

Rosalind Miriam Franklin / Diggory Press Court Case / Brendan O'Neill

(Edited) Complaints and Witness Statements from Selected Court Claimants

These details have been reluctantly posted online in response to a number of false allegations made on various internet forums by Mr Brendan O'Neill of Birmingham, UK, that raise doubts as to whether 35 individuals ever actually took legal action against his twin sister, Mrs Rosalind Miriam Franklin (aka 'Miriam Franklin' the self-professed end-times-prophetess).

The texts below are taken from correspondence with various members of the original 'seventeen' (and others) who formed the victims support group in the early stages of our efforts to address the fraudulent and abusive activities of Mrs Rosalind Franklin in her role as the owner of Diggory Press.

The 34 entries here are from a list of 109 individual complainants that came in before September 2008.

The private details of each contributor has been removed for obvious reasons, but for more evidence in support of the facts, please see <http://checkpoint.ie/roquesgallery.html>

Update 2011: As of April 2011, the fourth appeal by Mrs Rosalind Miriam Franklin to the Appeals Court in London was rejected without permission to reapply. To date, Mrs Franklin has failed to comply with a number of Court Orders from at least five different UK Courts, including directions issued at Torquay Circuit Court in Nov 2009 that she pay successful claimants in the amounts of their original claims.

In Nov 2010, after several failed attempts, UK Bailiffs informed those successful claimants; *"there is no reasonable prospect of recovering your funds"...*and *"she is the most difficult person we have ever had to deal with."*

As of May 2011, Mrs Rosalind Miriam Franklin and her twin brother Mr Brendan O'Neill continue their online attacks and deceptions. Please be aware.

RE: Mrs ROSALIND FRANKLIN of DIGGORY PRESS / EXPOSURE PUBLISHING / MEADOW BOOKS

LIST OF SELECTED EMAIL COMPLAINTS (AS OF MAY 2008)

Any authors who have a complaint against Diggory Press are cordially invited to join our joint-action lawsuit commencing November 30th 2007. No costs to you – just fill out and forward a simple form to be found at this link: http://www.hmcourts-service.gov.uk/courtfinder/forms/n1_0102.pdf

Other complainants after this date may apply directly to the County Court on their own behalf, but are respectfully invited to send the details of their complaint to stmphd@mail.com whereupon it can be added to this document as a warning to unsuspecting authors.

Information on how to regain possession of your book, and any monies owed to you is also now available. Please send your complaint details, book title and ISBN (if you have one) for further details.

Update December 7th 2007 – 17 claims so far have been prepared for submission to the Courts.

Shortlist of most common complaints include theft, fraud, non-reporting of royalties, evasiveness, rudeness, intransigence, threats and intimidations, ISBN irregularities, non-payment of refunds, overcharging and other accounting irregularities, and various client abuses as detailed below..

- Ignoring or evading communications whether by email, letter, phone, or otherwise
- The non-documentation of monies received or spent 'on clients behalf'
- The lodging of fabricated charges against client accounts
- Rudeness and intransigence towards clients
- The unilateral changing of pre-agreed contract terms
- The unilateral revision of terms on her website, and the retrospective inclusion of those terms in previously-made agreements
- Misleading marketing in the matters of costs, and being an 'ethical Christian' company
- Switching from apparently reasonable-and-friendly (before monies are paid) to arrogance and contempt towards clients once the cheques have been cashed
- Using pseudo-legalise and threats of legal action to intimidate complainers into silence
- The forgery of documents
- The withdrawal of paid-for-services without payment of refunds
- The illegal seizure of copyrighted works
- The seizure of monies belonging to her clients on contrived grounds
- The placing of slanderous and defamatory statements on the Internet and in private emails
- The use of contrived pseudonyms as a cover for posting said statements on the Internet
- The regular use of personal attacks in the form of false accusations, threats, intimidation, lies and personal abuse (both in public forums and in private) towards anyone raising a matter which she 'feels' is objectionable in any way
- The selective use of various excuses and denials for not honouring her contractual obligations – (emails supposedly not working for weeks on end; feigned illnesses etc.)
- (In once case at least) – the malicious lodging of an unfounded complaint to the police. Said complaint has been formally rebutted. A counter-investigation against Mrs Franklin for lodging a false complaint and wasting police time has been proposed.

Update May 2008

Court hearings for sixteen cases scheduled for July 15th 2008 at 10.00am in Bodmin County Court, UK. Anyone with an interest in the case is invited to attend. Persons with evidence to support the above claims are respectfully asked to contact us at stmphd@mail.com. Thank you.

Business Addresses and Contact Details:

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Diggory Press / Exposure Publishing
Three Rivers
Minions,
Liskeard,
Cornwall,
PL14 5LE

Email: publish@diggorypress.com

Registered Office:

c/o BROMHEAD AND CO.,
(Chartered Accountants)
N+P House,
Derrys Cross,
Plymouth,
Devon,
PL1 2SG

Tel: +44 (0)1752 221057

Fax: +44 (0)1752 222595

eMail: office@bromheadco.co.uk

Selected Complaints:

(Personal details have been edited for the sake of confidentiality)

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1. Hi Stephen,

My name is ***** , and I'm emailing you in connection with Diggory Press. As you are probably aware - and probably do not wish to be reminded! - there is a growing band of writers who have suffered financial loss at the hands of Rosalind Franklin, including myself.

I came across your formal complaint from December of last year, and just wondered if anything had come of it?

An increasingly angry group of us are contemplating various measures to take in a bid to get our money back/reclaim control of our books, and I wondered if we could learn anything from your experience?

Hoping to hear from you,
.....

2. Hello my book is ***** by ***** that's me.
I have not received any royalties. What's the news from you. Who and where are you?

***** (UK author)
.....

3. Hi Stephen,

I am also a diggory press author - I have not received any royalties, even for books I know that have been sold. I undertook some test purchases from amazon, tesco etc. When I questioned this with Ros I was informed that I owed them money for digital fees etc.

The emails were very insulting - but I had placed several nasty messages on diggory's website in the hope of being 'kicked off'.

I reached what I believed was an amicable deal - I send a cheque for fees and she would remove my work!! Well, I'm still listed on their website!! I will give her a few more days - in all good faith, although I must be an idiot. If I don't get any satisfaction I will be in touch to join your campaign against her and diggory.

As a matter of interest - she threatened me with legal action, all the usual stuff - libel - defamation etc. However, I have been forwarded emails from other diggory authors whereby she has libelled and defamed me!! She has sent emails saying I have not paid them any monies at all, that I am the ring leader of this trouble and that I am a liar. I feel that I could screw her with what I have on my computer - I am more than willing to forward all of this to you!

Please keep me updated with any goings on, just so I know where I stand.
***** - still listed on diggory.
.....

4. Dear Mr Manning

I just wanted to let you know that I have also had similar bad experiences with Diggory Press.

Firstly they were supposed to edit my book and after the supposedly professional edit for which I paid over a hundred pounds, there were still glaring typos - even on the first page.

Trying to get any kind of sales information has been a test of nerves as I have been subject to rude emails and threats.

The only way I finally got a sales report, which I would hardly call a report as it was a scrap of paper with a hand written list of sales and commission (I have no idea whether it is correct) was after threatening her

with legal action. The whole process took over six months as she refused to answer my emails claiming the system was down. She also claimed to already have sent the reports which I know was a complete lie.

I am now again in the process of chasing for my next sales report and am fed up to the teeth with their lack of service, lies and aggression.

I will gladly support you in any action you wish to take against Diggory Press as people like this should not be given the chance to deceive others, ESPECIALLY when they use the fact that they are a Christian organisation as their selling point.

Is it possible to ask for a complete audit of their accounts? If they are not in a position to send official sales reports on an excel spreadsheet, I am pretty sure that there are some pretty shady accounting practices going on there.

I have copies of all my email correspondence with Diggory Press and would be happy to forward these to you should you need anything.

Best regards and I look forward to hearing from you soon

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5. Hi Stephen I hope you don't mind me contacting you.

I'm an author with diggory press/meadow books/exposure publishing. I paid the initial 50 pounds starting fee and then the extra for the 6 books for the national library. At first my emails were answered, and my ordered books were delivered. It wasn't until I was charged 5 pounds to get a sales account and then given 5 pounds back as my royalties and told I only sold 2 book, that I began to get suspicious, but I'm stupid and like to see the good in people.

I am very disturbed by what I've read on the books and tales thread. The link was sent to me by *****at ***** after I contacted her about diggory Press.

(please excuse the spelling errors, I haven't slept for two days, due to stress from this)

How can I tell if she is printing my books under different numbers? Where can I go and check. I already know I'm not receiving any royalties, for books she's selling through Amazon, etc... And I now I've had sales (just like the other authors)

I have been listed with this SP/printers for over a year, and have only received one royalty check. That may sound petty, but let me explain. My book is listed with Amazon, B&N and well known UK retail shops retail with Diggory Press. And all the promotion I do for my book is directed to these websites, and yet I've received regular royalty checks from my US SP, *****.

I should have clued in, but I guess I'm too trust worthy, they answered my emails, sent me my delivery of books which I paid for, apart from them saying I didn't have sales, everything was okay. Up until a month ago.

I ordered and paid for 100 books, which still have yet to be delivered. I've had no reply to the dozen of emails I've sent to them. Then members of the public contacted me to tell me that they couldn't buy my book on Amazon any more, and when I checked B&N, the website stated that the book was not available.

I know I've lost my money and money owing to me. I know I'm never going to see anything again, or receive an email from Rosalind. However, I don't want to sit back and do nothing while she continues to rip off and scam authors.

The money paid for the order of books that have never arrived, was taken from my own private sales of my book. I do not have the means to battle this company in court. But I wish you all the very best with your case and would like to be kept up to date with your progress, if possible.

For my side, I've contacted Amazon, B&N, told them the situation and asked them to remove my title from their listing. As she is still printing and selling my book, without my consent. I have changed all links to Amazon shop, back to *****, my other printer/P.O.D and updated my website/myspace ect.. I don't know what else I can do.

I know for a Christian woman, she's heartless. She had lost me hundreds of summer sales this year, not to mention royalty owing for books sold and which I have no way of knowing how many.

Now that everything has been revealed about DP I feel stupid for not realizing the signs, that all were not well.

I hope this deception is stopped quickly and the woman gets her just deserves.

Good luck, many thanks for taking the time to read.

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6. Dear Mr Manning,

I have been reading through the correspondence at the Books and Tales website, I am currently experiencing some 'difficulties' with Diggory Press and would be pleased to hear from you.

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7. Dear Stephen

Having seen Diggory Press recommended in The Sunday Times, and having toyed with self publication for some time, avoiding obvious 'vanity publishers, I finally sent off £300 to Rosalind Franklin today to publish my manuscript to cover £30 set up,£10 proof,£45 isbn,barcode,listing,£7.50 postage to Brit Library,c£35 Brit Lib copies, £0-£90 front cover design,£20 rear cover design, £20 e book (optional), £40 text/typeset, " and that's it". The 'Christian ethic' played a large part in my decision. I came across your situation on the net for which I sympathize. Should I panic? Any advice?

Best wishes

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8. Dear Dr. Manning:

I am contacting you so that you may add me and my book ***** to your list of authors who have had extreme difficulties with their books published through Diggory Press. It was with fascination and delight that I found the booksandtales.com forum today: "Fascination" because I read entry after entry that mirrored my own experience; "Delight" that I am not alone. I have followed the link to your website and read your detailed correspondence and comments. I share remarkably similar experiences with Rosalind Franklin at Diggory Press and I feel like you are telling my story too!

In addition, I feel you have been extremely fair, ethical and patient in your approach with Ms. Franklin. I admire the fact that you have given her every opportunity to rectify the situation. It is sad that she has not taken the opportunity to respond in a positive manner. From the time of initial publishing in August, I have become increasingly disturbed and distrustful of Ms. Franklin and Diggory Press.

In brief summary of my experiences in publishing through Ms. Franklin and Diggory Press:

_ Re: Listing of my book on Amazon (printed by Lightning Press)

_ Initially the keyword "*****" brought up my book (which is fine), but also listed two of her other books "Nursing Times at War" and "Only a Dog: ...A Dog's Devotion to his Master in WW1". I found this very strange and this was the first of many instances that have made me increasingly distrustful. She did rectify the keyword search at my request.

I am constantly searching the web for my book title as well as the Amazon book rankings.

Often I have been highly rated and I know my book is selling. As well, it is available through many links and sometimes even listed with a new ISBN # (not authorized by me).

In addition, the book was briefly published in a larger size and is now available in 6"x9" size. I have asked several times for her to remove the larger book from Amazon, etc. She has emailed

me and told me it has been removed, but to-date has she not done so. It is still listed on her website and Amazon, etc.

Re: Accountability

I have repeatedly asked for accounting records and book sale numbers and have to-date received neither. When pressured, she has twice sent cheques to me for very small amounts (about \$101 and another for about \$200) without even simple statements that reflect book sales and the specifics of the royalties. Based on my research, I find it hard to believe that I have sold less than 30 books.”

Re: Correspondence

Although our correspondence got off to a good start initially, it soon deteriorated. Over the months I have repeatedly corresponded with her through email and have received short cryptic responses or no response at all. She has EVEN SHOUTED THROUGH CAPS at me. I have records of all emails. I have never received “the email” stating they were having trouble with their email accounts.

I have worked hard to write and publish my book over the past 4 years. I do not want another to take advantage of me nor reap the rewards of my labor at my expense. I am very concerned and am ready to take action in pulling my book from her publishing control. My concern is that she will not comply with this request, and I am not sure what course of action to take.

I am also interested in supporting your cause. I think it is of great value that you are standing up for what is right based on principle. If Ms. Franklin is having difficulty, she should be honest about it and we can be understanding. On the other hand, if Ms. Franklin is taking advantage of others, those who are unaware should be warned.

I would like to enter into correspondence with you regarding this matter. You may respond to me directly at *****

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9. Dear Stephen

I was interested to find your complaint regarding your treatment by Diggory Press on the web as I am also having problems with them. They are being less than honest about how many sales I have made, and my polite queries are met with vitriolic responses.

A few weeks ago, I ordered a second batch of my children’s picture book from Diggory Press and at the same time asked them how many of my books had been sold online through their website and Amazon. They replied that not a single order had been received from anywhere. I thought this rather strange as some of my brother’s church friends had said they had bought from Amazon. I politely asked them to recheck and mentioned that I was sure that some family friend had bought copies. This is the reply that I received:

I do not need to 'recheck' the information - we also rather resent being called liars.. Not one order has come through from anywhere. If people have ordered from amazon I can guarantee you they will not have recieved the books yet as neither amazon or anyone else has sent one order through to date. It is possible because you did not prelist this book, that amazon have recieved payment for the books but did not yet know how to order itWe suggest you sell your friends you own copies in the meantime as your book has never been part of our distribution system anyway and so any orders would only be passed onto you to fulfill!!!

If you would like these to be part of the distribution system they can be now to sort out these issues and more ...and make it far easier for everyone concerned.

*Best wishes
Rosalind*

*Diggory Press Ltd, Three Rivers, Minions, Liskeard, Cornwall, PL14 5LE, UK
WWW.DIGGORYPRESS.COM*

*Company number - 5755720
Registered in the UK at Companies House, London
Company VAT Reg. Number - 892 853 965*

At the time that I decided to publish with Diggory Press, I read all pages of their website very carefully. I was fully aware that coloured picture books were excluded from global distribution but I am quite sure that UK distribution was included (and the fact that I know people who have ordered and received the book bears this out). Diggory are insisting that this is an impossibility and during the past month they have introduced a one off fee of £30 for setting up UK distribution for coloured picture books. They also state that if any orders had been placed through Amazon, they would have been passed on to me to fulfil. My Canadian penpal has sent me a copy of her Amazon order history which shows that she ordered 2 of my books on 30th January. Needless to say, this order was not passed onto me and the above email from Rosalind, dated 8th February, point blank denies any orders have been made. I am now trying to obtain the order histories of my brother's friends as this will provide evidence both of orders and dispatch. Amazon are also looking into the matter for me but are being very long-winded about it.

Unfortunately, I can only provide evidence of orders from people I know. I am totally at the mercy of Diggory Press when it comes to orders made by strangers. My book has had good local press coverage and has been very well received at the school where I work. My artwork is fairly well known and I would have expected to have made a few sales through my website. What makes the situation all the more galling is that their main webpage declares themselves as "an ethical and Christian publisher who are sick of seeing the small author ripped off."

I would be interested in knowing the outcome of your case.

Best regards

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10. Dear Stephen

I had my book edited for which I paid 200 GBP and there were a few typos in it after the edit. I only noticed the typos after the book was already up on Amazon and asked them to re-edit and remove typos. I did not make a big deal about this as after the editing, she did send it back to me after the edit to re-check and I didn't pick up on the typos then, but in hindsight, the editing should have been done professionally in the first place.

Both myself and a friend then re-ordered from Amazon and received the old version even though the new was supposed to be up. Not only this but there was smudging on various pages of the book and the whole thing looked very unprofessional. She explained this away (see attached email 1- re: information).

In Germany we have to fill out our own tax returns and so it was imperative that I have a sales report for my tax returns. I started chasing for this in October 2006 (see email 2 -re: please reply) and after chasing and chasing and sending from my husbands email we finally got a reply on 02.01 where she promised to send in her words "a full statement of account for sales made and payments to date as well as send you a receipt, and everything will be 'tidy' and correct,"

You can see from attached email 3 (WG -Accounts). I never received this but she claims to have sent this and it got lost in the post (I do not believe she sent anything as she did not even have the complete information - however I can not prove this) . Out of pure frustration I set up my own spreadsheet and sent it to her for approval and told her I would need this completed to avoid the need to take legal action. I also explained how disappointed I was with their service.

She replied that they do not have to send any more detailed receipts than they already have (although they hadn't sent anything).

I am sure in the initial agreement on the website they said that they do provide regular sales reports and if it wasn't part of the standard service - it was definitely something they offered at a cost. - (I would be grateful if you could confirm this as I cannot find the original site).

She claims to have sent emails breaking down the sales to date and a letter in the post, which I never received. Worst of all she threatens me by saying she will only send another "conditional upon your agreement not to take this further in terms of making any complaining statements about us anywhere based on our response times or accounting records (NB which would still be libellous and defamatory if made nonetheless) or taking any futile time wasting legal action". (You can see the full correspondence attached below - email 3 - WG accounts)

I replied that "In any event please take my disappointment as a candid and open customer feedback rather than as an opportunity to make complaining statements". She finally sent me a statement sales report, which was a hand scribbled list. (If you give me a fax number I can send you this as supporting documentation.)

Does she have any right to threaten me like this and am I now liable for anything if I do complain against her?

Finally I am now chasing again for the next few Sales reports. I have received no reply to my emails sent 30 sep 07 or 15th Oct 07, just a nominal pay pal payment of 21.40 GBP on the 16th of October. She obviously received the email as I do not think it is a coincidence that one day later I get the payment, but she will probably deny receiving it or claim to have sent a reply which I didnt receive. In addition she will probably claim she is not under any obligation to send me the sales information.

My main complaints are the lack of sales information, her lying and threats and lack of email communication and the personal stress and time she is costing me. Finally I truly believe her accounting practices (if she has any) are not accurate - none of which I can prove.

Above all of this I want to help prevent any other unsuspecting author of having to subject themselves to this.

I would be grateful if you could have a read through, answer my questions and maybe fill out the form on my behalf based on the info you have. Could you please let me see the final version before it goes to court. You can call me on the following number if you have any questions. *****

Best regards and thanks for all the effort you are putting into this.

.....

11. Dear Mr. Manning,

I am pleased that you are pursuing action and will support the process in any way I can. I feel it is important to have honesty and integrity. With the evasiveness shown by Ms. Franklin toward me (and many others), I can only imagine the 2 reasons:

- 1) She is very sloppy and neglectful in her accounting and bookkeeping and reporting practices; or
- 2) She is hiding something (like money that belongs to other people).

Her web-site does not appear sloppy. It seems efficient, well-representative of the publishing and authors works, and full of promise of integrity and savings of money.

The circumstances seem to point to the later. In any case, it is not a business that should be allowed to carry on in this manner. Either become legitimate, with proper reporting procedures; or close down to leave other professionals to carry on business in a proper manner.

I have attached the claim form as well as our original letter that was sent to you. Please accept and sign the Claim form. If you need anything further from me, please email or call me at *****

Thank you for standing up for what is right!

12. Stephen,

After I drafted this letter to you I went on to the Diggory Press website and notice that she has put my book back up for sale?? (I cancelled my contract with Diggory in Sept of this year) She acknowledged this with a returned email. I have sent the email to for you to view.

She did have my book removed off the site for a time so I had not bothered to check until today. She has put it up as available for-sale, I've notice that Amazon has it available as well, makes me wonder if she was receiving orders, so back up it went. It is like I don't even own my own book! (Feel free to add this information to my formal complaint).

Going through her site today I noticed that that she has this posted in her terms and agreements at the bottom of the second pg.

Important Note November 2007 - We are currently running at full capacity in terms of staff workload, and so are not currently accepting any new publication work for self publishing authors. This only affects publication work and NOT printing. Please watch this space for when we will be accepting new work in again.

Were you aware of this? I had not read anything from you on this.

Keep me posted

.....

13. Dear Mr Manning,

I am the person Rosalind Franklin accuses of defaming and libelling her on the Lulu forum. I tried to access <http://color-of-truth.com/DiggoryComplaints2.pdf> but got a page not obtainable message.

I am currently involved in a dispute with her over a failure to fulfil any of the jobs for which I have paid her over the past three months. It took me over a month to get a reply from her and that reply consisted of threats of legal action and I have now waited a further week for a reply to my response to that message.

I find the whole thing most perplexing as, for the first year, everything worked well. Now she has taken money for an ISBN number, etc., paid for over two months ago the details of which have never been forwarded to Neilsens Book Data. She then received a recorded delivery letter including a cheque and my new book files and the only action she has taken has been to cash the cheque.

I don't believe anything I have put on Lulu to be actionable as it is all true but this does not seem to bother her. It may be possible I would want to add my name to your action. Perhaps you can send me a copy of the necessary paperwork.

My address is:

.....

14. Could you send me details of your class action against Diggory Press please?

My work email, which I would prefer to use, is ***** I am in the process of suing them too and it would seem to make sense to combine our claims? I have found them to be obstructive and they are now even lying, so I am determined to see this through to the end!

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15. I was going to use **Diggory** and had been in contact via email with the owner "Rosalind".

My emails had been answered albeit somewhat slowly and all my questions were met with brief but reassuring replies. We had got to the point where all that was needed was for me to pay and the process would start. I was assured that an invoice would follow.

Nothing happened. I sent several emails asking what was happening.

That is a bad sign. A company that cannot bother to invoice its potential client has a strange business model.

After three weeks I gave up.

So my experience is:

Expenditure \$0.00

Time wasted weeks 3+ and counting - I lost another 3 finding a replacement.

Would I recommend them? NEVER. If they can't reply to emails from prospects what would be the case once

they had my money?

The company claims to be ethical. I was not conned nor was anything paid for not delivered. But I do feel I was led down the garden path.

I was appalled to see the voluminous replies to other posts - enough text for dozens of invoices or replies to me. Where is the focus on clients?

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16. I paid Rosalind Franklin of Diggory Press a cheque for £577.12, dated 26th JUNE 2007 to cover the re-editing of a new edition of my book, and also the 'Platinum package' - the top distribution programme as advertised on her website. The editing was completed in July, final proof acceptance sent by me on Aug 1st. On Aug 2nd she told me it would 2 weeks until the new edition was on Amazon etc, and around 2 months for book to be available through the platinum package. Since this time I have not heard anything from Rosalind and over a period of 4 months until the end of November was dismayed to find that my book was still the original version on Amazon, and no communication from Rosalind as to what the problem was at all. I had paid for proof copies and postage also to be sent to myself and the British library, and to date these copies have still not been received. I finally got an e-mail from Rosalind on 26th November as I had e-mailed her through her website requesting a refund of the £577.12 I had sent minus the editing work that she did complete in July.

This amount she is refusing to refund me, even though to date she has not done any further work for me- she herself has said as much by saying that I am still in a huge queue to even have my book print ready (before proof copies sent out to libraries and myself...the Platinum package done). I have terminated all agreements with her and strongly feel that I am justified in receiving a refund of my money for work and services unperformed, which after three times now of requesting in writing, she is refusing to do. She claims all aforementioned work is 'in process' yet has admitted I am in a queue and that the book is not even print ready, as was in fact in July. She did not inform me of an extra £15.00 for editing being added to my bill either from the agreed costing for this work. According to her statement, I am also owed £15.35 in royalty payments (for about 6 months of sales -ok it's possible, but I am dubious) which still need to be paid to finalize my account.

The service with Diggory Press has been stressful and highly disappointing. Rosalind answers e-mails selectively and answers only the questions she chooses, leaving the author with no real understanding of what is going on with their work. It is impossible to know what sales and royalties should be or when they are due. It has been very frustrating trying to communicate with her and get answers; she can be quite nasty in her responses at times. I am also deeply worried as, reading of other peoples experiences of suspected missing royalties and non-removal of titles (books still being sold) from her webpage long after she has said they are removed, I feel I have a battle on my hands just to protect now my work.

.....

17. Brief details of claim

I sent Diggory Press two advance payments of £148.16 (i.e. £296.32 in total) on 31/8/07 and 11/9/07 to cover the cost of publishing two titles. Between 11/9/07 and 2/10/07 (i.e. a period of three weeks) Diggory Press failed to respond to our e-mails, the only form of communication that Diggory will allow. During this period, we concluded that, in order to hit our launch date, we would have to make alternative arrangements. We hired a local printer and purchased our own ISBN numbers. On 2/10/07, we received a brief e-mail saying that the two books could go to press but without any further work being done on them. We informed Diggory that we had made alternative arrangements, asked them to account for any work already done and repay the balance. They have since consistently refused to return any money, claiming that 'the work has been done'. See e-mail thread for details.

Value

We are seeking to reclaim either the full **£296.32** lodged with Diggory Press or a lesser sum dependent on their ability to demonstrate that the work has partially been done. In my e-mail dated 10/10/07 (attached) I asked Diggory to provide evidence for their assertion that the pre-publication work and corrections had been done. After 30 days had elapsed, I sent a letter by recorded delivery on 9/11/07 to point out that no files had been received. In their e-mail reply of 13/11/07, I was informed that I was being 'ridiculous and selfish' and I was threatened that further communications would lead to charges being added to our account. This is one of the worrying aspects of dealing with Diggory: charges are levied so that the account is permanently in the red thus providing Diggory with a mechanism for avoiding payment of royalties and refusing to release copyright. I would therefore ask that the judgement delivered by the court should be understood as a full and final settlement of this account, i.e. any further charges levied or claimed by Diggory to be declared null and void.

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18. Brief Details

In March this year, Diggory Press Ltd entered into an agreement with me, whereby they would convert my electronic file into a published book titled *****. The agreement contained a specific breakdown of those costs and services. After several periods of non-contact with Diggory Press Ltd – and having in the interim contacted Trading Standards to establish my position – it became evident that Diggory Press Ltd had breached that agreement, and also contravened The Sale of Goods and Services Act 1982(as amended). When I tried to cancel the book with Diggory Press Ltd and claim a refund for specific services not yet supplied, Diggory Press Ltd accused me of owing them further funds in respect of this particular book.

Although I have paid such sums as initially agreed, Diggory Press Ltd have failed to complete the Agreement. I am therefore claiming a full refund of all monies paid in respect of my book.

Particulars of Claim

Diggory Press Ltd are in breach of our Agreement, by failing to correspond with me or produce my book. They have also failed to meet the legal requirement to carry out the agreed service within a reasonable timescale and to a reasonable standard as laid down under The Supply of Goods and Services Act 1982(as amended).

I attach a timetable of events since first contacting Mrs Franklin at Diggory Press Ltd, at the beginning of this year. Since that first contact I have always tried to maintain a professional working relationship with them. Despite the unpredictable business methodology employed at Diggory Press Ltd, I have always tried to act reasonably. Had Mrs Franklin (on behalf of Diggory Press Ltd) been willing to act reasonably this matter could have been speedily resolved. However, Mrs Franklin has proven elusive and volatile in her business dealings and obviously is not prepared to meet her clients' needs in any way.

Since I have tried to cancel the agreement, she is now demanding further monies for services not discussed, not requested, and not approved.

In view of her intransigence, I wish to reclaim all the funds paid to Diggory Press Ltd in respect of my novel

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19. Hi Stephen.

I finally got enough courage to post a blog about Diggory Press (and I named them)

I intend to post the same info to a few other writing sites I know of. Thank you very much for the link for the complaint pdf. It's come in handy, and made very interesting reading.

I 'll let you know what response I get.

Best regards

P.s You could add to your list of complaints, her threat to dispose of paid for books if the author did not pay a second delivery charge.

And yes, after I emailed her yet again, my title is still up on her website and Amazon.

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20. (Extract from Court form for a book published on March 14th 2007)...The main cost was for the Platinum Package, under which Diggory promised to target the head buyers of the big bookshops like Waterstones and WH Smith. But to date (Dec 2007), my book has not appeared on the shelves of any bookshops.

I wish to join this action because Diggory is not returning any of my emails or my answerphone messages. So as the company is refusing to recognise my existence, I have no confidence that I will paid any royalties.

In addition, given what I've heard about the way Diggory has treated its other authors, I no longer have any confidence in them and I would like them to renounce all rights to my book, and return it to me.

Incidentally Stephen, she has now increased the cost of the Platinum Package to £799.00 - a £300.00 hike since March!

Many thanks for doing this for me.

Please keep me posted.

Best wishes

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21. Hi,

Re Rosalind Frankland/ Diggory
More power to your elbow.
Looking forwards to hearing you make her bankrupt.

My story is very limited. From coverage in the press I intended to go with Lulu but saw Diggory advertised on the Lulu site.

I thought that might be better as there would be less transport costs etc. being based in the UK
Because my book was essentially medical it was vital there were no errors, misprints etc and the agreement was that I would see a 'Proof' first, prior to publication even though I had already paid all the up-front charges.

In the event she went ahead without giving me the Proof copy and as you will probably know the PDF File copy is not always the exact copy of the original when it comes to spacing and number of lines on the page etc. In the e-mails that followed I would say (and as a doctor now retired, I have met many people over many years) that she is the most unpleasant and unprincipled person I have ever had to deal with. I withdrew my book immediately, though the damage had been done and there is the one copy in the British Library. I went ahead with ***** who I am always pleased to recommend.

More power to your elbow and sue the bastard.

Best wishes

Please let me know how you get on

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22. From: *****
Date: Fri, Sep 12, 2008 at 12:45 PM
Subject: Diggory Press
To: Guardian Newspaper UK

Hi Tony,

My name is ***** and I am an Australian currently living in Shanghai. My phone number is *****.
I engaged Diggory Press to publish 4 books for me under my label, *****.

I did not give Ms. Franklin permission to publish under the Diggory, Exposure or Meadow labels.

I have at no stage received royalties from many books of mine that I know have been sold by Diggory Press. Myself and numerous friends have purchased books from Amazon and Barnes and Noble.

Ms. Franklin has consistently refused to reply to my inquiries in regard to royalties.

I was so concerned I visited Ms. Franklin's home while in Cornwall whereupon I was told by her husband she was asleep, having just returned from America. I returned the following day only to be told she has gone out and would be away for the rest of the week.

I have since complained bitterly to Amazon and Barnes and Noble. Both companies refuse to delist my books before requiring me to provide them with information that is, frankly, beyond my ability to provide - such as agreements from Diggory Press regarding the publishing, and permission from Diggory to cancel the listing. So these companies continue to profit from my book sales while I receive nothing.

My books, which can be found at both sites, are:

I hope this helps with your article.

Sincerely,

C (Australian author)

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23. Hi Stephen

Yes, of course, there is no rush at all as I can see I am going to have to be very careful dealing with Diggory Press...

I can't remember if you live in the UK, but I do. My home number is*****. I don't often go out as I am disabled and have been very ill for the last six months which is why I forgot about any royalties owed.

If you are in the USA it will cost too much to phone so email when you are not so busy. As I know you are an author as well and when you have writing to do then time just disappears.

My writing is on hold at the moment as is all publicity, everything is in my head waiting for my hands to work well.

Best wishes

(UK author)

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24. From: *****

Subject: diggorypress

Date: Fri, 26 Sep 2008 12:17:16 +0100

Dear Stephen

I read about you online whilst search for any publicity about my children's book, ***** published by Diggory Press. What was written worried me as when my book was first published in December 2007 I did a lot of publicity and my ratings on Amazon were rather high and stayed high. Now, whilst I appreciate Amazon ratings are not something I really understand, I did feel I had sold a lot of books and as I am giving 25% of all royalties to a children's hospital charity I was looking forward to my first royalty payment.

You can imagine my surprise when I received £4 in my bank account and when I queried it with Rosalind she said I had only sold 8 books for that period, but had sold more and they would be paid in the next royalty period (no numbers given). And, of course no statements at any time.

As yet, one year later, I have still received no more royalties and after reading all this publicity about what may be going on I have now decided that I will do no more publicity on this book and have decided to change it's name and republish it with new content added with another publisher to avoid possibly losing any more money.

Obviously I have to be very careful what I say so that she does not accuse me of slander(?liable). But so far she has not replied to any emails regarding this. I have also asked her to retire this book from their catalogue. I suspect I must wait a little longer than for any replies and to see if the book does go off their list.

But, have you any advice as to what I should do if she doesn't reply or pay any more royalties, (however small), as I have to show my accounts to this charity as it is registered and they will be wondering what is happening.

Thanking you,

(UK author)

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25.

----- Original Message -----

Subject: DIGGORY PRESS.

Sender:

Recipient:

Date: 28.08.2008 12:52

HI! I AM JUST ONE OF THE SO MANY AUTHORS DIGGORY PRESS' ROSALIND HAD CON TO SURRENDER OUR BOOKS AND HAS FOR MORE THAT 8 MONTHS REFUSED TO REPLY OUR E-MAIL. STEPHEN IS LEADING A COURT ACTION AGAINST, THIS WE HAVE GIVEN OUR APPROVAL TO JOIN IN. KINDLY GET BACK TO ME AND WE TAKE IT FROM THERE. I WOULD BE VERY GRATEFUL IF YOU COULD TAKE UP MY CASE AND REPUBLISH MY BOOK.

REGARDS TO ALL OUT THERE.
.....

26. Dear Sir/madam,

I have just come across your website.

I don't know if you are still taking any joint action against recovering money from Diggory Press/Exposure publishing, but if so, i would be interested in being updated.

I had seven books published with Exposure publishing, namely *****. This was in December 2005

Since late 2006 I have heard nothing from them nor received any monies, although some libraries have my books on their shelves and they are on various websites.

I kept silent for so long but recently did a test, buying four titles online from Tesco.

To my surprise, these were despatched next day and I have them here, receipts and all.

But can I get in touch with R. Franklin, I cannot.

I see they have addresses in Australia and USA, but there has been no reply.

Like many other trusting authors, it seems as if I have been duped. They are printed by ***** and I shall make enquiries with them, and Tesco, but in the meantime please let me know if my input will help not just myself, but all the other aspiring authors who have been taken for ride!

Sincerely,

R (UK author)

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27. Stephen -- thank you very much for this. It's very disturbing! I do hope that you can prove your point, clear your name and stop any further misrepresentation. How very disconcerting and troublesome for you and many others. Wishing you good luck.

S
Editor and Author

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28. The woman is a raving lunatic! I actually laughed out loud when I read the bit about "unavoidably poorer response times" - only RF could re-write the script so that we end up to blame for something that's been her problem all along. I can't believe she's put that on the front page of her website - if I were a writer contemplating using her services, I'd think twice - who would want the hassle?

S (Scottish author)

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29. Hi Steven

I have also had some problems with Diggory press. I have received incredibly rude emails and nothing has been done about publishing a book I sent to them in November. I am grateful to you for setting up a site about the complaints that have been made about Diggory press. I have now told them I will not be publishing with them and I will be taking action in the small claims court to get my money back.

Could you suggest any other publishers who actually do what they are supposed to and don't send rude emails to customers. I still want to publish my work but do not know who to trust?

***** *****

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30. March 2nd 2008

Dear People,

I read the books and tales website re Diggory Press.

I had a book published by Diggory two years ago. Initially the experience was good - but last summer I stopped getting answers. Four months have not succeeded in getting any replies except one this January - saying she had been ill. I have not had any financial returns from her re book sales at all nor any payments. My emails asking for these details have not been answered - and I am rather appalled to realise that the contract removes from her apparently any need to provide this unless there has been £50 of sales -which of course I cannot know without any receipts.

Of course, I could be wrong in my interpretation of this contract?

I had two of my earlier Australian published books scanned by her last year. I hoped to have both back into print with them last Summer - she got them scanned and I paid for this - then nothing has happened. For six months she has not answer one of my increasingly urgent emails - yet I now discover she was apparently debating with yourselves over the time.

She writes to me using a hotmail account - but she seemingly blames authors for using hotmail, saying it is unreliable.
She also has not replied to phone messages.

I am a professional writer of thirty years standing - I had several books published by regular publishers in Australia and I have two out at the moment in the USA - one reviewed as 'truly brilliant' by the literary editor of the Independent.

This is my first experiment with a POD publisher in this country and I

reluctantly have to say it has not been good

I am curious about your own experiments - and about the legal actions now underway.

With every good wish,

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31. Dear Stephen T.Manning, greetings to you Sir.

I have been drawn to your recent article by my kind friends the ***** over there in London, as I live in Warsaw, and wish to add my/our details to your most laudable platform.

My third and current book is *****. It was published in dec 2006 in the UK. It is the first-ever international comparative study of the subject.

Until recently it was distributed by Diggory Press. Just before the summer we had a push for sales: in May I was guest of honour at an international Conference with 50 world-wide experts in Leuven, Belgium. Reception of the book was most enthusiastic, including by the last heir of the writer. Immediately afterwards the book was voted 'best summer buy' by the Polish Cultural Institute in London, whose director personally called me to voice his praise of the work. He said their website has 150,000 hits a day (seems too large, but that's what he said), and soon after it achieved No.1 on Amazon's sales list of Central European Studies. All this with no reviews except on the internet (I don't know why, my debut ***** achieved first-page coverage in the TLS in May '92, but such are the vagaries of reviewing :)

There were long delays with Diggory's statements, and they also complained to my publisher that he should be patient and not contact. I also wrote to them but they said a one-line statement that they only deal with the publishers, as their website 'clearly states'. Finally my editor was told we had sold....one book!!! During 3 months, well below the average even for this specialist work needless to say. I know of several orders alone due to my post-Conference contact.

But they seem above the law, or at least difficult to serve with notice I guess because 'behind' a computer system, though perhaps I am overly pessimistic.

Thanking you for allowing this scandal to come to light and allowing authors to put their cases forward, a rare opportunity for which I am grateful. If I can be of any help, please let me know, and should time allow I would be most grateful for any feedback or latest 'state of play' re D-P.

Yours gratefully and sincerely,

.....

32. Dear Stephen.

many thanks for your quick response and kind words. I totally agree, her attitude is reprehensible and should be unnecessary I feel. After all, without authors etc where would she be (stating the obvious, sorry).

Thank you most sincerely for your offer to keep me/us informed, and for also taking the time during your vacation. deeply appreciated, and I hope that your holiday is enjoyable. Looking forward to hearing from you when time allows,

Best wishes,

.....

33. ----- Forwarded message -----

From:

Date: Apr 14, 2008 2:49 PM

Subject: diggory press

Those scam artists have taken £123.99 and will not respond to correspondence. I will join your campaign

The second edition of the book has not been published yet. Telephone number

My writing name is ***** (the name used to correspond with diggory press) and my real name is *****

Cheers

.....
34. Hello Stephen,

I am sending you this email to forward to whoever??
I was contacted yesterday regarding the isbn of my book.*****. At the time I really did not know who it was from (still am not quite sure?)see bottom email, So I sent out the book information on the New Edition. anyway when I received your email today I thought it may be from the reporter?? lawyer?? the information that I sent yesterday was from my newly published book (New Edition) **not published** with Diggory.

I have been trying to email the correct information on the original book, but the return email is being rejected. Do you know who is looking for this information? and if so could you please forward it for me. Sorry for any inconvenience.

On a different note I have tried to contact Rosalind to pay me the balance of my account, account details and to remove my book for sale from **Diggory site**, as well as the online book stores (my book still is for sale all over) and how hard is it to remove it from her site??? she is unbelievable
this is her lovely reply:

*Dear Ms. Ignorantly Informed!
Your book is cancelled, the fact it is still listed on Amazon etc etc, does not mean anyone can still buy a newly printed copy. They have not been able to for months which is what I have **repeatedly** told you. Why not get your **facts** right before annoying me yet again with your silly and ill informed and libellous complaints! You are not the only one that is pissed off here - I actually have a reason to be pissed though with you, you do not!
No more correspondence will be entered into with you on this matter.*

(thought I would share that with you:)

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What To Do Now?

Any authors who have a complaint against Diggory Press or Mrs Rosalind Franklin, are cordially invited to contact us, and we will send you the information you need to regain possession of your book, and hopefully recover any monies owed to you.

Likewise, anyone who has suffered unjustly at the hands of 'Miriam the prophetess' or from any of Mrs Franklin's other online identities – please share, so we can put an end to this incredible duplicity.

You may also join our victims support group by sending the details of your complaint(s) to stmphd@mail.com whereupon it can be added to this list as a warning to other unsuspecting authors.