

Deponent: Vanessa Whiting

On behalf of: the Claimants

Second Witness Statement

Exhibits: VW/2

Date: 4/11/2015

CLAIM No.

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
MANCHESTER DISTRICT REGISTRY  
BETWEEN

1. CHESHIRE WEST AND CHESTER COUNCIL

(in a representative capacity on behalf of its Councillors, officers and employees)

2. STEVE ROBINSON

(in person and in a representative capacity on behalf of officers and employees of the First Claimant)

3. MARK PALETHORPE

(in person and in a representative capacity on behalf of officers and employees of the First Claimant)

4. GERALD MEEHAN

(in person and in a representative capacity on behalf of officers and employees of the First Claimant)

5. JUDITH GRIFFITHS

(in person and in a representative capacity on behalf of employees of the First Claimant)

6. SARA JONES

(in person and in a representative capacity on behalf and employees of the First Claimant)

Claimants

-and-

THOMAS WILLIAM DOBBIE

(also known as "EDMOND DANTES" and "DR.MORALITY")

Defendant

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SECOND WITNESS STATEMENT OF VANESSA WHITING

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I, VANESSA WHITING, Head of Governance and Monitoring Officer of Cheshire West and Chester Council, HQ, 58 Nicholas Street, Chester CH1 2NP, WILL SAY AS FOLLOWS:

1. I am Solicitor of the Senior Courts and employed by the First Claimant as its Head of Governance and Monitoring Officer.. I have conduct of this matter on behalf of the Claimants and am authorised to make this statement on their behalf and in support of this claim.
2. The contents of this witness statement are true and are derived from matters in my own knowledge and perusal of my file of papers in this matter, save where otherwise stated. If the information comes from a source other than my own knowledge I will identify the source of such information. There are now produced to me in the exhibit marked 'VW/2' true copies of the documents to which I refer in this witness statement. References to page numbers are to the page numbers of that exhibit.
3. I make this witness statement in support of the Claimants' claim for interim injunctive relief against the Defendant. This application is made within the substantive proceedings brought against the Defendant for injunctive relief pursuant to section 3 and 3A of the Protection from Harassment Act 1997 (as amended).

Background:

4. The background to this matter is set out compendiously in my first witness statement filed in the main proceedings. As set out in that witness statement, the Defendant is an individual who resides in the Ellesmere Port area. He was involved in residence proceedings in the Family Court (or the County Court, as it then was) between 2010 and 2014 in which the First Claimant was involved. These proceedings resulted in the Defendant's children being placed with their mother pursuant to a supervision order dated 28 October, 2014 following the issue of care proceedings by the First Claimant. The children continue to reside with their mother and there is no evidence whatsoever that they are not properly cared for in her custody.
5. The nature of the harassment which the Claimants seek to restrain is the publication of false allegations and abusive remarks about employees, officers and Councillors of the First Claimant Council. These allegations are described in detail in my first witness statement and evidenced by the exhibits to the same, but can be summarised as allegations that the Claimants are complicit in and/or condone child abuse, and that they have also conspired to

conceal their complicity in the same. The allegations are largely made via social media (specifically Facebook and Twitter); the accounts used are in Mr Dobbie's own name and also in the name 'Edmond Dantes'. It is clear from the content posted on the accounts in the name of 'Edmond Dantes' and the frequent cross-referencing between the accounts that 'Edmond Dantes' is a pseudonym adopted by the Defendant.

6. Similarly, the Facebook pages entitled, respectively, 'Cheshire Child Abuse Cover Up' and 'Cheshire Police Child Abuse Cover Up' frequently cross-reference posts on the Defendant's Facebook page (and that of 'Edmond Dantes') and the writing style employed by the accounts' operators is strikingly similar to the Defendant's writing style. It is the Claimants' case that the Defendant is in fact the owner of these Facebook pages as well (a post on the 'Edmond Dantes' Facebook page dated 19 August, 2015 states that the information in the post is "...from our friend Tom ...as part of his spider's web tactic to expose the criminals in Cheshire Police and Cheshire West and Chester council". I infer from this that the "spider's web tactic" involves making similar or duplicate allegations on multiple pages which do not overtly advertise any connection between each other with a view to giving the allegations greater weight. It is the Claimants' case that these alternative identities are a crucial part of the Defendant's campaign of harassment against the Claimants.
7. The Defendant has also written extensively, and in a similar vein, on his website ([www.moralpropositions.com](http://www.moralpropositions.com)), under the pseudonym 'DrMorality'. I would suggest that it is clear from the writing style and content of the website (which frequently refers to the Defendant by name) that the Defendant is the author of the same; indeed, some of the sections are to all intents and purposes identical to the aforesaid Facebook pages.

The application for an interim injunction:

8. I understand that the test for an interim injunction in circumstances such as the present was set out by the House of Lords in *Cream Holdings v Banerjee* and encompasses sections 12(3) and (4) of the Human Rights Act 1998. The relevant question modifies the usual test for an interim injunction pursuant to the rule in *American Cyanamid v Ethicon* by reference to the following matters:

*(3) No such relief [i.e. an interim injunction] is to be granted so as to restrain publication before trial unless the court is satisfied that the applicant is likely to establish that publication should not be allowed.*

*(4) The court must have particular regard to the importance of the Convention right to freedom of expression and, where the proceedings relate to material which the respondent claims, or which appears to the court, to be journalistic, literary or artistic material (or to conduct connected with such material), to—*

*(a) the extent to which—*

*(i) the material has, or is about to, become available to the public; or*

*(ii) it is, or would be, in the public interest for the material to be published;*

*(b) any relevant privacy code.*

9. In this context this means that the Court must be satisfied that it is likely that the Claimants will establish at trial that the Defendant should not be allowed to publish further acts of harassment and that the Defendant is unlikely to be able to establish any of the three statutory defences in section 1(3) of the 1997 Act. This subsection provides that:

*Subsection (1) does not apply to a course of conduct if the person who pursued it shows—*

*a. that it was pursued for the purpose of preventing or detecting crime,*

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*b. that it was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment, or*

*c. that in the particular circumstances the pursuit of the course of conduct was reasonable.*

10. It is not known at present if the Defendant will either (a) deny that he published the material, or (b) contend that it falls into one of the aforesaid exceptions. I would respectfully argue that it is clear from the evidence already served that the Defendant's conduct does not fall within any of the exceptions stated and that the Court can be satisfied that the Claimant has a high probability of success at trial.

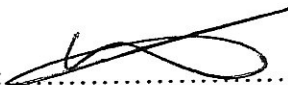
11. It is a constant theme of the Defendant's publications that he has 'evidence' to substantiate his claims. The Claimants have never seen any evidence to that effect and, bluntly, if the

Defendant has any such evidence he should produce it immediately. It is the Claimants' position that the Defendant's allegations are baseless and that the majority of them are libellous. I would respectfully suggest that the Defendant knows full well that his allegations are distressing and damaging to those he targets and that that is his intention in doing so. I would also suggest that it is not reasonably arguable that the Defendant is seeking to 'prevent or detect crime' in publishing this information; if the Defendant genuinely had evidence of criminal acts being committed, the appropriate step would be to contact the relevant authorities, not post references to it on Twitter.

12. The Defendant has made it clear (see paragraphs 25-27 of my first witness statement) that he does not intend to comply with any request by the Claimants (or any of them) to desist from publishing such materials; in fact, the reverse is true, and it appears abundantly obvious that any such request will simply be seen by the Defendant as further evidence that the Claimants are corrupt and are seeking to silence or 'harass' him. I attach at pages [33 – 37 ] of 'VW/2' further communications and publications made by the Defendant since the date of the letter sent by the First Claimant in this matter requesting that the Defendant stop publishing the allegations that he is publishing. It will be seen that the tenor of the allegations is precisely the same and the volume of the same seem if anything to have increased.
13. A further step taken by the Defendant on 6 August 2015 and 14 October, 2015, is to email the First and Fourth Claimant directly to 'complain' about the same matters which form the substance of his allegations on Facebook and Twitter; a copy of the said emails are annexed hereto at pages [38 – 43 ] of 'VW/2'. ~~This is an escalation of the Defendant's campaign of harassment in this regard; it is not clear what the Defendant hopes to achieve in taking this step but this behaviour is distressing to those that it involves.~~
14. I would therefore respectfully argue that the balance of convenience favours the granting of the injunction given the merits of the substantive claim and the clear disinclination on the Defendant's part to stop publishing the offending material.
15. I therefore ask this honourable Court to grant an injunction against the Defendant in the terms of the draft order annexed hereto.

STATEMENT OF TRUTH:

I believe that the facts set out in this witness statement are true.

Signed:  .....

Dated: 4<sup>th</sup> November 2018

Name: VANESSA WHITING .....

Position: HEAD of GOVERNANCE  
AND MONITORING OFFICER