General Form of Judgment or Order

In the County Court at Mayors & City Of London Court	
Claim Number	445MC[redacted]
Date	19 July 2024

THE COUNTY COURT

MR [redacted]	**1st Claimant Ref** [redacted]
PAYONE GMBH	**1st Defendant Ref** [redacted]

Before His Honour Judge [redacted] sitting at the County Court at Mayors & City Of London Court, The Guildhall Building, Basinghall Street, London, EC2V 5AR.

UPON considering the court file

IT IS ORDERED THAT:

1. The application for permission to appeal is [redacted] allowed so far as concerns the sealing of documents issue.

REASONS: [redacted], the decision in respect of the sealing of documents, which is not covered in the judgment for which there is a transcript, appears arguably to be inconsistent with the principle of open justice and fails to take any account or any sufficient account of the already public nature of the material in question (even a small claims hearing is heard in public (see CPR 27.2(1)(h) and the express carve out for CPR 39.2 "general rule – hearing to be in public)). It is inevitable that all the material sought to be embargoed after the fact will already have been referred to in the context of a public hearing and/or read by the judge for that purpose and accordingly these were public documents and the principle of open justice should prevail. Moreover, if (as appears to be the case) the primary reason for the sealing was that the relevant documents were without prejudice then such status can be retained by the parties not being entitled to rely on them or refer to them in evidence with regard to the relevant proceedings in which those without prejudice communications took place (in this respect see Thanki, Privilege 1st ed (2006) at 7.30 "Where this exception applies, the without prejudice communications cannot, however, be used for any other purpose" (so that after being used to determine whether a settlement had been reached the documents remain wp).

2. [redacted]

3. [redacted]

4. If a request for an oral hearing is made then it shall be determined as part of a rolled up hearing with the appeal for which permission is given. The following directions apply to that hearing (including if relevant the reconsideration / potential appeal on the liability issue):
5. The appeal will be listed on notice to the parties with a time estimate of 1 day at either Central London County Court or the Mayor's & City of London.
a. The parties will be notified of the time and place of hearing.
b. Any Respondent's notice must be filed and served by no later than 14 days from the date of this order.
c. By no later than 14 days before the hearing the Appellant must file and serve an appeal bundle. The required contents of the appeal bundle are set out in CPR Practice Direction 52B paragraph 6.4.
d. Where the Appellant has already filed an appeal bundle, the Appellant must add to the appeal bundle (a) late documents as described in CPR Practice Direction 52B paragraph 6.6 (b) any other documents which the Respondent seeks to rely upon at the appeal. The Appellant must communicate with the Respondent about the contents of the appeal bundle as soon as practicable from service of his order.
e. If the Appellant and the Respondent do not agree on the contents of the appeal bundle then the Respondent should file and serve a supplemental appeal bundle by no later than 7 days before the hearing.
f. Any skeleton arguments not contained in the appeal bundle which the parties wish to rely on at the appeal must be served and filed no later than 48 hours before the hearing.
g. If the parties are proposing to refer the court to any law at the appeal hearing then they must communicate with each other to best ensure: (a) any litigant in person has at least 48 hours access to copies of the relevant law and (b) the court is provided with a chronological copy bundle of relevant law in good time prior to the hearing.
6. Any application to vary or set aside the directions set out in paragraph 5 above must be made by application notice filed no later than 7 days following service of this order. This requirement does not apply to any application to extend the time limits in the directions.

Dated 19 July 2024

Your application for permission to appeal has been refused on paper. You may request that decision to be reconsidered at an oral hearing (CPR 52.4 & CPR PD 52B section 7.2). If you wish to request an oral hearing then (a) your request must be made within 7 days of service of this Order (CPR 52.6 & CPR PD 52B section 7.4) and (b) a copy of your request must be served on the all other parties (CPR PD 52B section 7.4).

In compliance with GDPR requirements, the privacy notice sets out the standards that you can expect from the Ministry of Justice (MoJ) and HM Majesty's Court and Tribunals Service (HMCTS) when we process personal data about you in the context of civil court proceedings; how you can get access to a copy of your personal data; and what you can do if you think the standards are not being met. Please see link below for further information: https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter#hmcts-privacy-policy