Meena Vishwana v Fiona Frame trading as Fantastic Florists
Case Number SC20xx/766
In the Local Court at Blacktown
Statement of Fiona Frame

I, Fiona Frame, of 42 Lancaster Road Cowra NSW 2974, unemployed, state:

1. I am the defendant.

2. Until September 20xx, I owned my own business in Blacktown Mall trading under the name Fantastic Florists. This business has since been closed and I am currently unemployed.

3. In February 20xx, I started to look around for a company to set up a website for my business and to manage and maintain the business' computer system. I looked in the Yellow Pages and asked some other business owners in Blacktown Mall for recommendations.

4. One of the store owners I spoke to recommended the plaintiff, Meena Vishwana.

5. In mid-April 20xx, I called Meena and we had a conversation. I said "I'm looking for someone to build and maintain a website for my shop, and to do general computer maintenance and troubleshooting. You were recommended by one of the other store owners in Blacktown Mall". Meena said "We should have a meeting to talk about what you want in more detail and I'll give you a quote".

6. On 20 April 20xx, Meena came to my shop and I had a conference with her that lasted about an hour. My second-in-charge, Sally Fishwick, was running the shop-front at the time. During the conference I explained to Meena in detail how important the website was to developing my business. I explained that I was putting a lot of money into expanding my business from flowers to gift hampers and that I need the website to handle customer orders and payment online.

7. During that conference, I remember I said to Meena "I don't know much at all about computers so I'll really be relying on you. The computer system has been a real struggle for me". She said, "No problems! I provide a full service, including telephone assistance and I'm close by so I'll be able to give you the support you need".

8. During that conference Meena also told me her hourly rates. She said "I will be able to build the website over the next three months but I only have about 20 hours a month available. It will be more than enough time for me to do the website and to review your computer system to see if I can give you any recommendations". I also remember Meena telling me that I could call or email her about any computer questions or problems I had.

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9. At the end of the conference, I said to Meena "Im really looking forward to working with you and the stuff you have been telling me about the website sounds like exactly what I need. When can you start?" Meena said "I can start in May but I will send you a letter confirming what we have talked about today". A copy of the letter from Meena dated 23 April 20xx is attached and marked as Attachment A.

10. On 4 May 20xx, Meena came to my shop to look over the computer system. She spent about a two hours looking over the equipment and running some of the computer programs that had been giving me trouble in the past couple of months.

11. Through the rest of May 20xx, I spoke to Meena about once a week and, on Meena's request, I emailed her pictures and information for the website.

12. On 8 June 20xx I had a big problem with my accounting software. It kept crashing and we couldn't enter any of our accounts information into the computer. I tried to call Meena but couldn't get through. I left her a message to call me back as it was an urgent problem.

13. I tried to call Meena again every day from 9 June to 12 June 20xx but I couldn't get through to her. I was very unhappy because the accounting software also keeps track of our outgoing orders and stock and I don't have a hard copy of that kind of information.

14. On 15 June 20xx Meena called me back. I said to Meena "I'm really unhappy, Meena. I thought you said that you provide a full service but I have been waiting for a whole week to get my accounting software looked at! What's going on?" Meena said "Im sorry but I've been really busy. I got back to you as soon as I could. I'll come round this afternoon and fix the system for you".

15. Throughout the rest of June and July 20xx I found it very difficult to get hold of Meena when I needed her. A copy of my diary for the months of May, June and July 20xx, where I wrote down all the times I tried to call Meena and the responses I received, is attached and marked as Attachment B.

16. On 2 August 20xx, I received a one page report from Meena about my computer system. A copy of the report is attached and marked as Attachment C.

17. On 3 August 20xx the website went "live" and I started to include the website in my advertisements in the local paper. From the first day it went live my customers experienced problems with the website. Copies of emails I received from customers from August 20xx are attached and marked as Attachment D.

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18. On 12 August 20xx I received an invoice from Meena in the amount of $4,000. I was really upset and called Meena. I said "I won't pay this invoice, Meena. You know that you haven't provided me the service that you promised and the website is terrible! It doesn't work properly. Meena said "I know that there have been some teething problems with the website but that happens all the time. I did the work. You should pay me".

19. On 16 October 20xx I received a letter of demand from Meena. I called her and we had a conversation where I said "I will pay you $1000 for your work in May 20xx but I won't pay you for the website because it doesn't work properly and I didn't receive good service from you in June and July so I shouldn't have to pay for that". Meena said "I guess I'll see you in court then".

20. Generative artificial intelligence has not been used to prepare this witness statement, or any attachments to this witness statement for the purposes of these proceedings.

Signed: ***Fiona Frame***

Dated: 2 January 20xx

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