

B E T W E E N:

NICHOLAS TRISTRAM COKES

Claimant

- and -

IPC MEDIA LIMITED

Defendant

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STATEMENT IN OPEN COURT

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Solicitor for the Claimant

1. My Lord, in this action I appear for the Claimant, Mr Nicholas Tristram Cokes. Mr Fox appears on behalf of the Defendant, IPC Media Limited.
2. Mr Cokes is a well-known surfer and his business, Boatshed Limited which trades as "Homeblown", which makes surf and windsurf boards is renowned internationally and has customers in the United States and many European countries.
3. The Defendant is the publisher of Yachting World Magazine, which has a substantial readership in the UK and abroad, particularly in the business circles and sailing community within which Mr Cokes operates.
4. Mr Cokes is the owner of the Orinoco Flo, a 42ft wing mast rigged catamaran which is well known in the sailing community for its design and innovation. Its construction and first circumnavigation was serialised in several magazines. Mr Cokes had previously been involved with the Orinoco Flo in the very early days of its design and construction as he was an acquaintance of its builder. He built a workshop where most of the construction of the boat took place. More recently, the boat has received press attention following the rescue of Matt Gill who had borrowed the boat from Mr Cokes to sail to Antigua and back. Mr Gill had encountered storms on his return

across the Atlantic which led to the mast of the Orinoco Flo coming down with 850 miles of the journey remaining, which is the subject of the article complained of.

5. In the December 2012 edition of Yachting World an article with the headline '*The Man Who Didn't Want to be Rescued*' was published. The article was about Matt Gill and his rescue whilst he was sailing the Orinoco Flo. Within this article, Yachting World refer to Mr Cokes as the owner of the Orinoco Flo but unfortunately they went on to allege that he had served time for cocaine smuggling.
6. The allegation that Mr Cokes had served time for cocaine smuggling is highly defamatory and untrue. He has never served time for cocaine smuggling nor has he ever smuggled drugs or served time. Quite simply, Yachting World had made a mistake, as in fact, a previous owner of the Orinoco Flo had been imprisoned for smuggling cocaine before the Orinoco Flo was even built.
7. Regrettably, the very serious defamatory allegation made by the Defendant had a serious effect on Mr Cokes and his family. It had a highly detrimental effect on his reputation within the sailing and surfing community and he, and his family, have suffered a great deal of emotional distress and embarrassment as a result.
8. On 15 January 2013, the Defendant made an unqualified Offer of Amends and in May this year the parties were able to agree a substantial figure for compensation for Mr Cokes, together with the payment of his legal costs.

#### Solicitor for the Defendant

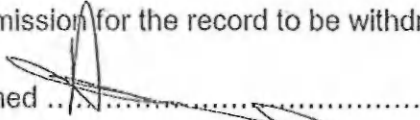
9. My Lord, it was truly unfortunate that during the editing process Mr Cokes' name was mixed up with that of a former owner of the Orinoco Flo. The result was that he was wrongly accused of being a convicted drug smuggler. Within 24 hours of the complaint an apology was agreed and was published in the February issue of the magazine, which was the very next issue, and online. Through me the magazine repeats that apology today.

Solicitor for the Claimant

10. In light of the settlement that has been reached, Mr Cokes' objective in bringing these proceedings has been achieved. I ask for permission for the record to be withdrawn.

Signed ..... *Carter-Ruck* .....

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Signed .....  .....

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