

The Honourable JLB Allsop AO
Chief Justice
Federal Court of Australia
Level 6
Harry Gibbs Commonwealth Law Courts Building
119 North Quay (cnr Tank Street)
Brisbane QLD

23 January 2018

Dear Chief Justice,

Judicial Robbery of Security for Costs in the Federal Court Case SAD 17 of 2007 involving the Deputy District Registrar (SA) and the lawyers of Crawford Legal

I am the managing director of a pharmaceutical company in Hong Kong, Australian Medic-care Co Ltd or AMC, which has been engaged in pharmaceutical trading with Australian manufacturers since 1989.

In 2007 I started legal proceedings against Hamilton Pharmaceutical Pty Ltd for breach of contract and trademark infringement after this company had exported goods bearing the Chinese trademarks of our company to Hong Kong. The court case number is SAD 17 of 2007 in the Federal Court of South Australia.

In October 2009, we got back the trademarks in the Federal Court of SA but the trial judge did not grant any damages to our company because AMC did not inform Hamilton directly about the presence of parallel imported goods bearing our Chinese logo in Hong Kong. According to the verdict, Hamilton would stop doing parallel importation if our company had notified Hamilton of it earlier after the detection of parallel imported goods in Hong Kong. This is an astonishing judicial theory we seldom encounter. In addition, our company was ordered to pay costs in relation to the wrong calculation of the damages by our lawyers concerning the issues of breach of contract and infringement of trademarks. **(Enclosure 1)**

Besides, as our company resumed the manufacture of the 10% urea cream using a formula similar to that of Hamilton, our company needed to pay costs in relation to the issue of breach of confidence.

According to Pattison Hardman **(Enclosure 2)**, a legal costing firm in Sydney, the costs of the above two issues were in reality amounted to about \$50,000 at the maximum as each of which occupied only about half a day in the trial of 31 days. However, Hamilton's lawyers inflated the figures to \$320000 and presented to the Federal Court for adjudication and approval. A summary of the deceptive and misleading misconduct in drawing the Bill of Costs was listed in my letter to the Deputy District Registrar, Katrina Bochner, on 4 January 2011 **(Enclosure 3)**.

Unexpectedly, the Registrar of the Federal Court not only acknowledged the inflated amount but also increased it to \$356322.60 and, upon the knowledge that AMC was in Hong Kong, only surface-mailed the Notice of the Estimate with this huge amount for settlement by AMC to my address for service in Sydney only. The registry did not ensure that I received the Estimate after mailing it.

This way of communication was completely different from the transmission of previous documents to me by the court which was by emails followed by phone calls to ensure receipt

of court documents as the registry knew that I was in Hong Kong most of the time. A month later when I was given the Certificate of Taxation dated 11 November 2010, I noticed that there was no Estimate sent to me and I did not receive it although it was claimed to have been sent to my Sydney address for service. I then asked the court for granting of discretion to oppose the Bill of Costs. Upon being told that I did not receive the Estimate and about the comments on the numerous mistakes in the Bill of Costs, **the judge did not give AMC any discretion to challenge the Bill involving a huge amount of \$356322.60, leading to irreparable injustice.**

The Certificate of Taxation was turned into an order on 22 December 2010 when the final outcome of the trial on granting of discretion was not yet known. In addition, according to the Order, the Certificate of Taxation was sent to my former solicitor. I told the Registrar about this. At first she said the error needed to be clarified by the party making the minutes of order and sent to her only on the previous day, 21 December 2011. Later on it was admitted that it was due to the clerk's mistake. This was an **order before trial on discretion completed.**

The approval of the inflated figures from Crawford Legal with the further addition from the Registrar Katrina Bochner and the premature signing of the minutes of order by her strongly points to a Conspiracy to Defraud among the lawyers of Crawford Legal and the Registrar. The Court's failure to grant discretion for the non-receipt of the Estimate as explained in my Affidavit and upon known deceptive as well as misleading conduct in the drawing of the Bill of Costs amounted to a pure robbery in the Federal Court.

On 2 February 2011, I had some chest pain due to cardiac ischaemia and asked for email communication in the hearing to be conducted on 7 February 2011. I was not allowed to do so. On 6 February 2011 I was admitted to the Emergency Department in a hospital in Hong Kong. Fortunately I did not go to Australia to attend the hearing. However, it was conducted in my absence and all the monies in the Security for Costs were ordered to be evacuated to the opposite side. Was this Order **trespassing on human rights?**

On 28 April 2011, a hearing for the application for leave to appeal against the decision of failure to grant discretion was set for Mention Only. However, it was fully heard when I arrived at the Federal Court and the application was dismissed immediately, adding more costs to be paid to the opposite side and further litigation on costs. What is the use of appeal with regard to injustice? Again and again the judges were told about the misleading and deceptive conduct in drawing the Bill of Costs but they were indifferent to it. The above events belonged to the court case SAD 17 of 2007.

After years of litigation in Australia and fighting against the Combination of the Legal Profession Conduct Commissioner and the lawyers complained of to cover up misconduct of the latter in the Supreme Court case SCCIV 1438 of 2015, I am quite sure that evacuation of my Security for Costs in the Federal Court was a conspiracy that needs the investigation by Your Honourable. It is extremely rare for such a large sum of security to be evacuated by the court without proper consideration of the receipt of the Estimate by a self-represented litigant whose base was in Hong Kong and the communication means were agreed to be emails. In addition, it is unbelievable that the contemporary Registrar, Katrina Bochner, did not know the highly inflated bill of costs presented by Crawford Legal, the firm representing Hamilton. It is strange that the Estimate was only sent to my address in Sydney without any emails or phone calls to ensure that I did receive it, completely different from previous practice with the other court orders for payment such as the account of profits.

When the court was told about the highly inflated figure in the Estimate or Certificate of Taxation, no discretion was granted by the Court for me, a self-represented litigant, to oppose the Bill of Costs.

Finally, I hope Your Honourable would kindly review my case and see if I am wrong in coining this plain "conspiracy to defraud" as "Judicial Robbery". It is really sad that such robbery could happen in the Federal Court and in order to resume public confidence I wonder if Your Honourable would start an investigation of this conspiracy and stop such immorality and corruption to spread in the court or, as I did with the lawyers in the Supreme Court Action SCCIV 1438 of 2015, I need to file charges with the Legal Practitioners Disciplinary Tribunal against the lawyers involved, including Ms Katrina Bochner, the contemporary deputy district registrar, who approved the inflated figures provided by Crawford Legal and signed the minutes of order from the firm before trial completed.

Thank you and looking forward to your Honourable's reply.

Yours faithfully



Kenneth KEUNG

Cc The Chief Justice of the High Court of Australia