

Subject: Immediate engagement required: ongoing publication and republication after notice; contradictions with “transparency”; response requested re Calderbank offer

From Soul Legion <legionkillfeed@outlook.com>  
Date Fri 22-Aug-25 10:16 PM  
To legal@trustpilot.com <legal@trustpilot.com>  
Cc Adrian Blair - Trustpilot <adrian.blair@trustpilot.com>; Privacy - Trust Pilot <privacy@trustpilot.com>

## 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

1. **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).
2. **Correction** — Publish a **prominent correction** on the Legion Killfeed profile acknowledging moderation errors that led to temporary publication of **non-genuine** reviews, now removed.
3. **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.
4. **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

**LEGION KILLFEED**

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## 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”).