

BETWEEN :-

20-20 HOUSING CO-OPERATIVE LIMITED

Claimants

And

MR ROBIN CLARKE

Defendant

**COMMENT ON LYNN MANSELL SECOND
WITNESS STATEMENT**

Lynn Mansell is incriminated by her own patently false testimony

1. The Defendant's Part 18 RFFI of 4th July 2006 contained six questions crucial to the Claimants' assertion of acting with authority of landlord. The Claimant clique avoided answering any of those questions, asserting that they were of no relevance. And they gave not the slightest answer to the Defence's detailed particularisations of harassment and subsequent perversion of the organisation. And yet six months later, Lynn Mansell has put forward some last-minute rationalisations in response to selected some of those "irrelevant" questions. And they are demonstrably false. For instance the following.
 - (a) She gives a false account of the reasons for dismissal of the Defendant from post of Secretary and Committee Member, which conflicts with the real false excuses documented in their "report" from Jon Stevens and already exposed as false by the Defendant (further details in para 22 below) .
 - (b) She falsely claims that a letter LM7 was sent to all Members. But at least three Members did not receive it (further details in para 23).
 - (c) She still evades the fact that that illegitimate exclusivisation of Committee meetings was part of a systematic total secretisation and evasion of accountability to the non-clique Members (further details in para 24).

- (d) She nevertheless lets slip the fact that she did indeed authorise that total subversion of the most fundamental principle of the organisation (fully mutual co-operative with maximal informing and involvement of all owner-members). And that she made that fundamental change illegitimately, with not only no reference to the non-clique membership but not even approval at a committee meeting (further details in para 23-25).
- (e) She is asking you to believe that she is such a simpleton that it did not ever occur to her that even if one Member was indeed acting problematically, then at most the mere exclusion of that one Member would be a sufficient, proportionate remedy.
She is asking you to believe that she is such a simpleton that she could suppose that the total closing down of information and involvement would be an appropriate remedy instead (further details in para 25).
- (f) She is asking you to believe that she could consider it was appropriate to introduce and maintain that regime of secrecy without ever seeking the consent or even consultation of those Members to be made uninformed and uninvolved (further details in para 25(c)).
- (g) With flagrant deceitfulness she misleadingly selectively quotes out of context from the Defendant's Application para 11 (further details in para 14).
- (h) She asserts the absurd notion that the Defendant is exploiting a position of disadvantage of the Claimants. In reality the Defendant has been living and working in seige conditions caused by the Claimants themselves; for instance during just this period a member of the Claimant clique's small management committee twice threw bricks through the Defendant's windows, wantonly vandalised his property, and made death threats (further details and proof in paras 2 - 6).
- (i) In her para 5 she advances the bizarre notion that the Defendant is seeking to gain unfair advantage by deliberately overloading the Court with an unnecessary volume of documentation. But it should be obvious that any such unnecessary documentation would instead be to the detriment of the Defendant's own case, and add to his own costs and consume his severely limited time and energy for no useful purpose.

And everything else in Lynn Mansell's statement (LMW2) is also untrue, irrelevant, or not in issue anyway, as the following will indicate.

Supposed disadvantages of Claimant

2. LMW2 paragraph 6 advances the falsehood that the Defendant is exploiting a position of advantage over the Claimant.
3. On the one hand the Claimant clique has access to about £170,000 p.a. of other peoples' income and is employing the poshest solicitors with a grand office in the city centre, plus a barrister. They started their vexatious action at their leisure rather than under any deadlines.
4. In starkest contrast, among other things the Defendant
 - (a) is an impoverished invalid who was known to be already barely coping due to mercury-induced fatigue (as per evidence cited in Defence para 12(g)(1) and elsewhere);
 - (b) was already extremely unfacile in writing, indeed failed English Language O-level not once but twice; the Court can be shown proof on this point, namely piles of redrafts of documents which even in their 30th revision people still claim to be badly written.
 - (c) is working under conditions of severe harassment set up by the Claimant clique themselves; for instance:
 - (i) on the same day as the 7th December hearing, the Claimant's Committee Member Edward Cox was found guilty of throwing a brick through the Defendant's window the previous week;
 - (ii) four days later the Claimant's Committee Member Edward Cox again threw a brick through the seriously ill Defendant's window;
 - (iii) you can hear the **audio recordings on CD3** of the same Claimants' Committee Member wantonly vandalising the Defendant's custom-restored Moulton bicycle and threatening to kill him (you can hear for yourself that this is not due to provocation by the Defendant, but simply a raving paranoid lunatic let loose unrestrained in the Defendant's house);
 - (iv) you will note from exhibit LM5 that the Claimants' Committee consists at best of only six other persons besides this lifelong career criminal thug and Lynn Mansell; such indeed is the character of the handful clique now misrepresenting itself to be the authentic voice of 20-20 Housing Co-operative Ltd.

5. The seriously ill Defendant is living in this house alone with this career criminal violent thug proven to be specially selected by the Claimant criminals for that very purpose of harassing the Defendant. These are the extremely adverse conditions in which the Defendant has been forced to work under duress and without payment, when there are so many other, positive, constructive things he would desperately like to get on with instead (and I could put a huge list of proof here if you would read it and I could find the time/energy to write it).
6. And yet Lynn Mansell chooses to insult the Court with the falsehood that the Defendant is abusing a supposedly disadvantageous position of themselves.

Dates of filing / “last-minute” tactics

7. As for the assertions of a “last-minute” tactic in paragraphs 2 and 3, the Defendant filed the Application at the Court Office on Tuesday 28th November and was told that it was in good time and would be served by the Court on the Claimants. The next day, Wednesday 29th November he filed the Rebuttals to the Claimant’s Application.
8. Arriving home exhausted from the weeks of unpaid work-under-duress (and anarchic madhouse conditions) involved in preparing those documents, he was at last about to prepare a meal, when the Claimant’s Committee Member Edward Cox threw a brick through his kitchen window then came back to break some more.
9. Naturally the Defendant was too busy the next day sorting out that matter and so was only able to send the courtesy letter to Lynn Mansell on the Friday 1st December as stated.
10. As for LMW2 para 5, on the contrary it is the Claimants who have adopted abusive last-minute tactics, in that they delayed the whole time till 25th August (after the Defendant had filed his own AQ) before failing to file their Allocations Questionnaire and Reply and Defence to Counterclaim and instead filing their timewasting Application.
The Defendant has been maximally forward in providing particulars and information. By contrast the Claimant clique has been maximally evasive. This speaks for itself of where the dishonourableness lies.
11. LMW2 para 7 is also misleading: the Judge quite rightly did not forbid the Defendant from filing any further documents.

Lack of legitimacy

12. Lynn Mansell's paras 13-17 give spin-doctoring misrepresentations regarding the lack of legitimacy, which can be better understood by just reading the original presentation in DA paras 3-42 (= Rebuttal paras 34-78).
13. LMW2 para 13 falsely suggests that the DA para 2(a) is the "main argument of the Defendant". In reality all the Defendant's arguments are equally sound, equally decisive, and equally "main".
14. In LMW2 paras 14-15, with flagrant deceitfulness Lynn Mansell misleadingly quotes out of context from the Defendant's Application para 11:

"The officers and management committee were delegated, about 17 years ago, the authority to exercise landlord powers on behalf of the Co-operative".

She fails to give any hint of the immediately succeeding words:

"But the legitimacy of that authority is not unconditional supposed to be accountable to the full membership. The legitimacy depends on being accountable to the members. And yet I shall here show clear proof that a deliberate, systematic, total evasion of accountability has been set up from 2005".

The self-serving deceitfulness of her selective quotation could hardly be clearer.
15. LMW2 Para 16 is irrelevant because the Defendant has never disputed that the committee of criminal cliquists were elected. The nature of that election is more to the point. In this instance it is shown that the election took place under Stalinesque conditions, with a demonstrable total censorship of information from the eyes of the wider Membership and with intimidation of non-clique Members. For that reason, that 20-20 election is no more worthy of recognition as valid by a Court than were those of the USSR. Lynn Mansell is here making a false claim exactly analogous to claiming that Saddam Hussein was a properly-democratically-elected president.
16. Paragraphs 17, 18 and 19 are yet more timewasting diversionary tactic irrelevance because the Defence and the DA have nothing in the slightest to do with ultra vires or with public law challenge.
17. LMW2 para 20's first half is irrelevant, for the same reason as para 15 above.

18. As for the second half of para 20, offering to the Court the purported Minutes of a committee meeting, this is from the same Lynn Mansell & Clique who reacted to my challenges against their earlier falsification of Minutes by imposing their regime of total secrecy (DA paras 15-30 etc.), and prevented with no good reason my recording of the meetings (DA paras 24 and 25). You are thus being asked to take on trust the mere assertions of these secretive deceivers in contrast to myself who has always striven to have things made properly open and honest.
19. Her Exhibit LM6 reflects the fact that not the slightest effort at a proper procedure to prove a breach or ground was undertaken (as discussed in DA paras 81-87).
20. It follows from preceding points that LMW2 paras 21 and 22 are also without merit.

The Claimant clique's last-minute attempt at a fabricated account to cover up the truth of their criminality

21. Lynn Mansell brings her statement to a climax of disgracefulness with patent falsehoods and ludicrous incoherence in paras 23-25. This can be understood as an attempt to rationalise away her illegitimate secretisation and covering-up of harassments which she had hoped to keep the Court unaware of.
22. Para 23 falsely asserts that the reason for the dismissal of the Defendant from Secretary and Committee was "his increasingly disruptive conduct at Committee meetings and conduct felt to be damaging to the Co-operative". In reality:
 - (a) You can read for yourself the "Report" from Jon Stevens which contained the true falsehoods, namely three entirely different false excuses which he read out to the meeting on 15th September 2005 for the purpose of this improper dismissal of the Secretary / Defendant; see DA para 27 and pages 40-41 of the book.
 - (b) You can hear for yourself from my recordings (see DA paras 24 and 25) that on the contrary it is the Claimant clique who are disruptive, and the Defendant does not prevent the other business of the meetings going ahead even though the Claimant clique insist on preventing due openness and accountability to the full Membership who are the True Landlord.

(c) The Defendant's conduct was not in any way "damaging" to the Co-operative; rather it was an entirely proper attempt to challenge the Claimant clique's abuses which are documented elsewhere. You will note that Lynn Mansell fails to give the slightest insight into why the most senior Member and Secretary would suddenly start to be "disruptive" and somehow "damaging". By contrast the Defendant provides a totally coherent explanation of what has gone on.

(d) This dismissal was timed promptly after the Defendant had tried to alert authorities and Members outside the clique about the criminal abuses by the officers and committee. For instance, his audio recording of meeting, 18/8/05; email sent to HO and HC, 5/9/05; emergency meeting notice, 7/9/05; dismissal meeting, 15/9/05 (followed by the further secretisations).

This sequence of dates speaks for itself of the real reason for the sudden dismissal of the Secretary / Defendant in his 20th year in the management.

23. In para 24 Lynn Mansell falsely claims that the letter LM7 "was sent to all Co-operative members". I know of at least three members who did not receive any such letter; I know of none who did. In this connection please refer to my **confidential evidential documents to the Judge only** (in a context of witness intimidation).

24. In para 24 Lynn Mansell furthermore fails to mention that not only were the meetings thus made secret and exclusive to the clique but also the Minutes ceased to be circulated outside the clique. In this connection please again refer to my **confidential evidential documents to the Judge only**. Here you see the reality hiding behind their failure to offer any reply to my Part 18 Request or to my Defence allegations.

25. Now here is the coup de grâce of Lynn Mansell's already suicided (as per paras 2 - 6 above) self-incriminating account. She is asking you to believe the following additional absurdities.

(a) Supposedly (as per her paras 24 and 25) it was found necessary to indefinitely totally compromise the whole point of being a fully mutual housing co-operative, namely the maximal informing and involvement of the Members.

Supposedly that total subversion of the founding principle and total secretification and total closing down of accountability was necessitated merely by the supposed disruptive conduct of just one member, the Defendant (who just happened to have just previously sent reports to (defective as it happens*) authorities about the harassment and malgovernment committed by her clique).

This Lynn Mansell who makes herself out to be competent to head an RSL would have this court believe that that maximal damage to the organisation was justified by some supposed disruption/damaging by only one member which evidently did not occur anyway.

- (b) She is asking you to believe that she, the head of an RSL, is such a simpleton that it did not occur to her that if one member was indeed acting problematically, then at most the mere exclusion of that one member would be a sufficient, proportionate remedy.

But instead she not only illegitimately made the committee meetings permanently secret (as her paras 24-25 admit), but furthermore secretly and illegitimately introduced a system of total secrecy (as per the confidential document and her persistent failures to deny this) so as to black out all information and involvement from all other non-clique members as well. That cannot credibly be construed as rational, proper behaviour of an honorable RSL head, but can be perfectly well understood as an attempt to evade accountability for her clique's criminal abuses.

- (c) You can see the website of the Two Piers Co-op which is the same size as 20-20, and which states:

“It is fundamental that anyone, whether a Member of the Co-op or not, can attend any or all meetings.” “The minimum that is expected of you as a Member is that you attend at least one meeting per month.”

In bizarre total contrast, Lynn Mansell would have you believe that she considered it appropriate as head of the 20-20 “Fully-Mutual Co-operative” not only to introduce and maintain that regime of exclusiveness and secrecy, but to do so with not the slightest effort at involvement or even informing of the thereby excluded non-clique Membership regarding that fundamental perversion of the organisation. Not even a committee meeting, just a dictatorial imposition of a revolutionary repressive regime.

(* The Committee on Standards in Public Life has just published its *Review of The Electoral Commission*, which indicates that it is compromised by conflicting roles. The Defendant's book gives proof that an exactly similar defect applies in respect of the system of regulation of RSLs.)

Even more falsehoods in Lynn Mansell Second Statement

26. Her final para 26 claims that the Defendant made a “submission to the Court that it ought to be allowed to enquire into the vires of a decision”. But at no time has the Defendant said or written the slightest about vires or anyone allowing an enquiry thereinto or whatever.
27. And that paragraph 26 advances a further falsehood. Far from the Defendant failing to address any of the legal arguments, on the contrary the Defendant addresses all the Claimants’ arguments and it is the Claimants who fail to address the Defendants arguments and instead steer a course of misrepresentation around them as is made clear in the Defendant’s various submissions.
28. We can thus conclude that this Second Statement from Lynn Mansell provides no support for the Claimants’ case but only powerful further support for the Defendant’s.

Statement of Truth

I believe that the facts stated in this Comment on Lynn Mansell Second Statement are true.

Signed

Defendant

ROBIN CLARKE

Dated

Current Address for Service:

Robin Clarke
9 Augusta Rd
Moseley
Birmingham
B13 8AJ

IN THE BIRMINGHAM COUNTY COURT

CLAIM NO: 6BM74906

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