IN THE HIGH COURT OF JUSTICE **Claim No. _____**

KING'S BENCH DIVISION

Media & Communications List

Between

MARTIN HIBBERT

EVE HIBBERT

(by her mother and litigation friend Sarah Gillbard)

Claimants

-and-

RICHARD D HALL

Defendants

PARTICULARS OF CLAIM

Summary of claims

1. The Claimants seek damages, an injunction and other remedies against the Defendant under the Protection from Harassment Act 1997, the Data Protection Act 2018 and in misuse of private information.

2. The Claimants' claims are based upon conduct by the Defendant, including publications by him, related to the Claimants' status as victims of the bombing of Manchester Arena in May 2017.

The Claimants

3. The Claimants, Martin and Eve Hibbert ("**Martin**" and "**Eve**"), are father and daughter. On 22 May 2017 they attended a concert given by Ariane Grande at

the Manchester Arena ("**the Arena**"). As at 22 May 2017 Martin Hibbert was 41 years old. Eve was 14.

4. At 22:31 on 22 May as the Claimants and other concert goers were leaving the Arena at the conclusion of the concert, an Islamic extremist suicide bomber detonated an explosive device carried in a rucksack, murdering 22 people, killing himself, and injuring many hundreds of people (as many as 1,000) including the Claimants, both of whom suffered profound and life-altering injuries, and both of whom continue to suffer from very significant physical disabilities and psychological trauma as set out in more detail in the following two paragraphs ('**the Attack**").

5. Martin, who was in close proximity to the blast (the closest of any survivor), received 22 shrapnel wounds requiring life-saving surgery, and leaving him paralysed from the waist down. He is wheelchair bound and continues to suffer from PTSD. Since recovering Martin has been an outspoken campaigner for disability rights, and is Vice President of the Spinal Injuries Association.

6. Eve suffered a catastrophic brain injury when a bolt from the bomb struck her in the head and destroyed the frontal lobe. She was presumed dead by responders at the scene. She spent the next 9 months in hospital, with her family being told that she would likely never again see, hear, speak or move. Her condition has since improved and is better than medical expectations, however it remains the case that she will require permanent care for the rest of her life. She has significant permanent cognitive impairment and suffers from PTSD and depression. She lives with her mother Sarah.

The Defendant

7. The Defendant claims (on the Website: see below) to be by training an electrical engineer.

8. The Defendant operates and is responsible for a website accessible at richplanet.net ("**the Website**") Between June 2015 and October 2022 the Defendant operated and was responsible for a channel on the video sharing platform, YouTube ("**the YouTube Channel**").

9. The Website was founded in around 2008 and its description (on its 'About RichPlanet' page) includes that:

    a. It was initially intended to provide information about UFOs;

    b. It then covered many other controversial topics, focusing on subjects not covered in a just or serious manner by mainstream media, "and brining objective analysis to some poorly understood areas" including "mind control, terrorism, hidden history, state lead cover ups, space exploration, [and] alternative energy";

    c. The Defendant now produces a series or 12 in-depth programmes annually, as well as regular films.

10. The YouTube channel until it was closed down for breach of YouTube's terms and conditions in or around October 2022 hosted and broadcast videos produced by the Defendant.

11. Since the YouTube channel was closed down, the Defendant has hosted video content via the Odysee video sharing service, accessible via the Website.

12. In addition to the media production activities identified above relating to the Website and the YouTube Channel, the Defendant (according the the 'About Richplanet' page on the Website) also undertakes a UK speaking tour every year. Further the Defendant has written and published a book (see further below) about the Attack.

The Inquiry

13. On 22 October 2019 the then Home Secretary announced an independent public inquiry in the Attack, and on 22 October 2019 Sir John Saunders was appointed the inquiry's chair. Hearings commenced on 7 September 2000 and are ongoing. ("**the Inquiry**")

14. The Inquiry's hearings commenced on 7 September 2020 and concluded in March 2022. Martin gave evidence to The Inquiry. The Inquiry has at the date of this statement of case delivered three volumes of its reports.

15. The Inquiry is chaired by former High Court Judge Sir John Saunders. In his statement upon delivery of Volume 2 of his report, he said this:

> "In the course of the evidence of what happened after the explosion I saw CCTV evidence and video from body-worn cameras of the City Room. That showed clearly the appalling aftermath of the explosion. It showed those who had died within seconds of the explosion it showed victims with appalling injuries. I have considered post mortem evidence and expert evidence which confirmed that those who died did so as a result of injuries caused by a bomb exploding. There can be no question on the evidence that those who died, died as a result of the actions of Salman Abedi which caused the severe injuries suffered by many people who attended the concert or were waiting to collect children who had attended."

The Defendant's Assertions

16. The Defendant disputes the veracity of every key element of the Attack, including most of the facts established by the Inquiry. Insofar as is relevant to the Claimants, the Defendant has made a set of statements which have had the effect of undermining and discrediting the Claimants' account of the events of the Attack and its aftermath and just as importantly, their accounts of their recovery and attempts to come to terms with their life changing injuries and their involvement in the tragedy.

17. The Defendant has asserted as follows ("**the Defendant's Assertions**"):

    a. The perpetrator of the Attack did not die at the scene but drove off, chased by police and was subsequently arrested. Not only does the Defendant state this, but he claims that this is proved by police radio communications, police witness testimony, and "the arrest video". The import of this is that, if true, the person who caused the life-changing injuries to our clients remains secretly protected by the British Government and may or may not have faced justice for his actions.

    b. The Defendant denies that the explosive device consisted entirely of the substance TATP which was the testimony of an expert witness at, and

accepted by, the Inquiry. The Defendant states that the expert's evidence to the Inquiry was false. He claims to be able to support that claim with numerous witness statements.

c. Nick Bickerstaff, a witness, was acting when describing into his camera-phone the carnage around him whilst desperately searching for his daughter.

d. Videos of the aftermath of the Attack showing injured and dying victims were staged.

e. Those appearing in video footage running from the scene, or injured on the ground, were so-called crisis actors.

f. Genuine concert-goers were turned away from the foyer where the Attack happened, and the foyer was being controlled and managed by staff prior to the explosion, because the Attack was staged.

g. Nobody died in the Attack. Those who it is claimed died fall into one of three categories: "previously deceased", "no ties", or "apprentice child". Those in the second two categories, who were alive on the night of 22 May have either been adopted out (if children) or relocated so as to start a new life elsewhere, for money.

h. The Inquiry's findings are false to the extent that they are premised on the fact that, or have concluded, that a genuine terrorist attack took place, because in fact no such genuine terrorist attack took place.

i. Martin and Eve did not attend the concert on the night of 22 May 2017 at all, and were not injured there then.

18. The Defendant's Assertions are Assertions of fact. The Defendant has attempted, in disclaimers attached to his publications and in response to the Claimants' threat to bring this claim, to assert that the Defendant's Assertions are matters of opinion, and expressed by him to be his belief and not incontrovertible fact. That position is unsustainable when set against the language used by the Defendant in making the Defendant's Assertions.

19. In any event even if, as the Defendant contends, the Defendant's Assertions are not expressed as statements of fact but are statements of opinion, they have had and continue to have, as he knew or ought to have known, the effects upon the Defendants described below.

The Defendant's Campaign

20. Since around 2018 the Defendant has engaged in a course of conduct amounting to harassment of the Claimants ("**The Defendant's Campaign**").

21. In or around the beginning of September 2019 the Defendant attended unannounced at Eve's residential address (where she lived with her mother) knocked on the door several times without response, and then set up a camera inside his vehicle but trained on the house, secretly recording footage. In the course of so doing the Claimant recorded footage of Eve, her mother, and Eve's carer coming and going from the property.

22. In around 2018 the Defendant began a lecture tour, and during the first part of 2020 the Defendant produced and published a book, a film, a "statement analysis video" and other videos in which he repeatedly, publicly, sensationally and for profit made the Defendant's Assertions as more particularly set out below.

23. Since around 2018 the Defendant has published, and as at the date of these particulars of claim he continues to publish, the following videos via the Website ("**the Videos**"):

    a. A video entitled, "Hiding from Terror 2018 UK Tour" dated 15 June 2018;

    b. A video entitled, "Statement Analysis of Manchester Victims" dated 16 May 2020;

    c. A video entitled, "Tommy Mair/Jo Cox, Manchester "bombing", Rendlesham UFO" dated 13 June 2020; and

    d. A video entitled, "Brexit, Jo Cox, Manchester Arena "bombing"" dated 18 May 2019.

24. On 15 May 2020 the Defendant published via the website a documentary film with the title, "Manchester: The Night of the Bang" ("**the Film**");

25. Further on 27th March 2020 the Defendant published by making available online and in print a book entitled, "Manchester: The Night of the Bang" ("**the Book**").

26. The Videos include the making by the Defendant of the Defendant's Assertions. From the content of the lectures posted by the Defendant online, the Claimants will invite the Court to infer that the Defendant has repeated the Defendant's Assertions in his in-person lectures.

27. The Film includes:

    a. the Defendant's Assertions;

    b. photographs and footage of Martin, including of his injuries;

    c. discussion of Martin's medical history and speculation as to how his scars were caused;

    d. allegations that his "x-rays are unconvincing";

    e. a purported "statement analysis" which suggests that he has lied in interviews given to the media;

    f. speculation as to why there is no media coverage in relation to Eve and her mother;

    g. an allegation that Martin was told he was going to be the hero of a story in which he had been shot, and is not happy with the story he now has to tell about being a bomb victim;

28. The Book includes:

    a. the Defendant's Assertions;

    b. photographs of Martin, including of him convalescing in hospital;

c. an x-ray of Martin's torso which the Defendant describes as, "an X-ray allegedly showing nuts inside [Martin's] body. ... Such an image would be easy to create using photoshop." The Defendant concludes, "I am not prepared to accept [Martin's] X-ray as a piece of reliable evidence. ... [S]hould we suspect that [Martin] never lost the use of his legs?";

d. A lengthy and detailed analysis of many public statements by [Martin], the object of which analysis is to demonstrate that he is lying, which is what the Defendant concludes: "The subject is deceptive about being told the speed of the shrapnel ... is deceptive about his daughter being the only person to have survived that injury ... is deceptive about the bolt going straight through his daughter's head";

e. The Defendant's assertion of some kind of suspicious undisclosed connection between [Martin] and Georgina Callandar, one of the victims;

f. The Defendant's suggestion that there is something suspicious in Martin seeking to protect his daughter Eve from publicity; and

g. Details of the Defendant's investigation of Eve's mother's Facebook page, including how he used it to ascertain where Eve lived and, having described his visit to Eve's house as set out at 21 above, the offensive question, "What is the reason why Eve is being kept so low profile? Why does [Eve's mother] seemingly not associate herself with the Manchester bombing crowd?".

29. The full content of the Book, the Film and the Videos will be relied upon at trial.

30. The Defendant's Campaign amounted to a conscious alternatively a negligent abuse of media freedom.

31. The Defendant's Campaign was unreasonable, oppressive and vexatious and caused the Claimants considerable anxiety and distress, as the Defendant knew and ought to have known, as follows:

a. Martin discovered that the Defendant had visited and video-recorded Eve's home just as he was about to give evidence to the Inquiry at a time when he was preparing to be shown, as part of the Inquiry, photographs of the foyer of the Arena showing the aftermath of the Attack. Learning of the Defendant's actions in visiting Eve's home caused Martin severe stress and anxiety.

b. Since learning of the Defendant's visit to Eve's home, Martin's persistent anxiety to protect Eve has been aggravated, and he now fears that the Defendant and/or those who follow and believe him may seek out Eve again, and may cause her harm.

c. The Defendant's persistent attempts to undermine Martin and Eve's credibility, and to so publicly and repeatedly dispute the genuineness of their experiences has caused Martin intolerable upset and embarrassment.

d. Eve has been made aware by her mother of the fact that the Defendant does not believe she and Martin were injured in the Attack, that he has recorded her on video and has a website about them.

e. As a result of the Defendant's attendance at Eve's home, the police have visited Eve and her mother, conducted checks around the house and the garden, and spoken to Eve's neighbours. Eve's mother has had to alert Eve's school about the incident because of the risk that the Defendant or someone encouraged by him will seek to further investigate Eve in a similar manner.

f. The matters described above have caused and continue to cause Eve, her mother, and Martin distress and anxiety.

32. In all the circumstances the Defendant's conduct in perpetrating the Claimant's Campaign is and was unreasonable.

Claim in data protection

33. At all relevant times:

a. The Claimants were data subjects within the meaning of article 4(1) of the UK GDPR; and

b. the Defendant was a data controller within the meaning set out in the UK GDPR and the Data Protection Act in respect of personal data processed in relation to the publications and activities set out above insofar as those publications and activities involved the personal data of the Claimants.

34. The Defendant is required to comply with the principles for processing personal data set out in Article 5(1) of the UK GDPR ("**the Principles**") which include the requirements that personal data shall be:

a. Pursuant to Article 5(1)(a) UK GDPR, processed lawfully, fairly and in a transparent manner in relation to the data subject, which requires that relevant data processing complies with one or more of the requirements contained in Article 6 UK GDPR; and

b. Pursuant to Article 5(1)(d) UK GDPR, accurate and, where necessary, kept up to date: every reasonable step must be taken to ensure that personal data that are inaccurate having to the purposes for which they are processed, are erased or rectified without delay.

35. The following amounts to the Claimants' personal data:

a. The names and any images of the Claimants;

b. Any medical information concerning the Claimants; and

c. Assertions that the Claimants were not injured in the Attack and have lied about their experiences.

36. In breach of the Principles:

a. The Defendant's processing of the video recording of Eve at her home as set out more particularly at paragraph 21 above was unfair, excessive, and not for a lawful purpose; and

b. The Defendant's processing of the images of and information about the Claimants' medical conditions was unfair, excessive, inaccurate and not for a lawful purpose.

c. The Defendant's processing of the assertions that the Claimants were not injured in the Attack and are lying about their experiences was unfair, excessive, inaccurate and not for a lawful purpose.

Remedies

37. The Claimants are entitled to damages including aggravated damages for harassment and breach of their data protection rights. Paragraph 31 above are repeated.

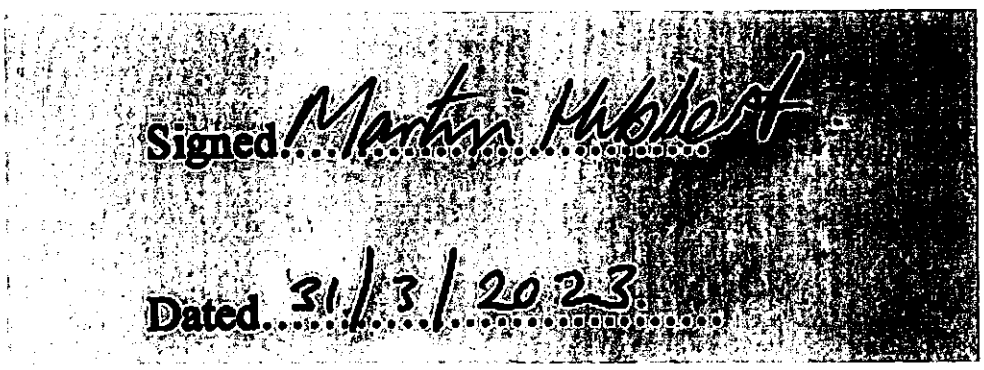
38. The Defendant has claimed in correspondence that his actions were reasonable and that he has pursued the Campaign for the purpose of preventing and detecting crime (to which the Claimants will plead further if the relevant defences are raised by the Defendant in his Defence). Unless restrained by the Court the Defendant will continue to make the Defendant's Assertions, thus causing further distress, upset and embarrassment and further harassing the Claimants.

AND the Claimants claim:

(1) Damages including aggravated damages for harassment;
(2) Damages including aggravated damages for breach of the Claimants' data protection rights;
(3) An injunction; and
(4) Costs

Statement of Truth

The Claimants believe that the facts stated in these Particulars of Claim are true. The Claimants understand that Proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



Martin Hibbert Claimant

Signed.....

Dated 31/3/2023

Sarah Gillbard for and on behalf of Eve Hibbert Claimant

Jonathan Price

31 March 2023

Certificate of suitability of litigation friend

If you are acting

- **for a child**, you must serve a copy of the completed form on a parent or guardian of the child, or if there is no parent or guardian, the carer or the person with whom the child lives
- **for a protected party**, you must serve a copy of the completed form on one of the following persons with authority in relation to the protected party as: (1) the attorney under a registered enduring power of attorney (2) the donee of the lasting power of attorney; (3) the deputy appointed by the Court of Protection; or if there is no such person, an adult with whom the protected party resides or in whose care the protected party is. You must also complete a certificate of service (obtainable from the court office)

You should send the completed form to the court with the claim form (if acting for the claimant) or when you take the first step on the defendant's behalf in the claim together with the certificate of service (if applicable).

Name of court In the High Court Of Justice Kings Bench Division	
Claim No.	
Claimant (including ref.)	Martin Hibbert and Eve Hibbert 308720.001
Defendant (including ref.)	Richard D Hall

You do not need to complete this form if you are a deputy appointed by the Court of Protection with power to conduct proceedings on behalf of the protected party.

I consent to act as litigation friend for Eve Hibbert (claimant)(defendant)

I believe that the above named person is a

☐ child ☑ protected party *(give your reasons overleaf and attach a copy of any medical evidence in support)*

I am able to conduct proceedings on behalf of the above named person competently and fairly and I have no interests adverse to those of the above named person.

* I undertake to pay any costs which the above named claimant may be ordered to pay in these proceedings subject to any right I may have to be repaid from the assets of the claimant.

* delete if you are acting for the defendant

Please write your name in capital letters

☐ Mr ☐ Mrs ☐ Miss Surname Gillbard

☑ Ms ☐ Other _____ Forenames Sarah

Address to which documents in this case are to be sent.

HUGGELL SOLICITORS
1 ST PETERS SQUARE
MANCHESTER
M2 3AE

I certify that the information given in this form is correct

Signed [signature]

Date 31st March 2023

The court office at

is open between 10 am and 4 pm Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number.

Claim No.	

My reasons for believing that the (claimant)(defendant) is a protected party are:-
The second claimant lacks capacity to conduct the litigation in her own regard