



PRIVATE AND CONFIDENTIAL

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BY EMAIL ONLY: tomat49@gmail.com

Our Ref: RCM/SA/Q0013/001

11 September 2014

Dear Sirs

Quindell Plc

We refer to the pre-action letters before claim of 19 August 2014 sent to you on Quindell Plc's ("Quindell") behalf by Dorsey & Whitney LLP ("Dorsey") and your e-mail response of the same date. We write to inform you that we have today been retained and instructed by Quindell in Dorsey's place. Please therefore correspond with us in the future. We reserve all of our client's legal rights including, but not limited to, its right to take action in defamation as outlined by Dorsey (and/or in relation to other publications by you) in addition to other causes of action. In that respect, please note that Dorsey remain instructed by our client in its defamation action against Gotham City Research LLC.

We continue to take our client's instructions and pending further action, we note the following for the record.

Your email of 19 August 2014

In response to Dorsey's letters of 19 August 2014 you advised, amongst other things that:

"I regard your demand to dictate an apology, to have articles removed just because you do not like them and to bar me from writing about Quindell ever again as Stalinist if not Orwellian."

Our client's request for a retraction and an apology are entirely standard remedies to seek in a letter before claim; those requests were not made purely because our client did not "like" the allegations but because they contained damaging and defamatory accusations of the highest order against a public company and its officers; we are not aware of an attempt to "bar" you from writing about Quindell. Therefore nothing our

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client has requested can properly be characterised as Stalinist or Orwellian. Moreover, the likelihood of that characterisation being accepted as reasonable is hardly helped, with respect, by your concluding remarks of “*see you in Court bitchez*”

Our client has no desire to stifle responsible fact-based reporting on its affairs but is entitled to object to an agenda-driven hatchet campaign that is motivated more by self-interest than a desire to accurately inform the public. All of the tenets of responsible journalism require balance and impartiality – which can only come from approaching a subject in an open minded and objective fashion. You have failed to do this.

Availability of pre-trial injunctions in actions for defamation

Contrary to your repeated assertions and your misunderstanding of Dorsey’s letter in this regard, our client has no intention of seeking a pre-trial injunction in respect of its defamation action. As our client’s complaint is currently in defamation only, a pre-trial injunction is not at the moment a remedy that is available to it. This has been settled law since the 19th century case of *Bonnard v Perryman* (1891) 2 Ch 269, 285 and therefore you should not take our client’s sensible decision not to seek a remedy to which it is not entitled as an indicator of its unwillingness to “*see you in Court*”¹.

Your mooted libel action

We also note that from your post on shareprophets.advfn.com on 23 August 2014 that you are “*considering suing Antony [sic] Bowers for libel*” because “*smearing journalists is not acceptable*”. Leaving aside the heavy irony of your stance, your own defamation pre-action correspondence can also be served via us in the first instance. Incidentally please note that Mr Bowers is not Quindell’s “Chairman” as you state. That position is held by Rob Terry; Mr Bowers is independent non-executive vice chairman.

We note that you have consulted lawyers in respect of your purported libel action. Are those same lawyers instructed on your behalf in respect of our client’s complaint? We would respectfully suggest that you consult them, or a specialist firm, so as to give you an objective and informed assessment of the risks of your current legal position.

Yours faithfully

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¹ “Quindell could easily have had me in front of a judge by the weekend. Injunctions work quickly. Here we are 11 days later and no injunction has been attempted. Why not? Because Quindell and thus Rob Terry have committed accounting fraud - and indeed admitted to it - and the last thing they want is to see me in Court” your shareprophets post of 30 August 2014.