

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

Before Mr Justice Spencer

18 December 2019

B E T W E E N:



(1) MULTIPLEX CONSTRUCTION EUROPE LTD

(2) AURIENS CHELSEA PROPERTY HOLDING COMPANY LIMITED
(INCORPORATED IN GUERNSEY)

Claimants

and

PERSONS UNKNOWN ENTERING IN OR REMAINING AT
THE CLAIMANTS' CONSTRUCTION SITE WITHOUT
THE CLAIMANTS' PERMISSION, AND CLIMBING OR ASCENDING BUILDINGS,
STRUCTURES OR EQUIPMENT AT THE PREMISES

Defendants

ORDER FOR AN INJUNCTION

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 notice dated 17 December 2019

AND UPON HEARING Counsel for the Claimants and the Defendant not appearing

AND UPON READING the witness statement of Martin Philip Wilshire dated 17 December 2019

AND UPON the Claimants giving the undertakings to the Court set out in Schedule 2 to this Order

IT IS ORDERED THAT:

THE INJUNCTION

- (1) The Defendants must not, without the permission of the Claimants, enter or remain upon any part of the construction site at 2 Dovehouse Street, London SW3 6LA ("Dovehouse") as shown edged red on the plan at Schedule 3 to this Order as demarcated from time to time by hoarding or security fencing and climb or ascend to a height of more than 2 meters above ground level upon any building, structure or equipment at these premises.
- (2) Paragraph (1) of this Order will continue until 30 April 2021.

VARIATION OR DISCHARGE OF THIS ORDER

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

(International) LLP, One Wood Street, London, EC2V 7WS (Ref: Stuart Wortley tel: 020 7919 0969; email: 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.

SERVICE OF THIS ORDER

- (5) Service of this Order may be effected in the manner set out in paragraphs (6) and (7) below.
- (6) The Claimant shall post notice of the existence of this Order, as soon as reasonably practicable:-
- (a) at regular intervals on the hoardings at Dovehouse construction site;
 - (b) at least 5 prominent locations around the perimeter of the Dovehouse construction site.
- (7) The said notice shall include a statement that a fully copy of this Order, of the Claim Form and Response Pack, of the Claimant's application notice dated 17 December 2019 and sealed on 18 December 2019, of the Particulars of Claim and of the Witness Statement(s) submitted to the Court in support of the Claim, may be viewed:
- (a) at a website the URL of which is specified in the notice;
 - (b) at a physical location which his specified in the notice,
- and may be obtained from the Claimant's Solicitor, whose contact details shall be included.

ISSUE AND SERVICE OF CLAIM WITHOUT NAMED DEFENDANTS

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

- (9) Pursuant to CPR 6.15, the steps identified in paragraphs (6) and (7) shall stand as good service of the Claim Form and Particulars of Claim upon any person who shall, by knowingly breaching the terms of this Order, automatically become a defendant to this action.
- (10) Save as set out above, pursuant to CPR 6.16 service of the Claim Form, Response Pack, Application and Witness Statement(s) in support are dispensed with in respect of any person who shall become a defendant to this Claim as aforesaid.

COMMUNICATIONS WITH THE COURT

- (11) 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 17 December 2019 together with the Exhibits marked "MPW1" to "MPW6"

SCHEDULE 2

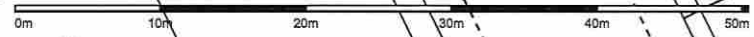
Undertakings given to the Court by the Claimants

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

SCHEDULE 3

Plan

Map Centre 527,144 178,148



Garden
Centre

Farmers
Market

45 to 51

29

to 27

15

Henry



.. CB1 2JY

Client:

Project:

Dovehouse

Title:

Scale: 1:500 @A4

Date: 12 Dec 19

Drawn By: JB

Dwg no: