

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

Claim No: QB-2022-001420

BETWEEN:

SHELL U.K. OIL PRODUCTS LIMITED

Claimant/Applicant

and

THE CHIEF CONSTABLE OF SURREY POLICE

Respondent

THIRD WITNESS STATEMENT OF EMMA MARGARETHA FLORENCE PINKERTON

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 Applicant’s solicitor in these proceedings and have conduct of them on their behalf.
- 1.2 Unless I state otherwise, the facts in this statement are within my knowledge and are 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 References to page numbers within this statement are to pages within the exhibit annexed as “EP3”.
- 1.4 This statement has been prepared in support of the Applicant’s application for the Respondent (who is not a party to these proceedings) to give disclosure, pursuant to CPR 31.17, of documents in the categories identified in the draft order (the “**Draft Order**”) at pages 1-3 and subject to conditions identified in the Draft Order.

2. BACKGROUND

- 2.1 The Applicant is the claimant in proceedings, under Claim No: QB-2022-001420 (the “**Claim**”), which was brought against persons unknown who are involved in and/or threatening acts of civil disobedience and targeted, disruptive protest activities, by express or implied agreement with others (the “**Defendants**”), involving obstruction to and interference with the Applicant’s Shell Branded petrol stations in England and Wales (the “**Shell Petrol Stations**”).

- 2.2 For further details of the Claim, I refer the Court to the statements of case and the witness statements in support of the Applicant’s application for (amongst other things) interim injunctive relief.
- 2.3 In light of the imminent risk of harm and disruption which initiated these proceedings, and which was identified in the witness statements of Benjamin Austin dated 3 May 2022 and my first witness statement dated 3 May 2022, on 5 May 2022, the Hon Mrs Justice McGowan granted the Applicant an interim injunction and set a date and time for the return hearing, being 10:30 a.m. on 13 May 2022 (the “**Return Hearing**”). A copy of Mrs Justice McGowan’s order is appended (the “**Interim Order**”) at pages 4-12.
- 2.4 At the Return Hearing on 13 May 2022, before Mr Justice Johnson, the Applicant succeeded in securing the continuation of the Interim Order for a period of up to one year. A copy of Mr Justice Johnson’s order (the “**Return Order**”) and Mr Justice Johnson’s judgment (dated 20 May 2022) is appended at pages 13-39.
- 2.5 As set out in the witness statement evidence outlined above, on 28 April 2022 a number of people, some falling within the category of Persons Unknown as defined within this Claim, were involved in protests at Cobham motorway services, which includes one of the Shell Petrol Stations (the “**Cobham Petrol Station**”), and Clacket Lane motorway services (which contains a BP branded petrol station) (together the “**Sites**”). As a result, it was reported that four individuals were arrested, those being:
- 2.5.1 Nathan McGovern of White Horse Lane, Tower Hamlets, London;
- 2.5.2 Amber Alexander of Withdean Court, Brighton;
- 2.5.3 Louis Hawkins of Dewe Road, Brighton; and
- 2.5.4 Rosa Sharkey of Dewe Road, Brighton.
- 2.6 It is understood that these individuals appeared at Crawley Magistrates’ Court on 29 April 2022 and were released on police bail and subject to conditions imposed by the Court. It is further understood that the individuals appeared at Guildford Crown Court on 23 May 2022 and all pleaded not guilty and a trial date has been set for 11 April 2023.
- 2.7 On 24 August 2022, a number of people, some falling within the category of Persons Unknown as defined within this Claim, were involved in further protests at the Sites. Surrey Police has reported that a total of 20 arrests were made following those protests. A copy of Surrey Police’s statement is at pages 40-41.
- 2.8 Having obtained the interim injunction, discussions have occurred with Surrey Police whose officers have been and, in future, are likely to be deployed to protests at the Sites and they are willing to consent to this application, as set out in section 4 below.

3. APPLICATION

- 3.1 The Applicant makes this application in order to seek to identify and name, so far as it is possible, the Defendants to the Claim so they may be served with the Order and Court Documents and/or any future orders and/or court documents relating to the Claim, in the usual way.
- 3.2 CPR 31.17 (3) provides that the Court may make an order under this rule only where:
- (a) the documents which are sought are likely to support the case of the applicant or adversely affect the case of one of the other parties to the proceedings; and
- (b) disclosure is necessary in order to dispose or vary the claim or to save costs.

- 3.3 Addressing those criteria, the Draft Order sought by this application is likely to support the Applicant's case by identifying the Defendants. That is necessary as without being able to identify and name the Defendants, the Applicant is likely to be frustrated from enforcing the relief which it obtained at the Return Hearing (in accordance with the Return Order). Until the Applicant is provided with the names and addresses of any Persons Unknown that may have breached the terms of the orders it cannot add them as named Defendants to the proceedings. In the circumstances, the orders' impact and enforceability is undermined.
- 3.4 Further, unless and until names and addresses are provided the orders and court documents cannot be served personally. It follows that the disclosure is necessary in order to protect the interests of the Defendants as well as the Applicant because unless the protestors are named in the proceedings their ability to contest the injunction is impaired.
4. **CORRESPONDENCE WITH THE RESPONDENT**
- 4.1 CMS contacted the Respondent on 11 May 2022, and is now in contact with the Respondent's Solicitors, Weightmans LLP (a copy of this correspondence is appended at pages 42-48).
- 4.1.1 The initial email was sent by CMS to the Contact Centre of Surrey Police on 11 May 2022 (following a telephone conversation on the evening of 10 May 2022).
- 4.1.2 On 11 May 2022, Detective Inspector Nick Chambers ("**D.I. Chambers**") responded confirming that he was the "*officer overseeing the investigations into the action by Just Stop Oil at Cobham and Clacket Lane Services on 28/04/22*", and that he would be the point of contact within the Respondent.
- 4.1.3 There was various correspondence between CMS and D.I. Chambers during the course of May 2022 and June 2022 (17 May, 27 May, 7 June).
- 4.1.4 That correspondence included the provision of a draft order by CMS on 27 May 2022. On 7 June 2022, D.I. Chambers confirmed that he was liaising internally in respect of the draft order. On 10 June 2022, CMS emailed D.I. Chambers advising that on previous disclosure orders (obtained in respect of the Chief Constable of Essex and The Commissioner of the Metropolitan Police Service), CMS have usually been in contact with the legal team. On 22 June 2022, D.I. Chambers provided us with contact details for Joanna Carty of Weightmans LLP ("**Weightmans**").
- 4.1.5 On 23 June 2022, Ms Carty emailed to confirm Weightmans were instructed by the Respondent and provided us with comments on the wording of the draft order. The contents and the wording of the draft order have been discussed between CMS and Ms Carty over the course of various emails (7 July, 13 July, 5 August, 30 August, 1 September, 6 September, 7 September), and a copy of the agreed Draft Order is now attached.
- 4.1.6 On 13 July 2022, Ms Carty confirmed that the Respondent consents to the proposed application and Weightmans will accept service of this application for the Respondent by email, pages 46-47.
- 4.2 On the basis of the above, this application is made with the consent of the Respondent.

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:

A handwritten signature in blue ink, consisting of several overlapping horizontal and vertical strokes.

Dated: 6 October 2022

Third Witness Statement of Emma Margaretha Florence Pinkerton
Party: Claimant/Applicant
Exhibit EP3
Date: 6 October 2022

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