

1.	Claimants
2.	Shona Ruth Jenkins
3.	Fourth
4.	SRJ3
5.	Date: 17 August 2020

Claim No: PT-2018-000098

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST (ChD)**

B E T W E E N:

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

Claimants/Applicants

-and-

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-AMENDED CLAIM FORM

(2) PERSONS UNKNOWN SUBSTANTIALLY INTERFERING WITH THE PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT TO AND FROM THE LAND AT HARVIL ROAD SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-AMENDED CLAIM FORM

(3) to (35) THE NAMED DEFENDANTS LISTED IN THE SCHEDULE TO THE ORDER OF MR DAVID HOLLAND QC DATED 22 JUNE 2020

(36) 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 HARVIL ROAD SITE, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HARVIL ROAD SITE WITHOUT THE CONSENT OF THE CLAIMANTS

Defendants / Respondents

FOURTH WITNESS STATEMENT OF SHONA RUTH JENKINS

I, **SHONA RUTH JENKINS**, of Eversheds Sutherland (International) LLP, 1 Callaghan Square, Cardiff, CF10 5BT, WILL SAY as follows:-

1. I am a solicitor of the Senior Courts of England and Wales and a Senior Associate at Eversheds Sutherland (International) LLP with day to day conduct of this matter under the supervision of my partners. I am authorised to make this Fourth Witness Statement on behalf of the Claimants in this claim.

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2. I make this statement, in support of the Claimants' application dated 15 June 2020 ("the **Substantive Amendment Application**") in order to update the Court on the steps taken by the Claimants to:
- 2.1 serve the Order dated 22 June ("the **Current Injunction**"); and
- 2.2 provide copies of the Notice of Hearing and the Claimants' witness evidence in reply pursuant to paragraphs 20 and 22 of the Current Injunction.
3. The matters I set out in this statement are within my own knowledge, unless stated otherwise, in which case I set out the source of my belief. There is now shown to me a paginated clip of documents which I exhibit hereto as SRJ3. Page numbers without qualification refer to that exhibit. Where I refer to "the Schedule" in this statement, that is a reference to the 'overview' schedule exhibited at **pp. 1-4 of SRJ3**. The contents of this statement and the Schedule are true to the best of my knowledge and belief.

Overview of service pursuant to the Current Injunction

4. The steps that the Claimants are required to take in respect of service of documents relating to these proceedings was streamlined on the making of the Current Injunction. Whilst the Claimants have sought to extensively serve all defendants including both persons unknown and the Named Defendants with a copy of the Current Injunction as is evidence by the detail below and the witness statement and certificates of service of Raymond Finch dated 3 July 2020, in respect of any further documents, the Claimants are required only to provide copies of those documents by (i) uploading links to their websites (ii) sending copies to email address which have been provided by any of the Named Defendants for the purposes of these proceedings or by delivering copies to any addresses or locations which have been provided as a place for service.
5. As indicated above, the Schedule is a 'snapshot' illustrating what has taken place in respect of service / provision of documents since the Current Injunction was made. Where in the Schedule it states "N/A" next to a particular Named Defendant in any column, that means that this particular Named Defendant has not provided an email address to the Claimants for the purposes of these proceedings nor have they provided a physical address or location for service such that the Claimants are not required to provide copies of the further documents to them. Any such documents however are accessible on the websites referred to below or by contacting my firm for copies.

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Service of the Current Injunction

Service on First, Second and Thirty-Sixth Defendants

6. The detail of service of the June 2020 Order is set out in the witness statement of Raymond Finch dated 3 July 2020, together with certificates of service, all of which have been filed with the Court. In summary, however, on 1 July 2020 process servers instructed by my firm on behalf of the Claimants effected service of the following documents:

- (i) Letter from my firm dated 1 July 2020;
- (ii) sealed copy of the July 2020 Order attached to it an A3 colour copy of Plan A; and
- (iii) A3 laminated injunction warning notice

by leaving copies in sealed transparent envelopes in conspicuous locations around the perimeter of the Harvil Road Site, including at and opposite the Vehicular Entrances as well as various encampments in the vicinity (including the ‘roadside’ protester camp at Harvil Road) so that persons who might be coming on to the land (or considering doing so) can access them.

7. On the 30 June 2020, the Second Claimant updated its existing advertisement and published a notification of the making of the June 2020 Injunction in prominent location on the following website:

<https://www.gov.uk/government/organisations/high-speed-two-limited>

8. On 6 July 2020, the existing notification on website <https://hs2inhillingdon.commonplace.is/> was also updated to publish a notification of the making of the June 2020 Injunction and to provide a link to the sealed order.

9. For completeness, I confirm that the notification on both websites also explained that further evidence filed by the Claimants in these proceedings would be available via those websites and therefore anyone who was interested in these proceedings ought to monitor the websites. It was explained on the websites that anyone wanting a copy of the hearing bundle should contact my firm by 17 August 2020 in order that arrangements for access to this could be provided when the hearing bundle was prepared. I confirm that, to date, three individuals (one of whom is an interested party and the interest of the other two is unknown) have been in contact requesting a copy of the bundle and arrangements are being made for them to have access to our document hosting platform for that purpose.

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Service on Third to Thirty-Fifth Defendants

10. In respect of the Named Defendants, the ‘snapshot’ provided in the Schedule illustrates where service of the Current Injunction has taken place for each of the Named Defendants.
11. In summary:

11.1 On 30 June 2020:

- (i) D3, D4 and D31 were served under cover of a letter dated 30 June 2020 sent by first class and recorded delivery to their usual addresses. A copy of the Current Injunction was also sent to D3’s solicitors and barrister (Mr Mehta) by email on 30 June 2020 and to D4’s barrister (Mr Powlesland) on the same day.
- (ii) D18, D28 and D32 were served by sending a copy of the Current Injunction to their email addresses given for service in these proceedings.
- (iii) D11, D15, D16, D19 and D20 were served under cover of a letter dated 30 June 2020 sent by first class and recorded delivery to their last known addresses.

11.2 On 1 July 2020:

- (i) D8, D21, D22, D23, D26, D29, D35 were served with the Current Injunction with a covering letter addressed to each of those individuals at the locations they had previously given the Claimants for service as set out in the Schedule.
- (ii) D7, D9-D14, D17-D20, D24, D25, D27, D30 and D34 were served by leaving copies of the Current Injunction with a covering letter addressed to each of those individuals at the ‘roadside’ protest camp at Harvil Road. In the case of D7, D12 and D14, camps at Harvil Road have been given as an address for those individuals previously.
- (iii) D10, D14, D17, D25 and D27 were served by leaving copies of the Current Injunction with a covering letter addressed to each of those individuals at the Crackley Protest Camp. In the case of Ds25 and 27, this was a previous given address and in the case of D14, it has been previously confirmed by other occupants of the camp that she does reside there.

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Claimants' Reply Evidence

12. On **27 July 2020**, the Claimants' filed evidence in reply pursuant to paragraph 25 of the Current Injunction. This included a third witness statement of Mr Perin and a third witness statement of Mr Jordan together with exhibits ("the Reply Evidence").
13. In addition and pursuant to paragraph 25 of the Current Injunction:
- 13.1 On **27 July 2020** a link to the Claimants' Reply Evidence was created on the websites referred to at paragraphs 7 and 8 above and those documents uploaded.
 - 13.2 On **27 July 2020**, I sent emails to D3 (and Mr Mehta and D3's solicitors), D4, D9, D18, D28 and D32 attaching a copy of the Reply Evidence. I also indicated that videos are referred to in the third statement of Mr Jordan ("Jordan 3") and links had been provided to those videos. I made clear that if they had any difficulties in accessing the videos that they should let me know and I would arrange for them to have access to my firm's document hosting system. At the time of drafting this statement, only D3 - Ms Green has been in touch to ask for access to one of the video. Access was promptly provided by a trainee solicitor in my firm.
 - 13.3 On **27 July 2020**, the Reply Evidence was sent by first class and recorded delivery to the addresses provided by D3, D4 and D31. Again, it was explained that the exhibit to Jordan 3 contained links to video evidence and should there be any problems in accessing those that they should contact my firm.
 - 13.4 On **28 July 2020**, the Reply Evidence was hand delivered to each of each of the following Named Defendants: D8, D21, D22, D23, D26, D29, D35 by leaving copies at the locations they had given for service as set out in the Schedule, again with a covering letter explaining about the links to the video evidence.
14. The Claimants filed further evidence in support of their application on 14 August 2020 being a fourth witness statement of Rohan Perin together with an exhibit ("Perin 4"). A copy was provided to the defendants as follows:
- 14.1 On **14 August 2020** a link to Perin 4 was created on the websites referred to at paragraphs 7 and 8 above and those documents uploaded.
 - 14.2 On **13 August 2020**, emails were sent to D3 (and Mr Mehta and D3's solicitors), D4 (and D4's barrister, Mr Powlesland), D9, D18, D28 and D32 attaching a copy of Perin 4.

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14.3 On **14 August 2020**, Perin 4 was delivered by hand to the addresses provided by D3, D4 and D31. Perin 4 was also hand delivered to each of each of the following Named Defendants: D8, D21, D22, D23, D26, D29, D35 by leaving copies at the locations they had given for service as set out in the Schedule.

Notice of Hearing of the Substantive Amendment Application

15. Paragraph 22 of the Current Injunction required that:

22. The Court shall provide a notice of hearing to the Claimants' solicitors, which the Claimants are to publicise by:

22.1 sending a copy to any email addresses provided by the Named Defendants to the Claimants for the purposes of these proceedings; and

22.2 posting a copy on the websites at paragraph 13.4 above.

15.1 On **10 August 2020**, each of the websites referred to above were further updated to provide a link to the Notice of Hearing and also to explain that anyone who wanted further details of the hearing should contact the court as indicated in the Notice.

15.2 On **10 August 2020**, I sent emails to D3 (and Mr Mehta and D3's solicitors), D4, D9, D18, D28 and D32 attaching a copy of the Notice of Hearing.

15.3 Whilst not required to do so, on **14 August 2020**, a copy of the Notice of Hearing was also hand delivered to each of each of the following Named Defendants: D8, D21, D22, D23, D26, D29, D35 at the same time a copy of Perin 4 was provided as set out at paragraph 14.3

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



Signed:

SHONA RUTH JENKINS

Dated: 17 August 2020