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BY POST

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Your ref: ALW/Old Market Square

Our ref: DC/TG/CG/Freeman/20542

20 April 2012

Dear Sirs,

Nottingham City Council v (1) Carl Freeman and (2) Persons Unknown – Nottingham County Court – 30th April 2012

We write further to recent correspondence, in particular the Claimant's reply and further evidence in support of the Order it seeks which was served last Friday.

We write to inform you that Mr Freeman has now had the opportunity to consider that pleading and evidence. Recognising that the Claimant has now provided a fully pleaded case in support of its claim for possession of certain areas of Market Square, supported by fuller evidence, Mr Freeman has instructed us that he is prepared to remove himself from the encampment such that he should not be considered to be in 'possession' of Market Square for the purposes of these proceedings.

As you are aware, Mr Freeman has been a spokesperson for the encampment as a whole through these proceedings and for that reason was designated a Representative Defendant. He has instructed us that the intention to withdraw from Market Square is shared by all camp members.



Accordingly, we propose that, assuming the complete disbandment of the camp and the removal of its constituent parts from Market Square takes place by 9pm on 22 April 2012, the Claimant should seek to discontinue these possession proceedings on Monday 23 April 2012.

We recognise that, notwithstanding Mr Freeman's designation as a representative defendant, there is the potential for 'persons unknown' to continue occupation of Market Square. We cannot pretend to act for those persons (and make clear that we will not act for them at the trial on 30th April should proceedings still be on foot) and we appreciate that the Claimant will likely not be prepared to discontinue the proceedings against 'persons unknown' until satisfied that the encampment has entirely disbanded.

In terms of the Claimant's costs, we would oppose any order for costs against Mr Freeman. Mr Freeman's position remains as set out in our letter of 17 April 2012. Indeed, given the reasonability of the position he has adopted in response to the fully pleaded case, this letter strengthens the argument that there should be no order. We would be grateful for your agreement in due course.

Finally, Mr Freeman would like to make clear that, although he and the other camp members now recognise the force of the Claimant's claim for possession, they do not consider withdrawing from Market Square to be the conclusion of their protest nor the end of the 'Occupy Nottingham' movement. The group will take this opportunity to reconsider the aims of the Occupy Nottingham movement and the best means by which to pursue these aims in light of their withdrawal. They would welcome an open and frank dialogue with the Claimant going forward and will appreciate any efforts made by Nottingham City Council in helping them achieve the goals of their protest.

We confirm that a copy of this letter has been served on the Court.

We look forward to your response.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Dih', with a horizontal line extending to the left and another to the right.

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