

Victory for Claimants at Torquay Court - Diggory Press / Franklin Court Cases - Nov 9th 2009

First of all, thank you kindly to all who sent messages of support and encouragement throughout, and messages of congratulation recently. It has made a huge difference to know we have had your support in what has been, by any measure, an immensely frustrating ordeal for all involved.

After over three years of unmitigated abuse at the hands of Mrs Franklin, and costly delays and confusion through the Courts, it now brings me considerable personal satisfaction to report that at long last, the UK Courts have vindicated the remaining claimants; dismissed Mrs Franklin's vexatious counterclaims; and officially exposed Mrs Rosalind Miriam Franklin for who and what she really is.

The underlying tragedy, however, is that Mrs Franklin was allowed - some might even say encouraged perhaps - to manipulate the legal system in such a way as to cause maximum cost, distress and inconvenience to so many legitimate claimants. One has to wonder why it took this particular senior Judge just one day to deal with the issues in a reasonable, succinct and expedient manner, and why, in the face of so much clear evidence in our favour, we were dragged through this tortuous ordeal in the first place?

Anyway, at least we have our judgement now, and have been shown to have been in the right. My own views and comments, and summary of where we go from here follows this brief report.

Brief summary of events on the day.

Three remaining claimants (from the original 'seventeen') with a handful of supporters and witnesses rendezvoused at 10 am for the 10.30 hearing. All were dressed in professional business attire, and as directed, came ready to present evidence in support of their claims.

In contrast, Mrs Franklin arrived unkempt and unwashed; black trainers, no socks; calf-length shabby black slacks; large, shapeless black smock; and carrying a red and black Dennis-the-Menace ringbinder. Her 'defence' paperwork for the day consisted of three almost identical pieces of scribbled notepaper - one for each claimant - and her only witness was her husband Nigel (the other director of Diggory / Exposure) likewise attired in scruffy knee-length shorts; nondescript grey t-shirt; unshaven and sporting a prominent pirate earring.

At first we suspected this impoverished-itinerant look was some sort of contrived role-play by the defendant, hoping to sway the Judge by giving the impression that a simple soul such as herself from the wilds of Bodmin Moor couldn't possibly be guilty of ripping off scores of distinguished authors. But as the day progressed, it became increasingly evident that the perennial contempt she has displayed towards her defrauded clients extended equally to all other forms of authority, including the Courts.

This was demonstrated early on in the proceedings when, interestingly, our self-styled 'ethical Christian publisher' and self-appointed 'prophet-of-God' refused to swear on the New Testament. Apparently, it was against her religion. Instead, she took a solemn oath to tell the truth, the whole truth, and nothing but the truth... and then proceeded to lie upon lie as if she were trying to set a new world record for perjury.

Clearly, the Judge had been brought in specially to deal with a situation that the previous Court had allowed to spiral way out of control. For within a few minutes of opening proceedings, the Judge had advised all present that he hoped to deal with the cases there and then. All parties agreed to this, whereupon the Judge explained he was going to deal with the cases as original small claims, which in turn meant that subsequent costs and expenses would not be awarded to either party. Disappointing though this was to us, we were nevertheless pleased and relieved at the prospect of being able at long last to present our evidence in Court, and perhaps receive some official recognition of the wrongs we have suffered at Mrs Franklin's instigation.

Basically, the Judge brought us all back to square one, as if we had just lodged our claims that day without all the subsequent chaos we'd been dragged through these past three years. Mrs Franklin received more than her fair share of the Court's time, often rambling on for twenty minutes or more about how she was the innocent victim of a conspiracy to blackmail her.. and that all she'd ever done was to bend over backwards to help struggling authors... and how she did this-and-that out of the goodness of her heart... and how she had only

ever ONCE in her life lost patience with a customer and told him (me) to ‘get lost’ (actually it was a loud, maniacal f*** off!).. that she was justified in levying postal charges for books that never actually existed because IF the authors had NOT been so unreasonable to her, she WOULD have posted those non-existent books..?? (Yes, even the beleaguered Judge allowed himself a couple of eyebrow twitches at that explanation). She also produced printouts of terms-and-conditions that had been constructed months after contracts had been agreed... and then denied she had made those changes. Time after time the defendant stridently declared she could ‘prove’ this-and-that; that our claims were ‘bunkum’ or ‘BS’; and that we were all dirty filthy liars. Naturally, the Judge invited Mrs Franklin to share her abundant ‘proofs’.. but unfortunately she had none! (Did I hear her say the dog ate them..? Or was that the legendary Beast of Bodmin perhaps?) But I must admit Nigel (her husband) did occasionally nod sagely and soberly in support of his agitated and garrulous spouse.

Mrs Franklin’s performance faltered somewhat, when, upon being presented with a printout of my own book listed as an Exposure / Diggory title, she suggested I might have forged the evidence. (This from someone who had blatantly submitted several forged documents to the Court as supposed ‘evidence’.) In like manner she did her utmost to fog the issues, deny culpability, distract and confuse the Judge, and generally heap scorn, contempt and false accusations against her longsuffering ex-clients. She even laughed openly at us a couple of times, but it wasn’t really a laugh as normal people would understand it. More a mirthless cackle when she felt she might have scored a point or two with His Honour. But clearly, His Honour was not all that amused.

We broke for lunch for an hour, and were naturally disappointed upon our return when the Judge dismissed one of the claims on a technicality related to whether the claimant was suing ‘Diggory Press’, or ‘Diggory Press Ltd’, but in the same vein, he also dismissed the defendant’s vexatious counterclaim. He explained (apologetically we felt) that he was obliged to recognise UK trading legalities, but it was clear he was getting a pretty good picture of Mrs Franklin’s creative trading procedures, as well as her ‘ethical Christian’ character.

In my own case, Mrs Franklin was, as usual, prolific in her accusations and castigations - the same old stuff we have been listening to for years I’m afraid, which deserve no special attention in a report concerned with the facts. In any event, the Judge found not one single point in her favour, which hopefully ratifies my position and vindicates my good name. Using diplomatic terms such as ‘I’m afraid I cannot accept...’ or ‘Your testimony is incompatible with...’ or ‘You have purported such-and-such..’ and ‘You have clearly misrepresented your position...’ the judge basically established that Mrs Franklin was indeed a crook, a thief and a liar, whose multiple online identities and business presences were deliberately designed to deceive, and that her malicious counterclaims were both vexatious and contrived.

Although the day didn’t finish until 6.30 pm, much of that time was taken up by misleading rants and diatribes by the defendant, whilst the claimants - keen to be seen to be beyond reproach - were probably more reserved than we should have been in bringing other matters to the Judge’s attention. Mrs Franklin was lucky to escape cross-examination on specific points, such as her smoke-and-mirrors platinum marketing packages which have cost many unsuspecting clients between £500 and £2,000. Or how and why multiple versions of the same books appear under different imprints across the Internet... or what her relationship to director Michael Thomas Gordon of the newly-formed Author’s Chance Ltd is.. or why she still hasn’t paid royalties to scores of defrauded authors... or how on earth she thought she could brazenly blag her way out of so many crimes and offences in a Court of law, which she obviously thought she could!

Anyway, the day closed with an increasingly irritated defendant being told that her counterclaims were to be summarily dismissed, and she was to pay two of the claimants in the amount of our original claims. But even as the Judge stood up to leave, Mrs Franklin continued to fulminate, raising hopes amongst the claimants that His Honour would exercise his right to invite her for an overnight stay at Her Majesty’s pleasure. But it seems he too had seen and heard enough of the odious Mrs Franklin, and practically hopped-and-skipped out of the Courtroom (in the most dignified way of course) thus making a timely escape. Lucky, lucky him.

‘That sounds like a victory to me’ was the only audible comment from the claimant’s bench, along with a ‘Good luck to you’ directed at the pitiable Mr Nigel Franklin, whose face seemed frozen in some sort of pained grimace at the prospect no doubt, of having to spend the evening - and many more as well - explaining the fundamentals of right and wrong to his divinely-(mis)guided spouse.

Personal Summary

Naturally, I am glad that we have at last been vindicated, and that Mrs Franklin's reckless and dishonest activities have been officially recognized by the Courts. And naturally, there is some considerable satisfaction that we stuck it out on principle despite the cost, and finally won the day. But where one might ask, is Mrs Franklin's *real* punishment; where is the deterrent to stop her doing this again; and where is the compensation for scores of her victims? In so many ways this has been a pyrrhic victory, not least because Mrs Franklin can now reinvent herself under another deceptive disguise (as she has already tried to do), and continue to perpetrate further frauds practically unhindered by international trading laws, or by the publishing industry.

One also has to ask questions of a supposed 'justice system' that effectively protects rogues like Mrs Franklin, by making the small claims process so prohibitively expensive and emotionally draining, that the cost of seeking justice is simply not worth it. Of over thirty claimants that we know lodged legitimate small claims actions (both collectively and independently), only a handful have persevered long enough to secure formal judgments. Interestingly, not one of those successful judgments has yet been complied with by Mrs Franklin, simply because there is no automatic mechanism in the legal system to enforce those judgements. Even in our own cases, if we want to get our money as directed by the Judge, WE have to pay for bailiffs to go after her, and then she can simply declare bankruptcy or insolvency. It really is a farcical situation. No wonder so many legitimate claimants decided to pull out of the process, especially after the previous Judge made it so very clear he was more interested in making us all 'go away' than he was in administering justice.

Of course, we still have the option of lodging an appeal against the way the cases were mishandled by the Courts, but as I'm sure everyone understands, there is little appetite for that right now. But rest assured, those directly concerned - including those businesses or agencies who facilitated these frauds - will certainly be getting a mention in the published report of this saga. Who knows, perhaps someone, somewhere will eventually sit up and take some notice; preferably the police, the publishing industry, and the trading standards people. For surely, it shouldn't have to be people like us who expose these rogues until they are eventually shamed, and driven out of business.

So basically, what has been achieved?

- We pursued these cases 'in principle' - and won 'on principle'.
- Mrs Franklin has been officially exposed as a liar, a cheat and a fraud.
- Those who were accused or abused by Mrs Franklin have been vindicated.
- Hundreds (perhaps thousands) of potential author-victims have escaped being defrauded.
- Mrs Franklin and her various businesses have been blacklisted by the publishing industry.
- Diggory Press / Exposure Publishing / Meadow Books etc., have now been effectively shut down as business operations.
- Some glaring loopholes in the way the publishing industry works, have been exposed.
- The inadequacy of the Courts system in dealing with practiced rogues has been exposed
- The fact that the UK Courts are basically run as profit-making ventures has been clearly demonstrated.
- The disparity between natural justice and legal justice has been shamefully illustrated.
- And those of us involved in this process over the past three years have the personal satisfaction of knowing we did the right thing, met some wonderful people, and made some life-long friendships.

And the cost?

Well, speaking for myself, I would rather not dwell on the time, money and effort spent on this action, for it will surely lead me to question whether or not it was worth it? Given we set out in the first place on principle, and given the money recouped was only that of the original claims, I would prefer to answer that question in principle. So on principle, yes, it was always going to be worth it!

News for other defrauded authors..

With these UK Court judgments now officially on record, and with legislation recently passed in the Lisbon Treaty, the way is now open for defrauded authors to make successful claims from their own country (so I've been told). So the very fact that you can now refer to these successful claims, along with the high likelihood that Mrs Franklin will not bother to turn up (as seen recently in Liverpool for example), will almost certainly guarantee successful outcomes. Naturally, I would be encouraging anyone who has suffered at this

unconscionable woman's hands to now make the effort and lodge an independent civil claim. For the more of us that do so, the more likely the authorities will react to ensure these types of systematic fraud - and the type of social predators that deal in these frauds - are properly dealt with.

With this in mind, I would sincerely hope that those who may have been used by Mrs Franklin to promote her nefarious business activities - or those with whom she has previously been doing business at her clients' expense - will now make public their commitment not to enter into such arrangements again.

At the end of the day, none of us have escaped completely unscathed from our association with Mrs Franklin. But then again, neither has she. We can only hope, that throughout our involvement in this unsavoury saga, we have not allowed the subject of our attentions to tarnish and bedevil us too much, but that our resistance and firmness in the face of so much unmitigated malice and deception has reinforced, rather than undermined our integrity in the view of right-thinking people.

For myself, I learned three main things: (i) The folly of entering into business with a sociopath. (ii) The inadequacies and hubris of the justice system; and (iii), that sometimes one simply HAS to do the right thing, whatever the cost. Having said this however, I would also like to apologise for sometimes allowing my sense of outrage and frustration to get the better of me when expressing my views on certain Internet posts.

So after all this drama, disappointment, confusion, frustration and eventual vindication, we're now considering producing a book of this sorry tale, partly for our own amusement, and partly for the edification of the publishing industry. We're also hoping it will be integrated as an addendum for the next UK Judges' training manual, and so are toying with the following title:

BODMIN THE BEAST & THE POSSE OF TOSSERS

(The latter being 'an affectionate term' used by Mrs F when referring to Diggory clients)

Please feel free to offer your own suggestions..

Finally, having set up the Rogues Gallery to warn of Mrs Franklin's prolific activities, and having over three hundred names on the email list, it is my intention to keep the Rogues Gallery active with occasional updates and articles about any future manifestations of the incorrigible Mrs Franklin, along with occasional commentaries on other rogue traders that may come to our attention.

One of the unexpected side-effects of building the list of defrauded authors and other industry insiders, has been the creation of an informed collective 'voice' of increasingly-knowledgeable writers who, by virtue of their numbers, have become a presence of note on online publishing debates. Accordingly, I believe it is important that we continue to keep an eye on developments in the industry, with a view to keeping authors informed. Likewise, wherever abuses or ethical breaches arise in the industry, I believe we should be ready to comment on them, and share with each other. For this reason, I invite everyone receiving this message to remain on the email list, but if you would prefer to be removed please let me know.

Thanking everyone once again for all the support and encouragement, and hoping that the doubters and naysayers will now be as vociferous in spreading the news of our vindication, as they were in their previous critiques.

Time now to get back to our real lives..

Kind regards to all

Stephen