

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

The Hon. Mr Justice Fraser

15 February 2022

B E T W E E N:

- (1) 1 LEADENHALL GP LIMITED
- (2) 1 LEADENHALL NOMINEE LIMITED
- (3) MULTIPLEX CONSTRUCTION EUROPE LIMITED

and

PERSONS UNKNOWN ENTERING IN OR REMAINING
AT THE CONSTRUCTION SITE AT 1 LEADENHALL
STREET, LONDON EC3V 1PP WITHOUT THE
CLAIMANTS' PERMISSION

Defendants



ORDER FOR AN INJUNCTION

PENAL NOTICE

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

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS OR ANY OF THEM TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

IMPORTANT NOTICE TO THE DEFENDANTS

This Order prohibits you from doing certain acts. You should read this Order very carefully. You are advised to consult a solicitor as soon as possible.

If you disobey this Order you may be found guilty of contempt of court and you may be sent to prison or your assets seized.

You have the right to apply to the court to vary or discharge this order (which is explained below)

RECITALS

UPON the Claimants' application notice dated 8 February 2022;

AND UPON the Claimants not having given 3 clear days' notice of its application to the Defendants and bringing the application on a 'without notice' basis

AND UPON HEARING Counsel for the Claimants and the Defendants not appearing

AND UPON READING the witness statements of Peter Clarke dated 4 February 2022 and of Stuart Sherbrooke Wortley dated 8 February 2022 and 14 February 2022

AND UPON the First and Second Claimants giving the undertaking to the Court set out in Schedule 2 to this Order, including to file a further witness statement of Peter Clarke correcting the error in paragraph 7 of his witness statement of 4 February 2022.

IT IS ORDERED THAT:

THE INJUNCTION

- (1) the Defendants must not, until 29 February 2024 or further order, without the consent of the Claimants, enter or remain upon any part of the construction site at 1 Leadenhall Street, London EC3V 1PP as shown edged red on the plan at Schedule 3 to this Order as demarcated from time to time by hoarding or security fencing (the "1 Leadenhall Street Construction Site").

VARIATION OR DISCHARGE OF THIS ORDER

- (2) By no later than 4.30pm on 22 February 2024 the Claimants shall notify QBD Listing whether the Claimants wish the interim injunction contained in paragraph (1) of this Order to continue beyond 29 February 2024 and, if they do, shall at the same time lodge:
 - (a) a sealed application notice seeking a further injunction order;
 - (b) a witness statement in support of the continuation of the injunction order.
- (3) If the Claimants notify QBD Listing that they intend to seek a continuation of the interim injunction, QBD Listing shall list the matter before a High Court Judge for a further hearing (with a time estimate of 30 minutes) on a date as soon as reasonably practicable thereafter, and which in any event shall be no later than 28 February 2024.

- (4) The Defendants may apply to the Court to vary or discharge this Order upon giving 48 hours' notice in writing to the Claimants' solicitors at Eversheds Sutherland (International) LLP, One Wood Street, London, EC2V 7WS (Ref: Stuart Wortley tel: 020 7919 0969; email: stuartwortley@eversheds-sutherland.com).

INTERPRETATION OF THIS ORDER

- (5) A Defendant who is ordered not to do something must not do it him/herself or in any other way. He/she must not do it through another acting on his/her behalf or on his/her instructions or with his/her encouragement.

SERVICE OF THIS ORDER

- (6) Service of this Order may be effected in the manner set out in paragraphs (7) and (8) below.
- (7) The Claimants shall post notice of the existence of this Order in the form approved by the Court, as soon as reasonably practicable:-
- (a) at all main entrances to the 1 Leadenhall Street Construction Site; and
 - (b) at not less than 10 prominent locations around the perimeter of the 1 Leadenhall Street Construction Site.
- (8) The said notice shall include a statement that copies of this Order, the Claim Form, the Particulars of Claim, the Claimants' application notice dated 8 January 2022, the Witness Statement of Mr Peter Clarke dated 4 February 2022 and the Witness Statements of Stuart Sherbrooke Wortley dated 8 February 2022 and 14 February 2022, submitted to the Court in support of the Claim, together with the further witness statement of Mr Peter Clarke filed in accordance with the Claimants' undertakings, may be viewed:
- (a) at a website the URL of which is specified in the notice; and
 - (b) at a physical location which is specified in the notice,
- and may be obtained from the Claimants' Solicitor, whose contact details shall be included.

ISSUE AND SERVICE OF CLAIM WITHOUT NAMED DEFENDANTS

- (9) For the avoidance of doubt, the Claimants are granted permission (if the same is required) pursuant to CPR 8.2A to issue this claim without naming a defendant.
- (10) Pursuant to CPR 6.15, the steps identified in paragraphs (7) and (8) shall stand as good service of the Claim Form and Particulars of Claim upon any person who shall, by knowingly breaching the terms of this Order, automatically become a defendant to this action.
- (11) Save as set out above, pursuant to CPR 6.16 service of the Claim Form, Particulars of Claim, Response Pack, Application and Witness Statements in support are dispensed with in respect of any person who shall become a defendant to this Claim as aforesaid.
- (12) The requirement of any person to file any acknowledgment of service or defence in respect of this claim is dispensed with unless further directed by the Court.

COMMUNICATIONS WITH THE COURT

- (13) All communications to the Court about this Order should be sent to:
- Queen's Bench Division, Royal Courts of Justice, Strand WC2A 2LL.
- The offices are open between 10.00 a.m. and 4.30 p.m. Monday to Friday (except Bank Holidays).
- The telephone number is 020 7947 6000
- (14) Any person who is not a party but who is directly affected by a judgment or order may apply to have the judgment or order set aside or varied upon giving 48 hours' notice in writing to the Claimants' solicitors at Eversheds Sutherland (International) LLP, One Wood Street, London EC2V 7WS (Ref: Stuart Wortley tel: 020 7919 0969, email: stuartwortley@eversheds-sutherland.com).
- (15) Costs reserved

SCHEDULE 1

Witness Statements

The Judge read the following Witness Statement before making this Order:

1. Witness Statement of Peter Clarke dated 4 February 2022 together with the Exhibits marked "**PC1**" - "**PC5**".
2. Witness Statement of Stuart Sherbrooke Wortley dated 8 February 2022 together with the Exhibits marked "**SSW1**" - "**SSW8**".
3. Witness Statement of Stuart Sherbrooke Wortley dated 14 February 2022, together with the Exhibit marked "**SSW9**".

SCHEDULE 2

Undertakings given to the Court by the First Claimant

1. To pay any damages which the Defendants (or any other party served with or notified of this Order) shall sustain which the Court considers the First Claimant should pay.
2. By no later than 4pm on Thursday 17 February 2022 to file a further witness statement from Mr Peter Clarke correcting the error contained in paragraph 7 his witness statement of 4 February 2022.

SCHEDULE 3

Plan

(to be copied at no smaller than A3 size)

PLAN 1



- General Notes
1. Dimensions are to midlines unless stated otherwise.
 2. Levels are in metres AOD unless stated otherwise.
 3. Dimensions given on the site plan shall prevail.
 4. All dimensions to be verified on site before proceeding.
 5. All dimensions to be verified in writing by Make Architects.
 6. Make Architects 2020

Based on existing and topographical information by M&S, Drawing number 103/0001/01 dated 08/11/13.

Note:

Structure Note: The structural steelwork, SCL and concrete are taken from the RBG model '1LS-RBG-ZZ-XX-MS-S-0001-RV1' - P46 received on 11/06/20.

MEP Note: The openings follow the MEP services from the HPP model '1LS-HPP-ZZ-XX-MS-SB-49031' - P46 received on 31/03/20.

Make Revit Models
 1LS-MAK-Z1-ZZ-MS-A-0000-P42
 1LS-MAK-Z1-ZZ-MS-A-0001-P42

 Development Site Boundary

REV	Date	Description	Chk
P1	28.10.20	For Information	

FOR INFORMATION

make
 32 Cleveland Street,
 London, W1T 4JY
 tel: +44 (0) 20 7636 5151
 info@makearchitects.com
 www.makearchitects.com

Client
1 Leadenhall Limited Partnership



Drawing Title
Development Site Plan

Scale as AD	Date
As indicated	28.10.20
Project No.	Rev No.
1LS	P1
Draw No.	
ZZ-00-DR-A-A0580	

1 Development Site Plan
 1:100

