

Eleventh Witness Statement

Party: Claimants

Exhibit: AJO11

Date: 18th October 2024

Claim No: QB-2022-001259

Claim No: QB-2022-001241

Claim No: QB-2022-001420

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

SHELL INTERNATIONAL PETROLEUM COMPANY LIMITED

Claimant (QB-2022-001259)

SHELL U.K. LIMITED

Claimant: (QB-2022-001241)

SHELL U.K. OIL PRODUCTS LIMITED

Claimant (QB-2022-001420)

- 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 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)

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)

Louis McKechnie

Second Defendant(QB-2022-001420)

Louise Harris
Third Defendant (QB-2022-001420)

Callum Goode
Fourth Defendant(QB-2022-001420)

Christopher Ford
Fifth Defendant(QB-2022-001420)

Sean Jordan
(also known as Sean Irish, John Jordan, John Michael Jordan and Sean O'Rourke)
Sixth Defendant(QB-2022-001420)

Emma Ireland
Seventh Defendant(QB-2022-001420)

Charles Philip Laurie
Eight Defendant(QB-2022-001420)

Michael Edward Davies also previously known as Michael Edward Jones
Ninth Defendant(QB-2022-001420)

Tessa-Marie Burns (also known as Tez Burns)
Tenth Defendant(QB-2022-001420)

Simon Reding
Eleventh Defendant(QB-2022-001420)

Kate Bramfit
Twelfth Defendant(QB-2022-001420)

Margaret Reid
Thirteenth Defendant(QB-2022-001420)

David Nixon
Fourteenth Defendant(QB-2022-001420)

Samuel Holland
Fifteenth Defendant(QB-2022-001420)

Eleventh 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 AJ011**.
- 1.4 The purpose of this witness statement is to explain the background to the application of the Claimant in Claim No Q-2022-1240 ("the Petrol Station Proceedings") to remove the Third Defendant – Louise Harris - as a Named Defendant in those proceedings.
- 1.5 I will also confirm the steps taken to serve the various parties to these proceedings with documents immediately prior to the hearing on 22nd October 2024 (and which have been served since my tenth witness statement dated 24 September 2024). In particular:
- 1.5.1 my tenth witness statement which confirms the steps taken to serve the various Orders made in these proceedings by Mr Justice Cotter on 17th April 2024; warning notices concerning the Order dated 17th April 2024 in further evidence in support of the Claimants' application for a final injunction; the Order of Mr Justice Cotter dated 18th July 2024 concerning the listing of this hearing and the notice of hearing;
 - 1.5.2 The first witness statement of Rachel Lindberg which updates the court concerning the criminal proceedings which are being conducted against the named defendants in the Petrol Station Proceedings;
 - 1.5.3 the Claimants' application in the Petrol Station Proceedings for the removal of the third Defendant Louise Harris and for alternative service together with re-amended pleadings;
 - 1.5.4 the hearing bundle;
 - 1.5.5 a supplemental bundle;
 - 1.5.6 the Claimants' skeleton argument and authorities bundle.

2. The application to remove the Third Defendant

- 2.1 An application has been issued in the Petrol Station Proceedings to remove the Third Defendant, Louise Harris, because Ms Harris has now provided an undertaking to the court in the form requested by the Claimant.
- 2.2 By way of background it can be seen from my previous witness statements that Ms Harris, in common with the other Named Defendants, was invited on a number of occasions to provide an undertaking that she would not do anything to breach the terms of the injunction which is in place in the Petrol Station Proceedings.

2.3 On 19th September 2024 Ms Harris telephoned me and indicated that she would like to sign the undertaking. She and I agreed that a further copy of that undertaking should be sent to her by email and hard copy to a residential address.

2.4 Following that call Ms Harris has signed an undertaking a copy of which is exhibited at **page 3-4 of AJO 11**. In the circumstances the Claimant in the Petrol Station proceedings wishes to apply for the removal of Ms Harris as a Named Defendant in those proceedings at the hearing on 22nd October 2024. As I will explain below, Ms Harris has continued to be served with all the various documents in preparation for that hearing pending her removal as a defendant.

3. Service upon the Named Defendants in the Petrol Station Proceedings (“the Named Defendants”)

3.1 The provisions relating to service of documents on Named Defendants in the Petrol Station Proceedings are set out at paragraphs 2.1-2.3 of my tenth witness statement.

Service of the Final Witness Evidence and Documents relating to the Third Defendant

Service by Hand

3.2 All of the documents which I have referred to at paragraphs 1.5.1 to 1.5.3 were served by hand on the Fifth, Sixth, Ninth and Eleventh to Fourteenth Defendants using a process server, Finlays Legal Limited (“Finlays”) in accordance with paragraph 7.3 of the Order of Mr Justice Soole dated 15th March 2024. I will refer to these documents collectively as “the Final Witness Evidence and Documents relating to the Third Defendant”.

3.3 There is now produced and shown to me marked **AJO11 pages 5-16** copies of a series of statements of service prepared by the individuals at Finlays Legal Limited who were responsible for service of the Final Witness Evidence and Documents relating to the Third Defendant. The information I have set out in this witness statement is obtained from those statements and I believe it to be true. In summary, those statements confirm that the relevant process server delivered parcels containing the Final Witness Evidence and Documents relating to the Third Defendant to each of the Named Defendants referred to in paragraph 3.2 above on 14th October 2024.

At **pages 17-18 of AJO11** I have exhibited an example of the covering letter which accompanied the Final Witness Evidence and Documents relating to the Third Defendant in the case of each Named Defendant. The exact time of delivery in respect of each Named Defendant is recorded in the statements of service at **pages 5-16 of AJO11**.

3.4 A copy of the Claimants’ skeleton argument for the hearing is also being served on the Named Defendants referred to at paragraph 3.2 above today, 18th October 2024, by process servers from Finlays Limited. Finlays Limited have also been asked to serve those documents by hand on Louise Harris who has previously indicated that she has not always

received our emails. The covering letter in each case confirms that the authorities bundle and supplemental bundle are available on the www.noticespublic.com data site. It also confirms that the hearing will take place on 22nd October 2024 and directs the recipient to the court website for more information. Steps have been taken to serve these papers as soon as the court confirmed the allocated hearing date but confirmation of service of those papers is still awaited. It will be available at the hearing.

Service by email and social media

3.5 The Final Witness Evidence and Documents were also uploaded onto the www.noticespublic.com data site on 15th October 2024. We sent a series of emails advising the other Named Defendants that they could find copies of the Final Witness Evidence and Documents relating to the Third Defendant on that www.noticespublic.com data site as follows:

3.5.1 to Emma Ireland and Charles Philip Laurie by emails sent at 14:35 and 14:30 respectively on 15th October 2024. Messrs Laurie and Ireland having previously confirmed that they were willing to accept service by email (see paragraph 2.3 of my eighth witness statement). Copies of the emails to Mr Laurie and Ms Ireland are at **pages 19-20 of AJO11;**

3.5.2 to Louise Harris (Third Defendant) on 15th October 2024 at 14:32. A direct message was also sent to Ms Harris' Facebook page. Copies of that email and message can be found at **pages 21-24 AJO11.**

3.6 In addition a message was also sent on 15th October 2024 via direct message to the Facebook pages of Louis McKechnie and Callum Goode advising that they could find copies of the Final Witness Evidence and Documents relating to the Third Defendant via the www.noticespublic.com data site. A copy of these messages can be found at **pages 25-26 of AJO11.**

3.7 It has not been possible to upload a similar message to the LinkedIn account of Tessa-Marie (Tez) Burns (as we originally envisaged) because Ms Burns has still not responded to our initial message of 5th March 2024. Screenshots of the error message we received when attempting to serve Ms Burns on 15th October can be found at **page 27 of AJO11.**

3.8 All of these emails and social media messages were sent by my colleague, Bethany Taylor: the emails were sent by Ms Taylor from this firm's centralised Shell Service email account – ShellService@eversheds-sutherland.com.

Service of the Hearing Bundles

3.9 The Orders of Mr Justice Cotter dated 24th April 2024 in each of these proceedings require the Claimants to serve copies of the hearing bundle by electronic means only. Neither the hearing bundle nor the supplemental hearing bundle have therefore been served in hard copy upon any Named Defendants.

- 3.10 They have though been served by served by electronic means where the Claimants have the relevant details of Named Defendants.
- 3.11 Specifically messages were sent to various Named Defendants advising them that they could find copies of the hearing bundle on the www.noticespublic.com data site as follows:
- 3.11.1 Emma Ireland and Charles Philip Laurie were sent emails at 15:19 and 15:24 respectively on 11th October 2024. Copies of the emails to Mr Laurie and Ms Ireland are at **pages 28-29 of AJO11.**
- 3.11.2 to Louise Harris (Third Defendant) on 11th October 2024 at 15:11. A direct message was also sent to Ms Harris' Facebook page. Copies of that email and message can be found at **pages 30-31 AJO11.**
- 3.11.3 via direct message to the Facebook pages of Louis McKechnie and Callum Goode. A copy of these messages can be found at **pages 32-33 of AJO11.**
- 3.12 Messages were then sent to various Named Defendants advising them that they could find copies of the supplementary hearing bundle on the www.noticespublic.com data site as follows:
- 3.12.1 Emma Ireland and Charles Philip Laurie were both sent emails at 14:55 on 17th October 2024. Copies of the emails to Mr Laurie and Ms Ireland are at **pages 34-35 of AJO11.**
- 3.12.2 An email was also sent to Louise Harris' (Third Defendant) at 14:52 on 17th October 2024 and a direct message to her Facebook page. Copies of that email and message can be found at **pages 36-38 AJO11.**
- 3.12.3 Direct messages were also sent to the Facebook pages of Louis McKechnie and Callum Goode on 17th October 2024. A copy of these messages can be found at **pages 39-40 of AJO11.**
- 3.13 Again it has not been possible to upload a similar messages to the LinkedIn account of Tessa-Marie (Tez) Burns (as we originally envisaged) because Ms Burns has still not responded to our initial message of 5th March 2024. Screenshots of the error messages we received when attempting to serve Ms Burns on 11th October and 17th October respectively can be found at **page 41-42 of AJO11.**

Service of skeleton argument and authorities bundle

- 3.14 Copies of the Claimants' skeleton argument and authorities bundle in relation to the hearing on 22nd October 2024 were served on Messrs Laurie and Ireland by emails sent at 14:18 and 14:03 respectively on 17th October 2024. Emails were also sent at 16:15 and 16:16 respectively on 17th October advising both defendants that the hearing had been listed for

22nd October 2024. Copies of these respective emails are at **pages 43-48 of Exhibit AJO11**.

3.15 Notification that the skeleton arguments and authorities bundle are available on the www.noticespublic.com data site was included in the direct Facebook messages sent to Louise Harris, Louis McKechnie and Callum Goode to which I have referred at paragraph 3.12 above. The messages also advised those defendants where they could find further details of the time and location of the court hearing.

3.16 It has not been possible to send a similar message to the tenth defendant, Tessa-Marie Burns for the reasons set out above and in my previous statements.

4. Service upon Persons Unknown in each proceedings

4.1 The provisions relating to service of documents on Persons Unknown in each proceedings are set out at paragraphs 3.3 – 3.6 of my tenth witness statement. The steps taken to serve the various documents set out at paragraph 1.5 upon First Defendants in each set of proceedings (being Persons Unknown) were as follows.

Notices Public

4.2 The hearing bundle was uploaded onto www.noticespublic.com datasite on 11th October 2024. Copies of the Final Witness Evidence and Documents relating to the Third Defendant were uploaded onto the www.noticespublic.com datasite on 15th October 2024. Copies of the supplemental bundle, Claimants' skeleton and authorities bundle were all uploaded onto the www.noticespublic.com datasite on 17th October 2024.

Schedule 2 email addresses

4.3 An email was sent to each of the Schedule 2 email addresses at 13:27 on 11th October 2024 advising them that copies of the hearing bundle had been uploaded onto the www.noticespublic.com data site. That email was sent by Ms Bethany Taylor from this firm's centralised Shell Service email account – ShellService@eversheds-sutherland.com.

4.3.1 16 automatic responses were received in response to the above emails. Having reviewed the timings of the automated responses, I believe that:

4.3.2 8 automatic responses were received on 11 October 2024 from xr-legal@riseup.net, xrlondoncommunityevents@gmail.com, xrlondoncoord@gmail.com, xrsw.trainings@gmail.com, xr.connectingcommunities@gmail.com, xrsocialmediaevents@gmail.com, artsxr@gmail.com and press@extinctionrebellion.uk and which appear to be automatic tailored responses to any emails received.

4.3.3 7 further automatic responses were received on 11 October 2024 from eoexrtnt@protonmail.com; xrmidlandstraining@protonmail.com;

xrpoliceliason@protonmail.com xrpeopleassembly@protonmail.com
xrdemocracy@protonmail.com xr-regionaldevelopment@protonmail.com and
xrne.training@protonmail.com noting the "mailbox quota exceeded" or "mailbox full" I understand from this firm's IT team that these emails were properly sent but will not have been delivered to / received by the recipient mailbox as the mailboxes were full.

4.3.4 A further automatic response was received on 11 October 2024 from support@xrnorth.org which advised that the email could not be delivered as the "recipient's email address is possibly incorrect".

4.4 Copies of the relevant emails are exhibited at **pages 49-65 of Exhibit AJO11.**

4.5 An email was also sent to each of the Schedule 2 email addresses at 14:45 on 15th October 2024 advising them that copies of the Final Witness Evidence and Documents relating to the Third Defendant had been uploaded onto the www.noticespublic.com data site. Again that email was sent by Ms Bethany Taylor from this firm's centralised Shell Service email account – ShellService@eversheds-sutherland.com.

4.6 17 automatic responses were received in response to the above emails. Having reviewed the timings of the automated responses, I believe that:

4.6.1 8 automatic responses were received on 15th October 2024 from xr-legal@riseup.net, xrlondoncommunityevents@gmail.com, xrlondoncoord@gmail.com, xrsw.trainings@gmail.com, xr.connectingcommunities@gmail.com, xrsocialmediaevents@gmail.com, artsxr@gmail.com and press@extinctionrebellion.uk and which appear to be automatic tailored responses to any emails received.

4.6.2 8 further automatic responses were received on 15th October 2024 from eoexrtnt@protonmail.com; xrmidlandstraining@protonmail.com; xrpoliceliason@protonmail.com xrpeopleassembly@protonmail.com
xrdemocracy@protonmail.com youthclimateswarm@protonmail.com xr-regionaldevelopment@protonmail.com and xrne.training@protonmail.com noting the "mailbox quota exceeded" or "mailbox full" I understand from this firm's IT team that these emails were properly sent but will not have been delivered to / received by the recipient mailbox as the mailboxes were full.

4.6.3 A further automatic response was received on 11 April 2024 from support@xrnorth.org which advised that the email could not be delivered as the "recipient's email address is possibly incorrect".

4.7 Copies of the relevant emails are exhibited at **pages 66-83 of Exhibit AJO11.**

- 4.8 An email was also sent to each of the Schedule 2 email addresses at 14:53 on 17th October 2024 advising them that copies of the Supplemental Bundle, Claimants' skeleton argument and authorities bundle had all been uploaded onto the www.noticespublic.com data site. Again that email was sent by Ms Bethany Taylor from this firm's centralised Shell Service email account – ShellService@eversheds-sutherland.com.
- 4.9 11 automatic responses were received in response to the above emails. Having reviewed the timings of the automated responses, I believe that:
- 4.9.1 2 automatic responses were received on 17th October 2024 from xr-legal@riseup.net, and press@extinctionrebellion.uk which appear to be automatic tailored responses to any emails received.
- 4.9.2 8 further automatic responses were received on 17th October 2024 from eoexrtnt@protonmail.com; xrmidlandstraining@protonmail.com; xrpoliceliason@protonmail.com xrpeopleassembly@protonmail.com xrdemocracy@protonmail.com youthclimateswarm@protonmail.com xr-regionaldevelopment@protonmail.com and xrne.training@protonmail.com noting the "mailbox quota exceeded" or "mailbox full" (exhibited at **pages** of **Exhibit AJO11**). I understand from this firm's IT team that these emails were properly sent but will not have been delivered to / received by the recipient mailbox as the mailboxes were full.
- 4.9.3 A further automatic response was received on 17th October 2024 from support@xrnorth.org which advised that the email could not be delivered as the "recipient's email address is possibly incorrect".
- 4.10 Copies of the relevant emails are exhibited at **pages 84-95 of Exhibit AJO11**.
- 4.11 Finally a further email was sent to the Schedule 2 email addresses at 16:25 on 17th October advising the recipient that the hearing had been listed on 22nd October 2024.
- 4.12 10 automatic responses were received in response to the above emails. Having reviewed the timings of the automated responses, I believe that:
- 4.12.1 1 automatic response was received on 17th October 2024 from press@extinctionrebellion.uk and which appears to be an automatic tailored response to any emails received.
- 4.12.2 8 further automatic responses were received on 17th October 2024 from eoexrtnt@protonmail.com; xrmidlandstraining@protonmail.com; xrpoliceliason@protonmail.com xrpeopleassembly@protonmail.com xrdemocracy@protonmail.com youthclimateswarm@protonmail.com xr-regionaldevelopment@protonmail.com and xrne.training@protonmail.com noting the "mailbox quota exceeded" or "mailbox full" (exhibited at **pages** of

Exhibit AJO11). I understand from this firm's IT team that these emails were properly sent but will not have been delivered to / received by the recipient mailbox as the mailboxes were full.

4.12.3 A further automatic response was received on 17th October 2024 from support@xrnorth.org which advised that the email could not be delivered as the "recipient's email address is possibly incorrect".

4.13 Copies of the relevant emails are exhibited at **pages 96-106 of Exhibit AJO11**.

4.14 Apart from the automated responses referred to above no responses from any of the other email addresses were received. I have no reason to believe that the emails sent to the other email addresses to which the above emails were sent were not delivered or received, and no other 'bounce back' or delivery failure notifications in this regard was received.

4.15 I therefore consider that the remaining emails sent to the email addresses linked to Extinction Rebellion and Just Stop Oil (being those from whom no bounce back was received) were delivered.

5. Service upon non-parties to the Proceedings

5.1 In addition, the following documents were sent to individuals who have previously asked to receive documents in connection with the proceedings:

5.2 Michaela Marc was sent an email advising her that the following documents had been uploaded onto the www.noticespublic.com datbsite: (1) the hearing bundle on 11th October 2024 at 15:17; (2) the Final Witness Evidence and Documents relating to the Third Defendant on 15 October 2024 at 14:36; (3) the supplemental bundle, the Claimants' skeleton arguments and the authorities bundle at 14:49 on 17th October 2024. Copies of those respective emails are exhibited at **pages 107-109 of Exhibit AJO11**.

5.3 Alice Hardy of Bindmans LLP was sent an email advising her that the following documents had been uploaded onto the www.noticespublic.com datbsite: (1) the hearing bundle on 11th October 2024 at 15:32; (2) the Final Witness Evidence and Documents relating to the Third Defendant on 15 October 2024 at 14:29; (3) the supplemental bundle the Claimants' skeleton arguments and the authorities bundle at 14:42 on 17th October 2024. Copies of those respective emails are exhibited **at pages 110-112 of Exhibit AJO11**.

5.4 All of the other individuals who had previously requested copies of papers relating to these proceedings have now indicated they no longer wish to receive those documents.

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.



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Alison Judith Oldfield

Dated: 18 October 2024