

**IN THE HIGH COURT OF JUSTICE
BIRMINGHAM DISTRICT REGISTRY**

B E T W E E N:

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

Claimants

-and-

PERSONS UNKNOWN and Others

Defendants

CLAIMANTS' NOTE

Introduction

1. This note is intended to provide the Court with a brief update on matters arising from these proceedings which have occurred since the date of the hearings.

Committal Applications

2. At the hearing before Mr Justice Julian Knowles, the Claimants indicated that a committal application was being prepared. On 8 June 2022, the Claimants made that application for the committal of 7 defendants alleging breaches of the Order of Mr Justice Cotter dated 11 April 2022.
3. The Defendants to the committal application are:
 - a. D18 – William Harewood
 - b. D31 – Rory Hooper
 - c. D33 – Elliot Cuciurean
 - d. D61 – David Buchan
 - e. D62 – Leanne Swateridge
 - f. D1 (now D64) – Stefan Wright
 - g. D1 (now D65) – Liam Walters
4. As presently there are at least 4 people (Ds18, 33, 64, and 65) who have been occupying amateur dug tunnels under the Cash's Pit Land for at least 35 days, the committal application was listed for an urgent directions hearing on 14 June 2022 on

the basis of the danger to the tunnel occupiers and to HS2 contractors and emergency services personnel. Directions have been set for the committal application to proceed to trial on 25 July 2022.

Named Defendants

5. At the directions hearing, Mr Justice Ritchie ordered that Stefan Wright and Liam Walters should be added as named defendants to the proceedings as the 64th and 65th Defendants respectively.

Conclusion

6. The Order of Mr Justice Ritchie is provided with this note.
7. If the Court requires any further detail, the Claimants would be pleased to assist further.

**RICHARD KIMBLIN QC
MICHAEL FRY**

**No 5 Chambers
Francis Taylor Building**

16 June 2022



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

**BEFORE MR JUSTICE RITCHIE
ON 14 JUNE 2022**

QB-2022-BHM-000044

BETWEEN:

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

Claimants

- and -

**(18) WILLIAM HAREWOOD (AKA SACHEL / SACHEL BAGGINS)
(31) RORY HOOPER
(33) ELLIOT CUCIUREAN (AKA JELLYTOT)
(61) DAVID BUCHAN (AKA DAVID HOLLIDAY)
(62) LEANNE SWATERIDGE (AKA FLOWERY ZEBRA)**

Defendants

**(64) STEFAN WRIGHT
(65) LIAM WALTERS**

Proposed Defendants

DIRECTIONS ORDER

UPON the Claimants' Application of 8 June 2022 for the committal of the Defendants, D18, D31, D33, D61, D62, D64, and D65 for contempt for breach of the order of Mr Justice Cotter dated 11 April 2022 (the "**Application**")

AND UPON the Claimants' Application for the joinder of D64 and D65 as Defendants to the proceedings

AND UPON Her Honour Judge Kelly on 9 June 2022 ordering an urgent Directions Hearing to be listed on 14 June 2022

AND UPON the Court hearing submissions from Counsel for the Claimants at the Directions Hearing on 14 June 2022

AND UPON the Court being satisfied that the affidavits in paragraphs 3(a) – (c) below were served on the Defendants (apart from D31 and D61) on 9 and 13 June 2022

AND UPON the Court reminding the Defendants herein of their entitlement to apply for legal aid and urging them to do so

IT IS ORDERED PURSUANT TO CPR RULE 81.7:

Parties

1. Mr Stefan Wright is joined to the proceedings as the 64th Defendant.
2. Mr Liam Walters is joined to the proceedings as the 65th Defendant.

Amendments to Application

3. The Claimants have leave to rely on the Affidavits of:
 - a) Karl Harrison dated 9 June 2022;
 - b) Julie Amber Dilcock dated 9 June 2022; and
 - c) Adam Jones dated 12 June 2022.
4. The Claimants have leave to amend the Application Notice and Statement of Case dated 8 June 2022, to insert references to the Affidavits listed at paragraph 3 above provided that any such amended Application Notice and/or Statement of Case is filed not later than 4pm on 17 June 2022 and served in accordance with paragraph 5 below.

Alternative Service

5. Pursuant to CPR rules 6.15 and 6.27, personal service is dispensed with and the Claimants are permitted, in addition or in the alternative to the methods of service permitted under CPR rule 81.5, to serve the Defendants with the Application, and any other documents in

these proceedings including this Order (the “**Documents**”):

Post

- a) Where an address used by a Defendant is known by the Claimants currently (see Appendix 1 for the list of known service addresses), whether the Defendant resides there or not, by posting a copy of the Documents together with a covering letter through the letterbox of the address (or by leaving in a separate mailbox) with a notice affixed to the front door if necessary, drawing the recipient's attention to the fact that the package contains documents related to an application for committal for contempt of court. If the premises do not have a letterbox, or mailbox, or the package will not fit through the letterbox, a package may be left next to the main or front door and a notice may be affixed to the front door marked with a notice drawing the recipient's attention to the fact that the package contains documents related to an application for committal for contempt of court; or

Electronic Means

- b) By sending an email to an email address; or a direct message on a social media platform; which a Defendant is known by the Claimants to have used within the past 6 months (see Appendix 1 for the list of known service details), notifying them of the Application and either (i) attaching the Documents, or (ii) providing a web link at which the Defendant can access the Documents; or

Service on the Unauthorised Tunnel Occupiers

- c) For D18, D33, D64 and D65 whom the Claimants believe are in current occupation of a tunnel on the Cash’s Pit Land, by lowering a single copy of the Documents into the tunnel; and

Lawyers

- d) Serving by email any solicitor or public access instructed counsel acting for a particular Defendant (whether or not authorisation to accept service has been given to that lawyer):

- i) in these proceedings; or
 - ii) in respect of D33, the solicitors acting for that Defendant in proceedings with Claim No. CA-2021-000657.
6. Service effected pursuant to paragraph 5 above shall be proven by a certificate of service and service shall be deemed effective on the date on which the certificate of service is filed.
7. The steps undertaken to date by the Claimants to serve the Application on D18, D33, D62, D64 and D65, as set out in the Certificates of Service dated 10 and 13 June 2022 shall be good and proper service, and D18, D33, D62, D64 and D65 shall be deemed served on 13 June 2022.

Defendants Addresses

8. Pursuant to CPR rule 6.23(1), each of the Defendants shall, not later than 4pm on 20 June 2022, provide to the Court and the Claimants' solicitors a postal address and/or an email address at which they may be served with documents relating to these proceedings.

Future Service

9. Service of any document after 4pm on 20 June 2022 (including documents filed in accordance with paragraphs 3 and 4 above) shall be validly effected by:
 - a) Sending it to an address or an email address provided by a Defendant pursuant to paragraph 8; or
 - b) Where a Defendant has not complied with paragraph 8, by one of the methods set out in paragraph 5.
10. The Claimants shall serve this Order as provided for in paragraph 5.

Factual evidence

11. If any Defendant wishes to rely on evidence at the hearing, he/she/they must file and serve

any such evidence not later than 4pm on 27 June 2022. Such evidence may only be admissible in the hearing of the Application ("Committal Hearing") if the Defendant has complied with paragraph 8 above.

12. If so advised, the Claimants may file and serve evidence in reply not later than 4pm on 4 July 2022.
13. No evidence, other than evidence filed in compliance with the paragraphs above, shall be admitted save with leave of the Court granted on an application made under CPR Part 23.
14. In particular, a person who has not submitted a witness statement or affidavit in accordance with the timescales set out herein shall not be permitted to address the Court, save with leave granted on an application made under CPR Part 23.

Committal Hearing

15. The Committal Hearing shall be listed for 4 days, starting on 25 July 2022 before a High Court Judge.
16. The Defendants and each of them shall attend the Committal Hearing in person.
17. If the Court is satisfied that the Defendants or each of them have been served in accordance with this Order, the Court will proceed to determine the Application at the Committal Hearing notwithstanding the failure to attend of any of the Defendants.
18. The evidence set out in the affidavits and witness statements filed by the parties shall stand as evidence in chief at the Committal Hearing.
19. The Claimants and the Defendants shall file with the Court and serve on each other bundles containing their evidence and any authorities on which they wish to rely no later than 5pm on 15 July 2022.
20. The parties shall file and serve any skeleton argument on each other and the court by 5pm on 21 July 2022.

21. Costs reserved.

NOTE:

Communications with the Court and the Claimants

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

Birmingham District Registry
Civil Justice Centre
Priory Courts
33 Bull Street
Birmingham
B4 6DW

E: qb.birmingham@justice.gov.uk

T: 0121 681 4441

F: 01264 785 131

DX: 701987 Birmingham 7

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

DLA PIPER UK LLP

1 St Paul's Place

Sheffield

S1 2JX

E: HS2Injunction@governmentlegal.gov.uk

T: 0114 283 3312

DX: 708580 Sheffield 10

Ref: RXS/380900/378

BY THE COURT

APPENDIX 1 – POSTAL AND ELECTRONIC DETAILS FOR SERVICE

(to be redacted on service of this order)

No.	Defendant	Address
D31	Rory Hooper	[REDACTED]
D33	Elliot Cuciurean	[REDACTED]
D61	David Buchan	[REDACTED]
D62	Leanne Swateridge	[REDACTED]