

**IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION**

**Claim No.:** QB-2021-000396

**Master Eastman**

5<sup>th</sup> March 2021

**BETWEEN**

1. KXW (though Her Mother And Litigation Friend  
KYW)

**- and -**

1. Surrey and Sussex Healthcare NHS Trust



QB-2021-000396

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**ORDER**

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**UPON** considering the Claimant's Application Notice issued on 4<sup>th</sup> February 2021

**AND UPON** reading the draft Order submitted by the Claimant

**AND UPON** consideration of the Claimant's Article 8 right to respect for private and family life and the Article 10 right to freedom of expression.

**AND UPON IT APPEARING** that non-disclosure of the identity of the Claimant is necessary in order to protect the interests of the Claimant.

**AND PURSUANT** to rule 39.2(4) of the Civil Procedure Rules and section II of the Contempt of Court Act 1981 and rules 5.4C and 5.4D of the Civil Procedure Rules.

**IT IS ORDERED** that:-

1. The identity of the Claimant, her parents and any details which may lead to the identification of the Claimant be not disclosed.

2. The Claimant and the Litigation Friend be described in all statements of case to be filed or served in the proceedings and in any judgment or orders in the proceedings and in any report of the proceedings by the press or otherwise as "KXW" and "KYW". Likewise, that her Father be described as "RXW".
3. The address of the Claimant, the Litigation Friend and the Claimant's Father be stated in all statements of case to be filed or served in the proceedings as the address of the Claimant's solicitors.
4. In so far as necessary, any statement of case disclosing the Claimant's name or address, or the name or address of the Litigation Friend or Claimant's Father already filed in the proceedings be replaced by a document describing such name or address in anonymised form as above.
5. The original of any such document disclosing the name or address of the Claimant, the Litigation Friend or the Claimant's Father is to be placed on the Court file in a sealed envelope marked "not to be opened without the permission of a Judge, Master or District Judge of the Queen's Bench Division".
6. A non-party may not inspect or obtain a copy of any document on or from the Court file (other than this order duly anonymised as directed) without the permission of a Master or District Judge. Any application for such permission must be made on notice to the Claimant, and the Court will effect service. The file is to be retained by the Court and marked "Anonymised".

7. Reporting restrictions apply as to the disclosing of any information that may lead to the subsequent identification of the Claimant or Litigation Friend or Claimant's Father. The publication of the name and address of the Claimant or of any member of the Claimant's immediate family or the name and address of the Litigation Friend or Claimant's Father is prohibited.
  
8. The provisions of this Order shall not apply:-
  - (i) to communications between the Court Funds Office and the anonymised party or Litigation Friend in relation to the payment of money into the Court Funds Office for the benefit of the anonymised party or the investment or treatment of payment out of such money;
  
  - (ii) to communications between the Court Funds Office and/or the anonymised party or Litigation Friend and any financial institution concerned as to the receipt or investment of such money; or
  
  - (iii) to records kept by the Court Funds Office or the anonymised party or Litigation Friend or any such financial institution in relation to such money.
  
9. For the avoidance of doubt:
  - (i) Provided that the party and/or her advisors do not publish any documents containing references to those mentioned in

paragraph 2 above by name, the party be at liberty to retain her files in this case without alteration or substitution and to retain and generate internal documentation which identifies those people for the purposes of their continuing rights and obligations under the Order in this claim and paragraph 2 shall not apply in those respects.

(ii) Nothing in this Order is intended to prevent the Claimant or her family from discussing this case with her family of friends, should she wish to do so.

10. That the Claimant do draw and file this Order and serve the same on the Defendant within 14 days of the date of the Order.
11. That any non-party affected by this Order may apply on notice to all parties to have this Order set aside or varied.
12. Costs in the case.

**SERVICE OF THE ORDER**

The Court has sent sealed copies of this order to:

Tozers LLP, Broadwalk House  
Southernhay West  
, Exeter, Devon, EX1 1UA, 8322 Exeter  
CAH/W01214-0002/HMG