

SUPREME COURT OF QUEENSLAND

REGISTRY: Cairns

NUMBER: 434 of 2010

Plaintiff: **ALAN BLAKE**
AND
Defendant: **MICHAEL MOORE**

CLAIM

The plaintiff claims:

- a) Damages for defamation in the amount of \$250,000 for general compensatory damages and \$100,000 for aggravated compensatory damages;
- b) Interest thereon pursuant to the *Supreme Court Act* 1995;
- c) Costs;
- d) Such further or other relief as the court deems just.

The plaintiff makes this claim in reliance on the facts alleged in the attached Statement of Claim.

ISSUED WITH THE AUTHORITY OF THE SUPREME COURT OF QUEENSLAND

And filed in the Cairns Registry on 11 August 2010.

Registrar:

To the defendant:

TAKE NOTICE that you are being sued by the plaintiff in the Court. If you intend to dispute this claim or wish to raise any counterclaim against the plaintiff, you must within 28 days of the service upon you of this claim file a Notice of Intention to Defend in this Registry. If you do not comply with this requirement judgment may be given against you for the relief claimed and costs without further notice to you. The Notice should be in Form 6 to the Uniform Civil Procedure Rules. You must serve a sealed copy of it at the plaintiff's address for service shown in this claim as soon as possible.

CLAIM

Filed on Behalf of the Plaintiff
Form 2 Rule 22

FNQ Legal

228 Draper Street
PO Box 6995
Cairns QLD 4870
P: (07) 4051 3833
F: (07) 4051 4533

Address of Registry: 5d Sheridan Street, Cairns, Qld, 4870

If you assert that this Court does not have jurisdiction in this matter or assert any irregularity you must file a Conditional Notice of Intention to Defend in Form 7 under Rule 144, and apply for an order under Rule 16 within 14 days of filing that Notice. If you object that these proceedings have not been commenced in the correct district of the Court, that objection must be included in your Notice of Intention to Defend.

PARTICULARS OF THE PLAINTIFF:

Name: Alan Blake

Plaintiff's residential or business address: 119-145 Spence Street, Cairns, Qld, 4870

Plaintiff's solicitors name: FNQ Legal

Solicitor's business address: 228 Draper St, Cairns, 4870

Address for service: PO Box 6995, Cairns, Qld, 4870

Telephone: (07) 4051 3833

Fax: (07) 4051 4533

Signed:

FNQ Legal

Description: Solicitors for the plaintiff

Dated: 11 August 2010

This Claim is to be served on: Michael Moore

SUPREME COURT OF QUEENSLAND

REGISTRY: CAIRNS
NUMBER: 434 of 2010

Plaintiff: ALAN BLAKE
AND
Defendant: MICHAEL MOORE

STATEMENT OF CLAIM

Filed in the Cairns Registry on 11 August 2010

This claim in this Proceeding is made in reliance on the following facts:

1. The Plaintiff is and was at all material times to this action:
 - (a) a Councillor with the Cairns Regional Council;
 - (b) a director of Cairns Regional Gallery;
 - (c) a director of—
 - (i) Thornton Blake and Associates; and
 - (ii) Mogo International;
 - (d) a member of the Liberal National Party;
 - (e) a former owner of BBQs Galore and Furniture Associates.
2. On or about 12 August 2009 the defendant published or republished the following words together with a photograph of the plaintiff, at the website managed by him (the defendant), www.cairnsblog.net and which is self-promoted as containing “real news, opinion, gossip, slander, video, and a skank-free zone” (at the trial of this action the plaintiff will rely upon the entire entry):
 - (a) “How to spot a pathological liar”;
 - (b) “I’d almost given up on talking about the corrupt and disruptive Cairns Regional Councillor Alan Bake”;
 - (c) “The good Councillor tried to blackmail my employer with a series of lies. Blake, known to carry out this style of threat with others, made a number of preposterous allegations, none with an iota of truth”;

STATEMENT OF CLAIM
Filed on behalf of the Plaintiff
Form 16 rr 22, 146

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- (d) "Fellow Councillors lost any confidence in him over keeping him in the key Finance and Administration portfolio, as have his Liberal Party mates. They have no trust in this person and want to not renew his party membership";
 - (e) "Talk to many in Council, the term 'pathological liar' is used. Now it's a very strong phrase, and not used lightly I would assume, I can now see first hand why they use such a term. Four different Councillors, some you wouldn't expect, have shared this description with me";
 - (f) "It's rather incredible that a publicly elected official can go around ringing up businesses and use his position to bully and intimidate, and the Councillor Code of Conduct is powerless to act";
 - (g) "Councillor Blake's use of his position in a vague attempt to 'have me dealt with', says a lot about a very desperate person";
 - (h) "Blake is desperate. He does not like his role and behaviour as Councillor scrutinised, and there's a great deal to look at over recent months with his complicit involvement in the secret deal done with the full knowledge our (sic) the former CEO who was forced to resign, and the subsequent \$17,000 investigation. Just think for a moment, the cost that this Councillor has caused us as ratepayers to dish out. To suggest Blake's reputation after the last six months behaviour is in peril, is an understatement";
 - (i) "Alan Blake may have once been a faithful servant of the people";
 - (j) "Being a professional bully in the way Alan Blake is carrying on, using the good name of Council and his title, any reasonable mind would suggest there be genuine grounds for a Conduct breach";
 - (k) "A (sic) this moment in time, out in the community, there is a disquiet, and uneasiness about the various disingenuous actions of CR.Blake" (a republication of a post by "Veritas" at 10.47am).
3. The words set out in paragraph 2 herein, in their natural and ordinary meaning, meant and were understood to mean:
- (a) the plaintiff is a pathological liar;
 - (b) the plaintiff is corrupt;
 - (c) the plaintiff is a disruptive Councillor;
 - (d) the plaintiff had tried to blackmail the defendant's employer;
 - (e) the plaintiff is not trusted by his Liberal Party colleagues;
 - (f) the plaintiff has lost the confidence of his Council colleagues;
 - (g) the plaintiff is a bully;
 - (h) the plaintiff has abused his position as an elected Councillor;

- (i) the plaintiff, an elected Councillor, was knowingly involved in a secret deal that cost ratepayers \$17,000 to investigate;
 - (j) the plaintiff, an elected Councillor, was not a faithful servant of the people whom he represented;
 - (k) there were reasonable grounds to suspect the plaintiff, an elected Councillor, was in breach of the Councillor Code of Conduct;
 - (l) the plaintiff is disingenuous.
4. On or about 22 April 2010 the defendant republished the following words at the website (at the trial of this action the plaintiff will rely upon the entire entry) (a republication of a post by "Alysa Lightfoot" at 07.44am):
- (a) "Mike, your latest on 'Blake the Drake' again highlights the brazen attitude of this fake man, that masquerades as our humble representative";
 - (b) "Thankfully, the Bligh Government is creating a Panel of Common People to adjudicate on code of conduct complaints. Blake will keep this body I dare say busy";
 - (c) "In the meantime, based on this account I do believe there are grounds for a complaint to the Crime and Misconduct Commission".
5. The words set out in paragraph 4 herein, in their natural and ordinary meaning, meant and were understood to mean:
- (a) the plaintiff is a fake;
 - (b) the plaintiff only masquerades as a public representative;
 - (c) the plaintiff was a person about whom many code of conduct complaints would be made;
 - (d) the plaintiff was a person about whom a valid complaint should be made to the Crime and Misconduct Commission.
6. On or about 22 April 2010 the defendant republished the following words at the website (at the trial of this action the plaintiff will rely upon the entire entry) (a republication of a post by "veritas" at 09.57am):
- (a) "Don't be fooled Cairns, the only view this narcissitic CONman wants to preserve is his own view of reality – that's what narcissists do:

Hotchkiss' – Seven Deadly Sins of Narcissism

Hotchkiss identified what she called the seven deadly sins of narcissism:

1. Shamelessness – Shame is the feeling that lurks beneath all unhealthy narcissism, and the inability to process shame in healthy ways.

2. Magical thinking – Narcissists see themselves as perfect using distortion and illusion known as magical thinking. They also use projection to dump shame onto others.
3. Arrogance – A narcissist who is feeling deflated may reinflate by diminishing, debasing, or degrading somebody else.
4. Envy – A narcissist may secure a sense of superiority in the face of another person's ability by using contempt to minimize the other person.
5. Entitlement – Narcissists hold unreasonable expectations of particularly favourable treatment and automatic compliance because they consider themselves special. Any failure to comply will be considered an attack on their superiority and the perpetrator is considered to be an 'awkward' or difficult' person. Defiance of their will is a narcissistic injury that can trigger narcissistic rage.
6. Exploitation – can take many forms but always involves the exploitation of others without regard for their feelings or interests. Often the other is in a subservient position where resistance would be difficult or even impossible. Sometimes the subservience is not so much real as assumed.
7. Bad Boundaries – narcissists do not recognize that they have boundaries and that others are separate and are not extensions of themselves. Others either exist to meet their needs or may as well not exist at all. Those who provide narcissistic supply to the narcissist (as in 'Blakey's girls') will be treated as if they are part of the narcissist and be expected to live up to those expectations. In the mind of a narcissist, there is no boundary between self and other.

The Hare Psychopathy Checklist suggests the following traits:

- Glibness/superficial charm
- Grandiose sense of self-worth
- Pathological lying
- Cunning/manipulative
- Lack of remorse or guilt
- Shallow affect
- Callous/lack of empathy
- Failure to accept responsibility for own actions.

Ring any bells?"

7. The words set out in paragraph 6 herein, in their natural and ordinary meaning, meant and were understood to mean:

- (a) the plaintiff is a narcissist;
 - (b) the plaintiff suffers from the same traits as a narcissist;
 - (c) the plaintiff is prone to exploiting others without regard for their feelings or interests;
 - (d) the plaintiff is a pathological liar;
 - (e) the plaintiff is cunning;
 - (f) the plaintiff is manipulative;
 - (g) the plaintiff is callous;
 - (h) the plaintiff will not accept responsibility for his own actions.
8. On or about 20 January 2010 the defendant republished the following words at the website (at the trial of this action the plaintiff will rely upon the entire entry) (a republication of a post by "Thornton on Spence" at 09.12am):
- (a) "Alan Blake is nothing short of a disgrace. To openly promote a business whilst on the payroll as a Councillor shows his work ethics and more importantly his commitment to Council. He should be challenged by the Mayor as to his commitment. I don't particularly care about him being in business because it will be a failure with him at the helm ... look at all his previous efforts. But what really annoys me is his double standards versus his statements on the Council Website in his role as a Councillor".
9. The words set out in paragraph 8 herein, in their natural and ordinary meaning, meant and were understood to mean:
- (a) the plaintiff had shown a lack of ethics whilst a Councillor;
 - (b) the plaintiff had shown a lack of commitment to his work as a Councillor;
 - (c) the plaintiff had presided over business failures;
 - (d) the plaintiff engaged in double standards as a Councillor.
10. On or about 5 October 2009 the defendant published and republished the following words at the website (at the trial of this action the plaintiff will rely upon the entire entry):
- (a) "Councillor Linda Cooper, who whipped Blake's office from under his feet after he was dumped as Finance Committee chair three months ago ...";
 - (b) "Bloggers, Blake is fake!
- He is a hypocrite and abuses his Council position with every turn.
- ...
- If his abuse of his Council position stopped with the Council Reserve Meter Bag, it would not be so bad, but it does not stop there.

His contacting developers that are in the process of having their application considered, advising them of his connection with the family owned furniture outlet, is compromising his Council duties.

Like ex Councillor Diedre Ford abuse of her Council position with the improvements to the footpath in front of her Whitfield house in 2004, Councillor Blake uses his position for his own personal aggrandisement.

This habitual abuse of power must be reported to the Crime and Misconduct Commission CMC, by the incoming new Council CEO". (a republication of a post by "Maximus the 3rd" at 09.19am)

11. The words set out in paragraph 10 herein, in their natural and ordinary meaning, meant and were understood to mean:
 - (a) the plaintiff had been dumped from the position of chair of the Council's Finance Committee;
 - (b) the plaintiff is a hypocrite;
 - (c) the plaintiff habitually abused his position as Councillor;
 - (d) the plaintiff was a person about whom a valid complaint should be made to the Crime and Misconduct Commission.
12. Each of the imputations set out in paragraphs 3, 5, 7, 9 and 11 herein (collectively, "the Imputations"):
 - (a) is of and concerning the plaintiff;
 - (b) is defamatory of the plaintiff.
13. By reason of the publication of the Imputations and each of them, the plaintiff:
 - (a) has been brought into ridicule and contempt;
 - (b) has had his reputation injured;
 - (c) has suffered hurt and embarrassment;
 - (d) has attended less engagements as a Councillor and as a private citizen for fear of being harrassed and ridiculed;
 - (e) has made less public comments about Council issues in the belief that whatever is said will be used by the defendant to further ridicule him;
 - (f) is a less confident person;
 - (g) has developed suicidal tendencies;
 - (h) believes he is less employable or less likely to find business opportunities as a result of his damaged reputation.

14. The plaintiff claims compensatory damages for defamation to:
 - (a) vindicate his reputation;
 - (b) compensate him for the distress and embarrassment caused by the publication of the Imputations and each of them;
 - (c) reflect the extent of publication and that the Imputations and each of them may be spread; and
 - (d) be sufficient to convince a person to whom the Imputations and each of them were published, or republished, of the baselessness of them.
15. Further, the defendant published the Imputations and each of them when:
 - (a) he knew or ought to have known, by virtue of the nature of them, that they would cause persons who heard them to think less of and shun and avoid the plaintiff;
 - (b) he had not sought the comment of the plaintiff or checked their accuracy;
 - (c) he knew or ought to have known they were untrue.
16. Further, the hurt suffered by the plaintiff has been aggravated by the following matters (and the plaintiff thereby claims aggravated compensatory damages):
 - (a) the matters set out in paragraph 13(d) – (g) herein;
 - (b) his knowledge of the matters set out in paragraph 15 herein;
 - (c) his knowledge that the Imputations and each of them are untrue;
 - (d) the failure of the defendant to retract the Imputations or any of them or to apologise for their publication;
 - (e) his knowledge that the words set out herein have caused distress and embarrassment to his family and partner;
 - (f) his belief that his son has been the subject of ridicule within his workplace because of the publication of the words set out herein.

The Plaintiff claims the following relief as against the defendant:

1. general compensatory damages in the amount of \$250,000.00, an amount which reflects upon the seriousness of the imputations, the extent of publication, the hurt and embarrassment and other matters set out in paragraph 13 herein caused by them;
2. aggravated compensatory damages in the amount of \$100,000.00 being for the additional hurt suffered by the plaintiff as a result of the matters set out in paragraph 16 herein;
3. interest thereon pursuant to s 47 of the *Supreme Court Act* 1995 (Qld);
4. costs.

Signed..... *FNQ Legal*

Description: Solicitors for the Plaintiff

Dated: 11 August 2010

The Plaintiff requires a jury.

This pleading was settled by Mr R J Anderson of Counsel.

NOTICE AS TO DEFENCE

Your Defence must be attached to your Notice of Intention to Defend.