IN THE HIGH COURT OF JUSTICE

CLAIM NO. QB-2022- 002577

KING'S BENCH DIVISION

HIS HONOUR JUDGE LICKLEY KC
(SITTING AS A DEPUTY HIGH COURT JUDGE)

B E T W E E N :

ESSO PETROLEUM COMPANY, LIMITED

Claimant

And

(1) SCOTT BREEN

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

Defendants

(1) JANE SUZANNE EVEREST

(2) HANNAH SHELLEY

Interested Persons

(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 on 5 October 2022 of the Claimant's Application dated 2 September 2022 for an injunction

AND UPON HEARING Leading Counsel for the Claimant and Counsel for the Interested Persons

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

AND UPON the Claimant giving and the Court accepting the undertaking 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 11:59pm on 21 February 2023, 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 causing damage

to the Claimant by 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 sub-paragraphs 4(1) to 4(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.

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 the judgment handed down on 21 October 2022.

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 this Order and 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 or, if sooner, the date of actual notice of the document in question.

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. The Claimant has until 4pm on 28 October 2022 to file and serve written submissions, if so advised, on recovering costs against the Interested Persons. The Interested Persons shall have until 4pm on 4 November 2022 to file and serve written submission in response, if so advised. Any party seeking an oral hearing on the matter of costs to include such application in the written submissions.

PERMISSION TO APPEAL

19. The Interested Persons shall have until 28 October 2022 on 4pm to file and serve an application for permission to appeal. The Claimant shall have until 4pm on 4 November 2022 to file and serve a response, if so advised.

DIRECTIONS FOR TRIAL

20. Any Acknowledgement of Service, Admission or Defence to this claim is to be filed and served by 4pm on 25 November 2022.

21. The Claimant has permission to file and serve further evidence, if so advised, by 4pm on 9 December 2022.

22. The Defendants shall file and serve any evidence on which they wish to rely by 4pm on 23 December 2022.

23. Disclosure of documents is dispensed with.

24. Costs management is dispensed with.

25. The claim be listed for trial on the first available date after 11 January 2023 with a time estimate of 1 day (plus reading time) and, in any event, before 21 February 2023.

26. The Claimant shall file and serve a trial bundle not less than 7 days before the trial.

27. Skeleton arguments on behalf of any represented party shall be lodged and exchanged, with bundle of authorities, not less than 3 days before the trial.

28. The Claimant and any Defendant who has filed an acknowledgment of service shall have permission to apply for further or other case management directions.

COMMUNICATION WITH THE COURT

29. All communications to the Court about this Order should be sent to: King's Bench Division, Royal Courts of Justice Strand WC2A 2LL.

30. 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

31. 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 21st day of October 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 and Exhibits
5. Second Witness Statement of Nawaaz Allybokus dated 02 September 2022 and Exhibits
6. Affirmation of Jon Anstee de Mas dated 25 August 2022 and Exhibits
7. Affirmation of Stuart Sherbrooke Wortley dated 31 August 2022 and Exhibits
8. Affirmation of Timothy John Sunderland dated 01 September 2022 and Exhibits
9. Witness Statement of Stuart Sherbrooke Wortley dated 04 September 2022
10. Affirmation of Lynn Gardner dated 05 September 2022 and Exhibit
11. Witness Statement of Hannah Shelley dated 05 September 2022
12. Witness Statement of Jane Suzanne Everest dated 05 September 2022
13. Affirmation of Varshita Narasah dated 19 September 2022 and Exhibit
14. Affirmation of Mark Edward Ions dated 16 September 2022 and Exhibit
15. Affirmation of Lynn Gardner dated 16 September 2022
16. Affirmation of Ghulam Rabbani dated 16 September 2022
17. Fourth Witness Statement of Jon Anstee de Mas dated 29 September 2022
18. Third Witness Statement of Nawaaz Allybokus dated 29 September 2022
19. Skeleton arguments

Second Schedule

(undertakings given to the Court)

The Claimant gave the following undertakings to the Court:

1. 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/EN070005-001464-2.2%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

   (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 causing damage to the Claimant by 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) assisting any other person do any of the acts referred to in sub-paragraphs 3(1) to 3(7).