

**CLAIM NO: QB-2019-000557**

**IN THE HIGH COURT OF JUSTICE**

**QUEENS BENCH DIVISION**

**MEDIA AND COMMUNICATIONS LIST**

**THE HONOURABLE MR JUSTICE JULIAN KNOWLES**



**B E T W E E N:**

**STEPHANIE REBECCA HAYDEN**

**Claimant**

**-and-**

**ASSOCIATED NEWSPAPERS LIMITED**

**Defendant**

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**ORDER**

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**UPON THE ORDER** of Master Davison dated 12 November 2020 ordering that the following issues be tried as preliminary issues:

- a) Whether the words complained of in paragraphs 22 and 23 of the Amended Particulars of Claim, in their proper context, bear the meanings pleaded in paragraph 25 of the Amended Particulars of Claim and, if not, what meanings those words bear;
- b) Whether the words complained of in paragraphs 22 and 23 of the Particulars of Claim, in the meaning(s) found, are defamatory of the Claimant at common law;

- c) Whether the words complained of in paragraphs 22 and 23 of the Amended Particulars of Claim, in the meanings found, are statements of fact or expressions of opinion; and
- d) If the answer to 1(c) is yes in relation to all or any of the words complained of, whether those words indicated, in general or specific terms, the basis of the opinion(s) stated.
- e) Whether the words complained of in paragraphs 26 and 27 of the Amended Particulars of Claim, in their proper context, bear the meanings pleaded in paragraph 29 of the Amended Particulars of Claim and, if not, what meanings those words bear;
- f) Whether the words complained of in paragraphs 26 and 27 of the Amended Particulars of Claim, in the meaning(s) found, are defamatory of the Claimant at common law;
- g) Whether the words complained of in paragraphs 26 and 27 of the Amended Particulars of Claim, in the meanings found, are statements of fact or expressions of opinion; and
- h) If the answer to 1(g) is yes in relation to all or any of the words complained of, whether the invitation and/or the letter indicated, in general or specific terms, the basis of the opinion(s) stated.

**AND UPON THE TRIAL** of those issues (“the Preliminary Trial”)

**AND UPON** the Claimant’s application that the Judge recuse himself from the trial

**AND UPON** hearing the Claimant in person and Counsel for the Defendants

**IT IS DETERMINED AND ORDERED** that:

1. The Claimant’s application for recusal is refused.

2. The meaning of the words complained of in paragraphs 22 and 23 of the Amended Particulars of Claim, and of the words complained of in paragraphs 26 and 27 of the Amended Particulars of Claim, in the proper context of both those sets of words, is as follows:

The Claimant reported Kate Scottow to the police for the criminal offences of harassment and malicious communications. This complaint resulted in ms Scott's arrest. The Claimant also obtained an injunction from the High Court against Ms Scottow. The Claimant criminal complaint and the factual basis for her injunction application was that Mrs Scottow had posted a number of matters online about the Claimant which included: (a) calling the Claimant a man; (b) defamatory and derogatory statements to the effect that the Claimant was a racist, a xenophobe and a 'crook'; and (c) statements which accused the Claimant of being a 'fake lawyer'.

3. That is not a meaning defamatory of the Claimant at common law.
4. The Claimant's claim in defamation is dismissed, with judgment for the Defendant upon that claim.
5. The Claimant is to pay the Defendant's cost of the Preliminary Trial, summarily assessed at £25,000, within 14 days (that is by 25 March 2020).
6. The Claimant is to pay the Defendant's costs of the defamation claim on the standard basis to be assessed if not agreed.

#### Directions

7. The Claimant is to file and serve a Re-Amended Particulars of Claim deleting or striking through the defamation claim and the particulars in support of that claim on or before Friday 13 March 2020.
8. The Defendant is to file and serve a Defence within 28 days of service of the Re-Amended Particulars of Claim.

**Dated this 11th day of March 2020**



**DATED 11<sup>th</sup> March 2020**

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**MEDIA AND COMMUNICATIONS LIST**

**BEFORE THE HONOURABLE MR JUSTICE JULIAN KNOWLES**

**BETWEEN:**

**STEPHANIE REBECCA HAYDEN**

**Claimant**

**-and-**

**ASSOCIATED NEWSPAPERS LIMITED**

**Defendant**

**ORDER**

**Court 16**

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If you have a query with this Order please contact Beverley Hutt on telephone no. 020 7947 6601 outside the usual court sitting times of 10.30am to 1.00pm and 2.00pm to 4.30pm. Please address any correspondence to the Queen's Bench Associates' Department, WG04, The Royal Courts of Justice, Strand, London WC2A 2LL DX 44450 Strand.