Stéphane Paris & Angel Garden
August 2016

Claim No. C00SA374

IN THE COUNTY COURT AT SWANSEA
SWANSEA CIVIL JUSTICE CENTRE

BETWEEN:

(1) Dr Andrew Lewis
(2) Melanie Byng

Claimants

and

(1) Stéphane Paris
(2) Angel Garden

Defendants

Exhibit AGSP

This is the paginated bundle of copy documents entitles "Exhibit AGSP" which is attached to, and forms part of, the Witness Statement of Stéphane Paris and Angel Garden, dated 30th August 2016.

Stéphane Paris

Angel Garden

From: **ANM** anmletters@gmail.com
Subject: Response to your letters & contents
Date: 22 August 2016 at 4:02 pm
To: Robert Dougans Robert.Dougans@BryanCave.com, Serena Cooke Serena.Cooke@bryancave.com

Dear Sirs

Apart from the fact that you have gone against everything you contracted with us through email and over the phone by issuing this claim, there are a lot of material inaccuracies in it and the accompanying witness statement, and we bring your attention to a handful of these below.

We have continued to try and meet your deadlines, and complied with your several demands for unequivocal statements that we know you are going to take our home, do viewings etc., and there was absolutely no necessity for you not to stick to your prior contract to limit the debt to the house only, and to take possession of it once we move out. This will be very close to the date specified, when we are rehoused by the council.

In order to meet your deadlines, we have even had to delay urgent surgery.

We have received no warning of this sudden unfair and unreasonable change of position prior to you issuing proceedings. You have therefore served your claim prematurely, having not followed protocol as claimed.

You have further issued it as Part 8, whereas due to your dereliction of undertakings made previously as detailed below, the substantives are very much in question.

9. As at 15 July 2016 there is due to the Creditors under the Charging Order the sum of £220,000 plus £246 for costs plus statutory interest in the sum of £7,645.90 and accruing at £48.09 per day.

This is incorrect.

On the 30/3/2016 we had a phone conversation with you wherein you stated that *"We're willing to take the proceeds of sale of the house and draw a line under the rest of the cost order."*

This was further repeated on the 4/4/2016 by email: *"The intention of this is for you to provide that your home to handed over to the Defendants and sold to pay their legal costs, with the Defendants accepting that the sale of what you say is your only significant asset is the end of your liability to them"*

Therefore, the sum claimed by Mr Lewis and Mrs Byng no longer includes interest, and is limited to our home. Or as you said in that phone conversation, your firm would *"sell [the house] by auction, with us knowing that what we got at that auction was what we would recover in costs."*

Further, you stated in that same phone call that *"we would've sought costs if you'd resisted the order"* and *"If you do oppose the hearing for a charge, we will seek costs."*

As we did not oppose the charging order, its cost of £246 should not be paid by us, as per your assurance.

14. It was therefore reasonable - indeed imperative - for them to instruct lawyers.

This is incorrect:

You had been instructed since the 16th of August 2013, months before our claim was even issued: *"As we are acting for Dr. Lewis, please do correspond with us on this matter rather than with Dr. Lewis directly"*

16. they would have sought to recover over £135,000 plus VAT from Dr. Lewis and Mrs. Byng, as well as damages.

This is incorrect.

Since we were no longer represented by counsel, our costs would have been significantly lower than the sum stated. Also, whatever costs Mr Lewis and Ms Byng would've had to pay would've been divided in half, as opposed to a single disabled family having to bear all the costs.

23. Mr Paris and Ms Garden have, to date, been given almost a year to sell the Property, and have failed to do so.

As you well know, the house has been on the market with Morgan Jones since September 2015 as you've mentioned yourself in paragraph 12. We have conducted many viewings, but the fact that no one has made an offer, is sadly not down to us.

23. They have also failed to make any alternative proposals for payment

This is incorrect.

We made you an offer of a monthly payment of £200, which is as much as we can afford, bearing in mind that only one of us is currently in full time employment earning minimum wage, one of us is physically disabled and we have three dependent children, all under the age of 18, but this was rejected by you on the 13/4/2016.

We also offered during the phone conversation of the 30/3/2016 that you take the deeds then, prior to us moving, in order to finish this situation sooner rather than later. Your response was that *"we're not interested in taking possession of the house whilst you're still living in it. That would effectively make you our tenants, and it's a legal responsibility that we don't want."*

On the 23/5/2016, you wrote to us stating that:
"We have asked our Real Estate Department to prepare a transfer in the terms previously discussed, which would allow you to convey your home to the Defendants. However, we have been advised that this would trigger a charge to Stamp Duty of around £9,000.We are further advised that a charge to Stamp Duty would not be payable if your home was transferred to the Defendants pursuant to a court order.

A charge for Stamp Duty of this magnitude would greatly affect the economics of recovery. We are accordingly instructed to apply for an Order to enforce the charge by way of sale, which would not trigger stamp duty."

It is our understanding that stamp duty for homes valued between £125,001 and £250,000 is only 2%. Assuming a sell price of £180,000 (which is the figure you used yourself), this would lead to a stamp duty of only £3,600.

25. The Debtors subsequently refused to sign the consent order.

The draft consent order citing our home as payment of the debt was not acceptable based on several independent legal opinions concerning the danger of being found intentionally homeless which was something you claimed to both understand and want to avoid.

This happened before the Charging Order hearing of 6th April, not "immediately following the Final Charging Order"

We tried to communicate with you regarding this draft order, but never received any response from you about this.

In Summary, you freely suggested and contracted with us to take our home and draw a line under the rest of the costs. You have not given any reason or warning that you would do any different, and now claim court costs and interests as per your draft order, and yet you have served a Part 8 Claim before the deadline agreed between us. Quite simply it is manifestly unreasonable of you not to stick to the agreement you made and this will be our defence should you continue with this case.

——

Regarding vacating our home by the 31st of August 2016,

Although this has always been our intent, we could not have foreseen the length of time it took to register and be put on a list for social housing. Following processing, we are now waiting for a council house to become available, although we understand that having three young dependent children, we are on a priority list. We therefore hope that a house will become available within the coming weeks, and probably only marginally later than the end of August. It is our intention to move out as soon as we possibly can, as agreed.

This is not something that you can reasonably think we have control over, or penalise us for not having control over.

Regarding paragraphs 19-20.

Unfortunately the frightening and unreasonable inconsistency in your aggressive about-turn on such earlier clear contractual statements concerning costs, compounds the impossibility of us having to have more to do with you following moving out.

Far from being the *"architects of their own misfortunes"* as you state in paragraph 20, the evidence contained within disclosure proves a years-long campaign of hate orchestrated by Ms Byng and Mr Lewis, which included using a doctor's credentials to add weight to a fake "clinical judgement" being spread about in order to have us shunned and portrayed as dangerous and mentally unstable.

This should have easily defeated your defence, had the Judge not been somehow persuaded of Mrs Byng's "honest belief" in using her husband's credentials to spread fake mental health smears. Yet now your own submitted documents blatantly demonstrate the deception at play.

You have included Mrs Byng's admission that she told people outright lies concerning Ms Garden's mental health *and* that she understood exactly how distressing that would be, as per page [102]: *"I want to make it clear that there has been no clinical assessment of Angel Garden's mental health by my husband, Ms Garden is not his patient and he has never*

diagnosed her with any mental health issue. Any comments I have made which might suggest otherwise are untrue and understandably distressing to Ms Garden."

In spite of admitting to knowingly causing distress by spreading lies about Ms Garden, your submitted documents also demonstrate that Mrs Byng was nevertheless *not* prepared to allow our family to have that or any other statement that we might use to correct these lies to anyone she might've spread them to, which she has admitted in court was a lot of people, far beyond emails and tweets, but also on the phone and face to face.

Not only was this so prejudicial as to prevent us signing the settlement agreement, it necessitated re-introducing the covert harassment claims into the case, which were disallowed on a promise to properly examine the course of conduct, that was then not honoured.

In fact, the admission and refusal together, as submitted by you, amount to a clear intent to continue the admitted harassment caused by spreading lies, with no reduction in the acknowledged "understandable distress".

Our Family's Safety

Even more frightening than that, your client Mrs Byng has made a credible threat to kill Ms Garden: "*I am happy to give her a hole in the head anytime*", and your other client Mr Lewis, has sought details on our family, referred to our children in emails *"there are children involved too - directly"*, and cited a psychiatrist as being on board with his dossier on information *"should it come to the point when authorities need to be involved";* he was also *"Happy to talk to anyone who wants anything checked about them."*

In view of the extreme intimidation of these statements and your clients' substantial stalking of us, clearly our whole family, including our children, not only feels but in fact is very unsafe with you and your clients knowing where we are.

The extremely threatening reality of your clients' long course of conduct means that we have already had to alert the police to the fact that we cannot possibly accede to any demand for contact subsequent to us leaving this address, and why.

This was the exact and only reason we were agreeable to make the deeds over to you, *to bring matters to an end as you clearly stated was your intention*, even though the facts show how unjust it is that those who practise stalking and harassment should be given their target's home.

However we note that despite your clients' many showy protestations to want nothing to do with us, you now bring an unnecessary claim, seeking to pursue us further, against what you earlier suggested yourselves, just before an agreed deadline, and with no warning whatsoever.

It would be unreasonable not to expect us to resist such obvious aggression. Therefore in any instance where you pursue us further, we will consider that we have to fight hard to stay here, and find some way to pay by instalments, rather than risk further stalking from your clients at any onward address.

Avoiding Legal Action

Following this deliberate intimidation, we are still willing to adhere to the original plan, in which you take our home and that is the end of it, in order to avoid further legal action.

However, in order to enable us to stick as closely as possible to the deadline, which we have already worked extremely hard to do, we will now require a prior document signed by you to the effect that on your taking legal possession of our home, whether by order for sale, or transfer of deeds, that any and all "debt" to you by us will be expunged, and may be immediately entered into the Judicial Register as such with no further qualification necessary, as being an end to any costs in all these matters.

This was what you yourselves proposed: the only difference is that it would commence from the moment you have the deeds, as we cannot and will not provide onward details to you.

As what you want is to take our home, and this is the most practical way for you get it, we cannot see any reason why you should not just produce that piece of paper. You already have the charging Order so we cannot sell the house and take the money. So once we move out and transfer the deeds (or you achieve an order for sale following us moving out at your own expense if you prefer that), there will be no further reason for any communication.

Any other action on your part is vexatious, and time-consuming in a manner that will actually prevent us from being able to move out as will your demands for further "sums" not agreed between us.

Only an active and continuing desire to further harass and hurt our family, so obviously demonstrated in the statements of your clients above, could possibly motivate a refusal to achieve swift resolution of costs in the case as per your own suggestion in this practical way.

Alternative Payment of Costs

Finally we note your letter dated the 16/8/2016 wherein you state: *“we note that you have been raising sums online to pay the sums you owe us. Please can these be sent to us forthwith to avoid interest accruing.”*

In view of your agreement to limit costs to our home, this is a clear acceptance, and in fact a request from you, of payment of the costs through alternative smaller amounts of money raised online for that purpose through a crowdfunding initiative, instead of through the sale of our home.

Over a month and a half, with minimal effort, we have raised nearly £2,000. We therefore do think over time we could raise the money via this route, and that although the costs order is wildly overblown and manifestly unjust, the heartwarming response even with such a limited time to promote it, indicates that as more people become aware of it, it would be likely to meet the requirements.

In any case, your statement of acceptance of alternative method of payment makes the case you are bringing with documents sent to us just two days prior to sending that statement of acceptance, both unnecessary and wasteful, and we will inform the court of this in our response.

Your sincerely,

Steve Paris & Angel Garden

BRYAN CAVE

BRYAN CAVE 88 Wood Street, London EC2V 7AJ, United Kingdom
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16 August 2016

Our Ref: KU1/96R/0372664

Ms. Angel Garden & Mr. Steve Paris
9, Lon Bryngwyn
Sketty
Swansea
Wales
SA2 0TX

Dear Sirs,

Claim No. 35A90091: Paris & Anor v. Lewis & Anor

Please see attached Notice of Hearing. The hearing of our clients' application to sell your house will be heard at 12 am on 26 September 2016.

In the interim, we note that you have been raising sums online to pay the sums you owe us. Please can these be sent to us forthwith to avoid interest accruing.

Yours faithfully,

Bryan Cave

Case No: 3SA90091

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
SWANSEA DISTRICT REGISTRY

Swansea Civil Justice Centre,
Caravella House, Quay West,
Quay Parade, Swansea SA1 1SP

Thursday, 19th March 2015

Before:

HIS HONOUR JUDGE SEYS-LLEWELLYN QC

- -

Between:

(1) STEPHANE (A.K.A. STEVE) PARIS
(2) ANGEL GARDEN **Claimants**

- and -

(1) DR. ANDREW LEWIS
(2) MRS. MELANIE BYNG **Defendants**

- -

Digital Transcription of Marten Walsh Cherer Ltd.,
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- -

THE CLAIMANTS appeared in Person.

MR. JONATHAN PRICE appeared on behalf of the Defendants.

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EXTRACT FROM EVIDENCE BY MRS. BYNG

- -

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(Start: 15.49)

MS. GARDEN: I am just going to examine more whether the fact that you felt that you did not have any obligation, having made offers to our children or child meant that, on the basis of some obligation we apparently had to your son, that we(sic) are now warning everybody that we are untrustworthy and I want to have a look at who you warned because you warned everybody you could think of, did you not?

MRS. BYNG: No, I did not actually.

Q. Well, it says here that you have warned everybody. As many people as you could. Everyone who needed to be warned over a period of time?

A. I warned very few people actually and I was quite surprised when I went through my disclosure and looked at this, how few people I spoke to.

Q. You think 35 to 40 people is small?

A. I think the list that you – with respect, Ms Garden, sorry to be ruffling. With respect, the list that you produced includes people that I - for example, Sune Nordwall, whom I have never communicated with and John Stumbles, who are both supporters of Steiner education and whom I have never communicated with. I would never communicate with Sune Nordwall.

Q. Some of those people may have been warned by others or by the first defendant because I know that he had ----

A. I do not believe anybody warned Sune Nordwall about – none of us would have privately spoken to Sune. If ----

Q. You prefer Sune to us though, do you not, because you have said that. So let us not pretend that you would prefer to sit and talk to Sune. So let us look at who you did warn then. You warned Francis Gilbert and you said in your disclosure ----

A. May I answer that. Francis Gilbert wrote to me forwarding an email but I did not proactively warn Francis Gilbert. He wrote to me forwarding an email from Ms Garden.

Q. But you did tell other people that in that email that I told Francis Gilbert?

A. I did tell - I do not remember what I said. I certainly responded to Francis Gilbert, who asked me what – the email itself was very strange and he said to me, "What shall I do with this? Ignore it?" and I said, "Ignore. Yes, I think that is a good idea". I certainly did not say, attack or criticise or – just ignore.

Q. So is this the email you were referring to when you told the first defendant that we had spread this, what you call a smear of grooming to journalists?

A. I cannot remember exactly which letter you sent to Francis Gilbert. I do not think it was the same one; but, certainly, that email, that open letter to Steiner critics, which you widely circulated, which had a scurrilous slur against me, which absolutely horrified, shocked and disturbed me and still does and it is still there on the web.

Q. That is not what I am asking. I am asking you that if the email that you were referring to when you wrote to Andrew Lewis that we told journalists about this grooming thing that you objected to, was this email that Francis Gilbert wrote?

A. It was a different one but I do not know whether you sent it also to Francis Gilbert since he was a contact.

Q. We could not find any email like that at all in disclosure; but, you know, it is just a point that I ----

MR. PRICE: It is very similar – I am sorry, I am not interrupting in order ---

MS GARDEN: No, you cannot interrupt.

JUDGE SEYS-LLEWELLYN: I am just pausing to hear Mr. Price.

MR. PRICE: It appears not to be relevant. May I just remind the court that the case put by Mrs. Byng is that – or one of her cases – is that she was justified in retweeting an allegation of harassment, in part because she had been harassed by the claimants. The claimants have not sought to say that their conduct was reasonable because Mrs. Byng had sent these private communications, because they could not say that when they pleaded it and they have not sought to amend it or they have but on a different basis and they have failed. These communications were not known to them at the time they committed the conduct -----

MS GARDEN: Well, we knew they were happening, we did not know what was said.

MR. PRICE: -- that is complained of.

MS GARDEN: Well, we knew they were happening, Mr. Price. We correctly identified them -----

JUDGE SEYS-LLEWELLYN: I was listening to Mr. Price for a moment.

MS. GARDEN: Sorry. I do apologise, your honour.

MR. PRICE: Were one trying to prove harassment under the Protection of Harassment Act, the course of conduct is that set out in the particulars of justification. It is the lengthy and repetitious acts upon Mrs. Byng in public blog posts. The claimants may have sought to defend under the statutory defence of reasonableness on the basis that it was reasonable for them to commit a course of conduct for whatever reason. They have not done that. In the absence of a plea, this only goes to

credibility. In other words, he did not believe a lot of what you were saying and we have been through that. There has to be an end to -----

JUDGE SEYS-LLEWELLYN: It is this rule of credibility that I have been allowing this.

MR. PRICE: So there has to be a limit. Given that there has to be a limit, in my submission, my lord, that limit has been reached some time ago and we are on the penultimate day of this trial. I think it is time to get to the nub of the issue.

JUDGE SEYS-LLEWELLYN: Thank you very much. Ms Garden, you were anxious to say something to me.

MS. GARDEN: Okay. First of all, we did not know. Nobody had told us at any point in these proceedings that we would have to plead anything against the plea of justification but I totally understand that you are not responsible for it. Nevertheless, that is true. So we could have sought to defend on that it was reasonable under the circumstances but the thing is the thrust of our argument has to be the same, whether we have made that pleading or not, that there is no justification in the statement that Mrs. Byng made given what she was doing under the surface, which we did correctly identify. For Mr. Price to say that we could not have known about it, that is rubbish. I mean, the whole defence is full of me correctly identifying it; and, as I said to you at the beginning, if you put them side by side, the defence and the disclosure, all you will see is that I have correctly identified exactly what is in the disclosure and I cannot see why that should ever not be reasonable for somebody to do that is being covertly attacked.

JUDGE SEYS-LLEWELLYN: It really comes to this. I need to put this in formal terms and I will; but, otherwise, it is a guidance to both parties but particularly to the claimants. The reason why I have allowed elaborately an opportunity to go into

these things, is on the basis that you are testing the credibility of Mrs. Byng: Did she honestly take the view she did? Was she honestly responding to what she thought was scurrilous against her, etc.? Now, we have more or less tested that issue to destruction. What is the central issue of the central issues? Was what was said defamatory and, if so, sort to justify. And you have been exploring whether there was malice. We do need to get back to the central points.

MR. PRICE: Ms Garden here has said here in open court she was right. There were behind the scenes - it is in a very limited way and they do not accept it is limited but there were behind the scenes – both defendants occasionally emailing each other and/or third parties about the claimants.

JUDGE SEYS-LLEWELLYN: Yes, I see that.

MR. PRICE: I do not know if it assists for them to hear that and then move on in an attempt to push these proceedings forward.

MS. GARDEN: So there is no value – this is a question, sorry, your honour. Is there any further value in us demonstrating the extent of Mrs. Byng's covert enjoyment and participation in further mobbings which has happened to us on other people's blogs?

MR. PRICE: That is not a pleaded issue. You said ----

MS. GARDEN: In terms of justification – otherwise we will not do it.

JUDGE SEYS-LLEWELLYN: You will remember that we had the discussion – it was an argument with discussion on both sides – as to whether your pleaded case should be enlarged to include harassment. If that is a live issue in the case (well it is not) or if it were a live issue in the case, then to say, "Oh, somebody has been setting the pack upon me so that I have had a very tough time in all the unpleasant things that I have heard and that I have read about myself", well that would be simply arguing part of

the case; but, I have made my ruling. My ruling is that we are dealing with the defamation case. We are not dealing with a case in harassment, namely, below the surface there was this campaign and participation, collusion in setting out an array of comments which might make people less fully pay attention to us. So that is not the case that I am trying. So what I am trying to do is to give as much liberty to you as I properly can and, to be honest, probably a bit more because you are litigants in person and you find it is not so easy to press your case, but I do need to say it is time to move on. You have done all that, as to whether there was deliberate collusion in setting the hounds upon you. That is not what this case is about. It is not the pleaded case. It is not what it centres on. So we need to get back to the main issues.

MS. GARDEN: So we are dealing with the tweet and the tweet blog posts and on the tweet and the blog posts whether Mrs. Byng can be said to publish a blog post, whether it was malicious and whether the tweet, whether qualified privilege applies to it - am I right - and that is basically the cases we need took at. Is that correct, Mr. Price?

JUDGE SEYS-LLEWELLYN: Well, broadly speaking, that is right. I think it may help – I am not going to interrupt yet again unless something makes the break; but it may be helpful. Mr. Price has said, "Look, there are certain things which .... but facts, yes, there was discussion, yes, there was communication with the Byngs, Mrs. Byng and friends on certain subjects. I think actually it is common ground just looking at the disclosure; but, it might help you, as it were, to have it written out and then you can make sure yourself. It is accepted that there was this degree of communication and we can also save a lot of time, actually.

(Finish: 16:02)

****

Marten Walsh Cherer Ltd.
Tel: 020 7067 2900

Andy Lewis <andy@scali-lewis.net> 3 November 2012 01:55
To: Sid Rodrigues <sidrodrigues@gmail.com>

Hi Sid

"Andy has colluded in some atrocious cyber-bullying"

I have communicated with Angel precisely twice - both time by email. Once to explain why her comment had been held up in my moderation queue for 2 hours after she had accused me of blocking her. I was at lunch or something. A second time to explain I did not want her using my blog to attack other people.

For this, I have been hounded by her and her partner with tweets and videos being made, emails sent to people - constant harassment. I am not the only one. She has tried to get a friend of mine sacked by writing to his boss.

For this reason, I would strongly advise you not to engage in anyway with her, Steve Paris or any of her sock puppets - which are pretty obvious. She consistently falls out with people, gets angry at the slightest hint she is being disrespected and then never lets it go. I know of one person who reported her to the police. And I too, with a few others are considering options. Fortunately, she is in New Zealand right now, but has also lived recently both in France (near where my wife is from) and in Bristol (near us now). So, I do consider her an actual threat.

I am sure you will understand.

A
[Quoted text hidden]

Andy Lewis <andy@scali-lewis.net> 5 November 2012 22:37
To: Sid Rodrigues <sidrodrigues@gmail.com>

Hi Sid,

Not sure what to make of our twitter exchange but it does look like there is something that needs sorting out.

Firstly, let me assure you that this email has not been forwarded or discussed online. The only person I have discussed this with is a psychiatrist friend in a face to face situation. This person is not on twitter.

The situation with angel and her husband is complex, nasty and is causing problems. It is likely that she does indeed suffer from a personality disorder and is paranoid too. She is playing games with many people in an attempt to discredit not just myself but a number of people who she believes have slighted her. She will not let go. One thing she will do is assume that there is a conspiracy between people to keep her silent. She is both driven by this and uses it to intimidate.

The people affected are considering what to do. There are children involved too - directly. The police is an option, but Angel, at the moment is in New Zealand. She will come back to the UK and has made threats to 'sort people out' when she gets here.

Your email was useful in that it provides extra evidence of her constant harassment, should it come to the point when authorities need to be involved.

Hope all is well and she is not causing you too much trouble. As I said, the best way to avoid her attention -

which inevitably turns nasty - is not to communicate.

Regards

Andy

On 3 November 2012 01:20, Sid Rodrigues <sidrodrigues@gmail.com> wrote:
[Quoted text hidden]

Andy Lewis <andy@scali-lewis.net> 6 November 2012 16:51
To: Sid Rodrigues <sidrodrigues@gmail.com>

Hi Sid,

I hope things are sorted out from last night.

If you feel able to help, any emails you get from these people will be useful in building up a file of their activities. Of course, this will not be passed on beyond any authority that gets involved.

A
[Quoted text hidden]

>> >> I have an hour left to eat. Must get up early tomorrow.
>> >>
>> >> On 19 February 2012 23:04, Melanie Byng <melanie.byng@gmail.com> wrote:
>> >> > concentrate on that. I have to work on Midsummer Night's Dream for
>> >> > the
>> >> > next
>> >> > couple of days. I think it can wait.
>> >> >
>> >> >
>> >> > On Sun, Feb 19, 2012 at 10:01 PM, alicia h. <zzzooey@gmail.com>
>> >> > wrote:
>> >> >>
>> >> >> thank you. There is an other reason I should perhaps avoid doing
>> >> >> anything today: I have had over a thousand visitors today, and most
>> >> >> of
>> >> >> them are from sweden. Plus new twitter followers who would just be
>> >> >> perplexed seeing a post about this. It's a very bad situation
>> >> >> really.
>> >> >> Good but bad. People want to know lots of things about
>> >> >> anthroposophists and anthroposophy and I will be virtually one-eyed.
>> >> >>
>> >> >> On 19 February 2012 22:56, Melanie Byng <melanie.byng@gmail.com>
>> >> >> wrote:
>> >> >> > just remember - there are lots of people who know about this now
>> >> >> > and
>> >> >> > they
>> >> >> > will tell each other. But let me know the minute you see anything
>> >> >> > because I
>> >> >> > can probably do something about it.
>> >> >> >
>> >> >> >
>> >> >> > On Sun, Feb 19, 2012 at 9:54 PM, alicia h. <zzzooey@gmail.com>
>> >> >> > wrote:
>> >> >> >>
>> >> >> >> by which I meant to start the sentence saying: he was.
>> >> >> >>
>> >> >> >> On 19 February 2012 22:54, alicia h. <zzzooey@gmail.com> wrote:
>> >> >> >> > well he is. It is still available in my tweetdeck. But when I
>> >> >> >> > click
>> >> >> >> > on
>> >> >> >> > it, to see it online, it's not online anymore -- perhaps
>> >> >> >> > someone
>> >> >> >> > else
>> >> >> >> > saw it and protested? and he then deleted it.
>> >> >> >> >
>> >> >> >> > It was this tweet (the one she's been tweeting all day long):
>> >> >> >> >
>> >> >> >> > RT @steinermentary: Why wld an apparently high profile anti
>> >> >> >> > #Steiner
>> >> >> >> > blog be promoted by a pro-#Waldorf site? http://t.co/gUUOzbtm
>> >> >> >> > #cults

>>>>>>> well, it's a useful place for people to see it collected all together.
>>>>>>> And you're so calm and cogent - so detached - it must have pissed them
>>>>>>> off SO MUCH.
>>>>>>>
>>>>>>> On Sat, May 12, 2012 at 7:25 PM, alicia h. <zzzooey@gmail.com> wrote:
>>>>>>>> I think it was justified, but maybe not worth it ;-)
>>>>>>>>
>>>>>>>> I hope that too. At this point, there's not anything else I can say
>>>>>>>> anyway. Communicating with them is pointless.
>>>>>>>>
>>>>>>>> On 12 May 2012 20:17, Melanie Byng <melanie.byng@gmail.com> wrote:
>>>>>>>>> but it is a good thing someone checks up on it, in case she has a new tactic.
>>>>>>>>>
>>>>>>>>> On Sat, May 12, 2012 at 7:16 PM, Melanie Byng <melanie.byng@gmail.com> wrote:
>>>>>>>>>> I don't think you should feel bad at all - your post was perfectly
>>>>>>>>>> calm and absolutely justified. I don't care if she writes rubbish
>>>>>>>>>> about me - no one is listening (everyone who needed to know has been
>>>>>>>>>> informed). I'd rather not do anything at all tho until after Joe's A
>>>>>>>>>> levels. If she's still ranting in 6 weeks time, then possibly. I
>>>>>>>>>> secretly hopes she gets into trouble elsewhere.
>>>>>>>>>>
>>>>>>>>>> On Sat, May 12, 2012 at 7:08 PM, alicia h. <zzzooey@gmail.com> wrote:
>>>>>>>>>>> I need to stop looking too. I kind of feel bad I blogged about it and
>>>>>>>>>>> that since I did I have to keep informed about what they're screaming
>>>>>>>>>>> into the void. I really need to just get away from all of this.
>>>>>>>>>>>
>>>>>>>>>>> On 12 May 2012 20:02, Melanie Byng <melanie.byng@gmail.com> wrote:
>>>>>>>>>>>> I'm actually having a lot of fun NOT looking at her tweets. Andy says
>>>>>>>>>>>> 'let her scream into the void". Not that I'm not interested;)
>>>>>>>>>>>>
>>>>>>>>>>>> On Sat, May 12, 2012 at 7:01 PM, Melanie Byng <melanie.byng@gmail.com> wrote:
>>>>>>>>>>>>> they do seem to focus on the irrelevant.
>>>>>>>>>>>>>
>>>>>>>>>>>>> On Sat, May 12, 2012 at 6:31 PM, alicia h. <zzzooey@gmail.com> wrote:
>>>>>>>>>>>>>> yes. I'm sure its them who are mistaking or distorting something and
>>>>>>>>>>>>>> probably something wholly irrelevant. Shane has done nothing to
>>>>>>>>>>>>>> deserve their wrath.
>>>>>>>>>>>>>>
>>>>>>>>>>>>>> On 12 May 2012 19:29, Melanie Byng <melanie.byng@gmail.com> wrote:
>>>>>>>>>>>>>>> he's always v nice to me. He doesn't comment on it - except to say
>>>>>>>>>>>>>>> they're 'consistent'.
>>>>>>>>>>>>>>>
>>>>>>>>>>>>>>> On Sat, May 12, 2012 at 6:20 PM, alicia h. <zzzooey@gmail.com> wrote:
>>>>>>>>>>>>>>>> I don't know, didn't ask -- I think they were about how bad everone
>>>>>>>>>>>>>>>> is! The horrors they have endured. Et c. The usual stuff we know by
>>>>>>>>>>>>>>>> heart by now. Lol.
>>>>>>>>>>>>>>>>
>>>>>>>>>>>>>>>> On 12 May 2012 19:18, Melanie Byng <melanie.byng@gmail.com> wrote:
>>>>>>>>>>>>>>>>> oh - HE deleted comments! Were they about you?
>>>>>>>>>>>>>>>>>
>>>>>>>>>>>>>>>>> On Sat, May 12, 2012 at 6:02 PM, alicia h. <zzzooey@gmail.com> wrote:
>>>>>>>>>>>>>>>>>> No, I think they're saying that we're RT:ing something he wrote in
>>>>>>>>>>>>>>>>>> which he said they'd emailed him. They think they emailed one time
>>>>>>>>>>>>>>>>>> less than he said. They think they didn't say anything nasty (but they

Please ask for:	Our Ref:	Your Ref:
Mrs Clare Tregoning	CET/73150-2/SVJ	

For the Attention of Robert Dougans
Bryan Cave Solicitors
88 Wood Street
London
EC2V 7AJ
By Post & Fax: 0203 207 1881

E-Mail:
cet@djm.law.co.uk

Direct Line:
01792 656502

Date:
17 October 2014

Dear Sirs

Re: Our Clients: Mr Steve Paris and Angel Garden
Your Clients: Andrew Lewis (1), Melanie Byng (2)
Claim No. 3SA90091

WITHOUT PREJUDICE SAVE AS TO COSTS

We write further in the above matter and to the mediation that took place on 16 October 2014.

Our clients have had an opportunity to consider the disclosure provided by your clients in detail. Having conducted that exercise they are confident that your clients' disclosure alone defeats all of the assertions contained within your clients' defence. It will also have become clear to your clients that disclosure has revealed a number of issues of further defamation of which our clients were not aware when they commenced these proceedings and which we have instructions to consider joining as a separate head of claim in these proceedings. We refer specifically to the emails from Mrs Byng regarding Ms Garden's mental health. There is no justifiable excuse for these emails.

Following disclosure, our clients' confidence in their prospects of success in these proceedings is high. However, they are conscious of the time, expense and stress associated with attendance at trial. They approached these proceedings purely with the desire to preserve a settlement reached in favour of their children and to counter untrue comments made about that settlement and about them personally. Our clients have no desire to fight with critics of Steiner education; yet they cannot simply stand by and allow untrue comments about a critical settlement to remain unchallenged.

We have instructions therefore to make your clients the following offer in full and final settlement of these proceedings: -

1. Within 7 days of agreement Mr Lewis undertakes to remove all tweets and blogs that have been published by him and which are complained of in the Amended Particulars of Claim.

2. Within 7 days of agreement Mr Lewis will publish on his Quackometer blog an apology in the following wording:-

> *"I express sincere regret and apologise for the hurt and distress caused to Steve Paris, Angel Garden and their family by the misrepresentations published in my Posterous blog of November 2012 which was later republished verbatim on my Quackometer blog in April 2013".*

3. Within 7 days of agreement Mr Lewis will post a closed link to the Settlement Agreement to the following webpage on the Claimant's website: -

   http://titirangisteinermessenger.com/TSM/News/Entries/2013/1/9_Three_and_a_Half_Years.html

4. Within 7 days of agreement, Mrs Byng will provide Ms Garden with a written apology in the following terms: -

> *"I sincerely and unreservedly apologise for my untrue comments regarding Ms Angel Garden's mental health. I confirm that there has been no clinical assessment of Ms Garden's mental health by my husband and that any comments I have made to suggest such an assessment are untrue."*

5. Each party to bear their own costs of the litigation.

You will note that this offer is a Calderbank offer. Our clients' Part 36 offer of 7 March 2014 is not affected by this correspondence and should our clients beat that offer at trial they intend to refer to both this offer and their offer of 7 March 2014 when pursuing indemnity costs against your clients.

This offer shall remain open for a period of 14 days until 4pm on [ ]. Thereafter this offer may be accepted subject to your clients agreeing to pay the costs that have been incurred by our clients following expiry of the offer.

Yours faithfully,

Please ask for:	Our Ref:	Your Ref:
Mrs Clare Tregoning	CET/73150-2/SVJ	

For the Attention of Robert Dougans
Bryan Cave Solicitors
88 Wood Street
London
EC2V 7AJ
By Post & Fax: 0203 207 1881

E-Mail:
cet@djm.law.co.uk
Direct Line:
01792 656502

Date:
17 October 2014

Dear Sirs

Re: Our Clients: Mr Steve Paris and Angel Garden
Your Clients: Andrew Lewis (1), Melanie Byng (2)
Claim No. 3SA90091

WITHOUT PREJUDICE

We write further to our without prejudice save as to costs letter of even date. This letter is to be treated as without prejudice (as opposed to without prejudice save as to costs) as its contents flow from the mediation that took place on 16 October 2014, the contents of which are confidential. This letter is necessary to provide a context to our clients' without prejudice save as to costs offer of even date.

During the course of the mediation, our clients were advised by the mediator that points 1,2, 3 and 5 of the offer contained in our without prejudice save as to costs correspondence of even date had been put by your clients. After lunch, and for reasons that our clients are at a loss to understand, they were advised by the mediator that that offer was not in fact on the table. Our clients are not certain whether it was the case that the offer was put on the table and later retracted or whether the mediator had relayed an offer that in fact had never been made by your clients. We would ask that in responding to this correspondence, you confirm your clients' position.

At the close of mediation, your clients' offer was for Mr Lewis to publish a link to the settlement agreement on his Quackometer Blog. The offer on costs was "drop hands". There was no offer from Mrs Byng. In the round table meeting between the parties, Mrs Byng apologised for the emails sent by her in November 2011 which contained what was commonly referred to as "the mental health smears" and confirmed that she had not intended to upset our client through unfair and untrue references to a clinical judgement. We are surprised that following that apology, Mrs Byng was not prepared to provide a written apology for what clearly are untrue comments about our client.

In turn, Mr Lewis' offer was prefaced on his belief that the Settlement Agreement did not state what our clients' believed it to and that he had no intention of opening it up to the public. On that basis,

our clients do not consider his offer to be a true apology or acknowledgement of his misrepresentations.

It follows that for obvious reasons your clients' offer is rejected. Our without prejudice save as to costs letter of even date represents our clients' bottom line and is made following the indication expressed by your clients at the outset of mediation that they were keen to consider settlement of these proceedings.

We sincerely hope that your clients consider that offer within the context of their position in these proceedings.

Yours faithfully,

From: **A NM** anmletters@gmail.com
Subject: **Re: Dr. Andrew Lewis**
Date: **14 August 2013 at 8:46 am**
To: **Dougans, Robert** Robert.Dougans@bryancave.com
Cc: **Brown, Danielle** Danielle.Brown@bryancave.com

Dear Mr Dougans

Thank you for your email. We are currently away from home for health reasons, so the timescale means that it would be most practicable for you to reply in the first instance to this email address (as we have already informed Dr Lewis).

As Dr Lewis has instructed you, you will of course notice that we have again asked him to follow the spirit of CPR and put us on an "equal footing" by declaring a properly constructive position vis a vis our potential claim rather than merely further attempting to publicly ridicule us, as he has so many times in the past.

Following our several previous requests for such constructive engagement, and his open contempt for them, leading to further instances of defamation, we gave Dr Lewis a final deadline of 4.00 pm on 15.8.13.

Could you please therefore immediately inform us, by email, as per the "Next Steps" in our Letter Before Action, (and without any further preamble) as to whether Dr Lewis' response to the issues includes any such constructive proposal for ADR.

In response to our first attempt to persuade Dr Lewis to engage with his defamation of us, he did immediately publish that he would instruct his lawyer (apparently now you) to tell us to "fuck off". Ironically enough, we were ourselves this week about to write to you personally on these very matters, following your sterling defence of free-speech in the Singh V BCA case. So although we do not assume that you have been instructed to tell us to "fuck off", but even if you have been (by 4.00pm tomorrow please), may we take this opportunity to congratulate you on that.

We look forward to receiving constructive reply by the deadline, which, given our previous sincere efforts, we have no intention of delaying further before taking immediate steps towards issuing claim.

Once the claim is issued, it will of course supply our street address in the UK as we will be issuing it from there: for the moment, however, we note that electronic communication is a valid and legally acceptable option.

We look forward to hearing from you.

Sincerely

Ms Angel Garden and Mr Steve Paris

On Mon, Aug 12, 2013 at 2:35 PM, Dougans, Robert <Robert.Dougans@bryancave.com> wrote:

Dear Ms Garden and Mr. Paris,

My firm has been instructed by Dr. Lewis to respond to the issues raised in your letter to him dated 1 August 2013. Please could you confirm the address to which I should respond?

Yours sincerely,

Robert J. Dougans

Associate

Solicitor-Advocate (Civil)

Litigation & Arbitration Department

Bryan Cave

88. Wood Street

Robert Dougans
Associate
Direct: 44 20 3207 1214
robert.dougans@bryancave.com

16 August 2013

BY EMAIL

Ms Angel Garden & Mr. Steve Paris

Dear Sirs,

Garden & Paris v Lewis

We have been instructed by Dr. Lewis in this matter, and write further to your letter dated 1 August 2013 which states that it is a letter before action and in which you threaten to bring proceedings against Dr. Lewis for defamation. We also write further to our exchange of emails dated 12 and 14 August 2013.

As requested in your emails, we have responded to you by email. In our experience email communications can go astray and we prefer to follow emails with hard copies of letters where appropriate. We would prefer if you could inform us of a suitable postal address. If you have genuine concerns about passing that address onwards, please let us know them. We would be prepared to consider agreeing to keep your address confidential to our firm until and unless proceedings are issued.

As we are acting for Dr. Lewis, please do correspond with us on this matter rather than with Dr. Lewis directly.

Introduction

Whilst we accept that you are not qualified lawyers, it is simply not possible for us to give a meaningful response to the letter you have sent us. To this end we draw your attention to the Pre-Action Protocol for Defamation (the "**Protocol**"), which requires that:

> "*Where relevant, the Letter of Claim should also include … any facts or matters which make the Claimant identifiable from the words complained of…*".

The Protocol also states that:

> "*It is desirable for the Claimant to identify in the Letter of Claim the meaning(s) he/she attributes to the words complained of.*"

Despite writing a 10-page letter, you have largely or entirely failed to comply with the above requirements of the Protocol.

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Fax +44 (0) 20 3207 1881
www.bryancave.com

Without prejudice to these issues, we deal with your complaints below as far as we are able to do so.

Furthermore, we understand that until recently you were resident in New Zealand. Can you please inform us as to whether you are now resident in England & Wales and what connection you have to this jurisdiction generally.

Twitter

With regard to the tweet on 15 May 2013 to @DoctorAndThe Cat and the tweet to @zzzooey, you have not explained how either of these refer to either of you, let alone what meaning they are capable of bearing. Please do so.

It is not clear if the tweet to @Animalinsults by DM was sent by Dr. Lewis or by another person. In any event, you have not explained how this tweet refers to either of you.

Blogs

Dr. Lewis admits that he writes the "*Quackometer*" blog (the "**Blog**"). We note that you refer to 2 postings on the Blog in your letter.

The first posting of which you complain reads simply "*Removed for sock/meat puppetry*", which you state refers to information "*which was posted by a third party*". Please explain how this refers to you, and what meaning it bears.

The second posting of which you complain was posted on the Blog at the url http://www.quackometer.net/blog/2012/11/angel-garden-and-steve-paris.html. Your letter quotes the Blog as stating that you:

> "*appear to be very angry with anyone on the web who is critical of Steiner Schools who do not make their story the centre of the discussion. They write blogs, make videos and tweet to followers of critics – continuously – about the injustice they are supposedly suffering from a gang of Steiner critics trying to silence them (for what reason, it is never made clear.)*"

We note that you have not set out the meaning which you allege is borne by this posting from the Blog. Please do so.

In any event, whilst this is a correct quotation from the posting in question, the posting in question contains much more material. We attach a copy of that posting. Upon reading the full posting, it is clear that the posting as a whole refers to a campaign Dr. Lewis said you embarked upon against him which mirrored campaigns he said you had instigated against other persons who have discussed Steiner schools in online fora. Can you please discuss this posting in the light of that meaning.

Slander

We note that you refer to 3 remarks purportedly made by Dr. Lewis at a public meeting on 14 May 2013. You do not set out the meaning you allege these remarks bear. Please do so.

In any event, these remarks are alleged by you to be Dr. Lewis' spoken words, and are therefore slander rather than libel. It is trite law that slander is only actionable upon proof of special damage other than in the following circumstances:

1. If a person is alleged to have committed a criminal offence punishable corporally;

2. If a person is alleged to suffer from certain infectious diseases;

3. If unchastity or adultery is imputed to any woman or girl; or

4. If the slander is calculated to disparage a person in any office, trade, profession or business held at the time of publication.

We do not believe that any of the words purportedly spoken by Dr. Lewis fall within any of the following circumstances. Until you set out a position to the contrary, we do not propose to respond further to this section of your letter.

Generally

Because of your failure to comply with these requirements, it is not currently possible for us to provide a fuller substantive response to your complaint. In particular, we do not believe that it would be sensible to engage in ADR at this particular time.

We trust that you will respond to us in due course with a letter which complies with the Protocol. Should you issue proceedings without sending such a letter, we shall draw this non-compliance with the Protocol to the attention of the Court and our client's rights in this respect are fully reserved.

Yours faithfully,

Bryan Cave

Enc

BY EMAIL

Monday, 19th of August, 2013

Dear Mr Bryan Cave and Mr Robert Dougans

Thank you for your letter of the 16th of August.

Firstly, notwithstanding your comments regarding the impossibility of your replying substantively, we cannot sensibly be asked to reply to a letter addressed to Dear Sirs. Please would you only address us properly in all future correspondence, as either Sir and Madam, or Madam and Sir, or by our names with title. Thank you.

While we are happy to confirm that we are ordinarily resident in the UK, but yes we do have very real concerns concerning giving our address to someone who has slandered us with public threats to call the police.

Clearly any such threat, unless it is purely malicious, is meant to infer actual criminal activity and we have already informed Dr Lewis that we were approached on that basis by a witness to it after he had left. Any perceived or attributed vagueness in his slur in no way changes the fact that a threat to call the police if someone "catches" you, can only be an accusation of serious criminal activity. We therefore do not understand your citing of "special damages".

Your offer to hold our address i.e. keep it confidential until such time as we serve this claim, is a clear request from you for our trust on the basis that we may have confidence in you to respect our basic rights, e.g here, confidentiality before service.

While we would like to place this trust in you we note that you are also asking us to discuss one quoted instance of defamation in the light of comments which you appear to attribute to Dr Lewis as being contained in the rest of the article but which statements do not actually appear there.

Would you please make clear what words in the posting you are attributing the meaning you have supplied to and inform us as to what evidence your client will rely on to prove them.

This adds to our concerns as to whether you are in possession of proper information.

Following your letter, we need to hear statement from you as to your awareness that we are discussing, and the posting you are asking us to examine contextually (in the light of your client's allegation of a "campaign" "against" him), refers to a legally settled case under Human Rights involving the welfare of minors, which was conducted entirely on their behalf with settlement reached on that basis.

We need confirmation by your firm that regardless of your client's contemptuous attitude to law, i.e. slanderous threats of police involvement and the misrepresentation of settled

cases concerning the welfare of children, that you as lawyers will nevertheless show (and instruct your client as to) proper awareness of legal realities, as well as the implications for the welfare and privacy of children of allowing your client to express contempt for them.

The matter of whether your client should have due regard for legal process in order to avoid making statements which directly contradict facts understood and legally agreed and accepted through exercise of that process, is an important one, especially in regard to issues of child welfare, his professed concern for which has apparently prompted your client to seek a comprehensive platform for himself under the title "What Every Parent Needs to Know ..."

The publication by Dr Lewis which you ask us to look at in its entirety (there was no copy attached) ignores all those salient facts completely and your response makes it appear that you have ignored them as well, apparently in order to assist your client in attempting to reframe his clear and open libel and slander, as some sort of personal campaign "against" him and other adults.

Our confidence in your concern for our basic rights will be increased by knowledge that you have counselled your client that any opinion contrary to any legally binding outcome must at the least be published with full information given of the legal facts in order to avoid serious misrepresentation, which will be, in a case concerning children, prejudicial to minors.

Should Dr Lewis in fact gain in any material sense from misrepresenting salient facts about due process concerning minors while seeking to occupy such a comprehensive position for his own benefit on a platform of concern for children's welfare, we would consider that to be potentially actively fraudulent.

Your own apparent re-framing of our vigorous objection to Andy's dishonest contempt for Human Rights and his misinformation as some kind of personal campaign "against" him, whilst yourselves apparently ignoring the reality of the settlement concerning children's welfare, including its set of accepted facts, in your assessment of context, does not appear to be proper procedure, and contains obvious specific dangers for the privacy and interests of minors, and we would need to get that looked at at an early stage to ensure their protection.

We certainly disagree that ADR is inappropriate or untimely, and having informed Dr Lewis on several previous occasions of the substance, including identification and meaning, of elements of our claim and having now supplied a full explanation complying also with the "spirit" of CPR, of the background issues, we again urge you to encourage your client to show a proper willingness to deal with these issues promptly, proportionally, and without continuing to unnecessarily inflate the matter towards Legal Action, especially through avoiding or openly disrespecting accepted legal realities.

We will send you additional information you require under the Protocol regarding identification and meaning but meanwhile look forward to your urgent reply to these important issues.

Our sincere willingness to avoid legal action in the spirit of the Overriding Objective of the CPR can be seen both in the number of times we have politely attempted to alert Dr Lewis,

to his factual inaccuracies and unsupportable comment (and others who have repeated or attempted to inflate it on the basis of his reputation as an evidence-based skeptic), and also in the fact that we have shown that we are actually willing to forego legal action and to enter into mediation previously, in the very case referred to here above.

This very fact, of our willingness to engage, adds to the danger of such un-evidenced misrepresentation of that settlement with a Steiner school, especially in regard to the reputation and privacy of minors, whose honesty is unarguably upheld in the statements which comprise part of the settlement, as, in order to achieve that outcome on their behalf we have agreed "not to bring any Human Rights Act Proceedings against TRSS concerning the matters which are the subject of the complaint".

Indeed ADR seems a better use of time and money than using resources to attempt to un-evidentially rubbish previous Human Rights cases concerning children, in general.

We reserve our rights.

Yours sincerely,

Angel Garden

Steve Paris

Robert Dougans
Associate
Direct: 44 20 3207 1214
robert.dougans@bryancave.com

21 August 2013

BY EMAIL

Ms Angel Garden & Mr. Steve Paris

Dear Sirs,

Garden & Paris v Lewis

We thank you for your letter dated 19 August 2013. We mean no discourtesy by the use of the saluation "Dear Sirs". It is standard in litigation correspondence.

The Pre-Action Protocol for Defamation states that "*It aims to keep the costs of resolving disputes subject to this protocol proportionate*". We regret that your letter does not assist in this process but instead raises a great deal of irrelevant material and fails to respond to the points raised in our letter of 16 August 2013.

Children's Welfare Issue

We must confess to being unable to understand the relevance of much of what you say regarding the welfare and privacy of children. We understand that you have been involved in a dispute with a school in New Zealand, and that this has informed a great deal of material which you have put on the internet. Dr. Lewis does not dispute your right to do so. He is not, however, under any duty to allow you to use websites he manages and operates as a platform for your views, any more than you are required to make your websites available as a platform for Dr. Lewis.

Furthermore, Dr. Lewis was not a party to any litigation or similar process in New Zealand. He cannot be bound by any decision reached by any body in that jurisdiction. In any event, the question as to whether you and a child were badly treated by a school in New Zealand is not a matter for which you can sue Dr. Lewis. Your complaint against him is that some public statements made about you by Dr. Lewis are actionable as libel or slander. However, you have not set out how some of these statements refer to you, nor have you set out the meaning which you contend these statements bear. Please do so.

We remind you again that what happened in New Zealand is not Dr. Lewis' fault. It is only relevant to these proceedings insofar as it may show that some or all of what Dr. Lewis wrote or said is true, or is an expression of his interest.

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Slander

We repeat what we have said regarding slander. We do not accept that a public threat to call the police must necessarily amount to an accusation of serious criminal activity. In this case, it was a statement made after he had made it clear you were not welcome at a meeting. It was not a threat made in the context of (for example) a robbery investigation or a complicated fraud. It was rather a threat in the context of what could be no more than a low-level public order matter. Such matters are not necessarily a criminal offence.. We accordingly consider that these allegations can only be actionable upon proof of special damage. Absent any evidence of special damage, we shall not correspond further on this issue.

Generally

From information provide to us by Dr. Lewis, it is clear that you have been involved in unreasonable conduct against him and a number of other writers. Should you issue proceedings, Dr. Lewis reserves the right to rely upon all of this conduct in defending any claim brought against him.

Until and unless you particularise your complaint, Dr. Lewis is not able to consider whether ADR might assist in resolving this matter. We trust that you will do so in your next letter. Until this is done, we are unable to advise Dr. Lewis as to the stance to be taken in any ADR.

Should you wish to commence legal action (which we urge you not to), we are instructed to accept service of proceedings upon Dr. Lewis' behalf.

Yours faithfully,

Bryan Cave

From: **A NM** anmletters@gmail.com
Subject: **Lack of response**
Date: **1 October 2013 at 12:25 pm**
To: comments@quackometer.net, andy@scali-lewis.net
Cc: **Dougans, Robert** Robert.Dougans@bryancave.com, **Brown, Danielle** Danielle.Brown@bryancave.com

Dear Andy

We have repeatedly asked you to approach ADR with us to attempt to resolve issues around your extensive defamation of us instead of pushing us further towards legal action as the only avenue to get proper attention to these matters.

The last communication from Bryan Cave on the 21/8 stated that you would not be in a position to decide whether ADR was sensible until we had itemised the instances of alleged defamation, absolutely to the letter of the CPR, i.e. clearly stating how we are identifiable and what we hold them to mean.

In spite of our previous comprehensive explanations of this matter, Bryan Cave said that this is what would enable you to make such a decision, and chided us for not following the rules, so we duly sent the information you requested on the 13/9 but have received no response.

We have tried very hard to give you maximum chance to pull back from your position of both published and spoken inaccurate facts and unsupportable comment regarding us and our family, and under the CPR we both, as parties in an obvious dispute, are expected to do no less in order to achieve the Overriding Objective - to avoid legal action.

You have failed, under the rules of CPR to make the promised response, to either back up your comments with evidence, or to retract them, within any reasonable time frame under CPR and in fact having made that explicit demand of us, have failed to make any response at all as to whether you feel that ADR would be sensible in order to avoid legal action, as your Solicitor led us to believe you would.

Because we do wish to avoid legal action and are still of the opinion that ADR would be a much better way to go, we are sending this direct to you to give you that last opportunity while we also must inform you that we are preparing to serve our claim against you for defamation.

Sincerely

Steve Paris and Angel Garden

Letter to Bryan Cave, 13-9-13.pdf

and told that we couldn't do that because we were not, we did not have claims in harassment.

LORD JUSTICE SIMON: As I understand, there were originally claims for harassment, they came out and then you sought to reintroduce them at a pre-trial hearing and the judge refused that.

SECOND APPLICANT: During our research we discovered that, you know, I mean, last week that the CPS made an announcement of new guidelines regarding covert harassment, it is very, very difficult to ----

LORD JUSTICE SIMON: Let us leave aside the CPS for the moment because, as you probably know, harassment consists both in a civil form and a criminal form and they are obviously dealing with the criminal side of it. The point that may be taken against you is that if you wanted to reintroduce harassment as part of your claim you should have appealed the judge's decision at that point and you are now out of time.

SECOND APPLICANT: But the reason we did not do that was because the judge said we would be able to examine that course of conduct in relation to their defence of qualified privilege and the defamation, but then when it came to that he said, no, you can't do that because you have not got harassment ----

LORD JUSTICE SIMON: There is certainly a considerable amount of cross-examination on the question of malice, one can see that from the papers and, indeed, from the judgment.

SECOND APPLICANT: Interestingly though, the points that we actually did prove are not there.

LORD JUSTICE SIMON: That is a question of whether it is relevant are not. Anyway, let us not lose sight of some sort of structure to your submissions. I think we were going to start with the publications, the five heads of publication if I can put it that way, variously publications by the first defendant, the second defendant. What do you want to say about that?

FIRST APPLICANT: Actually, your Honour, if I may, is it possible to talk about qualified privilege?

LORD JUSTICE SIMON: Yes, you can make your submissions in any form you like.

FIRST APPLICANT: Okay, thank you, sir. One thing that I want to bring out, it is kind of relevant to all this but it is the fact that at the pre-trial review the judge correctly identified our claim which was, and I quote from the detailed judgment, that we were making allegations that the respondent: "'Covertly inciting organisations and individuals to shun the Claimants [applicants] by portraying them as dangerous and mentally unstable.' I could, by going through the 24 pages of appendices, pick out a number of obvious candidates for this ...".

LORD JUSTICE SIMON: The allegation is against whom?

SECOND APPLICANT: The respondents.