

IN AN INTENDED ACTION

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
The Honourable Mr Justice Eady  
Sitting in Private  
BETWEEN: -

KELLY HOPPEN

Intended Claimant

- and -

"WXY"

(PERSON OR PERSONS UNKNOWN RESPONSIBLE FOR ACCESSING  
OR ATTEMPTING TO ACCESS THE CLAIMANT'S VOICEMAIL MESSAGES BETWEEN  
JUNE 2009 AND MARCH 2010)

Intended Defendant

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SUMMARY OF HEARING ON 17 MARCH 2010

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On 17 March 2010, Kelly Hoppen made an application to the Court for an order that Vodafone disclose the telephone number, as well as other relevant details, of the individual(s) who has accessed or attempted to access her voicemail between June 2009 and March 2010.

The hearing was held in private. However, in summary it can be confirmed that the Court held that all the criteria set out by Lightman J in *Mitsui & Co Ltd v Nexen Petroleum UK Ltd* had been met by the Claimant and that it was appropriate to grant the Norwich Pharmacal order against Vodafone requiring them to disclose the information sought.

Ms Hoppen also made an application against the person or persons unknown responsible for accessing or attempting to access her voicemail messages between June 2009 and March 2010, for an injunction preventing them from telephoning her mobile telephone number, accessing or retrieving her voicemail messages, or attempting to do the same, or otherwise harassing or intimidating her. In addition, an injunction preventing the disclosure or publication of any information obtained as a result of having accessed the Claimant's voicemail messages was also sought.

The Court was satisfied that the Claimant was likely to succeed at trial as against this person or persons unknown and that the criteria at section 12(3) of the HRA 1998 had therefore been satisfied, if it was applicable. As a consequence, the Court granted the orders sought.



25.3.10