

Claim Number: K70OX068
(GREENSQUAREACCORD LTD. & MR BEN JENKINS)

Ben Jenkins

8th November 2023

To the Presiding Judge,

I am currently facing a case initiated against me by the claimant, GreenSquareAccord, which is scheduled for consideration on November 9, 2023, under claim number K70OX068.

This legal action stems from my establishment of the website <https://www.greensquareaccordresidents.co.uk> and associated social media accounts.

Since 2019, I have been actively supporting residents of this housing provider by addressing issues, guiding residents through the complaint process, and, when necessary, escalating matters to the Housing Ombudsman.

To effectively raise these issues, I have, on numerous occasions, utilised social media platforms and sought assistance from third parties, such as Members of Parliament, councillors, and regulatory bodies like the Information Commissioner's Office.

In an attempt to curtail the impact of these actions, the claimant has initiated the present proceedings, seeking to prohibit the activities I currently employ. The claimant alleges that my actions are interfering with their ability to manage their customers and characterises my behaviour as threatening and abusive.

For the factual background, please refer to my response to the claimant's witness statements, enclosed.

It is disheartening that the claimant has chosen to disregard my repeated pleas for mediation and my offer to transfer control of this website and its associated social media accounts, as evidenced by the enclosed records.

In light of the concerns I've raised, which encompass various health and safety issues and risks to life, coupled with the claimant's repeated failures in meeting their service level agreement, many of which have been confirmed through the claimant's own complaint process and by the Housing Ombudsman.

My actions have not only provided support and assistance to my own family but have also extended to benefit over 43 residents within my block and other individuals residing under this provider's care across multiple counties. It is evident that had the claimant heeded these concerns when initially brought to their attention, there would have been no need for me to create the website, its affiliated social media accounts, and the related content.

I have provided to the court multiple copies of email exchanges which highlight some of the issues, as well as letters from support from residents I have helped.

The claimant having ignored repeated requests has made it clear that they intend to use funds that could be better spent on fixing issues, and have employed the full weight of their legal partners, it is clear that this is to bully and silence not just myself but all the residents who have sought my supporting after being failed by this housing provider.

Undertakings.

Given my limited legal expertise and financial resources, which the claimant is well aware of, I hereby propose the following undertakings, in relation to the following:

- 1.1 the website: www.greensquareaccordresidents.co.uk;
- 1.2 the twitter account: https://twitter.com/residents_gsa; and
- 1.3 the Facebook id=100073204705905; page: <https://m.facebook.com/profile.php?id=100073204705905>;
- 1.4 the email address: contact@greensquareaccordresidents.co.uk;
- 1.5 the website page www.ruthcooke.co.uk; and
- 1.6 any other website, social media accounts or email addresses which may mislead members of the public, or our client's current (or potential) suppliers, contractors or agents, to believe you are a tenant of, or are acting with the authorisation of, or are connected to, our client.

I believe it would not be appropriate to take down the website, associated social media accounts, email, or address, as the claimant has failed to provide any evidence to establish that this site misleads people into believing it is associated with the claimant. It is evident that this site and its associated social media accounts were created to offer support to other residents who have experienced failures by the claimant.

- 2 Creating any future website or social media presence which may mislead members of the public, the Claimant's tenants or the Claimant's current (or potential) suppliers, contractors or agents, to believe the Defendant is a tenant of, or is acting with the authorisation of, or is connected to, the Claimant.

Since I have not created any site that misleads the public, tenants, or the claimant's current or potential suppliers, nor do I have any intention to do so, this request is also unfounded and unnecessary as part of these undertakings.

- 3 Reproducing any of the Claimant's logos on any website, social media platform, digital or hard copy correspondence or on any other digital or hard copy documentation.

The use of the claimant's logo is conducted within the scope of the copyright concept of fair use, which permits the use of copyrighted work for purposes such as criticism, review, or quotation.

- 4 Contacting the Claimant or any of the Claimant's employees directly. For the avoidance of doubt, such behaviour includes but is not limited to in person, using the said employee's work or personal email address, using or messaging them on their work or personal mobile telephones, using social media direct messaging and/or tagging the said employee on personal social media accounts or using the Claimant's social media accounts in such ways.

I hereby agree not to contact any of the claimant's employees as specified above. All communications will now be channeled through my appointed lawyer, Dispensation Lawyers. Any issues related to our home will be submitted through my wife, who is the legal tenant of the claimant.

- 5 Recording members of the claimant's employees, contractors or agents unless the Defendant has the person's prior written consent.

I record all calls due to my ADHD, which helps me keep track of agreements, timeframes, and transcribe calls into minutes for future reference. Since I've agreed not to contact any members of the claimant's employees, the recording of calls is no longer relevant in that context. However, if any of the claimant's employees contact me directly, please be aware that these calls will be recorded, and their direct contact implies consent to the recording of said calls.

6 Refraining from using any hashtags which specifically name any of the Claimant's employees including the Claimant's directors (and specifically including, but not limited to, Ruth Cooke) contractors and or agents.

Agreed.

7 Using threatening, abusive or aggressive language towards any of the Claimant's employees, agents or contractors.

I have consistently refrained from employing any threatening, abusive, or aggressive language when interacting with the claimant's employees, agents, or contractors. To date, the claimant has not presented any substantiated evidence of such behaviour on my part. This conduct is inconsistent with my established demeanour, and it would be unjust for the claimant to insinuate that I may suddenly engage in such behaviour.

8 Engaging in any conduct that causes or is likely to cause a nuisance or annoyance to any of the Claimant's employees, agents or contractors.

Determining what might constitute a nuisance or annoyance to any of the Claimant's employees, agents, or contractors is inherently subjective and uncertain. Given this ambiguity, I am unable to provide my agreement to this specific undertaking, as it may inadvertently lead to a breach of the undertaking due to a lack of clarity regarding its scope and implications.

In conclusion, I hope that my offered undertakings demonstrate my commitment to resolving this matter while ensuring the well-being of all parties involved. My actions have consistently aimed at addressing critical issues affecting residents and holding GreenSquareAccord accountable for its responsibilities as a housing provider.

I look forward to a constructive resolution to this case, which priorities the concerns raised by the residents and ensures their safety and comfort in their homes. I believe that a collaborative approach is the most effective way to achieve this goal.

I kindly request that the court consider these undertakings in a fair and impartial manner, recognising my intention to work towards an equitable resolution that upholds the principles of justice and resident welfare.

Yours sincerely,

Ben Jenkins