

Translate to



Sexual harassment claims

Angostura warns Waithe again

■ Kim Boodram

KIRK WAITHE, who heads the watchdog group Fixin' T&T, has been served a second pre-action protocol letter by Angostura Holdings Ltd (AHL), warning him to put a stop to his continued public campaign on allegations of sexual harassment against company chairman Dr Ralph Balgobin.

Waithe last week received a first letter, in which AHL sought to end Fixin' T&T's sustained bid for Balgobin to be removed and for a "transparent" investigation into the claims against Balgobin, who is government-appointed and also chairs CL Financial.

Last year, Balgobin was accused of sexual harassment by a female executive, who was fired two weeks ago, allegedly based on performance issues.

Waithe's campaign has included a call to the public to boycott Angostura products and Fixin' T&T most recently circulated an image of the company's 1919 rum stamped with hashtags that compared Balgobin to disgraced Hollywood producer Harvey Weinstein.

The image also stated "drink angostura support sexual harassment".

The company, in its first letter, warned Waithe to remove the images, which appeared on social media and to desist from speaking publicly on the issue.

AHL's threat of legal action last Wednesday led to a decision by The University of the West Indies in St Augustine to do invite Waithe as a speaker from a forum



SECOND PRE-ACTION LETTER: KIRK WAITHE

December 7, 2017 edition of the *Daily Express*. The University of the West Indies harboured concerns about having you speak at the Lunchtime Forum and, in a comical turn of events, dis-invited you, much to your dissatisfaction and then invited you again after an emergency meeting.

He went on to speak on Balgobin at the forum and further stated to women experiencing sexual harassment that Fixin' T&T would support them.

Following the first pre-action protocol letter, Waithe had said he was seeking the advice of his lawyers.

In the second letter, from law firm JD Sellier, last week, the attorneys for Angostura stated that "our clients are taking this matter very seriously".

"We have advised Angostura that in relation to this utterance referred to above that it can maintain an action against you for the republished libel," the letter stated.

It also said that it had been noted that remarks made by Waithe and considered damaging had been repeated in the newspapers after receipt of the first letter.

"It is amazing that following receipt of the pre-action protocol letter that your lawyers would not advise you to exercise tact and to keep your mouth shut while this matter and/or their response is pending," the letter stated.

"Indeed, as evident from the article published on page four of the



CHAIRMAN: Dr Ralph Balgobin

daily and *ENDSEXUALHARASSMENT*.

"While our clients fully endorse ending sexual harassment, it is irresponsible and malicious for you to continue your reckless campaign of associating our clients with sexual harassment. At the end of this matter, our clients will refer to your conduct described above in its claim for exemplary and/or aggravated damages," the letter stated.

The letter added that Waithe's outrage was misplaced and that he was "on the wrong side of the argument in this scenario".

Waithe has been asked to respond by December 15 (Friday), "in particular to confirm whether you intend to provide our clients the undertaking which we have sought above".

Waithe confirmed having received a second letter and said: "I have engaged attorneys to advise me and to respond to the letter. In the meantime, I am taking certain without prejudice steps."

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DAMAGED: A Nissan Note in the living room of a house in Wellington Road, Debe, on Saturday night after crashing into a family's home, after the driver lost control of the vehicle. No one was reported injured at the time of the accident.

Runaway car crashes through house

■ VANDER

A RUNAWAY car skidded off the road and landed in the living room of a house in Debe on Saturday night.

The vehicle crashed through the concrete wall, destroying furniture, an entertainment system and toys.

No one was injured. The incident occurred at Wellington Road at around 8 p.m.

Police said the driver of the grey Nissan Note lost control of the vehicle and skidded off the roadway.

The car ploughed through the front yard and into the house.

The driver was not injured, police said.

—Carolyn Kisseau

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Waithe last week received a first letter, in which AHL sought to end Fixin' T&T's sustained bid for Balgobin to be removed and for a 'transparent' investigation into the claims against Balgobin, who is government-appointed and also chairs CL Financial.

Last year, Balgobin was accused of sexual harassment by a female executive, who was fired two weeks ago, allegedly based on performance issues.

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The image also stated 'drink angostura support sexual harassment'.

The company, in its first letter, warned Waithe to remove the images, which appeared on social media and to desist from speaking publicly on the issue.

AHL's threat of legal action last Wednesday led to a decision by The University of the West Indies in St Augustine to dis-invite Waithe as a speaker from a forum on sexual harassment.

Waithe was reinstated on the panel after an emergency meeting, following his request that the schedule change be put in writing.

He went on to speak on Balgobin at the forum and further stated to women experiencing sexual harassment that Fixin' T&T would support them.

Following the first pre-action protocol letter, Waithe had said he was seeking the advice of his lawyers.

In the second letter, from law firm JD Sellier, last week, the attorneys for Angostura stated that 'our clients are taking this matter very seriously'.

'We have advised Angostura that in relation to this utterance referred to above that it can maintain an action against you for the republished libel,' the letter stated.

It also said that it had been noted that remarks made by Waithe and considered damaging had been repeated in the newspapers after receipt of the first letter.

'It is amazing that following receipt of the pre-action protocol letter that your lawyers would not advise you to exercise tact and to keep your mouth shut while this matter and/or their response is pending,' the letter stated.

'Indeed, as evident from the article published on page four of the December 7, 2017 edition of the *Daily Express*, The University of the West Indies harboured concerns about having you speak at the Lunchtime Forum and, in a comical turn of events, dis-invited you, much to your dissatisfaction and then invited you again

after an emergency meeting.

'It is astonishing that you would even accept the invitation (on the second occasion) to speak at the Lunchtime Forum when the university (or at least certain members of the university) wished to disassociate the university from you and/or your misconceived and ill-advised campaign against our clients,' it added.

The letter said the *Express* quoted another malicious, irresponsible and slanderous statement that allegations against Balgobin 'span more than a decade'.

Angostura said there was no basis for this utterance and it was made with the full knowledge and reasonable expectation that this slander would be republished as a permanent publication.

'We have advised Dr Balgobin that he can maintain an action against you for slander and for republished libel,' Angostura stated.

The company also said that notwithstanding its first pre-action protocol letter, Waithe also wore Fixin' T&T's T-shirt to the UWI forum with the print, #drinksome-thingelse and #ENDSEXUALHARASSMENT.

'While our clients fully endorse ending sexual harassment, it is irresponsible and malicious for you to continue your reckless campaign of associating our clients with sexual harassment. At the trial of this matter, our clients will refer to your conduct described above in its claim for exemplary and/or aggravated damages,' the letter stated.

The letter added that Waithe's outrage was misplaced and that he was 'on the wrong side of the argument in this scenario'.

Waithe has been asked to respond by December 15 (Friday), 'in particular to confirm whether you intend to provide our clients the undertaking which we have sought above'.

Contacted yesterday, Waithe confirmed having received a second letter and said: 'I have engaged attorneys to advise me and to respond to the letter. In the meantime, I am taking certain without prejudice steps.'



SECOND PRE-ACTION LETTER: Kirk Waithe



CHAIRMAN: Dr Ralph Balgobin

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