

TP/ODS/gh/102939

June 22, 2021

Mr. Alden Blackman
Clarke’s Road
Derricks
St. James

By Mail & Email: alblackman@live.com

Dear Sir:

Re: Our client: ANSA Motors (Barbados) Ltd

We act on behalf of Ansa Motors (Barbados) Ltd. (“**Ansa Motors**”) in respect of the captioned matter.

We are instructed as follows:

- (i) In 2014, you purchased a 2005 Kia Sportage motor vehicle (VIN KANAJE551857129951) (the “Vehicle”) from our client’s certified local pre-owned car dealership, CarMax Barbados (“**CarMax**”).
- (ii) Starting on April 12, 2021, you have made several complaints to our client in respect of the Vehicle. Specifically, you have accused CarMax of fraudulently selling you the Vehicle with a “concealed defective engine”, after you discovered that the engine number on the Vehicle’s engine differed from the engine number noted on the registration documents for the Vehicle (which were provided by CarMax upon purchase).
- (iii) This difference arose because, in 2009, our client replaced the original engine with a new OEM Kia Short engine for the owner of the Vehicle at the time. However, due to inadvertence, our client did not provide that owner with a letter to the Barbados Licensing Authority (“Licensing Authority”) advising of the engine change and supplying them with the new engine number. Consequently, the previous engine number (D4EA5H112253) was never changed in Ansa Motors’ Dealer Management System (DMS), nor was it changed at the Licensing Authority. This resulted in the Vehicle being traded in with the previous engine number and being sold to you with the previous engine number stated on CarMax’s invoice.

Partners

Mary J. Mahabir, B.A., LL.B, Q.C
Garth St.E. W. Patterson, LL.B (Hons.), Q.C
Melanie S. Jones, M.A. (Cantab)
Vidisha K. Hathiramani, B.A. (Hons.), LL.M
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Associates

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Brian Blackman, LL.B (Hons.)
Joanna M. Austin, LL.B (Hons.)
Olivia Dos Santos, LL.B (Hons.)

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- (iv) While the Vehicle was at CarMax, it was owned by our client, and was well-maintained and in good working order when it was sold to you;
- (v) The first complaint our client ever received from you in respect of the Vehicle was on April 14, 2021, some 7 years after it was purchased, and that you never complained or brought the Vehicle in for a single service or maintenance check during that 7-year period.

Our client made the aforementioned findings after investigating your complaint and explained said findings to you by letters dated May 10, 2021, May 31, 2021 and June 4, 2021. To resolve the matter amicably, our client offered, in its letters, to assist you in rectifying the error regarding the engine number and to assess the Vehicle free of charge.

We have been instructed that, in response, almost daily since April 12, 2021, you have bombarded our client's representatives with WhatsApp messages and a raft of emails in which you have alleged that our client has acted fraudulently by: (a) selling you a vehicle with a defective engine; and (b) providing "falsified documents" when the Vehicle was sold to him. As an example, at paragraph 3 of your email to our client dated June 14, 2021, you make a very serious allegation against our client's representative Mr. Gordon Spencer, namely that:

"Mr. Spencer knowingly or negligently affixed his signature to the sale contract that allowed for fraud by false misrepresentation. FRAUD=the incorrect engine installed, and FALSIFY=presenting falsified documents to covered up the sale contract."

These allegations accuse both Mr. Spencer and our client with very serious criminal offences. Our client instructs us that these allegations are **wholly untrue and unfounded**.

Moreover, we are instructed that between April 12, 2021 and June 22, 2021 you have sent and/or forwarded emails containing these baseless allegations of fraud to the Royal Barbados Police Force, the Office of the Public Counsel, the Licensing Authority, news reporters with the Barbados Nation Newspaper and Barbados Today Newspaper and to the Blog Master of the online blog website, <https://barbadosunderground.net>. In addition, we are instructed that, on June 18, 2021 and June 22, 2021 you publicly posted these false allegations against our client on your personal profile page on the social media website, Facebook, and have caused to be posted a blog containing these untrue and unfounded allegations on the said Barbados Underground website (<https://barbadosunderground.net/2021/04/29/customer-versus-carmax/>). Copies of these posts are enclosed.

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Please be advised that your barrage of emails and communications constitutes harassment of our client, and the wholly untrue allegations which you have circulated to third parties and in the public domain amount to grave defamation of Mr. Spencer and our client, for which you may be found liable in a court of law.

By this letter, therefore, we hereby demand that you:

1. **Immediately cease and desist** from sending any further harassing communications to our client or any of its representatives;
2. **Immediately cease and desist** any and all of your defamatory utterances, posts, communications or other defamatory publications in relation to our client or any of its representatives;
3. **Immediately** remove the offending posts from Facebook and the online blog: <https://barbadosunderground.net>; and
4. By **no later than 4:30p.m. on June 29, 2021**:
 - a. write a letter completely and unconditionally (i) retracting these false allegations of criminal conduct, and (ii) apologising to Mr. Spencer and our client with respect to these untrue allegations. This letter is to be addressed to us, our client's representatives, Gordon Spencer and Jose Oseguera, and copied to **all** of the persons to whom you have sent and/or forwarded emails containing the defamatory content; and
 - b. provide us with a written undertaking that you will cease and desist from further defamation of our client and attacks on its reputation.

This letter is being copied to all the persons to whom you sent and/or copied your correspondence, so that they will have, for their records, the truth concerning your most scandalous and defamatory accusations. Please also note that any further assistance regarding our client's assessment of the now 7-year-old engine is on condition that our client's demands, stipulated herein, are met.

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Should you fail to comply with the abovesaid demands, our client will not hesitate to take legal action against you, up to an including recourse before the Law Courts of Barbados.

Please be guided accordingly.

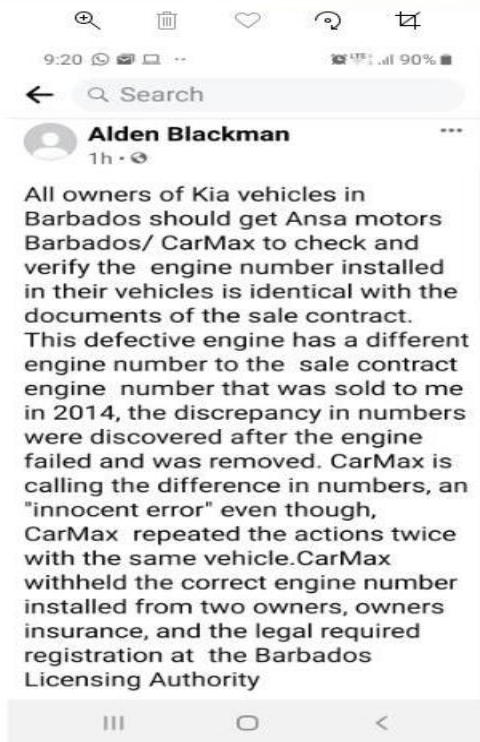
Yours faithfully,



Olivia dos Santos
Associate

Encs.

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✕ Alden Blackman



Alden Blackman



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I am calling on the Barbados Licensing Authority to investigate how CarMax Manager Gordon Spencer get the priviledge of registering preowned vehicles with the incorrect engine number

