

## Royal Dutch Shell Group .com

ShellNews.net: An anomaly in civil law... 13 Jan 05

EMAIL TO BRITISH MP'S

**SUBJECT: An anomaly in civil law could impact on one of your constituents.**

My name is Alfred Donovan. I am an 87 year old war pensioner. I am not one of your constituents but I would like to bring to your attention an anomaly in civil law which could adversely impact on someone you do represent.

Are you aware that a High Court Judge can decide "issues of fact" by making "Judges Comments" which are placed on the public record and that such findings are not subject to any appeal process or any form of redress, even if blatantly biased and based on demonstrably false information. My son, John Donovan was the subject of damning "Judges Comments" by Mr Justice Laddie after a 3 week trial involving my family and the oil giant, Shell, which ended in a compromise settlement. The trial was in respect of a smart card based Shell loyalty card scheme known as "Shell SMART".

In his "Judges Comments" Mr Justice Laddie publicly branded my son as a forger, a perjurer and a participant in an attempted conspiracy to pervert the course of justice. His comments stemmed from allegations made by Shell's QC, Mr Geoffrey Hobbs in an ambush carried out in court with the apparent approval of the Judge. The serious allegations were sprung on my son at the end of a three day long cross-examination. The ambush involved a motor bike messenger on its way to the court with incriminating documents. In fact the motorbike messenger and the documents purported to be in transit were a complete fabrication designed to entrap my son, who was completely innocent of any wrongdoing. In other words there was no motorbike, no messenger, and no documents.

The smear tactics were in keeping with Shell's allegations of bogus claims in respect of three previous High Court Actions my son and I successfully brought against Shell. After issuing a press release accusing us of making "bogus claims", Shell settled the claims for several hundred thousand pounds. We even received an unsolicited letter of apology from Shell Chairman, Dr Chris Fay. There was a similar pattern in the SMART case. First the allegations, then the settlement, followed by a retraction of the allegations (Shell circulated a press release withdrawing the false allegations of impropriety made by Geoffrey Hobbs QC).

The Judge stated in his "Judges Comments" his assumption that my son could not withdraw his action against Shell without leave of the court - Hobbs confirmed (on the transcript) that "in any event we" (Shell) "are inviting your Lordship by consent to dismiss the action as a judicial act rather than discontinue it". The Judge was therefore entitled to believe that the two settlement documents put to him for "consent" (as identified in the "Judges Comments") detailed the terms of settlement. He was encouraged in this view by Geoffrey Hobbs QC who according to the transcript stated "your Lordship has seen the paper work"

This was untrue. There was a THIRD document containing the REAL terms of settlement which were withheld from the Judge in line with Shell's normal corporate culture of cover-up and deception (as was revealed to a shocked world by the \*reserves scandal involving the same senior Shell management). According to the BBC Money Programme broadcast on 15th July 2004 more investors were affected by

**the Shell reserves fraud than any other fraud in history.**

**Unbeknown to the Judge, my son received a substantial payment and Shell also paid all of his legal costs. Thus the Judge was under a completely false impression about the true basis and circumstances of settlement when he made his findings on "certain issues of fact" known.**

**Bearing in mind the imaginary incriminating documents being delivered to the court by an imaginary messenger riding an imaginary motorbike and the subterfuge in deceiving the Judge about the true terms of compromise settlement, Geoffrey Hobbs QC is obviously a master of court room deception and trickery - an ideal barrister to represent Shell. I am however baffled why Mr Justice Laddie allowed the ambush/charade to be played out in his court room.**

**Taken in by the deception, Mr Justice Laddie made blatantly biased remarks in his "Judges Comments" in favour of Shell and its key manager/witness (involved in all of the four High Court Actions settled by Shell). The damning comments made by Mr Justice Laddie against my son remain on the public record even though the Judge retreated from his blatantly biased comments to some degree in the face of heated objections and expert advice from Geoffrey Cox. Apparently there is nothing that can be done to completely clear my sons' name.**

**The subsequent malicious use of the "Judges Comments" by Shell Legal Director Richard Wiseman to denigrate my son to a third party company was in breach of the compromise settlement and totally at odds with the press release issued by Shell immediately after the trial. His action in using them proved that the "Judges Comments" are damaging to my son.**

**It is a further matter of concern that the Judge has not been prepared to say whether he had an undisclosed connection with a member of the Moody-Stuart family. Sir Mark Moody-Stuart was the Group Chairman of the Royal Dutch Shell Group at the time of the trial and he and his wife, Lady Judy Moody-Stuart, were both personally involved in the litigation. Their son Tom Moody-Stuart is a barrister at the Chambers with which Mr Justice Laddie has an on-going commercial relationship of long standing. The question arises of whether the Judge should have disclosed a potential conflict of interest which could have resulted in conscious or unconscious bias.**

**My summing up: subterfuge and intrigue surrounded the SMART settlement (as per ALL of the three earlier settlements) which was fundamentally flawed on a number of grounds: (1) the documents put before the Judge for his consent did not reflect the true terms; (2) an "independent" solicitor who advised my son and I on the settlement terms had in fact been personally involved in the litigation; (3) the entire trial process was undermined by Shell's use of undercover agents (which the Judge knew Shell had admitted using but never once mentioned) - see the notes at the foot of the "Judges Comments" accessible via the link below); (4) The question mark over a possible conflict of interest involving the Judge and the Judges conduct of the trial. In any event, Shell repudiated the already flawed compromise settlement when Richard Wiseman exploited the "Judges Comments".**

**My local MP, Mr Bob Russell, kindly took up these matters with the Department of Constitutional Affairs and the Home Office, including Shell's admitted use of \*\*undercover agents in the run up to the trial and the threats made against us and our witnesses. I also wrote to the DCA direct. Our strenuous combined efforts did not resolve the important questions we raised in the correspondence. The DCA ducked out of answering any questions citing Separation of Powers?**

**If you are interested in what for a variety of reasons must have been the most unfair and bizarre civil trial in history, the relevant documentation including the "Judges Comments", can be accessed on my \*\*\*website via the following link:**

<http://shell2004.com/2004%20Documents/shellnewsnetaedlettertotonyblair6jan05.htm>

If you are a lawyer, any comments or help would be particularly welcome. If it is your view that it is inappropriate or unfair for me to raise such matters in relation to Mr Justice Laddie please say so. If you think that the excuse of Separation of Powers is nonsense or is valid please let me know. I welcome any input and will take any such comments into account in any further initiatives.

This email should be read in conjunction with the letter to Prime Minister Blair accessible via the above link.

Yours faithfully  
Alfred Donovan

**\*\*The three Shell executives thus far blamed for the reserves debacle which has destroyed Shell's reputation, have departed from Shell with multi-million dollar settlements - in the case of Sir Philip Watts, a package worth nearly \$20 million dollars. The origin of the reserves scandal actually stems from the time when Sir Mark Moody-Stuart was Group Managing Director of Shell. He is currently under investigation by the US Department of Justice in respect of the reserves scandal and is a named defendant in a number of class action law suits against Shell in relation to the reserves scandal and Shell's conduct in Nigeria which Shell has admitted contributed to the violence and corruption in that Country. He remains a director of Shell together with others still being investigated by the authorities including Shell Chief Executive, Jeroen van der Veer and Group Managing Director Malcolm Brinded.**

**\*\*\*Shell did not disclose to the Police when they investigated the threats and intimidation involving undercover agents, that titled Shell directors/shareholders were also directors/major shareholders in a private spy firm engaged in the same type of cloak and gagger activity on behalf of Shell (exposed by The Sunday Times and admitted by Shell).**

**\*\*\*\*Eight companies within the Royal Dutch Shell Group have obtained a High Court Injunction against my website (ShellNews.net) in respect of information posted by a Shell Whistleblower, Dr John Huang, a former Shell geologist of nearly 30 years standing who has insider knowledge of Shell reserves scandal and other highly sensitive matters. In direct contravention of the UN Universal Declaration of Human Rights (which Shell purports to support) Shell management has taken away Dr Huang's rights to freedom of expression. This Malaysian humanitarian has been silenced for telling the unpalatable truth about Shell management.**

PS. As a Shell shareholder of long standing, I am appalled by the conduct of an incompetent thoroughly dishonest Shell management which bullies and intimidates financially weaker opponents and has indulged in deception and fraud on a massive scale.

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