

General Form of Judgment or Order

In the County Court at
Manchester

Claim Number H80MA218

Date 13 October 2021



MM ADMIN OF THE EST OF CM (DECEASED)	1st Claimant Ref 05309671-(SYM/PM)
LB ADMIN OF THE EST OF CM (DECEASED)	2nd Claimant Ref 05309671-(SYM/PM)
THE PENNINE ACUTE HOSPITALS NHS TRUST	1st Defendant Ref 12012106.941

WARNING: you must comply with the terms imposed upon you by this Order: otherwise your case is liable to be struck out or some other sanction imposed. If you cannot comply you are expected to make a formal application to the Court before any deadline imposed upon you expires.

Before His Honour Judge Hassall sitting at the County Court at Manchester, Manchester Civil Justice Cntr, 1 Bridge Street West, Manchester, M60 9DJ.

UPON hearing Counsel for the Claimants and Solicitor for the Defendant

AND UPON

(1) Consideration of the Article 8 rights of the dependant minor to respect for private and family life and the Article 10 right to freedom of expression.

(2) It appearing that non-disclosure of the identity of the dependant minor is necessary in order to protect the interests of the dependant minor and there is no sufficient countervailing public interest in disclosure.

(3) The Defendant indicating its neutrality to the making of the order and there being no representations from the press or any other interested party.

AND PURSUANT to section 6 of the Human Rights Act 1998; section 11 of the Contempt of Court Act 1981; and CPR rules 5.4C, 5.4D and 39.2(4)

WHEREAS

(1) For the purposes of this order:

(i) 'Publication' includes any speech, writing, broadcast, or other communication in whatever form (including internet and social media), which is addressed to the public at large or any section of the public.

(ii) Publication for the purpose of this Order includes any further publication (as defined in subparagraph (i) above) from the date of this Order, even if such information has derived from a previous stage or stages of these proceedings.

(2) For the avoidance of doubt, set out below is a non-exhaustive list of examples of communications and records which do not constitute publication within the meaning of this order (providing always that proper steps are taken to protect the confidentiality of information from being made public). In this list references to 'the anonymised

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CJR065C

party' include that party's appointed representatives and advisers, such as solicitor, Litigation Friend, attorney, trustee and deputy.

(i) Communications between the Court Funds Office and the anonymised party in relation to the payment of money into the Court Funds Office for the benefit of the anonymised party or the investment or treatment of payment out of such money.

(ii) Communications between the Court Funds Office, the anonymised party, and any financial institution concerned as to the receipt or investment of such money.

(iii) Records kept by the Court Funds Office, the anonymised party, and any financial institution concerned as to the receipt or investment of the dependent minor's money.

(iv) Retention by all parties to the claim, their representatives, and their advisers of their unredacted files for the purposes of their continuing functions and obligations in relation to the proceedings.

(v) Communications between the Defendant, their insurers, or their successors in title and their legal and professional advisers, reinsurers, HM Revenue and Customs (or its successor), the Compensation Recovery Unit or any other person required by law.

(vi) Communications between the anonymised party's representatives and advisers in managing that party's affairs.

(vii) Communications for the purpose of obtaining medical care, advice or treatment for the anonymised party.

IT IS ORDERED THAT:

1. The identity of the dependent minor in these proceedings is protected and shall not be published.

2. Pursuant to CPR Rule 39.2(4), there shall not be disclosed in any report of these proceedings or other publication the name or address of the dependent minor, the Claimants, the dependent minor's Litigation Friend or other immediate family members, or any details (including other names, addresses, or a specific combination of facts) that could lead to the identification of EM as the dependent minor in these proceedings. The dependent minor and the Claimants/Litigation Friend shall be referred to as set out at paragraph 3 of this Order.

3. In any judgment or report of these proceedings, or other publication (by whatever medium) in relation thereto:

(i) The dependent minor shall be referred to as "EM".

(ii) The Claimants shall be referred to as "MM" and "LB"

(iii) The Litigation Friend shall be referred to as "LB".

(iv) The Deceased shall be referred to as "CM".

(v) Any other details liable to lead to the identification of the dependent minor (including any names of other immediate family members or their addresses) shall be redacted before publication.

4. Pursuant to CPR Rules 5.4C and 5.4D:

(i) A person who is not a party to the proceedings may not obtain a copy of a statement of case, judgment or order from the Court records unless the statement of case, judgment or order has been anonymised in accordance with subparagraphs 3(i) to (v) above.

(ii) If a person who is not a party to the proceedings applies (pursuant to CPR r.5.4C(1B) or (2)) for permission to inspect or obtain a copy of any other document or communication, such application shall be on at least 7 days' notice to the dependent minor's solicitor, trustee or deputy.

5. The Court file shall be clearly marked with the words "An anonymity order was made in this case on [date of this Order] and any application by a non-party to inspect or obtain a copy document from this file must be dealt with in accordance with the terms of that Order."

6. Any interested party, whether or not a party to the proceedings, may apply to the Court to vary or discharge this Order, provided that any such application is made on notice to the dependent minor's solicitor, trustee or deputy, and that 7 days' prior notice of the intention to make such an application is given.

7. Pursuant to the 'Practice Guidance: Publication of Privacy and Anonymity Orders' issued by the Master of the Rolls dated 16 April 2019 a copy of this Order shall be published on the Judicial Website of the High Court of Justice (www.judiciary.uk). For that purpose, a court officer will send a copy of the order by email to the Judicial Office at judicialwebupdates@judiciary.uk.

8. The costs of obtaining this order be costs in the case.

Dated 8 October 2021