

Your Ref: HZN.JZW.ORB11.1  
Our Ref:

7 July 2020

Dear Sirs

**Our Client: Orbit Developments (Manchester) Limited**

**Defamation: Notice and take-down letter under Article 14 of the E-Commerce Directive (2000/31/EC)**

1. We act for Orbit Developments (Manchester) Limited of Emerson House, Heyes Lane, Alderley Edge, Cheshire, SK9 7LF. Our client is a subsidiary of Emerson Developments (Holdings) Limited.
2. Our client and its parent company are known to be one of the country's largest commercial property developers and investment companies. Our client is well known in the property sector, operating in the North West, South East of England, Portugal and the USA. In the UK alone, our client has just under 3 million square feet of office space; its property portfolio includes Parkway Business Centre (Manchester), Tytherington Business Park (Macclesfield) and Park Square (Cheadle). Our client is also the owner of 1 City Approach, previously known as Emerson House. It is this property that is the subject of this Notice.
3. It has come to our client's attention that defamatory statements have been made against it and the management of the 1 City Approach premises; these statements are currently accessible via the URL <http://thehsetruth.co.uk/index.htm> ("Offending Webpage"). We enclose a copy of the Offending Webpage for ease of reference (**Annex 1**).
4. The Offending Webpage contains untrue statements and these are likely to cause serious harm to our client's reputation ("Defamatory Statements"). It is our client's position that the entirety of Annex 1 is defamatory, however the below excerpts are examples of Defamatory Statements and the relevant ordinary meanings:

- a. Annex 1 page 1: “*HSE COVID-19 CRIMINALITY*” and the page is headed “*12 YEAR CRIMINAL CONSPIRACY BY HSE DIRECTORS INCREASES CORONAVIRUS RISKS TO MILLIONS*”. The images attached down the side of this website page are those of our client’s building, 1 City Approach, there are then a number of bullet points in the main body of the page which relate to the lack of safety of this building. Examples include:
- i. “*...covering up the case of a building lacking legally required fresh air ventilation is an increase in risk to an unknown extent of Covid-19 Infection for Millions of UK Workers*”;
  - ii. “*A chorus of International Experts stress that increasing the above fresh air ventilation above minimum is needed to reduce future infection risks...HSE’s criminally faked reports claim total absence of such systems is acceptable.*”

The single meaning of the above extracts and the images used, imply that 1 City Approach is unsafe for any tenancy, would increase the risk of catching Covid-19 and that our client is in someway engaged in criminal activity with the Health and Safety Executive (HSE) in the perpetration of false reports.

- b. Annex 1 page 2: “*truth nobody specifically disputes*”.
- i. “*That includes the text book description of the large number of Infection related sickness absences which occurred in 2007. Infection related illnesses happened before, and they will happen again in future.*”
  - ii. “*an office building was occupied over many years by hundreds of people despite it being illegally unventilated*”;
  - iii. “*Emerson House in Eccles has lacked any form of legal fresh air ventilation. It is in gross breach of “Workplace” Regulations enforced by HSE being criminal law via the Health and Safety at Work Act. Note that “Emerson House” and the adjacent almost identical [sic] block have recently been re marketed as “City Approach 1 and 2” but they remain physically the same. In fact small print in letting particulars admits the truth by carefully stating theu [sic] have only perimeter heating and cooling IE no ventilation system!. There is no mention of them [sic] being unventilated and therefore illegal*”
  - iv. “*This was clearly a factor in me being suspended from my employment with Salford Council after 22 years exemplary service. After threats made via various channels I was subsequently forced to accept a compromise payment and took a job elsewhere.*”

Once again, the meaning of the statements made are that our client’s premises are unfit for purpose. The allegations of the legal standards not being met are simply untrue and our client has provided the author of Defamatory Statements with evidence that 1 City Approach is a well-ventilated building.

- c. Annex 1 page 6: “*THE H.S.E COVER UP*”
- i. “*HSE acting criminally to worsen ventilation standards disregarded risks of Coronavirus and all other infection risks*”
  - ii. “*...HSE claim to have consulted staff in the building. I take this to be tacit admission they knew the requisite fresh air system was absent, but wanted to know whether staff would make an issue of it. Had a legal ventilation system been present there is nothing HSE could or would do about staff complaints.*”

- iii. *“...No doubt fed with misleading information, Mr Brunt was responsible for the letter which bears his name”*
- iv. *“No surprise the Grenfell style cladding issue grew to huge scale without interference from those in charge of Regulation.”*
- v. *“Mmmm. Possibly not surprising from the Force who thought Dr Shipman was such a nice chap and there was no child abuse in Rochdale....Maybe they will react when it’s on the telly.”*

The allegations of criminal liability continue on this page. You will see that the author at end of this page refers to the numerous attempts that he has tried to bring his concerns to the attention of the relevant authorities. His concerns have been dismissed by these authorities, but yet he continues to post the allegations in respect of 1 City Approach and our client. Indeed the author goes as far as comparing this activity to the atrocity at Grenfell tower, the serial killer Harold Shipman and the paedophile ring in Rochdale.

d. Annex 1 page 13: “THE FAKED EXPERT REPORT”

- i. *“The Expert clearly felt he had no option but to resort to deliberate lies in denying the circa 2005 removal and replacement process as his starting point. The “spurious technical smokescreen” attempting to justify the resulting situation is guaranteed to bring a puzzled expression to anyone with any knowledge of ventilation”*
- ii. *“The “expert” decided to fabricate a justification for the existing situation on the entirely false basis”*
- iii. *“Well on a windy day in January that may not be welcome to occupants and it certainly is not a legally acceptable form of ventilation.”*
- iv. *“The inconvenient removal of old system having been denied by telling lies, the expert is left with the problem of justifying what remains being any form of compliant system”*

The above are simply examples of an entire section of a website which upon on reading, would lead to one simple conclusion to any reasonable person, and that is, that our client has coerced experts into presenting false reports.

e. Annex 1 page 21: "PROFESSIONS" WITH NO INTEGRITY

- i. *“To me the most disturbing aspect of the whole saga is the 100% willing complicity by the whole Industry and Professional Establishment casually relied upon by HSE.”*
- ii. *“A legalistic argument is made because Mr Arnold is no longer a member they are powerless to act even in respect of the profound criminality. In telephone conversation the lawyer quite bluntly stated nobody is legally obliged to report a crime including old ladies being attacked in the street. His moral level was clearly established.”*

On this page of the website, the author sets out the extent to which he has attempted to have a decision made in his favour in relation to the 1 City Approach. The author had clearly exhausted without success every avenue by which a complaint can be made and now has set up the Offending Webpage.

5. 1 City Approach is supplied with fresh air grills located in the face of the building situated within the fan coil housing. Our client has had the matter investigated and the HSE also carried out an investigation which ended up with the Ombudsman. The Ombudsman agreed that there was no illegality on behalf of our client.
6. Given that the consequential effects of Covid-19 include a severe financial impact on the economy, there is knock-on effect to the property industry. Such Defamatory Statements will make it increasingly difficult for our client to rent the premises in an already challenging market.
7. The Offending Webpage is hosted by you. Our client hereby gives you actual knowledge of the above defamation of our client within the meaning of Article 14(1)(a) of the E-Commerce Directive (2000/31/EC), and requests that you act expeditiously to remove or disable access to the Offending Webpage, as well as any other publications containing statements which are identical or equivalent to the Offending Statements about 1 City Approach.
8. Our client requests your confirmation within 48 hours of the date of this letter that you have removed or disabled access to the Offending Webpage. Please send communications to [humanadim@kuits.com](mailto:humanadim@kuits.com). If this is the case, our client will take no further action against you in respect of this matter. In the event that confirmation is not received, our client reserves the right to issue proceedings against you seeking relief for defamation. In the meantime, our client reserves all its rights in this matter.
9. This is a complex area of law and we suggest you seek independent legal advice.

Yours faithfully

Kuit Steinart Levy LLP  
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