

N244

Application notice

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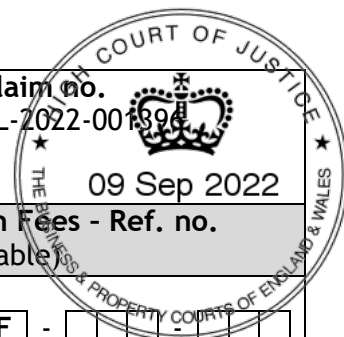
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nName of court HIGH COURT OF JUSTICE, BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES, PROPERTY TRUSTS AND PROBATE LIST (ChD)		Claim no. BL-2022-001396	
Fee account no. (if applicable)		Help with Fees - Ref. no. (if applicable)	
PBA0078329		H W F - [] [] [] [] [] [] [] [] [] []	
Warrant no. (if applicable)		BL-2022-001396	
Claimant's name (including ref.) (1) ARLA FOODS LIMITED (2) ARLA FOODS HATFIELD LIMITED (Ref: NLM/KLC/ARL00016.53)			
Defendant's name (including ref.) See Schedule 1			
Date		9 th September 2022	



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

Walker Morris 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?

The Claimants apply for an order, by consent, under CPR 31.17 (a draft of which is attached) that the Chief Constables of Hertfordshire Constabulary (the **Respondent**):

- Discloses and permits the Claimants to inspect the documents in its control that are within the classes identified in the attached draft order; and
- Specifies any of those documents that are no longer in its control and what has happened to them and those for which it claims a right or duty to withhold inspection.

The Claimants believe that:

- The Respondent holds the documents of which disclosure is sought;
- Those documents are likely to support the case of the Claimants or adversely affect the case of one of the parties to the proceedings; and
- Disclosure of the documents is necessary in order to dispose fairly of the claim or to save costs.

The Respondent has consented to the Order sought.

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 remote hearing

6. How long do you think the hearing will last?

Hours Minutes

Is this time estimate agreed by all parties?

Yes No

7. Give details of any fixed trial date or period

N/A

8. What level of Judge does your hearing need?

Judge

9. Who should be served with this application?

Respondent

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

Solicitor service

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.

1. On 31 August 2022 the Claimants issued a claim against Persons Unknown (as defined fully in the Claim Form) and an application seeking a pre-emptive injunction against those Persons Unknown.
2. On 31 August 2022 the Honourable Mrs Justice Bacon granted an Order against Persons Unknown (the Order). A copy of the Order is exhibited to this Application Notice.
3. The Order includes prohibitions in relation to:
 - a. “The Hatfield Site” which means Arla Foods Hatfield Limited’s site at Hatfield Distribution Warehouse, 4000 Mosquito Way, Hatfield Business Park, Hatfield, Hertfordshire AL10 9US, as marked in red on the plans at Annexe 3 to the Order and to the Claim Form (“the Hatfield Site Plan”);
 - b. The roads identified in Annexe 3A to the Order, and as marked in purple on the map at Annexe 3A to the Order and the Claim Form (“the Roads”).

Thursday 8 September 2022

4. On Thursday 8 September 2022 several individuals breached the Order by unlawfully entering the Hatfield Site.
5. I am informed by Mrs Allison Vine (Deputy Head of Legal Services) of the Respondent that 17 individuals were arrested on 8 September 2022 for criminal damage at the Hatfield Site.

Breach of the Order

6. It is the Claimants’ position that those arrested have breached the Order. The Claimants therefore request disclosure of relevant documents in order to identify the individuals who have breached the Order.
7. Disclosure of the classes of documents requested will enable the Claimants to:
 - a. add those individuals that it alleges breached the Order to the Claim and Order as named individuals; and
 - b. commence any further necessary proceedings against those individuals alleged to have breached the Order.
8. In conclusion, I believe that the Respondent holds the classes of documents requested in the Order, that those documents will support the Claimants’ case or adversely affect the case of the Defendants and will assist the court to dispose fairly of the Action or save costs.
9. I believe that it is appropriate for the court to exercise its power under CPR 31.17 to make the Order requested for those reasons.
10. The Respondent has consented to the Order sought.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

No

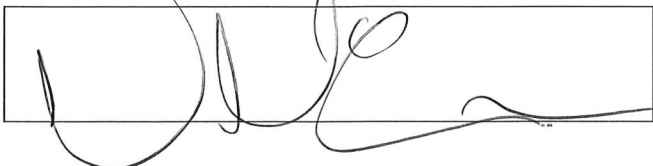
Statement of Truth

I understand that proceedings for contempt of court may be brought against a person 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

09

Month

09

Year

2022

Full name

Nicholas McQueen

Name of applicant's legal representative's firm

Walker Morris LLP

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

Partner

Signature and address details

Signed 
Applicant ('s legal representative) ('s litigation friend)

Dated 09/09/2022

Position or office held Partner
(if signing on behalf of firm or company)

Applicant's address to which documents should be sent.

Building and street

Walker Morris LLP

Second line of address

33 Wellington Street

Town or city

Leeds

County (optional)

West Yorkshire

Postcode

L S 1 4 D L

If applicable

Phone number

0113 283 2500

Fax phone number

0113 245 9412

DX number

12051 Leeds 24

Your Ref.

NLM/KLC/ARL00016.53

Email

nick.mcqueen@walkermorris.co.uk
kieran.craddock@walkermorris.co.uk
sarah.rodgers@walkermorris.co.uk
arla.service@walkermorris.co.uk

SCHEDULE 1
The Defendants

- (1) PERSONS UNKNOWN WHO ARE, WITHOUT THE CONSENT OF THE CLAIMANTS, ENTERING OR REMAINING ON LAND AND IN BUILDINGS ON ANY OF THE SITES LISTED IN SCHEDULE 2 OF THE CLAIM FORM (“the Sites”), THOSE BEING:**

 - a. “THE AYLESBURY SITE” MEANING ARLA FOODS LIMITED’S SITE AT AYLESBURY DAIRY, SAMIAN WAY, ASTON CLINTON, AYLESBURY HP22 5EZ, AS MARKED IN RED ON THE PLANS AT ANNEXE 1 TO THE CLAIM FORM;**
 - b. “THE OAKTHORPE SITE” MEANING ARLA FOODS LIMITED’S SITE AT OAKTHORPE DAIRY, CHEQUERS WAY, PALMERS GREEN, LONDON N13 6BU, AS MARKED IN RED ON THE PLANS AT ANNEXE 2 TO THE CLAIM FORM;**
 - c. “THE HATFIELD SITE” MEANING ARLA FOODS HATFIELD LIMITED’S SITE AT HATFIELD DISTRIBUTION WAREHOUSE, 4000 MOSQUITO WAY, HATFIELD BUSINESS PARK, HATFIELD, HERTFORDSHIRE AL10 9US, AS MARKED IN RED ON THE PLANS AT ANNEXE 3 TO THE CLAIM FORM; AND**
 - d. “THE STOURTON SITE” MEANING ARLA FOODS LIMITED’S DAIRY AT PONTEFRACT ROAD, LEEDS LS10 1AX AND NATIONAL DISTRIBUTION CENTRE AT LEODIS WAY, LEEDS LS10 1NN AS MARKED IN RED ON THE PLANS AT ANNEXE 4 TO THE CLAIM FORM**
- (2) PERSONS UNKNOWN WHO FOR THE PURPOSE OF PROTESTING ARE OBSTRUCTING ANY VEHICLE ACCESSING FROM THE HIGHWAY THE SITES LISTED IN SCHEDULE 2 OF THE CLAIM FORM**
- (3) PERSONS UNKNOWN WHO FOR THE PURPOSE OF PROTESTING ARE OBSTRUCTING ANY VEHICLE ACCESSING THE HIGHWAY FROM ANY OF THE SITES LISTED IN SCHEDULE 2 OF THE CLAIM FORM**
- (4) PERSONS UNKNOWN WHO ARE FOR THE PURPOSE OF PROTESTING CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING, OR OTHERWISE INTERFERING WITH THE FREE FLOW OF TRAFFIC ON TO, OFF, OR ALONG THE ROADS LISTED AT ANNEXE 1A, 2A, 3A, AND 4A TO THE CLAIM FORM**
- (5) PERSONS UNKNOWN WHO ARE FOR THE PURPOSE OF PROTESTING, AND WITHOUT THE PERMISSION OF THE REGISTERED KEEPER OF THE VEHICLE, ENTERING, CLIMBING ON, CLIMBING INTO, CLIMBING UNDER, OR IN ANY WAY AFFIXING THEMSELVES ON TO ANY VEHICLE WHICH IS ACCESSING OR EXITING THE SITES LISTED IN SCHEDULE 2 OF THE CLAIM FORM**
- (6) PERSONS UNKNOWN WHO ARE FOR THE PURPOSE OF PROTESTING, AND WITHOUT THE PERMISSION OF THE REGISTERED KEEPER OF THE VEHICLE, ENTERING, CLIMBING ON, CLIMBING INTO, CLIMBING UNDER, OR IN ANY WAY AFFIXING THEMSELVES ON TO, ANY VEHICLE WHICH IS TRAVELLING TO OR FROM ANY OF THE SITES LISTED IN SCHEDULE 2 OF THE CLAIM FORM)**