

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

MR JUSTICE CONSTABLE



B E T W E E N:

- (1) ELEPHANT AND CASTLE PROPERTIES CO LIMITED
- (2) ELEPHANT AND CASTLE 990 UNI CO LIMITED
- (3) MULTIPLEX CONSTRUCTION EUROPE LIMITED

KB-2023-002914

Claimants

and

PERSONS UNKNOWN ENTERING OR REMAINING AT
THE CONSTRUCTION SITE AT ELEPHANT & CASTLE
SE1 6TE WITHOUT THE CLAIMANTS' PERMISSION OR
OTHER LAWFUL AUTHORITY

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 26 July 2024;

AND UPON READING the witness statements of Michael Waters dated 14 July 2023 and 28 July 2023 and of Stuart Sherbrooke Wortley dated 14 July 2023, 12 December 2023 and 26 July 2024

AND UPON the Third Claimant undertaking that it will pay any damages sustained by the Defendants in consequence of this Order, should it transpire that the Order should not have been made, which the Court considers the Claimants should pay

IT IS ORDERED THAT:

THE INJUNCTION

- (1) the Defendants must not until further order, without the consent of the Claimants or other lawful authority, enter or remain upon any part of the land as shown edged red on the plan at Schedule 2 to this Order as demarcated from time to time by hoarding or security fencing (the "Elephant and Castle Construction Site").

VARIATION OR DISCHARGE OF THIS ORDER

- (2) The Defendants and any person affected by this Order, may apply to vary or discharge this Order upon giving 48 hours' notice in writing to the Claimants' 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

- (3) 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

(4) The Claimants shall:-

(a) post notice of this Order in the locations of the existing warning notices referred to in paragraphs (5) and (6) of the Order dated 1 August 2023;

(b) upload a copy of this Order to the following web page:-

<https://www.multiplex.global/news/london-injunction-elephant-and-castle/>

COMMUNICATIONS WITH THE COURT

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

- King'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

FUTURE CONDUCT OF PROCEEDINGS

(6) Unless otherwise ordered by the Court, service by the Claimants of any application or Order or other document that should be served in these proceedings, may be effected by:-

(a) posting notice thereof in the locations referred to in paragraph (4)(a) above;

(b) uploading a copy of the document in question to the web page referred to in paragraph (4)(b) above.

(7) The Claimants shall by no later than 25 July 2025 apply to the Court for an extension of this order or for a final order (such application to be served in accordance with paragraph (6) above).

(8) If the Claimants intend to take enforcement proceedings against any person in respect of this Order, the Claimants shall, no later than the time of issuing such proceedings, serve on that person copies of:-

(a) the Claim Form and all supporting documents relied on to obtain the Order dated 1 August 2023; and

- (b) the application notice dated 26 July 2024 and all supporting documents relied on to obtain this Order.
- (9) The Court will consider whether to join the person served to the proceedings as a named Defendant and whether to make any further Order.

Dated this 29TH day of July 2024.

SCHEDULE 1

Witness Statements

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

Witness Statement of Michael Waters dated 14 July 2023 together with the Exhibits marked **"MW1" - "MW5"**.

Witness Statement of Michael Waters dated 28 July 2023

Witness Statement of Stuart Sherbrooke Wortley dated 14 July 2023 together with Exhibits marked **"SSW1" - "SSW6"**

Witness Statement of Stuart Sherbrooke Wortley dated 12 December 2023 together with Exhibit marked **"SSW7"**

Witness Statement of Stuart Sherbrooke Wortley dated 26 July 2024 together with Exhibits marked **"SSW8" - "SSW11"**

SCHEDULE 2

The Elephant and Castle Construction Site - Plan

