

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

Coppel J

BETWEEN:

CTY

- and -

GOOGLE LLC



KB-2026-000912

Defendant

ORDER

UPON CONSIDERING the Claimant's applications for permission to serve the Claim out of the jurisdiction, for interim relief to preserve information pending the hearing of the claim and for derogations from the principle of open justice.

AND UPON HEARING the Claimant at a remote hearing on 31 March 2026.

AND UPON consideration of the Claimant's rights and those of her children under Article 8 ECHR and the public interest in open justice under Article 10 ECHR

AND UPON the Court being satisfied that it is necessary and proportionate to derogate from the principle of open justice to secure the proper administration of justice and to protect the rights and interests of the Claimant and her children

IT IS ORDERED:

1. The Claimant shall be referred to in these proceedings as CTY. The Claimant's name and address shall not be disclosed, whether directly or indirectly. There shall be no publication or disclosure of any information likely to lead to the identification of the Claimant as the claimant in these proceedings.
2. The Court file shall be marked "ANONYMITY ORDER MADE".
3. A copy of this Order shall be placed on the website of the Judiciary of England and Wales.

4. Until further Order, any application for supply of documents pursuant to CPR 5.4C shall only be met by provision of documents from the redacted materials which were provided by the Claimant for the purposes of the hearing on 31 March 2026. An applicant pursuant to CPR 5.4C may apply for provision of unredacted documents on 7 days' notice to the Claimant.
5. The Claimant has permission to serve the Claim Form on the Defendant out of the jurisdiction pursuant to CPR PD 6B, §3.1(25). Such service shall include the documents referred to in the Claim Form. The Claimant shall, at the same time, serve this Order upon the Defendant.
6. Pursuant to CPR 6.37(5), the Claimant has permission to serve the said documents by email to internationalcivilclaims@google.com. The Claim Form shall be deemed served on the date on which that email is sent.
7. The Defendant has 21 days after service on it of the claim in which to respond by filing an acknowledgment of service and any evidence on which it wishes to rely. The Claimant has 7 days after service on her of any such evidence to file evidence in reply.
8. **Immediately upon service of this Order and until further Order, the Defendant shall preserve, and shall not delete, anonymise, overwrite, or otherwise destroy, all data in its possession, custody, or control relating to the establishment and use of the YouTube account registered under the username "@LolaLieBuster" (including all data remaining following the request by the account holder for deletion of that account).**
9. The Claim shall be listed for hearing between 11-29 May 2026 with a time estimate of 3 hours.
10. The Claimant shall, 7 clear days before the date of the hearing, file an electronic hearing bundle which has been agreed with the Defendant (in the event that the Defendant intends to attend the hearing), in a format which complies with the guidance given in §3.42 the KBD Guide.
11. Skeleton Arguments shall be filed 3 clear days before date of the hearing.
12. A joint electronic bundle of authorities shall be filed 2 clear days before the date of the hearing.

By the Court.

Observations

1. The Claimant has issued a Part 8 claim against Google LLC (“Google”) for *Norwich Pharmacal* relief which would require Google to provide certain information regarding the use, and identity of users, of its YouTube platform.
2. The Claimant wishes to use that information in support of a claim for defamation, harassment and misuse of private information against a previous romantic partner of hers and his current romantic partner (“Mr X” and “Ms Y”). Their alleged activities on YouTube form only part of the pattern of conduct which the Claimant says she will rely upon and which included the making of false allegations about her to the police and to friends and acquaintances of hers within her local community.
3. The particular activities using YouTube of which the Claimant wishes to complain are:
 - a. Three comments were posted about her by a user named “@LolaLieBuster” under a video of an interview with her which was hosted on the interviewer’s YouTube channel. The comments were to the effect that the Claimant was under investigation for stalking, that the interviewer should not give her publicity and, in the case of one comment, that the Claimant had a mental health condition.
 - b. The actions of unnamed users viewing YouTube videos featuring the Claimant, including the video under which comments had been posted, and three other videos hosted on the Claimant’s and others’ channels. The viewing of the three other videos is said to have preceded acts of harassment in the physical world. All of the video viewing is said to have been part of a campaign of surveillance, intimidation and harassment.
4. The Claimant wishes to obtain from Google information as to the identity of “@LolaLieBuster”, as to any other comments which that user posted about her, and as to the identity of the persons viewing the various videos of the Claimant on YouTube. There is real urgency to the claim because the “@LolaLieBuster” account has been deleted – the Claimant says on a date unknown to her between the end of January and mid-February 2026 - and she has provided evidence that Google’s policy is that deleted account information is only retained for around two months after a deletion request.
5. The hearing before me was ordered by Pepperall J on 27 March 2026 following consideration of a paper application for various immediate and interim orders. Google was provided with the Order of Pepperall J but did not communicate with the Court or appear at the hearing.

6. **Anonymity Order**. I make an Order under CPR 39.2(4) that the Claimant be anonymised in the proceedings and be referred to as “CTY” (which I consider preferable to a cipher comprised of her actual initials). The factual matrix which underpins the Claimants’ proposed claim against Mr X and Ms Y involves reference to her two young children and to family court proceedings in which they, the Claimant and the children’s father were party. There would be an obvious justification for anonymity of the Claimant and her children in that claim, in order to protect the children, and that anonymity could be compromised if the Claimant were not anonymous in this precursor claim. The Article 8 ECHR rights of the Claimant and in particular of her children outweigh the public interest in open justice. The Claimant sought a much broader order, which would have prohibited the disclosure of a wide range of information which is not in fact of any relevance to the current claim. I restrict my order to what seems to me to be necessary for current purposes. For the avoidance of doubt, I do not consider it necessary to withhold the handle of the “@LolaLieBuster” account.
7. **Hearing in private**. There was an application before me for the hearing to take place in private. It seemed to me that it was unnecessary to order that because (a) the hearing was a remote hearing and there was in fact no-one else in attendance, and (b) if anyone else were to enter the remote hearing, the issues of confidentiality with which the Claimant was concerned could have been addressed by directing me to, rather than reading aloud, the information in question.
8. **Order restricting disclosure of confidential information from the Court file**. The Claimant sought, and I agreed to make, an Order whereby any provision of documents from the bundle for the hearing today would be from a redacted bundle, which the Claimant has filed alongside an open bundle, thereby preserving, for the time being, the confidentiality of information she regards as confidential. This would be subject to liberty to apply by any third party who wishes to obtain unredacted documents. The onus is on the Claimant to identify to the Court office the relevant redacted materials.
9. **Service out of the jurisdiction**. The Claimant sought permission to serve the proceedings on Google, which is domiciled in California. As is well-established, permission to serve out of the jurisdiction may only be given if three conditions are satisfied (see *Soriano v Forensic News LLC* [2021] EWCA Civ 1952; [2022] QB 533, §11):
 - a. The claim is of a kind that falls within one of the "gateways" set out in CPR PD 6B. On this question, the claimant has to satisfy the court that she has a good arguable case or, as it is sometimes put, the better of the argument. This connotes "*more than a serious issue to be tried or a real prospect of*

success, but not as much as proof on the balance of probabilities": *AstraZeneca UK Ltd v Albemarle International Corporation* [2011] 1 All ER (Comm) 510, §24.

- b. The claimant has a real as opposed to a fanciful prospect of success on the claim. One way this has been put is that the claimant has to show that any "reverse" summary judgment application would fail.
- c. The claimant has the better of the argument that England and Wales is the proper place in which to bring the claim. The question is whether this jurisdiction is "clearly or distinctly" the most appropriate. The appropriate forum is the one in which the case "may most suitably be tried for the interests of all the parties and for the ends of justice". The first thing to consider is what is the "*natural forum*", namely the one "*with which the action [has] the most real and substantial connection*".

10. The merits condition. It is convenient to start with the second, merits condition. The Claimant must show that she would have a real prospect of success in obtaining a *Norwich Pharmacal* order against Google, that is, a real prospect of success in establishing:

- a. A good arguable case that a form of legally recognised wrong has been committed against them by a person.
- b. That Google is mixed up in so as to have facilitated the wrongdoing.
- c. That Google is able, or likely to be able, to provide the information or documents necessary to enable the ultimate wrongdoer to be pursued.
- d. That requiring disclosure from Google is an appropriate and proportionate response in all the circumstances of the case, bearing in mind the exceptional but flexible nature of the jurisdiction (*Collier & Ors v Bennett* [2020] EWHC 1884 (QB), §35).

11. The *Norwich Pharmacal* jurisdiction is conventionally relied upon by prospective claimants who need information to enable them to identify defendants who are unknown to them. The jurisdiction is exceptional and - see *Mitsui & Co Ltd -v- Nexen Petroleum UK Ltd* [2005] 3 All ER 511, §§21, 24 - it should only be exercised where the third party against whom relief is sought is "*the only practicable source of information*" which is required to enable action to be brought against the ultimate wrongdoer; "*The whole basis of the jurisdiction against them is that, unless and until they disclose what they know, there can be no litigation in which they can give evidence: see e.g. Lord Kilbrandon in Norwich Pharmacal and 203B and 205G*". *Norwich Pharmacal* has been held not to be authority for imposing an obligation upon a third party to give discovery or information when the identity of the

defendant is already known: *Arab Monetary Fund v Hashim (No 5)* [1992] 2 All ER 911, 914.

12. In the present case, the Claimant has a settled intention as to who the defendants to her claim will be (Mr X and Ms Y). She wants information from Google to confirm her suspicions in respect of some of the acts that she wishes to complain about. In the case of the @LolaLieBuster comments, those suspicions are quite strong, as she believes that, other than herself, Mr X was the only person outside the police who knew that she was under investigation, Mr X having made the complaint which initiated that investigation. It may therefore be argued with some force that this is not a case in which the exceptional jurisdiction could be engaged. There may be another source of the relevant information, namely Mr X himself. Similarly, Mr X and Ms Y ought themselves be in possession of information regarding their viewing (or not) of YouTube videos featuring the Claimant.

13. However, more recent authority on the scope of the *Norwich Pharmacal* jurisdiction has characterised the remedy as one which should be flexible, which aims to do justice in the circumstances of the case, and which is not a remedy of last resort: see *The Rugby Football Union -v- Consolidated Information Services Limited (formerly Viagogo Limited)* [2012] 1 WLR 3333, §§15-17. There is specific authority that a *Norwich Pharmacal* order may extend beyond the discovery of the identity of a wrongdoer or of a "missing piece of the jigsaw", but with the strict caveat that "*the action cannot be used for wide-ranging discovery or the gathering of evidence and is strictly confined to necessary information*": *R (Mohamed) v Secretary of State for Foreign and Commonwealth Affairs (No 1)* [2009] 1 WLR 2579, §133, cited by the Court of Appeal in *R (Omar) v Secretary of State for Foreign and Commonwealth Affairs* [2011] EWCA Civ 1587, §§4 and 18. Pertinently, in *Collier*, Saini J accepted that the condition in §10c above was satisfied in a case where the Claimants were convinced that they knew the author of tweets they wished to litigate about and sought disclosure of identifying information from that author (§61).

14. Turning to the criteria in §10 above, the Claimant has a real prospect of establishing a good arguable case that a legal wrong has been committed against her:
 - a. She has a sufficiently strong claim for misuse of private information in respect of the "@LolaLieBuster" comments, on the basis that the fact that she was under investigation by the police for stalking was private information (on the authority of *Bloomberg LP v ZXC* [2022] UKSC 5; [2022] A.C. 1158) which was misused by it being posted online in an attempt to diminish her or harm her career. There is a real question as to whether the impact of this upon the Claimant was serious enough as to create liability in tort, given the limited dissemination of the comments before they were

deleted, but that is a matter for evidence which does not cause me to discount the claim at this stage.

- b. A proposed claim in defamation does not seem sufficiently strong enough at this stage, as the content of the comments as to the investigation of the Claimant were true (subject only to a minor query as to whether the investigation had been completed by the time that the comments were posted). The Claimant disputes that she suffers from a mental health condition but I have real doubt as to whether that allegation is defamatory such as to cause serious harm to reputation (both because of its content and also because of the limited circulation of the comments).
- c. The “@LolaLieBuster” comments could also constitute a course of conduct, or part of a wider course of conduct, for the purposes of a proposed claim in harassment, subject to a question mark as to whether they cross the boundary between conduct which is unattractive, even unreasonable, and that which is oppressive and unacceptable (*Hayden v Dickenson* [2020] EWHC 3291 (QB), §44(ii)). For present purposes, a potential claim in harassment adds nothing material to the potential claim for misuse of private information. What is material is that I do not accept that the viewing, without commenting, of public videos on YouTube, could constitute oppressive and unacceptable conduct for the purposes of a claim of harassment. These were videos which the Claimant herself posted on YouTube or which were posted by others with her consent. Whatever the malign thoughts which may have been harboured by a person viewing the videos in question, I cannot agree that the mere viewing of part or all the videos could be an act of harassment.

15. The Claimant has a real prospect of success in establishing that Google was mixed up in the alleged wrongdoing constituted by the “@LolaLieBuster” comments, as the provider of the YouTube platform and of the user account which the person behind “@LolaLieBuster” used to post their comments. But she does not have a real prospect of establishing that Google was mixed up in wrongdoing simply by facilitating the viewing of videos which were posted by her or with her consent.

16. The condition in §10c is also established to the real prospect of success standard:

- a. There is no doubt that Google had, and may well still have, information which will serve to unmask the person behind “@LolaLieBuster”.
- b. There is certainly room for argument as to whether that information is necessary to enable the Claimant to pursue her intended claim against Mr X and Ms Y, given her suspicions, and that Mr X can be expected to have

the relevant information if her suspicions are correct. It might also be argued that the claim for *Norwich Pharmacal* relief could and should have been brought against Mr X himself (following the fact pattern in *Collier*, where in fact only the defendant had the relevant information).

- c. However, whilst the Claimant has firm suspicions as to who “@LolaLieBuster” is, there is no conclusive evidence that her suspicions are correct. It is eminently possible that Mr X, who knew that the Claimant was being investigated, shared that information with Ms Y and he may have shared it with others. So, it is not the case that there is only one person who could be “@LolaLieBuster”. Further, it is clear from the fact that the account has been deleted that steps have been taken by the responsible person to cover their tracks and – depending upon how thorough those efforts have been - it may be that Google’s evidence is the only conclusive evidence as to the identity of that person, even if the Claimant’s suspicions are correct.
- d. In any event, it is no longer considered that *Norwich Pharmacal* relief is confined to discovering the identity of an otherwise unknown defendant (and the wording of the condition in §10c should be interpreted accordingly). This is not a case where the Claimant is seeking wide-ranging discovery or seeking to gather evidence on a wide scale. She is seeking evidence, but it is largely evidence of the identity of an alleged wrongdoer.

17. The Claimant also has a real prospect of establishing that it would be appropriate and proportionate to require disclosure from Google of information regarding the identity of “@LolaLieBuster”. This would be targeted and limited disclosure of information which, if not disclosed, is likely to be lost to the Claimant forever. The fact that Google intends to delete the relevant information in the near future creates a risk of injustice, given the possibility that evidence of the identity of “@LolaLieBuster” may turn out not to be obtainable from Mr X or anyone else. In deciding whether or not to grant *Norwich Pharmacal* relief, the Court will have to balance the competing Convention rights of the Claimant and of the person who commented as “@LolaLieBuster”, whose Article 8 and 10 rights will be in play. However, given the risk of injustice I have mentioned, and the nature of the speech comprised in the “@LolaLieBuster” comments, there is a real prospect that the Court would order disclosure against Google.

18. The service out gateway. As to the first condition for service out, in §9a above, there is a specific gateway in PD 6B for *Norwich Pharmacal* claims:

“(25) A claim or application is made for disclosure in order to obtain information -

(a) regarding:

(i) the true identity of a defendant or a potential defendant; ... and

(b) the claim or application is made for the purpose of proceedings already commenced or which, subject to the content of the information received, are intended to be commenced either by service in England and Wales or pursuant to CPR rule 6.32, 6.33 or 6.36.”

19. In my judgment, there is a good arguable case that the Claimant’s claim against Google falls within gateway (25) as one for disclosure in order to obtain information regarding the true identity of a potential defendant to proceedings which are intended to be served in England and Wales:

- a. The purpose of the claim against Google is to discover the identity of the person posting as “@LolaLieBuster”, who will be a defendant to the Claimant’s proposed claim.
- b. That the Claimant already has firm suspicions that the wrongdoer is Mr X do not negate the purpose of the claim being to obtain information regarding the true identity of the wrongdoer.
- c. The words “regarding .. the true identity of .. a potential defendant” are relatively open-textured and do not confine the gateway to situations where the potential defendant is entirely unknown. I would be reluctant to give this narrow reading to the gateway when, as I have explained, it is clear that *Norwich Pharmacal* relief is a flexible remedy which is not confined to the circumstances of a genuinely unknown defendant. The gateway does not cover all possible forms of *Norwich Pharmacal* relief, but I am satisfied to the requisite standard that it does at least cover the current facts, where the identity of the correct defendant to a claim for misuse of private information by the “@LolaLieBuster” comments has not yet been established by the Claimant.

20. The jurisdiction condition. I am satisfied that the Claimant has the better of the argument that England and Wales is the proper place in which to bring her proposed claim (whether this is against Mr X and/or Ms Y or an as yet unknown third party) (see §9c above). England and Wales is the natural forum, with which the action has the most real and substantial connection. In short, the wrongdoer was likely located in the UK and used a platform which was made available in the UK in order to wrong the Claimant, who was also located in the UK.

21. In summary, I find that the conditions for service out of the Claimant’s claim against Google are satisfied.

22. **Service by an alternative method.** I direct, pursuant to CPR 6.37(5), that the Claim Form may be served by email to internationalcivilclaims@google.com, an

address which Google has used to communicate with the Claimant regarding the preservation of relevant information and her proposed claim. This is a very urgent case where, if the usual channels for service were pursued, the chances are that the information which the Claim seeks to obtain would have already been deleted. The Claim Form should be served along with the documents to which it refers under "Details of Claim" and I give permission for other relevant documents, in particular this Order, to be served at the same time as the Claim Form, again because of urgency.

23. **Interim relief.** The consequence of my rulings so far is that a Claim will be heard against Google for Norwich Pharmacal relief. Given the likely timescales for deletion of at least some of the information which is the subject of the Claim, there is an obvious need for interim relief compelling Google to preserve the information pending the hearing of the Claim (CPR 25.1(1)(c)(i)). On standard *American Cyanamid* criteria: (a) the Claim raises a serious issue to be tried (see §§14-17 above), (b) damages will not be an adequate remedy for the Claimant if injunctive relief is not granted and the relevant information is lost, the Claim against Google will become futile and it may well be impossible for the Claimant to prove what damage she has suffered as a result (as the damage would comprise of handicapping or preventing a claim against the true wrongdoer, the value of which is very difficult to assess without knowing who that wrongdoer is), and (c) the balance of convenience favours preservation of the information, which will be of little trouble to Google, but without which the Claimant could suffer irremediable prejudice.

24. I grant interim relief only in respect of information regarding the @LolaLieBuster account. If and to the extent that that account was used to view videos of the Claimant, that information will be preserved. But I do not grant additional relief requiring Google to preserve information regarding the viewing of the videos because (a) the merits of allegations based on the viewing of videos are weak, and (b) if @LolaLieBuster was not used, there is no reason to think that any such information will be liable to deletion in the near future.

25. On the footing that the key information will be preserved, the extreme urgency of the Claim diminishes. However, it should still be heard in the next court term, allowing time for evidence to be filed in response to the Claim.

Dated 02nd April 2026.

