

Party: Claimants  
Witness: A Barkatali  
Statement: Second  
Exhibits: "AB7"- "AB9"  
Date: 07.02.22

**Claim No: KB-2022-004824**

**IN THE HIGH COURT OF JUSTICE**

**KING'S BENCH DIVISION**

**B E T W E E N**

- (1) QUINTAIN (WEMBLEY RETAIL PARK) LIMITED
- (2) WEMBLEY NE02 INVESTMENTS LIMITED
- (3) WEMBLEY NE03 INVESTMENTS LIMITED
- (4) JOHN SISK & SON (HOLDINGS) LIMITED

Claimants

and

PERSONS UNKNOWN ENTERING OR REMAINING AT  
THE PROPERTY DESCRIBED IN THE DETAILS OF CLAIM  
WITHOUT THE CLAIMANTS' PERMISSION

Defendants

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**WITNESS STATEMENT OF  
AHMED BARKATALI**

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I, Ahmed Barkatali, of 48 W Olympic Way, Wembley Park, Wembley HA9 0HS WILL SAY as follows:-

1. I make this witness statement in advance of the return date for the Claimants' application for an injunction to prevent the Defendants from trespassing on the land and buildings referred to in the Details of Claim as the Construction Site.
2. Where the facts referred to in this witness statement are within my own knowledge, they are true; where the facts are not within my own knowledge, I believe them to be true and I have provided the source of my information.
3. At a hearing on 16 December 2022, Mr Justice Cotter granted an interim injunction in these proceedings with a return date on 16 February 2022.

## **Service of the Order and Court Papers**

4. In accordance with paragraphs (8) and (9) of the Order dated 16 December 2022, around 90 warning notices in the form approved by Mr Justice Cotter were duly erected on the hoardings around the perimeter of the Construction Site.
5. In accordance with paragraph (10)(a) of the Order dated 16 December 2022, the documents referred to below were uploaded to the following section of Quintain's website [www.quintain.co.uk/site-services/injunction](http://www.quintain.co.uk/site-services/injunction). The home page for this section is as follows:-

### *Important legal notice*

*On 16 December 2022, an injunction was made by the High Court of Justice prohibiting anyone from entering on or remaining upon the Construction Site defined in the Details of Claim without the owners' permission. Anyone in breach of the injunction will be in contempt of court and may be imprisoned, fined or have their assets seized.*

*Links to download the associated documentation can be found below:*

- [\*Claim Form\*](#)
- [\*Details of Claim dated 13 December 2022\*](#)
- [\*Application dated 13 December 2022\*](#)
- [\*Witness Statement of Ahmed Barkatali dated 13 December 2022\*](#)
- [\*Witness Statement of Stuart Wortley dated 13 December 2022\*](#)
- [\*Witness Statement of Stuart Wortley dated 15 December 2022\*](#)
- [\*Sealed Order dated 16 December 2022\*](#)

*Further information relating to the injunction can be obtained by contacting Quintain Corporate Communication team at [comms@quintain.co.uk](mailto:comms@quintain.co.uk).*

*We take the safety of the public and our staff extremely seriously. Individuals who engage in persistently disruptive and dangerous behaviour put themselves and others at risk of significant harm. We will always act to prevent them from doing so.*

6. In accordance with paragraph (10)(b) of the Order dated 16 December 2022, copies of the documents listed in the previous paragraph have also been available at the Site Office.

## **Application to extend the Injunction – Boundaries**

7. Since the injunction was granted, no incidents have come to my attention in which anyone has breached the terms of the injunction (or attempted to do so).
8. I refer to paragraphs 24 and 30 of my first witness statement in which I explained that the Claimant believes that injunctions to restrain trespass operate as an

effective deterrent against urban explorers. It is impossible to say for certain whether or not the injunction has deterred any urban exploring activity but for the reasons given in those paragraphs it is certainly possible that it has.

9. In paragraph 13 of my first witness statement, I referred to an area to the east of the Construction Site which:-
  - 9.1 had previously been used as a temporary cinema project;
  - 9.2 the Claimant excluded from the interim injunction because it was let on a lease which was due to expire on 31 January 2023.
10. This lease of this area duly expired on 31 January 2023 as a result of which the Claimant is now entitled to legal possession of this area.
11. A copy of the expired lease (excluding the schedules) is attached to this witness statement marked "**AB7**".
12. Accordingly, the Claimant respectfully asks that this area is included within the injunction – reflecting the boundaries of the site shown on the revised plan at the exhibit marked "**AB8**".

#### **Application to extend the Injunction – Duration**

13. The current indicative programme for the development of the buildings on the Construction Site is summarised in the table below:-

<b>Building</b>	<b>Edged</b>	<b>Projected start</b>	<b>Projected completion</b>
NE01	Green	Current	July 2025
NE02	Black	Current	June 2025
NE03	Black	Current	June 2025
NE04	Pink	April 2023	May 2027
NE05	Pink	April 2023	May 2027
NE06	Yellow	May 2027	December 2029

14. The attached drawing at exhibit "**AB9**" shows the footprint of each of these buildings.
15. Having regard to the proposed completion dates, I respectfully ask that:-
  - 15.1 the interim injunction be continued until July 2025; and

15.2 the Order provides for the Claimant to apply to further extend the injunction this should the current risks associated with urban exploring continue.

### **Amending the Warning Notices**

16. The Claimant has incurred several thousand pounds in printing and installing the warning notices around the perimeter of the Construction Site.

17. In the interests of saving costs, should the Claimant's application to extend the injunction on 16 February 2023 be successful, the Claimant respectfully asks the Court's permission for an order that allows:-

17.1 the current warning notices be retained;

17.2 the date of the original order (16 December 2022) be replaced by the date of the return date order (16 February 2023) by the application of a high quality, weather-proof sticker; and

17.3 the other information on the warning notice remain unchanged.

18. The Claimant will arrange for one of the warning notices to be in court at the hearing.

### **The Reasons for Seeking the Injunction**

19. In paragraphs 20 to 34 of my first witness statement, I explained the Claimant's reasons for seeking an injunction. I confirm that each of those reasons remains valid today.

### **STATEMENT OF TRUTH**

I believe that the facts contained in this Witness Statement and Exhibits 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.

I am duly authorised to make a Statement on behalf of the Claimants.

A. M. Barkatali

**Ahmed Barkatali**

7 February 2023

7 February 2023