

**From:** [Bhakti Manning](#)  
**To:** [Bert Franzen](#)  
**Subject:** Re: Satyananda Organisation - Cease and Desist Letter attached  
**Date:** Sunday, 23 March 2014 12:01:18 PM

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Hi Bert,

My final comment is that your final comment shows just how weak your case is. Maybe you should seek some better legal advice.

Anyway, the e-mail exchanges with you will remain as evidence of an attempt by your client to have you intimidate and silence me on their behalf. I had no intention of any further correspondence with the Satyananda Yoga teachers. I only wished to warn them in advance of the likelihood that Satyananda Ashram would come under the scrutiny of the Royal Commission so that they themselves could be prepared for that possibility. I had very good reasons for suggesting that that may be the case.

Now I am having second thoughts. Maybe they would be interested to know that your company tried to silence me. Maybe they should be allowed to see just how this organisation works behind the scenes. After all, inadequate or inappropriate responses and actions of this organisation regarding the revelations and this whole sorry affair is something that may further harm the individual teachers reputations, giving them grounds for possible damages actions, either as individuals or as a group, against Satyananda Ashram.

If, for example, the Royal Commission, or the courts, came to know that Satyananda Ashram was attempting to silence individuals, (particularly ones who rather than doing anything wrong, were just trying to alert those teachers using the "Satyananda Yoga" name to the possibility that their reputations may be tainted), whilst they were telling those same teachers that they were responding with care and honesty, that would not look so good.

It is always better to think before acting. So I may give this a little more thought. A pity you and your associate solicitor did not give the matter a little more thought before issuing your "cease and desist" letter. In future, I would advise you to consider the legal ramifications of your actions before taking them.

Yours sincerely

Bhakti Manning

On Sun, Mar 23, 2014 at 11:23 AM, Bert Franzen <[bertfranzen@electassociates.com.au](mailto:bertfranzen@electassociates.com.au)> wrote:

Dear Bhakti

My final comment on the matter is for you to seek legal advice.

Kind regards

Bert

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Bert Franzen

electAssociates | HR Consulting Specialists | Building 8 Level 2 | 49 Frenchs Forest Road | Frenchs Forest NSW 2086

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On 23 Mar 2014, at 11:18 am, Bhakti Manning <REDACTED> wrote:

Hi Bert,

So you are not even a lawyer ....the internet is a great tool. No wonder David Mendelssohn wanted me to contact you - keep himself out of the loop. Read his profile on the web. Just an associate of your firm - a mobile solicitor? Ask him if he knows a solicitor called Bill McNally, a good friend of my father's, and head of a large industrial law practice in Sydney. I have great memories of our family spending holidays with Bill and his family. I might just ring Bill, and find out if he knows David. He might be able to shed some light on why David would use a "cease and desist" letter instead of a "notice of concern". Not that I really need him to tell me..... I am quite able to work that out myself.

Cheers, Bhakti

On Sun, Mar 23, 2014 at 9:37 AM, Bhakti Manning <REDACTED> wrote:

Hi Bert,

Another quick peruse of the internet and the act, and it has confirmed my suspicion that the "cease and desist demand" is not an option under Australian law.

Under Australian law, you may ask for an apology or withdrawal of a statement IF it is defamatory and IF you identify which statement is defamatory.

Your use of a foreign legal concept that is not available for use under Australian Law does two things:-

1) As it is a "cease and desist demand letter" and not a "notice of concern" it has no standing under Australian law - thus unless you issue a "notice of concern" I have nothing to answer anyway. You have no legal right to "direct" me to "cease and desist" under Australian law.

2) Given you are an Australian law firm, and you are deliberately using a foreign law concept, a "cease and desist demand" as opposed to the "notice of concern" your intention is obviously not to uphold Australian law, thus my suspicion that your real intention is to intimidate and silence me stands. Presumably this is being done because your client wants you to do this, given that they would be instructing you in this matter.

If I choose to seek legal advice, I will be seeking advice about your actions in issuing a "cease and desist" rather than "a notice of concern", the implications of your doing so, and my rights of redress and/or possible avenues of complaint in regard to your behaviour.

It is such a pity that so many lawyers these days act so unprofessionally. Abuse of power is something that is so widespread in society these days. It is lucky that we have things like Royal Commissions which can delve into institutional abuses of power. Perhaps one day they will do a Royal Commission into the widespread abuses of power and perceived power and professional misconduct by lawyers. Now that is an interesting concept.

Yours sincerely

Bhakti Manning

On Sat, Mar 22, 2014 at 6:22 PM, Bhakti Manning

<REDACTED [REDACTED]> wrote:

Dear Bert,

I have perused the Defamation Act 2005, and can see no reason to be concerned. Under Section 14 (3) to (5), you must provide me with details of the defamatory material, (particularise the imputation of concern adequately) at my request.

I have requested you to do so, and you have failed to do so. If you do not do so within 14 days then your notice of concern will be "legally" considered the worthless piece of rubbish that it is.

Additionally, were there to be any alleged defamatory statements in my communication (which there are not) then there are plenty of grounds of defence including, in the case of my communication to the teachers, a defence of qualified privilege, and of course, the fact that to be defamatory, the statements must be untrue.

You and I both know that there is nothing defamatory in the correspondence that I sent to those people. You and I both know that you would have no case to argue, especially given what the Ashram itself has published on its Facebook page, and communicated to members of the SYTA. You would be laughed out of Court, and I wouldn't even need to hire some two-bit lawyer - defending any such action would be child's play. So stop threatening me with statements suggesting my liability could be considerable.

I request you tell me, which "erroneous statements" will I have no way of "validating". Tell me which of my statements are untrue and "largely hearsay".

And if you are unable to "particularise the imputation of concern adequately", I expect an apology.

Yours sincerely

Bhakti Manning

On Sat, Mar 22, 2014 at 2:01 PM, Bert Franzen  
<[bertfranzen@electassociates.com.au](mailto:bertfranzen@electassociates.com.au)> wrote:

Dear Ms Manning

My previous email stands.

Again I strongly advise you to seek legal advice before proceeding with any further communications.

Kind regards

<image016.jpg>

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Bert Franzen

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**From:** Bhakti Manning [mailto:**REDACTED**]  
**Sent:** Saturday, 22 March 2014 1:24 PM

**To:** Bert Franzen  
**Subject:** Re: Satyananda Organisation - Cease and Desist Letter attached

Dear Bert,

You have again failed to explain just which statement/s in my correspondence is/are defamatory. In the absence of any such identification of the defamatory material, and in the light of the fact the organisation itself posted statements regarding this event, allowed (and would possibly be deemed to have encouraged) open conversation on a public page over which it has editorial control, I again state that unless you indicate those points which can be deemed defamatory, you have no right to be stating I have defamed the reputation of your client. If anyone has caused harm to the reputation of your clients, it is they themselves. In addition, they may have caused damage to the wider community of people who use the "Satyananda Yoga" name, including the Satyananda Yoga Teachers Association and its members.

Until and unless you can specifically identify the material which you are deeming defamatory, I see no reason why I should take any notice of your correspondence, nor do I see any reason to waste money getting legal advice.

I again request you to identify exactly what I have said that could be classed as defamatory. If you are unable to identify such material I expect you to apologise for accusing me of defamation where none exists.

Yours sincerely

Bhakti Manning

On Sat, Mar 22, 2014 at 12:02 PM, Bert Franzen  
<[bertfranz@electassociates.com.au](mailto:bertfranz@electassociates.com.au)> wrote:

Dear Ms Manning

Thank you for your email stating your concerns. The Cease and Desist letter is provided under section 14 (2) notice of concern of the Defamation Act 2005 (Act). You have certain rights under this provision and should seek legal advice accordingly. The particular matter of concern is the entire letter sent unsolicited on the 16 March, 2014 to a large number of individuals the contents of which contained factual errors and in so doing defamed the reputation and damaged the brand of my client.

I once again encourage you to seek legal advice on this matter as it is likely that you are not familiar with the provisions of the Act. In the meantime I would also encourage you to abide by the terms of the Cease and Desist order and stop all communications on this matter until such time as you've been advised of your rights and potential liability.

It is not our aim in this proceeding to intimidate you, rather we are seeking to protect the reputation of our Client by bring to your attention our concerns regarding your communications and seek assurance that you will forthwith cease and desist from any further similar communication in whatever medium, be that email, blog, facebook or any other publication available to the general public.

Yours Sincerely

<image011.jpg>

Bert Franzen

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**From:** Bhakti Manning [mailto:**REDACTED**]  
**Sent:** Friday, 21 March 2014 8:36 PM  
**To:** Bert Franzen

**Subject:** Re: Satyananda Organisation - Cease and Desist Letter attached

To: Bert Franzen

In response to your e-mail to me, would you please inform me just why you are saying I have made allegations about events in the 1980's. Where exactly have I done this? I am attaching a copy of the content of my one e-mail to the teachers, and its attachment that you claim contain these allegations.

Just what part of my communication to the Satyananda Yoga Teachers Association members are you claiming is defamatory?

Given that the Satyananda Yoga Mangrove Facebook page had posted the apology for misconduct and abuse, and allowed comment and conversation to run on a public page, it can hardly be claimed that these events did not take place. I have merely referred to their apology and to the postings that that organisation has allowed to be posted and remain on their public Facebook page. If anyone has allowed the organisation to be defamed, it is the people from that organisation that have run that Facebook page. Given they have allowed the postings that were made there to remain, I don't think you would have a legal leg to stand on in suggesting my letters are in anyway defamatory. By allowing those postings to remain on their public website, Satyananda Ashram has given them a legal legitimacy by failing to refute them or remove them.

In light of the admissions made on Facebook by the organisation, please identify exactly which of the statements in my e-mail meets the definition of defamation that you have given, that is:

- (1) a statement that tends to injure reputation;
- (2) communicated to another; and
- (3) that the speaker knew or should have known was false.

In the event that you are unable to identify anything in my correspondence that is defamatory, I would expect an apology from you. I believe that for a lawyer to issue a "cease and desist demand" (if such thing is usual practice under Australian law) without good reason would constitute malpractice, and in the event that you are unable to identify any defamatory statement in my correspondence, and fail to withdraw this I will have to consider reporting you for acting in an unprofessional way.

I would also like you to inform me under what legislation do you have a right to ask an individual for a written assurance that they will cease and desist from defaming an organisation.

I view this request as a weak and poorly thought out attempt to intimidate someone who has done no wrong. It reflects very poorly on your firm. I will not be giving assurances that I will "cease" doing something that I never started doing.

I await your apology.

Yours sincerely

Bhakti Manning

On Fri, Mar 21, 2014 at 6:13 PM, Bert Franzen  
<[bertfranzen@electassociates.com.au](mailto:bertfranzen@electassociates.com.au)> wrote:

CC: Facebook/**REDACTED**

Dear Ms Manning

We represent the Satyananda organisation. By way of service, please find attached a Cease and Desist letter addressed to yourself.

We strongly recommend that you seek legal advice regarding your obligations under the Cease and Desist order.

Feel free to contact me if you wish to discuss.

Kind regards

<image011.jpg>

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Bert Franzen

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