

BY FIRST CLASS POST AND EMAIL

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26 November 2019

**URGENT
NOT FOR PUBLICATION**

Dear Sirs

Our client: The Liberal Democrat Party and Ms Joanne Swinson

We write further to Ms Fitzgerald's email of 23 November 2019.

An "on the record" response to the request for comment was sent by the Head of Media for the Liberal Democrats to Mr Cusick's email address at 16:39 on 12 November 2019 - day before publication. A copy of this email is enclosed with this letter. As such it is incorrect to state that Open Democracy did not receive a comment, despite asking for one.

The position remains therefore that the article was wrong to claim that no comment had been given and both an explanation for the failure of Mr Cusick to include the comment here received in his article and an apology for the failure to include the comment from our client in the original version of the article are now required. Given the gravity of the position in light of the forthcoming general election, our client requires a suitable written apology, in terms to be approved by our client, to be published prominently on your website and to be available for our client's use accordingly.

As for the amended article itself, the revisions made do not satisfy either of our clients. The amended article, if it is to continue to be published, should include our client's comment in full (along with the apology for not using the comment in earlier versions of the article) and we also consider that further amendments ought to be made to remove the inaccurate and misleading impression the article deliberately seeks to create that the Liberal Democrats have acted improperly (please see our letter dated 15 November for further details). As for Ms Swinson, there is a deliberate attempt to implicate her personally in the alleged improper conduct by the prominent photograph of her at the head of the article. In such circumstances it is clear that s.106 is also engaged.

cont/...

We await your further response by return in view of the proximity of 12 December.

Yours faithfully

Goodman Derrick LLP

GOODMAN DERRICK LLP

Enc.