

## Appendix

### Part 1: Amalgamated Schedules of Associated’s objections and the Claimants’ Responses in the strike out and amendment Applications

Rows shaded grey are the parts of the original Particulars of Claim that Associated seeks to strike-out, and the unshaded rows are the amendments of the Cs that D opposes (or opposes in part in which case the yellow highlight are those parts opposed)

#### Duke of Sussex

Paragraph	Text in the Particulars of Claim	Grounds for opposition (in full or in part)	Claimant’s Position	Decision
23.3(a)(ii)	Rebecca English, the Royal Correspondent for the Daily Mail for the whole period. As referred to in paragraph 10.5 above, Ms English (who is bylined on five of the Unlawful Articles between 2004 and 2013) regularly commissioned private investigators well-known for unlawfully obtaining information <del>such as Mike Behr and Dave Parker</del> . The Claimant will refer by way of example to the fact that Ms English instructed Mr Behr repeatedly to obtain private information about the Claimant and Ms Chelsy for the purposes of writing stories about them throughout the period 2005 to 2011, including for unlawful searches of private flight details for Ms Davy who was travelling between South Africa and the UK in April 2006 in order to visit the Claimant.	<p>Category 2</p> <p>No examples are provided of Dave Parker being commissioned by anyone to carry out UIG.</p> <p>Category 6</p>	<p>These facts and matters form part of the Cs’ generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D, and redactions applied to that disclosure by D.</p> <p>Cs have conceded Category 6.</p>	The objection under Category 2 is upheld. The reference to “Dave Parker” will be struck out.

23.3(a)(ii)	<p>Rebecca English, the Royal Correspondent for the Daily Mail for the whole period. As referred to in paragraph 10.5 above, Ms English (who is bylined on five of the Unlawful Articles between 2004 and 2013) regularly commissioned private investigators well-known for unlawfully obtaining information such as Mike Behr and Dave Parker. The Claimant will refer by way of example to the fact that Ms English instructed Mr Behr repeatedly to obtain private information about the Claimant and Ms Chelsy for the purposes of writing stories about them throughout the period 2005 to 2011, including for unlawful searches of private flight details for Ms Davy who was travelling between South Africa and the UK in April 2006 in order to visit the Claimant, <u>which had serious security implications</u>. In support of these contentions, <u>namely that Ms English regularly commissioned private investigators to unlawfully gather information on the Claimant and his associates, the Claimant will rely on the following facts and matters:</u></p>	Opposed as with the sub-paragraphs below.	This amendment is relevant to Ms English's propensity to use UIG in respect of the Claimant.	The section in yellow will be struck out.
23.3(a)(ii) (1)	<p><u>the fact that Mike Behr billed Ms English £200 on or around 13 April 2006 (who split the cost with Duncan Larcombe of the Sun newspaper) for unlawful airline searches on Chelsy Davy who was then the Claimant's girlfriend. It can be inferred that this was to identify the detail of Ms Davy's flight plans. Ms English must have been aware of the fact that this was unlawful from the nature of the commission;</u></p>	<p>Category 14 (<i>late</i>) – allegation could have been pleaded at the outset of these proceedings as  (i) relies on facts and matters from MGN/NGN;  (ii) the document relied upon has been produced by the Claimants and is understood to have been deployed in litigation against other newspapers; and  (iii) this specific email was</p>	The amendment provides further specificity as to an existing allegation.	Amendment allowed. Although late, the balance of justice favours permitting the amendment because it is of narrow compass, makes a specific allegation and can be fairly responded to by Associated. It is probative of the services Mr Behr provided.

		reported on Byline by Graham Johnson on 27 May 2020. [FAR-17/119]		
23.3(a)(ii) (2)	<u>the fact that Mike Behr provided Ms English (and Duncan Larcombe of the Sun) on or around 7 December 2007 with the flight details, including seat numbers, of Ms Davy for her flights from London Heathrow on 9 December 2007 and from Johannesburg on 10 December 2007. Ms English must have been aware of the fact that this was unlawful from the information received;</u>	Category 14 ( <i>late</i> ) – allegation could have been pleaded at the outset of these proceedings as (i) relies on facts and matters from MGN/ NGN (ii) the document relied upon has been produced by the Claimants and understood to have been deployed in litigation against other newspapers; and (iii) this specific email was reported on Byline by Graham Johnson on 27 May 2020.	The amendment relates to activities conducted by an employee of the D. The amendment provides further specificity as to an existing allegation.	Ditto. Amendment allowed.
23.3(a)(ii) (3)	<u>the fact that Ms English obtained £250 in cash (which was approved by Keith Poole, Deputy News Editor of the Daily Mail) for an ‘airport payment’ on or around 31 January 2007. It can be inferred that this was a payment to obtain private flight details;</u>	Category 14/15 ( <i>unnecessary pleading</i> ) – this additional allegation based on a cash payment adds nothing to the Claimant’s case in respect of Mr Behr which should have been pleaded sooner. The fact of a cash payment does not support the inference of UIG and it would be disproportionate to investigate this.	This amendment is not late and arises from D’s disclosure. The inference of UIG has a real prospect of success.	Refused for the reasons advanced by Associated.
23.3(a)(ii) (4)	<u>the fact that Ms English continued to commission Mr Behr to target the Claimant and Ms Davy until at least 2013, paragraph 12.7(d) above is repeated.</u>	Category 10 - provides no particulars of any alleged unlawful acts.	This amendment is relevant to Ms English’s propensity to use UIG in respect of the Claimant and Associates.	Refused for the reasons advanced by Associated.

23.3(a)(iii)	<p>Andy Buckwell, a bylined journalist with the <i>Mail on Sunday</i> during this period. <del>As referred to in paragraph 10.15 above, Mr Buckwell (who is bylined on the third Unlawful Article) regularly commissioned TDI/ELI, Christine Hart (Warner), Steve Whittamore (JJ Services) and Jonathan Stafford (Newsreel). The Claimant will refer to the fact that Mr Buckwell had previously worked at the Sunday Mirror up until 2002 (two years before the article) where the use of these private investigators was habitual and widespread in the obtaining of stories.</del></p>	<p>Category 3</p> <p>It is understood from the draft amendments proposed that the commissioning pleaded here relates entirely to allegations involving Mr Buckwell's employment at MGN. If so, the allegations are also to be struck out on that basis</p>	<p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.</p> <p>Lateness. D could have applied to strike this out at the outset</p>	<p>This paragraph, and the next, concern the same paragraph of the Particulars of Claim.</p> <p>If the Claimants can prove that Mr Buckwell was involved with specific acts of UIG, it does not matter if they were during his time at MGN. However, general allegations of involvement with TPIs at MGN is not probative. The words in red targeted for strike out will be struck out and the amendments in sub-paragraphs (1) and (2) will be refused. However, the amendments in sub-paragraph (3) will be allowed. These are specific incidents of narrow compass that can be fairly investigated. The final sentence will be refused. The allegations are directed at Mr Buckwell's alleged propensity to use TPIs for UIG, not his continued use of TPIs generally.</p>
23.3(a)(iii)	<p>Andy Buckwell, a bylined journalist with the <i>Mail on Sunday</i> during this period. As referred to in paragraph 10.15 above, Mr Buckwell (who is bylined on the third Unlawful Article) regularly commissioned TDI/ELI, Christine Hart (Warner), Steve Whittamore (JJ Services) and Jonathan Stafford (Newsreel). The Claimant will refer to the fact that Mr Buckwell had previously worked at the Sunday Mirror up</p>	<p>Category 3 – reliance on facts and matters from MGN litigation.</p>	<p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that</p>	<p>See entry above.</p>

	<p>until 2002 (<del>two</del> <u>one</u> years before the article) where the use of these private investigators was habitual and widespread in the obtaining of stories. <u>The Claimant will rely on in support of the contention that Mr Buckwell regularly commissioned these private investigators to undertake unlawful acts on the fact that:</u></p> <p>(1) <u>Mr Buckwell is listed as a client of Steve Whittamore in the Sunday Mirror section of Mr Whittamore's phone contact list seized by the ICO in 2003;</u></p> <p>(2) <u>Mr Buckwell is also listed as a client of Mr Whittamore in the Associated Newspapers section of Mr Whittamore's phone contact list which dated from 2007.</u></p> <p>(3) <u>Mr Buckwell regularly commissioned Christine Hart and Jonathan Stafford to unlawfully obtain information when he was a journalist at the Sunday Mirror, namely on the following occasions:</u></p> <p>(A) <u>Christine Hart; unlawfully obtained private medical information by deception on the instruction of Mr Buckwell relating to Timothy Taylor, to Des Lynam on or around 1 October 1998, and relating to a private hospital on or around 26 January 1999; and</u></p> <p>(B) <u>Mr Buckwell instructed Jonathan Stafford to unlawfully obtain</u></p> <ul style="list-style-type: none"> <li>• <u>information from a utility company and itemised phone-billing information on</u></li> </ul>		<p>they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.</p> <p>This amendment is relevant to Ms Buckwell's propensity to use UIG. Further, not all matters objected to relate to MGN.</p>	
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	<p><u>a target on 4 April 1998;</u></p> <ul style="list-style-type: none"> <li>▪ <u>ex-directory numbers, landline subscriber details, information from a utility company and itemised phone-billing information on five different targets, between 7 and 30 October 1998; and</u></li> <li>▪ <u>ex-directory numbers, itemised phone-billing information, and flight information on five different targets, between 3 and 27 February 1999.</u></li> </ul> <p><u>It can be inferred from the above that Mr. Buckwell continued to use private investigators to obtain unlawfully gathered information after he left the <i>Sunday Mirror</i>.</u></p>			
23.3(a)(iv)	<p>Caroline Graham, the Mail on Sunday’s US Correspondent. As referred to in paragraph 10.12 above <u>and paragraphs 9.3.8 to 9.3.9 above</u> Ms Graham (who is bylined on the fourth Unlawful Article) regularly commissioned Daniel “Detective Danno” Hanks for unlawfully obtained information, including about the Royal Family. <u>The Claimant will rely in support of the contention that Ms Graham regularly commissioned unlawful information gathering and targeted the Claimant on the fact that Ms Graham unlawfully obtained itemised phone billing data (see paragraph 9.3.8 to 9.3.9 above) and on the following facts and matters:</u></p>	<p>Category 12 – the amendments refer back to paragraphs 9.3.8 to 9.3.9, which are opposed on the grounds that: (i) no particulars are provided as to how it is said that itemised phone billing data was obtained unlawfully; and (ii) that allegation raises an issue of foreign law.</p>	<p>This has a reasonable prospect of success in light of the evidence in respect of Ms Graham and there is no evidence as to foreign law before the court.</p>	<p>The Claimants may rely upon the specific allegation alleged against Ms Graham – shown in yellow – to support their propensity case. I have allowed the amendments to Paragraph 9.3.8 and 9.3.9 (see below).</p>

23.3(c)(v)	<p><u>the Defendant made a cash payment on or around 28 November 2006 for £400 to a third party to unlawfully obtain the Claimant's flight details, which payment was authorised by Keith Poole, the Deputy News Editor of the Daily Mail. The Claimant will infer that this unlawfully obtained information was used to prepare the fourth Unlawful Article from the fact of its proximity to the date of the article as well as its contents. Further, it can be inferred from the description of the third party as someone who "gets Harry's flight details" on the record of the cash payment dated 28 November 2006 that the third party who was instructed to unlawfully obtain the Claimant's private flight and travel plans did so on a regular basis, which had serious security implications.</u></p>	<p>Category 13 – the cash book payments relied upon are not within the temporal scope of the fourth Unlawful Article, which was published two years earlier and so the Claimant has no real prospect of succeeding on his case that the payment and Article were connected.</p>	<p>The C does not agree this has no real prospect of success (Category 13).</p> <p>The C is entitled to rely upon this evidence in support of UIG in respect of him.</p>	<p>Refused for the reasons advanced by Associated.</p>
23.3(c)(vi)	<p><u>Stephen Wright made a cash payment on or around 2 May 2007 for £300 to a third party in order to unlawfully obtain information about the Claimant and his protection officers. The payment was authorised by Keith Poole, the Deputy News Editor of the Daily Mail. It can be inferred that this was a payment to a serving police officer connected to the Royal protection team. In support of that contention, and the unlawful activities of Mr Wright, the Claimant repeats paragraphs 12A and 12B above, the fact that the third party is referred to as a 'special' contact which indicates an improper payment to a public official, as set out in the annex to these Amended Particulars of Claim. The Claimant will infer that the unlawful information obtained by Mr Wright was used in an</u></p>	<p>Category 15 (<i>generic allegations relating to the use of cash and the word "special"</i>) - in relation to the amendment concerning reference to paragraphs 12A and 12B (which Associated accepts stands and falls with its opposition to those paragraphs).</p> <p>Category 3 – in respect of reference to the Annex it merely seeks to state facts and matters from the MGN/NGN litigation and should not be permitted in these proceedings.</p>	<p>The C is entitled to rely upon this evidence in support of UIG in respect of him.</p> <p>Category 15</p> <p>The issue of cash payments for UIG has become an extremely important one in this litigation given almost every Claimant has been disclosed such payments, and seek to plead reliance on them.</p> <p>The amendment in relation to "special" arises from D's own disclosure, and its journalists use of that word as a euphemism for</p>	<p>The amendment will be allowed, except for the words highlighted in yellow, which are refused.</p>

	<p><u>'exclusive' article published by the Daily Mail entitled "HARRY TO FACE ARMY CARPETING" on 2 April 2007 by Stephen Wright, about concerns expressed by the Claimant's Royal protection team about his behaviour and including private information about disciplinary matters arising from this in the Claimant's capacity as an officer in the Blues and Royals regiment of the Household Cavalry; and</u></p>		<p>UIG. Cs do not believe any case management or proportionality issues arise from this amendment</p> <p>Cs do not see how this amendment gives rise to issues of case management/ proportionality as D has a store of searchable documents.</p> <p>Category 3</p> <p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.</p>	
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<p>23.3(c)(vii)</p>	<p><u>the Defendant made a cash payment of £600 on or around 11 June 2007 for ‘special help’ in inquiries into the Claimant. Based on the amount and the euphemism “special help” (see paragraph 12B above), the Claimant will infer that this payment was for information which was unlawfully obtained.</u></p>	<p>Categories 13 and 15 – the Claimant advances no case as to what UIG was involved or what it was in connection with and the allegation is not said to relate to any Schedule B or C journalist.</p> <p>Reference to 12B is opposed for reasons explained in connection with that paragraph.</p>	<p>These objections are addressed separately below. In addition, D has not provided details for the signatory despite it having been requested.</p> <p>The C does not agree this has no real prospect of success (Category 13).</p> <p>Category 15</p> <p>The issue of cash payments for UIG has become an extremely important one in this litigation given almost every Claimant has been disclosed such payments, and seek to plead reliance on them.</p> <p>The amendment in relation to “special” arises from D’s own disclosure, and its journalists use of that word as a euphemism for UIG. Cs do not believe any case management or proportionality issues arise from this amendment</p> <p>Cs do not see how this amendment gives rise to issues of case management/ proportionality as D has a store of searchable documents.</p>	<p>Refused for the reasons advanced by Associated.</p>
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23.3(c)(viii)	<p><u>In support of the contention that Associated targeted the Claimant’s associates for UIG, the Claimant will rely on an entry in the spreadsheet of the “Yellow Book” of Steve Whittamore which shows that Lucie Morris of the Daily Mail commissioned Mr Whittamore to provide:</u></p> <p><u>(1) A mobile phone conversion related to his Associate, Catherine Middleton, now the Princess of Wales.</u></p> <p><u>(2) Two occupancy searches relating to the Ms Middleton’s family address, and</u></p> <p><u>(3) Ten phone numbers from a “Family and Friends” list, in which Mr Whittamore identified the Ms Middleton’s mobile phone number.</u></p>	<p>Category 8 – Lucie Morris is not a Schedule B or C journalist.</p> <p>Further, given (i) the position disclosed by the Claimants in the Tenth Witness Statement of Callum Galbraith dated 18 July 2025 that the Operation Motorman books are in the Claimants’ control; and (ii) that (3) was widely reported in 2012, the proposed amendment is very late.</p>	<p>The position as to control has been addressed.</p> <p>In any event, C is entitled to rely upon disclosure given by the D in respect of his Associate.</p>	<p>Refused for the reasons advanced by Associated, principally that Lucie Morris is not a Schedule B or C pleaded journalist and lateness. If the amendment were allowed it would open up a significant new area of investigation for Associated and it is too late given the proximity of the trial date.</p>
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## Sadie Frost Law

Paragraph	Text in the Particulars of Claim	Grounds of opposition (in full or in part)	Claimant's Position	Decision
23.3(a)(ii)	Victoria Newton, the Showbiz Editor for the <i>Daily Mail</i> from 2002 to 2003. As referred to in paragraph 10.9 above, Ms Newton (who is bylined on one of the Unlawful Articles in 2002) regularly commissioned private investigators well-known for unlawfully obtaining information <del>such as ELI/ TDI. The Claimant will refer to the fact that Ms Newton had previously worked at <i>The Sun</i> and <i>The People</i> where the use of these private investigators was habitual and widespread in the obtaining of stories</del>	Categories 3 and 6	<p>Category 3</p> <p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the <i>Daily Mail</i> or <i>Mail on Sunday</i>. See also comments as to para 10.9 below on which C7 also relies.</p> <p>Cs have conceded Category 6.</p>	It is agreed that the words “such as” must be removed. The balance will be struck out for the reasons advanced by Associated. General allegations of use of TPIs at other newspapers – as opposed to specific incidents of UIG – are incapable of supporting a propensity case.
23.3(a)(iii)	Nicole Lampert, the Showbiz Editor for the <i>Daily Mail</i> from 2002 to 2006. As referred to in paragraph 10.2 above, Ms Lampert (who is bylined on three of the Unlawful Articles in the period from 2003 to 2005) regularly commissioned private investigators well-known for unlawfully obtaining information <del>such as ELI/ TDI. The Claimant will refer to the fact that Ms Lampert had previously worked at <i>The Sun's Bizarre</i> column) and as Deputy Showbiz Editor at <i>The Sun</i> where the</del>	Categories 3 and 6	<p>Category 3</p> <p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful</p>	Ditto. The words in red will be struck out.

	<del>use of these private investigators was habitual and widespread in the obtaining of stories.</del>		acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.  Cs have conceded Category 6.	
23.3(a)(iv)	Alison Boshoff, senior correspondent for the <i>Daily Mail</i> from 1999. As referred to in paragraph 10.3 above, Ms Boshoff (who is bylined on one of the Unlawful Articles in 2003) regularly commissioned private investigators well-known for unlawfully obtaining information <del>such as</del> Steve Whittamore (JJ Services) and Christine Hart (Warners). <del>The Claimant will refer to the fact that Ms Boshoff had previously been a showbiz reporter at <i>The Sun</i> in 1995 to 1996 where the use of these private investigators was habitual and widespread in the obtaining of stories.</del>	Categories 3 and 6	Category 3  Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.  Cs have conceded Category 6.	Ditto. The words in red will be struck out.
23.3(a)(v)	Paul Bracchi, reporter at for the <i>Daily Mail</i> from 1997. As referred to in paragraph 10.4 above, Mr Bracchi (who is bylined on one of the Unlawful Articles in 2005) regularly commissioned private investigators well-known for unlawfully obtaining information <del>such as</del> Steve Whittamore (JJ Services), Christine Hart (Warners) <del>and David Woodward (or his corporate aliases, JS3 Ltd/Tyler Woodward)</del>	Categories 3 and 6	Category 3  Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when	

			<p>working at another newspaper, namely the Daily Mail or Mail on Sunday.</p> <p>Cs have conceded Category 6.</p>	
23.3(d)(vii)	<p><u>In support of the contention that the Claimant's associates were unlawfully targeted by Associated, and that the Claimant's private information was obtained as a result, the Claimant will rely on the fact that the Daily Mail made payments in cash on at least two occasions relating to Kate Moss, namely, a cash payment of £400 on or around 4 April 2007 for "Special payment to contact for help with Kate Moss project" and a cash payment on or around 8 December 2008 for £700 made by and/or authorised by Jon Steafel for "special information" relating to Kate Moss. It can be inferred that these cash payments were made to unidentified PIs and blaggers to obtain information unlawfully, and that the references to "special payment" and "special information" were euphemisms for Unlawful Acts, paragraph 12B above is repeated.</u></p>	<p>Category 8 – Jon Steafel is not pleaded as involved in any Schedule B or C article.</p> <p>Category 15 (<i>Generic allegations relating to the use of cash and the word "special"</i>) - in relation to the amendment concerning reference to paragraphs 12A and 12B</p>	<p>Galbraith §12(8)(c)(ii)</p> <p>C is entitled to rely upon disclosure given by the D in respect of her Associate.</p> <p>The category 8 objection is dealt with below and in submissions</p> <p>Category 15</p> <p>The issue of cash payments for UIG has become an extremely important one in this litigation given almost every Claimant has been disclosed such payments, and seek to plead reliance on them.</p> <p>The amendment in relation to "special" arises from D's own disclosure, and its journalists use of that word as a euphemism for UIG. Cs do not believe any case management or proportionality issues arise from this amendment</p> <p>Cs do not see how this amendment gives rise to issues of case management/ proportionality as D has a store of searchable documents.</p>	<p>Refused for the reasons advanced by Associated, but also because this is too vague in demonstrating that the Claimant was the target of UIG. These allegations relate to Kate Moss, who was a person of prominence in her own right.</p>



**Baroness Doreen Lawrence**

Paragraph No.	Text in the Particulars of Claim	Grounds for opposition (in full or in part)	Claimant's Position	Decision
23.5(a)	The fact that Stephen Wright was the journalist responsible for all the Unlawful Articles. Mr Wright regularly commissioned private investigators such as TDI/ELI (on at least 40 occasions), Christine Hart (Warner News/Detective Agency), John Ross, and Southern Investigations for unlawfully or illegally obtained information, as was his modus operandi. Paragraph 10.8 above is repeated and relied on herein.	Category 10 – use of TDI/ ELI is said to have taken place on at least 40 occasions but with no specific allegation as to what they were instructed to do or if UIG is said to have taken place.	This is relevant to the propensity of Mr Wright, who is bylined on all four of the Unlawful Articles in relation to Baroness Lawrence and new Unlawful Article Four.  Reference to “at least 40 occasions” is based upon: i. the invoices bearing Mr Wright’s name; ii. the commissions in his name from the September to December 2002 ledger; and iii. the commissions in the original ledgers.	The reference to “at least 40 occasions” will be struck out. General allegations about use of TDI/ELI are not probative.
23.5(d)	The first Unlawful Article was co-written by <i>Daily Mail</i> journalist David Williams, who also regularly commissioned private investigators such as TDI/ELI and JS3 (or David Woodward’s corporate aliases). Paragraph 10.7 above is repeated and relied upon herein.	Categories 2 and 6  No example is pleaded of JS3/David Woodward having been commissioned by anyone at Associated.	These facts and matters similarly form part of the Cs’ generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D.  C has conceded Category 6	The words in red will be struck out. Without specific allegations of UIG being made against JS3/David Woodward, their inclusion is irrelevant.

23.5(d)	<p>The <del>First</del> Unlawful Article was co-written by Daily Mail journalist David Williams, who also regularly commissioned private investigators such as TDI/ELI and JS3 (or David Woodward’s corporate aliases). Paragraph 10.7 above is repeated and relied upon herein. Mr Williams also paid blaggers and/or corrupt public officials for unlawfully obtained information. In support of this inference, the Claimant relies upon the fact that he paid third parties for what were described as immigration checks or ‘special payments’ for immigration checks on the following occasions: (a) on 3 August 2007 to the sum of £150; (b) on 7 September 2007 to the sum of £200; (c) on 26 September 2007 to the sum of £250; (d) on 25 January 2008 to the sum of £300; (e) on 30 January 2008 to the sum of £250; (f) on 14 February 2008 to the sum of £225. It can be inferred from the nature of these checks and the substantial size of the payments that they were not lawful.</p>	<p>Category 10/13 – The cash payments cited are unrelated to the Claimant or the one Schedule B article with which this journalist was involved. The payments were made nine to ten years after the date of that Schedule B article and so provide no support for the Claimant’s case that she was targeted with the use of UIG.</p>	<p>This is relevant to the propensity of Mr Williams, who is bylined on Unlawful Article Four, for committing unlawful acts through the instruction of private investigators. Such propensity is supported by documents ANL-586, 587, 588, 606, 607, and 610, which indicate “special payments” for immigration checks between 3 August 2007 and 14 February 2008.</p>	<p>Amendments refused for the reasons advanced by Associated. Whilst specific instances of alleged UIG can be admissible to support propensity, generalised allegations like this – particularly when they are substantially divorced in time - cannot.</p>
23.5(g)	<p>Around 14 October 2000, the date on which the Second Unlawful Article was published in the Daily Mail, entitled “£320,000 FOR LAWRENCES”, an “Exclusive” written by Stephen Wright, Mr Wright illegally obtained information in relation to the Claimant, her murdered son, and the murder investigation, including the information complained of in Schedule B to these Particulars of Claim in relation to the Second Unlawful Article through payments to private investigators and/or corrupt police officers. The Claimant will rely in support of this contention on (i) the fact that Mr Wright made a cash payment on or around</p>	<p>Categories 3, 10 and 15</p> <p>The introductory words and particular (i) are not opposed: Associated will not oppose reliance by the Claimants on the word “special” in connection with particular payments (like this one) and they may do so without introducing a new generic case.</p> <p>The new generic case in</p>	<p>Re Category 10, this is relevant to the propensity of Mr Wright, who is bylined on all four of the Unlawful Articles in relation to Baroness Lawrence and new Unlawful Article Four.</p> <p>Re Category 15, Cash payments</p> <p>The issue of cash payments for UIG has become an extremely important one in this litigation given almost every Claimant has been disclosed such payments, and seek to plead</p>	<p>The words highlighted in yellow will be refused. (ii) and (iii) are general allegations with no particulars. (iii) is a serious allegation, which means that particulars would be essential. Propensity (or a modus operandi) needs to be established by particular acts, not generally asserted.</p>

	<p>21 December 2000 for £200 to a “special contact” in connection with the murder investigation, which is proximate to this article and for which there is no other legitimate explanation; (ii) the fact that there was an established practice of reference to private investigators and/or unlawful contacts as “special contacts”, the instruction of unlawful information gathering as “special inquiries” as concealing the instruction of the Unlawful Acts claimed; and (iii) Mr Wright having previously commissioned unlawful acts through private investigators and corrupt police officers (as was his part of his modus operandi).</p>	<p>particular (ii) is opposed on the same basis as the amendment in paragraph 12B.</p> <p>Particular (iii) makes a very serious allegation in respect of Mr Wright (and his alleged “modus operandi”) but gives no particulars of the alleged unlawful acts referred to.</p>	<p>reliance on them.</p> <p>The amendment in relation to “special” arises from D’s own disclosure, and its journalists use of that word as a euphemism for UIG. Cs do not believe any case management or proportionality issues arise from this amendment</p> <p>The C does not see how this amendment gives rise to issues of case management/ proportionality as D has a store of searchable documents</p> <p>The reference to Category 3 is not understood.</p>	
23.5(h)	<p>Around 8 November 2007, the date on which the Fourth Unlawful Article was published in the Daily Mail, entitled “LAWRENCE SENSATION. EXCLUSIVE: Ten years after the Mail accused these men of murdering black teenager Stephen Lawrence, they face re arrest after dramatic forensic breakthrough. WILL FIVE FACE NEW TRIAL?” and written by Stephen Wright, Mr Wright illegally obtained information in relation to the Claimant, her murdered son, and the murder reinvestigation (Operation Fishbourne), including the information complained of in Schedule B to these Particulars of Claim in relation to the Fourth Unlawful Article through payments to private investigators and/or corrupt police</p>	<p>Categories 10 and 15 - 23.5(h)(iii) provides no particulars as to the alleged unlawful acts referred to.</p> <p>As for (ii), Associated will not oppose reliance by the Claimants on the word “special” in connection with particular payments (like this one) and they may do so without introducing a new generic case.</p> <p>Associated opposes the generic reference to “special contacts” or “special inquiries” without particularised examples that</p>	<p>Re Category 10, this is relevant to the propensity of Mr Wright, who is bylined on all four of the Unlawful Articles in relation to Baroness Lawrence and new Unlawful Article Four.</p> <p>Re Category 15, Cash payments</p> <p>A disclosed document indicates a payment of £1,500 by Mr. Wright on or around 20 December 2007 – which is proximate to the date of the Fourth Unlawful Article – described as “£1,000 special contacts re Stephen Lawrence, DNA cock-ups page lead. £500 --- for special inquiries Stephen Wright” [F/32/5490]</p>	<p>Ditto. Amendments in yellow are refused.</p>

	<p>officers. The Claimant will rely in support of this contention on (i) the fact that Mr Wright made a cash payment for £1,500 on or about 20 December 2007 with the description “£1,000 special contacts re Stephen Lawrence, DNA cockups page lead. £500 for special inquiries Stephen Wright” which directly refers to the Fourth Unlawful Article (a front page “EXCLUSIVE” “page lead” about “DNA cock-ups”) and/or a further related article written by Stephen Wright the next day on 9 November 2007 entitled “Lawrence: The vital blunders” (not an “exclusive” “page lead”) republishing substantially the same information, which is now referred to in the Schedule as Unlawful Article Four B; (ii) the fact that there was an established practice of reference to private investigators and/or public officials engaging in unlawful acts as “special contacts” and the instruction of unlawful information gathering as “special inquiries” in order to conceal the instruction of the Unlawful Acts claimed; and (iii) Mr Wright having previously commissioned unlawful acts through private investigators and corrupt police officers (as was his part of his modus operandi).</p>	<p>does not allow investigation of the context of the contacts or inquiries in question Particular (iii) makes a very serious allegation in respect of Mr Wright (and his alleged “modus operandi”) but gives no particulars of the alleged unlawful acts referred to.</p>	<p>The issue of cash payments for UIG has become an extremely important one in this litigation given almost every C has been disclosed such payments, and seek to plead reliance on them.</p> <p>The amendment in relation to “special” arises from D’s own disclosure, and its journalists use of that word as a euphemism for UIG. The C does not believe any case management or proportionality issues arise from this amendment</p> <p>The C does not see how this amendment gives rise to issues of case management/ proportionality as D has a store of searchable documents</p>	
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<p>23.5(i)</p>	<p>The Claimant will rely on paragraph 23.5(h) above as demonstrating that Mr Wright's evidence given under oath to the Leveson Inquiry in relation to the Fourth Unlawful Article specifically was false and/or misleading. The Claimant will further rely on the Defendant's recent disclosure provided on 21 March 2025 as revealing that Mr Wright's evidence to the Leveson Inquiry that "I have never paid police or known any police officer to be paid by the Daily Mail. To do so would be wholly unacceptable. If a police officer or member of staff was seeking payment for information, I would report them immediately, I would regard it as an integrity test", was false.</p>	<p>23.5(h) is opposed on the grounds explained above.</p> <p>Categories 13, 14 and 15 – the introduction of a new allegation of perjury adds nothing to the Claimant's case which already requires the Court to determine whether Mr Wright is telling the truth now about the source of the Schedule B articles.</p> <p>It neither assists the Court nor adds anything to the Claimant's case to seek an inquiry into evidence provided to the Leveson Inquiry or to suggest that, if disbelieved in these proceedings, Mr. Wright may be inferred to have given false evidence at Leveson.</p> <p>Such an allegation should not have been put forward without credible evidence to support it: here it is based on no more than an inference drawn from the making of cash payments. The pleaded transaction "<i>payments to private investigators and/or corrupt police officers</i>" is also equivocal; alleged payments to private investigators cannot support a plea of perjury.</p>	<p>This amendment is relevant to Mr Wright, who is bylined on all four of the Unlawful Articles in relation to Baroness Lawrence and new Unlawful Article Four.</p> <p>As the Defendant acknowledges, the Claimant's case requires the Court to determine whether Mr. Wright is telling the truth now about the source of the Schedule B articles. The question of his credibility, and of whether his evidence should be accepted in these proceedings, is directly material to the Court's assessment of the matters in issue. The amendment is directly material to the Claimant's case as to Unlawful Articles 4 and 4B.</p>	<p>Amendment refused for the reasons advanced by Associated. The relevant issue is whether Mr Wright had a propensity to use UIG, not whether he gave untruthful evidence at the Leveson inquiry, which is a distraction from the issues to be resolved in these proceedings.</p>
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**Elizabeth Hurley**

Paragraph No.	Text in the Particulars of Claim	Grounds for opposition (in full or in part)	Claimant's Position	Decision
23.3(b)	(b) The fact that Unlawful Articles published in the Mail on Sunday were prepared and written by Katie Nicholl who commissioned private investigators <b>Ken Cummins (Capitol Inquiry) to target the Claimant</b> , Steve Whittamore (JJ Services) <b>to target the Claimant as revealed on 21 March 2025</b> , TDI/ELI and Glenn Mulcaire/Greg Miskiw and/or used their services as part of their modus operandi to provide unlawfully obtained information as referred to in paragraph 10.11 above.	Category 10 – no allegation of a specific instance of UIG is made by this amendment nor are any particulars of UIG provided.	This is relevant to the propensity of Ms Nicholl, who is bylined on Unlawful Articles complained of.  Disclosed document ANL-EH-0005 [F/32/5614] shows that Ms. Nicholl has written “private eye” and the number “202 789 1581” in her notebook, which is the number for the US-based private investigator Capitol Inquiry, owned by Ken Cummins, who carried out unlawful acts including obtaining itemised phone billing information. Ms. Nicholl also instructed the private investigator Steve Whittamore to target the Claimant as revealed on 21 March 2025: ANL-0000195 and ANL-0000196 [F/32/5615-5618] Ms. Hurley will rely on this notebook entry and Ms Nicholl’s propensity to commit unlawful acts through private investigators such as JJ Services and Capitol Inquiry in support of the inference that illegally obtained information was published in the five Unlawful Articles authored by Ms Nicholl, as claimed for by Ms	Amendments in relation to Capitol Inquiry/Ken Cummins refused for the reasons advanced by Associated. Specific examples of UIG are required to demonstrate propensity not general allegations.  The amendment in relation to Whittamore is permitted as providing specific examples of targeting of the Claimant in relation to what is alleged to be UIG.

			Hurley	
23.3(e)	In this period, the Claimant was targeted by the private investigator Christine Hart; <del>not only on the instructions of Associated but also for News Group Newspapers (and specifically <i>The Sun</i>, for example by the prolific hacker Nick Parker, in order to obtain her medical information).</del> Paragraph 9.2 above is repeated	Categories 3 and 6	Cs have conceded Category 6.	The balance is struck out under Category 3.
23.3(j)(i) to (v)	<p><u>In support of the contention that the Third, Fourth and Sixth Unlawful Articles written by Victoria Newton were the product and/or contained the fruits of unlawfully obtained information, the Claimant will rely on the following facts and matters:</u></p> <p><u>i) Victoria Newton was a prolific user of private investigators including TDI (found by the Court to have engaged in unlawful information gathering) while at The Sun, including to unlawfully obtain the Claimant's information just months prior to joining the Daily Mail in May 2002.</u></p> <p><u>ii) That while at The Sun, Ms Newton specifically commissioned TDI to unlawfully target the Claimant in 2001 and 2002. The Claimant will rely on an invoice from TDI, dated 22 October 2001, addressed to Ms Newton, referencing the Claimant's</u></p>	<p>Category 3 – in relation to the proposed amendment at (i) to (iv) which rely on the alleged conduct of Ms Newton at The Sun.</p> <p>Category 10 – in relation to the proposed amendment at (v).</p>	<p>Re Category 3, the C submits that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the <i>Daily Mail</i> or <i>Mail on Sunday</i>.</p> <p>In this case, there is clear evidence Ms Newton, who is bylined on Unlawful Articles complained of, targeted the C prior to joining the <i>Daily Mail</i>.</p>	<p>An amendment will be allowed in the following terms in paragraph (i)</p> <p>“Victoria Newton used private investigators including TDI while at The Sun, to unlawfully obtain the Claimant’s information just months prior to joining the Daily Mail in May 2002”</p> <p>Amendments to introduce paragraphs (ii) to (v) will be allowed (minus the words highlighted in yellow, for which permission is refused).</p> <p>These are specific examples of alleged UIG made against a Pledged Journalist. The fact</p>

	<p><u>spokeswoman Karin Smith as the target. The amount paid for the enquiry was £299.83. The invoice bears the annotation “re Liz Hurley pregnant”. The Claimant will refer to this annotation, as well as the Sun’s discovery and subsequent disclosures concerning her pregnancy in October 2001, before the information was publicly released via Ms Smith on 9 November 2001, and the Sun’s claim to have been the only newspaper to “get it right” (“Liz: Sun was right. I’m pregnant” published in the Sun on 9 November 2001 and written by Victoria Newton), in support of the inference that Victoria Newton (whilst at The Sun) successfully obtained and misused private, medical information concerning the fact of her pregnancy on this occasion at The Sun as well as on others just months later at the Daily Mail through unlawful means.</u></p> <p><u>(iii) The Claimant will also rely on a TDI invoice dated 3 April 2002 instructed by Victoria Newton and naming the Claimant as the target. The amount paid for the enquiry was £88.13. The invoice falls on the exact date that the Claimant checked into the Portland Hospital to have her baby by caesarean section the following day. The Claimant will infer that Victoria Newton (whilst at The Sun) instructed private investigators to discover details of the Claimant’s planned birth which were closely guarded and only known to a handful of the Claimant’s closest Associates, and in support of the inference that Victoria Newton continued to successfully obtain and misuse her information at the Daily Mail which she joined just one month later through unlawful means.</u></p>		<p>Re category 10, the amendment at (v) supports the inference that Ms Newton targeted the C using TDI/ELI while at the <i>Daily Mail</i>.</p> <p>Ms. Newton has been shown to have engaged in unlawful information gathering while at The Sun, including to unlawfully obtain the Ms Hurley’s information shortly before joining the <i>Daily Mail</i> in May 2002, during a period of her life when she sought confidence in and refuge with EJ and DF. The documents show that whilst at <i>The Sun</i>, Ms. Newton commissioned TDI to unlawfully obtain the C’s information just months prior to joining the <i>Daily Mail</i> in May 2002 [F/32/5684-5728]. Ms. Hurley will contend that it can be inferred that Ms. Newton continued to target her and unlawfully obtain her information during the period when the Third, Fourth and Sixth Unlawful Articles were published. In support of that contention, the C will rely on a spreadsheet of payments to ELI, the successor company to TDI which began trading from September 2002, which show that Ms. Newton commissioned ELI on at least five occasions in October and November 2002 around which period the Third, Fourth and Sixth</p>	<p>that it was at another newspaper does not deprive the incidents, if they can be proved, of their potential evidential significance on the issue of propensity. The matters pleaded in (v) are weaker, evidentially, but they have a sufficient nexus to be allowed. Whether the alleged acts are proved, and whether the Court considers that they are relevant to propensity on the part of Ms Newton are matters for trial.</p>
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	<p><u>iv) The Claimant will invite the Court to infer that Ms Newton continued to use TDI to target the Claimant for unlawful acts when she joined the Daily Mail in May 2002 (just one month after the private investigator instruction referenced in paragraph 23.3(j)(iii) above), and that the Third Unlawful Article (dated 20 June 2002 by Victoria Newton and concerning details of the Claimant’s paternity dispute), the Fourth Unlawful Article (dated 21 June 2002 by Victoria Newton and concerning details of a private telephone conversation and the paternity dispute) and the Sixth Unlawful Article (dated 14 August 2002 by Victoria Newton and concerning the Claimant’s son and information relating to a private telephone conversation) were the product and/or contained the fruits of unlawfully obtained information.</u></p> <p><u>v) In further support of that contention, the Claimant will rely on a spreadsheet of payments to ELI, the successor company to TDI which began trading from September 2002, which show Ms Newton commissioned ELI on at least five occasions in October and November 2002. It can be inferred from this that Ms Newton was commissioning TDI/ELI from June to August 2002 (when the Third, Fourth and Sixth Unlawful Articles were published)</u></p>		<p>Unlawful Articles were published [F/32/5412]</p>	
<p>23.3(k)(v)</p>	<p><u>The disclosure provided to the Claimant on 21 March 2025 as demonstrating that Ms Nicholl followed her private life with considerable interest and habitually targeted her through private investigators, resulting in the</u></p>	<p>Category 15 – the additional opposed wording is wholly unparticularised. It fails to identify the “other targets” or “private investigators” referred to and</p>	<p>This is relevant to the propensity of Ms Nicholl, who is bylined on Unlawful Articles complained of. The amendment is material to her case as to Ms. Nicholl’s use of</p>	<p>Refused. These are general, as opposed to specific allegations of previous incidents of UIG. Only the latter can potentially establish propensity.</p>

	<p><u>publication of the Fifth, Tenth, Eleventh, Twelfth and Fifteenth Unlawful Articles, all written by Ms Nicholl. The Claimant will also rely on Ms Nicholl's propensity for and modus operandi of commissioning private investigators and engaging in unlawful information gathering in relation to other targets, in additional support of the documents and contention proving that she did so in relation to her specifically.</u></p>	<p>gives no particulars of the alleged UIG.</p>	<p>illegally obtained information on behalf of the Defendant published in the Fifth, Tenth, Eleventh, Twelfth and Fifteenth Unlawful Articles.</p> <p>As to the relevant disclosure:</p> <ol style="list-style-type: none"> <li>a. Two invoices from JJ Services (ANL-0000195 and ANL-0000196) <b>[F/32/5615-5618]</b> which show that Ms. Nicholl instructed the private investigator Steve Whittamore to a) obtain the C's name and addresses, and b) obtain the C's ex-directory phone number. Ms. Hurley will contend that an inference is to be drawn that these unlawful acts relate to the publication of the Fifth Unlawful Article on 23 June 2002.</li> <li>b. An entry in Ms. Nicholl's notebook relating to Capitol Inquiry, dated between May 2002 and July 2002 (ANL-EH-0005) <b>[F/32/5614]</b>. Ms. Hurley will seek an inference that that instruction also relates to the Fifth Unlawful Article.</li> <li>c. Payments by Ms. Nichol to an unknown third party on 29 June 2002, shortly after the publication of the Fifth</li> </ol>	
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			<p>Unlawful Article, for £750 for “Liz and Bing Maintenance (plus £250 top up)” (ANL-EH-0016). No source is identified. Ms. Hurley avers that it can be inferred that this was a payment to a private investigator for unlawfully gathered information.</p> <p>d. A handwritten, rough draft of an article in another of Ms. Nicholl’s notebooks about Ms. Hurley and her friendship with the actor Denis Leary. The draft states the two were in “regular telephone contact”, which the C will contend can only have come from unlawfully obtained itemised phone bills <b>[F/32/5740-5743]</b></p>	
28.4	<p>The Claimant has always had a strong belief and admiration for the accuracy and impartiality of the British press which she has been proud to see revered around the world. In her view, the disgraceful practices that she has seen exposed through this claim have no place in British journalism. She considers it deeply wrong that they took place in its name and that they tarnish the important function that ethical news plays. She strongly believes that the methods Associated used on a widespread basis to illicitly access information and exploit in its newspapers should be exposed, as well as the deeply concerning fact that these practices are not historic. <u>The Claimant asks for the</u></p>	<p>Category 15 - These proceedings are not a public inquiry and a pleading is not the proper place for this “request” which does not raise properly any issue for investigation or adjudication by the Court.</p>	<p>This amendment relates to D’s repeated use of private investigators and regular targeting of the C by its journalists to unlawfully obtain her information for publication, despite years of denial and prolonged litigation</p>	<p>Refused. The proposed new wording contains no averment of fact. It is irrelevant.</p>

	<u>Defendant to tell the truth about its use of private investigators and to apologise, rather than seek to deny and hide what it did.</u>			
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## Sir Elton John and David Furnish

Paragraph No.	Text in the Particulars of Claim	Grounds of opposition (in full or in part)	Claimant's Position	Decision
23.3(d)	<p>During this period, the First Claimant was also targeted by private investigator, Christine Hart, on Associated's instruction to unlawfully obtain his medical information because he saw doctors frequently and had several serious health issues. The Claimants will contend that this was all commissioned and done for the purposes of obtaining unlawful articles for Associated about the First Claimant which they did in fact do as demonstrated by the Unlawful Articles 5 and 10. <u>Further, the Defendant made a payment to a third party on or around 4 November 2009 for information in relation to the First Claimant and a cash payment of £500 on or around 9 November 2009 for information relating to the Claimants shortly after the Fifth Unlawful Article. The Defendant made a cash payment of £300 on or around 1 September 2015 for information relating to the First Claimant's stay in hospital shortly after the publication of the Tenth Unlawful Article, as well as a further payment relating to "S Elton John" for £200 on the same day to Peter Allen (a known blagger and user of unlawfully obtained information). It can be inferred that these payments were made for information unlawfully obtained and used in the respective articles. Ms Griffiths also commissioned enquiry agent Andy Kyle on or around 8 August 2015 in relation to the</u></p>	<p>Category 14/15 - Neither of Mr Allen nor Mr Kyle have previously been pleaded in these proceedings. Associated will not oppose the Claimant advancing a case in respect of these specific payments (disclosed in March 2025) but does object to the unparticularised words which are objected to. Mr Allen is a journalist whose career has spanned almost thirty years and who now writes news stories, features and comment pieces on a freelance basis for a range of media including the Daily Mail and Mail on Sunday, London Evening Standard, the Daily Telegraph and the Sunday Times and specialises in writing about French current affairs. No example that might support such an allegation been provided in these proceedings.</p> <p>In each case Associated objects also on the basis that the objected to words would appear to be an attempt by the Claimant to introduce new pleaded TPis, without particularising their case,</p>	<p>Mr Allen was a known user of Christine Hart.</p> <p>Mr Kyle is accurately described as an "enquiry agent" or "inquiry agent". This amendment was introduced as a result of D's disclosure.</p>	<p>The words highlighted in yellow in brackets are refused for the grounds advanced by Associated. On the basis that this relates to a specific incident, and goes no wider, Mr Kyle can be described as an enquiry agent. It is what he did, rather than what he was called, that is relevant.</p>

	<u>Tenth Unlawful Article.</u>	by the back door. That is opposed on grounds of lateness and proportionality given the impact on preparation for trial		
23.3(e)	<p>The journalists responsible for the Unlawful Articles were habitual users of private investigators who engaged in Unlawful Acts. The Claimants will refer by way of example to Nicole Lampert (<u>who commissioned TDI/ELI on numerous occasions at the Daily Mail</u>), Katie Nicholl (<u>who commissioned JJ Services on numerous occasions at the Mail on Sunday and including in relation to the Claimants' close Associate Ms Hurley as revealed on 21 March 2025 and other private investigators to unlawfully gather information</u>), Richard Simpson (<u>who commissioned ELI/BDI on numerous occasions</u>), Ben Todd (<u>the author of articles found to have been the product of unlawfully gathered information by the Court as set out in paragraph 23.3(i) below</u>), Victoria Newton (<u>who commissioned TDI/ELI on at least five occasions at the Daily Mail as well as her documented targeting of the Claimants' close Associate Ms Hurley as set out in paragraph 23.3(g)</u>), Caroline Graham (<u>who instructed the private investigator Detective Danno Hanks to unlawfully gather information in the United States where the Claimants were often based and have homes and where they were often targeted by Ms Graham as the disclosure shows</u>), Sharon Churcher (<u>who instructed the private investigator Detective Danno Hanks to unlawfully gather information in the United States where the</u></p>	<p>Category 10 – the proposed amendments seek to develop a generic case in relation to eight journalists on the basis of a rolled up plea of use where no specific instances of UIG are alleged.</p> <p>Category 3 – the proposed amendments in relation to Ben Todd and Victoria Newton seek to introduce alleged activities at other newspapers.</p>	<p>This amendment relates to how the bylined journalists on the Unlawful Articles commissioned private investigators to target the Cs and their close associate Ms Hurley unlawfully.</p> <p>Re Category 3, the C submits that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.</p>	<p>Amendments refused on the grounds that they seek to advance a generic case in relation to eight journalists on the basis of a rolled-up plea of use where but no specific instances of UIG are alleged. Findings in the earlier litigation are inadmissible. On the issue of propensity, the Claimants can rely upon particular incidents of alleged UIG, but not a general case.</p>

	<p><u>Claimants were often based and have homes and where they were often targeted by Ms Churcher as the disclosure shows) and Charlotte Griffiths (bylined on an unlawful article in the Claimants' similar fact case involving the private investigator and specialist medical blagger Christine Hart),</u> who commissioned private investigators and/or used their services as part of their modus operandi to provide unlawfully obtained information as referred to in paragraph 10 above</p>			
23.3(g)	<p><i>[Deletion of whole paragraph in relation to Ben Todd's alleged activities whilst working at MGN]<sup>1</sup></i></p>	Category 3	<p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.</p> <p>Lateness. D could have applied to strike this out at the outset.</p>	<p>The original Paragraph 23.3(i) will be struck out and the amendments to this paragraph refused.</p> <p>The findings/admissions in the MGN litigation are inadmissible in these proceedings. On the issue of propensity, the Claimants can rely upon particular incidents of alleged UIG, but not a general case.</p> <p>If there are specific payments relating to the Sixth Article, then the Claimants can rely upon those, but not other payments unless tied to other articles in respect of which make a case that it was a product of UIG involving a pleaded journalist.</p>

<sup>1</sup> This text is paragraph 23.3(i) in the draft Amended Particulars of Claim in Claim KB-2022-003318

<p>23.3(g)(i) to (v)</p>	<p><u>Victoria Newton is the author of the Second Unlawful Article. In further support of the contention that this was the product and/or contained the fruits of unlawfully obtained information, the Claimants will rely on the following facts and matters:</u></p> <p>i) <u>Victoria Newton was a prolific user of private investigators including TDI (found by the Court to have engaged in unlawful information gathering) while at The Sun, including to unlawfully obtain the Claimants' close associate Ms Hurley's information just months prior to joining the Daily Mail in May 2002 and during a period of her life when she sought confidence in and refuge with the Claimants.</u></p> <p>ii) <u>While at The Sun, Ms Newton specifically commissioned TDI to unlawfully target Ms Hurley in 2001 and 2002. The Claimants will rely on the fact that Ms Newton instructed TDI on or about 22 October 2001 to target Ms Hurley's spokeswoman Karin Smith. The amount paid for the enquiry was £299.83. The invoice for this instruction bears the annotation "re Liz Hurley pregnant". The Claimants will refer to this annotation, as well as The Sun's discovery and subsequent disclosures concerning Ms Hurley's pregnancy in October 2001, before the information was publicly released via Ms Smith on 9 November 2001, as well as the newspaper's claim to have been the only newspaper to "get it right" ("Liz: Sun was right. I'm pregnant")</u></p>	<p>Category 3- in relation to the proposed amendment at (i) to (iv).</p> <p>Category 10 – in relation to the proposed amendment at (v) which provides no particulars as to the UIG that is said to have taken place, who might have been targeted or precisely when it occurred.</p>	<p>Re Category 3, the C submits that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.</p> <p>Re category 10, the amendment at (v) supports the inference that Ms Newton targeted the C using TDI/ELI while at the <i>Daily Mail</i>.</p> <p>As noted above in relation to Ms Hurley, Ms. Newton has been shown to have engaged in unlawful information gathering while at The Sun, including to unlawfully obtain Ms Hurley's information shortly before joining the Daily Mail in May 2002, during a period of her life when she sought confidence in and refuge with EJ and DF. The documents show that whilst at The Sun, Ms. Newton commissioned TDI to unlawfully obtain the Ms Hurley's information just months prior to joining the Daily Mail in May 2002 (see Sangani 1, § 27) and</p>	<p>Amendments refused, largely for the reasons advanced by Associated. What is required is specific examples of alleged UIG of a Pleaded Journalist targeting the Claimants not Ms Hurley, as their associate. Ms Hurley was a person of prominence in her own right and likely to have been of interest to journalists for that basis. Unless it can be clearly alleged – which it is not – that the information sought in respect of Ms Hurley actually related to the Claimants, the allegations are irrelevant.</p>
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	<p><u>published in The Sun on 9 November 2001 and written by Victoria Newton), in support of the inference that Victoria Newton (whilst at The Sun) successfully obtained and misused private, medical information concerning the fact of Ms Hurley’s pregnancy on this occasion at The Sun as well as on others just months later at the Daily Mail through unlawful means and that their information and communications with Ms Hurley were also targeted and/or intercepted and/or illegally obtained as a result of their close association and particularly during this period of her life when she sought confidence in and refuge with the Claimants.</u></p> <p>iii) <u>The Claimants will also rely on the fact that Ms Newton instructed TDI on or about 3 April 2002 to target Ms Hurley. The amount paid for the enquiry was £88.13. The date of this instruction is when Ms Hurley checked into the Portland Hospital to have her baby by caesarean section the following day. The Claimants will infer that Victoria Newton (whilst at The Sun) instructed private investigators to discover details of Ms Hurley’s planned birth which were closely guarded and only known to a handful of her closest Associates, and in support of the inference that Victoria Newton continued to successfully obtain and misuse her information at the Daily Mail which she joined just one month later through unlawful means and that their information and communications with Ms Hurley were</u></p>		<p>specifically to obtain information about her pregnancy. The Claimants will contend that it can be inferred that Ms. Newton continued to target Ms. Hurley and unlawfully obtain her information during the period when the Third, Fourth and Sixth Unlawful Articles were published. They will rely on a spreadsheet of payments to ELI, the successor company to TDI which began trading from September 2002, which show that Ms. Newton commissioned ELI on at least five occasions in October and November 2002 around which period the Third, Fourth and Sixth Unlawful Articles were published (see Sangani 1, § 27).</p>	
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	<p><u>also targeted and/or intercepted and/or illegally obtained as a result of their close association and particularly during this period of her life when she sought confidence in and refuge with the Claimants.</u></p> <p>iv) <u>The Claimants will invite the Court to infer that Ms Newton continued to use TDI to target Ms Hurley for unlawful acts when she joined the Daily Mail in May 2002 (just one month after the private investigator instruction referenced in paragraph 23.3(g)(iii) above), and that the Second Unlawful Article (dated 21 June 2002 by Victoria Newton and concerning details of a private telephone conversation with Stephen Bing using the landline at the Claimants' Windsor home and the paternity dispute, all information shared with the Claimants by Ms Hurley as her close and trusted confidantes) was the product and/or contained the fruits of unlawfully obtained information in relation to them and/or through them and/or Ms Hurley.</u></p> <p>v) <u>In further support of this contention, the Claimants will additionally rely on the fact that Ms Newton also commissioned ELI, the successor company to TDI which began trading from September 2002, on at least five occasions in October and November 2002. It can be inferred from this that Ms Newton was commissioning TDI/ELI from June to August 2002 (during which period the Second Unlawful Article was published).</u></p>			
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23.3(h)	Nicole Lampert is the author of the Third Unlawful Article: paragraph 23.3(c)(iii) above is repeated which are relied on as the clear propensity and modus operandi of Ms Lampert in instructing private investigators to unlawfully obtain information for the purposes of investigating and/or producing stories in further support of the inference that the Third Unlawful Article was investigated and/or prepared on the basis of unlawfully obtained information	Category 10 – the paragraph is an allegation of an alleged “modus operandi” unsupported by any particulars, evidence or the pleading cross-referred to at EJDF paragraph 23.3(c)(iii) (a cross reference which is incoherent and makes no sense)	This is relevant to the propensity of Ms Lampert, who is bylined on the Unlawful Articles complained of.	Amendments refused for the reasons advanced by Associated.
23.3(i)i	<u>The fact that the birth of the Claimants’ baby was of enormous interest to the Defendant. In support of this, the Claimant relies on the volume of payments made by ANL to various third parties around this time on 28 December 2010 to 31 December 2010 which totalled £6,319.07. Such payments were made within days of or on the day of the Sixth Unlawful Article.</u>	Categories 13 ( <i>no real prospect of success</i> ) and 14 ( <i>proportionality/case management</i> ): It is not alleged that these payments relate to UIG and the fact that Associated was interested in the birth of the Claimants’ baby is not controversial; they are irrelevant and investigating the circumstances of payment is disproportionate.	The Cs contend that these facts are relevant to the inference of UIG and as demonstrating the intrusive interest in EJ & DF around the time of the birth of their first son	Amendments refused for the reasons advanced by Associated.
23.3(i)ii	<u>The description of eleven of those payments refer to the Claimants’ new baby and his birth. A further 22 payments were made to third parties dated between 1 January 2011 and 9 January 2011, totalling £19,694.54, again within days of the Sixth Unlawful Article.</u>	Categories 13 ( <i>no real prospect of success</i> ) and 14 ( <i>proportionality/case management</i> ): as above.	The Cs contend that these facts are relevant to the inference of UIG and as demonstrating the intrusive interest in EJ & DF around the time of the birth of their first son	Amendments refused for the reasons advanced by Associated.

23.3(j)i	<u>Katie Nicholl was a prolific user of private investigators, including TDI, Capitol Enquiry and Mr Whittamore: paragraph 10.11 above is repeated</u>	Categories 10 and 15 - generic allegation of use of a TPI without a specific instance of UIG being pleaded.	<p>This is relevant to the propensity of Ms Nicholl, who is bylined on Unlawful Articles complained of</p> <p>Re Category 15, Cash payments.</p> <p>The issue of cash payments for UIG has become an extremely important one in this litigation given almost every C has been disclosed such payments, and seek to plead reliance on them.</p> <p>The amendment in relation to “special” arises from D’s own disclosure, and its journalists use of that word as a euphemism for UIG. The Cs do not believe any case management or proportionality issues arise from this amendment as D has a store of searchable documents</p>	Amendments refused for the reasons advanced by Associated. The role of Katie Nicholl, and any propensity she had to use UIG, will be fully investigated at the trial on the basis of specific examples relied upon. This sort of general allegation is therefore unnecessary and, insofar as it harbours a generic case, introduces a generalised case which the Court has refused to permit.
23.3(j)ii	<u>The intense interest and information gathering by the Defendant targeting the Claimants and information regarding their new baby around the time of the Seventh Unlawful Article dated 2 January 2011. The Claimants will refer to the fact that the Defendant paid a total of £26,013.61 between 28 December 2010 and 9 January 2011 for information about the Claimants’ new baby including to commit unlawful acts (“PULLING BIRTH CERTS”). This also included instructing the private investigator Annette Witheridge through a payment dated 4 January 2011. They will also rely on a cash payment for £750 with the</u>	Categories 14 and 15: this rolled up plea is objectionable. It amalgamates various payments, asserting that only some (“including”) involved UIG and also places reliance on a previously unpleaded alleged TPI (Ms Witheridge) without any particularisation. It is further unclear whether the £750 payment is alleged to involve UIG or whether it is part of the total amount referred to	<p>The Cs contend that these facts are relevant to the inference of UIG and as demonstrating the intrusive interest in EJ &amp; DF around the time of the birth of their first son and other occasions.</p> <p>The Claimants’ knowledge underpinning the reference to Annette Witheridge originates in disclosure of the ‘Agresso’ document (in exhibit AS1: [F/32/5481-5482]). The payment is not part of the total amount: it</p>	The general allegation that is made in this paragraph is not relevant. Insofar as the Claimants consider that they are able to demonstrate a specific example of UIG relating to the birth of their child, then such an allegation can be included, but without an allegation made against a Plead Journalist even that is incapable of supporting any propensity case. As the proposed amendment currently

	<u>description “£750 - excl tip and information on Elton John” around the time of the Seventh Unlawful Article.</u>		refers to a separate payment	lacks focus and has the defects identified above, it is refused.
23.2(k)(i)	<u>The authors of the article Caroline Graham and Sharon Churcher were prolific users of private investigators, including Detective Danno Hanks; paragraphs 10.12 and 10.13 above are repeated.</u>	Categories 6,10 and 13 – the amendment provides no particulars as to the alleged unlawful acts referred to and uses non-exhaustive language.	This is relevant to the propensity of Ms Graham and Ms Churcher, who are bylined on Unlawful Articles complained of.	Amendment refused on the grounds advanced by Associated.
23.2(k)(ii)	<u>Detective Danno Hanks was commissioned on the Defendant’s behalf to obtain information about the Claimants, including on or around 21 March 2010 involving an investigation into the suicide of one of the First Claimant’s former lovers (Ms Graham and Ms Churcher were the commissioning journalists); and on or around 31 December 2010 (Ms Churcher was the commissioning journalist).</u>	Categories 6, 10 and 13 – makes no allegation of any specific incident of UIG and uses non-exhaustive language.	This is relevant to the propensity of Ms Graham and Ms Churcher, who are bylined on Unlawful Articles complained of. The basis of amendments in relation to 21 March 2010 and 31 December 2010 is disclosure of the invoice in Exhibit AS1 [F/32/5844]	Amendment refused on the grounds advanced by Associated.
23.2(L)(i) (I) to (VI)	<u>(I) In support of the contention that the Defendant habitually unlawfully gathered information about them, the Claimants will rely on:</u>  <u>(i) numerous cash payments made by the Defendant to unidentified individuals which the Court is invited, on the basis of the identification of the payments as being for ‘special’ services or information</u>	Category 14/15– The cash payments cited do not relate to any pleaded Schedule B/C journalist and no specific instance of UIG is alleged.	The issue of cash payments for UIG has become an extremely important one in this litigation given almost every C has been disclosed such payments, and seek to plead reliance on them.  The amendment in relation to “special” arises from D’s own disclosure, and its journalists use	Amendment refused on the grounds advanced by Associated. See also the main judgment concerning cash payments.

	<p><u>(paragraph 12B above is repeated) to infer were private investigators being paid to engage in unlawful information gathering about the Claimants:</u></p> <p><u>I. an unknown third party was paid £600 on or around 1 October 2008 for “Special Help on Elton John story”;</u></p> <p><u>II. an unknown third party was paid £500 on or around 10 August 2009 for “Elton John info” and it was a “Special payment”;</u></p> <p><u>III. an unknown third party was paid £500 on or around 11 August 2009 for “information on Elton John project” and it was a “Special payment”;</u></p> <p><u>IV. an unknown third party was paid £500 on or around 9 November 2009 for “Elton John/David Furrush (sic) tip &amp; info”;</u></p> <p><u>V. an unknown third party was paid £750 on or around 4 January 2011 for “excl tip and information on Elton John”; and</u></p> <p><u>VI. an unknown third party was paid £500 on or around 25 April 2011 for “Special help on Elton John £500”.</u></p>		<p>of that word as a euphemism for UIG. The Cs do not believe any case management or proportionality issues arise from this amendment</p> <p>The Cs do not see how this amendment gives rise to issues of case management/ proportionality as D has a store of searchable documents</p>	
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**Generic case taken from Sir Simon Hughes’ claim (common to all Claimants’ Particulars of Claim)**

Paragraph No.	Extract of Proposed Amendment	Grounds of opposition (in full or in part)	Claimants’ Position	Decision
5	<p>As referred to throughout these Particulars of Claim, the Unlawful Acts were carried out on Associated’s behalf by a large number of different private investigators, many of whom are now well-known for carrying out the same unlawful activities for other newspaper groups such as News Group Newspapers and Mirror Group Newspapers. <del>These include for example:</del> TDI/ELI (Trace Direct International/Express Locate International) ; Christine Hart (Warner News/Warner Detective Agency); Glenn Mulcaire (Nine Consultancy); Daniel “Detective Danno” Hanks (Investigators Support Services, Backstreet Investigations and British American News) ; Gavin Burrows (IIG Europe and other entities); Jonathan Stafford (Newsreel Limited); Jonathan Rees and (Southern Investigations, Law &amp; Commercial and other entities); Malcolm and Jackie Scott (System Searches); <del>Gwen Richardson (Searchline)</del>, and Steve Whittamore (JJ Services). These private investigators were instructed by Daily Mail and Mail on Sunday journalists, as well as commissioned or approved of by editorial executives and desk or department heads, many of whom are still employed by or working for Associated in</p>	<p>Category 2</p> <p>No examples have been pleaded at all in respect of <b>Gwen Richardson/Searchline</b>. The draft amendments propose examples of work each carried out for MGN/NGN and are opposed.</p> <p>Category 6</p> <p>“Unlawful Acts (such as blagging or phone-hacking) were also carried out by the journalists themselves.” is vague and non-exhaustive. No particularised example of blagging or phone-hacking by an Associated journalist has been provided.</p>	<p>C’s have conceded Category 6.</p> <p>These facts and matters form part of the Cs’ generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D, and redactions applied to that disclosure by D.</p> <p>Cs note that D has very recently disclosed invoices relating to Searchline, which Cs are still considering. In these circumstances it would plainly be unfair and inappropriate for the Court to strike out any related averments in the Cs’ pleaded case.</p>	<p>The identified words will be struck out, for the reasons advanced by Associated. If the Searchline disclosure provides a basis on which to advance amendments that are probative and relevant, then the Claimants can make a further amendment application. However, there is very limited time before trial, so any such amendments would have to raise a significant case of some cogency to be allowed.</p>

	<p>senior positions. <del>Unlawful Acts (such as blagging or phone hacking) were also carried out by the journalists themselves.</del></p>			
5	<p>As referred to throughout these Particulars of Claim, the Unlawful Acts were carried out on Associated’s behalf by a large number of different private investigators, many of whom are now well-known for carrying out the same unlawful activities for other newspaper groups such as News Group Newspapers and Mirror Group Newspapers. These include for example: TDI/ELI/<del>BDI</del> (Trace Direct International/Express Locate International/<del>BDI UK Consultancy</del>); Christine Hart (Warner News/Warner Detective Agency); Glenn Mulcaire (Nine Consultancy); Daniel “Detective Danno” Hanks (Investigators Support Services, Backstreet Investigations and British American News) ; Gavin Burrows (IIG Europe and other entities); Jonathan Stafford (Newsreel Limited); Jonathan Rees (Southern Investigations, Law &amp; Commercial and other entities); Malcolm and Jackie Scott (System Searches, <del>and its alias Commercial &amp; Legal Services</del>); Gwen Richardson (Searchline), and Steve Whittamore (JJ Services). These private investigators were instructed by <i>Daily Mail</i> and <i>Mail on Sunday</i> journalists, as</p>	<p>Category 7 – the amendment is very late and could have been pleaded at the outset of proceedings. It was pleaded in MGN that <b>BDI</b> were a successor company to TDI/ELI and that litigation being a matter on which both the Claimants’ Counsel and Thomson Heath are instructed see [2023] EWHC 3217 (Ch) §154 and PI Schedule Part 11 §26-33.</p>	<p>The amendment is not late. Cs did not have evidence that D used BDI until standard disclosure in March 2025 including financial records of BDI from 2007.</p>	<p>The amendments will be permitted. Although late, the specific pleaded instances are relevant and potentially probative.</p>

	well as commissioned or approved of by editorial executives and desk or department heads, many of whom are still employed by or working for Associated in senior positions. Unlawful Acts (such as blagging or phone- hacking) were also carried out by the journalists themselves.			
8a	The very large number of different private investigators who were instructed or commissioned by Associated to obtain information through unlawful or illegal means, <del>as they were by other tabloid newspaper groups such as News Group Newspapers and Mirror Group Newspapers (and in respect of which their activities have been admitted or demonstrated to have been unlawful or illegal).</del>	Category 3	<p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.</p> <p>Lateness. D could have applied to strike this out at the outset.</p>	Struck out for the reasons advanced by Associated.
8b	The considerable number of different journalists, as well as desks or departments, within the <i>Daily Mail</i> and <i>Mail on Sunday</i> who commissioned these private investigators, <del>some of whom came to work at these newspaper titles following their employment at other newspapers where these same unlawful activities were also heavily used such as the <i>Daily Mirror</i>, the <i>Sunday Mirror</i>, The</del>	Category 3	<p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same</p>	Ditto

	<del>People, The Sun and the News of the World, including by these same journalists.</del>		unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.  Lateness. D could have applied to strike this out at the outset.	
8d	The fact that the activities of these private investigators were known or must have been known to be (or were obviously) unlawful or illegal, not least given the nature of the information requested and/or provided, and the manner in which it was obtained, as well as the amounts of money paid for it (i.e. in excess of what the cost would be if the information was freely or lawfully available). <u>and the widespread euphemistic and/or deliberately vague descriptions of what was being sought or what service was provided (as a means of hiding or obscuring the unlawful activities that were in fact being carried out).</u>	Category 15 ( <i>inadequate pleading</i> ). This new allegation of concealment lacks particularity, including in that it is not clear who it is alleged that something is being concealed from.	This amendment adds further particularity to the original pleading and overlaps with paragraph 12B, and the use of ‘special’ on invoices.	Amendment refused on the ground advanced by Associated.
9.1	TDI/ELI/ <u>BDI</u> (Trace Direct International/Express Locate International/ <u>BDI UK Consultancy</u> )	Category 7 – as above.	As above at paragraph 5.	Amendment allowed for the same reasons.
9.1.2	<b>For example</b> , between just January 2005 and October 2006, the Daily Mail spent more than £115,000 on requests to TDI/ELI, as they disclosed to the Leveson Inquiry in 2011 (when required to provide records of payments to private investigators for the period from January 2005 up until 2011). <u>Further, between 2</u>	Category 7 – BDI is pleaded as an alias very late (as explained above).	The amendment is not late. Cs did not have evidence that D used BDI until standard disclosure in March 2025.	The words “for example” (in yellow) will be struck out. The amendment to add BDI will be allowed.

	<p><u>September 2002 and 30 December 2002, the Daily Mail spent more than £10,000 on requests to ELI.</u> TDI/ELI ceased trading in October 2006. Pending disclosure, it is to be inferred given the volume of instructions from just January 2005 to October 2006, <u>and from September 2002 to December 2002</u>, that Associated commissioned <u>TDI/ELI/BDI</u> (and its predecessor companies such as Code 10) on an extremely large number of occasions prior to January 2005 and probably from at least 1998 onwards.</p>			
9.1.3	<p><u>In support of the contention that Associated used TDI/ELI/BDI from at least 1999 onwards, the Claimant will also rely on the following facts and matters:</u></p>	<p>Category 7 – BDI is pleaded as an alias very late (as explained above). Further, and in respect of the sub- paragraphs, Category 7/15 on the basis that the pleading is not comprehensible or supported by evidence. Associated contends that this is an attempt to add a new TPI (Code 10) late and without adequate explanation in circumstances where Code 10 was pleaded as an alias for TDI/ELI in the MGN litigation..</p> <p>In that respect, Associated relies on the judgment of Fancourt J (see [2023] EWHC 3217 (Ch) Part III: The Private Investigators §267) as illustrative of the</p>	<p>The amendment is not late. Cs did not have evidence that D used BDI until standard disclosure in March 2025.</p> <p>In relation to Code 10, Cs did not have evidence that D used it until standard disclosure in March 2025</p> <p>The Cs note D’s reliance on the judgment of Fancourt J in Sussex v MGN, while opposing reliance on the same by the Cs. However the reference supplied does not seem to support the contention in relation to Code 10 or inadequate pleading.</p>	<p>The allegation of widespread use of TPIs is very peripheral to the actual issues that need to be resolved in the litigation. What it requires is a focus on <i>particular</i> use of TPIs as it concerned the Claimants, the Pleded Journalists and the Pleded Articles. Nevertheless, for the reasons given above, the amendment to add BDI will be allowed.</p>

		dangers of permitting this form of inadequate pleading.		
9.1.3(a)	<u>“Lloyd Hart TDI” appears as an entry together with a landline and mobile number, in a contact list attributed to David Dillon. The entry in the contact list was in existence from at least 19 August 2003. It can be inferred that both the contact list and this entry were used by the Mail on Sunday;</u>	As above	D’s opposition is not understood	Amendment refused. Not a specific example of UIG by a TPI.
9.1.3(b)	<u>TDI was included as a source in an email dated 9 September 2004 from James Clothier, Associate News Editor at the Daily Mail, from his Daily Mail email address to his private email address, which he forwarded to his Sun email address</u>	As above, plus the email cited was produced by the Claimants in August 2025 and apparently obtained in litigation against other newspapers.	In relation to “as above”, D’s opposition is not understood.  The evidence relied on is relevant and probative. In particular, it is clear evidence to support Cs’ case that a journalist using PIs at one newspaper group used PIs at another.	Amendment refused. Not a specific example of UIG by a TPI.
9.1.3 (c)	<u>Code 10 was paid by Associated from March 1999 onwards.</u>	As above.	D’s opposition is not understood	Amendment refused. Not a specific example of UIG by a TPI.
9.1.4	A substantial number of journalists and desks or department heads at the Daily Mail and Mail on Sunday instructed TDI/ELI to carry out Unlawful Acts on their behalf. <del>—Pending disclosure, this included for example:</del> Richard Simpson;	Category 1  No examples are pleaded for any of Sam Greenhill, Clemmie Moodie, Christian Gysin, Ben Taylor, Tahira	Cs have conceded category 6.  Cs have pleaded examples in the AmPoC in relation to Mr Greenhill, Ms Moodie, and Ms Yaqoob’s use of TDI/ELI. D has	The words in red are struck out. I note what is said about Mr Greenhill, Ms Moodie and Ms Yaqoob. If specific examples of UIG are alleged against them, and they are relevant to the Pleaded

	<del>Ben Taylor, Sam Greenhill, Clemmie Moodie, Christian Gysin, Tahira Yaqoob, Neil Sears, Matthew Bayley, Gordon Rayner,</del> David Williams, Stephen Wright, Nicole Lampert, <del>and other executives on both the News and Showbusiness Desks.</del>	Yaqoob Neil Sears, Matthew Bayley, or Gordon Rayner.  Category 6  The general reference to executives on both the News and Showbusiness Desks is insufficiently specific.	agreed the example in relation to Ms Yaqoob (news), but – inconsistently – opposes the specific examples relating to Mr Greenhill (news) and Ms Moodie (showbiz).  Beyond those examples, these facts and matters form part of the Cs’ generic case.	Articles, then the case advanced against these individuals will be elsewhere in the Particulars of Claim. Their absence from this introductory paragraph will not matter.
9.1.5A	<u>Furthermore BDI, the successor company to TDI/ELI, was instructed on Associated’s behalf in 2007 by Richard Simpson, Clemmie Moodie, and Paul Revoir.</u>	Categories 7, 9, 10 – BDI is pleaded as an alias very late (as explained above). No specific examples are provided in respect of any of the journalists referred to.  Clemmie Moodie is not pleaded as involved in any Schedule B or C article and Paul Revoir has never previously been pleaded at all.	The amendment is not late. Cs did not have evidence that D used BDI until standard disclosure in March 2025  Mr Simpson is a pleaded journalist, including Schedule B and C articles.  Ms Moodie is a pleaded journalist.  Mr Revoir arose in D’s disclosure as a user of BDI	Amendment refused. Not a specific example of UIG by the journalists named.
9.1.5B	<u>In support of the contention that work undertaken by TDI/ELI/BDI on the Associated’s behalf involved Unlawful Acts, the Claimant will rely on the following facts and matters:</u>	Category 7 - BDI is pleaded as an alias very late (as explained above). The subparagraphs are opposed for the reasons below.	The amendment is not late. Cs did not have evidence that D used BDI until standard disclosure in March 2025	Although the general case that TDI/ELI/BDI carried out some UIG is only of peripheral relevance to the matters to be resolved, I will allow this paragraph to enable the Claimants to demonstrate their case as to the type of material that TDI/ELI/BDI provided to journalists at Associated. I make

				clear that this is not a licence to seek to introduce further examples given what I have said about the general relevance of this material. The amendment is not directed at establishing any wrongdoing by the named journalist, but is focused upon the activity of the TPI. It will be open to Associated to admit or deny that the information provided in the examples given was unlawfully obtained.
9.1.5Ba	<u>ELI was commissioned on or around 12 May 2005 by Clemmie Moodie from ELI to engage in ‘urgent extensive trace inquiries’. It can be inferred that this was to unlawfully obtain the phone billing data of the actor Sophia Myles and/or carry out voicemail interception to obtain and/or corroborate the fact that Ms Myles and the actor Charles Dance were in a secret romantic relationship. This was private information previously not in the public domain. In support of this contention, the Claimant relies on the following facts and matters:</u>	<p>Category 8 - Clemmie Moodie is not pleaded as involved in any Schedule B or C article.</p> <p>The subjects of the article referred to are not Claimants or their Associates and bear no relevance to the individual claims.</p>	<p>This example is relevant to Cs shared case that D commissioned ELI for UIG, how the product of that UIG was used in articles, and is relevant to the determination of individual claims where TDI/ELI are pleaded in relation to individual articles</p> <p>Ms Moodie is a pleaded journalist</p> <p>If necessary, the Cs would be willing to move this and other examples to Schedule C.</p>	Ditto. Amendment allowed.
9.1.5Ba(i)	<u>the fact that ELI sent Ms Moodie an invoice on or around 13 May 2005 for £235, on the subject “‘S Myles’ for ‘urgent extensive trace inquiries’ undertaken on or around 12 May 2005”;</u> and	Category 8 – as explained in respect of 9.1.5Ba	See above	Ditto. Amendment allowed.

9.1.5Ba(ii)	<p><u>on 14 May 2005, Associated published an article in the Daily Mail bylined Ms Moodie entitled “Why Charles Dance, 58, thinks Lady Penelope is just FAB”. This included private information that Mr Dance and Ms Myles were in a “secret romance”. The article quotes unnamed “friends” and a “source” which the Claimant infers are indicative of unlawful information gathering such as obtaining phone billing data or voicemail interception.</u></p>	<p>Category 8 – as explained in respect of 9.1.5Ba</p>	<p>See above</p>	<p>Ditto. Amendment allowed.</p>
9.1.5Bc	<p><u>ELI was commissioned on or around September 2005 to target Home Secretary (as he then was) David Blunkett and/or Sally Anderson and obtain itemised phone billing data in relation to them. In support of this contention, the Claimant will rely on the following facts and matters:</u></p>	<p>Categories 8 and 14 – Mr. Greenhill is not pleaded as having been involved in any Schedule B or C article and the amendment appears to be being pursued as a “trophy target”.</p> <p>Further, the Claimants acknowledge that the document relied upon to plead this allegation was one available to them when pleading the claims at the outset (and the amendment does not arise from any unredaction or disclosure by Associated).</p>	<p>This example is relevant to Cs shared case that D commissioned ELI for UIG, how the product of that UIG was used in articles, and is relevant to the determination of individual claims where TDI/ELI are pleaded in relation to individual articles</p> <p>Mr Greenhill is a pleaded journalist. The description of him as a trophy target is not understood.</p> <p>Cs were unable to identify a related article as it had been removed from searchable databases</p> <p>If necessary, the Cs would be willing to move this and other examples to Schedule C.</p>	<p>Ditto. Amendment allowed.</p>

9.1.5Bc(i)	<u>(i) Sam Greenhill commissioned ELI in or around September and October 2005 for which ELI was paid on 26 September 2005, in the form of two payments, and on 4 October 2005, in the form of two further payments</u>	Categories 8 and 14 – as explained above.	See above.	Ditto. Amendment allowed.
9.1.5Bc(ii)	<u>Mr Greenhill wrote a series of articles for the Daily Mail about the David Blunkett and an alleged relationship with Sally Anderson which included information that, it is to be inferred from its nature and content, was obtained through obtaining itemised phone billing data, namely:</u>	<p>Categories 8, 13 and 14 – as explained above.</p> <p>Further, as appears from reading the series of articles referred to, and as would be established by evidence were the amendment permitted, no UIG or commission of a TPI occurred. In fact and without waiver of privilege, I am instructed by Mr. Greenhill that:</p> <p>a. In June 2005, an anonymous tipster (as referred to in the article) phoned the Daily Mail switchboard and was put through to the News Desk. They did not give a name but the telephone number used to make the call was displayed on the News Desk phone. She gave a tip on David Blunkett being out on a date.</p> <p>Later anonymous tips</p>	<p>See above</p> <p>Mr Greenhill’s “evidence” fails to</p> <p>a) address the first article of 24 September 2005, and the references to frequent calls between Mr Blunkett and Sally Anderson</p> <p>b) address the pleaded payments to ELI and why he commissioned them if he found the information by other means</p> <p>c) Explain how he was able to confirm that the number which called him belonged to Sally Anderson, when the article suggests the call to him came from someone calling herself "Karen Milligan".</p> <p>d) Explain how he “subsequently realised” and confirmed that the number which called him was the same one which had called the news desk (of which Mr Greenhill was not</p>	Ditto. Amendment allowed.

		<p>suggested that David Blunkett had struck up a friendship with an estate agent called Sally Anderson. Mr. Greenhill called her office and she returned his call on her mobile phone number. Again, that telephone number was displayed when the call was received.</p> <p>b. Mr. Greenhill subsequently realised that the first anonymous caller's mobile telephone number was the same as that used by Ms Anderson. This is how Associated established that <i>'the mobile phone used to make that initial call belongs to Sally Anderson'</i>.</p>	<p>part) several months before</p> <p>e) Address other matters raised in the second article, including how he was able to state that <i>"The bank account details given by 'Karen' were of a joint business account in the name of Sally Anderson and Andrew King"</i> when there is no lawful way to obtain the name of an account holder from bank account details, or establish the type of account.</p>	
9.1.5Bc(ii)(1)	<u>(1) An article of 24 September 2005 ("Blunkett and the Blonde half his age") in the Daily Mail which quotes a so-called (unidentified) "friend" and the frequency of the calls between Mr Blunkett and Ms Anderson; and</u>	As explained in respect of 9.1.5Bc(ii)	<p>See above</p> <p>Mr Greenhill's "evidence" does not address the allegations at 9.15Bc(ii)(1)</p>	Ditto. Amendment allowed
9.1.5Bc(ii)(2)	<u>(2) An article of 8 October 2005 ("Blunkett and the honey-trap") in the Daily Mail which refers to the fact that phone calls made in June 2005 to Mr Blunkett had been</u>	As explained in respect of 9.1.5Bc(ii)	See above	Ditto. Amendment allowed.

	<u>traced to Ms Anderson.</u>			
9.1.5Bc(ii)	<u>In the premises, the Claimant will infer that Mr Greenhill commissioned ELI (a) to obtain the itemised phone billing data of Ms Anderson to establish the frequency of her calls with Mr Blunkett, and (b) to unlawfully convert mobile phone numbers to establish whether they belonged to Ms Anderson.</u>	As explained in respect of 9.1.5Bc(ii)	See above  Mr Greenhill’s “evidence” does not address the allegations at 9.1.5Bc(ii)	Ditto. Amendment allowed.
9.1.6, 9.1.7, 9.1.8	<i>[Entire paragraphs regarding use of TDI/ELI by other newspapers to be struck.]</i>	Category 3	Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.	Paragraphs will be struck out for the reasons advanced by Associated. These are generalised allegations of wrongdoing against journalists at other newspapers. Admissible allegations against particular Pleaded Journalists are pleaded elsewhere.
9.1.7	For example, TDI/ELI/ <u>BDI</u> were regularly used by journalists and senior executives at the News of the World and The Sun, the Daily Mirror, the Sunday Mirror and The People, including by journalists who also subsequently or previously worked at the Daily Mail and Mail on Sunday.	Category 7 – as explained above re BDI.	The amendment is not late. Cs did not have evidence that D used BDI until standard disclosure in March 2025	The amendment does not arise as the paragraph has been struck out – see above.

9.1.8	The Claimant will also refer to the judgment of Mann J in <i>Gulati v MGN</i> [2015] EWHC 1482 ChD (and in particular paragraphs 51 to 52, 79 to 81, 244 to 245, and 300 to 301) in which the Court held that the information which TDI/ELI obtained for MGN Limited was obtained unlawfully., <u>and will rely on the facts and matters deployed in that trial and in the subsequent trial: <i>Duke of Sussex &amp; Ors v MGN</i> [2023] EWHC 3217 (Ch) set out in the Annex at paragraph 1.</u>	Category 3 – activities relating to other newspapers. -	Cs rely on facts and matters in the evidence deployed in other litigation to support their case on the unlawful activities of the pleaded TPIs  It is relevant generic evidence which will assist the court make findings on individual PIs and issues in dispute in the individual claims	The amendment does not arise as the paragraph has been struck out – see above.
9.1.9	<u>There were a substantial number of instructions of ELI/TDI/BDI between 1999 and until at least 2007. In support of this inference, the Claimant relies on the fact that there were a large number of payments set out in the ledgers (which only cover a limited period). It can be inferred that the high level of commissions evident in the ledgers continued throughout the whole period.</u>	Categories 7, 11 and 15 ( <i>case management/proportionality/late</i> )  The pleading relies upon ledgers that were relied upon to plead these claims at the outset. No explanation has been offered for the lateness.  The amendment adds nothing to the existing pleaded case and gives no particulars regarding any alleged UIG or who might have commissioned it, who might have been targeted or precisely when it occurred.	In relation to TDI, the amendment is not late. Cs did not have evidence that D used BDI until standard disclosure in March 2025  Cs were only able to plead this inference after standard disclosure, in light of D’s limited disclosure in relation to TDI/ELI/BDI	Amendment refused. The general use of TPIs is not probative.
9.1.10	<u>At all material times Associated, and in particular those individuals who commissioned and/or authorised the instructions of TDI/ELI/BDI, were aware of the unlawful nature of these activities by reason of the foregoing, as well as:</u>	Categories 7, 14 and 15  The proposed amendment is not explained in Mr Thomson’s witness statement but does not	The pleading is explained in Thomson 3 and is also self-explanatory. It has been included to give better particularisation of Cs allegation of knowledge.	Amendment refused. The general use of TPIs is not probative, equally, the knowledge of those who commissioned TPIs (insofar as they are not Pleaded Journalists) is irrelevant.

		appear to arise from any document disclosed by Associated. The pleading is inadequate as a plea alleging knowledge of illegality and appears intended to expand the scope of the generic case beyond the pleaded journalists.		
9.1.10(a)	<u>the description (including deliberately vague and euphemistic nature thereof) of the activity of the private investigator in the payment records relating to TDI/ELI/BDI; and</u>	As above	As above	Ditto. Amendment refused.
9.1.10(b)	<u>the fact that it can be inferred that Associated and in particular those individuals who commissioned and/or authorised the instructions of TDI/ELI/BDI, would be aware of the fact of any Unlawful Act from the nature of the information obtained from TDI/ELI/BDI and from the fruits of such information as used in the articles themselves</u>	As above	As above	Ditto. Amendment refused.
9.1.10(c)	<u>Paragraph 12, 12A and 12.B below are also repeated and relied on herein.</u>	Categories 14 ( <i>case management/proportionality/late</i> ) and 15 ( <i>generic allegations relating to the use of cash and the word "special"</i> )	This is addressed at 12, 12A and 12B below.	Ditto. Amendment refused.
9.2.2	Ms Hart carried out work for the Daily Mail and the Mail on Sunday from about 1996 onwards until at least 2018, being regularly commissioned by journalists	Category 1  No examples are pleaded for any of Rick Hewett,	These facts and matters form part of the Cs' generic case.  D has very recently disclosed	The words in red are struck out. The only relevance is Ms Hart's instruction by Pleaded Journalists.

	<p><del>such as</del> Alison Boshoff, <del>Riek Hewett</del>, Paul Bracchi, Ian Cobain, <del>Peter Allen and Sam Greenhill</del> at the Daily Mail and David Dillon, <del>Charlie Bain</del> and Katie Nicholl at the Mail on Sunday.</p>	<p>Peter Allen, Sam Greenhill or Charlie Bain.</p> <p>No specific pleaded examples relating to Ms. Hart have been provided in respect of Mr. Dillon. He nonetheless has not been struck through on the basis of his being referred to at paragraphs 9.4.2 and 12.7 of the Particulars of Claim in relation to Mr. Mulcaire and Mr. Whittamore.</p>	<p>invoices from Ms Hart (for the first time), which Cs are considering: it would be inappropriate to grant any strike out order which there are more searches ongoing arising from this.</p> <p>Those invoices name Charlie Bain as a commissioning journalist.</p> <p>Mr Greenhill is pleaded at 9.1.4. On the basis that Mr Dillon has not been struck through on the basis he is pleaded elsewhere, the Cs submit that it is inconsistent to seek to strike out the reference to Mr Greenhill here.</p> <p>Mr Hewett (a showbiz journalist) and Mr Allen (a news journalist) were both known users of Ms Hart.</p>	
9.2.2A	<p><u>There were a substantial number of instructions to Ms Hart and/or Warner News/Detective Agency, from at least 30 July 1997 until 7 August 2018. In support of this inference the Claimant relies on the fact that at least 26 payments were made to Christine Hart including in 2018. Notwithstanding the fact that Associated has not kept records of such payments, it can</u></p>	<p>Categories 11 and 14 - provides no pleaded particulars regarding any alleged UIG or who might have commissioned it, who might have been targeted or precisely when it occurred. Further, the pleading relies upon documents disclosed in</p>	<p>This is a general pleading. Cs were only able to plead this inference after standard disclosure, in light of D's limited disclosure in relation to Christine Hart. In any event, D has recently given disclosure in relation to Ms Hart including to C6's Associate, the Prince of</p>	<p>Amendment refused. The general use of TPIs is not probative. What is required is allegations of particular UIG by Ms Hart in relation to the Claimants or, on the propensity case, by Pleded Journalists.</p>

	<u>be inferred the actual number of payments during the period substantially exceeds 26 as Ms Hart was instructed regularly by Associated throughout the 1997 to 2018 period.</u>	March 2025 and not unredactions.	Wales, and in light of that it would be unfair to strike out this paragraph.	
9.2.4, 9.2.5, 9.2.6	<i>[Entire paragraphs regarding use of Christine Hart/ Warner News by other newspapers to be struck.]</i>	Category 3	Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.	Paragraphs will be struck out for the reasons advanced by Associated. These are generalised allegations of wrongdoing against journalists at other newspapers. Admissible allegations against particular Pleaded Journalists are pleaded elsewhere.
9.2.7	<u>The Claimant will rely on the facts and matters (deployed in the trial of Duke of Sussex &amp; Ors v MGN [2023] EWHC 3217 (Ch) and in the MTVIL litigation) as set out in the Annex at paragraph 2.</u>	Category 3 – activities of other newspapers	Cs rely on facts and matters in the evidence deployed in other litigation to support their case on the unlawful activities of the pleaded TPIs  It is relevant generic evidence which will assist the court make findings on individual PIs and issues in dispute in the individual claims	Amendment refused. Only pleaded examples of alleged UIG alleged against Pleaded Journalists are relevant. They will need to be pleaded and proved in this litigation. The Claimants cannot rely upon findings in other litigation.

9.2.8	<u>Associated knew Ms Hart was a private investigator. In support of this contention, the Claimant will rely on the following facts and matters:</u>	Categories 14 ( <i>case management/proportionality/late</i> ). The case now advanced by the Claimants is substantially based on documents available to them from the outset. Insofar as it is based in part on documents disclosed it is an unnecessary pleading of evidence.	This amendment is not late. It is based on D's disclosure and in response to D's case, set out at 20.2 of its Rejoinder (served in October 2024) that Ms Hart was a freelance journalist	Amendment refused. The knowledge of "Associated" is not relevant. What is potentially relevant is the knowledge of Pleded Journalists who used Ms Hart. In any event, it is only of marginal importance what Ms Hart was called, it was what she is alleged to have done that is potentially relevant.
9.2.8(a)	<u>Associated referred to her in a contact list attributed to David Dillon, used by the Mail on Sunday, as a private eye from at least on or around 19 August 2003;</u>	As above	See above	Ditto. Amendment refused.
9.2.8(b)	<u>Associated referred to her as an investigator in an article published by them dated 12 November 2018; and</u>	As above.	See above	Ditto. Amendment refused.
9.2.8(c)	<u>Associated's journalists provided recommendations for her professional activities.</u>	As above.	See above	Ditto. Amendment refused.
9.2.9	<u>At all material times, Associated and in particular those individuals who commissioned and/or authorised the instructions of Ms Hart or her aliases, were aware of the unlawful nature of these activities by reason of the foregoing, as well as:</u>	Category 14/15 (as with 9.1.10)	The pleading is explained in Thomson 3 and is also self-explanatory. It has been included to give better particularisation of Cs allegation of knowledge	Amendment refused. The general use of TPIs is not probative, equally, the knowledge of those who commissioned TPIs (insofar as they are not Pleded Journalists) is irrelevant.
9.2.9(a)	<u>the description (including the deliberately vague nature thereof) of the activity of the private investigator in the payment records relating to Christine Hart and her aliases; and</u>	Category 14/15	As. Above	Ditto. Amendment refused.

9.2.9(b)	<u>the fact that it can be inferred that Associated and in particular those individuals who commissioned and/or authorised the instructions of Ms Hart or her aliases, would be aware of the fact of any Unlawful Act from the nature of the information obtained from her, and from the fruits of such information as used in the articles themselves</u>	Category 14/15	As above	Ditto. Amendment refused.
9.2.9(c)	<u>Paragraph 12, 12A and 12.B below are also repeated and relied on herein.</u>	Category 15 ( <i>generic allegations relating to the use of cash and the word "special"</i> )	This is addressed at 12B below.	Ditto. Amendment refused.
9.3.2	Mr Hanks carried out work for both the Daily Mail and the Mail on Sunday from the early 1990s until at least 2013, being primarily commissioned or instructed by the journalists Caroline Graham and Sharon Churcher at the Mail on Sunday and David Jones at the Daily Mail, as well as a number of approved US-based "stringers" (or freelancers, some of whom had previously worked for Associated, such as Paul Henderson) and agencies, with the full knowledge and approval of John Wellington (the Managing Editor), <u>the Features Editor, Sian James, News Editors Paul Field, Sebastian Hamilton and Dominic Turnbull, Jim Gillespie (Editor, of Mail on Sunday Review), and Deputy Features Editor Nick Pyke.</u>	Categories 1, 9 and 10 – none of Sian James, Sebastian Hamilton, Dominic Turnbull, Jim Gillespie or Nick Pyke have previously been pleaded in these proceedings. No specific example of their commissioning Mr. Hanks for UIG has been provided.  Paul Field is pleaded by Associated as involved in a Schedule B article. However, no specific example of his having commissioned UIG for Associated has been pleaded generally or in relation to Mr. Hanks.	These names arise from D's disclosure. The Cs' note that D has agreed to the amendment to include Sian James in relation to Jonathan Stafford (9.5.1b).  The propensity of desk executives to use UIG is relevant to the Cs shared case and the individual claims.	Amendment refused for the reasons advanced by Associated. The role of desk executives is only relevant insofar as a propensity case is made against an individual who was involved with one of the Pleadings Articles.

9.3.3	During this period, Associated paid Mr Hanks several hundred thousand pounds <del>for carrying out Unlawful Acts in relation to targets ranging from celebrities, members of the Royal Family and other high profile individuals to victims of violent crimes and other members of the public innocently caught up in news stories.</del>	Category 5  No particulars have been provided in respect of Mr Hanks being commissioned to target individuals other than in Schedule C.	Mr Hanks features in a number of the individual claims.  The Cs submit that it is too late to bring a strike-out application, and the pleaded matters in question should now be left to the evidence.	The words in red will be struck out. General allegations about the activities of Mr Hanks are not relevant or probative. I reject the Claimants' contention as to lateness. Associated's strike out application is consequent upon the Court's consideration of the proper parameters of the litigation.
9.3.6	<i>[Entire paragraph regarding use of Daniel Hanks by other newspapers to be struck.]</i>	Category 3	Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.	Paragraph will be struck out for the reasons advanced by Associated. These are generalised allegations of wrongdoing against journalists at other newspapers. Admissible allegations against particular Pleded Journalists are pleaded elsewhere.
9.3.7	<u>The Claimant will rely on the facts and matters (deployed in the trial of Duke of Sussex &amp; Ors v MGN [2023] EWHC 3217 (Ch) and in the MTVIL litigation) as set out in the Annex at paragraph 3.</u>	Category 3 – activities at other newspapers.	Cs rely on facts and matters in the evidence deployed in other litigation to support their case on the unlawful activities of the pleaded TPIs  It is relevant generic evidence which will assist the court make findings on individual PIs and	Amendment refused. Only pleaded examples of alleged UIG alleged against Pleded Journalists are relevant. They will need to be pleaded and proved in this litigation. The Claimants cannot rely upon findings in other litigation.

			issues in dispute in the individual claims	
9.3.8	<u>Mr Hanks carried out the unlawful obtaining of itemised phone billing (also known to Mr Hanks and Associated as ‘Telephone Research’), the fruits of which were then provided to the Associated along with the target’s private social security number in the form of reports. In support of this contention, the Claimant relies upon the fact that Mr Hanks provided “Telephone Research reports” containing such information on the following occasions:-</u>	Category 12 – issue of foreign law	This is addressed in detail in the skeleton argument. To cut through the issue, the Cs are willing to confine the tort to that committed in England by D.	<p>Although the general case that Mr Hanks carried out some UIG is only of peripheral relevance to the matters to be resolved, I will allow this paragraph to enable the Claimants to demonstrate their case as to the type of material that Mr Hanks provided to journalists at Associated. I make clear that this is not a licence to seek to introduce further examples given what I have said about the general relevance of this material. The amendment is not directed at establishing any wrongdoing by the named journalist, but is focused upon the activity of the TPI. It will be open to Associated to admit or deny that the information provided in the incident relied upon was unlawfully obtained.</p> <p>As to foreign law, we will deal with this in stages. If Associated contends that the activities of Mr Hanks in this incident were not unlawful in the US at the time, then they can plead that in the Defence. If there is a dispute about foreign law, then it may well be too late fairly to resolve this peripheral area of the case. If</p>

				the Court excludes later, the Claimants have themselves to blame for not advancing the amendment sooner.
9.3.8(a)	<u>on or around 1 April 1999, in what can be inferred to be in response to a request from Caroline Graham for current residential information and itemised phone billing information relating to a well-known target suffering from cancer (“the April 1999 Report”) as a follow up to an article had been written by Ms Graham on 21 February 1999</u>	Category 14 – No particulars are provided as to how the information obtained was procured unlawfully. That allegation raises an issue of foreign law.	As above, further, it is implicit that Cs say the obtaining of itemised phone billing information and supplying that to Ms Graham (a pleaded journalist) is unlawful.	Ditto. Amendment allowed.
9.3.8(b)	<u>on or around 1 November 2004, in response to a request from Associated for itemised phone billing information relating to the most current local and long distance calls on the telephone number of the target who was an actress linked to a member of the Royal family (“the November 2004 Report”).</u>	Categories 12 and 14 – No particulars are provided as to how the information obtained was procured unlawfully.  That allegation raises an issue of foreign law.	As above.	Ditto. Amendment allowed.
9.3.9	<u>Associated, and it can be inferred Ms Graham, used the April 1999 Report to assist its enquiries into the target, despite the fact that it knew that the itemised phone billing information must have been unlawfully obtained. The April 1999 report included manuscript additions, and it can be inferred these were Ms Graham’s, which identified certain numbers as relating to cancer treatment centres which the target had called.</u>	As 9.3.8(a).	See above.	Ditto. Amendment allowed.
9.3.10	<u>Associated used the November 2004 Report to assist its enquiries into the target, despite the fact that it knew that the itemised phone</u>	As 9.3.8(b)	See above	Ditto. Amendment allowed.

	<u>billing information must have been unlawfully obtained.</u>			
9.3.12	<u>Mr Hanks also provided 'National Comprehensive Reports' to Associated relating to targets identified by Associated and their associates which included information which could have only been unlawfully obtained, such as social security numbers, on at least 40 occasions.</u>	Category 11 - the draft pleading is opposed because it is overbroad; the 40 occasions referred to seeks to expand the generic case beyond Schedule B/C pleaded journalists. For the avoidance of doubt, Associated would not oppose this amendment if it were revised in such a way as to limit it to alleged commissions by Schedule B/C journalists.	This is relevant to the activities of Mr Hanks, who features in a number of the individual claims.	Amendment refused for the reasons advanced by Associated.
9.3.13	<u>At all material times Associated, and in particular those individuals who commissioned and/or authorised the instructions of Mr Hanks and his aliases, were aware of the unlawful nature of these activities by reason of the foregoing, as well as:</u>	Category 14/15 as 9.1.10 above	The pleading is explained in Thomson 3 and is also self-explanatory. It has been included to give better particularisation of Cs allegation of knowledge	Amendment refused. The general use of TPIs is not probative, equally, the knowledge of those who commissioned TPIs (insofar as they are not Pleded Journalists) is irrelevant.
9.3.13(a)	<u>the description (including deliberately vague and euphemistic nature thereof) of the activity of the private investigator in the payment records relating to Mr Hanks and his aliases; and</u>	Category 14/15 as 9.1.10 above	See above	Ditto. Amendment refused.
9.3.13(b)	<u>the fact that it can be inferred that Associated, and in particular those individuals who commissioned and/or authorised the instructions of Mr Hanks and his aliases, would be aware of the fact of any</u>	Category 14/15 as 9.1.10 above	See above	Ditto. Amendment refused.

	<u>Unlawful Act from the nature of the information obtained from him, and from the fruits of such information as used in the articles themselves.</u>			
9.3.13(c)	<u>Paragraph 12, 12A and 12.B below are also repeated and relied on herein.</u>	Category 15 ( <i>generic allegations relating to the use of cash and the word "special"</i> )	This is addressed at 12B below.	Ditto. Amendment refused.
9.3.6	<i>[Entire paragraph regarding use of Daniel Hanks by other newspapers to be struck.]</i>	Category 3	Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.	Paragraph will be struck out for the reasons advanced by Associated. These are generalised allegations of wrongdoing against journalists at other newspapers. Admissible allegations against particular Pleaded Journalists are pleaded elsewhere.

9.4.2	<p>Mr Mulcaire carried out work for the <i>Mail on Sunday</i> (as well as the <i>Daily Mail</i>) from about 2005 to 2006, primarily through Greg Miskiw, a former <i>News of the World</i> journalist (who worked with Mercury Press Agency and then set up on his own as a ‘freelancer’), who provided this unlawfully or illegally obtained information to these newspapers through his main contact, and former <i>News of the World</i> colleague, Chris Anderson, a senior executive at the <i>Mail on Sunday</i> <del>(and also through Michael Seamark at the <i>Daily Mail</i>)</del>. Mr Mulcaire also sought to offer his unlawful information gathering services directly to the <i>Mail on Sunday</i> through discussions between his assistant Steve Mills and David Dillon (News Desk) and Paul Henderson (Investigations Department) in the course of which Mr Mills provided a menu of the illegal services Mr Mulcaire/Nine Consultancy could offer to the <i>Mail on Sunday</i>.</p>	<p>Category 1</p> <p>No example is pleaded of Mr. Mulcaire or Mr. Miskiw being commissioned by Mr. Seamark (or anyone at the Daily Mail). Mr. Seamark is not otherwise a Schedule B or C pleaded journalist.</p>	<p>The inclusion of Mr Seamark is conceded by Cs.</p>	<p>There is apparently no dispute that the words in red should be struck out.</p>
9.4.3	<p>Mr Mulcaire and Mr Miskiw targeted a number of individuals who they knew were of considerable interest and value to the Mail on Sunday, routinely monitoring and carrying out Unlawful Acts in relation to them for potential stories: <del>This included Hugh Grant, Jude Law, HRH Prince William, Sir Simon Hughes MP and Elizabeth Hurley.</del> Such information (or the ‘special service’ which Mr Mulcaire could perform) was also known and/or</p>	<p>Category 5</p> <p>No particulars have been provided in respect of Mr Mulcaire and Mr Miskiw being commissioned to target Mr Grant, Mr Law, Prince William or Ms. Hurley, on behalf of Associated, or information relating to them having been offered to Associated.</p>	<p>The Cs submit that it is too late to bring a strike out application in relation to this pleading, and the pleaded matters in question should now be left to the evidence.</p>	<p>The only objection is lateness, which for the reasons I have given above is not an answer to the inclusion of otherwise irrelevant averments. The words in red will be struck out.</p>

	provided to the Mail on Sunday journalist, Katie Nicholl.			
9.4.7–9.4.11	<i>[Entire paragraphs regarding use of Glenn Mulcaire by other newspapers to be struck.]</i>	<p>Category 3</p> <p>Note paragraph 9.4.9 refers to Mr. Mulcaire having been commissioned by Geoff Webster at the Sun. Mr. Webster was a picture editor at the Daily Mail from August 1995 to August 1998 before joining NGN. He is not pleaded as having commissioned any TPI on behalf Associated or as being involved in targeting any Claimant on behalf of Associated.</p>	<p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday. The Court will note the claims brought by C5 and C7 relate to matters interrelated with their claims relating to the activities of the <i>News of the World</i> which D has been anxious to explore.</p> <p>The pleading re Mr Webster is developed in Cs’ AmPoC and Annex and seeks the inference that unlawful acts carried out by Mr Mulcaire and Mr Miskiw for Mr Webster at <i>The Sun</i> were</p>	<p>Paragraphs will be struck out for the reasons advanced by Associated. These are generalised allegations of wrongdoing against journalists at other newspapers. Admissible allegations against particular Pleased Journalists are pleaded elsewhere.</p>

			also carried out for D.	
9.4.11	The Claimant will also rely on the similar pattern of Mr Mulcaire’s unlawfully obtained work product being sold into Mirror Group Newspapers <b>and The Sun</b> as well via Mr Miskiw’s contacts with his former News of the World colleagues <b>Geoff Webster (The Sun), Graham Dudman (The Sun), Gary Jones (Daily Mirror), Sarah Arnold (Sunday Mirror) and Chris Bucktin (The People), and in relation to this the Claimant will rely on the facts and matters (deployed in the trial of Duke of Sussex &amp; Ors v MGN [2023] EWHC 3217 (Ch) and in the MTVIL litigation) as set out in the Annex at paragraph 4.</b>	Category 3	Cs rely on facts and matters in the evidence deployed in other litigation to support their case on the unlawful activities of the pleaded TPIs  It is relevant generic evidence which will assist the court make findings on individual PIs and issues in dispute in the individual claims	As this paragraph has been struck out the proposed amendments do not arise.
9.4.12	<u>At all material times Associated, and in particular those individuals who commissioned and/or authorised the instructions of Mr Mulcaire or his aliases, were aware of the unlawful nature of these activities by reason of the foregoing, as well as:</u>	Category 14/15 as 9.1.10 above	The pleading is explained in Thomson 3 and is also self-explanatory. It has been included to give better particularisation of Cs allegation of knowledge	Amendment refused. The general use of TPIs is not probative, equally, the knowledge of those who commissioned TPIs (insofar as they are not Pledaded Journalists) is irrelevant.

9.4.12(a)	<u>the description (including deliberately vague and euphemistic nature thereof) of the activity of the private investigator in the payment records relating to Mr Mulcaire or his aliases;</u>	Category 14/15 as 9.1.10 above	See above	Ditto. Amendment refused.
9.4.12(b)	<u>the fact that it can be inferred that Associated, and in particular those individuals who commissioned and/or authorised the instructions of Mr Mulcaire or his aliases, would be aware of the fact of any Unlawful Act from the nature of the information obtained from him and from the fruits of such information as used in the articles themselves; and</u>	Category 14/15 as 9.1.10 above	See above.	Ditto. Amendment refused.
9.4.12(c)	<u>the content of emails between Mr Miskiw and Mr Anderson in 2006 which included transcripts of voicemail messages, and which were thereby indicative of voicemail interception, and that as a consequence of these emails, those commissioning Mr Miskiw (Michael Seamark and Chris Anderson) were aware of the role of Mr Mulcaire in the information-gathering.</u>	Categories 1 and 15 ( <i>unnecessary</i> ) – No example is pleaded of Mr. Mulcaire or Mr. Miskiw being commissioned by Mr. Seamark (or anyone at the Daily Mail). Mr. Seamark is not otherwise a Schedule B or C pleaded journalist.	As above, save that in the interest of narrowing the dispute the Cs are content to remove Michael Seamark.	Ditto. Amendment refused.
9.4.12(d)	<u>Paragraph 12, 12A and 12.B below are also repeated and relied on herein.</u>	Categories 14 ( <i>case management/ proportionality/ late</i> ) and 15 ( <i>Generic allegations relating to the use of cash and the word “special”</i> )	See 12B below.	Ditto. Amendment refused.

9.5.1	Jonathan Stafford (also known as “Staffy” and “Staffo”) was a talented voice actor who (personally or through his corporate alias or trading name, ‘Newsreel Limited’) carried out Unlawful Acts including the blagging or obtaining of utility records, bank and other financial information, phone records and other private information. <u>In support of the contention that Mr Stafford engaged in Unlawful Acts and Associated commissioned him to do so, the Claimant will rely on the following facts and matters:</u>	Category 7 – late pleading of an alias apparently drawn from activities at other newspapers and documents obtained in litigation involving other newspapers	In the interests of narrowing the dispute, the Cs do not pursue this amendment.	The Claimants have abandoned reliance on the words in yellow, and Associated has consented to the balance of the amendment. There is nothing for the Court to resolve in relation to this paragraph
9.5.2	Mr Stafford carried out work for both the <i>Daily Mail</i> and the <i>Mail on Sunday</i> . <del>For example, between just September 2006 and March 2007, the <i>Daily Mail</i> spent more than £5,000 on requests of Newsreel (which Mr Stafford incorporated in August 2006), as they disclosed to the Leveson Inquiry in 2011. It is to be inferred given the volume of instructions in just those four months and the fact that a number of Associated journalists worked at other newspapers where he was regularly commissioned by them (such as Paul Field, who worked at <i>The People</i> and the <i>Sunday Mirror</i> prior to the <i>Mail on Sunday</i>, and James Clothier, who was Associate News Editor at the <i>Daily Mail</i> before becoming Senior News Editor at <i>The Sun</i>)</del> that Associated commissioned Mr Stafford and/or Newsreel on a substantial number of occasions prior to January 2005	Category 3  Mr. Clothier is not pleaded as having commissioned any TPI or targeted any Claimant on behalf of Associated. The draft amendments propose examples during his employment at MGN/NGN (which post-dated his employment at Associated) and are opposed.  Category 6	Cs have conceded Category 6.  Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the <i>Daily Mail</i> or <i>Mail on Sunday</i> . See above as to the Clothier email.	The Claimants have agreed that the words “for example” must be struck out. The balance will be struck out for the reasons advanced by Associated.

9.5.3–9.5.5	<i>[Entire paragraphs regarding use of Jonathan Stafford/ Newsreel by other newspapers to be struck.]</i>	Category 3	Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.	Paragraphs will be struck out for the reasons advanced by Associated. These are generalised allegations of wrongdoing against journalists at other newspapers. Admissible allegations against particular Pleaded Journalists are pleaded elsewhere.
9.5.3	The Claimant will refer to and rely upon the fact that Mr Stafford/Newsreel also carried out the same Unlawful Acts for other newspapers during this period, as has been disclosed and publicly referred to in the course of both the News Group and Mirror Group Litigation, in particular as demonstrating the unlawful nature of the work that was carried out by Mr Stafford/Newsreel for Associated as well. <u>The Claimant will rely on the facts and matters (deployed in the trial of Duke of Sussex &amp; Ors v MGN [2023] EWHC 3217 (Ch) and in the MTVIL litigation) as set out in the Annex at paragraph 5.</u>	Category 3	Cs rely on facts and matters in the evidence deployed in other litigation to support their case on the unlawful activities of the pleaded TPIs  It is relevant generic evidence which will assist the court make findings on individual PIs and issues in dispute in the individual claims	As this paragraph has been struck out the proposed amendments do not arise.
9.5.4A	<u>The Claimant infers that there were many instructions of Mr Stafford, and that these were destroyed by Associated. In support of this inference the Claimant relies on the fact that Mr Stafford sent to the Mail on Sunday,</u>	Category 15 ( <i>deliberate destruction</i> )	The pleading is explained in Thomson 3 and is also self-explanatory. It has been included to give better particularisation.	The Claimants' case as to deliberate destruction of documents is dealt with below. The amendment is refused because an allegation that

	<u>154 invoices, amounting to £220,000, between October 1997 and October 2004, and that only 11 invoices have been disclosed by Associated for this period.</u>			“Associated” destroyed the documents is not relevant. For the purposes of concealment, the destruction must have been done or authorised by someone who was party to the specific wrongdoing alleged that forms the cause of action allegedly concealed.
9.5.6	<u>Mr Stafford was instructed on a large number of occasions by Associated to engage in Unlawful Acts from October 1997 until at least 25 September 2013, despite the fact that Associated announced a purported ban on PIs to have been in effect from April 2007. In support of this inference the Claimant relies on the following facts and matters:</u>	Category 11 - provides no pleaded particulars regarding any alleged UIG or who might have commissioned it, who might have been targeted or precisely when it occurred.	D has not provided any disclosure in relation to Mr Stafford after 2007, so these are the best particulars Cs can provide.	Amendment refused for the reason advanced by Associated.
9.5.6(a)	<u>Mr Stafford sent to the Mail on Sunday 154 invoices amounting to £220,000 between October 1997 and October 2004;</u>	Category 11 - provides no pleaded particulars regarding any alleged UIG or who might have commissioned it, who might have been targeted or precisely when it occurred.	This is a fact based on D’s disclosure of an aide memoire written by Mail on Sunday, Peter Wright, in June 2025, after standard disclosure.  Only a handful of invoices have been disclosed, which form the basis of the amendments at 9.5.1(a), which D has agreed	Ditto. Amendment refused.

9.5.6(b)	<p><u>Associated also used Mr Stafford/Newsreel to obtain ex-directory numbers, itemised phone billing information, and mobile phone conversions which is apparent on the face of payment records from 2002 and 2003 which also indicated the instructing journalists at the Mail on Sunday, namely Fiona Wingett, Liz Sanderson, Stephen Bevan, Angela Johnson, Paul Field and David Dillon. The payments were approved by the Managing Editor, John Wellington</u></p>	<p>Categories 1, 9 and 11 – this rolled up allegation of UIG against multiple journalists contains no particulars of any specific alleged instance of UIG.</p> <p>None of Fiona Wingett, Stephen Bevan or Angela Johnson previously have been pleaded in these proceedings.</p> <p>Examples are now put forward in these amendments following disclosure of invoices by Associated in March 2025. None of those examples are pleaded as involving a Claimant or Associate (the targets having been alleged by the Claimants following unredaction).</p>	<p>This amendment is based on the disclosure provided by D.</p> <p>Ms Wingett, Mr Bevan and Ms Johnson’s use of Mr Stafford was not apparent until disclosure had been provided.</p> <p>The use of Mr Stafford by senior executives such as Mr Field and Mr Dillon, and the knowledge of the Managing Editor, is relevant to the Cs shared case.</p>	Ditto. Amendment refused.
9.5.6(c)	<p><u>Associated was in regular telephone contact with Mr Stafford between 2011 and 25 September 2013. To the extent that records of payments and telephone call data have been lost, destroyed or otherwise not retained, it can be inferred that these high levels of instruction and contact took place throughout the entire period. It can be inferred that Mr Stafford continued to be paid for such unlawful activities by Christian Gysin and Alison Boshoff of the Daily Mail and Liz Sanderson of the Mail on Sunday, with whom he remained in</u></p>	<p>Category 9 – Christian Gysin is not pleaded as being involved in any Schedule B or C article. No specific example of UIG is pleaded.</p>	<p>Mr Gysin is a pleaded journalist. The call data shows extensive contact between him and Mr Stafford, so this inference is reasonable.</p>	<p>Given his role in relation to specific allegations of UIG, I will allow Mr Gysin’s name to be included in this amendment which Associated otherwise consents to.</p>

	<u>telephone contact, until 2013. It can also be inferred that there were at least similar or probably increased levels of contact prior to 2011.</u>			
9.5.7	<u>It can be inferred that Mr Stafford was paid for his unlawful activities in cash (and the Claimant will rely in support of this upon paragraphs 12A and 12B below), and that Associated used this method of payment in order to deliberately conceal its use of him after the purported PI ban from April 2007 and until at least 2013. In support of this inference, the Claimant relies upon the following facts</u>	Categories 13 and 15 ( <i>generic allegations relating to the use of cash and the word "special"</i> )	The Cs do not agree this has no real prospect of success (Category 13).  The inference that Mr Stafford was paid in cash is a reasonable one for the reasons set out at 9.5.7(a)-(b)	Amendment refused on the grounds advanced by Associated. It is not relevant to show what the general position was in relation to Mr Stafford. The use of "Associated" in this paragraph obscures <i>who</i> is said to have done these acts. Only specifics are capable of being probative.
9.5.7(a)	<u>Mr Stafford was being instructed by Associated on the record until at least 31 March 2007 (i.e. shortly before Associated contends it banned PIs, including him), with Associated maintaining records of such related payments directly to him on its systems; and</u>	As above	See above	Ditto. Amendment refused.
9.5.7(b)	<u>Associated continued to maintain extensive contact with Mr Stafford until 2013, as set out above. It is to be inferred that the contact was to instruct him to carry out activities for Associated and in light of the fact that no payment records exist for this period, it can be inferred that he was paid in cash.</u>	As above	See above	Ditto. Amendment refused.

9.5.8	<u>At all material times Associated, and in particular those individuals who commissioned and/or authorised the instructions of Mr Stafford or his aliases, were aware of the unlawful nature of these activities by reason of the foregoing, as well as:</u>	Category 14/15 as 9.1.10 above	The pleading is explained in Thomson 3 and is also self-explanatory. It has been included to give better particularisation of Cs allegation of knowledge	Amendment refused. The general use of TPIs is not probative, equally, the knowledge of those who commissioned TPIs (insofar as they are not Pleaded Journalists) is irrelevant.
9.5.8(a)	<u>the explicit detail of unlawful activities recorded in the schedules to the payment records relating to Mr Stafford;</u>	Category 14/15 as 9.1.10 above	See above	Ditto. Amendment refused.
9.5.8(b)	<u>the deliberately vague or euphemistic nature of the activity of the private investigator in other payment records relating to Mr Stafford or his aliases; and</u>	Category 14/15 as 9.1.10 above	See above	Ditto. Amendment refused.
9.5.8(c)	<u>the fact that it can be inferred that Associated and in particular those individuals who commissioned and/or authorised the instructions of Mr Stafford or his aliases, would be aware of the fact of any Unlawful Act from the nature of the information obtained from him and from the fruits of such information as used in the articles themselves.</u>	Category 14/15 as 9.1.10 above	See above	Ditto. Amendment refused.
9.5.8(d)	<u>Paragraph 12, 12A and 12.B below are also repeated and relied on herein.</u>	Category 15 ( <i>generic allegations relating to the use of cash and the word "special"</i> )	See 12B below.	Ditto. Amendment refused.

9.6.1	<i>[Entire paragraph regarding Gwen Richardson/ Searchline to be struck.]</i>	<p>Category 2</p> <p>No example has been pleaded in respect of Gwen Richardson/ Searchline and it is not suggested that Ms. Richardson targeted any Claimant for Associated or contributed to any Schedule B or C article.</p> <p>The draft amendments propose examples of work she carried out for MGN/NGN and are opposed.</p>	<p>These facts and matters form part of the Cs' generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D, and redactions applied to that disclosure by D.</p> <p>Cs note that D has very recently disclosed invoices relating to Searchline, which Cs are still considering. In these circumstances it would plainly be unfair and inappropriate for the Court to strike out any related averments in the Cs' pleaded case.</p>	Paragraph will be struck out for the reasons advanced by Associated. These are generalised allegations of wrongdoing. To be relevant they must concern specific Claimants, Pleded Journalists, or Pleded Articles.
9.6.2	<p>Searchline carried out work for both the Daily Mail and the Mail on Sunday from at least <u>2005–1998</u> onwards. For example, between January 2005 and April 2007 Associated spent almost £20,000 on Searchline requests, as it declared to the Leveson Inquiry in 2011. <u>Further, between January 2002 and December 2002, the Defendant spent more than £25,000 on requests to Searchline.</u> It is to be inferred given the volume of instructions from January 2005 onwards that Associated commissioned Searchline on a substantial number of occasions both prior to January 2005 and post April 2007. <u>Searchline carried out work for the Daily Mail until at least 2012.</u></p>	<p>Categories 2 and 3 – no specific example of Searchline being commissioned by any Associated journalist to carry out UIG has been provided. The Claimants rely solely on examples of activities for other newspapers. Associated has applied for this TPI to be struck out on that basis.</p>	<p>Cs have been unable to plead examples in relation to Searchline due to a lack of disclosure and redaction of documents (the Cs were unable to apply for unredaction as the relevant documents did not name journalists, pleaded or otherwise).</p> <p>Ds application to strike out is hopelessly late</p>	Ditto. Paragraph struck out. As it has been struck out the amendments do not arise. Lateness is not determinative for the reasons explained already.

9.6.3	<p>A substantial number of journalists and desks or department heads at the Daily Mail and Mail on Sunday instructed Searchline to carry out Unlawful Acts on their behalf. <del>Pending disclosure</del>; This included for example: Amanda Perthen, Andy Chapman, Ian Gallagher, Chris Riches, <u>Paul Henderson, Ray Clancy, Paul Field</u>, Andy Wilks and Alistair Self.</p>	<p>Category 1.</p> <p>No specific pleaded examples of Associated or any of the named journalists using Searchline have been provided at all and, as such, the entirety of paragraph 9.6 falls to be struck under Category 2.</p>	<p>These facts and matters form part of the Cs' generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D, and redactions applied to that disclosure by D.</p> <p>Cs note that D has very recently disclosed invoices relating to Searchline, which Cs are still considering. In these circumstances it would plainly be unfair and inappropriate for the Court to strike out any related averments in the Cs' pleaded case.</p>	<p>Paragraph struck out for the reasons advanced by Associated.</p>
9.6.3	<p>A substantial number of journalists and desks or department heads at the Daily Mail and Mail on Sunday instructed Searchline to carry out Unlawful Acts on their behalf. <del>Pending disclosure</del>; This included for example: Amanda Perthen, Andy Chapman, Ian Gallagher, Chris Riches, <u>Paul Henderson, Ray Clancy, Paul Field</u>, Andy Wilks and Alistair Self.</p>	<p>As above.</p>	<p>The names arise from disclosure and are all pleaded journalists.</p>	<p>Paragraph has been struck out so no issue of amendment arises.</p>

9.6.3A	<u>There were a substantial number of instructions of Searchline between 1998 and 2012. In support of this contention, the Claimant relies on the fact that there were a large number of payments set out in the ledgers (which only cover 2002, 2005 and 2006); the frequency of payments in the ledgers; and the fact that very few individual payment records across the period have been disclosed by the Defendant, such that the actual number of instructions is likely far higher than those for which payment records have been disclosed</u>	As above. Further, this pleading relies upon ledgers that the Claimants relied upon in pleading their claims at the outset.	The Claimants were unable to plead this prior to disclosure.	As well as being late, this amendment advances only a general case which cannot assist in the resolution of the claims. Permission to amend is refused.
9.6.4 – 9.6.5	<i>[Entire paragraphs regarding use of Gwen Richardson Searchline by other newspapers to be struck.]</i>	Category 3  Note it is suggested that Ms Richardson/ Searchline should also be struck out entirely under Category 2 based on no examples having been offered of her being commissioned by Associated at all.	Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.	Paragraphs will be struck out for the reasons advanced by Associated. These are generalised allegations of wrongdoing at other newspapers.
9.6.6	<u>The Claimant will rely on the facts and matters (deployed in the trial of Duke of Sussex &amp; Ors v MGN [2023] EWHC 3217 (Ch) and in the MTVIL litigation) as set out in the Annex at paragraph 6.</u>	Category 3.	Cs rely on facts and matters in the evidence deployed in other litigation to support their case on the unlawful activities of the pleaded TPIs  It is relevant generic evidence	Ditto. Amendment refused.

			which will assist the court make findings on individual PIs and issues in dispute in the individual claims	
9.6.7	<u>At all material times, Associated, and in particular those individuals who commissioned and/or authorised the instructions of Searchline, were aware of the unlawful nature of these activities by reason of the foregoing, as well as:</u>	Category 14/15 as 9.1.10 above	The pleading is explained in Thomson 3 and is also self-explanatory. It has been included to give better particularisation of Cs allegation of knowledge	Amendment refused. The general use of TPIs is not probative, equally, the knowledge of those who commissioned TPIs (insofar as they are not Pleded Journalists) is irrelevant.
9.6.7(a)	<u>the description (including the deliberately vague or euphemistic nature thereof) of the activity of the private investigator in the payment records relating to Searchline; and</u>	Category 14/15 as 9.1.10 above	See above	Ditto. Amendment refused.
9.6.7(b)	<u>the fact that it can be inferred that the Defendant and in particular those individuals who commissioned and/or authorised the instructions of Searchline, would be aware of the fact of any Unlawful Act from the nature of the information obtained from Searchline and from the fruits of such information as used in the articles themselves</u>	Category 14/15 as 9.1.10 above	See above	Ditto. Amendment refused.
9.6.7(c)	<u>Paragraph 12, 12A and 12.B below are also repeated and relied on herein</u>	Category 15 ( <i>generic allegations relating to the use of cash and the word "special"</i> )	As can be seen from the material deployed in the Annex, Searchline frequently used the word "special" to denote unlawful searches.	Ditto. Amendment refused.

9.7.4	<p>Mr Burrows carried out work for the Mail on Sunday from about 2000 to 2007, being primarily commissioned by Paul Henderson, the Investigations editor of the Mail on Sunday, but whose unlawfully obtained information was then provided to other Mail on Sunday journalists for use in articles, as well as the Daily Mail. During the course of his work, he was asked to target <del>a number of high profile individuals such as</del> Hugh Grant, <del>Carole Middleton (for private information about Prince William and her daughter, Kate),</del> Elizabeth Hurley, <del>Ken Livingstone (whilst Mayor of London) Peter Mandelson (the Labour peer and former Secretary of State), Brian Paddick (former Deputy Assistant MPS Commissioner) and Simon Bates (the former BBC Radio 1 DJ).</del></p>	<p>Category 5</p> <p>No particulars have been provided in respect of Mr Burrows being commissioned to target these individuals on behalf of Associated or information relating to them having been offered to Associated.</p>	<p>The Cs submit that it is too late to bring a strike out application in relation to this pleading, and the pleaded matters in question should now be left to the evidence. The pleaded targets were all named in evidence supplied by Mr Burrows and provided to D in 2023. This is a matter for trial.</p>	<p>The Claimants have agreed that the words “for example” must be struck out. The balance will be struck out for the reasons advanced by Associated. I reject the objection to striking out on the grounds of lateness for the reasons given above.</p>
9.7.8-9.7.9	<p><i>[Entire paragraphs regarding use of Gavin Burrows by other newspapers to be struck.]</i></p>	<p>Category 3</p> <p>Note paragraph 9.7.9 refers to Mr. Burrows having been commissioned by Geoff Webster at the Sun. Mr. Webster was a picture editor at the Daily Mail from August 1995 to August 1998 before joining NGN. He is not pleaded as having commissioned any TPI on behalf Associated or as being involved in targeting any Claimant on behalf of</p>	<p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.</p>	<p>Paragraphs will be struck out for the reasons advanced by Associated. These are generalised allegations of wrongdoing at other newspapers.</p>

		Associated.	The pleading re Mr Webster is developed in Cs' AmPoC and Annex and seeks the inference that unlawful acts carried out by Mr Mulcaire and Mr Miskiw for Mr Webster at <i>The Sun</i> were also carried out for D.	
9.7.11	In support of the inferences that Mr Burrows was commissioned and paid by the Defendant for Unlawful Acts, the Claimant will rely on the facts and matters (deployed in the trial of <i>Duke of Sussex &amp; Ors v MGN</i> [2023] EWHC 3217 (Ch) and in the MTVIL litigation or otherwise obtained by the Claimant) set out in the Annex at paragraph 7.	Category 3	Cs rely on facts and matters in the evidence deployed in other litigation to support their case on the unlawful activities of the pleaded TPIs  It is relevant generic evidence which will assist the court make findings on individual PIs and issues in dispute in the individual claims	Ditto. Amendment refused.
9.7.12	At all material times, Associated, and in particular those individuals who commissioned and/or authorised the instructions of Mr Burrows or his aliases were aware of the unlawful nature of these activities by reason of the foregoing, including the nature of the information obtained from him. Paragraph 12, 12A and 12.B below are also repeated and relied on herein	Category 14/15 as 9.1.10 above	The pleading is explained in Thomson 3 and is also self-explanatory. It has been included to give better particularisation of Cs allegation of knowledge.	Amendment refused. The general use of TPIs is not probative, equally, the knowledge of those who commissioned TPIs (insofar as they are not Pledaded Journalists) is irrelevant.

<p>9.8.2</p>	<p>Mr Whittamore carried out Unlawful Acts for Associated from 1998 onwards to 2007 being commissioned to provide a substantial amount of private information by numerous journalists both at the Daily Mail <del>such as Lucie Morris (who had previously worked at the News of the World), Paul Bracchi, Gordon Rayner, Alison Boshoff and Oliver Harvey (who went on to work at The Sun)</del> and at the Mail on Sunday <del>such as Katie Nicholl, Paul Henderson, Adam Luck, Ray Clancy, Amanda Perthen, and Charlie Bain (who also worked at the Daily Mail).</del></p>	<p>Category 1</p> <p>No examples are pleaded for any of Lucie Morris, Gordon Rayner, Adam Luck, Ray Clancy, Amanda Perthen or Charlie Bain.</p> <p>Category 3</p> <p>References to employment at other papers are struck through as irrelevant.</p> <p>Category 4</p> <p>Oliver Harvey is cited in relation to Operation Oxborough.</p>	<p>These facts and matters form part of the Cs’ generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D, and redactions applied to that disclosure by D.</p> <p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.</p> <p>The reference to Mr Harvey under Category 4 is not understood. This pleading relates to Mr Whittamore.</p>	<p>The Claimants have agreed that the words “such as” must be struck out. The balance will be struck out for the reasons advanced by Associated. I reject the objection to striking out on the grounds of lateness for the reasons given above.</p>
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9.8.2	Mr Whittamore carried out Unlawful Acts for Associated from 1998 onwards to 2007 being commissioned to provide a substantial amount of private information by numerous journalists both at the Daily Mail such as Lucie Morris (who had previously worked at the News of the World), Paul Bracchi, Gordon Rayner, Alison Boshoff and Oliver Harvey (who went on to work at The Sun), <u>Neil Sears</u> , and at the Mail on Sunday such as Katie Nicholl, Paul Henderson, Adam Luck, Ray Clancy, Amanda Perthen, <u>Helen Weathers</u> and Charlie Bain (who also worked at the Daily Mail).	Category 9 - Neil Sears is not pleaded as involved in a Schedule B or C article. Helen Weathers is not a previously pleaded journalist. There is no specific allegation of UIG and no allegation of targeting of a Claimant or their associates.	Mr Sears is a pleaded journalist, who was interviewed about his use of Mr Whittamore by D during its internal investigation into Operation Motorman.  Ms Weathers' name arose in disclosure. She was interviewed about her use of Mr Whittamore by D during its internal investigation into Operation Motorman	Amendments refused for the reasons advanced by Associated.
9.8.3	Mr Whittamore was also commissioned by News Desk Executives <del>such as Paul Field (the News Editor of Mail on Sunday; who had worked on The People and the Sunday Mirror News Desks, and went on to head the News Desk at The Sun), Dave Dillon, <u>Niek Buckley</u> (who went on to work as Head of News at the Sunday Mirror where he was a prolific hacker and commissioner of unlawful information gathering), and <u>Tony Gallagher</u> (the News Editor of the Daily Mail).</del>	Category 1  No example is pleaded of Mr. Buckley commissioning Mr. Whittamore (or any other TPI) on behalf of Associated or otherwise carrying out UIG on behalf of Associated.  No specific pleaded examples have been provided in respect of Mr. Field or Mr. Dillon.  Mr. Field nonetheless has not been struck through on the basis of his being pleaded by Associated as having provided information in respect of a Schedule B article.	These facts and matters form part of the Cs' generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D, and redactions applied to that disclosure by D.  Cs have amended to plead examples concerning Mr Dillon in relation to Mr Whittamore, which D has agreed.  Mr Gallagher was News Editor of the Daily Mail at the time he approved invoices from Whittamore, and is therefore relevant to the generic case on the activities of that department, from where a number of pleaded	The Claimants have agreed that the words "such as" must be struck out. The balance will be struck out for the reasons advanced by Associated.

		<p>Mr. Dillon nonetheless has not been struck through on the basis of his being referred to at paragraphs 9.4.2 and 12.7 of the Particulars of Claim in relation to Mr. Mulcaire and Mr. Whittamore.</p> <p>Category 3</p> <p>References to employment at other papers are struck through as irrelevant.</p>	<p>articles derive.</p> <p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.</p>	
9.8.3	<p>Mr Whittamore was also commissioned, <u>and his invoices approved</u>, by News Desk Executives such as Paul Field (the News Editor of Mail on Sunday, who had worked on The People and the Sunday Mirror News Desks, and went on to head the News Desk at The Sun), Dave Dillon, Nick Buckley (who went on to work as Head of News at the Sunday Mirror where he was a prolific hacker and commissioner of unlawful information gathering), <u>Leaf Kalfayan (Features Editor of the Daily Mail)</u>, <u>Lisa Collins (the Editor of the Femail section of the Daily Mail)</u>, <u>Ted Verity (the then Deputy Editor of the Mail on Sunday)</u> and Tony Gallagher (the News Editor of the Daily Mail).</p>	<p>Category 9 – none of Leaf Kalfayan, Lisa Collins or Ted Verity have previously been pleaded journalists in these claims. There is no specific allegation of UIG and no allegation of targeting a Claimant or their associates.</p>	<p>These names arose in disclosure. They were senior executives and their knowledge and use of Mr Whittamore are relevant to the Cs’ shared case.</p> <p>Cs have already carried out disclosure searches in relation to Mr Kalfayan and Ms Collins.</p>	<p>Amendments refused for the reasons advanced by Associated.</p>

9.8.4	<p>The Claimant will refer to the fact that Mr Whittamore was specifically requested to and did provide these journalists with obviously unlawfully obtained information such as ex-directory numbers, vehicle registration checks, mobile phone conversions, BT Friends and Family number lists, <a href="#">itemised phone billing</a> and Criminal Record checks and was paid for the same</p>	<p>Category 11 and 13 – no particularised example is provided as to the newly introduced allegation regarding itemised billing and it is not supported by evidence. The Claimants have confirmed to the Court that Mr. Whittamore is assisting them and so, to the extent the generic pleading is based on his information, it could have been pleaded at the outset.</p>	<p>The addition of itemised billing is supported by evidence disclosed by D and arises from the same</p>	<p>I can find no reference to itemised billing in Mr Thomson’s evidence. The amendment is refused.</p>
9.8.7	<p>As part of providing such services for the Daily Mail and Mail on Sunday, Mr Whittamore also sub-contracted Unlawful Acts (such as vehicle registration details and criminal records) to several other private investigators, blaggers or similar third parties: for example, Taff <a href="#">(aka Paul)</a> Jones and Steve Hinton (of Severnside), John Gunning, and John Boyall (and his firm Legal Research &amp; Intelligence Resource Ltd, LRI), <a href="#">and Data Research (run by Chris Dewse, Andre Laloï and involving the work of Mark Maskell and Andrew Lyle)</a></p>	<p>Categories 7 and 14 – the alias Paul is very late and does not arise from any document disclosed by Associated Data Research (and those said to run it) are newly pleaded and does not appear to arise from any document disclosed by Associated (none is identified in Mr Thomson’s witness statement).</p> <p>In March 2025, the Claimants disclosed extracts from Hack Attack referring to Mr. Dewse [FAR-17/184-188]. In August 2025 the Claimants disclosed an April 2005 article which says that "prosecutors have charged six people working for</p>	<p>The Claimants are content to remove “(aka Paul)” to narrow the dispute.</p> <p>The addition of Data Research is based on documents disclosed by D (ANL-1405).</p> <p>The Cs did not have the evidential foundation to plead at the outset that Data Research and others were used by Mr Whittamore for work carried out for D.</p>	<p>The alleged sub-contracting of work by Mr Whittamore to various others is, absent specific examples, right at the margins of relevance. The focus should be on specific incidents of alleged UIG, not general practices and any alleged sub-contracting. Nevertheless, as the underlying paragraph is not challenged by Associated, I will allow the amendments (for what they are worth).</p>

		<p>private detective agencies over the supply of confidential information to the press" who were "Steven Whittamore, John Gunning, Christopher Dewse, Mark Maskell, Andrew Lyle and Paul Jones (also known as Taff Jones" and so were in the public domain since 2005 [FAR-17/117].</p> <p>Taff Jones, LRI Research Limited, John Boyall, John Gunning, Chris Dewse and Data Research have all been mentioned previously in MGN/NGN litigation (see [2023] EWHC 3217 (Ch) §102, Part III §52, §271, 2019.04.03 Various v NGN MTVIL Order Fourth CMC)</p>		
9.8.8–9.8.10	<i>[Entire paragraphs regarding use of Steve Whittamore/ JJ Services by other newspapers to be struck.]</i>	Category 3	<p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.</p>	<p>Paragraphs will be struck out for the reasons advanced by Associated. These are generalised allegations of wrongdoing at other newspapers.</p>

9.8.12	<u>The Claimant will rely on the facts and matters (deployed in the trial of Duke of Sussex &amp; Ors v MGN ([2023] EWHC 3217 (Ch)) and in the MTVIL litigation).</u>	Category 3 – activities for other newspapers.	The Claimants are content to remove this.	The Claimants do not pursue this amendment.
9.8.13	<u>At all material times it is to be inferred Associated, and in particular those individuals who commissioned and/or authorised the instructions of Mr Whittamore or his alias, were aware of the unlawful nature of these activities by reason of the foregoing, as well as</u>	Categories 14/15 as 9.1.10 above	The pleading is explained in Thomson 3 and is also self-explanatory. It has been included to give better particularisation of Cs allegation of knowledge	Amendment refused. The general use of TPIs is not probative, equally, the knowledge of those who commissioned TPIs (insofar as they are not Pleaded Journalists) is irrelevant.
9.8.13(a)	<u>the detail recorded in the schedules to the payment records relating to Steve Whittamore and JJ Services;</u>	Categories 14/15 as 9.1.10 above.	See above	Ditto. Amendment refused.
9.8.13(b)	<u>the deliberately vague and euphemistic nature of the activity of the private investigator in other payment records relating to Mr Whittamore and JJ Services; and</u>	Categories 14/15 as 9.1.10 above.	See above	Ditto. Amendment refused.
9.8.13(c)	<u>the fact that it can be inferred that Associated, and in particular those individuals who commissioned and/or authorised the instructions of Mr Whittamore and JJ Services, would be aware of the fact of any Unlawful Act from the nature of the information obtained from them and from the fruits of such information as used in the articles themselves.</u>	Categories 14/15 as 9.1.10 above.	See above	Ditto. Amendment refused.

9.8.13(d)	Paragraph 12, 12A and 12.B below are also repeated and relied on herein.	Categories 14/15 as 9.1.10 above.		Ditto. Amendment refused.
9.9.1	System Searches (which was run or operated by Malcolm and Jackie Scott, <u>also known as “The Scotts” and also operated under the alias Commercial and Legal Services, Comm &amp; Legal, or C&amp;L</u> ) carried out Unlawful Acts including the unlawful credit checks (namely without the consent of the subject and/or for an unlawful purpose) and/or unlawfully used the electronic electoral register for a non-permitted purpose and sold personal information to newspapers	Category 7 – late introduction of “The Scotts”, an alias that was pleaded in MGN (see [2023] EWHC 3217 (Ch) §70). The Claimants were also aware of an entity named “Commercial & Legal Services” (see [2023] EWHC 3217 (Ch) PI Schedule Part 11 §34-59 <sup>51</sup> ) and were refused permission to introduce it as a new TPI at the Spring 2025 CMC on that basis. The request to now introduce it as an alias for an existing Pleaded TPI, rather than the separate legal entity that it was, should be refused.	The Cs are content not to pursue this amendment.	The Claimants do not pursue this amendment.
9.9.2A	<u>It can also be inferred that System Searches were regularly used by Associated and that they were known by Associated to be private investigators. In support of this inference, the Claimant relies on the appearance of the Scotts in a list of private investigators used by the Mail on Sunday. Further, Natalie Clarke, a journalist at Femail, admitted that she regularly used the Scotts to obtain information</u>	Categories 9, 11 and 13 – no particular incident of UIG is alleged. Natalie Clarke has not previously been pleaded in these claims nor is it alleged here that she instructed anyone to carry out UIG.	No reason is given for why D opposes the Cs reliance on the Scotts in the Mail on Sunday list of private investigators.  Ca are relying on what Ms Clarke said about D’s use of the Scotts, not a specific instruction of UIG.	Amendment refused for the reasons advanced by Associated. The general use of TPIs is not probative.
9.9.3–9.9.4	<i>[Entire paragraphs regarding use of Malcom and Jackie Scott/ System</i>	Category 3	Cs submit that if a journalist used or commissioned unlawful	Paragraphs will be struck out for the reasons advanced by

	<i>Searches by other newspapers to be struck.]</i>		acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.	Associated. These are generalised allegations of wrongdoing at other newspapers.
9.9.5	<i>[Entire paragraph regarding Operation Oxborough to be struck]</i>	<p>Category 4</p> <p>Associated applies for the whole of paragraph 9.9.5 to be struck out. It involves no pleaded Schedule B or Schedule C journalist and is wholly unrelated to the Claimants' individual cases.</p>	<p>See paragraphs 168 – 169 of the C's skeleton argument.</p> <p>Cs maintain that this pleading is relevant to the modus operandi of System Searches, who are pleaded in relation to articles in a number of individual claims.</p> <p>Lateness. D could have applied to strike this out at the outset.</p>	<p>This paragraph will be struck out. The allegation that System Searches allegedly carried out "credit checks" on various dates in 1997 to 1999 for several Associated journalists is far removed from the Claimants' individual cases. The pleaded journalists in question are not bylined on any Pledged Article or otherwise referred to in the Particulars of Claim. The time period also pre-dates that in which the Claimants say they were targeted by Associated (other than Baroness Lawrence, who does not plead that she was targeted by System Searches or that they were involved in any of her Pledged Articles).</p>

9.9.5	<u>The Claimant will rely on the facts and matters (deployed in the trial of Duke of Sussex &amp; Ors v MGN [2023] EWHC 3217 (Ch) and in the MTVIL litigation) as set out in the Annex at paragraph 8.</u>	Category 3 – activities for other newspapers.	Cs rely on facts and matters in the evidence deployed in other litigation to support their case on the unlawful activities of the pleaded TPIs  It is relevant generic evidence which will assist the court make findings on individual PIs and issues in dispute in the individual claims	Amendment refused. Generalised allegations of wrongdoing at other newspapers are not relevant.
9.9.7	<u>At all material times it is to be inferred that Associated, and in particular those individuals who commissioned and/or authorised the instructions of the Scotts, System Searches and their aliases, were aware of the unlawful nature of these activities by reason of the foregoing, as well as:</u>	Categories 14/15 as 9.1.10 above	The pleading is explained in Thomson 3 and is also self-explanatory. It has been included to give better particularisation of Cs allegation of knowledge	Amendment refused. The general use of TPIs is not probative, equally, the knowledge of those who commissioned TPIs (insofar as they are not Pleded Journalists) is irrelevant.
9.9.7(a)	<u>the deliberately vague or euphemistic nature of the activity of the private investigator in other payment records relating to System Searches and their aliases; and</u>	Categories 14/15 as 9.1.10 above	See above	Ditto. Amendment refused.
9.9.7(b)	<u>the fact that it can be inferred that Associated, and in particular those individuals who commissioned and/or authorised the instructions of System Searches or their aliases, would be aware of the fact of any Unlawful Act from the nature of the information obtained from them and from the fruits of such information as used in the articles themselves.</u>	Categories 14/15 as 9.1.10 above.	See above	Ditto. Amendment refused.

9.9.7(c)	<u>Paragraph 12, 12A and 12.B below are also repeated and relied on herein</u>	Categories 14/15 as 9.1.10 above.	See 12B below.	Ditto. Amendment refused.
9.10.1	Summit Credit & Legal Services ( <u>run by Simon Hall</u> ) carried out Unlawful Acts including the blagging or obtaining of private information such as vehicle registration services.	Category 7 – this late introduction of a new alias does not arise from any document disclosed by Associated.	The Claimants are content not to pursue this amendment.	The Claimants do not pursue the amendment.
9.10.3	As a result of the information Summit Credit & Legal Services unlawfully or illegally obtained, a <del>number of</del> stories were published in the Mail on Sunday, <del>an example of which relating to the obtaining of private information about a senior Labour politician is</del> set out in Section Five of Confidential Schedule B.	Categories 2 and 6  One Schedule C pleaded example has been provided in respect of Summit Credit, with no particulars provided in respect of that example as to whether it is alleged that UIG occurred.	Re Category 6, Cs have conceded this category. Cs consent to the striking out in this paragraph but not to the underlying reasoning (and not to the striking out of the related pleading in Section 5 of Confidential Schedule B).	The Claimants consent to the challenged words being struck out.
9.10.4	<u>At all material times it is to be inferred that Associated, and in particular those individuals who commissioned and/or authorised the instructions of Summit Credit and Legal Services were aware of the unlawful nature of these activities by reason of the foregoing, as well as:</u>	Categories 14/15 as 9.1.10 above.	The pleading is explained in Thomson 3 and is also self-explanatory. It has been included to give better particularisation of Cs allegation of knowledge	Amendment refused. The general use of TPIs is not probative, equally, the knowledge of those who commissioned TPIs (insofar as they are not Pleaded Journalists) is irrelevant.
9.10.4(a)	<u>the deliberately vague or euphemistic nature of the activity of the private investigator in other payment records relating to Summit Credit and Legal Services and their aliases; and</u>	Categories 14/15 as 9.1.10 above.	See above	Ditto. Amendment refused.
9.10.4(b)	<u>the fact it can be inferred that Associated, and in particular those individuals who commissioned and/or authorised the instructions of Summit Credit and Legal Services, would be aware of the fact of any</u>	Categories 14/15 as 9.1.10 above.	See above	Ditto. Amendment refused.

	<u>Unlawful Act from the nature of the information obtained from them, and from the fruits of such information as used in the articles themselves.</u>			
9.10.4(c)	<u>Paragraph 12, 12A and 12.B below are also repeated and relied on herein</u>	Categories 14/15 as 9.1.10 above.	See 12B below.	Ditto. Amendment refused.
9.11.4-9.11.6	<i>[Entire paragraphs regarding use of Jonathan Rees and Sid Fillery/ Southern Investigations by other newspapers to be struck.]</i>	Category 3	Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.	Paragraphs will be struck out for the reasons advanced by Associated. These are generalised allegations of wrongdoing at other newspapers.
9.11.7	<u>The Claimant will rely on the facts and matters (deployed in the trial of Duke of Sussex &amp; Ors v MGN [2023] EWHC 3217 (Ch) and in the MTVIL litigation) as set out in the Annex at paragraph 9.</u>	Category 3 – activities for other newspapers.	Cs rely on facts and matters in the evidence deployed in other litigation to support their case on the unlawful activities of the pleaded TPIs  It is relevant generic evidence which will assist the court make findings on individual PIs and issues in dispute in the individual claims	Ditto. Amendment refused.

9.12.1(a)(ii)	<u>Mr Behr unlawfully obtained flight information in relation to Chesly Davy which he provided to Rebecca English (the Royal Correspondent of the Daily Mail) on 7 December 2007. The information was sent in such a form that revealed it would have been unlawfully obtained;</u>	Category 14 ( <i>late</i> ) – allegation could have been pleaded at the outset of these proceedings as it (i) relies on facts and matters from MGN/ NGN; and (ii) the document relied upon has been produced by the Claimants, deployed in litigation against other newspapers and referred to in Byline’s reporting of those other proceedings [FAR-17/183].	This email was referred to in C’s original pleadings  <i>a. Mike Behr, a South African-based private investigator/freelance journalist who unlawfully obtained private information, for example he blagged flight information which he sold to Rebecca English (the Royal Correspondent of the Daily Mail) in October 2005, April 2009 and December 2009 in relation to Prince Harry and his then girlfriend, Chelsy Davy.</i>  The highlighted date should have said December 2007, not 2009.  The amendment adds specificity and particularisation to the original pleading.	The amendment will be allowed. This is a targeted and specific allegation generally probative of what Mr Behr was able to provide to a Pleaded Journalist. The only objection is lateness, which I find is insufficient when weighed against these factors.
9.12.1(a)(v)	<u>on or around 11 April 2010 Mr Behr blagged the flight plans of then British Prime Minister Tony Blair and provided this self-evidently unlawfully obtained information to Sam Greenhill of the Daily Mail;</u>	Category 8 – Mr. Greenhill is not pleaded as involved in any Schedule B or C article. This is an apparent attempt by the Claimants to expand their case to include a “trophy target”.	The amendment from unredacted disclosure provides an example of a) Mr Behr’s unlawful activities and b) evidence of the propensity of the Daily Mail news department to use UIG  Mr Behr is an important individual in this case, in particular in the claim of the Duke of Sussex  The description of Mr Greenhill as a “trophy target” is not	Amendment allowed. Notwithstanding that Mr Greenhill is not a Pleaded Journalist, these are particulars upon which the Claimants want to rely to show what Mr Behr was capable of providing. They are self-contained and do not appear to be capable of much dispute.

			understood.	
9.12.1(a)(vi)	<u>Mr Greenhill of the Daily Mail sent details of a target to Mr Behr on 21 November 2013, and instructed him to “make inquiries” and stating “...if there is anything you can do, please do”, which can be inferred to be an instruction to blag flight and immigration details; and</u>	Category 8 – Mr. Greenhill is not pleaded as involved in any Schedule B or C article. The document relied upon was disclosed by Associated in March 2025. This is an apparent attempt by the Claimants to expand their case to include a “trophy target”.	See above	Unlike the previous example, this is too vague and does not disclose what Mr Behr provided. Amendment refused.
9.12.1(a)(vii)	<u>the facts and matters (deployed in the trial of Duke of Sussex &amp; Ors v MGN [2023] EWHC 3217 (Ch) and in the MTVIL litigation) as set out in the Annex at paragraph 10.</u>	Category 3 – activities at other newspapers.	Cs rely on facts and matters in the evidence deployed in other litigation to support their case on the unlawful activities of the pleaded TPIs  It is relevant generic evidence which will assist the court make findings on individual PIs and issues in dispute in the individual claims	Amendment refused on the same grounds as similar averments.

9.12.b1	<u>Capitol were regularly instructed by the journalists Sharon Churcher, and payments were authorised by Sian James, Features Editor at the Mail on Sunday, and Nick Pyke, Deputy Features Editor at the Mail on Sunday.</u>	Categories 9 and 10 – no specific examples are provided in respect of Ms. Churcher (a Schedule B and C journalist) or in respect of Ms. James and Mr. Pyke (neither of whom previously have been pleaded in these claims).	Cs amendment to 9.12b2 provides a specific example in relation to Ms Churcher.  D agrees to the amendment in respect of Ms James in relation to Mr Stafford. Her and Mr Pyke’s name arose from disclosure.	These are general allegations. Amendments refused on the grounds advanced by Associated.
9.12.b2	<u>In support of these contentions, the Claimant will rely on the fact that Capitol were instructed to obtain financial information and telephone numbers, including from itemised phone bills, including on or around 21 February 2002 where information relating to financial information was obtained for the Features Desk of the Mail on Sunday; on or around 5 November 2002 where telephone numbers were obtained; on or around 24 and 27 September 2002 where itemised phone bills were obtained, including telephone calls between residences in the United Kingdom and the United States and the mobile phone and landline bills linked to a residence</u>	Categories 2 and 12 – no particulars are provided as to how the information obtained is said to have been procured unlawfully.  Further, the pleading raises issues of foreign law.  The first instruction (21 February 2002) relies upon a document not related to any pleaded journalist.	It is implicit that Cs say the obtaining of itemised phone billing information and supplying that to Ms Churcher (a pleaded journalist) is unlawful.  D has not set out details of what the issue of foreign law is or submitted evidence re the same	These are inadequately pleaded allegations that lack particulars. Whilst specific instances of what is alleged to be the product of UIG would be admissible to show what Capitol Inquiry had provided to Associated journalists, this general paragraph is too wide. Amendment refused.
9.12.b3	<u>The Claimant will rely on the facts and matters (deployed in the trial of Duke of Sussex &amp; Ors v MGN [2023] EWHC 3217 (Ch) and in the MTVIL litigation) as set out in the Annex at paragraph 11.</u>	Category 3 – activities for other newspapers.	Cs rely on facts and matters in the evidence deployed in other litigation to support their case on the unlawful activities of the pleaded TPIs  It is relevant generic evidence which will assist the court make findings on individual PIs and	Amendment refused on the same grounds as similar averments.

			issues in dispute in the individual claims	
9.12.c	<p><u>John Ross</u></p> <p>c. John Ross, a former corrupt police officer who became a private investigator, who worked both on his own and with Jonathan Rees/Southern Investigations from at least 1993 onwards <u>until 2018</u>, including for both the Daily Mail and the Mail on Sunday. Mr Ross often acted as a “middleman” providing them with unlawfully obtained information bought from corrupt serving police officers for which he was paid in cash (paragraph 12A and 12B below is repeated), as well as through non-cash payment methods in the contribution system.</p>	<p>Categories 14 (<i>case management/proportionality/late</i>) and 15 (<i>unnecessary</i>).</p> <p>Category 15 (<i>Generic allegations relating to the use of cash and the word “special”</i>) - in relation to the amendment concerning reference to paragraphs 12A and 12B.</p>	<p>D have pleaded that Mr Ross was last paid until 2018, the date until which all claims are pleaded</p> <p>The Cs plead that Mr Ross was paid in cash. The issue of cash payments for UIG is relevant to all claims.</p>	<p>The amendment “until 2018” will be allowed. The balance is refused for the reasons concerning the relevance of the general allegation of cash payments.</p>
9.12.c1	<p><u>In support of the contention that Mr Ross supplied Associated with unlawfully obtained information the Claimant will rely on the following facts and matters:</u></p>	<p>Category 8 – none of the articles referred to relate to any pleaded journalist.</p>	<p>The pleading is explained in Thomson 3 and is also self-explanatory. It has been included to give better particularisation of Cs allegation of knowledge</p>	<p>As the amendments – which I have permitted below – relate to specific examples of UIG by Mr Ross for Associated, I will allow the amendment. These are discrete self-contained instances which the Claimants can rely upon to demonstrate what Mr Ross could provide.</p>
9.12.c1(i)	<p><u>(i) the facts and matters (deployed in the trial of Duke of Sussex &amp; Ors v MGN ([2023] EWHC 3217 (Ch)) and in the MTVIL litigation) as set out in the Annex at paragraph 12;</u></p>	<p>Category 3 – activities for other newspapers.</p>	<p>Cs rely on facts and matters in the evidence deployed in other litigation to support their case on the unlawful activities of the pleaded TPis</p> <p>It is relevant generic evidence which will assist the court make</p>	<p>Amendment refused on the same grounds as similar averments.</p>

			findings on individual PIs and issues in dispute in the individual claims	
9.12.c1(ii)	<u>Mr Ross was paid £1,000 by Associated on 11 November 2001. It can be inferred this was an unlawful payment to a police officer for information from the title of the invoice “[Redacted] cousin burgled”, and the fact that the Mail on Sunday published an article the same day headlined “Robbers target Queen’s cousin for second time”, about an ongoing police investigation into the burglary at the home of the second cousin of the Queen</u>	Category 8 – none of the articles referred to relate to any pleaded journalist.	Mr Ross’s activities are in dispute. D plead that he was a freelance journalist  The amendments was introduced to support the contention that Mr Ross made unlawful payments to police officers on behalf of D for information from live police investigations.  This article has no byline – it cannot relate to a pleaded journalist.	Amendment allowed for same reasons as 9.12.c1.
9.12.c1(iii)	<u>Mr Ross was paid £500 by Associated on 16 February 2003. It can be inferred this was for an unlawful payment to a police officer for information from the title of the invoice, “Knifewoman terrorizes Jemima”, and the fact that the Mail on Sunday published an article on the same day headlined “Knifewoman Terrorises Jemima Outside Home”, about an ongoing police investigation into an alleged attack on Jemima Khan; and</u>	Category 8 – none of the articles referred to relate to any pleaded journalist.	See above.  Cs do not plead the name of the bylined journalist as the amendment was introduced to support the contention that Mr Ross made unlawful payments to police officers on behalf of D for information from live police investigations	Amendment allowed for same reasons as 9.12.c1.
9.12.c1(iv)	<u>the fact that Mr Ross was paid £700 by Associated on 16 May 2010. It can be inferred this was an unlawful payment to a police officer for information from the title of the invoice, “PC sold fake goods”, and the fact that the Mail on Sunday published an</u>	Category 8 – none of the articles referred to relate to any pleaded journalist.	Cs do not plead the name of the bylined journalist as the amendment was introduced to support the contention that Mr Ross made unlawful payments to police officers on behalf of D for	Amendment allowed for same reasons as 9.12.c1.

	<u>article of the same day headlined “PC ‘SOLD FAKE GOODS HE SEIZED FROM BOOT SALES’, about the arrest of a serving police officer.</u>		information from live police investigations  This article was one of five sent to Liz Hartley by Managing Editor of the Mail on Sunday, John Wellington in November 2011 as part of the investigation into Mr Ross’s activities, prompted by the evidence of Nick Davies to the Leveson Inquiry, in which he said that Associated’s journalists paid Mr Ross in cash to pass bribes to serving police officers.	
9.12.c2	<u>The Claimant contends that there were many instructions by Associated of John Ross from 1998 to 2018. In support of this contention, the Claimant relies upon the following facts and matters:</u>	Category 2 – provides no pleaded particulars regarding any alleged UIG or who might have commissioned it, who might have been targeted or precisely when it occurred	The pleading is explained in Thomson 3 and is also self-explanatory. It has been included to give better particularisation of Cs allegation of knowledge	Amendment refused. This is a general allegation, lacking specific particulars. The purported particulars given are themselves general.
9.12.c2(i)	<u>there are records and/or admissions by Associated that Mr Ross was paid at least tens of thousands of pounds by Associated between at least 13 October 2000 and 2018;</u>	Category 2 - provides no pleaded particulars regarding any alleged UIG or who might have commissioned it, who might have been targeted or precisely when it occurred.	See above	Ditto. Amendment refused.
9.12.c2(ii)	<u>although there are only records of around 40 payments relating to Mr Ross between 2000 and 2011, and none after 2011; and</u>	Category 2 - provides no pleaded particulars regarding any alleged UIG or who might have commissioned it, who might have been targeted or precisely when it	See above	Ditto. Amendment refused.

		occurred.		
9.12.c2(iii)	<u>it can be inferred from the fact that Mr Ross was in frequent contact with Stephen Wright of the Daily Mail between 2011 and 2014 by telephone that the true number of payments and therefore instructions is significantly higher.</u>	Category 10 - provides no pleaded particulars regarding any alleged UIG, who might have been targeted or precisely when it occurred.	This is an inference based on D's disclosure of call data between Mr Ross and Mr Wright.	Ditto. Amendment refused.
9.12.d	<u>Chimera/Alma</u> d. Chimera International Limited and Alma Security (which were run by Gary Lowe), a private investigator which supplied Associated with unlawfully or illegally obtained private information. <u>In support of this contention, the Claimant will rely on the facts that:</u>	Categories 2 and 13 – no examples have been pleaded in respect of Chimera/ Alma and Associated has applied for the case in respect of Chimera/Alma to be struck out. The amendment proposed does not relate to a journalist pleaded as involved in Schedule B or C and does not provide particulars as to whether the information in question was obtained unlawfully.	Cs have been unable to plead examples in relation to Chimera/Alma due to a lack of disclosure and redaction of documents (the Cs were unable to apply for unredaction as the relevant documents did not name journalists, pleaded or otherwise).	Paragraph struck out, and amendments refused, for the reasons advanced by Associated. General allegation with no specifics.
9.12.1d	<i>[Entire paragraph regarding Chimera/ Alma Securities/ Gary Lowe to be struck]</i>	Category 2  No pleaded examples have been provided at all (including in relation to MGN/NGN).	These facts and matters form part of the Cs' generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D, and redactions applied to that disclosure by D.	Ditto.

9.12.d(i)	<u>Mr Lowe was directed to obtain ex-directory numbers on the instruction of Stephen Bevan, the Deputy Features Editor at the Mail on Sunday; and</u>	As explained at 9.12 d	This amendment arises from D's disclosure – the Cs have been unable to plead a specific example in relation to it because the target is redacted	Ditto. Amendment refused.
9.12.d(ii)	<u>Alma Security appears in a list of Private Investigators in a document used by the News and/or Features Desks at the Mail on Sunday.</u>	As explained at 9.12 d. The document relied upon was disclosed in March 2025 and the information referred to was not redacted.	This amendment arises from D's disclosure	Ditto. Amendment refused.
9.12.1e	<i>[Entire paragraph regarding Paul Hawkes to be struck]</i>	Category 2  No example has been pleaded in respect of Paul Hawkes/ Research Associates being instructed by anyone at Associated. The draft amendments propose examples of work carried out for MGN/NGN and are opposed.	These facts and matters form part of the Cs' generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D, and redactions applied to that disclosure by D.	Paragraph struck out, and amendments refused, for the reasons advanced by Associated. General allegation with no specifics.
9.12.1e	<u>Paul Hawkes</u>  e. Paul Hawkes (or 'PI Paul') who supplied phone and email hacking, landline tapping, blagging and other services (through his corporate alias, Research Associates) to Associated. <u>The Claimant will rely on the facts and matters (deployed in the trial of Duke of Sussex &amp; Ors v MGN ([2023] EWHC 3217 (Ch)) and in the MTVIL litigation) - as set out in the Annex at paragraph 13.</u>	Category 3 – activities for other newspapers. No specific example of Mr. Hawkes being commissioned by Associated has been pleaded and Associated has applied to strike him out on this basis.	Cs rely on facts and matters in the evidence deployed in other litigation to support their case on the unlawful activities of the pleaded TPIs  It is relevant generic evidence which will assist the court make findings on individual PIs and issues in dispute in the individual claims	Ditto. Amendment refused.

9.12.1f and 12.7(c)	<i>[Entire paragraphs regarding Rachel Barry to be struck.]</i>	Category 2  No example has been pleaded in respect of Rachel Barry being instructed by anyone at Associated. The draft amendments propose examples of work she carried out for MGN/NGN and are opposed.	These facts and matters form part of the Cs' generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D, and redactions applied to that disclosure by D.  The Cs are seeking disclosure in relation to Rachel Barry in Cs' Disclosure Application.	Paragraph struck out, and amendments refused, for the reasons advanced by Associated. General allegation with no specifics.
9.12.1f	<u>Rachel Barry</u>  f. Rachel Barry ( <u>also known as Rachel Lim</u> ), a blagger of ex directory phone numbers and medical records, who provided <u>for the Mail on Sunday from at the latest 1994</u> , unlawfully or illegally obtained information to Associated, despite being convicted in October 1997 of blagging mobile phone bills and <u>medical records</u> and obtaining ex-directory phone numbers for newspapers, as was publicly reported in the press. <u>The Claimant will rely on the following facts and matters in support of this contention:</u>	Categories 2 and 3 – no specific example of Ms. Barry being commissioned by Associated has been pleaded and Associated has applied to strike her out on this basis. To the extent the insertion of medical records relies upon her activities for other papers then it is also opposed for that reason. For completeness, the alias “Rachel Lim” is understood to arise from a document disclosed by Associated in March 2025 and so, if Ms. Barry is not struck out, not opposed. That alias was accounted for in standard disclosure.	No examples have been provided in relation to Ms Barry because D has not disclosed any payment records relating to her, and has withheld relevant documents  The date of 1994 stems from D's own pleading (Schedule 1 to the Defence, §32.9). D has not disclosed the documents on which that pleading was based, despite request from the Cs.  The insertion of medical records does not rely upon her activities for other newspapers – it is based on D's disclosure. See 9.12f(i) below.	Ditto. Amendment refused.
9.12.1f(i)	<u>the fact that Ms Barry was an entry in an unnamed document disclosed by Associated which features Ms Barry's name and numbers and described her as a private investigator and as a good resource for</u>	As explained at 9.12 f.	See above.	Ditto. Amendment refused.

	<u>medical records check.</u>			
9.12.1f(ii)	<u>the facts and matters (deployed in the trial of Duke of Sussex &amp; Ors v MGN [2023] EWHC 3217 (Ch) and in the MTVIL litigation) as set out in the Annex at paragraph 14.</u>	Category 3 – activities at other papers.	<p>Cs rely on facts and matters in the evidence deployed in other litigation to support their case on the unlawful activities of the pleaded TPIs</p> <p>It is relevant generic evidence which will assist the court make findings on individual PIs and issues in dispute in the individual claims</p>	Ditto. Amendment refused.
9.12.1g	<i>[Entire paragraph regarding David Woodward to be struck.]</i>	<p>Category 2</p> <p>No example has been pleaded in respect of David Woodward/JS3 Ltd/ Tyler Woodward being instructed by anyone at Associated. The draft amendments propose examples of work he carried out for MGN/NGN and are opposed.</p>	<p>These facts and matters form part of the Cs’ generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D, and redactions applied to that disclosure by D.</p>	<p>Paragraph struck out, and amendments refused, for the reasons advanced by Associated. General allegation with no specifics.</p>

9.12.1g	<p><u>David Woodward/JS3</u></p> <p>g. David Woodward (or his corporate aliases ‘JS3 Ltd’ or ‘Tyler <u>Woodward Williams</u>’), a private investigator who offered unlawfully obtained information such as email tracing, provided services to Associated, including being commissioned by Daily Mail journalists Paul Bracchi and David Williams. <u>The Claimant will rely on the following facts and matters in support of this contention:</u></p>	Category 7 – late introduction of an alias not arising from Associated’s disclosure. Associated has applied to strike out the entire case in respect of Mr Woodward.	This amendment corrects Cs’ error in original pleadings, where the alias “Tyler Woodward” was given instead of “Tyler Williams”	Ditto. Amendment refused.
9.12.g(i)	<p><u>the facts and matters (deployed in the trial of Duke of Sussex &amp; Ors v MGN [2023] EWHC 3217 (Ch) and in the MTVIL litigation) as set out in the Annex at paragraph 15.</u></p>	As above. Also, category 3 - activities at other newspapers.	<p>Cs rely on facts and matters in the evidence deployed in other litigation to support their case on the unlawful activities of the pleaded TPIs</p> <p>It is relevant generic evidence which will assist the court make findings on individual PIs and issues in dispute in the individual claims</p>	Ditto. Amendment refused.
9.12.1g(ii)	<p><u>Associated referred to him in an internal document (contact list) attributed to David Dillon, as a “tracer and tipster”.</u></p>	As above.	This amendment is based on documents disclosed by D.	Ditto. Amendment refused.
9.12.1h	<p><i>[Entire paragraph regarding Dave Parker to be struck.]</i></p>	<p>Category 2</p> <p>No pleaded examples have been provided at all (including in relation to MGN/NGN).</p>	These facts and matters form part of the Cs’ generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D, and redactions applied to that disclosure by D.	Paragraph struck out, and amendments refused, for the reasons advanced by Associated. General allegation with no specifics.

9.12.1h	<p><u>Dave Parker</u></p> <p>Dave Parker, a former Daily Mail photographer who, as a freelancer, carried out flight blags on British Airways and other airlines. Mr Parker provided unlawfully obtained private flight details to Associated.</p>	<p>Category 2 - no specific example of Mr. Parker being commissioned by Associated (or any newspaper) has been pleaded and Associated has applied to strike him out on this basis.</p>	<p>Cs have been unable to plead examples in relation to Mr Parker due to a lack of disclosure and redaction of documents (the Cs were unable to apply for unredaction as the relevant documents did not name journalists, pleaded or otherwise).</p>	<p>Ditto. Amendment refused.</p>
9.12.1(i)	<p><u>It can be inferred that Mr Parker was regularly instructed by Associated, and in support of this contention the Claimants rely on his inclusion in the contact list attributed to David Dillon for Mr Parker, described as “Heathrow tipster and photographer”, along with mobile and home telephone numbers and the fact that Associated was in regular contact with him until at least 2015.</u></p>	<p>As above.</p>	<p>This amendment arises from D’s disclosure</p>	<p>Ditto. Amendment refused.</p>
9.12.1(j)	<p><u>Lee Harpin</u></p> <p><u>j. Lee Harpin, a former News of the World reporter, who between 2003 and 2005 worked as a freelance journalist, prior to joining The People, and who provided Associated with unlawfully obtained information, including information obtained by voicemail interception.</u></p>	<p>Categories 3, 14 (<i>case management/proportionality/late</i>) and 15 (<i>other inadequate or unnecessary pleading</i>) – Mr. Harpin is introduced solely on the basis of activities he is said to have carried out at MGN. He is not pleaded as having been involved in a Schedule B or C article but as having provided information to Katie Nicholl (a Schedule B journalist) on a separate occasion.</p>	<p>This amendment is not late. Cs did not have the evidential foundation to plead Mr Harpin at the outset as there was no evidence he was commissioned by D</p> <p>The amendment is not “solely on the basis of activities” he is said to have carried out at MGN. As set out in Thomson 3 it is based on standard disclosure provided by D of Katie Nicholl’s police witness statement.</p> <p>The material relied on which was deployed in other litigation is in support of the contention that Mr</p>	<p>This is a general allegation, which is refused.</p>

			Harpin was a phone hacker.  This amendment is important to both the propensity of Ms Nicholl, who is pleaded in many of the individual claims, and Ds denials of voicemail interception.	
9.12.1k	<u>The Claimant will rely on the following facts and matters in support of this contention:</u>	Categories 3, 14 ( <i>case management/ proportionality/ late</i> ) and 15 ( <i>other inadequate or unnecessary pleading</i> ) – as explained at 9.12 j.	See above	On the basis that I have allowed 9.12.1k(2) (see below), this prefatory paragraph will be allowed.
9.12.k(1)	<u>(1) The facts and matters (deployed in the trial of Duke of Sussex &amp; Ors v MGN ([2023] EWHC 3217 (Ch)) and in the MTVIL litigation) as set out in the Annex at paragraph 16;</u>	Categories 3, 14 ( <i>case management/ proportionality/ late</i> ) and 15 ( <i>other inadequate or unnecessary pleading</i> ) – as explained at 9.12 j.	Cs rely on facts and matters in the evidence deployed in other litigation to support their case on the unlawful activities of the pleaded TPIs  It is relevant generic evidence which will assist the court make findings on individual PIs and issues in dispute in the individual claims	Amendment refused for reasons previously advanced.
9.12.k(2)	<u>It can be inferred that Ms Nicholl commissioned Lee Harpin to intercept the voicemails of Luciana Berger and/or obtain itemised mobile phone billing. In support of this inference the Claimant relies on the following facts and matters</u>	Categories 14 ( <i>case management/ proportionality/ late</i> ) and 15 ( <i>other inadequate or unnecessary pleading</i> ).	See 9.12.1j above	Exceptionally, this amendment will be allowed. It is a specific example the probative value of which relates to the alleged propensity of Katie Nicholl to use information which, it is said, she must have known was the product of UIG. In this incident, Mr Harpin is akin to a TPI rather than being a journalist at another newspaper.

9.12.k(2)(i)	<u>Associated published an article entitled “Euan finds love with Straw Jnr’s old flame.. and she’s after Blair’s job too”) on 23 January 2005, written by Ms Nicholl about the friendship between Luciana Berger and Euan Blair. In this, Ms Nicholl stated that the pair were in constant contact by telephone and referenced visits Ms Berger had made to 10 Downing Street and the access and parking arrangements for which had been set out in a voicemail from Euan Blair to Ms Berger;</u>	Categories 14 ( <i>case management/ proportionality/ late</i> ) and 15 ( <i>other inadequate or unnecessary pleading</i> ).	See 9.12.1j above	Ditto. Amendment allowed.
9.12.k(2)(ii)	<u>the fact that Ms Nicholl contended, when asked by the police in 2014, that the source of the information was Mr Harpin and that he was paid £750 for that information; and</u>	Categories 14 ( <i>case management/ proportionality/ late</i> ) and 15 ( <i>other inadequate or unnecessary pleading</i> ).	See 9.12.1j above	Ditto. Amendment allowed.
9.12.k(2)(iii)	<u>the fact that in January 2005, prior to the publication of the article on 23 January 2005, Ms Berger was informed by her mobile telephone provider that someone had called the provider multiple times in order to obtain the details of calls made by Ms Berger around Christmas and New Year 2004/5, and reset her voicemail PIN, and had managed to pass the security checks in order to do so.</u>	Categories 14 ( <i>case management/ proportionality/ late</i> ) and 15 ( <i>other inadequate or unnecessary pleading</i> ).	See 9.12.1j above	Ditto. Amendment allowed.

9.12.k(3)	<u>It can be inferred that Associated was aware that the article set out in paragraph 9.12(k)(2)(i) above was sourced using Unlawful Acts, including voicemail interception, from the nature of the information obtained and the fact that the article refers to the amount of telephone contact between Ms Berger and Euan Blair and also included information contained in the voicemail left for Ms Berger by Euan Blair about parking arrangements at 10 Downing Street, which are indicative of information obtained unlawfully</u>	Categories 14 ( <i>case management/ proportionality/ late</i> ) and 15 ( <i>other inadequate or unnecessary pleading</i> ).	See 9.12.1j above	This paragraph is not relevant. The importance is demonstrating that Katie Nicholl knew that the information provided had been obtained using UIG. Proof that “Associated” knew that the article was produced using UIG (insofar as that pleading intends to advance a case beyond Ms Nicholl’s knowledge) is irrelevant, particularly in the absence of identifying who else at Associated is alleged to have had the relevant knowledge. Amendment refused.
9.12.2.	<u>At all material times it can be inferred that the Defendant, and in particular those individuals who commissioned and/or authorised the instructions of these other agents, was aware of the unlawful nature of the activities they were instructed to carry out by reason of the foregoing, including the nature of the information itself as obtained from these agents.</u>	Categories 14/15 as with 9.1.10 above.	This has been included to give better particularisation of Cs allegation of knowledge	Ditto. Amendment refused.

10	<p>These private investigators were instructed by a large number of different journalists at both the <i>Daily Mail</i> and the <i>Mail on Sunday</i>, as well as desks or departments and their respective heads, many of whom are still employed often in senior positions at these newspapers. The Claimant will refer <del>by way of example</del> to the following journalists, <del>some of whom had worked previously for other newspapers (such as the Mirror Group and News Group Newspapers titles) where the same unlawful information gathering activities were widely and habitually used in order to obtain similar types of stories for publication during this period [...]</del></p> <p><del>The Claimant will invite the Court to draw the obvious and inescapable inference that if journalists used or commissioned Unlawful Acts and/or such private investigators as part of the modus operandi of obtaining, preparing or writing stories while working for one newspaper then they would have used the same Unlawful Acts as part of obtaining, preparing or writing stories when working for another newspaper, namely the <i>Daily Mail</i> or <i>Mail on Sunday</i></del></p>	Category 3	<p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the <i>Daily Mail</i> or <i>Mail on Sunday</i>.</p> <p>Lateness. D could have applied to strike this out at the outset</p>	<p>The words shown in red will be struck out for the reasons advanced by Associated. Specific examples of UIG by a Plead Journalist at another newspaper <i>can</i> (subject to case management) be relevant to a propensity case relied upon by the Claimants, but general allegations are incapable of doing so.</p>
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10.1	Richard Simpson, who was a Showbiz reporter and then Showbiz Editor from 2004 until 2011 <del>having worked previously at The Sun's Bizarre column (which widely used these private investigators)</del> , and who commissioned TDI/ELI in relation to targets <del>such as</del> Heather Mills; <del>Kylie Minogue and Hugh Grant</del> .	<p>Category 3</p> <p>Category 5</p> <p>No particulars have been provided in respect of two of the targets referred to in this paragraph (Ms Minogue and Mr Grant - contrast Heather Mills who features in Schedule C) and so they are liable to be struck under Category 5. If the alleged commissioning in relation to Ms Minogue and Mr Grant occurred at the Sun, the allegations are also to be struck out on that basis.</p>	<p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.</p> <p>Mr Simpson is pleaded on a number of Schedule B and C articles.</p> <p>Re Category 5, the Cs submit that it is too late to bring an application in respect of this pleading, and the pleaded matters in question should now be left to the evidence.</p>	Ditto. Words in red struck out.
10.2	Nicole Lampert, who was Showbiz Editor from 2002 to 2006, <del>having previously worked at The Sun's Bizarre column (which widely used these private investigators) and as Deputy Showbiz Editor at The Sun</del> , and who commissioned TDI/ ELI.	Category 3	Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that	Ditto. Words in red struck out.

			<p>they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.</p> <p>Ms Lampert is pleaded on a number of Schedule B and C articles.</p>	
10.3	<p>Alison Boshoff, who was senior correspondent from 1999 <del>(after being previously as a showbiz reporter at The Sun in 1995 to 1996)</del>; and who commissioned Steve Whittamore (JJ Services), Christine Hart (Warners) <del>in relation to targets such as Caroline Aherne and Sarah Vincent (the ex wife of Vic Reeves)</del>.</p>	<p>Category 3</p> <p>Category 5</p> <p>No particulars have been provided in respect of the targets Ms Aherne and Ms Vincent and so they are liable to be struck under Category 5. If the alleged commissioning in relation to Ms Aherne and Ms Vincent occurred at the Sun, the allegations are also to be struck out on that basis</p>	<p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.</p> <p>Ms Boshoff is pleaded on a number of Schedule B and C articles.</p> <p>Re Category 5, the Cs submit that it is too late to bring a strike out application in respect of this pleading, and the pleaded</p>	<p>Ditto. Words in red struck out.</p>

			matters in question should now be left to the evidence.	
10.4	Paul Bracchi, who was a reporter from 1997 onwards, and who commissioned Steve Whittamore (JJ Services), Christine Hart(Warner) <del>and David Woodward (or his corporate aliases, JS3 Ltd/Tyler Woodward</del>	<p>Category 2</p> <p>No example has been pleaded in respect of David Woodward/JS3 Ltd/ Tyler Woodward being instructed by anyone at Associated, including Mr. Bracchi.</p> <p>The draft amendments propose examples of work Mr. Woodward carried out for MGN/NGN and are opposed.</p>	These facts and matters similarly form part of the Cs' generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D.	Ditto. Words in red struck out.
10.6	Nadia Cohen, who was a Showbiz reporter from 2000-2002 <del>(having previously worked as a reporter at the News of the World from 1998 to 2000),</del> and who commissioned TDI/ELI.	<p>Category 3</p>	<p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.</p> <p>Ms Cohen is a Schedule B journalist</p>	Ditto. Words in red struck out.

10.7	David Williams, who was a news reporter from 1989 onwards), and who commissioned TDI/ELI <del>and David Woodward (or his corporate aliases, JS3 Ltd/Tyler Woodward)</del>	Category 2  No example has been pleaded in respect of David Woodward/JS3 Ltd/ Tyler Woodward being instructed by anyone at Associated, including Mr. Williams. The draft amendments propose examples of work Mr. Woodward carried out for MGN/NGN and are opposed.	These facts and matters form part of the Cs' generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D, and redactions applied to that disclosure by D.	Ditto. Words in red struck out.
10.9	Victoria Newton, who was Showbiz Editor from 2002-2003 <del>(having worked previously as a reporter and then Showbiz Editor at The Sun, as well as at the People, before leaving the Daily Mail to go back to The Sun), and</del> who regularly commissioned TDI/ELI, <del>for example in relation to targets such as Elizabeth Hurley.</del>	Categories 2 and 3  No particulars have been provided in respect of TDI/ELI being commissioned by Ms. Newton to target Ms. Hurley and so the reference is liable to be struck under Category 5. If the alleged commissioning in relation to Ms Hurley occurred at the Sun or the People, the allegations are also to be struck out on that basis	Detailed particulars of Ms Newton's targeting of Ms Hurley are included in the amendments to Ms Hurley's Particulars of Claim, but are still opposed by D.  Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on	Ditto. Words in red struck out.

			Sunday.  Ms Newton is a Schedule B journalist.	
10.11	Katie Nicholl, who was Royal Editor and Diary Editor until 2006, and who commissioned Steve Whittamore (JJ Services), TDI/ELI and Glenn Mulcaire/Greg Miskiw, as a result of which she wrote stories about <del>a number of targets such as</del> the Claimant, Sadie Frost, Hugh Grant, <del>Cheryl Cole, Sienna Miller and others.</del>	Category 5  No particulars have been provided in respect of Cheryl Cole, Sienna Miller or the (unspecified) “others”.	The Cs submit that it is too late to bring a strike out application in respect of this pleading, and the pleaded matters in question should now be left to the evidence.	Ditto. Words in red struck out.
10.11	<del>Katie Nicholl, who was variously the Showbiz Editor,</del> Royal Editor and Diary Editor until <del>2006—2012,</del> and who commissioned Steve Whittamore (JJ Services), TDI/ELI, <b>Lee Harpin</b> and Glenn Mulcaire/Greg Miskiw, as a result	Categories 14 ( <i>case management/ proportionality/ late</i> ) and 15 ( <i>other inadequate or unnecessary pleading</i> )	This amendment is not controversial and it is not clear why it is opposed by D	This amendment will be allowed. The only controversial part was the inclusion of Lee Harpin but, as I have allowed the amendment to 9.12.k(2), it can be allowed.
10.12	Caroline Graham, who was US correspondent from 1999 ( <del>after being US editor of <i>The Sun</i>,</del> and then reporter for the <i>Daily Mail</i> ), and who commissioned Daniel “Detective Danno” Hanks <del>for example in relation to targets such as Hugh Grant, John Cleese and Prince Andrew.</del>	Category 3  Category 5 and Category 6 (use of “for example”)  No particulars have been provided in respect of the targets cited in the pleading and so they are liable to be struck under Category 5. If the alleged commissioning in relation to Mr Grant, Mr Cleese and Prince Andrew occurred at the Sun, the allegations are also to be	Cs have conceded Category 6.  Re Category 3, Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily	Ditto. Words in red struck out.

		struck out on that basis	<p>Mail or Mail on Sunday.</p> <p>Cs have pleaded specific examples in relation to Mr Hanks in the Amended Particulars of Claim, which are opposed by D. They include Denise Martell, who is a former associate of Prince Andrew.</p> <p>D's disclosure has revealed that Mr John Cleese was targeted by Associated via Mr Hanks.</p> <p>Cs plead an episode in Schedule C which relates to Mr Grant at §4 of Schedule C.</p>	
10.13	Sharon Churcher, who was US Correspondent from 1994 to 2013, and who commissioned Daniel "Detective Danno" Hanks for example in relation to <del>targets such as</del> Jeffrey Epstein's victims, Yoko Ono <del>and widows of the 9/11 terrorist bombing in New York.</del>	<p>Category 5</p> <p>No particulars have been provided in respect of the widows of the 9/11 terrorist bombing.</p>	<p>Cs submit that it is too late to bring a strike out application in respect of this pleading, and the pleaded matters in question should now be left to the evidence.</p>	Ditto. Words in red struck out.
10.14	<del>Amanda Perthen, who was a reporter from at least 2000 and who commissioned Steve Whittamore (JJ Services) and Searchline.</del>	<p>Category 1</p> <p>No example is pleaded of Ms. Perthen commissioning Mr. Whittamore (or any other TPI) on behalf of Associated or otherwise carrying out UIG on behalf of Associated.</p>	<p>These facts and matters form part of the Cs' generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D, and redactions applied to that disclosure by D.</p> <p>Ms Perthen was part of the <i>Mail</i></p>	Ditto. Paragraph struck out.

			on <i>Sunday's</i> news department, from where a number of pleaded articles derive.	
10.15	Andy Buckwell, who was a bylined journalist from 2002 onwards <del>(who previously worked at the <i>Sunday Mirror</i>), and who commissioned TDI/ELI, Christine Hart (Warner), Steve Whittamore (JJ Services) and Jonathan Stafford (Newsreel).</del>	Categories 2 and 3  It is understood from the draft amendments proposed that the commissioning pleaded here relates entirely to allegations involving Mr Buckwell's employment at MGN. If so, the allegations are also to be struck out on that basis	Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.  Andy Buckwell who was an author of one of C6's Unlawful Articles and was listed as a client of Steve Whittamore, regularly commissioned Christine Hart and Jonathan Stafford when at the <i>Sunday Mirror</i> , with a commission of Christine Hart resulting in obtaining private medical information relating to Timothy Taylor, and a commission of Jonathan Stafford to obtain itemized phone billing information, ex-directory numbers, flight information and other details: DOS §23.3(iii).	Ditto. Words in red struck out. The following paragraph: "The Claimant will invite the Court... namely the <i>Daily Mail</i> or <i>Mail on Sunday</i> " is also struck out on the grounds that it contains only a general allegation that is incapable of supporting the propensity case and is not otherwise relevant. I reject the contention that lateness is a good reason to refuse the application.

			Lateness. D could have applied to strike this out at the outset	
11.b	Paul Field (News Editor at the Mail on Sunday, <del>following working at The People and the Sunday Mirror, and then after working at The Sun as Associate Editor (News)</del> later became Executive Editor of the Mail on Sunday, followed by Associate Editor of the Daily Mail) who commissioned Steve Whittamore (JJ Services), <del>TDI/ELI and Jonathan Stafford (Newsreel)</del> .	<p>Category 3</p> <p>References to employment at other papers are struck through as irrelevant.</p> <p>It is understood from pleading at paragraph 9.5.2 that the commissioning of Mr. Stafford pleaded here relates to Mr Field’s employment at other newspapers.</p> <p>Mr. Field is also not pleaded at paragraph 9.1.4 as having instructed TDI/ELI for Associated. To the extent the pleading refers to activities at other newspapers, the allegations are also to be struck out on that basis</p>	<p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.</p> <p>The disclosure provided by D on 21 March 2025 supports Cs pleading that Mr Field commissioned Mr Whittamore, TDI/ELI and Mr Stafford.</p> <p>Lateness. D could have applied to strike this out at the outset</p>	Applying the same reasoning as set out in 10 above, the words in red will be struck out.
11.c	David Dillon (Deputy News Editor at the <i>Mail on Sunday</i> , <del>following working at the <i>Daily Mirror</i></del> , and then Executive Editor and is currently Editor of the <i>Mail on Sunday</i> ) who commissioned Steve Whittamore (JJ Services), Christine Hart (Warner News), <del>TDI/ELI, Jonathan Stafford (Newsreel)</del> . Mr Dillon was	<p>Category 3</p> <p>References to employment at other papers are struck through as irrelevant.</p> <p>Mr. Dillon is also not pleaded at paragraph 9.1.4 as</p>	<p>The Cs do not maintain the pleading “<i>following working at the Daily Mirror</i>” as this has subsequently been shown to be incorrect (he was at the Sunday Mirror).</p> <p>Ds disclosure of 21 March 2025</p>	Ditto. Words in red struck out.

	interviewed by the police in the course of Operation Glade referred to in paragraph 9.8.5 above.	having instructed TDI/ELI for Associated or at paragraph 9.5 as having instructed Mr. Stafford for Associated. To the extent the pleading refers to activities at other newspapers, the allegations are also to be struck out on that basis	provided Mr Dillon, a senior member of the Mail on Sunday news team (from which a number of pleaded articles derive) commissioned TDI and Mr Stafford.	
11.d	<del>Nick Buckley (Deputy News Editor at the Mail on Sunday as well as Head of News at the Sunday Mirror where he has been found to have been a prolific phone hacker and unlawful information gathering techniques) who commissioned Steve Whittamore (JJ Services) and Gavin Burrows.</del>	<p>Category 1</p> <p>No example is pleaded of Mr. Buckley commissioning Mr. Whittamore (or any other TPI) on behalf of Associated or otherwise carrying out UIG on behalf of Associated.</p> <p>Category 3</p> <p>References to employment at other papers are struck through as irrelevant.</p>	<p>These facts and matters form part of the Cs' generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D, and redactions applied to that disclosure by D.</p> <p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts, as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.</p>	Ditto. Paragraph struck out.

11f.	<del>Ray Clancy (Deputy News Editor at the <i>Mail on Sunday</i>) who commissioned Steve Whittamore (JJ Services).</del>	<p>Category 1</p> <p>No example is pleaded of Ms. Clancy commissioning Mr. Whittamore (or any other TPI) on behalf of Associated or otherwise carrying out UIG on behalf of Associated.</p>	<p>These facts and matters form part of the Cs' generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D, and redactions applied to that disclosure by D.</p> <p>Ms Clancy was a Deputy news Editor at the <i>Mail on Sunday</i>.</p>	Ditto. Paragraph struck out.
11g	<del>Tony Gallagher (News Editor at the <i>Daily Mail</i>) who commissioned, and approved payments to, Steve Whittamore (JJ Services) and TDI/ELI.</del>	<p>Category 1</p> <p>No example is pleaded of Mr. Gallagher commissioning or approving payments to Steve Whittamore or TDI/ELI.</p>	<p>These facts and matters form part of the Cs' generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D, and redactions applied to that disclosure by D.</p> <p>Mr Gallagher was news editor of the <i>Daily Mail</i> (from which a number of the pleaded articles derive).</p>	Ditto. Paragraph struck out.
11h.	<del>James Clothier (Associate News Editor at the <i>Daily Mail</i>, before becoming Senior News Editor at <i>The Sun</i>) who commissioned Searchline, System Searches and Jonathan Stafford (Newsreel);</del>	<p>Category 1</p> <p>No example is pleaded of Mr. Clothier commissioning Searchline, System Searches or Jonathan Stafford (or any other TPI) on behalf of Associated or otherwise carrying out UIG on behalf of Associated.</p> <p>Category 3</p>	<p>These facts and matters form part of the Cs' generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D, and redactions applied to that disclosure by D.</p> <p>Cs submit that if a journalist used or commissioned unlawful acts, or TPIs who undertook such acts,</p>	Ditto. Paragraph struck out.

		References to employment at other papers are struck through as irrelevant.	<p>as part of the modus operandi of producing stories while working for one newspaper, then it is an obvious and inescapable inference that they would have used the same unlawful acts as part of producing stories when working at another newspaper, namely the Daily Mail or Mail on Sunday.</p> <p>See also paragraph 161 of the Cs' skeleton argument, concerning the amendment proposed by the Cs relating to Mr Clothier.</p> <p>Lateness. D could have applied to strike this out at the outset</p>	
11i	<del>Ben Taylor (Executive News Editor at the Daily Mail) who commissioned TDI/ELI;</del>	<p>Category 1</p> <p>No example is pleaded of Ben Taylor commissioning TDI/ELI.</p>	<p>These facts and matters form part of the Cs' generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D, and redactions applied to that disclosure by D.</p> <p>Mr Taylor was named in the ledgers as a commissioner of ELI, and was a senior executive on the Daily Mail news desk, from which a number of pleaded articles derive.</p>	Ditto. Paragraph struck out.

11(l) to 11(aa)	[extracts omitted]:	Categories 2, 9, 10, 14 and 15 – this section introduces general allegations of wrongdoing, without any attempt at particularisation and, in many cases, against journalists not pleaded as involved in Schedule B or C articles or not previously pleaded at all.	<p>The propensity of the departments such as the news desks, showbiz desks and Features desks to engage the use of private investigators to obtain UIG is relevant to the generic case and the resolution of the individual claims.</p> <p>The Court will be unable to resolve the issues in relation to pleaded articles and other issues pleaded by the Claimants without considering the propensity of the desks from which the pleaded articles originated, so this amendment is necessary.</p>	For the same reasons, amendments refused. A department cannot have a propensity, only individuals can. To be probative, propensity evidence must focus on specific alleged actions of a Pleded Journalist that are capable of establishing propensity. These subparagraphs show simply alleged commissioning of TPIs. That is insufficient.
12.7(c)	<del>(c) Rachel Barry, even despite being convicted in October 1997 of blagging mobile phone bills and obtaining ex-directory phone numbers for newspapers, as was publicly reported in the press, as referred to in paragraph 9.12.1(f) above.</del>	<p>Category 2</p> <p>No example has been pleaded in respect of Rachel Barry being instructed by anyone at Associated. The draft amendments propose examples of work she carried out for MGN/NGN and are opposed. Associated respectfully suggests that paragraphs 9.12.1(f) and 12.7(c) should be struck on that basis.</p>	<p>These facts and matters form part of the Cs’ generic case and are the best particulars the Cs have been able to provide given the disclosure provided to date by D, and redactions applied to that disclosure by D.</p> <p>The Cs are seeking disclosure in relation to Rachel Barry in Cs’ Disclosure Application.</p>	This is a paragraph pleaded in support of the case that “Associated continued to use private investigators after it was clear that they had been acting unlawfully or illegally”. In the absence of an allegation against named individual(s), I am sceptical as to the relevance of this averment, which is far divorced from the issues that need to be determined fairly to resolve the Claimants’ claims. Nevertheless, this particular will be struck out on the grounds advanced by Associated.

12.7(d)	<p>The Claimant will also refer to the fact that Associated continued to use private investigators as referred to in paragraph 9 above, <u>namely John Ross, David Parker, Mike Behr, Jonathan Stafford, Christine Hart, Dan Hanks and Capitol Inquiry</u>, even after 2007 when <u>– as the Leveson Inquiry was specifically told - that</u> all use of private investigators and ‘search agents’ had ceased, as well as post the Inquiry itself in 2011-12 at which the practices of using such private investigators came in for serious criticism. <u>The Claimant will also refer to the fact that Associated used Mr Ross, Mr Parker, Mr Behr and Mr Stafford during the Leveson Inquiry itself, and that from August 2011 to 2015, after Associated’s “PI ban” in April 2007, the start of Operation Weeting in January 2011, the beginning of the Leveson Inquiry in July 2011, and the s.21 notices sent to parties including Associated in August 2011, a number of ANL journalists each made a significant number of telephone calls and/or SMS messages to private investigators, from which it can be inferred there was multiple continuing instructions, including:</u></p>	<p>Category 2 – no example has been provided in respect of Mr. Parker (for any newspaper) and Associated has applied for him to be struck out on that basis.</p>	<p>Cs have been unable to plead examples in relation to Mr Parker due to a lack of disclosure and redaction of documents (the Cs were unable to apply for unredaction as the relevant documents did not name journalists, pleaded or otherwise).</p>	<p>Permission to amend in relation to Mr Parker will be refused for the reasons advanced by Associated.</p>
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12.7(d)(i)	<u>Neil Sears (32 calls or SMS messages); especially to Dave Parker;</u>	Category 1 and 2 – Neil Sears is not pleaded as involved in any Schedule B or C article. Aside from no example of him commissioning Dave Parker for UIG being provided, no example of UIG has been provided in respect of Mr. Parker (for any newspaper) and Associated has applied for him to be struck out on that basis.	Mr Sears is a pleaded journalist.	Ditto. Amendment refused.
12.7(d)(ii)	<u>Christian Gysin (66 calls or SMS messages); especially to Dave Parker and Jonathan Stafford;</u>	Category 1 and 2 – Christian Gysin is not pleaded as involved in any Schedule B or C article. Aside from no example of him commissioning Jonathan Stafford or Dave Parker for UIG being provided, no example of UIG has been provided in respect of Mr. Parker (for any newspaper) and Associated has applied for him to be struck out on that basis.	Mr Gysin is a pleaded journalist.	Ditto. Amendment refused.

12.7(d)(iii)	<u>Colin Fernandez (36 calls or SMS messages); especially to Dave Parker;</u>	Category 1 and 2 – Colin Fernandez is a Schedule C journalist. Aside from no example of him commissioning Dave Parker for UIG being provided, no example of UIG has been provided in respect of Mr. Parker (for any newspaper) and Associated has applied for him to be struck out on that basis.	Cs have been unable to plead examples in relation to Mr Parker due to a lack of disclosure and redaction of documents (the Cs were unable to apply for unredaction as the relevant documents did not name journalists, pleaded or otherwise).	Ditto. Amendment refused.
12.7(d)(iv)	<u>Sam Greenhill (17 calls or SMS messages) especially to Dave Parker;</u>	Category 1 and 2 – Sam Greenhill is not pleaded as involved in any Schedule B or C article. Aside from no example of him commissioning Dave Parker for UIG being provided, no example of UIG has been provided in respect of Mr. Parker (for any newspaper) and Associated has applied for him to be struck out on that basis.	Cs have been unable to plead examples in relation to Mr Parker due to a lack of disclosure and redaction of documents (the Cs were unable to apply for unredaction as the relevant documents did not name journalists, pleaded or otherwise).	Ditto. Amendment refused.
12.7(d)(v)	<u>Stephen Wright (158 calls or SMS messages) especially to Dave Parker and John Ross;</u>	Category 2 – Stephen Wright is a Schedule B and C journalist; no example of him commissioning Dave Parker for UIG has been provided here or at all.	Cs have been unable to plead examples in relation to Mr Parker due to a lack of disclosure and redaction of documents (the Cs were unable to apply for unredaction as the relevant documents did not name journalists, pleaded or otherwise).	Ditto. Amendment refused.

12.7(d)(vi)	<u>Rebecca English (28 calls or SMS messages); especially to Dave Parker and Mike Behr</u>	Category 2 – Rebecca English is a Schedule B and C journalist; no example of her commissioning Dave Parker for UIG has been provided here or at all.	Cs have been unable to plead examples in relation to Mr Parker due to a lack of disclosure and redaction of documents (the Cs were unable to apply for unredaction as the relevant documents did not name journalists, pleaded or otherwise).	Ditto. Amendment refused.
12A and B	<u>[extract omitted for reasons for length]</u>	Categories 8, 14 ( <i>case management/ proportionality/ late</i> ) and 15 ( <i>generic allegations relating to the use of cash and the word “special”</i> ).	<p>Cs do not see how this amendment gives rise to issues of case management/ proportionality as D has a store of searchable documents.</p> <p>The issue of cash payments for UIG has become an extremely important one in this litigation given almost every Claimant has been disclosed such payments, and seek to plead reliance on them.</p> <p>The amendment in relation to “special” arises from D’s own disclosure, and its journalists use of that word as a euphemism for UIG. Cs do not believe any case management or proportionality issues arise from this amendment</p>	Amendment refused for the reasons given in the main judgment in relation to cash payments.
14.	The Claimant will also refer to and rely upon the fact that there were a substantial number of other victims of the same Unlawful Acts (in addition to the Claimant), as is clear from the nature, scale and extent of the unlawful activities	Categories 5 and 6	<p>Cs have conceded Category 6.</p> <p>Re Category 5, Cs submit that it is too late to bring a strike out application in respect of this pleading, and the pleaded matters</p>	The number of alleged other victims is irrelevant to the Claimants’ claims. The only relevance of incidents of UIG concerning other individuals is in relation to specific examples relied

	<p>carried out by these private investigators on Associated’s behalf, as well as by its own journalists, as referred to in paragraphs 8 to 12 above. <del>These victims include — high profile — individuals, — a members of the Royal Family, victims of crime, politicians, members of the public who became of interest to its newspapers as a result of some newsworthy event or those who were associated with individuals who were of interest to the newspapers and became a target themselves merely because of this association.</del> The Claimant will rely on <del>a number of examples of</del> other victims who were regularly targeted by the Daily Mail and the Mail on Sunday using these Unlawful Acts to obtain information for the preparation and publication of stories about them in these newspapers. <del>Examples of</del> these are to be found in the Particulars of Claim and Schedule B to those Particulars in the similar actions brought against Associated by Prince Harry, Sir Elton John and David Furnish, Elizabeth Hurley and Sadie Frost.</p>		<p>in question should now be left to the evidence.</p> <p>Cs note that D has only very recently disclosed invoices which show it targeted victims of crime and members of the Royal family.</p> <p>Cs note that the 1<sup>st</sup> to 7<sup>th</sup> Claimants are all encapsulated by the description “<i>high profile individuals, members of the Royal Family, politicians, members of the public...</i>”</p>	<p>upon to support the propensity case against Pleded Journalists. However, as Associated seeks only the striking out of part of this paragraph (shown in red), I will strike out only those parts. The parameters of the litigation have been set by the Court. To the extent that the Particulars of Claim go beyond that, it is the former that will govern the relevance and admissibility of evidence at trial.</p>
16A and B	<p><u>16A. Private Investigator payment records and emails held by Associated should have been retained pursuant to:</u></p> <p><u>(a) the hold on the destruction of relevant documents in accordance with the preservation requirements of the Leveson Inquiry (the “Leveson Hold”) under section 35 of the Inquiries Act 2005. Such relevant documents were required to be retained until the Inquiry was formally closed on 1 March</u></p>	<p>Categories 14 (<i>case management/ proportionality/ late</i>) and 15 (<i>deliberate destruction</i>)</p> <p>Note - the financial record of this payment in Associated’s control was disclosed on 21 March 2025 (ANL-0001413 [FAR-17/153- 182]). Associated does not hold a</p>	<p>D’s retention regime should have meant PI payments were retained during the Leveson Hold, Litigation Hold and/or financial records hold. If necessary, the Cs are content to move this to the section that addresses <i>Armory</i>.</p>	<p>Amendments are refused (see main judgment [43]-[44]).</p>

	<p><u>2018;</u></p> <p><u>(b) the hold on the destruction of relevant documents for the purposes of these proceedings (the “Litigation Hold”) which Associated says that it imposed on or around 31 March 2022; and</u></p> <p><u>(c) the retention period for relevant electronic documents (with the exception of the Atex editorial content management system) being not less than seven years (the “financial records hold”).</u></p> <p><u>16B. Notwithstanding the above:</u></p> <p><u>(a) Associated has destroyed the vast majority of documents from the period during which the Claimant was targeted, with such documents properly falling within the holds identified above, including the destruction of relevant documents such as payments records relating to pleaded private investigators and including a backup of the Coda system (which held copies of relevant private investigator payment records) that was available, and which was accessed, until at least 20 September 2011, after the main system had been decommissioned. In support of the contention that such destruction occurred during these holds, the Claimant will rely on the following facts and matters:</u></p> <p><u>(i) on or around 18 October 2011, Karl Dirckx the Financial Controller at Associated, specifically reported that many documents existed at that time, dating back</u></p>	<p>copy of the self-billing invoice – a document issued to the contributor. The document it holds is an electronic financial record and was produced from its Agresso system.</p>		
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	<p><u>to the period beyond the prescribed 7-year retention period, and that in practice the routine destruction of documents after the 7-year retention period was not observed by any of Associated's employees;</u></p> <p><u>(ii) on or around 8 December 2011, Mr Dirckx informed the Daily Mail's Assitant Editor Charles Garside that all contribution invoices dating from prior to 2004 had been destroyed;</u></p> <p><u>(iii) Associated extracted from the Coda system the ledger cards of payments to selected PIs and external agents in late 2011 in response to the section 21 notice from the Leveson Inquiry. Associated has indicated that it no longer has access to the Coda system and suggested that not all of the data was retained notwithstanding that fact that any destruction or deletion of data would have occurred during the Leveson Hold or later; and</u></p> <p><u>(iv) Associated has failed to disclose the financial records of the payment to Christine Hart reflected by the Contributors Self-Billing Invoice of 7 August 2018 disclosed by the Claimant to Associated which should have been retained (prior to the Litigation Hold) under the 7-year hold on Financial Records.</u></p>			
26A and 26B	<u>[extract omitted].</u>	Categories 12 ( <i>foreign law</i> ) and 15 ( <i>other inadequate or unnecessary pleading</i> ).	The formulation here has been approved by Fancourt J in MTVIL. To the extent there is a narrow objection in relation to	Amendments refused. Given the decisions I have made, there is limited scope for foreign law to be relevant. An amendment in the

			Hanks, this is addressed above.	terms advanced is far too broad. Further, to the extent that it might be relevant, the introduction of new elements of the case that would require a determination of foreign law is too late. The parties have not addressed whether it is even feasible for expert evidence to be prepared prior to trial. There is a lack of focus, even, on issues to which this expert evidence would be directed.
SCHB* 1.2 *SCH C 1.2 for the other Claimants	<u>Further, there are two payments to ELI, dated 21 February 2006, both with the description “SW1240206 BARKER ENOUS” and totalling £323.13 (it is to be inferred that the “SW” refers to Stephen Wright) and there is a related article dated 25 February 2006, (“Is Ronnie Barker’s Family Helping Hide His Runaway Son”) by Paul Bracchi and Stephen Wright, which contains private information, namely details of Adam Barker’s bank accounts and financial transactions relating to those bank accounts. It can be inferred that Mr Wright instructed ELI to unlawfully obtain that financial information. In support of this inference, the Claimant will rely on the fact that ELI are known to have obtained private financial information as particularised in the annex to the Amended Particulars of Claim.</u>	Category 3 – activities at other newspapers.	The fact that ELI were able to unlawfully obtain private financial information is surely relevant given that is what Cs allege in this example.	Amendments refused on the grounds advanced by Associated.

Annex to the POC	<a href="#"><u>Annex to Draft Amended PoCs</u></a>	Category 3 – activities at other newspapers. Associated opposes the entirety of the content of the Annex.	Cs rely on facts and matters in the evidence deployed in other litigation to support their case on the unlawful activities of the pleaded TPis  It is relevant generic evidence which will assist the court make findings on individual PIs and issues in dispute in the individual claims	Ditto. Amendments refused.
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## Part 2: ANNEX TO THE DEFENDANT’S SKELETON ARGUMENT DATED 25.9.25

Save where otherwise identified below, this Annex identifies material within the Amended Replies in each Claim which falls within any of categories 1-6 within ANL’s strike out application dated 10 September 2025.

1. All Claims		
Para	Text	Comment
2 d.	For example, no answer is given as to what lawful activities were carried out by TDI/ELI (a private investigator <del>which has already been held and admitted by other newspaper groups who instructed them on an equally regular basis to have obtained information illegally or unlawfully</del> ) on behalf of the numerous Associated journalists who commissioned them during the period, or the basis on which these payments for unlawfully obtained information were authorised by senior journalists or executives.	Category 3
2 e.	Similarly, no proper or cogent basis is given as to what lawful activities Christine Hart, the blagger who specialised in obtaining medical and other highly sensitive personal information ( <del>and has also already been held and admitted by other newspaper groups who instructed her or her aliases on an equally regular basis to have obtained information illegally or unlawfully</del> ), was commissioned by Associated’s journalists to carry out on their behalf.	Category 3
2 f.	... the Re-Amended Defence fails to provide any explanation as to why it completely failed to disclose any payments at all to some ( <del>such as</del> Ms Hart and her alias Warner ‘Detective’ Agency who was commissioned by them until 2018, long past the so-called ‘April 2007 ban on search agents’ which the Inquiry was told on oath that Mr Dacre had imposed), or only selectively or partially disclosed others (excluding payments <del>for example</del> to ‘Detective’ Danno Hanks personally or his alias ‘Backstreet Investigations’, as well as Jonathan Stafford personally or his alias ‘Jonathan Stafford Limited’)...	Category 6
7 e.	<del>the deliberate destruction of incriminating evidence of the Unlawful Acts whether through the application of its so-called “Routine Deletion Policies” or otherwise (or so it is to be inferred pending disclosure).</del>	The full paragraph is inadequately pleaded as to a case on deliberate destruction and falls to be struck out on that basis: see ANL’s skeleton argument above, para 44.

		References to “pending disclosure” to be removed.
16 a.	Associated knew that it had commissioned a number of private investigators who committed Unlawful Acts. <del>For example,</del> Christine Hart ( <del>including</del> under her aliases Warner Detective Agency and Warner News), a blagger and specialist in extracting confidential medical information, was commissioned by Associated until at least 2018, even during the course of the Inquiry. It also commissioned the private investigator, TDI/ELI (and it is to be inferred its successor company, BDI), which specialised in illegally obtaining telephone information such as call records, ex-directory numbers and the telephone numbers and details of friends and family frequently called. Notwithstanding Associated being well aware of the unlawful nature of the work undertaken by these private investigators, it failed to disclose these facts and information to the Inquiry.	Category 6
16 b.	Associated knew that the so-called ban on the use of “inquiry agents” (which the Claimant understands to mean a ban on using private investigators, blaggers or similar third parties) after 2007 which Mr Dacre claimed he had imposed in his sworn evidence was also false. <del>For example,</del> Associated failed to disclose to the Leveson Inquiry:	Category 6
16 c.	Associated knew that there were further payments to private investigators in the period up to 2007, and afterwards, that were not captured within the Ledger Cards ( <del>whether</del> individuals <del>such as</del> Christine Hart or Jonathan Stafford, or <del>some of</del> their aliases, <del>such as</del> Warner Detective Agency or Danno Hanks’ Backstreet Investigations), and which were therefore not disclosed to the Inquiry in breach of its obligations under the Inquiries Act 2005. By failing to disclose such payments to the Inquiry, Associated deliberately concealed the true extent of its use of private investigators either in respect of the dates of their engagement or even their use at all.	Category 6
17	Associated has deliberately sought to further conceal its wrongdoing through the aggressive denials of any Unlawful Acts in published statements, press releases and responses to allegations made against it, denials which to this day continue to be actively pursued <del>for example:</del>	Category 6