

Made on behalf of the Claimants
Witness: Philip Keith Spencer
Number of Statement: Third
Exhibit: PKS3
Dated: 18 October 2022

IN THE HIGH COURT OF JUSTICE

Claim No. QB-2022-001952

KING'S BENCH DIVISION

BETWEEN:

**(1) ALMACANTAR CENTRE POINT NOMINEE NO.1 LIMITED
(2) ALMACANTAR CENTRE POINT NOMINEE NO.2 LIMITED**

Claimants

- 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 CLAIMANTS' 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 CLAIMANTS'
PERMISSION**

Defendants

EXHIBIT PKS3

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Phil Spencer

From: Phil Spencer
Sent: 06 October 2022 15:30
To: 'Coulson, Nigel (ACO)'; 'Isaac, Sharon'; 'kbjudgeslistingoffice@justice.gov.uk'; 'kqenquiries@justice.gov.uk'
Cc: Charles Mann; 'Brooke Lyne'; Aukett, Ashley | (She/Hers)
Subject: QB-2022-001952 - Amended Claim Form/Particulars
Attachments: AMENDED Centre Point - Particulars of Claim(219490360.1).pdf; AMENDED CPH - Claim Form (06.10.2022).pdf

Dear Sir/Madam

Following a hearing before Yip J yesterday, 5 October 2022, Her Ladyship granted our client, the Claimants, an injunction in the above matter and ordered the claim against the Second Defendant be discontinued. As directed, the two relevant orders have been dealt with directly by Mrs Justice Yip's clerk, Ms Aukett.

As the correspondence in the thread below shows, since we had not yet received a sealed Claim Form/Particulars, Her Ladyship was content for us to submit a revised Claim Form/Particulars to reflect the situation with the Second Defendant.

Accordingly, please find attached amended documents. We request it is these versions that are please sealed and returned to us for service (along with the sealed orders). Thank you for your assistance.

Yours faithfully

Bryan Cave Leighton Paisner LLP



PHIL SPENCER
Associate
BRYAN CAVE LEIGHTON PAISNER LLP - London, UK
phil.spencer@bclplaw.com
T: +44 (0) 20 3400 3119 M: +44 (0)7738 037271

From: Brooke Lyne <BLyne@landmarkchambers.co.uk>
Sent: 06 October 2022 14:52
To: Aukett, Ashley | (She/Hers) <Ashley.Aukett@justice.gov.uk>
Cc: Phil Spencer <Phil.Spencer@bclplaw.com>; Charles Mann <Charles.Mann@bclplaw.com>
Subject: RE: QB-2022-001952, Almacantar v Farrell and others, Minutes of order FAO Yip J, hearing 5.10.22

Dear Ashley,

Thanks for this – much appreciated.

We note the point the judge made about the word “attached” at paragraph 1 and have amended it accordingly. An amended version is attached for your information or in case the judge wanted to see the amended notice.

My Instructing Solicitors (copied in) will email the court separately about the amended claim documents.

Many thanks for your assistance.

Brooke

(Counsel for the Claimants)

From: Aukett, Ashley | (She/Hers) <Ashley.Aukett@justice.gov.uk>
Sent: 06 October 2022 11:39
To: Brooke Lyne <BLyne@landmarkchambers.co.uk>
Cc: Phil Spencer <Phil.Spencer@bclplaw.com>; Charles Mann <Charles.Mann@bclplaw.com>
Subject: RE: QB-2022-001952, Almacantar v Farrell and others, Minutes of order FAO Yip J, hearing 5.10.22

Dear Ms Lyne,

Mrs Justice Yip has asked me to pass on the following message:

Both orders are approved. I have noted the observations below and am content. If the amended documents are sent, they can be sealed for service in the corrected form. However, I am reluctant to give a direction that this should happen in case it delays things. I am content for the documents to be amended in whatever way is most convenient.

Before sealing, the marking in blue should be removed.

My only question about the notice is whether it should say "the attached order" at paragraph 1 or just "the order". My understanding is that the notice will be displayed as a single document without any attachments so I would have thought the reference to an "attached order" is misleading. Seeking that clarification does not prevent me from approving the order as it is though.

Please thank Ms Lyne for her considerable help.

Best wishes
Ashley

Ashley Aukett

Clerk to The Hon. Mrs Justice Yip DBE

Senior Presiding Judge of the Northern Circuit

| Clerks to HM Judges | W320 | Royal Courts of Justice | Strand | London | WC2A 2LL |
| 020 7947 6236 | 07866146429 | Ashley.Aukett@justice.gov.uk |

 **HM Courts & Tribunals Service**

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From: Brooke Lyne <BLyne@landmarkchambers.co.uk>
Sent: 05 October 2022 16:38
To: Aukett, Ashley | (She/Hers) <Ashley.Aukett@justice.gov.uk>
Cc: Coulson, Nigel (ACO) <Nigel.Coulson@administrativecourtoffice.justice.gov.uk>; Isaac, Sharon <sharon.isaac@Justice.gov.uk>; Phil Spencer <Phil.Spencer@bclplaw.com>; Charles Mann <Charles.Mann@bclplaw.com>
Subject: QB-2022-001952, Almacantar v Farrell and others, Minutes of order FAO Yip J, hearing 5.10.22

Dear Ms Aukett,

Further to the hearing before Yip J earlier today, I attach:

- A minute of the injunction order
- A Notice to be attached the injunction order
- A minute of the order relating to D2 only (discontinuing the claim against her)

Phil Spencer

From: Phil Spencer
Sent: 10 October 2022 10:49
To: 'Aukett, Ashley | (She/Hers)'
Cc: Charles Mann; 'Brooke Lyne'
Subject: RE: QB-2022-001952 - Amended Claim Form/Particulars

Dear Ms Aukett

I apologise for emailing you directly on this matter but I hope you may be able to assist us. I am able to see in CE-File the two sealed orders of Mrs Justice Yip dated 6 October 2022, many thanks for arranging that. However, we still cannot see a sealed claim form or particulars of claim (either the original documents or the revised ones sent below). We are concerned, given the return date next week on 19 October, to try and serve papers on the named Defendants as soon as possible but we are unable to do so without sealed versions.

I know Her Ladyship considered the point below on the original vs. amended claim documents being sealed so I wondered if this may be something you could help us with. Thank you in advance and, again, apologies to trouble you directly.

Kind regards

Phil



PHIL SPENCER
Associate
BRYAN CAVE LEIGHTON PAISNER LLP - London, UK
phil.spencer@bclplaw.com
T: +44 (0) 20 3400 3119 M: +44 (0)7738 037271

From: Phil Spencer
Sent: 06 October 2022 15:30
To: 'Coulson, Nigel (ACO)' <Nigel.Coulson@administrativecourtoffice.justice.gov.uk>; 'Isaac, Sharon' <sharon.isaac@Justice.gov.uk>; 'kbjudgeslistingoffice@justice.gov.uk' <kbjudgeslistingoffice@justice.gov.uk>; 'kqenquiries@justice.gov.uk' <kqenquiries@justice.gov.uk>
Cc: Charles Mann <Charles.Mann@bclplaw.com>; 'Brooke Lyne' <BLyne@landmarkchambers.co.uk>; Aukett, Ashley | (She/Hers) <Ashley.Aukett@justice.gov.uk>
Subject: QB-2022-001952 - Amended Claim Form/Particulars

Dear Sir/Madam

Following a hearing before Yip J yesterday, 5 October 2022, Her Ladyship granted our client, the Claimants, an injunction in the above matter and ordered the claim against the Second Defendant be discontinued. As directed, the two relevant orders have been dealt with directly by Mrs Justice Yip's clerk, Ms Aukett.

As the correspondence in the thread below shows, since we had not yet received a sealed Claim Form/Particulars, Her Ladyship was content for us to submit a revised Claim Form/Particulars to reflect the situation with the Second Defendant.

Accordingly, please find attached amended documents. We request it is these versions that are please sealed and returned to us for service (along with the sealed orders). Thank you for your assistance.

Yours faithfully

Phil Spencer

From: Phil Spencer
Sent: 11 October 2022 12:03
To: 'KB Issue & Enquiries'
Subject: Urgent Submission - RE: QB-2022-001952 - Amended Claim Form/Particulars

Dear Lola

I am really sorry to email again, but I am hoping this submission can be approved urgently and the sealed Claim Form and PoC issued – we need to serve the Defendants and if we cannot, it will imperil the return date hearing set by Yip J for next Wednesday, 19 October.

Thank you in advance for any assistance that can be given to process this.

Kind regards

Phil



PHIL SPENCER
Associate
BRYAN CAVE LEIGHTON PAISNER LLP - London, UK
phil.spencer@bclplaw.com
T: +44 (0) 20 3400 3119 M: +44 (0)7738 037271

From: Phil Spencer
Sent: 10 October 2022 11:52
To: 'KB Issue & Enquiries' <KBEnquiries@Justice.gov.uk>
Subject: RE: QB-2022-001952 - Amended Claim Form/Particulars

Dear Lola

Thank you for your reply. I have just filed these (686201665399075052).

Kind regards

Phil



PHIL SPENCER
Associate
BRYAN CAVE LEIGHTON PAISNER LLP - London, UK
phil.spencer@bclplaw.com
T: +44 (0) 20 3400 3119 M: +44 (0)7738 037271

From: KB Issue & Enquiries <KBEnquiries@Justice.gov.uk>
Sent: 10 October 2022 11:45
To: Phil Spencer <Phil.Spencer@bclplaw.com>
Subject: FW: QB-2022-001952 - Amended Claim Form/Particulars

Dear Sir,

Thank you for your email. Please ensure this is e-filed for processing.

Kind regards,

Lola Ajayi

**King's Bench Division Issue & Enquiries and Enforcement Office | HMCTS | Royal Courts of Justice | Strand,
London | WC2A 2LL**

Phone: 0203 936 8957

Web: www.gov.uk/hmcts

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This applies to:

- newly issued cases
- documents filed on a case with the new case reference number e.g. QB-Year-XXXXXX
- paying court fees on-line.

This means documents filed by post, DX, fax or email will not be accepted.

Please refer to Practice Direction 51O of the Civil Procedure rules.

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<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

From: Isaac, Sharon <sharon.isaac@Justice.gov.uk>

Sent: 06 October 2022 15:40

To: KB Issue & Enquiries <KBEnquiries@Justice.gov.uk>

Cc: Coulson, Nigel (ACO) <Nigel.Coulson@administrativecourtoffice.justice.gov.uk>; KB Judges Listing Office <KBJudgesListingOffice@Justice.gov.uk>

Subject: FW: QB-2022-001952 - Amended Claim Form/Particulars

Dear Team,

Please attend to processing the amended claim form and particulars.

Kind regards,

Sharon

Mrs Sharon Isaac
Kings Bench Associates and Ushers Team Leader
Room EB15
Royal Courts of Justice
Strand
London WC2A 2LL
020 7947 6799

For information on how HMCTS uses personal data about you please see:

<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

From: Phil Spencer <Phil.Spencer@bclplaw.com>

Sent: 06 October 2022 15:30

To: Coulson, Nigel (ACO) <Nigel.Coulson@administrativecourtoffice.justice.gov.uk>; Isaac, Sharon <sharon.isaac@Justice.gov.uk>; KB Judges Listing Office <KBJudgesListingOffice@Justice.gov.uk>; 'kqenquiries@justice.gov.uk' <kqenquiries@justice.gov.uk>

Cc: Charles Mann <Charles.Mann@bclplaw.com>; 'Brooke Lyne' <BLyne@landmarkchambers.co.uk>; Aukett, Ashley | (She/Hers) <Ashley.Aukett@justice.gov.uk>

Subject: QB-2022-001952 - Amended Claim Form/Particulars

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Yours faithfully

Bryan Cave Leighton Paisner LLP



PHIL SPENCER

Associate

BRYAN CAVE LEIGHTON PAISNER LLP - London, UK

phil.spencer@bclplaw.com

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From: Brooke Lyne <BLyne@landmarkchambers.co.uk>

Sent: 06 October 2022 14:52

To: Aukett, Ashley | (She/Hers) <Ashley.Aukett@justice.gov.uk>

Cc: Phil Spencer <Phil.Spencer@bclplaw.com>; Charles Mann <Charles.Mann@bclplaw.com>

Subject: RE: QB-2022-001952, Almacantar v Farrell and others, Minutes of order FAO Yip J, hearing 5.10.22

CLAIM No. 08-2022-01183

IN THE HIGH COURT OF JUSTICE

JUDGE: JUDGE J. J. J.

BEFORE: MRS. JUSTICE J. J.

Date: 19 October 2022

BETWEEN

(1) ALMACANTAR CENTRE POINT HOMINEE NO 1 LIMITED

(2) ALMACANTAR CENTRE POINT HOMINEE NO 2 LIMITED



(1) ALEXANDER FARRELL

(2) (DISCONTINUED)

(3) OWEN KRECH (AKA "THERMISTAN")

(4) AARON DAVIES

(5) PERSONS UNKNOWN ENTERING OR REMAINING ON THE ROOFS OR EXTERNAL STRUCTURES (INCLUDING BALCONIES) OF CENTRE POINT (AS DESCRIBED IN PARAGRAPHS 3-4 OF THE PARTICULARS OF CLAIM) WITHOUT THE CLAIMANT'S PERMISSION

(6) PERSONS UNKNOWN ENTERING OR REMAINING AT CENTRE POINT (AS DESCRIBED IN PARAGRAPHS 3-4 OF THE PARTICULARS OF CLAIM) WITH THE INTENTION OF CAUSING DAMAGE TO THE ROOFS OR EXTERNAL STRUCTURES (INCLUDING BALCONIES) AT CENTRE POINT WITHOUT THE CLAIMANT'S PERMISSION

Dated: 19 October 2022

ORDER FOR AN INJUNCTION

PENAL NOTICE

IF YOU, THE DEFENDANTS, DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN

An injunction has now been granted against you - please see the above screenshot of the Order. For more details, including full papers and information on the next hearing set for 19 October 2022, please email phil.spencer@bclplaw.com.



screen shot of the Order.

For more details, including full papers and information on the next hearing set for 19 October 2022, please email phil.spencer@bclplaw.com.

THE HONOURABLE JUSTICE
JULIA GIBSON
JUDGE OF THE DISTRICT COURT
OF THE DISTRICT OF
THE DISTRICT OF

IN A PROCEEDING UNDER THE
PROVISIONS OF THE



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screenshot of the order.

For more details, including full papers and information on the next hearing set for 19 October 2022, please email phil.spencer@bclplaw.com.

Case Details
Case No. 12345678
Case Name: [Redacted]
Case Type: [Redacted]
Case Status: [Redacted]

Case Description
[Redacted]

Case History
[Redacted]

Case Notes
[Redacted]

Case Attachments
[Redacted]

Case Actions
[Redacted]



AlexanderFarrell1999

Contact

Name

Philip Spencer

Email

phil.spencer@bclplaw.com

Subject

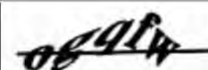
Injunction Granted Against You

Message

An injunction has now been granted against you in relation to Centre Point, London. For more details, including full papers and information on the next hearing set for 19 October 2022, please email phil.spencer@bclplaw.com

Spam check

ogqfw



Phil Spencer

From: Karl Brooker <Karl.Brooker@tremark.co.uk>
Sent: 12 October 2022 15:34
To: Phil Spencer
Subject: RE: Tracing Named Defendants for Injunction Claim

Hi Phil,

We can assist but it would be a lot of work

We would suggest that an initial budget of 2 days per individual is set, plus 3 hrs for report production. I would anticipate that during this time either their location / means of service will be identified (email etc) or information will be located that will provide a means to obtaining this.

So, to confirm:

X2 full days per person
16hrs investigation x3 persons
3hrs report writing
Total hours: 51hrs @ £65 plus vat per hour = £3,315 plus vat

Est turnaround time: 10 - 15 days

Many Thanks

Karl Brooker | Operations Director

E: karl.brooker@tremark.co.uk

M: 07534 986767

T: 0845 862 1853

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Tremark Associates Limited

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www.tremark.co.uk

Head Office: Joshua Chambers, 332 York Road, Leeds, LS9 9DN

London Office: 1 Quality Court, Off Chancery Lane, London, WC2A 1HR
Leicester Office: Rutland House, 23-25 Friar Lane, Leicester, LE1 5QQ

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From: Phil Spencer <Phil.Spencer@bclplaw.com>
Sent: 06 October 2022 10:24
To: Karl Brooker <Karl.Brooker@tremark.co.uk>; Fiona Nicholson <Fiona.Nicholson@tremark.co.uk>
Subject: RE: Tracing Named Defendants for Injunction Claim

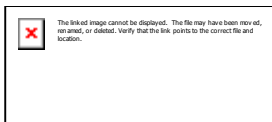
Hi Karl

I am afraid not. We are trying to track down any ways to serve them (e.g. valid current email, ideally a postal address). I attach the 3 people/info we have so far. I am not sure what access you have to previous court documents/injunctions – the only other thought that occurred to me is they have probably been subject to injunctions before and previous papers/orders may list contact details such email?

Please let us know if you think you can assist.

Kind regards

Phil



PHIL SPENCER
Associate
BRYAN CAVE LEIGHTON PAISNER LLP - London, UK
phil.spencer@bclplaw.com
T: +44 (0) 20 3400 3119 M: +44 (0)7738 037271

From: Karl Brooker <Karl.Brooker@tremark.co.uk>
Sent: 06 October 2022 09:09
To: Phil Spencer <Phil.Spencer@bclplaw.com>; Fiona Nicholson <Fiona.Nicholson@tremark.co.uk>
Subject: RE: Tracing Named Defendants for Injunction Claim

Hi Phil,

Do you have any other info other than the social media handles such as previous addresses or DOBs etc?

Thanks

Karl Brooker | Operations Director

E: karl.brooker@tremark.co.uk

M: 07534 986767

T: 0845 862 1853

COMPLIANCE | COMPETENCE | CONFIDENTIALITY

FREE CPD Webinars – Our MD Mark Hodgson is hosting a series of free training webinars. Lawful Investigations and Processing Data without Consent (Duration 1 hour), Asset and People Tracing (Duration 90 mins) and The Practicalities of Process Serving (Duration 1 hour). [Click here](#) to check out dates and reserve your spot.

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Tremark Associates Limited

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www.tremark.co.uk

Head Office: Joshua Chambers, 332 York Road, Leeds, LS9 9DN

London Office: 1 Quality Court, Off Chancery Lane, London, WC2A 1HR

Leicester Office: Rutland House, 23-25 Friar Lane, Leicester, LE1 5QQ

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Registration number 3120853. Registered office: Joshua Chambers, 332 York Road, Leeds, LS9 9DN.

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From: Phil Spencer <Phil.Spencer@bclplaw.com>

Sent: 05 October 2022 21:47

To: info <info@tremark.co.uk>; Fiona Nicholson <Fiona.Nicholson@tremark.co.uk>

Subject: Tracing Named Defendants for Injunction Claim

Hi

In August 2021, you assisted this Firm with trying to find contact details of some defendants to be named in an injunction. We have a similar request now on another property, trying to locate (and effect) methods of service on 3 named defendants (all urban explorers) for whom all we have are some social media handles. I can provide some investigative work already, if you might be able to assist again.

Can you please provide me a rough quote and ETA for results so I can seek client approval – then I can send further details. Thank you in advance.

Kind regards

Phil



PHIL SPENCER
Associate
phil.spencer@bclplaw.com
T: +44 (0) 20 3400 3119 M: +44 (0)7738 037271

BRYAN CAVE LEIGHTON PAISNER LLP
Governor's House, 5 Laurence Pountney Hill, London EC4R 0BR, United Kingdom
bclplaw.com

Bryan Cave Leighton Paisner LLP

Governor's House, 5 Laurence Pountney Hill, London EC4R 0BR, UK
DX 92 London/Chancery Lane
t: +44 (0)20 3400 1000 f: +44 (0)20 3400 1111 w: www.bclplaw.com

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Phil Spencer

From: Aukett, Ashley | (She/Hers) <Ashley.Aukett@justice.gov.uk>
Sent: 18 October 2022 12:39
To: Phil Spencer
Cc: Charles Mann
Subject: RE: QB-2022-001952 - Amended Claim Form/Particulars

Dear Mr Spencer,

I'm so sorry that the particulars of claim still has not been actioned by the office.

Her Ladyship has asked that you send any witness statement directly to me so that I can pass it on asap. Could you also send me the particulars of claim and claim form as uploaded to CE File on 10.10.22 please? While they're still sitting in the un-processed filing section I cannot access them as they're listed as 'secure documents'. I need someone in the office to process them, but of course they seem incapable of doing it!

Just so that you're aware, Her Ladyship has asked for a full explanation from the office about the delay on this.

Many thanks and apologies once again
Ashley

Ashley Aukett

Clerk to The Hon. Mrs Justice Yip DBE

Senior Presiding Judge of the Northern Circuit

| Clerks to HM Judges | W320 | Royal Courts of Justice | Strand | London | WC2A 2LL |
| 020 7947 6236 | 07866146429 | Ashley.Aukett@justice.gov.uk |

 **HM Courts & Tribunals Service**

[Here is how HMCTS uses personal data about you](#)

From: Phil Spencer <Phil.Spencer@bclplaw.com>
Sent: 17 October 2022 09:32
To: Aukett, Ashley | (She/Hers) <Ashley.Aukett@justice.gov.uk>
Cc: Charles Mann <Charles.Mann@bclplaw.com>
Subject: RE: QB-2022-001952 - Amended Claim Form/Particulars

Dear Ashley

Many thanks for following up on this. We have the sealed Orders but I'm afraid we still do not have a sealed Claim Form/Particulars of Claim.

Soon after my email below to you on 10 October, I received an email from 'KBEnquiries' requesting the documents be CE-Filed, which I did right away – but we have heard nothing since.

For now, we have proceeded to try and serve the sealed orders and, where necessary, noted further sealed papers will follow. I will be giving a witness statement to describe everything that we have done for the hearing on Wednesday so that Mrs Justice Yip will have the full background.

Thank you again for your attempts to assist us.

Kind regards

Phil



PHIL SPENCER

Associate

BRYAN CAVE LEIGHTON PAISNER LLP - London, UK

phil.spencer@bclplaw.com

T: +44 (0) 20 3400 3119 M: +44 (0)7738 037271

From: Aukett, Ashley | (She/Hers) <Ashley.Aukett@justice.gov.uk>

Sent: 14 October 2022 15:01

To: Phil Spencer <Phil.Spencer@bclplaw.com>

Cc: Charles Mann <Charles.Mann@bclplaw.com>

Subject: RE: QB-2022-001952 - Amended Claim Form/Particulars

RE: QB-2022-001952, Almacantar Centre Point Nominee 1 & Another v Farrell & Another

Dear Mr Spencer

Could you confirm whether you have yet received the sealed Particulars of Claim that you were waiting for? You should have the sealed approved Orders by now, but I have chased the office about the particulars of claim twice this week with no response. I am conscious that the return date is next week.

If you still haven't received them I will try and get in contact with the office again now.

Best wishes

Ashley

Ashley Aukett

Clerk to The Hon. Mrs Justice Yip DBE

Senior Presiding Judge of the Northern Circuit

| Clerks to HM Judges | W320 | Royal Courts of Justice | Strand | London | WC2A 2LL |

| 020 7947 6236 | 07866146429 | Ashley.Aukett@justice.gov.uk |

 **HM Courts & Tribunals Service**

Here is how HMCTS uses personal data about you

From: Phil Spencer <Phil.Spencer@bclplaw.com>

Sent: 10 October 2022 10:49

To: Aukett, Ashley | (She/Hers) <Ashley.Aukett@justice.gov.uk>

Cc: Charles Mann <Charles.Mann@bclplaw.com>; 'Brooke Lyne' <BLyne@landmarkchambers.co.uk>

Subject: RE: QB-2022-001952 - Amended Claim Form/Particulars

Dear Ms Aukett

I apologise for emailing you directly on this matter but I hope you may be able to assist us. I am able to see in CE-File the two sealed orders of Mrs Justice Yip dated 6 October 2022, many thanks for arranging that. However, we still

HM COURTS & TRIBUNALS E-FILING SERVICE

Philip Spencer
Bryan Cave Leighton Paisner LLP



Matter View - 2034073.0000038 - Queen's Bench Claims (QBD)

Case Information

| | | | |
|--------------------|--|---------------------|--------------------------------------|
| Case Number | Q8-2022-001952 | Court Level | Queen's Bench Division (London Only) |
| Case Title | (1) Almacantar Centre Point Nominees 1 Limited and (2) Almacantar Centre Point Nominees 2 Limited v Farrell and others | Court | Queen's Bench Claims (QBD) |
| Case Type | Tort - other than personal injury - Pre-action Application - Before Judge - Injunction | Judge | Fortaine, Senior Master |
| Filed Date | 21-06-2022 | Next Hearing | |
| Status | Open | | |

Matter Details

| | | | |
|---------------------------|---------------------------------|----------------------|--------------------------------------|
| Legal Organisation | Bryan Cave Leighton Paisner LLP | Matter Number | 2034073.0000038 Edit |
|---------------------------|---------------------------------|----------------------|--------------------------------------|

Chats



 Search Messenger



Harry Davies

You sent a photo. • 4 d



Owen Reece

You sent a photo. • 4 d



Alexander Farrell

You sent a photo. • 4 d



21

Phil Spencer

From: noreply@thomsonreuters.com
Sent: 18 October 2022 13:54
To: Phil Spencer
Subject: Filing Rejected Case No. QB-2022-001952 Matter No. 2034073.000039

HM Courts & Tribunals E-Filing Service

This is a notice to inform you that the filings, confirmation number 686201665399075052, submitted on 10-10-2022 11:51, have been rejected by the Clerk for the following reason(s): Other. Clerk's Comments: Dear Phillips, thank you for your submission. We tried calling you on your mobile and landline phone, but was unsuccessful. Your submission has been rejected for the following reason(s):

1. An Amended claim form cannot be filed, until an original claim has been filed and accepted on the case file, with the proper fee being paid. We noticed that a copy of the claim form was filed initially with the Pre Action Application, but that seems to be a part of the bundle with the application, as there was no fee of £569/- being paid.
2. Please file your original claim form with the court fee of £569/-, once this has been accepted on the case file, you can then file the amended claim form, with all the amendments typed in red ink., and also you need to mention on the top of the Amended copy of claim form pursuant to which CPR rule the claim form has been amended with red ink.
3. When filing the original claim form, you need to make necessary changes on the claim form which is as follows: i) You need to mention the full address of all the defendants on the claim form or on a separate sheet attached below to the claim form. ii) The court fee column on the claim form should be mentioned as £569/- , instead of £275/- Please re-file your Original Claim form and Amended Claim form accordingly as per the requirements above, Regards- Sajid A.

Sent by Thomson Reuters on behalf of HM Courts & Tribunals Service.

Do not respond to this system-generated e-mail notification.

Phil Spencer

From: Joseph Tyler
Sent: 10 June 2022 09:32
To: 'QB Issue & Enquiries'
Cc: Phil Spencer
Subject: RE: Injunction and Alternative Service: Almacantar Centre Point Nominee 1 Limited & Ors v Persons Unknown & Ors - Filing Rejected Matter No. 2034073.000039 [BCLP-LEGAL.2034073.000039.FID2654680]

Dear Ms Bhatti

Thank you for your helpful clarifications below.

We will re-file the application addressing points 1 and 2 in line with your guidance.

As regards point 3, this is a without notice application – the defendants will not be given notice of the interim hearing, and will only be served if the order is granted (by the methods the court approves). Accordingly, before we proceed to re-file, please could you kindly confirm that this fact does not alter your advice below? The fee difference is not a concern to our client, we just want to ensure that the re-filing is processed correctly.

Many thanks again for your help with this.

Kind regards



JOSEPH TYLER
Trainee Solicitor
BRYAN CAVE LEIGHTON PAISNER LLP - London, UK
joseph.tyler@bclplaw.com
T: +44 (0) 20 3400 4755 M: +44 (0) 7850 946633

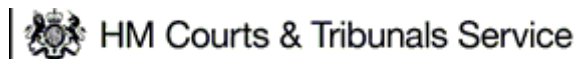
From: QB Issue & Enquiries <QBEnquiries@Justice.gov.uk>
Sent: 09 June 2022 19:06
To: Joseph Tyler <Joseph.Tyler@bclplaw.com>
Cc: QB Issue & Enquiries <QBEnquiries@Justice.gov.uk>
Subject: RE: Injunction and Alternative Service: Almacantar Centre Point Nominee 1 Limited & Ors v Persons Unknown & Ors - Filing Rejected Matter No. 2034073.000039 [BCLP-LEGAL.2034073.000039.FID2654680]

Dear Mr Tyler,

1. On ce-file, after the defendant names are added, choose the country, without filling in the slots for the address, you should be able to add these. For persons unknown, please choose defendant type as 'Business' and write "Persons Unknown."
2. The address for the claimant is to be added after the claimant's name on the face of the claim form.
3. If the application is to be served on the defendant, regardless if a hearing is required, it is classed as an 'On notice application' and the fee for this is £275. Applications for injunctions are dealt by Queen's Bench Judges Listing office (QBJL). Once the claim is issued, the application will be referred to QBJL to process.

Kind Regards,

Ms Sadaf Bhatti
Administrative Officer



For information on how HMCTS uses personal data about you please see:

<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

From: Joseph Tyler <Joseph.Tyler@bclplaw.com>

Sent: 09 June 2022 16:09

To: QB Issue & Enquiries <QBEnquiries@Justice.gov.uk>

Cc: Phil Spencer <Phil.Spencer@bclplaw.com>

Subject: FW: Injunction and Alternative Service: Almacantar Centre Point Nominee 1 Limited & Ors v Persons Unknown & Ors - Filing Rejected Matter No. 2034073.000039 [BCLP-LEGAL.2034073.000039.FID2654680]

Dear Sirs

We have received no reply from the email address below, and respectfully wonder whether this is something you are able to assist us with?

Yours faithfully

Bryan Cave Leighton Paisner LLP



JOSEPH TYLER

Trainee Solicitor

BRYAN CAVE LEIGHTON PAISNER LLP - London, UK

joseph.tyler@bclplaw.com

T: +44 (0) 20 3400 4755 M: +44 (0) 7850 946633

From: Joseph Tyler

Sent: 06 June 2022 16:43

To: 'qbjudgeslistingoffice@justice.gov.uk' <qbjudgeslistingoffice@justice.gov.uk>

Cc: Phil Spencer <Phil.Spencer@bclplaw.com>

Subject: FW: Injunction and Alternative Service: Almacantar Centre Point Nominee 1 Limited & Ors v Persons Unknown & Ors - Filing Rejected Matter No. 2034073.000039 [BCLP-LEGAL.2034073.000039.FID2654680]

Dear Sirs

We act for (1) Almacantar Centre Point Nominee 1 Limited and (2) Almacantar Centre Point Nominee 2 Limited, and refer to the filing rejection below.

We write to respectfully clarify these rejections and request that our filing potentially be reconsidered. Taking the Clerk's points in turn:

1. **Details for the defendants:** we were unable to complete these sections on CE-File, since we do not have addresses for the defendants. For the named defendants, we are applying for alternative service (via social media) as detailed in the particulars, witness statement and draft order. The two remaining defendants are persons unknown, and so we are seeking an order dispensing with service.
2. **Including the Claimants' address on the face of the claim form:** we are unclear about this request, since the [standard form Part 8 claim form](#) does not contain a panel for the Claimant address on the front page, and our Firm's address has been included in any event on the third page. We are of course willing to

comply with the Court's instruction in this regard, but kindly request clarification on where the Court would like the address to be listed.

3. **Filing category:** we believe this to be a without notice injunction application and (as noted above) are seeking an order for alternative service of the proceedings and any order (if obtained) on the named defendants. We would be grateful if the Court would therefore confirm the correct filing category.

Please do not hesitate to contact Phil Spencer (07738 037271) or Joe Tyler (07850 946633) if it is easier to discuss these points. We thank the Court and Clerks in advance for your assistance.

Yours faithfully

Bryan Cave Leighton Paisner LLP



JOSEPH TYLER
Trainee Solicitor
BRYAN CAVE LEIGHTON PAISNER LLP - London, UK
joseph.tyler@bclplaw.com
T: +44 (0) 20 3400 4755 M: +44 (0) 7850 946633

From: noreply@thomsonreuters.com <noreply@thomsonreuters.com>

Sent: 06 June 2022 13:52

To: Joseph Tyler <Joseph.Tyler@bclplaw.com>

Subject: Filing Rejected Matter No. 2034073.000039

HM Courts & Tribunals E-Filing Service

This is a notice to inform you that the filings, confirmation number 927771654097338025, submitted on 01-06-2022 16:29, have been rejected by the Clerk for the following reason(s): Other. Clerk's Comments: Dear Mr Tyler, This submission has been rejected due to the following reasons;

1. You have not entered any details for the defendants on E-Filing. You must enter their name(s) and address(s). When you do add the defendant(s), please do not add a legal representative as this will prevent you from entering the address. We will add this upon receipt of a notice of acting and/or acknowledgment of service.
2. Please add the addresses for the claimants and defendants on the face of the claim form.
3. Please use the correct filing category- Application to a master/ judge- (on notice- as this is to be served on the defendants) to generate the court fee £275. Please re-submit your claim as a new filing, with the application notice paying the correct fee. This submission has been referred to the fees office for a refund to be processed. Regards, S. Bhatti.

Sent by Thomson Reuters on behalf of HM Courts & Tribunals Service.

Do not respond to this system-generated e-mail notification.

Bryan Cave Leighton Paisner LLP

Governor's House, 5 Laurence Pountney Hill, London EC4R 0BR, UK
DX 92 London/Chancery Lane
t: +44 (0)20 3400 1000 f: +44 (0)20 3400 1111 w: www.bclplaw.com

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Date: 21 June 2022
Our Ref.: PSPE/OTG/2034073.000039
Your Ref.:
Direct Dial: +44 20 3400 3119
Email: phil.spencer@bclplaw.com

BRYAN CAVE LEIGHTON PAISNER LLP
Governor's House
5 Laurence Pountney Hill
London EC4R 0BR
United Kingdom
T: +44 (0)20 3400 1000
F: +44 (0)20 3400 1111
DX92 London
bclplaw.com

Queen's Bench Division of the High Court
The Royal Courts of Justice
Strand
London
WC2A 2LL

By CE-FILE

Dear Sirs

Almacantar Centre Point Nominee 1 Limited and Almacantar Centre Point Nominee 2 Limited (the "Claimants")

New claim for injunctive relief (the "New Claim")

We act for the Claimants in relation to the New Claim.

We write regarding the issue of the New Claim, and enclose for filing:

1. Claim Form;
2. Particulars of Claim;
3. Application Notice;
4. Draft Order;
5. First Witness Statement of James Daniel Waite; and
6. Exhibit JDW1.

Previous attempt to file

The Claimants first sought to submit the New Claim on 1 June 2022 (the "**Original Filing**"). The Original Filing was submitted as the issue of new Part 8 proceedings for a remedy other than the recovery of a sum of money, generating a court fee of £569.

The Court Clerk rejected the Original Filing on the basis that the wrong filing category was used (and they also outlined some other required amendments). The Clerk stated that the correct filing category is '*Application to a judge (on notice)*'. We refer to the enclosed email chain.

The updated filing

The Claimants have updated the Claim Form and filing details in line with the advice of the Clerk, generating a court fee of £275.

The Claimants would again point out their belief that this matter should initially be dealt with by way of a without notice hearing. The proposed Defendants will not be given notice of that interim hearing, and will only be served if an Order is ultimately granted (by the methods the Court approves, including if the Court sees fit to grant permission for the alternative methods of service sought by the Claimants in the enclosed papers).

To: Queen's Bench Division of the High Court
Date: 21 June 2022
Page: 2

Accordingly, should the Court take the view that the Original Filing category was more appropriate, or that any other fee is applicable in this case, we respectfully ask you to re-allocate as appropriate and take any requisite court fee from our PBA account (**PBA0076972**).

As regards the hearing itself, the Claimants estimate that it would last 1 hour and, due to the availability of Counsel, respectfully request a listing for either 13, 25, 26, 28 or 29 July 2022.

Should the Court have any questions in relation to the documents, the filing or the listing of the hearing, please kindly contact phil.spencer@bclplaw.com and joseph.tyler@bclplaw.com of this Firm.

We thank the Court and the Clerks for their continued assistance and guidance on getting this claim issued and listed.

Yours faithfully

A handwritten signature in black ink, reading "Bryan Cave Leighton Paisner". The signature is written in a cursive, flowing style.

Bryan Cave Leighton Paisner LLP

Encs.