

Get Carter-Ruck



SUMMER 2006

NO TANTRUMS, BUT FLEET STREET GETS ITS TIARAS IN A TWIST

Music legend Sir Elton John has won his libel cases against the Daily Mail and the Sunday Times, securing a full apology, statement in open court, damages and costs from each paper. Sir Elton was represented by Nigel Tait and Hanna Basha.

The actions arose after the Daily Mail published an article on 24 June 2005 which falsely accused Sir Elton, among other things, of issuing a bizarre edict to guests at his White Tie and Tiara annual charity ball, to the effect that they should not speak to him unless spoken to by him first. Sir Elton's ball is a glamorous event which is attended by many celebrities and as such is highly successful in raising funds and the profile of Sir Elton's AIDS Foundations. Far from acting in such a manner, Sir Elton is well known for greeting each guest as they arrive at the event and mingles throughout the evening talking to as many people as possible, not least to thank them for helping him with his fundraising efforts.

The article was then picked up and published in the Sunday Times. The Sunday Times action settled quickly and at a hearing on 16 February 2006 in the High Court in London, Alastair Brett, on behalf of Times Newspapers Ltd, publicly apologised to Sir Elton and acknowledged that the allegation was wholly untrue. Sir Elton was represented by Hanna Basha at that hearing.



REX FEATURES

The Daily Mail action took longer to settle, not least because following Sir Elton's rejection of an offer of amends the Daily Mail applied unsuccessfully to the court to have the action struck out on the grounds that Sir Elton could not demonstrate that the Mail had reason to believe the allegation was untrue when they published it. The Mail's application was thrown out by Mr Justice Eady and the case was listed for trial before a Judge and Jury to commence on 26 June.

Before reaching trial, the Daily Mail paid Sir Elton £100,000 in damages and agreed a Statement in Open Court which Nigel Tait read on 24 May. Sir Elton has donated his damages from both libel complaints to the Elton John AIDS Foundations, which have already raised over \$100 million for charitable purposes throughout the world.

BANNER-FLYING MILLIONAIRE FINALLY BROUGHT DOWN TO EARTH



REX FEATURES

Jenifer Howlett (represented by Adam Tudor and Isabel Hudson of Carter-Ruck) has succeeded in her application for a civil harassment injunction, in a novel and important High Court ruling.

As regular readers of “Get Carter-Ruck” will be aware, for a period of five years Mrs Howlett, a former Mayor and Councillor of Castle Point, Essex, had been the victim of an extraordinary campaign by multimillionaire Terry Holding to make her life what Mr Holding himself described in Court as a “living hell”. It was his practice to use his various private aircraft to fly banners and drop thousands of leaflets over Essex expressing false and highly offensive allegations about Mrs Howlett. Indeed, this had resulted in Mrs Howlett bringing two successful defamation actions in 2003 and 2005, when successive libel juries unanimously awarded her damages of nearly £90,000 and Mr Holding had to pay costs estimated at over £2 million.

Unfortunately, however, these libel defeats were not enough to put a stop to Mr Holding’s campaign and he continued to fly banners throughout much of 2005.

With no end to her suffering in sight, Mrs Howlett was left with little alternative but to bring a claim for a harassment injunction under section 3 of the 1997 Protection from Harassment Act - colloquially known as the “anti-stalker” legislation.

When the claim was heard in the High Court, it emerged that as well as flying banners, Mr Holding had engaged private investigators to place Mrs Howlett under video surveillance, even secretly videoing her on her way to and from Court. Mr Justice Eady granted Mrs Howlett’s application and ordered a permanent harassment injunction.

This was a particularly welcome victory under the firm’s “no win, no fee” scheme. Indeed, the Judge expressly recognised that it was only thanks to the fact that Mrs Howlett had access to such a scheme (and had found lawyers willing to support her) that she had been able to put a stop to Mr Holding’s campaign.

CARTER-RUCK NEWS

Carter-Ruck is delighted to welcome Felicity Robinson. Felicity joins from leading City firm Lovells, having previously worked at Schillings and Australian firm Blake Dawson Waldron.

Carter-Ruck is also pleased to announce that, with effect from April of this year, no fewer than 11 of the firm’s partners and assistant solicitors have qualified as solicitor-advocates. This development places Carter-Ruck way ahead of its rivals (and indeed of most other firms in the City) and will bring immense advantages to the service, and value for money, which the firm is able to offer its clients.

'GALLOWAY CHARITY' WINS LIBEL ACTION OVER TERRORIST ALLEGATIONS

Interpal - which shot to prominence when it was nominated as George Galloway's Big Brother charity - has won a hard-fought libel action against the Board of Deputies of British Jews.



The Trustees of the British-registered charity, which is the leading organisation worldwide involved in the funding and coordination of humanitarian relief for the Palestinian people, sued the Board after the latter published an item on its website describing Interpal as a 'terrorist organisation' and calling for its prohibition.

The Board spent two years, and an enormous amount of money, attempting to defend this allegation. However, it eventually had to accept defeat and published a statement on its website acknowledging that it should not have described Interpal in the way it did, and expressing its regret at the upset and distress caused by its words. The Board also undertook not to republish the offending allegation at any time in the future and entered into a number of additional terms of settlement, which are to remain confidential at its own insistence.

The case, which attracted a great deal of interest in the Jewish, Muslim and general media, as well as in Israel and across the Arab world, was conducted on a "no win, no fee" basis by a substantial legal team at Carter-Ruck headed by Managing Partner Cameron Doley and Partner Adam Tudor.

BEREZOVSKY WINS DUELS WITH FRIDMAN - AND RUSSIA

President Putin's notorious use of Russian underworld slang in August 1999, when he said that Chechen terrorists would be "wasted" (zamochn) wherever they were found - even on the toilet - was raised in evidence before the Jury in Boris Berezovsky's libel case against Mikhail Fridman, Chairman of the Russian Alfa Bank. Mr Fridman claimed that the word, although vulgar, was widely used amongst Russian businessmen to denote nothing more than commercial pressure. Not so, maintained Mr Berezovsky, who had been surprised by Putin's use of the word. As Mr Justice Eady, the trial Judge, asked Mr Fridman - "When Mr Putin used it in relation to the Chechens, it plainly would not mean commercial pressure there, would it?"

In a popular Russian television programme, "To the Barrier" (a Russian expression for a challenge to a duel) Mr Fridman had accused Mr Berezovsky of threatening him, and others. On 26 May 2006, the Jury decided that the allegation was defamatory, rejected the defence that the allegation was true, and awarded Mr Berezovsky libel damages of £50,000.

Meanwhile, on 1 June 2006, Senior District Judge Timothy Workman at Bow Street Magistrates' Court denied permission for extradition proceedings to be brought at the request of the Russian government against Mr Berezovsky. The Judge held that since Mr Berezovsky has the benefit of political asylum in the UK, under the provisions of the Geneva Convention, he could not be returned to Russia.

In the latest extradition request from the Russian government, Mr Berezovsky was accused of planning a coup d'etat, after he had described the Putin regime as unconstitutional and predicted that it would fall under pressure from the Russian people.

As part of its burgeoning commercial litigation practice, the Firm is representing 45 participants of a pension scheme that was investigated by the Inland Revenue. This multi-million pound group action is against an offshore bank for its alleged part in the mis-selling of the pension scheme to the participants. Carter-Ruck is acting for each of the 45 participants on the basis of 'no win, no fee' agreements.

Boris Berezovsky has donated to victims of the 7 July bombs £20,000 in libel damages received from the Guardian, which had described him as a "wanted defrauder". Andrew Stephenson told the court that not only the British authorities but also the Russian courts had concluded there was no foundation to the Russian Prosecutor's allegation of fraud against Mr Berezovsky.

The Star newspaper has apologised in Court to television actress Lisa Maxwell (pictured, right), represented by Mark Thomson, for false allegations that she had a casual one night stand. The newspaper also paid Ms Maxwell substantial damages and her legal costs.



Claire Gill represented Jonathan Agnew, the BBC Cricket Correspondent, in his complaint against Private Eye. Private Eye published an apology and agreed to pay damages and legal costs.

Ken Bates, Chairman of Leeds United FC, won his libel complaint relating to allegations published in the Daily Mirror. The newspaper published an apology and agreed to pay damages and costs. Mr Bates was represented by Alasdair Pepper.

Adam Tudor represented Sir Simon Milton, the leader of Westminster City Council, in various successful libel complaints brought against Tribune magazine and a number of newspapers and magazines which published false allegations about a speech he made to Council in 2005. Sir Simon obtained apologies, damages (from which he made substantial donations to charity), and costs.

Claire Gill and Cameron Doley are advising Lady Falkender (who as Marcia Williams was Prime Minister Harold Wilson's Political Secretary) in relation to the BBC docu-drama 'The Lavender List'.

Alasdair Pepper represented Andrew Trotter, Deputy Chief Constable of British Transport Police, in a libel complaint against the publisher of the West End Extra. An unreserved apology was published in January 2006 (described by Private Eye as the "apology of the year") and agreed damages were paid to charity.

Cameron Doley is acting for Koo Stark in libel proceedings brought against Channel 4.

The BBC broadcast an apology to Peter Griffin, a retired engineer, in respect of false allegations broadcast on the "File on Four" programme on Radio 4 to the effect that Mr Griffin was involved in facilitating Libya's nuclear weapons programme. The BBC also agreed to pay Mr Griffin £30,000 in compensation, together with his legal costs. Mr Griffin was represented by Nigel Tait and Robert Dougans using the firm's CFA scheme.

Saudi client Yassin Abdullah Kadi has won a landmark ruling in the Swiss courts clearing him of any link with the 9/11 attacks. This is the latest instalment in Mr Kadi's global efforts (spearheaded by Carter-Ruck partners Guy Martin and Cameron Doley, and consultant Saad Djebbar) to overturn orders made in the aftermath of 9/11 freezing his assets worldwide.