

MORGAN ALTERUTHEMEYER

LEGAL GROUP

We have been informed that some members of this Facebook Group have received telephone calls or other correspondence from BGC employees threatening to take legal action for defamation against anyone who posts or comments in this group.

Defamation

A claim for defamation can only be made by an individual or a small business with less than 10 employees.

If an individual employee of BGC wishes to make a defamation claim they must establish that:

- a **written or verbal statement** was made to a third party which identified a specific person;
- the statement was **untrue**; and
- the statement **caused serious harm** to the person's reputation.

Malicious / Injurious Falsehood

A company can make a claim for malicious or injurious falsehood. To establish that claim they must prove:

- a **written or verbal statement** was made to a third party regarding a person or company's goods or services in relation to its business;
- the statement was **untrue**;
- there was **malicious intent** behind the publicised statement;
- the statement **caused serious harm** to the person or company's reputation; and
- the statement caused the person or company to **suffer financial loss**.

Truth is an absolute defence to a claim for defamation or malicious/injurious falsehood.

If you are contacted by a BGC employee regarding your posts or involvement in this Facebook Group, we would suggest that you to keep detailed notes including:

- the name of the person who contacted you;
- the date;
- the location;
- what was said and by whom.

If you feel intimidated, are threatened or there are attempts to coerce you, then you may ask that any further correspondence with BGC be in writing.

If there are claims that your involvement in this Facebook Group or your posts will somehow impact the construction of your house, then please obtain legal advice regarding your options.

IF YOU FEEL UNSAFE OR ARE THREATENED WITH PHYSICAL HARM, PLEASE CONTACT THE POLICE.