

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Royal Courts of Justice
Strand
London
WC2A 2LL

BEFORE:

MASTER RICHARD HAROLD DAVISON

BETWEEN:

MARTIN HIBBERT
EVE HIBBERT

(1) CLAIMANT
(2) CLAIMANT

- and -

RICHARD D WALL

DEFENDANT

Legal Representation

Mr Jonathan Price (Counsel) on behalf of the Claimant
Mr Richard D Hall (Defendant), Litigant in Person

Other Parties Present and their status

Mr Tony Bennett (Defendant's McKenzie Friend)

Whole Hearing

Hearing date: 13 March 2024
(start and end times cannot be noted)

Reporting Restrictions Applied: No

“WARNING: reporting restrictions may apply to the contents transcribed in this document, particularly if the case concerned a sexual offence or involved a child. Reporting restrictions prohibit the publication of the applicable information to the public or any section of the public, in writing, in a broadcast or by means of the internet, including social media. Anyone who receives a copy of this transcript is responsible in law for making sure that applicable restrictions are not breached. A person who breaches a reporting restriction is liable to a fine and/or imprisonment. For guidance on whether reporting restrictions apply, and to what information, ask at the court office or take legal advice.”

“This Transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved.”

Number of folios in transcript 134
Number of words in transcript 9,633

A
Court Clerk: Good afternoon, everyone. On behalf of the court, could I just ensure that everyone who is attending remotely, if it is not already muted, could they mute their microphones. Can I remind everyone that there is no recording of this hearing. That is done
B by the court and we hopefully have a setting there that means that it is not going to disrupt everyone. If you can ensure that your cameras are also off, just to make sure that that does not effect the quality of the hearing as well.

I will be managing the attendance of everyone who else is remote, but at this point, Master,
C I am just going to hopefully enable the parties, which I am just trying, because it appears that they are muted and that is why you cannot see them --

Master Davison: Yes, thanks.

D
(long pause)

E
Court Clerk: Master, I am just having a difficulty locating the parties within the list of attendees, so I do apologise. I have hopefully, I have found Mr Hudgell, who I have hopefully enabled but I cannot see that he has immediately appeared.

F
Master Davison: So obviously that the, the, the, the ones who are most important would be Mr Price, who is counsel representing the Claimants --

F
Court Clerk: Yes.

Master Davison: And Mr Hall.

G
Court Clerk: So I have tried to enable Mr Hall, because I found him.

H
Master Davison: And then Mr Hall may or may not have a McKenzie Friend with him and if he does, and he will tell us, then that person should also be enabled --

Court Clerk: I will, I apologise. I can see someone has got their name, their hand up but because people are constantly --

A **Master Davison:** Yeah, that is Mr Price.

Court Clerk: Joining and leaving, I cannot see them, but if you are able to see them, Master, if you are able to right click, click on them, you should be able to enable the microphone?

B (pause)

Master Davison: Good afternoon.

C **Mr Price:** Can, can you hear me? Good afternoon.

Master Davison: So Mr Price, yes I, I can hear you --

D **Mr Price:** Master.

E **Master Davison:** Because of the number of people in the, in the court, we are just having some difficulty enabling the cameras and microphones of, of, of those who are going to be actively participating. So that is obviously you and Mr Hall. Mr Hall we have not yet managed to locate out of the many, many people that have joined the hearing, but that is only a matter of time. So I, I can see a Ray Hall, I do not, I do not know whether Ray Hall is ...

F **Court Clerk:** There is Mr Hall, I can see Richard D Hall on the call. It just is not allowing me to unmute his microphone just at the moment. I am just going to spotlight him for a moment, which will put him to the front, forefront and I am hoping that will mean that you can enable his, his microphone on my behalf. So I am hoping that, Master, you are able to see Mr Hall now on screen? I can see I have got his camera, I am just hopefully enable it, trying to enable his microphone for you.

G **Master Davison:** I, it, well what, what I am being offered is disable mic or disable camera but I, I am not being offered enable. As far as I can see the camera is turned off. Mr Hall, I, I, the, the situation may well be that you can hear us, but we cannot, we cannot hear you. I, I think you need to look on your screen. I think you may have disabled your own microphone.

H **Mr Hall:** Yeah --

A **Master Davison:** Ah --

Mr Hall: Can you hear me now?

B **Master Davison:** Yeah, I can hear you now, yeah. OK, so we are, we are, we are more or less in shape. You have disappeared Mr Hall, oh no, there you are --

Mr Hall: Sorry.

C **Master Davison:** So can --

Mr Hall: So you can see, you can see me now?

D **Master Davison:** I can, I can see you, you can, you can see and hear me?

Mr Hall: Yes.

E **Master Davison:** Good did, did you have a, a McKenzie friend with you or online?

Mr Hall: He is watching and he said that if he wants to give me any advice, that he will send me a text, if that is OK to do it that way --

F **Master Davison:** That is --

Mr Hall: Or does he need to be on ...

G **Master Davison:** No, no that is, that, that, that is perfectly all right. Is, is it the same person as last time, Mr, Mr Bennett --

Mr Hall: Yes, Mr Tony Bennett, yes.

H **Master Davison:** Yeah, OK. Well I, I can say I am, I am perfectly happy for Mr Bennett to join the call and, I mean he is in the call, but I am perfectly happy for his microphone to be enabled and his camera to be enabled if, if he would like that? So I will leave it to him to say

A so, if he, if, if he would find that helpful. The facility is there on the, on, on the screen to put a hand up, but if that does not work, then he can text you and you can, he can convey the message that way. All right --

Mr Hall: OK.

B **Master Davison:** So Mr Hall you, you, you understand, I hope, the purpose of today, which is simply to deal with the order that is consequential on the, on the judgment that I have already given?

C **Mr Hall:** Yes, yes.

D **Master Davison:** So that is, that is point 1 and point 2 is, is the costs, because the Claimants are asking for an order that you pay their costs of the application. And then the other point is that you, you can, of course, ask for permission to appeal. You, you can ask me or you can ask a, a judge of the next level above me, which is a, a High Court judge. If, if, if you ask me for permission to appeal and I refuse permission, then you can still ask the next rung up, which is a High Court judge. You, you, you understand?

E **Mr Hall:** Yes, well I would like to ask permission now from you to appeal.

Master Davison: On what, on what basis is, is that?

F **Mr Hall:** OK, I have some notes. Now, not least because there seems to be a lack of knowledge within the judiciary about false flag terrorism and fabricated terrorism. Terrorism has been fabricated by NATO countries many times, the intention of which is to fool the public into thinking they are under attack from a foreign enemy. This is an accepted part of history and there are many proven or acknowledged instances of this. So this is something which needs serious attention in my appeal, because it is very concerning that the judiciary does not seem to be aware of it.

H And there will also need to be a comprehensive explanation about why a staged attack hypothesis is anything but inherently implausible. With respect, it can only be implausible if the many pieces of evidence which point to a staged attack, such as the Ruth Morrell evidence, can be explained using a real attack hypothesis and this evidence cannot be. It is

A the real bomb attack hypothesis which is implausible, because the evidence does not point to it. The appeal will show that the evidence points, at least on the balance of probability, to a staged attack at the Manchester Arena. There are other elements that will need to go into the appeal concerning legal arguments about why CCTV and medical evidence should be obtained. This will all take considerable time to prepare and I am taking legal advice on it and --

B **Master Davison:** Can you, what, what, what are, what are the legal points you wanted to make about the admission of CCTV and medical evidence? I, I appreciate I am slightly putting you on the spot there because you have just said --

C **Mr Hall:** OK, yeah, well I, I have come to this court under a misconception, because I thought the trials were primarily about presenting evidence. That is what I used to think. A court order for the CCTV evidence has been rejected. A court order for the medical evidence has been rejected and my 90 pages of first hand crime scene evidence, the detail of which were not referred to or challenged in the judgment at all, has effectively been ignored and waved aside. Now in the recent judgment it was stated:

E “I do not propose to engage with the detail of the defendant’s evidence.”

So it appears to me that this court is, is not interested in any relevant evidence.

F **Master Davison:** OK.

Mr Hall: These are points that will go in the appeal and are reasons why I am appealing.

Master Davison: All right --

G **Mr Hall:** Because, well the, in your judgment I realised that you said that in a civil case it only has to be proven on the balance of probability, but surely it is desirable if the evidence is easily obtainable, which in this case it is, to exceed the balance of probability and prove it beyond reasonable doubt? Surely it is desirable, even in a civil case, if the evidence is there to prove it beyond reasonable doubt and the CCTV evidence will achieve that? But it, it, it, it would be simple to obtain. It is, it is a hard disc contained in an office in a safe in

Manchester. The cost of obtaining that and, and releasing it and showing the moving CCTV images would be minimal.

A

Master Davison: All right, thank, thank you very much, Mr Hall. I am afraid I will not give you permission to appeal. You, you, you must apply, if you want to, or you must renew your application to a High Court judge. Nothing that you, you, you have said amounts to, in my view an, an argument that would have some real prospect of success on appeal. It does appear to me that what, what you want to do is simply to reargue the points that I have already rejected. So you, you have, you will have 21 days from today's date to renew your application for permission to appeal to a High Court judge and the order that will come out to you will explain that, so that you know exactly where you stand.

B

C

Mr Hall: Right, will, will, will that affect the draft order for the, the directions to trial by 21 days?

D

Master Davison: I am not sure I understand the question.

Mr Hall: Well the, the Claimants have submitted the, the, the dates that they wish various things to happen in, you know in going towards the trial, so will that all be shifted by 21 days into the future?

E

Master Davison: I, yes, I understand, sorry, I was being slow.

F

Mr Hall: Yes.

Master Davison: I, I do not see any need to shift those dates at the moment --

G

Mr Hall: Yeah.

Master Davison: Because the first stage is, is 3 April. That is three weeks away, but that places a burden on the Claimants to do something, not you, and then the next date in the proposed timetable is not until 1 May, and obviously that is considerably more than 21 days away. So I, I do not, at the moment, see the need to, to shift the dates, but the, the, the --

H

Mr Hall: So is, is it, is it, will it be 21 days from the order from this hearing --

A **Master Davison:** Yes.

Mr Hall: That I need to have everything submitted or, or do I have 21 days just to say I am going to appeal and then get more time? Can you just clarify the time period that I have to submit it --

B
Master Davison: So within, OK, so within 21 days you, you, you need to fill out the, the, the relevant form. Again, that will be explained to you in the order and you will need to supply your grounds of appeal, the basis upon which you say the decision that I have made should be reversed or, or varied. So that is the onus on, on you. And then you can also ask the judge, who will come to consider your application for permission to appeal, for a, a stay of the directions leading towards a trial, but that will be a matter for the judge dealing with your application and for permission to appeal. I, I, I would not be minded to order a stay.

D
Mr Hall: Right, and this is the, the High Court that I submit this to, not the Appeal Court? A High Court judge --

E
Master Davison: Yes, that is right because, so because I, because I am a High Court Master, the next tier above me, to which an appeal goes, would be a High Court judge.

F
Mr Hall: I would just like to mention something else which may go in the appeal. Now I am highly concerned that this case is being used for an ulterior political purpose. In an ITV interview the Claimant expressed his intention, this was the day after you, your ruling. He expressed his intention to get the law changed, using this case to achieve it. He also stated that he had a political ally in order to try and achieve this change in the law, that being Andy Burnham, the Mayor of Manchester.

G
H
Now I have already pointed out the fact that the BBC have supported the Claimants very closely and the whole of mainstream media are support, supporting them and now political figures, such as the Mayor of Manchester, are supporting the Claimants. It is clear to me that the Claimants are not the only ones backing this claim. The intention being to suppress the damning evidence I have unearthed about the Manchester alleged bombing and this is an abuse of process. Trials should be used to render justice and nothing else and the Claimant has clearly stated that this trial is going to be used to try and change the law itself.

A Now once a new law is introduced, if indeed it was introduced, this new law will be used to prevent honest journalists from holding authorities to account by preventing journalists from investigating state narratives.

B **Master Davison:** All right, Mr --

Mr Hall: The consequences to society of such a law would be devastating and (inaudible)

C **Master Davison:** All right, Mr Hall, I had, I, I, I understand the, the, the feeling you have. None, none of that makes any difference to my decision on your application for permission to appeal, but you can, of course, make those points to the High Court judge who will consider your application --

D **Mr Hall:** Right.

Master Davison: Your renewed application for permission to appeal.

E **Mr Hall:** Right, but just one question from your own background in the law, if I may just, just to finish this point? Now would you be able to confirm if, if I were to eventually lose this case or any part of the case and then a new law was brought in directly because of it, would I have grounds to get the judgment overturned because the case was used for a ulterior motive?

F **Master Davison:** I, I, I do not know the answer to that question and you, you are effectively asking me for legal advice, which is obviously not something that I am prepared to do.

G **Mr Hall:** OK, thank you.

Master Davison: All right. So can we, I, I have got a draft order in front of me, which is at page 3 of the bundle, which I hope you have got, Mr Hall?

H **Mr Hall:** Yes, yes, I have it in front of me here.

Master Davison: Yeah, so have you had an opportunity of looking through that?

A **Mr Hall:** Yes.

Master Davison: So let us, let us just look, look at it now. So the first paragraph reflects what I have said about summary judgment. I think that paragraph should be very slightly amended. I would like to see the words which are found proved at the end of the first line.
B So it will read:

“There be summary judgment for the Claimants on the following issues, which are found proved.”

C And then the rest --

Mr Hall: Well would that not be proved on the balance of probability because it is not, it, it has not been, none, none of these points have been proven beyond reasonable doubt.
D

Master Davison: I mean, Mr Hall, I am not going to debate that. I, that is what I have found, all right? So that is what the order will say and we will, we will pass on to paragraph 2 which deals with the, with the costs. Do you have, have you had an opportunity of considering the, the schedule of costs which is at Divider 5 of the bundle?
E

Mr Hall: I have not seen any, any actual costs.

F **Master Davison:** Right, so on, if you have the same bundle as me, it begins at page 82.

Mr Hall: Right, OK, I, I have not looked through the entire bundle, I am afraid. I, I, I assumed that the documents in the bundle were what were used at the hearing and that the, the three documents --
G

Master Davison: OK.

H **Mr Hall:** That the three new documents was the Claimants case summary, the draft order and another document. The, the draft order that I have just has X's in it for the, the, the amount claimed. It does not actual state the, the value.

A

Master Davison: No, because that, that, that is because the Claimants are inviting me to assess the costs.

Mr Hall: Right.

B

Master Davison: But the costs they are seeking are, are set out in the document which is at Divider 5, so pages 82 through to 86.

C

Mr Hall: Right, OK I, I would need to access the bundle then, which I do not have in front of me. I mean I am happy for you to read that out, read out the costs what, what they have said.

D

Master Davison: I think I would rather that you had it in front of you. Do you, do you, are you able to access it --

Mr Hall: I am going to have to get an email link and, because it is, it is, it is a huge file, is it not?

E

Master Davison: No it is, it is not a huge file, it is, it runs to about a 100 pages.

Mr Hall: Right, OK and, and was that emailed to me by the, by the Claimants, by Hudgell's?

F

Master Davison: No, I would, I, I do not know that, it maybe that Mr Price or indeed Mr Hudgell who is on the line can help with that? Mr Price, do you know?

G

Mr Price: Yes, I believe it was and, and I can also confirm that the costs schedule that appears in the bundle was separately served prior to the last hearing.

Master Davison: Is anyone --

Mr Hall: *Oh* --

H

Master Davison: Are, are you or anyone in your --

Mr Hall: Is it --

A **Master Davison:** Team able to just email it to Mr Hall now?

Mr Price: I have just asked for that to be, to, to be done, in fact, so I am hoping that it, it, it will be --

B **Master Davison:** Right.

Mr Hall: So I have just been sent the link here, Master's listing diary, is that the email? Oh download, OK, yeah, I have got you. Oh no, that is an invite, sorry.

C **Master Davison:** So I am, I am hoping that someone in the Claimants legal team will have, will have sent you a separate email with the costs schedule.

D **Mr Hall:** OK is, is there a date for that, when that was sent?

Mr Price: I understand that it is on its way again now, so it should be at the top of your inbox.

E **Mr Hall:** OK.

Mr Price: Just the schedule. It should be quite a light document.

F **Mr Hall:** I do not have anything yet. I have got a, a, a Teams link which was, I do not see an attachment.

G **Master Davison:** I do not think, it will not, it will not be an email with a Teams link, it will be an email that will, will, will have been sent just now and it will just have --

H **Mr Hall:** Right, I have got, it, it has not, it has not come through yet then. If you can give me a date when, when it was sent prior to that, I can check my emails? Would, would that have been from Kerry?

Mr Price: Yes.

(pause)

A

Mr Hall: I, I do not have anything with costs in it. Oh hold on.

(pause)

B

Mr Hall: So this will be in the, the draft order, yes? The, the costs are specified in the draft

--

Master Davison: The, the costs schedule is in the bundle --

C

Mr Hall: Right, yeah.

Master Davison: At page 82 onwards and, and I have in fact just sent you the bundle myself

D

so --

Mr Hall: All right I have got, yeah, I have got that now. I have got that now --

E

Master Davison: Yeah.

Mr Hall: OK, I have got that now. So page?

F

Master Davison: Page 82. Some, sometimes the digital pages do not quite match the --

Mr Hall: OK.

Master Davison: The pages on the ground, if I can put it that way --

G

Mr Hall: Right. It is just loading now.

(pause)

H

Master Davison: Yeah, it actually begins at 83 digitally.

A **Mr Hall:** OK. OK, yeah, I have got that. OK, yeah, I can see that now. I can see the grand total, yes. Yeah. OK, yeah. Now in, in, in, in --

Master Davison: Is there --

B **Mr Hall:** Sorry in, in, in my letter, I, I understand you will have a copy of my letter which was my requirement for the draft order or my requirements to be added to the draft order, where I asked for the, the, the costs to be costs in the cause, where the costs are paid at the end rather than now? And I give an argument as to why that should be in my letter.

C **Master Davison:** OK, now I do not, I, I have not, I have not seen that letter, I do not think. Is that letter in the bundle?

Mr Price: It, it is at page, it is at --

D **Master Davison:** Ah OK, is it the very last document in the bundle --

Mr Price: Digital page 105 --

E **Master Davison:** 104.

Mr Price: The last document, yes, that is right. Yeah it is, it is --

F **Master Davison:** Yeah, OK, forgive, forgive me, I had not noticed that so I, I will, I will read that now, just give me a moment.

Mr Hall: So is it, it is the seventh paragraph on the first page.

G **Master Davison:** (indicate agreement)

(pause)

H **Master Davison:** All right I have, I have read that. Was, was there anything else you wanted to add to what you have already said in your letter?

A

Mr Hall: Well obviously I would challenge the, the costs, £31,000, and if I were to win my appeal, presumably those costs, if, if they were paid now, would be paid back? Is it not easier just to wait until the, the appeal?

B

Master Davison: No, I have to deal with the costs now, but you are correct, if you were to obtain permission to appeal and your appeal was, was successful, then it, it is almost certain that the Costs Order would be reversed, yes if I, if I make a Costs Order against you.

C

Mr Hall: OK, and if I were to suggest that the costs were unreasonable are, are you the person who judges whether they are or not --

D

Master Davison: Yes, yes, yeah, yes indeed, so I, I, I *happened* --

E

Mr Hall: Right, well what happens (inaudible) an order to assess whether the costs are reasonable or not and, and then write, write to the court because obviously I had not read the full breakdown of the costs. I would need time to look at that.

F

Master Davison: All right, well I will, I will turn to Mr Price about that. I, I imagine that he may say that you have had plenty of time and you should have read what was sent to you but anyway I will pause --

G

Mr Hall: Right.

H

Master Davison: For the moment and turn to Mr Price. So Mr Price, Mr Hall says, says that as a matter of principle he should not have to pay the costs, they should be in the case and therefore payable, depending on who wins at the conclusion of the case. And he also challenges the amount, so what, what do you want to say about those things?

Mr Price: The, the costs should follow the event. The, it is the usual rule. The argument that they should bide the appeal must fail because you have already held that. Mr Hall's appeal has no real prospect of succeeding and given that, it would be wrong to deprive the Claimants of their costs in those circumstances. The, I am just trying to help on demonstrating that Mr Hall has been in possession of the figures for some time, because we would press for summary assessment of the costs today. But that that, given the amount at stake, which we submit is restrained, and the fact that we are here and ought to be able to deal with the costs,

A it would not be proportionate to put them off either to another occasion for the Court to summarily assess or for, for detailed assessment. That simply would not be proportionate to the amount at stake.

B **Master Davison:** Yeah, so Mr Hall, costs do follow the event, as the phrase goes. That is to say the person who wins is generally entitled to their costs and it, it might be pointed out that if you had been the winner, you would have been asking the, the Claimants pay your costs. The fact is they brought the application. You resisted it. I found in their favour. They have won and there is no reason not to award them their costs. As to the assessment of costs the, the general rule is that they will be summarily assessed where it has been a fairly short C hearing and this was a half day hearing and where the costs are, and I say, reasonably modest scale.

D I appreciate that to you £31,000 is, is a lot of money, but in the overall scale of things and the costs that are run up in High Court litigation, that is in fact a, a reasonably modest amount and it does not seem to me to be proportionate to put off the assessment of costs to another day. And, and that is perhaps particularly the case where you have had the opportunity to look at the costs schedule and to consider what points you would like to make about the amount of costs before now. So I, I do propose to assess them summarily but I will, I will E obviously give you an opportunity to say anything you want about them now because you have the schedule in front of you and you have, I hope, the assistance of Mr Bennett, if that would be helpful to you.

F **Mr Hall:** OK. Yeah, I have lost them now. You know the, there is a little bit of pressure with only the, the limited time that we have in this, in this hearing to, to look at all of the elements which make up the final costs, so is there any way that we can, that, that I can get this comments to you later today? By close of business today or, or, or, or tomorrow? I have G lost them now. Let me just open the email again.

(pause)

H **Mr Hall:** OK. Let me just go to the page number again.

Master Davison: So let me, let me make a, a suggestion. We still need to look at a few things in the order. What I might suggest is that you email the bundle to Mr Bennett, if Mr

A

Bennett does not already have it. Mr Bennett can have a look at the costs schedule and he can text you or indeed come online and make any points that are available to you on the amount of the costs.

B

Mr Hall: Yeah. Yeah, we just need to read all of the elements which make up the cost. The number of hours and the hourly rates and, *yeah* --

C

Master Davison: Well that is all set, that is set out in the schedule.

Mr Hall: Yeah, yeah, but for me to digest all that now is, when there is other things to discuss ...

D

Master Davison: Well that is why, that is why I suggested that it, it, it might be helpful if you simply sent it to Mr Bennett and Mr Bennett looks at it --

Mr Hall: Yeah, I am doing that now. Yeah, OK, so that has, that has been sent to Mr Bennett now. OK --

E

Master Davison: All right --

Mr Hall: So that has gone.

F

Master Davison: All right, well we will, we will --

Mr Hall: Yeah. This --

G

Master Davison: We will park that for the moment --

H

Mr Hall: There is, there is just one other point which, which might affect the timing or introduce a stay in the case. Let, let me just explain this. In the ITV interview which was featured on 9 February, featuring the Claimant on national television, he made untrue and misleading statements about myself, which were both defamatory and libellous. Now a complaint has been submitted to Ofcom and I am currently taking legal advice (inaudible)

A **Master Davison:** Yeah, Mr Hall just let me, just let me, can, can I just stop you for a moment? Yeah, this, this has the flavour of your, of your reading a, a, a, a prepared speech. What, what, what relevance has it got to anything that I have to decide --

B **Mr Hall:** Well if, if I, if I introduce a counterclaim will, will that affect the, the, the, the timings and the directions now if, if, if a, a counterclaim is, is submitted?

Master Davison: Well you have, you have made, you, you, you have made no --

C **Mr Hall:** Now --

Master Davison: You have not made an application to submit a counterclaim and you do need --

D **Mr Hall:** No.

E **Master Davison:** You need permission for that. And so that would be an application that you would have to make separately and after this hearing. It is not something that, that I am prepared to deal with now, nor could I deal with it.

Mr Hall: OK but if, if that claim is made, would it be, become an integral part of this case or would that be an entirely separate claim, if I am making a counterclaim for defamation --

F **Master Davison:** Well --

Mr Hall: And Libel?

G **Master Davison:** Well that will be a question for a, a, a, another day. If you --

Mr Hall: Right --

H **Master Davison:** All right, yeah, we will leave it at that --

Mr Hall: Yeah.

A

Master Davison: OK so I am back on the draft order and, and we got to paragraph 4 onwards. So your applications, you have made a couple of applications for, for disclosure and those, those are dismissed and then we have got some dates. Now we have already touched on the dates. The Claimants, Mr Price on behalf of the Claimants wants until 3 April to serve a reply to the Defence if, if so advised and then standard disclosure on 1 May. So that is roughly six weeks away.

B

Mr Hall: Yeah.

C

Master Davison: Do you think you are able to comply with that date?

Mr Hall: Well I have already stated that I would like the case to be stayed and would need, would like longer to prepare my appeal. I would prefer that date to be pushed back, if at all possible, or pushed forward, sorry, into the future.

D

Master Davison: But it would be, I mean you --

Mr Hall: Perhaps 21 days --

E

Master Davison: Yeah.

Mr Hall: Because that, that is, that is the length of time for the appeal, for the appeal.

F

Master Davison: Well even if you were completely occupied for 21 days preparing your appeal and, of course, you have had the judgment since 8 February, but even if you were completely occupied for the next three weeks you, you would still have until 1 May to comply with an order for disclosure.

G

Mr Hall: OK. I mean to summarise, I would like more time, but you are the judge.

H

Master Davison: OK, well I am, I am, I am not completely unsympathetic to that. Miss, Mr Price, your, your aim is to have, have a timetable that will enable this case to be tried before August that is, that is the goal, have, have I got that right?

A **Mr Price:** Yeah, it is, and that is based on availability, which we understand the court would have in that window and we see no reason why we should not be able to get it on. I mean it has been going on since the spring of 2023 and my clients are understandably keen to draw a line under it, if they can. Get the vindication that they seek.

B **Master Davison:** Well suppose we were, for the first, the, the date for disclosure, suppose we were to put that back until 8 May, that would give Mr Hall another week?

C **Mr Price:** That would be, that would be fine. May I, in that case, put forward the date for the reply by a week as well?

Master Davison: What bring it forward or, or put it back --

D **Mr Price:** No, no push, push, push forward in time so for the 10th, 10 April and then add a week to the other dates, I mean that would be *highly* ...

Master Davison: No, well why did you not, you, you, well why do you need more time for, for a reply?

E **Mr Price:** Well I do not necessarily need more time, but if the other dates are moving, it would give a bit of breathing space if Mr Hall's going to be work, filing an appeal as late as 2 April. That was my thinking, I mean I do not, do not mind either way --

F **Master Davison:** Well it would give, it would give you breathing space but you are, you are, you are, you are not asking for breathing space, or you were not until just now.

G **Mr Price:** No, well then I am happy to leave it where it is.

Master Davison: Well I think I will leave --

H **Mr Hall:** Well should, should, should all of the dates not be moved forward by one week?

Master Davison: No, because the, the, the trouble with that, Mr Hall, is that we are looking at trial in July and the last date in the timetable is already 5 June. So that does not give a, a, a massive amount of, of time to allow for slippage, which from, from time to time occurs,

A so I do not really want to do that. Well what I will do is I will say that the date for disclosure is to be 8 May, not the, not 1 May, so that gives you another week. I will leave the date for inspection as 15 May so I, I do not see why it should take more than a week for, for the actual documents to be disclosed or inspected.

B And I will leave the date for witness statements of 5 June, because I think those dates are, are reasonably achievable and if it is in everybody's interests that this case is tried before the long vacation. The long vacation starts in August and it goes on until the end of September. So if it, if it, if it is not tried in July then it is going to go all the way back to October, which I think is undesirable for, for everybody.

C **Mr Hall:** It is not undesirable for me.

D **Master Davison:** I disagree, I, I, I think it is desirable for you that the case is brought to a, a, a swift conclusion. Obviously, if your application for permission to appeal is successful, then it is likely that, that the judge who grants you permission to appeal will stay the claim until the appeal can be heard. But assuming that does not happen, I think it is in everyone's interests that the case is dealt with as quickly as is reasonably possible.

E **Mr Hall:** Can you just clarify, when I asked the other judge for permission to appeal, I was under the understanding that if a judge refuses permission you can still appeal? You can appeal regardless of whether you have permission? So are you saying that another judge can refuse permission to appeal and then there will be no opportunity to appeal at all?

F **Master Davison:** So the, the, the, the, the, the final opportunity you have, if the judge refuses you permission to appeal on paper, is to renew your application orally but I would have to, I would have to remind myself of the, of the rules and look closely at them. I, I think, I think **G** it is the case that the judge considering the permission to appeal application does not have to give you the opportunity to renew the application orally if, if they refuse it. Does that answer your question?

H **Mr Hall:** Well if that happens, can I still submit an appeal to the court --

Master Davison: Do, no --

Mr Hall: Regardless of permission --

A

Master Davison: No you, no, no the, the, the short answer to your question is you do need permission to appeal to go ahead with an appeal. There is a --

Mr Hall: Right.

B

Master Davison: Put it this way there is a preliminary stage to your appeal as with any appeal and that is you need permission to appeal. So you need to persuade a judge at, at a higher level than me, that you have a real prospect of success on the appeal. If, if the judge decides you do not have a real prospect of success, then you will be refused permission to appeal and that, I am afraid, is, is it.

C

Mr Hall: Right, OK.

D

Master Davison: All right, so --

Mr Hall: So all of my arguments need to go into the trying to persuade him for permission to appeal?

E

Master Davison: Yes.

Mr Hall: Right. OK, I think I understand that.

F

Master Davison: Good, now I will just turn back to Mr Price. Do, do, do we need a PTR, Mr Price?

G

Mr Price: The guide, as, makes it a requirement in all media and communications --

Master Davison: Media and communications case.

H

Mr Price: Cases of which this is one, I am afraid, because it is relatively short trial itself but the, I mean there is provision to have the PTR come out by agreement with the parties and that --

Master Davison: I am not sure that is, that is likely to be forthcoming. All right so --

A

Mr Price: But that is 11D. But that, that, that makes it --

Master Davison: Yeah, so --

B

Mr Price: That the point that perhaps there, that there should be provision for a PTR because there may well be, given the history of the case, some stray applications that, that can be dealt with.

C

Master Davison: There, there, there may be, so should, should we say that it should be listed two weeks before the trial date because the, the timetable is already quite tight?

Mr Price: Yes, yes. I think, so four weeks --

D

Master Davison: OK, so that --

Mr Price: Is the mid, well no the, the, the (inaudible) is longer than four weeks, is it not, but I think two, two is fine from, from our side.

E

Master Davison: All right, so do, do, do you understand that, Mr Hall? There, there, there will be a pretrial review which is more or less mandatory in, in media and communications cases and that means that the, the judge who is going to hear the trial will have a, a hearing two weeks before the trial at which anything that is still in dispute about preparation for the trial can be ventilated and, and the, and the judge can make rulings. Do you follow?

F

Mr Hall: Yeah, will that discuss what evidence would, would be allowed into the trial? At stage or (inaudible)

G

Master Davison: I am glad you have, I am glad you have raised that because I, I flagged a part of your letter, the final paragraph or the penultimate paragraph of your letter says this I, seek an order at this stage in these terms:

H

“That there be no restriction on the Defendant’s unfettered right at trial to ask the Claimants any relevant questions.”

A That is what --

Mr Hall: Yeah.

B **Master Davison:** Yeah, well I, I, I cannot make an order of that kind, but that would be something that you could raise at the pretrial review, just as, of course, you could raise it at the trial because it is a matter for the trial judge what questions --

Mr Hall: Right.

C **Master Davison:** You are entitled to put. I think it is highly likely that the trial judge will say well you cannot put questions, the effect of which is to challenge the issues which have been determined by this application --

D **Mr Hall:** Yeah, OK, now --

Master Davison: But that is --

E **Mr Hall:** I, I still intend to bring into evidence my entire investigation document because one of the defences against a harassment is that your actions were done in pursuing the prevention and detection of crime, which is what my investigation, that was the purpose of my investigation. So in order to show that that is what I was doing in my investigation, I
F need to show all of my investigation to the court regardless --

Master Davison: All right --

G **Mr Hall:** Summary judgment because --

Master Davison: OK.

H **Mr Hall:** Because that evidence is not being used to challenge the, the, the four claims by the summary judgment, it is being used to show that I was running a proper investigation and it did uncover --

Mr Price: (inaudible)

A

Mr Hall: Complaints. It has uncovered crimes. It has uncovered that the public enquiry was corrupt and has deliberately omitted evidence. I, I sent Sir John Saunders my book in 2020. OK, this is the covering letter which I had to provide. So Sir John Saunders, who ran the public enquiry, was made aware of all of the evidence in my book before he even started the public enquiry. And in that book is the John Barr video footage, the Ruth Morrell footage, the Chris Parker photograph, the police radio communications. All of this evidence was not included in the public enquiry. So I intended my --

B

C

Master Davison: OK so, no Mr Hall I am, I am, I am, I am not going to make any further ruling about the relevance of, of that body of evidence that you have referred to. That, that will be --

D

Mr Hall: I am just --

Master Davison: That will, let me just finish my train of thought. That will be --

E

Mr Hall: Yeah.

Master Davison: A matter for the trial judge and it may be a matter that it would be appropriate to ventilate, to canvas at the pretrial review but I am, I am not going to make any rulings, all right?

F

Mr Hall: (indicate agreement)

G

Master Davison: OK, and then the last of, the final paragraph, paragraph 12, that is just a standard direction for agreeing the contents of a trial bundle. I, I suspect, Mr Price, having, having heard what Mr Hall has just said that that is a bit of an aspiration?

H

Mr Price: What to, in that case should, should we bring that forward to, prior to the PTR, given we have moved that closer to trial? It would only mean moving this forward by a week or so, so that the, so that this --

A **Master Davison:** So, so that the, so that the trial judge can then make, make rulings on, on the content of the, of the trial bundle --

Mr Price: Yes.

B **Master Davison:** Yes, I think that make --

Mr Price: Which I --

C **Master Davison:** That makes, that makes some sense, does it not, Mr Hall?

Mr Hall: Yes.

D **Master Davison:** Yeah, OK I will, I will adopt that suggestion, Mr Price. We will, we will, we will bring forward the provision for trying to agree the contents of the trial bundle and if there is disagreement about that, as I think there may well be, then the trial judge can resolve it. OK so that, that, that I think deals with the order and we are, we are back onto costs. Is, has Mr Bennett sent you anything by way of text or email, Mr Hall?

E **Mr Hall:** No, not yet. No, let me just check my email. No, I mean I, I was unable to contact him before this hearing, so I am not, I am not certain he is, he is watching. I do not know if he is, I do not know if he is one of the guests in the, watching the hearing?

F **Master Davison:** I am just looking at the, at the list of, of participants.

(pause)

G **Master Davison:** I am, I am, I am not sure he is in there, in the court --

H **Mr Hall:** Right, right, OK. I have no explanation for that. I, I sent him the link and asked him to keep in touch with texts, so I am not sure what has happened there. Maybe he has had a problem.

Master Davison: Have you, have you actually had any recent texts message, messages and so on --

A **Mr Hall:** No, no, I have not. I rang him before the, before this hearing and he did not answer his phone.

Master Davison: OK, well --

B **Mr Hall:** So I suspect he, he, he may have had, have had a problem of some sort.

Master Davison: All right, well look let us, you, you, you have got the schedule, so let us just, let us just have a look at it now, all right? Are, are you able to just turn it up?

C **Mr Hall:** Yeah. OK --

D **Master Davison:** So if, if we just go to the very last page, which is on page 86 of the bundle. This is the, this is the work that the Claimants team have done on documents and that is primarily the, the witness statements, the application notices, the bundle obviously and the skeleton argument --

E **Mr Hall:** I mean one, one thing, one, one thing, if I may, just to question is the hourly rate, £325 an hour throughout?

Master Davison: Yeah.

F **Mr Hall:** The, the barrister that I was using, who was notably very expensive, he charged £250 an hour, so that seems very expensive to me.

Master Davison: All right, OK, well I have got that --

G **Mr Hall:** I wonder if you would consider --

H **Master Davison:** I, I, I wanted to start with the work on documents because that, that is just some of, the very first thing I look at, but that, that, that comes to £7,500. Do you have any comments about that, other than the hourly rate, which you have already mentioned?

A **Mr Hall:** Yeah that, that is the main, looking at it now with the brief time that we have, that is the main gripe that I would have, that the, the hourly rate seems very, very high. I mean obviously the number of hours, 6 hours, 3 hours, 1 hour, 48, 2.54. The, the number of hours seem reasonable but certainly the, the hourly rate seems extremely high. If that could be changed, reduced? Something which is, you know what, what would be expected.

B **Master Davison:** OK, well I, I have, I have got that point, I think.

Mr Hall: £200 perhaps?

C **Master Davison:** Mr Price, where does that hourly rate sit with the guideline rates? Are you able to tell me that?

D **Mr Price:** Slightly above. The, it is, it is £278 for national (inaudible) which I think is where, I think the, Hudgell's are Central Manchester and the, the guideline is £278 for that. The amount came to £325. Just for context if this were a specialist London firm there would certainly be, for, for Grade A charging, above the guideline rate of £546 for London 1. And, so in, in, in my experience £325 is quite modest. I am used to dealing with specialist firms in, in London and I think this is a relatively specialist claim. And given the sensitivity it, it

E was, is reasonable for the, for the bulk of the client facing work and the counsel facing work to be done by the Grade A fee earners. They are the solicitors for the Claimants in other contexts and their relationship is very important to the claim.

F I think there is probably a preponderance of work on documents by those fee earners and I think that whilst I would defend the hourly rate, I, I probably would accept that some of the less sensitive work, client accounts, facing work could have been done at a lower rate because quite of it was done at the high rate.

G **Master Davison:** OK did, so did, did you want to say anything else, Mr Hall? I will give you the last word if you, if you want to express anything, anything more than you have already said?

H **Mr Hall:** About the size of the costs or, or the dispute --

Master Davison: Yeah the size, yeah. The size --

A **Mr Hall:** The cost?

Master Davison: The size, yeah --

B **Mr Hall:** Well yes just to think, just to say like I, I feel it is too high and something nearer £200 would be what I would expect. That is my comment and obviously you are the judge -

C **Master Davison:** Thank you. Yeah. All right, well I, I see a great many schedules of costs, including insensitive media and communications claims and I, I am afraid I do not agree that the hourly is, is too high. It seems to me that it is an appropriate hourly rate for the work and the sensitivity of the work. However, Mr Price is right to concede that some of the work, the less contentious work that has been involved could have been done by fee earners at, at a

D lower rate.

Furthermore, there are items in the work on documents that seem to me to be high in terms of the number of hours spent on them and I, I regard the, the, the counsel's fee for the actual hearing to be on the high side as well. So I will summarily assess the costs at 80% of the figure given or roughly that, which is £21,000 plus VAT.

E

Mr Hall: OK, and there is, your, your ruling that that is, cannot be done in costs in the cause after the --

F **Master Davison:** No, no, I am not --

Mr Hall: After the --

G **Master Davison:** I am not going to say that the costs should be in the case, no.

Mr Hall: OK.

H **Master Davison:** OK --

Mr Hall: When, when you --

A **Master Davison:** Yes, Mr --

Mr Hall: When you produce your order after this hearing, will you, will you be explaining the appeal process? Set out --

B **Master Davison:** Well you have taken --

Mr Hall: Roughly what I have to do to, to --

C **Master Davison:** You have --

Mr Hall: To, to, to, to find a High Court Judge and start the appeal process? Will there be, will, will there be an explanation of that --

D **Master Davison:** Yes the, the, the short, the short answer is, the short answer is yes. So I am going to invite Mr Price to top and tail the order that he has supplied in, in the way that we have discussed and, and email it to me and I will invite Mr Price to add a paragraph setting out the time limit for the appeal and the route of the appeal and the practice form that you need to fill in for the appeal. So all you will need to do is, is download the form and fill it in and, and file it with the appropriate fee.

E

Mr Hall: Right --

F

Master Davison: And you have, you have 21 days to do that.

Mr Hall: Right --

G

Mr Price: May I raise two tiny points. One is the --

Master Davison: Yes.

H

Mr Price: Matter of the application that is in the bundle, but I am not sure if it was issued for a stay and whether you wish for that to be dealt with formally (inaudible)

Master Davison: Well I have, I have already said I, I will not stay, I refused the stay.

A

Mr Price: So shall I include a recital to that --

Master Davison: Yes, yes --

B

Mr Price: Fine, and then the other, the other even smaller point is the, is within the disclosure --

C

Master Davison: So, and, and, and Mr Price you should also record that I have refused permission to appeal.

Mr Price: Yes.

D

Master Davison: Yeah, and the smaller point was what?

E

Mr Price: Just to bring to your attention now in paragraph 16 of the disclosure, there is an interim date that will need to move if 8 May is the date to give disclosure by list that I have made 10 May the date for requests for inspection. I hope that is acceptable? And then inspection by 15 May, which is what is already there.

F

Master Davison: Yes, OK, yeah, yes. All right, so for, for, for, so what will happen now is Mr, Mr Hall is, Mr Price will this afternoon or tomorrow, at the latest, he will send me a, a draft order reflecting what we have discussed. I will look at it carefully, make any changes or amendments or additions that are needed and then that order will, will be sealed and sent out to you. And you, the next stage for you will be putting together your application for permission to appeal, for which you have 21 days.

G

Mr Hall: OK.

Master Davison: All right?

H

Mr Hall: Fine, yeah.

Master Davison: OK, well that concludes this hearing and I am going to leave the call.

A

Mr Hall: Thank you.

Master Davison: Thank you all very much.

B

The Transcription Agency hereby certifies that the above is an accurate and complete recording of the proceedings or part thereof.

The Transcription Agency, 24-28 High Street, Hythe, Kent, CT21 5AT

Tel: 01303 230038

Email: court@thetranscriptionagency.com

C

D

E

F

G

H