

# Former Achill referee awarded €38,500 in damages

## A former Mayo referee sues Achill Rovers committee over letter accusing him of looking at undressing girls

A FORMER Mayo Soccer referee was awarded damages of €38,500 after he sued the committee of Achill Rovers Football Club after they wrote a letter accusing him of looking at young girls undressing when he was a referee.

Stephen Manning of Dooagh, Achill was awarded the damages after he claimed a letter written by Achill Rovers FC to the Mayo School Boys and Girls league resulted in him being accused of being a 'child pervert' and he was forced to leave Achill with his family.

Westport Civil Court heard that former teacher Mr Manning was the subject of three attempted assaults in Achill and he claimed he was the subject of online abuse against him which he said was the subject of an ongoing garda investigation.

Judge James O'Donohoe said this was a very distressing situation for Mr Manning and he had been 'grievously hurt' by the accusations and had suffered 'great emotional distress'.

"The plaintiff [Mr Manning] strikes me to be a decent man whose good man is paramount in his life. He worked as a school teacher with an unblemished

character and there is no doubt that he is grievously hurt by the accusations. You will find in rural areas like Achill these type of smears spread like wildfire," said Judge O'Donohoe before awarding him €38,500 plus costs in damages.

Mr Manning took the libel action against Achill Rovers Chairman, George Collins of Dooagh, Achill, the club secretary, Philip McNulty of Bunnacurry, Achill and seven co-defendants following a letter they wrote on June 11, 2009.

The defendants claimed qualified privilege when they wrote the letter seeking guidance from the league after they were approached by four coaches of two girls teams who were concerned with Mr Manning's behaviour at a match in Achill in June 2009.

It was alleged to them that Mr Manning, who was refereeing the under-12 match, stood at the dressing room door looking at girls when they were undressing.

Mr Manning denied the claims and told the court that the letter was written maliciously because he had a fallen out with George

Collins, who he said had verbally abused him over his refereeing and accused him of anti-Achill bias in the letter.

The letter sent by the club outlined that the alleged incident took place before the match but it was later revealed during the case by Ms Catherine Walsh, counsel for the defendants that there was an error in the letter and the alleged incident took place after the match.

Ms Walsh told the court she knew of the error for six months before the case but did not tell the court earlier because she felt it was 'only a typographical error' and didn't think it was significant.

However Judge O'Donohoe disagreed saying that these were serious allegations against Mr Manning and the case 'hinged' on the letter. He added that he now discovered that the letter was not prepared properly which he stated was not a 'minor inaccuracy' and struck out the defence of qualified privilege and awarded damages to Mr Manning.

### ALLEGATIONS

MR Manning, a 52-year-old

father of three moved to Achill in 2006 with his Japanese born wife having lived and worked in the US, Japan and the UK. A native of Tipperary he said he was involved in sporting organisations and had been previously vetted by gardai.

He explained that he got involved in Achill Rovers after meeting Mr Collins who asked him to become assistant manager of their team. He said he discovered this only involved 'running the line' and 'picking up sweaty shorts' and there was no coaching involved.

Following a suggestion from Mr Collins, he took up refereeing but their relationship started to deteriorate. Mr Manning said that when he would referee Achill Rovers matches, Mr Collins would make sarcastic comments to him and accused him of cursing at him during matches.

He said the matter came to ahead on April 26, 2009 when they were both in a pub and he accused Mr Collins of launching an abusive tirade against him in front of 30 customers. Mr Manning said he later contacted Mr Collins who he alleged told him, 'I said all I want to say, I just want you out of my life'.

In relation to the allegation in the letter, Mr Manning denied the incident happened as it was described in the letter. He said he was going to the referee's

changing room and the door of the changing room was wide open.

"The door was fully open and two of the girls waved at me. They were not undressing. I said 'Hi girls', that was it," he told the court. He said he was later speaking to the coaches and none mentioned the alleged incident.

He said the first he heard of the letter was on June 12 when he was at a fundraiser in a pub in Castlebar when he was taken aside by Jimmy Blake, Chairman of the Mayo Referees Society.

Under questioning from his counsel Mr Eoin Garavan, Mr Manning told the court that the proper protocol would have been for the club to contact him to tell him there was a problem but claimed they never did. He claimed that Mr Collins was the driving force behind the letter and felt it was malicious.

### RESTORING 'GOOD NAME'

MR Manning explained that dealing with the allegations had been an ordeal for him and his family and he described how children would 'scatter like I was a leper' and said the allegations were all over the internet.

He gave an example of how parents had told their children not to associate with him because of the allegations. He said he

had hoped to set up a language school on the island but felt that this was now impossible and he had suffered from depression.

The court heard that he wrote to the committee members explaining that he would not go to court if he received a public apology.

Mr Manning explained that he did not want to shut Achill Rovers down and had no interest in money but wanted to restore his good name.

"I wanted them to issue an apology and withdraw the letter. I did not want to sue them. I made it clear I needed a public apology in a newspaper. I was surprised I got no response. The one thing I have is my good name, reputation and the respect of good people," he said.

When Judge O'Donohoe was told the letter was not factually correct, he struck out the case of the defence without hearing any more evidence. He found that there was no evidence that Mr Collins acted maliciously when the letter was written and was not making his finding on that basis. He said it was important Mr Manning's good name was upheld.

He said his findings were against all the defendants jointly and separately and put a stay on his order in the event of an appeal, commenting that the 'High Court may take a different view'.

### A Few Important Corrections

*As of March 1st 2011, we are still on Achill, and I am still a referee in Co. Mayo in good standing.*

*We did NOT sue Achill Rovers. We sued nine individuals who constructed and published a reckless and defamatory letter. These individuals are personally responsible for paying the costs and damages - NOT Achill Rovers as a Club. At all times we have done everything in our power to avoid any negative effects to local soccer, including writing to these individuals five times, both privately and in legal correspondence, inviting them to withdraw from the lawsuit and simply issue an apology. But we received no responses, other than an escalation of the 'coincidental' campaign of intimidation and harassment, which cannot at this time be attributed to any particular person or persons because of ongoing Gardai investigations.*

*They were NOT approached by four coaches. They CLAIMED they were, but this was just one amongst a number of lies and exaggerations in the letter. The visiting team coaches deny making any complaints whatsoever - indeed, they assert that Mr Collins contacted them after the match asking questions and they specified that "nothing untoward happened." Yet still the letter was published!?*

*After hearing most of my testimony and after showing the Judge that there were a number of serious 'errors and contrivances' in the letter - coupled with the defendants' absolute intransigence and obstructionism in getting the case to Court, it is somewhat regrettable that we had not given all our evidence before the Judge struck out the defence. Because malice on the part of specific individuals would, in our opinion, most certainly have been proven.*