

**Proceedings against journalists and media,
formed/considered by the Civil Panel of the Supreme Court of Cassation in the fourth quarter of 2022.**

Session/Case/Reporter/Department/Parties/Subject	Result
Open hearing held on 27.09.2022 - civil case No. 4589/2021, 1st civil department, reporter: Vanya Atanasova, Art. 49 OCA, Art. 288 CCP The case was initiated on a cassation appeal by R. K. Ch. against Decision No. 264574/08.07.2021 under appellate civil case No. 1771/2021 of the SCC, IV appellate panel, confirming Decision No. 65921/11.03.2020, amended by Decision No. 20251374/13.11.2020, issued in civil case No. 61421/2018 of SDC, 1st civil department, 29th panel, which rejected the claim brought by R. K. Ch. against Trud Media EOOD with a legal basis, Art. 49, para. 1 of the OCA for awarding the amount of BGN 10,000 compensation for non-pecuniary damages. It is maintained that the decision is incorrect because it was issued in violation of Art. 154 of the CCP.	With Decision No. 50110/25.10.2022, the Supreme Court of Cassation (SCC) decided: Revokes decision No. 264574 of 07/08/2021 in appellate civil case No. 1771/2021 of the Sofia City Court (SCC) SCC, IV appellate panel in the part confirming decision No. 65921 of 03/11/2020, corrected with decision No. 20251374 of 13.11.2020, rendered in civil case No. 61421/2018 of the Sofia District Court (SDC), 1st Civil Department, 29th panel, in the part with which the claim for the amount of BGN 3,000, together with the legal interest on this amount, calculated from 18.09.2018 until its final payment, with legal basis Art. 49, para. 1 of the Obligations and Contracts Act (OCA) lodged by R. K. Ch. against Trud Media EOOD was rejected, also in the part for costs, as well as in the part with which R. K. Ch. was sentenced to pay Trud Media EOOD the sum of BGN 996 in costs for the appellate proceedings, instead of which the court ruled: Sentences Trud Media EOOD, on the grounds of Art. 49 of the OCA, to pay R. K. Ch. the sum of BGN 3,000 in compensation for non-pecuniary damages caused to him by the culpable illegal inaction of the company's employees, resulting in not taking, after 31.07.2018, the necessary actions to delete or supplement the information concerning the plaintiff in the articles published on 18.04.2017 on the website with the domain https://trud.bg with the titles "There are six persons arrested for the attack on journalists from Nova TV, they are looking for a seventh one" and "Six were accused for the attack on journalists from Nova TV", together with the legal interest on this amount, calculated from 18.09.2018 until its final payment. Confirms decision No. 264574 of 07/08/2021 in appellate civil case No. 1771/2021 of the SCC, IV appellate panel, in the part confirming decision No. 65921 of 03/11/2020, amended by decision No. 20251374 of 11/13/2020, ruled in civil case No. 61421/2018 of SDC, 1st

	Civil Department, 29th panel, in the part with which the claim over the amount of BGN 3,000 up to the full claimed amount of BGN 10,000, brought by R. K. Ch. against Trud Media EOOD with a legal basis Art. 49, para. 1 of the OCA was rejected, together with the legal interest on the difference of BGN 7,000 between the two amounts, from 18.09.2018 until its final payment. Sentences Trud Media EOOD, based on Art. 78, para. 1 of the Civil Code of Procedure (of the CCP), to pay the R.K.C. the sum of BGN 909 - part of the costs for the three instances, corresponding to the upheld part of the claim. Sentences R. K. Ch., based on Art. 78, para. 3 Civil Code of Procedure of the CCP, to pay Trud Media EOOD the sum of BGN 2,800 - part of the costs for the three instances, corresponding to the rejected part of the claim. The decision is not subject to appeal.
Closed hearing held on 11.10.2022, civil case No. 1393/2022, 1st civil department, reporter: Bonka Decheva, Art. 49 of the OCA, Art. 288 of the CCP The case was initiated on a cassation appeal of P.S.P. against Decision No. 4/04.01.2022 in civil case No. 2203/2021 of the Sofia Court of Appeal, which confirmed Decision No. 262832/29.04.2021. in civil case No. 3962/2018 of the SCC. With the latter, the claim brought on the basis of Art. 49 of the OCA in conjunction with Art. 45 of the OCA of PSP to order New Media Group AD to pay it the sum of BGN 200,000, representing non-pecuniary damages as a result of the publication of Weekend. In the cassation appeal, arguments of irregularity due to contradiction with the substantive law, substantial violation of the procedural rules and unreasonableness are cited. The cassation appeal was filed within the time limit, comes from a legally legitimate party and is against an appellate decision, which is subject to appeal, which is why the court considers it admissible.	By Decision No. 50446/01.11.2022, the SCC determined: It does not allow a cassation appeal of appellate decision No. 4 of 04.01.2022 in civil case No. 2203/2021 of the Sofia Court of Appeal on a cassation appeal filed by P.S.P.

Closed hearing held on 05/09/2023, civil case No. 4573/2022, 2nd civil department, reporter: Kamelia Marinova, Art. 45 of the OCA, Art. 288 of the CCP

The case was initiated on a cassation appeal of D. L. S. against Decision No. 261531/05.05.2022 under appellate civil case No. 10179/2020 of the Sofia City Court.

With the appealed appellate decision, after a partial annulment of the first-instance Decision No. 81239/03.05.2020 in civil case No. 5334/2019 of the Sofia District Court, the subjectively joined claims with legal basis Art. 49 of Art. 45 of the OCA of D. L. S. Were upheld:

- against Selevkidi OOD for the sum of BGN 2,600, representing compensation for non-pecuniary damages caused to it by insults and defamatory statements published in the period 13.08.2015 - 26.11.2018 in Klyuki.bg, Razkritiya.com and Kliuki.Net, together with the legal interest;

- against Pik News EOOD for the sum of BGN 1,000, representing compensation for non-pecuniary damages caused to it by insults and defamatory statements published in the period 17.06.2017 - 10.01.2019 in Pik.bg, Retro. bg and Retro newspaper, together with the legal interest.