

FRIDAY 21ST JUNE 2019

**IN THE COURT OF APPEAL**

ON APPEAL FROM THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION

HQ16X00200

BEFORE LORD JUSTICE LEWISON  
AND LORD JUSTICE McCOMBE  
AND LORD JUSTICE HADDON-CAVE

**B E T W E E N**

JAN TOMASZ SERAFIN

APPELLANT /  
CLAIMANT

- and -

1. GRZEGORZ ZENON MALKIEWICZ
2. CZAS PUBLISHERS LTD
3. TERESA BAZARNIK MALKIEWICZ

RESPONDENTS /  
DEFENDANTS

**UPON THE COURT OF APPEAL** handing down judgment on 17<sup>th</sup> May 2019  
allowing the Appellant's appeal

**IT IS HEREBY ORDERED:**

1. There be judgment for the Appellant.
2. The orders of Mr Justice Jay dated 8<sup>th</sup> and 18<sup>th</sup> December 2018 be set aside.
3. All sums paid by the Appellant to the Respondents pursuant to the orders referred to in paragraph 2 above (£7,000 in total) be repaid to the Appellant within 28 days.
4. Pursuant to section 12 of the Defamation Act 2013, the Respondents shall publish a summary of the Judgment of the Court of Appeal in an agreed wording, at an agreed time, and in an agreed manner, form and place.
  - 4.1. If the parties cannot agree the wording of the summary, the wording is to be settled by a Judge of the Media and Communications List.



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4.2. If the parties cannot agree the time, manner, form and/or place of the publication of that summary, those matters are to be referred to a Judge sitting in the Media and Communications List for such directions as to those matters as the Court considers reasonable and practicable in the circumstances.

5. The matter shall be remitted for an assessment of the quantum of the Claimant's damages only, by a Judge of the Media and Communications List.

6. References to a Judge of the Media and Communications List are to a judge other than the trial judge.

**Costs**

7. The Respondents shall pay the Appellant's costs of the appeal (including the costs of the publication of the agreed summary referred to in paragraph 4 above) to be assessed if not agreed.

8. The Respondents shall pay the Appellant's costs of and arising out of (a) the defence of 'public interest' and (b) the defence of 'truth' in respect of the publication of the imputation at paragraph 13(4) of the Judgment, to be assessed if not agreed.

9. The Respondents shall make an interim payment on account of costs to the Appellant in the sum of £50,000 within 28 days.

**Permission to Appeal**

10. The Respondents are refused permission to appeal to the Supreme Court.

*By the Court*



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- and -

CZAS PUBLISHERS LTD

ORDER

Copies to:

Queen's Bench Division  
Room E17  
Royal Courts of Justice  
The Strand  
London WC2A 2LL

Respondents In Person

Simon Burn Solicitors  
DX 7404  
Cheltenham  
Ref: SLB.DRM.SER0032

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\* This order was drawn by A Marie Smith (Associate) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to A Marie Smith, Civil Appeals Office, Room E307, Royal Courts of Justice, Strand, London WC2A 2LL (DX 44450 Strand) and quote the Court of Appeal reference number. The Associate's telephone number is