

23rd April 1999

**Ms Jane McCarthy  
DJ Freeman Solicitors  
43 Fetter Lane  
London  
EC4A 1JU**

**ONE PAGE BY FAX ONLY**

**Dear Ms McCarthy**

I am writing with regard to the threat of an injunction made in your letter dated 19<sup>th</sup> April. Can you please confirm that this threat does not apply to disclosing information from the Witness Statements and Shell's discovery documents to Shell Transport And Trading Co Plc?

Sir John Jennings raised the subject of the Smart litigation directly with us when he was Chairman of Shell Transport. He is still a Director of the Company. As Mr Wiseman will confirm, Mr Moody-Stuart has also been "in the loop" on these matters for some years. Mr Moody-Stuart is of course the ultimate authority in the Royal Dutch Shell Group which owns and controls Shell UK Limited.

Please let me know by 6pm on Friday 30th April 1999 if your threat of an injunction does extend to supplying information to the Directors of Shell Transport? If I do not receive a response by then, I will take it as confirmation that no injunction will be sought and I will then act immediately on the matter.

The current Shell Management has chosen to back dishonest employees rather than honour the pledges made in the STATEMENT OF GENERAL BUSINESS PRINCIPLES. I admire their loyalty but I believe that if they were fully aware of the facts, they would immediately withdraw that support. I want to give them the opportunity.

As matters stand, the information that you are concerned to keep secret will hit the headlines when the case comes to Court. Shell will then be judged by its actions rather than by fine words - the "Profits & Principles" Advertising Campaign would be exposed as sheer hypocrisy.

Can you please supply by fax a copy of page 14 of the Witness Statement of Mr Richard Wiseman as it is missing from the copy supplied to me? Finally, can you please advise whether the firm that employs Mr Stuart Carson works for any Shell company or any company associated with Shell?

Yours sincerely

Alfred Donovan

cc Mr Mark Moody-Stuart, Group Chairman, Royal Dutch Shell Group (0171 934 8060)  
Mr Richard Wiseman, Legal Director, Shell UK Limited (0171 257 3303)  
Mr Malcolm Brinded, Country Chairman, Shell UK Limited (0171 257)

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Mr Alfred Donovan  
St Andrews Castle  
33 St Andrews Street South  
Bury St Edmunds  
IP33 3PH

Your Ref

Our Ref **JXM/01105457/ST4**

28 April 1999

Dear Sir

**John Donovan -v- Shell UK Limited**  
**CH 1998 -D- No. 2149**

We are writing with reference to your letter dated 23 April 1999. We consider your wording "with regard to the threat of an injunction made in your letter dated 19 April 1999" to be a slight misunderstanding of our letter dated 19 April 1999. I enclose a further copy for your information. Our letter was merely explaining the position as to the Rules of Court where the notes say the following "*A party who obtains Discovery may use the documents disclosed to him only for the proper purposes of conducting his own case and there is an implied undertaking by him not to use them for any collateral or ulterior purpose; any misuse of the documents may be restrained by injunction or punished as a contempt.*"

This Rule applies to disclosure of documents and information from the witness statements. The Defendant in this matter is Shell UK Limited. It would therefore be in contravention of the Rules of Court to disclose such information to the Directors of Shell Transport & Trading Co Plc.

You may only use the documents and information contained in the witness statements for the purposes of conducting your own case. This does not include disseminating the information or documentation to Directors of a separate company such as Shell Transport & Trading Co Plc.

LC41274.1

Mr Alfred Donovan

28 April 1999

In relation to witness statements there is a specific rule at Order 38 Rule 2(a)(12) which states that such a privilege continues until the statement has been put in evidence at trial. Therefore only when evidence is given is the information contained in that evidence no longer privileged and even this is at the Court's discretion.

In relation to documents a similar rule appears at Ord 24 rule 12(a). In summary the position is that under the rules of Court you may not make up a dossier for any of the Directors of Shell Transport and Trading Company Plc enclosing any of the information contained in the witness statements which was served on you on 19 April 1999 or containing Shell's Discovery documents.

If you have further queries please direct them to these offices.

Yours faithfully



**BY POST & DX**

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Mr Alfred Donovan  
St Andrews Castle  
33 St Andrews Street South  
Bury St Edmunds  
IP33 3PH

Your Ref

Our Ref JXM/01105457/ST4

19 April 1999

Dear Sir

**John Donovan -v- Shell UK Limited**  
**CH 1998 -D- No. 2149**

We refer to the exchange of witness statements that will take place today, 19th April 1999. The Rules of the Supreme Court under Order 38 rule 2A/12 states that service of the witness statement does not waive the confidential nature of the statement or any connected document and such privilege continues until the statement has been put in evidence at trial. This means that you may not decimate any of the information contained in these witness statements until the witness statement has been put in evidence at trial. If any information from the witness statement is used for purposes other than this litigation our client will, without further notice, apply to the Court for an injunction.

We would be grateful if you could confirm that you understand the status of these statements prior to exchange.

Yours faithfully