

The Proper Officer
Independent Australia
Donovan Family Trust
PO Box 260
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Matter ref: 1693

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**URGENT, PRIVATE & CONFIDENTIAL,
NOT FOR PUBLICATION**

Copy by email: dgdonovan@independentaustralia.net
Original by post

5 August 2020

Dear Sir

INDEPENDENT AUSTRALIA: REAL ESTATE RESCUE'S DOMINIQUE GRUBISA: THE DAME SELLING DISTRESS

We act for each of Dominique Grubisa (**Ms Grubisa**).

On Wednesday, 5 August 2020, the Donovan Family Trust and David Donovan published on <https://independentaustralia.net> an article titled "*Real Estate Rescues Dominique Grubisa: The dame selling distress*", a copy of which can be found at the URL <https://independentaustralia.net/business/business-display/real-estate-rescues-dominique-grubisa-the-dame-selling-distress,14172#.XynfDizk8IA.facebook> and a copy of which is **enclosed (the Matter Complained Of)**.

The Matter Complained Of identifies Ms Grubisa by name and also contains photographs and footage of her.

The Matter Complained Of conveys highly false and defamatory imputations that have and continue to cause Ms Grubisa significant distress, hurt and damage. These imputations include, but are not necessarily limited to the following:

1. Ms Grubisa is a predator of financially stressed individuals;
2. Ms Grubisa preys on financially distressed individuals;
3. Ms Grubisa profiteers from unethical and immoral sales tactics;
4. Ms Grubisa profiteers from immoral business practices;
5. Ms Grubisa engages in deceptive and fraudulent conduct.
6. Ms Grubisa encourages other individuals to engage in deceptive and fraudulent conduct.



7. There exists grounds for each of the Australian Federal Police, the Australian Securities & Investments Commission and the NSW Law Society to investigate Ms Grubisa and DG Institute.

(the defamatory imputations).

Each of the defamatory imputations conveyed in the Matter Complained Of is false and indefensible. They have been published with the intent of causing our client harm, damage and also personal embarrassment and distress.

Without limiting any further matter that our client will submit if the matter goes to court, we note as follows:

- A. The products and services promoted by our client for and on behalf of DG Institute are not in contravention of any laws or regulations;
- B. The products and courses offered and promoted by DG Institute and Ms Grubisa across a period of some 10 years have not been the subject of any disciplinary action by any of the Australian Securities & Investments Commission, the Australian Federal Police or the NSW Law Society;
- C. DG Institute and Ms Grubisa do not engage in, nor encourage individuals to engage in any misleading and deceptive and/or fraudulent conduct. No claims in misleading and deceptive conduct have been made against Ms Grubisa and she has never been charged or to her knowledge investigated for fraudulent conduct.
- D. The content concerning approaches by customers of DG Institute to financially distressed property owners and the extracts from the course notes have been clearly and intentionally taken out of context and linked with unrelated extracts to give a false impression that our client is predatory and unethical. This is inexcusable and improperly mischaracterises the course notes and evinces an intention to disregard context and truth with a view to presenting our client in the most damaging manner and light.
- E. Our client promotes tested and proven strategies which are designed to assist potential property developers and which can also assist distressed property owners. As set out above, the strategies taught by DG Institute are legal, open and transparent and have not at any time been found to be in contravention of any laws.
- F. Ms Grubisa has never been convicted of any crimes or charged with fraud.
- G. Ms Grubisa denies ever having employed her parents to provide legal advice to her students and clients.

It is not clear to us how and why Queensland solicitor Chris Baker has spent 2,700 hours working pro bono to assist alleged “victims” of Ms Grubisa. Relevantly, Mr Baker is not acting and has not acted as a legal representative of any litigant or claimant in proceedings commenced against either DG Institute or Ms Grubisa and despite his making and encouraging various complaints to regulatory authorities, no disciplinary actions have been taken against Ms Grubisa or DG Institute.

It is alarming that other content concerning Ms Grubisa’s personal circumstances and selected anecdotes delivered to clients and students of DG Institute in a particular setting have similarly been taken out of context and used to

infer that our client is of dubious character. It is our client's position that this has been done with a view to deriding and undermining Ms Grubisa, her reputation and integrity.

We are instructed that at 10:12pm on 4 August 2020, Mr Donovan sent a web-based submission via the contact us page on the website of DG Institute as follows:

*"Dear s Grubisa,
Independent Australia is publishing a story on your distressed property legal advice and associated business activities tomorrow morning and would appreciate your comment, if convenient.
Thanks,
David Donovan
Founder and Director
independentaustralia.net"*

The Matter Complained Of was published at 7:30am on 5 August 2020, being less than 12 hours following the web-based submission. It is absolutely clear from the timing and delivery of the communication from Mr Donovan that it was not in fact intended to constitute a proper communication seeking Ms Grubisa's comment. Such a late "attempt" to contact our client for comment was disingenuous and improper.

Additionally, in circumstances where the allegations set out in the Matter Complained Of were not identified in the communication, it did not put our client on notice of the defamatory imputations intended to be published nor give her a proper opportunity to respond.

Instead, it is clear from the timing of the communication and the publication of the Matter Complained Of that it was sent in order to include the false statement appearing at the foot of the Matter Complained Of as follows:

"Note: Independent Australia contacted Dominique Grubisa about the issues raised in this story, but at the time of publication, had not yet received a response."

This is improper, unjustified conduct that is lacking in bona fides and will give rise a claim for aggravated damages is this matter proceeds to trial.

It follows that Mr Donovan's and the Independent Australian's motive and intent was to damage our client's reputation and smear Ms Grubisa in a serious and harmful manner. This has compounded and aggravated the hurt and damage suffered by Ms Grubisa.

Our client therefore requests that Independent Australian and Mr Donovan immediately:

1. Remove the Matter Complained Of from the internet, including removing it from any other publication or forum on which it has been published and ensure that any caches relating to or concerning the Matter Complained Of are also removed;
2. Cease publishing in any form, the defamatory imputations set out in this letter (or any imputations that do not differ in substance);
3. Agree to publish a retraction and apology in terms acceptable to our client;
4. Agree to provide our client with a written apology in terms acceptable to our client and to be distributed as she sees fit; and

5. Agree to pay our client's legal costs associated with the Matter Complained Of and this correspondence.

In addition to paragraphs 1 to 5 above, our client invites you to make an offer to make amends generally.

Should you fail to comply with the above requests, our client will consider all of their respective options, including the commencement of proceedings for defamation. Our client otherwise reserves all of her rights.

This is a Concerns Notice within the meaning of Part 3, Division 1 of the *Defamation Act 2005 (NSW)*.

We also request that you preserve all research notes, file notes, journalist and photographic or film documents, memoranda, editing notes and any other document in the possession of each of Independent Australia and David Donovan created or relating to any proposed publication or the Matter Complained Of relating to our client.

We also draw your attention to the *Civil Dispute Resolution Act 2011 (Cth)*.

Yours faithfully
Automic Legal



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