



Neutral Citation Number: [2020] EWHC 2679 (QB)

Case No: QB-2020-003338

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 12 October 2020

Before :

MR JUSTICE LAVENDER

Between :

NCL

Claimant

- and -

MME

Defendant

Victoria Simon-Shore (instructed by **Thrings LLP**) for the **Claimant**

The **Defendant** in person

Hearing date: 2 October 2020

Approved Judgment

.....

Mr Justice Lavender:

(1) Introduction

1. On 23 September 2020 I granted an injunction prohibiting the Defendant from disclosing confidential information about the Claimant. I set out my reasons for doing so in a judgment handed down on 28 September 2020. The return date for the injunction was 2 October 2020. On that occasion, the Defendant, who accepts that he is the author of the Book referred to in my earlier judgment and says that he has “de-published” it, offered undertakings which were acceptable to the Claimant and so I did not renew the injunction.

(2) Derogations from Open Justice

2. On 23 September 2020 I made an order for anonymity and an order that no copies of the statements of case or witness statements be provided to a non-party without further order of the court. My reasons for making those orders are set out in my judgment of 28 September 2020. Those orders remain in force.
3. On the application of the Claimant, I directed that the hearing on 2 October 2020 would be held in private. I considered that this was strictly necessary because it was inevitable, especially as the Defendant was unrepresented, that reference would be made in the hearing to confidential information and/or information likely to lead to the identification of the Claimant. If such information became publicly available, it would defeat the purpose of this action and frustrate the administration of justice. As before, however, I indicated that I would give judgment in a form which was suitable for publication.

(3) Costs

4. There was a dispute about costs. The Claimant sought her costs of the application. The Defendant relied on his inability to pay costs and on his claim that the application was unnecessary, because he would, if asked, have voluntarily offered undertakings and “de-published” the book.
5. In my judgment, the Claimant acted reasonably in making the application and in doing so without notice to the Defendant. I base this conclusion on the matters referred to in my judgment of 28 September 2020 and on the fact that the Defendant did not respond to the request for undertakings contained in the Claimant’s solicitors’ letter of 19 February 2019, which was written in response to the Defendant’s threat (made in a text message to the Claimant’s partner) of “going public in the press”.
6. The letter stated that:

“In the event that you fail to provide such an undertaking our client will consider issuing proceedings against you in the High Court for an injunction preventing disclosure without further notice to you.”
7. So the position is that the Defendant published the Book after he had been asked, and had declined, to give undertakings to maintain the confidentiality of the Claimant’s

private information and after he had been told that the Claimant might bring court proceedings against him.

8. Accordingly, I ordered the Defendant to pay the Claimant's costs of the application, which I assessed in the amount of £42,000.