

General Form of Judgment or Order

In the High Court of Justice
Queen's Bench Division
Birmingham
District Registry

Claim Number A90BM228

Date 1 February 2021



WOLVERHAMPTON CITY COUNCIL	1 st Claimant Ref LIT/AS/LIJ001256
DUDLEY METROPOLITAN BOROUGH COUNCIL	2 nd Claimant Ref
SANDWELL METROPOLITAN BOROUGH COUNCIL	3 rd Claimant Ref MAB/NCS/ASB/191
WALSALL METROPOLITAN BOROUGH COUNCIL	4 th Claimant Ref
SAM STUART GREEN	1 st Defendant Ref
(DISCONTINUED)	2 nd Defendant Ref
REUBEN CHARLESWORTH	3 rd Defendant Ref
FILLIPE MIGUEL GUERREIRO VAZ	4 th Defendant Ref AWAK/ CROS/900186-0001
CHLOE KENDRICK	5 th Defendant Ref
MAIREAD O'BRIEN	6 th Defendant Ref
DEVON ELISE RODEN	7 th Defendant Ref
LUKE SMITH	8 th Defendant Ref ADAM WIECZERZAK
LIAM INGRAM	9 th Defendant Ref
THOMAS LOYNES	10 th Defendant Ref
NATHAN BAKER	11 th Defendant Ref
SIMON BELLINGHAM	12 th Defendant Ref

The court office at Birmingham District Registry, Civil Justice Centre, The Priory Courts, 33 Bull Street, Birmingham, B4 6DS. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0121 681 4441. Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.

Produced by: D Normansell
CJR065C

SHAUN CARR	13 th Defendant Ref
NICOLLE ROBERTS	14 th Defendant Ref
CHRISTOPHER BAKER	15 th Defendant Ref
CHARLIE FLANAGHAN	16 th Defendant Ref
SAMUEL SQUIRES	17 th Defendant Ref
JOSHUA HUGHES	18 th Defendant Ref
CHARLES STEWART	19 th Defendant Ref
RHIANA SAULT	20 th Defendant Ref
AKASH PASSAP	21 st Defendant Ref
WILFRED RANDHAWA	22 nd Defendant Ref
HOLLIE ELLITTS	23 rd Defendant Ref
LUKE EGLINGTON	24 th Defendant Ref
KIRSTY FIELDING	25 th Defendant Ref
PIPPA IRESON-MEESE	26 th Defendant Ref
ANTONIO MAL	27 th Defendant Ref
RICKY MAL	28 th Defendant Ref
MATTHEW LAKE	29 th Defendant Ref
JOSHUA WHITEHOUSE	30 th Defendant Ref
CALLUM CUNNANE	31 st Defendant Ref
JAMES PALLETT	32 nd Defendant Ref AJM/CLA/ DONOV18/1
THOMAS WILLIS	33 rd Defendant Ref
ROSS MOLE	34 th Defendant Ref
JAMES JONES	35 th Defendant Ref

WENDY RILEY	36 th Defendant Ref
BETH DONOVAN	37 th Defendant Ref
STEPHEN MARTIN	38 th Defendant Ref
JORDAN EVANS	39 th Defendant Ref KEVIN WILLIAMS
JACK BUCHANAN	40 th Defendant Ref KEVIN WILLIAMS
AMAR MEHMOOD	41 st Defendant Ref ER/DK/615/20

Before Her Honour Judge Kelly sitting at Birmingham District Registry, Civil Justice Centre, The Priory Courts, 33 Bull Street, Birmingham, B4 6DS.

Upon hearing, remotely via Microsoft Teams, Counsel for the Claimants

And upon

- (1) considering the Claimants' application, dated 18 December 2020 to extend and vary the existing injunction dated 9 January 2018 (“the Application”); and
- (2) the court noting that the decision of Mr Justice Nicklin in the case of *London Borough of Enfield & Various Local Authorities v Persons Unknown* (QB-2020-003471), which is listed for hearing on 27 & 28 January 2021, is likely to be relevant to the issues arising in this application.

IT IS ORDERED THAT

1 The Application is adjourned to 28 April 2021 at 10.30am (elh 1 day) and shall be conducted by Microsoft Teams. (The matter is listed before HHJ Emma Kelly but not reserved to her and can be listed before any Circuit Judge with a QB s.9 ticket.)

2 The Claimants' oral application to extend on an interim basis the injunction, dated 9 January 2018, granted by His Honour Judge McKenna is dismissed.

3 The Claimants shall by 4.00pm on 21 April 2021 file and serve:

- (1) a hard copy bundle;
- (2) a hard copy bundle of authorities; and
- (3) a Skeleton Argument.

4 The Skeleton Argument shall address the legal issues arising in the Application identified below:

- (1) How, if at all, was the original claim form served on ‘persons unknown’.
- (2) How the Claimants are proposing to address the fact that the description of the Defendant in the claim form as ‘persons unknown’ appears to be impermissibly wide and does not meet the requirement of identifiability.
- (3) Whether the Claimants are intending to apply to amend the claim form by substituting ‘persons unknown’ for a smaller class of ‘unknown persons’ Defendant.
- (4) If the Claimants are intending to make an application to substitute a new Defendant, why has that not been issued.
- (5) If an application to substitute a new Defendant were to be made, what power the Court would have to grant such an application made after a final order has been made.

- (6) If the Court granted permission to substitute a new Defendant, how could the Application be dealt with prior to re-service of the claim form and Application on the new Defendant.
- (7) Why have the Claimants not issued a new part 8 claim against their revised definition of Defendant.
- (8) Whether the Court has the power – either generally under CPR 3.1(7) or otherwise, or specifically having regard to the particular terms of the relevant order – to case manage the proceedings and/or to vary or extend or discharge the injunction that has previously been granted by final order.
- (9) Whether the Court has jurisdiction, and/or whether it is correct in principle, in the instant relevant category of ‘car cruising’ claim, to grant a claimant local authority an extension of final injunctive relief either against “persons unknown” who are not, by the date of the hearing of the application for a final injunction, persons whom the law regards as parties to the proceedings, and/or on a contra mundum basis.
- (10) In the event that the Court finds that it does not have jurisdiction to extend a final injunction in the circumstances set out in paragraph 4(9) above, whether:
- (a) it is possible to identify the Defendants in the category of persons unknown who were parties to the proceedings at the date the final order was granted and would be bound by any extension; and
- (b) insofar as the final injunction binds newcomers, it should not be extended.
- (11) If the Application cannot be substantively disposed of at the next hearing, in what circumstances (if any) should the Court be prepared to grant interim injunctive relief against “persons unknown” Defendants, in a form in which a final extension would not be granted.
- 5 The Claimants are granted permission to serve the Application on the current Defendant by an alternative method pursuant to CPR 6.27 namely by the Claimants taking the steps set out in the witness statement of Paul Brown, dated 21 January 2021. It is recorded that such service has already been effected and service of the Application is deemed to have taken place on 22 January 2021.
- 6 The Claimants are granted permission to serve this order (“the Order”) by alternative means, pursuant to CPR 6.27 provided that the Claimants do by 4pm on 2 April 2021:
- (1) place a copy of the Order on their respective websites;
- (2) make available a copy of the Order at the front desks of the Claimants’ main offices, and police stations throughout the Black Country;
- (3) advertise that these proceedings have been adjourned to 28 April 2021 in the Dudley, Halesowen, Stourbridge, Sandwell, Walsall and Wolverhampton editions of the Express & Star newspaper setting out where copies of the Order can be obtained; and
- (4) place on their respective Facebook and Twitter accounts the terms of the Order and details of where copies can be obtained.
- 7 The Claimants shall by 4pm on 2 April 2021 serve copies of the Order on all persons who have been subject to committal proceedings and therefore previously named as Defendants.
- 8 Costs in the application.

Dated 27 January 2021