Judicial Communications Office

5 May 2026

COURT SETS ASIDE JUDGMENT IN FAVOUR OF NEIL AND DONNA SANDS AGAINST FOUNDER OF TATTLE LIFE

Summary of Judgment

Mr Justice Humphreys, sitting today in the High Court in Belfast, held that the judgment previously granted by the court in the sum of £300,000 together with costs in favour of Neil and Donna Sands against Sebastian Bond (Tattle Life) be set aside. The court found serious and repeated failures by the plaintiffs to comply with their duty of full and frank disclosure when making a series of applications to the court and that both the original writ and the application to enter judgment in default had not been properly served.

Neil Sands and Donna Sands ("the plaintiffs"), describe themselves respectively as an entrepreneur who works for a global media company and a businesswoman specialising in fashion. Both have an extensive online presence, and the second plaintiff has a reputation as an influencer. They commenced proceedings on 23 June 2023 seeking damages and injunctive relief arising out of material published on the website "Tattle Life" between February 2021 and May 2023 which they claimed to amount to harassment, misuse of private information, breach of data protection rights and defamation.

Tattle Life describes itself as a "commentary website on public business social media accounts" and permits members of the public to comment and criticise individuals who "choose to monetise their personal life as a business", including influencers. The defendants are Sebastian Bond ("the first defendant"), who founded Tattle Life, Yuzu Zest Limited (an English company in members' voluntary liquidation), and Kumquat Tree Limited (a Hong Kong company) ("the third defendant"). Yuzu Zest Limited was formerly the corporate vehicle connected with the operation of Tattle Life, and Kumquat Tree was said to own and operate the website. The defendants were initially named as "Persons or Persons unknown operating under the pseudonym 'Tattle Life'".

On 1 December 2023, judgment in default was entered in favour of the plaintiffs in the sum of £300,000 (£150,000 to each plaintiff), together with costs. The first and third defendants subsequently applied for an order striking out the proceedings as an abuse of the process of the court; an order setting aside the court's order for substituted service ("SSO"); and an order setting aside the service of the writ of summons and/or staying the proceedings. The plaintiffs cross-applied for orders deeming service good and for a subpoena compelling the first defendant to give evidence.

On 6 March 2026, a solicitor for the plaintiffs, swore an affidavit averring that his previous evidence was "incomplete" and that he now accepted that Mr Bond was the principal focus of the investigation and the information known about him ought to have been disclosed to the court at the time of the ex parte applications in relation to service, marking of judgment and the assessment of damages on 1 December 2023. He apologised to the court and asked it to conclude that these were honest mistakes, not intended to mislead or create any tactical advantage.

Was there an abuse of process?

The court noted that it is common practice in cases involving the protection of reputation and online publication for proceedings to issue against persons unknown and to use NPOs[1] to garner information in relation to the identify of publishers. A litigant does not need the court's permission to issue proceedings against persons unknown, although it may require the intervention of the court to ensure effective service and the court will closely supervise the litigation. The solicitor for the plaintiffs now accepts that he ought to have provided information about the identification of Mr Bond to the court at the time of the ex parte hearings in 2023. The court also took into account that had the operators of Tattle Life complied with their legal obligations in relation to transparency around the ownership and operation of the website, there would have been no need to issue proceedings against persons unknown or to seek an SSO.

The court was not satisfied, in all the circumstances, that the plaintiffs had used the court process for a purpose or in a way which was significantly different from the ordinary and proper use of the court process. It therefore declined to strike the action out as an abuse of process.

Was there material non-disclosure in the ex parte applications?

There is a duty on applicants for a without notice injunction to make full and accurate disclosure of material facts and to draw the court's attention to significant factual, legal and procedural aspects of the case. The court said it was an inescapable conclusion that there was a failure on the part of the plaintiffs to make full and frank disclosure at the first ex parte hearing on 23 June 2023 and, indeed, this was the subject of admissions, albeit belatedly, by their solicitor.

On the question of whether, and to what extent, the non-disclosure was material, the court said that had the judge been informed as he ought to have been, the inescapable conclusion was that he would have directed service of proceedings in the conventional manner on Sebastian Bond by first class post at his known address in Poole and, in all likelihood, by use of the multiple email addresses which had been identified through the research carried out by the plaintiffs. A belt and braces approach would have involved service on others engaged in the operation of the website by use of the Tattle Life hotmail address. Service in this fashion would have ensured that the proceedings were brought to the attention of Mr Bond.

The court was, therefore, satisfied that the SSO would not have been made had the plaintiffs complied with their disclosure obligations. In these circumstances, the court had been misled, however, the plaintiffs' solicitor averred this was an honest mistake, not a tactical decision in order to obtain some litigation advantage.

The authorities make it clear that if there has been some material non-disclosure, or fresh information comes to light, there is an obligation on a plaintiff to return to court. In this case, there were a number of material developments which were not brought to the attention of the judge at the time of the second ex parte application when judgment was entered in default. Instead, the court was told that there had been engagement with a specialist investigations

[1] The court may make a Norwich Pharmacal Order ("NPO") where a wrong has been carried out.

company, but matters had not, as yet, been "bottomed out". Had these matters been disclosed to the judge at the time, the court said he would have taken steps to join Mr Bond as a named defendant and make directions in relation to service. The court stated that these were evident disclosure failings by the plaintiffs and the omissions served to compound the breaches of the duty of full and frank disclosure which occurred at the original hearing. In addition, the application to enter judgment against the defendants was not properly served as there was no SSO, nor was the court asked to deem service good. The court commented that service of documents by email, whether using a filesharing link or not, is not good service. Between 8 September and 1 December 2023 there were further developments of significance none of which were revealed to the judge. When he posed the direct question in relation to the identification of the defendants, he was told: "At this point in time, the answer to that is no."

The court said this answer was materially deficient. It noted that these errors were compounded by the continued failure to inform the court regarding service and that the plaintiffs' advisors were well aware of postal and alternative email addresses. The court concluded that had the judge been informed of the true factual position, as it ought to have been, it would not have made the order on 1 December 2023.

Having identified these manifold material non-disclosures, the next question for the court was what remedy it should grant, if any. In doing so, it is necessary to weigh up the very significant litigation advantage which accrued to the plaintiffs against the windfall which may benefit the defendants in the event that orders are set aside. Prior to the being joined as named defendants, the litigation had reached the stage where: the plaintiffs had judgment for £300,000 damages; the defendants had been condemned in very substantial costs, taxed on the indemnity basis; and a worldwide freezing order ("WFO") had been made against all the defendants' assets up to the amount of £1.8M:

> "I have therefore decided, without hesitation, that the SSO ought to be set aside. … the breaches of the obligation to make full and frank disclosure in this case were egregious, repeated and carried on for a period of two years across an array of ex parte applications. It will be apparent that for similar reasons the NPO dated 23 June 2023 ought not to have been made … However, that order was complied with and any relief which the court may grant in respect of it would be otiose."

Were the proceedings and subsequent applications validly served?

A subsidiary issue for the court was whether the proceedings were properly served at all in accordance with the SSO made on 23 June 2023. The SSO required service by way of email and what was sent was a Mimecast filesharing link which required an access code. The plaintiffs were aware that no such code had ever been requested and therefore the documents had not been seen.

The court concluded that, in appropriate circumstances, service by way of a file sharing link may be effective when an SSO is made for service by email. It is, however, an entirely different process from sending documents by way of email attachment. Software such as Mimecast provides the user with information as to when the documents have been downloaded and when the relevant link expires. The court said it must be incumbent on a plaintiff who seeks to depart from the normal modes of service to inform the court in the event that the proceedings were not downloaded, particularly in circumstances where the plaintiff is inviting the court to make

mandatory orders enforceable by punitive sanction. In the circumstances of this case, therefore, the court concluded the proceedings were not served in compliance with the SSO.

Can defective service be cured?

The plaintiffs contend that even if there were irregularities in service, these can be cured by an order of the court deeming service good. This can be made in circumstances where the court is satisfied that the relevant defendant, despite the irregularities, knew of the proceedings. The burden rests on the plaintiffs to establish good reason why the rules relating to service should be departed from in all the circumstances of this case.

The plaintiffs relied on a number of evidential factors in support of the proposition that Bond did have such knowledge. Ultimately, however, the court was not presented with any evidence of actual knowledge on the part of Mr Bond. Instead, the court said it was asked to draw inferences of knowledge from certain facts and actions which it was not able to do. The defendants' solicitors stated that the proceedings did not come to the attention of either Mr Bond or Yuzu Zest Limited until the various orders and associated documents were sent on 16 June 2025 and the plaintiff's solicitors were able to identify that the documents had been downloaded on the same date.

The court said this served to confirm the fundamental point that the plaintiffs' solicitors were at all times able to confirm whether or not any documents sent by this means had been accessed, seen or downloaded. No explanation was provided by the plaintiffs' solicitors for the defective service of the application to enter judgment. The court said it was also apparent that these irregularities had serious consequences for the defendants in terms of the further steps the plaintiffs were able to take in obtaining judgment and a WFO.

Accordingly, the court found that the plaintiffs failed to establish that Bond knew of these proceedings and the application to deem service good, in respect of the originating proceedings and the application to mark judgment, must fail.

Conclusion

The court made the following orders:

- The application to strike the proceedings out as an abuse of process is dismissed;
- The SSO made on 23 June 2023 is set aside;
- Pursuant to Order 12 rule 8, the court declares that the writ has not been served on the first and third defendants;
- The application to deem service good under Order 2 rule 1 is dismissed;
- The application for discovery is dismissed;
- The application for leave to serve a subpoena is refused.

Since the court found that the proceedings had not been served, it followed as a matter of consequence that the judgment against the first and third defendants is set aside. One of the consequences of the orders is that the writ of summons issued in June 2023 is no longer valid for service. It also followed in those circumstances that the WFO must be set aside.

The judgment against Yuzu Zest Limited, whose liquidators had been aware of it since December 2024 and had taken no steps to challenge it, remains enforceable.

NOTES TO EDITORS

1. This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available shortly on the Judiciary NI website (https://www.judiciaryni.uk/).

ENDS

If you have any further enquiries about this or other court related matters please contact:

Alison Houston
Lady Chief Justice's Office
Royal Courts of Justice
Chichester Street
BELFAST
BT1 3JF

E-mail: LCJOffice@judiciaryni.uk