

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

**MR JUSTICE JULIAN KNOWLES**

**B E T W E E N:**

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

Claimants

**- and –**

**FOUR CATEGORIES OF PERSONS UNKNOWN**

**-and-**

**ROSS MONAGHAN AND  
58 OTHER NAMED DEFENDANTS**

Defendants

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**ORDER**

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**UPON** the Court issuing the draft judgment in these proceedings

**AND UPON** the Court desiring the opportunity for persons who addressed the Court at the hearing to review the draft judgment

**IT IS ORDERED THAT:**

**Further to CPR PD 40E r. 2.4 and 2.6**

1. Robert Lizar Solicitors, who are solicitors for D6 in these proceedings (and assisted the Court by coordinating and taking a note of those who addressed the Court) may provide to DLA Piper UK LLP a list of those who addressed the Court on 26 and 27 July 2022.
2. DLA Piper UK LLP, solicitors for the Claimants in these proceedings, has permission to provide an electronic copy of the draft judgment to any person who:
  - a. is a Named Defendant to the proceedings; and/or appears on any list produced by Robert Lizar Solicitors; **and**
  - b. sends to the email address: HS2Injunction@dlapiper.com an email in the form set out at Appendix 1 to this Order.

3. A copy of the draft judgment sent in accordance with paragraph 1 must include in the covering email the text set out at Appendix 2 to this Order.
4. The Claimants have permission to publish a copy of this Order and the notice set out at Appendix 3 to this Order on the HS2 Proceedings website at:  
<https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>.

**BY THE COURT**

## APPENDIX 1

To be sent to DLA Piper UK LLP at the email address: HS2Injunction@dlapiper.com with name and address inserted in the relevant places:

### Route Wide Injunction Proceedings

I am a Named Defendant to these proceedings and/or I was a person who addressed the Court at the hearing of the Claimants application for an injunction for the HS2 route in claim number QB-2022-BHM-000044 on 26 and 27 July 2022.

My name is [insert name] and my address is [insert address].

I would like to review a copy of the draft judgment. I understand that:

1. The draft judgment is provided to me confidentially.
2. I am not permitted to provide or show a copy of the draft judgment to any other person.
3. I am not permitted to tell any other person (whether orally or in writing (which includes by email or social media)) anything about what is said or decided in the draft judgment.
4. I must take all reasonable steps to keep the draft judgment confidential.
5. The purpose of reviewing the draft judgment is to allow any factual corrections or typos to be corrected, and I am not entitled to make further submissions or argument or provide further evidence to the Court.
6. If I do not keep the draft judgment confidential or fail to take all reasonable steps to keep the draft judgment confidential, I may be held in contempt of court and be committed to prison and/or fined and/or have assets seized.
7. My name, address and email address will **not** be provided to the Court, unless there is a breach of confidentiality, in which case the name, address and email addresses of everyone who has requested a copy of the draft judgment will be provided to the Court by DLA Piper UK LLP.

## APPENDIX 2

Dear [insert name]

Please find a copy of the draft judgment attached.

Please provide any typos or factual corrections by 4pm Thursday 15th September to HS2Injunction@dlapiper.com and to the judge's clerk at: aaron.mooney@Justice.gov.uk.

At the present time the court intends to hand down the final judgment at 10.30am on Tuesday, 20 September 2022. However, this date has not been confirmed by the court and it is your responsibility to check that the judgment has in fact been handed down and confidentiality has been lifted. No person is required to attend at the court to receive the handed down judgment, which will instead be sent out by the court by email to counsel for HS2 and D6, Mr. Knaggs.

The court has asked us to remind you that the draft judgment must be kept confidential – that means you must not share it, discuss it, email it, publish it, comment about it online, or carry out any other action which risks the confidentiality of the draft judgment. You must take all reasonable steps to keep the draft judgment confidential.

Breaching the confidentiality of a draft judgment or failing to take reasonable steps to keep the judgment confidential is treated very seriously by the courts and may be a contempt of court. If you are found by the court to have failed to keep the draft judgment confidential or to have failed to take reasonable steps to keep the draft judgment confidential, you may be liable to imprisonment and/or a fine and/or having assets seized.

Yours faithfully

## APPENDIX 3

### **NOTICE: DRAFT JUDGMENT**

#### **PURSUANT TO** **THE ORDER OF JULIAN KNOWLES J DATED 12 SEPTEMBER 2022**

1. At the hearing on 26 and 27 July 2022 in these proceedings, the Judge, Mr Justice Julian Knowles, said that all parties who had addressed the Court were entitled to receive a draft copy of his judgment. The Judge has made a consequential order dated 12th September 2022 which permits the Claimants to release this Notice to assist in that exercise.
2. The draft judgment must be kept confidential. Breaching that confidentiality (by, for example, discussing it on social media, or providing a copy to another person) or failing to take reasonable steps to protect the confidentiality of the draft judgement, is a very serious matter and may be a contempt of court as a result of which the person breaching these obligations may be committed to prison and/or be fined and/or have assets seized.
3. The draft judgment is provided to the parties for the correction of any factual or typographical errors etc, and to assist the parties in the preparation of any consequential orders. It is not provided for the purposes of making further submissions or providing further evidence on the points addressed. Any such submissions will not be considered by the Court.
4. Any person interested in the proceedings will be aware that D6, Mr Knaggs, has instructed a KC, junior barrister and solicitors to act on his behalf. They will be checking the draft judgment very carefully, and agreeing any orders with the Claimants. In those circumstances, it may be that others do not consider that they also need to propose corrections to the draft judgment.
5. If any Named Defendant or other party who appears on a list of all individuals who addressed the Court on 26 and 27 July 2022 (that is to be provided to the court and DLA Piper UK LLP by Robert Lizar Solicitors) nevertheless wishes to receive a copy of the draft judgment, they must send an email to DLA Piper UK LLP at: HS2Injunction@dlapiper.com with the following text:

#### ***Route Wide Injunction Proceedings***

*I am a Named Defendant to these proceedings and/or I was a person who addressed the Court at the hearing of the Claimants application for an injunction for the HS2 route in claim number QB-2022-BHM-000044 on 26 and 27 July 2022.*

*My name is [insert name] and my address is [insert address].*

*I would like to review a copy of the draft judgment. I understand that:*

1. *The draft judgment is provided to me confidentially.*
2. *I am not permitted to provide or show a copy of the draft judgment to any other person.*
3. *I am not permitted to tell any other person (whether orally or in writing (which includes by email or social media)) anything about what is said or decided in the draft judgment.*
4. *I must take all reasonable steps to keep the draft judgment confidential.*
5. *The purpose of reviewing the draft judgment is to allow any factual corrections or typos to be corrected, and I do not intend to make further submissions or provide further evidence to the Court.*
6. *If I do not keep the draft judgment confidential or fail to take all reasonable steps to keep the draft judgment confidential, I may be held in contempt of court and be committed to prison and/or fined and/or have assets seized.*
7. *My name, address and email address will not be provided to the Court, unless there is a breach of confidentiality, in which case the name, address and email addresses of everyone who has requested a copy of the draft judgment will be provided to the Court by DLA Piper UK LLP.*

6. On receipt of an email in the form above, DLA Piper UK LLP will provide a copy of the draft judgment by return email.

7. Please note, that any comments on the draft judgment must be received by DLA Piper UK LLP and the judge's clerk by 4pm on Thursday 15 September 2022.