

DEBENHAMS OTTAWAY

SOLICITORS

Samuels Solicitors
18 Alexandra Road
Barnstaple
Devon
EX32 8BA

Also by email: jmt@samuels-solicitors.co.uk

Your Ref:

Our Ref: LAC/LAC/66644-1

Direct Dial: 01727 735615

E-Mail: lac@debenhamsottaway.co.uk

4th December 2019

Dear Sirs

Your client: Emil Kirkegaard
Our client: Oliver Smith

We write further to the draft judgment received from the Court yesterday.

It is clear from this judgment that our client was the successful party and that your client's claim no longer stands a reasonable prospect of success/there is no compelling reason why your client's claim should proceed to trial. The Court has accepted our client's argument that the Posts complained of are clearly expressions of opinion rather than statements of fact and the meaning of the words are much lower than you had pleaded. Mr Justice Knowles also stated that that the whole context of the posts should be considered and this included the hyperlinked material as set out in the posts.

As a result of the above the claim should be discontinued immediately to mitigate any further costs liability on the part of your client. On the current evidence and if you were to proceed, you client's claim will likely to fail to meet the serious harm under section 1 of the Defamation Act 2013. Further our client also has a strong defence of honest opinion which in practice is a particularly difficult to defeat as your client will need to show that our client did not hold that opinion and there is no evidence of this.

We accordingly invite your client to discontinue his claim. As you are aware, if you do proceed with discontinuing the claim then you are likely to liable to pay our client's costs up to the date the notice of discontinuance is served. However, given you client's unmeritorious claim it is clear that your client's costs risks would be higher should they proceed with the claim.

We request that you provide your confirmation that your client's claim will be discontinued by 4pm on Friday 6 December 2019.

Yours faithfully,

Debenhams Ottaway LLP

Debenhams Ottaway Solicitors

Ivy House, 107 St Peter's Street, St Albans, Hertfordshire AL1 3EW

T: 01727 837161 F: 01727 830506 W: debenhamsottaway.co.uk DX: 6105 St Albans