



While, for the avoidance of doubt, our clients again do not object to you having what may be a legitimate scientific opinion on the matters expressed, they are very concerned that there will be a repeat of the intemperate and libellous language previously adopted in your correspondence and previously copied to third parties beyond Mr Moffat and Drs Wilson and Cavalleri.

Our clients therefore seek an undertaking from you on the following matters: -

1. That any statement, written or otherwise, which you make in relation to our client's organisation will not suggest that their work, or the statements and opinions of Mr Moffat, are in any way fraudulent, dishonest or disingenuous.
2. That you will not report or state as a matter of undisputed fact that our clients' science is 'wrong' or untrue. Clearly you disagree with their approach but the basis of that disagreement is a matter of interpretation. Our clients accept that change and reinterpretation are part of the nature of scientific enquiry. But the issues of which you complain are currently issues of opinion and not matters of absolute fact, correct or incorrect.
3. That you will not report anything inaccurate or misleading in relation to the funding of our client's business, when you have no basis or knowledge of how the business was started or has been funded historically.

You will no doubt wish to take legal advice on this matter, but please note that any letter which you write to any third party may well have damaging consequences to both Mr Moffat and to the Moffat Partnership Limited. Any defamatory article which leads to any loss, whether financial or in terms of damage to reputation would be actionable. Our clients will not hesitate to raise court proceedings for recovery of any losses sustained as a result of any damaging allegations which either directly or indirectly refer to our client's business. Your letter of 28th August 2012 suggests that any further letter you write will clearly lead to the identification of our client, by virtue of reference to the interview of Mr Moffat on the Today programme.

Please take legal advice and thereafter revert to us on the question of the undertakings as set out above.

These undertakings will serve, in our clients' view, to limit the damage already done by your original email of 9th July 2012 and the further damage your letter suggests you are going to cause by writing to a wide range of third parties.

If you fail to offer an undertaking in agreeable terms, we have advised our clients that they would be entitled to seek an Interdict to prevent any further dissemination of defamatory meanings which are outlined above and which are covered by your email of 9th July. Any legal action would inevitably involve considerable legal costs, which our clients would seek to recover from you in the event of success.

Our clients are under no obligation whatsoever to engage with you in your debate. However their view is that the issues you raise are scientific ones which, as with many areas of science, involve differences of view and opinion. We understand that Drs Cavalleri and Wilson will write to you separately, as a matter of courtesy, on the scientific areas raised in your e-mail.

However, on the above issues, we look forward to hearing from you or your legal advisers in early course.

Yours sincerely,

David McKie
Partner
Direct Line: 0141 307 2323

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