



# **Sales Promotion Specialists**

Don Marketing UK Ltd.  
St. Andrews Castle  
33, St. Andrews Street South  
Bury St. Edmunds IP33 3PH  
Tel: 01284 386016  
Fax: 01284 388308  
E-mail: [jad@don-marketing.com](mailto:jad@don-marketing.com)  
Web: [www.don-marketing.com](http://www.don-marketing.com)

JAD/A167

29 June 1998

Mr A Coe  
Chief Constable  
Suffolk Constabulary  
Martlesham Heath  
IPSWICH  
Suffolk IP5 7QS

X Pages By Fax Only To: 01 473 610873

Dear Mr Coe

**CH 1998 D No. 2149 - JOHN ALFRED DONOVAN and SHELL UK LIMITED**

I am writing with regard to sinister threats that have been made against my family, potential key witnesses in the above litigation, and myself.

The threats may have a connection with clandestine activity recently undertaken by an investigator, Mr Christopher Phillips, who was acting at the behest of Shell's solicitors, DJ Freeman. In the course of his mission, Mr Phillips gave a business card to a receptionist at our offices. He was identified on the card as being a Director of the Cofton Consultancy located at 35 Brompton Road, Knightsbridge, London SW3 1DE. He claimed to be seeking office accommodation on behalf of a client. This was an outright deception.

We now know that the "Cofton Consultancy" is a nothing but a facade designed to deceive. Mr Phillips actually works for surveillance specialists, M.C. Investigations, located at Suite 325, 28 Old Brompton Road, London SW7 3DL.

By way of background information, Don Marketing has had a long association with Shell that commenced in 1981. We have been responsible for devising many of their most successful promotions, not only in the UK, but also in a number of Countries around the world.

In more recent years, we have found it necessary to bring four High Court Actions against Shell UK alleging breach of confidence and/or breach of contract with regard to ideas we disclosed to them on a confidential basis. All four actions have revolved around one key Shell Manager.

Shell has already settled the first three claims in our favour. The most recent of these claims (the Chancery Action identified above) is in respect of the SMART loyalty scheme. I have also brought a claim against Shell UK for libel.

A number of sinister developments have culminated in an anonymous telephone call in which a caller threatened harm against my family and I if I continue with the litigation. Implied threats were also made against certain key witnesses.

Although I treated the comments made in the call with appropriate scepticism, subsequent events that have unfolded in rapid succession confirm a close correlation between the caller's comments and what has occurred. Indeed, the correlation is so close, that commonsense suggests that his threats should be taken very seriously.

On 18<sup>th</sup> May 1998, a journalist called "Mr Charles Hoots" travelled to Bury St Edmunds, purportedly from Paris, and spent several hours interviewing a key witness and myself. Mr Hoots subsequently traced and interviewed another witness. He had also spoken to our solicitor, Mr Richard Woodman of Royds Treadwell. In all four instances, he claimed to represent "The European". We have now established that this was an outright deception. Lawyers acting for The European are trying to trace Mr Hoots, who apparently did work over two years ago for the former management of the publication.

On 21<sup>st</sup> May, a gentleman called Mr Christopher Phillips visited our business centre offices posing as a consultant seeking office accommodation for a client. He asked so many questions about us that he aroused the suspicions of a receptionist. However, she did not say anything to me at the time (I only call at the business centre once or twice a week to collect our mail).

I received the anonymous call on 14<sup>th</sup> June. It soon became apparent that the caller had an intimate knowledge of the litigation we had brought against Shell. He mentioned a matter of a highly confidential nature, known only to a small number of people. It was during this conversation that serious threats were made against my family and myself. As already indicated, implied threats were also made against certain witnesses.

The caller mentioned that: -

1. Shell's solicitors, DJ Freeman, had instructed an investigative resource. As you will see, this turned out to be absolutely correct.
2. He named two specialist agencies that were allegedly advising Shell - "Shandwick PR" and "Tequila". Both of the firms have visited our web site that contains information about the litigation.

3. Shell was about to go on the offensive. The following day, Mr Woodman advised me that Shell had made an application for an order in respect of the libel case, which included a submission that the case should be struck out.
4. Shell would be making a counter claim when their Defence was filed on 26<sup>th</sup> June, Shell filed a Defence, which included a counterclaim against us.
5. Dr Fay, (the Chairman and Chief Executive of Shell UK Limited) was furious at our antics at the May AGM of Shell Transport & Trading Co Plc - particularly by the leaflets that we had distributed. The counterclaim is based partly on an alleged breach arising from the distribution of the leaflets at the AGM.
6. Shell objected most of all to the so called "elaborate and colourful websites (as described in a recent Daily Telegraph article). Shell's Counterclaim is based substantively on information published on the websites.
7. Our complaints about Shell to the Advertising Standards Authority. Again, Shell has based its Counterclaim partly on our letters to the ASA.
8. A highly confidential arrangement that existed between Shell and ourselves.

I brought the anonymous call and the activities of Mr Hoots and Mr Phillips to the attention of Shell's most senior Directors. I mentioned that I had arranged to give a Statement to the Police at Bury St Edmunds. I subsequently received a faxed response from DJ Freeman. They denied that they or their clients had any connection with Mr Hoots or the anonymous caller. Because they remained silent about Mr Phillips, our solicitors wrote to Mr Phillips at the London address on the "Cofton Consultancy business card he had given to the receptionist at St Andrews Business Centre. No reply was forthcoming. It was only when we put Shell into a corner that DJ Freeman admitted that they had instructed "Mr Phillips" to carry out an investigation.

We have pointed out to Shell that the withholding of that information in their initial response letter amounted to a deception. Furthermore, contrary to the pledge in their initial letter to "cooperate fully" in any Police investigation, they had withheld evidence that potentially related to a criminal offence. It appears that Shell and DJ Freeman conspired to keep this information secret from me despite the threats to my safety that had been made in the call.

Shell ignored additional questions that we raised about Mr Phillips and the Cofton Consultancy.

I did visit Bury St Edmunds Police Station on 15<sup>th</sup> June and had a long interview with one of your officers, PC Grant. He eventually asked what action I wanted the Police to take.

At that time, I was not aware that DJ Freeman had in fact instructed an investigative resource, exactly in line with what the caller had said. If I had known the truth, I would probably have asked for enquiry's to be made.

Bearing in mind that so many of the other comments made by the caller have subsequently proved to be 100% accurate, it appears that he must have a very close connection with Shell and/or its lawyers.

These developments have placed us at a disadvantage in prosecuting the litigation because we feel morally obliged to inform witnesses of the threats, which have been made. Our solicitor spoke to one witness about a week ago and mentioned these events. The relevant individual has subsequently informed me that he now has grave concerns about acting as a witness in the SMART claim. We wonder how many other witnesses will share his concern.

I appreciate that the Police cannot investigate every anonymous call, but given the background circumstances, I hope that you will feel able to look into these matters. If it is not appropriate to do so, at least in the event of any questionable accident that befalls my family or I, you will at know where to start investigations.

Yours sincerely

John Donovan  
Managing Director