

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

QB-2019-003422

MEDIA AND COMMUNICATIONS LIST

B E T W E E N

(1) HAYLEY WARNES
(2) RAYMOND ROBSON

Claimants

and

DAVID FORGE

Defendant

STATEMENT IN OPEN COURT

Claimant's Counsel, William Bennett QC

My Lord/Lady, in this libel action I appear on behalf of the Claimants, Hayley Warnes and Raymond Robson.

Ms Warnes was until December 2014 employed by Amax Estates and Property Services Ltd (referred to below as "Amax Estates"). After that she left to work for RR Surveyors Ltd.

Mr Robson is a Chartered Surveyor and the Managing Director of RR Surveyors Ltd.

Mariners Walk is an estate of 272 flats and 140 houses. Amax Estates was retained as the managing agent of Mariners Walk.

On 17 March 2015 Mr Robson, acting on behalf of the Mariners Walk Management Company, wrote to inform Amax Estates that its role as the managing agent of Mariners Walk was terminated.

This led to acrimony. This arose because Mr Robson was the person who terminated the Amax contract for the management of Mariners Walk and because Ms Warnes had left Amax Estates to work for Mr Robson shortly before the contract with Amax Estates was terminated. Whilst she had worked for Amax Estates, Ms Warnes had been responsible for dealing with Mariners Walk on its behalf.

The Defendant allied himself with the owner of Amax Estates.

On 13 June, 22 February and 28 February 2018 and from 6 to 8 March 2019 the Defendant sent emails which made serious defamatory allegations against Ms Warnes and Mr Robson. They were sent to people who had an involvement with Mariners Walk, people who knew Ms Warnes and Mr Robson and also to their professional regulator, the Royal Institute of Chartered Surveyors, RICS.

Ms Warnes and Mr Robson sued for libel. On 12 June 2020 Mrs Justice Elisabeth Laing gave judgment in regard to the emails. She concluded that they had defamed the Claimants and that they were not expressions of opinion but were statements of fact.

The allegations made in the emails against Ms Warnes and Mr Robson were that:

- Ms Warnes had committed a fraud at Mariners Walk and other estates and that she had stolen data from Amax Estates and was therefore guilty of the criminal offence of theft.
- Mr Robson had negligently failed to notice that Ms Warnes had committed fraud on his watch.
- He had pursued a vendetta against Amax and its owner, Maxine Fothergill, because he was seeking to deflect his own responsibility as director of the Mariners Walk management company for matters that occurred under his directorship.
- He did so dishonestly.
- He is mentally ill and should not be listened to for that reason.
- He had interfered in the police investigation of Ms Warnes initiated by Amax Estates which contributed to the decision not to prosecute her and he haddishonestly refused to accept her guilt.
- He had received the data stolen by Ms Warnes and was therefore guilty of the criminal offence of receiving stolen goods.

My Lord/Lady, the allegations made against Ms Warnes and Mr Robson were false.

Their publication has caused huge and continuing distress to them.

However, the Defendant, Mr Forge, had made an offer of amends to them by which he accepts that the allegations which he made against them are false. He has also agreed to apologise to them and to pay them damages.

The Defendant has accepted that all of the defamatory allegations complained of in Ms Warnes' and Mr Robson's Amended Particulars of Claim are false.

Ms Warnes and Mr Robson are satisfied that the Defendant's public apology to them and acceptance that his allegations were false is sincere.

Defendant's Solicitor/Counsel

On behalf of the Defendant, Mr Forge, I agree with the words of my learned friend.

Mr Forge offers his sincere and profound apologies to Ms Warnes and Mr Robson for his actions. He acknowledges that the defamatory allegations he made against them are false.

He regrets his actions.

Claimant's Counsel

With that, Ms Warnes and Mr Robson are content to let the matter rest. It only remains for me to seek permission to withdraw the record.

Signed

Seddons, Claimants' solicitors

Signed

CWJ, Defendant's solicitors