

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

Roger ter Haar QC, sitting as a Deputy High Court Judge

6 May 2021

B E T W E E N:

- (1) MULTIPLEX CONSTRUCTION EUROPE LIMITED
- (2) 30 GS NOMINEE 1 LIMITED
- (3) 30 GS NOMINEE 2 LIMITED

and

PERSONS UNKNOWN ENTERING IN OR REMAINING AT  
THE 30 GROSVENOR SQUARE CONSTRUCTION SITE  
WITHOUT THE CLAIMANTS' PERMISSION



QB-2021-001584

Defendants

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**ORDER FOR AN INJUNCTION**

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**PENAL NOTICE**

**IF YOU, THE DEFENDANTS DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS OR ANY OF THEM TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.**

**IMPORTANT NOTICE TO THE DEFENDANTS**

**This Order prohibits you from doing certain acts. You should read this Order very carefully. You are advised to consult a solicitor as soon as possible.**

**If you disobey this Order you may be found guilty of contempt of court and you may be sent to prison or your assets seized.**

**You have the right to apply to the court to vary or discharge this order (which is explained below)**

**RECITALS**

UPON the Claimants' application made within its application notice dated 27 April 2021 ("the Application Notice");

AND UPON it appearing to the Court that there is good reason for the Claimants not having given 3 clear days' notice of its application to the Defendants, and for bringing their application on a 'without notice' basis;

AND UPON HEARING Counsel for the Claimants and no other party appearing;

AND UPON READING the witness statements of Martin Philip Wilshire dated 27 April 2021 and Stuart Sherbrooke Wortley dated 27 April 2021;

AND UPON Court accepting from the First Claimant the undertaking set out in Schedule 2 to this Order;

**IT IS ORDERED THAT:**

**THE INJUNCTION**

- (1) **the Defendants must not without the consent of the Claimants, enter or remain upon any part of the construction site which is within the hoardings, security fencing and gates from time to time surrounding 30 Grosvenor Square, London, W1A 1AE as shown edged red on the plan at Schedule 3 to this Order (the "30 Grosvenor Square Construction Site").**
  
- (2) **Unless otherwise varied, discharged or renewed at some sooner time and date:**
  - (i) **Paragraph (1) of this Order will be reconsidered by this court at 10:30 am on 5 May 2023 at the Royal Courts of Justice, Strand, London.**
  
  - (ii) **Paragraph (1) of this Order shall continue in force until midnight on 5 May 2023.**

**DURATION, VARIATION OR DISCHARGE OF THIS ORDER**

- (3) Any person may apply to vary or discharge this Order upon giving 48 hours' notice in writing to the First Claimant's solicitors at Eversheds Sutherland (International)

LLP, One Wood Street, London, EC2V 7WS (Ref: Stuart Wortley tel: 0771 288 1393; email: [stuartwortley@eversheds-sutherland.com](mailto:stuartwortley@eversheds-sutherland.com)).

### **INTERPRETATION OF THIS ORDER**

- (4) A Defendant who is ordered not to do something must not do it him/herself or in any other way. He/she must not do it through another acting on his/her behalf or on his/her instructions or with his/her encouragement.
- (5) It is recorded that any person who breaches paragraph (1) of this order knowing of the existence of this Order will automatically become a defendant to these proceedings.

### **DISPENSING WITH SERVICE OF THE APPLICATION**

- (6) Pursuant to CPR 23.4, the Court directs that the Claimants' application may be heard with without notice to the Defendants or any other person.

### **ISSUE AND SERVICE OF CLAIM WITHOUT NAMED DEFENDANTS**

- (7) For the avoidance of doubt, the Claimants are granted permission (if the same is required) pursuant to CPR 8.2A to issue this claim without naming a defendant.

### **SERVICE OF THIS ORDER AND THE PROCEEDINGS**

- (8) Service of this Order and of the proceedings may be effected in the manner set out in paragraphs (9) to (12) below which, pursuant to CPR 6.15 and 6.27, shall stand as good service of the Claim Form and the Particulars of Claim upon any person who shall become a defendant to this Claim in the manner described in paragraph (4) of this Order.
- (9) Save as set out above, service of the Claim Form, Particulars of Claim, Response Pack, Application Notice and Witness Statements in support of the Claimants' application are dispensed with in respect of any person who shall become a defendant to this Claim in the manner described in paragraph (4) of this Order.
- (10) The First Claimant shall maintain on a website ("the Service Website") downloadable copies of the following documents:
- (i) This Order;

- (ii) The Application Notice;
- (iii) The Claim Form;
- (iv) The Particulars of Claim;
- (v) The witness statements submitted to the Court in support of the Claimants' application for this Order;
- (vi) A brief record of the hearing at which this Order was made.

(Hereinafter, "the Proceedings")

(11) The First Claimant shall post notice of the existence of this Order and of this Claim ("the Notice") as soon as reasonably practicable:-

(b) at all main entrances to the 30 Grosvenor Square Construction Site; and

(c) at not less than 10 prominent locations around the perimeter of the 30 Grosvenor Square Construction Site.

(12) The First Claimant shall maintain copies of the Proceedings at an office at, or within a reasonable distance of 30 Grosvenor Square.

(13) The Notice shall include a statement that copies of this Order, the Claim Form, the Particulars of Claim, the Claimants' application notice dated 27 April 2021 and the Witness Statements in support of the Claim, may be viewed:

(a) at the Service Website (the URL of which shall be stated); and

(b) at the physical location referred to in paragraph (12) of this Order,

and that copies may also be obtained from the First Claimant's Solicitor, whose contact details shall be included.

(14) The First Claimant, through its solicitor, shall provide a copy of all the documents listed in paragraph (10) of this order free of charge to any individual who requests one.

#### **COMMUNICATIONS WITH THE COURT**

(15) All communications to the Court about this Order should be sent to:

- Queen's Bench Division, Royal Courts of Justice, Strand WC2A 2LL.

The offices are open between 10.00 a.m. and 4.30 p.m. Monday to Friday (except Bank Holidays).

- The telephone number is 020 7947 6000

## **SCHEDULE 1**

### **Witness Statements**

The Judge read the following Witness Statement before making this Order:

Witness Statement of Martin Philip Wilshire dated 27 April 2021 together with the Exhibits marked "MPW1-MPW6"

Witness Statement of Stuart Sherbrooke Wortley dated 27 April 2021 together with the Exhibits marked "SSW1-SSW8"

## **SCHEDULE 2**

### **Undertaking given to the Court by the First Claimant**

To pay any damages which the Defendants (or any other party served with or notified of this Order) shall sustain which the Court considers the Claimants should pay.

### SCHEDULE 3



