

**IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS  
BUSINESS LIST**

**IN THE MATTER OF THE MOBILE TELEPHONE VOICEMAIL INTERCEPTION  
LITIGATION**

**BEFORE:**

**THE HONOURABLE MR JUSTICE FANCOURT**

**B E T W E E N:**

**SIENNA MILLER**

**Claimant**

**and**

**NEWS GROUP NEWSPAPERS LIMITED**

**Defendant**

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**STATEMENT IN OPEN COURT**

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1. In this action for voicemail interception and misuse of private information, I appear for the Claimant, Sienna Miller. Ms Miller is a very well-known actress and has starred in a number of high-profile films such as *Alfie*, *Layer Cake*, *Stardust*, *The Girl*, *American Sniper*, *Interview*, *Highrise*, *Foxcatcher*, *Live by Night* and *Edge of Love* and as a result has been nominated for a number of awards.
2. Ms Miller was the subject of intense media scrutiny and serious intrusion into her private life from around 2003, which not only impacted her but most of her friends and family. In particular, *The Sun* published numerous intrusive stories about her that contained intimate private details about her relationships and feelings and even her confidential medical information.
3. The Defendant, NGN, is the publisher of *The Sun* newspaper, which has an extensive readership in this country and abroad.
4. In June 2011, Jude Law sent a letter of claim to NGN alleging unlawful information gathering and voicemail interception against him by *The Sun*. NGN's response was to issue a public denial stating that they believed it was "a deeply cynical and deliberately mischievous attempt to draw *The Sun* into the phone-hacking issue" and that the allegations had been "carefully investigated by our lawyers and the evidence show[ed]"

*they ha[d] no foundation whatsoever.*" As she clearly set out in her Court documents, Ms Miller firmly believes that this was misleading and NGN must have known that this was false, a belief which was supported by the evidence she had produced in her case prior to the settlement.

5. In 2018, Ms Miller was approached by her solicitor and asked to be a generic witness for the Claimants in the Mobile Telephone Voicemail Interception Litigation. Ms Miller agreed to be a generic witness and subsequently decided to bring a claim against *The Sun*.
6. Prior to issuing her claim, Ms Miller requested voluntary early disclosure from NGN but no such disclosure was provided. Instead, NGN responded requesting reasons as to why her claim was not statute-barred (that is, that it should have been brought more than 6 years previously) and suggested that *there was "little evidential basis for a further MTVIL claim against NGN"*.
7. It was only once she had issued her claim in September 2019 that she was shown Sun generic disclosure (documents that NGN had been ordered to disclose to the Claimants relevant to their general allegation of Sun illegal activity) that related to her. Ms Miller was horrified to see the disclosure which she believed showed that there were expenses claimed by Nick Parker, a senior Sun journalist, and that he had met with a '*medical records tracer*' in July and August 2005 to discuss Ms Miller's pregnancy. Ms Miller also believes that the medical records tracer was Christine Hart, who is alleged in this litigation to have obtained private medical information, and that she had appeared to have issued an invoice for "*Sienns (sic) Miller Pregnant research*". It was shocking to see the evidence that appeared to show that *The Sun* had paid for Ms Hart to unlawfully target her to get information on her pregnancy. For example, Mr Parker's expenses use the reference "*SIENNA MILLER PREGNANCY RIDDLE*" and the last expense states "*DINNER WITH TRACER (WHO CONFIRMED SIENNA WAS PREGNANT)*".
8. Following a formal request for initial disclosure in November 2019, the Claimant received initial disclosure in January 2020. This disclosure comprised records of phone calls made by NGN journalists to mobile phones in relation to her and four of her friends and members of her family, as well as private investigator invoices to *The Sun* and records of contributor payments by *The Sun* to alleged private investigators.

such as Christine Hart. Based upon these documents, Ms Miller's firm belief is that the call data and private investigator /payment disclosure showed that she was a subject of unlawful gathering techniques from around 2003. There was also call data disclosed for every one of her four associates. She was shocked and disturbed to discover what she believed to be the prolonged, substantial and targeted voicemail interception and unlawful information gathering activities carried out by journalists at *The Sun*. Furthermore, there were also three invoices from a company called ELI, or Express Locate International, an alleged PI company who allegedly specialised in unlawful searches related preparatory to phone-hacking. These invoices appeared to relate to Miss Millers' associates and it appeared to Miss Miller that two of these invoices had been ordered by *The Sun* journalist Nick Parker and an invoice relating to her mother was dated around the time of meetings he had had with the alleged medical records tracer, Christine Hart.

9. Ms Miller served her Particulars of Claim in March 2020, in which she set out her allegations of the unlawful information gathering that took place at *The Sun* newspaper, in support of which she relied upon the initial disclosure obtained once she had commenced these proceedings, generic disclosure and 33 articles published about her in *The Sun*. Her claim was that she had been the victim of unlawful information gathering by various journalists and executives at *The Sun*, and that they had used and circulated private information obtained about her and as a result published a number of articles. She also alleged that this had been concealed by senior executives including by the deliberate destruction of incriminating evidence.
10. Ms Miller also relied upon numerous statements made by representatives of NGN asserting that *The Sun* journalists were not involved in unlawful activities as evidence of concealment. As clearly set out in her Court documents, Ms Miller firmly believes that these statements were false, a belief which was supported by the evidence she had produced in her case prior the settlement.
11. Ms Miller also relied upon generic disclosure, only disclosed by NGN in March 2021, which appeared to show that there had been an internal investigation at *The Sun* into voicemail interception. Ms Miller was shocked to discover that the findings of this investigation explicitly referred to "phone inquiries" into her and her associate, Jude Law, and yet they had never been informed.

12. NGN served its Defence in May 2020. NGN neither admitted nor denied that *The Sun* was involved in illegal activities, whilst simultaneously asserting a defence of limitation and delay on the basis that Ms Miller should have known about the allegations of illegal activities many years earlier. These pleadings, combined with NGN's historic public denials and refusal to accept any responsibility, has only served to intensify the upset caused by the misuse of private information and voicemail interception suffered by Ms Miller.
13. After viewing the initial and generic disclosure and learning of the targeting of her and her associates by *The Sun*, Ms Miller was intent on discovering the extent of what had happened and the alleged unlawful activities used against her. Ms Miller therefore served requests for further information, in July and August 2020, and later insisted on the exchange of trial witness statements. The requests asked for clarification on the truth of NGN's public statements asserting that phone hacking allegations at *The Sun* had been carefully investigated and were unfounded. Ms Miller believed that she received unclear and evasive responses from NGN and NGN continued to deny or "non-admit" all allegations of unlawful activity.
14. The parties exchanged standard disclosure on 16 November 2020. There was a huge amount of material provided by NGN, which appeared to show to Ms Miller that she and those around her were targeted for such a prolonged period. There was also further alleged incriminating call data relating to many of the Claimant's associates.
15. The parties then prepared and exchanged trial witness statements on 27 August 2021. The Claimant found the preparation of her witness statement particularly painful as she had to relive what NGN had done to her over a number of years, including times when she was extremely vulnerable. The Claimant believes that it was Rebekah Brooks, then editor of *The Sun*, who first called the Claimant's representative to say that she knew the Claimant was pregnant. Ms Miller alleged that Ms Brooks, Mr Parker and Ms Hart were responsible for leaking the pregnancy and that their actions, including the call, had led her to being unable to trust those closest to her when she really needed them. It was already an incredibly stressful and difficult time in her life but *The Sun's* targeting of her made it traumatic. She felt at the time, and still does, that *The Sun* brutally took away her choice in the matter. Ms Miller felt that they were constantly hounding her so that she could not even visit a doctor's clinic without being followed.

The denials by Ms Brooks, including under oath, that she as Editor was involved in or was even aware of this unlawful activity, was especially aggravating to Ms Miller.

16. She also realised during the preparation of her associates' witness statements how extensive *The Sun's* activities against her and those around her were. It became clear to Ms Miller that both Jude Law and her ex-partner David Neville were targeted by various private investigators. For example, it became clear that Mr Parker had targeted Mr Neville from at least 2003 until 2005 and *The Sun* had used ELI three times for extensive and urgent inquiries into '*D Neville*' as well as another Private Investigator, Searchline, to find his home address.
17. Furthermore, Ms Miller wanted to find out what NGN's journalists had done with her private information. However, on exchange of witness statements in September NGN provided only three witness statements, of which only two were focused on Ms Miller's case and gave evidence in relation to only 17 of the 34 articles complained of in *The Sun*. Ms Miller continues to be distressed by the fact that she may never know the precise extent of NGN's activities, due to the way it was concealed at the time and covered up ever since.
18. Ms Miller very much wanted to pursue her claim to trial and is deeply concerned by the continuing lack of any admission from NGN. However, as a result of the costs position, she has been unable to. The invidious position was that Ms Miller was faced with a potential bill of millions of pounds for the trial itself, even if she proves her case. She is both upset and frustrated by this. Indeed, she has provided a generic witness statement in order that her powerful evidence can still assist other Claimants and so that the unlawful behaviour undertaken against her is exposed.
19. NGN offered to settle the claim and this offer was accepted by Ms Miller. The parties agreed terms of settlement in this matter as set out in an agreed signed order that was submitted to the Court on 24 September 2021, which provides for payment of substantial damages, undertakings to the Court and for payment of Ms Miller's reasonable legal costs in relation to the bringing of this claim.
20. Despite the overwhelming disclosure which appears to show that it was the unlawful activities by journalists at *The Sun* that led to the publications exposing Ms Miller's pregnancy and other intensely sensitive information, NGN's position throughout these

proceedings is that it makes no admissions in relation to *The Sun* newspaper and the parties have settled the claim on that basis. Ms Miller finds NGN's position particularly upsetting. For many years, she was not aware of the illegal activities *The Sun* had undertaken against her because of NGN's own actions.

21. Having spent many hours looking at the evidence and preparing her witness statement, the evidence seems clear to her, the Claimant. She was a successful young woman and she believes that she, along with her family and friends, was targeted in pursuit of *The Sun's* aim to profit out of her misery. She cannot ever forgive what they did to her but at the very least she hopes to hold them accountable. Throughout this claim, Ms Miller has pushed to be able to see the extent of what happened to her and who is culpable. She only hopes that she can now be of assistance as a generic witness to the Claimants at trial and then finally get some closure on this period of her life.

22. Given the fact that the publishers of *The Sun* have agreed to pay such a substantial sum by way of damages, and have thereby avoided a public trial, in relation to her claim for unlawful information gathering solely relating to that newspaper, as well as the knowledge and concealment of those illegal activities by the Editor and Senior Executives there, Ms Miller believes that, notwithstanding that the settlement was reached on the agreed basis of no admissions of liability, this is tantamount to an admission of liability on the part of *The Sun* and she therefore feels fully vindicated in having brought this claim



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David Sherborne

**Counsel for the Claimant**