

CLAIM NO: QB-2022-001952

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

BEFORE: MRS JUSTICE YIP

Dated: 5th October 2022

BETWEEN:

(1) ALMACANTAR CENTRE POINT NOMINEE NO.1 LIMITED

(2) ALMACANTAR CENTRE POINT NOMINEE NO.2 LIMITED



- and -

(1) ALEXANDER FARRELL

(2) [DISCONTINUED]

(3) OWEN REECE (AKA "TRIKKSTAR")

(4) HARRY DAVIES

**(5) PERSONS UNKNOWN ENTERING OR REMAINING ON THE ROOFS OR
EXTERNAL STRUCTURES (EXCLUDING BALCONIES) OF CENTRE POINT (AS
DESCRIBED IN PARAGRAPHS 2-4 OF THE PARTICULARS OF CLAIM)
WITHOUT THE CLAIMANT'S PERMISSION**

**(6) PERSONS UNKNOWN ENTERING OR REMAINING AT CENTRE POINT (AS
DESCRIBED IN PARAGRAPHS 2-4 OF THE PARTICULARS OF CLAIM) WITH
THE INTENTION OF GAINING ACCESS TO THE ROOFS OR EXTERNAL
STRUCTURES (EXCLUDING BALCONIES) AT CENTRE POINT WITHOUT THE
CLAIMANT'S PERMISSION**

;Defendants

ORDER FOR AN INJUNCTION

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 DEFENDANTS

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 have 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 Claimants' application made within its application notice dated 1 June 2022 ("the Application Notice")

AND UPON it appearing to the Court that there is good reason for the Claimants to have brought their application on a without notice basis

AND UPON it appearing to the Court that there is good reason for the Claimants not having given 3 clear days' formal notice of its application to the Defendants, but noting that the Claimants have endeavoured to give informal notice to the named Defendants using social media

AND UPON the Court granting permission for the Claimants' application to be heard without formal notice to the Defendants or any other person

AND UPON hearing Counsel for the Claimants

AND UPON READING the witness statements of James Daniel Waite dated 1 June 2022 and 28 September 2022 and the witness statements of Philip Keith Spencer dated 3 October 2022 and 4 October 2022

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

IT IS ORDERED THAT:

THE INJUNCTION

(1) The Defendants must not without the permission of the Claimants:

- a. Climb, enter, access or remain on any part of the roofs or external structures of the buildings (excluding balconies) at Centre Point (as defined in paragraph (5) below).

- b. Access, enter or remain on any part of Centre Point (as defined in paragraph (5) below) with the intention of gaining access to the roofs or external structures (excluding balconies) at Centre Point.
- (2) Any person who breaches paragraph (1) of this Order knowing of the existence of this Order will automatically become a Defendant to these proceedings.
- (3) Unless otherwise varied, discharged or renewed at some earlier time and date:
 - (a) Paragraph (1) of this Order will be reconsidered by this Court at **10.30am on 19 October 2022** at the Royal Courts of Justice, Strand, London.
 - (b) Paragraph (1) of this Order shall continue in force until midnight on 5 October 2025, unless discharged or varied before that date.

DURATION, VARIATION OR DISCHARGE OF THIS ORDER

- (4) Any person may apply to vary or discharge this Order upon giving 48 hours' notice in writing to the Claimants' solicitors at Bryan Cave Leighton Paisner LLP, Governor's House, 5 Laurence Pountney Hill, London, EC4R 0BR or phil.spencer@bclplaw.com.

INTERPRETATION OF THIS ORDER

- (5) "Centre Point" means the land and buildings owned by the Claimants within title number NGL606392, which includes:
 - (a) Centre Point Tower, which is a residential tower block comprising of 36 floors, and a basement (that is physically shared with the basement of Centre Point House);
 - (b) Centre Point House, which is a mixed-use block comprising of 8 floors and that is located directly opposite Centre Point Tower;
 - (c) Centre Point Link, which is a smaller building physically linked to both Centre Point Tower and Centre Point House; and
 - (d) White Lion House, which is a separate block comprised of two floors of retail units and 7 floors of residential accommodation.

SERVICE OF THIS ORDER AND THE PROCEEDINGS

- (6) In relation to the categories of Defendants included and named as the Fifth Defendant and Sixth Defendant, service of this Claim and all documents in the proceedings shall be effected in the manner set out in paragraphs (10) to (12) below which, pursuant to CPR 6.15 and 6.27, shall stand as good service in relation to any person who shall become a Defendant to this Claim in the manner described in paragraph (2) of this Order.
- (7) Save as set out above, service of the Claim Form, Particulars of Claim, Response Pack, Application Notice and Witness Statements in support of the Claimants' application are dispensed with in respect of any person who shall become a Defendant to this Claim in the manner described in paragraph (2) of this Order.

- (8) In relation to each of the named Defendants, the Claimants shall send a direct message on Instagram to @Alexanderfarrell1999 (for the First Defendant), @trikkstar69 and @mrowenreece (for the Third Defendant), @harrydaviesldn and @harrydavies.bts (for the Fourth Defendant).
- (9) The Claimants shall maintain on a website ("the Service Website") downloadable copies of the following documents, redacted where necessary to remove the name of the Second Defendant against whom the Claim has been discontinued:
- (a) This Order;
 - (b) The Application Notice;
 - (c) The Claim Form;
 - (d) The Particulars of Claim;
 - (e) The witness statements submitted to the Court in support of the Claimants' application for this Order; and
 - (f) A brief record of the hearing at which this Order was made.
- (10) The Claimants shall post notice of the existence of this Order and of this Claim ("the Notice") within 24 hours of receipt of this Order:-
- (a) At all main entrances to buildings within Centre Point.
 - (b) At not less than 10 other prominent locations in and around Centre Point.
- (11) The Claimants shall maintain copies of the Proceedings at the Estate Management office in Centre Point Tower, 101-103 New Oxford Street, London, which is open between 9am-5pm Monday-Friday.
- (12) The Notice (in the form attached hereto) shall include a statement that copies of this Order, the Claim Form, the Particulars of Claim, the Claimants' application notice dated 1 June 2022 and the Witness Statements in support of the Claim, may be viewed:
- (a) At the Service Website: <https://almacantar.com/legal/injunctions>; and
 - (b) At the physical location referred to in paragraph (11) of this Order,
- and that copies may also be obtained from the Claimants' Solicitor, whose contact details shall be included.
- (13) The Claimants shall, through their Solicitors, provide a copy of all the documents listed in paragraph (9) of this order free of charge to any individual who requests one.
- (14) The name of the Fifth Defendant be formally amended so that the word "EXTERNAL" be moved from before the word "ROOFS" and be replaced to appear before the word "STRUCTURES", as set out at the top of this Order.
- (15) Costs reserved.

COMMUNICATIONS WITH THE COURT

All communications to the Court about this Order should be sent to:

- King's Bench Division, Royal Courts of Justice, Strand WC2A 2LL. The offices are open between 10.00 a.m. and 4.30 p.m. Monday to Friday (except Bank Holidays).
- The telephone number is 020 7947 6000

TAKE NOTE: A FURTHER HEARING WILL TAKE PLACE AT 10.30AM ON 19 OCTOBER 2022 AT ROYAL COURTS OF JUSTICE, STRAND WC2A 2LL

SCHEDULE 1

Witness Statements

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

- Witness Statement of James Daniel Waite dated 1 June 2022 and together with the Exhibits marked JDW1
- Second Witness Statement of James Daniel Waite dated 28 September 2022 and together with the Exhibits marked JDW2
- Witness Statement of Philip Keith Spencer dated 3 October 2022 and together with the Exhibits marked PKS1

- Second Witness Statement of Philip Keith Spencer dated 4 October 2022 and together with Exhibits marked PKS2

and the annexes to the Particulars of Claim

SCHEDULE 2

Undertaking given to the Court by the Claimants:

To pay any damages which the Defendants (or any other party served with or notified of this Order) shall sustain and which the Court considers the Claimants should pay

5th October 2022