

Appendix (F)

Glen Williams

From: Glen Williams [fit.fix007@gmail.com]
Sent: Tuesday, 27 March 2007 9:57 a.m.
To: Glen Williams
Subject: Fwd: Disputes Hearing 2006-085-001490

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

From: Glen Williams <fit.fix007@gmail.com>
Date: Mar 27, 2007 9:54 AM
Subject: Re: Disputes Hearing 2006-085-001490
To: Richard Upton <Richard@mackinnonassoc.co.nz>

Hi,

Thank you for supplying me with the documents.

As discussed previously, if you provide me with reasonable grounds to believe that you took reasonable care and skill then I will not pursue the case. Following on from this, and in the order they come up in your statement of facts:

1. You state that as The Patter is not the organiser of the event – could you please supply me with the task and responsibilities that The Patter is contracted to provide.
2. You provide a large number of references to the weather, including statistics about it likelihood. Could you please provide me with the sources of this information and the weather reports that you obtained on the day (Wellington MET service will have them but have declined to provide them to me).
3. You state that the race rules say that you cannot hold a 90km bike leg followed by the full marathon. I have been unable to find reference to this; this is a very important aspect of my case and knowledge of this would have had a great impact in me pursuing compensation. Please provide me with a reference source to this rule.
4. You mention that the timing system had to be reconfigured and a traffic management plan prepared and signed off. Neither of these things is included in the contingency plan you provided me. Please provide me with the full plan including all tasks and resources required, and those responsible to doing those tasks.
5. I have discussed it with other and we did not see any less prominent sites to get food and thought there was only one tent available. What was your communications plan to inform participants on what was available?
6. None of your documents are dated or have version numbers; this leads me to assume they are not the original documents (as they would create organisational problems in most businesses). Please provide me with your source documentation which includes this information – my fax number is 049144643. Please forward me a copy of the original email sent to competitors – I don't believe I received a copy (and neither does my brother).

Please note that I have asked for the kind of evidence requested above on a number of occasions. Provision of some or all of this information could lead to the dropping of my claim, as discussed with Richard Upton (for The Patter).

I am hoping to get a couple of pieces of evidence based on what you sent me yesterday. Unfortunately, because of the late receipt of your documents I may not be able to obtain them or

provide them to you before the case.

Finally, I have a couple of documents to submit to you. I received the email yesterday. It isn't pivotal to my case and I have discussed the subject matter that it affirms previously with Richard Upton (for The Patter).

Regards,

Glen Williams

On 3/26/07, **Richard Upton** <Richard@mackinnonassoc.co.nz> wrote:
Terry/ Raewyn

Please find attached the Patter's summary of events, relating to the hearing that is scheduled for this Weds. Please also note that, as per the check list sent to you in February, our client is based in Auckland and will be attending the hearing by phone. Can you please advise on where she should be for this to occur - obviously the Courts in Albert St would be preferable.

Also, please accept our apologies for the late submission of these documents. Please note however that, as far as I am aware, all of these supporting documents have already been submitted by Mr Williams. The exception to this is the three emails attached, which are in support of our client's application for costs against Mr Williams.

This email is copied to Mr Williams. It has also been sent separately to IMG. Mr Williams has agreed with me verbally that the statement is sent to him on the basis that it attracts strict confidentiality, as do the supporting documents.

Please call me if there are any questions/issues.

Richard

Richard Upton/ Senior Associate/ Mackinnon & Associates

Barristers & Solicitors

DDI:(09) 636 5823/ fax: (09) 636 5825/ mob: (021) 533328

PO Box 8729, Symonds St, Auckland.

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said they got the TT round the wrong way. Out on the run the tail-end runners, most of them women, where out there till god nows when with very little support! Don't get me wrong some of the women where kicking arse but a lot were finding it pretty hard. They should have sent the age-groupers first.

I did notice at the finish that the recovery tent was a mess. I know they had to drop the marque due to the bloody thing nearly blowing away but to try and put all those people into that small tent was a joke. There was no room to swing a cat! People passing out all over the place. Madness. I just hope that the reason for so many people colapsing was due to the amount of effort put in on the day and not thru lack of training as for most this was pretty much a training distance. If your from Wellington then the wind was about normal as well.

I don't really like to complain so I'll finish by saying well done to all of you who got out there and raced in those conditions. They were pretty tough and it was HOT!! It was nice to see a lot of you still smiling on the run course. Hope there is not too many people put off by what happened as when you get to do Ironman NZ you'll never forget it. Then again I guess you'll never forget this one either. I told my mate who was a first-timer that atleast he's got another years base for 2007 and he got to do the Weet-bix Ironman on the way.

Title: **Re: Another Debacle**
Post by: **JC** on **08 Mar 2006, 07:55:25 AM**

I'm going to jump in here in reponse to the multi-sporters (and multisport organisers) are tough/ triathlons are soft comments...

Last weekend as well as Ironman Moehau Man was run. In the race regs and website it stated that there was a 3pm cut-off for starting the ocean kayak leg. Understandable as you dont want people out in the Pacific Ocean after dark - however, at the race briefing the organisers advised that they were going to bring the cut - off forward an hour to 2pm - not due to weather concerns, but because if you didn't get to the paddle before 2 you might not get off the water until 5 and to the finish until 7 and they wanted to be able to send their officials home.

To give you an idea of how tough it would be to make the cut-off - only 3 women (1/2 the womens field) did.

I accept that organisers can set cut-offs but to change the time after people had paid for and trevilled to the race is wrong. There was no safety reason for making this change - the sea was flat on the east coast on Saturday. I (and many other competitors) were extremely disapointed at having our abikility to complete the event (with an official time) taken away from us - we are not all hares - multisport has many tortoises who are just there to finish the day but will never be in the elite category. Sure - the cut-off might be something to aim for next year - but whose to say it wont be lowered again...

Title: **Re: The Ironman Debacle**
Post by: **threat** on **08 Mar 2006, 08:55:18 AM**

Lets get some clarity into this discussion. Speaking as a long time competitor at IM in NZ and overseas as well as an organiser of races here in NZ.

Title: **Re: The Ironman Debacle**

Post by: **Old Timer** on **08 Mar 2006, 10:25:37 AM**

My last word on this (I promise!)

"Threat" above - an experienced IM competitor - analyses it all very well - hear hear.

Running around on Sat am like a blue assed fly is not a contingency plan. Immediately switching the Kepler Challenge to an out and back run up the Iris Burn is a contingency plan - known in advance, well understood, still a good challenge.

Ms Patterson - please reflect on this.

Title: **Re: The Ironman Debacle**

Post by: **SV** on **08 Mar 2006, 11:07:35 AM**

The "Debacle" debate could be resolved very easily by IMNZ opening the books and publishing the IMNZ Contingency Plan.

I'm sure all event promoters would learn from this document, potentially saving lives in the future.

To read through the list of potential issues and risks, the likelihood, impact & mitigation would be an immense benefit to all.

Personally I like the chapter covering decision trees as this provides a good insight into what decisions need to be made when, dependencies, benefits, impacts and timeframes involved.

I'm sure the IMNZ log (an event manager's version of a captains log) of the days events would make interesting reading. What issues arose, what was the input (who said what) and the rationale around the decisions made. (Usually one of the first places the government agency reference when things do go really wrong).

All of these must have been present and up to date as all the officials at the competitor, media & elite briefings were singing from the same choir book.

Title: **Re: The Ironman Debacle**

Post by: **Macgyver** on **08 Mar 2006, 11:13:16 AM**

Paddy you are correct there is more lycra and saved legs, maybe I'm getting soft and don't know it yet! Really just added the comment on an otherwise dull Tuesday to stir things up a bit, the discussion has become quite sanitised since the new login scheme. Horses for courses really IM and multisport both have pros/cons and are as tough as you push it I suppose.

On JC's comment's I did the "little" moehau was not affected by cutoff's but thought it was a bit rough changing it on the day before, I feel anyone that prepares for a race reads the website/entry makes a call about ability to make cutoffs based on the information provided and enters accordingly, changing it the day before is just plain unfair. It is the third year of doing that race and this year there seemed to be so many changes on the Firday registration/briefing/cutoffs/backup legs it was not funny. The first kayak

was threatened and the plan was to do a bike to Waitete for the "little" race, this is all tarseal and the question was asked can we use any bike? the answer Yes! Most people would not have been packing a road bike as all legs were MTB but anyone that did would have had a huge advantage, again just a little more thought on the contingency would have gone a long way.

Title: **Re: The Ironman Debacle**
Post by: **Bones** on **08 Mar 2006, 11:44:29 AM**

Was also a supporter over the weekend and just wanted to say as a supporter I felt just as lost and sad over what happened.

Last year was my first experience of an IM event and this would be the first event I have been to which has made me so inspired to attempt this event in 2007. Being at the finish line (2005) for the last few was a magical moment.

I agree, an early decision for both entrants and supporters would of kept the event alive and motivated.

It is all very sad for all, just sad.

Title: **Re: The Ironman Debacle**
Post by: **paddy** on **08 Mar 2006, 12:26:25 PM**

Hey Macgyver I was replying in the spirit intended, the winking emoticaon didn't work!! ;D

Title: **Re: The Ironman Debacle**
Post by: **shwaa** on **08 Mar 2006, 12:29:09 PM**

Hi,

I thought I would share with you the letter I will be sending to Ironman NZ and the worldwide head office. I have also been told that the army are releasing a press statement this week as they are gutted with the comments made during the event which indicated they were not available.

Letter:

As I look back on the Taupo Ironman weekend recently there were many positives from the weekend as well as many negatives. The build up to the Ironman was exceptional from an administration viewpoint, as was the commitment and complete dedication from the volunteers.

Ironman is regarded as one of the toughest and most professionally run events in New Zealand and the world, offering a true test to an individual's mental and physical strength. I took on the challenge of Ironman after many years' building myself to this goal, and I would like to express my extreme disappointment at my first Ironman experience. The crisis that occurred on Saturday 4 March was one that I believe is due to poor event management and administration, which absolutely could have and should have been avoided.

Taking emotion out of last weekend's race I am amazed at the decision that was made on behalf of the athletes. Fundamental event management involves contingency plans that are given the same level of detail and forward planning as your master plan. You communicated to us why

Sportzhub Newsgroups

Sports Discussions => Triathlon & Ironman => Topic started by: fit.fix on 16 Feb 2007, 10:21:44 AM

Title: **WTC and IMNZ - i think I need HELP**
Post by: **fit.fix on 16 Feb 2007, 10:21:44 AM**

Dear Glenn

As you'll know I am the President of Ironman (AKA the World Triathlon Corporation) who are the governing organization for Ironman Worldwide. As such, we have ultimate control over the running of Ironman events internationally, including Taupo Ironman. I am aware that you have brought proceedings in New Zealand against both The Patter Ltd and previous owners International Management Group regarding the running of the 2006 Taupo Ironman. As I am sure you understand that event was altered because of the threat to the safety of both participants and volunteers posed by the weather. The event was then run in the most appropriate manner given the conditions. For what it is worth you should be aware that the running of that event has been subject to considerable subsequent discussion and review and, in the circumstances, WTC remains entirely comfortable with the manner in which it was run.

While it is extremely disappointing that this is occurring, I recognize that it is your prerogative to sue these groups if you wish. However, in discussion with the other directors of Ironman about this, we firmly believe that this brings into question your suitability to remain involved in Ironman events in the future. The reason for that is that the organizers of these events must have the ability to run the event as conditions dictate and in a manner that provides the highest degree of safety to everyone involved. Knowing that such decisions may result in court action against them from you may pressure event organizers into making decisions that are taking into account one litigious athlete, versus the safety of ALL participants. A race director does not make decisions based upon the medium athlete, a race director makes decisions for all athletes, most importantly, the weakest ones. In other words, your litigious conduct compromises the ability of these people to run events properly and safely. A second concern of ours is that we intend to run future events consistently with this previous model. There is no point in you participating in one of our events if you believe they are unfairly run. Based on this, Ironman is considering whether it is appropriate to withdraw our invitation for you to compete in Ironman events until, at least, after those proceedings are resolved.

While we have the discretion to take such a step, we realize that imposing such a ban is a serious step. Based on this, before we make a decision, I would be interested in obtaining your views on this proposal. I will then discuss this with the other directors and revert back to you with our decision. Obviously if your invitation to compete is revoked, then we will ensure that your entry fees for the 2007 race are refunded.

Given the importance of this matter I would appreciate hearing from you within three days of receipt of this email.

Ben Fertic

President

Title: **Re: WTC and IMNZ - i think I need HELP**
Post by: **fit.fix** on **16 Feb 2007, 10:23:06 AM**

Dear Glen

I was surprised to read your comment about the proceedings that "I suppose we are stuck in this now". That is not my view at all. I have to defend these proceedings simply because you are progressing them and also because you've made it clear you want to publish any result you consider favourable to you. I still firmly believe that your claim is wrong so I have defend it in order to protect my reputation. However, although I'm very disappointed by your public comments, if you wish to withdraw your claim then I'm certainly willing to let matters rest. Personally, I would have thought that we both have more important things to focus on as we both prepare for our involvement in Taupo 2007. With that in mind, I confirm that I would happily walk away from this and will not take matters further if you are of the same view.

In your note below you mention me apologising for what occurred. I suppose all I can say is that I remain incredibly sympathetic for the way that decisions made on that day impacted on you, on other competitors and indeed on others involved in support roles. I should also say that those decisions have also had an impact on others who do not compete – the management team, volunteers, Taupo retailers, sponsors and also on me personally. Many of us have come for a huge amount of personal attacks, for making a decision we firmly believe (and still believe) was in their best interests overall. We all regret the impact that decisions made have had on everyone and particularly the competitors who were unable to compete in the event that they had trained so incredibly hard for.

However, at the end of the day, everybody involved in those decisions still believes them to have been right. If you do wish to withdraw the claim then please let me know and I will talk to my lawyers about how we do this.

Regards

Jane Patterson

DIRECTOR

Title: **Re: WTC and IMNZ - i think I need HELP**
Post by: **fit.fix** on **16 Feb 2007, 10:23:59 AM**

Dear Glen

The contents of your email have been considered. It seems highly unusual that you would suggest that the 2006 event has been run without sufficient skill or care and would remain prepared to enter into future events which you know will be run under the same conditions.

We don't agree that this is an issue of free speech at all. You're entitled to bring the proceedings if you wish to. While that is disappointing, that is your right. However, when that has the potential to impact on the safe running of future events for you and for other participants, then this is an entirely different matter. It is something that we must act upon. Based on that, and the reasons outlined in my last note, Ironman's view is that having

someone who is suing us involved in future Ironman events has the potential to compromise the safe running of our events. That's because we must have decisions made in the interests of all participants, rather than based on the views of one litigious athlete. It occurs to me that this action is much more representative of an American and not a Kiwi.

Nevertheless, based on this, and after considering your views, we are hereby revoking our invitation to have you compete in any event controlled by Ironman, including the Taupo 2007 Ironman event. Once these proceedings are resolved one way or the other, this decision will be reviewed. One other small point, Ironman has banned no other athletes from global participation, other than ones who are banned due to WADA issues.

We will arrange to have your entry fees that you may have already paid refunded. I should also point out that we will not engage in further correspondence about this decision or the events surrounding it.

Regards

Ben Fertic

Ironman

President

Title: **Re: WTC and IMNZ - i think I need HELP**

Post by: **fit.fix** on **16 Feb 2007, 10:24:58 AM**

Glen

We understand that you have posted copies of the proceedings that you have filed against our client on the internet. In our view, this conduct is unlawful. Please have it removed immediately.

In relation to these proceedings, an application for costs will be made under section 43(2) of the Disputes Tribunal Act.

Please do not email or correspond with Jane or the Patter Ltd anymore. Rather, if there is any further correspondence then must be solely directed to our offices via this email address or the contacts below. However, as you will be aware, any such correspondence may not be responded to.

Yours sincerely

Richard Upton/ Senior Associate/ Mackinnon & Associates

glen Williams

From: glen Williams [glen.williams@mrinz.ac.nz]
Sent: Wednesday, 13 December 2006 09:42
To: 'Don.MacKinnon@mackinnonassoc.co.nz'; 'thepatter@xtra.co.nz'; 'justine.lai@imgworld.com'
Subject: Ironman 2006 compensation dispute
Importance: High

Hi,

I have done some more research into the NZ disputes tribunal. It appears that you can only appeal against a decision if there is bias on the part of the mediator or new information is found (which was reasonably unavailable before the case). This is true even if the tribunal decision was wrong (in respect to the law).

Please supply me with your contingency plan and a description of how it was followed on the day. This information is required by me for my case (and by you to defend the case). If you only get it at the disputes tribunal and I lose the case then I will be appealing on the grounds that this new information was unavailable to me when the dispute was first heard.

Supplying this to me now will save you both time and money. I decide on reviewing the information that you showed due diligence and skill then I will not continue to pursue compensation.

Regards,

Glen Williams

investigator

MEDICAL RESEARCH INSTITUTE OF NEW ZEALAND

Wk 04 920 8868

Mb 021 348 349

glen Williams

From: glen Williams [glen.williams@mrinz.ac.nz]
Sent: Tuesday, 12 December 2006 17:42
To: 'justine.lai@imgworld.com'
Cc: 'Jane Patterson'; 'Don.MacKinnon@mackinnonassoc.co.nz'
Subject: Ironman NZ 2006 - seeking compensation or explanation
Importance: High

Hi,

As you can see from the correspondence below - I am going likely to be starting legal proceeding against The Patter and your company. I believe the the running and management of the Ironman in Taupo this year was in breach of both fairness and New Zealand law. I have obtained the weather reports from the day and are in the process of obtaining the contingency plans submitted to WTC.

If it appears that there was not reasonable care and skill in the planning and execution of the event (or I cannot obtain the information required to assess that claim) then I will be seeking compensation from both you and The Patter (both solely and jointly). If I can't gain compensation (please read the attached correspondence with Jane Patterson) then I am happy to use the New Zealand Disputes Tribunal to mediate a solution.

I have written my claim and will be submitting it later this week - (assuming you don't want to deal with the situation directly with me).

Regards,

Glen Williams
+64 21 348 349

-----Original Message-----

From: glen Williams [mailto:glen.williams@mrinz.ac.nz]
Sent: Tuesday, 12 December 2006 5:16 p.m.
To: 'blair@ironman.com'; 'jessica@ironman.com'
Cc: 'ben@ironman.com'; 'Don.MacKinnon@mackinnonassoc.co.nz'; 'Jane Patterson'
Subject: FW: IronmanNZ 2006
Importance: High

Hi,

I'm am about to start legal proceedings against the owners and organisers of Ironman NZ.

As I'm sure you are aware it appeared to the participants (me included) that either their was no contingency plan in place, the contingency plan was faulty, or the contingency plan was incorrectly executed.

Even New Zealand Ironman legend Cameron Brown is quote in NZ Multisport Magazine as saying

"... If a decision had been made much earlier (after all they knew the day before there was a high possibility of this happening), would they have gone with the 180km bike and 42km marathon?..."

A lack of contingency plans may not be the cause - Jane Patterson (the event director) suggested I contact you for verification of the plans she sent you. Could you please provide me with a copy of what you received from her. I have forwarded you a copy of the email she sent me regarding this (see below).

I have sourced the weather reports obtained that day and the preceding 4 days (from the Kelburn Met service), and understanding how they correspond to contingency planning would be great. I am currently under the opinion that the marathon should have been completed and that provision of massage and food after the event was also sub-standard (two massage tables for 1400 people, and very little food).

Please note that this information may halt legal proceedings if I am convinced that the organisers performed their duties (as specified under the NZ consumer guarantees act) with reasonable care and skill. Unfortunately to date they I have no way of evaluating that claim - these proceedings will give many of us a kind of closure (and may improve the quality of future events).

I love the Ironman event, will continue to participate and just want it to get better (preferable before the 2007 event). Unfortunately not everyone has the bug yet - 2006 was my brother's first attempt and he is so disheartened enough that he is not attempting it again.

Regards,

Glen Williams

Hi Jane,

Thankyou for your long-winded reply - I feel I should exercise the same courtesy.

I believe that there is law in which to base my claim (especially, but not solely, within the consumers guarantee act) - and I do have lawyers in my family - my costs will be minimal - the \$30 to lay the claim :-)

Please note a few things:

- 1) You cannot claim any cost associate with legal fees or attending the hearing - this is written into the Disputes Tribunal Act 1988.
- 2) If you lose the case, and there is a good chance you will, that will set a precedent. Paying me out with a non-disclosure clause would stop this from happening. But then I'd much rather do the right thing and get it out in the open - thank you for keeping me morally correct.
- 3) You can argue that a decision will make running an event difficult - this could be taken

into account in the

fairness of a decision (probably a good thing for you), but I will be arguing that difficulty should be second

to the consumers guarantee act (difficulty does not preclude our rights to expecting the best event

reasonably expected under the circumstances - I will be arguing that your apparent lack of a preparation of

alternative was unfair, and ... lets not give the whole game away now - have plenty of advice and research to collect).

4) Since this case is going the whole hog - I will probably advertise in multisport forums for help from other

effected people. As I'm sure you are aware most Ironman contestants are professionals, and after putting

hundreds of hours into training for 2006, may be willing to put in an hour or two for the cause.

Unfortunately Jane my situation at present requires that I enter your event for 1 last time - but will be doing an

overseas Ironman later in 2007 and will continue to do them overseas from then on. I just didn't have time to organise on this year - I assumed that Ironman NZ, The Patter, Etc would have done the right thing.

I was wrong - but am looking forward to my day in court. I hope you are too.

Regards,
Glen

-----Original Message-----

From: Jane Patterson [mailto:thepatter@xtra.co.nz]

Sent: Friday, 8 December 2006 8:34 a.m.

To: glen.williams@mrinz.ac.nz

Subject: RE: IronmanNZ 2006

Dear Glen

I understand that you are disappointed about our decision to change the Ironman last year. That disappointment was shared by the participants and the event organisers. However, to me, that disappointment will be added to if you do progress this matter to the Dispute Tribunal. As I've explained, the management team made a decision last year about the Ironman based on concerns about the safety of our participants. At the end of the day, the managers of events like this are just that - managers. We must have the ability to alter or, potentially, even cancel the event if conditions and safety considerations dictate that this must occur. As you'll appreciate, any decision like that is not reached quickly or easily. It involves extensive deliberations which includes discussing our contingencies with the Met office. We recognise that any decision made to change the event in any way will effect the participants, so obviously we aim to minimise that as much as possible. However, at the end of the day, safety is paramount and, thankfully, very rarely, the Ironman does have to be changed because of this.

It seems to me that you are essentially challenging the ability of event organisers to make decisions such as this. That discretion must continue to exist. Certainly, if it did not, then all of those involved in organising events such as Ironman would be exposing themselves to significant liability. This means that this case is of fundamental importance to me and everyone else who has some involvement in Ironman. Because of this, we will not agree to settling this matter outside of the Tribunal, as that would be unfair to all the other participants from last years event. It would also expose us to a worrying precedent. Rather, we will have no option but to

defend any proceedings - frankly, we believe that the practicalities of organising the event mean that we must.

I've discussed this with my lawyers. They tell me that the Disputes Tribunal is not governed solely by 'fairness' as you suggest - it is an informal court, governed by established legal principles. They are of the firm view that your claim is entirely lacking in merit, whether it is based on fairness or law. I hope that you get legal advice of your own so that you do not end up progressing a claim that seems to be designed to 'get back' at the event organisers. If you do progress this, then we'll obviously be seeking our costs. That would include any costs associated with having to attend the hearing.

Glen, I believe that our position this is now clear and that debating the situation further will just increase frustration, presumably at both ends. We'd obviously be disappointed in you progressing this 9 months after the event and when you're already enrolled in next year's Ironman New Zealand. I should point out though, that future events will be run consistently with the 2006 Ironman. If you don't agree with how it was run, then perhaps you may want to reconsider your enrolment in that event.

I see little benefit in corresponding further about this and request that any further correspondence is sent to my lawyer. His address is Don Mackinnon, Mackinnon & Associates, PO Box 8729, Symonds St, Auckland.

Regards

Jane Patterson

Director

The Patter Ltd

From: glen Williams [mailto:glen.williams@mrinz.ac.nz]

Sent: 6 December 2006 12:13 p.m.

To: 'Jane Patterson'

Subject: RE: IronmanNZ 2006

Importance: High

Hi Jane,

Thankyou for the IMG contact details.

I will be laying a claim against both IMG and The Patter. I have researched this and found that when parking/towing charges are in dispute the claim can be laid both

against the towing company (the agent - ie The Patter) and the parking space owner (the owner - ie IMG). 14

We will just have to see what the Disputes Tribunal makes of it, but do suggest you get yourself a lawyer (although it could end up costing you more than my original compromise!)

On the flip side, if the Disputes Tribunal decides it is out of their jurisdiction then I will have to rely on the letter of the law and you should have no problems.

Regards,

Glen

-----Original Message-----

From: Jane Patterson [mailto:thepatter@xtra.co.nz]

Sent: Wednesday, 6 December 2006 11:31 a.m.

To: glen.williams@mrinz.ac.nz

Cc: 'Don MacKinnon'; ben@ironman.com

Subject: RE: IronmanNZ 2006

Importance: High

Dear Glen

I understand your personal disappointment at not completing a full Ironman - you and the entire field along with the supporters, volunteers and the Taupo Community. Despite your misgivings, we did do our best on that day and I really believe given the passion of the sport that is Ironman - you would have grave misgivings no matter what decisions we took that day when it resulted in a shortened race.

You are entirely incorrect in your interpretation of TV. There is NO live coverage - the cameras are filming for a programme that goes to air two weeks later so there were no deadlines in this regard.

I hope you can put some of this disappointment aside with the event now 9 months behind you and concentrate on your 2007 race.

If you wish to proceed with your claim, please note that it is not in the name of The Patter.

It should be:

Ironman New Zealand

C/O IMG

Level 4

262 Clarence Street

Sydney NSW

Australia

Attn: Dallas O'Brien

Ironman New Zealand Ltd, is the operating Company for the 2007 event and beyond.

Regards

Jane Patterson

From: glen Williams [mailto:glen.williams@mrinz.ac.nz]

Sent: 6 December 2006 11:16 a.m.

To: 'Jane Patterson'

Subject: RE: IronmanNZ 2006

Dear Jane,

Thankyou for your reply - I wish I had receive the previous one you attached - I can't understand why I didn't.

As I'm sure you are aware the normal cut-off for the bike is at 5pm and that given the starting time all competitors could be expected to finish their ride by then - this being the case I'm sure the disputes tribunal will find that, despite your

opinion, there was time for the full marathon.

I think it will be hard to argue that, if any bike ride was possible, then it would be dangerous to run a marathon - but feel welcome to try. If you are going to argue safety then please note that I will present with the same information you received on race day (and the preceding days) - my brother's neighbour is one of the forecasters at Kelburn Met service.

Please remind me - was there one or two massage tables available for the 1200 competitors?

I don't think you can reasonably say that massage was available to most of us, but again I think the mediator in the disputes tribunal will be the best judge. The availability of food was of a similar scale. I know plenty of competitors who will verify this in writing if I need to go to the tribunal.

On race day you told us that the army medics were not available on the Sunday - I just completed the Kepler Challenge with an Army doctor - he disputes this claim - what faith can I put in you now?

I didn't expect a Sunday event and don't mind that we didn't get one - but expected the best event that could be run in the circumstances. I have heard and believe that the event was adjusted so that the elite men would finish at the right time for the cameras - this seems plainly unfair when participants put over 750000 into the event. Maybe the cameras paid more, but we paid for our training, travel, and accommodation. I think your decision was blatantly unfair - I hope the mediator will think likewise.

You are correct that I have entered the 2007 event - I want to do 2 ironmans to make up for this year, and this will be the last NZ ironman I do.

This year I will be under no illusions that you will do what is best for the participants over the TV cameras. I would have no claim with the Tribunal if a similar event occurs. Fortunately I think that you failed in your obligations to take reasonable steps - the marathon should have been done and possibly more of the bike (will find out when I get the Kelburn weather reports for that day). Massage and food wasn't reasonably provided.

Once again - if you feel that we were treated fairly then that is fine (I'm sure you personally did what you could). If you feel that you were legally under no obligation then that is fine too (although the Disputes tribunal is able to rule on what is fair rather than what is law). 17

Anyway, it appears that we will head into mediation. Currently the claim will name:

Ironman New Zealand

P O Box 77 061
Mt Albert
Auckland

The Patter Ltd

PO Box 77-061

Mt Albert

Auckland

I will also name IMG International Management Group as a defendant if you pass on their details.

Regards,

Glen Williams

Ironman New Zealand

-----Original Message-----

From: Jane Patterson [mailto:thepatter@extra.co.nz]

Sent: Wednesday, 6 December 2006 10:31 a.m.

To: glen.williams@mrinz.ac.nz

Cc: ben@ironman.com

Subject: IronmanNZ 2006

Dear Glen

Thanks for the email.

Despite your allegations of not writing to you, I can assure you that we did write to you. The first letter (attached) was from me direct to you. The second (also attached) is a letter that was sent to the entire database. We have your email address on our database as fit.fix@vodafone.net.nz I note you now have another address.

The decisions of the day were made in the interests of safety so while your personal opinion may be that we had time to run a full marathon it was not the opinion of the management committee and owners of the event at that time.

As a correction - there was post race food available and there was also massage available.

We had a full written contingency plan which was in writing with WTC prior to the race. I have copied the President of WTC on this email if you wish to verify this with him

Your case will need to be addressed with International Management Group as owners of the event in 2006. They were very much a part of all the decisions of the day given the ownership and insurances were in their name. I can pass the details on to you or your lawyer if necessary.

The event is now under new ownership and we are working toward another great race in Taupo and hopeful that we will not face the threat of bad weather again. They would be small odds indeed. I note you have entered 07 - all the best with your training.

Regards

Jane

From: glen Williams [mailto:glen.williams@mrinz.ac.nz]
Sent: 5 December 2006 14:26
To: info@ironman.co.nz
Subject: ironmanNZ 2006

Hi,

I have been waiting for months for you to reply to me about what you would do about the fiasco of this years Ironman. You haven't (but did promise to).

I have decided to go to the dispute tribunal to seek reparation. I don't believe you did all that could reasonably be expected to put on a good event for us:

1 There was plenty of time to run the marathon even for the slowest competitors (I understand that you

needed the elite to finish around 3pm for televised coverage - but that should not have been considered over

the participants without reparation).

2 There was no massage

3 There was no food

4 It was likely that the event would need to be changed and you did nothing to prepare a contingency plan

(which I believe would have allowed the whole bike to be completed).

5 Luckily if you speak to your lawyer then you will find that the disputes tribunal is allowed to find on what is

fair (I don't need to know the law because it isn't fully bound by it). Me and the other participants spent a lot

of money in training, travel, and accommodation to get to the event. I can't claim this at the tribunal (that

would be damages) but can claim my entry fee less what is reasonable (which I would expect to be equivalent

to a half ironman - around \$170 - leaving my claim as around \$400)

6 I will be lodging my claim at the end of the week unless you get back to me, and if I have to go through that

process and win then I will publicise it heavily.

7 I would prefer to settle outside the system but to do that I feel you should:

1. Refund me \$400

2. Refund my brother (also effected) \$400 or offer him free entry into this years event.

Glen

investigator

MEDICAL RESEARCH INSTITUTE OF NEW ZEALAND

Wk 04 920 8868

Mb 021 348 349

glen Williams

From: glen Williams [glen.williams@mrinz.ac.nz]
Sent: Wednesday, 21 June 2006 10:53
To: 'ironmannz@xtra.co.nz'
Cc: 'fairgo@tvnz.co.nz'
Subject: LACK OF RESPONSE TO PREVIOUS EMAIL

Hello,

I have emailed you twice without any reply – I understand that my entry into Ironman NZ was covered by US rather than NZ law and as such you have no legal reason to look after us, even when others would. But if you choose to ignore us then you are morally corrupt and this needs to be addressed.

Glen

glen Williams

From: glen Williams [glen.williams@mrinz.ac.nz]
Sent: Friday, 16 June 2006 09:34
To: 'ironmannz@xtra.co.nz'
Subject: Ironman NZ 2007 better than 2006?

Hello,

ATTENTION: JANE PATTERSON

I haven't heard about the team at Ironman offering any of last year's disappointed compensation for the lack of a plan B, or any enticement to return to Taupo.

I have heard other events – South African and Australian in particular offering discounted entry and other enticements – one gave the equivalent to NZ\$150 off the entry fee and they had no hand in the disappointment we all felt.

Have my ears been closed to the New Zealand organisation, are you happy with your performance, or is the discounted entry still to come?

Finally, I understand that Queenstown's iron-distance triathlon has a plan B and a plan C to make sure that competitors are not disappointed. Will you have a plan B this year?

Regards,

Glen

PLEASE NOTE: The cost of the event entry, and even the travel and accommodation that we all pay for when we go to an Ironman, is nothing compared to the cost in time and money that goes into our preparation for such an event. I would be disappointed if you planned to ignore the effect the event had on this years competitors, and would be horrified if you planned to run next years event in the same way.

Sportzhub Newsgroups

Sports Discussions => Triathlon & Ironman => Topic started by: Jane Patterson on 15 Aug 2006, 10:06:46 PM

Title: Statement from Jane Patterson

Post by: Jane Patterson on 15 Aug 2006, 10:06:46 PM

In response to the email today from Shane Hooks about the future of his event in Taupo and notes on some chat rooms, I would like to make it clear that my Company have had absolutely no involvement in any decision made by Taupo District Council concerning the Taupo Half Ironman. This is something that the Council will endorse.

To the contrary, as Event Director of Bonita Ironman New Zealand, it is very disappointing that athletes will not be able to use the Taupo Half Ironman as an important part in their preparation.

We have a very good working relationship with Shane and I have spoken with him about this matter today. We have always worked cooperatively on the Half Ironman events (In my role as Event Director of the Port of Tauranga Half Ironman, owned by Sport Bay of Plenty) with one being before Christmas and one being in the New Year. Athletes have responded to the timings with both events having had capacity fields.

Finally, I would also like to clarify that there is no planned 70.3 Triathlon event on the radar at present despite what is rumored.

Thank you.

Title: Re: Statement from Jane Patterson

Post by: Big Iron Dude on 17 Aug 2006, 07:02:06 PM

Thanks for the clarification Jane, its nice we have some clarity from at least some of those involved, if not from the Council.

Title: Re: Statement from Jane Patterson

Post by: Mary Findafact on 01 Oct 2006, 12:52:20 AM

Thanks Jane Patterson, you have guts to get on here and make comments. After some of the things I read some of these people on this site are not very nice.

I will come and do your events because you give me the facts.

I hope to meet you one day.

"The truth is out there"

Mary

Title: Re: Statement from Jane Patterson

Post by: fit.fix on 30 Dec 2006, 11:43:20 AM

I recently posted on this thread but mistakenly asked someone to "get real"

- must be considered offensive behaviour because my post is no longer here! Sorry!!

The rest of what I said stands. Although Mary suggests that she would go to Jane's events because she gives her the fact, my experience has been quite different.

I have been asking Jane for information about the way she ran IMNZ 2006 for months now and to no avail. I have had to resort to going to the Disputes Tribunal to get what I feel is a reasonable answer.

"The truth" may be "out there" but no-one is telling!!

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has ever seen, and a key component of this is competitor safety. Some good lessons were learned from the experience of Ironman NZ in Taupo this year, and a contingency swim and bike course have been designed, with a lay-day option if the weather is not its usual self on January 20th 2007.

"We have to respect the environment in Queenstown", says Tuck. "It's a mountainous alpine region where the weather can change quickly, and being at altitude it's a few degrees colder if the sun isn't shining"

"We are still testing water temperatures in Wakatipu and Lake Hayes. We have readings from eight points in Wakatipu, two in Lake Hayes and one in Lake Dunstan, taken in January and April. We will continue to monitor as the lake cools down over winter, and already have plans in place should Wakatipu not prove satisfactory for the swim".

The swim course is over two laps in Queenstown Bay, exiting at the "One Mile" (roundabout to Fern Hill) and heading out to Glenorchy and back. The 45km road is one of the most spectacular in the world, and one that Scott Molina is looking forward to taking on when he competes in the first Challenge Queenstown.

"That's a tough bike course - beautiful, but tough" commented the two-time Ironman World Champion. "I'd love to race on that bike course. Not too many of my buddies will beat me over there"

As well as competing, Molina will act as the Pro Athlete Liaison for the event, and assist in the International Media Launch in Queenstown in June.

For those who thought the bike course was flat - it's not. The first 25km is undulating with the next 20km relatively flat, so on the out and back course its 100km of undulating/rolling hills and 80km of mostly flat. The road runs alongside the lake, and never strays too far, but there are two good climbs on each lap, rewarded with some incredible views.

The run course follows the footpath alongside SH6a out to Frankton and returns along the lakeside track - again quite amazing scenery with mountain views and the lake literally two metres away. The run will be three laps of 13km before returning to Earnslaw Park and the finish line.

Something unique to Challenge Roth and Challenge Queenstown is the team category. Relay teams with a swimmer, cyclist and runner can complete the event and this is hugely popular in Germany. The Challenge Queenstown team are hoping many of those training for Ironman New Zealand will choose to come to Queenstown in January to do the event as part of a team.

Challenge Queenstown will also be matching up swimmers with cyclists and runners on the event website, and hope that the team category will be a strong part of the event. Teams are scheduled to start their race two hours after the individuals.

As with other major triathlon festivals, there is a weeklong program of events. An aquathon, 'swim the course', 5km fun run, pasta party and awards dinner are all part of the event, along with a Challenge Queenstown Expo, fantastic finish line party and the usual 'knees up' after the Awards Dinner on the Sunday night.

The event website will go live in early May, and if you want to register your interest in the event, go to www.challenge-queenstown.com.

BROWN REPORT

Well what a day. Ironman New Zealand turned into not an Ironman, not a half ironman, not a duathlon, but a time trial bike/run. Mother Nature threw its worst at the athletes in the 22 year history of the race. In Taupo you always prepare for four seasons in one day, but by Friday weather was still thrashing Taupo and the organisers at the pre-race briefing told the athletes that if the conditions remained the swim would be cancelled.

I was optimistic that the weather would clear, probably like the other 1400 competitors, especially when on Friday evening the winds dropped completely, but this would only be temporary. The waves

on Lake Taupo resembled a surf beach, and I totally agree that it was unsafe to enter the water. There was a strong south-westerly wind blowing, but there was no rain, and the sun shone throughout the day.

After delaying the start for several hours, the announcement finally came around 9 am that the race would be just a one lap ride and one lap run due to safety reasons. Just half the distance of the Ironman bike and run! I was absolutely flabbergasted! If it was safe to do one lap of the ride and run, why wasn't it safe to do two? So the athletes would now race just 90 kms on the bike followed by a 21 km run. Naturally everyone wanted to compete in an Ironman, we had all trained for an Ironman for the last 6-12 months, even several years for a lot of athletes, but that would not be the case. We were given the start time of 11am, some 4 hours after we would have normally started. If a decision had been made much earlier (after all they knew the day before there was a high possibility of this happening), would they have gone with the 180km bike and 42 km marathon? With the 11am start time there was just not enough time for some of the age groupers to complete the full Ironman bike/run distance before midnight.

I would have the pleasure (I'm being sarcastic!) of being the first to start, something I still find hard to understand. In time trials the number one seed always starts last (out of the professionals), but they decided to do the opposite. Greg Fraine, a fellow professional athlete and also ex-NZ Olympic cyclist, queried their decision but was very quickly put in his place. So for the entire day I would be the rabbit, and as a lot of you would know, it's much easier to be the chaser than the chased. I know that well, as I usually come from behind in the bike to run down those ahead.

Anyway. I quickly got my head around the fact that I'd have to go to my maximum aerobic capacity right from the gun. So when I got the 5-4-3-2-1 countdown I was off, very much aware that Ain alar Juhanson from Estonia was the next off the line, one minute behind me and an absolute powerhouse on the bike. At 95 kgs he wouldn't be getting blown around as much as me at just 69 kgs, but I was confident I would ride well. Juhanson was chasing hard and gaining every kilometre, as I expected, and by the 55 km mark he caught me.

The first 40 kms I averaged 49km/hr, with a top speed of 79 km/hr, but that was about to change as we hit the head winds for the return trip home. We were now only hitting 30km/hr and would face this wind for the next 45 kms. But we are used to all conditions, after all, we all train day in day out regardless of the weather. I stuck with the big Estonian for the remainder of the cycle, sometimes trading places; my 175 cm frame was just a shadow of his 197 cm!

We hit the bike/run transition together and it was very fast by the both of us as we began the shortened 21km run. I knew I had to make up the one minute deficit so I pushed the run from the start. We were battling into a very strong head wind to the turn around and Juhanson just stuck behind me the entire way. I kept surging and trying to drop him but he was hanging tough and sticking to me like glue. It wasn't until the 11 km mark, on a hill heading back to Taupo, that I managed to make a small break. I was pushing it right to the line to try and gap him by one minute, but it wasn't enough. Bizarre as it may seem I crossed the line ahead of him, but in actual fact I was 39 seconds down. What a weird feeling!

I gave it my usual 110% out there, and I was very pleased with my bike and run combination, but Juhanson had an awesome bike and run and really showed guts and determination out there. I truly congratulate him for an outstanding race, a huge improvement on his 4th placing last year (if you can compare). He was extremely humble and at the finish line stating that today suited him as he is always well behind out of the swim and with his big build cannot foot the marathon with the smaller runners. He's a true champion.

Not only is it a huge disappointment for me not to defend my crown in the Ironman distance, but I feel for all the other athletes who have sacrificed hours and hours of time with family and friends, a substantial amount of money spent on training, nutrition, equipment and travel (spare a thought for the hundreds of overseas visitors and their families). And for a lot of athletes the sacrifices they made to their employers, some I have even heard quit their jobs to live their dream. The dream to be an Ironman. With 500 first timers entered in the NZ Ironman, that's a dream that some may never fulfill. Can they sacrifice another year? Can they sacrifice more money? For me it's disappointing, but I can turn around and do another one in four months time. Can they?

As I sit here typing this the morning after, the sun is shining, the lake is as flat as a pancake, my

legs don't hurt, but my heart and mind do. Will the organisers have a plan in place to postpone the race to the following day if conditions are unfavorable in the future? I hope so!

I will have to wait another year to return, for what in my mind will be my attempt to go for six consecutive wins, even though the history books won't agree. I also hope the other athletes come back again next year to live their dream.

I will now have a week off, spend lots of time with family and friends and although I initially had thoughts to race another Ironman, it would hinder my Hawaii Ironman preparations and this I won't sacrifice!

Thanks again for all your support.

Kind Regards Cameron Brown

LEADERBOARD > MEN

NAME DIFFERENTIAL

1. Ainalar JUHANSON	3:31:06
2. Cameron BROWN	3:31:45
3. Andrew YOUNG	3:44:19
4. Stephen BAYLISS	3:45:27
5. Gregory FRAINE	3:48:42
6. Gael MAINARD	3:53:54
7. Brent FOSTER	3:55:54
8. Byung-Hoon PARK	3:56:20
9. Jonathan CARON	3:57:46
10. Hayato KAWAHARA	3:58:26

LEADERBOARD > WOMEN

NAME DIFFERENTIAL

1. Joanna LAWN	4:10:33
2. Karyn BALLANCE	4:14:33
3. Sarah FIEN	4:16:27
4. Yoko HORI	4:17:47
5. Susan PETER	4:20:22
6. Fiona DOCHERTY	4:21:54
7. Bella COMERFORD	4:22:08
8. Miranda STACEY	4:23:00
9. Hillary BISCAY	4:30:51
10. Pamela ENS	4:37:37

My race schedule for the next few months is as follows:

April 2nd New Zealand Sprint Triathlon Championships
 May 7th St Croix Half Ironman
 July 23rd European Ironman Championships, Frankfurt, Germany

Canterbury Triathlon Club Inc
 Postal Address: P O Box 22106, Christchurch, New Zealand.
 Phone: 00-64-3-3488 062
 Email: mcphaild@xtra.co.nz