaint about Fiona Seaton - Ms Seaton's letter to the Law Society of 26<sup>th</sup> June 2017 - Response***

1. Thank you for your letter of 13<sup>th</sup> July 2017, enclosing Fiona Seaton's response to the Law Society of 26<sup>th</sup> June 2017, which I received in Monday's post.
2. I note your request that I limit any comments to the complaint about Ms Seaton, however, Ms Seaton in her letter to you has repeated a large number of allegations against me concerning another solicitor from Turner Freeman, and I shall address those allegations as they arise. I shall write in a similar flow to that of Ms Seaton's letter to you.
3. Ms Seaton states that her letter of 17<sup>th</sup> February 2017, about which I complained, is privileged. As a copy of such correspondence has been provided to me, any privilege has quite obviously been waived and no longer exists.
4. Ms Seaton also states that such letter of 17<sup>th</sup> February 2017 relates to the context of litigation, however, I am not a party to that litigation, nor am I even mentioned in such litigation, and therefore, and quite clearly, my name does not belong in that letter. The existence of my name in that letter is simply, and without question, there to denigrate and impeach my character.
5. It is of note that Ms Seaton states in her letter to you of 26<sup>th</sup> June 2017 that I am not a party to the said litigation, and such therefore calls into question Ms Seaton's reasons for writing about me in the first instance.
6. Ms Seaton has stated that she has not made any unsubstantiated claims about me and quotes Supreme Court proceedings that took place on 27<sup>th</sup> November 2009 and also Local Court

proceedings that were heard on 26<sup>th</sup> February 2016. Neither of those proceedings involved Ms Seaton, however, and quite bizarrely, Ms Seaton speaks as on authority on such.

7. Ms Seaton states in paragraph 2 of her letter of 26<sup>th</sup> June 2017 that I was removed from an incorporated association as a result of conduct which included violent conduct. This statement is untrue in its entirety.
8. To justify Ms Seaton's statement that I had been removed from an incorporated association in relation to Supreme Court proceedings, an order of the Court would have to have been made declaring such in those proceedings. No such order was made.
9. Please find enclosed behind **Tabs 1-6** of the attached brief all Court documents relating to Supreme Court proceedings 5454/2009 (now known as 2009/00291458-001 due to change in Court system). You will note that the Honourable Justice Bergin, then Chief Judge in Equity, made one order only in those proceedings, ie: *"Each party is to pay their own costs."*
10. The said Court documents are an affidavit of Terence Goldberg of 24<sup>th</sup> November 2009 (**Tab 1**), affidavit of Terence Goldberg of 25<sup>th</sup> November 2009 (**Tab 2**), Summons (**Tab 3**), Notice of Motion (**Tab 4**), and Judgment (**Tab 5**). I also enclose behind **Tab 6** the transcript of those proceedings.
11. As well as the above documentation, I also attach copy of an Application for Assessment of Solicitor/Client Costs as filed with the Supreme Court of NSW on 23<sup>rd</sup> June 2010 by Turner Freeman, which contains a supposed narrative of the matter at hand. Such can be found behind **Tab 7**.
12. I imagine that Fiona Seaton may attempt to claim privilege over such Application for Assessment of Solicitor/Client Costs as filed by Turner Freeman, however, as such Application was made public, and quite obviously provided to me via one of Turner Freeman's former clients, privilege has been waived over such.
13. You will see from all the Court documents that no mention whatsoever has been made in relation to my agreeing to the alleged conduct issues, and you will also see that there is absolutely no mention whatsoever of me being violent in any way. You will note that I, and four of the other Defendants in the matter, made a submitting appearance to the Court. There were six Defendants in total. The incorporated association involved was brought into the matter as the sixth Defendant by Turner Freeman Lawyers.
14. Ms Seaton is correct in stating in paragraph 3 of her letter to you that an application for a private apprehended violence order containing a statement of Terence Goldberg was served on me via the NSW Police, however, such application was a private application and the NSW Police were used only in the serving of such document.
15. It being a private application, the NSW Police had no input into such. No complaint was made about me to the NSW Police relating to such application for a private apprehended

violence order, and in fact, no complaint has ever been made about me to the NSW Police at all; as previously stated to you in earlier correspondence.

16. Ms Seaton's statement about the NSW Police involvement is worded to mislead the reader into thinking that the application for an apprehended violence order was brought about by the NSW Police. It was not.
17. In relation to such application for a private apprehended violence order, find enclosed behind **Tab 8** a letter to my solicitor of 16<sup>th</sup> September 2015. As you will see, I very much deny the claims made by Terence Goldberg. Also find **enclosed** behind the same tab the statement I had prepared for the Court relating to Terence Goldberg's private application.
18. You will see that I also enclose the transcript of the Local Court proceedings relating to Terence Goldberg's private application (behind **Tab 9**), and as you can see from such transcript, I was not accused of any threatening or violent act or behaviour whatsoever during the course of the said proceedings.
19. As you can see from the transcript of the Local Court proceedings, an agreement was reached between the parties, and therefore Ms Seaton's statement in paragraph 2 of her letter that an order was granted by the Court in favour of Mr Goldberg is not true.
20. Please find behind **Tab 10** a copy of the order made in the Local Court on 26<sup>th</sup> February 2016. You will see that such order was made by consent and was made on a without prejudice basis and also without making any admissions. This is what Terence Goldberg consented to.
21. You will note from the transcript of those Local Court proceedings that Terence Goldberg makes contradictory statements, on oath, while being cross-examined on 26<sup>th</sup> February 2016 and his statements conflict with his sworn and filed statements in his affidavits of 24<sup>th</sup> November 2009 and 25<sup>th</sup> November 2009, and in doing so, it is obvious that he has misled the Honourable Court and given the seriousness of such, such must be stated in this correspondence.
22. All the Court documents relating to the 2009 Supreme Court proceedings state quite clearly that Turner Freeman Lawyers acted for the four Plaintiffs only and that the sixth Defendant was an unrepresented party in the proceedings. A Notice of Appearance was not filed with the Court on behalf of the sixth Defendant and the sixth Defendant remains on the Court record as an unrepresented party.
23. However, in the Local Court proceedings, Terence Goldberg, on oath, stated that Turner Freeman acted for the sixth Defendant in the said 2009 Supreme Court proceedings. This is important as Turner Freeman sued that sixth Defendant to pay the costs of their four clients (being the four Plaintiffs), despite her Honour's order to the contrary, ie: *"Each party is to pay their own costs."*
24. As the sixth Defendant in the 2009 Supreme Court proceedings was an unrepresented party, Terence Goldberg's statement in the Local Court proceedings on 26<sup>th</sup> February 2016 that he

acted for the sixth Defendant in the 2009 Supreme Court proceedings must quite obviously be false.

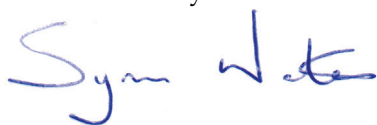
25. Paragraph 4 of Ms Seaton's letter is slightly misleading. Ms Seaton states that I was waiting outside the Court on 23<sup>rd</sup> November 2016. This is untrue. I attended Court that day to hear his Honour's judgment (*Goldberg v Beckett* [2016] NSWSC 1646), as I believe I am fully entitled to do. After listening to his Honour handing down judgment, I left the Court and made a telephone call to relay such judgment to a person who was unable to attend.
26. On finishing that telephone call, I stepped into an awaiting lift. If I remember correctly, Ms Seaton stepped into that lift behind me, and she was accompanied by a person I believe to be Kelly Rees SC. On leaving the lift and before exiting the building, I said to Fiona Seaton "*Fiona, you work for Turner Freeman?*" Ms Seaton, responded "*yes*", to which I replied "*you must be very proud*". Those were my exact words.
27. I was not totally certain who Ms Seaton was, however, I made an educated guess as Ms Seaton attended Court on behalf of the Plaintiff, and such also explains my question in the first instance, ie "*Fiona, you work for Turner Freeman?*"
28. In paragraph 5 of Ms Seaton's letter, Ms Seaton states that I dropped a letter dated 3<sup>rd</sup> March 2017 into the lift (located at 160 Sussex Street). This is correct. As part of my agreeing not to cause harassment to Terence Goldberg, I would not deliver any letters directly to the offices of Turner Freeman and I took care not to breach an order of the Court. My letter to Fiona Seaton of 3<sup>rd</sup> March 2017 can be found behind **Tab 11**.
29. Ms Seaton does not make mention that I sent by registered post on 22<sup>nd</sup> March 2017 a short letter recording the fact that Ms Seaton did not provide any response to my letter of 3<sup>rd</sup> March 2017 wherein I sought from Ms Seaton a copy of the documented history of violence she purports to hold. A copy of my letter to Ms Seaton of 22<sup>nd</sup> March 2017 can be found behind **Tab 12**.
30. Ms Seaton has not provided any such documented history of violence to me, nor to my knowledge, to any party whatsoever. Such documentation is unable to exist.
31. Given the seriousness of the allegations made by Ms Seaton, the Law Society of NSW must seek from Ms Seaton copies of all documents she purports to hold relating to my original complaint and Ms Seaton must be requested to produce documentation showing that I am a 'dangerous individual' who has a 'documented history of violence', as she has stated.
32. Ms Seaton states I sent by E-mail letters addressed to her. This is correct. I attach a copy of an E-mail to Ms Seaton of 23<sup>rd</sup> November 2016 and its attachments behind **Tab 13**.
33. Such attachments to that E-mail are a letter to the Honourable T F Bathurst, Chief Justice of NSW (regarding the conduct of Terence Goldberg) of 24<sup>th</sup> October 2016, a copy of a letter to Terence Goldberg of 15<sup>th</sup> November 2016, seeking Mr Goldberg's reasons for attending an unlawful meeting of creditors of Enmore Spiritualist Church when Turner Freeman was not

actually a creditor, and a copy of the Judgment in relation to Goldberg v Beckett [2016] NSWSC 1646.

34. Ms Seaton states that I have sent correspondence to the partners of Turner Freeman. This is indeed correct. I shall explain very briefly the reasons for such.
35. As you have seen in all of the attached Court documents, Turner Freeman Lawyers acted for the four Plaintiffs only in the abovementioned Supreme Court proceedings, ie 5454/2009. As you have evidenced, Terence Goldberg states unequivocally in all Court documents that he acts for the four Plaintiffs only in those proceedings.
36. You will see in the attached Application for Assessment of Solicitor/Client Costs the anomalous statement as made by Terence Goldberg that he acted for the sixth Defendant in the said proceedings. As you can see, this is very difficult to understand. A solicitor or firm of solicitors is unable to act for opposing parties in the same proceedings, as governed by and provided for in Rule 7.25 of the Uniform Civil Procedure Rules.
37. Terence Goldberg also makes a large number of other untrue statements in such Application. Such are dealt with in my letter to Herbert Smith Freehills of 10<sup>th</sup> March 2017, which is in turn is dealt with in paragraph 40 of this letter.
38. In relation to Ms Seaton's claim that I have written to the partners of Turner Freeman, please find behind **Tab 14** a letter of 9<sup>th</sup> July 2012 seeking answers as to how the above took place. This letter did not receive any response.
39. Ms Seaton claims in paragraph 8 of her letter to you that I have waged an ongoing campaign against Turner Freeman. This is untrue. I have most certainly sought answers from Turner Freeman relating to the conduct of its firm. I have at all times been polite and professional when asking questions of Turner Freeman, as my communications to Turner Freeman will demonstrate.
40. As mentioned in paragraph 37, please find behind **Tab 15** a letter to Herbert Smith Freehills of 10<sup>th</sup> March 2017, which directly relates to the above and details an apparent pathway of funds belonging to an incorporated association fraudulently making their way to the given home address of a long-time acquaintance of Terence Goldberg.
41. This letter to Herbert Smith Freehills has formed the basis of a complaint to the NSW Police and such accompanies a brief of evidence delivered to the NSW Police in March of this year. Such remains under consideration by the NSW Police, as do the false statements as made by Terence Goldberg in the abovementioned Local Court proceedings; false statements, which, of course, raise the spectre of perjury.
42. I now refer to paragraph 9 of Fiona Seaton's letter. Its content can only be described as sinister. Ms Seaton states that the above 2009 proceedings involved my conduct against old women. As you can see from the attached Court documentation, this is absolutely false.

43. Ms Seaton states that I have intervened in proceedings that Turner Freeman has commenced against their former client, Ms Roseanne Beckett. This, again, is entirely false. I have no involvement whatsoever in the proceedings Turner Freeman have commenced against Ms Beckett.
44. Given Ms Seaton's statement that Ms Beckett is the owner of and controls substantial assets, Ms Seaton's insinuation is quite obvious, and is quite disgraceful. Let it be known that I have no knowledge of Roseanne Beckett's assets.
45. As can be seen from the above, it is obvious that Turner Freeman Lawyers is itself waging a campaign against a member of the public who has attempted to raise issues of conduct against that firm and is using any method available to do so, including making false and scurrilous allegations in order to discredit.
46. Despite Fiona Seaton's claims in her letter of 17<sup>th</sup> February 2017 that I have a documented history of violence and also her letter to you of 26<sup>th</sup> June 2017, which goes on to make several other claims against me, I note that not a scrap of evidence has been provided to substantiate any of Ms Seaton's claims and allegations, apart from useless and hysterical rhetoric.
47. However, what does exist, and is patently obvious, is that some very questionable conduct has taken place within the confines of Turner Freeman Lawyers with Turner Freeman Lawyers making any allegations it can against me in order to deflect the attention away from itself.
48. The claims as made by Fiona Seaton, not only in her letter of 17<sup>th</sup> February 2017 to DG Thompson Lawyers, but as repeated in her letter to the Law Society of 26<sup>th</sup> June 2017, are false and are clearly designed to cause harm.
49. This is undoubtedly unethical conduct and is obviously and most definitely a professional misconduct issue.
50. The question needs to be raised: Fiona Seaton's letter of 17<sup>th</sup> February 2017 is the letter I learned of. How many letters have left Turner Freeman Lawyers making equally untrue, distasteful, and defamatory statements about me?
51. If any item is unclear or you require any further information, please do not hesitate to contact me.
52. I look forward to hearing from you again in relation to this matter.

Yours faithfully



Symn Waters