

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION

ALL CLAIMS IN THE SCHEDULE HERETO

IN THE MATTER OF MOBILE TELEPHONE VOICEMAIL INTERCEPTION
LITIGATION

THE HONOURABLE MR JUSTICE VOS

27 February 2012 (as varied by Orders of 18 May 2012, 1 June 2012, 22 June 2012 and 18 July 2012)

BETWEEN:

VARIOUS CLAIMANTS
(listed in the Schedule hereto)

Claimants

- and -

(1) NEWS GROUP NEWSPAPERS LTD
(2) GLENN MICHAEL MULCAIRE

Defendants

- and -

COMMISSIONER OF POLICE FOR THE METROPOLIS

Respondent

ORDER

UPON THE DIRECTION OF THE CHANCELLOR that all case management and other interim applications in phone interception cases brought against either or both of the Defendants be assigned to Mr Justice Vos, unless released to Chief Master Winegarten.

THE COURT having ordered a further Case Management Conference in the Mobile Telephone Voicemail Interception Litigation to give directions for (a) the claims listed in the Schedule to this order along with all other claims issued against one or both of the Defendants which come within the terms of paragraph 17 of the Order of 20 April 2012 ("the Current Claims"), and (b) claims that have not been issued that, if issued, would be claims against one or both of the Defendants which come within the terms of paragraph 17 of the Order of 20 April 2012 (the "Future Claims").

AND UPON HEARING Counsel for the various Claimants, Counsel for the First Defendant, Counsel for the Second Defendant and Counsel for the Metropolitan Police Service.

AND UPON the variations to this Order (made by Order of 18 May 2012) coming into effect from 18 May 2012 and the variation to this Order (made by Order of 1 June 2012) coming into effect from 1 June 2012, and the variations to this Order (made by Order of 22 June 2012 and 18 July 2012) coming into effect from 22 June 2012 and 18 July 2012 respectively.

IT IS ORDERED THAT:

General

1. These directions shall be directions in the Current Claims and in the Future Claims.
2. This order shall replace the previous directions orders given by Mr Justice Vos in the Mobile Telephone Voicemail Interception Litigation to the extent that the provisions of this order are inconsistent with the previous directions.

Disclosure

3. Within 42 days of the provision to the Respondent of the documents set out in paragraph 4 of this order relating to any named individual ("the Named Individual") the Respondent shall simultaneously provide the solicitor for the Named Individual and the solicitors for the First and Second Defendants with copies of:
 - 3.1 Any documents or computer data found at the premises of or in the possession of the Second Defendant which show the name, address(es), mobile telephone number(s), personal identification number(s) ("PIN(s)"), direct dial number(s) ("DDN(s)"), email address(es), account number(s) and/or any other private information of the Named Individual;
 - 3.2 Any documents or computer data suggesting that the Second Defendant (or any servant, agent or associate of the Second Defendant) had been monitoring the Named Individual and/or their mobile telephone voicemail messages, mobile telephone calls and/or emails;

- 3.3 Any documents, notes, tape recordings, digital recordings and emails containing, indicating or evidencing:
- (a) Any calls by the Second Defendant (or any servant, agent or associate of the Second Defendant) to the Named Individual's mobile telephone number(s), DDN(s) or landline number(s);
 - (b) Any use or attempted use by the Second Defendant (or any servant, agent or associate of the Second Defendant) of the Named Individual's PIN(s) to access their mobile telephone voicemail messages;
 - (c) Any monitoring or recording by the Second Defendant (or any servant or agent or associate of the Second Defendant) of the Named Individual's mobile telephone calls or mobile telephone voicemail messages by any other means; or
 - (d) Any documents indicating or evidencing that the making of any such telephone calls above was on a number withheld basis;
- 3.4 Any tape recordings of mobile telephone voicemail messages left on the Named Individual's voicemail account(s) or by the Named Individual on other people's voicemail account(s) (insofar as it is possible to identify the Named Individual) or summaries, transcripts or notes of the same obtained by the Second Defendant (or any servant or agent or associate of the Second Defendant);
- 3.5 Any documents showing how the Second Defendant (or any servant, agent or associate of the Second Defendant) obtained the Named Individual's account number(s), PIN(s) and/or mobile telephone number(s);
- 3.6 Any documents showing or evidencing the identity of the person(s) who had instructed or engaged the Second Defendant to access the Named Individual's mobile telephone voicemails, save that any such person is to be identified by an alpha-numeric code with the Named Individual having liberty to apply at a later stage to identify the person by name;
- 3.7 All documents showing or evidencing the identity of the person(s) to whom the Second Defendant (or any servant or agent or associate of the Second Defendant) sent any information about the Named Individual and/or gave information to which enabled them to access the Named Individual's mobile telephone voicemails.
- 3.8 All emails or other documents passing between the Second Defendant

and any employee of the First Defendant relating to the Named Individual.

In relation to the above documents, subject to paragraph 3.6 above the Respondent shall not redact:

- (a) The Named Individual's names (in whole or in part);
- (b) The Named Individual's nickname(s) (if known);
- (c) The Named Individual's address(es);
- (d) The Named Individual's telephone number(s), DDN(s), password(s), PIN(s) or account number(s);
- (e) Any free text including any dates;
- (f) Names of employees of the News of the World;
- (g) Names of any people who the Respondent considers to be associated with the Named Individual; or
- (h) Names of people who are on the same page as the Named Individual, unless there is a clear division across the page written by the Second Defendant and the other material clearly relates to individuals who are not related to the Named Individual.

In relation to the above documents, the Respondent shall redact (specifying the nature of the redaction using shorthand):

- (a) The addresses of other people on the same page, taking out the street number and the second part of the post code;
- (b) The phone number(s) and DDN(s) of any person believed by the Respondent to be a victim or intended victim of mobile telephone voicemail interception; and
- (c) The PIN(s), password(s), account number(s) of individuals other than the Named Individual.

- 4. The documents referred to in paragraph 3 of this Order are as follows:
 - 4.1 A letter of authority, signed by the Named Individual confirming that they have been contacted by the Respondent in connection with Operation Weeting as a potential victim of mobile telephone voicemail interception and authorising the disclosure of the documents set out in paragraph 3 to the solicitors for the First and Second Defendants; and
 - 4.2 An undertaking to the Court, signed by the solicitor for the Named Individual in the terms set out in paragraphs 1(a) – (f) of the Annex to this Order.

- 4.3 An undertaking to the court, signed by the Named Individual in the terms set out in paragraphs 1(a) – (f) of the Annex to this Order.
5. When disclosure has been provided by the Respondent in accordance with paragraph 3 of this Order to a Named Individual the First Defendant will pay the reasonable costs of the Respondent in providing disclosure, to be subject to detailed assessment if not agreed (and, where agreed, to be paid within 7 days).
6. The Respondent shall, on 7 days notice, permit the solicitors for the Named Individual and/or the solicitors for the First Defendant to inspect the original of any document disclosed in accordance with this order. Notice of such inspection must be given to the other party at the same time as it is given to the Respondent.
7. A Named Individual who is seeking disclosure in accordance with paragraph 3 of this order:
- (a) may not more than 7 days after seeking such disclosure notify the First Defendant, if known, of his or her mobile telephone number(s) and/or DDN(s) for the period 2000 to 2007 and a list of reasonable search terms in order that the First Defendant may conduct electronic searches of their documents; and
 - (b) must, if he/she wishes to pursue a claim in this litigation, not more than 14 days after obtaining such disclosure, notify the First Defendant of any (or any further) mobile telephone number(s), DDN(s) or reasonable search terms.
8. The First Defendant shall, within 35 days of receiving notification in accordance with paragraph 7(a) or 7(b), as applicable, provide to the Named Individual
- (a) a list of telephone calls made to the Named Individual's mobile telephone number(s) and/or DDN(s) from the First Defendant's former premises at Wapping between the period 2000 to 2007 insofar as such data can be identified from searches of the compact discs of historic telephone billing data currently available to be searched by the First Defendant; and
 - (b) Disclosure of all documents arising as a result of electronic searches

conducted in respect of the search terms provided relating to actual or attempted mobile telephone voicemail interception or illegal or attempted illegal information gathering including surveillance of the Named Individual.

- 8A All disclosure given to any Current or Future Claimant and/or Named Individual and/or the Defendants by any party or non-party shall be provided subject to the directions as to the confidentiality of disclosed documents set out in the Annex to this Order.
9. All disclosure given to any Current or Future Claimant shall be provided by that individual to all Current Claimants as soon as practicable after that individual issues proceedings, subject to the directions as to the confidentiality of disclosed documents set out in the Annex to this Order.
10. The directions in this paragraph shall apply in the case of Current or Future Claimants who have obtained disclosure from the Respondent otherwise than in accordance with the procedure set out at paragraphs 3 and 4 of this order:
- (a) The Current or Future Claimant shall, within 14 days following disclosure by the Respondent or the date of this order as amended (whichever is later):
 - (i) provide a copy of the disclosure obtained from the Respondent to the First Defendant;
 - (ii) provide to the First Defendant a copy of any Order(s) pursuant to which the disclosure was obtained and any undertakings given; and
 - (iii) if he/she wishes to pursue a claim in this litigation, notify the First Defendant, if known, of his or her mobile telephone number(s) and/or DDN(s) for the period 2000 to 2007 and a list of reasonable search terms in order that the First Defendant may conduct electronic searches of their documents;
 - (b) The First Defendant shall, within 35 days of the provision of the information referred to in paragraph 10(a)(iii), provide to the Current or Future Claimant:
 - (i) a list of telephone calls made to the Named Individual's mobile telephone number(s) and/or DDN(s) from the First Defendant's former premises at Wapping between the period 2000 to 2007 insofar as such data can be identified from searches of the compact discs of historic telephone billing data currently

- available to be searched by the First Defendant; and
- (ii) Disclosure of all documents arising as a result of electronic searches conducted in respect of the search terms provided relating to actual or attempted mobile telephone voicemail interception or illegal or attempted illegal information gathering including surveillance of the Named Individual.

Directions for Trial of Claims

- 11. The following directions shall apply to all claims in the Mobile Telephone Voicemail Interception Litigation issued before a cut off date to be determined by the Court at the next CMC.

- 12. All parties shall be entitled to use and rely on the generic disclosure previously provided in the Mobile Telephone Voicemail Interception Litigation (including by the Respondent, the First Defendant, Clive Goodman and the Surrey Police) and shall be entitled to rely upon:
 - (a) The Agreed List of Generic Issues;
 - (b) The Generic Particulars of Claim;
 - (c) The First Defendant's Generic Defence;
 - (d) The Second Defendant's Generic Defence;
 - (e) The Admission of Facts served by the First Defendant on 13 December 2012 ;
 - (f) The Admission of Facts served by certain Claimants on 9 January 2013; and
 - (g) The Generic chronology
 - (h) The Agreed Schedule of Technical Facts

- 13. Each Claimant shall, within 21 days of the latest of:
 - (a) Disclosure by the Respondent; or
 - (b) Disclosure by the First Defendant pursuant to paragraphs 8 or 10(b) (as applicable); or
 - (c) Issue of proceedingsfile and serve a document detailing the Claimant-specific information to be added to the Generic Particulars of Claim (the "Claimant-Specific Particulars"), provided that all Claimants must file and serve Claimant-Specific Particulars by no later than 14 September 2012.

14. The Defendants shall, within 10 weeks of the service of the Claimant-Specific Particulars, and in any event by 23 November 2012, file and serve their Defences dealing with the Claimant-Specific Particulars.
15. The parties shall, within 28 days of the service of the Defences, and in any event by 21 December 2012, provide standard disclosure by list with simultaneous inspection by provision of copies.
16. The statements of witnesses of fact shall be exchanged and filed within 42 days of the provision of standard disclosure and in any event by 1 February 2013.
17. The remaining claims and/or such Lead Actions as are directed by the Court to be listed for trial in a window commencing on 18 February 2013 with a time estimate of 4 weeks.

Other Claims

18. These directions shall apply to the claims brought by Nicola Phillips, David Cook and Jacqui Hames, with liberty to apply.

Other Directions

19. By 4pm on 4 April 2012 the Claimant's solicitors shall provide the solicitors acting for the First Defendant and the solicitors acting for the Second Defendant with their proposals for dealing with costs sharing, common costs, the appointment of a lead solicitor, a register of issued claims and the ordering of a cut off date.
20. There be a further CMC in this matter on 20 April 2012.

Liberty to Apply

21. There be liberty to apply to vary or discharge any of the above directions or orders.

Costs

22. Costs shall be costs in the case in each claim.

SCHEDULE OF CLAIMS

	Claim	Date of Issue
1.	Nicola Philips v (1) News Group Newspapers Limited ("NGN") (2) Glenn Mulcaire and (3) Ian Edmondson Claim No. HC10C01562	10.5.10
2.	Ryan Giggs v (1) NGN and (2) Glenn Mulcaire Claim No. HC11C02020	14.6.11
3.	David Cook and Jacqui Hames v (1) NGN (2) Glenn Mulcaire (3) Alex Marunchak and (4) Greg Miskiw Claim No. HC11C02844	15.8.11
4.	James Blount v NGN Claim No. HC11C03346	28.9.11
5.	Peter Crouch v (1) NGN and (2) Glenn Mulcaire Claim No. HC11C04345	6.12.11
6.	Abigail Clancy v (1) NGN and (2) Glenn Mulcaire Claim No. HC11C04346	6.12.11
7.	Christopher Livingstone Eubank v (1) NGN and (2) Glenn Mulcaire Claim No. HC11C04507	21.12.11 <i>(NB. Served on 24.2.12)</i>
8.	Nigel Farage v NGN Claim No. HC12C00218	10.1.12
9.	Kieron Dyer v (1) NGN and (2) Glenn Mulcaire Claim No. HC12C00207	16.1.12
10.	Eimear Cook v NGN Claim No. HC12C00383	3.2.12
11.	Jamie Theakston v NGN Claim No. HC12C00608	15.2.12
12.	Jeff Brazier v NGN Claim No. HC12C00607	15.2.12
13.	Colin Schmidt v NGN Claim No. HC12C00609	15.2.12
14.	Cherie Blair v (1) NGN and (2) Glenn Mulcaire Claim No. HC12C00657	21.2.12
15.	Duncan Foster v (1) NGN and (2) Glenn Mulcaire Claim No. HC12C00708	24.2.12
16.	Karron Stephen-Martin v (1) NGN and (2) Glenn Mulcaire Claim No. HC12C00713	27.2.12

ANNEX

The following directions apply to documents disclosed (whether by parties or non-parties) to Current or Future Claimants, Named Individuals, and/or Defendants. Nothing in the following directions (save in relation to paragraph 1(e)) restricts the provision for the purpose of the proceedings of copies of disclosed documents to Counsel and/or experts instructed on behalf of a Current or Future Claimant, Named Individual, and/or Defendant.

1. Current and Future Claimants, Named Individuals, the Defendants and their respective solicitors shall:
 - (a) not disclose to any non-party without the permission of the court the names of any individuals whose involvement in wrongdoing is suggested in any disclosure document where those individuals' alleged involvement in wrongdoing is not in the public domain;
 - (b) not disclose to any non-party the telephone numbers and any telephone details disclosed, save for the purpose of specific investigations aimed at advancing the Claimant or Named Individual's case or the First Defendant's case;
 - (c) not show copies of any disclosed document to any non-party until such non-party has signed an undertaking that they will keep the information contained in such document confidential and will not disclose it without the permission of the court, save and insofar as this information is in the public domain;
 - (d) not supply copies of any disclosed documents to any non-party without the permission of the court and on notice to all other parties, save that the First Defendant may provide copies of disclosed documents to the MSC for the purpose of defending the proceedings, subject to the MSC signing an undertaking that they will keep the documents and the information contained in such documents confidential and will not disclose it without the permission of the court, save and insofar as this information is in the public domain;
 - (e) not supply copies of any document disclosed by the Metropolitan

Police Service by way of “generic” disclosure (that is, disclosure which does not relate only to a specific Claimant or Named Individual) after 15 April 2011, to any person including the Claimant, Named Individual or the First Defendant, save that the First Defendant may supply copies to:

- (1) William Lewis
- (2) Simon Greenberg
- (3) Jeffrey Palker
- (4) Lord Grabiner QC
- (5) counsel instructed by Linklaters LLP on the Leveson Inquiry without the permission of the Court or the Metropolitan Police Service;

(f) save where otherwise ordered in the Mobile Telephone Voicemail Interception Litigation, only use the documents and the information which they contain for the purposes of the claims or any related claims (which for this purpose shall include an application for compensation or other relief under the First Defendant’s voicemail interception compensation scheme).

2. Before receiving any further disclosure of documents, the solicitors acting for each Current or Future Claimant, each Named Individual, and the solicitors acting for each Defendant shall lodge an undertaking to the Court (and, if requested, provide a copy to the First Defendant) in the terms of paragraphs 1(a) – (f) above.

3. The First Defendant, Named Individuals, and Current and Future Claimants may provide copies of disclosed documents to Sir Charles Gray for the purposes of determining an application for compensation under the First Defendant’s voicemail interception compensation scheme.

4. Before providing copies of the documents disclosed by or to their client to the solicitors acting for the other Claimants, a solicitor will be entitled to redact:

- (a) all telephone numbers and telephone details;
- (b) all other private information relating to the claimant.

In each case indicating the nature of the redaction by the following code:

- | | |
|-----|---|
| TN | - mobile telephone number/direct dial number |
| MTN | - mobile telephone number (if clear from context) |

LTN	- landline telephone number
PIN	- personal identification number
PASS	- password
DDN	- direct dial number (if clear from context)
ACC	- account number
ADD	- address
PI	- other personal information, with a short description of the type of personal information (e.g. financial information; personal relationship information; health information and so on).

Claim No. Various

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

B E T W E E N:

VARIOUS CLAIMANTS

Claimants

- and -

(1) NEWSGROUP NEWSPAPERS LTD

(2) GLENN MICHAEL MULCAIRE

Defendants

-and-

COMMISSIONER OF POLICE FOR THE
METROPOLIS

Respondent

ORDER

Atkins Thomson
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Solicitors for the Claimants