

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

BIRMINGHAM DISTRICT REGISTRY

BETWEEN:

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

Claimants

- and -

PERSONS UNKNOWN & OTHERS

Defendants

SCHEDULE OF NAMED DEFENDANTS TO
BE REMOVED

1. DEFENDANTS WHICH THE CLAIMANT IS PREPARED TO REMOVE
AS "NAMED DEFENDANTS"

Defendant Number	Named Defendant
D8	Ms Tepcat Greycat
D9	Ms Hazel Ball
D10	Mr IC Turner
D14	Mr Sam Hopkins
D15	Ms Jey Harvey
D24	Mr Daniel Hooper
D25	Mx Bethany Joy Croarkin

Defendant Number	Named Defendant
D26	Ms Isla Sandford
D29	Ms Jessica Maddison
D30	Ms Juliette Deborah Stephenson-Clarke
D32	Dr Larch Ian Albert Frank Maxey
D35	Mr Terry Sandison
D47	Mr Tom Dalton
D54	Ms Hayley Pitwell
D55	Mr Jacob Harwood
D56	Ms Elizabeth Farbrother

2. SUBMISSIONS

2.1 CPR 55.3(4) and *Canada Goose v Persons Unknown* [2020]

2.1.1 CPR 55.3(4) sets out:

“Where, in a possession claim against trespassers, the claimant does not know the name of a person in occupation or possession of the land, the claim must be brought against ‘persons unknown’ in addition to any named defendants”.

2.1.2 *Canada Goose v Persons Unknown* [2020] EWCA Civ 303 (as detailed at paragraph 21 of the Claimants’ Legal Principles Skeleton (at Bundle A, Tab 1, Page A008) sets out:

“(1) The “persons unknown” defendants in the claim form are, by definition, people who have not been identified at the time of the commencement of the proceedings. If they are known and have been identified, they must be joined as individual defendants to the proceedings. The “persons unknown” defendants must be people who have not been identified but are capable of being

identified and served with the proceedings, if necessary, by alternative service such as can reasonably be expected to bring the proceedings to their attention. In principle, such persons include both anonymous defendants who are identifiable at the time the proceedings commence but whose names are unknown and also Newcomers, that is to say people who in the future will join the protest and fall within the description of the “persons unknown”.

2.1.3 The Claimants were therefore required to name the abovementioned defendants and others in these proceedings. Further detail is set out in the Claimants’ witness evidence.

2.2 CPR 38.2 - Right to discontinue claim

2.2.1 CPR 38.2 sets out:

“(1) A claimant may discontinue all or part of a claim at any time.

(2) However –

(a) a claimant must obtain the permission of the court if he wishes to discontinue all or part of a claim in relation to which –

(i) the court has granted an interim injunction; or

(ii) any party has given an undertaking to the court”.

2.2.2 Given that in these proceedings the court has granted an interim injunction and some of the abovementioned named defendants have given undertakings, the Claimants require the permission of the court to remove the named defendants listed above.

2.3 The Claimants are prepared to remove the named defendants above, who were named for the reasons set out above, and the court is invited to do so with no order as to costs.

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