

CLAIM NO: QB-2019-000645

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

Before Rowena Collins Rice
(sitting as a judge of the High Court)

1 March 2019

B E T W E E N:



MULTIPLEX CONSTRUCTION EUROPE LTD AND OTHERS

Claimants

and

PERSONS UNKNOWN ENTERING THE CLAIMANTS' PROPERTIES IDENTIFIED WITHIN THE PARTICULARS OF CLAIM WITHOUT THE CLAIMANTS' PERMISSION, AND CLIMBING OR ASCENDING BUILDINGS, STRUCTURES OR EQUIPMENT AT THOSE PROPERTIES

Defendants

INJUNCTION ORDER

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' Claim;

AND UPON the Claimant not having given notice to any named individual;

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

AND UPON READING the witness statements of James William Senior dated 25 February 2019 and Stuart Wortley dated 28 February 2019;

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

AND UPON the Claimant's solicitors, through counsel, having indicated that it is their practice and intention to serve copies of this order by email on persons who are known to them as participants in the activity known as 'urban exploring';

IT IS ORDERED THAT:

THE INJUNCTION

- (1) The Defendants must not, without the permission of the Claimants, enter or remain on any part of the following construction sites as shown edged red on the plans 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 metres above ground level upon any building, structure or equipment at any of those sites.

Market Towers, 1 Nine Elms Lane, London, SW8 5NQ
63-71 (odd), Bondway, London, SW8 1SQ
New Court, 48 Carey Street, London, WC2A 2JE
80 - 84 Charlotte Street, London, W1T 4QS
Land at Marble Arch Place, Marble Arch, London, W1H 7AP
New Scotland Yard, 8-10 Broadway, London, SW1H 0GB
Chelsea Barracks, Chelsea Bridge Road, London, SW1W 8RH

- (2) Paragraph (1) of this Order will continue until 1 January 2024 unless varied by further order.
- (3) The Claimants have permission to apply to vary the terms of paragraphs (1) and (2).

VARIATION OR DISCHARGE OF THIS ORDER

- (4) 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

- (5) 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

- (6) Service of this Order may be effected on the Defendant by posting notice of this Order (and a weblink to it and a place where copies can be inspected):-
- (a) at regular intervals on the hoardings at the construction sites referred to in paragraph (1) of this Order;
 - (b) at least 5 prominent locations around the perimeter of the construction sites referred to in paragraph (1) of this Order;
- and (if so advised) by giving notice through social media.

COMMUNICATIONS WITH THE COURT

- (7) 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

THE DESCRIPTION OF THE DEFENDANTS

- (8) The Claimants have permission to amend the description of the class of persons unknown which constitute the defendants to this claim to:

"PERSONS UNKNOWN ENTERING THE CLAIMANTS' PROPERTIES IDENTIFIED WITHIN THE PARTICULARS OF CLAIM WITHOUT THE CLAIMANTS' PERMISSION, AND CLIMBING OR ASCENDING BUILDINGS, STRUCTURES OR EQUIPMENT AT THOSE PROPERTIES"

SCHEDULE 1

Witness Statements

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

Witness Statement of James William Senior dated 25 February 2019 together with the Exhibits marked "JWS1" to "JWS4".

Witness Statement of Stuart Sherbrooke Worley dated 28 February 2019 together with Exhibit "SSW1"

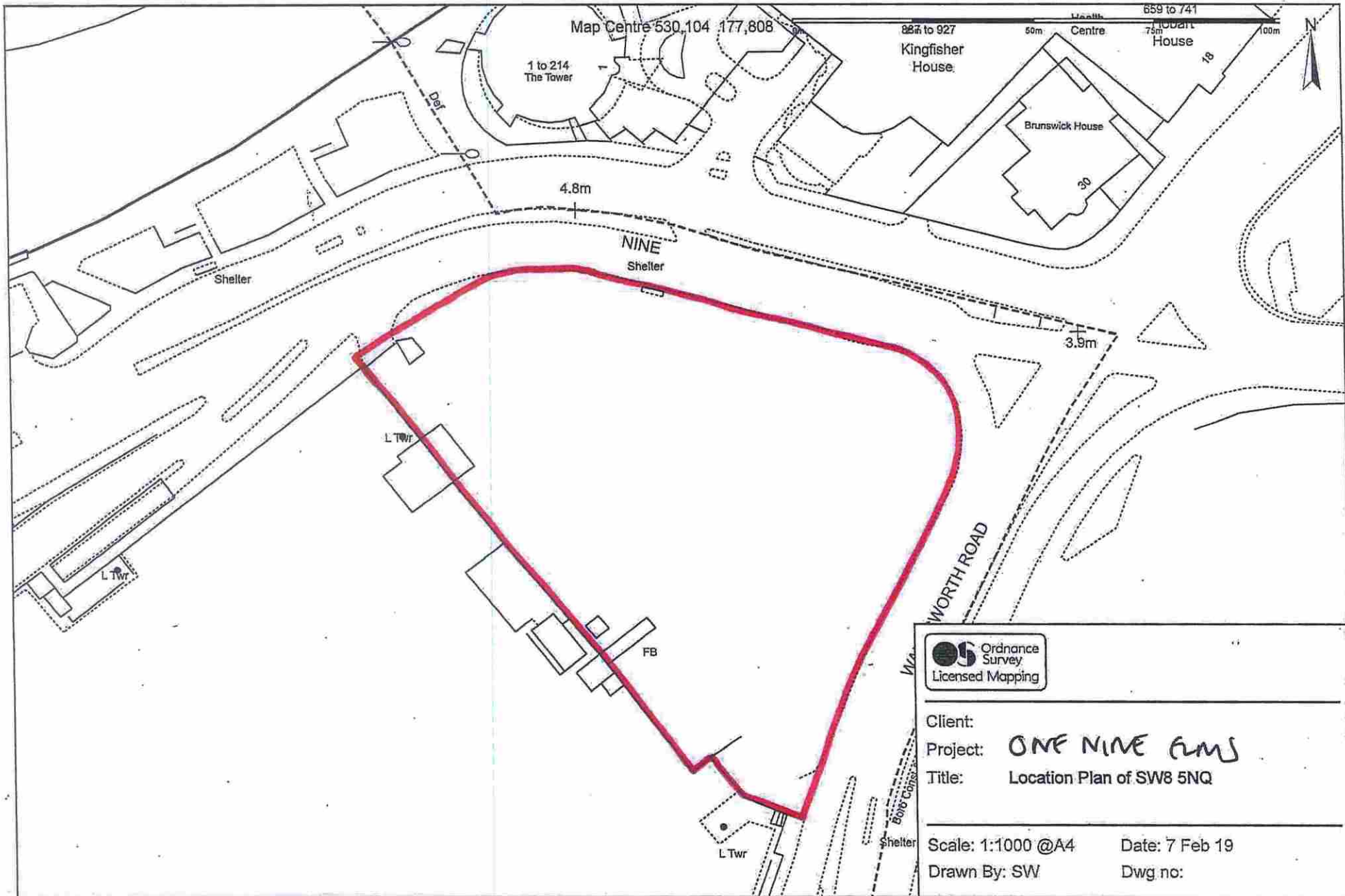
SCHEDULE 2


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

Plans




 Ordnance Survey
 Licensed Mapping

Client:
 Project: **ONE NINE RMS**
 Title: **Location Plan of SW8 5NQ**

Scale: 1:1000 @A4 Date: 7 Feb 19
 Drawn By: SW Dwg no:

Map Centre 530,325 177,772

Scale: 0m 20m 30m 40m 50m

BONDWAY

Factory

Hilden House

PARRY STREET

+4.4m

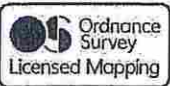
Viaduct

Graham House

MP 0.5

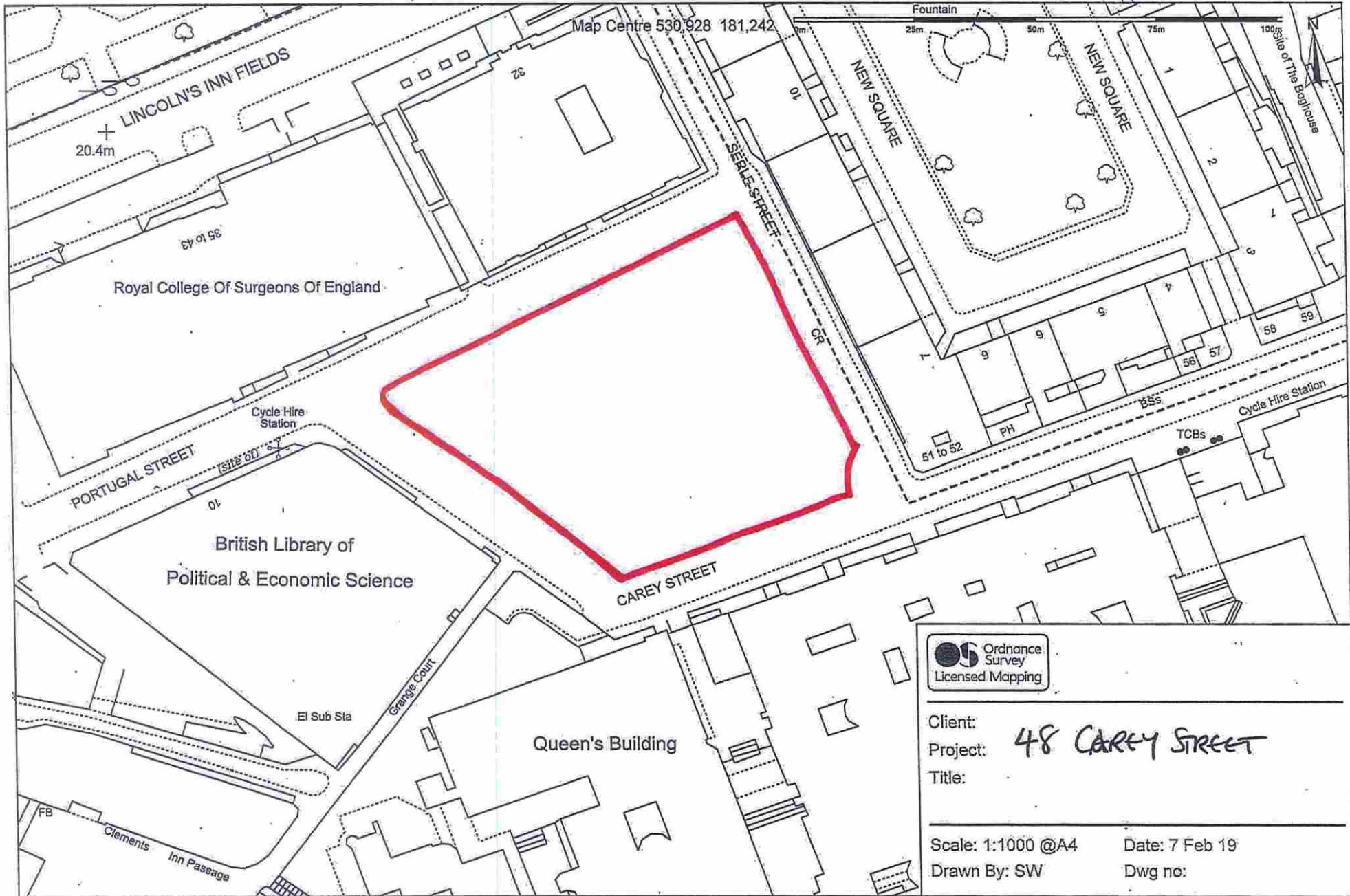
Shelter

DOUTH LAMBETH ROAD



Client:
Project: **DAMAL TOWER**
Title:

Scale: 1:1000 @A4 Date: 7 Feb 19
Drawn By: SW Dwg no:



Map Centre 530,928 181,242

Fountain

LINCOLN'S INN FIELDS
20.4m

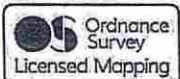
Royal College Of Surgeons Of England

PORTUGAL STREET

British Library of
Political & Economic Science

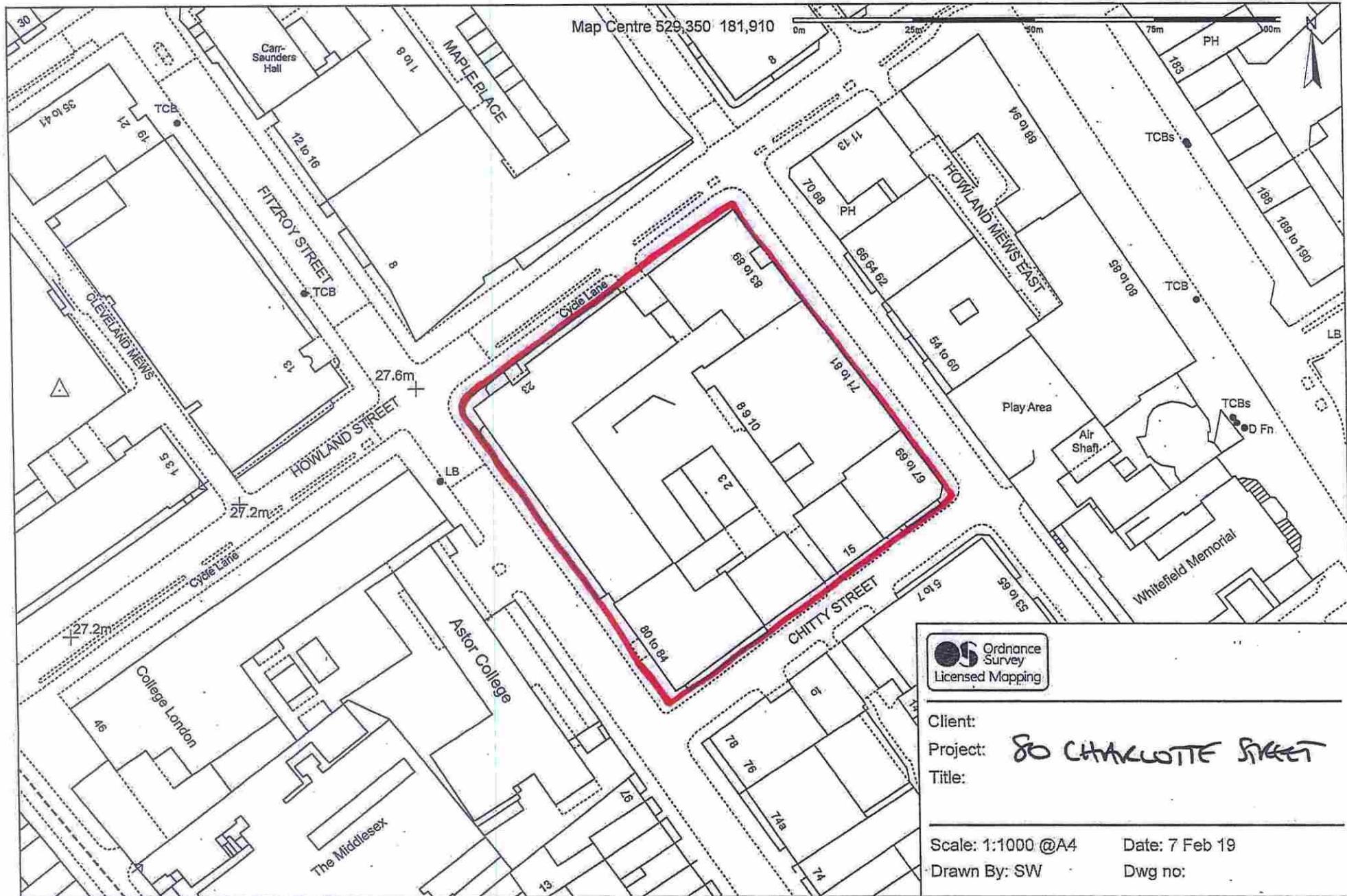
CAREY STREET

Queen's Building



Client:
Project: **48 CAREY STREET**
Title:

Scale: 1:1000 @A4 Date: 7 Feb 19
Drawn By: SW Dwg no:

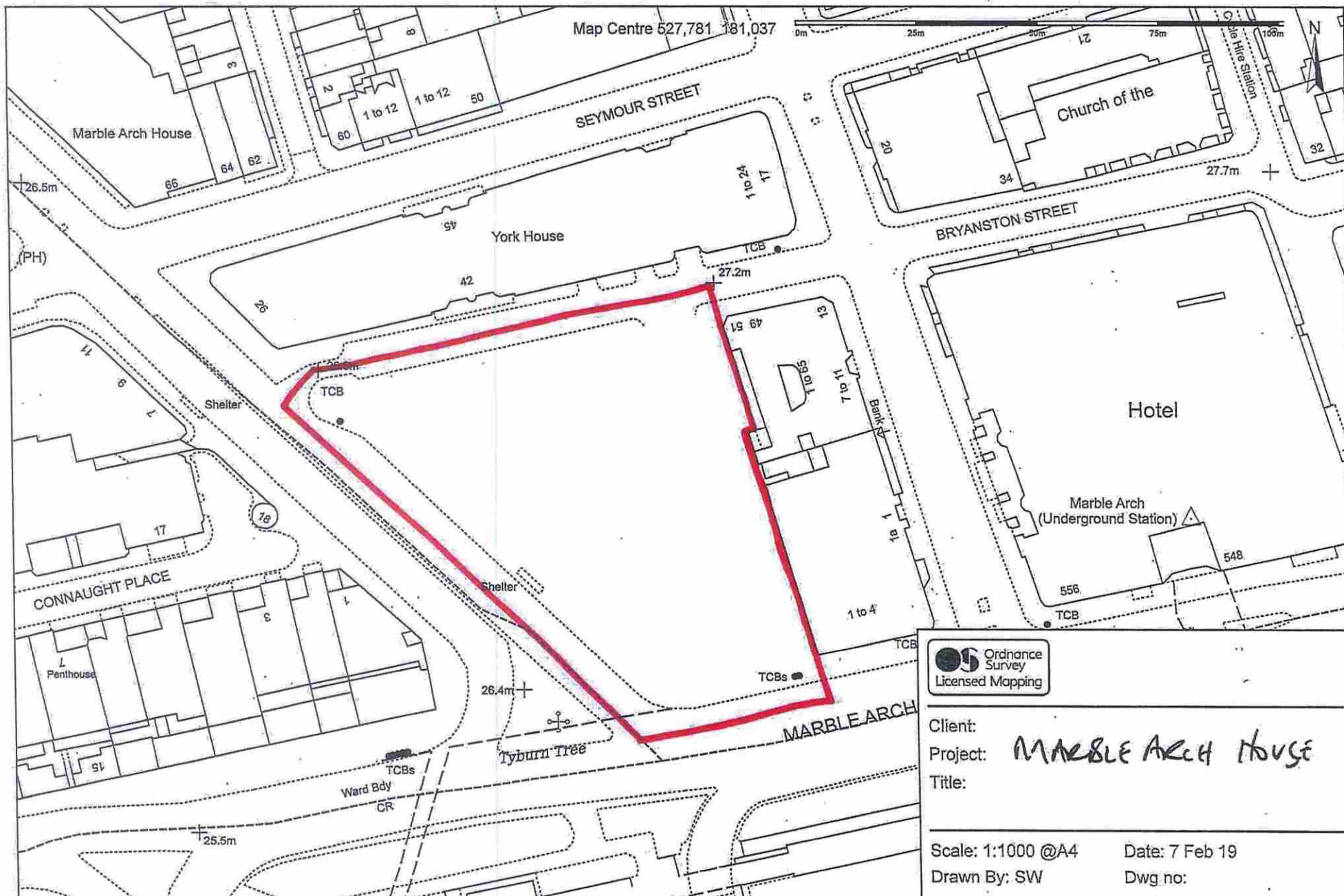


Map Centre 529,350 181,910



Client:
 Project: **80 CHARLOTTE STREET**
 Title:

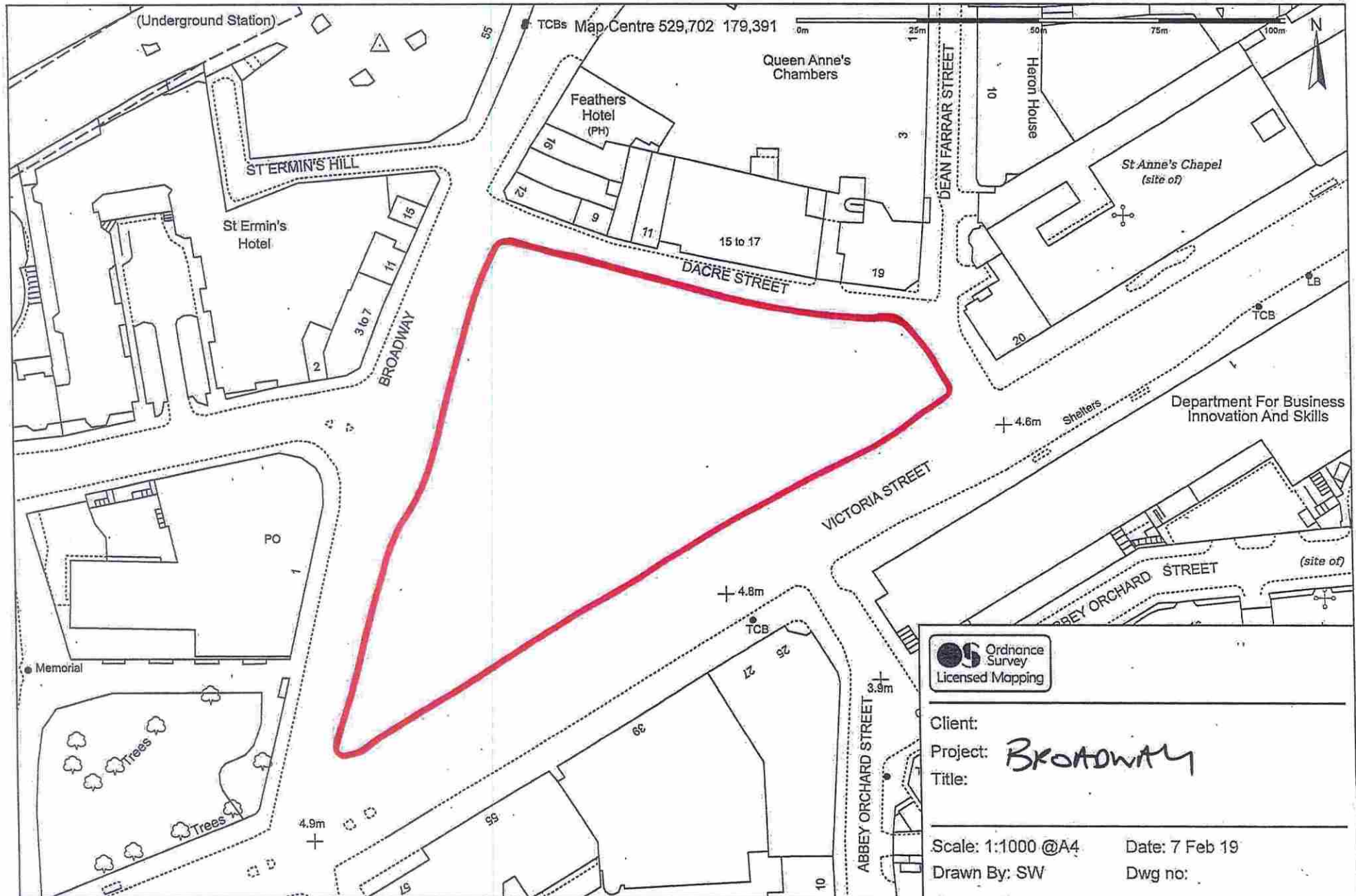
Scale: 1:1000 @A4 Date: 7 Feb 19
 Drawn By: SW Dwg no:





 Ordnance Survey
 Licensed Mapping

Client:
 Project: **MARBLE ARCH HOUSE**
 Title:

Scale: 1:1000 @A4 Date: 7 Feb 19
 Drawn By: SW Dwg no:




 Ordnance Survey
 Licensed Mapping

Client:
 Project: **BROADWAY**
 Title:

Scale: 1:1000 @A4 Date: 7 Feb 19
 Drawn By: SW Dwg no:



Client:
 Project: *Chelsea Barracks*
 Title:

Scale: 1:1250 @A3 Date: 15 Feb 19
 Drawn By: SW Dwg no:

Claim No

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

ROYAL COURTS OF JUSTICE

B E T W E E N:

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AND OTHERS

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OR EQUIPMENT AT THOSE PROPERTIES

Defendants

INJUNCTION ORDER

Eversheds Sutherland (International) LLP
One Wood Street
London
EC2V 7WS

Ref: CC/SSW/335158.000002

Solicitors for the Claimants