

THE HIGH COURT

SEAMUS GRIFFIN

-and-

SUNDAY NEWSPAPERS LIMITED

Record No.: 2010 6827P

PLAINTIFF

DEFENDANT

JUDGMENT of Mr. Justice Ryan delivered the 30th March, 2012

This is a motion to compel further and better particulars to be furnished in respect of pleas in the defence in a libel action. The relevant paragraphs of the defence are as follows:--

"9. Without prejudice to any other plea herein, the defendant says that the publication by it of 27 June 2010 constituted a fair and reasonable publication on a matter of public interest. The defendant will rely in this regard on section 26 of the defamation act 2009.

"10. Without prejudice to any other of the year in, and the defendant will, if necessary, we rely upon the defence of honest opinion. The defendant will rely, if necessary, up on sections 20 and 21 of the defamation act 2009.

"13. The defendant says that the publication or the said clarification was made on another occasion of qualified privilege, pursuant to the statute and/or common law."

The notice for particulars addresses four paragraphs of the defence including the above 3. Counsel for the plaintiff Mr O'Higgins SC concedes that paragraph 1 of the notice is only a quibble. I agree.

The remaining queries address the above paragraphs and seek full and detailed particulars, in turn, of the plea that the publication constituted a fair and reasonable publication on a matter of public interest, of the defence of honest opinion and or the plea of qualified privilege.

The parties are agreed that the test to be applied is set out in the judgment of Ms Justice Dunne in the case of Quinn Insurance Ltd and others v. Tribune Newspapers plc and others [2009] IEHC 229. That case concerned particulars in respect of a plea of justification and the court reviewed all the relevant authorities in coming to its decision. I adopt the reasoning of Ms Justice Dunne. The essential point for this issue is expressed in page 6: --

"There is no doubt whatsoever that the party is entitled to know the nature of the case being made against them. However, the role of particulars is not to require a party to furnish detailed particulars of specific aspects of the case. It is sufficient that the issues between the parties should be adequately defined and that the parties should know in broad outline what is going to be said at the trial of the action."

Counsel for the defendant Mr Ryan BL argues that the defence furnished in this case is comprehensively pleaded and contains all necessary particulars in respect of the different pleas. Mr O'Higgins SC submits that his client is entitled to the information and requires it in order to prepare his case.

The question for me to decide is whether these particulars are reasonably required by the plaintiff for the presentation of this case. It seems to me that they are not.

In the first place, it is not obvious to me what kind of information is being sought. I do not think that it is sufficient merely to repeat the crucial words of the plea before requesting further and better particulars. The defendant might well have difficulty in deciding what information it might have that would constitute proper responses to the plaintiff's requests.

The style of the queries suggests that they are not seeking any information that the plaintiff reasonably requires.

The defence taken as a whole amounts to a very clear statement of the defendant's position and identifies the relevant factual and legal issues that it raises in answer to the plaintiff claim.

It is relevant to note that the plaintiff has brought another motion seeking discovery of documents in respect of the pleas in the defence of justification and qualified privilege and the defendant is consenting to the making of the order.

In the circumstances, it seems to me that these queries are unnecessary.

My decision accordingly is to refuse this motion.