

BETWEEN :-

**A SMALL SECRETIVE CLIQUE OF TENANTS
FALSELY REPRESENTING THEMSELVES AS BEING**

20-20 HOUSING CO-OPERATIVE LIMITED

Claimant

and

MR ROBIN CLARKE

Counterclaimant

COUNTERCLAIM

(REVISED PER DIRECTIONS OF 12th MARCH 2007)

1. This is a revised counterclaim pursuant to the order of 12th March 2007, hence omitting the matters indicated in para 50(a-h) of the original Defence and Counterclaim. There is concurrently an appeal lodged in respect of that order, so a further revised counterclaim may follow.
2. The Claimants clique, both when duly entrusted as management of 20-20 and when not, committed acts of negligence, breach of contract, and deliberate harassment to the detriment of Mr Clarke. These acts caused mental distress, physical damage and consequent costs.

Negligence and breach of contract by the Claimant clique

3. During 2003-2005 the Claimant clique had been entrusted with the powers of management of 20-20.
4. They thus had a duty of care to ensure that Flats 2 and 3, 9 Augusta Rd were not allocated to tenants who could be expected to be highly unsuitable neighbours for Mr Clarke.
5. The Claimants breached that duty of care, as evidenced in paras 10-74 below. Their negligence and the foreseeable adverse spiral of consequences therefrom caused damage, costs and major distress to Mr Clarke, as indicated in paras 32-40 and 75 below.

6. The Claimants also had a duty to provide a proper service of repairs.
7. In May 2003, the Claimants breached that duty of service of repairs. They imposed improper conditions regarding Mr Clarke's request for correction of the substandard hot water system, the installation of which had contravened health regulations, in a context of serious health effects traced after many years to it. Mr Clarke has thereby been obliged since that time to clumsily use kettles in place of the hot water system (though at least he could now wash for first time in 30 years confident of not having a severe reaction).

Harassment by the Claimant clique

8. At times when they were duly entrusted as management of 20-20, and also at times when they were not, the Claimant clique committed acts as part of a scheme of harassment to the detriment of Mr Clarke, as particularised in paragraphs below.
9. It is common practice in some such cases to look for full particularisation in terms of a full diary list of events with the dates they occurred. In the present case an exception to this principle must be made because Mr Clarke was barely coping already before the main scheme of harassment began, and thereafter it was as much as he could do to attend to and cope with the harassment situation and undertake the challenging task of seeking to get the harassers brought under control, let alone also creating a diary of the many events.

Facts indicating that the Claimants colluded in systematic harassment

10. The proof that deliberate malicious harassment was involved does not lie in any single event or fact, or even a handful of them, but instead in a whole combination of such events and facts, which together give a compounding of improbability and hence a decisive improbability that they were merely the outcomes of random chance or mere negligence. This evidence extends beyond the evidence specifically of harassment of Mr Clarke, into evidence of harassment of others, and the evidence of measures intended to conceal the harassment.
11. (The concept of compounding of probabilities has had a somewhat bad press following the Roy Meadow / Sally Clark case. But that involved a misuse of the concept rather than a fault of the concept per se.)
12. There is ample proof that the Claimants set up a regime of exclusion and secretiveness, totally perverting the most essential nature of the organisation. This was outlined in DA paras 15-32. Additional evidence on this matter was subsequently presented in Mr Clarke's "Comment on Lynn Mansell second witness statement", and also the confidential evidence which was dismissed unread on the basis of false premises at the 12th March hearing.

It would save everyone much time if the Claimants were to acknowledge that that illegitimate secretisation is already proven beyond any serious doubt. No challenge or evidence to the contrary was raised at the hearing of 12th March 2007.

13. Furthermore, that illegitimate regime of secretisation began immediately following the attempts of Mr Clarke to challenge the Claimants about the harassment schemes he had discovered. DA paras 16, 20, 24, 25, 27, 29, 30 and book pages 32-35, 40-41 indicate this.
14. No coherent rationale for the secretisation was presented by the Claimants. For the first six months of this legal case the Claimants maintained a conspicuously evasive silence in contrast to Mr Clarke's honourable forwardness with information. Only thereafter did Lynn Mansell put forward an account, and which was incoherent and demonstrably false (see Comment on Lynn Mansell statement). These facts should make clear that the real reason for the secretisation was an attempt to suppress Mr Clarke's attempts to challenge the harassment. And hence they also showed that Mr Clarke's allegations were founded in truth.
15. A further strong indication lies in the mal-allocations to the two other flats in Mr Clarke's house. District Judge Truman's judgment of 12th March gave a misleadingly abridged account of this evidence. The telling facts of the mal-allocations go far beyond the four/five points highlighted by the District Judge, as the following paragraphs show.

16. In respect of the allocation for Flat 2 in May 2005, there is an extraordinary conjunction of three facts which cannot be credibly accounted for except in terms of a deliberate scheme of harassment:
 - (a) At the time of the allocation there was an extreme shortage of affordable rented accommodation in Moseley. The large housing association Moseley and District had a waiting list of 18 months merely for *bedsits*, let alone for anything better. And the City Council could not even offer that.
 - (b) In stark contrast to a *bedsit*, Flat 2 is a highly desirable two-level flat five minutes walk from central Moseley, quite large (52m² compared to 41m² for Flat 3), in a quiet situation adjoining the large back garden which is shared with only two other flats. And it is a Co-op flat such that one would expect only a more discerning selection of tenant.
 - (c) And yet when Flat 2 was reallocated in May 2005, about the most ultra-unsuitable tenant imaginable was selected to be given that premium flat within a few days of sending his application letter to the Claimant clique's home address. Particulars of the unsuitability follow.
17. According to his relatives, this tenant had never managed to stay at any one address for more than six months, always evicted due to his persistent antisocial behaviour and lifestyle criminality. According to his associate Terence Donnelly, he would certainly be evicted even from a hostel within a week on account of his misbehaviour.
18. The new tenant is a chronic alcoholic developing advanced symptoms (paranoia etc). By contrast Mr Clarke is a non-drinker as the Claimants were well-aware from many years acquaintance.
19. At Birmingham Magistrates Court on 30th November 2005, the new tenant was found guilty of shoplifting. Numerous previous convictions were cited. And there have been several more convictions since, for instance on 7th December 2006 found guilty of throwing a brick through Mr Clarke's window. Plus numerous other offences, such as assaulting Mr Clarke and vandalising his bicycle.
20. Mr Cox's self-concept is well-expressed in his own words as "I am a criminal" and "I am an alcoholic".
21. Mr Clarke discovered that the new tenant was a client of the SIFA alcoholism support agency located at 18 Lower Essex Street, a moderate-sized building shared with the Probation Service. Mr Clarke also discovered that that was also the place of work of Julius Swift, the allocations/lettings officer involved in this re-let of Flat 2.
22. The Claimants were aware that they could easily find numerous alcoholic criminals hanging around in Lower Essex Street on any workday.

23. As a Probation Officer, Mr Swift would have access to criminal records with which to fine-tune the malevolent choice of tenant. Mr Swift would be well aware that Mr Cox was a persistent antisocial behaviour offender. It seems that he also has infinite immunity from imprisonment on account of his smart tongue and his uncle being a freemason.
24. Nic Bliss had pointed out in 2004 that in the selection of new tenants 20-20 needed to prioritise the potential for contribution to running the Co-op. The whole point of being a housing co-operative was that co-operatively-minded people would work together to achieve a higher quality of housing than otherwise.
25. In the context of seeking that potential for contribution to running the co-op, one would hardly expect the selection of a near-illiterate chronic alcoholic with an ongoing history of criminal convictions, not capable of running his own household properly let alone anything more. The untrustworthiness of criminality is the antithesis of the trustingness of co-operativeness.
26. The new tenant was unable to write and barely able to read. By contrast his neighbour Mr Clarke has had four theories published and written two books (with great difficulty).
27. The new tenant for Flat 2 was a smoker, indeed a chain-smoker, which has pertinence to Defence para 12(g)(3):

They could exploit a particular situation relating to the communal areas. Mr Clarke does not have a car and uses two bicycles as his primary means of transport. The entrance to Flat 1 is unusually constricted, making it impractical to keep the bicycles anywhere other than in the shared hallway, where they cause not the slightest nuisance to others anyway. And the maintenance of the bicycles likewise needs to be done there. And the Claimants were very well aware from years of acquaintance that Mr Clarke strongly objects to passive smoking. With all this in mind they could cause major nuisance by selecting heavy smokers as the new tenants and then doing nothing to restrain their smoking in the hallway.
28. The Claimant clique went out of their way to be unhelpful to the new tenant :
 - (i) He was effectively dumped in a bare flat without even carpets, from which everything had been deliberately thrown out despite Mr Clarke's objection (Midge Miller had said that the new tenant could decide but he then pre-empted that option).
 - (ii) The electricity prepayment meter was too high for the alcoholic to reach even with a chair, but the Claimant clique refused to get it moved.
 - (iii) Having dumped the vulnerable criminal alcoholic in the bare flat adjoining that of Mr Clarke who was known to be already barely coping with his mercury poisoning, the Claimant clique gave no help to either.

(iv) Instead, the Claimant clique committed an act of deceit calculated to aggravate the situation. At the June 2005 meeting, Midge Miller told two lies about Mr Clarke's request concerning policy on smoking in communal areas, abusing his position of trust as Correspondence Secretary for the purpose of contributing major aggravation to the scheme of harassment described above. Particulars of the lies are on page 51 of the book. Lynn Mansell and the rest of the clique then colluded in covering this up.

29. Allocations would normally be expected to be made with regard to suitability of neighbours, whereas instead the very opposite was done, not least putting a seriously problematic person in a house alone with an invalid already barely coping as had been repeatedly stated in his correspondence with the Claimants.
30. In respect of the 2nd June 2005 allocation for Flat 3 :
- (a) On 2rd July 2005 Nic Bliss brought a new tenant for Flat 3. That tenant decided not to move in. But letters eventually started coming indicating that he had a characteristically Islamic name, Khalid El Jid.
 - (b) The Claimants were aware that Mr Clarke had written things relating to the question of whether Islam might in essence be more of a terrorist personality cult than a religion. For instance, on 27 December 2004 Mr Clarke copied an email to Nic Bliss headed "Guardian guilty of persistent Jihad Denial". Mr Clarke has for 16 years lived harmoniously with a street of mainly Muslim neighbours, but the Claimants would not have been aware of that.
 - (c) The Claimants had already known six months earlier that Flat 3 would become vacant, and it had already become vacant during March 2005. The Claimants thus left Flat 3 vacant for three months before Nic Bliss brought that new tenant for it.
 - (d) Also there was a second 3 months delay by the Claimants after Mr el-Jid decided not to move into the flat. Both delays would be explained by the difficulty of finding a Muslim smoking single man for it.
 - (e) Mr El Jid did not have a Share Certificate signed by the Secretary (Mr Clarke) so the re-let was in breach of Rule 7. The likely reason for this omission was to prevent Mr Clarke from learning of his Islamic name.
 - (f) This new tenant was also a smoker, which has pertinence to Defence para 12(g)(3) cited above in para 27.
 - (g) The Claimants had done no work on correcting the severe floor noise problem, despite that long delay and despite numerous requests about it.

(h) When Nic Bliss brought the new tenant, Mr Clarke overheard him seeking to poison the relationship with Mr Clarke, by means of wholly unjustified words such as “this junk here” and “overgrown garden”. The latter words must be understood in the context that Mr Clarke had done a huge amount of work to develop and maintain the gardens over the past 15 years.

It would of course be inappropriate to discriminate against Muslim applicants, but in this case Mr El Jid was not so much being helped as being specially selected for abuse as a tool with the –false as it happens– expectation of generating religious/racial discord.

31. The combination of these so many telling facts gives decisive proof that the Claimant clique are guilty of a series of harassment schemes, intended to enable them to take control of the better flats for occupation by themselves or relatives or bribing associates.

Acts of harassment and how they affected Mr Clarke

32. As much as the effect of any particular physical event, the combination of ongoing hostile acts was of particular relevance in two ways.

33. Firstly, the presence of a hostile violent lifestyle criminal living in Mr Clarke’s house, along with other drunken, alcoholic, criminal strangers or “friends” arriving at all hours and behaving in the ways such people would. And this without any proper restraint, because the police would tell Mr Clarke to refer the matter to the “housing association”, which would of course be the very same Claimant clique who had intended this disorder anyway, and who would exploit any complaints to Mr Clarke’s detriment rather than help.

34. The effect of this has been to cause in Mr Clarke a state of constant apprehension/anxiety as to what new violence, threats, disputes, or disorder might suddenly start at any time. This further has made it difficult for Mr Clarke to concentrate on things most of the time, and in the case of more demanding work such as his autism update paper, virtually impossible.

35. Secondly, a very different sort of threat and hostility, from the management committee as a putative authority, due to the deceptions and abuses they committed.

36. This second strand has added to Mr Clarke’s constant apprehension as to what sort of further unexpected hostile scheming may come from the committee. It further added the difficulty that Mr Clarke has been forced into apprehension in two very different modes of mentation simultaneously, the physical-immediate and the abstract-delayed. This poses a greatly aggravated psychological challenge, being torn between opposing pressures for absentminded reflection and presentminded alertness.

37. This constant apprehension and distraction began in May 2005 as a result of the arrival of the new tenant of Flat 2, and has continued ever since, that is nearly two years now. It has had the consequence that in almost all those two years Mr Clarke has been unable to do anything of any significance in respect of work or leisure or community/relationship-building. His time has been totally taken up with trying to cope and obtain corrective action from authorities regarding the abuses.
38. He has great difficulty in writing, let alone writing in these circumstances about these repulsive matters. Consequently ten months were entirely consumed in the aversive activity of writing the book that he completed in May 2006 (shortly before this legal action).
39. There were so many other things he was and still is desperate to get on with urgently, such as the autism theory update paper, trying to sort out his mercury poisoning, and starting on projects to earn some money and escape from the poverty-disability trap.
40. In the meantime, Dr Bernard Rimland, the founder of the Autism Research Institute and of the Autism Society of America, and widely considered the most important person in the history of autism research, died in November 2006. A person such as we are unlikely to find again even in a century. Mr Clarke had been in correspondence with Dr Rimland since 1983. Dr Rimland had described his earlier published paper as “excellent” “fine work” and referred to him as “one of those rare souls”. Mr Clarke had been very much looking forward to showing Dr Rimland how the extension of his autism theory now provided the resolute solution to the major mystery of what had caused the worldwide increase of autism, the greatest medical catastrophe ever. He was greatly distressed that due to the delay caused by the Claimants’ harassing, Dr Rimland would never be able to read his update paper or comment on it or give his endorsement to the new understanding that the cause of the increase was dental mercury rather than thimerosal mercury.

Particulars of some of the acts affecting

41. In July 2005, Nic Bliss made a false complaint against Mr Clarke, that he had supposedly obstructed the introduction of a new tenant for Flat 3 on 3 July 2005. The false complaint was referred to Mr Bliss’s professional colleagues, Sheryl Blake and Phil Brown. The outcome was that Sheryl Blake sent a letter to Mr Clarke consisting entirely of outrageous untruths and grossly unreasonable demands.
42. Nic Bliss uttered defamatory falsehoods against the entirely honourable Mr Clarke at meetings (details in Defence 9(d) and 9(f)).

43. On 25 October 2005 the Claimants changed the front door lock of Mr Clarke's house in his absence, without good reason, without notification and without providing a key to Mr Clarke except by leaving a notice on the door saying that he could get it from the alcoholic-criminal tenant of Flat 2, whom they knew to be paranoiacally hostile to Mr Clarke at that time. The Claimants have the advice of professional housing managers and it should have been obvious that there were proper ways of organising such a change, which was not necessary anyway.
44. In May 2003, the Claimants imposed improper conditions regarding Mr Clarke's request for correction of the substandard hot water system, the installation of which had contravened health regulations, in a context of serious health effects traced at long last to it. Mr Clarke has thereby been obliged since that time to cumbersomely use kettles in place of the hot water system (though at least he could now wash for first time in 30 years confident of not having a severe reaction). That improper decision can now be understood in retrospect as a part of the Claimant clique's harassment scheme against Mr Clarke.
45. On 15th April 2006, at 2.55 pm, the Claimants' Correspondence Secretary etc Midge Miller attacked Mr Clarke outside 16 Park Rd. He avoided injury only by promptly cycling down the hill faster than MM could run. Details in book page 77-8.
46. A false Claim for Possession was made by the Claimants with false testimony and misuse of 20-20 funds for a solicitor and barrister to oppress the unrepresented Mr Clarke.
47. The acts listed below were done by the Claimants' committee member Edward Cox, or otherwise by Edward Cox and or his associates in consequence of the mal-allocation of Flat 2 combined with the context of abuses of the complaints procedure.
48. Constant angry/threatening pestering for money for taxis, buses, drinks -etc, and use of Mr Clarke's phone at all hours. Made out as inhumanly mean and nasty if refusing.
49. Persistent smoking in shared hallway with no attempt to ventilate away.
50. Midge Miller's deceit about smoking policy request (Defence para 14(j)(4); extensive collusion by Lynn Mansell and the other claimants in denying this.
51. Litter, cans, fags, rubbish, with no attempt to clear this up.
52. Mess, such as spilled alcohol, food, blood, damage, with never any attempt to clean up.

53. The Chamaecyparis Obtusa dwarf tree (cost £90 in 1990) planted by the front door by Mr Clarke was damaged by Mr Cox et al throwing their bags of refuse on it. These people turn everything into a slum.
 54. Mr Cox and associates ringing Mr Clarke's doorbell at all hours demanding to be let in – considered offensively mean to object.
 55. Doors regularly deliberately left propped open and going away leaving the building insecure. Objections to this were responded to with anger and threats.
 56. Drunken/threatening/abusive strangers/"friends" visiting often. Criminal activities such as thefts from one another, violent rows.
 57. The house predictably becoming a magnet for all sorts of dubious strangers, hiding in the porch, trying to force doors, climbing over the gate and through windows, threateningly pestering for money.
 58. Flat 2 visitor "Danny" breaking the front door open twice (in weeks before his death).
 59. Garden chair broken when I lent it him as he had no furniture. Value £9.
 60. Flat 2 visitor Shaun Lynch poisoning against me.
 61. Bicycle (conventional type so relatively low value) (locked) and tennis racket stolen by Shaun Lynch and associates. Value £100 and £20.
 62. Restored bike frame damaged by Mr Cox throwing it out the building.
 63. Paranoid accusations.
 64. In November 2005, when BT connected Mr Cox's phone number to Mr Clarke's line, this was supposedly some evil conspiracy on Mr Clarke's part, and he had to share his line for two weeks via an extension cable across his kitchen.

 65. In July 2006, Mr Cox twice discharged himself from detox to come to attack Mr Clarke, and made three large gouges in his door, due to Mr Clarke's attempts to avert an unlicensed drinks-selling party using the alco-criminal's windows as bars.
 66. Injured in the street outside by his accomplice "Tango" (in revenge for deterring the drinks-selling).
 67. Garden devastated by preparations for unlicensed drinks-selling party ("Eddie's detox bashment").
 68. Maximum-noisy all-night garden party (commercial type) in July 2006.
- (all the above while Mr Clarke was attempting to write his Defence and Counterclaim)
69. Edward Cox threw a brick through Mr Clarke's window on 27th November 2006.
 70. Threw a brick through window (again), on 11th December 2006

71. In view of these two attacks. Mr Clarke was obliged to fit a Perspex sheet inside next day, cost £17.57 + £10 taxi after 40 mins wait in freezing strong wind.
 72. Mr Clarke's custom-restored Moulton bicycle was badly damaged by vandalism of Mr Cox (suspension block ruptured, mudguard broken, cable anchors broken off, etc.).
 73. Bike lock sawn through and bicycle dumped out the front, heavily against corner of brick wall damaging the powder-coated and hand-finished enamelled restored frame. (repairs estimates being sought)
 74. Death threats.
-
75. All the above have caused mental distress, in addition to the physical damage and costs involved.

And the Victim Mr Clarke claims:

Special Damages: £156.57 (+ amount re bicycle damage awaiting quotations)

General Damages: Unspecified amount

Statement of Truth

I believe that the facts stated in this Counterclaim are true.

Signed
Counterclaimant

ROBIN CLARKE

Dated

Current Address for Service:

Robin Clarke
9 Augusta Rd
Moseley
Birmingham
B13 8AJ

IN THE BIRMINGHAM COUNTY COURT

CLAIM NO: 6BM74906

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