

IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION

MEDIA AND COMMUNICATIONS LIST

BETWEEN:

GEORGE BROWN

Claimant

-and-

CHANNEL 5 BROADCASTING LIMITED

Defendant

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STATEMENT IN OPEN COURT

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[Solicitor/ Counsel] for the Claimant

1. My Lord/Lady, in this action for misuse of private information, I appear on behalf of the Claimant, Mr George Brown. My [learned] friend, [ ], appears on behalf of the Defendant to the claim, Channel 5 Broadcasting Limited.
2. The Claimant is a private individual.
3. The Defendant is a national television broadcaster which broadcasts Channel 5, 5HD, 5 + 1, 5Star, 5SELECT, Paramount Network and 5USA. It also owns and operates My5, a free video on-demand internet service via which it makes selected programmes available to view.

4. In July 2022, the Claimant notified the Defendant of a claim he wished to raise against it. The claim was for the misuse of the Claimant's private information in respect of the multiple broadcasts from May 2017 until April 2021 of an episode of the television programme '*Can't Pay? We'll Take it Away!*' on television channels owned by the Defendant as well as via its My5 platform. The programme showed the Claimant and his partner in his home and in a considerable state of distress. The Claimant asked the Defendant for an undertaking that the episode complained of would not be broadcast further, for a payment of damages to be made, and for a Statement in Open Court.
5. The relevant background to the dispute is as follows. In 2017 the Claimant lived with his partner, Mr Sartori, in a house owned by the Claimant. Mr Sartori had not paid his solicitor's fees and the firm wished to recover the debt. At some point prior to January 2017, a Writ of Control was obtained on behalf of the solicitors' firm to seize goods to the value of the debt, for which the Claimant held no liability.
6. In or about January 2017, two High Court Enforcement Agents ("HCEAs") attended the Claimant's home to enforce the Writ of Control against Mr Sartori. A film crew attended the Claimant's home with the HCEAs and filmed the enforcement. The Claimant and Mr Sartori refused to allow the camera crew to enter the property because neither wanted to be filmed. The Claimant was also filmed inside the house by bodycams worn by the HCEAs: it is his case that he did not know he was being filmed by the bodycams. The Claimant was filmed in a distressed state after being told his possessions would be removed unless he could provide proof of ownership. The Claimant contends that Mr Sartori was also filmed, although it was not broadcast, suffering from a serious panic attack and being attended to by paramedics during the enforcement, all of which caused the Claimant immense distress.
7. The video and audio recordings obtained by the film crew and the bodycams were then edited and incorporated into an episode of *Can't Pay*. The episode depicting the Claimant (Series 5, Episode 10) was first broadcast by Channel 5 on 24 May 2017.
8. The Defendant has confirmed that the programme was broadcast from 24 May 2017 onwards, and to over 11 million people in a form in which the Claimant's face was blurred, albeit the Claimant contends that he would still be recognisable.
9. The broadcast of the programme has caused the Claimant considerable upset and distress. The Claimant's case is that the programme wrongly revealed matters that were private to him, which took place at his home. It is the Claimant's case that the publication of the private information

obtained in that way to over 11 million people amounted to a misuse of his private information.

10. The Defendant denies liability for the Claimant's case but I am pleased to report that the parties have been able to resolve their dispute by agreement. The Claimant has accepted an offer made by the Defendant to resolve his claim on terms which involve the payment of substantial damages to him as well as to pay his reasonable legal costs of raising the claim. The Defendant has also undertaken not to broadcast the programme again, or to make it available via the internet. The Defendant has also agreed to join in this statement to apologise to the Claimant publicly for the distress caused to him by the programme.

**[Solicitor/ Counsel] for the Defendant**

11. My Lord/Lady, it is the Defendant's case that it has at all times believed that this programme forms part of a series of real public interest, where each of the stories involves a careful balancing exercise between matters of public interest and the right to respect for privacy. It is prepared to accept, however, that on this occasion, in relation to the Claimant, it may well have got that balance wrong and for that reason it is prepared to settle his claim and also apologise to him for the distress caused to him by the broadcast of the episode in question.

**[Solicitor/ Counsel] for the Claimant**

12. My Lord/Lady, in light of the order that has been made, and this public statement, the Claimant considers that the matter is now concluded.

Hammins LLP

Lee & Thompson LLP

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**Hammins LLP**

**Lee & Thompson LLP**

**Solicitors for the Claimant**

**Solicitors for the Defendant**