

Dear Sir/Madam

In the previous phase of the CMA Inquiry we drew your attention to the developments in the claims against News Group Newspapers (NGN) in the managed phone hacking litigation (MTVIL).

NGN is owned by News UK a subsidiary of News Corp which is controlled by the Murdoch Family Trust (MFT). There is no doubt that a cover-up of wrongdoing by News Corp would impact on the “genuine commitment” standard.

We explained that not only were claimants alleging phone hacking at the news of the World but that the court was considering claims of voicemail interception and other unlawful information gathering at the Sun newspaper.

We also explained that the court was considering extensive allegations of concealment and destruction of evidence by senior executives at News International and that this included James Murdoch.

We urged you to obtain the court papers relating to this litigation – in particular the pleadings which we believed had been entered and were thus available to third parties to access.

There was no indication in your Phase 1 Report that you had even seen these papers let alone considered them.

I have now obtained the pleadings in this litigation as they relate to the serious allegations against News International, James Murdoch, Rebekah Brooks and others. I attach them.

They are

- (1) The Claimants' (amended) Particulars of Concealment and Destruction
- (2) The (re-amended) Defence to the amended Particulars of Concealment and Destruction

Inspection of these documents show them to be highly relevant to your inquiry, and to the relevant theory of harms therein. and it is clear that the question of a genuine commitment to broadcasting standards of a company 100% controlled by the MFT can not be determined without considering the contents of these papers.

There are extensive and evidenced allegations of what amounts to a vast and long-standing conspiracy to pervert the course of justice by News International, James Murdoch, Rebekah Brooks and other senior executives, and that there was a extensive and elaborate cover-up which, in its current state of non-admission, continues to this day.

What is remarkable, as can be seen from the defence, is that most of these allegations are not actually denied by NGN on behalf of NI, James Murdoch and Rebekah Brooks.

The defence amounts to a series of non-admissions, and I understand from a recent court hearing (from reading the official transcript) that the Managing Judge required the defendant to plead further to the allegations because the non-admissions were not adequately explained. The transcript of court hearings also indicates, again remarkably, that neither Ms Brooks nor Mr Murdoch have offered evidence in their defence, and nor has any senior officer of the company.

Instead it appears, from media reports and transcripts, that News UK have a strategy of settling cases with large pay-outs, no admissions and the agreement to pay all the claimants costs, in order to delay a trial of the issues.

I can provide transcripts and other documents that have been deployed in open court. You also have the power to obtain documents from 21C Fox. I am certain that the claimants would not object to providing you with witness statements and other documents which have been prepared by them, to assist you with your statutory duties, nor object to any request made to the court by News UK for the use of other papers where the court's permission is deemed to be needed for their use by you.

I trust that you will now give the necessary consideration to these matters. I am willing to provide any assistance required.

Yours sincerely

Dr Evan Harris

*Dr Evan Harris
Executive Director
Hacked Off*

**IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION**

**IN THE MATTER OF THE MOBILE PHONE VOICEMAIL INTERCEPTION
LITIGATION**

B E T W E E N:-

VOICEMAIL CLAIMANT

Claimant

- and -

NEWS GROUP NEWSPAPERS LIMITED

Defendant

**AMENDED GENERIC PARTICULARS OF
CONCEALMENT AND DESTRUCTION**
Pursuant to the Order of Mann J dated 10 March 2017

LIST OF CONTENTS	Page
1. <u>Summary of the Claimants' case on concealment and destruction</u>	3
2. <u>NGN's knowledge of the widespread and habitual use of unlawful activities</u>	9
a. <u>The widespread and habitual use of unlawful activities by NGN</u>	9
b. <u>Examples of the involvement or knowledge of Senior NGN Employees</u>	12
(1) <u>The Mulcaire Arrangement</u>	12
(2) <u>The Spice Girls Story</u>	15
(3) <u>The Milly Dowler Story</u>	16
(4) <u>The Royal Family</u>	17
(5) <u>The David Blunkett Affair</u>	19
(6) <u>The Head-hunting of Dan Evans for the News of the World</u>	21
(7) <u>The Sienna Miller and Daniel Craig Story</u>	21

(8) <u>Calum Best</u>	21
(9) <u>Heather Mills and Sir Paul McCartney</u>	21
(10) <u>The Arrest and Conviction of Mulcaire and Goodman</u>	23
(11) <u>Fears over the Sentencing of Mulcaire and Goodman</u>	25
(12) <u>Goodman’s Unfair Dismissal Claim</u>	28
(13) <u>The One Rogue Reporter Lie</u>	30
(14) <u>The Gordon Taylor Claim</u>	30
(15) <u>The Max Clifford Claim</u>	31
(16) <u>The Kelly Hoppen Claim</u>	32
(17) <u>The Ian Edmonson emails</u>	33
(18) <u>Continuing voicemail interception by The Sun in 2011</u>	33
(19) <u>Kelvin Mackenzie’s resignation</u>	34
(20) <u>The Blagging of Gordon Brown MP</u>	35
(21) <u>Simon Hughes MP</u>	35
3. <u>NGN’s public lies and concealment of its wrongdoing</u>	36
4. <u>NGN’s destruction and concealment of incriminating evidence</u>	50
5. <u>The knowledge or involvement of Senior NGN Employees</u>	63
a. <u>Les Hinton</u>	63
b. <u>James Murdoch</u>	64
c. <u>Rebekah Brooks</u>	64
d. <u>Stuart Kuttner</u>	67
e. <u>Bill Akass</u>	68
f. <u>Graham Dudman</u>	68
g. <u>Andy Coulson</u>	69
h. <u>Dominic Mohan</u>	73
i. <u>Colin Myler</u>	75
j. <u>Neil Wallis</u>	77
k. <u>Geoff Webster</u>	79
l. <u>Victoria Newton</u>	80
m. <u>John Chapman</u>	81
n. <u>Tom Crone</u>	83
o. <u>Gordon Smart</u>	86

Summary of the Claimants' case

1. At all material times throughout the relevant period, namely from at least 1998 onwards, NGN was the publisher of *The Sun* and *The News of the World*, national tabloid newspapers with an enormous circulation and readership within this jurisdiction both in their hard copy form and through the publication of their content online at the URLs www.newsoftheworld.com and www.thesun.co.uk. In July 2011, shortly before the commencement of the Leveson Inquiry, *The News of the World* was closed down. Its replacement, *The Sun on Sunday*, was launched shortly afterwards at the beginning of 2012.
2. The Claimants' case is that the use of voicemail interception, blagging and the unlawful obtaining of private information through the engagement of private investigators was both habitual and widespread from at least as early as 1998 onwards at both *The Sun* and *The News of the World*, and that this was well-known to and approved of by Senior Executives, Editorial Staff and Journalists ("**Senior NGN Employees**") within NGN.
3. Further, these Senior NGN Employees took deliberate steps to lie about, conceal and destroy evidence of these habitual and widespread practices in order to avoid the true nature, scale and extent of such activities being revealed and/or the subject of legal proceedings.
4. These steps are outlined below in this composite document, which draws together material from the Claimants' case on concealment as previously set out in the Re-Amended Generic Particulars of Claim for Operation Pinetree and *The Sun* claims and the Amended and Re-Amended Generic Particulars of Claim for Operation Weeting claims (collectively referred to as "**the Claimants' Generic Pleadings**"), along with documents and information which has been revealed so far by way of generic disclosure provided by NGN under Order of the Court. The Claimants expressly reserve the right to amend or add to these Particulars in light of the further disclosure and/or Further Information which NGN is required to provide.

5. However, for summary purposes, these steps are outlined as follows:
- 5.1 NGN has knowingly lied to or misled the Court, the Leveson Inquiry, the PCC and the public generally in relation to statements which it has made in relation to its involvement in and knowledge of allegations of voicemail interception, blagging and the use of private investigators;
- 5.2 NGN has actively sought to conceal evidence of the true nature, scale and extent of these unlawful activities at both *The News of the World* and *The Sun*;
- 5.3 NGN has destroyed computers and potentially relevant documents in relation to wrongdoing at both newspapers, including by deleting millions of emails (masses of which will never be recovered) despite their clear obligation to preserve such documents in the face of civil proceedings and even the commencement of MPS investigations. The first batch of millions of pre-January 2005 emails was deleted on instructions from “Senior NI management” only days after the letter of claim was received from Sienna Miller’s lawyers in September 2010 alleging widespread phone hacking and seeking preservation of all relevant evidence. No back-up was even attempted of these emails.
- 5.4 In particular, NGN pursued this deliberate policy of email deletion with knowledge and approval at the highest level, namely by James Murdoch and Rebekah Brooks, and with the expressly stated objective of *“eliminating emails that could be unhelpful in the context of future litigation in which an NI company is a defendant”*. Both Mr Murdoch and Ms Brooks insisted on a “clean sweep” of any emails pre-2010 and a complete silence in terms of circulating any company-wide document confirming the policy, given the risk that it would be (rightly) interpreted by the public as evidence of guilty knowledge.
- 5.5 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) 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 unlawful activities which had been carried out by its journalists.

5.6. The Claimants will also contend that NGN's deliberate policy of concealment and destruction had the following consequences, as was intended by Senior NGN Employees, namely it:

5.6.1 purged a vast number of documents that evidenced unlawful activities at the *News of the World* during the period;

5.6.2 purged a vast number of documents that evidenced unlawful activities at *The Sun* during the period;

5.6.3 eliminated documents that evidenced the involvement in or approval of these activities by NGN's most senior executives, such as *Les Hinton, James Murdoch and Rebekah Brooks*;

5.6.4 eliminated documents that evidenced the attempts by Senior NGN Employees to cover up and conceal evidence of their own wrongdoing;

5.6.5. thereby hid or suppressed the true nature and scale of NGN's unlawful activities for the purposes of the civil litigation brought against it, and deprived claimants or potential claimants of critical evidence or disclosure supporting their claims, especially as against *The Sun* or the Features Department of the *News of the World*;

5.6.6. even hindered or prejudiced the criminal investigations into

NGN's illegal activities, as the MPS believed.

6. For the avoidance of any doubt, the Claimants will rely at trial upon such lies, concealment and destruction for the following purposes in this litigation:

- 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 judgment of Mann J in *Gulati v MGN* [2015] EWHC 1452 (Ch), the Claimants will refer the Court to the fact 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.

7. In light of NGN's request that they particularise each individual who is alleged to have had the requisite knowledge, the Claimants identify the following Senior NGN Employees, and their relevant roles or positions within NGN during the period (their knowledge and involvement is set out below, and then summarised in paragraph 19 below):
- (a) *Les Hinton*. At all material times until December 2007, Mr Hinton was the Chief Executive Officer of NGN, following which he was moved to become Chief Executive Officer of Dow Jones & Co, a subsidiary of News Corporation, the ultimate owner of NGN.
 - (b) *James Murdoch*. Following the departure of Mr Hinton, James Murdoch, the son of Rupert Murdoch, the ultimate owner of News Corporation, became Chief Executive Officer of NGN in December 2007, and continued to hold the position until Summer 2009.
 - (c) *Rebekah Brooks*. Following her editorship of both *The News of the World* (from 2000 to 2003) and *The Sun* (from 2003 to 2009), Ms Brooks took over from James Murdoch as the Chief Executive of NGN in the Summer of 2009, continuing in the position until July 2011.
 - (d) *Stuart Kuttner*. Mr Kuttner was the Managing Editor of *The News of the World* at all material times until September 2009, after which he continued part-time within NGN.
 - (e) *Bill Akass*. Following Mr Kuttner stepping down, Mr Akass took up the role of Managing Editor of *The News of the World* in September 2009. In July 2011, he was appointed Executive Editor.
 - (f) *Graham Dudman*. From 2004 to June 2011, Mr Dudman was Managing Editor of *The Sun*.

- (g) *Andy Coulson*. Following being Editor of the Bizarre column on *The Sun*, and then Associate Editor of *The Sun* (from 1994 to 1999), Mr Coulson was appointed Editor of *The News of the World* on 14 January 2003 until he resigned in January 2007, announcing this only hours after the sentencing of Messrs Goodman and Mulcaire. From May 2000 until January 2003, Mr Coulson was Deputy Editor of *The News of the World* under the Editorship of Ms Brooks, with whom he had a long-term affair, finally replacing her as Editor of *The News of the World* when she left to become Editor of *The Sun*.
- (h) *Dominic Mohan*. Following positions as Editor of the Bizarre column (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 *The Sun*, following Ms Brooks' departure in 2009, and continued until 2013.
- (i) *Colin Myler*. Mr Myler was appointed Editor of *The News of the World* in January 2007 in order to replace Mr Coulson. He continued in the position until the newspaper's closure by Rupert Murdoch in July 2011.
- (j) *Neil Wallis*. Mr Wallis was appointed Deputy Editor of *The News of the World* in February 2003, having been previously Editor of *The People*. Mr Wallis became Executive Editor of *The News of the World* in July 2007 until he left NGN in August 2009.
- (k) *Geoff Webster*. Mr Webster was the Associate Editor of *The News of the World* until 2003 and then became Associate Editor of *The Sun* until 2009, when he was appointed as joint Deputy Editor of *The Sun*.
- (l) *Victoria Newton*. Following her positions as Editor of the Bizarre column (from 2003 until 2007) and then Head of Features and Entertainment at *The Sun* (from 2007 to 2009), Ms Newton was appointed Deputy Editor of *The News of the World* in 2009. When the newspaper was closed by Mr Murdoch, she was appointed Saturday

Editor of *The Sun* until finally being made Editor of *The Sun on Sunday* in September 2013.

- (m) *John Chapman*. From July 2003 until July 2011, Mr Chapman was the Director of Legal Affairs for News International.
- (n) *Tom Crone*. At all material times until July 2011, Mr Crone was the Legal Manager for both NGN and News International, with particular responsibility for the legal affairs and compliance of both *The Sun* and *The News of the World*.
- (o) *Gordon Smart*. From November 2007 until 2013, Mr Smart was Showbiz Editor of *The Sun*. From 2004 to November 2007 Mr Smart was Deputy Showbiz Editor of *The Sun*. Mr Smart was later Deputy Editor of *The Sun* from May 2016 to November 2016.

NGN's knowledge of the widespread and habitual use of phone hacking and related unlawful activities

A. The widespread and habitual use of unlawful activities by NGN

8. The use of voicemail interception, blagging and the unlawful obtaining of private information through private investigators by or on behalf of journalists working for *The News of the World* and *The Sun* was both habitual and widespread from at least as early as 1998 onwards until at least 2010, as is set out in the Claimants' Generic Pleadings.
9. Pending further disclosure, the Claimants will rely upon the following facts and matters as the best particulars which can presently be provided of the scale and extent of such activities:
 - 9.1 The very large number of NGN victims, as is evidenced by:
 - (a) the number of individuals whose names, mobile phone numbers and/or other personal information was recorded in the notebooks of

Glenn Mulcaire, and were therefore targeted by him through his voicemail accessing and blagging activities on behalf of both *The News of the World* and *The Sun*;

(b) the number of individuals whose names, mobile phone numbers and/or other personal information were recorded in the Palm Pilot of Dan Evans, and were therefore victims or intended victims of phone hacking for *The News of the World*;

(c) the number of successful civil claims for misuse of private information brought in Tranches 1, ~~and Tranche 2~~ and 3 of this litigation (“**MTVIL**”), or claims made under the NGN compensation scheme, or in pre-action settlements, by claimants who have included, amongst others, actors, musicians, sportsmen, politicians, victims of crime and members of the armed forces.

9.2 The substantial number of calls made to the Orange Generic Platform (which was just one way of accessing voicemails for Orange mobile phone users) by NGN journalists during the period from at least 2000 to 2008. The Claimants will refer to both the amount and pattern of calls made not just from within NGN landlines (as has already been disclosed), but also from the mobile phones of journalists working on both *The News of the World* and *The Sun* (which has been ordered to be disclosed by NGN by 31 May 2017).

9.3 The volume of instructions and/or payments given to private investigators or other similar agents acting on behalf of both *The News of the World* and *The Sun* in order to blag or unlawfully obtain personal information about individuals, such as mobile phone numbers, call records, credit card information and medical information. The Claimants will refer by way of example to those private investigators or other agents identified in the list attached to the letter of Hamlins dated 17 March 2017, including (but in no way limited to): TDI/ELI, Rob Palmer and Avalon, JJ Services,

Southern Investigations, Euro Research and Information (Services) Limited or Nine Consultancy, LRI Research limited, Newsreel, Searchline, Trackers UK, Warner News and Christine Hart. The Claimants will also rely upon the number of targets named in the 'Blue Book' 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 'Blue Book' related to instructions seeking private information about individuals made on behalf of journalists at both *The News of the World* and *The Sun*.

- 9.4 The substantial number of journalists and editorial staff at *The News of the World* involved in the use of these activities, including those journalists whose names appear in the corner of Glenn Mulcaire's notebooks, namely Clive Goodman, Greg Miskiw, James Weatherup, Ian Edmonson and Neville Thurlbeck, as well as others such as Andy Coulson, Paul McMullan, Ross Hindley, Gary Thompson, Neil Wallis, Sean Hoare, Dan Evans, Jules Stenson, Rav Singh, Matthew Nixson, Jane Atkinson, Lee Harpin, Rachel Richardson, Polly Graham, Stuart Kuttner and Rebekah Brooks.
- 9.5 The substantial number of journalists and editorial staff at *The Sun* involved in the use of these activities, including Sean Hoare, Paul McMullan, Emily Smith, Sara Nathan, John Sturgis, Chris Pharo, Nick Parker, James Scott, Emma Cox, Andy Coulson, Dominic Mohan, Victoria Newton, Geoff Webster, Graham Dudman, Gordon Smart and Rebekah Brooks.
- 9.6 The volume of articles published in *The Sun* (as well as *The News of the World*) during the period from 1998 to 2010 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 in the Claimants' Response to NGN's Request for Further

Information, dated 31 October 2016.

10. 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. The Claimants will refer in support of this contention to the names of Senior NGN Employees which appear on such invoices as being either responsible for instructing the private investigators or for approving the expenditure in relation to them, such as Rebekah Brooks, Graham Dudman, Victoria Newton, Gordon Smart, Dominic Mohan and Stuart Kuttner.

B. Examples of the involvement or knowledge of Senior NGN Employees

11. 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 1998 onwards:

The Mulcaire Arrangement

- 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 *The News of the World*, as well as in *The Sun*.
- 11.2 This arrangement, which was made through various corporate vehicles for Mr Mulcaire (such as Euro Research Information Limited and Nine Consultancy) started in 1998 and continued until his arrest in August 2006. NGN paid substantial amounts under this arrangement, which was negotiated or approved of by Andy Coulson, Neil Wallis, Rebekah Brooks and Stuart Kuttner.
- 11.3 The Claimants will also refer to the fact that a number of different aliases were used in order to conceal Mr Mulcaire's true identity, and therefore

the nature and extent of his unlawful activities for NGN, such as “Paul Williams” or “John Jenkins”. In or about 2006, Mr Coulson approved a special project for Mr Mulcaire to provide information about the Royal family through Clive Goodman, for the purposes of which Mr Mulcaire was referred to in emails by the codename ‘Matey’.

11.3A NGN deliberately took steps to conceal the true nature of its contract with Mr Mulcaire/Euro Research and Information Ltd, namely a means of unlawfully obtaining private information. These steps included the following:

(a) The contract between the News of the World and Mr Mulcaire’s company, Euro Research and Information Ltd dated September 2001 was drafted by Tom Crone, Legal Manager for NGN and News International. The contract referred to the illegal services that Euro Research Information Ltd would be providing to the News of the World as “research” and “information”. The contract was drafted in deliberately ambiguous terms so as to ensure that the document did not disclose the unlawful nature of the activities that Euro Research and Information Ltd would be providing to the *News of the World*. The contract also imposed an obligation of confidentiality on Mr Mulcaire, which subsisted even after the end of the contract period.

(b) The subsequent contract between the News of the World and Mr Mulcaire’s company Nine Consultancy Limited, dated 1 July 2005, again described the illegal services provided by the company as ‘a *research and information service*’. The contract was similarly drafted in deliberately ambiguous terms in order to hide the unlawful nature of the activities that Nine Consultancy would be providing to the *News of the World*. The contract also imposed an obligation of ‘*the strictest confidence*’ on Mr Mulcaire.

(c) Following his arrest, the contractual arrangements between NGN and Mr Mulcaire were under consideration by the Criminal Court which was

due to sentence him (as well as Mr Goodman) in relation to charges of conspiracy to intercept communications in January 2007. On 10 November 2006 at 1111hrs Tom Crone wrote to Andy Coulson reporting on developments in Mr Goodman's claim for unfair dismissal against NGN, reminding him that the Nine Consultancy contract was an 'entirely safe dco. (sic) simply saying "research work" or whatever neutral term we used...'. Mr Coulson replied a minute later saying: "fine and there is nothing else buried away that could help/hinder? Just wonder if its worth me sending someone (SK/Neil?) to Henri's for a day to read through."

(d) On the day when Mr Mulcaire and Mr Goodman entered their guilty pleas, 29 November 2006, despite the charges being unrelated to any activities at *The Sun*, Rebekah Brooks sought confirmation from Chris Pharo, one of her senior journalists on *The Sun*, that the contract had not been mentioned in Court that day. Mr Pharo, who was keeping her informed about the hearing, confirmed that it had not been.

(e) However, it was specifically mentioned at their sentencing hearing on 26 January 2007. Notwithstanding its true nature, the prosecution and Sentencing Judge, Mr Justice Gross, accepted that Mr Mulcaire's contract with NGN for research services represented 'legitimate activities'. A confiscation order was made only in relation to additional cash payments made to Mr Mulcaire by Mr Goodman for the particular activities relating to the charges themselves (namely the hacking of members of the Royal Household's voicemails).

(f) Nevertheless, at about the end of 2007 in the course of his proceedings against NGN for phone hacking, Gordon Taylor obtained a third-party disclosure order against the Metropolitan Police in respect of the material seized from Mr Mulcaire. The disclosure revealed that at least three NGN journalists appeared to have been intimately involved in preparing and considering transcripts of intercepted voicemail messages obtained as a result of Mr Mulcaire's 'researches' into Mr

Taylor. It was this disclosure which Mr Silverleaf QC referred to, in the course of his written Opinion for NGN on the merits of the Taylor claim, dated 3 June 2008, in the following terms:

“I should at this point mention that when Mr Mulcaire was sentenced for the offences noted above, it seems to have been accepted by the prosecution and the court that his contract with NGN to provide research services was for legitimate activities and a confiscation order was made only in relation to additional cash payments made to him by Mr Goodman for the particular activities relating to members of the Royal Household. The recently disclosed information seems to throw that acceptance into considerable doubt: if the trial proceeds, there would seem to be little doubt that Mr Taylor’s case will be advanced on the basis that Mr Mulcaire was specifically employed by NGN to engage in illegal information gathering to provide the basis for stories to appear in NGN’s newspapers. I would not imagine that NGN wishes this kind of allegation to be given any more publicity than is inevitable from the bringing of the claim.”

(g) In spite of the obviously incriminating evidence received from the Metropolitan Police and Leading Counsel’s Opinion, NGN continued to 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 2011, as verified by a Statement of Truth, that Mr Mulcaire’s contracts with the *News of the World* were for legitimate activities as the Judge and prosecution had (wrongly) accepted. The Claimants will refer for example to NGN’s Defences in the claims brought by Sienna Miller, Ben Jackson, Steve Coogan, Joan Hammell, Kelly Hoppen, and Jude Law.

The Spice Girls story

11.4 In about May 1998, Sean Hoare, a journalist working on the Bizarre column with Victoria Newton (as well as Dominic Mohan), intercepted

voicemail messages of various members of the well-known pop group, *The Spice Girls*.

- 11.5 Mr Hoare discovered through these unlawful means that there were frantic attempts by the other band members to try to placate Geri Halliwell in order to persuade her not to leave the group, as well as other private information about them. The Spice Girls were of huge interest to *The Sun* at the time, and a story about their splitting up was a potentially enormous scoop for the newspaper.
- 11.6 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 Mr Coulson).
- 11.7 *The Sun* published a number of ‘exclusive’ stories about the Spice Girls at this time containing information obtained through these unlawful activities. The Claimants will refer by way of example only to the following articles which appeared in the Bizarre column:
- (a) “*Spices in bust up over Geri*”, dated 28 May 1998, written by Sean Hoare and Victoria Newton, which refers to “*Victoria, Mel C, Mel B and Emma spoke angrily with Geri on the phone...*” as well as a so-called “*band source*”;
 - (b) “*5 become 4*”, dated 29 May 1998, written by Sean Hoare and Victoria Newton, which refers to a so-called “*source close to the band*” and “*an insider*” providing information about problems behind the scenes between Geri Halliwell and the other band members;
 - (c) “*I’ll never sing with Spice Girls again*”, dated 30 May 1998, written by Sean Hoare and Victoria Newton, which refers to so-called “*sources*” and Ms Halliwell’s private decision to sack the band’s lawyers and appoint new ones for herself.
- 11.8 From this time onwards, and later when he took Mr Hoare with him to

The News of the World, Andy Coulson frequently instructed Mr Hoare to carry out voicemail interception, not only as a form of ‘fishing’ expedition (described euphemistically as ‘telephone fishing’) to see what interesting information he could obtain, but also as a targeted form of exercise in order to investigate a particular fact, particularly if difficulties had been encountered in verifying a story (which Mr Coulson referred to as “*letting his fingers do the talking*”, another euphemism for voicemail interception).

Milly Dowler

- 11.9 Following the high-profile disappearance of Milly Dowler, *The News of the World* published an exclusive article in the first edition of its newspaper about the teenager having gone ‘missing’ on 14 April 2002. This first edition referred explicitly both to the existence and contents of a voicemail on Milly’s mobile phone. This was obtained by journalists (whose precise identities are presently unknown pending disclosure) and/or Glenn Mulcaire acting on the instructions of the newspaper.
- 11.10 The Claimants will refer to the fact that this explicit reference to a voicemail was deliberately removed from the text of the second edition of this article, notwithstanding the considerable importance of this highly-newsworthy information for the newspaper. *The News of the World* had earlier dispatched journalists to Telford based on the content of the voicemail, with considerable expenses being deployed in the pursuit of this exclusive story.
- 11.11 Further, Stuart Kuttner (who was the Managing Editor of *The News of the World* at the time) admitted to the Surrey Police on 13 April 2002 that NGN had unlawfully accessed Milly Dowler’s voicemail messages. Sarah McGregor, Head of Corporate Communications at Surrey Police, was also told by Mr Kuttner that Rebekah Brooks had met with ACC Frank Clarke about the Milly Dowler story.
- 11.12 The Claimants will ask the Court to infer from the facts and matters set

out in paragraphs 11.9 to 11.11 above that Ms Brooks (the Editor of *The News of the World* at the time), Mr Coulson (her Deputy Editor) and Mr Kuttner all knew that the newspaper had intercepted Milly Dowler's voicemail facility, and that the source of their article on 14 April was one of her voicemails and/or that an explicit reference to a particular voicemail in the first edition of the article was too blatant and should be removed.

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).

The Royal family

11.14 In January 2003, Clive Goodman (who was, amongst other things, the Royal Correspondent for *The News of the World*) was routinely accessing voicemail messages surrounding the Royal family and their private business, and discussing this with his Editor, Andy Coulson, as well as other Senior NGN Employees such as Stuart Kuttner and Neil Wallis.

11.15 Pending disclosure, the Claimants will refer, by way of example only, to the following emails:

(a) an email from Clive Goodman to Andy Coulson on 24 January 2003 at 10:47 in which he referred to Sir Michael Peat, Prince Charles' Principal Private Secretary, having banned the Prince and Lady Camilla Parker-Bowles from being seen in public, various private information about telephone communications between the Royal

family and details about the private life of Sir Michael, in respect of whom Mr Goodman stated that he was “*turning his mobile*” (a euphemism for phone hacking);

- (b) an email from Clive Goodman to Stuart Kuttner on 24 January 2003 at 14:10 in which he referred to “*a deliberately cryptic credit payment form*” he had left for Mr Kuttner which he said “*If you have a second or two I’ll explain the details*”, referring to authorising the payment of cash for obtaining telephone numbers for members of the Royal family;
- (c) an email from Clive Goodman to Andy Coulson on 24 January 2003 at 15:48 in which he referred to “M” (a disguised reference to Mr Mulcaire) having discovered (it is to be presumed from voicemail interception) that the Queen and Prince Charles held various private “*concerns*” about an incident concerning another member of the Royal family;
- (d) an email from Clive Goodman to Andy Coulson on 24 January 2003 at 17:23 in which he referred to a story about Princess Anne and Sir Tim Laurence and explained to Mr Coulson that it “*needs something more. Will talk to M abt it. He’s still pretty current on it... Should have Peat’s car reg and other details tomorrow. Greg’s people turning mobile numbers*” (a reference to Greg Miskiw);
- (e) an email from Clive Goodman to Neil Wallis on 6 March 2003 at 16:34 in which he told Mr Wallis in relation to a possible story about the Prince’s Trust that he “*now [has] his mobile so we can check out that end of it*”;
- (f) an email from Clive Goodman to Andy Coulson on 2 April 2003 at 17:51 in which he informed Mr Coulson that “*Peat talking to PoW now/this evening. I might hear later on the mobile. If not tomorrow.*”

11.15A In order to assist in intercepting their voicemails, Mr Goodman

procured the confidential telephone directory for all members of the Royal family, the Royal Household and those connected to them, which included a substantial number of highly confidential and sensitive mobile telephone numbers.

The David Blunkett affair

- 11.16 In around August 2004, Neville Thurlbeck, a senior news journalist at *The News of the World*, informed Andy Coulson (who was then Editor), Neil Wallis (the Deputy Editor) and Stuart Kuttner (the Managing Editor) that he had intercepted the voicemail messages of the then Home secretary David Blunkett. This had been done in the pursuit of a story about a secret affair that Mr Blunkett had been conducting.
- 11.17 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 of a meeting in 2009 between Mr Thurlbeck and Colin Myler, who was by that time the Editor of the newspaper. Further, it was admitted by Mr Coulson in evidence at his criminal trial that Mr Thurlbeck had informed him about the hacking of Mr Blunkett's messages at the time.
- 11.18 Notwithstanding these blatant acts of criminality, once Mr Thurlbeck had carried out his orders to destroy the incriminating evidence as to their source, the physical tapes of the messages (without any obvious indication as to their source) were stored in a safe in the office of Tom Crone, the in-house lawyer for NGN.
- 11.19 Based on his possession of these messages, Mr Coulson later confronted Mr Blunkett at his constituency office in Sheffield on 13 August, and was categorical (despite any legitimate verification) that "*the information*" he had was "*pretty solid*" and that he "*would not be exposing [himself] in this way*" if he did not believe it to be true, given the importance of the story and Mr Blunkett's position as Home Secretary. As he later admitted

at his criminal trial, Mr Coulson also discussed the story and the voicemail messages which Mr Thurlbeck had obtained with Les Hinton prior to visiting Mr Blunkett.

11.20 Whilst *The News of the World* published a story exposing Mr Blunkett's affair on 15 August 2004, it was its sister-paper, *The Sun*, which named the woman allegedly involved in the affair, Kimberley Quinn, but without seeking any verification or comment in advance. The Claimants will infer that *The Sun* was able to publish this story without any such verification or comment because Ms Brooks (its Editor at the time) had learned the details of it, as well as its apparently undeniable authenticity, from Mr Coulson, her long-term lover and close colleague.

11.21 Further, *The Sun* published a further story about the affair on 17 August 2004, written by Trevor Kavanagh, which revealed the private fact that Ms Quinn was pregnant and “*has been telling pals for weeks about the unplanned baby*”.

The head-hunting of Dan Evans from the Sunday Mirror

11.22 In early 2004, while he was still working for the *Sunday Mirror*, Dan Evans was approached to join the news department of *The News of the World*. The approach was made to him because of his known experience for conducting these types of unlawful information gathering activities. It came from James Weatherup who was a former boss of Mr Evans at the *Sunday Mirror* and had recently left to join *The News of the World* (which was commonly regarded as the leading Sunday tabloid). Mr Evans met with Mr Weatherup and the then Head of News, Gary Thompson, at a bar in Wapping. Mr Weatherup explained to Mr Thompson that whilst Mr Evans was a good reporter, he was also experienced in the use of such unlawful information gathering activities whilst at the *Sunday Mirror*.

11.23 Mr Weatherup subsequently contacted Mr Evans in order to ask him to meet Neil Wallis, who was then Deputy Editor of *The News of the World*.

They met in the same bar in Wapping. Mr Wallis informed Mr Evans that he knew he could ‘screw phones’ (which was a euphemism for voicemail interception). However, Mr Evans chose not to join *The News of the World* at that time.

- 11.24 Nevertheless, subsequently, in October 2004, Jules Stenson and Andy Coulson met with Mr Evans in order to attempt once more to persuade him to leave the *Sunday Mirror* (where he had become known for his particular expertise in conducting these unlawful activities) and join their newspaper, this time in the features department. Both Mr Coulson and Mr Stenson knew of his ability to intercept voicemails.

The Sienna Miller and Daniel Craig story

- 11.25 In September 2005, Mr Evans played Andy Coulson (then Editor of *The News of the World*) and others on the features desk a recording of a voicemail message which he had intercepted from Sienna Miller that had been left on the mobile phone of Daniel Craig. Mr Evans had for some time been closely monitoring the voicemail messages passing between Ms Miller and her step-mother, Kelly Hoppen (or carrying out ‘special checks’ as they were euphemistically referred to in internal emails), as both the Editor and his colleagues at the features department of *The News of the World* were well aware.

- 11.26 The voicemail message from Ms Miller suggested a possible romantic interest between her and Mr Craig. Given her relationship with Jude Law at the time, this was potentially a big scoop for the newspaper. As a result, in order to conceal the true source of this highly-newsworthy information, Mr Coulson instructed Mr Evans to make a copy of the tape of the voicemail, but destroy the original, and place the copy in a sealed jiffy bag which he should have delivered to the front gate, thereby pretending that it had been provided anonymously (as opposed to it being obtained by the newspaper using illegal voicemail interception).

Calum Best

11.27 On 20 May 2006, experiencing difficulties in obtaining a story, Andy Coulson instructed Ian Edmondson (who was then Head of News at *The News of the World*) to intercept the mobile phone messages of the well-known television personality Calum Best, telling him to “*Do his phone*”. Mr Edmondson carried out Mr Coulson’s instructions.

Heather Mills and Sir Paul McCartney

11.28 Following a high-profile marriage, Heather Mills and Sir Paul McCartney separated on 17 May 2006. Their split, and the reasons for it, were of enormous interest to the tabloid newspapers. In the course of its coverage, *The Sun* instructed Greg Miskiw, a former senior NGN journalist who had left to set up his own news agency, to carry out investigations into this story, including (but not limited to) accessing the mobile phone communications passing between Ms Mills and her sister and close confidante, Fiona Mills.

11.29 Pending disclosure and/or the provision of further information, the Claimants will rely upon an exchange of emails between Mr Miskiw and Geoff Webster (who was then Associate Editor at *The Sun*, and thereby third in charge of the newspaper) between 29 May 2006 and 31 May 2006 as follows:

- (a) an email from Mr Miskiw to Mr Webster at 11:32 on 29 May 2006, subject “Fiona Mills”, in which he stated: “*Hi Geoff, monitored over the weekend and there is nothing new. She may not be using it at the moment. Will keep on but not hopeful. Have a couple of other irons in the fire*”;
- (b) an email reply from Mr Webster to Mr Miskiw, in which he instructed him to continue accessing her voicemails as follows: “*OK thanks Greg keep looking mate*”;
- (c) an email from Mr Miskiw to Mr Webster at 09:24 on 31 May 2006, subject “RE: Fiona Mills”, in which he asked “*Any chance of sticking*”

me down for a shift, or two. Tah”;

(d) an email reply from Mr Webster to Mr Miskiw, in which he confirmed that he would be officially paid (in the usual way) for these activities “*Of course*”.

11.30 It is also to be inferred from the above that given the potential importance of this highly newsworthy story, these instructions and the product of them were discussed at editorial level within the newspaper, which also authorised the substantial payments which were made to Mr Miskiw in order to investigate this story.

The Arrest and Conviction of Glenn Mulcaire and Clive Goodman

11.31 On 8 August 2006, the Metropolitan Police Service arrested Clive Goodman and Glenn Mulcaire. On 9 August 2006, they were charged with conspiracy to intercept communications, contrary to section 1(1) of the Criminal Law Act 1977, in that between January 2005 and August 2006, they had conspired together to intercept (in the United Kingdom and without lawful authority) communications in the course of their transmission by means of a public telecommunication system.

11.32 Mr Mulcaire and Mr Goodman were also charged with 14 other offences of unlawful interception of communications contrary to section 1(1) of the Regulation of Investigatory Powers Act 2000, Counts 2 to 15 related to:

- (1) Paddy Harveson, the Communications Secretary to H.R.H. the Prince of Wales and H.R.H. the Duchess of Cornwall (counts 5, 9, 12 and 15);
- (2) Helen Asprey, the Personal Secretary to H.R.H. Prince William and H.R.H. Prince Harry (counts 2, 3, 7, 10 and 13);
- (3) Jamie Lowther-Pinkerton, the Private Secretary to H.R.H. Prince William and H.R.H. Prince Harry (counts 4, 6, 8, 11 and 14).

11.33 Mr Mulcaire was also charged with 5 other offences of unlawful interception of communications contrary to section 1(1) of the Regulation of Investigatory Powers Act 2000, Counts 16 to 20 related to:

- (1) Max Clifford (Count 16)
- (2) Skylet Andrew (Count 17)
- (3) Gordon Taylor (Count 18);
- (4) Simon Hughes MP (Count 19); and
- (5) Elle Macpherson (Count 20).

11.34 In September 2006, Detective Superintendent Keith Surtees informed Rebekah Brooks 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 September 2006.

11.35 On 29 November 2006, Mr Mulcaire and Mr Goodman pleaded guilty at the Old Bailey to the conspiracy to intercept communications, as charged. Mr Mulcaire also pleaded guilty to his separate counts of interception as regards voicemail messages left for Mr Clifford, Mr Hughes, Mr Taylor, Mr Andrew and Ms Macpherson.

11.36 The very same day, 29 November, Rebekah Brooks (who was then Editor of *The Sun*) emailed Mr Coulson, the Editor of *The News of the World*, in a state of panic because of her concern as to any possible widening of the phone hacking scandal within the media (given it had so far been confined to a single ‘Royal correspondent’ at *The News of the World*). In particular, Ms Brooks was deeply worried (as was Mr Coulson) that Mr Mulcaire might incriminate the other NGN journalists who had instructed him, as they were both well aware. In her email of 15:08, Ms Brooks reminded Mr Coulson that the police had interviewed other victims (not

just those in respect of whom charges had been brought against Mr Mulcaire, but not Mr Goodman) including “*Jowell, Kimberly, blunks etc etc..*”, which would implicate journalists such as Neville Thurlbeck, as referred to in paragraph 11.16 above, as well as Mr Coulson, Ms Brooks and other Senior NGN Employees.

Fears over the sentencing of Goodman and Mulcaire

11.37 The Claimants’ case is that from December 2006 onwards, Senior NGN Employees took deliberate steps to suppress, conceal or lie about the true nature, scale and extent of these unlawful activities which had taken place (and continued to take place) at both *The News of the World* and *The Sun*, in the hope that they could preserve the (wholly false and dishonest) impression that such activities:

- (a) were confined simply to one ‘rogue’ journalist (namely the Royal correspondent for *The News of the World*) and a private investigator;
- (b) were historic, and had come to an immediate and definite end with the arrest of these two individuals in August 2006;
- (c) had taken place without the knowledge or approval of any other Senior NGN Employee;
- (d) had not been undertaken by any other journalists at *The News of the World*;
- (e) had not been undertaken by any journalists at *The Sun*, and
- (f) were not habitual or widespread at either of these newspapers.

Each of these claims was untrue, as they were well aware at the time (or became so, by 2011 at the latest), as referred to below.

11.38 From November 2006, Tom Crone exchanged communications with Andy Coulson about the fact that the sentencing process for Messrs Goodman and Mulcaire might result in a substantial risk that they would

name other *News of the World* journalists as having been involved in these activities, including Greg Miskiw, Ian Edmonson and Neville Thurlbeck, whose names were contained in incriminating documents.

11.39 Mr Coulson was also concerned as to how he could phrase a public statement on behalf of the newspaper to be released on the day of Mr Goodman's conviction which would censure Mr Goodman without such a statement provoking him into naming other journalists because it would dishonestly suggest that he was just one 'rogue' journalist. Mr Coulson debated this difficulty with his colleagues, Stuart Kuttner, Tom Crone, Les Hinton and Neil Wallis over email in the days before the conviction on 29 November 2006.

11.40 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.

11.41 On 26 January 2007, Mr Goodman and Mr Mulcaire attended the Old Bailey for sentencing by Mr Justice Gross, as did representatives of NGN, including Mr Crone. Mr David Perry QC, Leading Counsel for the prosecution, told the Court that:

- (a) Mr Mulcaire had started unlawful interceptions of Ms Helen Asprey's mobile telephone messages in February 2005 and that there were interceptions between late February and 4 April 2005;
- (b) Mr Mulcaire had obtained from the phone companies, by deception, using an alias "John Jenkins" or "Paul Williams", the pin numbers and direct dial numbers of the victims and had reset their pin numbers;

- (c) Mr Mulcaire's notebooks contained numbers and references to his aliases "Paul Williams" and "John Jenkins" which he used to deceive the telephone companies in order to obtain confidential information;
- (d) Mr Mulcaire's notebooks contained the pin numbers and retrieval numbers of Helen Asprey, Jamie Lowther-Pinkerton and Paddy Harverson;
- (e) there had been numerous references to the name "Clive" at the top left hand corner of Mr Mulcaire's notes;
- (f) Mr Mulcaire's telephone records exhibited a pattern of calls to Goodman, then to mailboxes, then to Goodman to repeat and pass on the access codes;
- (g) Mr Mulcaire obtained, by deception, the pin numbers and retrieval numbers from the phone provider and reset the codes for Helen Asprey and Paddy Harverson;
- (h) Mr Mulcaire had access to information that was confidential to the network service providers because he was using passwords to demonstrate that he was in fact from Credit Control, so that the network service operators would provide him with the information he required and carry out the change of the PIN number to the default setting;
- (i) entries in Mulcaire's working notebooks recording the details of the retrieval numbers and the PIN codes, together with the references to "Clive", clearly demonstrated the link between him and Mr Goodman;
- (j) the evidence was that Mulcaire sent Goodman text messages containing the relevant pin codes and that Mulcaire used these to intercept messages of those in the public eye for the purpose of accessing their private lives.

11.42 At the hearing, Mr Mulcaire admitted through his Counsel that there were others conducting this sort of activity. Mr Justice Gross held that in relation to counts 16 – 20 (the interception of communications of Max Clifford, Elle MacPherson, Simon Hughes and Gordon Taylor), Mr Mulcaire had dealt with “*others at the News of the World*”. Mr Justice Gross sentenced Mr Mulcaire to six months’ imprisonment, and Mr Goodman to four months’ imprisonment.

11.43 It is to be inferred from the facts and matters set out above that Mr Justice Gross’ comment about “*others at the News of the World*” was relayed back to Senior NGN Employees, including Mr Coulson (who resigned only hours later) and Mr Hinton given their close interest in the proceedings.

Clive Goodman’s unfair dismissal claim

11.44 After his conviction, Clive Goodman was sacked by Les Hinton on 5 February 2007. As a result, he brought an employment claim. In a letter, dated 2 March 2007, addressed to Les Hinton and News International, Mr Goodman made it clear that other NGN employees were also carrying out phone hacking (such as the News Editor Ian Edmonson); that the practice was widely discussed at the daily editorial conferences until explicit reference to it was banned by the Editor, Andy Coulson; that his actions were carried out with the full knowledge and support of Mr Coulson and Neil Wallis (the Deputy Editor at the time); that payment made to Mr Mulcaire had been arranged and approved of by Stuart Kuttner (the Managing Editor) and that most articles over the two-year period prior to his arrest had derived from voicemail interception.

11.45 Mr Goodman repeated this evidence during the course of his internal employment appeal in May 2007, when he stated that telephone hacking had been conducted for a number of years openly at *The News of the World*, was approved of by Andy Coulson and Stuart Kuttner and that over the last two years of his work at *The News of the World* all of the

stories were based on phone hacking. The Claimants will refer to the fact that Mr Goodman was suborned by Senior NGN Employees (including Tom Crone, Les Hinton and Mr Coulson) not to give such evidence in mitigation of his sentence in January 2007 on the promise of Mr Crone that he would be re-employed, as Mr Goodman admitted for example in his letter of 2 March 2007.

11.46 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.

11.47 Andy Coulson resigned from his position as Editor of *The News of the World* on 26 January 2007, the day that Mr Goodman and Mr Mulcaire were sentenced. It is to be inferred that under his settlement agreement, he received substantial payments from NGN (or an associated company) in return for him agreeing not to disclose any of the information he knew about the extent of wrongdoing within NGN. He was replaced by Colin Myler.

The defence of the 'one rogue' reporter lie to the PCC

11.48 On 22 February 2007, before any internal investigations had been completed, Colin Myler wrote to the PCC stating that the wrongdoing at *The News of the World* was confined solely to Clive Goodman. In his

letter, he claimed to the industry's self-regulation watchdog that "*this was an exceptional and unhappy event in the 163 years of history of News of the World, involving one journalist*" and that "*Mr Mulcaire was operating in a confined environment run by Clive Goodman*". He also stated (wrongly) that Mr Justice Gross was satisfied that there was no suggestion of any illegality under *The News of the World's* 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 "*others at News International*". The Claimants also rely upon a similar letter sent to the PCC dated 26 March 2007 by Graham Dudman, the Managing Editor of *The Sun* at the time.

11.49 The Claimants will refer to the fact that it was based upon this, and further statements made by Mr Hinton in communications with the Chairman of the PCC, Sir Christopher Meyer, and others at the PCC (as referred to in its Report dated May 2007), that the PCC accepted NGN's knowingly false statement that phone hacking was historic and the work of just one 'rogue' reporter.

The Gordon Taylor claim

11.50 In 2008, Gordon Taylor, the head of the Professional Footballers' Association brought a claim against NGN in relation to allegations which included the unlawful accessing of his private information by *The News of the World* journalists.

11.51 In the course of this litigation, NGN were forced to disclose to Mr Taylor an email from Glenn Mulcaire to Ross Hindley, a *News of the World* journalist, dated 29 June 2005 at 17:02 which attached a transcript of intercepted voicemail messages between Mr Taylor and Jo Armstrong, his personal assistant at the time. These messages had been intercepted in the pursuit of a (false) story that Mr Taylor had been conducting an affair with Ms Armstrong. The email stated that "*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 was a reference to Neville Thurlbeck.

- 11.52 As a result of this "*For Neville*" email, and the incontrovertible evidence of these unlawful activities having been conducted by other journalists at *The News of the World* (as opposed to solely Mr Goodman), NGN was forced to settle Mr Taylor's claim with a financial payment which far exceeded any possible sum which he might be awarded even if he was ultimately successful at trial. The payment was made in return for Mr Taylor promising in the settlement agreement not to disclose any information about the incriminating evidence which he had uncovered.
- 11.53 The Claimants will refer to the fact that Mr Taylor's claim, the risks which it held for NGN in terms of revealing that these activities were widespread (and the 'one rogue reporter' line was a lie) and the existence of "*For Neville*" email, were known about and discussed by Senior NGN Employees including Tom Crone, Colin Myler and James Murdoch. They also discussed a legal opinion which had been provided for them at their request by Leading Counsel, Michael Silverleaf QC, dated 3 June 2008, to the full terms of which the Claimants will refer at trial.

The Max Clifford claim

- 11.54 In early 2010, Max Clifford, the well-known PR, also initiated a similar claim to Mr Taylor against NGN in relation to allegations which included the unlawful accessing of his private information by *The News of the World* journalists. As part of his complaint, Mr Clifford applied to the Court for disclosure orders seeking amongst other things further information about the identities of the journalists at *The News of the World* that Mr Mulcaire had been instructed by or to whom he had provided the contents of these messages. Unlike Mr Goodman, Mr Mulcaire had been convicted in 2007 of unlawfully accessing Mr Clifford's messages. Prior to this hearing, the MPS disclosure which Mr Clifford had been provided with for the purposes of his claim did not implicate any *News of the World* journalists.

11.55 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 pay his legal costs. This was done by a confidential settlement agreement in return for which Mr Clifford received substantial financial benefit in order to ensure that he would not make any public disclosures about the true nature, extent and knowledge of these activities within NGN.

The Kelly Hoppen claim against Dan Evans and NGN.

11.56 In March 2010, as a result of information obtained through her mobile phone provider as to suspicious activity relating to her mobile phone, Kelly Hoppen obtained an ex parte order from the Court against Dan Evans, whose NGN-subsiary registered mobile phone, had attempted to access her voicemails in the Summer of 2009.

11.57 This call data, when taken together with the call data which still remained from within NGN landlines, demonstrated that Mr Evans had been unlawfully accessing Kelly Hoppen's voicemail messages in 2005 and 2006, as well as those of other high-profile individuals.

11.58 Despite this, the discovery by Ms Hoppen's forensic expert of the Palm Pilot in the deleted files of his computers, and the fact that Mr Evans had suggested to Senior NGN Employees including Bill Akass that voicemail interception had been well-known and approved of at the features department of *The News of the World*, false witness statements were knowingly provided to the Court in the course of the litigation denying any such allegations of voicemail interception.

11.59 The Claimants will rely upon the detailed facts and matters contained in the Claimant's Defence to NGN's Particulars of Claim served on 19 May 2014 (including the Schedule of Lies) in the Kelly Hoppen v NGN claim,

action number HC14A00449. The Claimants will also refer to the fact that upon instructions, NGN's Leading Counsel, Michael Silverleaf QC, produced and handed out to the Court at the hearing on 17 February 2011. In this public statement, NGN's Leading Counsel asserted (on instructions) a false defence created by NGN to the effect that the attempted calls to Ms Hoppen's mobile phone in 2009 had been accidentally made by Mr Evans as a result of 'sticky keys'. The public statement also sought publicly to rubbish Ms Hoppen's claim of voicemail interception both then and earlier in 2005/6.

The Ian Edmonson emails

11.60 In January 2011, in the course of further investigation by the MPS, NGN had to disclose three emails to the Police which incontrovertibly implicated Ian Edmondson in voicemail interception, as its Senior Employees were well aware.

11.61 Mr Edmonson was also heavily implicated in the voicemail interception claim which was brought against NGN by Sienna Miller.

11.62 NGN was forced to dismiss him from his employment as a result after intense discussions (between Ms Brooks and Matthew Anderson, the Strategic Group Director of News Corp) about how evidence about more widespread wrongdoing might be publicly revealed.

Continuing voicemail interception by The Sun even in 2011

11.63 On 16 March 2011, Tom Newton Dunn, the Political Editor of *The Sun*, sent an email to Mr Mohan, the Editor, at 16:20 in which he reported on the dinner lunch he had shared with the Shadow Defence Secretary, Jim Murphy, the night before in which Mr Murphy "*had revealed (v discreetly to us) that his phone answerphone was hacked three weeks ago and he's called the police. Being a decent bloke who likes us, he's not planning on telling anyone or making a big deal*".

11.64 The Claimants will rely upon the absence of any surprise, incredulity or

condemnatory response to this information expressed by Mr Mohan in support of the fact that the (continued) use of voicemail interception was both well-known and widespread at *The Sun*, even after the arrest of Clive Goodman in 2007, not to mention the commencement of a number of civil claims against NGN in relation to these activities from 2010 onwards as referred to in paragraph 15 below.

Kelvin Mackenzie's resignation

11.65 On 20 June 2011, Kelvin Mackenzie, a long-standing NGN journalist, and previous editor, resigned from his position at *The Sun*. In his resignation email sent to Rebekah Brooks (the Chief Executive) and Dominic Mohan (the then Editor of *The Sun*) at 07:40 on 20 June, Mr Mackenzie confided that he had three reasons for leaving and that *"the first is phone hacking. I swallowed whole the News International position that it was the work of two rogue employees... But of course you guys knew different. It wasn't "two rogue employees", which was a reference to Clive Goodman and Ian Edmonson, the latter of whom NGN had been forced by this stage to admit was also involved in these activities.*

11.66 Mr Mackenzie, who had publicly acted as a highly vocal spokesman on behalf of NGN in denying the allegations of widespread wrongdoing which were being made at the time, continued in this email to complain that *"the scale, width and the depth were much more serious than that and yet you allowed me to twist in the wind rather than let me know the reality. That was inexcusable. You must agree that nobody likes to be misled"*.

11.67 Mr Mackenzie also sent his resignation email to Rupert Murdoch, the owner of News Corp, the ultimate parent company for NGN and News International.

The blagging of Gordon Brown MP ~~MP~~

11.68 On 11 July 2011, *The Guardian* published a story on its website (at

15:47) in which they alleged that journalists from *The Sun* had repeatedly targeted the former Prime Minister by attempting to access his voicemail messages and obtaining private information including his bank account, legal file and even sensitive details about his family's medical records ("**the Gordon Brown Article**").

11.69 Within minutes of this appearing, James Clothier, one of *The Sun*'s journalists forwarded the Gordon Brown Article to senior colleagues of his at the newspaper at 15:56. One of them, Veronica Lorraine responded by email with the words "*And so it begins..*", and attaching a further article entitled "*How the Sun bragged about illegally obtained story of Gordon Brown's son having cystic fibrosis*".

11.70 The Claimants will refer to the response from John Sturgis to this group of senior journalists (which included an Associate Editor and Deputy News Editor of *The Sun*) which simply stated: "*We're fucked*".

11.71 The Court will be invited to infer from this further example that the use of these unlawful activities, such as blagging or unlawfully obtaining information through private investigators, was well-known at the newspaper amongst its senior journalists.

Simon Hughes MP

11.72 On 24 January 2006, in the midst of the Liberal Democrat leadership contest, a journalist from *The Sun* sought and obtained confidential call data of Simon Hughes MP, one of the leadership candidates. This call data was sent to News Desk Executive James Clothier. The next morning on 25 January 2006, Chris Pharo, head of the News Department at *The Sun* emailed this confidential call data to the Managing Editor Graham Dudman. Later that day Political Editor Trevor Kavanagh confronted Simon Hughes MP with this call data, stating that they had evidence therefore about his private sex life, and offering him an opportunity to co-operate in a story about his sexuality, as opposed to the alternative of the newspaper 'outing' him itself with the publication of this highly

private information.

11.73 Despite its self-evidently private nature, Mr Hughes was effectively forced by this means to disclose his sexuality to the public. The next day 26 January 2006 the Sun Newspaper published a front page article about him entitled “I’m Gay Too”.

11.74 The Sun had obtained confidential information about Mr Hughes’ call data from private investigator ELI. The Claimants will refer to an invoice for “extensive urgent enquiries” carried out about Simon Hughes on 25 January 2006.

11.75 At about the same time, Mr Mulcaire and journalists from the News of the World had also been involved in extensive blagging and voicemail interception of messages left for and by Mr Hughes.

NGN’s public lies and concealment of its wrongdoing

12. As already set out above, at all relevant times Senior NGN Employees knew about the wider nature, scale and extent of its wrongdoing (certainly beyond the ‘one rogue reporter’), but sought to lie about or conceal this, not least publicly in statements made on behalf of the company (or its associates).

13. Pending disclosure and/or the provision of further information, the Claimants will rely upon the following by way of example only:

13.1 In Autumn 2006, NGN failed to respond to the MPS request to produce available evidence relevant to their investigation, including emails between journalists and editors, receipts, invoices and telephone records of calls with the Glenn Mulcaire.

13.2 In February 2007, Colin Myler wrote to the PCC (as referred to in paragraph 11.48 above) falsely claiming that the wrongdoing at the News of the World was limited solely to Clive Goodman.

13.2A Following the conviction of Clive Goodman and Glenn Mulcaire, Andy Coulson resigned as Editor of the News of the World. In the run-up to this

in early 2007, Les Hinton exchanged emails with Mr Coulson in which they discussed the contractual terms of Mr Coulson's departure and choreographed his resignation to ensure that there was no public disclosure of the unlawful activities which had been undertaken by NGN or the knowledge of senior executives about them. As part of these exchanges, Mr Coulson requested "three years money with ownership of my car and three years Bupa cover for me and family", as well as his unvested shares and assistance in transferring or releasing the value of his pension. These proposed terms were extremely favourable to Mr Coulson in spite of the fact that the ostensible reason for resigning was his ultimate responsibility for Clive Goodman's illegal activities. By this time, Mr Hinton and Mr Coulson were well aware that the illegal activities at NGN extended beyond the 'one rogue reporter' scenario that they were persisting with in their public statements (including those relating to Mr Coulson's resignation). In the circumstances, it is reasonable to infer that these very favourable terms were agreed with Mr Coulson in exchange for, *inter alia*, his agreement not to disclose details about illegal activities by NGN and NGN's employees. During the exchanges Mr Coulson and Mr Hinton also exchanged drafts of their respective statements in relation to the resignation.

- 13.3 In a letter to the Press Complaints Commission dated 26 March 2007 (referred to during cross-examination of Ms Brooks during the criminal trial of R v Brooks, Coulson and others), Graham Dudman (the Managing Editor of *The Sun*) stated that he wanted to make it "*absolutely clear The Sun deploras the type of snooping revealed by the Goodman case and we have in the past made strenuous efforts to ensure that type of conduct does not happen at the Sun*". He also provided an assurance that any journalist working for *The Sun* who broke the law during their employment as a journalist would be in breach of their Contract of Employment and, as such, would be liable to be instantly dismissed for bringing the company into disrepute. Mr Dudman also confirmed that no payments were made by *The Sun* without written authorization from the

Editor or the Editor of the day, and that once signed, each payment would have to be approved by him or the Deputy Managing Editor and a permanent paper record of all cash payments would be retained.

13.4 In February 2008, in an interview given by Stuart Kuttner on BBC Radio 4, the then Managing Editor of *The News of the World* falsely stated in relation to voicemail interception that “*it happened once at the ‘News of the World’*. *The reporter was fired; he went to prison. The editor resigned*”.

13.5 In 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* as follows:

“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.*

13.6 The same false statements about there being no evidence of widespread wrongdoing or hacking of telephone messages at *The News of the World* were publicly repeated in statements and briefing notes throughout 2008 and 2009, despite receiving a warning from Mr Goodman’s solicitors in February 2008 (following Mr Myler and Mr Kuttner’s statements about ‘one rogue reporter’) that he would reveal the truth publicly if these individuals continued to repeat this lie.

13.7 By way of further example, in August 2009, Mr Myler falsely told the PCC that *“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”*.

13.8 The Claimants will refer to the substantial financial payments made by NGN to settle the Taylor and Clifford claims, in return for confidentiality, in order to conceal the true nature and scale of its unlawful activities being publicly revealed, as referred to in paragraphs 11.52 to 11.53 and 11.54 above.

13.8A Even after Mr Mulcaire had been convicted, NGN decided to indemnify him in respect of the costs of civil proceedings brought against him by victims of phone hacking in order to prevent him revealing information about the true nature and scale of the involvement of NGN employees in illegal activities. By way of example, the Claimants will refer to the

following: (1) an agreement that NGN would indemnify Mr Mulcaire against any liability for costs or damages in Gordon Taylor's claim on condition that he did not file a Defence; (2) an agreement dated 28 January 2010 (which NGN originally sought to keep confidential) that NGN would indemnify Mr Mulcaire against the costs of opposing an application by Max Clifford for an order requiring Mr Mulcaire to disclose on oath the identity of (i) those who instructed him to target Mr Clifford, (ii) those to whom he had supplied transcripts or recordings of intercepted calls to or from Mr Clifford, and (iii) those who had enabled him to obtain them; (3) NGN's commitment to meet any costs awards against Mr Mulcaire in the claims brought by Mr Clifford, Mr Taylor, Kelly Hoppen, Skylet Andrew, Nicola Phillips and George Galloway; (4) NGN's indemnification of Mr Mulcaire in 31 subsequent claims commenced before 28 July 2011.

13.8B During a meeting between NGN and its then solicitors, Farrer & Co, in January 2010, concerns were raised that if Mr Mulcaire was forced to give evidence, he would name other individuals at NGN engaging in illegal activities and/or other victims of such activities. Colin Myler expressly acknowledged that NGN's purpose was to prevent Mr Mulcaire from naming names.

13.8C NGN also discussed with Farrer & Co the settlement of Max Clifford's claim for damages for voicemail interception and other illegal activities (in which Mr Mulcaire was due to be a key witness). In spite of the police stating that disclosure failed to reveal evidence of any illegal activities in relation to Mr Clifford, NGN decided to make an offer of damages considerably in excess of the figure they were advised it was worth in order to settle his claim and prevent him (and Mr Mulcaire) from revealing such evidence. The Claimants will also refer to the fact that Rebekah Brooks, who was heavily involved in the negotiations and the decision to make such an offer with NGN's legal advisors, agreed a deal with Mr Clifford whereby NGN would commit to pay him a further £200,000 per annum after the litigation finished. Ms Brooks

acknowledged, during a meeting with amongst others Jon Chapman (NGN's senior legal advisor, who was also heavily involved in negotiating these agreements to pay off hacking claims or those implicated by them), and Julian Pike (a Partner at Farrer & Co) in January 2010, that she was, in effect, "buying off" Mr Clifford, and that she was "happy to do whatever it takes" to reach a deal with him. Both Mr Chapman and Mr Pike agreed that they "would be very nervous of any documentary evidence of the deal". Mr Chapman also recognized that, although the payments to Mr Clifford were substantial, "If you compare this to the potential damage done if Mulcaire is on the stand then there really is no worry" and that "it would be better to pay for his [Mr Mulcaire's] silence".

13.8D On 10 February 2010, Julian Pike updated Tom Crone on the negotiations with Mr Clifford's lawyers, stating that Mr Clifford's lawyers were seeking payment of their costs of £200,000 plus uplift and disbursements. Mr Pike acknowledged: "This is looking expensive. But, do we want the risk of Mulcaire answering the questions....".

13.8.E The Claimants will ask the Court to infer from the sums of money paid to Mr Clifford and his lawyers as part of the settlement of his action, despite the limited nature of his legal claim and the damages which would have been awarded at trial, that Senior NGN Employees (whom the Claimants can only presently identify as including Ms Brooks, Mr Chapman, Mr Myler and Mr Crone) decided to make such payments in order to ensure that neither Mr Clifford nor Mr Mulcaire would publicly reveal information about the illegal activities at NGN and the identity of those responsible.

13.8.F The Claimants will also refer in support of this contention to the number of substantial payments made by NGN to former employees (as referred to herein) in return for confidentiality as to the extent of involvement in and knowledge of illegal information-gathering by NGN employees and executives, despite them having been convicted of voicemail interception

and NGN's public statements denouncing the making of payments made to those guilty of criminal offences. Pending disclosure and/or the provision of Further Information, the Claimants will rely on the agreements and/or payments made to Clive Goodman, Glenn Mulcaire, and Andy Coulson. In particular, both Mr Mulcaire and Mr Goodman had expressed their intention to disclose details of NGN employees involved in illegal information-gathering before these settlements were agreed.

- 13.9 Further, the Claimants will rely upon the fact that in the Hoppen claim, NGN served witness statements which were known to be false and misleading, as referred to in paragraph 11.59 above, and which resulted in Mr Evans pleading guilty to charges of perverting the course of justice in September 2013. This included deliberately denying that Mr Evans had been involved in accessing Ms Hoppen's voicemails in 2005 to 2006, as well as the fabricated 'sticky keys' defence denying that he had intentionally attempted to access her messages in 2009 as well.
- 13.10 The Claimants will also refer to the fact that NGN's false denials in its witness statements and pleaded case that there had been any voicemail interception by Mr Evans or others of Ms Hoppen's mobile phone in 2005 to 2006, and the failure to disclose his mobile phone call data, together with the landline hub call data which matched this, thereby concealed from the Claimants any evidence of Operation Pinetree until it was finally revealed to them in March 2013.
- 13.11 In September 2010, in response to allegations of widespread unlawful activity at NGN that were made in the *New York Times*, *The News of the World* 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'*".
- 13.12 In July 2011, NGN issued the following public statement in respect of the voicemail interception claim brought by Jude Law claim against *The Sun*,

(which was subsequently settled by NGN):

“We believe this is a deeply cynical and deliberately mischievous attempt to draw the Sun into the phone-hacking issue. The allegations have been carefully investigated by our lawyers and the evidence shows they have no foundation whatsoever. In particular, the claimant's solicitors have relied on a reference in documentation that they should be well aware has nothing to do with a case against the Sun. Also, another article complained of merely reiterated information which was already in the public domain. The claim will be defended vigorously.”

The reference to “documentation” relied on by Mr Law’s lawyers was a page of Glenn Mulcaire’s notebook which showed the name “Sun” in the top left –hand corner of the page denoting that his activities had been carried out on behalf of The Sun, in the same way as other pages had the word “Greg”, “Neville” or “Ian” (thereby representing taskings by Greg Misikiw, Neville Thurlbeck or Ian Edmonson respectively). The Claimants will refer to Mr Mulcaire’s witness statements dated 7 January 2016 and 1 April 2016 in which he has admitted that he was instructed on occasions to carry out such activities or provide the products of the same to journalists working for or on behalf of *The Sun*, as well as *The News of the World*.

13.13 At the Leveson Inquiry into the Culture, Practices and Ethics of the Press in late 2011 and early 2012, Senior NGN Employees sought to conceal the true nature, scale and extent of this wrongdoing.

13.14 In particular, Senior Editors and Journalists working for *The Sun* repeatedly claimed that there had been no voicemail interception, blagging or the unlawful obtaining of information through the use of private investigators, notwithstanding the revelations which had come out about the same activities taking place at its sister paper, *The News of the World*, at the same time. As they knew, this was false.

13.15 Pending disclosure and/or the provision of further information, the Claimants will refer to the following by way of example:

(a) In her First Witness Statement at the Leveson Inquiry dated 14

October 2011, Rebekah Brooks stated the following at paragraphs 42 to 45:

“As an editor, I would rarely commission private investigators or external providers of information, though I did so during a News of the World campaign for Sarah’s Law in order to trace convicted paedophiles who had broken their probation conditions. ...

The relevant department head would be in charge of making use of external providers of information (by which I mean not just private investigators but also individual sources, news agencies, local reporters, and press conferences) and senior reporters would have access to them. In terms of payment, where this was an issue, the department or desk head would negotiate the rates of payment and the payment process would be through the managing editor’s office. The managing editor has ultimate operational management responsibility for the newspaper, including budgetary responsibilities. These responsibilities extend to the approval of payments to private investigators and the monitoring and auditing of such payments. ...

I have been specifically asked by the Inquiry whether I or the newspapers where I worked ever used or commissioned anyone who used “computer hacking” in order to source stories or for any other reason. I did not and was not aware of anyone either at The News of the World or The Sun who did.”

(b) In his First Witness Statement to the Leveson inquiry dated 14 October 2011, Dominic Mohan, then Editor of *The Sun*, said the following in response to questions 11 and 19:

“(11) Explain whether, to the best of your knowledge, your newspaper used, paid or had any connection with 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: If so please provide details of the numbers of occasions on which such investigators or other external providers of Information were used and of the amounts paid to them.

The Sun has used private investigators in the past to assist journalists on stories, but I am not aware of any private

investigators being commissioned under my editorship. I understand that our payment system is currently being reviewed to provide the Inquiry with information requested concerning payments made to private investigators from 2005 onwards. The Sun does, however, regularly use news agencies and search agents to trace the addresses and telephone numbers of people we would like to contact in connection with stories. They are typically desk-based individuals or agencies who source addresses and other information from publicly available databases (for example, historical electoral rolls, Companies House records, Land Registry records and legitimate telemarketers' telephone lists). It typically costs between £50 and £300 to obtain an address for an individual from such an agency. Last year, The Sun paid approximately £165,000 in fees to a small number of such agents. To the best of my knowledge, The sun has never knowingly paid or made payments in kind to police, public officials or mobile phone companies for information ...

(19) Explain whether you or your newspaper (to the best of your knowledge) ever used or commissioned anyone, who used 'computer hacking' in order to source stories or for any mason. To be the best of my knowledge, compeer hacking has never been used to source stories at The Sun."

(c) In his First Witness Statement to the Leveson Inquiry dated 14 October 2011, Gordon Smart, Showbiz Editor for *The Sun*, stated the following in response to questions 12 and 19:

"I have never used a private investigator and I am not aware of others on the paper using their services.

I am not aware of computer hacking having ever taken place at The Sun."

(d) During his oral evidence to the Leveson Inquiry on 9 January 2012 (PM Transcript, pp. 42-44), Mr Mohan stated as follows:

- *"Q. ...Can I deal with the issue of private investigators, paragraph 19.*
- *A. Yes.*
- *Q. The position now is that they can no longer be used at News International without the express permission of the chief executive officer. The position in the past, though, was more flexible, I think; is that right, Mr Mohan?*

- *A. Yes. Private investigators have been used in the past without the permission of the chief executive officer, but now there are new controls in place.*
- *Q. Have you in your career at the Sun ever used private investigators?*
- *A. Not to my knowledge, no.*
- *Q. Even to discover ex-directory numbers, for example?*
- *A. I'd make a distinction. I've used search agents in the past, but I wouldn't describe them as private detectives.*
- *Q. Right. And can the search agents be used at News International even now, with or without the express permission of the chief executive officer?*
- *A. Yes, search agents can. There is a distinction.*
- *LORD JUSTICE LEVESON: I've got to be a bit careful about this, because you may remember that Mr Webb reclassified himself from private detective to journalist, apparently without a great deal of difficulty, and then everybody said, "We don't employ private investigators; we only employ journalists." Can we strip that sort of language out? I don't think you said that, but you're not suggesting that you've recast people who did different jobs as journalists so that they don't fall within the –*
- *A. No, no. I'm talking about legitimate search agencies who will source legally held databases, birth, death, marriage certificates, electoral roll checks, legal work."*

(e) During his oral evidence at the Leveson Inquiry on 7 February 2012 (PM Transcript, pp. 112-114), Mr Mohan stated in relation to various articles from the *Bizarre* column which referred to voicemails (as well as denying any knowledge of voicemail interception in relation to any of them) that:

Q. Might these stories have been obtained by hacking into voicemails?

A. Look, I can't say 100 per cent, and there is an internal investigation being conducted at the moment by the Management Standards Committee at News International, as you well know. But what I would say is you've picked a number of stories over more than three years, and I'm sure if you took a sample from any number of newspapers over a three-year period, there would be numerous references to phone calls. ...

Q. What might be said in relation to these stories is that there's a small kernel of truth, that is to say information obtained by hacking into voicemails, and an awful lot of embroidery and confection around that kernel of truth which your column simply makes up. Is that true or not?

A. I'm not aware of that being the case, no. I'm not aware that illegally accessing voicemails were the source of any of these stories.

Q. I suggest to you that you deliberately used Mr Morgan's phrase, "rumour mill", because it was, if I may say so, similarly disingenuous, that each of you knew that voicemail hacking was going on in your respective organisations. That's the truth, isn't it?

A. No. That's not the case.

13.16 The Claimants will contend that these statements by Senior NGN Employees were false and knowingly so, for the reasons set out above, as well as being directly contradicted by the following documents that have been disclosed by NGN as part of generic disclosure in relation to *The Sun* (as identified by the number in which they appear in NGN's disclosure lists):

- Document 1 – an email dated 20 September 2002 from Rebekah Brooks to Geoff Webster and Phil Taylor in which Ms Brooks said:

“maybe cruise can tell us which flight he got on...? or we try blag it out of ba and air Mauritius...”

- Document 5 – an email exchange between Rebekah Brooks and Chris Pharo on 7 June 2006, which read as follows;

Pharo to Brooks: Can I ring the heather mills pix bloke - and blag some good lines out of him on the phone (I've got his numbers) - or do you want to clear the field entirely for next door

Brooks to Pharo: Fine get something for casse

- Document 19 – an email from Victoria Newton to Rebekah Brooks dated 20 February 2006 which stated:

“Just blagged the bill from the Dorchester now - 11 grand... v v expensive! Apparently renee didn't settle the whole thing. I think I'll do a nice piece about how great clooney is compared to misery guts Jude.”

- Document 101 – an email exchange between Chris Pharo and Rebekah Brooks dated 17 February 2006 which read:

Pharo to Brooks: *I have to ask you for the ok to book a hotel tonight if I have to stay in london - I want to take this vodaphone lad for several beers as I think he could be brilliant for us....is it ok? I need approval for £200 booking....*

Brooks to Pharo: *Sure*

[Ms Brooks' reply was then forwarded by Mr Pharo to Graham Dudman]

- Document 3 – an email exchange between Dominic Mohan and Gordon Smart on 2 January 2006 which read:

Mohan to Smart: *That cd be a great P1 story that - ashley cole - try and steam into it and we can whip it up a bit*

Smart to Mohan: *Will do... Trying to blag the hotel...*

Mohan to Smart: *Do you know anyone at attica who'd give you CCTV?*

- Document 8 – an email from Tom Newton Dunn to Dominic Mohan dated 16 March 2011 which stated:

Fyi dom, just so you're aware, i had dinner with shadow defence sec jim murphy last night – who revealed (v discreetly

to us) that his phone answerphone was hacked three weeks ago and he's called in the police. Being a decent bloke who likes us, he's not planning on telling anyone or making a big deal.

- Document 9 – an email exchange between Victoria Newton and Dominic Mohan on 20 February 2006 which read:

Newton to Mohan: Just got emma smith to do her first blag - and shes got the bar bill from the Dorchester - 12,000 grand

Mohan to Newton: That's good

- Document 47 – an email exchange dated 20 July 2005 between Gordon Smart and a so-called 'confidential source' ("CS") who provided him with Jude Law's American Express card details, which read as follows:

Smart to CS: How do we blag them?

CS to Smart: Jeez I dunno- thought that was your department oh tabloider... there's a gezzzer (sic) at the NOTW whose area of expertise this is.. let me know, cause I'll chuck it onto him as he pays good cash money for this sorta stuff and then goes off and does the do.. From what I recall, he had a company he uses-unless you wanna risk calling amex-usually they want your date of birth [REDACTED] and your Mother's maiden name... but let me know asap- it's summer and wee Hamish has an expensive wake-boarding habit...so need the cash for this one.

Smart to CS: Right. Spoken to the powers in the office. We'll pay you some dosh for the numbers alone. We are working on getting some info from the cards. Will keep you posted.

- Document 100 – an email from Graham Dudman to Chris Pharo dated 1 December 2005 stating:

And I didn't even have to pay anyone to check a mobile phone.....!!

- Document 84 – an email from Paul Crosbie to Graham Dudman in which Mr Crosbie explained that when he was Assistant Editor of *The Sun* in about 1998 he was taught how to hack voicemails by a person from BT and that he wrote up a story about it, which he did not believe made the paper
- Document 210 – an email dated 12 October 2011 from Chris Pharo to Mr Mohan with the subject “*FW: CPS statement in relation to phone hacking*”, forwarding an earlier email from Mike Sullivan to Mr Pharo stating “*Just bn told there is no evidence for charges. As said earlier, hoare and co did not co-operate with cops cos they'd be nicked.*”
- Documents 41, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60, 61, 62, 63 – cash payment authorisation forms dating between 28 January 2005 and 11 January 2006, all approved by the Managing Editor, Graham Dudman, and bearing Chris Pharo's name in manuscript, for payments in connection with ‘*Phone checks*’, ‘*Mobile phone checks*’, ‘*Phone record checks*’ or ‘*Phone enquiries*’.
- A number of private investigator invoices dated between March 2004 and July 2006 which relate to work carried out by ELI Limited on the instruction of Gordon Smart.
- A number of invoices which relate to work carried out by private investigators such as ELI Limited and TDI Limited on the instruction of Dominic Mohan.
- A number of invoices which relate to work carried out by private investigators such as ELI Limited and TDI Limited and on the instruction of Victoria Newton.

- The extremely large number of private investigator invoices relating to work carried out by private investigators (including ELI Limited, TDI Limited and JJ Services) at both *The Sun* and *The News of the World*.

NGN's concealment and destruction of evidence

- 14 From at least 2008 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 Mulcaire and/or NGN journalists.
- 15 The Claimants will refer by way of example to the following:
- 15.1 by 2008, NGN had received the civil claim brought by Gordon Taylor in respect of voicemail interception, as well as similar claims from Jo Armstrong and John Hewison;
 - 15.2 in 2009, NGN had also been served with the legal claim from Max Clifford;
 - 15.3 in April 2010, Skylet Andrew issued a claim against NGN in relation to voicemail interception;
 - 15.4 in May 2010, the MPS and solicitors for Glenn Mulcaire notified NGN's solicitors that Sienna Miller was seeking a *Norwich Pharmacal* order for disclosure of documents obtained by the MPS from Glenn Mulcaire;
 - 15.5 in May 2010, Nicola Phillips issued a claim against NGHN in relation to voicemail interception;
 - 15.6 in July 2010, Andy Gray issued a claim against NGN in relation to voicemail interception;
 - 15.7 on 6 September 2010, Atkins Thomson sent a detailed letter of claim on behalf of Sienna Miller, summarising the evidence in support of her case

that there was a widespread criminal conspiracy of phone hacking at *The News of the World*, requesting various remedies and requesting NGN to confirm that it had preserved all relevant documents and evidence (“**the Sienna Miller letter of claim**”).

- 15.8 on 30 November 2010, Ms Miller served her Particulars of Claim, setting out details of the unlawful activities carried out by NGN and Mr Mulcaire, and expressly relying on the ‘for Neville’ email disclosed in the Gordon Taylor action in 2008 naming journalists involved in instructing Mr Mulcaire to blag and intercept her voicemails (in particular, Ian Edmonson), as well as those of numerous other victims;
- 15.9 on 13 December 2010, Ms Miller disclosed some of the Mulcaire documents to NGN’s solicitors, including emails which were highly incriminating of Mr Edmonson;
- 15.10 on 16 December 2010, once it had become clear through the publicly inspectable pleadings that there was direct evidence of Ian Edmonson’s activities (which had been reported for example in *The Guardian*), NGN suspended Mr Edmondson;
- 15.11 on 7 January 2011, the MPS wrote to Colin Myler, the then Editor of *The News of the World*, requesting the disclosure of any material relating to phone hacking;
- 15.12 on 26 January 2011, the MPS announced the start of Operation Weeting. As part of this, in his first meeting with NGN, Detective Superintendent Mark Ponting (the Senior Investigating Office of Operation Weeting) requested that NGN maintain the integrity of any evidence relating to such activities.
- 16 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 substantial amounts of highly material evidence.

17 Pending disclosure and/or the provision of further information, the Claimants will rely upon the following facts and matters at trial:

17.1 All of the computers which were used by the NGN journalists specifically named in the Sienna Miller letter of claim were destroyed in about October 2010 (save for Dan Evans' computer which had been imaged as a result of the Kelly Hoppen action commenced in March 2010).

17.2 Millions of emails were systematically deleted by NGN on numerous separate occasions between about 2007 and February 2011. The Claimants will refer to the letter sent by Stuart Benson and Company, solicitors for HCL, to the Home Affairs Select Committee, dated 1 August 2011 and to NGN's Part 18 Response served on 30 June 2017.

17.3 NGN took active steps to delete millions of potentially incriminating emails relating to both *The News of the World* and *The Sun* through the creation of an 'Email Deletion Policy'. The Claimants will rely, amongst other matters, on the following:

(a) The original draft framework of the Email Deletion Policy, dated November 2009, specifically stated that this Policy provided an "Opportunity" to NGN "to eliminate in a consistent manner across NI (subject to compliance with legal and regulatory requirements) emails that could be unhelpful in the context of future litigation in which an NI company is a defendant".

(b) The series of increasingly concerned emails sent by Rebekah Brooks in May, August and October 2010 enquiring about the 'email deletion policy' (which was primarily a matter for its IT staff, as opposed to the Chief Executive) and pressing for the mass deletion of all emails created prior to 2010.

(c) In particular, the Claimants will refer to the following examples:

- (1) an email dated 12 May 2010, in which she specifically raised the question as to “*what happens to my emails....with deletion*”;
- (2) an email dated 29 July 2010, in which she pressed as to “*How come we still haven’t done the email deletion policy discussed and approved six months ago?*”;
- (3) an email dated 4 August 2010, in which she stressed that “*everyone needs to know that anything before January 2010 will not be kept*”, and made clear her view not only that there should be a “*clean sweep*” of all pre-January 2010 emails but that there should definitely be “*no company wide comms*”, ie. that no written communication containing her instructions about this email deletion policy should be recorded or publicized in a written document disseminated throughout NGN. It is to be inferred that Ms Brooks was set against such a communication because of the fact that there was a risk it might be publicized, and would be (rightly) interpreted as evidence of guilty knowledge on NGN’s part;
- (4) about an hour after the email mentioned above in (3) above, Andrew Hickey (Chief Investigating Officer at News International) sent an email to John Chapman in which he recorded that he had spoken with Ms Brooks, and that she was “*adamant on Jan 2010 and has discussed it with JRM who wants to draw a line under Wapping and pre 2010. Can you pop round to discuss implications with me thanks*”.
- (5) in the course of January to October 2010, James Murdoch and Rebekah Brooks discussed and planned the “JRM email deletion plan” as evidenced by the emails set out above, and

the agendas documents which were sent to James Murdoch for further discussion and approval.

- (6) The Claimants will rely upon an email from Nick Leake to Chris Birch dated 1 September 2010 which states that the email deletion plan “was high on Paul’s agenda (from Rebekah). We will definitely want to prune the archive down to a lesser number of years quite promptly to comply with new policy”. The Claimants will also rely upon the email exchange on the following day, 2 September 2010, in which Mr Birch expressly acknowledged that “the comms is somewhat delicate.”

17.4 Further, 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. The Claimants will refer to the exchange of emails on 9 September 2010 (3 days after the letter in which preservation of documents was sought), in which the IT department were informed that “*the data deletion work needs to be done by today so please align a resource. As it’s so much urgent*”, at least insofar as all emails prior to January 2005. This reflected “*a senior NI management requirement to delete this data as quickly as possible*”. In September 2010, approximately 4.5 million emails were deleted from the email archive system (for the period up to at least 31 December 2004), without any back-up being made at all.

17.5 The Claimants will rely at trial upon the fact that in January 2011 and February 2011, in pursuit of this Senior NI management proposal, all pre-January 2010 emails were to be deleted from their live systems. This included the deletion of approximately 20,000,000 emails. This even took place after Operation Weeting had commenced, as well as the instigation

of various phone hacking claims. The Claimants will refer to an email from John Morris to Sudhanshu Bhandari and Phil Quinn dated 13 January 2011 which stated “This is really vital NI work. I have to provide updates to Paul Cheesbrough every two hours. Basically I need to get data extracted as quick as possible and then take data to the US.”

17.6 The Claimant will also refer to the fact that NGN deliberately omitted any mention of the deletion of millions of emails to the MPS, despite Detective Superintendent Ponting emphasizing to NGN the importance of preserving evidence in January 2011. The MPS only discovered that these emails had been deleted in about May and June 2011, by which time it was too late to recover ~~the majority~~ a very substantial number (running into millions) of these emails, even through the recovery of back-up tapes. The Claimants will refer to the fact that the recovery of back-up tapes was only undertaken at the instigation of the MPS for the purpose of their investigations, and even then only possible as a result of a back-up made by Essential Computing. Essential was a consultant IT firm, employed by NGN, and had made a back-up as part of their own routine practices (as opposed to at the request of NGN). In particular, NGN had not itself volunteered or made any reference to this back-up. The existence of this back-up tape, with the potential for revealing emails which NGN had thought had been permanently destroyed, was a matter of serious concern to NGN and its Senior Employees.

17.7 Further, the Claimants will refer to the fact that in addition to the systematic email deletion policy, which would allow NGN to purge incriminating evidence not only of the true nature and scale of these unlawful activities at both the *News of the World* and *The Sun*, but also the attempts made by Senior NGN Employees to cover up such evidence (as referred to above), NGN also took steps to make targeted destruction of emails outside of these batch deletions under the email deletion policy. In particular, the Claimants will rely on the following facts and matters:

- (a) On 10 March 2017 Mr Justice Mann ordered NGN to serve a witness statement identifying: (a) the batches or emails that were deleted; (b) the date when each batch was deleted; (c) how many emails were deleted in each batch (so far as this information was available); and (d) in respect of each batch, which employee or executive of NGN of a sufficiently senior position instructed the deletion.
- (b) On 31 March 2017 NGN served the Fifth Witness Statement of Paul Cheesbrough dated 31 March 2017. Mr Cheesbrough stated that the batch deletions of emails that took place in September 2010, January 2011 and February 2011 related to emails dated up to 31 December 2007. Specifically, the batch deletion in September 2010 related to emails up to 31 December 2005, the batch deletion in January 2011 related to emails up to 31 December 2006 and the batch deletion in February related to emails up to 31 December 2007.
- (c) Despite the evidence of his knowledge of unlawful activities and his involvement in their concealment, NGN has only disclosed one email in this litigation sent by James Murdoch, namely his email dated 7 June 2008 (“the JRM email”). In this email, Mr Murdoch responded to an email from Colin Myler (then Editor of the *News of the World*) concerning the Gordon Taylor litigation and the existence of the ‘for neville’ email. The ‘for neville’ email revealed that phone hacking was wider than just the ‘one rogue reporter’, and therefore NGN’s public statements to this effect were plainly untrue. The JRM email was not found in NGN’s email archive, but in hard copy in Mr Myler’s office and later in electronic form on Mr Murdoch’s laptop. NGN’s solicitors, Linklaters, had previously explained that the original version of this email had been deleted from the mailbox by a member of News International’s IT department on 15 January 2011 as part of some email stabilization programme which saw a number of users’ accounts being prepared for the migration to a new email system.

- (d) In the premises, the JRM email was not deleted as part of the batch deletions referred to in Mr Cheesbrough's statement since it clearly falls outside the date range that was agreed, namely up until 31 December 2007.
- (e) Further, as a result of disclosure given by NGN on 18 July 2017, the Claimants will refer to an email from Nigel Newell of Essential Computing to John Morris of News International dated 18 January 2011 attaching a report showing statistics for the extraction of mailboxes from NGN's Email Archive System to NGN's newer system. A section of the report entitled "1st Jan 2009 batch" contains the names of several key NGN Senior Employees, referred to throughout these Generic Particulars (including James Murdoch, Les Hinton, Rebekah Brooks, Jon Chapman and Susan Panuccio).
- (f) The Report confirms that over 125,000 emails in those individuals' mailboxes were not migrated to the new system (and therefore, according to NGN's evidence, lost when the old archive system was deleted). The fact that these emails were deliberately not transferred over resulted in the purge of substantial numbers of emails of Senior NGN Employees for the time period when illegal activity was rife at NGN, as well as when it had become well-known to senior executives.
- (g) In particular, the destruction of these emails was significant since the said emails would be likely to reveal the knowledge of senior executives about the unlawful activities and events that took place in 2007 and 2008 including: the discussions about the Clive Goodman conviction and sentencing in January 2007; the internal investigations into the allegations made by Clive Goodman on his appeal against his dismissal; as well as the external review by Harbottle & Lewis; the subsequent confidential settlements of the employment claims brought by Clive Goodman and Glenn Mulcaire in 2007 following their

conviction and sentencing on 26 January 2007 by Mr Justice Gross; and the details of the claim, the disclosure from such claim and subsequent settlement of the claim brought by Gordon Taylor in 2007, which settlement was expressly approved by James Murdoch in June 2008.

- (h) The Claimants will also ask the Court to infer from the above that these targeted deletions were executed in accordance with the instructions from Rebekah Brooks and/or James Murdoch for there to be a “clean sweep” of emails before 2010, so that NGN could “draw a line under Wapping”.
- (i) The Claimants will also refer to the fact that only a very small number of emails to or from these executives from 2000 to the end of 2008 have been disclosed by NGN in these proceedings, including only one document concerning the Gordon Taylor claim.
- (j) Despite the many non-migrated emails which remained on the Email Archive System in February 2011, NGN not only removed all data from the archive of users whose emails had been extracted, but also deleted and/or destroyed the back-up tapes of the Email Archive System that were already in existence (as confirmed in Christopher Birch’s witness statement to the MPS dated 19 July 2013).
- (k) The targeted deletion of emails of various executives (including but not limited to James Murdoch, Rebekah Brooks, Les Hinton and John Chapman) was carried out on about 14 January 2011 by Chris Birch on behalf of NGN, at the instruction of Paul Cheesbrough. The process was carried out personally by Mr Birch because Essential Computing were not prepared to do so themselves. The Claimants rely amongst other things on Nigel Newell’s witness statement to the MPS dated 18 May 2011. This targeted deletion was carried out by NGN in the belief that these emails would not be backed up and would therefore be

permanently lost.

17.8 The email deletions substantially hindered and prejudiced the criminal investigations from 2011 onwards into NGN's unlawful activities, as well as the civil proceedings brought by victims of voicemail interception. By way of example:

- (a) Given the level of illegal activity, as reflected in those documents which have been disclosed by NGN, the deletions of millions of emails resulted in the loss of a very substantial amount of evidence of illegal activities by NGN and its employees.
- (b) NGN's deletions also resulted in the loss of documents related to NGN's concealment of evidence and cover-up exercise in relation to Clive Goodman's employment proceedings and settlement, as well as Gordon Taylor's civil claim against NGN and its subsequent settlement. This is illustrated by the fact that, despite its obvious importance and relevance to this litigation, only a single document has been disclosed by NGN in relation to Gordon Taylor's civil claim and settlement.
- (c) NGN's deletions also resulted in the loss of a large number of emails relating to the senior executives referred to in these Particulars. Again, by way of illustration, only a small handful of emails from the mailboxes of Les Hinton, Rebekah Brooks or James Murdoch have been disclosed by NGN.
- (d) NGN's deletions also prejudiced the Metropolitan Police Service's investigation into the illegal activities by NGN and its employees. The Metropolitan Police Service's investigation has been a key source of information for the Claimants in relation to their generic and Claimant-specific claims, and therefore the prejudice to the investigation has also prejudiced the Claimants in the preparation and investigation of their claims.

(e) In addition, the deletions substantially prejudiced the disclosure process and fair trials for the Claimants in this litigation because the partial restoration of NGN's server was only completed after the time for exchange of witness statements in Wave 1, and in event many millions of highly relevant emails were permanently deleted, as were the computers of journalists who were involved in these illegal activities, described in the Generic Pleadings.

18 In the course of this litigation, NGN has lied about or sought to conceal the full extent of the deletion of potentially incriminating emails. For example:

18.1 In his Second Witness Statement, dated 23 March 2011, Julian Pike (who was a partner in Farrer & Co, the original solicitors representing NGN) corrected the false statement he had given on instructions in his first witness Statement of 10 December 2010 namely that NGN's IT system did not store emails as far back as 2005.

18.2 However, at no point in the statement, did he make any mention of the wide-scale email deletions that had taken place in September 2010 and January and February 2011, despite providing a detailed explanation of what was said to be NGNs preservation of documentation.

18.3 Similarly, the First Witness Statements of Jon Chapman and Paul Cheesbrough (a senior IT officer for NGN who had been involved in the 'Email deletion' policy) served at the same time, make no reference to the deletion of millions of emails that had taken place, despite the fact that this was plainly material to the litigation.

18.4 Further, in March 2011, following evidence given at the perjury trial of Tommy Sheridan in Scotland by a *News of the World* Executive called Bob Bird, that emails had been deleted or lost in transit on their way to India, solicitors acting for claimants Sienna Miller and Skylet Andrew made an application to Court for amongst other things orders preserving

evidence. In support of this application, Ms Miller relied on the first witness statement of Mark Thomson of 9 March 2011 in which he stated (at paragraph 19 of the statement) that:

“...the Claimant seeks an order that the First Defendant takes images of such computers network systems or other hardware on which such emails or other documents have been created, received or stored and preserve two copies of the same to the Order of the Court. The reason for this is that the Claimant is concerned about the preservation of evidence and receiving proper disclosure.”

18.5 Despite the ease with which these orders could have been met, NGN decided to resist them, relying in Court on three witness statements served on 23rd March 2011, namely those of Mr Cheesbrough, Mr Chapman and Mr Pike. None of them made any mention of the deletion of millions of emails despite the critical relevance of this fact.

18.6 Indeed, Mr Pike’s witness statement (made on instructions) was positively false. For example in paragraphs 15 to 16, he informed the Court that:

“15. *At paragraph 9 of Mr Thomson’s witness statement (see also paragraph 13 of Ms Harris’ sixth statement) he refers to evidence given by Mr Bird, at the trial of Tommy Sheridan to the effect that six months of News of the World emails dating from the period 2005 -2006 have been mislaid in or on their way to a storage facility in India. Mr Thomson says that the fact Mr Bird gave evidence to this effect has been confirmed to him by Mr Sheridan’s solicitor, Mr Anwar. Having spoken with Chapman, I confirm Mr Bird did give evidence to this effect. However, I am informed by Mr Chapman and believe that Mr Bird’s evidence was mistaken.*

16. *I refer the Court to the witness statement of Mr Cheesbrough dated 23 March 2011, paragraph 35. As Mr Cheesbrough’s statement makes very clear no emails belonging to the First Defendant have ever been lost whether in transit to India or elsewhere. I understand from Mr Cheesbrough and believe to be true that all hardware, software and data used by and belonging to the first Defendant and its parent company News International (including emails) has been and remains based in the UK. Whilst some information technology services have been outsourced and remotely managed from India (as is the case for many other companies), **it is not correct that any emails have been lost there***

or elsewhere. I am aware from Mr Chapman that New International has dealt with this point in correspondence with the Information Commissioner. I refer to paragraph 15 of Mr Chapman's statement."

(emphasis added)

18.7 Mr Chapman gave similar false evidence in paragraph 15 of his statement, when he said on oath that "*in fact, no emails have ever been lost "in transit" whether to India or anywhere else. All NI emails have been and are stored in the UK*".

18.8 On 14 April 2011, which was the day when James Weatherup was arrested, NGN's lawyers, Burton Copeland, received an indication that a search might be carried out by the MPS at NGN's premises. After consulting with Burton Copeland, NGN executives removed materials from Mr Weatherup's desk at NGN's office and handed the relevant materials over to Burton Copeland. Following discussions between Burton Copeland and the MPS, the materials were handed over to the police by Burton Copeland later that day. As a result of these actions, Michael Drury and Ian Burton of Burton Copeland were both held to be in breach of SRA rules for (a) failing to uphold the rule of law and the administration of justice, and (b) failing to behave in a way which maintained the trust the public placed in them and the provision of legal services. They were fined £10,000 (in the case of Mr Drury) and £5,000 (in the case of Mr Burton).

18.9 NGN's persistent failure to reveal the full extent of and true reason for the deletion of emails still continues.

The knowledge or involvement of the Senior NGN Employees

19 Pending full disclosure, in particular in relation to the concealment and destruction of evidence, the summary of the Claimants' case as to identity of the Senior NGN Employees who knew of or were involved in the unlawful activities conducted by *The News of the World* and *The Sun*, and the deliberate steps taken to lie about, conceal and destroy evidence of such practices is as follows:

Les Hinton (Chief Executive until 2007)

- (1) As he admitted in the course of his criminal trial, Mr Coulson informed Mr Hinton about his meeting with Mr Thurlbeck in 2004 and the fact that he had unlawfully accessed the voicemails of David Blunkett, the then Home Secretary.
- (2) Mr Hinton was also involved in the discussions with Andy Coulson and Tom Crone over the sentencing of Clive Goodman, and the potential risks that his mitigation to the effect that he was not the only journalist at *The News of the World* undertaking these activities would present for NGN.
- (3) Mr Hinton also authorised ‘compensation’ payments to both Mr Goodman and Mr Mulcaire as a way of ensuring that they did not divulge any further incriminating evidence about the scale of the wrongdoing within the company, as he was aware.

James Murdoch (Chief Executive from December 2007 until July 2009)

- (4) Mr Murdoch was the Chief Executive at the time of the Gordon Taylor claim, and in particular its settlement at a figure far in excess of what it was worth on any realistic legal analysis of the likely damages. It is to be inferred that he approved this settlement, following his consideration of the details of the claim (which included the disclosure of the highly incriminating “For Neville” email), and discussions with the then editor, Mr Myler and Tom Crone, the in-house lawyer, in order to ensure that no further evidence came out about more widespread wrongdoing than the one rogue reporter lie which NGN was at that stage publicly maintaining.
- (5) Mr Murdoch was also involved in the discussions in 2010 with Rebekah Brooks and others about the “Email deletion policy” and the “opportunity” this gave NGN to eliminate potentially unhelpful emails in the context of any future civil claims. In particular, he approved of the

“clean sweep” of pre-2010 emails, wanting to ‘draw a line under Wapping’.

Rebekah Brooks (Editor of *The News of the World*, *The Sun* and Chief Executive from 2009).

(6) As set out in detail above, Ms Brooks was well aware of voicemail interception, blagging and the unlawful obtaining of information by private investigators at both *The News of the World* and *The Sun*, including (but by no means limited to):

- (a) the arrangements with and payments to Glenn Mulcaire throughout 1998 to 2006;
- (b) the unlawful accessing of Milly Dowler’s voicemails and the exclusive story which appeared in *The News of the World* in 2002;
- (c) the unlawful accessing of David Blunkett’s voicemail messages, and the exclusive story which *The Sun* ran in 2004 naming the woman with whom the Home Secretary was allegedly having an affair despite having no apparent verification for this;
- (d) her discussions with the MPS at around the time of Mr Goodman and Mr Mulcaire’s arrest in September 2006 through which she was informed of the large number of victims of voicemail interception (many of whom were nothing to do with the Royal family), the volume of corner names of journalists in Mr Mulcaire’s notebooks and the fact that in one case *The News of the World* had published a story containing a phrase which was identical to the tape or note recording Mr Mulcaire’s accessing of voicemails between Hugh Grant and Jemima Khan;
- (e) her discussions with senior executives, including Matthew Anderson (the Global Strategist for News Corp), about the evidence incriminating Ian Edmonson, and other journalists, in

September 2010 and the risk to the company in not dismissing him;

- (7) Further, in a meeting in July 2009, Colin Myler informed Ms Brooks that Neville Thurlbeck had recently confessed to him that he had told Andy Coulson, Neil Wallis and Stuart Kuttner that he had hacked David Blunkett's phones in 2004 (a fact which she already knew), and that they had told Thurlbeck to destroy his computer and phone. Ms Brooks immediately requested a secret meeting with Mr Myler outside the office where she pleaded with him that "*we've got to protect Andy*". It is to be inferred from this that Ms Brooks was well aware of Mr Coulson's involvement in voicemail interception and other unlawful activities at *The News of the World*.
- (8) At all relevant times, Ms Brooks was involved in a clandestine affair with Andy Coulson. The fact that this was a secret relationship and conducted without the knowledge of their employers meant that there was no supervision or record of what information was being passed between them, either when they were Editor and Deputy Editor respectively of *The News of the World* or later when they were Editors of the two different titles. Pending full disclosure, the Claimants will ask the Court to infer that by virtue of the length, intensity and nature of their intimate personal affair and communications, as well as their close working relationship, Ms Brooks was well aware of Mr Coulson's involvement in and knowledge of wrongdoing within *The News of the World*, and the pair discussed the same and shared their collective knowledge of it on numerous occasions throughout the relevant period. The fact that Ms Brooks was so desperate to protect Mr Coulson from any fall-out from the David Blunkett story, as she confessed to Mr Myler in 2009, further demonstrates this.
- (9) Ms Brooks was also well aware for the reasons set out above that the public statements put out by NGN and its Senior Employees that wrongdoing was confined to "one rogue reporter" were completely untrue.

- (10) Ms Brooks also received the resignation email from Mr Mackenzie in June 2011, along with Mr Mohan, in which he stated that she had misled him about the ‘two rogue employees’ line (namely Clive Goodman and Ian Edmonson), when she was perfectly well aware that “*the scale, width and the depth were much more serious than that*”.
- (11) Ms Brooks was also actively involved in attempts to suppress or conceal the true extent of the wrongdoing within NGN. For example, she directly negotiated the settlement with Max Clifford of his claim in order to avoid Mr Mulcaire having to provide the highly damning information about which journalists (other than Mr Goodman) he had been instructed by at *The News of the World*, as he had been ordered to provide by the Court.
- (12) Ms Brooks was also highly instrumental in the ‘Email Deletion’ policy, implemented as a way of eliminating millions of potentially incriminating, discussing the details of its scope, timing and implementation with James Murdoch, pressing the company’s IT staff to carry it out as a matter of urgency and ensuring that it involved a ‘clean sweep’ of all pre-2011 emails and was not referred to in any company-wide documents, given the potentially adverse inferences which would (rightly) be drawn from this being made public.

Stuart Kuttner (Managing Editor of *The News of the World* until 2009)

- (13) As Managing Editor, Mr Kuttner was responsible for approving the payments made to Mr Mulcaire under his arrangement with *The News of the World*, and it is to be inferred was well aware of the nature of his work for the newspaper.
- (14) The same is true of the payments made for the substantial amount of unlawful private investigator activity which its journalists commissioned for the purposes of obtaining private information about individuals for use in potential stories.
- (15) Mr Kuttner was also directly involved in the decision taken by NGN in

2002 to admit to the Surrey Police that its journalists had been accessing Milly Dowler's voicemail messages, as well as the bearer of this shameful admission to the police.

(15) Mr Kuttner was also present at the meeting with Neville Thurlbeck, as well as Andy Coulson and Neil Wallis, when the journalist admitted that he had accessed the voicemail messages of the then Home Secretary David Blunkett. These Senior NGN collectively advised Mr Thurlbeck to destroy his computer in order to avoid any remaining evidence as to the illegal source of these messages, although the messages themselves were deliberately preserved for safe-keeping in relation to this exclusive story which *The News of World* ran shortly afterwards, despite receiving no legitimate verification of its veracity.

(16) In the course of his evidence in his unfair dismissal claim, Clive Goodman implicated Mr Kuttner, confirming that he knew about and condoned the widespread practice of voicemail interception and private investigators at the newspaper, as is clear from the email exchanged between them in relation to the payment of Mr Mulcaire.

(16A) Further, Mr Kuttner also made a series of telephone calls to the mobile telephone of Meg Matthews, the former wife of famous musician Noel Gallagher and part of the circle of well-known individuals living in Primrose Hill at the time (such as Sadie Frost, Jude Law and Kate Moss). These calls made personally by Mr Kuttner during the course of 2003 to 2006 were plainly an attempt to access, and/or did access, Ms Matthews voicemail messages.

Bill Akass (The Managing Editor of *The News of the World* from September 2009)

(17) Mr Akass was involved in NGN's cover-up of the activities of Dan Evans, following the ex parte Order obtained by Ms Hoppen against him

in March 2010, the false witness statements provided to the Court in the course of the Hoppen action, and the deliberate concealment from potential claimants of the highly incriminating evidence about the activities of the features department at *The News of the World* which later became the subject of Operation Pinetree, as referred to in paragraphs 11.56 to 11.59 above.

Graham Dudman (Managing Editor of *The Sun* from 2004 to 2011)

- (18) As Managing Editor, Mr Dudman was responsible for approving the substantial enormous amount of unlawful private investigator activity which *The Sun's* journalists commissioned for the purposes of obtaining private information about individuals for use in potential stories.
- (19) Mr Dudman was directly aware of or involved in the use of these private investigators, blagging and voicemail interception at the newspaper, as referred to in the examples set out in paragraph 13.16 above.
- (20) As set out above, in his letter to the PCC dated 26 March 2007, Mr Dudman claimed that the newspaper had made strenuous efforts to ensure that no such unlawful activities took place at *The Sun*. For the reasons already stated, Mr Dudman was well aware that this was untrue.

Andy Coulson (Editor of the Bizarre Column and Associate Editor of *The Sun* until 1999, Editor of *The News of the World* from January 2003 until January 2007)

- (21) Mr Coulson was well aware of and heavily involved in voicemail interception, blagging and the unlawful obtaining of information by private investigators at *The News of the World* and/or *The Sun*, as is amply set out above.
- (22) Mr Coulson was also frequently played recordings of intercepted voicemail messages by journalists working for the News of the World in order to satisfy himself that the story should be published.

- (23) Pending further disclosure, the Claimants will rely on the following matters as direct evidence of Mr Coulson's knowledge of wrongdoing at NGN:
- (a) In or around 1998 to 1999, Mr Coulson was informed that Mr Hoare had hacked voicemails, including in relation to *The Spice Girls*. Mr Hoare played intercepted voicemail messages of the members of the band to Mr Coulson, expressly stating that they were recordings of intercepted voicemails. The Claimants will also rely on the various exclusive stories published by *The Sun* in relation to *The Spice Girls* during this period. Mr Coulson personally gave instructions to Sean Hoare to hack on other occasions, and also asked Mr Hoare to join him at *The News of the World*.
 - (b) In his time at *The News of the World*, Mr Coulson negotiated and/or approved of the Mulcaire Arrangement.
 - (c) In 2002, Andy Coulson was Deputy Editor during the Milly Dowler story referred to paragraphs 11.9 to 11.13 above. He was acting as Editor during the period 7-14 April 2002 when Rebekah Brooks was away although given the nature of their professional and personal relationship, it is inferred that they would have been in contact and that any decisions would have been in collaboration. It is inferred from paragraphs 11.9 to 11.13 above that Mr Coulson knew that *The News of the World* had unlawfully intercepted Milly Dowler's voicemails, and the source of one of the published articles (on 14 April 2002) was one of the intercepted voicemails.
 - (d) In January 2003 Mr Goodman was routinely accessing voicemails surrounding the Royal family and their private business and discussing this with Mr Coulson (see further the emails at paragraph 11.15 above).

- (e) In or around August 2004 Mr Thurlbeck informed Mr Coulson, Mr Kuttner and Mr Wallis, that he had intercepted Mr Blunkett's voicemails, and they (including Mr Coulson) informed him that he should destroy his computers, thereby removing any incriminating evidence of his unlawful interception of Mr Blunkett's voicemails.
- (f) Following discussions with Mr Crone, Mr Coulson decided not to mention the origin of the Blunkett story to Mr Blunkett when he confronted him about the story on 13 August 2004, thus concealing the unlawful voicemail interception from Mr Blunkett, in order to avoid potential legal action by Mr Blunkett.
- (g) In October 2004, Andy Coulson was involved in hiring Dan Evans from the *Sunday Mirror* to work at *The News of the World*, knowing that he was a phone hacker, and met with him to persuade him to join *The News of the World*.
- (h) On 15 April 2005 the *Press Gazette* published an interview given by Mr Coulson in which he referred to the fact that he and other executives micro-managed all stories prior to publication.
- (i) In September 2005, Dan Evans played Andy Coulson a voicemail message left by Sienna Miller on the voicemail service of Daniel Craig.
- (j) Mr Coulson instructed Mr Evans to make a copy of the tape of the voicemail, but destroy the original, and place the copy in a sealed jiffy bag which he should have delivered to the front gate, thereby pretending that it had been provided anonymously (as opposed to it being obtained by the newspaper using illegal voicemail interception).

- (k) On 20 May 2006, Andy Coulson instructed Ian Edmondson to access the voicemail of Calum Best, telling him by email to “*Do his phone*”.
- (l) In or about 2006, Mr Coulson approved a special project for Mr Mulcaire to provide information about the Royal Family through Mr Goodman.
- (m) On September 2006, Mr Crone relayed to Mr Coulson information about Ms Brooks’ meeting with Detective Superintendent Keith Surtees, in which DS Surtees had stated that the MPS had a list of about 100 victims of unlawful voicemail interception, including individuals involved in “politics” and “showbiz”, which were not subjects normally covered by the Royal Editor, Clive Goodman.
- (n) From November 2006, Tom Crone exchanged communications with Andy Coulson about the fact that the sentencing process for Messrs Goodman and Mulcaire might result in a substantial risk that they would name other *The News of the World* journalists as having been involved in these activities.
- (o) On 29 November 2006 Mr Coulson was involved in email exchanges with Ms Brooks, Mr Wallis, Mr Kuttner, Mr Crone and Mr Hinton about the difficulty of phrasing a public statement on behalf of *The News of the World* to be released on the day of Mr Goodman’s conviction which would censure Mr Goodman without provoking him into naming other journalists who were involved in unlawful voicemail interception.
- (p) Shortly before New Year’s Eve 2006, Mr Crone drafted a detailed briefing note about the sentencing process in relation to Mr Goodman which was sent to both Andy Coulson and Les Hinton.

- (q) Mr Goodman was suborned by Mr Coulson and others not to give evidence implicating other journalists at *The News of the World* in mitigation of his sentence in January 2007 on the promise of Mr Crone that he would be re-employed, as Mr Goodman admitted for example in his letter of 2 March 2007.
 - (r) In 2006 to 2007, Clive Goodman wrote letters to News International and gave evidence in his employment claim and appeal stating that Mr Coulson knew about and condoned phone hacking at *The News of the World*.
 - (s) Mr Coulson resigned from his position as Editor of *The News of the World* on 26 January 2007, the day that Mr Goodman and Mr Mulcaire were sentenced. It is to be inferred that under his settlement agreement, he received substantial payments from NGN (or an associated company) in return for him agreeing not to disclose any of the information he knew about NGN's unlawful activities.
 - (t) In a meeting in July 2009, Mr Myler informed Ms Brooks of Mr Thurlbeck's confession to Mr Coulson, and Mr Coulson and others had told Mr Thurlbeck to destroy his computer and phone. Ms Brooks immediately requested a secret meeting with Mr Myler outside the office where she pleaded with him that "*we've got to protect Andy*". It is to be inferred from this that Ms Brooks was referring to Mr Coulson's heavy involvement in unlawful voicemail interception and other unlawful activities at *The News of the World*.
- (24) Mr Coulson was also actively involved in attempts to suppress or conceal the true extent of the wrongdoing within NGN, for example in his dealings with Mr Goodman during Mr Goodman's employment claim and in the run up to Mr Goodman's sentencing.

Dominic Mohan (Editor of the Bizarre Column, Associate Editor of Features, Deputy Editor and Editor of *The Sun* until 2013)

(25) As set out above Mr Mohan was well aware of and involved in voicemail interception, blagging and the unlawful obtaining of information by private investigators at *The Sun*, including (but by no means limited to) the following:

- (a) unlawful voicemail interception by several journalists at *The Sun* ranging from as early as 2002 to as late as September/October 2011.
- (b) unlawful blagging of private information from third parties, such as hotels.
- (c) unlawful use of private investigators at *The Sun*.

(26) Pending further disclosure, the Claimants will rely on the following matters as direct evidence of Mr Mohan's knowledge of wrongdoing at *The Sun*:

- (a) At a dinner attended by numerous journalists on 31 April 2002 (the SHAFTAS Awards dinner), which was co-presented by Mr Mohan and Piers Morgan, Mr Mohan commented that it was "Vodafone's lack of security" which led to the Mirror's showbusiness exclusives, which received an enormous laugh. It is to be inferred that Mr Mohan was well aware of the use of phone hacking techniques in the course of researching stories about the extensive showbusiness personalities.
- (b) In 2008 Mr Mohan worked at the Bizarre column with Mr Hoare and Ms Newton when the column published at least three articles containing details from the hacking of *The Spice Girls'* voicemails written by Ms Newton and Mr Hoare. It is to be inferred from Mr Mohan's involvement with the column and with

Ms Newton and Mr Hoare that he knew that these details had been obtained from voicemail interception.

- (c) The email exchange between Mr Smart and Mr Mohan on 2 January 2006 in which Mr Smart refers to trying to blag a hotel in relation to Ashley Cole for a potential front page story.
 - (d) Ms Newton's email to Mr Mohan dated 20 February 2006 referring to Emma Smith having done her first blag – unlawfully obtaining details of a bill relating to “*clooney*” worth approximately £12,000 from “*the dorchester*”. Mr Mohan replied: “*That's good.*”
 - (e) Mr Newton Dunn's email to Mr Mohan on 16 March 2011 referring to the hacking of Shadow Defence Secretary Jim Murphy's answerphone. There is no response from Mr Mohan expressing surprise, incredulity or condemnation.
 - (f) Mr Mackenzie's resignation email sent on 20 June 2011 to Rebekah Brooks and Dominic Mohan.
 - (g) Mr Pharo's email to Mr Mohan dated 12 October 2011 referring to the CPS statement on that there was no evidence for charges at *The Sun*, and that “*hoare and co did not co-operate with cops cos they'd be nicked*” (a reference to Mr Mohan's former colleague from the Bizarre column, Sean Hoare).
 - (h) The scale of unlawful use of private investigators at *The Sun* during his time as Deputy Editor and Editor.
 - (i) The scale and use of unlawful blagging at *The Sun* during his time as Deputy Editor and Editor.
- (27) The Claimants will ask the Court to infer from the fact that the showbusiness editor himself was involved in phone-hacking, blagging

and use of private investigators, that those under his control in the showbusiness team were also involved in and aware of the use of illegal information-gathering techniques, and that this was approved of and carried out by Mr Mohan.

- (28) Mr Mohan was also actively involved in attempts to suppress or conceal the true extent of the wrongdoing within NGN, for example in his Evidence to the Leveson Inquiry, where he denied any knowledge of voicemail interception or related activities.

Colin Myler (Editor of *The News of the World* from January 2007 to July 2011)

- (29) As set out above, Mr Myler was well aware of voicemail interception, blagging and the unlawful obtaining of information by private investigators at *The News of the World*, including (but by no means limited to) the following:
- (a) The involvement of other NGN journalists in addition to Mr Goodman in unlawful voicemail interception, and therefore the falsity of the “*one rogue reporter*” assertion.
 - (b) Mr Thurlbeck’s unlawful interception of Mr Blunkett’s voicemails;
 - (c) The heavy involvement of Mr Coulson, and his extensive knowledge about, unlawful voicemail interception at *The News of the World*.
 - (d) The allegations in Max Clifford’s claim that NGN journalists other than Mr Goodman were involved in unlawful voicemail interception.
- (30) The Claimants will rely on the following matters as further evidence of Mr Myler’s direct knowledge as to the scale of this wrongdoing within NGN:

- (a) In 2008, Mr Myler was involved in the settlement of Gordon Taylor's claim, and was therefore aware of the involvement of other NGN journalists in addition to Mr Goodman in unlawful voicemail interception; and therefore the falsity of the '*one rogue reporter*' assertion.
- (b) Mr Myler was also warned by Mr Goodman's solicitors in February 2008 that Mr Goodman would reveal the truth publicly if Mr Myler and others continued to state publicly the lie about '*one rogue reporter*'.
- (c) In or around July 2009, Mr Myler was informed by Mr Thurlbeck in a meeting that Mr Thurlbeck had unlawfully intercepted and recorded the then Home Secretary David Blunkett's voicemails. Mr Thurlbeck also informed Mr Myler that he had informed Mr Coulson, Mr Kuttner and Mr Wallis, and they had informed him that he should destroy his computer, thereby remove any incriminating evidence of his unlawful interception of Mr Blunkett's voicemails. Mr Myler also became aware of the existence of the "*For Neville*" memo at the same time or shortly thereafter. Mr Myler had also read the legal opinion provided by Leading Counsel, Michael Silverleaf QC, dated 3 June 2009. Mr Myler was therefore aware of further evidence of involvement of journalists other than Mr Goodman in unlawful voicemail interception; and therefore the falsity of the '*one rogue reporter*' assertion.
- (d) In a meeting in July 2009, Mr Myler informed Ms Brooks that Mr Thurlbeck had recently confessed to him that he had told Mr Coulson, Mr Wallis and Mr Kuttner that he had hacked Mr Blunkett's phones in 2004, and that they had told Mr Thurlbeck to destroy his computer and phone. Ms Brooks immediately requested a secret meeting with Mr Myler outside the office where she pleaded with him that "*we've got to protect Andy*". It is

to be inferred from this that Ms Brooks was well aware of Mr Coulson's involvement in unlawful voicemail interception and other unlawful activities at *The News of the World*.

(e) In early 2010 Mr Myler also became aware of the details of Max Clifford's claim, and of NGN's need to settle his claim in order to prevent Mr Mulcaire from providing information which would implicate other NGN journalists in unlawful voicemail interception.

(31) Mr Myler was also actively involved in attempts to suppress or conceal the true extent of the wrongdoing within NGN, for example in his false assertion of the "*one rogue reporter*" claim in correspondence with the PCC.

Neil Wallis (Deputy Editor and then Executive Editor of *The News of the World* until August 2009)

(32) As set out above, Mr Wallis was well aware of unlawful voicemail interception, blagging and obtaining of information by private investigators at *The News of the World*, having also been involved in these activities as formerly Editor of *The People* where such practices were also widespread, including (but by no means limited to) the following:

(a) The engagement of the services of Mr Mulcaire through various corporate vehicles and using various aliases, between 1998 and August 2006, which involved the payment of substantial amounts to Mr Mulcaire by NGN.

(b) Mr Goodman's routine unlawful accessing of voicemail messages surrounding the Royal family.

(c) Mr Thurlbeck's unlawful interception of Mr Blunkett's voicemails and the instruction that he to destroy his computer in order to get rid of incriminating evidence.

- (d) The involvement of *The News of the World* journalists other than Clive Goodman in unlawful voicemail interception, and thus the falsity of the “*one rogue reporter*” claim.
 - (e) Mr Evans’ expertise in voicemail interception, and the fact that he had been approached to join *The News of the World* as a result of his ability in this respect.
- (33) Pending further disclosure, the Claimants will rely on the following matters as further evidence of Mr Wallis’ direct knowledge as to the scale of this wrongdoing within NGN:
- (a) Mr Wallis was aware of, negotiated and/or approved of all or part of NGN’s engagement of the services of Mr Mulcaire through various corporate vehicles and using various aliases, between 1998 and August 2006, which involved the payment of substantial amounts to Mr Mulcaire by NGN.
 - (b) In 2003 Mr Goodman routinely unlawfully accessed voicemail messages surrounding the Royal family and discussed this with Mr Wallis (including the email set out at paragraph 11.15(e) above.
 - (c) In early 2004 Mr Wallis met Mr Evans at a bar in Wapping, in order to ask him to join *The News of the World*. During this meeting Mr Wallis informed Mr Evans that he knew he could ‘screw phones’ (which was a euphemism for voicemail interception).
 - (d) In 2004 Mr Wallis was present when Mr Thurlbeck told him, Mr Coulson and Mr Kuttner that he had intercepted the voicemail messages of David Blunkett. Mr Wallis, Mr Coulson and Mr Kuttner informed Mr Thurlbeck that he should destroy his computer, thereby remove any incriminating evidence of his interception of Mr Blunkett’s voicemails.

- (e) On 29 November 2006 Mr Wallis was involved in email exchanges between Mr Coulson and Mr Wallis, Mr Kuttner, Mr Crone and Mr Hinton about the difficulty of phrasing a public statement on behalf of *The News of the World* to be released on the day of Mr Goodman's conviction which would censure Mr Goodman without provoking him into naming other journalists who were involved in unlawful voicemail interception.
- (f) In a letter addressed to Les Hinton and News International dated 2 March 2007, Clive Goodman made it clear that other NGN employees were also carrying out phone hacking (such as the News Editor Ian Edmonson); that the practice was widely discussed at the daily editorial conferences until explicit reference to it was banned by the Editor, Andy Coulson; that his actions were carried out with the full knowledge and support of Mr Coulson and Neil Wallis (the Deputy Editor at the time); and that most articles over the two-year period prior to his arrest had derived from voicemail interception.

Geoff Webster (Associate Editor of *The News of the World* until 2003, then Associate Editor of *The Sun*, then joint Deputy Editor of *The Sun*)

- (34) As set out above Mr Webster was well aware of, and involved in, voicemail interception, blagging and/or the unlawful obtaining of information by private investigators at *The News of the World* and/or *The Sun*, including (but by no means limited to) the following:
 - (a) Interception of Fiona Mills' voicemails by Mr Miskiw.
 - (b) Potential blagging of British Airways and Air Mauritius by *The Sun* journalists, or third parties on behalf of *The Sun*.
- (35) Pending further disclosure, the Claimants will rely on the following matters as evidence of Mr Webster's direct knowledge of these activities:
 - (a) The exchange of emails between Mr Miskiw and Mr Webster

between 29 May 2006 and 31 May 2006, in which Mr Miskiwi informed Mr Webster that he was monitoring Fiona Mills' voicemails, and was instructed to 'keep looking' by Mr Webster, who agreed to pay him for "a shift, or two" for this work.

- (b) The email from Ms Brooks to Mr Webster and Mr Taylor in which Ms Brooks suggested blagging information out of British Airways and Air Mauritius.

Victoria Newton (Editor of the Bizarre News Column, then Head of Features and Entertainment at *The Sun*, then Deputy Editor of *The News of the World* until its closure, then Saturday Editor of *Sun* until 2013, then Editor of *The Sun on Sunday*)

(36) As set out above Ms Newton was well aware of, and involved in, voicemail interception, blagging and/or the unlawful obtaining of information by private investigators at *The News of the World* and/or *The Sun*, including (but by no means limited to) the following:

- (a) Sean Hoare's unlawful interception of voicemail messages of the well-known pop group, *The Spice Girls* in 2008, and the publication of details of those voicemails in articles in *The Sun* in that same year.
- (b) Regular unlawful blagging of private information by *The Sun* journalists, including Ms Newton herself and journalists under the instruction and/or with the encouragement of Ms Newton, at the Bizarre column including in February 2006.
- (c) The Claimants will also rely upon the large number of articles which were published under Ms Newton's name or in the Bizarre column 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

identified in the Claimants' Response to NGN's Request for Further Information, dated 31 October 2016.

(37) Pending further disclosure, the Claimants will rely on the following matters as direct evidence of Ms Newton's knowledge of such activities:

(a) In 2008 Ms Newton worked at the Bizarre column with Mr Hoare, and also published at least three articles containing details from the hacking of *The Spice Girls'* voicemails together with Mr Hoare.

(b) Her emails referred to at paragraph 13.16 above, as well as other documents disclosed by NGN to date, which demonstrate the prolific use of these activities.

(38) The Claimants will also refer to the witness statement which Ms Newton served on 6 April 2016 as part of NGN's (unsuccessful) attempt to strike out the claims brought in relation to *The Sun* on the basis that there was no evidence of any unlawful activity on the part of journalists acting for that newspaper (unlike *The News of the World*). In her statement, she falsely claimed to have been unaware of any voicemail interception, and remained conspicuously silent about her use or knowledge of other unlawful information gathering techniques such as blagging.

John Chapman (Director of Legal Affairs for News International until July 2011)

(39) As set out above Mr Chapman was well aware of voicemail interception, blagging and/or the unlawful obtaining of information by private investigators at *The News of the World* and/or *The Sun*, including (but by no means limited to) the following:

(a) The allegations of unlawful voicemail interception being made against NGN journalists other than Clive Goodman by Max Clifford in his claim in early 2010, and the need for NGN to settle the claim in order to prevent Mr Mulcaire from revealing the

involvement of such journalists.

- (b) The deletion of millions of emails potentially containing evidence relevant to the civil claims from the NGN servers in September 2010 and early 2011.
- (40) Pending further disclosure, the Claimants will rely on the following matters as direct evidence of Mr Chapman's knowledge:
- (a) The discussions concerning the claim brought by Mr Clifford as referred to in paragraph 11.55 and 11.56 above. Following the successful application by Mr Clifford to compel Mr Mulcaire to disclose the identity of other journalists at *The News of World* who instructed him, Mr Chapman was party with other NGN Senior Employees such as Tom Crone, Colin Myler, Frederic Michel (who was News International's Director of Public Affairs) and Rebekah Brooks (then Chief Executive) to talks about the disastrous results if this information was in fact provided by Mr Mulcaire. As a result, NGN was forced to settle the claim brought by Mr Clifford. This was done by a confidential settlement agreement in return for which Mr Clifford received substantial financial benefit.
 - (b) Mr Chapman was also involved in the discussions about and implementation of the Email deletion policy from September 2010 to February 2011, as can be seen in the email exchange referred to at paragraph 17.3(c)(4) above.
 - (c) The Claimant will also refer to the false statement provided by Mr Chapman in the Sienna Miller action, dated 23 March 2011 as referred to in paragraph 18.7 above.

Tom Crone (Legal Manager for NGN and News International until July 2011)

- (41) As set out above Mr Crone was well aware of voicemail interception,

blagging and/or the unlawful obtaining of information by private investigators at *The News of the World* and/or *The Sun*, including (but by no means limited to) the following:

- (a) Mr Thurlbeck's unlawful interception and recording of Mr Blunkett's voicemails.
 - (b) Mr Coulson's decision to conceal the origin of the story published about Mr Blunkett in *The News of the World* (i.e. the unlawful interception of Mr Blunkett's voicemails) from Mr Blunkett.
 - (c) The fact that the MPS had identified over 100 victims of unlawful voicemail interception, which went beyond persons linked to the Royal family (and therefore NGN journalists other than Mr Goodman were likely to have been involved in unlawful voicemail interception).
 - (d) The fact that the "*one rogue reporter*" claim was false.
 - (e) The fact that other journalists at *The News of the World* in addition to Mr Goodman had been involved in unlawful voicemail interception.
 - (f) The claims brought by Gordon Taylor and Max Clifford.
- (42) Pending further disclosure, the Claimants will rely on the following matters as direct evidence of Mr Crone's knowledge of such activities:
- (a) In or around August 2004, Mr Crone was informed by Mr Coulson that Mr Thurlbeck had obtained information by intercepting Mr Blunkett's voicemails.
 - (b) In or around August 2004, when Mr Coulson informed Mr Crone of the fact that evidence of an alleged affair that Mr Blunkett was having had been obtained by Mr Thurlbeck from Mr Blunkett's voicemails and that Mr Coulson intended to confront Mr Blunkett about the affair, Mr Crone advised Mr Coulson not to inform Mr

Blunkett of the origin of the proposed story to be published in *The News of the World*, for fear of potential legal action by Mr Blunkett.

- (c) From around August 2004, the physical tapes containing the recordings of Mr Blunkett's unlawfully intercepted emails were kept in a safe in Mr Crone's office from August 2004.
- (d) On 15 September 2006, Tom Crone emailed Andy Coulson a report of a conversation between Rebekah Brooks and Detective Superintendent Surtees of the MPS, in which Ms Brooks was told that there were over 100 victims of unlawful voicemail interception including individuals involved in "politics" and "showbiz". It would have been clear to him, therefore, that the "one rogue reporter" claim was not true.
- (e) From November 2006, Tom Crone exchanged communications with Andy Coulson about the fact that the sentencing process for Messrs Goodman and Mulcaire might result in a substantial risk that they would name other *The News of the World* journalists as having been involved in these activities, including Greg Miskiw, Ian Edmonson and Neville Thurlbeck, whose names were contained in incriminating documents.
- (f) Mr Coulson was also concerned as to how he could phrase a public statement on behalf of the newspaper to be released on the day of Mr Goodman's conviction which would censure Mr Goodman without provoking him into naming other journalists because it would dishonestly suggest that his actions were those of one 'rogue' journalist. Mr Coulson debated this difficulty with Mr Crone, among others, over email in the days before the conviction on 29 November 2006.
- (g) Mr Crone drafted a detailed briefing note about Mr Goodman and Mr Mulcaire's sentencing shortly before New Year's Eve which

was sent to both Andy Coulson and Les Hinton.

- (h) 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.
- (i) Mr Goodman was suborned by Senior NGN Employees (including but not limited to Tom Crone, Les Hinton and Mr Coulson) not to give such evidence in mitigation of his sentence in January 2007 on the promise of Mr Crone that he would be re-employed, as Mr Goodman admitted for example in his letter of 2 March 2007.
- (j) Mr Crone attended the sentencing hearing of Mr Goodman and Mr Mulcaire on 26 January 2007, in which Mr Justice Gross made clear that there were others at *The News of the World* instructing Mr Mulcaire.
- (k) NGN made 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 that they complied with the condition in their settlement agreements that prevented them 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.
- (l) In 2008, Mr Crone was involved in the settlement of the Gordon Taylor claim. Mr Taylor’s claim, the risks which it held for NGN in terms of revealing that these activities were widespread (and

that the ‘one rogue reporter’ line was a lie) and the existence of “*For Neville*” email, were known about and discussed by Senior NGN Employees including Tom Crone, Colin Myler and James Murdoch. Mr Crone also read the advice of Leading Counsel, Michael Silverleaf QC, dated 3 June 2008 in relation to the same.

- (m) In early 2010 Mr Crone was involved in Mr Clifford’s claim against NGN, and in intense discussions between Mr Crone and other NGN Senior Employees about the disastrous results if the information being sought by Mr Clifford was in fact provided by Mr Mulcaire. NGN was forced to settle this claim, which was done by a confidential settlement agreement in return for which Mr Clifford received substantial financial benefit.

Gordon Smart (Deputy Showbiz Editor, then Showbiz Editor, then Deputy Editor, of *The Sun*)

- (43) As set out above Mr Smart was well aware of, and involved in, voicemail interception, blagging and/or the unlawful obtaining of information by private investigators at *The News of the World* and/or *The Sun*. By way of example, the Claimants will rely on the following evidence of Mr Smart’s knowledge of and involvement in the use of private investigators:
 - (a) The private investigator invoices dated between March 2004 and July 2006 from ELI Limited which bear Mr Smart’s name.
 - (b) The emails dated 20 July 2005 and 2 January 2006 which clearly show Mr Smart’s engagement in illegal blagging and the use of private investigators for unlawful information gathering.
- (44) The Claimants will rely on Mr Smart’s claim to the Leveson Inquiry, in his Witness Statement dated 14 October 2011, that “*I have never used a private investigator and am not aware of others on the paper using their services*” as further evidence of NGN’s concealment of its unlawful

information gathering.

**DAVID SHERBORNE
JULIAN SANTOS
MARK THOMSON**

Statement of Truth

The Claimants believe that the facts stated in this Particulars of Claim are true.

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Christopher Hutchings, Partner

Re-Amended Defence to Amended Generic Particulars of Concealment and Destruction pursuant to the Order of Mr Justice Mann dated 7 September 2017

**IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION**

**IN THE MATTER OF THE MOBILE TELEPHONE VOICEMAIL
INTERCEPTION LITIGATION**

B E T W E E N:-

VOICEMAIL CLAIMANT

Claimant

- and -

NEWS GROUP NEWSPAPERS LIMITED

Defendant

**RE-AMENDED DEFENCE TO AMENDED GENERIC PARTICULARS OF
CONCEALMENT AND DESTRUCTION**

References below to paragraph numbers are, unless otherwise indicated, references to the numbered paragraphs of the Amended Generic Particulars of Concealment and Destruction (“the Amended Concealment and Destruction GPoC”), dated 29.09.17.

The headings used in the Amended Concealment and Destruction GPoC are used below for convenience only, and no admissions are intended or made by the use thereof.

Summary of the Claimants’ case

1. The first sentence of paragraph 1 is admitted. It is admitted that the final edition of the *News of the World* was published on 10.07.11. It is admitted that the Leveson Inquiry was announced on 13.07.11 and oral evidence started in November 2011. It is admitted that the first edition of the *Sun on Sunday* was published on 26.02.12.

2. The Claimants' case as summarised in paragraph 2 is noted. NGN's defence to the Claimants' pleaded generic case is set out in the Amended Defence of NGN to the Re-Amended Generic Particulars of Claim (Weeting) (dated 02.11.12) and the Re-Re-Re-Amended Defence to the Re-Amended Generic Particulars of Claim Relating to Operation Pinetree Claims (dated 13.01.17). NGN's case, as set out in those generic defences, is repeated. In this defence, NGN pleads to the Claimants' particulars of alleged concealment and destruction.
3. The unparticularised allegation(s) in paragraph 3 are noted and not admitted.
4. Paragraph 4 is noted. The Claimants do not have a right to amend their statement of case.
5. The Claimants' unparticularised summary as outlined in paragraph 5 is noted. NGN pleads to the allegations and any particulars of those allegations where they are pleaded in the Amended Concealment and Destruction GPoC, rather than to the summary in paragraph 5. Without prejudice to the foregoing, paragraph 5 is not admitted.
6. As to paragraph 6, the first sentence is noted. It is denied that the Claimants can properly rely on any of the matters alleged as constituting "concealment and destruction" for any of the 4 purposes pleaded in paragraphs 6.1 – 6.4.
 - 6.1 The inference contended for in paragraph 6.1 is noted. The inference contended for is both unclear and circular. It is denied that the alleged inference can properly be drawn from the matters alleged or at all. The asserted inference assumes what it seeks to prove, namely that "Senior NGN Employees" knew that the alleged unlawful activities were "widespread and habitual". The Defendant will rely on the fact that approximately 77% of all email messages which could have been located in April 2010 in the NGN EAS Database are still available despite the deletion of emails relied on by the Claimants. Moreover, 99% of the emails listed on the EAS Database from April 2010 for the year 2005, are still available for review and have been searched and reviewed for the purposes of the MTVIL. The equivalent percentage for 2006 is 83%. Further it is unnecessary and would be

disproportionate for there to be a determination of each of the wide-ranging allegations of “lies, concealment and destruction” contained in the Amended Concealment and Destruction GPoC. The Claimants’ claims can properly and fairly be decided on the basis of the evidence relating to the allegations of unlawful conduct made in in the Re-Amended Generic Particulars of Claims (Weeting) (dated 02.11.12), in the Re-Amended Generic Particulars of Claim Relating to Operation Pinetree Claims (dated 13.01.17) and in the Claimant-specific Particulars of Claim. Such evidence includes the product of the extensive and ongoing disclosure searches by NGN of its electronic and hard copy documents relating to the allegations of unlawful conduct in those statements of case.

6.2 The inferences contended for in paragraph 6.2 are noted. It is denied that the alleged inferences can properly be drawn from the matters alleged. The fifth to tenth, sixth, and seventh sentences of paragraph 6.1 above are repeated. Further, it is denied that the principle set out in *Armory v. Delamirie* (which concerns permissible presumptions in assessing quantum) can properly be relied on by the Claimants in support of their case on liability.

6.3 Paragraph 6.3 is noted. In the interests of the efficient and proportionate management of the claims in the MTVIL, NGN confirms that, for the purposes of section 32 of the Limitation Act 1980, it will not contest an assertion by a Claimant that the period of limitation in respect of a cause of action based on the conduct alleged in paragraph 2 did not begin to run before May 2011.

6.4 Paragraph 6.4 is noted. It is denied that this is a generic issue. It is a claimant-specific issue which depends on the knowledge of individual Claimants.

7. As to paragraph 7:

(a) *Les Hinton*. Mr Hinton was the Executive Chairman of News International (“NI”) at all material times until the end of December

2007.

- (b) *James Murdoch*. James Murdoch was not the Chief Executive Officer (“CEO”) of NGN. In December 2007 he was appointed by News Corporation as Chairman and CEO for Europe and Asia. As part of that role he was appointed as Executive Chairman of NI in December 2007.
- (c) *Rebekah Brooks*. It is admitted that Mrs Brooks was the editor of the *News of the World* (from 2000 to 2003) and *The Sun* (from 2003 to 2009). Mrs Brooks became the CEO of NI in September 2009 and remained in that post until July 2011. It is denied that Mrs Brooks “took over” from James Murdoch as the CEO of NGN, as James Murdoch was not the CEO of either NGN or NI.
- (d) *Stuart Kuttner*. The description of Mr Kuttner’s role is admitted.
- (e) *Bill Akass*. Mr Akass became the Managing Editor of the *News of the World* on 01.08.09. Mr Akass became the Executive Editor of the *News of the World* on 01.07.11.
- (f) *Graham Dudman*. Mr Dudman was the Managing Editor of *The Sun* from 06.09.04 until 01.07.11.
- (g) *Andy Coulson*. Mr Coulson became the editor of the Bizarre column in February 1994. In or about 1995, Mr Coulson became the Showbiz editor of *The Sun*. On 01.02.98, Mr Coulson became the Associate Editor of *The Sun*. On 25.02.00, Mr Coulson became the Deputy Editor of the *News of the World*. On 14.01.03, Mr Coulson became the Editor of the *News of the World*. On 26.01.07, Mr Coulson resigned as Editor of the *News of the World*. It is admitted that Mr Coulson had a relationship with Mrs Brooks. No admissions are made as to the nature and extent of that relationship. It is denied that the relationship is relevant to any issue in these proceedings.
- (h) *Dominic Mohan*. It is admitted that from 01.02.98 to 12.02.03, Mr

Mohan was the Showbiz editor (responsible for the Bizarre column). From 02.02.03, he was an Assistant Editor (responsible for Bizarre). From 01.07.03 he was an Assistant Editor in the Features section. From 06.09.04, he was an Associate Editor, Features. On 19.11.07 he became Deputy Editor of *The Sun*. On 02.09.09 he became Editor of *The Sun*. On 29.06.13, he resigned as Editor of *The Sun*.

- (i) *Colin Myler*. The description of Mr Myler's role is admitted.
- (j) *Neil Wallis*. Mr Wallis was appointed Deputy Editor of the *News of the World* on 21.01.03, having previously been Editor of *The People*. On 01.03.05 he became Executive Editor of the *News of the World*. On 27.08.09, Mr Wallis left NGN.
- (k) *Geoff Webster*. Mr Webster was the Associate Editor of the *News of the World* from 08.08.00. On 03.02.03 he became Associate Editor of *The Sun*. On 07.09.09 he was appointed as Deputy Editor of *The Sun*. Mr Webster left NGN on 02.11.15.
- (l) *Victoria Newton*. On 10.02.03 Ms Newton became Assistant Editor (Showbiz) at *The Sun*. On 01.12.07, she became Assistant Editor, Features & Entertainment at *The Sun*. On 19.10.09, she became Deputy Editor at the *News of the World*. On 05.09.11 she became Saturday Editor at *The Sun*. On 14.03.12, she became Joint Deputy Editor of *The Sun on Sunday*. On 13.09.13 she became Editor of *The Sun on Sunday*.
- (m) *John Chapman*. The description of Jonathan (not "John") Chapman's role is admitted.
- (n) *Tom Crone*. The description of Mr Crone's role is admitted.
- (o) *Gordon Smart*. Mr Smart was Deputy Showbiz Editor at *The Sun* from 01.08.05 until 25.11.07. Mr Smart was Showbiz Editor at *The Sun* from 26.11.07 until 31.05.13. Mr Smart was Assistant Editor (Showbusiness) at *The Sun* from 01.06.13 until 08.10.13. He was

Scottish Editor at the *Scottish Sun* from 09.10.13 until 08.05.16. He was Deputy Editor of *The Sun* from 09.05.16 until 11.11.16.

NGN's knowledge of the widespread and habitual use of phone hacking and related unlawful activities

8. Paragraph 8 – 11 of the Amended Concealment and Destruction GPoC do not contain particulars (whether consolidated or otherwise) of the Claimants' case on concealment and destruction (which the Claimants were given permission by Mann J, on 10.03.17, to serve). They appear to be an attempt by the Claimants further to plead their case as to the scale and extent of unlawful activities allegedly carried out by journalists working at the *News of the World* and/or *The Sun*. NGN's defence to the Claimants' pleaded generic case is set out in the Amended Defence of NGN to the Re-Amended Generic Particulars of Claims (Weeting) (dated 02.11.12) and the Re-Re-Re-Amended Defence to the Re-Amended Generic Particulars of Claim Relating to Operation Pinetree Claims (dated 13.01.17). NGN's case, as set out in those generic defences, is repeated. Without prejudice to the foregoing NGN pleads to paragraphs 8 – 11 as follows. Save as expressly admitted in the Amended Defence of NGN to the Re-Amended Generic Particulars of Claims (Weeting) (dated 02.11.12) and the Re-Re-Re-Amended Defence to the Re-Amended Generic Particulars of Claim Relating to Operation Pinetree Claims (dated 13.01.17), paragraph 8 is not admitted.
9. Paragraph 9 is noted.
 - 9.1 As to paragraph 9.1:
 - 9.1.1 The unparticularised allegation of a "very large number of NGN victims" is not admitted. NGN does not plead to the inappropriate plea of evidence in paragraphs 9.1(a)-(c), other than to note the Claimants' intention to seek to rely on such matters to prove the proposition asserted in paragraph 9.1.
 - 9.2 The first sentence of paragraph 9.2 is not admitted. The second sentence

of paragraph 9.2 is noted.

- 9.3 Paragraph 9.3 is noted. The unparticularised allegations of “volume” and unlawful obtaining are not admitted. NGN does not plead to the inappropriate plea of evidence in paragraph 9.3, other than to note the Claimants’ intention to rely on it.
- 9.4 Paragraph 9.4 is noted. It is not admitted that a substantial number of journalists and editorial staff at the *News of the World* were “involved in the use of” the activities alleged in paragraph 8. Paragraph 9.4 contains no particularised allegations against the individuals named therein. To the extent that particularised allegations are made against those individuals elsewhere in the Amended Concealment and Destruction GPoC, NGN pleads to those allegations elsewhere in this Defence.
- 9.5 Paragraph 9.5 is noted. It is not admitted that a substantial number of journalists and editorial staff at *The Sun* were “involved in the use of” the activities alleged in paragraph 8. Paragraph 9.5 contains no particularised allegations against the individuals named therein. To the extent that particularised allegations are made against those individuals elsewhere in the Amended Concealment and Destruction GPoC, NGN pleads to those allegations elsewhere in this Defence.
- 9.6 Paragraph 9.6 is noted. This unparticularised allegation is not admitted. NGN does not plead to evidence.
10. The inference contended for in paragraph 10 is noted. It is denied that such an inference can properly be drawn from the unparticularised matters asserted (even if proved) in paragraph 10. The second sentence of paragraph 10 is noted. The invoices referred to are neither identified nor particularised. It is not admitted that the individuals referred to were responsible for instructing the private investigators or approving the expenditure in relation to them.
11. Paragraph 11 is noted.

The Mulcaire Arrangement

11.1 NGN has pleaded to the Claimants' case on the Mulcaire Arrangement in the Amended Defence of NGN to the Re-Amended Generic Particulars of Claims (Weeting) (dated 02.11.12) and the Re-Re-Re-Amended Defence to the Re-Amended Generic Particulars of Claim Relating to Operation Pinetree Claims (dated 13.01.17). NGN therefore does not plead to the generalised allegations contained in paragraphs 11.1 – 11.3A, other than to note the Claimants' intention to rely on them and save insofar as is pleaded at paragraph 11.2 below.

11.2 Paragraph 11.1 above is repeated. It is not admitted that Mrs Brooks negotiated or approved of the arrangement referred to in paragraph 11.2.

11.3 Paragraph 11.1 above is repeated.

11.3A Save as admitted in the Amended Defence of NGN to the Re-Amended Generic Particulars of Claims (Weeting) (dated 02.11.12); the Re-Re-Re-Amended Defence to the Re-Amended Generic Particulars of Claim Relating to Operation Pinetree Claims (dated 13.01.17); NGN's Admission of Facts (dated 13.12.11); and as set out below paragraph 11.3A is not admitted.

(a) Save as admitted in the Amended Defence of NGN to the Re-Amended Generic Particulars of Claims (Weeting) (dated 02.11.12); the Re-Re-Re-Amended Defence to the Re-Amended Generic Particulars of Claim Relating to Operation Pinetree Claims (dated 13.01.17); NGN's Admission of Facts (dated 13.12.11); and as set out below paragraph 11.3A(a) is not admitted.

(b) Save as admitted in the Amended Defence of NGN to the Re-Amended Generic Particulars of Claims (Weeting) (dated 02.11.12); the Re-Re-Re-Amended Defence to the Re-Amended Generic Particulars of Claim Relating to Operation Pinetree Claims (dated 13.01.17); NGN's Admission of Facts (dated 13.12.11); and as set out below paragraph 11.3A(b) is not admitted.

- (c) Save that it is admitted that on 10.11.06 at about 11:11 hrs Tom Crone sent an email to Andy Coulson and Mr Coulson replied shortly thereafter, paragraph 11.3A(c) is not admitted. It is averred that Clive Goodman's employment with NGN was not terminated until 05.02.07 and that he did not bring his claim for unfair dismissal until after that date.
- (d) Save that it is admitted that on 29.11.06, Rebekah Brooks sent an email to Chris Pharo, paragraph 11.3A(d) is not admitted. It is averred that NGN has not identified any record in NGN's SAP system of a payment relating to *The Sun* made by NGN to Mr Mulcaire and/or any of the entities connected to Mr Mulcaire.
- (e) Save that it is admitted that during the sentencing hearing on 26.01.07 (i) prosecution counsel referred to the contract between *the News of the World* and Nine Consultancy Limited for the period 01.07.05 – 30.06.06; and (ii) a confiscation order was made against Mr Mulcaire in the sum of £12,300 which related to the cash payments made to Mr Mulcaire by Mr Goodman, paragraph 11.3A(e) is not admitted.
- (f) Save that it is admitted that in or about 2007, Mr Gordon Taylor obtained an order for non-party disclosure against the MPS, and that Michael Silverleaf QC provided an Opinion dated 03.06.08 to NGN which contained, among others, the words pleaded, paragraph 11.3A(f) is not admitted.
- (g) Paragraph 11.3A(g) is not admitted.

The Spice Girls story

11.4 As to paragraph 11.4 it is admitted that in or about May 1998, Sean Hoare was a journalist working on the Bizarre column of *The Sun*. It is admitted that at that time Victoria Newton and Dominic Mohan both worked on the Bizarre column of *The Sun*. It is not admitted that Mr Hoare intercepted voicemail messages of various members of the *Spice*

Girls.

- 11.5 The first sentence of paragraph 11.5 is not admitted. The second sentence of paragraph 11.5 is admitted.
- 11.6 Paragraph 11.6 is not admitted.
- 11.7 Save that it is admitted that the articles pleaded in paragraph 11.7 were published in *The Sun* on the dates alleged, the first sentence of paragraph 11.7 is not admitted. The second sentence of paragraph 11.7 is noted.
- 11.8 Paragraph 11.8 is not admitted.

Milly Dowler

- 11.9 Save that the *News of the World* published an exclusive article about Milly Dowler in its first edition on 14.04.02 the first sentence of paragraph 11.9 is denied. Milly Dowler had been reported missing on 21.03.02 and her disappearance had been extensively reported in the media over the following three weeks. The second sentence of paragraph 11.9 is admitted. The third sentence of paragraph 11.9 is not admitted.
- 11.10 Paragraph 11.10 is noted. Save that it is admitted that the content of the article published in the third edition of the *News of the World* for 14.04.02 changed from the content of the article published in the first edition, the first sentence of paragraph 11.10 is not admitted. NGN will refer to the full articles at the trial of this action. Save that it is admitted that journalists from the *News of the World* travelled to Telford to investigate the story, the second sentence of paragraph 11.10 is not admitted.
- 11.11 The first sentence of paragraph 11.11 is denied because Mr Kuttner did not state to Surrey Police that NGN had unlawfully accessed Milly Dowler's voicemail messages. Save that it is denied (if it is the Claimants' case) that Mrs Brooks had met with ACC Frank Clarke about the Milly Dowler story published on 14.02.02, the second sentence of paragraph 11.11 is not admitted.

11.12 Paragraph 11.12 is noted. It is denied that the inference contended for in paragraph 11.12 can properly be drawn from the matters relied on in paragraphs 11.9 to 11.11 or at all. Save that it is denied that Mrs Brooks knew (a) that the newspaper had intercepted Milly Dowler's voicemail facility; and/or (b) that the source of the article published in the *News of the World* on 14 April 2002, was one of Milly's voicemail messages; and/or (c) that the first edition contained a blatant reference to a voicemail message and therefore should be removed, paragraph 11.12 is not admitted. Mrs Brooks was on holiday at the time and had no involvement in the Milly Dowler article.

11.13 Paragraph 11.13 is noted and not admitted. Mrs Brooks had no involvement in the Milly Dowler article. The seventh and eighth sentences of paragraph 7(g) above are repeated.

The Royal family

11.14 It is admitted that in January 2003, Clive Goodman was, amongst other things, the Royal Correspondent for the *News of the World*. It is admitted that in January 2003 Mr Goodman accessed voicemail messages relating to the Royal Household and discussed stories relating to the Royal family with his Editor, Andy Coulson. Save as aforesaid, paragraph 11.14 is not admitted.

11.15 Paragraph 11.15 is noted. NGN does not plead to the inappropriate pleading of evidence in paragraph 11.15 and will, if necessary, address such evidence at trial. Without prejudice to the foregoing it is not admitted that the phrase "*turning his mobile*" is a euphemism for voicemail interception.

11.15A Save that it is admitted that Mr Goodman obtained a copy of a Royal Household internal telephone directory, paragraph 11.15A is not admitted.

The David Blunkett affair

11.16 Save that it is admitted that in or about August 2004, Mr Thurlbeck played to Mr Coulson voicemail messages of the then Home Secretary, David Blunkett, the first sentence of paragraph 11.16 is not admitted.

11.17 Paragraph 11.17 is not admitted. NGN does not plead to the evidence pleaded in paragraph 11.17 and will, if necessary, address such evidence at trial.

11.18 Save that it is admitted that tape recordings of voicemail messages relating to Mr Blunkett were found in a safe in Tom Crone's office, paragraph 11.18 is not admitted.

11.19 Paragraph 11.19 is not admitted.

11.20 Save that it is admitted that a story about Mr Blunkett's affair was published in the 15.08.04 edition of the *News of the World*, and that Kimberley Quinn was named in the 16.08.04 edition of *The Sun*, the first sentence of paragraph 11.20 is not admitted. It is denied that the inference contended for in the second sentence of paragraph 11.20 can properly be drawn from the matters relied on.

11.21 It is admitted that in the 17.08.04 edition of *The Sun* an article by Trevor Kavanagh was published which reported that Ms Quinn was pregnant and that she "*has been telling pals for weeks about the unplanned baby*". It is averred that the information contained in the article had previously been published in the *Daily Mirror* on 17.08.04 and was repeated in later editions of *The Sun*. Save as aforesaid paragraph 11.21 is not admitted.

The head-hunting of Dan Evans from the Sunday Mirror

11.22 Save that the first and third sentences of paragraph 11.22 are admitted, paragraph 11.22 is not admitted.

11.23 Save that it is admitted that Mr Wallis met Mr Evans at a bar in Wapping, paragraph 11.23 is not admitted.

11.24 Save that it is admitted that in October 2004 Mr Stenson and Mr Coulson met Mr Evans in order to persuade him to leave the *Sunday Mirror* and join the *News of the World*, paragraph 11.24 is not admitted.

The Sienna Miller and Daniel Craig story

11.25 Paragraph 11.25 is not admitted.

11.26 Paragraph 11.26 is not admitted.

Calum Best

11.27 Save that it is admitted that on 20.05.06, Mr Coulson sent an email to Ian Edmondson in which he wrote, amongst other things, “*Do his phone*”, paragraph 11.27 is not admitted.

Heather Mills and Sir Paul McCartney

11.28 The first and second sentences of paragraph 11.28 are admitted. It is admitted that on or about 29.05.06, Geoff Webster asked Greg Miskiw to carry out investigations into Fiona Mills. It is not admitted that Mr Webster instructed Mr Miskiw to access the mobile phone communications passing between Heather Mills and Fiona Mills.

11.29 Save that it is admitted that emails were exchanged between Mr Miskiw and Mr Webster at the times, and containing the text, pleaded, NGN does not plead to the evidence inappropriately pleaded in paragraph 11.29 and will, if necessary, address such evidence at trial.

11.30 It is not admitted that the inference contended for in paragraph 11.30 can properly be drawn from the matters alleged in paragraphs 11.29 and 11.30.

The Arrest and Conviction of Glenn Mulcaire and Clive Goodman

11.31 Paragraph 11.31 is admitted.

11.32 Paragraph 11.32 is admitted.

11.33 Paragraph 11.33 is admitted.

11.34 It is admitted that Mrs Brooks met DS Surtees in September 2006, and that he told her that the police believed there to be about 100 victims of voicemail interception by Mr Mulcaire and that her name appeared in Mr Mulcaire's notebooks. It is also admitted that Mrs Brooks told Mr Crone about the meeting and that Mr Crone sent an email about it to Mr Coulson on 15.09.06. Save as aforesaid paragraph 11.34 is not admitted.

11.35 Paragraph 11.35 is admitted.

11.36 Save that it is admitted that, on 29.11.06, Mrs Brooks sent an email to Mr Coulson, the first and second sentences of paragraph 11.36 are not admitted. NGN does not plead to the inappropriately pleaded evidence in paragraph 11.36 and will, if necessary, address such evidence at trial.

Fears over the sentencing of Goodman and Mulcaire

11.37 The Claimants' unparticularised case as set out in paragraph 11.37 is noted and not admitted.

11.38 Save that it is admitted that Mr Crone and Mr Coulson exchanged emails about the criminal proceedings against Mr Goodman and Mr Mulcaire, paragraph 11.38 is not admitted.

11.39 Save that it is admitted that Mr Coulson discussed the wording of his proposed statement with Mr Kuttner, Mr Crone, Mr Hinton, and Mr Wallis by email, paragraph 11.39 is not admitted.

11.40 Save that it is admitted that prior to 26.01.07, Mr Crone prepared a note of options which he sent to both Mr Coulson and Mr Hinton, paragraph 11.40 is not admitted.

11.41 The first sentence of paragraph 11.41 is admitted. It is admitted that David Perry QC was Leading Counsel for the prosecution at the sentencing hearing before Mr Justice Gross on 26.01.07 and that he made statements along the lines of the summary in paragraph 11.41(a)-(j).

NGN will, if necessary, refer at trial to the transcript of the sentencing hearing. Save as aforesaid, the second sentence of paragraph 11.41 is not admitted.

11.42 The first sentence of paragraph 11.42 is not admitted. Save that in his sentencing remarks on 26.01.07, Mr Justice Gross said that as to Counts 16 – 20, Mr Mulcaire had not dealt with Mr Goodman but with others at News International, the second sentence of 11.42 is not admitted. The third sentence of paragraph 11.42 is admitted.

11.43 It is not admitted that the inference contended for in paragraph 11.43 can properly be drawn from the matters alleged.

Clive Goodman's unfair dismissal claim

11.44 It is admitted that Mr Goodman's employment with NGN was terminated by Mr Hinton on 02.02.07, and that Mr Goodman subsequently complained that he had been dismissed unfairly. Save that it is admitted that Mr Goodman sent a letter, dated 02.03.07, to NI in which he made a series of allegations (which are not admitted), the third sentence of paragraph 11.44 is not admitted.

11.45 Save that it is admitted that Mr Goodman made allegations in May 2007 (which are not admitted), paragraph 11.45 is not admitted.

11.46 Save that it is admitted that payments were made to Mr Goodman and Mr Mulcaire after they were sentenced in January 2007, paragraph 11.46 is not admitted.

11.47 The first sentence of paragraph 11.47 is admitted. It is denied that the inference contended for in the second sentence of paragraph 11.47 can properly be drawn from the matters alleged. The third sentence of paragraph 11.47 is admitted.

The defence of the 'one rogue' reporter lie to the PCC

11.48 Save that it is admitted that Mr Myler wrote a letter to the PCC on

22.02.07, and Mr Dudman sent a letter, dated 26.03.07, to the PCC, paragraph 11.48 is not admitted. NGN will, if necessary, refer to the full text of the letter at the trial of this action.

11.49 Paragraph 11.49 is noted and not admitted.

The Gordon Taylor claim

11.50 Save that Gordon Taylor issued his claim against NGN in March 2007, paragraph 11.50 is admitted.

11.51 Save that Mr Taylor's solicitors disclosed to NGN the "For Neville" email which contained transcripts of voicemail messages, paragraph 11.51 is not admitted.

11.52 Save that is admitted that Mr Taylor compromised his claim against NGN in 2008 and the compromise was confidential, paragraph 11.52 is not admitted.

11.53 Paragraph 11.53 is noted and not admitted save that it is admitted that Michael Silverleaf QC provided to NGN a legal opinion dated 03.06.08.

The Max Clifford claim

11.54 Save that Mr Clifford issued proceedings against NGN on 28.07.09, the first sentence of paragraph 11.54 is admitted. It is admitted that in the course of his claim Mr Clifford issued an application for an order for disclosure along the lines of that described in the second sentence of paragraph 11.54 and that Mr Mulcaire, but not Mr Goodman, had been convicted in 2007 of unlawfully accessing Mr Clifford's messages. Save as aforesaid, paragraph 11.54 is not admitted.

11.55 Save that it is admitted that Mr Clifford's application was successful and that he compromised his claim against NGN on confidential terms including the payment of his legal costs, paragraph 11.55 is not admitted.

The Kelly Hoppen claim against Dan Evans and NGN.

11.56 Save that it is admitted that, on 17.03.10, Kelly Hoppen obtained an order for disclosure against Vodafone, paragraph 11.56 is not admitted.

11.57 As to paragraph 11.57, NGN repeats paragraph 51 of the Admission of Facts, dated 13.12.11.

11.58 As to paragraph 11.58, it is denied that NGN (as opposed to Mr Evans) knowingly provided false witness statements to the Court.

11.59 The first sentence of paragraph 11.59 is noted. The second sentence of paragraph 11.59 is noted. It is admitted that NGN filed a skeleton argument for the hearing on 17.02.11. It is denied that NGN created a false defence as asserted in the third sentence of paragraph 11.59. The fourth sentence of paragraph 11.59 is denied because NGN's skeleton argument did not seek publicly to "rubbish" Ms Hoppen's claim of voicemail interception. NGN will, if necessary, refer to the full text of the skeleton argument at the trial of this action.

The Ian Edmondson emails

11.60 As to paragraph 11.60 it is admitted that NGN disclosed emails to the MPS relating to Mr Edmondson in January 2011. It is denied that such NGN "had to" provide such disclosure: it was provided voluntarily. Save as aforesaid paragraph 11.60 is not admitted.

11.61 The vague and unclear allegation in paragraph 11.61 that Mr Edmondson was "heavily implicated" is not admitted.

11.62 Save that it is admitted that, on 25.01.11, NGN terminated Mr Edmondson's employment, and that Mrs Brooks was party to this decision, paragraph 11.62 is not admitted.

Continuing voicemail interception by The Sun even in 2011

11.63 Paragraph 11.63 is admitted.

11.64 Paragraph 11.64 is noted. It is not admitted that Mr Mohan did not respond to the email sent by Tom Newton Dunn. It is not admitted that voicemail interception was both well-known and widespread at *The Sun*.

Kelvin Mackenzie's resignation

11.65 The first sentence of paragraph 11.65 is admitted. It is admitted that, on 20.06.11, Mr Mackenzie sent an email to Mrs Brooks and Mr Mohan giving reasons for his resignation, which included the words pleaded in paragraph 11.65. NGN will refer to the whole of the email and the responses to it at the trial of this action.

11.66 It is admitted that the email sent by Mr Mackenzie included the words pleaded in paragraph 11.66.

11.67 Save that it is admitted that Mrs Brooks stated in an email dated 20.06.11 that Mr Mackenzie had sent the resignation email to Mr Murdoch paragraph 11.67 is not admitted.

The blagging of Gordon Brown

11.68 Save that it is admitted that, on 11.07.11, an article was published on *The Guardian* website which contained, amongst other things, allegations that “journalists from across News International repeatedly targeted the former prime minister [Gordon Brown]”, paragraph 11.68 is not admitted.

11.69 Paragraph 11.69 is admitted.

11.70 Paragraph 11.70 is noted.

11.71 It is denied that the inference contended for in paragraph 11.71 can properly be drawn from the matters alleged.

Simon Hughes MP

11.72 The first three sentences of paragraph 11.72 are admitted. Save that it is admitted that on or about 25.01.06, the Political Editor of *The Sun*,

Trevor Kavanagh, spoke to Mr Hughes, the fourth sentence of paragraph 11.72 is not admitted.

11.73 Save that it is admitted that NGN published an article on the front page of the 26.01.06 edition of *The Sun*, with headline “I’m Gay Too”, paragraph 11.73 is not admitted.

11.74 The first sentence of paragraph 11.74 is not admitted. The second sentence of paragraph 11.74 is noted.

11.75 Paragraph 11.75 is not admitted.

NGN’s public lies and concealment of its wrongdoing

12. The general and unparticularised allegation in paragraph 12 is not admitted.

13. Paragraph 13 is noted.

13.1 The unparticularised allegation in paragraph 13.1 is not admitted.

13.2 Save for the word “falsely” which is not admitted, paragraph 13.2 is admitted.

13.2A The first sentence of paragraph 13.2A is admitted. Mr Coulson resigned as Editor of the *News of the World* on 26.01.07. Save that it is admitted that Mr Coulson and Mr Hinton exchanged emails about the contractual terms of Mr Coulson’s departure from NGN, the second sentence of paragraph 13.2A is not admitted. The third sentence of paragraph 13.2A is admitted. The fourth, fifth and sixth sentences of paragraph 13.2A are not admitted. The final sentence of paragraph 13.2A is admitted.

13.3 Save that it is admitted that Mr Dudman wrote a letter, dated 26.03.07, to the PCC, and which contained amongst other things the words pleaded, paragraph 13.3 is not admitted.

13.4 Save for the word “falsely” which is not admitted, paragraph 13.4 is admitted.

13.5 Paragraph 13.5 is admitted.

- 13.6 The unparticularised allegation in paragraph 13.6 is not admitted.
- 13.7 Save that it is admitted that Mr Myler wrote to the PCC on 05.08.09 and his letter contained, amongst other things, the statements pleaded, paragraph 13.7 is not admitted.
- 13.8 Paragraph 13.8 is noted and not admitted.
- 13.8A Save that it is admitted that NGN (1) agreed to indemnify Mr Mulcaire against any liability for costs and damages in respect of the claim brought by Gordon Taylor; (2) by an agreement dated 28.01.10, agreed to indemnify Mr Mulcaire against the costs of opposing an application made by Max Clifford; (3) gave a commitment to meet any costs awards against Mr Mulcaire in the claims brought by Mr Clifford, Mr Taylor, Kelly Hoppen, Skylet Andrew, Nicola Phillips, and George Galloway; and (4) agreed to indemnify Mr Mulcaire against liability for costs in 31 subsequent claims in the MTVIL commenced before 28 July 2011, paragraph 13.8A is not admitted. The documents which the Claimants refer to by way of example in support of this allegation are noted.
- 13.8B Paragraph 13.8B is not admitted.
- 13.8C Paragraph 13.8C is not admitted.
- 13.8D Paragraph 13.8D is admitted.
- 13.8E Paragraph 13.8E is noted. It is not admitted that the inference contended for can properly be drawn from the matters relied on.
- 13.8F Paragraph 13.8F is noted. Save insofar as is admitted above, no admissions are made as to whether any such payments were made and, if made, the reason(s) they were made.
- 13.9 Paragraph 13.9 is noted. Save that it is denied that NGN (as opposed to Mr Evans) knew that Mr Evans' evidence was false and/or misleading paragraph 13.9 is admitted.
- 13.10 Paragraph 13.10 is noted and not admitted.

13.11 Save that it is admitted that in September 2010 the *News of the World* issued a public statement which included the words pleaded, paragraph 13.11 is not admitted.

13.12 The first sentence of paragraph 13.12 is admitted. Save that it is admitted that the reference to “documentation” in the statement was a reference to a page of Glenn Mulcaire’s notes which included a word which appeared to be “SUN” in the top left-hand corner, the second sentence (after the quote) is not admitted. The third sentence of paragraph 13.12 is noted and not admitted.

13.13 The unparticularised allegations in paragraph 13.13 are not admitted.

13.14 The unparticularised allegations in paragraph 13.14 are not admitted.

13.15 NGN does not plead to the inappropriately pleaded evidence in paragraph 13.15 and will, if necessary, address such evidence at the trial of this action.

13.16 Paragraph 13.16 is noted and not admitted. NGN does not plead to the inappropriately pleaded evidence in paragraph 13.16 and will, if necessary, address such evidence at the trial of this action.

NGN’s concealment and destruction of evidence

14. Save that it is admitted that NGN, like any party to litigation, was required to preserve documents that may be disclosable in the proceedings brought against it, paragraph 14 is not admitted.

15. Paragraph 15 is noted.

15.1 Save that it is admitted that Gordon Taylor had issued a claim against NGN on 30.03.07 and that Jo Armstrong and John Hewison had threatened claims by 2008, paragraph 15.1 is not admitted;

15.2 It is admitted that Max Clifford issued a claim against NGN on 28.07.09;

15.3 Paragraph 15.3 is admitted;

- 15.4 Save that it is admitted that Mr Mulcaire's solicitors notified NGN's solicitors that Ms Miller was seeking a *Norwich Pharmacal* order for disclosure of documents obtained by the MPS from Mr Mulcaire paragraph 15.4 is not admitted;
- 15.5 Paragraph 15.5 is admitted;
- 15.6 Save that Mr Gray served his claim on NGN on 08.06.10, paragraph 15.6 is admitted;
- 15.7 It is admitted that a letter of claim, dated 06.09.10, on behalf of Sienna Miller was sent by Atkins Thomson to NGN.
- 15.8 Save that it is admitted that Sienna Miller served her Particulars of Claim on NGN on or about 30.11.10, and pleaded her reliance on the 'for Neville' email, paragraph 15.8 is not admitted;
- 15.9 Save that it is admitted that, on or about 13.12.10, Ms Miller's solicitors gave disclosure of documents including documents relating to Glenn Mulcaire, paragraph 15.9 is not admitted;
- 15.10 Save that it is admitted that, on 16.12.10, NGN suspended Mr Edmondson, paragraph 15.10 is not admitted;
- 15.11 Paragraph 15.11 is admitted;
- 15.12 Save that it is admitted that, on 26.01.11, the MPS announced the start of Operation Weeting, paragraph 15.12 is not admitted.
16. The allegation(s) in paragraph 16 are not properly particularised. Paragraph 16 is therefore not admitted.
17. Paragraph 17 is noted.
- 17.1 Paragraph 17.1 is not admitted. It is denied, if it is the Claimants' case, that the computers of any journalists referred to in Sienna Miller's letter of claim, dated 06.09.10, were disposed of / destroyed in response to the receipt of Ms Miller's letter of claim.

- 17.2 Save that it is admitted that emails were deleted for commercial, IT and practical reasons, the first sentence of paragraph 17.2 is not admitted. The second sentence of paragraph 17.2 is noted.
- 17.3 The first sentence of paragraph 17.3 is denied, because NGN did not take active steps to delete millions of emails which were “potentially incriminating”.
- (a) Save that it is admitted that the words selectively pleaded in paragraph 17.3(a) were included in the Policy, paragraph 17.3(a) is not admitted. NGN will refer to the full terms of the Policy at the trial of this action. The Policy required compliance with legal and regulatory requirements relating to retention. The Policy also contained a section on exceptions to the Policy which included a requirement that in the event of actual or prospective litigation, all documents which were relevant to the dispute had to be retained and could not be deleted/destroyed however compromising they were. Moreover, specific instructions were given by Jon Chapman and Will Lewis to preserve the data relating to a number of custodians.
- (b) Paragraph 17.3(b) is not admitted, save that it is admitted that Rebekah Brooks sent a number of emails in May, August and October 2010 about the Policy. NGN will, if necessary, refer to the emails in full at the trial of this action.
- (c) As to paragraph 17.3(c), NGN notes the intention of the Claimants to refer to the emails pleaded. NGN does not plead to the Claimants’ inappropriate (and selective) pleading of evidence.
- (1) It is admitted that Mrs Brooks sent an email on 12.05.10 which contained, amongst others, the words pleaded in paragraph 17.3(c)(1);

- (2) It is admitted that Mrs Brooks sent an email on 29.07.10 which contained, amongst others, the words pleaded in paragraph 17.3(c)(2);
- (3) It is admitted that Mrs Brooks sent an email on 04.08.10, which contained, amongst others, the words pleaded in paragraph 17.3(c)(3). It is denied that the inference contended for in paragraph 17.3(c)(3) can properly be drawn from the matters alleged;
- (4) It is admitted that on 04.08.10, Andrew Hickey sent an email to Jon Chapman which contained, amongst others, the words pleaded in paragraph 17.4(c)(4);
- (5) Paragraph 17.3(5) is not admitted.
- (6) Paragraph 17.3(6) is noted. Save that it is admitted that Nick Leake sent an email to Chris Birch on 01.09.10 which contained, amongst others, the words pleaded, the first sentence of paragraph 17.3(6) is not admitted. It is admitted that on or about 02.09.10, Mr Birch sent an email which contained, amongst others, the words pleaded in the second sentence of paragraph 17.3(6).

17.4 The first sentence of paragraph 17.4 is not admitted. The second and third sentences of paragraph 17.4 are noted. The fourth sentence of paragraph 17.4 is not admitted. It is denied, if it is the Claimants' case, that the deletion of emails which took place in September 2010 was prompted by and/or connected to receipt by NGN of the letter of claim on behalf of Ms Miller.

17.5 Paragraph 17.5 is noted and not admitted. It is averred (a) that a full backup was ordered to be taken before any emails were to be deleted; and (b) the emails relating to certain individuals against whom allegations of

voicemail interception had been made were to be preserved in any event. It is admitted that on 13.01.11, John Morris sent an email to Sudhanshu Bhandari and Phil Quinn which contained the words pleaded in paragraph 17.5. It is averred that (a) the data referred to was to be transferred to the US because, at that time, the only way of migrating the data from the existing system and the Google/Postini system was to transfer it physically; and (b) the data referred to was not in fact taken to the US.

17.6 Paragraph 17.6 is noted and not admitted. It is averred that NGN instructed HCL to take a complete back-up before the batch deletion of emails took place in January 2011. A large proportion of the emails which had been deleted were subsequently recovered and have been searched in the MTVIL as well as in connection with the criminal investigations. Approximately 77% of all email messages which could have been located in April 2010 in the NGN EAS Database are still available despite the deletion of emails relied on by the Claimants. Moreover, 99% of the emails listed on the EAS Database from April 2010 for the year 2005, are still available for review and have been searched and reviewed for the purposes of the MTVIL. The equivalent percentage for 2006 is 83%. The emails are irrecoverable / unavailable for a variety of IT reasons, including the corruption of data.

17.7 Paragraph 17.7 is noted and not admitted.

(a) Paragraph 17.7(a) is admitted.

(b) The first sentence of paragraph 17.7(b) is admitted. The remainder of paragraph 17.7(b) is not admitted. NGN will refer to the Fifth Witness Statement of Paul Cheesbrough at the trial of this action.

(c) Save that it is admitted that the only email sent by James Murdoch which NGN has disclosed in this litigation is an email sent by James Murdoch on 07.06.08 to Colin Myler, the first sentence of paragraph 17.7(c) is not admitted. Save that it is admitted that the email sent by

James Murdoch on 07.06.08 was in response to an email from Colin Myler (then Editor of the *News of the World*) the second sentence of paragraph 17.7(c) is not admitted. The third sentence of paragraph 17.7(c) is not admitted. Save that it is admitted that the JRM email was not found in NGN's email archive, the fourth sentence of paragraph 17.7(c) is not admitted. The letter was found (as part of search by the Defendant's former solicitors Linklaters and PwC) at the old News International site in Wapping in a storage crate which had been moved from a storage room at Thomas More Square (where News International was subsequently based) to Wapping as part of an exercise to secure the contents of the *News of the World* offices when the newspaper was closed. The crate had a sticker on it which suggested that the contents were originally held in Mr Myler's office. Copies of the email were found on two laptops used by James Murdoch. The fifth sentence of paragraph 17.7(c) is admitted.

- (d) Paragraph 17.7(d) is admitted.
- (e) Paragraph 17.7(e) is noted. It is admitted that on 18.01.11, Nigel Newell of Essential Computing sent an email to John Morris of News International. NGN will refer to the contents of that email at the trial of this action.
- (f) The first sentence of paragraph 17.7(f) is admitted. The second sentence of paragraph 17.7(f) is not admitted.
- (g) Paragraph 17.7(g) is not admitted.
- (h) Paragraph 17.7(h) is noted and not admitted.
- (i) Paragraph 17.7(i) is noted. No admissions are made as to any inference(s) the Claimants will invite the Court to draw from this assertion if proved.

(j) Paragraph 17.7(j) is not admitted.

(k) Save that it is admitted that emails of a number of executives were deleted on or about 14.01.11 by Chris Birch, the first sentence of paragraph 17.7(k) is not admitted. The second sentence of paragraph 17.7(k) is not admitted. The third sentence of paragraph 17.7(k) is noted. The fourth sentence of paragraph 17.7(k) is not admitted.

17.8 Paragraph 17.8 and sub-paragraphs 17.8(a)-(e) are not admitted.

18. Paragraph 18 is not admitted. It is not admitted that the matters pleaded in paragraphs 18.1-18.9 are examples of the allegation in the first sentence of paragraph 18.

18.1 Save for the word “false” paragraph 18.1 is admitted.

18.2 It is admitted that in his second witness statement, dated 23.03.11, Mr Pike did not refer to the deletion of emails which had taken place in September 2010 and January and February 2011.

18.3 As to paragraph 18.3 it is denied that the first witness statement of Jon Chapman and the first witness statement of Paul Cheesbrough did not refer to the deletion of emails. Both witness statements referred to the deletion and retention of emails. Save as aforesaid paragraph 18.3 is not admitted.

18.4 As to paragraph 18.4 it is admitted that (i) Bob Bird gave evidence as pleaded; (ii) in March 2011, solicitors acting for Sienna Miller and Skylet Andrew applied to the Court for certain orders; and (iii) the evidence in support of that application included a witness statement of Mark Thomson, dated 09.03.11, containing the words pleaded. Save as aforesaid paragraph 18.4 is not admitted.

18.5 Paragraph 18.5 is not admitted save insofar as is admitted at paragraphs 18.1 to 18.4 above.

18.6 Save that it is admitted that Mr Pike's witness statement contained, amongst others, the words pleaded, paragraph 18.6 is not admitted.

18.7 Save that it is admitted that Mr Chapman's witness statement contained, amongst others, the words pleaded, paragraph 18.7 is not admitted.

18.8 Save that it is admitted that James Weatherup was arrested on 14.04.11, paragraph 18.8 is not admitted.

18.9 Paragraph 18.9 is not admitted.

The knowledge or involvement of the Senior NGN Employees

19. Paragraph 19 is noted.

Les Hinton (Chief Executive until 2007)

(1) Save that it is admitted that in his evidence-in-chief on 16.04.14 at the criminal trial of *R v. Brooks and ors*, Mr Coulson stated that he had told Mr Hinton what he knew about Mr Thurlbeck and the voicemail messages relating to David Blunkett, paragraph 19(1) is not admitted.

(2) Save that it is admitted that Mr Hinton discussed with Mr Coulson and Mr Crone the sentencing of Clive Goodman, paragraph 19(2) is not admitted.

(3) Save that it is admitted that Mr Hinton authorized compensation payments to Mr Goodman and Mr Mulcaire, paragraph 19(3) is not admitted.

James Murdoch (Chief Executive from December 2007 until July 2009)

(4) It is denied that Mr Murdoch was the Chief Executive at the time of the Gordon Taylor claim. Paragraph 7(b) above is repeated. Save as aforesaid, paragraph 19(4) is not admitted.

(5) Save that it is admitted that Mr Murdoch was referred to in some emails

about the Policy, paragraph 19(5) is not admitted.

Rebekah Brooks (Editor of *The News of the World*, *The Sun* and Chief Executive from 2009).

- (6) The generalized allegation in paragraph 19(6) is not admitted.
 - (a) Paragraph 19(6)(a) is not admitted. Paragraph 11.2 above is repeated;
 - (b) Paragraph 19(6)(b) is denied. Paragraph 11.12 above is repeated;
 - (c) Paragraph 19(6)(c) is denied. Paragraph 11.20 above is repeated;
 - (d) Paragraph 19(6)(d) is not admitted. Paragraph 11.34 above is repeated;
 - (e) Paragraph 19(6)(e) is not admitted;
- (7) Paragraph 19(7) is not admitted.
- (8) Save that the eighth, ninth and tenth sentences of paragraph 7(g) above are repeated, the first, second and fourth sentences of paragraph 19(8) are not admitted. It is denied that the inference contended for in the third paragraph of 19(8) can properly be drawn from the matters alleged or at all. The fourth sentence of paragraph 19(8) is not admitted.
- (9) Paragraph 19(9) is not admitted.
- (10) As to paragraph 19(10), it is admitted that Mrs Brooks received the resignation email sent by Kelvin Mackenzie in June 2011. NGN will refer to the email and Mrs Brooks' response to it at the trial of this action.
- (11) The first sentence of paragraph 19(11) is not admitted. Save that it is admitted that Mrs Brooks was involved in the compromise of Mr Clifford's claim against NGN, which compromise was confidential, and that Mr Mulcaire had been ordered to give evidence as to the individuals with whom he had had dealings at the *News of the World*, the second sentence of paragraph 19(11) is not admitted.

- (12) Save that it is admitted that Mrs Brooks was aware of and was involved in discussions about the Policy, the apparent assertion in paragraph 19(12) that the Policy was implemented as a means of eliminating millions of potentially incriminating emails is denied. Paragraph 17 above is repeated.

Stuart Kuttner (Managing Editor of *The News of the World* until 2009)

- (13) Save that it is admitted that Mr Kuttner approved the payments to Mr Mulcaire under his arrangement with the *News of the World*, paragraph 19(13) is not admitted.
- (14) Paragraph 19(14) is not admitted.
- (15) Paragraph 19(15) is denied. Paragraph 11.11 above is repeated.
- (15) Save that paragraph 11.16 above is repeated, second paragraph 19(15) is not admitted.
- (16) Save that it is admitted that such an allegation was made by Mr Goodman, paragraph 19(16) is not admitted.
- (16A) The first sentence of paragraph 16A is admitted. Save that it is admitted that the calls were made personally by Mr Kuttner during the course of 2003 – 2006, the second sentence of paragraph 16A is not admitted. It is to be inferred from the nature of the relationship between Mr Kuttner and Ms Matthews that the calls were attempts by Mr Kuttner to contact Ms Matthews or involved telephone conversations between the two.

Bill Akass (The Managing Editor of *The News of the World* from September 2009)

- (17) Paragraph 19(17) is not admitted.

Graham Dudman (Managing Editor of *The Sun* from 2004 to 2011)

- (18) Paragraph 19(18) is not properly particularised and is not admitted.

- (19) Paragraph 19(19) is not admitted.
- (20) Save that it is admitted that Mr Dudman wrote to the PCC on 26.03.07 and stated, amongst other things, that the newspaper had made strenuous efforts to ensure that no unlawful activities took place at *The Sun*, paragraph 19(20) is not admitted.

Andy Coulson (Editor of the Bizarre Column and Associate Editor of *The Sun* until 1999, Editor of *The News of the World* from January 2003 until January 2007)

- (21) Save that it is admitted that, in June 2014, Mr Coulson was convicted of one count of conspiracy to intercept voicemail messages and on 04.07.14 was sentenced to 18 months' imprisonment, the unparticularised allegations in paragraph 19(21) are not admitted.
- (22) The unparticularised allegation in paragraph 19(22) is not admitted.
- (23) Paragraph 19(23) is noted.
 - (a) Paragraph 19(23)(a) is not admitted.
 - (b) Paragraph 19(23)(b) is not admitted.
 - (c) The first sentence of paragraph 19(23)(c) is admitted. It is admitted and averred that Mr Coulson was acting as Editor during the period 7-14 April 2002 when Mrs Brooks was away on holiday. Save as aforesaid, paragraph 19(23)(c) is not admitted.
 - (d) Save that it is admitted that Mr Goodman was convicted of accessing the voicemail messages of certain members of the Royal Household and save insofar as is admitted at paragraph 11.14 above, paragraph 19(23)(d) is not admitted.
 - (e) Save insofar as is admitted at paragraph 11.16 above, paragraph

- 19(23)(e) is not admitted.
- (f) Save that it is admitted that Mr Coulson did not mention the origin of the story to Mr Blunkett when he discussed it with him on 13.08.04, paragraph 19(23)(f) is not admitted.
 - (g) Save insofar as is admitted at paragraph 11.24 above, paragraph 19(23)(g) is not admitted.
 - (h) Paragraph 19(23)(h) is not admitted.
 - (i) Paragraph 19(23)(i) is not admitted.
 - (j) Paragraph 19(23)(j) is not admitted.
 - (k) Save that it is admitted that in an email from Mr Coulson to Mr Edmondson, dated 20.05.06, Mr Coulson wrote, amongst other things, the words pleaded, paragraph 19(23)(k) is not admitted.
 - (l) Paragraph 19(23)(l) is not admitted.
 - (m) As to paragraph 19(23)(m), paragraph 11.34 above is repeated.
 - (n) As to paragraph 19(23)(n), paragraph 11.38 above is repeated.
 - (o) As to paragraph 19(23)(o), paragraphs 11.36 and 11.39 above are repeated. Save as aforesaid paragraph 19(23)(o) is not admitted.
 - (p) As to paragraph 19(23)(p), paragraph 11.40 above is repeated.
 - (q) As to paragraph 19(23)(q), paragraph 11.45 above is repeated.
 - (r) As to paragraph 19(23)(r), paragraphs 11.44 and 11.45 above are repeated.

- (s) As to paragraph 19(23)(s), paragraph 11.47 above is repeated.
- (t) As to paragraph 19(23)(t), paragraph 19(7) above is repeated.
- (24) The unparticularised allegation in paragraph 19(24) is not admitted.

Dominic Mohan (Editor of the Bizarre Column, Associate Editor of Features, Deputy Editor and Editor of *The Sun* until 2013)

- (25) Paragraph 19(25) is not admitted.
 - (a) The unparticularised allegation(s) at paragraph 19(25)(a) are not admitted.
 - (b) The unparticularised allegation(s) at paragraph 19(25)(b) are not admitted.
 - (c) The unparticularised allegation(s) at paragraph 19(25)(c) are not admitted.
- (26) Paragraph 19(26) is noted.
 - (a) As to paragraph 19(26)(a), paragraph 35A.4 of NGN's Re-Re-Re-Amended Defence to the Re-Amended Generic Particulars of Claim Relating to Operation Pinetree Claims is repeated.
 - (b) Paragraph 19(26)(b) is not admitted.
 - (c) Paragraph 19(26)(c) is noted.
 - (d) Save that the allegation of unlawful obtaining of information is not admitted, paragraph 19(26)(d) is noted.
 - (e) The first sentence of paragraph 19(26)(e) is noted. The second sentence of paragraph 19(26)(e) is not admitted.
 - (f) Paragraph 19(26)(f) is noted.

- (g) Paragraph 19(26)(g) is noted.
 - (h) The unparticularised allegations in paragraph 19(26)(h) are noted and not admitted.
 - (i) The unparticularised allegations in paragraph 19(26)(i) are noted and not admitted.
- (27) Paragraph 19(27) is noted. It is not admitted that the inference contended for in paragraph 19(27) can properly be drawn from the matters alleged.
- (28) Paragraph 19(28) is not admitted.

Colin Myler (Editor of *The News of the World* from January 2007 to July 2011)

- (29) Paragraph 19(29) is not admitted.
- (a) Paragraph 19(29)(a) is noted and not admitted.
 - (b) No admissions are made as to paragraph 19(29)(b).
 - (c) The unparticularised allegation in paragraph 19(29)(c) is not admitted.
 - (d) The unparticularised allegation in paragraph 19(29)(d) is not admitted.
- (30) Paragraph 19(30) is noted.
- (a) Paragraph 19(30)(a) is not admitted.
 - (b) Paragraph 19(30)(b) is not admitted.
 - (c) Paragraph 19(30)(c) is not admitted.
 - (d) Paragraph 19(30)(d) is not admitted.
 - (e) Paragraph 19(30)(e) is not admitted.
- (31) The unparticularised allegation(s) in paragraph 19(31) are not admitted.

Neil Wallis (Deputy Editor and then Executive Editor of *The News of the World* until August 2009)

- (32) Save that it is admitted that Mr Wallis had previously been the Editor of *The People*, paragraph 19(32) is not admitted.
- (a) No admissions are made as to the unparticularised allegation of knowledge of Mr Wallis in paragraph 19(32)(a).
 - (b) No admissions are made as to the unparticularised allegation of knowledge of Mr Wallis in paragraph 19(32)(b).
 - (c) Paragraph 19(32)(c) is not admitted.
 - (d) No admissions are made as to the unparticularised allegation of knowledge of Mr Wallis in paragraph 19(32)(d).
 - (e) No admissions are made as to the unparticularised allegation of knowledge of Mr Wallis in paragraph 19(32)(e).
- (33) Paragraph 19(33) is noted and not admitted.
- (a) Paragraph 19(33)(a) is not admitted.
 - (b) No admissions are made as to the unparticularised allegation of knowledge of Mr Wallis of the matters alleged in paragraph 19(33)(b).
 - (c) The first sentence of paragraph 19(33)(c) is admitted. The second sentence of paragraph 19(33)(c) is not admitted.
 - (d) Paragraph 19(33)(d) is not admitted.
 - (e) As to paragraph 19(33)(e), paragraph 11.39 above is repeated.
 - (f) Save that it is admitted that Mr Goodman made a number of allegations (which are not admitted) in a letter, dated 02.03.07, addressed to Mr Hinton, paragraph 19(33)(f) is not admitted.

Geoff Webster (Associate Editor of *The News of the World* until 2003, then Associate Editor of *The Sun*, then joint Deputy Editor of *The Sun*)

- (34) Paragraph 19(34) is not admitted.
 - (a) Paragraph 19(34)(a) is not admitted.
 - (b) Paragraph 19(34)(b) is not admitted.
- (35) Paragraph 19(35) is noted.
 - (a) Save that it is not admitted that Mr Miskiw informed Mr Webster that he was monitoring the voicemails of Fiona Mills, paragraph 19(35)(a) is admitted.
 - (b) Paragraph 19(35)(b) is noted and not admitted.

Victoria Newton (Editor of the Bizarre News Column, then Head of Features and Entertainment at *The Sun*, then Deputy Editor of *The News of the World* until its closure, then Saturday Editor of *Sun* until 2013, then Editor of *The Sun on Sunday*)

- (36) Paragraph 19(36) is not admitted.
 - (a) Paragraph 19(36)(a) is not admitted.
 - (b) The unparticularised allegation of unlawful “blagging” in paragraph 19(36)(b) is not admitted.
 - (c) Paragraph 19(36)(c) is noted and not admitted.
- (37) Paragraph 19(37) is noted.
 - (a) Paragraph 19(37)(a) is not admitted.
 - (b) Paragraph 19(37)(b) is noted and not admitted.
- (38) The first sentence of paragraph 19(38) is noted. Save that it is admitted and averred that in her statement Ms Newton stated that she had never intercepted a voicemail message, had never instructed anyone else to

intercept voicemail messages, had never knowingly published or used any information derived from voicemail interception and was not aware of anyone else using this practice or authorizing its use at *The Sun*, the second sentence of paragraph 19(38) is not admitted.

John Chapman [*sic*] (Director of Legal Affairs for News International until July 2011)

- (39) Paragraph 19(39) is not admitted.
 - (a) The unparticularised allegation of knowledge of Mr Chapman in paragraph 19(39)(a) is not admitted.
 - (b) The unparticularised allegation of knowledge of Mr Chapman in paragraph 19(39)(b) is not admitted.
- (40) Paragraph 19(40) is noted.
 - (a) Save insofar as is admitted at paragraph 11.54 to 11.55 above, paragraph 19(40)(a) is not admitted.
 - (b) Save insofar as is admitted at paragraph 17.3(c)(4) above, paragraph 19(40)(b) is not admitted.
 - (c) Paragraph 19(40)(c) is noted. It is denied that Mr Chapman gave false and/or knowingly false evidence in his witness statement dated 23.03.11 in the Sienna Miller action.

Tom Crone (Legal Manager for NGN and News International until July 2011)

- (41) Paragraph 19(41) is not admitted.
 - (a) No admissions are made as to the unparticularised allegation of knowledge of Mr Crone in paragraph 19(41)(a).
 - (b) No admissions are made as to the allegation of knowledge of Mr Crone in paragraph 19(41)(b).

- (c) Paragraph 19(41)(c) is noted. The assertion in parentheses is not admitted.
 - (d) The unparticularised and seemingly implied allegation of knowledge of falsity by Mr Crone in paragraph 19(41)(d) is not admitted.
 - (e) The unparticularised allegation in paragraph 19(41)(e) that Mr Crone was aware that journalists at the *News of the World* other than Mr Goodman were involved in unlawful voicemail interception is not admitted.
 - (f) Paragraph 19(41)(f) is noted.
- (42) Paragraph 19(42) is noted.
- (a) Paragraph 19(42)(a) is not admitted.
 - (b) Paragraph 19(42)(b) is not admitted.
 - (c) Paragraph 19(42)(c) is admitted, save that the recordings were of unlawfully intercepted voicemail messages.
 - (d) Save that it is admitted that on 15.09.06, Mr Crone sent an email to Mr Coulson about a conversation between Mrs Brooks and Detective Superintendent Surtees, paragraph 19(42)(d) is not admitted.
 - (e) As to paragraph 19(42)(e), paragraph 11.38 above is repeated.
 - (f) As to paragraph 19(42)(f), paragraph 11.39 above is repeated.
 - (g) As to paragraph 19(42)(g), paragraph 11.40 above is repeated.
 - (h) As to paragraph 19(42)(h), paragraph 11.40 above is repeated.
 - (i) As to paragraph 19(42)(i), paragraph 11.45 above is repeated.
 - (j) As to paragraph 19(42)(j), paragraphs 11.41 and 11.42 above are

repeated.

- (k) As to paragraph 19(42)(k), paragraph 11.46 above is repeated.
- (l) The first sentence of paragraph 19(42)(l) is admitted. As to the second sentence, paragraph 11.53 above is repeated. The third sentence of paragraph 19(42)(l) is admitted.
- (m) Save that it is admitted that in his role as legal manager for NGN, Mr Crone was involved in giving legal advice to NGN in relation to the claim brought against it by Mr Clifford, the first sentence of paragraph 19(42)(m) is not admitted. As to the second sentence of paragraph 19(42)(m), paragraph 11.55 above is repeated.

Gordon Smart (Deputy Showbiz Editor, then Showbiz Editor, then Deputy Editor, of *The Sun*)

- (43) The first sentence of paragraph 19(43) is not admitted. The second sentence of paragraph 19(43) and the documents referred to are noted.
- (44) Paragraph 19(44) is noted. It is admitted that substantially the words pleaded in paragraph 19(44) were contained in a witness statement, dated 14.10.11, given by Mr Smart to the Leveson Inquiry.

**CLARE MONTGOMERY QC
ANTHONY HUDSON QC
BEN SILVERSTONE**

27 October 2017

Statement of Truth

The Defendant believes that the facts stated in this Re-Amended Defence to the Amended Generic Particulars of Concealment and Destruction are true and I am duly authorised by the Defendant to sign this statement on its behalf.

Signed: Maxi Mossman

Maxine Mossman, Clifford Chance LLP, Solicitors for the Defendant

Position or office held: Partner

Date: 27 October 2017