

ROYAL DUTCH SHELL ABYSMAL LITIGATION TRACK RECORD WITH ALFRED DONOVAN AND JOHN DONOVAN

The following is an accurate list of the various proceedings between Shell and website publishers, Alfred Donovan and his son John, the founders of a sales promotion agency, "Don Marketing" (DM). The first case commenced just over a decade ago. The most recent proceedings were decided on a unanimous verdict against Shell International Petroleum Company Limited on 8 August 2005. We have irrefutable documentary evidence to confirm the information set out below.

1. High Court proceedings brought against Shell in respect of "Shell Make Money" promotion, alleging breach of confidence and breach of contract: Outcome: **Settled out of court by Shell for £60,000 (\$108,000 US approx)**
2. County Court proceedings against Shell alleging Shell had acted in breach of the terms of a mediation agreement designed to avoid further litigation: Outcome: **Settled by Shell in exchange for a financial package worth £125,000 (\$225,000 approx)** which also covered item 3 below and other matters.
3. High Court proceedings against Shell alleging defamation after Shell accused the Donovan's of making "bogus" claims against Shell: Outcome: **Settled by Shell in exchange for the above financial package worth £125,000 (\$225,000 approx).**
4. High Court proceedings brought against Shell in respect of Nintendo Gameboy promotion, alleging breach of confidence and breach of contract: Outcome: **Settled out of court by Shell for £100,000 (\$180,000 US approx) plus legal costs.** This was one of the alleged "bogus" claims.
5. High Court proceedings against Shell in respect of "Now Showing" promotion, alleging breach of confidence and breach of contract: Outcome: **Settled out of court by Shell for £100,000 (\$180,000 US approx) plus legal costs.** This was the other alleged "bogus" claim. Claims 4 and 5 were settled together for a total of £200,000 (\$360,000) plus costs.
6. The Nintendo and "Now Showing" settlements resulted from mediation carried out by CEDR - a London based mediation service. In a written submission to the CEDR mediators (two senior independent lawyers) Shell conceded that "DM had a perfectly valid claim" in respect of the Make Money concept. At the commencement of the mediation, Shell Legal Director, Richard Wiseman, grandly announced that he had been asked to apologise to us on behalf of Shell UK's board of directors for the way we had been treated. After the mediators had interviewed witnesses at length, the senior mediator, Mr Nicholas Prior, said that he and his colleague (Jane Andrewartha) had reached the conclusion that "Mr Lazenby had pissed on Don Marketing from a very great height" - a memorable phrase. Shell Manager, Andrew Lazenby, was at the heart of all of our claims against Shell. We subsequently also received an unsolicited letter of apology from Dr Chris Fay, the then Chairman and CEO of Shell UK Limited. The fact that official apologies were made verbally and by letter confirmed that Shell's outrageous allegations that claims 3 and 4 were "bogus", were manifestly false. Outcome: **Nintendo and "Now Showing" claims settled in our favour.**
7. High Court proceedings against Shell for libel after Shell had issued a press release, displayed posters at The Shell Centre in London and circulated a letter, all of which contained defamatory comments about Alfred Donovan and/or John Donovan. Outcome: **Settled out of court as part of the SMART settlement below.**
8. High Court proceedings against Shell in respect of Shell SMART – a multi-partner loyalty card scheme: Shell brought Counterclaims: Outcome: "Joint" Press Release issued announcing a "Stalemate" outcome. In fact Shell paid ALL legal costs (over £1,000,000 (\$1,800,000 US)). **John Donovan also received a secret payment.** This was negotiated under duress after the pre-trial process had been tarnished by undercover activity (admitted in writing by Shell), witness intimidation and a series of highly suspicious burglaries, including the home of a lawyer acting for John Donovan and at the residence of his key witness.
9. Proceedings brought by Shell against Alfred Donovan via the World Intellectual Property Organisation alleging that he obtained registration of the domain names royaldutchshellplc.com; royaldutchshellgroup.com and tellshell.org in bad faith: Shell sought to have the domain names transferred to their ownership: Outcome: **Unanimous verdict against Shell** by three person independent panel. Alfred Donovan retains ownership of all three domain names even though the domain name royaldutchshellplc.com is precisely the same name as ROYAL DUTCH SHELL PLC – the \$223 BILLION unified company resulting from the reserves scandal.

Alfred Donovan had NO legal representation in the SMART trial (nor in the WIPO proceedings). Shell had an army of in-house lawyers and sleazy external lawyers (Kendall Freeman) for the SMART trial, plus undercover agents (admitted in writing by Shell) and unlimited financial resources. The compromise settlement covered up a conspiracy of deliberate deception practised by Shell managers in a tender process for a major contract. Documents providing incontrovertible proof of the wrongdoing were made known to Shell senior management including Malcolm Brinded. Despite this, Shell management ignored an invitation to withdraw its support for the dishonest mastermind behind the deception - the unscrupulous Shell National Promotions manager mentioned above, Mr Andrew Lazenby.

SCORE TO DATE: SHELL HAS NOT WON A SINGLE CASE

COST TO SHELL: IN TERMS OF MONEY: MILLIONS: IN TERMS OF DAMAGE TO SHELL'S REPUTATION DUE TO MANAGEMENT MISJUDGEMENT AND INCOMPETENCE: IMPOSSIBLE TO QUANTIFY (THE SAME MANAGEMENT RESPONSIBLE FOR THE RESERVES FRAUD)