

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

CLAIM NO []

BEFORE THE HONOURABLE MRS JUSTICE HEATHER WILLIAMS

B E T W E E N:-



JJH

Claimant/Applicant

-and-

DTH

Defendant/Respondent

-and-

**THE PERSON(S) OPERATING THE SOCIAL MEDIA ACCOUNTS GIVEN IN
CONFIDENTIAL SCHEDULE 3 PARAGRAPHS 2(D) AND (E)**

Defendant/Respondent

ORDER

PENAL NOTICE

**IF YOU THE DEFENDANT/RESPONDENT DISOBEY THIS ORDER AT
PARAGRAPHS 11, 13, 14 AND 15 YOU MAY BE HELD TO BE IN CONTEMPT OF
COURT AND MAY BE IMPRISONED OR FINED OR HAVE YOUR ASSETS
SEIZED. ANY PERSON WHO KNOWS OF THIS ORDER AND DISOBEYS THIS
ORDER OR DOES ANYTHING WHICH HELPS OR PERMITS ANY PERSON TO**

WHOM THIS ORDER APPLIES TO BREACH THE TERMS OF THIS ORDER MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

NOTICE TO ANYONE WHO KNOWS OF THIS ORDER

You should read the terms of the Order and the Practice Guidance on Interim Non Disclosure Orders very carefully. You are advised to consult a solicitor as soon as possible. This Order prohibits you from doing the acts set out in paragraphs 11 and 13 and requires the Defendant/Respondent to take the steps at paragraphs 14 and 15. You have the right to ask the Court to vary or discharge the Order. If you disobey this Order you may be found guilty of contempt of court and you may be sent to prison or fined or your assets may be seized.

THIS ORDER

1. This is an Injunction, with other orders as set out below, made against the Defendant on 22 May 2024 by the Judge identified above (the Judge) on the application (the Application) of the Claimant. The Judge:
 - a. read the witness statements referred to in Schedule A at the end of this Order, as well as the witness statements referred to in Confidential Schedule 1;
 - b. read the further material provided shortly before the hearing;
 - c. accepted the undertakings set out in Schedule B at the end of this Order;
 - d. considered the provisions of the Human Rights Act 1998 (HRA), section 12;
 - e. heard submissions from Ms Beth Grossman of counsel for the Claimant.
2. This Order was made at a hearing without notice to those affected by it, the Court having considered section 12(2) HRA and being satisfied that there are compelling reasons for no notice being given, namely, the risk of further disclosure and defeating the purposes of seeking the injunction if there were any delay or notification of the hearing.
3. The Judge having considered section 12(3) HRA was satisfied that it was appropriate to grant relief restraining publication before trial because the Claimant was likely to establish that publication should not be allowed.
4. The Judge directed that a return date be ordered at which the Defendant may make representations as to the terms of this Order (the "Return Date"): this was ordered for 6 June 2024, time estimate 2 hours.
5. The Defendant (and anyone served with or notified of this Order) has a right to apply to the Court to vary or discharge the Order (or so much of it as affects them): see paragraph 21 below.
6. The Judge gave permission for this Order to be served by an alternative means/at an alternative place by email and direct message as set out at Confidential Schedule 3 paragraph 1.

7. The Judge directed that a transcript of this hearing be ordered on an expedited basis.

Interpretation

8. Any reference to the Defendant is a reference to any other person operating the Facebook, Instagram account and X/Twitter accounts at Confidential Schedule 3 paragraph 2. Any reference below to the Defendant in the singular is a reference to “Defendants” in the plural if and insofar as any other person is operating those accounts. Any reference to the masculine gender is also a reference to the feminine, and vice versa.
9. The Defendant must not do the acts prohibited at paragraph 11 and 13 himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.

PART 1: ANONYMITY AND OTHER RESTRICTIONS UPON THE COURT FILE AND REPORTING

10. The Judge being satisfied that it is strictly necessary to secure the proper administration of justice and protect the interests of the Claimant, pursuant to section 6 HRA, and/or Civil Procedure Rules 5.4C, 5.4D and 39.2, and Section II of the Contempt of Court Act 1981 and Rules 5.4C and 5.4D of the Civil Procedure Rules, until any further or different Order made by the Court at the Return Date, it is ordered that:
 - a. the Claimant be permitted to issue these proceedings naming the Claimant as **JJH** and giving an address care of the Claimant’s solicitors, as set out at paragraph 25 below;
 - b. the Claimant be permitted to issue these proceedings naming the Defendant as **DTH**; and
 - c. there be substituted for all purposes in these proceedings in place of references to the Claimant and the Defendant by name, and whether orally or in writing, references to the letters “JJH” and “DTH”.
11. Reporting restrictions apply as to the disclosing of any information that may lead to the identification of the Claimant. For the avoidance of doubt, this information includes (but is not limited to):
 - a. The identities of those other persons or groups referred to in Confidential Schedule 1, paragraphs 3 and 4 who should be referred to by the pseudonyms set out to prevent jigsaw identification;
 - b. The further matter in relation to the Claimant, set out at Confidential Schedule 2 paragraph 2; and
 - c. The email addresses and names of the X/Twitter, Facebook and Instagram Accounts set out at Confidential Schedule 3.
12. Upon the Judge being satisfied that it is strictly necessary:

- a. (i) no copies of the statements of case; and
(ii) no copies of the witness statements and the applications,

will be provided to a non-party without further order of the Court.

- b. Any non-party other than a person notified or served with this Order seeking access to, or copies of the abovementioned documents, must make an application to the Court, proper notice of which must be given to the other parties.

PART 2: INJUNCTION

13. Until any further or different Order made by the Court at the Return Date or subsequently, the Defendant must not:

- a. use, publish or communicate or disclose to any other person (other than (i) by way of disclosure to legal advisers instructed in relation to these proceedings (the **Defendant's legal advisers**) for the purpose of obtaining legal advice in relation to these proceedings or (ii) for the purpose of carrying this Order into effect) all or any part of the Private Information referred to in Confidential Schedule 2 to this Order (the **Private Information**); and
- b. publish any information which is liable to or might identify the Claimant as a party to the proceedings and/or as the subject of the Private Information or which otherwise contains material which is liable to, or might lead to, the Claimant's identification in any such respect, provided that nothing in this Order shall prevent the publication, disclosure or communication of any information which is contained in this Order other than in the Confidential Schedules.

14. The Defendant must, within 12 hours of service of this Order, so far as he is able to do so, remove or cause to be removed the X/Twitter, Facebook and Instagram posts set out in Confidential Schedule 3 paragraph 2 and any further posts made containing the same or substantially the same Private Information (or aspect thereof).

15. The operator(s) of the accounts named in Confidential Schedule 3 paragraph 2(d) and (e) must:

- a. within 12 hours of service of this Order remove or cause to be removed the posts set out in Confidential Schedule 3 paragraph 2(d) and any further posts howsoever made containing the same or substantially the same Private Information (or aspect thereof); and
- b. within 48 hours of service of this Order disclose in writing to the Claimant's solicitors at the email addresses contained in paragraph 24 of this Order his, her or their legal name(s) and address(es).

PROTECTION OF HEARING PAPERS

16. The Defendant must not publish or communicate or disclose or copy or cause to be published or communicated or disclosed or copied any witness statements and any exhibits thereto and information contained therein that are made, or may subsequently be made, in support of the Application or the Claimant's solicitors' notes of the hearing of the Application (the **Hearing Papers**), provided that the Defendant shall be permitted to copy, disclose and deliver the Hearing Papers to the Defendant's legal advisers for the purpose of these proceedings.
17. The Hearing Papers must be preserved in a secure place by the Defendant's legal advisers on the Defendant's behalf.
18. The Defendant shall be permitted to use the Hearing Papers for the purpose of these proceedings provided that the Defendant's legal advisers shall first inform anyone, to whom the said documents are disclosed, of the terms of this Order and, so far as is practicable, obtain their written confirmation that they understand and accept that they are bound by the same.

PUBLIC DOMAIN

19. For the avoidance of doubt, nothing in this Order shall prevent the Defendant from publishing, communicating or disclosing the Private Information, or any part thereof, as was already in, or that thereafter comes into, the public domain in England and Wales (other than as a result of breach of this Order or a breach of confidence or privacy).

COSTS

20. The costs of and occasioned by the Application are reserved.

VARIATION OR DISCHARGE OF THIS ORDER

21. The parties or anyone affected by any of the restrictions in this Order may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but they must first give written notice to the Claimant's solicitors. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Claimant's solicitors in advance. The Defendant may agree with the Claimant's solicitors and any other person who is, or may be bound by this Order, that this Order should be varied or discharged, but any agreement must be in writing.

PROVISION OF DOCUMENTS AND INFORMATION TO THIRD PARTIES

22. The Claimant shall be required to provide the legal advisers of any third party or where unrepresented, the third party served with advance notice of the Application, or a copy of this Order promptly upon request, and receipt of their written irrevocable undertaking to

the Court to use those documents and the information contained in those documents only for the purpose of these proceedings:

- a. a copy of any material read by the Judge, including material read after the hearing at the direction of the Judge or in compliance with this Order save for the witness statements referred to in Confidential Schedule 1 at the end of this Order the witness statements; the X/Twitter Facebook and Instagram posts in Confidential Schedule 3 paragraph 2 and/or
- b. a copy of the Hearing Papers.

PERSONS OUTSIDE ENGLAND AND WALES

23. (1) Except as provided in paragraph (2) below, the terms of this Order do not affect or concern anyone outside the jurisdiction of this Court.

(2) The terms of this Order will affect the following persons in a country or state outside the jurisdiction of this Court –

- (a) the Defendant or his officer or agent appointed by power of attorney;
- (b) any person who –
 - (i) is subject to the jurisdiction of this Court;
 - (ii) has been given written notice of this Order at his residence or place of business within the jurisdiction of this Court; and
 - (iii) is able to prevent acts or omissions outside the jurisdiction of this Court which constitute or assist in a breach of the terms of this Order; and
- (c) any other person, only to the extent that this Order is declared enforceable by or is enforced by a court in that country or state.

PARTIES OTHER THAN THE CLAIMANT AND THE DEFENDANT

Effect of this Order

24. It is a contempt of court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be imprisoned, fined or have their assets seized.

NAME AND ADDRESS OF THE CLAIMANT'S LEGAL REPRESENTATIVES

25. The Claimant's solicitors are –
Taylor Hampton Solicitors Limited, 20-21 Jockey's Fields, London, WC1R 4BW
020 7427 5970

daniel.taylor@taylorhampton.co.uk
jay.joshi@taylorhampton.co.uk
hariette.hall@taylorhampton.co.uk

COMMUNICATIONS WITH THE COURT

26. All communications to the Court about this Order should be sent to:

Room WG08, Royal Courts of Justice, Strand, London, WC2A 2LL, quoting the case number. The telephone number is 020 7947 6010.

The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday.

SCHEDULE A

The Claimant relied on the witness statements set out in Confidential Schedule 1.

SCHEDULE B

UNDERTAKINGS GIVEN TO THE COURT

- (1) If the Court later finds that this Order has caused loss to the Defendant, and decides that the Defendant should be compensated for that loss, the Claimant will comply with any order the Court may make.
- (2) If the Court later finds that this Order has caused loss to any person or company (other than the Defendant) to whom the Claimant has given notice of this Order, and decides that such person should be compensated for that loss, the Claimant will comply with any Order the Court may make.
- (3) The Claimant's mother has undertaken to provide any sum found to be due and owing under (1)- (2) above for the purposes of assisting the Claimant in providing that undertaking and enabling compliance thereof.
- (4) If this Order ceases to have effect or is varied, the Claimant will immediately take all reasonable steps to inform in writing anyone to whom he has given notice of this Order, or whom he has reasonable grounds for supposing may act upon this Order, that it has ceased to have effect in this form.