

**IN THE HIGH COURT OF JUSTICE**

**QUEEN'S BENCH DIVISION**

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

**(1) ESSO PETROLEUM COMPANY, LIMITED  
(2) EXXONMOBIL CHEMICAL LIMITED**

**Claimants**

**- and -**

**(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")**

(A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BUT EXCLUDING THOSE AREAS EDGED BLUE ON THE 'FAWLEY PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)

(B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'HYTHE PLAN' ATTACHED TO THE PARTICULARS OF CLAIM )

(C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'AVONMOUTH PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)

(D) BIRMINGHAM OIL TERMINAL, TYBURN ROAD, BIRMINGHAM B24 8HJ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'BIRMINGHAM PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)

(E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BROWN ON THE 'PURFLEET PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)

(F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'WEST LONDON PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)

(G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'HARTLAND PARK PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)

(H) ALTON COMPOUND, PUMPING STATION, A31, HOLYBOURNE (AS SHOWN EDGED FOR IDENTIFICATION RED ON THE "ALTON COMPOUND PLAN" ATTACHED TO THE PARTICULARS OF CLAIM)

**(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED PURPLE ON THE ATTACHED 'FAWLEY PLAN')**

**(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES (WHERE "SITES" FOR THIS PURPOSE DOES NOT INCLUDE THE AREA EDGED BROWN ON THE PURFLEET PLAN**

**Defendants**

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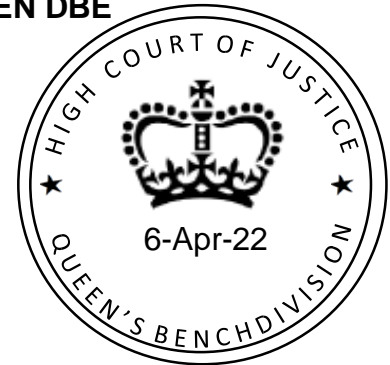
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IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION

CLAIM NO. QB-2022-001098

BEFORE THE HONOURABLE MRS JUSTICE ELLENBOGEN DBE  
6 April 2022



**B E T W E E N:**                   (1) ESSO PETROLEUM COMPANY, LIMITED  
  (2) EXXONMOBIL CHEMICAL LIMITED

**Claimants**

**-and-**

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- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN')**
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLLYBOURNE (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'ALTON COMPOUND PLAN')**

**(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED PURPLE ON THE ATTACHED 'FAWLEY PLAN')**

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**Defendants**

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**ORDER**

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**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 DEFENDANT**

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 hearing of the Claimants' Application dated 4 April 2022

**AND UPON HEARING** Leading Counsel and Junior Counsel for the Claimants

**AND UPON READING** the Witness Statements of Stuart Sherbrooke Wortley dated 4 April 2022, Anthony Milne dated 3 April 2022, and the First and Second Witness Statements of Nawaaz Allybokus dated 5 April 2022

**AND UPON** the Claimants giving and the Court accepting the undertakings to the Court set out in Schedule 2 to this Order

**AND UPON** the Claimants confirming that this Order is not intended to prohibit any lawful protest outside any of the sites referred to in this Order which does not obstruct any of the vehicular entrances or exits or restrict or prevent or endanger the use of such entrances or exits

### **IT IS ORDERED THAT:**

### **THE INJUNCTIONS**

1. Until trial or further order the First Defendants must not:
  - 1.1 enter or remain upon any part of the First Claimant's properties ("the Sites"), without the consent of the First Claimant, at:
    - (1) the Oil Refinery and Jetty at the Petrochemical Complex, Marsh Lane, Southampton SO45 1TH (as shown for identification edged red and green but excluding those areas edged blue on the attached 'Fawley Plan').
    - (2) Hythe Terminal, New Road, Handley, SO45 3NR (as shown for identification edged red on the attached 'Hythe Plan').

- (3) Avonmouth Terminal, St Andrews Road, Bristol BS11 9BN (as shown for identification edged red on the attached 'Avonmouth Plan').
- (4) Birmingham Terminal, Tyburn Road, Birmingham B24 8HJ (as shown for identification edged red on the attached 'Birmingham Plan').
- (5) Purfleet Terminal, London Road, Purfleet, Essex RM19 1RS (as shown for identification edged red and brown on the attached 'Purfleet Plan').
- (6) West London Terminal, Bedfont Road, Stanwell, Middlesex TW19 7LZ (as shown for identification edged red on the attached 'West London Plan').
- (7) Hartland Park Logistics Hub, Ively Road, Farnborough (as shown for identification edged red on the attached 'Hartland Park Plan').
- (8) Alton Compound, Pumping Station, A31, Hollybourne (as shown for identification edged red on the attached 'Alton Compound Plan');

1.2 damage any part of any of the Sites;

1.3 affix themselves or any person or object to any part of any of the Sites;

1.4 erect any structures on any part of any of the Sites.

2. Until trial or further order the Second Defendants must not, without the consent of the Second Claimant:

2.1 enter or remain upon any part of the Second Claimant's property at the Chemical Plant, Marsh Lane, Southampton SO45 1TH ("the Chemical Plant") (as shown for identification edged purple on the attached 'Fawley Plan');

2.2 damage any part of the Chemical Plant;

- 2.3 affix themselves or any person or object at the Chemical Plant;
  - 2.4 erect any structures on any part of the Chemical Plant.
3. Until trial or further order the Third Defendants must not obstruct any of the vehicular entrances or exits to any of the Sites (where “Sites” for this purpose does not include the area edged brown on the Purfleet Plan) so as to restrict or prevent or endanger the use of such entrances or exits for the Claimants, their contractors, servants, agents, employees or licensees.

### **VARIATION OR DISCHARGE OF THIS ORDER**

- 4. The Defendants may apply to vary or discharge this Order at any time upon giving not less than 4 hours’ notice to the Claimant’s solicitors, Eversheds Sutherland (International) LLP, by emailing [exxonmobil.service@eversheds-sutherland.com](mailto:exxonmobil.service@eversheds-sutherland.com);
- 5. 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.
- 6. The Claimants have liberty to apply to extend or vary this Order or to seek further directions.

### **THE RETURN DATE**

- 7. The return date hearing will be fixed for Wednesday 27 April 2022 (“the Return Date”), with a time estimate of one day.

### **INTERPRETATION OF THIS ORDER**

- 8. A Defendant who is ordered not to do something must not do it him/herself/themselves or in any other way. He/she/they must not do it

through another acting on his/her/their behalf or on his/her/their instructions or with his/her/their encouragement.

### **SERVICE OF THIS ORDER**

9. Pursuant to CPR 6.15 and 6.27 and 81.4(2)(c) and (d), service of this Order and the Court documents comprising the Claim Form, the Particulars of Claim, Response Pack, the Application Notice dated 4 April 2022, the Witness Statement of Stuart Sherbrooke Wortley dated 4 April 2022, the Witness Statement of Anthony Milne dated 3 April 2022, the First Witness Statement of Nawaaz Allybokus dated 5 April 2022 and the Second Witness Statement of Nawaaz Allybokus dated 5 April 2022, an Application Notice in respect of the return date hearing and any further evidence to be relied upon on the Return Date (“the Court documents”) shall be effected as follows:

9.1 fixing copies thereof in clear transparent sealed containers at a minimum number of 2 locations on the perimeter of each of the Sites together with a notice which states (a) that copies of the Order and the Court documents may be obtained from the Claimants’ solicitors, Eversheds Sutherland (International) LLP, One Wood Street, London EC2V 7WS (Ref: Stuart Wortley tel: 020 7919 4500) email: [exxonmobil.service@eversheds-sutherland.com](mailto:exxonmobil.service@eversheds-sutherland.com) and (b) that copies of the Order and the Court documents may be viewed at the website referred to in Paragraph 9.2 of this Order;

9.2 posting the Order and the Court documents on the following website: <https://www.exxonmobil.co.uk/Company/Overview/UK-operations>; and

9.3 fixing a minimum of four warning notices, in the form attached at Appendix A to this Order, at conspicuous locations around the perimeters of the Sites, explaining:

- (a) the existence and nature of this Order
- (b) the existence of the proceedings
- (c) the potential consequences of breaching the Order

- (d) the address at which copies of the proceedings can be obtained
- (e) details of the website at which the injunction can be viewed.

Each such warning notice must be a minimum of 1.5m x 1m in size.

9.4 sending an email to each of the following email addresses with the information that copies of the Order and the Court documents may be viewed at the website referred to in Paragraph 9.2 of this Order:

- (a) [xr-legal@riseup.net](mailto:xr-legal@riseup.net)
- (b) [juststopoil@protonmail.co.uk](mailto:juststopoil@protonmail.co.uk)

- 10. Pursuant to CPR 6.15(3), 6.27 and 81.4(2)(c) and (d), this Order shall be deemed to be served on the latest date on which all of the methods of service referred to in Paragraph 9 above have been completed, such date to be verified by the completion of a certificate of service.
- 11. Pursuant to CPR 6.15, 6.27 and 81.4(2)(c) and (d), the steps identified in Paragraph 9 of this Order shall stand as good service of the Order and the Court documents.
- 12. The Court will provide sealed copies of this Order for service to the Claimants' solicitors, whose details are set out in Paragraph 9.1 of this Order.
- 13. Pursuant to CPR 6.15(4), the period for service of any acknowledgement of service, admission or defence shall be 56 days.

## **COSTS**

- 14. Costs reserved.

## **COMMUNICATIONS WITH THE COURT**

- 15. All communications to the Court about this Order should be sent to:
  - Queen's Bench Division, Room E07,
  - Royal Courts of Justice, Strand WC2A 2LL

- The office are open between 10.00am and 4.30pm Monday to Friday (except Bank Holidays)
- The telephone number is 020 7936 8957
- The email address is qbjudgeslistingoffice@justice.gov.uk

## **SCHEDULE 1**

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

- (1) First Witness Statement of Stuart Sherbrooke Wortley dated 4 April 2022 together with the exhibits marked “SSW1” - “SSW9”.
- (2) First Witness Statement of Anthony Milne dated 3 April 2022 together with the exhibits marked “AM1” – “AM15”.
- (3) First Witness Statement of Nawaaz Allybokus dated 5 April 2022 together with the exhibit marked “NA1”.
- (4) Second Witness Statement of Nawaaz Allybokus dated 5 April 2022 together with the exhibit marked “NA2”.

## **SCHEDULE 2**

### **Undertakings given to the Court by the Claimants and each of them**

- (1) To issue and serve an Application Notice for the Return Date hearing, on Wednesday, 27 April 2022.
- (2) To pay any damages which the Defendants (or any other party served with or notified of this Order) shall sustain which the Court considers ought to be paid.



## **SCHEDULE 3**

### **Plans**

1. Fawley Plan
2. Hythe Plan
3. Avonmouth Plan
4. Birmingham Plan
5. Purfleet Plan
6. West London Plan
7. Hartland Park Plan
8. Alton Compound Plan

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**APPENDIX A TO THE ORDER OF ELLENBOGEN J, DATED 6 APRIL 2022:  
WARNING NOTICE**

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**ESSO PETROLEUM COMPANY, LIMITED**

**EXXONMOBIL CHEMICAL LIMITED**

**IMPORTANT NOTICE**

**High Court of Justice – Claim No QB-2022-001098**

On 6 April 2022, an injunction was ordered by the High Court of Justice in the proceedings referred to above concerning all of the Sites listed below:-

- The Oil Refinery and Jetty at the Petrochemical Plant, Marsh Lane, Fawley, Southampton SO45 1TH;
- Hythe Oil Terminal, New Road, Harley SO45 3NR;
- Avonmouth Oil Terminal, St Andrews Road, Bristol BS11 9BN;
- Birmingham Oil Terminal, Tyburn Road, Birmingham B24 8HJ;
- Purfleet Oil Terminal, London Road, Purfleet, Essex RM19 1RS;
- West London Oil Terminal, Bedford Road, Stanwell, Middlesex TW19 7LZ;
- Hartland Park Logistics Hub, Ively Road, Farnborough; and
- Alton Compound, Pumping Station, A31, Holybourne.

The Order prohibits entering or remaining upon, damaging, affixing any person or object to, erecting structures on and/or obstructing vehicular access to and from the above sites and the chemical plant at the address of the first site.

The persons affected by the Order are Persons Unknown acting in connection with the Extinction Rebellion campaign and/or the Just Stop Oil campaign.

**Anyone in breach of the injunction may be in contempt of court and may be imprisoned, fined or have their assets seized. Any person who knows of the court's order and does anything which permits the Defendants or any of them**

**to breach the terms of the Order may also be held to be in contempt of court and may be imprisoned, fined or have their assets seized.**

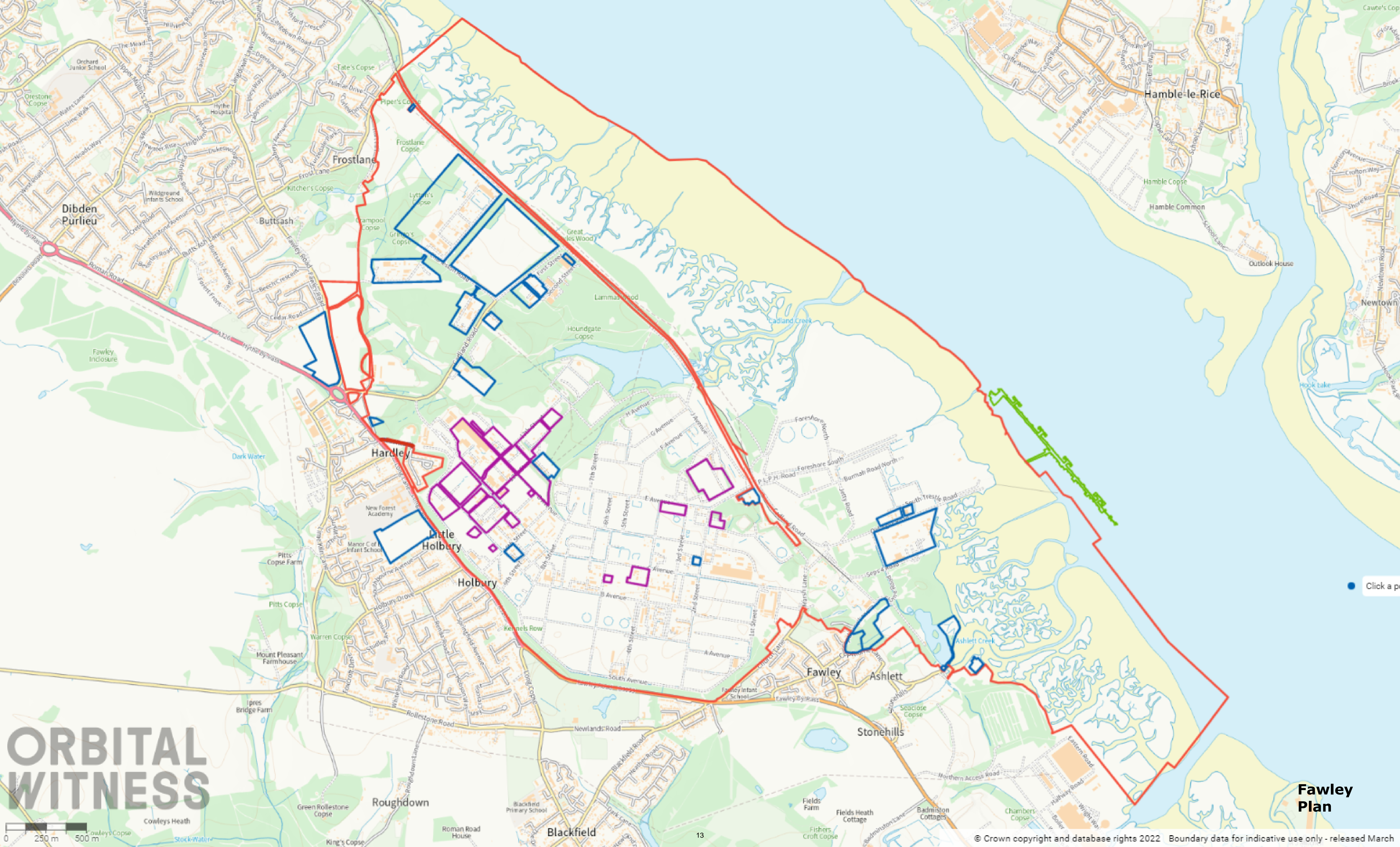
**THIS MEANS THAT YOU MUST NOT GO BEYOND THIS NOTICE AND ENTER THIS SITE WITHOUT PERMISSION.**

**THIS ALSO MEANS THAT YOU MUST NOT OBSTRUCT ANY VEHICULAR ENTRANCE OR EXIT.**

**IF YOU DO, YOU MAY BE SENT TO PRISON OR HAVE YOUR ASSETS SEIZED.**

Copies of the court order and other documents in the proceedings may be viewed at [www.exxonmobil.co.uk/Company/Overview/UK-operations](http://www.exxonmobil.co.uk/Company/Overview/UK-operations).

Copies may also be obtained from [exxonmobil.service@eversheds-sutherland.com](mailto:exxonmobil.service@eversheds-sutherland.com).



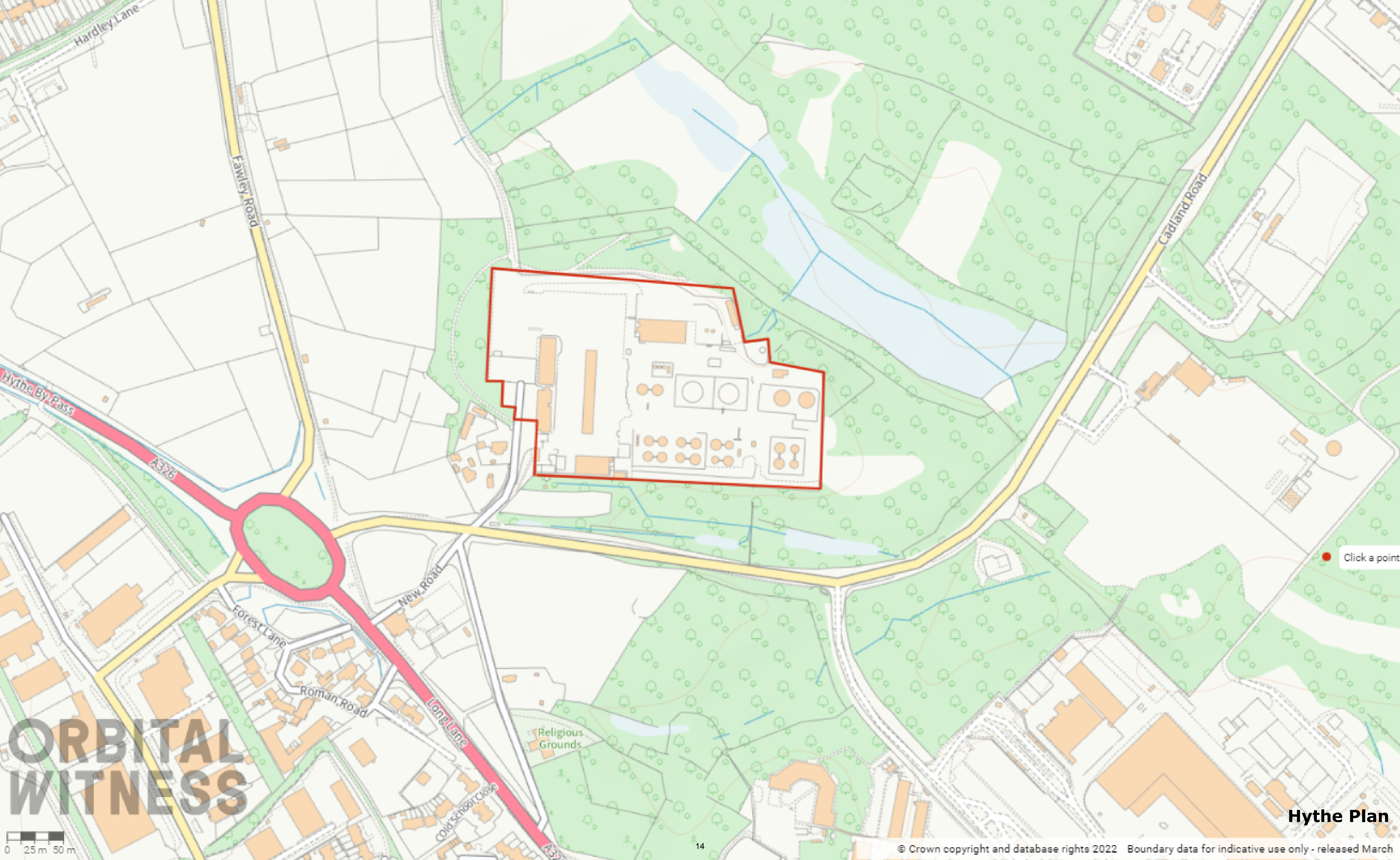
ORBITAL  
WITNESS

0 250 m 500 m

Fawley  
Plan

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ORBITAL  
WITNESS

0 25 m 50 m

Hythe Plan

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ORBITAL  
WITNESS

0 50 m 100 m

BL105954

Smoke Lane

Smoke Lane

Poplar Way West

Worthing Road

Greens

Avonmouth  
Plan

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ORBITAL  
WITNESS

0 25 m 50 m





Harris Academy  
Riverside

Purfleet Baptist Church

London Road Purfleet

EX869958

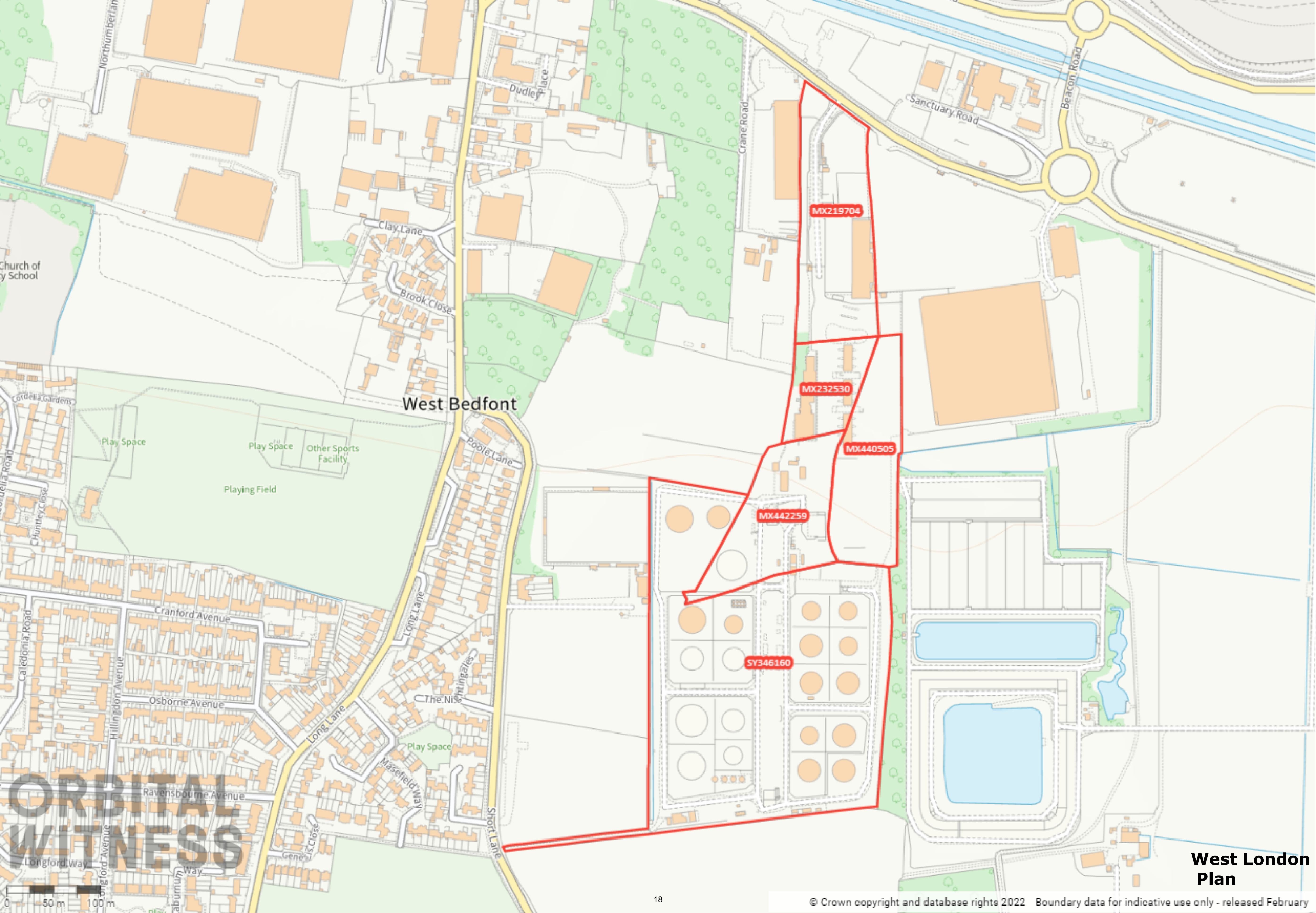
Purfleet Thames  
Terminal

Purfleet  
Plan

ORBITAL  
WITNESS

0 25 m 50 m

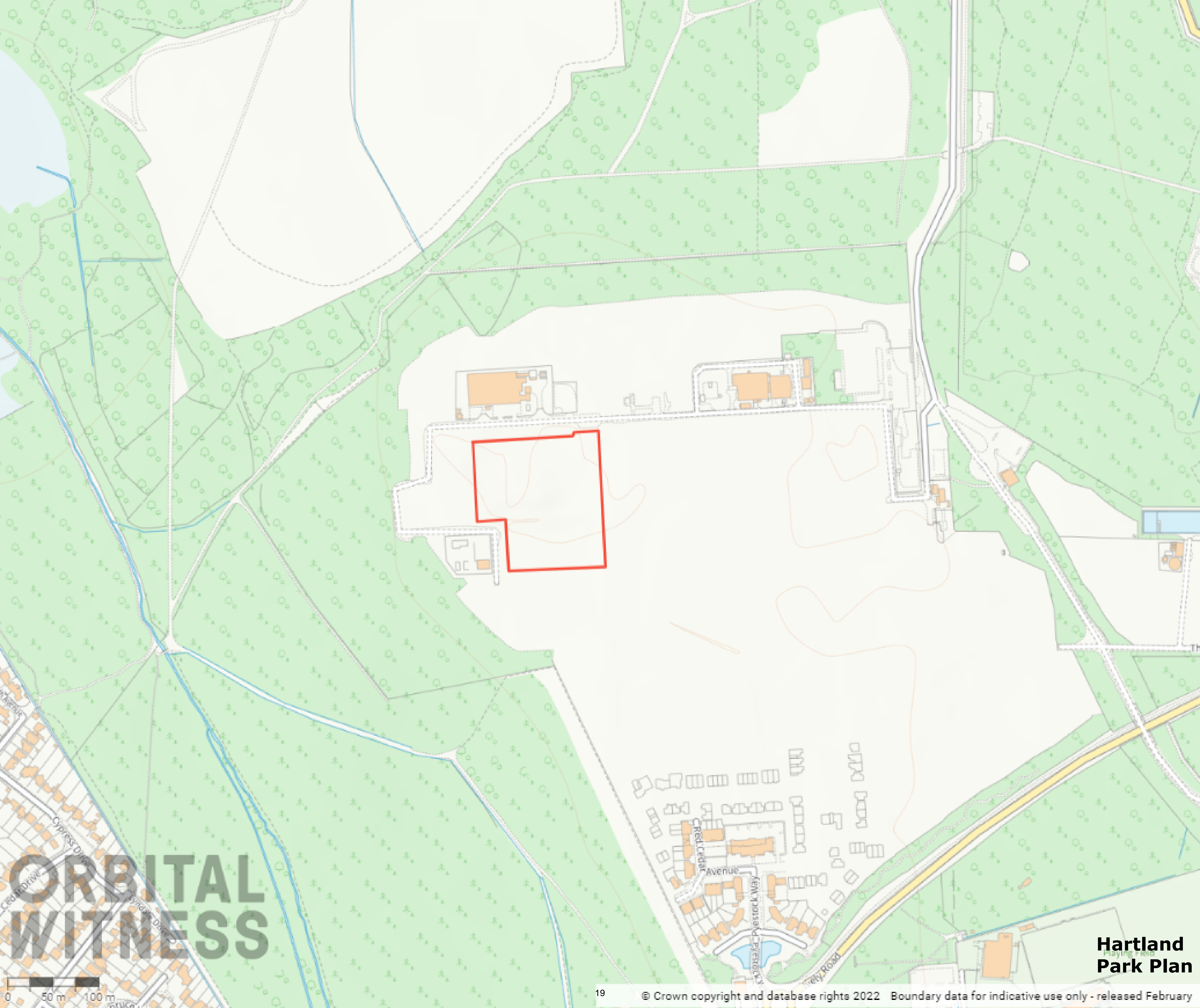
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West Bedfont

ORBITAL  
WITNESS

West London  
Plan



ORBITAL  
WITNESS

0 50 m 100 m

Hartland  
Park Plan





ORBITAL  
WITNESS



**ATTENDANCE NOTE 5 April 2022****High Court of Justice****Claim No QB-2022-001098****Esso Petroleum Company, Limited****ExxonMobil Chemical Limited****Hearing Before Mrs Justice Ellenbogen starting at 11.00 am****Katharine Holland QC and Yaaser Vanderman represented the Claimants**

The Judge's clerk confirmed that no PUs were waiting outside Court.

An individual in the public gallery confirmed to KHQC that he was simply observing.

The Judge confirmed that she had read the statements (but not the exhibits) of S Wortley / A Milne / N Allybokus and the authorities bundle. KHQC was asked to proceed on the basis that the Judge was familiar with the general principles of injunctions against PUs.

KHQC confirmed that:-

- (1) there were currently no protestors on any of the Sites;
- (2) Cs accept an obligation to name individuals whose names are known to them - but Cs do not in fact know the names of any individuals. Cs rely on email messages from solicitors asking for their names;
- (3) JSO activity anticipated in March / XR activity in April - as things have turned out both in April;
- (4) 2 parcels of unregistered land at Birmingham / Purfleet where C1 relies on possessory title. KHQC explained that possessory title sufficient.

**The Properties – para 4 of C's skeleton argument**

KHQC gave an overview of each of the properties referring to the UK map at p 57 which showed all of the Sites (save for the 2 compounds which are used in connection with the construction of the new SLP pipeline).

**Title to the Sites – paras 5 – 8 of C's skeleton argument**

KHQC explained the title to each of the Sites by reference to the documents exhibited to SSW's witness statement and explained each plan.

KHQC took particular care to explain the possessory titles at Birmingham and Purfleet Terminals (in respect of which unregistered land was edged brown on the proposed plans).

**The Campaigns – paras 9 – 13 of C's skeleton argument**

KHQC summarised the material relating to the JSO / Youth Climate Swarm campaign and the XR campaign.

KHQC acknowledged that injunctions are not to be brought lightly - inappropriate for Cs to apply prematurely. Cs have now had to put up with 4 consecutive days of interference. Remedy sought is currently limited to the recent experience.

Cs do not seek to prevent free speech / protest – seeking to prevent interference.

In relation to JSO, KHQC read extracts from the website including the JSO pledge form, Phases 1, 2 and 2A and mobilisation. KHQC confirmed that Cs have no evidence to suggest that Dr Larch Maxey, Louis McKechnie and Hannah Hunt had trespassed or were likely to do so.

In relation to XR, KHQC referred to extracts from the website including the campaign commencing on 9 April 2022.

KHQC referred to the incidents occurring between 1 - 4 April 2022.

As far as further apprehended threats are concerned, KH referred to:-

- Fawley Refinery – historic incidents – obvious risk of further incidents;
- Hythe (and the other 4 terminals) – historic incidents + 1 April 2022 + threat of blocking “storage units” (ie terminals) on the JSO website;
- Hartland Park and Alton Compound – 1 historic incident and previous targeting – both are logistically important to the SLP pipeline.

### **Trespass + Nuisance – paras 14 – 16 C’s skeleton argument**

The claim in trespass is straightforward.

The claim in nuisance is less straightforward at Birmingham / Purfleet where in relation to part of those sites C1 relies on a “relative” title (because C is in de facto control) but cannot prove registered title / documentary title for the relevant part.

A discussion took place concerning the extent to which access to the unregistered parts of those sites could only be gained from C1’s registered land.

For the 3<sup>rd</sup> category of PUs, the nuisance claim should be limited at both of these sites to the land edged red (registered at HM Land Registry) not brown (unregistered).

During the afternoon, consideration was given to whether the nature of the nuisance was private or public and, if public whether it was necessary for Cs to show special damage.

### **Balancing Exercise – paras 17 - 28 C’s skeleton argument**

KHQC referred to the balance of convenience test.

The Judge asked whether if she took account of the qualified rights (Article 10 / 11 – freedom of expression / assembly) in undertaking the balance of convenience test it was necessary to separately consider Article 10 / 11 subsequently ?

KHQC considered that these qualified rights should be kept in mind at all stages (but in any event Ds qualified rights are outweighed by C’s rights).

KHQC referred the Judge to DPP v Ziegler; City of London v Samede; DPP v Cuciurean.

KHQC confirmed that the proceedings are only concerned with private land. Cs are not seeking to control activities on public land.

KHQC submitted that the grant of the remedies sought by Cs will not impact on D's rights pursuant to Article 10/11. It makes no difference on the facts of this case whether the qualified rights are considered in undertaking the balance of convenience or subsequently.

The Judge acknowledged that KHQC's submission was that Cs do not need to justify the proposed interference with Ds qualified rights (but if they do, such interference is justified).

Conversely, the **only** way to stop D's activity is an injunction.

The Judge asked whether Cs have asked JSO / XR to stop. KHQC said not – D's objective is clearly to act against Cs interests in an unlawful manner. There are many other ways in which Ds can exercise their rights.

### **Short adjournment**

**14:05**

A revised form of draft Order was handed to the Judge.

KHQC informed the Judge that during the day Cs had found the 1957 Conveyance of the unregistered land at the Birmingham Terminal. A 2<sup>nd</sup> witness statement of Nawaaz Allybokus was handed to the Judge during the afternoon.

KHQC informed the Judge that Cs had obtained a copy of an injunction in favour of Valero injunction dated 21 March 2022 (return date 11 April 2022). A copy of the Valero injunction was handed to the Judge during the afternoon.

### **s 12 Human Rights Act 1988 – para 29 – 30 C's skeleton argument**

KHQC submitted that Cs have satisfied both sub-s 12(2) Human Rights Act 1998 - Cs solicitors informed JSO / XR of the proceedings and of the hearing by email (satisfying 12(2)(a)). In the circumstances, all practical steps have been taken to notify JSO / XR.

It would not have been practicable to erect warning notices before the hearing having regard to the large areas affected and the work being done to secure the injunction.

### **Injunctions against PUs – paras 31 – 32 C's skeleton argument**

#### **Grounds of the Application – para 34 C's skeleton argument**

KHQC explained the grounds for the application by reference to para 34

p 23 – we are in the midst of a campaign – clear evidence from 01.04.22 – no sign that the campaign has ended.

- impossible to name them – can't name individuals
- requirement of precision – clear from our draft Order
- geographical and temporal limits – clear from our draft Order – seeking an order for a return date

Discussion about return date and end of term

## **Service – para 36 Skeleton**

KHQC explained the 4 processes for serving the proceedings – physical copies being posted at the Sites; uploading documents to ExxonMobil website; erection of large warning notices; and sending emails to the JSO / XR email addresses.

KHQC explained that Cs proposal is to serve the proceedings in 2 locations at each Site. KHQC gave the Judge bundle page references for the satellite images showing access points marked “X” for each of the Sites other than Hartland Park where there is a particularly long access road.

KHQC addressed the Judge concerning the amendments to the draft Order (and the differences between the Valero order and the proposed draft).

Cs accept the general proposition that named Ds should be joined to the proceedings but Cs were unwilling to give an undertaking to that effect.

KHQC agreed to lodge a revised Birmingham Plan which (in the light of the discovery of the Conveyance) will show only Cs paper title (not possessory land).

KHQC agreed to lodge a revised draft Order by 4.15 pm and (if necessary) a further witness statement to clarify the position in relation to the Birmingham Terminal by 4.30 pm.

Judgment to be delivered at 10.30 am on 6 April 2020

## **ATTENDANCE NOTE 6 April 2022**

### **Hearing Before Mrs Justice Ellenbogen starting at 11.00 am (deferred from 10.30 am)**

KHQC explained to the Judge the changes which had been made to the Birmingham Plan following the hearing on 5 April 2022 and that the Birmingham Plan did not exceed the land conveyed by the 1957 Conveyance.

The Judge gave judgment and granted the injunction sought by Cs (a transcript has been requested).

The Judge made changes to paragraph 9.3 of the Order and requested a revised draft for approval together with a set of labelled plans and the latest version of the warning notice for approval (which Cs legal team amended overnight).





# Claim Form

In the High Court of Justice  
Queen's Bench Division

Fee Account no.

PBA 0087211

Help with Fees –  
Ref no. (if applicable)

H	W	F	-			-		
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You may be able to issue your claim online which may save time and money. Go to [www.moneyclaim.gov.uk](http://www.moneyclaim.gov.uk) to find out more.

Claim no.

Issue date

For court use only

Claimants names and addresses including postcode

**(1) ESSO PETROLEUM COMPANY, LIMITED**  
**(2) EXXONMOBIL CHEMICAL LIMITED**  
**both of Ermyn House, Ermyn Way, Leatherhead, Surrey KT22 8UX**

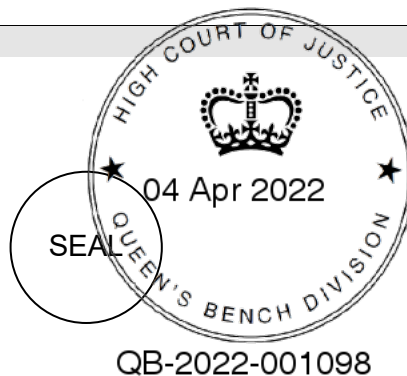
Defendants names and addresses including postcode

**Persons Unknown as further described in the attached rider**

Brief details of claim

**Claim for injunctions as further described in the Particulars of Claim**

Value



QB-2022-001098

You must indicate your preferred County Court Hearing Centre for hearings here (*see notes for guidance*)

Defendant's  
name and  
address for  
service including  
postcode

--

£

Amount claimed

Court fee

Legal representative's costs

**Total amount**

For further details of the courts [www.gov.uk/find-court-tribunal](http://www.gov.uk/find-court-tribunal).

When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

Claim No.	
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Does, or will, your claim include any issues under the Human Rights Act 1998?

☒ Yes

☐ No

Particulars of Claim

**See attached**

## Statement of Truth

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.

☐ I believe that the facts stated in this particulars of claim are true.

☒ **The Claimant** believes that the facts stated in this particulars of claim are true. **I am authorised** by the claimant to sign this statement.

### Signature



☐ Claimant

☐ Litigation friend (where judgment creditor is a child or a patient)

☒ Claimant's legal representative (as defined by CPR 2.3(1))

### Date

Day

4

Month

April

Year

2022

Full name

Stuart Sherbrooke Wortley

Name of claimant's legal representative's firm

Eversheds Sutherland (International) LLP

If signing on behalf of firm or company give position or office held

Claimant's or claimant's legal representative's address to which documents should be sent.

Building and street

One Wood Street

Second line of address

Town or city

London

County (optional)

Postcode

E	C	2	V	7	W	S
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If applicable

Phone number

020 7919 4500

Fax phone number

DX number

Your Ref.

SSW.066758.010081

Email

stuartwortley@eversheds-sutherland.com

## **RIDER TO CLAIM FORM**

**(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")**

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN EDGED RED AND GREEN ON THE 'FAWLEY PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN EDGED RED ON THE 'HYTHE PLAN' ATTACHED TO THE PARTICULARS OF CLAIM )
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**(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES**



# Claim Form

In the High Court of Justice  
Queen's Bench Division

Fee Account no.

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Help with Fees –  
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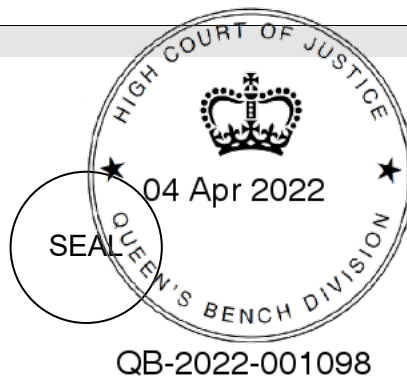
Defendants names and addresses including postcode

**Persons Unknown as further described in the attached ~~rider~~ amended rider**

Brief details of claim

**Claim for injunctions as further described in the Particulars of Claim**

Value



QB-2022-001098

You must indicate your preferred County Court Hearing Centre for hearings here (see notes for guidance)

Defendant's  
name and  
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£

Amount claimed

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**Total amount**

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Claim No.

Does, or will, your claim include any issues under the Human Rights Act 1998?

☒ Yes

☐ No

Particulars of Claim

**See attached**

# Statement of Truth

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## Signature



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☐ Litigation friend (where judgment creditor is a child or a patient)

☒ Claimant's legal representative (as defined by CPR 2.3(1))

## Date

Day

4

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April

Year

2022

Full name

Stuart Sherbrooke Wortley

Name of claimant's legal representative's firm

Eversheds Sutherland (International) LLP

If signing on behalf of firm or company give position or office held



Claimant's or claimant's legal representative's address to which documents should be sent.

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If applicable

Phone number

020 7919 4500

Fax phone number

DX number

Your Ref.

SSW.066758.010081

Email

stuartwortley@eversheds-sutherland.com

**AMENDED PURSUANT TO CPR PART 17.1.1**

**RIDER TO CLAIM FORM QB-2022-001098**

**(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")**

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**(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES (**WHERE "SITES" FOR THIS PURPOSE DOES NOT INCLUDE THE AREA EDGED BROWN ON THE PURFLEET PLAN**)**

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**B E T W E E N:**

**Claim No QB-2022**

- (1) ESSO PETEROEUM COMPANY, LIMITED**  
**(2) EXXONMOBIL CHEMICAL LIMITED**

**Claimants**

**-and-**

- (1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")**

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**AMENDED PARTICULARS OF CLAIM**

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## **The Sites**

1.1 The land and property to which this Claim relates (“the Sites”) are as follows:

1.1 *The Fawley Petrochemical Complex*

1.1.1 This site is at Marsh Lane, Southampton SO45 1TH (“the Fawley Petrochemical Complex”).

1.1.2 The Fawley Petrochemical Complex comprises an oil refinery (“the Fawley Oil Refinery”), a chemical plant (“the Chemical Plant”) and a jetty (“the Fawley Jetty”).

1.1.3 The Fawley Oil Refinery is the largest oil refinery in the UK and provides 20% of UK refinery capacity.

1.1.4 The Chemical Plant has a capacity of 800,000 tonnes per year, is highly integrated with the operations of the Fawley Oil Refinery and produces key components for a multitude of finished products manufactured in the UK or elsewhere in Europe.

1.1.5 The Fawley Oil Refinery and the Chemical Plant comprise part of the freehold land registered under title number HP5287836.

1.1.6 The Chemical Plant is also the subject of the unregistered leasehold interest created by a Lease dated 28 August 1975 for a term of 99 years from 1 January 1971.

1.1.7 The Fawley Jetty is the subject of a registered leasehold title under title number HP528740 comprising 4 Leases each expiring on 5 July 2049 and dated 14 March 1951, 17 January 1961, 16 April 1956 and 2 December 1968.

1.1.8 The First Claimant’s freehold land is shown edged red, the First Claimant’s leasehold interest in the Fawley Jetty is shown edged green and the Second Claimant’s leasehold land is shown edged purple on the plan attached to these Amended Particulars of Claim marked “Fawley

Plan”. The Sites and this claim do not relate to those areas edged blue in the Fawley Plan.

## 1.2 *The Hythe Terminal*

- 1.2.1 This site is at New Road, Hardley S045 3NR (“the Hythe Terminal”).
- 1.2.2 The Hythe Terminal is located close to the Fawley Petrochemical Complex and is an oil terminal which primarily serves the south and west of England.
- 1.2.3 The Hythe Terminal comprises a part of the freehold land registered under title number HP5287836.
- 1.2.4 The First Claimant’s freehold land is shown edged red on the plan attached to these Amended Particulars of Claim marked “Hythe Plan”.

## 1.3 *The Avonmouth Terminal*

- 1.3.1 This site is at St Andrew’s Road, Bristol BS11 9BN (“the Avonmouth Terminal”).
- 1.3.2 The Avonmouth Terminal is an oil terminal which primarily serves the southwest of England.
- 1.3.3 The Avonmouth Terminal comprises the leasehold interest registered under title number BL105954 created by a Lease dated 22 January 2008 for a term of 15 years from 2 January 2007, which is currently the subject of a statutory continuation tenancy under Part II of the Landlord and Tenant Act 1954.
- 1.3.4 The First Claimant’s leasehold land is shown edged red on the plan attached to these Amended Particulars of Claim marked “Avonmouth Plan”.

## 1.4 *The Birmingham Terminal*

- 1.4.1 This site is at Tyburn Road, Birmingham B24 8HJ (“the Birmingham Terminal”).
- 1.4.2 This Birmingham Terminal is an oil terminal which primarily serves the Midlands.
- 1.4.3 The Birmingham Terminal is the subject of two registered freehold titles, namely WK118802 and WK66930 and unregistered freehold land.
- 1.4.4 The First Claimant’s freehold land is shown edged red on the plan attached to these Amended Particulars of Claim marked “Birmingham Plan”.

1.5 *The Purfleet Terminal*

- 1.5.1 This site is at London Road, Purfleet, RM19 1RS (“the Purfleet Terminal”).
- 1.5.2 The Purfleet Terminal comprises a terminal and also a jetty “the Purfleet Jetty”.
- 1.5.3 The Purfleet terminal is an oil terminal which primarily serves London and southeast England.
- 1.5.4 That part of the Purfleet Terminal which comprises just the terminal is the subject of two registered freehold titles, namely EX869151 and EX869958, although part of EX869958 has now been sold to Purfleet Real Estate Limited (albeit the sale has not yet been registered).
- 1.5.5 The title to the Purfleet Jetty is unregistered but the First Claimant has occupied this jetty for around 100 years.
- 1.5.6 The First Claimant’s freehold land (omitting that part of EX869958 which has been sold) is shown edged red and the First Claimant’s unregistered interest in the Purfleet Jetty is shown edged brown on the plan attached to these Amended Particulars of Claim marked “Purfleet Plan”.

1.6 *The West London Terminal*

- 1.6.1 This site is at Bedfont Road, Stanwell, Middlesex TW19 7LZ (“the West London Terminal”).
- 1.6.2 The West London Terminal serves a wide range of customers in southern and central England and supplies aviation fuel to Heathrow Airport.
- 1.6.3 The West London Terminal is the subject of five freehold registered title, namely MX232530, MX442259, MX440505, MX219704 and SY346160.
- 1.6.4 The First Claimant’s freehold land is shown edged red on the plan attached to these Amended Particulars of Claim marked “West London Plan”.

1.7 *The Hartland Park Logistics Hub*

- 1.7.1 This site is at Ively Road, Farnborough (“the Hartland Park Logistics Hub”).
- 1.7.2 This site comprises a temporary logistics hub which comprises project offices, welfare facilities and car parking for staff and contractors together with storage of construction plant materials, machinery and equipment in connection with the construction of a replacement fuel pipeline between the Petrochemical Complex and the West London Terminal.
- 1.7.3 The Hartland Park Logistics Hub is the subject of an unregistered leasehold interest created by a Lease dated 2 September 2021 made between SHE Manger Limited and SHE Nominee Limited and the First Claimant for a term commencing on 6 September 2021 and 30 September 2024.
- 1.7.4 The First Claimant’s leasehold land is shown edged red on the plan attached to these Amended Particulars of Claim marked “Hartland Park Plan”.

1.8 *The Alton Compound*

- 1.8.1 This site is at the A31, Holybourne (“the Alton Compound”).
- 1.8.2 This site is a pumping station and another compound used in connection with the construction of the pipeline referred to in Paragraph 1.7.2 above.
- 1.8.3 The Alton Compound is the subject of a freehold title, namely SH30798.
- 1.8.4 The First Claimant’s freehold land is shown edged red on the plan attached to these Amended Particulars of Claim marked “Alton Compound Plan”.

**The Interests of the Claimants in the Sites**

2. The interests of the Claimants in respect of each of these Sites are as follows:

2.1 *The Fawley Petrochemical Complex*

- 2.1.1 The First Claimant is the freehold owner of the Fawley Oil Refinery and the Chemical Plant, being the registered freehold proprietor in respect of Title No HP5287836.
- 2.1.2 The Second Claimant is the lessee of the Chemical Plant under the Lease dated 28 August 1975 referred to in Paragraph 1.6.1 above.
- 2.1.3 The First Claimant is the registered lessee of the Fawley Jetty, being the registered proprietor in respect of Title Number HP528740.

2.2 *The Hythe Terminal*

- 2.2.1 The First Claimant is the freehold owner of the Hythe Terminal, being the registered freehold proprietor in respect of Title No HP5287836.

2.3 *The Avonmouth Terminal*



2.3.1 The First Claimant is the registered lessee of the Avonmouth Terminal, as the registered leasehold proprietor in respect of Title No BL105954.

2.4 *The Birmingham Terminal*

2.4.1 The First Claimant is the freehold owner of the Birmingham Terminal, being the registered proprietor in respect of Title Numbers WK118802 and WK66930 and the unregistered title referred to in Paragraph 1.4.3 above.

2.5 *The Purfleet Terminal*

2.5.1 The First Claimant is the freehold owner of the Purfleet Terminal, being the registered freehold proprietor in respect of Title Numbers EX869151 and EX869958, save for that part of EX869958 which has now been sold.

2.6 *The West London Terminal*

2.6.1 The First Claimant is the freehold owner of the West London Terminal, being the registered freehold proprietor in respect of title numbers MX232530, MX442259, MX440505, MX219704 and SY346160.

2.7 *Hartland Park Logistics Hub*

2.7.1 The First Claimant is the lessee of the Hartland Park Logistics Hub, being the lessee under the Lease referred to in Paragraph 1.7.3 above.

2.8 *The Alton Compound*

2.8.1 The First Claimant is the freehold owner of the Alton Compound, being the registered freehold proprietor in respect of title number SH30798.

3. The First Claimant is also the owner or lessee (as the case may be) of such of the airspace over these sites as is necessary for the use of these sites. The Second Claimant is the lessee over such of the airspace over the Fawley Chemical Plant as is necessary for the use of that site.

### **The Campaigns**

4. There are three campaigns in respect of which there has now been direct action affecting some of the Sites and from whom further direct action is apprehended:
  - 4.1 'Extinction Rebellion' is an established protest campaign, which promotes the use of civil disobedience with a view to influencing government policy.
  - 4.2 'Just Stop Oil' is newer protest campaign, the target of which is to end the use of fossil fuels in the UK.
  - 4.3 The 'Just Stop Oil' campaign also incorporates 'Youth Climate Swarm', which is specifically for 'Just Stop Oil' activists under the age of 30, the target again being to end the use of fossil fuels in the UK.

### **The Acts of Nuisance and Trespass**

5. On 1 to 3 April 2022 the following acts of trespass and/or nuisance occurred in relation to the following Sites:
  - 5.1 On 1 April 2022, at around 4am approximately 20 protestors blocked the entrance to the Birmingham Terminal, blocking vehicular access and preventing customers from collecting fuel in vehicle tankers. One protestor glued himself to the path outside the Birmingham Terminal.
  - 5.2 On 1 April 2022, at around 4am approximately 20 protestors blocked the entrance to the West London Terminal by attaching barriers to the vehicular entrance gates and customers were prevented from collecting fuel in vehicle tankers. Protestors also erected tripods immediately outside the access gate,

thereby blocking it. One of the protestors cut a hole in the access fence and scaled one of the fuel storage tanks.

- 5.3 On 1 April 2022, at around 5am, 7 protestors blocked the access to the Hythe Terminal and customers were unable to gain access.
- 5.4 On 1 April 2022, at around 6.30am, 20 protestors blocked the access road to the Purfleet Terminal and prevented customers from accessing. 6 protestors climbed on to a truck making a delivery to the site.
- 5.5 On 2 April 2022, at around 9:30am, approximately 20 protestors blocked the entrance and exist to the Purfleet Terminal. A number of protestors locked themselves onto the access gates.
- 5.6 On 3 April 2022, at around 5am, approximately 20 protestors blocked the access to the Birmingham Terminal. Some protestors also climbed onto a Sainsbury's fuel truck. Another protestor cut through the security fence, and scaled one of the fuel storage tanks in order to display a banner.
- 5.7 On 4 April 2022, at around 4.30 am, approximately 20 protestors blocked the access to the West London Terminal.

- 6. Both 'Extinction Rebellion' and 'Just Stop Oil' have claimed involvement in the protest activities of 1 and 2 April 2022 and there is a threat of further acts of trespass and/or nuisance in connection with these campaigns. In particular:

- 6.1 In relation to the 'Just Stop Oil' campaign, the website for this campaign has stated that in "*March and April 2022, 100s of people all round the country will be taking action to force the Government to take action against the fossil fuel industry*" and reference is made to the following phases of activity:

*"March onwards*

*Phase 1            In March 2022 teams will block the oil networks to demand that the government Just Stop Oil. They will block oil refineries, storage units, and adjacent motorways.*

*Phase 2A        Teams will block petrol stations in the South-East. Many people will do sit-ins, sitting on the*

*ground in the forecourt. Others will do tanker-surfing and spray paint filling points.*

*Phase 2B      High stakes resistance against oil”*

- 6.2 In relation to ‘Extinction Rebellion’, their website has referred to the “Next UK Rebellion” and indicated that in April 2022 they proposed “*one aligned action plan, rather than having a scattergun approach across several different targets, in order to have the most impact*”.

### **The Relief Sought**

- 7.1 The Claimants apprehend that, unless restrained by the Court, there will be further acts of trespass and/or nuisance of the type referred to above.
- 7.2 Accordingly, by reason of the facts and matters set out above, the First Claimant seeks:
- 7.2.1 an order that the First Defendants must not without the consent of the First Claimant:
- (a) enter or remain upon any part of the Sites;
  - (b) damage any part of any of the Sites;
  - (c) affix themselves or any person or object to any part of any of the Sites;
  - (d) erect any structures on any part of any of the Sites.
- 7.2.2 an order that the Third Defendants must not obstruct any of the vehicular entrances or exits to any of the Sites (where “Sites” for this purpose does not include the area edged brown on the Purfleet Plan) so as to restrict or prevent or endanger the use of such entrances or exits for the Claimants, their contractors, servants, agents, employees or licensees.
- 7.3 Further, by reason of the facts and matters set out above, the Second Claimant claims an order that the Second Defendants must not without the consent of the Second Claimant:
- 7.3.1 enter or remain upon any part of the Chemical Plant;

- 7.3.2 damage any part of the Chemical Plant;
- 7.3.3 affix themselves or any person or object at the Chemical Plant;
- 7.3.4 erect any structures on any part of the Chemical Plant.

## **AND THE FIRST CLAIMANT CLAIMS**

- (1) An order that until 4 April 2024 the First Defendants must not:

- 1.1 enter or remain upon any part of the First Claimant's properties ("the Sites") without the consent of the First Claimant at:

- (1) the Oil Refinery and Jetty at the Petrochemical Complex, Marsh Lane, Southampton SO45 1TH (as shown for identification edged red and green but excluding those areas edged blue on the attached 'Fawley Plan').
- (2) Hythe Terminal, New Road, Handley, SO45 3NR (as shown for identification edged red on the attached 'Hythe Plan').
- (3) Avonmouth Terminal, St Andrews Road, Bristol BS11 9BN (as shown for identification edged red on the attached 'Avonmouth Plan').
- (4) Birmingham Terminal, Tyburn Road, Birmingham B24 8HJ (as shown for identification edged red on the attached 'Birmingham Plan').
- (5) Purfleet Terminal, London Road, Purfleet, Essex RM19 1RS (as shown for identification edged red and brown on the attached 'Purfleet Plan').
- (6) West London Terminal, Bedfont Road, Stanwell, Middlesex TW19 7LZ (as shown for identification edged red on the attached 'West London Plan').
- (7) Hartland Park Logistics Hub, Ively Road, Farnborough (as shown for identification edged red on the attached 'Hartland Park Plan').
- (8) Alton Compound, Pumping Station, A31, Holybourne (as shown for identification edged red on the attached 'Alton Compound Plan')

- 1.2 damage any part of any of the Sites;

- 1.3 affix themselves or any person or object to any part of any of the Sites;
- 1.4 erect any structures on any part of any of the Sites.

(2) An order that until 4 April 2024 the Third Defendants must not obstruct any of the vehicular entrances or exits to any of the Sites (where “Sites” for this purpose does not include the area edged brown on the Purfleet Plan) so as to restrict or prevent or endanger the use of such entrances or exits for the Claimants, their contractors, servants, agents, employees or licensees.

#### **AND THE SECOND CLAIMANT CLAIMS**

(2) An order that until 4 April 2024 the Second Defendants must not without the consent of the Second Claimant:

- 2.1 enter or remain upon any part of the Second Claimant’s property at the Chemical Plant, Marsh Lane, Southampton SO45 1TH (“the Chemical Plant”) (as shown for identification edged purple on the attached ‘Fawley Plan’);
- 2.2 damage any part of the Chemical Plant;
- 2.3 affix themselves or any person or object at the Chemical Plant;
- 2.4 erect any structures on any part of the Chemical Plant.

**KATHARINE HOLLAND QC**

**YAASER VANDERMAN**

#### **STATEMENT OF TRUTH**

The Claimant believes that the facts stated in these particulars of claim are true. The Claimant 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.

I am duly authorised by the Claimant to sign this statement.



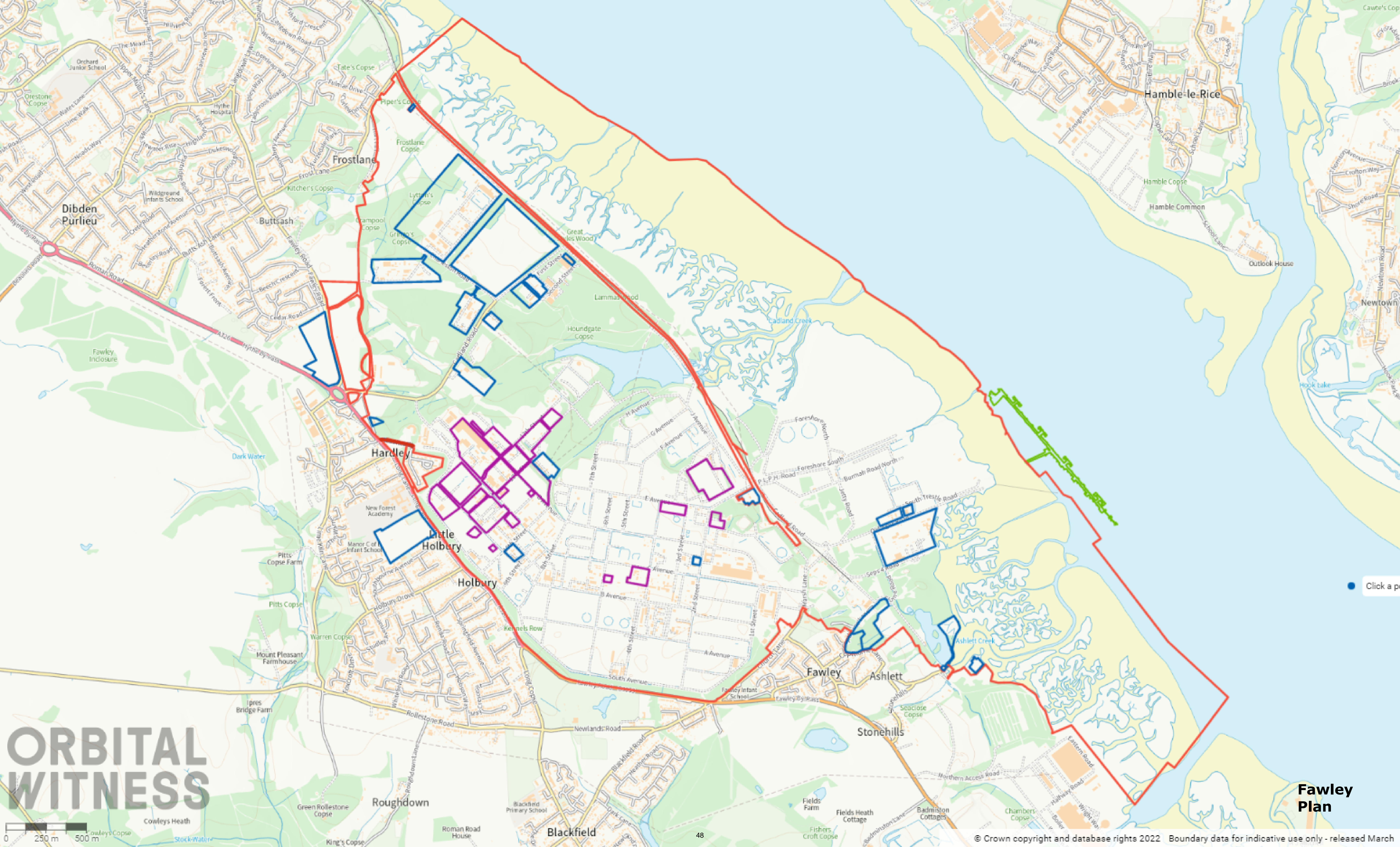
---

Stuart Sherbrooke Wortley

Partner

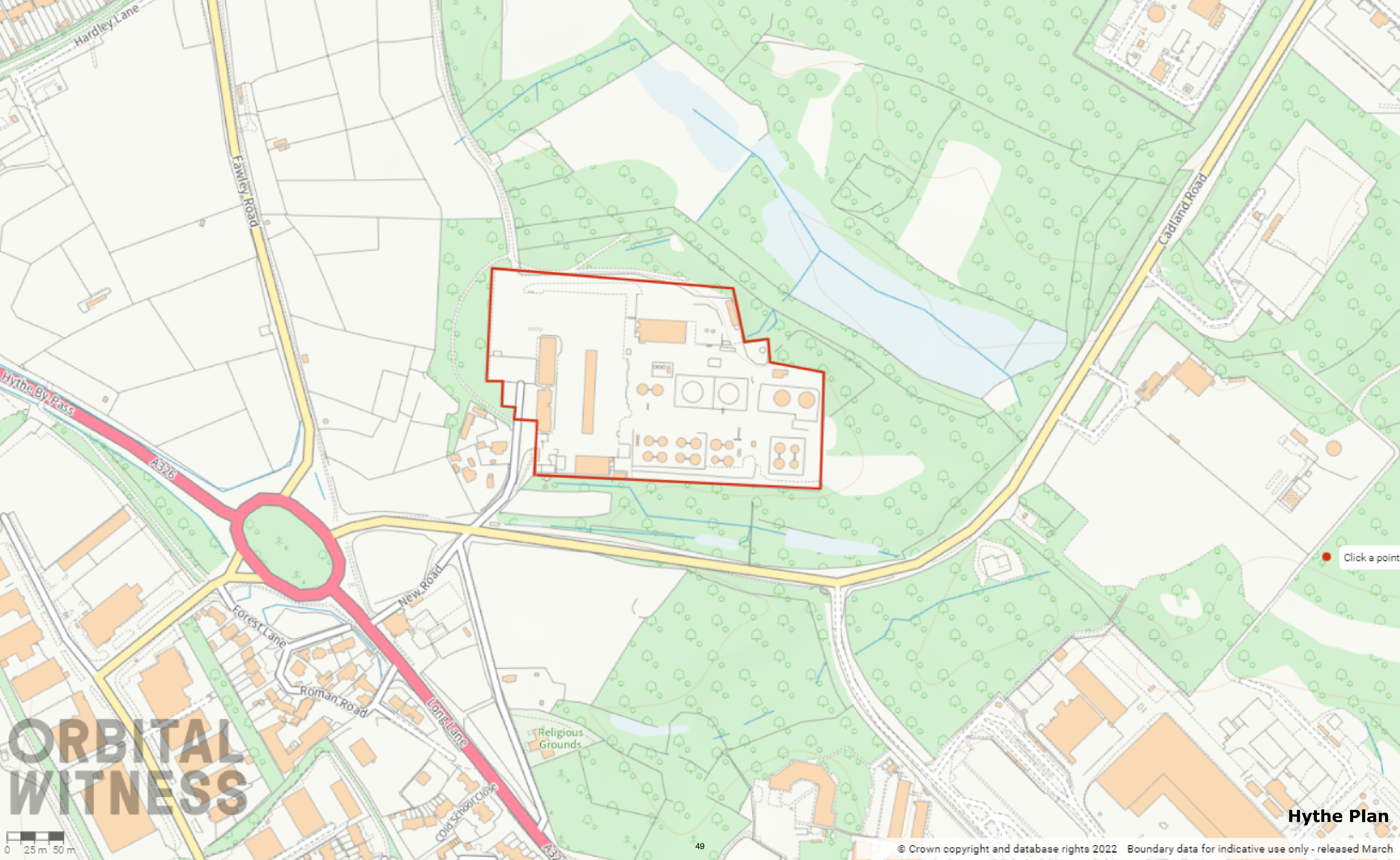
Eversheds Sutherland (International) LLP

Claimant's solicitor



ORBITAL  
WITNESS





ORBITAL  
WITNESS

0 25m 50m

Hythe Plan

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ORBITAL  
WITNESS

0 50 m 100 m

BL105954

Smoke Lane

Smoke Lane

A403

A403

Poplar Way West

Worthing Road

Greens

Avonmouth  
Plan

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ORBITAL  
WITNESS

0 25 m 50 m

Birmingham  
Plan

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Harris Academy  
Riverside

Purfleet Baptist Church

London Road Purfleet

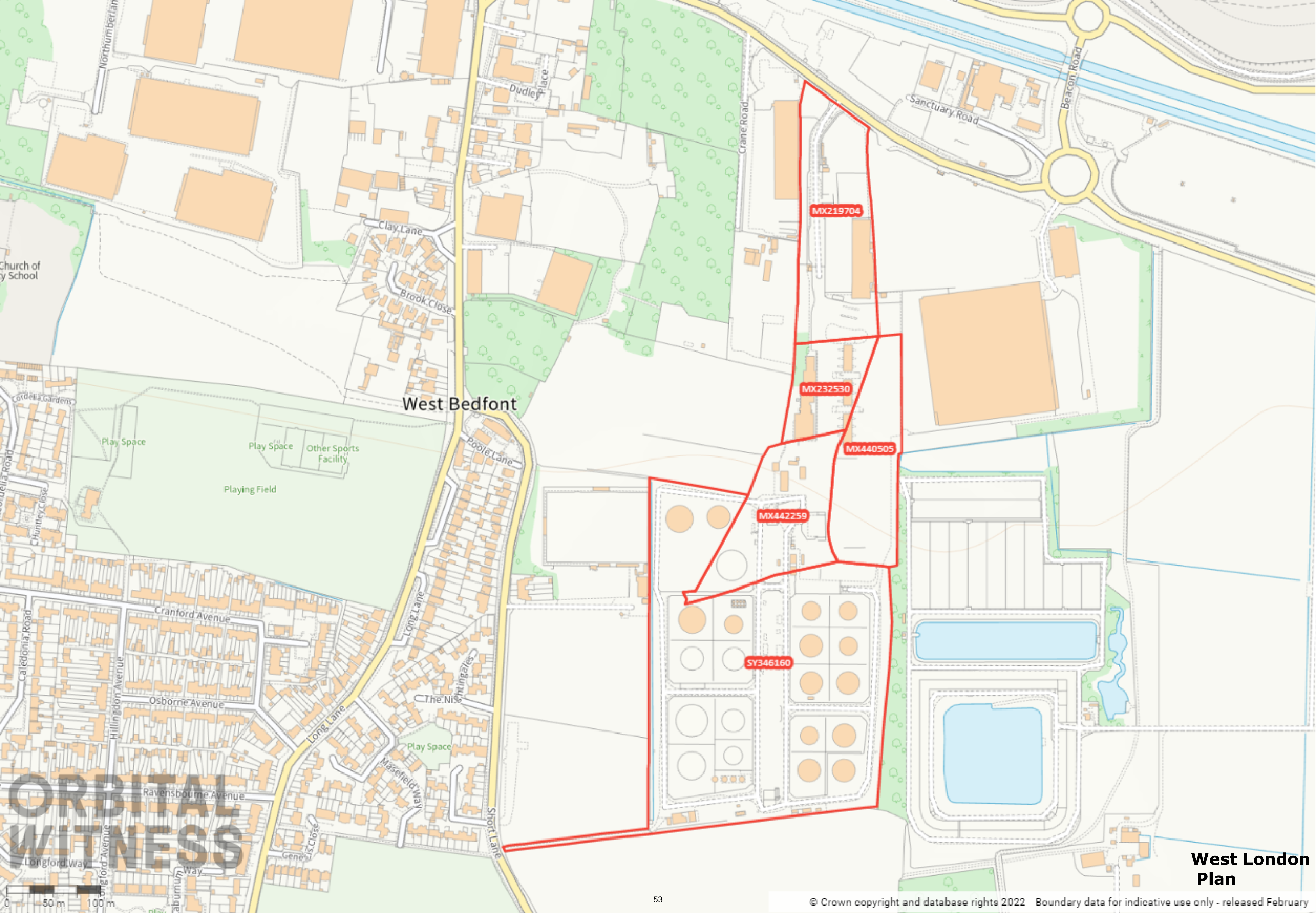
EX869958

Purfleet Thames  
Terminal

Purfleet  
Plan

ORBITAL  
WITNESS

0 25 m 50 m



West Bedfont

MX219704

MX232530

MX440505

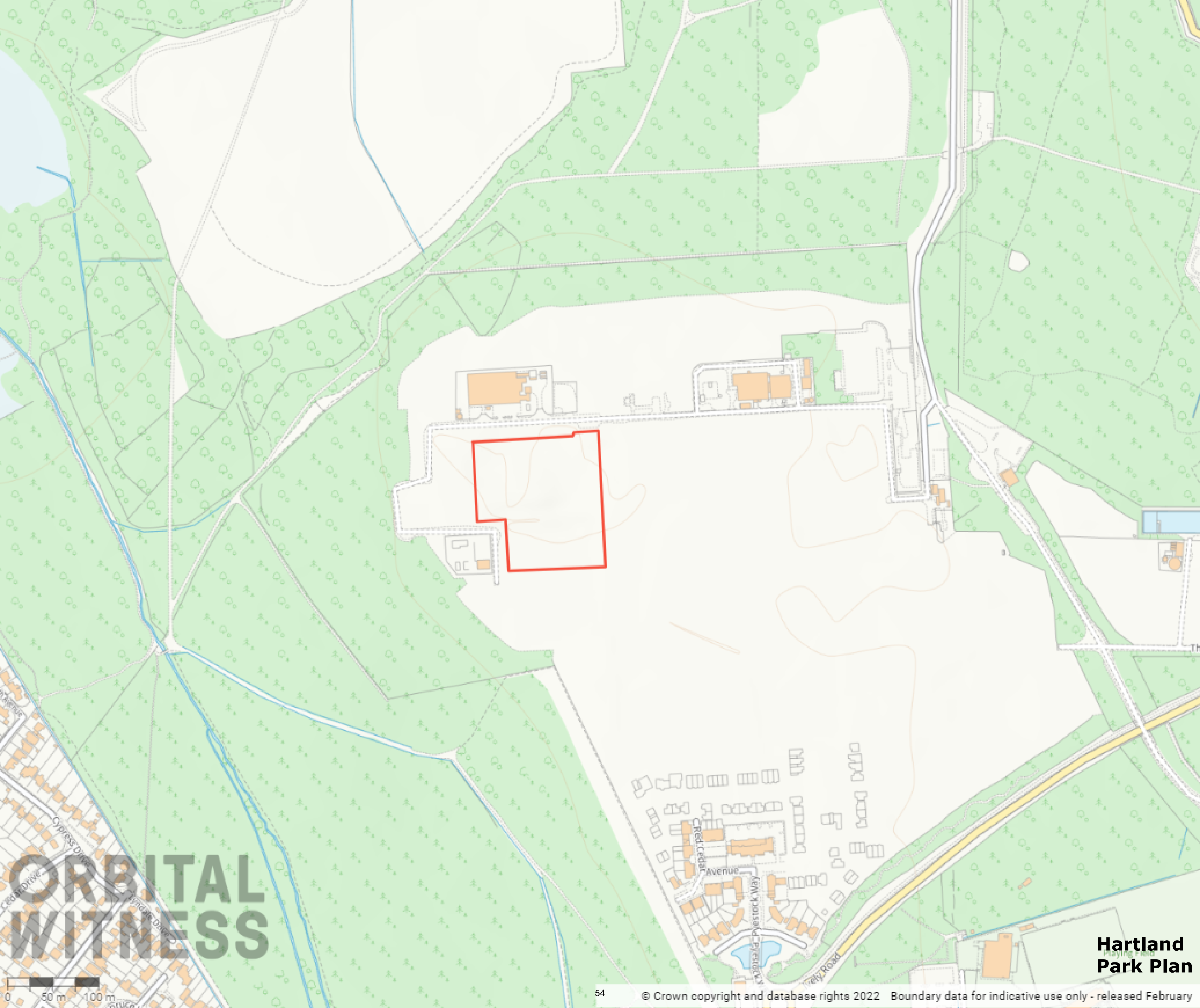
MX442259

SY346160

ORBITAL  
WITNESS

West London  
Plan





**ORBITAL  
WITNESS**

0 50 m 100 m

**Hartland  
Park Plan**



ORBITAL  
WITNESS

**Alton Compound  
Plan**

# Response pack

You should read the 'notes for defendant' attached to the claim form which will tell you when and where to send the forms.

## Included in this pack are:

- either **Admission Form N9A** (if the claim is for a specified amount)
- either **Defence and Counterclaim Form N9B** (if the claim is for a specified amount)
- **Acknowledgment of service** (see below)
- or **Admission Form N9C** (if the claim is for an unspecified amount or is not a claim for money)
- or **Defence and Counterclaim Form N9D** (if the claim is for an unspecified amount or is not a claim for money)

If you admit the claim or the amount claimed and/or you want time to pay

If you admit part of the claim

If you dispute the whole claim or wish to make a claim (a counterclaim) against the claimant

If you need 28 days (rather than 14) from the date of service to prepare your defence, or wish to contest the court's jurisdiction

If you do nothing, judgment may be entered against you

## Complete

the admission form

the admission form and the defence form

the defence form

the acknowledgment of service

## Acknowledgment of service

Defendant's full name if different from the name given on the claim form

In the High Court Of Justice  
Queen's Bench Division  
Royal Courts of Justice

**Claim No.**

**Claimant**  
(including ref.)

**Defendant**

Address to which documents about this claim should be sent (including reference if appropriate)

<input type="text"/>          Postcode <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	If applicable	
	Telephone no.	<input type="text"/>
	Fax no.	<input type="text"/>
	DX no.	<input type="text"/>
	Your ref.	<input type="text"/>

E-mail	<input type="text"/>
--------	----------------------

### Tick the appropriate box

- I intend to defend all of this claim ☐
- I intend to defend part of this claim ☐
- I intend to contest jurisdiction ☐

(My) (Defendant's) date of birth is

 /  / 

If you file an acknowledgment of service but do not file a defence within 28 days of the date of service of the claim form, or particulars of claim if served separately, judgment may be entered against you.

If you do not file an application to dispute the jurisdiction of the court within 14 days of the date of filing this acknowledgment of service, it will be assumed that you accept the court's jurisdiction and judgment may be entered against you.

If served outside the jurisdiction see CPR rule 6.35 and 6.37(5).

**Signed**

(Defendant) (Defendant's legal representative) (Litigation friend)

**Position or office held**

(if signing on behalf of firm or company)

**Date**

 /  / 

For further details of the courts [www.gov.uk/find-court-tribunal](http://www.gov.uk/find-court-tribunal). When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.



# Response pack

You should read the 'notes for defendant' attached to the claim form which will tell you when and where to send the forms.

## Included in this pack are:

- either **Admission Form N9A** (if the claim is for a specified amount)
- either **Defence and Counterclaim Form N9B** (if the claim is for a specified amount)
- **Acknowledgment of service** (see below)
- or **Admission Form N9C** (if the claim is for an unspecified amount or is not a claim for money)
- or **Defence and Counterclaim Form N9D** (if the claim is for an unspecified amount or is not a claim for money)

If you admit the claim or the amount claimed and/or you want time to pay

If you admit part of the claim

If you dispute the whole claim or wish to make a claim (a counterclaim) against the claimant

If you need 28 days (rather than 14) from the date of service to prepare your defence, or wish to contest the court's jurisdiction

If you do nothing, judgment may be entered against you

## Complete

the admission form

the admission form and the defence form

the defence form

the acknowledgment of service

## Acknowledgment of service

Defendant's full name if different from the name given on the claim form

In the High Court Of Justice  
Queen's Bench Division  
Royal Courts of Justice

**Claim No.**

**Claimant**  
(including ref.)

**Defendant**

Address to which documents about this claim should be sent (including reference if appropriate)

	If applicable	
	Telephone no.	
	Fax no.	
	DX no.	
	Your ref.	

Postcode

E-mail

### Tick the appropriate box

- I intend to defend all of this claim ☐
- I intend to defend part of this claim ☐
- I intend to contest jurisdiction ☐

(My) (Defendant's) date of birth is

/   /

If you file an acknowledgment of service but do not file a defence within 28 days of the date of service of the claim form, or particulars of claim if served separately, judgment may be entered against you.

If you do not file an application to dispute the jurisdiction of the court within 14 days of the date of filing this acknowledgment of service, it will be assumed that you accept the court's jurisdiction and judgment may be entered against you.

If served outside the jurisdiction see CPR rule 6.35 and 6.37(5).

**Signed**

(Defendant) (Defendant's legal representative) (Litigation friend)

**Position or office held**

(if signing on behalf of firm or company)

**Date**

/   /

For further details of the courts [www.gov.uk/find-court-tribunal](http://www.gov.uk/find-court-tribunal). When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.



# Admission (unspecified amount, non-money and return of goods claims)

- Before completing this form please read the notes for guidance attached to the claim form. If necessary provide details on a separate sheet, add the claim number and attach it to this form.
- If you are not an individual, you should ensure that you provide sufficient details about the assets and liabilities of your firm, company or corporation to support any offer of payment made.

## In non-money claims only

- ☐ I admit liability for the whole claim  
(Complete section 11)

## In return of goods cases only

Are the goods still in your possession?

- ☐ Yes ☐ No

## Part A Response to claim (tick one box only)

- ☐ I admit liability for the whole claim but want the court to decide the amount I should pay / value of the goods

OR

- ☐ I admit liability for the claim and offer to pay  in satisfaction of the claim  
(Complete part B and sections 1 - 11)

## Part B How are you going to pay the amount you have admitted? (tick one box only)

- ☐ I offer to pay on (date)

OR

- ☐ I cannot pay the amount immediately because (state reason)

AND

I offer to pay by instalments of £   
per (week)(month)

starting (date)

## 1 Personal details

Surname

Forename

☐ Mr ☐ Mrs ☐ Miss ☐ Ms

☐ Married ☐ Single ☐ Other (specify)

Date of birth

Address

Postcode

Tel. no.

In the

Claim No.

Claimant

(including ref.)

Defendant

## 2 Dependants (people you look after financially)

### Number of children in each age group

under 11  11-15  16-17  18 & over

Other dependants

(give details)

## 3 Employment

- ☐ I am employed as a  
My employer is

Jobs other than  
main job (give details)

- ☐ I am self employed as a

Annual turnover is..... £

- ☐ I am not in arrears with my national insurance contributions, income tax and VAT

☐ I am in arrears and I owe..... £

Give details of:

- (a) contracts and other work in hand  
(b) any sums due for work done

- ☐ I have been unemployed for  years  months

- ☐ I am a pensioner

## 4 Bank account and savings

- ☐ I have a bank account

☐ The account is in credit by..... £

☐ The account is overdrawn by.... £

- ☐ I have a savings or building society account

The amount in the account is..... £

## 5 Residence

- I live in ☐ my own property ☐ lodgings  
☐ jointly owned house ☐ rented property  
☐ council accommodation

## 6 Income

My usual take home pay ( <i>including overtime, commission, bonuses etc</i> )	£	per
Income support	£	per
Child benefit(s)	£	per
Other state benefit(s)	£	per
My pension(s)	£	per
Others living in my home give me	£	per
Other income ( <i>give details below</i> )		
	£	per
	£	per
	£	per
<b>Total income</b>	<b>£</b>	<b>per</b>

## 8 Priority debts

(This section is for arrears only. Do not include regular expenses listed in section 7)

Rent arrears	£	per
Mortgage arrears	£	per
Council tax/Community Charge arrears	£	per
Water charges arrears	£	per
Fuel debts: Gas	£	per
Electricity	£	per
Other	£	per
Maintenance arrears	£	per
Others ( <i>give details below</i> )		
	£	per
	£	per
<b>Total priority debts</b>	<b>£</b>	<b>per</b>

## 7 Expenses

(*Do not* include any payments made by other members of the household out of their own income)

I have regular expenses as follows:

Mortgage ( <i>including second mortgage</i> )	£	per
Rent	£	per
Council tax	£	per
Gas	£	per
Electricity	£	per
Water charges	£	per
TV rental and licence	£	per
HP repayments	£	per
Mail order	£	per
Housekeeping, food, school meals	£	per
Travelling expenses	£	per
Children's clothing	£	per
Maintenance payments	£	per
Others ( <i>not court orders or credit debts listed in sections 9 and 10</i> )		
	£	per
	£	per
	£	per
<b>Total expenses</b>	<b>£</b>	<b>per</b>

## 9 Court orders

Court	Claim No.	£	per
<b>Total court order instalments</b>		<b>£</b>	<b>per</b>

Of the payments above, I am behind with payments to (*please list*)

## 10 Credit debts

Loans and credit card debts (*please list*)

	£	per
	£	per
	£	per

Of the payments above, I am behind with payments to (*please list*)

## 11 Declaration

I declare that the details I have given above are true to the best of my knowledge

Signed

Date

Position or office held

(if signing on behalf of firm or company)

# Response pack

You should read the 'notes for defendant' attached to the claim form which will tell you when and where to send the forms.

## Included in this pack are:

- either **Admission Form N9A** (if the claim is for a specified amount)
- either **Defence and Counterclaim Form N9B** (if the claim is for a specified amount)
- **Acknowledgment of service** (see below)
- or **Admission Form N9C** (if the claim is for an unspecified amount or is not a claim for money)
- or **Defence and Counterclaim Form N9D** (if the claim is for an unspecified amount or is not a claim for money)

If you admit the claim or the amount claimed and/or you want time to pay

If you admit part of the claim

If you dispute the whole claim or wish to make a claim (a counterclaim) against the claimant

If you need 28 days (rather than 14) from the date of service to prepare your defence, or wish to contest the court's jurisdiction

If you do nothing, judgment may be entered against you

## Complete

the admission form

the admission form and the defence form

the defence form

the acknowledgment of service

## Acknowledgment of service

Defendant's full name if different from the name given on the claim form

In the High Court Of Justice  
Queen's Bench Division  
Royal Courts of Justice

**Claim No.**

**Claimant**  
(including ref.)

**Defendant**

Address to which documents about this claim should be sent (including reference if appropriate)

<input type="text"/>          Postcode <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	If applicable	
	Telephone no.	<input type="text"/>
	Fax no.	<input type="text"/>
	DX no.	<input type="text"/>
	Your ref.	<input type="text"/>

E-mail	<input type="text"/>
--------	----------------------

### Tick the appropriate box

- I intend to defend all of this claim ☐
- I intend to defend part of this claim ☐
- I intend to contest jurisdiction ☐

(My) (Defendant's) date of birth is

 /  / 

If you file an acknowledgment of service but do not file a defence within 28 days of the date of service of the claim form, or particulars of claim if served separately, judgment may be entered against you.

If you do not file an application to dispute the jurisdiction of the court within 14 days of the date of filing this acknowledgment of service, it will be assumed that you accept the court's jurisdiction and judgment may be entered against you.

If served outside the jurisdiction see CPR rule 6.35 and 6.37(5).

**Signed**

(Defendant) (Defendant's legal representative) (Litigation friend)

**Position or office held**

(if signing on behalf of firm or company)

**Date**

 /  / 

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# Admission (unspecified amount, non-money and return of goods claims)

- Before completing this form please read the notes for guidance attached to the claim form. If necessary provide details on a separate sheet, add the claim number and attach it to this form.
- If you are not an individual, you should ensure that you provide sufficient details about the assets and liabilities of your firm, company or corporation to support any offer of payment made.

## In non-money claims only

- ☐ I admit liability for the whole claim  
(Complete section 11)

## In return of goods cases only

Are the goods still in your possession?

- ☐ Yes ☐ No

## Part A Response to claim (tick one box only)

- ☐ I admit liability for the whole claim but want the court to decide the amount I should pay / value of the goods

OR

- ☐ I admit liability for the claim and offer to pay  in satisfaction of the claim  
(Complete part B and sections 1 - 11)

## Part B How are you going to pay the amount you have admitted? (tick one box only)

- ☐ I offer to pay on (date)

OR

- ☐ I cannot pay the amount immediately because (state reason)

AND

I offer to pay by instalments of £   
per (week)(month)

starting (date)

## 1 Personal details

Surname

Forename

☐ Mr ☐ Mrs ☐ Miss ☐ Ms

☐ Married ☐ Single ☐ Other (specify)

Date of birth

Address

Postcode

Tel. no.

In the

Claim No.

Claimant

(including ref.)

Defendant

## 2 Dependants (people you look after financially)

### Number of children in each age group

under 11  11-15  16-17  18 & over

Other dependants

(give details)

## 3 Employment

- ☐ I am employed as a  
My employer is

Jobs other than  
main job (give details)

- ☐ I am self employed as a

Annual turnover is..... £

- ☐ I am not in arrears with my national insurance contributions, income tax and VAT

☐ I am in arrears and I owe..... £

Give details of:

- (a) contracts and other work in hand  
(b) any sums due for work done

- ☐ I have been unemployed for  years  months

- ☐ I am a pensioner

## 4 Bank account and savings

- ☐ I have a bank account

☐ The account is in credit by..... £

☐ The account is overdrawn by.... £

- ☐ I have a savings or building society account

The amount in the account is..... £

## 5 Residence

- I live in ☐ my own property ☐ lodgings  
☐ jointly owned house ☐ rented property  
☐ council accommodation

## 6 Income

My usual take home pay ( <i>including overtime, commission, bonuses etc</i> )	£	per
Income support	£	per
Child benefit(s)	£	per
Other state benefit(s)	£	per
My pension(s)	£	per
Others living in my home give me	£	per
Other income ( <i>give details below</i> )		
	£	per
	£	per
	£	per
<b>Total income</b>	<b>£</b>	<b>per</b>

## 8 Priority debts

(This section is for arrears only. Do not include regular expenses listed in section 7)

Rent arrears	£	per
Mortgage arrears	£	per
Council tax/Community Charge arrears	£	per
Water charges arrears	£	per
Fuel debts: Gas	£	per
Electricity	£	per
Other	£	per
Maintenance arrears	£	per
Others ( <i>give details below</i> )		
	£	per
	£	per
<b>Total priority debts</b>	<b>£</b>	<b>per</b>

## 7 Expenses

(*Do not* include any payments made by other members of the household out of their own income)

I have regular expenses as follows:

Mortgage ( <i>including second mortgage</i> )	£	per
Rent	£	per
Council tax	£	per
Gas	£	per
Electricity	£	per
Water charges	£	per
TV rental and licence	£	per
HP repayments	£	per
Mail order	£	per
Housekeeping, food, school meals	£	per
Travelling expenses	£	per
Children's clothing	£	per
Maintenance payments	£	per
Others ( <i>not court orders or credit debts listed in sections 9 and 10</i> )		
	£	per
	£	per
	£	per
<b>Total expenses</b>	<b>£</b>	<b>per</b>

## 9 Court orders

Court	Claim No.	£	per
<b>Total court order instalments</b>		<b>£</b>	<b>per</b>

Of the payments above, I am behind with payments to (*please list*)

## 10 Credit debts

Loans and credit card debts (*please list*)

	£	per
	£	per
	£	per

Of the payments above, I am behind with payments to (*please list*)

## 11 Declaration

I declare that the details I have given above are true to the best of my knowledge

Signed

Date

Position or office held

(if signing on behalf of firm or company)



# Defence and Counterclaim

(unspecified amount, non-money and return of goods claims)

- Fill in this form if you wish to dispute all or part of the claim and/or make a claim against the claimant (a counterclaim).
- You have a limited number of days to complete and return this form to the court.
- Before completing this form, please read the notes for guidance attached to the claim form.
- Please ensure that all the boxes at the top right of this form are completed. You can obtain the correct names and number from the claim form. The court cannot trace your case without this information.

## How to fill in this form

- Set out your defence in section 1. If necessary continue on a separate piece of paper making sure that the claim number is clearly shown on it. In your defence you must state which allegations in the particulars of claim you deny and your reasons for doing so. If you fail to deny an allegation it may be taken that you admit it.
- If you dispute only some of the allegations you must - specify which you admit and which you deny; and - give your own version of events if different from the claimant's.
- If the claim is for money and you dispute the claimant's statement of value, you must say why and if possible give your own statement of value.

Name of court

Claim No.

Claimant  
(including ref.)

Defendant

- If you wish to make a claim against the claimant (a counterclaim) complete section 2.
- Complete and sign section 3 before returning this form.

## Where to send this form

- Send or take this form immediately to the court at the address given on the claim form.
- Keep a copy of the claim form and the defence form.

## Need help with your legal problems?

Community legal advice is a free confidential service, funded by legal aid. They can help you find the information and advice you need by putting you in touch with relevant agencies, helplines or local advice services. And if you are eligible for legal aid, the service can offer specialist legal advice over the telephone in cases involving: debt; housing; employment; benefits; and education.

Call **0845 345 4 345** or **[www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk)**

## 1. Defence

(continue over the page)

## Defence (continued)

## 2. If you wish to make a claim against the claimant (a counterclaim)

- To start your counterclaim, you will have to pay a fee. Court staff can tell you how much you have to pay.
- You may not be able to make a counterclaim where the claimant is the Crown (e.g. a Government Department). Ask at your local county court office for further information.

If your claim is for a specific sum of money, how much are you claiming?

£

I enclose the counterclaim fee of

£

My claim is for *(please specify nature of claim)*


What are your reasons for making the counterclaim?

If you need to continue on a separate sheet put the claim number in the top right hand corner.

## 3. Signed - To be signed by you or by your solicitor or litigation friend.

\*(I believe) (The defendant believes) that the facts stated in this form are true.

\*I am duly authorised by the defendant to sign this statement.

\*delete as appropriate

## Position or office held

(If signing on behalf of firm or company)

Date   /   /    Defendant's date of birth, if an individual   /   /    

Give an address to which notices about this case can be sent to you

<input type="text"/>          Postcode <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	If applicable	
	Telephone no.	<input type="text"/>
	Fax no.	<input type="text"/>
	DX no.	<input type="text"/>

E-mail

Party: Claimants  
Name: N Allybokus  
Number: First  
Exhibits: "NA1"  
Date: 05.04.22

**CLAIM NO QB-2022-001098**

**IN THE HIGH COURT OF JUSTICE**

**QUEEN'S BENCH DIVISION**

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

**(1) ESSO PETROLEUM COMPANY, LIMITED  
(2) EXXONMOBIL CHEMICAL LIMITED**

**Claimants**

**- and -**

**(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")**

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN EDGED RED ON THE ATTACHED 'FAWLEY PLAN')
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN EDGED RED ON THE ATTACHED 'HYTHE PLAN')
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')
- (D) BIRMINGHAM OIL TERMINAL, TYBURN ROAD, BIRMINGHAM B24 8HJ (AS SHOWN EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN EDGED RED ON THE ATACHED 'PURFLEET PLAN')
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')
- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH [...] (AS SHOWN EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN')
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLYBOURNE (AS SHOWN EDGED RED ON THE ATTACHED "ALTON COMPOUND PLAN")

**(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN EDGED BLUE ON THE ATTACHED 'FAWLEY PLAN')**

**(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES**

**Defendants**

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**WITNESS STATEMENT**

**OF**

**NAWAAZ ALLYBOKUS**

---

I, NAWAAZ ALLYBOKUS of One Wood Street, London EC2V 7WS WILL SAY as follows:-

1. I am a Solicitor employed by Eversheds Sutherland (International) LLP, the Claimants' solicitors in these proceedings.
2. The facts contained in this witness statement are within my own knowledge and are true to the best of my knowledge information and belief. Where the facts contained in this witness statement are not within my own knowledge, I have provided the source of my information and those facts are true to the best of my knowledge and belief.
3. I make this witness statement in support of the Claimants' application for an injunction to restrain the Defendants from trespassing the properties referred to on the Particulars of Claims and the First Witness Statement of Stuart Wortley.

**Corrections/Clarifications**

4. I was responsible for the preparation of the plans which are attached to the Particulars of Claims and the first witness statement of Stuart Wortley.
5. I have read a full copy of the Particulars of Claim relating to these proceedings dated 4 April 2022 and have the following comments to make:-
  - 5.1 Paragraph 1.4.3 therein refers to unregistered freehold land. This is shown edged brown on the plan attached to the Particulars of Claims marked "Birmingham Plan".
  - 5.2 Paragraph 1.5.6 therein identified the Purfleet Jetty as shown edged green on the plan attached to the Particulars of Claims marked "Purfleet Plan". The colour of the delineation of the Purfleet Jetty on the said plan is in fact brown.
6. In relation to the Fawley Plan attached to the Particulars of Claims, there are two areas delineated blue outside the red edging. These two areas are included

in the FC freehold title but Claimants consider it unnecessary for the injunction to extend to them.

### **3 April 2022**

7. In paragraph 8.7 of Mr Milne's Witness Statement dated 3 April 2022, he refers to the direction action which took place at the Birmingham Terminal over the course of last weekend. I am informed by Mr Masson, an employee of the Claimants, that the individuals involved climbed to the top of the storage tank in the bottom right hand corner of this site being part of the terminal which is unregistered land.


### **Notification of proceedings**

8. The XR website includes the following email addresses: [xr-legal@riseup.net](mailto:xr-legal@riseup.net) and [enquiries@extinctionrebellion.uk](mailto:enquiries@extinctionrebellion.uk) for the purposes of legal communications with them.
9. The JSO website includes the following email address [juststopoil@protonmail.co.uk](mailto:juststopoil@protonmail.co.uk) for communication with them generally.
10. On Monday 4 April 2022, I sent 2 email messages to the XR / JSO email addresses.
  - 10.1 the first message was sent at around 13:23. The purpose of this message was to alert XR / JSO to the fact that proceedings had been issued and that we would be seeking an urgent injunction to stop the disruption. No response was received to this message.
  - 10.2 the second message was sent at around 16:26 and was to inform XR / JSO of the hearing details. The same email invited XR / JSO to identify all of the individuals involved in the disturbance. No response was received to this message either.
11. I received delivery confirmation emails for the emails sent referred to at paragraphs 7.1 and 7.2 for all the recipient email addresses.
12. I also received an automated reply to the first email sent to [enquiries@extinctionrebellion.uk](mailto:enquiries@extinctionrebellion.uk). One was not received for the second email timed at 16:26.
13. Copies of these messages are now produced and shown to me marked "**NA1**".

I believe that the facts stated in this Witness Statement and Exhibits 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.

I am duly authorised to make this statement on behalf of the Claimants.



---

Nawaaz Allybokus

05 March 2022

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

B E T W E E N:

(1) ESSO PETROLEUM COMPANY, LIMITED  
(2) EXXONMOBIL CHEMICAL LIMITED

Claimants

- and -

**(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")**

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN EDGED RED ON THE ATTACHED 'FAWLEY PLAN')
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN EDGED RED ON THE ATTACHED 'HYTHE PLAN')
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')
- (D) BIRMINGHAM OIL TERMINAL, TYBURN ROAD, BIRMINGHAM B24 8HJ (AS SHOWN EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')
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- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')
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- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLYBOURNE (AS SHOWN EDGED RED ON THE ATTACHED "ALTON COMPOUND PLAN")

**(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN EDGED PURPLE ON THE ATTACHED 'FAWLEY PLAN')**

**(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES**

Defendants

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NA1

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This is the exhibit marked "NA1" referred to in the First Witness Statement of Nawaaz Allybokus

## Allybokus, Nawaaz

---

**From:** Allybokus, Nawaaz  
**Sent:** 04 April 2022 13:23  
**To:** 'xr-legal@riseup.net'; 'enquiries@extinctionrebellion.uk';  
'juststopoil@protonmail.co.uk'  
**Cc:** Wortley, Stuart  
**Subject:** IMPORTANT LEGAL NOTICE

**Importance:** High

**Tracking:** **Recipient**  
'xr-legal@riseup.net'  
'enquiries@extinctionrebellion.uk'  
'juststopoil@protonmail.co.uk'  
Wortley, Stuart

Dear Sir/Madam

We write on behalf of Esso Petroleum Company Ltd and Exxonmobil Chemical Ltd.

As you will be aware, since 1 April 2022, each day a number of individuals have been carrying out direct action in connection with campaigns by Extinction Rebellion and Just Stop Oil. This direct action has taken place at a number of locations including the following sites connected to our clients: (a) the Oil Refinery and Jetty at the Petrochemical Plant, Marsh Lane, Southampton, SO45 1TH; (b) Hythe Oil Terminal, New Road, Hardley, SO45 3NR; (c) Avonmouth Oil Terminal, St Andrews Road, Bristol, BS11 9BN; (d) Birmingham Oil Terminal, Tyburn Road, Birmingham, B24 8HJ; (e) Purfleet Oil Terminal, London Road, Purfleet, Essex, RM19 1RS; (f) West London Oil Terminal, Bedfont Road, Stanwell, Middlesex TW19 7LZ; (g) Hartland Park Logistics Hub, Ively Road, Farnborough; (h) Alton Compound, Pumping Station, A31, Hollybourne.

We hereby put you on notice that we will imminently be filing a claim in the High Court for an injunction to restrain the acts of trespass and private nuisance being committed at these sites by Persons Unknown. Once issued, we will provide you copies of the documents that have been filed. At the same time, our clients will be making an application for an interim injunction to take effect until final hearing of the claim. We will be seeking a hearing to take place this afternoon for the purpose of determining that interim injunction application. We will inform you once we know when the hearing has been listed.

Yours faithfully

Nawaaz Allybokus | Associate | Real Estate Dispute Resolution | Eversheds Sutherland

M: +44 7920 590 944  
[www.eversheds-sutherland.com](http://www.eversheds-sutherland.com)

**Eversheds Sutherland**

Helping our clients, our people and our communities to thrive



## Allybokus, Nawaaz

---

**From:** Microsoft Outlook  
**To:** xr-legal@riseup.net; enquiries@extinctionrebellion.uk; juststopoil@protonmail.co.uk  
**Sent:** 04 April 2022 13:23  
**Subject:** Relayed: IMPORTANT LEGAL NOTICE

**Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:**

[xr-legal@riseup.net](mailto:xr-legal@riseup.net) (xr-legal@riseup.net)

[enquiries@extinctionrebellion.uk](mailto:enquiries@extinctionrebellion.uk) (enquiries@extinctionrebellion.uk)

[juststopoil@protonmail.co.uk](mailto:juststopoil@protonmail.co.uk) (juststopoil@protonmail.co.uk)

Subject: IMPORTANT LEGAL NOTICE

## Allybokus, Nawaaz

---

**From:** Extinction Rebellion <enquiries@extinctionrebellion.uk>  
**Sent:** 04 April 2022 13:23  
**To:** Allybokus, Nawaaz  
**Subject:** Message Received - IMPORTANT LEGAL NOTICE

Hello Allybokus, Nawaaz,

This is an automated reply to let you know we received your message.

It'll be read - usually within 24 hours - and we'll send you a personal reply, or forward it to an appropriate person within Extinction Rebellion.

To view the status of the ticket or to add comments, you can visit  
<https://risingup.freshdesk.com/helpdesk/tickets/40875>

Thank you for contacting us,

With Love & Kindness  
The XR Reactive Working Group

[Extinction Rebellion powered by Freshdesk Support Desk](#)

## Allybokus, Nawaaz

---

**From:** Allybokus, Nawaaz  
**Sent:** 04 April 2022 16:27  
**To:** 'xr-legal@riseup.net'; 'enquiries@extinctionrebellion.uk';  
'juststopoil@protonmail.co.uk'  
**Cc:** Wortley, Stuart  
**Subject:** RE: IMPORTANT LEGAL NOTICE

**Tracking:** **Recipient**  
'xr-legal@riseup.net'  
'enquiries@extinctionrebellion.uk'  
'juststopoil@protonmail.co.uk'  
Wortley, Stuart

Dear Sir/Madam,

We write following our initial email sent earlier on today.

The claim for trespass and private nuisance against Persons Unknown has now been issued in the High Court. The relevant documents can be found at . The application for an interim injunction has also been issued and this will be heard tomorrow (5 April 2022) at 11am at the Royal Courts of Justice in courtroom 17 before Mrs Justice Ellenbogen. If you wish to resist the grant of the interim injunction, you may attend the hearing and make submissions.

Please be advised that those Defendants who breach the injunction, if granted, may be held to be in contempt of Court and may be imprisoned, fined or have their assets seized. Any other persons who knows of the injunction and does anything which helps or permits the Defendants or any of them to breach the terms of the injunction may also be held to be in contempt of Court and may be imprisoned, fined or have their assets seized.

A copy of the hearing bundle will shortly be available via  
<https://www.exxonmobil.co.uk/Company/Overview/UK-operations>.

Please can the recipient of this email reply with names of anyone:-

- who has been involved in any of the protests since Friday 1 April 2022;
- who intends to take part in future protests; or
- who remains at any of the sites involved in the protest.

Yours faithfully

Nawaaz Allybokus | Associate | Real Estate Dispute Resolution | Eversheds Sutherland

M: +44 7920 590 944  
[www.eversheds-sutherland.com](http://www.eversheds-sutherland.com)

**Eversheds Sutherland**

Helping our clients, our people and our communities to thrive

---

**From:** Allybokus, Nawaaz  
**Sent:** 04 April 2022 13:23  
**To:** 'xr-legal@riseup.net' <[xr-legal@riseup.net](mailto:xr-legal@riseup.net)>; 'enquiries@extinctionrebellion.uk' <[enquiries@extinctionrebellion.uk](mailto:enquiries@extinctionrebellion.uk)>; 'juststopoil@protonmail.co.uk' <[juststopoil@protonmail.co.uk](mailto:juststopoil@protonmail.co.uk)>  
**Cc:** Wortley, Stuart <[StuartWortley@eversheds-sutherland.com](mailto:StuartWortley@eversheds-sutherland.com)>  
**Subject:** IMPORTANT LEGAL NOTICE  
**Importance:** High

## Allybokus, Nawaaz

---

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**To:** xr-legal@riseup.net; enquiries@extinctionrebellion.uk; juststopoil@protonmail.co.uk  
**Sent:** 04 April 2022 16:27  
**Subject:** Relayed: RE: IMPORTANT LEGAL NOTICE

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[enquiries@extinctionrebellion.uk](mailto:enquiries@extinctionrebellion.uk) (enquiries@extinctionrebellion.uk)

[juststopoil@protonmail.co.uk](mailto:juststopoil@protonmail.co.uk) (juststopoil@protonmail.co.uk)

Subject: RE: IMPORTANT LEGAL NOTICE

Party: Claimants  
Name: N Allybokus  
Number: Second  
Exhibits: "NA2"  
Date: 05.04.22

**CLAIM NO QB-2022-001098**

**IN THE HIGH COURT OF JUSTICE**

**QUEEN'S BENCH DIVISION**

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

**(1) ESSO PETROLEUM COMPANY, LIMITED  
(2) EXXONMOBIL CHEMICAL LIMITED**

**Claimants**

**- and -**

**(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")**

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN EDGED RED ON THE ATTACHED 'FAWLEY PLAN')
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN EDGED RED ON THE ATTACHED 'HYTHE PLAN')
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')
- (D) BIRMINGHAM OIL TERMINAL, TYBURN ROAD, BIRMINGHAM B24 8HJ (AS SHOWN EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')
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**(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN EDGED BLUE ON THE ATTACHED 'FAWLEY PLAN')**

**(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES**

**Defendants**

---

**SECOND WITNESS STATEMENT**

**OF**

**NAWAAZ ALLYBOKUS**

---

I, NAWAAZ ALLYBOKUS of One Wood Street, London EC2V 7WS WILL SAY as follows:-

1. I am a Solicitor employed by Eversheds Sutherland (International) LLP, the Claimants' solicitors in these proceedings.
2. The facts contained in this witness statement are within my own knowledge and are true to the best of my knowledge information and belief. Where the facts contained in this witness statement are not within my own knowledge, I have provided the source of my information and those facts are true to the best of my knowledge and belief.
3. I make this witness statement in support of the Claimants' application for an injunction to restrain the Defendants from trespassing the properties referred to on the Particulars of Claims and the First Witness Statement of Stuart Wortley.

**Birmingham Terminal**

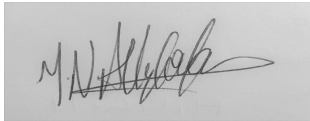
4. Around 13.20pm on 5 April 2022, Messrs BDB Pitmans sent a copy a conveyance dated 31 December 1957 and made between The Valor Company Limited and Esso Petroleum Company Limited ("**the Conveyance**") whereby the unregistered land at the Birmingham Terminal was conveyed to the First Claimant.
5. Throughout, and during the preparation of, these proceedings, the First Claimant could not locate documentation to evidence their ownership of the unregistered land. Instead, the Claimants relied on their occupation and control over the said land as proof of ownership.
6. The First Claimant made enquiries to their transactional solicitors, Messrs BDB Pitmans who, as mentioned above, have now located a copy of the Conveyance from their firm's archive.
7. A copy of the Conveyance is now produced and shown to me as exhibit "**NA2**", which evidences the First Claimant's ownership of the unregistered land.

8. I understand from the First Claimant that steps are being taken to arrange for the unregistered land to be registered at the HM Land Registry by way of an application for first registration.

I believe that the facts stated in this Witness Statement and Exhibit 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.

I am duly authorised to make this statement on behalf of the Claimants.



Nawaaz Allybokus

05 March 2022

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

B E T W E E N:

(1) ESSO PETROLEUM COMPANY, LIMITED  
(2) EXXONMOBIL CHEMICAL LIMITED

Claimants

- and -

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Defendants

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NA2

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This is the exhibit marked "NA2" referred to in the Second Witness Statement of Nawaaz Allybokus



**These are the notes referred to on the following official copy**

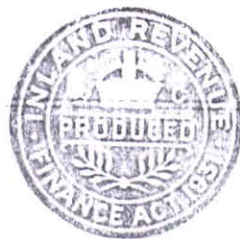
Title Number WM987233

The electronic official copy of the document follows this message.

This copy may not be the same size as the original.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

9095



# This Conveyance

is made the *Italy - first*  
day of *December*

One thousand nine hundred

and fifty seven B E T W E E N THE VALOR COMPANY LIMITED whose registered office is at Wood Lane Bromford Erdington in the City of Birmingham (hereinafter called "the Vendor") of the one part and ESSO PETROLEUM COMPANY LIMITED whose registered office is at 36 Queen Anne's Gate in the City of Westminster (hereinafter called "the Purchaser") of the other part

W H E R E A S the Vendor is seised in fee simple in possession subject as hereinafter mentioned but otherwise free from incumbrances of the property hereinafter described and has agreed with the Purchaser for the sale to it of the said property for a like estate at the price of One hundred and twenty seven thousand five hundred pounds

N O W THIS DEED WITNESSETH as follows:-

1. IN consideration of the said sum of One hundred and twenty seven thousand five hundred pounds paid by the Purchaser to the Vendor (the receipt whereof the Vendor hereby acknowledges) the Vendor as Beneficial Owner hereby conveys unto the Purchaser ALL THOSE pieces of land situate at Bromford Erdington in the City of Birmingham bounded on the east by property belonging to the Dunlop Rubber Company Limited on the south by the Birmingham to Derby Line of British Railways (London Midland Region) and by property of the Birmingham Tame and Rea District Drainage Board on the South-West by property of the Rollason Wire Company Limited on the West by Bromford Lane and on the North by other property of the Vendors containing by admeasurement eighteen acres or thereabouts which said pieces of land are for the purpose of identification only more particularly delineated in the plan annexed hereto and thereon coloured brown and yellow Together with full right and liberty for the Purchaser and all persons companies and licensees authorised by it in common with others entitled to the like right for all purposes whatever connected with the use and enjoyment of the said land to pass and repass over and along the road marked "Right of road" coloured blue..... on the said plan from Bromford Lane to the point marked Y on the said plan the Purchaser keeping the said road in repair as an ashed roadway EXCEPTING AND RESERVING to the Vendor and its successors in title in fee simple of the right of free and uninterrupted passage and running of sub-soil and surface water only into and through the surface water drains and pipes coloured green on the

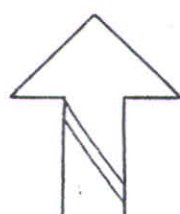
SEQ218

COPY

COLOUR

Based upon  
with  
Controller o

Crown



Open Ground  
y of Dunlop Rubbe

River Tame



said plan with all easements rights and privileges proper for inspecting repairing and re-instating the same at such times and in such manner as the Purchaser may reasonably require PROVIDED that the Vendor be responsible for and make good any damage to the Purchaser's property which may arise by reason of the exercise by it of such rights and PROVIDED ALSO that the Purchaser may at its own expense at any time on giving reasonable notice to the Vendor alter or vary the course or position of any of the said water drains and pipes but not so as to impede the free passage and running of sub-soil and surface water as aforesaid TO HOLD the same unto the Purchaser in fee simple subject to but with the benefit of the various rights privileges easements covenants stipulations and reservations contained or referred to in the documents set out in the First Schedule hereto so far as the same are now subsisting and capable of taking effect and subject to the covenant by the Purchaser contained in clause 3 hereof -

2. THE Purchaser (with the object of affording to the Vendor a full indemnity in respect of any breach of any of the said rights privileges easements covenants stipulations and reservations but not further or otherwise) hereby covenants with the Vendor that the Purchaser and the persons deriving title under it will at all times hereafter observe and perform the same and keep the Vendor and its estate and effects indemnified against all actions claims demands and liability in respect thereof so far as the same are to be observed and performed and so far as the same affect the property hereby conveyed and are still subsisting and capable of being enforced -

3. FOR the benefit and protection of the land on the northern boundary of the property hereby conveyed and so as to bind as far as may be the property hereby conveyed into whosoever hands the same may come the Purchaser hereby covenants with the Vendor (but so that the Purchaser shall not be liable for a breach of this covenant occurring on or in respect of the property hereby conveyed or any part thereof after the Purchaser shall have parted with all interest therein) (a) to erect and maintain on the property hereby conveyed and on the northerly boundary thereof marked "T" on the said plan a good and sufficient boundary fence and (b) not while the Vendor is the owner of the property adjoining the property hereby conveyed to use or permit or suffer the use of the property hereby conveyed or any part thereof for the purpose of the manufacture of oil heaters or similar products or for any other purpose detrimental to the business of the Vendor -

4. THE Vendor hereby acknowledges the right of the Purchaser to the production of the documents specified in the Second Schedule hereto and

TRACED FR



to delivery of copies thereof and undertakes with the Purchaser for the safe custody thereof

IN WITNESS whereof the Vendor and the Purchaser have caused their respective Common Seals to be hereunto affixed the day and year first above written

THE FIRST SCHEDULE above referred to

Date	Description	Parties
13th May 1920	CONVEYANCE (with Deed of Release dated 27th June 1927 endorsed thereon)	The Birmingham Tame and Rea District Drainage Board (1) the Valor Company Limited (2) Frank Henry Cufande Wiltshire (3)
31st December 1925	RELEASE	The Birmingham Tame and Rea District Drainage Board (1) The Lord Mayor Aldermen and Citizens of the City of Birmingham (2) the Valor Company Limited (3)
19th March 1935	DEED	The Valor Company Limited (1) The Lord Mayor Aldermen and Citizens of the City of Birmingham (2)
10th April 1942	DEED OF GRANT	The Valor Company Limited (1) Westminster Bank Limited (2) The Lord Mayor Aldermen and Citizens of the City of Birmingham (3)

THE SECOND SCHEDULE above referred to

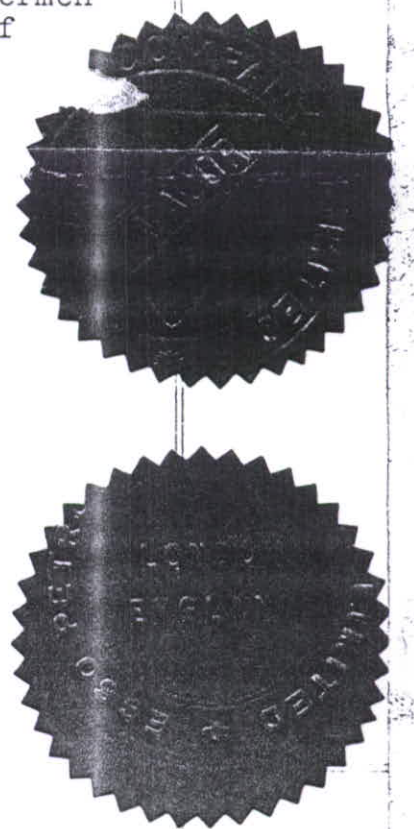
Date	Description	Parties
13th May 1920	CONVEYANCE	The Birmingham Tame and Rea District Drainage Board (1) the Valor Company Limited (2) Frank Henry Cufande Wiltshire (3)
31st December 1925	RELEASE	The Birmingham Tame and Rea District Drainage Board (1) The Lord Mayor Aldermen and Citizens of the City of Birmingham (2) The Valor Company Limited (3)
19th March 1935	DEED	The Valor Company Limited (1) The Lord Mayor Aldermen and Citizens of the City of Birmingham (2)
11th February 1936	CONVEYANCE	The Valor Company Limited (1) Rolav Limited (2)
12th February 1936	DEBENTURE TRUST Deed (with Receipt dated 26th March 1947 endorsed)	Rolav Limited (1) Westminster Bank Limited (2)
28th February 1938	AGREEMENT	The Vendor (1) Westminster Bank Ltd. (2) The Lord Mayor Aldermen and Citizens of the City of Birmingham (3)

THE COMMON SEAL of the VALOR COMPANY LIMITED was hereunto affixed in the presence of:-

*H. J. Higgins* Director  
*L. H. Branger* Secretary

THE COMMON SEAL of ESSO PETROLEUM COMPANY LIMITED was hereunto affixed in the presence of:-

*W. J. Williams* Director  
*W. J. Williams* Secretary





MEMORANDUM that by two Deeds of Grant dated 2nd January 1974<sup>5</sup> and made between (1) the within named Esso Petroleum Company Limited and (2) Mainline Pipelines Limited a strip of land and a receiving terminal were respectively devised to Mainline Pipelines Limited for terms of 99 years from 1st November 1971 together with certain rights but subject as therein mentioned



PHOTOCOPIED

DATED

21st Dec 1957.

4095

THE VALOR COMPANY, LIMITED

-to-

ESSO PETROLEUM COMPANY, LIMITED.

**Indemnity**

-of-

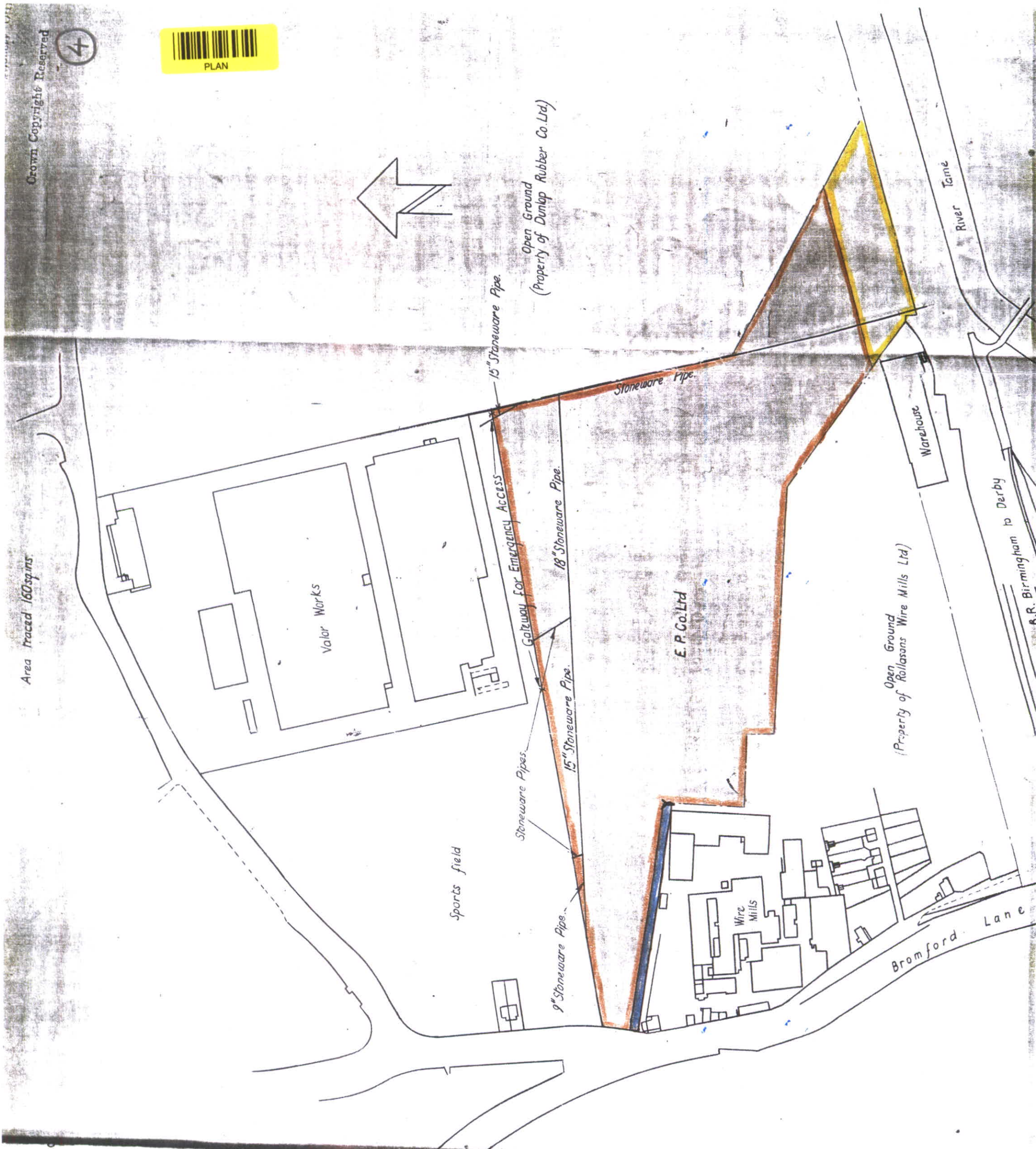
freehold land and premises at  
Bromford in the City of  
Birmingham.  
-----



PROVIDED that the Vendor be  
age to the Purchaser's property which  
y it of such rights and PROVIDED  
an expense at any time on giving  
or vary the course or position of  
but not so as to impede the free  
urface water as aforesaid TO HOLD  
ple subject to but with the benefit  
ents covenants stipulations and  
in the documents set out in the  
me are now subsisting and capable  
venant by the Purchaser contained

of affording to the Vendor a full  
any of the said rights privileges  
reservations but not further or  
Vendor that the Purchaser and the  
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f the land on the northern  
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Vendor (but so that the Purchaser  
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or any part thereof after the  
erest therein) (a) to erect and  
and on the northerly boundary  
od and sufficient boundary fence  
of the property adjoining the  
suffer the use of the





**EXHIBIT 'LW2'**

DECLARED by the said LEONARD CHARLES WINNING

at

William Sturges LLP

Levied House

14-16 Caxton Street

this London SW1Y 6QY

11th

July

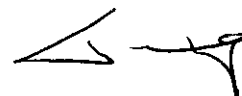
2011

before me,



SAMANTHA BLAKEY

Solicitor/~~Commissioner for Oaths~~








**EXHIBIT 'LW3'**

DECLARED by the said LEONARD CHARLES WINNING

at William Stages LLP  
Burnwood House  
14-16 Caxton Street  
London SW1H 0QY

this 11th day of July 2011

before me,   
SAMANTHA BLAKEY

Solicitor/~~Commissioner for Oaths~~



CPO PLAN

DRAWING No. 3798/64  
NOTES  
TAKEN FROM CITY ENGINEERS  
DEPARTMENT PLAN No. CRD/725/183



*J. P. Hudson*  
DIRECTOR

*J. P. Hudson*  
ASST SECRETARY

BASED UPON THE ORDINANCE SURVEY 1:250 MADE WITH THE  
PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY  
OFFICE. CROWN COPYRIGHT LICENCE No. JA076104

**Birmingham City Council**  
Economic Development  
Department

SCHEME  
HEARTLANDS SPINE ROAD  
PHASE 3

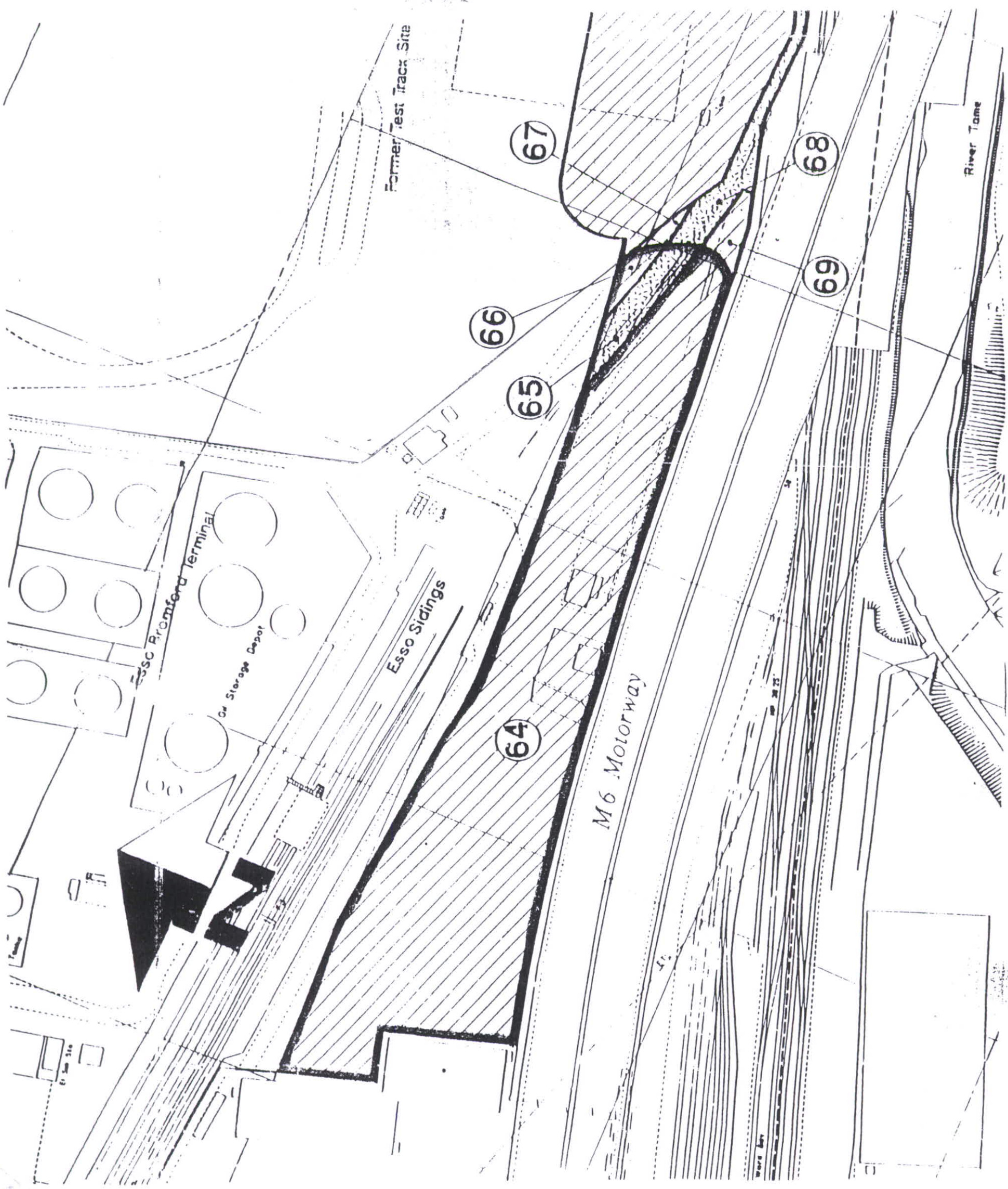
DRAWING No.  
COMPULSORY PURCHASE  
ORDER 1991

SCALE 1:1250

DRAWN	TRACED	APPROVED	SIZE A3
	S.M.G.		420 x 297

Richard Green, B.A., M.R.T.P.I.,  
Director of Economic Development  
Baskerville House, Broad Street,  
Birmingham, B1 2NF

SP NO.	DATE
	1994



13347 SQ. YDS. APPROX.

AREA COL. PINK

11160



# N244

## Application notice

For help in completing this form please read the notes for guidance form N244Notes.

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>

<b>Name of court</b> High Court of Justice Royal Courts of Justice Queen's Bench Division		<b>Claim no.</b> QB-2022-001098											
<b>Fee account no.</b> (if applicable)		<b>Help with Fees – Ref. no.</b> (if applicable)											
PBA0087211		<table border="1"> <tr> <td>H</td> <td>W</td> <td>F</td> <td>-</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>		H	W	F	-						
H	W	F	-										
<b>Warrant no.</b> (if applicable)													
<b>Claimant's name</b> (including ref.) (1) ESSO PETROLEUM COMPANY, LIMITED (2) EXXONMOBIL CHEMICAL LIMITED													
<b>Defendant's name</b> (including ref.) PERSONS UNKNOWN													
<b>Date</b>		6 April 2022											

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

Eversheds Sutherland (International) LLP

2. Are you a ☐ Claimant ☐ Defendant ☒ Legal Representative

☐ Other (please specify)

If you are a legal representative whom do you represent?

Claimants

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

An order to continue the interim injunction granted by Mrs Justice Ellenbogen on 6 April 2022 to restrain trespass on and nuisance affecting the Claimants' land and for alternative methods of service, as attached draft Order.

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?

1

Day

Is this time estimate agreed by all parties?

☐ Yes

☐ No

7. Give details of any fixed trial date or period

Return date for injunction fixed for 27 April 2022

8. What level of Judge does your hearing need?

High Court Judge

9. Who should be served with this application?

Persons Unknown by alternative means

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.

The Amended Particulars of Claim.

The following witness statements:-


1. First Witness Statement of Anthony Milne dated 3 April 2022
2. First Witness Statement of Stuart Sherbrooke Wortley dated 4 April 2022
3. First Witness Statement of Nawaaz Allybokus dated 5 April 2022
4. Second Witness Statement of Nawaaz Allybokus dated 5 April 2022

## Statement of Truth

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.

- ☐ I **believe** that the facts stated in section 10 (and any continuation sheets) are true.
- ☒ **The Applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

**Signature**



- ☐ Applicant
- ☐ Litigation friend (where applicant is a child or a Protected Party)
- ☒ Applicant's legal representative (as defined by CPR 2.3(1))

**Date**

Day

6

Month

April

Year

2022

**Full name**

Stuart Sherbrooke Wortley

**Name of applicant's legal representative's firm**

Eversheds Sutherland (International) Limited

**If signing on behalf of firm or company give position or office held**

Partner

**Applicant’s address to which documents should be sent.**

**Building and street**

One Wood Street

**Second line of address**

**Town or city**

LONDON

**County** (optional)

**Postcode**

E	C	2	V	7	W	S
---	---	---	---	---	---	---

**If applicable**

**Phone number**

020 7919 0969

**Fax number**

**DX number**

**Your Ref.**

Stuart Wortley

**Email**

SSW.066758.010081

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION

CLAIM NO. QB-2022-001098

Mrs Justice Ellenbogen

27 April 2022

B E T W E E N:

(1) ESSO PETROLEUM COMPANY, LIMITED

(2) EXXONMOBIL CHEMICAL LIMITED

Claimants

-and-

(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BUT EXCLUDING THOSE AREAS EDGED BLUE ON THE ATTACHED 'FAWLEY PLAN')
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HYTHE PLAN')
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')
- (D) BIRMINGHAM OIL TERMINAL, TYBURN ROAD, BIRMINGHAM B24 8HJ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND BROWN ON THE ATTACHED 'PURFLEET PLAN')
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')
- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN')
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLLYBOURNE (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'ALTON COMPOUND PLAN')

(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED PURPLE ON THE ATTACHED 'FAWLEY PLAN')

(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES (WHERE "SITES" FOR THIS PURPOSE DOES NOT INCLUDE THE AREA EDGED BROWN ON THE PURFLEET PLAN)

Defendants

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ORDER

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### **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 DEFENDANT**

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 hearing of the Claimants' Application dated 6 April 2022

AND UPON HEARING Leading Counsel and Junior Counsel for the Claimants

AND UPON reading the evidence recorded on the Court file as having been read

AND UPON the Claimants giving and the Court accepting the undertaking to the Court set out in Schedule 2 to this Order

AND UPON the Claimants confirming that this Order is not intended to prohibit any lawful protest outside any of the sites referred to in this Order which does not obstruct any of the vehicular entrances or exits or restrict or prevent or endanger the use of such entrances or exits

## **IT IS ORDERED THAT:**

### **THE INJUNCTIONS**

1. Until trial or further order the First Defendants must not:

1.1 enter or remain upon any part of the First Claimant's properties ("the Sites") without the consent of the First Claimant at:

- (1) the Oil Refinery and Jetty at the Petrochemical Complex, Marsh Lane, Southampton SO45 1TH (as shown for identification edged red and green but excluding those areas edged blue on the attached 'Fawley Plan').
- (2) Hythe Terminal, New Road, Handley, SO45 3NR (as shown for identification edged red on the attached 'Hythe Plan').
- (3) Avonmouth Terminal, St Andrews Road, Bristol BS11 9BN (as shown for identification edged red on the attached 'Avonmouth Plan').
- (4) Birmingham Terminal, Tyburn Road, Birmingham B24 8HJ (as shown for identification edged red on the attached 'Birmingham Plan').
- (5) Purfleet Terminal, London Road, Purfleet, Essex RM19 1RS (as shown for identification edged red and brown on the attached 'Purfleet Plan').
- (6) West London Terminal, Bedfont Road, Stanwell, Middlesex TW19 7LZ (as shown for identification edged red on the attached 'West London Plan').
- (7) Hartland Park Logistics Hub, Ively Road, Farnborough (as shown for identification edged red on the attached 'Hartland Park Plan').
- (8) Alton Compound, Pumping Station, A31, Hollybourne (as shown for identification edged red on the attached 'Alton Compound Plan');

1.2 damage any part of any of the Sites;

1.3 affix themselves or any person or object to any part of any of the Sites;

1.4 erect any structures on any part of any of the Sites.



2. Until trial or further order the Second Defendants must not without the consent of the Second Claimant:
  - 2.1 enter or remain upon any part of the Second Claimant's property at the Chemical Plant, Marsh Lane, Southampton SO45 1TH ("the Chemical Plant") (as shown for identification edged purple on the attached 'Fawley Plan');
  - 2.2 damage any part of the Chemical Plant;
  - 2.3 affix themselves or any person or object at the Chemical Plant;
  - 2.4 erect any structures on any part of the Chemical Plant.
3. Until trial or further order the Third Defendants must not obstruct any of the vehicular entrances or exits to any of the Sites (where "Sites" for this purpose does not include the area edged brown on the Purfleet Plan) so as to restrict or prevent or endanger the use of such entrances or exits for the Claimants, their contractors, servants, agents, employees or licensees.

#### **VARIATION OR DISCHARGE OF THIS ORDER**

4. The Defendants may apply to vary or discharge this Order at any time upon giving not less than 24 hours' notice to the Claimant's solicitors, Eversheds Sutherland (International) LLP, by emailing [exxonmobil.service@eversheds-sutherland.com](mailto:exxonmobil.service@eversheds-sutherland.com);
5. 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.
6. The Claimants have liberty to apply to extend or vary this Order or to seek further directions.

#### **INTERPRETATION OF THIS ORDER**

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

### **SERVICE OF THIS ORDER**

9. Pursuant to CPR 6.15 and 6.27 and 81.4(2)(c) and (d), service of this Order shall be effected as follows:

9.1 fixing copies thereof in clear transparent sealed containers at a minimum number of 2 locations on the perimeter of each of the Sites together with a notice which states (a) that a copy of the Order may be obtained from the Claimants' solicitors, Eversheds Sutherland (International) LLP, One Wood Street, London EC2V 7WS (Ref: Stuart Wortley tel: 020 7919 4500) email: [exxonmobil.service@eversheds-sutherland.com](mailto:exxonmobil.service@eversheds-sutherland.com) and (b) that a copy of the Order may be viewed at the website referred to in Paragraph 9.2 of this Order;

9.2 posting the Order on the following website: <https://www.exxonmobil.co.uk/Company/Overview/UK-operations>; and

9.3 fixing a minimum of four large warning notices in the form annexed to this Order in conspicuous places around the perimeters of the Sites explaining:

- (a) the existence and nature of this Order
- (b) the existence of the proceedings
- (c) the potential consequences of breaching the Order
- (d) the address at which copies of the proceedings can be obtained
- (e) details of the website at which the injunction can be viewed,

such notices must be a minimum of 1.5m x 1m in size.

9.4 sending an email to each of the following email addresses with the information that a copy of the Order may be viewed at the website referred to in Paragraph 9.2 of this Order:

- (a) [xr-legal@riseup.net](mailto:xr-legal@riseup.net)

(b) [juststopoil@protonmail.co.uk](mailto:juststopoil@protonmail.co.uk)

10. Pursuant to CPR 6.15(3), 6.27 and 81.4(2)(c) and (d), this Order shall be deemed to be served on the latest date on which all of the methods of service referred to in Paragraph 9 above have been completed, such date to be verified by the completion of a certificate of service.
11. Pursuant to CPR 6.15, 6.27 and 81.4(2)(c) and (d), the steps identified in Paragraph 9 of this Order shall stand as good service of the Order.

### **SERVICE OF OTHER DOCUMENTS**

12. Pursuant to CPR 6.15 and 6.27 and 81.4(2)(c) and (d), service of (a) any further evidence in support of the Application dated 6 April 2022 and (b) any further applications in this Claim and evidence in support (“the Further Documents”), shall be effected as follows:

12.1 fixing copies thereof in clear transparent sealed containers at a minimum number of 2 locations on the perimeter of each of the Sites together with a notice which states (a) that copies of the Further Documents may be obtained from the Claimants’ solicitors, Eversheds Sutherland (International) LLP, One Wood Street, London EC2V 7WS (Ref: Stuart Wortley tel: 020 7919 0969) email: [exxonmobil.service@eversheds-sutherland.com](mailto:exxonmobil.service@eversheds-sutherland.com) and (b) that copies of the Further Documents may be viewed at the website referred to in Paragraph 12.2 of this Order;

12.2 posting the Further Documents on the following website:  
<https://www.exxonmobil.co.uk/Company/Overview/UK-operations>; and

12.3 sending an email to each of the following email addresses with the information that copies of the Further Documents may be viewed at the website referred to in Paragraph 12.2 of this Order:

(a) [xr-legal@riseup.net](mailto:xr-legal@riseup.net)

(b) [juststopoil@protonmail.co.uk](mailto:juststopoil@protonmail.co.uk)

13. Pursuant to CPR 6.15(3), 6.27 and 81.4(2)(c) and (d), the Further Documents shall be deemed to be served on the latest date on which all of the methods of service referred to in Paragraph 12 above have been completed, such date to be verified by the completion of a certificate of service.
14. Pursuant to CPR 6.15, 6.27 and 81.4(2)(c) and (d), the steps identified in Paragraph 12 of this Order shall stand as good service of the Further Documents.

### **COSTS**

15. Costs reserved.

### **THE COURT**

16. The Court will provide sealed copies of this Order for service to the Claimants' solicitors, whose details are set out in Paragraph 9.1 of this Order.
17. All communications to the Court about this Order should be sent to:
  - Queen's Bench Division, Royal Courts of Justice, Strand WC2A 2LL
  - The office are open between 10.00am and 4.30pm Monday to Friday (except Bank Holidays)
  - The telephone number is 020 7947 6000
  - The email address is [qbjudgeslistingoffice@justice.gov.uk](mailto:qbjudgeslistingoffice@justice.gov.uk)

## **SCHEDULE 1**

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

- (1) First Witness Statement of Stuart Sherbrooke Wortley dated 4 April 2022 together with the exhibits marked “SSW1” - “SSW9”.
- (2) First Witness Statement of Anthony Milne dated 3 April 2022 together with the exhibits marked “AM1” – “AM15”.
- (3) First Witness Statement of Nawaaz Allybokus dated 5 April 2022 together with the exhibit marked “NA1”.
- (4) Second Witness Statement of Nawaaz Allybokus dated 5 April 2022 together with the exhibit marked “NA2”.

## **SCHEDULE 2**

### **Undertaking given to the Court by the Claimants and each of them**

- (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 ought to be paid.

## **SCHEDULE 3**

### **Plans**

1. Fawley Plan
2. Hythe Plan
3. Avonmouth Plan
4. Birmingham Plan
5. Purfleet Plan
6. West London Plan
7. Hartland Park Plan
8. Alton Compound Plan