

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

MEDIA & COMMUNICATIONS LIST

B E T W E E N

ANDREW MILNE

Claimant

and

SAINSBURY'S SUPERMARKETS LTD

Defendant

PARTICULARS OF CLAIM

1. The Claimant is a solicitor.
2. The Defendant owns the supermarket chain Sainsbury's.
3. On 24 June 2022 the Claimant visited a Sainsbury's store located at Woodchurch Road, Prenton, Wirral. At 14.26 he paid for four items. He then proceeded to walk to his car, which was parked in the store's car park. Having exited the doors to the store to walk to the car park, he heard a man shouting at him. The man was employed by the Defendant and acting in the course of his employment and/or acting on its behalf. The man shouted the following words which defamed the Claimant:

Stop thief

You are a thief.

You are a shoplifter.

You should be in jail.

I am arresting you for shoplifting.

You are a thief . . . you are stealing my bag . . . you have stolen goods in your bag.

I am arresting you, thief.

4. The volume of the man's shouting and the nature of the accusations he was making against the Claimant attracted the attention of approximately 50 people who were

in the vicinity of the doors to the store and the car park and within earshot of the man. It was obvious that the accusations being made by him were directed at the Claimant.

5. The Claimant then walked to the store, where he complained about what had happened.
6. The words complained of meant and were understood to mean that the Claimant is a thief, a shoplifter.
7. The words spoken imputed that the Claimant had committed a criminal offence contrary to section one of the Theft Act 1968 which was punishable by imprisonment.
8. The publication of the words in issue caused serious harm to the Claimant's reputation because:
 - 8.1. the allegations were serious, imputing the commission of a criminal offence;
 - 8.2. they were published to around 50 people;
 - 8.3. the accuser was clearly an official security guard employed by Sainsbury's and was therefore credible;
 - 8.4. the Claimant did not publicly remonstrate with the accuser but instead re-entered the store to complain about his behaviour (which remonstrations would not have been visible to or heard by the publishers present when the words complained of were spoken);
 - 8.5. the Claimant had been brought up in the area around Prenton and continues to visit it. He was the Head Server at the local parish church and the head boy of a local school. He is therefore well known in the Prenton area; and
 - 8.6. the Claimant recognised the faces of about one third of the people who witnessed the incident and heard the words complained of;
 - 8.7. it is highly likely that many who witnessed the incident recognised the Claimant as being from that area and that some would have known him by name; and
 - 8.8. it is highly likely that as the Claimant goes about his business in the area local to the supermarket that he will again encounter the witnesses to the incident, who will believe that he is a shoplifter.
9. In the premises, serious harm was caused to the Claimant's reputation.

10. The Claimant was and continues to be deeply embarrassed by the publication of the words complained of.

AND the Claimant claims:

(1) An order under section 12 of the Defamation Act 2013 that the Defendant publish a summary of the judgment in these proceedings.

(2) Damages

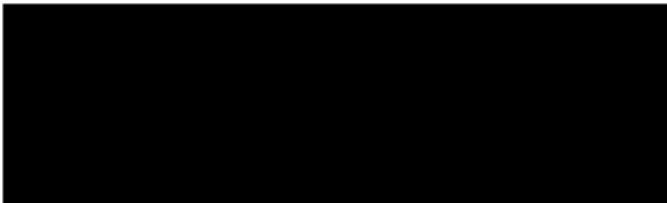
(3) Costs

(4) Further or other relief

WILLIAM BENNETT KC

STATEMENT OF TRUTH

I believe that the facts stated in these Particulars of Claim are true. I 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.



Claimant

SERVED this 23 June 2023 by Andrew Milne & Co, Tower 42, Old Broad Street, London EC2N 1HN. Solicitors to the Claimant