

CONFIDENTIAL

PHONE HACKING LITIGATION

We would advise you to retain one of the specialist UK media lawyers who are pursuing cases against News International Limited. We can handle all day to day aspects of coordinating with lawyers, and we know how this should be pursued in a UK context.

The firms that have specialised in this are:

- Mark Thomson of Atkins Thomson – he acted for Sienna Miller in the first major settlement, and is currently acting for Keira Knightley, Kate Winslet and Marco Pierre White;
- Charlotte Harris of Mishcon de Reya – she acted for Max Clifford in what was the first million pound settlement out of court in 2007, and currently represents five of the 24 active cases before the High Court;
- Tamsin Allen of Bindmans – she acts for former Deputy Prime Minister Lord Prescott, Members of Parliament Chris Bryant and Tessa Jowell, who have been instrumental in uncovering the evidence against NI, and former Met police commander Brian Paddick.

First, the priority is to establish whether your name or telephone numbers appear in the extensive records the Metropolitan Police have recovered from NI and their private investigators, principally Glenn Mulcaire.

Senior Met officers have told the House of Commons Home Affairs Select Committee that 11,000 numbers appear in these records, which correspond to approximately 4,000 names. Of these, the Met have to date only notified 170 probable victims.

Our belief is that your details will likely appear in these records. If they do not, it is possible to pursue a case but your claim will not be part of the fast track process currently moving through the High Court. The presiding judge, Mr Justice Vos, has agreed a fast tracked process for claimants whose details appear in these records.

As we discussed, there are two possible scenarios open to you – and our belief is that you should reserve judgement as to which is more advantageous until we know more.

The first scenario is that you pursue the claim in the High Court, at which juncture you will be offered a confidential settlement by NI. In negotiations, you achieve the same settlement as Sienna Miller where not only do NI pay compensation and costs, but that they undertake to not pursue any questionable investigations into you going forwards.

If the Met disclose that your details are listed in the Mulcaire papers, the second scenario is that you can prove that NI phone hacking targeted US nationals, and reached well beyond the UK borders.

This is dynamite, because the evidence can strengthen the FBI investigation announced yesterday, and exposes News Corporation to sustained and much more expensive litigation in the US courts. At this point, you can either pursue a high profile test case against the company, or you can enter into confidential talks with senior management – Rupert Murdoch personally – and reach a settlement that precludes all News Corp. publications from targeting you.

It is important to move swiftly, because the Met will be inundated with requests to cross check names and numbers against the Mulcaire records, and the speed at which you can pursue this in the courts is directly linked to the disclosures by the Police Service.

With your consent, we will interview two or three of the above mentioned lawyers, and appoint one within the next few days – and their first action will be to file the request with the Met.

Osborne & Partners LLP
15 July 2011