

IN THE HIGH COURT OF JUSTICE

Claim Number: BL-2018-002557

BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

BUSINESS LIST (ChD)

IN THE MIRROR NEWSPAPERS HACKING LITIGATION

BEFORE: THE HONOURABLE MR JUSTICE FANCOURT

B E T W E E N:

DAVID CUNNINGHAM

Claimant

- and -

MGN LIMITED

Defendant

STATEMENT IN OPEN COURT

Ellen Gallagher, Hamlins LLP, Solicitor-Advocate for the Claimant

1. My Lord, in this action for misuse of private information, I appear on behalf of the Claimant, Mr David Cunningham. Between 2005 and 2006, Mr Cunningham was in a relationship with the singer and TV personality, Kerry Katona.
2. My Friend Alexander Vakil appears on behalf of the Defendant, MGN Limited. The Defendant is the publisher of the Daily Mirror, Sunday Mirror and The People. At all relevant times, the Defendant's newspapers had substantial circulation and readership, by way of hard copy sales of its publications and via its website.
3. In November 2018, Mr Cunningham issued proceedings against the Defendant claiming that his voicemail messages were intercepted by the Defendant's journalists and consequently these journalists were privy to private and confidential voicemail messages left on his mobile telephone by others, such as Ms Katona and his family and friends.
4. In his Particulars of Claim, served on 1 February 2019, Mr Cunningham identified 28 articles published by the Defendant's newspapers between 2005 and 2006 which he alleged contained his and Ms Katona's private information. Mr Cunningham later identified a further 8 articles

published within the same date period in his Amended Particulars of Claim, served on 1 April 2021. Mr Cunningham claimed that he used his voicemail extensively and regularly exchanged voicemail messages with Ms Katona and his close friends and family during this time, and that the content of those voicemails included highly sensitive private information relating to Mr Cunningham's and Ms Katona's relationship, travel and medical information. Mr Cunningham asserted that the information contained in Defendant's articles could only have been obtained through phone hacking and other unlawful means of information gathering.

5. On 4 April 2019, the Defendant served its Defence in which it admitted liability to Mr Cunningham for the misuse of his private information on two dates in January 2005, one date in February 2005, one date in August 2005 and one date in February 2006 by instructing private investigators to unlawfully obtain private information about Mr Cunningham.
6. Following the service of the Defendant's Defence, Mr Cunningham was and remains shocked and upset at the extent of the Defendant's targeting of him, which included the Defendant engaging private investigators to obtain private information about him and his associates.
7. Mr Cunningham is pleased to confirm that he has accepted the Defendant's offer to resolve his claim on terms confidential between the parties, but which involves the Defendant agreeing to pay substantial damages to Mr Cunningham as well as his legal costs of bringing the claim. The Defendant has also provided the necessary undertakings to Mr Cunningham and has agreed to join in this statement to apologise to Mr Cunningham for the distress caused to him by the misuse of his private information.

Alexander Vakil, RPC, Solicitor for the Defendant

8. My Lord, on behalf of the Defendant, I confirm everything my Friend has said.
9. The Defendant offers its sincere apologies to Mr Cunningham for the damage and distress caused to him by the misuse of his private information over 15 years ago. The Defendant acknowledges that Mr Cunningham's private information should not have been obtained and used in the manner that it was.

Ellen Gallagher, Hamlins LLP, Solicitor-Advocate for the Claimant

10. My Lord, in light of the order that has been made, and this public statement, Mr Cunningham considers that the matter is now concluded.

Hamblins LLP

RPC

Hamblins LLP

RPC LLP

Solicitors for the Claimant

Solicitors for the Defendant