

Witness: Emma Margaretha Florence Pinkerton  
No. of Witness Statement: Second  
Party: First, Second and Third  
Claimants  
20 January 2025

Claim No. QB-2020-002702

- (1) MULTIPLEX CONSTRUCTION EUROPE LIMITED**  
**(2) LUDGATE HOUSE LIMITED (INCORPORATED IN JERSEY)**  
**(3) SAMPSON HOUSE LIMITED (INCORPORATED IN JERSEY)**

**Claimants**

**and**

**PERSONS UNKNOWN ENTERING IN OR REMAINING AT  
THE CLAIMANTS' CONSTRUCTION SITE AT BANKSIDE YARDS WITHOUT  
THE CLAIMANTS' PERMISSION**

**Defendants**

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**WITNESS STATEMENT OF EMMA  
MARGARETHA FLORENCE PINKERTON**

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I, EMMA MARGARETHA FLORENCE PINKERTON of Cannon Place, 78 Cannon Street, London EC4N 6AF WILL SAY as follows:-

**1. INTRODUCTION**

- 1.1 I am a Partner at CMS Cameron McKenna Nabarro Olswang LLP (“**CMS**”) and I have conduct of these proceedings on behalf of the Claimants.
- 1.2 Unless I state otherwise, the facts in this statement are within my knowledge and true. Where the facts are not within my knowledge they are true to the best of my knowledge and belief and I identify the source.
- 1.3 I make this statement in support of the application dated 20 January 2025 made in response to the Order of the Honourable Mrs Justice Collins Rice dated 17 January 2025 (the “**17 January 2025 Order**”). In that order, the Judge allowed the Claimants until 3pm on Monday 20 January 2025 to apply to the King’s Bench Listing Office for the application made on 20 December 2024 (the “**Application**”) to be listed to be heard by a High Court Judge as promptly as reasonably possible,

with a time estimate of 2 hours. In a section of the Order called “Observations”, she indicated that, at that hearing, the Claimants should expect not only to be required (a) to make the case for the necessity of injunctive relief, on its merits and by reference to evidence of how matters stand now; but also (b) to explain why this comes to Court as a request for more *interim* relief and how it is proposed the matter be brought to a litigation conclusion.

1.4 As to (a): this is addressed in the witness statement of Jamie Godden dated 20 December 2024. I do not understand her Ladyship’s observations to imply that the Court has taken a view that this evidence as unsatisfactory in relation to point (a), but I have asked the Claimants to double-check whether there is any further information that could usefully be brought to the Court’s attention on this aspect of the matter.

1.5 As to (b): my understanding of her Ladyship’s observations is that this is the fundamental matter that the Court requires to be addressed, in addition to the matters already covered by the evidence. I apologise to the Court that the evidence to date has not addressed these matters. No disrespect to the Court was, or is, intended. My clients and I had not interpreted Mr Justice Ritchie’s order as precluding a further grant of interim relief, as distinct from a further “interim” application, and my clients hoped that the matter could be dealt with on the papers, in the interests of saving costs. However, as Mrs Justice Collins Rice has pointed out by reference to paragraph 10 of Mr Justice Ritchie’s order, this is not one of those cases where the existing injunction was made at an “on notice” hearing which had been notified to any potential defendants using alternative means of service: his order was made after a “without notice” application, albeit giving liberty for “Persons Unknown” to apply to vary or discharge that order. No such application has been made by any Persons Unknown.

1.6 I refer to my first witness statement dated 20 December 2024 for the background to this matter.

## **2. NOTICE**

2.1 There are no named defendants and no way of identifying any particular individuals, groups or organisations. Accordingly, when preparing the Application I gave consideration to whether there was any detriment to the Defendants in making that without notice, as per each previous application made in these proceedings to date.

2.2 The result of that assessment was that I considered there would be no detriment in applying without notice and proceeded on that basis. However, I have now reconsidered the judgment of Mr Justice Ritchie with those concerns in mind. I seek to address them, below.

2.3 As a result, I would now invite the Court (1) to extend Mr Justice Ritchie’s Order, but only for a sufficient period (2) to allow the Claimants to apply for an order “on notice” and (3) to order that for this purpose the Claimants use the same means of notification as were approved by Mr Justice Ritchie for bringing his order to the attention of persons who might be affected by it, including the Defendants and other persons unknown.

2.4 I appreciate that the purpose of a witness statement is to give evidence of facts, not to make submissions, but I need to refer to my understanding of the law in order to explain in this statement why I ask for this relief.

2.5 As I understand the law as stated in the *Wolverhampton* case, it is immaterial whether an order is “final” or “interim” (*Wolverhampton* at paras 55, 118, 138, 139, 140, 142, 143, 167 and 238). My understanding of *Wolverhampton* is that it sanctions sustained continuation even of what, conventionally, might be called “interim” injunctions. This, as I understand it, is because “newcomer” injunctions are a new form of injunction for enforcement of rights which are not

seriously in dispute, rather than “holding the ring” pending a resolution of disputed rights (*Wolverhampton* para 163). What is critical, is that the injunction contains adequate protections, including machinery such as in relation to notification or alternative service provisions that will ensure both that (a) anyone potentially affected can apply to the Court to consider the matter (*Wolverhampton* para 232), and also (b) the Court continues to supervise the order, which is done by imposing a requirement of periodic review (*Wolverhampton* para 107, 216, 217). In particular, as I understand it, no order against newcomers is ever truly in its effect “final” in the way it has traditionally been perceived, precisely because anyone has liberty to apply — including on any grounds that could have been raised when the order was made: this was the point made in *Wolverhampton* at para 232.

- 2.6 I did not consider para 10 of Mr Justice Ritchie’s judgment to be inconsistent with this. Rather, I understood him to be pointing out that for an order to be described meaningfully as “final” (as sought by the Claimants in 2024), as distinct from “interim”, the application should have been preceded by giving notice, rather than proceeding without notice. I did not understand him to be suggesting that the Claimants were under an obligation to apply separately for something called a “final” order, as distinct from applying in future for a renewal of the “interim” injunctive protection granted by his order.
- 2.7 With apologies again in case I have misunderstood the law, that is why I thought that the course initially adopted, of applying to renew the injunction without purporting to make it “final”, was not inappropriate. If I am mistaken about this view then I have the Claimants’ instructions to apply for summary judgment for a “final” order.
- 2.8 However, in view of the Court’s observations in the 17 January 2025 Order, and bearing in mind that Mr Justice Ritchie’s order was itself made “without notice”, I recognise that in the context of a “renewal” application such as the present application, there is in fact no need for the application to be made “without notice”. I can also see that, given the length of time for which the site has been protected by injunctions, it may be positively preferable that notice be given of the application to renew.


### **3. SERVICE**

- 3.1 All previous orders in this matter have provided for service of the relevant Court documents, including the various Orders, by alternative means.
- 3.2 Most recently the order of Mr Justice Ritchie dated 19 January 2024 provided for service by:
- 3.2.1 Putting up a notice at the main entrance to the Site notifying of the existence of the order
  - 3.2.2 Putting up notice at at least 10 conspicuous locations around the Site notifying of the existence of the order
  - 3.2.3 That notice confirms that copies of the order and other court documents could be accessed at a dedicated webpage hosted by the Claimants and at a physical location at the Site
  - 3.2.4 By uploading the relevant documentation to the dedicated website page created by the Claimants and located at the following URL <https://www.multiplex.global/uk/news/london-injunction-bankside-yards>

- 3.3 The Claimants have complied with these alternative service provisions and had sought similar alternative service of the renewed injunction, so that service would be effected by those alternative means.
- 3.4 What I now propose is that the Claimants should use the same methods to give notice of their intention to apply for a renewed Order, including notice of the hearing date when this becomes available, so that anyone interested may attend Court on that occasion. The Claimants are arranging for the Application (and supporting documentation) as well as the 17 January Order to be uploaded to the website page and for hard copies to be available at the Site.
- 3.5 I believe that those steps will be likely to provide to any “Newcomers” adequate notice for the purposes of the requirements in *Wolverhampton*, and accordingly invite the Court to sanction reliance on those methods to bring the Application and these proceedings to the attention of any Defendants and any “Newcomers”.
- 3.6 I believe that compliance with the alternative service orders made and as set out above will ensure that this Application and any subsequent order is drawn to the attention of any Newcomers, in the sense contemplated in *Wolverhampton*.

**STATEMENT OF TRUTH**

I believe that the facts stated in this witness statement are true.  
I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

  
Signed.....  
Emma Margaretha Florence Pinkerton

Dated...20 January 2025.....