



Neutral Citation Number: [2024] EWHC 1210 (Ch)

Case No: HC-2000-000004

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
BUSINESS LIST (ChD)

Rolls Building
Fetter Lane
London, EC4A 1NL

Tuesday, 21 May 2024

Before :

MR JUSTICE FANCOURT

Between :

VARIOUS CLAIMANTS

Claimants

- and -

NEWS GROUP NEWSPAPERS LIMITED

Defendant

David Sherborne, Kate Wilson and Ben Hamer (instructed by **Hamllins LLP**) for the
Claimants
Anthony Hudson KC, Ben Silverstone, Harry Lambert and Mariyam Kamil (instructed by
Clifford Chance LLP) for the **Defendant**

Hearing date: 20 March 2024

APPROVED JUDGMENT

(provided on 13 May 2024)

This judgment was handed down via hearing at 10.30 am on 21 May 2024 and by circulation to the parties or their representatives and by release to the National Archives

Mr Justice Fancourt:

Introduction

1. This judgment relates to an application dated 23 January 2024 (“the Application”) made by the remaining claimants in the fourth tranche of the Mobile Telephone Voicemail Interception Litigation (“MTVIL”) against the Defendant (“NGN”). There are about 42 remaining claimants at the date of this judgment, whose claims are due to be tried starting on about 15 January 2025.
2. The individual claimants’ claims allege misuse of private information and breach of confidence by NGN, by carrying out illegal voicemail interception, the blagging of private information from third parties, and the use of private investigators (“PIs”) and other unlawful information gathering techniques (“UIG”) to extract their private information unlawfully over the period 1993-2012.
3. Since March 2017, there has been an MTVIL generic statement of case (replacing earlier generic allegations), which alleges concealment of wrongdoing and destruction of evidence of wrongdoing by NGN. It sets out allegations that are intended to be common to all the individual claims and which each claimant adopts as part of their case. This, in its current form, is the Re-Amended Generic Particulars of Concealment and Destruction served in June 2020 (“GENPOC”).
4. The Application is for permission to re-re-amend the GENPOC. Notice of intention to apply to re-re-amend was first given by the claimants on 28 November 2023, but no draft pleading accompanied it. This was not provided until 17 January 2024. I shall refer to the proposed re-re-amended version of the GENPOC as the “Draft GENPOC”. The amendments are very extensive indeed and are almost all vigorously opposed by NGN.
5. I heard very compressed oral argument on the Application, over the course of a day, but both parties have produced voluminous written materials in support of those arguments. I have had to evaluate this at some length after the hearing, given the extent of the Application and of objections to it. Regrettably, that has meant that, as I suspected and warned the parties when I heard the Application, it has taken until now to appraise the Application fully (and a related application made by The Duke of Sussex that I heard over the following 2 days) and to prepare this judgment.
6. In the judgment, I deal with the background to the GENPOC and its purpose, the content of the existing version and the amendments sought to be introduced in the Draft GENPOC, and then turn to the various heads of objection that NGN has raised. I deal with those objections with reference to some particular amendments that the claimants seek to introduce. Having explained the principles that I will apply in relation to the different categories of amendment and the various objections, I then set out, in brief summary only, in the Schedule to this judgment (which is based on different versions of similar tables that the parties annexed to their skeleton arguments), the reason or reasons for my decision to permit or refuse each of the individual amendments. Those brief reasons must be read in the light of the general principles addressed in the body of this judgment.

The Generic Particulars of Concealment and Destruction

7. The title of the GENPOC is slightly misleading in that, whatever it was in the original March 2017 version, it is not limited to allegations of concealment and destruction. It also includes detailed allegations to support the claimants' case that NGN indulged in habitual and widespread phone hacking, blagging and other UIG through PIs, both at the News of the World and at The Sun, from 1998 to 2011, and that this was known to senior editorial and management staff and executives of NGN. The GENPOC also now includes a generic case on the issue of how s.32 Limitation Act 1980 applies in general to the facts of the individual claims.
8. Before 2017, the generic allegations of concealment and destruction were set out in generic statements of case called the Weeting Generic Particulars of Claim (2012) and the Pinetree Generic Particulars of Claim (2016). The former started out as a template for individual claims to be pleaded, as a result of investigations by the Metropolitan Police Service ("MPS") and notification by the MPS to individuals that they might have been victims of phone hacking. Both templates contain standard form allegations and the individual claimant inserted their personal details, material facts, articles relied on and other individual allegations before serving these particulars of claim. Once the allegations of concealment and destruction had been pleaded in the GENPOC, individual claims (somewhat ironically) tended to become more fully pleaded, and did not use the Weeting or Pinetree templates. That process has continued such that the most recently filed claimant-specific particulars of claim ("CSPoC") are of very substantial (and in my view excessive) length and complexity.
9. All particulars of claim issued since 2017 have expressly incorporated and adopted the allegations made in the GENPOC, and indeed in Weeting and Pinetree standard form particulars, no doubt for the avoidance of doubt or erroneous omission.
10. As a result of continuing development and elaboration of the generic case and the content of the CSPoC, the Weeting and Pinetree standard allegations have largely, if not entirely, been overtaken and add nothing of substance to the allegations in the CSPoC of the remaining claimants and the GENPOC, as Mr Sherborne accepted. It follows that the GENPOC are now essentially the statement of case by which generic allegations of wrongdoing that are common to all the claims are advanced.
11. As originally pleaded, the GENPOC ran to about 70 pages of allegations (and particulars of allegations) of: knowledge on the part of senior executives, editorial staff and journalists of NGN of illegal and unlawful practices conducted on an habitual and widespread basis; and attempts made by those persons to conceal those practices and destroy evidence, and lie about what had been done. The style of the statement of case is to summarise the allegations that are made, plead certain facts, say what evidence the claimants will rely on at trial and what inferences the claimants will say should be drawn, and to set out multiple examples of matters which are said to justify conclusions about the knowledge or involvement of senior NGN employees.
12. Mann J gave permission for the GENPOC to be served in March 2017. It was then amended in September 2017, by consent, as a result of which the generic allegations then ran to 89 pages. NGN did not then take the objections to the style of the pleading that it takes now in relation to the Draft GENPOC; nor, indeed, to the relevance of the matters pleaded to the determination of the individual claims, as it does now.

13. The claimants prepared and applied for permission for a re-amended version of the GENPOC in February 2020. That version was based on facts and evidence known to the claimants' legal team up to February 2020 and it was not further amended before permission to serve it was given, again by consent, in June 2020. This version ran to 129 pages, pleaded in the same style, to which NGN then made no objection.
14. The content of the GENPOC falls into six parts:
 - i) Summary of the claimants' case on concealment and destruction;
 - ii) NGN's knowledge of the widespread and habitual use of unlawful activities;
 - iii) NGN's public lies and concealment of its wrongdoing;
 - iv) NGN's destruction and concealment of incriminating evidence;
 - v) The knowledge or involvement of senior NGN employees; and
 - vi) The claimants' generic case on the issue of limitation.
15. Interestingly, para 6 of the GENPOC (which is unchanged in the Draft GENPOC) summarises the relevance of the lies, concealment and destruction that are alleged in it as follows:

“6.1 As proof of NGN's wrongdoing. The Claimants will invite the court to infer at trial that senior NGN employees took these steps to lie about, conceal or destroy evidence of these unlawful activities because they knew that they were widespread and habitual at both NGN's newspapers during this period. There would be no other reason to do so.

6.2 As supporting inferences as to the scale and extent of these unlawful activities within NGN. In accordance with the principles set out in *Armory v Delamirie* (1722) 1 Strange 505, and in line with the judgement of Mann J in *Gulati v MGN* [2015] EWHC 1452 (Ch), the Claimants will refer the court to the facts that NGN deliberately destroyed or concealed evidence, as justifying the most favourable inferences being drawn as to the scope, nature and frequency of NGN's unlawful activities, as well as the likely source of suspicious articles.

6.3 As vitiating any reliance upon a defence of limitation. The Claimants will rely upon NGN's deliberate concealment and destruction of evidence of its wrongdoing, as rebutting any attempt to seek to defend these claims on the basis that they fall outside the statutory limitation period and should therefore be statute-barred.

6.4 As seriously aggravating the damage caused to the Claimants. The fact that these activities were not just known about or approved of by senior NGN employees, but that they also lied about or sought to conceal them, as well as destroyed evidence of their existence, has greatly aggravated the injury caused to the Claimants. The same is true of the fact that as a result the Claimants have not only been deprived of the opportunity to sue at the time

but have also been unable to ascertain the full extent of the unlawful activities undertaken in relation to them.”

16. I will return to those points, each of which NGN challenges, later in this judgment. It is, however, material that the claimants do not contend that these points are the only purposes that the GENPOC serves: what para 6 identifies is the purposes served by the allegations of concealment and destruction. The GENPOC also plead the scale of UIG carried out by PIs and the extent of NGN’s use and knowledge of them.
17. There is no challenge (*e.g.* a strike out application) to the GENPOC as it stands, only to the proposed amendments in the Draft GENPOC. It follows that whatever decision I reach on the Application, the GENPOC as it stands will be the pleaded case that is to be determined at trial, subject to any case management directions given at future CMCs or at the pre-trial review.

The Draft Re-Amended GENPOC

18. The Draft GENPOC adds about 37 pages in total length to the body of the statement of case and an annexe running to a further 21 pages (“the PI Annexe”). The intended amendments are to all sections of the GENPOC, except the last (limitation). Stating how many additional pages the proposed amendments add significantly understates the complexity and scope of the new material that is added. I have no doubt that the intended trial of the material in the GENPOC would be unmanageable if all these amendments were permitted. Some of the individual amendments (of which there are 353 in total that are disputed: see [32] below) raise knotty factual issues that would take a day or more of evidence to unravel. The trial is listed for up to 8 weeks, including time for pre-reading, any reading necessary during the trial, and time for preparation of written closing submissions. That means that, in practice, about 3 weeks will be available for the trial of the generic issues. That may be insufficient for what is already pleaded, and the content of the generic trial will have to be cut down, not expanded, by case management later in the year.
19. In the part of the Draft GENPOC headed “Summary”, the amendments seek to add new steps that NGN allegedly took at the Leveson Inquiry to lie about, conceal and destroy evidence of unlawful practices, and new individuals at NGN who are alleged to have had knowledge of the unlawful practices, including, most significantly, Rupert Murdoch, Tom Mockridge (Chief Executive of News International), Piers Morgan, Phil Hall (former editor of the News of the World), Stuart Higgins and David Yelland (both former editors of The Sun). These allegations are then developed in detail in the parts that follow.
20. The PI Annexe lists, in different categories, a large number of PIs who are alleged to have acted illegally or unlawfully on behalf of journalists, editors or executives of NGN over an extended period from 1994 to 2012. Before the Draft GENPOC, there were about 20 PIs (or 25, if aliases are counted) named in para 9.3 of the GENPOC and 100 further PIs incorporated within it by reference to a schedule to a 1 November 2019 Order of the Court. NGN alleges that the Draft GENPOC seeks to introduce more than 200 new journalists, executives and PIs, who were not previously identified by name, and that the PI Annexe includes over 150 PIs who were not previously pleaded in the GENPOC. The

claimants counter that these numbers are significantly inflated because some PIs have aliases (or in some cases several aliases), each of which NGN has counted.

21. At all events, there is a significant number of new PIs that the claimants now seek to introduce into their pleaded case: far too many to deal with in the generic trial. It is convenient to deal with these at this stage.
22. The 4th witness statement of Claire Freeman dated 29 February 2024 analyses the list in the PI Annexe and concludes that 8 of these new PIs are not pleaded in any of the CSPoC of the remaining 42 claims; 2 are only pleaded in one remaining claim; 4 are only pleaded in two remaining claims; and 111 are only pleaded in the same three remaining claims, namely those of Christopher Jefferies, Lord Mandelson and Alan Yentob, whose CSPoC were only served as recently as 19 December 2023.
23. The reason for this last, astonishing statistic is that in the three most recent CSPoC to be drafted, the pleader has adopted the strategy of incorporating into the CSPoC the same list of PIs that otherwise appears as the PI Annexe to the Draft GENPOC. NGN points out that these claimants' CSPoC do not make any specific allegations about the large number of PIs that are listed, except in the following paragraph:

“In particular, the Claimant contends in relation to private investigators as set out in the Pledaded Private Investigator Annexe to these Particulars, including that they were responsible for carrying out inquiries on him and his Associates on the instruction of the Defendant, and that they were acting unlawfully and/or the product of their inquiries were used for unlawful purposes by the Defendant.”
24. It seems to me quite inappropriate for these claimants to make unparticularised allegations of this kind that apparently apply to each named PI on the PI Annexe. There are no particulars or explanation of how any of the named PIs is relevant to their claims. It appears therefore to be a lawyers' device to justify including the extensive PI Annexe in the GENPOC at this stage, even though no specific allegations are made by any remaining claimant against 111 of the identified PIs. As a result of including them in the GENPOC, the claimants would then seek disclosure in relation to them: that is the means by which disclosure in relation to identifiable PIs is obtained throughout the MTVIL.
25. Without there being some credible evidence to support the allegation that 111 new PIs were responsible for carrying out UIG in relation to the three individuals, or any others, it is not appropriate to allow a late amendment of this kind to seek to bring in PIs who were not previously named in the GENPOC. In my judgment, it would not now be appropriate to introduce newly-named PIs unless either they are named in 5 or more of the remaining CSPoC or disclosure has already been given for them.
26. To allow the kind of amendment that the claimants seek would vastly increase the scope of the inquiry into PI activities required at a trial, for which there is no additional time in the January 2025 listing. In any event, it could not be done without disclosure in relation to them. Mr Galbraith produced in his 39th witness statement a different table based on the PI Annexe, which shows for which PIs disclosure has already been given and those PIs who are already named in the GENPOC. Those for whom disclosure has not been given and who are not already the subject of pleaded allegations (in 5 or more CSPoCs

or in the GENPOC, not in witness statements, exhibits or documents within the electronic bundle files) will not be introduced at this late stage.

27. Putting to one side the PI Annexe, the claimants advance their Application generally on the basis that the wished-for amendments to the GENPOC do three things:
 - i) advance the generic case taking account of documents that have been newly disclosed by NGN, or information otherwise obtained, since 19 February 2020, when the GENPOC was drafted;
 - ii) give particulars of the names of those (whether executives, editors, journalists or PIs) in relation to whose conduct the claimants will seek to have findings made at trial, and of the allegations that are made against them;
 - iii) plead new matters that the claimants have only been in a position to plead more recently in support of the case of concealment and destruction, as a result of “more pieces of the jigsaw” having been inserted and their significance having been fully assessed.
28. Mr Sherborne took me through each of the disputed amendments (very few are agreed by NGN), save for those in para 19 of the Draft GENPOC, and explained why he said that each fell into one or other of these categories. In some cases, it is easy to see that a particular amendment is the product of documents recently disclosed; in other cases, much less so.
29. Ms Freeman annexed to her 4th witness statement dated 29 February 2024 a table running to 124 pages, with 353 rows and 3 columns, one row for each of the amendments in the Draft GENPOC to which NGN objects (in most cases on several different grounds). The size of this table is indicative of the sheer volume of the amendments that the claimants seek to introduce at a late stage. In the third column is a reference to the documents on which the allegation is based, according to Mr Galbraith’s evidence, and the date of each document and when it was available to the claimants’ legal team. Mr Hudson added, in a separate version of the table, a statement of each of the grounds on which NGN objected to each amendment.
30. In schedule 2 to his skeleton argument, Mr Sherborne produced a further version of this table, which highlights those documents identified by NGN that postdate February 2020, and in a further column states which of the 3 categories described in [27] above applies to each of the amendments. These are all incorporated into the Schedule to this judgment – I am grateful to the parties for assisting in the preparation of the template into which I inserted my decision on each amendment.
31. Ms Freeman’s 4th witness statement sets out her analysis of her table, which she says shows that 32% of the documents underlying the amendments pre-date the end of 2012 and were available to the claimants’ legal team then, as being publicly available or as having been provided to them; another 5% in the period 2013-2016; and another 42% in the period 2017-2020. That means that, according to her analysis, only 21% of the identified documents postdate the GENPOC (though she has taken the date on which the GENPOC was served, not the date of the draft). She contends that only 1% of the documents in question were provided in disclosure from 2023 onwards. However, Mr Sherborne pointed out that this is misleading because large volumes of call data recently

disclosed are counted as one document for this purpose: that became apparent when Mr Hudson KC said that there were only 6 documents in total that date from 2023, despite the disclosure of large volumes of call data in November and December 2023.

32. In any event, what is more significant, in my view, is to see which of the amendments is based, at least in significant part, on a document or evidence obtained since February 2020, and in those cases for how long the claimants have had the document in question. Mr Sherborne pointed out that 178 rows out of the 354 in the table include reference to documents that postdate February 2020. So it can be seen that almost exactly half of the amendments *claim* to be significantly based on material disclosed since the date of the GENPOC (though in many cases they are also based on earlier documents). Equally, however, one half of the amendments are based on documents that were available to the legal team before the GENPOC were drafted, which necessarily raises questions about why they need to be made now.
33. As for the second aim, viz naming those against whom allegations are to be made at trial, that is of course a necessary condition for seeking any finding of serious misconduct against an individual, but it is not a sufficient reason for permitting a late amendment.
34. As for the third aim, it may well be true, given the piecemeal way in which the claimants' generic case has evolved over time, that with more material disclosed more connections can be made, and that as a result a bigger picture can be seen. The claimants' legal team assert that this is so, but it is inherently subjective, in most cases, and it is very difficult for the court to assess the accuracy of Mr Galbraith's explanation in his 39th witness statement. In any event, it is not a sufficient basis for a late amendment but just an explanation of why the amendment is being brought forward at this stage.
35. The claimants argue that they should be given permission to amend in all cases. They say that, with the exception of the extension of the period during which there was, allegedly, habitual and extensive wrongdoing by NGN, the amendments will not give rise to applications for further disclosure, but rather are based on the generic disclosure or claimant-specific disclosure that has already been given. I have real doubts about this: Mr Galbraith's table indicates that where, in relation to a given PI in the PI Annexe, "NO" is stated in the disclosure column, this means that the PI is "pleaded only for disclosure". There are other indications in the Draft GENPOC that the claimants' pleaded case is a provisional one "pending disclosure".
36. Nevertheless, the claimants argue that there is no significant prejudice to NGN in preparing to deal with the new allegations at trial, but that there would be significant prejudice to the claimants in not being able to advance their up-to-date generic case. They say, accordingly, that the balancing exercise inherent in CPR Part 17.3 where a late application to amend is made comes down in their favour (the claimants accept that this is a "late" amendment).
37. The claimants contend that NGN's argument that they could not be ready for a January 2025 trial if all the amendments are permitted is no more than "reverse engineering", creating timescales working back from the trial date to assert that there is insufficient time to do what is needed, namely investigate and plead in response, deal with further disclosure and prepare further generic witness statements, in addition to the claimant-specific disclosure and witness statements.

38. The amendments sought by the claimants seem to me to be a mix of the following types. First, allegations that only add detail to allegations that are already pleaded, or a further example of such allegations. I am disposed towards allowing such amendments, if they are proportionate. Second, allegations that draw newly-named individuals into the existing pleaded allegations. These need to be justified as late amendments, but in some cases it is just providing a list of names to go with allegations that have already been pleaded, in which case it is somewhat artificial not to allow the amendment. Third, new allegations against those who are already named in the GENPOC. This may be acceptable as long as completely new issues are not being opened up and the additional matter is proportionate. Fourth, entirely new allegations against new employees or executives of NGN. I am unlikely to grant permission for these at a late stage. Fifth, allegations (mainly unparticularised) against new PIs. I have already indicated that these will not be allowed save in certain categories. In addition, there are the amendments to extend the period covered by the allegations (from 1996 back to 1994 and from 2011 to 2012).
39. In some respects, as Mr Sherborne submitted, the generic amendments that are sought to be made are for allegations that are already made in some CSPoCs. That raises the question of whether they are appropriate generic issues or just issues in a limited number of individual claims that should be treated as such. As I have indicated, in some cases it is clear that the way in which the allegations have been pleaded in CSPoCs is inappropriate.

NGN's Objections

40. Mr Hudson KC on behalf of NGN approached the Application in a very different way from Mr Sherborne. He argued a number of fundamental objections in principle to the claimants being permitted to amend in terms of the Draft GENPOC at this stage. These, he said, individually or together, made it clear that permission should not be granted. He did not seek to address each separate amendment orally, in the way that Mr Sherborne did, but explained and developed NGN's objections in principle, and then (in writing only, in the form of his amended table) stated which objections applied to each of the 353 amendments.

(1) Style of pleading

41. The first of the objections (not in order of importance) was to the style of the pleading of the amendments in the Draft GENPOC, which Mr Hudson said compounded the highly unsatisfactory style of the GENPOC. This, he explained, is contrary to the requirements of CPR Part 16.4(1)(a), paragraph 8.2 of 16PD and paragraph 4.2 the Chancery Guide, in that the drafting is prolix, not concise, in the form of lengthy paragraphs, and comprises mainly the pleading of evidence and the basis on which inferences should be drawn, rather than simply the facts that will be proved by evidence at trial. In other respects (*e.g.* para 11.37A Draft GENPOC), the objection was to pleaded allegations, including allegations of dishonesty, without the required level of particularity of the allegation that was being made. In relation to dishonesty, para 4.8 of the Chancery Guide spells out exactly the level of particularity required, as regards the state of knowledge of the person alleged to have been dishonest.

42. Mr Hudson referred to the points of principle explained by Briggs and Christopher Clarke LJ in Hague Plant Ltd v Hague [2014] EWCA Civ 1609; [2015] CP Rep 14, distinguishing a concise statement of facts from a “rambling narrative” and evidence to be relied on at trial, and the danger of a party’s case being obscured by a pleading of “interminable length and diffuseness and conspicuous lack of precision”, and by Warby LJ in Duchess of Sussex v Associated Newspapers Ltd [2020] EWHC 1058 (Ch); [2020] EMLR 21 at [51] on the proportionality requirements of a statement of case:

“...The overriding objective of deciding cases justly and at proportionate cost requires the court to monitor and control the scale of the resource it devotes to each individual claim. Irrelevant matter should, as a rule, have no place in particulars of claim. There may be cases where the court would allow the inclusion of some minor matters that are, on a strict view, immaterial. But where the irrelevant pleading makes serious allegations of wrongdoing which are partly implicit, unclear, lacking in the essential particulars, and likely to cause a significant increase in cost and complexity, the case for striking out is all the clearer.”

Mr Hudson says that exactly these criticisms apply to the GENPOC and the Draft GENPOC.

43. I agree with Mr Hudson that the pleading style of the Draft GENPOC leaves much to be desired. However, there is no application to strike out the GENPOC on this ground. The Draft GENPOC is a continuation of the existing style of the GENPOC. NGN is in my view disabled from complaining with any conviction about the style of the amendments because it consented to the amended GENPOC in 2017 and the re-amended GENPOC in 2020, all of which are in the same style and contain the same pleading deficiencies.
44. Further, the problem in dealing with the GENPOC will not go away if I refuse permission to amend. Nor, in my judgment, will it get materially worse, except incrementally with the increased quantity of pages, if I grant permission, because the amendments fit into and perpetuate the same structure and style of the generic allegations that already exist. If I were to refuse permission to appeal on the basis that only material facts should be succinctly pleaded, with particulars of each allegation in a schedule and no evidence, and the claimants then produced a different version of the amendments in a different style, the result might be greater confusion at trial. I will not therefore, despite the shortcomings, refuse permission to amend because of the style of the draft amendments as a whole; but where it is clear that what is pleaded is only argument, or evidence in support of an already pleaded case, I will disallow it.

(2) Are the amendments pointless or irrelevant?

45. Another objection that NGN raised was that the GENPOC did not serve any useful purpose and so should not be expanded. Mr Hudson argued that the GENPOC are incapable of achieving the four purposes stated in their paragraph 6, quoted in [15] above, and that therefore amendments to add further material of the same kind should be refused.
46. Mr Hudson submits, first, that the argument that concealment and destruction proves wrongdoing is a self-serving “bootstraps” argument. I agree that if there were no evidence

of wrongdoing other than the concealment and destruction alleged, those facts would not be logically probative. There would need to be some evidence of what was concealed and that what was destroyed related to that. But where the nature of the wrongdoing can be established by other evidence, which the claimants arguably have (NGN does not seek to oppose any amendment on the ground that it has no real prospect of success), proof of deliberate concealment of the wrongdoing and the destruction of large quantities of relevant material is capable of being logically probative of the scale, nature and extent of the wrongdoing. This is an important aspect of the generic case, on which individual claimants in turn rely for an inference that their private information was obtained by unlawful means, even if they have no direct proof of that (because of concealment and destruction). It includes alleged concealment that took place before May 2011, during the time at which the articles about which most claimants complain were written.

47. Second, Mr Hudson argues that inferences of an *Armory v Delamirie* nature cannot operate at a generic level and that its proper scope of application is much narrower, and must be claimant specific. It is clear that such an inference may arise where a party has destroyed (and thereby prevented the court from seeing) an article or document that is germane to the issue in dispute. In *Duke of Sussex v MGN Ltd* [2023] EWHC 3179 (Ch), I decided that the claimants in that case could not rely on the principle to justify a finding that schedules of work done by a PI that had been destroyed included work done in relation to particular claimants on particular dates, but did give rise to an inference that whatever the PI was doing was of an unlawful character. So that was an inference of a generic and non-claimant specific nature. There is no doubt that the deliberate destruction of potential evidence of wrongdoing can give rise to an inferential conclusion against the destroyer: the issue is what inference can and should be drawn in all the circumstances.
48. Although in many instances it will be the inference that will be drawn in relation to wrongs alleged by a particular claimant that is important, I am unable to see why an inference under *Armory v Delamirie* cannot arise in relation to a generic issue, such as the extent of wrongdoing, whether a particular PI was acting exclusively or mainly illegally or unlawfully, or whether a particular executive of NGN knew about and condoned illegal activity. Just to take one example which arises in this litigation, the claimants allege that Rebekah Brooks's laptop hard drive was removed and destroyed, and another laptop hidden, to conceal the fact that she knew about illegal or unlawful activities of employees of NGN and retained PIs and was complicit in the destruction of millions of emails in early 2011. If there is evidence of such wrongdoing by NGN and the claimants prove that the hard drive was indeed deliberately removed and destroyed, it is *possible* (I deliberately say no more and need to say no more at this time) that inferences may properly be drawn, in the light of all the evidence, about Ms Brooks's knowledge of the destruction, her knowledge as Chief Executive of NGN/News International of the wrongdoing by NGN journalists and/or that the wrongdoing was extensive and/or institutionalised at NGN's newspapers. This is but one example of how such inferences may arise and may be drawn at a generic rather than a claimant-specific level. Whether it is right to draw such an inference is of course a matter for trial, depending on how the evidence emerges. Mr Hudson is therefore wrong, in my view, to say that *Armory v Delamirie* cannot operate in the context of generic issues.
49. Third, Mr Hudson said that the generic case in the GENPOC has very limited, if any, relevance to the limitation issue, which is necessarily claimant specific. This is, he said, because the critical issue at trial will be whether each individual claimant knew, or could

with reasonable diligence have known, more than 6 years before issuing their claim form that they had a worthwhile claim to pursue against NGN for misuse of private information or breach of confidence. (Mr Hudson also pointed out that there are no amendments of substance to the limitation section of the GENPOC, which suggests that the limitation case cannot be a reason for the Draft GENPOC.)

50. I agree that the limitation issue, turning on the application of s.32 Limitation Act 1980, will ultimately be claimant-specific, though not limited to a subjective assessment of what that person knew or was aware of. But the extent of concealment by NGN, as alleged by the claimants, is part of the picture. From the time of the Leveson Inquiry onwards, NGN has issued strenuous denials (and gave sworn evidence to the Inquiry) that no phone hacking or similarly illegal or unlawful UIG was carried on at The Sun, unlike the News of the World. What was said at various times, and the extent to which it was misleading and liable to mislead a reasonable putative claimant, is important background. I agree with Mr Hudson that it is the bigger picture on concealment (starting with concealment of the information gathering activities themselves) which is likely to matter in the final, claimant-specific analysis, but it cannot be said that the nature and extent of concealment and lies by NGN, as are alleged, is irrelevant to the process of making findings about what each claimant actually knew, by six years before issue, or what a reasonable person in their shoes could reasonably have known at that time.
51. It is important in this regard to stress that, although in seeking to persuade me to direct preliminary issues on limitation NGN was willing to have those issued tried on the assumption that what was alleged by the relevant claimants about concealment was true, NGN makes no such concession for the purposes of the full trial that will take place in January 2025. The allegations of phone hacking and any UIG are not admitted, and so the alleged concealment by covert operations at the time is similarly not admitted. The allegations of further concealment, destruction and lies are all in issue at the trial and are relevant to the limitation defence for the reasons that I have given.
52. Fourth, Mr Hudson argued that the claim for aggravated damages cannot justify the very extensive treatment of the alleged knowledge and approval of senior editorial staff and NGN executives in the GENPOC. Many of the amendments in the Draft GENPOC relate to this issue. Mr Hudson submitted that aggravated damages is a claimant-specific issue, which depends on the extent to which each individual claimant was caused further distress or outrage by the belief or knowledge that what they suffered was caused by the actions of editors and executives, rather than just “rogue” journalists. Again, I agree that it is ultimately an issue that is claimant-specific, but the underlay is entirely generic. No claimant can obtain aggravated damages on the basis asserted without establishing, first, that senior editorial staff and/or executives of NGN or News International knew about and/or condoned the illegal or unlawful actions of its journalists. The extent of that alleged wrongdoing is an important generic issue.
53. However, it is an issue that must be addressed proportionately. In *Duke of Sussex v MGN Ltd*, I found that the illegal and unlawful conduct of journalists at MGN’s newspapers had been conducted for years to the knowledge of editors, the legal department and two main board directors. I awarded aggravated damages to those claimants who suffered distress from the wrongful conduct after the time at which the board should reasonably have stopped it. The aggravated damages added only about 10% to the successful claimants’ damages. The issue is therefore not likely to be worth a great deal of money. It is, in reality, mainly a “trophy” issue for those who are running the MTVIL on behalf

of the individual claimants, and also, perhaps, for a few of the individual claimants themselves. There are already lengthy allegations in the GENPOC about what editors and executives of NGN knew at various times (Mr Hudson said that there are 39 pages of examples). It is therefore unlikely to be proportionate to add further allegations about relatively unimportant further individuals, particularly if the person in question has not previously been named in the GENPOC.

54. Providing further particulars of matters that are already pleaded, however, even if it involves adding additional names, is not open to the same objection. So, for example, where on the basis of disclosure (*e.g.* payment records or call data) the claimants are now able to allege that other journalists were also instructing PIs to carry out UIG, it would be wrong to exclude those allegations, which are essentially advanced on the basis of documentary evidence and inferences to be drawn.
55. Mr Hudson's objections on the ground of pointlessness do not in any event address the other purpose served by the GENPOC, which is to plead the extent of the wrongdoing of different kinds and what is relied on to justify a conclusion that it was "extensive and habitual" at both newspapers during the period 1998-2011. As I have said, that is an important foundation for the question of what conclusions and inferences should be drawn in relation to articles complained about by individual claimants. Further amendments to advance the generic case about use of certain PIs and the number of employees allegedly hacking mobile phones and landlines are obviously relevant and material, though particular amendments of this kind may be objectionable for other reasons.
56. The next point that NGN makes is that the amendments in the Draft GENPOC are unnecessary because they add nothing to any of the claims made by the remaining claimants, and so are otiose. They point out that nowhere in their submissions have the claimants identified how any of the proposed amendments benefit a particular claimant, or claimants, in terms of their getting a fair trial of their claims in January 2025. This alludes to a point previously made by Mann J as long ago as 2019 in relation to generic disclosure: the claimants cannot reasonably expect to keep putting more and more bricks in the generic wall if they already have enough for there to be a fair trial of their claimant-specific allegations.
57. In my view, NGN has a strong case for saying that heaping up more and more allegations about particular occasions on which (unknown to any of the claimants and unseen by the public) NGN executives were concealing what had happened will add nothing to the issue of limitation at trial, or to the case for aggravated damages on account of executive knowledge and direction of wrongdoing and its concealment. What will matter is the fact of initial concealment by using covert means, and of continued concealment by public denials (*e.g.*, at the Leveson Inquiry or in Parliament) and preventing what is alleged to be the unsavoury truth from emerging in public. I am therefore sympathetic to NGN's argument that enough is enough in terms of allegations such as concealment from the MPS and others where there was no public dimension. The same argument does not however apply with anything like the same force to allegations about the extent and character of the wrongdoing, on the basis of which individual claimants will invite the court to draw inferences about the source of their private and confidential information.

(3) Delay and prejudice caused by delay

58. The true focus of NGN's objection to the proposed amendments seemed to me to be that the Application is far too late and the amendments far too expansive, and that as a result there will be considerable prejudice to NGN in having to deal with them at a late stage. Accordingly, it cannot be just and in accordance with the overriding objective to grant permission for the amendments. NGN went as far as to say that the proposed amendments imperil the trial date of 15 January 2025, and as such should be treated as a "very late" amendment, with a commensurately greater burden on the claimants to justify any of them.
59. I have explained at [59]-[73] of my judgment in Duke of Sussex v News Group Newspapers Ltd [2024] EWHC 1208 (Ch), which I have also handed down today, the legal principles that are applicable on an application to amend. I adopt that summary here.
60. Ms Freeman's evidence was that the Draft GENPOC introduces allegations against 62 new employees of NGN and over 150 new PIs. She says that 80% of the 62 employees are no longer employed by NGN and two are deceased. Mr Galbraith's response, in his 40th witness statement dated 7 March 2024, is that over one half of the 150+ new PI names are aliases, so that the true number of new PIs is in fact many fewer, and that almost all the employees (save for those who relate entirely or almost entirely to the years 1994 and 1995) have been named in CSPoCs.
61. There are amendments to add allegations in the years 1994, 1995 and 2012, and acts alleged to have taken place in ten foreign countries. The addition of 1994 and 1995 within the scope of the general UIG allegations requires investigation into matters that are now about 30 years old, and there will be questions about whether what was done by PIs or journalists in foreign jurisdictions was unlawful there.
62. Ms Freeman says that it will take NGN and its lawyers 12 weeks to investigate the new allegations fully and prepare a re-re-amended Defence to the GENPOC. She accordingly estimated that, if this judgment were to be handed down on 12 April 2024, proportionate search terms for disclosure could be agreed by 9 August 2024 and disclosure be given 8 weeks later, by 4 November 2024. She gives reasons why review and extraction of data and completion of the disclosure searches, with an element of re-running searches over uploaded data that has already been searched, will take that long. That date is only a few days before the date for exchange of generic witness statements.
63. In fact, as will be apparent, Ms Freeman's working assumption as to when judgment might be handed down was far too optimistic, given the volume and complexity of the amendments in the Draft GENPOC and the need to deal at the same time with the application of the Duke of Sussex to amend his CSPoC. That means that, on Ms Freeman's timeline, if the re-re-amended GENPOC were to be served by 24 May 2024, NGN's re-re-amended Defence would be expected by 9 August 2024, search terms by 21 September 2024 and disclosure by 15 November 2024. That is obviously too late, as generic witness statements are due on 7 November 2024.
64. Mr Galbraith's response to this evidence is to say that they are bare assertions and that no evidence has been provided about the time required to amend the Defence, nor as to the likely extent of any resulting disclosure exercise. As to that, Mr Sherborne said that

further disclosure was only anticipated in relation to the additional years to which the generic claim is extended; but that cannot be right because Mr Galbraith explains that in relation to most of the new PIs disclosure has not yet been obtained because they have not previously been pleaded. There are other instances in the Draft GENPOC where the need for further disclosure is trailed by words such as “Subject to further disclosure”. Mr Galbraith says in his 40th witness statement that “a number of the proposed amendments to the pleadings do not require further disclosure”, and that “the scope of the resulting disclosure will depend on the pleaded Defence” and so it is “premature” to guess the scope of the resulting disclosure.

65. The only safe conclusion to draw from this is that there is likely to be more disclosure required fairly to try some of the amendments, not just limited to the intended extension of the period of alleged wrongdoing to include the years 1994, 1995 and 2012.
66. Despite this, Mr Galbraith asserts, first, that NGN was overstating the risk to the trial date, on the basis that NGN has had the Draft GENPOC since 23 January 2024 and can be expected to have set to work already; second, that disclosure will not be required if NGN makes admissions to new allegations; third, that search terms and date ranges should be “relatively easy to establish”; and fourth, that the court can always control the amount of disclosure permitted, if a dispute arises.
67. I consider that Ms Freeman may be somewhat pessimistic in saying that a full 12 weeks will be needed to investigate and plead to the amended case, and that 8 weeks may well be sufficient and that 10 weeks will very likely be sufficient. NGN has a long history in the MTVIL of “not admitting” allegations, rather than admitting them or denying them with particularity, and it is reasonable to assume that that approach will not fundamentally change. To be fair to NGN, though, that does not obviate the need to investigate wholly new allegations before trial, and this pleading does come at a late stage such that NGN may well now need to investigate more fully than it might have done at the start of the claim.
68. I consider that 4 weeks for agreeing search terms is a reasonable estimate – if anything, given the history of disputes in the MTVIL about such matters, on the low side – and that (subject to uncertainty until pleadings have closed about what disclosure is required) 8 weeks to effect the further disclosure is not an unreasonable estimate. I have no basis on which to reject Ms Freeman’s evidence.
69. That means that to grant the Application in full may well result in the trial date having to be vacated, or if not then serious prejudice to NGN in having its time for orderly preparation for the trial unreasonably compressed. That in turn means that the amendments, as sought, are on the cusp of being “very late” amendments, for which the claimants can be expected to provide a cogent explanation for the delay in making the Application, and otherwise to bear a heavy burden of persuasion that the balance of prejudice is in favour of allowing all the amendments.
70. It is unthinkable that the trial date should be allowed to be vacated. I have recently rejected an application by NGN for a preliminary issue on limitation for that among other reasons. The claimants have been waiting since 2019 in the case of the Duke of Sussex (though he could have had an earlier trial if he had been ready for it), and 2022 in the case of the other 41 claimants, for their claims to be tried. The allegations relate to the period from 1993 (in one case) to 2012 and raise factual issues that are historic.

71. The claims are on any view stale, whether statute-barred or not, and must be decided as soon as reasonably possible. Not every claim can be tried in January 2025. Many may settle before then. Some claimants have such a large number of articles complained about that only a selection can be tried in any event. But the strong expectation is that, for those claims and for any others that have not been settled by January 2025 but cannot be tried then, the judgment on the trial claims will enable all other claims to be resolved by agreement.
72. Delay in making the Application is accordingly a real problem for the claimants. The trial scheduled for November 2021 did not take place because all the trial eligible claims settled at a late stage. On 25 March 2022, I dismissed NGN's application for the MTVIL to close to new claims, and I directed a cut-off date of 30 September 2022 for fourth tranche claims to be issued. All claims in the fourth tranche had therefore been issued by that date and would progress towards a trial. The trial dates of January 2024 and January 2025 were fixed on 7 November 2022. My Order dated 31 July 2023 identified 50 claims for the 2024 trial and directed that pleadings were to be completed and search terms agreed in respect of the other 59 claims that were destined for the 2025 trial. It then stayed those claims from the date when those steps were achieved until the expected end of the 2024 trial. In the event, the stay was lifted early on 5 December 2023, following the settlement of the 2024 trial eligible claims.
73. No indication was given prior to 28 November 2023 of an intention further to amend the GENPOC. There was no application between 7 November 2022 and the date of the intended pre-trial review for the 2024 trial, and therefore, by inference, there was considered to be no need for the GENPOC to be amended for those claims to be fairly tried in January 2024. The claimants' justification for the Draft GENPOC is that the claim has not been updated to take account of disclosure given (both generic and claimant-specific) since February 2020 and other evidence or information obtained since then, and that other pieces of the jigsaw have become apparent in that time. That is understandable, and I accept Mr Sherborne's argument that, at least in part, this is what the Draft GENPOC are seeking to do. But that does not explain why the Application was not made in good time for the 2024 trial. There was no draft ready for it and the process of preparing the Draft GENPOC took from 5 December 2023 (when directions were given for provision of a draft by 9 January 2024) until 17 January 2024.
74. Mr Hudson said that, to the extent that the material for the Draft GENPOC was available to the claimants before November 2024, when the 2024 trial eligible claims settled, the failure to apply to amend before they settled is fatal to the Application, because it demonstrates that the amendments were not considered necessary for a fair trial to take place. I do not feel able to go that far, but the delay does lead to the inference that, apart from disclosure obtained in November and December 2023 pursuant to my Order dated 10 October 2023, the proposed amendments were not considered by the 2024 trial eligible claimants (who have the same legal team as the current claimants) to be a necessary part of their cases. Nothing was said to explain why the perception of the 2025 trial eligible claimants should be different. The call data disclosure provided by NGN in November and December 2023 is, however, relied on as being important evidence, and is the origin of some of the proposed amendments, which in my view are justified for that reason. So too are amendments to plead earlier facts that are cast in a new light by recent disclosure.
75. Subject to points such as these, the delay in providing the Draft GENPOC, in particular the failure to amend before the 2024 trial, has not been explained, save that Mr Sherborne

said that it would not have been in accordance with the policy previously approved by Mann J, namely that amendments to the GENPOC should not be made on a piecemeal basis but should be collected together and applied for in one go. That may be so, but the policy did not require the claimants to abjure the opportunity to bring their re-re-amended claim to trial in 2024 or delay until 23 January 2024 to make the Application. Mr Sherborne did not refer to the observations also made by Mann J from time to time that the GENPOC cannot become an endless process of further embellishing the generic case, generating more and more requirements for disclosure, and that there has to come a point where enough is pleaded and disclosed for a fair trial to take place.

76. In view of these observations, I am disposed to take a restrictive approach to allowing the proposed amendments, on grounds of delay and because permitting all the amendments will either prejudice the trial date or at least create an unlevel playing field on which NGN is running uphill to be ready for the full trial. The claimants have sought to introduce a vast quantity of new allegations and material, much of which is likely to be highly contentious, and there is no prospect of the time listed for trial accommodating these allegations. By taking that restrictive approach, I will obviate any risk to the trial date and reduce any real prejudice to NGN resulting from the lateness of the amendments. The amendments permitted will be proportionate to the real issues that are raised by the majority of the claimants. Issues that only affect a few claimants should be treated as claimant-specific and not pleaded in the GENPOC.

(4) Other unjustifiable amendments

77. Mr Hudson argued that the claimants, or rather those who are running the MTVIL on their behalf, have seized the opportunity afforded by the vacation of the 2024 trial and the delay until January 2025 to add substantial new allegations to the GENPOC to expand the narrative of broad allegations against NGN. The allegations of this type are, he said, irrelevant to the claims of the claimants, and so should not be permitted for that reason.
78. My impression, from having case managed the MTVIL and the parallel MGN Ltd litigation (“the MNHL”) since 2021, is that those who are pursuing the litigation most avidly on the claimants’ side cannot resist adding more and more detail to the claim, as more and more missing pieces of the jigsaw are found, with a view to having the fullest possible picture to put before the court and be the subject of journalists’ reports and judicial findings. That is in a sense understandable, as the psychology of investigative journalists or those who love jigsaw puzzles; but the question for the court is a different one: what is needed for a fair trial of the individual claims to take place?
79. I also consider that there is a desire on the part of those running the litigation on the claimants’ side to shoot at “trophy” targets, whether those are political issues or high-profile individuals. This cannot become an end in itself: it only matters to the court so far as it is material and proportionate to the resolution of the individual causes of action. The trial is not an inquiry.
80. NGN also submitted that some of the amendments are made for collateral reasons, namely to give publicity to serious allegations against senior NGN executives, which is said to be furthering the political agenda of a group of journalists and others who are pushing this litigation forwards. This point was made particularly with regard to:

- a) the allegations belatedly made directly against Rupert Murdoch personally, where none was previously so made;
 - b) a new section in the Draft GENPOC alleging unlawful activity intended to further the commercial or political aims of News Corporation or News International (the parent companies of NGN, controlled by Mr Murdoch), which focuses on allegations that Lord Watson, Sir Vince Cable, Sir Norman Lamb, Mr Huhne and Dr Harris were targeted when Members of Parliament;
 - c) a new section alleging that a Management and Standards Committee (“the MSC”), established by Mr Murdoch by about June 2011, was aware of and concealed destruction of evidence of wrongdoing; deliberately failed to cooperate with the MPS in the investigation of wrongdoing at NGN, to the knowledge of Mr Murdoch and other senior executives including Mr Greenberg and Mr Lewis (who are already named in the GENPOC in relation to allegations of destruction of evidence of wrongdoing); and continued the practice of buying the silence of those ex-employees who knew about senior executives’ involvement in and their knowledge of VMI.
81. The allegations of targeting members of the House of Commons Select Committee on Culture, Media and Sport are made only in the CSPoC of Lord Watson; the allegations of targeting Vince Cable MP and Norman Lamb MP are made only in their CSPoCs; and the allegations of targeting Mr Huhne and Dr Harris are not made in any claimant’s CSPoC. Dr Harris is one of those alleged by NGN to be part of the inner group running the claimants’ case in the MTVIL. It is difficult to see why any of these should be generic issues at this late stage.
82. Further, new allegations are introduced in the draft GENPOC alleging that, from the outset, News International and NGN did not cooperate with the MPS investigation into the activities of Clive Goodman and Glenn Mulcaire. These include allegations of certain individuals knowingly deceiving the MPS and CPS in relation to the sentencing of those two offenders. These have every appearance of being collateral issues that do not further the generic case of concealment beyond what is already pleaded, and they do not impact directly on the claim of any individual claimant. The allegations are no doubt of great interest to the likes of Mr Graham Johnson (who was present at the hearings) and fellow journalists who are looking for a good storyline to publish, but they do not in my judgement add anything to the weight of evidence that is relevant to the allegations in the remaining claims. That is necessarily also the case in relation to allegations relating to Mr Huhne and Dr Harris, who are not claimants.
83. As for the issues relating to Lord Watson, Sir Vince Cable and Sir Norman Lamb, these are not generic issues but claimant-specific issues, since they relate to special experiences of those politicians and a particular alleged motive of NGN, which is not material to other claimants.
84. As for the allegations now made against Mr Rupert Murdoch, I cannot see what difference is made to the allegations of habitual and extensive UIG, knowledge on the part of senior executives, and concealment and destruction, by trying to pin actual knowledge on him personally. There are already allegations pleaded against Rebekah Brooks and James Murdoch, who are his trusted lieutenants in relation to News Corporation and NGN and who are very senior executives in their own right. Allegations

against others, such as Mr Greenberg and Mr Lewis, who are senior executives and were appointed by and close to Mr Murdoch, are also in the GENPOC already. Tempting though it no doubt is for the claimants' team to attempt to inculcate the man at the very top, doing so will add nothing to a finding that Ms Brooks and Mr James Murdoch or other senior executives knew and were involved, if that is proved to be the case. The same goes for the belated attempt to bring Mr Frederick Michel into the picture by making allegations against him specifically.

85. As for the MSC, allegations are already made about Mr Greenberg and Mr Lewis, who were key figures on the MSC. What is proposed to be added is the suggestion that that body as a whole (which was appointed specifically by Mr Murdoch) knew about all the wrongdoing, and allegations of deliberately not cooperating with the MPS and buying the silence of ex-employees. In my judgment, these allegations, involving focus on the activities of the MSC, will be merely a (potentially lengthy and incendiary) distraction from the allegations that are already pleaded, which already include (at para 5.5 GENPOC) allegations of buying silence. They add nothing of significance to the claimants' claims, but would clearly require extensive disclosure, if permitted.
86. Accordingly, I will not give permission to amend to plead any of these amendments.

(5) Issues that are not properly generic issues

87. I do not consider that it is appropriate to grant permission to amend to plead in the GENPOC matters that are only raised in a few of the remaining claims and that do not apply to others. These are not properly to be regarded as generic issues, in the sense of issues that are relevant to all of the claims (which is what the GENPOC is supposed to be addressing, though the claimants appear increasingly to treat it as a compilation of all allegations of wrongdoing against NGN). There are 42 remaining claims, so the allegations relating to events in 1993 that only arise in one claim, in 1994 that only arise in two claims (in one of which there is only one article in that year), and in 1995 that only arise in 5 claims, one of which has now settled, do not justify extending the period covered by the generic claim. The same is true in relation to the year 2012, where there are only 2 claimants who make an allegation in relation to that year. This does not preclude those individual claimants who have already pleaded claims in those years from pursuing them, as claimant-specific disclosure has already taken place in most of the claims and will shortly take place in others.
88. I rejected the amendments in respect of PIs that are only pleaded in one, two or three claims for the same reason: see [25] above.
89. As for the 8 PIs whose names appear on the PI Annexe but do not appear in any remaining CSPoC, this might therefore be considered a generic rather than a claimant-specific issue, but it is wholly disproportionate to attempt to include within the generic claim unparticularised allegations against 8 more PIs against whom no allegations are made by any remaining claimant. The inference is that it is done simply in order to generate a request for further disclosure, with a view to providing new pieces for the jigsaw. It is too late for any such exercise to be undertaken, and it appears entirely unnecessary for any claimant to have these further potential pieces in order for their allegations to be fairly determined.

(6) Limitation

90. Another objection that NGN raised was that the amendments add new causes of action, by (i) adding new individuals as the subject of allegations, (ii) adding new allegations against NGN, and (iii) by extending the period covered by the existing allegations to include 1994-1996 and 2012-2016.
91. In relation to categories (i) and (ii), this is a misunderstanding of the way that the GENPOC operate as a generic pleading. The only causes of action and relief claimed are pleaded in the CSPoC of the individual claimants. The GENPOC are a convenient means of pleading, in a single document, various factual allegations made by all claimants relating to the extent of illegal and unlawful activity generally and the concealment of wrongdoing and destruction of evidence generally. The GENPOC do not amount to causes of action, as NGN otherwise recognises in its skeleton argument (“It is an unusual statement of case in that it discloses no cause of action upon which the Court is asked to adjudicate” (para 5); “...the C&D pleadings do not set out any causes of action” (para 146)).
92. Although each claimant adopts the GENPOC in their CSPoC, the only causes of action pleaded are those set out in the CSPoC, where the claimant claims that their private or confidential information was misused and appropriate remedies are sought. The matter can be tested in this way. If a claimant were to amend their CSPoC by deleting all the causes of action pleaded there, leaving only the sentence incorporating the GENPOC by reference to it, there would no longer be a valid claim, because there would be no claim that that claimant’s private information had been misused. The GENPOC are factual allegations of general matters that are intended to support the facts alleged in the CSPoC and the inferences sought to be drawn.
93. Further, the causes of action in the CSPoC are pleaded compendiously rather than individually (see my analysis in Sanderson v MGN Ltd [2022] EWHC 1222 (Ch) and Grant v News Group Newspapers Ltd [2023] EWHC 1273 (Ch)) and so adding further specific allegations of the same genus (e.g. occasions of blagging of private information), or allegations that the matters alleged were also done by other employees of NGN, would not amount to a new claim even if pleaded in the CSPoC.
94. Alleging a different category of wrongdoing (e.g., landline call interception), or UIG at an earlier or later time than the period of wrongdoing pleaded, would amount to a new claim, but only if the claimant is making a personal claim for relief in relation to it.
95. It follows that I do not consider that the category (iii) amendments in the GENPOC necessarily amount to a new claim either. They would do so if an individual claimant was claiming a remedy in relation to wrongs done to them during the new period, though that would have to be pleaded in the CSPoC (in some cases it already is).
96. The fact that such amendments are not objectionable on limitation grounds does not however mean that there are no other objections to extending the period of the allegations in the GENPOC, as I have indicated above. I will refuse permission to extend the generic claim to 1994, 1995 and 2012 on the basis that there are only very few claimant-specific allegations relating to these years, that to extend the generic case in that way is

disproportionate and, given the requirement for extensive disclosure to which it would give rise, that it is too prejudicially late.

(7) Disproportionality of amendments

97. This basis of objection is closely related to the objections that the amendments are otiose or irrelevant to the real issues in the claimant's cases, which I have already addressed.
98. In some instances, NGN submits that even if a proposed amendment should not be disallowed for those reasons, it is still disproportionate to permit it, given its limited significance and the considerable amount of work that NGN will have to do to prepare the new allegation for trial.
99. An example of this could be amendments pleading new PIs where they raise jurisdiction issues. Some PIs are understood to be resident in up to 10 different foreign jurisdictions. Accordingly, questions of whether what was done in those jurisdictions was lawful, and whether what NGN is alleged to have done to commission that work was illegal or unlawful, may raise issues of foreign law. However, as Mr Sherborne points out, most of the jurisdictions in question are EU countries, American states and South Africa, and therefore are likely to have laws that are materially similar to, if not the same as, the law of England and Wales, so far as the protection of private data is concerned. Given the resources that NGN's solicitors have as a worldwide law firm, I do not expect this to present a real difficulty for them.
100. Further, NGN has already obtained expert opinion evidence about the laws of New York and California, and the federal US laws, in order to deal with the Duke of Sussex's application to amend to raise one matter that occurred in California or New York in 2016.
101. I therefore do not consider that evidence about the lawfulness of PI activities in such jurisdictions is likely to add significantly to the burden of preparing for trial, or the issues for trial. It is in any event a matter that should be agreed before the start of the trial, if relevant to the selected trial claimants' cases.
102. Where I consider that, absent other good reasons to refuse proposed amendments, permission should nevertheless be refused on proportionality grounds, I do indicate in the Schedule.

Conclusions on approach to amendments sought

103. I have explained above that certain categories of amendment are ones for which I will not give permission. Apart from those, there are very many other amendments, some large and some small, to which I shall apply the following approach:
 - i) The Application is made late, and is on the cusp of being "very late". There is no good explanation for the lateness, except in respect of the amendments pleaded on the basis of call data disclosure given in November and December 2023.

- ii) The balance of prejudice therefore generally comes down in favour of NGN, but there will be no significant prejudice caused if the amendments that are permitted are limited, do not raise wholly new issues, and are proportionate to the issues for trial.
- iii) In that regard, the claimants can expect to be held to their assurance that there are, as things stand, no further disclosure applications in contemplation, save in connection with the extension of the allegations to 1994, 1995 and 2012.
- iv) Amendments that add detail to existing pleaded generic allegations, or further examples of pleaded allegations, or even new generic allegations of a similar kind to those that are pleaded, will generally be permitted, if proportionate.
- v) Amendments that really are based principally on documents that have become available to the claimants since 2020 should in principle be permitted, if proportionate and not unduly burdensome at this late stage.
- vi) Amendments that add allegations against further journalists or editors of a type that has not already been pleaded will generally not be permitted.
- vii) Amendments that make allegations of a kind that are already pleaded but against new journalists or editors will generally be permitted if the purpose is to establish the extent of wrongdoing or knowledge of wrongdoing at NGN.
- viii) Amendments that introduce allegations against new executives, or yet further allegations against the same executives, may be permitted, but only if they add something meaningful to the case.
- ix) Amendments that introduce a case against new PIs will only be permitted where the PI in question has some importance at a generic level or where disclosure has already been given in relation to that new PI.
- x) Amendments that add new allegations that raise collateral issues or entirely new lines of enquiry will not be permitted at this stage.

Schedule of decisions

104. The Schedule annexed contains in brief summary my reasons for permitting or refusing to allow individual amendments to be made, to the extent that they are not spelt out in the judgment above.

SCHEDULE

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
1	<p>At all material times throughout the relevant period, namely from at least 1998 about 1996 onwards 1994 until at least 2012, NGN was the publisher of <i>The Sun</i> and <i>The News of the World</i>,</p>	<p>In support of this paragraph, the following paragraphs of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> • At paragraph 10, in relation to pre-96 SAP, the 28th Witness Statement of Maxine Mossman dated 23.11.20 {F/348}. • At paragraph 13, in relation to alleged UIG between 1994-1995: <ul style="list-style-type: none"> • 9th Witness Statement of Callum Galbraith dated 19.02.20 {F/286}; • 3rd Witness Statement of Steve Whittamore dated 17.09.18 {D/92}; • Evidence from the trial of <i>R v Coulson, Brooks and Others</i> on 06.03.14 - 11.03.14 {U/60/63} {U/62/5} {U/62/9}; • Rebekah Brooks' 2nd Witness Statement to the Leveson Inquiry dated 02.05.12 and oral evidence to the Leveson Inquiry on 11.05.12; • 1st Witness Statement of Stuart Hoare dated 04.12.17 {D/65/2}; • 1st Witness Statement of Steve Grayson dated 28.09.21 {D/133}; • 1st Witness Statement of Yvonne Ridley dated 17.09.21 {D/118}; • 1st Witness Statement of Graham Johnson dated 08.01.18 {D/78}; • 3rd Witness Statement of Paul McMullan dated 28.09.21 {D/131}; • <i>The Insider</i> by Piers Morgan, first serialised in the <i>Dail Mail</i> on 06.03.05 (Exhibit CG39/3-5); • Journal Uploads which were disclosed 	<p>SUBSEQUENT DISCLOSURE</p>	<p>Proportionality and Costs: Wasted Costs Prejudice Delay Limitation Imperil trial/very late amendment Irrelevant: No/Few Extant Claims</p>	<p>Permission refused. Too late to extend the period, and too few claimants affected to justify extending the generic relevant period.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
		<p>in the MTVIL in 01.02.21 and 17.03.21;</p> <ul style="list-style-type: none"> • 28 Lever Arch Files of material seized by the MPS in 2012 from the NGN archives which were disclosed in the MTVIL on 18.12.20 {T/1233}; • Letter from Linklaters to MPS which was disclosed in the MTVIL in January 2017 {R/45/2}; and • Extract from Steve Whittamore's Blue Books which were disclosed in the MTVIL on 27.01.17 (Exhibit CG39/7-60). <p>• At paragraph 16, in relation to alleged UIG in 2012:</p> <ul style="list-style-type: none"> • PI call data disclosure which was disclosed in the MTVIL in November/December 2023 (Exhibit CG39/73-92);¹ • An alleged incident of UIG which took place in 2016. The Duke of Sussex has applied for the Court's permission to amend his pleadings to rely on this. The Duke of Sussex made allegations regarding this incident as early as 01.04.20 (see pages 79-82 of Exhibit CF4); • Payments to Cruise Pictures which were disclosed in the MTVIL on 10.12.21 {Z/2895} {J/2.3933}; • Articles published in <i>The Sun</i> which the Duke of Sussex has applied for the Court's permission to amend his pleadings to rely on which were published in 2016; • Call data disclosed in the claim of Ciara 			

¹ In relation to the Claimants' reliance on the PI call data disclosure to support this Proposed Amendment, I refer to paragraph 30(e) of this witness statement.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
		<p>Parkes on 18.08.23 (Exhibit CG39/93-101);² and</p> <ul style="list-style-type: none"> 2nd Witness Statement of Roger Best dated 09.10.17 {F/180/11}. 			
1A	<u>NGN was, and is, a wholly-owned subsidiary of News International known as News UK ("News") since June 2013. NI/News (which also wholly owns Times Newspapers Limited) is itself a wholly-controlled subsidiary of News Corporation ("News Corp"). NI, rather than NGN, was the corporate entity which was a Core Participant at the Leveson Inquiry in 2011- 12.</u>	In support of this paragraph, paragraph 17 of Galbraith 39 refers to the 1 st and 2 nd Witness Statements of Rupert Murdoch to the Leveson Inquiry dated 12.04.12 and 22.05.12 .	Entirely consequential to other substantive amendments	Irrelevant: No relevance to Cs' stated purposes	Permission granted.
1B	<u>The Management and Standards Committee ("MSC") was established, in or before June 2011, by News Corp to which it reported, and its function was to manage NI/NGN's engagement in, and response to, the civil litigation (MTVIL), the</u>	In support of this paragraph, paragraph 18 of Galbraith 39 refers to a News Corp website page which has been publicly available in some form from at least 31.10.13 (see pages 17- 18 of Exhibit CF4).	Entirely consequential to other substantive amendments	Ready for Jan 2024 Trial Proportionality and Costs: Disproportionate Unnecessary: Otiose/Public Inquiry	Permission refused: permission to expand generic case to include allegations of wrongdoing by the MSC and knowledge on the part of Rupert Murdoch also refused.

² In fact, the relevant call data had previously been disclosed on **18.05.22** in the claim of Sean Pertwee, over a year earlier.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p>various police investigations, the Leveson Inquiry and the various Parliamentary Select Committee Inquiries.</p>				
2	<p>The Claimants' case is that the use of voicemail interception, <u>blagging</u> and/or <u>other</u> unlawful obtaining of private information <u>including</u> through the engagement of private investigators ("<u>PIs</u>") by or on behalf of <u>journalists</u>, was both habitual and widespread from at least as early as <u>1998</u> <u>1994</u> onwards at both <i>The Sun</i> and <i>The News of the World</i>, and that this was well-known to <u>and approved of</u> by Senior Executives, Editorial Staff and Journalists ("Senior NGN Employees") within NGN/<u>NL</u>.</p>	<p>In support of this paragraph (and specifically the extension of the Relevant Period), see the paragraphs of Galbraith 39 referred to in relation to paragraph 1 above.</p>	<p><u>Entirely consequential to other substantive amendments</u></p>	<p>Proportionality and Costs: Wasted Costs Prejudice Delay Limitation Imperil trial/very late amendment Irrelevant: No/Few Extant Claims</p> <p>Irrelevant: No relevance to Cs' stated purposes</p>	<p>Permission refused: see above.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
5.5	<p><u>Further, despite public statements denouncing paying money to convicted criminals, NGN has made substantial payments to former employees guilty of or implicated in these unlawful activities, imposing confidentiality requirements in return, in order to avoid these individuals giving incriminating evidence or making admissions about the true nature and scale of the illegality within NGN. Pending disclosure and/or the provision of Further Information, the Claimants will refer to the fact that these individuals include (but are not limited to) Ian Edmondson, James Weatherup, Neville Thurlbeck, Rebekah Brooks, Andy Coulson, Clive Goodman and Glenn Mulcaire. The Claimants will also refer to the settlements of the earliest civil claims for voicemail interception brought against NGN by Gordon Taylor and Max Clifford as being further examples of NGN seeking to prevent any public disclosure of the</u></p>	<p>In support of this paragraph, paragraph 18 of Galbraith 39 refers to the Settlement Agreements of James Weatherup, Neville Thurlbeck and Ian Edmondson which were disclosed in the MTVIL on 14.10.21 {Z/2379.1} {J/2.3928} / {Z/2379.2} {J/2.3929} / {Z/2380.01} {J/2.3930}.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Unnecessary: Enough Examples</p>	<p>Permission granted: relevant to extent of wrongdoing and concealment of wrongdoing.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>unlawful activities which had been carried out by its journalists.</u></p>				
5.8	<p><u>Further, following a notice served by the Leveson Inquiry in about August 2011 pursuant to Section 21(2)(b) of the Inquiries Act 2005, NI was required to disclose to the Leveson Inquiry any documents recording or relating to fees or expenses paid by The Sun to PIs, police, public officials, mobile phone companies or others with access to the same from 1 January 2005 up to August 2011.</u></p>	<p>In support of this paragraph, paragraphs 20-21 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> • a schedule of payments to alleged private investigators disclosed in the MTVIL on 23.03.20 {Z/2785} {J/2.2117}; • The names of certain ciphered PIs in the above schedule, disclosed in the MTVIL on 22.04.20 {T/975}, pursuant to a request on 01.04.20 {T/943}; and • PI call data disclosure disclosed in November/ December 2023. (extracts at CG39/73; CG39/80; CG39/139).³ 	<p>SUBSEQUENT DISCLOSURE</p>	<p>Irrelevant (re NI): No relevance to Cs' stated purposes Poor/inappropriate pleading: repetitive</p> <p>Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs: Satellite Litigation Delay Imperil trial/very late amendment</p>	<p>Permission granted for this and the following paragraphs, 5.9-5.12. Relevant to extent of use of PIs and concealment from the public. This is an expansion of an already pleaded allegation</p>

³ In relation to the Claimants' reliance on the PI call data disclosure to support this Proposed Amendment, I refer to paragraph 7(a) of this witness statement.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
5.9	<p><u>At some time between September to December 2011, NI produced to the Leveson Inquiry a ciphered schedule of only seven PIs (namely Derek Webb, J.J. Services, Ireland/Northern Ireland/ Priority Investigations, ABC Investigations (Ireland), ABC Investigations Ltd (Ireland), Irish Misc Worldlink Cheques (Ireland) (paid to ABC Investigations), and Daniel J Portley-Hanks (USA)). NI further informed the Leveson Inquiry that the total sum paid to PIs in relation to <i>The Sun</i> between January 2005 and 2011 was £30,474.00. In light of the recent disclosure in this litigation, it is evident that this was grossly misleading, to such an extent that Senior NGN executives would have known that was the case.</u></p>	<p>It appears that this paragraph refers to a schedule of payments to alleged private investigators disclosed in the MTVIL on 23.03.21 {Z/2785} {J/2.2117}.</p> <p>In support of this paragraph, paragraphs 20-21 of Galbraith 39 refer to the documents outlined in relation to paragraph 5.8 above.</p>	<p>SUBSEQUENT DISCLOSURE as in. §5.8 above</p>	<p>Irrelevant (NI): No relevance to Cs' stated purposes Poor/inappropriate pleading: repetitive (misleading Leveson is already pleaded) Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs: Satellite Litigation Delay Imperil trial/very late amendment</p>	<p>s/a</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
5.10	<u>It is to be inferred that NI deliberately withheld from the Leveson Inquiry details of numerous further PIs, some of which were used by <i>The Sun</i> up to 2012, as well as the substantial payments made to these PIs whose names were deliberately withheld. Pending further disclosure, the Claimants will contend that NI withheld information and details regarding the use of the following PIs, namely:</u> (a) in relation to <i>The Sun</i> , information about:	In support of this paragraph, paragraphs 20-21 of Galbraith 39 refer to the documents outlined in relation to paragraph 5.8 above.	SUBSEQUENT DISCLOSURE as in §5.8 above The particulars set out below at §5.10(a)(i)-(vii) and §5.10(b) are the further particularisation of the plea set out here	As above	s/a
5.10	<u>(i) ELI (which was a successor to TDI) from January 2005 to around October 2006 with a spend of at least £63,153.01;</u>	Whilst this paragraph does not refer to any specific documents, SAP IXOS PI Documents relating to ELI were disclosed in the MTVIL as early as 25.05.17 {T/139}.	SUBSEQUENT DISCLOSURE as in §5.8 above	As above	s/a
5.10	<u>(ii) BDI (which company was a successor to TDI/ELI) from around October 2006 to 2007 with a spend of £13,565.00 together with further payments from 2008 to 2011. It is to be inferred on the basis of the facts and matters set out at</u>	Whilst this paragraph does not refer to any specific documents, ZC/ZA payments relating to BDI were disclosed in the MTVIL as early as 31.07.20 {T/1136}.	SUBSEQUENT DISCLOSURE as in §5.8 above	As above	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>paragraphs 11.77 to 11.79 below that Nick Parker made cash payments to BDI from 2007 to 2011;</u>				
5.10	<u>(iii) Christine Hart/Warner Agency from January 2005 to 2011 with spend of at least £190,874.00;</u>	<p>Whilst this paragraph does not refer to any specific documents, SAP IXOS PI Documents relating to Christine Hart/Warner Agency were disclosed in the MTVIL as early as 25.05.17 {T/139}.</p> <p>Further disclosure was provided on 05.01.18 {T/383}, 29.06.18 {T/513}, 05.10.18 {T/583}, 06.04.20 {T/954}, 31.07.20 {T/1136}, 01.02.21 {T/1296} and 17.03.21 {T/1367}</p>	SUBSEQUENT DISCLOSURE as in §5.8 above	As above	s/a
5.10	<u>(iv) Jonathan Stafford/Newsreel from 2005 to 2007 with a spend of at least £12,316.00;</u>	<p>Whilst this paragraph does not refer to any specific documents, SAP IXOS PI Documents relating to Jonathan Stafford/Newsreel were disclosed in the MTVIL as early as 25.05.17 {T/139}.</p> <p>Further disclosure was provided on 05.01.18 {T/383}, 29.06.18 {T/513}, 12.10.18 {T/594}, 18.10.18 {T/600} and 06.04.20 {T/954}.</p>	SUBSEQUENT DISCLOSURE as in §5.8 above	As above	s/a
5.10	<u>(v) Andy Kyle from 2005 to 2011 with a spend of at least £323,285 (between January 2005 and December 2011);</u>	<p>Whilst this paragraph does not refer to any specific documents, ZC payments relating to Andy Kyle were disclosed in the MTVIL as early as 01.11.17 {T/189.1}.</p> <p>Further disclosure was provided on 29.06.18 {T/513}, 30.11.18 {T/627}, 31.07.20 {T/1136}, 01.02.21 {T/1296} and 17.03.21 {T/1367}.</p>	SUBSEQUENT DISCLOSURE as in §5.8 above	As above	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
5.10	<u>(vi) John Ross from 2005 – 2011 with a spend of at least £292,271; and</u>	Whilst this paragraph does not refer to any specific documents, ZC payments relating to John Ross were disclosed in the MTVIL as early as 01.11.17 {T/189.1}. Further disclosure was provided on 29.06.18 {T/513}, 06.04.20 {T/954}, 31.07.20 {T/1136}, 01.02.21 {T/1296} and 17.03.21 {T/1367}.	SUBSEQUENT DISCLOSURE as in §5.8 above	As above	s/a
5.10	<u>(vii) System Searches from 2005 to 2011 with a spend of at least £19,782.00.</u>	Whilst this paragraph does not refer to any specific documents, ZC payments relating to System Searches were disclosed in the MTVIL as early as 01.11.17 {T/189.1}. Further disclosure was provided on 29.06.18 {T/513}, 18.10.18 {T/600}, 06.04.20 {T/954}, 31.07.20 {T/1136}, 01.02.21 {T/1296} and 17.03.21 {T/1367}.	SUBSEQUENT DISCLOSURE as in §5.8 above	As above	s/a
5.10	<u>(b) In relation to The News of the World, NGN withheld records of payments to the same PIs as listed in paragraph 5.10 (a) above.</u>	In support of this paragraph, paragraphs 20-21 of Galbraith 39 refer to the documents outlined in relation to paragraph 5.8 above.	SUBSEQUENT DISCLOSURE as in §5.8 above	As above	s/a
5.11	<u>Accordingly, the ciphered schedules of The Sun's use of PIs provided to the Leveson Inquiry were substantially misleading in relation to the numbers of PIs used, the period of their use, and the sums paid to PIs used by The Sun between 2005 and 2011.</u>	In support of this paragraph, paragraphs 20-21 of Galbraith 39 refer to the documents outlined in relation to paragraph 5.8 above.	SUBSEQUENT DISCLOSURE as in §5.8 above	As above	s/a
5.12	<u>Further, NGN continued to use PIs even during the Leveson Inquiry (and concealed evidence about</u>	In support of this paragraph, paragraphs 22-23 of Galbraith 39 refer to: • 23 rd Witness Statement of Callum Galbraith dated 25.05.21 {F/368/10-11}; and	SUBSEQUENT DISCLOSURE	Irrelevant: No/Few Extant Claims Unnecessary: Public	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>their use), including using them against witnesses who were giving evidence to the Inquiry, namely:</u></p> <p>(a) <u>the Rt Hon Vince Cable MP (in respect of whom NGN commissioned a search by System Searches on or around 26 October 2011, as well as obtained his tax records); and</u></p>	<ul style="list-style-type: none"> CSPoC of Vince Cable dated 13.03.23 (Exhibit CG39/104-138).⁴ 		Inquiry	
5.12	<p>(b) <u>Hugh Grant, his family and the mother of his new child (where NGN commissioned System Searches and engaged Andy Kyle during the Inquiry).</u></p>	In support of this paragraph, paragraph 23 of Galbraith 39 refers to the CSPoC of Hugh Grant dated 13.07.22 .	SUBSEQUENT DISCLOSURE	Irrelevant: No/Few Extant Claims Unnecessary: Public Inquiry	s/a
7.	<p>(cd) <u>Keith Rupert Murdoch. Mr Murdoch was the Executive Chairman of News Corporation (at all relevant times), and a Director of NI until June 2012.</u></p>	In support of this paragraph, paragraphs 223-229 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(12J) below.	Consequential to amendment below	Limitation Delay Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs: Disproportionate/Satellite Litigation Ready for Jan 2024 Trial Irrelevant: No/Few Extant Claims (i.e. no	Permission refused, for reasons explained in judgment.

⁴ In relation to the Claimants' reliance on CSPoCs of extant or settled MTVIL claims, I repeat paragraph 31(f)(ii) of the witness statement above. In support of the Proposed Amendments, the Claimants are relying (at least in part) on unproved allegations.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
				one says their distress was aggravated by RM's knowledge specifically) Prejudice Imperil trial/very late amendment	
7.	(h) <i>Dominic Mohan</i> . Following positions as Editor of the Bizarre column (taking over from Mr Coulson , from 1998 to 2003), Associate Editor of Features (2003 to 2007) and then Deputy Editor (from 2007 to 2009 under Ms Brooks), Mr Mohan was finally appointed Editor of <i>The Sun</i> , following Ms Brooks' departure in 2009, and continued until 2013. Mr Mohan worked on the Features Desk of The News of the World until January 1996.	See paragraph 19(24B) below.	Consequential to amendment below	Poor/inappropriate pleading Unnecessary: Otiose Poor/inappropriate pleading Unnecessary: Otiose	Permission granted, though second amendment is relevant only as background, as permission has not been granted to extend the relevant period to include 1994 and 1995..
7.	(v) Richard Caseby . Mr Caseby was Managing Editor of News of the World and The Sun from May 2011 until July 2013, and, pending further disclosure, was	In support of this paragraph, paragraphs 254-267 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(55) below.	Consequential to amendment below	As above	Permission granted, as allegations in relation to withholding information from the Leveson Inquiry are already pleaded.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>responsible for providing information to the Leveson Inquiry along with Tom Mockridge.</u>				
7.	<u>(w) Tom Mockridge. Mr Mockridge was Chief Executive of News International from 2011 and, pending further disclosure, was responsible for providing information to the Leveson Inquiry, along with Richard Caseby.</u>	In support of this paragraph, paragraphs 269-276 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(59) below.	Consequential to amendment below	As above	Permission granted, for the same reason as 7(v). The pleading of Mr Mockridge in this respect does not amount to permission to investigate all matters concerning the MSC and the MPS.
7.	<u>(x) Piers Morgan. Mr Morgan was the Editor of the News of the World from January 1994 to August 1995, having edited the Bizarre column at The Sun in the years prior to that.</u>	In support of this paragraph, paragraphs 277-281 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(60) below.	Consequential to amendment below	As above	Permission refused. No permission to include the years 1994, 1995 in the generic case.
7.	<u>(y) Phil Hall. Mr Hall was the Editor of The News of the World from 1995-2000.</u>	In support of this paragraph, paragraphs 282-284 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(62) below.	Consequential to amendment below	As above	Permission granted, as Mr Hall gave evidence to the Leveson Inquiry and his knowledge is relevant to the extent of unlawful activity and concealment. See also para 19(62), (63) below.
7.	<u>(z) Stuart Higgins. Mr Higgins was the</u>	In support of this paragraph, paragraphs 285-292 of Galbraith 39 refer to the documents outlined	Consequential to amendment below	As above	Permission granted, for the same reasons as 7(y)

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>Editor of <i>The Sun</i> from 1994-1998.</u>	in relation to paragraph 19(64) below.			above. See also para 19(64)-(68) below.
7.	(aa) <u>David Yelland. Mr Yelland was the Editor of <i>The Sun</i> from 1998-2003.</u>	In support of this paragraph, paragraphs 293-295 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(69) below.	Consequential to amendment below	As above	Permission granted, for the same reasons as 7(y) above. See also para 19(69)-(72) below.
7.	(bb) <u>Christopher Roycroft-Davis, Mr Roycroft-Davis was the Managing Editor, and Executive Editor of <i>The Sun</i> from 1998-2005.</u>	In support of this paragraph, paragraphs 296-298 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(73) below.	Consequential to amendment below	As above	Permission granted: relevant to extent and knowledge of wrongdoing.
7.	(cc) <u>Bill Newman. Mr Newman was Managing Editor of <i>The Sun</i> from 1994-1998.</u>	In support of this paragraph, paragraphs 299-302 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(76) below.	Consequential to amendment below	As above	Permission granted, for same reason as 7(bb) above.
7.	(dd) <u>Frederick Michel. Mr Michel was from May 2009 to December 2011, Director of Public Affairs, Europe, for News Corporation, and from December 2011, Senior Vice-President of Government Affairs and Public Policy in Europe.</u>	In support of this paragraph, paragraphs 303-307 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(80) below.	Consequential to amendment below	As above	Permission refused, for reasons explained in judgment. See also para 19(80)-(83) below.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
8.	The use of voicemail interception, blagging and/or other unlawful obtaining of private information, including through private investigators, by or on behalf of journalists working for <i>The News of the World</i> and <i>The Sun</i> was both habitual and widespread from at least as early as 1998 1996 1994 onwards until at least 2010 <u>2011</u> <u>2012</u> , as is set out in the Claimants' Generic Pleadings and herein.	In support of this paragraph (and specifically the extension of the Relevant Period), see the paragraphs of Galbraith 39 referred to in relation to paragraph 1 above.	Consequential to amendment above	Proportionality and Costs: Wasted Costs Prejudice Delay Limitation Imperil trial/very late amendment Irrelevant: No/Few Extant Claims	Permission refused.
9.3	The volume of instructions and/or payments given to, <u>and the wide scope of unlawful services commissioned or received from</u> private investigators or other similar agents acting on behalf of both <i>The News of the World</i> and <i>The Sun</i> in order to blag or otherwise unlawfully obtain personal information about individuals, such as mobile phone numbers, call records, credit card	In support of this paragraph, paragraphs 27-61 of Galbraith 39 refer to: <ul style="list-style-type: none"> PI call data disclosure in relation to Nick Parker and BDI which was disclosed in the MTVIL in November/December 2023 (Exhibit CG39/139- 162);⁵ and An email from Christine Hart which was disclosed in the MTVIL on 31.05.18 {Y/80.1} {K/241}. 	SUBSEQUENT DISCLOSURE (including PI payment disclosure subsequent to Feb 2020 and PI Call data) SUBSEQUENT WITNESSES (Dan Hanks, Gavin Burrows, Paul McMullen) THIRD PARTY PARTICULARISATIO	No objection No objection Prejudice	PI Annexe permitted but the content of it is to be reduced, as explained in the judgment. Only those PIs previously named in the GENPOC, or in respect of whom disclosure has already been given, or who are named in 5 or more CSPoC, may be included.

⁵ Allegations relating to Nick Parker's use of BDI are not new. A BDI invoice naming Mr Parker was disclosed in the MTVIL on 19.10.18 {L/271/27} and explicitly referenced by Mr Galbraith in his 15th witness statement dated 26.06.20 {F/326}. In this regard, I refer to paragraph 31(c) of the witness statement above.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p>information and medical information. The Claimants will refer by way of example to those private investigators or other agents identified in <u>the Private Investigator Annexe to these Particulars</u>. list of alleged private investigators at Schedule B to the Order dated 3 April 2019, as amended by paragraphs 24 and 25 of the Order dated 1 November 2019 — list attached to the letter of Hamlins dated 17 March 2017, including (but in no way limited to): TDI/ELI (Lloyd Hart), Rob Palmer and Avalon (Rob Palmer), JJ Services (Steve Whittamore), Southern Investigations, Jonathan Rees, Glenn Mulcaire (C&E Intelligence, Global Intel, Euro Research and Information (Services) Limited or and Nine Consultancy), LRI Research limited (John Boyall, Glenn Mulcaire and Andy Gadd), Jonathan Trafford and Newsreel (Jonathan Stafford), Searchline (Gwen Richardson), Trackers UK</p>		N	<p>Imperil trial/very late amendment Limitation Delay Proportionality and Costs: Wasted Costs Unnecessary: Otiose Ready for Trial Jan 2024</p>	

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p>(Andy Gadd), Warner News and (Christine Hart), Starbase (understood by the Claimants to be 'Secret Steve'), Severnside (Taff Jones), Commercial and Legal/System Searches (the Scotts), Rachel Barry, Derek Webb and Anne Johnston.</p> <p>The Claimants will also rely upon the number of targets named in the 5 'Blue Books' of Steve Whittamore, the private investigator who provided his services (like others named above) to numerous newspapers at the time including NGN's titles. The requests contained in the 4th and 5th 'Blue Books' (from 1998-2003) related to a very large number of instructions seeking private information about individuals made on behalf of journalists at both <i>The News of the World</i>, and also instructions from <i>The Sun</i>. The requests in the first three Blue Books (from 1995-1998) were made predominantly on behalf of journalists at both <i>The News of the World</i> and <i>The</i></p>			<p>No objection</p> <p>No objection</p>	

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>Sum.</u> Mr Whittamore started to receive instructions from NGN journalists from 1994, and a payment from NGN is recorded in his ledgers from 1991.				
9.3A	<u>The Claimants will ask the Court to infer that NGN has:</u> <u>(a) improperly and deliberately concealed the identity of various PIs on the purported basis that they were "confidential sources";</u>	In support of this paragraph, paragraph 62 and 66 of Galbraith 39 refer to: <ul style="list-style-type: none"> 6th Witness Statement of Callum Galbraith dated 25.10.19 {F/272}; and SAP disclosure disclosed in the MTVIL on 12.12.18 {J/2.1473} and 24.03.21 {Z/1626.2} {J/2.3873}. 	SUBSEQUENT DISCLOSURE (including from CS Standard Disclosure)	Poor/inappropriate pleading: repetitive Unnecessary: Otiose/Public Inquiry/Enough Examples Irrelevant: No/Few Extant Claims	Permission granted. This and the following sub-paras are setting out C's inferential case based on existing evidence and documents, and some 2021 SAP disclosure. Relevant to NGN's alleged <i>modus operandi</i> and extent and concealment of wrongdoing.
9.3A	<u>(b) paid various individuals and entities in cash to PIs (for example directly by a journalist or via a Thomas Cook money transfer) in order to conceal any audit trail because NGN was aware (or should have been aware) that the activities for which the payment was made were unlawful; and</u>	In support of this paragraph, paragraphs 62 and 66 of Galbraith 39 refer to the documents outlined in relation to paragraph 9.3A(a) above.	SUBSEQUENT DISCLOSURE (including from CS Standard Disclosure)	Poor/inappropriate pleading: repetitive Unnecessary: Otiose/Public Inquiry/Enough Examples Irrelevant: No/Few Extant Claims	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
9.3A	<u>(c) paid other entities, the identities of which have not been disclosed to the Claimants, under the General Ledger (G/L) code 5520 which is stated to cover "investigations".</u>	There is no specific document relating to Oztex identified at paragraph 66 of Galbraith 39, but PI Invoices disclosure relating to Oztex was disclosed in the MTVIL as early as 20.01.20 {T/873}.	SUBSEQUENT INSIGHT ONLY (delayed as a result of being misled NGN's submissions {C/54/100} as per §66 of Galbraith 39.	Poor/inappropriate pleading: repetitive Unnecessary: Otiose/Public Inquiry/Enough Examples Irrelevant: No/Few Extant Claims	s/a

9.4	<p>The substantial number of journalists and editorial staff at <i>The News of the World</i> involved in the use of these activities, including those journalists whose names appear in the corner of Glenn Mulcaire's notebooks <u>and in call data to Mr Mulcaire</u>, namely Clive Goodman, Greg Miskiw, James Weatherup, Ian Edmondson and Neville Thurlbeck, as well as others, <u>who commissioned or approved the use of and/or communicated with PIs</u>, such as <u>Piers Morgan, Phil Hall, Bob Bird, Geoff Webster, Alex Marunchak, Ally Ross, Kishan Athulathmudali, Guy Basnett, Chris Tate, Ricky Sutton, Bill Akass, James Mellor, Neil McLeod, Dennis Rice, Jane Johnson, Victoria Newton, Nadia Cohen, Stian Alexander, Zak Newland, Alice Gregory (née Walker), Helen Carter, David Jeffs, Ray Levine, Dan Collins, Dawn Alford, Denna Allen, Jan Jacques, Roger Insall, John Chapman, Clare Wood, Paul Bennett, Brian Roberts, Paul Ashton, Tim Allan, Colin Myler, Andy Coulson, Paul McMullan, Ross Hindley, Gary Thompson, Neil Wallis,</u></p>	<p>In support of this paragraph, paragraphs 67-74 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> • Regarding Bob Bird: generic disclosure provided on 31.05.17 {Z/38} {J/2.124} and August 2017 {Z/34} {N/2}. Claimant specific disclosure in Heather and Fiona Mills' claim which settled on 28.01.19; • Regarding Geoff Webster: Mr Webster's 3rd Witness Statement dated 02.06.21 {E/98}; PI call data disclosure disclosed in relation to Gavin Burrows in November/December 2023;⁶ an Assured Legal Investigations Ltd (Mr Burrow's company) invoice disclosed on 28.10.21 {L/591} {T/1799}; and an email disclosed on 16.08.17 {Z/228} {J/2.505}; • Regarding Alex Marunchak: the 28 Lever Arch Files disclosed in the MTVIL on 18.12.20 {T/1233}; PI call data disclosure disclosed in the MTVIL in November/December 2023;⁷ and documents disclosed by the Claimants in the MTVIL on 06.01.21 {T/1244}; • Regarding Ally Ross: Mr Ross' 1st Witness Statement dated 23.08.18 {E/43} and 9th Witness Statement of Callum Galbraith dated 19.02.20 {F/286}; • Regarding Kishan Athulathmudali: 15th Witness Statement of Callum Galbraith dated 26.06.20 {F326}; PI call data disclosure disclosed in the MTVIL in November/December 2023;⁸ and documents disclosed in the MTVIL on 11.01.19 and 04.02.19 {L/337/1} {L/510/2}; • Regarding Ricky Sutton: 3rd Witness Statement of Steve Whittamore dated 17.09.18 {D/92/6} and documents disclosed on 15.01.19, 28.06.17 and 19.10.18 {L/396/4} {L/61/16} {L/221/6}; • Regarding Jane Johnson and Bill Akass: ZC payments to Cruise Pictures disclosed on 20.12.21 {Z/2895} {J/2.3933}; • Regarding Dennis Rice: a PI invoice exhibited to the 9th Witness Statement of Callum Galbraith dated 07.10.20 {F/327/223}; • Regarding Zak Newland: an email disclosed in the MTVIL on 06.05.20 {Z/907.3} {J/2.2431}; • Regarding Stian Alexander: an invoice disclosed in the MTVIL on 19.10.18 {L/246}; • Regarding Alice Gregory: invoices disclosed in the MTVIL on 24.05.17 and 19.10.18 {L/0.13/50} {L/0.15/11} {L/251/32} {L/252/59}; • Regarding Tim Allen: documents disclosed by the 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p> <p>Including NGN witnesses -see Galbraith 40 §74(a)</p> <p>Some of the names are consequential to the 1994-5 period (Piers Morgan, Helen Carter, Dan Collins, Denna Allen, Jan Jacques, Roger Insall, John Chapman,)</p> <p>Footnote 8 is incorrect. It is §31(a) (iii) of Freeman 4 that deals with Mr Athulathmudali and argues that the email address "kishan189@yahoo.co.uk" is not that of Mr Athulathmudali See §16 of of Galbraith 40</p>	<p>No objection</p> <p>Limitation Proportionality and Costs: Disproportionate/Satellite Litigation Unnecessary: Otiose/Public Inquiry/Enough Examples Prejudice Imperil trial/very late amendment</p>	<p>Permission granted, save in relation to the journalists/editors named in column 4 as relating to 1994/1995. The additional names are the particulars of C's case as to the extent of wrongdoing, on the basis of existing allegations and disclosure. I was assured that no further disclosure was required in relation to any of the added names.</p>
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⁶ In relation to the Claimants' reliance on the PI call data disclosure, I note that Assured Legal Investigations Ltd invoice naming Mr Webster was disclosed to the Claimants over 2 years prior to the PI call data disclosure. This is set out in more detail at paragraph 31(a)(i) of the witness statement above.

⁷ In relation to the Claimants' reliance on the PI call data disclosure, I note that allegations regarding Alex Marunchak and Southern Investigations/Jonathan Rees have been made in the MTVIL and the public domain since at least 2021. This is set out in more detail at paragraph 31(a)(ii) of the witness statement above.

⁸ In relation to the Claimants' reliance on the PI call data disclosure, I note that the Claimants also rely on 2 invoices which they state are examples of Mr Athulathmudali using PIs. These invoices were disclosed in the MTVIL over 3 years prior to the PI call data disclosure. This is set out in more detail at paragraph 31(a)(ii) of the witness statement above.

<p>Sean Hoare, Dan Evans, Jules Stenson, Rav Singh, Matthew Nixson, Jane Atkinson, Lee Harpin, Rachel Richardson, Polly Graham, Stuart Kuttner and Rebekah Brooks, <u>Matt Acton</u>, <u>Lewis Panther</u>, <u>Mazher Mahmood</u>, <u>Dominic Mohan</u>, <u>Phil Taylor</u>, <u>Mike Dunn</u>, <u>Dan Wootton</u>, <u>James Desborough</u> and <u>Doug Wight</u>.</p>	<p>MPS in May 2021 (Exhibit Conf CG/1-21);</p> <ul style="list-style-type: none"> • Regarding Helen Carter, David Jeffs, Ray Levine, Dan Collins, Dawn Alford, Denna Allen, Jan Jacques, Roger Insall, and John Chapman: extracts from the Blue Book which were disclosed in the MTVIL on 27.01.17; • Regarding Clare Wood, Paul Ashton, Paul Bennett and Brian Roberts Nadia Cohen, Neil McLeod, James Mellor, Guy Basnett and Chris Tate: PI call data disclosure disclosed in the MTVIL in November/December 2021;⁹ and • The documents outlined in relation to paragraph 19(31A) below, which relate to the activities of Colin Myler. 	<p>In relation to footnote 9, §31 of Freeman 4 is addressed by §§13-28 of Galbraith 40</p>	<p>No objection</p>	
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⁹ In relation to the Claimants' reliance on the PI call data disclosure, I refer to paragraph 31 of the witness statement above. In summary, in relation to (at least) Guy Basnett, Chris Tate, James

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
9.5	<p>The substantial number of journalists and editorial staff at <i>The Sun</i> involved in the use of these activities, <u>and in the use of PIs</u>, including <u>Stuart Higgins</u>, <u>David Yelland</u>, <u>Jane Atkinson</u>, <u>David Willetts</u>, <u>Gary O'Shea</u>, <u>Steve Waring</u>, <u>Mike Sullivan</u>, <u>Alex West</u>, <u>David Mertens</u>, <u>Mark Tattersall</u>, <u>Ryan Sabey</u>, <u>John Kay</u>, <u>Robin Perrie</u>, <u>John Coles</u>, <u>David Wooding</u>, <u>Sue Thompson</u>, <u>Glenn Goodey</u>, <u>Mike Dunn</u>, <u>David Dinsmore</u>, <u>John Edwards</u>, <u>Sean Hoare</u>, <u>Paul McMullan</u>, <u>Emily Smith</u>, <u>Sara Nathan</u>, <u>John Sturgis</u>, <u>Chris Pharo</u>, <u>Nick Parker</u>, <u>James Scott</u>, <u>Emma Cox</u>, <u>Andy Coulson</u>, <u>Dominic Mohan</u>, <u>Victoria Newton</u>, <u>Geoff Webster</u>, <u>Graham Dudman</u>, <u>Gordon Smart</u>, <u>Thomas Whittaker</u>, <u>Rav Singh</u>, <u>Guy Patrick</u>, <u>James Clothier</u>, <u>Duncan Larcombe</u>, <u>Ben O'Driscoll</u>, <u>Jamie Pyatt</u>, <u>Ewan-Euan Stretch</u>, <u>Ally Ross</u>, <u>Derek Brown</u>, <u>Sean</u></p>	<p>In support of this paragraph, paragraph 75 of Galbraith 39 refers to:</p> <ul style="list-style-type: none"> Regarding Stuart Higgins and David Yelland: cash payment disclosure which was disclosed in the MTVIL on 07.05.21 {Y/537.2.1.4} {K/6486}; Regarding Mike Sullivan: PI call data disclosure which was disclosed in the MTVIL in November/December 2023;¹⁰ and cash payment disclosure which was disclosed in the MTVIL on 27.01.17 {Y/539} {K/87}; Regarding David Mertens: Searchline and Starbase invoices which were disclosed in the MTVIL on 28.06.17 {M/51/22} and generic email disclosure which was disclosed in the MTVIL on 24.02.17 {Y/318} {K/172} / {Y/319} {K/173} / {Y/393} {K/190}; Regarding Mark Tattersall: Payments to Cruise Pictures which were disclosed in the MTVIL on 20.12.21 {Z/2895} {J/2.3933}; Regarding John Kay: a spreadsheet disclosed in the MTVIL, in respect of which inspection was provided to the Claimants on 17.03.21 {K/6470}; Regarding David Wooding: an extract from Mr Wooding's contact list disclosed in the MTVIL on 17.05.18 {Y/568} {K/563}; Regarding Glenn Goodey: a Searchline invoice disclosed in the MTVIL on 28.06.17 {M/44/10}; and Regarding Mike Dunn, John Edwards, Robin 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION Including NGN witnesses -see Galbraith 40 §74(a)</p>	<p>Limitation Prejudice Proportionality and Costs: Disproportionate/Satellite Litigation Unnecessary: Otiose/Public Inquiry/Enough Examples Imperil trial/very late amendment</p> <p>No objection</p>	<p>Permission granted. The additional names are the particulars of C's case as to the extent of wrongdoing, on the basis of existing allegations and disclosure. I was assured that no further disclosure was required in relation to any of the added names</p>

Mellor, Neil McLeod and Nadia Cohen, NGN disclosed payments to alleged PIs naming these individuals between **May 2017** and **April 2020** (between 3.5 and 6 years prior to the PI call data disclosure).

¹⁰ In relation to the Claimants' reliance on the PI call data disclosure, I refer to paragraph 31 of the witness statement above. The Claimants are also seeking to rely on disclosure in support of this Proposed Amendment was disclosed in the MTVIL at least 5 years prior to the PI call data disclosure.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>Hamilton, Alex Peake, Neil Syson, Paul Thompson, Colin Robertson, James Clench, Andy Russell, Simon Young, Paul Field, Steve Kennedy, Richard White, Nicole Lampert</u> and Rebekah Brooks.</p>	<p>Perrie, John Coles, Jane Atkinson, David Willets, Gary O'Shea, Alex West and Ryan Sabey: PI call data which was disclosed in the MTVIL in November/December 2023.¹¹</p>			

¹¹ In relation to the Claimants' reliance on the PI call data disclosure, I refer to paragraph 31 of the witness statement above. In summary, in relation to (at least) Jane Atkinson, David Willets, Gary O'Shea, Alex West, Ryan Sabey, Robin Perrie, John Coles, John Edwards and Mike Dunn, NGN disclosed payments to alleged PIs naming these individuals between **May 2017 and December 2021** (between 2 and almost 7 years prior to the PI call data disclosure).

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
9.6	The volume of articles published in <i>The Sun</i> (as well as <i>The News of the World</i>) during the period from <u>1998</u> <u>1994</u> to <u>2010</u> <u>2012</u> which derived from, contained or were corroborated by information obtained through product of voicemail interception, blagging or the unlawful obtaining of private information by private investigators acting on the newspaper's behalf, as referred to (<u>in relation to the period 1998 to 2010</u>) in the Claimants' Response to NGN's Request for Further Information, dated 31 October 2016, as well as <u>articles published between January 1996 and 1998 as pleaded in individual Claimants' claims.</u>	In support of this paragraph (and specifically the extension of the Relevant Period), please see the paragraphs of Galbraith 39 referred to in relation to paragraph 1 above.	<u>Consequential to the amendment above (ie Relevant Period)</u>	Proportionality and Costs: Wasted Costs Prejudice Delay Limitation Imperil trial/very late amendment Irrelevant: No/Few Extant Claims Poor/inappropriate pleading: vague No Objection	Permission refused for the first amendment, which purports to extend the relevant period from 1994 to 2012. Permission granted for the second amendment and by consent for the third.
9.7	<u>The extent of the types of unlawful information gathering carried out by NGN's journalists as revealed by disclosure in this litigation and/or as a result of separate claims being brought against NGN covering the relevant time period, including the wide range of 'blagging' carried</u>	See paragraph 9.3 above.	<u>Consequential to amendment above</u>	Prejudice Imperil trial/very late amendment Limitation	Permission granted subject to the restriction explained in para 9.3 above.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>out and the unlawful accessing of voicemail messages and text messages from stolen mobile phones, as particularised in the PI Annexe herein.</u></p>			<p>Delay Proportionality and Costs: Wasted Costs Ready for Trial Jan 2024</p>	
10.	<p>The Claimants will ask the Court to infer from the nature, duration, scale and extent of such unlawful activities (including the need to pay substantial sums for the services of private investigators or other agents) that they were known about and/or approved of by Senior NGN Employees at the time. <u>The Claimants will refer in support of this contention to the names of Senior NGN Employees which appear on such invoices or on cash payment-related documents as being either responsible for instructing the private investigators or for approving the expenditure in relation to them (including by means of cash payments), such as Stuart Higgins, David Yelland, Rebekah Brooks,</u></p>	<p>In support of this paragraph, paragraphs 77 and 80 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> • For Stuart Higgins, David Yelland, Bill Newman and Christopher Roycroft-Davis: cash payment disclosure which was disclosed in the MTVIL on 07.05.21 {Y/537.2.1.4} {K/6486}; • For Simon Cosyns and Fergus Shanahan: cash payment disclosure which was disclosed in the MTVIL on 31.05.18 {Y/105.2} {K/673}/{Y/106.03} {K/674} and 27.01.17 {Y/539} {K/87}; and • For Jane Johnson: payments to Cruise Pictures which were disclosed in the MTVIL on 20.12.21 {Z/2895} {J/2.3933}. 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION Including some NGN witnesses -see Galbraith 40 §74(a) (eg Victoria Newton)</p>	<p>Limitation Proportionality and Costs: Disproportionate/Satellite Litigation Unnecessary: Otiose/Public Inquiry/Enough Examples Prejudice Imperil trial/very late</p>	<p>Permission granted, save in relation to Piers Morgan. This paragraph is a summary of C's case, based on disclosure that has been given. However, permission for the amendment in this paragraph does not mean that new, specific allegations against those individuals pleaded in other paragraphs are necessarily permitted. Mr Morgan relates only to years outside the relevant period, for which permission to amend has not been granted.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>Geoff Webster, Graham Dudman, Richard Barun, Christopher Roycroft-Davis, Philippa Taphouse, Simon Cosyns, Fergus Shanahan, Richard Caseby, Victoria Newton, Gordon Smart, Chris Pharo, Dominic Mohan (all at <i>The Sun</i>), and Piers Morgan, Phil Hall, Bob Bird, Andy Coulson, Rebekah Brooks, Colin Myler, Jane Johnson, Victoria Newton, Steve Mears, Paul Nicholas, Fiona Spink, Bev Stokes, Tara McNicholas, Bill Akass and Stuart Kuttner (all at <i>the News of the World</i>).</u></p>			amendment	
11.	<p>Without limiting the generality of this contention, the Claimants will refer to the following examples of Senior NGN Employees being involved in, knowing about or approving these activities from at least as early as <u>1998 1994</u> onwards:</p>	<p>In support of this paragraph (and specifically the extension of the Relevant Period), please see the paragraphs of Galbraith 39 referred to in relation to paragraph 1 above.</p>	<p><u>Consequential to amendment above (Relevant Period)</u></p>	<p>Proportionality and Costs: Wasted Costs Prejudice Delay Limitation Imperil trial/very late amendment Irrelevant: No/Few Extant Claims</p>	<p>Permission refused.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.1	As is already set out in the Generic Pleadings, NGN engaged the services of Glenn Mulcaire, one of a large number of private investigators used by the company, for the purposes of unlawful information gathering and voicemail interception in order to produce or confirm stories appearing in <i>The News of the World</i> , as well as in 2005-2006, via Greg Miskiw , in <i>The Sun</i> .	In support of this paragraph, paragraph 81 of Galbraith 39 refers to: <ul style="list-style-type: none"> 1st Witness Statement of Greg Miskiw dated 05.12.17 {D/67}; and 2nd Witness Statement of Greg Miskiw dated 09.01.18 {D/83}. 	Consequential to para 11.29 below	Irrelevant: No/Few Extant Claims Delay Limitation	Permission granted. This amendment provides only time definition to an allegation already partly pleaded at para 11.29.
11.2	This arrangement, which was made through various corporate vehicles for Mr Mulcaire (such as LRI , C&E , Global Intel , Euro Research Information Limited and Nine Consultancy) started in 1998 1997 and continued until his arrest in August 2006. NGN paid substantial amounts under this arrangement, which was negotiated or approved of by Phil Hall , Phil Taylor , Greg Miskiw , Neville Thurlbeck , Ian Edmondson , Andy Coulson, Neil Wallis, Rebekah Brooks and Stuart Kuttner.	In support of this paragraph, paragraph 82 of Galbraith 39 refers to: <ul style="list-style-type: none"> The 1st Witness Statement of Greg Miskiw dated 05.12.17 {D/67}; An agreement between Euro Research and Information Limited and the <i>News of the World</i> which was disclosed in the MTVIL on 12.12.12 {Z/116} {H/532}; and An Agreement between Nine Consultancy Limited and the <i>News of the World</i> which was disclosed in the MTVIL by August 2017 {Z/405} {N/278}. 	THIRD PARTY PARTICULARISATION	Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs: Disproportionate	Permission granted. The amendment only adds an allegation that others knew about the arrangement with Mr Mulcaire, and is relevant to the extent of wrongdoing alleged.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.3A	(dA) <u>Prior to the sentencing and confiscation order hearing on 26 January 2007, Tom Crone (on the instruction of Mr Hinton and Mr Coulson) agreed with Mr Mulcaire (through the latter's legal representatives) to provide the prosecution and the Court with a falsified explanation of the services covered by the Retainer Contract, as evidenced by the emails and memos that Mr Crone and Mr Coulson sent to Mr Hinton in December 2006 and January 2007.</u>	<p>This paragraph refers to the sentencing and confiscation order hearing which took place on 26.01.07.</p> <p>In support of this paragraph, paragraph 83 of Galbraith 39 refers to the 20th Witness Statement of Callum Galbraith dated 11.02.21 {F/359}, which itself refers to a series of documents disclosed in 2018.</p>	THIRD PARTY PARTICULARISATION	Delay Prejudice Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs: Satellite Litigation	Permission refused. This is a new allegation of criminal conduct, not "filling in some of the details" as suggested in argument. Whether the prosecution and the court were misled in sentencing Mr Mulcaire is a collateral issue not relevant to the issues in this trial.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.3A	(g) <u>In spite of the obviously incriminating evidence received from the Metropolitan Police and the Silverleaf Leading Counsel's Opinion, NI / NGN and their executives (as set out further in paragraph 19 below) continued to conceal the true position and persist in its public statements that these activities were limited solely to one rogue reporter, namely Mr Goodman. This even included NGN's decision to assert in its Defences in the civil litigation in up to 2011, as verified by a Statement of Truth, that Mr Mulcaire's Retainer Contract with the News of the World was were for legitimate activities and falsely stating that as the Judge and prosecution had (wrongly) accepted</u>	No specific evidence is adduced in Galbraith 39 in support of this paragraph, however, Galbraith 39 relies on the content of the witness statement and draft pleading more generally.	SUBSEQUENT INSIGHT ONLY THIRD PARTY PARTICULARISATION	Irrelevant (NI): No relevance to Cs' stated purposes No objection Unnecessary: Enough Examples Proportionality and Costs: Disproportionate/Satellit	Permission granted. The allegations in the amendment are only one step further than the matters already pleaded, by alleging knowledge of those at high executive levels against whom allegations are already made. The amendments are subject to what is permitted under para 19, below.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>that position. The Claimants will refer for example to NGN's Defences in the claims brought by Gordon Taylor, Sienna Miller, Ben Jackson, Steve Coogan, Joan Hammell, Kelly Hoppen, and Jude Law in the period 2007 to 2010; and the Claimants further contend that these false statements in Defences must have been approved by the Chief Executive / Executive Chairmen of NI/NGN, namely Les Hinton, James Murdoch and Rebekah Brooks.</u></p>			<p>e Litigation</p> <p>Unnecessary: Otiose/Public Inquiry Irrelevant: No/Few Extant Claims (ie no one says their distress was aggravated by knowledge on the part of these individuals (as opposed to those already pleaded))</p>	
11.6	<p>Mr Hoare played intercepted voicemail messages of the members of the band to Andy Coulson, expressly stating that they were recordings of intercepted voicemail messages (as would in any event have been obvious to <u>Ms Newton, whose by line was on the relevant articles, and Mr Coulson, who heard</u></p>	<p>No specific evidence is adduced in Galbraith 39 in support of this paragraph, however, Galbraith 39 relies on the content of the witness statement and draft pleading more generally.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION (Ms Newton is NGN Witness and current Editor of <i>The Sun</i>)</p>	<p>Poor/inappropriate pleading: prolix Unnecessary: Otiose</p>	<p>Permission granted. Addition of the name of the byline on the article (against whom allegations of wrongdoing are already pleaded) as someone who would have known that the recordings were intercepted voicemail messages.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	the messages).				
11.13	If and insofar as NGN seeks to assert that as a result of Ms Brooks being on holiday during the period from 7-14 April 2002 she had no involvement in the events set out above (despite the facts and matters set out in paragraphs 11.9 to 11.11), the Claimants will rely in support of their case that this is untrue on (a) the importance of the story; (b) the hands-on nature of Ms Brooks' editorship and (c) the long-running and intimate personal relationship which she had with Mr Coulson, as well as their extremely close working relationship, which means that it was highly likely that they would have communicated about and discussed these events at the time (or shortly thereafter), and (d) the phone records showing	In support of this paragraph, paragraph 87 of Galbraith 39 refers to Neville Thurlbeck's amended statement of case in his Employment Tribunal Claim, which was disclosed in the MTVIL on 05.02.21 {Z/2367.3/4} {J/2.3342} / {T/1310}.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION		Amendment permitted. This is, in substance, only the identification of a further piece of supporting evidence, which first emerged in 2021.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>many calls from her mobile phone to Mr Coulson phone and to the Editor's office at <i>The News of the World</i> at the time the paper was being prepared, which inference is further supported by Neville Thurlbeck in paragraphs 15 to 19 of his amended statement of case in his Employment Tribunal claim, dated 17 July 2015, where he states that Ms Brooks was in regular contact with both Mr Coulson and himself about the Dowler story.</u></p>			<p>Poor/inappropriate pleading: Elsewhere</p> <p>Poor/inappropriate pleading: Prolix</p>	

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.17	<p>Despite the obvious illegality of Mr Thurlbeck's activities, he was told by Mr Coulson, Mr Wallis and Mr Kuttner to destroy his computers, thereby removing any incriminating evidence of these activities. This is recorded in a contemporary attendance note (dictated by Mr Myler to Jane Johnson, Deputy Editor of the News of the World) of a meeting in on 11 July 2009 between Mr Thurlbeck and Colin Myler, who was by that time the Editor of the newspaper, with Tom Crone in attendance. This meeting was prompted by the impending publication of a story in The Guardian about the "For Neville" email, following articles already published about the Gordon Taylor settlement. As set out at paragraph 13.5C below, Mr Myler immediately reported the matter to Rebekah Brooks. Further, it was admitted by Mr Coulson in on 16 April 2014 in evidence at his criminal trial that Mr Thurlbeck had informed him about the hacking of</p>	<p>No specific evidence is adduced in Galbraith 39 in support of this paragraph, however, Galbraith 39 relies on the content of the witness statement and draft pleading more generally.</p>	<p>THIRD PARTY PARTICULARISATION</p>	<p>Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Prolix Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Prolix Unnecessary: Otiose</p>	<p>Permission granted. This amendment is adding detail in the form of the involvement of others in relation to an allegation already pleaded.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	Mr Blunkett's messages at the time.				
11.21 B	<p><u>The Claimants contend, on the basis of the above facts (as well as those in paragraph 13.5C below), that by 11 July 2009 Mr Myler, and by 14 July 2009 Ms Brooks, knew that voicemail interception was widespread at the <i>News of the World</i>, and had occurred in 2004; and that Mr Kuttner, Mr Wallis and Mr Coulson, to the extent that they were not already well aware of the practice, were aware from August 2004.</u></p>	No specific evidence is adduced in Galbraith 39 in support of this paragraph, however, Galbraith 39 relies on the content of the witness statement and draft pleading more generally.	<p>Consequential to amendments above and below</p> <p>SUBSEQUENT WITNESS</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Proportionality and Costs: Disproportionate/Satellite Litigation Delay Unnecessary: Otiose/Public Inquiry/Enough Examples Irrelevant: No/Few Extant Claims (i.e. no one says their distress was aggravated by knowledge on the part of Ms Brooks/Mr Myler specifically (as opposed to those already</p>	Permission granted. This amendment only spells out the inference to be drawn from matters already pleaded about when certain individuals against whom allegations are already made knew about widespread VMI at the <i>News of the World</i> .

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
				pleaded) Imperil trial/very late amendment	
11.29	<p>Pending disclosure and/or the provision of further information, the Claimants will rely upon <u>(i) a short communication from the mobile phone of Geoff Webster (who was then Associate Editor at <i>The Sun</i>, and thereby third- in-charge of the newspaper) to Mr Miskiw on 24 May 2006; and (ii) the call data disclosed in Heather and Fiona Mills' claim which showed calls by NGN journalists to Unique Voicemail Numbers (which is direct evidence of voicemail interception) between 25 and 30 May 2006; and (iii) an exchange of emails between Mr Miskiw and Geoff Webster (who was then Associate Editor at <i>The Sun</i>, and thereby third in charge of the newspaper) between 29 May</u></p>	<p>In support of this paragraph, paragraph 91 of Galbraith 39 refers to PI call data disclosure which was disclosed in the MTVIL in November/December 2023 (Exhibit CG/182-183).¹²</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Unnecessary: Otiose/Public Inquiry/Enough Examples Poor/inappropriate pleading: Evidence</p> <p>No objection</p>	<p>Permission granted. Support for existing case in reliance on call data disclosed recently.</p>

¹² In relation to the Claimants' reliance on the PI call data disclosure, I refer to paragraph 31 of the witness statement above.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	2006 and 31 May 2006 as follows:				
11.33 A	<u>From the outset, NI/NGN purported to cooperate with the police investigation but in fact did the reverse.</u>	See paragraph 11.33B below.	Consequential to amendments below	Irrelevant: No relevance to Cs' stated purposes Proportionality and Costs: Satellite Litigation/Disproportionate Delay Imperil trial/very late amendment	Permission refused. Entirely collateral issue about whether NI, NGN cooperated with the MPS, irrelevant to issues in the claim. This also applies to para 11.33B and all its sub-paras, below. This decision is without prejudice to the question of reliance that can be placed on Mr Chapman's evidence and the Fowler Report if relevant to a pleaded issue.
11.33 B	<u>The Claimants contend that, in August 2006, immediately after the arrest of Clive Goodman and Glenn Mulcaire, NI/NGN executives started planning and executing a strategy to</u>	In support of this paragraph, paragraph 93 of Galbraith 39 refers to: <ul style="list-style-type: none"> The written and oral evidence of DCI Keith Surtees to the Leveson Inquiry dated 30.09.11 and 29.02.12 (Exhibit CG39/184-218); Paragraph 2.60 of Part E, Chapter 4 of the Leveson Inquiry Report published on 29.11.12 	SUBSEQUENT DISCLOSURE, namely the MPS Fowler Report , disclosed by the MPS in Sept 2020, as set out a §93(b) and	Irrelevant (re NI): No relevance to Cs' stated purposes Irrelevant: No relevance to Cs' stated purposes (re Limitation) Proportionality and	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>limit the police investigation and the prosecution to Mr Goodman and no other journalists:</u></p> <p><u>(a) on 8 August 2006 NGN obstructed a lawful search by the police regarding unlawful information gathering in relation to Clive Goodman at Wapping;</u></p>	<p>(Exhibit CG39/219);</p> <ul style="list-style-type: none"> An email from Julian Pike which was disclosed in the MTVIL by August 2017 {Z/1158} {N/730}; Attendance note for Clive Goodman (10.08.06) which was disclosed in the MTVIL by August 2017 {Z/1161} {N/728}; Attendance note for Clive Goodman (11.08.06) which was disclosed in the MTVIL by August 2017 {Z/1167} {N/729}; Contact reports for Andy Coulson which were disclosed by the Claimants in the MTVIL on 03.07.18 {Z/1162.1} {P/606} / {Z/1167.2} {P/608} / {Z/1178.1} {P/607}; Transcript of a conversation between Clive Goodman and Tom Crone which was disclosed in the MTVIL by August 2017 {Z/2532} {N/746}; Letters between BCL and the MPS which were disclosed by the Claimants in the MTVIL on 09.10.18 {Z/1178.2} {P/636} / {Z/1184.2} {P/637} / {Z/1184.3} {P/638} / {Z/1184.4} {P/639}; Handwritten note of Tom Crone which was disclosed in the MTVIL by August 2017 {Z/2390} {N/734}; and 20th Witness Statement of Callum Galbraith dated 11.02.21 {F/359}. 	<p>§93(g) of Galbraith 39 in relation to this amendment.</p> <p>Inexplicably, NGN fails to list this document in their 3rd column</p>	<p>Costs: Satellite Litigation/Disproportionate Delay</p> <p>Poor/inappropriate pleading: repetitive Unnecessary: Otiose/Public Inquiry Prejudice</p> <p>Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere (in addition to the above)</p>	
11.33 B	<p><u>(b) a 2-hour meeting took place on 10 August 2006 attended by Andy Coulson, Neil Wallis, Stuart Kuttner and Henri Brandman (who NGN had provided Clive Goodman with as a solicitor), followed by a further 4-hour meeting on 11 August</u></p>	<p>Although no specific document is referenced in this paragraph, it appears that file notes of the relevant meetings were disclosed in the MTVIL by August 2017 {Z/1161} {N/728} / {Z/1167} {N/729}.</p>	<p>SUBSEQUENT DISCLOSURE, namely the MPS Fowler Report, disclosed by the MPS in Sept 2020, as set out a §93(b) and §93(g) of Galbraith 39 in relation to this amendment.</p> <p>Inexplicably, NGN</p>	<p>Proportionality and Costs: Satellite Litigation</p> <p>Poor inappropriate pleading: Evidence Poor inappropriate pleading: Elsewhere</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>2006, attended by Andy Coulson, Neil Wallis, Stuart Kuttner, Jon Chapman, Justin Walford (who was deputising for Tom Crone who was on leave), Henri Brandman and John Kelsey-Fry QC (who was instructed by News International to oppose any further search warrant or production order, but went on to represent Clive Goodman);</u>		fails to list this document in their 3 rd column	(in addition to the above)	
11.33 B	<u>(c) multiple approaches starting from 10 August 2006, from Mr Coulson and Mr Crone, to persuade him to plead guilty, say he had "gone off the reservation" and offering him the prospect of later, or even immediate, re-employment;</u>	Although no specific document is referenced in this paragraph, it appears that file notes were disclosed by the Claimants in the MTVIL on 03.07.17 {Z/1167.2} {P/608}.	SUBSEQUENT DISCLOSURE, namely the MPS Fowler Report , disclosed by the MPS in Sept 2020, as set out a §93(b) and §93(g) of Galbraith 39 in relation to this amendment. Inexplicably, NGN fails to list this document in their 3 rd column	Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere (in addition to the above)	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.33 B	<u>(d) On 9 September 2006 Mr Crone emailed Andy Coulson, the News of the World Editor and Deputy Editor Neil Wallis, about a letter dated 7 September 2006 from DS Maberley of the MPS to News International's legal advisers BCL with requests for further information. Mr Crone dismissed DS Maberley's letter as a fishing expedition and included his reply to BCL that very little should be offered;</u>	This paragraph refers to an email from Tom Crone to Andy Coulson and Neil Wallis dated 09.09.06 and disclosed to the Claimants by the MPS in December 2018 pursuant to the order of 16.11.18 {G/412/50} {F/359/38}.	SUBSEQUENT INSIGHT ONLY	Poor/inappropriate pleading: Evidence Poor inappropriate pleading: Elsewhere (in addition to the above)	s/a
11.33 B	<u>(e) BCL told the MPS by letter on 14 September 2006 that extensive searches had revealed only one piece of paper, that no documents otherwise existed in relation to work completed by Mr Mulcaire, and that NGN was satisfied the material to which the MPS was entitled was limited and they were in possession of all relevant documents;</u>	This paragraph refers to file notes which were disclosed by the Claimants in the MTVIL on 09.10.18 {Z/1184.2} {P/637}.	SUBSEQUENT INSIGHT ONLY	Poor/inappropriate pleading: Evidence Poor/inappropriate Pleading: Elsewhere (in addition to the above)	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.33 B	<u>(f) The effect of the decision not to cooperate with the police investigation was that very little evidence was forwarded to assist in gaining a full picture of the nature and extent of the unlawful conduct, and this (along with the unwillingness of NGN or its lawyers to assist) was later explained by DCS Surtees in his 1st Leveson Witness Statement at [68];</u>	This paragraph refers to the 1 st Witness Statement of DCI Keith Surtees to the Leveson Inquiry dated 30.09.11 .	SUBSEQUENT INSIGHT ONLY	Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere (in addition to the above)	s/a
11.33 B	<u>(g) The email from Mr Crone to Mr Coulson of 15 September 2006 (see paragraph 11.34 below) relaying what Ms Brooks had told Mr Crone that the MPS had told her (that the MPS would only widen the investigation to include others from News of the World if they got direct evidence of News of the World journalists directly accessing voicemails) and which Mr Coulson later told the Court during his criminal trial</u>	This paragraph refers to an email which was disclosed by the Claimants in the MTVIL on 03.03.14 {Z/1184} {P/15} and the evidence of Andy Coulson at the criminal trial of <i>Coulson, Brooks and Others</i> on 29.04.14 {U/88}.	SUBSEQUENT INSIGHT ONLY THIRD PARTY PARTICULARISATION	Poor inappropriate pleading: Evidence Poor inappropriate pleading: Elsewhere (in addition to the above)	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>influenced his decision to not assist the MPS in their inquiries by for example, not informing them that he knew that Mr Thurlbeck had hacked the phone of David Blunkett in 2004;</u></p>				
11.33 B	<p><u>(h) the activities of Tom Crone in December 2006 and January 2007, prior to the sentencing hearing, designed to ensure that the police and CPS were persuaded, on a false basis, that Mr Mulcaire's Retainer Contract was for lawful activities, and that neither Mr Mulcaire nor Mr Goodman sought to implicate others at the News of the World in their mitigation; paragraphs 11.3A and 13.1A below are repeated;</u></p>	See paragraph 11.33B(a) above.	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Poor/inappropriate pleading: Evidence</p> <p>Poor/inappropriate pleading: Elsewhere (in addition to the above)</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.33 B	<u>(i) the facts and matters set out in the Report ("Report to assist Crown Prosecutor re Rogue Reporter Coverup"), prepared by DS Jonathan Fowler of the MPS, in the sections headed "Securing Goodman's silence" and "Securing Mulcaire's silence".</u>	NGN objects to the reference to Fowler Report in the draft pleading. The document was disclosed in the MTVIL on 24.09.21 . However, objections were raised by NGN at the time because the report contains privileged information belonging to NGN and appears to contain legally privileged advice provided by the CPS to the MPS. NGN corresponded with the MPS and the Claimants regarding this. The last correspondence NGN received from the MPS stated that the MPS was liaising with the CPS. While those concerns remain unresolved as between the parties and the MPS and, pending receipt of a redacted version from the MPS, the Fowler Report ought not to be referenced in a publicly available pleading {T/1347}.	SUBSEQUENT DISCLOSURE NGN's objections are not accepted and are dealt with in §40 of the Claimant's skeleton argument	Poor/inappropriate pleading: [Inadmissible Opinion] Evidence Poor/inappropriate pleading: Elsewhere (in addition to the above) Delay	s/a
11.34	In September 2006, Detective Superintendent Keith Surtees informed Rebekah Brooks, <u>then Editor of <i>The Sun</i>, who was approached as a potential victim of the voicemail interception</u> , that amongst other things that the MPS had a list of about 100 victims of voicemail interception, including individuals involved in "politics" and "showbiz", which were not subjects normally covered by the Royal Editor, Clive Goodman. This conversation was relayed by Tom Crone to Andy Coulson in an email on 15	This paragraph refers to Tom Crone's manuscript note which was disclosed in the MTVIL by August 2017 {Z/2390} {N/734} (as referred to in paragraph 94 of Galbraith 39).	SUBSEQUENT INSIGHT ONLY THIRD PARTY PARTICULARISATION	Poor/inappropriate pleading: prolix Unnecessary: Otiose Delay	Permission granted. Pleads only inference to be drawn from facts.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p>September 2006. <u>It can be inferred from Tom Crone's contemporaneous manuscript note of Ms Brooks' account of her conversation with DCI Surtees that she was informed about the potential involvement of Ian Edmondson.</u></p>			<p>Poor/inappropriate pleading: Elsewhere See 11.21B</p>	
11.37 A	<p><u>From January 2007 when Goodman and Mulcaire were sentenced, until April 2011, senior NGN and NI executives (such as Colin Myler, Stuart Kuttner, Les Hinton, Rebekah Brooks, James Murdoch and Rupert Murdoch) all made, or caused to be made, statements to the PCC, the public, the Leveson Inquiry and/or Parliament, promulgating the One Rogue Reporter narrative. Those individuals, and NGN and News International corporately, were dishonest in making these statements since they knew them to be false at the time they were made (as</u></p>		<p>No objection taken by NGN</p> <p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Limitation Delay Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs: Disproportionate/Satellite Litigation Ready for Jan 2024 Trial Irrelevant: No/Few Extant Claims (i.e. no one says their distress was aggravated by RM's knowledge specifically) Prejudice Imperil trial/very late amendment</p>	<p>Permission refused. Deficient pleading of allegations of dishonesty. Although para 11.37B purports to be the particulars of the general allegation in para 11.37A, the particulars are deficient because they do not allege, in relation to each individual at the time or times relied upon (which are not themselves pleaded) what they did know, which made what they said dishonest.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p>was later confirmed by Tom Crone and Julian Pike).</p>				
11.37 B	<p>Furthermore, _____ in promulgating the One Rogue Reporter lie, the executives named in the paragraph above, relied variously on the following assertions that they knew to be false:</p> <p>(a) the MPS investigation in _____ 2006 was comprehensive and that NGN had fully co-operated with the MPS (and that despite this there had been no interviews, arrests or charges beyond Clive Goodman) (see paragraphs 11.33A and 11.33B above); and</p>	<p>In support of this paragraph, paragraphs 96-97 of Galbraith 39 refers to:</p> <ul style="list-style-type: none"> The evidence produced to the Leveson Inquiry by James Murdoch (16.04.12) (CG39/220-221) and Rupert Murdoch (12.04.12) (CG39/222-227); The written and oral witness evidence of Tom Crone to the Leveson Inquiry dated between 30.09.11 and 14.12.11 {Z/2146/25} {P/127}; and The Witness Statement of Julian Pike to the Leveson Inquiry dated between 23.09.11 and 20.12.11 {Z/2108} {P/125}. <p>Further, although Galbraith 39 does not specifically refer to further evidence provided to the Leveson Inquiry and CMS Select Committee, paragraphs 96-97 of Galbraith 39 appear to refer in general terms to:</p> <ul style="list-style-type: none"> Evidence produced to the CMS Select Committee by James Murdoch (whose letter to the CMS Select Committee on 12.03.12 is referred to in paragraph 19(5B)) and Rupert Murdoch (whose evidence to the CMS 	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Unnecessary: Otiose Irrelevant: No relevance to Cs' stated purposes Delay Proportionality and Costs: Satellite Litigation Ready for Jan 2024 Trial</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
		<p>Committee between 2011-2012 is referred to in relation to paragraph 19(12J));</p> <ul style="list-style-type: none"> Evidence produced to the Leveson Inquiry and CMS Committee by Les Hinton (whose evidence, provided between 2009 – 2011, is considered in more detail in paragraph 19(3C) below); and Rebekah Brooks (whose 2nd Witness Statement to the Leveson Inquiry dated 02.05.12 and oral evidence to the Leveson Inquiry on 11.05.12 is referenced in paragraph 11.71B and paragraph 13(a)(ii) of Galbraith 39.) 			
11.37 B	<p><u>(b) that NGN/NI had carried out detailed investigations and inquiries but no evidence had been found, when in fact such an investigation would have produced key emails between Mr Mulcaire and Greg Miskiw, Ian Edmondson, Neville Thurlbeck and James Weatherup; which emails were both, prior to their subsequent deletion, easily discoverable and available.</u></p>	<p>In support of this paragraph, paragraph 96-97 of Galbraith 39 refers to the documents listed for paragraph 11.37B(a) above.</p>	<p>Further particularisation of §11.37B above</p> <p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Unnecessary: Otiose Irrelevant: No relevance to Cs' stated purposes Delay Proportionality and Costs: Satellite Litigation Ready for Jan 2024 Trial</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.37 B	<u>(c) NGN had no documents to suggest that the problem went beyond one reporter when NGN and its lawyers Farrer & Co held the critical MPS disclosure in the Gordon Taylor matter (including the "For Neville" email) since 2008, and had been informed by the MPS in writing of its existence since November 2007.</u>	This paragraph refers to the "For Neville" Email produced in full in the Culture, Media and Sport Select Committee's Eleventh Report of Session 2010-2012 on Phone Hacking, published in 01.05.12 . This email was disclosed in the MTVIL on 31.05.17 {J/2.182}.	Further particularisation of §11.37B above SUBSEQUENT DISCLOSURE (Fowler Report) THIRD PARTY PARTICULARISATION	Unnecessary: Otiose Irrelevant: No relevance to Cs' stated purposes Delay Proportionality and Costs: Satellite Litigation Ready for Jan 2024 Trial	s/a
11.37 B	<u>(d) the Judge at Mr Goodman and Mr Mulcaire's sentencing had accepted that the Retainer contract that NotW had with Mulcaire was for legitimate investigative work.</u>	This paragraph refers to the sentencing of Mr Goodman and Mr Mulcaire, which took place on 26.01.07 .	Further particularisation of §11.37B above SUBSEQUENT INSIGHT ONLY THIRD PARTY PARTICULARISATION	Irrelevant: No relevance to Cs' stated purposes	s/a
11.37 B	<u>(e) that Goodman and Mulcaire had not had their silences bought.</u>	See paragraph 11.37B(a) above.	Further particularisation of §11.37B above SUBSEQUENT INSIGHT ONLY THIRD PARTY PARTICULARISATION	Unnecessary: Otiose Irrelevant: No relevance to Cs' stated purposes Delay Proportionality and Costs: Satellite Litigation Ready for Jan 2024 Trial	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.40	<p>Prior to the sentencing hearing on 26 January 2007, the risk continued that Mr Goodman (and Mr Mulcaire) would identify other guilty journalists in order to mitigate his sentence. Mr Crone prepared a detailed briefing note about this shortly before New Year's Eve which was sent to both Andy Coulson and Les Hinton. As a result of this, Mr Hinton instructed Mr Crone to prepare an "Options briefing" on 9 January 2007. The proposal was to pay off Mr Mulcaire in order to buy his silence. NGN waived privilege in relation to the MPS in the communications between Mr Crone, Mr Hinton and Mr Myler in respect the Mulcaire and Goodman matters, but failed to disclose this briefing note to the MPS as part of Operation Weeting stating in August 2012 that it could not be found even after restoration of the deleted emails. However, NGN later informed the Claimants on 19 July 2018 that they held the briefing</p>	<p>In support of this paragraph, paragraph 98 of Galbraith 39 refers to:</p> <ul style="list-style-type: none"> • 20th Witness Statement of Callum Galbraith dated 11.02.21 {F/359}; • 19th Witness Statement of Christopher Hutchings dated 24.09.18 {F/223}; • An email from Tom Crone to Andy Coulson which was disclosed in the MTVIL by August 2017 {Z/1227} {N/766}; and • A document regarding Clive Goodman appearing for sentencing which was disclosed by the Claimants in the MTVIL on 31.05.17 {Z/2642/21-24} {P/136}. 	<p>Subsequent to ruling by the Managing Judge in March 2021 that privilege had not been waived in the Mulcaire Options briefing.</p> <p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Proportionality and Costs: Satellite Litigation Delay Unnecessary: Otiose/Public Inquiry/Enough Examples</p>	<p>Permission refused. This raises a collateral issue about waiver of privilege of NGN vis-à-vis the MPS and failure to produce the briefing not to the MPS. Irrelevant to issues in the claim.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>note but were refusing to provide inspection on the grounds that it was privileged.</u></p>				
11.43	<p>It is to be inferred from the facts and matters set out above that Mr Justice Gross' comment about "others at <i>the News of the World</i>" was relayed back to Senior NGN Employees, including Mr Coulson (who <u>announced his resignation</u> resigned only hours later) and Mr Hinton given their close interest in the proceedings.</p>		No objection taken	<p>Poor/inappropriate pleading: prolix Unnecessary: Otiose</p>	Permission granted.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.46	<p>The Claimants will also rely on the fact that Les Hinton authorised payments to Clive Goodman and Glenn Mulcaire after their conviction in January 2007. Evidence was given to the Leveson Inquiry on 13 December 2011 that an additional payment was made by NGN to Mr Goodman of £90,000 in February 2007 and a further payment of £153,000 (including legal fees) between October and December 2007. These payments were deliberately arranged in stages by NGN in order to ensure compliance with the condition in their settlement agreements that prevented Messrs Goodman and Mulcaire from revealing any further information, including the highly incriminating material which they had informed NGN Senior Employees such as Tom Crone and Daniel Cloke, the Human Resources Director, that they still had in relation to other NGN journalists. The Claimants contend that the payment of £243,000 by NGN to Mr Goodman was substantially in excess of what he could</p>	<p>In support of this paragraph, paragraph 101 of Galbraith 39 relies on documents from the Jury Bundle in <i>R v Coulson, Brooks and Others</i> {Z/1274} {N/782} and {Z/1275} {N/783}, disclosed in the MTVIL by August 2017.</p>	<p>THIRD PARTY PARTICULARISATION</p>	<p>Poor/inappropriate pleading: Elsewhere Unnecessary: Otiose Irrelevant: No relevance to Cs' stated purposes Delay Proportionality and Costs: Satellite Litigation Ready for Jan 2024</p>	<p>Permission granted for additional allegation in relation to matters already pleaded. There is no prejudice caused by this addition as NGN can easily identify whether the sum pleaded is far in excess of what an Employment Tribunal would be likely to award and either admit it or explain why it is not. A similar plea is at para 11.52.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>expect to be awarded by an Employment Tribunal in the event he was successful in his claim; accordingly, the Claimants infer that such monies were paid by NGN in order to buy Mr Goodman's silence.</u></p>			Trial	
11.46 A	<p><u>The Claimants contend that, after his arrest and suspension, and after his conviction and imprisonment, Mr Goodman was paid by NGN for various pieces of work carried out from home, and that the fact of these payments was known to Les Hinton and was withheld by Mr Hinton and Rebekah Brooks from the CMS Select Committee in 2007 and 2009-2010, and by NI/NGN from the</u></p>	<p>In support of this paragraph, paragraph 101 of Galbraith 39 refers to:</p> <ul style="list-style-type: none"> An extract from Rebekah Brooks' desk diary which was disclosed in the MTVIL by August 2017 {Z/1274} {N/782}; and An expense form relating to Rebekah Brooks for "lunch Clive Goodman" which was disclosed in the MTVIL by August 2017 {Z/1275} {N/783}. 	<p>SUBSEQUENT INSIGHT ONLY</p> <p>Based on emails to Mr Goodman from NGN's marketing dept subsequently identified in the "Paragraph 9" data-pool 7 metadata of deleted emails disclosed prior to February 2020. Cs wrote to NGN on this matter 25 January 2021 {T/1281}. NGN</p>	<p>Irrelevant: No relevance to Cs' stated purposes</p> <p>Unnecessary: Otiose/Public Inquiry Delay</p>	<p>Permission granted. Relevant to extent of wrongdoing and attitude of senior executives to wrongdoing, and therefore the likely extent of it, as well as concealment..</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	Leveson Inquiry.		has failed to respond		
11.48	On 22 February 2007, before any internal investigations had been completed, Colin Myler wrote to the PCC stating that the wrongdoing at <i>The News of the World</i> was confined solely to Clive Goodman. In his letter, he claimed to the industry's self-regulation watchdog that " <i>this was an exceptional and unhappy event in the 163 years of history of News of the World, involving one journalist</i> " and that " <i>Mr Mulcaire was operating in a confined environment run by Clive Goodman</i> ". He also stated (wrongly) that Mr Justice Gross was satisfied that there was no suggestion of any illegality under <i>The News of the World's</i> contractual relationship with Mr Mulcaire. Furthermore, he failed to mention the fact that the Judge had plainly referred to Mr Mulcaire having acted (on counts 16 to 20) with " <i>others at News International</i> ". <u>The Claimants also rely upon a letter sent to the PCC dated 26 March 2007 by Graham Dudman, the Managing Editor of <i>The Sun</i> at the time.</u>	This paragraph refers to a letter which was disclosed in the MTVIL by August 2017 {Z/1272} {N/781} (as referred to at paragraph 102 of Galbraith 39).	THIRD PARTY PARTICULARISATION	Unnecessary: Otiose/Public Inquiry Poor/inappropriate pleading: Elsewhere	Permission granted. The letter is already pleaded and this amendment merely adds that Ms Brooks approved it. Relevant to knowledge and concealment allegations.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>This letter (which was approved by Rebekah Brooks) falsely stated that <i>The Sun</i> deplored the unlawful activity revealed by the Goodman case and it had made strenuous efforts to ensure that type of conduct does not happen at <i>The Sun</i>.</u></p>			<p>Poor/inappropriate pleading: Prolix Poor/inappropriate pleading: Evidence</p>	

<p>11.53 A</p>	<p><u>In the course of at least two meetings, on 27 May 2007 with Colin Myler, and on 8 June 2008 with Mr Myler and Tom Crone, James Murdoch was made fully aware of the existence of the "For Neville" email and at least the gist of the Silverleaf Opinion, when authorising the settlement of Mr Taylor's claim at a cost of £625,000, and that this was on the basis that otherwise, the public One Rogue Reporter narrative (which he knew to be false), would be fatally undermined.</u></p>	<p>In support of this paragraph, paragraph 104 of Galbraith 39 refers to:</p> <ul style="list-style-type: none"> • An email from James Murdoch to Colin Myler disclosed in the MTVIL on 31.05.17 {Z/1312.1/3} {J/2.182}; • A list of MPS disclosure in the claim of Gordon Taylor which was disclosed in the MTVIL in 05.03.20 {GT/13} {B/107.1}; • James Murdoch's Witness Statement to the Leveson Inquiry dated 16.04.12 (Exhibit CG39/220 and CG39/873); • A Greg Miskiwi undertaking which was disclosed in the MTVIL in 05.03.20 {GT/46}; • CMS copy of the "For Neville" to shadowmenuk email which was disclosed by the Claimants in the MTVIL on 09.10.18 {Z/402.2} {P/641}; • Timeline from the Jury bundle in relation to Gordon Taylor and Joanne Armstrong which was disclosed by the Claimants in the MTVIL on 22.11.17 {Z/2651} {P/163}; • Email from Neville Thurlbeck to James Weatherup which was disclosed by the Claimants in the MTVIL on 02.01.18 {Z/374.2} {P/194}; • Payments to Derek Webb disclosed in the MTVIL on 12.12.18 {J.2/1447/3}; • Invoice from Derek Webb which was disclosed in the MTVIL on 15.01.19 {J/1963}; • Email from Neville Thurlbeck to Ian Edmondson which was disclosed in the MTVIL on 05.10.18 {Z/405.1} {J/2.822}; • The Defence and Amended Defence of NGN, and list of Documents Disclosed by NGN in the claim of Gordon Taylor which was disclosed in the MTVIL on 30.10.17 and 05.03.20 (Confidential Exhibit CG39/22-60); and • The table summarising "JRM Plan" metadata which was disclosed in the MTVIL on 	<p>SUBSEQUENT DISCLOSURE (inc Fowler Report)</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Proportionality and Costs: Satellite Litigation Irrelevant: No relevance to Cs' stated purposes Delay Unnecessary: Otiose/Public Inquiry/Enough Examples Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Evidence</p>	<p>Permission granted for paras 11.53A to 11.53C and 11.53H. These are material to concealment by senior executives against whom allegations of wrongdoing are already pleaded. Paras 11.53D to 11.53G raise collateral issues relating to the conduct of the Gordon Taylor litigation, which would be a distraction from the real issues for the court.</p>
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09.02.12 (Exhibit Conf CG/118).

In relation to the **Fowler Report** (Exhibit Conf CG/61-117), see 11.33B above.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.53 B	<u>For the reasons set out at 11.53 and 11.53A above, the Claimants further contend that James Murdoch was not telling the truth when he later told the Leveson Inquiry (as he had told the CMS Select Committee) that he had authorised the Taylor payment purely on the basis that he had received information that, for the first time, linked Mr Mulcaire's Gordon Taylor voicemail interceptions to the News of the World, and not because it linked Mr Mulcaire to a second journalist at the paper, which was fatal to the One Rogue Reporter narrative.</u>	<p>This paragraph refers to the oral evidence of James Murdoch at the Leveson Inquiry on 24.04.12.</p> <p>In support of this paragraph, paragraph 104 of Galbraith 39 refers to the documents listed for paragraph 11.53A above.</p>	<p>Consequential on §11.53A</p> <p>SUBSEQUENT DISCLOSURE as set out in §11.53A</p> <p>THIRD PARTY PARTICULARISATION</p>	See 11.53A No/Few Extant Claims (i.e. no claimant says their distress was aggravated by JM's knowledge)	Permission granted: see above.
11.53 C	<u>In his written evidence to the Leveson Inquiry Mr Murdoch stated at §16.8 that he believed the Inquiry had the documents relevant to his role in the Taylor litigation. However, he also stated that the company had not waived privilege over legal advice concerning Mr Taylor's claim against the company, other than the limited waiver over the documents provided to the Inquiry. The Claimants</u>	<p>This paragraph refers to the oral evidence of James Murdoch at the Leveson Inquiry on 24.04.12.</p> <p>In support of this paragraph, paragraph 104 of Galbraith 39 refers to the documents listed for paragraph 11.53A above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	Permission granted: see above.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>contend that Mr Murdoch sought to exonerate himself at the Leveson Inquiry and the Select Committee by relying on a set of disclosed documents which were cherry-picked as a result of a partial waiver of privilege by NI (of which he was Chairman, and of which his father was a director) and where he could have waived privilege over all the documents had he wished to do so.</u></p>				
11.53 D	<p><u>The Claimants contend, pending further disclosure, that the court file in the Taylor claim was sought to be sealed and not available for inspection on the initiative of NGN in order to prevent these facts being known, and to prevent further claims being made by PFA members who had left voicemails on Mr Taylor's phone.</u></p>	<p>In support of this paragraph, paragraph 104 of Galbraith 39 refers to the documents listed for paragraph 11.53A above.</p>	<p>SUBSEQUENT DISCLOSURE (inc Fowler Report)</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Unnecessary: Otiose/Public Inquiry Delay Poor/inappropriate pleading: repetitive Proportionality and Costs: Satellite Litigation</p>	<p>Permission refused: see above.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.53 E	<p><u>The Claimants further contend that NGN withheld from their disclosure to Mr Taylor documents which they were under a duty to disclose and will rely on the inference that the following materials were available to be found on the email archive and in NGN's payments records following a simple search prior to the settlement of such a large sum and on such an important matter:</u></p> <p><u>(a) three emails (referred to in paragraph 13A.7 below) containing transcripts of Mr Taylor's messages, of 23, 24 and 25 February 2005, sent from Shauna Corr to Greg Miskiw. These are forwarded on 13 April 2005 by Mr Miskiw to Glenn Mulcaire who forwards them all on 9 May 2005 to Mr Thurlbeck.</u></p>	<p>In support of this paragraph, paragraph 104 of Galbraith 39 refers to the documents listed for paragraph 11.53A above.</p>	SUBSEQUENT DISCLOSURE	<p>Unnecessary: Otiose/Public Inquiry Delay Poor/inappropriate pleading: repetitive Proportionality and Costs: Satellite Litigation Poor/inappropriate pleading: Evidence</p> <p>As above</p>	Permission refused: see above.
11.53 E	<p><u>(b) an email of 21 April 2005 containing a transcript of Mr Taylor's messages from Shauna Corr (at NGN) to Glenn Mulcaire who forwarded it to Neville Thurlbeck on 9 May</u></p>	<p>This paragraph refers to an email from Shauna Corr to Shadowmenumk@yahoo.co.uk on 21.04.05 which was ordered to be disclosed by the MPS by 01.11.19 and provided as part of several batches of MPS disclosure over a three-week period from 13.11.19 {F/282/3}.</p> <p>In support of this paragraph, paragraph 104 of Galbraith 39 refers to the documents listed for</p>	SUBSEQUENT DISCLOSURE	<p>As above Poor/inappropriate pleading: Evidence</p>	Permission refused: see above.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>2005 (referred to in paragraph 13A.6(d) below),</u></p>	<p>paragraph 11.53A above.</p>			
<p>11.53 E</p>	<p>(c) <u>the "from Neville" email of 11 May 2005 sent by Neville Thurlbeck to James Weatherup and Ian Edmondson saying "this is a splash any day of the week! Get Derek on to it? We know it's happening." and setting out a series of transcribed voicemail messages described as "JA to GT", "GD to GT", "MT to GT", "GT to JA" and "GT to GA (sic)". This was not disclosed by NGN until November 2011, after it was located in Neville Thurlbeck's custodian data in Data Pool 2 which represented the product of MPS efforts to restore deleted emails (and was also on Rebekah Brooks' office computer)</u></p>	<p>This paragraph refers to an email from Neville Thurlbeck to James Weatherup which was disclosed by the Claimants in the MTVIL on 02.01.18 {Z/374.2} {P/194}.</p> <p>In support of this paragraph, paragraph 104 of Galbraith 39 refers to the documents listed for paragraph 11.53A above.</p>	<p>SUBSEQUENT DISCLOSURE</p>	<p>As above Poor/inappropriate pleading: Evidence</p>	<p>Permission refused: see above.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.53 E	<u>(d) contributor payments to Mr Webb held on the SAP system (ZC70297105 and ZC70297503) for "27/6-2/7 Manchester Watch" arranged by James Weatherup.</u>	This paragraph refers to ZC payment entries relating to Derek Webb which were disclosed in the MTVIL on 12.12.18 {J/2.1447}. In support of this paragraph, paragraph 104 of Galbraith 39 refers to the documents listed for paragraph 11.53A above.	SUBSEQUENT DISCLOSURE	As above Poor/inappropriate pleading: Evidence	Permission refused: see above.
11.53 E	<u>(e) the email of 1 July 2005 to Ian Edmondson's News of the World email address from Neville Thurlbeck's yahoo email address with the subject "NTPFA" which included a draft of an article about Gordon Taylor and Joanne Armstrong, obviously based on voicemail interceptions and on the Derek Webb surveillance.</u>	This paragraph refers to an email from Neville Thurlbeck and Ian Edmondson which was disclosed in the MTVIL on 05.10.18 {Z/405.1} {J/2.822}. In support of this paragraph, paragraph 104 of Galbraith 39 refers to the documents listed for paragraph 11.53A above.	SUBSEQUENT DISCLOSURE	As above Poor/inappropriate pleading: Evidence	Permission refused: see above.
11.53 F	<u>Despite these emails and payments, among others, having existed in 2007 to 2008 during the Taylor litigation, NGN's possession of them was not reflected in the following documents verified by a statement of truth:</u> <u>(a) the NGN Defence of 8 June 2007;</u>	This paragraph refers to NGN's defence to Gordon Taylor's claim dated 08.06.07 which was disclosed by NGN on 30.10.17 {GT/3}. In support of this paragraph, paragraph 104 of Galbraith 39 refers to the documents listed for paragraph 11.53A above.	SUBSEQUENT DISCLOSURE	Poor/inappropriate pleading: prolix and repetitive Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Evidence	Permission refused: see above.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.53 F	<u>(b) the NGN disclosure statement of 31 July 2007 which stated that NGN carried out a search for electronic documents contained on or created by the relevant journalists on their individual PCs and/or laptop; and</u>	This paragraph refers to NGN's disclosure statement in Gordon Taylor's claim dated 31.07.07 which was disclosed by NGN on 05.03.20 {GT/64}. In support of this paragraph, paragraph 104 of Galbraith 39 refers to the documents listed for paragraph 11.53A above.	SUBSEQUENT DISCLOSURE	Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Evidence	Permission refused: see above.
11.53 F	<u>(c) the NGN Amended Defence of 13 June 2008.</u>	This paragraph refers to NGN's amended defence to Gordon Taylor's claim dated 13.06.08 which was disclosed by NGN on 30.10.17 {GT/5}. In support of this paragraph, paragraph 104 of Galbraith 39 refers to the documents listed for paragraph 11.53A above.	SUBSEQUENT DISCLOSURE	Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Evidence	Permission refused: see above.
11.53 G	<u>NGN was aware of the "For Neville" email on 1 November 2007, long before it was disclosed to them in April 2008 by Mr Taylor as a result of the Third Party Disclosure Order that he obtained against the MPS in December 2007. However, NGN failed to disclose this highly relevant information to Mr Taylor despite being under an obligation to do so.</u>	This paragraph refers to the "For Neville" Email produced in full in the Culture, Media and Sport Select Committee's Eleventh Report of Session 2010-2012 on Phone Hacking, published in 01.05.12 . This email was disclosed in the MTVIL on 31.05.17 {J/2.182}. In support of this paragraph, paragraph 104 of Galbraith 39 refers to the documents listed for paragraph 11.53A above.	SUBSEQUENT DISCLOSURE	Poor/inappropriate pleading: repetitive and prolix Poor/inappropriate pleading: Elsewhere Unnecessary: Otiose/Public Inquiry Delay	Permission refused: see above.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.53 H	<p><u>In about April 2008, Mr Taylor disclosed to NGN, by way of a Claimant's re-amended supplemental disclosure list, documents provided by the MPS pursuant to the Order of Master Bragge dated 7 December 2007 including numerous prosecution witness statements (MG11s) from 2006, together with documents including an email from Mr Hindley to Mr Mulcaire (the "For Neville" email) and call data to Mr Taylor's Orange phone, and a contract relating to work on Mr Taylor signed by Greg Miskiw dated 4 February 2005. In the premises, the Claimants contend that NGN had clear evidence to demonstrate that the "One Rogue Reporter" narrative was wrong, from at least this point onwards.</u></p>	<p>This paragraph refers to disclosure related to Mr Taylor disclosed in the MTVIL, subject to confidentiality restrictions on 05.03.20 pursuant to the Order of Mr Justice Mann dated 04.03.20 {B/107.1}.</p> <p>In support of this paragraph, paragraph 104 of Galbraith 39 refers to the documents listed for paragraph 11.53A above.</p>	<p>SUBSEQUENT DISCLOSURE</p>	<p>As above</p>	<p>Permission granted: see above.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.55	<p>Following the successful application by Mr Clifford, and intense discussions between NGN Senior Employees such as Tom Crone, John Chapman, Colin Myler, Frederic Michel (who was News International's Director of Public Affairs) and Rebekah Brooks (then Chief Executive) about the disastrous results if this information was in fact provided by Mr Mulcaire, NGN was forced to settle the claim brought by Mr Clifford and <u>pay his legal costs</u>. This was done by a confidential settlement agreement, <u>negotiated by Ms Brooks with Mr Clifford</u>, in return for which Mr Clifford received substantial financial benefit <u>in order to ensure that he would not make any public disclosures about the true nature, extent and knowledge of these activities within NGN</u>.</p>	<p>In support of this paragraph, paragraph 106 of Galbraith 39 refers to:</p> <ul style="list-style-type: none"> • An email chain between Rebekah Brooks and Martin Ivens which was disclosed in the MTVIL by August 2017 {Z/1438} {N/806}; and • A file note from a meeting on 20.01.10 which was disclosed in the MTVIL by August 2017 {Z/1418} {N/800}. 	<p>THIRD PARTY PARTICULARISATION</p>	<p>See 11.21B</p>	<p>Permission granted.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.59 A	<p><u><i>The 2011 Thurlbeck warning to Mr Akass</i></u></p> <p>The Claimants contend that <u>NGN/NI executives Will Lewis, Colin Myler, and Jon Chapman (and, via these individuals, Ms Brooks) as well as News Corp Executive Fred Michel:</u></p> <p>(a) <u>were put on notice that Neville Thurlbeck had crucial information about phone hacking prior to October 2004, with particular implications for Ms Brooks, and which the Claimants infer related to the hacking of the phone of Milly Dowler in 2002 when Ms Brooks was editor; and</u></p>	<p>In support of this paragraph, paragraphs 109 and 110 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> An email from Bill Akass to himself which was disclosed in the MTVIL on 17.10.11 {Z/1692/1} {H/378}; An email from Bill Akass to Will Lewis and Tom Crone which was disclosed in the MTVIL on 17.10.11 {Z/1796/1} {H/379}; and The statement of case in Neville Thurlbeck's Employment Tribunal which was disclosed in the MTVIL on 05.02.21 {Z/2355.21} {J/2.3339.3}. 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Proportionality and Costs: Satellite Litigation/Disproportionate Delay Irrelevant: No relevance to Cs' stated purposes Poor/inappropriate pleading: prolix Unnecessary: Otiose/Public Inquiry</p>	<p>Permission refused. The allegation is of a purely internal matter at NGN, which is of no relevance to the issues in the claim.</p>
11.59 A	<p>(b) <u>took a deliberate decision to refuse his request for a meeting in order to avoid being told what he had to say.</u></p>	<p>In support of this paragraph, paragraphs 109 and 110 of Galbraith 39 refer to the documents listed for paragraph 11.59A above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above Proportionality and Costs: Satellite Litigation</p>	<p>s/a</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.59 A B	<p><u>In support of the above contention, the Claimants will rely upon:</u></p> <p>(a) <u>a file note of 14 January 2011 from Bill Akass to himself setting out how he had been told by Neville Thurlbeck in person on 11 January 2011 and 13 January 2011 that he (Thurlbeck) had "devastating" information, learned from Ian Edmondson on 6 January 2011, about phone hacking prior to Mr Edmondson's arrival (in October 2004), which would affect many people including Rebekah Brooks and "would undermine the credibility of Rebekah Wade/Les Hinton, Tom c and others". Mr Akass records that he passed this information on, on two occasions, to Tom Crone, Colin Myler, Will Lewis and Fred Michel;</u></p>	<p>In support of this paragraph, paragraphs 109 and 110 of Galbraith 39 refer to the documents listed for paragraph 11.59A above.</p>	<p>Consequential to §11.59A</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p> <p>Poor/inappropriate pleading: Elsewhere</p> <p>Poor/inappropriate pleading: Evidence</p>	<p>s/a</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.59 B	<u>(b) a memo emailed from Mr Akass to Will Lewis, Tom Crone and Colin Myler of 4 February 2011, about a further meeting he had had with Mr Thurlbeck that day and attaching an email exchange of the previous day, again making clear that Mr Thurlbeck had information about what Mr Edmondson might say to the police, and complaining that no one had taken him up on the offer. Mr Akass recommends that Mr Lewis interviews Mr Thurlbeck, which did not happen;</u>	In support of this paragraph, paragraphs 109 and 110 of Galbraith 39 refer to the documents listed for paragraph 11.59A above.	Consequential to §11.59A THIRD PARTY PARTICULARISATION	As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Evidence	s/a
11.59 B	<u>(c) that the content of the meeting with Mr Akass on 14 January 2011 or of the memo of 4 February 2011 was not mentioned by Mr Lewis or Mr Chapman in any of their witness statements in the MTVIL, or by Mr Myler and Mr Chapman in any of their witness statements to the MPS;</u>	This paragraph refers to an email from Mr Akass dated 04.02.11 which was disclosed in the MTVIL on 17.10.11 {Z/1796} {H/379}. In support of this paragraph, paragraphs 109 and 110 of Galbraith 39 refer to the documents listed for paragraph 11.59A above.	Consequential to §11.59A THIRD PARTY PARTICULARISATION	As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Evidence	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.59 B	<u>(d) the fact that Mr Thurlbeck made reference to his meetings with Mr Akass in connection with the Milly Dowler matter, in his Employment Tribunal statement of case from September 2011.</u>	In support of this paragraph, paragraphs 109 and 110 of Galbraith 39 refer to the documents listed for paragraph 11.59A above.	Consequential to §11.59A THIRD PARTY PARTICULARISATION SUBSEQUENT DISCLOSURE (of amended Employment Tribunal claim)	As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Evidence	s/a
11.60 H1	<u>The inference that Mr Coulson was providing advice and encouragement in relation to the need to avoid both himself and Ms Brooks from becoming further implicated in the emerging scandal is supported by the records of phone calls from Ms Brooks (from her mobile phone, and it is to be inferred from the NI Hub line) to Mr Coulson which have been disclosed. This call data shows that Ms Brooks was in constant contact with Mr Coulson by text message throughout the period (January 2010 to June 2011), for which Ms Brooks' call data has been disclosed, and that there were regular phone calls.</u>	This paragraph refers to call data disclosure from the claim of Chris Huhne disclosed in the MTVIL on 23.06.23 (as referenced at paragraphs 112-114 of Galbraith 39). ¹³	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	Poor/inappropriate pleading: Poor Drafting Proportionality and Costs: Satellite Litigation Unnecessary: Otiose/Public Inquiry	Permission granted. These are further facts to those pleaded in the previous sub-paragraphs and arise out of recent disclosure. Most of the sub-paras of para 11.60H2 are evidence only, but as explained in the judgment, permission will not necessarily be refused in this generic claim for that reason, given the way that the current GENPOC are pleaded.

¹³ In relation to the Claimants' reliance on call data disclosed in the claim of Chris Huhne, I refer to paragraph 31(f) of the witness statement above.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.60 H2	<p><u>However, the longest calls from Ms Brooks to Mr Coulson coincide with key points in the chronology of media coverage of the hacking scandal, the progress of civil claims (such as Sienna Miller's), the MPS investigation and the email deletions. These include:</u></p> <p>a) <u>a five minute phone call at 21:59 on 1 September 2010, the day the New York Times story was published;</u></p>	This paragraph refers to the documents listed for paragraph 11.60H1 above.	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Poor/inappropriate pleading: Poor Drafting Proportionality and Costs: Satellite Litigation Unnecessary: Otiose/Public Inquiry</p> <p>Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere</p>	s/a
11.60 H2	<p>b) <u>an 18 minute call at 18:36 on 6 September 2010, the day that Sienna Miller's letter of claim was sent;</u></p>			<p>Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere</p>	s/a
11.60 H2	<p>c) <u>further long phone calls from Rebekah Brooks to Mr Coulson on 14, 15 and 16 September 2010;</u></p>			<p>Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere</p>	s/a
11.60 H2	<p>d) (e) <u>a call lasting 20 minutes from Ms Brooks to Mr Coulson at 19:07 on 6 January 2011, shortly after, it is inferred, Mr Chapman had told her the purpose of the following day's meeting;</u></p>			<p>Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.60 H2	e) (d) <u>six calls from Ms Brooks to Mr Coulson, all from Ms Brooks' mobile save the first at 18:41 which lasted 10 minutes and was made from the hub. It is inferred that Ms Brooks was informing Mr Coulson of, or seeking his advice on, what had been decided in the meeting that had just ended;</u>			Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere	s/a
11.60 H2	f) (e) <u>long phone calls from Ms Brooks to Mr Coulson on Sunday evening 10 9 January 2011, and a call from the NGN hub to Mr Coulson at noon on 11 10 January 2011 just prior to the Executive lunch;</u>			Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere	s/a
11.60 H2	g) (f) <u>a 49-minute call from the NGN hub to Mr Coulson at 15:24 on 19 January 2011, followed by a 7-minute call later that evening from Ms Brooks' mobile to Mr Coulson;</u>			Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.60 H2	<u>h) (g) on the day that Mr Coulson resigned as the Prime Minister's Director of Communications (21 January 2011), there is a 4-minute call from Ms Brooks to him one hour before the announcement and a series of text messages that afternoon from Ms Brooks to the Prime Minister, David Cameron;</u>			Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere	s/a
11.60 H2	<u>i) (h) on 25 January 2011, when NI/NGN informed Mr Edmondson that his employment was terminated, there is a 12.5 minute call from Ms Brooks' mobile phone to Mr Coulson at 09:44, and another 90 minute call at 16:42;</u>			Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere	s/a
11.60 H2	<u>i) (i) a 28-minute call from Ms Brooks' mobile phone to Mr Coulson at 09:33 on 26 January 2011, shortly before BCL handed over the three Edmondson emails to the police prompting the announcement that day of Operation Weeting; and</u>			Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.60 H2	<u>k) Ⓢ a 35-minute call from Ms Brooks' mobile phone to Mr Coulson at 08:29 on 24 February 2011 after NI had been approached for comment on the previous day about a BBC Radio 4 documentary about the use of blaggers by tabloids for phone data and medical records, which was due for broadcast at lunchtime that day. It was also the same day as a Court hearing in the MTVIL claims.</u>			Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere	s/a
11.60I	<u>On 14 January 2011, pursuant to the concealment plan devised by (at least) Rebekah Brooks, Will Lewis, Paul Cheesbrough and Jon Chapman, Nigel Wilson of NI Executive Support was instructed to remove all the.pst files from Ms Brooks personal computer. Ms Brooks was not on the EAS system and, as Nigel Newell had noted, her emails were all stored locally as.pst files on her computer. The.pst files were put onto a USB drive which has not been located</u>	In support of this paragraph, paragraphs 116-119 of Galbraith 39 refer to: <ul style="list-style-type: none"> • Emails from Bill Akass to himself on 14.01.11 and 25.01.11 which were disclosed in the MTVIL on 17.10.11 {Z/1692} {H/378} / {Z/1745} {H/73}; • 1st Witness Statement of Ellen Gallagher dated 12.11.21 {F/413}; • Jon Chapman's Witness Statement dated 04.09.12 (S90A) disclosed pursuant to the order of 27.09.18 and provided to NGN by the Claimants on 27.02.19 {G/388} {T/693.1}; and • Emails between Chris Williams, Jon Chapman, Paul Cheesbrough and Will Lewis dated 13.01.11 and disclosed in the MTVIL on 19.08.20 {Z/1691.4.1} {J/2.3281}. 	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	Proportionality and Costs: Satellite Litigation Limitation Delay Prejudice Unnecessary: Otiose/Public Inquiry/Enough Examples	Permission granted. Allegations are already made in the GENPOC against Mr Lewis, and adding this allegation is unlikely to cause any prejudice to NGN and is proportionate.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>or, if it is the USB stick that was provided to the MPS by Paul Cheesbrough in August 2011, has never been opened due to it having been encrypted and News International having refused to provide the decryption key to the MPS.</u></p>				
11.60B .1	<p><u>In support of the above contention, the Claimants will refer to the fact that Bill Akass, the Managing Editor of the News of the World, who is deputed to liaise with Ian Edmondson, was not told that the emails had been found until 25 January 2011. This is despite having specifically asked on 14 January 2011, to which he was told by Will Lewis that no emails had been found, which was false.</u></p>	<p>In support of this paragraph, paragraphs 116-119 of Galbraith 39 refer to the documents listed at paragraph 11.60I above.</p>	<p>Further particularisation of §11.60I</p> <p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting</p>	<p>Permission granted, although this is no more than evidence.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.71 A	<p><u>On 11 July 2011, David Dinsmore (the then Interim General Manager of News International Scotland, and the Editor of the Scottish Sun in November 2006 when the original story about Mr Brown's son was published) sent an email to Dominic Mohan (the then Editor of The Sun) purporting to explain how the Scottish Sun had obtained this private medical information, and, in particular, claiming that it had been obtained legitimately.</u></p>	<p>This paragraph refers to an email from David Dinsmore to Chris Pharo dated 11.07.11 which was disclosed in the MTVIL on 30.06.17 {Y/525} {K/461} (as referred to at paragraphs 120-130 of Galbraith 39).</p> <p>In support of this paragraph, paragraphs 120-130 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> • An article titled, "<i>Blagging – the dark art of the men Gordon Brown calls 'known criminals'</i>" published in <i>The Guardian</i> on 12.07.11 (Exhibit CG39A/69); • An article titled, "<i>Gordon's baby was targeted</i>" published in the <i>Daily Mail</i> on 11.07.11; • An email attachment to an email from David Dinsmore to Dominic Mohan and Geoff Webster disclosed in the MTVIL on 30.06.17 {Y/534} {K/469}; • System Searches invoice dated 05.07.11 disclosed in the MTVIL on 19.10.18 {M/280}; • A letter from Linklaters to the MPS dated 19.04.12 and disclosed in the MTVIL by 13.01.17 {R/98}; and • A statement made by NHS Fife hospital as reported in the Scottish Herald on 12.06.12 {F/379}. 	<p>SUBSEQUENT INSIGHT</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Proportionality and Costs: Satellite Litigation Delay Limitation Prejudice Unnecessary: Otiose/Public Inquiry/Enough Examples</p> <p>Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Evidence</p>	<p>Paras 11.71A-11.71F are an elaboration of what is pleaded at paras 11.67-11.70, but the only matter sought to be established in the existing pleading is knowledge of unlawful activity among senior journalists (para 11.70). The amendments add considerable factual detail with a view to seeking to establish that Ms Brooks lied to the Leveson Inquiry in relation to this matter, that NGN provided false information to the MPS, and Mr Dinsmore sought to obtain a false affidavit. There is however no claim by Mr Brown and the exact circumstances of this particular matter are therefore only another examples among many already raised. There is considerable scope here to create a time-consuming side-show of some forensic complexity. For this reason, given the lateness of the application,</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
					permission is refused.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.71 B	<p><u>On 19 April 2012, NGN informed the MPS via its solicitors, Linklaters, that the information contained in the story was not obtained from medical records or a hospital employee and confirmed that a confidential source was paid £2,000 for the information. Further, in her oral evidence to the Leveson Inquiry on 11 May 2012, Ms Brooks denied that the private medical information about Mr Brown's infant son had come from an employee of the NHS; instead, Ms Brooks falsely testified that the information was obtained legitimately from an unnamed source who had a connection with the Cystic Fibrosis Charity. The Claimants contend that the information obtained by the Scottish Sun was provided unlawfully by a hospital employee and/or medical records were obtained by unlawful means and infer that Ms Brooks was fully aware of the same when she gave evidence to the Leveson Inquiry. The Claimants' contention is supported by a statement made by NHS Fife on 12 June 2012 in which it</u></p>	<p>This paragraph refers to:</p> <ul style="list-style-type: none"> • A letter from Linklaters to the MPS dated 19.04.12 disclosed in the MTVIL by 13.01.17 {R/98}; and • Rebekah Brooks' oral evidence to the Leveson Inquiry on 11.05.12. <p>In support of this paragraph, paragraphs 120-130 of Galbraith 39 refer to the documents outlined in paragraph 11.71A above.</p>	<p>Further particularisation of 11.71A</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>confirmed that it was probable that a member of staff had spoken about Mr Brown's son's medical condition without authorisation.</u>				
11.71 C	<u>On 11 July 2011 an article was published in the <i>Daily Mail</i> which stated that Mr Brown believed that <i>The Sun</i> unlawfully obtained details of his son's medical records.</u>	This paragraph refers to an article titled, " <i>Gordon's baby was targeted</i> " published in the Daily Mail on 11.07.11 . In support of this paragraph, paragraphs 120-130 of Galbraith 39 refer to the documents outlined in paragraph 11.71A above.	Further particularisation of 11.71A	Unnecessary: Otiose Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Evidence	s/a
11.71 D	<u>As a result of this article, Will Lewis emailed Mr Mohan on the same day (copied to Simon Greenberg) to instruct him to "stay calm" and to urgently obtain an affidavit from both the source of the medical information about</u>	This paragraph refers to an email from Will Lewis to Dominic Mohan and Simon Greenberg dated 11.07.11 which was disclosed in the MTVIL on 30.06.17 {Y/528} {K/464}.	Further particularisation of 11.71A THIRD PARTY PARTICULARISATION	Unnecessary: Otiose Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Elsewhere	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>Mr Brown's son and the journalists involved so that NI/NGN could hit back at the allegations.</u>				
11.71 E	<u>On 12 July 2011, David Dinsmore sent a draft affidavit to be signed by the purported confidential source in which the deponent was to state that he did not have access to Mr Brown's son's medical records. The following day one of Mr Dinsmore's colleagues commissioned a PI firm called System Searches to carry out unlawful credit checks on the source. It is to be inferred that Mr Dinsmore (and through him, Mr Lewis, Mr Greenberg and Ms Brooks) was fully aware that the information concerning Mr Brown's son had been obtained unlawfully and that he sought to obtain an affidavit in the knowledge that it was false in order to conceal the true position.</u>	This paragraph refers to the attachment to an email from David Dinsmore to Dominic Mohan and Geoff Webster dated 12.07.11 and disclosed in the MTVIL on 30.06.17 {Y/533} {K/468} / {Y/534} {K/469}.	Further particularisation of 11.71A THIRD PARTY PARTICULARISATION	Limitation Delay Unnecessary: Otiose Poor/inappropriate pleading (prolix) Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Evidence	s/a
11.71 F	<u>In the premises, it is to be inferred that:</u>	In support of this paragraph, paragraphs 120-	Further particularisation of	Proportionality and Costs: Disproportionate /Satellite Litigation	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	(a) <u>NGN provided false information to the MPS;</u>	130 of Galbraith 39 refer to the documents outlined in paragraph 11.71A above.	11.71A THIRD PARTY PARTICULARISATION	Unnecessary: Otiose/Public Inquiry/Enough Examples	
11.71 F	(b) <u>David Dinsmore gave false information to Mr Mohan as to the source of the information; and</u>			Limitation	s/a
11.71 F	(c) <u>Rebekah Brooks' evidence to the Leveson Inquiry was false.</u>			Poor/inappropriate pleading: Poor Drafting Proportionality and Costs: Satellite Litigation	s/a
11.74 A	<u>The Claimants will rely in support of the contention that confidential information about Mr Hughes' itemised landline phone bill was obtained for The Sun unlawfully by Jonathan Stafford on the following facts and matters:</u> (a) <u>Mr Clothier, who was heavily involved in unlawful information gathering as set out below at paragraph 11.80 was a handler of the private investigator, Jonathan Stafford, who was regularly used by The Sun's News Desk at this time; and</u>	In support of this paragraph, paragraphs 131-136 of Galbraith 39 refer to: <ul style="list-style-type: none"> An email and its attachment sent by Vicky Waite to James Clothier on 24.01.06 which were disclosed in the MTVIL on 31.03.17 {Y/98} {K/244}; An email from James Clothier to himself dated 09.09.04 which was disclosed in the MTVIL on 20.05.20 {Y/23.1.1.4.2} {K/3654}; An email exchange between James Clothier and Emma Cox dated 19.04.06 and disclosed in the MTVIL on 31.05.17 {K/273}; An email exchange between James Clothier and John Kay dated 26.01.06 which was disclosed in the MTVIL on 31.03.17 {Y/103} {K/511}; Email correspondence between Neil Wallis and Geoff Webster dated 28.01.06 which was disclosed in the MTVIL claim of Simon Hughes on 02.02.21 (Exhibit CG39/235-238); and 	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	Limitation Delay Irrelevant: No/Few Extant Claims Proportionality and Costs: Disproportionate/Satellite Litigation/Wasted Costs Unnecessary: Otiose/Public Inquiry/Enough Examples Poor/inappropriate pleading: Elsewhere	Permission granted. This is further detail in relation to a story that is already pleaded and identifying Jonathan Stafford as the PI involved.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
		<ul style="list-style-type: none"> An extract from the "<i>Mulcaire notes table</i>" provided to the Claimants by a source on 23.06.21 {T/1917}. 			
11.74 A	<p><u>(b) on 26 January 2006 John Kay (The Sun's Chief Reporter) congratulated Mr Clothier on that day's splash and stated he considered the man that was Mr Clothier's contact was a very valuable asset.</u></p>	<p>This paragraph refers to an email exchange between James Clothier and John Kay dated 26.01.06 which was disclosed in the MTVIL on 31.03.17 {Y/103} {K/511}.</p>	<p>Further particularisation of 11.74A(a)</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Limitation Delay</p> <p>Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Evidence</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.76	<p><u>The Claimants will also rely on emails between Geoff Webster (Deputy Editor of The Sun) and Neil Wallis (Deputy Editor of the News of the World) shortly after the Simon Hughes article was published in which Mr Webster sent Mr Wallis contact details (including mobile telephone numbers) of an individual suspected to have been in a relationship with Mr Hughes. It is to be inferred that the News of the World and The Sun shared UIG on occasion via Mr Wallis and Mr Webster.</u></p>	<p>This paragraph appears to refer to email correspondence between Neil Wallis and Geoff Webster dated 28.01.06 which was disclosed in the MTVIL claim of Simon Hughes on 02.02.21 (Exhibit CG39/235-238).</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p> <p>In relation to NGN witness (Mr Webster)</p>	<p>Poor/inappropriate pleading: Evidence</p> <p>Poor/inappropriate pleading: Elsewhere</p>	<p>Permission granted. Further evidence in support of existing claim and inference, based on documents disclosed in 2021. The issue is already addressed in evidence.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.77	<p><u>Nick Parker's Activities</u></p> <p><u>Nick Parker is a senior Journalist and Chief Foreign Correspondent and has worked at <i>The Sun</i> since 1988. The Claimants contend Mr Parker regularly and extensively contacted, instructed, and used PIs and blaggers at all material times. By way of example, he frequently contacted and used ELI from September 2003 until July 2006, being named on around 191 ELI invoices during that period. Mr Parker also frequently contacted and used ELI's successor, BDI, including making at least 715 calls between 5 October 2006 and 9 September 2011. He also frequently used and instructed Searchline Ltd from around July 2002 to December 2008. The Claimants aver that, as a result, Mr Parker unlawfully obtained private call data and other private information in relation to numerous individuals.</u></p>	<p>This paragraph refers to:</p> <ul style="list-style-type: none"> • ELI invoices dated between September 2003 and July 2006 which were disclosed in the MTVIL on 25.05.17 {M/0.37/5} {M/0.27/6} {M/0.48/11}; • PI call data disclosure which was disclosed in the MTVIL on 13.11.23; and • Searchline invoices dated between July 2002 and December 2008 which were disclosed in the MTVIL on 25.05.17, 28.06.17 {M/0.17/2} {M/61/21} {T/139} and 01.11.17 {T/189.1}. <p>In support of this paragraph, paragraphs 137-143 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> • Email correspondence between Nick Parker and Christine Hart between April 2006 and February 2011, which was disclosed in the MTVIL on 24.02.17 and 31.05.18 {K/104} {K/583} {K/595} {K/657}; • PI call data disclosure disclosed in the MTVIL on 13.11.23 (Exhibit CG39/262–333); • Email from Nick Parker to Ben O'Driscoll dated 21.07.06 which was disclosed in the MTVIL on 31.05.18 {Y/186.1} {K/584}; • Email exchange between Richard Barun and Nick Parker dated 02.05.06 and disclosed in the MTVIL on 24.02.17 {Y/126} {K/105}; • Various draft emails disclosed in the MTVIL on 24.02.17 {K/141} {K/144} {K/148} {K/150} {K/155} {K/168} {K/173} {K/174} {K/176} {K/178} {K/179} {K/182} {K/184} {K/185} {K/186} {K/189} {K/206} {K/504} {K/505} {K/506}; and • A letter from Linklaters to MPS dated 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION In relation to NGN witness (Mr Parker)</p>	<p>Limitation Delay Ready for Jan 2024 Trial</p>	<p>Permission granted. Nick Parker was the subject of pleaded allegations previously, and made a witness statement in 2016 denying any knowledge of or involvement in phone hacking. As a result of recent disclosure, the case against him has now been formulated in more detail. It is appropriate for these allegations to be tried, given that they go to the question of whether unlawful activities were conducted by senior journalists at The Sun and the extent of unlawful activities.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
		06.09.12 disclosed in the MTVIL by 13.01.17 {R/139/2}.			
11.78	<u>Mr Parker also frequently contacted and made extensive use of the medical records blagger Christine Hart/Warner from at least 2003 to 2011 in order to unlawfully obtain medical and other private information about numerous individuals</u>	This paragraph refers to PI call data disclosure disclosed in the MTVIL on 13.11.23 (Exhibit CG39/262–333). In support of this paragraph, paragraph 137-143 of Galbraith 39 refers to the documents listed at paragraph 11.77 above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION In relation to NGN witness (Mr Parker)	As above	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>including Lily Cooper and Sienna Miller. Between 2 August 2005 and 30 November 2010, Nick Parker called Christine Hart at least 1,763 times. He also procured and conducted voicemail interception of numerous individuals. Payments to Mr Parker were approved by Graham Dudman (the Managing Editor) and were processed by Lois Robinson and Sarah Roberts.</u></p>				
11.79	<p><u>As part of NGN's evidence for its attempted strike-out of claims against <i>The Sun</i> in late 2015 and early 2016, NGN served witness statements (in March and April 2016) from a number of senior journalists from <i>The Sun</i>, including Mr Parker. In his sworn witness statement, Mr Parker denied any knowledge of phone hacking despite there being documents readily available to NGN clearly showing that he was heavily involved in unlawful acts, including the commissioning of PIs (like ELL). These documents had been disclosed to the MPS in 2012.</u></p>	<p>This paragraph refers to the 1st Witness Statement of Nick Parker dated 09.03.16 {F/78}.</p> <p>In support of this paragraph, paragraph 137-143 of Galbraith 39 refers to the documents listed at paragraph 11.77 above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION In relation to NGN witness (Mr Parker)</p>	<p>Delay Unnecessary: Otiose/Public Inquiry Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.80	<u><i>James Clothier's activities</i></u> <u>James Clothier was the Assistant News Editor (and subsequently Deputy Head of Features) at <i>The Sun</i> where he worked between October 2004 to November 2020. Just prior to his move from the Daily Mail to <i>The Sun</i> in 2004 he emailed himself a list of important contact details from his Daily Mail email address, which included the private investigator TDI. Mr Clothier regularly and extensively contacted, instructed, and used PIs and blaggers at all material times. By way of example, in 2006, Mr Clothier obtained unlawfully gathered confidential and detailed landline call data of Simon Hughes MP and circulated this within <i>The Sun</i>.</u>	<p>This paragraph refers to an email from James Clothier to himself which was disclosed in the MTVIL on 20.05.20 {Y/23.1.1.4.2} {K/3654} (as referenced at paragraphs 144- 148 of Galbraith 39).</p> <p>In support of this paragraph, paragraphs 144-148 of Galbraith 39 also refer to:</p> <ul style="list-style-type: none"> An email from Vicky Waite to James Clothier which was disclosed in the MTVIL on 31.03.17 {Y/98} {K/244}; PI call data disclosure which was disclosed in the MTVIL in November/December 2023 (Exhibit CG39/359);¹⁴ A table of emails from Mr Clothier to his colleagues at The Sun (Exhibit CG39/354-358), which includes emails disclosed between 30.11.16 and 29.05.20 {K/3654} {K/244} {K/247} {K/273} {K/4765} {K/277} {K/292} {K/134} {K/137} {K/302} {K/313} {K/34} {K/328} {K/330} {K/252} {K/348} {K/5813} {K/5815} {K/5867} {K/5871} {K/5898} {K/193} {K/355} {K/358} {K/5994}; {K/394} {K/397}; and Various ELI Invoices which were disclosed in the MTVIL on 25.05.17 {M/0.50/7} {M/0.51/2}. 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Limitation Delay Ready for Jan 2024 Trial Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs: Satellite Litigation Prejudice</p>	<p>These paragraphs appear to be a broader attack on Mr Clothier than currently pleaded (as amended under para 11.74B, above), which to some extent is informed by documents obtained on disclosure since February 2020. Given that Mr Clothier was already named in the GENPOC, I consider that permission to amend should be granted, so that the full picture of Mr Clothier's conduct emerges.</p>

¹⁴ In relation to the Claimants' reliance on the ELI PI call data disclosure, I refer to paragraph 31 of the witness statement above. In support of this Proposed Amendment, the Claimants also rely on ELI invoices naming Mr Clothier which were disclosed in the MTVIL on 25.05.17 {M/0.51/2} {M/0.50/7}, over 6 years prior to the date of the PI call data disclosure.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
11.81	<p><u>Mr Clothier was also in contact with and repeatedly used the actor/blagger Jonathan Stafford as well as TDI/ELI whilst working at The Sun newspaper. The Claimant will refer to 14 ELI invoices bearing his name dated between August 2005 and July 2006. Mr Clothier openly referred, in his email communications sent to Sun colleagues, to unlawful information gathering: 'blagging' (in respect of a lawyer and a clinical psychologist), turning round mobile phone numbers, numberplates and trawling phone bills, obtaining information from a confidential visitors log of a high security prison and 'spinning' numbers round to find out who people had called. These emails continued into 2010. He also referred to a number of PIs such as Christine Hart, Andy Kyle, the Scotts, Gwen/Searchline, TDI, ELI and 'Staffo' (i.e. Johnathan Stafford). The Claimants contend that Mr Clothier was aware that a number of</u></p>	<p>No specific invoices are referred to in this paragraph, however, invoices relating to ELI that mentioned Mr Clothier were disclosed in the MTVIL on 25.05.17 {M/0.51/2} {M/0.50/7}.</p> <p>In support of this paragraph, paragraphs 144-148 of Galbraith 39 refer to the documents listed at paragraph 11.80 above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>these Pis used unlawful means to obtain confidential information. The Claimants aver that these unlawful practices were carried out with the knowledge and approval of the News Desk (particularly Chris Pharo) as well as other executives (such as Graham Dudman, Managing Editor of <i>The Sun</i> from 2004, Christopher Roycroft Smith and Richard Barun, the Deputy Managing Editor of <i>The Sun</i>) who expressly authorised these payments.</u></p>				

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.1A	<p><u>Buying Glenn Mulcaire's silence</u></p> <p>---</p> <p>(bA) <u>Mr Laing's email dated 27 March 2007, in which Mr Mulcaire's first name was misspelled as "Glen" in the subject line, was seen by Mr Hinton, the Executive Chairman, as the email was then forwarded by Mr Hinton to Daniel Cloke and Jon Chapman.</u></p>	<p>This paragraph refers to an email from Mr Moray Laing which was disclosed in the MTVIL on 03.02.17 {Z/1271} {J/2.54}.</p> <p>In support of this paragraph, paragraphs 150-152 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> • 21st Witness Statement of Callum Galbraith dated 17.02.21 {F/361/12}; and • A letter from Clifford Chance to Hamblins dated 17.10.18 {T/598}. 	<p>SUBSEQUENT INSIGHT ONLY from email headers in meta-data</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>No Objections (to signposting/heading)</p> <p>Poor/inappropriate pleading: Evidence</p>	Permission granted.
13.1A	<p>(bB) <u>The Claimants infer that the decision of the Defendant to pay Mr Mulcaire his £2,000 per week retainer after his arrest and conviction, up until his sentencing hearing, was made with the knowledge and approval of Mr Hinton to buy his silence and prevent Mr Mulcaire from telling the truth about the extent and scale of and other persons involved in</u></p>	<p>In support of this paragraph, paragraphs 150-152 of Galbraith 39 refer to the documents listed at paragraph 13.1A(bA) above.</p>	<p>Further particularisation of §13.1A(bA)</p> <p>SUBSEQUENT INSIGHT ONLY from email headers in meta-data</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Poor/inappropriate pleading: Elsewhere</p>	Permission granted.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>his unlawful activities for NGN before his sentencing hearing.</u></p>	-			
13.1A	<p>(c) <u>Following a meeting on 10 May 2007 between Jon Chapman and Glenn Mulcaire's solicitor—legal representative, NGN agreed to pay Mr Mulcaire £80,000. The payments were made in two stages on 21 June 2007 on 19 October 2007. The Claimants contend that the payment of £80,000 was obviously vastly in excess of what Mr Mulcaire could expect to be awarded at an Employment Tribunal, even if he were to succeed with his claim. These payments were made, and staged, to prevent Mr Mulcaire from telling the truth about the extent and</u></p>	<p>In support of this paragraph, paragraphs 150-152 of Galbraith 39 refer to the documents listed at paragraph 13.1A(bA) above.</p>	<p>Further particularisation of §13.1A(bA)</p>	<p>No objection</p> <p>Poor/inappropriate pleading: Elsewhere</p>	<p>Permission granted. There is no prejudice to NGN in having to deal with the additional averment about the amount of compensation.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>scale of his unlawful activities for NGN after his sentencing hearing.</u>				

<p>13.5</p>	<p><u><i>False NI/NGN response to July 2009 Guardian story about Taylor pay-off</i></u></p> <p><u><i>On 10 July 2009, in an official release made available on the website of News Corporation, NGN publicly stated in response to allegations of widespread wrongdoing made by The Guardian (published on 8 and 9 July 2009, but about which they had been given several days' notice) as follows (emphasis added):</i></u></p> <p><u><i>"News International has completed a thorough investigation into the various allegations made since the Guardian story broke on Wednesday. This investigation augmented a similar process here following the arrest of private investigator Glen Mulcaire and News of the World journalist Clive Goodman in August 2006.</i></u></p> <p><u><i>Perhaps more significantly, the police investigation Into Glen Mulcaire and Clive Goodman began in 2005, nine months before the two men were arrested. Prior to arrest the police conducted live monitoring of both men's activities and also kept the News of the World</i></u></p>	<p>This paragraph refers to a press release on the News Corporation website publicly available from at least 10.07.09 {Z/1359} {P/6} (as referred to at paragraphs 157-168 of Galbraith 39).</p> <p>In support of this paragraph, paragraphs 157-168 of Galbraith 39 also refer to a CPS bundle of documents disclosed to the Joint Privilege Committee in 2016 which were then disclosed by the Claimants in the MTVIL on 31.05.17 {Z/2642} {P/136}.</p>	<p>THIRD PARTY PARTICULARISATION</p>	<p>No Objection</p> <p>No Objection</p> <p>Poor/inappropriate pleading: Poor Drafting</p> <p>Poor/inappropriate pleading: Evidence</p> <p>Poor/inappropriate pleading: Elsewhere</p> <p>Unnecessary:</p> <p>Otiose/Public Inquiry</p>	<p>The amendment objected to simply sets out more content of the press release, which is already pleaded. It is perhaps unnecessary for C to include an even larger extract in the GENPOC, but given what is already pleaded, permission is granted. Permission does not necessarily follow for the sub-paragraphs of paragraph 13.5.</p>
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<p><u>activity in this area under investigation. The raids on Mulcaire's premises, on Goodman's premises and on the News of the World office seized all relevant documents and all available evidence.</u></p> <p><u>The police investigation continued after the arrests and all relevant activity was studied and analysed in the context of identifying unlawfulness/criminality. The police investigation was incredibly thorough.</u></p> <p><u>Apart from matters raised in the Mulcaire and Goodman proceedings, the only other evidence connecting News of the World reporters to information gained as a result of accessing a person's Voicemail emerged in April 2008, during the course of the Gordon Taylor litigation. Neither this information nor any story arising from it was ever published.</u></p> <p><u>Once senior executives became aware of this, immediate steps were taken to resolve Mr Taylor's complaint.</u></p> <p>From our own investigation, but more</p>				
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<p><i>importantly that of the police, we can state with confidence that, apart from the matters referred to above, there is not and never has been evidence to support allegations that:</i></p> <ul style="list-style-type: none"> • <i>'News of the World' journalists have accessed the voicemails of any individual.</i> • <i>'News of the World' or its journalists have instructed private investigators or other third parties to access the voicemails of any individuals.</i> • <i>There was systemic corporate illegality by News International to suppress evidence.</i> <p><i>"It goes without saying that had the police uncovered such evidence, charges would have been brought against other 'News of the World' personnel. Not only have there been no such charges, but the police have not considered it necessary to arrest or question any other member of 'News of the World' staff.</i></p> <p><i>"Based on the above, we can state categorically in relation to the</i></p>			<p>Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere Unnecessary: Otiose/Public Inquiry</p>	
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<p>following allegations which have been made primarily by the 'Guardian' and widely reported as fact by Sky News, BBC, ITN and others this week:</p> <ul style="list-style-type: none"> • It is untrue that officers found evidence of News Group staff, either themselves or using private investigators, hacking into "thousands" of mobile phones. • It is untrue that apart from Goodman, officers found evidence that other members of News Group staff hacked into mobile phones or accessed individuals' voicemails. • It is untrue that there is evidence that News Group reporters, or indeed anyone, hacked into the telephone voicemails of John Prescott. • It is untrue that "Murdoch journalists" used private investigators to illegally hack into the mobile phone messages of 			<p>No Objection</p>	
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numerous public figures to gain unlawful access to confidential

personal data, including: tax records, social security files, bank statements and itemised phone bills.

- *It is untrue that News Group reporters have hacked into telephone voicemail services of various footballers, politicians and celebrities named in reports this week.*

- ***It is untrue that 'News of the World' executives knowingly sanctioned payment for illegal phone intercepts.***

All of these irresponsible and unsubstantiated allegations against News of the World and other News International titles and its journalists are false.

The Guardian has been selective and misleading in its coverage of the report and investigation by the Information Commissioner. There has been and is no connection between the Information commissioner's investigation and the allegation of hacking onto telephones or accessing telephone voicemails. The report concerned the activities of a private investigator who, between April 2001 and March 2003, supplied information to 32 newspapers and magazines including, incidentally, the Guardian's sister newspaper, The Observer, which according to the Information Commissioner was ninth

<p><u>worst "offender" out of the 32. The information supplied was deemed to be in breach of the: Data Protection Act 1998.</u></p> <p><u>When Les Hinton gave evidence to the Select Committee in March 2007, the evidence which emerged during the Gordon Taylor litigation in April 2005 was not known to Mr Hinton or any other senior executive within News International</u></p> <p><u>The Claimants will rely upon the full statement at trial. NGN continued to publish this false statement on the News Corporation's website until some date after 29 July 2011. Tom Crone, Stuart Kuttner and Colin Myler were involved in the drafting of this statement or another similar statement for publication in the next edition of The News of the World, which statement also contained the false claim that there was no evidence to support the allegation that other News of the World Journalists had accessed the voicemails of any individuals. The Claimants will rely on emails exchanged between these individuals on 11 July 2009 with a draft statement to this effect.</u></p>				
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Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.5.1	<u>The Claimants will also rely upon the fact that the statement is false in almost every respect, and is based on the same false narratives (such as the supposed thoroughness of NI's co-operation with the 2006 MPS investigation, and that NI had itself investigated the allegations) the extent of the co-op as the original One Rogue Reporter narrative.</u>	In support of this paragraph, paragraphs 157-168 of Galbraith 39 refer to the documents listed at paragraph 13.5 above.	Consequential to 13.5 and preparatory for 13.5.2 et subseq SUBSEQUENT INSIGHT ONLY	Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting	Permission granted. This is just an allegation of falsity of the press release.
13.5.2	<u>The Claimants contend that owing to its critical importance, the News Corp statement would have been approved by senior officers of News Corp and News International, including James Murdoch (Executive Chairman of NI and News Corps' Chairman and Chief Executive Officer for Europe and Asia), and Rebekah Brooks (who had been announced in June 2009 as the prospective CEO from September 2009) and that:</u> (a) <u>James Murdoch knew it to be false because of his knowledge of the "for Neville" email and his knowledge of Michael Silverleaf</u>	In support of this paragraph, paragraphs 157-168 of Galbraith 39 refer to the documents listed at paragraph 13.5 above.	THIRD PARTY PARTICULARISATION	Irrelevant: No relevance to Cs' stated purposes See 11.53A	This is an allegation of knowledge and approval by Mr James Murdoch and Ms Brooks. It is clearly relevant to the case of corporate concealment by NGN, given that NGN does not admit that what was said was false and that the statement was a public statement. The allegations of knowledge of falsity are properly backed up on this occasion with particulars of knowledge. Permission granted.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>QC's advice dated June 2008 he had been shown or informed of in or around June 2008;</u>				
13.5.2	<u>(b) Ms Brooks knew it to be false because (as set out in detail at paragraph 19(5G) onwards below) she:</u>	In support of this paragraph, paragraphs 157-168 of Galbraith 39 refer to the documents listed at paragraph 13.5 above.	THIRD PARTY PARTICULARISATIO N	See 11.21B	s/a
13.5.2	<u>(i) knew about the widespread use of phone-hacking at the News of the World before, during and after her editorship;</u>	In support of this paragraph, paragraphs 157-168 of Galbraith 39 refer to the documents listed at paragraph 13.5 above.	THIRD PARTY PARTICULARISATIO N	Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere	s/a
13.5.2	<u>(ii) had been told by DCI Surtees on 14 September 2006 that there were scores of non-Royal victims, and that there was a link to Ian Edmondson, which she</u>	In support of this paragraph, paragraphs 157-168 of Galbraith 39 refer to the documents listed at paragraph 13.5 above.	THIRD PARTY PARTICULARISATIO N	Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>immediately informed Mr Crone about; and</u>				
13.5.2	<u>(iii) was aware of the 2006-7 cover-up from her relationship with Andy Coulson, and as shown by her offer of employment to Mr Goodman when he came out prison.</u>	In support of this paragraph, paragraphs 157-168 of Galbraith 39 refer to the documents listed at paragraph 13.5 above.	THIRD PARTY PARTICULARISATION	Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere	s/a
13.5.3	The Claimants will seek the inference that Rupert Murdoch, as Executive Chairman of News Corp and a Director of NI, was told about the Guardian allegations before and after publication and knew that the denial published by his company (which would have needed to be approved by the News Corp Board including his other son and fellow Director of News Corp at the time, Lachlan Murdoch) was false or at the very least turned a blind eye to its veracity and that of the allegations.	In support of this paragraph, paragraphs 157-168 of Galbraith 39 refer to the documents listed at paragraph 13.5 above.	NEW WITNESS (as §13.5 above) THIRD PARTY PARTICULARISATION	Limitation Delay Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs: Disproportionate/Satellite Litigation/Wasted Costs Irrelevant: No/Few Extant Claims (i.e. no one says their distress was aggravated by RM's knowledge specifically) Prejudice Imperil trial/very late amendment	Permission refused. Whether Mr Rupert Murdoch knew of falsity is irrelevant, as explained in the judgment, because it adds nothing material to the allegations that Mr James Murdoch and Ms Brooks knew.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.5B	<p><u>This statement was published in the <i>News of the World</i> on 12 July 2009 despite Mr Myler and Mr Crone having been told on Saturday 11 July 2009 by Neville Thurlbeck that he had hacked the phone of David Blunkett in 2004 and that Neil Wallis, Andy Coulson and Stuart Kuttner knew this at the time; and the Claimants contend therefore Mr Myler and Mr Crone published this statement in the newspaper, knowing it to be false. The Claimants repeat paragraph 11.18 above.</u></p>	<p>In support of this paragraph, paragraphs 161-162 of Galbraith 39 refer to the documents listed at paragraph 13.5A above.</p>	<p>NEW WITNESS (as §13.5 above)</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Unnecessary: Otiose/Public Inquiry Delay</p>	<p>This is a new allegation of knowing falsity, related to existing allegations relating to Mr Thurlbeck, which is not based on newly disclosed documents but essentially on one 2011 witness statement of Mr Myler. It is material to the question of whether wrongdoing was deliberately concealed in public statements. It is relatively easy for NGN to address, both in pleading in response to it and in evidence. Permission granted.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.5C	<u>In his 2nd witness statement (MG11) to the MPS on 21 December 2011, Mr Myler states that after being told by Mr Thurlbeck about the Blunkett hacking in 2004, he immediately dictated a note of the conversation to his Deputy Editor, Jane Johnson, and then he and Mr Crone arranged to see Ms Brooks to tell her (in her role as acting Chief Executive of NI) what Mr Thurlbeck had said. That meeting took place on Tuesday morning 14 July 2009, and was followed by another, the same day outside the office between Mr Myler and Ms Brooks.</u>	This paragraph refers to the 2 nd Witness Statement of Colin Myler to the MPS which was disclosed by the Claimants in the MTVIL on 31.05.17 {Z/2642} {P/136}. In support of this paragraph, paragraphs 161-162 of Galbraith 39 refer to the documents listed at paragraph 13.5A above.	SUBSEQUENT INSIGHT ONLY THIRD PARTY PARTICULARISATION	Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Poor Drafting Delay	This merely pleads the content of Mr Myler's witness statement. Permission granted.
13.5D	<u>In the same witness statement Mr Myler goes on to state that in early 2011, a couple of days after a Wapping dinner for sponsors of the 2012 Olympics he asked her whether she had told "the boss everything" (by which he meant, Rupert Murdoch) and he stated that Ms Brooks said that she "had now".</u>	This paragraph refers to the 2 nd Witness Statement of Colin Myler to the MPS which was disclosed by the Claimants in the MTVIL on 31.05.17 {Z/2642} {P/136}. In support of this paragraph, paragraphs 161-162 of Galbraith 39 refer to the documents listed at paragraph 13.5A above.	SUBSEQUENT INSIGHT ONLY THIRD PARTY PARTICULARISATION	Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Poor Drafting Limitation Delay Unnecessary: Otiose/Public Inquiry/Enough Examples Ready for Jan 2024 Trial Proportionality and Costs: Disproportionate/Satellite Litigation	As this merely pleads what the witness statement says, permission is granted.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
				Irrelevant: No/Few Extant Claims (i.e. no one says their distress was aggravated by RM's knowledge specifically) Prejudice Imperil trial/very late amendment	
13.5E	<u>The Claimants therefore contend that:</u> <u>(a) (to the extent that she did not know already, as the Claimants aver) Ms Brooks knew about the 2004 Blunkett hacking from at the latest 14 July 2009;</u>	In support of this paragraph, paragraphs 161-162 of Galbraith 39 refer to the documents listed at paragraph 13.5A above.	Further particularisation of §13.5D THIRD PARTY PARTICULARISATION	Poor/inappropriate pleading: Poor Drafting Irrelevant: No relevance to Cs' stated purposes Unnecessary: Enough Examples As above; see 11.21B (Rebekah), 1153B (JM) and 13.5.3 (RM).	Permission granted, as this merely sets out C's inferential case, assuming that Mr Myler's witness statement is true.
13.5E	<u>(b) she would have told her Executive Chairman, James Murdoch, as soon as she learned the information, as not to do so would have been grossly irresponsible and represent a dereliction of her duty to the Company's stakeholders;</u>	In support of this paragraph, paragraphs 161-162 of Galbraith 39 refer to the documents listed at paragraph 13.5A above.	Further particularisation of §13.5D THIRD PARTY PARTICULARISATION	As above	Permission refused. This is mere speculation, or argument, not fact.
13.5E	<u>(c) she also told Rupert Murdoch (who had just appointed her to be CEO of NI), as she confirmed to Mr Myler</u>	In support of this paragraph, paragraphs 161-162 of Galbraith 39 refer to the documents listed at paragraph 13.5A above.	Further particularisation of §13.5D THIRD PARTY	Limitation Delay Unnecessary: Otiose/Public Inquiry/Enough	Permission refused. Whether Mr Rupert Murdoch also knew the matters alleged adds nothing to the claim that

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>she had done so by early 2011);</u></p>		<p>PARTICULARISATIO N</p>	<p>Examples Proportionality and Costs: Disproportionate/Satellite Litigation/Wasted Costs Ready for Jan 2024 Trial Irrelevant: No/Few Extant Claims (i.e. no one says their distress was aggravated by RM's knowledge specifically) Prejudice Imperil trial/very late amendment</p>	<p>senior executives of NGN were aware.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.5E	<p><u>(d) on the basis of paragraph 13.5C above alone, from that point (until at least April 2011) (i) the continuing publication of the Guardian denial (on News Corp's website), (ii) the failure to retract the statement in <i>the News of the World</i>, (iii) the responses to the PCC, (iv) the response to the CMS _____ Select Committee Report in February 2010, (v) the response to the New York Times article in September 2010, and (vi) the position in NGN's defences to phone hacking claims, promulgating the One Rogue Reporter narrative, where given (or caused to be given, or approved/endorsed) by Mr Myler, Mr Crone, Ms Brooks, James Murdoch and/or Rupert Murdoch were all knowingly false; and</u></p>	<p>In support of this paragraph, paragraphs 161-162 of Galbraith 39 refer to the documents listed at paragraph 13.5A above.</p>	<p>Further particularisation of §13.5D</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p>	<p>Permission granted, save for the references to Mr James Murdoch and Mr Rupert Murdoch.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.5E	<p><u>(e) on the basis of paragraph 13.5C and (in the case of Rupert Murdoch) 13.5D above, that (i) the evidence to the Leveson Inquiry in 2011-2, (ii) the evidence to the Home Affairs and CMS Select Committees and CMS Inquiries in 2011-2, (iii) the evidence given to Ofcom's review of the Murdochs as "fit and proper" broadcast licence holders in 2011-12, and (iv) the evidence given to the Privileges Committee in 2012-6 on the question of whether there had been a cover-up, concealment and false evidence given, was all knowingly false where given (or caused to be given, or approved/endorsed) by Mr Myler, Mr Crone, Ms Brooks, James Murdoch and/or Rupert Murdoch.</u></p>	<p>In support of this paragraph, paragraphs 161-162 of Galbraith 39 refer to the documents listed at paragraph 13.5A above.</p>	<p>Further particularisation of §13.5D</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p>	<p>Permission granted, save for the references to Mr James Murdoch and Mr Rupert Murdoch.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.8.1	<p><u>The Thurlbeck memo implicating Greg Miskiw and Ian Edmondson</u></p> <p><u>On 14 July 2009, The Guardian published a story about the "For Neville" email, including a redacted version of the email, (which showed transcripts of Gordon Taylor's voicemail messages being sent by reporter Ross Hindley/Hall to Glenn Mulcaire under the subject line "Transcript for Neville". On the following day, Neville Thurlbeck wrote to Colin Myler and Tom Crone, with the aim of exonerating himself in relation to hacking Gordon Taylor's phone, or knowing that it had been hacked. In the letter he implicated Greg Miskiw, James Weatherup and especially Ian Edmondson, and identified the fact that there would be payment records to photographers and to Derek Webb (a PI used to tail and photograph targets), as indeed there were.</u></p>	<p>This paragraph refers to an article titled, "<i>News of the World phone hacking more widespread than claimed, MPs told</i>" published by <i>The Guardian</i> on 14.07.09 (as referred to at paragraphs 164-165 of Galbraith 39).</p> <p>In support of this paragraph, paragraph 164-165 of Galbraith 39 also refer to a memo from Neville Thurlbeck to Colin Myler and Tom Crone which was disclosed in the MTVIL on 31.05.17 {Z/1363} {J/2.192}.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Delay Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Unnecessary: Otiose/Public Inquiry</p>	<p>This is an allegation involving documents that C has had available for many years, but is only now being made in detail by C. It involves numerous individuals and is of some complexity. The allegation relates in particular to Mr Myler and Mr Crone and argues that on the basis of the documents seen statements made by them were knowingly false. There are already allegations made against Mr Myler (paras 19(29)-19(31)) and Mr Crone (paras 19(41) and 19(42)) in relation to connected and similar matters. Accordingly, permission is granted notwithstanding the lateness of the amendment.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.8.2	<u>Mr Thurlbeck also stated that he had found in his personal email account a relevant email with the subject line "NTPFA" which was sent from him to Ian Edmondson (at NGN) on 1 July 2005, and which contains a draft article containing quotes that derive from the voicemails. That email only exists in hardcopy form (downloaded from Mr Thurlbeck's email account on 15 July 2009) and was only disclosed to the Claimants in October 2018 after the Court ordered disclosure by NGN of material found in Tom Crone's office in 2011 and seized by the MPS at that time.</u>	<p>This paragraph refers to an email from Ian Edmondson to Mr Thurlbeck which was disclosed in the MTVIL on 05.10.18 {Z/405.1} {J/2.822}.</p> <p>In support of this paragraph, paragraphs 164-165 of Galbraith 39 refer to the documents listed at paragraph 13.8.1 above.</p>	<p>Further particularisation of §13.8.1</p> <p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	s/a
13.8.3	<p><u>The Claimants contend that on the basis of this information alone:</u></p> <p>(a) <u>Mr Myler and Mr Crone knew that at least three other senior news executives had been involved in the phone hacking of Mr Taylor, as well as Mr Thurlbeck.</u></p>	<p>In support of this paragraph, paragraphs 164-165 of Galbraith 39 refer to the documents listed at paragraph 13.8.1 above.</p>	<p>Further particularisation of §13.8.1</p> <p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Delay</p> <p>Irrelevant: No relevance to Cs' stated purposes</p> <p>Poor/inappropriate pleading: Poor Drafting</p> <p>Unnecessary: Otiose/Public Inquiry</p> <p>Proportionality and Costs: Satellite Litigation</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.8.3	<u>(b) subsequent communications by Mr Myler and Mr Crone promulgating the One Rogue Reporter narrative were false and misleading, including their oral evidence at the CMS Select Committee on 27 July 2009, Mr Myler's written submissions to the CMS Select Committee, Mr Myler's subsequent correspondence with the PCC of 5 August 2009.</u>	<p>This paragraph refers to:</p> <ul style="list-style-type: none"> • Oral evidence of Colin Myler and Tom Crone at the CMS Select Committee on 27.07.09; and • Mr Myler's written submission to the CMS Select Committee in 2009; and • Communications between Mr Myler and the PCC which were disclosed in the MTVIL on 14.02.17 {Z/1371} {J/2.89}. <p>In support of this paragraph, paragraphs 164-165 of Galbraith 39 refer to the documents listed at paragraph 13.8.1 above.</p>	<p>Further particularisation of §13.8.1</p> <p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	s/a
13.8.3	<u>(c) subsequent communications by Mr Myler and/or Mr Crone to the Leveson Inquiry in 2011-2; the CMS Select Committee in 2011-2, and the Privileges Select Committee in 2013-2016, on the question of whether they had engaged in a cover-up, were false and misleading.</u>	<p>Whilst this paragraph does not refer to specific communications between Mr Myler, Mr Crone and the Committees, the following documents contain relevant communications:</p> <ul style="list-style-type: none"> • The 1st to 4th Witness Statements of Colin Myler to the Leveson Inquiry dated 30.09.11, 24.11.11, 02.12.11, and 31.10.12; • The 1st and 2nd Witness Statements of Tom Crone to the Leveson Inquiry dated 30.09.11 and provided in response to a letter from a Leveson Inquiry solicitor dated 25.11.11; • The CMS Select Committee Eleventh Report publicly available from at least 01.05.12 (see page 13 of Exhibit CF4); and • The Privileges Select Committee First Report publicly available from at least 14.09.16 (see page 28 of Exhibit CF4). <p>In support of this paragraph, paragraphs 164-165</p>	<p>Further particularisation of §13.8.1</p> <p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
		of Galbraith 39 refer to the documents listed at paragraph 13.8.1 above.			
13.8.4	<u>In February 2010, NI issued a public statement launching a strong attack on the CMS Select Committee, following the publication of its report "Press Standards Privacy and Libel", despite the fact that the findings made in the Report were true. The Claimants contend that owing to the importance of this public statement it would have been approved by the senior officers of the Company who knew it to be false, including CEO Rebekah Brooks and Chairman James Murdoch.</u>	This paragraph refers to a NI public statement in February 2010 {Z/1438.1} {P/625}.	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Unnecessary: Otiose/Public Inquiry Irrelevant: No relevance to Cs' stated purposes Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere Proportionality and Costs: Satellite Litigation</p>	This appears to be an entirely discrete matter, and is the basis for speculation only by C. It adds nothing. Permission refused.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.11	In September 2010, in response to allegations of widespread unlawful activity at NGN that were made in the <i>New York Times</i> , <i>The News of the World</i> issued a public statement in which it falsely stated that: "we reject absolutely any suggestion that there was a widespread culture of wrongdoing at the 'News of the World'. <u>The News of the World Managing Editor Bill Akass also sent a detailed, on-the-record, response to the allegations which had been put to News Corp in advance of publication which the Claimants infer was drafted by NGN/NI executives, and which was published in full on the New York Times website.</u>	Paragraph 13.11 references an article titled " <i>Tabloid Hack Attack on Royals, and Beyond</i> " published in the <i>New York Times</i> on 01.09.10 {Z/1548} {P/5} (as referred to at paragraphs 170-172 of Galbraith 39).	SUBSEQUENT INSIGHT ONLY based on public domain information THIRD PARTY PARTICULARISATION	Poor/inappropriate pleading: Evidence	Permission granted. Adds only a further factual detail to an existing pleaded matter, and an inference sought to be drawn.
13.11 A	<u>The Claimants contend that, owing to the critical importance of the <i>New York Times</i> article, and the fact that it had been published by this well-respected US media outlet and News Corp competitor, this statement and Mr Akass's letter would have been approved by the senior officers of the News</u>	In support of this paragraph, paragraphs 170-172 of Galbraith 39 refer to the documents listed at paragraph 13.11 above.	SUBSEQUENT INSIGHT ONLY based on public domain information THIRD PARTY PARTICULARISATION	Poor/inappropriate pleading: Elsewhere Limitation Delay Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs: Disproportionate/Satellite Litigation/Wasted	Permission granted, save in relation to the specific allegation involving Rupert Murdoch, which adds nothing to the case.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>International/News Corp including Rebekah Brooks, James Murdoch and Rupert Murdoch, and that in doing so all three knew that the statement was false, and paragraph 19 below is repeated.</u></p>			<p>Costs Ready for Jan 2024 Trial Irrelevant: No/Few Extant Claims (i.e. no one says their distress was aggravated by RM's knowledge specifically) Prejudice Imperil trial/very late amendment</p>	
13.15	<p>Pending disclosure and/or the provision of further information, the Claimants will refer to the following by way of example <u>of NGN/NI misleading the Leveson Inquiry in relation to both <i>The Sun</i> and the <i>News of the World</i>:</u></p>	See below in relation to paragraphs 13.15(f)-(j).	<p>Preparatory to the subsequent Drafting only</p>	<p>Poor/inappropriate pleading: Poor Drafting</p>	<p>Permission granted. Amendment for clarity only.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.15	<p><u>(f) Sharon Marshall (who worked at the News of the World from 2002-2004 as TV Editor and ghost-writer for celebrity column) gave written evidence to the Leveson Inquiry in 2011 where she stated at paragraph 68 that she made calls to only one private investigator to obtain addresses or mobile phone numbers as part of legitimate investigations and such contact was entirely legal and ethical. In fact, in her two years at the News of the World, Ms Marshall used System Searches (8 times), TDI/ELI (9 times), Searchline and Steve Whittamore.</u></p>	<p>This paragraph refers to the Witness Statement of Sharon Marshall to the Leveson Inquiry dated 20.12.11.</p> <p>In support of this paragraph, paragraph 175 of Galbraith 39 refers invoices relating to System Searches, TDI/ELI, Searchline and Steve Whittamore which were disclosed in the MTVIL on 15.05.17 {L/0.52/2}, 19.10.18 {L/238/12} and 28.06.17 {L/46/82}.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Limitation Delay Prejudice Imperil trial/very late amendment Ready for Jan 2024 Trial Unnecessary: Enough Examples</p> <p>Unnecessary: Otiose/Public Inquiry Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting</p>	<p>Permission refused. Disproportionate to introduce allegation against a newly-named journalist whose alleged involvement is minor.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.15	<p><u>(g) Sean Hamilton (who worked at <i>The Sun</i> as a reporter from 2003-2005 as a Showbiz Reporter, from 2005 as Deputy Bizarre Editor until 2007, when he left for the <i>Sunday Mirror</i>, returning as Deputy Showbox Editor on the Bizarre column from 2009-2010 and from 2010 was Features Editor) gave written evidence to the Leveson Inquiry dated 4 January 2012 where he states at paragraphs 39, 40 and 43 that he was not aware of payments being made to PIs, never had contact with anyone who could be described as a PIs and stated that freelancers paid to conduct searches of publicly available databases (such as the electoral register or Companies House) had to be legal and subject to the same rules as any member of staff. In fact, at <i>The Sun</i>, Mr Hamilton used ELI (11 times), and</u></p>	<p>This paragraph refers to the Witness Statement of Sean Hamilton to the Leveson Inquiry dated 04.01.12 and PI call data disclosure disclosed in the MTVIL in November/December 2023.</p> <p>In support of this paragraph, paragraph 176 of Galbraith 39 refers to an ELI invoice which was disclosed in the MTVIL on 28.06.17 {M/59/65}.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p>	<p>Permission granted. More proportionate as Mr Hamilton already named in GENPOC at para 9.5 and his involvement at The Sun was over a greater period of time and at the date of the Leveson Inquiry</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>called _____ System Searches at least once.</u></p>				
13.15	<p><u>(h) Neville Thurlbeck (who worked at the News of the World between 1994 and 2011), mostly in the role of Chief Reporter, gave written evidence to the Leveson Inquiry dated between 21 November 2011 and 12 December 2011. In his undated statement made in response to the letter from the Leveson Inquiry dated 23 November 2011, Mr Thurlbeck stated that he was not aware of the practice of blagging taking place at the News</u></p>	<p>This paragraph refers to the Witness Statement of Neville Thurlbeck to the Leveson Inquiry provided prior to 12.12.11.</p> <p>In support of this paragraph, paragraph 177 of Galbraith 39 refers to a Starbase invoice and a Warner invoice which were disclosed in the MTVIL on 15.05.17 {L/0.42/3} and 28.06.17 {L/36/4}.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	Permission granted. Mr Thurlbeck is a central figure in issues that are already pleaded.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>of the World. In fact, Mr Thurlbeck used PIs who specialised in blagging such as Glenn Mulcaire, Christine Hart, Steve Whittamore and Starbase. It is to be inferred that Mr Thurlbeck was aware that such private investigators used blagging due to his prolific use of them and his use of the material produced by them.</u></p>				
13.15	<p><u>(i) Gary O'Shea, a Sun reporter, gave witness statement (and oral evidence) the setting out his information gathering activities in relation to The Sun's coverage of Christopher Jefferies who was falsely accused of the murder of his tenant Joanna Yeates. His evidence failed to include any reference to the use of PIs by The Sun on this story nor to his own extensive use of System Searches.</u></p>	<p>This paragraph refers to the Witness Statement of Gary O'Shea to the Leveson Inquiry dated 17.01.12 (Exhibit CG39/361-364) and his oral evidence on 24.01.12.</p>	<p>SUBSEQUENT INSIGHT ONLY based on recent CSPoC of Christopher Jefferies – omitted by NGN in its 4th column</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p>	<p>Permission refused. Disproportionate. Mr O'Shea is not previously named in the GENPOC. His position as a witness in the Leveson Inquiry is too peripheral and this allegation appears to be specific to Mr Jefferies' claim. This refusal is without prejudice to the naming of Mr O'Shea in para 9.5 above in relation to recent call data disclosure.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.15	<u>(j) Steve Waring (an editorial executive at The Sun since 2001) who was acting Editor at the relevant time of the articles about Mr Christopher Jefferies in late December 2010 and early January 2011) provided a witness statement (and oral evidence) setting out how The Sun came to publish the libellous and intrusive articles about Mr Jefferies. Mr Waring failed to mention the extensive use by Sun reporters of PIs which included System Searches, Mike Behr and AJK Research, but rather he stated that tracing of the Mr Jefferies' Associates and other relevant persons was done using Tracesmart.</u>	This paragraph refers to the witness statement of Steve Waring to the Leveson Inquiry dated 16.01.12 and his oral evidence on 24.01.12 .	SUBSEQUENT INSIGHT ONLY based on recent CSPoC of Christopher Jefferies – omitted by NGN in its 4 th column THIRD PARTY PARTICULARISATION	As above	Permission refused. Disproportionate. Mr Waring is not previously named in the GENPOC. His position as a witness in the Leveson Inquiry is too peripheral and this allegation appears to be specific to Mr Jefferies' claim. This refusal is without prejudice to the naming of Mr Waring in para 9.5 above in relation to recent call data disclosure.
13.15 A	<u>News International, was a Core Participant at the Leveson Inquiry and under a duty to provide full and honest evidence to the Inquiry. At the time that the statements listed in paragraph 15 were drafted,</u>	No specific evidence is adduced in Galbraith 39 in support of this paragraph; however, Galbraith 39 relies on the content of the witness statement and draft pleading more generally.	SUBSEQUENT INSIGHT ONLY THIRD PARTY PARTICULARISATION	Limitation Delay Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs:	Permission refused. The allegation about misleading the Leveson Inquiry is already pleaded and the status of NI not in doubt. This is merely an attempt to bring collateral

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>when they were circulated to Core Participants, and/or when the oral testimony set out in paragraph 15 below was given, News International/ NGN was aware that false information was provided to the Inquiry, or was reckless as to the truth or falsity of the information given, by virtue of the fact that it held payment records in its SAP system and other searchable records which contradicted the evidence provided. In the premises, NI/NGN failed in its duty of candour to the Leveson Inquiry, through the inaction of its executives, namely the NI CEO Tom Mockridge, the NI Chairman James Murdoch, and (through the role of the MSC in managing the NI engagement with the Inquiry) the Executive Chairman of News Corporation, Rupert Murdoch who all knew this evidence to be false.</u></p>			<p>Disproportionate/Satellite Litigation Ready for Jan 2024 Trial Irrelevant: No/Few Extant Claims (i.e. no one says their distress was aggravated by RM's knowledge specifically) Prejudice Imperil trial/very late amendment</p>	<p>allegations about the MSC into the arena and to attack senior executives who are not otherwise the subject of allegations, such as Mr Mockridge and Mr Rupert Murdoch.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.15 B	<p><u>Even during the Leveson Inquiry itself (set up on 13 July 2011 with hearings taking place from November 2011 onwards), NGN continued to engage in unlawful information gathering including phone hacking. In support of this contention the Claimant will rely amongst other things upon:</u></p> <p><u>(a) the inference from the hundreds of calls made to Jude Law's mobile phone by NGN journalists at The Sun between 2004 to December 2011 that these calls were made for the purposes of the unlawful interception of his voicemails (which is likely to have contained private information about him and his associates). This included the period when court action was taken against NGN by Jude Law, Sienna Miller, Ben Jackson and Ciara Parkes. In December 2011 alone Mr Law's mobile phone was called eight times by</u></p>	<p>No specific evidence is adduced in Galbraith 39 in support of this paragraph.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>Call data disclosed in claim of Ciara Parkes as mentioned in the pleading at 13.15B(a)</p> <p>CSPoC of Sir Vince Cable and Hugh Grant set out at §5.12 above as pleaded in 13.15B(b)</p>	<p>Irrelevant: No/Few Extant Claims Unnecessary: Public Inquiry</p> <p>Proportionality and Costs: Satellite Litigation Poor/inappropriate pleading: Evidence</p>	<p>Permission granted save in relation to the last sentence of sub-para (a).</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>journalists from The Sun with the last call disclosed by NGN (ending in 2011) taking place on 21 December 2011. It can be inferred that the same and similar unlawful information gathering continued until at least 2012.</u></p> <p><u>(b) the facts pleaded at paragraph 5.12 above.</u></p>				
13.17	<p><u>(iv) Ms Brooks' use of Ray Levine, her Deputy Features Editor in 1994-5 at the News of the World, to engage the PI Severnside (Taff Jones) to trace other associates of Ross Kemp at an earlier point in time when Ms Brooks was Deputy Editor of The Sun in 1998-9.</u></p>	<p>In support of this paragraph, paragraph 182 of Galbraith 39 refers to:</p> <ul style="list-style-type: none"> • An invoice dated 3 September 1998 which was disclosed in the MTVIL on 15.01.19 {L/395/1}; • Extracts from the Blue Book which were disclosed in the MTVIL on 27.01.17 (Exhibit CG39/7-60); and • Payments to LRI dated 6 September 1998 which were disclosed in the MTVIL on 06.04.20 (Exhibit CG39/377). 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Unnecessary: Otiose/Public Inquiry Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Evidence Proportionality and Costs: Satellite Litigation</p>	<p>Permission granted. This is a discrete further allegation relevant to the use of Severnside as well as the conduct of Ms Brooks and the truthfulness of evidence given to the Leveson Inquiry, and therefore relevant to the concealment allegations.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.18	<u>In particular, Senior Editors and journalists working for <i>The Sun</i> repeatedly and knowingly made false claims that there had been no voicemail interception, blagging or unlawful obtaining of information through the use of PIs, as set out above. Further, as set out in paragraphs 5.7 and 5.8 above, NGN withheld relevant document and information that they were required to provide to the Leveson Inquiry pursuant to the section 21 Notice of August 2011 and thereby misled the Leveson Inquiry and the public.</u>	In support of this paragraph, paragraph 183 of Galbraith 39 refers to the documents listed at paragraph 5.7 and 5.8 above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	Poor/inappropriate pleading: Poor Drafting	Permission refused. Too generalized to add anything to the claim.
13.19	<u>The Claimants contend that it can be inferred, given the extent of the use of PIs by <i>The Sun</i>, and the number of complaints that were made (such as by Heather Mills in relation to a flight blag in 2008), that the Legal Department, in the course of reviewing articles for legal issues and otherwise, turned a blind eye to this activity.</u>	In support of this paragraph, paragraph 184 of Galbraith 39 refers to: <ul style="list-style-type: none"> An email from Nick Parker to Graham Dudman which was disclosed in the MTVIL on 03.07.19 {V/515}; An article published in <i>The Sun</i> on 21.03.08 {HFM/60}; 35th Witness Statement of Callum Galbraith dated 26.09.23 {F/421/34/37}, which refers in turn to documents disclosed in Ms Mills' claim which settled on 28.09.19 and a draft email from Nick Parker which was disclosed in the MTVIL on 24.02.17 {K/141}. 	SUBSEQUENT INSIGHT ONLY	Irrelevant: No relevance to Cs' stated purposes Proportionality and Costs: Satellite Litigation	Permission refused. New attempt to allege knowledge on the part of the legal department is too late and too unspecific..

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.20	<u>In December 2014 Nick Parker, a senior Sun journalist, was convicted of handling a stolen mobile phone. However, in February 2015, Mr Parker was welcomed back to The Sun by NGN where he works to this day, despite senior executives at NGN having stated publicly that they and Company have "zero tolerance" for criminal conduct among their journalists</u>	In support of this paragraph, paragraph 185 of Galbraith 39 refers to: <ul style="list-style-type: none"> The certificate of conviction of Nicholas Parker dated 09.12.14 and disclosed by the Claimants in the MTVIL on 09.10.18 {Z/2380.5} {P/646}; Witness Statement of James Murdoch to the Leveson Inquiry, dated 16.04.12 {Z/2170/25} {J/2.629}; and A <i>Press Gazette</i> article entitled " <i>Sun chief foreign correspondent Nick Parker returns to work six weeks after conviction for 'handling' MP's stolen phone</i> " by Dominic Ponsford dated 20.02.15 (Exhibit CG/371- 376).	SUBSEQUENT INSIGHT ONLY THIRD PARTY PARTICULARISATION (in relation to Mr Dinsmore, Sun Editor)	Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Unnecessary: Otiose/Public Inquiry	Permission granted. Relevant to extent of unlawful activity and knowledge of NGN.
13.21	<u>Based on these facts, the Claimants therefore contend that:</u> (a) NGN were (and continue to be) aware (i) of Mr Parker's prolific use of private investigators to obtain unlawful information, (ii) that unlawfully accessing stolen or lost mobile phones was routine at <i>The Sun</i> and that Mr Parker was involved in that activity;	In support of this paragraph, paragraphs 184-185 of Galbraith 39 refer to the documents in paragraphs 13.19 and 13.20 above.	SUBSEQUENT INSIGHT ONLY THIRD PARTY PARTICULARISATION (in relation to News UK senior executives)	Unnecessary: Otiose/Public Inquiry	Permission granted
13.21	<u>(b) NGN were wholly unchastened by the police investigations and prosecutions of 2011-2015, and insincere about their claim to clamp down on illegality; and</u>		SUBSEQUENT INSIGHT ONLY THIRD PARTY PARTICULARISATION (in relation to News UK senior executives)	Irrelevant: No relevance to Cs' stated purposes Unnecessary: Public Inquiry	Permission granted

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.21	<p><u>(c) this culture of impunity comes from Rupert Murdoch, who was recorded at a meeting of Sun staff facing prosecution in 2012 stating that he was hostile to the authorities investigating and prosecuting journalists.</u></p>		<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION (in relation to News UK senior executives)</p>	<p>Limitation Delay Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs: Disproportionate /Satellite Litigation/Wasted Costs Ready for Jan 2024 Trial Irrelevant: No/Few Extant Claims (i.e. no one says their distress was aggravated by RM's knowledge specifically) Prejudice Imperil trial/very late amendment Irrelevant: No relevance to Cs' stated purposes</p>	<p>Permission refused.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.21 A	<p><u>Unlawful activity intended to further the commercial or political aims of News Corp/NI</u></p> <p><u>The Claimants contend that News Corp/NI sought to target Members of Parliament and other public figures who were perceived as a barrier to News Corp/NI through unlawful information gathering and intrusive surveillance, in order to achieve their commercial or political aims. In support of this contention the Claimants rely on the following matters:</u></p>	<p>In support of this paragraph, paragraphs 186-187 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> The CSPoCs of: <ul style="list-style-type: none"> Evan Harris dated 11.12.20 (Exhibit CG39/430- 446); Chris Huhne dated 19.04.22 (Exhibit CG39/451-483); Lord Tom Watson dated 10.03.23 (Exhibit CG39/378-394); Paul Farrelly dated 20.04.23 (Exhibit CG39/396-425); Norman Lamb dated 07.05.22; and Vince Cable dated 03.03.23 (Exhibit CG/104- 135), Claimant specific disclosure in the claims of Evan Harris, Chris Huhne, Tom Watson and Norman Lamb in 2020-2023; and The 2nd Witness Statement of Tom Watson dated 27.09.21 {D/120} {D/121}. 	SUBSEQUENT DISCLOSURE	<p>Irrelevant: No/Few Extant Claims</p> <p>Irrelevant: No relevance to Cs stated purposes</p> <p>Proportionality and Costs: Satellite Litigation</p> <p>Unnecessary: Public Inquiry</p> <p>Proportionality and Costs: Disproportionate</p> <p>Imperil trial/very late amendment Ready for Jan 2024 Trial</p>	For the reasons explained in the judgment, permission is refused for this entire section of the amendments in the Draft GENPOC (13.21A – 13.32)
13.21 B	<p><u>Targeting Select Committee members</u></p> <p><u>In September 2009, executives on the News Desk of the News of the World (including James Mellor, Mazher Mahmood and Ian Edmondson), commissioned a private investigator, Derek Webb, to investigate, and obtain private information about, Tom Watson MP.</u></p>	<p>In support of this paragraph, paragraphs 186-187 of Galbraith 39 refer to the documents outlined in paragraph 13.21A above.</p>	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	<p>Irrelevant: No/Few Extant Claims</p> <p>Irrelevant: No relevance to Cs stated purposes</p> <p>Proportionality and Costs: Satellite Litigation</p> <p>Unnecessary: Public Inquiry</p> <p>Proportionality and Costs: Disproportionate</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
				Imperil trial/very late amendment Ready for Jan 2024 Trial	
13.22	<p><u>These journalists were instructed to target Mr Watson by senior figures within News Corp/NI who were concerned about the exposure of NGN's wrongdoing by Mr Watson MP, in his influential role as a member of the CMS Select Committee, which was at that time conducting an inquiry into the activities of NI, and seeking to bring Ms Brooks to give evidence. Given its importance, it is to be inferred that Ms Brooks, James Murdoch and/or Rupert Murdoch were the instigators of the instruction.</u></p>	<p>In support of this paragraph, paragraphs 186-187 of Galbraith 39 refer to the documents outlined in paragraph 13.21A above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.23	<p><u>The Claimants contend that CMS Select Committee members were also targeted through voicemail interception, at times when their inquiries impacted the commercial, reputational or political aims of News Corp. In support of this contention, the Claimants rely on the high number of calls, during their time on the CMS Select Committee, to the mobile phones of certain MPs from the NI hub line (all or most of which are considered inexplicable by the MPs concerned) relative to the number of explicable calls from the mobile phones of journalists on the Politics or Whitehall Desks on NGN's newspapers.</u></p>	<p>In support of this paragraph, paragraphs 186-187 of Galbraith 39 refer to the documents outlined in paragraph 13.21A above.</p>	<p>SUBSEQUENT DISCLOSURE</p>	<p>As above</p>	<p>s/a</p>
13.24	<p><u>The Claimants further contend this activity was carried out to obtain confidential information about the private deliberations of the Committee, and to attempt to obtain compromising information on its members to deter them from investigating the liability of News Corp/NI and its senior Executives (such as</u></p>	<p>In support of this paragraph, paragraphs 186-187 of Galbraith 39 refer to the documents outlined in paragraph 13.21A above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p>	<p>s/a</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>Rupert Murdoch, James Murdoch and Ms Brooks).</u></p>				
13.25	<p><u>The targeting of Chris Huhne and Evan Harris:</u></p> <p><u>When <i>The Guardian</i> published its first set of articles on 8 and 9 July 2009, suggesting that the One Rogue Report Narrative was false, it was taken up in Parliament by two members of the Liberal Democrat Home Affairs team. Dr Evan Harris MP asked an Urgent Question of the Home Secretary on 9 July 2009. The Liberal Democrat Shadow Home Secretary, Chris Huhne MP, expressed his support for an investigation into phone hacking at NGN's newspapers, and wrote an opinion piece for <i>The Guardian</i> on Tuesday 14 July 2009 which called for the re-opening of the MPS investigation that had been closed after the convictions of Glenn Mulcaire and</u></p>	<p>This paragraph refers to various articles published in <i>The Guardian</i>:</p> <ul style="list-style-type: none"> • "<i>Trail of hacking and deceit under nose of Tory PR chief</i>" published on 08.07.09; • "<i>Press and privacy: Secret spies</i>" published on 09.07.09; and • "<i>Fresh questions for the News of the World</i>" published on 14.07.09 (written by settled claimant Chris Huhne). <p>In support of this paragraph, paragraph 188 of Galbraith 39 refers to:</p> <ul style="list-style-type: none"> • The CSPoCs of Evan Harris (dated 11.12.20) (Exhibit CG39/430-446) and Chris Huhne (dated 19.04.22) (Exhibit CG39/451-483); • Claimant specific disclosure in the claims of Evan Harris and Chris Huhne in 2020-2023; • 4 ZC SAP entries disclosed in the MTVIL on 31.07.20 (Exhibit CG39/450); and • An extract from the Blue Book allegedly relating to Evan Harris disclosed in the MTVIL on 27.01.17. 	<p>SUBSEQUENT DISCLOSURE</p>	<p>Irrelevant: No/Few Extant Claims</p> <p>Irrelevant: No relevance to Cs stated purposes</p> <p>Proportionality and Costs: Satellite Litigation</p> <p>Unnecessary: Public Inquiry</p> <p>Proportionality and Costs: Disproportionate</p> <p>Imperil trial/very late amendment</p> <p>Ready for Jan 2024 Trial</p>	<p>s/a</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>Clive Goodman in 2007. The Claimants contend that NGN decided to target Dr Harris and Mr Huhne, both of whom have brought and settled claims in the MTVIL.</u>				
13.26	<u>In support of the above contention, the Claimants will rely upon:</u> <u>(a) the pattern of call data to the mobile phones of:</u>	In support of this paragraph, paragraphs 188 of Galbraith 39 refer to the documents listed at paragraph 13.25 above.	SUBSEQUENT DISCLOSURE	As above Poor/inappropriate pleading: Evidence	s/a
13.26	<u>i. Dr Harris who received 351 hub calls between August 2005 and December 2010, and only 5 calls from journalist's mobile phones, and</u>	This paragraph refers to call data disclosure disclosed in Evan Harris's claim on 21.10.20 . In support of this paragraph, paragraphs 188 of Galbraith 39 refer to the documents listed at paragraph 13.25 above.	SUBSEQUENT DISCLOSURE	As above Poor/inappropriate pleading: Evidence	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.26	<u>ii. Mr Huhne who received 218 hub calls between February 2006 and December 2011, and only 5 calls from journalist's mobile phones.</u>	This paragraph refers to call data disclosure disclosed in Evan Harris's claim on 21.10.20 . In support of this paragraph, paragraphs 188 of Galbraith 39 refer to the documents listed at paragraph 13.25 above.	SUBSEQUENT DISCLOSURE	As above Poor/inappropriate pleading: Evidence	s/a
13.26	<u>(b) An email sent in response to a story in The Guardian stating that Mr Huhne was tabling a series of parliamentary questions on the phone-hacking affair and demanding a judicial inquiry, sent on 24 February 2010 from Fred Michel (News Corps Director of Public Affairs) to Colin Myler (the News of the World Editor) stating "Very damaging for Andy. We need to get Chris Huhne", and to which Mr Myler responded (on the same day) "Totally"</u>	This paragraph refers to an email which was disclosed in the claim of Chris Huhne on 23.06.23 . In support of this paragraph, paragraph 188 of Galbraith 39 refers to the documents listed at paragraph 13.25 above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	As above Poor/inappropriate pleading: Evidence	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.26	<p><u>(c) the resultant renewal of an investigation that had previously taken place into Mr Huhne's private life by the News Desk of the <i>News of the World</i> in May 2009, but which was considered not worthy of publication. After Mr Huhne had called for police action on <i>The Guardian's</i> allegations, and after he had entered the Cabinet in the Coalition Government (with the ability to influence Government policy on the matter), NGN launched a new investigation using multiple private investigators, targeting him and Carina Trimingham (who was tailed for days by a private investigator working for Neville Thurlbeck).</u></p>	<p>In support of this paragraph, paragraph 188 of Galbraith 39 refers to the documents listed at paragraph 13.25 above.</p>	<p>SUBSEQUENT DISCLOSURE</p>	<p>As above Poor/inappropriate pleading: Evidence</p>	<p>s/a</p>
13.27	<p><u>The Claimants infer that these activities were a fishing expedition designed to find damaging private details about these MPs which could be used to discredit them or to</u></p>	<p>In support of this paragraph, paragraph 188 of Galbraith 39 refers to the documents listed at paragraph 13.25 above.</p>	<p>SUBSEQUENT DISCLOSURE</p>	<p>As above Poor/inappropriate pleading: Evidence</p>	<p>s/a</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>blackmail them, and/or in the case of Mr Huhne, an attempt to destroy his political career.</u></p>				
13.28	<p><u><i>The targeting of Vince Cable MP and Norman Lamb MP:</i></u></p> <p><u>In June 2010, News Corps launched its bid to buy the remaining shares in BSkyB and Vince Cable MP was the cabinet minister responsible for handling the regulatory consequences. Norman Lamb MP was the chief of staff to Deputy Prime Minister Nick Clegg, and was considered by News Corp to be a key figure in the "politics" of the bid, along with Mr Clegg himself. All three parliamentarians were considered by the Murdoch family as, News Corp directors, as being hostile to the bid.</u></p>	<p>In support of this paragraph, paragraph 189 of Galbraith 39 refers to:</p> <ul style="list-style-type: none"> • The CSPoCs of Sir Vince Cable dated 03.03.23 (Exhibit CG39/104-133) and Sir Norman Lamb and 16.03.22 (Exhibit CG39/503-533); and • Call data in relation to Sir Vince Cable and Sir Norman Lamb disclosed in the claim of Dr Evan Harris on 11.06.21. 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Irrelevant: No/Few Extant Claims</p> <p>Irrelevant: No relevance to Cs stated purposes</p> <p>Proportionality and Costs: Satellite Litigation Unnecessary: Public Inquiry</p> <p>Proportionality and Costs: Disproportionate</p> <p>Imperil trial/very late amendment Ready for Jan 2024 Trial</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.29	<p><u>The Claimants contend that News Corp used VMI (and UIG) to obtain information about private and sensitive discussions that may have been being held between Mr Cable and his advisers, and Mr Clegg and his advisers, and will rely in support of this contention on:</u></p> <p><u>(a) the call data showing hundreds of calls from the NGN hub to Mr Cable and Mr Lamb's mobile phones (for none of which Mr Cable or Mr Lamb can identify an innocent explanation), and specifically;</u></p>	<p>In support of this paragraph, paragraphs 189 of Galbraith 39 refers to the documents listed at paragraph 13.28 above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p> <p>Poor/inappropriate pleading: Evidence</p>	s/a
13.29	<p><u>(i) the 14 calls to Mr Cable's mobile phone in June 2010, 9 before 15 June when News Corp's intention to buy the shares was announced, and 5 afterwards; 7 calls in July 2010; 4 in September 2010;</u></p>	<p>This paragraph refers to the call data listed at paragraph 13.28 above.</p> <p>In support of this paragraph, paragraphs 189 of Galbraith 39 refer to the documents listed at paragraph 13.28 above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p> <p>Poor/inappropriate pleading: Evidence</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.29	<u>(ii) a call of 46 seconds duration, at 2:47pm on 4 November 2010, the day after News Corp formally asked the European Union to approve its proposed takeover and the same day that the Claimant issued an intervention notice under section 67 of the Enterprise Act 2002, referring the takeover bid to Ofcom to consider issues of media plurality. There was a further call on 22 November 2010.</u>	<p>This paragraph refers to the call data listed at paragraph 13.28 above.</p> <p>In support of this paragraph, paragraphs 189 of Galbraith 39 refer to the documents listed at paragraph 13.28 above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p> <p>Poor/inappropriate pleading: Evidence</p>	s/a
13.29	<u>(iii) the four hub calls to the Mr Cable's mobile in December 2010 (three on 10 December, and one on 23 December). Mr Cable was secretly recorded in his constituency surgery by the Daily Telegraph on around 10 December 2010, and the BBC broke the story leaked to them by Will Lewis and Jim Robinson on 21 December 2010 (as referred to at paragraphs 6(d) and 37 above).</u>	<p>This paragraph refers to the call data listed at paragraph 13.28 above.</p> <p>In support of this paragraph, paragraphs 189 of Galbraith 39 refer to the documents listed at paragraph 13.28 above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p> <p>Poor/inappropriate pleading: Evidence</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
13.29	<u>(iv) the 5 calls to the Mr Lamb's mobile in June 2010, around the time he first met with Fred Michel, who told him of News Corp's intention to buy the shares;</u>	This paragraph refers to the call data listed at paragraph 13.28 above. In support of this paragraph, paragraphs 189 of Galbraith 39 refer to the documents listed at paragraph 13.28 above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	As above Poor/inappropriate pleading: Evidence	s/a
13.29	<u>(v) the five calls to Mr Lamb's mobile in October 2010 around the time that he held a second meeting with Fred Michel, whereby threats were made by Mr Michel regarding the potential impact on coverage of the Liberal Democrats by News International should an adverse decision be made in respect of the News Corp/BSkyB bid;</u>	This paragraph refers to the call data listed at paragraph 13.28 above. In support of this paragraph, paragraphs 189 of Galbraith 39 refer to the documents listed at paragraph 13.28 above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	As above Poor/inappropriate pleading: Evidence	s/a
13.30	<u>Furthermore, in Autumn 2010 the Daily Telegraph, which Mr Lewis had edited until July 2010, covertly recorded Liberal Democrat Ministers in their local constituency surgeries and ran a series of stories about unflattering they had said in these private conversations about their Coalition partners. The Telegraph, which was opposed to Mr</u>	In support of this paragraph, paragraphs 189 of Galbraith 39 refer to the documents listed at paragraph 13.28 above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION Will Lewis is NGN Witness	Irrelevant: No/Few Extant Claims Irrelevant: No relevance to Cs stated purposes Proportionality and Costs: Satellite Litigation Unnecessary: Public Inquiry	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>Murdoch's bid to acquire the BSkyB shares, had recordings of Mr Cable's private conversations, but had not published them.</u>			Proportionality and Costs: Disproportionate Imperil trial/very late amendment Ready for Jan 2024 Trial Delay	
13.31	<u>The Claimants contend that, after leaving the Telegraph for News International, Mr Lewis obtained the recordings by improper payments or inducements to Jim Robinson, an employee of the Daily Telegraph IT department, and leaked Mr Cable's private comments about Rupert Murdoch ("I am at war with the Murdochs") through his life-long friend, Robert Peston at the BBC, who published them. This had, from Mr Murdoch's perspective, the desired and expected outcome of the regulatory handling of the BSkyB bid being removed from Mr Cable by the Prime Minister and the Deputy Prime Minister, and given to the Culture Secretary, the Rt Hon</u>	This paragraph appears to refer to an article titled, " <i>What Vince Cable said about Rupert Murdoch and BSkyB</i> " which was published by the BBC on 21.12.10 (see pages 2-3 of Exhibit CF4). In support of this paragraph, paragraph 189 of Galbraith 39 refers to the documents listed at paragraph 13.28 above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION Will Lewis is NGN Witness	As above	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>Jeremy Hunt PM, who was seen by the Murdoch family as News Corp directors to be much more sympathetic to News Corp's bid.</u>				
13.32	<u>Mr Robinson was promoted to join Mr Cheesbrough's technology team at NI which the Claimants infer was as a reward for obtaining the recording from the Telegraph's IT system.</u>	In support of this paragraph, paragraph 189 of Galbraith 39 refers to the documents listed at paragraph 13.28 above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	As above	s/a
15.6A	<u>14. From at least 2008 December 2006 onwards, NGN was under (and was well aware that it was under) a legal obligation to preserve all documents or evidence relevant to allegations of voicemail interception or related unlawful information gathering activities because of civil claims or proceedings arising out of the wrongdoing of Glenn</u>	This paragraph references an article titled " <i>Tabloid Hack Attack on Royals, and Beyond</i> " published in the <i>New York Times</i> on 01.09.10 {Z/1548} {P/5}.	Drafting amendment	Poor/inappropriate pleading: Evidence	Permission granted

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p>Mulcaire and/or NGN journalists.</p> <p>15 The Claimants will refer by way of example to the following:</p> <p>....</p> <p>the New York Times article in September 2010.</p>				
15A	<p>On 11 February 2011, nearly three weeks after the commencement of Operation Weeting and two days after a meeting with the MPS on 9 February 2011 to discuss the scope of electronic data available for searching as part of Operation Weeting (paragraphs 15.12 above and 17.6 below is repeated), NGN deleted emails from the 2003 Exchange Server in Wapping from the mailboxes of those users who had been moved to the 2010 Exchange system. Those users were mainly senior executives and IT staff and included all of those involved in the process of email deletion and hardware destruction such as Rebekah Brooks, Will Lewis, Jon Chapman, Paul Cheesbrough, Xen Lategan, Gareth Wright,</p>	<p>In support of this paragraph, paragraphs 190-196 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> • A briefing note sent by Wayne Harknett to Mark Ponting which was disclosed in the MTVIL on 28.07.17 {Z/1782} {O/83}; • A letter from Burton Copeland to MPS which was disclosed in the MTVIL by 13.01.17 {R/3}; • An email from Service Desk to Kranti Bhushan Niranjhan and others which was disclosed in the MTVIL on 17.07.17 {Z/1788} {J/2.386}; • Witness Statement of Jassal Vivek (S898A) which was disclosed in the MTVIL on 28.07.17 {Z/2335/59-61} {O/68}; • Agreed Facts – Criminal Proceedings which was disclosed in the MTVIL on 28.07.17 {Z/2619/40} {O/226}; and • An email from Paul Cheesbrough to Byron Lloyd- Jones which was disclosed in the MTVIL on 12.08.20 {Z/1805.1} {J/2.3158}. 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION (inc NGN witnesses)</p>	<p>Unnecessary: Otiose/Public Inquiry Poor/inappropriate pleading: Poor Drafting</p>	<p>Permission granted. This paragraph is further particulars of an allegation of destruction of emails that is already pleaded, and in relation to which NGN has already served generic witness statements.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	Hank Hassan and Nigel Wilson.				
15B	The Claimants infer this was to prevent the MPS finding any potentially damaging emails on that server in the course of their investigation, and contend this part of the wider deletion plan devised by Mr Lewis, Mr Cheesbrough and Ms Brooks in January 2011, and for which "cover" was given by the fake email security threat invented on 24 January 2011.	<p>This paragraph appears to refer to an email between Mr Lewis, Mr Cheesbrough and Ms Brooks which was disclosed in the MTVIL on 12.08.20 {Z/1744.6} {J/2.3087}.</p> <p>In support of this paragraph, paragraphs 190-196 of Galbraith 39 refer to the documents listed at paragraph 15A above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION (inc NGN witnesses)</p>	<p>Unnecessary: Otiose/Public Inquiry Poor/inappropriate pleading: Poor Drafting</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
16	<p>Despite its full knowledge of these civil claims, the MPS investigation into Operation Weeting, and the clear obligation to preserve documents, NGN deliberately chose through its Senior Employees to destroy or permit the destruction of and/or hid and suppressed substantial amounts of highly material evidence (<u>see, in relation to hiding and suppressing of evidence, in particular paragraphs 5.6, 5.6.5, 5.7, 9.7, 13.16 and 37</u>). This was done with the <u>deliberate intention of concealing facts relevant to Claimants' and potential Claimants' rights of action and in circumstances in which it was unlikely to be discovered and preventing Claimants from having sufficient confidence to justify embarking on the preliminaries to bring a claim, at least for some time. As set out in paragraph 37, through the process of such litigation and as a result of obtaining disclose orders the Claimants have managed to uncover facts that are relevant to their rights of action. These include (but are not limited to) the existence of call data and the extensive use of PIs Private Investigators and bladders both at the <u>News of the World</u></u></p>	<p>In support of this paragraph, paragraph 197 of Galbraith 39 relies on "<i>developments in case law as to the legal test applied when bringing a claim outside of the usual limitation period</i>".</p> <p>-</p>	<p>As set out in Galbraith 39</p>	<p>Poor/inappropriate pleading: Elsewhere Irrelevant: No relevance to Cs' stated purposes (not generic issue)</p> <p>No objection</p>	<p>Permission granted. Pleading connection between the concealment and its impact on the claimants and alleged intention of NGN in the alleged destruction..</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	and at <u><i>The Sun</i></u> .				

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
17A.1	<u>The Claimants contend that: (a) the Wapping hard drive (paragraph 17.1A.2 below is repeated), having been removed, was sequestered and/or destroyed by NGN in order to prevent the material, believed to be incriminating, becoming available to the MPS; and</u>	In support of this paragraph, paragraphs 198-199 of Galbraith 39 refer to: <ul style="list-style-type: none"> • 20th Witness Statement of Callum Galbraith dated 11.02.21 {F/359}; • 1st Witness Statement of Darren Elmes dated 02.03.21 {D/102}; • Witness Statement of Paul Cheesbrough (S344A) available to the Claimants from at least 28.07.17 {Z/2173} {O/76}; • Witness Statement of Gareth Wright (S239) available to the Claimants from at least 16.11.16 {G/395}; • Witness Statement of Nigel Wilson (S238) available to the Claimants from at least 16.11.16 {G/397}; • Witness Statement of Ilhan Hassan (S225) available to the Claimants from at least 27.09.18 {G/385}; • Emails between Gareth Wright, Paul Cheesbrough and others (Exhibit CG39/554-570) which was disclosed in the MTVIL by 07.06.21 {F/374/7}; • Witness Statement of Paul Ovall available to the Claimants from at least 28.07.17 {Z/2600/20} {O/207}; and • Witness Statement of DI Barney Ratcliffe available to the Claimants from at least 17.09.18 {D/89}. 	SUBSEQUENT DISCLOSURE NEW WITNESS (Mr Elmes) THIRD PARTY PARTICULARISATION (inc NGN witnesses)	Poor/inappropriate pleading: Poor Drafting Unnecessary: Otiose/Public Inquiry/Enough Examples Delay Proportionality and Costs: Satellite Litigation/Wasted Costs	Permission refused. The destruction of the hard drive and thereby concealment of the involvement of Ms Brooks is already pleaded and the parties have prepared previously to deal with it. This additional section is concerned with the alleged attempts of NGN to stymie the MPS investigation and is not therefore related to any public denials or misleading accounts given in public. Whether NGN was honest in its dealings with the MPS is a collateral issue that would take substantial time and resources to investigate but does not relate sufficiently to the real issues in this trial.
17.1A.1	<u>(b) Mr Cheesbrough, Gareth Wright, Nigel Wilson, Jim Robinson and Hank Hassan all gave the MPS false accounts in order to conceal what had actually taken place, and instead place the blame</u>	In support of this paragraph, paragraphs 198-199 of Galbraith 39 refer to the documents listed at paragraph 17A.1 above.	SUBSEQUENT DISCLOSURE NEW WITNESS (Mr Elmes) THIRD PARTY PARTICULARISATION (inc NGN witnesses)	As above	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>on an innocent man, Darren Elmes.</u>				
17.1A .1	<u>(c) Will Lewis and Mr Cheesbrough sought to hide of evidence of what had taken place by refusing the MPS request to extract the emails of Mr Wilson, Mr Robinson and Mr Hanks so that they could be searched.</u>	In support of this paragraph, paragraphs 198-199 of Galbraith 39 refer to the documents listed at paragraph 17A.1 above.	SUBSEQUENT DISCLOSURE NEW WITNESS (Mr Elmes) THIRD PARTY PARTICULARISATION (inc NGN witnesses)	As above	s/a
17.1A .2	<u>In relation to this contention, the Claimants rely upon the following:</u> <u>(a) On 28 January 2011, Ms Brooks' Wapping computer, which was still in situ in her old office, was – along with seven other executives' old computers – taken and placed in a secure storage room by Darren Elmes (an IT contractor working for NI) on the instruction of Gareth Wright (NI Head of Enterprise Operations) which was in turn on the instruction of Mr Cheesbrough.</u>	In support of this paragraph, paragraphs 198-199 of Galbraith 39 refer to the documents listed at paragraph 17A.1 above.	SUBSEQUENT DISCLOSURE NEW WITNESS (Mr Elmes) THIRD PARTY PARTICULARISATION (inc NGN witnesses)	Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
17.1A .2	<u>(f) In May 2011, Mr Elmes carried out an audit of the assets in the storage room and discovered that the hard drive was missing from Ms Brooks' computer chassis, which he reported to Mr Wright who in turn passed this information without comment to Mr Cheesbrough. Mr Elmes had no further involvement with the hard drive or chassis, and at no point took a hard drive to Mr Cheesbrough's office or elsewhere.</u>	In support of this paragraph, paragraphs 198-199 of Galbraith 39 refer to the documents listed at paragraph 17A.1 above.	SUBSEQUENT DISCLOSURE NEW WITNESS (Mr Elmes) THIRD PARTY PARTICULARISATION (inc NGN witnesses)	Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere	s/a
17.1A .2	<u>(c) In July 2011, Mr Cheesbrough provided the MPS with a hard drive that he said was from Ms Brooks' Wapping computer. However, the hard drive that was given to the police was "bitlocker encrypted", a form of encryption which was a default characteristic of computers at Thomas More Square but not Wapping, and, therefore, this hard drive was not from Ms Brooks' Wapping</u>	In support of this paragraph, paragraphs 198-199 of Galbraith 39 refer to the documents listed at paragraph 17A.1 above.	SUBSEQUENT DISCLOSURE NEW WITNESS (Mr Elmes) THIRD PARTY PARTICULARISATION (inc NGN witnesses)	Poor/inappropriate/Poor Pleading: Evidence Poor/inappropriate pleading: Elsewhere	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>computer.</u>				
17.1A .2	<p><u>(g) When the MPS raised this with NI, Mr Cheesbrough created a false timeline of events which implicated Mr Elmes in removing and "switching" the hard drive prior to it being given to Mr Cheesbrough. In this he was assisted by Mr Wright, Nigel Wilson (the Head of Executive IT Support) and Jim Robinson. Mr Robinson had been recruited from the Telegraph by Will Lewis, following the leak of Vince Cable's "I am at war with the Murdochs" conversation from the Telegraph to Robert Peston at the BBC (see paragraph 13.31 above), and had taken over from Hank Hassan as Head of Desktop Services, and as Mr Elmes' manager. Mr Cheesbrough and Mr Robinson directed the MPS towards Mr Elmes as a suspect by suggesting he was a disgruntled employee who had motive to steal</u></p>	<p>In support of this paragraph, paragraphs 198-199 of Galbraith 39 refer to the documents listed at paragraph 17A.1 above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>NEW WITNESS (Mr Elmes)</p> <p>THIRD PARTY PARTICULARISATION (inc NGN witnesses)</p>	<p>Poor/inappropriate pleading: Evidence</p> <p>Poor/inappropriate pleading: Elsewhere</p> <p>Unnecessary: Otiose/Public Inquiry</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>the hard drive. As a result, Mr Elmes' residence was raided by the MPS.</u></p>				
17.1A .2	<p><u>(h) According to Mr Cheesbrough's subsequent account, and that of Mr Wright, he had asked Mr Wright (on the phone on the evening of 27 January 2011, but not in the relevant contemporaneous email giving instructions) to remove Ms Brooks' hard drive and deliver it to his office. Mr Wright's account includes that he arranged for this to be done via Hank Hassan, on that evening and that Mr Elmes had</u></p>	<p>In support of this paragraph, paragraphs 198-199 of Galbraith 39 refer to the documents listed at paragraph 17A.1 above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>NEW WITNESS (Mr Elmes)</p> <p>THIRD PARTY PARTICULARISATION (inc NGN witnesses)</p>	<p>Poor/inappropriate pleading: Evidence</p> <p>Poor/inappropriate pleading: Elsewhere</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>passed it to Nigel Wilson to give to Mr Cheesbrough.</u></p>				
17.1A .2	<p><u>(i) The account of Mr Hassan, who was Mr Elmes' manager, was that he (Hassan) had removed the hard drive in Ms Brooks' office and given it to Mr Elmes to give to Mr Cheesbrough but that this event took place in 2010, not late January 2011. The account of Mr Wilson is that he spoke to Mr Hassan and Mr Elmes on an occasion when Mr Hassan told Mr Elmes to remove the hard drive and give it to Mr Wilson, and that this was duly done. However, he stated that he thought it took place in April 2011.</u></p>	<p>In support of this paragraph, paragraphs 198-199 of Galbraith 39 refer to the documents listed at paragraph 17A.1 above.</p>		<p>Poor/inappropriate pleading: Evidence</p> <p>Poor/inappropriate pleading: Elsewhere</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
17.4	Further, in light of the New York Times article (published on 1 September 2010) and having received the Sienna Miller letter of claim dated 6 September 2010. Ms Brooks and/or other Senior NGN Employees (the identities of which will be provided following disclosure) stepped up attempts to push through the Email Deletion Policy, notwithstanding the fact that the company's move to Thomas Moore Square, which was the ostensible excuse for the email deletion, was not yet ready to take place.	<p>This paragraph refers to an article titled "<i>Tabloid Hack Attack on Royals, and Beyond</i>" published in the <i>New York Times</i> on 01.09.10.</p> <p>In support of this paragraph, paragraphs 198-199 of Galbraith 39 refer to the documents listed at paragraph 17A.1 above.</p>	<p>Drafting amendment</p> <p>This is dealt with in §§170-174 of Galbraith 39, not §§198-9</p>	<p>Unnecessary: Otiose Poor/inappropriate pleading: Elsewhere</p>	<p>Permission granted</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
17.7 (ff)	<p>The emails referred to in paragraph (f) above that were not deleted were transferred onto a laptop ("the extraction laptop") and given to Paul Cheesborough. These emails were subject to further deletion, by Paul Cheesborough, Xen Lategan and others, the exact details of which are currently unknown to the Claimants, but which purportedly involved using so-called 'criteria' set out in the emails of Jon Chapman in October 2010 and Will Lewis in January 2011. This was carried out between 14 January 2011 and 7 February 2011 when the iOmega hard-drive (onto which the surviving data from the extraction laptop was transferred) was handed over to Stroz Friedberg. In July 2011, this hard drive was found, together with another laptop, during an MPS search in a floor safe hidden under a vanity unit in the annexe to Rebekah Brooks' office.</p>	<p>This paragraph appears to refer to emails which were disclosed in the MTVIL on 22.12.17 {Z/1610} {J/2.659} and by August 2017 {Z/1668} {N/816}.</p> <p>In support of this paragraph, paragraphs 200-203 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> • Paul Cheesbrough's 1st MPS statement (S344) which was disclosed in the MTVIL on 28.07.17 {O/26}; • Email from Paul Cheesbrough to Beverley Hossac, Xen Lategan and Chris Birch which was disclosed in the MTVIL on 26.04.19 {Z/1664.7} {J/2.2009}; • Email from John Morris to Xen Lategan and Chris Birch which was disclosed in the MTVIL on 03.08.17 {Z/1687} {J/2.454}; • Email from Paul Cheesbrough to Xen Lategan which was disclosed in the MTVIL on 15.01.21 {Z/1779.03} {J/2.3312}; • Letter from Clifford Chance to Hamlins (second letter) dated 16.06.21 {T/1479}; and • Email from James Murdoch to Colin Myler which was disclosed in the MTVIL on 31.05.17 {Z/1312.1/3} {J/2.182}. 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION (inc NGN witnesses)</p>	<p>Unnecessary: Otiose/Public Inquiry/Enough Examples</p> <p>No Objection</p> <p>Poor/inappropriate pleading: Poor Drafting Delay</p>	<p>Permission granted. Further particulars of allegation already pleaded. Additional person named in the allegations on basis of 2021 disclosure.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
17.7 (ga)	<p><u>The Claimants infer that the emails deleted from these accounts would have included emails dated after 2007, and that these otherwise would have survived the later batch deletions covering all emails from the years 2005-6 (on 26 January 2011), and 2007 (on 8 February 2011). The Claimants contend that NI/NGN were able therefore to delete further incriminating emails from 2008 onwards, as part of the plan devised by Will Lewis, Rebekah Brooks and Paul Cheesbrough.</u></p>	<p>In support of this paragraph, paragraphs 200-203 of Galbraith 39 refer to the documents listed at paragraph 17.7(ff) above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION (inc NGN witnesses)</p>	<p>Unnecessary: Otiose/Public Inquiry Poor/inappropriate pleading: Poor Drafting</p>	<p>Permission granted. Further particulars of same allegation of destruction of emails.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
17.7 (kA)	<p><u>The Claimants further contend that Will Lewis, Paul Cheesbrough and Rebekah Brooks (and it is inferred with the knowledge and approval of James and Rupert Murdoch as is set out in paragraph 19 below) fabricated an elaborate email data "security threat" around the activities of the former Prime Minister, Gordon Brown MP, and Tom Watson MP, that was then used a basis for widespread deletions of emails and hardware in particular the removal of most other staff with "admin" clearance to the email system, deletion of the back-up tapes, sequester the emails downloaded by Nigel Wilson from Ms Brooks' Thomas More Square computer, secure, the sequestration and later destruction of the hard drive from Ms Brooks' old Wapping computer, delete all the emails on the 2003 Exchange Server, and proceed with the batch deletions on 29 January 2011 and 7 February 2011. The Claimants rely on the</u></p>	<p>In support of this paragraph, paragraphs 204-207 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> An email from Paul Cheesbrough to Rebekah Brooks and Will Lewis which was disclosed in the MTVIL on 12.08.20 {Z/1744.6} {J/2.3087}; The Agreed Facts – Criminal Proceedings available to the Claimants from at least 28.07.17 {Z/2619/40} {O/226}; The minutes of meeting between officers from the MPS, Paul Cheesbrough and Will Lewis which was disclosed in the MTVIL on 17.07.17 {Z/1941} {J/2.428}; The 2nd Witness Statement of Tom Watson dated 27.09.21 {D/120}; Exhibit "TW2" to the 2nd Witness Statement of Tom Watson Claimants dated 27.09.21 {D/121}; Email from Paul Cheesbrough to Martin Baldock and Will Lewis which was disclosed in the MTVIL on 30.06.17 {Z/1784} {J/2.333}; Email from Martin Baldock to Paul Cheesbrough and others which was disclosed in the MTVIL on 30.06.17 {Z/1785} {J/2.383}; Attachment to Email from Martin Baldock to Paul Cheesbrough and others which was disclosed in the MTVIL on 17.07.17 {Z/1786} {J/2.384}; Email from Simon Greenberg to Paul Cheesbrough which was disclosed in the MTVIL on 22.12.17 {Z/1792} {J/2.634}; Email from Jon Chapman to Will Lewis which was disclosed in the MTVIL on 22.12.17 {Z/1794} {J/2.639}; and Email from Byron Lloyd-Jones to Paul Cheesbrough and Martin Baldock which was disclosed in the MTVIL on 29.05.20 {Z/1809.2} {J/2.3033}. 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION (inc NGN witnesses)</p>	<p>Limitation Unnecessary: Otiose/Public Inquiry Proportionality and Costs: Satellite Litigation/Wasted Costs Delay</p> <p>Irrelevant: No/Few Extant Claims</p>	<p>Permission refused. This is just a narrative summary of the matters already pleaded in the following paragraph, but adding into it some high profile names. The new paragraph is unnecessary for C to pursue the allegations in para 17.7(l).</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	following facts and matters:				

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
17.7	<p>(l) <u>On 24 January 2011 Paul Cheesbrough sent an email to Rebekah Brooks, copying in Will Lewis, with an alleged 'security threat'. NGN also alleges a further security threat which is said to have been reported orally. These are relied upon by NGN as justification for (inter alia) wiping the back-up tapes and the creation of the 'extraction laptop'. The Claimants' case is that neither security threat was genuine and these were devised as part of the 'cover-up'. By way of illustration when Paul Cheesbrough instructed Martin Baldock of Stoz Friedberg to investigate the alleged security threat by email of 11 February 2011, Mr Cheesbrough forwarded the email to Simon Greenberg, receiving the reply 10 minutes later "let the game begin". The Claimants rely on the full contents and context of the email dated 24 January 2011.</u></p>	<p>This paragraph refers to an email which was previously referenced in the RAGPCD served on 16.06.20.</p> <p>In support of this paragraph, paragraphs 204-207 of Galbraith 39 refer to the documents listed at paragraph 17.7(kA) above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION (inc NGN witnesses)</p>	<p>Unnecessary: Otiose/Public Inquiry Poor/inappropriate pleading: Elsewhere</p>	<p>Permission refused. Unnecessary: email already pleaded.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
17.7	<u>(m) It is not credible that any of Ms Brooks' emails from the late 1990s (which the email stated were being sought by the alleged threatener) would have been accessible because Ms Brooks was not on the archive system;</u>	This paragraph refers to an email which was previously referenced in the RAGPCD served on 16.06.20 . In support of this paragraph, paragraphs 204-207 of Galbraith 39 refer to the documents listed at paragraph 17.7(kA) above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION (inc NGN witnesses)	Unnecessary: Otiose/Public Inquiry Poor/inappropriate pleading: Elsewhere Irrelevant: No/Few Extant Claims	Permission granted. New allegation that Ms Brooks was not on the archive system needs to be pleaded if to be pursued. No prejudice to NGN in answering this allegation.
17.7	<u>(n) It was only on 11 February 2011, nearly 3 weeks after the alleged security threat, NGN requested a forensic examination by Stroz Friedberg in order to justify the security threat which was itself undertaken without involving the Information Security Officer Chris Williams. The investigation was limited, did not appear to conclude with any report and the alleged security threat was not proven; and</u>	In support of this paragraph, paragraphs 204-207 of Galbraith 39 refer to the documents listed at paragraph 17.7(kA) above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION (inc NGN witnesses)	Irrelevant: No relevance to Cs' stated purposes Unnecessary: Otiose/Public Inquiry Poor/inappropriate pleading: Elsewhere Irrelevant: No/Few Extant Claims	Permission granted. New facts relating to same issue as is already pleaded.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
17.7	<p><u>(o) Neither Mr Lewis, Mr Greenberg, Mr Chapman nor Mr Cheesbrough informed the MPS that any emails had been deleted or that there was a security threat until Mr Cheesbrough was confronted by the MPS in a meeting on 8 July 2011, after the MPS had already discovered that there had been deletions carried out by NGN.</u></p>	<p>In support of this paragraph, paragraphs 204-207 of Galbraith 39 refer to the documents listed at paragraph 17.7(kA) above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION (inc NGN witnesses)</p>	<p>Unnecessary: Otiose/Public Inquiry Poor/inappropriate pleading: Elsewhere</p>	<p>Permission refused: collateral issue about what senior executives of NGN told the MPS.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
18A	<p><u><i>The role of the MSC in Concealment and Destruction and the knowledge of Rupert Murdoch</i></u></p> <p><u>In or before June 2011, the Management and Standards Committee ("MSC") was established, with all three of its members being News Corp and NI executives, namely: News Corp's General Counsel for Europe and Asia (Jeff Palker), and NI Executives Will Lewis (NI General Manager) and Simon Greenberg (Director of Corporate Affairs). Mr Palker was later replaced in February 2012 by Gerson Zweifach, News Corp's Chief General Counsel). These appointments were made by Rupert Murdoch, in his role as Executive Chairman of News Corporation. Formal Terms of Reference (ToR) were published on 21 July 2011 which included having oversight of, and taking responsibility for, all matters in relation to the News of the World phone hacking case, police payments investigation and</u></p>	<p>In support of this section, paragraph 209 of Galbraith 39 refers to:</p> <ul style="list-style-type: none"> The terms of reference (Exhibit CG39/571-572) which was available to the Claimants from at least 31.10.13 (see pages 17-18 of Exhibit CG39); A Channel 4 interview with Mr Greenberg on 05.07.11 (Exhibit CG39/736-738); A message from James Murdoch in a news bulletin dated 15.07.11; An email from Cheryl Carter to Rebekah Brooks dated 20.06.11 at 16:19 which was disclosed in the MTVIL by August 2017 {Z/1873/25} {N/849}; The MSC Statement (Attachment to tab J/2.3239) which was available to the Claimants from at least 12.08.20 {Z/2053.5} {J/2.3240}; and The 25th Witness Statement of Callum Galbraith which was prepared by the Claimants and served on 07.07.21 {F/376}. 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION (inc NGN witness, Mr Lewis)</p>	<p>Unnecessary: Otiose/Public Inquiry Poor/inappropriate pleading: Elsewhere Proportionality and Costs: Satellite Litigation</p>	<p>For the reasons explained in the judgment, permission is refused for paras 18A-18K inclusive, which amount to a new case in relation to the conduct of the MSC and the knowledge of Mr Rupert Murdoch (but without prejudice to any of the individual facts and allegations if they are pleaded elsewhere in the GENPOC). The fact that certain claimants have inappropriately pleaded such allegations at considerable length in their Reply, as part of their claimant-specific case about their knowledge and what they could with reasonable diligence have discovered for the purpose of s.32 Limitation Act, does not mean that these allegations should be accepted as generic issues for trial in January 2025.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>all other connected issues at NI including the police enquiries, civil proceedings, Parliamentary proceedings, the Leveson Inquiry and the PCC.</u></p>				
18B	<p><u>Prior to her resignation on 15 July 2011, the MSC was stated by Ms Brooks to be acting under her instructions. This was confirmed by MSC member Simon Greenberg in an interview with Channel Four News on 5 July 2011, in which he stated that Ms Brooks had been heading the investigation by NI since January and would continue to do so. This was re-</u></p>	<p>This paragraph refers to:</p> <ul style="list-style-type: none"> • A Simon Greenberg interview with Channel 4 News on 05.07.11 (Exhibit CG39/736-738); and • A statement from Rupert Murdoch which was published on 06.07.11. <p>In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Poor/inappropriate pleading: Evidence Unnecessary: Otiose/Public Inquiry</p>	<p>s/a</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	iterated on 6 July 2011 by Rupert Murdoch.				
18C	On 15 July 2011, James Murdoch made clear in a news bulletin on the website news.co.uk that the MSC had direct governance and oversight from News Corp's Board members. Rupert Murdoch and the News Corp Board (which included his sons James Murdoch and Lachlan Murdoch) appointed the members of the MSC. Given its critical importance, it is to be inferred that these members of the News Corp Board were aware of the deletion strategy and activity of Mr Lewis and Mr Greenberg.	<p>This paragraph refers to a message from James Murdoch in a news bulletin dated 15.07.11.</p> <p>In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Poor/inappropriate pleading: Evidence</p> <p>Unnecessary: Otiose/Public Inquiry</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
18D	<p><u>Notably, the MSC was given responsibility by Rupert Murdoch and the News Corp Board for ensuring "full co-operation with all relevant investigations" and to "preserve, obtain and disclose appropriate documents". The first company-wide "document hold" was sent by Mr Lewis, Mr Greenberg and Mr Parker, only on 23 July 2011, six months after the start of Operation Weeting. The Claimants will contend that in fact Mr Lewis and Mr Greenberg had already for several months been key parties to the scheme to destroy amongst other things as much of the Company's historic electronic data as possible, and were empowered as executive members of the MSC to complete this task, and to conceal what had taken place. It is inferred that they would not have been carrying out this extensive concealment and destruction strategy without the knowledge and approval of Rupert Murdoch and James</u></p>	<p>This paragraph appears to refer to the "company-wide document hold" referred to in NGN's disclosure email which has been referred to in NGN's Disclosure Certificates from at least as early as 2019. See for example, the Disclosure Certificate in Noel Fielding v NGN dated 17.12.19 at {F/301/85-87}.</p> <p>In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Unnecessary: Otiose/Public Inquiry Poor/inappropriate pleading: Elsewhere Proportionality and Costs: Satellite Litigation</p> <p>See 11.53A (JM) and 13.5.3 (RM)</p>	<p>s/a</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>Murdoch.</u>				
18E	<u>The MSC was promoted to the MPS as a body with which they could share confidential details about their inquiries, which would act honestly and in good faith, which would co- operate in providing the MPS with necessary documents (so that a production order would not be necessary) and which would preserve evidence.</u>	In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	Unnecessary: Otiose Poor/inappropriate pleading: Poor Drafting	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
18F	<p><u>The Claimants contend that the MSC, through its UK-based Executive Members (namely Will Lewis, Simon Greenberg) deliberately failed to fulfil its stated commitment to co-operate with the MPS and participated in the strategy of concealing or destroying evidence. In support of this contention, the Claimants rely on the following facts and matters:</u></p> <p><u>(a) The conduct of Mr Lewis prior to the initial creation of the MSC in relation to the destruction of evidence, from which inferences can be drawn, including:</u></p>	In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION (inc NGN witness, Mr Lewis)</p>	<p>Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs: Satellite Litigation</p> <p>As above Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere Delay</p>	s/a
18F	<p><u>(i) email deletion in September/October 2010 (see paragraph 17.4),</u></p>	In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION (inc NGN witness, Mr Lewis)</p>	As above	s/a
18F	<p><u>(ii) account deletion in mid-January 2011 (see paragraph 11.61J),</u></p>	In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION (inc NGN witness, Mr Lewis)</p>	As above	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
18F	<u>(iii) batch deletions after Operation Weeting had been established: (1) of 2005 emails on 26-28 January 2011 (see paragraph 17.7(b) above and 19) and (2) of 2006-7 emails on 8 February 2011, 2011 (see paragraph 17.7(b) above and 19 below);</u>	In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION (inc NGN witness, Mr Lewis)	As above	s/a
18F	<u>(iv) the false and incomplete evidence given in his witness statement in the MTVIL of 21 December 2011 (as set out at paragraph 19 below) in relation to these matters;</u>	This paragraph refers to the Witness Statement of William Lewis in the MTVIL dated 21.12.11 {F/9}. In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION (inc NGN witness, Mr Lewis)	As above	s/a
18F	<u>(v) the false and incomplete information given in his disclosure statements (as set out at paragraph 19 below);</u>	In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION (inc NGN witness, Mr Lewis)	As above	s/a
18F	<u>(vi) the laying of the false trail on 24 January 2011 in the Gordon Brown email security threat email (and the consequent pointless investigation by Stroz) as set out at paragraph 17.7A et</u>	This paragraph appears to refer an email between Mr Lewis, Mr Cheesbrough and Ms Brooks which was disclosed in the MTVIL on 12.08.20 {Z/1744.6} {J/2.3087}. In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION (inc NGN witnesses)	As above	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>seq above;</u>				
18F	<u>(vii) his involvement in and/or knowledge of the actions, taken by Mr Cheesbrough, and others to sequester the emails of Ms Brooks from her pst files at Thomas More Square (see paragraph 11.61I) and her Wapping hard drive (see paragraph 17.1A.1)</u>	In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION (inc NGN witnesses)	As above	s/a
18F	<u>(viii) the failure to tell the MPS prior to 8 July 2011 that (1) any emails had been deleted in September/October 2010, (2) that those from 2005-7 had been deleted between 26 January and 8 February 2011 (see paragraph 19 below);</u>	In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION (inc NGN witnesses)	As above	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
18F	<u>(ix) the failure to tell the MPS prior to 8 July 2011 that the email accounts of executives had been deleted between 14 January and 7 February 2011 by Mr Cheesbrough, and Xen Lategan (see paragraph 17.7(ff) above and paragraph 19 below), and (4) the back tapes had been scratched (see paragraph 17.7J);</u>	In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION (inc NGN witnesses)	Irrelevant: No relevance to Cs' stated purposes As above	s/a
18F	<u>(x) Mr Lewis's decision to take no action after Bill Akass told him (and others) on 14 January 2011 that Mr Thurlbeck had told him that he wished to communicate to Mr Myler, Mr Lewis or Ms Brooks what he had described as extremely damaging information about phone-hacking under the News of the World Editorship of Ms Brooks (see paragraph 11.59B(a),(b) and (c) above) and</u>	In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION (inc NGN witness, Mr Lewis)	As above	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
18F	<u>(xi) the theft of the recording of Vince Cable MP from the Daily Telegraph by Jim Robinson and himself in order to facilitate the BSkyB bid (see paragraph 13.31 above).</u>	In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION (inc NGN witness, Mr Lewis)	As above Irrelevant: No relevance to Cs' stated purposes	s/a
18F	<u>(b) The conduct of Mr Lewis after his appointment to the MSC in June 2011, including</u>	In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION (inc NGN witness, Mr Lewis)	Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Unnecessary: Enough examples	s/a
18F	<u>(i) his continuing failure to inform the MPS about the extent of the deletions,</u>	In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION (inc NGN witness, Mr Lewis)	As above	s/a
18F	<u>(ii) his knowledge of and/or involvement in the activities to sequester and/or destroy Ms Brooks' Wapping hard drive and to blame Darren Elmes (see paragraph 17.1A.1 above)</u>	In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION (inc NGN witness, Mr Lewis)	As above	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
18F	<u>(iii) his continued false allegations, relating to the alleged offer for sale of Mr Brooks' email data to Gordon Brown MP and Tom Watson MP, and the investigation thereof, in the meeting with the MPS on 8 July 2011 (see paragraph 19 below);</u>	In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION (inc NGN witness, Mr Lewis)	As above	s/a
18F	<u>(iv) the disappearance of 9 filing cabinets and pedestals derived from the office of the senior NGN and NotW executives after the MSC had secured the contents of the office in the Wapping archive (see paragraph 19 below);</u>	In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION (inc NGN witness, Mr Lewis)	As above	s/a
18F	<u>(v) his refusal, along with Mr Cheesbrough, to sanction the extraction and search the emails of Nigel Wilson, Jim Robinson and Hank Hassan as</u>	This paragraph refers to the documents considered in relation to paragraph 17.1A1(c) above, with concerns the activities of Mr Lewis and Mr Cheesbrough. In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION (inc NGN witnesses)	Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere Unnecessary: Enough examples	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>requested by the MPS (see paragraph 17.1A1(c) above); and</u>				
18F	<u>(vi) to the extent that the MSC was responsible for the conduct of News International at the Leveson Inquiry (including preparing witness statements and submitting documents in response to s21 requests), the provision of misleading information to the Leveson Inquiry, and the failure to be candid in correcting false evidence given by NGN employees and former employees about NGN's activities (see paragraph 17.15A 13.15A).</u>	<p>This paragraph refers to paragraph 17.15A of the RRAGPCD which paragraph does not exist.</p> <p>In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION (inc NGN witness, Mr Lewis)</p>	<p>Irrelevant (NI): No relevance to Cs' stated purposes</p> <p>Poor/inappropriate pleading: repetitive (misleading Leveson is already pleaded)</p> <p>Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs: Satellite Litigation Delay Imperil trial/very late amendment</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
18G	<u>The Claimants further contend that Simon Greenberg, also appointed to the MSC from the outset, was party to the above activities and actions, from the point at which he was recruited by, or on the recommendation of, his long-time friend Will Lewis in January 2011, pending further disclosure, and in this regard will rely on matters herein, including paragraph 17.7A(a) above.</u>	In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	Limitation Delay Unnecessary: Otiose/Public Inquiry/Enough examples Proportionality and Costs: Satellite Litigation/Disproportionate	s/a
18H	<u>Mr Greenberg's focus and approach was not on an impartial investigation of any allegations, or responding independently and responsibly to MPS requests for assistance, but rather to ensure that Ms Brooks, was assisted in leading the investigation and thereby avoid scrutiny. In support of this contention, the Claimants will rely on the following:</u> <u>i. when he was a member of the MSC on 5 July 2011, Mr Greenberg made clear publicly, in a Channel Four News interview, that the investigation which was taking place, and</u>	This paragraph refers to an interview provided by Mr Greenberg to Channel 4 News on 05.07.11 . In support of this paragraph, paragraph 209 of Galbraith 39 refers to the documents listed at paragraph 18A above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	As above Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere Unnecessary: Enough examples	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>was supposed to be in the purview of the MPS, assisted by the MSC (which claimed to be autonomous from NI), was in fact being led by the NI Chief Executive, Rebekah Brooks. This was despite the fact that she was one of those suspected of involvement in the unlawful conduct, and the fact that the Dowler allegations related to her time as Editor of the <i>News of the World</i>.</u></p>				
18H	<p><u>ii. NGN's legal advisers BCL Burton Copeland had written to the MPS, on 20 June 2011, two weeks before this interview, providing the MPS with information derived from the Review of the "Harbottle and Lewis" emails carried out by Lord Ken MacDonald, for evidence of unlawful and/or criminal activity. This review had identified</u></p>	<p>This paragraph refers to a letter from Burton Copeland to the MPS dated 20.06.11 and disclosed on 19.07.18 {Z/2363.2} {J/2.778}.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Elsewhere Unnecessary: Enough examples</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>evidence of improper payments to public officials in the period of Ms Brooks' Editorship of the News of the World. Mr Greenberg would have been aware of this because he and Mr Lewis made a personal visit to the police on the same day to follow up the contents of the letter.</u></p>				
18I	<p><u>The MSC chose to continue the practice of buying the silence of those who might tell the truth about senior executive knowledge and encouragement of, and involvement in, voicemail interception and other unlawful activities. In support of this contention the Claimants will rely on the following:</u></p> <p><u>(a) Shortly after being sacked for gross misconduct following their arrests and impending prosecutions for voicemail interception, Neville Thurlbeck, Ian Edmondson and James Weatherup filed employment claims</u></p>	<p>This paragraph appears to refer to:</p> <ul style="list-style-type: none"> James Weatherup's Amended Details of Claim (Employment Tribunal Case No. 3203748/2011) dated 14.07.15 and disclosed in the MTVIL on 05.02.21 {Z/2367.1/5} {J/2.3340}; Ian Edmondson's Amended Grounds of Complaint (Employment Tribunal Case No. 3201361/2011 / 3202806/2011 and 3203748/2011) dated 15.07.15 and disclosed in the MTVIL on 05.02.21 {Z/2367.2/2} {J/2.3341}; Neville Thurlbeck's Amended Answer to Question 5.2 / Statement of Case (Neville Thurlbeck's Employment Tribunal case) dated 15.07.15 and disclosed in the MTVIL on 05.02.21 {Z/2367.3/6} {J/2.3342}; and The Settlement Agreements of James Weatherup, Neville Thurlbeck and Ian Edmondson which were disclosed in the MTVIL on 14.10.21 {Z/2379.1} {J/2.3928}/ {Z/2379.2} {J/2.3929}/ {Z/2380. 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Delay Prejudice Unnecessary: Enough Examples</p> <p>Poor/inappropriate pleading: Elsewhere</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>with the employment tribunal arguing that they had been unfairly dismissed. The claims were stayed pending the outcome of the prosecutions.</u></p>	<p>01} {J/2.3930}.</p> <p>The fact of the Employment Claims and related strike out applications has been in the public domain from at least 2014 (see pages 19-27 of Exhibit CF4).</p>			
18I	<p><u>(b) In the event, by 2015, all three had pleaded guilty and were sentenced to imprisonment or a suspended sentence, and at that point NI moved to strike out the claims as having no real prospect of success.</u></p>			<p>Poor/inappropriate pleading: Elsewhere</p>	<p>s/a</p>
18I	<p><u>(c) At this point, all three claimants amended their claims to allege the knowledge and encouragement of, and/or involvement in, senior executives in the unlawful conduct, and in this regard Ms Brooks was explicitly identified in one of the</u></p>			<p>Poor/inappropriate pleading: Elsewhere</p>	<p>s/a</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>amended particulars and impliedly identified in the other two.</u>				
18I	<u>(d) Shortly after this the MSC elected to pay large six-figure sums to each of the three convicted phone-hackers.</u>			Poor/inappropriate pleading: Elsewhere	s/a
18I	<u>(e) Ms Brooks was re-appointed as Chief Executive of NI in June 2015 by Rupert Murdoch, and payments were made to settle the claims in September of that year.</u>			Poor/inappropriate pleading: Elsewhere	s/a
18J	<u>The Claimants will invite the inference that the MSC made these payments at the behest of Rupert Murdoch and Rebekah Brooks because the threat of a public airing of the allegations from three different individuals could result in further investigations by the police. The Claimants will rely upon the payment of substantial sums of money which Mr Murdoch approved in order to ensure</u>	<p>In support of this paragraph, paragraph 209f of Galbraith 39 refers to:</p> <ul style="list-style-type: none"> The 25th Witness Statement of Callum Galbraith in the MTVIL, dated 08.07.21 {F/379}; and The documents outlined in relation to paragraph 18I above. 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Limitation Delay Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs: Disproportionate/Satellite Litigation/Wasted Costs Irrelevant: No/Few Extant Claims (i.e. no one says their distress was aggravated by RM's knowledge</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>that there is no judicial determination of allegations of corporate knowledge encouragement or involvement in unlawful or illegal activity beyond what thus far been identified (in relation to the five convicted departmental heads and one editor, Mr Coulson).</u></p>			<p>specifically) Prejudice Imperil trial/very late amendment Poor/inappropriate pleading</p>	
18K	<p><u>The Claimants will further infer that as the Executive Chairman of News Corporation, who appointed the members of the MSC and to whom it reported, Rupert Murdoch was aware of and approved the activities of Mr Lewis from September 2010 onwards, as well as:</u></p> <p><u>(a) the actions of the MSC from 2011 onwards, through the actions of Mr Lewis and Mr Greenberg, in frustrating the MPS inquiries into phone-hacking, and, through their role in leading NI's engagement with the Leveson Inquiry</u></p>	<p>Please see also rows concerning paragraphs 11.53A – 11.53H, 13.8, and 13.21-4 in this regard.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p>	<p>s/a</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>and Parliament, in giving _____ false information _____ (or allowing information they knew to be wrong or false to be provided uncorrected) to the Inquiry, and to the CMS _____ Select Committee Inquiry in 2011-2.</u></p>				
19.	<p>(2) Mr Hinton was also involved in the discussions with Andy Coulson and Tom Crone over (a) the sentencing of Clive Goodman, and the potential risks that his mitigation to the effect that he was not the only journalist at <i>The News of the World</i> undertaking these activities would present for NGN, <u>and (b) the risks posed to NGN of Glenn Mulcaire telling the truth to the authorities before or after his sentencing hearing.</u></p>	Please see also the row concerning 19(3C).	<p>Consequential or preparatory to subsequent amendments</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Poor/inappropriate pleading: Elsewhere</p>	Permission granted.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(2A) Andy Coulson resigned from his position as Editor of The News of the World prior to the sentencing of Mr Goodman and Mr Mulcaire. Mr Hinton, on behalf of NGN, agreed to pay him 3 years' salary, ownership of his car, 3 years BUPA cover for his family and himself, and retention of his unvested shares, and the transfer/release of the value of his pension. It is to be inferred that this exceptionally substantial package, for someone resigning under the circumstances he did, was provided so that Mr Hinton and NGN could ensure he would not disclose any of the information he knew about the extent of wrongdoing within NGN.</u></p>	<p>Please see also the row concerning 19(3C).</p>	<p>Consequential or preparatory to subsequent amendments</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Delay Proportionality and Costs: Satellite Litigation/Disproportionate Unnecessary: Otiose/Public Inquiry Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Poor Drafting</p>	<p>Permission granted. Additional allegation against Mr Hinton related to existing allegations, and based to some extent on documents disclosed in 2020, 2021.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<u>(2B) In evidence to the CMS Select Committee, on 6 March 2007, Mr Hinton when asked if he had conducted a full, rigorous internal inquiry gave an affirmative (and therefore, in light of the foregoing, misleading) answer; and gave a false assurance that Mr Goodman was acting wholly without authorisation and that Mr Coulson had no knowledge of what was going on.</u>	This paragraph refers to oral evidence provided by Les Hinton to the CMS Select Committee on 06.03.07 . Please see also the row concerning 19(3C).	Consequential or preparatory to subsequent amendments THIRD PARTY PARTICULARISATION	Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Evidence Irrelevant: No relevance to Cs' stated purposes Delay	Permission granted. This and the following subparagraphs are a summary of the allegations of knowledge made in respect of Mr Hinton and do not raise new or complex issues.
19.	<u>(2C) Mr Hinton was aware that the allegations against Mr Edmondson (that he knew about and was engaged in commissioning VMI) had been made independently by Mr Goodman, in his letter of 14 March 2007, and by Mr Mulcaire in Mr Laing's letter of 27 March 2007, and yet deliberately turned a blind eye to this and</u>	This paragraph appears to refer to: <ul style="list-style-type: none"> • A letter from Clive Goodman to Daniel Cloke dated 14.03.07 which was disclosed in the MTVIL on 08.08.11 {Z/1267} {H/21}; and • An email from Moray Laing to Tom Crone dated 27.03.07 which was disclosed in the MTVIL on 03.02.17 {Z/1271} {J/2.54}. Please see also the row concerning 19(3C).	See paragraph 13.1A also (SUBSEQUENT INSIGHT ONLY) THIRD PARTY PARTICULARISATION	As above	Permission granted.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>conducted no inquiry or investigation into the matter.</u>				
19.	<u>(3B) It is to be inferred on the basis of what he knew as set out in paragraphs 19(1), (2), and (2B) above, that Mr Hinton was responsible for terminating the HR disciplinary procedure into Ian Edmondson, as a result of the allegations made by Glenn Mulcaire, which was being carried out by Ann Paul.</u>	Please see also the row concerning 19(3C).	Consequential or preparatory to subsequent amendments THIRD PARTY PARTICULARISATION	As above	Permission granted.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(3C) The Claimants contend that Mr Hinton's written evidence to the CMS Select Committee in 2009-10, and his oral evidence to the CMS Select Committee on 27 July 2009 and 24 October 2011, and his written evidence to the Parliamentary Committee of Privileges from 2012 to 2016, was, in the premises, misleading in respect of his knowledge of (a) phone hacking at the News of the World from at least 2004; (b) the truth of, and the nature of the investigations into, Clive Goodman's and Glenn Mulcaire's allegations; (c) the purpose of the Goodman and Mulcaire settlements; (d) the known falsity of the One Rogue Reporter Narrative; and (e) and the continued concealment by top</u></p>	<p>This paragraph appears to refer to:</p> <ul style="list-style-type: none"> • Mr Hinton's oral evidence to the CMS Select Committee on 15.09.09; • Mr Hinton's written evidence to the CMS Select Committee dated 2009 - 2010; • Mr Hinton's oral evidence to the CMS Select Committee on 24.10.11; and • Mr Hinton's written evidence to the Parliamentary Committee of Privileges dated 2012 - 2016. <p>In support of this paragraph, paragraphs 210-213 of Galbraith refer to:</p> <ul style="list-style-type: none"> • A meeting note dated 21.03.07 and disclosed in the MTVIL on 17.10.11 {Z/2676/2} {H/370}; • Exhibits to the Witness Statement of DC Oliver Youngs dated 11.09.12, disclosed in the MTVIL on 25.06.20 and 13.07.20 {G/586} {G/590}; • A letter from Ann Paul to Ian Edmondson dated 10.04.07 which was disclosed in the MTVIL on 05.02.21 {Z/1273.1} {J/2.3329}; • Notes of disciplinary meetings with Ian Edmondson dated 11.04.07 and 26.04.07 which were disclosed in the MTVIL on 05.02.21 {Z/1273.3} {J/2.3330} / {Z/1276.01} {J/2.3333}; • A letter from Ann Paul to Ian Edmondson dated 12.04.07 which was disclosed in the MTVIL on 05.02.21 {Z/1275.01} {J/2.3331}; and • Letters from Ann Paul to Edward Parladorio dated 13.04.07 which were disclosed in the MTVIL on 05.02.21 {Z/1275.02} {J/2.3332} / {Z/1275.04} 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	Permission granted.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	executives of the true picture.	{J/2.3920}.			

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p>James Murdoch (Chief Executive of NI from December 2007 until September 2009, Executive Chairman from January 2008 until September 2011 (NGN) and February 2013 (NI)) ...</p> <p><u>(4A) Mr Murdoch authorised or approved the strong public denials issued on 15 July 2009 in relation to the allegations which had been made in The Guardian on 8 July 2009, all of which were true and which, given his knowledge of the Gordon Taylor matter, he was aware were true.</u></p>	<p>In support of this paragraph, paragraphs 214-220 of Galbraith 39 refer to James Murdoch's Witness Statement to the Leveson Inquiry dated 16.04.12 {Z/2170} {J/2.629}.</p>	<p>See §11.17 and §13.5 above</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Limitation Delay Irrelevant: No/Few Extant Claims Proportionality and Costs: Disproportionate/Satellite Litigation Unnecessary: Otiose/Public Inquiry/Enough Examples Poor/inappropriate pleading: Elsewhere Imperil trial/very late amendment Ready for Trial Jan 2024</p> <p>See 11.53A</p>	Permission granted.
19.	<p><u>(5A) Mr Murdoch authorised or approved:</u></p> <p><u>(a) the strong public denial on the News Corp website (paragraph 13.5 above and 12(L)(d) below is repeated);</u></p>	<p>In support of this paragraph, paragraphs 214-220 of Galbraith 39 refer to the documents outlined under 19(4A) above.</p> <p>This paragraph refers to alleged public denials in 2010 and 2011.</p>	<p>See §11.17 and §13.5 above</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	Permission granted.
19.	<p><u>(b) the strong public attack on the Select Committee Report of February 2010</u></p>			As above	Permission granted

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>(paragraph 13.8.4 above is repeated); and</u>				
19.	<p><u>(c) the strong public denials of the allegations made in the <i>New York Times</i> article published on 1 September 2010 (paragraphs 13.11 and 13.11A above are repeated)</u></p> <p><u>despite the fact that given his knowledge of the Gordon Taylor matter he was aware that the allegations were true (or at least turned a blind eye to whether the allegations were true).</u></p>			As above	Permission granted.
19.	<p><u>(5B) Mr Murdoch's evidence to the Leveson Inquiry, which included a witness statement, oral testimony and a letter he had written to the CMS Select Committee in March 2012, was that he was misled by executives at NI over the allegations that the One Rogue Reporter narrative</u></p>	<p>This paragraph refers to:</p> <ul style="list-style-type: none"> • James Murdoch's Witness Statement to the Leveson Inquiry dated 16.04.12 and oral evidence on 24.04.12; and • James Murdoch's letter to the CMS Select Committee publicly available from at least 14.03.12 (see pages 7- 12 of Exhibit CF4). 	<p>Consequential to the foregoing</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	Permission granted.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>and that the "For Neville" email was not suggestive of evidence of more widespread wrongdoing. In the premises, he knew this to be false.</u></p>				
19.	<p><u>(5C) Mr Murdoch was heavily involved in the establishment of the MSC. This was misleadingly described on multiple occasions by Mr Murdoch to the Leveson Inquiry and the CMS Select Committee as independent of News International when it was not in fact genuinely independent, paragraph 18A to 18J above are repeated).</u></p>	<p>In support of this paragraph, paragraphs 214-220 of Galbraith 39 refer to the documents outlined under 19(4A) above.</p>	<p>As per paragraphs 18A to 18J above</p> <p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p>	<p>Permission refused.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p>Rebekah Brooks (Editor of The News of the World, The Sun and Chief Executive from 2009).</p> <p><u>(5D) As Deputy Features Editor and Features Editor of the News of the World in 1994 to 1995, Ms Brooks commissioned PIs to carry out unlawful enquiries. Pending further disclosure, the Claimants will rely on the matters set out below.</u></p>	<p>In support of this paragraph, paragraphs 221-222 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> The 9th Witness Statement of Callum Galbraith dated 19.02.20 which seeks to justify the previous amendments to the RAGPCD {F/286}; A spreadsheet of ZC entries, which was disclosed in the MTVIL on 07.05.21 {Y/537.2.1.4} {K/6486}; An email from Graham Dudman to Victoria Newton dated 02.02.06 which was disclosed in the MTVIL on 31.05.18 {Y/106.03/1} {K/674}; Jon Chapman's MPS Witness Statement (S90A) dated 04.09.12 which was disclosed in the MTVIL on 27.09.18; Call Data disclosed in the claim of Chris Huhne on 05.01.21 (Confidential Exhibit CG39/246-249);¹⁵ An email from Paul Cheesbrough to Rebekah Brooks and Will Lewis dated 24.01.11 which was disclosed in the MTVIL on 12.08.20 {Z/1744.6} {J/2.3087}; CPS documents provided to the Joint Privilege Committee and disclosed in the MTVIL on 31.05.17 {Z/2642/16-17} {P/136}; James Weatherup's Amended Details of Claim in his Employment Tribunal Case dated 14.07.15, which were disclosed in the MTVIL on 05.02.21 {Z/2367.1/5} {J/2.3340}; Ian Edmondson's Amended Grounds of Complaint in his Employment Tribunal Case dated 17.07.15, which were disclosed in the 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Limitation Delay Irrelevant: No/Few Extant Claims Proportionality and Costs: Disproportionate/Satellite Litigation Unnecessary: Otiose/Public Inquiry/Enough Examples Poor/inappropriate pleading: Elsewhere Imperil trial/very late amendment Ready for Trial Jan 2024</p>	<p>Permission refused. No permission to rely on events in 1994, 1995.</p>

¹⁵ In relation to the Claimants' reliance on call data disclosed in the claim of Chris Huhne, I refer to paragraph 31(f) of the witness statement above.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
		<p>MTVIL on 05.02.21 {Z/2367.2/2} {J/2.3341}; and</p> <ul style="list-style-type: none"> Neville Thurlbeck's Statement of Case in his Employment Tribunal case dated 17.07.15, which was disclosed in the MTVIL on 05.02.21 {Z/2367.3/6} {J/2.3342}. 			
19.	<p><u>(5E) As Deputy Editor of The Sun and Editor of the News of the World, Ms Brooks commissioned Steve Whittamore, as set out in at paragraph 13.17 above, and (via Ray Levine) Taff Jones at Severnside, to carry out unlawful investigations on a number of individuals including those associated with her then boyfriend Ross Kemp.</u></p>	<p>In support of this paragraph, paragraphs 221-222 of Galbraith 39 refer to the documents outlined in relation to 19(5D) above.</p>	<p>THIRD PARTY PARTICULARISATION</p>	<p>Irrelevant: No/Few Extant Cases Unnecessary: Public Inquiry Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Poor Drafting As above</p>	<p>Permission granted, though this appears to be only a repeat of para 13.17 above.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<u>(5F) Ms Brooks was among those executives who authorised substantial cash payments to the PI Steve Hampton (aka "Secret Steve"), who was paid more than £65,000 in such cash payments between March 1998 and March 2000 by The Sun for supplying "ex-directory telephone numbers" and "confidential telephone numbers".</u>	In support of this paragraph, paragraphs 221-222 of Galbraith 39 refer to the documents outlined in relation to 19(5D) above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	Unnecessary: Public Inquiry Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Poor Drafting As above	Permission granted.
19.	<u>(6) (g) the emails to and from Graham Dudman, Dominic Mohan and Victoria Newton, in February 2006, setting out how Ms Brooks insisted that from that point all cash payments needed to provide an explanation as to why cash was being used and be signed off by her (or in her absence, her Deputies).</u>	This paragraph appears to refer to an email disclosed in the MTVIL on 31.05.18 {K/686}. In support of this paragraph, paragraphs 221-222 of Galbraith 39 refer to the documents outlined in relation to 19(5D) above.	THIRD PARTY PARTICULARISATION	Unnecessary: Public Inquiry Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Poor Drafting As above	Permission granted, though this is only an additional piece of evidence that is being pleaded. For reasons previously given, that does not disqualify an amendment to the GENPOC.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<u>(9A) A vast quantity of call data passing from Rebekah Brooks to Andy Coulson, amounting to 806 communications from just one of Ms Brooks' mobile devices to Mr Coulson between 1 January 2010 and 26 May 2011.</u>	In support of this paragraph, paragraphs 221-222 of Galbraith 39 refer to the documents outlined in relation to 19(5D) above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	Unnecessary: Public Inquiry Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Poor Drafting As above	Permission refused. It is wholly unclear in context what allegation is being made. The call data is only evidence in any event and does not need to be pleaded, but it is unclear what it is being alleged to evidence.
19.	<u>(12B) The Claimants rely on Ms Brooks' role in the concealment, between 6 January 2011 and 25 January 2011, of the Hammell, Jowell and Windsor emails which implicated Ian Edmondson in phone-hacking which she was told about on 6 January 2011, and then was party to authorising a fresh search of Mr Edmondson's emails on 14 January 2011, despite knowing that the emails had already been found. Paragraphs 11.61A – 11.61N above are repeated.</u>	In support of this paragraph, paragraphs 221-222 of Galbraith 39 refer to the documents outlined in relation to 19(5D) above.	See §§11.61A-1161N above SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	Unnecessary: Public Inquiry Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Poor Drafting As above	Permission refused. The content of this paragraph is already pleaded, to a substantial extent, in paras 11.60A and following and at 19(6)(f) and (g). It is unclear what this paragraph is alleging in addition to those paragraphs.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<u>(12C) The Claimants rely on Ms Brooks' role in the fake email data theft allegation, initiated by Paul Cheesbrough's email to her and Will Lewis of 24 January 2011, which alleged that Tom Watson MP and Gordon Brown MP were involved in a plot to steal her email data, and was used as the basis to destroy email evidence. Paragraph 17.7A above is repeated.</u>	<p>This paragraph refers to an email from Paul Cheesbrough to Rebekah Brooks and Will Lewis dated 24.01.11 which was disclosed in the MTVIL on 12.08.20 {Z/1744.6} {J/2.3087}.</p> <p>In support of this paragraph, paragraphs 221-222 of Galbraith 39 refer to the documents outlined in relation to 19(5D) above.</p>	<p>See §§17.7A above</p> <p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Unnecessary: Public Inquiry</p> <p>Poor/inappropriate pleading: Evidence</p> <p>Poor/inappropriate pleading: Poor Drafting</p> <p>As above</p>	<p>Permission refused, for the same reason as para 17.7kA. There is no paragraph 17.7A.</p>
19.	<u>(12D) The Claimants rely on the false statements made to the Leveson Inquiry set out at paragraph 13.15(a) above.</u>	<p>In support of this paragraph, paragraphs 221-222 of Galbraith 39 refer to the documents outlined in relation to 19(5D) above.</p>	<p>THIRD PARTY PARTICULARISATION</p>	<p>Unnecessary: Public Inquiry</p> <p>Poor/inappropriate pleading: Evidence</p> <p>Poor/inappropriate pleading: Poor Drafting</p> <p>As above</p>	<p>Permission refused. This adds nothing to what is already pleaded.</p>
19.	<u>(12E) In the premises, Ms Brooks lied and/or gave deliberately misleading evidence at her criminal trial (R v Coulson, Brooks, & Ors) when denying any role in or knowledge of phone hacking.</u>	<p>This paragraph refers to the evidence of Ms Brooks in the trial of <i>R v Coulson, Brooks, & Ors</i> in 2014.</p> <p>In support of this paragraph, paragraphs 221-222 of Galbraith 39 refer to the documents outlined in relation to 19(5D) above.</p>	<p>THIRD PARTY PARTICULARISATION</p>	<p>Unnecessary: Public Inquiry</p> <p>Poor/inappropriate pleading: Evidence</p> <p>Poor/inappropriate pleading: Poor Drafting</p> <p>As above</p>	<p>Permission refused. This raises a collateral inquiry of a vast scope and appears to be a challenge to the fairness of the verdict at Ms Brooks's trial. It is an inquiry that is inappropriate for the trial in this action.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	her use of PIs and of improper payments to police officers.				
19.	12(F) The written evidence that Ms Brooks gave to the CMS Select Committee in February 2010 was misleading in denying that the Goodman settlement payment was not to buy his silence, as she had been involved in negotiations to keep him from undermining the One Rogue Reporter narrative.	<p>This paragraph refers to written evidence given to the CMS Select Committee by Rebekah Brooks in February 2010.</p> <p>In support of this paragraph, paragraphs 221-222 of Galbraith 39 refer to the documents outlined in relation to 19(5D) above.</p>	<p>See §11.33B above (Fowler Report)</p> <p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p> <p>Irrelevant: No relevance to Cs' stated purposes</p> <p>Unnecessary: Public Inquiry</p> <p>Poor/inappropriate pleading: Evidence</p> <p>Poor/inappropriate pleading: Poor Drafting</p>	Permission granted.
19.	(12G) The oral evidence that Ms Brooks gave to the CMS Select Committee in July 2011 was misleading in a number of respects, in particular when she suggested her use of Mr Whittamore was in relation to the 'Sarah's Law' Campaign, when she had used him for	<p>This paragraph refers to Ms Brooks' evidence to the CMS Select Committee in July 2011.</p> <p>In support of this paragraph, paragraphs 221-222 of Galbraith 39 refer to the documents outlined in relation to 19(5D) above.</p>	<p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p> <p>Poor/inappropriate pleading: Evidence</p> <p>Poor/inappropriate pleading: Poor Drafting</p>	Permission granted.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>personal enquiries (paragraph 13.17 above is repeated) and not at the time the newspaper was using Mr Whittamore to trace paedophiles.</u></p>				
19.	<p><u>(12H) Ms Brooks was misleading when she issued NGN's apology for phone-hacking on 11 April 2011, because she restricted the period covered to 2005-6, when she knew that voicemail interception took place before and during her editorship and was told by Mr Myler on 14 July 2009 (if she did not already know) about the hacking of David Blunkett in 2004.</u></p>	<p>This paragraph refers to the public apology published by <i>News Of the World</i> in April 2011.</p> <p>In support of this paragraph, paragraphs 221-222 of Galbraith 39 refer to the documents outlined in relation to 19(5D) above.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p> <p>Poor/inappropriate pleading: Evidence</p> <p>Poor/inappropriate pleading: Poor Drafting</p>	<p>Permission granted.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(12I) As Chief Executive, Ms Brooks was alleged to have been fully aware of phone- hacking in the amended employment claim of James Weatherup in 2015. As a controlling mind of NGN, she was alleged by Ian Edmondson, in his amended employment claim, to have created or condoned a culture at the News of the World which included widespread use of voicemail interception and alleged by Neville Thurlbeck, in his amended employment claim, to have known of and approved of phone-hacking.</u></p>	<p>This paragraph refers to:</p> <ul style="list-style-type: none"> James Weatherup's Amended Details of Claim in his Employment Tribunal Case dated 14.07.15, which were disclosed in the MTVIL on 05.02.21 {Z/2367.1/5} {J/2.3340}; Ian Edmondson's Amended Grounds of Complaint in his Employment Tribunal Case dated 17.07.15, which were disclosed in the MTVIL on 05.02.21 {Z/2367.2/2} {J/2.3341}; and Neville Thurlbeck's Statement of Case in his Employment Tribunal case dated 17.07.15, which was disclosed in the MTVIL on 05.02.21 {Z/2367.3/6} {J/2.3342}. <p>In support of this paragraph, paragraphs 221-222 of Galbraith 39 refer to the documents outlined in relation to 19(5D) above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p> <p>Poor/inappropriate pleading: Evidence</p> <p>Poor/inappropriate pleading: Poor Drafting</p>	<p>Permission refused. What Mr Weatherup and Mr Edmondson said in their employment claims is no more than (hearsay) evidence. This is inappropriate pleading of a particularly marked kind.</p>

<p>19.</p>	<p><u>Keith Rupert Murdoch (known as Rupert Murdoch): Executive Chairman of News Corporation ("News Corp") (at all relevant times) and Director of News International until June 2012</u></p> <p><u>12(J) Mr Murdoch is a media proprietor and, through his companies News Corp and NI, the owner of inter alia numerous publications including The Sun and News of the World.</u></p>	<p>In support of this paragraph, paragraphs 223-229 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> • The newscorp.com webpage listing each member of the Board of Directors of News Corporation, publicly available from at least 29.06.11 (Exhibit CG39/925); • Board meeting agendas from 2010 disclosed in the MTVIL by the end of 2018 (Confidential Exhibit CG39/118-181); • The transcript of oral evidence provided by Andrew Coulson at his criminal trial on 16.04.14 {U/82/14}; • News International Statement publicly available on 10.01.09 (CG39/595-596); • An email from Andy Coulson to Les Hinton dated 08.08.06, which was disclosed in the MTVIL on 16.06.17 {Z/1153} {J/2.236}; • An email from James Murdoch to Colin Myler dated 07.06.08 which was disclosed in the MTVIL on 31.05.17 {Z/1312.1/3} {J/2.182}; • A Guardian article entitled "<i>Tabloid hacking scandal: the email exchange</i>" dated 09.07.09 {Z/1356} {P/3}; • A Guardian article entitled "<i>News of the World phone hacking: CPS to undertake urgent review of evidence</i>" published on 09.07.09 {Z/1357} {P/4}; • The 6th Witness Statement of Mark Thomson given in the MTVIL on 13.01.12 {F/21/6}; • A New York Times article titled "<i>Tabloid Hack Attack on Royals, and Beyond</i>" dated 01.09.10 and which was disclosed in the MTVIL in 2011 {Z/1548} {P/5}; 	<p>SUBSEQUENT INSIGHT ONLY (from unredacted Carmel agendas)</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Limitation Delay Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs: Disproportionate/Satellite Litigation/Wasted Costs Ready for Jan 2024 Trial Irrelevant: No/Few Extant Claims (i.e. no one says their distress was aggravated by RM's knowledge specifically) Prejudice Imperil trial/very late amendment</p>	<p>Permission refused for paras 19(12J) to 19(12N), for the reasons explained in the judgment. Adds nothing to the issues to be tried.</p>
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| | | <ul style="list-style-type: none">• Evidence provided by Keith Rupert Murdoch to: (i) the Leveson Inquiry on 12.04.12, 22.05.12 and 06.11.12 (witness statements) and 25.04.12 and 26.04.12 (oral); and (ii) the CMS Select Committee in 2011-2012; and• An Ofcom review in 2011-2012. | | | |
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Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>12(K) At all relevant times between 2004 and 2012, Mr Murdoch was the Executive Chairman of News Corp and a Director of News Corp's subsidiary company, NI (of which Les Hinton was Executive Chairman and reported directly to Mr Murdoch). Mr Murdoch is the father of James Murdoch and Lachlan Murdoch (both of whom were also Board Directors of News Corp, in addition to James' Murdoch's roles within NGN/NI as referred to above). References in this section to Mr Murdoch in this subheading are to (Keith) Rupert Murdoch.</u></p>	<p>In support of this paragraph, paragraphs 223-229 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(12)(J).</p>	<p>Drafting amendment</p>	<p>As above</p> <p>Poor/inappropriate pleading: Evidence</p> <p>Poor/inappropriate pleading: Poor Drafting</p>	<p>s/a</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>12(L) It is to be inferred from his dominant position within News Corp/NI that Mr Murdoch was aware of the nature and extent of NGN's wrongdoing having been informed of the following matters by either Mr Hinton and/or James Murdoch and or by the news media:</u></p> <p><u>a. on or around August 2004, Andy Coulson informed Mr Hinton of the fact that he was aware from conversations he had with Neville Thurlbeck that the then Home Secretary David Blunkett's phone had been intercepted. It is to be inferred that Mr Hinton was aware that unlawful VMI was being carried out as early as August 2004 and that Mr Hinton informed Mr</u></p>	<p>In support of this paragraph, paragraphs 223-229 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(12)(J).</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p> <p>Poor/inappropriate pleading: Evidence</p> <p>Poor/inappropriate pleading: Poor Drafting</p>	<p>s/a</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>Murdoch of the same at the time;</u></p>				
19.	<p><u>b. Mr Coulson informed Mr Hinton of the arrest of Clive Goodman in around August 2006. Mr Coulson sent an email to Les Hinton on 8 August 2006 at 10:53am requesting a call to brief him of developments with the police. It can be inferred that this was a reference to the</u></p>	<p>This paragraph appears to refer to an email from Andy Coulson to Les Hinton dated 08.08.06, which was disclosed in the MTVIL on 16.06.17 {Z/1153} {J/2.236}.</p> <p>In support of this paragraph, paragraphs 223-229 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(12)(J).</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p> <p>Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Poor Drafting</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>arrest of Clive Goodman and Glenn Mulcaire, paragraph 11.31 to 11.33 above are repeated. Given the significance of the event, and the media reports surrounding it, it is further to be inferred that Mr Hinton reported the fact of Mr Goodman's arrest to Mr Murdoch at the time;</u></p>				
19.	<p><u>c. on 7 June 2008, in response to Colin Myler's email to James Murdoch updating him as to the settlement discussions in Gordon Taylor's claim, James Murdoch confirmed his receipt and understanding of this matter, replying with the words "No worries". It is to be inferred that given the potential importance of this</u></p>	<p>This paragraph refers to an email from James Murdoch to Colin Myler dated 07.06.08 which was disclosed in the MTVIL on 31.05.17 {Z/1312.1} {J/2.182}.</p> <p>In support of this paragraph, paragraphs 223-229 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(12)(J).</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p> <p>Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Poor Drafting</p> <p>Irrelevant: No relevance to Cs' stated purposes (pre May 2011)</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>matter, James Murdoch informed his father at the time of the substance of Mr Taylor's claim and the progress of settlement discussions and that Mr Murdoch was aware of the extent of the allegations made against NGN by Mr Taylor;</u></p>				

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>d. on 10 July 2009, as referred to in paragraph 13.5 above, News Corp issued a public statement on its website on behalf of News Corp/NI denying the allegations of widespread wrongdoing made by The Guardian (published on 8 and 9 July 2009, but about which they had been given several days' notice). The Claimants will infer that this public statement was issued with the approval of Mr Murdoch, as well as the News Corp Board (including his sons and fellow Directors, James Murdoch and Lachlan Murdoch) and the NI Board (including Rebekah Brooks who was leading the so-called "investigation" into</u></p>	<p>This paragraph refers to:</p> <ul style="list-style-type: none"> • A public statement published on News Corp's website on 10.07.09; • A Guardian article entitled "<i>Tabloid hacking scandal: the email exchange</i>" published on 09.07.09 {Z/1356} {P/3}; and • A Guardian article entitled "<i>News of the World phone hacking: CPS to undertake urgent review of evidence</i>" published on 09.07.09 {Z/1357} {P/4}. <p>In support of this paragraph, paragraphs 223-229 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(12)(J).</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p> <p>Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Poor Drafting</p> <p>Irrelevant: No relevance to Cs' stated purposes (pre May 2011)</p>	<p>s/a</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>these allegations which was heavily referred to and relied upon in this public statement). This statement was known to be false by both James Murdoch and Ms Brooks, as referred to above, and it is to be inferred that Mr Murdoch was informed of and became aware of this prior to approving it, and/or subsequently as it continued to be published on the News Corp website until sometime after 29 July 2011.</u></p>				

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>e. in around June 2010, a summer retreat of News Corp executives (including at least Rupert Murdoch and his son James Murdoch) took place at Mr Murdoch's California residence in Carmel at which an agenda for a News International board meeting was compiled for, or on behalf of, James Murdoch entitled "JRM Carmel". The agenda items included "Email Deletion", "Mulcaire/NY Times" (a reference to the New York Times article of 1 September 2010 referred to above) and "NotW sept launch". Mr Murdoch attended this Carmel meeting. It is therefore to be</u></p>	<p>This paragraph refers to:</p> <ul style="list-style-type: none"> Documents disclosed in the MTVIL in an unredacted form by the end of 2018; and A New York Times article titled "<i>Tabloid Hack Attack on Royals, and Beyond</i>" dated 01.09.10{Z/1548} {P/5}. <p>In support of this paragraph, paragraphs 223-229 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(12)(J).</p>	<p>SUBSEQUENT INSIGHT ONLY (from unredacted Carmel agendas)</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p> <p>Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Poor Drafting</p> <p>Irrelevant: No relevance to Cs' stated purposes (pre May 2011)</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>inferred that he was informed by his son, James Murdoch, of the details of the email deletion plan, which James had himself devised and was expressly referred to in NI agendas as the "email deletion/JRM plan", as well as the nature and extent of the wrongdoing at NGN, which went beyond the One Rogue Reporter lie.</u></p>				
19.	<p><u>12(M)In the premises, it is to be inferred that Mr Murdoch's evidence given to (a) the Leveson Inquiry in 2011, (b) the CMS Select Committee in 2011, and (c) Ofcom's review of the Murdochs as "fit and proper" broadcast licence holders in 2011-12, namely that he was not informed of the extent of</u></p>	<p>This paragraph refers to:</p> <ul style="list-style-type: none"> Evidence provided by Keith Rupert Murdoch to: (i) the Leveson Inquiry on 12.04.12, 06.11.12 and 22.05.12 (witness statements) and 25.04.12 and 26.04.12 (oral); and (ii) the CMS Select Committee in 2011-2012; and An Ofcom review in 2011-2012. <p>In support of this paragraph, paragraphs 223-229 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(12)(J).</p>	<p>Consequent to the foregoing</p> <p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p> <p>Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Poor Drafting</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>wrongdoing at NGN, was false. This included the promulgation of the dishonest One Rogue Reporter Narrative, as referred to in paragraphs 11.37A and 11.37B above.</u></p>				
19.	<p><u>12(N) The Claimants will also contend, as referred to in paragraph 18A to 18K above, that the MSC, which was established in or before June 2011 and its members Mr Lewis and Mr Greenberg appointed by Mr Murdoch, participated in the strategy of concealing or destroying evidence of wrongdoing by NGN, contrary to its stated commitment to co-operating with the MPS, and that it is to be inferred that this was known to and approved of by Mr</u></p>	<p>In support of this paragraph, paragraphs 223-229 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(12)(J).</p>	<p>See paragraphs 18A – 18K</p> <p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Unnecessary: Otiose/Public Inquiry Proportionality and Costs: Satellite Litigation Imperil trial/very late amendment</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	Murdoch.				
19.	<u>(16B)Mr Kuttner authorised thousands of payments for unlawful activities to numerous different PIs. As such, it is clear that the answers that he gave to the CMS Select Committee on 21 July 2009 that he had never come across cases in which journalists or sources tried to obtain information illegally was false.</u>	<p>In support of this paragraph, paragraphs 230-231 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> • Mr Kuttner's evidence to the CMS Select Committee on 21.07.09; • James Weatherup's Amended Details of Claim (Employment Tribunal Case No. 3203748/2011) dated 14.07.15 and disclosed in the MTVIL on 05.02.21 {Z/2367.1/5} {J/2.3340}; and • Ian Edmondson's Amended Grounds of Complaint (Employment Tribunal Case No.3201361/2011/ 3202806/2011 and 3203748/2011) dated 15.07.15 and disclosed in the MTVIL on 05.02.21 {Z/2367.2/2} {J/2.3341}. 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Unnecessary: Otiose/Public Inquiry Proportionality and Costs: Satellite Litigation Poor/inappropriate pleading: Evidence Irrelevant: No/Few Extant Claims (ie no one says their distress was aggravated by Kuttner's knowledge specifically)</p>	<p>Permission granted. Relevant to extent of wrongdoing and knowledge of senior management and concealment.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(16C) Mr Kuttner was alleged (a) to have been fully aware of, known of and approved of, phone hacking in the amended employment claim of Neville Thurlbeck, (b) as part of NGN's senior management to have been fully aware of and encouraged, phone hacking according in the amended employment claim of James Weatherup, and (c) to have been created or condoned the practices which included widespread use of voicemail interception, the amended employment claim of Ian Edmondson.</u></p>	<p>In support of this paragraph, paragraphs 230-231 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(16C) above.</p>	<p>See documents referred to in §19(16B) - §19(16C)</p> <p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above Poor/inappropriate pleading: Elsewhere</p>	<p>Permission refused. No more than plea of evidence.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<u>(17A) As News Editor and Head of News, Mr Dudman was responsible for the commissioning by the News Desk of The Sun multiple different PIs. Given the number and nature of the instructions and PIs which he was responsible for commissioning, it is to be inferred that he was fully aware that the activities they were carrying out were unlawful or illegal.</u>	In support of this paragraph, paragraphs 232-233 of Galbraith 39 refer to: <ul style="list-style-type: none"> Expense forms disclosed in the MTVIL on 30.11.18 and 13.06.19 {K/718.97} / {Y/416.1} {K/1855} / {Y/416.2} {K/1852}; An Email from Graham Dudman to Stephen Abell dated 26.05.09, which was disclosed in the claim of Heather and Fiona Mills on 28.06.18 {HFM/873}; and The Witness Statement of Amy Watson given in the MTVIL dated 17.09.21 {D/116/5-7}. 	SUBSEQUENT WITNESS THIRD PARTY PARTICULARISATION	Limitation Unnecessary: Otiose/Public Inquiry Proportionality and Costs: Satellite Litigation Poor/inappropriate pleading: Evidence Irrelevant: No/Few Extant Claims (ie no one says their distress was aggravated by Kuttner's knowledge specifically)	Permission granted. General allegation relevant to extent of wrongdoing.
19.	<u>(19A) As Managing Editor, Mr Dudman was responsible for approving journalists' expenses payments. The Claimants rely by way of example on the matters set out in paragraph 13.16(r) above.</u>	In support of this paragraph, paragraphs 232-233 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(17A).	SUBSEQUENT WITNESS THIRD PARTY PARTICULARISATION	As above Poor/inappropriate pleading: Elsewhere Unnecessary: Enough Examples	Permission granted.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(20B) In his role as Managing Editor, Mr Dudman had responsibility for liaising with the PCC following complaints received by the newspapers. The Claimants contend that in that role he deliberately misled the PCC in order to conceal the unlawful or illegal activities carried out by The Sun and to prevent the PCC from carrying out a meaningful investigation as to the articles or newsgathering complained of. The Claimants will rely, by way of example, on the complaint relating to Nick Parker made by Heather Mills in 2008 about a flight blag involving her young daughter.</u></p>	<p>This paragraph refers to the Press Complaints Commission (PCC) adjudication of complaints made by Heather Mills and subsequent correspondence between the PCC and Mr Dudman as in the claim of Heather and Fiona Mills on 28.06.18 {HFM/873}.</p> <p>In support of this paragraph, paragraphs 232-233 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(17A).</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	<p>Permission granted. Allegation appears to depend on a PCC adjudication only. No further particulars or detail provided and so the allegation is to be limited to that for which particulars are given.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(20C) As Managing Editor, Mr Dudman also had responsibility for responding to legal complaints. The Claimants contend that he deliberately misled complainants in order to conceal the unlawful or illegal activities carried out by The Sun. The Claimants will rely by way of example on Amy Watson's complaint to The Sun in April 2010 which involved Mr Parker, and where Mr Dudman himself had authorised PI payments and expenses payments to Mr Parker for his "special contacts" on Ms Watson and her Associates, while telling her and her lawyer that Mr Parker had acted entirely lawfully and with legitimate sources.</u></p>	<p>This paragraph refers to Amy Watson's complaint to <i>The Sun</i> dated 15.04.10, which was disclosed in the MTVIL on 27.01.17 {Y/418/2} {K/77}.</p> <p>In support of this paragraph, paragraphs 232-233 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(17A).</p>	<p>SUBSEQUENT WITNESS</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	<p>Permission granted. Allegation appears to depend on an individual complaint only. No further particulars or detail provided and so the allegation is to be limited to that for which particulars are given.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(24A) The answers that Mr Coulson gave to the CMS Select Committee on 21 July 2009 in relation to his severance terms were misleading, and it is noted that he falsely denied knowledge of any VMI at the News of the World. For the reasons set out in herein, it is contended that Mr Coulson's evidence to the CMS Select Committee on July 2009 was also misleading in respect of his knowledge of (a) phone-hacking and other unlawful activity at NGN from at least 1994, (b) the known falsity of the One Rogue Reporter Narrative, and the reasons for his resignation and (c) and the continued concealment by top executives of the true picture.</u></p>	<p>This paragraph refers to oral evidence provided by Andy Coulson to the CMS Select Committee on 21.07.09.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Poor/inappropriate pleading: Repetitive Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs: Satellite Litigation Poor/inappropriate pleading: Evidence Delay Irrelevant: No relevance to Cs' stated purposes (pre May 2011)</p>	<p>Permission granted save that the reference to phone hacking must not extend to 1994 and 1995.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<u>(24B) Mr Mohan was responsible for the commissioning of various private investigators for unlawful activities while a journalist in the Features Department at the News of the World in the period between 1994 and early 1996, including the use of Steve Whitmore.</u>	In support of this paragraph, paragraphs 235-6 of Galbraith 39 refer to various alleged private investigator payment records disclosed in the MTVIL on 28.06.17 {M/18/15} {M/20/5} {M/30/6}.	Consequential (in part) on Relevant period amendment THIRD PARTY PARTICULARISATION	Proportionality and Costs: Wasted Costs Prejudice Delay Limitation Irrelevant: No/Few Extant Claims (ie no one says their distress was aggravated by Mohan's knowledge specifically)	Permission refused: relates to 1994 and 1995.
19.	(25) As set out above Mr Mohan was well aware of and involved in <u>the commissioning (from 1996), and approval (from 1998), of voicemail interception, blagging, improper payments to public officials</u> and the unlawful obtaining of information by private investigators at <i>The Sun</i> , including (but by no means limited to) <u>until 2011</u> .	In support of this paragraph, paragraphs 235-6 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(24B).	THIRD PARTY PARTICULARISATION	No objection Limitation Delay Prejudice No objection	Permission granted except in relation to allegation of improper payments to public officials, for which no particulars are given (or appear in paras 19(26), (27) or (28).

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(31A) In his reply to the PCC of 5 August 2009, and in his CMS Select Committee evidence of 27 July 2009, he reiterated the "One Rogue Reporter" lie, despite the fact that:</u></p> <p><u>(a) he was made aware in May-June 2008 by Mr Crone, Mr Pike and the Silverleaf Opinion that it was no longer sustainable because of the "For Neville" email disclosed to Gordon Taylor by the MPS in April 2008, and that he knew that the Taylor claim had been settled for a huge sum for precisely that reason.</u></p> <p><u>(b) Neville Thurlbeck admitted to him on 11 July 2009 that he had hacked David Blunkett in 2004 as set out in paragraphs 30(c) and (d) above.</u></p>	<p>In support of this paragraph, paragraphs 237-40 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> Colin Myler's evidence to the CMS Select Committee on 21.07.09; Colin Myler's 1st Witness Statement to the Leveson Inquiry dated 30.09.11; A letter from Colin Myler to Tim Moulmin dated 05.08.09 which was disclosed in the MTVIL on 14.02.17 {Z/1371} {J/2.89}; An email from James Murdoch to Colin Myler dated 07.06.08 which was disclosed in the MTVIL on 31.05.17 {Z/1312.1/3} {J/2.182}; and A contemporaneous note and MPS Witness Statement of Colin Myler, comprising part of a bundle of documents provided to the Joint Privilege Committee in 2016 and subsequently disclosed by the Claimants in the MTVIL on 31.05.17 {Z/2642/11-18} {P/136}. 	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs: Satellite Litigation/Disproportionate</p> <p>Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Elsewhere</p> <p>Irrelevant: No relevance to Cs' stated purposes (pre May 2011)</p>	<p>Permission granted. Allegations relate to knowledge of wrongdoing and concealment by public statements.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(31B) The Claimants will refer to the findings of the Privileges Committee in relation to the honesty of the evidence that he gave to the CMS Select Committee on 25 July 2009. These findings were made without reference to or reliance on the MPS Witness statement (MG11) relating to the events described in §30(c) and (d) above, given by Mr Myler on 21 December 2011, which clearly show that Mr Myler was told by Mr Thurlbeck of his role in the 2004 phone-hacking of David Blunkett in July 2009, soon after The Guardian published its article about the "For Neville" email on 8 July 2009.</u></p>	<p>This paragraph refers to the Privileges Committee Report on the Conduct of Witnesses before a Select Committee published on 14.09.16 (see 28 of Exhibit CF4).</p> <p>In support of this paragraph, paragraphs 237-40 of Galbraith 39 refer to the documents outlined in relation to 19(31A) above.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p>	<p>Permission refused. Plea of evidence only.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<u>(31C) Mr Myler gave false evidence to the Leveson Inquiry in his witness statement, including in relation to the use of PIs at the News of the World, and in relation to the facts and matters described in paragraphs 19(30)(c) and (d) above</u>	<p>This paragraph refers to Colin Myler's 1st Witness Statement to the Leveson Inquiry dated 30.09.11, as exhibited to Galbraith 39.</p> <p>In support of this paragraph, paragraphs 237-40 of Galbraith 39 refer to the documents outlined in relation to 19(31A) above.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	Permission granted.
19.	<u>(31D) Mr Myler also gave false and/or misleading evidence in his oral testimony to the Leveson Inquiry in relation to his state of knowledge that the One Rogue Reporter narrative was false.</u>	<p>This paragraph refers to Mr Myler's oral evidence to the Leveson Inquiry on 14.12.11 and 15.12.11.</p> <p>In support of this paragraph, paragraphs 237-40 of Galbraith 39 refer to the documents outlined in relation to 19(31A) above.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	Permission granted.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(31E) The Claimants will contend that for the reasons set out herein above, Mr Myler's written evidence to the CMS Select Committee in 2009-2010, his oral evidence to the CMS Select Committee in July 2009 and in September 2011, and his evidence to the Parliamentary Committee of Privileges from 2012 to 2016, was misleading in respect of his knowledge of (a) phone hacking at the <i>News of the World</i> from the time of his arrival, (b) the truth of, and the nature of the investigations into, Clive Goodman's allegations, (c) the purpose of the Goodman settlement, (d) the known falsity of the One Rogue Reporter Narrative, and (e) and the continued concealment by top executives of the true</u></p>	<p>In support of this paragraph, paragraphs 237-40 of Galbraith 39 refer to the documents outlined in relation to 19(31A) above.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p>	<p>Permission granted.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>picture.</u></p>				

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<u>(33A) The use of VMI and unlawful Information gathering through the engagement of PIs (such as TDI/ELI, JJ Services, Christine Hart and Starbase) was habitual at The People in the period 1998-2003 when Mr Wallis was the Editor (and during which time Ian Edmondson and James Weatherup were also on the News Desk), and Mr Wallis knew about and authorised these activities. The Claimants will infer that Mr Wallis knew about and authorised the same activities when he arrived at the News of the World from The People.</u>	In support of this paragraph, paragraphs 241-244 of Galbraith 39 refer to: <ul style="list-style-type: none"> Neil Wallis' 1st Witness Statement to the Leveson Inquiry dated 07.10.11; Email correspondence between Geoff Webster and Neil Wallis on 28.01.06 which was disclosed in the MTVIL claim of Simon Hughes on 02.02.21 (Exhibit CG39/619); The Mulcaire Notes Spreadsheet obtained by the Claimants on 23.06.21 and subsequently disclosed by the Claimants in the MTVIL on 06.10.21 (Exhibit CG39/623) {T/1917}; James Weatherup's Amended Details of Claim (Employment Tribunal Case No. 3203748/2011) dated 14.07.15 and disclosed in the MTVIL on 05.02.21 {Z/2367.1/5} {J/2.3340}; Ian Edmondson's Amended Grounds of Complaint (Employment Tribunal Case No.3201361/2011/ 3202806/2011 and 3203748/2011) dated 15.07.15 and disclosed in the MTVIL on 05.02.21 {Z/2367.2/2} {J/2.3341}; and Neville Thurlbeck's Amended Answer to Question 5.2 / Statement of Case (Neville Thurlbeck's Employment Tribunal case) dated 15.07.15 and disclosed in the MTVIL on 05.02.21 {Z/2367.3/6} {J/2.3342}. 	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	Irrelevant: No relevance to Cs' stated purposes Proportionality and Costs: Disproportionate/Satellite Litigation	Permission granted.
19.	<u>(33B) Mr Wallis gave false evidence to the Leveson Inquiry in his witness statement, including in relation to the use of PIs at the News of the World, when he stated that they were</u>	This paragraph refers to Neil Wallis' evidence to the Leveson Inquiry in 2011 and 2012 . In support of this paragraph, paragraphs 241-244 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(23) above.	See §19(33A) above not §19(23) SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	Limitation Delay Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs: Satellite Litigation/Disproportionate	Permission granted.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>only used for legitimate purposes.</u>			te Poor/inappropriate pleading: Evidence	
19.	<u>(33C) Mr Wallis gave false evidence to his criminal trial in 2015 in relation to his knowledge of phone hacking at the News of the World, and in his attack on the evidence and character of Dan Evans who also gave the evidence at the trial, as set out in paragraph 11.23 above.</u>	In support of this paragraph, paragraphs 241-244 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(23) above.	See §19(33A) above not §19(23) SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	As above	Permission refused. Collateral issue about guilt of Mr Wallis and attack on correctness of jury verdict.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(33D) Mr Wallis was able to and did commission Glenn Mulcaire through Ian Edmondson (and others on the News Desk). The Claimants will rely on emails between Geoff Webster (Deputy Editor of <i>The Sun</i>) and Mr Wallis on 28 January 2006 in which Mr Webster sent Mr Wallis contact details (including mobile numbers) of an individual, and a Mulcaire note for that name appears to be dated at around this time. It is also to be inferred that <i>The Sun</i> was able to use the services of Mr Mulcaire to work on stories via Mr Wallis and that Mr Mulcaire's activities were used to provide <i>The Sun</i> with stories via this route (as well as between Mr Webster and Mr Miskiw).</u></p>	<p>This paragraph refers to email correspondence between Geoff Webster and Neil Wallis on 28.01.06 which was disclosed in the MTVIL claim of Simon Hughes on 02.02.21 (Exhibit CG39/235).</p> <p>In support of this paragraph, paragraphs 241-244 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(23) above.</p>	<p>See §19(33A) above not §19(23)</p> <p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	Permission granted.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<u>(33E) Mr Wallis was alleged (a) to have been fully aware of, known of and approved of, phone-hacking in the amended employment claim of Neville Thurlbeck, (b) as part of NGN's senior management to have been fully aware of and encouraged, phone-hacking according in the amended employment claim of James Weatherup, and (c) to have been created or condoned the practices which included widespread use of voicemail interception, the amended employment claim of Ian Edmondson.</u>	<p>This paragraph refers to:</p> <ul style="list-style-type: none"> James Weatherup's Amended Details of Claim (Employment Tribunal Case No. 3203748/2011) dated 14.07.15 and disclosed in the MTVIL on 05.02.21 {Z/2367.1/5} {J/2.3340}; Ian Edmondson's Amended Grounds of Complaint (Employment Tribunal Case No.3201361/2011/ 3202806/2011 and 3203748/2011) dated 15.07.15 and disclosed in the MTVIL on 05.02.21 {Z/2367.2/2} {J/2.3341}; and Neville Thurlbeck's Amended Answer to Question 5.2 / Statement of Case (Neville Thurlbeck's Employment Tribunal case) dated 15.07.15 and disclosed in the MTVIL on 05.02.21 {Z/2367.3/6} {J/2.3342}. <p>In support of this paragraph, paragraphs 241-244 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(23) above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p> <p>NGN's reference to §19(23) is an error</p>	As above	Permission refused: plea of evidence only.
19.	<u>(35A) Paragraph 33(D) above is repeated.</u>	<p>This paragraph refers to email correspondence between Geoff Webster and Neil Wallis on 28.01.06 which was disclosed in the MTVIL claim of Simon Hughes on 02.02.21 (Exhibit CG39/235).</p> <p>In support of this paragraph, paragraphs 241-244 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(23) above.</p>	<p>See §19(33A) above not §19(23)</p> <p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>		Permission granted.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<u>(40A) Mr Chapman was aware that, from the beginning of the One Rogue Reporter narrative, it was false, that the payments to Mr Goodman and Mr Mulcaire were made in part to buy their silence and that the investigation into Mr Edmondson was deliberately limited and inadequate. In respect of his evidence to the contrary on these points at the Leveson Inquiry, it is the Claimants contention that he was not telling the truth.</u>	<p>This paragraph appears to refer to Mr Chapman's oral evidence to the Leveson Inquiry on 14.12.11 and Witness Statement to the Leveson Inquiry dated 15.09.11.</p> <p>In support of the paragraph, paragraphs 246-247 in Galbraith 39 refer to:</p> <ul style="list-style-type: none"> An email from Mr Akass dated 14.01.11 which was disclosed in the MTVIL on 17.10.11 {Z/1692/1} {H/378}; and The 9th Witness Statement of Callum Galbraith dated 19.02.20 {F/286/33}. 	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Limitation Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs: Satellite Litigation/Disproportionate Poor/inappropriate pleading: Evidence Irrelevant: No/Few Extant Claims (ie no one says their distress was aggravated by Chapman's knowledge specifically)</p>	<p>Permission granted. Relevant to extent of concealment of truth and misleading of public.</p>
19.	<u>(40B) The Claimants contend that for the reasons set out herein above Mr Chapman's written and oral evidence to the CMS Select Committee 2011-12, was misleading in respect of his knowledge of (a) the purpose of the Goodman and</u>	<p>This paragraph refers to Mr Chapman's written evidence to the CMS Select Committee in 2011 – 2012.</p> <p>In support of this paragraph, paragraphs 246-247 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(40A) above.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p>	<p>Permission granted. Relevant to extent of concealment of truth and misleading of public.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>Mulcaire settlements, (b) the known falsity of the One Rogue Reporter Narrative, and (c) and the continued concealment by of the true picture by senior executives.</u></p>				
19.	<p><u>(42A) Neville Thurlbeck was prosecuted for making corrupt payments to a police officer (Richard Farmer) in 1999. The defence of both Mr Thurlbeck and Mr Farmer was that there was no evidence that Mr Farmer had been paid by NGN via Mr Thurlbeck for the information he was providing from the Police National Computer. As a result, both Mr Thurlbeck and Mr Farmer were acquitted. During the investigation and subsequent prosecution, NGN claimed that it had cooperated with the police, and that it</u></p>	<p>This paragraph refers to cash payments made to George Alfred, which were disclosed in the MTVIL on 05.10.18 {J/2.827}.</p> <p>In support of these paragraphs, paragraph 248 of Galbraith 39 refers to the documents listed below which were disclosed in the claim of Melanie Chisholm on 16.09.22. The relevance of these documents is not clear to NGN.</p> <ul style="list-style-type: none"> Hertfordshire Constabulary Information Transport Of Application For Spectat Procedure And Excluded Material Production Order (sic.) (Exhibit CG19/652-659). R v Farmer and Thurlbeck: Prosecution Opening Note for the Purposes of the Adjourned Plea and Directions Hearing (Exhibit CG39/660-690). 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Limitation Delay Unnecessary: Otiose/Public Inquiry/Enough Examples</p>	<p>Permission refused. Collateral issue as to whether NGN generally, or Mr Crone specifically, interfered with the administration of justice in relation to the prosecution of Mr Thurlbeck is irrelevant to the issues in the claim.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>could find no payments on the system. However, disclosure of hard copy documents from Tom Crone's office during MTVIL included a number of cash payment forms relating to a paid source of Mr Thurlbeck's called "George Alfred" living at a fictitious address in Wimbledon.</u></p>				
19.	<p><u>(42B) These payments were deliberately withheld from the police because it is to be inferred they relate to Mr Farmer and were inculpatory. The Claimants will contend that Mr Crone (as well as others unknown at NGN) were responsible for the suppression of this evidence and the resultant interference with the course of justice.</u></p>	<p>In support of this paragraph, paragraph 248 of Galbraith 39 refers to the documents outlined in relation to paragraph 19(42A) above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(42C) The Claimants contend that for the reasons set out herein above Mr Crone's written and oral evidence to the Leveson Inquiry, his oral evidence to the CMS Select Committee in July 2009, and in September 2011, and his evidence to the Parliamentary Committee of Privileges from 2012 to 2016, was misleading in respect of his knowledge of (a) phone- hacking and other unlawful activity at the News of the World from at least 1994 onwards, (b) the known falsity of the One Rogue Reporter Narrative, and (c) and the continued concealment of the true picture by senior executives.</u></p>	<p>This paragraph refers to:</p> <ul style="list-style-type: none"> • Tom Crone's Witness Statement to the Leveson Inquiry dated 30.09.11 and his oral evidence to the Leveson Inquiry on 13.12.11 and 14.12.11; • Tom Crone's oral evidence to the CMS Select Committee on 21.07.09 and 06.09.11; and • The Privileges Committee Report on the Conduct of Witnesses before a Select Committee published on 14.09.16 (see page 28 of Exhibit CF4). <p>In support of this paragraph, paragraph 248 of Galbraith 39 refers to the documents outlined in relation to paragraph 19(42A) above.</p>	<p>Consequential to the foregoing</p> <p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Unnecessary: Otiose/Public Inquiry/Enough Examples Proportionality and Costs: Satellite Litigation Poor/inappropriate pleading: repetitive. Irrelevant: No/Few Extant Claims (ie no one says their distress was aggravated by Crone's knowledge specifically)</p>	<p>Permission granted.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(52A) Mr Lewis gave approval for the deletion of all emails from 2007 on 3 February 2011 (one week after the start of Operation Weeting), which deletions were completed on 8 February 2011, the day before NI met the MPS to discuss what data was available, and the Claimants contend that this was a deliberate plan by Mr Lewis (and Mr Cheesbrough and Ms Brooks) to prevent the MPS from obtaining evidence of phone-hacking, other unlawful activity and the cover-up that took place in 2007. The Claimants will rely on the fact that Mr Lewis withheld from the police the fact that millions of emails had been deleted since 14 January 2011, for 6 months.</u></p>	<p>In support of this paragraph, paragraphs 249-252 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> The 3rd Witness Statement of Mr Cheesbrough in the MTVIL and its Exhibits dated 21.12.11 {F/13} {F/14}; Witness Statement of Mr Lewis in the MTVIL dated 21.12.11 {F/9}; The Witness Summary of Mark Ponting available to the Claimants from at least 20.10.15 {D/7}; A letter from Hamlins to Clifford Chance sent by the Claimants on 20.01.21 {T/1268}; The 34th Witness Statement of Christa Jane Band in the MTVIL dated 10.06.16 {F/121} {F/122}; Minutes of meeting dated 08.07.11 and disclosed in the MTVIL on 28.07.17 {Z/1965} {O/242}; The Witness Statement of Phil Aldred (S310E) dated 16.11.12 and disclosed in the MTVIL on 28.07.17 {Z/2214} {O/40}; A letter from Linklaters to the MPS dated 17.04.12 disclosed in the MTVIL by 13.01.17 {R/96}; Generic Disclosure Statement in the MTVIL dated 17.10.11 (Exhibit CG39/691-696); and Disclosure Statements in the claim of Sir Simon Hughes dated 17.01.12 (Exhibit CG39/697-701) and the claim of Ciara Parkes dated 17.11.11 (Exhibit CG39/702-735). 	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Unnecessary: Otiose/Public Inquiry Evidence/Enough Examples Proportionality and Costs: Satellite Litigation Poor/inappropriate pleading: Poor Drafting Irrelevant: No/Few Extant Claims (i.e. no one says their distress was aggravated by Lewis's knowledge specifically)</p>	<p>Permission granted: relevant to alleged strategy to destroy incriminating evidence and conceal wrongdoing generally, including from the public.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(52B) Further, Mr Lewis deliberately concealed the destruction of emails by making false statements. Pending further disclosure and/or provision of further information, the Claimants will rely by way of example on the following evidence given by Mr Lewis to the Court in 2011 and 2012 such as:</u></p> <p><u>(i) in the generic disclosure statement of William Lewis dated 17 October 2011;</u></p>	<p>This paragraph refers to the Generic Disclosure Statement in the MTVIL dated 17.10.11 (Exhibit CG39/691-696); and</p> <p>In support of this paragraph, paragraphs 249-252 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(52A) above.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	Permission granted. Allegation of concealment and particulars given. Although not directly relevant to concealment from the public, the allegations are capable of evidencing a wider strategy to mislead the public as well as the court.
19.	<p><u>(ii) the first witness statement of William Lewis of the same date; and</u></p>	<p>This paragraph references the 1st Witness Statement of William Lewis in the MTVIL dated 21.12.11 {F/9}.</p> <p>In support of this paragraph, paragraphs 249-252 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(52A) above.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	s/a
19.	<p><u>(iii) the disclosure statements signed by Will Lewis in the First Claim of Sir Simon Hughes dated 17 January 2012; and in the First Claim of Ciara</u></p>	<p>This paragraph refers to the Disclosure Statements in the claim of Sir Simon Hughes dated 17.01.12 (Exhibit CG39/697-701) and the claim of Ciara Parkes dated 17.11.11 (Exhibit CG39/702-735).</p> <p>In support of this paragraph, paragraphs 249-252 of Galbraith 39 refer to the documents outlined</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	As above	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>Parke dated 17 November 2011.</u>	in relation to paragraph 19(52A) above.			
19.	<p><u>(52C) Mr Lewis was responsible (along with Mr Greenberg) for the securing of the "Wapping Archive", where document storage furniture items from the News of the World offices were securely stored when the paper was closed, and from which 8 filing cabinets and pedestals disappeared in September 2011, prior to a planned search by the MPS. The Claimants infer that this was arranged by Mr Lewis and Mr Greenberg and will rely in support of this inference on the fact that:</u></p> <p><u>i. the MPS were not informed that these items were missing; and</u></p>	In support of this paragraph, paragraphs 249-252 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(52A) above.	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Unnecessary: Otiose/Public Inquiry/Enough Examples Poor/inappropriate pleading: repetitive.</p> <p>Proportionality and Costs: Satellite Litigation/Wasted Costs Poor/inappropriate pleading: repetitive Irrelevant: No/Few Extant Claims (i.e. no one says their distress was aggravated by Lewis's knowledge specifically)</p>	Permission refused. Not apparently relevant, as pleaded, to issues in the claim.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<u>ii. key NGN witness statements describing the Wapping Archive (including that of Will Lewis of 21 December 2011), failed to mention this disappearance and incorrectly referred to 125 items of storage furniture being searched by the MPS in 2011, rather than 117 items.</u>	This paragraph references the 1 st Witness Statement of William Lewis in the MTVIL dated 21.12.11 {F/9}.	SUBSEQUENT INSIGHT ONLY THIRD PARTY PARTICULARISATION	As above	
19.	<u>(52D) The Claimants contend that in their role on the MSC, Mr Lewis and Mr Greenberg would have seen the product of the investigation that they commissioned from Linklaters into unlawful activities at <i>The Sun</i> (the Titles Review of <i>The Sun</i>). The Claimants infer that as a result, Mr Lewis and Mr Greenberg saw that the product of the searches commissioned</u>	In support of this paragraph, paragraphs 249-252 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(52A) above.	SUBSEQUENT INSIGHT ONLY THIRD PARTY PARTICULARISATION	As above	Permission refused. Too late to investigate actions of the MSC and try those matters within time allowed for trial.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>included emails (some of which were disclosed to the Claimants in the litigation 8 years later in what the MPS described as exhibit BPR/128) that demonstrated at least prime facie evidence of unlawful activities having taken place at <i>The Sun</i>. Despite this, the MSC maintained (and still maintains) the public position that such activity did not take place at <i>The Sun</i>.</u></p>				
19.	<p><u>(54A) The Claimants further rely on the matters relating to Mr Greenberg, and the actions of Will Lewis and the MSC to which he was a party, set out in paragraphs 18A to 18K above.</u></p>	<p>This paragraph refers to the documents outlined in paragraphs 18A to 18K above, which relate to allegations concerning Keith Rupert Murdoch.</p> <p>In support of this paragraph, paragraph 253 of Galbraith 39 refers to:</p> <ul style="list-style-type: none"> • An email from Simon Greenberg to Paul Cheesbrough which was disclosed in the MTVIL on 22.12.17 {Z/1792} {J/2.634}; and • A Channel 4 News interview between Jon Snow and Simon Greenberg which took place on 05.07.11 (Exhibit CG39/736-738). 	<p>See §§18A-18K above</p> <p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p> <p>Poor/inappropriate pleading: Poor Drafting</p>	<p>Permission refused. See para 18A above.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>Richard Caseby. Mr Caseby was Joint Managing Editor of the News of the World and the The Sun from June 2011</u></p> <p>(55) <u>Richard Caseby became the joint Managing Editor of The Sun and News of the World in June 2011 and approved payments to private investigators, such as Derek Webb (by the News of the World), Andy Kyle, Paul Hardaker (both for payments from the News of the World and The Sun) and System Searches. Of these, only the employment of Derek Webb was made known to the Leveson Inquiry by News International (and thereby NGN).</u></p>	<p>In support of this paragraph, paragraphs 254-267 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> The 5th Witness Statement of Richard Caseby to the Leveson Inquiry dated 18.07.12 (Exhibit CG39/753- 758); A System Searches invoice disclosed in the MTVIL on 18.10.18 {T/600}; A spreadsheet of ZC payments disclosed pursuant to the July 2020 CMC Order on 31.07.20 (Exhibit CG39/739); A spreadsheet of ZC payments disclosed on 17.04.20 and in unredacted form on 07.05.21 {Y/537.2.1.4} {K/6486}; An email from Richard Barun to Richard Caseby dated 30.08.11 and disclosed in the MTVIL on 06.08.20 {Y/537.22/1} {K/6458}; An email from Daisy Dunlop to Graham Dudman and Richard Caesby dated 18.07.11 and disclosed in the MTVIL on 06.08.20 {Y/537.01.1/1} {K/6454}; Mr Caseby's evidence to the Home Affairs Committee on 17.04.12; and The 2nd Witness Statement of Roger Best in the MTVIL dated 09.10.17 {F/180/11}. 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Limitation Delay Proportionality and Costs: Wasted Costs/Satellite Litigation Unnecessary: Otiose/Public Inquiry/Enough Examples Imperil trial/very late amendment Poor/inappropriate pleading: Evidence Poor/inappropriate pleading: repetitive Irrelevant: No/Few Extant Claims (i.e. no one says their distress was aggravated by Caseby's knowledge specifically)</p>	<p>Permission granted. Relevant to extent of wrongdoing and concealment, and allegations arise from evidence obtained after February 2020..</p>
19.	<p>(56) <u>The activities for which Mr Caseby approved payments included the targeting of individuals such as Hugh Grant on 3 November 2011 when Mr Grant was</u></p>	<p>In support of this paragraph, paragraphs 254-67 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(55) above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p>	<p>s/a</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>giving evidence to the Leveson Inquiry.</u></p>				
19.	<p><u>(57) On 27 July 2011, Mr Caseby circulated a spreadsheet of cash payment records entitled "paid in cash FY2000-2012b.xlsx" which included numerous records of payments for phone enquires in respect of Jude Law, Sienna Miller, Lady Monckton, Jonny Wilkinson, Shane Warne and others, and several large payments to the private investigator Steve Hampton (also referred to by NGN as "Secret Steve"), who was paid more than £65,000 in cash between March 1998 and March 2000 by The Sun for supplying information such as "ex-directory telephone numbers" and "confidential</u></p>	<p>In support of this paragraph, paragraphs 254-67 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(55) above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Poor/inappropriate pleading: Evidence As above</p>	<p>Permission refused. The fact of circulation appears irrelevant (and no particulars of it are pleaded) so the spreadsheet is only evidence.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>telephone numbers". The Claimants' case is that the spreadsheet of cash payments circulated by Mr Caseby records instances of UIG carried out by <i>The Sun</i>.</u></p>				
19.	<p><u>(58) On 30 August 2011 Richard Barun informed Richard Caseby by email that Andy Kyle, Searchline and System Searches were all regularly used, and continuing to be used, by <i>The Sun</i> (save for Searchline which he stated was last used in June 2011). The Claimants contend that the email demonstrates Mr Caseby knew before he made his witness statement for the</u></p>	<p>This paragraph refers to an email from Richard Barun to Richard Caseby dated 30.08.11 and disclosed in the MTVIL on 06.08.20 {Y/537.22/1} {K/6458}.</p> <p>In support of this paragraph, paragraphs 254-62 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(55) above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Poor/inappropriate pleading: Evidence</p> <p>Poor/inappropriate pleading: Poor Drafting</p> <p>As above</p>	<p>Permission granted.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>Leveson Inquiry that at least three PIs had not been included in the schedule of private investigators provided to the Leveson Inquiry and, further, were still in use by <i>The Sun</i>. The Claimants' case is that Mr Caseby was well aware of the extent of <i>The Sun's</i> use of PIs during the Leveson Inquiry and throughout his employment.</u></p>				
19.	<p><u>Tom Mockridge, Mr Mockridge was Chief Executive of News International from 2011</u> <u>(59) Mr Mockridge was responsible for providing information requested of NI (and thereby NGN) to the Leveson Inquiry. The Claimants contend that in his written evidence, Mr Mockridge misled the Inquiry as to the status of the MSC by claiming it was an independent body when it was not, as</u></p>	<p>In support of this paragraph, paragraphs 269-276 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> • Mr Mockridge's 1st Witness Statement to the Leveson Inquiry dated 14.10.11; • Mr Mockridge's 2nd Witness Statement to the Leveson Inquiry dated 16.12.11; and • The documents outlined in relation to paragraphs 18A to 18K above, which concern the MSC and Keith Rupert Murdoch. 	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Limitation Delay Proportionality and Costs: Wasted Costs/Satellite Litigation Imperil trial/very late amendment Unnecessary: Otiose/Public Inquiry Evidence/Enough Examples Poor/inappropriate pleading: repetitive Irrelevant: No/Few Extant Claims (ie no one says their distress was aggravated by Mockridge's knowledge specifically)</p>	<p>Permission refused. Allegation that Mr Mockridge misled the Inquiry adds nothing to the other allegations already pleaded. No particulars of the misleading are pleaded, so it is impossible to discern what is relevant and proportionate.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>he also did in in respect of NGN's use of PIs, computer hacking, payments or benefits in kind made to public officials, corruption and subsequent use of information obtained as a result of UIG.</u></p>				

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>Piers Morgan. Mr Morgan was the Editor of the News of the World from January 1994 to 31 August 1995, having previously edited the Bizarre column at The Sun</u></p> <p>(60) <u>In Mr Morgan's first witness statement to the Leveson Inquiry published on 20 December 2011 he stated he had no recollection of the use of private investigators during his time at the News of the World, whether in the commissioning of work by, the selection of, the authorisation of payment to or discussions on investigative methods with, such private investigators. This was false and misleading.</u></p>	<p>This paragraph refers to Mr Morgan's 1st Witness Statement dated 20.12.11, as also referenced in paragraph 277-281 of Galbraith 39.</p> <p>In support of this paragraph, paragraphs 277-281 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> • Unparticularised SAP disclosure said to have been provided by NGN on February and March 2021; • The Witness Statement of Steve Grayson given in the MTVIL dated 18.09.21 {D/133}; • A log of pager messages disclosed in the MTVIL (with redactions lifted) on 11.01.18 {Z/2} {J/2.28}; • Articles published in the News of the World: <ul style="list-style-type: none"> ○ "Who does Di want to bleep with?", Clive Goodman, 13.03.94 (Exhibit CG39/796); ○ "Hewitt Girl Gets Hate Calls From Di's Home", Gary Jones, 14.08.94 (Exhibit CG39/797); and ○ "Di's cranky phone calls to married Oliver", Gary Jones and Clive Goodman, 21.08.94 (Exhibit CG39/798); ○ "She called 3 times in 9 minutes and hung up as she heard Oliver's voice", Gary Jones, 21.08.94 (Exhibit CG39/799); and • Extracts from "The Insider: The Private Diaries of a Scandalous Decade" by Piers Morgan, which was first serialised in the <i>Dail Mail</i> on 06.03.05 (Exhibit CG39/800-802). 	<p>SUBSEQUENT DISCLOSURE</p> <p>SUBSEQUENT WITNESS</p> <p>THIRD PARTY PARTICULARISATION</p> <p>Consequential to 1994-5 Relevant period amendment</p>	<p>Proportionality and Costs: Wasted Costs/Satellite Litigation Prejudice Imperil trial/very late amendment Limitation Delay Unnecessary: Otiose/Public Inquiry/Enough Examples</p> <p>Poor/inappropriate pleading: Evidence</p>	<p>Permission refused. Allegations relate to 1994/1995, for which permission has not been granted.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(61) Pending full disclosure, including of the PI payment records from the Journal Uploads for the period 1994-1995, being the period Mr Morgan was Editor of the News of the World, it is to be inferred from the following facts and matters that Mr Morgan was aware of NGN's use of PIs and other forms of UIG at the News of the World and The Sun during the period of his employment at NGN. The Claimants will rely on in support of this contention:</u></p> <p><u>(a) From 1994, and during the period of Mr Morgan's editorship, the News of the World was frequently using Steve Whittamore/ JJ Services to obtain information. The News of the World's use of</u></p>	<p>In support of this paragraph, paragraphs 277-281 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(60) above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p> <p>Consequential to 1994-5 Relevant period amendment</p>	<p>As above</p> <p>As above</p> <p>Poor/inappropriate pleading: Elsewhere</p> <p>Poor/inappropriate pleading: Poor Drafting</p> <p>Poor/inappropriate pleading: Evidence</p>	<p>s/a</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p>Southern Investigations, Metshield/Steve Clark, John Ross, Severnside and Christine Hart were all well-established by January 1996 (when NGN's current PI payment disclosure starts) and it is to be inferred were therefore being used prior to that date.</p>				
19.	<p><u>(b) The _____ witness statement of Steve Grayson, an investigative photographer who worked for the News of the World as a full-time freelancer for many years prior to joining the staff under Mr Morgan's editorship in 1994. His _____ statement, given in September 2021 for trial, states</u></p>	<p>This paragraph references the MTVIL Witness Statement of Steve Grayson dated 28.09.21</p> <p>In support of this paragraph, paragraphs 277-281 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(60) above.</p>	<p>SUBSEQUENT WITNESS</p> <p>THIRD PARTY PARTICULARISATION</p> <p>Consequential to 1994-5 Relevant period amendment</p>	<p>As above</p> <p>Poor/inappropriate pleading: Elsewhere</p> <p>Poor/inappropriate pleading: Poor Drafting</p> <p>Poor/inappropriate pleading: Evidence</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>that PI activity (especially Southern Investigations) was being used by the News of the World routinely from 1992-3 onwards.</u></p>				
19.	<p><u>(c) Mr Morgan worked closely with, and/or promoted or recruited, journalists such as Clive Goodman (Royal Editor), Ray Levine (Features Editor), Phil Taylor (recruited from The People), Greg Miskiw (News Editor), Alex Marunchak (News Editor) and Mark Thomas (Chief Reporter) and Gary Jones (Chief Crime Correspondent) who have all been shown to have been using unlawful Information gathering from at least as early as 1996-7. Mr Marunchak, Mr</u></p>	<p>In support of this paragraph, paragraphs 277-281 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(60) above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p> <p>Consequential to 1994-5 Relevant period amendment</p>	<p>As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>Thomas and Mr Jones were extensive users of the PI firm, Southern Investigations.</u></p>				
19.	<p><u>(d) NGN retained (until they were found in the safe of Tom Crone's office) a 21- page log of messages entitled "HRH Prince of Wales". They are a log of pager messages left for HRH The Princess of Wales by Oliver Hoare between 28 September 1994 and 3 January 1995. It can be inferred that Mr Morgan was aware that HRH The Princess of Wales had a 'secret' pager following the publication of an article entitled</u></p>	<p>This paragraph refers to:</p> <ul style="list-style-type: none"> • A log of pager messages disclosed in the MTVIL (with redactions lifted) on 11.01.18 {Z/2} {J/2.28}; and • An article entitled "<i>Who does Di want to bleep with?</i>" publicly available from at least 13.03.94 (Exhibit CG/796). <p>In support of this paragraph, paragraphs 277-281 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(60) above.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p> <p>Consequential to 1994-5 Relevant period amendment</p>	<p>As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>"Who does Di want to bleep with?" in the News of the World on 13 March 1994 under the byline of Clive Goodman. The article reported on the fact that she switched from a mobile phone to a NEC device to prevent anybody picking up her personal conversations and that the device can only be cracked with a £25,000 computer operated system. The Claimants will also refer to the fact that Gary Jones and Alex Marunchak provided Mr Morgan with Mr Hoare's private itemised billing data in August 1994.</u></p>				

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(61A) The Claimants will also rely in support of the contention that Mr Morgan was aware of NGN's use of PIs and other forms of UIG during his employment at NGN on further articles published under Mr Morgan's editorship bylined to Mr Jones and/or Mr Goodman which were the product of unlawfully obtained information as he was or would have been aware, such as (a) an article, headlined, "HEWITT GIRL GETS HATE CALLS FROM DI'S HOME", and bylined to Mr Jones published on 14 August 1994 which contained information obtained from confidential police and British Telecom documents, and (b) further articles bylined to Mr Jones and Clive Goodman, headlined "Di's cranky phone</u></p>	<p>In support of this paragraph, paragraphs 277-281 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(60) above.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p> <p>Consequential to 1994-5 Relevant period amendment</p>	<p>As above</p> <p>Poor/inappropriate pleading: Elsewhere</p> <p>Poor/inappropriate pleading: Poor Drafting</p> <p>Poor/inappropriate pleading: Evidence</p>	<p>s/a</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>calls to married Oliver" and "She called 3 times in 9 minutes and hung up as she heard Oliver's voice", published on pages 1, 2, 3, 4 and 5 of the <i>News of the World</i> on 21 August 1994, which contained information obtained from confidential phone records.</u></p>				

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>Phil Hall. Mr Hall was the Editor of the News of the World from 1995-2000 (and Deputy Editor in 1994)</u></p> <p><u>(62) Mr Hall gave evidence to the Leveson Inquiry that he was not aware of the use of voicemail interception by the News of the World, that private investigators were only used in circumstances where there was a strong public interest defence and they were never the source of a story, that police officers were not paid for information, and that in police investigations the News of the World always provided all their evidence to the authorities. The Claimants contend that Mr Hall's statements were misleading in that that he knew about the unlawful information.</u></p>	<p>This paragraph appears to refer to Phil Hall's written evidence to the Leveson Inquiry which will have been read into evidence by November 2012 at the latest.</p> <p>In support of this paragraph, paragraphs 282-284 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> • Cash payments made to George Alfred, which were disclosed in the MTVIL on 05.10.18 {J/2.827}; • Documents disclosed in the MTVIL on 18.12.20 pursuant to paragraph 1 of the order of 27.11.20 (Exhibit CG39/803 – 807) {T/1233}; and • "Wimbledon Vice Scandal" by Mazher Mahmood and David Jeffs, News of the World dated 26.06.94. <p>Paragraph 284(b) of Galbraith 39 refers to the documents listed below, which were disclosed in the claim of Melanie Chisholm on 16.09.22. The relevance of these documents is not clear to NGN.</p> <ul style="list-style-type: none"> • Hertfordshire Constabulary Information Transport Of Application For Spectat (sic) Procedure And Excluded Material Production Order (sic.) (Exhibit CG19/652-659). • R v Farmer and Thurlbeck: Prosecution Opening Note for the Purposes of the Adjourned Plea and Directions Hearing (Exhibit CG39/660-690). 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Proportionality and Costs: Wasted Costs/ Satellite Litigation Prejudice Limitation Imperil trial/very late amendment Unnecessary: Otiose/Public Inquiry/Enough Examples Irrelevant: No/Few Extant Claims (ie no one says their distress was aggravated by Hall's knowledge specifically)</p>	<p>Permission granted: relevant to extent of wrongdoing at the News of the World from 1996-2000 (no permission in relation to allegations relating to 1994/1995).</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>gathering</u> being carried out under his editorship and deputy editorship.</p>				

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(63) In support of this contention, the Claimants will rely on the following facts and matters</u></p> <p><u>(a) PIs were used extensively prior to 2000 as is set out in the Private Investigator Annexe to these Particulars. For example, Glenn Mulcaire (from 1996 as part of Legal Resource and Intelligence Research (LRI) Ltd), Southern Investigations (from 1993), Starbase (Secret Steve) (from 1998), Scott Tillen and (initially) Andy Tyndall (from 1996) were paid by the News of the World, all prior to 2000 and during Mr Hall's editorship. Mr Hall</u></p>	<p>In support of this paragraph, paragraphs 282-284 of Galbraith 39 refer to the documents listed at paragraph 19(62) above.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate Pleading: Poor Drafting Poor/inappropriate pleading: Evidence</p>	<p>s/a</p>
19.	<p><u>(b) Mr Hall must have been aware that they were commissioned to</u></p>	<p>In support of this paragraph, paragraphs 282-284 of Galbraith 39 refer to the documents listed at paragraph 19(62) above.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY</p>	<p>As above Poor/inappropriate pleading: Elsewhere</p>	<p>s/a</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>carry out unlawful activities from the nature of the work they did and the invoices submitted.</u>		PARTICULARISATIO N	Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence	
19.	(c) <u>The fact that PIs were used hundreds of times during Mr Hall's editorship means that it could not be the case that they were only ever used to stand up stories (rather than being the source of a story that was later stood by lawful/legitimate means).</u>	In support of this paragraph, paragraphs 282-284 of Galbraith 39 refer to the documents listed at paragraph 19(62) above.	SUBSEQUENT INSIGHT ONLY THIRD PARTY PARTICULARISATIO N	As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence	s/a
19.	(d) <u>Cash payments were made to a George Alfred living at a fake address in Wimbledon, from 1997-8. The Claimants contend that "George Alfred" was the pseudonym used by a police officer, Richard Farmer, to supply Police National Computer data to Neville Thurlbeck. These</u>	This paragraph appears to refer to cash payments made to George Alfred, which were disclosed in the MTVIL on 05.10.18 {J/2.827}. In support of this paragraph, paragraphs 282-284 of Galbraith 39 refer to the documents listed at paragraph 19(62) above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATIO N	As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence	Permission refused, as relates only to matter of disclosure between NGN and Police.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>cash payments and documents relating to 'George Alfred' were also held by NGN in Tom Crone's office and it can be inferred that they were withheld from the police in 1999 during the investigation and prosecution of Mr Thurlbeck and Mr Farmer, and that Mr Hall would have been aware of these documents being withheld given his position.</u></p>				
19.	<p><u>(e) Further, hundreds of payments were made to private investigators, including John Ross and Southern Investigations. The News of the World were in regular receipt of copies of the confidential CID internal briefing (the "Police Gazette") from Southern Investigations.</u></p>	<p>This paragraph does not refer to a specific document but disclosure provided by the MPS in 2019 includes reference to the 'Police Gazette' {G/556}.</p> <p>In support of this paragraph, paragraphs 282-284 of Galbraith 39 refer to the documents listed at paragraph 19(62) above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence</p>	<p>Permission granted (but no permission in relation to allegations relating to 1994/1995).</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<u>(f) the News of the World did not provide the police with "all the evidence" from Mazher Mahmood's investigations, such as the fact of, and products from, his use of private investigators to frame his targets. Indeed, he was not considered to be a reliable witness by the police.</u>	In support of this paragraph, paragraphs 282-284 of Galbraith 39 refer to the documents listed at paragraph 19(62) above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence	Permission refused, as relates only to matter of disclosure between NGN and Police.
19.	<u>Stuart Higgins. Mr Higgins was the Editor of The Sun from January 1994 to June 1998</u> (64) <u>The editorship of Mr Higgins covers a significant part of the Relevant Period in which a large number of articles are pleaded by individual claimants as being the product of information obtained from UIG.</u>	In support of this paragraph, paragraphs 285-292 of Galbraith 39 refer to: <ul style="list-style-type: none"> A spreadsheet of ZC SAP entries disclosed in the MTVIL on 07.05.21 {Y/537.2.1.4} {K/6486}; and Stuart Higgins' Witness Statement to the Leveson Inquiry dated 09.01.12 (Exhibit CG39/824). <p>The Claimants' schedule of corrections to Galbraith 39 indicates that unspecified missing call data exhibits are to be considered as supporting evidence. On the assumption that this is call data relating to John Ross, as referenced in paragraph 292 of Galbraith 39, we note that this was disclosed on 11.12.23. The Claimants have indicated that this call data will be exhibited to their Reply Evidence.</p>	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	Proportionality and Costs: Wasted Costs/Satellite Litigation Prejudice Limitation Imperil trial/very late amendment Unnecessary: Otiose/Public Inquiry/Enough Examples Irrelevant: No/Few Extant Claims (ie no one says their distress was aggravated by Higgins's knowledge specifically)	Permission granted but not in relation to 1994 and 1995 allegations.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(65) Mr Higgins' evidence to the Leveson Inquiry stated he was not aware of the use of voicemail interception by The Sun and that PIs were only used when there was a strong public interest defence. The Claimants contend that Mr Higgins' statements to the Leveson Inquiry were misleading and untrue and that he knew about the unlawful information gathering being carried out at The Sun under his editorship and deputy editorship.</u></p>	<p>In support of this paragraph, paragraphs 285-292 of Galbraith 39 refer to the documents listed at paragraph 19(64) above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence</p>	<p>Permission granted.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(66) Pending full disclosure, the Claimants will rely in support of this contention on the spreadsheet of cash payments circulated by Richard Caseby, which records several large payments approved by Mr Higgins to the private investigator Steve Hampton (also referred to by NGN as "Secret Steve"), who was paid more than £65,000 in cash between March 1998 and March 2000 by The Sun for supplying information such as "ex-directory telephone numbers" and "confidential telephone numbers". The Claimants aver that the spreadsheet of cash payments circulated by Mr Caseby records instances of unlawful information gathering carried out by The Sun, of which Mr Higgins was</u></p>	<p>This paragraph refers to a spreadsheet of ZC SAP entries disclosed in the MTVIL on 07.05.21 {Y/537.2.1.4} {K/6486}.</p> <p>In support of this paragraph, paragraphs 285-292 of Galbraith 39 refer to the documents listed at paragraph 19(64) above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence</p>	<p>Permission granted provided that C is able to and does plead that the Caseby spreadsheet was circulated to Mr Higgins before he gave evidence to the Leveson Inquiry. Otherwise, it is no more than a piece of hearsay evidence.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>aware.</u>				
19.	<u>(67) Paragraph 19(61)(d) above is repeated.</u>	In support of paragraph 19(61)(d), paragraphs 277-281 of Galbraith 39 refer to the documents outlined in relation to paragraph 19(60) above.	SUBSEQUENT INSIGHT ONLY THIRD PARTY PARTICULARISATION Consequential to 1994-5 Relevant period amendment	As above	Permission refused. The paragraph appears to have no relevance to Mr Higgins and relates to 1994/1995.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(68) On 10 February 1995, a story was published in <i>The Sun</i> entitled "<i>The Sun traps rat trying to flog Di's secret tapes</i>" in which it claimed to have refused an offer from a student named Chris Hadley to sell private pager messages sent to Princess Diana from a 'mystery pal' for £35,000 (presumably as it knew the information was private and its use in an article would be unlawful), yet ten days later on 20 February 1995 <i>The Sun</i> published a front page exclusive article entitled "<i>I won't name Di in divorce scandal</i>" concerning the breakdown of Diane Hoare's marriage to Oliver, which contained information gleaned from the 21-page log of pager messages as referred to above at</u></p>	<p>This paragraph refers to:</p> <ul style="list-style-type: none"> An article published in <i>The Sun</i> titled "<i>The Sun traps rat trying to flog Di's secret tapes</i>" dated 10.02.95; An article published in <i>The Sun</i> titled "<i>I won't name Di in divorce scandal</i>" dated 20.02.95; and The documents outlined in relation to paragraph 19(61)(d) above. <p>In support of this paragraph, paragraphs 285-292 of Galbraith 39 refer to the documents listed at paragraph 19(64) above.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p> <p>Consequential to 1994-5 Relevant period amendment</p>	<p>As above</p> <p>Poor/inappropriate pleading: Elsewhere</p> <p>Poor/inappropriate pleading: Poor Drafting</p> <p>Poor/inappropriate pleading: Evidence</p>	<p>Permission refused: relates to 1995</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>paragraph 19(61)(d) (for example references to Mr Hoare's trips to the US and to specific US hotels) and on occasion the actual pager messages themselves (for example 'Thinking of you every minute. Love you' which was left on 12 November 1994).</u></p>				
19.	<p><u>David Yelland. Mr Yelland was the Editor of The Sun from 1998-2003</u> <u>(69) The editorship of Mr Yelland covers a significant part of the Relevant Period during which a large number of articles are pleaded by individual claimants as being the product of information obtained by UIG.</u></p>	<p>In support of this paragraph, paragraphs 293-295 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> • A spreadsheet ZC SAP entries disclosed in the MTVIL on 07.05.21 {Y/537.2.1.4} {K/6486}; and • Mr Yelland's Witness Statement to the Leveson Inquiry dated 23.08.11. 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Proportionality and Costs: Wasted Costs/Satellite Litigation Prejudice Limitation Imperil trial/very late amendment Unnecessary: Otiose/Public Inquiry/Enough Examples Irrelevant: No/Few Extant Claims (ie no one says their distress was aggravated by</p>	<p>Permission granted.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
				Yelland's knowledge specifically)	
19.	<u>(70) Mr Yelland's evidence to the Leveson Inquiry was that he was not aware of The Sun's use of PIs. The Claimants contend that Mr Yelland's statement to the Leveson Inquiry was misleading and that he turned a blind eye to the unlawful information gathering being carried out at The Sun under his editorship.</u>	In support of this paragraph, paragraphs 293-295 of Galbraith 39 refer to the documents listed at paragraph 19(69) above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence	Permission granted.
19.	<u>(71) In support of this contention, the Claimants will rely on the fact that in his Witness Statement to the Leveson Inquiry published on 9 January 2012, he stated that to the best of his knowledge The Sun had never used, paid or had any connection with</u>	In support of this paragraph, paragraphs 293-295 of Galbraith 39 refer to the documents listed at paragraph 19(69) above.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence	Permission granted.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>private investigators in order to source stories or information and/or paid or received payments in kind for such information from the police, public officials, mobile phone companies or others with access to the same.</u></p>				
19.	<p><u>(72) Paragraph 19(66) above is repeated. The Claimants' case is that the spreadsheet of cash payments circulated by Mr Caseby records instances of unlawful information gathering carried out by The Sun of which Mr Yelland was aware.</u></p>	<p>This paragraph cross-refers to the spreadsheet of ZC SAP entries referenced in paragraph 19(66), which was disclosed in the MTVIL on 07.05.21 {Y/537.2.1.4} {K/6486}.</p> <p>In support of this paragraph, paragraphs 293-295 of Galbraith 39 refer to the documents listed at paragraph 19(69) above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence</p>	<p>Permission granted on the same condition as stated under paragraph 19(66).</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>Christopher Roycroft-Davis. Mr Roycroft-Davis was the Managing Editor. and Executive Editor of The Sun from 1995-2005</u></p> <p>(73) Mr Roycroft-Davies succeeded Bill Newman as Managing Editor in 1998, having been in editorial management since 1995, and was in post prior to Graham Dudman taking on the position. The Claimants contend that the Managing Editors at <i>The Sun</i> during the Relevant Period were aware of the UIG taking place on NGN's behalf and failed to take steps to prevent it.</p>	In support of this paragraph, paragraphs 296-298 of Galbraith 39 refer to a spreadsheet of ZC SAP entries disclosed in the MTVIL on 07.05.21 {Y/537.2.1.4} {K/6486}.	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Proportionality and Costs: Wasted Costs/Satellite Litigation Prejudice Limitation Imperil trial/very late amendment Unnecessary: Otiose/Public Inquiry/Enough Examples Irrelevant: No/Few Extant Claims (i.e. no one says their distress was aggravated by Roycroft-Davis' knowledge specifically)</p>	Permission granted.
19.	<p>(74) Paragraph 19(66) above is repeated. The Claimants's case is that the spreadsheet of cash payments circulated by Mr Caseby records instances of UIG carried out by <i>The Sun</i> of which Mr Roycroft- Davis</p>	This paragraph cross-refers to the spreadsheet of ZC SAP entries referenced in paragraph 19(66), which was disclosed in the MTVIL on 07.05.21 {Y/537.2.1.4} {K/6486}.	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence</p>	Permission granted on the same condition as stated under paragraph 19(66).

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>was aware.</u>				
19.	<u>(75) Mr Roycroft-Davis authorised payments to PIs used by The Sun including Ann Johnston, Christine Hart, TDI and ELI, JJ Services, John Ross, Rachael Barry, Starbase (Secret Steve) and System Searches.</u>	In support of this paragraph, paragraphs 296-298 of Galbraith 39 refer to the documents listed at paragraph 19(73) above.	SUBSEQUENT INSIGHT ONLY THIRD PARTY PARTICULARISATION	As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence	Permission granted.
19.	<u>Bill Newman was the Managing Editor of The Sun from 1989 until 1998, and then The Sun's Ombudsman until 2005</u> <u>(76) Mr Newman was the Managing Editor of The Sun in 1998, having been in editorial management since 1995. The Claimants contend that all Managing Editors at The Sun during the Relevant Period, were aware of the UIG taking place on behalf of NGN, and</u>	In support of this paragraph, paragraphs 299-302 of Galbraith 39 refer to: <ul style="list-style-type: none"> • A spreadsheet of ZC SAP entries disclosed in the MTVIL on 07.05.21 {Y/537.2.1.4} {K/6486}; • Payments authorised by Mr Newman and disclosed in the MTVIL on 28.06.17 {M/13/5}; and • Annex A to the 25th Witness Statement of Callum Galbraith in the MTVIL, dated 08.07.21, concerning ZA and ZC payments disclosed pursuant to paragraph 12 of the order of 04.03.20 on 30.03.20 and 06.04.20 {F/379/30}. The Claimants have indicated that the ZA and ZC payments disclosed on 06.04.20 are to be exhibited to their Reply Evidence. 	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	Proportionality and Costs: Wasted Costs/Satellite Litigation Prejudice Limitation Imperil trial/very late amendment Unnecessary: Otiose/Public Inquiry/Enough Examples Irrelevant: No/Few Extant Claims (i.e. no one says their distress was aggravated by Newman's knowledge specifically)	Permission granted but not in relation to 1994/1995.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>failed to take steps to sanction it or prevent it.</u>				
19.	(77) <u>Paragraph 19(66) above is repeated. The Claimants aver that the spreadsheet of cash payments circulated by Mr Caseby records instances of UIG carried out by The Sun of which Mr Newman was aware.</u>	This paragraph cross-refers to the spreadsheet of ZC SAP entries referenced in paragraph 19(66), which was disclosed in the MTVIL on 07.05.21 {Y/537.2.1.4} {K/6486}.	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence	Permission granted on the same condition as stated under paragraph 19(66).
19.	(78) <u>Mr Newman authorised payments to PIs used by The Sun including Searchline, Severnside, System Searches, Christine Hart, Rachael Barry, Anne Johnston and Spencer Dove, including more than 60 payments in 1998 alone to PIs who the</u>	In support of this paragraph, paragraphs 299-302 of Galbraith 39 refer to the documents listed at paragraph 19(76) above.	SUBSEQUENT INSIGHT ONLY THIRD PARTY PARTICULARISATION	As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence	Permission granted but only in relation to payments from 1996.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>Claimants contend operated unlawfully, namely Severnside, Searchline and System Searches.</u></p>				
19.	<p><u>(79) Further, in 2001, Mr Newman himself commissioned Searchline to carry out a follow-on address blag, from which it is to be inferred that he was aware of the unlawful nature of its activities.</u></p>	<p>In support of this paragraph, paragraphs 299-302 of Galbraith 39 refer to the documents listed at paragraph 19(76) above.</p>	<p>SUBSEQUENT INSIGHT ONLY</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence</p>	<p>Permission granted.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>Frederick Michel. Mr Michel from May 2009 to December 2011. Director of Public Affairs, Europe, for News Corporation, and from December 2011, Senior Vice-President of Government Affairs and Public Policy in Europe.</u></p> <p>(80) <u>In his role as head of public affairs for News Corp, working for Rupert Murdoch, Mr Michel was involved in briefing and coaching executives such as Les Hinton, James Murdoch and Rebekah Brooks, and others, ahead of requested appearances before the Select Committee and before the Leveson Inquiry.</u></p>	<p>In support of this paragraph, paragraphs 303-307 of Galbraith 39 refer to:</p> <ul style="list-style-type: none"> An email from Mr Michel to Colin Myler dated 24.02.10 and disclosed in the MTVIL on 23.06.23 in the claim of Chris Huhne (Exhibit CG39/830); CSPoCs issued in the MTVIL claims of: <ul style="list-style-type: none"> Chris Huhne (dated 19.04.22) (Exhibit CG39/833 – 872); Norman Lamb (dated 07.05.22) (Exhibit CG39/505-533); and Vince Cable (dated 03.03.23) (Exhibit CG39/104-135); and Claimant-specific disclosure in the claims of Sir Vince Cable and Sir Norman Lamb, comprising call data disclosed on 11.11.22 and 23.05.22. The Claimants have indicated that they intend to exhibit to this call data to their Reply Evidence. 	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Proportionality and Costs: Wasted Costs/Satellite Litigation Prejudice Limitation Imperil trial/very late amendment Unnecessary: Otiose/Public Inquiry/Enough Examples</p> <p>Irrelevant: No/Few Extant Claims (i.e. no one says their distress was aggravated by Michel's knowledge specifically)</p>	<p>Permission refused. Allegations made against Mr Michel add nothing to the allegations already pleaded against senior NGN executives.</p>
19.	<p>(81) <u>The Claimants contend, pending disclosure, that Mr Michel was implementing a strategy designed to conceal the truth about the scale and nature of unlawful information</u></p>	<p>In support of this paragraph, paragraphs 303-307 of Galbraith 39 refer to the documents listed at paragraph 19(80) above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence</p>	<p>s/a</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<p><u>gathering at NGN (such as the One Rogue Reporter narrative strategy in the summer of 2009), a narrative that it is to be inferred, he knew to be false.</u></p>				
19.	<p><u>(82) Mr Michel was also responsible</u> <u>(a) from mid-2010, for the delivery of "Operation Rubicon" (the purchase by News Corporation of the balance of shares in BSkyB) from its announcement in mid-2010, and that, in the furtherance of that objective, he was involved in identifying politicians and their advisers, who were an obstacle to the deal getting through the regulatory hearings; and</u></p>	<p>In support of this paragraph, paragraphs 303-307 of Galbraith 39 refer to the documents listed at paragraph 19(80) above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above Poor/inappropriate pleading: Elsewhere Poor/inappropriate pleading: Poor Drafting Poor/inappropriate pleading: Evidence</p>	<p>Permission refused. Does not relate to a generic issue.</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(b) from mid-2009, for the identification of politicians who were seen as hostile to the business aims of News Corporation, for example by calling for inquiries and investigations in to the emerging allegations around phone- hacking and the use of private investigators in mid-2009 and passing that information onto executives at News Corporation and News International who the Claimants further contend would then target those individuals using unlawful means.</u></p>	<p>In support of this paragraph, paragraphs 303-307 of Galbraith 39 refer to the documents listed at paragraph 19(80) above.</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p>	<p>s/a</p>

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
19.	<p><u>(83) The Claimants rely on the facts and matters pleaded in the Claimant- Specific Particulars of Claim in the claims of:</u></p> <p><u>(a) Sir Vince Cable (at §37, §31, §8-10 and §42(f)), referring to the targeting of the then Business Secretary with responsibility for the BSkyB bid, through (i) the theft of data (subterfuge recordings of private conversations of Mr Cable) from the Telegraph Group by Will Lewis and Jim Robinson and its passing to the BBC; (ii) the accessing of his private financial details, (iii) the accessing of his voicemails during this period;</u></p>	<p>This paragraph refers to the CSPoC issued in the MTVIL claim of Vince Cable dated 03.03.23 (Exhibit CG39/104- 133).</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>As above</p> <p>Poor/inappropriate pleading: Elsewhere</p> <p>Poor/inappropriate pleading: Poor Drafting</p> <p>Poor/inappropriate pleading: Evidence</p> <p>Irrelevant: No relevance to Cs' stated purposes</p>	s/a
19.	<p><u>(b) Sir Norman Lamb (at §38(d)), referring to the targeting by NGN of politicians for</u></p>	<p>This paragraph refers to the CSPoC issued in the MTVIL claim of Norman Lamb dated 07.05.22 (Exhibit CG39/505- 533).</p>	<p>SUBSEQUENT DISCLOSURE</p> <p>THIRD PARTY PARTICULARISATION</p>	<p>Irrelevant: No relevance to Cs' stated purposes</p>	s/a

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
	<u>UIG involved in decision-making relating to the BSkyB bid; and</u>				
19.	<u>(c) Lord Tom Watson (at §26-28 and 30(h) (i) (j) and (k)) and Paul Farrelly (at §26- 27 and §32(g) - (n)) referring to the targeting by NGN of MPs on the Culture Select Committee deemed to be hostile to be business interests.</u>	This paragraph refers to the CSPoC issued in the MTVIL claim of Lord Tom Watson dated 10.03.23 (Exhibit CG39/378-394).	SUBSEQUENT DISCLOSURE THIRD PARTY PARTICULARISATION	Irrelevant: No relevance to Cs' stated purposes	s/a
38.	<u>NGN concealed relevant facts which were required by the Claimants to appreciate that they had a particular cause of action against NGN and to plead it and did not have sufficient confidence to justify embarking on the preliminaries to bring a claim.</u>	In support of this paragraph, paragraph 197 of Galbraith 39 relies on " <i>developments in case law as to the legal test applied when bringing a claim outside of the usual limitation period</i> ".	See Galbraith 39	Poor/inappropriate pleading: Elsewhere Irrelevant: No relevance to Cs' stated purposes (knowledge is claimant-specific)	Permission granted.

Para	Proposed Amendment	Document(s) available from	Claimants' Comments	NGN's Ground(s) of Objection	Judge's Decision ("s/a" means "same as above")
39.	<p>The Claimants will rely on <u>the aforesaid facts and matters to the extent that they are relevant to any individual claim, or any part of it, in support of their case that they did not discover and could not with reasonable diligence have discovered facts relevant to their rights of action and did not have sufficient confidence to justify embarking on the preliminaries to bring a claim until a date which is within six years before the claim was brought. Accordingly, by reason of Section 32(1)(b) and/or (e) of the Limitation Act 1980, any defence of limitation relied upon by NGN affords no defence to their claim.</u></p>	<p>In support of this paragraph, paragraph 197 of Galbraith 39 relies on "<i>developments in case law as to the legal test applied when bringing a claim outside of the usual limitation period</i>".</p>	<p>See Galbraith 39</p>	<p>Poor/inappropriate pleading: Elsewhere Irrelevant: No relevance to Cs' stated purposes (knowledge is claimant-specific)</p>	<p>Permission granted.</p>

