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IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

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KING'S BENCH DIVISION

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Between:

PETER JACKSON

Plaintiff

and

DANIELLE COLLINS

Defendant

_____

Mr Lyttle KC leading Mr Bassett (instructed by KRW Law Solicitors) on behalf of the plaintiff.

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MASTER HARVEY

Introduction

[1] In this libel action, proceedings were issued in March 2019. The defendant failed to enter an appearance and as a result, the plaintiff obtained default judgment. The action proceeded to hearing on the 7 October 2025 for the purpose of assessment of damages. The defendant did not take part in the hearing.

[2] The plaintiff's claim centres on a series of posts on the Twitter platform as it then was, under the name *@DanielleTVGold*, between the 13 and 16 April 2018. This was just over two weeks after the conclusion of a high-profile criminal trial involving the plaintiff's son which resulted in a not guilty verdict. There were 19 posts attributed to the defendant over this period which commented on the trial. Some of the initial posts on the 13 and 14 April 2018 were as follows:

> "…Full investigation needed into this trial. It was rigged in favour of #wasteboys #retrial #wastelaw…

…Not guilty does not = Innocent Two rapists. They're just lawyered up real good & got some lucky breaks.

…the only fixture list these two should be attached to is the sex offenders list…"

The posts then moved on to discuss one of the witnesses at the trial:

"I think Dara Florence is a very very bad human & a liar. The 3 middle class girls seem cliquey and bitchy BUT has Dara Florence been paid off?????? Something really amiss here. If she's mates with PJ why ask her to join in??/Why such loyalty to PJ…"

[3] On April 15, 2018, the following messages were posted:

"Well someone needs to investigate Dara Florence bank accounts and Mr Jackson should be jailed for witness tampering. Dara was offered money to do interview & turned it down. She wanted this mess to go away very very quickly – she's hiding something. She's a liar and a bad human…

I'd suspect Dara Florence has had a large sum of money deposited in an account (probably UK bank). Or car or property bought. Paddys father was unsuccessful at his attempts at paying off victim/hero. Dara too rehearsed/too poised/she's a fraud and I'm calling Bullshit…"

Another Twitter user by the name *@SByrneMedium* replied to this:

"Sure it's widely known that Jackson's father offered to pay the victim off in an attempt to get her to drop the charges! It would be no biggie to pay off a witness."

The defendant responded to this stating:

"Yes I was told locally it's common knowledge - press/journalists also aware but again patience for proof of transfer of funds."

[4] In or around the 29 May 2018, the defendant deleted her account, meaning the above posts were visible for a period of six weeks. The trial and its aftermath attracted a lot of attention in the media and considerable online debate as is natural given its profile. Freedom of expression is protected by the European Convention but it is important to distinguish opinions regarding that and the allegations at the centre of this case which concern someone not on trial for anything but was accused of seeking to bribe a witness and the complainant. Such a personal attack aimed at trashing a person's reputation with false accusations of being criminally dishonest, crosses into libel and court action which can lead to stiff financial penalties.

[5] I was provided with a helpful electronic bundle for the hearing and am grateful to counsel for his focused oral submissions. In addition to the affidavits and oral evidence at hearing, I had the benefit of an expert report from Professor Curran, Professor of Cyber Security at Ulster University, regarding various aspects of the visibility and dissemination of tweets.

Chronology

[6] This case has a protracted history over several years which I will set out in some detail as it demonstrates the defendant's conduct which is a relevant factor when assessing whether there has been any mitigation.

[7] A detailed letter of claim was sent to the defendant on the 28 June 2018. The authorities make clear that the speed of response is a particularly relevant matter to be taken into account in defamation proceedings. In this case, there was no response at all. The writ and notice of writ were then issued on the 21 March 2019. The writ is in the following terms:

> "The plaintiff claims damages for libel for words published by the defendant of and concerning the plaintiff using the Twitter name "@DanielleTVGold" on April 15 and April 16, 2018.
>
> And the plaintiff claims aggravated damages."

[8] Leave was sought and obtained from the court to serve the writ outside the jurisdiction as the defendant lived in Dublin. This was duly served by the plaintiff's solicitor by post on the 22 March 2019. The notice of writ made clear the defendant had 21 days within which to enter an appearance, failing which the plaintiff may proceed to enter judgment. No appearance was entered. The plaintiff then obtained leave to enter judgment on the 3 July 2019. The default judgment was issued by the court on the 14 February 2020 and served by the plaintiff on the 10 March 2020. I pause to observe I have the benefit of an affidavit from a private security company who were engaged by the plaintiff's solicitors. They located the defendant and her address for service in Dublin. It was at this address that proceedings and the default judgment were served.

[9] Given the lack of engagement and the fact there was an extant default judgment, the plaintiff understandably applied to have damages assessed pursuant to Order 37 of Rules of Court of Judicature (Northern Ireland) 1980 ("the Rules") on the 9 October 2020. The next procedural step of relevance is that the defendant engaged a solicitor who applied to have the default judgment set aside on the 22 January 2021. The defendant claimed there were irregularities with service of the writ and she wanted to defend the claim on the basis that she did not publish the

offending messages. The plaintiff then applied by summons on the 15 October 2024, to remedy any purported irregularities with service of the writ. This was accompanied by the plaintiff's second application (the first having been refused by Master McCorry) for the defendant to attend court and give evidence in support of her set aside application as the plaintiff took issue with alleged inconsistencies in the defendant's two affidavits filed with the court.

[10] During this period, there was also a complaint to the Law Society of Northern Ireland by the plaintiff as he believed the defendant's solicitor had a conflict of interest having previously worked for the plaintiff's solicitors' firm during the criminal trial of his son. The defendant's solicitor subsequently applied to come off record on the 13 December 2024, for unrelated reasons. The grounding affidavit to that application made clear that the plaintiff previously had been "regularly and directly engaged in her case at every stage." This included contact by phone and email. They had personally met with her in Dublin. The solicitor avers she became unresponsive in or around May 2023. The solicitor telephoned and wrote to her several times after this with no response. The last communication made clear that in the absence of instructions they "were left with no alternative but to now advance an application to come off record."

[11] I granted the defendant solicitors' application to come off record pursuant to Order 67 rule 5 of the Rules, on the 6 January 2025. The order included a direction that the solicitor was to serve a copy of the court order on the defendant at her last known address and email address within seven days and further stated:

> "AND IT IS ORDERED the defendant's solicitor shall also inform the defendant it is recommended she now seeks alternative legal representation and provide contact details for the next solicitor and confirm the case is listed for review on the 5/2/2025, either she of her solicitor needs to attend in person or may request remote attendance."

[12] The defendant has failed to engage in the proceedings since then. This includes failure to instruct a new solicitor and failure to attend the court reviews on the 8 November 2024, 2 December 2024, 13 December 2024, 6 January 2025, 5 February 2025 and 17 June 2025. At the latter review, given the lack of progress, I struck out the defendant's outstanding set aside application as well as two of the plaintiff's applications which were rendered redundant as a consequence. For the avoidance of doubt, even though there is an unchallenged default judgment, in so far as is necessary I determine that service of proceedings has been properly effected on the defendant in this case. I then listed the action for hearing for the purpose of assessment of damages pursuant to Order 37 of the Rules. I directed the plaintiff's

solicitor to write to the defendant serving notice of the date, time and venue of the hearing and to indicate to the plaintiff that she or her legal advisers may attend to make representations to the court.

[13] I observe that rarely in an assessment of damages hearing have I seen such extensive efforts to track down a defendant. The plaintiff solicitor filed an affidavit and exhibited vouching documentation on the 30 September 2025, setting out the efforts he made, including serving the notice of appointment, which is a procedural requirement under the Rules and in compliance with the court's direction, on two separate email addresses for the defendant and two addresses in the USA by a form of registered post. This was in addition to having previously engaged a private security firm to locate the defendant in Dublin. None of this provoked a response and as stated above, her now former solicitor similarly made efforts to get the defendant to engage in the process having contacted her on several occasions.

Legal principles

[14] The power to assess damages following default judgment is pursuant to Order 37 of the Rules, which where relevant in the following terms:

> "Assessment of damages by a master
>
> 1.—(1) Where judgment is given for damages to be assessed and no provision is made by the judgment as to how they are to be assessed, the damages shall, subject to the provisions of these Rules, be assessed by a master and the party entitled to the benefit of the judgement may, after obtaining the necessary appointment from the master, and at least 7 days before the date of the appointment, serving notice of the appointment on the party against whom the judgment is given, proceed accordingly.
>
> (2) Notwithstanding anything in Order 65, rule 9, a notice under this rule must be served on the party against whom the judgment is given.
>
> …"

[15] There are two recent high-profile cases in this jurisdiction, both involving local politicians as plaintiffs, dealing with the assessment of compensation in a defamation action. The first is a decision of Stephens J, in *Thomas Elliot v Philip Flanagan* [2016] NIQB 8. The principles in that case were followed in a later case *Arlene Foster v Christian Jessen* [2021] NIQB 56, by McAlinden J. Both decisions provide helpful guidance. The general principles to be applied are set out at para 91 by McAlinden J in *Foster* as follows:

"…Firstly, the award of general damages in defamation proceedings is intended to serve the following three functions, namely:

(i) To act as a consolation to the plaintiff for the distress the plaintiff suffers from the publication of the statement;

(ii) To repair loss to the plaintiff's reputation; and

(iii) As a vindication for the plaintiff's reputation.

[92] The assessment of damages is not achieved by following some mechanical, arithmetical or objective formula (see *Broome v Cassell & Co Ltd* [1972] AC 1027 at 1071). The court is entitled to take into account a wide range of matters and it is useful to have regard to the checklist adopted by Hirst LJ in *Jones v Pollard* [1996] EWCA Civ 1186 which highlighted the following matters:

1. The objective features of the libel itself, such as its gravity, its prominence, the circulation of the medium in which it was published, and any repetition.

2. The subjective effect on the plaintiff's feelings (usually categorised as aggravating features) not only from the publication itself, but also from the defendant's conduct thereafter both up to and including the trial itself.

3. Matters tending to mitigate damages, such as the publication of an apology.

4. Matters tending to reduce damages, e.g. evidence of the plaintiff's bad reputation, or evidence given at the trial which the jury are entitled to take into account in accordance with the decision of this court in *Pamplin v Express Newspapers Ltd* [1988] 1 W.L.R. 116.

5. Special damages.

6. Indication of the plaintiff's reputation past and future."

[16] One draws further guidance from the various authorities in this area, which I would summarise in the following way. This is not intended as an exhaustive checklist to be mechanistically followed:

1. The level of compensation is an aspect of the vindication sought by the plaintiff. See *Broome v Cassell* case at 1071 which states the plaintiff:

> "… must be able to point to a sum awarded by a jury sufficient to convince a bystander of the baselessness of the charge."

Vindication can also come about via an apology which will serve as mitigation when assessing quantum. I will discuss any attempts at mitigation later in this judgment.

2. The court can also take into account the plaintiff's status and reputation, the extent of publication and the conduct of the publisher. (See para 94 of *Foster*.)

3. The award is compensatory in nature and must be proportionate to the injury to reputation and based on the plaintiff's loss. The awarding of disproportionate damages may risk violating freedom of expression as enshrined in Article 10 ECHR. When assessing proportionality, it may be useful to have regard to awards in this and other jurisdictions as well as the guidance contained in *Guidelines for the Assessment of General Damages in Personal Injury Cases in Northern Ireland* - Sixth Edition ("The Green Book"), published in 2024. This should not distract from the three functions of defamation awards, however, and the court should not try to seek any precise correlation. See the comments of Hirst LJ in *Jones v Pollard* [1997] EMLR 233 at 257.

4. The income and resources of the defendant may be a factor when considering proportionality, but as stated in *Foster,* the means of a defendant are irrelevant to the assessment of damages for a tort. In *Elliot* it was also stated that the assessment has nothing to do with what the defendant can afford to pay. See *Rai v Bholowasia* [2015] EWHC 382 (QB) at paragraph [181]. The court can take into account the purchasing power of money in accordance with the practice set out in *Sutcliffe v Pressdram Ltd* [1991] 1 QB 153. The court has no regard for awards made by juries in other cases but will take account of awards approved by the Court of Appeal and reasoned awards made by judges sitting without a jury.

[17] I consider it appropriate to take into account the awards made in the *Elliot* and *Foster* cases albeit doing so with caution given the danger in making comparisons when the facts of each case vary greatly and the effect of the publication requires an assessment of the subjective impact on the individual's

feelings. Each case is different just as each person's reactions to particular events are different.

[18] The *Elliot* case dates back to 2016. The defendant was a Sinn Fein MLA who had 5,000 followers on Twitter. The plaintiff was a senior politician, who had been the leader of the Ulster Unionist political party. The defendant claimed the plaintiff "was responsible for harassing and shooting people during his service with the UDR." The post was quickly deleted but during this brief time, it was read 167 times and retweeted 6 times. This was held to be a most serious libel attacking the plaintiff's integrity at a most fundamental level. The judge determined that "the limited period of publication of the libel on the defendant's Twitter account, the limited numbers who saw the defamatory statement and the limited repetition are significant factors". He accepted that the plaintiff was shocked by the defamatory statement, but his dominant feeling was disappointment and frustration rather than upset. There was no suggestion the plaintiff was ostracised in the community as he was subsequently elected as a Member of Parliament in Westminster. There were aggravating features including the lack of any response to the letter of claim and the failure to publish an apology until the date of the hearing, all resulting in the plaintiff having to give evidence. There was, therefore, some vindication by virtue of the apology but it was considered that the award should still be sufficient to convince a bystander of the baselessness of the charge. The learned judge determined that the appropriate award, absent mitigation, was £75,000 and reduced that by thirty five percent in light of the limited mitigation, awarding the plaintiff £48,750.

[19] In *Foster* the defendant's posts were also on Twitter. In December 2019 he made the baseless accusation that the plaintiff, who was First Minister of Northern Ireland prior to the collapse of the assembly in January 2017 and returned to the position in the weeks following the tweets, "had been discovered having an affair with one of her Close Protection Officers and that her marriage had broken down." The defendant was described as a "significant public media figure who is also a practising clinician." The learned judge determined this to be a highly prominent libel. The tweet remained on the defendant's Twitter page for two weeks. The defendant had 311,000 followers. It was liked approximately 3,500 times and retweeted 517 times. It was the subject of mainstream media coverage, a large number of people were aware of the content, and it was widely repeated. The judge felt these were important factors when determining the award of compensation. He concluded this was an outrageously bad libel "causing very considerable upset, distress, humiliation, embarrassment and hurt." There was no apology by the defendant and his failure to engage in the process led the judge to conclude that his

conduct was such that there was no mitigation. He awarded £125,000 damages which in the absence of any information regarding the defendant's finances and having regard to personal injury awards in the Green Book, he considered a proportionate figure.

The oral evidence

[20] Mrs Gay Jackson, the wife of the plaintiff, gave evidence to the court. In 2021 she retired from her role which she held for 22 years as a physiotherapist in the health service. She stated that in the aftermath of her son's criminal trial the family were trying to get their lives back to normal. Mrs Jackson spoke of the deep impact the tweets had on her husband and how it affected their marriage. She said they were such obvious lies and "they just crushed him." She said "the core of his self-esteem is to be truthful, he doesn't deal in lies." She said his whole confidence and self-esteem had been ripped from him because of what happened. He was angry and could not believe that someone would falsely claim that he paid the witness and tried to pay off the complainant. His sleep was affected as he started to trawl Twitter on a daily basis. He woke every night in the early hours of the morning and could not get back to sleep due to anxiety and he would inevitably start looking through his phone. He was restless and would screenshot what he was seeing and reading. He became obsessed with checking if this had been repeated and what people were saying about him. Prior to this he would only have used his computer for work purposes. For her part, Mrs Jackson wanted to ignore it and get on with life and work, but she quickly realised she could not do so albeit she did not want to talk about it all the time. Over the seven years she claims this has worsened. Every time the defendant denied posting the offending comments, "it was like another slap in the face." In their marriage, they disagreed and bickered as this put a strain on them. They have not as yet been able to enjoy their retirement and plans to go travelling have not come to fruition. Her husband was previously a gregarious person. He got on with people, but he started to question what friends and wider family were thinking and saying about him, he did not want to go to family occasions and became paranoid, obsessive and distrustful. Mrs Jackson was described by her husband in his subsequent evidence as the rock in the family and I found her to be an honest person who showed deep concern for her husband and the impact that recent events, including his diabetic diagnosis and the stroke in August of this year have had on him. She could not even utter the defendant's name, such is the upset she said this person caused them.

[21] Mr Jackson then gave evidence. He came across as an honest, hardworking, man. He is still suffering the effects of a stroke which occurred just two months prior to the hearing. He turns 70 in December of this year. He retired in 2018 from his role

as a sales manager in the insurance industry, a job he held for 42 years. He left school without qualifications, working his way up from salesman to manager for Northern Ireland and Wales. They have been married for 40 years with two boys and a girl. He and his wife hoped to enjoy their retirements, but this has not proved possible thus far. He accepted the criminal trial was very stressful for the family and they were relieved when it was over. It was particularly tough for his wife. His nephew works in the fire brigade in London, and it was this person who alerted him to the offending tweets. He said it was being discussed in the fire station. Mr Jackson said his nephew is "no shrinking violet" and is a strong willed and determined individual not easily spooked, but the content of the tweets shocked him, and he was emotional making the telephone call. In April 2018, various people he previously worked with, some from outside Northern Ireland, mentioned the tweets to him. He then read the tweets for himself, and it knocked him for six as it was a personal attack on him. He felt angry, lost confidence and said that "if the intent was to get into my brain and into my heart it was achieved by the person who put it up there." He said this hung over them like a dark cloud. He stated he talks about it frequently and goes online checking for further publications by the defendant. He also gave evidence that it has led to stress and upset in the marriage. He felt socially isolated and retreated from his usual social activities. The lack of vindication is clearly an open sore as there has been no apology or retraction. He said it would have meant a lot to him to receive an apology and to be vindicated. His sleep has been impacted and he has lost trust in people. He embarked on comfort eating and was diagnosed with diabetes in recent years. He said he would love to have met the defendant face to face to tell her what she had done. Through this claim, he wanted to stand up for himself and ensure people knew the truth, no matter what the cost in legal fees, as he does not deal in lies.

Discussion

[22] There is no independent medical report in the case. I note this was contemplated by the plaintiff's legal team but given it would only lead to further delay, and no doubt a rather intrusive psychiatric assessment, it was felt better not to obtain such a report. I consider this completely understandable, and, in any event, the authorities are clear that the court can make an assessment of the subjective impact of the libel in the absence of such reports. I observe that similarly, no such evidence was proffered in the *Foster* or *Elliott* cases.

[23] Following the guidance in the *Elliot* and *Foster* cases, I will now consider the relevant matters contained in the checklist in *Jones v Pollard* [1996] EWCA Civ 1186, as well as the other factors set out earlier in this judgment.

[24] The court must consider the objective features of the libel itself. The ordinary and natural meaning of the words used were that the plaintiff had offered to pay off, bribe or otherwise improperly influence the complainant and a witness in a rape trial in which the plaintiff's son was a defendant. Such conduct would constitute the criminal offence of perverting the course of justice which is a very serious matter and could lead to a substantial custodial sentence if convicted. I accept the unchallenged evidence the plaintiff is a man of excellent character and reputation. There is no question this was a false accusation and, as with the cases cited above, it was an outrageously bad libel. It was repeated by the defendant and by claiming it was "common knowledge" created the false impression for anyone outside the jurisdiction, that in Northern Ireland it was apparently known he had committed such grave criminal acts. Other than estimates from Professor Curran, there is no clear evidence of the extent and content of engagement with the tweet or suggestions that other users considered the claims to be true, and they thought worse of the plaintiff as a result. The defendant here is not someone of the same standing or profile as the defendant in *Elliot* who was a politician or *Foster* which involved a more prominent celebrity at the time. This makes it less likely that users believed the accusation to be true on the basis the defendant was someone in a responsible position who would only have made such a statement if it was well founded.

[25] Turing to the issue of prominence, it is impossible to precisely determine the number of people to whom the defamatory statements were published. There is no firm evidence of the number of Twitter users who read the tweets. The defendant's account was deleted meaning the tweets are no longer accessible. It appears this was not as highly prominent a libel as occurred in *Foster* in which the court determined that publication was on a very large scale. While the posts here were visible for approximately six weeks, Danielle Collins did not have anywhere near the same profile as the defendant in that case nor the number of followers. While this is not simply a numbers game, Ms Collins had 7,000 followers on Twitter, compared with 311,000 for Dr Jessen. The expert report from Professor Curran estimates the actual tweet visibility in this case was between 385 to 770 direct follower views. He considered that secondary dissemination can increase this reach, and it could be between 380 and 1,050 total views, though this can vary substantially with viral engagement. He also pointed out that high-engagement tweets with media or trending topics, such as the case here, could have yielded "1,000–3,500+ views." While I consider there was reasonably significant circulation, it was via the twitter account of a "Z- list" celebrity in this case and leads me to conclude this was not highly prominent. The evidence to the court was that the accusation was initiated by the defendant and other than some limited engagement with one other twitter user, it came from no other source. One feature of social media platforms such as the one

in this case is that the user operates in an echo chamber, controlled by an algorithm often only showing users content that aligns with their existing beliefs meaning there is limited exposure to opposing ideas and it merely reinforces their own views. It makes it less likely that they will encounter someone with the decency or wit to tell people like Danielle Collins to "catch yourself on." In terms of prominence online, there is no evidence it made its way significantly beyond this echo chamber although I give due regard to the report of Professor Curran that the reach could be as high as 3,500 views, a not inconsiderable figure. There is no evidence of wider media coverage.

[26] When considering prominence, I also take into account the word of mouth circulation, which while difficult to quantify, was a feature in this case as I found the plaintiff's evidence credible when he stated he got calls from outside the jurisdiction from people who had heard about the false accusations against him. There is no evidence anyone contacted the plaintiff to say the accusation was true or questioned him to get an assurance it was untrue or that anyone thought worse of him as a result of the statement.

[27] The next aspect to consider is the subjective effect on the plaintiff's feelings. To falsely accuse someone of criminal dishonesty is extremely serious in any situation. In this case, it is clear the accusation hurt the plaintiff deeply. It called into question his honesty and integrity and for him this was hard to take. It attacked the core attributes of his personality and pierced his perception of his self-worth. I accept it has impacted on his sleep, his marriage, his diet, his health and the spectre of this case has hung over him for years now. He said it got into his "head and his heart" and cut him deeply. I was struck by his evidence that he wanted to meet the defendant, not borne out of any aggressive intentions, but simply to point out the deep upset she has caused to him especially as he is someone she does not know and has not met. There were clearly two major episodes in Mr Jackson's life in 2018 with the criminal trial of his son and just over two weeks later, these false accusations posted about him by the defendant on an online platform. When giving her evidence and discussing the problems her husband has experienced in recent years, Mrs Jackson candidly stated "I know it's linked with the trial" (a reference to their son's case). It is clear, however, the tweets have also affected him as there has been no apology or redress and the defendant's denials have simply made it worse.

[28] I have also considered how other people treated the plaintiff in the aftermath of this tweet being published when assessing the effects on him. The plaintiff attended the lengthy criminal trial in the public eye, involving his son. I cannot ignore that the impact of the trial is a factor in this case, and I also cannot reasonably conclude that all the issues he describes are attributable entirely to the offending

tweets emanating from someone who he concedes prior to this episode he had never even heard of. There is no evidence he suffered any negative attitudes or comments from friends, family or people he came across. Most of his evidence on this focused on his perception of what people were thinking or saying rather than any direct insults or a repeat of the false accusations. Nevertheless, his paranoia, feelings of social isolation, avoidance behaviour and in particular his obsessive internet trawling, all to varying degrees, stem from his reaction to the offending tweets. The plaintiff is not a high-profile politician who is accustomed to being discussed in public and scrutinised in the media, meaning the impact of his perception that people were talking about him negatively was more significant for him.

[29] I consider there are significant aggravating features in this case. There is no mitigation, there has only been aggravation, evasion and doubling down on the allegations by the defendant, with unconvincing averments in her affidavits regarding purported issues with service of the writ and that she was not responsible for publishing the tweets in question. This conflicts with the affidavit from Raneet Ahuja, the chief operating officer of the talent agency, Curtis Brown Group. He avers they did not represent Ms Collins at the time, they did not have control of the Twitter account as they do not offer this service to clients and finally that it did not publish the offending tweets. The defendant's conduct has been reprehensible. She departed for America and has been awkward and difficult throughout this process. As counsel stated, she has simply "brazened it out." She knew about the case and was able to instruct lawyers who brought a set aside application but broke off contact with them and never returned to the court to have this determined and has not engaged in the process. Ms Collins has never offered an apology or retraction or sought to acknowledge the falseness of the assertions regarding the plaintiff.

[30] The plaintiff has had to live with this serious defamation for over seven years and has not been able to say to family, friends, neighbours and anyone he comes across that he brought a case in court and obtained a judgment. I consider this delay to be down to the defendant who has obstructed the process at every turn. This has meant the plaintiff had to go through the experience of giving evidence in court about very sensitive personal matters just a few months after suffering serious health problems. It is notable that the plaintiff attended many of the previous court reviews in respect of his claim and followed the case closely throughout. He has clearly lived and breathed this case.

[31] The court must also consider vindication, and it is a feature of this case that there has been no apology or retraction. This means the need for vindication remains and the award needs to be sufficient to convince a bystander of the baselessness of the charge. I consider there should be no reduction in the award, as occurred in *Elliot*

due to factors such as the late publication of an apology. There are no mitigating factors in this case. Any award of damages will be compensatory but that does not mean that such an award is not capable of having some deterrent or exemplary effect as explained by Lord Hoffmann in paragraphs [41] - [42] of *Gleaner Co. Limited and another v Abrahams* [2004] 1 AC 628. I observe that there is no evidence before the court as to the defendant's income meaning there is no basis to suggest a substantial award would be disproportionate compared with her resources.

[32] The lesson for the defendant in this case, and frankly for those posting on social media platforms generally, is that virtual comments have real life consequences. There seems to be a sense in some quarters that there is an online cloak of invisibility leading people to type things on a keyboard they may never utter in person. Such cowardly online bile causes real life hurt and upset to other people and damages their reputation. The message needs to be out there that when someone posts baseless and libelous accusations online, the repercussions can be very serious. There is a real life consequence in financial terms as it will cost Ms Collins a sizeable amount of money in damages and costs. It is her egregious comments and subsequent conduct that have led to this.

[33] I intend to follow the approach in *Elliot* recognising that while damages in this case must be assessed in accordance with the principles applicable to defamation, I will take into account conventional personal injury awards in this jurisdiction and the guidance contained in the sixth edition of the Green Book (2024) as a check on the reasonableness of the award and to ensure it is proportionate with personal injury awards in Northern Ireland (see the comments of Stephens J at paras 35 and 36). There is no psychiatric report in this case, but the issues Mr Jackson describes are reflected in some of the guidance for awards for psychiatric damage generally in the Green Book at page 11. The factors to take into account include the ability to cope with life and particularly work, effect on relationships with family, friends or contacts and future vulnerability. For moderately severe psychiatric damage the range is £60,000 to £150,000. For physical injuries such as a crush fracture of the lumbar vertebrae with risk of osteoarthritis and constant pain and discomfort and impaired sexual function, the range is £43,500 to £75,000. I consider the final award in this case which I will set out below, is therefore both reasonable and proportionate and serves the three functions of general damage awards in defamation proceedings.

Conclusion

[34] I assess damages in the sum of £100,000 and award costs to the plaintiff, including two counsel, such costs to be taxed in default of agreement.

[35] Finally, I am conscious the plaintiff may have an uphill battle recovering compensation in this case. The defendant is out of the country and seems to be actively evading service. Any efforts to get her to engage in these proceedings have proved fruitless for several years now, despite the best efforts of the various legal representatives. No doubt the plaintiff's legal team will pursue this vigorously. I trust that even if this should prove to be a paper judgment, which would be a regrettable outcome, that at the very least the plaintiff can say he brought his case, obtained judgment and he has been vindicated, which will hopefully avoid any repeat of such vile allegations.