

From: Soul Legion <Brodiies@REDACTED.email>
To: "legal@trustpilot.com" <legal@trustpilot.com>
Subject: Subject: Immediate engagement required: ongoing publication and republication after notice; contradictions with "transparency"; response requested re Calderbank offer
Date: Fri, 22 Aug 2025 22:16:33 +1000

Dear Trustpilot Legal,

I write further to my prior correspondence, including "**Cease and Desist**," "**Final Notice of Intent to Sue**," and "**CALDERBANK OFFER – DEFAMATION AND HARASSMENT PROCEEDINGS**" dated 14 AUGUST 2025.

This letter consolidates the material facts, evidences critical failures in your processes, and demands **substantive engagement** with my Calderbank offer to avoid immediate multi-jurisdictional litigation.

1) Bad-faith republication and internal contradictions

On **11 August 2025**, your representative asked me to pause action to "**avoid any wasteful costs**," promising a substantive response by **15 August 2025**.

Within **approximately two hours**, Content Integrity **reinstated** the defamatory "**Robert McDonovan**" review (also posted under "**Matt Mcglouglin**") as "does not breach our guidelines." That is a **knowing republication** directly contrary to your own legal stand-down request. This is not isolated. The same reviews received **contradictory adjudications within hours** ("removed/filtered" vs "reinstated/not defamatory"), demonstrating an **arbitrary and unreliable** moderation system.

2) Publisher liability and failure to act expeditiously

Trustpilot is **not** a passive host. You **curate, moderate, and algorithmically amplify** user content. Once notified, **continued publication**—and especially **republication**—establishes **publisher liability** under Australian law (**Fairfax Media Publications Pty Ltd v Voller [2021] HCA 27**) and breaches **notice-and-action** duties under the EU **Digital Services Act** (Arts 14–17).

The **Karl Messer/Messar** chain has been **removed and re-added repeatedly** since **December 2024**. Each return after complaint is a **fresh publication and aggravates** harm.

3) Misleading and deceptive conduct (ACL)

ABN misrepresentation. Staff initially denied any Australian entity/ABN. On **18 August 2025**, Privacy Counsel confirmed **Trpilot Pty Limited (ABN 37 605 147 260)**, Level 22, 400 George Street, Sydney. That denial-then-reversal contradicts your public "**Transparency**" narrative and is **capable of misleading** under the **Australian Consumer Law** (ss 18, 29(1)(g), 33, 21).

Biased and retaliatory mechanisms. After I flagged manifestly fake reviews (including obscene usernames and the "**server deletion**" allegation that is **technically impossible**), your UI displayed banners implying **suspicious behaviour** by my business and threatened "**misuse/false-flagging**" penalties—punishing legitimate use of your mandated process.

Asymmetric "transparency." You deploy special tooling to remove reviews "not about you" for your own profile, while denying equivalent recourse to listed businesses even when a review is **not about us**. That asymmetry is misleading and destroys any claim to neutrality.

4) Specific defamatory publications retained or revived

- "**Robert McDonovan / Matt Mcglouglin**" — explicitly **reinstated on 11 Aug 2025** despite prior notice.
- "**Karl Messer/Messar**" (6 Nov 2024) — **non-customer**; repeatedly **removed and re-added** from Dec 2024 to present.
- "**Deletes your server**" — **impossible**: Legion Killfeed reads via **revocable** user tokens and has **no destructive capability**.

Keeping or reinstating these after notification satisfies **serious harm** under the **Defamation Act 2005 (NSW)**. (In NSW, **damages are not required to establish liability**; the element is **serious harm** under s 10A. I will also pursue **general and aggravated damages** given your republications and contradictions.)

5) Legal foundations

Australia (NSW) — *Voller* (publisher liability); **s 10A serious harm** (no quantified damages needed to establish liability); **ACL ss 18, 21, 29(1)(g), 33**.

Comparable authorities — *Barilaro v Google LLC* (damages for failure to remove post-notice); *Google Inc v Duffy* (liability for search/autocomplete after notice); *Trkulja v Google LLC* (claims permitted to proceed); *Kabbabe v Google LLC* (orders to identify anonymous reviewer).

United Kingdom — **Defamation Act 2013 s 5** (safe-harbour lost absent expeditious action); *Tamiz v Google* (operator liability post-notice).

EU / Denmark — **DSA Arts 14–17** (effective notice-and-action; reasoned decisions). Your contradictory reasons, automation-first adjudication, and **reinstatement after notice** fail those duties.

6) Proportionate resolution required by 5:00 PM AEST, Wednesday 27 August 2025

Content removal & undertaking — Permanently remove all unlawful reviews, including **every instance** of "**Robert McDonovan / Matt Mcglouglin**," **every instance** of "**Karl Messer/Messar**," and the "**server deletion**" claim; provide a **written non-republication undertaking** covering substantially similar allegations (including edited reposts).

1. **Correction** — Publish a **prominent correction** on the Legion Killfeed profile acknowledging moderation errors that led to temporary publication of **non-genuine** reviews, now removed.
2. **Preservation & disclosure** — Implement a **litigation hold** over reviewer metadata, IP logs, moderation logs/decisions, and internal emails; confirm a **single legal point of contact** for service of an imminent subpoena to identify anonymous reviewers.
3. **Entity confirmation** — On letterhead, confirm the correct Australian and Denmark/UK entities and **addresses for service**. If **Trpilot Pty Limited (ABN 37 605 147 260)** operates in Australia, confirm it **accepts service**.

7) Calderbank offer and timing

You are in receipt of my **Calderbank offer of AUD 1,007,000** to settle all claims (general, aggravated, and consequential loss) and costs. While **damages are not an element required to establish liability in NSW**, your conduct has **caused and aggravated** loss and I will seek full compensation.

- **Engage with the offer by: 5:00 PM AEST, Wednesday 27 August 2025**
- **Acceptance ready by: 5:00 PM AEST, Wednesday 3 September 2025**

Please confirm your **legal representative** for settlement discussions **today**, and confirm the **content actions** and **litigation hold** above by the stated deadline.

Yours faithfully,

Anthony Brodie

Owner — Legion Killfeed ABN 28 387 377 607



Annex — Mini-chronology (subject-line references only)

- **11 Aug 2025** — Legal asks me to pause to **15 Aug** (“to avoid wasteful costs”); within ~2 hours, Content Integrity **reinstates Robert McDonovan / Matt Mcglouglin** as “not defamatory.”
- **Dec 2024** → **present** — **Karl Messer/Messar**: iterative “removed/filtered” vs “reinstated/not defamatory” outcomes across tickets.
- **18 Aug 2025** — Privacy Counsel: **Trpilot Pty Limited (ABN 37 605 147 260)**, Level 22, 400 George Street, Sydney (reversal of prior “no ABN”).

Email Headers (Raw)

X-Mozilla-Status	0001
X-Mozilla-Status2	00000000
From	Soul Legion <Brodies@REDACTED.email>
To	"legal@trustpilot.com" <legal@trustpilot.com>
CC	Adrian Blair - Trustpilot <adrian.blair@trustpilot.com>, Privacy - Trust Pilot <privacy@trustpilot.com>
Subject	Subject: Immediate engagement required: ongoing publication and republication after notice; contradictions with "transparency"; response requested re Calderbank offer
Thread-Topic	Subject: Immediate engagement required: ongoing publication and republication after notice; contradictions with "transparency"; response requested re Calderbank offer
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Importance	high
X-Priority	1
Disposition-Notification-To	"Brodies@REDACTED.email" <Brodies@REDACTED.email>
Return-Receipt-To	<Brodies@REDACTED.email>
X-MS-Exchange-MessageSentRepresentingType	1
Date	Fri, 22 Aug 2025 22:16:33 +1000
Message-ID	<SL2P216MB2029D0DAB3FB86D3ABF22E11DA3DA@SL2P216MB2029.KORP216.PROD.OUTLOOK.COM>
References	<SL2P216MB2029991CB15C8FEC2842FA34DA33A@SL2P216MB2029.KORP216.PROD.OUTLOOK.COM> <SL2P216MB20292866E67A1862B9659B33DA3DA@SL2P216MB2029.KORP216.PROD.OUTLOOK.COM>
In-Reply-To	<SL2P216MB20292866E67A1862B9659B33DA3DA@SL2P216MB2029.KORP216.PROD.OUTLOOK.COM>
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X-MS-Exchange-Organization-SCL	-1
X-MS-TNEF-Correlator	
X-MS-Exchange-Organization-RecordReviewCfmType	0
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x-ms-exchange-imaappendstamp	SL2P216MB2029.KORP216.PROD.OUTLOOK.COM (15.20.9094.006)
Content-Type	multipart/related; boundary="_003_SL2P216MB2029D0DAB3FB86D3ABF22E11DA3DASL2P216MB2029KORP_"; type="text/html"
MIME-Version	1.0