

**IN THE HIGH COURT OF JUSTICE**

**SWANSEA DISTRICT REGISTRY**

**CASE NO3SA90091**

**BETWEEN:**

**STEPHANE (AKA STEVE) PARIS AND ANGEL GARDEN**

**Claimants**

**and litigation friends for their children in any matters affecting them.**

**and**

**DR ANDREW LEWIS                      1st**

**Defendant**

**MRS MELANIE BYNG                      2nd**

**Defendant**

**PROFESSOR RICHARD BYNG                      3rd**

**Defendant**

**PARTICULARS OF CLAIM**

**BACKGROUND**

1. Angel Garden and Steve Paris, the Claimants, are and were at all material times British parents of three young children, currently aged 13, 9 and 7 who have, as a family, established interests and agency in the controversial worldwide alternative form of education known as Steiner/Waldorf following the first successful Human Rights process with one such school, (“the settlement”) which moreover resulted in seven legally binding joint statements specifically concerned with the subject of “unchecked bullying”, which is the most anecdotally reported problem about Steiner education worldwide. (Appendix 1)
2. As a condition of the settlement, the children have forfeited their right to pursue the matter to Tribunal to prove discrimination, and the settlement contained no confidentiality clause.
3. The 2nd Defendant Mrs Melanie Byng is one of several people from a loose worldwide group calling themselves Steiner “Critics”, who observed, discussed and circulated details of the situation and the Claimants’ publications of it, prior to the settlement, and also sent messages of encouragement, admiration and solidarity to them as well as providing information regarding the prevalence of similar situations with Steiner schools worldwide. (Appendix 2)
4. The 2nd Defendant represented herself to the Claimants as an established anti-Steiner campaigner, who labels herself as “Skeptic” and “Humanist”. She enthusiastically encouraged the Claimants to participate in the public debate, and made many representations to them concerning their shared interests. She also expressed a desire for herself and her husband, the 3rd Defendant, Professor Richard Byng, to meet the Claimants personally when the Claimants had to travel

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to the UK unexpectedly in April 2011 following the sudden terminal diagnosis of the 2nd Claimant's mother at the end of 2010. (Appendix 3)

5. Following that meeting, the 2nd and 3rd Defendants made several unsolicited offers of "help" to the Claimants, who were persuaded by the terms offered to enter into contracts with them, which changed their relationship from being exclusively on the basis of shared interests. (Appendix 4)
6. These contracts were still in effect in August/September 2011, when the 2nd and 3rd Defendants then suddenly effected a total split from the Claimants and their children almost immediately prior to the death of 2nd Claimant's mother, due to some personal reasons of their own which the Claimants were and are not party to, and which the 2nd and 3rd Defendants have never admitted. (Appendix 5)
7. In spite of the Claimants' distress and alarm, the 2nd and 3rd Defendants then immediately and deliberately allowed the split they had created to leak into and contaminate the field of mutual interests to the Claimants' constant detriment.
8. Two victimising, vituperative and openly sectarian mobbing threads occurred on the blog of a Steiner Critic where the 2nd Defendant was a regular and prolific commenter. During these mobbings, however, she failed in her duty to speak about the contracts she had initiated with the Claimants and failed to honour, although commenting on other threads on that blog while it was occurring, and the mobbings, as well as tweets, show how the Claimants were targeted progressively more and more illogically for their approach to the shared interests, the very same qualities and actions that had been lauded by the same people so recently.  
(Appendix 6)

9. By the end of these threads, the conclusion about the Claimants was that they were liars and had made everything up, to the extent of victimising other ex-parents of Steiner who had entrusted the Claimants with their testimonials. It was then that the 2nd Defendant finally replied to the distress of the 2nd Claimant with a curt note regarding *only* the shared interests, and withdrawing her agreement to an alleged request to “help with” a documentary about Steiner. (Appendix 7)
10. The removal from view of the causative actions of the 2nd and 3rd Defendants to the ensuing campaign of harassment was completed as soon as the Claimants made any mention about the 2nd Defendant’s representations on the Steiner Critic’s blog. They were entirely blocked from further defending themselves from those and other subsequent personally targeting vituperative threads on that blog on which the 2nd Defendant has herself commented. (Appendix 8)
11. This silence concerning the true facts regarding contracts initiated by the 2nd and 3rd Defendants to the Claimants has had the effect of giving wide justification, for denying the Claimants ordinary democratic inclusion on the public platform of their shared interests, and led directly to a widespread sectarian campaign of harassment by many people over a long period of time. (Appendix 9)
12. Due to the extremely difficult circumstances of the Claimants, including the necessity for them to return to New Zealand following the death of the 2nd Claimant’s mother, and therefore to leave the jurisdiction, (Appendix 10) the Claimants have been unable to address this course of conduct by the Defendants, except by publication, which they have done to the best of their ability. Such publications are always framed to uninformed skeptics and humanists as

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“harassment” of the 2nd and 3rd Defendants, as more people get involved in the campaign.

13. The 1st Defendant, Dr Andrew Lewis, is and was at all material times a blogger who also describes himself as an “evidence-based skeptic”, or “skeptic” (hereafter referred to herein as the 1st Defendant’s first label) and whose reputation as such, in the field of “alternative” health had prior to his publications on Steiner brought him a reasonable following on Twitter.

14. Since the 27th of February 2012, when the Claimants still sought mediation with the Steiner school, the 1st Defendant has been ambitiously seeking influence and exposure on the subject of Steiner Education by publishing prolifically, giving talks and interviews nationally and internationally, announcing his intention to publish a book, and offering his expertise to people through skeptic networks, on a general title of “What Every Parent Needs to know about Steiner Schools” (hereafter referred to herein as the 1st Defendant’s second label).

(Appendix 11)

15. Immediately before publishing his first post, the 1st Defendant published a tweet, retweeted by the 2nd Defendant, saying "I expect to make a new set of enemies with my next blog post. Always exciting". His shared ‘skeptic’ label and networks with the 2nd and 3rd Defendants and their friends then straight away led him, in spite being informed of their unreasonable harassment of the Claimants, to immediately join them in censoring any revelation of it or of the Claimants’ factual information regarding agency for unchecked bullying in Steiner. (Appendix 12)

16. Since then, and despite the practical usefulness of the contribution they subsequently achieved, the Claimants’, and the settlement’s exclusion from the

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“good spirit of debate” which the 1st Defendant advertises as part of his Steiner platform is total, on Twitter, on blogs and at real world events. (Appendix 13)

17. Over a number of years, and despite numerous reasonable requests to him to correct the defamatory statements made, and to cease from his course of conduct, he has refused, openly supported by the 2nd Defendant. All such requests by the Claimants are used to further attempt to damage them and their family, to hide the origins of the situation. Such severe and distressing harassment from Steiner critics and skeptics was taking place during the entire period the Claimants were actively mediating with the school. (Appendix 14)
18. The Claimants’ vigorous objections to this harassment, led them to try and alert skeptics, critics and others about it, both directly and through publication. They became aware of the scale of covert communications taking place about them. After initial cordial engagement, for example, attitudes towards them tended to change with no visible communications to explain it, while subsequent communication often indicated that they had done something awful to the 2nd and 3rd Defendants, without ever saying what it was. (Appendix 15)
19. Some tweets also named the 1st Defendant as a source of harassment and defamation: “Andy was right. You’re one very troubled individual”. (Appendix 16)
20. On 3/11/2012 the Claimants received further confirmation of covert harassment by the 1st Defendant in private messages which clearly demonstrated his awareness of the distress caused by the contracts between the 2nd and 3rd Defendants and the Claimants. (Appendix 17)
21. The Claimants again appealed to 1st Defendant in writing on the 8/11/12 asking him to please urgently address these distressing matters. (Appendix 18)

22. The 1st Defendant ignored their requests and published their letter the next day on his secondary 'Posterous' blog, along with a highly defamatory post, smearing the Claimants entirely from hearsay, adding a deliberately contemptuous reference to *Arkell Vs Pressdam* [1971], and circulating it widely to his thousands of followers, who numerously disseminated it further, including the 2nd Defendant, who retweeted it 3 times. (Appendix 19)
23. A month later, in December the Claimants achieved the first successful Human Rights settlement with a Steiner School, which was followed in March 2013 by National press coverage and TV exposure of the story in New Zealand (Appendix 20)
24. There was no publication by any supposedly critical site of the facts of the unique settlement but in late April 2013, on the closing down of the Posterous platform, and despite the Claimants consistent objections and appeals for relief, the 1st Defendant republished his defamatory blog post in its entirety on his Quackometer Blog. (Appendix 21)
25. The 1st Defendant left the original, pre-settlement, date on this publication which fact he did not advertise. Neither did he circulate the post, which nevertheless remains high on a Google search for the Claimants' names and is often linked to and promoted by his supporters.
26. On the 1st of May 2013 the Claimants wrote a pre-action letter to the 1st Defendant, attempting to comply with the CPR, restating their willingness to undertake ADR to resolve issues, and even acknowledging his influence and stating their confidence that he could use that to diffuse this complex and distressing situation. The 1st Defendant did not reply. (Appendix 22)

27. The Claimants therefore paid to attend a talk in Bath on the 14th of May 2013 which the 1st Defendant delivered without interruption. After the talk and a short break the Claimants quietly and politely attempted to hand him an envelope containing another copy of the letter referred to in 26 above.
28. The 1st Defendant immediately professed an urgent desire not to have anything to do with “these people”, concealed their legitimate interests once again, and used their peaceable physical presence as a reason to cancel his Q&A and leave the meeting, hurriedly packing up his things. (Appendix 23)
29. On leaving, the 1st Defendant pointedly stopped in front of the Claimants, pointed his umbrella at them, and slandered them in front of all the people there, impugning them as representing a predatory criminal danger to children.
30. The successful campaign of harassment, and repetitious defamation, of the Claimants by the Defendants and their supporters continues to gather pace as they promote the 1st Defendant’s platform on Steiner. He has no shortage of Skeptic and Humanist supporters who, who while not claiming shared interests with the Claimants, nevertheless harass and stalk them, including making unsolicited approaches to totally unconnected others, for example Press Agencies, and feminist organisations, in order to advise them against involvement of any sort with the Claimants. (Appendix 24)
31. The Claimants, again at one remove from being able to confront any issues with the perpetrators by these tactics, are consistently vilified, censored, and ridiculed, and their honest motives for seeking inclusion in this area where they have respectable interests and agency are misrepresented as jealousy of the 1st Defendant, mental illness and general, and increasingly criminal, deviance while



the settlement , which supports the skeptics and critics stated position on Steiner is villified and misrepresented. (Appendix 25)

32. The 1st Defendant’s Steiner platform, featuring even very loosely connected information from other jurisdictions, is progressively given platforms with more reach, including the Guardian Newspaper, thus causing potentially hundreds of thousands more people to come across his misinformation about both agency for bullying in Steiner, and about the claimants, as well as links to further harassment and defamation of them. (Appendix 26)

33. The 2nd and 3rd Defendants, meanwhile, remain aloof, and silent about the facts of their contracts and misrepresentations, now almost completely obscured by the campaign, but the 2nd Defendant openly defames, threatens and harasses the Claimants and encourages others to the the same, thanking one stalker in November 2013 for “tackling it head on” and asserting that for the 2nd and 3rd Defendants to speak about the real issues with the Claimants “wouldn’t serve any purpose”. (Appendix 27)

## **CLAIMS**

### **Claims under the Misrepresentation Act 1969**

34. 1st Claim against only the 2nd and 3rd Defendants of Fraudulent Misrepresentation.

- a) That the 2nd and 3rd Defendants have made misrepresentations to the Claimants in a manner careless as to whether they be true or false and that the Defendants subsequent actions, and inactions, following the failure of their own unsolicited “helpful” initiatives to the Claimants, demonstrate

that they had no honest belief in them, to the legal detriment and personal injury of the Claimants and their family.

b) Following their initial approach to the Claimants solely on the basis of the importance and significance of their shared interests, the 2nd and 3rd Defendants then, allegedly from concern about the Claimants in their extremely stressful circumstances, made suggestions to the Claimants to substantially change the basis of their relation by accepting their unsolicited offers which the Claimants were persuaded to accept on the following terms (Appendix 4):

i) the continued basis of their relationship on the foundation of their shared interests.

ii) a duty of care for one another's children by their introduction of certain of their initiatives.

iii) the special relationship of the 3rd Defendant due to his specialised and expert knowledge of general health, as a GP, which led him to offer advice on treatment of 2nd Claimant's mother and

iv) the special relationship of the 3rd Defendant due to his specialised and expert knowledge of mental health, including of the effects of stress, as a Senior Mental Health Lecturer.

c) The 2nd and 3rd Defendants could reasonably expect that the Claimants would rely on these terms in these contracts, i.e. that they would rely on the fact that any "helpful" initiatives by the Defendants would not result in unnecessary additional stress, nor any avoidable threat to the physical or

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mental health, of themselves, or of their children, and that the original commitment to shared interests would not be avoidably prejudiced.

- d) The Claimants having fulfilled their Duty of Care to the Defendants' son, the Defendants failed in their duty of care to the Claimants' child in spite of them having deliberately made it known personally to the 11 year old that they were taking a special interest in her because she had been expelled from a Steiner School. They immediately refused to communicate ever again either on their shared interests, or any other matter apart from as detailed below. (Appendix 28, Appendix 5)
- e) The sole direct communication the Claimants received was a curt email from the 2nd Defendant explicitly severing contact *specifically* on the basis of an alleged contract concerning the original shared interests, and failing to mention the contracts she and the 3rd Defendant had initiated. (Appendix 7)
- f) Since then the Claimants have at all times been either ignored or targeted by the Defendants in relation both personally and with regard to their shared interests. (Appendix 27, Appendix 29)
- g) In spite of the 3rd Defendant's special position increasing the foreseeability of the severed distress and alarm his misrepresentations were likely to cause, he has at all times subsequently been silent when he had a duty to speak, and he has made no admission about the terms of his contracts with the Claimants, except by rumour through his own networks, (Appendix 30). This remained true even when the 2nd Defendant publicly smeared the Claimants' mental health at the same time that she and the 1st

and 3rd Defendants were seeking, and gaining exposure in the national press on the platform of shared interests and on the basis of the 3rd Defendant's mental health qualifications. (Appendix 31)

- h) The resulting harassment of the Claimants has been substantially encouraged and abetted by the 2nd Defendant resulting in extreme levels of stress, felt and expressed by the Claimants, which were at all times foreseeable. (Appendix 4, Appendix 5)
- i) When the 2nd Defendant recently stated that there would be "no useful purpose" in addressing these foreseeable levels of stress, she was apparently therefore rather openly expressing her opinion that it is more useful to keep the Claimants in distress. (Appendix 27)

**Particulars of Loss and Damage**

- j) Insofar as it is necessary to prove damage in relation to the causes of action under misrepresentation Act 1967, the claimants plead as follows:
- k) That these misrepresentations marked the beginning of a long and substantial campaign of harassment of the Claimants, which shows no sign of abating, to the detriment of the whole platform of the shared interests, as the Defendants devalue the Claimants' practical contribution, and in which the Claimants have been personally victimised, and simultaneously excluded from a supposedly open debate by a large number of the Defendants friends and contacts, largely "evidence-based skeptics" and increasingly Humanists, who now stalk, harass and defame the Claimants and their child to the point of sabotaging their work prospects and livelihood. (Appendix 32, Appendix 24)

**35. Application of Estoppel by Representation**

- a) The claimants were first persuaded into trusting the 2nd and 3rd Defendants by their several representations of admiration and solidarity about Steiner Education, and their claims to wish to expose anomalies in that system, and the Claimants were then persuaded to change the terms as detailed herein by the 2nd and 3rd Defendants' further representations of concern for them personally due to the high levels of stress they were under. The Claimants have suffered considerable damage as a result,
- b) In defending these claims therefore, the 2nd and 3rd Defendants should not be allowed to deny the terms that their representations introduced into the contracts, to the detriment of Claimants, i.e. they should be required to both
- i) maintain their initial position concerning shared interests and not to deny the facts of representations made about that or the significance of the Claimants' agency in that field, which is now a matter of public record, *and*
- ii) should also not be allowed to disguise or deny the facts and terms of the contracts initiated with the Claimants by their unsolicited representations.

**CLAIMS UNDER THE PROTECTION FROM HARASSMENT ACT 1997****36. The First Claim under the PHA to only the 2nd and 3rd Defendants**

- a) That the 1st and 2nd Defendant have followed a course of conduct by their actions and inactions over a long period of time, which amount to harassment by:

- i) attempting to conceal their fraudulent misrepresentations to the Claimants
- ii) refusing to address any results of those mirepresentations, while making further covert misrepresentations about those circumstances instead, and overtly publicly smearing the mental health of the Claimants, as well as vituperating, threatening and shunning them, including on shared interests and encouraging others to do so while simultaneously seeking a platform for themselves including in the National Press on the subject of the shared interests with the Claimants and on the basis of the 3rd Defendant's position as a Senior Mental Health Lecturer. (Appendix 31)

and that their actions and inactions comprise a course of conduct that they knew, or ought to have known would cause extreme anxiety, distress, alarm and mental and emotional anguish to the Claimants and as such amounts to substantial harassment of both the Claimants and their children under Section 3 of the Act.

#### PARTICULARS OF LOSS AND DAMAGE

- b) Insofar as it is necessary to prove damage in relation to the causes of action under section 3 of the PHA, the claimants plead as follows:
  - i) By deliberately sabotaging public perception of people achieving a significant Human Rights settlement in the area of Steiner Education, in contradiction of their public claims to wish to expose such abuses, they set out to damage others, including causing further hurt to a child, and to deliberately ruin a

reputation which, by their own publications, comments, and statements, they know ought to have been enhanced.

(Appendix 33)

37. Second Claim under the PHA 1997 to only the 1st Defendant

a) In his continual course of interfering with the established legitimate interests and agency of the Claimants with regard to unchecked bullying in Steiner, and instead deliberately fomenting the personal campaign which he knew had its roots in his friends' desire to hide the fact of their misrepresentations including by at all times

i) Framing any and all expressions of protest, distress and anxiety by the Claimants, whether general or to individuals, as personal harassment of himself, of the 1st Defendant, and of other skeptics, and having so framed it, then *using* their clearly expressed distress as his *justification* for course of conduct towards the Claimants.

(Appendix 34)

ii) openly preferring and encouraging others to prefer people and sites harassing and defaming the Claimants, including the 2nd Defendant. (Appendix 35)

iii) blocking the claimants from any democratic participation while continuing to advertise a “good spirit of debate”, on his Quackometer Blog or anywhere else, no matter how relevant their

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input might be to the subject, whilst seeking a newsworthy platform for himself under his labels (Appendix 32, Appendix 11)

- iv) inciting organisations to ban the Claimants from attending supposedly public meetings by himself threatening not to attend if they are allowed in, and framing all their attempts to follow pre-action protocol to try and resolve matters as a personal “threat”. (Appendix 24)
- v) deliberately publishing rumour and hearsay, but not the facts of the matter, which he could reasonably be expected to know. (Appendix 36)
- vi) covertly threatening to block and blocking others from mentioning the Claimants’ case or their success, in a “good spirit of debate” and representing any such attempt to inform about their agency as “sock/meat puppetry”, (Appendix 37)
- vii) counselling the Claimants to publish on their own platforms, and then continually framing all instances of them doing so as personal harassment and stalking of himself. (Appendix 38)
- viii) refusing to submit the issues to any fair and impartial examination whatsoever, or to publish facts and ignoring all pleas for resolution, including offers to mediate, but continually and contemptuously provoking the Claimants towards legal action before he will publish any verifiable facts about the settlement, including the fact that, due to the reasonableness of the Claimants, and the willingness of themselves and their children to settle matters



with the Steiner School *without* pushing towards legal action, they may not now prove the discrimination through the Human Rights Tribunal, in spite of his harassment and devaluation of the practical agency they have achieved, (Appendix 1)

the 1st Defendant has followed a course of conduct towards the Claimants, that he knew or should have known would cause the Claimants distress, anxiety, alarm and mental anguish and could reasonably be foreseen to interfere with the Claimants' including their children's, legitimate interest in promoting agency for unchecked bullying in Steiner Education.

b) Insofar as it is necessary to prove damage in relation to the causes of action under section 3 of the PHA 1997, the claimant pleads as follows:

#### PARTICULARS OF LOSS AND DAMAGE

- c) The 1st Defendant has caused substantial anxiety, distress, alarm and mental and emotional anguish to the Claimants and also exposed them and their children to material loss.
- d) By making sure his harassment and defamation will be found on a google search for the Claimants' names he has deliberately set out to have a negative effect on the material well-being of them and their children (appendix 39)

- e) The 1st Defendant continues to falsify facts in order to promote himself as an authority on the subject, whilst attempting to ruin a reputation that, by his own statements and publications on Steiner, he knows should have been enhanced. (Appendix 40)
- f) It was at all time reasonably foreseeable through his own research into Steiner, that all such actions of his would exacerbate the anxiety, stress and humiliation that the Claimants were already subject to.
- g) The Claimants have been forced to witness themselves being targeted, their interests distorted and trivialised, their child's reputation smeared, with links provided to further harassment and victimisation of them, by this "evidence-based" Skeptic, knowing that other visitors to his blog have no idea of any of this and the 1st Defendant continues to seek exposure for himself, telling others about agency within Steiner in such fashion that "no-one will call them out, it requires too much work to expose them", (Appendix 41)
- h) In fact, by not openly declaring/contextualising any such actions of his (in 37a above) on his blog, or anywhere else, and without the inclusion of facts, the 1st Defendant has been able to conceal his own harassment of the Claimants, along with that of the 2nd and 3rd Defendants, behind his labels. In his blocking and censorship of other participants in the debate who have tried to flag up the relevance of the Claimants' legitimate interests and agency, his most expressed primary motivation at all times is to avoid being asked publicly about the situation at all. (Appendix 42)

**DEFAMATION CLAIMS****38. First Defamation Claim against only the 1st Defendant**

On the 6th of November 2012, the Defendant wrote and published words about the Claimants on his blog <http://www.quackometer.net/blog/2012/11/what-every-parent-should-know-about-steiner-waldorf-schools.html>

- a) The Defendant wrote and published the following defamatory words about the Claimants **“Post removed for sock/meat puppetry”**
- b) This refers to Claimant because the comment that was removed was about The Claimants. It also refers to the poster of the comment.
- c) In their natural and ordinary meaning the words meant and were understood to mean
  - i) that the Claimants were pretending to be the person who made the comment, and
  - ii) that therefore, and notwithstanding any appearance of relevance, in the context of the discussions that were taking place in the “good spirit of debate” on his blog, the information contained within the post has no value to his readers.

**PARTICULARS OF LOSS AND DAMAGE**

- d) The 1st Defendant cast scorn not only on the Claimants and their children, but also on the idea that any other poster could or would be likely to post information about the Claimants’ situation that could differ with the Defendant’s own view of it.

- e) This shows malice, since the 1st Defendant was perfectly well aware that the Claimants did not post the comment. He did not honestly believe what he wrote.
- f) This libels any other person who wishes to cite the Claimants case as an example of practical agency for this notorious and anecdotally well documented problem.

### **39. Second Defamation Claim against only the 1st and 2nd Defendants.**

- a) On 9th of November 2012 the Defendant published a blog post titled with the Claimants' names, which was retweeted three times by the 2nd Defendant.  
  
<http://www.quackometer.net/blog/2012/11/angel-garden-and-steve-paris.html>  
  
The Claimants are identifiable by use of their names as a title: this identification covers all subsequent instances of defamation from this blog post in both the first and Ninth Defamation Claims.
- b) The 1st Defendant wrote published the following words defamatory of the Claimants  
  
**“They claim their children were expelled because they were being bullied. I understand the school says it was because of the parents’ behaviour”**
- c) In their natural and ordinary meaning the words meant and were understood to mean -

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- i) that the Claimants claim their children were all bullied at the school and that the school expelled them all because of it, *but* that the school denies that and says that the issue was only and specifically with the Claimants and their conduct.
- ii) that however unlikely given his many publications re the dangerous misrepresentations of Steiner Education, in this case, he is inclined more to believe the point of view of the school.
- iii) That this inclination (in ii) in view of his scathing criticism of Steiner education, and his position on “false balance” points to the behaviour of the parents having been very bad. (Appendix 43)
- d) The 1st Defendant also wrote and published these words defamatory of the Claimants. **“they 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 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)”**
- e) In their natural and ordinary meaning the words meant and were understood to mean,
- i) That he is not sure what Claimants’ issue actually is, but that it seems to be that the Claimants express strong annoyance, displeasure and hostility to or about every single person who writes anything critical about Steiner schools, who does not make their

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story of practically addressing unchecked bullying through Human Rights process the centre of all discussion.

- ii) That the Claimant's anger is misplaced and also felt for some reason which furthermore has never been clearly explained.
- iii) Rather than being motivated to seek proportional inclusion in a public debate by a desire to bring up important issues of child welfare, the Claimants are self-centred people who constantly merely harass him and his friends by lying that they have been attacked by him and his friends, when there haven't been any such attacks, and that that's why they've never provided clear and comprehensive evidential accounts of any of it.

f) The 1st Defendant also wrote and published these words, defamatory of the Claimants in the post.

**“The first time was to politely explain to them why a comment they had left on my blog had been held up in moderation (too many links, I had no internet access). In the few hours between them posting and me seeing the comment, they had been tweeting and blogging their anger at me for denying them a voice. The second time was to explain that they did not have an automatic right to use my blog as a platform for their own grievances and to attack others”.**

In their natural and ordinary meaning the words meant and were understood to mean,

- i) that the 1st Defendant only expressed concern that the Claimants might “attack” people in his second email to them.

ii) that before the 1st Defendant first emailed the Claimants, they had been both blogging and tweeting angrily i.e. “showing strong annoyance, displeasure or hostility” at him about being personally denied a voice.

iii) that the Claimants’ communications to the Defendant showed only strong annoyance, displeasure or hostility, and no other attitude or feeling was expressed or any information given that would alter his reasonable assessment of their unreasonable anger.

iv) that the Claimants’ contribution (in the disallowed comment) had no intrinsic relevance to any subject under discussion re Steiner education, but was merely a personal grievance.

v) that the Claimants had attacked another person in their original comment.

vi) that the Claimants assumed they had an automatic right to use the 1st Defendant’s blog to pursue their own irrelevant personal issues, and to attack other people.

g) The 1st Defendant also wrote and published these words, defamatory of the Claimants in the post.

**“Since February I have ignored and filtered out their constant harassment by blog, tweet, and video, both of myself and of others.”**

h) In their natural and ordinary meaning the words meant and were understood to mean

i) because there is never any cogent explanation for the claimants’ actions, none of the very high level of harassment, experienced by

the 1st Defendant and others, and across many different mediums, appears to have any basis in fact.

ii) that the 1st Defendant had, by means of filters, been protecting himself for more than 8 months from substantial harassment by the Claimants i.e. a course of conduct which they knew, or should have known was causing him and others distress and which reasonable people in possession of all the facts would also think was harassment.

iii) that factual reporting of the 1st Defendant's words and actions with regard to Steiner Education, and to the critical landscape, is harassment.

iv) that vigorously and politely challenging the 1st Defendant or others about potentially dangerously misleading misinformation is harassment.

v) that challenging others including evidence-based skeptics about repetitious dissemination of misleading information is harassment.

vi) **that the Claimants only harass the 1st Defendant and others and do nothing else whatsoever, either on Twitter, or at all.**

vii) **That having advised the Claimants to go and publish on their own platforms, such factual documentation of his defamation and harassment, is itself nevertheless harassment. (Appendix 38)**

i) The 1st Defendant wrote and published these words, defamatory of the Claimants



**“I am told that they tweet at anyone who is mentioned in my tweets or tries to communicate with me by twitter”.**

j) In their natural and ordinary meaning the words meant and were understood to mean

i) that there are no tweets that involve him in any way through

@mention on Twitter, and on any subject that the Claimants do not reply to.

ii) that he is reporting this from hearsay, having blocked the Claimants.

k) The 1st Defendant wrote and published these words defamatory of the Claimants

**“Their aim appears to be to discredit me by promulgating a partial account of events.”**

l) In their natural and ordinary meaning the words meant and were understood to mean

i) that, although he has no factual information from the Claimants about what the problem is, the 1st Defendant has other evidence about what really happened showing that their motivation is to deceitfully damage his reputation by leaving out crucial information, being in possession of which would reveal his positive credibility the more.

m) The 1st Defendant wrote and published the following words defamatory of the Claimants:

**“Yesterday I received this threatening email. I thought it time to make**

**this harassment public and to break my rule of not communicating with them.”**

n) In their natural and ordinary meaning the words meant and were understood to mean

i) That the 1st Defendant had been quietly suffering harassment which had now escalated, to the extent that he was forced to make public the uncomfortable and unreasonable adjustments he had been forced to make, including having to communicate with undesirable people.

ii) That asking the 1st Defendant to cease from his harassment and defamation *is* harassment, and mentioning the necessity to resolve the issues leading to it, even if that necessitates legal action, is a personal threat against him.

o) The 1st Defendant wrote and published the following words, defamatory of the Claimants.

**“Some months ago I told you I would not communicate with you anymore as I had made myself perfectly clear to you about why your comment on my blog had been held up for a few hours and why I was unhappy about you using my blog for your own purposes, including the harassment of other individuals.”**

p) In their natural and ordinary meaning the words meant and were understood to mean

i) that having told the Claimants that his spam filters had been triggered by the comment, he should not have to communicate with the Claimants further.

- ii) that informing him factually of the existence of a sectarian campaign of harassment against individuals within Steiner criticism, including a link to that harassment, amounted to the Claimants having in fact attacked individuals in that comment or that it was inevitable that that they would do so and that this was, in fact, an actual intention of the Claimants.
- iii) that seeking to inform about the victimisation of an ex-Steiner family by critics, including linking to the material itself, is harassment.
- iv) that the Claimants had no genuine desire to participate in the debate proportionally, but were hell-bent on taking it over for their own purposes, in which personal harassment was a major motivation.

#### **PARTICULARS OF LOSS AND DAMAGE**

- q) The publication of this post shows malice on the part of the 1st and 2nd Defendants. They had no honest belief in this publication but knew that the reasons for the problems the Claimants were encountering, which here he says are “never made clear” were certainly to do with the 2nd and 3rd Defendants’ many unsolicited offers to the Claimants and the split they had effected, the facts of which *they* did not wish to “make clear” and which the 2nd Defendant claimed in November, it would serve “no useful purpose” to reveal. She nevertheless retweeted the link to this post three times. (Appendix 44)

- r) In a private conversation on 3/11/12, the 1st Defendant had referred to the 2nd and 3rd Defendant's involvement in some detail, making it clear that he knew of the issues between them, saying for example that the Claimants' had told "very terrible lies" about the 2nd Defendant, threatening to block the other user in the conversation if they talked about the situation in public at all, and then doing so. (Appendix 45)
- s) The 1st and 2nd Defendants' malicious abuse of their labels resulted in many people disseminating this blog post on the strength of them. In so doing, this post has become a useful and widely circulated link by others, claiming to support the Defendants, to prove how terrible the Claimants are. (Appendix 19)
- t) Rather than properly admit that according to their own research and publications, the Claimants' reputation, by virtue of their agency, should have been enhanced, the 1st and 2nd Defendants used their labels maliciously to manipulate the confirmation bias of their audience to believe a publication that they themselves had no honest belief in, with the joint intention of further damaging the Claimants' reputations while enhancing their own.
- u) The 1st Defendant's blog post, moreover, was of itself a piece of deliberate and malicious provocation of the Claimants in response to a distressed but genuine appeal for resolution of the issues between them.

#### **40. Third Defamation Claim against only the 1st Defendant**

- a) On his FaceBook page on the 9th November 2012, the 1st Defendant republished his above "Posterous" post, so all the matters in 36 are claimed

again for each publication.

<https://www.facebook.com/quackometer/posts/560145464000770>

<https://www.facebook.com/quackometer/posts/475324705845047>

b) In the comments, the 1st Defendant published further words defamatory of the Claimants:

c) In answer to Chip Cherry's question:

"Sorry, but I'm a bit unclear on the story here. Steve and Angel are in a dispute with their children's former school and they are also mad at you because you are not providing them a platform to complain about the school?"

The Defendant published the following words defamatory of the Claimants:

**"Yep."**

d) In their natural and ordinary meaning this word meant and was taken to mean that the Claimants displayed strong annoyance, displeasure and hostility for the sole reason that the 1st Defendant was not offering the Claimants a platform solely to complain about the school.

e) In answer to Chip Cherry's question:

"Did you even get involved in the dispute to begin with or were you just selected as an inappropriate platform by them?"

The 1st Defendant published the following words defamatory of the Claimants:

**"The latter. I wrote about Steiner Schools - they wanted to hijack my blog to attack other Steiner critics and to promote their cause."**

f) In their natural and ordinary meaning these words mean and were taken to mean:

- i) that the 1st Defendant's Quackometer platform on Steiner was an inappropriate platform to expose current relevant information about unchecked bullying in Steiner Education.
- ii) that complaining about the school was secondary to their primary motive of wishing to attack Steiner Critics.
- iii) that the 1st Defendant had no other knowledge of or involvement in the situation whatsoever.

g) In answer to Alan Thomas' comment:

“The self- importance and grievance shines through. Threats of Legal attack dogs often seem to go hand in hand with bluster and bombast.”  
and/or

Chip Cherry's comment

“So they are alienating themselves from people with a seemingly common cause against the school. Not bright.”

The Defendant spoke the following words defamatory of the Claimants

**“The behaviour is baffling but consistent in its pattern.”**

h) In their natural and ordinary meaning the words mean and were taken to mean

- i) That self-importance and grievance, threats, bluster and bombast are all perplexing elements of the behaviour of the Claimants, which he has no other information about that could reasonably alter that assessment.

- ii) That he agrees that it seems illogical for the Claimants to alienate themselves from people who otherwise would join with them in confronting the issues at the school.
- iii) That this shows the lack of intelligence of the Claimants.
- iv) That such hard to understand behaviour is a constant characteristic of the Claimants.

i) In answer to:

“He ... seemed like a run-of-the-mill Steiner critic at first, but then I got these weird criticisms of you that seemed amiss - I wasn't sure why you were taking his stuff down either - but that explains all. He's now been blocked from my Twitter. By all means mention your own personal accounts regarding Steiner - this can be useful info, but your blog is not, as people have said, a platform for people's personal grievances.”

The 1st Defendant published the following words defamatory of the Claimants

“Yes, they can be quite charming can't they?”

j) In their natural and ordinary meaning these words mean and were taken to mean

- i) That the 1st Defendant agrees with those statements and that it shows how charming the Claimants are, i.e. not at all.
- ii) That run-of-the-mill Steiner critics do not criticise the Defendant
- iii) That the 1st Defendant agrees that the criticisms of him are amiss and that is why he has taken their stuff down i.e. not allowed them to comment.

iv) That the 1st Defendant agrees and that the Claimants have been given a fair chance to mention their own personal accounts regarding Steiner on his blog.

v) that the 1st Defendant agrees that his blog is not a platform for people's personal grievances

k) another commenter took the word "charming" literally as being

deliberately attractive in order to influence others, and replied:

"Seemed quite friendly at first, and their lack of aggression (just limiting to passive aggression) can be quite disarming."

This is thus also a natural and ordinary meaning of the Defendant's phrase,

"yes they can be quite charming, can't they? which Tom Armstrong took to mean:

i) That although the Claimants seemed friendly, and the charm the Defendant mentioned was disarming, it disguised the not easily discernible aggression of the Claimants.

ii) That even the friendliness and lack of aggression of the Claimants proved to be false.

### **Particulars of Loss and Damage**

l) The Claimants claim all the points in 39 above.



**41. Fourth Defamation Claim against only the 2nd Defendant**

On 16/11/2012 the 2nd Defendant published a tweet defamatory of the Claimants.

- a) The 2nd Defendant published these words defamatory of the Claimants  
**“Wait till they threaten to sue you for saying they’re pathetic (and me for replying to your tweets).”**

<https://twitter.com/ThetisMercurio/statuses/269193096951119872>

- b) In their natural and ordinary sense these words mean and were taken to mean:

- i) That the Claimants have threatened to sue the 2nd Defendant or a third party for saying they are “pathetic”, and that they are likely to sue the 2nd Defendant simply for replying to tweets.
- ii) that the Claimants threaten to sue others for no reason whatsoever which makes them ridiculous.

**Particulars of Loss and Damage**

- c) Malice: the 2nd Defendant had no honest belief in her publication, knowing and seeking to conceal the reasons behind the Claimants’ objections to her own misrepresentations, and harassment of them.
- d) The 2nd Defendant is inciting others to harass the Claimants on her behalf, by withholding information which, if she admitted it, would reveal that the reason the Claimants are objecting is due to the 2nd Defendants actions in victimising them before during and after the death of the 2nd Claimant’s mother and the campaign of misinformation, defamation and harassment that she encouraged to stem directly from it to their loss.

**42. Fifth Defamation Claim against only the 2nd Defendant**

On 10/11/12 in a re-tweet the 2nd Defendant published these words defamatory of the Claimants:

**“Lying, bullying, threatening...how do Angel Garden aka  
@Amazonnewsmedia dns @sjparis sleep at night?”**

a) In their natural and ordinary sense these words mean and were taken to mean:

i) That the Claimants lie, bully and threaten other people, to an extent that it's hard to understand how their consciences allow them to get any rest.

**Particulars of Loss and Damage**

- b) Malice. The 2nd Defendant has no honest belief in her publication: she knows that she is concealing her own causative actions, that the Claimants are anti-bullying campaigners, and that the Claimants have consistently objected to her deceptions and deliberate victimisation of them and entreated her to cease from such a course of conduct.
- c) The 2nd Defendant is happy to now circulate the harassment of other “supporters”, which therefore does not appear to emanate from any action of hers, but with which she can now appear just to agree with, leading others to further believe that she is not involved in any way but an “innocent victim” of the Claimants commitment to bullying.

**43. Sixth Defamation Claim against only the 1st Defendant**

On the 10th of December 2012 the 1st Defendant published libel of the 2nd

Claimant: <https://twitter.com/lecanardnoir/status/278277294626332672>

- a) The Defendant published these words defamatory of the Claimants
- “Some more slightly obsessive humour from that person that thinks I am trampling on their human rights”**
- b) The second Claimant is clearly identifiable through the link to her website.
- c) In their natural an ordinary meaning the words meant and were understood to mean
- i) that the Claimants’ objections to the 1st Defendant blocking their email addresses to prevent them providing facts about a Human Rights action regarding unchecked bullying in Steiner, and about sectarianism among those critical of it, are not to be taken seriously,
  - ii) that the link is to material in which the Claimants complained that the 1st Defendant was personally denying their Human Rights.

#### **PARTICULARS OF LOSS AND DAMAGE**

- d) This again shows malice on the part of the 1st Defendant, as he knew perfectly well that the Claimants were undergoing Human Rights mediation with a Steiner School, and not with him, and that they had not tried to raise any such “Human Rights” issues with him, nor mentioned doing so. His conflation is a deliberate attempt to mislead his audience by again hiding the facts about the actual Human Rights process and making deliberate misrepresentations in order to cause ridicule of the Claimants.
- e) The libel casts deliberate doubt upon the intelligence of the Claimants, and invites others to ridicule them, by suggesting that they don’t understand the difference between Human Rights, and a right to free-speech. In fact it is the 1st Defendant who is showing his lack of understanding in the tweet,

but that doesn't stop it having the power, as part of the campaign of harassment, to damage the reputation of the claimants.

44. **Seventh Defamation Claim against only the 1st and 2nd Defendants**

The 1st Defendant published, and the 2nd Defendant retweeted a Tweet on the 10th of December 2012, <https://twitter.com/lecanardnoir/status/278278076608167938>

a) The 1st Defendant wrote these words, defamatory of the Claimants:

**“You have to remember, that those series of tweets and emails is not a spoof. but someone demanding their right to comment on my site.”**

b) The Claimants are clearly identifiable by reference to tweets by them

c) In their natural and ordinary sense these words mean and were taken to mean

i) that the Claimants' publication of their communications with the 1st Defendant, although ridiculous, show the Claimants demanding, as a right, to comment on the defendant's web-site.

ii) That their polite attempts to achieve resolution are fit only for derision, and ridicule.

**PARTICULARS OF LOSS AND DAMAGE**

d) The 1st and 2nd Defendants are seeking to create the impression in their followers that there has ever been a demand from the Claimants that they *must* be allowed to comment on his site. This again shows malice as they specifically know that not to be true, but that the Claimants were vigorously questioning his misrepresentations on the basis of his labels as he does when challenging dangerously misleading information.

(Appendix 46)

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- e) Their supporters and followers continue to make much of that untruth in their campaign of harassment as it chimes with their narrative that there are no actual issues that need resolution but the Claimants are merely *jealous* of the 1st Defendant and not actually seeking to participate democratically on Steiner issues as people with both legitimate interests and agency.

(Appendix 25)

45. **Eighth Defamation Claim against only the 1st Defendant**

Post on Quackometer Blog:

[www.quackometer.net/blog/2012/11/angel-garden-and-steve-paris.html](http://www.quackometer.net/blog/2012/11/angel-garden-and-steve-paris.html)

- a) in late April 2013 The 1st Defendant republished the entire blog post detailed in 39 above, on his Quackometer Blog, but did so under the original date of the 9th of November 2012 that he had published it on his Posterous Blog. (Appendix 21)
- b) The 1st Defendant did not openly disseminate this second post-settlement publication, or specifically notify that he had republished it with the previous date, yet it is still frequently disseminated by his supports and by whatever means does its work for the 1st Defendant by remaining high on a Google search for the Claimants' names.
- c) The settlement had now been achieved through Human Rights process in a contract between the parties so the 2nd Defendant knew and continues to know that his publication contradicts the public record, and that the settlement had been achieved through being willing to enter mediation and to settle.

- d) Furthermore the settlement, including in its statements about bullying, backs up his own publications and research.

**PARTICULARS OF LOSS AND DAMAGE**

- e) The 1st Defendant shows malice, as he had no honest belief in his publication.
- f) his libel contradicts the legally binding statements in the settlement to the point of defaming a minor by suggesting that a child's reports of bullying according to school policy, were not true. In spite of the school's admissions in the settlement that the child's accounts of bullying were honest, the 1st Defendant continues to represent the bullying only as a "claim" of the parents.
- g) this publication repeats and exacerbates all points in 39, above, and
- h) it substantially augments the innuendo meanings below by being re-published, post settlement, with no evidential facts whatsoever.
- i) it demonstrates clearly how successful the campaign against the Claimants was, and continues to be, and how confident the Defendant felt in his misrepresentations about Steiner bullying, about agency to address it, and about his status as an evidence-based skeptic.
- j) The higher numbers of readers on Quackometer, than his Posterous blog. The 1st Defendant's maintenance of such an aggressive publication high on a Google search for the Claimants' names for an extended period was an action calculated to wreak maximum damage to the Claimants reputations, and livelihood. (Appendix 39)

k) The 1st Defendant's feigned ignorance of the issues, combined with his supporters' stalking and harassment, with no genuine attempt to engage, but a portrayal of the 1st, 2nd and 3rd Defendants as "innocent victims" increases again the likelihood that he will never have to justify himself.  
(Appendix 47)

#### 46. **Ninth Defamation Claim against only the 1st Defendant**

On the 15th of May 2013, tweet to user DoctorAndTheCat

a) <http://twitter.com/lecanardnoir/status/334737728698716161>

**"Shame some odd and disturbing people in the world cannot understand "I want nothing to do with you".**

b) Refers to the Claimants because the tweets were referring to the meeting the night before and the reason why the Q&A did not happen.  
c) In their natural and ordinary meaning the words meant and were understood to mean

i) that it is regrettable that the claimants, who are different to what is usual in people, and who innately cause anxiety and worry in others, are unable to understand the simple phrase "I want nothing to do with you".

ii) that, having no legitimate interests, there would be no reason for the claimants to object to being personally rejected by the 1st Defendant.

iii) that the Claimants have no other purpose in contacting the 1st Defendant, or being concerned with what he says and writes, apart

from personal harassment, most probably involving mental illness and, in the context of his slander, dangerous criminality.

iv) that if the matter was dealt with, that the harassment would not stop, because it is not caused by any real matter at all, but solely by the Claimants' innate oddity and disturbingness.

### **PARTICULARS OF LOSS AND DAMAGE**

- d) The 1st Defendant's shows malice as he had no honest belief in his statement. He knew that the Claimants did not want "anything to do" with him personally at all, but that they objected to his misrepresentations concerning them and their legitimate interests, which they had been pursuing since well before he began to publish on the subject.
- e) As a supposed evidence-based skeptic, using a cloak of deliberate mental health stigma to exclude those with legitimate interests from ordinary democratic participation on his supposedly open platform is deceit in the highest degree, which furthermore illustrates the difficult problem the 1st Defendant faced in feeling obliged to expunge such an achievement from the platform, as well as to find even a semi-plausible excuse for his displeasure with the Claimants with which to manipulate the confirmation bias of his followers. (Appendix 48)

#### **47. Tenth Defamation Claim against only the 1st Defendant.**

Tweet on the 20 of May 2013

<http://twitter.com/lecanardnoir/status/336519216700194816>



- a) the Defendant published these words defamatory of the Claimants
- “Thank you, most Angels will be welcome. The fallen Angels of harassment will not.”**
- b) This identifies the Claimants because it refers to “Angels” and to his next talk in Brighton to which the Claimants had already been directly notified of their exclusive exclusion.
- c) In their natural and ordinary meaning the words meant and were understood to mean
- i) that paying to attend a public meeting on the subject of Steiner, in which they had interests as former Steiner parents, is harassment.
  - ii) that politely asking 1st Defendant to dialogue with them to sort out the issues between parties according to pre-action protocols laid out in the CPR, is harassment.
  - iii) that the Claimants have no agency or substance but are merely intent on personally harassing the 1st Defendant.

#### **PARTICULARS OF LOSS AND DAMAGE**

- d) The 1st Defendant’s slur against the Claimants of “harassment” for having paid to attend a Public Meeting about a subject in which they have established both interests and agency, is malicious. It points to further deceit in the justification being used to achieve exclusion of the Claimants to other third parties, for example The Caroline Pub in Brighton, who made an unsolicited approach to the Claimants to inform them that they would be treated as hecklers if they should try to attend the 1st Defendant’s next talk. This was designed and was felt to be publicly humiliating and

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has since been used by other supporters of the Defendants as proof that the claimants are “crazed stalkers”. (Appendix 49, Appendix 25)

- e) Having ignored all requests for democratic communication, or any resolution of the matters, the 1st Defendant then framed the simple peaceable physical presence of the Claimants in the same physical environment, at an open meeting on the subject of their shared interests, as pointing to their dangerous criminality with the clear intention of exposing them to maximum scandal and shame.
- f) The 1st Defendant appears to think that by entering a shared field of interests, and finding others already there, he has the right to deliberately harass and defame them, trying to wreck their prospects without ever giving them right of reply, and that he may ride roughshod over all principles of democratic engagement, even under his labels, in order to expose others to scandal and obloquy and destroy their reputations in order to profit.

48. **Eleventh Defamation Claim - Slander per se against only the 1st Defendant**

At Skeptics in the Pub meeting in Bath on the 14th of May 2013, the Second Defendant spoke words slanderous per se of the Claimants in front of a group of some 20 people at a Public Meeting

- a) The Second Defendant spoke the following words defamatory of the Claimants

**“If I ever see you anywhere near my family, or anything like that, I will call the police” .**

b) in their natural and ordinary sense these words meant and were taken to mean

i) that there is an existing injunction upon the Claimants, under one of the following Acts or another Act:

The Public Order Act 1986 - s 4A or S 3, or The Criminal Justice and Public Order Act 1994, s. 68 or The Trade Union and Labour Relations (Consolidation) Act 1992, s. 241 or The Criminal Justice and Police Act 2001, section 42 or The Magistrates' Courts Act 1980, s 115

to restrain them from the actions his slander describes, which caused him to fear for the safety of his children and which, if broken, would result in criminal sanctions.

ii) and/or that the 1st Defendant had material knowledge of previous criminal convictions of the claimants', for example under the Protection from Harassment Act 1997 Section 2 or Under the Public Order Act 1986, s. 4 Fear or provocation of violence or Affray

iii) and that the 1st Defendant had actual material cause to believe that the Claimants may intend to make secret, unsolicited, and predatory approach to his children.

#### **PARTICULARS OF LOSS AND DAMAGE**

c) This sly and malicious imputation of the Claimants as a criminal danger to children was a smear engendering significant and well-documented public fear and loathing and was designed to open the Claimants up to maximum scandal and to further being shunned and excluded from society. The

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reactions of others at the meeting, including concerns expressed to the Claimants after the 1st Defendant had left, show that the words so carefully uttered by the 1st Defendant were "properly understood as expressive of the claimant's guilt" *Simmons v Mitchell* 1880

- d) Experience had shown the 1st Defendant that his defamation and harassment of the Claimants were no barrier to success, and that he stood to profit personally by continuing and ramping up his course of conduct. In an unexpected real-time physical situation this slander shows how confident he now felt in maliciously using his labels to cause damage to others and his slander was designed to give the assembled room the strongest possible reason why he could not stay, if the Claimants were there, *without actually having to say what it was*, which would reveal all the deceit.
- e) His slander shows the extent and success of the campaign against the Claimants and also, now that they were not half a world away, demonstrates the increasing level of harassment of them necessary to maintain it. Subsequently, they have been barred from attending other "public" talks that he is giving, on the stated basis of the Claimants continued attempts to try to achieve resolution through pre-action protocols without recourse to legal actions, which is always interpreted as "threatening" for the purposes of avoiding the awkwardness of being questioned about his misrepresentations in public. (Appendix 24)
- f) The 1st Defendant knew or ought to have known the humiliation that is likely to be suffered by someone accused of such a serious offence

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"because of the obloquy which attaches to anybody who has been guilty of a crime of the sufficient degree of seriousness". Gray v Jones 1939

#### 49. PARTICULARS OF INNUENDO OF ALL DEFAMATION CLAIMS

- a) In all of the above claims it is the trust engendered by the label of “skeptic” or “evidence-based skeptic”, by those sharing it, or rating it highly, as well as the 1st Defendant’s comprehensive Steiner platform, that has allowed them to use the labels for the malicious purpose of spreading dangerously misleading information about Steiner while claiming to expose it, as well as smearing parents challenging the system while advertising that if there are salient facts that parents need to know, they can be 100% confident that he will be publishing them.
- b) Whatever the extent or type of personal profit the Defendants hope to gain by these deceptions, their motives for victimising parents and children addressing the most often anecdotally reported problem in Steiner, cannot honestly be said to be to “further the interest which is entitled to protection” .Mosrie v Trussel 467 [1983]

50. By reason of the publication and speech the claimants including their oldest child have been seriously defamed, and the Claimants have suffered considerable hurt, embarrassment, anxiety, distress, alarm, mental anguish and serious harm.

51. Unless restrained, the Defendants will publish or cause to be published the same or similar libels and harassment of the Claimants.

52. In assessing damages, the Claimants plead the gravity of the defamation in terms of

- a) false representations

- b) mental health smearing
- c) impugning the Claimants with criminally predatory misconduct towards children
- d) falsification of facts
- e) The extended time the defamation and harassment has been aimed at the Claimants
- f) Its prominence,
- g) Repetition
- h) Deceitful concealment of useful agency for bullied children
- i) The severity of the Defendants' actions upon the Claimants feelings, in their willingness to co-opt others through deceit into causing further distress, humiliation, mental anguish, and alarm, to parents in a shared field of interest whose settlement shows them as being willing to work to resolve issues, as well as providing information which bears out the Defendants' published hypotheses about Steiner Education.
- j) The Claimants' actions were also taken at considerable personal inconvenience and expense. Such damaging actions by the Defendants, including towards children, would be likely to and did have a devastating effect on the Claimants, both personally, and to their reputation in terms of personal integrity, honour, courage, and loyalty and would be likely to be intolerable to the Claimants, and they are.

**53. AND THE CLAIMANTS CLAIM AGGRAVATED DAMAGES:**

In aggravation of damages the Claimants plead:

- a) Malice - in not publishing true facts about the Claimants, but falsifying their publications to hide their achievement and publish personal smears about them instead, the 1st and 2nd Defendants did not honestly believe in the truth of their publications and, "injury may be greater if the defamatory words are uttered with express malice" *Faxon v. Jones* 176 Mass.
- b) Sectarian removal of the Claimants from the area of their legitimate interests, to the extent of expunging their achievement from the accounts of the Defendants and their friends, to the detriment of the whole platform, which claims concern for children's welfare, and encouraging and abetting others, who do not share their interests at all, to harass stalk, insult and vituperate the Claimants, thus adding substantially to their alarm, anxiety and distress and to the difficulty of properly addressing the issues with the Defendants and promoting practical agency to combat bullying.
- c) Slander per se - as an inevitable progression of this course of conduct towards the Claimants. Notwithstanding the shocked response in the room expressed by others, "*suffering may be enhanced by knowledge of the malicious purpose of the slanderer, and this aggravation of the mental suffering of the plaintiff does not depend upon the effect produced ... upon the persons to whom the slander or libel was published.... Accordingly, evidence of previous or subsequent declarations or conduct of the defendant, as well as of his conduct and language at the time of the slander, is received for the purpose of proving express malice in aggravation of damages....*" *Faxon v. Jones*, 176 Mass

- d) The 1st and 2nd Defendant took deliberate advantage of every honest effort of the Claimants to address matters, including in person and at an appropriate place and time, in order to deliberately expose them to scandal and cast them in the most hated light possible.
- e) Contemptuous pre-action conduct, including patronising and deliberate misrepresentation of the legal issues and contempt for the reputation of minors, also expressed by the 1st Defendant through his Counsel in pre-action. (Appendix 50)
- f) It is precisely their research into Steiner, for which all Defendants have sought and enjoyed public attention, that shows that in targeting parents working to expose some of the most difficult aspects ever reported of this system, which difficulty is widely held to be due to the targeting tactics unleashed against parties trying to so do, that they knew that this course of action would cause maximum distress and damage to the Claimants and to be intolerable to them, which it has been and is.

#### **54. AND THE CLAIMANTS CLAIM EXEMPLARY DAMAGES**

In claiming exemplary damages the Claimants plead:

- a) The deceitful abuse of labels whose reputation has been enhanced on the basis of *BCA v Singh* is opportunistic, and has been shown to activate an exploitable confirmation bias in sections of the public, and respectable organisations, allowing them to be substantially misled about individuals, drawn into victimising campaigns against them, and into dangerously misleading assumptions about possible agency for the well-known problem



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of unchecked bullying in Steiner Education while pretending to be “evidence-based”.

- b) This abuse has led directly to the distortion of open debate to be a mere shop front, behind which the Claimants, who have achieved what the Defendants say must be done and the 1st Defendant says “nobody” will do, are harassed, stalked, and defamed by supporters of those seeking a platform of being champions to “Every Parent”, and /or children, while the Defendants pretend the harassment it is no concern of theirs, and are free to dominate and enjoy the field of shared interests without further interruption from the Claimants, and without having to justify themselves at all.
- c) Clearly, the Defendants’ good reputation in all matters described herein depends on this course of conduct of misrepresentation, harassment and defamation, since it cannot honestly be said if reasonable thinking people knew the facts of their treatment of an actual family reporting solutions to some extremely damaging problems they feature, that the Defendants would be enjoying such a good reputation at all.
- d) All these factors point to the necessity of exemplary damages to teach the Defendants “tort does not pay”.

55. **The First Claim under the Public Order Act 1986 Sections 4, Fear or provocation of violence, 4a, Intentional Harassment, alarm and distress, and 5. Harassment, alarm and distress.**

- a) The 1st Defendant’s threatening, abusive, insulting and slanderous words to the crowd in the pub on 14/05/13 as a progression of his campaign of

harassment against the Claimants were calculated to cause the maximum possible alarm, fear of violence and distress to the Claimants.

**PARTICULARS OF LOSS AND DAMAGE**

- b) Insofar as it is necessary to prove damage in relation to the causes of action under the Public Order Act 1986 the Claimants plead, the claimants plead the points in 48 c,d,e and f above and the common knowledge of the fear and hatred of the general public towards those predatory of children.

56. **CLAIM UNDER THE FRAUD ACT 2006** against only the 1st Defendant.

Breach of the Fraud Act 2006 Sections 2, 3 and 4.

- a) That the 1st Defendant's actions in knowingly making false representations about Steiner Education, under a misleading comprehensive title, by which he implies that he intends to make gains for himself by publication of a book, constitute a breach of Section 2 of the Act.
- b) That the the 1st Defendant's actions in knowingly making false representations about himself by using the label "evidence-based skeptic" to persuade others of his rigorous commitment to facts and evidence and by use of which label he implies that he intends to make gains by publication of a book on Steiner, constitutes a breach of the Act under Section 2.
- c) That the 1st Defendant's actions in knowingly making false representations about Steiner Education, under a deliberately misleading comprehensive title, with the intention to cause loss to the Claimants, who are members of

the exact group he claims to be comprehensively informing, is a breach under Section 2 of the Act.

- d) That seeking a platform on the subject of Steiner Education with the intention of making gains by failing to provide information which is a matter of public record concerning current and useful respectable process, which he is, or should be, fully aware of, and which provides information about avenues of practical agency for bullied children in that system, constitutes a breach under Section 3 of the Act.
- e) By undertaking to publish factually about Steiner including children's education and welfare under his labels the 1st Defendant has freely chosen to shoulder a duty to provide all such information to the best of his knowledge, and his comprehensive platform implies that he accepts such a responsible position as the purveyor of all such available information which does or could impact on the well-being of children in Steiner, and that his knowing misrepresentations on the subject constitute a breach of Section 4 of the Act.

#### **Particulars of Loss and Damage**

- f) The 1st Defendant intends to profit directly from sales of the book as well as indirectly from other financial opportunities that such increased exposure may bring. He has already profited in terms of heightened reputation, traffic and contacts, and his influence extends to having the Claimants removed from a talk at the British Humanist Association, soon after which his website was linked to by Guardian journalist Zoe Williams, also a prominent Humanist, leading to free advertising of his platform in

the Guardian, following which he boasted about the high traffic to his website. (Appendix 51)

- g) In his dishonest representations, (and in order to achieve them) the 1st Defendant is dishonestly exposing the Claimants to loss as parents who, with their children, have achieved that agency which the defendant does not want to inform parents about, in spite of him seeking public platform on the subject and in spite of the fact that it is the most anecdotally reported problem, and that the Defendants claim it is a very hard thing to do.
- h) The Claimants have already suffered loss by the dishonest representations both about them and about bullying, of the 1st Defendant, which take away the value of the financial cost of following process in order to gain such a useful settlement in order to promote and materially advance agency for bullied children.
- i) The 1st Defendant's dishonest representations also risk loss to the other parents sought in the 1st Defendant's comprehensive title, by the necessity for others to recreate a path which has already been trodden with a useful result.
- j) The Defendant's labels substantially add to the likelihood of the public being misled into believing that such positive and practical agency for bullied children in Steiner does not exist.

#### 57. AND THE CLAIMANTS CLAIM

- a) Damages under the Misrepresentation Act 1967
- b) Damages under the Protection from Harassment Act 1997

- c) Damages under the Defamation Act
- d) Damages under the Fraud Act 2006

And the Claimants seek

**58. An interim injunction to**

- a) remove all the 1st Defendant's defamatory postings concerning the Claimants, their child, and the settlement including on his Quackometer blog and FaceBook and wheresoever else he has published such material and
- b) restrain all the Defendants from further publishing or causing to be published, or linking to or otherwise disseminating or promoting in any way the same or similar or other libels or harassment of the claimants wheresoever they may be and whomsoever the publisher(s) or perpetrator(s).
- c) An order to restrain the 1st Defendant from using his second label, or any other title for his Steiner platform, publications, talks, URLs, books etc., wheresoever published and in whatever medium, that can mislead parents and others into believing that he is providing "What Every Parent Needs to Know" or in any sense what everybody needs to know about Steiner Education

**and**

**59. Further Injunctions and Orders**

- a) An order requiring the 1st Defendant to publish the facts of the settlement without prejudice in a post on his Quackometer Blog, with apologies and corrections, including moral acknowledgements as detailed in Appendix

52, and to widely disseminate and actively (manually) promote this correctional post by all his normal methods including twitter at least once a week for a period of six months and to continue to correct the damaging results of his course of conduct including defamation wheresoever and howsoever and with whomsoever he may encounter those effects at all times in the future.

b) An order requiring the 1st, 2nd and 3rd Defendants to make suitable apologies and corrections, and to honestly and fully report the facts of the settlement without prejudice wheresoever the subject of their dealings with the Claimants and/or unchecked bullying in Steiner arises on each of the forums and/or sites or whatever other platforms and/or places wheresoever and owned or managed by whomsoever, which have given or could give reason for the causes of action herein particularised against the Defendants and/or which they have commented on, or linked to, or promoted in any way, and/or which they become aware of or is brought to their attention at any time in the future, irrespective of when publication occurred. Such apologies and corrections to include the gist of the moral acknowledgements in Appendix 52.

c) An order requiring such apologies and corrections herein particularised by all Defendants to be agreed by the parties prior to publication and requiring all Defendants to provide details to the Claimants of all locations and recipients of this advice or of comments made of this nature, together with relevant contact details in each instance so that the Claimants may verify

that all relevant individuals receive this corrected information, which is to contain the gist of the declarations in Appendix 52.

AND the Claimants claim

60. Costs

61. Interest thereon pursuant to section 35A of the Supreme Court Act 1981 as may be applicable under any of the claims above.

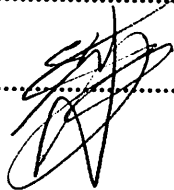
62. Any other Orders or declarations that this Honourable Court deems just and reasonable.

**Dated this 30th day of January 2014**

**STATEMENT OF TRUTH**

I believe that the facts stated in these Particulars of Claim are True.

signed..........Angel Garden

signed .....Stephane (aka Steve) Paris