

Symn Waters

From: Symn Waters
Sent: Friday, 4 June 2021 9:00 AM
To: 'chambers.chiefjustice@courts.nsw.gov.au'
Cc: 'Kate McClymont'; 'OLSC'; 'Chris Bevan'; 'Anthony Cheshire SC'; 'Michael Tidball'; 'Jocelyn Sparks'; 'Terence Goldberg'; 'foez.dewan@mccabecurwood.com.au'; 'andrew.lacey@mccabecurwood.com.au'; 'juliana.warner@lawsociety.com.au'
Subject: Criminal activity within the legal profession
Attachments: 2009 11 25 - Summons 5454-2009.pdf; 2009 11 27 - Transcript of proceedings 5454-2009 - BER09T1127JEF.pdf; 2009 11 27 - Judgment-Order, Supreme Court Proceedings 5454-2009.pdf; 2010 06 23 - Application for assessment of costs presented to Supreme Court of NSW.pdf

Dear Chief Justice

As an addendum to my communication of earlier today, I write the following.

Lest there be any doubt in relation to the claims as made in my letter to your Honour of 5 May 2021, please find **attached** copy of Summons of 25 November 2009; transcript of proceedings of 27 November 2009; and Judgment of the Supreme Court of NSW of 27 November 2009; with all of such relating directly to Supreme Court proceedings 2009/00291458-001 (then known as 5454/2009 before change in file numbering system).

I also **attach** the Application for Assessment of Solicitor/Client Costs as filed by Terence Goldberg of Turner Freeman Lawyers on 23 June 2010, which names the four plaintiffs (being Turner Freeman's four clients), as well as the sixth defendant in proceedings 2009/00291458-001, as costs respondents. Of course, Turner Freeman's naming of a party from the other side as costs respondent is anomalous. The sixth defendant in the matter was not Turner Freeman's client, nor was there an Order for the sixth defendant to pay another's costs. Indeed, there was an Order to the contrary.

As we know, and as can be plainly seen, there were four plaintiffs and six defendants in the said proceedings, with the sixth defendant being listed as an unrepresented party. Terence Goldberg's claim in such Application for Assessment of Solicitor/Client Costs that he acted for the sixth defendant in Supreme Court proceedings 2009/00291458-001 is both false and fraudulent, as are his claims that there were only five defendants.

As is demonstrated in the attached Judgment and transcript of the above proceedings, one Order only was made by her Honour, in that each party was to pay their own costs. Such Judgment also demonstrates that an agreement was reached between the parties, in that the first to fifth defendants would attend a meeting of members (of the sixth defendant, it being an incorporated association) on or about 4 February 2010. However on 4 February 2010, Mr Foez Dewan, then of Turner Freeman (and now principal solicitor at McCabe Curwood), prevented all parties from entering the premises as owned by the sixth defendant, claiming that such parties were to be denied entry by 'Court Order'. That claim by Mr Dewan was false.

Further, it was Foez Dewan who attended a meeting of creditors at the offices of Jones Partners (liquidator) on 13 April 2011, signing attendance at such, and fraudulently claiming that Turner Freeman was owed \$185,802.62 by the aforementioned sixth defendant. Mr Dewan would have carried out such in full knowledge that such claim was not only unlawful, but also in breach of the only Order as made in the above said proceedings.

Foez Dewan had carriage of the matter at hand and would have been fully cognisant that the sixth defendant was not Turner Freeman's client, and was indeed an opposing party, and further, with that defendant being unrepresented, had accrued no actual costs. You will find Mr Dewan named on the attached Judgment of 27 November 2009 as the person providing same for sealing by the Court. The mal-intent of both Terence Goldberg and Foez Dewan is obvious.

However, and despite the obviousness of the criminal acts and intent of both Messrs Goldberg and Dewan, and also despite the further criminal activities of Mr Terence Goldberg, the Law Society and the Office of the Legal Services Commissioner continue to turn their heads in the opposite direction, making the ridiculous if not risible claim that no wrongdoing has taken place.

As stated in my letter to Michael Tidball of 18 August 2020 (a copy of which was provided to your Honour on 5 February 2021), John McKenzie, the NSW Legal Services Commissioner, was interviewed in the latter part of 2015 by the NSW Police in relation to the illicit activities of both Terence Goldberg and Foez Dewan. No charges ensued in relation to same. Very clearly, Mr McKenzie was not truthful in his interview with law enforcement officials. Mr McKenzie has been repeatedly dishonest regarding the entire matter, both to me and to others.

It is really very simple: What we have here is organised and orchestrated criminality at play, with the perpetrators of same being consciously enabled by their overseers, with the Law Society of NSW and the Office of the Legal Services Commissioner dismissing all complaints as made in relation to the above, and also despite overwhelming evidence as provided and documenting criminal wrongdoing.

Sadly, it must also be said that the cover up culture is extraordinarily embedded within the legal profession. Despite Mr Andrew Lacey, managing principal at McCabe Curwood Lawyers, being repeatedly informed of Foez Dewan's previous deceptive and unlawful conduct, Mr Dewan remains as a principal of that firm. The same, unfortunately, applies to Turner Freeman Lawyers. It would seem that deceitful and criminal conduct is now a fully accepted norm within the legal arena.

The honourable profession is very far from honourable, with some of those employed within such displaying utter contempt for the rule of law and the processes of the Court, and it has to be added, without any sanction for so doing. The facts of this matter speak for themselves. I refuse to sit back and watch the betrayal and desecration of our time-honoured system, carried out intentionally and without a shred of integrity or remorse.

I copy this E-mail to Kate McClymont, senior investigative journalist at the Sydney Morning Herald, and also to all parties involved.

Yours faithfully

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