



ORARO & COMPANY
ADVOCATES

COMMISSIONERS FOR OATHS, NOTARIES PUBLIC, PATENT AGENTS

YOUR REFERENCE:

OUR REFERENCE:
ACB1.3

DATE:
12th April 2021

Mr. Cyprian Nyakundi
Email: CyprianNyakundi@gmail.com
Telephone: +254710280973
Twitter Handle: @CisNyakundi
Instagram: c_nyakundih

Dear Sir,

RE: DEFAMATORY STATEMENTS AGAINST ARTCAFFE COFFEE & BAKERY LIMITED MADE ON 8TH APRIL 2021 VIA TWITTER HANDLE @CisNyakundi AND INSTAGRAM PAGE c_nyakundih

We have instructions from Artcaffe Coffee & Bakery Limited (*hereinafter "our Client"*) with whose instructions we write to you as hereinunder.

On 8th April 2021, through your personal Twitter handle @CisNyakundi, you wrote and posted the following defamatory information about our Client:

"BREAKING: Artcaffe is set to SHUT DOWN its core restaurant business in Kenya following punitive lockdowns initiated by President Uhuru Kenyatta. Approximately 700 Kenyans will be retrenched. Few outlets will be converted to grocery stores.

#EndOfAnEra #UnlockOurCountry

The above Tweet is further replicated verbatim on your Instagram page on your handle 'c_nyakundih' and bearing a very prominent photo of one of our Client's newly opened branches in Kileleshwa. You proceeded to post further:

"The urge for political-correctness and avoiding ruffling people in power will be the end of many companies. We can all see that business is tough. We can all see that the lockdown has made you downsize by 87%. Why deny the obvious? Smh

Immediately after the said post, our Client, through its official Twitter handle @ArtcaffeKenya, sought to set the record straight and clarify the position and responded thus;

"This is completely UNTRUE. All Artcaffe restaurants remain open and the brand continues to grow, improve and thrive. Artcaffe is launching a new gourmet grocery store under its portfolio. We will overcome this Covid era together."

OUR PARTNERS

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H.C. ODERA
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N.C. LUBANO
G.G. MUCHIRI

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As already indicated in its tweet aforementioned, our Client wishes to state that all of its branches remain open for deliveries and take-away in line with Government regulations on the containment of the COVID-19 pandemic. It has presently embarked on a process of expanding its portfolio and in the last twelve (12) months has opened seven (7) new restaurants with a range of additional new locations opening in the near term. Our Client also established an online gourmet grocery at (<https://artcaffe.dpo.store/>) in March 2020 and has since made thousands of deliveries to customers across Nairobi. Based on the success of this online platform, one of the ways our Client intends to expand its portfolio and complement its restaurants and online platform is to establish its first physical gourmet grocery in Kileleshwa, which will see it employ even more workers to serve its customer base.

Further, and in any event, it is public knowledge that following the directive by His Excellency the President of the Republic of Kenya, all restaurants and eateries were directed to cease offering dine-in services to their customers and restricted only to take outs and deliveries. Despite this recent directive, our Client has not initiated any process of retrenchment of its employees as alleged in your tweet or otherwise.

We, however, take note that despite the clarification that was issued by our Client, almost immediately after your aforementioned defamatory post, you have failed to take responsibility and delete the said tweet.

OUR INSTRUCTIONS are therefore to demand, which we hereby do, that you **IMMEDIATELY** pull down and delete the said injurious and defamatory tweets and posts on the respective social media platforms and cease forthwith any false publications against our Clients. Our Client has always been available to issue any clarifications regarding any issues touching on it, which you have failed to explore before making the false and defamatory statements.

TAKE NOTICE that should you fail to delete the said tweets and posts, our Client will have no option but to commence legal proceedings against you without any further reference to you and at your own peril as to costs.

Yours faithfully,


ORARO & COMPANY ADVOCATES

Cc: Client

