

IN THE HIGH COURT OF JUSTICE

CLAIM NO. QB-2022- 002577

QUEEN'S BENCH DIVISION

THE HONOURABLE MR JUSTICE EYRE

B E T W E E N :

ESSO PETROLEUM COMPANY, LIMITED

and

(1) SCOTT BREEN

(2) THE PERSONS UNKNOWN WHO ARE
DESCRIBED IN ANNEX 1 TO THE CLAIM
FORM DATED 10 AUGUST 2022



QB-2022-002577

Defendants

(A COPY OF ANNEX 1 TO THE CLAIM FORM
IS ATTACHED AS ANNEX 1 TO THIS
ORDER)

ORDER

PENAL NOTICE

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

IMPORTANT NOTICE TO DEFENDANTS

This Order prohibits you from doing the acts set out in this Order. You should read
it very carefully. You are advised to consult a solicitor as soon as possible.

Any other person who knows of this Order and does anything which helps or permits
the Defendants 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.

A Defendant who is an individual who is ordered not to do something must not do
it herself or himself or in any other way. She or he must not do it through others
acting on his behalf or on her or his instructions.

You have the right to ask the Court to vary or discharge this Order (which is explained below).

RECITALS

UPON the hearing of the Claimant's Application dated 10 August 2022 for an injunction

UPON the Claimant having not given notice to any other person of the making of this application

AND UPON HEARING Leading Counsel for the Claimant

AND UPON READING the documents set out in the First Schedule to this Order

AND UPON the Claimant giving and the Court accepting the undertakings set out in Second Schedule to this Order

DEFINITIONS

1. In this Order:
 - (1) "DCO" means the Southampton to London Pipeline Development Consent Order 2020 (SI 2020 No 1099);
 - (2) "DCO order limits" means the order limits (and as the context requires, the land within the order limits) identified by the DCO;
 - (3) "the Southampton to London Pipeline Project" or "SLPP" means the programme of works and development authorised by the DCO;
 - (4) The "Claim Documents" means the documents listed in the First Schedule to this Order.
 - (5) The "SLP Website" means <https://www.slpproject.co.uk>.

INJUNCTION

2. The First Defendant shall remove his person and possessions within 72 hours of service of this order from any and every excavation he has made within the DCO order limits.
3. Until trial or further order, the First and Second Defendants must not do any of the acts listed in paragraph 4 of this order in express or implied agreement with any other person, and with the intention of preventing or impeding construction of the Southampton to London Pipeline Project.
4. The acts referred to in paragraph 3 of this order are:
 - (1) within the DCO order limits, damaging anything which is used or to

be used in or in the course of the construction of the SLPP;

- (2) within the DCO order limits, traversing any fence surrounding (or other physical demarcation of) any area of land which is used or to be used in or in the course of the construction of the SLPP;
- (3) within the DCO order limits, digging any excavation or affixing or locking themselves to anything or any person;
- (4) within the DCO order limits, erecting any structure;
- (5) within the DCO order limits, spraying, painting, pouring, depositing or writing any substance on to anything which is used or to be used in or in the course of the construction of the SLPP;
- (6) within the DCO order limits, obstructing construction of the SLPP by their presence or activities after having been requested by or on behalf of the Claimant or the police to cease and desist from such obstruction;
- (7) whether within or without the DCO order limits, blocking or impeding access to any land within the DCO order limits.
- (8) assisting any other person do any of the acts referred to in subparagraphs 3.1 to 3.7.

5. A Defendant who is ordered not to do something must not:

- (A) do it himself/herself/themselves or in any other way.
- (B) do it by means of another person acting on his/her/their behalf, or acting on his/her/their instructions, or by another person acting with his/her/their encouragement.

VARIATION OR DISCHARGE

- 6. Any Defendant and any person interested in this Order may apply to vary or discharge this Order at any time upon giving not less than 24 hours' notice to the Claimant's solicitors at the email address set out later in this Order.
- 7. Any person applying to vary or discharge this Order must provide their full name and address (including an address for service) and must also apply to be joined as a named defendant to the proceedings at the same time.
- 8. The Claimant has liberty to apply to extend or vary this Order or to seek further directions.

RETURN DATE

9. If not previously discharged or modified, the Court will reconsider the continuation of this order and its terms at a hearing at 10:30am on 7 September 2022, at The Royal Courts of Justice, Strand, London.

SERVICE OF DOCUMENTS

10. It being the Claimant's intention to effect personal service of the Order and other Court Documents on the First Defendant, service of this Order and of the other Court Documents on the Second Defendants shall be effected pursuant to CPR 6.15 and 6.27 as follows:

- (1) the Claimant shall cause to be uploaded a complete copy of the Claim Documents and this Order to the SLP Website and of the DCO with the "Works Plans" plans referred-to in DCO Schedule 11, para 2.2 which depict the DCO order limits;

- (2) the Claimant shall cause to be affixed warning notices in locations which are accessible by the public at intervals not exceeding 5 kilometres along the full length of DCO order limits explaining:-

- the existence and nature of the Order;
- the existence of the proceedings;
- the potential consequences of breaching the Order;
- that the Order and the Claim Documents may be viewed at the SLP Website;
- that copies of the Order and the Court documents may be obtained from the Claimant's solicitors, whose contact details are: -

Eversheds Sutherland (International) LLP,
One Wood Street,
London,
EC2V 7WS

(Ref: Stuart Wortley tel: 020 7919 0969)

email: exxonmobil.service@eversheds-sutherland.com

- (3) the Claimant shall cause to be affixed 4 warning notices around the perimeter of each of the Claimant's construction compounds providing the same information as set out in the previous sub-paragraph;

- (4) in respect of each email address listed in the Third Schedule, the Claimant shall cause an email message to be sent explaining that a copy of the Order and the Claim Documents may be viewed at the SLP Website;
 - (5) in respect of each Facebook page listed in the Third Schedule, the Claimant shall cause a message (a) to be posted and (b), where possible, to be sent by direct message to the said Facebook page, explaining that a copy of the Order and the Claim Documents may be viewed at the SLP Website; and
 - (6) in respect of each Twitter account listed in the Third Schedule, the Claimant shall cause a message (a) to be tweeted beginning with the symbol “@” followed by the Twitter account name and (b), where possible, sending a direct message to said Twitter account, explaining that a copy of the Order and the Claim Documents may be viewed at the SLP Website.
- 11. The Claimant shall cause to be uploaded to the SLP Website copies of the Order and the Claim Documents and a note of the hearing at which this Order was granted.
 - 12. The Claimant shall cause to be sent by email (a) a copy of the Order and (b) a link to the SLP Website to each of the email addresses listed in the Third Schedule to this Order.
 - 13. Personal service on the First Defendant shall be sufficient in his case. Otherwise, pursuant to CPR 6.12(3) and 6.27, the Claim Documents and Order shall be deemed to be served on the latest date on which compliance with the provisions of paragraph 10 shall have occurred, such date to be verified by the completion of a certificate of service or witness statement. For the avoidance of doubt, no person shall be in breach of the terms of this Order unless they fail to comply with paragraphs 2 and 3 of this Order knowing of the existence of this Order.
 - 14. Service of any further document in these proceedings upon the Defendants (other than any Defendant who is subsequently named in these proceedings) shall be validly effected by:
 - (1) sending it by email to the email addresses listed in the Third Schedule to the Order;
 - (2) posting a message and, where possible, sending a direct message, to the Facebook pages listed in the Third Schedule, explaining that

such further documents in these proceedings can be viewed on the SLP Website;

- (3) tweeting a message beginning with the symbol “@” followed by the Twitter account names listed in the Third Schedule and, where possible, sending a direct message to the said Twitter accounts, explaining that such further documents in these proceedings can be viewed on the SLP Website;
 - (4) uploading it to the SLP Website; and
 - (5) sending a copy to any person who has previously requested a copy of the Claim Documents from the Claimant or its solicitors, either by post or email (as was requested by that person).
15. Such service shall be deemed effective on the latest date on which all of the said steps shall have been completed.
16. The Court will provide sealed copies of this Order for service by the Claimant’s Solicitors.
17. Until further order, no party shall be required to file an Acknowledgement of Service, Admission or Defence to this claim.

COSTS

18. Costs are reserved.

COMMUNICATION WITH THE COURT

19. All communications to the Court about this Order should be sent to: Queen’s Bench Division, Royal Courts of Justice Strand WC2A 2LL.
20. The offices are open between 10.00 a.m. and 4.30 p.m. Monday to Friday (except Bank Holidays). The telephone number is 0203 936 8957

COMMUNICATIONS WITH THE CLAIMANT

21. The Claimant’s solicitors and their contact details are:

- (1) Stuart Wortley
Eversheds Sutherland (International) LLP
StuartWortley@eversheds-sutherland.com
07712 881 393
- (2) Nawaaz Allybokus
Eversheds Sutherland (International) LLP
NawaazAllybokus@eversheds-sutherland.com

07920 590 944

Dated the 15th day of August 2022

First Schedule

(documents read by the court in considering the making of this Order)

In the course of considering the making of this Order, the Court read the following documents:

1. Claim form dated 10 August 2022
2. Application Notice dated 10 August 2022
3. Draft Order
4. Witness Statement of Jon Anstee De Mas dated 10 August 2022
5. Exhibits:
 - a. JA1 (documents relating to protests against the SLPP to date)
 - b. JA2 (documents relating to Extinction Rebellion South East)
 - c. JA3 (documents relating to Scott Breen)
 - d. JA4 (documents relating to Extinction Rebellion)
 - e. JA5 (documents relating to Just Stop Oil)
 - f. JA6 (documents relating to the “FART” group)
 - g. JA7 (documents relating to the “Pipe Busters” group)
 - h. JA8 (documents relating to the “STOP ExxonMobil Climate Group)
 - i. JA9 (draft Warning Notice)
6. Skeleton argument

Second Schedule

(undertakings given to the Court)

The Claimant gave the following undertakings to the Court:

1. To issue an Application Notice for the continuation of the injunction, to be considered at the hearing on the return date.
2. To pay any damages which the Defendants (or any other party served with or notified of this Order) shall sustain as a result of the making of this Order, and which the Court considers ought to be paid.

Third Schedule

Group / Individual	Email contact (where available)	Social Media account
Extinction Rebellion South East	xrsoutheastmedia@gmail.com	Twitter: @XRSouthEastUK Facebook: Extinction Rebellion South East UK
Extinction Rebellion UK	press@extinctionrebellion.uk	Twitter: @XRebellionUK Facebook: Extinction Rebellion UK
XR Fleet Farnborough Camberley & Aldershot	xrffc2020@gmail.com	Twitter: @XR_FFC
Just Stop Oil	juststopoilpress@protonmail.com	Twitter: @JustStop_Oil Facebook: Just Stop Oil
Pipe Busters		Twitter: @StoptheSLP
FART		Facebook: "FART" Fast Action Response Team Screw You Mobile Crew
Stop Exxon SLP		Twitter: @EssoSlp

ANNEX 1

(description of persons unknown who are or may become defendants to these proceedings)

1. In this Annex:
 - (1) “DCO” means the Southampton to London Pipeline Development Consent Order 2020 (SI 2020 No 1099);
 - (2) “DCO order limits” means the order limits (and as the context requires, the land within the order limits) identified by the DCO and available on the National Planning website ;

[https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/EN070005/EN070005-001463-2.2%20Work%20Plans%20\(1%20of%203\).pdf](https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/EN070005/EN070005-001463-2.2%20Work%20Plans%20(1%20of%203).pdf)

[https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/EN070005/EN070005-001464-2.2%20Works%20Plans%20\(2%20of%203\).pdf](https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/EN070005/EN070005-001464-2.2%20Works%20Plans%20(2%20of%203).pdf)

[https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/EN070005/EN070005-001465-2.2%20Works%20Plans%20\(3%20of%203\).pdf](https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/EN070005/EN070005-001465-2.2%20Works%20Plans%20(3%20of%203).pdf)
 - (3) “the Southampton to London Pipeline Project” or “SLPP” means the programme of works and development authorised by the DCO.
2. Any person who does any of the acts listed in paragraph 3 of this Annex in express or implied agreement with any other person, and with the intention of preventing or impeding construction of the Southampton to London Pipeline Project.
3. The acts referred to in paragraph 2 of this Annex are:
 - (1) within the DCO order limits, damaging anything which is used or to be used in or in the course of the construction of the SLPP;
 - (2) within the DCO order limits, traversing any fence surrounding (or other physical demarcation of) any area of land which is used or to be used in or in the course of the construction of the SLPP;
 - (3) within the DCO order limits, digging any excavation or affixing or locking themselves to anything or any person;
 - (4) within the DCO order limits, erecting any structure;
 - (5) within the DCO order limits, spraying, painting, pouring, depositing or writing any substance on to anything which is used or to be used in or in the course of the construction of the SLPP;
 - (6) within the DCO order limits, by their presence or activities otherwise obstructing the construction of the SLPP and who fail immediately to cease and desist from such obstruction when requested by or on behalf of the claimant or the police;
 - (7) whether within or without the DCO order limits, blocking or impeding access to any land within the DCO order limits.

(8) encouraging or assisting any other person do any of the acts referred to in sub- paragraphs 3(1) to 3(7).