


From: Alan W. Dunch [redacted]   
Subject: RE: Minister of Home Affairs  
Date: July 7, 2015 at 10:08 AM  
To: Ayo Johnson ayojohnson@gmail.com

AW

Thank you.



BARRISTERS  
& ATTORNEYS

**Alan W. Dunch JP**  
Director



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**From:** Ayo Johnson [mailto:ayojohnson@gmail.com]  
**Sent:** Tuesday, July 07, 2015 9:32 AM  
**To:** Alan W. Dunch  
**Subject:** Re: Minister of Home Affairs  
**Importance:** High

Mr Dunch:

Thank you for your note which contains some interesting assumptions.

Forgive the delayed response - I had some technical challenges which have prevented me from publishing anything in any event.

Your client is well aware that I am a responsible journalist who puts the public interest above all else.

AJ

On Jul 6, 2015, at 11:36 AM, Alan W. Dunch <[redacted]> wrote:

Mr. Johnson:

I write to you in my capacity as legal counsel of record to the Minister of Home Affairs, the Second Defendant in Supreme Court proceedings currently extant and issued at the instance of the Allied Trust and others.

I have been informed this morning that you have come into possession of an affidavit recently sworn and filed in these proceedings by Mr. Michael MacLean. It is unclear to me as to how you came to be in possession of this document and you should be aware that it is wholly improper for the document to have been given to you as it is a private, confidential filing in extant litigation where the rule is that such

documents are to remain private as between the parties and ought not to be provided to third parties unless it is necessary to do so in order to further the litigation itself. The person or persons who have provided this document to you, when ascertained, will be liable to answer for contempt of court.

Be that as it may, I am writing to you to put you on notice that the affidavit contains unfounded allegations, based entirely on hearsay or second hand hearsay, which are highly defamatory of persons in public office, including the Minister. The allegations are wholly false and untrue and will be dealt with in the fullness of time in the proceedings that are now before the Supreme Court. If you proceed to publish any of these allegations, you will be exposing yourself to an action in defamation for which you will have no defense. The general law is that there is no privilege that attaches to the publication of the contents of an affidavit that has been filed in civil proceedings unless and until such contents are brought up and read out in open court with the result that the publication of defamatory material in an affidavit in advance of any court hearing is actionable.

I suggest that you seek legal advice immediately so as to ensure that you do not act in a manner that runs afoul of the law.

I must ask that you provide me with confirmation and an undertaking no later than 2pm this afternoon that you will take no steps to publish any of the contents of the MacLean affidavit that you have unlawfully come to be in possession of. If you do not, then the Minister reserves all rights to take action against you without notice.

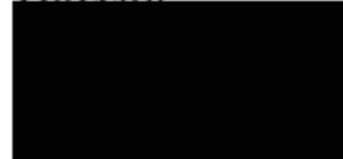
Please note that I am copying this email to Mr. Eugene Johnson who is counsel to Mr. MacLean. I am doing so because the consequence of you publishing the contents of his affidavit will redound to his detriment as well in that, as the maker of the defamatory material, he is equally liable with you for the damages that will flow from your publication of that material.

I trust the position is clear.

AWD

<image001.jpg>

**Alan W. Dunch JP**  
Director



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