IN THE COURT OF APPEAL

Appeal Claim No. A2/2015/2839

BETWEEN:

(1) STEPHANE (AKA STEVE) PARIS
(2) ANGEL GARDEN

Appellants

-and-

(1) DR ANDREW LEWIS
(2) MELANIE BYNG

Respondents

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APPELLANTS' SKELETON ARGUMENT FOR PERMISSION TO APPEAL

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13 November 2015

AB-16

1. The Appellants rely upon the contents of their Grounds of Appeal filed with the Court and previously served upon the Respondents. The Judgments in respect of which the Appellants are appealing were dated the 2nd February 2015, and the 14th July 2015. Judgement was given for the Respondents and the Appellants' Claim was dismissed with costs.

2. The Appellants' case for the purpose of this Appeal is that the learned Judge has misdirected himself as to the impact of the communications between the parties and what was acceptable, and within the law in terms of both the PHA and the Defamation Act 1996, and that no person applying a right and proper mind to the legislation or the facts put before him could have made such a decision.

3. With regard to the Appellants' application at the PTR to re-introduce claims under the PHA that had been amended out very early due to a lack of visible evidence but where copious evidence had now appeared in disclosure: The Act states under section 1:
(1) A person must not pursue a course of conduct—(a) which amounts to harassment of another, and (b) which he knows or ought to know amounts to harassment of the other. Also under Section 7*:*
(2) References to harassing a person include alarming the person or causing the person distress.
(3) A "course of conduct" must involve conduct on at least two occasions.
(4) "Conduct" includes speech.

4. In his summing up at the PTR the Judge stated that he could see, in the appended pages of disclosure, "*a number of obvious candidates*" for the Appellants' claim of the Respondents' course of conduct of "*covertly inciting organisations and individuals to shun the [Appellants] by portraying them as dangerous and mentally unstable*" [AB-58]

5. Inviting opposing council Barrister Jonathan Price to contribute, under the Court's obligation to assist LiPs, the Judge established that the indirect manner of any effect of such harassment is no impediment to action. Price cited Majrowski: "*the essence of the tort is the tormenting of and the direct effect upon a Claimant*" Behaviour can be harassing even if the target is not aware of it. The direct effect of the course of conduct upon the Appellants could be easily seen in their publications, so many of which were

contained in the Defence, as well as in the Respondents' disclosure.

6. The question before the Court therefore was would a reasonable person consider that the Respondents knew or ought to have known that covertly inciting organisations and individuals to shun the Appellants by portraying them as dangerous and mentally unstable, would alarm them and cause them distress and torment. The Judge erred in law by failing to even ask this question directly, and by not taking the severe effects of such a tormenting course of conduct into account as a necessary part of examining the true merits of the Appellants' application to re-amend in pursuit of justice.

7. Instead he cited Swain v Mason then said "*but I would not be sure, if I were a Defendant, which of those incidents in the appendices were relied upon and which were not*." [AB-58] The learned Judge misdirected himself as to the PHA, where there is properly no suggestion that should a person harassing another be overwhelmed by the type or degree of their own harassment, that the action should be stayed.

8. Even the Judge's comment in his summing up at the PTR, that he seriously doubted the criminal level of the harassment, should not have prevented immediate attention being given to such a deceitful and tormenting course of conduct. (Reference CPS Guidelines on stalking and harassment.) As regards liability thresholds, LJ Ward was also cited in Majrowski as having previously said: "*To prove the civil wrong of harassment it is necessary to prove the case on the balance of probabilities, to prove the crime, the standard is the usual criminal one of beyond a reasonable doubt.*"

9. The Judge erred in ignoring the incontrovertible level of proof in "*a number of obvious candidates*" in front of him (which was a tiny part of the Respondents' Disclosure) of a clear course of conduct of the behaviour identified, involving the deliberate poisoning of the Appellants' communications with plentiful others, including influential journalists and filmmakers, including inciting and even pressuring others to shun the Appellants, wreck their livelihood, disability abuse, ,mental health smearing, etc.

10. Instead, he cited the danger that it might involve vacation of the trial window and said that he was satisfied that these actions of the Respondents could be dealt with as the background to the heads of claim, and with regard to malice, in defamation, within the allotted time. This promise, and not wanting to hold the court up, was the only reason

the Appellants did not appeal the decision at the time. In fact Robert Dougans, solicitor for the Defence, failed in his duty to inform the Court that lateness of amendment should *not* be an impediment to justice, having himself stopped a case in its tracks *one week before trial* because he wanted to amend the defence (Kaschke v Osler, 2010).

11. At the end of the PTR the Appellants respectfully requested that the Judge release the Respondents' Disclosure to the CPS for their consideration. The Judge refused to do so. The Second Appellant then asked him "*what are we supposed to do about the harassment then?*" His reply was "*Win the defamation case*".

12. The honourable Judge erred in law in making gaining relief from harassment dependent upon the Appellants winning a case in defamation. In further refusing to release the harassment from confidentiality or recommend it to the CPS the learned Judge thereby went against the *"no confidence as to the disclosure of iniquity"* principle in Gartside v Outran (1856), emphasised by Lord Denning MR in the case of Initial Services Ltd. v. Putterill [1968] where he held that the principle extended "*to any misconduct of such a nature that it ought in the public interest to be disclosed to others, not confined to cases of crime or fraud*".

13. After the five day Hearing in Defamation alone, the learned Judge repeated several times in his Judgement that such private comments made by both Respondents were not "invitations to others to ***post vilifying comments about the Claimants, or to make any public attack upon them*.**" such as in paragraphs 241 and 249, among others, which was not and has never been the case brought by the Appellants.

14. The Judge even claims in his judgement not to have seen any evidence of the 1st Respondent having ***covertly incited organisations and individuals to shun the Claimants by portraying them as dangerous and mentally unstable***, when the evidence of exactly that, during the precise period cited by the Judge (between Feb and Nov 2012), was actually among those instances in which he had previously easily identified *"several obvious candidates"* at the PTR. By way of example only, on 22.9.2012 in an email to Kylie Sturgess: "*you may be contacted by Angel Garden or Steve Paris, who have a vendetta against me […] They are best not engaged with*." [AB-315]

DEFAMATION

15. With regard to the Defamation Act 1998 the learned Judge at first instance has misdirected himself in respect of the proper legal definition of 'Defamation.' The Appellants' case is that there are a number of clear instances where the Respondents or any of them have made scurrilous and malicious Statements in relation to the Appellants or either of them, knowing or believing that what they were saying was at all times untrue.

Even strictly within the Defamation claims the learned Judge ought properly to have taken into account reference to 'mobbing' and to 'threats' made directly and/or indirectly by any or all of the Respondents and the likely effect upon the Appellants. Even in considering each alleged Defamation as outlined in the original Claim issued by the Appellants, the learned Judge has failed in his promise to look at matters in the round, and with proper reference to the background in the Defamation case.

16. **NOT EXTORTING MONEY**

Various examples of the Statements made have been set out previously in detail in the original Claim Form and Particulars of the Claim but, merely by way of specific example, the 1st Respondent stated on 16/10/2013 to members of the BHA that *"her demands for me to give her money to go away against the threat of a defamation case has failed."* [AB-364]. No such outrageous demand was ever made and no proof of this defamatory lie has been or could be produced, yet the Judge has made the perverse statement *"I have not been able to identify a respect in which the First Defendant "lied" about the Claimants*" (Para 226 iv of the Judgement).

FOLLOWING THE CPR

17. The learned Judge has ignored, or in fact misrepresented as itself harassment, the great lengths the Appellants went to try and avoid initiating any legal proceedings against the Respondents (which they could in any case only do by transglobally relocating). The Appellants' sincere efforts at all times to follow the CPR protocols have likewise been humiliatingly labelled as a "threat" by the learned Judge while a corresponding *lack* of adherence by the Respondents' legal representatives has been ignored: for example, when in the Summner of 2013, Dougans demanded further details before substantively replying in pre-action, then ceased communication

altogether on receipt of said information, despite imminence of the statute of limitation.

18. The Appellants were confident in their publications, and disclosure shows the extent to which the Respondents found it difficult to counter open publication using covert means, when right of reply was always given and democratic engagement always requested. Their covert course of conduct made it necessary to employ the worst possible smears (e.g. borderline personality disorder) in the background to justify the substantial pressuring of others against any public engagement whatsoever.

19. It is only because the Respondents' course of conduct included both public defamation *as well as* covert smearing, shunning, incitement and pressure on others to do so both publicly and privately, to torment them, that the Appellants eventually had no choice but to deal with this matter legally.

20. The learned Judge has failed to isolate each Statement and apply a reasonable test as to its' veracity.

SCHOOL EXPULSIONS

21. For example he wrote, *"when the Claimants protested vigorously the school excluded all their children"* (para 12 of the Judgement). This wholly untrue and fictitious course of events was deliberately concocted by Counsel Jonathan Price in order to formulate an imaginary illustration of the alleged terrible behaviour of the Appellants which caused the Steiner school to get rid of their children. However, the undistorted chronology, which has been a matter of public record since late June 2009, is that the Appellants "protested vigorously" only once the children had been expelled, and not before. There was no behaviour from either Appellant which can have prompted the school to expel the children save for the *"natural and dutiful concern as parents for the safety of their child and concern for the wellbeing of other children in the class"* [AB-356], as admitted later in the Human Rights Settlement between the Appellants and the school. The joint statement in the settlement agreement illustrates precisely the manner of ignoring bullying at a Steiner school publicly described by the Respondents in their search for personal influence on this subject.

NOT ONLY PROTECTING HER SON

22. It is further the Appellants' case that in considering the evidence, the learned Judge has either misunderstood the bare facts of the case or unwittingly misrepresented some of the salient facts, which therefore was bound to have a significant bearing upon the final judgment. For instance, the Judge asserts that the 2nd Respondent only contacted others in order to stop them from discussing matters between the 2nd Appellant and her son (para 226 viii of the Judgement). However, evidence was shown at court that, according to her, her son's experience was nothing more than "*a distraction*", and that her intention from the outset was to have the Appellants shunned from the platform both the Respondents and Appellants shared (and their only reason for having met at all). A wealth of examples exist of this throughout the Respondents' Disclosure**,** including on the 11/9/2011 to Mike Collins: *"It's not a good idea in our view to encourage Steiner parents to view their sites or get involved with any possible (but frankly unlikely) documentary."* [AB-260]; and on 19/2/2012: *"I just wrote to Dan [Dugan] and said that their working methods are unethical and they are untrustworthy, and that anything else is a distraction."* [AB-300]

BACKGROUND INVOLVEMENT IN MOBBING

23. Several further examples occur during the mobbing the Appellants experienced on the 2nd Respondent's friend's blog (Alicia Hamberg), where the learned Judge stated that the 2nd Respondent was not involved. On the contrary, disclosure shows the concurrent private email communication between her and those publicly attacking the Appellants at that time (which can be found in Disclosure, pages AB-227-259 and AB-261-275).

24. A handful of examples can be found in APPENDIX B which clearly show the 2nd Respondent started her course of conduct of shunning and inciting others to shun the Appellants, before the Appellants did anything at all, and while she knew they were being bereaved.

25. The learned Judge also ignored the manner of communications in the threads mobbing the Appellants, which consisted largely of a volley of contradictory statements including chastising them simultaneously for both allegedly wanting to "expose parents", *and* for stating that the Appellants' use of anonymising techniques to protect parents' identities was "interviewing actors". This was combined with demeaning

insults and statements that others should and would be warned off the Appellants.

26. The learned Judge was obliged to look at each Statement, evaluate it, but only do so in its true context and with regard to "objective facts" at the time, which included the background referred to above in regard to their identifiable course of conduct.

27. In considering the primary issue of defamation, the Judge appears to ignore reference, for example, to a number of material 'tweets'. It is the Appellants' case that it is fundamentally wrong to pick and choose what Statements are referred to, and when all the Statements are considered in their true context, the Appellants' case becomes unanswerable, and it is clearly a course of conduct which the Respondents knew or ought to have known would cause the Appellants or either of them and their family to feel torment, distress, and anxiety.

DEFAMATORY STATEMENTS

28. As to the Statements, the Appellants' case is that Statements were made as detailed in the Claim that amounted to defamation, and were not only designed to make third parties think less of the Appellants or either of them, but would have indeed resulted in this occurring. In fact, as stated in the original PoC, due to the covert nature of the Respondents' course of conduct, it was largely the behaviour of third parties that showed the Appellants what the Respondents were up to beneath the surface, such as: *"I heard negative and concerning things. They may or may not be true but I'd rather leave it at that, if you understand."* [AB-321]

CLINICAL JUDGEMENT OF BORDERLINE PERSONALITY DISORDER (BPD)

29. Labelling someone as mentally unstable is a serious Statement upon which third parties are likely to judge the Appellants when the Respondents spread this about. In light of the fact that the 2nd Respondents's husband is medically qualified, and specialises in mental health disorders, this defamation is of a most serious kind. A handful of selected examples can be found in APPENDIX A, but one is listed here as written on the 12/1/2012 by the 2nd Respondent: *"Angel has a borderline personality disorder. This is a clinical judgement, not a personal opinion."* [AB-296]

30. The statement is, though not seemingly recognised by the Judge, far more damaging in light of the fact that, as admitted by her husband at trial:*"if she states my credentials*

in proximity to her own judgement, then the person reading it could infer that there is more veracity to my wife's claims" [AB-154],despite such Statement having no medical or other foundation whatsoever. The issue is dealt with further below under Malice.

DEFENDING AGAINST ATTACKS

31. The learned Judge has ignored all the actions from the Respondents which forced the Appellants in having to defend themselves against them, and instead chastised the Appellants for using their Article 10 rights, in openly publishing facts to refute the lies being spread about them as their only possible course of self-defence, since the Respondents were and are much more influential than the Appellants themselves. (See Expert Report - AB-164-225) By removing the Respondents' *covert* course of conduct of shunning and incitement to shun, that he had himself identified at the PTR, the learned Judge then claimed that the Appellants' defensive publications were themselves attacks which the Respondents were merely defending themselves against. "*I have no doubt that reply to attack qualified privilege was engaged in the case of each Defendant*." (Para 227). This ignores both clear context, and obvious and proven facts to paint a totally different and very inaccurate picture of what took place.

32. It must fly in the face of facts in the case for there to be any dispute between parties as to the clearly stated policy among the networked harassers to avoid public disagreement, where their lies would be exposed. For example, 2nd Respondent: *"push on, as if in ignorance of any other translation. As always, ignoring them is best ;)"* [AB-314]. *"She can't mention me because I haven't written anything she can point to."* [AB-303]. Neither can the reality be denied of background smearing to large and so far unrevealed numbers of individuals, including BHA members, prominent filmmakers, and journalists, such as the still as yet unidentified *"big-hitters"* [AB-304].

33. To date, the 1st Respondent remains in breach of the Order made by the Judge at the PTR and dated the 2nd of February 2015, in which he was ordered to provide the communications he had made regarding the Appellants to top British journalists "the big hitters". No sanction was made against his continuing breach of the Order when it was flagged to the learned Judge, neither is it mentioned it in his Judgement.

34. The Appellants had previously comprehensively shown exactly how what the Judge has erroneously described as "robust debate" was actually a situation in which three

"critics" had first been specifically warned about the Appellants, and then viciously mobbed them, while the 2nd Respondent communicated with and incited those critics covertly (see 23 & 24 above). This is the exact behaviour described in the Harassment Claims and it is to be expected that reasonable people would consider that she knew or ought to have known, given her unusually personal approaches to their 11 year old child, that this would cause distress, as she said so herself: *"He must think if only [the 2nd Respondent] would make an appearance, or the events in France are mentioned he can defend himself and suggest I'm over-reacting, and that since I haven't answered any of their emails I clearly would rather wreck their project than discuss it sensibly and that this would be the right 'etiquette'"* [AB-247].

35. Despite incontrovertible proof of the course of course of conduct identified at the PTR, the Judge has shown a seemingly perverse lack of understanding, with regard to balancing Article rights, as to the likely effects on any target, or the Appellants and their family, of the precise method of harassment employed by the Respondents. Ignoring the extreme alarm and distress that a reasonable person would expect such a course of conduct to cause, he has instead made a defamatory personal Judgement of the 2nd Appellant at para 106. Without any justification, this perverse and prejudicial characterisation appears to turn the entire weight of the Respondents' proven course of conduct back onto and against the 2nd Appellant.

36. Further examples of the 2nd Respondent fomenting hatred of the 2nd Appellant based on her physical impairment and not about the 2nd Respondent's son (although quoting derogatory remarks *by* him), can be found in APPENDIX C.

HUMAN RIGHTS SABOTAGE

37. The learned Judge has ignored the fact that both Respondents were publicly supporting Alicia Hamberg (who with others had mobbed the Appellants as mentioned in 23 above), and then later had written the article "Angelic Disharmony" in May 2012 [AB-309]. She used that post to attempt to sabotage the Appellants' Human Rights initiative to vindicate their children's expulsions following one of them having been severely bullied at the Steiner school. The Appellants' children have nothing to do with the Respondents, yet their deliberate networked attempt to destroy the children's chance of resolution and acknowledgement of the trauma they suffered at the hand of the school, contradicts, for example, paragraph 226ii of the Judgement.

PUBLICATION (AND THE NOTION OF EPHEMERAL)

38. As to Publication, the Judge has erred in law. The publications complained of in the Heads of Claim, were open to members of the public, and it is the Appellants' submission that it is not material whether a large or small number of people reads what had been said or posted. It was said with the intention of being read and in light of the fact that it was exposed to the public, the Judge's judgement in that regard is seriously flawed. The learned Judge was wrong to enter into a consideration of speculation when it should have been clear at all times that there was publication within the public domain and that is precisely why such Statements were made. These, in contrast to the covert part of the course of conduct, were Statements not made in private, for a targeted audience and were stated with the precise or implied intention of defaming and humiliating the Appellants or either of them. The Judge's judgment as to publication is wrong in principle and wrong in law. Though the Judge suggested otherwise, his conclusions in this regard were vigorously contested at trial. His Judgment regrettably misrepresents the situation.

39. For example, paragraph 121 of the Judgement states *"tweets are an ephemeral form of publication in that they are designed to be of the moment, […] This statement has not ever been contested, and indeed is close to something of which one may take judicial notice." O*n the contrary, the Appellants contested this most strongly, observing the common practise of users finding tweets through online searches, or deliberately viewing the Timelines of others, and submitted that in no way is the reading of tweets solely dependent on them appearing in one's timeline. Yet these obvious and well known characteristics of this social media platform, as well as other aspects of publication, were wrongfully and shockingly ignored by the Judge in contradiction to judgements in other cases including McAlpine V Bercow, Cairns V Modi, Madras V New York Times Co, De Crespigny v Wellesley, Al Amoudi v Brisard, Sir Stelios Haji-Ioannou v Mark Dixon and Others, Cray v Hancock, Flood v Times, Bowman v MGN.

40. Comparative cases containing such humiliating defamation without right of reply, *combined with* such copious covert harassment are hard very to find. The Judge has nevertheless allowed those involved in what he had identified as covert sabotage and shunning, including to a class of publishee which containing still as yet unidentified top journalists, to taunt their targets about not being abel to prove who or how many were

secretly warned: "*they have not set out who or how many publishees the tweet can have understood it as referring to them*" (para 150). This treatment arguably engages the Article 8 rights of the Appellants not to be subjected to degrading treatment.

JUSTIFICATION/QUALIFIED PRIVILEGE

41. Although the Judge accepted that 'Justification' was not fully made out, he applied very different standards to the parties even in so doing, allowing vague bizarre and unsubstantiated references to the 2nd Appellant's "behaviour" to be made in open court without comment and making implicit judgements about matters he had stated he was not going to Judge as only partially described herein, contradicting Gatley's injunction (p209) that *"a defendant may not plead particulars in such a way as to have the effect of transferring the burden to the claimant of having to disprove them."*

42. The Appellants aver that the Judge has erred in his application of the principle of Qualified Privilege. The Appellants' case is that the defence of qualified privilege was wrongly applied to the facts of this case in which the scurrilous and vindictive Statements made by the Respondents cannot be ameliorated by virtue of any circumstances in which such Statements were made. There is and can be no privilege that covers the intentional covert sabotage of the lives and livelihoods of others, and nothing that the Appellants did or said could justify what the Respondents said and further, the context in which their remarks were made which did not afford the Respondents or any of them the shield or protection of any element of Qualified Privilege. The Judge erred as a matter of law in imputing this in all the circumstances. In terms, qualified privilege was not applicable in this case and the Judge was wrong in law to conclude otherwise.

MALICE

43. In misrepresenting the *"rapidity, scale, intensity and […] fervour of the 2nd [Appellant's] published comments"* (para 254), the learned Judge has ignored the 2nd Respondent's evidenced course of conduct, the rapidity, scale, intensity and fervour of her own *prior* comments about the 2nd Appellant, published to third parties (see 23 above and Appendix B), as well as the distress and anxiety likely to have been caused by her course of conduct, which the 2nd Respondent began *well before either Appellants published anything about her at all*, which chronology is clearly visible in

disclosure was also shown in the Hearing as being a matter of fact.

44. The Judge has ignored the general understanding expressed by LJ Bingham in Slipper v BBC (1991), following similar comments made many years before by Lord Atkin in Ley v Hamilton (1935), "...*the law would part company with the realities of life if it held that the damage caused by publication of a libel began and ended with publication to the original publishee. Defamatory statements are objectionable not least because of their propensity to percolate through underground channels and contaminate hidden springs*." In this case networked percolation was the clear and stated intention of the Respondents' from the outset (*"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."* [AB-302]).

45. The Judge has ignored objective fact to accept that the 2nd Respondents' course of conduct of encouraging people "not to engage *publicly* with the Claimants" was consistently only about France (para 226 viii of the Judgement).

46. No objective test was made as to whether the 2nd appellant has or ever had a mental health diagnosis at any time. Instead the Judge said "*I am satisfied that the Second Defendant did believe that the Second Claimant had a personality disorder*" (para 226 viii of the Judgement) and formed his arguments regarding Qualified Privilege and Malice upon that satisfaction.

47. The Appellants aver that it is an abuse of process to allow 'honest belief' against the public record on matters engaging Article 8, as a credible defence to Defamation. Facts as they are must be taken into consideration, according to Gatley and established principle, but here Judge has allowed encapsulation of distress and reactive stress of someone facing an imminent bereavement, into a diagnosis of BPD, spread about widely using the authority of the 2nd Respondent's husband.

48. The Judge has failed in law to apply any objective test, or to see this in the context of the Respondents' course of conduct, as promised and has swept away their requirement to prove the truth "in context" and "against the overall factual position as it stood at the material time (including any true explanation the *claimant may have given for the apparently suspicious circumstances pleaded by the defendant."* (Gatley p409).

Given all the known circumstances, making such serious personal slur about a person's mental integrity without checking facts, *cannot have been other than reckless* and the Appellants aver that it engages their Article rights to have to appear to defend themselves against such an obvious rank lie.

49. Not asking the question (and not even mentioning the most direct statement from disclosure in his Judgement, namely "*Angel has a borderline personality disorder. This is a clinical judgement, not a personal opinion*" [AB-296]), has allowed a subjective judgement to dominate over plain facts in mockery of the very idea of defamation.

50. The Judge in fact erred in law in not identifying the aggravation to the defamation by the use of mental health authority to augment it. There are many examples, stretching back to when Judge Emott said in a lengthy judgement of Perkins V Mitchell in 1860, regarding imputation of mental illness: *"an aggravation of such a charge that it is backed by the professional skill and authority of a medical man."*

51. BPD is widely recognised as a serious condition in which a primary trigger for sufferers is known to be rejection. A facet of BPD which those claiming knowledge of it would be aware, is that when triggered the sufferer may have either suicidal or murderous thoughts, or both, which they may act upon. The learned Judge has therefore erred both in law and in fact by stating that any "honest belief" of the Respondents in their smear could possibly defeat a claim of malice in widely spreading such a defamatory untruth to others.

52. Notwithstanding that the whole course of conduct was intentional, networked and coordinated, and given the claimed lay-knowledge of personality disorders and honest belief which the learned Judge has allowed both Respondents, it is clear that they knew or ought to have known that they were not merely causing maximum distress and anxiety to such a person, but actually trying to provoke them towards potentially lethal violence either to themselves or to others: *"they threaten suicide too, and she may have threatened other things"* [AB-292], *"I really do see her ending up in prison"* [AB-295], *"If I see you anywhere near my children or anything like that, I will call the Police"* (said verbally at a public meeting).

53. Therefore the respondents must either have intentionally caused anxiety, distress and torment to someone they honestly believed to suffer from BPD, by shunning and humiliating them deliberately *in order to*, or *without knowing it might,* provoke such a person towards potentially lethal violence either to themselves or others. “Honest belief” in the statement itself therefore must *still show a reckless disregard for its truth* whether they knew what they were doing or not as they behaved as if their actions would have no consequences. They incited and pressured others to participate in the provocation of a person so “believed”, while claiming knowledge of BPD. People were told this was backed up by a mental health professional, who was party to the course of conduct. In all of these cases malice is clearly visible, yet this has been wrongly ignored by the Judge.

54. Given the extent of their provocation, it can only be seen as exceedingly lucky for both respondents and Dr Byng that the 2nd Appellant has no such condition. That was no impediment however, as in this statement by the 1st Respondent on 6/11/2012: *“I advised both of them to not engage, but Sid was ‘but she is so polite’. Hard to tell someone straight up that it is the politeness of the psychopath.”* [AB-347]

55. The learned judge has unfortunately broken his promise at the PTR, and paid absolutely no heed to the level of distress and anxiety caused by having to live for years under such malicious networked and co-ordinated harassment.

56. **SABOTAGING WORK OPPORTUNITIES**

The Judge has also explicitly stated that it was acceptable for the Respondents to sabotage the Appellants’ earning potential through their translation work saying it was sensible for the Respondent to have an ‘independent’ translation, i.e., that removing the Appellants’ output from the platform of Steiner criticism, which they both shared, was acceptable. It also misrepresents the fact that the Appellants *had already published* a translation which the Respondents were fully aware of: *“they have a translation too? Bugger. Well, he can’t stop them but at least they didn’t get any money out of him? so that will piss them off, and it must have taken a huge amount of time too.”* [AB-318]. And which they and their friends fervently worked to make sure others wouldn’t see: *“I had to warn a couple of anthros about them last night - one of them had found that translation and I had to say something.”* [AB-317]. They did this in a networked manner, and warning others yet again not to have anything to do with the

Appellants, despite the obvious quality of their work: *"it looked like a darn good translation […] I did have the impressions it was very polished"* [AB-319], thus likely sabotaging a larger paid translation project which was being organised with the same author, but which was suddenly and unexpectedly aborted.

STALKING

57. In Thomas v News Group Newspapers Ltd (CoA) stalking was said to be a prime example of *"conduct calculated to produce the consequences described in section 7 of the PHA",* and which is oppressive and unreasonable.

58. The learned Judge has erroneously stated in his final judgement that the Appellants could not provide any evidence of the Respondents having stalked them (paras 250, 251 of Judgement), but then quotes an instance in an email from the 2nd Respondent to Richy Thompson of the BHA (13/5/2012), asking him to not interact with the Appellants because the Appellants were at the time promoting their work on Steiner through social media, which had nothing to do with the Respondents, or what happened between them. (select examples can be found in APPENDIX D.) The 2nd Respondent could only have known that the Appellants were promoting this work if she was looking at their timeline: *"I'm sure they know I search their names on twitter."* [AB-363] This was not in response to anything the Appellants were doing to the Respondents (or about her son) but in order to sabotage and distort public debate.

59. The 1st Respondent characterises the act of even looking at others' tweets in his Witness Statement as "stalking their timeline". He therefore cannot deny doing so himself: *"I saw they were in Venice and wondered what they could be up to. I used to work in Venice and the paranoid part of me thought they might be fishing."* [AB-361] (further examples in APPENDIX D). This was not done openly however but while proclaiming public disinterest.

60. The unremitting prejudice in ignoring the Appellants' obvious exclusion from democratic participation by means of such covert actions, does not properly reflect higher courts' findings in fine balancing of freedom of speech against Article 6 and 8 Rights: that 'robust' and even offensive speech ought to be allowed *"as long as it adds something to a public debate"*. The Appellants aver that the word "public" is here intended to signify, not merely debating in front of others, but the principle that all are

enabled to participate, in order to guard against precisely the sort of shutting down of others by deceitful oppression practised by the Respondents.

REPUBLICATION

61. The Judge has made a serious mistake with regard to republication: the 1st Respondent said in his Witness Statement and in court that he personally selected which articles to move from Posterous to Quackometer, and which to leave behind when Posterous was closing down, but the Judge wrongly said in his judgement that the 1st Respondent had moved **all** articles without filtering (Para 109 of the Judgement). This is totally different than what actually took place, thereby potentially removing the obvious and admitted choice and intent to defame of the 1st Respondent in this operation.

62. In Flood V Times the Judge said *"the continuance of the article on the website meant that it was there to be read by anyone with a particular interest in the claimant."* And in this case the 1st Respondent admitted at trial that he knew the content of the article wasn't accurate but kept it "*so that people who don't like [the Appellants] will know that they are not alone*". The learned Judge completely ignored this open admission of knowingly publishing falsity in order to foment harassment and shunning, i.e. malice.

63. The Judge also ignored the fact that this republishing of the 1st Respondent 's defamatory post in April 2013 was *after the Appellants had reached the landmark Human Rights settlement in December 2012 (the first of its kind in the field of Steiner criticism)* [AB-354]*, and very shortly after it had been featured in the press*. In selecting it for republication, the 1st Respondent deliberately did *not* amend it to reflect the public record *and* deliberately left the earlier publication date on it thus avoiding the necessity of explaining why he was now publishing against the public record.

64. This second publication cannot either be argued to have been caused by any provocation at all from the Appellants (the Appellants hadn't written about him since the original publication on Posterous in November 2012).

NUMBER OF VISITORS

65. The Judge has mistakenly used website analytics from the Quackometer blog post, erroneously claiming it was for the Posterous page instead, and therefore reached the

wrong conclusion that the number of people seeing the Posterous post was immaterial, despite the fact that the 1st Respondent promoted it three times on Twitter to his thousands of followers, twice on Facebook, and that dozens of people retweeted it or otherwise promoted it, and encouraged their hundreds/thousands of followers to read it, as already demonstrated in the Appellants' Closing Submissions.

BLOCKING COMMENTS

66. The fact that the Appellants investigated the 1st Respondent's claim: "I publish everything without moderation" and found it to be false has been completely overlooked by the Judge, the investigation is misrepresented as "demanding" a right to comment. The Judge has adopted J Price's trivialising notion of a "cat and mouse game". In the circumstances, the word 'game' trivialises the Appellants and their situation with regard to the Respondents' course of conduct, as well as trivialising the Respondent's position vis a vis his readership at the time, which was one of deceit.

67. The Appellants observe the duty of the press to address hard truths: European Court of Human Rights, Thorgeirson, note 11, para. 63. *"The media as a whole merit special protection under freedom of expression in part because of their role in making public information and ideas on matters of public interest. Not only does [the press] have the task of imparting such information and ideas: the public also has a right to receive them. Were it otherwise, the press would be unable to play its vital role of 'public watchdog".* Portraying the Appellants investigation and exposure of actual deceit as bullying, ignores their uncontested status as publishers according the Section 1(2) of the Defamation Act 1998.

68. As to *how* the 1st Respondent blocked the Appellants from commenting on his site, the Judge appears to have been confused, and even though the Appellants showed at court that the 1st Respondent could not have blocked the Appellants' names because comments were published containing them, or one of them, he erred in logic and in fact in concluding that he had done so (paras 75 and 77 of the Judgement). It should be obvious that had the 1st Respondent put "*Angel*" in the spam folder, as claimed by him, in order to block the Appellants from commenting, the comment from their friend containing the name "*Angel*" should have been immediately blocked too. This was in contrast to comments coming from the Appellants' email addresses known to the Respondent. It was also shown that identical comments posted using other email

addresses not known to the Respondents were also published immediately.

NOT CONSTANTLY HARASSING

69. In order to allow the 1st Respondent to claim Qualified Privilege for his defamatory publication of 9/11/12 on Posterous, the Judge agrees with him that the Appellants were constantly harassing him between February and early November 2012. The facts squarely show that the Appellants hadn't published any article about him since June.

70. In order to justify his decision, the Judge erroneously presented tweets promoting the Appellants' "Mr Gove" video as evidence of them harassing the Respondents. This is a video that has *nothing whatsoever to do with either Respondent* or with the 2nd Respondent's son. Therefore these tweets *could not* as a matter of fact be used as proof that the Appellants were harassing either Respondent. Their covert sabotage of the Appellants' work is further evidence of the Respondents' course of conduct against them: these tweets did point out the proven fact that the 1st Respondent was deleting any and all mention by third parties of that video or other work of the Appellants from his comments. These tweets were not an attack on the 1st Respondent, nor even a complaint, but were merely providing readers who mentioned on Twitter the 1st Respondent's articles on Steiner education, with additional information they would've been interested in but couldn't get otherwise.

71. Further, the Judge used an email written on the 19th of November 2012 as justification for the 1st Respondent writing his defamatory post on the 9th of November 2012, but only the month and year were stated in the Judgement for this example alone.

FIRST RESPONDENT WARNING OTHERS

72. The Judge further said there was no evidence of the 1st Respondent having warned anyone between February and November 2012 and therefore the Respondent was right to say the Appellants were lying when they stated he was. But in fact there were many examples, like the warning he sent to the "*big-hitters*" (32 above), the Twitter Direct Messages to Animals in Suits ([AB-322-345], the emails to Sid Rodriguez [AB-346], and the email to Kylie Sturgess (14 above) to name but four.

QUOTING LIES IN THE JUDGEMENT

73. The Judge has as a matter of unfortunate fact, regrettably defamed the Appellants himself in his final judgement by quoting emails from the Respondents about the Appellants which were proven to contain outright lies during the hearing. In quoting them *without stating that they contained numerous false statements*, he therefore invited readers to assume their content to be factual, e.g. para 79 of the Judgement.

74. The learned Judge also quoted the Defence is saying the Appellants complained that the Respondents' *"disregard of their own human rights"* (para 226ii of the Judgement). This claim was made up and tweeted by the 2nd Respondent as part of his tormenting course of conduct. No evidence of such a complaint was or can be produced.

75. By further publishing defamatory private correspondence of others about the Appellants, about matters he was adamant he would not be be Judging, and allowing *"in dispute"* to remain while quoting the Human Rights settlement as that parties *"now wish to settle the issues"*, the Judge has compromised the privacy of of the Appellants' child, including by publishing her name, which remained private through the years when they *were* in dispute with the school, mediation, and successful settlement.

76. The Judge erred in paragraphs 218 and 219 of the Judgement stating the Appellants had no "objective proof" that the 1st Respondent was "provably fomenting" people against the Appellants. This ignores the Direct Messages he had been given from the 1st Respondent to their friend, Keith Thompson (aka @AnimalsinSuits), which were discussed at length during the hearing (see 72 above).

RICHARD BYNG'S INVOLVEMENT

77. The Judge has mistakenly stated that there was no evidence in Disclosure of Dr Richard Byng's involvement in the mental health smearing of the 2nd Appellant or other attacks, and cited a lack of emails by Dr Byng as proof of this. In fact, clear evidence of Dr Byng's personal involvement in the course of conduct *was* available from the 2nd Respondent's own disclosure, was presented at the five-day hearing and examples can be seen in APPENDIX E. As to the lack of emails of Dr Byng in the case, the Judge should have known that since he was not in the case, Dr Byng did not have to disclose his own communications with others about the Appellants, which is why no such disclosure was present. It is a logical fallacy to say that because of this,

no such communication actually exists.

78. Dr Byng also extorted money from the Appellants, demanding in excess of £8,000 to be taken out of the case as a Defendant to Harassment very early on, on the basis that there was no evidence of his involvement. Deliberate perversion of the course of justice was revealed both in disclosure and when he turned back up as a Witness to perjure himself by saying for example: *"I would not say that I had nothing to do with it"*.

NATURAL AND ORDINARY MEANING OF SAYS/CLAIMS

79. The Judge has ignored the natural and ordinary meaning of the words complained of, namely "*claims*" and "*says*" in the 1st Respondent's blog post [AB-348]

80. "C*laims*" is defined by Cambridge Dictionary as "to say that something is true or is a fact, *although you cannot prove it and other people might not believe it*". The Oxford Dictionary of English describes "*claims*" as to "state or assert that something is the case*, typically without providing evidence or proof*"

81. The Cambridge dictionary describes "says" as "to give (as) an opinion or suggestion about something" or "to give *information in writing, numbers, or signs*" while the Oxford Dictionary defines "*says*" as to "utter words so as to convey *information,* an opinion, a feeling or intention, or an instruction".

82. It is abundantly clear from these definitions that the word which should be held in the highest doubt is "claims" since this one clearly does not provide evidence for its statement, and therefore, by implication, should not be trusted. It strongly contradicts the wealth of evidence that the Appellants had actually published about their children's experience at a Steiner school as well as the Respondents' publications on the matter of unchecked bullying in such schools. The Judge completely ignored these definitions and made the perverse statement that "claim" would only match those natural and ordinary definitions had it been italicised or underlined (para 168 of the Judgement).

83. The Appellants note the relevance of deliberate ambiguity in the case of English and Scottish Cooperative Properties Mortgage and Investment Society V Oldhams Press Ltd, in which, following semantic argument, Judge Goddard said *"they used the word "false" which is ambiguous and which would convey to the ordinary person, and*

therefore to most people, that the society had made a fraudulent return….Having regard to the way in which this article was set out, and especially to the headlines, and the language used, the inevitable result, I think, would be to lead anybody who read it to think that a charge of dishonesty was being preferred."

84. In ignoring similar careful imputation in this case, and the fact that the headline, being the Appellants' names, also adds to the tormenting effect of the Respondents' proven course of conduct, the learned Judge has unfortunately given judicial sanction to the publication of defamatory material about a child who, having suffered a specific type of unchecked bullying written about by both Respondents, was herself instrumental in obtaining a landmark Human Rights Settlement. The Judge erred in Law in sanctioning the continued publication of statements that clearly attempt to misrepresent the public record concerning a widely reported problem of abuse within Steiner schools, and especially with regard to the defamation of a minor.

85. The legal misdirection that has been applied here engages the Article rights of the child, who *herself* reported the bullying to the school, which the school accepted as true in the joint statement of that settlement, and not as the post still states, *"they claim their children were expelled because they were being bullied"*. This interferes with the child's rights to free expression and due to the "reach" of the 1st Respondent's website, where the judgement now sits along with the original defamation, the Judge's error subjects her along with her family to further and continuing degrading treatment.

86. The learned Judge has totally ignored the effects of the Respondents' course of conduct on the Appellants' children, as well as the reality and importance of the landmark settlement for them. The Judge has seriously erred in law and in fact, in not finding the determined publication of defamatory material against the public record, as part of a covert course of conduct of harassment by the Respondents, as inevitably and however regretfully adding up to malice. The judgement, punitive damages order on the Appellants family, and failure to properly act on a malicious course of conduct identified by the Judge himself, subjects the whole family as whistleblowers of a supremely controversial and abusive treatment of children, to a breach of their rights.

IGNORING RESPONDENTS' EXPERTISE

87. The Judge has further improperly ignored the Respondents' publicly and privately stated beliefs about Steiner schools, as being material facts and the fact that *they went totally against them at the hearing* to cast doubt on the Appellants' own experience. He further stated that the 1st Respondent has "personal experience" of a Steiner school (para 260), when he factually does not. Many examples from the public record were brought to the attention of the learned Judge of the Respondents and other critics chastising Steiner schools for smearing families and putting the blame on them rather than dealing with issues of bullying in their schools - hence "unchecked bullying". Despite this, the Judge agreed with the Respondents, stating is was not possible to differentiate between "ordinary" bullying that happened to be in a Steiner school and bullying that was seen by those schools to be karmically motivated.
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88. Further, on leaving court, the 1st Respondent reverted directly back to his original position, stating on the 14/4/2015: *"My own research on Steiner suggests *nothing* should be taken at face value when looking at Anthroposophical institutions."* [AB-366], thus also throwing the dishonestly of "claims/says" into sharp relief.

89. The Judge was shown during the trial that the "google sitting" element of the 1st Respondent's tormenting course of conduct of the Claimants got worse over the five day hearing, with his article becoming available on new searches for specific individual and combinations of the Appellants' names. This behaviour was ignored by the Judge as evidence of a deliberately intimidating course of conduct, as well as in assessment of defamation where *"the whole conduct of the defendant from the time when the libel was published down to the very moment of the verdict"* should be relevant. (Gatley)

90. The 2nd Respondent likewise was allowed by the Judge to go back on or significantly play down her publicly claimed positions regarding Steiner in court, on the pretext of having 'changed her position' for which there is no objective evidence. For example she has not removed her article *"The Steiner Waldorf cult uses bait and switch to get state funding"* [AB-226].

GROOMING

91. As demonstrated at the hearing, a sexual abuse aspect to the comment was fabricated by the Respondents' advocates by tampering with the evidence. Price removed the second half of the sentence explaining the context of the 2nd

Respondent's uncontested non-sexual inappropriate behaviour towards a traumatised 11 year old child, replacing that clarification with a full stop. The unadulterated original has been online since October 2011 [AB-277], a fact which the Judge was clearly appraised of, but he has perversely denied that public record absolutely, claiming to have read the whole article but quoting the tampered version himself in the Judgement. He even went as far as to claim that the context in the second part of the sentence was only written in the Appellants' Closing Submission (para 202).

92. The only reason to tamper with evidence to create an inference, is self-evidently that it would not exist otherwise. Pretending that something truly awful existed, by creating it yourself, is retroactive preemption. In not recognising and apprehending such an action, the Judge has erred in fact and in law.

93. The non-sexual use of the word "grooming" was in fact clearly stated in the Open Letter and even quoted in para 200 of the Judgement: *"[She] displayed the same seductive grooming types of behaviour that we have had to document at the school"*. The Appellants have never claimed that the abuse their children suffered at the hands of the Steiner school had any sexual abuse element.

94. The Appellants' clear and stated intention in publishing their Open Letter (perversely characterised as extraordinary by the Judge), was to alert other potential families who were exiting Steiner of the possibility of encountering such inappropriate behaviour in something claiming to be a post-cult support group, in order to help them to avoid the appalling effects of such tormenting treatment. The Judge's inaccurately limiting definition of the "natural and ordinary meaning" of "groom" when referring to children is clearly dangerously prejudicial to children subject to such inappropriate behaviour by cults and other authoritarian and controlling groups or individuals.

95. The learned Judge has unfortunately leaned heavily on this in his judgement, allowing it to act as justification for so many mala fides of the 2nd Respondent, that this alone makes the judgement unsafe: *"The untrue accusation of grooming would strongly reinforce any such belief [that the 2nd Appellant suffers from BPD]" (para 254)*.

96. The learned Judge ignored evidence of the 2nd Respondent's clear understanding of the Appellants' meaning *"presumably because I suggested Sands as a possibility and*

then withdrew my support" [AB-299], as well the genuine inappropriateness of her approaches towards the child and the distressing effect that her tormenting course of conduct would be likely to have on the Appellants. He also compounded those errors by ignoring the 2nd Respondent's absolute failure to challenge the word for a number of years, despite being directly invited to do so, as the Open Letter sought reply.

97. Urgency concerning injury of reputation, points to seriousness. In McCarey v Associated Newspapers Ltd for example, a Claimant's willingness *"for whatever reasons, to defer commencing all the libel actions for 11 months is some indication that he did not consider the injury to his reputation to be a highly serious matter"*.

98. The 2nd Respondent has never challenged the Appellants' use of the word grooming to describe her unusually personal approach, in this post-Steiner scenario, to an 11 year old who had never met her, and who she then abruptly dumped, sabotaging the very school opportunity she had just herself forcefully recommended by sending her son with the message he had come only to persuade her to try it out. The usefulness of the charge in her own covert course of conduct is shown by the extent to which it has been used to covertly promote lies in her own disclosure, claiming that it had been written to journalists in emails, which were obviously not able to be produced in court.

IGNORING PRECEDENT

99. Despite having urged the Appellants at the end of the five day hearing to pay very close attention to cases, including Jameel, even though this case distinguishes itself forcefully on facts, the learned Judge has nevertheless paid not heed to all the precedent the Appellants brought forward, including cases of background mental health smearing, such as Pal v GMC including Cruddas V Adams [2013], Johnson V Steel and others [2014], Trimingham v Associated Newspapers Ltd, 2012 EWHC 1296, Thomas v News Group Newspapers Ltd 2001 EWCA CIV 1233], Cairns v Modi [2012], Cairns v Modi 2, Bowman V MGM [2010], Youssoupoff v. M.G.M. Pictures Ltd, Flood V Times Newspaper, Johnson V Steel and others [2014].

100. The Appellants in concluding, note Baroness Hale's words in Majrowsky: "*A great deal is left to the wisdom of the courts to draw sensible lines between the ordinary banter and badinage of life and genuinely offensive and unacceptable behaviour*".

101. The Appellants submit that by all these distortions and misdirections in law and fact, that having been forced to uproot their children and cross the world to seek justice, they have been roundly denied it. the Judge has wrongly applied the law to the facts of this case and, further, as stated in the Grounds of Appeal, he has stated matters as fact that were not at all material facts at the time. He has therefore reached an unreliable conclusion when the judgment should have been substantially different had the correct law been applied to the correct facts and the harassment not been swept aside, having initially been recognised by the same Judge, on a false promise to properly place the heads of claim in defamation in the context of it.

102. The result is a judgement that fails, notwithstanding any confusion or overlap between the PHA and the Defamation Acts of either 1998 or 2013, to balance freedom of speech and reputation in the public interest, but is a substantial abuse of process, and the Appellants' claim a breach of their Article 6 Rights - right to a fair trial - with very serious consequences for the Appellants and their children.

103. As well as ignoring the relevant tests of Defamation and Common Law, in order to reward the Respondents' for their deceit, the Judge has also unjustly denied relief to the Appellants from what he himself acknowledged was a particularly tormenting course of conduct in his very reason for not allowing it at the PTR*, because there was simply too much of it.* The Appellants submit that such perverse judgement can in no way represent a wise or sensible line between banter and badinage on the one hand, and the truly offensive behaviour referred to by Baroness Hale on the other.

104. Echoing John Stuart Mill, Justice Holmes said in Abrams v US *"the best test of truth is the power of the thought to get itself accepted in the competition of the market"*. The Appellants respectfully submit that where that power is nobbled and "jacked" by covert harassment and the deliberate subversion of democracy, there can be no test of truth whatever, and that this is the express intention in the Respondents' course of conduct. As an example only, *"[I] will not speak if they are there"* [AB-362].

105. The Appellants claim that their Article 10 rights to freedom of expression have likewise been breached, as well as Article 8 having been engaged. It is noted that "*a claim under the Human Rights Act 1998 is a free-standing claim independent of any common law claim which may arise from the same facts.*" H v Tomlinson 2008.

106. The Appellants and their family are literally exhausted by living for years with no relief from the effects of the Respondents' tormenting course of conduct in harassment. The Respondents having pointedly made no undertaking to cease from it unless restrained however, and having now been handsomely rewarded for it by the Judge's Costs Order taking the Appellants family's home, they have been given a clear licence to continue. "*Misdirection as to damages in a libel action is a substantial wrong or miscarriage of justice within the meaning of RS., ord 58 r 10(2) and there ought to be a new trial on this ground also see Bray v Ford*." McCarey v Associated Newspapers Ltd, also Steven Berkoff v Julie Burchill and Times Newspapers Ltd (1966), Cassell & Co Ltd v Broome, Rookes v Barnard (No1); HL 21 Jan 1964. The Appellants must therefore continue to seek justice.

RECOMMENDATIONS

107. 1) Appellants request the original decision to be *put aside* and that the costs awarded to the respondents be *revoked* and *reversed*.

2) The Appellants request that the Appeal Court consider their request for a Costs Protection Order from further costs, including from the Court of Appeal, owing to the gravity and number of misdirections by Judge Seys-LLewellyn

3) That any Civil retrial of the issues, as distinct from an Appeal Hearing, should be held in front of a jury.

4) That in any such retrial, the defamatory claim that the second appellant suffers from "borderline personality disorder" be included as a head of claim in defamation and that Richard Byng should also be a Defendant to that claim.

5) That the PHA claims be re-amended into any re-trial with no further impediment allowed to prevent justice, even to criminal prosecution, of both Respondents and Dr Byng, after proper examination of their networked course of conduct.

6) That Richard Byng should immediately pay back to the money that he extorted by first pretending not to have had any part in matters, or be duly prosecuted.

7) That the Respondents and Dr Byng be also prosecuted for perjury and intention to pervert the course of justice.

8) That the reckless behaviour of the Respondents' representatives and their relationship as like-minded Skeptics be apprehended by the CoA as a conflict of interest against the overriding principle, and adding to intimidation, e.g. the number of times their representatives have said they are not being paid by the Respondents.

APPENDIX A - SELECT EXAMPLES OF MENTAL HEALTH SMEARING

1) AB-291 - 13/10/2011 at 00:13 The 2nd Respondent (to Alicia):
"At the end of this is his clinical judgement, which she seems to have forgotten."

2) AB-293 - 23/10/2011 at 19:29 The 2nd Respondent (to Alicia):
"[Roger Rawlings] doesn't know to trust Richard [Byng]'s clinical opinion."

3) AB-294— 5.11.2011 at 22:04 - the 2nd Respondent (to Alicia):
"he has to support her. Otherwise he would lose his children. If the diagnosis is accurate she might even have made threats to hurt them. Or herself. Or him."

4) AB-296 - 12.1.2012 at 22:59 - the 2nd Respondent (to Sam):
"Angel has a borderline personality disorder. This is a clinical judgement, not a personal opinion. It isn't simply depression. It makes her very dangerous, but luckily for us and sadly for others the danger is to those close to her."

5) AB-297 - 26/1/2012 at 09.24 - the 2nd Respondent (to Francis Gilbert)
"A couple of incidents (which had little to do with their project) convinced us that she is unstable"

6) AB-298 - 31.1.2012 at 14:35 - the 2nd Respondent (to the 1st Respondent):
"While Joe was away my husband Richard had had a long phone conversation with Angel about her mother's cancer treatment, from which he'd drawn a few conclusions. Richard is a GP & academic & an expert in primary care mental health, including personality disorder."

APPENDIX B - SELECT EXAMPLES OF BACKGROUND INVOLVEMENT IN MOBBING

1) 2nd Respondent to Alicia Hamberg and Diana Winters: *"They are dreadful people, frankly. I don't want this discussed AT ALL publicly of course but I suggest that you treat their advances with caution. I'm forwarding this to Diana in case they try to contact [The*

Waldorf Critics]. I would urge anyone (including Pete) to be aware that they are not entirely trustworthy." (30/8/2011 - at 11:59) [AB-230]

2) 2nd Respondent to Alicia Hamberg: *"She's about to blow, I suspect. Like a whale. She is an extremely big woman." (2/9/2011 at 14:56) [AB-239]*

3) 2nd Respondent to Alicia Hamberg: *"Anyway it's a folie a deux - he's doing everything she says. Even his parents won't speak to either of them anymore, so upset are they about what's happening to the children."* (3/9/2011 at 17:22) [AB-249]

4) 2nd Respondent to Alicia Hamberg: *"He must think if only Thetis would make an appearance, or the events in France are mentioned he can defend himself and suggest I'm over-reacting, and that since I haven't answered any of their emails I clearly would rather wreck their project than discuss it sensibly and that this would be the right 'etiquette'."* (3/9/2011 at 17:20) [AB-247]

5) 2nd Respondent to Alicia Hamberg: *"Not because what they did was terrible, though it was pretty shitty, but because they're entirely untrustworthy and mendacious and manipulative and above all, selfish. You're doing the right thing advising people not to trust them and I'm grateful you've done so, it's really good that critics know too."* (3/9/2011 at 17:20) [AB-247]

6) 2nd Respondent to Alicia Hamberg: *"I did say I'd have their daughter here if she did a trial week at Sands school, that was before they behaved so badly. It was a reasonable offer to make to a family who don't live in the area and who are facing a bereavement. I feel sorry for the child, but even if I could stomach it, it would be horrible for Joe. Anyway of course it's impossible, in fact we feel we have to talk to Sands. They're used to odd parents, but not litigious, possibly dangerous ones."* (4/9/2011 at 21:35) [AB-259]

7) 2nd Respondent to Mike Collins: *"Just a note to let you know that on personal experience (mildly but unpleasantly and involving one of my own children) Angel and Steve, formally from the New Zealand Titirangi School are not trustworthy. Comments posted on Alicia's blog bear this out.*

"It's not a good idea in our view to encourage Steiner parents to view their sites or get involved with any possible (but frankly unlikely) documentary. They've relied on our goodwill publicising their activities which we won't do from now on. They have very little means, but are potentially litigious and certainly capable of dishonest or misrepresentation." (11/9/2011at 19:52) [AB-230]

8) 2nd Respondent to Alicia Hamberg as a mocking pretence of being the Appellants speaking: *"we just want to defend our reputations."* (23/9/2011 at 05:34) [AB-274]

APPENDIX C - SELECT EXAMPLES OF FOMENTING HATRED

1) In public on 7/5/2012 Pete Karaiskos attacks the 2nd Respondent for being walking impaired on the Waldorf Critics forum [AB-305];

2) On 8/5/2012 at 09:10, the 2nd Respondent says *"Joe says's she's not walking impaired, she's just fat"* [AB-308];

3) In public on 9/5/2012 Alicia Hamberg publishes "Angelic Disharmony" further publicly attacking the Appellants without allowing any right of reply [AB-309];

4) On 16/5/2012 at 13:32, Diana Winters discusses in detail how she is certain the 2nd Appellant isn't disabled, despite never having met her but based on what the 2nd Respondent has told
her: *"I'm basing this partly on Joe's comment that she didn't really have an impairment"* [AB-312]

5) In public on 20/11/2012 Alicia Hamberg's writes "Standing Up, Falling Down" with no right of reply (where she also casts doubt on the 2nd Appellant's disability, referring to it as a "limp") [AB-352].

APPENDIX D - SELECT EXAMPLES OF STALKING

1) AB-276 - 28/9/2011 at 14:01 from the 2nd Respondent:
"the hospital will be in Guilford Home | The Royal Surrey County Hospital - NHS Trust. One call from [Richard Byng] to this team... Palliative Care" [about finding out where the 2nd Appellants' mother was]

2) AB-361 - 6.7.2013 at 15:31 - from the 1st Respondent:
"I saw they were in Venice and wondered what they could be up to. I used to work in Venice and the paranoid part of me thought they might be fishing."

3) AB-358 - 31/5/2013 at 12:38 - from the 2nd Respondent: "I know their children had new iPads"

4) AB-363 - 21/7/2013 at 14:34 - from the 2nd Respondent: "I'm sure they know I search their names on twitter."

APPENDIX E - SELECT EXAMPLES OF DR BYNG'S INVOLVEMENT

1) AB-276 - 28/9/2011 at 14:01 from the 2nd Respondent: *"the hospital will be in Guilford Home | The Royal Surrey County Hospital - NHS Trust. One call from [Richard Byng] to this team... Palliative Care"* [about finding out where the 2nd Appellants' mother was]

2) AB-290 - 12/10/2011 at 19:26 - from the 2nd Respondent -
"Richard is going to write to Dan [Dugan]"

3) AB-291 - 13/10/2011 at 00:13 The 2nd Respondent (to Alicia):
"At the end of this is his clinical judgement, which she seems to have forgotten."

4) AB-293 - 23/10/2011 at 19:29 The 2nd Respondent (to Alicia):
"[Roger Rawlings] doesn't know to trust Richard [Byng]'s clinical opinion."

5) AB-296 - 12.1.2012 at 22:59 - the 2nd Respondent (to Sam):
“Angel has a borderline personality disorder. This is a clinical judgement, not a personal opinion. It isn’t simply depression. It makes her very dangerous, but luckily for us and sadly for others the danger is to those close to her.”

6) AB-297 - 26/1/2012 at 09.24 - the 2nd Respondent (to Francis Gilbert)
“A couple of incidents (which had little to do with their project) convinced us that she is unstable”

7) AB-298 - 31.1.2012 at 14:35 - the 2nd Respondent (to the 1st Respondent):
“While Joe was away my husband Richard had had a long phone conversation with Angel about her mother’s cancer treatment, from which he’d drawn a few conclusions. Richard is a GP & academic & an expert in primary care mental health, including personality disorder.”

8) AB-360 - 6/7/2013 at 09:49 - the 2nd Respondent (to Alicia Hamberg and the 1st Respondent):
"Richard is happy to write to this org inclosing their email to the Dean of the Penninsula School, and so on.”

9) AB-361 - 6/7/2013 at 13:12 - the 2nd Respondent (to Alicia Hamberg and the 1st Respondent):
“[Richard] says she certainly has contracted her own reality.”

10) AB-361 - 6/7/2013 at 13:55 - the 2nd Respondent (to Alicia Hamberg and the 1st Respondent):
“I think he made that analysis in his spare time.”

11) AB-361 - 6/7/2013 at 16:34 - the 2nd Respondent (to Alicia Hamberg and the 1st Respondent):
“exactly our thoughts. [Richard] is going to write (with his uni email) asking this very question.”