

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Case No HQ11X00782

BEFORE THE HONOURABLE MRS JUSTICE SHARP DBE (IN PRIVATE)

9 MARCH 2011

BETWEEN:

MNB

Claimant

- and -

NEWS GROUP NEWSPAPERS LIMITED

Defendant



PENAL NOTICE

IF YOU THE DEFENDANT DISOBEY THIS ORDER YOU OR YOUR OFFICERS MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED. IN THE CASE OF A CORPORATE DEFENDANT, IT MAY BE FINED, ITS DIRECTORS MAY BE SENT TO PRISON OR FINED OR ITS ASSETS MAY BE SEIZED.

ANY PERSON WHO KNOWS OF THIS ORDER AND DISOBEYS THIS ORDER OR DOES ANYTHING WHICH HELPS OR PERMITS ANY PERSON TO WHOM THIS ORDER APPLIES TO BREACH THE TERMS OF THIS ORDER MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

NOTICE TO ANYONE NOTIFIED OF THIS ORDER

You should read the terms of the Order and the Guidance Notes very carefully. You are advised to consult a Solicitor as soon as possible. This Order prohibits you from doing the acts set out in Paragraph 1 of the Order. You have the right to ask the Court to vary or discharge the Order. If you disobey this Order you may be found guilty of Contempt of Court and you may be sent to prison or fined or your assets may be seized.

This is an Injunction with other orders as set out below made against the Defendant on 9 March 2011 by Mrs Justice Sharp ("the Judge") on the application ("the Application") of the Claimant. The Judge:

- (a) heard the Application in private pursuant to the provisions of the Civil Procedure Rules 1998 ("the CPR"), Rule 39.2(3)(a), (c) and (g);
- (b) read the documents listed in Schedule A at the end of this order;
- (b) accepted the undertakings set out in Schedule B at the end of this Order;
and
- (c) considered the provisions of section 12 of the Human Rights Act 1998.

This Order was made on short notice to the Defendant. The Defendant (and anyone served with or notified of this Order) has a right to apply to the Court to vary or discharge the Order (or so much of it as affects them).

IT IS ORDERED THAT:

Injunctions

1. Until the trial of this action or further Order of the Court in the meantime, the Defendant must not use and must not publish or communicate or disclose to any other person (other than (i) by way of disclosure to legal advisers instructed in relation to these proceedings for the purpose of obtaining legal advice in relation to these proceedings or (ii) for the purpose of carrying this Order into effect) or (iii) for the purpose of these proceedings (including for the purpose of gathering evidence in relation to these proceedings) provided that any person to whom such information is disclosed must first be either given a copy of this Order or notified of its substance and effect :
 - (a) Any information concerning the subject matter of these proceedings or any information identifying or tending to identify the Claimant as being the person who has obtained this order, save for that contained in this Order and in any public judgment of the court given in this action.
 - (b) Any information concerning the fact or details of any sexual relationship between the Claimant and the person named in the Confidential Schedule to the Order ("the Confidential Information"); andmust not cause or authorise any other person, firm or company to do any of those acts PROVIDED THAT nothing in this paragraph of this Order shall prevent the Defendant from publishing, communicating or disclosing any material that before

service of this Order was already in, or that thereafter comes into, the public domain as the result of national media publication (other than as a result of breach of this Order or a breach of confidence or privacy).

2. For the avoidance of doubt, this Order prevents the publication of the information set out in the Confidential Schedule to the Order.

Anonymity

3. The Claimant be permitted to issue these proceedings naming the claimant as MNB and giving an address c/o of his or her solicitors.

Confidential Information in statements of case

4. Anything which may reveal any information or purported information described in the Confidential Schedule to this Order shall be excluded from the statements of case served in this action, and included in a separate schedule served with the statement of case.
5. Pursuant to CPR 5.4C(4) any person who is not a party to this action may not obtain from the court records any copy of any confidential schedule served with any statement of case. Any non party seeking access to or copies of any confidential schedule from the court file must make an application to the Court, having previously given at least 3 days' notice of the application to the solicitors for the parties.
6. If any non-party at any time makes an application to the Court under CPR 5.4C(2) for permission to obtain from the Court records a copy of any other document, other than a statement of case, or of any communication, such non-party must give at least 3 days' notice of the application to the solicitors for all parties.

Protection of Hearing Papers

7. The Defendant must not publish or communicate or disclose or copy or cause to be published or communicated or disclosed or copied (i) the evidence and documents listed in Schedule A at the end of this Order (ii) any witness statements and any exhibits thereto that may subsequently be made in support of the Application ("the Hearing Papers") PROVIDED THAT the Defendant shall be permitted to disclose and deliver to Counsel and solicitors instructed in relation to these proceedings ("the Defendant's legal advisers") for the purpose of these proceedings copies of the Hearing Papers.
8. The Hearing Papers must be preserved in a secure place by the Defendant's legal advisers on the Defendant's behalf in order to ensure that the Defendant shall be in a position to comply with any Order the Court may subsequently make in relation to them.
9. The Defendant shall be permitted to use the Hearing Papers for the purpose of the litigation PROVIDED THAT the Defendant's legal advisers shall first inform any third party to whom the said documents are disclosed of the terms of this Order and, so far as is practicable, obtain their written confirmation that they understand and accept that they are bound by the same.

Hearing in Private

10. Pursuant to CPR 39.2(3)(a), (c) and (g), the hearing of application to which this Order relates be heard in private and there be no reporting of the same.

Provision of documents and information to third parties

11. The Claimant shall not be required pursuant to CPR 25 PD 9.2 or otherwise to provide to any third party served with a copy of this order with:
 - (a) a copy of any materials read to or by the Judge, including material prepared after the hearing at the direction of the Judge or in compliance with the order; and/or

(b) a note of the hearing

save where the third party (1) specifically requests the same and (2) provides written undertakings to the court (i) that the aforesaid documents will not be copied or reproduced except for the purposes of any application to vary or discharge this Order (ii) that they will be kept securely and (iii) that those documents and the information contained therein shall only be used (save to the extent that such information is already in the public domain) for the said purposes.

Variation or Discharge of this Order

12. Anyone served with or notified of this Order may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but they must give written notice to the Claimant's solicitors. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Claimant's solicitors at the time when the application to vary the Order is made. The Defendant may agree with the Claimant's solicitors that this Order should be varied or discharged but any agreement must be in writing.

Costs

13. That the costs of and occasioned by this Application and the application to Mr Justice Henriques on 1 March 2011 be the Claimant's in any event, to be subject to detailed assessment if not agreed.

Permission to Appeal

14. Permission to appeal is refused.

GUIDANCE NOTES

INTERPRETATION OF THIS ORDER

A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.

A Defendant which is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

PARTIES OTHER THAN THE CLAIMANT AND THE DEFENDANT

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

NAME AND ADDRESS OF THE CLAIMANT' LEGAL REPRESENTATIVES

The Claimant's solicitors are Olswang of 90 High Holborn, London, WC1V 6XX, tel 020 7067 3000, fax 020 7067 3999, email louise.lambert@olswang.com

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| Telephone numbers during office hours | 020 7067 3295 |
| Telephone numbers out of office hours | 07956575693 |

COMMUNICATIONS WITH THE COURT

All communications to the court about this order should be sent to:

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

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

SCHEDULE A

The Claimant relied on the following Witness Statement:

Witness Statement of MNB dated 2 March 2011.

SCHEDULE B

UNDERTAKINGS GIVEN TO THE COURT BY THE CLAIMANT

- (1) If the Court later finds that this Order has caused loss to the Defendant, and decides that the Defendant should be compensated for that loss, the Claimant will comply with any order the Court may make.
- (2) If the Court later finds that this Order has caused loss to any person or company (other than the Defendant) to whom the Claimant has given notice of this Order, and decides that such person should be compensated for that loss, the Claimant will comply with any Order the Court may make.
- (3) Anyone notified of this Order will be given a copy of it by the Claimant's legal representatives.
- (4) If this Order ceases to have effect, the Claimant will immediately take all reasonable steps to inform in writing anyone to whom he has given notice of this Order, or who he has reasonable grounds for supposing may act upon this Order, that it has ceased to have effect.