

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION

Claim No. HC11CO1113

BETWEEN:-

BEN JACKSON

Claimant

- and -

(1) NEWSGROUP NEWSPAPERS LIMITED
(2) GLENN MULCAIRE

Defendants

RE-AMENDED PARTICULARS OF CLAIM

The Parties

1. The Claimant is, and has been since 2001, the personal assistant to the actor Jude Law and Company Secretary to his film production company. The Claimant is not a public figure and does not deal with the media on behalf of Jude Law.
2. The First Defendant ~~is~~ was the publisher of the News of the World newspaper which (until its recent closure) ~~had~~ a considerable readership in this jurisdiction and which also ~~published~~ its content on its website www.newsoftheworld.com.
3. The Second Defendant was at all material times a private investigator engaged by the First Defendant through his service company to provide "research and information services" from an unknown date to August 2006.

Claimant's mobile telephone communications

4. Prior to 2004 the Claimant had a mobile phone using the Orange mobile telephone service ("the Claimant's Orange Mobile"). Thereafter, Claimant used two different mobile phones, one or personal matters ("the Claimant's

Personal Mobile”) and the other for work matters (“the Claimant’s Work Mobile”). The mobile phone service provider was Vodafone. In about 2004, the Claimant arranged for unanswered phone calls to his private mobile number to be diverted to his work mobile number. The Claimant also frequently used a different mobile telephone whilst in the United States (“the Claimant’s US Mobile”). These mobile numbers are not provided to the media and are private to the Claimant.

5. The Claimant accompanies Jude Law when he is filming or set or on location, both in England and abroad. When he is filming Jude Law usually leaves his mobile phone in his trailer so as not to be disturbed. Jude Law’s friends and family are aware of this and often telephone the Claimant to leave messages for Jude Law. In particular, in 2005 and 2006 the Claimant received, on behalf of Jude Law, numerous calls and messages from Jude Law’s friend Sienna Miller.
6. Jude Law ~~and~~ has been the subject of serious media intrusion into his private life for a number of years. The media intrusions were particularly intense in between 2003 and 2006 when the media had an intrusive interest in Jude Law’s personal relationships, including inter alia the breakup of his marriage with Sadie Frost and his subsequent relationship with Sienna Miller. The Claimant and Jude Law were particularly concerned about the security of mobile telephone calls during this period. On a number of occasions they received calls from people who immediately hung up. On other occasions they received calls from individuals purportedly from Orange or O2, attempting to find out information about their mobile telephones who, when quizzed, would hang up.
7. The Claimant’s mobile telephone communications and voicemails left by and for the Claimant, together with the means of accessing such messages, including the unique direct dial numbers, the passwords, pin numbers, are private and confidential and fall within the scope of the Claimant’s rights

protected under Article 8 of the European Convention on Human Rights and in respect of which the Claimant had and has a reasonable expectation of privacy.

8. The Claimant has, and at all relevant times has had, a reasonable expectation of privacy in respect of the following information (“the Mobile Telephone Information”):

- 8.1 His mobile telephone numbers, his pin numbers, and unique direct dial telephone numbers used to access voicemail messages
- 8.2 The fact that a particular person has left a voicemail message for him;
- 8.3 The time and date of that voicemail message, and the caller’s telephone number;
- 8.4 The contents of that voicemail message;
- 8.5 The fact that he has left a voicemail message for a particular person;
- 8.6 The time and date of that voicemail message, and number of the telephone used by the Claimant to leave the message;
- 8.7 The contents of that voicemail message; ~~and~~
- 8.8 The names and telephone number of the individuals with whom he communicated by mobile telephone; and
- 8.9 Telephone call, text and location details.

9. The Defendants and each of them knew or ought to have known that the Mobile Telephone Information was confidential, private and within the scope of the protected afforded by Article 8 of the European Convention on Human Rights. The Claimant relies upon the admission made in the proceedings brought against the Defendants by Sienna Miller (“the Sienna Miller action”) by the First Defendant’s leading Counsel on 12 May 2011, in the agreed Statement in Open Court and the Order made on 27 May 2011 (“the Miller Admissions”).

10. The Defendants and each of them owed the Claimant a duty of confidence and/or a duty to respect the privacy of the Claimant in respect of the Mobile

Telephone Information. The Claimant relies upon the Miller Admissions as well as the admissions made in the actions brought against the same Defendants by Kelly Hoppen, Jude Law and Joan Hammell.

The First Defendant's Engagement of the Second Defendant

11. On a date which the Claimant cannot specify until the provision of Further Information, the Second Defendant (whether directly or indirectly through his various companies including but not limited to Nine Consultancy Limited, Nine Consultancy UK Limited and Global Intel Services Limited) was engaged by the First Defendant (and/or its associated companies) to provide the News of the World with research and information. The Claimant relies upon the admissions made by the First Defendant in its written answer to the Culture Media and Sport Committee dated 27 July 2009 and the supplementary evidence submitted in about February 2010.

11A By 2002, the Second Defendant was receiving regular instructions from those persons outlined in Part A of the Confidential Schedule.

12. From at the latest 20 January 2005, the First Defendant paid the sum of £2,019 per week by way of direct bank transfer to the Second Defendant and/or his company Nine Consultancy Limited, for research and information. By January 2005, Ian Edmondson, who was the then News Editor of the News of the World, was also giving instructions to the Second Defendant.

13. By a written agreement dated 1 July 2005 the Second Defendant, through his company Nine Consulting Limited, confirmed in writing with the First Defendant, his fee of £2,019 per week and agreed, ostensibly, to exclusively undertake research and information for the First Defendant but in fact to undertake telephone interception, blagging and other unlawful information gathering. This written agreement was signed by Neville Thurbeck on behalf of the First Defendant. The agreement further provided that:

13.1 the engagement was for 12 months from 1 July 2005; and

- 13.2 the Second Defendant would be available to work reasonable hours at the convenience of the company and would report regularly to and perform follow-up requests and generally assist the First Defendant's representatives; and
 - 13.3 during the agreement, the Second Defendant would also not provide research or information to any other UK media outlet or freelance journalist; and
 - 13.4 the agreement could be terminated upon 2 months written notice.
14. From about October 2005, the Second Defendant also received additional cash payments of £500 per week from the First Defendant in respect of services provided in response to specific requests for information from employees of the First Defendant.
 15. At 12.22 pm on 4 March 2006, the Second Defendant sent an email with the heading "contract" to Ian Edmondson, who was the then news editor of the News of the World, stating that he was "*awaiting renewal until 1st Feb 2007*". At 12.29 pm, Ian Edmondson responded and confirmed an extension of the contractual arrangement until 2007.
 16. In about June 2007, the First Defendant and the Second Defendant entered a settlement concerning the termination of the relationship between the First Defendant and the Second Defendant and/or his companies including but not limited to Nine Consultancy Limited, Nine Consultancy UK Limited and Global Intel services Limited in which substantial sums were paid by the First Defendant, as well as other benefits, in compensation in respect of employment and contractual rights. Pending disclosure, the precise terms of that settlement are not known to the Claimant but the Claimant relies upon the admissions of the First Defendant in the evidence before the Culture Media and Sport Committee.
 17. By reason of the above matters, at all relevant times, the Second Defendant

was a servant or agent of the First Defendant and was acting on behalf of and within the scope of the authority conferred by the First Defendant.

18. For these reasons, ~~the Claimant will contend that,~~ as now admitted by the First Defendant, at all relevant times the First Defendant was vicariously liable for the acts of the Second Defendant as well as for the acts of its other employees. The Claimant also relies on the First Defendant's admissions of liability for the actions of the Second Defendant in the actions brought by Sienna Miller, Kelly Hoppen, Sky Andrew, Andy Gray, Tessa Jowell and Joan Hammell.

The Defendants' Scheme for the Obtaining of Private Telephone Information

19. On a date from about 2000, which the Claimant cannot specify precisely prior to disclosure and/or the provision of Further Information, the Second Defendant conspired with senior executives and journalists of the First Defendant, including Greg Miskiw, Clive Goodman, Neville Thurlbeck, James Weatherup, James Desborough and Ian Edmondson, whereby he would, on their behalf, obtain information about individuals of interest to the First Defendant's journalists ("the Victims") and that he would use electronic intelligence and eavesdropping in order to obtain this information. He also agreed to provide daily transcripts of voicemail messages to the First Defendant's Journalists. ~~The Claimant will refer to this conspiracy as "the Scheme".~~

19A This agreement or arrangement was approved of at Editorial level by those persons mentioned in Section B of the Confidential Schedule.

19B This agreement or arrangement constituted a conspiracy between senior executives and/or journalists of the First Defendant and the Second Defendant. The Claimant will refer to this conspiracy as "the Scheme".

19C Information obtained by the Second Defendant under the Scheme was, from time to time, passed to journalists working for another newspaper published by the First Defendant, "The Sun".

20. The Victims included Jude Law, Sienna Miller and, as a result, the Claimant.
21. The Scheme involved the unlawful interception of voicemail messages by the Second Defendant and his associates acting on behalf of the First Defendant, on the instruction of the First Defendant's journalists.
22. In particular, the Scheme involved the following elements:
 - 22.1 The Second Defendant and/or his associates and/or private investigators such as Steven Whittamore acting on behalf of the First Defendant obtained, from mobile telephone companies and from companies which provide services to mobile telephone companies, by making corrupt payments to, inter alia, employees of such companies and/or by deception or other unlawful means, the mobile telephone numbers, direct dial numbers, pin numbers and telephone call data, text data, location data and other personal information about of individuals which were of interest to the First Defendant's journalists, namely individuals with a high public profile or those friendly or associated with them ("the Victims").
 - 22.2 The Second Defendant and his associates by making corrupt payments and/or by fraud, deception and/or other unlawful means, induced mobile telephone companies to disclose direct dial numbers and/or disclose the call data, text data and location data and/or reset the "pin numbers" on the voicemails of the Victims.
 - 22.3 The Second Defendant and his associates intercepted the voicemail messages of the Victims for the purpose of obtaining information about their private lives for publication in the "News of the World" or to assist the First Defendant's journalist in their journalistic inquiries. The Second Defendant and his associates noted, recorded and/or transcribed these messages.

- 22.4 The Second Defendant and his associates provided transcripts and other details of the voicemail messages of the Victims to the First Defendant's journalists for use in the preparation of articles to be published in the "News of the World".
- 22.5 The Second Defendant and his associates provided direct dial numbers, pin numbers, passwords, favourite telephone numbers, call data and other information, such as instructions on how to listen to messages without detection, in relation to some Victims to the First Defendant's journalists in order to enable them to intercept voicemail messages and/or obtain other Mobile Telephone Information.
- 22.2 The Second Defendant and his associates obtained information about the location of mobile telephones using a process known as "pinging", whereby an individual's movements can be tracked by means of the identification of which particular mobile phone tower the individual's mobile phone was connecting to at any given time.
23. In support of the contention that the Defendants agreed and executed the Scheme, the Claimant will rely on the conviction on 29 November 2006 at the Central Criminal Court of the Second Defendant, and Clive Goodman, an employee of the First Defendant on an indictment containing 20 counts arising out of the interception of voice mail messages of 8 Victims. Mr Goodman was the author of a regular gossip column in the newspaper, entitled "Black Adder".
- 23A. In further support of the contention that the Defendants agreed and executed the Scheme, the Claimant will also rely on the following admissions made by the Defendants and Clive Goodman:
- 23A.1 The admissions made by the First and Second Defendants in actions brought against them by other Victims including Andy Gray, Sienna Miller and Kelly Hoppen.

23A.2 The public statement made by the Second Defendant on 4 July 2011 in which he admitted that he was placed under "constant demand for results" by the First Defendant and its journalists.

23A.3 The admission made by the Second Defendant during the course of him being secretly taped by one of his Victims who approached him on or about 7 July 2011 that he was commissioned or instructed to conduct such activities "by committee", from which it is to be inferred that he was instructed by a significant number of organised or official members of the First Defendant's staff. The Claimant will refer if necessary to the broadcast of this secret recording which was shown on Channel 4 News on 7 July 2011.

23A.4 The ET1 complaint form filed by the Second Defendant in his employment tribunal proceedings brought against the First Defendant for unfair dismissal in which, at Part 5, he stated as follows:

"[the Second Defendant] also claims that his dismissal was the result of the [First Defendant] believing that he was about to make a protected disclosure in that he was about to reveal the identities of other employees of the Respondent who were equally culpable and had indeed instructed him to carry out the duties which amounted to criminal offences. None of these individuals has been dismissed by [the First Defendant]..."

The [Second Defendant] claims that his dismissal was not the result of the offences to which he pleaded guilty, as the [First Defendant] was aware of these in early 2006 when the [Second Defendant] was arrested yet continued to pay him without question up to the day before he was imprisoned."

23A.5 The statement by Mr Clive Goodman, the former Royal Editor of the News of the World, in a letter dated 2 March 2007 to News International Limited, that other members of staff (in addition to himself) were carrying out phone hacking and that the practice was widely discussed at the daily editorial conference until explicit reference to it was banned by the Editor.

Unlawful Acts in relation to the Claimant pursuant to the Scheme

24. From about an unknown date until August 2006 the Defendants, pursuant to the Scheme, obtained private and confidential information relating to Claimant ("the Claimant's Information"). The best particulars which the Claimant can give prior to full disclosure by the Defendants and/or third parties and the provision of Further Information are as follows:

24.1 In about September 2003 the Defendants targeted Jude Law, while he was filming in the UK and America and promoting the film Cold Mountain, and intercepted messages left for Jude Law, such messages included messages left by his US agent, his parents who were living in France and messages left by the Claimant. Consequently the Second Defendant obtained:

- (a) The mobile telephone number of the Claimant's Orange Mobile.
- (b) The mobile telephone number of the Claimant's US mobile.

As a result of the interception of those messages the First Defendant published a number of articles about Jude Law including, in particular, an article dated 7 September 2003 which referred to the Claimant and his girlfriend accompanying Jude Law on a trip to New York.

24.2 In or about 2005 the Defendants targeted Sienna Miller and on numerous occasions intercepted messages left for Sienna Miller by, inter alia, Jude Law, Ciara Parkes and the Claimant. The Second Defendant obtained the mobile telephone number and the DDM of the Claimant's Work Mobile.

24.3 In about 2005/2006 the Second Defendant obtained the DDM, password and pin number of Jade Schmidt an employee of Jude Law who looked after his children and intercepted and listened to the messages left on her voicemail, including messages left by her boyfriend, by Jude Law, Sadie Frost and by the Claimant. The Second Defendant recorded numerous messages left for Jade Schmidt

including at least one message left by the Claimant.

24.4 Using the mobile telephone numbers of Jude Law, Sienna Miller, Jade Schmidt, Sadie Frost and the Claimant the Defendants obtained access to and recorded voice mail messages left by and for the Claimant.

24.5 It is to be inferred that the Defendants obtained access to numerous voicemail messages from at the latest 2003 until August 2006 left by and for the Claimant such messages included messages left by and for his friends and family as well as by Jude Law and Sienna Miller.

24.6 As a result, the Defendants obtained private and confidential information concerning (at least):

- (a) The fact that the Claimant had left voicemail messages for particular individuals;
- (b) The time and date of that voicemail message;
- (c) The contents of those voicemail messages;
- (d) The fact that particular individuals had left voicemail messages for the Claimant;
- (e) The time and date of that voicemail message, and the caller's telephone number;
- (f) The contents of those voicemail messages;
- (g) The names and telephone number of the individuals with whom the Claimant communicated by mobile telephone.

24A. Furthermore, between about April 2006 and June 2006, Vodafone, the Claimant's mobile telephone company, recorded numerous attempts to access passwords on his account and/or to change voicemail settings. It is inferred that such activities were undertaken by the Defendants pursuant to the scheme.

25. The Second Defendant recorded some of the Claimant's Information in various notebooks. The Second Defendant also made recordings of the Claimant's and Jude Law's voicemails left on Jade Schmidt's mobile telephone.

25A. The Claimant will rely as evidence in support of this on the fact that there is

substantial call data, which the Metropolitan Police were able to obtain or prepare from various telephone companies, that proves numerous interceptions of Ms Schmidt's voicemail messages, which would have related to the Claimant, his employer and/or his friends and family. The range and scope of this type of call data is described in paragraphs 27 to 29 of the witness statement of Sara Royan, the Metropolitan Police's solicitor, dated 7 June 2011.

25B. Further, the Claimant will contend that the Second Defendant and/or his associates made other telephone calls to the Claimant's mobile telephone which would be evidenced if further telephone call data was available.

26. The Claimants' Information was obtained by the Second Defendant, on behalf of the First Defendant in accordance with the Scheme that, is by unlawful interception of the telephone messages of the Claimant and those with whom he communicated.

27. By obtaining and recording the Claimant's Information, the Defendants have breached the Claimant's confidence and misused his private information.

28. The Claimant will invite the Court to infer that the Defendants obtained and recorded the Claimant's Information for the First Defendant's purposes as the publisher of the "News of the World" and, in particular for the investigation and publication of stories concerning the Claimant's employer, Jude Law and his friends and associates based upon, using, including or corroborated by the Claimant's Confidential information.

29. The First Defendant is vicariously liable for the Second Defendant's activities pursuant to the Scheme. Alternatively, these activities were carried out in furtherance of a common design between the Defendants or were, alternatively, instigated, authorised or procured by the First Defendant. As a result, the Defendants are jointly and severally liable in respect of the damage caused to the Claimant as a result of the carrying out of the Scheme.

29A. Further on or before 26th May 2006, a journalist at the News of The World, Dan Evans, employed by the First Defendant, acquired the Claimant's Orange mobile number, which was only known to a small handful of people, a mobile number of Sienna Miller, also known only to a small number of people (described as her Third Mobile Telephone in her Particulars of Claim), together with numerous other mobile telephone numbers of known victims of the Defendant including Steve Coogan, Jude Law, Kelly Hoppen, Sky Andrew, Sol Campbell, George Galloway, Paul Gascoigne, David Davies, Max Clifford and George Galloway. It is to be inferred that the contact list of the Second Defendant was disseminated to journalists at the News of the World including Dan Evans.

Concealment of Unlawful Actions

29B Since the arrests of Clive Goodman and Glenn Mulcaire in August 2006, the First Defendant has deliberately sought to conceal the extent of its wrongdoing. In support of this allegation the Claimant relies upon the following facts and matters:

29B.1 In Autumn 2006, the First Defendant failed to respond to the Metropolitan Police's request to produce available evidence relevant to their investigation, including emails between journalists and editors, receipts, invoices and telephone records of calls with the Second Defendant.

29B.2 In February 2008, on Radio 4 Stuart Kuttner stated:

"It happened once at the News of the World. The reporter was fired; he went to prison. The editor resigned"

29B.3 In July 2009, in its statement available on the website of News Corps the First Defendant stated:

"News International has delayed making this detailed statement until all relevant facts have been analysed and checked internally and externally."

"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.

"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 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. 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.

"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. Once senior executives became aware of this, immediate steps were taken to resolve Mr Taylor's complaint.

"From our own investigation, but more 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:

- News of the World journalists have accessed the voicemails of any individual.
- News of the World or its journalists have instructed private investigators or other third parties to access the voicemails of any individuals.
- There was systemic corporate illegality by News International to suppress evidence.

"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.

"Based on the above, we can state categorically in relation to the following allegations which have been made primarily by the Guardian and widely reported as fact by Sky News, BBC, ITN and others this week:

- 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 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."

29B.4 In his evidence before the Culture, Media and Sport Select Committee, in July 2009, Colin Myler asserted that there was no evidence of widespread wrongdoing or hacking of telephone messages at the News of the World.

29B.5 In the same Committee Hearing, on 1 July 2009, Andy Coulson stated that he was not aware of, and did not condone, phone hacking at the News of the World. The Claimant will refer to the fact that despite being the Chief communications Officer for the Prime Minister at the time, Mr Coulson was still in receipt of payments from News International.

29B.6 In August 2009, Colin Myler informed the Press Complaints Commission:

"Our internal enquiries have found no evidence of involvement by News of the World staff other than Clive Goodman in phone message interception beyond the

e-mail transcript which emerged in April 2008 during the Gordon Taylor litigation and which has since been revealed in the original Guardian report."

29B.7 On 4 November 2009, in a letter to the Select Committee, Ms Rebekah Brooks (the former editor of both the News of the World and The Sun) explained that she had asked Mr Jon Chapman to deal with the Committee's request for clarification of payments by News International to Mr Goodman, and that he had responded as follows:

"Clive Goodman's employment with News Group Newspapers Limited was terminated in early February 2007. Subsequently, he engaged a City law firm with a view to bringing employment tribunal proceedings, the primary claim being that News Group Newspapers Limited failed to follow the statutory dismissal and disciplinary procedure in relation to termination of his employment...."

Pursuant to the agreement, Mr Goodman was paid his notice and an agreed amount representing a possible compensatory award at tribunal (which was some way below the £60,600 limit on such awards)."

29B.8 In September 2010, the News of the World issued a statement that said:

"We reject absolutely any suggestion that there was a widespread culture of wrongdoing at the News of the World".

29B.9 It is to be inferred that the actions of the First Defendant set out in paragraphs 29B.1 above constituted a deliberate attempt to conceal unlawful actions. Further, the assertions of the First Defendant as set out in paragraphs 29B.2 to 29B.8 above were plainly false, and known to be false since the First Defendant had in its possession and knew, at the very least, the following facts:

- (a) An email from the Second Defendant to Ian Edmondson, the then News Editor of the "News of the World" and employee of the First Defendant, which was sent, pursuant to the Scheme, on 28 April 2006. The body of the email contained Joan Hammell's Mobile Telephone number, DDN and PIN Number and stated that there are "45 voicemail messages". It is to be inferred that the Second

- Defendant had unlawfully obtained the number and details of these messages from Joan Hammell's voicemail in order to enable Mr Edmondson to listen to private messages left for her by Lord Prescott.
- (b) Numerous similar emails from 2005 to 2006 from the Second Defendant to James Weatherup and between Ian Edmondson and other News of the World journalists.
- (c) About 2,500 emails, copies of which were submitted in early 2007 to Harbottle & Lewis in relation to an employment dispute. These emails showed clear evidence of indirect hacking, breaches of national security and corrupt payments to police officers. These emails were considered in 2007 by Jon Chapman, Head of Legal Affairs, and Daniel Cloke, Head of Human Resources for the First Defendant and/or News International Limited.
- (d) An email from the Second Defendant to Ross Hindley, a journalist at the News of the World, dated 29 June 2005, sent at 17:02, which attached a transcript of intercepted voicemail messages between Gordon Taylor and Jo Armstrong. The text stated "This is the transcript for Neville. I have copied the text in the below email and also attached the file as a word document". This email refers to Neville Thurlbeck. The First Defendant has admitted, in the evidence before the Select Committee, that the email was disclosed in the Gordon Taylor litigation in 2008, and that it resulted in the First Defendant resolving the action.
- (e) The evidence of Clive Goodman in his internal employment appeal in May 2007 whereby he admitted and provided evidence that telephone hacking had been conducted for a number of years openly at the News of the World, was approved by Andy

Coulson and Stuart Kuttner and that over the last 2 years of his work at the News of the World all of the stories published by the newspaper were based on telephone hacking. Furthermore, the Claimant relies upon the statement that Mr Goodman made at the said appeal hearing that he declined to plea in mitigation during his criminal trial the widespread nature of telephone interception at the News of the World on the promise of Andy Coulson and Tom Crone that he would remain employed by the First Defendant.

29C From 2008 onwards, the First Defendant had, and was aware that it had, a legal obligation to preserve all relevant evidence because, by 2007, it had had notification of civil claims brought by Gordon Taylor and by 2008 the civil claims brought by Jo Armstrong and John Hewison. In about summer 2009, it also had notification of a legal claim by Max Clifford and in April 2010, July 2010 and September 2010, it had claims by a number of individuals including Skylet Andrew, Andy Gray and Sienna Miller. In spite of this, the First Defendant has caused, allowed and/or permitted substantial, relevant evidence to be destroyed. In support of this allegation the Claimant relies upon the following facts and matters:

29C.1 All computers used by its journalists, including that of Ian Edmondson, who had been specifically named in the letter before action dated 6 September 2011 in the Sienna Miller action, were destroyed in about October 2010;

29C.2 Hundreds of thousands of emails, on nine separate occasions, were deleted. The Claimant relies upon the letter of 1 August 2011 from Stuart Benson and Company, Solicitors for HCL, to the Home Affairs Select Committee.

29D. The Claimant relies upon the matters set out in paragraphs 29B and 29C above in support of his case on concealment, spoliation and in aggravation of damages.

Remedies

30. By reason of the above matters, the Claimant has suffered substantial distress, as well as loss and damage, and/or the Defendants have obtained substantial profit. The Claimant is unable to particularise his damage until he has ascertained the full nature and extent of the wrongful acts committed by the Defendants in accordance with paragraph 33 below.
31. Further, in support of his claim for general and/or aggravated damages, including compensation for distress, the Claimant will rely on the following facts and matters:
- 31.1 The gross violation of the Claimant's entitlement to respect for his private life.
- 31.2 The fact that the Scheme was carried out secretly with the First Defendant having gone to great lengths to conceal its existence, (including the facts and matters set out at 29B and 29C above).
- 31.3 The failure of the Defendants to apologise for the wrongful accessing of the Claimant's voicemail messages.
- 31.4 The First Defendant's repeated false public denials of liability for the wrongful accessing of voicemails.
- 31.5 The fact that over a prolonged period of time, from 2003 onwards, the Claimant was distressed and concerned that either he and Jude Law were under surveillance or that someone from his close circle of friends could not be trusted.
- 31.6 The fact that the Scheme was operated with the approval of those persons identified in Part B of the Confidential Schedule.
32. Further the acts of the First Defendant, in unlawfully obtaining and using the Mobile Telephone Information were calculated by it to make a profit for itself

which might well exceed the compensation payable to the Claimant. As a result the Claimant is entitled to and claims exemplary damages against the First Defendant. The Claimant will rely on the matters pleaded above and, in particular on the following:

32.1 The fact that the Scheme was carried out secretly with the First Defendant having gone to great lengths to conceal its existence and with the involvement and approval of senior executives of the First Defendant.

32.2 The Claimant will invite the Court to infer that the First Defendant calculated that the Scheme would not be discovered and that, as a result, it could use the information which was obtained for journalistic purposes without paying any compensation to the Victims.

32.3 The Claimant will also invite the Court to infer that the First Defendant calculated that, if the Scheme were to be discovered, the damages which would be payable to the Victims would be insubstantial as compared to the profits to be made from selling newspapers containing stories based on information produced by the Scheme.

32.4 Further details cannot be given until after disclosure and/or the provision of further information.

33. In order to enable the Court to assess the full extent of the damage suffered by the Claimant and to grant effective injunctive relief, the Claimant requires an order that the Defendants provides the information as to the full extent of their wrongdoing ("the Wrongdoing Information"):

33.1 The identity of each and every employee or agent of the First Defendant who participated in the Scheme

33.2 The identity of each every employee or agent of the First Defendant who obtained and used the Claimant's Information

33.3 The number of occasions on which the Claimant's voice mail was accessed.

33.4 All the Claimant's Information obtained by the Second Defendant pursuant to the Scheme and of the extent to which this information

was circulated to and used by the First Defendant's journalists;

33.5 All the Claimant's Information obtained by the "News of the World" journalists using mobile telephone numbers, pin numbers, direct dial numbers and other personal information supplied by the Second Defendant.

34. Unless restrained by this Honourable Court, the Defendants will further access or attempt to access the Claimant's voicemail messages left for him or by him, and/or from use, publish or cause to be used or published private or confidential information concerning the Claimant as identified as having been obtained by them.

35. The Claimant is entitled to and claims interest pursuant to Section 35A of the Supreme Court Act 1981 and/or pursuant to the Court's equitable jurisdiction, on the amounts found due to him at such rate and for such period as the Court thinks fit.

AND THE CLAIMANT claims

As against the First and Second Defendants and each of them:

- (1) An Injunction to restrain the Defendants, whether by themselves, their servants or agents, or otherwise howsoever from accessing or attempting to access the Claimant's voicemail messages left for him or by him, and from using, publishing or causing to be used or published all private or confidential information concerning the Claimant as is identified as having been obtained by them.
- (2) Damages (including aggravated damages), or an inquiry as to damages (together with an Order for payment to the Claimant upon the making of such an inquiry), for breach of confidence and/or misuse of private information.
- (3) Delivery up on oath of all documents (whether in hard copy or electronic form) regarding or concerning the Claimant and/or his mobile telephone numbers, pin numbers and direct dial numbers and all copies in whatever form they may be kept or otherwise held by or on behalf of the Defendants;

- (4) An order that the Defendants, on oath provide information as to:
 - (a) The identity of each and every employee or agent of the First Defendant who participated in the Scheme
 - (b) The identity of each every employee or agent of the First Defendant who obtained and used the Claimant's Information
 - (c) The number of occasions on which the Claimant's voice mail was accessed.
 - (d) All the Claimant's Information obtained by the Second Defendant pursuant to the Scheme and of the extent to which this information was circulated to and used by the First Defendant's journalists;
 - (e) All the Claimant's Information obtained by the "News of the World" journalists using mobile telephone numbers, pin numbers, direct dial numbers and other personal information supplied by the Second Defendant
- (5) A declaration that the obtaining/accessing of the Claimant's Information constitute a misuse of private information;
- (6) Interest on damages or sums found to be due to the Claimant pursuant to Section 35A of the Supreme Court Act 1981, or alternatively pursuant to the Court's equitable jurisdiction, to be assessed;
- (7) Further or other relief.

As against the First Defendant

Exemplary damages.

HUGH TOMLINSON QC
SARA MANSOORI
MARK THOMSON

SERVED this 3 day of May 2011

Re-served this 7 day of June 2011 by Messrs Atkins Thomson.

Re-served this 28 day of September 2011 by Messrs Atkins Thomson.

STATEMENT OF TRUTH

The Claimant believes that the facts stated in this Re-Amended Particulars of Claim are true.

28 September 2011

Claim No. HC11CO1113

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

BETWEEN:-

BEN JACKSON

Claimant

- and -

(1) NEWSGROUP NEWSPAPERS LIMITED

(2) GLENN MULCAIRE

Defendants

RE-AMENDED PARTICULARS OF CLAIM

Atkins Thomson
41 Maiden Lane
London
WC2E 7LJ

Tel: 020 7836 9300

Ref: MT/2057

Solicitors for the Claimant