

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Claim No. QB-2019-002738

Before His Honour Judge Simon (sitting as a High Court Judge)
27 May 2022

B E T W E E N :

THURROCK COUNCIL

-and-

(1) MARTIN STOKES
(2)-(107) OTHER NAMED DEFENDANTS QB-2019-002738
(108) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS
WITHIN THE BOROUGH OF THURROCK



Defendants

DIRECTIONS ORDER

UPON the listing of a directions hearing pursuant to the Order of the Court of Appeal dated 1 February 2022

AND UPON the Claimant's Application of 1 September 2021 to rely on (i) an amended list of sites over which an injunction is sought, (ii) the second witness statement of Donna Burnett dated 1 September 2020 and (iii) the amended first witness statement of Donna Burnett dated 1 September 2021 and the Claimant's Application of 26 May 2022 to amend the definition of the 108th Defendant (Persons Unknown) on the Claim Form

AND UPON the Court noting the Order of Phillips J made on 31 July 2019, and in particular paragraph 5 and the alternative service provision made therein in respect of the 108th Defendant (Persons Unknown)

AND UPON the Court noting the Order of Nicklin J made on 30 July 2021 directing that the final hearing of the claim in relation to the named Defendants only should be listed for hearing for five days from 25 October 2021, and Counsel informing the Court that that hearing took place and judgment is awaited, such that this directions order applies only to the claim against the 108th Defendant (Persons Unknown)

AND UPON hearing Caroline Bolton and Natalie Pratt of counsel for the Claimant and the Defendants neither appearing nor being represented

IT IS ORDERED THAT:

Applications

1. The Claimant is permitted to:
 - a. Rely on the amended map of sites attached to the Application of 1 September 2021;
 - b. Rely on the second witness statement of Donna Burnett dated 1 September 2021;
 - c. Rely on the amended first witness statement of Donna Burnett 1 September 2021.
2. The Claimant is permitted to amend the definition of the 108th Defendant on the Claim Form to “Persons Unknown forming unauthorised encampments within the Borough of Thurrock”.

Directions to final hearing

3. The Claimant shall, by 4.30pm on 24 June 2022, file and serve on the 108th Defendant only the Amended Claim Form. The Claimant need only serve the 108th Defendant, and may effect service in accordance with paragraph 8 below.
4. The Claimant is permitted to file and serve on the 108th Defendant only further updating evidence, such evidence to be filed and served by 4.30pm on 24 June 2022. The Claimant need only serve the 108th Defendant, and may effect service in accordance with paragraph 8 below.
5. The claim shall be listed for trial on the first available date after 1 July 2022 with a time estimate of 1 day and a further ½ day judicial pre-reading.
6. The Claimant shall file and serve on the 108th Defendant only a hearing bundle 7 days before the date of trial. The Claimant need only serve the 108th Defendant, and may effect service in accordance with paragraph 8 below.
7. The Claimant shall file and serve on the 108th Defendant only its skeleton argument 3 days before the date of trial. The Claimant need only serve the 108th Defendant, and may effect service in accordance with paragraph 8 below.

Service

8. The Claimant is permitted to serve the 108th Defendant (Persons Unknown) with the Amended Claim Form, notice of the trial date, evidence in support of the claim, skeleton arguments, hearing bundles and this Order by:
 - a. affixing copies (as opposed to originals) of the notice of the Amended Claim Form, trial date and this Order in a transparent envelope in a prominent place on all of the sites over which an injunction is sought by affixing them in a

prominent place on the land. Those documents shall be accompanied by a cover letter explaining to Persons Unknown that they can access copies of the evidence in support of the Claim, skeleton arguments and hearing bundles on a dedicated webpage (with the link to be provided in that letter), as well as at the Council Offices at Civic Centre, New Road, Grays RM17 6SL between the hours of 10am and 4pm Monday to Friday, excluding public holidays; **and**

- b. uploading to the dedicated webpage copies of the documents to be served.
9. The deemed date of service for the documents referred to in paragraphs 8(a) and 8(b) above shall be the day on which service is completed in accordance with paragraphs 8(a) to 8(b) above.

Applications to vary

10. The Claimant and Defendants (or anyone notified of this Order) may apply to the Court on 72 hours written notice to all parties to these proceedings and their legal advisers to vary or discharge this Order (or so much of it as affects that person). If any evidence is to be relied upon in support of the application, the evidence must be served on the parties 2 working days in advance of the hearing.

Costs

11. Costs in the case.