

Claim nos: (as listed in the Group Register, publically available from Atkins Thomson)

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION

IN THE MATTER OF THE MIRROR NEWSPAPERS HACKING LITIGATION

THE HONOURABLE MR JUSTICE MANN
22nd January 2015

BETWEEN:

(1) VARIOUS CLAIMANTS
(as listed in the Group Register)

Claimants

-and-

MGN LIMITED

Defendant

-and-

THE COMMISSIONER OF POLICE FOR THE METROPOLIS

Respondent

Draft / 2nd ORDER
(the "2nd Enabling Order")

UPON the Pre-Trial Review and 7th Case Management Conference

AND UPON the application of the Claimants dated 15th January 2015

AND UPON reading the 19th Witness Statement of James Heath dated 16th January 2015

AND UPON hearing Counsel for the Claimants, Leading Counsel for the Defendant, and Leading Counsel for the Respondent

AND UPON the Respondent not opposing the application

AND UPON the definitions in the 1st Order of Mr Justice Mann of 22nd January being adopted

IT IS ORDERED THAT:

Common Disclosure

1. The Respondent shall disclose the following documents or classes of documents ("Common Disclosure") to Individuals on the MPS Disclosure Register (by provision of copies to the Lead Solicitor) and to MGN Limited (by provision of copies to their solicitors), who each shall be entitled to receive copies of the same subject to the "Directions as to Confidentiality and Use of Disclosure" at paragraphs 17 and 18 below:
 - (i) Transcripts of interviews between Daniel Evans ("the Investigator") and the Metropolitan Police Service which contain Information;
 - (ii) Prosecution witness statements of the Investigator which contain Information;
 - (iii) Exhibits to any prosecution witness statements of the Investigator which contain Information;
 - (iv) The document commonly referred to as the "Contact List of Dan Evans";
 - (v) Documents that contain call data from the mobile telephone(s) and/or landline number(s) of the Investigator including the Information.
2. The "Information" is any information relating to or connected with suspected phone hacking or blagging for or on behalf of MGN Limited (whether by current or former employees, servants, agents, or otherwise) or work or activities preparatory thereto.
3. Subject to paragraph 6, where copies of material falling within the definition of Common Disclosure have been previously provided to Individuals on the MPS Disclosure Register (by provision of copies to the Lead Solicitor) and to MGN Limited (by provision of copies to their solicitors) in accordance with the Orders of Mr Justice Mann of 3rd October 2013, 9th December 2013, or 11th June 2014: they shall be treated as disclosed to Individuals on the MPS Disclosure Register and MGN Limited for the purposes of paragraph 1 of this Order.

4. Where material falling within the definition of Common Disclosure has not been previously provided to Individuals on the MPS Disclosure Register: the Respondent shall only be required to disclose the material to the extent that the material has already been analysed by the Respondent. Any material that has not been analysed by the Respondent, which would fall to be disclosed pursuant to paragraph 1 of this Order, shall be provided on a continuing and rolling basis once it has been analysed by the Respondent.
5. The Respondent shall redact copies of the Common Disclosure in accordance with the “Common Disclosure redaction regime” at paragraph 9 below.
6. Where material falling within the definition of Common Disclosure has been previously provided to Individuals on the MPS Disclosure Register, upon service on the Respondent of the Authority Documents by any Individuals on the MPS Disclosure Register, the Respondent shall within 42 days either:
 - a. provide to the Lead Solicitor and MGN Limited replacement copies of any pages of Common Disclosure redacted in accordance with the “Common Disclosure redaction regime” in paragraph 8 below if any copies of any pages of the Common Disclosure would have been redacted in a different manner had the Individual on the MPS Disclosure Register serving the Authority Documents served the Authority Documents prior to the copies of Common Disclosure being provided to the Individuals on the MPS Disclosure Register; or
 - b. notify the Lead Solicitor in writing that that the Common Disclosure would not have been redacted in a different manner.
7. For the purposes of this Order:
 - a. An “Individual on the MPS Disclosure Register” or “Individuals on the MPS Disclosure Register” is any person that has been entered on the MPS Disclosure Register.
 - b. The “MPS Disclosure Register” is the register of Individuals on the

MPS Disclosure Register to be kept in accordance with paragraphs 20 below.

Common Disclosure redaction regime

8. The Respondent shall redact any Common Disclosure in accordance with the following provisions (the “Common Disclosure Redaction Regime”):
 - a. The Respondent shall redact the names and private information of any person who is not an Individual on the MPS Disclosure Register unless otherwise authorised by the person in writing.
 - b. The Respondent shall redact any information which does not relate to or is not connected with (directly or indirectly) Wrongdoing carried out for or by the newspapers published by MGN Limited (“the Newspapers”) save that, for the avoidance of doubt, the MPS shall not redact any information concerning: (i) the recruitment of Daniel Evans (and any reasons for his recruitment and/or the people involved); (ii) Mr Evans' role at the Newspapers; (iii) the methodology used for Wrongdoing (whether carried out for or by the Newspapers or otherwise); (iv) instructions given in relation to or regarding Wrongdoing carried out for or by the Newspapers; (v) the identity and roles of any person who had any connection with or involvement in Wrongdoing carried out for or by the Newspapers or received any information from or connected to Wrongdoing carried out for or by the Newspapers; (vi) the identity and roles of any person who was aware of Wrongdoing carried out for or by the Newspapers (including any supervisors or senior of MGN Limited or Trinity Mirror plc); (vii) examples of Wrongdoing; (viii) the victims or suspected victims or targets of Wrongdoing carried out for or by the Newspapers; and (ix) the nature of the Wrongdoing and the uses made of the Wrongdoing.
 - c. Any redactions made in accordance with this regime must indicate the nature of the information being redacted.

Individual Disclosure

9. Upon service on the Respondent of the Authority Documents specified by paragraph 16 below by any Individual on the MPS Disclosure Register the

Respondent shall within 42 days disclose the following documents or classes of documents (“Individual Disclosure”), redacted in accordance with paragraph 14 below, to that Individual on the MPS Disclosure Register (by provision of copies to their solicitors) and shall simultaneously notify the Lead Solicitor that disclosure has taken place:

- (i) Entries within the “Palm Pilot Contact List of Dan Evans” relating to or concerning the Individual on the MPS Disclosure Register;
- (ii) Documents containing Information that suggest that or show how the following relating to the any Individuals on the MPS Disclosure Register was obtained: account number(s), “personal identification numbers” or “PIN(s)”, passwords, billing data, call data and/or telephone number(s);
- (iii) Documents showing or suggesting the identity of the persons to whom the Investigator sent or provided Information about the any Individuals on the MPS Disclosure Register; and
- (iv) Notes, recordings, e-mails, call data, computer data, summaries, transcripts, and other documents which contain Information relating to or concerning the Individual on the MPS Disclosure Register.

10. Within 3 days of receipt of the Individual Disclosure, the Individuals on the MPS Disclosure Register shall provide a copy of the same to the Lead Solicitor and to MGN Limited but shall be entitled to redact the Individual Disclosure in accordance paragraph 15 below.

11. All Individuals on the MPS Disclosure Register and MGN Limited are entitled to rely upon any Individual Disclosure given to any party in MNHL.

12. Individual Disclosure is disclosed subject the Directions as to Confidentiality and Use of Disclosure at paragraph 17 and 18 below. The Respondent shall only be required to disclose Individual Disclosure to the extent that the material has already been analysed by the Respondent **and its disclosure will not compromise any investigation by the Respondent**. Any material that has not been analysed by the Respondent, which would fall to be disclosed pursuant to paragraph 9 of this Order, shall be provided on a

continuing and rolling basis once it has been analysed by the Respondent **and once its disclosure will not compromise any investigation by the Respondent.**

13. Upon service of the Authority Documents on the Respondent specified at paragraph 16 below, Individuals on the MPS Disclosure Register have permission and shall be entitled to rely on any document(s) that fall within the terms of Individual Disclosure that has been disclosed within the Mobile Telephone Voicemail Interception Litigation against News Group Newspapers Limited provided that the solicitor for the Individuals on the MPS Disclosure Register are satisfied that any such documents are more likely than not to contain Information and provided that the Individuals on the MPS Disclosure Register gives written notice (including a description of the document(s) to be relied upon) to the Respondent and the Lead Solicitor of their intention to rely on the same and such disclosure shall be treated as “disclosure given in the MNHL” and an “MPS Disclosure document” for the purposes of paragraph 7 and 10 of the 1st Order of Mr Justice Mann of 22nd January 2015..

The Individual Disclosure Redaction Regime

14. In relation to any Individual Disclosure, the Respondent shall not redact:
- a. Any part of the name(s) or nicknames (if known) of any Individual on the MPS Disclosure Register;
 - b. The address(es) of the person(s) to whom Individual Disclosure is being provided in accordance with paragraph 9 of the Order;
 - c. Telephone number(s), DDN(s), password(s), PIN(s), or account number(s) of the person(s) to whom Individual Disclosure is being provided in accordance with paragraph 9 of the Order;
 - d. Any free text including dates;
 - e. Names of current or former employees, servants or agents of MGN Limited or of Trinity Mirror Plc (where known by the Respondent); and
 - f. Names of any people whom the Respondent considers to be connected to

or associated with the person(s) to whom Individual Disclosure is being provided in accordance with paragraph 9 of this Order.

15. [deleted]

Authority Documents

16. The "Authority Documents" are:

- a. a letter of authority in the form specified by Annex C hereto (where a letter of authority has been in accordance with the Orders of Mr Justice Mann of 3rd October 2013, 9th December 2013, or 11th June 2014 it shall be treated as if it has been given in the form specified by Annex C); and
- b. a copy of any undertaking(s) to and lodged with the Court in accordance with paragraph 21 below.

Directions as to Confidentiality and Use of Disclosure

17. The Individuals on the MPS Disclosure Register, MGN Limited and their respective legal advisers shall:

- a. not disclose to any non-party without the permission of the Court the names of any individuals whose involvement in wrongdoing is suggested in any disclosure document save to the extent that such information is in the public domain;
- b. not disclose to any non-party the telephone numbers and any telephone details disclosed, save for the purpose of specific investigations aimed at advancing the case of any Individual on the MPS Disclosure Register or MGN Limited's case or where the party has the permission of the owner of the telephone numbers or any telephone details to do so;
- c. not show copies of any disclosed document to any non-party without the permission of the Court or the Respondent;
- d. not supply copies of any disclosed documents to any non-party without the permission of the Court or the Respondent; and

- e. only use the documents and the information which they contain for the purposes of the MNHL unless otherwise agreed with the Respondent

save that nothing in these directions restricts the provision for the purpose of the proceedings or intended proceedings of copies of disclosed documents to Counsel and/or experts instructed on behalf of anybody on the MNHL Registers for the purpose of bringing a claim against the MGN Limited; and save that MGN Limited may provide copies of disclosed documents or provide information contained within disclosed documents to members of the Board of Trinity Mirror Plc for the purpose of defending the proceedings.

18. Save where undertakings to the Court have already been given pursuant to the Orders of Mr Justice Mann of 3rd October 2013, 9th December 2013 or 11th June 2014 (in which case any such undertakings will be treated as if it has been amended as if they have been provided accordance with this paragraph), prior to receiving disclosure of Common Disclosure or Individual Disclosure pursuant to this Order, the legal advisers for MGN Limited, MGN Limited (by a director) and each member of the Board of Trinity Mirror Plc shall lodge undertakings to the Court in the form specified by Annex B to this Order.

Inspection of original copies of documents

19. The Respondent shall, on 7 days' notice, permit any Individuals on the MNHL Register or their legal representatives or MGN Limited's legal representatives to inspect the original of any document disclosed to that party in accordance with this Order. Notice of such inspection must be given to the other party at the same time as it is given to the Respondent.

MPS Disclosure Register

20. The Lead Solicitor shall establish and thereafter keep up to date the MPS Disclosure Register on which the names of all persons that have given the Lead Solicitor notice in accordance with paragraph 9 above shall be recorded along with the details of their legal representatives.

21. [deleted].

22. [deleted].

23. [deleted].

24. [deleted].

25. Any claimant or intended claimant who wishes to apply to bring a claim anonymously shall have liberty to apply to the Managing Judge, on notice to MGN Limited.

26. [deleted].

27. [deleted].

28. [deleted].

Costs

29. The costs shall be as follows:

- a. The costs of the Applicants to this application shall be Common Costs in the case;
- b. The Applicants shall pay the Respondent's reasonable costs of the application, to be assessed on the standard basis if not agreed. This shall not preclude the Applicants from seeking to recover these costs from another party in any claim that is brought;
- c. The Individual on the MPS Disclosure Register shall pay the Respondent's reasonable costs of complying with this Order, to be assessed on the standard basis if not agreed. This shall not preclude any Individual on the MPS Disclosure Register from seeking to recover such costs from another party in any claim that is brought.
- d. Any costs of the Individuals on the MPS Disclosure Register of complying with this Order and not included within paragraph 29(a) of this Order shall be reserved.

ANNEX A

CLAIM NO: [CLAIM NUMBER]

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION

BEFORE THE HONOURABLE MR JUSTICE MANN

BETWEEN:-

[NAME]

*[Claimant /
Intended Claimant]*

and

MGN Limited

*[Defendant /
Intended Defendant]*

UNDERTAKING TO THE COURT

[I/We], [NAME], of [ADDRESS], for the purposes of paragraph 13 of the Order of Mr Justice Mann of 22nd January 2015 (“the Order”) hereby undertake to the Court that [I/we] will:

- a. not disclose to any non-party without the permission of the Court the names of any individuals whose involvement in wrongdoing is suggested in any disclosure document save to the extent that such information is in the public domain;
- b. not disclose to any non-party the telephone numbers and any telephone details disclosed, save for the purpose of specific investigations aimed at advancing the case of any claim within MNHL (as defined within the Order) or MGN Limited’s case or where the party has the permission of the owner of the telephone numbers or any telephone details to do so;
- c. not show copies of any disclosed document to any non-party without the permission of the Court or the permission of the Metropolitan Police Service;

- d. not supply copies of any disclosed documents to any non-party without the permission of the Court or the permission of the Metropolitan Police Service; and
- e. only use the documents and the information which they contain for the purposes of the MNHL (as defined by the Order) unless otherwise agreed with the Metropolitan Police Service.

[SIGNATURE]

.....

[NAME]

Dated: [DATE]

Annex B

CLAIM NO: [CLAIM NUMBER]

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION

BEFORE THE HONOURABLE MR JUSTICE MANN

BETWEEN:-

[NAME]

*[Claimant /
Intended Claimant]*

and

MGN Limited

*[Defendant /
Intended Defendant]*

UNDERTAKING TO THE COURT

[I/We], [NAME], of [ADDRESS], for the purposes of the Order of Mr Justice Mann of 22nd January 2015 (“the Order”) and for the purposes of documents disclosed pursuant to the Order and for the purposes of any further such disclosure which may be ordered from time to time and provided by the Commissioner of Police of the Metropolis (“the Commissioner”), hereby undertake to the Court that [I/we]:

- a. will comply with any and all directions as to the confidentiality of the disclosure and use of the disclosure as may be ordered by the Court;
- b. will not use any documents disclosed by the Commissioner or the information contained within any such documents for any purpose other than these proceedings;

- c. in respect of Common Disclosure: will not supply or show copies of any document disclosed by the Commissioner or disclose the information contained within any such document to any person save that such documents may be disclosed to the members of the Board of Trinity Mirror Plc; and

- d. in relation to Individual Disclosure: will not supply or show copies of any document disclosed by the Commissioner or disclose the information regarding any individuals whose involvement in the wrongdoing is suggested in the disclosure contained within any such document to any non-party without the permission of the Court or the written permission of the Commissioner save that such documents may be disclosed to the members of the Board of Trinity Mirror Plc and save that the telephone numbers and any telephone details may be disclosed to non-parties for the purpose of specific investigations aimed at advancing the claimants' cases or MGN's case.

.....

[NAME]

Dated: [DATE]

Annex C – Letter of Authority

[NAME]
[ADDRESS]

F.A.O. Mark Spanton
Directorate of Legal Services
New Scotland Yard
Broadway
London
SW1H 0BG

[DATE]

Dear Sirs,

Re: Mirror Newspapers Hacking Litigation

I write pursuant to the Order of Mr Justice Mann of 22nd January 2015 (“the Order”). I confirm that I have been notified by the Commissioner of Police for the Metropolis that I am a potential victim of unlawful activity and hereby authorise the disclosure of Individual Disclosure (as defined within the Order) to my solicitors and to the solicitors of MGN Limited.

Yours faithfully,

[SIGNATURE]

.....

[NAME]

Claim nos: (as listed in the Group Register)

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION

IN THE MATTER OF THE MIRROR
NEWSPAPERS HACKING LITIGATION

BEFORE THE HONOURABLE MR JUSTICE
MANN

22nd January 2015

BETWEEN:

(1) CLAIMANTS
(as listed in the Group Register)
Claimants / Applicants

-and-

MGN LIMITED
Defendant /
Intended Defendant

-and-

THE COMMISSIONER OF POLICE FOR THE
METROPOLIS
Respondent

ORDER

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Lead Solicitors for the Claimants