

IN THE HIGH COURT OF JUSTICE

Claim No. HQ12D02256

QUEEN'S BENCH DIVISION

BETWEEN :-

FRESH CONSULTING AND SUPPORT LIMITED

Claimant

and

LONDON BOROUGH OF HILLINGDON

Defendant

STATEMENT IN OPEN COURT

Solicitor for the Claimant

1. I appear for the Claimant in this action, Fresh Consulting and Support Limited. The Solicitors for the Defendant, the London Borough of Hillingdon, have informed us that they do not intend to appear.
2. The Claimant is an established and reputable company which offers a range of innovative computer services, products and information technology support to schools and businesses in and around the London Borough of Hillingdon. With over seven years' experience working with schools, the Claimant has an established presence within the London Borough of Hillingdon.
3. The Defendant runs a council department called Hillingdon Grid for Learning ('HGfL') which provides some similar services to schools within the London Borough of Hillingdon.
4. In February 2009, the Claimant issued a leaflet to schools within the London Borough of Hillingdon. The leaflet contained a price comparison between its prices and those offered by HGfL, highlighting to schools that the services offered by the Claimant were more competitively priced than those of the Defendant. It also highlighted that the HGfL had raised its prices year on year above inflation with the then current raise equating to an increase of 11.5%.
5. On 3 March 2009, the HGfL sent out a defamatory letter to schools within the London Borough of Hillingdon in which it alleged that the Claimant had "*tried to construct an artificially competitive pricing comparison, which ignore[d] a number of key factors, and [was] clearly erroneous.*" In addition, the Defendant alleged that the information the Claimant included in the flyer was "*untrue*" and was an

"apparent attempt to mislead our colleagues" by using "dubious marketing techniques".

6. In 2010, the Claimant commenced proceedings for libel against the Defendant in respect of these untrue and highly defamatory allegations. The Claimant was determined to clear its name and despite the libel against it has continued to grow its business and obtain new contracts.
7. The letter by HGfL should never have been sent as it was incorrect and untrue. The Claimant's leaflet with its price comparison and statements about HGfL's price increase was correct.
8. I am pleased to say that the Defendant has agreed to pay the Claimant very substantial damages for libel which reflects the completely false and seriously defamatory nature of what it published. The Defendant will also pay the Claimant's legal costs of vindicating its reputation.
9. In light of the settlement that has been reached, the Claimant's 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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Solicitors for the Claimant