

On behalf of: the Claimant  
By: L Higson  
No: 1  
Exhibit: LNH1

Date: 13 April 2023

**QB-2021-003576, 003626 and 003737**

**IN THE HIGH COURT OF JUSTICE**

**KING'S BENCH DIVISION**

BETWEEN:

**NATIONAL HIGHWAYS LIMITED**

Claimant

- and -

**(1) PERSONS UNKNOWN CAUSING THE BLOCKING OF,  
ENDANGERING, OR PREVENTING THE FREE FLOW OF  
TRAFFIC ON THE M25 MOTORWAY, A2 A20 AND A2070 TRUNK  
ROADS AND M2 AND M20 MOTORWAY, A1(M), A3, A12, A13, A21,  
A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4,  
M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE  
PURPOSE OF PROTESTING**

**(2) MR ALEXANDER RODGER AND 132 OTHERS**

Defendants

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**WITNESS STATEMENT OF  
LAURA NATASHA HIGSON**

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**I, LAURA NATASHA HIGSON**, of DLA Piper UK LLP 1 St Pauls Place, Sheffield S1 2JX **WILL SAY** as follows:

1. I am a solicitor of the Senior Courts of England and Wales and an Associate at DLA Piper UK LLP with shared day-to-day conduct of this matter under the supervision of my partners. I am authorised to make this Witness Statement on behalf of the Claimant.

2. I make this statement in support of the Claimant's application dated 13 April 2023 ("**Application**") for an extension of the injunction granted by the order of Mr Justice Bennathan made on 9 May 2022 as amended by the Court of Appeal on 14 March 2023 ("**Bennathan Order**") for one year and to explain to the Court why the Claimant has applied for a number of variations to be made to the Bennathan Order. The Application has been listed for a hearing on 24 April 2023 ("**Review Hearing**").

### **Alternative Service**

3. The Claimant has applied to amend paragraphs 7, 8 and 9 of the Bennathan Order in the form set out at paragraphs 5 to 9 of the draft order filed with the Application.
4. The service provisions at paragraph 7 and paragraph 9 of the Bennathan Order operate such that a person is not bound by its terms unless that person has been served with the Bennathan Order. Paragraph 7 permits the Claimant, in addition to personal service, to serve the Bennathan Order on the Second Defendants and other named defendants by posting a copy of the Bennathan Order through the letterbox of that named defendant or affixing the Bennathan Order to the front door, with a notice affixed to the front door in the form set out at Appendix 4 of the Bennathan Order.
5. The Claimant has experienced acute difficulties in effecting personal service of any documents pertinent to these proceedings. Similar difficulties have been faced by the Claimant when attempting to personally serve documents in subsequent proceedings whereby an additional interim injunction was sought against Just Stop Oil ("**JSO**") and persons unknown in claim number KB-2022-004333, which is referred to in more detail at paragraphs 13 to 15 below.
6. High Court Enforcement Group Limited ("**HCE**") has been instructed by the Claimant to effect service of documents pertinent to these proceedings on the Named Defendants since September 2021.
7. When effecting service of the Order of Mr Justice Bennathan made on 9 May 2022 (before the Order was amended by the Court of Appeal), it was only possible for the Claimant to personally serve 49 of the 132 Named Defendants. All other Named Defendants were served by the alternative means provided for at paragraph 7 of the Bennathan Order, i.e. by it either being posted through the letterbox or affixed to the front door of the address for service of the Named Defendants. A

schedule setting out the dates and the manner in which each Named Defendant was served with the Bennathan Order (as originally made) is exhibited at pages 1 to 13 of LNH1. Certificates of service evidencing service of the Bennathan Order have been filed with the Court.

8. The service provisions of the Bennathan Order operate such that it can only be served upon an individual who is known to the Claimant, and / or whose address for service is also known by the Claimant. The only way in which the Claimant can obtain this information is by it being provided by the Police in accordance with the Police's disclosure duties pursuant to paragraph 10 of the Bennathan Order. It follows therefore, that in order for the Claimant to become aware of the identity of an individual who should be served with the Bennathan Order, that individual must carry out an act which is prohibited by the terms of the Bennathan Order and either be personally served with the Order (if it is possible to do so) while carrying out the act or be arrested for carrying out that act and served with the Bennathan Order following the arrest. The individual therefore gets a 'free go' at breaching the terms of the Bennathan Order before they are served with the Order and does not face the risk of having contempt of Court proceedings brought against them for carrying out such acts.
9. The impact of the acts of protest that are carried out by individuals associated with JSO (and with other groups affiliated with the cause such as Insulate Britain and Animal Rebellion) is profound. On 20 July 2022, JSO protests took place in 3 separate locations on the M25 whereby 5 protestors climbed up and affixed themselves and JSO banners to overhead gantries between Junctions 10 and 11, Junctions 14 and 15, and Junctions 30 and 31. In a press release by JSO on 20 July 2022, it declared the M25 "*a site of civil resistance*".<sup>1</sup> As a result of the protest at Junction 30 and 31, the M25 clockwise carriageway had to be closed by the police between the junctions for almost 6 hours, causing queues of up to 14 miles long with a maximum delay of 90 minutes for users of the clockwise carriageway. Moderate delays were also experienced by the users of the anti-clockwise carriageway, including the A282 Dartford River Crossing between Junctions 1A and 31 with a peak delay time of 25 minutes. The extent of the delay caused to vehicles travelling on the M25 on 20 July 2022 in respect of the protest between Junction 30 and Junction 31 alone is estimated to be 15,492 hours in total,

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<sup>1</sup> <https://juststopoil.org/2022/07/20/just-stop-oil-declares-m25-a-site-of-civil-resistance-after-uk-temperatures-pass-40c/>

affecting 49,892 vehicles with a total economic cost of £234,543. This data is confirmed by the Assured Impact Statement prepared by the Claimant's analytical team which is exhibited at Exhibit SFM1 to the Witness Statement of Sean Foster Martell dated 13 April 2023 filed with this Application ("**Martell 1**"). Of the 5 individuals involved in the protest, only one of the individuals was known to the Claimant as a Named Defendant to the Bennathan Order. The other four individuals were "newcomers". The Claimant issued a successful contempt of Court application against the Named Defendant in *National Highways Limited v Louise Lancaster* [2021] EWHC 3080 (KB), however no further action could be taken against the four other individuals as it was not possible for the Claimant to serve them with the Bennathan Order in advance of the protest as it had not been made aware of their names and addresses, nor was it possible to serve them during the course of the protest due to their location at height above the carriageway.

10. A further recent example is a protest that was carried out by two members of JSO who climbed the suspension cables of the Queen Elizabeth II Bridge at the Dartford Crossing on the M25 and suspended a large JSO banner, and themselves, each in a small hammock, at a height of approximately 200 feet above the carriageway in between the suspension cables. As a result of the protest, all four carriageways of the Bridge (which sees an average daily use of over 130,000 vehicles) were closed between 05:00 on 17 October 2022 until approximately 22:00 on 18 October 2022. Traffic Impact Statements prepared by the Claimant are exhibited at Exhibit SFM1 to Martell 1 and show that during the course of the protest an estimated 629,206 vehicles were impacted with a total economic cost of £916,696. The two individuals who took part in the protest were also "newcomers" and had not previously been served with the Bennathan Order. As the individuals were suspended at height above the carriageway, it was impossible for the Claimant to personally serve the Bennathan Order upon them. Accordingly, it was necessary for the Claimant to take extraordinarily onerous steps to try and serve the individuals during the course of the protest by alternative means, including by having a police officer who was in the course of his duties as a negotiator read out a pre-prepared script to the individuals informing them that their acts were prohibited by the Bennathan Order by using a megaphone to speak to the individuals from the top of a central tower on the Bridge. The lengths to which the Claimant went to try and effect service of the Bennathan Order upon the two individuals is set out in the witness statement of Philip Morgan dated 26 October 2022, a copy of which is exhibited at pages 14 to 19 of LNH1.



11. The Claimant has made an application that the two individuals be found in contempt of court for their actions on 17 and 18 October 2022 for the period in which they continued their protest after having the injunction warning notice read out to them. The Defendants allege that the steps taken by the Claimant to serve the Bennathan Order upon the Defendants on 17 October 2022 were not effective and as a consequence they did not breach its terms by their actions on the Bridge. I exhibit at pages 20 to 26 of LNH1 the witness statements of Marcus Decker and Morgan Trowland which set out the Defendants' position as to service of the Bennathan Order upon them.
12. The Claimant cannot rely on the protection of the Bennathan Order in these circumstances. Indeed, it was necessary for the Claimant to obtain a further injunction protecting structures on the M25 when it became aware of a series of planned protest actions in November 2022 because of the difficulties arising as a result of the service provisions in the Bennathan Order.
13. The background to the protests that took place in November 2022 and the anticipatory interim injunction that was granted by Chamberlain J on 5 November 2022 ("**the M25 Structures Injunction**") is set out in paragraphs 24 to 28 of Martell 1. As Mr Martell notes, it was necessary for the Claimant to obtain the M25 Structures Injunction because despite obtaining intelligence that the protests were due to commence on 7 November 2022, as the identities of the protestors were unknown to the Claimant, service of the Bennathan Order could not be effected upon them and the Claimant was resultingly left without the protection afforded by the injunction. Service of the M25 Structures Injunction was permitted by email to the two known email addresses for JSO, publication on the Claimant's website, social media posts by the Claimant with a link to the M25 Structures Injunction on its website, and a notification to the Press Association.
14. When the M25 Structures Injunction was confirmed at the return date hearing on 28 November 2022 by Soole J (the "**Soole Order**"), the service provisions were revised such that service of the Soole Order must be effected personally upon all 65 defendants named on the Soole Order. As has been the case since the inception of the protests in September 2021, the Claimant experienced significant difficulties in effecting personal service of the Soole Order and it was not possible to serve 25 of the named defendants, despite in some cases 7 separate attendances being made at their address for service by HCE. By way of example, Tez Burns (who is also a Named Defendant to the Bennathan Order) was present at her

address for service upon HCE's fifth attendance but refused to open the door to accept service, and left the property on a bicycle when the HCE agent was returning to their vehicle. HCE's report regarding the attempts to serve Ms. Burns are exhibited at pages 27 and 28 of LNH1.

15. As a result of the difficulties experienced in effecting personal service of the Soole Order, on 28 February 2023, the Claimant made an application for permission to serve the Soole Order and other documents pertinent to the claim by alternative means. Namely, by email to any named defendants who provided or provide their email address to the Claimant, and by posting the documents on a dedicated webpage on the Claimant's website. That application was granted by Fraser J on 1 March 2023. The order of Fraser J is exhibited at pages 29 to 39 of LNH1.
16. Accordingly, the Claimant seeks alternative service provisions as set out in the draft order in respect of service upon both persons unknown and Named Defendants.

#### **Amending the Schedule of Named Defendants**

17. The defendant numbers, names, and addresses for service of the Named Defendants to the Bennathan Order are set out at Schedule 1 of the Bennathan Order. The Claimant undertook to the Court when the interim injunctions were granted by Lavender J on 21 September 2021, Cavanagh J on 24 September 2021 and Holgate J on 2 October 2021 ("**Interim Injunctions**") that it would identify and name defendants and apply to add them as named defendants. In accordance with those undertakings, the Claimant applied to add the Named Defendants to the Interim Injunctions in the following tranches:
  - 17.1 D2 to D108 were added pursuant to the Orders of May J made on 1 October 2021;
  - 17.2 D109 and D110 were added pursuant to the Order of Lavender J made on 12 October 2021;
  - 17.3 D111 to D119 were added pursuant to the Order of Lavender J made on 19 October 2021; and
  - 17.4 D120 to D134 were added pursuant to the Order of Dame Victoria Sharp and Chamberlain J on 8 November 2021.

Copies of the Orders referred to above are exhibited at pages 40 to 109 of LNH1.

18. The Claimant has applied to amend the Schedule of Defendants in the form set out at Schedule 1 to the draft order filed with the Application. The reasons for the requested changes are as follows:
  - 18.1 D108 is deceased and should therefore be removed as a Named Defendant;
  - 18.2 D135 and D136 are the two individuals who took part in the protest on the Queen Elizabeth II Bridge on 17 and 18 October 2022. The Claimant has applied to add D135 and D136 as Named Defendants to the Bennathan Order as part of the contempt of Court application made against the two Defendants, however the hearing of that matter is yet to be listed and it is therefore appropriate to add them at the Review Hearing. Whilst the Bennathan Order does not contain the undertaking that was given by the Claimant to the Court in relation to the Interim Injunctions, the Claimant is in any event obliged to add D135 and D136 in accordance with its duties following *Canada Goose v Persons Unknown* [2020] EWCA Civ 303;
  - 18.3 D137 to D140 are the four ‘newcomers’ who took part in the July 2022 gantry protests on the M25, who, for the reasons set out at 18.2 above, should be added as Named Defendants.
  - 18.4 D6, D9, D12, D29, D63, D64, D69, D105, D111, D115 and D128 have provided the Claimant with signed undertakings to the Court and the Claimant therefore requests the Court’s permission to remove those individuals as Named Defendants. In this regard please see paragraphs 20 to 22 below.
19. In advance of the Review Hearing, the Claimant has considered the Schedule of Named Defendants and acknowledges that in some cases, the Named Defendants have not recently engaged in protest action on the roads subject to the Bennathan Order. On 15 March 2023, the Claimant therefore wrote to all Named Defendants, informing them that the Claimant is prepared to consider their removal as Named Defendants. Any removal would be on the strict basis that individuals provide an unretractable and unconditional signed undertaking to the Court confirming that they will, amongst other things, not block, endanger or prevent the free flow of traffic on the Roads (as defined in the undertaking) for the purposes of protesting.

A form of undertaking was enclosed with the letter of 15 March. An example of the letter and undertaking that was issued in identical terms to all Named Defendants is exhibited at pages 110 to 116 of LNH1. A letter in similar terms enclosing a form of undertaking was also issued to D137 to D140, a copy of which is exhibited at pages 117 to 123 of LNH1.

20. After the 15 March 2023 letter was issued, the Claimant received emails from several Named Defendants confirming that they were seeking legal advice and requesting an extension to the deadline of 31 March 2023 to return their signed undertakings. Accordingly, the Claimant wrote to the Named Defendants on 3 April 2023 requesting that they confirm their position by 6 April 2023. A copy of the 3 April 2023 letter is exhibited at pages 124 to 125 of LNH1.
21. As at the date of this witness statement, the Claimant has received signed undertakings from the following Named Defendants: Andrew Taylor Worsley (D6), Barry Mitchell (D9), Biff Whipster (D12), Edward Leonard Herbert (D29), Matthew Lunnon (D63), Matthew Tulley (D64), Natalie Morley (D69), Valerie Saunders (D105), Tony Hill (D128), Adrian Temple Brown (D111), and Julian Maynard Smith (D115). With the Court's permission, the Claimant is prepared to remove the above listed individuals as Named Defendants to the Bennathan Order.
22. In respect of the remaining Named Defendants and D137 to D140, the Claimant considers that by their refusal to give an undertaking to the Court not to engage in the acts prohibited by the Bennathan Order, those individuals present an ongoing risk to the Claimant and to the roads subject to the Bennathan Order and accordingly it is appropriate for those individuals to remain as / be added as Named Defendants to the Bennathan Order.

### **Costs**

23. The Claimant has applied to vary paragraph 17 of the Bennathan Order which currently provides that there be no variation of the costs Order dated 16 January 2023 of Bennathan J. A copy of the costs Order is exhibited at pages 126 to 130 of LNH1.
24. At the second of the "Reasons" following paragraph 17 of the Bennathan Order, the Court of Appeal has directed that "*It will be for the High Court at any review hearing to determine what if any costs Order to make in the case*".

25. The Court will note that Bennathan J ordered that, in respect of those defendants where the Claimant's summary judgment was successful (i.e. the 'committal defendants'), costs should follow the event in the normal way, and made an order for payment of costs on account (paragraphs 1 to 2 of the costs order). In respect of those defendants where Bennathan J found the summary judgment was not made out, the judge ordered that the costs be costs in the case (paragraph 4). The variation to paragraph 17 sought by the Claimant operates to extend Bennathan J's costs order at paragraphs 1 and 2 to all of the Named Defendants so as to include those 109 Named Defendants against whom the final injunction ought to have been granted. The Court of Appeal found that Bennathan J erred in not acceding to the application for summary judgment in respect of all defendants. Accordingly, the proposed variation to the costs order applies the logic of Bennathan J's costs order, which is consistent with the ordinary rule that the losing party should pay the successful party's costs, to the finding that the judge should have made had he applied the law correctly, namely that summary judgment should have been given in respect of all Named Defendants. Costs are not sought against Persons Unknown.

**Statement of Truth**

26. 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.

Dated: 13 April 2023



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**LAURA NATASHA HIGSON**

On behalf of: the Claimant  
By: Laura Natasha Higson  
No: 1  
Exhibit: LNH1

Date: 13 April 2023

**QB-2021-003576, QB-2021-003626 and QB-2021-003737**

**IN THE HIGH COURT OF JUSTICE**

**KING'S BENCH DIVISION**

BETWEEN:

**NATIONAL HIGHWAYS LIMITED**

Claimant

- and -

**(1) PERSONS UNKNOWN CAUSING THE BLOCKING OF, ENDANGERING,  
OR PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25  
MOTORWAY, A2 A20 AND A2070 TRUNK ROADS AND M2 AND M20  
MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK  
ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40  
MOTORWAYS FOR THE PURPOSE OF PROTESTING  
(2) MR ALEXANDER RODGER AND 132 OTHERS**


Defendants

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**EXHIBIT OF  
LAURA NATASHA HIGSON**

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This is the exhibit marked LNH1 referred to in the witness statement of Laura Natasha Higson dated this 13<sup>th</sup> day of April 2023.

Signed:  .....

**SERVICE SCHEDULE – INJUNCTION ORDER OF 09.05.2022**

	<b>Name</b>	<b>Address</b>	<b>Date of Service</b>	<b>Deemed Date of Service</b>	<b>Method of Service</b>
1.	INSULATE BRITAIN		17/05/2022	17.05.2022	By email to: <a href="mailto:ring2021@protonmail.com">ring2021@protonmail.com</a> and <a href="mailto:insulatebritainlegal@protonmail.com">insulatebritainlegal@protonmail.com</a>
2.	Alexander RODGER		17.05.2022	17.05.2022	Depositing through letterbox
3.	Alyson LEE		16.05.2022	16.05.2022	Depositing through letterbox
4.	Amy PRITCHARD		16.05.2022	16.05.2022	Depositing through letterbox
5.	Ana HEYATAWIN		16.05.2022	16.05.2022	Depositing through letterbox
6.	Andrew Taylor WORSLEY		16.05.2022	17.05.2022	Personally handing to or leaving with
7.	Anne TAYLOR		16.05.2022	16.05.2022	Personally handing to or leaving with
8.	Anthony WHITEHOUSE		16.05.2022	16.05.2022	Depositing through letterbox
9.	Barry MITCHELL		16.05.2022	16.05.2022	Depositing through letterbox

10.	Ben TAYLOR		16.05.2022	16.05.2022	Depositing through letterbox
11.	Benjamin BUSE		16.05.2022	16.05.2022	Depositing through letterbox
12.	Biff William Courtenay WHIPSTER		16.05.2022	16.05.2022	Personally handing to or leaving with
13.	Cameron FORD		24.05.2022	24.05.2022	Affixing to front door
14.	Catherine RENNIE-NASH		16.05.2022	16.05.2022	Depositing through letterbox
15.	Catherine EASTBURN		16.05.2022	16.05.2022	Depositing through letterbox
16.	Christian MURRAY-LESLIE		16.05.2022	16.05.2022	Personally handing to or leaving with
17.	Christian ROWE		16.05.2022	17.05.2022	Personally handing to or leaving with
18.	Cordelia ROWLATT		16.05.2022	16.05.2022	Personally handing to or leaving with
19.	Daniel Lee Charles SARGISON		16.05.2022	16.05.2022	Affixing to the front door
20.	Daniel SHAW		16.05.2022	16.05.2022	Depositing through letterbox



21.	David CRAWFORD		17.05.2022	17.05.2022	Depositing through letterbox
22.	David JONES		16.05.2022	16.05.2022	Depositing through letterbox
23.	David NIXON		16.05.2022	16.05.2022	Depositing through letterbox
24.	David SQUIRE		16.05.2022	16.05.2022	Depositing through letterbox
25.	Diana Elizabeth BLIGH		16.05.2022	16.05.2022	Personally handing to or leaving with
26.	Diana HEKT		16.05.2022	16.05.2022	Personally handing to or leaving with
27.	Diana Lewen WARNER		16.05.2022	17.05.2022	Personally handing to or leaving with
28.	Donald BELL		16.05.2022	17.05.2022	Affixing to front door
29.	Edward Leonard HERBERT		16.05.2022	17.05.2022	Depositing through letterbox
30.	Elizabeth ROSSER		16.05.2022	16.05.2022	Personally handing to or leaving with
31.	Emma Joanne SMART		16.05.2022	17.05.2022	Depositing through letterbox

32.	Gabriella DITTON		N/A	N/A	N/A
			16.05.2022	16.05.2022	Depositing through letterbox
33.	Gregory FREY		17.06.2022	20.06.2022	Depositing through letterbox
34.	Gwen HARRISON		16.05.2022	16.05.2022	Personally handing to or leaving with
35.	Harry BARLOW		16.05.2022	16.05.2022	Personally handing to or leaving with
36.	Ian BATES		16.05.2022	16.05.2022	Depositing through letterbox
37.	Ian Duncan WEBB		16.05.2022	17.05.2022	Personally handing to or leaving with
38.	James BRADBURY		16.05.2022	16.05.2022	Personally handing to or leaving with
39.	James Malcolm Scott SARGISON		16.05.2022	16.05.2022	Affixing to front door
40.	James THOMAS		16.05.2022	17.05.2022	Personally handing to or leaving with

41.	Janet BROWN		16.05.2022	16.05.2022	Personally handing to or leaving with
42.	Janine EAGLING		16.05.2022	16.05.2022	Depositing through letterbox
43.	Jerrard Mark LATIMER		N/A	N/A	
			16.05.2022	16.05.2022	Depositing through letterbox
44.	Jessica CAUSBY		16.05.2022	16.05.2022	Depositing through letterbox
45.	Jonathan Mark COLEMAN		16.05.2022	16.05.2022	Personally handing to or leaving with
46.	Joseph SHEPHERD		17.05.2022	17.05.2022	Depositing through letterbox
47.	Joshua SMITH		16.05.2022	16.05.2022	Depositing through letterbox
48.	Judith BRUCE		16.05.2022	16.05.2022	Depositing through letterbox
49.	Julia MERCER		16.05.2022	16.05.2022	Depositing through letterbox
50.	Julia SCHOFIELD		16.05.2022	16.05.2022	Depositing through letterbox

51.	Karen MATTHEWS		16.05.2022	16.05.2022	Depositing through letterbox
52.	Karen WILDIN		N/A	N/A	
			16.05.2022	16.05.2022	Depositing through letterbox
53.	Liam NORTON		16.05.2022	16.05.2022	Depositing into post box
54.	Louis MCKECHNIE		16.05.2022	17.05.2022	Deposited through letterbox
			17.05.2022	17.05.2022	Deposited through letterbox
55.	Louise Charlotte LANCASTER		N/A	N/A	
			16.05.2022	17.05.2022	Personally handing to or leaving with
56.	Lucy CRAWFORD		16.05.2022	17.05.2022	Depositing through letterbox
57.	Mair BAIN		16.05.2022	16.05.2022	Depositing through letterbox
58.	Margaret MALOWSKA		16.05.2022	16.05.2022	Depositing through letterbox

59.	Marguerite DOWBLEDAY		16.05.2022	17.05.2022	Personally handing to or leaving with
60.	Maria LEE		16.05.2022	16.05.2022	Personally handing to or leaving with
61.	Martin John NEWELL		16.05.2022	16.05.2022	Depositing through letterbox
62.	Mary ADAMS		16.05.2022	17.05.2022	Affixing to front door
63.	Matthew LUNNON		16.05.2022	16.05.2022	Depositing through letterbox
64.	Matthew TULLEY		16.05.2022	16.05.2022	Personally handing to or leaving with
65.	Meredith WILLIAMS		01.06.2022	01.06.2022	Depositing through letterbox
66.	Michael BROWN		16.05.2022	16.05.2022	Depositing through letterbox
67.	Michael Anthony WILEY		16.05.2022	16.05.2022	Depositing through letterbox
68.	Michelle CHARLSWORTH		16.05.2022	16.05.2022	Depositing through letterbox
69.	Natalie Clare MORLEY		16.05.2022	17.05.2022	Depositing through letterbox

70.	Nathaniel SQUIRE		16.05.2022	16.05.2022	Depositing through letterbox
71.	Nicholas COOPER		16.05.2022	16.05.2022	Depositing through letterbox
72.	Nicholas ONLEY		16.05.2022	16.05.2022	Depositing through letterbox
73.	Nicholas TILL		16.05.2022	16.05.2022	Depositing through letterbox
74.	Oliver ROCK		16.05.2022	17.05.2022	Depositing through letterbox
75.	Paul COOPER		16.05.2022	16.05.2022	Personally handing to or leaving with
76.	Paul SHEEKY		16.05.2022	16.05.2022	Depositing through letterbox
77.	Peter BLENCOWE		16.05.2022	17.05.2022	Depositing through letterbox
78.	Peter MORGAN		16.05.2022	16.05.2022	Depositing through letterbox
79.	Phillipa CLARKE		16.05.2022	16.05.2022	Personally handing to or leaving with
80.	Priyadaka CONWAY		24.05.2022	24.05.2022	Depositing through letterbox

81.	Richard RAMSDEN		16.05.2022	16.05.2022	Personally handing to or leaving with
82.	Rob STUART		16.05.2022	16.05.2022	Personally handing to or leaving with
83.	Robin Andrew COLLETT		16.05.2022	16.05.2022	Depositing through letterbox
84.	Roman Andrzej PALUCH-MACHNIK		16.05.2022	16.05.2022	Depositing through letterbox
85.	Rosemary WEBSTER		16.05.2022	17.05.2022	Depositing through letterbox
86.	Rowan TILLY		16.05.2022	16.05.2022	Personally handing to or leaving with
87.	Ruth Ann COOK		16.05.2022	16.05.2022	Depositing through letterbox
88.	Ruth JARMAN		16.05.2022	16.05.2022	Depositing through letterbox
89.	Sarah HIRONS		16.05.2022	16.05.2022	Affixing to the front door
90.	Simon REDING		16.05.2022	16.05.2022	Depositing through letterbox
91.	Stefania MOROSI		16.05.2022	16.05.2022	Depositing through letterbox

92.	Stephanie AYLETT		16.05.2022	16.05.2022	Depositing through letterbox
93.	Stephen Charles GOWER		16.05.2022	17.05.2022	Depositing through letterbox
94.	Stephen PRITCHARD		16.05.2022	16.05.2022	Depositing through letterbox
95.	Susan CHAMBERS		16.05.2022	16.05.2022	Personally handing to or leaving with
96.	Sue PARFITT		16.05.2022	17.05.2022	Personally handing to or leaving with
97.	Sue SPENCER-LONGHURST		16.05.2022	16.05.2022	Personally handing to or leaving with
98.	Susan HAGLEY		17.05.2022	17.05.2022	Personally handing to or leaving with
99.	Suzie WEBB		16.05.2022	17.05.2022	Personally handing to or leaving with
100.	Tessa-Marie BURNS		16.05.2022 and 07.07.2022	16.05.2022 and 07.07.2022	Depositing through letterbox
101.	Theresa NORTON		16.05.2022	16.05.2022	Depositing into post box
102.	Tim SPEERS		16.05.2022	16.05.2022	Depositing through letterbox



103.	Tim William HEWES		16.05.2022	16.05.2022	Personally handing to or leaving with
104.	Tracey MALLAGHAN		16.05.2022	16.05.2022	Personally handing to or leaving with
105.	Valerie SAUNDERS		16.05.2022	17.05.2022	Depositing through letterbox
106.	Venitia CARTER		17.05.2022	17.05.2022	Personally handing to or leaving with
107.	Victoria Anne LINDSELL		16.05.2022	16.05.2022	Personally handing to or leaving with
108.	Xavier GONZALEZ TRIMMER		16.05.2022	16.05.2022	Personally handing to or leaving with
109.	Bethany MOGIE		16.05.2022	16.05.2022	Personally handing to or leaving with
110.	Indigo RUMBELOW		16.05.2022	16.05.2022	Depositing through letterbox
111.	Adrian TEMPLE-BROWN		16.05.2022	16.05.2022	Personally handing to or leaving with
112.	Ben NEWMAN		16.05.2022	16.05.2022	Personally handing to or leaving with
113.	Christopher PARISH		16.05.2022	16.05.2022	Personally handing to or leaving with

114.	Elizabeth SMAIL		16.05.2022	16.05.2022	Depositing through letterbox
115.	Julian MAYNARD SMITH		16.05.2022	16.05.2022	Depositing through letterbox
116.	Rebecca LOCKYER		16.05.2022	17.05.2022	Depositing through letterbox
117.	Simon MILNER-EDWARDS		16.05.2022	16.05.2022	Depositing through letterbox
118.	Stephen BRETT		16.05.2022	17.05.2022	Affixing to front door
119.	Virginia MORRIS		16.05.2022	17.05.2022	Depositing through letterbox
120.	Andria EFTHIMIOUS-MORDAUNT		N/A	N/A	
			16.05.2022	16.05.2022	Depositing through letterbox
121.	Christopher FORD		16.05.2022	17.05.2022	Personally handing to or leaving with
122.	Darcy MITCHELL		16.05.2022	16.05.2022	Depositing through letterbox
123.	David MANN		16.05.2022	17.05.2022	Personally handing to or leaving with

124.	Ellie LITTEN		16.05.2022	16.05.2022	Personally handing to or leaving with
125.	Julie MACOLI		16.05.2022	16.05.2022	Personally handing to or leaving with
126.	Kai BARTLETT		16.05.2022	16.05.2022	Depositing through letterbox
127.	Sophie FRANKLIN		16.05.2022	17.05.2022	Personally handing to or leaving with
128.	Tony HILL		16.05.2022	16.05.2022	Personally handing to or leaving with
129.	Nicholas BENTLEY		16.05.2022	16.05.2022	Affixing to front door
130.	Nicola STICKELLS		17.05.2022	17.05.2022	Depositing through letterbox
131.	Mary LIGHT		16.05.2022	16.05.2022	Personally handing to or leaving with
132.	David McKENNY		16.05.2022	17.05.2022	Depositing through letterbox
133.	Giovanna LEWIS		16.05.2022	17.05.2022	Depositing through letterbox
134.	Margaret REID		16.05.2022	16.05.2022	Personally handing to or leaving with

On behalf of: the Applicant  
By: Philip Mark Morgan  
No: 1  
Exhibit: PM1 and PM2  
Date Oct 26, 2022

**QB-2021-003576, 003626 and 003737**

**IN THE HIGH COURT OF JUSTICE**

**KING'S BENCH DIVISION**

BETWEEN:

**NATIONAL HIGHWAYS LIMITED**

Applicant

- and -

**(D135) MARCUS DECKER**

**(D136) MORGAN TROWLAND**

Respondents

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**WITNESS STATEMENT OF  
PHILIP MARK MORGAN**

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**I, PHILIP MARK MORGAN, of**

**WILL**

**SAY** as follows:

1. I am an enforcement agent employed by High Court Enforcement Group Limited. HCE have been instructed by the Applicant ("NHL") to effect service of all papers pertinent to these proceedings since the outset of these proceedings.
2. I am authorised to make this witness statement on behalf of the NHL in support of NHL's application for an Order that: (i) the Respondents be joined as Named Defendants to these proceedings and specifically to the Order of Mr. Justice Bennathan made on 9 May 2022 and sealed on 12 May 2022 ("**Injunction Order**") with numerical designations D135 and D136 respectively; and (ii) that the steps taken to date by NHL to serve the Injunction Order (and other

documents) upon the D135 and D136 shall be good and proper service and D135 and D136 shall be deemed served as of 17 October 2022 (the "**Application**").

3. There is now shown to me a paginated bundle of documents which I exhibit hereto as **PM1**. References in this witness statement to page numbers are to page numbers within that bundle.
4. I describe in this witness statement an incident that took place over the course of 17 October 2022 and 18 October 2022 where on several occasions I attended the Queen Elizabeth II Bridge at the Dartford Crossing on the M25 Motorway (the "**Bridge**") to effect service of the Injunction Order and other documents upon D135 and D136 whilst they conducted a protest on behalf of the environmental activist group Just Stop Oil ("**JSO**").
5. I exhibit at **PM2** video footage that was captured by my personal issue Body Worn Camera ("**BWC**") of my attendance at the Bridge between 17:30 pm and 18:37 pm on 17 October 2022.
6. The matters I set out in this statement are within my own knowledge, unless stated otherwise. The contents of this statement are true to the best of my knowledge and belief.

#### **Service on D135 and D136**

7. On 17 October 2022 at approximately 10:30 am, I was informed by HCE head office that I had been instructed by the solicitors for NHL, DLA Piper UK LLP ("**DLA**") to place myself on standby to attend the Bridge on 17 October 2022 to serve documents upon D135 and D136 who were suspended at height on the Bridge as part of a JSO protest.
8. The documents that I was instructed to serve upon D135 and D136 were provided to me by email and are exhibited at pages 1 to 59 of **PM1**. Those documents are:
  - 8.1 Two letters from DLA dated 17 October 2022, one addressed to D135 and one addressed to D136;
  - 8.2 The Injunction Order; and
  - 8.3 The Order of Mr. Justice Bennathan dated 12 May 2022 ("**Judgment Order**")

(together, the "**Documents**").

9. I was also provided with a script to read from when serving the Documents upon D135 and D136 (the "**Script**"), a copy of which is exhibited at page 60 of **PM1**. The Script explains, amongst other things, that the Bridge is subject to a High Court Injunction which forbids D135 and D136 from blocking, or endangering, or preventing the free flow of traffic on the roads covered by the Injunction for the purpose of protesting and that by disobeying the Injunction they may be held in contempt of court.
10. I was aware from having reviewed open source media coverage of the protest that the Bridge had been closed by the police and as a result of the road closure there were very significant levels of traffic in the area and it would not be possible for me to reach the Bridge without police assistance. NHL therefore arranged with the Essex Police Department that I would be escorted to the Bridge in a police car with its emergency lights on.
11. I attended Harlow Police Station at approximately 15:28 pm to meet my police escort. I did not have the facilities to print the Documents, so four copies of the Documents were therefore printed for me at Harlow Police Station.
12. I was then escorted to the Bridge in a police car with emergency lights where I arrived at approximately 17:30 pm.
13. Upon my arrival at the Bridge, I could see that a very large JSO banner had been suspended between the suspension wires on either side of the Bridge and that there were two individuals, each in a small hammock, also suspended at height from between the suspension wires in the centre of the Bridge over the carriageway. I now know the two individuals to be D135 and D136. Photographs that I took of the JSO banner and of D135 and D136 whilst at height in the hammocks are exhibited at pages 61 to 62 of **PM1**.
14. There are two central towers on the Bridge to which the suspension wires are attached. It is possible to access the top of those towers on foot. Due to the height at which D135 and D136 were suspended and their proximity to the top of the towers, I intended to ascend one of the towers to effect service of the Documents. Upon arriving at the Bridge, I was advised by a police officer who was fitted with a climbing harness and associated safety equipment that they would not recommend that I ascend the tower due to the very physical and technical nature

of the ascent. I was informed by the police that the central tower was over 180 feet high and that the lift to reach the top was broken and to reach the top I would therefore be required to ascend twelve vertical ladders, each of which was twenty metres long.

15. I attempted to communicate with D135 and D136 by shouting to them from my position on the carriageway. I could not see any reaction from D135 or D136 after I had shouted up to them. Given their height above the ground, it did not seem worthwhile to continue to shout up to them not knowing if they could hear me, so I did not continue to attempt this method of communication.
16. The police officers at the scene and I attempted to communicate with D135 and D136 by using a drone which was fitted with a device that would play a pre-recorded message to D135 and D136. The police officers and I determined that this method of service may not be suitable because the drone was unable to record a message that was more than a few seconds long and it was therefore not possible to record the whole of the Script onto the device. We considered recording the Script onto the device in several parts. I therefore recorded the first part of the Script onto the drone, however when testing the playback of the recording before flying the drone to D135 and D136, the sound quality of the message was not clear enough that we could be certain that D135 and D136 would hear the message. Furthermore, due to the high wind speeds at the time, the police officers were unable to fly the drone close enough to D135 and D136 to be certain that they would hear the message. There were also concerns that the drone may either get blown into D135 or D136 or get caught in the cables surrounding D135 and D136, presenting a health and safety risk to both D135 and D136 and to those below them on the ground.
17. Police Sergeant Harry Shelton was stationed at the top of the tower on the Bridge and had been communicating with D135 and D136 before I arrived at the scene. I am aware from having discussions with police officers at the scene that PS Shelton had been engaged in negotiation discussions with D135 and D136 during the day and prior to my arrival at the Bridge. I was told by the officers that there had been two way discussions between PS Shelton and D135 and D136 and I therefore understood the position to be that D135 and D136 could hear PS Shelton when he spoke to them from the top of the tower.

18. Due to PS Shelton's proximity to D135 and D136 and the fact that he had previously been engaged in discussions with D135 and D136 as well as me being unable to climb the tower to speak to D135 and D136 directly, at 18:24 pm PS Shelton read out the Script to D135 and D136 using a megaphone while gesturing to me on the ground below. I saw both D135 and D136 nod their heads when PS Shelton asked if they understood the Script and if they could acknowledge that they had heard the warning. The officer stood with me also confirmed that he saw a physical acknowledgment from both D135 and D136. I exhibit at **PM2** a video that I took on my personal issue BWC of PS Shelton reading the Script to D135 and D136 (at 53 minutes and 59 seconds of **PM2**). The audio in the video is recorded through the radio of a police officer who was stood next to me. I would not have been able to hear the Script being delivered by PS Shelton without the use of the police radio, however in my opinion it is very likely that D135 and D136 would have heard the Script being read out to them. I believe this to be the case because of my knowledge that there had been two way discussions between D135 and D136 and PS Shelton during the course of the day and prior to the Script being read out to them.
19. PS Shelton and his colleagues then came down from the tower and I read out the Script to D135 and D136 from the ground using the megaphone at approximately 18:50 pm (see 01:08:10 of **PM2**). It was dark at the time at which I read out the Script so I could not see any physical acknowledgement of the Script by either D135 or D136, nor did I receive a verbal acknowledgment. I would not have been able to hear if a verbal acknowledgement had been given by D135 or D136 due to the distance between us.
20. I placed the Documents into clear plastic sleeves and securely affixed two sets of the Documents, one addressed to D135 and one addressed to D136, to the Bridge beneath them. Exhibited at pages 63 to 64 of **PM1** are photographs of the Documents affixed to the Bridge.
21. I was informed at 20:30 pm that the police would be unable to remove the protestors until the next day, 18 October 2022. The police therefore escorted me to my home at 21:19 pm.
22. On 18 October 2022, I was instructed by DLA to return to the Bridge to wait for D135 and D136 to be brought down by the police and once they were on the ground, to personally serve the Documents upon them. I left my home at 08:21



am to drive to the Bridge in my own vehicle. There were significant traffic delays due to the on-going protest. I arrived at the Bridge at 11:20. The journey from my home to the Bridge would ordinarily have taken 45 minutes to an hour, a delay of approximately 2 hours or more.

23. Upon my arrival at the Bridge, I was informed by the police officers at the scene that the crane that was going to be used to remove D135 and D136 from their positions on the Bridge and bring them to ground level had not yet arrived. I received further instructions from DLA at 11:15 am to stand down and to return to the Bridge once the crane was in situ and ready to bring D135 and D136 down.
24. At 13:35 pm I was instructed to return to the Bridge. As a result of the traffic I was unable to get to the Bridge in my own vehicle. A motorbike police escort therefore met me and escorted me with the police motorbike's emergency lights on in my own vehicle to the Bridge. I arrived at the Bridge at approximately 17:18 pm.
25. D135 was brought down by the crane and identified himself to me only as "Marcus". He refused to accept service of the Documents so I effected service by placing the Documents at his feet at 17:45 pm.
26. D136 was brought down by the crane and identified himself to me as Morgan Trowland. He refused to accept service of the Documents so I effected service by placing the Documents at his feet at 17:55 pm.

### **Statement of Truth**

27. 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.

Date Oct 26, 2022

Signed 

**PHILIP MARK MORGAN**

Filed on behalf of the 2<sup>nd</sup> Defendant

Name of Deponent: Morgan Trowland

Date of Statement: 8<sup>th</sup> March 2023

Claim No. QB-2021-003576, 3626 and 3737

IN THE HIGH COURT OF JUSTICE  
KINGS BENCH DIVISION

BETWEEN:

NATIONAL HIGHWAYS LIMITED

Claimant

- and -

(D135) MARCUS DECKER

(D136) MORGAN TROWLAND

Defendants

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WITNESS STATEMENT OF

MORGAN TROWLAND

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I, Morgan Trowland, currently of

CM2 6LQ **WILL SAY** as follows:

1. I am the Defendant, sometimes referred to as D136, in the application made to the High Court by National Highways Limited to:
  - a) add myself and Marcus Decker to the ongoing civil proceedings and to the Injunction Order made by Mr Justice Bennathan KC as named Defendants,
  - b) to assert that the steps taken to bring the Injunction Order to our attention at 18:24 on 17<sup>th</sup> October 2022 constituted good service and
  - c) to hold us in contempt of court as a result of acts in breach of the Injunction Order following the alleged service of that Order on us, and for committal or such other penalty as the Court considers appropriate.
2. I have been in custody since my arrest on 18<sup>th</sup> October 2022 and am currently on remand at awaiting trial on a charge of intentionally or recklessly causing a public nuisance as a result of my involvement in the protest on the QEII Bridge on 17<sup>th</sup> and 18<sup>th</sup> October 2022. My trial is due to start on 27<sup>th</sup> March 2023. Clearly this is the same action that leads to the Claimant's application to commit me for contempt of the Injunction Order.
3. I do not accept that I was properly served with the Injunction Order until 17:55 on 18<sup>th</sup> October 2022 when someone effected service of the documentation while I was in a police vehicle having been arrested after the conclusion of my protest action.
4. Not having been served with the Injunction Order by an acceptable method, I rely on paragraph 14 of the Order which states that, in the absence of such service, persons are not bound by its terms. Therefore, I do not believe that I can be held to be contempt of the Injunction Order.

5. I accept, having read the evidence served, that someone attempted to effect service of the Injunction Order on behalf of National Highways Limited by reading out a notice to me from the top of one of the towers on the bridge at 18:24 on 17<sup>th</sup> October 2023 and by using a megaphone.
6. I do not accept that this process was an acceptable method of service of an Injunction Order given the physical position of each party and the weather conditions.
7. I was suspended about 50 to 60 metres above the road surface in a hammock and was a considerable distance away and below the top of the tower where the person was standing. It was windy at that height and the wind was constant and noisy.
8. It was not possible to hear anything from the tower distinctly, but I guessed that I was being asked if we were ok as that is what I would have expected from the police in the circumstances and from my experience of other demonstrations at height that I have been involved in. I did not hear anything that was said about an injunction. I could hear some noise, but it was unintelligible.
9. I was wearing a balaclava, a thick woolly hat both of which covered my ears and a weatherproof hooded jacket which I was wearing with the hood up over the woolen hat. I also had an orange fly sheet within the hammock to cover me and this was constantly flapping in the wind making a continual noise.
10. I did not acknowledge that I had heard what had been said. If I moved my head, it was not any kind of acknowledgement that I had heard the text being read out. As I did not hear the notice being read out, I did not have an opportunity to consider ending the protest so as not to be in breach of the injunction.
11. I understand that the notice was read out through a megaphone from the road surface, but I could not hear this at all from my position.

12. I note that the Claimant accepts that I was not served with the Injunction Order prior to the start of the protest. The Claimant, however, contends that there are good reasons for retrospective alternative service because:

- a) Just Stop Oil (“JSO”) was aware of the Injunction Order;
- b) JSO undertakes mandatory legal training for direct action activists;
- c) My position was dangerous to the extent that it was impossible to effect personal service safely.
- d) I was read warnings about the Injunction Order.
- e) I had a mobile phone with internet capability with me during the direct action.

13. I do not accept that any of these are good reasons for retrospective alternative service.

14. Some people involved with JSO may have been aware of the Injunction Order, but I was not aware of it personally or aware that any injunction covered the bridge on the M25.

15. I did not have any training from anyone involved with JSO or anyone else before undertaking this protest. I had attended some training in about February 2022 about protests in general.

16. I accept that it was not possible to effect personal service on me in my position until I returned to the ground.

17. I accept, having read the evidence, that the notice was read to me twice, but I did not and could not hear it on either occasion.


18. I accept that I had a mobile phone on me, but I did not search the internet for the National Highways Limited website to check if there was any injunction.

19. I have not had an opportunity as yet to view the video evidence in this case.

*STATEMENT OF TRUTH*

*I believe the facts stated in this statement are correct and 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.*

Name: Morgan Trowland

Signed: 

Dated: 8<sup>th</sup> March 2023

*I certify that I, Steven Bird of Birds Solicitors 61 Wandsworth High Street, London SW18 2PT, have read over the contents of this document and the declaration of truth to the person signing the document who appeared to understand (a) the document and approved its content as accurate and (b) the declaration of truth and the consequences of making a false declaration. The statement was made at a time when the witness was in a video consultation and it was not possible for them to make a mark in my presence but the witness authorised a digital signature to be used.*

Name: Steven Bird

Signed: 

Dated: 8<sup>th</sup> March 2023

**NATIONAL HIGHWAYS LIMITED**

**Claimant**

**- v -**

**MARCUS DECKER**

**Defendant**

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**WITNESS STATEMENT OF MARCUS DECKER**

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I am Marcus DECKER of no fixed abode. The facts in this statement come from my own personal knowledge.

1. I accept I was present at the Queen Elizabeth II Bridge on 17 October 2022.
2. I arrived in the early hours of 17 October 2022 and climbed up the support cable using climbing equipment.
3. I was not aware of the injunction order imposed by Mr Justice Bennathan on 17 October 2022 whilst suspended on the bridge.
4. I did not become aware of the existence of the order until I was brought to the ground and arrested. It was only after I was arrested that I became aware of the injunction.
5. I was aware of a male with a loud-speaker stood at a significant height on the tower of the bridge. I now know this male was Police Sergeant Harry Shelton. I could not understand what PS Shelton was saying.
6. It was very windy on 17 October 2022 and 18 October 2022.
7. I was at some distance from PS Shelton. I was lying in a hammock. The fabric of the hammock was moving in the wind and creating noise.
8. I assumed that PS Shelton was asking me to come down from the bridge.
9. I was not aware at all that PS Shelton was referring to an injunction.

10. I agree with the statement of Police Sergeant David Matthew Gardener of 9 December 2022 in so far as he states communication was difficult due to the distance and the wind whilst I was at height.
11. In the BWV of PS Shelton you can hear that the audio coming from the loud-speaker was not clear and was distorted. I could not understand what PS Shelton was saying. The loud-speaker was not directed towards me.
12. I do not accept that I acknowledged PS Shelton as he suggests in the BWV. I could not hear clearly what he was saying. Any movement whilst I was in the hammock was unrelated to what PS Shelton was saying.
13. I did not respond verbally to what PS Shelton was saying at any point whilst he was on the tower.
14. I do not accept that officers on the ground would have been able to hear PS Shelton from the tower.
15. I did not have a telephone with me whilst at height on the bridge save for a brief period on 18 October 2022.
16. I do not accept that I had been served with the injunction at the point I am said to have breached it.
17. I accept I was given the injunction whilst in the police van after my arrest. I was in the middle of a medical check at the time and I was given the injunction paperwork which was placed at my feet.

### **Statement of truth**

18. 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.



MARCUS DECKER

Date: 24 February 2023



DLA Piper UK LLP  
DX 708580  
SHEFFIELD

Re : **National Highways Limited**  
- v -  
**Tez Burns**

**Our Ref. : SWN26360PS**

**Client Ref. : M25 Bundle 15**

**Date : 02 December 2022**

**Case Type : Process Serve**

Dear Sir or Madam,

Further to the above matter, please find details below of our recent attendance on your file.

Our Process Server attended on Tuesday 29 November 2022 at 15:03 hours. Process Server's comments: No contact at the property.

Our Process Server re-attended on Wednesday 30 November 2022 at 14:22 hours. Process Server's comments: No contact at the property.

Our Process Server made a final attendance on Thursday 1st December 2022 at 09:08 hours. Process Server's comments: Whilst knocking on the door and window, next door neighbour came out and stated that the occupant Tez Burns is in jail, he stated if we went on Wales today all the details were there.

In light of the above, we now await your further instructions and we look forward to hearing from you soon.

Yours faithfully,

**High Court Enforcement Group Ltd**

DLA Piper UK LLP  
DX 708580  
SHEFFIELD

Re : **National Highways Limited**

- v -

**(1) Tez Burns**  
**(2) Tez Burns**

**Our Ref. : SWN26360PS**

**Client Ref. : M25 Bundle 15**

**Date : 30 December 2022**

**Case Type : Process Serve**

Dear Sir or Madam,

Further to the above matter, please find details below of our three attendances on your file.

Our Process Server attended \_\_\_\_\_ on Monday 19 December 2022 at 10:34 hours. Process Server's comments: Contact was made at the property with the Defendant, however, the Defendant did not open the front door and advised me to "bugger off". Following this, the Defendant went upstairs and opened the window, stating that she will not accept the paperwork. As I returned to my vehicle, the Defendant left the property and rode off on a bicycle.

A further attendance was made on Tuesday 20 December 2022 at 11:08 hours. Process Server's comments: No answer at the property.

A final attendance was made on Wednesday 21 December 2022 at 06:07 hours. Process Server's comments: No answer at the property.

In light of the above, we now await your further instructions.

Yours faithfully,

High Court Enforcement Group Ltd

**IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION  
Before Mr Justice Fraser**



BETWEEN:

**NATIONAL HIGHWAYS LIMITED**

KB-2022-004333

- and -

**(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE  
CONSENT OF THE CLAIMANT ON, OVER, UNDER, OR ADJACENT TO A  
STRUCTURE ON THE M25 MOTORWAY**

**(2) AARON GUNNING AND 64 OTHERS**

Defendant

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**ORDER**

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**UPON** the application of the Claimant seeking an order for alternative service, dated 28 February 2023 (the "**Application**")

**AND UPON READING** the Witness Statement of Laura Higson dated 28 February 2023 in support of the Application

**IT IS ORDERED THAT:**

**Named Defendants**

1. Indigo Rumbelow and Lucy Cooper are added as Named Defendants to these proceedings and specifically to the M25 Structures Injunction with numerical designations D67 and D68 respectively, by amending the Schedule of Named

Defendants at Schedule 2 of the M25 Structures Injunction in the form set out at Annex 1 to this Order.

2. The requirement for the Amended Claim Form (as further amended to include D67 and D68 as Named Defendants) ("**March 2023 Amended Claim Form**") and the M25 Structures Injunction as amended to be served upon all of the Named Defendants at Annex 1 is dispensed with. The Claimant is required only to serve the March 2023 Amended Claim Form and the M25 Structures Injunction as amended upon D67 and D68 by one or more of the methods set out in this Order.
3. The Claimant will replace the copy of the claim form and the M25 Structures Injunction on its website with the amended documents within 2 working days of the sealed March 2023 Amended Claim Form and M25 Structures Injunction as amended being provided to the Claimant by the Court.

#### **Alternative Service**

4. Pursuant to CPR rules 6.15 and 6.27, personal service of the M25 Structures Injunction and the Amended Claim Form (dated 23 November 2022) ("**Claim Documents**") and postal service of any other documents pertinent to the Claim ("**Proceedings Documents**") is dispensed with and the Claimant is permitted to serve the Named Defendants (meaning a Defendant listed with numerical designation at Schedule 2 to the Order of Soole J made on 28 November 2022 or added to the Claim Form from time to time) with the Claim Documents and the Proceedings Documents (together, the "**Documents**", and for the avoidance of doubt, the Documents include this Order) by electronic means as set out in paragraphs 6 and 7 of this Order.
5. Where a particular Named Defendant notifies the Claimant that they do not wish to accept service of the Documents electronically:
  - 5.1 the Claimant must serve the Documents upon that Named Defendant by first class and/or special delivery post at their last known address for service as set out at Appendix 1 of this Order.
  - 5.2 Should any of the Named Defendants move to a different address, that Named Defendant must notify the Claimant of their new address for service in accordance with CPR rule 6.24 and until such notification is

provided to the Claimant, service of the Documents by post at their last known address for service will be effective.

#### **Email Service on Named Defendants**

6. Where a Named Defendant has provided an email address to the Claimant, the Claimant shall serve that Named Defendant with the Documents:

6.1 By sending the Documents by email to that email address; and

6.2 Where any of the Documents are too large to attach to an email, email service will be effective if the Claimant sends a secure link to a file-sharing platform which hosts the Documents to that email address.

#### **Service via the Claimant's Website**

7. In addition to service in accordance with paragraph 6 of this Order, the Claimant shall serve the Documents by placing them on the National Highways website:

<https://nationalhighways.co.uk/about-us/high-court-injunctions-for-motorways-and-major-a-roads/m25-structures-injunction-judgment-and-documents/>

Although not a direction of the Court, there is a button on the webpage identified above which allows any person to register to be informed of any updates to the that webpage. The Named Defendants should consider registering for updates.

8. Within 7 days of the date of this Order, the Claimant will write to the Named Defendants, enclosing a copy of this Order (with Appendix 1 and 2 redacted to remove personal data) and informing them that the Documents will no longer be served on them personally and / or by post and:

8.1 that if they wish to view the Documents they will be made available at <https://nationalhighways.co.uk/about-us/high-court-injunctions-for-motorways-and-major-a-roads/m25-structures-injunction-judgment-and-documents/> and

8.2 in addition, where they have provided (or provide) an email address to the Claimant's solicitors, the Documents will be sent to them by email only unless and until a Named Defendant notifies the Claimant's solicitors that they require documents to be provided in hard copy.

9. Where a Named Defendant has provided an email address to the Claimant, the letter (referred to in paragraph 8 above) and this Order will be sent to them by email only. In all other cases, the letter will be sent by first class and/or special delivery post to the Named Defendants' last known address for service as set out at Annex 1 of this Order.

#### **Service on a Named Defendant in Prison**

10. Where a Named Defendant is known by the Claimant to be in prison:
- 10.1 the Claimant is permitted to serve the Documents by sending them by first class and / or special delivery post to the Named Defendant at the prison in which the Claimant reasonably considers that they are being held instead of at their last known address for service as set out at Appendix 1; and
- 10.2 the Claimant will send the letter referred to at paragraph 8 by post to the relevant prison and not to the Named Defendant's last known address for service.

#### **Service via Social Media**

11. In respect of D11 (Arne Springorum), D44 (Marcus Decker) and D59 (Samantha Smithson) only, the Claimant is permitted to serve the Documents by:
- 11.1 Email to Just Stop Oil marked for the attention of "D11 (Arne Springorum)" and / or "D44 (Marcus Decker)" and / or "D59 (Samantha Smithson)"; and
- 11.2 In the case of D59 only, by email to \_\_\_\_\_ ; and
- 11.3 By sending a direct message on a social media platform used by D11 and / or D44 and / or D59 (see Appendix 2 for the list of known service details), either: (i) attaching the Documents, or (ii) providing a web link at which D11 and / or D44 and / or D59 can access the Documents.

#### **Service out of the Jurisdiction**

12. In addition to the methods of service set out at paragraph 11 above, the Claimant is permitted pursuant to CPR Rule 6.36 and paragraph 3.1(2) of Practice Direction 6B to serve the Documents upon D11 (Arne Springorum) by posting them to

**Costs**

13. Costs reserved.

**Communications with the Claimant**

14. The Claimant's solicitors and their contact details are:

FAO: National Highways Injunctions Team

NH-Injunctions@dlapiper.com

**BY THE COURT**

**Dated 1<sup>st</sup> March 2023**

**APPENDIX 1**

	<b>Name</b>	<b>Address</b>
1.	PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT ON, OVER, UNDER, OR ADJACENT TO A STRUCTURE ON THE M25 MOTORWAY	
2.	Aaron GUNNING	[REDACTED]
3.	Abigail PERCY-RADCLIFF	[REDACTED]
4.	Adelhele RUSSENBERGER	[REDACTED]
5.	Alexander WILCOX	[REDACTED]
6.	Alfred BESWICK	[REDACTED]
7.	Amy FRIEL (aka O'DONNELL)	[REDACTED]
8.	Andrew DAMES	[REDACTED]
9.	Anna RETALLACK	[REDACTED]
10.	Anthony WHITEHOUSE	[REDACTED]
11.	Arne SPRINGORUM	
12.	Callum GOODE	[REDACTED]
13.	Catherine RENNIE NASH	[REDACTED]
14.	Charlotte KIRIN	[REDACTED]
15.	Clara O'CALLAGHAN	[REDACTED]
16.	Cressida GETHIAN	[REDACTED]



17.	Christopher FORD	[REDACTED]
18.	Christopher WHITE	[REDACTED]
19.	Daniel JOHNSON	[REDACTED]
20.	Daniel MIFSUD	[REDACTED]
21.	Daniel SHAW	[REDACTED]
22.	Daniel JUNIPER	[REDACTED]
23.	Darcy MITCHELL	[REDACTED] [REDACTED]
24.	David MANN	[REDACTED]
25.	Diane HEKT	[REDACTED]
26.	Edward LANEY	[REDACTED]
27.	Emma MANI	[REDACTED] [REDACTED]
28.	Gair DELAP	[REDACTED]
29.	George CATTELL	[REDACTED]
30.	George SIMONSON	[REDACTED]
31.	Ian BATES	[REDACTED]
32.	Isabel ROCK	[REDACTED]
33.	James SKEET	[REDACTED]
34.	Jan GOODEY	[REDACTED]

35.	Jane TOUIL	[REDACTED]
36.	Jesse PRINCE	[REDACTED]
37.	Joseph LINHART	[REDACTED]
38.	Karen MATTHEWS	[REDACTED]
39.	Louise HARRIS	[REDACTED]
40.	Louise LANCASTER	[REDACTED]
41.	Lucia WHITTAKER- DE-ABRUE	[REDACTED]
42.	Luke ELSON	[REDACTED]
43.	Mair BAIN	[REDACTED]
44.	Marcus DECKER	[REDACTED]
45.	Michael DUNK	[REDACTED]
46.	Molly BERRY	[REDACTED]
47.	Morgan TROWLAND	[REDACTED]
48.	Nicholas Mark ONLEY	[REDACTED]
49.	Niculina TIRPOCA	[REDACTED]
50.	Paul BLEACH	[REDACTED]
51.	Paul SOUSEK	[REDACTED]
52.	Paul Vincent BELL	[REDACTED]

53.	Phoebe PLUMMER	[REDACTED]
54.	Quido WIESER	[REDACTED] [REDACTED]
55.	Rachel PAYNE	[REDACTED]
56.	Roger HALLAM	[REDACTED]
57.	Rosemary JACKSON	[REDACTED]
58.	Sam HOLLAND	[REDACTED]
59.	Samantha SMITHSON (aka SWAN LAKE)	[REDACTED]
60.	Samuel PRICE	[REDACTED]
61.	Tez BURNS	[REDACTED]
62.	Theresa HIGGINSON	[REDACTED]
63.	Theresa NORTON	[REDACTED] [REDACTED]
64.	Thomas Christopher GARDENER	[REDACTED]
65.	Timothy HEWES	[REDACTED] [REDACTED]
66.	Toby ROBARDS	[REDACTED]
67.	Indigo RUMBELOW	[REDACTED]
68.	Lucy COOPER	[REDACTED]

**APPENDIX 2 – ELECTRONIC DETAILS FOR SERVICE**

**(to be redacted on service of this Order)**

<b>No.</b>	<b>Name</b>	<b>Address</b>
<b>D11</b>	Arne Springorum	Facebook: [REDACTED] Twitter: [REDACTED] LinkedIn: [REDACTED]
<b>D44</b>	Marcus Decker	Facebook: [REDACTED] Twitter: [REDACTED]
<b>D59</b>	Samantha Smithson	Twitter: [REDACTED] YouTube: [REDACTED]

**IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION  
Before Mr Justice Fraser**

BETWEEN:

**NATIONAL HIGHWAYS LIMITED**

Claimant

- and -

**(1) PERSONS UNKNOWN ENTERING OR  
REMAINING WITHOUT THE CONSENT OF THE  
CLAIMANT ON, OVER, UNDER, OR ADJACENT TO  
A STRUCTURE ON THE M25 MOTORWAY**

**(2) AARON GUNNING AND 64 OTHERS**

Defendant

---

**ORDER**

---

DLA Piper UK LLP  
1 St Paul's Place  
Sheffield  
S1 2JX  
United Kingdom  
Tel: +44 114 283 3084  
Fax: +44 114 283 3393

Ref: LNH/LNH/439241/7/UKM/124952691.1  
Solicitors for the Claimant

**IN THE HIGH COURT OF JUSTICE**

**QUEEN'S BENCH DIVISION**

**Mrs Justice May**

**B E T W E E N**

**NATIONAL HIGHWAYS LIMITED**

**-and-**



**PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20 MOTORWAY FOR THE PURPOSE OF PROTESTING**

**Defendant**

---

**ORDER**

---

**UPON** hearing counsel for the Claimant

**AND UPON** reading the witness statement of Antony Nwanodi on behalf of the Claimant

**AND UPON** the Claimant making the application for disclosure at the request of the police

**AND UPON** the Claimant's evidence of the attempts that have been made to effect personal service on the Defendants and the list of those now identified and served.

**IT IS ORDERED THAT:-**

1. The Defendants whose names appear in the list annexed to this Order shall be joined as named Defendants to these proceedings.

***Disclosure***

2. The Chief Constables listed in Schedule 1 to this order shall disclose to the Claimant the name and address of any person who has been arrested by one of their officers in the course of, or as a result of, protests on the highway referred to in these proceedings.

3. The disclosure of information required by paragraph 2 of this order shall be made by 4pm on 4 October 2021.
4. The Chief Constables listed in Schedule 1 to this Order shall disclose to the Claimant all arrest notes, body cam footage and/or other photographic material relating to possible breaches of the Court Order of 24<sup>th</sup> September.

***Service***

5. The Claimant is permitted in addition to personal service to serve the Order of 24<sup>th</sup> September and the claim form and other documents in these proceedings by all of the following methods together:
  - a. service by email on Insulate Britain; and
  - b. posting a copy of the Order of 24<sup>th</sup> September 2021 together with a copy of the claim form and evidence in support through the letterbox of each Defendant at the address given by the Police (or leaving in a separate mailbox) with a notice affixed to the front door if necessary, drawing the recipient's attention to the fact the package contains a court order. If the premises do not have a letterbox, or mailbox, a package containing the Court orders and the proceedings may be affixed to the front door marked with a notice drawing the recipient's attention to the fact that the package contains a court order and should be read urgently. [The Notices shall be given in prominent lettering in the form set out in Schedule 2]

***Costs***

6. No order for costs.
7. Permission to apply to vary or discharge this Order on 24 hours' written notice to the Claimant.

**Signed:**

**Dated: 1 October 2021**

**IN THE HIGH COURT OF JUSTICE**

**QUEEN’S BENCH DIVISION**

**B E T W E E N**

**NATIONAL HIGHWAYS LIMITED**

**Claimant**

**-and-**

**PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20 MOTORWAY FOR THE PURPOSE OF PROTESTING**

**Defendants**

**ANNEXE TO ORDER – NAMED DEFENDANTS**

	Name	Address	Surrey Police	Essex Police	Met Police	Hertfords hire Police	Kent Police	Thames Valley Police
1	Alexander RODGER	[REDACTED]						
2	Alyson LEE	[REDACTED]						
3	Amy Pritchard	[REDACTED]						



4	Ana Heyatawin	[REDACTED]						
5	Andrew Worsley	[REDACTED]						
6	Anne Taylor	[REDACTED]						
7	Anthony WHITEHO USE	[REDACTED]						
8	Arne Springorum	[REDACTED]						
9	Barry Mitchell	[REDACTED]						
10	Barry Mitchell	[REDACTED]						
11	Ben TAYLOR	[REDACTED]						
12	Benjamin Buse	[REDACTED]						
13	Biff William	[REDACTED]						

	Courtenay Whipster	██████████ ██████████						
14	Cameron FORD	██████████ ██████████ ██████████ ██████████						
15	Catherine RENNIE-NASH	██████████ ██████████ ██████████						
16	Cathy Eastburn	██████████ ██████████ ██████████ ██████████						
17	Christian Murray-Leslie	██████████ ██████████ ██████████ ██████████						
18	Christian Rowe	██████████ ██████████ ██████████ ██████████						
19	Cordelia Rowlatt	██████████ ██████████ ██████████ ██████████ ██████████ ██████████						
20	Daniel Sargison	██████████ ██████████						
21	Daniel Shaw	██████████ ██████████  ██████████ ██████████ ██████████						
22	David CRAWFORD	██████████ ██████████ ██████████						
23	David JONES	██████████ ██████████ ██████████ ██████████						

24	David Nixon	██████████ ██████████ ██████████ ██████████						
25	David Squire	██████████ ██████████ ██████████ ██████████						
26	Diana Bligh	██████████ ██████████ ██████████ ██████████ ██████████ ██████████						
27	Diana Hekt	██████████ ██████████ ██████████ ██████████ ██████████						
28	Diana Lewen Warner	██████████ ██████████ ██████████ ██████████ ██████████						
29	Donald BELL	██████████ ██████████ ██████████						
30	Edward HERBERT	██████████ ██████████ ██████████ ██████████ ██████████						
31	Elizabeth Rosser	██████████ ██████████ ██████████ ██████████ ██████████ ██████████						
32	Emily Brocklebank	██████████ ██████████ ██████████ ██████████ ██████████						
33	Emma Joanne Smart	██████████ ██████████ ██████████						

34	Gabriella Ditton	██████████ ██████████████████ ██████████████ ██████████████████ ██████████████						
35	Gregory FREY	██████████ ██████████						
36	Gwen HARRISO N	██████████████ ██████████████████ ██████████						
37	Harry Barlow	██████████████ ██████████ ██████████████ ██████████████ ██████████						
38	Ian Bates	██████████████ ██████████████ ██████████ ██████████████████ ██████████						
39	Ian Duncan Webb	██████████████  ██████████  ██████████████ ██████████						
40	James Bradbury	██████████████ ██████████ ██████████████████ ██████████████ ██████████						
41	James Sargison	██████████ ██████████						
42	James Thomas	██████████  ██████████████ ██████████  ██████████████████  ██████████████ ██████████						
43	Janet Brown	██████████████ ██████████████████ ██████████ ██████████████████ ██████████						

		██████████ ██████████						
44	Janine EAGLING	██████████ ██████████ ██████████						
45	Jerrard Mark Latimer	██████████ ██████████ ██████████ ██████████						
46	Jessica Causby	██████████ ██████████ ██████████ ██████████ ██████████						
47	Jonathan Coleman	██████████ ██████████ ██████████ ██████████						
48	Joseph SHEPHER D	██████████ ██████████ ██████████ ██████████						
49	Joshua Smith	██████████ ██████████ ██████████ ██████████ ██████████						
50	Judith Bruce	██████████ ██████████ ██████████ ██████████ ██████████						
51	Julia Mercer	██████████ ██████████ ██████████ ██████████						
52	Julia Schofield	██████████ ██████████ ██████████ ██████████						
53	Karen Matthews	██████████ ██████████ ██████████ ██████████ ██████████						

54	Karen Wildin	[REDACTED]						
55	Liam Norton	[REDACTED]						
56	Louis McKechnie	[REDACTED]						
57	Louise Charlotte Lancaster	[REDACTED]						
58	Lucy Crawford	[REDACTED]						
59	Mair Bain	[REDACTED]						
60	Margaret MALOWS KA	[REDACTED]						
61	Marguerite Dowbleday	[REDACTED]						
62	Maria Lee	[REDACTED]						
63	Martin NEWELL	[REDACTED]						

		██████████ ██████████						
64	Mary Adams	██████████ ██████████  ██████████████████ ██████████  ██████████ ██████████████ ██████████						
65	Martin Lunnon	██████████████ ██████████████ ██████████████ ██████████						
66	Matthew Tulley	██████████████ ██████████████ ██████████████ ██████████████ ██████████						
67	Meredith Williams	██████████████ ██████████████ ██████████████ ██████████████						
68	Michael Brown	██████████████ ██████████ ██████████████ ██████████████ ██████████████ ██████████						
69	Michael WILEY	██████████████ ██████████████ ██████████ ██████████████ ██████████████ ██████████████						
70	Michelle Charlesworth	██████████████ ██████████  ██████████  ██████████████ ██████████████						
71	Natalie MORLEY	██████████████ ██████████ ██████████████ ██████████████ ██████████████						

72	Nathaniel Squire	[REDACTED]						
73	Nicholas Cooper	[REDACTED]						
74	Nicholas ONLEY	[REDACTED]						
75	Nicholas TILL	[REDACTED]						
76	Oliver Rock	[REDACTED]						
77	Paul Cooper	[REDACTED]						
78	Paul Sheeky	[REDACTED]						
79	Peter BLENCOW E	[REDACTED]						
80	Peter Morgan	[REDACTED]						
81	Phillipa CLARKE	[REDACTED]						



		██████████ ██████████						
82	Priyadaka CONWAY	██████████ ██████████ ██████████ ██████████ ██████████						
83	Richard RAMSDEN	██████████ ██████████ ██████████ ██████████						
84	Rob STUART	██████████ ██████████ ██████████ ██████████						
85	Robin COLLETT	██████████ ██████████ ██████████ ██████████						
86	Roman Andrzej Paluch- Machnik	██████████ ██████████ ██████████ ██████████ ██████████						
87	Rosemary Webster	██████████ ██████████ ██████████ ██████████ ██████████						
88	Rowan Tilly	██████████ ██████████ ██████████ ██████████ ██████████						
89	Ruth Ann Cook	██████████ ██████████ ██████████ ██████████ ██████████						
90	Ruth Jarman	██████████ ██████████ ██████████ ██████████ ██████████ ██████████						

91	Sarah Hirons	[REDACTED]						
92	Serena Schellenberg	[REDACTED]						
93	Simon REDING	[REDACTED]						
94	Stefania MOROSI	[REDACTED]						
95	Stephanie AYLETT	[REDACTED]						
96	Stephen Gower	[REDACTED]						
97	Stephen Pritchard	[REDACTED]						
98	Sue Chambers	[REDACTED]						
99	Sue Parfitt	[REDACTED]						

100	Sue Spencer-Longhurst	[REDACTED]						
101	Susan HAGLEY	[REDACTED]						
102	Suzie WEBB	[REDACTED]						
103	Tam Millar	[REDACTED]						
104	Tessa-Marie Burns	[REDACTED]						
105	Teresa NORTON	[REDACTED]						
106	Tim Speers	[REDACTED]						
107	Tim William Hewes	[REDACTED]						
108	Tracey Mallaghan	[REDACTED]						
109	Tryrone Hodge	[REDACTED]						

11 0	Valeria SAUNDER S	██████████ ██████████ ██████████ ██████████ ██████████						
11 1	Venitia CARTER	██████████ ██████████ ██████████ ██████████ ██████████						
11 2	Victoria Anne Lindsell	██████████ ██████████ ██████████						
11 3	Xabier GONZALE Z TRIMMER	██████████ ██████████ ██████████						

## **Schedule 1**

Those not opposing this order include:

1. The Chief Constable of Kent Police.

## **Schedule 2**

[On the package containing the Court order and proceedings]

“VERY URGENT: THIS PACKAGE CONTAIN AN ORDER OF THE HIGH COURT AND YOU SHOULD READ IT IMMEDIATELY AND SEEK LEGAL ADVICE. IF YOU NEED ANOTHER COPY PLEASE CALL [XXXXXX]”

[To affix to front door when the package has been posted through the letterbox or placed in a mailbox]

“VERY URGENT: A PACKAGE HAS BEEN LEFT THAT CONTAINS AN ORDER OF THE HIGH COURT AND YOU SHOULD READ IT IMMEDIATELY AND SEEK LEGAL ADVICE. IF YOU NEED ANOTHER COPY PLEASE CALL [XXXXXX]”

**IN THE HIGH COURT OF JUSTICE**

**QUEEN'S BENCH DIVISION**

**Mrs Justice May**

**B E T W E E N**

**NATIONAL HIGHWAYS LIMITED**

**-and-**



**PERSONS UNKNOWN CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE PREVENTING THE FREE FLOW OF TRAFFIC ONTO OR ALONG THE M25 MOTORWAY FOR THE PURPOSE OF PROTESTING**

---

**ORDER**

---

**UPON** hearing counsel for the Claimant

**AND UPON** reading the witness statement of Antony Nwanodi on behalf of the Claimant

**AND UPON** the Claimant making the application for disclosure at the request of the police

**AND UPON** the Claimant's evidence of the attempts that have been made to effect personal service on the Defendants and the list of those now identified and served.

**IT IS ORDERED THAT:-**

1. The Defendants whose names appear in the list annexed to this Order shall be joined as named Defendants to these proceedings.

***Disclosure***

2. The Chief Constables listed in Schedule 1 to this order shall disclose to the Claimant the name and address of any person who has been arrested by one of their officers in the course of, or as a result of, protests on the highway referred to in these proceedings.

3. The disclosure of information required by paragraph 2 of this order shall be made by 4pm on 4 October 2021.
4. The Chief Constables listed in Schedule 1 to this Order shall disclose to the Claimant all arrest notes, body cam footage and/or other photographic material relating to possible breaches of the Court Order of 21<sup>st</sup> September.

***Service***

5. The Claimant is permitted in addition to personal service to serve the Order of 21<sup>st</sup> September and the claim form and other documents in these proceedings by all of the following methods together:
  - a. service by email on Insulate Britain; and
  - b. posting a copy of the Order of 24<sup>th</sup> September 2021 together with a copy of the claim form and evidence in support through the letterbox of each Defendant at the address given by the Police (or leaving in a separate mailbox) with a notice affixed to the front door if necessary, drawing the recipient's attention to the fact the package contains a court order. If the premises do not have a letterbox, or mailbox, a package containing the Court orders and the proceedings may be affixed to the front door marked with a notice drawing the recipient's attention to the fact that the package contains a court order and should be read urgently. [The Notices shall be given in prominent lettering in the form set out in Schedule 2]
6. No order for costs.
7. Permission to apply to vary or discharge this Order on 24 hours' written notice to the Claimant.

**Signed:**

**Dated: 1 October 2021**



**IN THE HIGH COURT OF JUSTICE**

**QUEEN’S BENCH DIVISION**

**B E T W E E N**

**NATIONAL HIGHWAYS LIMITED**

**Claimant**

**-and-**

**PERSONS UNKNOWN CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE PREVENTING THE FREE FLOW OF TRAFFIC ONTO OR ALONG THE M25 MOTORWAY FOR THE PURPOSE OF PROTESTING**

**ANNEXE TO ORDER – NAMED DEFENDANTS**

	Name	Address	Surrey Police	Essex Police	Met Police	Hertfords hire Police	Kent Police	Thames Valley Police
1	Alexander RODGER	[REDACTED]						
2	Alyson LEE	[REDACTED]						
3	Amy Pritchard	[REDACTED]						
4	Ana Heyatawin	[REDACTED]						

5	Andrew Worsley	[REDACTED]	
6	Anne Taylor	[REDACTED]	
7	Anthony WHITEHO USE	[REDACTED]	
8	Arne Springorum	[REDACTED]	
9	Barry Mitchell	[REDACTED]	
10	Barry Mitchell	[REDACTED]	
11	Ben TAYLOR	[REDACTED]	
12	Benjamin Buse	[REDACTED]	
13	Biff William Courtenay Whipster	[REDACTED]	
14	Cameron FORD	[REDACTED]	

15	Catherine RENNIE- NASH	[REDACTED]	
16	Cathy Eastburn	[REDACTED]	
17	Christian Murray- Leslie	[REDACTED]	
18	Christian Rowe	[REDACTED]	
19	Cordelia Rowlatt	[REDACTED]	
20	Daniel Sargison	[REDACTED]	
21	Daniel Shaw	[REDACTED]	
22	David CRAWFOR D	[REDACTED]	
23	David JONES	[REDACTED]	
24	David Nixon	[REDACTED]	
25	David Squire	[REDACTED]	

		██████████ ██████████	
26	Diana Bligh	██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████	
27	Diana Hekt	██████████ ██████████ ██████████ ██████████ ██████████	
28	Diana Lewen Warner	██████████ ██████████ ██████████ ██████████ ██████████	
29	Donald BELL	██████████ ██████████ ██████████	
30	Edward HERBERT	██████████ ██████████ ██████████ ██████████ ██████████	
31	Elizabeth Rosser	██████████ ██████████ ██████████ ██████████ ██████████ ██████████	
32	Emily Brockleban k	██████████ ██████████ ██████████ ██████████ ██████████	
33	Emma Joanne Smart	██████████ ██████████ ██████████	
34	Gabriella Ditton	██████████ ██████████ ██████████ ██████████	

		██████████ ██████████
35	Gregory FREY	██████████ ██████████
36	Gwen HARRISON	██████████ ██████████ ██████████
37	Harry Barlow	██████████ ██████████ ██████████ ██████████
38	Ian Bates	██████████ ██████████ ██████████ ██████████
39	Ian Duncan Webb	██████████  ██████████ ██████████
40	James Bradbury	██████████ ██████████ ██████████ ██████████
41	James Sargison	██████████ ██████████
42	James Thomas	██████████  ██████████ ██████████ ██████████
43	Janet Brown	██████████ ██████████ ██████████ ██████████ ██████████
44	Janine EAGLING	██████████ ██████████ ██████████

45	Jerrard Mark Latimer	[REDACTED]
46	Jessica Causby	[REDACTED]
47	Jonathan Coleman	[REDACTED]
48	Joseph SHEPHER D	[REDACTED]
49	Joshua Smith	[REDACTED]
50	Judith Bruce	[REDACTED]
51	Julia Mercer	[REDACTED]
52	Julia Schofield	[REDACTED]
53	Karen Matthews	[REDACTED]
54	Karen Wildin	[REDACTED]

55	Liam Norton	[REDACTED]	
56	Louis McKechnie	[REDACTED]	
57	Louise Charlotte Lancaster	[REDACTED]	
58	Lucy Crawford	[REDACTED]	
59	Mair Bain	[REDACTED]	
60	Margaret MALOWS KA	[REDACTED]	
61	Marguerite Dowbleday	[REDACTED]	
62	Maria Lee	[REDACTED]	
63	Martin NEWELL	[REDACTED]	

64	Mary Adams	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
65	Martin Lunnon	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
66	Matthew Tulley	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
67	Meredith Williams	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
68	Michael Brown	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
69	Michael WILEY	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
70	Michelle Charlesworth	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
71	Natalie MORLEY	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
72	Nathaniel Squire	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	






73	Nicholas Cooper	[REDACTED]	
74	Nicholas ONLEY	[REDACTED]	
75	Nicholas TILL	[REDACTED]	
76	Oliver Rock	[REDACTED]	
77	Paul Cooper	[REDACTED]	
78	Paul Sheeky	[REDACTED]	
79	Peter BLENCOW E	[REDACTED]	
80	Peter Morgan	[REDACTED]	
81	Phillipa CLARKE	[REDACTED]	
82	Priyadaka CONWAY	[REDACTED]	

83	Richard RAMSDEN	██████████ ██████████ ██████████ ██████████	
84	Rob STUART	██████████ ██████████ ██████████ ██████████	
85	Robin COLLETT	██████████ ██████████ ██████████ ██████████	
86	Roman Andrzej Paluch- Machnik	██████████ ██████████ ██████████ ██████████ ██████████	
87	Rosemary Webster	██████████ ██████████ ██████████ ██████████ ██████████	
88	Rowan Tilly	██████████ ██████████ ██████████ ██████████ ██████████	
89	Ruth Ann Cook	██████████ ██████████ ██████████ ██████████ ██████████	
90	Ruth Jarman	██████████ ██████████ ██████████ ██████████ ██████████ ██████████	
91	Sarah Hirons	██████████ ██████████ ██████████ ██████████ ██████████	
92	Serena Schellenber g	██████████ ██████████ ██████████ ██████████	

		██████████ X ██████████	
93	Simon REDING	██████████ ██████████ ██████████ ██████████ ██████████	
94	Stefania MOROSI	██████████ ██████████ ██████████ ██████████ ██████████	
95	Stephanie AYLETT	██████████ ██████████ ██████████ ██████████	
96	Stephen Gower	██████████ ██████████ ██████████ ██████████ ██████████	
97	Stephen Pritchard	██████████ ██████████ ██████████ ██████████ ██████████	
98	Sue Chambers	██████████ ██████████ ██████████ ██████████ ██████████	
99	Sue Parfitt	██████████ ██████████ ██████████ ██████████ ██████████ ██████████	
10 0	Sue Spencer- Longhurst	██████████ ██████████ ██████████	
10 1	Susan HAGLEY	██████████ ██████████ ██████████ ██████████ ██████████	

10 2	Suzie WEBB	[REDACTED]	
10 3	Tam Millar	[REDACTED]	
10 4	Tessa-Marie Burns	[REDACTED]	
10 5	Teresa NORTON	[REDACTED]	
10 6	Tim Speers	[REDACTED]	
10 7	Tim William Hewes	[REDACTED]	
10 8	Tracey Mallaghan	[REDACTED]	
10 9	Tryrone Hodge	[REDACTED]	
11 0	Valeria SAUNDER S	[REDACTED]	

11 1	Venitia CARTER								
11 2	Victoria Anne Lindsell								
11 3	Xabier GONZALE Z TRIMMER								

## **Schedule 1**

Those not opposing this order include:

1. The Commissioner of Police of the Metropolis  
of New Scotland Yard, Victoria Embankment, SW1A 2JL
2. The Chief Constables of Hertfordshire, Essex,  
Kent, Surrey, Thames Valley

## **Schedule 2**

[On the package containing the Court order and proceedings]

“VERY URGENT: THIS PACKAGE CONTAIN AN ORDER OF THE HIGH COURT AND YOU SHOULD READ IT IMMEDIATELY AND SEEK LEGAL ADVICE. IF YOU NEED ANOTHER COPY PLEASE CALL [XXXXXX]”

[To affix to front door when the package has been posted through the letterbox or placed in a mailbox]

“VERY URGENT: A PACKAGE HAS BEEN LEFT THAT CONTAINS AN ORDER OF THE HIGH COURT AND YOU SHOULD READ IT IMMEDIATELY AND SEEK LEGAL ADVICE. IF YOU NEED ANOTHER COPY PLEASE CALL [XXXXXX]”

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION

Before the Honourable Mr Justice Lavender  
12 October 2021

B E T W E E N:

NATIONAL HIGHWAYS LIMITED

-and-



- (1) PERSONS UNKNOWN CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE PREVENTING THE FREE FLOW OF TRAFFIC ONTO OR ALONG THE M25 MOTORWAY FOR THE PURPOSES OF PROTESTING
- (2) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE A2, A20 AND 2070 TRUNK ROADS AND M2 AND M20 MOTORWAY FOR THE PURPOSE OF PROTESTING
- (3) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING
- (4) MR ALEXANDER RODGER AND 113 OTHERS

Defendants

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**ORDER**

---

**UPON** the return date hearing for claim nos. **QB-2021-003576, 003626 and 003737** (“the Claims”) in relation to the Claimant’s three injunctions over parts of the Strategic Road Network (“the Roads”), namely that of the Honourable Mr Justice Lavender dated 21 September 2021 in Claim No. 003576; that of the Honourable Mr Justice Cavanagh dated 24 September 2021 in Claim No. 003626; and that of the Honourable Mr Justice Holgate dated 2 October 2021 in Claim No. 003737 (“the Orders”)



**AND UPON READING** the Witness Statement of Nicola Bell dated 11 October 2021, and the Claimant's skeleton argument dated 11 October 2021

**AND UPON** hearing David Elvin QC, Horatio Waller and Jonathan Welch, Counsel for the Claimant, and Dr Diana Warner (Named Defendant 28) and Liam Norton (Named Defendant 55) (both appearing in person)

**AND UPON** the Claimant indicating that it will provide to the Defendants copies of further evidence or other documents filed in these proceedings upon request, following the Defendants or their representatives providing contact details to the Claimant's solicitors

**AND UPON** the Court accepting the Claimant's undertaking that the Claimant will comply with any order for compensation which the Court might make in the event that the Court later finds that this Order has caused loss to a Defendant and the Court finds that the Defendant ought to be compensated for that loss

**AND UPON** the Claimant undertaking to identify and name Defendants and apply to add them as named Defendants to the Claims as soon as reasonably practicable

**AND UPON** the Claimant confirming that this Order is not intended to prohibit lawful protest which does not slow, obstruct, prevent or otherwise interfere with the flow of traffic onto off or along the Roads nor to prevent lawful use of the Roads by any person

**IT IS ORDERED THAT:**

1. The Claims shall proceed and be heard together.
2. A single set of Particulars of Claim shall be served by the Claimant in respect of the Claims by 26 October 2021.
3. The Claimant has permission to amend the Schedule of Defendants in the form set out in Schedule 1 to this Order and to join additional Named Defendants (numbers 114 and 115 in Schedule 1).
4. With regard to disclosure:

- 4.1 The Chief Constables listed at paragraph 4.3 below shall disclose to the Claimant -
- (i) the name and address of any person who has been arrested by one of their officers in the course of, or as a result of, protests on the Roads; and
  - (ii) all arrest notes, body cam footage and photographic material relating to possible breaches of the Orders.
- 4.2 The duty to disclose the matters specified in paragraph 4.1 shall continue until 5pm on 30 November 2021, unless extended by further order.
- 4.3 The duty to disclose shall apply to the following persons: the Commissioner of Police of the Metropolis and the Chief Constables of Hertfordshire, Essex, Kent, Surrey and Thames Valley.
5. The publication by the Claimant of any orders (including the Orders) and the claim forms in the Claims shall not include (in the published version) the addresses of the Named Defendants.
6. For the avoidance of doubt, the injunctions made in the three Claims shall continue in force until the earlier of (i) Trial; or (ii) Further Order.
7. The Claimant shall:
- 7.1 Place copies of this Order and the Claim Form on the National Highways and Gov.uk website; and
  - 7.2 Send a copy of this Order and the Claim Form to Insulate Britain's email address: Insulate Britain ring2021@protonmail.com.
8. The Claimant is permitted to serve this order, in addition to other methods of service applicable under CPR Part 6.20, by:
- 8.1 sending it by email to Insulate Britain; and

- 8.2 posting a copy of the order at the address given by the Police (or leaving in a separate mailbox) with a notice affixed to the front door if necessary, drawing the recipient's attention to the fact the package contains a court order. If the premises do not have a letterbox, or mailbox, a package containing the order may be affixed to the front door marked with a notice drawing the recipient's attention to the fact that the package contains a court order and should be read urgently. The notice shall be given in prominent lettering in the form set out in Schedule 2.
9. The Claims are adjourned to 19 October 2021 at 9.30 a.m. to be heard with the return date hearing listed by May J in her order dated 8 October 2021 granting an interim injunction on the application of Transport for London.

#### **Further directions**

10. The Defendants or any other person affected by this order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimant's solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).
11. Any person applying to vary or discharge this order must provide their full name and address, an address for service, and must also apply to be joined as a named defendant to the proceedings at the same time.
12. The Claimant has permission to apply to extend or vary this Order or for further directions.
13. Costs reserved.

#### **Communications with the Claimant**

14. The Claimant's solicitors and their contact details are:

FAO Petra Billing/ Rob Shaw (petra.billing@dlapiper.com / rob.shaw@dlapiper.com )

DLA Piper UK LLP  
1 St Paul's Place  
Sheffield  
S1 2JX

Reference – Insulate Britain:366530/107

**BY THE COURT**

**Dated: 12 October 2021**

**SCHEDULE 1 – NAMED DEFENDANTS (AS AMENDED 12.10.21)**

	<b>Name</b>	<b>Address</b>
1	Alexander RODGER	
2	Alyson LEE	
3	Amy PRITCHARD	
4	Ana HEYATAWIN	
5	Andrew WORSLEY	
6	Anne TAYLOR	
7	Anthony WHITEHOUSE	
8	Arne SPRINGORUM	
9	Barry MITCHELL	
10	<del>Barry MITCHELL</del>	
11	Ben TAYLOR	
12	Benjamin BUSE	
13	Biff William Courtenay WHIPSTER	
14	Cameron FORD	
15	Catherine RENNIE-NASH	
16	Catherine EASTBURN	
17	Christian MURRAY-LESLIE	
18	Christian ROWE	
19	Cordelia ROWLATT	
20	Daniel SARGISON	
21	Daniel SHAW	

22	David CRAWFORD	
23	David JONES	
24	David NIXON	
25	David SQUIRE	
26	Diana BLIGH	
27	Diana HEKT	
28	Diana Lewen WARNER	
29	Donald BELL	
30	Edward HERBERT	
31	Elizabeth ROSSER	
32	Emily BROCKLEBANK	
33	Emma Joanne SMART	
34	Gabriella DITTON	
35	Gregory FREY	
36	Gwen HARRISON	
37	Harry BARLOW	
38	Ian BATES	
39	Ian Duncan WEBB	
40	James BRADBURY	
41	James SARGISON	
42	James THOMAS	
43	Janet BROWN	
44	Janine EAGLING	

45	Jerrard Mark LATIMER	
46	Jessica CAUSBY	
47	Jonathan COLEMAN	
48	Joseph SHEPHERD	
49	Joshua SMITH	
50	Judith BRUCE	
51	Julia MERCER	
52	Julia SCHOFIELD	
53	Karen MATTHEWS	
54	Karen WILDIN	
55	Liam NORTON	
56	Louis MCKECHNIE	
57	Louise Charlotte LANCASTER	
58	Lucy CRAWFORD	
59	Mair BAIN	
60	Margaret MALOWSKA	
61	Marguerite DOWBLEDAY	
62	Maria LEE	
63	Martin NEWELL	
64	Mary ADAMS	
65	Matthew LUNNON	
66	Matthew TULLEY	
67	Meredith WILLIAMS	

68	Michael BROWN	
69	Michael WILEY	
70	Michelle CHARLSWORTH	
71	Natalie MORLEY	
72	Nathaniel SQUIRE	
73	Nicholas COOPER	
74	Nicholas ONLEY	
75	Nicholas TILL	
76	Oliver ROCK	
77	Paul COOPER	
78	Paul SHEEKY	
79	Peter BLENCOWE	
80	Peter MORGAN	
81	Phillipa CLARKE	
82	Priyadaka CONWAY	
83	Richard RAMSDEN	
84	Rob STUART	
85	Robin COLLETT	
86	Roman Andrzej PALUCH- MACHNIK	
87	Rosemary WEBSTER	
88	Rowan TILLY	
89	Ruth Ann COOK	
90	Ruth JARMAN	



91	Sarah HIRONS
92	Serena SCHELLENBERG
93	Simon REDING
94	Stefania MOROSI
95	Stephanie AYLETT
96	Stephen GOWER
97	Stephen PRITCHARD
98	Sue CHAMBERS
99	Sue PARFITT
100	Sue SPENCER- LONGHURST
101	Susan HAGLEY
102	Suzie WEBB
103	Tam MILLAR
104	Tessa-Marie BURNS
105	Theresa NORTON
106	Tim SPEERS
107	Tim William HEWES
108	Tracey MALLAGHAN
109	Tyrone HODGE
110	Valerie SAUNDERS
111	Venitia CARTER
112	Victoria Anne LINDSELL
113	Xavier GONZALEZ TRIMMER

114	Bethany MOGIE	
115	Indigo RUMBELOW	

**SCHEDULE 2**

**[On the package containing the Court order and proceedings]**

**“VERY URGENT: THIS PACKAGE CONTAINS AN ORDER OF THE HIGH COURT AND YOU SHOULD READ IT IMMEDIATELY AND SEEK LEGAL ADVICE. IF YOU NEED ANOTHER COPY PLEASE CALL [*insert contact details*]”**

**[To affix to front door when the package has been posted through the letterbox or placed in a mailbox]**

**“VERY URGENT: A PACKAGE HAS BEEN LEFT THAT CONTAINS AN ORDER OF THE HIGH COURT AND YOU SHOULD READ IT IMMEDIATELY AND SEEK LEGAL ADVICE. IF YOU NEED ANOTHER COPY PLEASE CALL [*insert contact details*]”**

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION

Before the Honourable Mr Justice Lavender  
19 October 2021

**B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**

-and-



**(1) PERSONS UNKNOWN CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE PREVENTING THE FREE FLOW OF TRAFFIC ONTO OR ALONG THE M25 MOTORWAY FOR THE PURPOSES OF PROTESTING**

**(2) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE A2, A20 AND 2070 TRUNK ROADS AND M2 AND M20 MOTORWAY FOR THE PURPOSE OF PROTESTING**

**(3) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING**

**(4) MR ALEXANDER RODGER AND 123 OTHERS**

Defendants

---

**ORDER**

---

**UPON** the court requesting that the Claimant attend for the return date hearing of the claim by Transport for London ("**TfL**") for an injunction granted by May J on an interim basis on 8 October 2021 ("**the TfL Claim**")

**UPON** reading the Witness Statement of Nicola Bell dated 18 October 2021, and the Claimant's skeleton argument

**AND UPON** hearing Counsel for the Claimant

**IT IS ORDERED THAT:**

1. Claim Nos. **QB-2021-003576, 003626 and 003737** and the TfL Claim shall proceed and be heard together.
2. The Claimant has permission to amend the Schedule of Defendants to join additional Named Defendants listed at Annex A to this Order, as Defendants 116 – 124.
3. With regard to disclosure:
  - 3.1 The Chief Constables listed at paragraph 3.3 below (in addition to those already under the duty pursuant to the Lavender J 12 October Order) shall disclose to the Claimant:
    - (i) the name and address of any person who has been arrested by one of their officers in the course of, or as a result of, protests on the Roads; and
    - (ii) all arrest notes, body cam footage and photographic material relating to possible breaches of the Orders.
  - 3.2 The duty to disclose the matters specified in paragraph 3.1 shall continue until 5pm on 30 November 2021, unless extended by further order.
  - 3.3 The duty to disclose shall apply to the following persons: the Chief Constables of Hampshire, Sussex and Bedfordshire.
4. The publication by the Claimant of any orders (including the Orders) and the claim forms in the Claims shall not include (in the published version) the addresses of the named defendants.
5. The Claimant shall:
  - 5.1 Place copies of this Order on the National Highways and Gov.uk websites;
  - 5.2 Send a copy of this Order to Insulate Britain’s email address: Insulate Britain ring2021@protonmail.com.

6. The Claimant is permitted to serve this order, in addition to other methods of service applicable under CPR Part 6.20, by:

6.1 sending it by email to Insulate Britain; and

6.2 posting a copy of the order at the address given by the Police (or leaving in a separate mailbox) with a notice affixed to the front door if necessary, drawing the recipient's attention to the fact the package contains a court order. If the premises do not have a letterbox, or mailbox, a package containing the order may be affixed to the front door marked with a notice drawing the recipient's attention to the fact that the package contains a court order and should be read urgently. The notice shall be given in prominent lettering in the form set out in Schedule 2.

#### **Further directions**

7. The Defendants or any other person affected by this Order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimant's solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).

8. Any person applying to vary or discharge this Order must provide their full name and address, an address for service, and must also apply to be joined as a named defendant to the proceedings at the same time.

9. The Claimant has permission to apply to extend or vary this Order or for further directions.

10. Costs reserved.

#### **Communications with the Claimant**

11. The Claimant's solicitors and their contact details are:

FAO Petra Billing/ Rob Shaw (petra.billing@dlapiper.com / rob.shaw@dlapiper.com )

DLA Piper UK LLP  
1 St Paul's Place  
Sheffield  
S1 2JX

Reference – Insulate Britain:366530/107

**BY THE COURT**

**Dated: 19 October 2021**

**ANNEX A**

**SCHEDULE 1 – NAMED DEFENDANTS (AS AMENDED 14.10.21)**

	<b>Name</b>	<b>Address</b>
1	Alexander RODGER	
2	Alyson LEE	
3	Amy PRITCHARD	
4	Ana HEYATAWIN	
5	Andrew WORSLEY	
6	Anne TAYLOR	
7	Anthony WHITEHOUSE	
8	Arne SPRINGORUM	
9	Barry MITCHELL	S
10	Barry MITCHELL	S
11	Ben TAYLOR	
12	Benjamin BUSE	7
13	Biff William Courtenay WHIPSTER	
14	Cameron FORD	
15	Catherine RENNIE- NASH	
16	Catherine EASTBURN	



17	Christian MURRAY-LESLIE	
18	Christian ROWE	
19	Cordelia ROWLATT	
20	Daniel SARGISON	
21	Daniel SHAW	J
22	David CRAWFORD	
23	David JONES	
24	David NIXON	
25	David SQUIRE	
26	Diana BLIGH	PL
27	Diana HEKT	
28	Diana Lewen WARNER	
29	Donald BELL	
30	Edward HERBERT	
31	Elizabeth ROSSER	an
32	Emily BROCKLEBANK	
33	Emma Joanne SMART	
34	Gabriella DITTON	
35	Gregory FREY	

36	Gwen HARRISON	
37	Harry BARLOW	
38	Ian BATES	
39	Ian Duncan WEBB	
40	James BRADBURY	
41	James SARGISON	
42	James THOMAS	
43	Janet BROWN	
44	Janine EAGLING	
45	Jerrard Mark LATIMER	
46	Jessica CAUSBY	
47	Jonathan COLEMAN	
48	Joseph SHEPHERD	
49	Joshua SMITH	
50	Judith BRUCE	
51	Julia MERCER	
52	Julia SCHOFIELD	
53	Karen MATTHEWS	
54	Karen WILDIN	

55	Liam NORTON	
56	Louis MCKECHNIE	
57	Louise Charlotte LANCASTER	
58	Lucy CRAWFORD	
59	Mair BAIN	
60	Margaret MALOWSKA	
61	Marguerite DOWBLEDAY	
62	Maria LEE	
63	Martin NEWELL	
64	Mary ADAMS	n,
65	Matthew LUNNON	
66	Matthew TULLEY	
67	Meredith WILLIAMS	
68	Michael BROWN	
69	Michael WILEY	
70	Michelle CHARLSWORTH	
71	Natalie MORLEY	
72	Nathaniel SQUIRE	
73	Nicholas COOPER	

74	Nicholas ONLEY	
75	Nicholas TILL	
76	Oliver ROCK	
77	Paul COOPER	
78	Paul SHEEKY	2,
79	Peter BLENCOWE	
80	Peter MORGAN	
81	Phillipa CLARKE	
82	Priyadaka CONWAY	
83	Richard RAMSDEN	
84	Rob STUART	
85	Robin COLLETT	
86	Roman Andrzej PALUCH-MACHNIK	
87	Rosemary WEBSTER	
88	Rowan TILLY	
89	Ruth Ann COOK	PL
90	Ruth JARMAN	
91	Sarah HIRONS	

92	Serena SCHELLENBERG	
93	Simon REDING	
94	Stefania MOROSI	
95	Stephanie AYLETT	
96	Stephen GOWER	
97	Stephen PRITCHARD	
98	Sue CHAMBERS	
99	Sue PARFITT	
100	Sue SPENCER-LONGHURST	
101	Susan HAGLEY	
102	Suzie WEBB	
103	Tam MILLAR	
104	Tessa-Marie BURNS	
105	Theresa NORTON	
106	Tim SPEERS	
107	Tim William HEWES	K
108	Tracey MALLAGHAN	
109	Tyrone HODGE	
110	Valerie SAUNDERS	

111	Venitia CARTER	
112	Victoria Anne LINSELL	
113	Xavier GONZALEZ TRIMMER	
114	Bethany MOGIE	
115	Indigo RUMBELOW	
116	Adrian TEMPLE- BROWN	
117	Ben NEWMAN	
118	Christopher PARISH	
119	Elizabeth SMAIL	e,
120	Julian MAYNARD SMITH	
121	Rebecca LOCKYER	
122	Simon MILNER- EDWARDS	
123	Stephen BRETT	
124	Virginia MORRIS	

**IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
BEFORE DAME VICTORIA SHARP (PRESIDENT OF THE QUEEN'S BENCH  
DIVISION) AND THE HON. MR JUSTICE CHAMBERLAIN**

**B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**

**-and-**



**(1) PERSONS UNKNOWN CAUSING THE BLOCKING, ENDANGERING,  
SLOWING DOWN, OBSTRUCTING OR OTHERWISE PREVENTING THE  
FREE FLOW OF TRAFFIC ONTO OR ALONG THE M25 MOTORWAY  
FOR THE PURPOSES OF PROTESTING**

**(2) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN,  
OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF  
TRAFFIC ONTO OR OFF OR ALONG THE A2, A20 AND 2070 TRUNK  
ROADS AND M2 AND M20 MOTORWAY FOR THE PURPOSE OF  
PROTESTING**

**(3) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN,  
OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF  
TRAFFIC ONTO OR OFF OR ALONG THE A1(M), A3, A12, A13, A21, A23,  
A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR,  
M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF  
PROTESTING**

**(4) MR ALEXANDER RODGER AND 142 OTHERS**

Defendants

---

**ORDER**

---

**UPON** the application of the Claimant to join 21 named Defendants to the proceedings, dated 3 November 2021

**AND UPON READING** the Witness Statement of Laura Higson dated 3 November 2021

**IT IS ORDERED THAT:**

**Named Defendants**

1. The Claimant has permission to amend the Schedule of Defendants in the form set out at Schedule 1 to this Order and to join 21 additional Named Defendants as set out at Annex A to this Order.
2. The Claimant has permission to remove Mr Tyrone Hodge (Defendant 109) from the Schedule of Defendants so that Mr Hodge is no longer a named Defendant to these proceedings.
3. The provisions regarding alternative service specified by the orders dated 1 October 2021 (in respect of Claim No's. QB-2021-003626 and QB-2021-003576) and 2 October 2021 (in respect of Claim No. QB-2021-003737) shall apply to any additional Named Defendants in these proceedings.

**Service of this Order**

4. The Claimant is permitted to serve this order, in addition to other methods or service applicable under CPR 6.20, by:
  - 4.1 Sending it by email to Insulate Britain; and
  - 4.2 posting a copy of this Order to the address of each Defendant and additional Named Defendant.

**Alternative Service of Application dated 22 October 2021**

5. The Claimant is permitted, pursuant to CPR 81.5(1), to serve its Application dated 22 October 2021 by:
  - 5.1 service of the sealed Application (and supporting documents) on Insulate Britain by email; and
  - 5.2 posting a copy of the Application (and supporting documents) through the letterbox of each Defendant (or leaving in a separate mailbox) with a notice affixed to the



front door if necessary, drawing the recipient's attention to the fact the package contains court documents. If the premises do not have a letterbox, or mailbox, a package containing the Application (and supporting documents) may be affixed to the front door marked with a notice drawing the recipient's attention to the fact that the package contains court documents and should be read urgently. The Notices shall be given in prominent lettering in the form set out in Schedule 2.

6. No order for costs.

#### **Communications with the Claimant**

7. The Claimant's solicitor and their contact details are:

FAO Petra Billing / Rob Shaw ([petra.billing@dlapiper.com](mailto:petra.billing@dlapiper.com) / [rob.shaw@dlapiper.com](mailto:rob.shaw@dlapiper.com))

**BY THE COURT**

**Dated: 8 November 2021**

## ANNEX A

### **Defendants to be joined as named Defendants to the Proceedings:**

1. Andria EFTHIMIOUS-MORDAUNT (125)
2. Ben HORTON (126)
3. Christopher FORD (127)
4. Darcy MITCHELL (128)
5. David MANN (129)
6. Ellie LITTEN (130)
7. Hannah SHAFER (131)
8. Jesse LONG (132)
9. Julie MACOLI (133)
10. Kai BARTLETT (134)
11. Marc SABITSKY (135)
12. Sophie FRANKLIN (136)
13. Tony HILL (137)
14. Nicholas BENTLEY (138)
15. Thomas FRANKE (139)
16. Nicola STICKELLS (140)
17. Mary LIGHT (141)
18. David McKENNY (142)
19. Giovanna LEWIS (143)
20. William WRIGHT (144)
21. Margaret REID (145)

**SCHEDULE 1 – NAMED DEFENDANTS (AS AMENDED 02.11.21)**

	<b>Name</b>	<b>Address</b>
1	Alexander RODGER	
2	Alyson LEE	
3	Amy PRITCHARD	
4	Ana HEYATAWIN	
5	Andrew WORSLEY	
6	Anne TAYLOR	
7	Anthony WHITEHOUSE	
8	Arne SPRINGORUM	
9	Barry MITCHELL	
10	<del>Barry MITCHELL</del>	
11	Ben TAYLOR	
12	Benjamin BUSE	
13	Biff William Courtenay WHIPSTER	
14	Cameron FORD	
15	Catherine RENNIE- NASH	
16	Catherine EASTBURN	
17	Christian MURRAY- LESLIE	

18	Christian ROWE	
19	Cordelia ROWLATT	
20	Daniel SARGISON	
21	Daniel SHAW	
22	David CRAWFORD	
23	David JONES	
24	David NIXON	
25	David SQUIRE	
26	Diana BLIGH	
27	Diana HEKT	
28	Diana Lewen WARNER	
29	Donald BELL	
30	Edward HERBERT	
31	Elizabeth ROSSER	
32	Emily BROCKLEBANK	
33	Emma Joanne SMART	
34	Gabriella DITTON	
35	Gregory FREY	
36	Gwen HARRISON	
37	Harry BARLOW	

38	Ian BATES	
39	Ian Duncan WEBB	
40	James BRADBURY	
41	James SARGISON	
42	James THOMAS	
43	Janet BROWN	
44	Janine EAGLING	
45	Jerrard Mark LATIMER	
46	Jessica CAUSBY	
47	Jonathan COLEMAN	
48	Joseph SHEPHERD	
49	Joshua SMITH	
50	Judith BRUCE	
51	Julia MERCER	
52	Julia SCHOFIELD	
53	Karen MATTHEWS	
54	Karen WILDIN	
55	Liam NORTON	
56	Louis MCKECHNIE	
57	Louise Charlotte LANCASTER	

58	Lucy CRAWFORD	
59	Mair BAIN	
60	Margaret MALOWSKA	
61	Marguerite DOWBLEDAY	
62	Maria LEE	
63	Martin NEWELL	
64	Mary ADAMS	
65	Matthew LUNNON	
66	Matthew TULLEY	
67	Meredith WILLIAMS	
68	Michael BROWN	
69	Michael WILEY	
70	Michelle CHARLSWORTH	
71	Natalie MORLEY	
72	Nathaniel SQUIRE	
73	Nicholas COOPER	
74	Nicholas ONLEY	
75	Nicholas TILL	
76	Oliver ROCK	
77	Paul COOPER	

78	Paul SHEEKY	
79	Peter BLENCOWE	
80	Peter MORGAN	
81	Phillipa CLARKE	
82	Priyadaka CONWAY	
83	Richard RAMSDEN	
84	Rob STUART	
85	Robin COLLETT	
86	Roman Andrzej PALUCH-MACHNIK	
87	Rosemary WEBSTER	
88	Rowan TILLY	
89	Ruth Ann COOK	
90	Ruth JARMAN	
91	Sarah HIRONS	
92	Serena SCHELLENBERG	
93	Simon REDING	
94	Stefania MOROSI	
95	Stephanie AYLETT	

96	Stephen GOWER	
97	Stephen PRITCHARD	
98	Susan CHAMBERS	
99	Sue PARFITT	
100	Sue SPENCER- LONGHURST	
101	Susan HAGLEY	
102	Suzie WEBB	
103	Tam MILLAR	
104	Tessa-Marie BURNS	
105	Theresa NORTON	
106	Tim SPEERS	
107	Tim William HEWES	
108	Tracey MALLAGHAN	
109	<del>Tyrone</del> HODGE	
110	Valerie SAUNDERS	
111	Venitia CARTER	
112	Victoria Anne LINDSELL	
113	Xavier GONZALEZ TRIMMER	
114	Bethany MOGIE	



115	Indigo RUMBELOW	
116	Adrian TEMPLE- BROWN	
117	Ben NEWMAN	
118	Christopher PARISH	
119	Elizabeth SMAIL	
120	Julian MAYNARD SMITH	
121	Rebecca LOCKYER	
122	Simon MILNER- EDWARDS	
123	Stephen BRETT	
124	Virginia MORRIS	
125	Andria EFTHIMIOUS- MORDAUNT	
126	Ben HORTON	
127	Christopher FORD	
128	Darcy MITCHELL	
129	David MANN	
130	Ellie LITTEN	
131	Hannah SHAFER	
132	Jesse LONG	

133	Julie MACOLI	
134	Kai BARTLETT	
135	Marc SABITSKY	
136	Sophie FRANKLIN	
137	Tony HILL	
138	Nicholas BENTLEY	
139	Thomas FRANKE	
140	Nicola STICKELLS	
141	Mary LIGHT	
142	David McKENNY	
143	Giovanna LEWIS	
144	William WRIGHT	
145	Margaret REID	

## **SCHEDULE 2**

**[On the package containing the Application (and supporting documents)]**

“VERY URGENT: THIS PACKAGE CONTAIN COURT DOCUMENTS CONCERNING AN APPLICATION FOR **CONTEMPT OF COURT**. YOU SHOULD READ IT IMMEDIATELY AND SEEK LEGAL ADVICE. IF YOU NEED ANOTHER COPY PLEASE CALL - Laura Higson, DLA Piper UK LLP, Tel: 0114 283 3084”

**[To affix to front door when the package has been posted through the letterbox or placed in a mailbox]**

“VERY URGENT: A PACKAGE HAS BEEN LEFT THAT CONTAINS COURT DOCUMENTS CONCERNING AN APPLICATION FOR **CONTEMPT OF COURT**. YOU SHOULD READ IT IMMEDIATELY AND SEEK LEGAL ADVICE. IF YOU NEED ANOTHER COPY PLEASE CALL – Laura Higson, DLA Piper UK LLP, Tel: 0114 283 3084”



DLA Piper UK LLP  
1 St Paul's Place  
Sheffield  
S1 2JX  
United Kingdom  
DX: 708580 Sheffield 10  
T: +44 (0) 20 7349 0296  
F: +44 (0) 114 270 0568 or +44 (0)  
114 273 8948  
dlapiper.com

Your reference

Our reference

RXS/LNH/366530/250  
UKM/125235815.1

By First Class Post and Special Delivery and by Email:

15 March 2023

Dear Sir/Madam

**CLAIMANT:** NATIONAL HIGHWAYS LIMITED

**CLAIM NOS:** QB-2021-003576, 002626 AND 003737, resulting in the final injunction order of Mr Justice Bennathan dated 9 March 2022, as amended by the Court of Appeal on appeal ("the Bennathan Injunction Order")

**HEARING:** 24 APRIL 2023 AT THE ROYAL COURTS OF JUSTICE, STRAND, LONDON WC2A 2LL

As you are aware, we are instructed by National Highways Limited ("NHL"), the Claimant in the above claim, which resulted in the Bennathan Injunction Order to which you are currently a Named Defendant.

The Bennathan Injunction Order is subject to the judgment of the Court of Appeal handed down on 23 February 2023. The Bennathan Injunction Order (as amended by the Court of Appeal) is awaited from the Court and will be served upon you in accordance with the service provisions therein following it being issued by the Court.

As explained in our letter of 9 February 2023, the Court has listed a hearing, for 24 April 2023 at the Royal Courts of Justice, Strand, London WC2A 2LL with a time estimate of half a day (the "**Review Hearing**"), at which it will review whether it should vary the Bennathan Injunction Order. Details of the time and location of the hearing will be available on the Court's website on the afternoon of 23 April 2023.

A further copy of the Bennathan injunction Order can be found on the NHL website at: <https://nationalhighways.co.uk/media/pqlogh01/queen-s-bench-associate-s-blank-order-003.pdf>. This has been previously served upon you as a Named Defendant to the Bennathan Injunction Order.

At the Review Hearing, NHL will be asking the court to extend the injunction for a further 12 months and the police Duty to Disclose by a further 14 months. As you are a Named Defendant to these proceedings if the court approves these extensions of the Bennathan Injunction Order, you will continue to be named in these proceedings and in the Schedule to the Bennathan Injunction Order.

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DLA Piper UK LLP is authorised and regulated by the Solicitors Regulation Authority.

DLA Piper UK LLP is a limited liability partnership registered in England and Wales (registered number OC307847) which is part of DLA Piper, a global law firm, operating through various separate and distinct legal entities.

A list of members is open for inspection at its registered office and principal place of business, 160 Aldersgate Street, London, EC1A 4HT and at the address at the top of this letter. Partner denotes member of a limited liability partnership.

A list of offices and regulatory information can be found at [dlapiper.com](http://dlapiper.com).

UK switchboard  
+44 (0) 20 7349 0296

In advance of the Review Hearing, NHL has been considering the list of Named Defendants in the Schedule to the Bennathan Injunction Order and we are instructed that NHL is prepared to consider the removal of individuals as Named Defendants to these proceedings. Any removal would be on the strict basis that individuals provide an unretractable and unconditional signed undertaking to the court (in the form enclosed, without amendment) confirming that they will, amongst other things, not block, endanger or prevent the free flow of traffic on the Roads (as defined in the undertaking) for the purposes of protesting.

If you would like to be removed as a Named Defendant please review the form of undertaking enclosed with this letter. We recommend that you consider seeking legal advice on the undertaking and the implications of signing it (and the contents of this letter generally) if you are unsure in any way.

If you wish to sign the undertaking, please send a signed copy to us by email at [NH-Injunctions@dlapiper.com](mailto:NH-Injunctions@dlapiper.com) by 31 March 2023. In that email you should confirm your full name, address, Defendant No (which can be found in the Schedule to the Bennathan Injunction Order and on the form of draft undertaking enclosed with this letter) and that you give permission for NHL to present the signed undertaking to the court at the Review Hearing for approval in your absence. Removal from the Bennathan Injunction Order as a Named Defendant is ultimately a decision for the Court in their discretion. This cannot be guaranteed.

Assuming the court accepts signed undertakings, this will provide a basis for you to be removed as a Named Defendant in the proceedings and remove your exposure to future legal costs, beyond those for which you are already liable to date as a result of any costs orders made pursuant to the Bennathan Injunction Order in this claim to date.

You will remain liable under any costs orders made against you up to the point in time when/if you are removed as a Named Defendant.

You will note that the undertaking:

1. is specified to be for a period of 3 years, during which time you must adhere strictly to the promises you are giving in the undertaking;
2. explains that if you disobey the undertaking (or instruct others to do the acts which you have undertaken not to do), you may be held in contempt of court and may be imprisoned, fined or have your assets seized; and
3. once given your signed undertaking cannot be withdrawn or retracted – you will be strictly bound by it.

If you are unsure about the contents of this letter or its enclosures we recommend that you seek independent legal advice.

All correspondence should be directed to this firm at the above address or by email to: [NH-Injunctions@dlapiper.com](mailto:NH-Injunctions@dlapiper.com).

Yours faithfully



DLA Piper UK LLP

Enc.



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

**Claim No: QB-2021-003576, QB-2021-003626, QB-2021-003737**

**B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**

Claimant

-and-

**D2 ALEXANDER RODGER**

Defendant

---

**FINAL ORDER AND UNDERTAKINGS**

---

**PENAL NOTICE**

**IF YOU THE WITHIN NAMED DEFENDANT DISOBEY THE UNDERTAKINGS SET OUT IN THIS ORDER OR INSTRUCT OR ENCOURAGE (WHICH INCLUDES TRAINING, COACHING, TEACHING OR EDUCATING) OTHERS TO DO ACTS WHICH YOU HAVE UNDERTAKEN NOT TO DO, 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 DEFENDANT TO BREACH THE UNDERTAKINGS SET OUT IN THIS ORDER MAY ALSO BE HELD 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 the acts set out in this Order which you have undertaken not to do. You should read it very carefully.**

**UPON** the parties having agreed to an order in the terms set out below.

**AND UPON** the Claimant confirming that the undertakings given in this Order are not intended to prohibit the Defendant from lawful protest which does not block or endanger, or prevent the free flow of traffic on the Roads defined in paragraph 1 of this Order.

**AND UPON** the Defendant confirming that they have reviewed the Appendices to the Injunction Order and understands which Roads are subject of the undertakings given in this Order.

**AND UPON** the Defendant giving undertakings to the Court as set out below.

**IT IS ORDERED THAT:**

1. For the purposes of this Order:

1.1. "Injunction Order" shall mean the Order of Mr Justice Bennathan in these proceedings dated 9 May 2022 as amended by the Court of Appeal, a copy of which can be found on the Claimant's website at: <https://nationalhighways.co.uk/about-us/high-court-injunctions-for-motorways-and-major-a-roads/>.

1.2. "Review Hearing" shall mean the hearing listed for 24 April 2023 at 10:30am to review the Injunction Order.

1.3. "Roads" shall mean all of the following:

1.3.1. The M25, meaning the London Orbital Motorway and shown in red on the plans at Appendix 1 to the Injunction Order.

1.3.2. The A2, A20, A2070, M2 and M20, meaning the roads shown in blue and green on the plans at Appendix 2 to the Injunction Order.

1.3.3. The A1(M) (Junction 1 to Junction 6), A1 (from A1M to Rowley Lane and from Fiveways Corner roundabout to Hilltop Gardens), M11 (Junction 4 to Junction 7), A12 (M25 Junction 28 to A12 Junction 12), A1023 (Brook Street) (from M25

Junction 28 roundabout to Brook Street Shell Petrol Station access), A13 (M25 Junction 30 to A1089), A13 (from junction with A1306 for Wennington to M25 Junction 30), A1089 (from junction with A13 to Port of Tilbury entrance), M26 (whole motorway from M25 to M20), A21 (M25 to B2042), A23 (M23 to Star Shaw), M23 (Junction 7 to Junction 10 (including M23 Gatwick Spur)), A23 (between North and South Terminal Roundabouts), A3 (A309 to B2039 Ripley Junction), M3 (Junction 1 to Junction 4), A316 (from M3 Junction 1 to Felthamhill Brook), A30 (M25 Junction 13 to Harrow Road, Stanwell, Feltham), A3113 (M25 Junction 14 to A3044), M4 (Junction 1 to Junction 7), M4 Spur (whole of spur from M4 Junction 4 to M4 Junction 4a), M40 (Junction 7 to A40 at Fray's River Bridge), M1 (Junction 1 to Junction 8), A405 (from M25 Junction 21A to M1 Junction 6), A1 (from Fiveways Corner roundabout to Hilltop Gardens), and A414 (M1 Junction 8 to A405), meaning the roads shown in red on the plan at Appendix 3 to the Injunction Order.

- 1.3.4. In the case of each of the Roads, the reference to the Roads shall include all carriageways, hard shoulders, central reservations, motorway (including the A1(M)) verges, slip roads, roundabouts (including those at junctions providing access to and from the Roads), gantries, traffic tunnels, traffic bridges including in the case of the M25 the Dartford Crossing and Queen Elizabeth II Bridge and other highway structures whether over, under or adjacent to the motorway/trunk road, together with all supporting infrastructure including all fences and barriers, road traffic signs, road traffic signals, road lighting, communications installations, technology systems, lay-bys, police observation points/park up points, and emergency refuge areas.
2. The Defendant is to be removed as a Named Defendant (as defined within the Injunction Order) to the Injunction Order.
3. There is to be no order for costs in respect of the Review Hearing as against the Defendant. For the avoidance of doubt, any previous order for costs arising out of any prior hearings



in these proceedings (including the hearing before the Court of Appeal on 16 February 2023), even if not made by the court as at the date of this undertaking, will remain enforceable.

4. Service of this Order may be effected, as an alternative, by email to the Defendant at an email address provided by the Defendant to the Claimant's solicitors and such service shall be deemed to be good and sufficient service on the Defendant.

### **UNDERTAKINGS TO THE COURT**

5. The Defendant undertakes to the Court promising as follows:

5.1. Not to engage in any of the following conduct:

- 5.1.1. Blocking or endangering, or preventing the free flow of traffic on the Roads for the purposes of protesting by any means including their presence on the Roads, or affixing themselves to the Roads or any object or person, abandoning any object, erecting any structure on the Roads or otherwise causing, assisting, facilitating or encouraging any of those matters.
- 5.1.2. Causing damage to the surface of or to any apparatus on or around the Roads including by painting, damaging by fire, or affixing any structure thereto.
- 5.1.3. Entering on foot those parts of the Roads which are not authorised for access on foot, other than in cases of emergency.

### **AND TO BE BOUND BY THESE PROMISES UNTIL 24 APRIL 2026**

#### **STATEMENT**

**I understand the undertakings I have given, and that if I break any of my promises to the Court I may be fined, my assets may be seized or I may be sent to prison for contempt of court.**

---

**ALEXANDER RODGER**

**DATE:**

**We consent to an order in these terms**

---

**DLA Piper UK LLP**  
**Solicitors for the Claimant**  
**DATE:**

Your reference

Our reference

RXS/LNH/366530/250  
UKM/124292989.1

**By First Class Post and Special Delivery**

29 March 2023

Dear Sir/Madam

**CLAIMANT: NATIONAL HIGHWAYS LIMITED**

**CLAIM NOS: QB-2021-003576, 002626 AND 003737, resulting in the final injunction order of Mr Justice Bennathan dated 9 March 2022, as amended by the Court of Appeal on 14 March 2023 (“the Bennathan Injunction Order”)**

**HEARING: 24 APRIL 2023 AT THE ROYAL COURTS OF JUSTICE, STRAND, LONDON WC2A 2LL**

As you are aware, we are instructed by National Highways Limited (“NHL”), the Claimant in the above claim, which resulted in the Bennathan Injunction Order. As we have previously advised you in our letter dated 9 February 2023, it is NHL’s intention to add you as a Named Defendant to the Bennathan Injunction Order.

The Bennathan Injunction Order is subject to the judgment of the Court of Appeal handed down on 23 February 2023. A copy of the Bennathan Injunction Order (as amended by the Court of Appeal on 14 March 2023) is enclosed with this letter and a further copy will be served on you in accordance with the service provisions contained therein.

As explained in our letter of 9 February 2023, the Court has listed a hearing, for 24 April 2023 at the Royal Courts of Justice, Strand, London WC2A 2LL with a time estimate of half a day (the “**Review Hearing**”), at which it will review whether it should vary the Bennathan Injunction Order. Details of the time and location of the hearing will be available on the Court’s website on the afternoon of 23 April 2023.

A further copy of the Bennathan Injunction Order can be found on the NHL website at: <https://nationalhighways.co.uk/media/pqlogh01/queen-s-bench-associate-s-blank-order-003.pdf>.

At the Review Hearing, NHL will be asking the court to extend the injunction for a further 12 months and the police Duty to Disclose by a further 14 months. NHL will also ask the Court to add you as a Named Defendant to these proceedings and if the court approves these extensions of the Bennathan Injunction Order, you will thereafter be named in these proceedings and in the Schedule to the Bennathan Injunction Order.

---

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DLA Piper UK LLP is a limited liability partnership registered in England and Wales (registered number OC307847) which is part of DLA Piper, a global law firm, operating through various separate and distinct legal entities.

A list of members is open for inspection at its registered office and principal place of business, 160 Aldersgate Street, London, EC1A 4HT and at the address at the top of this letter. Partner denotes member of a limited liability partnership.

A list of offices and regulatory information can be found at [dlapiper.com](http://dlapiper.com).

**UK switchboard**  
+44 (0) 20 7349 0296

NHL is prepared to consider not adding you as a Named Defendant to these proceedings. If NHL chooses not to add you as a Named Defendant, this would be on the strict basis that you provide an unretractable and unconditional signed undertaking to the court (in the form enclosed, without amendment) confirming that you will, amongst other things, not block, endanger or prevent the free flow of traffic on the Roads (as defined in the undertaking) for the purposes of protesting.

If you do not wish to be added as a Named Defendant please review the form of undertaking enclosed with this letter. We recommend that you consider seeking legal advice on the undertaking and the implications of signing it (and the contents of this letter generally) if you are unsure in any way.

If you wish to sign the undertaking, please send a signed copy to us by email at [NH-Injunctions@dlapiper.com](mailto:NH-Injunctions@dlapiper.com) by 6 April 2023. In that email you should confirm your full name, address and that you give permission for NHL to present the signed undertaking to the court at the Review Hearing for approval in your absence.

Assuming the court accepts the signed undertakings, NHL will not ask the Court to add you as a Named Defendant in the proceedings and accordingly you will not be exposed to any costs in connection with the Bennathan Injunction Order in this claim to date. For the avoidance of doubt, should you not sign the undertaking and NHL applies to add you as a Named Defendant to the proceedings at the Review Hearing, you may be exposed to a costs order for NHL's costs in relation to the Review Hearing.

You will note that the undertaking:

1. is specified to be for a period of 3 years, during which time you must adhere strictly to the promises you are giving in the undertaking;
2. explains that if you disobey the undertaking (or instruct others to do the acts which you have undertaken not to do), you may be held in contempt of court and may be imprisoned, fined or have your assets seized; and
3. once given your signed undertaking cannot be withdrawn or retracted – you will be strictly bound by it.

If you are unsure about the contents of this letter or its enclosures we recommend that you seek independent legal advice.

All correspondence should be directed to this firm at the above address or by email to: [NH-Injunctions@dlapiper.com](mailto:NH-Injunctions@dlapiper.com).

Yours faithfully



**DLA Piper UK LLP**

Enc.

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

**Claim No: QB-2021-003576, QB-2021-003626, QB-2021-003737**

**B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**

Claimant

-and-

**ABIGAIL PERCY RADCLIFF**

Defendant

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**FINAL ORDER AND UNDERTAKINGS**

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**PENAL NOTICE**

**IF YOU THE WITHIN NAMED DEFENDANT DISOBEY THE UNDERTAKINGS SET OUT IN THIS ORDER OR INSTRUCT OR ENCOURAGE (WHICH INCLUDES TRAINING, COACHING, TEACHING OR EDUCATING) OTHERS TO DO ACTS WHICH YOU HAVE UNDERTAKEN NOT TO DO, 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 DEFENDANT TO BREACH THE UNDERTAKINGS SET OUT IN THIS ORDER MAY ALSO BE HELD 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 the acts set out in this Order which you have undertaken not to do. You should read it very carefully.**

**UPON** the parties having agreed to an order in the terms set out below.

**AND UPON** the Claimant confirming that the undertakings given in this Order are not intended to prohibit the Defendant from lawful protest which does not block or endanger, or prevent the free flow of traffic on the Roads defined in paragraph 1 of this Order.

**AND UPON** the Defendant confirming that they have reviewed the Appendices to the Injunction Order and understands which Roads are subject of the undertakings given in this Order.

**AND UPON** the Defendant giving undertakings to the Court as set out below.

**IT IS ORDERED THAT:**

1. For the purposes of this Order:

1.1. “Injunction Order” shall mean the Order of Mr Justice Bennathan in these proceedings dated 9 May 2022 as amended by the Court of Appeal, a copy of which can be found on the Claimant’s website at: <https://nationalhighways.co.uk/about-us/high-court-injunctions-for-motorways-and-major-a-roads/>.

1.2. “Review Hearing” shall mean the hearing listed for 24 April 2023 at 10:30am to review the Injunction Order.

1.3. “Roads” shall mean all of the following:

1.3.1. The M25, meaning the London Orbital Motorway and shown in red on the plans at Appendix 1 to the Injunction Order.

1.3.2. The A2, A20, A2070, M2 and M20, meaning the roads shown in blue and green on the plans at Appendix 2 to the Injunction Order.

1.3.3. The A1(M) (Junction 1 to Junction 6), A1 (from A1M to Rowley Lane and from Fiveways Corner roundabout to Hilltop Gardens), M11 (Junction 4 to Junction 7), A12 (M25 Junction 28 to A12 Junction 12), A1023 (Brook Street) (from M25

Junction 28 roundabout to Brook Street Shell Petrol Station access), A13 (M25 Junction 30 to A1089), A13 (from junction with A1306 for Wennington to M25 Junction 30), A1089 (from junction with A13 to Port of Tilbury entrance), M26 (whole motorway from M25 to M20), A21 (M25 to B2042), A23 (M23 to Star Shaw), M23 (Junction 7 to Junction 10 (including M23 Gatwick Spur)), A23 (between North and South Terminal Roundabouts), A3 (A309 to B2039 Ripley Junction), M3 (Junction 1 to Junction 4), A316 (from M3 Junction 1 to Felthamhill Brook), A30 (M25 Junction 13 to Harrow Road, Stanwell, Feltham), A3113 (M25 Junction 14 to A3044), M4 (Junction 1 to Junction 7), M4 Spur (whole of spur from M4 Junction 4 to M4 Junction 4a), M40 (Junction 7 to A40 at Fray's River Bridge), M1 (Junction 1 to Junction 8), A405 (from M25 Junction 21A to M1 Junction 6), A1 (from Fiveways Corner roundabout to Hilltop Gardens), and A414 (M1 Junction 8 to A405), meaning the roads shown in red on the plan at Appendix 3 to the Injunction Order.

- 1.3.4. In the case of each of the Roads, the reference to the Roads shall include all carriageways, hard shoulders, central reservations, motorway (including the A1(M)) verges, slip roads, roundabouts (including those at junctions providing access to and from the Roads), gantries, traffic tunnels, traffic bridges including in the case of the M25 the Dartford Crossing and Queen Elizabeth II Bridge and other highway structures whether over, under or adjacent to the motorway/trunk road, together with all supporting infrastructure including all fences and barriers, road traffic signs, road traffic signals, road lighting, communications installations, technology systems, lay-bys, police observation points/park up points, and emergency refuge areas.
2. The Defendant will not be added as a Named Defendant (as defined within the Injunction Order) to the Injunction Order.
  3. There is to be no order for costs in respect of the Review Hearing as against the Defendant. For the avoidance of doubt, the Defendant has no previous liability for costs to the

Claimant in these proceedings, there being no orders for costs currently made against the Defendant in relation to these proceedings.

4. Service of this Order may be effected, as an alternative, by email to the Defendant at an email address provided by the Defendant to the Claimant's solicitors and such service shall be deemed to be good and sufficient service on the Defendant.

### **UNDERTAKINGS TO THE COURT**

5. The Defendant undertakes to the Court promising as follows:

5.1. Not to engage in any of the following conduct:

- 5.1.1. Blocking or endangering, or preventing the free flow of traffic on the Roads for the purposes of protesting by any means including their presence on the Roads, or affixing themselves to the Roads or any object or person, abandoning any object, erecting any structure on the Roads or otherwise causing, assisting, facilitating or encouraging any of those matters.
- 5.1.2. Causing damage to the surface of or to any apparatus on or around the Roads including by painting, damaging by fire, or affixing any structure thereto.
- 5.1.3. Entering on foot those parts of the Roads which are not authorised for access on foot, other than in cases of emergency.

### **AND TO BE BOUND BY THESE PROMISES UNTIL 24 APRIL 2026**

#### **STATEMENT**

**I understand the undertakings I have given, and that if I break any of my promises to the Court I may be fined, my assets may be seized or I may be sent to prison for contempt of court.**



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**ABIGAIL PERCY RADCLIFF**

**DATE:**

**We consent to an order in these terms**

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**DLA Piper UK LLP**  
**Solicitors for the Claimant**  
**DATE:**

**Your reference**

**Our reference**

RXS/LNH/366530/250  
UKM/124292989.1

**By Email**

3 April 2023

Dear Sir/Madam

**CLAIMANT: NATIONAL HIGHWAYS LIMITED**

**CLAIM NOS: QB-2021-003576, 002626 AND 003737, resulting in the final injunction order of Mr Justice Bennathan dated 9 March 2022, as amended by the Court of Appeal on appeal (“the Bennathan Injunction Order”)**

**HEARING: 24 APRIL 2023 AT THE ROYAL COURTS OF JUSTICE, STRAND, LONDON WC2A 2LL**

As you are aware, we are instructed by National Highways Limited (“NHL”), the Claimant in the above claim, which resulted in the Bennathan Injunction Order to which you are currently a Named Defendant.

We write further to our letter of 15 March 2023 in which we advised you that NHL is prepared to consider the removal of individuals as Named Defendants to these proceedings on the strict basis that individuals provide an unretractable and unconditional signed undertaking to the court (the form of which was enclosed with our letter) confirming that they will, amongst other things, not block, endanger or prevent the free flow of traffic on the Roads (as defined in the undertaking) for the purposes of protesting.

Since the issue of our letter of 15 March 2023, we have received emails from several defendants who have advised us that many of the defendants are taking legal advice and intend to respond in relation to the proposed undertaking by close of business on 6 April 2023. On that basis, we agree not to provide any updates in relation to defendants to the claim to the Court before 6 April 2023, but would encourage a response from any and each Named Defendant by close of business on 6 April 2023. We note that that is just before the Easter Bank Holiday. If your position is made clear by 6 April 2023, that will allow sufficient time for NHL to consider the position and to notify the Court of any developments and undertakings in advance of the hearing on 24 April 2023.

For the avoidance of doubt, in the event that you choose not to sign the proposed undertaking, NHL will not ask the Court to remove you as a Named Defendant to the Bennathan Injunction Order at the Review Hearing. If you remain a Named Defendant to the Bennathan Injunction Order you may be exposed to a costs order for NHL’s costs in relation to the Review Hearing, in addition to any costs orders made against you in this claim to date and any costs orders which the Court may be minded to make retrospectively at the review hearing in relation to our client’s successful appeal of our client’s Summary

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A list of members is open for inspection at its registered office and principal place of business, 160 Aldersgate Street, London, EC1A 4HT and at the address at the top of this letter. Partner denotes member of a limited liability partnership.

A list of offices and regulatory information can be found at [dlapiper.com](http://dlapiper.com).

**UK switchboard**  
+44 (0) 20 7349 0296

Judgment application, which might result in a variation to the costs order made by Mr Justice Bennathan on our client's Summary Judgment application.

If you wish to sign the undertaking, please send a signed copy to us by email at [NH-Injunctions@dlapiper.com](mailto:NH-Injunctions@dlapiper.com). In that email you should confirm your full name, address, Defendant No (which can be found in the Schedule to the Bennathan Injunction Order and on the form of draft undertaking enclosed with this letter) and that you give permission for NHL to present the signed undertaking to the Court at the Review Hearing for approval in your absence. Removal from the Bennathan Injunction Order as a Named Defendant is ultimately a decision for the Court in their discretion. This cannot be guaranteed.

Assuming the Court accepts signed undertakings, this will provide a basis for you to be removed as a Named Defendant in the proceedings and remove your exposure to future legal costs, beyond those for which you are already liable to date.

You will remain liable under any costs orders made against you up to the point in time when/if you are removed as a Named Defendant.

You will note that the undertaking:

1. is specified to be for a period of 3 years, during which time you must adhere strictly to the promises you are giving in the undertaking;
2. explains that if you disobey the undertaking (or instruct others to do the acts which you have undertaken not to do), you may be held in contempt of court and may be imprisoned, fined or have your assets seized; and
3. once given your signed undertaking cannot be withdrawn or retracted – you will be strictly bound by it.

If you are unsure about the contents of this letter or its enclosures we recommend that you seek independent legal advice.

All correspondence should be directed to this firm at the above address or by email to: [NH-Injunctions@dlapiper.com](mailto:NH-Injunctions@dlapiper.com).

Yours faithfully



**DLA Piper UK LLP**

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



**BEFORE: MR JUSTICE BENNATHAN**

**Claim No: QB-2021-003576, QB-2021-003626, QB-2021-003737**

**B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**

Claimant

-and-

**(1) PERSONS UNKNOWN CAUSING THE BLOCKING OF, ENDANGERING, OR PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25 MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20 MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING**

**(2) MR ALEXANDER RODGER AND 132 OTHERS**

Defendants

**ORDER ON CLAIMANT'S COSTS APPLICATION**

**Upon receiving a written application for costs from the Claimant subsequent to the judgment delivered on 11 May 2022**

**IT IS ORDERED**

- 1. The 24 Defendants against whom summary judgment was granted shall pay the Claimant's costs on the standard basis but not exceeding £4 360 for each Defendant, to be assessed if not agreed.**
- 2. Each of the 24 Defendants shall pay the Claimant £3 000 costs on account under CPR 42.2.8 by 4pm on Friday 20 January 2023.**
- 3. The "24 Defendants" in paragraphs 1 and 2 above, are those listed as "Contemnor Defendants" at paragraph 2 in the sealed order of 12 May 2022 in this claim.**
- 4. Costs in the cases of each of the 109 Defendants in respect of whom summary judgment was refused shall be in the case.**

5. The “109 Defendants” in paragraph 4, above, are those listed in Schedule 1 of the sealed order of 12 May 2022 numbers 2 to 134, except for the 24 Contemnor Defendants.

**Dated 16 January 2023**

### **Reasons**

1. In May this year I gave judgment in the Claimant’s application for summary judgment and for injunctions, reported at [2022] EWHC 1105 (QB). Later the same month the Claimant submitted their application for costs. I regret that this application has only been brought to my attention in the past two weeks due to my being on circuit and a change of clerks. The facts of the original application and my decisions upon it are set out in my May judgment and I will not repeat them here but refer back as necessary.
2. The application sets out the Claimant’s total costs as £727 573.84, but proposes a reduced total costs figure of £600 000 to allow for the fact that I dismissed the summary judgment applications in 109 cases [May judgment paragraphs 35-36] and to allow for the fact the injunctions I granted included “persons unknown”. While I appreciate the motives behind that reduction, I do not regard it as a proper solution to the issues of the dismissed applications for summary judgment for reasons I will develop.
3. The application is for the costs expended by the Claimant both in the proceedings before me and for 3 earlier interim injunctions, granted by Lavender, Cavanagh, Holgate and JJ on 21 September, 24 September, and 2 October [all in 2021]. The order made in respect of costs on all 3 occasions was “costs reserved”.
4. At the time of my previous judgment there had been 3 sets of committal proceedings for breach of one or other of the 3 interim injunctions [May judgment paragraph 17]. Those sanctioned for breaching injunctions faced adverse costs orders based, in each of the 3 cases, on a summary assessment. I have assumed that the costs applications in those committal applications had no element to reflect the cost of obtaining the

various injunctions, both from the terms of the orders the Court made and because the very reputable Solicitors acting for the Claimant would have made that clear in this costs application, were that the case.

5. I have not received any submissions from the 133 named Defendants but as they have consistently taken no part, and expressed no interest, in this litigation that is neither unexpected nor any basis for my to refuse an order: They are entitled to take no part but cannot then complain about their voices being unheard on this application.
6. In their costs application the Claimant makes careful submissions as to why the order they seek does not interfere with any Defendant's Convention rights. For the reasons I set out before [May judgment paragraph 47] I accept those submissions in the case of the 24 Defendants against whom I gave summary judgment.
7. The argument advanced in respect of the 109 Defendants against whom I refused summary judgment is set out in the Claimant's application in the following terms [within their paragraph 7]:

Although the Court refused to make final orders as against the 109 Defendants, the Court was nevertheless similarly satisfied that there was a real and imminent threat of trespass and nuisance in respect of those 109 Defendants and made the interim injunction order in the same terms and for the same duration as the final injunctions against the Contemnor Defendants. In practice, therefore, the Claimant was also successful in securing effective injunctive relief and the same prohibitions against the 109 Defendants. Each of the 109 Defendants against whom such injunctive relief was secured were effectively served, were aware that they were Named Defendants, had the opportunity to take part in the proceedings to oppose the claim for a continuation of injunctive relief against them and chose not to do so

8. There are two problems with that approach to the 109 group:

(1) There was no suggestion by the Claimant in their application for an injunction that my grant of such an injunction against the 109 had to be founded on a finding that each of the 109, individually, were likely to commit tortious acts against the Claimant were I not to do so. My approach was whether there was a real danger that “the Defendants”, meaning *some* of the Defendants, and others unknown would violate the Claimant’s legitimate interests. If it were the case that an injunction in a protest case could only be granted where a Claimant could identify the risk of specified individuals acting tortiously, then the process of obtaining an injunction would become hugely complex, take many days of court time, and be even more expensive than is currently the case. I have not called for the Claimant to supply the terms of all their applications for injunctions before and after the case I heard, but I doubt very much that such applications specified the details of each of the named defendants and the evidential basis for fearing they would each act unlawfully, or [with *Canada Goose*, as in May judgment paragraph 41(3), in mind] in a lawful manner so as to infringe the Claimant’s rights.

(2) In any event, whether or not my approach in assessing future risk of tortious conduct was correct, the normal rule is that the costs of interim relief follow the outcome of the underlying claim, and I see no good reason to depart from that course in this case.

9. For those reasons I do not order any adverse costs order in the cases of the 109, but reserve their position as costs in case.

10. I turn to the amount that I should award against the 24. The total amount that the Claimant has expended is set out above. The two aspects that I need to consider are whether some reduction should be made for the “persons unknown” aspect of the injunction applications, and whether I should accept that the costs were properly incurred without further scrutiny.

11. The “persons unknown” aspect has to be a matter of broad assessment. The Claimant suggested a deduction of about 17% to allow for both the refused dismissal applications and the persons unknown. I think that is insufficient and I will instead

reduce the overall costs figure to allow for the persons unknown by 20%. Rounding down in the manner suggested by the Claimant, that gives a figure for named Defendants of £580 000. That figure divided by the 133 named Defendants comes to a very-slightly rounded figure of £4 360 per defendant.

12. In my view the very large total costs figure needs assessment. I do not belittle the hard work and care taken in advancing these applications, nor the need for the Claimant to act to keep the public road network open, but I also note that in the Divisional Court order consequent to the judgment in *NHL v Buse and others* [2021] EWHC 3404 (QB), there is the observation that *“The Court is not satisfied that the costs claimed are proportionate and that each item of costs has been reasonably incurred”*. The total costs I have been asked to award are, of course, much greater than in any of the three committal applications that had occurred at the time of my original decision [May judgment, paragraph 4].

13. The need for assessment, however, need not deprive the Claimant of any order as such a process is bound to approve of a significant part of the costs claimed. I therefore make an order that each of the 24 defendants should pay costs on account in the sum of £3 000 within approximately 4 weeks of this order, with detailed assessment of the remaining £1 360 per head if [as is likely] there is no agreement and the Claimant seeks to pursue that remnant.



On behalf of: the Claimant  
By: L Higson  
No: 1  
Exhibit: LNH1

Date: 13 April 2023

**QB-2021-003576, 003626 and 003737**

**IN THE HIGH COURT OF JUSTICE**

**KING'S BENCH DIVISION**

BETWEEN:

**NATIONAL HIGHWAYS LIMITED**

Claimant

- and -

**(1) PERSONS UNKNOWN CAUSING  
THE BLOCKING OF, ENDANGERING,  
OR PREVENTING THE FREE FLOW OF  
TRAFFIC ON THE M25 MOTORWAY,  
A2 A20 AND A2070 TRUNK ROADS AND  
M2 AND M20 MOTORWAY, A1(M), A3,  
A12, A13, A21, A23, A30, A414 AND A3113  
TRUNK ROADS AND THE M1, M3, M4,  
M4 SPUR, M11, M26, M23 AND M40  
MOTORWAYS FOR THE PURPOSE OF  
PROTESTING**

**(2) MR ALEXANDER RODGER AND 132 OTHERS**

DLA Piper UK LLP  
1 St Paul's Place  
Sheffield  
S1 2JX  
United Kingdom  
Tel: +44 114 283 3084  
Fax: +44 114 283 3393

Ref: LNH/LNH/366530/250/UKM/125851590.1  
Solicitors for the Claimant

Defendants

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**WITNESS STATEMENT OF  
LAURA NATASHA HIGSON**

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DLA Piper UK LLP  
1 St Paul's Place  
Sheffield  
S1 2JX  
United Kingdom  
Tel: +44 114 283 3084  
Fax: +44 114 283 3393

Ref: LNH/LNH/366530/250/UKM/125851590.1  
Solicitors for the Claimant