

## Application notice

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<b>Name of court</b> <b>HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION</b>		<b>Claim No.</b> <b>QB-2020-002702</b>
<b>Fee account no.</b> (if applicable)	<b>Help with Fees – Ref. no.</b> (if applicable)	
PBA0087211	H W F - [ ] [ ] [ ] - [ ] [ ] [ ]	
<b>Warrant no.</b> (if applicable)		
<b>Claimant's name (including ref.)</b> <b>(1) MULTIPLEX CONSTRUCTION EUROPE LTD</b> <b>(2) LUDGATE HOUSE LIMITED (INCORPORATED IN JERSEY)</b>		
<b>Defendant's name (including ref.)</b> <b>PERSONS UNKNOWN ENTERING IN OR REMAINING AT THE CLAIMANTS CONSTRUCTION SITE AT BANKSIDE YARDS WITHOUT THE CLAIMANTS' PERMISSION</b>		
<b>Date</b>	<b>19 July 2021</b>	

1. What is your name or, if you are a legal representative, the name of your firm?

**Eversheds Sutherland (International) LLP**

2. Are you a  Claimant  Defendant  Legal Representative

Other (please specify)

If you are a legal representative whom do you represent?

**Claimants**

3. What order are you asking the court to make and why?

**I intend to apply for an order that the Order of The Honourable Mrs. Justice Eady dated 6 May 2021 be extended until 14 January 2022 for the reasons given in box 10.**

4. Have you attached a draft of the order you are applying for?  Yes  No

5. How do you want to have this application dealt with?  at a hearing  without a hearing

at a telephone hearing

6. How long do you think the hearing will last?

Hours  Minutes

Is this time estimate agreed by all parties?

Yes  No

7. Give details of any fixed trial date or period

N/A

8. What level of Judge does your hearing need?

High Court Judge

9. Who should be served with this application?

See Draft Order

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

N/A

10. What information will you be relying on, in support of your application?

- the attached witness statement  
 the statement of case  
 the evidence set out in the box below

If necessary, please continue on a separate sheet.

On 30 July 2020, The Honourable Mr. Justice Soole granted an interim injunction to restrain the Defendants from entering or remaining upon the construction site known as Bankside Yards and as defined in the order of that date (“the Injunction”). The Injunction was expressed to last until 29 January 2021 or further order.

On 26 January 2021, The Honourable Mr. Justice Bourne extended the Injunction until 9 March 2021 or further order. When giving judgment, the learned Judge referred to the anticipated judgment of The Honourable Mr. Justice Nicklin in *London Borough of Barking and Dagenham (and others) v Persons Unknown*.

On 4 March 2021, The Honourable Mr. Justice Stewart extended the Injunction until 19 May 2021 or further order. Paragraph 4 of the Order provided that in the event of an appeal against the anticipated judgment of The Honourable Mr. Justice Nicklin to the Court of Appeal, the Claimants be granted permission to write to the Court to request a further extension of the Injunction.

On 6 May 2021, The Honourable Mrs. Justice Eady extended the Injunction until 26 July 2021 or further order.

On 12 May 2021, The Honourable Mr Justice Nicklin handed down judgment *London Borough of Barking and Dagenham v Persons Unknown [2021] EWHC 1201 (QB)*. This decision raises issues of general application concerning the jurisdiction of the Courts to grant injunctions against Persons Unknown.

Appeals have been made against the judgment of Mr Justice Nicklin for which the Court references are as follows:-

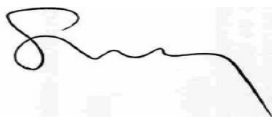
A2/2021/0994  
A2/2021/0997  
A2/2021/0998  
A2/2021/0999  
A2/2021/1009  
A2/2021/1010  
A2/2021/1017  
A2/2021/1018  
A2/2021/1021  
A2/2021/1022  
A2/2021/1026

Attached to this application marked "Exhibit 1" are copies of correspondence with the Civil Appeals Office which record the fact that the said appeals will be listed with a 2 day time estimate in October or November 2021.

In anticipation that the Court of Appeal will reserve judgment, this application seeks to extend the Injunction until Friday 14 January 2022.

**Statement of Truth**

The applicant believes that the facts stated in this section (and any continuation sheets) 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.



Stuart Sherbrooke Wortley

Partner  
Eversheds Sutherland (International) LLP

19 July 2021

11. Signature and address details



Applicant's solicitor

Stuart Sherbrooke Wortley  
Partner  
Eversheds Sutherland (International) LLP

19 July 2021

Applicant's address to which documents about this application should be sent

Eversheds Sutherland (International) LLP, One Wood Street, London	If applicable	
	Phone no.	020 7497 9797
	Fax no.	020 7919 4919
	DX no.	DX 154280 Cheapside 8
Ref no.	SSW.CH/335158.000006	
Postcode	E C 2 V	7 W S
E-mail address	stuartwortley@eversheds-sutherland.com	

"Ghent 1"



# HM Courts & Tribunals Service

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**RNID Typetalk**  
18001 (Text) 18002 (Voice)  
(Helplines for the deaf and hard of hearing)

[www.civilappeals.gov.uk](http://www.civilappeals.gov.uk)  
[www.justice.gov.uk](http://www.justice.gov.uk)

Lbbd Legal Services  
Adam Rulewski  
Barking Town Hall  
Barking  
IG11 7LU

DATE 21 June 2021

YOUR REF: ATR/23820

OUR REF: A2/2021/0997, A2/2021/0998  
A2 2021/1022, A2 2021/0994, A2/ 2021/0999  
A2 2021/1026, A2 2021/1017, A2 2021/1021  
A2 2021/1009, A2 2021/1010, A2 2021/1018

Dear Sir/Madam,

**Re: London Borough of Redbridge -v- Stokes & Anr**

The Vice-President has considered the various applications that are now before the Court in these cases. He is very grateful for the work done by Sharpe Pritchard to put the papers into manageable order and help identify the matters requiring decision. He is not yet in a position to decide the outstanding applications for permission to appeal. He hopes to be able to do so shortly. In the meantime he can give some directions and indications, as follows:

- (1) The Interveners below have permission to intervene in the appeals on the same basis as to costs as below. Their application for an extension to 5 July to file a skeleton argument is granted. It would be prudent for them to proceed on the basis that submissions are required on the grounds for which permission is pending, though the Vice-President hopes that the position will be resolved before then. (The Vice-President notes that the MR's deadline for representations in response to the PTA applications has passed.)
- (2) The appeals will be listed on a date to be fixed in October or November. Although two days, as estimated, seems realistic at present, as a matter of prudence at this stage three days will be set aside: if the two-day estimate remains appropriate the third day can be employed in pre-reading. The Listing Office will liaise about dates in the usual way with those parties who already have permission. The convenience of counsel, including the Advocate to the Court if appointed, will be accommodated so far as possible, but given the numbers potentially involved that cannot be determinative. As regards numbers of counsel, the Vice-President urges the parties to arrange for common representation so far as possible.
- (3) Walsall's request for a retrospective extension of time to file its skeleton is granted.
- (4) The Vice-President is sympathetic to HS2's application for permission to intervene, but he is not prepared to make an order without sight of a draft of the proposed submissions, whose nature is not clear from the submissions in support of the intervention and which, it seems, are likely to contain matters of fact as well as argument. He accordingly directs that the draft of any skeleton argument and/or evidence on which HS2 wishes to rely should be filed, and served on the parties, by no later than 4 pm on 16 July,

and that any objection to the intervention be filed with the Court by 4 pm on 23 July. A decision whether to permit the intervention, and if so whether to permit oral submissions, will be made at that stage.

(5) The Attorney General is being asked to appoint an Advocate to the Court.

(6) The application for permission to intervene by Basildon Council will be considered by the Vice-President as soon as possible.

Yours faithfully,



Mr Joseph Goswell  
Associates Office  
civilappeals.associates@justice.gov.uk

In accordance with the General Data Protection Regulation (GDPR) and Data Protection Act 2018 that came into effect from 25th May 2018 if you would like to know more about how HMCTS handles your personal data please visit our website at [www.gov.uk/hmcts](http://www.gov.uk/hmcts). If you require a hard copy of the privacy notice please contact the court.

**With effect from 1<sup>st</sup> February 2018 the Case Progression Section will only answer the phones between the hours of 10am – 12pm and 2pm – 4pm.**

## Wortley, Stuart

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**From:** Wortley, Stuart  
**Sent:** 19 July 2021 10:17  
**To:** Wortley, Stuart  
**Subject:** CAO email 15.07.21

**Importance:** High

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**From:** Civil Appeals - Listing <[civilappeals.listing@justice.gov.uk](mailto:civilappeals.listing@justice.gov.uk)>

**Sent:** 15 July 2021 14:36

**To:** 'tristanjones@blackstonechambers.com' <[tristanjones@blackstonechambers.com](mailto:tristanjones@blackstonechambers.com)>; 'Nigel.Giffin@11kbw.com' <[Nigel.Giffin@11kbw.com](mailto:Nigel.Giffin@11kbw.com)>; 'rebecca.wehner@governmentlegal.gov.uk' <[rebecca.wehner@governmentlegal.gov.uk](mailto:rebecca.wehner@governmentlegal.gov.uk)>; 'marcw@gclaw.co.uk' <[marcw@gclaw.co.uk](mailto:marcw@gclaw.co.uk)>; 'MAN@no5.com' <[MAN@no5.com](mailto:MAN@no5.com)>; 'cbolton@radcliffechambers.com' <[cbolton@radcliffechambers.com](mailto:cbolton@radcliffechambers.com)>; 'ranjitb@cornerstonebarristers.com' <[ranjitb@cornerstonebarristers.com](mailto:ranjitb@cornerstonebarristers.com)>; Dilcock, Julie <[JulieDilcock@eversheds-sutherland.com](mailto:JulieDilcock@eversheds-sutherland.com)>; 'zoe.rigby@basildon.co.uk' <[zoe.rigby@basildon.co.uk](mailto:zoe.rigby@basildon.co.uk)>; 'adam.rulewski@lbbd.gov.uk' <[adam.rulewski@lbbd.gov.uk](mailto:adam.rulewski@lbbd.gov.uk)>; 'chrisjohnson@communitylawpartnership.co.uk' <[chrisjohnson@communitylawpartnership.co.uk](mailto:chrisjohnson@communitylawpartnership.co.uk)>; 'wrose@sharpepritchard.co.uk' <[wrose@sharpepritchard.co.uk](mailto:wrose@sharpepritchard.co.uk)>; 'kdunn@testvalley.gov.uk' <[kdunn@testvalley.gov.uk](mailto:kdunn@testvalley.gov.uk)>; 'byron.britton@merton.gov.uk' <[byron.britton@merton.gov.uk](mailto:byron.britton@merton.gov.uk)>; 'javed.iqbal@walsall.gov.uk' <[javed.iqbal@walsall.gov.uk](mailto:javed.iqbal@walsall.gov.uk)>; 'adam.sheen@wolverhampton.gov.uk' <[adam.sheen@wolverhampton.gov.uk](mailto:adam.sheen@wolverhampton.gov.uk)>; 'louise.misselbrook@basingstoke.gov.uk' <[louise.misselbrook@basingstoke.gov.uk](mailto:louise.misselbrook@basingstoke.gov.uk)>

**Subject:** Persons Unknown injunctions (Barking & Dagenham and others) A2/2021/0994, A2/2021/0999, A2/2021/1021, A2/2021/1026, A2/2021/1017, A2/2021/1009, A2/2021/1008, A2/2021/1010, A2/2021/1018, A2/2021/0997, A2/2021/0997/Y, A2/2021/0998, A2/2021/0998/Y and A2 20

**Importance:** High

Dear all,

The following cases are ready to list for a 2-3 days October/November 2021. A2/2021/0994, A2/2021/0999, A2/2021/1021, A2/2021/1026, A2/2021/1017, A2/2021/1009, A2/2021/1008, A2/2021/1010, A2/2021/1018, A2/2021/0997, A2/2021/0997/Y, A2/2021/0998, A2/2021/0998/Y and A2 2021/1022/Y.

We would like to invite parties to provide agreed dates as soon as possible, and no later than Wednesday 21<sup>st</sup> July 2021. As there are a number of parties involved and the courts diary has limited availability it may be that a date will need to be imposed but we will take into account available dates provided. It would be helpful to the court if you can respond with one email of the dates, preferably agreed by all, or most parties.

I look forward to hearing from you.

Many thanks,

Sally

Miss Sally Appleton  
Acting Office Manager  
Listing Office  
Room E306  
Royal Courts of Justice  
Strand WC2A 2LL