

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

Before the Hon Mr Justice Cotter

16 December 2022

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

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

KB-2022-004824

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 Claimants not having given 3 clear days' notice of its application to the Defendants and bringing the application on a 'without notice' basis

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 of Stuart Sherbrooke Wortley dated 13 December 2022 and 15 December 2022

IT IS ORDERED THAT:

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 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 16 February 2023.

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 the Claim Form, this Order and the statements listed in the First Schedule.
- (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.
- (9) The said notice shall include a statement that copies of this Order, the Claim Form, the Particulars of Claim, the Claimants' application notice dated 13 December 2022, the Witness Statement of Ahmed Barkatali dated 13 December 2022 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 Claimants shall ensure that:
 - (i) Copies of the documents referred to in paragraph (9) are placed on the relevant website;

- (ii) Copies of the said documents are placed at the Construction Site office and can be viewed on request;
 - (iii) the solicitor named in the notice referred to at paragraph (9) is instructed to provide copies of the said documents to anyone who reasonably requests the same.
- (11) The taking of the steps within paragraphs (8) to (10) 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.
- (12) 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.
- (13) 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.
- (14) 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

- (15) 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 Statement of Ahmed Barkatali dated 13 December 2022 together with the Exhibits marked **"AB1"** - **"AB6"** .

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

