

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 PONTEFRACT 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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**FIRST WITNESS STATEMENT OF JAMES DAMARELL**

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I, **James Damarell**, of Walker Morris LLP, 33 Wellington Street, Leeds LS1 4DL, WILL SAY AS FOLLOWS –

1. I am a Senior Associate of Walker Morris LLP. I represent the Claimants in these proceedings, those Claimants being Arla Foods Limited (company no. 02143253) and Arla Foods Hatfield Limited (company no. 06816100). I am authorised to make this statement on behalf of the Claimants. The First Claimant is a farmer-owned dairy co-operative. The Second Claimant is a wholly owned subsidiary of the First Claimant and holds the operating

lease to one of the sites from which the First Claimant operates its business (that being the site known as the Hatfield Site).

2. The facts and matters set out by me in this witness statement are either known by me directly and are true, or are known by me indirectly and are believed to the best of my knowledge to be true. In relation to matters falling into the latter category, I have set out the source of my knowledge and belief. This statement was prepared through email correspondence with Counsel for the Claimants.
3. I exhibit to this witness statement a bundle of documents marked 'JD1'. Where I refer to this exhibit I do so in the format **[JD1/page number]**.
4. I make this witness statement to provide a procedural update in relation to the Claimants' claim, including in relation to the receipt of undertakings from a number of the named Defendants in this matter.

#### **Witness Evidence**

5. Pursuant to the direction Order dated 21 December 2023 **[JD1/1]**, the Claimants made a without notice Application dated 14 March 2024 seeking dispensation with the requirements of PD57AC both retrospectively in relation to various witness statements that had already been filed and served, and prospectively in relation to two further witness statements. That Application was granted by Fancourt J by way of the Order dated 3 April 2024, which I exhibit at **[JD1/8]**.
6. The Claimants subsequently made an Application dated 28 March 2024, seeking an extension for the time for the filing and serving of the two aforementioned witness statements (which had been due to be filed and served by 15 April 2024). That Application was granted by Fancourt J, and I exhibit a copy of the Order dated 15 April 2024 at **[JD1/13]**.

#### **Undertakings**

7. Until relatively recently no Defendant had engaged with the proceedings. However there has recently been engagement from a number of Defendants on the matter of settlement of the proceedings by way of offering an undertaking.

8. On 21 March 2024 Walker Morris LLP wrote to those named Defendants whose addresses were known to the Claimants, at their last known addresses, to propose the terms of an acceptable undertaking. This correspondence was sent to the following named Defendants:

<b>Defendant Number</b>	<b>Defendant</b>
7	Xanthe Wells
8	Stephen Bone
9	Kim Wainwright
10	Bryan Mongelli
13	Robert King-Houston
16	Anna Wilkinson
17	Lucia Bree Alexander
18	Reuben Lemer
19	Solene Rashleigh
20	Christina Acosta
23	Cathy Eastburn
24	Marina Bellestra Candel
25	Hamish Gardner
26	Euphemia Smith
27	Dev Vyas
29	Gabby Ditton
31	Emily Camp
35	Theresa Higginson
36	Rachel Steele
37	Alexander Bourke
38	Rosa Sharkey
39	Rick Jansen

9. Walker Morris LLP was also in email correspondence with the Thirty-Fourth Defendant, Robert Allan, who I understand was in contact with additional named Defendants and who circulated the proposed undertaking to those additional named Defendants.

10. I am limited in what I can say regarding the above, as all negotiations are on a without prejudice basis, however I can confirm that 18 of the named Defendants have now agreed the terms of undertakings. Those 18 named Defendants are:

<b>Defendant Number</b>	<b>Defendant</b>
8	Stephen Bone
9	Kim Wainwright

10	Bryan Mongelli
17	Lucia Bree Alexander
18	Rueben Lemer
19	Solene Rashleigh
21	Sined Singhage
23	Cathy Eastburn
24	Marina Ballestra Candel
25	Hamish Gardner
26	Euphemia Smith
30	Robert Smith
31	Emily Camp
34	Robert Allan
35	Theresa Higginson
36	Rachel Steele
37	Alexander Bourke
39	Rik Jansen

11. I can also confirm that 16 of those Defendants have also signed Consent Orders, the terms of which stay the proceedings against them in exchange for undertakings, and provide that there shall be no order as to costs. The two Defendants who have agreed and signed the terms of an undertaking, but have not yet signed the Consent Order, are:

- i. Emily Camp; and
- ii. Sined Singhage.

12. It is not clear to me why these Defendants have signed the undertaking, but failed to return the Consent Order required; I can only assume that this is an administrative oversight, given that the terms of settlement have been agreed, and the undertaking signed. These Defendants have been chased by Walker Morris LLP, in the case of Sined Singhage, via email correspondence with the Thirty-Fourth Defendant, for the signed Consent Orders on a number of occasions, that being on:

- i. 3 April 2024;
- ii. 22 April 2024;
- iii. 8 May 2024;
- iv. 10 May 2024.

13. No response has been received from either Defendant to date. The Claimants understand the proceedings to be settled against these Defendants, and the Consent Order is required to give effect to the agreed position on costs between the Parties. In the circumstances, and if Consent Orders have not been received from these two Defendants prior to the commencement of the trial, the Claimants ask the Court to make an Order in the form of the Consent Order to give effect to the settlement.
14. In the circumstances, the Claimants have prepared witness evidence which addresses only the following named Defendants who have not agreed to the terms of an undertaking (these being the remaining live named Defendants in the Claim):

<b>Defendant Number</b>	<b>Defendant</b>
7	Xanthe Wella
11	Nikola Muratova
12	Radim Sandr
13	Robert King-Houston
14	Vojtech Palencar
15	Jan Kratky
16	Anna Wilkinson
20	Christina Acosta
22	Vaclav Opatril
27	Dev Vyas
28	Vita Sleigh
29	Gabriella Ditton
32	Gemma Barnes
33	Marcus Decker

### **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.



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James Damarell

Dated this 17th day of May 2024