

Achill referee vindicated and wins undisclosed sum

THE defendants in a defamation case taken by a referee against nine committee members of Achill Rovers Football Club have settled out of court for an undisclosed sum.

Stephen Manning of Dooagh, Achill Island, took the case at Mayo Circuit Court against George Collins of Dooagh, Achill; Philip McNulty of Bunacurry, Achill, and seven others. Mr Manning claimed his reputation was damaged after a complaint was made accusing him of looking at young girls undressing.

The case was originally heard at Westport Circuit Court in March 2011 when Judge James O'Donohoe awarded Mr Manning damages of €38,500 – a sum that was later found to be above the limit that could be awarded by the judge. The limit in the circuit court is €38,000. The matter then went before the High Court and a retrial was ordered. The case was heard over two days in Ballina and Westport last week.

Mr Manning moved to Achill Island with his wife and children in 2005. He became involved as a volunteer coach with Achill Rovers after being approached by the club chairman George Collins. After a number of months, Mr Collins suggested that Mr Manning become a referee. As far as Mr Manning was concerned, he had a good relationship with Mr Collins and occasionally met him for a drink.

Mr Manning was refereeing matches for approximately two years and felt he got on well with the coaching staff at Achill Rovers, but it soon became apparent that there was some tension and negative feelings

Allegations in defamation case were 'in part false and in part utterly malicious,' says judge

from one or two of the coaches and, in particular, Mr Collins.

Between 2007 and 2009, Mr Manning got a series of annoying and provocative emails from a person claiming to be called 'Paul Lavelle'. He suspected it was Mr Collins and eventually wrote back and asked him to stop, suggesting the author of the emails was GC (referring to George Collins). The emails stopped.

In April 2009, Mr Manning went for a drink one evening after a match and was invited to join Mr Collins' group. Collins began to criticise his refereeing and saying he was incompetent and anti-Achill Rovers.

"He began cursing and shouting at me. I told him to calm down and cut it out," said Mr Manning. "He was embarrassed. I had never spoken to him like that before and he claimed I was the cause of all Achill Rovers' problems."

Mr Manning reported the matter to the Mayo Referees Association. He also voluntarily stepped down from refereeing Achill games for one month.

One June 6, 2009, Mr Manning was assigned a girls' U-12 game between Achill and Ballina. On his way to the referees' changing room, two Achill players waved at him from the dressing room bench. The door was open. He waved back and said hello. The girls were all fully dressed.

Mrs Anne McHugh – a coach – was kneeling on the ground sort-

ing jerseys. She looked up and he nodded to her. A second coach, Sinead Madden, came out of the dressing room and he and Ms Madden walked outside discussing the match.

In evidence, both Mrs McHugh and Ms Madden claimed the incident occurred after the game. They said the girls were changing and the coaches looked around to find Mr Manning standing at the doorway looking in. They said they closed the door quickly as they felt it was inappropriate for a referee to be looking into the girls' dressing room.

However, Mr Manning categorically denied the account given by the two women.

Ms Madden also said she saw the referee enter the Ballina dressing room after the game. This was denied by Mr Manning and his account was verified by the Ballina coach, Susan Naughton.

That evening, both coaches reported what had happened to Mr Collins. A committee meeting was called and it was agreed that a letter be sent to David Breen, secretary of the Mayo Youths. The letter was drafted by Mr Collins and agreed by Mr McNulty, the club secretary. It said the coaches were "uncomfortable and concerned" about Mr Manning's behaviour.

An investigation was carried out and Mr Manning was cleared of any wrongdoing. Nevertheless, he believed his reputation

had been damaged locally.

"The letter was completely untrue. I couldn't understand how people that knew me could stand over a letter like that. The letter implied that numerous complaints had been made against me."

Defending counsel Catherine Walsh said her clients accepted the letter was "carelessly" drafted. The intention of the letter had been to seek guidance and while the committee sanctioned the writing of the letter, only Messrs Collins and McNulty actually read it.

Mr Manning said the letter marked the beginning of an 18-month "campaign of intimidation and harassment" against him. Allegations were posted on the internet, false advertisements with his name and number were published, complaints were made to the HSE by "a concerned parent", he received threatening phone calls, an anonymous person tried to negotiate with him to drop the civil case, and vexatious claims were made to the gardai. In total, there were 700 issues that resulted in nine garda investigations.

"Up to a point, if I could have gotten a retraction, an apology and my legal costs paid, I'd have been happy. We had hoped we could integrate back into the community but rumours have circulated about me. Now I feel we have to leave Achill."

Mr Manning said he could not accept that the "21 lies, mistakes

or misleading statements" in the letter were not intentional.

On day two of the hearing, the parties were given the opportunity to negotiate a settlement. Ms Walsh read a statement to the court on behalf of her nine clients, stating they sincerely regretted the upset to Mr Manning and his family. They unreservedly admitted the letter was carelessly drafted and accepted it should have been carefully scrutinised and marked 'private and confidential'. The defendants said they honestly and genuinely felt they were faced with a child protection issue but accepted the letter went beyond its remit.

They accepted the Mayo Referees Association cleared Mr Manning of any wrongdoing and acknowledged their failings in dealing with the situation appropriately.

Judge Groarke said he believed eight of the committee members were "purposefully and maliciously misled" and that the contents of the letter drafted by Mr Collins were "in part false and in part utterly malicious". He said Mr McNulty and the seven members of the committee not named were exonerated.

Discussions between the legal teams ended with the action being settled out of court. Bringing proceedings to a close, Judge Groarke said it had been "an extremely difficult case". He noted that clubs depend on the voluntary efforts of members and it was a sad day when a club or community find themselves in court. The judge described it as a protracted hearing but welcomed the decision of both parties to resolve their difficulties in the interests of sport, the club and the community.

Achill Rovers committee apologises to referee for 'distress' caused by letter

Referee settles civil action against Rovers' former committee after letter accused him of looking at young girls undressing

THE former committee of Achill Rovers has issued an apology to a Mayo soccer referee for the 'upset and distress' caused to him and his family by a letter alleging he looked at young girls undressing when he was a referee.

The apology to Stephen Manning of Dooagh, Achill, was read out at last week's sitting of Ballina Circuit Court, where an out-of-court settlement of damages for defamation was agreed.

Mr Manning brought the case of defamation against George Collins, the former chairman of Achill Rovers football club, its former secretary, Philip McNulty, and seven co-defendants. At issue was a letter the defendants wrote on June 11, 2009, to the Mayo School Boys and Girls League alleging that he had looked at young girls undressing in their changing rooms during an under-12s game in Achill.

Mr Manning denied the claims and in his evidence said that an investigation had 'fully vindicated' him of any wrongdoing. He continues to referee in Mayo.

CAMPAIGN OF INTIMIDATION

MR Manning told his counsel, Eoin Garavan, that as a result of the letter, he and his family have been subjected to a campaign of harassment and intimidation that got so bad he had to take his children from the local national school. He added that so much damage was done to him, it was not possible to remain in Achill.

The letter sent by the club

claimed that the alleged incident took place before the match, but it was admitted this was written in error, and that the alleged incident occurred following the game.

Ms Catherine Walsh, counsel for the defendants, admitted in the statement that the letter had been 'carelessly drafted'. They stated that they 'honestly and genuinely took the view that they were faced with a potential child-protection issue' and had 'felt obliged' to write to the league seeking its guidance.

However, they acknowledged their failings in dealing with the matter and admitted that the letter should have been carefully scrutinised and marked 'strictly private and confidential' before it was issued. They added that they 'sincerely regret any upset and distress caused to Stephen Manning and to his family'. The civil action brought by Mr Manning was part heard at last Tuesday's sitting of Westport Circuit Court and was due to be completed in Ballina Circuit Court on Thursday. However, Judge Raymond Groarke was told that the two parties were in 'discussions' and he gave them time to come to an arrangement, which they did. Details of the settlement were not revealed to the court.

Upon hearing that the two parties had reached an agreement, Judge Groarke said he was delighted that the matter had been resolved and that 'good sense' had prevailed. He said sporting clubs like Achill Rovers were 'utterly essential' for children and communities in rural Ireland and it was a sad

day when clubs find themselves coming into court.

'MALICIOUS', 'FALSE' LETTER

THE Achill Rovers committee members claimed they wrote the letter after coaches from the two teams said they were concerned by Mr Manning's behaviour.

Mr Manning had been refereeing a under-12s girls soccer match between Achill Rovers and Ballina Town on June 6, 2009 when the alleged incident occurred. Ann McHugh, one of the Rovers coaches told the court that she noticed Mr Manning looking into the changing rooms after the match when they were getting changed. She said she jumped up and closed the door and decided to call Mr Collins and explain what she saw because it concerned her.

Sinéad Madden, the second Achill coach said she was in the dressing room when the incident occurred and she claimed she later saw Mr Manning 'step inside' the door of the visitors' dressing room.

Mr Manning claimed that he had not entered the dressing room area after the match. He said the facilities in Achill were very small and that before the game, two of girls waved at him and he wished them well in the game.

Following the game he said his son, who has Down Syndrome, ran into the Ballina Town changing room and he had called on him to come out but denied entering the room. This was confirmed by Ballina Town coach, Susan Naughton who said he did not enter the changing room. She also said she told Mr Collins that he did not do anything wrong on the day when he later contacted her about Mr Manning's behaviour.

It was also revealed that the

letter was drafted by George Collins and handed to Mr McNulty and was not actually seen by the rest of the committee before it was sent.

Judge Raymond Groarke found that Ms Naughton's information had not been passed onto the committee or Mr McNulty and they had been 'maliciously misled'. He found that contents of the letter were 'in part false and in part utterly malicious' but found that the committee members had fulfilled their obligations. He said because 'important aspects of information' known to Mr Collins were not passed onto them, he found that Mr McNulty and the committee were 'exonerated' of wrongdoing.

700 INCIDENTS OF HARASSMENT

A native of Tipperary, Mr Manning and his Japan-born wife and three children moved to

Achill in 2006 having lived and worked in the US, Japan and the UK and was involved in sporting activities.

He explained to the court that he first got involved with Achill Rovers as a coach when he first met Mr Collins, and later became involved in refereeing at the behest of Mr Collins. He said they had a good relationship at first but it quickly deteriorated when Mr Collins accused him of having an anti-Achill bias during games.

He said the matter came to a head on April 26, 2009 when they were both in a pub, and he accused Mr Collins of launching an abusive tirade against him in front of 30 customers. Mr Manning said he later contacted Mr Collins who he alleged said to him, 'I said all I want to say, I just want you out of my life'.

He accused Mr Collins of being the driving force behind the letter and felt it had been written maliciously. Following the writing of the letter, he said he asked the committee to withdraw the allegations, but they refused and he said he was forced to take legal action.

Mr Manning claimed that as a result of this, he recorded over 700 incidents of harassment and intimidation where false allegations would appear on the internet. He said his name appeared on an IRA website alleging he was a member of the Parachute Regiment in Belfast, and he was investigated by the HSE after they received an anonymous letter. He said his family was interviewed and asked questions about him before he was 'completely vindicated'. After reading the letter, Judge Groarke commented that it was 'horrific stuff'.

Mr Manning claimed that he had nothing against the committee or Achill Rovers but said that all he had in life was his good name, and that had to take the action because the allegations were 'so heinous'.