

CIV No. 2006-

**BETWEEN** NEIL EDWARD WELLS of Huia, Auckland, Council Officer and barrister & Lecturer, WYN HOADLEY of Castor Bay, Auckland, Barrister and GRAEME JOHN COUTTS of Avondale, Auckland, Recruitment and JP Consultant as trustees of the **ANIMAL WELFARE INSTITUTE OF NEW ZEALAND, AN UNINCORPORATED CHARITABLE TRUST**

**First Plaintiffs** they had no trust deed or proof of being trustees.

**AND** NEIL EDWARD WELLS of Huia, Auckland, Council Officer and Lecturer and barrister  
**Second Plaintiff**

**AND** GRACE HADEN of 23 Wapiti Aye, Epsom, Auckland, Private Investigator  
**First Defendant**

**AND** VERISURE INVESTIGATIONS LIMITED a duly incorporated company having its registered office at 23 Wapiti Aye, Epsom, Auckland, providing private investigation services  
**Second Defendant**

**AND** ANIMAL WELFARE INSTITUTE OF NEW ZEALAND, AN INCORPORATED CHARITABLE TRUST having its registered office at 23 Wapiti Ave, Epsom, Auckland  
**Third Defendant**

**STATEMENT OF CLAIM  
DATED THE 18th DAY OF JULY 2006  
DATE OF NEXT HEARING: THE DAY OF 2006**

**BROO KFI ELDS  
LAWYERS**  
D J Neutze  
Telephone No. 09 379 9350  
Fax No. 09 379 3224  
P O Box 240  
DX CP24134  
**AUCKLAND & MANUKAU**

## Introduction

The first plaintiffs have no evidence of being

1. The first plaintiffs are the current trustees of The Animal Welfare Institute of New Zealand, (AWINZ 2000), an unincorporated charitable trust which was formed pursuant to a trust deed executed on 1 March 2000. the deed by its own terms expired 1.3.2003 and relates to 4 people Hoadley is not incl
2. The second plaintiff, is a trustee of AWINZ 2000. He is also employed by Waitakere City Council as its Manager, Animal Welfare, and as a part-time lecturer at Unitec. No evidence of continuation of trust
3. In November 1999, the second plaintiff wrote to the Minister of Agriculture advising that he was seeking approval for AWINZ 2000, which was at that time not yet formally constituted by way of trust deed, to become an approved organisation under section 121 of the Animal Welfare Act 1999. That letter was accompanied by an unexecuted trust deed. The Minister was aware at that time that AWINZ 2000 was not yet constituted. Ministry staff were in fact actively involved in assisting Mr Wells to set up AWINZ 2000 with the express purpose of applying for it to become an approved organisation. either this false or the evidence of Wells before Judge Joyce was false both cant be true
4. AWINZ 2000 was Gazetted as an “approved organisation” under section 121 of the Animal Welfare Act 1999 on 18 January 2001. An amended notice deleting the word “Inc” (which the first plaintiff advised the Minister had been incorrectly included) was Gazetted on 8 It does not exist March 2001. It now carries out various functions, including providing animal welfare services to various local authorities and exercising an animal welfare monitoring role on films made in New Zealand, such as the “Lord of the Rings’ trilogy, The Lion the Witch and the Wardrobe”, Bridge to Terabithia (yet to be released by Disney) and “Waterhorse” (currently being filmed in Wellington). AWINZ 2000 also administers the New Zealand Fund for Humane Research which funds universities in researching alternatives to the use of animals in research, testing and teaching. NZ fund for humane research is another trust which Wells belonged to other trustees believe it had been wound up
5. The first defendant, Grace Haden, is the director of the second defendant, and a trustee of the third defendant. The first defendant is not, and has never been a trustee of AWINZ 2000, nor has she ever had any association whatsoever with AWINZ 2000.

6. The second defendant is a duly incorporated company, having its registered office at 23 Wapiti Avenue, Epsom. It carries on business providing private investigator services to the public. They confused the court so much about entities that the court ended up calling this company my alter ego .
7. The third defendant is a trust formed pursuant to a trust deed executed in 2006 and incorporated pursuant to the Charitable Trusts Act 1957 on 27 April 2006. It is hereinafter referred to as "AWINZ 2006". It has its registered office at 23 Wapiti Avenue, Epsom. This is an entity in its own right independent of its trustees
8. Between March and July of 2006, the first and second defendants sent numerous emails and facsimile messages to the Trustees of the Auckland Air Cadet Trust, committee members of the Kaimanawa Wild Horse Preservation Society Inc (of which the second plaintiff is the patron), academic staff at Unitec, Waitakere City Council (including the Mayor, Councillors and staff), and to the Mayor and Councillors of North Shore City Council. These communications included incorrect statements about the second plaintiff and cast doubt on the legitimacy of AWINZ 2000. there is No evidence of this
9. In March 2006, the first defendant set up a website with a domain name almost identical to that used by AWINZ 2000. awinz.org.nz was registered to Neil Wells along with 3 other names this site used.

**FIRST CAUSE OF ACTION BY FIRST PLAINTIFFS AGAINST THE FIRST AND THIRD DEFENDANTS: PASSING OFF**

10. The first and third defendants have registered, and continue to use, a name, being the name of the third defendant, which they were and are aware was identical to that of AWINZ 2000. Wells had already been told by the registrar that this was not so see DOC 1.
11. The first defendant has also registered a domain name, www.awinz.co.nz (the website"). The website address closely resembles that used by AWINZ 2000, www.awinz.ora.nz, which the first defendant knew when the website was established. This site also had first strike and animal welfare as its domain names, it ws owned by Neil Wells.
12. The website contains statements that recognise the existence of AWINZ 2000, but seek to directly challenge its legitimacy, and to assert AWINZ 2006 as the "legal AWINZ" in particular: No evidence has ever been provided of the wording on the web site

"The Animal Welfare Institute of New Zealand came into existence because a trust with a similar name was being run under the pretence of being a legitimate organisation. Neil Wells a barrister, largely wrote the Animal welfare (sic) Act. In doing so he included the ability for an organisation to become an "approved organisation" so that it could delegate authority from the crown (sic) to Animal Welfare Officers.

After the bill became Law, Wells applied to the then minister (sic) of Agriculture, Sutton, for the Animal Welfare Institute of New Zealand to become an approved organisation, this was granted and AWINZ became an approved Organisation.

In reality the trust did not exist, there was no evidence of any other trustees other than Neil Wells. The website [www.awinz.aorg.nz](http://www.awinz.aorg.nz) was registered in his name and documents that were produced only ever had his name on them. [true](#)

...

We decided to legitimise AWINZ so that good comes out of bad.

...

Basically what it means is that we are a legal entity and the Neil wells (sic) Group is a group of people who have formed a Trust which can only be represented by the individuals in it but the name itself has no legal standing. [True how can lawyers print this and .not question it .](#)

Is it possible that the money you give intending it to be for the animals of Waitakere is actually going to other causes that you may not wish to support?

By Donating to a New Zealand registered legal trust you can have those assurances. By donating to a group of people who hide behind a veil of secrecy and no obligations to disclose their financial accounts you can never be certain what you are supporting.

...

To DONATE to the only LEGAL AWINZ CHARITY Click here" [There was no other recognised charity called AWINZ other than us .](#)

13. The website contains assertions that AWINZ 2006 has performed work that was actually carried out by AWINZ 2000. The statements on behalf of the third defendant seek to "take the credit" for that work and for the experience and reputation AWINZ 2000 has earned.

[No it di not this is a contortion of facts and the reason why there was never any evidence of it produced.](#)

14. The relevant statements read:

“Animal welfare in Movies

Welfare officers have been involved in the overseeing the use of animals in the making of movies. The (sic) Animal Welfare Institute of New Zealand can provide suitably qualified officers for this task.

The money earned after the wages for the welfare officers have been paid for the time will be used for our charitable purpose (sic)”.  
There was nothing to stop us from saying this , the page was a spoof

the reality is that Wells did not want any one to know that AWINZ was  
15. The first and third defendants in: just him.

- (a) registering the name of AWINZ through incorporation under the Charitable Trusts Act 1957, knowing that AWINZ 2000 was an existing and operating charitable trust with an identical name; Refer to Document 1 There was no evidence of a charitable trust and of a trusts existence
- (b) registering the domain name www.awinz.co.nz and establishing the website, knowing that it was substantially similar to the existing AWINZ 2000 website address; It was available and the site clearly stated that we were a different organization.
- (c) publishing on the website false information, stating or implying that:
  - (i) AWINZ 2006 was responsible for conducting animal welfare work that was actually undertaken by AWINZ 2000; and There is no evidence of this this is false
  - (ii) AWINZ 2006 is a provider of animal welfare services, like AWINZ 2000, and has appropriately qualified staff; there is no evidence of this and this is false

have made misrepresentations calculated to confuse or mislead prospective customers or supporters of AWINZ 2000 and to injure its business and associated goodwill.

the site clearly stated we are not the approved organization

16. On 6 July the web hosting company responsible for hosting the website took action to remove various materials, including these statements from the site. However, the first defendant has indicated that she will seek to open a new website which includes the removed material. this is totally untrue and there is no evidence of this

THE first plaintiffs claim, on behalf of AWINZ 2000;

- (a) An injunction to: **They had no standing they could not demand this**
  - (i) restrain the first and third defendants, whether by themselves, their servants or agents, from using the names “Animal Welfare Institute of New Zealand”, “AWINZ”, or any other name substantially similar thereto; and
  - (ii) require the first defendant to close the website and deactivate the domain name in use, and prevent her from registering a new domain name, or causing any new website with an address resembling that used by AWINZ 2000 to be established;
  - (iii) restrain the first and third defendants from publishing the representations set out in paragraphs 12 and 14 above and from making representations of that kind.
- (b) An inquiry as to damages, or at the first plaintiffs’ option, an account of all donations received by the third defendant and an order for payment of all such sums found.
- (c) Interest at such rate and for such period as the Court thinks fit.
- (d) Costs on a solicitor and client basis, or on such basis as the Court thinks fit.

**SECOND CAUSE OF ACTION BY FIRST PLAINTIFFS AGAINST THE FIRST AND THIRD DEFENDANTS: BREACH OF SECTION 9 OF THE FAIR TRADING ACT 1986**

- 17. In publishing the statements particularised at paragraphs 12 and 14 above, seeking donations from the public and offering services for remuneration, the third defendant was “in trade” in terms of the Fair Trading Act 1986. **We had donee status from IRD they had not we were not trading on their name they had no standing.**
- 18. The conduct and statements particularised at paragraphs 10 to 15 above are misleading or deceptive, or are likely to mislead or deceive and constitute a breach of section 9 of the Fair Trading Act 1986. **No evidence was provided to prove this this claim was withdrawn after the interlocutory hearings were used to trump up cost against me which were used to strike out my defence of truth and honest opinion for the defamation claim**

19. As a result of the statements and conduct particularised at paragraphs 10 to 15 above, AWINZ 2000 has suffered or is likely to suffer loss or damage. They do not exist , had no standing and therefore could not suffer

**THE** first plaintiffs claim on behalf of AWINZ 2000:

- (a) An injunction pursuant to section 41 of the Fair Trading Act to:  
Somthing which does not exist cannot apply for an injunction
- (i) restrain the first and third defendants, whether by themselves, their servants or agents, from using the names “Animal Welfare Institute of New Zealand”, “AWINZ”, or any other name substantially similar thereto; and
- (ii) require the first defendant to close the website and deactivate the domain name in use, and prevent her from registering a new domain name, or causing any new website with an address resembling that used by AWINZ 2000 to be established;
- (iii) restrain the first and third defendants from publishing the representations set out in paragraphs 12 and 14 above and from making representations of that kind.
- (b) An inquiry as to damages suffered by AWINZ 2000, pursuant to section 43 of the Fair Trading Act 1986. HOADLY, Coutts and Wells had never traded together prior to the incorporated AWINZ the defendants being formed.
- (c) Interest at such rate and for such period as the Court thinks fit.
- (d) Costs on a solicitor and client basis, or on such basis as the Court thinks fit.

**THIRD CAUSE OF ACTION BY SECOND PLAINTIFF AGAINST THE FIRST, SECOND AND THIRD DEFENDANTS: PUBLICATION OF MATERIAL DEFAMING THE FIRST PLAINTIFF**

20. Between March and July 2006, the first and third defendants caused to be published on the website a number of defamatory statements regarding the second plaintiff.

Truth is never defamatory

21. The statements include the following:

- (a) "Neil Wells is unable to prove any legitimacy of his trust other than referring to the gazette entry of AWINZ which came about when he pulled the wool over the ministers (sic) eyes by pretending that AWINZ existed as a trust and was being registered... This is true

He falsely told the minister that the documents for registration had been sent

This has to be of concern to the council as your animal welfare Officers are founded on what appears to be fraud (sic). Waitakere has paid AWINZ a tot of money, if it does not exist.. (sic) where has it gone it certainly is not a charitable trust as Wells claims it to be, because if it was we would not have been able to establish a legal charitable trust in the same name.

That in itself has to be proof that he cannot be taken on his word.'

there ws no evidence of it being a charitable trust , it didn't even have a bank account before 2005.

- (b) "What emerged was that AWINZ appeared no more than a name that Wells had given himself." Wells was settlor and CEO of a trust which possibly existed march 2000- march 2003, the trustees did not meet he had sole control

- (c) "I have previously alerted you to the antics of Neil Wells and his sham trust AWINZ."

such a trust is a sham trust

- (d) 'It also presents (sic) a Cover up by Wells. We wonder what has happened to al (sic) the money that has gone into the so called charity? Whose pocket did the money from movies go into, who received the balance of the money from movies such as Narnia and Lord of the Rings after the workers were paid.' Note what I said I did not say he was a fraudster and a thief as he claimed

- (e) 'This page is dedicated to him so that his cover up can be exposed.' something less than transparent should be exposed

- (f) "[D]og control was not legitimately done for many years and is being actively covered up by Wells and Waitakere."this is a cover up which will remain a cover up, it was honest opinion based on what I knew

22. The statements set out in paragraph 21 above mean, or were meant to imply that:

- (a) The second plaintiff has created an illegitimate "sham trust". True
- (b) The second plaintiff is not properly accounting for moneys received by AWINZ 2000 or is not using such monies for the charitable purposes of AWINZ 2000. True and I have further evidence of this
- (c) The second plaintiff is dishonest, and has taken money intended for charitable purposes for himself. I did not say that I questioned where it had gone
- (d) The second plaintiff has acted fraudulently and/or illegitimately and/or he is involved in a "cover up". True the court proceedings are testimony of this



23. On 13 June 2006 the first defendant sent an email to the Mayor and Councillors of Waitakere City Council which included the following statement:

“Neil Wells is unable to prove any legitimacy of his trust other than referring to the gazette entry of AWINZ which came about when he pulled the wool over the ministers (sic) eyes by pretending that AWINZ existed as a trust and was being registered... True

This has to be of concern to the council as your animal welfare Officers are founded on what appears to be fraud. Waitakere has paid AWINZ a lot of money, if it does not exist..(sic) where has it gone it certainly is not a charitable trust as Wells claims it to be, because if it was we would not have been able to establish a legal charitable trust in the same name. That in itself has to be proof that he cannot be taken on his word.” Documentation From MAF and the council prove this . also refer DOC 1.

24. The statements set out at paragraph 23 above mean, or were meant to imply, that:

- (a) the second plaintiff deliberately misled a Minister of the Crown in seeking to have AWINZ accepted as an approved organization; Correspondence with the minister proves this <http://www.verisure.co.nz/25%20%20march%202000.pdf> bottom page 6
- (b) the second plaintiff has created an illegitimate trust; There was no trust at the time of the application the one that briefly existed expired, the plaintiffs were falsely
- (c) the second plaintiff has committed “fraud” that was their interpretation claiming to be a trust they have no proof
- (d) the second plaintiff has misappropriated a lot of money paid to AWINZ 2000 by Waitakere City Council; and He has been paid a lot of money and I can prove that .
- (e) the second plaintiff is untruthful and untrustworthy. the SOC and his evidence prove that he is unreliable s to the truth .

25. On 23 May 2006 the second defendant sent an email to the Mayors, Councillors and Community Board Members of Waitakere and North Shore City Councils, which included the following statement:

“Neil Wells made false representations when he applied for AWINZ to become an approved organization.” True as marked on the application

26. The statements set out at paragraph 25 above mean, or were meant to imply, that:

- (a) The second plaintiff made false representations when he applied to have AWINZ accepted as an approved organization; and True
- (b) The second plaintiff is untruthful and untrustworthy. and can I add to that that he is prepared to tell lies in court - my definition of lies is to speak untruths .
27. On 14 May 2006, the second defendant sent an email to the Mayors and Councillors and Community Board Members of Waitakere and North Shore City Councils, which included the following statement:

“Neil Wells is trying to cover up a scam trust you have the right to know that your animal welfare officers have been working for a non existent trust Did they not have that right ??? shouldn't they have checked???

28. The statements set out at paragraph 27 above mean, or were meant to imply, that:
- (a) AWINZ is a “scam” or non-existent trust, which fact the second plaintiff is trying to cover up; Definitely and proved to be so
- (b) the second plaintiff is seeking to mislead the Mayors and Councillors and Community Board Members of Waitakere and North Shore City Councils; yes that is true
- (c) the second plaintiff is untruthful and untrustworthy. and tells lies to the court

29. On 15 May 2006, the second defendant sent an email to the committee members of the Kaimanawa Wild Horse Preservation Trust Inc which included the following statement:

- “[Neil Wells]... treats animals better than his fellow humans, He (sic) did the dirty on me and as a result I discovered that he was hiding behind a sham trust... AWINZ”. Look how he has treated me for the past 4+ years if he did this to a dog he would be guilty of animal cruelty ... it has been torture
30. The statements set out at paragraph 29 above mean, or were meant to imply, that:

- (a) the second plaintiff does not treat humans well; I am evidence of that

- (b) the second plaintiff dealt with the second defendant in a dishonest or dishonourable manner; *very much so*
  - (c) The second plaintiff is hiding behind a “sham trust”.  
*which he has tried to cover up by creating another trust*
  - (d) The second plaintiff is untruthful and untrustworthy.  
*definitely his contradictions to the curt show this as well*
31. On 17 March 2006, the first defendant sent an email to the Board members of the Auckland Air Cadet Trust which included the following statement:

*“Neil some more advertising that seems to sum you up’.*

32. There followed an illustration of a “Wheel of Physical Abuse” which included:

- (a) Emotional abuse; *yes he broke up my marriage and family*
- (b) Economic abuse; *yes it has cost me many \$\$\$\$\$\$\$*
- (c) Intimidation; *Taking this to court has proved that too*
- (d) Using Children or Pets; *Used the kids in the air cadets to get a buildings for his lectures.*
- (e) Using Privilege; *He is well trusted so much so that his lies are believed*
- (f) Sexual Abuse; Threats; and,  
*no one gets 10/10 .*
- (g) Isolation. *he spread malicious rumours about me on the Auckland air cadet trust because I asked why Unitec profited*

33. The statements set out at paragraphs 31 and 32 above mean, or were meant to imply, that the second plaintiff abuses people in the manner set out in the “Wheel”. *YES*

34. On 12 March 2006, the first defendant sent a fax to the entire staff of the Animal Welfare Section of the Waitakere City Council, which included the following statements:

*I sent a fax to his fax machine at his place of work*

*“Have you been bullied by Neil Wells? I have been and I want to support any one who is being subjected to his cruel and unscrupulous practices...”*

*People at his work replied to me about his bullying they told me about AWINZ and how they had to do extra work and training and they couldn't see what AWINZ was apart from a name Wells called himself.*

"I have decided to ... take a stand against the greatest Bully I have ever known. Neil Wells..."  
and will continue to do so

Neil has spent months... assassinating my good name and spreading malicious gossip...  
he had to get rid of me and did it in the nastiest of ways

All I ask you to do is to contact me if you have been the subject of bullying or corrupt  
practices at the hand (sic) of Neil." and they did

"...his ethics should be far higher than those of the average person, not gutter ethics  
you would expect a barrister to have good ethics.

35. The statements set out at paragraph 34 above mean, or were meant to imply, that:
- (a) The second plaintiff is a "bully", and treats people in a "cruel and unscrupulous manner"; yes he does
  - (b) The second plaintiff spreads malicious gossip and indulges in "character assassination" yes he did
  - (c) The second plaintiff is corrupt; and and proved to be so
  - (d) The second plaintiff has "gutter ethics". dont know what else to call it
36. The published statements particularised in paragraphs 20 to 35 above are defamatory of the second plaintiff. there was never any evidence of these being published.
37. As a result of the publication of those statements, the second plaintiffs reputation has been seriously damaged and he has suffered considerable distress and embarrassment.  
No his reputation proceeds him if he acted the way he wished to be judged then there would not be an issue
38. The second plaintiff will rely on the following facts and matters to support a claim for punitive damages pursuant to s28 of the Defamation Act 1992:
- (a) The defendants did not confirm the correctness of the various assertions made, either adequately or at all, before publishing the allegations. This constituted reckless disregard for the truth. I stand by the comments they are true

There is no evidence of this

(b) The defendants disseminated their statements as widely as possible, not only publishing the defamatory material on the internet, but also sending correspondence to effectively every organisation (and often every member of those organisations) that they knew the second plaintiff had connections with. there is no evidence

of this

(c) this worked well for him .. made me out to be bad  
The first defendant was motivated by malice, and has stated to the second plaintiff that she was “enjoying herself” with respect to the suffering and embarrassment that she was causing him personally and to Mr Warwick Robertson, Team Leader, Environmental, North Shore City Council, words to the effect that she wanted to destroy Neil Wells. this is hearsay no evidence of this where is the affidavit claiming this ???

(d) The primary target to suffer as a consequence of the defendants’ allegations was the second plaintiff, who is a founder and trustee of a charitable trust, attacks upon whom ought to be regarded by the law as particularly reprehensible.

There is no evidence of this at all the trust was not charitable it did not exist when the application was made and ceased to exist before MOU's were signed.

**WHEREFORE THE** second plaintiff claims:

(a) Damages:

(i) of a compensatory nature against each of the first, second and/or third defendants in the sum of \$50,000. he got all of this without proving anything in the statement of claim- no evidence at all

(ii) of a punitive nature in accordance with section 28 of the Defamation Act 1992 of \$20,000 against each of the first, second and/or third defendants. Judge joyce gave him 7,500 because I had put in an affidavit in mitigation of damages. and this was used against me

(b) An injunction restraining the first, second and/or third defendants, whether by themselves, their servants or agents, from publishing or causing to be published the statements particularised in paragraphs 20 to 35 above or words to similar effect.  
Freedom of speech is a right , the right to question corruption is in the public interest

(c) Interest at such rate and for such period as the Court thinks fit.

(d) Costs on a solicitor and client basis, or on such basis as the Court thinks fit.

David Neutze did not check his facts

**THIS STATEMENT OF CLAIM** is filed by **DAVID JOHN NEUTZE**, solicitor for the first and second plaintiffs. The address for service of the first and second plaintiffs is at the offices of Brookfields, Lawyers, 11th Floor, 19 Victoria Street West, Auckland 1.

Notice how this is not even signed yet it was accepted as true . Documents for service on the first and second plaintiffs may be left at the address for service or may be:

1. Posted to the solicitor at P O Box 240, Auckland 1.
2. Left for the solicitor at Document Exchange for direction to DX CP241 34.
3. Transmitted to the solicitor by facsimile to 09 379 3224.

This statement of claim was not supported by affidavit, not one of the claims in it were ever proved in court. There was no separate Formal proof hearing the matter went straight to quantum accepting the statement of claim as true all attempts at appeal and to have this judicially reviewed were blocked by Wright There has not been any right to justice. I have been arbitrarily found guilty for speaking the truth on a public issue . No existent organisations should not be law enforcement authorities.