

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
CHANCERY DIVISION
PROPERTY TRUSTS AND PROBATE LIST

Claim No. PT-2022-000303

(1) UNITED KINGDOM OIL PIPELINES LIMITED

First Claimant / Applicant

(2) WEST LONDON PIPELINE AND STORAGE LIMITED

Second Claimant / Applicant

and

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT CONSENT AND IN CONNECTION WITH OR AFFILIATED TO THE EXTINCTION REBELLION CAMPAIGN OR THE JUST STOP OIL CAMPAIGN ON LAND AND BUILDINGS AT AND COMPRISING PART OF (A) THE BUNCEFIELD OIL TERMINAL, HEMEL HEMPSTEAD, HERTFORDSHIRE (SHOWN FOR IDENTIFICATION SHADED RED ON THE ATTACHED SITE 1 PLAN) (B) THE KINGSBURY OIL TERMINAL, KINGSBURY, WARWICKSHIRE (SHOWN FOR IDENTIFICATION SHADED RED ON THE PLANS ANNEXED TO THE CLAIM FORM)

First Defendant/Respondent

(2) PERSONS UNKNOWN WITHOUT THE CONSENT OF THE CLAIMANTS AND IN CONNECTION WITH OR AFFILIATED TO THE EXTINCTION REBELLION CAMPAIGN OR THE JUST STOP OIL CAMPAIGN INTERFERING WITH THE FIRST CLAIMANT'S RIGHTS TO PASS AND REPASS WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT OVER PRIVATE ACCESS ROADS ADJACENT TO (A) THE BUNCEFIELD OIL TERMINAL, HEMEL HEMPSTEAD, HERTFORDSHIRE (SHOWN FOR IDENTIFICATION SHADED BLUE ON THE ATTACHED SITE 1 PLAN) (B) THE KINGSBURY OIL TERMINAL, KINGSBURY, WARWICKSHIRE (SHOWN FOR IDENTIFICATION SHADED BLUE ON THE ATTACHED SITE 2 PLAN)

Second Defendant/Respondent

FIRST WITNESS STATEMENT OF

ANTONY DOUGLAS PHILLIPS

I, Antony Douglas Phillips, of Riverbank House, 2 Swan Lane, London EC4R 3TT will say as follows:

1. I am a Partner in Fieldfisher LLP ("Fieldfisher") and the solicitor with conduct of this matter on behalf of the Claimants. I am duly authorised to make this witness statement on behalf of the Claimants.

2. I make this statement from facts within my own knowledge, which I believe to be true. Where I refer to matters not within my knowledge, I confirm that they are true to the best of my knowledge, information and belief, and I state the source of the information.
3. Produced and shown to me are a bundle of documents marked "**UKOP11**". Unless otherwise stated, page references in this witness statement refer to pages in that exhibit.
4. For ease, in this statement I have adopted the definitions set out in the Order of the Honourable Mr Justice Rajah sealed on 21 April 2023 (the "**Order**").

SERVICE OF APPLICATION

5. I make this witness statement in order to evidence the Claimants' compliance with paragraph 9 of the Order in serving the following documents:
 - (a) Sealed Application Notice – Claimants' Summary Judgment Application dated 7 July 2023 containing details of listing appointment;
 - (b) Draft Order for Claimants' Summary Judgment Application dated 7 July 2023;
 - (c) Third Witness Statement of Peter Davis dated 5 July 2023;
 - (d) Fourth Witness Statement of John Armstrong dated 6 July 2023;
 - (e) Exhibit UKOP9; and
 - (f) Exhibit UKOP10

(together, the "**Application Documents**").

Compliance with paragraph 9(a) of the Order

6. Between 10 July 2023 at 5:44pm and 11 July 2023 at 11:09am, on my instructions, Jody Sanders of Fieldfisher, the Claimants' solicitors, uploaded all of the Application Documents to <https://ukop.azurewebsites.net>, being the web link stated in the Order.
7. A screenshot of the web link page hosting the Application Documents (and all previous documents that have been served in these proceedings) appears at (**UKOP11:3**).

Compliance with paragraph 9(b) of the Order

8. At 15:39pm on 11 July 2023, an email was sent by Faye Hyland of Fieldfisher to xr-legal@riseup.net (**UKOP11:4-5**) and at 15:38pm on 11 July 2023, an email was sent by Faye Hyland of Fieldfisher to juststopoil@protonmail.co.uk, juststopoilpress@protonmail.com and juststopoil@protonmail.com (**UKOP11:6**) confirming that:
 - (a) On 7 July 2023 the Claimants made an application for summary judgment under Part 24 of the Civil Procedure Rules (the "**Application**"), seeking an order from the Court for a final injunction in the claim and an order for related directions;
 - (b) Copies of the Application Documents can be viewed at the following weblink: <https://ukop.azurewebsites.net>;

- (c) The Court has directed that a listing appointment for the Application should take place at 11.00am on 17 July 2023, at which appointment the Court will fix the date of the Application hearing, and further details of which can be found in the sealed Application Notice;
 - (d) Any individual who may wish to come forward to defend the Application is referred to Civil Procedure Rule 24.5(1) in that if the defendant to an application for summary judgment wishes to rely on written evidence at the hearing, he must file the written evidence and serve copies on the claimant at least 7 days before the summary judgment hearing; and
 - (e) We (i.e. Fieldfisher) are authorised to accept service for and on behalf of the Claimants and that service of any evidence can be affected by emailing the relevant documents to UKOPinjunction@fieldfisher.com.
9. The Just Stop Oil website lists the following email addresses as contact details, which my email of 11 July 2023 at 15:37pm was sent to:
- (a) juststopoilpress@protonmail.com (being an email address specified on Just Stop Oil's home page); and
 - (b) juststopoil@protonmail.com (being the email address specified on Just Stop Oil's privacy policy page).
10. Screenshots of the relevant sections of the Just Stop Oil website are found at (UKOP11:7-8).
11. On 11 July 2023 at 15:39pm, an automatically generated response was received from xr-legal@riseup.net with the subject line "Autoreply for XR Legal Support" and which confirmed that the XR Legal Support Team had received Fieldfisher's email of 11 July 2023 and was "working on getting a response to you ASAP!" A copy of the email received appears at (UKOP11:5).
12. I can confirm that, as at the date of this statement:
- (a) No further correspondence from the email address xr-legal@riseup.net has been received;
 - (b) No correspondence or notifications have been received in relation to the emails sent to juststopoil@protonmail.co.uk, juststopoilpress@protonmail.com and juststopoil@protonmail.com.

SERVICE OF NOTICE OF HEARING

13. I also make this witness statement in order to evidence the Claimants' compliance with paragraph 9 of the Order in serving the following document:
- (a) Sealed Application Notice – Claimants' Summary Judgement Application dated 7 July 2023 containing Notice of Hearing (the "**Notice of Hearing**").

Compliance with paragraph 9(a) of the Order

14. On 18 July 2023 at 1:04pm, on my instructions, Jody Sanders of Fieldfisher, the Claimants' solicitors, uploaded the Notice of Hearing to <https://ukop.azurewebsites.net>, being the web link stated in the Order.
15. A screenshot of the web link page hosting the Notice of Hearing (and all previous documents that have been served in these proceedings) appears at (**UKOP11:3**).

Compliance with paragraph 9(b) of the Order

16. At 16:35pm on 18 July 2023, an email was sent by Honey Newbury for and on behalf of Faye Hyland of Fieldfisher to xr-legal@riseup.net (**UKOP11:9-10**) and at 16:35pm on 18 July 2023, an email was sent by Honey Newbury for and on behalf of Faye Hyland of Fieldfisher to juststopoil@protonmail.co.uk, juststopoilpress@protonmail.com and juststopoil@protonmail.com (**UKOP11:11**) confirming that:
 - (a) Following the listing appointment on 17 July 2023, the Court has now issued a Notice of hearing which states that the Application will be heard at 7 Rolls Buildings, London, EC4A 1NL during a three day window starting on 3 October 2023 with the time and Court TBC;
 - (b) A copy of the Notice of Hearing can be viewed at the following weblink: <https://ukop.azurewebsites.net>;
 - (c) Any individual who may wish to come forward to defend the Application is referred to Civil Procedure Rule 24.5(1) in that if the defendant to an application for summary judgment wishes to rely on written evidence at the hearing, he must file the written evidence and serve copies on the claimant at least 7 days before the summary judgment hearing; and
 - (d) We (i.e. Fieldfisher) are authorised to accept service for and on behalf of the Claimants and that service of any evidence can be affected by emailing the relevant documents to UKOPinjunction@fieldfisher.com.
17. On 18 July 2023 at 16.36pm, an automatically generated response was received from xr-legal@riseup.net with the subject line "Autoreply for XR Legal Support" and which confirmed that the XR Legal Support Team had received Fieldfisher's email of 18 July 2023 and was "working on getting a response to you ASAP!" A copy of the email received appears at (**UKOP11:10**).
18. I can confirm that, as at the date of this statement:
 - (a) No further correspondence from the email address xr-legal@riseup.net has been received;
 - (b) No correspondence or notifications have been received in relation to emails sent to juststopoil@protonmail.co.uk, juststopoilpress@protonmail.com and juststopoil@protonmail.com.

Other documents for the Application Hearing

19. I confirm that it is the Claimants' intention to serve its skeleton argument and the accompanying bundle in advance of the hearing in compliance with the methods specified at paragraph 9 of the Order and that a Certificate of Service confirming service in respect of the same will be filed at the Court following service of these documents.

Statement of Truth

I believe that the facts stated 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.

Signed: Dated: 24/7/2023

Antony Douglas Phillips

