

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST

Claim No. QB-2020-003558

BEFORE: Irena Sabic KC sitting as a Deputy Master

BETWEEN

JOHN ALEXANDER MELVIN HEMMING

-and-

SONIA VANESSA POULTON

-and-

SAMUEL COLLINGWOOD SMITH

-and-

DARREN LAVERTY



QB-2020-003558

Third Party

Fourth Party

ORDER

Before Irena Sabic KC sitting as Deputy Master in the High Court of Justice, King's Bench Division

UPON HEARING Counsel Matthew Hodson for the Claimant, the Defendant in person, and the Third Party in person

AND UPON the Fourth Party not attending, but emailing the court to explain that he is too unwell to attend

AND UPON this Costs and Case Management Conference

AND UPON the Third Party's Application dated 15th March 2024 ('Third Party's Application')

AND UPON the Claimant's Application dated 25th March 2024 ('Claimant's Application')

AND UPON the court having insufficient time for the purposes of costs budgeting

IT IS ORDERED:-

Preliminary Issue Trial

1. There shall be a trial of the following preliminary issue:
 - a. the natural and ordinary, and/or innuendo, meanings of Publications 1 and 5 as defined in the Amended Particulars of Claim.
2. For the purposes of the said preliminary issue trial no further documentary or witness evidence shall be admitted without the permission of the court save as follows:
 - a. the parties are permitted to file and serve by 4pm 7th June 2024 witness evidence with supporting documentation solely on the extrinsic facts and those who were aware of them in relation to the meanings of Publication 5 pleaded at paragraphs 39(ii) and 39(iii) of the Amended Particulars of Claim.
3. The preliminary issue trial shall be listed before a Media and Communications Deputy High Court Judge on the first available date on or after [14th June 2024], with a time estimate of 2 days.
4. The Third and Fourth Parties are excused from attending the preliminary issue trial.
5. The Claimant and Defendant shall file dates to avoid within 7 days of the date of this order.

Strike-Out Pursuant to the Claimant's Application

6. The following parts of the Defendant's Defence and Counterclaim are struck out, with the effect that the Defendant's denial that Publication 5 refers to the Claimant is removed:
 - a. all but the first sentence of paragraph 25;
 - b. paragraphs 42 – 44.

The Third Party's Application

7. The Third Party's Application is dismissed.
8. Permission to appeal is refused.

Costs Budgeting and Case Management

9. Costs budgeting and further case management is adjourned until the conclusion of the preliminary trial.

Costs

10. The Defendant shall, by 4pm on 5th June 2024, pay the costs of the Claimant's Application, summarily assessed in the sum of £4,000.
11. The Third Party shall, by 4pm on 5th June 2024, pay the Defendant's costs of the Third Party's Application summarily assessed in the sum of £150.00.
12. The costs of this hearing shall be costs in the case save insofar as such costs fall within the orders above.

13th May 2024