

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION

CLAIM NO: HQ14D04205

B E T W E E N:-

JEAN BERNARD FERNANDEZ-VERSINI

Claimant

- and -

BAUER CONSUMER MEDIA 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. Tom Rudkin appears on behalf of Bauer Consumer Media Ltd.

The Claimant is a private individual and a 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 both the publisher of *heat* magazine and the owner of the website, 'heatworld'.

Despite his wife's fame, the Claimant is not and has no desire 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. The fact of his marriage to a well-known individual does not mean his right to a private and family life can be ignored. Despite the Claimant's desire to keep out of the spotlight, in August 2014, *heat* published an article about him and his wife. *Heat's* front page headline carried the caption: "*This time Cheryl's in Charge*" with three further captions below including ones that claimed the Claimant's wife had paid for her wedding ring and that her mother was to live with the couple. The front cover had a prominent picture of the Claimant's wife with the Claimant featured in the foreground and the article about which complaint has been made was published across four pages of the magazine with the title, "*Cheryl: Two wedding parties and a watertight marriage contract*". In it *heat* speculated about what happened prior to and during the Claimant's wedding although it acknowledged the wedding had been "*secret*". It also went on to comment upon how the married couple would live in the future.

As *heat* now accepts, the article amounted to an unjustified intrusion into the Claimant's private and family life: the upset and distress it caused him compounded by the fact first that he has sought to avoid the media's glare and second that the article contained inaccuracies which the magazine did not put to the Claimant in advance of publication so as to enable him to comment upon or correct the same.

The Claimant complained to the Defendant through his solicitors, Russells, after *heat* published its article. These legal proceedings were issued in October 2014 but I am pleased to be able to report that the Defendant has now accepted that the article not only invaded the Claimant's privacy but, further, was contrary to the Data Protection Act 1998. *heat* has therefore agreed to settle this matter to the Claimant's satisfaction and, in particular, to publicly acknowledge and apologise for the upset the article caused to him. *heat* has undertaken not to republish the article and it has also agreed to pay the Claimant damages and contribute to his legal costs.

In such circumstances the Claimant is prepared not to take this claim any further.

**TOM RUDKIN, SOLICITOR FOR THE DEFENDANT**

On behalf of the Defendant I confirm all that has been said by the solicitor acting for the Claimant. The Defendant wishes to express its regret for the upset which the article caused

the Claimant and it unreservedly apologises to him. It has agreed to pay him damages and contribute to his legal costs.

**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**

*Russells*  
.....

**Tom Rudkin**

**Farrer & Co LLP**

**Solicitor for the Defendant**

*Farrer & Co*  
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Messrs Russells  
Regency House  
1-4 Warwick Street  
London W1B 5LJ  
Tel: 020 7439 8692  
Fax: 020 7287 0314  
Ref: JEA4/4-485482.SMT.gl

Solicitors for the Claimant