

Diggory Court Case Update

May 15<sup>th</sup> 2009

Hello Again Folks

Well, the saga continues I'm afraid.

Latest developments: Bristol Chancery Court have returned the remaining active cases to Bodmin County Court after a three-and-a-half month delay. Apparently the Judge in Bristol was of the opinion those cases should not have come to him in the first place.

Bodmin has now directed the defendant Mrs Rosalind Franklin, and five named claimants (at present) to attend a 5-day trial in Bodmin March 22-26<sup>th</sup> 2010, which will mark some three-and-a-half years since I first lodged my formal complaint with the Police, and well over two years since 'the seventeen' initiated small-claims collectively as a victim support group.

Three of the claimants are from the original 'seventeen', but I don't at present know the identities of the remaining two claimants who have been directed to attend the same trial date. If you are one of those two individuals – please let me know, as we could possibly call each other as witnesses – thus saving a lot of time and expense on the day. Thanks.

Meanwhile, Mrs Franklin has apparently been very busy behind the scenes making a good number of lengthy, misleading and deceptive claims to the Court; to the media; and to various individuals online, so this update will hopefully serve to clarify some of those issues.

I cannot speak for the two independent claimants mentioned above, but the plain facts are that I am personally suing Mrs Rosalind Franklin, and the two claimants from the original 'seventeen' are suing Diggory Press Ltd. In turn, Mrs Franklin has lodged counterclaims against us, and although several formal applications to have her counterclaim(s) 'struck out' have been lodged (with at least one still ongoing) – it seems the Judge is determined to allow her to proceed, and is steering the proceedings to a 5-day multi-track civil trial. I am sure he has good reasons for doing this – but I don't claim to understand them all.

I cannot speak for every individual, but many previous claimants dropped or withdrew their claims when it became clear the Judge was moving to multi-track – purely and simply because that incurs a cost of £1,000. There is a very big difference between 'withdrawing' or 'ceasing to continue' a claim however, and the claim being 'thrown out' by the Court.

Naturally, we claimants would say the defendant's counterclaims are clearly vexatious and unverifiable, and were instigated as acts of intimidation and obstruction. Mrs F originally tried to counter-sue me for over a million pounds for example, but was told in December that she had to resubmit her counterclaim at under £50,000. Unfortunately, she completely ignored that order for three-and-a-half months, until given an ultimatum by the Judge last month. Then, on the very day she lodged that amended counterclaim, she posted online claiming it was she who was suing us – and not the other way round. And that 'everyone should know who the real liars are' etc etc. So to make it quite clear; as it stands at the moment, we in fact are suing Mrs F, and at least five claims are currently active.

Interestingly, Mrs F sent a letter to the Court recently, indicating she would have withdrawn her counterclaim if my claim hadn't been reinstated. Difficult to marry that statement up with the boasts on the Diggory website that she is 'taking us all to task via the Courts' etc..

Without boring everyone with all the procedural rules, let me summarise the current situation by simply saying that because Mrs F didn't comply with court orders issued in Dec 2008 as directed – which was then compounded by the cases being moved to Bristol – we now appear to be so enmeshed in missing paperwork, missed deadlines, and the convoluted application of various rules and regulations that it's increasingly hard to predict what will happen next.

Another (hopefully temporary) disappointment is that after four months of inaction, the Court has 'dismissed' my 'requests for disclosure' (from various businesses associated with Mrs F). This is bad news for those of you who were looking forward to seeing Mrs F's book-sales accounts opened up, as it seems I can now only request data concerning my own books. Apparently I can't make any more 'speculative attempts to gain evidence', which came as a big surprise to me, and poses a bit of a problem when the defendant isn't being too helpful in that department. Ah well, I'll just have to have another crack at it from another angle.

Meanwhile, I was up 'till 6am putting together another 36-page bundle of applications for this-and-that – with all the accompanying forms in triplicate, because believe it or not, I had been given only 26.5 hours to officially 'file and serve' my responses to the latest 27-page bundle that arrived on Wednesday. Ah well, luckily I have nothing better to do with my time..

Now, I must be careful not to imply any disrespect for the legal system, but I believe I can freely share that I am pretty-well bewildered at the torturous convolutions we have had to go through, and remain deeply concerned that no matter how hard we try to comply with all the rules and regulations – or no matter how obvious the moral rights-and-wrongs of our cases – or no matter how much evidence or lack of it – that 'the system' can make a supposedly 'simple' small-claims process into such a painfully frustrating, costly and time-consuming experience that I would never, ever recommend anyone to subject themselves to it again.

There is also the less-obvious, but more insidious aspect; that of having to constantly engage with someone (Mrs F) whom I would describe as absolutely amoral – and the psychological and emotional toll of continuously having to defend oneself against scurrilous accusations.

So with that off my chest, basically, we're sort of back to square one again, and unless anything major changes we should be back in Bodmin March 22-26<sup>th</sup> 2010 for the showdown. Meanwhile of course, Mrs F continues to attack us online (well, me in particular), and is doing her best to either erase or concoct whatever 'evidence' she can. Obviously, if anyone has any questions whatsoever about any accusations Mrs F has posted online, please feel free to contact me directly, and I will do my best to clear things up. Likewise if you have some information or evidence that could help. Thanks. Meanwhile, she continues to add multiple online personas to her repertoire – and I will post a list of those we know about online soon.

There is a little good news however. Some authors are reporting a very strange phenomenon; money coming into their accounts from Diggory Press! No sales statements of course, but at least it's something. Unfortunately, I rather suspect this is purely so Mrs F can now crow with some measure of truthfulness, "I DO pay authors – and I can PROVE it!" Please let me know if this has happened to you recently – as it will be useful in evidence, thanks.

And finally, an interesting development: A certain individual called a prominent newspaper recently, reporting they too had been defrauded by Mrs Franklin some time back. Now I must make it clear that I am only reporting second-hand information – and I haven't yet been able to get this caller to respond with a confirmation – but I will say that everything is adding up to suggest that this particular author will make one very interesting witness indeed. More on this development as-and-when any particulars come through..

Oh, and by-the-way, 'Miriam the prophetess' has also been incredibly busy, spending much of her time denouncing 'The Accuser' (it seems I've been promoted to archangel status), and 'proving' she is not one Rosalind Franklin in incredibly-lengthy diatribes online.. Unfortunately she signed off on a couple of those rants using 'R M Franklin'.. ..stranger than fiction indeed..

I will post those screenshots in the Rogues Gallery: <http://checkpoint.ie/roguesgallery.html>

Thanks again for everyone's support and encouragement. Hopefully by this time next year this will all be behind us, and we can get back to our real lives once again.

Best wishes to all  
Stephen