

2013 LEGALLY CONTESTING INTELL PROP THEFT CONNECTED TO EPSTEIN/MAXWELL - SA GOV - HON JOHN HILL - ROGER KIRCHNER - BELINDA MOYES



+ MICHAEL FETHERSTONHACH

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20 MARCH 2013.

From: Mary Aslanidis
* Sent: Wednesday, 20 March 2013 9:12 AM *
* To: Dino Di Rosa *
* Subject: FW: Intellectual Property, Business Law advise *

Did you receive this email?

From: Jacqueline Pearce [mailto:]
Sent: Tuesday, 19 March 2013 5:27 PM
* To: Mary Aslanidis *
* Subject: Fwd: Intellectual Property, Business Law advise *

----- Forwarded message -----

From: Jacqueline Pearce
* Date: Tue, Mar 19, 2013 at 5:19 PM *
* Subject: Re: Intellectual Property, Business Law advise *
* To: dino@

* Dear Dino, *

I am contacting you today as i have an enquiry in regards to Business Law and have been advised by Heather mack, Senior Solicitor of westside Lawyers, Port Pirie to seek further advise and assistance with a lawyer within your field.

I have a matter concerning the SA Medical Association and a proposed Business Plan that i had written and had contacted the board about in 2009. Heather Mack has advised me that i need the advise of an Intellectual Lawyer in regards to the Business Plan.

I had started research concerning the development of a Medical Specialist Centre to be established in the Port Pirie region in 2007. I was receiving advise from a business advisor, Michael Fetherstonhaugh of the Regional Development Board, Port Pirie. I had conducted statistical research surveys through out the local and regional GP'S, Medical centres and Hospitals, which resulted in a positive response in order for me to continue to develope and establish the business plan for the centre.

I had also conducted customer surveys throughout the local area and regional areas to gather statistical reserach information regarding the specialists needed for certain medical conditions within this and surrounding areas.

I then developed and completed the business plan, The Specialist Medical Centre, prepared September 2009.

On the advise of Terry Reichelt of the Regional Developement Board of Port Pirie, i then contacted the SA Medical Association, Minister of Health, Hon Jon Hill MP on the 18th of September 2009, in regards of aqiring funding and support to establish the centre in Port Pirie. I received a letter from Hon Jon Hill MP advising me that the Health Advisory Council of Port Pirie were engaged in a 10 year health service needs planning process, but they could not help me with my business proposal and that i should contact Mr Roger Kirchner, Director Mid North Cluster, Port Pirie Hospital in order to obtain funding.

I then on this advise proceeded to contact Mr Kirchner, who then asked for my business plan to review to consider if he was able to assist me with the funding and support i was seeking. I asked for the business plan to remain confidential and that it remained my property and i would allow him to reveiw it on a trust basis, to which he agreed, a verbal agreement.

He then proceeded to reveiw my business plan for 3 days, i contacted him after this 3 days to request the return of my business plan.

On this meeting with Mr Kirchner, he returned my business plan and had explained to me that it was an excellent idea/plan and that we needed people like me in this community, researching health matters and trying to establish a centre to cater to these health matters/concerns but unfortunately he was unable to assist me with any funding or support, but it was a much needed commodity within this region/community.

I then proceeded to seek funding from any grants i could find and banking institutions, the Regional Developement Board, the local council to which , no avail.

I then proceeded to conduct more research through the local and regional surrounding areas, GP'S, Medical Centres and Hospitals in regards to a second business plan, M.S.I.C, to work in conjunction with the first business plan. I conducted a statistical research survey to which i received a very positive response again. I then developed the second business plan and proceeded to try and fund the project through my own personal finances from the sale of my home, to which i kept meeting deadends. I then stopped with the financial side of the business plan and sought more support through the Regional Development Board , Hospitals and doctors.

I contacted the SA Medical Association Hon Jon Hill MP again in regards to both medical business plans and research conducted on the 31st of August 2012, to which this time i received a letter advising me that a Port Pirie GP Plus Health Centre was scheduled for establishment in Port Pirie in September 2013 and my business plans and research were unneeded.

I have provided both letters received on both occassions with this email for you to review. I have also provided a list of all people involved in the advisor planning process of my business plan.

I have not been told when the dates of the first planning of the GP Plus Health Centre was established or when the research was first conducted in order to establish the plan but have to question WHY , i was not told in the first point of contact, September 18th 2009, of this development and was told to contact Mr Roger Kirchner in order to establish funding and support for my business plan in order to establish the centre in Port Pirie.

I would appreciate any advise you could give me in regards to this matter and advise me if i have grounds to a claim of an Intellectual Property case.

As i do live in Port Pirie i would appreciate it if our correspondence could be via email to begin with. If you would like to discuss this further though i can provide my phone number.

I appreciate your time and consideration in regards to this matter.

Kind Regards

Jacqueline Pearce



Jacqueline Pearce <[redacted]>

RE: Intellectual Property, Business Law advise

1 message

Dino Di Rosa <[redacted]>

Wed, Mar 20, 2013 at 9:35 AM

To: "[redacted]" <[redacted]>

Hi Jacqueline

Thanks for your email.

* Craig has left our firm to take up post graduate legal studies. *

Intellectual property is not within our core areas of practice, although your enquiry does not appear to be complex. We would suggest you send an email enquiry to Peter Campbell of Kelly & Co who is one of the leading intellectual property lawyers in Adelaide. Please let Peter know I referred you to him.

* Peter's email address is: [redacted] * - DIRECTED TO JOHNSON LAWYERS ,

Please let me know how you get on and if I could be of assistance in relation to any other matter.

Yours faithfully
Dino Di Rosa
Principal



Torrensville Office:
150 South Road
Torrensville SA 5031



Adelaide Office:
61 Carrington Street
Adelaide SA 5000



Postal Address:
PO Box 315, Torrensville Plaza SA 5031
Web: [redacted]
Email: [redacted]



2013



Jacqueline Pearce <jacqueline.c.pearce@gmail.com>

Enquiry : Intellectual Law

2 messages

Jacqueline Pearce <[REDACTED]>

* Mon, Apr 8, 2013 at 3:39 PM *

* To: [REDACTED]

Dear John,

I am contacting you today as i have an enquiry in regards to business law and have been advised by Heather Mack , Senior Solicitor of Westside Lawyers , Port Pirie, to seek further advice and assistance with a lawyer in your field. I have been advised by Dino Di Rosa of Di Rosa Lawyers, Adelaide, to contact you in regards to this matter, who provided me with your contact details.

I have a matter concerning the SA Medical Association and a proposed business plan that i had written and had contacted the board about in 2009. Heather Mack has advised me that i need the advice of an Intellectual Lawyer in regards to the business plan.

I had started research concerning the development of a Medical Specialist Centre to be established in the Port Pirie region in 2007. I was receiving advice from a business advisor, Michael Fetherstonhaugh of the Regional Development board Port Pirie. I had conducted statistical research surveys through out the local and regional GP'S , Medical Centres and Hospitals, which resulted in a positive response in order for me to continue to develop and establish the business plan for the centre.

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I then on this advice proceeded to contact Mr Kirchner, who then asked for my business plan to review to consider if he was able to assist me with the funding and support i was seeking. I asked for the business plan to remain confidential and that it remained my property and i would allow him to review it on a trust basis, to which he agreed, a verbal agreement.

He then proceeded to review my business plan for 3 days, i contacted him after these 3 days to request the return of my business plan.

On this meeting with Mr Kirchner , he then returned my business plan and had explained to me that it was an excellent idea / plan and that we needed people like me in this community , researching health matters and trying to establish a centre to cater to these health matters / concerns , but unfortunately he was unable to assist me with any funding or support, but it was a much needed commodity within this region/ community.

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I have provided both letters received on both occasions with this email for you to review. I have also provided a list of all people involved in the advisory planning process of my business plan.

I have not been told when the dates or the first planning of the GP Plus Health Centre was established or when the research was first conducted in order to establish the plan but have to question , WHY, i was not told in the first point of contact, September 18th 2009, of this development, and was told to contact Mr Roger Kirchner in order to establish funding and support for my business plan in order to establish the centre in Port Pirie.

~~I would appreciate any advice you could give me in regards to this matter and advise me if i have grounds to a claim of an Intellectual Property case.~~

As i do live in Port Pirie, i would appreciate it if our correspondence could be via email to begin with. If you would like to discuss this further though i can provide my phone number.

I appreciate your time and consideration in regards to this matter.

Kind Regards
Jacqueline Pearce

 Information p
6603K

~~John James~~
To: Jacqueline Pearce <[redacted]>

~~Mon, Apr 8, 2013 at 5:06 PM~~

Dear Jacqueline,

Thank you for your enquiry below.

Before I give a costs estimate I would like to clarify my understanding of the matter with you.

As I read your email below:

1. You started researching a business plan in 2007;
2. As a result of the response from the minister in November 2009 you were encouraged to contact Mr Kirchner;
- ~~3. After your showed him the plan, Mr Kirchner further encouraged you to pursue the business plan but was unable to assist you with funding (I infer that this took place sometime in late 2009 or early 2010);~~
- ~~4. After meeting with Kirchner you continued to expend effort in developing the business plan and attempted to find finance to put the plan into action; and~~
5. Based on the letter shown in 006.jpg and 007.jpg which appears to be dated 29 October 2012 you

are now of the view that the business plan is no longer viable as the government already has plans to provide a service to fill the need that you had identified.

On that basis you would like to know, on the basis that your business plan is rendered useless due to the government's own planned action, whether you have any legal recourse against SA Medical Association or the Minister for encouraging you in your efforts to develop the business plan and put it into action from late 2009 or early 2010 onwards and for not advising you that the government's own plans would render the business plan worthless. Effectively, you want to know whether you can be compensated for your lost time and effort in preparing the plan.

At this stage, you are not sure when the government's own plan was developed or whether the minister or Mr Kirchner would have been aware in 2009 that such a plan would be developed or implemented.

Would you be able to outline the loss which you have suffered in monetary terms? What was involved in producing the business plan and conducting the research? Was it just your own time or did you have to make expenditures? I imagine that there would be some costs associated with selling your house, but could you quantify those?

I look forward to hearing from you.

If you have any questions, please do not hesitate to contact our office.

Regards

JOHNSON LAWYERS

John James
Solicitor

1/133 Archer Street
North Adelaide SA 5006

Ph: [REDACTED]
Fax: [REDACTED]

Email: [REDACTED]

Web: www.johnsonlaw.com.au



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From: Jacqueline Pearce [mailto: [REDACTED]]
Sent: Monday, April 08, 2013 3:40 PM
To: [REDACTED]
Subject: Enquiry : Intellectual Law

[Quoted text hidden]

Jacqueline Pearce [REDACTED]

* Tue, Apr 9, 2013 at 3:43 PM *

* To: John James <[REDACTED]> *

Dear John,

* Thank you for taking the time to read my enquiry and for your response. *

In regards to clarifying the matter of my concerns with the SA Medical Association and Mr Roger Kirchner, my point of concern is that of the fact that i had contacted the SA Medical Association whom of which suggested that i seek funding through Mr Kirchner of the Port Pirie district without informing me that a plan for the exact replica of my business plan was already in progress.

Then after my contact with Mr Kirchner who proceeded to have my business plan for 3 days, i was not encouraged to proceed with the plan rather i was praised for the idea. My point of concern with the SA Medical Board and Mr Kirchner is that they have stolen my business idea, my research, my business plan, my Intellectual Property.

What i am asking is if i have a claim in regards to Mr Kirchner having my business plan for 3 days, i am asking if the SA Medical Association was then informed of the idea that was stolen from my research and business plan and thats when the planning of the GP Pus Health Centre commenced.

If so i am claiming the rights to my Intellectual Property - Compensation - a payout for my research and business plan and a right to a percentage of the centres takings as the business plan/ idea was originally my property and was formed and established from Mr Kirchner having my business plan for the 3 days on the encouragement from the SA Medical Association.

I am asking is this a feasible concern and rights to a claim.

In regards to the expenditure i incurred during the research and development of the business plan, the sale of my house was due to a marriage separation / divorce , but did not leave excess amount to persue my business plan. Costings of the research and business plan were in regards to office equipment / stationary ,

phone calls / research, equalling \$1000 debt with Telstra and 2 years of my personal time.

Thank you John for considering my enquiry.

Kind Regards
Jacqueline Pearce
[Quoted text hidden]

REQUESTED + ADVISED TO OBTAIN
PROF OFFICIAL LETTER OF INVOLV IN MED
BUS PLAN + MSIC BUS PLAN.

John James [REDACTED]
To: Jacqueline Pearce [REDACTED]

* Tue, Apr 9, 2013 at 3:55 PM *

Dear Jacqueline,

I estimate that our fees for providing advice on the matter which you have outlined below, including taking further instructions from you, will be \$1,000 to \$1,250 plus GST and disbursements.

As a preliminary matter, as I understand your emails below you do not currently possess any documentary evidence of a connection between you providing your business plan to SA Medical Association and that organisation developing a similar plan. As such, there is some uncertainty about what documentary evidence will be available to prove that there was a cause and effect connection between your plan being provided to Mr Kirchner and SMA developing its plan. It may be that SMA will hold relevant documents in their records and the advice will address the issue of obtaining access to whatever documents do exist.

Unless you have additional relevant documents, it will not be possible for me to express a firm conclusion about the factual merits of your case in our preliminary advice but only outline what you would need to establish in order to be successful and how you might go about collecting evidence to prove that.

If you would like to proceed on that basis, please provide me with your postal address and contact details (phone/mobile/fax) and I will send a copy of our Terms of Engagement to you for your consideration.

If you have any questions, please do not hesitate to contact our office.

Regards

JOHNSON LAWYERS

REQUESTING DOCUMENTARY EVIDENCE
OF MR ROGER KIRCHNER INVOLVEMENT
IN MEDICAL BUSINESS PLAN

* John James *

Solicitor

1/133 Archer Street

North Adelaide SA 5006

Ph: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

Web: www.johnsonlaw.com.au



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From: Jacqueline Pearce [mailto:[REDACTED]]
Sent: Tuesday, April 09, 2013 3:43 PM
To: John James
Subject: Re: Enquiry : Intellectual Law

[Quoted text hidden]

Jacqueline Pearce <[REDACTED]>
 To: John James <[REDACTED]>

Tue, Apr 9, 2013 at 4:08 PM

Dear John,

* Thank you very much for your quick response. *

* I will do some more research in regards to collecting evidence in relations to proving my contact with Mr Kirchner and my business plan being in his possession * I will be in contact with you to inform you of my decision weather to persue this matter further once i have conducted this research. Once again, Thank you very much, i appreciate your time and consideration.

Kind Regards
 Jacqueline Pearce
 [Quoted text hidden]

SENT 2016
 DOCUMENTARY EVIDENCE - LETTERS OF INVOLVEMENT
 ROGER KIRCHNER
 HON JON HILL
 MICHAEL FETHERSTONHAUGH

7/2/2020

Mail - Jacqueline Pearce - Outlook

SUPPLIED LETTERS / EVIDENCE OF INVOLVEMENT
Confidential Information - ROLER KIRCHNER RE-SENT

Jacqueline Pearce <[REDACTED]>

* Mon 22/02/2016 1:56 PM

To: [REDACTED] <[REDACTED]>

3 attachments (13 MB)

Medical Business Plan Official Letters of Involvement - Stolen Concept.pdf; Medical Business Research and Establishment.pdf; MSIC Business Plan Research - Stolen Concept of Confidentiality.pdf;

In addition to our previous correspondence.

Kind Regards

Jacqueline Pearce

EFTA00262238

7/2/2020

2016 FOLLOWING SUBMITTED LETTERS ON INVOLVEMENT.

Mail - Jacqueline Pearce - Outlook

DENIED ROGER KIRCHNER'S INVOLVEMENT

RE: Confidential Information

John James <[REDACTED]>

* Mon 22/02/2016 4:56 PM *

To: 'Jacqueline Pearce' <[REDACTED]>

Dear Jacqueline,

Thank you for your emails.

I have skimmed through the material that you have sent to me.

Some of the material relates to your business idea for a medical centre in Port Pirie, which you had contacted me about previously. I note that in April 2013, I advised you that our fees for taking instructions and providing advice in relation to that matter would be \$1,000-\$1,250 plus GST. If you like, we can still proceed on that basis.

There is also material relating to charges laid against you for resisting arrest and other material relates to what I understand to be a suspected criminal conspiracy in Port Pirie. Please note that this firm does not deal with criminal matters and accordingly we will be unable to assist you in either of those matters.

* Regarding the business plan issue, as I mentioned in April 2013, I am concerned that at this time there is no documentary evidence available to suggest a connection between you providing the business plan to Mr Kirchner and the establishment of a new medical centre. My preliminary view is that if no such documentary evidence exists, you will not have a tenable case for compensation. I would, however, need to consider the matter in more detail before providing my final advice to you if we were formally engaged to advise you on the matter.

Before engaging us, you should however carefully consider whether you will have the resources required to pursue any rights to compensation that we may identify. Litigation is expensive and you can expect to be required to pay approximately \$20,000-\$30,000 in legal fees and other costs if this matter proceeds to a trial. You do have the option of representing yourself in court, although in that case you may experience difficulty in having the court understand and accept your case and, moreover, this occupy a great deal of your time and may cause you significant stress.

The reason I raise these matters with you now is that unless you will be in a position to pursue any claims, it may not be worth the expense of having me review the matter.

If you would like to proceed with taking advice from us in relation to the business plan issue, please let me know. In that case, I will send a copy of our Terms of Engagement to you for your consideration.

If you have any questions, please do not hesitate to contact our office.

Regards
JOHNSON LAWYERS

John James
Senior Solicitor

1/133 Archer Street
North Adelaide SA 5006

Ph: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

Web: www.johnsonlaw.com.au