

Melanie Savage  
Second Witness Statement  
Claimants  
Exhibit MS2  
17 May 2024

**Claim No. BL-2022-001396**

**IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES  
BUSINESS LIST (ChD)**

**In the matter of an Injunction sought pursuant to CPR 25**

**B E T W E E N :**

**(1) ARLA FOODS LIMITED**

**(2) ARLA FOODS HATFIELD LIMITED**

**Claimants**

**-and-**

**(1) PERSONS UNKNOWN WHO ARE, WITHOUT THE CONSENT OF THE CLAIMANTS, ENTERING OR REMAINING ON LAND AND IN BUILDINGS ON ANY OF THE SITES LISTED IN SCHEDULE 2 OF THE CLAIM FORM (“the Sites”), THOSE BEING:**

**a. “THE AYLESBURY SITE” MEANING ARLA FOODS LIMITED’S SITE AT AYLESBURY DAIRY, SAMIAN WAY, ASTON CLINTON, AYLESBURY HP22 5EZ, AS MARKED IN RED ON THE PLANS AT ANNEXE 1 TO THE CLAIM FORM;**

**b. “THE OAKTHORPE SITE” MEANING ARLA FOODS LIMITED’S SITE AT OAKTHORPE DAIRY, CHEQUERS WAY, PALMERS GREEN, LONDON N13 6BU, AS MARKED IN RED ON THE PLANS AT ANNEXE 2 TO THE CLAIM FORM;**

**c. “THE HATFIELD SITE” MEANING ARLA FOODS HATFIELD LIMITED’S SITE AT HATFIELD DISTRIBUTION WAREHOUSE, 4000 MOSQUITO WAY, HATFIELD BUSINESS PARK, HATFIELD, HERTFORDSHIRE AL10 9US, AS MARKED IN RED ON THE PLANS AT ANNEXE 3 TO THE CLAIM FORM; AND**

**d. “THE STOURTON SITE” MEANING ARLA FOODS LIMITED’S DAIRY AT PONTEFRAC T ROAD, LEEDS LS10 1AX AND NATIONAL DISTRIBUTION CENTRE AT LEODIS WAY, LEEDS LS10 1NN AS MARKED IN RED ON THE PLANS AT ANNEXE 4 TO THE CLAIM FORM**

**(2) PERSONS UNKNOWN WHO FOR THE PURPOSE OF PROTESTING ARE OBSTRUCTING ANY VEHICLE ACCESSING FROM THE HIGHWAY THE SITES LISTED IN SCHEDULE 2 OF THE CLAIM FORM**

**(3) PERSONS UNKNOWN WHO FOR THE PURPOSE OF PROTESTING ARE OBSTRUCTING ANY VEHICLE ACCESSING THE HIGHWAY FROM ANY OF THE SITES LISTED IN SCHEDULE 2 OF THE CLAIM FORM**

**(4) PERSONS UNKNOWN WHO ARE FOR THE PURPOSE OF PROTESTING CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING, OR OTHERWISE INTERFERING WITH THE FREE FLOW OF TRAFFIC ON TO, OFF, OR ALONG THE ROADS LISTED AT ANNEXE 1A, 2A, 3A, AND 4A TO THE CLAIM FORM**

**(5) PERSONS UNKNOWN WHO ARE FOR THE PURPOSE OF PROTESTING, AND WITHOUT THE PERMISSION OF THE REGISTERED KEEPER OF THE VEHICLE, ENTERING, CLIMBING ON, CLIMBING INTO, CLIMBING UNDER, OR IN ANY WAY AFFIXING THEMSELVES ON TO ANY VEHICLE WHICH IS ACCESSING OR EXITING THE SITES LISTED IN SCHEDULE 2 OF THE CLAIM FORM**

**(6) PERSONS UNKNOWN WHO ARE FOR THE PURPOSE OF PROTESTING, AND WITHOUT THE PERMISSION OF THE REGISTERED KEEPER OF THE VEHICLE, ENTERING, CLIMBING ON, CLIMBING INTO, CLIMBING UNDER, OR IN ANY WAY AFFIXING THEMSELVES ON TO, ANY VEHICLE WHICH IS TRAVELLING TO OR FROM ANY OF THE SITES LISTED IN SCHEDULE 2 OF THE CLAIM FORM)**

**(7) 34 OTHER NAMED DEFENDANTS LISTED AT SCHEDULE 1 OF THE INJUNCTION ORDER**

**Defendants**

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**SECOND WITNESS STATEMENT OF MELANIE SAVAGE**

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I, **Melanie Savage**, of Arla Foods Limited, Arla House, 4 Savannah Way, Leeds Valley Park, Leeds, LS10 1AB will say as follows –

1. I am employed by the First Claimant as Head of Warehouse and Outbound Transport of the Hatfield Site at 4000 Mosquito Way, Hatfield Business Park, Hatfield, AL10 9US (the ‘**Hatfield Site**’). I am authorised by both the First and Second Claimants to make this affidavit on their behalf.
2. I make this witness statement in support of the Claimants’ Claim for injunctive relief against various named Defendants and defined categories of Persons Unknown. That

injunctive relief seeks to restrain unlawful acts of protest, including trespass, interference with the Claimants' common law right to access the highway and obstruction of the highway.

3. The facts and matters set out in this witness statement are within my own knowledge unless otherwise stated, and I believe them to be true. Where I refer to information supplied by others, the source of the information is identified; facts and matters derived from other sources are true to the best of my knowledge and belief. This witness statement has been prepared through email and telephone communication with the Claimants' solicitors, Walker Morris LLP.
4. There is now shown to me a bundle of documents marked **MS2**. Where I refer to that exhibit bundle I shall do so in the format **MS2/document number**.
5. I also exhibit to this witness statement several videos. I have produced and exhibited at **MS2/1** an index of those videos which details the source of the video, and ascribes each video a number for ease of reference throughout this witness statement. When I first refer to a video, I shall introduce it in full; I shall thereafter refer to the same video simply by reference to its index number.
6. To assist in the navigation of this witness statement, I shall address:
  - i. Introduction;
  - ii. The evidence against the Defendants in relation to the Hatfield Site;
  - iii. Impact of the September 2022 protests at the Hatfield Site;
  - iv. Relevant criminal proceedings;
  - v. Apprehension of future protests and harm;
  - vi. Measures by the First Claimant to mitigate harm; and
  - vii. Full and frank disclosure.
7. The evidence against each named Defendant is contained under their own subheading, such that the named Defendants do not need to read the evidence for each and every other named Defendant to understand the case against them. I realise that this will cause some repetition

in this statement, which the Court will encounter when considering this evidence, but it seemed the fairest way to present the evidence to each Defendant.

## **INTRODUCTION**

### **The scope of my evidence**

8. This is the second witness statement that I have made in these proceedings. My first witness statement dated 30 August 2022 was made in support of the Application for the interim injunction and the Claim for final relief, and accompanied the Part 8 Claim Form. I have also made three affidavits in these proceedings in support of applications for committal for contempt of Court against the Seventh, Eighth and Ninth Defendants. My evidence predominantly, but not exclusively, relates to the Hatfield Site.
9. I am also informed by the Claimants' solicitors that, pursuant to an Order of Fancourt J dated 3 April 2024, the Claimants are permitted to rely on many other witness statements that have already been filed and served in these proceedings at the trial of the Claim, including my earlier witness statement of 30 August 2022. To that end, I shall endeavour not to repeat the content of that evidence.
10. Further, I am informed by the Claimants' solicitors that a Ms Samantha Sage of the First Claimant is making a witness statement in support of the Claim for final injunctive relief; her evidence will relate predominantly, but not exclusively, to the Aylesbury Site. I understand that Ms Sage will give some evidence of a more 'general' nature, and that her witness statement will explain the procedural background to the Claim, the relief that is sought, and the Claimants' apprehension of future protest and harm. I have been shown a draft of that witness statement, and am aware of its content in this regard.
11. As Ms Sage is also authorised to give her statement on behalf of the First and Second Claimants, I will endeavour to avoid duplication and will not repeat the content of her evidence, and will add to it only where necessary. I endorse the content of Ms Sage's witness statement, in so far as it relates to general matters and the Hatfield Site specifically, and defer to Ms Sage in so far as it relates to matters at the Aylesbury Site specifically.

## **THE EVIDENCE AGAINST THE DEFENDANTS**

12. I note from the content of Ms Sage's draft witness statement, and have in any event been aware since September 2022, that several of the protestors who were arrested at the Aylesbury Site on 4 September 2022 then proceeded to attend the Hatfield Site on 8 September 2022. There are however a small number of people who attended only the Hatfield Site and not the Aylesbury Site – I believe those persons are the **Thirty-Eighth Defendant, Rosa Sharkey** and the **Fortieth Defendant, Person Unknown**.
13. My evidence of the Defendants' conduct relates only to the Hatfield Site. I attended the Hatfield Site on 8 September 2022 and assisted with the response to the protest activity; I arrived at around 10:45am, which is around the time that most of the protestors left the Site, and I was therefore involved more with the response after the event, rather than whilst the event was ongoing.
14. As will be clear from the evidence below, Police officers from the Hertfordshire Constabulary also attended the Hatfield Site on 8 September 2022, and assisted with the removal of the protestors from the Site, eventually arresting 17 people on the day. Two protestors fled the scene, but were arrested in the following days for their role in the protest activity at the Site. I understand from the Hertfordshire Constabulary that they believe that a third protestor fled the scene, but they have never been identified and arrested. The Hertfordshire Constabulary shared the information of those who were arrested, such that it has been possible to identify and name them as Defendants to the proceedings.
15. The **Fortieth Defendant, Person Unknown** was not arrested either at the Hatfield Site or at a subsequent time thereafter (and it appears that she is the third protestor to whom I have referred above). It appears, as I shall explain below, that she left the Hatfield Site prior to any significant Police attendance, and prior to any arrests being made; however, she was clearly on the Hatfield Site with the other protestors on 8 September 2022, although it is not alleged that she caused any damage whilst on the Site. As she was not arrested, such that the Hertfordshire Constabulary do not have any details for this person, it has not been possible to name the Person Unknown in these proceedings. However, as the Claimants did obtain clear images of the Person Unknown, and she is of distinctive appearance in those

photographs, she has been joined to these proceedings as a 'named' Defendant; instead of being named per se, she has been joined as the Fortieth Defendant by way of description.

16. I exhibit at **MS2/2** a document assembled by the Hertfordshire Constabulary which details all those persons who were arrested at or proximate to the Hatfield Site on 8 September 2022.

17. As with Ms Sage's evidence, I shall set out below the evidence in relation to each Defendant who has not, at the date of this witness statement, settled the proceedings by way of an undertaking. I also emphasise the extraordinary volume of video, photographic and documentary evidence that the Claimants have assembled from both their own sources and the Hertfordshire Constabulary, as well as material produced by the protestors and Animal Rebellion group themselves. I have tried to take a proportionate approach to the presentation of the evidence, especially as no Defendant has either acknowledged service of or defended the Claim, nor has any Defendant participated in the Claim or indicated an intention to participate in the Claim to date (save for those with whom communications in relation to undertakings have been received)

### **8 September 2022: summary**

18. On 8 September 2022 and shortly after 10am, 20 protestors entered the Hatfield Site without the permission of either the First or Second Claimant (it being the Second Claimant that holds the lease to the Hatfield Site, with the First Claimant operating the business at the Hatfield Site). I have counted 20 protestors entering the site from my review of **video 1**, which was captured by the CCTV camera at the HGV entrance to the Hatfield Site located on Gypsy Moth Way. The footage starts at a timestamp of 10:05:53 on 8 September 2023, and runs for a duration of 01:23 mins.

19. I was not on the Hatfield Site when the protestors arrived and therefore did not personally witness them entering the Site or causing any of the damage to the HGV tyres (for which, see below), and my knowledge of the same derives from CCTV and other video footage described in this witness statement, and the other sources of information set out in this witness statement. As described above, I arrived at the Hatfield Site at 10:45am, shortly

before the other protestors either departed the Site or were removed from the Site by the Police, and arrested.

20. Whilst within the Hatfield Site, many of the protestors proceeded to use battery powered drills to drill into and puncture the tyres on HGV lorry cabs and HGV trailers located within the Site. Some protestors used bolt cutters to cut the valves off the tyres. Each tyre that was drilled or cut was destroyed and needed to be disposed of and replaced.
21. Several lorries (and all those which were parked up and stationary at the time of the invasion of the Hatfield Site by the protestors) were immobilised as a result of the damage caused by the protestors, and the Hatfield Site was forced to cease operations as the immobilised lorries were unable to leave the Site (which is a distribution site only).
22. In total, as a result of the incident on 8 September 2022, the Claimants suffered the loss of **433 HGV tyres**, at a cost of circa **£400 per tyre**. Further, by reason of the immobilised HGVs at the Hatfield Site, business operations at the Hatfield Site were severely impacted, at a cost of **£71,362.35**. I shall explain in further detail below the impact of protest and the loss caused to the Claimants.
23. I shall now turn to the specific allegations against each of the remaining named Defendants in the Claim.

#### **Defendant 7: Xanthe Wells**

24. On 8 September 2022 and shortly after 10am, Xanthe Wells (**‘Wells’**) entered the Hatfield Site without the permission of the First or Second Claimants. Whilst on the Site, Wells damaged and destroyed several HGV tyres with a battery powered drill.
25. I exhibit **video 1**. That video was captured by the Claimants’ CCTV camera at the HGV entrance to the Hatfield Site, which is located on Gypsy Moth Way. Throughout the CCTV footage, Wells can be identified as wearing a high visibility long-sleeved coat, with a grey jumper underneath, and a rucksack. Wells is the only protestor in high visibility clothing, and can therefore be easily spotted in the crowd. Wells can be seen to walk into the Hatfield

Site with the other protestors, disappearing to the right side of the CCTV frame at a timestamp of 10:06:38.

26. Hertfordshire Constabulary have provided to the Claimants the document exhibited at **MS2/3**. I understand that document to show the tyre damage for which the Police believe, having reviewed the video evidence (both CCTV and Police body worn cameras), Wells is responsible. In total, I note that the Police have gathered evidence that shows Wells damaged **13 HGV tyres**, and they have provided still images of those instances in which Wells was captured drilling into tyres (and have marked on the diagram to which tyre on which HGV cab and/or trailer each photo relates).
27. I shall exhibit below a selection of videos captured at the Hatfield Site on 8 September 2022, which show both Wells' presence on the Site and her committing the damage alleged whilst on the Site.
28. **Video 2**. This is a video captured by the Claimants' CCTV camera located at the security hut at the Hatfield Site. The footage starts at a timestamp of 10:06:50 (such that it appears to pick up the protestors immediately after their entry to the Hatfield Site, as recorded in **video 1**, to which I have referred above). Wells can be identified as wearing the high-visibility long-sleeved coat, and is carrying the rucksack at this time. At a timestamp of 10:06:57, Wells can be seen crouching by one of the rear driver side tyres of an HGV trailer, and appears to be tampering with the same (timestamp 10:06:57).
29. **Video 3**. This is a video captured by the Claimants' CCTV camera located at bay 75 of the outward goods loading and lorry parking area at the Hatfield Site. The footage starts at a timestamp of 10:13:42. Wells enters the left side of the CCTV frame at 10:16:29, having been screened from view by an HGV trailer. Wells can again be identified as wearing a high visibility long-sleeved coat, and is carrying a battery powered drill in her right hand. Upon entering the view of the CCTV camera, Wells immediately makes her way to the unhitched lorry cab in the foreground of the CCTV frame, and can be seen drilling into a front passenger side tyre of the same. After a very brief pause, Wells again returns to the tyre to continue drilling. At a timestamp of 10:17:07, Wells makes her way to the parked-up lorry seen at the top right of the CCTV frame. Wells then proceeds to drill into a front passenger side tyre on the lorry cab at 10:17:31.



30. **Video 4.** This is a video captured by the Claimants' CCTV camera located at bay 19 of the inward goods unloading and lorry parking area at the Hatfield Site. The footage starts at a timestamp of 10:18:07. The footage shows Wells making her way over to a lorry cab, and timestamp of 10:19:48, she begins tampering with one of the rear driver-side tyres. Whilst it is not entirely clear what Wells is doing, it does appear that she is again using a drill to damage the tyre.
31. **Video 5.** This is a video captured by one of the lorry drivers contracted from XPO Logistics, Mr Sajmir Xhepmetaj, whose vehicle was parked up at the Hatfield Site on 8 September 2022. The clip of footage runs for a duration of 01:05 mins, and is filmed from within the Hatfield Site in the lorry parking and loading bays. From the very beginning of the footage, protestors can be seen tampering with, and drilling, the tyres of stationary HGV trailers. One of those protestors is Wells, who can be seen drilling a tyre on the right-hand side of the video footage (and can again be identified as wearing the long-sleeved high visibility jacket and rucksack). Wells turns and runs towards the camera at a timestamp of 01:05, with the drill in her right hand being clearly visible.
32. **Video 6.** This is one of the many videos recorded by employees of the First Claimant on their mobile phones. This particular video was taken by Ms Daniella Remenyi, an employee of the First Claimant, at bay 75 of the outward goods loading and lorry parking area at the Hatfield Site on 8 September 2022. There is no timestamp on the video, with the clip running for the duration of 00:16 mins. Wells enters into the camera frame at the start of the video (identifiable again by the long-sleeved high-visibility jacket and rucksack) and can clearly be seen to use a battery powered drill to drill into a rear driver side tyre of a stationary HGV trailer.
33. **Video 7.** This is one of the many videos recorded by employees of the First Claimant on their mobile phones. This particular video was taken by Mr Warren Potter at bays 186-200 at the Hatfield Site on 8 September 2022. There is no timestamp on the video, with the clip running for the duration of 00:15 mins. Wells is visible in the video from the start, and is now carrying the high-visibility jacket, and is wearing just the grey sweatshirt and rucksack. At 0:08 mins onwards, Wells can again be seen using a battery powered drill to

drill into a rear driver side tyre of a parked-up HGV cab. It appears Wells is trying to conceal the drill beneath the high-visibility jacket, but it is still nonetheless clearly visible.

34. Before leaving the Hatfield Site, Wells and other protestors also climbed on to the back of a HGV cab, which was not at that time hitched up to a trailer, and displayed a banner reading '*PLANT-BASED FUTURE*' with '*ANIMAL REBELLION*' printed below. I exhibit at **MS2/4** a photograph of Wells and others stood on the lorry; Wells is in the centre and front of the group, and is holding the aforementioned banner. Wells is wearing a grey jumper, and has her left hand raised in the air making a 'peace' or 'V' symbol with two fingers; her hands appear to be covered in a black dirt or oil-like substance. This picture was obtained from an online bank of pictures uploaded by Animal Rebellion.
35. Further, I exhibit **Video 8** which is a video that appears to have been filmed by those associated with Animal Rebellion, and which was posted to various Animal Rebellion pages on social media platforms on 8 September 2022. The video is of 00:14 mins duration and records a small snippet of events at the Hatfield Site on 8 September 2022. In that video, Wells can be seen on the back of the lorry (as described in the paragraph above), and is singing with the other protestors.
36. **Video 9** is a video captured by Daniella Remenyi, an employee of the First Claimant. The video is of 00:30 mins duration and shows several protestors that have climbed on-board the back of an unhitched lorry cab, including Wells. There are two protestors who appear to be photographing or videoing the group. I note that on the right-hand side of the video frame, Police officers can be seen seizing drills and bolt cutters from the ground.
37. Wells left the Hatfield Site shortly after 10.40am. As such, Wells, on 8 September 2022, remained on the Hatfield Site without the permission of either the First or Second Claimant for around 35 minutes.
38. I exhibit **Video 10**. That video was captured by the Claimants' CCTV camera at the HGV entrance to the Hatfield Site, which is located on Gypsy Moth Way. The video starts at a timestamp of 10:38:48. I note that the CCTV footage shows that at 10:39:52, a group of protestors appear in the right-hand side of the CCTV frame and walk out of the Hatfield

Site. Wells is in this group – she is now carrying the high-visibility coat, and is wearing the grey jumper and rucksack. Further,

- i. Wells can be seen clearly at 10:40:06 onwards, when she steps up the kerb and walks on the verge in front of the stone perimeter wall;
- ii. The protestors stop and congregate at the entrance to the Hatfield Site. Notably, the protestors congregate right next to the yellow sign that informs Persons Unknown of the interim injunction;
- iii. At 10:40:32, Wells climbs on to the perimeter fence and assists with the affixing of an Animal Rebellion ‘Plant Based Future’ banner to that wall;
- iv. The protestors, including Wells, leave the entrance to the Hatfield Site via the shared use path at 10:41:23. Several Police officers escort the group of protestors along the shared use path and out of the view of the CCTV camera.

39. I understand from the Hertfordshire Constabulary that, when the protestors were out of view of the CCTV camera, they sat on the grass bank next to the roundabout that can be seen in the footage at **video 10**. I further understand that at 10.56am, the 13 protestors who were sat on the grass, including Wells, were arrested on suspicion of criminal damage and aggravated trespass by PC Jack Marzec. I exhibit at **MS2/5** PC Marzec’s MG11 witness statement made in relation to the arrests, which has been provided to the Claimants by the Hertfordshire Constabulary. In that statement, PC Marzec also confirms that Wells was conveyed to the custody suite at Kempston.

40. The arrest was captured on the body worn camera of PC David Vass, which I exhibit as **video 11**. The arrest is captured at 10:56:47 (which is at 02:17 of the mp4 video file). Wells is one of the people arrested, and is sitting and laying on the grass at 10:59:06 onwards (which is at 04:35 of the mp4 video file), and can be identified as wearing a grey ‘GAP’ jumper with the sleeves rolled up. Wells’ arms appear to be covered in some sort of dirt or oil.

**Defendant 11: Nikola Muratova**

41. On 8 September 2022 and shortly after 10am, Nikola Muratova (**‘Muratova’**) entered the Hatfield Site without the permission of either the First or Second Claimant. Whilst within the Hatfield Site, Muratova used a drill to damage and destroy tyres on HGV lorries and HGV trailers.
42. I exhibit **video 1**. That video was captured by the Claimants’ CCTV camera at the HGV entrance to the Hatfield Site, which is located on Gypsy Moth Way. Muratova can be identified as wearing a rainbow-striped jacket and white shoes, with her hair tied up in a bun. At the timestamp of 10:06:27 she is standing in the centre of the CCTV frame with her arms crossed. If the CCTV footage is played all the way through, Muratova can be seen to walk into the Hatfield Site with the other protestors. She disappears to the right side of the CCTV frame at a timestamp of 10:06:41.
43. Hertfordshire Constabulary have provided the document exhibited at **MS2/6**. I understand that document to show the tyre damage for which the Police believe, having reviewed the video evidence (both CCTV and Police body worn cameras), Muratova is responsible. In total, the Police believe Muratova to have damaged **7 HGV tyres**, and they have provided still images of those instances in which Muratova was captured drilling into tyres (and have marked on the diagram to which tyre on which HGV cab and/or trailer each photo relates).
44. I shall exhibit below a selection of videos captured at the Hatfield Site on 8 September 2022, which show both Muratova’s presence on the Site, and also her committing the damage alleged whilst on the Site.
45. **Video 12**. This is a video captured by the Claimants’ CCTV camera located at bay 75 of the outward goods loading and lorry parking area at the Hatfield Site. At a timestamp of 10:16:49, Muratova can be seen at the bottom left of the frame (wearing her rainbow-striped jacket and her white trainers) facing the trailer in the foreground of the CCTV image. At 10:16:50 she crouches by one of the wheels of that trailer and can be seen to drill into the tyre. At 10:17:00, she walks towards the right of the frame and can be clearly seen carrying a drill in her right hand, and at 10:17:50 she follows the group of protestors and exits the right-hand side of the frame.

46. **Video 13.** This is a video captured by the Claimants' CCTV camera located at bay 1 of the inward goods unloading and lorry parking area at the Hatfield Site. Muratova can be seen among the group of protestors who enter the frame at 10:19:29. She is carrying a drill and is clearly identifiable from her rainbow-striped jacket. Muratova makes her way over to the second of the lorry cabs parked at the top of the CCTV frame and, at a timestamp of 10:19:52, crouches by the rear-most driver-side tyre of that lorry cab. Whilst it is not entirely clear what Muratova is doing, it appears that she is again using a drill to damage the tyre.
47. **Video 14.** This is a video captured on a lorry dashboard camera that is parked up across from bays 55-61 of the outward goods loading and lorry parking area at the Hatfield Site on 8 September 2022. There is no timestamp of when the footage was taken, with the clip running for a duration of 04:59 mins. Muratova enters into the dashboard camera frame from the centre at 02:08 mins into the video clip carrying a drill, and makes her way towards a trailer in the top left of the frame (behind the 'Buffaload' lorry) from 02:29 mins onwards.
48. **Video 15.** This is a video captured by Phil Gibbons, an employee of the First Claimant, at the Hatfield Site on 8 September 2022. There is no time stamp of when the footage was taken, with the clip running for a duration of 01:26 mins. Muratova can be seen crouching by the wheel of a lorry from 00:53 mins onwards, and appears to be drilling into the wheel.
49. I exhibit also **video 8**, which is a video that appears to have been filmed by those associated with Animal Rebellion, and which was posted to various Animal Rebellion pages on social media platforms on 8 September 2022. The video is of 00:14 duration and records a small snippet of events at the Hatfield Site on 8 September 2022. Muratova and other protestors climbed on to the back of a HGV cab, which was not at that time hitched up to a trailer, and displayed a banner reading '*PLANT-BASED FUTURE*' with '*ANIMAL REBELLION*' printed below. Muratova can be seen on the far left of the group, with her hair in a bun, wearing dark leggings and a dark long-sleeved top under a dark t-shirt (she has removed her rainbow-striped jacket).
50. **Video 9** is a video captured by Ms Daniella Remenyi, an employee of the First Claimant. The video is of 00:30 mins duration and shows several protestors that have climbed on-

board the back of an unhitched lorry cab, including Muratova. There are two protestors who appear to be photographing or videoing the group. I note that on the right-hand side of the video frame, Police officers can be seen seizing drills and bolt cutters from the ground.

51. Muratova left the Hatfield Site shortly after 10.40am. As such, Muratova, on 8 September 2022, remained on the Hatfield Site without the permission of either the First or Second Claimant for around 35 minutes.

52. I exhibit **video 10**. That video was captured by the Claimants' CCTV camera at the HGV entrance to the Hatfield Site, which is located on Gypsy Moth Way. At 10:39:59, Muratova enters the right-hand side of the frame in a group of protestors holding hands. She faces the CCTV camera at 10:40:02, with her hair tied in a bun and wearing a dark top (having removed her rainbow-striped jacket). The protestors, including Muratova, stop and congregate at the entrance to the Hatfield Site, next to the yellow sign that informs Persons Unknown of the interim injunction. At 10:40:51, Muratova assists with the affixing of an Animal Rebellion 'Plant Based Future' banner to that wall. The protestors, including Muratova, leave the entrance to the Hatfield Site via the shared use path from 10:41:05, escorted by Police Officers.

53. I understand from the Hertfordshire Constabulary that, when the protestors were out of view of the CCTV camera, they sat on a grass bank next to the roundabout that can be seen in the footage at **video 10**. I further understand that at 10.56am, the 13 protestors who were sat on the grass, including Muratova, were arrested on suspicion of criminal damage and aggravated trespass by PC Jack Marzec. I exhibit at **MS2/5** PC Marzec's MG11 witness statement made in relation to the arrests, which has been provided to the Claimants by the Hertfordshire Constabulary. In that statement, PC Marzec also confirms that Muratova was conveyed to the custody suite at Stevenage.

54. The arrest was captured on the body worn camera of PC David Vass, which I exhibit as **video 11**. The arrest is captured at 10:56:47 (which is at 02:17 of the video file). Muratova can be seen to be one of the people arrested: she is sitting on the grass at 10:59:21 onwards (which is at 04:50 of the video file), and can be identified as having her hair tied in a bun, sitting with her back to the tree on the right-hand side of the frame.

## **Defendant 12: Radim Sandr**

55. On 8 September 2022 and shortly after 10am, Radim Sandr (**'Sandr'**) entered the Hatfield Site without the permission of either the First or Second Claimant. Sandr accompanied and observed protestors who were damaging HGV tyres but, to my knowledge, there is no evidence that Sandr himself committed any damage whilst on the Hatfield Site.
56. I exhibit **video 1**. That video was captured by the Claimants' CCTV camera at the HGV entrance to the Hatfield Site, which is located on Gypsy Moth Way. Sandr has a dark beard, and is wearing a black beanie, a dark top (with a motif in white in the centre of the chest), navy trousers or jeans and he is carrying a black backpack in his left hand. He is at the head of the group at 10:06:21. In this video he also has a green ribbon wrapped around his left leg, just below the knee. If the CCTV footage is played all the way through, Sandr can be seen to walk into the Hatfield Site with the other protestors. He disappears to the right side of the CCTV frame at a timestamp of 10:06:31.
57. I shall exhibit below a selection of videos captured at the Hatfield Site on 8 September 2022, which show Sandr's presence on the Site.
58. **Video 16**. This is a video captured by the Claimants' CCTV camera located at bay 57 of the outward goods loading and lorry parking area at the Hatfield Site. At a timestamp of 10:13:34, the protestors can be seen walking through the lorry loading and parking area, entering the CCTV frame on the left-hand side. Sandr is the second protestor to enter the CCTV frame, at 10:13:32, dressed in dark clothes and waiving a purple flag with both of his arms in the air. He has by this point removed his beanie (revealing a shaved head) and jacket, and he is now wearing the black backpack. He proceeds to walk around the area waving the flag.
59. **Video 12**. This is a video captured by the Claimants' CCTV camera located at bay 75 of the outward goods loading and lorry parking area at the Hatfield Site. From 10:16:54 onwards, Sandr can be seen in the top-right quadrant of the CCTV frame, dressed in dark clothes (with a white motif at chest-level) and again walking around with his arms in the air, waving a purple flag whilst other protestors damage lorry tyres. A ribbon or fabric can

be seen flapping near his left foot, which is presumably the ribbon which could be seen in **video 1** and which has slipped from below his left knee.

60. **Video 13.** This is a video captured by the Claimants' CCTV camera located at bay 1 of the inward goods unloading and lorry parking area at the Hatfield Site. Sandr can be seen among the group of protestors who enter the frame at 10:19:40, with his arms in the air and holding a purple flag. He accompanies the other protestors as they damage lorry tyres, but is not himself captured damaging any tyres in this footage.
61. **Video 14.** This is a video captured on a lorry dashboard camera that is parked up across from bays 55-61 of the outward goods loading and lorry parking area at the Hatfield Site on 8 September 2022. There is no timestamp of when the footage was taken, with the clip running for a duration of 04:59 mins. Sandr enters into the dashboard camera frame from the centre at 02:01 mins into the video clip, carrying a purple flag with both arms in the air.
62. **Video 9** is a video captured by Ms Daniella Remenyi, an employee of the First Claimant. The video is of 00:30 mins duration and shows several protestors that have climbed on-board the back of an unhitched lorry cab. Sandr is stood with another protestor on the tarmac, holding a banner. There are two protestors who appear to be photographing or videoing the group. I note that on the right-hand side of the video frame, Police officers can be seen seizing drills and bolt cutters from the ground. However, to my knowledge, there is no evidence that Sandr is directly responsible for the destruction of any of the HGV tyres at the Hatfield Site.
63. Sandr left the Hatfield Site shortly after 10.40am. As such, Sandr, on 8 September 2022, remained on the Hatfield Site without the permission of either the First or Second Claimant for around 35 minutes.
64. I exhibit **video 10.** That video was captured by the Claimants' CCTV camera at the HGV entrance to the Hatfield Site, which is located on Gypsy Moth Way. At 10:39:55, Sandr enters the right-hand side of the frame holding a purple flag in his right hand. The protestors, including Sandr, stop and congregate at the entrance to the Hatfield Site, next to the yellow sign that informs Persons Unknown of the interim injunction. The protestors,



including Sandr, leave the entrance to the Hatfield Site via the shared use path from 10:41:05, escorted by Police Officers.

65. I understand from the Hertfordshire Constabulary that, when the protestors were out of view of the CCTV camera, they sat on a grass bank next to the roundabout that can be seen in the footage at **video 10**. I further understand that at 10.56am, the 13 protestors who were sat on the grass, including Sandr, were arrested on suspicion of criminal damage and aggravated trespass by PC Jack Marzec. I exhibit at **MS2/5** PC Marzec's MG11 witness statement made in relation to the arrests, which has been provided to the Claimants by the Hertfordshire Constabulary. In that statement, PC Marzec also confirms that Sandr was conveyed to the custody suite at Stevenage.

66. The arrest was captured on the body worn camera of PC David Vass, which I exhibit as **video 11**. The arrest is captured at 10:56:47 (which is at 02:17 of the video file). Sandr can be seen to be one of the people arrested: he is sitting on the grass at 10:59:21 onwards (which is at 04:50 of the video file), and can be identified from his beard and shaved head, at the far right of the frame. He is searched and placed in a Police van from 11:08:21 onwards.

### **Defendant 13: Robert King-Houston**

67. On 8 September 2022 and shortly after 10am, Robert King-Houston ('**King-Houston**') entered the Hatfield Site without the permission of either the First or Second Claimant. Whilst within the Hatfield Site, King-Houston used handheld bolt cutters (or similar) to cut the valves on or otherwise destroy HGV tyres.

68. I exhibit **video 1**. That video was captured by the Claimants' CCTV camera at the HGV entrance to the Hatfield Site, which is located on Gypsy Moth Way. Throughout the CCTV footage, King-Houston can be identified from his short blond hair and as wearing a black long-sleeved sports top with a green band around his right arm, and grey track suit bottoms. At a timestamp of 10:06:39 he is in the middle of the frame, at the level of a banner with the words "Warehouse Operatives" on it, and walking behind a protestor wearing a fluorescent jacket. If the CCTV footage is played all the way through, King-Houston can

be seen to walk into the Hatfield Site with the other protestors, disappearing to the right side of the CCTV frame at a timestamp of 10:06:40.

69. Hertfordshire Constabulary have provided to the Claimants the document exhibited at **MS2/7**. I understand that document to show the tyre damage for which the Police believe, having reviewed the video evidence (both CCTV and Police body worn cameras), King-Houston is responsible. In total, I note that the Police believe King-Houston to have damaged **14 HGV tyres**, and they have provided still images of those instances in which King-Houston was captured cutting into tyres (and have marked on the diagram to which tyre on which HGV cab and/or trailer each photo relates).

70. I shall exhibit below a selection of videos captured at the Hatfield Site on 8 September 2022, which show both King-Houston's presence on the Site, and also him committing the damage alleged whilst on the Site.

71. **Video 3**. This is a video captured by the Claimants' CCTV camera located at bay 75 of the outward goods loading and lorry parking area at the Hatfield Site. The footage starts at a timestamp of 10:13:42, and King-Houston enters the bottom left side of the CCTV frame at 10:16:31, having been screened from view by an HGV trailer. He can be identified from his blond hair and long-sleeved black sports top. He is carrying bolt cutters. Upon entering the view of the CCTV camera, King-Houston makes his way along the lorry trailer in the foreground of the CCTV frame and out of the CCTV frame. He returns into the frame at 10:17:02, and crouches by one of the rear wheels of the HGV lorry cab. He is concealed from view by the body of the lorry, but he appears to be tampering with the tyre. He then makes his way to the parked-up lorry seen on the far-right of the CCTV frame from 10:17:09 and cuts into one of the back passenger side tyres at 10:17:26. At 10:17:40 he joins his fellow protestors and moves out of the CCTV frame as a Police car pulls up at the scene.

72. **Video 4**. This is a video captured by the Claimants' CCTV camera located at bay 19 of the inward goods unloading and lorry parking area at the Hatfield Site. The footage starts at a timestamp of 10:18:07, and King-Houston enters the CCTV frame in the bottom left-hand corner at a timestamp of 10:19:27. He can again be identified in the group of protestors from his short blonde hair and long-sleeved black top. King-Houston makes his way to the

first of the three lorry cabs parked along the top of the CCTV frame and, at a timestamp of 10:19:46, begins tampering with one of the rear driver side tyres of that lorry cab. Whilst it is not entirely clear what King-Houston is doing, it appears that he is again using bolt cutters to damage the tyre.

73. **Video 17.** This video appears to have been filmed by those associated with Animal Rebellion, and has been uploaded to the Animal Rebellion and Animal Rising websites. The video is taken at bay 35-44 of the inward goods unloading and lorry parking area at the Hatfield Site on 8 September 2022. There is no timestamp, with the clip running for the duration of 00:35 mins. King-Houston is on the left-hand side of the frame at the start of the video and can clearly be seen using bolt cutters to damage the tyre of a stationary HGV, it appears by cutting off the tyre valve. He then moves to the back of the trailer and appears to damage another tyre.

74. **Video 14.** This is a video captured on a lorry dashboard camera that is parked up across from bays 55-61 of the outward goods loading and lorry parking area at the Hatfield Site on 8 September 2022. There is no timestamp of when the footage was taken, with the clip running for the duration of 04:59 mins. King-Houston enters into the frame at the right at 02:37 mins, and he is in the centre of the frame at 02:40 mins, identifiable from his blonde hair, long-sleeved sports top and grey jogging bottoms. He runs towards a 'Buffaload' lorry on the left of the frame, and crouches by one of the front tyres of the trailer. Whilst it is not entirely clear what King-Houston is doing, it appears that he is using bolt cutters to damage the tyre.

75. **Video 18.** This video was taken by Ms Daniella Remenyi, an employee of the First Claimant, at bay 61 of the outward goods loading and lorry parking area at the Hatfield Site on 8 September 2022. There is no timestamp, with the clip running for the duration of 00:42 mins. At 00:12 mins, King-Houston can be seen using bolt cutters to damage one of the back tyres of a stationary HGV trailer. He then moves to the next stationary HGV trailer on the right of the frame and, at 00:26 mins, again cuts into a tyre.

76. **Video 7.** This video was taken by Warren Potter, an employee of the First Claimant, at bays 186-200 at the Hatfield Site on 8 September 2022. There is no timestamp, with the clip

running for the duration of 00:15 mins. At 00:08 mins King-Houston can be seen using bolt cutters to cut into a tyre (it appears into the valve) of a lorry cab.

77. Before leaving the Hatfield Site, King-Houston and other protestors also climbed on to the back of a HGV cab, which was not at that time hitched up to a trailer, and displayed a banner reading '*PLANT-BASED FUTURE*' with '*ANIMAL REBELLION*' printed below. I exhibit **video 8**, which is a video that appears to have been filmed by those associated with Animal Rebellion, and which was posted to various Animal Rebellion pages on social media platforms on 8 September 2022. The video is of 00:14 duration and records a small snippet of events at the Hatfield Site on 8 September 2022. In that video, King-Houston can be seen on the back of the lorry at the top-right of the group, waving a flag.
78. **Video 9** is a video captured by Ms Daniella Remenyi, an employee of the First Claimant. The video is of 00:30 mins duration and shows several protestors that have climbed on-board the back of an unhitched lorry cab, including King-Houston. There are two protestors who appear to be photographing or videoing the group. I note that on the right-hand side of the video frame, Police officers can be seen seizing drills and bolt cutters from the ground.
79. King-Houston left the Hatfield Site shortly after 10.40am. As such, King-Houston, on 8 September 2022, remained on the Hatfield Site without the permission of either the First or Second Claimant for around 35 minutes.
80. I exhibit **video 10**. That video was captured by the Claimants' CCTV camera at the HGV entrance to the Hatfield Site, which is located on Gypsy Moth Way. At 10:39:26 King-Houston enters the CCTV frame from the right-hand side holding a flag and walks out of the HGV entrance to the Hatfield Site. The protestors, including King-Houston, leave the entrance to the Hatfield Site via the shared use path at 10:41:23. Several Police officers escort the group of protestors along the shared use path and out of the view of the CCTV camera.
81. I understand from the Hertfordshire Constabulary that, when the protestors were out of view of the CCTV camera, they sat on the grass bank next to the roundabout that can be seen in the footage at **video 10**. I further understand that at 10.56am, the 13 protestors who

were sat on the grass, including King-Houston, were arrested on suspicion of criminal damage and aggravated trespass by PC Jack Marzec. I exhibit at **MS2/5** PC Marzec's MG11 witness statement made in relation to the arrests, which has been provided to the Claimants by the Hertfordshire Constabulary. In that statement, PC Marzec also confirms that King-Houston (referred to in the statement simply as "Houston") was conveyed to the custody suite at Stevenage.

82. The arrest was captured on the body worn camera of PC David Vass, which I exhibit as **video 11**. The arrest is captured at 10:56:47 (which is at 02:17 of the video file). King-Houston can be seen to be one of the people arrested, and is sitting with his back to the camera, wearing a Nike rucksack, at 10:59:06 onwards (which is at 04:35 of the video file). King-Houston is then picked off the ground by the police at 11:06:03 and searched before being placed in a waiting Police van.

#### **Defendant 14: Vojtech Palencar**

83. On 8 September 2022 and shortly after 10am, Vojtech Palencar (**'Palencar'**) entered the Hatfield Site without the permission of either the First or Second Claimant. Whilst on the site, Palencar primarily carried a banner which read "PLANT-BASED FUTURE" whilst observing and accompanying other protestors who destroyed HGV tyres. To my knowledge, there is no evidence that Palencar himself damaged any HGV tyres whilst on the Hatfield Site.

84. I exhibit **video 1**. That video was captured by the Claimants' CCTV camera at the HGV entrance to the Hatfield Site, which is located on Gypsy Moth Way. Palencar is at the front of the group of protestors entering the Hatfield Site, and is wearing a dark t-shirt with a dark and open jacket. Palencar can also be seen holding a rolled-up banner and a small ladder. If the CCTV footage is played all the way through, Palencar can be seen to walk into the Hatfield Site, disappearing to the right side of the CCTV frame at a timestamp of 10:06:34.

85. Animal Rebellion have uploaded to an online bank of photos various images which show Palencar on the Hatfield Site on 8 September 2022. I exhibit at **MS2/8** a photograph that shows protestors who have climbed onto the back of an unhitched lorry cab at the Site.

Palencar is standing on the ground in front of the group, holding a banner which reads “PLANT-BASED FUTURE”. Exhibit **MS2/9** also shows Palencar inside the Hatfield Site holding the same banner.

86. I shall exhibit below a selection of videos from the Hatfield Site. These videos show Palencar’s presence on the Hatfield Site on 08 September 2022.

87. **Video 3.** This is a video captured by the Claimants’ CCTV camera located at bay 75 of the outward goods loading and lorry parking area at the Hatfield Site. The footage starts at a timestamp of 10:13:42, and Palencar enters the left side of the CCTV frame at 10:15:39, having been screened from view by an HGV trailer. He proceeds to walk around the area, holding the banner. At 10:17:55 he exits the CCTV frame in the bottom right corner with the other protestors; they appear to be moving on because a Police car has arrived in this area of the Hatfield Site.

88. **Video 19.** This is CCTV footage captured on the bay 19 camera at the Hatfield Site. The video is 04:56 in duration and starts at a timestamp of 10:21:54. At the beginning of the video, Palencar can be seen walking through the HGV loading bays whilst holding the banner described above. At 10:22:08, he turns around to show the banner to the First Claimant’s staff who are observing the protest, and also to the Police who have just arrived on the scene, before he exits the shot at 10:22:24.

89. **Video 20.** This is CCTV footage, of 02:17 duration, captured by the Claimants’ CCTV camera located at the fuel bunker at the Hatfield Site. The footage starts at a timestamp of 10:23:44. At a timestamp of 10:24:30, Palencar can be seen entering the shot from the left-hand side. He is holding the “PLANT-BASED FUTURE” banner which he is seen holding in the images to which I have referred above. The protestors, including Palencar, pause briefly on the road by the fuelling terminal, then continue to walk through the Hatfield Site. Palencar is visible throughout, holding the banner.

90. **Video 9** is a video captured by Ms Daniella Remenyi, an employee of the First Claimant. The video is of 00:30 mins duration and shows several protestors that have climbed on-board the back of an unhitched lorry cab. Palencar is stood with another protestor on the tarmac, holding a banner. There are two protestors who appear to be photographing or

videoing the group. I note that on the right-hand side of the video frame, Police officers can be seen seizing drills and bolt cutters from the ground. However, to my knowledge, there is no evidence that Palencar is directly responsible for the destruction of any of the HGV tyres at the Hatfield Site.

91. Palencar left the Hatfield Site shortly after 10.40am. As such, Palencar, on 8 September 2022, remained on the Hatfield Site without the permission of either the First or Second Claimant for around 35 minutes.

92. I exhibit **video 10**. That video was captured by the Claimants' CCTV camera at the HGV entrance to the Hatfield Site, which is located on Gypsy Moth Way. At 10:39:59 Palencar enters the CCTV frame from the right-hand side and walks out of the HGV entrance to the Hatfield Site; he is walking close to the wooden fence, and has a Police officer to his left. Palencar then proceeds to congregate with the other protestors on the shared use path at the entrance to the Hatfield Site, and he sits on the stone perimeter wall whilst others attach a protest banner to it. I note that the protestors are congregating near the yellow sign that informs Persons Unknown of the interim injunction. The protestors, including Palencar, leave the entrance to the Hatfield Site via the shared use path at 10:41:23. Several Police officers escort the group of protestors along the shared use path and out of the view of the CCTV camera.

93. I understand from the Hertfordshire Constabulary that, when the protestors were out of view of the CCTV camera, they sat on the grass bank next to the roundabout that can be seen in the footage at **video 10**. I further understand that at 10.56am, the 13 protestors who were sat on the grass, including Palencar, were arrested on suspicion of criminal damage and aggravated trespass by PC Jack Marzec. I exhibit at **MS2/5** PC Marzec's MG11 witness statement made in relation to the arrests, which has been provided to the Claimants by the Hertfordshire Constabulary. In that statement, PC Marzec also confirms that Palencar was conveyed to the custody suite at Stevenage.

94. The arrest was captured on the body worn camera of PC David Vass, which I exhibit as **video 11**. The arrest is captured at 10:56:47 (which is at 02:17 of the video file). Palencar can be seen to be one of the people arrested, and is sitting on the grass towards the back of

the group, next to the female in a white t-shirt and behind the female in a grey 'GAP' hoodie, at 10:59:06 onwards (which is at 04:39 of the video file).

**Defendant 15: Jan Kratky**

95. On 8 September 2022 and shortly after 10am, Jan Kratky ('**Kratky**') entered the Hatfield Site without the permission of either the First or Second Claimant. Whilst within the Hatfield Site, Kratky used a pair of handheld bolt cutters (or similar) to cut the valves on or otherwise destroy HGV lorry tyres.

96. I exhibit **video 1**. This video was captured by the Claimants' CCTV camera at the HGV entrance to the Hatfield Site, which is located on Gypsy Moth Way. A group of people appear on the shared use path at 10:06:00, but Kratky is not with them. Kratky appears (and appears to come from the bushes rather than along the path) at 10:06:28, and is running faster than the other protestors. He is dressed all in black and can be seen with a dark backpack with light-coloured straps. He has close-cropped dark hair and does not have a dark beard (which distinguishes him from another protester dressed in black). There appears to be a long implement protruding from his backpack, but from this video, it is not clear what it is. He exits to the right of the CCTV screen, and into the Hatfield Site, at 10:06:38.

97. Hertfordshire Constabulary have provided the document exhibited at **MS2/10** to the Claimants. I understand that document to show the tyre damage for which the Police believe, having reviewed the video evidence (both CCTV and Police body-worn cameras), Kratky is responsible. In total, the Police believe Kratky to have damaged **5 HGV tyres**, and they have provided still images of those instances in which Kratky was cutting tyre valves or otherwise destroying tyres (and have marked on the diagram which tyre on which HGV cab and/or trailer each photo relates).

98. I shall exhibit below a selection of videos and other evidence captured at the Hatfield Site on 8 September 2022, which show both Kratky's presence on the Hatfield Site, and also Kratky committing the damage alleged whilst on the Hatfield Site.



99. **Video 3** was captured by the Claimants' CCTV camera located at bay 75 of the outward goods loading and lorry parking area. The footage starts at a timestamp of 10:13:42, with the video running for a duration of 04:59 minutes. Most of the protestors in the video start to appear at 10:15:52 and congregate with two banners and a purple flag around the bottom left of the CCTV video. Kratky is not with them, and there is a row of parked lorries in the video from where Kratky appears at 10:18:05. At this timestamp he can be seen appearing from between two parked lorries – he can be seen directly above the white transit van and the person in a high visibility vest. He runs away across the front of the transit van, holding a pair of bolt cutters in his right hand, and disappears from view in the bottom right of the screen at 10:18:20.
100. **Video 21** This video was captured by the Claimants' CCTV camera on the main building at the Hatfield Site. The footage starts at a timestamp of 10:16:54 and is 03:07 minutes in duration. Protestors appear from the bottom of the screen at 10:18:05 and at 10:18:26 Kratky appears, running, and catches up with the group of protestors at the front. He is carrying what appears to be bolt cutters. The protestors disappear from view at 10:19:32.
101. **Video 4.** This video was captured by the Claimants' CCTV camera located at bay 19 of the inward goods unloading and lorry parking area at the site. The footage starts at a timestamp of 10:18:07 and runs for 04:52 minutes. Kratky appears with the group of protestors from the bottom left of the screen at 10:19:28. His backpack (which looks like a drawstring-style backpack in this video) with grey straps can be seen clearly and he is the furthest to the right of the group and walks onto the large shingle area, with the bolt cutters in his right hand. At the top of the CCTV video is a row of four parked HGV lorry cabs. Kratky walks directly to the first of these four cabs and at 10:19:47 he bends over slightly and appears to do something to the front driver side wheel of the first cab. Although precisely what he is doing cannot be seen, his arm movements and bent position suggest he is cutting the tyre with bolt cutters. He then appears to move along to the next parked HGV cab, and again (at 10:20:39) appears to bend over and do something to the passenger side wheel of the cab. Kratky runs away from this second cab at 10:21:05, followed by another protestor holding a purple flag.

102. **Video 22.** This video appears to have been taken from inside the Hatfield Site by those associated with Animal Rebellion, and was posted to various Animal Rebellion pages on social media platforms on 8 September 2022. It provides a close-up view of what Kratky was doing when bending at the front driver side tyre of a HGV cab (possibly in **Video 4**). The video is 17 seconds in duration. At 2 seconds in, Kratky can be identified bending over the front driver side wheel, and at 4-5 seconds he is seen using a pair of bolt cutters to cut what appears to be the valve of the tyre. He then walks around the front of the cab to the other side. The grey and black drawstring style backpack can now clearly be seen with the following text: “GRIPS” and “EVERYDAY WARRIOR”.
103. **Video 8.** This also appears to have been taken by those associated with Animal Rebellion and was posted to various Animal Rebellion pages on social media platforms and is 14 seconds in duration. The video shows protestors standing on the back section of an HGV cab. Kratky is in the centre, holding a banner which states ‘PLANT-BASED FUTURE’ whilst the protestors all sing the well-known song ‘Power to the People’, and Kratky, with his left arm outstretched, makes a ‘peace’ sign with his left hand.
104. **Video 9** is a video captured by Ms Daniella Remenyi, an employee of the First Claimant. The video is of 00:30 mins duration and shows several protestors that have climbed on-board the back of an unhitched lorry cab, including Kratky. There are two protestors who appear to be photographing or videoing the group. I note that on the right-hand side of the video frame, Police officers can be seen seizing drills and bolt cutters from the ground.
105. **Video 10.** This video was captured by the Claimants’ CCTV camera at the HGV entrance to the Hatfield Site and shows many of the protestors leaving the Hatfield Site. It commences at timestamp 10:38:48 and is 03:09 minutes in duration. Kratky was not arrested inside the Hatfield Site and appears from the right of the screen at 10:39:56, holding a “PLANT-BASED FUTURE” banner with another protestor. He congregates around the grey stone perimeter wall and sits on the grass at 10:40:39. He then gets up and along with the other protestors, disappears from view at 10:41:46.
106. As such, on 8 September 2022, Kratky remained on the Hatfield Site without the permission of the First or Second Claimant for around 35 minutes.

107. I understand from the Hertfordshire Constabulary that, when the protestors were out of view of the CCTV camera, they sat on a grass bank next to the roundabout that can be seen in the footage at **video 10**. I further understand that at 10.56am, the 13 protestors who were sat on the grass, including Kratky, were arrested on suspicion of criminal damage and aggravated trespass by PC Jack Marzec. I exhibit at **MS2/5** PC Marzec's MG11 witness statement made in relation to the arrests, which has been provided to the Claimants by the Hertfordshire Constabulary. In that statement, PC Marzec also confirms that Kratky was conveyed to the custody suite at Kempston.

108. The arrest was captured on the body worn camera of PC David Vass, which I exhibit as **video 11**. The arrest is captured at 10:56:47 (which is at 02:17 of the video file). Kratky can be seen to be one of the people arrested: he is sitting on the grass at 10:59:07 onwards (which is at 04:36 of the video file): he is sat on the left of the group and can be seen drinking from a clear single-use plastic water bottle.

#### **Defendant 16: Anna Wilkinson**

109. On 8 September 2022 and shortly after 10am, Anna Wilkinson ('**Wilkinson**') entered the Hatfield Site without the permission of either the First or Second Claimant. Whilst on the Hatfield Site, Wilkinson observed and appeared to take photographs and video recordings of the other protestors, and especially those damaging HGV tyres; to my knowledge, there is no evidence that Wilkinson is directly responsible for any of the tyre damage at the Hatfield Site.

110. I exhibit **video 1**. That video was captured by the Claimants' CCTV camera at the HGV entrance to the Hatfield Site, which is located on Gypsy Moth Way. Wilkinson is towards the back of the group, and can be identified as the only protestor wearing shorts. She is also wearing a long-sleeved navy jumper with a colourful pattern and a sandy backpack. She has long hair, worn down. At the timestamp of 10:06:42 she is standing directly below the blue circular sign indicating a cycle lane, in the centre of the screen. If the CCTV footage is played all the way through, Wilkinson can be seen to walk into the Hatfield Site with the other protestors. She disappears to the right side of the CCTV frame at a timestamp of 10:06:54.

111. I shall exhibit below a selection of CCTV videos captured at the Hatfield Site on 8 September 2022, which show Wilkinson's presence on the Site.
112. **Video 16.** This is a video captured by the Claimants' CCTV camera located at bay 57 of the outward goods loading and lorry parking area at the Hatfield Site. At a timestamp of 10:13:34, the protestors can be seen walking through the lorry loading and parking area, entering the CCTV frame on the left-hand side. Wilkinson enters the CCTV frame at 10:13:56, wearing shorts and a sandy backpack. She appears to be filming the other protestors on her phone.
113. **Video 12.** This is a video captured by the Claimants' CCTV camera located at bay 75 of the outward goods loading and lorry parking area at the Hatfield Site. At the beginning of the video, Wilkinson is towards the bottom-centre of the frame, behind the rear wheel of the nearest lorry cab. She then walks along the side of the nearest trailer (she is identifiable from her sandy backpack and shorts) and films other protestors as they damage lorry tyres. In the remainder of the video, she follows the other protestors around and continues filming them.
114. **Video 13.** This is a video captured by the Claimants' CCTV camera located at bay 1 of the inward goods unloading and lorry parking area at the Hatfield Site. Wilkinson can be seen among the group of protestors who enter the frame at 10:19:28, wearing her sandy backpack and shorts. She accompanies the other protestors and films them as they damage lorry tyres.
115. **Video 14.** This is a video captured on a lorry dashboard camera that is parked up across from bays 55-61 of the outward goods loading and lorry parking area at the Hatfield Site on 8 September 2022. There is no timestamp of when the footage was taken, with the clip running for a duration of 04:59 mins. Wilkinson enters into the dashboard camera frame from the centre at 02:19 mins wearing shorts and a sandy backpack, and is filming the other protestors.
116. **Video 9** is a video captured by Ms Daniella Remenyi, an employee of the First Claimant. The video is of 00:30 mins duration and shows several protestors that have

climbed on-board the back of an unhitched lorry cab. There are two protestors who appear to be photographing or videoing the group, female of whom is Wilkinson. I note that on the right-hand side of the video frame, Police officers can be seen seizing drills and bolt cutters from the ground. However, to my knowledge, there is no evidence that Wilkinson is directly responsible for the destruction of any of the HGV tyres at the Hatfield Site.

117. Wilkinson left the Hatfield Site shortly after 10.40am. As such, Wilkinson, on 8 September 2022, remained on the Hatfield Site without the permission of either the First or Second Claimant for around 35 minutes.

118. I exhibit **video 10**. That video was captured by the Claimants' CCTV camera at the HGV entrance to the Hatfield Site, which is located on Gypsy Moth Way. At 10:39:55, Wilkinson enters the right-hand side of the frame at the head of the group, behind the male holding a flag. She has removed her jumper, but is identifiable from her sandy backpack and shorts. The protestors, including Wilkinson, stop and congregate at the entrance to the Hatfield Site, next to the yellow sign that informs Persons Unknown of the interim injunction. The protestors, including Wilkinson, leave the entrance to the Hatfield Site via the shared use path from 10:41:05, escorted by Police Officers.

119. I understand from the Hertfordshire Constabulary that, when the protestors were out of view of the CCTV camera, they sat on a grass bank next to the roundabout that can be seen in the footage at **video 10**. I further understand that at 10.56am, the 13 protestors who were sat on the grass, including Wilkinson, were arrested on suspicion of criminal damage and aggravated trespass by PC Jack Marzec. I exhibit at **MS2/5** PC Marzec's MG11 witness statement made in relation to the arrests, which has been provided to the Claimants by the Hertfordshire Constabulary. In that statement, PC Marzec also confirms that Wilkinson was conveyed to the custody suite at Kempston.

120. The arrest was captured on the body worn camera of David Vass, which I exhibit as **video 11**. The arrest is captured at 10:56:47 (which is at 02:17 of the video file). Wilkinson can be seen to be one of the people arrested: at 10:59:21 onwards (which is at 04:50 of the video file), she is sitting on the grass at the back of the group, facing the camera, with her arms crossed and wearing shorts.

**Defendant 20: Cristina Acosta**

121. On 8 September 2022 and shortly after 10am, Cristina Acosta (‘**Acosta**’) entered the Hatfield Site without the permission of either the First or Second Claimant. Whilst on the site, Acosta primarily carried a banner whilst observing and accompanying other protestors who destroyed HGV tyres. To my knowledge, there is no evidence that Acosta herself damaged any HGV tyres whilst on the Hatfield Site.

122. I exhibit **video 1**. That video was captured by the Claimants’ CCTV camera at the HGV entrance to the Hatfield Site, which is located on Gypsy Moth Way. Acosta can be identified as carrying one end of a purple banner (bearing the words “TELL THE TRUTH ABOUT DAIRY”), wearing dark red leggings, a backpack and a purple coat over a grey top. At the timestamp of 10:06:33 she is standing directly below the blue circular sign indicating a cycle lane, in the centre of the screen. If the CCTV footage is played all the way through, Acosta can be seen to walk into the Hatfield Site with the other protestors. She disappears to the right side of the CCTV frame at a timestamp of 10:07:00.

123. I shall exhibit below a selection of videos captured at the Hatfield Site on 8 September 2022, which show Acosta’s presence on the Site.

124. **Video 16**. This is a video captured by the Claimants’ CCTV camera located at bay 57 of the outward goods loading and lorry parking area at the Hatfield Site. At a timestamp of 10:13:34, the protestors can be seen walking through the lorry loading and parking area, entering the CCTV frame on the left-hand side. Acosta enters the CCTV frame at 10:14:03, carrying the left-most end of a purple banner and wearing dark red leggings.

125. **Video 12**. This is a video captured by the Claimants’ CCTV camera located at bay 75 of the outward goods loading and lorry parking area at the Hatfield Site. At the beginning of the video, Acosta is facing away from the camera, just above the roof of the nearest lorry cab, holding a banner behind a protestor who is delivering a piece to camera. From 10:17:21, she accompanies the other protestors towards the right of the frame, holding a purple banner, and disappears from the frame at 10:17:27.

126. **Video 4.** This is a video captured by the Claimants' CCTV camera located at bay 1 of the inward goods unloading and lorry parking area at the Hatfield Site. Acosta enters the frame at 10:19:30, behind the group of protestors, wearing dark red leggings and holding the same purple banner. She accompanies the other protestors as they damage lorry tyres.
127. **Video 14.** This is a video captured on a lorry dashboard camera that is parked up across from bays 55-61 of the outward goods loading and lorry parking area at the Hatfield Site on 8 September 2022. There is no timestamp of when the footage was taken, with the clip running for a duration of 04:59 mins. Acosta enters into the dashboard camera frame at 02:28 mins holding one edge of a purple banner (nearest the camera) and wearing dark red leggings and a purple coat.
128. I exhibit at **MS2/11** PC Gibb's MG11 witness statement, which has been provided to the Claimants by the Hertfordshire Constabulary. In that statement, PC Gibb explains that he attended the Hatfield Site while the protestors were still on the Site, and as he pulled up in his vehicle he intercepted a group of three protestors, one of whom was Acosta. He arrested Acosta at 10:47:00 and conveyed her to the custody centre at Hatfield.
129. Acosta's initial detention is captured in **video 19**, which is CCTV footage captured on the bay 19 camera at the Hatfield Site. The video is 04:56 in duration and starts at a timestamp of 10:21:54. At a timestamp of 10:22:09 a Police car drives into shot from the left side of the CCTV frame, followed shortly thereafter by three protestors, one of whom is Acosta (she continues to carry the purple banner). Acosta walks across the lorry bays with her two male accomplices, both of whom are carrying drills. As Acosta reaches bay 25, two Police officers have reached the group in which Acosta is walking. Acosta, at a timestamp of 10:22:42, Acosta sits on the ground, where she then stays.
130. As such, if Acosta's time of detention is taken to be 10.22am, she remained on the Hatfield Site without the permission of the First or Second Claimants for around 15 minutes prior to her detention.

**Defendant 22: Vaclav Opatril**

131. On 8 September 2022 and shortly after 10am, Vaclav Opatril (**'Opatril'**) entered the Hatfield Site without the permission of either the First or Second Claimant. Whilst within the Hatfield Site, Opatril used a drill to drill into, puncture and destroy tyres on HGV lorries and HGV trailers.
132. I exhibit **video 1**. That video was captured by the Claimants' CCTV camera at the HGV entrance to the Hatfield Site, which is located on Gypsy Moth Way. Throughout the CCTV footage, Opatril can be identified from his dark trousers, grey hoodie and dark beanie hat. At a timestamp of 10:06:26 he is in the middle of the frame, at the level of a banner with the words "Warehouse Operatives" on it, and walking behind a protestor wearing a rainbow-coloured jacket. If the CCTV footage is played all the way through, Opatril can be seen to walk into the Hatfield Site (after having briefly paused) with the other protestors, disappearing to the right side of the CCTV frame at a timestamp of 10:06:42.
133. Hertfordshire Constabulary have provided to the Claimants the document exhibited at **MS/12**. I understand that document to show the tyre damage for which the Police believe, having reviewed the video evidence (both CCTV and Police body worn cameras), Opatril is responsible. In total, I note that the Police believe Opatril to have damaged **12 HGV tyres**, and they have provided still images of those instances in which Opatril was captured drilling into tyres (and have marked on the diagram to which tyre on which HGV cab and/or trailer each photo relates).
134. I shall exhibit below a selection of videos captured at the Hatfield Site on 8 September 2022 which show both Opatril's presence on the Site, and also him committing the damage alleged whilst on the Site.
135. **Video 23**. This video was captured by one of the Animal Rebellion protestors entering the Hatfield Site on 8 September 2022, and has since been uploaded by Animal Rebellion to an online bank of photos and videos. The video is of 00:14 mins duration. In this short video, Opatril, wearing a grey hoodie, dark beanie hat and dark gloves and holding a purple flag, can be seen on his approach to entering the Hatfield Site. He first appears in shot at 00:05mins of the video (when he is walking past the yellow sign that informs Persons Unknown of the interim injunction).



136. **Video 24.** This video was also captured by one of the Animal Rebellion protestors entering the Hatfield Site on 8 September 2022, and has since been uploaded by Animal Rebellion to an online bank of photos and videos. The video is on 00:11 mins duration. The entirety of the video is a close up shot of Opatril using a black and yellow battery powered drill to drill into and puncture two HGV tyres.
137. **Video 3.** This is a video captured by the Claimants' CCTV camera located at bay 75 of the outward goods loading and lorry parking area at the Hatfield Site. The footage starts at a timestamp of 10:13:42. At 10:16:25, Opatril appears in the bottom left of the CCTV frame, having been screened from view by an HGV trailer prior to this. He can be identified by the grey hoodie and dark beanie hat, and is carrying a purple flag. A black and yellow drill is visible in his hand. He then crouches down and appears to drill into several of the passenger side tyres of the lorry, which is occupied, while he is filmed by employees of the First Claimant. He then moves around the front of the lorry cab, and moves to the driver side, where he drills into the tyres. By 10:17:26, he has moved to the HGV trailer on the right side of the CCTV frame, and again drills into the tyres. On his approach to the trailer, the yellow and black drill is clearly visible in his right hand.
138. I exhibit at **MS2/11** PC Gibb's MG11 witness statement, which has been provided to the Claimants by the Hertfordshire Constabulary. In that statement, PC Gibb explains that he attended the Hatfield Site while the protestors were still on the Site, and as he pulled up in his vehicle he intercepted a group of three protestors, one of whom was Opatril. He arrested Opatril at 10.23am and conveyed him to the custody centre at Hatfield.
139. Opatril's arrest captured in **video 19**, which is CCTV footage captured on the bay 19 camera at the Hatfield Site. The video is 04:56 in duration and starts at a timestamp of 10:21:54. At a timestamp of 10:22:09 a Police car drives into shot from the left side of the CCTV frame, followed shortly thereafter by three protestors, one of whom is Opatril (is the male in the dark beanie hat, carrying a purple flag in his left hand and a black and yellow drill in his right hand). Opatril walks across the lorry bays with his accomplices. As Opatril reaches bay 25, two Police officers have reached the group in which he is walking. The Police officers stop Opatril, and he drops the drill to the ground. At a timestamp of 10:22:46, Opatril sits on the ground, where he then stays (handcuffed and under arrest).

140. As such, taking Opatril's arrest time of 10.23am, he remained on the Hatfield Site without the permission of the First or Second Claimants for around 15 minutes prior to his arrest.

**Defendant 38: Rosa Sharkey**

141. On 8 September 2022 and shortly after 10am, Rosa Sharkey ('**Sharkey**') entered the Hatfield Site without the permission of either the First or Second Claimant. Whilst on the site, Sharkey primarily observed and accompanied other protestors who destroyed HGV tyres, and appeared to film the same. To my knowledge, there is no evidence that Sharkey was directly responsible for any of the damage to the HGV tyres.

142. I exhibit **video 1**. That video was captured by the Claimants' CCTV camera at the HGV entrance to the Hatfield Site, which is located on Gypsy Moth Way. Sharkey can be identified as wearing a blue (or black) and white checked jacket and jeans, with her hair partially covered by a light-coloured cap or scarf. At the timestamp of 10:06:19 she is standing directly on the far left of the group, filming the other protestors. If the CCTV footage is played all the way through, Sharkey can be seen to walk into the Hatfield Site with the other protestors. She disappears to the right side of the CCTV frame at a timestamp of 10:06:55.

143. I shall exhibit below a selection of videos captured at the Hatfield Site on 8 September 2022, which show Sharkey's presence on the Site.

144. **Video 16**. This is a video captured by the Claimants' CCTV camera located at bay 57 of the outward goods loading and lorry parking area at the Hatfield Site. At a timestamp of 10:13:34, the protestors can be seen walking through the lorry loading and parking area, entering the CCTV frame on the left-hand side. Sharkey runs into the CCTV frame at 10:14:10, wearing her checked jacket, jeans and head covering.

145. **Video 12**. This is a video captured by the Claimants' CCTV camera located at bay 75 of the outward goods loading and lorry parking area at the Hatfield Site. At the beginning of the video, Sharkey is just right of the centre of the frame, and can be identified from her checked jacket, jeans and head covering.

146. **Video 14.** This is a video captured on a lorry dashboard camera that is parked up across from bays 55-61 of the outward goods loading and lorry parking area at the Hatfield Site on 8 September 2022. There is no timestamp of when the footage was taken, with the clip running for a duration of 04:59 mins. Sharkey runs into the dashboard camera frame at 02:37 mins wearing her checked jacket, jeans and a head covering, and begins filming the other protestors from 02:49 mins.

147. Sharkey left the Hatfield Site shortly after 10.19 am, and before the main group of protestors. As such, Sharkey, on 8 September 2022, remained on the Hatfield Site without the permission of either the First or Second Claimant for around 19 minutes.

148. I exhibit **video 25.** That video was captured by the Claimants' CCTV camera at the HGV entrance to the Hatfield Site, which is located on Gypsy Moth Way. The footage commences at a timestamp of 10:18:48 and runs for a duration of 02:13 mins. At the start of the footage, lorries that were able to be mobilised can be seen leaving the Hatfield Site to escape the protestors and their destructive actions. At 10:19:30, Sharkey enters the right-hand side of the frame and leaves the entrance to the Hatfield Site via the shared use path from 10:19:43; she is running with another protestor (a male dressed in all black with a black baseball cap).

149. As can be seen on the CCTV footage, Sharkey left the Hatfield Site prior to her being arrested. She also was not arrested in the mass arrest of protestors on the grass bank alongside the shared use path. I assume that is because Sharkey left the area upon her leaving the Hatfield Site, as described above. I am informed by the Hertfordshire Constabulary that they instead identified and arrested Sharkey in the days following the incident at the Hatfield Site on 8 September 2022.

**Defendant 40: Person identified in image 1 at Schedule 1A to the re-Amended Claim Form**

150. On 8 September 2022 and shortly after 10am, the Person identified in image 1 at Schedule 1A to the re-Amended Claim Form (**'Person Unknown'**) entered the Hatfield Site without the permission of either the First or Second Claimant. Whilst within the

Hatfield Site, the Person Unknown proceeded to observe and record videos of the other protestors, including those who were destroying HGV tyres at the time.

151. As I have explained above, the Person Unknown was not arrested at the Hatfield Site (or in the days thereafter). As I shall explain below, it appears that the Person Unknown leaves the Hatfield Site prior to any significant Police attendance and prior to any arrests being made. As such, the Claimants do not have a name for the Person Unknown, as the Hertfordshire Constabulary did not obtain her details. However, the Claimants obtained clear images of her appearance on the day from the CCTV footage at the Hatfield Site; in particular, she has long hair which appears to be blonde but which is darker at its roots, and is dyed light blue. She is wearing a shirt with a grey-blue/dark green tartan pattern and three-quarter length black trousers. She wears white trainers (these assisting in identification from a distance). She has a beige fabric bag around her neck and films the other protestors using a mobile phone in a light blue case.

152. I exhibit below a small selection of videos captured by CCTV and other cameras at the Hatfield Site on 8 September 2022, which show the Person Unknown's presence on the Site.

153. I exhibit **video 1**. That video was captured by the Claimants' CCTV camera at the HGV entrance to the Hatfield Site, which is located on Gypsy Moth Way. The Person Unknown is in shot from 10:06:12 to 10:06:46; she and a male protestor wearing a hat and beard are in the middle of the group of protestors walking towards the Hatfield Site. The Person Unknown appears to be filming the male protestor as they walk. As they turn into the approach road, they start to run with the male ahead of the Person Unknown. She follows the group of protestors, and disappears from view on the right side of the screen (and therefore into the Hatfield Site).

154. **Video 2**. This video was captured by a CCTV camera at the Hatfield Site's security hut. As such, it shows the protestors immediately after their entry to the Site. It starts at a timestamp of 10:06:50 and has a duration of 01:16 mins. The Person Unknown is in shot from 10:07:20 to 10:07:34. She comes into view as an HGV pulls away. She is behind the main body of protestors and appears to be filming those ahead of her. She runs to re-join

the main group as they walk towards two parked cars. Together with the other protestors, she walks past the cars before disappearing from view on the left side of the screen.

155. **Video 26.** This video was captured by Bruno Hill, an employee of UK Trucks Limited (a supplier to the First Claimant). The video has no timestamp and a duration of 1:05 mins. The Person Unknown is first in shot from 00:04 to 00:08. She is filming a protestor in a hi-vis jacket using a drill to damage the rear driver side tyres of an HGV trailer parked in bay 42 of the outward goods loading and lorry parking area of the Hatfield Site. She is next in shot (although sporadically disappearing from view) from 00:15 to 00:20 filming a different female protestor with a flag and a drill, who then joins two other protestors, one of whom is also carrying a flag. She is finally in shot from 00:47 to the end of the clip, first approaching an HGV trailer parked in bay 47 and then crouching to film other protestors damaging the rear passenger side wheels.
156. **Video 27.** This video was captured by Ms Daniella Remenyi, an employee of the First Claimant. The video has no timestamp and a duration of 00:45 mins. The Person Unknown is in shot from the beginning until 00:11. She appears to be filming as she runs towards a protestor crouching next to and damaging the passenger side wheels of an HGV cab parked in bay 51 of the goods out area. The Person Unknown continues to film as another protestor takes over the process of damaging the tyre.
157. **Video 28.** This video was captured by Ms Daniella Remenyi, an employee of the First Claimant. The video has no timestamp and a duration of 00:38mins. The Person Unknown is in shot from 00:04 to 00:06 and again 00:14 to 00:18. She walks between HGV trailers parked in bays 63 and 64 and crouches to film a protestor damaging either the driver side rear wheels of the former or the passenger side rear wheels of the latter.
158. **Video 29.** This video was captured by a dashboard camera in a yard tug. It has no timestamp and a duration of 04:59 minutes. The Person Unknown is in shot from the beginning until 00:51. At first, she is filming two protestors holding banners. She disappears from view, still filming, between two HGV trailers parked in bays 63 and 64 (this is the incident visible in **video 28**). She re-emerges at 01:13 and first walks then runs down the roadway before stopping to film the person holding the banner reading “TELL THE TRUTH ABOUT DAIRY” in front of bay 73 (this is the incident visible in **video 30**).

At 02:04 she crouches to film protestors damaging the driver side wheels of an HGV cab parked between bays 74 and 75. She walks between that cab and the trailer parked in bay 74, where she disappears from view at 02:28. She re-emerges at 02:42 and re-joins the main body of protestors. She starts filming two people, one holding a flag, as they first move towards a rigid HGV parked next to the perimeter fence and then start to damage the rear passenger side wheels. The Person Unknown crouches to film and continues to do so even after the other two protestors have walked away from the HGV. She disappears from view at 03:15.

159. **Video 12.** This video was captured by the Claimants' CCTV camera in the goods out area located at bay 75 and trained on the whole of the yard. It starts at a timestamp of 10:16:49 and has a duration of 02:14 mins. The Person Unknown is almost continuously in shot from the beginning until 10:17:24. She first appears at the bottom of the screen walking towards and filming protestors who are damaging the rear driver side tyres of the HGV trailer parked in bay 74. She then walks back towards the HGV cab parked between bays 74 and 75, before disappearing briefly from view. She re-emerges filming two protestors, one holding a flag, before disappearing from view on the right side of the screen.
160. **Video 3.** This video was captured by the Claimants' CCTV camera in the goods out area located at bay 75 and trained on the corner of the yard. The footage starts at a timestamp of 10:13:41 and has a duration of 04:58 mins. The Person Unknown is in shot from 10:15:57 to 10:16:23. She appears running from the left side of the screen. She stops to film the protestor holding the banner bearing the words "TELL THE TRUTH ABOUT DAIRY" who is standing in front of the HGV trailers parked in bay 73 (this being the incident visible in the distance in **video 31**). She disappears from view behind a parked HGV cab. She re-emerges at 10:16:45, and walks between the cab and the HGV trailer parked in bay 74. She starts filming before disappearing from view at the bottom of the screen at 10:16:48. She then re-emerges at 10:17:06 and starts filming two people, one holding a flag, as they first move towards a rigid HGV parked on the far right of the screen next to the perimeter fence and then start to damage the rear passenger side tyres (this being the incident visible in **video 29**). The Person Unknown crouches to film and continues to do so even after the other two protestors have walked away from the HGV. She then re-joins the main group of protestors before disappearing from view, still filming, at 10:17:59 at the bottom right corner of the screen.

161. The Person Unknown left the Hatfield Site before the other protestors. The same can be seen from:

- i. **Video 32.** This video was captured by the Claimants' CCTV camera at the staff entrance to the Hatfield Site. It starts at a timestamp of 10:16:56 and has a duration of 02:33 mins. The Person Unknown is in shot from 10:19:01 to 10:19:22. She appears from the left side of the screen and first runs then walks through the staff car park towards the exit barrier. At 10:19:07 she raises her arm and appears to gesture towards the Site. She climbs over the vehicle barrier at 10:19:18 and disappears from view on the road;
- ii. **Video 33.** This video was captured by the Claimants' CCTV camera in the front road area of the Hatfield Site near the staff entrance. It starts at a timestamp of 10:17:28 and has a duration of 03:33 mins. The Person Unknown is in shot from 10:18:56 to 10:19:25. She appears at the top of the screen first running then walking through the staff car park before climbing over the vehicle barrier at 10:19:18 and disappearing from view on the road.

162. Accordingly, on 8 September 2022, the Person Unknown was present on the Hatfield Site without the permission of either the First or the Second Claimant for around 13 minutes (from to 10:06am or thereabouts to 10:19am).

### **IMPACT OF THE SEPTEMBER 2022 PROTESTS**

163. During the 35 minutes or so in which the protestors were inside the Hatfield Site on 8 September 2022, and as a result of the aggravating actions of the protestors, the First Claimant suffered significant loss and damage.

164. Specifically, **433 HGV tyres** were destroyed to be replaced, by reason of them being drilled, or by the valves being cut with bolt cutters. Tyre fitters from across the UK had to be called in to replace the damaged tyres as no one fitting company could cope with the amount of work required. Each tyre cost approximately **£400**, such that the cost of replacing all of the destroyed tyres was in the sum of **£173,200**.

165. Furthermore, there was an impact on the wider operations of the Hatfield Site, as all work had to be halted because the managers on the Site at that time were liaising with the Police, and the employees were in a state of shock following the protest. I was also advised by the Police that we were not able to access the lorry yards, and no vehicles were allowed to enter or leave the Site, until the Police had gathered the required evidence and confirmed that the Police dogs had cleared the Site of any protestors who may have remained on the Site. In total, the lorry yards at the Hatfield Site (which it should be remembered is a distribution site only) were not released back to the Claimants and were not operational until around 4pm, meaning the Site was not operative for around six hours.

166. Due to the actions of the protestors and the resulting lockdown of the Hatfield Site:

- i. Inter-site movements between the Hatfield Site and the Aylesbury and Oakthorpe Sites took 24 hours to restart, and 48 hours before the operation was fully back on track with both the warehouse and transport dispatching on time;
- ii. It took an additional 72 hours for the majority of the replacements to be made to the tyres that had been damaged by the protestors, which meant some outbound and inbound bays were not operational over this time as HGV lorries and trailers could not be moved from them. The last of the replacements were completed on 12 September 2022;
- iii. The First Claimant attempted to reduce losses to the business by employing third-party tyre fitters, where available, to replace the damaged tyres as quickly as possible. This was outside the First Claimant's normal procedure, and was done to reduce the time it would normally take to obtain replacement tyres;
- iv. The First Claimant's third-party pallet hauliers also advised the First Claimant's planning team that they would not send any drivers to the Hatfield Site until the First Claimant was able to confirm that the drivers could access the Site. Therefore, the First Claimant's third-party pallet hauliers did not send any drivers to the Hatfield Site until after the Police had reopened the Site, again delaying the restarting of operations and deliveries;



- v. In addition, the First Claimant incurred the cost of additional man hours required outside normal working hours to rectify the damage and catch up on deliveries and communications:
  - a. Members of the Hatfield management team had to take time out of their usual daily work and location of work, and were instead required to be on Site for an additional 12 hours per day following the protest, which included over the weekend. Five managers worked an additional 12 hours for 2 days (120 hours), and 3 managers worked an additional 12 hours for 3 days (108 hours). Therefore, in total, managers were required on Site for an additional 228 hours beyond their usual working week;
  - b. Senior management had to take time out of their usual daily work and were instead required to be available for meetings in relation to the protest. Nineteen people were present at the meetings which occurred for 30 minutes, 3 times a day, for 2 days (57 hours);
  - c. As a result of the shortage of operational lorries, employees were required to assist with transport planning and production. Eight people were required to work 3 hours per day for 4 days (144 hours);
  - d. Additional warehouse resource was required, and 12 additional people were required to work 12 hours per day for 3 days (432 hours).

167. In total, the quantifiable cost impact on the First Claimant due to the operational delays was approximately **£71,362.35**.

### **Impact on the First Claimant's employees**

168. Finally, two members of staff at the Hatfield Site have provided MG11 witness statements to the Hertfordshire Constabulary, which the Hertfordshire Constabulary have in turn shared with the Claimants, that detail the following:

- i. Sadie Scully explains how the presence of the protestors caused her to suffer a panic attack **MS2/13**; and
- ii. Ireneusz Sokolowski describes feeling stress as a result of the incident on 8 September 2022 **MS2/14**

169. As I have also set out above, and which I shall not repeat here, several staff were required to work additional hours beyond their contracted hours.

### **RELEVANT CRIMINAL PROCEEDINGS**

170. Fourteen of the 19 protestors who attended the Hatfield Site on 8 September 2022 and were arrested have been charged with conspiracy to cause criminal damage over £5000. I understand from the Hertfordshire Constabulary that the remaining five fled the country before they answered bail, upon which they too would have been charged with the same offence. I further understand from the Hertfordshire Constabulary that one protestor who was charged has also since left the country before trial, as they say that their student visa has expired. Requests for international arrest warrants have been submitted, which I understand the CPS will review.

171. Of the 14 protestors who were charged, eight have pleaded guilty. Of those named Defendants who remain live in this Claim, those who pleaded guilty were: **Twentieth Defendant, Christina Acosta** and the **Thirty-Eighth Defendant Rosa Sharkey**. Five protestors have taken the charges to trial. Of those named Defendants who remain live in this Claim, those at trial are: **Seventh Defendant, Xanthe Wells, Thirteenth Defendant, Robert King-Houston** and the **Sixteenth Defendant, Anna Wilkinson**. The last update that the Claimants received from the Hertfordshire Constabulary was on 8 May 2024, which informed us that the defence case started on the afternoon of 7 May, and that the Judge has made a series of rulings preventing the Defendants from relying on European Convention on Human Rights defences that they were intending to rely on.

### **APPREHENSION OF FUTURE PROTESTS AND HARM**

172. As I have set out above, I have read the draft witness statement of Ms Sage, and I understand that Ms Sage is authorised to make that witness statement on behalf of both the First and Second Claimants. I endorse the content of Ms Sage' statement where it relates to general matters and matters that relate specifically to the Hatfield Site, and I will not repeat the content of that statement.

173. With that in mind, the only additional information that I need to present to the Court in relation to apprehension of future protests and harm relates to the **Thirty-Eighth Defendant, Rosa Sharkey**, who was not present at the Aylesbury Site.

174. The Claimants apprehend that Sharkey will commit further acts of unlawful direct-action protest unless restrained by way of an injunction, because she has a clear propensity to engage in such actions. To that end:

- i. I understand that Sharkey is named as the 185<sup>th</sup> Defendant to an injunction obtained by Thurrock Council and Essex County Council to restrain unlawful acts of protest in their administrative areas (the injunction was obtained in relation to the Just Stop Oil protests around the Essex oil terminals). The injunction that is currently in force is the Order of Foster J dated 26 January 2023 (although the injunction was originally obtained in April 2022). I exhibit a copy of the Order at **MS2/15**; relatedly;
- ii. I note from the Just Stop Oil website that Sharkey was charged with aggravated trespass and wilful obstruction of the highway in relation to protest activity at the Navigator Oil Terminal in Essex on 4 April 2022 (<https://juststopoil.org/2023/03/08/nine-just-stop-oil-supporters-found-guilty-for-disrupting-the-uks-largest-oil-terminal/>). I exhibit a copy of that webpage at **MS2/16**. The Just Stop Oil website says that Sharkey was fined £414, inclusive of court fees and surcharge;
- iii. I am aware from an update published on the Cambridgeshire Constabulary website (<https://www.cambs.police.uk/news/cambridgeshire/news/2022/june/twelve-people-charged-following-break-ins/>), a copy of which is exhibited at **MS2/17**, that

Sharkey was charged in connection to a break in at a facility in Huntingdon that breeds animals for medical research purposes in June 2022;

- iv. I am aware from the Animal Rising (formerly Animal Rebellion) website, and can also recall from national news coverage, that three lambs were stolen from the Sandringham Estate in the spring of 2023. I understand from the online BBC News coverage of the incident (<https://www.bbc.co.uk/news/uk-england-norfolk-66576426>), which article I exhibit at **MS2/18**, that Sharkey was charged with theft and animal welfare offences in relation to this incident. I note from an update dated 2 April 2024 posted to the Animal Rising website (<https://www.animalrising.org/post/king-charles-lamb-rescue-photo-released-of-sammy-sunny-and-sooty-now>) **MS2/19** that Sharkey is due to stand trial later this year at Norwich Crown Court. At the time of the alleged theft, Animal Rising credited Sharkey (and two others) with the action, and published footage of the same (<https://www.animalrising.org/post/sandringham-sheep-rescue-further-footage-released>) **MS2/20**.

175. As to harm, the Claimants apprehend that, if future protests were to occur at the Hatfield Site that were of a similar or the same nature as that experienced on 8 September 2022, the First and Second Claimants would suffer harm of a similar nature to that suffered by reason of the 8 September 2022 protest. Therefore, the prohibitions of the injunctive relief sought have been carefully drafted to ensure that such acts of unlawful protest are prohibited.

### **MITIGATION MEASURES**

176. Paragraphs 30 and 31 of my first witness statement (to which I have referred above) sets out the mitigation that the Claimants put in place ahead of the protests that were apprehended (and materialised) in September 2022. Most of those mitigation steps were taken in response to the specific intelligence that the Claimants had obtained in relation to those apprehended protests, and are not ongoing measures.

177. The ongoing self-help measures that are in place at the Hatfield Site are:

- i. The signs that were installed at the boundary of all of the Claimants' sites (including the four sought to be protected by the injunctive relief) in response to August 2021 protests, which read:

*ATTENTION: Private Land.*

*No public right of way or trespassing*

*This land is owned by Arla Foods*

A photograph of the signs that are in situ at the Hatfield Site were exhibited to my first witness statement;

- ii. Further works are planned at the Hatfield Site for the third quarter of this year. Double gates are to be installed at the 'goods in' area of the Site to enhance the gated protection of the Site. These works are budgeted to cost in the region of £160,000.

### **FULL AND FRANK DISCLOSURE**

178. I am informed by the Claimants' legal representatives that, following recent developments in the law relating to injunctions sought against newcomer Persons Unknown (which the Claimants are seeking in this Claim), a duty of full and frank disclosure arises as that relief is sought on a without notice basis.

179. To that end, I should make the Court aware that there was one person who was arrested at the Hatfield Site on 8 September 2022 on suspicion of aggravated trespass and criminal damage, and the Claimants do have video evidence of that person damaging HGV tyres with a battery powered drill, but they have not been named as a Defendant. That person has not been named as a Defendant as they were under the age of 18 at the time of their arrest.

180. In **video 1**, I count 20 people entering the Hatfield Site on 8 September 2022 without the permission of the First or Second Claimant; 13 are arrested in the mass arrest on the grass bank just outside of the Hatfield Site, four are arrested inside the Hatfield Site, two are arrested in the following days and one (the Fortieth Defendant) escapes arrest. All of

those persons, with the exception of the aforementioned minor, have been added as Defendants to the Claim.

**Statement of Truth**

I believe that the facts set out in this Witness Statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

DocuSigned by:  
*Mel Savage*  
E83C57ABEC594F3.....

Melanie Savage

Dated this 17th day of May 2024