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Alfred Donovan

6 December 2002

By e-mail

Our ref CSJ/MD/01120045

Dear Sir

Richard Wiseman of Shell UK Limited has passed to me your e-mail to him of 26 November 2002, together with the draft manuscript attached to that e-mail. We are instructed to respond to you on behalf of Shell and current Shell employees.

You are plainly well aware of the confidentiality obligations contained in the Settlement Agreement entered into at the conclusion of the court proceedings in 1999. Your suggestion that Shell is somehow in repudiatory breach of the terms of that Settlement Agreement is completely without foundation, and was not pursued by your son at the time it was made last year.

Your proposed publication of the manuscript would amount to a most serious breach of the provisions of the Settlement Agreement, putting you in potential contempt of court, and subject to all the consequences which would flow from that. Our clients reserve all their rights in respect of any such publication.

In those circumstances we do not propose to undertake the laborious task of correcting the numerous inaccuracies that appear in your manuscript. These relate not only to the dealings which you and your son had with Shell prior to the most recent litigation, but also in relation to the trial which concluded that litigation. As you acknowledge, you attended only a very small part of that trial and your version of what took place during that trial is in many instances simply wrong. You will appreciate that the publication of inaccurate and defamatory material may leave you liable to further legal action in respect of which our clients also reserve their rights.

In addition to those whom we represent there are, of course, a number of third parties who may also have claims as a result of any publication of your manuscript. You will no doubt wish to take account of the fact that they may seek to pursue their own legal remedies in the event of such publication.

Yours faithfully

PCL2/1060898/1

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A list of partners is available for inspection at the above address

# THE MANUSCRIPT

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From: colinjoseph@djfreeman.com (colinjoseph@djfreeman.com)

Saved: 09 December 2002 14:48:36

To: colinjoseph@djfreeman.com

Cc: richard.m.wiseman@si.shell.com

Bcc: alfrededonovan@hotmail.com

Dear Mr Joseph

I acknowledge receipt of your letter dated 6th December 2002.

You say that D J Freeman is instructed to respond on behalf of Shell and current Shell employees. Since these are serious matters can you please be more precise and identify the relevant Shell companies and Shell employees. For example do you act for Mr Steve Miller, the Chairman of Shell Oil USA?

Contrary to what you say, my son did at the time of the breach notify Mr Phil Watts, the Group Chairman of Royal Dutch Shell Group and Mr Malcolm Brinded, the then Country Chairman of Shell UK Limited. Please read the letters faxed by my son to both gentleman on 19th & 20th September 2001. He also notified Shell Legal Director Mr Richard Wiseman. My son decided not to take legal action at the time because of other non-related events but this does not change the fact that Shell was properly notified of its repudiatory breach. It follows that the Settlement Agreement is no longer in force. If your client disputes this, then the courts are available to settle the matter.

The whole point of contacting Shell and other relevant parties was to invite detailed comment on the accuracy of the manuscript, not blanket denials (by Mr Wiseman) or sweeping generalisations (by you). If you wish to point out any "instances" in regards to the trial which are allegedly incorrect, then I will double-check those instances with various other individuals who were in court at the relevant times. Alternatively you may wish to make available to me relevant extracts from the court transcript. That could surely settle any areas of contention about who said what.

Surely we can agree on at least one incontestable fact; you personally admitted in writing that your firm DJ Freeman, hired private investigators, Cofton Consultants, whose undercover operative, Mr Christopher Philips, was caught red-handed examining private mail at our offices. As you are aware he gave an entirely false explanation for his being on the premises. Do you take issue with this account? I wonder what Mr Watts attitude will be if D J Freeman is caught again acting sleazily on behalf of Shell.

The threats about defamation, breach of contract, contempt of court, potential action by third parties etc are also duly noted; a fairly typical variety of seasonal greetings from Shell. Is this part of the policy of dealing with me "sympathetically" as promised



in writing by Mr Wiseman on 26th November 2002? If this is the compassionate approach, it is frightening to speculate on what I could expect if Shell decided to take a hardline; perhaps a gift-wrapped bomb-tipped walking stick, or an Ebola infected fairy queen to hang on my Xmas Tree?

If Shell or any other party wishes to sue for defamation, I would welcome the opportunity to bring these matters to the attention of the public in such a forum. As you know, I have sued Shell in the High Court for libel and accepted a very substantial consideration from Shell partly to withdraw that action. It is Shell's turn to sue me and I would willingly come back to the UK for that event. I suspect that McDonald's bosses would caution Shell that a "McShell" libel trial might not be a particularly appetising way forward.

Yours sincerely  
Alfred Donovan

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Alfred Donovan

16 December 2002

Our ref CSJ/MD/01120045

Dear Mr Donovan

Thank you for your e-mail of 9 December 2002. We confirm that we are instructed on behalf of all of the companies within the Shell Group as well as all current Shell employees.

I have nothing to add to what was said in my e-mail of 6 December. Shell's position in relation to all these matters should now be perfectly clear to you, as should the risks that you would be undertaking by publication of this manuscript.

Yours sincerely

Colin Joseph