

257

ANTHONY LYMBURN
32 Cockburn Street
GREY LYNN
AUCKLAND

31st March 2000

The Officer in Charge
Police Complaints Authority
P O Box 5025
WELLINGTON

COPY

31st March 2000.

Dear Sir/Madam,

Subject: FALSE INFORMATION IN POLICE FILES

I am personally involved in a case, which revolves around my mother MRS Carole LYMBURN and her battle to restore her reputation which has been destroyed by an organisation called the New Zealand Police Department.

I have had dealings previously with both the Police complaints authority and the Office of the Privacy Commission concerning these matters as I am directly involved also.

On the 9th June 1996 an authority was sent to the New Zealand Police Department to release Copies of all complaints made by relating to Mrs Lymburn.

On the 19th December 1997 the first release was made of most of the files held by their organisation.

It took a period of one year and six months before they reluctantly handed over this documentation.

During that period of one year and six months I had an incident at the Ponsonby Police Station on the 8th August 1997 whereby I was insulted and degraded by the Senior Sergeant on duty by the name of Anderson.

I was provoked into filing a written complaint to the Police complaints authority.

It was allocated to one of their Police officers in the Eastern Unit and eventually declared to be unproven, as I did not have a witness and as the Senior Sergeant came up with an unnamed mystery witness he was allowed off.

My subsequent letter to Chief Inspector Palmer dated 15th October 1997 asking for further answers was totally ignored.

I have therefore had to accept the treatment offered to me by this Police Officer.

This brings me to the main reason why I am writing this letter of complaint.

Since my mother received her files in 1997 she is pursuing her rights to have certain information in these files removed, as there are several references to her, which are false and have been manufactured to discredit her.

Her Lawyer has made efforts to contact three Police Officers (letters enclosed) who are responsible for manufacturing statements about her, but his correspondence has been totally ignored by these officers.

As I am personally involved in this case I have had to refer to these files on a frequent basis and this is where I am having very major problems.

The references made to us are so insulting and derogatory and both my mother and I find this information to be causing us great distress and it is taking far too long to have this information removed.

Under provision of the Privacy Act Privacy principle 7 states that "you are entitled to request an agency to correct information it holds about you."

The Police have not responded to this request.

Having to read this false information in their files about my mother is causing me much anxiety. I know that this information is untrue and it reflects very seriously on me as a member in her family. It has made us feel inadequate and degraded us by reading this information and I feel very powerless to control its correction.

This is why I call on your office to intervene.

I would summarise the affect that these lies have had on us to be that of severe mental abuse.

Particularly when we can not shake it from our good names and reputations as decent and honest citizens.

It is very degrading to have the Police discuss my mother in these very low and degrading terms and it is very demoralising.

Particularly when I know that the person they are talking about is a very decent and kind person and in no way deserves to be treated in this cruel and dreadful way.

It is one thing for her neighbours to try and bring her down
(we have expected this from them because of the type of people they are)
but for the Police Department to enhance this sort of behaviour as well, leads me to conclude that there are very serious motives behind it.

The Police have acted in a very malicious way, with very cruel intent and it would seem that they are very much focused on trying to destroy this woman.

I want her treated with the respect that she well deserves as a decent and honest person and I should not have to request such a thing from intelligent people.

Our reputation as an honest and decent law abiding family has been seriously affected and I want you to put it right.

The great puzzle in all of this is their overall attitude toward her. The distaste, contempt, and sheer hatred shown by most of them.

Had we been suffering from a mental illness, is this how one would have to expect to be treated by the Police.

Is this how it all works for anyone who is mentally ill.


I am shocked to realise how bad it could be for someone like that.

I would now like to refer you to various excerpts from these files that need to have untrue statements removed URGENTLY.....

Yours sincerely,


Anthony LYMBURN

I have supervised the preparation of this letter by my son and strongly endorse the actions requested in it.


Carole LYMBURN
82 Moa Road
Pt Chevalier
AUCKLAND

Where am I supposed to start here. Maybe with the defamation clauses.

LINBURN has been diagnosed as a paranoid schizophrenic (I have contacted her doctor) and her life appears to go in cycles but is usually in some turmoil.

Constable Mathieson is manufacturing false information here. No doctor has ever made such a diagnosis. This is a lie. Ask him to name the Doctor. **CAN YOU PLEASE HAVE THIS STATEMENT REMOVED.**

The turmoil he speaks of is when her neighbours set upon her.

LINBURN is well known to local members, members at Control and Avondale.

I do not know what can be done to stop her wasting our time and cannot help feeling that one day she is going to do something "outrageous" and innocent people may well be victims.

Her son Anthony does not appear very more rational than she.

COMMENTS:

Constable Mathieson has just condemned my mother to a life of being tormented with no real way of defending herself. He has labelled us both as mental defects and taken our integrity and reputations away from us. He has stated that he considers us as dangerous. He has broadcast these false judgements to the whole of the Police Force and to the wider community.

What he has initiated here is nothing short of a criminal act.

Can you please have this false information removed from this file as soon as possible.

NZ Police Job Sheet
8.11.91.

A M Dixon (Constable)

Reg No 8700

Spoke to Constable MACDONALD Ponsonby Police.

He is well aware of the problem with this woman at 82 Moa.

She bad mouths everyone.

Brent Mathieson has had a lot of previous dealings and complaints also.

Carole LYMBURN is well known as a mental who even complains to Police about Police if things don't go her way.

Constable Simpson and Feasey had an incident via 82 Moa Road on Tuesday of this week.

Constable Simpson advised neighbours to make a complaint to Police so we could take action against 82 Moa.

The neighbours are loathe to complain as they all think she is nuts.

My sentiments exactly.

COMMENTS:

I find this talk absolutely disgusting.

First of all my mother was accosted on the footpath, abused and spat on, all down her clothes, and was so upset by the trauma that she went to the Police for help and all they can do is conspire to do her damage.

The woman even admits she spat at her in the Police statement.

Constable Simpson is even trying here to get the neighbours to make false complaints against Mrs Lymburn, so they could prosecute her.

This could be called a conspiracy.

He obviously succeeded in his plan because the neighbours took up a petition with the Police's endorsement to have her removed from the street.

This petition contained false signatures including a forged signature for MAIRE LEADBEATER Auckland City Councilor when denies in writing ever having signed it.

The Police and Housing New Zealand had set a date to evict Mrs Lymburn without her knowledge.

This was postponed when Mrs Lymburn took her own action and brought the whole matter to the Tenancy Tribunal.

Mr Ogle denied on oath about any eviction plan, even though he had made verbal threats to evict Mrs Lymburn.

Constable Mathieson made no reference to Mrs Lymburn's "mental illness" when she conducted her own case at the tribunal and cross examined him on the witness stand about his lack of action in protecting her rights.

We subsequently found documented evidence about the conspiracy to evict her when we obtained Housing New Zealand's files. (on advice from Mr Debanam from the Privacy office.)

Carole Lymburn is known as a mental.

This is a false statement can you please have it removed.

Handwritten instructions
4.12.90

Wayne JONES (SGT)

Reg No5036

Received call from Mrs Carole Linburn who claims her neighbours are accusing her of having sex with her son.

I'd suggest you go and lock her up for Incest.

Next time you see her can you persuade her to stop bothering us in Control.

(she's not happy with the service you provide)

For your info

Wayne Jones

Sgt 5036

4/12/90

COMMENTS:

My mother rang the Police because she was being accused of a very revolting crime by her neighbours and was very distressed at such an accusation of depravity.

Look at the way her complaint is accepted.

Even more revolting comments to go with those of the neighbours.

Sergeant Jones is instructing his Junior Officer to go and arrest a woman who is being constantly persecuted.

Ponsonby Patrol Base
5.9.86

A H Snaith (Constable)

Reg 3872

*I have been informed by staff members that the complainant's Solicitor has previously tried to have complainant committed.
Complainant informed no further action will be taken.*

COMMENTS:

This statement about the Solicitor is totally untrue. May we have the name of said Solicitor please?
Please have this false statement removed from this file.
It is very apparent here that all her complaints are destined to be totally ignored due to the extreme defamation made against my mother and also myself.

N Z Police Report Form
10.4.91

S R Palmer (Constable)

Reg 6905

*Mr Beilby has spoken with Barbara MORRIS, LYMBURN'S own doctor. Dr MORRIS considers MRs LYMBURN to be very eccentric but not a committable person nor dangerous.
Mr BEILBY assesses her to be very neurotic and probably schizophrenic.*

COMMENTS:

Mr BEILBY (Ponsonby Care Centre) and Constable MATHIESON together made this judgement against my mother.
Mr Beilby is only a staff nurse at a community centre and is not qualified to diagnose anyone. Particularly about anyone's state of mental health.
Even though Constable Mathieson gave evidence in a murder trial about the victims state of mental health, as if it was some justification why he should have been murdered.
It is only his opinion, and he is not a QUALIFIED WITNESS to make these sorts of judgements against people, even though he thinks he has that right.
Constable Mathieson has clearly twisted information in order to condemn my mother.
It is also apparent that he has stopped any of her complaints from being actioned.
I want this defamatory information about her mentality removed from her file.
None of it is true.

N Z Police Letter
10.11.93

P A MILDENHALL

Senior Sergeant 0601

COMMENTS:

This is an instruction to private citizens (ie volunteers) to ring for Police reinforcements to remove Mrs Lymburn from their office, should she make an approach about any of her complaints.

This statement has to be revoked.

It has caused irreparable damage to Mrs Lymburn's reputation.

It is insinuating that my mother is so dangerous that they need to call reinforcements from Ponsonby Station.

This is one of the most outrageous things I have ever heard in my whole lifetime.

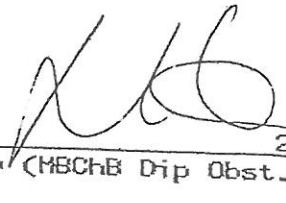
24/2/94

..TO WHOM IT MAY CONCERN

Carole Lyburn
82 Mos Rd
Point Chevalier
DOB 23/06/1923

This is to certify that the above mentioned . . . has been a patient of mine for some 18 months and during this time I have had no reason to suspect mental illness. Any suggestion that this may be the case would be false unless supported by a full psychiatric evaluation (which to date has not happened).

Signed:


Dr L A Hoy (MBChB Dip Obst.)

24/8/94

NEWMARKET MEDICAL CENTRE
1st Floor, Broadway Chambers, 204 Broadway, Newmarket
Telephone (09) 520-1050

Dr Anne-Thea McGill

B-Med Weight Control Clinic

PO Box 9219, Newmarket, Auckland

Phone: 5202026 Fax: 3788570

NZMC: 13988 PAN: 1900

17 July 1998

23/06/1998

To Whom It May Concern

Regarding my patient

Mrs Carole Lymburn

82 Moa Rd

Pt Chev, Auckland

Phone 8462517

Date of Birth: 23/06/1923

Our Ref: 1160.1 NHI number: DBQ6845

I have been asked by Mrs Lymburn to vouch for her mental health.

I have no reason to believe that Mrs Lymburn has a mental illness & nor have I ever referred her for assessment for such, nor have I referred her to counselling.

I do know that she has some trying health problems which have been very testing for her.

Kindest regards



Anthony LYMBURN,
32 Cockburn Street,
Grey Lynn,
Auckland.

COPY 3

18th August 1997.

The Executive in Charge of
THE POLICE COMPLAINTS AUTHORITY,
HEAD OFFICE,
WELLINGTON.

Dear Sir,

On the 8th AUGUST 1997 I went to the PONSONBY POLICE STATION because my Briefcase had been stolen out of my car and I needed to report it.

My complaint was taken By Senior Sergeant ANDERSON who appeared very pleasant, quite talkative and very sympathetic to my situation. He took down a report and detailed my complaint.

As I was completing my interview with him, he asked me if I knew anyone in PT CHEVALIER by the name of LYMBURN. I told him that was my mother.
He made a remark about her "ALWAYS WRITING LETTERS".

I asked him had he received a directive from the PRIVACY COMMISSIONER as I know that they had ordered PONSONBY STATION to hand over my mothers complaints, and had not responded to this instruction.

He made the comment that he had sent off a stack of files this week to them.

He also made the comment that he did not know anything about the case, he had never met me or my mother Mrs Carole LYMBURN.

I very calmly and politely explained that my mother had come into conflict with a gang of drug addicts and dealers, had laid complaints to the Police, who had in turn, SAID THAT SHE WAS SUFFERING FROM A MENTAL ILLNESS.

SENIOR SERGEANT ANDERSON THEN SAID

"WELL THAT WOULD NOT BE FAR FROM THE TRUTH".....

I WAS SHOCKED AND EXTREMELY UPSET TO HEAR THIS OUTRAGEOUS COMMENT ABOUT MY MOTHER, FROM A TOTAL STRANGER, AND ONE OF HIS POSITION IN THE POLICE FORCE.

I HAVE A SWORN AFFIDAVIT FROM A LAWYER THAT CONSTABLE CORNWALL FROM PONSONBY STATION WAS DEFAMING MY MOTHER IN THIS WAY BUT I HAD NO IDEA IT WAS ALSO COMING FROM THE HIERARCHY.

HE IS DEFAMING MY MOTHER, TO MY FACE WITH SUCH ARROGANCE, AND I AM VERY DISTURBED BY THIS PARTICULARLY WHEN I KNOW IT IS TOTALLY UNTRUE, AND I AM UNABLE TO STOP HIM.

I WANT YOU TO USE YOUR AUTHORITY TO STOP HIM.

I WILL NOT ACCEPT THIS COMMENT FROM HIM AND I CALL ON YOUR OFFICE TO ORDER HIM TO RETRACT IT IMMEDIATELY.

I ALSO DEMAND AN APOLOGY, TO MY MOTHER, MYSELF AND TO MY WHOLE FAMILY.

I LEFT THAT POLICE STATION VERY VERY DISTRESSED BY WHAT HE HAD SAID AGAINST US, AND I KNOW THAT WHAT HE IS SAYING IS COMPLETE LIES, AND I WANT HIM STOPPED.

THIS IS NOT THE FIRST TIME I HAVE LEFT THIS POLICE STATION UPSET, WHEN I WAS ASSAULTED AND HAD MY SPECTACLES STOLEN AND SMASHED, I TRIED TO REPORT IT TO A CONSTABLE AT THIS STATION. HE TOLD ME I WAS A "LIAR" IN FRONT OF EVERYONE IN THE STATION, STAFF AND PUBLIC AND TOLD ME TO "GET GOING".

I WAS PUBLICLY HUMILIATED BY HIM AND I ALSO LEFT VERY VERY DISTRESSED.

I think it is about time something was done about this kind of behaviour.

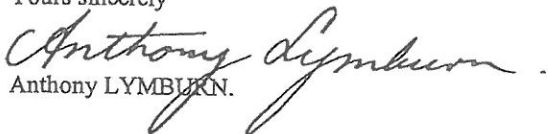
MR ANDERSON made a further comment about a "FEUD" and "LETTING THE MATTER DROP AND FORGETTING IT".

Never in a million years will we let these people get away with what they have done to us. Police and criminals alike.

Particularly when we know we have not done anything wrong and don't deserve to be treated so badly by the Police.

I would like you to take some proper action over this matter.

Yours sincerely


Anthony LYMBURN.



POLICE
Nga Pirihimana O Aotearoa

111 Great South Road
Greenlane
Private Bag 28-905
Remuera
DX: CX10058
Ph: 520 5549
Fax: 520 5546

25th September 1997

Mr Anthony Lymburn
32 Cockburn Street
Grey Lynn
AUCKLAND

Dear Sir

On the 18th of August 1997 you wrote to the Police Complaints Authority following an earlier visit to the Ponsonby Police Station on the 8th of August 1997.

The purpose of that visit was to report the theft of property from your car, and your complaint was taken by Senior Sergeant Anderson, the officer in charge of that station.

You complain that, when telling Senior Sergeant Anderson that Police had said your mother "was suffering from a mental illness" he responded with the comment, "Well that would not be far from the truth".

Senior Sergeant Anderson agrees with you that there was some general conversation during the course of your visit, but he states that at no time did he make the comment that you have complained of.

An office assistant, who was out of sight but within hearing of this conversation, has confirmed the Senior Sergeant's account of the conversation.

Consequently, I wish to advise you that there is no evidence available to confirm that the words complained of were used by the officer.

A copy of this letter will be forwarded to the Police Complaints Authority. The Authority is entirely independent of the Police. If you are dissatisfied you should advise the Authority in writing within two weeks of receiving this letter. The address of the Police Complaints Authority is PO Box 5025, Wellington.

Yours faithfully

J R PALMER
Chief Inspector of Police
Eastern Area Headquarters

Safer Communities Together

Anthony LYMBURN,
32 Cockburn Street,
Grey Lynn,
AUCKLAND.

15th October 1997.
Chief Inspector of Police Mr Palmer,
Eastern Area Headquarters,
Private Bag 28-905
Remuera
AUCKLAND.

Dear Chief Inspector Palmer,

Thank you for your letter dated 25th September 1997 which was actually post marked the 8th October 1997, and received on the 9th October 1997.

I have discussed the outcome of the enquiry with Inspector Fraser and after considering information put forward by him would like to have an explanation for the following questions.....

Inspector Fraser said that Senior Sergeant Anderson had agreed along with the "Mystery Police Constable sitting in the cubicle behind the petition" that I had left the Police Station upset. Considering that the "Mystery Police Constable sitting in the cubicle behind the petition" had heard every word of the conversation could she please explain to the Police Complaints Authority, what exactly was said to upset me as I certainly was not upset when I arrived at the Station.....

Secondly, if there was in fact a "Mystery Police Constable sitting in the cubicle behind the petition" why did she not help the Senior officer of the station to answer the telephone which rang several times and interrupted our conversation and his ability to take my complaint uninterrupted.....

I am sorry but I do not believe there was any such person and I certainly do not accept Senior Sergeants denial of the Defamatory comment.
He knows that if he was to show his honesty and admit he made this comment it would land him in the Supreme Court representing the Police on a charge of defamation.

I look forward to your reply,

Yours sincerely



Anthony LYMBURN.
c.c. Police Complaints Authority.

Anthony LYMBURN.
32 Cockburn Street,
Grey Lynn.
AUCKLAND.

23rd October 1997.

Mr ROBERTS,
Police Complaints Authority,
P.O. Box 5025,
WELLINGTON.

Dear Sir,

REF: 97-0240/jnr

My complaint dated the 18th August 1997 was handled by Inspector Fraser and upon my interview with him I put forward a list of my concerns to him for investigation.

I enclose these concerns which he sent to the Area Controller.

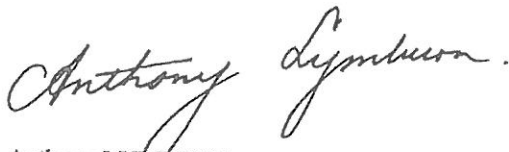
I also enclose a copy of the reply to the current investigation, and my subsequent reply to it.

I also forward you a copy of the Area Controllers reply to my list of very serious concerns which I want answered properly.

I intend replying to Mr W.W. Bishop as I am not happy with his answer and I will forward you a copy.

I would now like your Office to take up my list of concerns and obtain satisfactory answers to my questions.

Yours sincerely,


Anthony LYMBURN.

MY CONCERNS

The following are my concerns about the way the New Zealand Police Department have seen fit to handle enquiries made by myself and my mother Carole Lymburn when we have made approaches for assistance advice and support. I would like the Police Complaints authority to seek answers to the following questions.

Why Constable Mathieson attempted to have someone from the Ponsonby Mental Health Authority examine C.L. when she made valid complaints.

Why Constable Cornwall made the defamatory statement to Miss Saseve about C.L.

Why Snr Sargeant Anderson made the defamatory statement to me about C.L.

What evidence are they holding that proves C.L. is mentally ill, that they feel they have the right to defame and destroy her life in this way, subjecting her and our family to extreme cruelty.

Why I have never heard anything back about my robbery even though I provided them with the identity of the offenders.

Why they ignored all C. L. complaints.

Why they refused to take my complaint of assault and theft of my glasses.

Why the Administration warned Housing New Zealand that we were taking them into the Tribunal.

Why Crimewatch contacted Housing New Zealand that C.L. was ringing in about criminal activity in the street.

Why the Police let my father evict us from our family home without any eviction warrant when my mother had a Supreme Court order of possession over the property which had not been withdrawn or revoked.

Why the Ponsonby Station conspired with Housing New Zealand to evict C.L. from her home.

Why snr Sargeant Fibbes threatened to "chew me up and spit me out in little bits" if I continued to repeat the incidents involving Chatterton.

Why was I ordered out of the Ponsonby station when I tried to report an assault and theft.

Why Mr Stanhope cannot find any record of numerous complaints made at the Central Station.

Why did Pt Chevalier's Community Constable threaten C.L. that they were taking up a petition to remove her with the tennants in Pt Chevalier and order her out of his office when she went to follow up a complaint.

This is prepared and signed on the 18th September 1997, by

ANTHONY PAUL LYMBURN.

.....



Western Area Headquarters
1832-34 Great North Road
PO Box 19-190
CX10106
Avondale, Auckland
Phone: (09) 820 4600
Fax: (09) 820 4620

13 October 1997

Mr Anthony LYMBURN
32 Cockburn Street
Grey Lynn
AUCKLAND

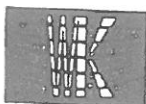
Dear Mr Lymburn,

Recently you handed a list of questions headed "My Concerns" to a member of the Police who was conducting an investigation on behalf of the Police Complaints Authority in respect to an earlier complaint you had made concerning the actions of Senior Sergeant Anderson of the Ponsonby Police.

It is not my intention to respond directly to your questions as many of the issues have been raised on previous occasions and have been addressed at that time. If you wish, you may write to the Police Complaints Authority directly. His postal address is PO Box 5025, Wellington.

Yours sincerely,

W W BISHOP
Area Controller
WESTERN AREA HEADQUARTERS



WOODROFFE & KEIL
BARRISTERS & SOLICITORS

5th Floor, Southern Cross Building, Cnr High St & Victoria St East.
P.O. Box 6505, Wellesley St, Auckland, New Zealand. Telephone (64-9) 366 6276. Facsimile (64-9) 366 6274. DX CP24140
email: contact@woodroffe-keil.co.nz

9 October, 1998

Our Ref: PP/1977

Carol Lymburn
82 Moa Road
PT CHEVALIER

Dear Mrs. Lymburn,

Re: LETTERS TO POLICE

We thank you for instructing us to act for you in the above matters and for meeting with Paul Pa'u of our office to confirm your instructions.

We have now forwarded correspondence to the following Officers on your behalf:

1. Sergeant Mathieson;
2. Constable Snaith;
3. Constable Cornwall.

We have requested clarification of the potentially defamatory comments they made against your character. We have also requested that they correct this misleading information pursuant to Principle 7 of the Privacy Act 1993.

We enclose copies of these correspondences for your information.

We confirm that your instructions were for us to simply write these correspondences.

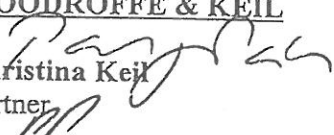
We acknowledge receipt of \$300.00 plus G.S.T. paid into our Trust account for our fees in this matter.

Should further attendances or correspondences be required we will need to contact you and discuss matters again particularly in respect of costs, before this matter can proceed.

If you have any further questions, please do not hesitate to contact Paul Pa'u of our office.

Yours faithfully

WOODROFFE & KEIL


Christina Keil
Partner



WOODROFFE & KEIL
BARRISTERS & SOLICITORS

5th Floor, Southern Cross Building, Cnr High St & Victoria St East.
P.O. Box 6505, Wellesley St, Auckland, New Zealand. Telephone (64-9) 366 6276. Facsimile (64-9) 366 6274. DX CP24140
email: contact@woodroffe-keil.co.nz

9 October, 1998

Officer A.H. Snaith
Avondale Police
P O Box 19190
AVONDALE

Our Ref: PP/1977

**COPY FOR YOUR
INFORMATION**

Dear Officer Snaith,

Re: CAROL LYMBURN, MOA ROAD, PT CHEVALIER

We act for the abovenamed.

Our client recently obtained her file from the New Zealand Police pursuant to the Privacy Act 1993 and the Official Information Act 1982.

Our client has noticed in her file a file note made by you in 1986 in which you allege among other things "*I have been informed by staff members that the complainant's solicitor has previously tried to have complainant committed*". We enclose a copy of this file note for your information.


Our client seeks pursuant to the Privacy Act 1993 information as to where you obtained this information and what evidence you have to support this allegation. Our client maintains that this information is incorrect and is defamatory of her character.

Accordingly, if there is no reasonable foundation for this comment our client seeks, pursuant to Principle 7 of the Privacy Act 1993, urgent correction of this information.

We look forward to hearing from you.

If you have any further questions, please do not hesitate to contact Paul Pa'u of our office.

Yours faithfully
WOODROFFE & KEIL


Christina Keil
Partner



WOODROFFE & KEIL
BARRISTERS & SOLICITORS

5th Floor, Southern Cross Building, Cnr High St & Victoria St East.
P.O. Box 6505, Wellesley St, Auckland, New Zealand. Telephone (64-9) 366 6276. Facsimile (64-9) 366 6274. DX CP24140
email: contact@woodroffe-keil.co.nz

9 October, 1998

Our Ref: PP/1977

Sgt. B.A. Mathieson
New Zealand Police
P O Box 6140
Wellesley Street
AUCKLAND

**COPY FOR YOUR
INFORMATION**

Re: CAROL LYMBURN – MOA ROAD, PT. CHEVALIER

We act for the abovenamed.

Our client has recently received a copy of her file from the New Zealand Police pursuant to the Official Information Act 1982 and the Privacy Act 1993.

Our client has noticed in her file a report form prepared by you on the 12th December 1990 in which you state "*Linburn has been diagnosed as a paranoid schizophrenic (I have contacted her doctor) and her life appears to go in cycles but is usually in some turmoil*". Our client seeks pursuant to the Privacy Act 1993 clarification from you as to how you obtained that information.

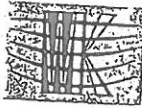
Our client maintains this information is incorrect and potentially defamatory. She also seeks that this information is urgently corrected pursuant to Principle 7 of the Privacy Act 1993 if there is no foundation for this comment.

We look forward to hearing from you.

If you have any further questions, please do not hesitate to contact Paul Pa'u of our office.

Yours faithfully
WOODROFFE & KEIL


Christina Keil
Partner

WOODROFFE & KEIL
BARRISTERS & SOLICITORS

5th Floor, Southern Cross Building, Cnr High St & Victoria St East.
P.O. Box 6505, Wellesley St, Auckland, New Zealand. Telephone (64-9) 366 6276. Facsimile (64-9) 366 6274. DX CP24140
email: contact@woodroffe-keil.co.nz

9 October, 1998

Our Ref: PP/1977

Officer R.E. Cornwall
2/13 Maungatapu Road
MAUNGATAPU

Dear Officer Cornwall,

**COPY FOR YOUR
INFORMATION**

Re: CAROL LYMBURN, MOA ROAD, PT CHEVALIER

We act for the abovenamed.

Our client has recently received a copy of her file from the New Zealand Police pursuant to the Official Information Act 1982 and the Privacy Act 1993.

We have noted that in your capacity as a police officer you had certain dealings with our client in late 1987 regarding complaints by her against certain third parties.

We have a sworn affidavit from her former solicitor Momoe Mose Saseve dated 31st January 1997 at paragraph 4 she states:

"On the 12th February 1997 I telephoned the above Station and spoke to Constable Cornwall about Mrs Lymburn's complaint. I made a file note as a result of my conversation with Constable Cornwall about the complaint where I recorded amongst other things his opinion that Mrs Lymburn is "unbalanced" and that her complaints were a figment of her imagination".

Our client seeks, pursuant to the Privacy Act 1993 information from you as to the foundation for alleging that she was unbalanced and that her complaints were a figment of her imagination.

Our client maintains that these comments were incorrect and potentially defamatory. She seeks that this information is urgently corrected pursuant to Principle 7 of the Privacy Act 1993.

We look forward to hearing from you.

In the interim we enclose a copy of that affidavit and the file note made by the solicitor.



If you have any further questions, please do not hesitate to contact Paul Pa'u of our office.

Yours faithfully
WOODROFFE & KEIL

Paul Pa'u
Christina Keil/Paul Junior Pa'u
Partner/Solicitor

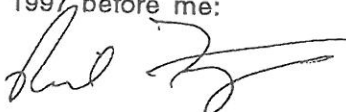
Encl:

AFFIDAVIT IN RESPECT TO CAROL LYMBURN

I, **MOMOE MOSE SASEVE** of 5/89 Great South Road Papatoetoe Solicitor swear:

1. I am in General Practice at Papatoetoe as a Solicitor.
2. DURING 1986 to 1988 I was in the employ of Mc Veagh Fleming Solicitors in Auckland as a Solicitor.
3. IN the course of my employment I received instructions from Mrs Carol Lymburn in respect to a complaint that she had lodged with the Ponsonby Police Station about one of her neighbours baring her backside at her.
4. ON the 12th February 1987 I telephoned the above Station and spoke to Constable Cornwall about Mrs Lymburn's complaint. I made a file note as a result of my conversation with Constable Cornwall about the complaint where I recorded amongst other things his opinion that Mrs Lymburn is "unbalanced" and that her complaints were a figment of her imagination. Annexed hereto and marked "A" is a copy of the file note that I made of that telephone conversation.
5. ON the 28th October 1987 as a result of receiving further instructions from Mrs Lymburn I telephoned a Constable Nuku - I do not recall what Police Station Constable Nuku was stationed at the time.
6. I made a file note about the conversation with Constable Nuku. At some stage of the conversation Constable Nuku stated that he had heard through word of mouth that the client, that is Mrs Lymburn, was known to exaggerate things. Annexed hereto and marked "B" is a copy of the file note that I made of that telephone conversation.
7. I left the employ of Mc Veagh Fleming in mid or late 1988 leaving Mrs Lymburn's file with that Firm.
8. AS a result of the above two conversations I gained the impression particularly from Constable Cornwall that those complaints of Mrs Lymburn were not taken seriously. Further that this attitude could well be taken in respect to any subsequent complaints.

SWORN at Papatoetoe
by **MOMOE MOSE SASEVE**
this 31st day of January
1997 before me:



A Solicitor of the High Court of New Zealand

This is a true copy of the document marked
"B" referred to in the annexed Affidavit of
Momo Mose Saseve sworn this 31 day of
January 1997 before me:

A handwritten signature in black ink, appearing to be 'John J. [unclear]', written over a horizontal line.

A Solicitor of the High Court of New Zealand