

Emma Margaretha Florence Pinkerton
Second Witness Statement
Party: Claimant
Exhibit: EMPI2
Date: 22 April 2022

IN THE HIGH COURT OF JUSTICE

Claim No: QB-2022-001259

QUEEN'S BENCH DIVISION

BETWEEN

**SHELL INTERNATIONAL PETROLEUM
COMPANY LIMITED**

Claimant

- 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**

Defendants

**WITNESS STATEMENT OF
EMMA PINKERTON**

I, **Emma Margaretha Florence Pinkerton** of CMS Cameron McKenna Nabarro Olswang LLP of College Square 2 Anchor Road, Bristol BS1 5UE **WILL SAY AS FOLLOWS:**

1. INTRODUCTION

1.1 I am a partner at CMS Cameron McKenna Nabarro Olswang LLP ("CMS") and have conduct of this matter on behalf of the Claimant.

- 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 EMPI2.
- 1.4 Following the hearing of the Claimant's application on the 15 April 2022 in respect of the Shell Centre Tower (as defined in the Court documents), the Claimant was granted an injunction by way of an order dated 15 April 2022 (the "**Order**").
- 1.5 As detailed below CMS then proceeded to serve the documents on behalf of the Claimant on the Defendant in accordance with the Order. The requirements in the Order are set out in paragraph 2 below.

2. SERVICE OF DOCUMENTS

- 2.1 Paragraph 8 of the Order required that the Order and the Claim Documents be served on the Defendant. For completeness, the Claim Documents are as follows:
 - 2.1.1 Claim Form
 - 2.1.2 Particulars of Claim
 - 2.1.3 Application Notice dated 14 April 2022
 - 2.1.4 Witness Statement of Keith Garwood dated 14 April 2022 and exhibit KG1
 - 2.1.5 Witness Statement of Emma Pinkerton dated 14 April 2022 and exhibit EMPI1
- 2.2 Paragraph 8 of the Order states that service on the Defendant will be effected in the following ways:
 - 2.2.1 The Claimant shall affix at each entrance of the Shell Centre Tower, and around its perimeters at no fewer than 2 other locations (but so that there shall be at least one on each aspect of the Shell Centre Tower), warning notices, no smaller than A4 in size. The said warning notices shall: (i) warn of the existence and general nature of this Order, and of the consequences of breaching it; (ii) identify a point of contact and contact details from which copies of the Order and Claim Documents may be requested; and (iii) identify a website address (the "**Claim Documents URL**") at which copies of the Order and the Claim Documents may be viewed and downloaded.
 - 2.2.2 The Claimant shall upload to the Claim Documents URL copies of the Order and the Claim Documents and a note of the hearing at which his Order was granted.
 - 2.2.3 The Claimant shall send by email a copy of the Order and a link to the Claim Documents URL to each of the email addresses listed in the Third Schedule to this Order.

3. SERVICE BY AFFIXING OF WARNING NOTICE

- 3.1 The Claimant, by way of its on-site security team (Shamas Khan (Security Supervisor)), placed warning notices of at least A4 size on each of the external doors of the Shell Centre Tower as shown on the photos attached at pages 3-28 of EMPI2 and as shown on the plan of the Shell Centre Tower at page 2.
- 3.2 I am told by Keith Garwood, who is an Asset Protection Manager employed by the Claimant with responsibility for Shell Centre Tower, that the staircase 2 exit (which is marked the 'Staircase Exit' on the plan of the Shell Centre at page 2) is currently within a construction site and not

available for use, and so a warning notice has been placed in a position as to the Staircase 2 exit door as possible, but still visible from the outside.

3.3 I am told by Keith Garwood that the warning notices were in place in the locations shown at 12pm on 22 April 2022.

3.4 For clarity a copy of the warning notice is attached at page 1.

4. SERVICE BY WEBSITE

4.1 CMS have created a website, referred to above as the Claim Documents URL. Access to this website is via the following address <https://shellservices.cmno.tech/>.

4.2 The following documents were uploaded to the website on 15 April 2022 and were in place and available to view and download by 8.30pm on 15 April 2022 at the latest:

4.2.1 Sealed Amended Claim Form

4.2.2 Sealed Amended Particulars of Claim

4.2.3 Sealed Amended Application Notice dated 14 April 2022

4.2.4 Witness Statement of Keith Garwood dated 14 April 2022

4.2.5 Exhibit bundle KG1

4.2.6 Witness Statement of Emma Pinkerton dated 14 April 2022

4.2.7 Exhibit bundle EMPI1

4.2.8 Unsealed Order dated 15 April 2022

4.2.9 Order – Appendix 1 (plan of Shell Centre Tower)

4.2.10 N9 Response pack

5. SERVICE BY EMAIL

5.1 CMS created an email address, shell.service@cms-cmno.com from which to serve the various documents in this matter. I have access and control of and to this dedicated email address and personally arranged for the Court Documents as well as a copy of the URL to be sent by email to the addresses listed in the Order.

5.2 For completeness, CMS served all of the following documents on the Defendants by email to each of the email addresses listed in the Order and as set out at Appendix 1 to the Certificate of Service filed with this statement:

Documents Served	Subject	Email date/time
<ul style="list-style-type: none">Order of Mr Justice Sweeting dated 15 April 2022Order – Appendix 1Claim Documents URL	RE: IMPORTANT - LEGAL DOCUMENTS BY WAY OF SERVICE - Email 1 of 3 [CMCK-UK.FID118272683]	15/04/2022, 19:01
<ul style="list-style-type: none">Sealed Claim Form dated 14 April 2022	IMPORTANT - LEGAL DOCUMENTS BY WAY	15/04/2022, 18:57

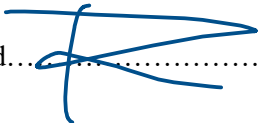
<ul style="list-style-type: none"> • Particulars of Claim dated 14 April 2022 • Sealed Application Notice dated 14 April 2022 • Order of Mr Justice Sweeting dated 15 April 2022 • Response pack for the Defendants • Claim Documents URL 	OF SERVICE - Email 1 of 3 [CMCK-UK.FID118272683]	
<ul style="list-style-type: none"> • First Witness Statement of Keith Garwood dated 14 April 2022 and Exhibit KG1 • Claim Documents URL 	IMPORTANT - LEGAL DOCUMENTS BY WAY OF SERVICE - Email 2 of 3 [CMCK-UK.FID118272683]	15/04/2022, 19:04
<ul style="list-style-type: none"> • First Witness Statement of Emma Margaret Florence Pinkerton dated 14 April 2022 and Exhibit EMPI1 • Claim Documents URL 	IMPORTANT - LEGAL DOCUMENTS BY WAY OF SERVICE - Email 3 of 3 [CMCK-UK.FID118272683]	15/04/2022, 19:05

- 5.2.1 Following service of the emails I did receive some notifications of receipt from a limited number of the email addresses and which were caught by our IT security system. Copies of an example of one such email and an extract of the email notification system are attached at pages 29-35.
- 5.2.2 I can confirm that CMS’ IT department have been asked whether it is possible to track any further “bounce back” emails following service on 15 April 2022. They have confirmed that as a result of the way in which the service email address has been set up it is not possible to check this.
- 5.2.3 I am however satisfied that emails to some of the addresses listed have been received and that service has also been effected via the dedicated website and by posting the warning notices as required so that the latest date of service is the date of posting of the warning notices on 22 April 2022.

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 be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed.....


Dated.....22 April 2022.....