

Claim No. KB-2022-003316
Claim No. KB-2022-003317
Claim No. KB-2022-003318
Claim No. KB-2022-003340
Claim No. KB-2022-003357
Claim No. KB-2022-003404

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

The Honourable Mr Justice Nicklin
2 May 2024



B E T W E E N:

- (1) **BARONESS LAWRENCE OF CLARENDON OBE** (Claim No. KB-2022-003316)
(2) **ELIZABETH HURLEY** (Claim No. KB-2022-003317)
(3) **SIR ELTON JOHN CH CBE** (4) **DAVID FURNISH** (Claim No. KB-2022-003318)
(5) **SIR SIMON HUGHES** (Claim No. KB-2022-003340)
(6) **PRINCE HARRY, THE DUKE OF SUSSEX** (Claim No. KB-2022-003357)
(7) **SADIE FROST LAW** (Claim No. KB-2022-003404)

Claimants

- and -

ASSOCIATED NEWSPAPERS LIMITED

Defendant

ORDER

FURTHER to the Orders of 21 November 2023 (as amended) and 6 February 2024 whereby the Court directed a Case Management Hearing which has been fixed for 2 days on 23- 24 May 2024

AND UPON APPLICATION by the First Claimant by Application Notice dated 26 April 2024 (but not yet filed) seeking permission to amend her Particulars of Claim (“the Amendment Application”)

AND UPON the parties identifying the matters requiring resolution at the Case Management Hearing including: (1) the Amendment Application; (2) interim payment in

relation to costs; (3) the timetable for Replies and Rejoinders; and (4) directions for costs budgeting

AND UPON the Court considering that it is likely that persons not taking part in the proceedings are likely to wish to attend the Case Management Hearing remotely and to make a transmission direction requests to enable them to do so

WITHOUT A HEARING IT IS ORDERED that:

1. The Case Management Hearing will take place on Friday 24 May 2024 with a reduced time estimate of 1 day.

Transmission Direction Requests for the Case Management Hearing

2. Any request by a person not taking part in the proceedings (“an applicant”) for a direction under s.85A(3)(b) Courts Act 2003 for permission to watch or listen to the Case Management Hearing remotely (“a transmission direction request”) must be made (in accordance with Paragraph 3 below) by **4.30pm on Friday 17 May 2024**.

3. Any transmission direction request must be sent to kjudgeslistingoffice@justice.gov.uk and **must include** the following:

- a. the full name of the applicant;
- b. the email address of the applicant;
- c. information as to whether the applicant would be located within the jurisdiction of England and Wales at all times when attending the Case Management Hearing remotely (if a transmission direction were to be made); and, if not, details of the applicant’s location;
- d. any information the applicant wishes to provide in support of the request, including in particular any reason(s) why it is contended that making such a direction would be in the interests of justice; and
- e. a statement by the applicant in the following terms:

“I agree and undertake to the Court that, if permitted to attend the Case Management Hearing remotely, I will not make a recording, capture images, and/or broadcast any part of the proceedings. I understand that to do so may be an offence and/or contempt of court, punishable by imprisonment and/or a fine. I will abide by any directions given to me by the Court during the Case Management Hearing.

I agree and undertake to the Court that I will not provide the link that I am given to access the Case Management Hearing to any other person.”

4. A transmission direction request that is not made by the deadline imposed by Paragraph 2 of this Order and/or does not comply with Paragraph 3 of this Order may be refused. Any transmission direction request made otherwise than in accordance with the directions in Paragraphs 2 and 3 **must** be made by way of Application Notice.

Directions for the Case Management Hearing

5. The First Claimant must ensure that her Amendment Application is properly filed and issued by 4.30pm on 7 May 2024. Providing that is done, the Amendment Application will be heard at the Case Management Hearing.
6. If the Defendant wishes to rely on any evidence in answer to the Amendment Application, then it must be filed and served by 4.30pm on 13 May 2024.
7. The parties must cooperate on (1) preparation of the bundle for the Case Management Hearing; and (2) identification of the issues that require resolution at the Case Management Hearing.
8. By 10am on 17 May 2024, the Defendant must file a paginated and indexed bundle for the Case Management Hearing.
9. By 10am on 22 May 2024, the parties must file and exchange skeleton arguments for the Case Management Hearing.
10. By 10am on 23 May 2024, the Defendant must file a joint bundle of authorities. The bundle of authorities must include any passages of the *White Book* upon which any party relies.

REASONS

- (A) The Court anticipates that, as has been the case with previous hearings in this litigation, there is likely to be interest from media representatives and members of the public in attending remotely the Case Management Hearing that will take place on 24 May 2024. To manage the process, I have again set out a straightforward procedure whereby anyone who wishes to attend the hearing remotely can make a transmission direction request by email.
- (B) The Court will not normally grant a transmission direction request in respect of an applicant who will not be in England & Wales during the Case Management Hearing. Anyone making a transmission direction request who will not be in England & Wales should provide information (pursuant to paragraph 3(d) above) as to why it would nevertheless be in the interests of justice to make a transmission direction order in his/her case.
- (C) Late requests, because they cause disruption to the Court's work and utilise a disproportionate amount of the Court's limited resources are likely to be refused, unless there are compelling reasons why the applicant was unable to comply with the Court's directions.
- (D) The parties have identified the issues on the agenda for the Case Management Hearing. They should continue to engage constructively to reach agreement on issues if they are able to. Otherwise, the skeleton arguments must clearly identify the matters to be resolved by the Court. I have placed the responsibility for the filing of bundles on the Defendant because the Claimants are represented by different firms of solicitors, and it is simpler therefore for the Defendant's solicitors to handle the arrangements.

- (E) The Amendment Application does not yet appear on CE-File, indicating that it has not yet been properly issued. The First Claimant will need to remedy that. I have provided a timetable for the filing of any evidence by the Defendant in relation to the Amendment Application. Otherwise, standard directions for the hearing for the preparation of the bundle and exchange of skeleton arguments.

2 May 2024