

On behalf of: Applicants/Claimants
By: Andy Jones
No: 1
Exhibit: AJ1
Date: 12 January 2020

PT-2020-BHM-000017

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
PROPERTY TRUSTS AND PROBATE LIST
BIRMINGHAM DISTRICT REGISTRY**

BETWEEN:

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

Applicants/Claimants

- and -

**(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE
CONSENT OF THE CLAIMANTS ON LAND AT SOUTH CUBBINGTON WOOD,
SOUTH OF RUGBY ROAD, CUBBINGTON, LEAMINGTON SPA SHOWN
COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON PLAN A
ANNEXED TO THE PARTICULARS OF CLAIM**

**(2) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE
CONSENT OF THE CLAIMANTS ON LAND AT CRACKLEY WOOD, BIRCHES
WOOD AND BROADWELLS WOOD, KENILWORTH, WARWICKSHIRE
SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON
PLAN B ANNEXED TO THE PARTICULARS OF CLAIM**

(5) ELLIOTT CUCIUREAN

Respondents/Defendants

**WITNESS STATEMENT OF
ANDY JONES**

I, ANDY JONES, Security Operations Manager at LM-JV, Cornerblock, Two Cornwall Street, Birmingham B3 2DX, **STATE AS FOLLOWS:**

1. That being directed to effect service of all of the documents now produced and shown to me at pp of 1-20 of 'AJ1' upon the First and Second Defendants, I did

on Friday 18 December 2020 and Saturday 19 December 2020 attend at the sites subject to this matter and known as: (i) Land at South Cubbington Wood, South of Rugby Road, Cubbington, Leamington Spa (the “**Cubbington Land**”; and (ii) Land at Crackley Wood, Birches Wood and Broadwells Wood, Kenilworth, Warwickshire (the “**Crackley Land**”).

2. That I did serve the following documents:
 - 2.1 Court Order dated 17 December 2020 (with plans marked A, B and C attached); and
 - 2.2 Sealed Application Notice.
3. That service of the abovementioned documents was effected by leaving the same in the clear transparent envelopes that had been affixed in prominent and conspicuous positions around the boundary of the Cubbington Land and Crackley Land on 15 and 16 December 2020 by a process server instructed by the Claimants’ solicitors. I have been shown copies of the plans attached to the process server’s certificates of service and can confirm that the documents so served by me are in the same locations as shown on those plans.
4. The documents mentioned at paragraph 2 above were accompanied by a laminated A3 size Injunction Warning Notice for either the Cubbington Land or Crackley Land, which was affixed separately but adjacent to the documents.
5. All of the documents and Injunction Warning Notices were affixed so as to come to the attention of any persons attending at the Cubbington Land or Crackley Land.
6. On 19 December 2020, due to adverse weather and hazardous ground conditions, I was unable to place copies of the documents around the entire perimeter of the Cubbington Land. I therefore instructed a mobile unit of security officers, employed by LM-JV, to complete this task on 21 December 2020. The officers confirmed to me on 21 December 2020 that they had completed the task, for the remainder of the boundary of the Cubbington Land, in the same manner that I describe above at paragraphs 3 - 5.
7. There is now produced to me photos showing the documents and Injunction Warning Notices as affixed around the Cubbington Land and Crackley Land on 18, 19 and 21 December 2020. In this regard:

- 7.1 The photos at pages 28 – 48 show the documents and Injunction Warning Notices at the Crackley Land.
- 7.2 The photos at pages 21- 27 and 49 - 70 show the documents and Injunction Warning Notices at the Cubbington Land.
8. It was my intention, when taking the photos, to record the location of the documents and Injunction Warning Notices using the What3Words geocode system. However, in respect of the photos at the Cubbington Land, the What3Words app used to record the location appears not to have refreshed for each location, which has resulted in duplication of the location on each photo. However, as I hope is obvious from the background of each photo, I confirm that the documents were placed in different locations around the boundary of the Cubbington Land.
9. That on 19 December 2020 I placed copies of the documents and Injunction Warning Notices on the ground next to the protest camp known as “Camp 2” that is based on land immediately adjacent to the Crackley Land. At this time I was on my own and did not feel that I could safely enter the protest camp to hand documents directly to the protestors who were based there. However, I left the documents and Injunction Warning Notices as close to the protest camp as I was able and in such a location that they would come to the attention of any residents of the protest camp.
10. That I have been instructed by Mr Jim McAvan, in-house counsel for the Second Claimant, to ensure that the documents mentioned at paragraph 2 and 4 above are checked on a regular basis, and at least every 28 days in accordance with paragraph 9 of the Case Management Order.
11. The matters I set out in this statement are within my own knowledge, unless stated otherwise.

Statement of Truth

12. 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 12 January 2021

.....

ERROR! REFERENCE SOURCE NOT FOUND.

On behalf of: Applicants/Claimants
By: Andy Jones
No: 1
Exhibit: AJ1
Date: 12 January 2020

PT-2020-BHM-000017

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
PROPERTY TRUSTS AND PROBATE LIST
BIRMINGHAM DISTRICT REGISTRY**

BETWEEN:

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

Applicants/Claimants

- and -

**(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE
CONSENT OF THE CLAIMANTS ON LAND AT SOUTH CUBBINGTON WOOD,
SOUTH OF RUGBY ROAD, CUBBINGTON, LEAMINGTON SPA SHOWN
COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON PLAN A
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WOOD AND BROADWELLS WOOD, KENILWORTH, WARWICKSHIRE
SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON
PLAN B ANNEXED TO THE PARTICULARS OF CLAIM**

(5) ELLIOTT CUCIUREAN

Respondents/Defendants

**EXHIBIT OF
ANDY JONES**

This is the exhibit marked AJ1 referred to in the second witness statement of ANDY JONES dated this 12th day of January 2021.

Signed

On behalf of: Applicants/Claimants
By: Andy Jones
No: 1
Exhibit: AJ1
Date: 12 January 2020

PT-2020-BHM-000017

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND
AND WALES
PROPERTY TRUSTS AND PROBATE LIST
BIRMINGHAM DISTRICT REGISTRY**

BETWEEN:

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Applicants/Claimants

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**(1) PERSONS UNKNOWN ENTERING OR
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WOOD, SOUTH OF RUGBY ROAD, CUBBINGTON,
LEAMINGTON SPA SHOWN COLOURED GREEN,
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CLAIMANTS ON LAND AT CRACKLEY WOOD,
BIRCHES WOOD AND BROADWELLS WOOD,
KENILWORTH, WARWICKSHIRE SHOWN
COLOURED GREEN, BLUE AND PINK AND EDGED
IN RED ON PLAN B ANNEXED TO THE
PARTICULARS OF CLAIM**

(5) ELLIOTT CUCIUREAN

Respondents/Defendants

**WITNESS STATEMENT OF
ANDY JONES**

DLA Piper UK LLP
1 St Paul's Place
Sheffield S1 2JX
United Kingdom
Tel: +44 114 283 3114
Fax: 0114 276 5246

Ref: RXS/RXS/380900/346/UKM/107530043.1
Solicitors for the Applicant

Birch, Rebekah

From: Jones, Andy <ajones@lm-jv.com>
Sent: 12 January 2021 11:57
To: Shaw, Robert
Subject: Fwd: Witness Statement [DLAP-UKMATTERS.FID5480216]
Attachments: Witness Statement - Andy Jones (11_01_2021)(107530043.1).docx; A Jones Witness Statement Exhibits(107533669.1).pdf

****EXTERNAL****

Dear Rob

Thank you for your email.

I confirm that I have read the witness statement and reviewed the exhibits.

The witness statement accurately describes the steps I took to serve the various documents and there are no amendments that I wish to make to the witness statement.

Due to the nature of my role I am on site and dealing with ongoing protestor activity. I am not therefore in a position to sign the witness statement today as I will not have access to a printer and scanner.

I would be happy to sign the witness statement at a later date and I am happy for you to provide a copy of this email to the court.

Kind regards
Andrew Jones

Andy Jones
LMJV Security Operations Manager
MHFA
M: 07498508789

From: Shaw, Robert <Rob.Shaw@dlapiper.com>
Sent: Tuesday, January 12, 2021 11:31:18 AM
To: Jones, Andy <ajones@lm-jv.com>
Subject: Witness Statement [DLAP-UKMATTERS.FID5480216]

Dear Mr. Jones

Please find attached as requested the final copy of your witness statement and the exhibits thereto.

Yours sincerely

Rob Shaw
Legal Director

T: +441142833312
F: +44 (0) 114 270 0568 or +44 (0) 114 273 8948
M: +447738296114
rob.shaw@dlapiper.com

DLA Piper UK LLP



[Click here to visit our Coronavirus Resource Center.](#)

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**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST
BIRMINGHAM DISTRICT REGISTRY**

Claim No: PT-2020-BHM-000017



PT-2020-BHM-000017

**Before: Mr Justice Marcus Smith
On: 17 December 2020**

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 SOUTH CUBBINGTON WOOD, SOUTH OF RUGBY ROAD, CUBBINGTON, LEAMINGTON SPA SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON PLAN A ANNEXED TO THE PARTICULARS OF CLAIM

(2) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AT CRACKLEY WOOD, BIRCHES WOOD AND BROADWELLS WOOD, KENILWORTH, WARWICKSHIRE SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON PLAN B ANNEXED TO THE PARTICULARS OF CLAIM

(5) ELLIOTT CUCIUREAN

Defendants / Respondents

ORDER

**EXTENDING THE DURATION OF THE INJUNCTION MADE BY ANDREWS J.
ON 17 MARCH 2020**

PENAL NOTICE

**IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS
ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE
IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED**

IMPORTANT NOTICE TO THE DEFENDANTS

**This Order prohibits you from doing the acts set out in this Order. You
should read it very carefully. You are advised to consult a solicitor as**

soon as possible. You have the right to ask the Court to vary or discharge this Order.

FURTHER TO the Order made in these proceedings by Andrews J. on 17 March 2020 (“the **March 2020 Order**”).

AND UPON the Claimants’ application by Application Notice dated 10 December 2020, pursuant to the liberty to apply provisions at paragraph 17 of the March 2020 Order, to extend the duration of the injunction contained at paragraphs 4 to 6 of the March 2020 Order (“the **Extension Application**”).

AND UPON reading the Application Notice dated 10 December 2020 and the witness statement of Robert Shaw dated 10 December 2020.

AND UPON the Claimants indicating that they are content to provide to any named Defendants or persons unknown copies of further evidence or other documents filed in these proceedings from time-to-time at an email address provided to the Claimants, and place all such documents online to be publicly accessible.

AND UPON the Court accepting the Claimants’ renewed undertaking that the Claimants 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.

IT IS ORDERED THAT:

Continuation of March 2020 Order

1. The long-stop date of 17 December 2020 at paragraph 6.1 of the March 2020 Order be deleted, and the injunctions at paragraphs 4 to 6 of the March 2020 Order shall continue until 31 January 2021 or further order.
2. The injunctions at paragraphs 4 to 6 of the March 2020 Order (as amended by paragraph 1 above) shall, further, apply to the Fifth Defendant as well as the First and Second Defendants. Accordingly, the injunction which continues as against the First, Second and Fifth Defendants is – for the avoidance of doubt - henceforth as set out in paragraphs 3 to 5 of this order.

Injunction in force

3. With immediate effect, and save for the matters set out in paragraph 4 of this Order:
 - 3.1 The First Defendant and Fifth Defendant and each of them are forbidden from entering or remaining upon the Cubbington Land, being the land shaded green, blue and pink and outlined red on Plan A (“the **Cubbington Land**”); and
 - 3.2 The Second Defendant and Fifth Defendant and each of them are forbidden from entering or remaining upon the Crackley Land, being the land shaded green, blue and pink and outlined red on Plan B (“the **Crackley Land**”).
4. Nothing in paragraph 3 of this Order:
 - 4.1 Shall prevent any person from exercising their rights over any open public right of way over the Land (being, for the avoidance of doubt, the Cubbington Land and the Crackley Land together). Those public rights of way shall, for the purposes of this Order, include the “unofficial footpath” between two points of the public footpath “PROW 130” in the location indicated on Plan C annexed to the Particulars of Claim and reproduced as an annexe to this Order;
 - 4.2 Shall affect any private rights of access over the Land held by any neighbouring landowner.
5. The order at paragraph 3 above shall remain in effect until trial or further order or, if earlier, a long-stop date of 31 January 2021.

Service

6. Pursuant to CPR r. 6.27 and r. 81.4(c) and (d) service of this Order on the First and Second Defendants shall be dealt with as follows:
 - 6.1 The Claimants shall affix sealed copies of this Order and the Extension Application in transparent envelopes to posts, gates, fences and hedges at conspicuous locations around the Cubbington Land and Crackley Land.

6.2 The Claimants shall position signs, no smaller than A3 in size, advertising the existence of this Order and providing the Claimant's solicitors contact details in case of requests for a copy of the Order or further information in relation to it.

6.3 The Claimants shall email a copy of this Order to the following email addresses:

- (i) helpstophs2@gmail.com
- (ii) crackleyresidents@hotmail.co.uk
- (iii) peter.delow@ntlworld.com
- (iv) wendyhoulston@hotmail.com¹

6.4 The Claimants shall further advertise the existence of this Order in a prominent location on the websites:

- (i) <https://hs2inwarwicks.commonplace.is/>; and
- (ii) <https://www.gov.uk/government/organisations/high-speed-two-limited>,

together with a link to download an electronic copy of this Order.

6.5 The Claimants shall also leave sealed copies of this Order at the protestor campsite marked "Camp 2" on the Plans attached to the witness statement of Robert Shaw.

7. Pursuant to CPR r. 6.27 and r. 81.4(c) and (d) service of this Order and the Extension Application on the Fifth Defendant shall be dealt with by sending a copy of this Order to the Fifth Defendant's solicitors, Robert Lizar Solicitors and counsel, by email to: nhall@robertlizar.com, lfrazer@robertlizar.com and a.wagner@doughtystreet.co.uk.

¹ These additional email addresses are taken from the Local Action Groups list on the Contacts page of <http://www.stophs2.org/contacts> and are in addition to the email address "helpstophs2@gmail.com" which was prescribed by the March 2020 Order for service.

8. The taking of such steps set out at paragraphs 6 and 7 shall be good and sufficient service of this Order on the First, Second and Fifth Defendants and each of them. This Order shall be deemed served on those Defendants on the date that the last of the above steps is taken, and shall be verified by a certificate of service.
9. The Claimants shall from-time-to-time (and no less frequently than every 28 days) confirm that copies of the orders and signs referred to at paragraphs 6.1 and 6.2 remain in place and legible, and, if not, shall replace them as soon as reasonably practicable.
10. The Court will provide sealed copies of this Order to the Claimants' solicitors for service (whose details are set out below).

The Extension Application

11. The hearing of the Extension Application be listed to be heard remotely at 10:30 am on Thursday 14 January 2021, with a time estimate of one day (to including reading and judgment).
Note: This date has been selected without reference to the convenience of the parties, but is a date on which the court can hear the Extension Application. The matter is reserved to Mr Justice Marcus Smith, and the Judge will entertain applications by letter to vary this date.
12. The Court shall provide a notice of hearing to the Claimants' solicitors, which the Claimants are to publicise the date of the hearing by posting a copy on the websites at paragraph 6.4 above.
13. Any individual who wishes to contest the Extension Application or otherwise who wishes to become a party to these proceedings so as to be able to make representations to the Court on the Claimants' claim shall by 4pm on Thursday 7 January 2021:
 - 13.1 file and serve a witness statement on the Claimant's solicitors outlining their interest in this matter and the nature of grounds for that contest or arguments they may wish to raise; and
 - 13.2 provide a postal address for service or email address at which they are prepared to accept electronic service of documents.

14. The Claimants shall file any evidence in response by 4pm on Tuesday 12 January 2021, and post links to electronic copies of that evidence online at the websites listed at paragraph 6.4 above.

Further directions

15. 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 Claimants' solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).
16. 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.
17. The Claimants have liberty to apply to extend or vary this Order or for further directions.
18. Save as provided for above, the Claim be stayed generally with liberty to restore.
19. Costs reserved. If the Claimant intends to seek a costs order against any person in respect of any future applications in these proceedings or any future hearing, then they shall seek to give reasonable advance notice of that fact to that person.

Communications with the Court

20. All communications to the Court about this Order (which should quote the case number) should be sent to:

Court Manager
Birmingham Civil and Family Justice Centre
High Court of Justice
Chancery Division
Priory Courts
33 Bull Street
Birmingham
B4 6DS

The telephone number is 0121 681 4441. The offices are open weekdays 10.00am to 4.00pm.

21. The Claimants' solicitors and their contact details are:

DLA Piper UK LLP of:

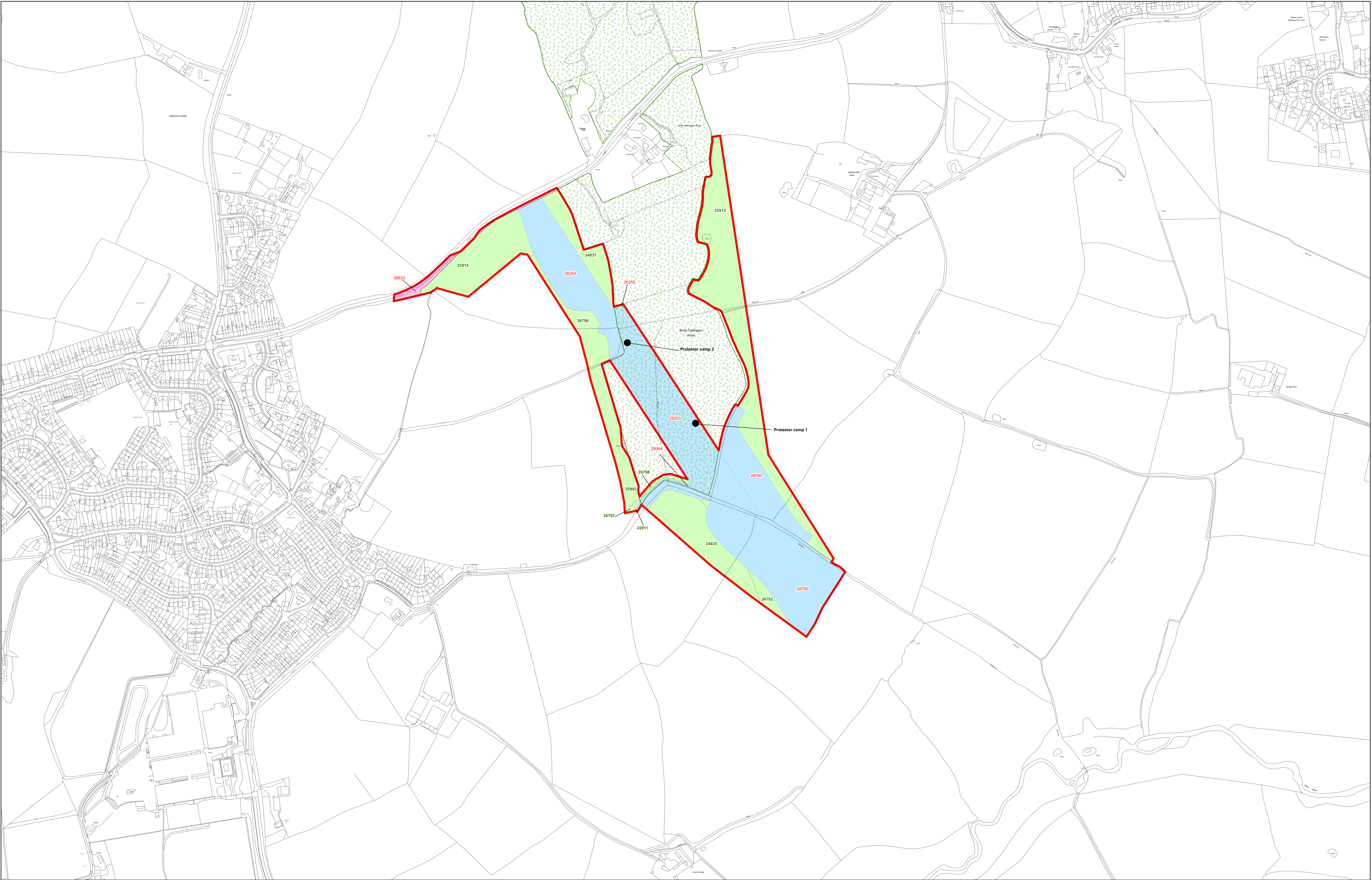
1 St Paul's Place
Sheffield S1 2JX
United Kingdom

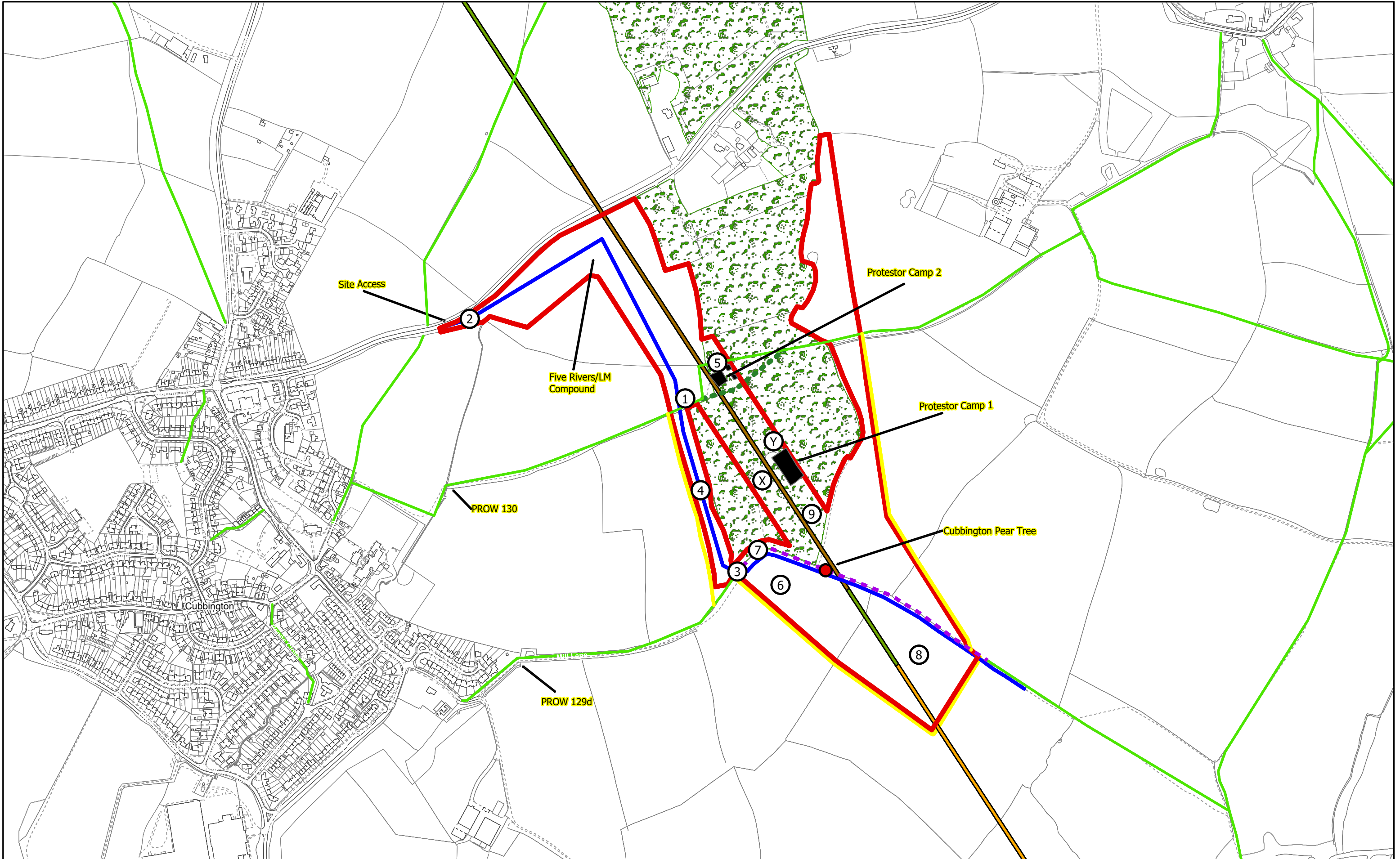
Tel: +44 114 283 3312

Email: rob.shaw@dlapiper.com and aryaan.bassi@dlapiper.com

Ref: RXS/380900/346

Dated: 17 December 2020





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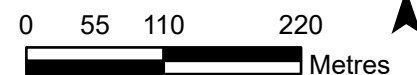
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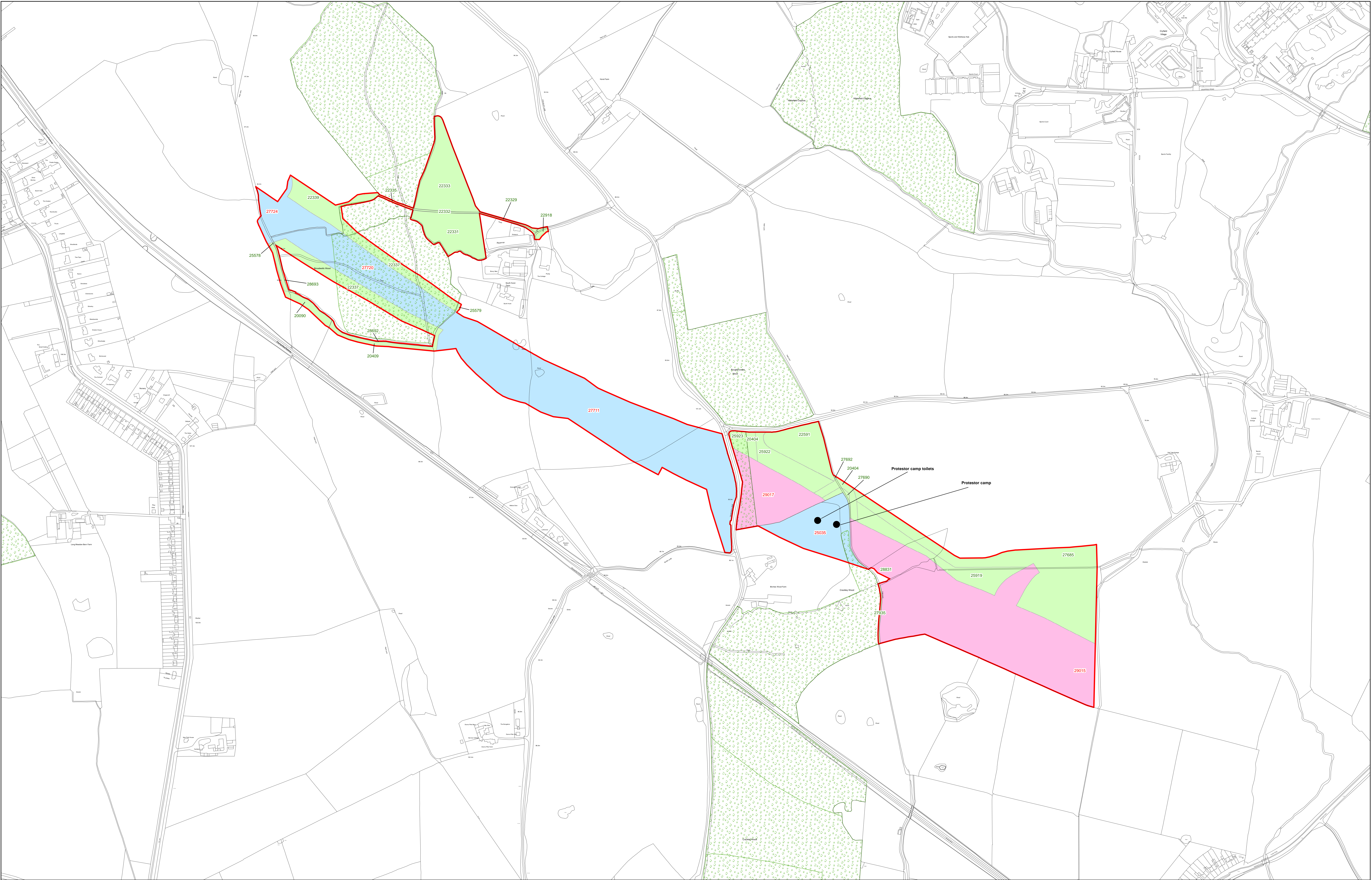
- | | | | |
|----------------------------|--------------------------------|-------------------------|------------------|
| ○ Incidents | ■ Ancient Woodland | ● Unofficial Footpath | ■ Embankment |
| ● Cubbington Pear Tree | ■ Closed Public Right of Way | ■ Haul Road | ■ Retaining Wall |
| ■ Land Required | ■ Existing Public Right of Way | ■ HS2 Trace Design Type | ■ Viaduct |
| ■ Protestor Camp Locations | ■ Diverted Public Right of Way | ■ Cutting | |

Plan C



LM-JV, 6th Floor,
The Cornerblock,
2 Cornwall Street,
Birmingham, B3 2DX





Application notice

For help in completing this form please read the notes for guidance form N244 Notes.

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form:

<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

Name of court High Court of Justice Business and Property Courts Property, Trusts and Probate List (ChD)		Claim no. PT-2020-BHM-000017	
Fee account no. (if applicable)		Help with Fees – Ref. no. (if applicable) PT-2020-BHM-000017	
PBA:0087960		Sub Event ID: 88	
Warrant no. (if applicable)		H W F - - - -	
Claimant's name (including ref.) (1) The Secretary of State for Transport (2) High Speed Two (HS2) Limited			
Defendant's name (including ref.) (1) – (2) Persons Unknown (5) – Elliott Cucuirean			
Date		10 December 2020	



1. What is your name or, if you are a legal representative, the name of your firm?

DLA Piper UK LLP

2. Are you a ☐ Claimant ☐ Defendant ☒ Legal Representative
- ☐ Other (please specify) _____

If you are a legal representative whom do you represent?

Claimants / Applicants

3. What order are you asking the court to make and why?

The Claimants seek:

1. The extension of the existing Injunction dated 17 March 2020 and sealed on 23 March 2020 (the “Order”) to extend the date at paragraph 6.1 of the Order to 17 April 2021;
2. Directions for service of this order; and
3. Further case management directions as appropriate.

The terms of the order sought are as per the draft order filed herewith. The reasons for seeking the order are set out in the witness statement of Robert Shaw filed in support of the application.

4. Have you attached a draft of the order you are applying for? ☒ Yes ☐ No
5. How do you want to have this application dealt with? ☒ at a hearing ☐ without a hearing
- ☐ at a telephone hearing
6. How long do you think the hearing will last? Hours Minutes
- Is this time estimate agreed by all parties? ☐ Yes ☒ No

7. Give details of any fixed trial date or period

8. What level of Judge does your hearing need?

High Court Judge

9. Who should be served with this application?

Claimants to serve

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

N/A

10. What information will you be relying on, in support of your application?

- ☒ the attached witness statement
- ☐ the statement of case
- ☐ the evidence set out in the box below

If necessary, please continue on a separate sheet.

Statement of Truth

The applicant believes that the facts stated in this section (and any continuation sheets) are true. The applicant understands that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed  Dated 10/12/2020
Applicant's legal representative

Full name: Robert Shaw

Name of applicant's legal representative's firm: DLA Piper UK LLP

Position or office held: Solicitor
(if signing on behalf of firm or company)

11. Signature and address details

Signed  Dated 10/12/2020
Applicant's legal representative

Position or office held: Solicitor
(if signing on behalf of firm or company)

Applicant's address to which documents about this application should be sent

DLA Piper UK LLP
1 St. Paul's Place
Sheffield

Postcode

S 1 2 J X

If applicable	
Phone no.	0114 283 3312
Fax no.	0114 270 0568
DX no.	708580 Sheffield 10
Ref no.	RXS/380900/346

E-mail address rob.shaw@dlapiper.com and laura.higson@dlapiper.com

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST
BIRMINGHAM DISTRICT REGISTRY**

Before:

On: [...] December 2020

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 SOUTH CUBBINGTON WOOD, SOUTH OF RUGBY ROAD, CUBBINGTON, LEAMINGTON SPA SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON PLAN A ANNEXED TO THE PARTICULARS OF CLAIM

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(5) ELLIOTT CUCIUREAN

Defendants / Respondents

ORDER

**EXTENDING THE DURATION OF THE INJUNCTION MADE BY ANDREWS J. ON 17
MARCH 2020**

PENAL NOTICE

**IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS ORDER
YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED,
FINED OR HAVE YOUR ASSETS SEIZED**

IMPORTANT NOTICE TO THE DEFENDANTS

This Order prohibits you from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the Court to vary or discharge this Order.

FURTHER TO the Order made in these proceedings by Andrews J. on 17 March 2020 (“the **March 2020 Order**”).

AND UPON the Claimants’ application by Application Notice dated 10 December 2020, pursuant to the liberty to apply provisions at paragraph 17 of the March 2020 Order, to extend the duration of the injunction contained at paragraphs 4 to 6 of the March 2020 Order (“the **Extension Application**”)

AND UPON hearing: (i) Michael Fry and Jonathan Welch, counsel for the Claimants; (ii) **[INSERT]** for the First Defendant; (iii) **[INSERT]** for the Second Defendant; and (iv) **[INSERT AS NECESSARY]**.

AND UPON the Claimants indicating that they are content to provide to any named Defendants or persons unknown copies of further evidence or other documents filed in these proceedings from time-to-time at an email address provided to the Claimants, and place all such documents online to be publicly accessible.

AND UPON the Claimants indicating that they intend in due course to bring a further application to amend their claim and vary and extend the form of the March 2020 Order so that it: (i) extends for a longer period; (ii) is directed against particular named defendants; and possibly: (iii) covers additional land; and (iv) prevents interference with access to the land to which the injunction applies via public rights of way/highways (“the **Substantive Amendment Application**”).

AND UPON the Court accepting the Claimants’ renewed undertaking that the Claimants 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.

IT IS ORDERED THAT:

Continuation of March 2020 Order

1. The long-stop date of 17 December 2020 at paragraph 6.1 of the March 2020 Order be deleted, and the injunctions at paragraphs 4 to 6 of the March 2020 Order shall continue until 17 April 2021 or further order. At the hearing of the Return Date of the Substantive Amendment Application (as provided for by paragraph 12 below) the further continuation of such injunctive relief beyond the date of that hearing is to be revisited.
2. The injunction at paragraphs 4 to 6 of the March 2020 Order (as amended by paragraph 1 above) shall, further, apply to the Fifth Defendants as well as the First and Second Defendants.

Accordingly, the injunction which continues as against the First and Second and Fifth Defendants is – for the avoidance of doubt - henceforth as set out in paragraphs 3 to 5 of this order.

Injunction in force

3. With immediate effect, and save for the matters set out in paragraph 4 of this Order:
 - 3.1 The First Defendant and each of them are forbidden from entering or remaining upon the Cubbington Land, being the land shaded green, blue and pink and outlined red on Plan A (“the **Cubbington Site**”); and
 - 3.2 The Second Defendant and each of them are forbidden from entering or remaining upon the Crackley Land, being the land shaded green, blue and pink and outlined red on Plan B (“the **Crackley Site**”).
4. Nothing in paragraph 3 of this Order:
 - 4.1 Shall prevent any person from exercising their rights over any open public right of way over the land. Those public rights of way shall, for the purposes of this Order, include the “unofficial footpath” between two points of the public footpath “PROW 130” in the location indicated on Plan C annexed to the Particulars of Claim and reproduced as an annexe to this Order;
 - 4.2 Shall affect any private rights of access over the Land held by any neighbouring landowner.
5. The order at paragraph 3 above shall remain in effect until trial or further order or, if earlier, a long-stop date of 17 April 2021.

Service

6. Pursuant to CPR r.6.27, the steps taken by the Claimants to serve this Extension Application on the First, Second and Fifth Defendants (as set out in the **Second Witness Statement** of Mr Robert Shaw dated **[INSERT]** December 2020, and the Certificate of Service dated **[INSERT]** December 2020 and witness statement of **[Process server]** in Support) shall amount to good and proper service of the Extension Application on those defendants. The deemed date of service is **[INSERT]** December 2020.
7. Pursuant to CPR r. 6.27 and r. 81.8 service of this Order on the First and Second Defendants shall be dealt with as follows:

- 7.1 The Claimants shall affix sealed copies of this Order in transparent envelopes to posts, gates, fences and hedges at conspicuous locations around the Cubbington Land and Crackley Land.
- 7.2 The Claimants shall position signs, no smaller than A3 in size, advertising the existence of this order and providing the Claimant's solicitors contact details in case of requests for a copy of the order or further information in relation to it.
- 7.3 The Claimants shall email a copy of the Order to the following email addresses:
- (i) crackleyresidents@hotmail.co.uk
 - (ii) peter.delow@ntlworld.com
 - (iii) wendyhoulston@hotmail.com¹
- 7.4 The Claimants shall further advertise the existence of this order in a prominent location on the websites:
- (i) <https://hs2inwarwicks.commonplace.is/>; and
 - (ii) <https://www.gov.uk/government/organisations/high-speed-two-limited>,
- together with a link to download an electronic copy of this Order.
- 7.5 The Claimants shall also leave sealed copies of this Order at the protestor campsite marked "Camp 2" on the Plans.
8. The taking of such steps set out at paragraph 7 shall be good and sufficient service of this Order on the First and Second Defendants and each of them. This Order shall be deemed served on those Defendants the date that the last of the above steps is taken, and shall be verified by a certificate of service.
9. The Claimants shall from-time-to-time (and no less frequently than every 28 days) confirm that copies of the orders and signs referred to at paragraphs 7.1 and 7.2 remain in place and legible, and, if not, shall replace them as soon as reasonably practicable.

¹ These email addresses are taken from the Local Action Groups list on the Contacts page of stophs2.org/contacts

10. The Court will provide sealed copies of this Order to the Claimants' solicitors for service (whose details are set out below).

The Substantive Amendment Application / Return Date Hearing

11. The Claimants shall make their Substantive Amendment Application by 4pm on [1] February 2021. [If that date is before the Court of Appeal hands down judgment in the Fifth Defendant's appeal (Appeal No. A3/2020/1909I) the Claimants shall have liberty to apply to amend the Substantive Amendment Application as necessary.]
12. A hearing of the Substantive Amendment Application ("the **Return Date**") is to be listed within the window from 15 March 2021 to 13 April 2021, with a time estimate of three days.
13. The Court shall provide a notice of hearing to the Claimants' solicitors, which the Claimants are to publicise by posting a copy on the websites at paragraph 7.4 above.
14. Any individual who wishes to contest the Substantive Amendment Application or otherwise who wishes to become a party to these proceedings so as to be able to make representations to the Court on the Claimants' claim shall by 4pm on [22] February 2021:
 - 14.1 file and serve a witness statement on the Claimant's solicitors outlining their interest in this matter and the nature of grounds for that contest or arguments they may wish to raise; and
 - 14.2 provide a postal address for service or email address at which they are prepared to accept electronic service of documents.
15. The Claimants shall file any evidence in response by 4pm on [8] March 2021, and post links to electronic copies of that evidence online at the websites listed at paragraph 7.4 above.

Further directions

16. 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 Claimants' solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).
17. 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.
18. The Claimants have liberty to apply to extend or vary this Order or for further directions.

19. Save as provided for above, the Claim be stayed generally with liberty to restore.
20. Costs reserved. If the Claimant intends to seek a costs order against any person in respect of any future applications in these proceedings or any future hearing, then they shall seek to give reasonable advance notice of that fact to that person.

Communications with the Court

21. All communications to the Court about this Order (which should quote the case number) should be sent to:

Court Manager
Birmingham Civil and Family Justice Centre
High Court of Justice
Chancery Division
Priory Courts
33 Bull Street
Birmingham
B4 6DS

The telephone number is 0121 681 4441. The offices are open weekdays 10.00am to 4.00pm.

22. The Claimants' solicitors and their contact details are:

DLA Piper UK LLP of:

1 St Paul's Place
Sheffield S1 2JX
United Kingdom

Tel: +44 114 283 3312

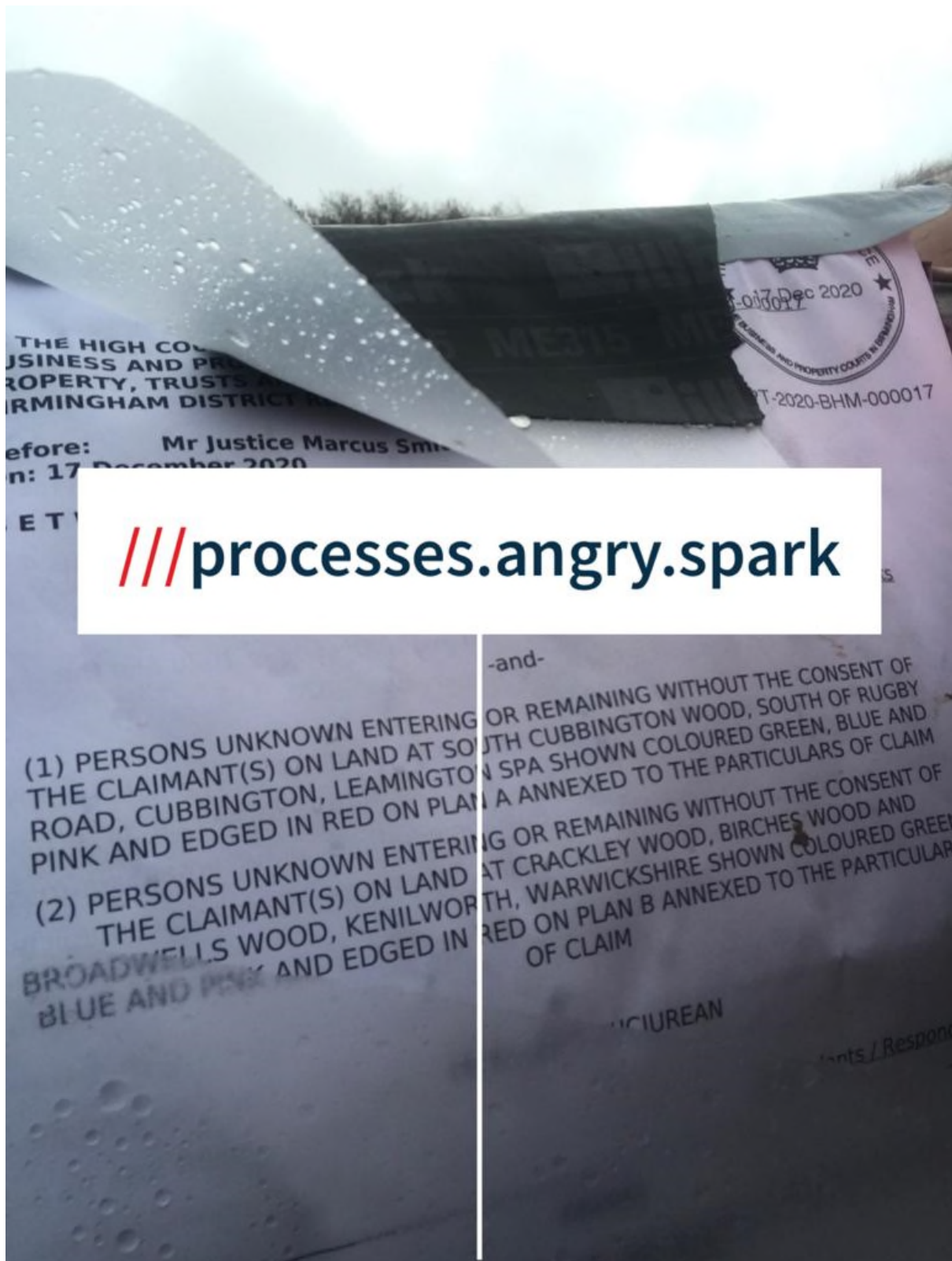
Email: rob.shaw@dlapiper.com and aryaan.bassi@dlapiper.com

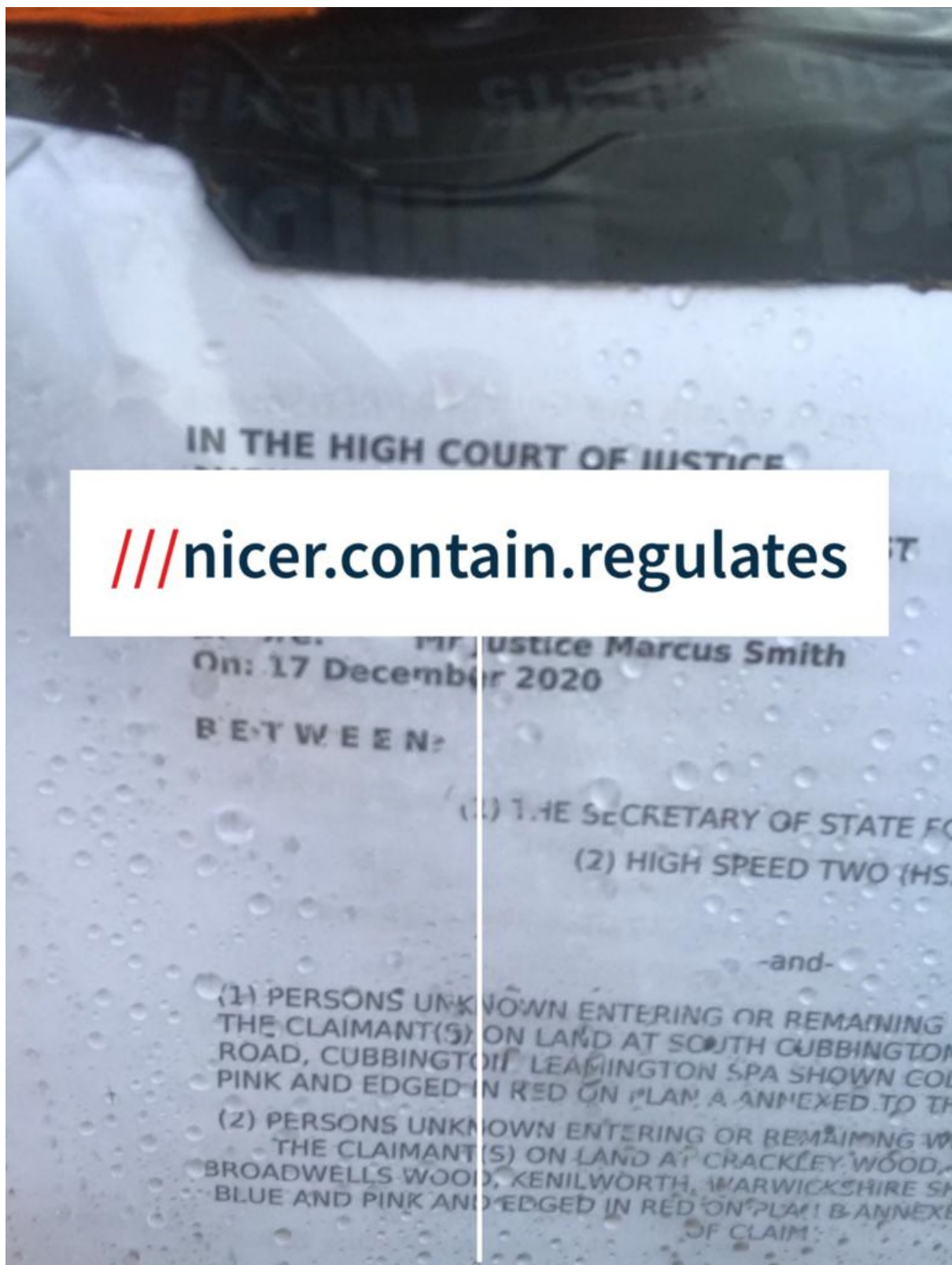
Ref: RXS/380900/346

Dated: [INSERT] December 2020



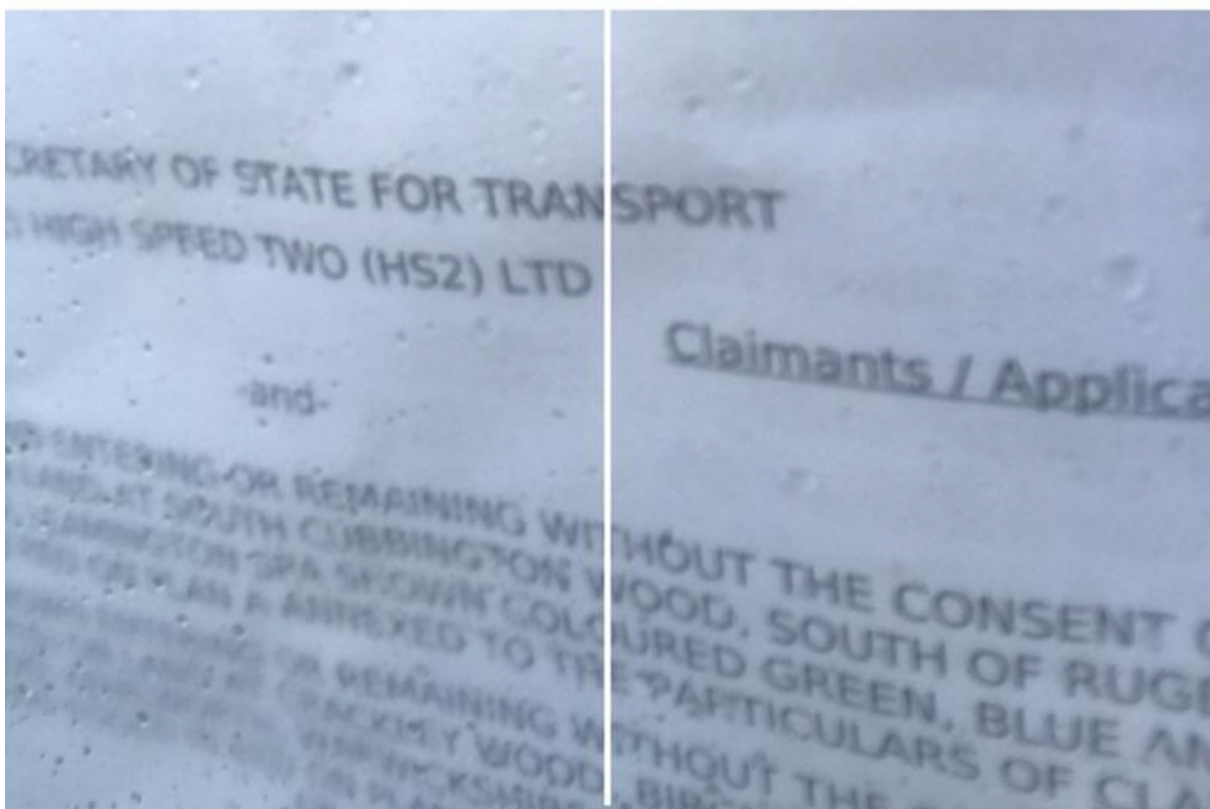
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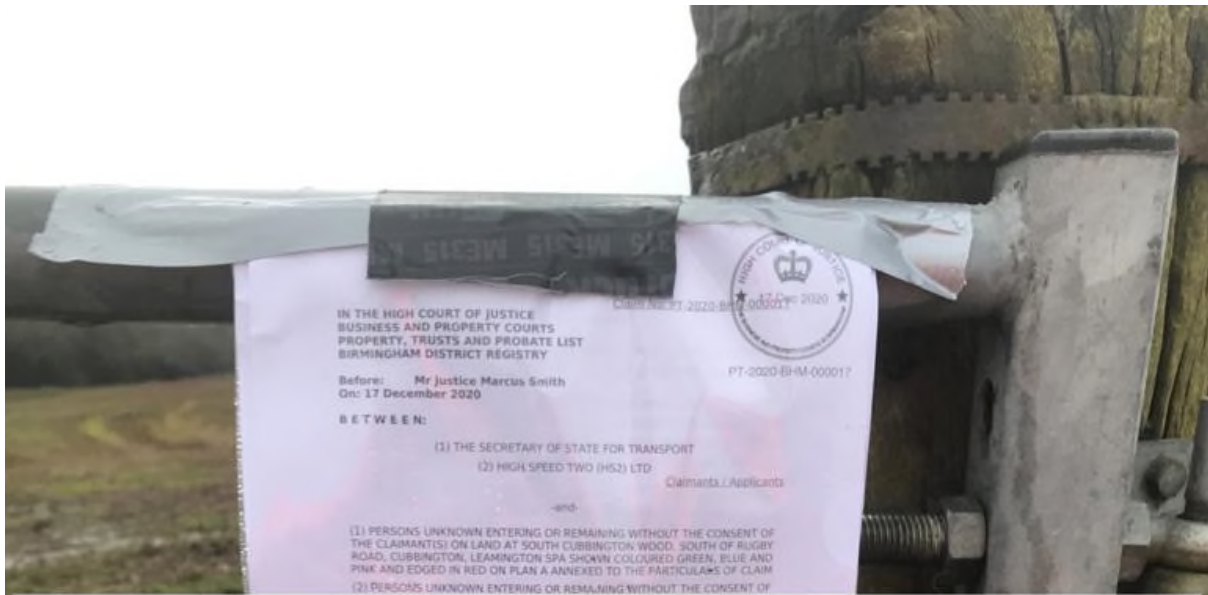






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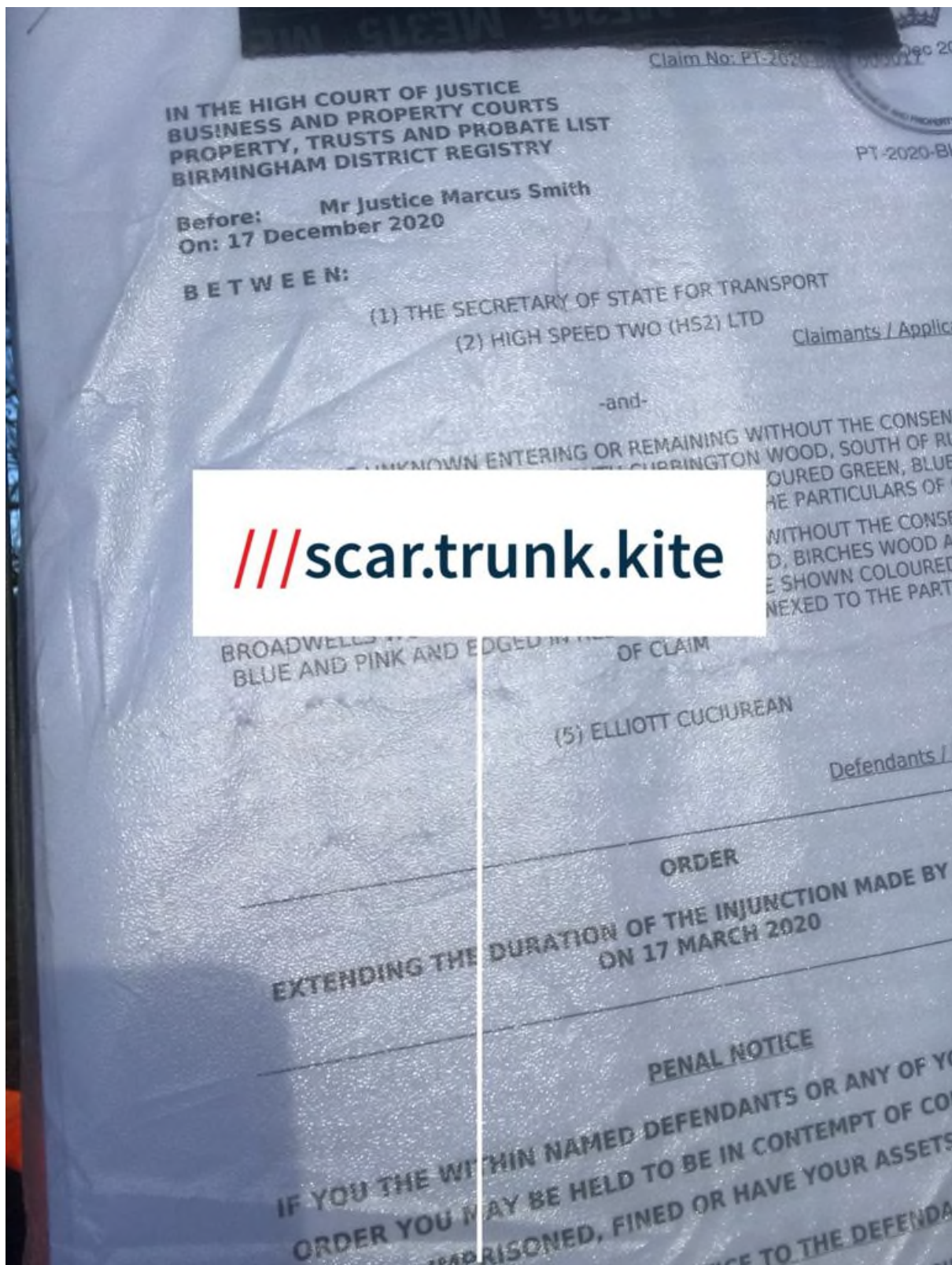




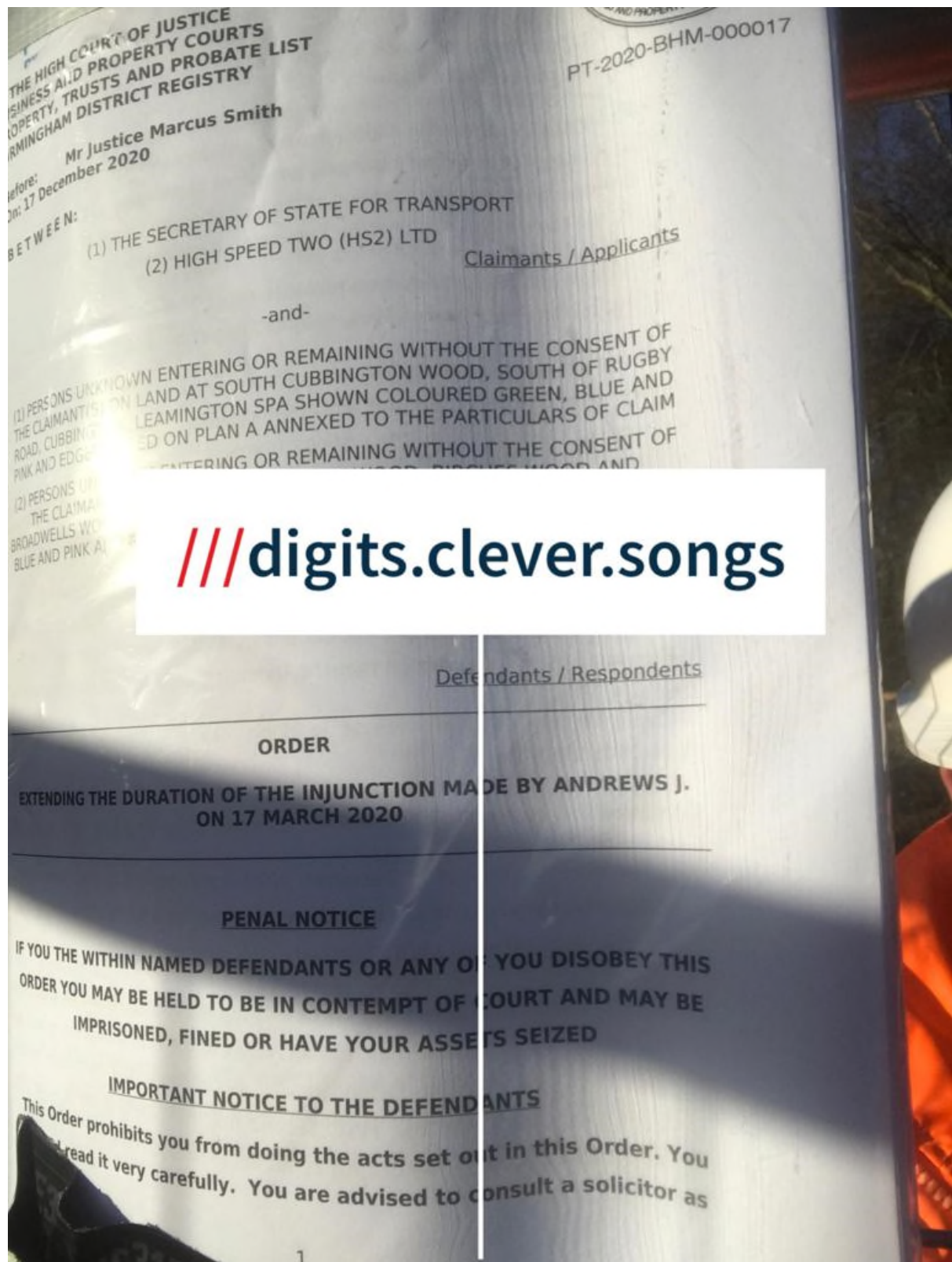
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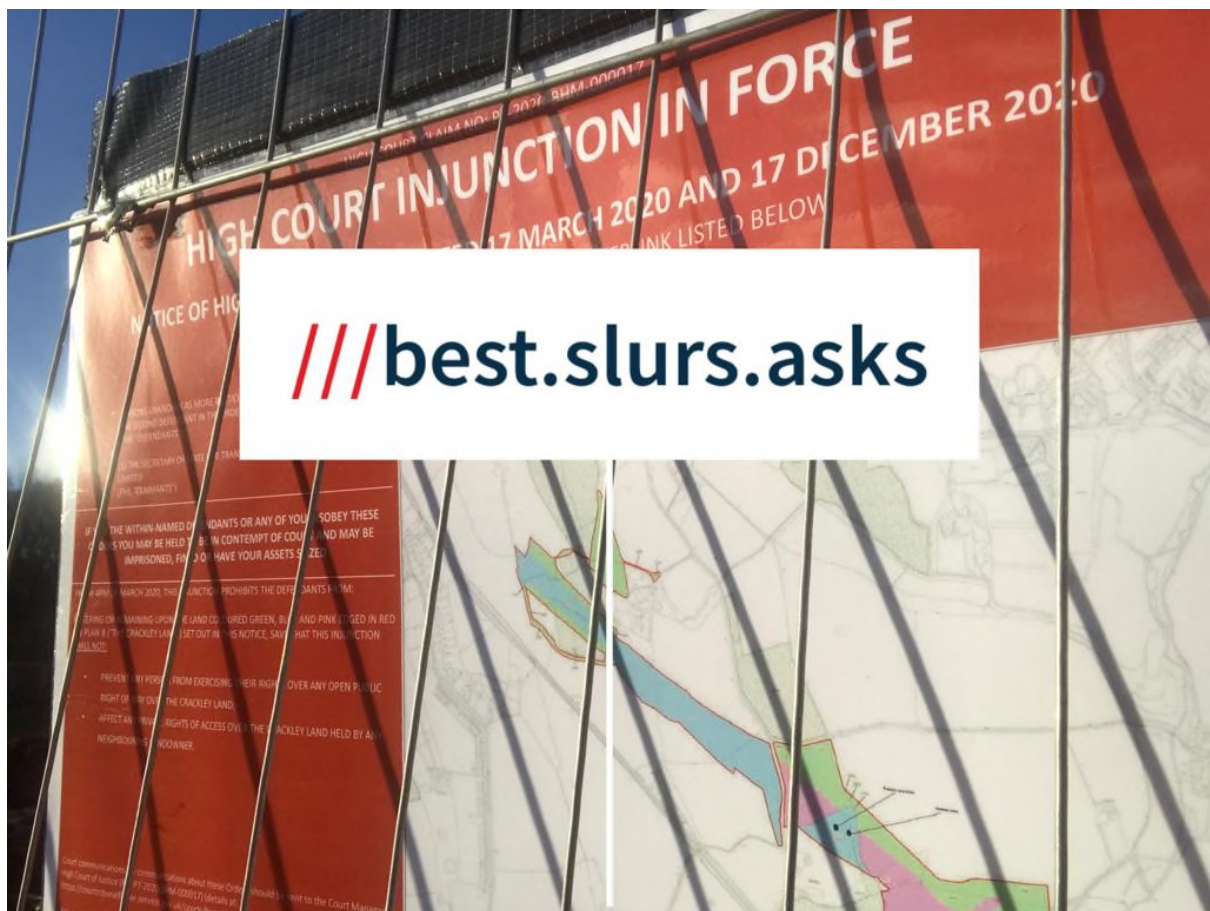








































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Private property
This land is in possession of HS2
a personal protective equipment zone
of injury from construction activities
Trespassers may be subject to
civil / criminal proceedings

Telephone Community Helpline 08081 434 434

HIGH COURT CLAIM NO. PT 2020-BHM-000017

HIGH COURT INJUNCTION IN FORCE

NOTICE OF HIGH COURT ORDERS DATED 17 MARCH 2020 AND 17 DECEMBER 2020
FULL COPIES OF THE ORDERS CAN BE FOUND VIA WEBLINK LISTED BELOW

TO: PERSONS UNKNOWN AS MORE PARTICULARLY DEFINED IN AND DESCRIBED AS
THE FIRST DEFENDANT IN THE ORDERS
(THE "DEFENDANTS")

FROM: (1) THE SECRETARY OF STATE FOR TRANSPORT AND (2) HIGH SPEED TWO (HS2)
LIMITED
(THE "CLAIMANTS")

IF YOU THE WITHIN-NAMED DEFENDANTS OR ANY OF YOU DISOBEY THESE
ORDERS YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE
IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED

FROM APRIL 14 MARCH 2020, THIS INJUNCTION PROHIBITS THE DEFENDANTS FROM:
ENTERING OR REMAINING UPON THE LAND COLOURED GREEN, BLUE AND PINK/EDGED IN RED
ON PLAN A ("THE CUBBINGTON LAND") SET OUT IN THIS NOTICE, SAVE THAT THIS INJUNCTION
SHALL NOT:

- PREVENT ANY PERSON FROM EXERCISING THEIR RIGHTS OVER ANY OPEN PUBLIC
HIGHWAY;
- RIGHT OF WAY OVER THE CUBBINGTON LAND;
- AFFECT ANY PRIVATE RIGHTS OF ACCESS OVER THE CUBBINGTON LAND HELD BY
ANY NEIGHBOURING LANDOWNER.

PLAN A



HS2

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17 Freephone Community Helpline 08081 434 434

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Trespassers keep out
Private property
This land is in possession of HS2
a personal protective equipment zone
of injury from construction activities
Trespassers may be subject to
civil / criminal proceedings
Telephone Community Helpline 08081 434 434

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NOTICE OF HIGH COURT ORDERS DATED 17 MARCH 2020
FULL COPIES OF THE ORDERS CAN BE FOUND VIA WEBLINK LISTED BELOW

TO: PERSONS UNKNOWN AS MORE PARTICULARLY DEFINED IN AND DESCRIBED AS:
(THE "DEFENDANTS")

FROM: (1) THE SECRETARY OF STATE FOR TRANSPORT AND (2) HIGH SPEED TWO (HS2)
(THE "CLAIMANTS")

IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THESE ORDERS YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED

FROM 17:00 ON 24 MARCH 2020, THIS INDICTION PROHIBITS THE DEFENDANTS FROM:
- ENTERING OR REMAINING UPON THE LAND COLOURED GREEN, BLUE AND PINK EDGED IN RED ON PLAN A ("THE CURBINGTON LAND") SET OUT IN THIS NOTICE, SAVE THAT THIS INDICTION SHALL NOT:
- PREVENT ANY PERSON FROM EXERCISING THEIR RIGHTS OVER ANY OPEN PUBLIC RIGHT OF WAY OVER THE CURBINGTON LAND;
- AFFECT ANY PRIVATE RIGHTS OF ACCESS OVER THE CURBINGTON LAND HELD BY ANY INCORPORATING LANDOWNER.

PLAN A



HS2

















