

From: [Sarah Tetlow](#)
To: [Bert Franzen](#)
Subject: Re: FW: Satyananda Organisation - Cease and Desist Letter attached
Date: Saturday, 22 March 2014 4:50:26 PM
Attachments: [image015.png](#)
[image023.png](#)
[image014.png](#)
[image024.png](#)
[image022.png](#)
[image013.png](#)
[image018.png](#)
[image019.png](#)
[image020.png](#)

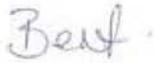
OK, I'm waiting for Amarnath to give his feedback to the group and I'll see what happens with that. I'm inclined to agree with the confusion part. Thanks for everything.

On 22 March 2014 16:49, Bert Franzen <bertfranzen@electassociates.com.au> wrote:

Hi Suryamitra

On reflection, we could issue a letter stating that we withdraw the C&D letter but not sure what that would achieve other than confusion. I'll await further instructions.

Cheers



Bert Franzen

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

T: 9454 7736 | M: **REDACTED** F: 02 8088 6725 |    

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From: Sarah Tetlow [mailto:sarahjtetlow@electassociates.com.au] REDACTED
Sent: Saturday, 22 March 2014 3:17 PM
To: Bert Franzen
Subject: Re: FW: Satyananda Organisation - Cease and Desist Letter attached

Hi Bert

I had a chat with Amarnath after he had been speaking to Kate Eastman (the Salvation Army barrister) earlier today. As part of that discussion she brought up the appropriate course of action and has recommended that we detract the cease and desist letters for a number of reasons (I can't remember them all now but Amarnath is going to send us his notes later). One of the things she said was that it's better to try a softly softly (my words) approach first as sending a legal letter can seem like a sledgehammer approach and that we're trying to hide something. It might also prompt a retaliatory response. She also said it wouldn't look good to the Royal Commission if they ever investigated us due to receiving a number of submissions from the kids affected.

I'm not sure I agree with that but thought I'd share it with you, especially since Bhakti is fighting. I'm going to wait until Amarnath sends us his notes of the call before sharing it with the others in the task force.

Surya

On 22 March 2014 14:45, Bert Franzen <bertfranzen@electassociates.com.au> wrote:

As per below

Bert

Bert Franzen

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

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From: Bert Franzen [mailto:bertfranzen@electassociates.com.au]
Sent: Saturday, 22 March 2014 2:01 PM
To: 'Bhakti Manning'
Subject: RE: Satyananda Organisation - Cease and Desist Letter attached

Dear Ms Manning

My previous email stands.

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

Kind regards

Bert

Bert Franzen

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

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From: Bhakti Manning **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 <bertfranzen@electassociates.com.au> wrote:

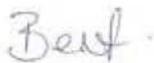
Dear Ms Manning

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



Bert Franzen

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From: Bhakti Manning | **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 you apology.

Yours sincerely

Bhakti Manning

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

CC: REDACTED

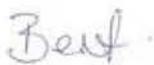
Dear Ms Manning

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 you obligations under the Cease and Desist order.

Feel free to contact me if you wish to discuss.

Kind regards



Bert Franzen

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