

Application notice

For help in completing this form please read the notes for guidance form N244 Notes.

| | | |
|--|---|--------------------------------|
| Name of court High Court of Justice Queen's Bench Division Media and Communications List | | Claim no. HQ18M00939 |
| Fee account no. (if applicable) | Help with Fees – Ref. no. (if applicable) | |
| PBA0036659 | H W F - - | |
| Warrant no. (if applicable) | | |
| Claimant's name (including ref.) Gideon Falter | | |
| Defendant's name (including ref.) Gilad Aztmon | | |
| Date | 11 June 2018 | |

1. What is your name or, if you are a legal representative, the name of your firm?

Seddons Solicitors

2. Are you a ☐ Claimant ☐ Defendant ☒ Legal Representative

☐ Other (please specify)

If you are a legal representative whom do you represent?

Claimant

3. What order are you asking the court to make and why?

An application by consent (with the Defendant's solicitors, Simon Muirhead & Burton LLP) for an Order for a Statement in Open Court to be read out in Court in front of a judge in the Media and Communications List in the week commencing 11 June 2018 or at its earliest convenience.

4. Have you attached a draft of the order you are applying for? ☒ Yes ☐ No

5. How do you want to have this application dealt with? ☐ at a hearing ☒ without a hearing

☐ at a telephone hearing

6. How long do you think the hearing will last? Hours Minutes

Is this time estimate agreed by all parties?

☐ Yes ☐ No

7. Give details of any fixed trial date or period

N/A

8. What level of Judge does your hearing need?

The Senior Master

9. Who should be served with this application?

Simons Muirhead & Burton LLP, solicitors to the Defendant

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

Simons Muirhead & Burton LLP
8-9 Frith Street
London W1D 3JB

10. What information will you be relying on, in support of your application?

- ☐ the attached witness statement
☐ the statement of case
☒ the evidence set out in the box below

If necessary, please continue on a separate sheet.

This case was settled between the parties on 22 May 2018 when the Defendant's solicitors wrote to the Claimant's solicitors accepting a Part 36 Offer of the Claimant dated 23 March 2018 (Exhibit 1). Accordingly, the parties agreed a Statement in Open Court dated 7 June 2018 (Exhibit 2).

The parties hereby respectfully request that the Statement in Open Court be read out before a judge in the Media and Communications List in the week commencing 11 June 2018 or at its earliest convenience. With respect, dates to avoid are:

- 18 June-1 July 2018
- 4 July 2018
- 12-13 July 2018

Statement of Truth

(I believe) (The applicant believes) that the facts stated in this section (and any continuation sheets) are true.

Signed _____
Applicant's legal representative (s litigation friend)
Dated 11/06/2018

Full name: Mark Lewis

Name of applicant's legal representative's firm: Seddons Solicitors

Position or office held: Partner
(if signing on behalf of firm or company)

11. Signature and address details

Signed _____
Applicant's legal representative (s litigation friend)
Dated 11/06/2018

Position or office held: Partner
(if signing on behalf of firm or company)

Applicant's address to which documents about this application should be sent

| | | | | | | | | | | | |
|--|--|---|---|---|--|---|---|---|--|--|--|
| Seddons Solicitors 5 Portman Square London | | | | | | | | | | | |
| Postcode | | W | 1 | H | | 6 | N | T | | | |

| If applicable | |
|---------------|-------------------|
| Phone no. | 0207 925 8050 |
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| | |
|----------------|--------------------------|
| E-mail address | rory.lynch@seddons.co.uk |
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IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

HQ18M00939

MASTOR EKHMAN
MEDIA AND COMMUNICATIONS LIST

B E T W E E N

GIDEON FALTER

Claimant

and

GILAD ATZMON

Defendant



ORDER

BEFORE Senior Master [] sitting in the Queen's Bench Division of
the High Court of Justice on []

UPON the consent of the parties,

it is ORDERED that the parties have permission to read a statement in open court before a High Court Judge in the form appended to this order.

DATE :- 11th June 2018

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

HQ18M00939

MEDIA AND COMMUNICATIONS LIST

B E T W E E N

GIDEON FALTER

Claimant

and

GILAD ATZMON

Defendant

STATEMENT IN OPEN COURT

Claimant's Counsel, William Bennett

My Lord/Lady, in this libel action I appear on behalf of the Claimant, Mr Gideon Falter.

Mr Falter is the Chairman of the Campaign Against Anti-Semitism, the CAA. The position is voluntary and unpaid. The CAA relies on voluntary donations in order to meet its costs. It does not receive money from the UK government.

Mr Falter is Jewish.

Mr Gilad Atzmon, the Defendant, is a jazz musician who also publishes a popular website.

From July to December 2017 the Defendant published an article on his website called *Anti-Semitism is merely a business plan*. In that article Mr Atzmon published the following allegations against Mr Falter. The article accused Mr Falter of:

- (a) dishonestly fabricating anti-Semitic incidents;
- (b) deliberately exaggerating the prevalence of anti-Semitism and anti-Semitic activity (including being too ready to characterise as anti-Semitism legitimate criticism of Israel);
- (c) by doing these things Mr Falter therefore risked increasing anti-Semitism;
- (d) Mr Falter's motive was to obtain funds (including funds from the British taxpayer) to support the activities of the CAA and to provide his own income;
- (e) the funds obtained by this fabrication and misrepresentation were consequently obtained by Mr Falter's fraud; and
- (f) Mr Falter is guilty of hypocrisy – he campaigns against anti-Semitism but he is content with its continued prevalence (even resorting to the manufacture of incidents) because his income and that of the CAA depend upon it.

These allegations were false.

They were hugely insulting to Mr Falter and caused him significant consternation. To make such allegations against a Jew and someone who uses his free time to lead an organisation committed to fighting anti-Semitism was offensive to Mr Falter..

Nevertheless, Mr Falter is satisfied that Mr Atzmon has come to court to apologise to him and to acknowledge that the allegations complained of are false.

Mr Atzmon has agreed not to republish the relevant allegations and to pay damages to Mr Falter.

Defendant's Solicitor, Jeffrey Smele

On behalf of the Defendant, Mr Gilad Atzmon, I agree with the words of my learned friend. Mr Atzmon never in fact intended that his article would suggest to the reader that Mr Falter was a "fraudster" or that he personally profited from his position at the CAA.

Mr Atzmon offers his sincere apology to Mr Falter for his actions.

Claimant's Counsel

With that, Mr Falter is content to let the matter rest. It only remains for me to seek permission to withdraw the record.

Signed

Seddons, Claimant's solicitors

Signed

Simons Muirhead & Burton, Defendant's solicitors

OUR REFERENCE LC/JS/kzb/23160.5

SIMONS MUIRHEAD & BURTON LLP

YOUR REFERENCE: FAL0022.001/ML/SVM

DATE: 22 May 2018

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Seddons Solicitors
DX 9061 West End

And by email
Mark.Lewis@seddons.co.uk

Without Prejudice Save as to Costs

Dear Sirs,

**Re: Gideon Falter v Gilad Atzmon
claim no. HQ18M00939**

We write further to today's hearing, following which our client has reflected on this claim. He wishes to draw a line under the matter.

He therefore accepts the terms of settlement as proposed by your client in his Part 36 offer letter dated 23 March 2018; in other words he will:

1. Pay your client £7,500 in damages;
2. Make a statement in open court in terms to be agreed; and
3. Pay your client's reasonable legal costs, to be assessed on the standard basis if not agreed.

We recognise that your letter stated that the offer was "open to be accepted until 4 pm on 20 April 2018", which date has now passed. Leaving aside whether or not that wording is capable of constituting an automatic withdrawal for the purposes of CPR 36.9 (4) (b), our client hopes that your client also maintains his willingness to settle this matter.

Please confirm that your client agrees that this letter constitutes our client's acceptance of the 23 April Part 36 offer. If so then our client will pay your client the £7,500 damages sum within 14 days of that confirmation. Please also then provide us with details of your client's costs.

Yours faithfully,



Simons Muirhead & Burton LLP