

**IN THE HIGH COURT OF JUSTICE**

**Claim No.HQ07X02555**

**QUEEN'S BENCH DIVISION**

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

**(1) HACHETTE FILIPACCHI (UK) LIMITED**

**(2) KEVIN HAND**

**Claimants**

**- and -**

**HAYMARKET MEDIA GROUP LIMITED**

**Defendant**

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**STATEMENT IN OPEN COURT**

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**The Claimants' Counsel/Solicitor**

My Lord, in this matter I appear on behalf of the Claimants.

The First Claimant, Hachette Filipacchi, is the publisher in the UK of internationally-renowned magazines and online content including amongst others *Elle*, *Red*, *Psychologies* and *Sugar*. The Second Claimant, Kevin Hand, is the Chairman of Hachette.

The Defendant is the publisher of *Media Week*, a specialist weekly magazine with a wide readership and influence within the commercial media industry.

On page 18 of *Media Week* for 3<sup>rd</sup> to 10<sup>th</sup> April 2007, the Defendant published an article entitled "*Hachette faces an uncertain future*". The article was an analysis of Hachette's future prospects and it was implied that the company faced being scrapped by its parent company Lagardère, with its magazine publishing business in the UK being replaced by

licensing agreements. It also may have been understood to suggest that it was in a poor financial position and that this was reflected in a string of senior executives leaving the First Claimant and not being replaced. The article went on to lay the blame for this predicament at the feet of its Chairman, Kevin Hand. As well as containing a number of inaccuracies concerning both Claimants, the article did not include information which was communicated to the Defendant in an interview with Mr Hand. The Defendant now accepts that these allegations were untrue and is here today publicly to withdraw them and apologise.

In fact, under the chairmanship of Kevin Hand, Hachette's core titles, including Red and Psychologies, have steadily increased in circulation. Hachette is also undergoing a significant expansion into digital publishing demonstrated by the acquisition of the popular website Digital Spy earlier this year. Hachette has seen one of its most profitable years in 2007 despite difficult market conditions and is continuing to look at further expansion opportunities, both in digital and on paper.

The Defendant sincerely regrets the publication of these allegations and has agreed not to repeat them and to pay substantial damages and the Claimants' legal costs. In these circumstances the Claimants are content to let this matter rest.

#### **The Defendant's Counsel/Solicitor**

I accept everything my learned friend has said. The Defendant wishes to make it clear that it did not intend that its analysis should be understood to make these untrue allegations about Hachette, or the Second Claimant, Kevin Hand. Further, it did not intend to suggest, as may have been understood, that the First Claimant was at risk of being closed by its parent company or being forced to scale down its operation, or that the Second Claimant was responsible for this position. Through me, the Defendant withdraws these allegations and sincerely apologises to the Claimants for the damage caused and to Kevin Hand for the resulting distress and embarrassment. The Defendant

has agreed to publish an apology, and to pay to the Claimants substantial damages and their legal costs.

The Claimants' Counsel/Solicitor

My Lord, in those circumstances, I need only to ask leave that the record be withdrawn.

Christopher Hitchings (MLAW)

Solicitor for the Claimants

J. Worrone (FARRER + CO)

Solicitor for the Defendant