

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**  
**MEDIA AND COMMUNICATIONS LIST**

**B E T W E E N:-**

**MR MATTHEW GARRETT**

**Claimant**

**-and-**

**(1) MR ROY SCHESTOWITZ**

**(2) MRS RIANNE SCHESTOWITZ**

**Defendants**

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**DEFENDANTS' RESPONSE TO  
REQUEST FOR FURTHER INFORMATION  
ON THE DEFENCE AND COUNTERCLAIM  
PURSUANT TO CPR PART 18**

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This request is dated 19 September 2024. Please answer this request by no later than 4pm on 3 October 2024.

**Please note that the paragraphs of Response, labelled with a prefix A, correspond to the similarly numbered paragraphs of the Request.**

***The Defendants make the general and over-arching observation that most of the requests made by the Claimant are wasteful and improper. The Claimant already knows much of the information he seeks because it has been published in the Publications complained of. Further, the Claimant makes Requests for information created by him and that is in his possession and/or control and that he not only knows but should gather for disclosure.***

### Under Paragraph 14 of the Defence and Counterclaim

*“The Defendants deny that, in their full and proper context, the statements complained of in paragraph 6 conveyed the imputations alleged in paragraph 9 and its subparagraphs or any imputation defamatory of the Claimant.”*

#### **Request**

1. Please state each of the meanings the Defendants contend the statements complained of bear.

#### **Response**

- A1. The Defendants’ contended meanings of the statements complained of are pleaded at paragraphs 15.1 to 15.19 and their subparagraphs of the Defence and Counterclaim.

### Under Paragraph 15 of the Defence and Counterclaim

*“Alternatively, if and insofar as the statements complained of conveyed any of the following imputations, they were at least substantially true. The imputations that follow are statements of fact save for those words underlined which are expressions of opinion: [...]”*

#### **Request**

2. Please state which, if any, of the meanings set out at sub-paragraphs 15 are accepted by the Defendants to be defamatory at common law of the Claimant.

#### **Response**

- A2. Save for the meanings pleaded at paragraphs 15.2.3, 15.3.2, 15.4.2, 15.11.2 and 15.18.1, the Defendants admit that all of the meanings pleaded in the Defence and Counterclaim at paragraphs 15.1 to 15.19 and their subparagraphs are defamatory of the Claimant at common law.

### Under Paragraph 15.21 of the Defence and Counterclaim

*“The abusive and unpleasant messages posted by the account mjpg59\_ led to the Claimant being the first and only IRC user to be ‘muted’ on the First Defendant’s IRC channels.”*

#### **Requests**

3. Please state the dates and times of the ‘abusive and unpleasant’ messages by mjpg59\_ relied upon.
4. Please state the date and time when mjpg59\_ was muted/banned from the Defendant’s IRC channels.

#### **Responses**

- A3. As the Claimant knows full well, he has posted many hundreds, if not thousands, of abusive and unpleasant messages on the First Defendant's Internet Relay Chat (**IRC**) channels. Of that vast number, those messages relied on are pleaded in the Schedule of Harassment appended to the Defence and Counterclaim. The Amended Schedule of Harassment lists the dates and time of the messages relied on.
- A4. The muting of the Claimant happened in or about 2020 or 2021 and was done by a moderator after the Claimant's persistent interference with and derailing of purely technical discussions by his intervening with talk about sex and other irrelevant and offensive matters. The Claimant engaged in this mischief using his authenticated – i.e. real – IRC account name. The Claimant did not deny responsibility. The Claimant's behaviour was deemed obnoxious by an experienced moderator, in post since 2009. The Defendants' firm free speech-based policy was not to ban posters outright and so the Defendants chose to silence the Claimant's disruptive messages instead. These events are sufficiently old that the Defendants do not retain the data which affirms the dates of the decisions to mute.

The Defendants question the purpose of this Request: if the Claimant denies any misuse of the IRC channels, the information requested can be of no relevance to him and would appear to be a means merely to vex the Defendants and put them to time, effort and cost for no proper reason.

Under Paragraph 15.22 of the Defence and Counterclaim

*"The Claimant has since also used many 'sock puppet' accounts, i.e. accounts operated under other names, to mask his identity. The sock puppet accounts have included the usernames elusive\_woman, noseandy, reptilian\_thighs, whitenigger, whitenigga, niggernigger, gangster\_og, eightballz, dope\_dealer, cocaine\_barbie, cocaine\_babie, MotherLover, HeilHitler, UnaBomber, violentj and DrAxe."*

And under the Schedule to the Defence and Counterclaim

The second row of the Schedule identifies the following 'sock puppet' accounts further to those identified at paragraph 15.22: GGGGggggg, RMS, Semen, J-Roc, Doback, Not-a-terf, Uban-ne1-who-mentions-trans, What-happened-to-this-place, This-is-like-Liberia-now, Struck-by-a-song, Rianne\_, Cocaine\_Barbie, Truthseeker, torvalds, ViolentJ, Roys-imaginary-police-force, What-is-Roy-thinking-now, Roy-lies, The-ceos-at-least, The-truth-ofRoy, M-Anon, QAnon, Nigger, Admfuba1, ZedNedTed, niggernigger, riannes\_vibrator, Jizz, and FuckYeaaah.

The paragraph at the end of the schedule then identifies the following 'sock puppet' accounts: *"Other usernames adopted and published by the Claimant on the First Defendant's IRC network include: Whitenigger, Nazipieceofshit, Killniggers, niggersdie, Fucking-Riannes-Ass, Roys\_big\_black\_dildo, Cornhole-Roy, Roy\_roofed-chicks, RoyIsHitler, roy-is-a-gay-bottom, roy-is-a-gay-top, fuck-my-asshole-roy, give-me-your-cum, cum-cum-cum-cum-cum."*

## Request

5. Please state:
  - (a) whether these are all of the ‘sock puppet’ accounts the Defendants contend are operated by the Claimant; and
  - (b) if not, please list all the usernames alleged to be operated by the Claimant on the IRC network.

## Responses

A5.

- (a) The Defendants believe that the Claimant has operated many other unpleasantly named sock puppet accounts. However, the Defendants rely on those account names pleaded.
- (b) See Response to A5(a) above.

### Under Paragraph 15.24 of the Defence and Counterclaim

*“The Claimant has sought to interfere with the First Defendant’s work by falsely representing complaints to the First Defendant’s webhost, including by creating an email account with the webhost’s name in it to intimidate the webhost.”*

## Requests

6. Please state in relation to the alleged complaints made to the First Defendant’s webhost:
  - (a) the date(s) on which these complaints were made;
  - (b) the nature of the complaints made;
  - (c) the full facts and matters in support of the contention that the complaints are said to have been falsely represented; and
  - (d) the outcome of the complaints and/or referrals made.

## Responses

A6.

- (a) The Claimant sent an email to the Defendants’ current webhost on 30 September 2023.
- (b) In the email of 30 September 2023 the complaint objected to, and listed, URLs of articles published by the Defendants exposing the Claimant’s activities. The complaint objected to the articles as untrue and harassing, but gave no reasoned objection or detail in rebuttal.

- (c) Approximately a year earlier, in respect of a previous webhost, the Claimant uploaded a pre-action letter to his personal website for the webhost to see. He announced this publication of a legal letter in the publicly logged IRC channel of Techrights, available for all users to see. The webhost expressed her fear of becoming dragged into legal action (she did so in person to the First Defendant). The site was hosted free of charge at the time, recognising the site's importance, and was provided with many services pro bono.
- (d) The complaint by email of 30 September 2023 was rejected by the current webhost.

The Defendants question the purpose of these Requests. The email was sent by the Claimant. The Claimant posted his own letter of claim on his own website. The Claimant knows the facts of these publications. These requests would appear to be a means merely to vex the Defendants and put them to time, effort and cost for no proper reason.

Under Paragraph 15.27 of the Defence and Counterclaim

*“The Defendants can link the Claimant to these accounts as being behind them as their operator[.] The facts linking the Claimant to the sock puppet accounts include, on the IRC network [...]”*

**Requests**

- 7. Please state whether the facts at paragraphs 15.27.1 to 15.27.12 are all of the facts and matters relied upon by the Defendants to link the Claimant to the ‘sock puppet’ accounts as identified at paragraph 15.22 and the Schedule (set out above and in response to Request 5 above) and each of them. If not, please provide full particulars of the facts and matters relied upon in support of the contention.

**Responses**

- A7. The facts and matters pleaded at Defence and Counterclaim paragraphs 15.27.1 to 15.27.12 are those on which the Defendants rely to demonstrate the Claimant's use of the sock puppet accounts. If further facts and matters come to light that link the Claimant further to the sock puppet accounts, the Defendants will seek to amend as necessary.

This request serves no purpose. The rules of pleading and of evidence apply in the normal way. The request is pointless and improper.

Under Paragraph 15.27.3 of the Defence and Counterclaim

*“the Claimant's use of unchanged IRC settings showing that the usernames reptilian\_thighs and elusive\_woman were operated by the same person”*

## Request

8. Please state what the ‘unchanged IRC settings’ displayed in relation to reptilian\_thighs and elusive\_woman are.

## Response

- A8. Different usernames were used by the Claimant by communicating with the IRC server, using the interfaces as specified by the IRC protocol. The chain of “nym-shifting” (change of name) could be observed by anyone in the channel and also at the back end of the server (i.e. the administrators). The chaining – i.e. switching – of usernames is obvious.

The data recording the username switching is not maintained or retained by IRC logs, but is available immediately (and temporarily, in real-time) to those operating the server. The Claimant will be fully aware of this technical matter. This Request has therefore been made for information that the Claimant knows cannot be retrieved, not least because of the age of the incidents of name switching.

The chain of name changes by the Claimant on the First Defendant’s IRC network has been thoroughly documented and published already as the Claimant is aware: see Publication 3. If a logged-in user changes to another name in “real-time” (i.e. user X is now known as Y), rather than logs off and logs in again with a different name, it is proof that it is the same person operating under different usernames, i.e. switching between usernames.

### Under Paragraph 15.27.4 of the Defence and Counterclaim

*“after the First Defendant approached those running the Tor network about the Claimant’s misuse of Tor, the sock puppet trolling and harassment subsided”*

## Requests

9. Please state:
  - (a) the date(s) and time(s) the First Defendant approached ‘those running the Tor network’;
  - (b) the names of the individual(s) ‘running the Tor network’ the First Defendant contacted;
  - (c) the date or period the Defendants contends the sock puppet messages ‘subsided’; and
  - (d) whether the Defendants or either of them received any response from the Tor network or ‘those running the Tor network’ and when.

## Response

A9.

- (a) The First Defendant emailed the Tor administrators at 11.16am on 21 August 2023. That email identified the Claimant as a mischief maker misusing the Tor network.
- (b) As the Claimant knows, this is a pointless question asked only to waste the Defendants' time and money: Tor – like Tails (an operating system pre-loaded with Tor) – keeps its staff anonymous. The email contact with Tor is [frontdesk@torproject.org](mailto:frontdesk@torproject.org). There is no named individual who can be contacted. The Claimant is fully aware of this, not least because the Claimant's spouse does work or has worked for Tor.
- (c) The Claimant's sock puppet messages subsided very shortly after the email of 21 August 2023 was sent to Tor and the First Defendant made it known on his Techrights website that he had reported the matter to Tor. Over the ensuing days it was clear that the Claimant's activities had been curtailed. Further, the Defendants received confidential messages indicating that the Claimant's activity using Tor had been discussed online, confidentially. The sources of these messages will be withheld by the Defendants.
- (d) No reply was sought from Tor and none was received.

Under Paragraph 15.27.5 of the Defence and Counterclaim

*“the similar use of language in posts made by mjpg59\_ and a sock puppet account, whitenigga”*

### **Request**

- 10. Please state the dates and times of the posts made by mjpg59\_ and whitenigga that use similar language.

### **Response**

- A10. See the dates and times pleaded in the Amended Schedule of Harassment.

Under Paragraph 15.27.7 to 15.27.10 of the Defence and Counterclaim

*“15.27.8. admission by the Claimant under the name mjpg59\_ of expecting to “suffer the consequences of [his] actions”;*

*15.27.9. the admission by the Claimant under the name mjpg59\_ that he was switching between machines while using the IRC network;*

*15.27.10. the admission by the Claimant that he impersonated other IRC users by adopting their usernames;”*

### **Request**

11. Please set out the date and time of each of the admissions referred to and where they were published.

## **Response**

A11. Re 15.27.8, the Claimant posted under the username mjpg59\_ on the First Defendant's IRC network, "maybe 2023 is the year where I'll finally suffer the consequences of my actions" on 1 January 2023 at 10.04pm. This was documented and published in Publication 17 as the Claimant knows.

Re 15.27.9, the Claimant posted under the username mjpg59\_ on the First Defendant's IRC network, "Really should stop switching between machines that have ctrl in different places". This was documented and published in Publications 10 and 11 as the Claimant knows. This message was posted on 5 March 2023 at 07:05.

Re 15.27.10, the Claimant's admission of adopting other's usernames was published in Publication 22, as the Claimant knows. In that exchange (page 198 of Appendix 1 to the Particulars of Claim) the Claimant described that switching of usernames as "a satire" and "funny". The date and time of these messages was 5 July 2023 between 7.21am and 7.26am. In any event, the Claimant has switched usernames within the IRC network many, many times. The Publications substantiate that allegation at length.

### Under Paragraph 15.27.11 of the Defence and Counterclaim

*"a post by a sock puppet operated by the Claimant about snorting cocaine from a 15-year-old actress's buttocks"*

## **Request**

12. Please set out the date and time of the post referred to.

## **Response**

A12. As the Claimant knows, this allegation was published and substantiated in Publication 7. The dates and times of the relevant messages are given in the Amended Schedule of Harassment at Rows 65 and 136.

### Under Paragraph 15.27.12 of the Defence and Counterclaim

*"Similarities in the themes and language used by sock puppet accounts and by the Claimant on his website and blog, concerning knives, axes, stabbing and murder"*

## **Requests**

13. Please identify (a) the names of the sock puppet account(s) and respective posts; and (b) the webpage(s) of the Claimant, including the date and time of the posts, that show similarities in themes and language.

## Responses

A13.

- (a) The Schedule of Harassment contains this information, as the Claimant well knows (as does the Amended Schedule of Harassment).
- (b) The Claimant's personal homepage, available on the Wayback Machine internet archive at <https://web.archive.org/web/20011205160103/http://www-icsu.jesus.cam.ac.uk/~mij59/> contains the following text: *"He's [The Claimant is] sorely tempted to write a book entitled 'Axe-murdering for fun and profit' in order to ensure that this happens if you carry on"*.

This text was prominent on the front page of the Claimant's site for many years – so far as the Defendants are aware, for five years or more.

The Claimant's blog, available in archived form at <https://archive.ph/2vpqj>, contains the text, *"Debian-the-distribution makes me want to stab people, even though I've just spent a lovely weekend with Debian-the-people. Perhaps worse, I occasionally find mails I've sent that make me want to stab me."*

The Defendants reserve the right to produce evidence of other statements by the Claimant as substantiation of his fixation with blades and violence on disclosure, although the Claimant should discharge his obligation to disclose all such material in any event.

### Under Paragraph 15.27.9 of the Defence and Counterclaim

*"admission by the Claimant under the name mij59\_ that he was switching between machines while using the IRC network"*

### Request

14. Please set out the date and time of the admission.

### Response

A14. This is a duplicate of part of Request 11. This duplication shows strongly the Claimant's purpose in wasting the Defendants' time and money.

### Under Paragraph 17.4 of the Defence and Counterclaim

*"The Defendants reported the Claimant to the police for investigation, their awareness of the Claimant being behind the harassment and abuse being well substantiated by the facts and matters pleaded in paragraph 15 and its subparagraphs above."*

And under paragraph 7 of the Defence and Counterclaim

“The Claimant even launched attacks on the First Defendant’s siblings, mother and grandparents, matters that were referred to the police.”

**Requests**

15. Please state:

- (a) when the Defendants and each of them reported or referred the Claimant to the police;
- (b) how the Defendants and each of them reported the Claimant to the police;
- (c) what the full complaint(s) of the Claimant were that Defendants and each of them raised with the police;
- (d) to which police force(s) the report(s) were made; and
- (e) the outcome of the reports and/or referrals made.

**Responses**

A15.

- (a) The reports were made to the police over the telephone (non-emergency line) starting in July and August 2023 spanning hours in total and involving calls made both by the police and to the police.
- (b) Those were oral reports, as explained in Response A15(a) above.
- (c) The detail of the complaints is confidential.
- (d) The complaints were made to Greater Manchester Police (GMP) and its cybercrime unit.
- (e) So far as the Defendants are aware the police complaints remain open and active. The Defendants have never been told otherwise.

Under paragraph 32.5 of the Defence and Counterclaim

*“the Defendants have not engaged with the Claimant’s correspondence because there is a history of the Claimant’s sending pre-action correspondence merely to vex and harass the Defendants [...]”*

**Request**

16. Please identify the occasions on which (a) the Claimant; and/or (b) the Claimant’s solicitors have sent pre-action correspondence to the Defendants and/or each of them that the Defendants contend was ‘merely to vex and harass’ the Defendants.

**Response**

A16. A pre-action letter from the firm Judge Sykes Frixou Limited was sent on 23 November 2021. Other letters were sent on other dates, as the Claimant knows. The Claimant must disclose these letters and his other communications with the Defendants that threaten legal action against them.

Under paragraph 33.2 of the Defence and Counterclaim

“33.2. The Claimant’s general bad reputation in the eyes of readers of the Websites at the time of publication, as to which the following persons have experienced harassment and abuse from the Claimant and have spoken publicly of this harassment and abuse: 33.2.1. Linus Torvalds 33.2.2. Ted Tso 33.2.3. Bruce Perens 33.2.4. Alexandre Oliva 33.2.5. Richard Stallman 33.2.6. John Gilmore”

**Request**

17. Please identify for each of the individuals pleaded above full particulars of the ‘harassment and abuse’ by the Claimant, the dates and nature of each alleged incidents and details of each of them speaking publicly or making public statements made regarding the alleged harassment and/or abuse.

**Response**

A17.

Generally, the Claimant, like any claimant, will know how he has conducted himself in respect of witnesses willing to give evidence of bad reputation. The Claimant, like any claimant, will see the witness statements of the witnesses and will have full opportunity to consider them and to challenge what he wishes, including by cross examination of the witnesses. This request is an improper attempt to demand details of witness evidence at an early stage, particularly as bad reputation pleading and evidence is required to be general and cannot rely on specific acts of misconduct. Even so, the Defendants say the following in outline of the named persons.

Re 33.2.1. Linus Torvalds: Linus Torvalds is the creator of Linux and Git, two high-profile open source computing projects. It is a matter of public record widely reported that the Claimant has continued to attack Torvalds in the media and elsewhere because Torvalds had turned down the Claimant’s (rightly unwanted) patches – basically code meant to oppress many million of computer users by giving Microsoft remote control over their Linux PCs. Torvalds has been attacked by others, but Techrights documented how the Claimant persisted in this behaviour for many years, demanding disciplinary action of some kind, even seeking to oust Linus Torvalds. This conduct of the Claimant’s went on for over half a decade. The Claimant has attacked Linus Torvalds in social media as recently as a month ago.

Re 33.2.2. Ted Tso: Ted Tso is regarded as the "heir" of Torvalds. Tso has long supported Torvalds and his project management style (he spoke out in his support and insisted that Linux succeeded because of Torvalds's sensible leadership). On his personal site and elsewhere the Claimant has for a long time sought to associate Tso with serious sexual crime. This vilification of Tso has been accompanied by the Claimant's demands for disciplinary action of some kind against Tso.

Re 33.2.3. Bruce Perens: Bruce Perens is considered the man behind "Open Source". Bruce Perens has supported Techrights since 2006 and has said on many occasions that the Claimant has defamed him and abused him. Without prejudice to the width and detail of the witness evidence that may be given (by Mr Perens or by any other witness as to the Claimant's bad reputation), the following link is to a webpage on which the Claimant says of Bruce Perens, "*If you feel the need to punch them, then it's generally the real Bruce Perens.*": <https://mjb59.livejournal.com/38068.html>.

Re 33.2.5. Richard Stallman: Richard Stallman is the creator of GNU and the Free Software Foundation (FSF), the project and institution (respectively) that laid the foundations for Free software, "Linux", and what is often wrongly described as "Open Source". The Claimant coordinated many campaigns of hate against Richard Stallman.

Re 33.2.4. Alexandre Oliva: Alexandre Oliva is regarded as Richard Stallman's "heir". Oliva has also been the subject of much abuse and defamatory comment by the Claimant. This vilification has been engaged in by the Claimant, extensively and repeatedly, even as recently as this month.

Re 33.2.6. John Gilmore: John Gilmore is a co-founder of the Electronic Frontier Foundation (EFF) and is now at the FSF's Board. There was a 'power grab' at the EFF in recent years and Gilmore was pushed out (as verified and reported on by mainstream and technical media) while the Claimant was spreading defamatory rumours about him in IRC networks and mocking and abusing him online.

The Claimant is, again, reminded that he is under an obligation to disclose all documentation relevant to the parties' cases, in accordance with r.31.6.

Under paragraph 38 of the Defence and Counterclaim

*"From around 2021 and continuing up to the date of this Defence and Counterclaim the Claimant has pursued a course of conduct consisting of the matters described at paragraphs 15.20 to 15.27 above and further particularised by example in the Schedule of Harassment ("the Course of Conduct"). [...]"*

And the entirety of paragraph 43 to 43.6 of the Defence and Counterclaim

## Requests

18. Pleading by way of example is not a legitimate approach. Please provide full particulars of course of conduct and all alleged facts relied upon to give rise to a cause of action in harassment, including:

- (a) identifying each and every individual instance of harassment by specifying, so far as possible, the exact date(s) and time(s) of the communication complained of;
- (b) the identity of the publisher(s) and/or account used to publish the communication complained of;
- (c) the identity of the publishee(s);
- (d) the exact words published;
- (e) where the communication took place; and
- (f) the method of communication.

## Response

A18. Request 18 has been abandoned by the Claimant.

### Under paragraph 39 of the Defence and Counterclaim

“Both Defendants would have been aware of the very many harassing statements made by the Claimant, as the Claimant knew.”

## Requests

19. Please state, insofar as possible, which of the statements complained of the Defendants and each of them were aware of and when each became aware of them.

## Response

A19. Request 19 has been abandoned by the Claimant.

### Under paragraph 43.6 of the Defence and Counterclaim

*“the fact that the Claimant persisted in the Course of Conduct despite efforts by the Defendants to ban him and his sock puppets from the IRC network.”*

## Requests

20. Please state the occasions on which the Defendants and each of them made efforts to ban the Claimant and/or the ‘sock puppets’ and set out the steps taken to do so.

## Response

A20. The Defendants sought to mitigate the Claimant's use of sock-puppet accounts and mute the offending messages on many dozens of occasions. The action was taken on some of these occasions by moderators.

**BEN HAMER**

**5RB**

**19 September 2024**

**John Stables**

**5RB**

**6 January 2025**

**STATEMENT OF TRUTH**

I believe that the facts stated in this Response to Part 18 Request for Further Information are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed.....

**Roy Schestowitz**

**First Defendant**

6 Janaury 2024

**STATEMENT OF TRUTH**

I believe that the facts stated in this Response to Part 18 Request for Further Information are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed.....

**Rianne Schestowitz**

**Second Defendant**

6 Janaury 2024