

IN THE COURT OF APPEAL, CIVIL DIVISION

REF: A2/2020/2034 & A2/2020/2034A



JOHN CHRISTOPHER DEPP II –v– NEWS GROUP NEWSPAPERS LTD and another

ORDER made by the Rt. Hon. Lord Justice Underhill

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal and on considering the applicant's application, by his notice dated 14 January 2021, for permission to adduce further evidence

Decision:

Applications for permission and to adduce further evidence adjourned to an oral hearing on notice to the Respondents, to be listed if possible between 15 and 31 March 2021; est. two hours

Reasons

The issues raised by both applications are best resolved at a hearing.

Information for or directions to the parties

1. The Applicant's submissions in support of his application for permission to appeal are set out in his skeleton argument. I understand his submissions in support of the application for permission to adduce further evidence to be as set out at paras. 84-92 of Ms Rich's fifth witness statement. Accordingly no further written submissions or skeleton argument are required, save as permitted below or if the Court gives prior permission pursuant to a reasoned request.
2. I have noted the Respondents' response to the application for permission to appeal dated 30 December 2020. I do not believe that further written submissions are required as regards that application, subject to the same saving as at 1.
3. As regards the application for permission to adduce further evidence, the Respondents must file with the Court, and serve on the Applicant's solicitors, a response to the application, including their reasons for opposing it (if they do), with any evidence relied on, by no later than 4 pm on 21 February 2021. The Applicant may file and serve brief written submissions in response by no later than 4 pm on 28 February 2021.
4. The parties shall agree a bundle of documents which the Court will be asked to pre-read and/or which will be referred to at the hearing, which should be filed by no later than 5 March 2021. (Although finalisation of the bundle will have to await the exchange of submissions, most of the work can of course be done before that.) The parties are reminded that this is (subject to the further evidence application) a permission hearing only, and in respect of a very detailed judgment, and the Court should be referred only to documents which are essential for its proper disposal.
5. The parties shall agree and file a bundle of authorities by the same date. Again, they should be as sparing as possible.
6. Bundles should be filed in both electronic and hard-copy form.
7. Counsel may, but need not, make use of short documents (e.g. bullet-point lists of points or cross-references) in support of their oral submissions; but that is not a licence for further skeleton arguments or written submissions.



8. Although the Respondents are required to attend the hearing, the extent of their participation will be dependent on what the Court finds most helpful.

9. Whether the hearing will be at the RCJ or conducted remotely will be decided nearer the time by reference to the conditions then prevailing.

Where permission has been granted, or the application adjourned

- a) time estimate (excluding judgment): 2 hours
- b) any expedition: As above



Signed:

Date: 01 Feb. 21 LJ Underhill

Notes

- (1) Rule 52.6(1) provides that permission to appeal may be given only where –
 - a) the Court considers that the appeal would have a real prospect of success; or
 - b) there is some other compelling reason why the appeal should be heard.
- (2) Where permission to appeal has been refused on the papers, that decision is final and cannot be further reviewed or appealed. See rule 52.5 and section 54(4) of the Access to Justice Act 1999.
- (3) Where permission to appeal has been granted you must serve the proposed bundle index on every respondent within 14 days of the date of the Listing Window Notification letter and seek to agree the bundle within 49 days of the date of the Listing Window Notification letter (see paragraph 21 of CPR PD 52C).

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