

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

Heather Williams QC, sitting as a Deputy Judge of the High Court

11 February 2019

B E T W E E N:

- (1) BERKELEY HOMES (SOUTH EAST LONDON) LIMITED
- (2) BH (CITY FORUM) LIMITED
- (3) BERKELEY (SQP) LIMITED
- (4) SOUTH QUAY PLAZA MANAGEMENT LIMITED

Claimants

and

- (1) HARRY GALLAGHER
- (2) USAMA QUARAISHI
- (3) PERSONS UNKNOWN ENTERING IN OR REMAINING AT THE CLAIMANTS' PROPERTIES DESCRIBED IN THIS ORDER WITHOUT THE CLAIMANTS' PERMISSION

Defendants

INJUNCTION ORDER

PENAL NOTICE

IF YOU, THE FIRST, SECOND OR THIRD 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 your assets seized.

RECITALS

UPON hearing Counsel for the Claimants and the Defendants not appearing

AND UPON READING the Witness statements and exhibits listed in Schedule 1 to this Order.

IT IS ORDERED THAT:

THE INJUNCTION

1. the First and Second Defendants must not enter or remain on any part of:-

- (A) the roof or external structure of Saffron Tower as shown edged red on Plan 1 appended hereto;
- (B) the roof or external structure of 12, 14 and 16 Dingley Road as shown coloured green on Plan 2 appended hereto;
- (C) the roof or external structure of 6 Macclesfield Road as shown coloured green on Plan 2 appended hereto;
- (D) the construction site at 250 City Road as shown edged red (but excluding the buildings coloured green) on Plan 2 appended hereto as demarcated from time to time by hoarding or security fencing;
- (E) the construction site at South Quay Plaza as shown edged red on Plan 3 appended hereto as demarcated from time to time by hoarding or security fencing;

2. the Third Defendants must not, without the consent of the Claimants, enter or remain upon any part of:-

- (A) the roof or external structure of Saffron Tower as shown edged red on Plan 1 appended hereto; and / or
 - (B) the roof or external structure of 12, 14 and 16 Dingley Road as shown coloured green on Plan 2 appended hereto;
 - (C) the roof or external structure of 6 Macclesfield Road as shown coloured green on Plan 2 appended hereto;
 - (D) the construction site at 250 City Road as shown edged red on Plan 2 appended hereto as demarcated from time to time by hoarding or security fencing;
 - (E) the construction site at South Quay Plaza as shown edged red on Plan 3 appended hereto as demarcated from time to time by hoarding or security fencing.
3. (Subject to paragraph 4 below) paragraphs 1, 2 and 3 of this Order will remain in force until 30 April 2024.
4. Upon the completion of construction at 250 City Road and/or South Quay Plaza and the hoardings/security fencing removed, or upon any other circumstances arising which make it appropriate to vary any of the terms of the injunction protecting the Saffron Tower, 250 City Road or South Quay Plaza sites (including the variation of its duration) the Claimants do have permission to apply to vary the terms of the said injunction.

INTERPRETATION OF THIS ORDER

5. A Defendant who is ordered not to do something must not do it him/herself or in any other way. He/she must not do it through another acting on his/her behalf or on his/her instructions or with his/her encouragement.
6. It is a contempt of court for any person notified of this order knowingly to assist or permit a breach of this order. Any person doing so may be imprisoned, fined or have their assets seized.

SERVICE OF THIS ORDER

7. Service of this Order may be effected on the First and Second Defendants by sending it to the postal addresses and email addresses provided in the table below:-

	Defendant	Usual / last known address	Email address
(1)	HARRY GALLAGHER		
(2)	USAMA QUARAISHI		

8. Service of this Order may be effected on the Third Defendants by posting notice of this Order (and a weblink to it and a place where copies can be inspected):

8.1. in a prominent position within the main reception to Saffron Tower and outside the entrance(s) to Saffron Tower at no fewer than three prominent locations;

8.2. at regular intervals on the hoarding at the construction sites at 250 City Road and South Quay Plaza;

and (if so advised) by also giving notice through social media.

COSTS

9. The First and Second Defendants shall pay the Claimants' costs, to be the subject of detailed assessment.

DEEMED SERVICE OF THIS ORDER

10. This order shall be deemed served as follows:-

Method of service	Deemed date of service
1. First class post (or other service which provides for delivery on the next business day)	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day.
2. Delivering the document to or leaving it at the usual / last known address given above	If it is delivered to or left at the usual / last known address on a business day before 4.30 pm, on that day; or in any other case, on the next business day after that day.
3. Email	If the e-mail or other electronic transmission is sent on a business day before 4.30 pm, on that day; or in any other case, on the next business day after the day on which it was sent.
4. Personal service	If the document is served personally before 4.30 pm on a business day, on that day; or in any other case, on the next business day after that day.

COMMUNICATIONS WITH THE COURT

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

Queen'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.

SCHEDULE 1

Witness Statements

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

1. Witness statement of Sean Gavin, dated 31 October 2018, together with exhibits "SG1" to "SG4"
2. Witness statement of Stuart Wortley, dated 2 November 2018, together with exhibits "SSW2" to "SSW4"
3. First witness statement of Joanna Begaj, dated 15 January 2019, together with exhibits "JB1" and "JB2".
4. Second witness statement of Joanna Begaj, dated 5 February 2019, together with exhibits "JB3" and "JB4".
5. Third witness statement of Joanna Begaj, dated 11 February 2019, together with exhibit "JB5".

Claim No HQ18X03914

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ROYAL COURTS OF JUSTICE

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Eversheds Sutherland (International) LLP
One Wood Street
London
EC2V 7WS

Ref: WortleyS/ 178470.000033

Solicitors for the Claimants