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Our Ref: MLS/JC/26242-1 Coyne  
Web: www.kirwanssolicitors.co.uk  
Date: 11 March 2009

**BY POST AND FAX 0207 233 2091**

**URGENT**

Dear Sir

**Our Clients: Mr J Coyne & Ms S Jennings**  
**Re: Defamatory Publication**

We have recently been instructed by our clients with regards to the St Michaels Ward Liberal Democrat FOCUS leaflet ("the Leaflet"), a copy of which is attached to the annex of this letter. We have advised our clients that the content of the Leaflet is libellous both to themselves and the Green Party. The publisher of the offending publication was Mr. Paul Twigger; printed on Liberal Democrat headed paper. We therefore conclude that you are joint publisher and in that respect liable for the offending allegations set out in the Leaflet.

Therefore, please treat this letter as a formal Letter of Claim in accordance with the Pre-Action Protocol for Defamation. If the remedial action outlined in the penultimate paragraph of this letter is not provided within 14 days of this letter and therefore no later than **than 4:00pm on Wednesday 25th March 2009**, then our client has instructed us to issue proceedings against you.

What follows are the elements of the Leaflet entitled 'Green Councillors Make Homeless Sleep in the Snow', which we have advised our clients to be defamatory. These are as follows:

*"Residents were shocked to hear that their Green Councillors refused to allow homeless people shelter on freezing nights.*

*The City Council has a policy that ensures safe, warm accommodation is available to homeless people if the winter temperatures drop below freezing.*

*Shockingly, the city's Green councillors refused to allow a local community building to be used, meaning some homeless people were forced to sleep rough in temperatures well below zero.*

The ordinary meaning of these sentences is that our clients have, or are prepared to act in an unprofessional and immoral way unbefitting of Councillors, or indeed decent human beings. This clearly undermines our clients' personal and political reputations in the St. Michael's area, a ward which we understand includes approximately twelve thousand people.

We understand that the Liberal Democrat Councillor for the ward chose not to attend any of the meetings facilitated by our clients, where the alleged refusal was conveyed. Our clients are adamant that they have never, nor would they ever refuse to allow a local community building to be used if it meant homeless people would be left outside in sub-zero temperatures.

The leaflet deliberately and specifically targets our clients, making them easily identifiable to an ordinary reader of the publication since they are the only two Green Councillors in Liverpool.

### **Damage and Remedies**

Councillor Coyne is currently serving his second term in St Michaels ward having been re-elected as a Green Party councillor in 2007; Councillor Jennings was elected in 2008. As a result of the Leaflet, our clients' respective reputations have been seriously undermined. Both councillors live in the ward and the implication that they would act in this way is clearly extremely damaging to their reputation, not only within the Green Party and the Council but especially among local residents.

In order to mitigate the damage caused to their reputation our clients require the following remedies:

1. A signed undertaking from you that you will not repeat the allegations set out in the Leaflet or make any similar allegations in the future, whether in writing or verbally;
2. An unconditional apology from you to our clients in writing, addressed to our clients and signed by a representative of the Liberal Democrat Party (the wording of which we shall supply to you upon receiving your agreement);
3. That you undertake to publish the apology on your website in a prominent position for a period of no less than 60 days;
4. That you will provide our client with an amount by way of compensation for general damage caused to their reputation, which, if the amount cannot be agreed, we suggest be referred to an independent arbitrator or barrister who will assess quantum. This compensation will be donated to a local homeless charity (of our clients' choice) as a gesture of goodwill from the Green Party councillors;
5. That you agree to pay our clients' reasonable costs in dealing with this matter, which are to date in the region of £500 plus VAT.

We also ask that you suspend publication and distribution of the Leaflet forthwith pending your substantive reply. Should you fail to do this then we reserve our clients' rights both generally and in particular in relation to malice.

We recommend that you seek legal advice with regards to the content of the Leaflet and this Letter of Claim in order that a substantive response can be provided to us by close of business on 25 March 2009, as stated above.

Please note that we have also written to Mr. Twigger on the same terms as above (as joint publisher).

Yours faithfully

**KIRWANS**

Lib Dem-01