

Stephen Cooke <[stephencooke.c@gmail.com](mailto:stephencooke.c@gmail.com)>

---

**FW: Cooke & Cooke**

16 messages

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**Samantha Miller** <[samantha@claritylawyers.com.au](mailto:samantha@claritylawyers.com.au)>

Fri, Dec 1, 2023 at 10:50 AM

To: Stephen Cooke <[stephencooke.c@gmail.com](mailto:stephencooke.c@gmail.com)>

Dear Stephen,

I really don't want to have to be forwarding the attached letter received at 5pm today. Heather is taking a very combative approach. If the children are taken and not returned on Monday I think we need to consider whether an urgent recovery order is justified. Heather has shown her hand and it seems to be that she says you are showing too much emotion around the children and exposing them to the conflict. Please try very hard to shield the children so that this accusation cannot be made and will not be backed up by things the children might say to a child expert in the future. Obviously your claim that the children are at risk of physical and emotional harm in Heather's care is higher.

The suggestion that Heather was somehow working long hours yet still the primary carer is ludicrous, as is the suggestion that you simply go and get a job tomorrow. Notably Heather has not confirmed that she will still be responsible for all outgoings. We may require an urgent spousal maintenance application as well.

If you have the opportunity over the weekend please do complete the financial statement about your income needs, and provide detailed chronology of the relevant events both parenting and financial. On the property side, please detail what the situation was prior to separation and what Heather has done since. On the parenting, please detail the role you have played in the lives of the children since birth along with the role Heather has played and the incidents which have caused you concern. This information will form part of your affidavit if the children are not returned on Monday.

I would ideally still like to resolve this outside of the court, so, depending on how the weekend goes we might try and get you into mediation ASAP instead.

I am so sorry that this is going to likely ruin your weekend. I wish it were otherwise.

Yours faithfully,

**Samantha Miller** | Director and Principal Solicitor

Office: 4023 5553

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**From:** Anna Roberts <[aroberts@delaneyroberts.com.au](mailto:aroberts@delaneyroberts.com.au)>  
**Sent:** Friday, December 1, 2023 4:59 PM  
**To:** Samantha Miller <[samantha@claritylawyers.com.au](mailto:samantha@claritylawyers.com.au)>  
**Cc:** Olivia Shedden <[oshedden@delaneyroberts.com.au](mailto:oshedden@delaneyroberts.com.au)>  
**Subject:** Cooke & Cooke

Dear Colleagues

We refer to the above matter and **attach** our correspondence of today's date for your attention.

Yours faithfully

**ANNA ROBERTS**

**Director, Solicitor & Family Dispute Resolution Practitioner**  
**BComn LLB GradDipLegPracM.AppLaw (Family Law) Grad Dip (FDRP)**



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**2 attachments**

 **01.12.23 Requested Disclosure Documents.pdf**  
114K

 **01.12.23 LTOS re parenting, property, SM, litigation funding and disclosure.pdf**  
220K

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**Stephen Cooke** <stephencooke.c@gmail.com>  
To: cooke.neill@gmail.com

Fri, Dec 1, 2023 at 11:28 AM

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**8 attachments**

 **DELANEY ROBERTS** **image001.png**  
SPECIALIST FAMILY LAWYERS 17K

 **Clarity** **image002.jpg**  
LAWYERS Focus on Family Law 11K

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 **01.12.23 Requested Disclosure Documents.pdf**  
114K

 **01.12.23 LTOS re parenting, property, SM, litigation funding and disclosure.pdf**  
220K

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**Stephen Cooke** <stephencooke.c@gmail.com>  
To: Samantha Miller <samantha@claritylawyers.com.au>

Sat, Dec 2, 2023 at 12:25 AM

Hi Samantha,

Are you available for a call? I'm working tirelessly on this. And I've started to put up the Christmas tree this morning.

Heather has just advised me that she is moving the kids out of our home today. She has said because she does not feel they are safe.

Stephen Cooke  
[Quoted text hidden]

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**6 attachments**



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Stephen Cooke <stephencooke.c@gmail.com>  
To: Samantha Miller <samantha@claritylawyers.com.au>

Sat, Dec 2, 2023 at 12:26 AM

I asked her where she is taking them, she advised that does not matter as long as they are safe

On Fri, 1 Dec 2023, 5:50 pm Samantha Miller, <samantha@claritylawyers.com.au> wrote:

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6 attachments



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**Samantha Miller** <samantha@claritylawyers.com.au>  
To: Stephen Cooke <stephencooke.c@gmail.com>

Sat, Dec 2, 2023 at 12:36 AM

I'm sorry, I'm with family and can't talk today, I suspected the timing of the letter, being 5pm yesterday was deliberate. I will draft a letter indicating that you will be bringing an urgent recovery application if she prevents you collecting the children from school on Monday. She has not detailed any "safety concerns" which justify this action. Please briefly set out all actions and conversations you have had with Heather about the care of the children.

Today I ask that you make it very clear you do not consent to the children leaving the home permanently. Do your best not to expose the children to the conflict but make it very clear you do not consent and you will bring an urgent application. Let her know you also have concerns for the children's safety which will be ventilated at Court. What has she said to the children and how are they?

[Quoted text hidden]

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**Stephen Cooke** <stephencooke.c@gmail.com>  
To: Samantha Miller <samantha@claritylawyers.com.au>

Sat, Dec 2, 2023 at 12:52 AM

I have emailed and sent via signal below to Heather.

I do not consent to the children leaving the home permanently. My solicitor will be putting forward an urgent recovery application if you do. I have concerns for the children's safety which will be ventilated at Court.

[Quoted text hidden]

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**4 attachments**



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**Samantha Miller** <samantha@claritylawyers.com.au>  
To: Stephen Cooke <stephencooke.c@gmail.com>

Sat, Dec 2, 2023 at 1:02 AM

Thanks Stephen,

I think that's all you can do just let her know that you expect them back at 5pm on Sunday as per our letter. If she takes them, refuses to tell you where she is, and does not return them or deliver them to school on Monday I feel she is shooting herself in the foot and may have restricted time with the children following an application if necessary. Please detail the events where she has harmed the children or lost her temper in your draft affidavit.

Try to think of this as a bad few days but ultimately I believe it will assist you that she has taken this step without following due process. We proposed mediation if no agreement and she has simply taken unilateral action.

Please note that the above is all on the basis that the risks to the children in your care that Heather is alleging are not made out.

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**From:** Anna Roberts <[aroberts@delaneyroberts.com.au](mailto:aroberts@delaneyroberts.com.au)>

**Sent:** Friday, December 1, 2023 4:59 PM

**To:** Samantha Miller <[samantha@claritylawyers.com.au](mailto:samantha@claritylawyers.com.au)>

**Cc:** Olivia Shedden <[oshedden@delaneyroberts.com.au](mailto:oshedden@delaneyroberts.com.au)>

**Subject:** Cooke & Cooke

Dear Colleagues

We refer to the above matter and **attach** our correspondence of today's date for your attention.

Yours faithfully

**ANNA ROBERTS**

**Director, Solicitor & Family Dispute Resolution Practitioner**  
**BComn LLB GradDipLegPracM.AppLaw (Family Law) Grad Dip (FDRP)**

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**Stephen Cooke** <stephencooke.c@gmail.com>  
To: cooke.neill@gmail.com

Sat, Dec 2, 2023 at 1:20 AM

----- Forwarded message -----

From: **Samantha Miller** <samantha@claritylawyers.com.au>  
Date: Sat, 2 Dec 2023, 8:02 am  
Subject: RE: FW: Cooke & Cooke  
To: Stephen Cooke <stephencooke.c@gmail.com>

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**Stephen Cooke** <stephencooke.c@gmail.com>  
To: Samantha Miller <samantha@claritylawyers.com.au>

Sat, Dec 2, 2023 at 1:31 AM

She advised this morning the reason as to why I she feels unsafe is because I'm disappearing for hours at a time.

I suppose she is referring to last night. She had come home and I told her I was leaving to fetch garbage bags for our wast bin. While I was out, I discovered your email and it took me time to process, I calld my parents. A couple of hrs had passed in this time. When I arrived home, Heather had both kids in our bed putting them to sleep. Joshua was still up and I apologized for not being home in the evening.

I did however prepare dinner for the kids per usual before Heather arrived home, chicken schnitzel, chips and beans.

So I need to communicate to her in writing that sheet needs to bring them home on Sunday per the terms of our letter?

Kind regards,

Stephen Cooke

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## 2 attachments



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**Samantha Miller** <samantha@claritylawyers.com.au>

Sat, Dec 2, 2023 at 1:38 AM

To: Stephen Cooke <stephencooke.c@gmail.com>

That's weird. She's the one that wants to end the marriage and is concerned when you spend time away? I think you simply say you're sorry if that was out of character for you and disconcerting. But while you were out last night you received the letter from her lawyer and were conscious that she had raised concerns regarding your emotions around the children so you stayed away to process your feelings for a little longer. Let her know that this is not the right way to go about things and you would prefer that the children stay in the home until mediation has been attended.

In your draft affidavit please do detail things like this conversation and the role you take in the home.

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Level 4, T&G Building, [45 Hunter Street, Newcastle NSW](#)

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**Stephen Cooke** <stephencooke.c@gmail.com>  
To: Samantha Miller <samantha@claritylawyers.com.au>

Sat, Dec 2, 2023 at 1:50 AM

Thank you.

Is there a template to follow for an affidavit? How long should it be? Does it outline all events including the gameplay that was created behind closed door meeting that excluded me.

Regarding my tax returns. Heather has managed all finances. She has had her tax advisor Simon at Walsh. He has done my taxes but I provided minimal input. I'm not even sure what the investment "Praemium" is about under my name for 150k. Also, I believe it is setup for withdrawal of 5k per month which I believe at the moment is no longer happening.

I have never talked to Simon and I do not trust to speak with now either because he drafted the document at Heather's direction to pledge everything to Heather 100%

Stephen

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#### 4 attachments



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**image001.jpg**  
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**Samantha Miller** <samantha@claritylawyers.com.au>  
To: Stephen Cooke <stephencooke.c@gmail.com>

Sat, Dec 2, 2023 at 2:05 AM

When I'm back in front of my computer I'll sent a precedent type structure for you. Essentially I think a brief run down of events that lead to separation, incidents regarding kids safety, financial steps taken by Heather and recent conversations and actions re the children.

Ten pages, double spaced max. We will annex our letter to her and the response received along with the account balances at a minimum.

Yours faithfully,  
Samantha Miller | Director and Principal Solicitor  
BSC, LLB, Master of Applied Law (Family Law)

Office: (02) 4023 5553

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**From:** Stephen Cooke <[stephencooke.c@gmail.com](mailto:stephencooke.c@gmail.com)>

**Sent:** Saturday, December 2, 2023 8:50:52 AM

[Quoted text hidden]

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**Stephen Cooke** <[stephencooke.c@gmail.com](mailto:stephencooke.c@gmail.com)>

Sat, Dec 2, 2023 at 2:36 AM

To: Samantha Miller <[samantha@claritylawyers.com.au](mailto:samantha@claritylawyers.com.au)>

Hi Samantha,

The kids are happy ATM. I told Heather I had to go to the shop at the moment. I dont believe she plans on returning.

I went to my Pharmacist and spoke with him. He's given me heis personal email. He vaguely knows without me having gone into too much detail what is going on. He has suggested perhaps you can provide home with a stat Dec for him to complete, he's offered to go on record to say that I am the one who manages the medication/ prescriptions for our family.

Heather has had the kids setup at the dr office under her name despite me being the one who arranges/takes them to their Dr. appointments

Stephen Cooke

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1858K

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**Stephen Cooke** <stephencooke.c@gmail.com>

Sat, Dec 2, 2023 at 2:43 AM

To: Samantha Miller &lt;samantha@claritylawyers.com.au&gt;

Brutal...I just arrived home but Conti used to drive by the house because her sister arrived with her boyfriend with boxes to move Heather and the kids out.

[Quoted text hidden]

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**Stephen Cooke** <stephencooke.c@gmail.com>

Sat, Dec 2, 2023 at 3:09 AM

To: Samantha Miller &lt;samantha@claritylawyers.com.au&gt;

I've called the police Samantha. I'm concerned they are removing property such as my laptop. They have arrived with a big truck. A gentleman I have never met. Her sister and brother.

[Quoted text hidden]

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**Samantha Miller** <samantha@claritylawyers.com.au>

Sat, Dec 2, 2023 at 3:21 AM

To: Stephen Cooke &lt;stephencooke.c@gmail.com&gt;

Oh I'm sorry it's escalated to that. Show the police our correspondence if it helps and the response received. Point out there is no agreement and you proposed mediation in this situation and she is taking unilateral action which is going to result in urgent court applications.

Protect the children from being exposed to this, remove them from the home or distract them as best you can. If they have any nearby friends see if they can hang out there on a "playdate" for a bit or if you don't have the kids then there's not much you can do.

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