Case No: KB-2023-002102

Neutral Citation Number: [2024] EWHC 227 (KB)

IN THE HIGH COURT OF JUSTICE KING'S BENCH DIVISION MEDIA & COMMUNICATIONS LIST

Royal Courts of Justice Strand London WC2A 2LL

BEFORE:

MASTER RICHARD DAVISON

BETWEEN:

MARTIN HIBBERT EVE HIBBERT (By her mother and litigation friend SARAH GILLBARD)

(1) <u>CLAIMANT</u>

(2) <u>CLAIMAN</u>

- and -

RICHARD D HALL

DEFENDANT

Legal Representation

Mr Jonathan Price (Counsel) on behalf of the Claimants Mr Richard D Hall (Defendant), Litigant in Person

Other Parties Present and their status

Mr Tony Bennett (Defendant's McKenzie Friend)

Whole Hearing

Hearing date: 29 January 2024 (start and end times cannot be noted due to audio format)

Reporting Restrictions Applied: No

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Number of folios in transcript 228 Number of words in transcript 16,395 A

Court Clerk: Court rise. This hearing is being recorded by HM Courts & Tribunals Service. These are legal proceedings and the provisions of Section 9 of the Contempt of Court Act apply. You must not make any recording of any part of this hearing. To do so will be

contempt of court. The application of *Hibbert and Others v Hall*.

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Master Davison: You may be seated. Good, so Mr Price, just before we begin, let, let, let me reiterate to everybody here that the proceedings are being recorded, because this is a court of record. What is not permitted is for any person, other than the official channels, to

make a recording. Is that understood?

(no audible response)

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Master Davison: Good. Yes, Mr Price.

Mr Price: Master, this is my application for summary judgment on what I have identified as five issues arising out of four paragraphs in the particulars of claim that are denied or in relation to which the Claimant is put to proof from the Defence. It might be helpful, rather than me launching into a, a, a lengthy preamble, just to ascertain by a quick audit what the

Court has got, what it has read --

Master Davison: Yeah.

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Mr Price: And where the Court is up to. There is a bundle prepared for the application which I have electronically and I will refer to only by pagination, except when I have obvious tabs. I hope that is helpful and I hope ...

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Master Davison: So shall I, shall I tell you what I have got, Mr Price?

Mr Price: Yeah.

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Master Davison: So, I, I have got what I am calling the main bundle, 338 pages, I think.

Mr Price: Yes.

Master Davison: I think that was lodged by you.

Mr Price: Yeah.

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Master Davison: And then a further copy of the bundle came in, with both skeleton

arguments in, in the front of it. Then I have a bundle from Mr Hall. Thank you for that, which

I think is mostly, if not all, in fact reproduced in what I am calling the main bundle, the one

lodged by the Claimants.

Mr Hall: Yeah. C

Master Davison: And I have a bundle of authorities and, as I think I have mentioned, I have

got two skeleton arguments. Thank you for yours, Mr Hall. And I have a schedule of costs

from you, Mr Price. So that is what I have got, and I have read all of that.

Mr Price: Great, thank you very much for that indication, Judge. That is very helpful. I am

not, then, going to either exposit on the law, because from, from what I can see, there may

be one or two corners in which we need to investigate a difference between us, but otherwise

we are at one, I think, on the legal principles, but there, from what I detected from Mr Hall's

skeleton argument, he was going to make a point about Hollington v Hewthorn, I think he

relies *up*on, an even older authority for the same proposition.

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Master Davison: But that is a point that is conceded by you, at any rate.

Mr Price: It is a point that is conceded, I mean, not, not that, not that it needed to be

conceded. I mean, we, it is not a point we have taken --

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Master Davison: No.

Mr Price: Either way. We, we accept fully that insofar as the inquiry has reached any

findings, those findings are not either binding upon you and in fact are, from a strict

evidential point of view, irrelevant. But of course one cannot ignore the fact there has been

an inquiry and one cannot ignore my client's participation in the inquiry and what he has

done, really to save duplication apart from anything else, is adopt the evidence he gave to

the inquiry, in these proceedings. And that is his evidence in these proceedings.

Master Davison: Yeah.

Mr Price: And we point to that.

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Master Davison: Right.

Mr Price: The Court will have read it. We, we have made, well, we would suggest, an

unanswerable point based on the Civil Evidence Act, Section 11, that proof of the conviction

of the brother of the bomber for the murder --

Master Davison: Yeah, Mr Price, just before you go any further, because you are beginning

your submissions really now --

Mr Price: Yes.

Master Davison: I just want to turn to, to Mr Hall. Mr Hall, do you, do you understand the,

the procedure that we are going to adopt today?

Mr Hall: As I understand it, the Claimants go through their skeleton argument and highlight

certain points and then I will get a chance to do the same and then some, either, questions

after that by, by yourself.

Master Davison: Yes.

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Mr Hall: That is ...

Master Davison: That is exactly right.

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Mr Hall: All right.

Master Davison: So I just wanted to, to be sure that you understood --

Mr Hall: Yeah, OK.

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Master Davison: The many things we are going to be *arranging*.

Mr Hall: Thank you.

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Master Davison: Yeah, OK. Yeah, Mr Price.

Mr Price: Thank you. The, the, so we say the conviction, but I am just turning to page 6 of

my skeleton argument, where I have set out Section 11 in full.

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Master Davison: Did you say page 6?

Mr Price: Page 6, please.

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Master Davison: Yeah.

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Mr Price: The fact that a person has been convicted of an offence is, shall be admissible in

evidence for the purpose of proving that he committed that offence, whether or not he

pleaded guilty or otherwise. So the effect of the fact that the surviving brother was convicted

of the murder of 22 concertgoers is that we can take advantage of Section 11, and Section 11(2)(a) moves the burden to the Defendant. So the, the proof of that conviction means

that:

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"he shall be [to have, have] taken to have committed that offence unless

the contrary is proved;"

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And as the Court will have seen from the Greater Manchester Police statement, upon the

conviction of Abedi, he was convicted of having murdered 22 people on 22 May 2017 by

the use of an explosive device detonated by his brother. But nevertheless, those facts which

make up the constituent elements of that offence are taken to have been proved and, from,

for today's purposes, I just have to show you, Judge, that that is inexorably likely to be the

case, i.e. proof of a conviction, and, upon that event, the Defendant must prove to the

contrary. So that is the starting point, I would suggest, in relation to those issues covered by

the conviction, so those are issues 1, well, it is issue 1. It, it, it bleeds into the other issues

but, for present purposes, I say I have ticked off issue 1 unless the Defendant can prove that

22 people were not murdered in the way described on that day. And just pausing on that

issue, his evidence comes nowhere close to achieving that and nowhere close to giving rise

to a serious chance of him doing so. And again, that should be the end of that.

Master Davison: Right.

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Mr Price: You will be taken, I imagine, to a series of inconsistencies, some emanating from

my clients, many emanating from third parties, officials, emergency services, and you will

told they cast doubt on the official narrative, as it will be described, as to what went on. That,

I am afraid, is not sufficient to raise a serious prospect that the Defendant will be able to

dislodge the legal fact that it happened, that legal fact arising out of the operation Section 11

of the 1968 Act.

So, really, I am going to move on immediately then to deal with issues that, that, that, that D

are found now in issue --

Master Davison: Also, was Hashem Abedi, was he charged with anything else, or was it,

was it simply the 22 murders?

Mr Price: I, in my skeleton there were a couple of ancillary offences. I think it was

conspiracy to cause an explosion, and there is a third charge, too. So, it is, so, murder or

attempted murder is the second charge, and conspiracy to cause an explosion likely to

endanger life, those three. So there, there, there were 22 counts of murder, for each of the

people killed in the explosion, other than, well, it have included the --

Master Davison: And then a, a further count, of attempted murder of numerous others.

Mr Price: Including my clients, yes.

Master Davison: And one further charge, of conspiracy to cause an explosion.

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Mr Price: Yeah, conspiracy with his brother Salman, correct, to cause an explosion.

Master Davison: That, that appears, where are you reading from?

Mr Price: So that, that is, we have taken that from the GMP statement, which is the most A

contemporaneous statement of the conviction, which is in the bundle, at page 94.

Master Davison: OK. Somebody help me with that.

В (pause)

Master Davison: Yeah.

Mr Price: But we, we do not understand there to be a dispute about the fact of the conviction. C

Were there to, it might be necessary to seek some form of transcript of the conviction, but

as I say, I do not understand that to be in dispute.

Master Davison: No, OK. D

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Mr Price: In any event, it is open to the Court, I am not asking the Court to take notice, but

this is, this GMP statement is, is hearsay, compelling hearsay evidence. It is

contemporaneous because it was, it, it, it is timed precisely with the date of the conviction,

authoritative and you can take account of it for these purposes if you need to, as I said, if it

is going to be challenge, the, the, if the fact of the conviction is going to be challenged.

So, then we get into dealing with my client's injuries, well, my client's presence, first, at, at

the, at the concert. And in relation to that, we have provided obviously the First Claimant

Mr Hibbert's first hand evidence of being there. We have provided documentary evidence

in the form of the ticket receipt, which is at pages 100 to 101.

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Master Davison: Yeah, I looked at that.

Mr Price: We provided the evidence of Eve's mother, who adopts all relevant evidence and

pleading upon these points and confirms that they are true, in her statement. That is at page

135, her paragraph 4.

And we have then provided evidence from Mr Wilcox, a solicitor for my clients in the

inquiry and in other matters, and he gives evidence that he has seen a chain of events

statement which has been developed from the use of the CCTV and that it recounts that there is CCTV footage of the Claimants. Now I know a lot is going to be made of, of the CCTV or, or, well, we say there is an absence of relevant CCTV by the Defendant, and, in fact, the most compelling, cogent and perhaps relevant aspect of Mr Wilcox's evidence is, is what, is his explanation for why there is so little CCTV in the public domain when in fact the inquiry has quite a lot, and so did the police. That is to protect the dignity of those who died and the sensitivities of those who survived and the families of those who died. It is a perfectly compelling reason why a lot of that CCTV has been withheld. It is extremely graphic and it should not be in the public domain, and it is not, rightly is not in the public domain. It is video footage of people in the moments immediately before their deaths, as they are dying and immediately after their deaths, and the same in relation to those who were seriously injured.

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So, grouping that selection of evidence together, we say there, there is no evidence or no case that the Defendant has put forward capable of dislodging the fact that my clients were there. All he is doing is asking the questions. Now he is entitled to ask questions. He is entitled to be sceptical, but that is not the same as raising a case with any prospect of success that is going to knock out my clients' claims to have been there.

What, when we get on to dealing with what, what are purported to be inconsistencies in Martin Hibbert's evidence, what the Defendant completely fails to do is provide a basis for or even invite the Court to find that Eve's mother is dishonest or inconsistent or has in any way invented any of this, and yet she is giving evidence which is commensurate, coterminous with that of Martin Hibbert, Eve and the, the various other sources that I have described.

And as the Court will be aware, it is not enough on a, in responding to a summary judgment application for a respondent to simply say, well, I want to cross-examine them, I think I might get somewhere. There has to be some substance to such a case, and there is none here. So we say we can put the Claimants at the rear and the Defendant cannot dislodge that to the relevant standard.

And then we move really, well, the, the only remaining issue is as to their injuries. And there is an overlap between the injuries themselves and the causation of those injuries.

Master Davison: Just, just before we leave the topic of the CCTV, well, we have left it,

actually, but let us come back to it. Who actually has control of the CCTV footage?

Mr Price: As I understand it, it is still in the control of GMP. I will be corrected --

Master Davison: The police.

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Mr Price: I am seeing affirmation behind me, which is encouraging. But the, it, it was

released in the way described in the --

C Master Davison: Yeah, I mean, I have read, I have read the, Mr Wilcox's statement.

Mr Price: And you will see, you will see he has signed two, two sets of undertakings in

relation to it, one an undertaking to, to the police, which I guess is contractual, but also he

has undertaken to, no, I think one is to the inquiry and one is to the coronial process but, of

course, there are both overseen by the same individual presiding over that. The, there is

undertaking to prevent the use of that material in these proceedings, but I am not sure that it

has been strictly disclosed to, I am trying to think this through on my feet, which is always

dangerous, been strictly disclosed to my client in circumstances where it has, those who are

representing him have been allowed to do it, under such restrictions, having no doubt, it's,

well, if it is being discussed, it has been provided in --

Master Davison: Well, at any rate, so far as control today is concerned, it is in the control

of the Greater Manchester Police.

Mr Price: Yes, there we are.

G Master Davison: OK.

Mr Price: So I am going to move on to deal with the, it is a headline point in relation to the

injuries. The Defendant has written quite extensively in his witness statement in paragraph

28 about this, but it is all conjecture. He makes various medical conjectures about the shape

of one of the scars, I think, and, and other things. I, he, I detect he knows that that is not

evidence that the Court can take notice of and, therefore, he has supplied some medical

evidence on this application.

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Mr Price: Yes.

issue.

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Master Davison: That he received 22 shrapnel wounds, needed lifesaving surgery, has, has been left paralysed. He is wheelchair bound.

Mr Price: It is that. I mean, I, I do not, it would not be enough for the Defendant to say, I can only see proper evidence for 20, 21 shrapnel injuries. That is not the essence of the case

But I will, I will rewind a little bit. I need to put in play the issue of my client's injuries and their causation in, on, following the legal logic of putting, of having an evidential burden that if discharged moves to the Defendant. And we have submitted a very detailed medical report into Mr Hibbert by Mr Soni, who is his treating orthopaedic surgeon and has been for a long time. And Mr Soni makes a number of errors in that, including getting the date wrong. He puts the date of the explosion on 23 May because he thinks it is, he thinks it happened in the small hours. It is perhaps the most significant error and the only one that could be material, but that is explained because many of the emergency procedures were conducted in the small hours of the 23rd, and, or it could be explained that way. And certainly, it, it is not sufficient to discard his evidence altogether. So, his report appears from page 102 and it is a report targeted at the Criminal Injuries Compensation Authority. It is 50 pages long.

Mr Price: I am not going to go into it in detail, but it is supportive of the facts that I need to

establish, which are that Mr Hibbert has been rendered wheelchair bound and suffered

extensive injuries, in part. I think it is significant that this is not a claim for compensation

for injury. There is no, there is no personal injury claim, in, even in the harassment claim.

This is pure general damages, so we are not in the sort of territory where the Court is going

to be asked to apply any formula for special damages, for examples, where it would be very

important to the Court to understand in detail a prognosis to be able to put a number of years,

for example, on life expectancy or expected recovery. It is simply the fact that Mr Hibbert

Master Davison: So it is, it is the facts that you have set out at paragraph 5 that, that are in

was injured in the sort of way that he was injured in the explosion which one has to be --

Master Davison: Yeah, I, I, I have it.

that we are putting or the essence of the case that the, that the Defendant is putting. It is binary, so that is why it, he can be as sceptical as he likes, but if he cannot accept my client was there and injured, it does not help him to attack the detail, in some respects. It might do if he wants to make a general submission about lack of credibility. I think he does want to make that. I accept that. It is not going to stop him from doing that. He, he might say that those sorts of inconsistencies, if they build up sufficiently in the body of evidence, are enough for his purposes, but that is not all that he does. He, he seeks to say that I cannot have my case, because there may be the odd error in it, and that is not, and we say that that is not in the spirit of the application or, indeed, in the spirit of the way the case is for the Defendant. So whilst the medical evidence is important, what is more important is the, the, the bare

essential facts of it that there was an explosion very close my client Mr Hibbert and, and the

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Master Davison: And which severely injured him.

Mr Price: Which severely injured him.

Master Davison: Yeah.

Mr Price: Now that must be readily acceptable from the evidence proffered in relation to Mr Hibbert. Now the, the evidence for Eve's injuries is much less substantive. There are two reasons for our explanations, one explanation now being that the challenge to Eve's credibility and that of her mother is virtually non existent, so we, we perhaps would not need remotely compelling evidence for you to believe that then putting into the public domain that Eve was there and that she was so badly injured was irrebuttable. But there is another reason, and it is a reason that dovetails with the nature of the case in the round, and that is the reason given by Eve's mother that is in her statement at page 152. In fact, it is, it is the next, the second page, so it would be paragraph 5, 5, 6 and 7. And she has put a short form medical report before the Court and is not prepared, for these purposes, to put anything else into the hands, anything else about her daughter and her daughter's injuries and rehabilitation, such as it has been, into the hands of Mr Hall through these proceedings. This is a public hearing, as the Court knows well, and --

Male: Go on.

Mr Price: Were a report to have been put, a fuller report to have been put in evidence today,

it would be available to not just Mr Hall but all those present in court and anyone else, for

that matter. And Eve's mother is alive to this and she, she says:

"I am aware that Eve bringing this claim engages the principles of

open justice ..."

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This is her paragraph 7.

"and it is an important principle."

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And it, it is, is also an important part of any remedy in the underlying claim that Eve is

vindicated, since Mr Hall has spent so long seeking to undermine and discredit her. And she

says that she understands there needs to be some purpose in the proceedings. So she is

knowingly putting before the Court relatively restricted medical evidence, knowing there is

a risk that the Court will not find it sufficient but trusting that the Court will, and that

evidence is what is produced behind her statement. And we say it is sufficient when read in

conjunction with the other evidence in the case and with --

Master Davison: Well, this was also a, a report for the Criminal Injuries Compensation

Authority.

Mr Price: Yes. Yeah. We say it is sufficient. It describes her injuries and when read in

conjunction with the other evidence about Eve's participation in the concerts and the events

and the blast and subsequently and then the evidence confirmed by Mr Hibbert about the,

about the evidence of the inquiry, which actually discusses Eve in some detail, which he has

set out in his witness statement. We say this is sufficient to establish, again in the general

terms required on this application, that Eve suffered such significant injuries she nearly died

in the arena.

And I am not going to --

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Master Davison: Just, just pause for a moment.

Mr Price: Say that again.

Page 12 of 51

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Master Davison: Just pause for a moment please.

Mr Price: Yes.

(pause)

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Master Davison: Yeah.

Mr Price: I need to go back a little bit and just deal with the issue of the First Claimant

having allegedly made contradictory statements. That is dealt with by him in his ...

Master Davison: Second.

Mr Price: Second statement, we say, sufficiently. And the Defendant, in any event, has

been, we say, extraordinarily mean spirited in analysing the statements said to be

contradictory. At paragraph 9 of the Defendant's statement, he suggests that my client is

lying about being paralysed from the waist down because he said in an interview that he tries

to laugh it off, that, that is, laugh off the Defendant's conduct, whereas his claim suggests

that he is distressed and caused anxiety by that conduct. And the Defendant says:

"That is inconsistent, on the one hand is telling the Court my conduct

causes you anxiety and distress, on the other hand telling an

interviewer and the media that you try and laugh it off and that has

evidenced that inconsistency, of your total lack of credibility ..."

And he has continued:

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"to your total lack of credibility, upon which I am going to ask the

Court to confirm that you were not even there and this whole thing is

made up."

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Because this is, this is properly fanciful. Of course, the Court will understand that somebody

in the First Claimant's position might say to the media that they are trying to laugh off the

fact that someone, not just someone but a lot of people are alleging that they are forging their

injuries, the daughter's injuries. But the Court can readily imagine that, on one hand, one

might say that and, on the other, one might not feel it, and so to try to flag that as an

inconsistency is totally unfounded.

But it is the second statement of Mr Hibbert where he picks what he considers to be those

inconsistencies he needs to explain, which are primarily reports in newspapers attributed to

him, and that is at page 299 to 300 of the bundle, his paragraphs 15 to 20.

Mr Hall: My Lord, can I, can I make a point?

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Master Davison: Yeah, I mean, the, the, the --

Mr Hall: It is because --

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Master Davison: Obviously, you get your opportunity to answer.

Mr Hall: Yeah.

Master Davison: But is there, is there something that you --

Mr Hall: Well, I --

Master Davison: You want to say now?

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Mr Hall: I, I have never contended that, that the, the Claimant was injured. And in

relation to his comments about seeking compensation, that was in relation to submitting the

claim. It was not in, in relation to his injuries. So I did not say he has, he has got injuries,

you know. He, he does not have injuries, because he laughs it off, that is, that is absolutely

not what I said.

Master Davison: I see, yeah.

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Mr Hall: I said that because he laughs it off, why would he then make a claim, if, if he

laughs off my comments?

Master Davison: Oh, I see.

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Mr Hall: That is, that is what I said. When I was referring to him laughing it off, I was saying:

"Well, why should he then be, make a claim, if he laughs it off?"

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It was not in relation to his injuries.

Master Davison: Well. no. I think we are both a --

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Mr Hall: I, I do not dispute that he has injuries and I never have.

Master Davison: No, thank you for clarifying that --

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Mr Hall: All right.

Master Davison: Mr Hall.

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Mr Price: We deal in our skeleton argument in some detail with the only medical evidence produced by the Defendant. I do not want to dwell on it.

Master Davison: Oh, this is from Mr Halpin.

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Mr Price: From Mr Halpin, yeah, because I do not want to be unduly unfair to Mr Halpin, but I, we say there is no value to his evidence because he acknowledges he is not an expert in the relevant fields, acknowledges that there are better, people better placed to give expert evidence. And he is only in fact dealing with a very, very narrow sliver of potential evidence which is not even evidence adduced by the Claimants. That is a, an X ray he has found online produced to the media.

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Master Davison: It, it may be that he did not have any authority, but was it, was it released by Mr Hibbert's family?

Mr Price: Yeah, yes, I think it, I think he accepts that it was --

Master Davison: Yeah.

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Mr Price: To show the location of his injuries.

Master Davison: Yeah, well, I mean, and I, I, I have read the statement of Mr Halpin and, well, I can see what he says. It, well, your, your point is that it does not really take matters any further.

Mr Price: No, it does not, does not take matters anywhere and certainly not, it is not enough for the Defendant's purposes. The, yeah, I am not, I am not going to go through the criticisms in detail unless, unless you find it helpful.

Master Davison: Well, I will hear what Mr Hall has to say about it first, but I do not think I need to hear anything more from you at the moment.

Mr Price: So, I, I am not going to be much longer, because I anticipate that we may need some time, but what, there is quite a lot that I have not commented on in Mr Hall's evidence which goes to apparent inconsistencies in the accounts of third parties, other victims, inconsistency he says arise, inconsistencies that he says arise from the CCTV, something about a grey Audi. Now we say those are not sufficiently coherent or concerted pieces of doubt, if I can put it that way, or conjecture to dislodge our case to the required standard. In other words, they do not raise anything beyond a fanciful case that this bombing did not happen, according to the charges and convictions of the Abedi brother who was convicted.

I will just show really how high it does go. That is to take the Court to paragraphs 60 and 61 of Mr Hall's statement. So, that starts at page 161, and those paragraphs are internally at page 19.

Master Davison: Yeah, I, I have got that.

Mr Price: So, he says, and this is where he is talking about an Asian male in a grey Audi, says:

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"Information from police radio communications mentioned an Asian male parking a grey Audi vehicle near the arena shortly before the explosion, aligning with the timeframe between 9.30 and 10.30. This coincided with the period when Abedi was apparently out of sight, which suggests a potential scenario where he accessed the vehicle, possibly from the arena carpark then moved it to Cheetham Hill. Subsequently, Abedi could have returned to the ..."

This is pure speculation. He is entitled to speculate and, and I do not want the Court to tread on that entitlement, because that will no doubt be a necessary element of his defence to the harassment claim. Whether or not it is reasonable to speculate about this publicly about my clients is the essence of his defence. But *this* does not raise an arguable case that these events did not occur as set out in the criminal proceedings.

For just a small example of the vice in the Defendant's position, he works from these vagaries and inconsistencies to a position of a little bit of doubt and then starts speculating but, of course, leaves behind the hundreds of eyewitness accounts, actual testimony of people who were there, real experiences of those who were bereaved and, of course, the lifelong injuries of my clients. And the only way his little doubts and inconsistencies can turn into a verifiable theory as far as he is concerned is to conclude that all of those people are lying. And what is extraordinary is that the Defendant jumps to that conclusion. But again, I, I do not ask the Court to comment on that, because that might tread upon some key issues in the rest of the claim.

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So, lest I can assist you further, Judge, I will obviously --

Master Davison: No, that is, that, that is very helpful. Thank you very much, Mr Price. So, Mr Hall, the, the floor is, is yours.

Mr Hall: Thank you. As you know, I am litigant in person and I have with me a McKenzie friend, Mr Tony Bennett, today. Thank you, My Lord, first for holding this in a courtroom. I, I appreciate that. *And* I estimate that I will --

Master Davison: Yeah, I, I did not get the name of your McKenzie *friend*. Mr Tony Bennett?

Mr Hall: Mr, Mr Tony Bennett.

Master Davison: It is Mr, I am grateful to Mr Bennett for being here. Is Mr Bennett in any way qualified, legally qualified?

B Mr Hall: He is a retired solicitor.

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Master Davison: Oh, a retired solicitor.

C Mr Hall: Yes, I estimate that I will take a little bit longer than what the, what the Claimants have had, perhaps within 50 minutes.

Master Davison: Well, we are not under any great pressure of time, if I am honest.

Mr Hall: OK, thank you. First, just to respond, I will set out how I am going to do this. I am going to give a quick response to what we have just heard, followed by looking at some of the images that are included in the bundle, just to set some context, because that is important to look at first, I think, before we go to the skeleton argument, to then highlight and expand on some of the items within the skeleton argument.

So, just to respond first to what we have heard, in the, or, or to, to the Claimants' skeleton argument, in their skeleton argument they compare me to Mr, Mr Micawber, a Charles Dickens character who was always waiting for things to turn up. Now this is wholly inappropriate, as I have produced a 400 page evidence based book and 5 hours of evidence based documentaries, which is packed full of first hand evidence.

Now, on page 8 of their skeleton argument, they list their evidence, which consists of a statement from Greater Manchester Police, an invoice for tickets, a medical report written nearly three years after the incident, and a short form medical report from the Second Claimant's GP. Now all of this evidence is in the form of written documents. There was nothing listed which is first hand tangible evidence derived from the time and place of the actual event, such as CCTV images or photographs of the Claimant's injuries taken on the night. Their own skeleton argument shows that they have no evidence which can prove that

the Claimants were present at the concert. Therefore, they have not provided proof of their claims. My evidence --

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Master Davison: So you, you mean no, no corroborative *evidence*.

Mr Hall: Yes. Yes.

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Master Davison: I mean, they both say, Mr Hibbert says that they were there.

Mr Hall: Yes. My --

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Master Davison: But you, you mean they, they do not have anything like, for example --

Mr Hall: CCTV or, or photographs of their injuries on the night.

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Mr Bennett: X rays. X rays.

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Mr Hall: My evidence, which I will outline, consists of CCTV, photographs, video and police radio communications all taken on the night in question and in the room where the blast occurred. Well, the medical report provided by the Claimants, which, as I said, was written nearly three years after the incident, is not the evidence which really matters, because it does not provide evidence of the time and place when the Claimants suffered the injuries. It refers to other documents which are --

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Master Davison: Mr Hall, sorry, I, I am making a note of what you are saying, so ...

Mr Hall: OK.

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Master Davison: So Mr Soni's evidence does not provide a, does not ...

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Mr Hall: It is, it is not possible to know the timeframe of when the injuries occurred, by that report. It is written nearly three years after the incident and it, it, it does not contain X rays or scans or images of any kind, therefore does not prove causation of the injuries.

Master Davison: But, but do you, do you contest that Mr Hibbert has those injuries?

Mr Hall: No, not at all.

Master Davison: So, do you have a, an alternative theory about how he acquired them?

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Mr Hall: Well, you are asking me to speculate. Can I do that at the end, after I have presented

the, the evidence? Or, I, I suspect both Claimants were injured shortly before, although I, I,

I have no proof of that.

Master Davison: OK.

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Mr Hall: But as you will see as I move on, the, the evidence, I would suggest, points to it.

Now there was, the, the report was written in order to claim injury compensation, which

means that there is a financial reason for the report, which could mean that the report was

tailored for this end and possibly even tailored to fit a particular narrative.

Now the record shows that, very soon after I received the Claimants' claim, I responded on

a letter, with a letter, on 11 January 2023, over a year ago, now, by requiring them to provide

strict proof of the time and place of the injuries. In my letter, I specifically requested him to

provide evidence from the hospital where he was treated, which I now understand was

allegedly Salford Hospital. He was allegedly taken there at 12.24 on the morning of 18 May

2017. It is almost certain that his injuries would have very soon been reported to his GP by

the hospital consultant. Furthermore, it is likely that the Claimant would have received

correspondence from the hospital consultant or GP following treatment for a serious injury.

So I, I cannot understand why the Claimant did not obtain such evidence before making any

legal claim against me, and I am even more perplexed as to why the Claimant did not after

receiving my response seek to obtain hospital and GP records from where they were

allegedly treated.

I will just move on to paragraph 3 of my skeleton argument, My Lord.

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Master Davison: Yes, do. Just, sorry, just give me a moment.

(pause)

Master Davison: Yeah, you referred to your letters. Is this the, the, your letter of 11 January A two thousand and --

Mr Hall: Yes. Yes.

B **Master Davison:** The, the one we have got at 159 of your bundle.

Mr Hall: Yes, I believe so.

C Master Davison: Yeah.

> Mr Hall: So they have had over a year, now, and nothing that satisfies as, as proof of, that they were either there or injured when they were there.

Master Davison: Yeah, and you said you were moving on to, did you say paragraph 6 of your skeleton?

Mr Hall: Paragraph 3.

Master Davison: Paragraph 3, sorry.

(pause)

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Master Davison: Yeah.

Mr Hall: As I mentioned, the Claimants' two main claims I do not accept, due to insufficient evidence, or that the Claimants were ever present in the City Room on the date in question and that the Claimants received injuries caused by a shrapnel bomb at that time and place. I also doubt whether 22 people died and whether hundreds were injured.

Now contending these points might seem unreasonable if you have obtained your belief mainly from mainstream news but, after examining a large amount of evidence in great detail, including all the evidence at the public inquiry, 1,300 videos, 1,300 hours of video, I, which I have done, over the last four and a half years, I suggest that a very different picture emerges. I contend that there is no reliable proof which shows that any of these four claims are true, by evidence supplied either by the Claimants themselves, by the public inquiry, by the emergency services or, indeed, through my own detailed research.

Now the Claimants' position is that because we have had a public inquiry which found out

the truth, the whole truth and nothing but the truth about these events, then any evidence which is brought forward which might contend that would stand no chance of success at a trial. So these are two very important areas, the public inquiry, which I, I have examined in great detail, and the evidence which without question can challenge the public inquiry, so I need some time now, maybe ten minutes on each, to look at the public inquiry and explain why it should not be used to prop up this claim, and also spell out some evidence which

absolutely challenges the findings, findings of a public inquiry.

So, paragraph 9 now of my skeleton argument:

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"There are several reasons why the public inquiry should not be used in this case to establish any of the claims. The Claimants mentioned before that, at common law, in accordance with the well established rule in the *Duchess of Kingston's case* (1776), affirmed in *Hollington v Hewthorn & Co* [1943] [full citations not said], the findings of courts, tribunals and inquiries are not admissible in subsequent proceedings. A judicial finding of fact made by one decision maker in one case, in this case Sir John Saunders and the inquiry panel, is inadmissible in another case between different parties and, therefore, cannot bind the decision maker in a subsequent trial."

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Paragraph 11:

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"Public inquiries are not trials. Public inquiries are initiated and funded by the Government and are tasked with providing recommendations to the Government so the Government can then set policies. Therefore, the purpose of a public inquiry is a political exercise. They do not have the same legal standing as a trial. In a public inquiry, one counsel asks all the questions. There is no mandate in a public inquiry to test or challenge each piece of evidence.

Therefore, any findings of a public inquiry have not satisfied the burden of proof which would be expected in a trial. Merely by referring to the findings of a public inquiry to support a claim is wholly unacceptable."

Now I would accept, if there is evidence presented at a public inquiry, for them to present that but I should then have a chance to challenge that evidence. But also, we have the fact that, paragraph 12:

"The public inquiry did not provide any evidence to support the Claimants' two main claims. The public inquiry did not show ..."

And this is important:

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"show any evidence which" --

Master Davison: When you say their two main claims, do you, do you mean the claims that a) they were there and b) *you* --

Mr Hall: There, and b) that they were injured while they were there, yeah.

"The public inquiry did not show any evidence which proved the Claimants were either present or injured at the concert. We have not seen any of the CCTV of them present. It [it] did not examine any of their medical records, did not examine their injuries to explore what the causation of their injuries might be."

So the actual evidence presented at the public inquiry, if you closely examine it, supports the hypothesis that the Claimants were neither present nor injured at the Manchester Arena on the night in question.

Master Davison: But does not Mr Wilcox deal with this? He, he, he says, well:

"I saw the relevant CCTV and I can confirm that they were there."

Mr Hall: Yes, he did say that in his statement, but that is not the same as producing the

CCTV.

Master Davison: Yeah, but he cannot produce the CCTV. You are, he cannot, he cannot

produce the CCTV without breaching an undertaking. He cannot lawfully produce it. Let us

put it that way.

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Mr Hall: All right, well, you, as you know, I have submitted an application to try and get

the CCTV released and I do not see any reason why that should not happen.

Master Davison: So you are, you are not prepared to accept what Mr Wilcox has

said about himself seeing the CCTV.

Mr Hall: Absolutely not.

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Master Davison: *That is what*, that is what it comes to.

(pause)

Mr Hall: I would like now just to look at the images. I, I got this out of sequence, if I can

go to these images, run through them and then come back to the skeleton argument --

Master Davison: Yeah.

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Mr Hall: Because they are important to put before some of this other evidence. So, in the

bundle, there is an image, number 84. I do not know if you could find that. And thank you

for asking to see the short video clip before the hearing. I appreciate that. This is of a, a, a

lady walking across the City Room floor, which I imagine you have already seen.

Master Davison: *Mr Hall,* I, I watched the video clip the other day.

Mr Hall: You watched the --

Master Davison: What page is it on?

Mr Hall: It is on, sorry, not page 84. I am not sure what page it is on, but it is image, there are images at the end of the bundle, towards the end of the bundle. There are about 12 images A that I have included. It is, it, it is marked image number 84. I have a spare copy here if you **Mr Price:** It is on 320. В Master Davison: 320. (pause) C **Master Davison:** Hold on, let me move that. **Mr Hall:** *I* --D Master Davison: Yes, I have it. Mr Hall: I, I -- \mathbf{E} Master Davison: Just ... (pause) F Master Davison: Yeah, and your point is that this is inconsistent with the injury that --Mr Hall: This injury, yeah. Master Davison: That is on page ... \mathbf{G} **Mr Hall:** 16. Master Davison: 16, you say. Η Mr Hall: Yeah, it is, it is marked number, image number 16. I am not sure of the page number.

Mr Price: That is the page, but --A **Mr Hall:** Do you want to hand the images to the judge? Master Davison: No, OK, no, no. В Mr Hall: Do you want --Master Davison: There is, there is no need. They are in the bundle. C Mr Price: OK. Mr Hall: All right. D Master Davison: What, Mr --**Mr Price:** Three, 313. \mathbf{E} (pause) Master Davison: Did you say 313, Mr Jonathan Price? F Mr Price: I believe, I believe so, yeah. Male: Sorry. Master Davison: Yeah. \mathbf{G} (pause) Mr Hall: Can I explain some background to this video footage? H Master Davison: OK.

Mr Hall: This was filmed by somebody called John Barr. And he started filming on his mobile phone about four minutes after the blast, in the City Room, where the last had occurred. And he takes a 30 second video clip in high definition and he pans across the City Room. Now John Barr was not asked to give evidence at the public inquiry. I did not see him there, and his, and I do not believe his evidence, evidence was seen. There was another man, called Chris Parker, who took a photograph in the City Room at ground level. Again, I do not believe he was heard at the public inquiry or do not believe his evidence was seen.

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Now these are two very important pieces of evidence because they show the City Room at ground level shortly after the blast in much higher definition than the CCTV cameras, or at least the John Barr was in much higher definition. Now I interviewed John Barr, there is a telephone interview with him in my book, but I do not believe the public inquiry did, and his, his evidence is probably the most important video that I have seen. So, as I said, he, he pans across the City Room and, in the clip, we see a woman walking past. Now this woman is called Ruth Morrell and this is the picture of her injury and where we see something has gone all the way through her leg. Ruth Morrell said to the Queen the following day:

"It's nuts and bolts everybody's been having, and mine's gone through 15 centimetres of my leg and out the other side."

That is what she said to the Queen, which appears to be true in this image, that something appears to have gone all the way through this leg. This was on the ITV News website. But the video image of Ruth Morrell walking, she is clearly not injured. She is walking completely uninhibited. She places her full weight on each foot and all she has is a dark patch on her trousers. She is not injured, look, looking at this video clip. So it appears to me that she has not told the truth to the Queen.

And also note that, in my research, this is the only photograph that I have been able to find of an actual injury in the City Room. The inquiry and the police investigation did a good job of making sure that no images of actual injuries were seen. This is the only picture of a closeup injury, and it appears to be fake.

Now I will just refer you to something that Martin Hibbert --

Master Davison: What, fake, fake on the, on the basis of it being inconsistent with Ruth

Morrell being able to walk?

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Mr Hall: Yeah, so she can walk, placing both, without a limp, placing both her weight, her

full weight on each foot. And also, you cannot see any hole in her jeans where the shrapnel

is alleged to have entered and exited.

Master Davison: Yeah.

Mr Hall: So I will just refer to an interview that the Claimant Martin Hibbert gave. This is

in my evidence as video number 63, where he was talking about his daughter's injury. And

he said that he was hit by a bolt and it went all the way through her head, through, out the

other side, yet she is, later she is then walking, talking and back at school. This constitutes,

I would suggest, very near proof that Ruth Morrell was not telling the truth about her injury

and had a fake injury. And she said something very similar to what Martin Hibbert said in

his interview.

Now I just want to move to image number 14. So, this is from the same video clip, the high

definition video clip which was not shown at the public inquiry, and it shows the

merchandise stall.

Master Davison: So, I think this is page 312 maybe. Just a moment. You did say. So this is

the merchandise stall.

Mr Hall: Yes. Now the merchandise stall was within a few yards of where the, where the

bomb was set off and in a direct line of sight of it, and we see it here. It is completely intact.

This is a massive target. It is a large merchandise stall with cardboard and paper posters

alongside of it. There is no discernible damage to it whatsoever, or the poster behind it. So I

would contend that this image suggests that there was no real harmful explosive device used

in that room. This is four minutes after the blast and we see two people --

Master Davison: Does this, does this come from the John Barr *video?*

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Mr Hall: This comes from the John, John Barr video, which was not shown at the public

inquiry. Throughout the John Barr video, there is little or no building damage. It is clear that

the building is, is undamaged, in that video.

And we see two people lying on the floor here and I strongly contend and strongly believe

that these are not bomb victims. They are people who have agreed to take part in an exercise

or a drill. And we see medical kits out, treating them, but that is what happens in these drills.

They get the medical kits out and they run it as though it is real, but the difference with this

one, in my opinion, is that they ran a drill and they reported it to the media as though it were

real.

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Master Davison: So, if we just, just pause there for a moment, and I, I do not want to sort

of take you out of the chronology of your submissions, but you, you said, I think, from

paragraphs 85 onwards of your witness statement, that you, you believe that the Manchester

Arena incident was:

"a meticulously planned operation" --

Mr Hall: Yeah.

Master Davison:

"involving various public sector agencies."

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And a little further down the page, you say:

"It involved the recruitment of numerous members of the public,

potentially 100 or more, in a simulated terrorist attack."

Mr Hall: Yeah.

Master Davison: And maybe you cannot answer the question, but what, what would be the

motive? Why, why would the Government engage in, in that?

Mr Hall: Well, thank you for asking that, My Lord. I actually discuss that at the end of one

of my films. So, after the Manchester Arena event, drone strikes and military action was

vastly increased in Libya. And it is known that various western forces were not happy with

what was happening Libya at that time and wanted further military action, so it justified

military action. It brought in a new law or is bringing in a new law, Martin's Law. That could

be a motive. There are other motives. At the time, President Trump was trying to prevent

Muslims from six countries from entering America, and his policy at that time was helped

by what happened at Manchester. So there, there are, obviously, I did not plan it, so I do not

know the answer to that question. Will I continue?

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Master Davison: (indicates agreement)

Mr Hall: All right, so if we look at image number 13 in, in the images, what happened, the,

the public inquiry released a number of CCTV photographs leading up to the time of the

blast but, after the time of the blast, the images, especially in the City Room, were very

heavily redacted so you have a picture of the City Room with just a little postage stamp of

somebody in it, and it was all blacked out. But by, by collating 14 or 15 of these postage

stamp size images together, you can build up a mosaic, which is what I have done in this

image. So, we have an image of the City Room after the blast and we see there is no

discernible building damage. And we have got:

"60 victims profusely bleeding on the floor."

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You cannot see any blood on the floor.

Master Davison: And just let me find that image.

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Mr Hall: That is image number 13.

Master Davison: I hope Mr Price can give me a page number for that. Just, just hold up the

image again, would you please, Mr Hall?

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Mr Hall: Oh, sorry, yes, this one here. It is ...

Mr Price: No, I, I think, no, *OK*, forgive me.

Master Davison: Hang on, I think that may be page ...

Mr Hall: So ...

Master Davison: Hold on.

Mr Hall: Ah.

Master Davison: I think it may be 308.

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Mr Hall: Yeah, so it enables us to compare the room before and after the blast.

Mr Price: 308 looks like a picture with a lot of blood on the floor, so I am not sure it is that

one, but I think it *might* --

Mr Hall: This one. You have it there.

Master Davison: Yeah, no, *I*, Mr Price was then referring me to a different *page*.

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Mr Hall: Yeah, yeah, I will come on to that one. Yeah, we have another image, image number 12 in the, in the, in those images, which shows a photograph of the glass doors leading into the arena, and this is taken shortly after. We can see the investigators in their white coats. And there is, there is no broken glass. None of the, none of the glass doors have

been shattered.

In this image, although it does show a blood trail, I would contend that these people are taking part in a drill or an exercise. As we see, there is no building damage at all. The lighting is still working. None of these victims are visible close enough to be able to see whether they have a genuine injury. This is the kind of thing that happens in a drill or an exercise. People agree to lie down and pretend to be injured.

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I have included, for comparison, an image of a real bomb. This is from Northern Ireland, from, from Omagh, which killed a similar number. See the devastation.

So, if, if I can come on to, now that I have dealt with some of the images, come on to paragraph 13, which is that:

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"The public inquiry was, at the very least, badly flawed. I have spent years sifting through the large amount of testimony and evidence. There are some extremely worrying omissions, as I have just discussed, inconsistencies and, even more worrying, evidence that the inquiry attempted to mislead the public about the facts and the evidence. I will give some of my observations here on some of the main elements of the public inquiry, in the short time that we have."

So, I have already mentioned the CCTV images. Now what happened was the police seized, seized the CCTV evidence and they, they released a small amount and they, they included those in PDF documents which, which the inquiry released. So, the inquiry released 4,100 PDF documents, and the CCTV images were buried inside those, so they were very difficult to view in order. So, I spent months extracting all the CCTV images, 806 in total, and I actually developed a viewing app which can be viewed on a mobile phone or a computer allowing the viewer to watch the images in time order, which gives a much better feel for what happened over the entire event. And in my opinion, it is damning, because, to any reasonable person, it does not show a real terrorist attack. I firmly believe it shows a drill.

And within the CCTV evidence, if you analyse it closely, which I have done and it is all explained in my evidence document, I believe that the, the inquiry has got the time wrong when the actual detonation occurred. And this is all explained in my document, so, and there are two pieces of evidence which I have put forward which suggest this. So, the inquiry have put forward a CCTV still image which it says is 1 second before the blast but I contend is 30 seconds before the blast. So, what I believe they have done is they have censored the 30 seconds of action in the CCTV before the time of the blast and I believe that they have stated that the image 30 seconds before the blast is an image 1 second before the blast. So, in my opinion, they have covered some activity up in the 30 seconds leading up to the blast, which I suspect is a preparation for the drill.

Now we had witness testimony evidence at the public inquiry from the emergency services. And this was quite damning as well, because it seems that much of the emergency services were inhibited by their chains of command, I would contend possibly deliberately. British

Transport Police were kept out of the City Room until after the blast. So, it was, it was practised for them always to have at least one officer in the City Room, because when people are exiting the concert, there are problems with egress, so it was their practice to always have someone in the City Room, and they did not have anyone there on this night. Greater Manchester Police, who arrived 15 minutes --

Master Davison: You mean, you mean they were kept out beforehand --

Mr Hall: Well --

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Master Davison: Or after the, after the explosion?

Mr Hall: They were kept out before the explosion occurred so, in other words, there was no British Transport Police in the City Room at the time of the blast, when, on every other occasion, there would be because the concert was, the people were coming out of the concert. There was no real satisfactory explanation given for that. Some people were, well, there was four other British Transport policemen standing at the war memorial downstairs when, when they should have been in the City Room. This is when the blast occurred. And Greater Manchester Police, who arrived 15 minutes after the blast, did not establish any chain of command with a senior officer at the scene, throughout the emergency response period. So, the senior officers at the control room had no command over the guy in charge in the City Room, so it was as if the, the guy in the City Room is organising or, or, or monitoring, controlling what is going on there, without any two way communication or command from the commanders in the, in the control room. This was stated. Also, they did not declare a major incident.

And the fire and rescue services, this is quite incredible, they were sent to a rendezvous point two miles further away from the arena than they were already situated. And then they were not allowed to go anywhere near the arena, for two full hours.

Now the ambulance service were only allowed to send three paramedics into a scene with 60 alleged serious casualties. Two of them arrived 44 minutes after the blast, despite there being four more hazardous area trained paramedics on site, so there were seven of them that could have gone in the room but only three of them did.

Eight of the first trained response at the scene, so the, the arena had its own medical staff, a number of medical staff, and I think ten of them went into the room very, very shortly after the blast, but most of them were not interviewed by the public inquiry.

I have got a list here. This is paragraph 16:

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"Of the paramedics who said in their statements that they specifically did not treat anyone or it was not their role to treat anyone, Paddy Ennis, Dan Smith, Christopher Hargreaves, Joanne Hedges, Dr Edward Tunn, Helen Mottram all said they did not treat anyone or it was not their role to treat anyone. And Paramedic Simon Butler, who treated patients for over three hours, stated: 'I didn't see a patient actually actively bleeding."

Now I distributed the, the other two clips, which I hope you have listened to. There was the

police radio communications. And this evidence suggests that the alleged terrorist did not

commit suicide, because in the radio communications of GM, GMP Inspector Mike Smith,

he clearly states that a member of the public reported that the alleged terrorist put down the

bag and ran off. And this is repeated in another police officer's statement, in, in a BBC film,

and is confirmed in the witness account of Operational Firearm Commander Edward

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Richardson.

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OK, now, during my investigation, I received a USB memory stick containing a copy of some of the police radio communications for that night. This was leaked to me by a whistle blower who was concerned that the investigation might be concealing important evidence. I have confirmed that the recording is genuine because some sections of the recording were

played at the public inquiry and they are identical to the recording that I have.

the inquiry suppressed critical evidence. The recordings reveal that a member of the public reported to the police that, shortly before the explosion, an Asian male got out of a grey Audi vehicle next to the arena, got a rucksack on to his back and then ran towards the arena. Now I have studied the public inquiry timeline of events concerning the movements of the alleged terrorist Salman Abedi and identified that there is a 19 minute period shortly before the explosion when he was not seen in the arena on CCTV or by any known eyewitness. The

timeframe lines up with the eyewitness who saw an Asian male parking a grey Audi. The location where the vehicle was dropped off on Cheetham Hill Road is easily accessible via the Trinity Way Tunnel from the location where Salman Abedi was hiding and the City Room at the top of the McDonald's steps. I think it is likely that the witness who telephoned the police saw Salman Abedi parking a getaway vehicle in readiness to escape after planting the device. I have got a map here just showing the details. It, it may not be necessary to look at but just to state that where Abedi is --

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Master Davison: Was there, was there evidence identifying this Asian male as Salman Abedi?

Mr Hall: No. No, just an Asian male with a rucksack who got out of the car, got the rucksack on his back and ran towards the arena. That was what was reported in the police radio comms. OK, but where he was hiding in his --

Master Davison: *Oh, I see, well,* so it is your inference that that is Salman Abedi.

Mr Hall: Yes. Yes, but where he was, where he, he was, he was hiding at the top of the McDonald's steps allegedly for about an hour. Now, where those steps are there is a tunnel called Trinity Way Tunnel which leads out to where this vehicle was parked, right? And there is a 19 minute gap where he was not, he was not, there were a number of people witnessed him and gave statements, right? And he was seen on CCTV in the City Room, but there is a gap of 19 minutes when no one's seen him and he is not on CCTV, right? Now if you will, if you could get the CCTV from the public inquiry, you would, you would see, if indeed it happened, him going along the Trinity Way Tunnel, but that is not in their evidence. That, that has been, that is not in the 806 images, CCTV images. But if we had, there is no reason why the public inquiry could not have put out moving footage from every camera leading up to the time of the explosion, but they have been highly selective in their evidence, in my opinion to cover up events such as this.

Now, after this happened, the police were very concerned about the vehicle and they actually locked down the *whole town* and they closed Cheetham Hill Road, right? And none of the details were properly discussed or examined at the inquiry, and the radio communications of these events on this channel were not listened to or presented at the inquiry. The vehicle was eventually driven off, and we do not know by who. After having been observed for an hour

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by the police, it was then pursued and the police stopped the driver, at gunpoint. And the inquiry did not reveal the name of the driver or delve into the events leading up to the

apprehending of the suspect. It was very quickly glossed over. Now I suspect it was Salman

Abedi in the grey Audi vehicle that was apprehended, but even if it was not Abedi, the

inquiry should have explored these events, because they clearly took up a considerable

amount of police resources over an hourlong period immediately following the explosion.

In my opinion, this is clear obfuscation by the inquiry and suggests that some of those at the

inquiry were covering up critical evidence which may have been able to prove that the

alleged terrorist fled the scene.

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There are other people who provided video evidence --

Master Davison: But your, your hypothesis is that it was Abedi, and --

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Mr Hall: Yeah.

Master Davison: I'm just trying to find the part of your statement --

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Mr Hall: I actually have the vehicle details here, which is an MOT history which is very

interesting, but obviously we have not got time to go over that here. I have been trying to

find out who owned the vehicle and I have submitted requests to the DVLA.

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Master Davison: So you, you say, in paragraph 35:

"I do not subscribe to the notion that he [Salman Abedi] ..."

Well, you do not say Salman Abedi. The alleged perpetrator.

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Mr Hall: Yeah.

Master Davison:

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"perished in the incident ..."

Mr Hall: Correct.

Master Davison:

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"but rather evaded the scene in a grey Audi vehicle, later being apprehended by regular police and subsequently cleared."

But what do, what do you mean by that, subsequently cleared?

Mr Hall: Well, I suspect he was a, an asset of whoever set up the, the drill, so he was an actor playing a role. So, you have got regular police who do not know that it is a drill who have, who have, who have seen this and, and are chasing him, but then you have got those running the operation, who do know what is going on, who then clear him, because this is, this is how I believe these things work. Not everybody is a part of the, a part of the operation.

(judge confers with clerk)

Mr Hall: Now, as well as the John Barr video and the Chris Parker photograph, which to my knowledge were not shown at the inquiry, there was another piece of video footage filmed, by a man called Nick Bickerstaff. Now his footage he actually films himself on the concourse area, and in his, in his video, he, he describes seeing bodies being bashed into bits. But careful analysis of his video very, very strongly suggested it was filmed before the explosion, so we have evidence in that video, in my opinion, of full knowledge of what was about to occur, and that, and Bickerstaff nor his, nor his video were shown at the inquiry.

If I can come on to Sir John Saunders' summing up the case, when referring to what he saw of the aftermath, he only referred to CCTV and body worn camera images when asserting that there was no doubt of serious injury and death. Now we have seen how grainy the CCTV images are in the City Room, low definition cameras quite a distance away, right? But it would not be possible to determine whether a, a victim was a fake victim or a real victim

cameras, which is on somebody's chest. Now the bizarre thing is Sir John Saunders does not refer to crimes scene photographs. So, we should have a dozen photographs of each deceased, deceased victim showing the identity of that victim, and John Saunders does not

refer to them. He refers to grainy CCTV images and body worn cameras. He does refer to

from, from the CCTV evidences in the City Room. And he also mentions body worn

post mortem evidence but, to my knowledge, no post mortem evidence was made available for scrutiny by the public.

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Now there is another reason why a public inquiry such as this, flawed public inquiry, cannot be used to prop up this claim, and that is just the track record of public inquiries. I could mention the Widgery Tribunal, for Bloody Sunday, in 1972. It is widely known that the Widgery Report lied about the facts of Bloody Sunday, in order to exculpate the actions of the British Army, who shot and killed unarmed members of the public. The findings were not fully overturned, until 38 years after the event. Perhaps I could mention the, the Hillsborough disaster, of 1989, because in June '97, eight years after the inquiry and after scrutiny of new evidence by Stuart-Smith LJ, it was found that South Yorkshire Police changed 164 officers' accounts of the disaster before sending them to the Taylor Inquiry.

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Now, at the Manchester Arena, there is evidence of witness statements being changed as well. Alleged victim Janet Senior stated at the inquiry Manchester Police continually changed her statements and she refused to sign them, because they were not saying what she said.

Master Davison: Yeah.

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Mr Hall: So we have at least one statement that was falsified at the Manchester Arena Inquiry. How do we, how do we know there are not more? And, and by the way, Janet Senior was there, because she is in the CCTV footage.

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Now we have got other inquiries which were flawed. We have got the current Post Office Inquiry, which is ongoing, where people have been wrongly convicted and their convictions have not been overturned.

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If I can just expand on my, I have covered the public inquiry there. I am going to give a little bit more of an overview of, of my evidence, which I suggest does challenge the findings of the public inquiry. I start, I started investigating this in 2019, when there was a lot of online discussion about the witnesses and opinion on whether they were lying, or not. So, rather than speculate, I, I employed the services of a statement analyst. Now the statement analyst that I used was a student of the world renowned statement analyst Peter Hyatt and she completed a number of courses. And the analysis seeks to determine, by analysing a speaker's choice of words, whether they are truthful or deceptive about their account. Such

techniques are routinely used by police forces all over the world. Although evidence of

statement analysis is not admissible in a criminal trial, it does provide a very reliable

indicator to investigators about whether a witness may be being honest or, if not, if they are

being deceptive, what are they being deceptive about?

So, this was an independent analyst that I used and she found that 30 of the first hand

eyewitness accounts, this is people who were in the City Room when the device went off,

30 accounts that were analysed suggested that 23 of them were being deceptive and the

remaining seven were either unreliable or had other issues. So the findings strongly

suggested to us that the whole event may have been a carefully stage managed exercise.

Master Davison: Just give me, give, give me that data again. Did you say 27.

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Mr Hall: For what, the date, or the number? Sorry, *the*, what?

Master Davison: You said 27 were, were unreliable.

Mr Hall: Yes.

Master Davison: Yes.

Mr Hall: Sorry, 23 were unreliable.

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Master Davison: 23.

Mr Hall: Seven had other issues. We did 30, *all of it*, and all of that is in my book. All the,

all the statement analysis is in here, which I published in 2020. Now, in chapter 2 of my

document, I look at the first and second claims. Firstly, were the Claimants present in the

City Room, and secondly, are their injuries consistent with a shrapnel bomb? From the

evidence in here, I have left out all the statement analysis. There is only evidence which

would be suitable for a trial that is in this document, and it is 80 pages. It is not conspiracy

theory. It is, it is evidence which can be produced at a trial.

So, in chapter 2, I analyse many of the inconsistencies made by Martin Hibberts, Martin Hibbert in his interviews. And this is just a very brief summary. It is in detail in, in, in this evidence, but I just want to summarise it. Martin Hibbert says a terrorist went into the auditorium. This is untrue. He said he brushed shoulders with a terrorist. This is untrue. He said he bumped into the terrorist. This is untrue. He said the bomb went off in the auditorium. This is untrue. He said he saw his daughter being taken away first. This is untrue. He said that his daughter had been covered up with a towel. This is untrue. It has been claimed that he was 2 feet from the blast, 6 metres from the blast, 30 feet from the blast and 10 metres from the blast. At first, he said he was in a coma for 4 to 5 weeks. This then changed to a couple of weeks. He has also claimed that he woke up after a couple of days, although claims not to remember this. The Hibberts do not appear to be in any of the public inquiry released CCTV images nor in the John Barr video nor in the Chris Parker photograph.

Also, he was allegedly taken to The Royal Hospital. His X ray image that appeared in the media has not identified who it is. The patient's name has been removed, could be anyone. The date has been removed, so it could have been taken on any date. Also, it cannot be deduced from the X ray, without a lateral view, whether the alleged shrapnel is inside the body, or not. The shrapnel could be on top of the body, underneath the body or possibly even using computer software.

using computer software **E**

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Now if we go to paragraph 5, sorry, 25 of my skeleton argument, I identify 28 people who it is claimed were in the City Room near the explosion when it happened who appear to be completely unharmed. Now some of them, in their media statements they have said they were harmed, but it, it, there, there is, there is no visible evidence that I have been able to see of these 28 people, and I have confirmed that 18 of them were indeed present, because they are in the CCTV images, and I have plotted their positions on a plan view of the City Room. OK, so just to summarise the CCTV evidence, in a world where almost everyone carries a mobile phone and a world which is now covered by CCTV cameras, it is unlikely that there would not exist a photograph of Martin or Eve Hibbert in position on the City Room floor, where they were alleged to have become injured. Indeed, there are no photographs that I am aware of, of any clearly recognisable, genuinely injured person or deceased person in the City Room.

Now, if I may, I would like to come on to the CCTV evidence referred to in the Claimants' application statements and just start, as a way of introducing it, read out the earliest known

account of Martin Hibbert's story about what happened. Yeah, OK, so this is the earliest account that I have managed to find with Martin Hibbert talking about being involved and, A with the earliest account, you would expect it to be the most accurate. Master Davison: Which ... В **Mr Hall:** This is in The Times newspaper. **Master Davison:** Is this a, is this a page in the bundle that we have got? C Mr Hall: Yeah, it is --**Master Davison:** What, what, can, can you give me a page number? **Mr Hall:** *Our*, it is, it is image number 50. D Master Davison: Oh, it is an image. **Mr Hall:** The image *Reception*. \mathbf{E} **Master Davison:** *So let me just* see if I can find that. **Mr Price:** *It is at I.* I think it is at 317. F Master Davison: Thank you. (pause) \mathbf{G} **Master Davison:** Right, so I do not think it is at my 317. Mr Price: Oh. Η Master Davison: Did you say 17?

Mr Price: Three. Three, one, seven, although --

Master Davison: OK, yeah, no, I think I have got it. I think I have got it, yes: A "We were in a box."

Is that it?

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Mr Hall: Yeah.

Master Davison: Yeah. OK.

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Mr Hall: Yeah, he says that:

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"We had come out of the box and gone into the main auditorium, but I brushed shoulders with him, the terrorist, and the trajectory of that took me, thankfully, away from him. He was going in as we were coming out. We got about halfway down the auditorium, going towards the exit, and that is when the blast went off."

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Now, in his second witness statement in the application, he states:

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"At first, I was only using the information I was given by the family liaison officer. It was the family liaison officer that said I'd brushed shoulders with Abedi. Later, the FLO explained they simply meant it as a figure of speech that I had been very close to Abedi."

But I would just like to highlight that Martin Hibbert used a very similar expression again ten months after, in the LADbible interview. He states that:

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"Heading out early meant we were in the foyer just as the bomber detonated himself. I bumped into him, actually."

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So I am not sure when the family liaison officer has corrected this statement. Now:

"I brushed shoulders with him, [the, with] the terrorist, and the trajectory of that took me, thankfully, away from him."

Now that is a very specific statement:

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"the trajectory of [bumping into him] took me, thankfully, away from him."

And they are now saying that that did not happen on CCTV. They are saying there was no contact on CCTV. So I suggest that the Court cannot possibly accept any statements of what anyone claims to have seen on CCTV, when the initial claim of what was allegedly seen on CCTV has since changed. It is essential that the Court and myself view the actual footage. Moreover, I very much doubt that the investigation team within 2 months of the event would have allowed *the* family liaison officer to view the CCTV evidence that we do not seem to *be able to get*, be able to get hold of.

Now the Claimant throughout his witness statement avers that he has been shown photographs of himself. However, in a video on 5 March 2023, he said:

"Thankfully, the inquiry allowed me to see the footage afterwards."

So footage suggests that he has seen moving images, which are not mentioned in his witness statement, only photographs. Now, in paragraph 19 of the Claimant's witness statement, he states:

"However, once I was shown the photographs post detonation, I realised the arm was actually still attached to Marcin Klis, who was sadly killed in the blast."

Now this alleged photographic evidence was not shown during the public inquiry and I am not aware of any alleged victim or any member of the public who has been permitted to view unredacted CCTV footage taken after the blast. So this is very curious, that he would be shown this sort of imagery. I have not been able to see this alleged evidence. I submit that the Court should see it. In paragraph 22, he states that:

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"I confirm, as I discussed at the inquiry, there are photographs contained in my sequence of events, as put together by Greater Manchester Police, [who I] who confirm I was there."

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Again, I have not been able to see this evidence. The Court should be able to see it, as it purports to be evidence that he was there that night. In paragraph 21, he goes in more detail and states:

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"In particular, there is a photograph timed at 20.03 which shows [me] even me entering the City Room, and the photograph at 22.30, which shows us re-entering the City Room, after the concert, just before the explosion."

Master Davison: Are you, *I am*, are you reading from the ...

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Mr Hall: From, well, the --

Master Davison: From the second statement?

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Mr Hall: Yeah, from the Claimant's second statement, paragraph 24.

Master Davison: Just ...

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(pause)

Mr Hall: Do you have it?

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Master Davison: Yeah.

Mr Hall: Yeah. He goes on:

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"I was shown these photographs by Greater Manchester Police. I was not given copies."

Now, at the public inquiry, these images were not shown, right? It was stated at the public inquiry that the Claimant had been shown the images but no image was present, so Sophie Cartwright stood up and said:

"Mr Hibbert, you have been shown these images."

B So what is the point of a public inquiry doing that, showing, showing the victim images in private? Surely a public inquiry is for the evidence to be shown to the public, not something that, that the witness is already aware of.

Now there are numerous images of other alleged victims arriving at the arena or inside the City Room who I do believe were present at the Manchester Arena on the night, but no images have been produced, to my knowledge, showing that the Claimants were present. He claims to have seen these photographs. I have not. I believe the Court should see them. Indeed, we really need to see all moving footage from which the photographs were produced which shows all the movements of the Claimants where they say they were seen, if it exists.

Now the Claimants also provided a statement from Terry Wilcox, who also merely claims to have seen photographs but has not provided any. All of this is mere *postulation*, what they claim to have seen. It would be wholly unreasonable for the Court to accept this as proof that the Claimants were there. The actual hard evidence is in what the moving CCTV images show, not in what the Claimant or Terry Wilcox says it shows. I am merely told about this evidence months after the Claimants made their claim. I have not seen it. They have had a, over a year, My Lord, to come up with something.

Now I would like now to just explain something which might be, might be nagging you in, in the back of your mind, which is this, if I can find it.

(sotto voce conversation aside)

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Mr Hall: I am sorry. Yeah, here we are, which is why would, why would somebody submit a claim if they were not there? It seems ridiculous, does it not? Now I can give you a suggestion, My Lord, because from the very start of this legal action, I have had grave concerns about the motivation for the claim and, indeed, about whether the Claimants are the real instigators of the claim. In July 2021, that is when the Claimant became fully aware

of my published work, because he was informed about it at the public inquiry. July 2021, he is fully aware of my work. He did not attempt to make contact with me at all, until 22 December 2022, so if he was seriously concerned about claims I had made about him in my book and films, it took him 17 months before making any action against me.

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Now I suggest you have an issue here about the time between him being made fully aware of my work and taking any action, but I can suggest a reason for that which concerns the BBC. Then I need to just spell out this quick timeline of events which involved the BBC, because on 10 August 2022, which is over a year after Martin Hibbert became fully aware of my work, I received correspondence from a BBC Panorama journalist asking me to take part in various programmes about my work. Now, in one of these programmes, Marianna Spring states that she first met with one of the victims of the Manchester incident back in the summer of 2022, OK? Now this lines up with when the BBC first contacted myself in relation to the Manchester incident. They contacted me on 10 August 2022. So we can infer from this that the BBC first approached the Claimant Martin Hibbert in the summer of 2022, which is a year after he was fully aware of my work.

Now, during the latter part of 2022, I suffered a litany of harassment and smear campaigns by the BBC which spanned up to mid November 2022. They sent a barrage of 11 emails in which I made it clear I did not want to appear on any BBC programme. They sent a letter making false allegations. They harassed me at my market stall by sending a film crew, after specifically being told not to contact me. They then contacted the local council where I live, who subsequently closed down my market stall, which was selling perfectly legal merchandise. The BBC then contacted YouTube and were instrumental in shutting down my YouTube channel, even though it did not contain any material about Manchester.

They then aired a BBC Panorama programme followed by 11 Radio 4 programmes and wrote articles in which I was the main target of their propaganda. The Claimants or *the*, or one of the Claimants took part in some of these programmes and articles. Now, only after this lengthy and unfair trial by media, in which the Claimant collaborated with the BBC, did the Claimant then, on 22 December, decide to send a letter before claim and take action. This was 17 months after being made fully aware of my work.

Now, incredibly, this is an incredible part of it, My Lord, I was first informed that a claim had been submitted to the Court not by the Claimants' solicitors, not by the Court but by the

BBC. The BBC informed me that a claim had been submitted against me five weeks before I was formally informed by the Court or the Claimants. Why would the Claimants tell the A

BBC that they had submitted a claim to the Court five weeks before informing me, the Defendant? I think a reasonable person would suspect that the Claimants may have been influenced by the BBC or even some other party to take legal action against me and that, therefore, Martin Hibbert may not be the true instigator of the claim.

I have a couple of other statements that, that I mentioned earlier that, that the Claimant has said on, this is 31 October 2022. He said:

"Again, me being me ..."

And he is talking about my work, in reference to my work:

"I just laugh it off."

And on 5 March 2023, he said:

"I suppose I'm old school. Sticks and stones, I can take it."

And then he states:

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"This has never been about money."

So I suggest there are four reasons of concern, firstly statements which have been made suggesting that I have not caused anxiety and distress, the statement which suggests the Claimants are not doing this for financial gain, and the complete failure to make any claim against me, for 17 months after finding out about my work, and also the possible influence of a powerful organisation, the BBC, who clearly, by their programmes and statements, were and they still are trying to get my work shut down, which is exactly what the claim is seeking to do. So this claim really does not add up, My Lord.

I have got one more sheet, if I can read it, just to, just to finish. We are in a situation where the Claimants have not produced the evidence requested by me to establish that their claim is not true, yet at the same time they are applying to have my evidence excluded from a trial, which I believe shows that their claims may not be true. The Court must examine my evidence in order to establish that, firstly, my opinions are honestly held and, secondly, that my opinions may be true. How could a court know whether my opinions are honestly held or true without allowing the relevant evidence to be heard?

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And my book has had 56 ratings on Amazon, with 96% of people giving it a five star rating and the remaining 4% giving it a four star review, so, having looked at the evidence presented in my book, these people all appear to share my honestly held opinion. And the internationally respected university King's College London, which is a 16 minute Tube journey from where we are in this court, carried out a survey in October 2022 sampling 4,500 people in the UK. It found that 28% of the adult population believe the real truth about the attack at the Manchester Arena is being kept from the public.

One in seven, which is 14%, believe that people were not really killed in the attack and that actors instead pretended to be. This means, My Lord, that around 7,000,000 people aged 18 or over in the UK believe that people were not killed or hurt in the Manchester Arena incident. So let us just say that this case of alleged harassment against me were to set any sort of precedent, right? We could have a situation where if any of those 7,000,000 people were to express their views online, they could all potentially be facing legal action for harassment. My opinions are 100% honestly held, just as most of the 7,000,000 other opinions are honestly held, but, unlike them, unlike them, I can provide *material* evidence to back up my opinions.

How could a trial possibly be a fair trial if I am not allowed to present the evidence which proves that my opinions are honestly held? It is grossly assumptive and wrong to suggest that my evidence would have no chance of success at a trial, a suggestion which is apparently based on the belief that the public inquiry was a rigorous, no holds barred investigation into the truth, the whole truth and nothing but the truth, a belief that I suggest cannot be maintained after the brief summary I have given today. The evidence I have is solid. It is evidence which passes the test of suitability of any sort of trial and it is here in this document for *the* public record.

Now I will finish, My Lord, just by reporting two sentences --

Master Davison: Let me just, it is a small point but my correct title is Master, not My Lord.

AMr Hall: Oh, right, OK. Well, there is a notice that is *just* here saying *to* say My Lord, on the, on the desk.

Master Davison: That is all right.

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B Mr Hall: All right. Just by reading a couple of sentences from my initial defence:

"This case amounts to censorship or, rather, an attempt at it, via the High Court of Justice. Accordingly, the claim is denied as an abuse of process of the Court and should be struck out."

So I will just finish by saying that I plead that you give that some consideration. Thank you.

Master Davison: OK. So, Mr Price, did you, did you want to come back?

Mr Price: Not, not unless there is anything upon which I can be of assistance *to the* Court. I can do. I can respond to anything, but there is nothing that have met our case that I feel I can respond to and there is no issue between us on the law.

Master Davison: No. Thank you. Well, look, Mr Hall, as, as may not surprise you, given the, given that the arguments have ranged very widely and given the time, I am going to reserve judgment. So I will give judgment in writing on a later occasion, but it will not be very long. I would imagine I will be able to give judgment within a matter of, *well*, a couple of weeks at the most.

Mr Hall: Couple of weeks.

Master Davison: You look as though you want to say something else. Is that right?

Mr Hall: Well, my McKenzie friend has suggested that I read something from the Claimants' skeleton argument.

Master Davison: Yes, of course. Yes, very much so.

Mr Hall: *At* 7.5, it states:

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"However, in reaching its conclusion, the Court must take into account not only the evidence actually placed before it on the application for summary judgment but also the evidence that can reasonably be expected to be available at trial."

В

7.6:

"Although a case may turn out at trial not to be really complicated" -

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Master Davison: Yeah, I think it is --

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Mr Hall: Yeah.

Master Davison: I think it is really --

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Mr Hall: 7 --

Master Davison: You are, you are reading from the Easyair principles, the well known --

Mr Hall: Yes. Yes, just to highlight that anyway.

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Master Davison: Yeah.

Mr Hall: Thank you.

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Master Davison: Well, those, those principles are, are, I can tell you, very, very familiar --

Mr Hall: Right.

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Master Davison: To me.

Mr Hall: Thank you.

Master Davison: And I, I will indeed take those into account. All right, well, unless there A was anything else, I will, I will rise. Male: Excuse me, Sir, would that be, would that, that go out to the public as well, or just to Mr Hall, that notification of what, what is actually going to happen? Do we --В Master Davison: Oh, oh, yes. **Male:** Do we have them? C **Master Davison:** Oh, yes, indeed. Yes, my, my judgment will indeed be public. Male: Thank you, Sir. D Master Davison: Yes. Male: Thank you very much. \mathbf{E} (judge confers with clerk) Court Clerk: Court rise. F The Transcription Agency hereby certifies that the above is an accurate and complete recording of the proceedings or part thereof. The Transcription Agency, 24-28 High Street, Hythe, Kent, CT21 5AT Tel: 01303 230038

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