

BEFORE THE HONOURABLE [ JUDGE PARKES QC ]

CLAIM NO: HQ14X03753

IN THE HIGH COURT OF JUSTICE

QUEENS BENCH DIVISION

B E T W E E N:

JEAN BERNARD FERNANDEZ-VERSINI

Claimant

-and-

NATIONAL MAGAZINE COMPANY LIMITED

Defendant

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STATEMENT IN OPEN COURT

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CALLUM GALBRAITH, SOLICITOR FOR THE CLAIMANT

My Lord, in this action for invasion of privacy and breach of the Data Protection Act 1998, I appear on behalf of the Claimant, Jean Bernard Fernandez-Versini.

The Claimant is a private individual and businessman. Until very recently he was unknown to the vast majority of the general public but his circumstances changed in July 2014 when he married the popular recording artist and X Factor judge, formerly known as Cheryl Cole.

The Defendant is part of the Hearst Corporation and is the publisher of Reveal magazine, a weekly gossip and lifestyle magazine which has a substantial and influential circulation in this jurisdiction. It also publishes material from its magazine on a website which is likewise extremely popular.

Despite his wife's fame, the Claimant is not and has no wish to be a public figure. He has deliberately chosen not to court the media and has actively sought to avoid publicity for himself and his family, particularly since his marriage. Insofar as he is able and notwithstanding his changed circumstances, he wishes to continue to be a private individual.

However, in its issue of Reveal dated 9-15<sup>th</sup> August 2014, the Defendant published a deeply intrusive article about the Claimant that was very upsetting for him. The article was prominently promoted on

the Defendant's front-page as, "A Reveal Investigation: The Truth About Cheryl's New Husband" and it was spread across three pages of Reveal with the sensationalist title "The 'shy and quiet' life of Cheryl's new husband". Although the article expressly referred to and acknowledged the great lengths the Claimant had gone to in order to keep out of the public spotlight, it then proceeded to detail the Claimant's childhood, his family life in France where he was brought up and made public information about his father, his late mother, their personal finances, relationships and feelings about each other. The Defendant did not notify the Claimant it intended to publish the article.

The upset and distress caused to the Claimant by the Defendant's article is particularly acute because he has actively sought to avoid the media's glare. Publicity was the inevitable, but avoidable, consequence for the Claimant insofar as Reveal's article is concerned. Despite describing the article as the product of an investigation, at its core was a combination of speculation, gossip and private information. As Reveal now accepts, the article constituted an unjustifiable and unnecessary intrusion into the Claimant's private and family life: the only reason for it being published at all was the fame and notoriety of the Claimant's wife which is of course no justification for a publication that in truth should never have been made. Reveal now accepts this.

Upon the publication of the article, the Claimant immediately complained to the Defendant through his solicitors, Russells. At first, Reveal entirely rejected the Claimant's complaint so the Claimant was therefore left with no choice other than to issue the present proceedings against the Defendant.

I am pleased to be able to now report however that following service of legal proceedings, the Defendant has acknowledged its wrongdoing and accepted that the article caused great hurt and distress to the Claimant, that it invaded his privacy and that it should not have been published. The Defendant has therefore undertaken not to republish either the article or any like material concerning the Claimant and his family in the future. The Defendant has also agreed to pay the Claimant substantial damages and his legal costs.

The Claimant has therefore been fully vindicated and is content not to proceed any further in his legal action against the Defendant.

AMEE NISBET

[.....], [COUNSEL] [SOLICITOR] FOR THE DEFENDANT

My Lord, I accept all that the Claimant's solicitor has said. The Defendant wishes to express its regret for the distress and hurt which it has caused the Claimant and it apologises to him. It undertakes not to republish the article the subject of this litigation or any of the detail the subject of the article or any similar information about the Claimant in the future.

**SOLICITOR THE CLAIMANT**

Accordingly, my Lord, all that remains is for me to ask for leave to withdraw the record.

**Callum Galbraith**

**Russells Solicitors**

**Solicitors for the Claimant**

  
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**Alexandra McGurk**

**Solicitor for the Defendant**

  
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**Solicitors for the Claimant**