

MD
M^cCARTHY DENNING

For the attention of the legal department OR directors or company secretary
ADVFN PLC
Suite 27 Essex Technology Centre
The Gables
Fyfield Road
Ongar
Essex
CM5 0GA

24th December 2016

Our Ref; AS/RB/Ear0001

Dear Sirs,

Notice of complaint and take-down letter under Section 5 of the Defamation Act 2013

1. We act for the complainant, Aidan Earley, ("our Client" or the "Complainant") of Mitchley, Traps Lane, New Malden, KT3 4RU who can be contacted via aidanearley@mail.com The Complainant consents to his contact details being provided to the posters.

2. The Complainant is aware that several statements, (the Statements) are currently being published on a website accessible via the URL <http://uk.advfn.com/cmn/fbb/thread.php?id=32600258&from=8979> (Offending Webpages). We enclose a copy of the offending Statements at Annex 1 to this letter for ease of reference.

3. The Statements allege that the Complainant is part of a "criminal gang" running Worthington Group Plc ("Worthington" or the "Company") which those making the Statements falsely claim is a fraudulent enterprise. By stating that the Complainant is part of the Worthington "criminal gang", any false and defamatory statement made against Worthington is therefore also likely to be a false and defamatory claim made against the Complainant. The Statements are untrue and are likely to damage the reputation of the Complainant and Worthington. Neither the Complainant nor Worthington are the subject of any adverse findings, judgments or fines in respect of any offence of fraud, or anything similar.

The Statements, which have been posted by anonymous individuals, each make allegations that are extremely serious and damaging to the Complainant and Worthington but are untrue.

Such abusive language includes the use of words such as:

- "Scam";
- "Moron(s)";
- "Fraud";
- "Rubbish";

- "Fraudster";
- "Crook(s)";

In addition, allegations against our Client (and or Worthington) have been made, by using words such as:

- "Theft";
- "Robbing";
- "Boiler Room"; and
- "it looks like the Earleys walked away with 475keasy money ..".

The Statements are defamatory of the Complainant and Worthington within the meaning of s. 1 of the Defamation Act 2013. Because of their prominence and availability they are likely to have caused serious damage to the Complainant and Worthington.

4. We draw your attention to Annex 1 where the location and the exact wording of the Offending Statements is set out.

5. The Statements have been posted by anonymous individuals that are using a nickname and are not known to the Complainant or Worthington and therefore cannot be identified. We confirm that the Complainant does not have sufficient information about the person(s) who posted the Statements to bring proceedings against the person(s) or direct this notice to them.

6. The Offending Webpages are hosted by you. Our client hereby gives you notice of its complaint within the meaning of Section 5 of the Defamation Act 2013 (and the secondary legislation under that section) and requests that you act expeditiously to remove the Statements contained in Annex 1 to this letter, or disable access to the Offending Webpages.

8. If our client receives confirmation within 48 hours of the date of this letter that you have removed or disabled access to the Offending Webpages, our client will take no further action against you in respect of this matter. If this confirmation is not received, our client reserves the right to issue proceedings against you seeking relief for defamation. If proceedings become necessary, the remedies that may be available to our client include an injunction restraining further publication of the Statements [pending trial], damages, legal costs and interest. In the meantime, our client reserves all its rights in this matter.

9. Our Client cannot pursue his complaint against a multitude of anonymous unknown individuals, and to do so would be disproportionate as the Offending Webpages serve to aggregate and congregate the attacks on a legitimate business. S. 10 of the Defamation Act 2013 allows a claim to be brought against an internet intermediary such as yourselves in circumstances where a complainant is unable to pursue litigation against primary publishers (the anonymous posters), for one reason or another.


Please provide confirmation of receipt.

Please comply with the duties under the Defamation (Operators of Websites) Regulations 2013 within the 48 hour timeframe provided therein to action a notice such as this.

Please provide confirmation of steps taken in compliance with Defamation (Operators of Websites) Regulations 2013 on this complaint within 7 days of the date of receipt of this letter.

We look forward to hearing from you by 5pm on 29th December 2016 in relation to paragraph 8 above or otherwise within 7 days of receipt of this letter.

Yours faithfully,



Ayub Sadiq
Solicitor
For and on behalf of McCarthy Denning

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