

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

HEARING OF 13 OCTOBER 2009
BEFORE TUGENDHAT J

IN THE MATTER OF
B E T W E E N :

(1) RJW

(2) SJW

Claimants

- and -

(1) GUARDIAN NEWS AND MEDIA LIMITED

(2) THE PERSON OR PERSONS UNKNOWN

Defendants

NOTE OF JUDGMENT
GIVEN BY TUGENDHAT J

13 October 2009

"This afternoon, 13 October 2009, Mr Dean appeared before me on an Application to vary an Order made by Mr Justice Sweeney on 18 September 2009, which in turn followed an Order by Mr Justice Maddison of 11 September 2009.

The Order is by Consent and recites that I have read correspondence between the Claimant and First Defendant on 13 October 2009, agreeing to that variation.

The correspondence in question is the letter from the First Defendant to Messrs Carter-Ruck, solicitors for the Claimants, inviting their agreement to a variation in the terms which are in fact agreed now.

There is a response from Carter-Ruck to the Guardian, also of today. The letter ends with confirmation of the Claimants' consent to the draft wording proposed.

There is a third letter, also dated today, which also refers to previous correspondence and may also refer to previous correspondence in the sense of correspondence before 13 October 2009. If it does, I have not read any correspondence before 13 October.

The Order of Mr Justice Maddison was made on Friday 11 September and records that it was made having heard from Leading Counsel for the Claimant and for the First Defendant.

The Order of Mr Justice Sweeney on 18 September 2009 was also made in private; that records an undertaking by the First Defendant which is in substance an undertaking not to disclose information in a document described in Schedule C of the Order of Mr Justice Maddison.

The variation to which the parties have agreed is set out in the Order of today's date.

The Guardian, the First Defendant, were not represented this afternoon, having given their agreement in writing.

That is the totality of the information which was before the Court this afternoon.

I shall make the Order as agreed."