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Case Nos: BL-2021-001016, BL-2021-001065, BL-2021-001096
BL-2022-000008, BL-2022-000154

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
BUSINESS LIST (ChD)

Royal Courts of Justice
The Rolls Building
Fetter Lane
LONDON
EC4A 1NL

Monday, 16 March 2026

Before :

MR JUSTICE FANCOURT

BETWEEN:

- (1) PAUL SCULFOR
(2) MELANIE CANTOR
(3) MURRAY HARKIN
(4) CAMILLA SACRE-DALLERUP
(5) PATRICK COX

Claimants

- and -

MGN LIMITED

Defendant

Mr Hugh Tomlinson KC, Ms Kirsten Sjøvoll and Ms Hayley Webster (instructed by Hamlins LLP for the First Claimant, Thomson Heath Jenkins & Associates for the Second Claimant, Taylor Hampton for the Third and Fourth Claimants, and Harbottle & Lewis for the Fifth Claimant)

Lord Wolfson KC and Mr Richard Munden (instructed by RPC) for the Defendant

Hearing dates: 26 (pre-reading), 27-30 January, 3, 5, 6 February 2026

APPROVED JUDGMENT
(circulated to the parties on 9 March 2026)

This judgment was handed down via remotely at 10.00 am on 16 March 2026 by circulation to the parties or their representatives and by release to the National Archives.

Mr Justice Fancourt:**I. Introductory**

1. On 20 November 2024, I ordered that there should be a trial of a single preliminary issue in selected claims in the Mirror Newspapers Hacking Litigation (“MNHL”). That preliminary issue is concerned with whether each of the sample claims is statute-barred under the Limitation Act 1980, with the consequence that, even if all the allegations of phone hacking and other unlawful information gathering (“UIG”) were proved, the claims would have to be dismissed because they were brought outside the period that the law allows for such claims.
2. The reason for directing the preliminary issue in these claims was that there remain dozens of claims in the fifth wave of the MNHL that have not yet settled because the parties are unable to compromise on the question of whether the Defendant (“MGN”) will succeed on its pleaded limitation defence. Although I addressed the limitation issue in some detail in my judgment in Duke of Sussex v MGN Limited [2023] EWHC 3217 (Ch) (“*Sussex v MGN*”), the relevant facts of the remaining cases are somewhat different from the facts of the two claims in that trial where limitation was in issue, and therefore possibly materially different so far as the application of the law is concerned.
3. The preliminary issue is narrower than the question of whether each of the 5 sample claims selected for trial is statute-barred. That is because the Claimants accept that their claims were brought outside the primary 6-year limitation period and are therefore statute-barred unless section 32(1) of the 1980 Act (“s.32”) applies. So the Claimants must prove that the running of the limitation period was deferred by the deliberate concealment of MGN’s wrongdoing, within the meaning of s.32, until a time after the date six years before they did in fact issue their claims (which I will refer to in each case as “the Relevant Date”).
4. S.32 provides, so far as material to this case:

“(1) ... where in the case of any action for which a period of limitation is prescribed by this Act, either –

 - (a) the action is based upon the fraud of the defendant; or
 - (b) any fact relevant to the plaintiff’s right of action has been deliberately concealed from him by the defendant; or
 - (c) the action is for relief from the consequences of a mistake;

the period of limitation shall not begin to run until the plaintiff has discovered the fraud, concealment or mistake (as the case may be) or could with reasonable diligence have discovered it.

(2) For the purposes of subsection (1) above, deliberate commission of a breach of duty in circumstances in which it is unlikely to be discovered for some time amounts to deliberate concealment of the facts involved in that breach of duty.

....”

5. The preliminary issue was directed in the following terms:

“whether the claim is statute barred by reason of the expiry of the postponed limitation period under s.32 of the Limitation Act 1980”

but the crux of the issue is whether each Claimant knew, or could by the use of reasonable diligence have discovered, by the Relevant Date, facts that MGN accepts that it concealed from them sufficiently to appreciate that they had a worthwhile claim.

6. I explained in my judgment in *Sussex v MGN* at [1401]-[1421] why that does not require a claimant to know or be able reasonably to discover all the facts that have been concealed, but only facts sufficient to make them appreciate that they have a worthwhile claim, as that concept was explained in the decision of the Court of Appeal in *Gemalto Holding BV v Infineon Technologies AG* [2022] EWCA Civ 782; [2023] Ch 169 (“*Gemalto*”). It is at that point that the limitation period starts to run and a claimant then has 6 full years in which to investigate further, collect evidence and decide whether to issue their claim.

7. At [1422], I said:

“Important questions, in the case of an individual claimant, are therefore likely to be some or all of the following:

- (i) Did the claimant conclude that someone other than MGN was responsible for the wrongful disclosure of the private information?
- (ii) Did the claimant in consequence cease to pay attention to how her injury was caused or to investigate further?
- (iii) Was her error caused by MGN’s concealment?
- (iv) What level of attentiveness to publicity about phone-hacking or the cause of her injury is it reasonable in the circumstances to expect the claimant to have had?
- (v) Was there anything of which the claimant became aware that put her on notice that she should investigate or inquire further?
- (vi) Was there something to which the claimant should reasonably have been attentive that would have put her on notice to investigate or inquire further?
- (vii) If the claimant was not misled, or ceased to be misled, what publicity can a reasonably attentive claimant actively seeking to investigate her losses be expected to have been aware of?”

8. Those questions had regard to the issue of whether a claimant was misled by the content of any publication or public statement made by MGN into believing that a friend or a member of their family, or some other individual, whether known to them or not, was the source of the private information that was published. However, the two claimants in *Sussex v MGN* who had to meet a limitation defence were not in fact relevantly misled by anything published or said by MGN.

9. The 5 Claimants in this trial were selected because their claims revealed some or all of the following characteristics or circumstances, which were considered to be typical of a number of the remaining fifth wave claims:

- (i) Claiming to have been misled about the source of the published private information by what MGN's journalists wrote in the publication, or by what MGN's officers, editors or managers said publicly about UIG (Mr Sculfor, Ms Cantor, Ms Sacre-Dallerup);
 - (ii) Being managers, agents or friends of the person about whom an article was written, rather than the subject of the article themselves (Ms Cantor, Mr Cox);
 - (iii) Living abroad during the years leading up to the Relevant Date for their claim, or for part of that time (Mr Sculfor, Ms Sacre-Dallerup);
 - (iv) Claiming to have relied on legal advice in not bringing a claim sooner, or to have been informed by the Metropolitan Police Service ("MPS") that their name or telephone details were not visible in evidence obtained by the MPS in Operation Golding (Mr Harkin, Ms Sacre-Dallerup).
10. It is expected that the obstacle to settlement in all remaining cases will be removed by a final decision in these five claims on how s.32 applies in such cases.
11. It is unnecessary for me to repeat in this judgment my detailed summary in *Sussex v MGN* of the law under s.32 (at [1384]-[1400]), and how that law applies to claims of the general type brought by the claimants in that case and by these Claimants (at [1401]-[1420]).
12. I noted in that judgment that the claims in issue were pleaded as encompassing all occasions, known or unknown, on which voicemail interception ("VMI") occurred, or private information about the claimants was blagged or otherwise unlawfully obtained, and that no subtle distinctions were asserted by any party in the application of s.32 to any particular occasion of UIG, depending on its precise facts, or depending on whether an instance of UIG led to publication of an article or not. The same is true in the case of these Claimants, though it is notable that in two cases, those of Ms Cantor and Mr Cox, no article was written about them, but only about their clients and close friends.
13. I also observed that the claimants in *Sussex v MGN* advanced no evidential case that, by seeking basic legal advice or conducting internet research at any stage, they could not have discovered sufficient facts to realise that they had worthwhile claims against MGN. These Claimants do advance such a case, and they contend that neither the information publicly available nor what a competent solicitor would tell them would have disclosed that they had a worthwhile inferential claim of VMI or UIG. Indeed, they go further and seek to establish the following: that each Claimant other than Mr Harkin (who did seek legal advice) would either have been refused an initial interview by a solicitor, on the basis that there was nothing to suggest that they had been a victim, or, after an interview and some preliminary research, would have been told that they had no claim, absent evidence like an MPS notification capable of proving that they were probably a victim, or other exceptional circumstances.
14. This was referred to by the parties as the Claimants' "counterfactual case", namely that even if they had been put on notice to inquire, their reasonable inquiries would have told them that they did not have a worthwhile claim at all.

15. In *Sussex v MGN*, I stated at [1421] the right approach in principle to deciding the limitation issue on the facts of any given case where MGN has concealed its wrongdoing:

“Having discussed the applicable principles, I now summarise what seems to me to be the right approach in principle to deciding this issue on the facts of any given case, where MGN has concealed its wrongdoing:

- i) Subject to the generous primary limitation period, the law requires a claimant to be reasonably attentive and proactive in looking for a remedy because she has suffered a wrong, to her knowledge, and has not received compensation or other satisfaction in respect of it.
 - ii) Such a claimant cannot sit back and do nothing, then start to investigate many years after the event and belatedly bring a claim for damages if a reasonably attentive claimant in her position (but ignoring her personal characteristics) would have been on notice of a need to investigate more than six years previously.
 - iii) What a reasonably attentive person in the claimant’s circumstances would have become aware of is deemed to be known by the claimant, and may be sufficient to put her on notice that she should investigate. If so, she will be fixed with constructive knowledge of what reasonable investigations pursued with reasonable diligence at that time would have revealed.
 - iv) In such cases, time will start to run at the first time when reasonable investigations would have shown that the claimant had a worthwhile claim against MGN.
 - v) However, if a claimant is misled by MGN into believing that there is a different cause of her loss (“cause 1”) and that deception reasonably leads her to cease to pursue the matter, the claimant may not be expected to remain as attentive to another possible cause (“cause 2”) as a claimant who has not been misled, though she is nonetheless required to remain as attentive as is reasonable in the particular circumstances.
 - vi) Such a misled claimant will nevertheless be on notice again of a need to investigate when she learns (or can reasonably be expected to have become aware of) something that suggests that she might have been misled, or might have been wrong to believe in cause 1.
 - vii) If on the facts no such deception led to a quietus in the claimant’s mind on the question of wrongdoing, a claimant is deemed to remain as attentive as any victim who desires to discover how their injuries were caused and who was to blame.”
16. That summary was in the context of claims where the relevant claimant knew that they had suffered a wrong, because their private information had been obtained and published by MGN without their consent. If a claimant does not know that they have suffered a wrong, because the wrongdoing is concealed from them and they could not with reasonable diligence have discovered that fact, then time does not start to run. That distinction arises in some of these claims, where Ms Cantor and Mr Cox contended that, as their private information was not published, they could not with reasonable diligence have discovered that they were a target of VMI and UIG.

17. The 2 claimants in *Sussex v MGN* in whose cases I decided the limitation issue sought to appeal my decision on various grounds, but essentially on the basis that my analysis and application of the relevant law was wrong. Permission to appeal was refused by the Court of Appeal on 17 May 2024. It was not suggested in argument in this case that any subsequent decision of a superior court has changed the law or the correctness of the approach that I set out in my judgment. I shall therefore apply the law and the principles that I summarised there to the facts of these 5 claims.
18. Mr Hugh Tomlinson KC, who appeared with Ms Kirsten Sjøvoll and Ms Hayley Webster on behalf of the Claimants, submitted that there were essentially 3 matters in issue in the case of each Claimant:
- i) Was there something in the nature of a “trigger” event to put the Claimant on notice that they should investigate possible wrongdoing by MGN?
 - ii) If the Claimant was triggered, what information would a reasonable investigation have revealed about MGN’s wrongdoing [by the Relevant Date]?
 - iii) Would that information be sufficient to indicate a “worthwhile claim”?

The “investigation” may or may not include active steps, depending on the circumstances and what was already known. It might simply involve paying attention to the developing news story. It could include asking friends or colleagues, doing research on the internet or going to a lawyer for advice. But the Claimants contend that what could be found on the internet by the Relevant Date would not have been sufficient to indicate a worthwhile claim in any of their cases.

19. It is not in dispute that, if there was something to put a Claimant on notice to investigate (i.e. a “trigger”), by using reasonable diligence on or after September 2014 the Claimant could readily have discovered by the Relevant Date that there were credible allegations of voicemail interception and obtaining call data by deception at MGN, and that as a result it was possible that they might have been victims of such wrongdoing. The remaining and crucial question in those cases is therefore whether the Claimant could have discovered a link between those allegations of wrongdoing (indeed, admissions as from September 2014) and their own private information, i.e. some factual basis for considering that there was not just a possibility that they were a victim but that there was a “real possibility” of a worthwhile claim.
20. Mr Harkin’s position is different from the other four Claimants in that there is no dispute that he strongly felt, at various times before the Relevant Date, that he was likely to have a good claim against MGN. He did not bring a claim before the Relevant Date because he sought advice from a solicitor in 2012 and another solicitor in 2014-2015, and was advised that he did not have a sufficiently strong case to merit bringing a claim.
21. The four Claimants other than Mr Harkin dispute that they had knowledge of the relevant facts relating to their claim or that there was a trigger event that put them on notice to investigate. If, contrary to their case, there was a sufficient trigger, the Claimants contend that, as ordinary lay people, in order to understand whether they had a worthwhile claim to bring, they would have had to go to a solicitor for advice, and that that advice in each case would have been that they did not have a claim that was worthwhile. What crucially is missing, they submit, is some link between MGN’s unlawful phone hacking activities

and their private information, some factual basis for their having an arguably valid claim that would be cogent enough, if pleaded on an inferential basis, to withstand a strike out or summary judgment application and so be a “worthwhile claim”, as explained in Test Claimants in the FII Group Litigation v Revenue and Customs Commissioners [2020] UKSC 47; [2022] AC 1 (“*FII*”) and *Gemalto*.

22. Accordingly, the Claimants seek to advance a positive case, as they need to, that they could not with reasonable diligence have discovered the essential facts deliberately concealed from them by the Relevant Date, namely that MGN may have targeted them for voicemail interception or other UIG activities.

II. The Claimants’ case on the law

23. There is no dispute as to the relevant legal context (which I have summarised above) or as to the principles that establish how the law is to be applied.
24. As explained in *Gemalto*, there is no single formulation of what it is that amounts to sufficient knowledge (actual or constructive) of the concealment of relevant facts, such as to start time running. In *FII*, Lord Reed PSC and Lord Hodge DPSC, at [193], identified two different formulations – (1) knowledge “with sufficient confidence to justify embarking on the preliminaries to the issue of a writ, such as submitting a claim to the proposed defendant, taking advice and collecting evidence”, and (2) discovering sufficient facts to “recognis[e] that a worthwhile claim arises” – which, they said, were no different in substance, and both were accurate formulations and mutually enlightening. In *Gemalto*, the Master of the Rolls said that he considered that there was little difference in practice between the *FII* test and the old “cause of action” test, that is to say, being able to plead sufficient facts to establish a cause of action that was not deficient and liable to be struck out.
25. In BAT Industries v The Commissioners of Inland Revenue [2025] EWCA Civ 1271 (“*BAT Industries*”), which is a later stage in the *FII* litigation and also therefore a case involving mistake of law, the Court of Appeal confirmed that none of these formulations is to be equated with having a good prospect of success, let alone thinking that the claim was going to succeed. The Court considered that the simplest and clearest explanation of what is meant by having a “worthwhile claim” was what was said by Lords Reed and Hodge in *FII* at [178]:

“... the time by which a reasonably diligent person in the position of the claimant ... could have known of a previous mistake of law, *to the extent of knowing that there was a real possibility that such a mistake had been made, and that a worthwhile claim could therefore be made on that basis...*”
[emphasis added by the Court]

This was stated to be something more than “a claim that is worth investigating”.

26. Mr Tomlinson KC relied on other dicta in *BAT Industries* and on the decision in AB v Ministry of Defence [2013] 1 AC 78 (“*AB*”), a case on s.14 of the 1980 Act, to support his argument that the Claimants needed to have advice that they had a worthwhile claim before they could know that they had a worthwhile claim.

27. Having referred to [178] in *FII*, Andrews LJ, who gave the only reasoned judgment in *BAT Industries*, with which Nugee and Snowden LJ agreed, said that a potential claimant:

“... would not have good grounds for supposing that it had a valid claim if it was told by an Appropriate Adviser that the argument was hopeless or that such a claim was vulnerable to being struck out.” [54]

“... It is self-evident that in order to discover whether there was a real possibility that a payment of tax was made under a mistake of law, or that the basis for the payment was legally questionable and thus recognise that a claim would be worthwhile pursuing, or to feel confident enough about it to embark upon the preliminaries to litigation, one would need to take legal advice from a suitably qualified lawyer or lawyers. That would be part and parcel of the exercise of reasonable diligence.” [55]

28. Andrews LJ summarised the position at [59] and [60], as follows:

“In determining whether the well-advised multi-national *could* have discovered with reasonable diligence that there was a worthwhile claim, or (to use the alternative formulation) whether it *would* have had sufficient confidence in a prospective ACT Challenge or DV Challenge to embark upon the preliminaries to litigation, it was necessary to investigate what (initial) legal advice it *would* have received at the relevant time from an appropriately qualified advisor or advisors who were sufficiently expert and competent to be able to provide it ... and therefore what the claimant *would* have known in consequence of taking that advice.

As the Supreme Court recognised, that in turn would depend on what such an adviser would have known and believed about the state of the law, and what the state of professional thinking both among academics and practitioners was *at that time* ...”

29. It is however important to bear in mind that, in a claim of this kind, where s.32(1)(c) of the 1980 Act is relied upon, the essential facts are that a payment was made by mistake, the mistake being a misappreciation of the applicable law. A claimant cannot know that they have a worthwhile claim of that kind without knowledge of the state of the law at the relevant time, and, if they are not an expert lawyer, they would have to seek legal advice about the law. The initial legal advice would have been as to the state of the law at the relevant time, though the client might well have received advice about the merits of its claim at the same time.
30. The position is not equivalent where what is being relied upon is concealment of relevant facts. Indeed, on general principles, it would not be possible for a claimant to maintain that facts that they knew or could with reasonable diligence have known remained concealed because they did not appreciate that the facts gave rise to a cause of action. It is not in principle necessary for such a claimant to obtain legal advice to the effect that they have a viable claim in law before they could reasonably appreciate, for the purpose of s.32, that they have a worthwhile claim.

31. In *AB*, the Supreme Court held that knowledge of facts for the purpose of s.14 of the 1980 Act had to be a belief held with sufficient confidence to justify embarking on the preliminaries to issuing proceedings, which would include taking legal advice, but that the date of first consultation with a lawyer was not a useful guide to the date of knowledge. The Court had to address a long-standing controversy as to whether legal advice could be taken and obtained before the date of knowledge had arrived, and it held that that could be the case, but that often an inference to the contrary may be justified.
32. Section 14(1) of the 1980 Act provides:

“(1) In sections 11 and 12 of this Act references to a person’s date of knowledge are references to the date on which he first had knowledge of the following facts – (a) that the injury in question was significant; and (b) that the injury in question was attributable in whole or in part to the act or omission which is alleged to constitute negligence, nuisance or breach of duty; and (c) the identity of the defendant; and (d) if it is alleged that the act or omission was that of a person other than the defendant, the identity of that person and the additional facts supporting the bringing of an action against the defendant; and knowledge that any acts or omissions did or did not, as a matter of law, involve negligence, nuisance or breach of duty is irrelevant.”

I draw attention to the tailpiece of the subsection, which is consistent with the general principle relating to ignorance of the law to which I referred above.

33. Section 14(3) provides that a person’s knowledge includes knowledge that he might reasonably have been expected to acquire from facts ascertainable with the help of medical or other appropriate expert evidence that it was reasonable for him to seek.
34. Mr Tomlinson said that a case on s.14 could assist, by analogy, since sections 11 and 14 were said in *FII* to have the same rationale. He emphasised that *AB* therefore establishes that taking expert (legal) advice may be something that has to happen before a claimant has the relevant knowledge of a worthwhile claim, and that the fact of seeking legal advice cannot be relied on as an indication that time has already started to run.
35. However, it is important to note in that regard two paragraphs of the judgment of Lord Walker of Gestingthorpe, who was in the majority. His Lordship said at [52]:

“In *Halford v Brookes* [1991] 1 WLR 428, 434, Russell LJ rejected the suggestion that other ‘appropriate legal advice’ included legal advice. One of the most important changes, when the Limitation Act 1963 was replaced by the Limitation Act 1975, was to get away from the claimant needing to know about the technicalities of different causes of action. In general, legal advice is not a prerequisite to knowledge within the meaning of the 1980 Act (though this must be qualified in some cases within section 14A concerned with questionable advice on technical matters such as financial services and pensions: *Haward v Fawcetts* [2006] 1 WLR 682, paras 59-62, 113-117.”

36. His Lordship then adverted to the different purposes that a visit to a solicitor may have (in the context of personal injury claims) and stated, at [58]:

“... there is a distinction in principle between a claimant’s knowledge (actual or constructive) that he has a real possibility of a claim (Brooke LJ’s second point in *Spargo*), and the assembly by the claimant and his legal team, with the help of experts, of material justifying the commencement of proceedings with a reasonable prospect of success. Of all the difficulties in this anxious appeal, the biggest difficulty of all, to my mind, is in the practical application of this abstract distinction between knowledge of the ‘essence’ of a claim and the evidence necessary to prove it to the requisite legal standard.”

Wherever the dividing line between facts and evidence lies, it is clear that what is required is actual or constructive knowledge of a real possibility of a claim.

37. Accordingly, if the case law on s.14 is applicable by analogy, as Mr Tomlinson argued, I do not consider that it assists the Claimants to establish that, in order to know that a worthwhile claim existed, they needed to have received positive legal advice on the merits of their intended claim, or indeed have the evidence to prove it. Time starts to run when a claimant could with reasonable diligence have found out enough to realise that there was a real possibility of a good claim (i.e. a “worthwhile claim”), not when they were first advised that they had a good claim, much less a claim on which particular solicitors were willing to act for them. What is critical is some factual basis for a Claimant reasonably to conclude that they were potentially a victim.
38. The fact that legal advice on the merits is not needed does not mean that going to a solicitor is not a reasonable way of obtaining promptly further information about the MGN litigation that would enable a Claimant to make the link between MGN’s wrongdoing and their personal experience. While some individuals and most substantial companies may be well able to research the matter themselves, other individuals might well need some help to see the link, or to understand what the generic evidence assembled so far showed that MGN’s journalists were doing or how they did it. That is a quite separate matter from whether a Claimant has the evidence with which to prove their case, or had such a strong case such that a particular firm of solicitors was willing to take the case on at that time, whether on a conditional fee agreement (“CFA”) or otherwise.
39. I shall deal next with the circumstances of the individual claims, summarising the relevant facts, and address the question of whether each Claimant knew, or was on notice to inquire into, the necessary essential facts. I then address in Section VIII the counterfactual case of the Claimants. In Mr Harkin’s case, which is rather different, the relevant facts relate to the extent of his knowledge at the time when he sought advice, and whether the advice that he received meant that he did not have a worthwhile claim.

III. The facts of Mr Sculfor’s claim

40. Mr Sculfor is a fashion model and actor. He first obtained a public profile as a male supermodel in the 1990s, appearing regularly in fashion magazines, modelling for the top fashion brands, and being in films and television series as an actor. He moved to live in the United States in 2000, returned to the UK in 2004, then lived in California and New York between 2006 and 2013, when he returned again to the UK.

41. His public profile increased in 2007 when he was in romantic relationships, first with Jennifer Aniston, and then in 2008 to 2009 with Cameron Diaz. As a result, he received considerably more attention from the UK tabloid newspapers.
42. The Mirror Group articles about which he complains, as they contain his private information without his consent, date from 7 June 2007 to 11 January 2009. These relate to the fact and state of, and events and private discussions during, his relationships with Ms Aniston and Ms Diaz.
43. Mr Sculfor's claim, which was issued on 15 June 2021, is pleaded on the basis of: his being of considerable interest to MGN's newspapers, because of who he was and his relationships; his regular use of mobile telephones and voicemail during the period 1996 to 2011; his substantial list of well-known associates; unusual mobile telephone and voicemail activity; and the unexpected appearance of photographers and journalists at secret locations. The evidence pleaded includes MGN call data to one associate (Clare Staples), one call to Mr Sculfor's landline from MGN, a number of PI invoices and contribution requests with his name and those of his associates on them, the appearance of names and telephone numbers of several associates in the Palm Pilots of Mr Buckley and Mr Scott, and in the contacts list of Mr Thomas. Nine published articles are pleaded as being examples of misuse of Mr Sculfor's private information "through the accessing of voicemail messages and/or the blagging or unlawful obtaining of personal information relating to him".
44. Mr Sculfor confirmed that he read all but one of the articles at the time of publication.
45. The first article attributed information about his relationship with Ms Aniston to his father and another supposed relative, Keith, who Mr Sculfor confirmed does not exist. He said that he challenged his father about being the source, which his father denied, but nevertheless he suspected him. Their relationship suffered as a result. Mr Sculfor did not appreciate at the time that the same information, in substance, had been published in two other tabloids the previous day. He thought that the attribution to "Keith Sculfor" might indicate that a distant relative had been tracked down.
46. Mr Sculfor said that the information in the second article, by its nature, now appeared to have come from him. He thinks that he would have said something similar in a voicemail, which is disturbing. He feared that his father might have said something to his uncle Bill, who was identified as a source. Mr Sculfor was disturbed that the Press appeared to be targeting his family.
47. The third article was again preceded by publication in other tabloids, but Mr Sculfor did not know that. One source was said to be a friend of Ms Aniston, but there was other personal information about Mr Sculfor. He suspected other acquaintances of being the source of this, perhaps from an addiction therapy group that he attended at the time. The fourth article, which only revealed the whereabouts of Ms Aniston and did not describe the source, left him confused and anxious about what was happening. He said that the pressure caused by these publications caused the break-up of his relationship with Ms Aniston.
48. Article 5 provided no attribution for the information about Ms Diaz and Mr Sculfor dating, but Mr Sculfor suspected two close friends, though he could not be sure it was

them. The publication made him paranoid and upset, though it could easily have resulted from a casual celebrity spotting on the West Hollywood shopping trip.

49. Article 6 attributed the news that Ms Diaz was to visit Mr Sculfor's parents to his telling "envious mates", and a quotation from a "close friend". Mr Sculfor said that only his parents and two close friends knew about the visit, though there were two other possible friends from the therapy group who also knew. He tried to figure out who was responsible but never got a satisfactory answer. He said it was the nature of the private information, not what the article said about the source, that led him to be suspicious of his friends, though his father was also a possible source.
50. Similarly, Mr Sculfor said that he only told a small number of people the information contained in article 7, which was attributed to "an insider". He was suspicious of one member of the addition group, in particular, but didn't know who had leaked the information. He said that Ms Diaz was suspicious of him, and that the publication had a significant effect on their relationship.
51. Article 9 attributed the information about the private karting session to "an onlooker", which Mr Sculfor did not believe. He suspected the son of the owner of the track, who was a friend.
52. Overall, he accepted that he did not know who the information was coming from but was aggrieved at the impact that the publications had, partly because he was wrongly suspected by his girlfriends of leaking the information.
53. During the same time as the articles were written about him, Mr Sculfor experienced voicemails that people said they left for him but which were not there, or ones that had been read, but not by him, and calls that he thought at the time were prank calls, made by people who hung up, or one who asked for "Jose". In his witness statement, Mr Sculfor said that he did not think deeply about this, but in cross-examination he said that it troubled him so much that he stopped giving out his telephone number as a result. He said that photographers turned up in all sorts of improbable places, such as outside the gym.
54. It is clear enough, and I find, that Mr Sculfor was misled to some extent by the content of the articles and what they said about the source into believing that someone disloyal had leaked information to the journalists, rather than the true source being (as is assumed for the purposes of this trial) UIG of one kind or another conducted by journalists. He made accusations against his family and friends on that account. He would not have suspected his father or Uncle Bill if they had not been named. Otherwise, the reference to "mates" being a source, and what he knew about who knew the information in question, led him to suspect his friends. He only disbelieved what was stated when it was wholly implausible (eg that an onlooker saw him at the racetrack). While Mr Sculfor did not reach a final conclusion on who was to blame, he did not continue to suffer the same invasions of his privacy after breaking up with Ms Diaz.
55. Re-living the events of 2007-2009 in the witness box understandably caused Mr Sculfor some emotional reaction, but otherwise he appeared to me to be a phlegmatic sort of person who, once the temporary trauma was over, got on with his life. Neither Ms Aniston nor Ms Diaz brought a claim in respect of the articles on which Mr Sculfor relies, so there was no prompt of that kind to cause him to continue to investigate. There is no

evidence that the unwanted attention of MGN's journalists or News Group journalists continued after 2009.

56. Mr Sculfor lived in New York for a time, as well as in California, and then returned to England in 2013. He accepted that he heard a little about the big headlines associated with the phone hacking scandal, had heard of Leveson and an actor (Hugh Grant) who was taking on the Press, and recalled the arrest of Rebekah Brooks, but not what happened thereafter. Given the timing, it is probable that he heard most of these headlines in the United States before his return to England. He heard nothing about the developing story of MGN's unlawful conduct, or the Gulati v MGN Limited [2015] EWHC 1482(Ch) ("*Gulati*") trial in 2015. He had no particular interest in it or reason to be interested, as far as he knew. He did not discuss any of these matters with anyone.
57. MGN urged in submissions that there was nothing to differentiate Mr Sculfor's case from that of Ms Sanderson in the *Sussex v MGN* trial, who I found should have been paying more attention to the developing stories of Press misconduct between 2011 and 2014, given the extent of the unexplained wrongdoing that she had suffered. She would, if she had done so, have picked up enough to cause her to consider whether the source of MGN's 37 articles about her, and the reason for the endless surveillance of her, was not likely to be UIG by MGN. In her case, apart from the specific trigger event of the conversation with the Hollyoaks press officer, I held that the admissions made by MGN to the *Gulati* trial claimants in September 2014, if nothing before then, would have put Ms Sanderson on notice to ask questions about what she had suffered from MGN's newspapers over the years.
58. I do not agree that Mr Sculfor was in an equivalent position. Unlike Ms Sanderson, who read none of the published articles and so could not have been misled by MGN's concealment, Mr Sculfor was misled, in part but materially, into thinking the source of the leaked information was a member of his family or a close friend. He made enquiries, was faced with denials, and could not find out the truth. As a result, relationships were broken. Mr Sculfor was not uncurious, he just had nowhere else to look for an answer to which of his family or friends had been responsible. He was therefore not, as Ms Sanderson was, constantly trying to figure out how it had happened.
59. It was reasonable therefore, given the operative deception, for Mr Sculfor not to remain as attentive to a different possible explanation as someone who has not been misled at all and who was still searching for an explanation. Mr Sculfor used social media and followed a number of regular media outlets, so heard some news. In those circumstances, there was no reason for him to follow more closely than he did developments in the developing phone hacking story, particularly when he was in the United States, where the primary storyline related to the Murdoch Press.
60. The facts of the publication of private information, the unexplained presence of photographers and odd telephone and voicemail activity are not in themselves sufficient (even in 2007-09) to put Mr Sculfor on notice that he should investigate the possibility of UIG activities. First, these activities were to a much lesser extent than the obsessive coverage and surveillance that Ms Sanderson suffered, and second, unlike both Ms Sanderson and Ms Wightman, Mr Sculfor was materially misled by MGN into believing that friends or family were to blame.

61. By the time that Mr Sculfor returned to the UK in 2013, the storyline was still News Group focused, though (as set out in full in the *Sussex v MGN* judgment) there was increasing coverage of wrongdoing associated with MGN. However, Mr Sculfor was not in fact aware of the MGN coverage: the headlines that he occasionally heard were related to the developing News Group story. He was not interested in it, and so he did not follow it. He was not aware of the *Gulati* trial.
62. As there was nothing sufficient to put Mr Sculfor on notice that he should continue to investigate, and no particular trigger came his way, reasonable diligence did not require him to pay close attention to the phone hacking story or to investigate at any point prior to the Relevant Date, 15 June 2015. It follows that he has established that he could not with reasonable diligence have discovered MGN's concealment of its (assumed) hacking or other UIG directed at him before the Relevant Date.

IV. The facts of Ms Cantor's claim

63. The case of Ms Cantor, who at the relevant times was an agent and publicist for famous people, also relied on misleading statements by MGN, said to have caused her not to investigate further whether she (like some of her famous clients) might have been a victim of phone hacking. This was a different type of deliberate concealment. No articles were published that contained Ms Cantor's private information – other than what was said between her and her clients and related to them rather than her – and Ms Cantor did follow the Leveson Inquiry, but she heard and said that she believed MGN's repeated denials of phone hacking by anyone at its newspapers.
64. Had the matter rested there, Ms Cantor might have had a similar case to that of Mr Sculfor as to why she was not on notice of wrongdoing. However, Ms Cantor was forced to accept that she followed the developing story of phone hacking at News Group and MGN (which included the arrest of her close contacts at the Mirror) very closely, and was therefore aware of the convictions, admissions of MGN and of the *Gulati* trial and judgment before the Relevant Date of 25 June 2015. Just as significantly, articles began to be published from July 2011 claiming that Ulrika Jonsson's phone had been hacked and that the scoop of the story of her romance with Sven-Göran Eriksson was obtained by phone hacking.
65. Ms Cantor said that she had a close professional and personal relationship with Ms Jonsson from 1991 to 2008, communicating every day for 17 years and being close friends and confidantes. She ceased to act as Ms Jonsson's agent in 2008. While, unsurprisingly, over time their relationship grew less close – as Ms Cantor first put it: “after that, slowly, slowly, because your lives go in a different direction, that relationship was not as intense at all” – it did not fall off a cliff, as Ms Cantor tried to give the impression that it did later in her evidence, when the significance of continuing contact with Ms Jonsson became apparent to her. Ms Cantor suggested, first by referencing something that she was unwilling to go into, which “caused a ruction between us”, but of which, oddly, she added that Ms Jonsson would not have been aware, and then by asserting that the common ground they shared ended (despite Ms Cantor being godmother to two of her children), that the close relationship between them was already coming to an end by 2008. She said that there was only occasional contact thereafter, “long periods without any contact at all”, and that they had not seen each other at all between 2017 and 2025.

66. I have no hesitation in finding that Ms Cantor would have been aware at the time of the revelations of Ms Jonsson's phone having been hacked, as she was closely following the phone hacking story, and Ms Jonsson had been very close to her, and that in consequence the two women would very likely have spoken about it, at or shortly after the time of the first article about Ms Jonsson being a victim, in July 2011, or at or shortly after the second article, in January 2012. The second was based on Richard Wallace's evidence to the Leveson Inquiry (he being then the editor of the Mirror), of which Ms Cantor would have been aware.
67. Ms Cantor's explanation of what was happening was that MGN was obtaining the primary information about Ms Jonsson by some unknown means (about which she and Ms Jonsson were perplexed) and that Mr Piers Morgan or a journalist would then telephone Ms Cantor to seek to verify (or as she put it, "whitewash") the story. Ms Cantor explained that she had a close working relationship of trust with Mr Morgan, and a close personal and working relationship with Tina Weaver, which meant that whoever else might have been being hacked by MGN, she was safe. She considered that Mr Morgan would have prevented anyone else at the Mirror from targeting her. In my judgment, if Ms Cantor really did think that at the time, she was naïve.
68. In any event, Mr Tomlinson conceded in his closing submissions that there was a trigger in Ms Cantor's case that put her on notice to investigate whether she had a worthwhile claim (to the extent that she did not know what the relevant facts relating to MGN's phone hacking activities were).
69. Ms Cantor's claim, issued on 25 June 2021, asserts that it is obvious that if Ms Jonsson was being hacked, Ms Cantor was also likely to have been hacked. That assertion was made with the benefit of 6 years' further knowledge, based on disclosure of evidence, that supports her claim. The submission in her case is that if, prior to 25 June 2015, Ms Cantor had gone to seek advice from a solicitor about whether she had a worthwhile claim, that link would not have been made and she would have been told that she did not have a claim, and that therefore she could not with reasonable diligence have discovered MGN's concealment at that time.
70. Given that Ms Cantor was closely following the phone hacking story, and knew that Ms Jonsson had been hacked and had made a claim, she probably already knew sufficient facts, had she considered the matter and done some appropriate research, to be able to conclude that she was likely to have a worthwhile claim herself, even if the hard evidence of the targeting of her was still buried. The fact that Ms Cantor may have misled herself into thinking that she was immune, so far as MGN was concerned, is not something that can be taken into account, as it was not a reasonable conclusion to reach. The *Gulati* judgment would have told her that phone hacking at MGN was widespread and habitual, and that persons, such as Mr Yentob, were targeted, not because they were of much interest themselves but because they had close connections with people in whom the tabloid newspapers were very interested.
71. If more information were needed about the *modus operandi* of MGN journalists and the use of PIs, and the generic evidence that had been assembled, a solicitor could easily have provided those background facts that would have formed the basis of an inferential case. Ms Cantor could easily have obtained information from Ms Jonsson too, even if the terms of the settlement were confidential.

72. Unless it was necessary for Ms Cantor to have had legal advice to the effect that she had a worthwhile claim, she knew or could readily have discovered enough of the relevant facts herself, by June 2015, to appreciate that she had a worthwhile claim.

V. The facts of Ms Sacre-Dallerup's claim

73. Ms Sacre-Dallerup is a life coach, hypnotherapist and author, who at the relevant time was a dancer who found fame and unwanted Press attention when she was working at the BBC in the first six series of *Strictly Come Dancing*, from 2004 to 2008. She won in 2008, dancing with Tom Chambers, but then left the television show before the 2009 series. She moved to California with her partner in January 2014 and had decided to stay there by June 2014, but for several years afterwards continued to spend significant time working in the UK, including on touring versions of *Strictly* and acting on stage.
74. In 2004, Ms Sacre-Dallerup was young and inexperienced in the media world. At the time she was in a long term relationship with another dancer also employed on *Strictly*, Brendan Cole. She did not have an agent or publicist to take care of publicity, no doubt because she did not expect to become of such interest to the media. It was clear from her evidence that she was emotionally overwhelmed by the invasive attention that she attracted from the outset. Her life seemed to be irresistible to the tabloid newspapers. The articles about which she complains started in June 2004, a month after the first series of *Strictly* was broadcast, and ended in November 2009.
75. Ms Sacre-Dallerup's claim, which was issued on 4 January 2022, is pleaded on the basis of: her being of considerable interest to MGN's newspapers because of who she was and her relationships; her regular use of mobile telephones and voicemail during the period 2004 to 2011; her associates, many of whom were also dancers or dance partners on *Strictly*; unusual mobile telephone and voicemail activity; and the unexpected appearance of photographers and journalists at private locations. The evidence pleaded includes call data to the phones of Ms Sacre-Dallerup and her associates, the fact that one of her associates' names was in James Scott's address book and Palm Pilot, and PI invoices indicating that on 20 occasions research or enquiries into Ms Sacre-Dallerup were commissioned by MGN journalists, as well as research or enquiries into her (mainly *Strictly*) associates on 58 occasions. Ten articles published by MGN are pleaded as examples of misuse of private information "through the accessing of her voicemail messages or other communications and/or the blagging or unlawful obtaining of personal information relating to her".
76. Ms Sacre-Dallerup confirmed that she read articles 2, 3, 4, 5 and 6 at around the time of publication, and recalled being made aware of the other 5 articles. In relation to a number of the articles, her pleaded case is that, as a result of what was said in the articles about the source, she believed that the information had been leaked by someone that she knew, or someone in the BBC Press Office, or in the case of the November 2009 article, by her manager. In cross-examination, she said that in some cases, the information obtained, or the presence of a journalist or photographer, was inexplicable to her; that she did not believe that real friends would have been leaking the private information; and that she did not suspect anyone specific. She accepted that it was the nature of the private information rather than attribution in the article that made her believe it must have been leaked by someone close to her, working on *Strictly*.

77. Ms Sacre-Dallerup's case is that there was nothing in the articles to put her on notice of any wrongdoing, as in each case there was a plausible alternative source, and in most cases a number of possible sources, and no other sufficient trigger at the time. Although strange telephone activity and doorstepping is, in retrospect, consistent with UIG, these matters were not appreciated at the time.
78. Article 1 (11 June 2004) published the fact of Ms Sacre-Dallerup's split with Mr Cole and a denial by Ms Kaplinsky's agent that she (who was dancing with Mr Cole on the show) was responsible for it. There is a comment attributed to a "show insider" that Ms Sacre-Dallerup was "paranoid when it comes to Brendan". Ms Sacre-Dallerup said that she was made aware of the publication but did not recall reading it. The same story in substance was published in The Sun and in the Daily Mail on the same day. Ms Sacre-Dallerup said that she was not sure of the source of the information but it could have been those around her.
79. Article 2 (16 October 2004) reported that Ms Sacre-Dallerup was romantically linked to her new dance partner, James Martin, with "friends" saying that the spark between them was electric. An event at a pub in Winchester at which Ms Sacre-Dallerup met his friends was reported, and a "TV source" said that the two had been spending lots of time together. Ms Sacre-Dallerup said that she recalls asking Mr Martin and the BBC press office if they knew the source, and that she was "mystified the whole time", as she thought that nobody knew. She did not suspect anyone in particular, or anything unlawful, but again believed that a real friend would not have leaked the story. The BBC Press Office led her to believe that this was to be expected on television.
80. Article 3 (27 November 2005) was over a year later. It reported the break-up of Ms Sacre-Dallerup's relationship with Mr Martin and her reunion with Mr Cole. This was attributed to "a source" and other information to "insiders", and Mr Cole himself was said to have said the previous week that he wished to re-start his relationship with Ms Dallerup. The story had in fact been published by the News of the World a week earlier, shortly after they had danced together at a different event, and by the Daily Mail a few days later, though Ms Sacre-Dallerup did not appear to know that at the time. She said she asked Mr Cole whether he had spoken to the Press and he said no. Her view at the time was that it could have been anyone who had leaked the story: she was uncertain but suspicious of the BBC.
81. Almost a year later, on 8 October 2006, The People published a similar story, no doubt because a new series of *Strictly* had recently started. The reunion with Mr Cole, which it seemed to confirm, was said to be a surprise to another boyfriend of Ms Sacre-Dallerup, and her supposed comments about him and about Mr Cole were published. "A source" gave various comments about how Ms Sacre-Dallerup and Mr Cole were conducting themselves between practice sessions and in the evenings. The article was in fact a rehash of an article published by the Sunday Mirror a week previously, but which is not one of the articles that Ms Sacre-Dallerup complains about, and so (I infer) did not know about. Ms Sacre-Dallerup said that she would have considered that the story came from someone close to her regardless of the reference to "a source", but accepted that there are lots of dancers present in rehearsals who could have seen them talking.
82. Article 5 (24 October 2007) reported a row in a bar between Mr Cole and a dance partner of Ms Sacre-Dallerup after a live show. "A source" reported on what could be seen, the dance partner's thoughts and Mr Cole's denial of being jealous. Ms Sacre-Dallerup had

in fact misread the article and originally thought it concerned a row between her and Mr Cole. She could not explain the error. She accepted, on reflection, that the article does not suggest that someone close to her had spoken to the Daily Mirror, and that there were probably many in the bar who could have seen what happened.

83. Article 6 (10 August 2008) reported a new romance of Ms Sacre-Dallerup with Mr Sacre, who is now her husband. The article states that they were both involved in a different show (“Underdog”) and had started turning up to showbiz events together, “kissing openly”. Commentary on their happiness together was attributed to “a friend of Camilla”. Ms Sacre-Dallerup recalled that they had been “outed” by The Standard previously. She believed that the information had come from someone on *Underdog*, based on what the article said, and accepted that they had not tried to hide their relationship.
84. Article 7 (21 September 2008) is an inconsequential story about Mr Cole standing up for Ms Sacre-Dallerup in rehearsals for *Strictly*. Ms Sacre-Dallerup said she remembered thinking “how did they know?”, as it happened in closed rehearsals.
85. Article 8 (5 November 2008) is an article about an accident suffered by Ms Sacre-Dallerup’s dancing partner at the time, Mr Chambers, and Ms Sacre-Dallerup could not remember if she suspected anyone in particular of leaking it.
86. Article 9 (26 January 2009) reports an outbreak of a vomiting bug among the cast of the *Strictly Come Dancing* tour. It records that Ms Sacre-Dallerup told “a pal” that everyone was worried and then attributes further comments about the show and people’s fears to “a source”. Ms Sacre-Dallerup did not even know if she said what was attributed to her and did not know what “pal” was referred to. She felt that it was probably incorrect.
87. Article 10 (8 November 2009) reported that Ms Sacre-Dallerup was set to star in the television show *I’m a Celebrity ... Get Me Out of Here!* and was flying to Queensland that week. She first said that she suspected her manager of leaking the news, but later said that she had not accused her manager, and that the insider quoted could be from management or from the show itself, she could not be sure.
88. Ms Sacre-Dallerup said that the overall impact of the articles was to cause her serious upset, though she did not suspect wrongdoing. She was “profoundly hurt and distressed” as a result of having to live through the break-up of her relationship with Mr Cole so publicly, and then have it brought up again in other articles. She accepted that some of these were articles in The Sun and the News of the World.
89. Ms Sacre-Dallerup was not significantly misled by the content of the articles that she did read. She did not accept that a “friend” would have passed on her private information but was either mystified by the source or considered that it was the Press Office, or in some cases someone close to her, because of the nature of the information. I find that she did not suspect unlawful conduct by those who wrote the articles, nor was she misled by the articles that she read into believing that it was from a close friend or other particular sources, but was left uncertain about how the information had been passed on.
90. That is material because, when in late 2013 or early 2014, Ms Sacre-Dallerup was encouraged to try to find out whether she was a phone hacking victim by contacting the Metropolitan Police Service (“MPS”), she was still in the position of not knowing how her private information had been made public, rather than believing that it was a friend

or colleague, or the Press Office, that had been indiscrete. That is no doubt why, on the advice of a friend, she made the enquiry of the MPS. She must have been desirous, at that time, of finding out whether unlawful actions were the cause of the distress that she had suffered.

91. Ms Sacre-Dallerup said that she did not watch the news or read a newspaper, and was not aware of the larger phone hacking story as it developed.
92. In a response to a Part 18 Request, Ms Sacre-Dallerup had confirmed that it was in Autumn 2013, when she was told by a *Strictly* colleague that they were doing the same, that she made enquiries of the MPS to see whether she had been a victim of UIG by MGN or others, and was told that she was “not on the list” and so was “put off the scent”. Nothing was said in the Response to either Part 18 Request about any enquiry made in 2014 or 2015. However, in her witness statement, Ms Sacre-Dallerup said that she may have been mistaken about the timing, and that it could have been the Spring of 2014 when she first contacted the MPS. That was doubtless because documents disclosed appear to show that contacts were first made on 30 April 2014.
93. On that date, DC Youngs of the MPS had spoken to a colleague of Ms Sacre-Dallerup’s agent, Ms Becca Barr, and asked to speak to Ms Sacre-Dallerup. DC Youngs followed that up with an email that same morning:

“As per our conversation I am hoping to speak to your client Camilla Dallerup. I am one of the detectives currently working on Operation Weeting (the phone hacking enquiry). Please can I ask that you contact Ms Dallerup on my behalf in order that she can make contact with me directly. This is not anything that she needs to worry about”

Contact details were provided.

94. That email was forwarded by Ms Barr to Ms Sacre-Dallerup the following day:
- “Hey lovely, so great to see you this morning!
See below. Operation Weeting is the well known phone hacking case. Whilst you are in the UK I definitely advise giving them a call so see what evidence they have found. If it’s worth pursuing then let’s have a chat.”
95. Ms Sacre-Dallerup replied a little over an hour later:
- “Just spoke to him nothing really just that my details address etc had appeared on a list 10 years ago but nothing else.”
96. In cross-examination, Ms Sacre-Dallerup confirmed what her email states, and said that she could not recall if she asked about the list in question, but did ask if she was on a list of people whose phones had been hacked and was told “there’s nothing here”. She said she found that odd, since DC Youngs had asked her to call him. She felt that DC Youngs was not telling her that she was a potential victim, and recalls that she felt that she did not have to worry about having been hacked. She agreed that she wanted to know the answer.
97. Ms Barr replied:

“Ah cool.. yes I have had dealings but one really does have to have a big case to make it worthwhile.”,

which is not really consistent with being told that there was nothing to see.

98. Operation Weeting was part of the investigation into phone hacking at the News of the World rather than MGN. Ten years before this exchange would have been 2004, at which time articles started to be published about Ms Sacre-Dallerup’s private life. DC Youngs had confirmed that Ms Sacre-Dallerup’s details and address (etc.) had appeared on a list from that time, but it did not seem to Ms Sacre-Dallerup to be significant.
99. In fact, it is clear that Ms Sacre-Dallerup was not at the time inclined to give the matter much of her time. In June 2015, she discussed phone hacking with a Christopher Parker, whom she knew from *Strictly* days, and he encouraged her to contact the MPS again about phone hacking. She accepted that either he or she must have thought that she was a likely victim. Mr Parker provided the Operation Weeting email address on 6 July 2015, and Ms Sacre-Dallerup sent the following email to it on 8 July 2015:

“Hi
I had a phone call from you a while back and I’m sorry to say so but at the time I didn’t take much notice of the conversation as I was in the middle of a theatre play. So I thought I would send an email to confirm whether my phone voicemail was hacked whilst I was part of *Strictly Come Dancing* between 2004-2008.”

DS Elwell replied saying that he would run checks again. Ms Sacre-Dallerup said that she was “double checking”, however I consider it likely that she recalled that she had been told that there was something there, but could not recall exactly what it was.

100. The following day, DS Elwell emailed as follows:

“Dear Camilla,
I have checked our system and can clarify that your details appear in the following way.
Your name and address in Wallington appear with your partner at the time Brendan Cole. This appeared on an Email sent on 5th January 2005 by Jules Stenson (editor at the News of the World) to Dan Evans (reporter at News of the World). This was considered to be a hacking list at the time however there was no telephone number shown for you that indicated that you were of interest because of your high profile relationship and the program *Strictly*. There is no telephone number present for you and I have also checked the telephone number [...] which you kindly provided to DC Young, there is no trace within our call data of any calls being made to your phone.
Dan Evans has been spoken to by police several times as he has pleaded guilty for his part in hacking voicemails at the Sunday Mirror and the News of the World. He has then assisted police with the full details of his activities at both papers.
Jules Stenson has also pleaded guilty to his part in the hacking of voicemails. Our investigation into the Sunday Mirror continues and we will contact you if we find any further material relating to you.

Please let me know if there is anything further I can assist with and feel free to call me...”

101. Despite this indication that her name and address had been in the possession of convicted phone hackers, and that one of them worked for the Sunday Mirror, which had published articles about her and was now being investigated, Ms Sacre-Dallerup did nothing. She said that she took this email from DS Elwell as “case closed”. She did not ask what being on the list meant, and did no research on the internet about phone hacking at MGN or Mr Evans. Nor did she contact Mr Cole or ask the MPS whether he was on their list. (By this time, Mr Cole knew, as a result of Ms Kaplinsky taking legal advice, that he had a claim against News Group Newspapers and that he might have a claim against MGN.)
102. Ms Sacre-Dallerup’s pleaded case is that she did in fact first consider that she may have been a target of voicemail interception or UIG by a UK newspaper in or around Autumn 2013. She said in cross-examination that she might have confused 2013 and 2014. Nevertheless, she also accepted that, from that time, she realised that newspapers had been hacking voicemails and that they may have done it to her, which was why she went to the MPS. Ms Sacre-Dallerup further said that although she suspected by 2015 that she could be a victim, she did not go to a solicitor because she trusted and believed what the Police told her, namely that they would be in touch if they found something. She felt it was right to defer to them as an authority. As was clarified in re-examination, Ms Sacre-Dallerup did not provide the MPS with both of her phone numbers at the relevant time: the one that she shared with Mr Cole at the outset was not provided, only the number of her own personal phone that she obtained thereafter.
103. At a later time, Mr Cole got in touch with Ms Sacre-Dallerup and told her that he was pursuing a claim against News Group Newspapers, and he said that she should too. As a result, she went to Taylor Hampton, a firm of solicitors. A letter before action was written to News Group Newspapers directly and a claim issued in May 2018 (within a month).
104. If not the information obtained on 1 May 2014 then the confirmation and greater detail provided on 9 July 2015 were sufficient to put Ms Sacre-Dallerup on notice that she should investigate further (if she desired to obtain a remedy) why she was on the list of a convicted phone hacking journalist who, at the relevant time (ten years before 2014), was employed by the Sunday Mirror. Ms Sacre-Dallerup was not so misled by the content of the articles or anything said by MGN thereafter that she was deflected from carrying out reasonably diligent investigation into the wrongs that she had suffered. It is right that DS Elwell had said that her telephone number (as opposed to her name) was not on the list and that there was no record of calls to her number, but that was only one number. DS Elwell did not tell Ms Sacre-Dallerup that there was nothing to worry about, or that she needed to do nothing.
105. Although Ms Sacre-Dallerup had moved abroad in 2014, for some years she was back in England “a lot”. She had been in England at the time of her first enquiry of the MPS, was in London at the time of the publicity given to MGN’s admissions of liability to the *Gulati* claimants, in September 2014, was on tour with *Strictly* in January and February 2015, when MGN published its general apology for phone hacking activities, and again in May 2015 at the time of the publication of the *Gulati* judgment. Had Ms Sacre-Dallerup been giving a reasonable amount of attention to phone hacking at those times, she would certainly have picked up on some or all of these matters. The *Gulati* judgment included

the critical finding that phone hacking at all MGN newspapers was carried on extensively and habitually.

106. In my judgment, a reasonably diligent person in Ms Sacre-Dallerup's position in July 2015 would have made further enquiries, or done some research, to try to understand whether what the MPS had told her meant that she could have been hacked. Ms Sacre-Dallerup accepts, by her pleading, that she considered that she might have been a target of phone hacking from the time of her first contact with the MPS, but in any event by the time of the second exchange with the MPS she was clearly on notice of that possibility.
107. A reasonably diligent person who had been named on a list of a convicted phone hacker and who wanted to find out the reason why they had suffered at the hands of newspapers would not have sat back and waited to see if anything came of the MPS's criminal investigation. That is the action of someone who was happy to leave it to others, and was content to wait and see if anything emerged. The reasonably diligent plaintiff within the meaning of s.32, desirous of discovering the truth about the injuries that they suffered, is not that type of person. They would instead have taken advice on what they had learnt, or conducted research themselves, asked further questions (as the MPS email invited), or spoken to others who were known to have been affected by the same issue. Any of those steps would have brought to Ms Sacre-Dallerup's attention sufficient facts relating to MGN's extensive and habitual phone hacking and at least a possibility that she had been targeted, as is admitted.
108. Whether taking those steps would have led to discovery of sufficient facts by 4 January 2016 to amount to a worthwhile claim is the remaining issue in Ms Sacre-Dallerup's case, as in the cases of other Claimants. Ms Sacre-Dallerup denies that it would have done, on the basis that if she had consulted a reasonably competent solicitor, they would not have taken her on as a client, or would have advised that there was no worthwhile claim. I will deal with that issue in a later section of this judgment.

VI. The facts of Mr Harkin's claim

109. Mr Harkin is a PR agent who worked with celebrities and high-profile entrepreneurs. As such, he was very familiar with newspapers.
110. In 2001, Mr Harkin was a director of R-JH Limited, a successful PR company that he had founded in 1996 with his co-director, Sophie Rhys-Jones, as she then was. In 1999, Ms Rhys-Jones married HRH Prince Edward and became the Countess of Wessex. Media interest in R-JH Limited grew considerably from early 1999, when their engagement was announced, as the Countess continued to work for R-JH Limited after her marriage. Articles were published in 1999 and 2000 that contained private information relating to Mr Harkin, the Countess and R-JH Limited.
111. In 2001, Mr Harkin was the subject of an infamous sting by Mazher Mahmood, who was known as the "Fake Sheikh". Mr Harkin's indiscreet comments were published by the News of the World in April 2001. Following that, many articles were published about him and R-JH Limited, which were critical and derogatory of him and contained private information. However, the first 13 articles about which Mr Harkin complains were written before the sting was published.

112. Mr Harkin accepts that he read some of these at the time and considered that they were suspicious, in that they purported to quote him when he had not spoken to journalists, and contained private information. When he was asked whether he agreed that he gave some of the quotations, he was very unsure. I am not surprised that he could not recall, some 25 or more years after the events in question, more than the most striking matters. A further 19 articles about which complaint is made were published in 2001, and then two more in 2002.
113. Mr Harkin was certain at the time that some material was being leaked from within Buckingham Palace. He said that his and the Countess's approach was not to challenge or comment, to avoid fuelling the fire. Mr Harkin and the Countess sought legal advice, however, and discovered that an employee of R-JH Limited, Mr Athulathmudali, had previously been employed by the News of the World and by Mr Mahmood. Mr Harkin left his company later in 2001 and escaped to Australia for two to three years.
114. As a result of his distressing experience, Mr Harkin did not himself read at the time most of the articles about which he complains. He recalls reading one article published in 1996 and two in 1999, which contained information about business finances and plans, and two articles published in 2000, which contained information about the Countess's involvement in the business and her family plans. He said that article 10, about those family plans, had serious impact, causing the collapse of a business deal, and that he did not know the source of the information.
115. After the Mahmood sting, Mr Harkin only recalled reading:
- i) article 27, published by the Sunday Mirror on 13 May 2001, which was about his private holiday in Mykonos;
 - ii) article 30, published by the Sunday Mirror on 1 July 2001, in which Mr Harkin, who had been doorstepped by journalists at an address that they could not have known, was quoted as claiming that he had been made a scapegoat to spare the Countess; and
 - iii) article 31, published by the Daily Mirror on 8 August 2001, about his being removed from an expensive night club for using bogus business cards, and which also contained private information about the settlement of business affairs with the Countess. Mr Harkin said in his witness statement that he considered that the information came from a Palace source, but in cross-examination he said that his complaint was that the Daily Mirror must have accessed his private information to know his whereabouts.

Mr Harkin sought legal advice from Olswang at the time and he decided not to take action, to avoid providing energy to the media spiral about him.

116. Mr Harkin confirmed that he always thought that he had been the victim of unlawful conduct by the Press, who had managed to obtain confidential business information and, inexplicably, knew his flight arrangements for the holiday in Mykonos that only he and one friend knew about, and so had been able to place a journalist and photographer in the seats immediately behind them on the flight. He considered that that was otherwise inexplicable and that it showed that MGN were very confident about their information.

117. Mr Harkin's claim, which was issued on 2 July 2021, is pleaded on the basis of: his private life being of considerable interest to MGN's newspapers between 1996 and 2011 because of his connection with the Countess; his regular use of mobile and landline voicemail for personal and professional purposes during that period; unusual telephone and media-related activity including clicking of lines and missing or listened to voicemail messages; information about him being published, or put to him, when there was no legitimate basis on which a journalist could have obtained it; the unexpected appearance of photographers and journalists at private locations, at home and abroad; notification by his bank of an attempt in 2001 to 'blag' information about his and his company's expenditure; and the disappearance from his flat of a recording of the blagging attempt. (He said in cross-examination that he assumed that a journalist was behind the attempt to blag financial details from his bank.)
118. The evidence pleaded includes a substantial number of invoices and contribution requests for PIs relating to Mr Harkin and his business, a former business partner and several associates, including the Countess, payments made to PIs recorded on MGN's payment system, documents derived from the MPS's Operation Two Bridges, an investigation into illegal conduct of Southern Investigations, which record MGN journalists commissioning research into the Countess and Prince Edward and his company, and the fact that his name and phone number and those of his associates were found in the Palm Pilots of Nick Buckley and James Scott. 34 articles published by MGN are pleaded as examples of misuse of private information "through the accessing of his voicemail messages or other communications and/or the blagging or unlawful obtaining of personal information relating to him".
119. Mr Harkin does not claim to have been misled by any deception practised by MGN to conceal its wrongdoing. On the contrary, in some cases he considered that information was leaking from the Palace, in others a source was identified (Mr Athulathmudali), and in other cases Mr Harkin firmly believed that it was wrongdoing by newspapers, including MGN. He said that he wanted to find answers.
120. Mr Harkin became aware of phone hacking specifically during the 2011 coverage of the fall of the News of the World. He said that he was very interested in it, as he thought he was a victim. He approached Mr Mark Lewis, a solicitor at Taylor Hampton who already had experience of phone hacking cases, for advice. He felt that he wanted advice because at the time he was helping a prominent journalist at the News of the World to negotiate his exit, so his position was a bit complicated. He said that as a result he knew a little bit more than most people about phone hacking. He wanted to see if he was a victim of that newspaper.
121. Mr Lewis took Mr Harkin to see the MPS in June 2011 and he was shown documents which were extracts from Mr Mulcaire's notebook containing his name, date of birth, address and a phone number that he did not recognise, as well as transcripts of a meeting with Mr Mahmood.
122. Mr Lewis instructed Counsel. The advice was not to bring a phone hacking claim, on the basis that there was insufficient evidence that Mr Harkin had been hacked. Mr Lewis said that it was "the very early days of phone hacking" and that they needed to find a smoking gun. Mr Lewis was looking for a high profile claim and a quick win. Mr Harkin said "we took the view that he would shake the tree and see what information came out through

disclosure of other people and see if we could build the case up". Mr Harkin said that he chose not to issue proceedings in 2011.

123. Mr Harkin went back to Mr Lewis in October 2012 to ask whether article 27 might form the basis for a claim against MGN. Mr Lewis's initial reaction was: "it might be the case that you have an MGN claim". Mr Harkin said in his witness statement that Mr Lewis contacted the MPS and asked them to investigate, and that a few days later this contact with the MPS was in many of the quality newspapers. In cross-examination, he said that Mr Lewis had been on ITV's Daybreak programme talking about the Daily Mirror, whereas at the first 2011 meeting Mr Lewis had said that there was no evidence of hacking at MGN. Mr Harkin said that by October 2012, he believed that the Mykonos article was the product of phone hacking or other UIG.
124. Mr Harkin said that he heard no more from Mr Lewis. He was shown in cross-examination strategic advice given by Counsel to Mr Lewis at that time about managing claims, which said that if a claim was not so strong, it would be worth waiting until some victories were achieved with stronger cases. Mr Harkin commented that what Mr Lewis had explained was that he was interested in higher profile claims, and was waiting to see if information obtained in those cases made his claim stronger.
125. Mr Harkin said that his understanding in 2013 was that there was not enough evidence to bring a claim. He had not brought a claim against News Group Newspapers but sought redress under their voluntary compensation scheme, but his claim under that scheme was rejected. Taylor Hampton then declined to continue to act for him on a CFA basis, and explained to him that if he wanted to claim he would have to do so before the expiry of the limitation period, which was probably 6 years from the date of the MPS notification. But Mr Harkin continued to believe that he was a victim and followed the phone hacking story as it developed publicly.
126. The next event was that Mr Harkin was approached in early 2014 by an investigative journalist, Paddy French, who told him that R-JH Limited's bank accounts had been hacked by journalists working for MGN. He was told that Operation Golding (which related to phone hacking at MGN) had obtained an invoice from Jonathan Rees of Southern Investigations on which R-JH Limited's bank details had been annotated. Mr Harkin accordingly sought advice from a friend, Keith Ashby, who was a solicitor at Sheridans, but Mr Harkin did not take up Mr French's offer to view the documents (having been once bitten, Mr Harkin was twice shy about dealing with someone he did not know).
127. Sheridans wrote to the Operation Golding team at the MPS on 25 February 2014 asking them to identify any material held by Operation Golding relating to Mr Harkin. As a result, Mr Harkin and Mr Ashby went to inspect the documents. Mr Ashby made notes but Mr Harkin was not given copies of the documents. On 10 April 2014, the MPS wrote to Mr Ashby confirming that they had a record of eight receipts from 1998 and 1999 suggesting that Mr Rees was involved in financial and company research of R-JH Limited on behalf of MGN. Mr Ashby asked for copies of the receipts and further information about the investigation into Mr Rees's company. The MPS finally responded on 17 September 2014 identifying various documents that they held that appeared to give some support to Mr Harkin's belief of unlawful conduct by the Daily Mirror, and offered inspection of them.

128. It was only on 5 June 2015, 4 weeks before the Relevant Date, that, further to MPS's email of 17 September 2014, Mr Ashby asked for an opportunity to inspect and review that material. Meanwhile, Mr Harkin had been following the developing MGN story and the *Gulati* trial (including the judgment on 21 May 2015).
129. It appears that the inspection of the MPS material was prompted by Mr French sending Mr Harkin on 27 April 2015 a copy of an article published on his website exposing the illegal blagging activities of Mr Rees and others on behalf of MGN journalists, Gary Jones and Oonagh Blackman, who had obtained details of the mortgages of members of the Bank of England monetary policy committee and the finances of Prince Michael of Kent. This article named John Gunning as being involved in the blagging on behalf of Mr Rees. Mr Gunning was named by the MPS in their email to Mr Ashby of 17 September 2014.
130. The meeting with the MPS took place on 23 July 2015. Mr Ashby's note records inspection of notebooks that contained details of R-JH Limited and Sophie Rees-Jones's bank account numbers and balances, invoices between Mr Gunning and Mr Rees's company with a manuscript note recording those accounts numbers and balances, invoices from Mr Rees to Mr Jones at the Daily Mirror and lists of other invoices to the Daily Mirror, as well as other invoices to MGN relating to enquiries into the Countess or the "royal couple". Mr Harkin said that in a conversation with Mr Ashby afterwards, Mr Ashby said that some of it could have been obtained lawfully and that there was insufficient evidence to bring a claim, and there was no discussion about hacking of his phone.
131. In 2016, Mr Harkin had sporadic updates from Mr Lewis about the possibility of bringing a claim against Mr Mahmood, following the latter's criminal trial, but over time Mr Harkin stopped hearing from Mr Lewis and assumed that there was no possible claim. Mr Harkin explained that the breakthrough came in August 2020, when Dr Evan Harris approached him and explained that there were several pages of invoices that named him. Taylor Hampton then explained to him that these were evidence of unlawful activity directed at him and that the PIs were involved in blagging. Mr Harkin described this as being "the closest thing to proof that he had been hacked". He accordingly instructed the solicitors to investigate further and almost a year later issued his claim against MGN.
132. Mr Harkin's case is unusual in that certain known facts persuaded Mr Harkin throughout that he had been hacked and been the subject of UIG. However, he was repeatedly advised that it was not the right time to bring a claim, or that sufficient evidence was lacking. Mr Harkin was on notice to investigate and he did investigate, albeit not always as swiftly as he might have done. He knew facts that were material to an inferential hacking and blagging claim that could have been brought, but did not have clear evidence to prove his strong suspicions.
133. The relevant questions in Mr Harkin's case are therefore: were the facts known by July 2015 sufficient (or if pursued more diligently, would they have been sufficient in 2014) to enable Mr Harkin to discover that he had a worthwhile claim against MGN, and if so did the discouragement that he received from solicitors mean that his claim was not after all a worthwhile claim.
134. Had Mr Harkin inspected the MPS documents when first offered in September 2014 or alternatively taken up Mr French's offer to share copies of the documents with him in

2014, he would have had access to all the facts and materials on the basis of which his claim was eventually brought except for the invoices that were obtained through disclosure between 2018 and 2020 and the contents of the Palm Pilots, which were only disclosed at similar times. The inferential basis for a claim was present; the further evidence, which strongly proved the likelihood of UIG, was not available until a later time. In any event, Mr Harkin considered that the content of the articles in 1999 and 2000 that disclosed confidential financial details relating to his business, the fact of the attempted blag reported by his bank in 2001, and the otherwise inexplicable fact of MGN knowing in 2001 about his secret Mykonos holiday arrangements and the address of his boyfriend, spoke for themselves, and he believed that he had a claim against MGN.

135. Mr Tomlinson stressed on several occasions the fact that the evidence of unlawful activity directed at R-JH Limited, as it emerged, was not evidence of misuse of Mr Harkin's private information. It may be true that the blagging of R-JH Limited's financial information would not give rise to a cause of action vested in Mr Harkin personally, but that is beside the point. These were facts on the basis of which (alongside others) an inferential claim could be pleaded that Mr Harkin himself was being targeted by MGN, with the inferential likelihood that, in various ways that could not yet be identified, his private information had been misused.
136. Neither was it necessary for Mr Harkin to have to hand the evidence that strongly proved his claim before he could reasonably appreciate that he had a worthwhile claim. Most (but not all) early MGN claims were brought on the basis of some indication from MPS that there was material indicating that the claimant had been of interest to Mr Dan Evans. That was one component of a case that was largely inferential, and the evidence to support the case would only be obtained after either notification of a claim to MGN, or following a pre-action letter, if MGN agreed to give voluntary pre-action disclosure (which it sometimes resisted), or at worst after issuing the claim and fighting for and obtaining disclosure as part of the litigation process.
137. To be a worthwhile claim of this kind, a claim did not have to be strong or proved, just worthwhile in the sense that sufficient facts could be identified, and inferences drawn from them, to resist any application (if made) to strike out a claim brought on that basis. Further, a worthwhile claim only has to be brought within 6 years of the essential facts being known (or the time from when they could with reasonable diligence have been known), allowing a generous time for further research and investigation to find supporting evidence. That was acknowledged in the advice that Mr Harkin was given about his NGN claim, namely that the limitation period probably ran from the date of MPS notification.
138. In my judgment, Mr Harkin (had he acted with reasonable diligence) would have had by no later than September 2014 a sufficient factual basis for bringing a claim against MGN, based on the information available to him from the MPS and Mr French, the content of the articles, and the generic material already available to claimants at that time, which was growing fast through the course of 2014 (with MGN's admissions to the *Gulati* claimants) and more so in early 2015 (with MGN's published general apology and then the finding in the *Gulati* judgment in May 2015 of extensive and habitual phone hacking and blagging by MGN).
139. A claim pleaded on the basis that Mr Harkin did plead it in 2021 but omitting the references to disclosed invoices and the Palm Pilots could not conceivably have been

struck out as disclosing no cause of action, or as bound to fail. Although direct comparison with the facts of Mr Flitcroft's and Ms Gibson's claims against MGN is impossible, as the facts are so different, MGN's attempt to strike out the reliance on the generic material in these claims and for reverse summary judgment had failed in 2013 ([2013] EWHC 3392 (Ch)). Mann J was very alive to these being cases of alleged covert wrongdoing in which, by their nature, the evidence was likely to be with the defendant and concealed from the claimants. An argument that there had to be specific evidence in the individual cases was rejected.

140. Why then were Mr Lewis and Mr Ashby reticent to take Mr Harkin's case forward? I accept that the fact that a solicitor did advise a client not to issue a claim is capable of being evidence that the claim was not worthwhile (though not determinative), however it has to be borne in mind that Mr Lewis's assessment was at a much earlier time than the Relevant Date, when phone hacking claims really were in their infancy. The answer in Mr Lewis's case is in any event clear: his litigation strategy for phone hacking cases dictated that low-hanging fruit should be picked first, and time allowed to enable further evidence to emerge that would be capable of strengthening cases that could not yet be regarded as strong, based on the known facts and inference alone.
141. The litigation strategy of firms such as Taylor Hampton who were already involved in phone hacking cases were based on the claims being funded by CFAs. Accordingly, it was attractive to them that claims brought in the early stages should attract plenty of attention (to attract new potential clients) and be strong, so as to be likely to be settled early (demonstrating success) and also result in early payment of fees, with, no doubt, a substantial success uplift. A less clear-cut claim by a person who was no longer of great interest to the media was not what Mr Lewis was looking for.
142. Mr Lewis effectively told Mr Harkin so (see [122] above), indicating that his case could not be considered strong for want of clear evidence, and that it should not be pursued at that time, until some victories in other cases had been secured. Mr Lewis did not, however, advise Mr Harkin that he did not have a claim, only that it was better to wait for more information that would make the claim stronger.
143. Mr Ashby's negative advice in 2015 is harder to explain. He considered that there was insufficient evidence of wrongdoing, despite what had been seen at the MPS and the content of the articles that Mr Harkin was aware of, particularly article 27. It may be that Mr Ashby detected reticence on the part of Mr Harkin at that particular time to pursue the matter, which would explain the delay in engaging with the MPS and Mr French, or that what Mr Harkin was seeking was the "smoking gun" to which he often referred in evidence, which in his mind would be a green light to bringing a claim.
144. In saying that there was insufficient evidence to bring a claim, what Mr Ashby must have meant was that there was not yet evidence capable of proving the claim. But that was not an assessment that was required at that stage of preparing to bring a (largely) inferential claim, and there was in any event some evidence to support it. Mr Ashby was in my view wrong to discourage Mr Harkin, if that is indeed what he did.
145. In any event, whether Mr Harkin could prove his claim at trial, or whether it fell properly to be assessed at the outset as a strong claim, are irrelevant in law. Mr Harkin had a claim that might or might not succeed, and for which further evidence was likely to emerge as the claim progressed, but there were clearly sufficient facts known by him (or that could

have been known in 2014, with more diligence), and inferences capable of being drawn from them, to amount to a worthwhile claim.

146. The fact that Mr Harkin was discouraged by his lawyers from pursuing the matter further at that time does not mean that the 6-year period in which to investigate the evidence and bring the claim did not start to run. For reasons that I will explain further in the last section of this judgment, the opinion of a particular solicitor, whether competent or not, as to whether a claim was viable, strong or worthwhile, is not determinative of whether a claimant either knew or could with reasonable diligence have known that they had “a worthwhile claim”, in the sense in which that expression is used in *FII* and *Gemalto*.
147. Accordingly, Mr Harkin’s claim is statute-barred, as time in his case started to run well before the Relevant Date of 2 July 2015.

VII. The facts of Mr Cox’s claim

148. Mr Cox was a well-known fashion designer in the 1990s and early 2000s, who met and had as clients a number of very famous people, and who worked with some very famous designers and models. Some of these were and remain his very good friends. Mr Cox, modestly, did not accept that he too was famous, but his eponymous brand of shoes certainly had (and has) a following, and he was “known”, if not famous.
149. Relevantly to his claim, his best friends include Sir Elton John and his husband, David Furnish, and Elizabeth Hurley.
150. Mr Cox relies on a substantial number of articles published by MGN between October 1999 and November 2009, but none of them is about him. All but a few are about his famous friends. He says that he does not recall reading any of them at the time of publication except for one published by the Daily Mirror on 17 December 2005 under the title “Elton and David’s staggering do”. This was a report about Sir Elton’s impending “hen night”, which it states was being arranged by Mr Cox. “An insider” revealed the plans and the venue, including some details on who was going to be performing and singing.
151. This was a matter of considerable vexation to Mr Cox, who was attempting to keep the details of the party a secret. He suspected that there was a leak to the Press from someone at the venue. Mr Cox could not recall whether it was the use of the word “insider” that led him to reach that conclusion, though he said that he was sure that guests would not talk to the Press about something of that kind and that only a handful of people knew the details of the party.
152. Mr Cox explained that he knew that his friends were being written about in MGN’s newspapers because they complained about it to him, and they were upset by it. He said that there came a point when all of his friends were buying shredders to avoid having their waste documents raided by PIs ransacking dustbins (“bin-spinners”).
153. Mr Cox knew Hugh Grant as a friend of a close friend but did not see him as a friend independently, only occasionally at parties. He said that they would never talk about phone hacking, or about Hacked Off.

154. Mr Cox's claim, which was issued on 25 January 2022, is pleaded on the basis of: his being of considerable interest to MGN's newspapers because of his famous brand and relationships with famous people; his being an obvious person for MGN to target or "farm"; the fact that he left and received voicemail messages regularly during the period 1996 to 2011, including on his answering machine at home, where messages were stored; his experience of suspicious telephone and media-related activity and the unexpected appearance of photographers and journalists at private locations; and the appearance of private information about his friends in newspapers, for which there was no legitimate explanation. The evidence pleaded includes: the fact that one associate's mobile telephone number appeared in Nick Buckley's Palm Pilot and 5 associates' mobile telephone numbers appeared in James Scott's Palm Pilot, the existence of PI invoices and payment records relating to his associates, and generic evidence, as well as the articles themselves which, oddly, are said to contain private information about Mr Cox, and are pleaded as being the product of misuse of his private information and marking occasions on which MGN's journalists were carrying out UIG activities in relation to Mr Cox.
155. Mr Cox does not suggest that he was misled in any way by the content of the articles or anything said on behalf of MGN in public denying the allegations of phone hacking. He said that his famous friends and he were constantly perplexed about how their private information was getting into newspapers, which they found very distressing and which caused considerable strain and even paranoia and distrust within their friendship group. Mr Cox said that he recalled in general conversations with friends about what was happening to them. He also recalled odd voicemail activity, including discovering new voicemails that had already been listened to, but had experienced similar issues when he was being stalked in around 1999, and then again in 2011.
156. Mr Cox explained that in the period 2007 to 2017, his life was in a mess and he was taking too many drugs and not paying attention to what was happening, though he could recall the Leveson Inquiry and Hacked Off, the phone hacking scandal in general terms, and the closure of the News of the World. He said that the Leveson Inquiry was discussed in his circles and all his friends were getting shredders, but he did not.
157. Mr Cox said that he discussed with Ms Hurley Mr Grant's legal claims. He said that he knew that other friends thought that they had been hacked and were taking steps to protect themselves. He discussed hacking and bringing claims with some of them, including Sir Elton and Mr Furnish. It is obvious, he accepted, that if they were being hacked then people were picking up and listening to his messages. Finally, he accepted that he had discussed with Ms Hurley that she was being hacked, and that she discussed with him that she was bringing a claim. He appeared to accept in cross-examination that he knew it was a claim against MGN newspapers, though he did not say so in terms (though he could easily have found out), and that Ms Hurley had confided in him some of the private information that she was suing over. In re-examination, Mr Cox said that he kept hearing about The Sun and the News of the World but that to him it was just "tabloids in general".
158. Ms Hurley issued her claim against MGN on 6 March 2015. 21 of the articles over which she claimed appear in Mr Cox's schedule of articles too.
159. Mr Cox only took action by going to solicitors in 2021, after Sir Elton and Mr Furnish settled their claims and told him that he had also been hacked, based on documents disclosed in their claims.

160. Mr Cox therefore knew by the time of Ms Hurley's claim against MGN that his famous friends were probably being hacked or subjected to other UIG, such as bin-spinning. He knew that there had been one unexplained incident involving him in which confidential information had inexplicably been obtained by MGN and published. While Mr Cox did not know that he was being targeted personally, he knew all the facts (other than the generic evidence against MGN) from which it could be inferred that he might well have been targeted too, or at least that private information he had left on his friends' voicemail was probably being hacked. There was certainly something worth checking.
161. Mr Cox therefore knew enough to put him on notice that there was a real possibility, to put it at its lowest, that his private information could have been misused by MGN. He knew that his famous friends considered that they had been hacked and that they were suing. In particular, he knew that Ms Hurley was suing in relation to the publication of information which she had shared with him in confidence. To the extent that Mr Cox might not have realised that Ms Hurley was suing MGN rather than News Group Newspapers, he could easily have found out by asking. It was in any event obvious that his voicemail messages for Ms Hurley would have been intercepted, if she had been hacked, and he was clearly on notice to inquire whether his own phone was being hacked as a means of accessing information left by Ms Hurley, Sir Elton, Mr Furnish or others.
162. It was Mr Cox's knowledge that all his friends considered that they were being subjected to UIG, and in particular that his best girlfriend had brought a claim against MGN in March 2015 for phone hacking and other UIG, that put Mr Cox on inquiry as to whether he too might have been a victim. The Claimants' closing submissions accepted that claims were brought in the early stages, in the absence of any MPS notification, where a potential claimant had an associate who had been hacked. This is such a case.

VIII. The counterfactual case of the Claimants

163. As previously explained, this part of the Claimants' case concerns what the Claimants say would have happened if, contrary to their primary case, any Claimant was on notice to inquire whether they were a victim of phone hacking. I have held that four of the Claimants were on notice to inquire in that regard, to the extent that they did not already know that they were potentially a victim and had a claim.
164. There is no requirement in s.32 that an intending claimant obtain legal advice before time starts to run. I have already explained, in dealing with the relevant law, in Section II, that where a mistake of law is relied upon to delay the start of the limitation period, legal advice may in practice be needed before a claimant can know that they have a worthwhile case. In a case of deliberate concealment, it is the discovery of the concealment of facts that is the focus.
165. It is quite possible for a claimant to discover concealed facts by conducting their own research. In other circumstances, however, they may need help to unearth them: a solicitor may be best placed to help. What the discovered facts add up to, as a matter of law, is a different question, however.
166. The Claimants led evidence from Mr James Heath of Thomson Heath Jenkins & Associates and Mr Alex Cochrane of Edwards Duthie Shamash, two solicitors who have

been involved in phone hacking claims for many years, to explain in general how they conducted phone hacking claims in the early years, 2012-2017 (roughly equivalent to the first two waves of the MNHL), and how they dealt with potential claimants who came to their firms for advice. They explained that in the early days of the MNHL, most (but not all) of the claimants had an MPS notification, which meant that there was some evidence that they had been targeted, and that other cases were only considered to be worth proceeding with if there were other particular facts that were suggestive of wrongdoing, such as in Mr Flitcroft's and Ms Gibson's cases, or a close connection with another claimant.

167. Mr Cochrane gave evidence that these five Claimants either would not have been offered an interview, on the basis that they did not have a positive MPS notification, or that if an initial assessment of their case had been offered, they would have been told that they did not have a sufficiently strong case to make a claim. Mr Cochrane's evidence was that he would have considered the claims at that time to have been "speculative".
168. Mr Heath and Mr Cochrane accepted that they had an interest in the answer to the counterfactual question, in the sense that they are still acting on a CFA basis for a number of other claimants in the MNHL, whose cases, as regards the limitation issue, are similar to those of these Claimants; and that my decision on this trial is likely to have an impact on whether those other claims will succeed or fail, and so whether Mr Heath's and Mr Cochrane's firms will be paid for their work.
169. The Claimants argue that the relevance of seeking advice is that, in order for an individual with no familiarity with the law and legal procedure to know whether or not they have a worthwhile claim, they need advice from a solicitor (or equivalent adviser) about the strength of their claim. If a competent solicitor *would have* advised that they did not have a claim that was worth pursuing, by definition they did not have a worthwhile claim. Without that advice, a Claimant would not have known whether they did or did not have such a claim. Legal advice was therefore necessary before potential claimants could have established the existence of a worthwhile claim such as to start time running.
170. In my judgment, the Claimants' case wrongly elevates the concept of a "worthwhile claim", as explained in *FII* and *Gemalto*, into something greater than that, namely a claim that was, on the basis of evidence available, likely to succeed, or at least be strong enough for MGN to be willing to settle it, and so was a claim that should be pursued at that time (what Mr Cochrane described as a "viable" claim). That is emphatically not what the test requires. It must be kept in mind that it is a test for the relevant limitation period (6 years for these and most claims) to start running, before the end of which period the claim must be issued, not the test for a claim that is ready to be issued. The Claimants' case also wrongly raises obtaining legal advice on the merits of the claim into something that is necessary before the limitation period can start to run, which is not the law, either under s.32 or under s.14 of the 1980 Act, as I explained in Section II above.
171. In *FII*, Lord Reed and Lord Hodge held that a "worthwhile claim" was one about which a claimant could have sufficient confidence in the known facts "to justify embarking on the preliminaries to the issue of a writ, such as submitting a claim to the proposed defendant, taking advice and collecting evidence", not one that could be considered to be well-founded because the facts could be proved or were known to be true. It will also be recalled that the Master of the Rolls in *Gemalto* rejected the argument that the claimant needed to be able to know with sufficient confidence all the essential facts of the cause

of action so that they could be pleaded, particularly where a more liberal approach was taken to what had to be pleaded on account of the secrecy of the underlying wrongdoing. It was no longer necessary in a concealment case, he said, for a claimant to have discovered every essential element of the claim that has been concealed.

172. What is needed is knowledge of (or the ability to discover) sufficient facts to amount to a credible basis of claim, not the evidence that at trial will be needed to prove the claim, nor all the facts about how the wrongdoer acted unlawfully towards the claimant. However, facts that, if put into a statement of case, were liable to be struck out as disclosing no cause of action, could not establish a reasonable belief in a worthwhile claim.
173. Nothing in these formulations requires a putative claimant to have been advised that they have a viable claim in law, or to have found a solicitor willing to take on the case on a “no win no fee” basis. As previously explained, the cases of mistake of law postponing the running of the limitation period are in principle different, because the claimant needs to be aware that they may have made a mistake, and they are only likely to be aware if they know the state of the law at the relevant time. That knowledge will only come from legal advice. In contrast, Mr Cox did not need legal advice to understand that if Ms Hurley’s voicemails were being hacked, his private messages for her would likely have been listened to and made use of, or that there was a real chance that he also might have been targeted as a means of listening to her private messages. What Mr Cox might have needed, in order to join the dots, was further factual information about the *modus operandi* of journalists and what was known about MGN’s conduct, and this could probably equally have been gleaned from a careful interrogation of the internet or a detailed conversation with Ms Hurley.
174. In many cases, approaching a solicitor will be the surest way in which to gain an understanding of the necessary generic facts, e.g. as to the extent of the generic case that is already established against MGN, the practices of those who were conducting phone hacking or other UIG, and what was known from other claims about how individual journalists or PIs were operating. Many individual claimants will not have the ability readily to conduct their own investigations into such matters, to discover these facts.
175. There has been no suggestion in this case that a competent solicitor approached by any Claimant *could not* have told them about the phone hacking litigation and the state of the generic case in this way. I am unable to accept Mr Cochrane’s evidence that that information would not have been imparted to any of these Claimants because of his firm’s approach to turning away persons with no MPS notification. Mr Cochrane only handled a relatively small number of claims in wave 2, and none in wave 1: his evidence does not credibly establish a general disinclination of competent solicitors to let potential phone hacking claimants through their doors. Certainly not by 2015.
176. In this regard, it is material that, after the May 2015 *Gulati* judgment, it was obviously easier to raise an inference of UIG. Mr Heath accepted this, and that it was quite possible to bring a claim without an MPS notification. Mr Heath was taken to a witness statement made by him on 3 July 2015, in which he said:

“I should add that given that Mr Evans is simply one of the MGN journalists who were involved in these activities, and was only at one of the three newspapers for a period of less than two years, there have been, and will be,

a significant number of claims that are brought on the basis of articles published by MGN but do not stem from a new notification by the MPS, as opposed to the claimants' belief that they are the product of voicemail interception in light of their knowledge of the circumstances surrounding the published information and the evidence which has emerged as a result of this litigation.”

He confirmed in cross-examination that he stood by that evidence, which I am sure was true at the time.

177. I am not persuaded that the criterion of what a competent solicitor would have advised before the Relevant Date is of any assistance in a case such as this. In the first place, competent advice could come in various different shades. If the application of s.32 were to depend on what advice an intending claimant would have received had they asked for it, the court would have to decide in every s.32 case what the most probable competent advice would have been. As demonstrated by the facts of this case, this could be affected by the proposed funding model for such claims. In any event, given that there is no requirement for legal advice, it adds nothing of value to an objective assessment of whether what the claimant knew and could reasonably have discovered amounted to a worthwhile claim.
178. Using the Master of the Rolls's example of a man knocked down by a car, the victim knows that he has something worth pursuing from the outset, not only when he receives legal advice as to the extent of his contributory negligence. The generous period of six years is to enable an evaluation of such issues, the obtaining of evidence, an assessment of the strength of the claim, putting funding in place, if needed, writing letters before action, negotiating, and eventually bringing the claim.
179. Accordingly, I reject the argument of the Claimants that they should be taken not to have a worthwhile claim because they would have been advised that they did not have a claim worth pursuing, and that positive legal advice was a prerequisite to knowledge of a worthwhile claim.
180. I also reject the argument that in 2015, with a few exceptions, a claim against MGN was not a worthwhile claim unless the intending claimant had the advantage of having been notified by MPS that they were named in the documents unearthed by Operation Golding (in effect, that their name appeared on Dan Evans's lists of targets). Mr Heath's evidence supports that conclusion. I accept the evidence that most claims that were brought in the first and second waves were cases of MPS notification – but that was because the solicitors acting on a CFA basis were, for the most part, only willing to *issue* claims in 2013-2015 where there was already a significant piece of claimant-specific evidence already in place. Which claims solicitors acting on CFAs were willing to issue at that time is, however, a different question from when, in relation to other potential claims, the 6-year period within which to issue them started to run.
181. As far as advice actually given by solicitors to Mr Harkin is concerned, this was advice about whether to bring a claim, not advice about whether there was a worthwhile claim in the *FII* sense. The evidence about Mr Lewis's advice was more informative about his firm's litigation strategy than about Mr Harkin's claim. As regards Mr Ashby's advice, this was surprisingly cautious in light of the documentary evidence of targeted

wrongdoing that had been obtained, and of the findings in the *Gulati* judgment. The advice given by Mr Ashby did not affect the state of Mr Harkin's knowledge.

182. One material piece of advice given by Taylor Hampton to Mr Harkin was that the limitation period in his intended News Group Newspapers claim started to run from the MPS notification, not from the time at which it was later considered that the claim was backed by evidence. It seems to me that if a client is advised by a solicitor that their proposed claim should be put "on the backburner" for the purpose of waiting until more evidence has emerged to support it, as distinct from being advised that they have no claim, the same advice about the running of the limitation period should also be given to them. Mr Cochrane said, in his evidence in chief, that he would have regarded each of the five claims being tried as "speculative" and "backburner" claims, if the Claimants had sought his advice prior to the Relevant Date, though in cross-examination he hardened his position and said that they would not even have got through the door, i.e. no initial meeting would have been offered by his firm. This only illustrates the difficulty of assessing the existence of a worthwhile claim by reference to hypothetical legal advice on the merits of a claim.
183. In summary, the only relevant question is whether, by going to a firm of competent solicitors, each Claimant could have discovered further facts relating to their claim, or facts about phone hacking claims against MGN in general, which they needed to know in order to appreciate that they had a worthwhile claim. The answer to that question is that they could have done, though Mr Harkin and Ms Cantor in my view already knew enough without that advice.

IX. When exactly does time start to run?

184. The remaining issue that I deal with in this Section is whether time starts to run from when a Claimant who does not know the facts is put on notice to inquire (or is "triggered"), as MGN submits, or from when with reasonable diligence applied from that time they could discover enough of the concealed facts.
185. If a potential claimant is on notice to inquire and there is information that they lack, e.g. that their private information had been published, or as to the state of the generic case that had been assembled to support an inferential case, and it was reasonable for that claimant to go to a solicitor to find out about such matters, it can plausibly be said that they cannot reasonably discover that they have a worthwhile claim until they have obtained the advice. The process of obtaining that information might take a few weeks to conclude.
186. In Ms Sanderson's case in *Sussex v MGN*, I observed at [1485] that it was not disputed that "by going to a solicitor or by carrying out an internet search, she could readily have found the information necessary to start to prepare a claim for the categories of wrongdoing in respect of which she now claims". I noted that the claimants in that case had advanced no case about how long it would take to do either of those things "so as to discover that they had a worthwhile claim to pursue", and I decided that four weeks was a maximum reasonable period for those steps to be taken, which would have revealed a worthwhile claim.

187. MGN did not in that trial argue that the limitation period started to run on the date on which the “trigger” event took place. It now argues that, in principle, it is wrong to allow an additional period of time for the research to be done or for advice to be taken. It contends that time starts to run at the point when a claimant is on notice to inquire, and that the time taken to obtain information from a lawyer (or otherwise to make inquiries) should not be added on.
188. The Claimants argue that it is right in principle to allow time for inquiries to be made, but that 4 weeks is too short a period. Mr Heath’s evidence was that it took between 3 and 6 months to progress from a client’s first contact to assembling the material to support the claim and issuing it. However, that was not addressing specifically the period required to arrange a meeting and obtain further factual information from the solicitor, so that a claimant would know sufficient facts to believe that they had a worthwhile claim.
189. I agree with MGN that time taken to obtain a lawyer’s considered advice on the strength of the case is irrelevant, but that is because hypothetical legal advice on the strength of the case is irrelevant. As Lord Wolfson KC observed, what time if any is appropriate to allow depends on the reason for which one is going to the lawyer for advice. In some cases, the facts may be clear already, with no need for further explanation or more information. That in my view is Ms Cantor’s case.
190. In a case where a claimant needs to go to a lawyer, not for advice on the strength of their claim and to instruct them to pursue it, but for advice about what has happened to them or advice about what MGN has admitted or what is known about their conduct, it still seems to me that it is appropriate to allow a period of time in which to obtain that information or advice: it is only on obtaining further information from the solicitor that the client knows the facts that enable them to raise an inferential case. In the language of s.32(1), that is the time at which the plaintiff could with reasonable diligence have discovered the concealment.
191. In this regard, it is not a hypothetical person but the Claimant themselves who are in consideration. The question is whether and when they could with reasonable diligence have discovered the concealment. If, in order to discover the concealment, they reasonably needed the benefit of advice and information from someone, then, in principle, time does not start to run until they could with reasonable diligence have obtained it. Reasonable diligence does not require a claimant to use the most expeditious means of discovering the facts, as long as what they did was reasonably diligent. In principle, 4 weeks seems to me to be a realistic period of time.
192. However, where a putative claimant already knows the relevant facts (e.g. because, like Ms Cantor, they are closely following the phone hacking story, know about the extent of MGN’s wrongdoing and methods, as explained in *Gulati*, and know the facts that link them to that wrongdoing), no further period of time is necessary for the limitation period to start.

X. Conclusions

193. I have already explained why, despite the unnecessarily cautious legal advice received, Mr Harkin knew well before the Relevant Date that he had a worthwhile claim against MGN. He was simply lacking the irrefutable evidence that would prove it.
194. Having rejected the Claimants' counterfactual case, the other Claimants' cases are decided by my findings in Sections III, IV, V and VII above, namely that each except Mr Sculfor was on notice to inquire whether they were a victim.
195. Ms Cantor and Mr Cox, who did not have articles written about them, were on notice as a result of their knowledge of phone hacking affecting those with whom they had close relationships, or who had brought phone hacking claims:
- i) In Ms Cantor's case, she was not misled by MGN and she knew by May 2015, if not before, sufficient facts to realise that she was likely to have a claim worth pursuing. Even if she did not know, she could have found out by exercising reasonable diligence at about that time.
 - ii) In Mr Cox's claim, he was not misled and could have known sufficient facts if he had pursued inquiries by any reasonable means with reasonable diligence from March 2015.

In both their cases, it was their knowledge that a close friend and confidante at the relevant time was affected by and was alleging phone hacking that either gave them the necessary link between their private information and MGN's wrongdoing, or put them on notice to inquire whether there was a link.

196. Ms Sacre-Dallerup, who did have articles written about her, was not misled by MGN and did not conclude that someone identifiable was to blame. Although she did not know sufficiently the relevant facts relating to phone hacking, she was put on notice to inquire following her exchange with the MPS in 2015 (or 2014, if the same information was given to her then). Had she inquired, she would have discovered the relevant facts for a worthwhile claim. Her living abroad made no difference because there was a specific trigger that put her on notice to inquire.
197. Mr Sculfor was partly but causally misled by MGN's publications: he blamed his father and close friends, and moved on. He was therefore not required to be particularly attentive to the developing phone hacking story, and he did not in fact hear much about it. This was in part because he was living abroad until 2013. Materially, he had no connection or conversation with anyone who believed that they had been hacked or who brought a claim until Jeanette Calliva spoke to him in April 2020.
198. Accordingly, I decide the preliminary issue in favour of Mr Sculfor in his claim, but otherwise in favour of MGN in the cases of Ms Cantor, Ms Sacre-Dallerup, Mr Cox and Mr Harkin.