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8th February 2019

Dear Sirs,

Emil Kirkegaard v Oliver Smith

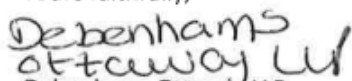
We write in relation to the above matter.

We can confirm that following counsel's advice we have been informed that this matter is a claim that would be suitable for a determination on meaning as a preliminary issue.

We refer to the case of *Morgan v Associated Newspapers Limited* [2018] EWHC 1850 (QB) and in particular paragraphs 8-10 of the judgment of Mr Justice Nicklin which sets out the necessity to be consistent with the overriding objective to deal with cases justly and proportionately and that "parties must consider whether the expense of a defence is justified before the Court has ruled on meaning." It is clear from recent judgment within defamation cases including, *Arnold Sube (1) Jeanne Sube (2) v News Group Newspapers (2) Express Newspapers (2)* [2018] EWHC 1234 (QB) in which we were instructed, that the view of the judges is to determine meaning before further unnecessary costs are incurred.

We request that you confirm by 4pm on Monday 11th February 2019 your agreement to a hearing of the preliminary hearing on determination on meaning. If you do not provide your consent, we will be seeking costs from you in relation to the application.

Yours faithfully,


Debenhams Ottaway LLP

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