

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

CLAIM NO: QB-2021-002246

Before the Honourable Mr Justice Murray

11 June 2021

B E T W E E N :

“ZY”

Intended Claimant/Applicant

- and -

TWITTER UK LIMITED

Intended Defendant/Respondent

PENAL NOTICE

IF YOU, THE RESPONDENT, TWITTER UK LIMITED, DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND FINED OR HAVE YOUR ASSETS SEIZED.

ANY PERSON (INCLUDING ANY DIRECTOR OR OFFICER OF TWITTER UK LIMITED) WHO KNOWS OF THIS ORDER AND DISOBEYS THIS ORDER OR DOES ANYTHING WHICH HELPS OR PERMITS ANY PERSON TO WHOM THIS ORDER APPLIES TO BREACH THE TERMS OF THIS ORDER MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

IMPORTANT:- NOTICE TO THE RESPONDENT

This Order prohibits you from doing, and obliges you to do, the acts set out in this Order. You should read the terms of the Order and the Guidance Notes very carefully. You are advised to consult a solicitor as soon as possible. You have a right to ask the Court to vary or discharge this Order.

UPON the Applicant's without notice application dated 10 June 2021 ("the Injunction Application") for urgent interim injunctive relief against the Respondent having been referred to the Queen's Bench Division in the Royal Courts of Justice, Strand, London WC2A 2LL by the Designated Civil Judge in Sheffield, to be heard by a judge of the Media and Communications List as an urgent interim application without notice;

AND UPON the order of Murray J dated 10 June 2021 (“the Directions Order”) directing the Applicant to provide to the Respondent a copy of the Directions Order together with the Injunction Application and the documents filed by the Applicant in support of the Injunction Application (collectively, “the Injunction Documents”), which are listed in Schedule A to this Order, and the Applicant’s further application dated 10 June 2021 for anonymity;

AND UPON hearing the Applicant in person at a remote hearing (via Microsoft Teams) without the Respondent being present or represented;

AND UPON the Applicant having confirmed to the Court that on 10 June 2021 he had complied with the Directions Order by sending the Directions Order and other documents to a corporate email address for the Respondent and therefore that informal notice had been given to the Respondent;

AND UPON the Court having considered the Injunction Documents;

AND UPON the Applicant having given the undertakings recorded in Schedule B to this Order;

AND UPON the Applicant having told the Court that the tweet identified in Confidential Schedule C to this Order (“the Tweet”) was posted on the Twitter Account identified in Confidential Schedule C to this Order on or about Monday, 7 June 2021 but only having come to his attention on Tuesday, 8 June 2021;

AND UPON the Court’s concluding that, in view of the nature and content of the Tweet and having regard to the Applicant’s physical disability, limited derogations from the principle of open justice are strictly necessary in the form of an anonymity and reporting restrictions order to protect the identity of the Applicant;

AND UPON the Court’s having considered the provisions of the Human Rights Act 1998, section 12;

AND UPON the Court’s having concluded that it would be just and proportionate not to require a cross-undertaking in damages from the Applicant in light of the Applicant’s financial situation and the limited likely damages that would ensue for the Respondent by reason of compliance with this Order;

IT IS ORDERED THAT:

The Injunction

1. The Respondent shall, as soon as reasonably practicable after being served with this Order, remove, and withhold from public display on its website the Tweet, which is identified in Confidential Schedule C to this Order.

Other Orders

2. There will be a further hearing in respect of this Order on Friday, 18 June 2021 (“the return date”) before a judge of the Media and Communications List, with a time estimate of 30 minutes.
3. Pursuant to CPR r 39.2(4), there shall be an order for anonymity in respect of the Applicant, with the Applicant to be referred to as “ZY” in all statements of case and other documents

to be filed or served in the proceedings and in any judgment or order in the proceedings and in any report of the proceedings by the press or otherwise.

4. No information shall be published that would enable the Applicant to be identified, directly or indirectly, in relation to these proceedings. Subject to the foregoing, nothing in this Order shall prevent the publication, disclosure or communication of any information that is contained in (i) this Order, other than in Confidential Schedule C, or (ii) the public judgment of the Court given on 11 June 2021.
5. Costs are reserved.

GUIDANCE NOTES

Effect of this Order

A Respondent who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.

Variation or discharge of this Order

The Respondent (or anyone notified of this Order) may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but anyone wishing to do so must first inform the Applicants.

Parties other than the Applicant and the Respondent

Effect of this Order:- It is a contempt of court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined, or have his assets seized.

Communications with the Court

All communications to the Court about this Order should be sent to Room WG07, Royal Courts of Justice, Strand, London WC2A 2LL (0203 936 8957). The offices are open between 10.00 am and 4.00 pm, Monday to Friday.

Schedule A

The Injunction Documents are the Injunction Application, together with the documents filed by the Applicant in support of the Injunction Application, including:

- (a) Statement of ZY, which at the hearing ZY asserted had been erroneously dated 30 July 2020 but was in fact made on 10 June 2021;
- (b) Exhibit 1 showing a screen shot of the Tweet;
- (c) Exhibit 2 showing a screen shot displaying the name of the Twitter account on which the Tweet was posted;
- (d) Exhibit 3 showing a screen shot of other tweets posted on the same Twitter account;
- (e) draft Order prepared by the Applicant;

- (f) the text of a number of other Tweets posted on the same Twitter account;
- (g) letter dated 8 June 2021 from the Applicant to the Respondent concerning the Tweet;
- (h) unissued Claim Form for issue under Part 7;
- (i) Particulars of Claim (headed “Parts of Claim”), signed by the Applicant with a statement of truth and dated 10 June 2021; and
- (j) Affidavit (N285) dated 10 June 2021 made by ZY setting out the Applicant’s reasons for seeking urgent interim injunctive relief and other information.

Schedule B

By 4:30 pm on Thursday, 17 June 2021, the Claimant will issue a Claim Form and Particulars of Claim, appropriately anonymised as per paragraph 3 of this Order.