

LEGALLY ABUSED

PART 3 of 6

"BETRAYING TRUST"

Screenplay

by

MICHELLE HAVERSTON

SPEC SCRIPT
Final Draft

Email: CEO@PremierScreenplays.com

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MINISERIES SYNOPSIS

A True Crime, six-part Television Miniseries dedicated to exposing allegations of crippling 'Star Chamber' activity firmly entrenched within the Australian Competition and Consumer Commission (ACCC) and too often practised within the Australian Judiciary.

Millions of dollars invested... World Bank funding... A violent inventor... Corrupt government officers... Justice brutally denied in a Kangaroo court... And if that wasn't enough, the worst was yet to come. So far Australia's most notorious federal court Judge had only issued the **death warrant**. He had yet to give the **order to kill**.

This is a compelling true crime story of identity falsification, criminal conspiracies, unlawful intervention, fabricated evidence... all of it underpinning judicial corruption, suicides and murder.

The story begins in a courtroom in February 1997. Garth Eaton walks from that courtroom clutching a document which is about to destroy the lives of 52 families. **But why?**

Eaton certainly recalls crossing swords with a Lawyer in the February of 1973. He was 26. His highly entrepreneurial nature had caused offence to many. As a result, his life would be damaged by an unknown event.

And when he finally became aware of what he had been facing, his hopes of getting answers from high-ranking government officers in the late 1980s were lost when the Judge in a district criminal court threw his matter out and dismissed the jury.

From that moment on, the legal abusiveness against him intensified. He immediately became sport for government agencies. And their 'Star Chamber' tactics over many years would prove lethal.

But it took the vendetta of a judicially corrupt Judge of the Federal Court of Australia to finally bring him down. Eventually, six lives are lost to illness, suicides and murder. And again, **why?**

LEGALLY ABUSED

- PART 3 of 6 - "BETRAYING TRUST"

SYNOPSIS - Part 3

Garth Eaton re-enters the Slovak Republic after faxing the directors of his manufacturers, Vihorlat Snina. He has let them know that he will have a cameraman; an interpreter; and two armed bodyguards with him. He had received veiled threats.

Real video footage shows how Eaton, with bodyguards, demands his contractual rights. He needs to discipline the conduct of his rogue Slovakian manufacturers. It makes television news throughout Europe. And that news clip gave him what he had come for.

As he enters the Hotel Slovan he is greeted with applause from staff for having taken on Mafia.

But according to the ACCC's journalist back in Australia his efforts to protect his franchisees' rights and prevent the theft of Australian technology were acts of thuggery; an article, that in time, would convincingly defeat justice.

We return to that meeting of Europark franchisees in Eaton's home where FLASHBACKS of Eaton's historical business activities and those in the lead up to the federal court trial continue to dominate the questioning of franchisees.

They learn how the release of guarded information to ACCC and AGS officers became an horrific act of "BETRAYING TRUST". But that was only one of many such betrayals.

And as the ACCC's crimes against Europark and its franchisees begin to mount they are highlighted on screen; and so are the crimes committed by Justice Spender.

It is then revealed that this relentless legal abuse is causing illnesses among the fifty-two families involved; some critical. Garth continues to give hope.

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- PART THREE - "BETRAYING TRUST"

FADE IN:

EXT. BRISBANE FEDERAL COURT BUILDING. MORNING.

Establishing Shot.

PRESENTER V.O.

In the previous episode...

INT. COURT 2. FEDERAL COURT. MORNING.

At the foot of the screen the text, "JUSTICE JEFFREY SPENDER, February 1997", appears then fades. JUSTICE SPENDER is speaking.

JUSTICE SPENDER
.. I would also add that I am
preventing the Respondents from ever
developing, manufacturing or marketing
any mechanical carparking system
similar to the Europark system. Thank
you.

The Judge rises.

FLASHBACK

EXT. PARKTEC PROTOTYPE. VIDEO CLIP. DAY.

The prototype of a mechanical carpark is seen in operation.
Duration - 7 seconds.

BACK TO COURT 2

COURT OFFICER
All rise.

As the door closes behind the Judge, TERRY RICE draws GARTH EATON's attention to the first of the notes he has made

within the JUDGMENT. They sit as Terry begins to speak.

TERRY RICE

Garth, the ACCC hasn't just won,
Justice Spender has literally flogged
you. Here... read this, and that's not
all.

INT. MAURER STREET HOME OFFICE. LATE AFTERNOON.

The text, "GARTH EATON'S HOME OFFICE, February 1997"
appears and fades. The First Franchisee is quick to react.

FIRST FRANCHISEE

(interjecting abruptly)

... I still don't fully understand why
we are paying a price for what seems to
be a grievance against you, Garth?

INT. OFFICE OF PRESENTER. BOARDROOM.

The PRESENTER is walking towards his seat at the head of
the Boardroom table. DR INGRID SVENSON is sitting.

PRESENTER

Justice Spender has just closed down
Garth Eaton's mechanical carparking
project. Naturally, his franchisees
are upset and want to know why a case
that should have gone in their favour
went horribly wrong.

(the Presenter sits)

We have already learned that the Judge
needed to protect government officers
from criminal prosecution... They had
brought a false action against Garth
and his companies.

(now turning to Ingrid)

But I will now ask Dr Ingrid Svenson, a
Criminologist and Clinical Psychologist
to recap on her observations. Firstly,
doctor... Justice Spender?

DR INGRID SVENSON

Thank you, Adrian. As you've just indicated... the Judge became aware very early in the trial that officers from the Australian Competition and Consumer Commission, that is, the ACCC and the Australian Government Solicitor, AGS, had acted against Garth Eaton's companies and franchisees based on a false complaint. And so, the Judge needed to protect them. But he couldn't do that without protecting their complainant, Bill Van Der Horst, the fraudulent inventor whose false complaint triggered the entire trial.

(pause)

And he protected them against any possible criminal and civil damages actions by firstly injecting himself into the trial. At times he became Counsel for the ACCC, bullying and intimidating Garth and his witnesses. I'm sure you will remember that killer blow incident.

FLASHBACK

INT. COURT 2. FEDERAL COURT. DAY.

Spender now rocks forward hunching over one elbow as he looks straight at Phil Hack and viciously BELLOWS the following words, STARTLING everyone in court.

JUSTICE SPENDER

(bellowing)

That's gotta be the killer blow!

BACK TO PRESENTER

Dr Svenson is seated beside the Presenter who is at the head of the Boardroom table. She continues.

DR INGRID SVENSON

That killer blow episode was not just factually incorrect but deplorable

(MORE)

DR INGRID SVENSON (CONT'D)

conduct in the extreme. But Justice Spender was anxious to end the trial in the ACCC's favour, or should I say, his favour. He was displaying all the signs of a tyrant Judge. But then, we must remember that he had survived being criminally charged when acting as Crown prosecutor during the Russell Island Land Fraud trial... And then there was that enquiry concerning allegations of his misappropriating public moneys... another near miss. In his mind, he was untouchable. And as I stated earlier in this series, he would have thought of himself as Caesar in his own Rome... all powerful... But regrettably, all corrupt.

(pause)

And he certainly lived up to his reputation of being the most notorious federal court Judge in Australia.

PRESENTER

(interjecting)

You certainly don't hold back, Dr Svenson.

DR INGRID SVENSON

Never Adrian... never. I have counselled many people over the years who have been victims of such legal abuse. And I would emphatically say that the abuse of judicial office is a crime more heinous than murder. And it's more heinous than murder because people are destroyed within... They become dead inside... and yet they are forced to live.

(pausing pensively)

Correction... Some, are forced to live.

PRESENTER

(nodding as he interjects)

Very true... And do you have anything to add to the profile of Garth Eaton?

DR INGRID SVENSON

Garth is every inch the entrepreneur. Primarily an intuitive planner rather than formal... No fear of the consequences of risk... Confident... Driven by his belief in what he's doing... But a shocking work-life balance. It's work first, second and third. There is little time for family and pleasure. An obsessive nature.

PRESENTER

Yes... In Mt Isa he ran five projects at the same time. And after the sale of his chain of takeaways in Brisbane and a tilt at developing a real estate franchising system, which was once again stopped in its tracks... He then began the research and development of a fuel saving device which employed lean burn technology... Won't go into that for the moment... And the research and development of a mechanical carparking system which is the primary focus of this series.

(pause)

And need I say there was a third project... the launching of a federal political party, The Federal Party of Australia, The FPA. This organisation was an unincorporated association, and as such did not fall within the jurisdiction of the Australian Securities Commission, the ASC. It was Garth's intention to bring his business projects under the protection of The FPA and out of harm's way.. more later.

(smiling)

However, it's what happened in the Slovak Republic that's now of great interest. Because it's his actions there... as he tried to access his company's Prototype on Slovakian soil that caused that journalist, John McCarthy, of *The Courier-Mail* to write such a defamatory newspaper article which was used to defeat justice. Let's just recap before we continue.

FLASHBACK

EXT. VIHORLAT SNINA. PROTOTYPE IN BACKGROUND. DAY.

The text, "VIHORLAT SNINA. PROTOTYPE OF PARKTEC'S MECHANICAL CARPARK, 7 April 1993" appears and fades. The first frame of the video is frozen. It shows Garth Eaton standing in the foreground. The Presenter now walks in front of the frozen backdrop.

PRESENTER

Garth has flown to Slovakia to renegotiate the terms of his company's franchise and manufacturing agreements. Vihorlat wants a bigger slice of the pie... now that the prototype has been constructed. But they won't grant him access to his prototype until they get their way. So, Garth's cameraman and lawyer have crossed the railway tracks undetected. Let's take another quick look at what Garth had to say:

The VIDEO CLIP commences. Garth is expressing his need to discipline the unacceptable conduct of Vihorlat directors. He states that he will force the directors to adhere to their contractual obligations. (45 seconds)

BACK TO PRESENTER**PRESENTER**

And true to his word he held a media conference in Prague. His tactic was to shame the Slovaks into seeing reason. And that's why he held the conference in the Czech Republic and not the Slovak Republic. Czechoslovakia had only just split into the two republics three months earlier. Rivalry and tensions were still high. Here's the essence of that media conference in Prague.

FLASHBACK

INT. ESPLANADE HOTEL. FUNCTION ROOM. AFTERNOON.

The text, "ESPLANADE HOTEL FUNCTION ROOM, 8 April 1993" appears and fades. The room is packed with cameras and Journalists. At the front of the meeting sit Garth Eaton, his wife, Wilhelmina and his solicitor, Raymond Ward. His cameraman is standing with other cameramen.

GARTH EATON

.. Now, each of you have received a brief overview of the problems our Australian company is having with our Slovakian manufacturer, Vihorlat Snina.

JOURNALIST ONE

(fluent English)

Mr Eaton... Prague Post... What has caused the breakdown?

GARTH EATON

Everything was going well until Graham Wood, our engineer, commissioned the prototype. Our marketing director, John Poulsen, was also on the premises of Vihorlat when that commissioning was successfully completed. And when I phoned him from Australia to ask him how it looked... his answer was "liquid gold, Garth... liquid gold." And that's when the problems began.

(pause)

But if we don't give them what they want, they will prevent us from using our prototype for sales purposes. They're holding us to ransom. I'll be going back to make one last attempt to get them to see reason.

DISSOLVE TO:

INT. ESPLANADE HOTEL. DINING ROOM. AFTERNOON.

The text, "PRAGUE. ESPLANADE HOTEL DINING ROOM, 14 April 1993" appears and fades. Garth is sitting at a table

having coffee with his wife. Raymond interrupts holding his own cup of coffee and a newspaper tucked under his left arm. He sits as he hands the newspaper to Garth.

RAYMOND WARD

This will give your day a lift. See what the Prague Post has to say about Parktec being held to ransom by Vihorlat.

Raymond has indicated a pertinent passage in the article. Garth reads and smiles.

RAYMOND WARD (CONT'D)

I didn't realise how much the Czechs disliked the Slovaks. You were certainly right in holding the media conference in Prague.

GARTH EATON

However, it remains to be seen if we have caused the directors of Vihorlat sufficient embarrassment to soften them up, or sufficient to cause them to dig in even more. I'll give them a day to read and digest this article before phoning them.

NEXT DAY:

INT. ESPLANADE HOTEL ROOM. LATE MORNING.

Garth is in his room. He is about to make a phone call. He turns to his wife.

GARTH EATON

Willy... I need to make a call to Jozef Marinic. Would you mind giving me some privacy. Things might get a bit heated. If you don't mind, sweetheart?

WILHELMINA EATON

No... that's fine. I need to buy myself a warmer scarf anyway... How long will you be?

GARTH EATON

About an hour... I can't see the discussion going any longer than that no matter what sort of reception I'm given.

WILHELMINA EATON

OK... I'll see you then.

Willy leaves the room. Garth picks up the phone and dials one digit. It answers.

RECEPTION STAFF V.O.

How may I help, Mr Eaton?

GARTH EATON

(into phone)

Thank you. Could you put me through to Vihorlat Snina in the Slovak Republic, please.

RECEPTION STAFF V.O.

Is that V-I-H-O-R-L-A-T Snina?

GARTH EATON

(into phone)

That's correct. The company is a munitions manufacturer.

RECEPTION STAFF V.O.

One moment, please.

Garth begins to pace the floor with the phone in his hand. The phone rings and is answered.

INT. VIHORLAT SNINA. RECEPTION. LATE MORNING.

LENA speaks.

VIHORLAT RECEPTIONIST

(into phone)

Good morning, Vihorlat Snina, how can we help?

GARTH EATON V.O.
Good morning, Garth Eaton speaking...
Is that you, Lena?

VIHORLAT RECEPTIONIST
(into phone)
Oh, Mr Eaton... yes it is.

INT. ESPLANADE HOTEL ROOM. LATE MORNING.

GARTH EATON
(into phone)
Lena, I need to speak to Mr Jozef
Marinic as quickly as possible. Could
you put me through to him, please?

INTERCUT:

VIHORLAT RECEPTIONIST
(into phone)
I'll see if he's available, Mr Eaton.

INT. VIHORLAT SNINA. OFFICE OF JOZEF MARINIC.

There is a brief pause before JOZEF MARINIC speaks.

JOZEF MARINIC
(into phone)
Pan Eaton... Marinic. How can help.

INT. ESPLANADE HOTEL ROOM. LATE MORNING.

GARTH EATON
(into phone)
Mr Marinic... I would like to return to
Snina to talk again.

INTERCUT:

JOZEF MARINIC
(into phone)
Why, Pan Eaton? Nothing to say. I
have Prague Post. Mr Kacer was at
meeting. Nothing to say.

GARTH EATON

(into phone)

Yes, I noticed that Paul Kacer was at the media conference, but it is not your accountant I wish to speak with, it's you, Mr Marinic.

JOZEF MARINIC

(into phone)

Nothing to say, Pan Eaton... We pay four hundred five thousand Australian dollars for franchise... build prototype for manufacture licence. No more. Now give fifty percent world market. No more franchisee... No more manufacturer. Only Vihorlat.

GARTH EATON

(into phone)

Mr Marinic, Vihorlat is not big enough to manufacture components for a worldwide market. And not experienced enough to market the carpark globally. No, we need to talk again.

JOZEF MARINIC

(into phone)

Back to Australia, Pan Eaton. Not good for you here... Bye.

(hangs up)

Marinic hangs up. Garth pauses for a moment before hanging up. He then speaks.

GARTH EATON

(quietly to himself)

No, Jozef. I won't be going back to Australia. And that's the second veiled threat against me. I think it's time we met head on.

Garth then reaches for the phone and dials three digits. The phone answers.

RON DE GREEF V.O.

Ron De Greef.

GARTH EATON

(into phone)

Ron, it's Garth. I need to meet with you and Raymond, urgently. We can have coffee in the dining room if that's OK?

RON DE GREEF V.O.

I'll meet you there in ten.

GARTH EATON

(into phone)

See you there.

(hangs up)

Garth hangs up with his right hand index finger and dials another three digits. It answers.

RAYMOND WARD V.O.

Hello, Raymond Ward.

GARTH EATON

(into phone)

Raymond... Garth. Mate, I need to speak with yourself and Ron as quickly as possible. Could you join us for coffee in the dining room in a few minutes?

RAYMOND WARD V.O.

Fine, I'll go down now.

GARTH EATON

Thanks, mate. See you there.

(hangs up)

DISSOLVE TO:

INT. ESPLANADE HOTEL. DINING ROOM. MORNING.

Garth, Ron and Raymond are seated at a small table in the dining room drinking coffee.

GARTH EATON

Marinic made it crystal clear... He's not going to budge. And we certainly
(MORE)

GARTH EATON (CONT'D)

can't put all our eggs in the Vihorlat basket.

RAYMOND WARD

I don't think they understand the size of a worldwide market. This is their first venture outside a Russian-controlled environment. There's a big unknown world out there. It'll be years before they come close to understanding our western culture and international commerce.

GARTH EATON

How many times did I try to make that point clear during our negotiations? You were both there. Like banging your head against a brick wall.

RON DE GREEF

And if you do give them what they want... and they screw it up because of their inexperience then who knows how much damage could be done to the entire project.

GARTH EATON

You're dead right there, Ron. And the last thing we need is to be putting our investors' and franchisees' investments at risk. They'd never forgive me. No... If Marinic wants to play hard ball... then let's give it to him. I believe there is only one option, and that's force. Let them know that we're not going to be jerked around... And we're certainly not going to allow them to continue stealing our technology.

RAYMOND WARD

Do you have something in mind?

GARTH EATON

Certainly do. But it has risk. I'm going to announce my arrival by fax which I will send from Bratislava.

(MORE)

GARTH EATON (CONT'D)

I'll be letting the directors of Vihorlat know the day and the hour that I'll be arriving... and that I will expect them to have our carpark in full working order in preparation for a video shoot. And if they don't comply?.. I will demand a meeting with Marinic in his office with all directors present.

RAYMOND WARD

Don't forget who you're dealing with. I'm concerned that if you get too heavy-handed you may not return.

RON DE GREEF

I'd agree with that.

GARTH EATON

I'm acutely aware of that... and so
(turning to Ron)
I'll be asking your brother once again to fax Slovak Television, Reuters etcetera to be on Vihorlat's premises when I arrive. That should be the best form of insurance. If they put one foot out of line... If I'm hurt in any way... everyone will know that Vihorlat directors are responsible.

RON DE GREEF

(smiling)

And thankfully, half of Europe now knows that Vihorlat has begun playing it rough with an Australian company.

GARTH EATON

Exactly. So, the plan is this.

(pause)

Raymond, I'd like you to escort Willy back to Australia. There's nothing further you can do here anyway. Are you happy with that?

RAYMOND WARD

Fine by me, but I'll come with you if
(MORE)

RAYMOND WARD (CONT'D)

you feel that my legal input could be needed.

GARTH EATON

No, Raymond. I'll be fine. And I'll feel better knowing that Willy is nowhere near Vihorlat.

(now turning to Ron)

But Ron... I have something to ask of you.

RON DE GREEF

Shoot.

GARTH EATON

Because media are going to be there on the day, I would like to have our own video record of events. How would you like to join me?

RON DE GREEF

Done... try keeping me away.

GARTH EATON

Alright then... Raymond, if you would start making travel arrangements for Willy and yourself, I'll begin organising our foray against Vihorlat Snina.

DISSOLVE TO:

INT. ESPLANADE HOTEL ROOM. LATE MORNING.

Garth is speaking to a staff member of PINKERTONS SECURITY on the phone.

GARTH EATON

(into phone)

Yes, thank you, Ivan... You'll be able to recognise me... bit large around the waist.

(chuckle)

So, that's the courtyard of the Esplanade Hotel at ten tomorrow

(MORE)

GARTH EATON (CONT'D)
morning. And if you can't recognise
me, then one of the reception staff
will be able to point me out.

EXT. ESPLANADE HOTEL COURTYARD. MORNING.

Ivan recognises Garth standing by a table shaded by an
umbrella. He raises his right hand and speaks.

IVAN
Mr Eaton...
(now moving closer with
outstretched hand)
How are you?

GARTH EATON
Fine, Ivan
(Garth indicates a chair)
and yourself?

IVAN
(beginning to sit)
Great, thank you. Now, how can we
help?

GARTH EATON
It's a long story, but essentially I
need to engage two bodyguards. One for
myself and one for my cameraman.

IVAN
(interrupting)
Mr Eaton... just before you go on.
Pinkertons is a security company that
specialises in private investigations
and also in providing armed security
vehicles for transporting payrolls and
bank moneys. We don't normally provide
just armed personnel. But that's not
to say that we haven't... or that we
wouldn't. Please continue.

GARTH EATON
Thank you, Ivan. Our matter involves a
dispute that we have between our
(MORE)

GARTH EATON (CONT'D)

Australian company and our Slovakian manufacturers, Viholat Snina. Negotiations have broken down and they are refusing to allow us access to the prototype of our mechanical carpark. And I say 'our mechanical carpark' because they constructed this prototype for us in lieu of full payment of their manufacturing licence fee. But even though it's our prototype, it's constructed on their property. They have our backs pushed against a wall... and we can't move until we meet their demands... which are far too unreasonable.

IVAN

(interjecting)

Sounds like a problem. But where do bodyguards come in?

GARTH EATON

I have already been given two veiled threats by them... an attempt to get us to agree to their terms, but I can't return to Australia until some common ground can be found... And if that means entering onto their property and forcing them to continue negotiations then so be it. But because of the threats, I feel we should have some protection.

IVAN

Oh, I see. Mr Eaton, do you realise that what you intend doing has all the earmarks of an international incident? You are aware that Czechoslovakia has only just split into the two republics? I doubt that Pinkertons would want to be involved in sending armed personnel from the Czech Republic into the Slovak Republic... too risky.

GARTH EATON

Then, could you recommend a company who could assist?

IVAN

(beginning to stand)

Not off hand. But whatever you do...

Do not go back without competent,
highly professional armed personnel.

Do you know the history of the Vihorlat
mountains?..

GARTH EATON

Yes...I've heard about the forests in
the foothills of those mountains.

IVAN

Yes... some don't return.

(now extending his hand)

Good luck, Mr Eaton.

INT. ESPLANADE HOTEL ROOM. LATE MORNING.

The text, "SUZANNA STUBNIAKOVA, INTERPRETER 15 April 1993"
appears and fades. Garth is on the phone to Suzanna
Stubniakova, his interpreter in Bratislava.

GARTH EATON

(into phone)

Could you put me through to Suzanna
Stubniakova, please?

RECEPTIONIST V.O.

Moment.

SUZANNA STUBNIAKOVA V.O.

Hi, Mr Eaton... Suzanna here.

GARTH EATON

(into phone)

Hi Suzanna...

INT. OFFICE OF SUZANNA. SLOVAKIA. LATE MORNING.

Suzanna is sitting at her desk.

SUZANNA STUBNIAKOVA

(into phone, interjecting)

Mr Eaton, I only have five minutes. I

(MORE)

SUZANNA STUBNIAKOVA (CONT'D)

am interpreting Russian for three ministers of the Slovak government today. They are about to commence negotiations. What can I do?

INTERCUT:

GARTH EATON

(into phone)

We are still having problems with Vihorlat directors. They are still not prepared to let us video our prototype when it's in operation.

SUZANNA STUBNIAKOVA

(into phone)

I did not think they would. Marinic and Gerboc were very stubborn when we met them at the beginning of this month. The other directors as well.

GARTH EATON

(into phone)

I understand. But I want to go back and force them to see reason. Would you be prepared to interpret for me once again.

SUZANNA STUBNIAKOVA

(into phone)

Yes, of course. When do you want me?

GARTH EATON

(into phone)

Well... I would have to work around your work schedule. So, when would you be free for say, three days?

SUZANNA STUBNIAKOVA

(into phone)

I have a seven-day break between Wednesday, twenty-first of April to Tuesday, twenty-seventh.

GARTH EATON

(into phone)

Oh, that's excellent, Suzanna. I'm still in Prague but I'll make sure I'm in Bratislava by Thursday, the twenty-second at the latest. That will give us time to get to Kosice, settle into the Hotel Slovan and then drive to Snina the following day. Would that suit you?

SUZANNA STUBNIAKOVA

(into phone)

Sounds good. Give me a phone call when you arrive in Bratislava. So, when will you be here, again?

GARTH EATON

(into phone)

I think I'll make that no later than the twentieth. I need to organise two professional bodyguards preferably before we meet up.

SUZANNA STUBNIAKOVA

(into phone, excitedly)

Well... I think I can help there. I have a friend I went to school with. He works as a bodyguard part-time for ministers of the Slovak government.

GARTH EATON

(into phone)

Excellent, Suzanna. Would you like to phone him and get back to me as soon as possible?

SUZANNA STUBNIAKOVA

(into phone)

Yes, for sure.

GARTH EATON

(into phone)

By the way, what does he do full-time for a living?

SUZANNA STUBNIAKOVA

(into phone)

He is a lecturer at the University of Bratislava.

GARTH EATON

(into phone)

And may I ask his name?

SUZANNA STUBNIAKOVA

(into phone)

Boris Mlsna.

GARTH EATON

(into phone)

Fine... I'll also need a bodyguard for our cameraman, Ron De Greef, if you wouldn't mind mentioning that to Boris?

SUZANNA STUBNIAKOVA

(into phone)

I am sure he would know others. I will ask.

GARTH EATON

(into phone)

Thanks Suzanna, I'll look forward to seeing you, soon. Bye, now.
(hangs up)

INT. DANUBE HOTEL. BRATISLAVA. MORNING.

The text, "DANUBE HOTEL BRATISLAVA, 20 April 1993", Garth is standing looking out onto the blue waters of the Danube River when he is interrupted by MARIA, a member of the hotel's business secretarial staff.

MARIA

Mr Eaton... I have finished typing your fax. Please read.

Maria hands Garth the fax and he begins to read. There is a pause.

GARTH EATON

Very good, Maria. Now, I need this fax
(MORE)

GARTH EATON (CONT'D)

to be sent to the directors of Vihorlat
Snina first and then to Mr Zoltan
Berghauer, the President of VSZ Kosice.
I wrote their contact details at the
bottom of my hand notes.

MARIA

Yes, I saw that.

(turns then turns back)

Suzanna Stubniakova is a colleague of
mine. Will she be safe?

GARTH EATON

Yes, Maria. As you saw in the fax, I
will have two armed bodyguards with me.
And there will be Slovak television...
our own cameraman and many newspaper
reporters. She will be fine.

MARIA

Oh, thank you. I will send the faxes
now.

Maria turns to walk away.

INT. TATRA HOTEL. BRATISLAVA. EVENING.

The text, "TATRA HOTEL BRATISLAVA, 20 April 1993", appears
and fades. Ron is talking to Garth. There is a KNOCK on
Garth's hotel room door. He walks towards it.

GARTH EATON

Suzanna... Good to see you again.
Please... come in.

A diminutive, 30-year-old, attractive Suzanna enters with
two tall, powerfully built and well-dressed 30-year-old
men.

SUZANNA STUBNIAKOVA

Good to see you, Mr Eaton.
(now turning to the men)
I would like you to meet my friends,
Boris and Sasha.

Garth immediately extends his hand.

GARTH EATON
(smiling)
Boris.

BORIS MLSNA
(politely)
Hello.

Garth nods and turns his hand to Sasha.

GARTH EATON
(smiling)
Sasha.

SASHA
(politely)
Hello.

SUZANNA STUBNIAKOVA
(interjecting)
Boris and Sasha do not speak English...
just a few words. But I will interpret
for them.

GARTH EATON
That's fine, Suzanna. Now, you said
that Boris
(indicating Boris)
is a lecturer at the University of
Bratislava... What does Sasha
(indicating Sasha)
do?

SUZANNA STUBNIAKOVA
Sasha is a lawyer. He works for a
legal firm in Bratislava.

GARTH EATON
Excellent.
(pause)
And Suzanna, did you mention that there
will be no need for vests and stun
guns?

SUZANNA STUBNIAKOVA
Yes, I did.

GARTH EATON

Now, Vihorlat directors know that we will be arriving at ten this Friday morning, the twenty-third. So, why don't we go down to the dining room and discuss our plans over dinner and, of course, your professional fees.

SUZANNA STUBNIAKOVA

Before we do, I want to say that Boris has offered to take all of us in his Audi. It will take several hours to drive from Bratislava to the Hotel Slovan in Kosice, but his car is big and comfortable. And it will be less expensive for you than by plane.

GARTH EATON

(pointing at each)

So, that's yourself... Boris driving, Sasha, Ron and myself. It's a bit of a squeeze, but if that's OK with you, Suzanna, it's OK with me. And what about you, Ron?

RON DE GREEF

Fine by me... I'm only half your weight. Suzanna should be more than comfortable sitting between us.

Suzanna chuckles as Garth indicates the door.

GARTH EATON

Let's eat.

EXT. VIHORLAT. FACTORY CARPARK. MORNING.

The text, "VIHORLAT SNINA CARPARK, 10AM 23 April 1993" appears and fades. Boris' Audi pulls into the carpark. Everyone begins to alight. Garth turns to Suzanna.

GARTH EATON

How are you feeling, Suzanna?

SUZANNA STUBNIAKOVA

Very nervous, Mr Eaton.

At that moment, JOZEF STRACHAY, a director of Vihorlat, is seen striding towards the car. He is in his mid-forties, exceptionally slim and six feet six inches (198cm) tall. There are no niceties exchanged. He begins speaking in Slovakian. Suzanna interprets.

SUZANNA STUBNIAKOVA

Mr Strachay is saying that they cannot operate the prototype. It has been dismantled for maintenance purposes.

GARTH EATON

(annoyed)

Oh, has it!

(now turning to others)

Suzanna, ask Boris to come with us.

Ron and Sasha can follow us with the camera.

Suzanna quickly interprets as Garth brushes past Strachay and strides through the carpark towards the prototype.

The scene fades into **actual video footage** of Boris, Suzanna and Garth striding towards the prototype. The cubicles which normally hold cars have been laid out on the ground. Garth is furious. This excerpt of the **video footage lasts for 90 seconds**.

DISSOLVE TO:

EXT. VIHORLAT ADMIN BUILDING. MORNING.

Garth has just walked back from the dismantled prototype and is standing at the entrance to the Vihorlat admin building. He is highly agitated. He's being interviewed by a REPORTER from Slovak television. This excerpt of the **actual video footage lasts for 60 seconds**.

THEN:

The next **clip of actual video footage lasts 20 seconds**. It shows Jozef Strachay insisting "Rid of weapons... Rid of cameras" before allowing Garth, Boris and Suzanna into Vihorlat's admin building.

INT. OFFICES OF VIHORLAT. MORNING.

All ARMED PERSONNEL then enter the building and move to a vacant office. Each of the nine men disarm by placing their guns onto a large table.

EXT. VIHORLAT ADMIN BUILDING. MORNING.

Garth and Suzanna enter the building as Strachay opens the front glass door after having asked for their Passports. They join Boris who has just returned from disarming.

OFFSCREEN ACTIVITIES (PRODUCER'S OPTION)

Garth then enters the office of Jozef Marinic and remains there for just over two hours. Discussions are strained. But when ZOLTAN BERGHAUER refuses to take Garth's phone call and refuses to attend the meeting that Garth was forcefully convening, Boris, Suzanna and Garth voluntarily vacate the office and return to waiting media.

EXT. VIHORLAT ADMIN BUILDING. MIDDAY.

Garth is addressing the same reporter from Slovak Television. This excerpt from **actual video footage lasts for 45 seconds**.

INT. HOTEL SLOVAN. DINING ROOM. EARLY AFTERNOON.

The text, "HOTEL SLOVAN KOSICE, SLOVAK REPUBLIC, 23 April 1993" appears and fades. Garth, Ron, Suzanna, Boris and Sasha are seated at a table eating lunch. Garth looks around the table. Suzanna begins interpreting.

GARTH EATON

I'm not too sure at this stage if we have achieved anything. Marinic was certainly not going to react... Anyway, I will continue to try contacting Zoltan Berghauer. Maybe the President of VSZ Kosice, Vihorlat's parent company, will be prepared to speak with me in less hostile circumstances...

(MORE)

GARTH EATON (CONT'D)

We will see. Thankfully, Berghauer's personal assistant, Anita, seems to speak reasonably fluent English
(now smiling at Suzanna)
certainly better than my Slovakian.

RON DE GREEF

Garth... on the subject of achievement, I meant to mention earlier that when you were up in Marinic's office, the reporter from Slovak Television told me that they will be showing archive video footage of the prototype on tonight's news. And it will be in full operation.

GARTH EATON

(excitedly)
How did they get that?

RON DE GREEF

Apparently they were producing a documentary a few months ago on the development of Slovakian industry now that Czechoslovakia has split into the two republics. And what Vihorlat was doing was of interest to them.

GARTH EATON

(emphatically)
Then we must video tape tonight's news.

Boris picks up enough English to understand what is needed. He speaks to Suzanna in Slovakian. She then turns to Garth.

SUZANNA STUBNIAKOVA

Mr Eaton, Boris has just told me that he has a friend in Kosice not far from this hotel who could record the news on video.

GARTH EATON

That's fantastic.
(now turning to Ron)
Ron, what sort of tape should we use?
I want it to be high quality.

RON DE GREEF

Super VHS.

GARTH EATON

(turning to Suzanna)

Suzanna, if I give Boris the money, do you think he could buy a super VHS video tape and give it to his friend this afternoon before you leave for Bratislavia.

Boris has understood enough to respond by nodding and smiling.

GARTH EATON

I would also need his friend to drop the tape off at reception in the morning, early if possible.

Suzanna clarifies what has been said and Boris vigorously nods his head smiling.

GARTH EATON

So, I'll pay you all when we finish lunch. And thank you again for your support.

INT. HOTEL SLOVAN. GUEST ROOM. EVENING.

The text, "GUEST ROOM HOTEL SLOVAN, 23 April 1993" appears and fades. Garth and Ron are having a beer and relaxing. They are seated in front of the television.

RON DE GREEF

Let's see if the reporter from Slovak Television was right.

Only moments pass before Garth moves quickly to the edge of his chair.

GARTH EATON

(loudly

Ron, there it is... our prototype.

SLOVAK NEWS CLIP

EXT. PARKTEC PROTOTYPE. SLOVAK NEWS VIDEO CLIP.

An excerpt of the actual news video clip is screened for ten (10) seconds.

BACK TO GUEST ROOM

GARTH EATON

If Boris' friend drops that tape at reception in the morning... there will be one less reason to stay here.

(pause)

We will have an important part of what we came for.

RON DE GREEF

What about repairing the agreements between Vihorlat and yourself?

GARTH EATON

Ron... once we have this video footage I'll be asking you to produce a promotional video for our company. From there, we will be able to attract any number of international manufacturers who will now have the advantage of Vihorlat's work... which, under contract, belongs to us.

RON DE GREEF

And if the agreements with Vihorlat do break down... what about the prototype?

GARTH EATON

Vihorlat directors have already breached our agreements, so ninety days from now they will have to dismantle our prototype and ship it to us... along with some 2,000 of their own working drawings which again, contractually belong to us. But somehow, I don't see them doing that... They're already betraying trust in the

(MORE)

GARTH EATON (CONT'D)

belief that they can satisfy a global market on their own, so they'll be wanting to hang onto it... Maybe?

RON DE GREEF

And if the next manufacturer you appoint also makes improvements to the prototype... will those improvements belong to your company?

GARTH EATON

Sure will. That's what technology development is all about. And it's not just improvements made by each manufacturer we appoint... improvements will also be made by the architectural and engineering firms we appoint as international marketing franchisees. Under contract all of that intellectual property is ours.

RON DE GREEF

So, five years from now your prototype which now sits on Vihorlat property could be a dinosaur?

GARTH EATON

Ron, twelve months from now it could be a dinosaur... so much so, that it's unrecognisable. Did the model 'T' Ford remain the same? No, Ron... manufacturers and marketers will come and go... the technology will continue to be developed and our intellectual property will grow proportionately. In truth, there will be many more Vihorlats in the future... all wanting to fly solo. That's the way it is.

INT. HOTEL SLOVAN. DINING ROOM. EARLY MORNING.

The text, "HOTEL SLOVAN DINING ROOM, 24 April 1993" appears and fades. The dining room is packed. Staff are waiting on tables. Garth and Ron enter and wait. Garth is holding a video tape. He is immediately recognised by the HEAD WAITER who stops serving and excitedly calls out.

HEAD WAITER

Snina! Maa-fee-a!.. Maa-fee-a!

He then puts his tray on the table and begins to applaud enthusiastically. Other table staff do likewise. The reception is overwhelming. He finishes serving and quickly advances towards Garth and Ron.

HEAD WAITER (CONT'D)

Please.

The head waiter is indicating that he wants Garth and Ron to follow him. He then indicates a small vacant table. They sit. He continues to speak to Garth.

HEAD WAITER (CONT'D)

(beaming smile)

Television. Before today.

GARTH EATON

(smiling)

Last night?

HEAD WAITER

Yes... Yes. Snina Mafia.

(now punching the air)

Good... Good.

He then SLAPS Garth on the back twice in good spirits, pleased with Garth's treatment of Snina Mafia. Ron begins to order breakfast in German, a second language for both.

RON DE GREEF

I realise you're busy, but could we have two steak, bacon and eggs as quickly as possible, please. Mr Eaton is in a hurry.

The head waiter immediately bows his head in recognition and disappears quickly.

DISSOLVE TO:

The Head Waiter appears hurrying to the table with two plates. He places them on the table, steps back and says:

HEAD WAITER

Schnell?.. Schnell!

He then withdraws pleased with the speed of his service.

END FLASHBACK

INT. OFFICE OF PRESENTER. BOARDROOM.

The Presenter and Dr Ingrid Svenson are seated at the head of the Boardroom table.

PRESENTER

It's a hard gig, but Garth was certainly up to the task. And he did receive that video of Slovakian news that morning. Something that would never have happened had he not attempted to aggressively enforce his contractual rights. Dr Ingrid Svenson is with me.

(turning to her)

Doctor Svenson, would you like to summarise what's just happened.

DR INGRID SVENSON

Thank you, Adrian. Once again we see that lack of fear... and the directionally focused mind of an entrepreneur. Garth was not afraid to shake the tree... and not necessarily knowing what was going to fall from it. He had the ability to think on his feet and do whatever was needed under unforeseen circumstances. There is no curve ball that the entrepreneurial mind cannot hit... even if there is a risk of being jailed. He was protective of his work and protective of the rights of his franchisees.

PRESENTER

(interjecting)

And just on that note, Dr Svenson... It's my understanding that when Garth and Ron arrived back in Australia, investors and franchisees were over the moon. They had already achieved a milestone that many said would be

(MORE)

PRESENTER (CONT'D)

impossible. And now they were in a position to move forward more decisively than ever before. And although Vihorlat Snina, their Slovakian manufacturer, was no longer under contract, and refusing to deliver up the prototype... Garth was able, one year on, to negotiate a deal... at a price... to use the prototype for Europark's marketing and manufacturing clients. And Vihorlat also had what they wanted.

INT. MAURER HOME OFFICE. NIGHT.

The text, "GARTH EATON'S HOME OFFICE, February 1997" appears and fades. Garth is still addressing Europark investors and franchisees.

FIRST FRANCHISEE

So, did you ever try to convince the ACCC of your ownership of our Europark technology?

GARTH EATON

Sure did... In fact, Guthrie, the Assistant Director of the ACCC suggested that we hand over our technology so that they could compare it with Van Der Horst's invalid patents.

SECOND FRANCHISEE

(interjecting)

Hang about... are you saying that at the time the ACCC dragged us into a federal court for apparently infringing those patents, they didn't have a clue what technology we had?

GARTH EATON

You've got it in one. All the clowns had was our marketing brochure which looks the same as Van Der Horst's technology. But only because of the
(MORE)

GARTH EATON (CONT'D)

shape of the carparking conveyor system. And that shape had come from the expired US patent that Van Der Horst had copied and held out as being his own. The only technology capable of being valid was the drive system. And ours was sufficiently different. But the ACCC didn't have a clue.

SECOND FRANCHISEE

So, the ACCC was flying blind when they served us with federal court applications.

GARTH EATON

They sure were. And not only that, they became aware of the expired US patent sixteen days after serving those applications. So they knew we hadn't infringed anything. But here's the thing... When Dr de Jonge, Van Der Horst's own patent attorney gave them the report which uncovered that offending expired patent they immediately went into damage control.

BLACK SCREEN. WHITE TEXT.

A THUD is heard like a muted beat of a drum. The text, "ALAN RAYMOND DUCRET - ONE CHARGE - ACCESSORY AFTER THE FACT - CRIMES ACT 1914" appears for ten (10) seconds as the Presenter is heard saying:

PRESENTER V.O.

Alan Raymond Ducret, the Regional Director of the ACCC had become an Accessory After the Fact the moment he became aware of Van Der Horst's fraudulent complaint to the ACCC.

THEN:

A second THUD is heard. The text, "ALAN RAYMOND DUCRET - ONE CHARGE - ATTEMPT TO OBSTRUCT JUSTICE - CRIMES ACT 1914" appears for ten (10) seconds as the Presenter is heard saying:

PRESENTER V.O.

By continuing to run with Van Der Horst's false complaint, Ducret was now committing the criminal act of Attempt to Obstruct Justice under the Commonwealth Crimes Act 1914.

THEN:

A third THUD is heard. The text, "ALAN RAYMOND DUCRET - ONE CHARGE - AIDING AND ABETTING - CRIMES ACT 1914" appears for ten (10) seconds as the Presenter is heard saying:

PRESENTER V.O.

Ducret was now also committing the criminal act of Aiding and Abetting under the Commonwealth Crimes Act 1914. He was already an Accessory After the Fact to Van Der Horst's fraudulent complaint.

INT. OFFICE OF PRESENTER. BOARDROOM.

The Presenter is seated at the head of the Boardroom table.

PRESENTER

But the Regional Director of the ACCC was only the ringleader. He was given all the assistance he needed to destroy the Europark project. And that willing assistance came from Terence Guthrie, Ducret's Assistant Regional Director of the ACCC... Stephen Ridgeway, Senior solicitor for the Australian Government Solicitor, AGS... Peter Toy and Lesley Ziukelis who would later become known as Lesley Ravell also solicitors within the AGS. They were definitely complicit in these crimes.

BLACK SCREEN. WHITE TEXT.

A THUD is heard like a muted beat of a DRUM. The text, "TERENCE GUTHRIE - STEPHEN RIDGEWAY - PETER TOY - LESLEY RAVELL" appears and holds. Beneath these names each charge is listed as the Presenter is heard saying:

PRESENTER V.O.

Guthrie, Ridgeway, Toy and Ziukelis now Ravell, were complicit in committing the following criminal acts. And they committed these acts unashamedly knowing that their complainant, Van Der Horst, held no patents, invalid or otherwise. They were the property of Ernst & Young, liquidators of Parktec. They knew they were violating the lives of fifty-two Australian families; but mindlessly unaware that their violation had the potential to kill, and it did.

"ONE CHARGE EACH - ACCESSORY AFTER THE FACT - CRIMES ACT 1914" appears and holds.

Three seconds LATER:

"ONE CHARGE EACH - ATTEMPT TO OBSTRUCT JUSTICE - CRIMES ACT 1914" appears and holds.

Three seconds LATER:

"ONE CHARGE EACH - AIDING AND ABETTING - CRIMES ACT 1914" appears and holds for five (5) seconds.

BACK TO PRESENTER

PRESENTER

And of course, we can't forget their participation in orchestrating and using that offending newspaper article which was published on the seventeenth of June 1994, just one month before Garth's companies and franchisees were dragged falsely into a federal court. You'll recall the term... Defeating Justice.

BLACK SCREEN. WHITE TEXT.

A THUD is heard like a muted beat of a DRUM. The text, "TERENCE GUTHRIE - STEPHEN RIDGEWAY - PETER TOY - LESLEY RAVELL" appears and holds. Beneath these names the charge appears as the Presenter is heard saying:

PRESENTER V.O.

Guthrie, Ridgeway, Toy and Ziukelis, later Ravell, were also complicit in committing this criminal act. Was there going to be an end to their violation?

"ONE CHARGE EACH - CONSPIRACY TO DEFEAT JUSTICE - CRIMES ACT 1914" appears and holds for ten (10) seconds.

BACK TO HOME OFFICE

FIRST FRANCHISEE

But why did the ACCC decide to aid and abet the complainant? They could have just withdrawn their case and left us alone? At that stage they had no cause to continue. And furthermore, they knew that Van Der Horst's patents were the property of Ernst & Young?

SECOND FRANCHISEE

No offence, Garth, but this is where your history comes in... It's obvious that you were being witch hunted and the facts weren't going to get in their way.

GARTH EATON

And that would be true to an extent, but it goes further than that. I have never met a public servant who has been prepared to admit a mistake... You've been in the public service for thirty years, Ian. Would you have admitted a mistake of that magnitude?

SECOND FRANCHISEE

(chuckling)

Yes, well, I might just pass.

TERRY RICE

(raising his right hand)

If I could answer that question, Ian, without implicating yourself. The inherent problem with government

(MORE)

TERRY RICE (CONT'D)

agencies is that every wrong action taken by their officers carries potentially damaging financial consequences. And no agency wants to be sued. But it goes slightly deeper... It's not just the financial damages, but the irreparable damage done to the reputation of that agency. And in the case of the ACCC and the Australian Government Solicitor it's imperative that their public images... their professionalism, are kept intact.

FIRST FRANCHISEE

(annoyed)

At our expense!

TERRY RICE

Unfortunately, yes.

FIRST FRANCHISEE

(turning to Garth)

So, how did they keep the ball rolling?

GARTH EATON

They immediately changed the claims against us. And the major claim they added was 'worldwide rights'. They claimed we didn't have worldwide rights over our technology... and nor had World Bank funding assisted in the development of our technology.

FIRST FRANCHISEE

Could they prove it?

GARTH EATON

The problem is... under section 52 of the Trade Practices Act which is 'misleading and deceptive conduct'...

FIRST FRANCHISEE

(quickly interjecting)

Wait a second... So, that's the point you picked up on earlier, John. We were being charged with misleading and

(MORE)

FIRST FRANCHISEE (CONT'D)

deceptive conduct... It hadn't fully sunk in. So, while Van Der Horst and his solicitor mate are running around touting invalid patents... ripping off the public... and making a false complaint based on patents they don't even own?! Seems to me that they're the ones, including the ACCC, who were engaging in deplorable... inexcusable misleading and deceptive conduct.

Everyone in the room nods and murmur their agreement.

GARTH EATON

I couldn't agree more, but to answer the question of whether they could prove their claims... They don't need to prove a God-damned thing. Under that section of the act it's up to us to prove their accusations wrong. You're guilty until you prove yourself innocent. The exact opposite of a criminal charge. I even had to spend thousands of dollars sending our former general manager to Washington and Prague to prove that we had won World Bank funding for our manufacturers... and that this funding had been vital to the development lineage of our technology.

FIRST FRANCHISEE

And did we prove it?

GARTH EATON

Yes, we certainly did. But when Terry Guthrie, Peter Toy and Lesley Ziukelis found out that our former general manager was dealing with World Bank officials... surprise, surprise... they dropped that claim. But we were put to the expense anyway, and that's part of the ACCC's tactics... exhaust your quarry, wear them down and break them.

FIRST FRANCHISEE

But why did they drop that claim?

GARTH EATON

They realised that they could never win that point... and there's no way that they will enter a federal court and suffer the embarrassment of a loss... even the loss of one claim. They pride themselves on having a ninety-four percent success rate in court. But most Australians have no idea of the stunts... criminal stunts they pull to keep that average up.

TERRY RICE

(interjecting)

From my reading of the federal court application and its amendments it is clear that the ACCC was hedging its bets... firstly, they lost their argument regarding Garth and his companies' infringing, using Van Der Horst's two patents... and they lost that argument when Dr de Jonge uncovered the expired US patent that we allege Van Der Horst had copied... And we'll prove it. And then they lost their claim that World Bank funding had not helped develop our technology... On that one they threw the towel in when they found out that we were on the doorstep of the World Bank chasing the paper trail in Washington and Prague.

SECOND FRANCHISEE

I can understand Washington, but why Prague?

Terry turns and indicates Garth with his raised right hand.

GARTH EATON

(interjecting)

Thanks, Terry. In 1991 the National Bank of Czechoslovakia had its head office in Prague. And it was that bank that received 200 million US dollars as the first tranche of funds from the World Bank. These funds were to assist industry to become competitive in an

(MORE)

GARTH EATON (CONT'D)

open world market environment. They were no longer dependent on, or under Russian control. And so, Washington had the head office of the World Bank, and Prague had the head office of the National Bank of Czechoslovakia.

SECOND FRANCHISEE

(now smiling)

I see. But what about the ACCC's major claim that we didn't have worldwide rights over our technology?

GARTH EATON

We knocked that one right out of the ballpark... thanks to the testimonies of Dr de Jonge and Trevor Dredge... Both patent attorneys convincingly confirmed from the witness box that the patentable material which we had been able to salvage... given the existence of that expired US patent was still capable of enjoying worldwide rights.

SECOND FRANCHISEE

Then how the hell did we lose that argument?

GARTH EATON

Again, Spender didn't even refer to their testimonies in his judgment... Even the ACCC's highly paid patent attorney, John Pizzey, admitted that patentable subject matter was the subject of worldwide rights.

SECOND FRANCHISEE

But I thought Spender relied totally on the Pizzey report?

GARTH EATON

Not totally... only the bits he wanted. It was a case of... knock out one hundred percent of Dr de Jonge's testimonies... knock out one hundred percent of Trevor Dredge's

(MORE)

GARTH EATON (CONT'D)
testimonies... and cherry-pick Pizzey's
testimonies. And there was plenty of
fabricated material in his testimonies
to fully satisfy Spender's agenda.

BLACK SCREEN. WHITE TEXT.

A THUD is heard like a muted beat of a DRUM. The text,
"JOHN KINGSTON PIZZEY - SIX CHARGES - GIVING FALSE
TESTIMONY - CRIMES ACT 1914" appears for ten (10) seconds
as the Presenter is heard saying:

PRESENTER V.O.
John Kingston Pizzey had been paid well
to provide written and oral testimonies
that favoured the ACCC. And in doing
so, he had committed six acts of Giving
False Testimony... Crimes Act 1914.

BACK TO HOME OFFICE

GARTH EATON (CONT'D)
But the truth that came out of the
trial... putting Spender's muck aside,
was that the ACCC lost on every
significant claim it made... Every
significant claim. We won that case
hands down. Spender had to do a
hatchet job on us for the ACCC to win.

BLACK SCREEN. WHITE TEXT.

A THUD is heard like a muted beat of a DRUM. The text,
"JUSTICE JEFFREY SPENDER - 15 CHARGES - JUDICIAL CORRUPTION
- CRIMES ACT 1914" appears for ten (10) seconds as the
Presenter is heard saying:

PRESENTER V.O.
Justice Jeffrey Spender had knowingly
committed fifteen errors 'in law' and
'in fact'. He was very aware of his
destructive errors. And each grievous
error constituted a criminal act of
(MORE)

PRESENTER V.O. (CONT'D)

Judicial Corruption under the Commonwealth Crimes Act 1914, because each error was wilfully crafted to benefit government officers and their agencies.

BACK TO HOME OFFICE

SECOND FRANCHISEE

He was certainly the right Judge for the job. No wonder he was made a Judge after proving how dishonest he was during the Russell Island trial.

GARTH EATON

Yep... the perfect 'go to' Judge. And I repeat... they don't come any more bent.

(pause)

Oh, that's not entirely true. The government officers who knowingly backed the false complaint against us were equally as dishonest... In fact, it was their dishonesty that forced Spender to do what he did. He had to protect them and their reputations.

THIRD FRANCHISEE

(interjecting)

Garth, I've often thought it may have been wise to accept that deal the ACCC put to you before trial. Does anyone else know about that?

Most shake their heads.

SECOND FRANCHISEE

No... what happened?

GARTH EATON

Just another piece of underhanded conduct. But anyway, Stephen Ridgeway was a senior lawyer for the Australian Government Solicitor... who as you know were representing the

(MORE)

GARTH EATON (CONT'D)

TPC as it was then known... as they represent all federal government agencies. I was approached by Ridgeway outside Court Two in the public waiting area. We had just walked out of a directions hearing on Friday, the thirteenth of October 1995.

FLASHBACK

EXT. COURT 2. FEDERAL COURT. DAY.

The text, "OUTSIDE COURT 2, FEDERAL COURT. OCTOBER 1995" appears and fades. STEPHEN RIDGEWAY is leaving Court 2 when he turns back to catch the attention of Garth. They are in a plushly furnished public area. Ridgeway indicates for Garth to join him and take an armchair.

STEPHEN RIDGEWAY

(begins to sit)

Mr Eaton... Please.

(indicating an armchair)

I understand how difficult things must be for you.

GARTH EATON

(now sitting)

Do you really understand, Mr Ridgeway?

STEPHEN RIDGEWAY

Yes... so much so that I want to put a proposition to you on behalf of the Trade Practices Commission.

GARTH EATON

I'm listening.

STEPHEN RIDGEWAY

The TPC is prepared to cease any further action against you on the proviso that the injunction against you remains in force until you take Van Der Horst into court and have his two patents revoked.

GARTH EATON

Mr Ridgeway, why is it that we should have the responsibility and cost of taking Van Der Horst into a federal or supreme court to have his invalid patents revoked? Isn't it up to the Trade Practices Commission to ensure that no one in this nation is allowed to wander the streets scamming all and sundry by holding out that invalid patents actually have value?

STEPHEN RIDGEWAY

Well... that's the Commission's position. I'm just advising you of their offer.

GARTH EATON

(becoming annoyed)

So, now that the TPC and AGS have seen our technology you're backing out and leaving the heavy lifting to us... Very smart. And surely you, Alan Ducret and his sidekick, Terry Guthrie, the Assistant Commissioner of the TPC, understand that the cost of revocation of both Van Der Horst patents could amount to tens of thousands. And even then, there is no guarantee that all of the twenty-one claims within his two patents could be knocked out in total.

(pause)

Any court will give the patentee the latitude needed to amend the claims by narrowing the scope of such claims. We could walk out of court with Van Der Horst having only one slim claim standing in each patent. And although those remaining two claims would be valueless, he still holds two patents, and we're still enjoined... frozen from trading forever. At any rate, have you run this past Ernst & Young?

STEPHEN RIDGEWAY

Mr Eaton, I see where you're coming from but...

GARTH EATON

(quickly interjecting)

No, Stephen... If all that comes out of this trial is the exposing of Van Der Horst's fraudulent activities and his ability to perjure himself under oath... that will be some satisfaction to ourselves. And we will also be able to expose the TPC and the AGS for their part in aiding and abetting his criminal actions.

STEPHEN RIDGEWAY

OK... but the offer is being made in good faith...

Garth leans forward and again interjects abruptly. He is speaking loudly and in an agitated manner.

GARTH EATON

Good faith, Stephen?... This isn't the first time that TPC and AGS officers have dishonestly attempted to damage our investors and franchisees. Why do you think I filed a report with federal police two days ago.

(pause)

Good faith?!... spare me!. And if I can expose the anti-competitive conduct of the TPC, that will be another bonus.

As Garth stands, so does Ridgeway. Garth extends his hand as he speaks.

GARTH EATON (CONT'D)

I refuse to believe that you have suggested this course of criminal conduct to Alan Ducret and his Trade Practices Commission.

(pause)

Bye for now, Stephen.

STEPHEN RIDGEWAY

Bye, Mr Eaton.

END FLASHBACK

BLACK SCREEN. WHITE TEXT.

A THUD is heard like a muted beat of a drum. The text, "STEPHEN RIDGEWAY - ONE CHARGE - ATTEMPT TO OBSTRUCT JUSTICE - CRIMES ACT 1914" appears for ten (10) seconds as the Presenter is heard saying:

PRESENTER V.O.

Stephen Ridgeway had become complicit in proposing a deal that was nothing short of the criminal act of Attempt to Obstruct Justice. And he committed this criminal act under the instructions of Alan Ducret and Terence Guthrie of what was then the Trade Practices Commission.

(pause)

Breaching the Commonwealth Crimes Act 1914 had become commonplace.

BACK TO HOME OFFICE

SECOND FRANCHISEE

They don't stop do they? So, you actually gave them the opportunity to see what technology we had?

GARTH EATON

Reluctantly... yes. Just before that exchange with Stephen Ridgeway, I received a call from Lesley Ziukelis requesting a meeting with their barrister, Mr Mark O'Sullivan. The topic of discussion was to be the conditions under which they wanted to sight our technology. Ziukelis said that they were anxious to get matters resolved. And by getting matters resolved there was the distinct possibility that matters would not get to trial. I was desperate... so I agreed to the meeting.

FLASHBACK

INT. INNS OF COURT. BARRISTER'S CHAMBERS. AFTERNOON.

The text, "BARRISTER'S CHAMBERS, BRISBANE, 4 August 1995". Present are MR MARK O'SULLIVAN, LESLEY ZIUKELIS, TERENCE GUTHRIE, JOHN FARNAN and Garth Eaton. O'Sullivan is seated behind his desk. Others are seated in front.

MR MARK O'SULLIVAN
(turning to Garth
and John)

Mr Eaton... Mr Farnan... thank you for consenting to this meeting. Now, it's my understanding that Lesley Ziukelis from the office of the Australian Government Solicitor has convened this meeting for the purpose of asking you to release your technology to the TPC so that a comparison can be done between your technology and the technology within the two Van Der Horst patents. By doing so, the TPC may decide to cease all further action against yourself and your companies.

GARTH EATON
(interjecting quickly)
Mr O'Sullivan... just before we discuss the prospect of my handing over our technology, there are a couple of points. Firstly, I told Mr Guthrie in June last year that the two Van Der Horst patents became the property of my company, Parktec International Pty Ltd, in December 1991 when Van Der Horst had finally breached our technology development agreement for the thirty-fourth time. And when Parktec went into liquidation two years later both patents became the property of the liquidator, Ernst & Young... In short, the TPC has acted on a bogus complaint... And the rightful owner has never complained... But I don't think he believed a word of what I was saying, did you, Mr Guthrie?

TERENCE GUTHRIE

(interjecting)

Well... I tended to believe that Mr Van Der Horst was still the rightful owner.

GARTH EATON

I'm sure Ernst & Young would have something to say about that.

TERENCE GUTHRIE

Mr Eaton, I think we're too far down the track to be worried about that. In any event, this is an opportunity to settle matters. If we can sight the Europark technology and compare it to those patents... and we're happy that there are no similarities, then this matter can be resolved without a trial.

GARTH EATON

But it goes deeper than that, Mr Guthrie. There is nothing left in those patents. Dr Ian de Jonge, your own patent attorney, has already cited the expired Walker E. Rowe US patent which knocks out an overwhelming majority of the claims in those patents... Nothing of value is left.

LESLEY ZIUKELIS

Well why not allow an independent patent attorney examine your work and compare it to what is left. Then we can all be convinced. And that's all the Trade Practices Commission wants.

GARTH EATON

Ms Ziukelis, there is still an impediment to what you're asking of me... and that is... our technology is privileged information. Justice Drummond spent hours of his time last month identifying what was privileged and what was not. And now you're asking me to allow you to sight it. Why should I. We're in the box seat as I see it.

TERENCE GUTHRIE

(interjecting)

Well, that may not be so, Mr Eaton.
And you could be taking a big risk
allowing matters to go to trial.
Whereas, if you comply with our request
and hand over your technology then it
could all be over within weeks... and
you could be back trading once again.

MR MARK O'SULLIVAN

(keen to agree)

I agree, Mr Eaton. It may be the most
cost effective method of getting back
into the business of mechanical
carparking... and commence trading
again.

GARTH EATON

And the next thing I'd like to know is
why has the TPC continued to allow Van
Der Horst and his lawyer financier the
right to tout invalid patents? And to
add to their fraud... invalid patents
that they don't even own?

MR MARK O'SULLIVAN

I would suggest that you take these
matters one step at a time, Mr Eaton.
Get this problem resolved first.

LESLEY ZIUKELIS

(cutting in)

We can review all other issues once we
know you're in the clear. As Mr
O'Sullivan just said... one step at a
time.

TERENCE GUTHRIE

Anyway, there's no need for an answer
now... think about it and get back to
Ms Ziukelis. We'll leave the offer on
the table for a week or so. It's
entirely up to you.

GARTH EATON

(beginning to stand)

Alright... But are we agreed that if I do release our privileged information, the examining body you appoint to compare our technology with the two invalid patents must be Uniquet... it's a department within the University of Queensland. They are not only experts on matters of patenting and technology development but they are highly accredited. I would trust no other examining body.

TERENCE GUTHRIE

I'm happy to go along with that. Was that Uniquet?

GARTH EATON

Yes... that's U-N-I...

TERENCE GUTHRIE

I've got it...

(now turning to Ziukelis)

And what about you, Lesley?

LESLEY ZIUKELIS

That's fine by me.

GARTH EATON

(beginning to stand)

OK then... I'll get back to you in a few days with my answer.

Others begin to stand.

BACK TO HOME OFFICE

SECOND FRANCHISEE

So, they just didn't believe that Ernst & Young held those invalid patents and ploughed on regardless. Bloody marvellous... And how did it go?

GARTH EATON

(facetiously)

After much consideration I released our technology to them on the seventh of August, just three days later. And surprisingly, I learned that they did exactly what we agreed to... they went to Uniquest.

(now serious)

But it was unfortunate for the TPC and AGS that Uniquest was not prepared to give them what they wanted. They were only prepared to provide a fair and unbiased examination report as was the case with Dr de Jonge. And that's when they put that Ridgeway deal to me. They had no intention of ever letting us off the hook. They were out to win.

SECOND FRANCHISEE

They've got to be the scum of the Earth, surely!

GARTH EATON

They just can't afford to lose, Ian. The reputations of their agencies are at stake. Screw us... who gives a shit. If you'll excuse the language.

SECOND FRANCHISEE

So, is this where Pizzey comes in?

GARTH EATON

Yes, but not right away. According to my enquiries when I knocked back the Ridgeway deal, by refusing to get the two Van Der Horst invalid patents revoked at our cost, two further patent attorneys were approached before they struck gold with John Pizzey... the price was right. And they briefed him by firstly stating that I had defrauded Van Der Horst. Which was obvious from his report. They needed to sway his thinking. They had become frantically obsessed with finding a patent attorney who would cover their butts. And they finally found one.

THIRD FRANCHISEE

Did we get any breaks at all, Garth.

GARTH EATON

Not one... We have learned that betraying trust is second nature to government officers. And the dirty tricks department had been cranked up well before the TPC served my wife, myself and our three companies with those federal court applications.

THIRD FRANCHISEE

In total, how many stunts were we subjected to throughout this entire debacle?

GARTH EATON

Stunts?... dirty tricks?... more accurately, blatant criminal acts. I have quickly assessed around, fortyish.

(turning to Terry)

But Terry has been doing his own analysis.

TERRY RICE

If you tally the criminal conduct of the complainant, Van Der Horst, then add the criminal activities of the TPC, now ACCC, and AGS officers... and now the counts of judicial corruption committed by Spender.

(pause)

I have arrived at a preliminary conservative estimate of around triple the forty criminal offences estimated by Garth, and that's because of the number of government officers who were complicit in each criminal act designed to bring this project to a halt.

THIRD FRANCHISEE

(upset)

You mean, to bring Garth to a halt... We're just collateral damage.

Everyone nods as confirmation becomes audible. "That's more like it" and "I'd agree with that" can be heard. The Third Franchisee waits for quiet.

THIRD FRANCHISEE (CONT'D)

OK... But we mustn't forget that all of this damage happened principally because the ACCC, as it became, believed the lies of the complainant. And it was the Dr de Jonge report that alerted them to the fact that they had made a grave mistake. So... Just bury your mistake at whatever the cost to innocent lives... Shocking criminal conduct.

Everyone is noticeably upset as they agree. But Garth has begun to drift again staring into infinity.

TRAUMA FLASHBACK

Garth is listening to the echoing words of those who have so brutally destroyed his life and the lives of his franchisees.

VAN DER HORST V.O.

(loudly, echoing)

I live to break Eaton and Parktec.

LESLEY ZIUKELIS V.O.

(yelling, echoing)

This matter isn't going to go away,
Mr Eaton!.. Do you hear me!

PETER TOY V.O.

(laughing, echoing)

And that's how we stitched up Europark.

JUSTICE SPENDER V.O.

(barking, echoing)

But surely that can't be right, can it!

JUSTICE SPENDER V.O.

(barking, echoing)

That's gotta be the killer blow!

BACK TO HOME OFFICE

Terry notices Garth FLINCHING slightly and again reaches out to Garth's shoulder.

TERRY RICE
(quietly)
Garth.. OK?

Garth snaps out of it just as his wife appears.

GARTH EATON
Sorry... OK, now my beautiful wife has
just caught my attention.

Willy is standing on the top step leading to the lounge and dining area.

GARTH EATON
Did you want to say something, Willy?

WILHELMINA EATON
(warmly)
Hi everyone.

Investors and franchisees also respond warmly. Willy is an exceptionally beautiful 50-year-old woman who is well-known and loved by all.

WILHELMINA EATON
I have just prepared some food in the
lounge-dining area upstairs. There's
also wine for the ladies and scotch and
beer for the men.

FIFTH FRANCHISEE
At the moment, Willy, I think I'll skip
the wine and have scotch. I don't know
that I'm in the mood to play ladies.

The group laughs.

WILHELMINA EATON
(still chuckling)
You're always a lady, Phyllis, no
matter what you drink... I'll pour you
a double.

FIFTH FRANCHISEE

I'm in.

The group begins to walk towards the stairs.

INT. OFFICE OF PRESENTER. BOARDROOM.

The Presenter and Dr Ingrid Svenson are seated at the end of the Boardroom table.

PRESENTER

How many times can a person be betrayed and still maintain mental balance. Firstly, Garth and his group were badly betrayed by their fraudulent inventor... and then that fraud was used by the ACCC to destroy them. Whereas they should have been able to rely on the ACCC to protect them against that fraud. That's a massive betrayal of trust on the part of a government agency. And in Garth's case the betrayal was repeated time and time again. Not to mention the betrayal of their Slovakian manufacturers, Vihorlat Snina. I have our Criminologist and Clinical Psychologist with us, Dr Ingrid Svenson, to discuss the ramifications of betrayal in its many forms.

(now turning to Ingrid)
Your thoughts please, doctor.

DR INGRID SVENSON

The short answer is Legal Abuse. And I will draw on the extensive work done by Dr Karen Huffer. Her term is 'legal abuse syndrome'. She describes it as a sub category of post traumatic stress disorder. People who are subjected to the constant legal violation of their rights will end up suffering badly from legal abuse. They have been emotionally flogged repeatedly over a sustained period by legal practitioners and others within our legal system.

(MORE)

DR INGRID SVENSON (CONT'D)

The Europark investors and franchisees are a prime example of legal abuse. The intervention in their lives by corrupt public servants, most of them lawyers, had been going on for five years before the final series of crippling blows by a suspect Judge. For most of us, that's far too much.

(pause)

Just sitting in a courtroom listening to the lies that systematically destroy the truth and your reputation with it can be an horrific and damaging ordeal. Garth and his group have been subjected to real Star Chamber conduct which I will enlarge on at a later stage.

PRESENTER

Thank you, Dr Svenson. In our next episode we will identify more crimes that were committed against the Europark investors and franchisees. And we will also give some clarity to the Star Chamber events that caused their first suicide. Did I say first?

(pause)

Until next time.

EXT. HOME OF VAN DER HORST. MORNING. MAY 1997.

As the credits begin to roll we see a STOCKY SHORT MAN with a shock of WAVY greying hair being served papers by two plain clothes police officers. They return to their car as the aging man reads and then turns to CHASE the officers as they drive off. The driver is looking in the REAR VISION mirror. We see his POV as the car draws further and further away.

FADE OUT.

THE END