



Mark Smith <mark@marksmith.com>

Fwd: Mohan Kumar

Ralph Paligaru <ralphpaligaru@gmail.com>
To: mark@marksmith.com

28 September 2018 at 16:56

Sent from Ralph's iPhone

Begin forwarded message:

From: John Mahony <john@mahonylaw.com.au>
Date: 28 September 2018 at 4:53:50 pm AEST
To: "ralphpaligaru@gmail.com" <ralphpaligaru@gmail.com>
Subject: Mohan Kumar

Hi Ralph,

I am writing to you as the Attorney and representative in Australia for Mohan Kumar.

As you are aware, on your instructions, and with your daily input, I have been working diligently for and on behalf of Mohan Kumar's interests since August 2017.

I also note that acting for Mr Kumar in relation to these various matters, was also of benefit to you personally.

Since acting for Mr Kumar over the last 13 months, I have incurred legal fees, including Counsel's, in the total sum of \$99,310.54.

In that regard, I **attach** the following:

1. Previous Tax Invoice forwarded on 7 March 2018 in the sum of \$20,567.67; and
2. Previous Tax Invoice forwarded on 3 April 2018 in the sum of \$9,364.35; and
3. Tax Invoice rendered on 28 September 2018 in the sum of \$65,501.02; and
4. Counsel's Tax Invoice previously rendered in the sum of \$3,877.50.

If my instructions in this matter are indeed terminated, then I require payment of the aforementioned sum of \$99,310.54 within seven (7) days, failing which action will be taken against, not only Mr Kumar, but against you personally.

Whilst at all times you were acting as Mr Kumar's Attorney and agent, the nature of the instructions received and the work carried out, in my view, was such that a Court would find you also personally liable for those fees.

You have previously advised that "the Indians will fix things".

Accordingly, the first thing that the "Indians" need to fix therefore, will be my fees.

Without prejudice to the above and otherwise on the other hand, I again offer to you an opportunity for me to assist you to bring this matter to the conclusion that we have been working for, for over the last 12 months.

I do not accept that the traumas suffered by you, are such that you are now forced to withdraw from life totally, especially when that means that you will no doubt lose your house and your family.

Why would you allow this to happen?

We all have difficulties.

As you know, my wife has been ill through both Parkinsons and other mental diseases for a lengthy period of time, but manages to continue on, at least in some respects.

Accordingly, more than most other people, I understand anxiety, stress and depression and I don't take it lightly when I say to you that shutting out the problem will not achieve anything beneficial.

I also do not accept, especially with my knowledge of mental disease, that you are not in a position where you are or should be able to, at the very least, simply instruct me on behalf of Mr Kumar, to complete the job that we set out to finish some 12 months ago.

As you know, the surplus money will shortly be held in trust, or otherwise paid into Court.

Your next step is to instruct me to proceed with the appropriate Court proceedings to obtain what is rightly Kumar's, that is, the balance of the monies outstanding, to the exclusion of all others.

In that regard, I **attach** for your execution on behalf of Kumar, a formal Costs Agreement, which not only acknowledges Kumar's debt to date, but also authorises me to proceed with the appropriate legal proceedings to recover the greater balance, if not the whole of the surplus now "up for grabs".

Please sign same and return it to me, so that I can proceed with the appropriate action which I believe will be successful and in turn save not only your house, but also your future.

I am writing this email to you, not only as your lawyer, but also as your friend and someone who understands not only what you are going through, but also the fact that with a little bit of courage, you can take the appropriate steps to put everything right again.

Kind regards,

John Mahony

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MAHONY LAW: BEGIN WITH THE END IN MIND

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Liability limited by a scheme approved under Professional Standards Legislation.

2 attachments



Tax Invoices referred to in email to Ralph Paligaru of 28 September 2018.pdf

566K



Costs Agreement - Mohan Kumar.pdf

278K