

Third Witness Statement
Party: Claimant
Exhibit: AJ03
Date: 10 October 2023
Claim No: QB-2022-001420

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

SHELL U.K. OIL PRODUCTS LIMITED

- 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 PROTEST CAMPAIGNS WITH THE INTENTION OF DISRUPTING THE SALE OR SUPPLY OF FUEL TO OR FROM THE SAID STATION

Third Witness Statement of Alison Judith Oldfield

I, **Alison Judith Oldfield** of Eversheds Sutherland (International) LLP ("**Eversheds Sutherland**") of Water Lane, Leeds LS11 5DR **WILL SAY AS FOLLOWS:**

1. INTRODUCTION

- 1.1 I am a Partner at Eversheds Sutherland and have conduct of this matter on behalf of the Claimant in these proceedings (to which I will refer as "Shell").
- 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 of my knowledge.
- 1.3 References to page numbers in this statement are to page numbers in **Exhibit AJ03**.
- 1.4 On 25 and 26 April 2023 a hearing took place before Hill J at which she considered whether an interim injunction granted by Johnson J dated 20 May 2022 should be continued and, if so, in what terms (the "**Review Hearing**"). Hill J continued the injunction for one year, subject to some very minor modifications. She also agreed to continue the third party disclosure order and the alternative service provisions. A copy of the judgment of Mrs Justice Hill [QB-2022-001420] is exhibited at **pages 2 - 43** of **Exhibit AJ03**. A copy of the

Order dated 23 May 2023 (“**the May 2023 Order**”) is exhibited at **pages 44 - 54** of **Exhibit AJ03**.

1.5 This witness statement is made in support of Shell’s application for:

1.5.1 permission to amend its Claim Form and Particulars of Claim in the draft form exhibited at **pages 55 – 59** and **60 - 68** (respectively) of **Exhibit AJ03** (pursuant to CPR 17.3); and

1.5.2 an order pursuant to CPR r. 40.12 that the May 2023 Order is corrected at paragraph 12 to include the following words in bold:

*“Pursuant to CPR 6.15(4)(b) and 6.27, this Order shall be deemed to be served on the latest date on which all the methods of service referred to in paragraphs 8, 9 and 11 have been completed **at not less than half of the Shell Petrol Stations**, in respect of this Order, such date to verified by the completion of a certificate of service or witness statement”*

Those words were inadvertently omitted, having been contained in each of the previous orders for alternative service which Hill J accepted should be continued and having formed part of the alternative service proposal sought by Shell as set out in Shell’s underlying evidence, as explained below.

1.5.3 alternatively, an order pursuant to CPR r.6.15(2) that the steps already taken by Shell to effect service at not less than half of the Shell Petrol Stations as set out in this witness statement amount to good service and that the May 2023 Order is deemed to have been served on 24 July 2023.

2. **PERMISSION TO AMEND THE CLAIM FORM AND PARTICULARS OF CLAIM**

2.1 Following the May 2023 Order, Shell is seeking permission to amend its Particulars of Claim and Claim Form, primarily in response to challenges raised on behalf of the Defendant in respect of the quality and clarity of the pleading during the Review Hearing and comments made by Hill J during the Review Hearing and in her judgement (see [124], [125], [128] of the judgment). The discussion during the Review Hearing and Hill J’s observations centred around ensuring that a prospective protestor, who may not possess legal expertise, can distinctly differentiate between acts that are considered unlawful and therefore caught by the injunction and those which are permissible.

2.2 Although Hill J concluded that the pleading was adequate for the purposes of the review hearing, she also stated that the Particulars of Claim “*would benefit from greater clarity*” ([124]). Following the judgment we have reviewed the text of both the Claim Form and Particulars of Claim in these proceedings and have drafted certain amendments to enhance the clarity with which Shell’s case is pleaded. Whilst making these revisions to the

pleadings, we have also taken the opportunity to make appropriate updates to reflect the most current information and developments since the Claim was originally issued.

3. **SERVICE IN RESPECT OF THE MAY 2023 ORDER**

3.1 As part of the Review Hearing, Hill J considered whether to continue the provisions for alternative service which formed part of the original interim injunction orders granted by McGowan J and Johnson J. The original orders contained provisions for alternative service by a variety of methods in these proceedings, which included affixing warning notices at Shell Petrol Stations.

3.2 As explained in the Third Witness Statement of Benjamin Austin dated 30 March 2023, made in connection with these proceedings, there were at that time 1,127 Shell Petrol Stations in England and Wales. Approximately 527 of those were Shell Owned Sites and 600 were Dealer Owned Sites. At the time of preparing this witness statement, Shell has confirmed that there is now a total of 1,165 Shell petrol stations in the UK, 94 of which are in Scotland and 1,071 sites are in England and Wales.

3.3 The Third Witness Statement of Benjamin Austin explained that Shell's ability to affix warning notices at all Shell Petrol Stations had been slowed by the number of Shell Petrol Stations and was logistically challenging due to differences in their ownership, but that Shell continued to arrange for warning notices to be affixed at each and every Shell Petrol Station insofar as it was able to.

3.4 For that reason, each of the Orders which were granted in these proceedings prior to May 2023 contained (as part of the alternative service provisions) qualified provisions for warning notices to be affixed by making provision for:

3.4.1 Shell to use "*reasonable endeavours*" to affix the warning notices; and

3.4.2 For the obligation to use "*reasonable endeavours*" to have been met once Shell affixed the prescribed form of notice at 50% or more of its branded Petrol Stations.

3.5 More specifically, the following Orders formed the subject of the Review Hearing and considered by Hill J:

5 May 2022 Order (McGowan J)

3.5.1 Pursuant to paragraph 9.1 of the interim injunctive order dated 5 May 2022 made by Mrs Justice McGowan (the "**5 May 2022 Order**"), Shell was required to use "*all reasonable endeavours*" to arrange to affix the warning notices at each entrance of each Shell Petrol Station, on every upright steel structure forming part of the canopy infrastructure under which the fuel pumps are located within each Shell Petrol Station forecourt and at the entry door to every retail

establishment within any Shell Petrol Station. A copy of the 5 May 2022 Order is exhibited at **pages 69 - 77** of **Exhibit AJO3**.

3.5.2 Paragraph 10 of the 5 May 2022 Order went on to provide (emphasis added):

*"Pursuant to CPR 6.12(3) and 6.27, the Claim Documents and Order shall be deemed to be served on the latest date on which compliance with the provisions of paragraph 9.1 shall have occurred **at not less than half of the Shell Petrol Stations** and paragraphs 9.2-9.4 shall also have occurred, such date to be verified by the completion of a certificate of service or witness statement. For the avoidance of doubt, no person shall be in breach of the terms of this Order unless they fail to comply with paragraphs 2 and 3 of this Order knowing of the existence of this Order."*

3.5.3 The "not less than half" threshold in paragraph 10 of the 5 May 2022 Order formed the subject of the following exchange (at p. 15 – 16 (**pages 92 - 93** of **Exhibit AJO3**) of the transcript of the hearing exhibited at **pages 78 - 105** of **Exhibit AJO3**).

"MR WATKIN: Now, my Lady, various things to point out in relation to that. The reason why not less than half the Shell petrol stations has been adopted is because these are not our petrol stations. I believe just over half of them are within our direct control. But there are, you will have seen from the witness statement, decreasing levels of control. We anticipate that in fact virtually all or all of those who are in control will put these things up and comply, but it is possible that there will be some noncompliance.

MRS JUSTICE MCGOWAN: Yes.

MR WATKIN: The reason that I drew your Ladyship's attention to the wording of the notices is that each notice on every petrol station makes it clear that all petrol stations are protected. So, by the time this has occurred, there will be notices on 500-odd petrol stations around the country saying, "All petrol stations are protected." The requirement is that your Ladyship should be confident that the steps which are taken are reasonably sufficient to draw the attention of the proceedings to the defendant.

MRS JUSTICE MCGOWAN: Yes.

MR WATKIN: We say that will have been achieved once 500 stations are bearing this notice".

3.5.4 At page 25 of the same transcript, there was a further exchange between McGown J and Counsel for Shell following judgment as the anticipated time

period for Shell to put up the warning notices at 50% of the Petrol Stations (**page 102** of **Exhibit AJO3**).

3.5.5 The logistical difficulties in ensuring that notices were affixed at each Shell Petrol Station were recorded in the Second Witness Statement of Emma Pinkerton dated 10 May 2022 (which was before Hill J at the Review Hearing and which I understand was made to confirm service of the 5 May 2022 Order and explain why a variation of the same was required with regard to the exact placement of the Warning Notices). A copy of this witness statement is exhibited at **pages 106 - 111** of **Exhibit AJO3**.

3.5.6 In particular Emma Pinkerton at paragraph 6.5 (at **page 109** of **Exhibit AJO3**) explained:

"I understand from conversations with Mr Austin that it is logistically extremely challenging to coordinate the response of the 1,049 Shell Petrol Stations currently operating throughout England and Wales. There have, for example, been many enquiries of clarification about the precise location of the Warning Notices to be placed in individual service stations. In some instances it has been an 'iterative' process with photographs being sent from 'on site' at the Shell Petrol Stations showing notices, corrective comments being sent by email from representatives of the Claimant and further photographs being sent by return."

3.5.7 Emma Pinkerton went on to state at paragraph 6.9 (at **page 110** of **Exhibit AJO3**) that:

"It was for reasons such as these, as well as the differing levels of control the Claimant has over the various Shell Petrol Stations as a result of the agreements in place regarding their operation and management, that the Court was asked to agree to the service provisions within Paragraph 9 of the Order, i.e. that service would be completed when Warning Notices were in place at 50% of the Shell Petrol Stations."

17 May 2022 order (Johnson J)

3.5.8 At a return hearing on 13 May 2022 Mr Justice Johnson considered the 5 May 2022 Order and granted a continuation of the precautionary injunction granted by Mrs Justice McGowan in a slightly modified form in a further injunctive order dated 17 May 2022 (the "**17 May 2022 Order**"). Pursuant to the 17 May 2022 Order, Shell was again required to use all reasonable endeavours to arrange to affix and retain warning notices at each Shell Petrol Station by either Method A or Method B (as further detailed in this order) – Method A and B being the clarity sought regarding the exact placement of the Warning Notices which was highlighted in Emma Pinkerton's Second Witness Statement. Otherwise, the

service provisions in the 5 May 2022 Order continued unchanged and the 50% reasonable endeavours threshold remained in place. A copy of the 17 May 2022 Order is exhibited at **pages 112 - 120** of **Exhibit AJ03**.

- 3.5.9 The exchange between Johnson J and Counsel for Shell in relation to the 50% threshold is at p. 32 (**page 152** of **Exhibit AJ03**) of the transcript of that hearing (exhibited at **pages 121 - 175** of **AJ03**). Reference was made to the second statement of Emma Pinkerton and the evidence of the schedule prepared by Shell which demonstrated what percentage had been reached.
- 3.5.10 Each of those Orders, the transcripts of the hearings and the underlying evidence were before Mrs Justice Hill at the Review Hearing.

28 April 2023 Order (Hill J)

- 3.5.11 Following the Review Hearing, by order dated 28 April 2023 Mrs Justice Hill granted a short-term order in which she continued the existing alternative service provisions ("**the 28 April 2023 Order**"). The purpose of the short term order was to make provision for continued injunctive relief pending full judgment being given, in circumstances where the original interim injunctions were due to expire in the intervening period. A copy of this order is exhibited at **pages 176 - 182** of **Exhibit AJ03**.
- 3.5.12 The 28 April 2023 Order replicated the previous alternative service provisions: Shell was again required to use all reasonable endeavours to arrange to affix and retain warning notices at each Shell Petrol Station by either Method A or Method B (as further detailed in this order) and paragraph 3 (**page 178** of **Exhibit AJ03**) included reference to the 50% threshold in the same way as before clarified that (emphasis added):

*"Pursuant to CPR 6.12(3) and 6.27, this Order shall be deemed to be served on the latest date on which compliance with the provisions of paragraph 2.1 shall have occurred **at not less than half of the Shell Petrol Stations** and paragraphs 2.2-2.5 shall also have occurred, such date to be verified by the completion of a certificate of service or witness statement."*

- 3.5.13 Therefore, up to and including 28 April 2023 the orders granted in these proceedings provided that affixing the warning notice to not less than half of the Shell Petrol Stations was sufficient to effect service of the applicable order and/or warning notice.
- 3.5.14 The proposals for alternative service which included reference to the 50% threshold and which were considered as part of the Review Hearing were set out in my first witness statement dated 29 March 2023 (a copy of which is exhibited at **pages 183 - 208** of **AJ03**). At paragraph 6.29.3 (**page 207** of **Exhibit**

AJO3), I referred to paragraph 9.1 of the 5 May 2022 Order (which contained the reasonable endeavours obligation as set out above) and to the deeming provision in paragraph 10 of that Order as follows (emphasis added):

*"paragraph 10 of the 5 May 2022 Order provides that Order will be deemed served on the latest date on which SUKOP had complied with the provisions of Paragraph 9.1 by fixing warning notices **at not less than half the Petrol Stations.**"*

3.5.15 In the judgment of Mrs Justice Hill, which ultimately concluded in the granting of the Order, it was noted in para 203 (**page 39** of **Exhibit AJO3**) of the judgement that:

"The alternative means of service proposed for the order in the petrol stations claim are (i) and (iv) above. The interim orders which I made on 28 April 2023 mirrored the terms of Johnson J's order and provided for the notices to be affixed by use of conspicuous notices in prescribed locations in the petrol stations, in alternative locations in the stations, depending on the physical layout and configuration of the stations" (emphasis added).

A copy of this judgement is exhibited at **pages 2 - 43** of **Exhibit AJO3**.

3.5.16 Mrs Justice Hill also went on to note at paragraphs 207 – 208 of the judgment (at **page 40** of **Exhibit AJO3**) that:

"207. Ms Oldfield's evidence sets out the efforts that have been made to identify individuals who ought properly to be named as Defendants and the steps that have been taken to serve the previous three orders and the draft amended claim form and related documents in the petrol stations claim.

208. I am satisfied that the proposed methods of alternative service are appropriate and sufficient. I accept Ms Oldfield's evidence as to why these methods of service remain an appropriate means by which the documents may be brought to the attention of the potential Defendants. I am satisfied that the proposed methods of alternative service should apply to the further sealed injunction orders I make and to the amended claim form and ancillary documents in the petrol stations claim. For the purpose of the injunctions, I dispense with personal service for the purpose of CPR 81.4(2)(c)-(d)." (emphasis added).

Reference to 50% threshold omitted

3.6 Mrs Justice Hill therefore expressly accepted that the alternative service provisions should remain in place. No proposals to amend those provisions were ever suggested. As can be seen from the chronology set out at paragraphs 3.5.1 to 3.5.16 above, the Court has

consistently accepted and been satisfied that affixing the applicable warning notice at not less than half of the Shell Petrol Stations is sufficient to effect service. As the Court has accepted that the methods of service "remain" an appropriate method in the circumstances, it must therefore follow that the same 50% threshold also remains appropriate. I therefore consider that it would be reasonable and appropriate for the same approach to be adopted for the May 2023 Order as the same logistical limitations and varying degree of control exercisable by Shell over the various Shell Petrol Stations remains.

- 3.7 It is clear that the intention was for the 50% threshold to be continued, but that the relevant language (the reference to "not less than half of Petrol Stations") was inadvertently omitted from paragraph 12 of the May 2023 Order (see below). There was no factual or other basis for Mrs Justice Hill to continue the alternative service provisions in her 28 April 2023 Order and not in the May 2023 Order, but due to this drafting oversight, the May 2023 Order is therefore unfortunately silent as to whether service via affixing the warning notice is satisfied providing it has occurred at not less than half of the Shell Petrol Stations.

The May 2023 Order

- 3.8 Paragraph 8 of the May 2023 Order provides that:

"Pursuant to CPR r.6.15 and r.6.27 and rr.81.4(c) and (d), service of this Order shall be validly effected by;

a. replacing the warning notices currently affixed at each Shell Petrol Station, so as to include the information at paragraph 9 below;

b. procuring that a notice containing the information indicated at paragraph 9 below is:

i. uploaded to <http://www.noticespublic.com/>;

ii. sent to the email addresses set out in the Fourth Schedule of this Order;

iii. sent to any person who has previously requested a copy of documents in these proceedings from the Claimant or its solicitors, either by post or email (as was requested by that person)."

- 3.9 Paragraph 9 of the May 2023 Order provides that:

"The notices shall (i) warn of the existence and general nature of the relevant Order, and of the consequences of breaching it; state that (ii) the relevant Order was reviewed at a hearing held on 25-6 April 2023; (iii) the relevant Order continues; (iv) the relevant Order is to be reviewed again at a hearing to be listed in April 2024; (v) any person affected by the Order may apply for it to be varied or discharged (vi) the Claimant's solicitors can be contacted for details as to the time and date of that hearing; and (vii) a copy of this order may be obtained from <http://www.noticespublic.com/>".

3.10 Paragraph 11 of the May 2023 Order provides that:

"Uploading a copy of this Order and the Amended Claim Form and any ancillary documents to <http://www.noticespublic.com/> combined with the taking of such steps as are set out in paragraphs 8, 9 and 10 above shall be good and sufficient service of this Order and the Amended Claim Form and any ancillary documents upon the Defendant."

3.11 Paragraph 12 of the May 2023 Order provides that:

"Pursuant to CPR 6.15(4)(b) and 6.27, this Order shall be deemed to be served on the latest date on which all the methods of service referred to in paragraphs 8, 9 and 11 have been completed in respect of this Order, such date to be verified by the completion of a certificate of service or witness statement."

3.12 Other than the omission of the reference to "not less than half" in paragraph 12 the alternative service provisions mirror those contained in previous Orders.

3.13 The Court is therefore respectfully asked to correct the mistake by inserting the omitted language.

3.14 I set out in the remainder of this witness statement the steps taken by the Claimant to comply with the above provisions of the May 2023 Order.

Paragraph 8(a) of the May 2023 Order - Service by affixing warning notice

3.15 Shell has taken steps to replace the warning notices currently affixed at each Shell Petrol Station, so as to include the information at paragraph 9 of the May 2023 Order.

3.16 A copy of the warning notice which Shell has used to replace those previously affixed at the Shell Petrol Stations is exhibited at **page 209** of **Exhibit AJO3**. I confirm that this warning notice complies with the requirement of paragraph 9 of the May 2023 Order.

3.17 In using its reasonable endeavours Shell has emailed all the retailers and dealers owning, managing or operating all of Shell Petrol Stations in England and Wales providing a copy of the warning notice and instructions as to what should be done with the warning notice. A copy of the email sent on 24 May 2023 at 08:51 to the members of the Shell's team that were responsible for corresponding with all the retailers and dealers owning, managing or operating all of Shell Petrol Stations in England and Wales is exhibited at **pages 210 - 211** of **Exhibit AJO3**. As can be seen, Shell has given clear instructions and has stressed the seriousness and urgency required, titling the email: "*ACTION REQUIRED: Mobility sites Injunction extended - new warning notices must be rolled out*". The email also sets out instructions which reflect the requirements of paragraph 8(a) of the Order.

3.18 Shell has also kept detailed records of its efforts to ensure that warning notices are placed correctly in accordance with the Paragraph 8(a) requirements in every Shell Petrol Station.

A copy of the excel spreadsheet recording these efforts is exhibited at **pages 212 – 223** of **Exhibit AJ03**.

- 3.19 Shell confirmed on 24 July 2023 that warning notices have been affixed at 554 Shell Petrol Stations, meaning 52% of its Shell Petrol Stations have warning notices affixed in accordance with Paragraph 8(a) of the May 2023 Order.
- 3.20 The actions undertaken by Shell at paragraphs 3.15 to 3.19 above would have been sufficient as to effect service in accordance with the Orders granted in these proceedings in May 2022 and April 2023. Insofar as the Court is not prepared to correct the May 2023 Order under CPR r.14.12 by inserting the omitted language retrospectively, the Court is asked to consider that the May 2023 Order should operate under the same assumptions – primarily being that once over 50 percent of the Shell Petrol Stations, in the manner prescribed by the May 2023 Order, there would be considered to be good service.
- 3.21 For all these reasons I ask the court to make an order confirming that the steps taken by Shell to affix the warning notices to more than 50% of its branded petrol stations constitute adequate service for the purposes of paragraph 8 (a) of the May 2023 Order.

Paragraphs 8(b)(i) and 11 of the May 2023 Order - Service by uploading to <http://www.noticespublic.com/>

- 3.22 A copy of the May 2023 Order and an accompanying warning notice was uploaded to <http://www.noticespublic.com/>, in compliance with paragraphs 8(b)(i) and 11 of the May 2023 Order on 24 May 2023.
- 3.23 A printout of the webpage at <http://www.noticespublic.com/> confirming that these documents continue to be uploaded to it is exhibited at **page 224** of **Exhibit AJ03**.
- 3.24 For the reasons explained above, I believe that Shell has satisfied the requirements of paragraph 8(b)(i) and 11 of the May 2023 Order.

Paragraph 8(b)(ii) of the May 2023 Order - Service by email to the email addresses listed in the Fourth Schedule of the Order

- 3.25 In accordance with the provisions of paragraph 8(b)(ii) of the May 2023 Order, the May 2023 Order and accompanying warning notice were served by email to each of the email addresses listed in the Fourth Schedule of the May 2023 Order as set out in the table below – from an email address, shell.service@eversheds-sutherland.com, which Eversheds Sutherland have created from which to serve the various documents in this matter. My colleague, Alex Wright (Principal Associate), and I have access to and control of this dedicated email address.

Document Served	Subject	Email date/time (Exhibit Reference)
The Order and accompanying warning notice	Shell U.K. Oil Products Limited v Persons Unknown (QB-2022-001420) / Shell U.K. Limited v Persons Unknown (QB-2022-001241) / Shell International Petroleum Company Limited v Persons Unknown (QB-2022-001259) - Sealed Orders (23.05.23)	Thu 25 May 2023 09:06 (exhibited at pages 225 - 226 of Exhibit AJ03)

3.26 I should note that 10 automatic responses were received in response to the above email. Having reviewed the timings of the automated responses, I believe that:

3.26.1 2 automatic responses were received from the following 2 email accounts: press@extinctionrebellion.uk and xr-legal@riseup.net. These responses appear to be automatic tailored responses to any emails received – suggesting that our email sent on 25 May 2023 at 09:06 was received by these mailboxes. A copy of the automated responses are exhibited at **pages 227 - 228** of **Exhibit AJ03**.

3.26.2 1 automatic response was received from support@xmorth.org, stating that the “Recipient email address is possibly incorrect”. The email address however is as per the address stipulated in the May 2023 Order. A copy of the relevant email is exhibited at **page 229** of **Exhibit AJ03**

3.26.3 7 automatic responses were received from the following 7 email accounts: eoexrtnt@protonmail.com, xrbristol.regional@protonmail.com, xrmidlandstraining@protonmail.com, xrdemocracy@protonmail.com, xrvideo@protonmail.com, youthclimateswarm@protonmail.com and xr-peoplesassembly@protonmail.com. These 7 automated responses advised that the emails could not be delivered as the relevant recipient’s mailbox is full. A copy of the relevant emails are exhibited at **pages 230 - 236** of **Exhibit AJ03**. I understand from this firm’s IT team that the emails sent by us on 25 May 2023 at 09:06 were properly sent but will not have been delivered to / received by the recipient mailbox as the mailboxes were full.

3.27 When cross referencing against the email addresses listed in the Fourth Schedule of the May 2023 Order I believe that the 7 automated responses referred to above (at paragraphs

3.26.3) and the 1 automated response from support@xrnorth.org (as per paragraph 3.26.2) derive from:

3.27.1 7 email addresses out of the total 48 email addresses linked to Extinction Rebellion;

3.27.2 1 email address out of the total 3 email addresses linked to Just Stop Oil; and

3.27.3 1 email address out of the total 1 email addresses linked to Youth Climate Swarm (as per the Fourth Schedule of the Order, youthclimateswarm@protonmail.com is a recognised email address for both Youth Climate Swarm and Just Stop Oil).

3.28 Apart from the automated responses referred to above at paragraphs 3.26.1, 3.26.2, 3.26.3, no responses from any of the other 41 addresses linked to Extinction Rebellion or other 2 email addresses linked to Just Stop Oil were received. I have no reason to believe that the emails sent to the other 43 email addresses to which the abovementioned emails were sent were not delivered or received, and no 'bounce back' or delivery failure notifications in this regard were received.

3.29 I therefore consider that the remaining 41 emails sent to the email addresses linked to Extinction Rebellion and the remaining 2 emails sent to the email addresses linked to Just Stop Oil were sufficient for effecting service of the May 2023 Order and accompanying warning notice on these groups.

3.30 In respect of Youth Climate Swarm, this was the only email address provided for this group within the addresses listed in the Fourth Schedule of the May 2023 Order. As stated previously, this firm's IT team believes that these emails were properly sent but will not have been delivered to / received by the recipient mailbox because the mailboxes were full. In those circumstances I believe that appropriate steps have been taken to seek to effect service of the May 2023 Order on this group and I do not consider that there are any further steps which ought to be taken in order to do so.

3.31 For the reasons explained above, I believe that Shell has satisfied the requirements of paragraph 8(b)(ii) of the May 2023 Order.

Paragraph 8(b)(iii) of the May 2023 Order – Service on any person who has previously requested a copy of documents in these proceedings

3.32 In addition, copies of the May 2023 Order and accompanying warning notice were served (albeit perhaps not strictly required in all instances) upon:

3.32.1 Michael Gibson by Special Delivery and First Class Post on 25 May 2023 sent to 16 Bel Lane, Feltham, TW13 6BY. Copies of the proof of delivery and letter are exhibited at **pages 237 – 238 of Exhibit AJ03.**

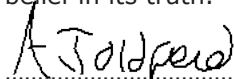
- 3.32.2 Hodge James and Allen Solicitors Limited by Special Delivery on 25 May 2023 sent to 180 North Gower Street, London, NW1 2NB and by email on 25 May 2023 at 16:34 to ahardy@hja.net. Copies of the email, proof of delivery and letter are exhibited at **pages 239 - 241** of **Exhibit AJ03**.
- 3.32.3 Michaela Marc by email on 25 May 2023 at 09:26 to michaela.marc@hotmail.com. A copy of the email is exhibited at **page 242** of **Exhibit AJ03**.
- 3.32.4 Nick Hofman by email on 25 May 2023 at 09:26 to nick.hofman1951@gmail.com. A copy of the email is exhibited at **page 243** of **Exhibit AJ03**.
- 3.33 Unlike previous orders served in connection with these proceedings, copies of the May 2023 Order and accompanying warning notice were not provided to Weightmans LLP (acting as solicitors on behalf of Surrey Police). This is because Weightmans LLP confirmed that they only wish to be served with orders connected to the Third Party Disclosure aspect of these proceedings and no other documents. A copy of this correspondence is exhibited at **pages 244 - 245** of **Exhibit AJ03**.
- 3.34 For the reasons explained above, I believe that Shell has satisfied the requirements of paragraph 8(b)(iii) of the May 2023 Order.

Deemed Service

- 3.35 For the reasons explained above Shell has complied with paragraphs, 8(b)(i), 8(b)(ii), 8(b)(iii) and 11 of the May 2023 Order.
- 3.36 In the circumstances I believe that Shell has used reasonable endeavours by affixing warning notices at its petrol stations and has otherwise served the May 2023 Order in accordance with its terms. I therefore ask the Court to make a declaration, in the form of an order, confirming that it has been validly served on 24 July 2023.

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 made, a false statement in a document verified by a statement of truth without an honest belief in its truth.


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Alison Judith Oldfield

Dated: 10 October 2023