

<b>Neutral Citation No:</b> [2026] NIMaster 2	<b>Ref:</b> [2026] NIMaster 2
<i>Judgment: approved by the Court for handing down (subject to editorial corrections)*</i>	<b>ICOS No:</b> 22/019507
	<b>Delivered:</b> 16/01/2026

**IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND**

**KING'S BENCH DIVISION**

**Between:**

**JULIE STAMM**

**and**

**STEVEN KENNEDY**

**Plaintiffs**

**and**

**STEPHEN STAMM**

**Defendant**

**Ms Beth Mc Mullan (instructed by the Elliott-Trainor Partnership) on behalf of  
the plaintiffs.**

**MASTER HARVEY**

***Introduction***

[1] In these defamation actions, proceedings were issued on 9 March 2022 seeking damages, aggravated damages and an injunction in relation to emails sent by the defendant under a different name to various employees of the company where both plaintiffs work. The plaintiffs served a statement of claim on 11 August 2023. The defendant failed to serve a defence and as a result, the plaintiffs obtained default judgment on 15 August 2024. The action proceeded to hearing on 18 November 2025 for the purpose of assessment of damages. Although he attended the first listing of the matter which was adjourned, the defendant did not take part in the substantive hearing.

[2] I am grateful to the plaintiffs' solicitor for the electronic hearing bundle which was of assistance to the court. I wish to thank counsel for the skeleton argument and bundle of authorities, all of which I have considered even if not expressly referred to in this judgment.

### *Procedural issues*

[3] Having obtained default judgment, the plaintiffs then issued their application for damages to be assessed. This was reviewed on 9 June 2025 and then listed for hearing on 15 September 2025. A notice of appointment was served by the plaintiffs' solicitor on the defendant on 4 July 2025 and he was again notified of the hearing by the plaintiffs' solicitor on 21 August 2025. This was in accordance with Order 37 of the Rules of Court of Judicature (Northern Ireland) 1980 ("the Rules") which sets out the procedural requirement that "at least 7 days before the date of the appointment" the party seeking an assessment of damages must serve the "notice of the appointment on the party against whom the judgment is given." At the hearing, the defendant attended without prior notice to the parties or the court. He was no longer legally represented as his former solicitor came off record, on application to the court on 16 May 2024.

[4] Given the defendant was a person without a legal representative and the complexity of the issues, I summarised the options available to him. This included the possibility of the court allowing some time for the parties to discuss the case in the hope it might achieve a resolution. I rose for a brief period to permit this, however, it transpired the discussions did not bear fruit. I then heard an adjournment application by the defendant on the basis that he wanted to seek legal advice. I granted his application but given the plaintiffs were inconvenienced as they both took time off work and attended court in the expectation their case would be heard and would give evidence, I granted their costs thrown away for the hearing. I recommended the defendant seek legal advice and directed that any application by the defendant to set aside the judgment was to be lodged within 14 days.

[5] No application was subsequently made by the defendant to set aside the default judgment, and no extension was sought for further time within which to do so. In advance of a further review of the case in the summons court on 3 October 2025, the defendant wrote to the court on 1 October 2025 stating as follows:

"Please accept this letter as notification that I will not be attending a scheduled Court date on 03/10/25...For a long time, I desperately wanted to be heard in a legal setting, for someone to hear the facts, see the clear evidence and acknowledge the validity of what I knew to be true. Simply, that Julie and Mr Kennedy carried on an extra-marital affair for months, telling endless lies. This was all previous to me being forced from our family home & in their zeal to make themselves seem innocent of any wrongdoing, they instead made every effort to portray me a monster. Despite all this, I am now choosing to avoid

revisiting all the distressing facts of a bitter time. You can be sure Master that the person who sent those emails 4 years ago no longer exists.

I have never meant to waste the Courts time. Despite my claim of adultery being quite legitimate, I was always clear that sending the e-mails was wrong and my own responsibility. Accepting that the act if not the content was wrong on my part, I did make several attempts to settle this matter with the Plaintiffs solicitor in the last year. This was in hopes of finally putting all this to rest for all concerned. However, my settlement offers were rejected. Furthermore, on August 22, 2022, I did apologise to both Julie and Mr. Kennedy in writing. I can provide this e-mail if you wish.

My experience with the legal system these last few years has led to my firm belief that truth and facts are seemingly irrelevant, at least in my own situation. I feel very strongly that even attending court again will cause me serious distress. As I've decided not to present a defence for previously stated reasons, my only motivation to attend court is to potentially mitigate any financial judgement against me. However, with my dire financial realities, paying any type of monetary judgement will be virtually impossible in any regard.

I thank you for your decency at our first meeting and hope you accept this letter in the respectful spirit in which it is intended. Apologies if any of the content of this letter are in any way inappropriate."

[6] I then listed the case for hearing on 18 November 2025. The plaintiffs' solicitor sent a letter by first class post to the defendant on 14 November 2025 informing him of the hearing. The court office also wrote to the defendant on 17 November 2025 advising of the listing. The defendant replied to the court to say:

"...Thank you for your message.

I have received no communication at all regarding this.

I am unable to attend court on such short notice. Other than what I had to say to Master Harvey in court and by email, I do not have anything else to add.

Thank you and please extend my appreciation to Master Harvey for any consideration he may have given those comments..."

[7] While the defendant had previously indicated he took issue with the plaintiffs' claim, the default judgment remained and had not been set aside some 15 months after it was granted. In all the circumstances, having considered the correspondence and the procedural history of this case, giving effect to Order 1 rule 1A including the need to deal with cases fairly and justly and having regard to allocation of court resources, I proceeded with the hearing for a number of reasons. This was not the first hearing

of the case. At the initial hearing the court clearly and unambiguously set out the defendant's options pointing out the "stakes were high." After the previous adjournment, the defendant had an opportunity to seek legal advice and bring the appropriate application but did not do so. I consider it apparent from his emails to the court that he no longer intended to bring any application or make further submissions, even as to quantum. The defendant, in his own words, did "not have anything else to add" which would assist the court in its determination. The plaintiffs expressly waived their entitlement to injunctive relief in paras 2 and 4 of the writ. The hearing therefore proceeded in relation to the damages claim only.

[8] At the hearing, Julie Stamm's counsel referred to her as Mrs Stamm as this was her preferred title, therefore I will adopt that in this judgment.

### ***Background***

[9] The case centres on two emails sent to the plaintiffs' employer. The first email was on 12 March 2021 at 1.34pm, which was a Friday afternoon. The email was from an unknown sender under the name "Lion Pair," using the email address malluskout@outlook.com." It read:

"Steven Kennedy, Fresh Trading Manager for Henderson and Julie Stamm Business Development manager for Henderson Food Service, have been engaged in a lengthy extramarital affair. This affair has led to the breakup of both their marriages."

[10] The plaintiffs' employer is the Henderson Group, a large local company based in Mallusk. The managing director received it, but others were also "blind copied" to the email. The evidence to the court was that a maximum of 13 email addresses can be copied in such a way. It was forwarded to the IT department in the company by Mrs Stamm. The company blocked the email address and was able to identify that 15 people in total received the email, all of whom work for the company in different roles. In addition to this, at least two members of the IT department looked at it as they were dealing with the aftermath. One of the recipients purportedly sent it to two other people.

[11] After a lengthy police investigation, it transpired a year later that the email was from the defendant who at the time was the husband of Mrs Stamm. The public prosecution service issued a caution to the defendant for malicious communications on 12 April 2022 for a message sent electronically that was "grossly offensive" pursuant to section 127(1)(a) of the Communications Act 2003.

[12] A second email was sent from the same email address at 10.09am to one of the company's suppliers. The date of this email is not in the copy provided to the court. I am told this was sent on some date before 29 March 2022 and on a Monday morning.

In this email, Mrs Stamm is not expressly mentioned, it includes a photograph of Mr Kennedy. This was not the subject of any police investigation. It read:

“Mr Ludik,

Steven Kennedy of Henderson Foodservice is having an extramarital affair with a work colleague. Both marriages have ended as a result. What would Jesus say?”

### *Legal principles*

[13] The power to assess damages following default judgment is pursuant to Order 37 of the Rules, which is 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.”

[14] This court recently set out the legal principles in relation to the assessment of compensation in a defamation action in *Peter Jackson v Danielle Collins* [2025] NI Master 16, citing para 91 of *Arlene Foster v Christian Jessen* [2021] NIQB 56, 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."

[15] At para 16, of the *Jackson* judgment I set out further guidance from the various authorities in this area:

"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."

[16] I further observed at para 17 of *Jackson*, that when considering the impact on the plaintiff's feelings and assessing quantum:

"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."

### *The evidence from Julie Stamm*

[17] Mrs Stamm gave evidence that her employer, the Henderson Group, has over 4,500 employees and is a very religious company. Any meetings and greetings with directors of the company apparently involve religious prayers. The lobby in the various company buildings contains bibles, other religious documents and paraphernalia. She said the values of the company are very clear, that they are ethically correct, and they want all their employees to behave that way. She pointed to photographs which were exhibited to the court bundle of the work reception and lobby area where guests wait and are surrounded by religious material including books and leaflets. Her evidence was that the core values of the company are integrity, and it is driven home to staff all the time about being fair, honest, ethical and challenging wrong behaviour. She said "it is everywhere" including in online platforms such as the company portal. When joining the company, it is emphasised to staff and spoken about at every company conference and awards ceremony. She said it is expected that you lead by example and if you do not follow the core values, you are not delivering on their expectation of you. At the time of the emails, she had been working there for six years. She stated she has a very good reputation, and this was

spoken about by senior management. She has won numerous sales awards. At the end of 2020, she was apparently told she was being promoted to a regional manager position. Her manager spoke to several retailers telling them about it. She was delighted and it was signed off by senior directors. She was told by her manager about the position, and it would have started in the first quarter of 2021. Despite all this, she has never received this promotion.

[18] She met Steven Kennedy through work. He was very senior, well respected and revered by her and colleagues. When asked when their relationship started, her evidence was "it would have been June 2020" and this was after she had separated from her husband but before her divorce. She married her husband in 2003, they have two children, and they subsequently divorced in 2023. She did not have a conversation with her husband about her relationship with Mr Kennedy. She does not know how he feels about it. She said he initiated the divorce proceedings. They had been to counselling, and she felt the marriage had been failing for years. In late December 2019 and early January 2020, her husband had been looking for new accommodation to leave the family home. They concluded the relationship had broken down and decided to separate. They spoke to their two children on 28 February 2020. She said they had a terrible relationship and only two friends at work knew about her situation. She decided to keep matters private as she felt embarrassed.

[19] Mrs Stamm stated that her now former husband was aware of the conservative nature of her employers from conversations over the years. She said that in Northern Ireland it is well known to be a Christian company. Her husband was a chef and as part of his job he made use of the Henderson Group online portal to order food items. She apparently obtained a non-molestation order against her former husband, however, she stated he would not leave the family home until 28 May 2020. Her evidence is that the relationship with Mr Kennedy then started in June 2020. She said the allegations in the emails were untrue and that hiding an affair would not be appreciated in work given it would not be fair or honest and would be contrary to company values. With regard to intimate relationships with colleagues, there were a few couples who were apparently married although she seemed uncertain about this but said she was "sure there had to be". She did not think there would be a difficulty having a relationship with a colleague if they were both single provided it did not impact their work, albeit she said, "I am not sure...I do not know". She stated "it would be rare for two colleagues to be in a relationship" but was "not aware of a rule" disallowing it. Human Resources in the company contacted her after the emails and it was not a pleasant conversation as they told her to keep things professional at work.

[20] Her job involves being on the road a lot and is "field based," not office based. Most of her contact with colleagues is via email and telephone calls rather than face to face meetings. Her line manager rang her on 12 March 2021 about the email. It was received by a colleague who told the manager about it. Her colleague then forwarded the email to Mrs Stamm. She was out on the road at the time and was worried about it. She did not know exactly who received it. Between 1-3 pm that day, she did not



know if it was sent to 10 or 1,000 people. Her immediate reaction was panic and she felt petrified. She thought she would be fired for misconduct. She found out a year later it was from her husband. Initially she did not know who sent it. She never thought it could be her husband who had sent it, and she worried it was from one of her friends. The managing director had only started two months prior to this, and she was worried what impression he would have of her. There were area managers and HR managers who all received the email. She said it is a gossipy organisation in which word spreads. The email was mentioned to her by the managing director, who called her. Another colleague also called her. She distanced herself from work for a while and avoided conversations. She was concerned people would think it was true.

[21] All of a sudden, she perceived people to know about her personal life and that her marriage was breaking down. Even after the emails, she states she did not discuss it or invite comments. She was asked at one conference about her divorce. She feels that hundreds of people came to know about it, but no one expressly mentioned the email to her other than two people. The area in which she works is a “female driven, tele-sales team with a lot of gossip”. She said people talk about scandalous matters as it is “hot news”. The staff “chatter over a cup of tea at 3 o’clock”. She avoided meeting people and stayed out of the office. She claims she did not get a further, second promotion and found everything became stagnant in her career and is still stuck in the same position. She applied for a new role, and her own sales director purportedly contacted her to say she was the only one considered for this job and the “role was mine.” She was excited about this, but it never came about. A new person was introduced as having been appointed to the role at a later event. She said the managing director of the company must sign off on such roles and she has not spoken to him about the promotion. She feels she has been brushed off and that colleagues have had promotions in pay and moved to different levels whereas she has stayed the same. Her line manager said the emails must have been a low point in her career. She said she was thriving prior to this happening; she deserved her success and had an excellent reputation. A senior colleague said that if they “had a full team of Julie Stamms we would have the best company in Northern Ireland”. She felt like she was now an embarrassment.

[22] When discussing who might have sent the email, she said that Mr Kennedy’s ex-wife was a reporter who “had access to emails and the ability to do it.” She said both she and Mr Kennedy thought it was his ex-wife. “We told the police that is who it was initially.” She stated that Mr Stamm was in contact with Mr Kennedy’s ex-wife from around October/November 2020. They purportedly knew about the relationship she was having with Mr Kennedy at that point.

[23] Upon being asked about her current relationship, she said no one has commented negatively, and people were “very happy for us”. She thinks they are happy to see her happy, but that no one in work commented on her relationship with Mr Kennedy and no one asked her if she was having an affair. She said her close work friends are not office based and like her are also on the road. Mr Kennedy is “very

private.” They are now engaged as of July 2024. Senior managers are aware of this relationship. She gave an example of a work conference in Killarney where they were assigned to the same room, stating “we are just a couple who are together.”

[24] While she states she had spoken to her General Practitioner about issues she attributes to the emails, she also said she cannot get an appointment and is managing it herself and does not want to talk to a doctor about it. She is not out as much anymore and is a “home bird now”. She claims she did not struggle with things before the emails. The defendant never offered an apology albeit he claims to have done so on 22 August 2022. There has been “zero communication” from her now ex-husband about it. She claims to have received “some strange emails” which she attributes to the defendant from an email address she does not recognise, but which she deletes as company policy is to delete emails from unknown senders.

[25] Two of her “retailers” at work were allegedly contacted in 2022 and she claims they were told by Mr Stamm that she threw him out of the house and took his money. It is not clear how they were contacted; no specifics have been provided and there is no documentary evidence before the court regarding this. Mrs Stamm said the end of her relationship with Mr Stamm was a relief. She felt she had got her life back, it was “one of the best feelings she had ever had.” She said she was a strong woman. The divorce did not cause her that much upset as she was just “going through the motions” and it was part of a process. She felt her husband was manipulative regarding the children and there were other alleged emails from him that caused anger and frustration. She said Mr Kennedy was “terrified” about the work emails and was concerned who received them.

[26] On the denial of promotion at work, she said that “the first job disappeared” and she had been introduced to retailers, but it vanished into thin air. Her reputation is tainted or sullied in her view. She stated that the two managing directors in the company are very religious pioneers who do not drink and as evidence of their approach, the company purportedly refuses to stock cigarettes or allow the lotto in the company Spar retail shops. She applied for a specialist butchery role and felt she was the very obvious choice for it in 2024. There are therefore two roles she feels she missed out on, the first job in 2021 was an internal promotion for which she did not even have to apply. She applied for the second job and did not get it but got no feedback, she does not understand why she did not get it and there was no communication from her employer, they wanted to “brush it under the carpet” ...“it was very strange and peculiar”.

### *The evidence from Steven Kennedy*

[27] Mr Kennedy works in the same company as a trading manager, having joined in January 2013. He said it is an important role, generating money and dealing with suppliers, understanding the suppliers and what customers need. It is entirely office based. In 2021 he had been in the business for eight years. He was widely

acknowledged as having brought experience to the company and made a significant difference. He is fairly well paid and would have routinely got ad hoc payments described as a “nudge into the office...there’s £1,200 for the work you have done.” This purportedly happened every year from 2013 to 2021 and he states it is clearly demonstrated in his salary stating “you get a few pound handed to you extra.”

[28] He acknowledges people gossip in any workplace and “as a person you feel it”. He said that as a company they do their best and you want to do your best for them. He tends to stick with his own team and does not “get involved with anyone else”. He said they are the best company in Northern Ireland for longevity of service, and they are loyal. He joined the company because of their values. He lived his life consistent with the values stating “I was brought up a Catholic boy...and that’s what we lived by”. He does not invite comments on his private life either from work colleagues or suppliers. His work is “everything” to him. He said Julie Stamm was a “high flyer” in work.

[29] A prominent and high-profile supplier, Mr Louis Ludik, received the second email and forwarded it to Mr Kennedy the day he received it. Mr Ludik’s business has around five or six staff in total who may have seen it. Mr Kennedy said this was taking it to a “different level” as it was “taking it to the trade”. He was worried who else got it and perhaps did not declare it. He wondered if someone else was going to keep the email and use it when he was under pressure. This email took it into the public and was a “game changer”. When asked about the reference to Jesus, he said the recipient was a Christian man with Christian values. He is not aware of anyone else receiving it. The recipient “binned it”. He said “I am blessed it was Louis” as he has core Christian values. He sent it back and “I believed he would do nothing with it”. Since this, he has felt “flat” in work. He said this was because of not knowing how you are perceived. He felt he was respected and “earned it”. The “not knowing” is the thing that is at the forefront of his mind.

[30] No one mentioned either email to him. He said this was not strange as very seldom would he have spoken about his personal life. He is not aware of colleagues being more aware of his marriage breakdown as a result. He recalls only mentioning his marriage to one person. He went to see his General Practitioner. He was prescribed a tablet in late 2021/early 2022. Things had gotten him down and the medication was to “keep him focused”. He felt ashamed of himself for taking medication. His work is his “safe place”, and the emails affected him. He said that “getting divorced wasn’t easy, it was challenging”. He had no control over this whole episode regarding the emails.

[31] He said he has not received an apology and has never had any contact from the defendant nor have his suppliers been contacted to retract what was said in the emails. He “wants it to go away” as it has been “dragging on too long”. No one has asked if what was said in the emails was true and at work he remains in the same senior role. Other than a “fleeting comment”, no one has mentioned he is now in a relationship

with a colleague. He cannot think of another relationship at work other than one married couple including a director. He said, "it is not frowned upon". I asked him if perhaps staff dismissed the emails as just nonsense and perhaps would simply have deleted them. He stated that no one can say for sure, it is very hard. He has no control over it. He stated it is hurtful and he feels vulnerable as he has no control over who read it and who printed it. He does not want to ask questions and has not pursued it.

[32] In work, he has not been demoted. He has always got his end of year company bonus and receives a pay increase every year, but states he no longer gets ad hoc payments as a "sweetener" as he would have done in the past but these were not part of his contract.

[33] As to the source of the emails, he did not know who they were from. Contrary to Mrs Stamm's evidence, he said there was nothing to achieve by his ex-wife sending them. He was bewildered and at a loss stating "no one would have done that to me". He said that things had moved on as far as he and his ex-wife were concerned in 2021 as this was a year and a half after they separated. He stated his now ex-wife was getting a hefty child maintenance payment every month, and he felt at the time it would have made no sense for it to be from her as it could purportedly jeopardise her payments. He also did not think it was from Mr Stamm.

[34] Mr Kennedy was most concerned about control. He was worried his son who turned 16 in March 2021 would see it. He is worried their respective reputations were tarnished. He does not talk about home life while at work. He thinks Julie Stamm was denied two work promotions. The second role was more high profile and he has no doubt the chairman of the company was aware of the emails. He said she should be rewarded but she has not been and the two roles she was clearly denied were indicative of how she was thought of following the emails. If he moves to a different company, he worries the emails might resurface. No one has mentioned Mrs Stamm's career to him or been negative about his relationship with her and he puts this down to how private he is as he simply does his job.

### *Discussion*

[35] The thrust of the plaintiffs' claims is that the emails were untrue, defamatory, and they caused significant damage to their personal and professional reputations as well as serious hurt, distress and humiliation. Mr Kennedy states he separated from his wife in late 2019. Julie Stamm separated from Stephen Stamm in February 2020. They both stated their current relationship began after separating from their respective spouses, but before either of them was divorced. Mr Stamm left the marital home on 28 May 2020, the plaintiffs' case is their relationship started in June 2020, just a few days later.

[36] While the plaintiffs also claim for misuse of private information and breach of data protection, they concede the court should make a global award and this will

primarily focus on the libel. There are no independent medical reports before the court, albeit that is not unusual in a case of this nature. There are also no medical records in the case such as to corroborate Mr Kennedy's claim he has been prescribed medication arising from the episode.

### *Julie Stamm*

[37] Mrs Stamm is "field based" at work and not in the office. Her friends at work are "on the road" also. She perceives that hundreds of people knew about the emails but there is no evidence of this particularly as only two people mentioned it to her and there was no evidence they asked if it was true. The evidence put forward is that her workplace is gossipy but there is no evidence of negative perceptions having been expressed or that those who were close to her related back any adverse comments. In the period after the emails were sent it struck me as rather odd that Mrs Stamm thought the email might be from one of her friends. I am at a loss to understand from her evidence why that would be her initial thought and why a supposed friend would do this to her. No credible explanation was given for this. Further, she then seemed to attribute the email to her now fiancée's ex-wife and that she and Mr Kennedy had apparently both agreed on this at the time. Yet Mr Kennedy's evidence on this issue differs as he felt it was not likely to have come from his ex-wife essentially given they had moved on and that she would not jeopardise the large amount he claims to be paying her in child maintenance.

[38] Much of Mrs Stamm's evidence focused on the purported denial of two promotions. In support of this, the only documentary evidence before the court of relevance are copies of her work appraisal forms for April 2024 and April 2025, some three and four years respectively after the offending emails. In both documents, her work performance either meets or exceeds targets. They record that she is seeking to advance to another more senior role, indicating she wants to do so in 0-6 months. The April 2025 appraisal states she is "disappointed with how the butchery commercial role was handled" and feels "a little taken for granted" in her current role "with consistent performance over several years with limited recognition vs other area sectors where team members have had promotions". This form has not been signed off by her manager and at the end of the 2024 form where the line manager signature should be entered, the name Graeme Kerr is typed but it is not dated. Both appraisal forms contain the disclaimer "signing indicates a conversation has taken place not that the content has been agreed". The line manager has not stated anything in the section "what can I do as your manager to support your performance and development" and in this "upwards feedback" section it simply records how Mrs Stamm feels about her work situation.

[39] The first email was from an anonymous source, no one asked her if it was true and there is no evidence they thought less of her. She received one phone call telling her to be professional but was not demoted or disciplined in work and remains in a relatively senior role in the organisation. If her workplace is as "gossipy" as she

suggests, it may well have been discussed among staff, which is clearly her perception albeit such apparent toxic gossip does seem out of step with her evidence of the Christian values of the company. It is unclear how such a “high flyer” purportedly overlooked for promotion in late 2020/early 2021 in a role which was promised to her had not sought to challenge this and other than her oral evidence, there is no material to corroborate this claim regarding promotion. It is her evidence that she simply continued in her current role while the company apparently brushed the matter under the carpet. The second promotion apparently denied to her was some years later but there is scant material offered to support this.

[40] There is no evidence of anyone expressing any negativity suggesting Mrs Stamm is being held back because of the emails, nor evidence she invoked any grievance processes to push for answers other than some comments in two appraisal forms. Her evidence is supported by Mr Kennedy, who thinks she is being treated unfairly. It is difficult to attach significant weight to his evidence in this regard as they are engaged to be married. Mrs Stamm asks the court to take into account her claim of being denied two promotions and the additional salary she lost out on consequently when assessing damages. Given the importance of this aspect of her case, it is notable the evidence offered to corroborate it is scant and unquantifiable. On balance I am not persuaded there is sufficient evidence that Mrs Stamm’s failure to secure promotion in work is attributable to this episode and should be reflected in the damages award.

[41] I have considered the subjective effect on the plaintiff’s feelings. Mrs Stamm has been through a divorce, apparently obtained a non-molestation order against her husband at the time, albeit I have no documentary evidence to support this, and states she is stagnating in her job. This has been a difficult period, but she stated she was a strong person. While she gave evidence of avoiding the office she also stated that in the main, her work is based out of the office and there is little face-to-face contact. The colleagues she works with are in similar roles. There is no evidence of being exposed to awkward questions or situations or being the butt of jokes. The height of what was proffered in evidence was that someone asked her at one conference about her marriage breakup.

[42] Mrs Stamm has not sought medical help and while initially she said this was because she could not get an appointment with her GP, she simultaneously gave evidence that she does not want to see a doctor. I do, however, accept Mrs Stamm’s evidence that she was upset about the email.

### *Steven Kennedy*

[43] In Mr Kennedy’s case, what appears to have concerned him most is that the emails were something he had no control over. He has, however, never enquired who received the emails and gave evidence that no one has ever mentioned them to him, yet a supplier who he held in high regard received the second email but apparently this did not come up in conversation. There is no evidence of significant damage to

Mr Kennedy as his job status and his relationship with his clients is apparently unaffected. There is no evidence he suffered any detriment in work or damage to his reputation. Counsel submitted that harm to reputation can be inferred even where there is no direct evidence, but in the absence of any evidence it strikes me I am being asked to speculate rather than infer there was damage. Not a single supplier was lost or contract adversely impacted by this episode and there was no suggestion his revered and respected status in work has been negatively affected, moreover, I was told his employers were happy for him and Mrs Stamm and as of July 2024 they have got engaged and indicated they have moved on with their lives.

*Relevant factors when assessing damages*

[44] 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.

[45] The court must consider the objective features of the libel itself. The asserted meanings are set out at para 11 of the statement of claim in relation to the 12 March 2021 email:

- a. The plaintiffs had told lies and were untrustworthy;
- b. The plaintiffs had misrepresented the nature of (their) relationship to the recipients of the email and in their place of work;
- c. The plaintiffs had engaged in a long extramarital affair which had caused the breakup of both marriages.

[46] The second email is addressed at para 13 of Mr Kennedy's statement of claim and the meanings attributed to it are set out in the following way:

- a. The plaintiff (Mr Kennedy) had told lies and was untrustworthy;
- b. The plaintiff had been unfaithful to his wife by engaging in an extramarital affair with a colleague which had caused the break-up of both his marriage and that of a colleague; and
- c. The plaintiff had acted contrary to Christian teachings.

[47] The ordinary and natural meaning of the words used were that the plaintiffs had lied, they engaged in an extramarital affair, this caused the breakdown of their marriages and in the context of the second email, Mr Kennedy acted contrary to Christian teachings. The default judgment in this case means that liability has been determined and the court must accept that none of the above is true. The court can explore the purported defamatory meaning of the emails but given the language used

by the defendant in his two emails is unambiguous, and the fact that now some four years later he essentially repeats the allegations in his email to the court where he states:

“For a long time, I desperately wanted to be heard in a legal setting, for someone to hear the facts, see the clear evidence and acknowledge the validity of what I knew to be true. Simply, that Julie and Mr Kennedy carried on an extra-marital affair for months, telling endless lies.

... Despite my claim of adultery being quite legitimate, I was always clear that sending the e-mails was wrong and my own responsibility.”

I consider the suggested meanings advanced by the plaintiffs and set out at paras [45] and [46] above are unchallengeable.

[48] Turning to the issue of prominence, the extent of publication of the first email is relevant to both claims. It consists of one email to 15 recipients and at least two IT staff, meaning it was sent to a small number of people. The second email relates to Mr Kennedy only and was sent to a business which has around five or six staff in total, some or all of whom may have seen it. This was not a prominent libel such as those in the authorities cited to the court. Other than both plaintiffs’ perceptions, there is no evidence the emails made their way significantly beyond the immediate recipients. The sender of the emails was anonymous, and it is unclear if the recipients believed the accusation to be true. The supplier who received the second email shared it with Mr Kennedy but said he “binned it” suggesting it was quickly disregarded and not disseminated.

[49] Mrs Stamm claims her ex-husband subsequently contacted some of her work suppliers in 2022 with further purportedly untrue comments. No evidence is offered to substantiate this. There is therefore no credible evidence of any repeat of the emails in the last five years. Further, no evidence is presented to corroborate the alleged withholding of ad hoc payments to Mr Kennedy by his employer, apparently attributable to this episode.

[50] I have also considered how other people treated the plaintiffs in the aftermath of the emails when assessing the effects on them. There is no evidence they suffered any negative attitudes or comments from work colleagues, friends, family or people they came across. Their children, family or contacts either did not know or did not mention it. Most of the evidence on this focused on the perception of what people were thinking or saying rather than any direct insults or a repeat of the accusations. There is no evidence anyone contacted the plaintiffs to say the accusation was true or questioned them to get an assurance it was untrue or that anyone thought worse of them as a result of the emails.



[51] The defendant claims he made an apology. The plaintiffs gave evidence they did not receive it. I do not have sight of any apology. It therefore appears there has been no apology or retraction albeit the defendant now states in his letter to the court that he was wrong to send the emails, claims he tried to settle the case and again negotiated at court at the previous hearing, but this did not resolve matters. The award needs to be sufficient to convince a bystander of the baselessness of the charge. I observe that when considering proportionality in terms of the damages award, there is little evidence before the court as to the defendant's income other than the email of 1 October 2025 stating, "with my dire financial realities, paying any type of monetary judgement will be virtually impossible in any regard."

### *Quantum*

[52] The plaintiffs have obtained default judgment meaning liability has been determined, and the court has a circumscribed role in assessing damages. Despite having the chance to defend the claims, the defendant has chosen not to do so. While I conclude the emails were defamatory, I observed both witnesses and listened to their evidence carefully during the lengthy hearing. At times, I found their evidence contradictory and on balance conclude there is insufficient evidence of any significant damage to their respective personal and professional reputations which require repair and vindication. The judgment itself is a form of vindication of course. I consider the main impact was a degree of worry, upset and embarrassment. The award of damages should act as a consolation for this. I am not persuaded there has been the type of serious distress, upset and humiliation as has been claimed.

[53] It was also argued that Mr Kennedy's case should attract a higher award of damages as he occupies a more senior work role, there were two defamatory emails concerning him, with only one in the case of Mrs Stamm, and the impact on him was greater. Having heard the evidence, I am not persuaded that the combined effect of the two emails and damage arising therefrom are sufficient to distinguish the cases such as would merit a higher award for Mr Kennedy. I consider both cases largely analogous.

[54] Many of the authorities cited related to newspaper articles and social media posts where there were hundreds and sometimes many thousands of people who saw the defamatory publication. Awards in those cases range from £35,000 up to £125,000.00. Each one of those cases had a unique factual matrix and the authorities warn of the dangers of comparisons and that 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. Each case is very different, and I observe that many defamation cases are in fact brought in the county court. In 2024, as a reflection of the number of such actions in the lower financial jurisdiction of the county court, a defamation protocol was produced, setting out guidance for practitioners dealing with such claims.

[55] I take into account conventional personal injury awards in this jurisdiction and the guidance contained in the sixth edition of *Guidelines for the Assessment of General Damages in Personal Injury Cases in Northern Ireland* (“Green Book” sixth edition, 2024). This serves as a check on the reasonableness of the award and to ensure it is proportionate with personal injury awards in Northern Ireland. By way of example, the Green Book sets out factors to be taken into account in claims for psychiatric damage. These include the ability to cope with life, education and particularly work, the effect on relationships with family, friends or contacts and the extent to which treatment would be successful.

[56] Both plaintiffs successfully continue in their senior work roles, they are engaged to be married, have moved on with their lives and in Mr Kennedy’s case he stated that he wanted to put this behind him. There is no evidence of an impact on friends or family. On balance, 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, namely, to act as a consolation to the plaintiffs for the distress suffered, to repair loss to the plaintiffs’ reputations and as a vindication for the plaintiffs’ reputation.

### ***Conclusion***

[57] I assess damages in both cases in the sum of £7,500 for each plaintiff, plus costs, such costs to be taxed in default of agreement, to include counsel.