

**Emma Margaretha Florence Pinkerton**  
**First Witness Statement**  
**Party: Claimant**  
**Exhibit: EP1**  
**Date: 3 May 2022**

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

**Claim No.**

**BETWEEN**

**SHELL U.K. OIL PRODUCTS LIMITED**

**Claimant**

**- and -**

**PERSONS UNKNOWN DAMAGING, AND/OR BLOCKING THE  
USE OF OR ACCESS TO ANY SHELL PETROL STATION IN  
ENGLAND AND WALES, OR TO ANY EQUIPMENT OR  
INFRASTRUCTURE UPON IT, BY EXPRESS OR IMPLIED  
AGREEMENT WITH OTHERS, IN CONNECTION WITH  
ENVIRONMENTAL PROTEST CAMPAIGNS WITH THE  
INTENTION OF DISRUPTING THE SALE OR SUPPLY OF  
FUEL TO OR FROM THE SAID STATION**

**Defendants**

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**FIRST WITNESS STATEMENT OF  
EMMA MARGARETHA FLORENCE PINKERTON**

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I, **Emma Margaretha Florence Pinkerton** of CMS Cameron McKenna Nabarro Olswang LLP of College Square, 2 Anchor Road, Bristol BS1 5UE **WILL SAY AS FOLLOWS:**

**1. INTRODUCTION**

- 1.1 I am a Partner at CMS Cameron McKenna Nabarro Olswang LLP (**CMS**) the Claimant's solicitor in these proceedings. I have conduct of these proceedings on behalf of the Claimant.
- 1.2 Unless I state otherwise, the facts in this statement are within my knowledge and true. Where the facts are not within my knowledge, they are true to the best of my knowledge and belief, and I identify the source.
- 1.3 This statement has been prepared in support of the Claimant's application for prospective injunctive relief in respect of all of the Claimant's Petrol Stations located in England and Wales ("**Shell Petrol Stations**"). A separate statement will be filed in support of the substantive merits of the Claimant's claim.
- 1.4 References to page numbers within this statement are to pages within the exhibit annexed as EP1 [**EP1/ tab number/ page number**].
- 1.5 In this statement, I address the issue of service of the proceedings and any Order upon the Defendants. The Claimant has concluded that it is not possible at this stage to identify any specific individuals who would properly be named as defendants, and so the only defendant is a defined class of "persons unknown".

## **2. THE DEFENDANTS**

- 2.1 I am informed by the Claimant that staff at the Shell Petrol Stations have had very limited dealings with any protestors who have engaged in disruption at or in the vicinity of any of the Shell Petrol Stations and, subject to my comments below, the Claimant is unable to identify the names of any individuals who may be involved.
- 2.2 It has been reported [**EP1/1/1**] that, on 28 April 2022, the following four named individuals were arrested in relation to the protests which were conducted at two petrol stations, one at Clacket Lane motorway services and the other at Cobham motorway services (which is one of the Shell Petrol Stations):
  - 2.2.1 Nathan McGovern of White Horse Lane, Tower Hamlets, London;
  - 2.2.2 Amber Alexander of Withdean Court, Brighton;
  - 2.2.3 Louis Hawkins of Dewe Road, Brighton; and
  - 2.2.4 Rosa Sharkey of Dewe Road, Brighton.
- 2.3 They appeared at Crawley Magistrates' Court on 29 April 2022 and were released on police bail with conditions imposed by the Court.
- 2.4 Although Shell does not have any direct evidence as to the actions which led to their arrest, it might be inferred that they were at least involved in the sorts of activities with which these proceedings are concerned. However, the bail conditions for the four above-named individuals include a prohibition on entering any petrol station in England and Wales (whether a Shell Petrol Station or otherwise). This prevents them from carrying out the activities towards which the

Claimant's injunction is directed. Since the relief sought by the Claimant is prospective in nature, and since the conditions effectively already prevent these named individuals from participating in such activities, the Claimant does not consider it appropriate to name these individuals as defendants.

2.5 Additionally, it has been reported [EP1/2/3] that a fifth individual, Stephanie Golder, was "active" in connection with the protests on 28 April 2022. However, this report does not explain what activities Ms Golder may have been engaged in, or at what location, and so again the Claimant does not consider that there is sufficient evidence against this individual for the Claimant to be entitled to allege that there is a serious risk of her carrying out any of the activities referred to in the order. Accordingly, the Claimant has not named Ms Golder as a defendant.

2.6 It is anticipated that, in order to obtain details of anyone carrying out the unlawful activities that the Claimant seeks to prevent, the Claimant will require an order for third party disclosure under CPR 31.17 of documents identifying the names and addresses of anyone who is arrested in connection with such conduct and so comes within the scope of these proceedings. The Claimant has confirmed to me that it intends to make such an application (if necessary) and anticipates that such an application would be brought before the Court at the return date. The Claimant has informed me that it is not aware of any other source from which it could otherwise identify any such persons. However, if it transpires that those arrested are subject to bail conditions which prevent their further participation in the activities which the Order seeks to restrain, then the same issue as to the appropriateness of naming them as defendants will arise.

### **3. ALTERNATIVE METHODS OF SERVICE**

3.1 Since, and in fact the only Defendant is a defined class of "persons unknown", it is not practicable to serve any person with the application. Moreover, the Claimant believes that there is a significant risk that if attempts were made to publicise this application before a protective Order was granted, protesters would seek to steal a march upon the process by acting before an order is granted. No attempt has therefore been made to publicise the making of the Order in advance of the hearing of the Claimant's application.

3.2 Since service of the Order and of the proceedings against 'persons unknown' cannot be effected in accordance with the usual methods of service authorised by the Civil Procedure Rules, the Claimant seeks permission to serve the proposed Order and Claim Documents (as defined in the First Schedule to the proposed Order) using alternative methods for service (as set out below) and/or as the Court otherwise sees fit.

### **4. SERVICE ON-SITE**

4.1 The principal means of proposed service is the use of conspicuous notices which: (i) warn of the existence of the injunctions; (ii) broadly what is prohibited; (iii) identify a URL from which the

documents in the proceedings can be downloaded; and (iv) a telephone number and email address for the Claimant's solicitors, from whom a set of the proceedings can be requested.

4.2 I am told that the nature and layout of the Shell Petrol Stations varies from site to site. The only consistent locations at which such signs could certainly be located is on the upright steel structures which form part of the canopy infrastructure in the vicinity of the pumps and on display boards at the entrances to the forecourts.

4.3 The Claimant proposes to use all reasonable endeavours to post hard copy warning notices on: (i) every upright steel structure which forms part of the canopy infrastructure under which the petrol pumps are located within each Shell Petrol Station forecourt in England and Wales; (ii) on display boards at each entrance to the forecourts of every such Shell Petrol Stations; and (iii) on the doors to any retail store or building on every such Shell Petrol Station. It is proposed those warning notices will be, at minimum, A4 sized and will contain the information set out in the proposed Order sought. A proposed example of the warning notice is attached at [EP1/3/4].

4.4 The pictures below are included as an example of the canopy (and the upright steel structures can be clearly seen) and the type of display board upon which the Claimant will use all reasonable endeavours to ensure the warning notices will be posted. In the event that display boards of this type are not available at a particular Shell Petrol Station then the Claimant anticipates that the Shell Petrol Station will have a different type of display board which it can use.



4.5 The Claimant also proposes that copies of the warning notice shall be kept at each Shell Petrol Station which an employee can distribute to any protestors in the appropriate circumstances, as long as they feel safe to do so.

## **5. SERVICE BY EMAIL**

5.1 The Claimant has obtained (via an order made in earlier proceedings relating to one of its fuel terminals and its HQ on the Southbank in London) a list of email addresses which appear to relate to the various protest movements under whose banners the current petrol station and other disruption is being carried out. The draft Order proposes that, as part of the directions as to service, the Claimant emails copies of the Order and claim documentation to these addresses. As such, the Claimant proposes to serve notice of the application upon the email addresses listed in that Order.

5.2 I am aware, from my involvement in those earlier proceedings, that service by email has been effective at least to the extent that, as a result of such service by email, one firm of solicitors was appointed to represent two people (associated with the environmental groups which it appears are related to the email addresses referred to above) and instructed to make representations in those earlier proceedings.

## **6. SERVICE BY WEBSITE**

6.1 As already set out above, the Claimant proposes to upload the injunction papers and order to a dedicated website accessible to any member of the public who has access to the internet. The warning notices as described in paragraph 4 above, which warn of the existence of the injunction and set out the details of the prohibited acts will notify of the existence of the website. The website, which it is proposed to use, is controlled by my firm and can be accessed at <https://shellservices.cmno.tech>. Only my firm's IT team, at instruction from me or a member of my team, can control what is available to view or download from the website but any member of the public can view and download any such document.

6.2 In addition, the Claimant will ensure that the existence of any Order and this claim is notified on their website which can be accessed at <https://www.shell.co.uk>. That notification will also include a link to this firm's service website described at paragraph 6.1 above.

## **7. EFFECTIVENESS OF ALTERNATIVE SERVICE**

7.1 In order to represent an appropriate means of service, the Court must be satisfied that the process adopted can reasonably be expected to bring the existence of the proceedings to the attention of the person sought to be served.


7.2 A person becomes a party to proceedings brought against 'persons unknown' by breaching the terms of the order whilst knowing of its existence. I believe that the measures set out above will ensure that the existence of the proceedings will be brought to the attention any person who might

reasonably become a Defendant to the proceedings, or indeed who might be expected to be affected by its existence.

**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...3 May 2022.....