

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
The Hon. Mr Justice Kerr

CLAIM NO. HQ18X01153

4 April 2018

B E T W E N:

HAMMERSON (BRENT CROSS) LIMITED
AND OTHERS LISTED IN THE PARTICULARS OF CLAIM

Claimants

-and-

- (1) ALISTAIR LAW
- (2) BEN DERRICK
- (3) RYAN DERRICK
- (4) SCOTT MACKAY
- (5) RYAN TAYLOR
- (6) PERSONS UNKNOWN ENTERING OR
REMAINING AT THE CLAIMANTS'
PROPERTIES WITHOUT THE
CLAIMANTS' LICENCE OR CONSENT

Defendants



DIRECTIONS ORDER

UPON HEARING Counsel for the Claimants (Toby Watkin) and the First, Second, Third and Fourth Defendants in person

AND UPON the court reading: the Claim Form; the Particulars of Claim; the Application notice in form N244 and Injunction Application notice in form N16A both dated 27 March 2018; the application notice dated 28 March 2018; the witness statement of Graham Williams dated 27 March 2018 and its exhibits; the witness statement of Stuart Wortley dated 30 March 2018; Certificates of Service in respect of service upon the First, Second, Third, Fourth and Fifth Defendants; and the witness statement of Eve Hemingway dated 2 April 2018.

AND UPON the Court continuing and extending the terms of the interim injunction originally granted on 27 March 2018;

IT IS ORDERED that:

- 1) The Claim Form and Particulars of Claim be amended to show the name of the Second Defendant as "BEN DERRICK". Re-service of the Claim Form and Particulars of Claim is hereby dispensed with.
- 2) If any of the First, Second, Third, Fourth or Fifth Defendants intends to resist the making of a final injunction order in the terms of the current interim injunction made together with this order, he shall email the Claimant's solicitor to say so by 4pm on 18 April 2018. The Defendants' requirement to file and serve an Acknowledgement of Service in accordance with Part 10 of the Civil Procedure Rules is otherwise dispensed with.
- 3) The Claimant do have permission to apply by 4pm on 1 May 2018 for its claim for a final injunction to be considered on paper. Any such application shall be supported by a witness statement which:
 - (i) states whether any of the First to Fifth Defendants, or any other party, has notified them of an intention to resist the making of a final injunction in the terms of the order sought in these proceedings;
 - (ii) exhibits any written undertakings which by then have been offered to the Court by any of the First to Fifth Defendants via the Claimants' solicitors;
 - (iii) explains the circumstances under which any such written undertakings have been offered;
 - (iv) exhibits an updated draft form of order which:
 - (a) lists the written undertakings which have been offered;
 - (b) recites that the Court accepts such written undertakings and that the Court is satisfied that the nature and effect of any such undertaking is understood by the person offering that undertaking;
 - (c) makes the injunction sought by the Claimants against 'Persons Unknown' and against any Defendants from whom the Court has not accepted undertakings; and
 - (d) by its terms, continues the existing injunction until 26 March 2018 (unless it is discharged by any subsequent order of this Court).

- 4) The Claimant's claim and application for an injunction shall be listed for hearing at [10am] on Wednesday 9th May 2018.
- 5) As soon as possible after 1 May 2018 the court shall consider any application by the Claimant under paragraph 3 of this order, and whether to accept any undertakings offered by the Defendants, and shall decide whether to dispense with attendance of the parties at the next hearing.
- 6) The costs of the Claimants' interim injunction application are reserved.
- 7) The Claimants shall serve:
 - (i) this Order; and
 - (ii) any injunction or order made, or notice of hearing issued, pursuant to paragraph of 4 of order,

in the same manner as the Court has directed that the Injunction Order (made simultaneously with this Order) shall be served.

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DIRECTIONS ORDER

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Solicitors for the Claimants