

Fifth Witness Statement

Party: Claimants

Exhibit: AJ05

Date: 12 February 2024

Claim No: QB-2022-001420

Claim No: QB-2022-001241

Claim No: QB-2022-001259

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BETWEEN**

SHELL INTERNATIONAL PETROLEUM COMPANY LIMITED

Claimant (QB-2022-001259)

SHELL U.K. OIL PRODUCTS LIMITED

Claimant (QB-2022-001420)

SHELL U.K. LIMITED

Claimant: (QB-2022-001241)

- and -

PERSONS UNKNOWN ENTERING OR REMAINING IN OR ON THE BUILDING KNOWN AS SHELL CENTRE TOWER, BELVEDERE ROAD, LONDON ("SHELL CENTRE TOWER") WITHOUT THE CONSENT OF THE CLAIMANT, OR DAMAGING THE BUILDING OR DAMAGING OR BLOCKING THE ENTRANCES TO THE SAID BUILDING

Defendant (QB-2022-001259)

PERSONS UNKNOWN DAMAGING, AND/OR BLOCKING THE USE OF OR ACCESS TO ANY SHELL PETROL STATION IN ENGLAND AND WALES, OR TO ANY EQUIPMENT OR INFRASTRUCTURE UPON IT, BY EXPRESS OR IMPLIED AGREEMENT WITH OTHERS, IN CONNECTION WITH PROTEST CAMPAIGNS WITH THE INTENTION OF DISRUPTING THE SALE OR SUPPLY OF FUEL TO OR FROM THE SAID STATION

Defendant (QB-2022-001420)

PERSONS UNKNOWN ENTERING OR REMAINING AT THE CLAIMANT'S SITE KNOWN AS SHELL HAVEN, STANFORD-LE-HOPE (AND AS FURTHER DEFINED IN THE PARTICULARS OF CLAIM) WITHOUT THE CONSENT OF THE CLAIMANT, OR BLOCKING THE ENTRANCES TO THAT SITE

Defendant (QB-2022-001241)

Fourth Witness Statement of Alison Judith Oldfield

I, **Alison Judith Oldfield** of Eversheds Sutherland (International) LLP ("**Eversheds Sutherland**") of Water Lane, Leeds LS11 5DR **WILL SAY AS FOLLOWS:**

1. INTRODUCTION

- 1.1 I am a partner at Eversheds Sutherland and have conduct of this matter on behalf of each of the Claimants in the subject proceedings.
- 1.2 Unless I state otherwise, the facts in this statement are within my knowledge and true. Where the facts are not within my knowledge, they are true to the best of my knowledge and belief, and I identify the source of my knowledge.
- 1.3 References to page numbers in this statement are to page numbers in **Exhibit AJO4**.
- 1.4 This witness statement is made in respect of the subject proceedings, being:
- 1.4.1 the proceedings with Claim Number QB-2022-001259 - which relate to Shell Centre Tower, Belvedere Road, London ("**the Shell Centre Tower Proceedings**") – in which Shell International Petroleum Company Limited ("**the ST Claimant**") is the Claimant and in respect of which an injunction was granted pursuant to the order of Hill J dated 23 May 2023 ("**the ST Injunction Order**");
 - 1.4.2 the proceedings with Claim Number QB-2022-001420 - which relate to Shell petrol stations in England and Wales ("**the Shell Petrol Stations Proceedings**") - in which Shell U.K. Oil Products Limited is the Claimant ("**the PS Claimant**") and in respect of which an injunction was granted pursuant to the order of Hill J dated 23 May 2023 ("**the PS Injunction Order**"); and
 - 1.4.3 the proceedings with Claim Number QB-2022-001241 which relate to the oil refinery known as Shell Haven, Stanford Le-Hope the Manorway, Stanford Le-Hope ("**the Shell Haven Proceedings**") - in which Shell U.K. Limited is the Claimant ("**the SH Claimant**") and in respect of which an injunction was granted pursuant to the order of Hill J dated 23 May 2023 ("**the SH Injunction Order**" and together with the ST Injunction Order and the PS Injunction Order, "**the Injunction Orders**").

(together the “**Claimants**” (as appropriate) and the Shell Centre Tower Proceedings, the Shell Petrol Stations Proceedings and the Shell Haven Proceedings together being “**the Proceedings**”).

1.5 In this statement I address the following matters:

1.5.1 the steps taken by the PS Claimant in respect of identifying individuals and its application to join persons arrested as named defendants to the Shell Petrol Stations Proceedings;

1.5.2 the PS Claimant’s application for alternative service on the Named Defendants (as defined below); and

1.5.3 the Claimants’ application for directions to final hearing.

2. ON PAPER APPLICATION

2.1 As set out in the second recital to the proposed Order, the purpose of this Application is (a) to progress the claims to a final hearing and (b) to ensure that individuals who have been identified as falling within the category of Persons Unknown in respect of the Shell Petrol Station Proceedings and who ought to be joined to those Proceedings are properly joined and served with relevant documents.

2.2 The case management orders sought are thought to be uncontroversial and not to require an in person hearing. The proposed joinder is justified on the basis of the evidence in this statement (see paragraphs 3.2 to 3.4 below). However, in the event the Court is not minded to deal with all or parts of this application on paper, the Claimants invite the Court to exercise its case management powers to list the matter for a short hearing and to make a consequential adjustment to the directions for final hearing to that effect. In those circumstances, depending on the dates and associated delay, the Claimants consider that it may be necessary for a short continuation to the current Injunction Orders.

2.3 Similarly, in the event the Court *is* minded to deal with this application on paper but a final hearing cannot be listed by 12 May 2024, the Claimants consider a short continuation of the Orders of Hill J will be necessary to ensure the Injunction Orders do not simply lapse. The Claimants, in each of these circumstances, invites the Court to list a short hearing prior to 12 May 2024 with a time estimate of no more than 2 hours at which the Court will determine whether a short continuation of the Injunction Orders is justified.

3. APPLICATION TO ADD DEFENDANTS TO THE SHELL PETROL STATION PROCEEDINGS

Identification of persons involved and proposed joinder of such persons as Named Defendants

- 3.1 Pursuant to orders made in the Shell Petrol Station Proceedings on 13th March 2023 and 28 April 2023, the PS Claimant has undertaken a disclosure exercise with the relevant police forces in connection with the protest incidents which occurred at (i) the Cobham services Shell Petrol Station on 28 April 2022 and 24 August 2022, and (ii) the Acton Park and Acton Vale Shell Petrol Stations on 26 August 2022 (together the "**Service Station Protest Incidents**").
- 3.2 The disclosure exercise undertaken is summarised as follows:
- 3.2.1 May J granted the PS Claimant a third party disclosure order in respect of Surrey Police on 13 March 2023. A copy of the 13 March 2023 order is at **pages 3 – 5 of Exhibit AJ04**.
- 3.2.2 Disclosure of the names and addresses of individuals arrested at the Cobham services on 28 April 2022 and 24 August 2022, was provided by Surrey Police to the Claimant on 29 March 2023.
- 3.2.3 Further disclosure from Surrey Police was provided on 31 May 2023. The Claimant then sought further clarification from solicitors acting on behalf of Surrey Police. Access to certain files which initially were not available together with other missing information was also sought. This information and documentation was provided on 6 September 2023 (including details of the individuals involved and their addresses as advised by Surrey Police). A copy of the 29 March 2023 correspondence referred to above, which provided details of relevant individuals' names and addresses, is exhibited at **pages 6 – 8 of Exhibit AJ04**.
- 3.2.4 Hill J granted the Claimant a third party disclosure order in respect of the Metropolitan Police on 28 April 2023. A copy of the 28 April 2023 order is at **pages 9 – 12 of Exhibit AJ04**.
- 3.2.5 Disclosure by the Metropolitan Police of the names and addresses of individuals arrested at the Acton services on 26 August 2022, was provided to the Claimant on 31 May 2023, together with details of the offences for which the individuals were arrested. Solicitors for the

Claimant subsequently sought clarification from the Metropolitan Police in respect of the current status of investigations in respect of those individuals. Access to certain photographs - which had initially been omitted - was also sought. That information and documentation was provided on 31 August 2023. Copies of the pertinent correspondence and documents provided to the Claimant on 31 May 2023 (in so far as they relate to Shell Petrol Stations – information and details also having been provided by the Metropolitan Police in respect of individuals arrested at Clacket Lane motorway services (which are not subject to PS Injunction Order) is at **pages 13 – 16 of Exhibit AJO4**.

- 3.2.6 As a result of this disclosure exercise, 30 individuals were identified as having been arrested in connection with protest incidents at Acton Vale, Acton Park and Cobham services. Having reviewed the evidence available, the Claimant reached the conclusion that it would be appropriate to join those individuals that had been arrested at the protest incidents to the Shell Petrol Station Proceedings, (save for one individual, Xavier Gonzalez Trimmer, who the PS Claimant understands, following confirmation from solicitors for Surrey Police is deceased).
- 3.2.7 The PS Claimant reached that conclusion on the basis that these individuals are persons whose names and addresses have been disclosed by the relevant police authority following arrests made in the course of or as a result of the Service Station Protest Incidents and the subsequent police investigations that followed.
- 3.2.8 The persons identified during the course of the abovementioned disclosure exercise are identified in the table exhibited at **pages 17 – 19 of Exhibit AJO4** and which has been drawn up by solicitors for the PS Claimant ("**the Schedule**"). The Schedule includes details of the arrests which is based on information provided by the relevant police authorities. It also notes the outcome of subsequent correspondence with the individuals inviting them to provide undertakings (as to which, see below).

Proposed Undertakings

- 3.2.9 In accordance with the overriding objective and following the approach approved by Cotter J in *The National Highways Limited vs Persons Unknown and others* [2023] EWHC 1073 (which proposed a suitable

form of undertaking to be offered to persons identified as falling within the category of persons unknown in order to justify them not being joined as Named Defendants), on 16 October 2023 my firm, in its capacity as solicitors for the PS Claimant, wrote to 29 of the 30 individuals identified (as noted above, one individual is deceased) at the addresses provided by the relevant police force and provided the individuals with an opportunity to provide an undertaking.

- 3.2.10 The form of undertaking followed that form of undertaking annexed to Cotter J's judgment in *National Highways* at Annex B and was issued as an alternative to being formally joined as a named defendant to the Shell Petrol Station Proceedings. The correspondence provided the individuals with 28 days in which to provide the undertaking. An example letter (and which has the form of undertaking annexed) is at **pages 20 – 37** of **Exhibit AJO4**.
- 3.2.11 On 16 November 2023, my firm wrote a further letter to those individuals that had not yet provided a signed undertaking, providing for a final opportunity to provide an undertaking within seven days. An example letter is at **pages 38 – 57** of **Exhibit AJO4**. To date, no response has been received from 14 individuals, as set out in the Schedule.
- 3.2.12 The PS Claimant has received 14 signed undertakings (the "**Excluded Individuals**") – the Excluded Individuals are shown highlighted green in the Schedule. Copies of the undertakings from the Excluded Individuals is at **pages 58 – 71** of **Exhibit AJO4**.
- 3.2.13 The PS Claimant has received confirmation from one individual, Ms Ireland, that she does not intend to provide an undertaking and does not consent to being joined as a defendant to the Shell Petrol Station Proceedings. No further explanation as to Ms Ireland's position has been provided. A copy of the correspondence is at **page 72** of **Exhibit AJO4**.
- 3.2.14 Accordingly, the PS Claimant has not received undertakings in respect of a total of 15 individuals (being the 14 individuals where no response was received and the one refusal by Ms Ireland to provide an undertaking) (the "**Named Defendants**"). The Named Defendants are shown highlighted yellow in the Schedule and the one individual who is deceased is shown grey.

- 3.2.15 Proofs of delivery were obtained in respect of each of the undertaking letters, save that this firm was initially unable to obtain proof of delivery of the undertaking letters issued in respect of Mr Trowland, Ms McCormack, Ms Burns, Mr Buse, Mr Harper and Ms Harris, (although it should be noted that letters were also sent by first class post in addition to special delivery).
- 3.2.16 On, 8 November 2023, this firm therefore wrote to solicitors on behalf of Surrey Police to request updated address details for those particular individuals from whom undertakings had not been received at that point in time (undertakings having been received from Ms McCormack and Mr Buse in the interim). A copy of that letter can be found at **pages 73 - 74 of Exhibit AJO4**.
- 3.2.17 On 23 November 2023, solicitors for Surrey Policy confirmed that they did not have any updated addresses for Ms Burns or Ms Harris but did note a slight typo in the address for Mr Trowland. A copy of such correspondence can be found at **pages 75 - 77 of Exhibit AJO4**.
- 3.2.18 Signed undertakings were later received by Mr Harper and the PS Claimant subsequently became aware of an article dated 12 December 2023 ([Just Stop Oil Dartford bridge protester released from jail, says group - BBC News](#)) which reported that Mr Trowland was shortly due to be released from prison after he was jailed in connection with a separate protest incident relating to a demonstration at the Dartford Crossing in October 2022 (which is unconnected to the Proceedings). Eversheds Sutherland therefore re-issued the undertaking letter to Mr Trowland on 19 December 2023 (at the updated address) and, on 28 December 2023, Mr Trowland provided a signed undertaking.
- 3.2.19 On 9 January 2024, this firm received a returned letter that was originally addressed to Mr Holland- and in respect of which we had obtained a proof of delivery note on 17 November 2023 (**AJO4 pp 97-99**). The note on the envelope on 9 January 2024 advised that Mr Holland no longer lived at that address (**AJO4 p78**).
- 3.2.20 As such, the only individuals for whom this firm has been unable to obtain a definitive proof of delivery for are in respect of Mr Holland, Ms Burns and Ms Harris. In these circumstances, this firm (and the PS

Claimant) have no other means of being able to ascertain their current address.

3.3 In light of the signed undertakings received from the Excluded Individuals, which covers the activities caught by the Shell Petrol Station Injunction, the PS Claimant no longer considers it necessary (or appropriate) to pursue an application to join those individuals as named defendants.

3.4 However, the application for joinder is considered to be justified in respect of the Named Defendants, on the basis that they are persons who in the past participated in activities caught by the Shell Petrol Station Injunction, were arrested for committing those prohibited activities and have not provided the undertaking which was offered (see the Schedule and Schedule 1 to the Draft Order). The PS Claimant reasonably infers that there remains a risk of the Named Defendants committing the prohibited acts and given the PS Claimant's obligation to identify persons to whom the order is directed by name, where possible (see above), the Court is invited to approve the proposed joinder of those individuals. If the proposed undertaking is entered into by any of those persons in the course of the proceedings, the PS Claimant will of course agree that they can be removed as named parties (and is content for the Order to make provision for that if needs be).

4. The Named Defendants include Ms Burns and Ms Harris and, for the reasons set out below, the PS Claimant seeks an order for alternative service of the Application Documents in respect of those individuals, despite addresses which appear to be their last known addresses having been provided by the police, in order to ensure as far as possible that the documents come to their attention. I also deal with the position in respect of Mr Holland further at paragraph 5.10 below.

5. **SERVICE AND ALTERNATIVE SERVICE ON NAMED DEFENDANTS**

5.1 The QB-2022-001420 claim form, particulars of claim, supporting evidence and the PS Injunction Order, shall be referred to as the "**Application Documents**".

Service generally

5.2 The methods of service which the court has previously endorsed by way of alternative service on the First Defendant (Persons Unknown) in the Shell Petrol Stations Proceedings (and which for the avoidance of doubt the PS Claimant intend to continue to use) are as follows:

- 5.2.1 Uploading a copy of the Application Documents to <http://www.noticespublic.com/>;
- 5.2.2 Sending a copy of the Application Documents to the email addresses set out in Schedule 2 to the Draft Order;
- 5.2.3 Sending a copy to any person who has previously requested a copy of documents in the Shell Petrol Stations Proceedings from the PS Claimant or its solicitors, either by post or email (as was requested by that person).

Service under CPR 6.9 in respect of Named Defendants

- 5.3 The PS Claimant has obtained postal addresses for each of the Named Defendants from the relevant police force. The addresses were provided to the police by the Named Persons in the course of their arrests and therefore it is reasonable for the PS Claimant to assume that such addresses are the Named Defendants' "usual or last known address" for the purposes of CPR 6.9. Accordingly, the PS Claimant intends to serve the Application Documents upon each of the Named Defendants at the address provided by the relevant police authority and as set out in Schedule 1 to the Draft Order.

Alternative Service in respect of Ms Burns and Ms Harris

- 5.4 However, as noted above, the correspondence we have sent thus far may have failed to reach Ms Burns and Ms Harris as there are no proofs of delivery.
- 5.5 Furthermore, whilst updated addresses have been requested from the police as set out above, the PS Claimant does not know whether Ms Burns and Ms Harris still reside at the address provided and has no other means of contacting those individuals, having been unable to ascertain any alternative address for them.
- 5.6 Whilst the PS Claimant considers that the addresses provided for Ms Burns and Ms Harris from the relevant police authority are sufficient for service pursuant to CPR 6.9, being the usual or last known address, the PS Claimant wishes to do all that it can to ensure that documents are actually brought to the attention of defendants. Accordingly, and out of an abundance of caution, the PS Claimant is seeking the Court's permission to serve Ms Burns and Ms Harris by alternative methods (as described below) under CPR r.6.15 and r.6.27, in addition to service on them at their usual or last known addresses under CPR r. 6.9.
- 5.7 From a general search of the internet, colleagues of mine have identified social media accounts belonging to a Ms Burns and a Ms Harris. Photographs and content

contained in those social media accounts indicates that both individuals have carried out activities in support of Just Stop Oil. I have concluded that these accounts are owned by the same Ms Burns and Ms Harris whom the PS Claimant is seeking to be joined as named defendants in these proceedings.

5.8 Accordingly, in addition to serving at the addresses provided by the police authority (being Ms Burns' and Ms Harris' last known address in accordance with CPR 6.9) and also in addition to the methods of service on Persons Unknown set out in each of the previous orders in these proceedings, and most recently on 23 May 2023, the PS Claimant proposes to send a message to the following social media accounts of Ms Burns and Ms Harris, containing a link to the Claimant's website (<http://www.noticespublic.com/>) on which the Application Documents will have been previously uploaded and specifically noting that copies of the Application Documents are accessible via that website:

Ms Burns:

- <https://www.linkedin.com/in/tez-burns/>

Ms Harris:

- <https://www.facebook.com/lolly.harris>
- [\(1\) Louise Harris \(@louisehmusic\) / X \(twitter.com\)](#)
- <https://www.instagram.com/louiseharrismusic/>

5.9 Screen shots of pages of those websites can be found at **AJO4 pp 101-104.**

5.10 I should add that enquiries have also been made by this firm to ascertain whether Mr Holland also has social media accounts which could be used to bring this application to his attention. No such website has been identified. Thus, as part of this application, the court is asked to make an order confirming good service upon Mr Holland at his last know place of abode in accordance with CPR Rule 6.9.

5.11 In the event that any further difficulties are encountered in effecting service upon Named Defendants by the usual means prescribed under CPR Rule 6.9 I confirm that the PS Claimant will likewise endeavour to identify appropriate methods of service via social media accounts.

- 5.12 The PS Claimant intends to take each of the service steps set out above within 7 days upon receipt of the sealed order from the Court (if the PS Claimant's application is granted), which will be verified by filing a certificate of service.
- 5.13 Based on the above, the draft Order contains an order permitting the PS Claimant of the Shell Petrol Station Proceedings to serve the Application Documents on Ms Burns and Ms Harris by such alternative means and confirms that the steps set out above will constitute good service pursuant to CPR Rule 6.9, 6.15 and 6.27.
- 5.14 The draft Order also contains deemed dates of service, namely that the Named Defendants shall be deemed to have been served with this application on the latest date upon which all methods of service referred to above have been completed, such date to be verified by a certificate of service (and such date to be within 7 days upon receipt of the sealed order from the Court (if the PS Claimant's application is granted)).

6. APPLICATION FOR DIRECTIONS TO FINAL HEARING

- 6.1 The Claimants' have always been mindful that realistic and appropriate temporal limits should be placed on each injunction granted in their favour. They have also been mindful of their obligations to progress these proceedings to a final hearing. On the Claimants' behalf at the review hearing before Hill J on 25 and 26 April 2023 ([2023] EWHC 1229) Myriam Stacey KC confirmed to the Court that, whilst the Claimants would be progressing the claims, they planned to await the outcome of the Appeal to the Supreme Court in *Barking and Dagenham LBC and others v Persons Unknown* [2022] EWCA Civ 13 ("the *Barking* proceedings") before seeking directions for a final hearing. The reason for that was explained to Hill J, namely that the *Barking* proceedings, were expected to clarify a central issue of whether final injunctions are capable of being obtained against persons unknown. The relevant parts of the judgment in relation to that are [161] – [163]:

"Miss Stacey referred to the observations of the Court of Appeal in Barking and Dagenham LBC and others v Persons Unknown [2022] EWCA Civ 13 at [98] and [108] to the effect that "For as long as the court is concerned with the enforcement of an order, the action is not at end" and "there is no rule that an interim injunction can only be granted for any particular period of time. It is good practice to provide for a periodic review, even when a final order is made".

162. She made clear that the Claimants intend to await the outcome of the appeal to the Supreme Court in Barking & Dagenham, which is expected to clarify the central issue of whether final injunctions are capable of being obtained against persons unknown or whether they can only be obtained against named individuals, before seeking a final hearing on these injunctions. Both interim and final orders must be kept under review in any event. That said, she put on record that the Claimants are mindful of their obligations to progress the litigation and intend to do so by seeking directions to bring the matter to a final hearing as soon as practical once judgment in Barking & Dagenham is available. If there is a proper evidential basis to join named Defendants, that may occur, and then they can be permitted to file a Defence.

163. I accept her assurance that the proposed "backstop" period of one year is just that, in light of the matters referred to in the preceding paragraph. I am satisfied that this period strikes the correct balance between the need to keep orders under review and the express indications by JSO and other groups that their campaigns are escalating rather than being brought to an end in the near term."

- 6.2 The Supreme Court handed down its judgment in the *Barking* proceedings on 29 November 2023 and has now clarified that the court does indeed have jurisdiction to grant final injunctions against persons unknown (or "newcomers" as they are referred to in the judgment) and that a claimant still ought to identify and serve persons to whom the order is directed by name or in some other way, insofar as it is possible to do so [221].
- 6.3 Accordingly, in light of the Supreme Court judgment, and in recognition of the Claimants' obligations to progress this litigation, the Claimants have made the current application to join identified persons and for service on such persons as set out above, and for directions to bring matters to a final hearing as soon as possible.

The proposed directions

- 6.4 The Claimants have set out their proposed directions in the Draft Order annexed to this application. The directions provide a further opportunity for any Defendant to file an Acknowledgment of Service and Defences to the claims and includes safeguards for the Defendants (and any other person affected by the order or

wishing to be heard at the final hearing) by expressly providing for liberty to apply in order for any of the directions to be varied or amended on application.

- 6.5 Paragraph 11 of the Draft Order requests that the claims be listed for a final hearing on the first available date in April 2024 (as required by paragraph 6 of each of the Injunction Orders). The current directions proposed by the Claimants anticipate that it will be possible to secure a final hearing in April 2024 and, notably, by 12 May 2024 which is when the current Injunction Orders expire.
- 6.6 If the Court is minded to deal with this application on paper, the Claimants respectfully request that the sealed order is provided to the solicitors for the Claimants as soon as possible to facilitate timely service, particularly in light of the compact timetable.
- 6.7 Paragraph 12 of the Draft Order deals with the scenario where it is not possible to secure a final hearing before the 12 May 2024. Rather than allowing the Injunction Orders to simply lapse (which would, for obvious reasons, cause great concern to the Claimants), the Claimants invite the Court to consider granting a short continuation of the injunctions on paper to cover the additional time required in order to enable the final hearing of the claims to be listed, or (if the court is not prepared to do so on paper) to list the claims for a short hearing before 12 May 2024 to consider the grant of a short continuation for that purpose.
- 6.8 I should add that if the latter option needs to be pursued, I anticipate that the court will also be asked to consider modified arrangements for the service of any order for a short extension of the injunction because of the significant logistical challenges involved in serving all the petrol stations covered by the injunction in the Shell Petrol Station Proceedings in a short timescale.
- 6.9 (The Court will note that the Draft Order also includes square brackets and explanatory notes in respect of the dates at paragraphs 6, 7, 9 and 10. To explain that further here, it is expected that the Claimants will be able to serve the order and the Application Documents within 7 days upon receipt of the sealed order from the Court. However, at present, that date is unknown.)
- 6.10 CPR 6.15(4)(c) requires that any order for service of the claim form by an alternative method must specify the period for (i) filing an acknowledgment of service; (ii) filing an admission; or (iii) filing a defence.
- 6.11 Rather than simply referring to the relevant period (which would require the Named Defendants to calculate the deadline for filing which may be difficult for

them), the Claimants propose that a specific date be inserted and have proposed a direction would calculate the date by reference to the seven-day period for the Claimants to serve the order and Application Documents and the requisite period for the Defendants to file an acknowledgment of service, admission or defence. That would in fact give the Defendants longer than the period provided for in the Court Rules in circumstances where the Claimants complete their service steps earlier than the seven-day period.

6.12 Paragraph 13 of the Draft Order deals with the Claimants' potential application for summary judgment. To date, the only persons to engage with the Proceedings are persons who have sought to rely on CPR 40.9 in a purported capacity of 'Interested Persons' – most notably Ms Jessica Branch who appeared before the court at the review hearing held in April 2023. No other person falling within the category of the First Defendant (persons unknown) has engaged or sought to file any defence. In light of the Court of Appeal's judgment in *National Highways Limited v Persons Unknown* [2023] EWCA Civ 182, the absence of such engagement is likely to be a relevant factor in determining whether a matter is suitable for summary judgment. The Claimants wish to wait and see if defences from the Named Defendants are filed before making a final decision in relation to a summary judgment application and will do so once the deadline for the Defendants to file a defence expires.

6.13 Paragraphs 17 to 19 of the Draft Order deals with service of the sealed order on the First Defendant (Persons Unknown) in each of the Proceedings (if the PS Claimant's application is granted), which is consistent with the method of service which the court has previously endorsed by way of alternative service on the First Defendant (Persons Unknown) in each of the Proceedings (most recently in the Injunction Orders).

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

.....

Alison Judith Oldfield

Dated: 12 February 2024