



Claim No. IL-2019-000110

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
INTELLECTUAL PROPERTY LIST
BETWEEN**

H.R.H THE DUCHESS OF SUSSEX

Claimant

- and -

ASSOCIATED NEWSPAPERS LIMITED

Defendant

**RESPONSE TO THE DEFENDANT'S REVISED
SECOND CPR PART 18 REQUEST**

dated 28 November 2019

The Claimant responds to this Second CPR Part 18 Request¹ as set out below. However, the Defendant is reminded of the true purpose of a CPR Part 18 Request, namely that it should be strictly confined to matters which are necessary and proportionate so that the party seeking the request so as to know and plead to the case which it has to meet.

The Claimant believes that the Defendant has ample knowledge of her case so as to allow it to plead its Defence to the Particulars of Claim, which were served on 11 October 2019 (seven weeks earlier), and that the Defendant should have done so by now. This further Request seems to be another means of the Defendant avoiding or delaying meeting the Claimant's claim on its merits.

¹ This is in fact the Revised Second CPR Part 18 Request. The Defendant deliberately chose to withdraw from this Revised version a request for further information about the attempts made and methods used to track down and interview the Claimant's father, and to publish stories based on the same, as appeared in the Original version of this Second Request. It is assumed from the withdrawal of this original request that the Defendant is well aware of these attempts made and methods used. This is unsurprising given that the details of and documents evidencing the same are self-evidently within its own knowledge and possession.



Of the Claimant's Response to the Defendant's Request for Further Information dated 23 October 2019

Of Response 27(d): "The Claimant will also refer to the numerous articles (as exemplified below) which the Defendant chose to publish about the 'renovation' of Frogmore Cottage".

1. Please identify each and every article relied on in support of the case set out in Response 27(d).
2. State the meanings or imputations in each article alleged to be false.
3. Set out why those imputations are false.

Responses 1 to 3

- (a) The Defendant is again reminded of the true purpose of CPR Part 18, as recited above.
- (b) The passage referred to is part of the Claimant's claim for damages and therefore the use of examples is a proportionate and reasonable method of supporting her case in this respect.
- (c) Notwithstanding this, the Claimant has already identified in her Response 27(d) those articles upon which she intends to rely. This is the case which the Defendant is expected to meet.
- (d) Furthermore, this is not a claim for defamation and there is therefore no need to specify or attribute a meaning to the articles identified.
- (e) The Claimant's case in relation to these articles has already been set out in Response 27(d).



Of the Confidential Schedule of Deliberate Omissions: "her father did not answer the Claimant's calls, [but] he did instead speak to the tabloids":

4. State when each of these calls was made and whether it is alleged that he chose not to answer them and if so on what basis that allegation is made.


Response 4

- (a) As the Defendant is aware, the quote is a reference to a passage in the Claimant's (private) letter to her father, relating to telephone calls made from her mobile phone to her father's phone in the period shortly before her wedding.
- (b) Given that this is a request for information relating to the Confidential Schedule of Deliberate Omissions of the Letter from the published articles, the Claimant's response to this is set out in a Confidential Schedule to this Response. This is also to avoid this Revised Second Request being used by the Defendant as a vehicle for intruding further into her privacy. The Claimant repeats Response 7 of the First Request.

DAVID SHERBORNE

Statement of Truth

The Claimant believes that the facts stated in this Revised Second Response are true. I am duly authorised by the Claimant to sign this Revised Second Response.


.....

JENNY AFIA

Served this 9th day of December 2019 by Schillings, 41 Bedford Square, London WC1B 3HX, Solicitors for the Claimant.