

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



Between:

QB-2022-BHM-000044

- (1) HIGH SPEED TWO (HS2) LIMITED**  
**(2) THE SECRETARY OF STATE FOR TRANSPORT**

**Claimants/Applicants**

**-and-**

**(1) NOT USED**

**(2) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER THE HS2 LAND WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUBCONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES**

**(3) PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND IN CONNECTION WITH THE HS2 SCHEME WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT, WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUBCONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES WITHOUT THE CONSENT OF THE CLAIMANTS**

**(4) PERSONS UNKNOWN CUTTING, DAMAGING, MOVING, CLIMBING ON OR OVER, DIGGING BENEATH OR REMOVING ANY ITEMS AFFIXED TO ANY TEMPORARY OR PERMANENT FENCING OR GATES ON OR AT THE PERIMETER OF THE HS2 LAND, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HS2 LAND WITHOUT THE CONSENT OF THE CLAIMANTS**

**(5) MR ROSS MONAGHAN (AKA SQUIRREL / ASH TREE)**

**AND 62 OTHER NAMED DEFENDANTS AS SET OUT IN THE SCHEDULE TO THE PARTICULARS OF CLAIM**

**Defendants/Respondents**

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**ORDER**

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**BEFORE** the Honourable Mr Justice Ritchie, sitting in Birmingham Civil Justice Centre on 16 May 2023.

**FURTHER TO** the Orders made in these proceedings by Julian Knowles J on 20 September 2022 (the “**Injunction Order**”) and by HHJ Kelly on 16 March 2023 (the “**Directions Order**”)

**AND UPON** the Claimants’ application by Application Notice dated 27 March 2023 pursuant to the provisions at paragraphs 15 and 20 of the Injunction Order (“**March 2023 Application**”).

**AND UPON** the Claimants withdrawing their application to join Mr Christopher Butcher and Ms Caroline Thomson- Smith as a named Defendants.

**AND UPON** the Claimants and D6 agreeing to the amendments to the scope of the land affected by the Injunction Order and, on that basis, the Claimant not pursuing the application to add unlawful means conspiracy to the Injunction Order

**AND UPON HEARING** Counsel for the Claimants, Mr Richard Kimblin KC and Mr Michael Fry; Mr Stephen Simblet KC and Mr Owen Greenhall for D6, and Mr Mark Keir and Ms Caroline Thomson-Smith in person (“**Review Hearing**”).

**NOW IT IS ORDERED THAT:**

1. The Claimants have permission:
  - (a) To amend the description of the HS2 Land to refer the land illustrated in the March 2023 HS2 Land Plans and that land taken into temporary or permanent possession using its powers under Part 2 of Schedule 4 of the HS2 Acts (Interference with Highways) for Rail Act purposes.
  - (b) To amend the description of D2 to refer to the HS2 Land.
  - (c) To remove Named Defendants to the Claim, namely: D1, D11 - 13, 18, 19, 21, 23, 31, 34, 37, 38, 40 – 46, 49 - 53, 60 – 62, and 65.
  - (d) To amend the Amended Particulars of Claim dated 26 April 2022 to give effect to 2(a) – (c) above.
2. The application by D36 to adjourn the hearing is refused.
3. The application by D36 to call and cross-examine witnesses is refused.
4. There be no order as to costs.

**Ritchie J**

**Made 28 June 2023**

(in accordance with the agreed draft of the orders made at the hearing, which were delivered to the Court in the last week)

**SERVICE OF THE ORDER**

This Order has been distributed to DLA Piper UK LLP to serve upon all parties.