

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
MEDIA & COMMUNICATIONS LIST
BEFORE MASTER McCLOUD (Sitting in Private)
2 SEPTEMBER 2019
BETWEEN



BVG

Applicant/Proposed Claimant

- and -

LAR

Respondent/Proposed Defendant

ORDER

UPON APPLICATION by the Intended Claimant ("the Claimant") by Application Notice dated 30 August 2019 without notice to the Intended Defendant ("the Defendant") and prior to issue of the Claim Form ("the Application")

AND UPON HEARING the Solicitor for the Claimant

AND UPON the Solicitor for the Claimant informing the Court that the Claimant intends in the very near future to issue an application for an interim injunction, to be heard on notice to the Defendant, and that the Claimant will, at the hearing of that application, draw the court's attention to this Order and invite the court to consider whether it should be continued and/or varied

AND UPON READING the 1st witness statement of Persephone Claire Bridgman Baker dated 30 August 2019 supporting the Application

AND UPON the Master being satisfied that the case is likely to attract publicity and/or to be publicised by the Defendant and that it is necessary to make the orders set out in paragraphs 1 to 3 below in order to protect:

- (1) the privacy rights of the Claimant;
- (2) the rights of the Claimant to protect his confidential information generally;

and in the interests of justice and to ensure that the above-mentioned rights are not destroyed or damaged by the Court's own process.

AND PURSUANT to section 11 Contempt of Court Act 1981 and CPR 5.4 C-D and CPR 39.2(3)(a), (c), (g) and (4)

IT IS ORDERED that

1. The hearing of the Application be in private and there shall be no reporting of the same.

Anonymity

2. Pursuant to CPR 39.2(4):

- a. The Claimant be permitted to issue these proceedings naming the Claimant as "BVG" and giving an address care of the Claimant's solicitors and accordingly CPR 16PD 2.2 is disapplied.
 - b. The Claimant be permitted to issue these proceedings naming the Defendant as "LAR", omitting the Defendant's address from the Claim Form.
 - c. A copy of the Claim Form with the parties' full names and addresses is to be placed on file in a sealed envelope marked "not to be opened without the permission of a Judge or Master of the Queen's Bench Division".
 - d. There be substituted for all purposes in these proceedings in place of references to the parties by name, and whether orally or in writing, references to the letters identifying the respective parties as provided above.
 - e. To the extent necessary to protect the parties' identities, any other references, whether to persons or places or otherwise, be adjusted appropriately, with permission to the parties to apply in default of agreement as to the manner of such adjustments.
 - f. So far as the Claim Form or any other judgment or order or any other document to which anyone might have access pursuant to CPR 5.4A-D at any time does not comply with the above, the Claimant's solicitor has leave to file with the court copies of such document adjusted so as to comply therewith. Such copies are to be treated for all purposes as being in substitution for the relevant originals; and the originals are then to be retained by the Court in a sealed envelope marked "not to be opened without the permission of a Judge or Master of the Queen's Bench Division".
 - g. Witness statements may be filed with a confidential schedule containing the main body of the statement or references to the parties' identities or persons or places or otherwise. Confidential schedules are to be retained by the court in a sealed envelope marked "not to be opened without the permission of a Judge or Master of the Queen's Bench Division".
3. The Defendant must not publish or disclose to any person (i) the identity of BVG ; (ii) the fact that he is the person identified by the initials LAR and (iii) that he is the

Defendant in these proceedings (other than to his legal advisors for the purposes of obtaining legal advice or for the purpose of conducting these proceedings) or take any other steps that would frustrate the anonymity order in these proceedings.

Access to documents

4. The Court must not provide, show or publish to a non-party any of the following documents, or communicate any of their contents, without further Order of the Court:
 - a. any Statements of Case and any confidential schedules thereto;
 - b. any witness statements;
 - c. any Notices of Applications; and
 - d. any Orders or judgments of the Court.

Unless the Claimant and the Defendant agree otherwise in writing, any non-party seeking access to, or copies of, the above-mentioned documents or any of the contents thereof, must make an application to the Court, proper notice of which in writing must be given to all the parties.

5. The Court directs that until the conclusion of the Injunction hearing the requirements of CPR 39.2(5) are dispensed with. The Court will reconsider the application of CPR 39.2(5) at the hearing of the Injunction application.

Duration

6. This order has effect until further order.

Discharge or variation

7. Pursuant to CPR 23.10, this Order having been made by the Court without the Defendant having been served with a copy of the Application notice, the Defendant has a right to apply to the Court to have this Order set aside or varied.
8. Any such application by the Defendant or any application to have this Order set aside or varied by any other party affected by this Order may apply on notice without restriction of time for an order varying or setting aside this Order.
9. Notice to the Claimant of any such application must be given by the Defendant to the Claimant's solicitors, Carter-Ruck, in writing.

Service upon the Defendant

10. Pursuant to CPR 23.9 a copy of this Order and the Application Notice and supporting evidence will be served by the Claimant on the Defendant together with the Claim Form.
11. Release the balance of this application to an HCJ because it concerns injunctive relief, to be heard on notice.