

IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM
THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
BETWEEN:

Appeal Court Ref:
Claim No: HQ13D06031

RONALD TERANCE STOCKER

Claimant/Respondent

- and-

NICOLA STOCKER

Defendant/Appellant

GROUPS OF APPEAL

1. The Judge was wrong in law to reject the justification defence in paragraph 14 of the Re-Amended Defence. On a correct application of the relevant legal principles, the proved and/or admitted facts established the truth or substantial truth of the words complained of. In rejecting the justification defence the Judge made the following errors of law:-
 - 1.1. The Judge's approach to the construction of the words "tried to strangle" was contrary to the requirement to avoid an over-analytical and too literal approach. It was wrong in principle for the Judge to rely on the wording of the Oxford English Dictionary definition of "strangle". Further, having done so it was wrong for him not to take into account the offence under s.14 of the Offences against the Person Act 1861 of "attempt to strangle....with intent to commit murder", which was contrary to the construction proposed by the Judge.
 - 1.2. Alternatively, if the words "tried to strangle" imputed an intent to kill, the Judge was wrong in law not to assess from a reputational standpoint the impact of this in the context of what had been proved. The only reasonable conclusion is that the fact that the Claimant put his hand around the Defendant's throat with such force and for such a period to constrict her breathing, cause red marks that were visible for hours after and make her believe that he was intending to kill her is so damaging to his reputation that whether or not he actually intended to do so does not materially add to it so as to give rise to a claim in defamation.

- 1.3. The Judge was wrong in law to detach the inferential “dangerous” imputation from the imputation of “arrested countless times” as it was pleaded in paragraph 6.3 of the Amended Particulars of Claim.
- 1.4. Further or alternatively, the Judge was wrong in law not to particularise what was meant by “dangerous” in this context or explain why the proved facts were insufficient to justify it. The only reasonable conclusion is that they were.
2. The Judge was wrong in law to find that the Defendant was responsible for the publication to Deborah Bligh’s Facebook friends (“the Friends”).
 - 2.1. The Defendant could only be responsible if she was aware that her exchanges with Ms Bligh were visible to the Friends and the Judge found that she was not. This applies whether or not the publication to the Friends is to be categorised as a direct publication by the Defendant or a republication by Ms Bligh. Alternatively, the Judge was wrong in law not to characterise it as republication or analogous to it.
 - 2.2. Alternatively, if the test for responsibility for publication is negligence-based, the burden of proof is on a claimant, not a defendant as the Judge found. The Claimant did not set out to establish that the Defendant was negligent.