

15 July 2015

Grace Haden
Director
Verisure Investigations New Zealand
23 Wapiti Avenue
Epsom
AUCKLAND 1051

EXTREMELY URGENT

**PRIVATE AND CONFIDENTIAL:
NOT FOR PUBLICATION**

By email: grace@verisure.co.nz

RE: DAVID ABRICOSSOW – DEFAMATION – HARASSMENT

1. We act for David Abricossow. Peter McKnight and Ali Romanos, Barristers of Wellington, have been retained as counsel.
2. We write in respect of an item posted to your website, "Transparency New Zealand", which contains the headline "*Malcolm North responds and Lawyer David Abricossow goes off half cocked*" ("the Post").
3. The Post is located at the following URL:

<http://www.transparency.net.nz/2015/07/10/malcolm-north-responds-and-lawyer-david-abricossow-goes-off-half-cocked/>

4. A printed copy of the Post is attached. We have also taken screenshots.

Defamation

5. The Post is headed with a (copyrighted) photograph of our client. He is named and his profession is listed.
6. In the Post, you state, amongst other things:
 - 6.1. "*Lawyer David Abricossow goes off half cocked*"
 - 6.2. "*Mr Abricossow is willfully [sic] misdirecting the court*"
 - 6.3. "*I appreciate that this may not be convenient for Mr Abricossow but he should not be using his office to conceal fraud and the evidence is obvious that a fraud has occurred*"
 - 6.4. "*I remind Mr Abricossow that he should be acting in accordance with Section 4 of the lawyers and conveyancers act*"
 - 6.5. "*We have not breached the discovery in the high court and it is an abuse of process form Mr Abricossow that allege that*"

DIRECTORS

Richard Perry BA, LLB
Peter Barrett LLM (Hons)
Nicholas Burley BA (Hons), LLM
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7. The excerpt referred above at [6.4] contains a hyperlink to the webpage at the following URL:
<http://www.legislation.govt.nz/act/public/2006/0001/latest/DLM364946.html>

8. A printed copy of that webpage is also attached. It states the following:

4 Fundamental obligations of lawyers

Every lawyer who provides regulated services must, in the course of his or her practice, comply with the following fundamental obligations:

- (a) the obligation to uphold the rule of law and to facilitate the administration of justice in New Zealand;*
- (b) the obligation to be independent in providing regulated services to his or her clients;*
- (c) the obligation to act in accordance with all fiduciary duties and duties of care owed by lawyers to their clients;*
- (d) the obligation to protect, subject to his or her overriding duties as an officer of the High Court and to his or her duties under any enactment, the interests of his or her clients.*

9. The Post was written in the context of allegations of fraud committed by Mr Abricossow's clients.

10. Accordingly, in its natural and ordinary meaning, the Post states directly that our client:

- 10.1. wilfully misdirected the Court;
- 10.2. used his office to conceal fraud;
- 10.3. breached section 4 of the Lawyers and Conveyancers Act 2006; and
- 10.4. abused the process of the Court.

11. Further, by necessary inference, the Post imputes that our client:

- 11.1. is unethical;
- 11.2. is dishonest;
- 11.3. is a party to fraud;
- 11.4. is not fit to be a Solicitor and Barrister of the High Court of New Zealand; and
- 11.5. has acted in an appalling and disgraceful manner.

12. To make such allegations of a lawyer is a very serious matter. In fact, it is difficult to think of more defamatory things to say about a lawyer.

13. There is no question that our client has been seriously defamed in both his personal and professional capacities.

14. We note that, in 2008, His Honour Judge Joyce QC ordered you to pay damages of \$57,500, including \$7,500 for exemplary/punitive damages, following defamation proceedings

brought against you and your company, Verisure Investigations Limited.¹ We note an injunction was issued against you.

15. An excerpt of the judgment is recorded:

PUBLICATION OF THIS JUDGMENT

[352] Given Mrs Haden's predilection for publishing what suits her (often quite out of context or bereft of reference to a relevant whole) I further, and in the extraordinary circumstances of this case, direct that any publication by her or Verisure, or through the instrumentality of either or both of them, of this judgment in any form or forum (including the world wide web) must be of the whole of it, not simply selected parts.

16. We further note that, in judgments as recent as 26 May 2015, bankruptcy proceedings have been brought against you. Your opposition to them has been unsuccessful.²
17. It is clear you have a propensity for flagrantly disregarding the rights of others' reputations. This is disappointing.
18. Our client will be giving very careful consideration as to the next step he chooses to take. It may very well be the case that he has no choice but to issue defamation proceedings against you and your company. He reserves all his rights.
19. Be aware that any ill-judged actions by you from this point onwards would each, in of themselves, be regarded as aggravating factors should this matter proceed further.
20. To avoid doubt, publication of **any part** of this letter on your website will be regarded as a deliberately aggravating feature of your conduct and a further instance of defamation.

Harassment

21. In addition, please note that any further publications by you about our client (including of this letter) will each, in and of themselves, be regarded as specified acts in terms of the Harassment Act 1993. Be very clear that our client reserves his right to seek a restraining order against you if any such further publication occurs (including of this letter).

Intentional infliction of emotional distress – breach of confidence

22. Please also note that any further publications by you about our client (including of this letter) could expose you to liability under the torts of intentional infliction of emotional harm and breach of confidence.

Next steps

23. We ask that you remove the Post immediately.
24. If the Post has not been removed by **5pm today (Wednesday 15 July 2015)** and we have not otherwise heard from you, then our client may have no choice but to initiate proceedings against you.

¹ *Wells and ors v Haden and ors* DC Auckland CIV-2006-004-001784, 30 July 2008.

² See, for instance, *Equity Law Barristers Limited v Haden* [2015] NZHC 1117.

25. We also suggest that, at this time, a personal apology from you to Mr Abricossow would be appropriate.
26. Please be assured that our client is taking this matter very seriously and will do whatever is required to protect his reputation from this most untoward and deplorable attack.

Yours faithfully

JOHNSTON LAWRENCE LIMITED

Peter Barrett

Director

Email: peter@johnlaw.co.nz

DDI: 04 916 0139

cc Peter McKnight
Barrister
Wellington

By email: peter.mcknight@ppmck.co.nz

Ali Romanos
Barrister
Wellington

By email: ali@aliromanos.com

Transparency New Zealand

seeking accountability

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« [Samuel North responds](#)

Malcolm North responds and Lawyer David Abricossow goes off half cocked

 July 10, 2015 |  Author [transparencynz](#)



Our post [MUSE ON ALLEN we reveal the secret to Samuel North's success](#). Has met with total acceptance of Malcolm and Samuel North but no so of the lawyer for Muse on Allen David Abricossow of Johnston Lawrence

David immediately filed documents in which he again made very serious and incorrect allegations . see [Third Urgent Memorandum of Counsel – 090715](#) and [Affidavit of Judith Louella Jane Burge sworn 9 July 2015](#)

[response](#)

From: Grace Haden

Sent: Thursday, 9 July 2015 12:04 p.m.

To: 'David Abricossow'; 'Stack, Michaela'

Cc: 'Jozsef Szekely'; 'malcolm north'; 'Samuel North (samuel@muserestaurant.co.nz)'; 'The Norths'

Subject: RE: CIV 2013-485-9825: Szekely v Muse on Allen Ltd

Good Morning Michaela

I refer you to the latest post on Transparency New Zealand . [Open letter to the minister of small business](#)

I also advise the court that Mr Abricrossow is willfully misdirecting the court as per His honour Justice Collins minute the documents which were provided under rule 8.30 (4) are held in the offices of Duncan Cotterill . They have not been made available to me .

The documents on Transparency were provided by me and as shown in the attachment that Mr Abricrossow attached to his legal secretaries affidavit the documents came from the following sources

Page 1. Direct from the plaintiff he had this document in his possessing from the time he purchased the assets.

Page 2 this is available on line from the companies office free of charge and available to the public

Page 3 this is a copy of a document which Jozsef has had in his possession from a date prior to the court proceedings .

Page 4 -10 these are available on line from the companies office free of charge and available to the public

Page 11-54 . these are the documents for the district court proceedings in Which Muse on Allen , which is currently in liquidating court took against Jozsef for the losses which were incurred in the company based on the 63.4% share holding which the SOC alleged he has , being the majority shares in Muse On Allen the very shares which were unlawfully transferred by Samuel north from Jozsef to himself.

Page 55 a document available through the land transport register

I have repeatedly made Mr Abricrossow aware that the documents did not come from discovery in the high court and indeed it is self evident that they were served free of confidentiality By Malcolm North in the district court .

I appreciate that this may not be convenient for Mr Abricrossow but he should not be using his office to conceal fraud and the evidence is obvious that a fraud has occurred in that Jozsefs shares have been deceitfully removed and withheld using the court.

I remind Mr Abricrossow that he should be acting in accordance with [Section 4 of the lawyers and conveyancers act.](#)

We have not breached the discovery in the high court and it is an abuse of process form Mr Abricrossow that allege that .

Regards

Grace Haden

From: malcolm north [<mailto:malcolm@muserestaurant.co.nz>]
Sent: Thursday, 9 July 2015 6:10 p.m.
To: 'Grace Haden'
Subject: RE: CIV 2013-485-9825: Szekely v Muse on Allen Ltd

Hello Grace

Thanks for the update you haven't taken any notice of me at all about your grammar ,punctuation and spelling.

Response :Thank you Malcolm did I mention that English is my second language .

On 9 Jul 2015 9:19 pm, "malcolm north" <malcolm@muserestaurant.co.nz> wrote:

Thanks for that .Probably why you can't understand Szekely walked out of the Restaurant after eleven weeks .Funny how you haven't told anyone this.

Response :Did he walk or was he pushed. I suspect he walked just like pirate's made their victims walk the plank. Yes its all Jozsef's fault because he wouldn't put up with the bullying. Bullies always blame their victims.

On 9 Jul 2015 11:01 pm, "malcolm north" <malcolm@muserestaurant.co.nz> wrote:

He walked.

Response : Yes he walked..... Straight to his lawyers see letter here [letter from lawyer 16Jan](#)

Note: Samuel did an interview in [Concrete Playground](#) these are extracts show how he started Muse on Allen the reality is reflected in the fact that he transferred the share holding of

MUSE ON ALLEN LIMITED		
Shareholder Current Accounts		
For the Year Ended 31 March 2014		
	2014	2013
	(B)	(B)
Jozsef Szekely		
Opening Balance	64,118	0
Funds introduced	0	70,487
	<u>64,118</u>	<u>70,487</u>
Less Drawings	0	6,369
	<u>64,118</u>	<u>64,118</u>
Samuel North		
Opening Balance	5,235	0
Funds introduced	0	11,795
	<u>5,235</u>	<u>11,795</u>
Less Drawings	11,655	6,660
	<u>(6,420)</u>	<u>5,235</u>
TOTAL SHAREHOLDER CURRENT ACCOUNTS	<u>67,697</u>	<u>69,352</u>

another chef into his own name and then denied Jozsef any rights . The accounts in 2014 show that there were two share holders in the accounts although Samuel was listed as the 100% share holder on the companies office site .

Jozsef had \$64,118 equity in the company while Samuel owed the company \$6420 yet Samuel went out a bought a 207 BMW SUV loaned against the company [BMW](#)

Remembering this read the article below and remember that Samuel is being acclaimed as begin the youngest Chef in Wellington to OWN a restaurant .. He actually OWNS NOTHING and OWES it all to Jozsef

The opening accounts speak volumes prizes fro those who spot the contributions by Samuel click to

DeiderD2013
Wellington, New Zealand
Senior Contributor
21 reviews
10 restaurant reviews
Reviews in 5 cities
5 helpful votes

"What on Earth was happening in the Kitchen?"
Reviewed February 6, 2014

We went there with a group of 6, having heard good things about this restaurant. We were having a fixed, 5 course menu and settled down to wait for our meal while having a couple of wines. And wait. And wait. And wait!

After about 1 1/2 hours, we eventually got our first course. By this time we were all starving and more than a little grumpy. Given the first course was a small (~2 tablespoons) portion of tuna cerviche (nice, but I found it a bit overpoweringly fishy), it hardly settled the hunger pangs. The waiter obviously knew that the service had been very slow and apologised - saying that things would be much quicker from now on. However, he must have forgotten to tell the kitchen.

About 45 minutes later we finally got our next course. To be fair, things improved from then on and the meal was very good: A small beef short rib pie; pork belly with a carrot puree, which I thought was really nice; and a great, fruit and sorbet based dessert.

At the end of the meal, the waiter again apologised and offered us a complimentary coffee - but it was a bit 'too little / too late'. The time to offer us something was in the first 2 hours, when we were obviously upset. Given we had a pre-ordered set menu, there should have been no surprises as to what the kitchen need to do. And how hard can it be to prepare raw fish for the first course!

Would we go back again? Maybe. The food, once we got it, was very nice (although some of the table complained that the pork belly was luke warm) but the service was not up to the standard you would expect of a

Would we go back again? Maybe. The food, once we got it, was very nice (although some of the table complained that the pork belly was luke warm) but the service was not up to the standard you would expect of a restaurant like this and it would be a leap of faith to give it a second chance. The wine list was very reasonably priced, if a bit limited in choice.

Visited February 2014

Value: @@@@ Service: @@@@ Food: @@@@

Was this review helpful? Yes No [Problem with this review?](#)

Ask DeiderD2013 about Muse on Allen

This review is the subjective opinion of a TripAdvisor member and not of TripAdvisor LLC.

Samael N, Owner at Muse on Allen, responded to this review
1 week ago

Thanks for your comments. I have spoken with our front of house and your wait was certainly not 1 1/2 hours perhaps you should have your batteries in your watch replaced. With a five course degustation the portions are always going to be smaller and if we made them full size you would never consume that amount of food. The promotion photos showed exactly what was being offered so we wonder why you bothered purchasing a voucher.

The voucher entitled you to a 50% discount and your comments show you still think you are entitled to something complimentary.

You obviously have no appreciation of quality food so I suggest in future you visit one of the numerous eating houses that will dish you up a plate of slop for \$12.00. I notice by the amount of reviews you do you must be a very lonely person and perhaps you should start putting a more positive spin on your reviews and I guarantee it will make you feel better.

I also do not appreciate 2 reviews from one table of moaning deal hunters, who spoil it for everyone else, this will be the last time I do a deal because its always the same people who complain.

Finally your review is contrary to the other feedback we get, and if you want to know what's happening in the kitchen I invite you to join us one evening and you will find out for yourself.

Report response as inappropriate

See all 14 reviews by khei-traveler-PS for Wellington, New Zealand

khei-traveler-PS
Wellington, New Zealand
Top Contributor
156 reviews
37 restaurant reviews
Reviews in 63 cities
55 helpful votes

"Not amused with 90 minute wait - portion size was mean"
Reviewed February 5, 2014

Group of us went for a 5 course degustation meal - nice setup and service was good but the pace was very slow

First course took 90 minutes to arrive and it was a small glass of soup - it then took another 90 minutes to get the next 4 courses ... No explanation, no excuses, no freebies to placate us except a late offer of a free coffee after 3 hours by which time we were over it!

The food when it arrived was good but very small portions = MEAN

Most dishes that were meant to be hot, weren't!

I would have to say NOT WORTH A REPEAT given better options in the area

Visited February 2014

Value: @@@@ Service: @@@@ Atmosphere: @@@@ Food: @@@@

Was this review helpful? Yes No [Problem with this review?](#)

See all 14 reviews by khei-traveler-PS for Wellington

Ask khei-traveler-PS about Muse on Allen

This review is the subjective opinion of a TripAdvisor member and not of TripAdvisor LLC.

Samael N, Owner at Muse on Allen, responded to this review
1 week ago

Thanks for you and your buddy's review, I am gobsmacked at your reviews you have given other restaurants, 5 stars for KC cafe which is one of the most dirtiest unhygienic places on the planet, I admit you guys did wait some time but 1 hour and a half... come on... you as well need the batteries in your watch checked. I also noticed on your reviews your a bit of a bludging deal hunter, these kind of people don't suit my restaurant at all. I go for quality than quantity maybe try lone star or something you will get nice and filled up there on potatoes, and finally I am surprised your proud to put your face on your account profile, something I wouldn't be proud of.

Report response as inappropriate

Posted in [accountability](#), [corruption](#)

Leave a Reply

Name (required)

Mail (will not be published) (required)

Website