

13 February 2009

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Price Sierakowski
Level 24 St. Martin's Tower
44 Georges Terrace
PERTH WA 6000

BY FAX : 08 9221 6744

BY EMAIL : info@pricesierakowski.com.au

ATTN: Simon Jenkins / Nick Vickery

RE : Ready Flowers Pty Ltd

Dear Price Sierakowski,

I refer to your faxed letter to me dated 12 February 2009

I acknowledge you are acting for Ready Flowers Pty Ltd and its directors, however I request further details regarding the public company Ready Flowers Limited as an ASIC search reveals no such registered or reserved company name exists and the company number 1285542 you have provided, returns a notice that the number is invalid. I have today received a letter from ASIC dated 10 February 2009 stating that the conduct is potentially misleading or deceptive. **You should be aware that you cannot represent a company that does not exist.**

ITEM 1.1 The degree of importance your client attaches to the evidence of the up to 69% commission (the 69%) serves as an admission as to its excessive nature. Your client's previous failure to respond to my inquiry into this excess, and its current denial of the excess, serves to demonstrate the intentional delinquency of your clients. Such conduct, to my mind is disgusting and a further contravention of section 52 of the Trade Practices Act. Evidence of the 69% has been provided to your clients and there is any amount of further evidence from myself and numerous florists Australia wide to substantiate how your client unconscionably conducts business with florists, how your client misleads florists and how your client misleads consumers.

ITEM 1.2 There are 10 issues that are potential false, misleading or deceptive contained within the Ready Flowers website. The identification of those issues will appear in my Statement of Claim to be filed in court. As to the flower images your client claims copyright in, please provide evidence of your client's ownership of that copyright. Further any copyright or trade mark infringement claims by your client are frivolous and will be defended by way of the purpose and context that I use the the images and logo.

ITEM 1.3 The comments on the website are in my view legitimate and based on the experiences of the respective persons that made the comments together with opinion based on the facts of the matter which your client chooses to delinquently deny.

ITEM 1.4 Any damage your client claims to have sustained has been brought about by its own conduct which I have merely exposed. There is substantial evidence available within the florist industry Australia wide regarding the damage that your client is causing, that evidence will be presented in court. As to your allegation about my motives, your allegations of malice are ridiculous and would not prevail in court and my motives are predominantly in the public interest and absolute outrage at the conduct of your clients.

ITEM 2 Your allegations are ridiculous and incorrect. Governments do not have a monopoly on serving the public interest and the legal notice at the top of the Online Florist Review page clearly implies that the website is privately operated and the express statement on the front page, "***fair-trading.com.au is not associated with, and does not represent, any government or non-government organisations whatsoever***", together with the website format, makes it clear to anyone other than Blind Freddy that the website does not and does not seek to pass itself off as anything else than a private website. I refer to *The Crown in Right of the State of Tasmania trading as " Tourism Tasmania " v. Gordon James Craven* [2003] AUDND 2 (16 April 2003) where the Tasmanian Government made similar allegations against me which it failed to prove; [http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/AUDND/2003/2.html?query=title%20\(%20%22tourism%20tasmania%22%20](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/AUDND/2003/2.html?query=title%20(%20%22tourism%20tasmania%22%20))

ITEM 3 Any non-disclosure of interest I may or may not have is irrelevant to my motives or the proceedings to be filed in court. In any case my comment published on 16 January 2009,

“I work in the florist industry on the Sunshine Coast and we mostly concentrate on the Noosa Region” clearly rebuts your non-disclosure allegation. The remainder of your allegations have been addressed above and are fanciful and vexatious.

ITEM 4 I have previously addressed the matter of your client’s claimed damages.

ITEM 5 My website has not ever and currently does not operate in trade or commerce, as such, unlike your client, I am not subject to the Fair Trading Act of WA as a result of my website, and even if I were, I do not engage in misleading or deceptive conduct as prohibited by section 10 of the Fair Trading Act (WA), in other words, don’t be ridiculous.

As to injurious falsehood, your client would be required to prove the following:

- A. A statement of mine must be false;
- B. The statement must be published maliciously;
- C. The statement must have been intended to produce and resulted in actual damage, and your client will have to show a direct economic loss because of the statement, i.e., prove that damage.

I have previously addressed the matters of A and B.

As to your further assertion of defamation against the dubious reputation of your client directors (in light of ITEM 1.1 above), if they are defamed which is denied, I will rely on defences that include but not limited to, justification (substantial truth), contextual truth, honest opinion and qualified privilege.

NOW TAKE NOTICE

Due to the delinquent conduct of your client and its denial of the undeniable, this matter is to be filed without further delay in the Brisbane Registry of the Federal Magistrates Court of Australia (FMC). This Court has jurisdiction in the primary matters in issue, and accrued jurisdiction in any remaining matters in issue. I strongly urge that you do not waste the time, resources and expenses of any other court, and file any of your client’s and director’s foreshadowed claims against me as a counterclaim against me in the FMC proceedings. Court documents will be served on your clients and another in due course. Please advise if Price Sierakowski is authorised to accept service of the originating process.

Yours faithfully

A handwritten signature in black ink, appearing to read "G. Craven". The signature is written in a cursive style with a large initial 'G'.

Gordon Craven - publisher Fair-Trading.com.au