IN THE HIGH COURT OF JUSTICE **Claim No. 3SA90091**

SWANSEA DISTRICT REGISTRY

BETWEEN

(1) STEPHANE (STEVE) PARIS

(2) ANGEL GARDEN

Claimants

and

(1) ANDREW LEWIS

(2) MELANIE BYNG

Defendants

REPLY

References to paragraphs are to those in the Defence unless otherwise indicated.

1. As to paragraph 2.2, given that the Defendants do not advance any positive case in respect of the balance of paragraph 2 of the Amended Particulars of Claim, the purported reliance on the joint statement is embarrassing and not understood. To the extent that it may be relevant, the pleaded description of the seven paragraph joint statement dated 14 December 2012 ("the Statement") is inaccurate and misleading. The Statement was the result of the first and only such statement on bullying that any Steiner school has agreed to make. It was not, as is suggested, critical of the Claimants, and did not state that the School withdrew the Claimants' children's places in response to the Claimants' actions. In the Statement the School expressly acknowledged that the Claimant's eldest child had honestly and properly reported bullying; that the Claimants had been trying to address the issue of bullying with the School, and that School staff had advised and encouraged them to do this; and that their doing so had arisen out of their natural and dutiful concern as parents for the safety of their child and concern for the wellbeing of other children in the class. In the Statement the School stated its regret for not having met the Claimants to

discuss these concerns. The Claimants will rely upon the full text of the Statement. As outspoken critics of Steiner/Waldorf schools (which the Defendants describe as a "cult") the Defendants well know that such a school would not have admitted these matters lightly and would be highly resistant to any complaints about bullying, and the Defendants' purported reliance on the Statement to suggest that the fault lies with those complaining about bullying is incompatible with the Defendants' oft-stated position on the issue. The School further agreed to pay substantial compensation to the Claimants' children.

2. The relevance of paragraphs 3 to 3.9 is not made clear or understood. To the extent that it is relevant, several of the Twitter handles and websites mentioned are not regularly used by the Claimants and have not been used in many months. The Claimants use different handles and websites for different projects.

3. As to paragraph 4.2, the First Defendant's blog is one of the most prominent blogs that deals with criticism of Steiner/Waldorf schools. Many of his most read articles, and many of his tweets, concentrate on the subject: he boasted in a tweet in December 2013 that his blog posts on Steiner schools had been read more than 250,000 times. He regularly promotes his expertise on the subject and his blog, including by speaking at public meetings such as the Skeptics in the Pub meetings. Otherwise, in so far as the paragraph goes beyond paragraphs 4 and 5 of the Amended Particulars of Claim, it is not admitted.

4. As to paragraph 4.3, it is denied that the Posterous website was "subscription-based": it did not require a subscription and content posted on it was freely accessible to internet users. It could be used from a PC or a mobile phone (contrary to the suggestion given by the Defendants' description of it as "mobile"). Otherwise the paragraph is not admitted.

5. As to paragraph 4.5, it is denied that the Claimants and the Second Defendant 'fell out of contact'. They were in regular contact until the Second Defendant suddenly and without explanation ceased communicating with the Claimants.

6. As to paragraph 6, it is denied that Posterous was not a micro-blogging website. It was used for short or 'micro' posts, and was widely known as and regularly described as a micro-blogging website.

7. As to paragraph 9.3, the defamatory words complained of were published to, at least, the Twitter user with the handle '@DoctorAndTheCat'. They were also seen by the First and Second Claimants and, given those facts and the fact that the First Defendant had over 8,000 followers on Twitter, it is reasonably to be inferred that they were also seen by other third parties.

8. Paragraphs 9.4, 10.4, 12.4 and 13.4 are denied. As a matter of law there is no such 'requirement'. In any event, in all the circumstances, including the serious nature of the defamatory allegations complained of and the Claimants' concurrent claim in respect of the Blog Post and the tweets, the claim is a proper one and not any form of abuse of process.

9. As to paragraph 10.3, the defamatory words complained of were published to, at least, Alicia Hamberg. They were also seen by the First and Second Claimants and, given those facts and the fact that the First Defendant had over 8,000 followers on Twitter, it is reasonably to be inferred that they were also seen by other third parties.

10. As to paragraph 12.3, any reader of the words complained of who had been at the public meeting would identify the Claimants from the words complained of including, at least the Twitter user with the handle @DoctorAndTheCat (who had tweeted the First Defendant before the words complained of "thanks for a great talk tonight", and replied to the tweet containing the words complained of with a tweet beginning "Indeed").

11. As to paragraph 13.3, given the use of the Second Claimant's name there is no requirement as claimed. Further or alternatively, paragraph 14(b) of the Amended Particulars of Claim is repeated; and the event to which the tweet related had been the subject of previous tweets making clear that the only persons not welcome at the event

were the Claimants (eg those by @CarolinethePub, 16 May 2013, 10.08; Skepticat_UK, 17 May 2013, 19.53), such that anyone who had read those tweets would have understood the words to refer to the Claimants.

12. The bare denial at paragraphs 15 to 18 is noted. If the Defendants persist in this unreasonable stance, the Claimants will seek a ruling on the natural and ordinary meaning of the words complained of.

Alleged Qualified Privilege

13. As to paragraphs 15 and 16, it is denied that the publications of the words complained of in paragraphs 6 to 9 of the Amended Particulars of Claim were protected by qualified privilege as 'replies to attacks':

    13.1. The words complained of were not some form of attempt to repel any form of charge or defend the relevant Defendants' own reputation, but were rather fresh attacks on the Claimants' reputations and integrity, unconnected (or insufficiently connected) to any "attack" upon them. The Defence does not explain any connection between the defamatory allegations complained of and the supposed 'attacks' on the Defendants (other than a purely chronological one).

    13.2. If (which is denied) the words complained of were sufficiently connected to and replies to publications by the Claimants, then the words complained of were not replies to attacks, but replies to retorts (the Claimant's replies to attacks made upon them) and therefore not protected by privilege. The Claimants rely upon the facts and matters set out in paragraphs 22.3, 22.4, 26.1, 27.3, 32.1 to 32.1.4, 32.2, 33 to 33.10, 35.2, 36.1, 38.2, 39.2, 40.2, 41.2, 42.2 to 42.2.3, 43.2, and 44.2 to 44.2.3.5 below.

    13.3. As to paragraph 16, it is denied as a matter of logic or of law that a defamatory statement can be a "reply" to an attack that has not yet taken place (and therefore

may never take place), and therefore denied that the words complained of in paragraph 6 are privileged.

Alleged Justification

14. As to paragraph 17.1:

14.1. It is denied that the words complained of are capable of bearing the meaning pleaded: the words complained of explicitly refer to "their children" plural. It is noted that the Defendants do not even seek to justify the words in this context, yet have offered no apology or other remedy for this falsehood.

14.2. It is denied that this, without more, is a meaning defamatory of the Claimants. It is therefore irrelevant and impermissible as a *Lucas Box* meaning and should be struck out if not withdrawn.

15. As to paragraph 18, which repeats paragraph 2.2:

15.1. The Claimants repeat all but the first sentence of paragraph 1 of this Reply. The Claimants' daughter was expelled from the School because of her and her parents' complaints about the bullying she suffered, which the School allowed to go unchecked.

15.2. In so far as paragraph 18 is the entirety of the particulars pleaded as justification of the *Lucas Box* meaning at paragraph 17.1, it is inadequate and falls to be struck out if not withdrawn.

<u>The extent of the Claimants' and Second Defendant's relationship</u>

16. The Second Defendant was aware of the Claimants' situation with the Steiner School at least a year earlier than is pleaded in paragraph 19. On 17 November 2009 the

Defendants' friend Alicia Hamberg posted an article that referred to the Claimants and credited the Second Defendant for the information. That article was a repost from Alicia's Posterous site. The date of the original article is unknown. Otherwise paragraph 19 is admitted.

17. As to paragraph 20, the first sentence is admitted. It is denied that the Claimants asked the Second Defendant to become "substantively involved" in their projects. The Second Defendant was only one of a number of people who recognised the significance (and at the same time ubiquity) of the Claimants' experiences with the School, and with whom the Claimants were in communication. The Claimants asked the Second Defendant for help with posters that were critical of Steiner education, which help she agreed to provide. Beyond that the Second Defendant's initiatives were unsolicited. For example, on 8 February 2011 the Second Defendant sent the Claimants an email that included the following:

> *"Your work is so good and Angel, you're so talented. Not to ignore Steve! It does deserve a wider audience and of course to get a more international one re this subject it has to be wider than NZ politics. However I think an article about what has happened in NZ and the pitfalls re something approximating Free Schools would be interesting. I suggest that if you can find an angle which might be appealing to the Local Schools Network you might like to contact Francis Gilbert, the journalist who wrote the article about Steiner recently. A lot of people writing on the LSN site link to their own blogs."*
>
> *"I think a website is a great idea and I'm sure DC would be happy for you to embed the articles, although they are strongly related to events in England at present. you may want to take sections out and feature them as Alicia often does on her blog. I think it would be brilliant to have somewhere people could congregate, read and share stories publicly, bearing in mind the subsequent behaviour of the Movement's goons."*

"There might be people who would be keen to help distribute posters. I suspect it's a bit early to have found support on the ground: I could put up a few here which would probably not last long so close to such a big Steiner school. But it's worth a shot. I don't think it matters if it's not bang on the birthday."

And on 8 April 2011:

"I have lots of ideas of people you could talk to. Let me know if we can help. We are slowing down our efforts as you're speeding up yours!"

It is not admitted that the Second Defendant planned to wind down her anti-Steiner writing and campaigning in order to concentrate on her family. The Second Defendant told the Claimants she was writing a book. Otherwise the paragraph is not admitted.

18. As to paragraph 21:

18.1. It is denied that the Second Defendant did not wish to be involved in the Claimants' "campaigns"; she positively suggested initiatives, encouraged the Claimants to publicise their experiences and invited further communications. The Second Defendant put the Claimants in contact with other high-profile blogs, such as the Local Schools Network and David Colquhoun's blog. She expressed her views of the Claimants' work and encouraged and publicised them in terms such as:

18.1.1. *"I urge anyone reading this to look at [the First Claimant's] site, which I believe they would do even without my prompting. And more importantly I have great sympathy for any parent who is forced to take this kind of action against their child's former school and note their courage in doing so."* (Second Defendant's message to Waldorf Critics Yahoo group, 10 June 2010)

18.1.2. *"[the Claimants'] films are so impressive"* (5 February 2011)

18.1.3. *"[the Second Claimant is] a genius"* (5 February 2011)

18.1.4. Those of the email of 8 February 2011 quoted in paragraph 17 above, praising the Claimants, encouraging them and suggesting how they could publicise their experiences.

18.1.5. *"The vids are brilliant and I have RTd & am trying to get them RTd by education tweeters. I can send to all tame journos"* (email 25 February 2011)

18.2. It is admitted and averred that the Second Defendant sought to become friends with the Claimants.

18.3. The second sentence is admitted. The Second Defendant had invited the Claimants to visit her in an email dated 25 February 2011 and again in another email of 15 June 2011. Before the Claimants came to the UK in April 2011, the Second Defendant knew that the Second Claimants' mother had received a shock diagnosis of terminal lung cancer and that this was the reason the family was visiting. During the visit the Second Defendant's husband even advised the Second Claimant on her mother's treatment and encouraged her to challenge her mother's GP over the drugs she was prescribing. This brought the Claimants and the Second Defendant and her husband closer together (or so the Claimants thought).

18.4. Otherwise the paragraph is not admitted.

19. As to paragraph 22:

19.1. The Second Defendant suggested that the Claimants write an article for the Local Schools Network in her email of 8 February 2011 (quoted in paragraph 17 above), and not around July 2011 as is pleaded.

19.2. The contact the Second Defendant had with the Second Claimant was far from "limited", and was not only on the subject of Steiner schools. The Second Defendant and her husband made multiple unsolicited offers to the Claimants and their family within a very short space of time from having first come into contact, including:

19.2.1. Inviting the Claimants to come and visit them in the UK;

19.2.2. Offering to show the Claimants their local democratic school (Sands Democratic School in Ashburton), and suggesting that the Claimants' 11-year-old daughter should attend it;

19.2.3. Suggesting where the Claimants should live (in the area close to the Second Defendant);

19.2.4. Offering the Claimants' 11-year-old daughter to stay with them for a week to undertake a trial at the Democratic School, either alone, or with one of the Claimants;

19.2.5. Making it known personally to the Claimants' 11-year-old daughter that they were taking a special interest in her because she had been expelled from a Steiner School;

19.2.6. Suggesting that the Second Defendant's son should come and stay with the Claimants in order to "tutor" and "help" their children, and to help persuade their eldest daughter to undertake a trial at the Democratic School;

19.2.7. Praising, encouraging and publicising their criticisms of Steiner schools following their experiences in New Zealand, as for example in the email of 8 February 2011 set out in paragraph 17 above; and

19.2.8. Offering advice in respect of the Second Claimant's mother's cancer treatment.

Far from being "limited", the Second Claimant found the level of contact, offers and attention that the Second Defendant directed towards her and her family quite overwhelming.

19.3. Otherwise the paragraph is admitted.

20. As to paragraph 23:

20.1. The first sentence is admitted.

20.2. The Second Defendant's son Joe was supposed to stay with the Claimants for at least a month. He was to visit "to help", due to the stress of the Second Claimant's mother's illness, and to try and interest the Claimants' eldest child in the Second Defendant's local Democratic School, which he had attended following his own Steiner experience and to "tutor" the children. All this was made explicit by the Second Defendant. Joe was billed by the Second Defendant as "very reliable".

20.3. The Second Claimant's mother's terminal illness meant that the Second Claimant was not at the house during what would have been the first week of his stay as she had to go to her mother. This was flagged up to the Second Defendant in advance as being potentially problematic, but the Second Defendant emphasised that this was perfectly fine, as her son was "very reliable" and was "there to help". This was also her response also to the Second Claimants stated concern about teenagers.

20.4. The Claimants' children liked Joe. He enthusiastically encouraged the Claimants' eldest daughter to come and attend the Second Defendant's local Democratic School, raising her hopes up that the school could provide her with a fresh start and rebuild her trust in education, to the point that she tentatively wrote the word 'Sands' in light pencil on the corner of a blank book. On 13 August the Second Defendant emailed the Second Claimant:

> "*Joe really likes the girls and I hope they've enjoyed having him, I think Steve's been very busy with work and that teenagers are often quite hard to gauge. They had a good conversation just now, Joe and Steve, and Joe understands that it's a stressful time for everyone. He is quite preoccupied though with the essays he has to write for university entrance.*
>
> *I'm sorry you won't get your evening, which I'm sure you really ought to have after the last few days, but we're still here for [the Claimants eldest child] and yourselves if you do look at Sands. They've been talking about the school and [the Claimants' eldest child] seems to like the sound of it but not the prospect of moving again, understandably. Let me know if I can be any help.*"

20.5. However, it became clear that Joe had not appreciated that, as the Claimants had warned him, their house really was "in the middle of nowhere", which he did not like at all. The First Claimant drove him in to the local town to try to find things for him to do but he was not satisfied. He decided that he wanted to go home at a very inconvenient time for the Claimants. This was apparently because he wanted to attend a party. He unilaterally bought himself a ticket and refused to consider changing the date to avoid causing further stress to the Second Claimant and her mother (who had two months to live). As this meant that the First Claimant had to leave the Second Claimant, who was extremely immobile, with the children for six hours the next day to take Joe to the airport, he was asked to help clean up the house, including mopping a floor. The Claimants also had to change their own

arrangements, at a cost of approximately £80 (which they asked the Second Defendant and her husband to share equally with them). Far from being "very reliable" and there "to help" with the stress of the Second Claimant's mother's illness, his actions caused further stress.

20.6. The Claimants do not understand what is alleged to be the "matters confidential" about Joe's visit or the circumstances in which he cut it short. The Defendants have raised and rely upon these matters in their Defence and must therefore plead them (in a confidential schedule if necessary), or this part of the pleading should be struck out.

20.7. Otherwise the paragraph is not admitted.

21. The relevance or meaning of paragraph 24 is not understood.

22. As to paragraph 25:

22.1. It is denied that the Second Defendant was not aware that the Second Claimant had been attempting to contact her since Joe's visit during the second half of August. The Second Defendant and the Second Claimant were in regular email in the first half of August: the Second Defendant had been helping the Second Claimant with the article for Local Schools Network that the Second Defendant had suggested she write, and sending her links to Steiner materials. In total, between 2nd and 13th August, the Second Defendant sent the Second Claimant 27 emails. Thereafter the Second Defendant was active on almost a daily basis on the comments section of her friend Alicia Hamberg's blog. It is implausible that she was not checking her emails. Without ever giving any reason or explanation she ignored the following messages from the Second Claimant:

22.1.1. 18 August: *"Hope Joe got back all right, he did say he would let Steve know.....I guess we'd have heard if there was a problem… if you could*

let me know that you've seen my email and when you might have a chance to look at it, it would help me to relax. :)"

22.1.2. 19 August: *"I noticed that you are about today because you've commented on there this morning. Is there a reason why you aren't replying to me then? I'm struggling, mum may have only days, we can't take the kids until we get a passport and I feel as if I'm being crushed by large rocks."*

22.1.3. 20 August: *"Forgive me for writing to you again but we're starting to feel a little concerned here. We've got so much to deal with here with my mum who's getting worse and worse and we fear the worst is pretty imminent. neither of us have got any energy for this apparent silent treatment."*

22.1.4. 23 August: *"I certainly don't need to be lying awake worrying about this but you've invited my 11 year old to stay, and created expectations for her, and now you're apparently prepared to dump her. It's not helping me sleep."*

22.1.5. 6 September: *"i cannot imagine what on earth i have done, except that i know that your sudden silence has catapulted me back into horrendous stress."*

22.2. On 29th August 2011, the article that the Second Claimant had written for the Local Schools Network website, which the Second Defendant had suggested and assisted with, was published.

22.3. In the comments on that article, the Second Claimant was criticised by the Second Defendant's friend Alicia Hamberg, who accused them of targeting people, demanding evidence from them, and of seeking to "push them into giving up

anonymity through allusions of guilty", and suggesting that the Claimants were only interested in promoting their own ends.

22.4. On 2nd September 2011 the Claimants were the subject of a severe personal and professional attack in a follow-on posting of comments on the Second Defendant's friend Alicia Hamberg's blog, entitled 'LSN (Comments)' (since removed). Statements directed at the Claimants included:

22.4.1. "Demented fuckwits"

22.4.2. "the Steinermentally unstable people"

22.4.3. "I think the best approach is to … distance ourselves from them."

22.4.4. "the dim wits at Steinermentary Project"

22.4.5. "Your methods would … sabotage criticism of Steiner/waldorf education for years to come."

22.4.6. "shut the fuck up"

22.4.7. "There's a sense coming from you that your own project became more important than the children's wellbeing"

22.4.8. "filled with lies"

22.4.9. "It's all about their project — and I think more about them than about waldorf really."

22.4.10. "Call it fiction."

22.5. On 4th September the Second Claimant emailed the Second Defendant. She set out the sequence of events regarding the attacks suffered by the Claimants in the light of the Jo Sawfoot case, where a Steiner whistleblower was also mobbed, and asked for the Second Defendant (or her husband) to make some comment, stating that the matter would be made public. Following the email, the Second Claimant sent the Second Defendant a text message, which is quoted in the second sentence of paragraph 25. That sentence is admitted.

22.6. The third sentence is admitted. The email from the Second Defendant to the Second Claimant contained no explanation as to why she had been ignoring the Second Claimant for weeks, despite their previous regular communications and the

offers she had made the Claimants' 11 year old daughter. It was written in a much more formal style than her previous messages.

23. The Second Defendant's treatment of the Claimants and particularly their daughter left the three of them understandably hurt, upset and distressed, at a time when, as the Second Defendant knew, the Second Claimant's mother had very little time left to live.

The Claimants' postings following the Second Defendant's unexplained and unilateral withdrawal of offers and cessation of communications

24. Paragraph 26 is denied. The Second Defendant stated only that she did not intend to communicate further "on this matter", without giving any explanation for her sudden change in behaviour. The Claimants' criticisms of the Second Defendant's misleading statements, actions and inactions have not been unjustified. She continues to describe herself as a humanist and skeptic, but fails to accord with the tenets of either movement in her dealings with the Claimants.

25. Paragraphs 27 to 29 are admitted.

26. As to paragraphs 30 and 31:

    26.1. The post was self-evidently the Claimants' comment upon and reply to online attacks that they had suffered from various persons who purport to be critical of Steiner schools, principally the Defendants' friend Alicia Hamberg (see paragraphs 22.3 and 22.4 above), after writing the article that the Second Defendant had instigated and assisted in the writing of.

    26.2. The post set out the relevant background as to how the Claimants had found themselves being attacked in the way that they had, describing the offers the Second Defendant and her husband had made to the Claimants and their daughter, the visit of the Second Defendant's son to the Claimants' family and the Second

Defendant's sudden termination of communications and withdrawal of her offer to the Claimants' 11 year old daughter immediately thereafter. It rightly complained about the Second Defendant's continuing to be prominent online (including on Alicia Hamberg's blog), yet failing to make any comment to explain or defend the Claimants' article (that she had instigated and assisted with).

26.3. When initially published the post maintained the Second Defendant's anonymity (not the Second Claimant, as pleaded, who named herself in the opening sentence), the Second Defendant's name only being added when the Second Defendant later revealed her true identity herself (and thereby identified her husband and son).

26.4. The post contained the words quoted in paragraph 31 as the Second Claimant's views on the Second Defendant's conduct that had contributed to (and implicitly condoned) the online attacks on the Claimants.

26.5. The Claimants will rely upon the full text of the post at trial.

26.6. The post was not advertised in any way, and was not linked to until the Open Letter more than a month later.

26.7. Otherwise the paragraphs are denied.

27. As to paragraph 32:

27.1. The article was published on the date and website as described.

27.2. The article was an interview with the Second Claimant, conducted by Keith Thompson.

27.3. This article was similarly, and self-evidently, the Claimants' comment and reply to online attacks that they had suffered from various persons who purported to be critical of Steiner schools, principally the Defendants' friend Alicia Hamberg, for

writing the article that the Second Defendant had instigated and assisted in the writing of. The Second Defendant continued to regularly make posts on her friend Alicia Hamberg's blog without intervening in the attacks on the Claimants, thereby implicitly condoning them. As even the selective quotes from the article included in the Defence show, it was not a "personal attack" on the Second Defendant but rather criticised her for *"remaining silent about circumstances known to her which may have had an effect on whether the criticism [of the Claimants] was seen to be justified and whether it continued"* and asked her *"to come forward and explain why she did not prevent her friend from mobbing us"*.

27.4. The Claimants will rely upon the full text of the article at trial.

27.5. Otherwise the paragraph is denied.

28. As to paragraph 33:

28.1. The first two sentences are admitted. In November 2011 the Second Defendant herself changed her @ThetisMercurio Twitter account to give the name 'Melanie Byng', thereby identifying herself (and so her husband) via that handle.

28.2. The post self-evidently concerned a comment that had been made on Alicia Hamberg's blog by a mother of a son who had suffered at a Steiner school. The Second Defendant had responded to this with her own comment in a comforting manner, strongly reminiscent of the way the Second Defendant had behaved towards the Claimants and their 11 year-old daughter, before suddenly withdrawing all communication and offers of help and thereby hurting their daughter again. The Second Claimant posted her own comment warning the mother of how the Second Defendant had behaved towards her own daughter, and criticising the Second Defendant's behaviour in that regard, but this was removed by Alicia Hamberg. The Second Claimant thereby posted the comment that Ms Hamberg had removed, along with the comments that had led to it and a narrative, on her own blog.

28.3. It is denied that the post was vitriolic. It is admitted that the post was critical of the Second Defendant's post on Alicia Hamberg's blog, and of her conduct towards the Claimants' daughter, but this was relevant to the post. It came after the Second Defendant had chosen to enter a public debate, in circumstances where it was reasonable for the Second Claimant to seek to warn others of the Second Defendant's conduct.

28.4. It is admitted that the post included the words selectively quoted in the Defence. The Claimants will rely upon the full text of the post at trial.

29. As to paragraph 34, the Second Claimant only named the Second Defendant after the latter had revealed her own name by using it on her Twitter account (@ThetisMercurio). Her Twitter biography has always stated that she comes from "darkest Devon" so again this was something that the Second Defendant had always revealed.

30. Paragraph 35 is admitted.

31. Paragraph 36 is noted.

32. As to paragraph 37:

32.1. The 'Open Letter' was self-evidently the Claimants' comment on and reply to the online attacks that they had suffered from purported Steiner critics, in particular the Defendants' friend Alicia Hamberg:

32.1.1. Those referred to in paragraphs 22.3 and 22.4 above;

32.1.2. Ms Hamberg's reference to the dialogue in the Claimants' videos being *"chopped-up word soup"* (in her blog post entitled 'Hey', 3 September 2011);

32.1.3. Ms Hamberg's comparison of the Claimants to a man acting like a thug ('Thuggery', 18 September 2011);

32.1.4. On 27 September 2011 Ms Hamberg posted another direct attack on the Claimants in a blog post entitled "Angel Garden" (the Second Claimant's name). This misrepresented events concerning the Claimants and warned readers about having anything to do with them, but did not accord them any right of reply. The Claimants therefore replied by way of their 'Open Letter'.

32.2. The Open Letter was thirteen pages long and included the words selectively quoted in the Defence. As stated above, the Claimants' experiences of the Second Defendant were an important part of the explanation as to how they came to be on the receiving end of such fierce criticism, vituperation, ridicule and ostracisation from the likes of Ms Hamberg.

32.3. The Claimants will rely upon the full text of the Open Letter at trial.

32.4. Otherwise the paragraph is denied.

33. Paragraph 38 is admitted. The Second Claimant only named the Second Defendant after the latter had revealed her own name by using it on her Twitter account (@ThetisMercurio). The post was self-evidently the Claimants' comment on and reply to further online attacks that they had suffered from purported Steiner critics, in particular the Defendants' friend Alicia Hamberg:

33.1. *"the demented New Zealand fuckwits"* (tweet, 12 October 2011, since deleted)

33.2. *"their demented drivel"* ('Change', 5 November 2011; on which post the Second Defendant commented, but only to make fun of the situation)

33.3. *"vile slander"* ('Change', 5 November 2011)

33.4. *"bizarre expectations and a near complete inability to take a no..."* ('Change', 5 November 2011)

33.5. *"this utter shit"* (8 November 2011)

33.6. *"Imagine having to deal with these people in real life… I would not have had the strength of mind…"* (8 November 2011)

33.7. *"their nasty cameras"* (8 November 2011)

33.8. *"I don't think these people should be believed about ANYTHING"* (8 November 2011)

33.9. *"the school certainly has nothing to be ashamed of. In the circumstances, it seems they have handled it quite elegantly."* (8 November 2011)

33.10. As stated above, the Claimants' experiences of the Second Defendant were an important part of the explanation as to how they came to be on the receiving end of such fierce criticism, vituperation, ridicule and ostracisation and was therefore included in the post.

33.11. The Claimants will rely upon the full text of the post at trial.

34. Paragraph 39 is admitted. These words did no more than invite the Second Defendant and her husband to comment (accurately) on the Claimants' situation (to which they had contributed).

35. As to paragraph 40:

35.1. The post was about an issue of current interest (not merely "ostensibly" so); otherwise the first sentence is admitted.

35.2. It is admitted that the post named the Second Defendant and contained the words selectively quoted in the Defence. However, as any reasonable reader would understand, the majority of the words quoted were directed at (and were the Claimants' replies to online attacks from) Alicia Hamberg and other Steiner critics, and not the Second Defendant. The Second Defendant was accused only of failing to speak out against Alicia Hamberg's attacks on the Claimants and of unreasonably refusing to communicate with the Claimants, instead treating them to

a "cowardly, icy silence". The Claimants will rely upon the full text of the post at trial.

35.3. Otherwise the paragraph is denied.

36. As to paragraph 41:

36.1. The Claimant's blog post of 13 February 2012, entitled *'"When is a cult not a cult? Skeptics, Cliques and the "New Woo"'* sets out how the online attacks and behaviour that the Claimants had experienced from the Steiner critics (to which it was a reply) was similar to that generally considered to be the behaviour of a cult.

36.2. The words quoted about the Second Defendant are clearly comments about (1) her behaviour towards the Claimants, as set out above; and (2) a tweet she had sent; and were relevant to the subject of the post.

36.3. The Claimants will rely upon the full text of the post at trial.

36.4. Otherwise the paragraph is denied.

37. As to paragraph 42:

37.1. It is denied that the words were part of an email. They were instead part of a comment that the Second Claimant was attempting to post on the First Defendant's website.

37.2. The First Defendant claimed to be seeking an open debate to which the Claimants' experience of bullying in a Steiner school was plainly relevant and which the Second Claimant sought to express in her comment. The Second Claimant's comment referred to a post Alicia Hamberg's blog (since removed), which the First Defendant recommended as a source of information, on which Ms Hamberg had

suggested that the School *"has nothing to be ashamed of... they have handled it quite elegantly"* by expelling the Claimants' three children when, as the School admitted, a young girl had cause to report that she was being bullied.

37.3. The First Defendant refused to post the comment on his website, despite promoting it as hosting an open debate, and publicly claiming on the website that *"I accept comments from all, critical or supportive"* and *"I will only delete comments if they are offensive, not in a good spirit of debate, or are so far of topic that it can only be seen as trolling"*.

37.4. The First Defendant's own attitude to having his comments blocked without any form of dialogue is evident from a tweet he sent to a third party on 30 May 2012: *"I am staggered you blocked me from commenting because I asked pertinent questions. You are doomed b/c you won't engage."*

37.5. It is admitted and averred that this was the first contact made between the Second Claimant and the First Defendant, following the First Defendant's first blog post on Steiner schools – yet the First Defendant, who proclaims himself to be open to debate and a true skeptic, swiftly belied these supposed beliefs by blocking each of the Claimants' email addresses (that were known to him via the Second Defendant) from being able to post to his website.

37.6. The words quoted from the comment are set out erroneously in the Defence. The first square brackets should refer to the Second Defendant, not the Second Claimant.

37.7. The Claimants will rely upon the full text of the comment at trial.

37.8. Otherwise, the paragraph is admitted.

38. As to paragraph 43:

38.1. The reference to the First Claimant in the first sentence appears to be an error, and should be a reference to the First Defendant. Otherwise the first sentence is admitted.

38.2. The post concerned the refusal of the First Defendant to publish the Second Claimant's comment (in the circumstances referred to at paragraphs 37.2 to 37.5 above), and also replied to the so-called skeptics and Steiner critics discussion of the Claimants' experiences and attacks on the Claimants. The Second Defendant had cut off all communication with the Claimants and thereby 'blocked' the latter, at around the time that the Claimants were attacked online by the Second Defendant's friend Alicia Hamberg, which attacks they sought to bring to light or 'flag up'. The Second Defendant has never explained her reasons for suddenly ceasing communication with the Claimants. It is admitted that the post contained the text of the comment which identified the Second Defendant by name and contained the words selectively quoted. The Claimants will rely upon the full text of the post at trial.

38.3. Otherwise the paragraph is denied.

39. As to paragraph 44:

39.1. The reference to the First Claimant in the first sentence appears to be an error, and should be a reference to the First Defendant. Otherwise the first sentence is admitted.

39.2. The post continued the theme of that referred to in paragraph 38.2 above, in particular in respect of the First Defendant's blocking of the Claimants' email addresses, which he could only have learnt from either Alicia Hamberg or the Second Defendant. It is admitted that the post identified the Second Defendant by

name and contained the words selectively quoted. The Claimants will rely upon the full text of the post at trial.

39.3. Otherwise the paragraph is denied.

40. As to paragraph 45:

40.1. The first sentence is admitted.

40.2. On 9 May 2012, the day before the Claimants posted 'Sweeping Humanity Aside', the Defendants' friend Alicia Hamberg had posted on her blog a post entitled 'Angelic Disharmony' (since removed; the title a reference to the Second Claimant), continuing the attacks on the Claimants. Ms Hamberg and other Steiner critics publicly stated that they hoped that the Claimants' mediation with the School would fail and that the Claimants could be the subject of legal proceedings for having brought the claim. Ms Hamberg celebrated the fact that her friend Diana Winters had banned the Claimants from the 'Waldorf Critics' website, the most established (at that time) Steiner critical website (while the usual moderator of that website was on holiday). Attacks on that site had included disability abuse, and yet in spite of the fact that the Claimants had remained polite, open to discussion and even humorous, they had nonetheless been banned following severe ad-hominem attacks against them, which broke the site's stated policy. Ms Hamberg's post 'Angelic Disharmony', which delighted in this victimisation of the Claimants, and where the Defendants had no right of reply, received comments from both Defendants. The Second Claimant was criticised for being easily upset. The Second Defendant made no comment about, for example, the Second Claimant's mother's death. She instead attacked the Second Claimant as a *"silly woman"* and the *"agent of her own destruction"*. The First Defendant posted to *"add my support"* and asserted that the Claimants were *"best ignored"*. The Claimants' post, which it is admitted named the Second Defendant and contained the words selectively quoted, was the Claimants' reply to these events and referred

to the Claimants' experiences of the Second Defendant as relevant background. The Claimants will rely upon the full text of the post at trial.

40.3. Otherwise the paragraph is denied.

41. As to paragraph 46:

41.1. The title of the blog post on 12 May 2012 was not 'Sweeping Humanity Aside', but rather 'How to spot Cyber-Bullying'. Otherwise the first sentence is denied.

41.2. A third party (Shane) had made a comment on Alicia Hamberg's blog that he had heard from his ex-wife that a third party who had worked with the Claimants had been inappropriate to children in his care (which Ms Hamberg subsequently removed). The Claimants politely emailed Shane suggesting that he should not be *"repeating such allegations without verifying them first"*, particularly given that the school concerned had taken no action against him. Rather than discuss this with the Claimants, Shane discussed the Claimants' approach on Alicia's blog, and then published a post misrepresenting the Claimants' communications with him and suggesting that the Claimants were bullying him. He tweeted this and the Second Defendant retweeted it. The Claimants post was their reply to Shane's online attack on them, to explain what had in fact passed between them. It is admitted that the post named and criticised the Second Defendant for retweeting Shane's post, and contained the words selectively quoted in the Defence. The Claimants will rely upon the full text of the post at trial.

41.3. Otherwise the paragraph is denied.

42. As to paragraph 47:

42.1. The first sentence is admitted.

42.2. This email was sent:

42.2.1. Following the events referred to above;

42.2.2. Following the Second Defendant's smearing of the Claimants' mental health (despite her husband's professional position) by tweeting (on 31 May 2012) that the correct way to treat and describe them was to:

"Ignore. Mad as cheese."

42.2.3. the Second Defendant's comment on Alicia Hamberg's blog (on 27 June 2012) in respect of the Claimants that:

"It will end in tears, but they won't be ours."

Meanwhile, the Second Defendant and her husband (Richard Byng) were promoting their anti-Steiner views on the basis of the Second Defendant's husband's status as a mental health professional. In the circumstances the Claimants felt that Mr Byng's employer was entitled to known about this behaviour.

42.3. It is admitted that the email's subject was *"On world mental health day…"* and that it included the words quoted. The Claimants will rely upon the whole email at trial.

42.4. Otherwise the paragraph is denied.

43. As to paragraph 48:

43.1. The first sentence is admitted.

43.2. The post was a comment on the Claimants' position in the context of freedom of speech. It was critical of various Steiner critics who had attacked the Claimants,

principally Alicia Hamberg, but the Second Defendant was criticised only for *"proposing initiatives that she was unable to take responsibility for"*, for not continuing in her mission to prevent State funding of Steiner schools, and with others, for being a *"narrow-minded, gate-keeping rulemaker"*. It is admitted that the post named the Second Defendant and included the words selectively quoted in the Defence. The Claimants will rely upon the whole post at trial.

43.3. Otherwise the paragraph is denied.

44. As to paragraph 49:

44.1. It is admitted that the Claimants wrote and sent to the First Defendant on 8 November 2012 an email containing the words quoted.

44.2. In addition to the events and circumstances set out above, the email was a reaction and reply to:

44.2.1. The Claimants discovering that the First Defendant had told another Twitter user that the Second Claimant had *"behaved terribly"* towards the Second Defendant and *"made up a whole string of very terrible lies"*, and reasonably inferring that he would have made the same or similar statement to others about them. The First Defendant has never explained to the Claimants what these supposed *"very terrible lies"* were.

44.2.2. The First Defendant having told @animalsinsuits that they would be ostracised if they engaged with the Claimants:

> *"All I can say is there is very low tolerance with some people for anyone who is engaged with sjparis or amazonnewsmedia"*

44.2.3. The deletion from the First Defendant's blog of comments by others about the Claimants' Steiner case and work, including:

44.2.3.1. Comment by Robert W Edwards on 3 November 2012 at 21.19

44.2.3.2. Robert W Edwards, 5 November 2012, 09.13

44.2.3.3. Fiona Hughes, 6 November 2012, 23.17

44.2.3.4. Fiona Hughes, 7 November 2012, 21.41

44.2.3.5. Fiona Hughes, 12 November 2012, 22.52

44.3. The Claimants will rely upon the entirety of the email at trial.

44.4. Otherwise the paragraph is denied.

45. Paragraph 50 is denied. The Second Defendant was not "alarmed" or "distressed", and had no need to be. On the contrary, she repeatedly ignored or dismissed the Claimant's actions and attempts to communicate with her, without ever seeking to explain her sudden change in behaviour following Joe's visit. She did not ask the Claimants not to contact her, or mention her again. Meanwhile, she continued to be very active on anti-Steiner websites, including Alicia Hamberg's blog. Her stated reactions to the Claimants' and their mentions of her, which never mentioned her own personal contact with them, included:

45.1. *"Ignore. Mad as cheese."* (31 May 2012)

45.2. *"I'm happy to let their ghastly folie à deux play out to its conclusion without my help."* (27 June 2012)

45.3. *"It will end in tears, but they won't be ours."* (27 June 2012)

45.4. *"that silly woman [the Second Claimant] is the agent of her own destruction. Ignore her."* (28 June 2012)

46. As to paragraph 51:

46.1. Paragraph 51.1 does not, as a matter of logic, support paragraph 51. In any event, the Second Defendant's statement that she did not wish to continue correspondence was said to be only in respect of "this matter", which appeared to be the Claimants' documentary (not that the Claimants had ever asked her to help them with any documentary).

46.2. Paragraphs 51.2 to 51.4 do not appear to be new points but rather repeat points made in respect of publications particularised earlier in the Defence. They do not specify where or when the Claimants are alleged to have published these allegations (despite 11 pages of the Defence being dedicated to publications referring to the Second Defendant), and accordingly the Claimants are unable to respond. To the extent that they relate to the publications particularised in the Defence, the Claimants reply is set out above.

47. Paragraph 52 is denied. In all the circumstances set out above, and in particular the background of the Second Defendant's communications with and offers to the Claimants family before and during Joe's visit, and the subsequent repeated online attacks made on the Claimants, the Claimants conduct complained of did not amount to harassment of the Second Defendant (whether for the reasons alleged at paragraphs 52.1 to 52.7 or otherwise). In support of this contention the Claimants will rely upon the following:

47.1. The conduct complained of amounts to a total of a mere 15 emails, blog posts, and blog comments, spread over a 14 month period.

47.2. The Claimants publications consisted of accurate statements of fact and honest statements of opinion. The Second Defendant always had a right of reply. The Claimants' posts, comments and emails were in all the circumstances entirely reasonable and legitimate exercises of the Claimants' right to freedom of expression as guaranteed by Article 10 of the European Convention on Human

Rights.

47.3. The Second Defendant actively took part in robust online discussions and debates and was used to giving and receiving criticism.

47.4. The Claimants did not know, and no reasonable person in the Claimants' position and in possession of the same information as the Claimants would have known, that their posts, comments and emails amounted to harassment.

47.5. The Second Defendant was not caused alarm or distress. Paragraph 45 above is repeated.

48. As to paragraphs 52.1 to 52.7, these are unparticularised repetitions of points made earlier in the Defence. In so far as these relate to particular publications, the Claimants case is set out in the appropriate paragraphs above. Further:

48.1. The Claimants maintained the Second Defendant's anonymity and privacy by referring to her by her Twitter handle, until the Second Defendant herself chose to give her real name on Twitter.

48.2. The phrase "grooming" was used in one post (not "repeatedly") in which it was clearly explained as referring to the attention the Second Defendant and her family lavished on the Claimants' 11 year-old daughter, and their attempts to persuade the child to come and attend the same Democratic School as the Second Defendant's son (before abandoning her without warning or explanation).

48.3. The "pedophile smear" was carried out by 'Shane' and his blog post about the Claimants after they warned him about such allegations was retweeted by the Second Defendant (see paragraph 41.2 above); if the Second Defendant is thereby 'linked' to it then that is a result of the Second Defendant's own actions.

48.4. The Claimants have criticised the Second Defendant's husband only for his actions (and inaction) in respect of themselves and their family and not, as is suggested, for any professional conduct.

The Claimants' attempt to post material on the First Defendant's blog, and subsequent tweets, posts and articles that mention the First Defendant

49. As to paragraph 53:

49.1. The first sentence is admitted.

49.2. It is denied that the First Defendant operates his website "not for profit". The First Defendant profits from a "Book Store" run via the website and prominently advertised in the top menu bar of every page of the website, and in the left column of the homepage. Otherwise the second sentence is denied.

49.3. It is denied that the First Defendant does not assert his website to be authoritative: he asserts it to be accurate, reliable and worthy of respect. His most well-known post on Steiner schools was given the intentionally authoritative title 'What Every Parent Should Know about Steiner-Waldorf Schools'. He claims to be an evidence-based skeptic, interested (and only interested) in evidence, and that his website reflects this.

49.4. The fourth sentence is not admitted as it is inconsistent with the publication policy stated by the First Defendant on his website, that *"I accept comments from all, critical or supportive"* and *"I will only delete comments if they are offensive, not in a good spirit of debate, or are so far of topic that it can only be seen as trolling"*.

50. As to paragraph 54:

50.1. The first sentence is denied: there was no "campaign of public insult and disparagement".

50.2. The second sentence and the table is admitted, save that:

50.2.1. Many of the quotations in the table are selective, ignoring other relevant parts of the messages or correspondence, and some of the précises are inaccurate. The Claimants will rely upon the entirety of the text of the relevant messages and correspondence at trial.

50.2.2. This correspondence related to the First Defendant's refusal to publish the Second Claimant's comment on his article in breach of his own stated policies on publishing comments and claim to desire "open debate". The Second Claimant questions the First Defendant's refusal to stand by his own stated policies and beliefs and then criticises him for this, but this is plainly not a "campaign of public insult and disparagement."

51. Paragraph 55 is admitted. The Claimants are open and transparent about their communications, and did not realise that the First Defendant would rather their email exchange remained confidential, as now appears to be suggested.

52. As to paragraph 56:

52.1. The 28 February 2012 post referred to is the same post by the Claimants referred to in paragraphs 42 and 43 of the Defence and paragraphs 37 and 38 above, and was headed *'Does the Quackometer quack?'* and not the heading pleaded.

52.2. The post was published prior to the Claimants receiving the First Defendant's email to them on 28 February 2012, so the statement about the First Defendant not having replied was factually accurate (and it is noted that the Defence does not

assert that any of the statements in the post are inaccurate). The remainder of the post contained the Second Claimant's honest opinion as to the First Defendant's failure and apparent refusal to post the comment. It is admitted that the post contained the words selectively quoted in the Defence. The Claimants will rely upon the full text of the post at trial.

52.3. It is noted that Otherwise the paragraph is denied.

53. As to paragraph 57:

53.1. The post referred to set out the Second Claimant's correspondence with the First Defendant over his refusal to publish the comment that are also complained of in paragraphs 54 and 55 of the Defence, along with the Second Claimant's honest opinion on these matters which included but was not limited to the selective quotes set out in the Defence. The Claimants will rely upon the entirety of the text at trial.

53.2. Paragraphs 37 and 38 above (in reply to paragraphs 54 and 55 of the Defence) are repeated.

53.3. Otherwise the paragraph is denied.

54. As to paragraph 58:

54.1. The post referred to was headed *'Le Canard Noir, quackery is as quackery does'* and not the heading pleaded.

54.2. The post concerned the Claimants investigation into the First Defendant's blocking of them on his blog, and their finding that he had not blocked their IP address as they had initially thought, but had instead blocked individual email addresses – all the while advertising that he was keen for "open debate". The factual statements in the post were accurate (and the Defendants do not assert otherwise), and the

statements of opinion honest. The post contained the words selectively quoted in the Defence. The Claimants will rely upon the full text of the post at trial.

54.3. Otherwise the paragraph is denied.

55. As to paragraph 59:

55.1. The first sentence is admitted.

55.2. The Claimants email complained about the First Defendant's refusal to publish the Second Claimant's comment in the circumstances set out above. The factual statements in the email were accurate (and the Defendants do not assert otherwise), and the statements of opinion honest. The email contained the words selectively quoted in the Defence. The Claimants will rely upon the full text of the post at trial.

55.3. Otherwise the paragraph is denied.

56. Paragraph 60 is admitted. Paragraph 55.2 above is repeated.

57. As to paragraph 61:

57.1. The first sentence is admitted.

57.2. The video ("the Ethics Video") documents the Claimants attempt to post a comment upon the First Defendant's website and the First Defendant's refusal to publish the comment. It speculates as to his reason for doing so. It is a summary of the article *'Le Canard Noir, quackery is as quackery does'*. The factual statements in the Ethics Video were accurate (and the Defendants do not assert otherwise), and the statements of opinion honest.

57.3. The third sentence is noted: the Claimants will also rely upon the entirety of the Ethics Video at trial.

57.4. The page hosting the Ethics Video attracted various comments, to many of which the Claimants replied. Many of those written by third parties appear to have subsequently been deleted by the people who had made them.

57.5. Otherwise the paragraph is denied.

58. As to paragraph 62:

58.1. The first sentence is admitted.

58.2. The post referred to is the same as that referred to in paragraph 45 of the Defence. Paragraph 40.2 above as to the context and content of the post is repeated.

58.3. It is admitted that the post contained the words selectively quoted in the Defence. The Claimants will rely upon the full text of the post at trial.

58.4. Otherwise the paragraph is denied.

59. As to paragraph 63:

59.1. It is denied that the Claimants were "picking upon any mentions of [the First Defendant] by third parties on Twitter". The Claimants were discussing Steiner issues, whether mentioning the First Defendant or not.

59.2. It is denied that each of the tweets mentioned included links to "the Claimants' published material about the First Defendant": only those dated 27 March 2012, 17 April 2012 and 27 October 2012 did so. Those dated 15 September 2012, 8 October 2012 and 2 November 2012 did not.

59.3.As to the individual tweets:

59.3.1. 27 March 2012: The user @Ac2cSheila had already referred to the First Defendant's *"diatribes"* and so had an interest in the First Defendant's treatment of the Claimants shown in the video.

59.3.2. 17 April 2012: The Claimants were responding to Richard Lanigan, who had tweeted the following: *"@lecanardnoir unable to retweet your message do you consider yourself a tolerant fanatic then?"* in response to the First Defendant's offensive tweet to him: *"Fuck off Richard. Not tolerating you anymore"*.

59.3.3. 15 September 2012: As the quoted words make plain, the First Defendant had linked the user to a French document; the Claimants simply linked to a partial translation.

59.3.4. 8 October 2012: The Claimants provided a link to their website about their then ongoing Human Rights Commission mediation with their children's former School in New Zealand, to a user who had tweeted a post about Steiner. The First Defendant plainly did not want anyone to know about it as he had deleted and blocked the Claimants' comments about it from his website (and would later delete attempts by third parties to mention it).

59.3.5. 27 October 2012: This was a link to the Ethics Video, provided to someone who was recommending the First Defendant and who therefore had an interest in how he behaved.

59.3.6. 2 November 2012: The First defendant had linked the user to a Steiner article, the Claimants linked to an entirely different video, about Steiner, Michael Gove and free schools ("the Gove Video").

60. Paragraph 64 is denied. There was no "campaign". The tweets on 4 November were simply 7 tweets promoting the Gove Video. It was true that the First Defendant was censoring it in that he was refusing to allow mention of it on his blog. The tweets on 7 November are not even critical of the First Defendant.

61. As to paragraph 65:

61.1. This refers to the same email as paragraph 49 of the Defence. Paragraphs 44.1 and 44.2 above are repeated.

61.2. The email indicated the Claimants desire to discuss matters with the First Defendant:

"we would like to offer you an opportunity to dialogue with us"

"we are quite willing to discuss these issues with you"

61.3. The email was only "threatening" in that it threatened legal action if necessary to safeguard the Claimants' reputations and their advocacy work for children.

62. Paragraph 66 is admitted. The First Defendant's Blog Post included the entirety of the Claimants' email to him. In respect of himself he accused the Claimants of appearing to have as their aim "to discredit me by promulgating a partial account of events", but did not set out what was supposedly missing from the Claimants' account, or assert that anything the Claimants had published was inaccurate.

<u>The Skeptics in the Pub meeting on 14 May 2013</u>

63. Paragraph 67 does not appear to be relevant to the issues in dispute. Without prejudice to that contention the Claimants plead as follows:

63.1. The first sentence is denied. The Claimants attended a Skeptics in the Pub meeting in April 2013 at which the First Defendant spoke. The Claimants asked him questions which he answered without objection.

63.2. As to the second sentence, the First Defendant notably does not particularise these supposed attempts, and as such the Claimants are unable to plead to them. On 29 February 2012 the First Defendant had indicated that he longer wished to communicate with them *"on this matter"*, and according to the Blog Post, he had since then *"ignored and filetered [sic] out"* the Claimants. He is not averse to telling people to, for example, *"fuck off"* (see paragraph 59.3.2 above), but had given no such indication to the Claimants.

63.3. The third sentence is not admitted. Given that the Claimants feature in their videos and had attended the April meeting there is reason to believe that the First Defendant had seen them there and so knew that the Claimants were in the country.

64. As to paragraph 68:

64.1. The first three sentences are admitted.

64.2. The fourth sentence is denied. The Claimants were present throughout the event. It was not crowded, and the Claimants were sat at the front. The First Defendant showed no sign of alarm or distress. At the break, the Second Claimant attempted to hand him an envelope, containing a copy of an email they had sent him two weeks previously, to which he had not replied. As the First Defendant had previously blocked the Claimants' email addresses, and had by his own admission been ignoring them for over a year, handing him a copy of the email in person was the only way the Claimants could be sure that he received their message. Being a

self-proclaimed skeptic the Claimants did not expect the First Defendant to run away from debate, but that is what he did, refusing to discuss the matter but instead leaving immediately.

65. Paragraph 69 is denied. The First Defendant was not "alarmed" or "intimidated", and had no cause to be. The First Defendant is a vocal critic of Steiner schools and various other causes. He regularly and enthusiastically takes part in robust debates (eg, tweet 27 February 2012, *"I expect to make a new set of enemies with my next blog post. Always exciting."*). He criticises those who ignore or refuse to engage with him (eg, tweet 14 December 2012 *"@DrA_Majumdar I am afraid I can no longer take you seriously. Refusing to engage with very simple questions is a cardinal sign of quackery"*), which is how he was treating the Claimants. He at no point stated or indicated that the Claimants' online criticism of him for refusing to allow material relating to them and their experience with the School to be posted on his website was causing him any alarm or intimidation. Instead he told the Claimants that their complaint about his conduct was *"boring"*, mocked and ridiculed them (with statements such as *"you have to remember that those series of tweets and emails is not a spoof"*; *"that person that thinks I am trampling on her human rights"*, 11 December 2012), and said that he had *"ignored and filetered out"* their actions. He knew that the Claimants' blog posts and tweets had a tiny audience in comparison with his own, and that therefore comparatively very few people had read the words he now complains of.

66. Paragraphs 70 to 70.4 appear to be an unparticularised summary of the Claimants emails, tweets and posts complained of in paragraphs 54 – 65. The Claimants' pleas in respect of those publications is set out above.

67. Paragraph 71 is denied. In all the circumstances the Claimants conduct complained of did not amount to harassment, whether for the reasons set out at paragraphs 71.1 to 71.5 or otherwise:

67.1. The conduct complained of amounts to correspondence with the First Defendant, a few posts on their own websites for a fortnight after he blocked them, a few mentions in posts and tweets over the months thereafter, and an attempt to deliver a letter at a public meeting.

67.2. The Claimants' posts, comments and emails consisted true statements of fact, expressions of opinion and responses to online attacks made against their character and integrity (including on blogs recommended by the First Defendant) and the First Defendant's refusal to allow discussion of their relevant experiences on his website, with a full right of reply, and were in all the circumstances entirely reasonable and legitimate exercises of the Claimants' right to freedom of expression as guaranteed by Article 10 of the European Convention on Human Rights.

67.3. The Claimants did not know, and no reasonable person in the Claimants' position and in possession of the same information as the Claimants would have known, that their posts, comments and emails amounted to harassment. The First Defendant did not at any point ask the Claimants to cease their occasional mentions of him. He objected only to their attempt to hand deliver a letter to him, which they then did not pursue.

67.4. The First Defendant was not caused alarm or distress. Paragraph 65 above is repeated.

68. As to paragraphs 71.1 to 71.5:

68.1. Paragraph 71.1 is denied. The Claimants have criticised the First Defendant for failing to abide by the policies he himself espouses on his website and in his self-proclaimed position as a skeptic, and have commented upon how this feeds in to the online attacks on them by Steiner critics, but have not engaged in an attack of the sort pleaded.

68.2. Paragraph 71.2 is denied. The First Defendants actions in respect of the comment, including his blocking of the Claimants' email addresses, were not reasonable. He did not make any request that the Claimants leave him alone.

68.3. Paragraph 71.3 is denied. Given the First Defendant's self-proclaimed status as an evidence-based skeptic and a prominent writer on Steiner schools, the Claimants' responses to his refusal to discuss their evidence and experiences were not unreasonable or disproportionate.

68.4. Paragraph 71.4 adds nothing to paragraph 71.3 and the reply to that paragraph is repeated.

68.5. As to paragraph 71.5 and the Claimants attempts to hand deliver a letter, because he had previously blocked the Claimants' email addresses, and had by his own admission been ignoring them for over a year, handing him a copy of the email in person was the only way the Claimants could be sure that he received their message.

69. As to paragraph 72 and the Claimants' letter of 8 November 2012, the Claimants were informing the First Defendant that they would exercise their legal rights to protect their reputation and advocacy work for children, and that they would publish the letter as widely as necessary to ensure it reaches him (given his previous conduct in ignoring their communications). Otherwise the paragraph is denied.

70. Paragraph 73 is denied. The Claimants did not lie to the First Defendant. As to paragraphs 73.1 to 73.3:

70.1. Paragraph 73.1 is denied. The Claimants did not allege that the First Defendant "was fomenting a large gang" into the public, personal and professional victimisation of the Claimants, or that they had clear and good evidence of the same; but rather alleged that such victimisation was well-evidenced, and that the

First Defendant had provably fomented it. This was provable by the matters set out in paragraphs 44.2 to 44.2.3.5 above.

70.2. Paragraph 73.2 and the first sentence of paragraph 73.3 are denied and paragraphs 73.2 and 73.3 are wholly inadequate as a plea of dishonesty in support of an allegation that the Claimants deliberately lied. Unless and until it is particularised the Claimants will state only that they did (and do) honestly believe the allegation to be true, and that the reasons for that belief include the facts and matters set out in paragraphs 44.2 to 44.2.3.5 above.

71. Paragraph 74 is denied. The Claimants' publications complained of were not odd and disturbing, having regard in particular to the First Defendant's regular and enthusiastic participation in robust online debates; nor was their sole approach to him in person at the Skeptics in the Pub advertised public meeting, which was to deliver a message that when sent to him by email he had ignored for weeks.

72. Paragraphs 74.1 to 74.7 are unparticularised assertions which the Claimants are unable to plead to further than to deny (save for paragraph 74.4 which is admitted but which is neither odd nor disturbing, and 74.5 which is denied because the First Defendant's presence at the meeting was well advertised, including on his own website, where it is still advertised, so there was no "tracking"). In so far as they are intended to relate to the Claimants' acts and alleged acts complained of in earlier paragraphs of the Defence, the Claimants repeat the relevant parts of this Reply.

Malice

73. In publishing the defamatory allegation that the Claimants children were expelled from their school because of the Claimants' own unreasonable behaviour, complained of in paragraphs 6, 7 and 8 of the Amended Particulars of Claim, the Defendants acted maliciously, knowing and intending that it would damage the Claimants while having no honest belief in the truth of the allegation or not caring whether it was true or false.

Particulars of malice

73.1. Both Defendants are very strongly of the belief that Steiner schools are not a safe environment for children, and are manipulative and not to be trusted. Both Defendants have repeatedly described them as a "cult" (eg, the First Defendant on 14 June 2013: *"the important thing to grasp is that [Steiner schools] are part of an esoteric cult. What they say to the public differs from internal beliefs."*)

73.2. The First Defendant has repeatedly written of how Steiner schools have a bizarre and dangerous approach to bullying, believing that it should be left unchecked, and of how they seek to vilify those who speak out against them:

73.2.1. On 5 November 2012 (a mere four days before publishing the malicious allegation), he wrote the following on his blog:

"The [sic] are consistent reports of how Steiner Schools have a laissez faire attitude to problems such as bullying within schools. [...] Karmic influences need to be worked out and if a child is being bullied then intervention may interfere with the child's destiny."

73.2.2. On 26 December 2012, he tweeted:

"WTF! Appalling video evidence of unchecked bullying within Waldorf Steiner School environment. http://vimeo.com/56109384"

73.2.3. On 19 March 2013, writing on his blog:

"It is a common complaint that bullying goes unchecked as their [sic] is a belief that the bullied and the bullier and [sic] reversing roles from previous incarnations and these karmic issues must be worked out by the children."

73.2.4. On 13 May 2014, he tweeted:

"Meltdown at Scottish Steiner School after bullying claims and cash crisis"

73.2.5. On 20 May 2014, he tweeted:

"Violence in a Swiss Steiner School. The karmic burden of bullying."

(linking to http://bazonline.ch/schweiz/standard/Schwere-Vorwuerfe-an-RudolfSteinerSchule/story/25192472)

73.2.6. On 31 July 2014, he tweeted:

"Well done to the @BHAhumanists for uncovering that the government knew all about racism and bulling and homeopathy in Steiner Schools."

and

"Excellent. #newsnight now talking about Steiner's views on karma and bullying."

73.2.7. On 1 August 2014, in an article entitled *'Government forced to reveal what they knew about racism and bullying in Steiner Schools'*, he highlighted and linked to documents revealing the problem of Steiner School's approach to bullying.

73.2.8. The First Defendant has also tweeted links to articles highlighting these issues, eg

74. http://www.listener.co.nz/current-affairs/education/fairy-tale-fallout/

75. http://www.20min.ch/ro/news/suisse/story/16361886

75.3. The Second Defendant has also tweeted about the same subjects, eg:

75.3.1. On 20 May 2014:

"When my daughter was being bullied, it was said that this was because of the karmic burden of a past life," (linking to http://bazonline.ch/schweiz/standard/Schwere-Vorwuerfe-an-RudolfSteinerSchule/story/25192472)

75.3.2. On 6 July 2014:

"The Waldorf Review - Why Waldorf Bullies - KARMA and BULLYING in Waldorf Schools #Steiner" (linking to http://thewaldorfreview.blogspot.co.uk/2014/06/why-waldorf-bullies.html)

75.3.3. On 25 July 2014 the Second Defendant tweeted a link to an article highlighting the themes of bullying and vilification by Steiner schools (http://www.listener.co.nz/current-affairs/education/fairy-tale-fallout/).

75.4. The Second Defendant knew and believed that the School had treated the Claimants' children unfairly in expelling them after the daughter's complaint of bullying and supported their efforts to publicise their experiences. Her writings on the subject included:

75.4.1. *"I urge anyone reading this to look at [the Claimants' website about their experiences with the School], which I believe they would do even without my prompting. And more importantly I have great sympathy for any parent who is forced to take this kind of action against their child's former school and note their courage in doing so."* (Second Defendant's message to Waldorf Critics Yahoo group, 10 June 2010)

75.4.2. *"[The Claimants' story] does deserve a wider audience and of course to get a more international one"* (Email to Second Claimant, 8 February 2011)

75.5. Both Defendants had read the landmark joint Statement agreed between the Claimants and the School after their mediation. The fourth to ninth sentences of paragraph 1 above are repeated.

75.6. Despite entering a Defence including a lengthy plea of justification to other allegations, neither Defendant even attempts to defend the allegation as true.

75.7. In the circumstances neither Defendant had an honest belief in the truth of the allegation, alternatively did not care whether it was true or false.

Damage

74. Paragraph 75 is a mere bare denial and is an inadequate and embarrassing defence to the matters pleaded in paragraphs 20 to 20(h) of the Amended Particulars of Claim. The Defendants have not set out their case as to those matters and unless they seek to do so should be deemed to have admitted them.

75. The Defendants have not pleaded to paragraph 21 of the Amended Particulars of Claim and are thereby taken to have admitted it.

RICHARD MUNDEN

Statement of Truth

* (We believe) (The Claimants believe) that the facts stated in this Reply are true.
* I am duly authorised by the Claimants to sign this statement

Full name

……

Name of Claimants' Solicitor's firm
……

Signed ……
First Claimant

Dated: .....

Full name

……

Name of Claimants' Solicitor's firm
……

Signed ……
Second Claimant

Dated: .....