

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST

Case No: KB-2023-000774

BETWEEN:

- (1) RICHARD (RAZIEL) DAVIDOFF
- (2) HANNAH (HANNI) DAVIDOFF
- (3) TAMARA DAVIDOFF
- (4) DEBBY DAVIDOFF

Claimants

-and-

NICHOLAS HARGRAVES

Defendant

RE-AMENDED
PARTICULARS OF CLAIM

1. The Claimants are family members who are engaged in the business of commercial and residential property sales, lettings and leasehold management through a group of companies collectively known as ABC Estates, a family run business. The First Claimant and the Second Claimant are husband and wife; the Third and Fourth Claimants are their daughters. They live in Hendon, in north west London, and are orthodox Jews active in the Jewish community based in and around the Edgware and Hendon areas of north London. ABC Estates has offices in Mayfair, Hendon and Edgware, and conducts business across Greater London.
2. The Defendant is the co-founder of a public affairs and government relations consultancy, Strand Partners, and a former special adviser to the Conservative Prime Ministers David Cameron and Teresa May. He operates the Twitter account @NIHargraves, which at all material times had around 4,500 followers. He is a contributor to the website www.leaseholdknowledge.com, which writes articles about issues arising in leasehold properties and purports itself to be campaigning for leasehold reform.

Background to the publications complained of in this claim

3. In and around 2019 - 2020, the Claimants and ABC Estates were the subject of a large number of defamatory reviews posted on Google. Those reviews, which were posted under false names, were fictitious accounts which described themselves as being written by unhappy customers, alleging that the Claimants and their companies were fraudulent and dishonest, that the Claimants permitted employees to steal from tenants and that the Claimants had posted fake positive reviews of their businesses on Twitter. The Claimants established the identities of two of the posters of twelve of those reviews (Messrs Doshi and Govan) through a series of Norwich Pharmacal Orders and issued proceedings in libel in March 2021. Messrs Doshi and Govan responded by issuing an application for strike out and/or summary judgment. That application was dismissed in a judgment by Deputy Master Yoxall dated 17 December 2021. The proceedings were later compromised and on 9 May 2021 there was a statement in open court in which each Defendant accepted that the allegations were false and apologised for the same.

The 7 May 2021 Tweet

4. On 7 May 2022 at 8.21 am, the Defendant published or caused to be published via Twitter the words set out at paragraph 7 below which defamed the Claimants. The words were comprised of three elements:
 - 4.1. words written directly by the Defendant in a quote tweet ("the *Sad tale* tweet");
 - 4.2. the quoted tweet was by Leasehold Knowledge (@LKPleasehold); and
 - 4.3. the words contained in an article published by the Leasehold Knowledge website to which readers were taken via a hyperlink. The article was called *Two former employees of ABC Estates 'face £60,000 each in costs after libel claim, and must apologise in open court'*.
5. In regard to the article referred to immediately above, the reader would have been taken to the words in the Leasehold Reform article because a hyperlink to them was provided by clicking the Leasehold Knowledge tweet and then clicking on a link directly to the article.

6. The reasonable reader of the *Sad tale* quote tweet would have followed the hyperlink and read the article because:
 - 6.1. The *Sad tale* tweet and the Leasehold Knowledge tweet directed readers to it.
 - 6.2. In order to understand what the "sad tale on whistleblowing" was about, the reader needed to follow the link. A reader would not know what the Defendant was writing about unless he or she followed the hyperlink to the article.
 - 6.3. The very provision of the link made it likely that the reader would follow it, as the Defendant intended.
7. The words which the Defendant published and/or caused to be published which defamed the Claimants ("the words complained of") were:

[Defendant's words]

"Sad tale on whistleblowing from the leasehold world. Where a deeply unethical and dishonest firm have capitalised on the unsophisticated methods of those who spoke out. Funnily enough @PBottomleyMP and I haven't been treated in the same way
Cc @melyork @anna_tims @LKPleasehold"

[@LKPleasehold tweet quoted by the Defendant]

"Two former employees who criticised ABC Estates in fake Google reviews 'face £60,000 each in costs after libel claim, and must apologise in open court'

@PBottomleyMP @michaelgove @team_greenhalgh

<https://leaseholdknowledge.com/two-former-empl...>

[The above hyperlink took the reader to an article published on the Leasehold Knowledge website which included the following words:]

Two former employees of ABC Estates 'face £60,000 each in costs after libel claim, and must apologise in open court'

Two former employees of ABC Estates who posted critical Google reviews of the company using made-up names face paying out £60,000 each and must make an apology in open court, according to friends.

Dhir Doshi and Thomas Govan, who claimed to have acted in the public interest, failed in a court action to strike out a libel and defamation claim in December last year, clearing the way for a full trial.

Two ex-employees of ABC Estates fail to stop Richard Davidoff defamation action over critical Google reviews with fake names (and 'face £36,000 costs so far')

Two ex-employees of controversial managing agent Richard Davidoff who posted critical Google reviews with fake names of the services of ABC Estates have failed to block efforts to sue them for defamation. LKP is informed that they may already be looking at costs against them of £36,000, with more to come if the libel action

Richard Davidoff, his wife Hanni and grown-up daughters Tamara and Debby, ABC Block Management Limited and ABC Hendon Limited claim Mr Doshi and Mr Govan had accused them of fraud, dishonesty, permitting staff to steal from tenants and posting false positive reviews on social media. . . .

On March 31 Sir Peter Bottomley tabled an early day motion, so far signed by five MPs:

“That this House is concerned about how customers and employees can safely raise questions of business practice; and calls on the Select Committee on Levelling Up, Housing and Communities to invite Richard Davidoff to give evidence of his experience.”

Defamatory meaning

8. In their natural and ordinary and/or innuendo meaning the words complained of meant and were understood to mean that:

The Claimants own and are responsible for operating a deeply dishonest firm, ABC Estates, which has committed acts of fraud and dishonesty, has permitted staff to steal from tenants and has posted false positive reviews about itself on social media. When two former employees of ABC Estates acted as whistleblowers by speaking out in order to bring these dishonest acts to the attention of the public, the Claimants exploited their unsophisticated methods and acted dishonestly by suing them despite the substantial truth of the allegations. Due to the unsophisticated methods of the

whistleblowers, rather than because the Claimants had meritorious claims against them for libel, the Claimants secured an apology from the whistleblowers on a false basis. The Claimants did not dare sue the Defendant or Peter Bottomley MP because they were not unsophisticated like the whistleblowers and would have proven the allegations to be true.

Particulars Of Reference

9. If necessary, the Claimants rely on the following particulars in support of their case that the words complained of referred to and were understood to refer to the Claimants by a substantial number of readers.
10. The Defendant used his Twitter account to tweet on numerous occasions about issues concerning leasehold reform and his criticisms of the Claimants and ABC Estates. He was followed on Twitter during this period by 4,500 or more people. The words complained of would primarily have been read by this group of people (although they would also have been published more widely due to individuals other than the Defendant's followers also reading the words complained of). It would also have been read by people who would have been directed to the *Sad tale* tweet because the Twitter algorithms detected their interest in ABC Estates and the Claimants (this would have included both those who followed the Claimant and those who did not).
11. The Claimants cannot present their full case because they do not have a list of the Defendant's followers on Twitter. Furthermore, the Claimants do not know, pending disclosure by the Defendant of his Twitter analytics, the scale of publication of the words complained of and the tweets set out below.
12. From on or before November 2019 the Defendant began to publish tweets about ABC Estates and the Claimants. He also published numerous replies to other people's tweets in which he mentioned ABC Estates and the First Claimant. From at least this time he built up a following of people who were interested in these topics.

13. In the six months prior to publishing the words complained of the Defendant published the following tweets, which would have primarily been read by his followers and those interested in ABC Estates and the Claimants. The following tweets linked the Claimants with ABC Estates, thereby ensuring that people who read them would realise that the Claimants owned and were responsible for ABC Estates and the related companies. On reading the words complained of they would therefore have realised that they referred to the Claimants.

13.1. On 5 November 2021 at 12.16 the Defendant published a [tweet](#) which referred to the First Claimant as the Managing Director ("MD") of ABC Block Management. It included a hyperlink to a Leasehold Knowledge article. The hyperlink itself used the words "Richard Davidoff, of ABC Estates". The article which was hyperlinked by the Defendant, [Richard Davidoff, of ABC Estates, 'breached his fiduciary duties'](#), identified the First Claimant as the Managing Director of ABC Estates. ABC Block Management was widely known to be one of the ABC Estates companies.

13.2. On 7 November 2021 the Defendant published a [tweet](#) which included a link to a LinkedIn article written by him. The link, as shown in the tweet, included the words "Richard Davidoff, of ABC Estates".

13.3. On 9 November 2021 the Defendant published a [tweet](#) which linked the First Claimant with ABC Estates. The tweet retweeted the tweet referred at paragraph 12.2 above, which included a hyperlink to a [tweet](#) dated 7 November 2021 by the Defendant which included the words "Richard Davidoff, of ABC Estates".

13.4. On 14 November 2021 the Defendant published a [tweet](#) which referenced ABC Estates provided a hyperlink to a *Sunday Times* article ([Nick Ferrari falls silent on his new lease of life](#)) which included the words: "Take (Nick Ferrari's) adverts for ABC Estates, which manages residential blocks on behalf of freeholders. In one, the voiceover suggests you'll be happy as Larry by choosing ABC — before a grinning Ferrari, 62, adds: "Or even as happy as Nick!" But not everyone is smiling. Disgruntled leaseholders in southeast London complained after a bill from ABC, which is run by Richard Davidoff . . ." (underlining added)

- 13.5. On 5 December 2021 at 09.32 the Defendant published a [tweet](#) which provided a hyperlink to a Sunday Times [article](#) which stated: "Richard Davidoff, who runs Aldermartin, Baines & Cuthbert (ABC) Estates".
- 13.6. On 5 December 2021 at 10.12 the Defendant published a [tweet](#) which referred to "Richard Davidoff of ABC Estates" and retweeted the tweet referred to at paragraph 12.4 above, thereby providing a a hyperlink to a Sunday Times [article](#) which stated: "Richard Davidoff, who runs Aldermartin, Baines & Cuthbert (ABC) Estates".
- 13.7. On 20 December 2021 the Defendant published a [tweet](#) which implied that the First Claimant owned/was synonymous with ABC Estates. This was a quote tweet which included a [tweet](#) first published by Leasehold Knowledge on its website. The Leasehold Knowledge tweet also implied that the First Claimant owned/was synonymous with ABC Estates. The Leasehold Knowledge tweet included a hyperlink to an article published by it called [*Two ex-employees of ABC Estates fail to stop Richard Davidoff defamation action over critical Google reviews with fake names.*](#) The article stated that:
- 13.7.1. The libel claim brought against Messrs Doshi and Govan was a controversy "surrounding Richard Davidoff and his property firm ABC Estates".
- 13.7.2. "ABC Estates and the Davidoff family – Richard, Hanni, Tamara and Debby – claim that the critical reviews’ meaning is that they “are fraudsters and dishonest because they run a fraudulent and dishonest enterprise (or enterprises) which inflate prices artificially, charge for services not rendered and pursuant to falsified invoices and publish or cause to be published fake reviews of their services in order to deceive prospective clients into obtaining their services, and in so doing have committed criminal offences”.
- 13.7.3. The enterprise or enterprises were stated to be ABC Estates/the ABC Estates companies.
- 13.8. The Leasehold Knowledge article referred to above included a hyperlink to the [Judgment](#) of Deputy Master Yoxall which named each Claimant and stated at paragraph 4: "We have the same Claimants in each case. The Fifth Claimant (ABC

Block Management Limited) is engaged in property management. The Sixth Claimant (*ABC Hendon Limited*) is a sales and letting agency. The First to Fourth Claimants are all engaged in the running of these businesses through the companies. It is a family business." Paragraph 6 stated that the Fifth and Sixth Claimants traded as ABC Estates.

- 13.9. On 9 January 2022 the Defendant published a [tweet](#) about ABC Estates and the First Claimant. The tweet included a hyperlink to an article published on [The Observer](#) website which stated: "ABC Estates is one of a string of similarly named property companies established over the years by Richard (Raziel) Davidoff."
- 13.10. On 31 March 2022 the Defendant published a [tweet](#) which referred to "Richard Davidoff of ABC Estates".
14. The articles and the judgment referred to in paragraphs 10 - 13.10 above would also have been read independently (i.e. not because individuals were directed to them by the Defendant's tweets) by many of the Defendant's followers and more widely. A substantial number of those people would in turn have read the words complained of.
15. The Claimants' primary case is that the *Sad tale* tweet was published to such a substantial number of people that it is reasonable to infer an overlap between those who read some or all of the information set out in paragraph 13 above. Pending disclosure by the Defendants, the Claimants do not know the number of people who read the *Sad tale* tweet or the Defendant's other tweets set out above.
16. In the alternative, the Claimants rely on the following to establish an overlap between those who read the *Sad tale* tweet and the tweets set out at paragraph 13 above.
 - 16.1. The tweet referred to at paragraph 13.1 above (the first of the series relied upon) received 6 retweets and 12 likes (4 of whom also retweeted). Therefore it garnered 14 reactions from 14 individuals. The Defendant retweeted the tweet. Removing him from the list of 14 leaves 13 reactions from 13 individuals. Of those 13, 4 of them (approximately 30%) also liked or retweeted the *Sad tale* tweet (Valerie, Commonhold Now, Tower Hamlets Justice for Leaseholders and Harry Scoffin). This information, which pending disclosure is all that the Claimants can rely on,

shows that even a tweet published by the Defendant six months before publication of the *Sad tale* tweet was probably read by around 30% of those individuals who later read the *Sad tale* tweet.

16.2. The tweet referred to at paragraph 13.10 above (the last of the series relied upon) received 9 retweets and 11 likes (5 of whom also retweeted). Therefore it garnered 15 reactions from 15 individuals. 7 of those individuals, about 50% of them, also either liked or retweeted the *Sad tale* tweet (Catherine Williams, Harry Scoffin, Tower Hamlets Justice for Leaseholders, Philip Adams, Leasehold Slave, #cladding scandal and NLC LEASEHOLD CAMPAIGNER). Based on this information, which pending disclosure is all that the Claimants can rely on, the tweet relied on for the purpose of reference was read by very nearly 50% of those who went on to read the *Sad tale* tweet.

17. If the court concludes that the words complained of did not include the words set out in the article *Two former employees of ABC Estates 'face £60,000 each in costs after libel claim, and must apologise in open court'*, the Claimants aver that:

17.1. A substantial number of readers would have read the article, which was published the day before the *Sad tale* tweet, before they read the words complained of.

17.2. A substantial number of readers would have followed the hyperlink provided by the Defendant to the article. They would therefore have read the *Sad tale* tweet in conjunction with the article i.e. they read them as one publication.

18. In support of the contention at paragraph 17.2 above, the Claimants cannot know the identities of those who read the article. However, it is to be inferred that a high proportion of those who read the Leasehold Knowledge tweet which included the hyperlink to the article also read the article. A group of 9 individuals liked/retweeted the *Sad tale* tweet and also liked/retweeted the Leasehold Knowledge tweet which included the hyperlink to the article. It is inferred that they also read the article because the Leasehold Knowledge tweet provided a direct link to it. The 9 individuals were NLC Leasehold, #claddingscandal, Catherine Williams, LeaseholdSlave, Philip Adams, Tower Hamlets Justice, Harry Scoffin, Philip Adams, Elizabeth (@mollybrush1903) and mark stratford.

19. The *Sad tale* tweet was retweeted and liked by 28 individuals (some of whom liked and retweeted it). Of that 28 the 9 individuals referred to above read the article. Given that, on the analysis set out above, 32% of those who read the *Sad tale* tweet also read the article, it is likely that a similar proportion of the total readership did the same i.e. 32% or so of the readership of the *Sad tale* tweet also read the article.
20. A substantial number of readers of the words complained of would further have been aware that the First Claimant owned and was responsible for ABC Estates and its companies by reason of the following additional publications.
 - 20.1. On 7 November 2021 the Leasehold Reform website published an [article](#) which stated that ABC Estates includes ABC Block Management.
 - 20.2. On 19 November 2021 the Leasehold Reform website published an article whose headline was: *Sir Peter Bottomley calls on ministers to listen to 'whistleblower' ex-employees of Richard Davidoff (of ABC Estates)*. The article referred to "Richard Davidoff and his property firm ABC Estates".
21. In further support of their case on reference, the Claimants repeat paragraph 1 above. ABC/ABC Estates is a generic name by which the Claimants' companies were known. Most publishers with knowledge of ABC Estates would not know the different roles played by the Claimants in the constituent companies, but those who did know such information would have known the following when they read the words complained of.
 - 21.1. the Second Claimant was a director of ABC Estates (London) Ltd;
 - 21.2. the First Claimant was a director of ABC Estates Sales Limited;
 - 21.3. the First Claimant was a director of ABC Estates Surveyors Ltd;
 - 21.4. the First Claimant was a director of ABC Estates Limited;
 - 21.5. the Second Claimant was a director of ABC Hendon Ltd;
 - 21.6. the First Claimant was a director of ABC Block Management Ltd; and
 - 21.7. the Third Claimant was a director of TD Estate Services Limited.

22. Further or alternatively, each of the Second to Fourth Claimants was widely known to be related to the First Claimant and as being responsible for the management and conduct of ABC Estates by reason of the following:

22.1. Paragraph 1 above is repeated.

22.2. The Second to Fourth Claimants worked for ABC Estates, in a client-facing role; each attended the offices of ABC Estates, drove a car branded with ABC Estates name and corporate identity, which they used for personal as well as professional purposes.

22.3. The Second to Fourth Claimants were known as relatives of the First Claimant in the Jewish community in which they live and work. Such individuals would also have known that ABC Estates was a family company run the Claimants. Many members of that community are also current or former clients, service users or competitors of ABC Estates.

22.4. The Second Claimant was identified in a number of Google Reviews of ABC Estates (including one published by a poster giving the name "Nick Hargraves") which were available as search returns for ABC Estates at the time when the said statement was published.

23. Reference arose because a substantial number of people knew the information set out in one or more of paragraphs 13 to 22 above read the *Sad tale* tweet. Such knowledge would have caused a reader to conclude in each case that the words complained of referred to the Claimants.

Particulars of true innuendo

24. The Claimants were suing Messrs Doshi and Govan for the publication of defamatory allegations which accused the Claimants of committing acts of fraud and dishonesty, permitting staff to steal from tenants and posting false positive reviews on social media about ABC Estates. A substantial number of the readers of the words complained of knew this because:

24.1. As set out above, the Defendant had encouraged his readers to follow his link to the

article hyperlinked in the words complained of and he had also encouraged them to follow the hyperlink set out at paragraph 13.7 above which not only named the Claimants but used very similar words to those in the words complained of. The Claimants rely on the similarity between the Defendant's use of the words "dishonest firm" and the words used in the article which referred to the Claimants being accused of running "a fraudulent and dishonest enterprise (or enterprises)".

- 24.2. Further to paragraph 13.8 above, paragraph 13 of the Master's judgment stated that the allegations on which the Claimants sued Doshi and Govan were that they were: "individuals who run ABC Estates, ABC Edgware and ABC Hendon, are fraudsters and dishonest because they run a fraudulent and dishonest enterprise (or enterprises) which inflate prices artificially, charge for services not rendered and pursuant to falsified invoices and publish or cause to be published fake reviews of their services in order to deceive prospective clients into obtaining their services, and in so doing have committed criminal offences."

Serious harm

25. The words complained of caused and/or are likely to cause each Claimant serious harm in their reputation.
- 25.1. The Claimants cannot know the number of readers of the words complained of until the Defendant discloses his Twitter analytics for the *Sad tale* tweet. However, it is inferred that it is substantial given the interest that the Defendant had been generating in ABC Estates and the Claimants.
- 25.2. The Defendant continues to publish the words complained of thereby causing more harm to the Claimants' reputation and increasing the risk of further serious reputational harm to them.
- 25.3. The defamatory allegations are extremely serious and wide-ranging, and were self-evidently highly damaging and likely to affect the Claimants adversely in their personal and professional reputations.
- 25.4. In alleging that an apology which the Claimants might receive from Doshi and Govan was improperly obtained and one to which they were not entitled, the

vindication which the Claimants received in by way of the statement in open court on 9 May 2022 was undermined (thereby reducing the degree to which it restored their reputations).

- 25.5. To engage in fraud, dishonesty and theft in business constitutes the commission of a criminal offence (or offences), each of which is punishable by custodial penalties and which could lead to the disqualification of these individuals as company directors.
- 25.6. The publication of such allegations is particularly damaging in the context of business activities which necessarily requires handling client money and/or the money of lease and licence holders, holding keys and having access to properties owned by third parties.
- 25.7. In repeating and adopting the allegation regarding the posting of false positive reviews, the Defendant sought to, and did, undermine any good impression conveyed by any positive statement about the Claimants on review site which a reader might have read or read in the future.
- 25.8. The religious Jewish community in which the Claimants are active members places great importance on probity and integrity in business dealings. The defamatory imputations have caused the Claimants to be the subject of gossip and have made it difficult for the Claimants to participate fully in the life of the community.
- 25.9. Former clients who terminated contracts with ABC Estates have informed the First Claimant that they did so because of statements by the Defendant. In the premises, it is to be inferred that the allegations made by the First Claimant in the publications complained of caused or were likely to cause such clients to terminate, and/or consider the termination of such contracts.
- 25.10. By reason of the Defendant's tweets on ABC Estates, the Claimants and their area of work, the Defendant had built up a reputation as a credible poster on such issues, thereby causing the allegations in issue to be taken seriously.

Damage

26. Publication of the defamatory statements has damaged each of the Claimants in their reputation and caused them considerable upset, distress and embarrassment.
27. In support of their claims for damages, including aggravated damages, the Claimants will rely on the following:
 - 27.1. The Defendant knew that the behaviour of the two ex-employees, Govan and Doshi was wrongful. On 20 December 2021 he published a [tweet](#) about the libel claim brought against them (which tweet is also referred to at paragraph 13.7 above). The Defendant stated "the behaviour from ex-employees of ABC Estates (*Govan and Doshi*) cannot be condoned". It is clear from this that he knew that their behaviour in defaming the Claimants was improper and that they had invented fake identities in order to post fake reviews about ABC Estates and the Claimants. Given this knowledge, it was remarkable that he gave the opposite impression in the *Sad tale* tweet by claiming that that Govan and Doshi were "whistleblowers" who had been unjustly caught out because of their "unsophisticated methods". It is inferred that he made this allegation in the knowledge that Govan and Doshi were not in fact whistleblowers who had exposed wrongdoing but in fact individuals who had acted in a highly dishonest manner. It is further inferred that the Defendant did this in order to cause damage to the Claimants, particularly the First Claimant.
 - 27.2. The matters set out in paragraphs 25 are repeated.
 - 27.3. It was, or plainly ought to have been, apparent to the Defendant that insinuating that a court apology had been improperly obtained days prior to its delivery would have undermined the very purpose of that apology.
 - 27.4. The Defendant has failed to retract, remove and apologise for his allegations. In the absence of any clear public statement from him, the publications complained of continue to trouble the Claimants.

27.5. The Claimants will rely on their letters of complaint to the Defendant, and the terms of his responses. In particular, they will rely upon his insinuation that the first letter of complaint was abuse of the legal process. They will also rely upon his continuing failure to respond adequately or at all.

Injunction

28. The Defendant continues to publish the words complained of and has refused to remove them. Therefore unless restrained, the Defendant will continue to publish the same or similar statements defamatory of the Claimants.

And the Claimants and each of them claim

(1) Damages, including aggravated damages, for libel;

(2) An injunction to restrain the Defendant from publishing or causing to be published the same or similar statements defamatory of the Claimants (and each of them);

(3) An order under s12 of the Defamation Act 2013 that the Defendant publish, by his Twitter account, a summary of the judgment in these proceedings;

(4) Further or other relief;

(5) Costs.

William Bennett KC

Beth Grossman Doughty
Street Chambers

Statement of truth

The Claimants believe the facts stated in these Particulars of Claim are true. The Claimants understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Mark Lewis

MARK LEWIS
Partner, Patron Law

Dated ~~2 February 2023~~ 16 February 2023

Statement of truth

The Claimants believe the facts stated in these Re-Amended Particulars of Claim are true. The Claimants understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Mark Lewis

MARK LEWIS
Partner, Patron Law

Dated 15 September 2023