

Birmingham Employment Tribunal  
Centre City Tower  
7 Hill Street  
Birmingham  
B5 4UU

25 September 2013

Dear Sirs

**Application for an order to strike out the response in the case of Mr Tyson and others v  
MAG (UK) Ltd Case Number: 1318450/2013**

We act for the claimants in the above proceedings.

Since proceedings have commenced, we have been advised to deal only with Neil Liversidge of the Respondent and he has confirmed that he is the person authorised to act for the Respondent in this matter. Mr Liversidge is an IFA and runs his own company but assumes the role of an unpaid Director of the Respondent.

We have advised Mr Liversidge on a number of occasions to obtain legal advice in this matter. First, because we deem the Respondent's defence to be very weak and given the evidence against it, it is likely to fail in defending this claim. Second, because of the very unprofessional way he has been dealing with this matter which has resulted in a number of arguably libellous remarks being made and also comments which could constitute bullying and harassment which is the reason why the Claimants left the Respondent's employment and are claiming constructive dismissal.

Mr Liversidge has disclosed a large amount of documents in this matter and we are concerned that many of them are irrelevant to the matter at hand. We have written to him outlining the legal issues that need to be dealt with in this case and enclose a copy of the most recent letter which does this, but from the correspondence we have received in response, he appears intent on dealing with other issues which will not help the Respondent's case. We are concerned that the overriding objective is not being met as a result of his management of this matter.

We therefore respectfully request that the defence in this matter is struck out. We request that the tribunal deals with this at a preliminary hearing which we estimate should be listed for 2 hours. The Claimants request that, in accordance with rule 37 of the ET Rules, the tribunal make an order at the preliminary hearing that the Respondent is not entitled to contest the proceedings for the reasons set out below:

**1. That it is scandalous and vexatious (rule 37(1)(a)).**

Mr Liversidge has made a number of comments about our clients which have been made during these proceedings which are completely unfounded and which we deem to be scandalous. For example, he has stated that Mr Tyson is a “vicious, malicious and unscrupulous liar” which appears to be a clear example of Mr Liversidge’s misuse of the legal process in order to vilify others (please see Bennett v London Borough of Southwark [2002] IRLR 407). Mr Liversidge has used most of his time and effort in this process focusing on making accusations against our clients rather than trying to defend the claims against the Respondent.

In the case of Jones v Wallop Industries Ltd ET/17182/81, Mr Jones alleged fraud, mismanagement, misrepresentation, criminal conspiracy and intimidation on the part of his employer. The tribunal found that he was intent on causing his employer as much inconvenience, distress, embarrassment and expense as possible and struck out his claim as being largely scandalous or vexatious. Although we are acting for the Claimants in this matter, we would contend that Mr Liversidge’s behaviour has been scandalous and vexatious. The amount of ‘evidence’ he has disclosed has been unnecessarily overwhelming and despite a number of attempts to direct him to the overriding objective and despite explaining that disclosure should be relevant to the case at hand, he has chosen to ignore this. We are of the opinion that this has been done to cause our clients as much expense and inconvenience as possible. He has already discussed their legal spend in email communications and has even asked us directly how much their legal fees are to date. Mr Liversidge has informed us that he is running the case for the Respondent so as to avoid legal fees but in his email correspondence he seems to be happy that our clients are paying them. He is fully aware that the more work he generates for us, the higher our legal fees will be and we are sure that he is only generating such volumes of unnecessary work to cause further distress towards our clients.

**2. That it has no reasonable prospects of success (rule 37(1)(a))**

The main claim being made by all 3 Claimants is that they felt they had no choice but to resign due to the bullying and harassment they faced at work. All Claimants raised a grievance which was heard by an independent consultant who found that bullying and harassment occurred on at least one occasion and recommended that the perpetrators were removed from the HR function. This recommendation was openly and wilfully ignored. Two of the Claimants resigned at this point and one Claimant appealed on the basis that the outcome did not address all of her concerns and the recommendations did not go far enough. The independent consultant who heard the appeal decided not to make further comment but said that he would not make any changes to the initial decision that bullying and harassment did occur on at least one occasion. The evidence supports their claims and there are two independent people who agree that bullying and harassment occurred on at least one occasion. Having regard to the evidence, it is a very realistic prospect that it occurred more frequently. We have set out in clear terms to the Respondent the legal issues to be decided and why the defence is unlikely to succeed. However, the Respondent has disregarded this completely. We are of the opinion that Mr Liversidge is pursuing this claim for his own satisfaction and not in the best interests of the Respondent. He is not at all open to reviewing the legal merits of the Respondent’s defence and is pursuing this to cause our clients further emotional and financial distress and to besmirch their characters.



**3. That the Respondent's conduct of these proceedings has been scandalous, unreasonable or vexatious (rule 37(1)(b))**

The way in which Mr Liversidge has behaved throughout these proceedings is unacceptable and unreasonable. He has been happy to comply with directions but the way in which he has spoken about the Claimants, the inappropriate way he has spoken to the solicitor with conduct of this matter and the way in which he appears to have treated the process as a laughing matter is in our view scandalous, vexatious and illustrative of unreasonable conduct. Toni Sharp, solicitor for the Claimants, has been helpful to the Respondent by outlining the legal issues it needs to address, by providing templates to it and by advising it on the relevant issues for disclosure and cross examination. In return, she has received emails which are unprofessional and which completely undermine her. We have attached, at Appendix 1, a brief list of comments made by Mr Liversidge in connection with the Claimants, Toni Sharp and the legal process to provide you with an idea of how Mr Liversidge conducts himself and these proceedings.

On 23 September 2013, Mr Liversidge sent an email which we believe had been forwarded to members of the Respondent asking them to contact Mrs Sharp if they wanted to support an individual who had spoken out in favour of the Claimants. He also stated that if they wished to contradict this individual's account of events, they should email Mrs Sharp stating, "I was present at the meeting in question and can testify to the fact that Phillips' allegations are untrue, insofar as no such allegations were made in my hearing." This course of action is clearly not intended to add anything of value to the case. We have asked Mr Liversidge if he intends to call witnesses on this issue but he has remained silent. We contend that this is a further example of Mr Liversidge's unreasonable conduct. We have enclosed a copy of this email.


The Claimant in the alternative requests that, in accordance with rule 39 of the Employment Tribunal Rules, if the tribunal is minded not to strike out the response the tribunal make an order at the preliminary hearing that the Respondent pay a deposit order of £1,000 in order to continue with the proceedings.

We appreciate the unusual circumstances of this matter in that it is the Claimants who are requesting a strike out of the defence. Costs are going to spiral out of control due to Mr Liversidge not having regard to the case at hand and the overriding objective which he has been advised of. We do not believe that he is acting in the Respondent's best interests and is pursuing this for his own benefit. We are concerned that his disclosure, witness statements and tribunal appearance will not focus on the relevant issues and that he is using these proceedings as a platform to cause as much distress to our clients as far as possible.

Should the tribunal require any further information to assist it in its decision, please contact Toni Sharp. Full copies of all emails quoted in Appendix 1 are available should the tribunal require these.

We confirm that we have complied with rule 92 of the ET Rules by providing a copy of this letter and enclosures to the Respondent. We have also advised that any objection to this application must be sent to the tribunal office as soon as possible and copied to ourselves.

Yours faithfully



**Ellis Hass & Co. Solicitors**

cc. MAG (UK) Ltd, Oakslade, Station Road, Hatton, CV35 7LH

## Appendix 1

### Comments made about our clients

1. *"In the event that Ms Smith is foolish enough to spend money bringing a claim, then twelve months hence, as well as being sadder and wiser, she will also be considerably poorer."* **Neil Liversidge, 28 May 2013 (by email).**
2. *"These (documents) do of course evidence the long-running campaign of malicious bullying and harassment aimed at Ian Mutch by Tyson, in which both Brown and Smith were complicit."* **Neil Liversidge, 2 July 2013 (by letter).**
3. *"Clearly Tyson is a vicious, malicious and unscrupulous liar who will stop at nothing to achieve his ends".* **Neil Liversidge, 13 August 2013 (by email).**
4. *"So you are also clear, crystal clear, if we find Tyson has fiddled his expenses we shall report him to the police for prosecution. If Brown appears to have conspired in the same, signing off phony expense claims as Tyson's business partner for their mutual gain, we shall report him also."* **Neil Liversidge, 29 August 2013 (by email).**
5. *"Your clown – sorry, your client – Tyson has been busy making a fool of himself".* **Neil Liversidge, 29 August 2013 (by email).**
6. The subject of one email from **Neil Liversidge sent on 3 September 2013** read, *"Your Silly Client Tyson"*.
7. *"Hope you're enjoying your evening. I'm sitting here with my huskies, drinking Pol Roger and listening to your clients shooting themselves in both feet with a Thompson. Bliss!"* **Neil Liversidge, 5 September 2013 (by email).**
8. *"You are the lawyer, not me, so I am sure you are well qualified to explain to your clients how serious a matter it is to tamper with evidence presented in evidence."* (further accusations against our clients). **Neil Liversidge, 6 September 2013 (by email).**

### Comments made about/to Toni Sharp, solicitor for the Claimants

1. *"Lawyers don't frighten or impress me, so don't delude yourself; you won't be the first I've had for breakfast. The last who came a cropper taking me on was a QC working for the DTI in a case at the High Court."* **Neil Liversidge, 14 June 2013 (by email).**
2. *"....The first is that Ms Sharp is incompetent. The second is that she fancies herself a hand at MI6 style disinformation....As it is hard to believe anyone can be so incompetent, I have to believe the latter explanation holds good.....maybe Mrs Sharpe should change her name to Jane Bond."* (about Toni Sharp sending emails in error to her client's work email address). **Neil Liversidge, 25 June 2013 (by letter to the Managing Partner of the firm).**
3. *"Apparently she (Mrs Sharp) is not happy that I fail to treat her as a professional. In that regards, when she starts to act like one, I shall."* **Neil Liversidge, 25 June 2013 (by letter to the Managing Partner of the firm).**



4. *"Does this lady never learn?" Neil Liversidge, 27 June 2013 (by letter to the Managing Partner of the firm).*
5. *They resigned and hired a junior solicitor (a nice kid I think, from looking at her Linked In profile - she works for animal charities) but not very sharp despite her name." Neil Liversidge, sent on or around 7 August 2013 (by email to the National Committee).*
6. *"I am staggered that you as a solicitor could knowingly collaborate in such a deliberate fiction, unless of course they have also misled you in this matter." Neil Liversidge, 23 August 2013 (by email).*
7. Although not a comment, "xxx" was placed at the end of an email sent on **29 August 2013 by Neil Liversidge.**
8. *"If a bunch of murderers couldn't scare me Toni, do you really think a nice lady like you can?.....I look forward to seeing you at the Tribunal. Have a nice evening." Neil Liversidge, 5 September 2013 (by email).*

#### **Comments about proceeding to Tribunal**

1. *"In summary Mr Hass, our offer to your clients is nothing, zero, rien, bugger all, diddly-squat – squared. Not even the phone number of The Samaritans, which they can google if they need it". Neil Liversidge, 25 June 2013 (by letter to the Managing Partner of the firm).*
2. *"Thanks Toni - I needed a laugh!.....The only real expense is my time and frankly, I'm enjoying this.....Anyhow, thanks again for the entertainment. I would have replied sooner but was laughing too much to type accurately." (the response when a discuss took place about the potential to settle). Neil Liversidge, 15 August 2013 (by email).*
3. *"Thank you for the schedules of loss – most creative and entertaining as always!" Neil Liversidge, 22 August 2013 (by email).*
4. *"Thanks for the advice re' my cross examination of your clients. However it's your cross examination of me that you'd do better to worry about. I'm looking forward to it with relish." Neil Liversidge, 22 August 2013 (by email).*
5. *"Tribunal? Bring it on!" Neil Liversidge, 5 September 2013 (by email).*
6. *"You just showed me your hand and it's all low cards, but no aces and not even two of a kind." (re: disclosure). Neil Liversidge, 6 September 2013 (by email).*
7. *"In a moment I shall forward Toni Sharp's email with the dropbox link. As Brown et al have conspired to violate my privacy I do not feel obliged to have any more regard for theirs." (this led to the public disclosure of recordings). Neil Liversidge, 6 September 2013 (by email to Phil McFadden Welsh regional representative of the Respondent).*

Mr N Liversidge  
MAG (UK) Limited  
c/o West Riding Personal Financial Solutions Ltd  
17a Sagar Street  
Castleford  
WF10 1AG

Your ref:

Our ref: TS/IH/9355/9356/9357

Please ask for: Toni Sharp

5 September 2013

Dear Mr Liversidge

**OUR CLIENTS: MISS L SMITH, MR N BROWN AND MR J TYSON**

I feel that it is important to draw your attention to the elements of the claim that will be reviewed at tribunal to enable you to then make a decision about whether or not to obtain legal advice in this matter.

**The definition of constructive dismissal**

Constructive dismissal is defined in section 95(1)(c) of the Employment Rights Act 1996 (ERA 1996) which provides:

*(1) For the purposes of this Part an employee is dismissed by his employer if (and, subject to subsection (2) ... only if) –*

*(c) the employee terminates the contract under which he is employed (with or without notice) in circumstances in which he is entitled to terminate it without notice by reason of the employer's conduct."*

**Elements needed to establish constructive dismissal**

- Repudiatory breach on the part of the employer. This may be an actual or anticipatory breach, but must be sufficiently serious to justify the employee resigning.
- An election by the employee to accept the breach and treat the contract as at an end. The employee must resign in response to the breach.
- The employee must not delay too long in accepting the breach.



## Repudiatory breach

There are two lines of argument that my clients will be progressing: that there was a repudiatory breach of the implied term of trust and confidence and there was a series of events which led to their resignations.

Under the last straw doctrine, an employee can resign in response to a series of breaches of contract or a course of conduct by their employer which, taken cumulatively, amounts to a breach of the implied term of trust and confidence.

As you will have seen from my clients' ET1 claims, there have been a series of incidents which have occurred which have led to their dismissal. It has not been the case that all has been progressing smoothly up until a first and only breach; there has been a series of events which form the foundation of their dismissals which have led to the final straw.

- In the case of Paddy Tyson, this came when he received the grievance outcome. Raising a grievance was his last resort. The outcome letter was exceptionally brief, failed to address all issues raised and focused on one incident alone. Despite the finding of bullying and harassment, the recommendations made in the outcome letter appeared to the Claimant to be very much watered down and did not address the matter seriously. The Claimant had previously raised issues about bullying and harassment but nothing was ever done. He invoked the formal grievance process in the hope that he may be listened to but the outcome letter simply reinforced his suspicions that nothing would ever really be done.
- In the case of Nicholas Brown, the final straw was when he received his invite to a disciplinary meeting. He discussed a number of issues at the investigation meeting and was told by the investigator that some information would be irrelevant as it would not form part of any disciplinary hearing. When he received the letter inviting him to a disciplinary meeting, issues and documents he had been told were irrelevant formed part of the bundle and allegations against him. He was also advised that you would be holding the disciplinary hearing. Given that he had raised a grievance which directly concerned you, given that he had serious doubts about the process after receiving the grievance outcome letter and given that there were also issues with the disciplinary process, he had lost trust and confidence in the Respondent.
- In the case of Louisa Smith, the final straw was when she received the outcome of the grievance appeal. Louisa felt as though she had to attempt the entire formal grievance process to give the Respondent the opportunity to make changes. She was pleased that independent HR had been brought in to deal with her grievance but disappointed with the outcome. She was hopeful that her appeal may address her grievance fully but was very disappointed with the outcome. During the appeal meeting, Miss Smith has stated that Richard Binch told her that a single email which she showed to him at the meeting would be enough to amount to bullying and harassment but comments made in his official letter to her appear to make a U-turn on this comment. At this point, Ms Smith lost all trust and confidence in the Respondent and could see no way of returning especially as you had made it known that you and Pete Walker had disregarded the findings of QDOS and remained in control of the HR function.

A repudiatory breach may occur where there has been the breach of an express or implied term of the contract. In brief, my clients will assert the following:

- **Handling of grievances:** It is an implied term that the employer will give an employee a reasonable opportunity to obtain redress in respect of a grievance; a breach of this term will constitute a repudiatory breach. My clients will say that the grievance process was flawed, unfair and just a tick box exercise for the Respondent. The recommendations provided by QDOS were arguably diluted but even these were not adhered to.
- **Handling of disciplinary matters:** Where an employee is suspended or presented with allegations about their conduct, there is scope for them to claim repudiatory breach where the suspension or allegation is manifestly unreasonable, particularly in cases where the allegation is of the utmost seriousness. The allegations raised are serious and the process followed questionable. There is evidence which shows that you talked of dismissal shortly after the meeting on 18 March and before Mr Brown was even advised he was being subjected to disciplinary action.



- **Intolerable working environment:** Case law illustrates how intolerable working environments may constitute a breach of the implied term of trust and confidence, even in sectors where the "norm" is high-pressured and high-handed behaviour. In one case, the Judge held that a contract had broken down and the employee's position had become intolerable because his manager (and CEO) was high-handed and took every opportunity to vent his disapproval, sometimes in the presence of others. The judge refused to accept that frequent use of foul and abusive language could sanitise its effect or remove its power to offend. Given the allegations presented, the fact that bullying and harassment was found to have occurred and that there is evidence supporting my clients' contentions, they would also have a valid case to make under this head.

My clients have all alleged bullying and harassment and this has been found to have occurred, by QDOS, on at least one occasion.

**Bullying** is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

**Harassment** is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

Given the documentation gathered in this matter, a tribunal would not be particularly hard pressed to find that bullying and harassment did occur, especially as QDOS also identified this.

The law implies into every contract of employment certain terms that impose duties on employers. Three particularly relevant duties in relation to bullying and harassment are:

- the duty not to do anything likely to destroy or seriously damage the trust and confidence between an employer and employee;
- the duty to provide reasonable support to employees; and
- the duty to provide a safe work place.

The evidence held is highly likely to show that all 3 duties above have been breached.

Did the employee accept the breach in good time?

My clients all provided resignation letters to the Respondent promptly.

### **Unfair dismissal**

Once my clients have succeeded in showing that they were constructively dismissed, they will then be able to claim that their constructive dismissal was also unfair dismissal. It will be difficult for the Respondent to bring itself within the range of reasonable responses test in circumstances where it has fundamentally breached the employment contract. Therefore, on this basis, it is very likely that if my clients can show they were constructively dismissed, they will also be able to show that this was unfair.

### **Other payments claimed**

I have already advised you that unused but accrued holiday pay needs to be paid on termination and this should be paid immediately and if not, this will be claimed at tribunal. It is simply not acceptable to argue the Respondent is owed money and so refuses to pay money to Mr Tyson which is legally due. If you believe that any of my clients owe the organisation any money, the correct process would be to pay my clients the sums they are legally entitled to and then to write to them setting out what money is owed to the Respondent, if any, and why. If they refuse or fail to pay, then you can commence legal action against them.

In respect of sick pay, the fact that this has been paid in full on all previous occasions and was only stopped due to my clients raising a grievance and then applied retrospectively is not acceptable.

Mr Tyson's expenses have always gone through several stages before being signed off and paid to him. The latest expenses claim had to be completed with very little information to hand, as this was denied to him, and he has confirmed that the one expense highlighted should not have been included in his claim. To request that he provides fresh expenses claims for all expenses claimed is very unreasonable especially as they have gone through a number of individuals within the organisation before being paid out. Mr Tyson confirms that his final expenses claim has been inputted, despite your claims that this is not possible due to his illegible handwriting, but just not processed as the Respondent is holding onto the money he is due.

**In summary:**

My clients' main claim is that they were bullied and harassed whilst employed by the Respondent and as a result, were left with no option but to resign and claim constructive dismissal. There is quite substantial evidence which would lead a tribunal to consider that this did occur including QDOS' findings and the fact that Mr Binch chose not to overturn QDOS' findings which he could have chosen to do.

My clients resigned after a series of incidents with the final straw actually being a repudiatory breach of contract.

The grievance process, and in the case of Mr Brown the disciplinary process, is alleged not to have been full and fair. The recommendations made to the Respondent as a result of the grievance process in respect of very serious findings of misconduct were wilfully ignored.

As a result of the comments made above, my clients have very strong claims to bring. The content of this letter is clearly not my clients' case in detail and is merely a summary drafted to bring your attention to some of the issues at hand. I have previously advised that you take legal advice from a fully qualified legal professional in respect of this case. If my clients do succeed, not only is it likely that the Respondent will have to pay compensation to my clients but my clients have already instructed me to make an order for costs.

The maximum sum that can be awarded by a tribunal in respect of costs is £20,000. I expect that should this matter proceed to tribunal, my clients' costs will be in the region of £10,000 plus VAT and so I could make an application for costs to claim back the entire sum. Your conduct to date has been of concern not only in respect of the grievance outcome but also during litigation. Costs can be awarded under a number of heads but at present, I would focus on the fact that you have purposefully chosen not to take legal advice which has resulted in the Respondent defending an action which it is likely to lose despite several indications from me that this would happen. I would also contend that you have acted abusively and unreasonably in respect of your conduct post dismissal. I will also bring to the Judge's attention that you found various aspects of this case amusing which will not be viewed favourably.

I suspect that you will continue to deal with matters as you have been but I feel that the Respondent needs to be put on notice that it will have difficulty in defending these claims, that it is likely compensation will become payable and that it is also very likely that if my clients win, they will also claim for their costs.

Yours sincerely

**Toni Sharp**  
**Ellis Hass & Co. Solicitors**



## Toni Sharp

---

**From:** pc01@wrpfs.com  
**Sent:** 23 September 2013 14:16  
**To:** 'Wayne'  
**Cc:** Toni Sharp  
**Subject:** To all Yorkshire MAG Members  
**Attachments:** 20130923124837.pdf

Dear Wayne

I would be grateful if you would please forward this to all Local Reps and ask them likewise to forward it on to achieve the widest possible circulation among Yorkshire MAG Members. As you can see this has been copied to Toni Sharp, solicitor for Brown, Tyson and Smith.

Dear Fellow Members

I attach an email from 'Max' Phillips. Some of you will remember that he put himself forward as a candidate for National Chairman and attended a YMAG meeting in March 2012 at Brighton Ferry seeking the support of YMAG Members. Those who were present in discussions we had with him apart from the main meeting will recall that he described himself as a Barrister. This surprised me as I didn't see how anyone practising as a Barrister could guarantee having the spare time for the Chairman's job. Barristers are typically given a brief at extremely short notice and need to be able to drop everything to do the work required and represent their clients in court. Therefore, after the meeting, I checked his actual status via various appropriate websites. I could not find [Mr Phillips](#) listed anywhere as having been Called to the Bar at that time. I therefore emailed to tell him this and to ask where (which Inn of Court) and when he had been Called.

The next thing that happened was that he withdrew his nomination and threatened to sue for libel anyone who discussed him or his professional status in any way.

As you can see from his email, he makes various allegations as to alleged utterances by me and others. Specifically he alleges.

- That we stated MAG "should not be in discussion with politicians".
- That The Road should focus only on custom bikes etc.
- That we were unhappy with Max standing for Chair and that we intended to amend the Constitution to prevent it happening again.
- That we wished to compel Nich Brown to attend Yorkshire events.
- That we believed MAG should only have one paid employee and that person should be in Yorkshire.
- That we believed NB, LS and LM should not be working for MAG.

These allegations are untrue. At no time did I, or Pete Walker, Or Jolyon Lawson or anyone else to my knowledge make the statements alleged. At all times others were present when I had any conversation at all with Phillips. I do therefore have witnesses, should I need them, as to my – the true – version of events.

Nich Brown, Paddy Tyson and Louisa Smith intend bringing Phillips forward as a witness at the Tribunal where they are attempting to claim some £66,000 from MAG for alleged constructive dismissal.

Anyone who wishes to support Phillips version of events should please contact the other side's solicitor Toni Sharp and we shall look forward to seeing him and/or her at the Tribunal where their evidence shall be tested under cross examination. Toni Sharp's contact details are -

Toni Sharp  
Ellis Hass & Co Solicitors  
378 Stratford Road  
Shirley  
Solihull  
B90 4AQ

[toni@ehsolicitors.co.uk](mailto:toni@ehsolicitors.co.uk)

Equally, anyone that has an alternative recollection and can contradict Phillips' account should please also email Ms Sharp simply with the message "I was present at the meeting in question and can testify to the fact that Phillips' allegations are untrue, insofar as no such allegations were made in my hearing." Please copy any such emails to me on my mag email address, [mag@wrpfs.com](mailto:mag@wrpfs.com) .

As you can see this has been copied to Toni Sharp, solicitor for Brown, Tyson and Smith, so she will be expecting your emails. It will be interesting to see how many corroborating witnesses they can find, even with our help!

Thanking you.

With kind regards,

Yours sincerely

***Neil F Liversidge***

Neil F Liversidge, Director, MAG UK Ltd  
MAG Member 23660

Tel 01977 808600; Fax 01977 667601; Mobile 07904 332531; Residence 0113 2869332

Office at West Riding Personal Financial Solutions Ltd, 17a Sagar Street, Castleford, WF10 1AG

This e mail and the information it contains is privileged and confidential to the intended addressee(s) only. If you wish to copy it on to Local MAG Reps, Members or other persons, please check with me first.



## Toni Sharp

**From:** Shuvvy Press <shuvvy@shuvvy.com>  
**Sent:** 21 August 2013 20:46  
**To:** Toni Sharp  
**Subject:** 21 August 2013 One earlier witness statement for Qdos 2046

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

### Subject: Statement

> **From:** andrew@philips.com  
> **Date:** Mon, 15 Apr 2013 14:38:33 +0100  
> **To:** mzp@bt.com

> Hi Paddy,

>

> In relation to our conversation I am happy to testify to the following:

> During my visit to the Yorkshire region last year as part of my canvassing for the position of Chairman, and in conversations with various MAG members including Neil Liversidge, Pete Walker and Jolyon Lawson the following was made clear to me:

> # A strong personal dislike of you

>

> # A strong dislike of your method of campaigning and some of the campaigns running at the time e.g. 'Get a Grip' (in particular the phrase 'we now walk the corridors of power' was discussed and I was informed that MAG should not be in discussions with politicians, civil servants etc but should instead be holding protest rides, demos protests etc. The assembled company held you personally responsible for the direction MAG was taking, apparently oblivious to the wishes of the NC.

>

> # A strong dislike of recent articles in 'The Road' magazine that focused on long distance touring bikes, rather they felt the focus should be 'custom' bikes and street-fighters. When I challenged this and suggested that Mutchie was the editor of 'The Road' N.L. rounded on me and I was told in no uncertain terms that we should 'leave Mutchie alone'.

>

> # A distrust of you in general and specifically unhappiness that you had a personal spare time project, specifically 'Overland.' I challenged this and said that I saw no conflict of interest and without supporting evidence of misconduct by you the matter should be discussed no further.

>

> # Unhappiness that you sometimes did not get into the office until 10.00 am. I challenged this and explained that Nich Brown (office manager) knew your diary and that if you had been working until late the previous evening your behaviour was reasonable. The reply was that your (Nich's and Lousia's) diary should be visible to the Board and the Board should sanction any deviation from 9-5.

>

> # It was explained to me that they were unhappy with me standing as they believed you and Nich had asked me to stand and they were rather crestfallen when I told them that it was Mutchie who had contacted me with a view to my standing and it was as a result of this that I had decided to stand. The response to this was that they would try and have the constitution amended to prevent this situation arising again, (there is a lot more I could say here on a wider issue, not directly related to the matter in hand).

>

> # The issue of you and N.B. having your employment contracts changed to a) compel you to attend the big Yorkshire rallies and b) prohibiting you from publishing Overland was brought up by them at both the evening meal and the MAP meeting the following day.

> I declined to be drawn but it was nevertheless made clear to me that this was something they were going to try and push through asap. On both occasions I made clear that your contract and its contents were between you and MAG and should not be discussed in these forums.

>

> # It was made clear to me that N.L., P.W. and J.L. believed MAG should only have one paid employee and that that employee should be based in Yorkshire, that the Hatton office should be closed and that you N.B. Lousia and the consultant Dr Leon Mannings should not be working for MAG.

>

> It is my fair comment on my observations of my visit and the way N.L. was appointed to the MAG Board that the reason for his appointment was, among others, to push through the changes detailed above and very much it is my belief that N.L. P.W. and J.L. do not want you working for MAG.

>

> I hope this helps you resolve your current difficulties and if you need more detail I will be happy to help. Additionally I am happy to come and give evidence in person should the need arise.

>

> Kindest regards

> Andrew Phillips LL.B (Hons)

>

Paddy Tyson  
07717 345605

Director of Shuvvy Press Limited  
Editor of Overland Magazine  
Advisor to the Ted Simon Foundation