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Dear Sirs

Strictly Private and Confidential

The Leveson Inquiry – Module 1 – Charlotte Church Evidence

We have been asked to respond to the witness statement of Richard Caseby which has been submitted to the Inquiry by News International Limited ("News International") in response to Charlotte Church's evidence in relation to an internet "countdown clock" published about her reaching the age of 16.

The Inquiry will note that it has been established that two such websites have been found by internet bloggers (exhibited by Mr Caseby at RC5 and RC6) who have reported on the issue. One of the sites www.charlottechurchcountdown.com has been found to have been featured as "website of the day" in the Daily Mirror and linked to from the Daily Mirror website in the Matt Kelly "Kelly's i" column. The Mirror's Matt Kelly column reference to this website (as described on page 2, third paragraph from the bottom, of RC5) does not appear to be available on the Mirror website archive. The image of the site itself is displayed at page 2 of RC5 and contains the statement "*This website has been mentioned many times in the UK Press*". There can be little doubt that this website carries the innuendo described by Charlotte Church in her evidence and that the website was of interest to the media generally. It is not known, at this stage, who was responsible for this website.

With regard to the Sun, we are instructed as follows:

Charlotte Church's recollection of the Sun website displaying a countdown clock was genuine and it remains her recollection. She accepts that the Sun may not have featured its own countdown clock but linked or otherwise provided access and publicity to an external website. She also accepts that the Sun was not the only UK newspaper website to feature the countdown clock although she did not recall the Mirror doing so at the time she gave evidence.

Charlotte Church's current Manager, John Vernile, who was at the time a Vice President at Sony's Columbia label with responsibility for Charlotte Church, has confirmed to us that his recollection is consistent with Ms Church's recollection. He recalls speaking to Sony UK to ask them to resolve the issue in relation to the Sun website (both John Vernile and Charlotte Church were working in the US at the time). John Vernile has also informed us that he has recently spoken to Charlotte Church's US publicist, Kevin Chiaramonte, who also recalls seeing and discussing the countdown clock and its appearance via the Sun website. It should be noted that the email from Sony's Michael Smith to Richard Caseby, exhibited to

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Richard Caseby's statement (RC7) and outlined in paragraphs 10 – 13 of the statement, refers to him having spoken to executives employed by Sony at the time. Mr Smith did not contact Mr Vernile.

Mr Caseby's evidence in relation to News International's searches of the Sun website relies on information provided to him by Paul Cheesbrough. It should be noted that Mr Caseby explains at paragraph 8 of his statement that Mr Cheesbrough cautions against drawing a conclusion from his searches because; "*an article which had been published by the Sun but subsequently withdrawn would not appear in the results*".

Ms Church and her current advisers do not have access to the relevant records at the time nor have they been able to check the Sun website archive themselves. Unlike many other media websites, the Sun website archive is not apparently searchable using the waybackmachine.com archive search facility. It may be relevant to note that in attempting to search the Sun website John Vernile found that between Jan. 7th to Jan. 25th 2010, the settings for www.thesun.co.uk changed such that the archive of the website was no longer accessible (the result appears "page cannot be crawled or displayed due to robots.txts"). News International may want to clarify this point to the Inquiry.

We do not wish to engage in a debate more suited to expert witness evidence particularly given the admission in paragraph 8 of Mr Caseby's evidence however it is submitted that paragraphs 6 and 7 of Mr Caseby's statement should be given little if any weight. As to paragraph 9; it is noted that the record referred to is not exhibited to the statement. If such a record is maintained and News International wish to rely on it as being a complete and accurate record of material withdrawn from the Sun website or complained of then we suggest that the record for the relevant period is disclosed to the Inquiry. Alternatively, the Inquiry may consider that this record is unlikely to be definitive in any event.

News International's denial that the Sun featured a countdown clock as described by Charlotte Church has been widely reported. Mr Caseby's evidence seeks to support that denial however, on behalf of Charlotte Church, we submit that the searches he describes in his evidence cannot be determinative of the issue and are instructed that it has not persuaded Charlotte Church or her Business Manager that her recollection on this point is mistaken. If we can be of further assistance to the Inquiry on this issue please do not hesitate to contact us.

Yours faithfully



 Collyer Bristow LLP

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