

THE EMERSON GROUP

CELEBRATING 60 YEARS

Direct Line: 01625 588422

Special Delivery

Mr J Dooley
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Stalybridge
SK15 2SW

Legal Department
legal.department@emerson.co.uk

By email to: thehsetruth@yahoo.com

18 June 2020

Our ref: edl.vm

Dear Sir

CEASE AND DESIST LETTER – NOT FOR PUBLICATION

Our client: ORBIT DEVELOPMENTS (MANCHESTER) LIMITED

Properties: 1 City Approach, Eccles, Manchester, M30 0BG and Gateway House, Styal Road, Manchester, M22 5WY

We act for Orbit Developments (Manchester) Limited. We are writing in relation to your continuing email correspondence and the contents of your website (www.thehsetruth.co.uk) in respect of the Properties which commenced in 2008. In particular, we refer to your last email of 17/06/2020 (timed at 15:54) addressed to "*Responsible Managers at Orbit Tenants and Orbit Development Copied to City Approach Tenants*" (**Articles**).

This letter is sent in accordance with the Pre-action Protocol for Media and Communications Claims (**Pre-action Protocol**). Please provide your response to this letter within 14 days, ensuring that it complies with paragraphs 3.6 and 3.7 of the Pre-Action Protocol. If you fail adequately to respond to this letter within 14 days, our client may choose to issue proceedings against you without further notice.

The Article

While our client will rely on the Articles as a whole, our client's complaint relates in particular to the claim made in your emails of "*illegal lack of fresh air ventilation*".

As you are aware from your previous correspondence with the Health and Safety Executive (HSE) in September 2011 and with the Health & Safety Laboratory (CIBSE) in 2012, there was and remains no substance to your unfounded allegations that the Property suffers from a lack of fresh air ventilation.

DIRECTORS: PE JONES OBE (CHAIRMAN) ME JONES (DEPUTY CHAIRMAN)
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EMERSON DEVELOPMENTS (HOLDINGS) LTD
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That was position was confirmed to you again by our client in November 2015 (following receipt of further unfounded allegations from you), when you were advised that both the HSE and an independent report by Troup, Bywaters and Anders Consulting Engineers had confirmed that there were no concerns with the installed ventilation system, that the matter was closed and that our client had nothing further to add.

It is disappointing, therefore, that you have made further unfounded allegations in your most recent emails, the last of which is referred to above (Allegations).

The Allegations are false for the reasons outlined above.

The publication of the Articles <http://www.thehsetruth.co.uk> has caused and/or is likely to cause our client serious harm.

Other matters and next steps

The Articles are highly defamatory of our client. Our client therefore requires that you:

- Preserve any information relating to the readership of the Articles, as well as the appearance and impressions associated with any social media posts referring to the Articles within your control (Social Media Posts) and provide us with that information.
- Remove the Article from your website and procure that any Social Media Posts are deleted.
- Undertake not to publish the Articles or Social Media Posts again, or otherwise to re-publish the Allegations.
- Publish, with equivalent prominence to the Articles, a suitable apology in terms to be agreed.
- Archive that apology on your website so that it remains searchable to users of your website.
- Compensate our client for the damage to their reputation, distress and financial loss caused.
- Pay our client's legal costs (to be assessed if not agreed).

In the event that you are not willing to comply with the above requests, our client may choose to issue proceedings against you without further notice. Those proceedings

will be issued in England, which in the light of is the most appropriate forum for the dispute to be heard.

We look forward to receiving your response by return, and in any case by within 14 days of the date of this letter.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Varun Maharaj', with a large loop at the top.

Varun Maharaj
Solicitor / Head of Legal