

**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**

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

Pursuant to the Order of Mann J dated 10 March 2017

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**Summary of the Claimants’ case**

1. At all material times throughout the relevant period, namely from ~~at least 1998~~ about 1996 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](http://www.newsoftheworld.com) and [www.thesun.co.uk](http://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/or other unlawful obtaining of private information including through the engagement of private investigators by or on behalf of journalists, was both habitual and widespread from at least as early as ~~1998~~ 1996 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, other unlawful information gathering 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 deliberately destroyed computers and relevant or 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 ~~and duty~~ to preserve such documents in the face of civil proceedings and even the commencement of MPS investigations. In order to conceal wrongdoing there were targeted deletions by NGN of emails sent to and between NGN journalists and Mr Mulcaire following his arrest at some point prior to 2010, and likely to be in late 2006 to mid-2007. 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 of NGN's Email Archive System ("EAS") was sought or made prior to this deletion by NGN ~~was even attempted of these emails~~, or, alternatively if a back-up was made it was 'scratched' (i.e. deleted) in January 2011.

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) Rebekah Brooks, Andy Coulson, Clive Goodman and Glenn Mulcaire. The Claimants will also refer to the settlements of the earliest civil claims for voicemail interception brought against NGN by Gordon Taylor and Max Clifford as being further examples of NGN seeking to prevent any public disclosure of the 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 and relevant to their right of action, especially as against *The Sun* ~~or~~, the Features Department of the *News of the World*, and in relation to the unlawful gathering of information by private investigators instructed by *The News of the World* and *The Sun*.

5.6.6. even hindered or prejudiced the criminal investigations into NGN's illegal activities, as the MPS believed.

5.7 Further, during this litigation NGN has perpetuated this concealment and/or suppressed incriminating evidence including by (a) filing false or misleading witness statements in the course of MTVIL (including failing to reveal the targeted deletions in January 2011), for the purposes of or at the Leveson Inquiry and during the MPS investigations; (b) not providing relevant documents, such as disclosure relating to unlawful information gathering at *The Sun*; and/or the Features Department of *The News of the World*; and/or commissioning by NGN journalists of private investigators to unlawfully gather information; and/or (c) deliberately redacting documents to conceal highly relevant information (see paragraphs 37.5 – 37.6 below), in circumstances where this was unlikely to be discovered by the Claimants, at least not for some time.

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 Executive Chairman and 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. He became Executive Chairman of both NGN and News International in January 2008, holding the former position until September 2011 and the latter until February 2013.
- (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* from 1994, 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, and was appointed by Rebekah Brooks as Editor of *The Sun* in February 2020.

- (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.
- (p) *Paul Cheesbrough*. From 2010 until 2012, Mr Cheesbrough was Chief Information Officer at News International 2010-2012. Since 2012 Mr Cheesbrough has been Chief Technology Officer at News Corp.
- (q) *Richard Barun*. Mr Barun has been Deputy Managing Editor at *The Sun* since 2004.
- (r) *Chris Pharo*. Mr Pharo was News Editor of *The Sun* from 2001 to 2006, Head of News from 2006 to 2008, and Associate Editor from 2008 to 2012.
- (s) *Will Lewis*. Will Lewis was Group General Manager of News International from September 2010 to July 2011 and Executive Member of the Management and Standards Committee (from July 2011 to 2012).
- (t) *Daniel Cloke*. Mr Cloke was Group HR Director of News International until January 2011.
- (u) *Simon Greenberg*. Mr Greenberg was Director of Corporate Affairs

News International from January 2011 to July 2011 and Executive Member of the Management and Standards Committee (from July 2011 to 2013).

**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/or other unlawful obtaining of private information, including 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~~ 1996 onwards until at least ~~2010~~ 2011, as is set out in the Claimants' Generic Pleadings and herein.

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*;

(bb) the number of individuals in respect of whom private information was sought by journalists at *The News of the World* and *The Sun* using private investigators and blaggers as recorded in the tens of thousands

of payments records (both invoices and contributor payments) and who are likely to have been victims of unlawful information gathering.

(c) the number of successful civil claims for misuse of private information brought in Tranches 1, ~~and Tranche 2~~ and 3 and 4 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 of alleged private investigators at Schedule B to the Order dated 3 April 2019, as amended by paragraphs 24 and 25 of the Order dated 1 November 2019 ~~list attached to the letter of Hamlins dated 17 March 2017,~~ including (but in no way limited to): TDI/ELI (Lloyd Hart), ~~Rob Palmer and~~ Avalon (Rob Palmer), JJ Services (Steve Whittamore), Southern Investigations, Jonathan Rees, Glenn Mulcaire (C&E Intelligence, Global Intel, Euro Research and Information (Services)

Limited ~~or~~ and Nine Consultancy), LRI Research limited (John Boyall, Glenn Mulcaire and Andy Gadd), ~~Jonathan Strafford and~~ Newsreel (Jonathan Stafford), Searchline (Gwen Richardson), Trackers UK (Andy Gadd), Warner News ~~and~~ (Christine Hart), Starbase (understood by the Claimants to be 'Secret Steve'), Severnside (Taff Jones), Commercial and Legal/System Searches (the Scotts), Rachel Barry, Derek Webb and Anne Johnston. The Claimants will also rely upon the number of targets named in the 5 'Blue Books' of Steve Whittamore, the private investigator who provided his services (like others named above) to numerous newspapers at the time including NGN's titles. The requests contained in the 4<sup>th</sup> and 5<sup>th</sup> 'Blue Book' (from 1998-2003) related to a very large number of instructions seeking private information about individuals made on behalf of journalists at both *The News of the World*, and also instructions from *The Sun*. The requests in the first three Blue Books (from 1995-1998) were made predominantly on behalf of journalists at both *The News of the World* and *The Sun*. Mr Whittamore started to receive instructions from NGN journalists from 1994, and a payment from NGN is recorded in his ledgers from 1991.

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 Edmondson 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, Matt Acton, Lewis Panther, Mazher Mahmood, Dominic Mohan, Phil Taylor, Mike Dunn, Dan Wootton, James Desborough and Doug Wight.

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, Thomas Whittaker, Rav Singh, Guy Patrick, James Clothier, Duncan Larcombe, Ben O’Driscoll, Jamie Pyatt, Ewan Stretch, Ali Ross, Derek Brown, Sean Hamilton, Alex Peake, Neil Syson, Paul Thompson, Colin Robertson, James Clench, Andy Russell, Simon Young, Paul Field, Steve Kennedy, Richard White, Nicole Lampert 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, as well as articles published between January 1996 and 1998 as pleaded in individual Claimants’ claims.
- 9.7 The extent of the types of unlawful information gathering carried out by NGN’s journalists as revealed by disclosure in this litigation and/or as a result of separate claims being brought against NGN covering the relevant time period, including the wide range of ‘blagging’ carried out and the unlawful accessing of voicemail messages and text messages from stolen mobile phones.
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 or on cash payment-related documents as being either responsible for instructing the private investigators or for approving the expenditure in relation to them (including by means of cash payments), such as Rebekah Brooks, Geoff Webster, Graham Dudman, Richard Barun, Victoria

Newton, Gordon Smart, Chris Pharo, 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 LRI, C&E, Global Intel, Euro Research Information Limited and Nine Consultancy) started in 1998 1997 and continued until his arrest in August 2006. NGN paid substantial amounts under this arrangement, which was negotiated or approved of by 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~~ did not seek to press the point that Mr Mulcaire's contract with NGN for research services represented anything other than '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 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 conceal the true position and persist in its public statements that these activities were limited solely to one rogue reporter, namely Mr Goodman. This even included NGN's decision to assert in its Defences in the civil litigation in up to 2011, as verified by a Statement of Truth, that Mr Mulcaire's contracts with the *News of the World* were for legitimate activities and falsely stating that as the Judge and prosecution had (~~wrongly~~) accepted that position. The Claimants will refer for example to NGN's Defences in the claims brought by Gordon Taylor, Sienna Miller, Ben Jackson, Steve Coogan, Joan Hammell, Kelly Hoppen, and Jude Law.

#### *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, following the obtaining of ex-directory telephone numbers for the family by Steve Whittamore, on the instructions of Sarah Arnold, a journalist at *The News of the World*.

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), and (d) the phone records showing many calls from her mobile phone to Mr Coulson phone and to the Editor's office at *The News of the World* at the time the paper was being prepared.

#### *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~~ on 16 April 2014 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 2004, 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*”.

11.21A Following the disclosure by NGN on 13 November 2017 of metadata relating to the ‘stubs’ of missing emails, the Claimant discovered that Neville Thurlbeck had sent an email on 22 July 2004 at 09:15 to Neil Wallis with the subject heading “Blunkett msg 2” , and that Mr Wallis had responded to this message at 09.20 with an email whose subject line was “RE: Blunkett msg 2”. In the circumstances, it is reasonable to infer from its subject-line, timing and the identity of the sender and recipient[s] that this email contained Mr Blunkett’s voicemail messages; that there were voicemails that had been obtained prior to this (given it refers to ‘msg 2’); and that the content of the voicemails themselves were shared with (at least) Neil Wallis.

#### *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 (i) the call data disclosed in Heather and Fiona Mills’ claim which showed calls by NGN journalists to Unique Voicemail Numbers (which is direct evidence of voicemail interception); and (ii) 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 Edmondson 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.

11.43A The Claimants repeat paragraph 11

*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 Edmondson); 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 transmitted by Mr Coulson and 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 at the News of the World.

#### *The Gordon Taylor claim*

11.50 In 2006~~8~~, 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. In response to the claim, first raised in December 2006 and issued in February 2007, NGN served both a Defence in June 2007 and a Response to a Request for Further Information containing knowingly false statements deliberately intended to conceal the true nature and extent of their unlawful activities. Both of these documents were signed by a statement of truth.

11.51 In the course of this litigation, ~~NGN were forced~~ the MPS were ordered

to disclose to Mr Taylor an email ~~from~~ to Glenn Mulcaire ~~from~~ 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 a written statement 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 Edmondson emails and the deliberate suppression of evidence, including evidence relating to wrongdoing by other NGN journalists*

~~11.60 In January 2011, in the course of further investigation by the MPS and a request, 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 Edmondson was also heavily implicated in the voicemail interception claim which was brought against NGN by Sienna Miller. Following a report in *The Guardian* on 15 December 2010 about the allegations contained Sienna Miller's Particulars of Claim, Ian Edmondson was suspended by NGN.

11.61A On Thursday 6 January 2011 Chris Williams, the Information Security Officer for News International, emailed Mr Chapman and Tom Crone at 14.19 attaching the results of a search for info@ninenewsandpr.com (ie.

one of Glenn Mulcaire's email addresses) in both Ian Edmondson's and James Weatherup's emails, and a few minutes later, the results of a search for info@ninenewsandpr.com in Neville Thurlbeck's emails. These results included three emails passing between Mr Edmondson and Glenn Mulcaire, which related to Joan Hammell, Lord Frederick Windsor, and Tessa Jowell MP ("the Hammell, Windsor and Jowell emails"). These emails implicated Mr Edmondson in voicemail interception. However, the results also included emails which strongly suggested voicemail interception involving James Weatherup and Neville Thurlbeck, due to their content and the fact that both journalists were also in contact with Glenn Mulcaire.

11.61B Upon seeing these incriminating emails, Jon Chapman and Tom Crone immediately arranged to see Rebekah Brooks the following day at 16.45. An invitation to this meeting was emailed to the attendees by Cheryl Carter at 18.05 on 6 January 2011.

11.61C The meeting between Rebekah Brooks, Jon Chapman and Tom Crone took place on Friday 7 January 2011 from about 16.45 and lasted 2 hours. Jon Chapman took along copies of the emails provided by Mr Williams. It is reasonably to be inferred that the incriminating emails between Mr Mulcaire and Ian Edmondson, Neville Thurlbeck and James Weatherup at the News of the World were discussed at the meeting, as were the steps needed to be taken to conceal the true scale and extent of the wrongdoing. The Claimants rely on, amongst other matters, the following in support of their case that Ms Brooks knew of these emails and approved a plan to delete emails as a result:

- (i) Jon Chapman's email to Tom Crone on 6 January at 15.08 stating that he had "done a summary of Chris's various emails which is attached - will bring copies along";
- (ii) the urgency and escalation with which the targeted deletion of senior executive emails took place following this meeting, including a communication from the Board to Paul Cheesbrough

over the weekend of 8-9 January 2011 that the senior executives' emails should be migrated (and hence deleted) first, and an executives lunch that took place on Monday 10 January 2011 at which Paul Cheesbrough provided a 'briefing' and email deletions was discussed;

(iii) the email dated 12 January 2011 from Jon Chapman to Chris Williams copying in Paul Cheesbrough and Will Lewis under the subject "RE: Legally privileged and highly confidential" stating that "We need an email trawl done against Ian Edmondson's archive as a matter of urgency - this has been signed off by Rebekah". Given that the Hammell, Windsor and Jowell emails justifying immediate suspension of Ian Edmondson had already been located on 6 January 2011, it is reasonably to be inferred that this further search was specifically ordered as a 'cover' to enable the same three incriminating emails to be 'found' at a later date and to delay the provision of them to the MPS, enabling targeted deletions of NGN emails to take place in the meantime;

(iv) the fact that on 14 January 2011 .pst files were removed from Rebekah Brooks' personal computer, which was unusual and done separately from other executives (which took place on 24 January 2011);

(v) the fact that the 'Joan Hammell' email was printed out by Ms Brooks' PA Cheryl Carter; and

(vi) the fact that Ms Brooks had previously been one of the senior executives responsible for implementing the "JRM email deletion plan" (as to which see paragraph 17.3(c)(5)).

11.61D On the same day, namely 7 January 2011, Detective Inspector Dean Haydon had written to the Editor of the News of the World, Colin Myler, referring to the internal investigation by the News of the World into the allegation that Ian Edmondson was involved in phone

hacking. The letter requested that, “as part of the internal investigation, if you have or obtain any material which could be potential evidence of phone hacking relating to Ian Edmondson or any other member of staff”, this be forwarded to DS Haydon “at the earliest opportunity” for his consideration. This request to the News of the World by the MPS for new evidence of phone hacking was reported by the Guardian on 7 January 2011 at 20.25. The Claimants infer that this letter, given its obvious importance, was seen by Ms Brooks and other members of the Executive, and that she knew of the request by the MPS for assistance on 7 January 2011 and decided to cover tracks before there was any reply.

11.61E On Monday 10 January 2011, there was a meeting of News International Executives which included Rebekah Brooks and Paul Cheesbrough in which email deletion was one of the matters discussed.

11.61F NGN did not immediately hand over to the MPS the evidence that could be potential evidence of phone hacking relating to Ian Edmondson and other journalists. It was not until nearly 3 weeks later on 26 January 2011 that the evidence was handed over. Instead, as mentioned above, rather than hand over this material forthwith, NGN took immediate steps to commence the batch and targeted deletions of emails, commencing with the emails of the Senior Executives .

11.61G On 12 January 2011 at 5.30pm Jon Chapman emailed Chris Williams instructing him to conduct an email trawl of Ian Edmondson’s archive against a list of search terms and to send the results only to Mr Chapman and not to discuss them with else. In fact, as Chris Williams explained to Jon Chapman by email dated 14 January 2011, he was unable to complete these searches as did not have access to Ian Edmondson’s full archive or he had lost access to it on the EAS.

11.61H On 13 January 2011 Rebekah Brooks arranged an urgent meeting with Andy Coulson to take place on 14 January 2011 at 7.30am. It is



reasonably to be inferred that they discussed (i) the incriminating emails relating to Ian Edmondson, James Weatherup and Neville Thurlbeck and (ii) preventing themselves from becoming further implicated in voicemail interception and other unlawful information gathering that had taken place at *The News of the World* and *The Sun*.

11.61I On 14 January 2011, pursuant to the concealment plan devised by (at least) Rebekah Brooks, Paul Cheesbrough and Jon Chapman, Nigel Wilson of NI Executive Support was instructed to remove all the .pst files from Ms Brooks personal computer. Ms Brooks was not on the EAS system and, as Nigel Newell had noted, her emails were all stored locally as .pst files on her computer. The .pst files were put onto a USB drive which has not been located or, if it is the USB stick that was provided to the MPS by Paul Cheesbrough in August 2011, has never been opened due to it having been encrypted and News International having refused to provide the decryption key to the MPS.

11.61J The targeted deletions of Senior Executive emails began on 14 January 2011.

11.61K Mr Chapman did not provide the Hammell, Windsor and Jowell emails to the MPS until 26 January 2011, almost three weeks after he had discovered them. Further, despite being strong evidence of voicemail interception, Mr Chapman deliberately suppressed the emails between James Weatherup and Mr Mulcaire and between Neville Thurlbeck and Mr Mulcaire.

11.61L To further conceal and avoid investigation into the delay of the provision of the evidence of the Hammell, Windsor and Jowell emails, Mr Chapman gave the MPS a voluntary witness statement on about 6 June 2011 which falsely suggested that he had discovered the three emails at some point shortly before 24 January 2011 (when Mr Chapman stated he completed the review of the Edmondson material that Chris Williams had sent on 14 January 2011). Mr Chapman stated that “as soon as he located” these emails he told Chris Williams to

“down tools” because he believed that he had sufficient evidence to justify Mr Edmondson’s dismissal and did not require any further emails to be retrieved from Mr Edmondson’s archive. This was untrue, as Mr Chapman knew. In fact, he had discovered these emails on 6 January 2011, nearly 3 weeks previously.

11.61M Given the critical importance of the issue and the numerous meetings that had taken place between senior executives (including the meeting on 7 January 2011, a lunch with the executives on 10 January 2011, and a lunch with the Full Executive on 12 January 2011) it is reasonably to be inferred that other senior executives in addition to Mr Chapman, including (at least) Rebekah Brooks, Will Lewis and Paul Cheesbrough, knew of and had authorised this delay and suppression of evidence, and the targeted deletions of senior executives emails.

11.61N Despite being obviously key to the chronology and the timing of the targeted deletions, in breach of its disclosure obligations NGN did not disclose the 6 January 2011 email and attachments to the Claimants until specifically ordered to do so pursuant to the Order dated 16 November 2018, following the Claimants’ application for replies to certain emails previously disclosed.

~~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 ~~28~~*

- 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 for news desk executive Simon Young.

11.74A The Claimants will aver that Rebekah Brooks knew the source of this story because numerous emails from her on 25 January 2006 show she was deeply involved in deciding how to run the story; who would do the “front-up” and when; and preparing The Sun’s publicity.

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. Instead, it is reasonably to be inferred that between August 2006 and September 2010 (and probably prior to the

service of the Gordon Taylor Defence by NGN in July 2007) it engaged in the targeted deletion of NGN journalists' emails sent to and received from Glenn Mulcaire.

13.1A NGN made a large payment in 2007 to Glenn Mulcaire to prevent him from disclosing the true extent and scale of his unlawful information gathering for it. NGN concealed this by deleting the emails referred to below relating to this settlement:

(a) On or around 21 December 2006 Greg Miskiw telephoned Tom Crone and explained that Glenn Mulcaire had hired an employment lawyer called Moray Laing, that he wanted a severance payment and he would give a confidentiality undertaking. Mr Miskiw said that if Mr Mulcaire felt he had been abandoned he might "say a lot more".

(b) On 27 March 2007 Moray Laing emailed Tom Crone forwarding an email he had previously sent to an unknown recipient on 23.2.2007, stating that he had been instructed by Glenn Mulcaire to issue an unfair dismissal claim in Stratford Employment Tribunal. He explained that Mr Mulcaire:

*"would claim he was dismissed by the company anticipating that he would make protected disclosure (i.e. whistle blowing) to a third party. Such disclosures related to the activities of certain members of the editorial/management team at NOTW who were either aware of or were complicit in the activities which ultimately led to his conviction. The clearest example of this is Ian Edmondson who specifically instructed Glenn to access voicemails some of which were the subject of criminal charges...We will rely on evidence both written (emails) and audio form which clearly implicates Mr Edmondson."*

Tom Crone responded stating that he would pass the email to the department at NGN which handles Employment Tribunal claims.

(c) Following a meeting on 10 May 2007 between Jon Chapman and Glenn Mulcaire's solicitor, NGN agreed to pay Mr Mulcaire £80,000. The payments were made in two stages on 21 June 2007 on 19 October 2007. These payments were made, and staged, to prevent Mr Mulcaire from telling the truth about the extent and scale of his unlawful activities for NGN.

(d) NGN later took steps to conceal the emails referred to above by deleting them in around January 2011.

13.1B Tom Crone and NGN also took other steps set out below to seek to conceal the fact that Glenn Mulcaire was instructed to carry to voicemail interception for NGN journalists other than Clive Goodman:

(a) On 9 January 2007, in response to a 'request' from Tom Crone (the details of which are unknown to the Claimants), Moray Laing emailed Tom Crone with a list of Glenn Mulcaire's services carried out under his main NGN contact. This included "*Electronic surveillance – foot and mobile*"; "*Tracing and locating individuals*" and "*Telecoms research – authenticity of phone no.s etc*". These were, in fact, all references to unlawful information gathering and were understood by Mr Crone in that context. As a result of Mr Mulcaire's recent conviction for voicemail interception, Mr Crone was most concerned about the reference to "*electronic surveillance ... mobile*" and sought to have this wording changed. He emailed Mr Laing the following day stating "*not sure about electronic surveillance ... mobile is what I would put forward. Is there a legal form of that?*". It is reasonably to be inferred that Tom Crone did this because it revealed Glenn Mulcaire was carrying out voicemail interception for NGN

journalists in addition to Clive Goodman and he wanted to conceal such facts.

(b) When a hard copy of the email dated 9 January 2007, which had been printed out on 31/01/2007, was located NGN deliberately redacted it before disclosing it to the Claimants in the MTVIL in order to prevent them from seeing any reference to the incriminating wording relating to the services carried out under Mr Mulcaire's contract and the evidence that Tom Crone was aware of wider wrongdoing in 2007.

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 deplores 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.*

The Claimants will rely upon the full statement at trial. NGN continued to publish this false statement on the News Corporation’s website until some date after 29 July 2011. Tom Crone, Stuart Kuttner and Colin Myler were involved in the drafting of this statement or another similar statement for publication in the next edition of *The News of the World*, which statement also contained the false claim that there was no evidence to support the allegation that other *News of the World* Journalists had accessed the voicemails of any individuals. The Claimants will rely on emails exchanged between these individuals on 11 July 2009 with a draft statement to this effect.

- 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....”.

13.8E 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.

13.8F 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.

13.8G The Claimants will also rely on the severance agreement between News

International and Rebekah Brooks (as to which see the Confidential Schedule to these Particulars).

- 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 unlawful information gathering via voicemail interception (or otherwise) by The News of the World Features Department (and which resulted in the MPS 'Operation Pinetree') until it limited information was finally revealed to them in February/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 Further, NGN falsely denied voicemail interception and other unlawful information gathering at The Sun. NGN sought to prevent Jude Law or his solicitors, Atkins Thomson, from making any public statement about his claim against The Sun so as to prevent any further such claims being brought and the true position being uncovered. When the fact of the claim become public knowledge, NGN issued a public denial which it

must have known was false:

- (a) On 17 June 2011 Jude Law’s lawyers, Atkins Thomson, sent a Letter of Claim to NGN alleging unlawful information gathering and voicemail interception by *The Sun*.
- (b) On 17 June 2011 Olswang, acting for NGN, replied to Atkins Thomson stating (inter alia) that:

*“Our clients are aware of no evidence whatsoever that any journalist on *The Sun* ever procured, participated in or condoned the unlawful interception of mobile telephone messages’;*

...  
the allegation that Rebekah Brooks was named on same page of Jude Law Mulcaire notes was ‘wholly disingenuous and mischievous. It is quite unacceptable for a solicitor to advance such a serious charge on grounds he must know completely lack merit. We ask that you do not seek to do so again’; and

...  
‘Our clients are very concerned that you might seek to disclose the existence of the claim and the allegations in your letter to the media. We have advised our clients that this would involve the dissemination of serious false and defamatory allegations about them...we ask that you confirm by return that there will be no such disclosure to the media’.

- (c) ~~13.12.11~~ On 16 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.”*

- (i)         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*.

(ii) The public statement by NGN that the allegations made by Mr Law had been “carefully investigated by NGN’s lawyers and there was no evidential foundation to them” was highly misleading, as NGN must have known. In fact, as set out in sub-paragraph (iii) below, there was evidence supporting Mr Law’s claim that indicated either voicemail interception, and/or blagging related to ‘phone inquiries’, had taken place by NGN and a ‘careful investigation’ would have located it.

(iii) Such an investigation into the first article pleaded by Mr Law in his Particulars of Claim dated 2 August 2005 “Summit for the Weekend” by Victoria Newton would, at the very least, have located a SAP record for “Jude Phone Inquiries”; a SAP record for “Sienna phone inquiries”; a payment to Jen Paul of £350 plus VAT for the purchase of Jude Law’s credit card details; and emails dated 20 July 2005 between Gordon Smart and Jen Paul in which Jen Paul provided Mr Smart with Jude Law’s credit card details for the purpose of unlawfully gathering information about him. Such an investigation was carried out by NGN, using the two-week period before and after the publication of the first article.

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 reason.*

*To the best of my knowledge, computer 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.”*

(cc) In his First Witness Statement to the Leveson Inquiry dated 14 October 2011 Mazher Mahmood, Investigations Editor at *The News of the World*, stated that while he had worked with a firm of private investigators in the early 1990s, this stopped in 1992 or 1993 and that he did not thereafter use private investigators.

(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 and journalists in paragraph 13.15 above 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 provided to the Claimants in and after September 2016 in relation to *The Sun* (as identified by the number in which they appear in NGN's disclosure lists) and pursuant to various Court Orders following applications by the Claimants:

- 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 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.
- A number of invoices which relate to work carried out by private investigators such as ELI on the instruction of Mazher Mahmood.
- 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*.
- The expenses forms of Nick Parker from *The Sun*, disclosed by NGN in a redacted form 30 November 2018, which showed unlawful information gathering including instruction to blaggers to obtain medical and phone records (such as Christine Hart whose use by NGN had been concealed), and the purchase of mobile phone top-up vouchers for unregistered mobile phone SIM cards in order to make “*untraceable*” and “*sensitive*” calls (which the Claimants contend is a clear reference to voicemail interception) and which continued until 2011. These unlawful practices were carried out with the knowledge and approval of his news desk (particularly Chris Pharo) as well as other executives (such as Graham Dudman,



Managing Editor of *The Sun* from 2004 and Richard Barun, the Deputy Managing Editor of *The Sun*) who saw and expressly authorised these payments.

- The email sent to Richard Barun by Nick Parker on 2 May 2006 which was disclosed to the Claimants on 24 February 2017 pursuant to an Order by the Managing Judge demonstrates Mr Barun's, Rebekah Brooks' and Mr Pharo's knowledge of *The Sun*'s use of the medical records blagger Christine Hart (and, it is to be inferred, the fact she used unlawful methods to obtain private information about third parties). Mr Paker sought to justify his expenses having been instructed by Chris Pharo to make "*as many urgent inquiries as possible including phone record checks and "blag" calls re the Wayne Rooney legal case*". He explained that he used Christine Hart, who he described as "*one of the paper's most valuable contacts who both the newsdesk and editor have asked me to keep on side*".

13.17 Further, the Claimants' case is that Ms Brooks misled the Leveson Inquiry in her evidence and that, contrary to her assertion, she did use private investigators in addition to using them to track down paedophiles in furtherance of the Sarah's Law. The Claimants rely on, inter alia, the following in support of their case:

(i) Ms Brooks' admission in the defence of the claim brought against her by Tony Harding that in late November/December 2001, while she was Editor of the News of the World, she instructed a private investigator, Steve Whittamore, to identify the subscriber to a telephone number connected to her fiancée Ross Kemp;

(ii) The invoice for work undertaken in December 2001 from Mr Whittamore sent for the attention of Ms Brooks for a mobile telephone conversion on Mr Harding's telephone number, an occupant search and a director search on Tony Harding;and

(iii) The instruction of Mr Whittamore (JJ Services) in 2001 to obtain Mr Kemp's itemised mobile phone bill and to "reverse" phone numbers found therein to obtain private information of Mr Kemp's associates, which included the name and mobile phone subscriber address of Jamelah May.

### **NGN's concealment and destruction of evidence**

13A. Following the arrest of Mr Mulcaire and before September 2010, emails sent to and from Mr Mulcaire were subject to targeted deletions by NGN in order to conceal the extent and scale of the wrongdoing, including the identities of the journalists instructing Mr Mulcaire to carry out unlawful information gathering, their targets, the timing and details of the wrongdoing. This was known to, and it is to be inferred, approved by senior executives at NGN. In support of this the Claimants will rely on the following:

13A.1 Mr Mulcaire sent and received emails from journalists at *The News of the World* very regularly. He exchanged emails with Ian Edmondson often more than once on the same day. Mr Mulcaire's emails to such journalists contained information about mobile numbers; the content of voicemails; who had been communicating with whom; the time, duration and dates of communications; and the locations, movements and proposed movements of targeted individuals and those connected to them.

13A.2 The Mulcaire 'corner names' demonstrate that there were over 2000 instructions from NGN journalists to Glenn Mulcaire, including from Greg Miskiw, the investigations editor, Ian Edmondson, News editor, James Weatherup, Clive Goodman, Royal correspondent and Neville Thurlbeck, Chief Reporter. There were the following number of 'corner names' (and hence instructions from NGN journalists to Mr Mulcaire) in each of the following years:

- (a) 31 corner names in 2000;
- (b) 29 corner names in 2001;
- (c) 449 corner names in 2002;

- (d) 320 corner names in 2003;
- (e) 318 corner names in 2004;
- (f) 289 corner names in 2005; and
- (g) 163 corner names in 2006

13A.3 Despite this, until 2019, only about 60 emails to or from Glenn Mulcaire had ever been disclosed in the MTVIL. These comprise of:

- (a) 0 emails from 2000
- (b) 3 emails from 2001
- (c) 0 emails from 2002
- (d) 0 emails from 2003
- (e) 1 email from 2004
- (f) 8 emails from 2005
- (g) 48 emails from Jan-8 August 2006

13A.4 Of these 60 emails only 53 are believed to have been disclosed by NGN. The remaining 7 emails, listed below, were disclosed by the MPS on various dates in the course of this managed litigation. These emails were obtained by the MPS during searches undertaken at the time of the arrest of Mr Mulcaire and Mr Goodman in 2006:

- (a) Email from Greg Miskiw to “shadowmenuk@yahoo.co.uk” at 16:03 on 26 April 2001.
- (b) Email from Greg Miskiw to “shadowmenuk@yahoo.co.uk” at 15:57 on 21 July 2004.
- (c) Email from Ross Hindley to “shadowmenuk@yahoo.co.uk” at 17:02 on 29 June 2005 (the “For Neville” email).
- (d) Email from Paul Williams (shadowmenuk@yahoo.co.uk) to Clive Goodman at 18:55 on 26 October 2005.
- (e) Email from James Weatherup to “info@ninenewsandpr.com” at 18:07 on 15 November 2005.
- (f) Email from Ian Edmondson to Paul Williams (shadowmenuk@yahoo.co.uk) on 22 November 2005 (the time of the email is illegible); and

- (g) Email from Ian Edmondson to “info@ninenewsandpr.com” at 12:29 on 4 March 2006 responding to an email from “info@ninenewsandpr.com” to Ian Edmondson at 12:22 on the same day.

13A.5 These 7 emails do not appear in NGN’s metadata of missing emails and, in any event, they ought not to have been deleted in January 2011 as they include emails to or from Ian Edmondson and James Weatherup which would have been preserved in accordance with the ‘preservation policy’ which Jon Chapman directed Paul Cheesbrough to undertake in his email to dated 8 October 2010.

13A.6 The Claimants obtained further disclosure from the MPS in batches from 13 November 2019 pursuant to an order they had obtained dated 1 November 2019. This disclosure contained the following 14 further hardcopy emails from Mr Mulcaire which had not previously been disclosed by NGN in the MTVIL and which NGN confirmed by letter dated 28 January 2020 it does not hold in electronic form:

- (a) Email from Greg Miskiw to Shadowmenuk@yahoo.co.uk on 13/04/2005 at 16:42:46 subject: FW transcript
- (b) Email from Greg Miskiw to Shadowmenuk@yahoo.co.uk on 13/04/2005 at 16:43:23 subject: transcript – everything in one doc
- (c) Email from Greg Miskiw to Shadowmenuk@yahoo.co.uk on 13/04/2005 at 16:43:46 subject: FW transcript
- (d) Email from Shauna Corr to Shadowmenuk@yahoo.co.uk on 21/04/2005 at 17:07:35 subject: Transcript
- (e) Email from James Weatherup to Glenn Mulcaire (either info@ninenewsandpr.com or Shadowmenuk@yahoo.co.uk) on 07/12/2005 at unknown time subject: [telephone number]
- (f) Email from Ian Edmondson to info@ninenewsandpr.com on 08/12/2005 at 15:39 subject: RE: re;james church
- (g) Email from Ian Edmondson to info@ninenewsandpr.com on 27/06/2006 at time unknown subject: FW: Internet Perv

- (h) Email from Ian Edmondson to info@ninenewsandpr.com on 29/06/2006 at 12:57:50 subject: FW: The addresses are...
- (i) Email from Ian Edmondson to info@ninenewsandpr.com on 25/07/2006 at 09:10 no subject
- (j) Email from Ian Edmondson to Glenn Mulcaire (either info@ninenewsandpr.com or shadowmenuk@yahoo.co.uk) on 26/07/2006 at time unknown subject: Lawrence
- (k) Email from Ian Edmondson to Glenn Mulcaire (either info@ninenewsandpr.com or shadowmenuk@yahoo.co.uk) on 26/07/2006 at time unknown subject: FW: Jon Venables
- (l) Email from Ian Edmondson to info@ninenewsandpr.com on 27/07/2006 at 19:23 no subject
- (m) Email from Ian Edmondson to info@ninenewsandpr.com on 28/07/2006 at time unknown subject: FW: Wayne Rooney
- (n) Email from Ian Edmondson to Glenn Mulcaire (either info@ninenewsandpr.com or shadowmenuk@yahoo.co.uk) on date unknown at time unknown subject: FW: Jamie Bulger killer, kills again.

13A.7 The MPS disclosure also contained three emails from February 2005 between *The News of the World* employee Shauna Corr and *The News of the World News* Executive Editor Greg Miskiw which included transcripts of voicemail messages to or from Gordon Taylor.

13A.8 As a result of the disclosure received from the MPS and information provided by NGN in correspondence, the Claimants' case is that:

- (a) there are at least 25 highly significant NGN emails that contain incriminating evidence of wrongdoing that are not in the part of NGN Relativity database derived from the EAS data-pools and which are not in the metadata of emails deleted in January 2011.
- (b) 23 of these 25 incriminating emails do not come within the criteria for the September 2010 batch deletions, since they post-date 1 January 2005.

- (c) 7 of these 25 incriminating emails are emails that contain transcripts or summaries of voicemail messages left for or by Gordon Taylor. These 7 Gordon Taylor emails were not available to NGN in June 2007 and had been deleted by that point (as otherwise NGN would not have been able to adopt the position it did in its initial Defence which was to deny liability).
- (d) It is reasonably to be inferred that not only these 7 but all of the 25 incriminating emails had been deleted by that point and were deleted after the arrest of Clive Goodman and Glenn Mulcaire (i.e. between August 2006 and June 2007).

13A.9 On 12 January 2011, Jon Chapman asked Chris Williams, News International's Information Security officer, to conduct an "email trawl" of Ian Edmondson's archive. Mr Williams reported back on 14 January 2011 with a zip file but said that he was still waiting for a "full archive" to finish the search. On 19 January 2011, Mr Williams raised an issue with the NI external IT support team, that he was unable to access Mr Edmondson's email archive. IT Support extracted the whole archive but Mr Williams was only able to find emails from 2010. On 24 January 2011, after it had been escalated to him, Nigel Newell of Essential informed Mr Williams that he would need to refer to Chris Birch in order to find out why the archive was unavailable. When Mr Williams responded with further questions, Mr Newell told him "It's not my place to communicate what one part of NI has been doing to another part of NI." Mr Birch informed Mr Williams by email that he had been instructed the previous week" to trim all archive and mail boxes in line with corp policy". The fact that News International's own Information Security Officer was not aware that the email evidence that he was meant to keep secure for an email trawl had been deleted in this manner from the company's email archive will be relied upon to show the extraordinary nature of the covert and rushed deletions that were taking place.

14. From at least 2008 December 2006 onwards, NGN was under (and was well aware that it was under) a legal obligation to preserve all documents or evidence relevant to allegations of voicemail interception or related unlawful information gathering activities because of civil claims or proceedings arising out of the wrongdoing of Glenn Mulcaire and/or NGN journalists.
15. The Claimants will refer by way of example to the following:
- 15.1 by 2008, December 2006 NGN had received a letter of claim for the civil claim brought by Gordon Taylor in respect of voicemail interception, and Mr Taylor issued legal proceedings in March 2007 as well as similar claims in 2008 from Jo Armstrong and John Hewison;
- 15.2 in 2009, NGN had also been served with the legal claim from Max Clifford;
- 15.2A on 26 March 2010, Kelly Hoppen had served her claim form on News International which alleged, inter alia, that Dan Evans had intercepted her voicemail messages in June 2009. On the same date she served a Court order requiring NGN to swear and file a witness statement with full details of any person or persons who engaged, requested or commissioned the accessing of Ms Hoppen's voicemails, the information obtained and the names of those to whom the information had been passed.
- 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**”).

15.7A in October 2010 the MPS wrote to numerous members of staff on the News and Features desks of *The News of the World* via Tom Crone to establish if they could assist in any way with any material which could be potential evidence relating to the phone hacking allegations;

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 Edmondson), 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 Edmondson;

15.10 on 16 December 2010, once it had become clear through the publicly inspectable pleadings that there was direct evidence of Ian Edmondson’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 and/or hid and suppressed substantial amounts of highly material evidence (see, in relation to hiding and suppressing of evidence, in particular paragraphs 5.6, 5.6.5, 5.7, 9.7, 13.16 and 37). This was done with the deliberate intention of concealing facts relevant to Claimants' and potential Claimants' rights of action and in circumstances in which it was unlikely to be discovered, at least for some time. As set out in paragraph 37, through the process of such litigation and as a result of obtaining disclose orders the Claimants have managed to uncover facts that are relevant to their rights of action. These include (but are not limited to) the existence of call data and the extensive use of Private Investigators and blaggers both at the News of the World and at The Sun.
  
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). It is reasonable to infer that this step was taken following receipt of Ms Miller's letter of claim and the MPS letter referred to in paragraph 15.7A above and in order to conceal evidence of wrongdoing from the police and, in turn, the public and those who had been subject of unlawful information gathering.
  
  - 17.1A The permanent loss of Rebekah Brooks' computer hard drive and the fact that the 'wrong' one was given to the MPS by Paul Cheesbrough in connection with the criminal investigation in about July 2011. In the circumstances pleaded herein, the Claimants will invite the Court to infer that Mr Cheesbrough was aware that the hard drive was the wrong one and the destruction or loss of the real hard drive was in order to conceal

wrongdoing and knowledge thereof on the part of Ms Brooks and others at NGN.

17.1B The destruction of Ian Edmondson's computer hardware in late 2010 or early 2011

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.

17.2A Following the arrest of Mr Mulcaire in August 2006 and before September 2010, NGN emails sent to and from Mr Mulcaire were subject to targeted deletions in order to conceal the scale and type of the wrongdoing, the identities of the journalists and their targets. The Claimants rely on the facts and matters set out in paragraph 13A above.

17.2B Targeted deletions of incriminating emails sent between NGN journalists were also carried out by NGN. The Claimants will rely on the deletion of the email to Ian Edmondson's *News of the World* email address from Neville Thurlbeck's yahoo email address with the subject "NTPFA" which included the draft copy on the Gordon Taylor article, which (as they were both aware) was an article based on voicemail interceptions. This email only exists in hardcopy form and NGN have confirmed that it does not have an electronic copy. A hardcopy was, however, located in Tom Crone's Office (it is reasonably be to inferred that he had a copy as a result of its obvious importance to Gordon Taylor's civil claim against NGN). It does not appear in the metadata of missing emails and therefore was not part of the batch deletions of 2005 emails that took place in January 2011. Further, it ought to have been preserved in accordance with instructions sent in October 2010 and 12 January 2011 to preserve all of Mr Edmondson's emails and therefore should not have formed part of

deletions of 2005 emails which took place in January 2011. The clear inference is that it was part of a targeted deletion that took place prior to the batch deletions, likely to have been at some point between 2006 and 2009 and in order to conceal wrongdoing.

17.3 In addition, 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 ‘batch’ 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 surprise and 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 2005–2004, 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~~ NGN has now admitted in paragraph 17.7d of the Re-amended Defence to the Amended Particulars of Concealment and Destruction that 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.

(ff) The emails referred to in paragraph (f) above that were not deleted were transferred onto a laptop ("the extraction laptop") and given to Paul Cheesborough. These emails were subject to further deletion by Paul Cheesborough and others, the exact details of which are currently unknown to the Claimants, but which purportedly involved using so-called 'criteria' set out in the Jon Chapman in October 2010 and Will Lewis in January 2011.

(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.

(gg) In support of their case in sub-paragraph (g) above, the Claimants will rely upon the following matters:

(i) “Bundle AF” which was disclosed to the Claimants by the MPS on 5 December 2018 and which consists of hard copy documents that were printed out by Harbottle and Lewis in about May 2007. These contain (inter alia) emails between Jon Chapman and others in 2008 (including Lewis Silkin and Colin Myler) regarding Clive Goodman that demonstrate Mr Chapman’s claim in his witness statement dated June 2011 that he did not have further involvement with matters concerning Clive Goodman from 2007 until June 2009 is untrue. These emails have not been disclosed to the Claimants by NGN;

(ii) The fact that, despite being relevant and documents which should have been preserved, many of the emails between Jon Chapman and Clive Goodman, and between Jon Chapman and Lawrence Abramson (of Harbottle and Lewis) were deleted and appear in the metadata of missing emails which was disclosed by NGN on 17 December 2018; and

(iii) The facts and matters relating to Glenn Mulcaire’s employment claim and the deletion of emails by NGN set out in paragraph 13A above.

(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. It was urgently carried out a few days after highly incriminating emails had been found implicating Ian Edmondson and other senior journalists in unlawful information gathering and, pending further disclosure and information, averred to be pursuant to a plan devised by senior executives including but not limited to Rebekah Brooks, Jon Chapman, Will Lewis, Paul Cheesbrough, Simon Greenberg and Tom Crone to conceal evidence (as to which see paragraphs 11.61C to 11.61E above), and despite being under an obligation to preserve it, both as a result of the existing litigation and/or the requests from the MPS.. 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 and Wayne Harknett's witness statement for the MPS dated 10 September 2012. 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.

(1) On 24 January 2011 Paul Cheesbrough sent an email to Rebekah Brooks, copying in Will Lewis, with an alleged ‘security threat’. NGN also alleges a further security threat which is said to have been reported orally. These are relied upon by NGN as justification for (inter alia) wiping the back-up tapes and the creation of the ‘extraction laptop’. The Claimants’ case is that neither security threat was genuine and these were devised as part of the ‘cover-up’. By way of illustration when Paul Cheesbrough instructed Martin Baldock of Stoz Fredberg to investigate the alleged security threat by email of 11 February 2011, Mr Cheesbrough forwarded the email to Simon Greenberg, receiving the reply 10 minutes later “let the game begin”.

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 – either in batches or the targeted deletion of senior executives’ 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 News 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).

18.8.1 At the hearing on 18 November 2011 Mr Justice Vos ordered NGN to serve a witness statement providing a comprehensive account of NGN's disclosure to the best of NGN's knowledge and belief, including but not limited to matters which included “an account of the categories of documents which have been deleted or disposed of (including the deletion of electronic archives and/or the destruction of computers”. Mr Cheesbrough knew about the targeted deletions of senior executives’ emails in January 2011, including the JRM email of 7 June 2008, and the deletion or scratching of the backup tapes, because he was responsible for them and he must have appreciated that they were highly relevant and fell within the scope of the 18 November 2011 Order. Despite this, he failed to mention them at all in his witness statement which, as a result, was seriously misleading. It is to be inferred that this was a deliberate decision by Mr Cheesbrough to seek to conceal the deletions of emails that had taken place.

18.9 NGN’s persistent failure to reveal the full extent of and true reason for the deletion of emails still continues, as demonstrated by the fact that even now many years into the litigation the Claimants are still uncovering key facts that have been concealed by NGN as a result of specific orders for disclosure.

### **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.
- (3A) Mr Hinton ordered the email investigation conducted in about March 2007 to be limited to emails exchanged between Clive Goodman and senior individuals working at the News of the World, including Andy Coulson, rather than conducting a wider search which would have included other journalists, such as Neville Thurlbeck, who he knew were also guilty of voicemail interception. This step was deliberately taken to avoid locating other incriminating emails that demonstrated wider wrongdoing than the 'one rogue reporter' line.

**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; and
  - (f) her discussions with Jon Chapman and Tom Crone on 7 January 2011 at the meeting following their discovery of the Hammell, Windsor and Jowell emails which implicated Ian Edmondson, as well as evidence of emails incriminating other journalists.
- (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 wronging 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.
- (12A) Ms Brooks was also highly instrumental in the targeted deletion of the emails of senior executives, including her own. This action was taken very shortly after her meeting with Jon Chapman and Tom Crone on 7 January 2011. See further paragraphs 11.61C to 11.61E above.

**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).
  - (cc) In July 2004, as set out above in para 11.21A the metadata of deleted emails show that Neville Thurlbeck had emailed a

message with the subject heading “Blunkett msg 2” on 22 July 2004 at 09.15 to Mr Wallis and Mr Wallis had responded to the message at 09.20 with the subject line “RE: Blunkett msg 2”. These were voicemail messages relating to Mr Blunkett which Mr Thurlbeck sent to Mr Wallis since Mr Coulson was absent on leave.

- (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 Miskiw 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~~ 1998, 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~~ 1998 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.
- (d) The facts and matters referred to in paragraph 11.61C to 11.61E above which demonstrate that Mr Chapman concealed evidence from the MPS (being the emails between James Weatherup and Glenn Mulcaire and Neville Thurlbeck and Glenn Mulcaire discovered during his investigation on 6 January 2011 and which should have been disclosed pursuant to the MPS's request on 7 January 2011 for any potential evidence of voicemail interception); gave false evidence in his voluntary witness statement dated June 2011; and was instrumental in the plan to conceal evidence via the batch and targeted deletions of emails, including as a result of his delay in passing the Hammell, Windsor and Jowell emails to the MPS which gave NGN time to destroy evidence. Further, Mr Chapman's voluntary witness statement to the MPS dated June 2011 failed to explain that NGN's review of emails relating to Clive Goodman's appeal against his dismissal was limited on the instruction of Les Hinton.

**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.

- (n) The facts and matters set out in paragraph 11.61A to 11.61N which demonstrate Mr Crone’s involvement in the discovery of the Hammell, Windsor and Jowell emails and other incriminating email on 6 January 2011; the subsequent urgent meeting with Jon Chapman and Rebekah Brooks the following day where, it is to be inferred, this evidence was discussed together with the steps that needed to be taken to conceal the true scale and extent of the wrongdoing; the email deletions; and his participation in the concealment of evidence from the MPS.
- (o) Tom Crone’s second witness statement to the Leveson Inquiry dated between 21 November and 13 December 2011 and his oral evidence in which, in response to the question “When were you first aware that the “rogue reporter” explanation as to the extent of those hacking at, or at the behest of staff at The News of the World was erroneous? How did you become so aware?” he stated that he was of the view that it was “erroneous from the outset” “whenever it was first mentioned” (i.e. in 2007). Despite being of this view, Mr Crone was actively involved in the NGN cover up and took part in drafting NGN’s false public statements in July 2009 which claimed the wrongdoing was limited to one rogue reporter (as to which see paragraph 13.5 above).

**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.

**Paul Cheesbrough, Chief Information Officer, News International 2010-2012, Chief Technology Officer News Corp since 2012**

- (45) The Claimants will rely on Mr Cheesbrough's leading role in the deletion of millions of emails, through both batch and targeted deletions, at a time when NGN and Mr Cheesbrough were under a duty to preserve evidence.
- (46) As set out in paragraph 17.1A above, the Claimants will ask the Court to infer that Mr Cheesbrough was aware that the hard drive which was claimed to belong to Ms Brooks was not the correct one and that the correct one had been destroyed or lost in order to conceal wrongdoing on the part of Ms Brooks and others at NGN
- (47) The Claimants will also rely on the first and third witness statements served by Mr Cheesbrough in the MTVIL, which make no mention of the deletion of millions of NGN emails despite the obvious relevance to this litigation; and his third witness statement, which failed to mention any targeted deletions of senior executives emails including the JRM email, or the deletion of the NGN back up tapes, despite Mr Cheesbrough's

knowledge of the same, and despite the provision of this information being required pursuant to the Order dated 18 November 2011. The Court and the Claimants were seriously misled by this omission, which it is reasonable to infer was deliberate.

**Richard Barun. Deputy Managing Editor at The Sun 2004-present**

- (48) As evidence of Mr Barun’s knowledge of unlawful information gathering at The Sun, the Claimants will rely upon the facts and matters set out in paragraph 13.16 above regarding (i) the approval of Nick Parker’s expenses which plainly related to unlawful information gathering; and (ii) the email dated 2 May 2006 from Nick Parker to Mr Barun in which Mr Parker referred to carrying out *as many urgent inquiries as possible including phone record checks and “blag” calls re the Wayne Rooney legal case* and using the private investigator Christine Hart, who used unlawful methods to gather information.
- (49) Mr Barun stated in his first witness statement that he sought to keep all Cash Payment Request Forms (“CPRFs”) in his office and that these forms were in his office in September 2014. Given that there were at least 5,800 Sun cash payments in the SAP system by 2011, is to be inferred that there were about 2400 cash payments between 2005 and 2011 which were in Mr Barun’s office. Mr Barun provided two ring binders of CPRFs to Mr Longcroft in 2014, which represented only a very small proportion of the CPRFs. Despite this, Mr Barun states that he can now only find “files” containing “some cash payment documentation dated 2010 or later”. It follows that a very large number of CPRFs that were in Mr Barun’s office have been lost or destroyed. It is reasonable to be inferred in the circumstances set out in this statement of case, that (i) this loss or destruction was deliberate in order to conceal the knowledge of senior executives who signed such forms; (ii) having previously been interviewed under caution by the MPS in relation to illegal payments would have known of the need to safeguard all the records of such payments; and (iii) as the forms were in Mr Barun’s office, that he was involved in their loss or destruction.

**Chris Pharo. News Editor (2001-2006), Head of News (2006-2008) and Associate Editor (2008-2012) at The Sun**

- (50) The Claimants will rely upon (i) the emails between Chris Pharo and others such as Ms Brooks and Mr Dudman; (ii) the draft emails written by Nick Parker and addressed to Mr Pharo which were printed and given to Mr Pharo to avoid leaving an email trail and which list unlawful acts for which Mr Parker needed cash to pay his private investigators and blaggers, requests which Mr Pharo authorized; and (iii) pending further disclosure of Cash Payment Request Forms, the cash payment documents in connection with 'Phone checks', 'Mobile phone checks', 'Phone record checks' or 'Phone enquiries' and which have Mr Pharo's name on them (which are set out at paragraph 13.16 above) to demonstrate Mr Pharo's knowledge of and involvement in voicemail interception and unlawful information gathering.

**Will Lewis, Group General Manager, News International (September 2010 to July 2011), and Executive Member, Management and Standards Committee (July 2011 to 2012)**

- (51) Mr Lewis was part of the senior management which organised or allowed extensive deletions of millions of emails to take place without preserving back-ups, in September 2010 and in January and February 2011, even though he was aware of the need to preserve data for (a) the civil claims, which were in full swing by the time of his arrival in September 2010, and (b) by the second week of January 2011, the live police investigation (in this regard, it is to reasonable to infer that he was shown the letter from the MPS dated 7 January 2011 referred to in paragraph 11.61D above).
- (52) Mr Lewis was heavily and directly involved in the email deletion strategy relied on by the Claimants above (including both the batch and targeted deletions). Together with Mr Chapman, Mr Lewis was directly responsible for drafting the vague criteria for emails to be preserved at the time of the batch deletions, which, as Mr Lewis was aware at the

time, meant that any data that was considered not to fall within the criteria would be deleted.

**Daniel Cloke, Director of Human Resources, News International (until 2011)**

- (53) Mr Cloke was involved in the Clive Goodman appeal process and, as a result, was aware (at the very least) that there was evidence that voicemail interception and other unlawful information gathering was more widespread than NGN was publicly claiming.

**Simon Greenberg, Director of Corporate Affairs, News International (January 2011 to July 2011) and Executive Member of the Management and Standards Committee (from July 2011 to 2013).**

- (54) Mr Greenberg was part of a number of senior executives who suppressed potential evidence of unlawful information gathering at *The News of the World* and *The Sun* and also of those who organised or allowed extensive deletions of millions of emails to take place without preserving back-ups, in September 2010 and in January and February 2011, even though he was aware of the need to preserve data for (a) the civil claims, which were in full swing by the time of his arrival in September 2010, and (b) by the second week of January 2011, the live police investigation.

**The Claimants' generic case on the issue of limitation**

20. The Claimants will contend pursuant to section 32 of the Limitation Act 1980 (“the Act”) that as a result of the deliberate concealment by NGN or their agents of facts relevant to the Claimants' rights of action, the period of limitation did not begin to run until a date less than 6 years before the issue of proceedings.
21. For the avoidance of doubt, the Claimants rely on NGN's concession in paragraph 6.3 of its Re-Re-Amended Defence to the Generic Particulars of Concealment and Destruction, in which it confirmed that, for the purposes of section 32 of the Act, it would not contest an assertion by a Claimant that the period of limitation in respect

of a cause of action based on voicemail interception, blagging and the unlawful obtaining of private information through the engagement of private investigators did not begin to run before May 2011.

### Overview

22. NGN deliberately concealed facts relevant to the Claimants' rights of action when its journalists and third parties acting on their behalf, covertly and unlawfully obtained individuals' private information by voicemail interception and other unlawful means which commenced in about 1996 and continued until 2011.
23. NGN further deliberately concealed facts relevant to the Claimants' rights of action by (i) public lies and concealment of its wrongdoing and (ii) the destruction and concealment of incriminating evidence (including during the MTVIL litigation).
24. As a result of NGN's deliberate concealment at the time of the wrongdoing and its continuing concealment after the event, a very large number of Claimants have had to rely (amongst other matters) on inferences of voicemail interception and other unlawful information gathering in order to plead and establish individual claims. Such inferences depend on the Claimants establishing relevant generic facts about the unlawful information gathering that NGN's journalists were engaged in both at *The News of the World* and at *The Sun*, including the fact and nature of the wrongdoing; the time period when it took place; the modus operandi deployed; and the journalists/private investigators involved in the wrongdoing. The Claimants will rely on their case on concealment and destruction by Senior NGN Employees and their case as set out below to demonstrate that the task of uncovering such facts in order to plead such inferences in the Generic case has been, and continues to be, an ongoing one.

### *The Deliberate Concealing of the Wrongdoing at the time by NGN*

25. The Claimants' rights of action in these proceedings relate to covert and unlawful acts of private information gathering about individuals that were carried out by journalists or agents of NGN without the knowledge or consent of such individuals and with the intention that these individuals should never find out. The various rights of action include (but are not limited to) voicemail interception, blagging and other unlawful information gathering. These various covert unlawful acts were carried out by journalists from *The News of the World* and *The Sun*, and/or private investigators acting on their instructions and behalf.
26. Due to the deliberate covert nature of the wrongdoing, individuals were unaware that they might have any potential right of action in relation to the same against NGN until information that these acts were being carried out against them by NGN came to their attention many years after the wrongdoing had taken place.
27. Even where they became aware of such information, these individuals invariably did not know facts that were necessary to prove their case in respect of the right(s) of action as such facts had at the time been, and continued to be, deliberately concealed by NGN. These include (but were not limited to) the relevant facts necessary to establish a case that the individual's voicemails had been intercepted (such as when the interceptions had taken place and by whom) and/or that private information about the individual had been unlawfully obtained by NGN or those acting on its behalf (such as when private information had been unlawfully obtained, how, by whom and what it consisted of) and/or how such private information had been misused by NGN.
28. The Claimants have set out at paragraph 38 below relevant facts to rights of action that are common to many Claimants which have been (and, in some cases, continue to be) concealed as a result of NGN's concealment at the time of the wrongdoing.

*The Continuing Deliberate Concealment*

29. Following the arrest of Glenn Mulcaire and Clive Goodman NGN continued deliberately to conceal the fact, scale, type and extent of unlawful information

gathering that had taken place. The continuing deliberate concealment included (but was not limited to) the following areas, each of which encompassed various material facts that were/are relevant to the Claimants' various rights of action against NGN (both specifically and in terms of supporting an inferential case):

- (1) The true nature, scale and extent of voicemail interception and other unlawful information gathering carried out by Glenn Mulcaire on behalf of individuals journalists on the News Desk other than Clive Goodman at *The News of the World*;
- (2) The fact that journalists at the News Desk at *The News of the World* carried out voicemail interception;
- (3) The fact that journalists at the Features Desk at *The News of the World* carried out voicemail interception;
- (4) The fact that journalists at *The News of the World* engaged a very large number of private investigators to unlawfully gather information about individual victims;
- (5) The fact that Glenn Mulcaire was also instructed to carry out voicemail interception by journalists working for *The Sun*;
- (6) The fact that journalists at *The Sun* also carried out voicemail interception and other unlawful information gathering; and
- (7) The fact that journalists at *The Sun* engaged a very large number of private investigators to unlawfully gather information about individual victims.

#### *The Continuing Concealment at The News of the World*

##### *(1) Concealment of unlawful information gathering carried out by Glenn Mulcaire*

30. NGN deliberately concealed the true nature, scale and extent of voicemail interception and other unlawful information gathering carried out by Glenn Mulcaire on behalf of individuals journalists on the News Desk at *The News of the World* other than Clive Goodman. The Claimants refer to and rely on their case as set out in above generally and in particular the following matters (with reference to the main paragraph(s)):

- a. The concealment of the true nature of the contract with Mr Mulcaire which

- was stated in 2011 to be for legitimate services (paragraph 11.3A);
- b. The payments made to Glenn Mulcaire, Clive Goodman and Andy Coulson in exchange for conditions in their settlement agreements preventing them from revealing any further information as to unlawful information gathering at NGN (paragraph 11.46 – 11.47 and 13.1A);
  - c. The false public statements that the wrongdoing was limited to ‘one rogue reporter’ (paragraphs 11.48-11.49; 12 and 13)
  - d. The batch deletion of millions of NGN emails in Sept 2010 and Jan/Feb 2011 (see for example, paragraph 17.7(b))
  - e. The targeted deletions of senior executives’ emails (paragraphs 11.61A – 11.61M and 17.7(k))
  - f. The targeted deletion of emails between Glenn Mulcaire and journalists (paragraphs 5.3 and 13A)

(2) Concealment of the fact that journalists at the News Desk at The News of the World carried out voicemail interception

31. NGN deliberately concealed the fact that journalists at The News of the World News Desk other than Clive Goodman carried out voicemail interception, despite the fact that it was widely known amongst the journalists and senior executives to have taken place, including by Ian Edmondson, Neville Thurlbeck and James Weatherup. The Claimants refer to and rely on their case on concealment and destruction by Senior NGN Employees as set out above, and in particular the following paragraphs:

- a. The false public statements that the wrongdoing was limited to ‘one rogue reporter’ (paragraphs 11.48-11.49; 12 and 13)
- b. The review of Ian Edmondson’s emails and the deliberate suppression of evidence (paragraphs 11.61A – 11.61N)
- c. The targeted deletion of Mulcaire emails (paragraphs 5.3 and 13A)
- d. The targeted deletions of senior executives’ emails (paragraphs 11.61A – 11.61N and 17.7(k))
- e. The batch deletion of millions of emails in Sept 2010 and Jan/Feb 2011 (see for example, paragraph 17.7(b))



(3) Concealment of unlawful information gathering by the Features Desk at The News of the World

32. NGN deliberately concealed the fact that Dan Evans and others at the Features Desk of the News of the World were carrying out voicemail interception and other unlawful information gathering. The Claimants refer to and rely on their case on concealment and destruction by Senior NGN Employees as set out above, and in particular the following paragraphs:

- a. The false public statements that the wrongdoing was limited to ‘one rogue reporter’ (paragraphs 11.48-11.49; 12 and 13)
- b. The false statements that were made by NGN in the Hoppen claim (paragraphs 11.58 – 11.59 and 13.9 – 13.10)
- c. The targeted deletion of Mulcaire emails (paragraphs 5.3 and 13A)
- d. The targeted deletions of senior executives’ emails (paragraphs 11.61A – 11.61M and 17.7(k))
- e. The batch deletion of millions of emails in Sept 2010 and Jan/Feb 2011 (see for example, paragraph 17.7(b))

(4) Concealment of the unlawful use of Private Investigators by the News of the World

33. NGN deliberately concealed the fact that journalists at The News of the World engaged a very large number of private investigators to gather information unlawfully about individual victims. The Claimants refer to and rely on their case on concealment and destruction by Senior NGN Employees as set out above, and in particular the following paragraphs:

- a. The false public statements that the wrongdoing was limited to ‘one rogue reporter’ and to deny the wider nature, scale and extent of wrongdoing (paragraphs 11.48-11.49; 12 and 13)
- b. The targeted deletions of senior executives’ emails (paragraphs 11.61A – 11.61M and 17.7(k))
- c. The batch deletion of millions of emails in Sept 2010 and Jan/Feb 2011 (see for example, para 17.7(b))

*The Continuing Concealment at The Sun*

*(5) Concealment of the use of Glenn Mulcaire by The Sun*

34. NGN deliberately concealed the fact that Glenn Mulcaire was, on occasion, instructed to unlawfully gather information on behalf of *The Sun*. The Claimants refer to and rely on their case on concealment and destruction by Senior NGN Employees as set out above, in particular the public denials issued by NGN in response to the claim brought in relation to *The Sun* by Jude Law (paragraph 13.12) and the witness statements of Glenn Mulcaire dated 7 January 2016 and 1 April 2016.

*(6) Concealment of unlawful information gathering by journalists at The Sun*

35. NGN deliberately concealed the fact that journalists at *The Sun* also carried out voicemail interception and other unlawful information gathering. The Claimants refer to and rely on their case on concealment and destruction by Senior NGN Employees as set out above, and in particular the following paragraphs:
- a. The false public statements that the wrongdoing was limited to ‘one rogue reporter’ at *The News of the World* (paragraphs 11.48 - 11.49; 12 and 13)
  - b. The targeted deletion of Mulcaire emails (paragraphs 5.3 and 13A)
  - c. The targeted deletions of senior executives’ emails (paragraphs 11.61A – 11.61M and 17.7(k))
  - d. The batch deletion of millions of emails in Sept 2010 and Jan/Feb 2011 (see for example, paragraph 17.7(b))
  - e. The public denial in relation to the claim brought by Jude Law in relation to unlawful information gathering by *The Sun* (paragraph 13.12)
  - f. The repeated public denials that *The Sun* was involved in unlawful information gathering at the Leveson Inquiry (paragraphs 5.1 and 13.12 – 13.14)
  - g. The email sent on 16 March 2011 to Mr Mohan by Tom Newton Dunn and Mr MacKenzie’s resignation (paragraphs 11.62 – 11.66)

- h. The blagging of Gordon Brown (paragraphs 11.67 – 11.70)
- i. The unlawful gathering of information about Simon Hughes MP (paragraphs 11.71 – 11.75).

(7) Concealment of use of private investigators to unlawfully gather information at The Sun

36. NGN deliberately concealed the fact that journalists at The Sun engaged a very large number of private investigators to unlawfully gather information about individual victims on NGN's behalf. The Claimants refer to and rely on their case on concealment and destruction by Senior NGN Employees as set out above, and in particular the following paragraphs:

- a. The false public statements that the wrongdoing was limited to 'one rogue reporter' at The News of the World (paragraphs 11.48 -11.49; 12 and 13)
- b. The targeted deletion of Mulcaire emails (paragraphs 5.3 and 13A)
- c. The targeted deletions of senior executives' emails (paragraphs 11.61A – 11.61M and 17.7(k))
- d. The batch deletion of millions of emails in Sept 2010 and Jan/Feb 2011 (see for example, 17.7(k))
- e. The public denial in relation to the claim brought by Jude Law in relation to unlawful information gathering by The Sun (paragraph 13.12)
- f. The repeated public denials that The Sun was involved in unlawful information gathering at the Leveson Inquiry (paragraphs 5.1 and 13.12 – 13.14)
- g. The email sent on 16 March 2011 to Mr Mohan by Tom Newton Dunn and Mr MacKenzie's resignation (paragraphs 11.62 – 11.66)
- h. The blagging of Gordon Brown (paragraphs 11.67 – 11.70)
- i. The unlawful gathering of information about Simon Hughes MP (paragraphs 11.71 – 11.75).

The Discovery of Relevant Facts that had been concealed

37. The Claimants have, though the process of this litigation, and through their persistence in obtaining disclosure orders against strenuous resistance by NGN, have managed to uncover facts that are relevant to their rights of action. These include relevant facts which had been concealed by NGN and which have been discovered by the Claimants since May 2011 and could not with reasonable diligence have been discovered any earlier. It would be disproportionate to set out all such facts, however examples are set out in paragraphs 37.1 to 37.7 below. This is without prejudice to the right of each individual Claimant to advance a case that he or she was unaware of any of these facts (and could not with reasonable diligence have discovered such facts) until a later date than the date set out below (particularly when the date refers to disclosure in these proceedings, as opposed to a public statement).

37.1 Limited information about the unlawful information gathering by the Features Desk at *The News of the World* was publicly revealed in about February 2013 when Scotland Yard announced that its Operation Weeting investigation had "identified a further suspected conspiracy to intercept telephone voicemails". The MPS subsequently set up 'Operation Pinetree' to investigate voicemail interception in the Features Department.

37.2 The fact that information obtained by and through Glenn Mulcaire was used for the preparation and publication of stories in *The Sun* was set out in the witness statement Glenn Mulcaire dated 7 January 2016, as a result of information discovered by the Claimants shortly beforehand (and in relation to which privilege is not waived).

37.3 Documents disclosed by NGN as part of its generic disclosure in respect of the Claimants' generic case in relation to *The Sun* revealed to the Claimants that, contrary to the denials by NGN, unlawful information gathering had in fact taken place at *The Sun* on a very large scale, both by the journalists themselves and via private investigators (see the documents referred to in paragraph 13.16 above). These documents were disclosed on a generic basis (often following disclosure applications by the Claimants

which were resisted by NGN) on the following dates:

- (a) Documents 1 to 8 were provided to the Claimants by NGN on 23 September 2016;
- (b) Documents 9 to 11 were provided to the Claimants by NGN on 5 October 2016;
- (c) Documents 12 to 18 were provided to the Claimants by NGN on 26 October 2016;
- (d) Documents 19 to 40 were provided to the Claimants by NGN on 30 November 2016;
- (e) Documents 41 to 91 were provided to the Claimants by NGN on 27 January 2017
- (f) Documents 92 to 215 were provided to the Claimants by NGN on 24 February 2017;

37.4 The documents disclosed to the Claimants on 27 January 2017 included a large number of cash payment authorisation forms dating between 28 January 2005 and 11 January 2006 which were approved by *The Sun*'s Managing Editor, Graham Dudman, and included Chris Pharo's name in manuscript for payments in connection with 'Phone checks', 'Mobile phone checks', 'Phone record checks' and 'Phone enquiries'.

37.5 The documents disclosed to the Claimants on 27 January 2017 also included 'Tab 87' which was a 2-page document that was heavily redacted. This was unredacted pursuant to the Court Order dated 10 January 2018 (the "Unredaction Order"). The Unredaction Order expressly provided that the document and the information contained in it, "*shall not be used for any purpose other than the proper pursuit of the issued claims, and shall not be disclosed or provided to any Claimant. The Court will make further directions for preserving the confidentiality in this material before it is referred to in open court*". This provision also applied to all documents that had been provided in generic disclosure in the MTVIL between 2011 and 2017, which were all ordered to be unredacted, save for those listed in paragraphs (a) to (e) of the Order.

- 37.6 The full unredacted 4-page copy of Tab 87 was only provided to the Claimants' legal team by NGN on 22 January 2018. This set out details relating to unlawful information gathering in respect of a large number of individuals.
- 37.7 The Claimants discovered in late 2019/early 2020 that it is reasonable to infer that emails sent between NGN journalists and Glenn Mulcaire have been the subject of targeted deletions. These emails would have contained important evidence of unlawful activity such as information about mobile numbers; the content of voicemails; who had been communicating with whom; the time, duration and dates of communications; and the locations, movements and proposed movements of targeted individuals and those connected to them. The Claimants investigation into the timing and precise targets of these deletions is continuing.

### **The effect of NGN's Concealment on Claimants**

38. As a result of NGN's deliberate concealment of wrongdoing at the time, and NGN's deliberate continuing concealment after the event, as set out above, NGN concealed relevant facts which were required by the Claimants to appreciate that they had a particular cause of action against NGN and to plead it. Without prejudice to any additional facts and matters which may be relied upon by an individual claimant, the following relevant facts which were concealed by NGN are common to many individuals with actual or potential claims against NGN in the MTVIL:

- (1) The identities of the potential claimants;
- (2) The identities of the journalists involved in voicemail interception and other unlawful information gathering;
- (3) The identities of the private detectives instructed to carry out unlawful information gathering on behalf of NGN;
- (4) The nature of the wrong-doing and relevant facts relating to it (i.e. voicemail interception, blagging or unlawful surveillance and particulars relating to the same);

- (5) The information from the SAP system relating to when individuals were targeted; by whom and/or in relation to which published articles;
- (6) The information from the call data relating to when an individuals' or one of their associates' mobile telephones was called;
- (7) The existence of articles, some of which have been removed from publicly accessible databases (such as LexisNexis) by NGN;
- (8) The interpretation of incriminating evidence – such as codes on documents, or euphemisms used by journalists in emails and payment documents – which can only be understood by reference to other evidence not disclosed by NGN; and
- (9) The time period during which the unlawful information gathering at *The News of the World* and at *The Sun* took place.

39. The Claimants will rely on the aforesaid facts and matters to the extent that they are relevant to any individual claim, or any part of it, in support of their case that they did not discover and could not with reasonable diligence have discovered facts relevant to their rights of action until a date which is within six years before the claim was brought. Accordingly, by reason of Section 32(1)(b) and/or (e) of the Limitation Act 1980, any defence of limitation relied upon by NGN affords no defence to their claim.

**DAVID SHERBORNE**

**SARA MANSOORI**

**JULIAN SANTOS**

**MARK THOMSON**

**Statement of Truth**

The Claimants believe that the facts stated in this Re-Amended Particulars of Claim and the Confidential Schedule are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



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**Callum Galbraith, Partner**

**19<sup>th</sup> June 2020**