

CLAIM NO. QB-2020-002702

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

Before : Mr. Justice Bourne

26 January 2021

B E T W E E N:

- (1) MULTIPLEX CONSTRUCTION EUROPE LTD
(2) LUDGATE HOUSE LIMITED (INCORPORATED IN JERSEY)



QB-2020-002702
Claimants

-and-

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

Defendants

ORDER FOR AN INJUNCTION

PENAL NOTICE

IF YOU, THE DEFENDANT, 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 DEFENDANT

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.

RECITALS

UPON the Claimants' application dated 25 January 2021 made without notice for an extension to the existing interim injunction dated 30 July 2020 and sealed on 31 July 2020

AND UPON THE COURT having regards to the Interim injunction Order of Mr. Justice Soole dated 30 July 2020 and sealed 31 July 2020

AND UPON THE COURT being aware that the question of injunctions against Persons Unknown is the subject of further consideration by Mr. Justice Nicklin in the case of Various Claimants -v- Persons Unknown and that a judgment is likely to be handed down by no later than 09 March 2021

AND UPON HEARING Counsel for the Claimants and no appearance by the Defendants

AND UPON READING the first witness statement of Martin Wilshire dated 27 July 2020 in support of the interim injunction

AND UPON READING the second witness statement of Martin Wilshire dated 25 January 2021

THE INJUNCTION

IT IS ORDERED THAT:

- (1) The Injunction ordered by Mr. Justice Soole dated 30 July 2020 and sealed 31 July 2020 be extended until 4pm 09 March 2021, or further order.
- (2) The Defendants must not without the consent of the Claimants, enter or remain upon any part of the construction site at Blackfriars Road, London SE1 9UY ("Bankside Yards") as shown edged red on the plan at Schedule 3 to this Order as demarcated from time to time by hoarding or security fencing.

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.
- (5) It is a contempt of court for any person notified by this Order knowingly to assist or permit a breach of this order. Any person doing so may be imprisoned, fined or have their assets seized.

SERVICE OF THIS ORDER

- (6) Service of this Order may be effected in the manner set out in paragraphs (7) and (8) below and personal service of the order is dispensed with.
- (7) The Claimant shall post notice of the existence of this Order by 4pm, 5 February 2021:-
 - (i) at all main entrances to the Bankside Yards construction site;
 - (ii) at a minimum of 5 prominent locations around the perimeter of the Bankside Yards construction site.
- (8) The said notice shall include a statement that copies of the Interim Order dated 30 July and sealed on 31 July 2020, this Order, the Claim Form, the Claimants' application notices dated 28 July 2020 and 25 January 2021 and the Witness Statements of Martin Wilshire dated 27 July 2020 and 25 January 2021 may be viewed:
 - (a) at a website the URL of which is specified in the notice;
 - (b) at a physical location specified in the notice,and may be obtained from the Claimants' Solicitor, whose contact details shall be specified in the notice.
- (9) Pursuant to CPR 6.15 and 6.27, the steps identified in paragraphs (7) and (8) shall stand as good service of the Claim Form, Particulars of Claim and this Order

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.
- (11) The date on which the Claim Form and Particulars of Claim are to be deemed served is 5 August 2020 and the period for filing (i) an acknowledgement of service (ii) an admission or (iii) a Defence is by 9 March 2021.
- (12) This Order and the Order of Mr. Justice Soole dated 30 July and sealed 31 July 2020, the Claim Form, the Particulars of Claim, the Claimant's application notices dated 27 July 2020 and 25 January 2021 and the Witness Statements (with exhibits) of Mr Wilshire submitted to the Court in support of the Claim and this Order, may be viewed:

(a) at a website the URL of which is specified in the notice;

(b) at a physical location which is specified in the notice,

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

COSTS

- (13) There shall be no order as to costs on this application.

DEEMED SERVICE OF THIS ORDER

- (14) This order shall be deemed served as follows:-

Method of service	Deemed date of service
1. First class post (or other service which provides for delivery on the next business day)	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day.
2. Delivering the document to or leaving it at the usual / last known address given above	If it is delivered to or left at the usual / last known address on a business day before 4.30 pm, on that day; or in any other case, on the next business day after that day.
3. Email	If the e-mail or other electronic transmission is sent on a business day before 4.30 pm, on that day; or

	in any other case, on the next business day after the day on which it was sent.
4. Personal service	If the document is served personally before 4.30 pm on a business day, on that day; or in any other case, on the next business day after that day.

COMMUNICATIONS WITH THE COURT

(14) 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 email address is qbjudgeslistingoffice@justice.gov.uk

SCHEDULE 1

Witness Statements

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

First Witness Statement of Martin Philip Wilshire dated 27 July 2020 together with the Exhibits marked "MPW1" - "MPW7".

Second Witness Statement of Martin Philip Wilshire dated 25 January 2021 together with the Exhibits marked "MPW8" - "MPW10".

SCHEDULE 2

Undertakings given to the Court by the Claimants

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

Plan

