



## IN THE COURT OF APPEAL, CIVIL DIVISION

REF: CA-2024-001499

(1) SIMON BLAKE    –v–    LAURENCE FOX  
 (2) COLIN SEYMOUR  
 (3) NICOLA THORP



CA-2024-001499

### ORDER made by the Rt. Hon. Lord Justice Warby

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal

**Decision:** Counterclaims: permission to appeal granted on Grounds 1 and 2. Claims: permission to appeal granted on grounds 4 and 5 against the decision on liability and on ground 7 against the decision on quantum. Permission to appeal on grounds 3 and 6 refused.

#### Reasons

Each of grounds 1, 2, 4, 5 and 7 raises at least one point about the judge's approach to serious harm and/or the related question of quantum which has a prospect of success that is more than fanciful. Even if that cannot be said of each of the points raised under each of these grounds there is a sufficiently compelling case for allowing all those points to be argued given (a) the general significance of the issues (b) the complex and overlapping nature of the grounds as pleaded and (c) the difficulty and risks of the court attempting to edit out the weaker or overstated arguments in advance of the hearing. But see para 2 under "Information" below.

Grounds 3 and 6 would have no real prospect of success. As to ground 3, a judge who concludes that her decision on one issue is sufficient to dispose of the case is entitled to decide the case on that issue. She is not obliged to decide every point raised by the parties. As to ground 6, the appeal would be bound to fail for the reasons given by the judge in her liability judgment at [104]-[109] and when refusing permission to appeal (paras 18 to 20). There is no other compelling reason to hear an appeal on either of these grounds.

#### Information for or directions to the parties

1. In relation to Ground 1 the parties will wish to consider the following:-
  - (1) the decision of Applegarth J in *Peros v Nationwide News Pty Ltd* [2024] QSC 192 (of which a copy is provided with this decision) and the cases there cited;
  - (2) *Williams v Mirror Group Newspapers (1986) Ltd* (CA unreported, 19 December 1990).
 Copies of the above are provided with this order.
2. The appellant's team are however encouraged to review the breadth of the grounds and ensure that their submissions at the appeal are appropriately focussed.
3. The parties are to review the time estimate below, liaise with one another and advise the court if it is considered insufficient (and if so why). Unless otherwise directed they are to agree the allocation of the available time.

**Mediation:** Where permission has been granted or the application adjourned:

Does the case fall within the Court of Appeal Mediation Scheme (CAMS) automatic pilot categories (see below)? No

#### Pilot categories:

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• All cases involving a litigant in person (other than immigration and family appeals)</li> <li>• Personal injury and clinical negligence cases;</li> <li>• All other professional negligence cases;</li> <li>• Small contract cases below £500,000 in judgment (or claim) value, but not where principal issue is non-contractual;</li> </ul> | <ul style="list-style-type: none"> <li>• Boundary disputes;</li> <li>• Inheritance disputes.</li> <li>• EAT Appeals</li> <li>• Residential landlord and tenant appeals</li> </ul> |
|---|---|

If yes, is there any reason not to refer to CAMS mediation under the pilot? N/A

If yes, please give reason:

Non-pilot cases: Do you wish to make a recommendation for mediation?

No. These parties are well able to make their own decisions on the matter.

**Where permission has been granted, or the application adjourned**

- a) time estimate (excluding judgment) 1 day
- b) any expedition None required

Signed: BY THE COURT

Date: 16 October 2024

**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).

Case Number: **CA-2024-001499**