

Strictly Private and Confidential

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By Email Only: espainhour@brookspierce.com and EDAVID@brookspierce.com

4 August 2020

Our ref: CRH/RZM/60889.123713187.1

Your ref:

NOT FOR PUBLICATION

Dear Sirs

Our Client: Michael Shillaker

We act for the above.

We refer to Roderick Boyd's email sent to our client on Saturday 1 August at 00:03 CEST. Mr Boyd wrote directly to our client despite being on notice that we are instructed on behalf of Mr Shillaker. All further communications should be with this firm rather than our client personally. Further direct communications will be considered as a course of conduct in harassment.

We have already notified Roderick Boyd and William Cohan, in our letters of 20 July 2020 and 24 July 2020 respectively (copies of which were shared with you), that allegations made against our client are categorically false. They are on notice that the matter was fully investigated by the UK police in 2010 and again in 2011. The police decided on both occasions that the complaint warranted no further action and no charges were brought. There is absolutely no new evidence to undermine that conclusion. Our client has, at all times, cooperated fully with the police and any other investigation. Any statement to the contrary is untrue and would amount to an actionable defamation.

If your clients publish false allegations about our client, as they have threatened to, in the UK, it will identify him in this jurisdiction. An article that is accessible on your website within the UK constitutes publication in the UK and is actionable. Your clients will be the first to name our client and will be wholly liable for this most serious breach of our client's privacy. This is the legal position in the UK. As you know, no other media outlet has identified our client. This is despite considerable attempts by William Cohan to have the allegations published in numerous publications, including the *New York Times* and *Vanity Fair* in the US and by the complainant in the *Sunday Times*, *Guardian* and *Financial Times* in the UK .

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Your clients rely on an interview carried out on 12 September 2018. We have already notified your clients that consent for that interview is withdrawn and that they must stop processing our client's data under Article 21(1) of the GDPR. Mr Cohan's conduct in coercing and misleading our client to obtain that interview would be regarded as unacceptable in this jurisdiction. He effectively refused to allow our client to correct the false allegations made against him unless he gave an interview under duress. He taunted and bullied our client. His refusal to speak to our client, or to interview corroborating witnesses, on an off-the-record basis in order to check his facts is an unacceptable journalist practice in the UK. It is an enormous abuse of power and bullying (the very things that your clients threaten falsely to accuse our client of).

Further, Mr Cohan's refusal to speak to witnesses unless it was on the record failed to recognise the reluctance of many people to speak to journalists about serious and private matters. Some were unable to speak because they were not permitted to speak on the record. It resulted in Mr Cohan failing to obtain critical first-hand evidence that would have significantly undermined the allegations against our client. Responsible journalism is an **absolute requirement** of a public interest defence. The position Mr Cohan took is totally unacceptable and means that your clients cannot rely on a public interest defence in respect of breaching our client's privacy.

Your clients have set out a large number of false and highly defamatory allegations. The allegations are of the utmost seriousness. If published there is no doubt that they will cause serious harm to our client's reputation and will be actionable under the law of England and Wales. Mr Cohan has been on notice for a considerable period that the allegations are totally denied. Any allegation that our client sexually assaulted the complainant, drugged her or was aware before the consensual act took place that she had administered drugs herself or had been administered by anyone else, would be highly defamatory of our client. Any suggestion, furthermore, that the complainant was deliberately targeted by our client or that our client did not cooperate fully with the police or any other investigation, would undoubtedly cause serious harm to our client's reputation and be false and defamatory. Any suggestion that our client has withheld evidence is false and defamatory. If these allegations are published in the UK there is no doubt that the consequences of such publication will be very serious indeed for your clients given the absolute clear damage it will cause our client.

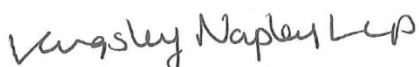
It is appalling that your client has chosen to pursue our client over allegations that he has turned a blind eye to the veracity of. It goes against everything that FFJ say they represent.

We have not responded to your client's latest set of enquiries. It is impossible for our client to set out a substantive response in legal correspondence when our correspondence is met with threats to publish. It is a repeat of the coercive and blind eyed behaviour yet again.

You should be in no doubt whatsoever about the steps that our client will take if your clients publish these allegations in this jurisdiction. Publication of the false allegations will undoubtedly cause serious harm to our client's reputation and be the most serious and reckless breach of our client's privacy. It will result in immediate legal action against FFJ and your clients personally.

All of our client's legal rights are strictly reserved.

Yours faithfully



Kingsley Napley LLP