

**IN THE HIGH COURT OF JUSTICE**

**SWANSEA DISTRICT REGISTRY**

**BETWEEN:**

**(1) STEPHANE (STEVE) PARIS**

**(2) ANGEL GARDEN**

**Claimants**

**-and-**

**(1) ANDREW LEWIS**

**(2) MELANIE BYNG**

**Defendants**

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**DEFENCE**

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1. Save as otherwise stated all references to paragraphs are references to paragraphs in the Amended Particulars of Claim dated 31 March 2014. The Defendants adopt the definitions used in the Amended Particulars of Claim.

**The parties**

2. As to paragraph 2:
  - 2.1. The first and last sentences are admitted.
  - 2.2. As to the balance of paragraph 2 the Defendants will rely upon the joint statement dated 14 December 2012 agreed between the School and the Claimants as part of the settlement of the Claimants' complaint to the New Zealand Human Rights Commission according to which the School withdrew the Claimants' children's places in response to the Claimants' actions.
  - 2.3. Otherwise no admissions are made.
3. Paragraph 3 is admitted. The Claimants also use the following twitter handles: @steveinexile (9 followers) @steinermentary (64 followers) @angelgarden (205

followers) @bullied\_by\_TRSS (3 followers) @safetotell (3 followers). Further the Claimants publish the following websites/blogs which are publicly available online further particulars of which will be available following disclosure:

- 3.1. *Amazon News Media* (amazonnewsmedia.com)
  - 3.2. *Steinermentary/Luciferocity* (steinermentary.com)
  - 3.3. *Have You Been Mobbed* (haveyoubeenmobbed.blogspot.co.uk)
  - 3.4. The *AmazonNewsMedia* channel on *Youtube* (youtube.com/users/amazonnewsmedia)
  - 3.5. *Anarchangel's blog* (anarchangels.blogspot.co.uk)
  - 3.6. *Titirangi Rudolf Steiner Messenger* (www.titirangisteinermessenger.com)
  - 3.7. *Safe to Tell* (www.safetotell.net)
  - 3.8. *Amazon Films* (www.amazonfilms.net)
  - 3.9. The *Beehave* channel on *Youtube* (www.youtube.com/user/safetotell)
4. As to paragraph 4:
- 4.1. The first two sentences are admitted.
  - 4.2. The First Defendant is a business consultant who publishes the blog *Quackometer* (www.quackometer.net) and tweets under the handle @lecanardnoir. *Quackometer* publishes content primarily relating to pseudoscientific and superstitious health beliefs. The First Defendant has written about Steiner/Waldorf education (pedagogy based upon the beliefs of Rudolf Steiner, the founder of Anthroposophy), in particular in relation to the debate about its being publicly funded. The *Quackometer* blog typically has about 20,000 unique page views per month. @lecanardnoir has approaching 8,000 followers on *Twitter*.
  - 4.3. Until April 2013 the material complained of on the First Defendant's *Quackometer* blog resided on the *Posterous* platform. *Posterous* was a subscription-based mobile blogging platform that shut down between March 2012 and April 2013. Following the closure of *Posterous* the First Defendant moved much of the material that had appeared there to his *Quackometer* blog.
  - 4.4. The Second Defendant is a homemaker. From 2009 until 2013 she campaigned against the state funding of Steiner Schools in England. She campaigned and wrote as a private individual and former Steiner parent, under the pseudonym *Thetis Mercurio*. She tweets under the handle @ThetisMercurio which at the time of pleading has around 982 followers.

4.5. The balance of paragraph 4 is not admitted. Details of how the Second Defendant and the Claimants came into contact and then fell out of contact are more particularly set out below.

5. Paragraph 5 is admitted.

**The words complained of**

6. Save that *Posterous* was not a 'micro-blogging website' as pleaded and sub-paragraph 4.3 above is repeated, paragraph 6 is admitted. The Defendants will rely upon the full text of the Blog Post at trial.

7. Paragraphs 7 and 8 are admitted.

8. Paragraph 9 is admitted. It is further averred that the words complained of in paragraph 9 were accompanied by a link to the Blog Post to which they referred.

9. As to paragraph 10:

9.1. It is admitted that the First Defendant published the words complained of in paragraph 10.

9.2. The words were published as part of a conversation with another Twitter user and the First Defendant will rely upon the whole conversation at trial.

9.3. The Claimants are required to prove that the words complained of were published to any third party and the identity of any such third party.

9.4. The Claimants are required to prove that such publication of the words complained of having regard to the number and identities of any publishees is an actionable publication and is not an abuse of process which is not admitted.

10. As to paragraph 11:

10.1. It is admitted that the First Defendant published the words complained of in paragraph 11.

10.2. The words were published as part of a conversation with another Twitter user and the First Defendant will rely upon the whole conversation at trial.

10.3. The Claimants are required to prove that the words complained of were published to any third party and the identity of any such third party.

10.4. The Claimants are required to prove that such publication of the words complained of having regard to the number and identities of any

publishees is an actionable publication and is not an abuse of process which is not admitted.

### **Reference**

11. Paragraph 12 is admitted.

12. Paragraph 13 is not admitted:

- 12.1. Sub-paragraphs (a) to (c) are admitted and averred.
- 12.2. The Claimants are required to prove sub-paragraph (d) which is not admitted.
- 12.3. Further the Claimants are required to particularise any and all publishees who identified the Claimants as alleged.
- 12.4. The Claimants are required to prove having regard to the publication so particularised if any and the number and identity of the relevant publishees that the claim in respect of the words complained of is actionable and is not an abuse of process, which is denied.

13. Paragraph 14 is not admitted:

- 13.1. Sub-paragraphs (a) and (b) are admitted.
- 13.2. The Claimants are required to prove sub-paragraph (c) which is not admitted.
- 13.3. Further the Claimants are required to particularise any and all publishees who identified the Claimants as alleged.
- 13.4. The Claimants are required to prove having regard to the publication so particularised if any and the number and identity of the relevant publishees that the claim in respect of the words complained of is actionable and is not an abuse of process, which is denied.

### **Meaning**

14. Paragraphs 15 to 18 are denied.

### **Qualified privilege**

15. For the reasons more particularly set out in paragraphs 17 to 74 below both defendants assert that the words complained of in paragraphs 6, 7, 8 and 9 were publications protected by privilege on the grounds that the publications alternatively some of them were replies to sustained and persistent public attacks upon their integrity by the Claimants.



16. In the case of the publication complained of in paragraph 6 this was both a reply to the sustained and persistent public attacks already perpetrated by the Claimants against the First Defendant and a reply to the threatened imminent publication of a further attack as to which see paragraphs 65 and 66 below.

### Justification

17. If and to the extent that the words complained of or any of them meant or were understood to mean any of the following they are true in substance and in fact:

#### LUCAS BOX MEANINGS

- 17.1. The School withdrew the place of the Claimants' daughter in response to the Claimants' actions.
- 17.2. The Claimants engaged in a course of conduct amounting to harassment of each of the Defendants.
- 17.3. The Claimants made threats to the First Defendant.
- 17.4. The Claimants lied to the First Defendant.
- 17.5. The Claimants behaviour towards the First Defendant was odd and disturbing.

#### PARTICULARS OF JUSTIFICATION

18. Paragraph 2.2 above is repeated.

#### The extent of the Claimants' and Second Defendant's relationship

19. In or around late 2010 the Second Defendant under her pseudonym *Thetis Mercurio* co-authored three blog posts regarding the nature of Steiner/Waldorf education. Whilst researching these blog posts the Second Defendant came across websites run by the Claimants that included accounts of the Claimants' experiences of the School. The Second Defendant made reference to the Claimants in one of the blog posts. Further at around this time the Second Defendant began following the Claimants on Twitter, and had some brief comment exchanges with them on a third party blog, *The Ethereal Kiosk*, all the time through her pseudonym *Thetis Mercurio*.
20. In or around January 2011 the Claimants communicated with the Second Defendant via Twitter's direct messaging facility. The Claimants were keen to make contact with the Second Defendant, but at the time the Second Claimant wished to preserve her anonymity. The Claimants were seeking the Second Defendant's assistance with their campaigns against the Steiner/Waldorf establishment. At the time the Second Defendant planned to wind down her own anti-Steiner writing and campaigning in order to concentrate on her own family so declined to become substantively involved in the Claimants' projects.

21. Notwithstanding her wish not to be involved in the Claimants' campaigns, the Second Defendant was touched by the Claimants' story and wished to extend to them a hand of friendship. The Second Defendant met the First Claimant on 16 June 2011 following which the Claimants visited the Second Claimant and her husband, Professor Richard Byng, at their home on 21-22 July 2011.
22. Also at around this time the Second Defendant engaged in some limited contact with the Second Claimant in relation to the Claimants' campaigns, including suggesting that the Second Claimant consider publishing an account of her story on the *Local Schools Network* website and allowing the Claimants to make use of some of the Second Defendant's own material on their websites.
23. The Second Defendant's son Joe visited the Claimants at their then home in France during August 2011. Joe's trip was not successful and was cut short in circumstances that led the Second Defendant and her husband to wish to withdraw from any further contact with the Claimants. Joe's visit to France and the circumstances in which it was cut short were matters confidential as between the Second Defendant and her family and the Claimants and their family.
24. For the avoidance of doubt no professional or other formal or legal relations were ever entered into between the Claimants and the Second Defendant her husband and/or any members of their respective families.
25. In or around early September 2011 the Second Defendant became aware that the Second Claimant had been attempting to contact her since Joe's visit. The Second Defendant received a text message from the Second Claimant in which the Second Claimant stated: "*And just to be very clear, I will respect your confidentiality as long as you respect me and mine.*" On 6 September 2011 the Second Defendant replied in the following terms:

*"I do not intend to offer you any help with your documentary. I am not prepared to publicise press releases. ... As you are doubtless aware, my attempts to draw attention to Free Schools funding for the Waldorf movement in England are drawing to a close. ... I am writing this as a response to your attempts to contact me. I do not intend to continue any communication on this matter."*

*The Claimants' campaign against the Second Defendant*

26. As of September 2011 and notwithstanding the Second Defendant's clear statement that she did not intend to communicate further the Claimants, in particular the Second Claimant, have waged an extensive, sustained and unjustified public online attack upon the Second Defendant as more particularly set out below.
27. In the case of all or most of the blog posts set out below the Claimants, or one of them, publicised the same through their Twitter accounts and by linking to them from other online posts.

28. On a date as yet unknown in or before early September 2011 the Claimants or one of them set up a blog entitled *Have You Been Mobbed?* (<http://haveyoubeenmobbed.blogspot.co.uk>).
29. On 13 September 2011 the Second Claimant posted on the *Have You Been Mobbed?* blog a post under the headline: *"How do you know when you've been mobbed by Steiner critics?"*
30. Whilst when it was first written the post maintained the Second Claimant's anonymity, save in respect of those readers who knew her by her pseudonym, it nonetheless descended into extensive and intrusive detail concerning the Second Defendant and her family. In any event on or around 9 December 2011 the Second Claimant edited the post so as to specifically name the Second Defendant thus identifying not only her, but her husband and their son Joe.
31. The post deteriorated into a personal attack upon the Second Defendant and her family, including the following words:

*"Don't trust these people."*

*"[The Second Defendant] is obviously representing the well-known trickster side of Mercury at the moment, that silver-tongued charmer who talks his way into situations, but when they turn even a bit difficult, is never there to clear up the mess."*

32. On 22 September 2011 on the Claimants' *Amazon News Media* website the Claimants published an interview or what purported to be an interview with the Second Claimant in which the personal attacks upon the Second Defendant escalated as follows:

*"The couple at the centre of the Titirangi Steiner school case, currently in front of the Tribunal of Human Rights in New Zealand, say they were "mobbed" by Steiner critics for encouraging people to speak out about abuses in the Steiner movement.*

...

*"[The Second Claimant] mother of the three children who were expelled from the private Titirangi Steiner School in West Auckland, says an anonymous Steiner critic, [the Second Defendant], joined in the mobbing by remaining silent about circumstances known to her which may have had an effect on whether the criticism was seen to be justified and whether it continued.*

...

*"We would like [the Second Defendant] to come forward and explain why she did not prevent her friend from mobbing us by using accusations such as that we are just out for ourselves, when [the Second Defendant] knew perfectly well the reason why I wrote the article and she could have stepped in and told the mobbers that which would have got them off that angle!*

*“‘The mobbing has made us realise that there are many agendas in ‘Steiner criticism’ that might be hidden. The strong agenda around secrecy, with [the Second Defendant] hanging back and just watching us getting mobbed by her friend, seems like a continuation of the secrecy that exists within the schools, and the Steiner critics rank-pulling might indicate that some similar unofficial but powerful hierarchy may exist within the critics community. There was just no reason for the critics to be so vicious towards us. And there is very little we could do to call [the Second Defendant] out, since she’s anonymous!’”*

...

*“So how does it feel to have been attacked by those from whom they might have expected help or at least an attempt at understanding?”*

...

*“‘After what happened to us, we feel it is urgent to make clear to people who may think of standing up, how hard it might be for them, when even groups who they might turn to for advice, help or support, may turn on them savagely if they are perceived to be a threat. That kind of thing, in whistle blowing terminology is called “secondary wounding” and it’s fairly standard unfortunately.’”*

...

*“As far as [the Second Defendant] is concerned, we hold her responsible for not calling off her friend by simply telling the truth, what her motivation for that was, is totally beyond me, she came over as so supportive. “”*

33. On 29 September 2011 the Second Claimant posted on the Claimants’ *Have You Been Mobbed?* blog a post under the headline: *‘How do you know when you’ve been censored by Steiner critics?’* On or around 9 December 2011 the Second Claimant edited the post so as to specifically name the Second Defendant thus identifying the Second Defendant and her husband. The post was vitriolic and highly critical of the Second Defendant including as follows:

*“Then [the Second Defendant] came on the scene:*

...

*‘This made my blood boil. As you know, this woman who is so friendly and supportive at the outset, turned on us on a dime and refused to ever tell us what we had done that was so wrong that it deserved hurting my child all over again ... and here she was, comforting a new “recruit”.*

[The Second Claimant proceeded to set out the text of a comment she had tried to post anonymously about the Second Defendant on a third party’s website, but which had not been posted due to editorial control by the website’s owner.]

*"that might explain why you [the Second Claimant] appear to have less than zero concept of the damage that you yourself can and have caused to young children that have been similarly hurt by Steiner education, by making multiple direct approaches to their families including inviting the children to stay to try and 're-engage' with schooling and then simply dumping them without even giving a reason!*

...

*"Given that your husband works in mental health, it seems that you must both be quite aware of the potential negative effects of your actions and inactions, yet you continue to protect your own secret identity, and your own interests, even when it hurts others, including children.*

...

*"... your self-interest appears to govern everything and you haven't seen fit to warn people about the specifics of a school in case it would inconvenience your own lifestyle.*

*"In fact your own behaviour puts you in the scary category of someone prepared to approach other's children, claiming to do so out of understanding, initiating multiple and unsolicited contacts designed to "help" a vulnerable family, then failing to take responsibility for your own actions, suddenly refusing to communicate, and expecting those you have deemed "worthless" to simply shut up and go away.*

...

*"Would [the Second Defendant] come clean about what [she] had done about my family? ... Would [she] lie about what happened?*

...

*"Interestingly, the entire behaviour of these so-called Steiner critics is so similar to what the Steiner school did to us that it's scary: both welcomed us with open arms, both failed to honour agreements, both got rid of us when we pointed out matters that were just a little too difficult for them to deal with, and both mobbed us when we said things they didn't want to hear.*

*"No critical thinking, just spreading lies as truths to convince others of just how wrong we were and how innocent they were."*

34. In or around October 2011 the Second Claimant posted on the Claimants' *Steinermentary/Luciferocity* website, *"an Open letter to all those identifying themselves as Steiner/Waldorf Critics."* (the Open Letter) On or around 9 December 2011 the Second Claimant edited the Open Letter so as to specifically name the Second Defendant and state that she came from Devon, thus identifying the Second Defendant and her husband.

35. On 12 October 2011 the Claimants using their email address 'rudolf@steinermentary.com' disseminated to a number of people a link to the Open Letter with the following message:

*"We have today published an open letter to Steiner critics on the Steinermentary Project site:*

*[link to the Open Letter]*

*"We vehemently dislike being in the position of needing to do this, and certainly could never have imagined that we would be using this site for such a purpose.*

*"Unfortunately, however, the actions of some critics have made it necessary to canvass opinion from all on the behaviour of those few and we will be drawing conclusions about how representative of all critics their actions have been by the responses, or lack of them, to this letter.*

*"We're looking for more addresses to send this to but in the meantime, please pass this link on, as the issues raised are very important for the future of Steiner criticism and we wish to be as representative as possible."*

36. The number and identities of the recipients of the email will be further particularised following disclosure.
37. The Open Letter which consists of thirteen pages of close text made further allegations against and cast further aspersions in respect of the Second Defendant and her husband as follows:

*"[The Second Defendant] duffed [the Claimants' family] up in private.*

*...*

*"[The Second Defendant] displayed the same seductive grooming types of behaviour that we have had to document at the school and the public mobbing was full of the same xenophobic projections that the school dished out.*

*...*

*"Likewise [the Second Defendant] has been happy to be a kind of public face of Steiner criticism ... Yet her syrupy welcoming of distressed newcomers all conducted through a pseudonym disguises the fact that other things are going on in the background. So abusive is this combination not only to adults but also to children, that we sincerely believe that the only value in our recent experience is that we can now flag it up to others as another 'hole in the road' for them to avoid.*

*"[The Second Defendant] has demonstrated what can really only be described as grooming behaviour towards our child[.] How can we call it otherwise when [the Second Defendant] made so many advances towards her.*

...

*"Instead of working through any of the situations which she herself had initiated, however, [the Second Defendant] apparently then used the inconvenience caused by her own son as a reason to dump our daughter suddenly, without giving any reason.*

...

*"[The Second Defendant] may say that it is all about the children, but her actions give the lie to that. How is it protecting children to behave as [the Second Defendant] has and then simply refuse to communicate about it whatsoever, never answering texts, emails and hanging up the phone? This behaviour is towards a child ...*

...

*"But what about the fact that [the Second Defendant's] husband also works in mental health? Why has he had nothing to say about the worrying grooming element in setting up an 11 year old child with all kinds of promises, or the likely effects of then just completely dumping her with no explanation whatsoever?*

*"[The Second Defendant's] behaviour has been reprehensible ..."*

...

*"The actions of [the Second Defendant], specifically, have been very hard to understand as she has chosen to behave in an extremely aggressive manner at a supremely difficult time in our lives, which was her stated reason for getting involved in the first place. This is not the place to explore those circumstances, but they are written about here [a link to the Claimants' 13 September blog post on the Have You Been Mobbed blog].*

...

*"... [the Second Defendant] herself did nothing to stop her 'friend' from trying to completely destroy us, our work, our reputation."*

...

*"The extremely aggressive behaviour of the Steiner critics have alerted us to two main tendencies:*

*"1. the tendency for self-protective secrecy, combined with fawning insincerity and a lack of will to be open, honest or fair, as displayed by [the Second Defendant], whose syrup masks something altogether different with potential dangers, especially for those she is most enthusiastic about."*

38. On 11 November 2011 the Second Claimant posted on the Claimants' Have You Been Mobbed? blog a post under the headline: "How do you know when you've been misquoted by Steiner critics?" On or around 9 December 2011 the Second Claimant edited the post so as to specifically name the Second Defendant thus identifying

not only the Second Defendant but also her husband and son. The post again detailed the events of the summer of 2011 and Joe's trip to France.

39. The post contained the following passage:

*"But where is [the Second Defendant]? ... And perhaps her husband might like to comment from his perspective as a Senior Clinical Lecturer specialising in mental health issues? Don't forget though that we do have evidence to back up our claims, so [the Second Defendant] had better be accurate."*

40. On 9 December 2011 on the Claimants' *Amazon News Media* website the Claimants published a blog post ostensibly about an issue then currently of interest in the wider media. The post identifies the Second Defendant by name and is disparaging and insulting of her as follows:

*"The aggressive mobbing we have sustained over months ...*

*...*

*"What colossal hypocrisy."*

*...*

*"This arrogant and aggressive behaviour ... is clearly devoid of critical thinking of any sort.*

*...*

*"... the fatal combination of arrogance and cowardice is clearly visible again ...*

*...*

*"Yet [the Second Defendant] herself treats us to cowardly, icy silence."*

*...*

*"The potential of these tendencies of arrogance and cowardice to damage any just movement should be pretty obvious."*

*...*

*"They would rather destroy us than acknowledge their own unreasonable behaviour ... even if that means more children are damaged by the system that they decry. Continuing to block us, even when we are supplying information which fills gaps in their own reporting, reveals the truth about the priorities. If such accuracy matters so much less to them than their own status, it does beg the question why they're bothering in the first place.*

*...*



*"The sceptical humanist Steiner hypocritics say basically whatever is flavour of the moment to make themselves look good whilst hiding the fact that they have mobbed a family who has stood up and blown the whistle, at great personal cost."*

41. On 13 February 2012 on the Claimants' *Amazon News Media* website the Claimants published a blog post postulating that the loose affiliation of critics of the Steiner/Waldorf movement was itself a cult. The post is fourteen pages long, identifies the Second Defendant by name and is disparaging and insulting of her as follows:

*"That's because [the Second Defendant] is pretending we don't exist, having blocked us and colluded in our vicious online mobbing at the hands of several Steiner hypo-critics (my pet name for "hypocritical critics")."*

...

*"Notice the careful half-truth in [one of the Second Defendant's tweets], where [the Second Defendant] admits to having blocked spammers in the plural but then makes it sound as if that's really just one person under multiple guises."*

42. On 27 February 2012 at 21:21 the Second Claimant emailed the First Defendant. It was the first contact made between the Second Claimant and the First Defendant. In her email the Second Claimant stated:

*"[The Second Claimant has] blocked our initiatives to bring these matters [schools actively protecting bullies and expelling the bullied] to light because I have had the temerity to flag up the hate-speech published by a Steiner 'critic' which is being colluded with by all and sundry."*

...

*"I trust you will publish this comment Andy. Thanks"*

43. On 28 February 2012 on the Claimants' *Amazon News Media* website the Claimants published a blog post questioning the actions of the First Claimant in not posting a comment written by the Second Claimant on his own blog. The Claimants' post included the text of the comment which identifies the Second Defendant by name and is disparaging and insulting of her as follows:

*"Both [the Second Defendant] and [Professor David Colqhoun] have blocked our initiatives to bring these matters to light because I have had the temerity to flag up the hate-speech published by a Steiner 'critic' which is being colluded with by all and sundry."*

*"There is a layer of secrecy and control operating within Steiner criticism which I believe has impoverished your article ..."*

44. On 2 March 2012 on the Claimants' *Amazon News Media* website the Claimants published a blog post questioning the actions of the First Claimant. The post

identifies the Second Defendant by name and is disparaging and insulting of her as follows:

*‘There are only two possible sources [by which the First Defendant could purportedly have known the Claimants’ email addresses] ... Alicia Hamberg ... and [the Second Defendant] who’s seductive approaches to our family ended abruptly when she took offence at something that she couldn’t even be bothered to explain, in her own very haughty version of the ‘bait and switch’ techniques ...*

...

*‘Here’s a heads up for you Andy: getting your friends, who have mobbed, flamed and banned those they’ve written hate-speech about, to supply email addresses ... is a pathetic, dishonest example of crude censorship and collusion in a Human Rights abuse.’*

45. On 10 May 2012 on the Claimants’ *Amazon News Media* website the Claimants published a blog post with the title “*Sweeping Humanity Aside*”. The post identifies the Second Defendant by name and is disparaging and insulting of her as follows:

*‘The fact that this whole sorry business began with the hugely overblown and snobby sense of entitlement of [Alicia Hamberg’s] friend [the Second Defendant], goes unknown and unnoticed as, just as in the Waldorf movement, sacred cows (in this case [the Second Defendant]) cannot, must not and will not be challenged. Those who ask the wrong questions must be ejected! [The Second Defendant] herself, like all Queen-bees, is quite happy for others to fight her battles while she avoids taking responsibility for her extremely seductive overtures to my child while a member of our family was dying, followed by her total rejection of us simply due to complications caused because her son wanted to go to a party! (which he did get to, btw) Neither will she acknowledge the further damage that ensued from her own actions. Rank cowardice Melanie [the Second Defendant’s first name], and only possible because of your aggressive foot-soldiers in the gang. Perhaps the mark of the true leader – letting others do your dirty work – but how reminiscent of the obfuscating structures in Steiner ed.*

...

*“[The First Defendant] did not actually attack us, but he did dishonestly practise censorship and he was either 100% complicit or set up by Alicia or [the Second Defendant], or both.”*

46. On 12 May 2012 on the Claimants’ *Amazon News Media* website the Claimants published a blog post with the title “*Sweeping Humanity Aside*”. The post identifies the Second Defendant by name and is disparaging and insulting of her as follows:

*“Steiner ‘critics’ [the Second Defendant] and Alicia Hamberg are disseminating further untruths today.*

...

*"Meanwhile [the Second Defendant] retweeted these lies [some comments from a third party blogger] to 744 followers ... in order to foment hatred towards us making them all now potentially complicit in them."*

47. On 10 October 2012 the Claimants wrote by email to Professor J Robert Sneyd, Dean of Plymouth University Peninsula Schools of Medicine and Dentistry which is where the Second Defendant's husband holds his academic post of Professor in Primary Care Research at the Centre for Clinical Trials and Health Research. The email's subject was: "On world mental health day .." and the email disparaged and insulted the Second Defendant and her husband as follows:

*"On world mental health day we would like to ask you the question as to why are senior lecturers at your university allowed to, away from work, be involved in smearing the mental health of others online?"*

*"... given that we only met [the Second Defendant and her husband] due to our whistleblowing activities, which as they knew had resulted in community mobbing, their behaviour, already comprehensively documented online, could not be better designed to actually cause mental illness."*

...

*"4. At the same time as ostracising us from public debate, [the Second Defendant] then began actively warning others not to have anything to do with us and smearing our mental health to hundreds of people on twitter. She has even knowingly circulated material which attempts to cover up a 'pedophile' smear against a third party, who'd worked with us in the past."*

*"The behaviour towards someone who was only in the country to look after a dying relative is beyond the pale. The fact that one of the perpetrators of it is a senior employee in your University should be a matter of shame."*

*"Certainly it may be Richard Byng's wife who was responsible mainly for making a mess of the whole thing, but it's inconceivable that Richard doesn't know about it, so why has he, for the last year, been doing the opposite of what a responsible mental health physician of any sort should do? At the very least he has been knowingly allowing his wife to target and vilify others, using mental health stigma, and actively behaving in ways known to have adverse mental health consequences for the targets. She has done this for her own personal agenda and status."*

...

*"On this, World mental health day, we feel you should know about it ..."*

...

*"They did not stop there however but then actively tried to publicly humiliate us and destroy our reputation ..."*

*“... we ... assure you that we will continue to publicise it and protest this outrageous behaviour which people should know about.”*

48. On 29 October 2012 on the Claimants' *Anarchangel's* blog website the Second Claimant published a post entitled: *“Free Speech vs Hate Speech”*. The post identifies the Second Defendant by name and is disparaging and insulting of her as follows:

*“... the opposite critics have turned on us and mauled us savagely on several occasions. This arose simply from one person, [the Second Defendant] proposing initiatives that she was unable to take responsibility for ...*

*...*

*“... it will be obvious to anyone who looks beyond the superficial that [the Second Defendant], along with other critics, has sacrificed her drive to prevent funding [by the state of Steiner schools] on the altar of her own narcissism.*

*...*

*“It would be hard to characterise the pronouncements of Alicia and her cronies as anything but hateful, including, as they do, mental health smears, disability abuse and the overt and sustained anti-feminist attack on a woman through her children.*

*...*

*“So for the moment, I'm just saying that, vile as it is, for Alicia Hamberg to be able to write her hateful speech about me as a parent, a woman, a disabled person, a mother, a film-maker, I too support freedom of speech and do not believe people should be prosecuted for making a tasteless joke, because that road leads to narrow-minded gate-keeping rule-makers, just like Alicia, Diana, [the Second Defendant] and the rest, distorting the idea of free-speech even further.”*

49. On 8 November 2012 the Claimants wrote an email to the First Defendant containing the following passages disparaging and insulting of the Second Defendant:

*“[The Second Defendant] and [Professor Byng] have dropped all their ‘friends’ in it by not being prepared to take responsibility for the failure of personal initiatives they themselves introduced to people who were in a very difficult situation. This is not a ‘very terrible lie’. It is a fact which we can easily evidence. But such personal ‘stuff’ is part of life. That was their mistake. Mistakes can always be forgiven, yes probably even people being really vicious to you while your mother is actually dying, depending on how sincere the wish to make amends is, obviously, because that is pretty low.”*

50. The Second Defendant was alarmed and distressed by the Claimants' conduct as set out above.

51. As well as being insulting and disparaging of the Second Defendant the Claimants' publications above directly attacked the Second Defendant's integrity as follows:

51.1. The Second Defendant's clear statement to the Second Claimant that as of September 2011 she did not intend to communicate further.

51.2. The Claimants have published words to the effect that the Second Defendant is not to be trusted, that she is a trickster, and that she has told lies.

51.3. The Claimants have linked the Second Defendant to 'hate speech', 'mobbing' and 'censorship'.

51.4. The Claimants have questioned the Second Defendant's motives for holding and propounding views about education, claiming that she is narcissistic and superficial in so doing.

52. The Claimants' conduct amounted to harassment of the Second Defendant in particular having regard to:

52.1. The sustained public attack upon the Second Defendant's personal integrity.

52.2. The intrusive publication of information relating to the Second Defendant's and her family's private life.

52.3. The persistence of the Claimants' public allegations linking the Second Defendant to 'mobbing' and bullying.

52.4. The repeated public use of the expression 'grooming' to describe the Second Defendant's conduct in relation to the Claimants' daughter.

52.5. The attempt to publicly link the Second Defendant to a 'pedophile smear'.

52.6. The public attack upon the professional integrity of the Second Defendant's husband.

52.7. The attempt by the Claimants to cause real and substantial trouble for the Second Defendant's husband by directly contacting the dean of his medical school on the most spurious possible of grounds and on World Mental Health Day.

*The Claimants' attempt to post material on the First Defendant's blog*

53. At around 20:00 hrs on 27 February 2012 the Second Claimant submitted to the First Defendant's website, *The Quackometer*, a comment for publication. For the avoidance of doubt the First Defendant operates his website as a private

individual and not for profit. His website makes no claim to be authoritative. The First Defendant has and exercises as is his right absolute discretion as to whether or not material is published on his website.

*The Claimants' campaign against the First Defendant*

54. Following the Second Claimants' submission of the comment for publication she engaged in a campaign of public insult and disparagement of the First Defendant as follows. All of the communications save for two (numbers xii and xxiii) were published by the Second Claimant on behalf of the Claimants and were directed at and/or written about the First Defendant.

	<i>Time</i>	<i>Format</i>	<i>Text</i>
	<u>27 February 2012</u>		
i.	Around 20:00	Via the blog	The Second Claimant attempts to publish the comment
ii.	20:30	Tweet (including directly to the First Defendant)	<i>"I've just personally commented on yr latest #Steiner post. How long does it take 2 get through moderation? #Waldorf #news"</i>
iii.	21:04	Email via the blog	Challenging the First Defendant as to why the First Claimant's comment has not appeared on the website. Citing the First Defendant's own moderation policy back to him and concluding: <i>"From your statement above it would appear that not to post it would contravene your own parameters, as not being "in the good spirit of debate"."</i>
iv.	21:15	Tweet (including directly to the First Defendant and two others)	<i>"Andy, my comment fits within yr criteria, why's it still in moderation? #Waldorf #news #Steiner #quackery"</i>
v.	21:58	Tweet (including directly to the First Defendant and two others)	<i>"Still waiting 2 hear why my polite, factual comment is not posted 1 ½ hrs L8r #freespeech #HumanRights"</i>
vi.	22:31	Tweet (including to the First Defendant and four others)	<i>"A blog-compliant comment [the First Defendant] doesn't want you to read. [link to the blog post referred to at paragraph 55 below]"</i>

vii.	22:50	Email via the blog	<p><i>"As it's now been over an hour since I posted my comment and you still haven't allowed it through, would you be kind enough to drop me an email explaining why?"</i></p> <p>...</p> <p><i>"Not to address [what is raised in the comment] ... does put you into a very different category from that of 'critical thinking quack-buster' on which you are building your reputation. I am sure you are aware of this, and that to treat such a compliant comment with contempt cannot be said to be critical thinking.</i></p> <p><i>"It is not your fault that there are such problems within Steiner criticism, obviously, but you still will be colluding if you censor knowledge of them, that is unavoidable and merely the same point you constantly make regarding the quackery of others."</i></p>
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28 February 2012

viii.	01:05	Tweet	<p><i>"Is [the First Defendant] quacking by censoring this informative blog-compliant comment on his latest post? #muckreads #news"</i></p> <p><i>[‘muckreads’ refers to ProPublica’s investigative reporting into watchdogs. Use of the hashtag is encouraged as it alerts those reporters to potential stories]</i></p>
ix.	01:11	Tweet (including directly to @JohnStumbles)	<i>"Well [the First Defendant] has published your comment, but not mine. Hardly a skeptical position. #SkepticFail"</i>
x.	02:43	Tweet	<i>"Is [the First Defendant] quacking by censoring this informative blog-compliant comment on his latest post? #muckreads #news"</i>
xi.	06:57	Tweet (including directly to the First Defendant)	<i>"Hi Andy, plz say why such high numbers R having to read a compliant, informative comment on yr #Steiner post elsewhere? #news"</i>
xii.	08:57	<b>Email from the First Defendant to the Second Claimant</b>	<i>"I am in a very rural area right now and not staying in my house in the evening as severe cold weather recently burst a lot of pipes. As such, I have no internet connectivity in the evening.</i>

...

*"Your eagerness to jump to conclusions suggests a bigger agenda. And indeed, I am concerned that you may use my blog to attack other individuals. Comments are there to discuss my post – no other reason.*

*"I trust you will respond appropriately."*

- |       |       |   |   |
|-------|-------|---|---|
| xiii. | 10:31 | Email to the First Defendant                                    | The Second Claimant explains to the First Defendant that she wishes to publicise the Claimants' situation as quickly as possible and seeking to have the comment published  |
| xiv.  | 18:47 | Email to the First Defendant                                    | <p><i>"Before I get the wrong end of the stick again due to any lack of communication, can I ask you to clearly state whether or not you are now going to honour your comment policy and publish my comment or not?"</i></p> <p><i>"I think that would be both fair, and under the circumstances I have outlined to you, kind.</i></p> <p><i>"Whilst understanding that you are possibly not online, nevertheless you have published an article which I have commented on but which all those who read your article cannot read my comment.</i></p> <p><i>"You cannot expect me to overlook that because some of the time you don't have an internet connection if you manage to keep publishing.</i></p> <p>...</p> <p><i>"Bearing in mind my earlier explanation, what possible reason could there be for you to censor the comment?"</i></p> |
| xv.   | 19:48 | Tweet (including directly to the First Defendant and one other) | <i>"Andy, as discussed, my comment fits into yr criteria, why's it STILL in moderation?"</i>  |
| xvi.  | 20:48 | Tweet (including directly to three third parties)               | <i>"well [the First Defendant] got back to me, but still refuses to post my comment. So much for critical thinking."</i>  |



- xvii. 22:12 Email to the First Defendant
- "... I can't see that it's unreasonable to assume at this point that you have pulled the comment and are actively censoring me.*
- ...
- "I think it's fair to point out, that censoring such a relevant, polite and factual comment, is quite a serious matter ... and my experience of trying to communicate with you seems to be further proving that in fact clique does dominate among supposedly 'skeptical' folk, and Andy, clique is provably woo, being based in faith and prejudice rather than critical thinking.*
- "... it's quite shocking how partisan many Skeptics are turning out to be, all those fine phrases to expose people for dishonesty fall to nothing in the face of the need to challenge your fellow skeptics and maintain the closed edges of clique, a characteristic shared by cults.*
- ...
- "I wish I could say that I'm looking forward to a reply, but my experience is showing me that the 'too difficult' basket is in fact strategically placed under the desks of most skeptics. I hope to be proved wrong, but I'm not holding my breath.*
- "Let me leave you with a question. What is your real agenda in apparently publishing to debunk Steiner Education but refusing to allow further evidence, which you have not covered, in the comments?"*

29 February 2012

- xviii. 04:21 Tweet
- "Why did [the First Defendant] go 2 extent of blocking my IP address 2 prevent me from posting a comment on this post?[link] #muckreads"*
- xix. 04:28 Tweet
- "Evidence of gang mentality among skeptics, prepared to block, ban & censor awkward evidence [link] #skeptic #allmed #bullying"*
- xx. 04:54 Tweet
- "Finally managed to circumvent [the First Defendant's] anti-evidence blocks 2 publish a comment on his 'EB' website [link]"*

			<i>#muckereads</i>
xxi.	07:53	Tweet	<i>"It wasn't our IP address [the First Defendant] blocked but our email addresses, which he didn't get from us! Who gave him our addresses? #skeptic"</i>
xxii.	09:21	Tweet	<i>"Oh wow! [The First Defendant] has deleted several comments from the post, including ours. Very #Skeptic. Not! You've been rumbled mate."</i>
xxiii.	09:40	<b>Email from the First Defendant to the Second Claimant</b>	<p><i>"This is the last time I will communicate with you on this matter as it is a little boring.</i></p> <p><i>"Your original post would have been published had it not been flagged by my automatic spam catcher.</i></p> <p><i>"You have subsequently been attacking me on blog posts and tweets and left them there long after you knew the facts.</i></p> <p><i>"This behaviour does not fit within my definition of being in the spirit of good debate.</i></p> <p><i>"You clearly have issues with other people and these disputes are of no interest to me. Nor will my blog be used as a platform in anyway for others. It is my blog. This is not censorship. It is a private space and what is published there is at my sole discretion. You have your own spaces by the look of things.</i></p> <p><i>"But to repeat, my issue with publishing your comments is primarily about your behaviour, not your views.</i></p> <p><i>"I hope this is clear to you."</i></p>
xxiv.	09:53	Email from the Second Claimant	<p><i>"What actual specific behaviour?</i></p> <p>...</p> <p><i>"What you say is no true. I contacted you again after you had done nothing about it for eight hours after I had replied politely to your email?</i></p>

			<i>"What behaviour Andy?"</i>
xxv.	10:00	Tweet	<i>"[The First Defendant] says 'this is not censorship'. So why didn't he publish the comment? For 8 hours? #skeptics Critical thinking? #Uvebeenhad"</i>
xxvi.	10:04	Tweet	<i>"It's not a private space because it's open to the public. If u publish one sided points of view to the detriment of others I'm gonna say so."</i>
xxvii.	10:11	Tweet (including directly to the First Defendant)	<i>"[The First Defendant] plz show where I 'attack' in blog posts &amp; tweets. There are 0. We ask questions. U need evidence 2 say 'attack' #skeptic #cam"</i>
xxviii.	10:16	Tweet	<i>"I'm reading everything I've written to [the First Defendant] and can't see an attack, just questions based on observable evidence. #skeptic #cam"</i>
xxix.	10:34	Tweet (including directly to the First Defendant)	<i>"[The First Defendant]: 'This is the last time I will communicate with you on this matter' That's your idea of 'spirit of debate'? #skeptic #cam"</i>
xxx.	10:52	Tweet	<i>"If people mean to say 'withdraw your publications and then I'll publish your comment' they should say that. [the First Defendant] #skeptic #cam"</i>
xxxi.	12:37	Tweet	<i>"I hope this is clear to you" [the First Defendant] No it's not. What behaviour? What attacks? Got any evidence for yr censorship? #skeptic"</i>
xxxii.	14:10	Tweet	<i>"Really? 'not censorship' says [the First Defendant]? So why didn't he publish the comment? For 8 hours? Critical thinking? no #skeptics #cults"</i>

55. All of the above communications including the emails which hitherto had been private between the parties were published online on the Claimants' Amazon News Media website on 10 November 2012.

56. On 28 February 2012 at a time presently unknown on the Claimants' Amazon News Media website the Claimants published a blog post headed: *"I've just read [the First Defendant's] latest posting about Steiner Education and I was motivated to comment."* The post is disparaging and insulting of the First Defendant as follows:

*"[The First Defendant] has not even given me the courtesy of a reply.*

*...*

*"Not publishing [the comment] must therefore raise questions of [the First Defendant's] true intention in publishing about Steiner Education in the first place.*

*...*

*"If [the First Defendant] has fallen in to the trap of not publishing a perfectly reasonable comment due to personal prejudice, then that would fit into the description I've outlined in an earlier article of cliques behaving like cults, operating in a 'faith in my own friends over evidence', non secular fashion and indulging in social 'woo'.*

*"If that is the case, perhaps [the First Defendant] will, in the interests of accuracy, update his criteria of comments to be deleted to include the category of, 'if it disturbs my sense of clique by making awkward, if justified criticism of my comfortable social group i.e. if it challenges me to think critically myself when I just don't want to.'"*

57. On 29 February 2012 on the Claimants' *Amazon News Media* website the Claimants published a blog post disparaging and insulting of the First Defendant as follows:

*"... [the First Defendant] has decided to censor me which is shocking ...*

*"... so he is using his 'concern', which is a feeling, about something that has not happened but which he is projecting as a future possibility, as a reason to censor a polite, on-topic and informative comment.*

*"Under what definition can that be said to be critical thinking?*

*"[The First Defendant] is now actively practising censorship ... he is also colluding with ... aggressive behaviour.*

*"Sadly it appears that the duck is indeed quacking."*

58. On 2 March 2012 on the Claimants' *Amazon News Media* website the Claimants published a blog post headed: *"Why did [the First Defendant] stop me from commenting on his site, and how did he do it?"* The post is disparaging and insulting of the First Defendant as follows:

*"Following my attempt to post a relevant comment on [the First Defendant's] blog post about Steiner Education a couple of days ago, we've now managed to get to the bottom of what went wrong and sadly the result is yet more evidence of a lack of skeptical self-rigour from those who are most critical regarding the alleged dodgy practises of others.*

*...*

*"In effect what [the First Defendant] has done is to use my own distress about the hate-speech attack on my children – published by the first commenter Alicia Hamberg, on her own blog – as a reason to project that I would attack someone myself simply because I had politely flagged it up.*

...

*"What this means is that far from his communication with me actually being the genuine exchange it appeared, [the First Defendant] was actually not being quite honest about what he was up to.*

...

*"Blocking an IP address is an extremely bullying tactic, and certainly not the attitude of someone open to publishing anything?*

...

*"But it turns out that his 'concern' about me using his blog 'to attack other individuals', was a mask of projection, under which he was actually fixing to censor me and my partner from posting a comment about Steiner education which was perfectly factual, polite and on topic.*

*"There was simply no indication from [the First Defendant] that he might be planning to behave in such an underhand way and surely any reasonable person has got to ask why he did so?*

...

*"You can bang on all you like about what Steiner said over 100 years ago, but skeptical folk need evidence don't they? And [the First Defendant] has dishonestly censored that.*

*"[The First Defendant's behaviour is not skeptical, far from it, in falling for the dogma and devotion of clique by siding with his friends without checking the evidence, to the detriment even of his own posting, [the First Defendant] has become faith-based and as such is behaving socially like the very thing he deplores so vigorously, a quack.*

...

*"Here's a heads up for [the First Defendant]: getting your friends, who have mobbed, flamed and banned those they've written hate-speech about, to supply email addresses so you can help them cover that up, is NOT skeptical. It is a pathetic, dishonest example of crude censorship and collusion in a Human Rights abuse.*

*"In fact [the First Defendant's] last email to me was laughable in its pompous back-peddling."*

...

*"Instead of any robust or honest dealings, [the First Defendant] simply whined that we had 'attacked' him in blog posts and tweets."*

59. On or around 5 March 2012 the Claimants through a third party emailed the First Defendant. The email was disparaging and insulting of the First Defendant as follows:

*"... you are practising censorship. That is simply a fact. In fact I would go so far as to say that the reason you are practising censorship is **because** you are a media outlet and you want to avoid having to take a position on something quite difficult. ...*

*"You are therefore not practising what you are preaching, (you must clearly be aware of that), and you are making a mockery of any idea of a 'spirit of debate'.*

*...*

*"... why do you not behave ethically, and refuse to give platform to people who publish hate speech about families including children? ...*

*"Unless you can find a way to allow proper debate on your blog, which we contend is a media outlet, without unreasonably censoring factually provable comments, we will continue to pursue the matter of this censorship through the means at our disposal."*

60. On 8 March 2012 on the Claimants' *Amazon News Media* website the Claimants published their email to the First Defendant dated 5 March 2012 as set out hereinabove.
61. Also on 8 March 2012 the Claimants published on Youtube a video entitled *Ehtics in Citizen Journalism – should journalistic ethics apply to citizen journalists*. The video propounded the allegation that the First Claimant was unreasonably and unethically censoring the Claimants. The First Defendant will rely at trial upon the full video and/or a transcript thereof. The page hosting the video attracted a large number of comments, most of which were written by the Claimants and which are similarly disparaging and insulting of the First Defendant.
62. On 10 May 2012 on the Claimants' *Amazon News Media* website the Claimants published a blog post with the title *"Sweeping Humanity Aside"*. The post is disparaging and insulting of the First Defendant as follows:

*"[The First Defendant] did not actually attack us, but he did dishonestly practise censorship and he was either 100% complicit or set up by Alicia or [the Second Defendant], or both. ... His superior, judgmental refusal to acknowledge how distressing it is to see a platform given to someone who states that she admires the man who made your children suffer was used against us as parents as he said he found it 'boring'. That's right Andy, distress is the same as rage. Always, of course, or at least whenever you say so or if you're too bored to see the difference. Thanks for your humanity. As a parent yourself, such indifference to this distinction may well come back to haunt you.*

*"What this group of people seem to have in common is a total lack of empathy."*

63. The Claimants continued to tweet about the First Defendant, frequently picking up on any mentions of him by third parties on Twitter, and tweeting to those third parties (and to the world at large) links to the Claimants' published material about the First Defendant. By way of example from the First Claimant (@sjparis):

27 March 2012      *"@Ac2cSheila if you don't like [the First Defendant's] diatribes, you may enjoy this video: [link to the Claimants' youtube video about the First Defendant]"*

17 April 2012      *"@richardlanigan have u seen this video showing how selective [the First Defendant's] obsession with evidence is? [link to the Claimants' youtube video about the First Defendant]"*

15 September 2012      *"@tessamunt I see [the First Defendant] linked you to a French document – there's a partial translation available here: [link]"*

8 October 2012      *"@ticobas while you're at it, what neither the pro movement nor [the First Defendant] what you to know about a #Steiner school: [link]"*

27 October 2012      *"@lastAtheist why recommend [the First Defendant]? As skeptics go, his quacking avatar is most fitting: [link to the Claimants' youtube video about the First Defendant]"*

2 November 2012      *"@francisbeckett bello. I noticed [the First Defendant] linked u 2 his latest steiner article. We have info he doesn't want u 2 c [link]"*

64. From 4 to 7 November 2012 the Claimants' Twitter campaign escalated further in particular through use of their @Steinermentary Twitter handle as follows:

4 November 2012      *"@marel\_matt @Kevin Wheldall would u b interested in seeing a worrying vid re #steiner that [the First Defendant] censored from his blog? [link]"*

*"@KevinBullMusic @deevybee would u be interested in seeing a worrying vid re #steiner that [the First Defendant] censored from his blog? [link]"*

*"@Anna-Webb wouldyou like to see a worrying vid re #steiner & #freeschools that [the First Defendant] censored from his blog? [link]"*

*"@keithgrimes @Horsham\_Skeptic wld u b interested in seeing a worrying vid re #steiner that [the First Defendant]"*

*censored from his blog? [link].”*

*“@anarchic\_teapot @Nebula63 wld u b interested in seeing a worrying vid re #steiner that [the First Defendant] censored from his blog? [link].”*

*“@FromLabour @kausikdatta22 wld u b interested in seeing a worrying vid re #steiner that [the First Defendant] censored from his blog? [link].”*

*“@jdc325 @\_JosephineJones wld u b interested in seeing a worrying vid re #steiner that [the First Defendant] censored from his blog? [link].”*

5 November 2012 *“@MycroftII @StitchMitchell @[the First Defendant] I thought [the First Defendant] said he published everything without moderation unless it triggered his spam filter”*

*“@LeahFHardy pro Steiners aren’t the only ones who try to censor stuff online; [the First Defendant] censors stuff too, like this video: [link]”*

7 November 2012 *“@PhDelinquent sadly nothing will change as long as people critical of #steiner keep mobbing the whistleblowers and spread lies about them.”*

*“@PhDelinquent Kylie asked [the First Defendant] why no one is speaking out. We have and we’ve been attacked by the Steiner critics and the skeptics.*

65. On 8 November 2012 the Claimants wrote a threatening email to the First Defendant including the following passages:

*“Following your recent actions in defaming, and blocking anybody who mentions, people who are providing the “hard evidence” of problems in Steiner that you are simultaneously announcing internationally to others is very “hard to get”, we are now putting you on notice that this mendacity must stop.*

*“We would like to offer you the opportunity to dialogue with us about the smear campaign that has been mounted against us by you and other skeptics, before we move on to legal action. So please respond swiftly if you would prefer to talk to us than to a lawyer.*

*“What you are doing is beyond unethical, and you will not get away with it.*

...



*"[We have collected evidence] of a broad and active smear campaign in which you are playing a major part, [taking] the whole thing onto a different level of clear and well-evidenced public, personal and professional victimisation by a large gang, and provably fomented by you. On this level legal remedies are available.*

...

*"... When the 'leader' of any campaign has to privately smear whistleblowers to hide live evidence, that campaign has clearly failed.*

*"It's time for you to put up or shut up. ...*

*"... if you do not immediately begin to behave more reasonably, we will do whatever we have to to safeguard our reputation from your vicious secret distortions, and our advocacy work for children likewise.*

*"You're a parent. Get real and stop thinking that we, whose children are still affected by the actions of that school, are going to let you ponce about like this without making sure people see what a load of hypocritical baloney it is.*

*"... you have colluded in a campaign of covert victimisation against whistle blowers whilst overtly pretending to address Steiner issues.*

*"It's up to you of course. You know what you've said about us. So now please produce the evidence for these statements, publicly retract the lot, or prepare to talk to your lawyer.*

...

*"... we will publish and otherwise disseminate this letter in 24 hours if we do not hear from you as frankly we will not know if you've received it, due to your previous dishonesty in refusing to speak to us, again on the basis of defamatory hearsay. Therefore we will publish it as widely as necessary to make sure it gets to you."*

66. Following receipt of the email of 8 November 2012 the First Defendant wrote and published the Blog Post.

*The Skeptics in the Pub meeting on 14 May 2013*

67. Until 14 May 2013 the First Defendant had never met the Claimants (and nor has he met them since). The First Defendant had however tried to indicate to the Claimants that he wanted nothing to do with them, as set out more particularly above. To the best of the First Defendant's knowledge as at 14 May 2013 the Claimants continued to reside in New Zealand.
68. The First Defendant was invited to and did speak at an event; the *Skeptics in the Pub* meeting on 14 May 2013 in Bath. The plan was for him to remain following his speech for a question and answer session. Between the First Defendant's speech ending and the question and answer session beginning the Claimants approached the First Defendant at the event and attempted to give him an

envelope. The First Defendant was sufficiently alarmed and upset by the Claimants' presence at the event that he did not remain for the question and answer session.

69. The First Defendant was alarmed and intimidated by the volume, persistence and hysteria of the Claimants' communications to and about him including their attempt to serve him with an envelope at the public appearance on 14 May 2013.
70. As well as being insulting and disparaging of the First Defendant the Claimants' publications above directly attacked the First Defendant's integrity as follows:
  - 70.1. The Claimants have persistently published as widely as possible the allegations that the First Defendant is practising censorship and hypocrisy.
  - 70.2. The Claimants have sought to publicly link the First Defendant with what they have termed a 'smear campaign' against them.
  - 70.3. The Claimants have questioned the First Defendant's motives for holding and propounding his views, seeking to paint him as an insincere publicity seeker.
  - 70.4. The Claimants have accused the First Defendant of dishonesty.
71. The Claimants' conduct amounted to harassment of the First Defendant in particular having regard to:
  - 71.1. The sustained public attack upon the First Defendant's personal integrity.
  - 71.2. The First Defendant's reasonable early attempts to disengage with the Claimants and his request that they leave him alone.
  - 71.3. The unreasonable and disproportionate response of the Claimants to the incident at the end of February 2012 relating to the moderation of the Claimants' comment by the First Defendant.
  - 71.4. The volume of the Claimants' tweets and publications to and about the First Defendant.
  - 71.5. The Claimants' attempt, despite the First Defendant's stated wish to have nothing to do with them, to nonetheless meet him in person.
72. The Claimants threatened the First Defendant in their letter to him of 8 November 2012, in which they threatened:
  - 72.1. to do *"whatever we have to to safeguard our reputation from your vicious secret distortions, and our advocacy work for children likewise"*;
  - 72.2. to take legal action against the First Defendant; and

- 72.3. to 'disseminate' as widely as necessary the letter within 24 hours.
73. The Claimants lied to the First Defendant as follows:
- 73.1. In their letter to him of 8 November 2012 they alleged that they had clear and good evidence that the First Defendant was playing a major part in a broad and active smear campaign against the Claimants and was fomenting a large gang into the public, personal and professional victimisation of the Claimants.
  - 73.2. This allegation has no basis in fact and nor can the Claimants have reasonably so believed.
  - 73.3. The First Defendant has not played a major or any part in any smear campaign against the Claimants. As the Claimants knew or ought reasonably to have known, the First Defendant just wanted the Claimants to leave him in peace.
74. The Claimants behaviour towards the First Defendant was odd and disturbing having regard in particular to the following:
- 74.1. The obsessive nature of the Claimants' conduct with regard to the First Defendant.
  - 74.2. The hysterical language used by the Claimants in relation to the First Defendant.
  - 74.3. The Claimants ignored the First Defendants requests that they leave him alone.
  - 74.4. The Claimants attempted to serve the First Defendant with an envelope at a public gathering.
  - 74.5. The Claimants appeared to be prepared to track the First Defendants' whereabouts in order to confront him in person.
  - 74.6. The exaggerated nature of the Claimants' irrational allegations against the First Defendant.
  - 74.7. The Claimants' unfounded and bizarre threats of legal action.

### **Damage**

75. Paragraphs 19 and 20 are denied.
76. As at the end of February 2013 the Blog Post had been viewed 301 times. It is likely that many of those views were by the Claimants and/or otherwise in connection with these proceedings. Further particulars of the extent of publication of the Blog Post will be provided upon disclosure.

77. The Defendants will rely if necessary in mitigation or extinction of damages on such of the particulars of justification as are proved.

Jonathan Price

**STATEMENT OF TRUTH**

I believe that the contents of this Defence are true.

Signed by the First Defendant:

Date:

Jonathan Price  
29<sup>th</sup> April 2014.

Signed by the Second Defendant:

Date:

\_\_\_\_\_  
\_\_\_\_\_

77. The Defendants will rely if necessary in mitigation or extinction of damages on such of the particulars of justification as are proved.

Jonathan Price

**STATEMENT OF TRUTH**

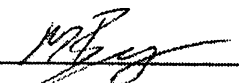
I believe that the contents of this Defence are true.

Signed by the First Defendant: \_\_\_\_\_

Date: \_\_\_\_\_

Signed by the Second Defendant: \_\_\_\_\_

Date: \_\_\_\_\_

  
29<sup>th</sup> April 2014