

From: SHANE DOWLING [mailto:shanedowling@outlook.com.au]
Sent: Wednesday, 31 May 2017 9:50 PM
To: tpmorg@bigpond.net.au; a.zbasnik@capilano.com.au; rstokes@seven.com.au
Cc: ruveni.kelleher@jws.com.au; Douglas Sinclair <sinclai9@bigpond.net.au>; pdurkin@fairfaxmedia.com.au; sarah.thompson@afr.com.au; rhian.deutrom@news.com.au; newsdesk@smh.com.au
Subject: FW: Capilano Honey's destruction of evidence for a court case

Dear Mr Trevor Morgan (Chairman) and Ms Annette Zbasnik (Company Secretary)

Your lawyer, Richard Keegan who you referred questions I emailed you, is now refusing to respond to a very simple question. The question is why did Mr Keegan insert sections 6.3 and 6.4 into the "Dowling Clause" in the Deed of Release that Mr Keegan helped draft for Capilano Honey's and Ben McKee's defamation case against Simon Mulvany. Those sections deal with the destruction of evidence for Capilano Honey's and Ben McKee's defamation case against me as I outlined in more detail previously which is below.

Can you please respond to the question that Richard Keegan won't give Mr Keegan was obviously acting on Capilano Honey's instructions and that means the Directors are ultimately responsible for the attempted destruction of evidence which is a criminal offence. The questions is:

Can you please explain why you added sections 6.3 and 6.4 as per below:

6.3 Mulvany will destroy the recording made on or about 26 May 2016 of any conversation between him and Ben McKee (**Recording**) and any copy of the Recording in his possession.

6.4 Further, Mulvany undertakes that should it:

- (a) come to his attention; or
 - (b) be brought to his attention by Capilano,
- that a third party has a copy of the Recording, he will use all reasonable endeavours to cause such recording to be destroyed forthwith, to the extent it is within his power to do so.

Regards

Shane Dowling
[Kangaroo Court of Australia](#)
Ph 0411 238 704

From: SHANE DOWLING
Sent: Monday, 29 May 2017 10:03 PM
To: 'Richard Keegan' <richard.keegan@addisonslawyers.com.au>; 'ruveni.kelleher@jws.com.au' <ruveni.kelleher@jws.com.au>; 'dougal.ross@jws.com.au' <dougal.ross@jws.com.au>; 'honey@capilano.com.au' <honey@capilano.com.au>; 'tpmorg@bigpond.net.au' <tpmorg@bigpond.net.au>; 'a.zbasnik@capilano.com.au' <a.zbasnik@capilano.com.au>; 'ryan.stokes@acequity.com.au' <ryan.stokes@acequity.com.au>
Cc: 'pdurkin@fairfaxmedia.com.au' <pdurkin@fairfaxmedia.com.au>; 'sarah.thompson@afr.com.au'

<sarah.thompson@afrc.com.au>; 'rhian.deutrom@news.com.au' <rhian.deutrom@news.com.au>;
'newsdesk@smh.com.au' <newsdesk@smh.com.au>

Subject: Capilano Honey's destruction of evidence for a court case

Dear Mr Keegan

Can you give me a time frame of when you will respond to the below questions in relation to the attached Deed of Release?

Regards

Shane Dowling
[Kangaroo Court of Australia](#)
Ph 0411 238 704

From: SHANE DOWLING

Sent: Monday, 29 May 2017 7:30 PM

To: 'Richard Keegan' <richard.keegan@addisonslawyers.com.au>

Subject: RE: Capilano

Dear Mr Keegan

Can you please explain why you added sections 6.3 and 6.4 as per below:

6.3 Mulvany will destroy the recording made on or about 26 May 2016 of any conversation between him and Ben McKee (**Recording**) and any copy of the Recording in his possession.

6.4 Further, Mulvany undertakes that should it:

(a) come to his attention; or

(b) be brought to his attention by Capilano,

that a third party has a copy of the Recording, he will use all reasonable endeavours to cause such recording to be destroyed forthwith, to the extent it is within his power to do so.

Please respond ASAP so I can publish.

Regards

Shane Dowling
[Kangaroo Court of Australia](#)
Ph 0411 238 704

From: Richard Keegan [<mailto:richard.keegan@addisonslawyers.com.au>]

Sent: Monday, 29 May 2017 7:10 PM

To: 'SHANE DOWLING' <shanedowling@hotmail.com>

Subject: RE: Capilano

Dear Mr Dowling

I refer to your email below which has been referred to me for reply.

As noted in my email to you on Saturday 27 May 2016, the allegations you make of misconduct are entirely false and misconceived. It appears as though you are proceeding on the basis that the destruction of any recording by Mr Mulvany would have the effect of any recording no longer being in existence. That is not the case and your allegation is therefore incorrect.

Further, the draft settlement deed to which you refer was a confidential and without prejudice communication and Mr Mulvany was not at liberty to disclose it.

As for question 4, Capilano's position on the matter is well known and not as you present it.

Our clients reserve their rights and in particular I refer you to the Orders made by the NSW Supreme Court on 7 October 2016.

Regards

Richard Keegan | Special Counsel
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From: SHANE DOWLING <shanedowling@hotmail.com>

Date: 28 May 2017 at 12:57:34 pm AEST

To: "tpmorg@bigpond.net.au" <tpmorg@bigpond.net.au>, "a.zbasnik@capilano.com.au" <a.zbasnik@capilano.com.au>

Subject: Criminal conduct by Capilano Honey CEO Ben McKee - Cover-up by Chairman Mr Trevor Morgan and Company Secretary Ms Annette Zbasnik

Dear Mr Trevor Morgan (Chairman) and Ms Annette Zbasnik (Company Secretary)

Given your response to my email yesterday the Capilano Honey Board of Directors are now liable for the criminal offences of Ben McKee and Capilano Honey's lawyers. In fact, both of you are now complicit in the cover-up.

Capilano Honey CEO Ben McKee has tried to have evidence destroyed (a recording of him talking about sex with a Capilano Honey employee) for his legal case against me and that is documented as the Dowling clause (section 6) in the draft Deed of Release between Capilano Honey and Ben McKee in their matter against Simon Mulvany.

Your lawyer Richard Keegan responded and said that it was Simon Mulvany who wanted the "Dowling" clause in the agreement (See Mr Keegan's email below). That is an unbelievably stupid answer, has no credibility and a jury would not be able to stop laughing if Mr Keegan said that in the witness stand. It is also denied by Simon

Mulvany who I have spoken to. It also contradicts the articles that Mr Mulvany posted on his website complaining about the “Dowling” clause.

Mr Keegan also threatened me with further legal proceedings on Capilano Honey’s behalf if I write an article about it. The legal threat could and would be construed by the police and the courts as an attempt by both of you to conceal a serious indictable offence.

My advice is that Capilano should get some new lawyers because it is Addison’s Lawyers, Ms Justine Munsie, Mr Richard Keegan and barrister Sandy Dawson who have dug the hole that Capilano Honey are in and which keeps on getting deeper by the day.

I have some further questions:

1. Can you please supply the proof to support Mr Keegan’s claim that Simon Mulvany asked for the “Dowling” clause in the Deed of Release.
2. Can you explain why it was Addison’s lawyers who inserted the clauses to have the recording destroyed?
3. When Simon Mulvany published an article on the 25th May 2016 criticising the “Dowling” clause in the Deed of Release he received a phone call from Richard Keegan demanding Mr Mulvany take down the article. Can you please explain why Mr Keegan demanded Mr Mulvany take down the article? Was it because the article had a link to the Deed of Release which had the “Dowling” clause in it?
4. Can you explain why Capilano Honey have called on the federal government to ban numerous pesticides? Is it because Capilano Honey have proof that bees and honey are being poisoned? Why have Capilano Honey not made the evidence public?

Can you please respond ASAP in case I have further questions.

Regards

Shane Dowling
[Kangaroo Court of Australia](#)
Ph 0411 238 704

From: Richard Keegan [<mailto:richard.keegan@addisonslawyers.com.au>]

Sent: Saturday, 27 May 2017 5:25 PM

To: shanedowling@hotmail.com

Subject: RE: Deed of Release shows Capilano Honey and CEO Ben McKee trying to destroy evidence for a court case

Dear Mr Dowling

I refer to your email below which has been referred to me for reply.

The allegations you make below are completely false and without foundation. Given you are yet to even provide any evidence whatsoever in support of the claims you have previously made against Capilano and Mr McKee (and which are subject to injunctive relief) claims of perversion of justice and the like are seriously misconceived.

You should be aware, however, that it was at the explicit request of Mr Mulvany that you and your publication be included as part of any proposed settlement of his dispute with Capilano.

If any article you publish about our clients breaches the orders presently in place in their Supreme Court proceeding against you (including suppression orders relating to the proceeding), you can expect our clients to take further action against you.

Regards

Richard Keegan | Special Counsel
ADDISONS

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From: SHANE DOWLING <shanedowling@hotmail.com>

Date: 27 May 2017 at 12:59:32 pm AEST

To: "tpmorg@bigpond.net.au" <tpmorg@bigpond.net.au>, "a.zbasnik@capilano.com.au" <a.zbasnik@capilano.com.au>

Cc: "honey@capilano.com.au" <honey@capilano.com.au>, "b.mckee@capilano.com.au" <b.mckee@capilano.com.au>

Subject: Deed of Release shows Capilano Honey and CEO Ben McKee trying to destroy evidence for a court case

Dear Mr Trevor Morgan (Chairman) and Ms Annette Zbasnik (Company Secretary)

A Deed of Release that your lawyers (Justine Munsie from Addisons Lawyers and Barrister Sandy Dawson) sent Simon Mulvany clearly shows an attempt by Capilano Honey and CEO Ben McKee trying to have evidence destroyed to assist in Capilano Honey's and Ben McKee's court case against me which is a criminal offence. See the attached Deed of Release at section 6 which is titled: "*Dowling material and destruction of recording*" which says:

6. Dowling material and destruction of recording

6.1 Mulvany undertakes that he will not publish, whether on the internet or otherwise, material from Mr Shane Dowling, or links to any material from, or any website operated or controlled by, Mr Shane Dowling

(“**Dowling material**”).

6.2 Further, Mulvany undertakes that should it:

(a) come to his attention; or

(b) be brought to his attention by Capilano,

that a third party has posted Dowling material, he will use all reasonable endeavours to cause such posting to be removed forthwith, to the extent it is within his power to do so.

6.3 Mulvany will destroy the recording made on or about 26 May 2016 of any conversation between him and Ben McKee (**Recording**) and any copy of the Recording in his possession.

6.4 Further, Mulvany undertakes that should it:

(a) come to his attention; or

(b) be brought to his attention by Capilano,

that a third party has a copy of the Recording, he will use all reasonable endeavours to cause such recording to be destroyed forthwith, to the extent it is within his power to do so.

As Capilano Honey Directors and Ben McKee know the tape recording is key evidence that supports my defence in Ben McKee’s frivolous and vexatious defamation case against me and the attempt to have it destroyed is blatantly criminal.

I have some question for an article that I will publish in the near future.

1. Given it is a blatant crime and numerous criminal offences have been committed. For example: conspiring to pervert the course of justice and destruction of evidence. What action will the Directors of Capilano Honey take?
2. Will the Directors of Capilano Honey stand CEO Ben McKee down until a full investigation has been conducted? If not, why not?
3. Will the Directors of Capilano Honey report the matter to the police? If not, why not?
4. Will the Directors of Capilano Honey report the matter to the Australian Security and Investment Commission (ASIC)? If not, why not?
5. Will the Directors of Capilano Honey issue a statement to the Australian Stock Exchange? If not, why not?

Can you please respond ASAP in case I have further questions.

Regards

Shane Dowling

[Kangaroo Court of Australia](#)

Ph 0411 238 704