



Neutral Citation Number: [2022] EWHC 246 (QB)

Claim No: QB-2020-001013

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

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 10/02/2022

**Before :**

**MR JUSTICE GRIFFITHS**

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**Between :**

**SAMUEL COLLINGWOOD SMITH**

**Claimant**

**- and -**

**ESTHER RUTH BAKER**

**Defendant**

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**The Claimant** in person

**The Defendant** in person

Determination on written submissions  
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**Judgment**

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**MR JUSTICE GRIFFITHS**

**THE HON. MR JUSTICE GRIFFITHS :**

1. This is the determination of three issues raised by the Counterclaim brought by the defendant (“Ms Baker”) against the claimant (“Mr Smith”) for defamation.
2. By para 6.1 of CPR Practice Direction 53B, at any time in a defamation claim the court may determine:
  - i) the meaning of the statement complained of;
  - ii) whether the statement is defamatory of the claimant at common law;
  - iii) whether the statement is a statement of fact or opinion.
3. I am determining these issues, by Order of Nicklin J dated 22 October 2021 (“the Nicklin Order”), and by consent, on the basis of written submissions which have been filed by the parties.
4. A statement of opinion may have a less defamatory tendency than a statement of fact, and so I will address issue (iii) (whether fact or opinion) before issue (ii) (whether defamatory) in line with the practice explained by Sir Geoffrey Vos MR in *Corbyn v Millett* [2021] EWCA Civ 567 at para 13.
5. The determination is in respect of eleven publications pleaded in the Counterclaim and identified in the Nicklin Order as follows:
  - i) 6 May 2019 publication (“the First Publication”). The 8 passages complained of are set out in para 9 of the Amended Counterclaim. The whole article, by way of context, is exhibited at Annex CC1 to the Amended Counterclaim.
  - ii) 8 May 2019 publication (“the Second Publication”). The 3 passages complained of are set out in para 38 of the Amended Counterclaim. The whole article is exhibited at Annex CC4 to the Amended Counterclaim.
  - iii) 30 May 2019 publication (“the Third Publication”). The 10 passages complained of are set out in para 52 of the Amended Counterclaim. The whole article is exhibited at Annex CC5 to the Amended Counterclaim.
  - iv) 25 June 2019 publication (“the Fourth Publication”). The single passage still complained of is set out in para 77 of the Amended Counterclaim. The whole article is exhibited at CC6 to the Amended Counterclaim.
  - v) 27 August 2019 publication (“the Fifth Publication”). The 11 passages complained of are set out in para 85 of the Amended Counterclaim. The whole article is exhibited at Annex CC7 to the Amended Counterclaim.
  - vi) 10 October 2019 publication (“the Sixth Publication”). The 4 passages complained of are set out in para 112 of the Amended Counterclaim. The whole article is exhibited at Annex CC8 to the Amended Counterclaim.

- vii) 15 October 2019 publication (“the Seventh Publication”). The 2 passages complained of are set out in para 125 of the Amended Counterclaim. The whole article is exhibited at Annex CC9 to the Amended Counterclaim.
  - viii) 6 November 2019 publication (“the Eighth Publication”). The 6 passages complained of are set out in para 134 of the Amended Counterclaim. The whole article is exhibited at Annex CC10 to the Amended Counterclaim.
  - ix) 1 February 2020 publication (“the Ninth Publication”). The 8 passages still complained of are set out in para 153 of the Amended Counterclaim. The whole article is exhibited at Annex CC11 to the Amended Counterclaim.
  - x) 8 February 2020 publication (“the Tenth Publication”). The 4 passages complained of are set out in para 173 of the Amended Counterclaim. The whole article is exhibited at Annex CC12 to the Amended Counterclaim.
  - xi) 14 April 2020 publication (“the Eleventh Publication”). The 5 passages complained of are set out in para 186 of the Amended Counterclaim. The whole article is exhibited at Annex CC13 to the Amended Counterclaim.
6. The claimant (and defendant to the Amended Counterclaim) is the author of a law blog on the internet at [matthewhopkinsnew.com](http://matthewhopkinsnew.com) under the pen-name ‘Matthew Hopkins – the Witchfinder General’. It describes itself as a blog which aims “to expose corruption and terrorise the guilty without worrying too much about due process” (Amended Counterclaim para 3). Both these points are admitted in para 8 of his Amended Defence to Counterclaim with the qualification that the quoted passage is a joke, to be read with a later passage saying: “We attempt to be responsible in this blog both before and after publication and contentious allegations are usually put to subjects well before articles go live. We will respond promptly and courteously to any complaint of defamation but the Witchfinder can and will defend himself robustly against vexatious defamation claims”.
7. I have approached the matter, as usual in these cases, by first reading each of the blog articles in question, paying particular attention to the passages complained of as I reached them, and forming my own first impression, before then considering the contentions of the parties, as set out in:
- (a) the Amended Counterclaim,
  - (b) the claimant’s response, in a written submission dated 5 November 2021,
  - (c) the defendant’s reply, in a written submission dated 19 November 2021, and
  - (d) the claimant’s subsequent written submission, dated 3 December 2021.
8. This allowed me to form a first impression on my own (as the hypothetical reasonable reader would), before turning to the arguments of the parties, and reaching my final decisions on what the passages mean, whether they are fact or opinion, and whether they are defamatory at common law.

## The law

9. The legal principles are well established and may be drawn together from recent authority as follows.

### *Meaning*

10. The court's approach to determining meaning is summarised from the authorities by Nicklin J in *Koutsogiannis v The Random House Group Ltd* [2019] EWHC 48 (QB) at paras 11-13:

“11. The Court's task is to determine the single natural and ordinary meaning of the words complained of, which is the meaning that the hypothetical reasonable reader would understand the words bear. It is well recognised that there is an artificiality in this process because individual readers may understand words in different ways: *Slim -v- Daily Telegraph Ltd* [1968] 2 QB 157, 173D–E, per Lord Diplock.

12. The following key principles can be distilled from the authorities: see e.g. *Slim -v- Daily Telegraph Ltd* 175F; *Charleston -v- News Group Newspapers Ltd* [1995] 2 AC 65, 70; *Gillick -v- Brook Advisory Centres* [2002] EWCA Civ 1263 [7]; *Charman -v- Orion Publishing Co Ltd* [2005] EWHC 2187 (QB) [8]-[13]; *Jeynes -v- News Magazines Ltd & Anor* [2008] EWCA Civ 130 [14]; *Doyle -v- Smith* [2018] EWHC 2935 [54]-[56]; *Lord McAlpine of West Green -v- Bercow* [2013] EWHC 1342 (QB) [66]; *Simpson -v- MGN Ltd* [2016] EMLR 26 [15]; *Bukovsky -v- Crown Prosecution Service* [2017] EWCA 1529 [2018] 1 WLR 18; *Brown -v- Bower* [2017] 4 WLR 197 [10]-[16] and *Sube -v- News Group Newspapers Ltd* [2018] EWHC 1234 (QB) [20]:

i) The governing principle is reasonableness.

ii) The intention of the publisher is irrelevant.

iii) The hypothetical reasonable reader is not naïve but he is not unduly suspicious. He can read between the lines. He can read in an implication more readily than a lawyer and may indulge in a certain amount of loose thinking but he must be treated as being a man who is not avid for scandal and someone who does not, and should not, select one bad meaning where other non-defamatory meanings are available. A reader who always adopts a bad meaning where a less serious or non-defamatory meaning is available is not reasonable: s/he is avid for scandal. But always to adopt the less derogatory meaning would also be unreasonable: it would be naïve.

iv) Over-elaborate analysis should be avoided and the court should certainly not take a too literal approach to the task.

v) Consequently, a judge providing written reasons for conclusions on meaning should not fall into the trap of conducting too detailed an analysis of the various passages relied on by the respective parties.

vi) Any meaning that emerges as the produce of some strained, or forced, or utterly unreasonable interpretation should be rejected.

vii) It follows that it is not enough to say that by some person or another the words might be understood in a defamatory sense.

viii) The publication must be read as a whole, and any ‘bane and antidote’ taken together. Sometimes, the context will clothe the words in a more serious defamatory meaning (for example the classic “rogues' gallery” case). In other cases, the context will weaken (even extinguish altogether) the defamatory meaning that the words would bear if they were read in isolation (e.g. bane and antidote cases).

ix) In order to determine the natural and ordinary meaning of the statement of which the claimant complains, it is necessary to take into account the context in which it appeared and the mode of publication.

x) No evidence, beyond publication complained of, is admissible in determining the natural and ordinary meaning.

xi) The hypothetical reader is taken to be representative of those who would read the publication in question. The court can take judicial notice of facts which are common knowledge, but should beware of reliance on impressionistic assessments of the characteristics of a publication's readership.

xii) Judges should have regard to the impression the article has made upon them themselves in considering what impact it would have made on the hypothetical reasonable reader.

xiii) In determining the single meaning, the court is free to choose the correct meaning; it is not bound by the meanings advanced by the parties (save that it cannot find a meaning that is more injurious than the claimant's pleaded meaning).

13. As to the *Chase* levels of meaning, see *Brown -v- Bower* [17]:

“They come from the decision of Brooke LJ in *Chase -v- News Group Newspapers Ltd* [2003] EMLR 11 [45] in which he identified three types of defamatory allegation: broadly,

(1) the claimant is guilty of the act;

(2) reasonable grounds to suspect that the claimant is guilty of the act; and

(3) grounds to investigate whether the claimant has committed the act.

In the lexicon of defamation, these have come to be known as the *Chase* levels. Reflecting the almost infinite capacity for subtle differences in meaning, they are not a straitjacket forcing the court to select one of these prescribed levels of meaning, but they are a helpful shorthand. In *Charman -v- Orion Publishing Group Ltd*, for example, Gray J found a meaning of “cogent grounds to suspect” [58].

11. The ordinary reasonable reader is taken to have read the whole of the publication, and that goes, not only for books, but also for articles: *Charleston v News Group Newspapers* [1995] 2 AC 65 per Lord Bridge at 70C-G. Lord Bridge traces the principle to Baron Alderson’s reference to bane and antidote in *Chalmers v Payne* 2 CM & R 156 (1835), at 159. ‘Bane and antidote’ is quaint language to modern ears, but it means that, since the effect of the article must be taken as a whole, a passage which is offensive in isolation (the bane) must be read in conjunction with other passages of the article which mitigate the overall impression (the antidote).

12. Reliance is also placed in this case on the repetition rule, which was examined and explained in *Brown v Bower* [2017] 4 WLR 197 at paras 19-32. It is a rule which is relevant both to the determination of meaning (which is the task of this judgment) and to the defence of justification (which is not). A trio of quotations (at paras 20-22 of *Brown v Bower*) from *Lewis v Daily Telegraph Ltd* [1964] AC 234 explains the repetition rule.

13. Per Lord Hodson at p 275:

“If one repeats a rumour one adds one’s own authority to it and implies that it is well founded, that is to say, that it is true. It is otherwise when one says or implies that a person is under suspicion of guilt. This does not imply that he is in fact guilty but only that there are reasonable grounds for suspicion, which is a different matter.”

14. Per Lord Devlin at pp 283–284:

“...you cannot escape liability for defamation by putting the libel behind a prefix such as ‘I have been told that ...’ or ‘It is rumoured that ...’ and then asserting that it was true that you had been told or that it was in fact being rumoured. You have ... to prove that the subject matter of the rumour was true ... A rumour that a man is suspected of fraud is different from one that he is guilty of it. For the purpose of the law of libel a hearsay statement is the same as a direct statement, and that is all there is to it.”

15. Per Lord Devlin at p 285:

“It is not therefore, correct to say as a matter of law that a statement of suspicion imputes guilt. It can be said as a matter of practice that it very often does so, because although suspicion of guilt is something different from proof of guilt, it is the broad impression conveyed by the libel that has to be considered and not the meaning of each word under analysis. A man who wants to talk at large about smoke may have to pick his words very carefully if he wants to exclude the suggestion that there is also a fire; but it can be done. One always gets back to the fundamental question: what is the meaning that the words convey to the ordinary man: you cannot make a rule about that.”

16. Per Nicklin J in *Brown v Bower* [2017] 4 WLR 197 at para 30:

“In my judgment, to produce a *Chase* level 1 meaning, the effect of the publication (taken as a whole) has to be the adoption or endorsing of the allegation. That adoption or endorsement may come from “bald” repetition (as May LJ observed in *Shah*) or it may come from other context which signals to the reader that the allegation is being adopted when it is repeated. The converse is also true. The context may signal to the reader that the allegation is not being adopted or endorsed. Sometimes allegations are repeated to criticise the person who made them. When doing so, prudent publishers often expressly state that the allegations were “baseless”, but whilst no doubt sufficient (in most cases) to prevent the publisher being found to have adopted the allegation by repetition it is not necessary in all cases for this to be stated expressly. It all depends upon the context.”

17. And at para 32:

“Taking responsibility for its further dissemination means, in this context, liability for republication of the allegation, but it does not mean that the court is bound to find that the defamatory meaning that attached to the repetition is, in all cases, the same level as the original allegation. When the authorities speak of rejecting submissions that words repeating the allegations of others bear a lower meaning than the original publication that is a rejection of the premise that the statement is less defamatory (or not defamatory at all) *simply* because it is a report of what someone else has said. That kind of reasoning is what the repetition rule prohibits when applied to meaning. The meaning to be attached to the repetition of the allegation has still to be judged, applying the rules of interpretation I have set out above, looking at the publication as a whole.”

18. Each of the eleven publications is identified separately, and a case is made upon each of them separately. Per Warby LJ in *Sube v News Group Newspapers Ltd* [2018] 1 WLR 5767, 5775C-E, at para 22:

“In some unusual circumstances, articles published at different times may be so interlinked that they can be considered in conjunction for some purposes, such as meaning, or reference (see, for instance, *Hayward v Thompson* [1982] 1 QB 47). But in general, for the purposes of assessing defamatory impact, a published article must be considered individually; it will not normally be appropriate or even possible to treat a number of articles as a single "statement" for the purpose of s 1, any more than it was at common law. It may, depending on the circumstances, be appropriate to take account of one or more previous articles as part of the context in which a given statement was published. But it is hard to see how the defamatory impact of one publication could be affected by the defamatory impact of a separate, later publication.”

*Fact or opinion*

19. The defence of honest opinion in section 3 of the Defamation Act 2013 raises, under section 3(2), the question of whether the statement complained of “was a statement of opinion”. That (referred to in the section as the “first condition”) is what I have to decide at this stage.
20. In doing so, I will be guided by the principles summarised in *Koutsogiannis v The Random House Group Ltd* [2019] EWHC 48 (QB) at para 16:

“Again, there is no dispute as to the principles to be applied. Drawn from *Grech -v- Odhams Press* [1958] 2 QB 75; *Branson -v- Bower* [2001] EMLR 32; *Lowe -v- Associated Newspapers Ltd* [2007] QB 580; *Joseph -v- Spiller* [2011] 1 AC 852; *British Chiropractic Association -v- Singh* [2011] 1 WLR 133; *Yeo -v- Times Newspapers Limited* [2015] 1 WLR 971 [88]-[89]; *Wasserman -v- Freilich* [2016] EWHC 312 (QB); *Morgan -v- Associated Newspapers Limited* [2018] EWHC 1850 (QB) [13]; and *Zarb-Cousin -v- Association of British Bookmakers* [2018] EWHC 2240 (QB), when determining whether the words complained of contain allegations of fact or opinion, the Court will be guided by the following points:

- i) The statement must be recognisable as comment, as distinct from an imputation of fact.
- ii) Opinion is something which is or can reasonably be inferred to be a deduction, inference, conclusion, criticism, remark, observation, etc.
- iii) The ultimate question is how the word would strike the ordinary reasonable reader. The subject matter and context of the words may be an important indicator of whether they are fact or opinion.



iv) Some statements which are, by their nature and appearance opinion, are nevertheless treated as statements of fact where, for instance, the opinion implies that a claimant has done something but does not indicate what that something is, i.e. the statement is a bare comment.

v) Whether an allegation that someone has acted “dishonestly” or “criminally” is an allegation of fact or expression of opinion will very much depend upon context. There is no fixed rule that a statement that someone has been dishonest must be treated as an allegation of fact.”

*Whether defamatory at common law*

21. Whether an article is defamatory at common law is governed by principles summarised in *Corbyn v Millett* [2021] EWCA Civ 567 at paras 9-10:

“At common law, a meaning is defamatory and therefore actionable if it satisfies two requirements. The first, known as “the consensus requirement”, is that the meaning must be one that “tends to lower the claimant in the estimation of right-thinking people generally.” The Judge has to determine “whether the behaviour or views that the offending statement attributes to a claimant are contrary to common, shared values of our society”: *Monroe v Hopkins* [2017] EWHC 433 (QB), [2017] 4 WLR 68 [51]. The second requirement is known as the “threshold of seriousness”. To be defamatory, the imputation must be one that would tend to have a “substantially adverse effect” on the way that people would treat the claimant: *Thornton v Telegraph Media Group Ltd* [2010] EWHC 1414 (QB), [2011] 1 WLR 1985 [98] (Tugendhat J).

Today, there is an additional, statutory, requirement. Section 1(1) of the 2013 Act provides that “A statement is not defamatory unless its publication has caused or is likely to cause serious harm to the reputation of the claimant”. This means that a claimant must now prove not only that the statement had a defamatory tendency, but also that it did as matter of fact cause serious reputational harm or was likely to do so: see *Lachaux v Independent Print Ltd* [2019] UKSC 27 [2020] AC 612. We are not concerned with this issue. Master Cook refused Mr Corbyn’s application for a trial of serious harm as a preliminary issue.”

22. I, too, am assessing only whether the passages complained of are defamatory at common law, I am not to decide whether the statutory requirement of serious harm is also satisfied. This is clear from the Reasons in the Nicklin Order.
23. A total of 62 passages are complained of, some of them running to a number of sentences saying multiple things. In this judgment I will focus on the meaning of those that are in my judgment defamatory. Statements which I do not directly discuss (in order to focus on the issues I have to decide, and keep this judgment to a manageable

and readable length) are not, in my judgment, defamatory. I am bearing in mind points (iv) and (v) in para 10 above.

*Mental illness*

24. Some of the statements complained of say that Ms Baker is mentally ill.
25. In *Warnes and Robson v Forge* [2020] 4 WLR 91, [2020] EWHC 1496 (QB), Elisabeth Laing J (now Laing LJ) considered at paras 68-73 whether the imputation that someone is mentally ill can be defamatory. She referred to *Ibrahim v Swansea University* [2012] EWHC 290 (QB) where (at para 15) Eady J agreed with Counsel that "...no reasonable person would nowadays think any the worse of someone who had suffered from mental health difficulties...". Laing J tied his decision to the particular facts of that case. She qualified the proposition accepted by Eady J by saying (at para 72) "...whether such a statement is defamatory must depend on the context in which it is made". I agree with that.
26. I am also assisted by the way in which Elisabeth Laing J illustrated and applied this point on the facts of the case before her (at para 73):-

"D says that what C2 has said to the RICS in an email is 'a total figment of [his] seriously warped and deluded imagination'; which is why D has copied in an officer of the RICS. It is in that context that D expresses his belief that C2 is 'mentally deranged and in need of psychiatric help', and that he is best ignored by everyone. That statement is precisely designed to persuade a reasonable reader to shun and avoid C2 by ignoring what he says. It is a statement that a person who has made complaints to the RICS, and against whom complaints have been made, should be ignored, because he is deranged and needs psychiatric help. I agree with Ms Overman that the reasonable reader would not think that this was 'a stand-alone diagnosis of the state of C2's mental health'. But the reasonable reader would understand D to be saying that the publishees (who appear to include officers of the RICS and C2's colleagues) should pay no attention to him because he is deranged. I consider that that is plainly capable of being defamatory."

27. I will therefore proceed on the basis that statements about the defendant's mental health may or may not be defamatory. Whether they are, or not, will depend on the context, and the overall thrust of the point being made in relation to her mental health.

**The First Publication**

28. The First Publication, on 6 May 2019, is a blog article headlined "Jess Phillips MP, Mark Watts and Who Raped Esther Baker?" Under it is a photograph of Jess Phillips MP.
29. The 8 passages complained of are:
30. (i) "Baker was also ordered to have a psychiatric assessment to be filed at court".

31. (ii) “Were Phillips and Watts right to encourage a vulnerable, mentally ill woman in making unproven allegations public”
32. (iii) “On Twitter Baker has admitted to being ‘psychotic’ (archive)”
33. (iv) “When a vulnerable, lonely and deeply unattractive person is shown attention and apparent friendship by charismatic journalists or politicians it is easy to see how they may tell their ‘friend’ what that person wants to hear. From the statements made on behalf by her lawyer it is clear that Baker falls into that category”
34. (v) “What I saw at court was a tiny mentally ill woman heading down a path greatly to her detriment”
35. (vi) “Four years ago in 2015, Esther Baker began approaching politicians of all parties making bizarre and regularly changing allegations of abuse. It was obvious to them that she was not well. For example, in private correspondence between Labour MP John Mann and Hemming in October 2015, the Labour MP said that the allegations made “no coherent sense”. Mann also said that Baker’s allegations had made sense then he would have been duty bound to ensure they were investigated and it was “significant” that he had not. Mann also said that he had warned media not to treat her story as credible because a false story would be “damaging and dangerous”.
36. (vii) “He spotted straight away that there was something wrong with Esther. He discouraged the media to avoid the risk of discrediting the campaign for real victims”
37. (viii) “It is alleged that Phillips visited Baker at the Lantern Project and that during the meeting, an increase in public funding to the charity was discussed. It is important to understand the types of people who have been involved in the Lantern Project. When supporters say that the organisation has first hand experience of abuse, are they thinking of Matthew Byrne, who was convicted of the rape and torture of prostitutes (archive)?”
38. The meaning of these passages is:
  - a) Ms Baker has a mental illness and, as a result of this, she has been making allegations which are not true.
  - b) Her untrue allegations are dangerous and may discredit the campaign for real victims.
  - c) No attention should be paid to her when she makes them.
39. When these meanings repeat points from others, they adopt them or convey them as being true.
40. Meaning (a) is a statement of fact. Meanings (b) and (c) are expressions of opinion.
41. The statements meaning that Ms Baker has a mental illness are unequivocal. The precise diagnosis (e.g. psychosis) is not, and is not stated as a fact.
42. The meanings I have found are all defamatory.

43. In context, statement (viii) does not suggest that Ms Baker is like a person who has been convicted of the rape and torture of prostitutes. It means that her association with the Lantern Project does not repair her credibility. It is not in itself defamatory.

### **The Second Publication**

44. The Second Publication, on 8 May 2019, is a blog article headlined “Jess Phillips MP, Her Outside Earnings... and How to Take Them Away”.
45. The 3 passages complained of are:
46. (i) “As my article explained, there is now ample evidence Baker (who claims to hear voices) has accused the wrong men of rape.”
47. (ii) “The court process Esther Baker has initiated, egged on by others, has left Baker with a costs bill likely to be in the region of £12,000. Law enforcement and the public purse have wasted even larger sums.”
48. (iii) “Liberals and supporters of John Hemming dislike her for her support of allegations of rape made by Esther Baker. These have used vast amounts of police time and resources (that could have been spent on other alleged crimes and victims). There have been no convictions and Baker has repeatedly been called a ‘fantasist’ in the national press, for example when the Mail reported the Independent Inquiry into Child Sexual Abuse (IICSA) had refused to investigate Baker’s allegations.”
49. The meaning of these statements is that Ms Baker is a fantasist, i.e. she has made allegations of rape against men which are not true, although she may believe them to be true. Her untrue allegations have wasted police time and public money and they have diverted resources from real crimes and real victims.
50. These are statements of fact, not opinion. Words such as “ample evidence”, “have wasted”, and the last sentence of statement (iii) (applying the repetition rule) take them to *Chase* level 1.
51. They are defamatory.
52. The reference to “hearing voices” reinforces the meaning, but does not add anything otherwise.
53. The article is self-contained and self-explanatory and the ordinary reasonable reader is not likely to follow the hyperlinks in it.

### **The Third Publication**

54. The Third Publication, on 30 May 2019, is a blog article headlined “Esther Baker Crowdfunding Page Taken Down Over False Statements”. Under it is a picture which is presumably of Ms Baker. The same picture is later used in the Fourth, Seventh and Ninth Publications.
55. The 10 passages complained of in the Third Publication (placed in the order in which they appear in the article, which is not quite the same as the order in which they are pleaded in para 52 of the Amended Counterclaim) are:

56. (i) The headline itself, i.e. “Esther Baker Crowdfunding Page Taken Down Over False Statements”
57. (ii) From the text of the article: “Esther Baker’s crowdsourcing page has been taken down after Simpson Millar solicitors (whose name was placed on the page without authorisation) asked for their name to be removed.”
58. (iii) “Esther Baker’s campaign is aimed at raising money from well-meaning members of the public who are passionate about achieving justice. However, the campaign (which is down for the time being) was at best misleading and at worst actionable misrepresentation, leaving out key facts about Baker’s mental health, the evidence in the case, its current state and her various changes of lawyer. By asking for this money, Baker is inviting backers to spend their money with her instead of with other good causes, so in this article I set out the truth about the case.”
59. (iv) “Baker has failed to disclose her diagnosis of psychosis to potential donors. This is a serious omission. Psychosis is basically defined as, “a loss of contact with reality” – readers may find this article in Medical News Today helpful. People with psychosis see and hear things (such as voices) that are not there. They may have odd beliefs called delusions. Examples of delusions include Paranoid Delusions as well as Delusions of Grandeur –
- Paranoid delusions – these may cause the person with psychosis to be unduly suspicious of individuals or organizations, believing them to be plotting to cause them harm.
  - Delusions of grandeur – clearly false but strongly held belief in having a special power or authority – for instance, they may believe that they are a world leader.”
60. (v) “At the very least, donors are likely to feel entitled to consider the possibility that Baker’s extraordinary story might arise from her mental health condition.” [number (ix) in para 52 of the Amended Counterclaim]
61. (vi) “Baker argues that despite her having made unsubstantiated allegations of rape for three years it is an injustice that Hemming responded!” [number (x) in para 52 of the Amended Counterclaim]
62. (vii) “Peter Garsden and Jonathan Price said they would consider pro-bono representation, depending on Price’s conclusions. Underlining added by MHN.
- Of course, some lawyers had already reached conclusions. Earlier in the hearing it was put to the judge that no legal advice could possibly help Baker with her pleas on the issue of meaning in the counterclaim. The judge said this –
- Deputy High Court Judge Metzger: No, but what might happen is that her lawyers might advise her not to proceed with something.”
- [number (v) in para 52 of the Amended Counterclaim]
63. The “Underlining added by MHN” (that is, by the claimant himself as webmaster of Matthew Hopkins News) is in an email quoted earlier in the article from “lawyer Peter Garsden” to Ms Baker, saying that “Jonathan Price of Doughty Street Chambers” would

provide a written advice when he had all the documents, and “Dependent upon what he says, he may agree to represent you thereafter, but very much depends upon the conclusions he reaches”.

64. (viii) “It is also clear that Jonathan Price’s “conclusions” did not lead him to decide to represent Baker pro-bono.” [number (vi) in para 52 of the Amended Counterclaim]
65. (ix) “The matter is especially concerning because many of those who have tweeted in support of Baker and said they will donate are themselves vulnerable.” [number (viii) in para 52 of the Amended Counterclaim]
66. (x) “Bindmans solicitors and Simpson Millar honourably offered their time to Baker for initial pro-bono advice. Simpson Millar said that they would consider full representation. After considering it, they appear to have parted company (at least on the Defamation case). Doubtless their time will be used on other pro-bono cases. If these solicitors have looked at the papers, considered Baker’s story and the Truth and decided not to act for Baker pro-bono, not to donate further, perhaps other good people might consider doing the same.” [number (xi) in para 52 of the Amended Counterclaim]
67. The meaning of these passages is that, as a result of her psychotic illness, Ms Baker has lost contact with reality. This has caused her to appeal for money on a Crowdfunding page by making false statements, and to present an incomplete and misleading account of the facts of the case she was trying to fund. There are reasonable grounds to suspect that the case she is trying to fund is not based on real facts, but is based on delusions caused by her mental illness.
68. These are statements of fact, not opinion, albeit that the last sentence in para 67 above is at *Chase* level 2.
69. They are defamatory.
70. The meaning I have found is that the statements of the defendant are not true, but not that she knows them to be untrue. They do not mean that the defendant has told deliberate lies.

#### **The Fourth Publication**

71. The Fourth Publication, on 25 June 2019, is a blog article headlined “Esther Baker Crowdfunding Campaign Removed from Third Site.”
72. The single passage complained of is:

“At this point Baker has been dropped by four lawyers and three crowdfunding firms. The Independent Inquiry into Child Sexual Abuse (IICSA) has also declined to investigate her claims. Those organisations must have had good reasons – readers can draw their own conclusions.”
73. The full context is a short article reading:

“Unsubstantiated rape accuser Esther Baker, who accused former MP John Hemming and a number of other VIPs, has had

her crowdfunding campaign banned from yet another website – this time GoGetFunding.com.

Esther Baker has now been dropped by four lawyers and three crowdfunding firms.

This is the third site that has booted Baker and there is no point repeating all the problems with the campaign nor the evidence. My article about the many misrepresentations is here from the first time she got booted. My video about her dropping her Defence of Truth whilst telling potential donors they were going to help reveal the ‘Truth’ is here.

At this point Baker has been dropped by four lawyers and three crowdfunding firms. The Independent Inquiry into Child Sexual Abuse (IICSA) has also declined to investigate her claims. Those organisations must have had good reasons – readers can draw their own conclusions. At this point it is barely worth a stub of an article.”

74. The statement complained of means, in context:
- a) Ms Baker has made multiple claims of rape against Mr Hemming MP and others which have no real factual foundation.
  - b) She is not worthy of belief and does not deserve the financial support she has been asking for.
75. The full context and the repetition rule show that this meaning is at *Chase* level 1.
76. Meaning (a) is a statement of fact. Meaning (b) is an expression of opinion.
77. Both meanings are defamatory.

### **The Fifth Publication**

78. The Fifth Publication, on 27 August 2019, is a blog article headlined “Staffordshire Police, Esther Baker and DCS Javid Omer – His Career and Reputation on the Line?”.
79. The 10 passages complained of are:
80. (i) “Staffordshire Police believe Esther Baker is a criminal”
81. The next sentence (which is not complained of, but which I provide for context) is: “Recently, I reported some of her Twitter posts as harassment directed at myself and (indirectly) former MP John Hemming.” Passage (ii) is the next sentence after this one.
82. (ii) “Upon review, a crime number was assigned which can only happen if an officer considers on balance of probabilities that an offence was committed (police email below)”

83. The next sentence (which is not complained of) is: “I am far from the only complainant, with far more serious allegations outstanding.” Passage (iii) then follows immediately.
84. (iii) How is it that Baker has not yet been interviewed over the many allegations against her?
85. There is a considerable amount of text before passage (iv). The sentences immediately before it read “In 2015, Esther Baker accused her father, as well as former Liberal MP John Hemming and a former Labour Cabinet Minister I shall not name of being part of a large, ‘faith related’ abuse group (she disdains the word cult). Around 30 people have been interviewed including 91.5 hours with Baker herself (source).”
86. (iv) “No charges have been brought. There is no corroborating evidence.”
87. (v) “Baker was in contact with and appeared to corroborate Carl Beech – another VIP accuser. Now he has been convicted for making it all up (archive), as well as for possession of child pornography”.
88. (vi) “Baker has made an attempt to sue John Hemming for libel for calling her a liar.”
89. (vii) “Thanks to Baker and her supporters at Exaro, millions of pounds have been spent and innocent lives turned upside down – far more even than the Carl Beech case – he at least did not obtain public funding to be represented at the Independent Inquiry into Child Sexual Abuse (IICSA). Statistically, somewhere, children are languishing in the clutches of leering paedophiles at large because of all the money and police resources wasted by Staffordshire police on the investigation. It is entirely possible that children have been raped because of the resources squandered on Baker’s allegations.”
90. (viii) “Hemming says that police officers have repeatedly told him, off the record, that they believe Baker should be prosecuted. For example, Detective Superintendent Amanda Davies allegedly told Hemming that she had requested an officer spend a day at the CPS discussing charging Baker, saying no further interviews were needed and they already had enough material from Baker’s interviews as a victim.”
91. (ix) “When he met with Assistant Chief Constable Emma Barnett in June last year, Hemming was led to believe that IICSA had been told (off the record) that police were considering charging Baker. This may explain the alteration to a Determination by the Chair of IICSA around that time.”
92. The next passage complained of comes in a section which begins: “I put a draft of this article to police, with four questions –”. Questions numbered 1-4 are then set out. Passage (x) appears in that context.
93. (x) “2. *Did Amanda Davies tell John Hemming she thought Esther Baker was lying and that police had spent a day with the CPS briefing them on the case with a view to charging?*”
94. Police did not address that point, but did not deny it.
95. 3. *Why did Staffordshire Police describe Baker as a ‘victim’ in 2017?*
96. Police did not address that point, but did not deny it.”



97. (xi) “Hemming alleges police told him they knew the allegations were false but had to pursue them due to media pressure.”
98. The meaning is:
- a) There are reasonable grounds to suspect that by her Twitter posts Ms Baker has committed offences of criminal harassment.
  - b) There are reasonable grounds to suspect that Ms Baker has committed the criminal offence of wasting police time.
  - c) She has accused her father and others of being part of a large faith-related abuse group which has led to 30 people being interviewed. [This does not mean that all of those interviewed were suspected of being perpetrators themselves.] There is no evidence to support her allegations.
  - d) She has without justification lent her support to Carl Beech who made criminally invented false allegations against VIPs.
  - e) There are reasonable grounds to investigate whether Ms Baker is a deliberate liar.
  - f) Ms Baker’s false allegations have turned innocent lives upside down, more even than Carl Beech’s allegations did.
  - g) Public money was wasted on Ms Baker’s representation at the Independent Inquiry into Child Sexual Abuse. That is her fault.
  - h) Children are being abused by paedophiles because money and police resources have been used up by Ms Baker’s groundless allegations instead of being available to protect them. It is possible that some of these children have been raped as a result.
99. These are all statements of fact, with the exception of
- i) the last phrase in meaning (f) (“more even than Carl Beech’s allegations did”) which is an evaluated expression of opinion and
  - ii) the whole of meaning (h), which is an expression of opinion.
100. These meanings are all defamatory.
101. I do not think the reference to Carl Beech being “convicted... for possession of child pornography” is defamatory of the defendant. The statements do not mean that the defendant was involved in that. The reasonable ordinary reader is likely to follow the hyperlink to a BBC news report that Carl Beech’s convictions were on 12 counts of perverting the course of justice and one of fraud.

### **The Sixth Publication**

102. The Sixth Publication, on 10 October 2019, is a blog article headlined “Dr Jacqui Dillon and Her Appalling Remarks on Esther Baker and Historic Abuse.”
103. The 4 passages complained of are:
104. “(i) “Jacqui Dillon calls Baker a survivor, but none of Baker’s alleged abusers have been charged. Baker was then placed under police investigation and Staffordshire Police have stated that a file is to be sent to the CPS for advice, including on potential charges.”
105. (ii) “if she was raped at all. According to the BBC, Baker is now under police investigation for inventing all her allegations (archive). In fact matters have moved on. An advice file has now been sent to the CPS and police have stated that, “The CPS will consider the papers pertaining to the Perverting the Course of Justice allegation alongside any alternative offences they feel might be appropriate”.”
106. The first few words of the first sentence are, for context, “Hemming is clearly not the man who raped Esther Baker” before it continues, as complained of, “- if she was raped at all.” (etc).
107. The reference to the BBC is hyperlinked.
108. (iii) “Baker was initially offered free legal support by two separate firms of solicitors and barristers. After considering her papers and ‘evidence’ however they parted ways. In fact Simpson Millar solicitors even had a crowdfunding campaign Baker set up using their name taken down.”
109. (iv) “David Hencke was successfully sued, in part, for calling Esther Baker a ‘Survivor’.”
110. The meaning is that Ms Baker claims to be a survivor of sexual abuse, but there is no basis for her claims. There are reasonable grounds to suspect that she invented them, knowing them not to be true.
111. These are statements of fact.
112. They are defamatory.

### **The Seventh Publication**

113. The Seventh Publication, on 15 October 2019, is a blog article headlined “Esther Baker Made Bankrupt Over “Rape” Libel Case – are Jacqui Dillon and Jayne Senior Next?”
114. The 2 passages complained of are:
115. (i) “Esther Baker has made numerous unproven allegations of sexual abuse. Now she is literally paying the price.”
116. (ii) “At this point, most mentally healthy people would think twice about supporting her.”

117. Between these two statements, the article says “Today, at 12.55 in the afternoon at the Liverpool Civil and Family Courts, Esther Baker was made bankrupt as a result of her crumbling libel claim against John Hemming and her failure to pay the costs order.”
118. The meaning is:
- a) Ms Baker has made numerous unfounded allegations of sexual abuse.
  - b) She has paid the price by losing an unfounded libel case and being ordered to pay costs and being made bankrupt.
  - c) Right-thinking people should not believe her or support her.
119. That right-thinking people should not believe or support her is conveyed both by the court order in her “crumbling libel claim” and by the reference to “mentally healthy people” thinking twice.
120. The context shows that this article is not accusing Ms Baker of deliberate lies, although it is saying that her allegations were not true. The relatively short article (of about one page) says, after the statements complained of, “For Baker, it is a tragedy. John Hemming bears her, surprisingly, no ill-will. He recognises she was offered inappropriate encouragement by others. (...) Even now if Baker would cooperate, admit her mistake and produce evidence as to those who encouraged her, it may be another resolution could be found.” This conveys to the ordinary reasonable reader that Ms Baker is deluded and misguided rather than dishonest. It offers antidote to the bane in the passages complained of.
121. Meanings (a) and (b) are statements of fact. Meaning (c) is an expression of opinion based on meanings (a) and (b).
122. All the meanings are defamatory.

### **The Eighth Publication**

123. The Eighth Publication, on 6 November 2019, is a blog article headlined “Rekt – Esther Baker in Humiliating Libel Loss – John Hemming Innocent of Raping Her”.
124. The opening sentence (for context, although it is not complained of) is: “It is now a court finding that former MP John Hemming did not rape Esther Baker and when she publicly accused him of doing so on Twitter, she libelled him.”
125. Later it says (also not complained of, but providing context): “Mrs Justice Steyn ruled that Baker libelled Hemming by accusing him of rape on Twitter. Some aspects of the case remain live, the court has yet to rule on Baker’s claim Hemming libelled her by calling her a liar and criminal but Baker has been prohibited from saying John Hemming raped her...”
126. There is a hyperlink to the judgment of Mrs Justice Steyn which the claimant says is “lengthy and worth reading in full”. I do not think the ordinary reasonable reader is likely to do that.
127. The 6 passages complained of are:

128. (i) “In 2015 Baker, like Carl Beech from Exaro (who she supported on Twitter) made allegations of rape against an alleged faith related abuse group including in later versions at least two politicians including Hemming and a Labour Cabinet Minister. Baker is suing Hemming for calling her a liar and accusing her of Perverting the Course of Justice.”
129. (ii) “I interject that the finding that Baker deliberately dropped her defence of Truth means that the Tweet below by Baker in support of her fundraising must have been a deliberate and malicious lie. She told lies on Twitter, for the purposes of obtaining money under false pretences.”
130. The passage continues (although this is not complained of): “This was dishonest”. The “Tweet below by Baker in support of her fundraising” is then screenshotted and it says (obviously as part of a Twitter thread, although the earlier tweets are not in the article): “And it’s wrong. That defence is not blocked/dropped. My fundraising link is on my profile or pinned tweet [Smiley face emoticon].”
131. (iii) “My own thoughts on this focus on the disturbing length that Baker and her supporters have gone to silence any dissenting opinion. I find it deeply improper that Jayne Senior complained to police about me because of my articles and pro-bono legal advice to Hemming.”
132. (iv) “However, I want to be clear that the officers may be completely innocent. It is not yet clear what if anything they have said to Senior and Baker and curiously, no police reply to Baker or Senior’s emails was exhibited by Baker.”
133. (v) “She is right though – I will not be stopping my articles or legal support for Hemming. The judge found I am entitled to do those things.”
134. (vi) “There is indeed a “sinister” pattern of behaviour here. Baker and Senior have repeatedly made failed police complaints about critics.”
135. The meaning is:
- a) Ms Baker told deliberate and malicious lies on Twitter (by saying she had not dropped a defence of justification) for the purpose of raising money under false pretences.
  - b) Ms Baker has wrongly tried to silence the claimant by complaining to the police but she has not succeeded.
  - c) The claimant is entitled to speak against her and will not be silenced.
136. Meanings (a) and (b) are statements of fact. Meaning (c) is also a statement of fact.
137. Meanings (a) and (b) are defamatory of the defendant. Meaning (c) is not.
138. The passages complained of do not include the passage at para 124 above and so there is no defamation claim based on that passage. The reference to Carl Beech is a passing reference in passage (i) and is not defamatory of the defendant.

139. Passage (iv) is, in context, a discussion of whether police officers are implicated in the wrongdoing in meaning (b), or not. It adds nothing relevant to the meaning and is not in itself a statement of fact or defamatory.

### **The Ninth Publication**

140. The Ninth Publication, on 1 February 2020, is a blog article headlined “County Court Restrains Esther Baker for Racist Stalking, High Court Makes Further Strike Out Order”.
141. Under the headline is the photograph of Ms Baker used in some of the earlier publications, but this time it has the word “Restrained” splashed across it.
142. The 8 passages complained of are (retaining the numbering in para 153 of the Amended Counterclaim, which originally included another passage numbered (iii), which is no longer part of the action):
143. (i) “County Court Restrains Esther Baker for Racist Stalking”
144. (ii) “Meanwhile, MHN is finally able to report on a County Court judgement made late last year in which Baker was made subject to a lifelong restraining Order and damages for multiple counts of stalking, including racist stalking, of a proven child abuse victim who cannot be named for legal reasons.”
145. (iv) “The same week MHN also obtained the complete transcript of a harassment case against Baker that took place last year. Your author has wanted to write about this for a long time but has been waiting for the official transcript of the judgement. Esther Baker was sued in the County Court by a child abuse victim. They have anonymity, so I will be blocking out their name, sex, location and the names of any lawyers from the judgement extracts.”
146. (v) “However, MHN can reveal that Baker has been successfully sued under the Protection from Harassment Act 1997 – anti-stalking legislation – for a years long campaign of racist stalking against a proven child abuse victim. The judge ruled on 20 allegations and found 16 to be true. Multiple counts were expressly found to be racist.”
147. (vi) “Whether she is a liar, mad or just mistaken is yet to be proven.”
148. The sentences immediately before and immediately after this one provide some context, the three sentences reading together as follows: “Although the evidence against Baker seems strong, it is important to note that the case is indeed going to trial. Whether she is a liar, mad or just mistaken is yet to be proven. However, Ms Baker has taken the very unusual course of formally declining to file evidence.”
149. (vii) “I can say without fear of libel that Baker is a proven, malevolent, racist stalker based on the County Court judgement. I can say that she is obsessive and that she damaged the health of a proven child abuse victim.”
150. (viii) “Given the woman Mr Willmot is supporting is a proven racist stalker, perhaps he should reconsider. If not, he may receive formal legal contact from Hemming or his representatives in due course.”

151. (ix) “Whatever the outcome of the trial, what is now clear is that Staffordshire Police squandered vast amounts of public funds on the words of a mentally ill woman known to have a history of making up stories for attention and for which there was no forensic evidence.”
152. The meaning is:
- a) Ms Baker is guilty of 16 allegations of stalking against a proven child abuse victim that was so serious that it justified a lifelong restraining order being imposed by the Court.
  - b) In many (but not all) of the 16 counts, Ms Baker’s stalking was racist.
  - c) She is either a liar, or mad, or mistaken. It is not clear which.
  - d) She has made up stories for attention and without evidence.
  - e) Her made-up stories have resulted in vast amounts of public money being wasted by the Staffordshire police.
153. Meanings (a) to (e) are all statements of fact, not expressions of opinion.
154. Meaning (c) is a statement of fact that Ms Baker is either a liar, or mad or mistaken and that there is no other explanation.
155. All the meanings are defamatory. This includes the possibilities that Ms Baker is mad or mistaken rather than a liar, since all three possible explanations are related to her being a proven stalker who has been restrained by court order.

### **The Tenth Publication**

156. The Tenth Publication, on 8 February 2020, is a blog article headlined “Staffordshire Police, DCS Javid Oomer, DC Garry Bainbridge Must be Investigated Over Esther Baker Bias”.
157. The 4 passages complained of are:
158. (i) “with Mrs Justice Steyn ruling her allegations of VIP ritual abuse, “untrue”. Baker is now supposedly under police investigation.”
159. This comes at the end of a paragraph reading, in full (by way of context):
- “On 17th December 2019 Esther Baker filed her Re-Amended Reply to Defence in the claim *Baker v Hemming*. By way of brief explanation, Esther Baker was an abuse accuser who alleged that a group of VIPs and others ritually abused her. No charges have been brought. She has attempted to sue one of the VIPs, former MP John Hemming for libel for calling her a liar. He counter-sued for libel over her rape allegations. Much of Baker’s claim was struck out last year and she lost the counter-claim entirely, with Mrs Justice Steyn ruling her allegations of VIP ritual abuse, “untrue”. Baker is now supposedly under police investigation.”

160. (ii) “Under CPR 5.4C (1) (a) any non-party may obtain a copy of the pleadings (but not attachments) in the case as of right without the court’s permission so the pleadings are not confidential.”
161. (iii) “So, although the ruling against Baker was a civil finding it amounted to a civil finding that Baker was a perpetrator of the crime of harassment. Indeed the behaviour appears to meet the definition of stalking”.
162. (iv) “It is time that the officers, all the officers, on the case were changed and Staffordshire Police started to take Baker seriously as a perpetrator and take those she accused seriously as potential victims”.
163. The meanings are:
- a) Ms Baker made allegations of VIP ritual abuse which were untrue.
  - b) Ms Baker is guilty of harassment and the conduct may amount to stalking.
164. Meanings (a) and (b) are statements of fact apart from “and the conduct may amount to stalking” which is an expression of opinion.
165. Both meanings are defamatory.
166. Statement (ii) means what it says and requires no paraphrase, but it is not defamatory of the defendant.

### **The Eleventh Publication**

167. The Eleventh Publication, on 14 April 2020, is a blog article headlined “Twitter’s Del Harvey / Alison Shea and Vijay Gadde Openly Back Child Rape Stalker and Anti-Semite Racist.”
168. The 5 passages complained of are:
169. (i) The words “Child Rape Stalker” in the headline.
170. (ii) “Baker was so depraved she even tried to contact the paedophile priest – to try to undermine his conviction! It borders on the immortal line, “So, we got a once in a lifetime, top of the line looney tuney”, from the movie Basic Instinct. Except of course that Baker, who admits to hearing voices, is no Sharon Stone.”
171. (iii) “MHN has erased the barrister’s name to protect the anonymity of the victim of Baker’s years of racist stalking.”
172. (iv) “Baker actively attempted to cooperate with the Catholic Priest who raped the child abuse victim and falsely and maliciously accused the victim of perjury on Twitter. Why does Twitter allow itself to be used for criminal assistance offered to child rapists?”
173. (v) “For all practical purposes Twitter have chosen to support and enable an exceptional racist stalker.”

174. The meanings are:

- a) Ms Baker stalked a victim of child rape for years.
- b) Ms Baker is depraved.
- c) She tried to contact a paedophile priest to try and undermine his criminal conviction.
- d) Ms Baker accused the paedophile priest's victim of perjury on Twitter. This accusation was false, malicious and criminal.
- e) Ms Baker is a racist stalker.
- f) Ms Baker is worse even than most racist stalkers.

175. Meanings (a), (c), (d) and (e) are statements of fact. Meaning (b) is an expression of opinion, based on meaning (c). Meaning (f) is an expression of opinion.

176. All these meanings are defamatory.



**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**MEDIA AND COMMUNICATIONS LIST**

**The Honourable Mr Justice Griffiths**  
**9 March 2022**

**B E T W E E N:**

**SAMUEL COLLINGWOOD SMITH**

**Claimant**

**-and-**

**ESTHER RUTH BAKER**

**Defendant**

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**ORDER**

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**UPON THE TRIAL** of preliminary issues on written submissions pursuant to the order of the Honourable Mr Justice Nicklin dated 22 October 2021 in respect of each of the First to Eleventh Publications inclusive (as defined in para 1 below) to determine (1) the natural and ordinary meaning of each Publication; (2) whether the Publication is defamatory of the claimant at common law; and (3) whether the Publication is, or contains, a statement of fact or expression of opinion

**AND UPON CONSIDERING** the written submissions of the Defendant (who is the Claimant to the Counterclaim) and of the Claimant (who is the Defendant to Counterclaim) dated 5 November 2021 (Claimant), 19 November 2021 (Defendant) and 3 December 2021 (Claimant)

**AND UPON** the Court handing down judgment on 10 February 2022

**AND UPON CONSIDERING** written submissions from the parties by emails dated 11 February, 17 February and 1 March 2022

**IT IS ORDERED AND DIRECTED AS FOLLOWS:**

1. In this Order, the publications complained of are defined as:
  - (1) 6 May 2019 publication (Paragraphs 7-29 of the Amended Counterclaim) (“the First Publication”);
  - (2) 8 May 2019 publication (Paragraphs 37-49 of the Amended Counterclaim) (“the Second Publication”);
  - (3) 30 May 2019 publication (Paragraphs 51-74 of the Amended Counterclaim) (“the Third Publication”);
  - (4) 25 June 2019 publication (Paragraphs 76-82 of the Amended Counterclaim) (“the Fourth Publication”);
  - (5) 27 August 2019 publication (Paragraphs 84-110 of the Amended Counterclaim) (“the Fifth Publication”);
  - (6) 10 October 2019 publication (Paragraphs 112-122 of the Amended Counterclaim) (“the Sixth Publication”);
  - (7) 15 October 2019 publication (Paragraphs 124-131 of the Amended Counterclaim) (“the Seventh Publication”);
  - (8) 6 November 2019 publication (Paragraphs 133-150 of the Amended Counterclaim) (“the Eighth Publication”);
  - (9) 1 February 2020 publication (Paragraphs 152-171 of the Amended Counterclaim) (“the Ninth Publication”);
  - (10) 8 February 2020 publication (Paragraphs 172-183 of the Amended Counterclaim) (“the Tenth Publication”); and
  - (11) 14 April 2020 publication (Paragraphs 185-198 of the Amended Counterclaim) (“the Eleventh Publication”).

**The trial of the preliminary issues**

**The First Publication**

2. The natural and ordinary meaning of the First Publication is:
  - (1) Ms Baker has a mental illness and, as a result of this, she has been making allegations which are not true.
  - (2) Her untrue allegations are dangerous and may discredit the campaign for real victims.
  - (3) No attention should be paid to her when she makes them.
3. Meaning (1) is a statement of fact. Meanings (2) and (3) are expressions of opinion.
4. Meanings (1), (2) and (3) are defamatory at common law.

#### **The Second Publication**

5. The natural and ordinary meaning of the Second Publication is:
  - (1) Ms Baker is a fantasist, i.e. she has made allegations of rape against men which are not true, although she may believe them to be true.
  - (2) Her untrue allegations have wasted police time and public money and they have diverted resources from real crimes and real victims.
6. Meanings (1) and (2) are statements of fact.
7. Meanings (1) and (2) are defamatory at common law.

#### **The Third Publication**

8. The natural and ordinary meaning of the Third Publication is:
  - (1) As a result of her psychotic illness, Ms Baker has lost contact with reality. This has caused her to appeal for money on a Crowdfunding page by making false statements, and to present an incomplete and misleading account of the facts of the case she was trying to fund.
  - (2) There are reasonable grounds to suspect that the case she is trying to fund is not based on real facts, but is based on delusions caused by her mental illness.

9. Meanings (1) and (2) are statements of fact.
10. Meanings (1) and (2) are defamatory at common law.

#### **The Fourth Publication**

11. The natural and ordinary meaning of the Fourth Publication is:
  - (1) Ms Baker has made multiple claims of rape against Mr Hemming MP and others which have no real factual foundation.
  - (2) She is not worthy of belief and does not deserve the financial support she has been asking for.
12. Meaning (1) is a statement of fact. Meaning (2) is an expression of opinion.
13. Meanings (1) and (2) are defamatory at common law.

#### **The Fifth Publication**

14. The natural and ordinary meaning of the Fifth Publication is:
  - (1) There are reasonable grounds to suspect that by her Twitter posts Ms Baker has committed offences of criminal harassment.
  - (2) There are reasonable grounds to suspect that Ms Baker has committed the criminal offence of wasting police time.
  - (3) She has accused her father and others of being part of a large faith-related abuse group which has led to 30 people being interviewed. There is no evidence to support her allegations.
  - (4) She has without justification lent her support to Carl Beech who made criminally invented false allegations against VIPs.
  - (5) There are reasonable grounds to investigate whether Ms Baker is a deliberate liar.
  - (6) Ms Baker's false allegations have turned innocent lives upside down, more even than Carl Beech's allegations did.
  - (7) Public money was wasted on Ms Baker's representation at the Independent Inquiry into Child Sexual Abuse. That is her fault.

- (8) Children are being abused by paedophiles because money and police resources have been used up by Ms Baker's groundless allegations instead of being available to protect them. It is possible that some of these children have been raped as a result.
15. Meanings (1) – (5) and Meaning (7) are statements of fact.
16. The first part of Meaning (6) ["Ms Baker's false allegations have turned innocent lives upside down"] is a statement of fact. The second part of Meaning (6) ["more even than Carl Beech's allegations did"] is an expression of opinion.
17. Meanings (1) to (8) are all defamatory at common law.

### **The Sixth Publication**

18. The natural and ordinary meaning of the Sixth Publication is:
  - (1) Ms Baker claims to be a survivor of sexual abuse, but there is no basis for her claims.
  - (2) There are reasonable grounds to suspect that she invented them, knowing them not to be true.
19. Meanings (1) and (2) are statements of fact.
20. Meanings (1) and (2) are defamatory at common law.

### **The Seventh Publication**

21. The natural and ordinary meaning of the Seventh Publication is:
  - (1) Ms Baker has made numerous unfounded allegations of sexual abuse.
  - (2) She has paid the price by losing an unfounded libel case and being ordered to pay costs and being made bankrupt.
  - (3) Right-thinking people should not believe her or support her.
22. Meanings (1) and (2) are statements of fact. Meaning (3) is an expression of opinion.

23. Meanings (1), (2) and (3) are defamatory at common law.

### **The Eighth Publication**

24. The natural and ordinary meaning of the Eighth Publication is:

- (1) Ms Baker told deliberate and malicious lies on Twitter (by saying she had not dropped a defence of justification) for the purpose of raising money under false pretences.
- (2) Ms Baker has wrongly tried to silence the claimant by complaining to the police but she has not succeeded.
- (3) The Claimant is entitled to speak against her and will not be silenced.

25. Meanings (1), (2) and (3) are statements of fact.

26. Meanings (1) and (2) are defamatory of the Defendant at common law. Meaning (3) is not defamatory of the Defendant at common law.

### **The Ninth Publication**

27. The natural and ordinary meaning of the Ninth Publication is:

- (1) Ms Baker is guilty of 16 allegations of stalking against a proven child abuse victim that were so serious that they justified a lifelong restraining order being imposed by the Court.
- (2) In many (but not all) of the 16 counts, Ms Baker's stalking was racist.
- (3) She is either a liar, or mad, or mistaken. It is not clear which.
- (4) She has made up stories for attention and without evidence.
- (5) Her made-up stories have resulted in vast amounts of public money being wasted by the Staffordshire police.

28. Meanings (1) to (5) are statements of fact.

29. Meanings (1) to (5) are defamatory at common law.

### **The Tenth Publication**

30. The natural and ordinary meaning of the Tenth Publication is:

- (1) Ms Baker made allegations of VIP ritual abuse which were untrue.

- (2) Ms Baker is guilty of harassment.
  - (3) Her conduct may amount to stalking.
31. Meanings (1) and (2) are statement of fact. Meaning (3) is an expression of opinion.
32. Meanings (1), (2) and (3) are defamatory at common law.

### **The Eleventh Publication**

33. The natural and ordinary meaning of the Eleventh Publication is:
- (1) Ms Baker stalked a victim of child rape for years.
  - (2) Ms Baker is depraved.
  - (3) She tried to contact a paedophile priest to try and undermine his criminal conviction.
  - (4) Ms Baker accused the paedophile priest's victim of perjury on Twitter. This accusation was false, malicious and criminal.
  - (5) Ms Baker is a racist stalker.
  - (6) Ms Baker is worse even than most racist stalkers.
34. Meanings (1), (3), (4) and (5) of are statements of fact. Meaning (2) is an expression of opinion, based on meaning (3). Meaning (6) is an expression of opinion.
35. All these meanings are defamatory at common law.

### **Costs**

36. The costs of the preliminary issues trial be in the case.

### **Case Management Directions**

37. By 4 pm on Friday 18 March 25 February 2022, the Defendant must file and serve a Re-Amended Counterclaim which is updated to reflect the rulings set out in Paragraphs 1 to 35 above ("the Rulings"). The Defendant does not have permission to amend in any other respect.

38. By 4 pm on Friday 8 April 2022, the Claimant must file and serve a Re-Amended Defence to Counterclaim responding to the amendments filed pursuant to para 37 above. The Claimant does not have permission to amend in any other respect.
39. By 4 pm on Friday 29 April 2022, the Defendant must file and serve an Amended Reply to Defence of Counterclaim, responding to the amendments filed pursuant to para 38 above. The Defendant does not have permission to amend in any other respect.
40. By 4 pm on Friday 15 April 2022, the parties are to contact the QB Listing Section to request that a hearing is listed before a Judge in the Media and Communications List in a window between 27 June and 31 July 2022 or so soon thereafter as possible with a time estimate of 1 day (“the Further Hearing”).
41. The Further Hearing will consider the future case management of the case and the outstanding application by the Claimant to strike out the Counterclaim or for summary judgment. If the Claimant wishes to amend or re-issue that application, he must do so and re-serve on the Defendant and file it with the Court, including any additional evidence and written submissions in support, by 4 pm on Friday 8 April 2022. The Defendant must serve any evidence or submissions in response by 4 pm on Friday 13 May 2022. Any amended or re-issued application must be returnable on the date of the Further Hearing.
42. The parties are to agree and file with the Court an indexed and paginated bundle for the Further Hearing by 4 pm on Friday 10 June 2022, containing only those documents to be referred to at that hearing by one or other of the parties.
43. The parties are to exchange and file with the Court brief skeleton arguments in relation to the Further Hearing not less than 7 days before that hearing.

Dated 9 March 2022