

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 05/10/2010

Before :

THE HONOURABLE MR JUSTICE TUGENDHAT

Between :

Juliet Farrall	<u>Claimant</u>
- and -	
Rick Kordowski	<u>Defendant</u>

Ms Jennifer Oscroft (instructed by **McCormacks Law Ltd**) for the **Claimant**
The Defendant did not appear and was not represented

Hearing dates: 1/10/2010

Judgment

Mr Justice Tugendhat :

1. The Claimant is a solicitor. On 23 September she commenced proceedings by Claim Form and issued an Application Notice. The application before me is for an interim injunction restraining the publication of words which she claims are defamatory of her and which the defendant has published on a website known as “solicitorsfromhell.co.uk”. I granted the injunction and stated that I would give my reasons in writing later. These are they.
2. The Claim Form, Application Notice, and other supporting documents were served on the defendant on Friday 24 September as described in the witness statement of the process server. This is an application on notice, for which notice has been given in accordance with the CPR.
3. The words complained of when printed out cover some three pages. They include allegations that the Claimant is “downright crooked” and other words reflecting adversely on her competence and conduct of proceedings in which it is said she acted for the author of the words complained of. However the author is not identified and little detail is given of the date, place or other circumstances of the matter in respect of which the words complained of allege that the Claimant acted.
4. The Claimant had worked in the law in various capacities for some three years before joining her present firm, McCormacks, in November 2009. She is employed there as a solicitor specialising in criminal law. Her duties include representing defendants in

the Magistrates' Court and attending police stations to represent those in police custody. The website of which she complains has instructions purporting to tell a person how to delete or obtain the deletion of a listing. The first instruction is to contact the person who has posted the words complained of. Where, as here, that person is not identified, that is of no use. Other options, identified as options 1, 2, and 3, all require the payment of what is said to be "administration and monitoring costs". The first two options, for which the charges were respectively £99 and £199, are said no longer to be available. The only option therefore available to the Claimant in this case is one for which the description is as follows:

"Administration and monitoring costs to delete ALL listings from this firm and insure that they are NEVER listed in any way again £299 (one off-fee for life)."

5. According to the witness statement of the Claimant, no effort was made by the defendant to verify the truth of the words complained of, or to ask her for comments before the words were published. She became aware of the publication complained of on 1 September 2010. She is identified by the words "McCormacks Solicitors - London E1 Solicitor: Juliette Farrall.... solicitor from Hell".
6. The Claimant states that the words complained of are completely untrue. She has never acted for any client in the circumstances which are identified in the words complained of (in so far as they are identified). She has been qualified to undertake police station work for about two years. The description of the work in the words complained of relates to work at a police station. The Claimant does not recognise any of the allegations made against her or any of the circumstances alleged. In support of her contention that the words complained of are entirely false, she has provided a list of matters of which she has had conduct since her employment commenced at her present firm. The brief descriptions of those matters are such that none of them correspond to the circumstances (such as they are) identified in the website. She has received no complaint from any client about any matter such as the one purportedly described on the website. She refuses to pay the fee of £299 because she states that she considers this to be akin to extortion.
7. A letter of claim was sent on her behalf on 10 Sept 2010 by McCormacks. On 13 September the Defendant responded by email. He wrote:

"Please forward this email to one of your partners

I have received your letter dated 10 September 2010

Please can you send me Juliette Farrall's file reviews and appraisals as well as any other documents concerning the partners' opinion of her work for my consideration on this matter.

I have also asked the law society but I suspect they will take longer".
8. It is to be noted that the reply from the Defendant does not give any indication that he is relying on any defence whether of justification or at all.

9. McCormacks replied on 21 September 2010 stating that if the defendant did not remove the posting by 22 September 2010 defamation proceedings would be issued and an application made for an interim injunction.
10. Miss Oscroft informs me that since the issue of the proceedings, and the service of the Application Notice on 24 September, the words complained of have ceased to appear on the website. No explanation for this has been given by the defendants. The Claimant does not know whether the removal is temporary or permanent. No assurance has been given to her that the same or similar words will not be published again.
11. It is well known that it is rare for the court to grant injunctions on interim applications in defamation actions. However, the court has jurisdiction to do so and will do so in accordance with the Human Rights Act s12 in an appropriate case.
12. On the information before me I am satisfied that there is a prima facie case of libel, that there remains a threat by the defendant to publish or further publish the words complained of, and that if publication or further publication occurs the Claimant will suffer injury which cannot fully be compensated in damages. I am in no doubt that the words complained of are defamatory. Nothing has been stated by the Defendant to the effect that he has a defence of justification or any other defence. The Claimant is likely to establish that the publication complained of should not be allowed.
13. In the course of the application Ms Oscroft informed me that a week ago another solicitor made a similar application against the Defendant which was granted by Edwards-Stuart J. It is because there is evidence before me, as well as this statement from Ms Oscroft, that there appears to be a pattern in the Defendant's behaviour that I decided to hand this judgment down in writing.
14. The Defendant had an opportunity to appear and make representations to the court today. He did not do so. Nevertheless nothing in this judgment is to be taken as a finding of fact against him. I have made an order prohibiting publication or further publication of words complained of, or any other similar words defamatory of the Claimant. This judgment is to be read subject to any findings of fact that may be made at any trial. It is further subject to a provision I have made granting permission to the Defendant to apply to vary or discharge this order. I also made an order for a payment to be made by the Defendant to the Claimant on account of costs.