



COURT 67
Appeal No.

A2/2015/0106



MONDAY 31ST JULY 2017

IN THE COURT OF APPEAL

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

HQ13D03108

BEFORE LADY JUSTICE GLOSTER VICE PRESIDENT OF THE COURT OF
APPEAL, CIVIL DIVISION
AND LADY JUSTICE SHARP •
AND LORD JUSTICE LINDBLOM

B E T W E E N

SABBY MIONIS

APPELLANT

- and -

1. DEMOCRATIC PRESS S.A.
2. JOHN FILIPPAKIS
3. ALEXANDER TARKAS
4. ANDREAS KAPSABELIS

RESPONDENTS

PENAL NOTICE

IF YOU THE RESPONDENTS DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED (IN THE CASE OF THE SECOND, THIRD AND FOURTH RESPONDENTS) OR FINED OR HAVE YOUR ASSETS SEIZED.

ANY PERSON WHO KNOWS OF THIS ORDER AND DISOBEYS THIS ORDER OR DOES ANYTHING WHICH HELPS OR PERMITS ANY PERSON TO WHOM THIS ORDER APPLIES TO BREACH THE TERMS OF THIS ORDER MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

UPON hearing Leading Counsel for the Appellant and Leading Counsel for the Respondents

IT IS ORDERED THAT

1. The Appeal be allowed.

Stay

2. The stay in the above proceedings be lifted for the purpose of enforcing the terms of the Settlement Agreement dated 13 November 2013 ("the Settlement Agreement", the relevant parts of which are attached as Annex A to this Order) referred to in Paragraph 1 of the Tomlin Order

dated 13 November 2013 (attached as Annex B to this Order).

Permanent Injunction

3. An injunction is granted against the Respondents and each of them whether by themselves their servants or agents or otherwise to enforce the terms of Clause 3 of the Settlement Agreement namely that the Respondents and **each of them must not:**
1. **Republish or cause the republication of any of the Articles (as defined in Paragraph A of the Settlement Agreement) in hard copy, online or howsoever; and**
 2. **Repeat or cause to be repeated the allegations complained of at paragraph 9 of the Particulars of Claim in the Action (attached as Annex C to this Order) (save only for the publication of fair and accurate reports of court proceedings in which the Appellant and/or any of those members of his immediate family is a claimant, defendant or witness; or parliamentary inquiries of which the Appellant and/or any members of his immediate family is the subject or in which he is called to give evidence); and**
 3. **Report or otherwise publish in any jurisdiction any articles or statements in any other form (either in print or online), including but not limited to the first breach article dated 20 January 2014 and the second breach article dated 23 June 2014 (both attached as Annex D to this Order), which refer to the Appellant or the Appellant's immediate family, being his mother, father, brother or children (save only for the publication of fair and accurate reports of court proceedings in which the Appellant and/or any of those members of his immediate family is a claimant, defendant or witness; or parliamentary inquiries of which the Appellant and/or any members of his immediate family is the subject or in which he is called to give evidence).**

Inquiry as to damage

4. **The case be remitted to the High Court for an inquiry as to the damage suffered by the Appellant as a result of the Respondents' admitted breach of the Settlement Agreement.**



Permission to Appeal

5. Permission to appeal is refused.

Costs

6. The Respondents to:

- a. pay the Appellant's costs of the Appeal; and
- b. pay the Appellant the costs of the hearing before Sir David Eady (sitting as a High Court Judge) below;
- c. such costs referred to in paragraphs (a) and (b) above be subject to a detailed assessment on the standard basis, if not agreed;
- d. the Respondents shall pay to the Appellant the sum of £173,000 (approximately 50%) on account of the Appellant's costs to date;
- e. repay to the Appellant the sum of £50,000 paid to the Respondents pursuant to the Order of Sir David Eady dated 5 December 2014;
- f. repay to the Appellant the sum of £22,600 paid to the Respondents pursuant to the Order of Master Campbell dated 12 February 2015;
- g. the sums referred to in paragraphs (d), (e) and (f) be paid on or before 4.30pm on 14 August 2017.



By the Court

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SABBY MIONIS
- and -
ALEXANDER TARKAS
- and -
DEMOCRATIC PRESS S.A.
- and -
ANDREAS KAPSABELIS
- and -
JOHN FILIPPAKIS

ORDER

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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