

IN THE HIGH COURT OF JUSTICE

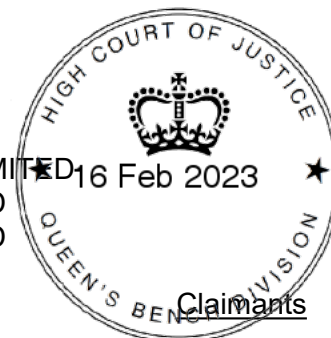
KING'S BENCH DIVISION

Before HH Judge Simpkins sitting as a Judge of the High Court

16 February 2023

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



and

KB-2022-004824

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

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 13 December 2022;

AND UPON the Court by order of Cotter J having granted interim relief on 16 December 2022 subject to review on 16 February 2023

AND UPON the review thereby ordered

AND UPON the Claimants' application for permission to amend the Particulars of Claim

AND UPON HEARING Counsel for the Claimants and the Defendants not appearing

AND UPON READING the witness statements of Ahmed Barkatali dated 13 December 2022 and 7 February 2023 and of Stuart Sherbrooke Wortley dated 13 December 2022 and 15 December 2022

IT IS ORDERED THAT: so far as permission be required, the Claimants do have permission to amend the Particulars of Claim in the form appended hereto; and compliance with paragraph (12) below in relation to the amended Particulars of Claim shall be sufficient service thereof

THE INJUNCTION

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

VARIATION OR DISCHARGE OF THIS ORDER

- (2) The Defendants and any interested person 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.
- (4) The further continuation of this order will be reconsidered on 31 July 2025. In relation to the review:
- i. The Claimant shall file any further evidence and written submissions by no later than 3pm on 3rd July 2025.
 - ii. Subject to (iii) and (iv) below, unless the Court otherwise directs, the review shall be conducted on the papers without an oral hearing.
 - iii. Any Defendant or interested person who desires to make representations at the review and who desires that the review shall be conducted at an oral hearing shall by 4pm on 10th July 2025 give notice to that effect in writing (and providing contact details for service) 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).
 - iv. In the event that any such notification is provided, the Claimant shall notify the Court accordingly by 4pm on 12th July 2025 and in that event the review shall be conducted at a hearing.

ISSUE OF CLAIM WITHOUT NAMED DEFENDANTS

- (5) For the avoidance of doubt, the Claimants are granted permission (if the same is required) pursuant to CPR 8.2A to issue this claim without naming a defendant.
- (6) It is recorded that any person who knowingly breaches the terms of this order shall automatically become a defendant in these proceedings. If the Claimant becomes aware of the identity of any such person, it shall apply to add that person as a defendant to the proceedings.

SERVICE OF DOCUMENTS IN THE PROCEEDINGS

- (7) Pursuant to CPR r.6.15, r.6.27 and r. 81.4(2)(c) and (d), the Claimants will take the steps set out in paragraphs (8) to (10) of this order by way of service of this Order.
- (8) The Claimants shall post notice of the existence of this Order, as soon as reasonably practicable, substantially in the same form as at exhibit SSW6 to the statement of Stuart Sherbrooke Wortley dated 13 December 2022:-
- (a) at all main entrances to the Construction Site; and
 - (b) at not less than 10 prominent locations around the perimeter of the Construction Site
- BUT it shall be sufficient for this purpose to amend the date of the Order shown in the notices already erected pursuant to the Order of Cotter J dated 16 December 2022, using a high-quality weatherproof sticker.
- (9) The Claimants shall ensure that copies of this Order, the Claim Form, the Particulars of Claim, the Claimants' application notice dated 13 December 2022, the Witness Statements of Ahmed Barkatali dated 13 December 2022 and 7 February 2023 and of Stuart Sherbrooke Wortley dated 13 December 2022 and 15 December 2022 submitted to the Court in support of the Claim, may be viewed:
- (a) at a website the URL of which is specified in the notice; and
 - (b) at a physical location which is specified in the notice;
 - (c) and may be obtained from the Claimants' Solicitor, whose contact details shall be included.

- (10) The taking of the steps within paragraphs (8) to (9) above shall constitute good and sufficient service of those documents upon any individual who knowingly breaches the terms of the Order. The deemed effective date of service of the same on that person shall be the date of such breach.
- (11) Any further document in the proceedings may be validly served by the Claimants upon the Defendants by:
- (i) adding a copy to the website referred to in paragraphs (9) and (10);
 - (ii) adding a copy to the documents held at the Construction Site office;
 - (iii) instructing the Claimants' solicitor also to provide copies of that document to any person who has already been sent a set of the proceedings, and any further person who requests the same.
- (12) Save as set out above, pursuant to CPR 6.16 service of the Claim Form, Particulars of Claim, Response Pack, Application and Witness Statements in support are dispensed with in respect of any person who shall become a defendant to this Claim as aforesaid. As regards any document served in accordance with paragraphs (8) to (10):
- (i) Any time limit for the service of any such document within the CPR is hereby dispensed with;
 - (ii) Any time limit for the taking of any step in the proceedings which runs from the service of such a document is extended indefinitely, and until further order.
- (13) The requirement of any person to file any acknowledgment of service or defence in respect of this claim is dispensed with unless further directed by the Court.

COMMUNICATIONS WITH THE COURT

- (14) 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

SCHEDULE 1

Witness Statements

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

Witness Statements of Ahmed Barkatali dated 13 December 2022 and 7 February 2023 together with the Exhibits marked “**AB1**” - “**AB9**” .

Witness Statement of Stuart Sherbrooke Wortley dated 13 December 2022 together with Exhibits marked “**SSW1**” – “**SSW6**”

Witness Statement of Stuart Sherbrooke Wortley dated 15 December 2022

SCHEDULE 2

The Construction Site – Plan

