



Neutral Citation Number: [2023] EWHC 921 (KB)

Case No: KB-2023-001440

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 24 April 2023

Before :

MR JUSTICE LINDEN

Between :

ARMSTRONG WATSON LLP

Claimants

- and -

PERSONS UNKNOWN

responsible for obtaining data from the
Claimant's IT systems on or about 28
February to 6 March 2023 and/or who
have disclosed or is intending or
threatening to disclose the information
thereby obtained

Defendants

Adam Speker KC (instructed by DAC Beachcroft LLP) for the Claimants
No appearance or participation by the Defendants

Hearing date: 21 April 2023

Approved Judgment

This judgment was handed down remotely at 10am on 24 April 2023 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

Mr Justice Linden:

1. This was the return date for an order for an injunction which was ordered on 28 March 2023 by Mr Justice Ritchie at a private hearing without notice. He set out his reasons for making the Order in a clear and comprehensive judgment dated 31 March 2023 which has the neutral citation number [2023] EWHC 762 (KB).
2. Mr Adam Speker KC represented the Claimant and submitted a skeleton argument, dated 19 April 2023, in support of the Claimant's application notice dated 18 April 2023. That application was also supported by a confidential witness statement, dated 18 April 2023.
3. The Defendants were served with Ritchie J's Order, the Claim Form, the application notice and response pack on 29 March 2023 in accordance with the terms of that Order. They have therefore been aware of the return date for some time. I understand that they were served with the application notice for today's application on 19 April 2023. They have not complied with Ritchie J's Order, nor engaged with the proceedings in any other way.
4. The terms of the Order which I have been invited to make are self-explanatory but, in summary, they continue the injunctions and certain other orders made by Ritchie J until trial or further order, and directions are made for the future conduct of these proceedings which should bring them to a conclusion in the near future.
5. Mr Speker invited me to proceed in the Defendants' absence and to consider the Claimant's application on paper rather than hold a hearing.
 - i) In relation to the application for the matter to be dealt with on paper, I referred to CPR rule 23.8(c), (the *Practice Guidance: Interim Non-Disclosure Orders* [2012] 1 WLR 1003 at [39] and *Clarkson v Persons Unknown* [2018] EWHC 417 (QB) at [7]-[8]).
 - ii) As far as proceeding in the Claimant's absence is concerned, I considered CPR rule 23.11, section 12(2) of the Human Rights Act 1998 and the guidance in *Pirtek (UK) Limited v Robert Jackson* [2017] EWHC 2834 (QB).
6. I decided that I would deal with the matter on paper and in the Defendants' absence. The Defendants have not engaged with the proceedings and the clear inference is that this is deliberate and that they have no intention of doing so. Their position is protected by [13] of my Order in the event that they wish to participate in the proceedings and/or to seek a discharge or variation. As far as the open justice principle is concerned, the public will be able to read this judgment and Ritchie J's judgment, as well as the non-confidential aspects of his and my Orders. Given the nature of the claim, it is also likely that no greater information about the case would be gleaned by a member of the public at a hearing as certain details would likely have been dealt with in private if they needed to be ventilated.
7. I decided to grant the Order applied for.
 - i) There is no reason to question Ritchie J's decision that England and Wales is the proper forum for this Claim.

- ii) The injunctions are just and convenient for the reasons given by Ritchie J and nothing has occurred since 28 March 2023 which would call this into question. This is a cyber hacking case and the injunctions restrain the use or dissemination of confidential information stolen from the Claimant for the purposes of blackmail as well as to protect the confidentiality of that information. Indeed, the case for the injunctions has grown stronger since the hearing before Ritchie J in that the Defendants have taken steps to act on their threats.
 - iii) The derogations from open justice and the directions in respect of service which are contained in my Order are also appropriate and in accordance with the overriding objective for the reasons given by Ritchie J. Again, nothing has happened since then which would call these reasons into question.
 - iv) The directions for the future conduct of the proceedings are also appropriate and in accordance with the overriding objective. They contemplate that there will be an application for a default judgment and/or summary judgment in the near future if the Defendants continue not to engage with the proceedings.
8. I therefore grant the Order sought by the Claimant.