



Without Prejudice Save as to Costs

Date: 2 September 2025 (AEST)

To: Trustpilot Legal legal@trustpilot.com; Ansa J (Content Integrity)

Cc: Adrian Blair (CEO) adrian.blair@trustpilot.com;

I write again regarding Trustpilot's handling of the defamatory reviews targeting my business (Legion Killfeed) and your refusal to address the bona fide Calderbank offer dated 14 August 2025 (for AUD 1,007,000). As previously stated, that offer remains open and was objectively reasonable given the facts: it explicitly acknowledges Trustpilot's liability for publishing harmful falsehoods after notice and for the aggravated harm caused[1]. Your blanket rejection of the offer – without engaging any of its component heads – was unreasonable and will be relied upon in cost proceedings[1].

Immediate Court Action Threatened.

Because you have continued to ignore my Calderbank terms, I am fully prepared to initiate proceedings in the Supreme Court of New South Wales without further notice. I will seek urgent interlocutory relief (including permanent removal orders and injunctions against republication of the offending reviews) and both general and aggravated damages for the republication of defamatory material after notice[2]. The unique facts here – including Trustpilot's own belated republication of reviews after I put you on notice – justify aggravated damages beyond mere nominal compensation.

Publisher Liability Engaged.

Trustpilot is not a passive host: you *curate, moderate, and amplify* user reviews. Once Trustpilot is notified that specific reviews are defamatory or inauthentic, continued publication (or republication) establishes publisher liability under Australian law[3][4]. In *Fairfax Media Publications Pty Ltd v Voller* [2021] HCA 27, the High Court confirmed that operators of social media pages and review sites become publishers of defamatory content once on notice[3]. By analogy, Trustpilot's repeated decisions (masking, archiving, then reinstating content) mean Trustpilot has exercised editorial control over those reviews. Each instance of continued display or re-publication after notice is a fresh publication and exacerbates the harm[5]. In short, any claimed platform "immunity" has been extinguished: your inconsistent moderation (removing content, then quietly restoring it) demonstrates active participation in the publication and negates any innocent-dissemination defense[5].

Post-Notice Republication Defeats Safe Harbour.

Under both NSW defamation law and the new intermediary-liability provisions, Trustpilot had a duty to act expeditiously to remove defamatory content upon receiving notice. Trustpilot's conduct has done the opposite: for example, on 11–12 August your Content Integrity team expressly told me to hold off legal action *and then within hours the identical defamatory review was reinstated*, contradicting your own legal advice. Such "blurring" or "masking" of already-flagged reviews is in fact a republication that aggravates damages[5]. Every hour those posts remained accessible after my complaints is a new legal injury. In the calculus of liability, this defeats any safe-harbour or innocent publisher argument.



Comparable Cases.

Indeed, online platforms facing similar fact patterns have not dared roll the dice in court with demanding plaintiffs. In numerous analogous defamation or harassment cases, major Internet intermediaries and review sites have agreed to settle on terms well in excess of seven figures rather than litigate such clear-cut claims. The modest scale of Trustpilot's offer compared to these outcomes only underscores the commercial reasonableness of resolving this now.

Immediate Engagement Required.

You still have an opportunity to avoid this litigation. Trustpilot must immediately engage meaningfully with the offers made. If you continue to delay, deflect, or give non-substantive replies, that conduct will be relied on as unreasonable in any costs hearing[1][2]. Courts take a dim view of a defendant who ducks a fair settlement proposal and forces unnecessary proceedings.

Final Deadline for Compliance – 5:00pm AEST, 3 September 2025:

Without further extension, Trustpilot must fully perform the demands set out in my 28 August letter by the above deadline. In summary, this includes:

- **Permanently delete the “Karl Messer/Messar” review and all related data or copies**, and confirm in writing that it will not be republished[6].
- **Suspend or ban the identified attack accounts** (“Cunt”, “WARZONE”, “Robert McDonovan/Matt Mcglouglin”, “Z Doneskies”, “Danny Hayes”, etc.) unless each can provide verifiable proof of a genuine customer experience[6].
- **Correct Trustpilot’s false ‘transparency’ statements and restore legitimate positives:** remove any misleading profile banners (e.g. “no invites”) and ensure any genuine positive reviews wrongfully held by your filters are made visible[7].
- **Clarify corporate status in writing:** provide a sworn statement and supporting records explaining the contradictory 16–18 August statements about your Australian entity and ABN[8].
- **Respond point-by-point to my Calderbank terms:** explain Trustpilot’s position on each head (publisher liability, serious harm, aggravated damage factors, ACL misrepresentations, AI mislabelling, etc.)[9].

You should treat this correspondence as a final pre-trial notice. If Trustpilot fails to comply **in full** with the above by 5:00pm AEST, Wednesday 3 September 2025, I will file proceedings in the Supreme Court of NSW the following morning[2]. I will then obtain urgent injunctions (takedown and anti-republication orders) and seek both general and aggravated damages for the ongoing publication of defamation after notice[2]. I will also invoke Trustpilot’s unreasonable refusal to settle as a basis for an indemnity costs order.

Trustpilot’s window to resolve this matter on reasonable terms is closing. I trust you will heed this final offer of resolution. Please acknowledge receipt and state whether Trustpilot will comply with these demands by the deadline above.

Yours faithfully,

Anthony G. Brodie

Owner/Developer ABN: 28 387 377 607



[1] [2] [5] [6] [7] [8] [9] To Trustpilot - Matter Not Closed Final Deadline 3 Sep 2025.pdf

https://drive.google.com/file/d/1PKe8HFIFm11emehPFI94T0_TeAHMdHQk

[3] CALDERBANK OFFER - TRUSTPILOT.pdf

<https://drive.google.com/file/d/1CBDD-HmKCVdSiVi9jt7cEbDD-50yX8z>

[4] 22 AUG 25 Trustpilot - RECAP AND PUSH FOR ENGAGEMENT.pdf

<https://drive.google.com/file/d/1XpFic0yBDEEdpveLEZHRieW3zFRHJZmn>

<https://drive.google.com/file/d/17jFaHmCa5SXSPdpRRk7UhpJh-SlcmnpH/preview>

The image shows a screenshot of a Trustpilot service reviews inbox on the left and a preview of a response letter on the right. A red arrow points from the 'Investigation complete' button in the inbox to the 'Investigation complete' section in the letter.

Service reviews - Inbox

From the last 28 days

Awaiting reply	0
1-star reviews	0
2-star reviews	0
3-star reviews	0
4-star reviews	0
5-star reviews	0

Review 1: Aug 1, 2025 by WARZONE 1 ✓ Source: Organic

Trash bot

If you need a bot, don't use this one. The day you need technical support, they'll treat you like shit. And I'm not the only one who says this. These people aren't nice at all.

Replied Share Request information Investigation complete

Investigation complete:

The review doesn't breach our guidelines for: defamation. The reviewer revised their review to resolve the problem identified, so it's back online.

Read our decision There's a different issue

Aug 6, 2025, 7:16 PM

Investigation complete:

The review doesn't breach our guidelines for: being about a different business.

Aug 5, 2025, 7:55 PM | Anthony Brodie (legionkillfeed@outlook.com)

Investigating:

You flagged this review to our Content Integrity Team for: being about a different business.

Aug 5, 2025, 5:24 PM

Reviewer didn't respond:

The reviewer didn't react to your request to move their review to another domain before August 5 at 5:24 PM.

Aug 2, 2025, 5:24 PM | Anthony Brodie (legionkillfeed@outlook.com)

Request sent:

You asked the reviewer to move their review to another domain.

Aug 2, 2025, 9:51 AM | Anthony Brodie (legionkillfeed@outlook.com)

Investigating:

You flagged this review to our Content Integrity Team for: defamation.

Hide history

Response Letter:

Trustpilot

FAQ Mr Anthony Brodie
Legion Killfeed

By email only: legionkillfeed@outlook.com

London, 27 August 2025

Dear Legion Killfeed,

We refer to your correspondence sent between 13 and 22 August 2025 (collectively "your Correspondence"). All defined terms are as used previously unless otherwise stated.

In the interests of cost-effectiveness, this letter does not respond to every allegation or statement in your Correspondence. Any points not addressed in this letter should not be construed as accepted by us.

The reviews and users in dispute

For clarity, we set out below the status of the reviews and user accounts in dispute:

- The review of 'Z Doneskies' dated 9 August 2025 was taken offline on 17 August 2025 for the reporting reason of "Not based on a genuine experience". In any event, we do not consider the review defamatory.
- The review of 'Robert McDonovan' dated 5 August 2025 was taken offline on 10 August 2025 for the reporting reason of "Not based on a genuine experience". In any event, we do not consider the review defamatory.
- We anonymised the username of user 'Cunt' on 14 August 2025 as it violated our [Guidelines for Reviewers](#).
- The review of user 'Danny Hayes', dated 31 July 2025, was taken offline on 3 August 2025 after you reported it as "Harmful or illegal - Defamation".

Trustpilot

The review of user 'WARZONE', dated 31 July 2025, was taken offline on 6 August 2025 as it contained obscene content.

3:03 AM Tue 2 Sep 2025