

Emma Margaretha Florence Pinkerton  
Second Witness Statement  
Party: Claimant  
Exhibit: EMPI2  
Date: 22 April 2022

**IN THE HIGH COURT OF JUSTICE**

**Claim No: QB-2022-001241**

**QUEEN'S BENCH DIVISION**

**BETWEEN**

**SHELL UK LIMITED**

**Claimant**

**- and -**

**PERSONS UNKNOWN ENTERING OR  
REMAINING AT THE CLAIMANT'S SITE  
KNOWN AS SHELL HAVEN, STANFORD-  
LE-HOPE, (AND AS FURTHER DEFINED  
IN THE PARTICULARS OF CLAIM)  
WIHTOUT THE CONSENT OF THE  
CLAIMANT OR BLOCKING THE  
ENTRANCES TO THAT SITE**

**Defendant**

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**WITNESS STATEMENT OF  
EMMA PINKERTON**

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

**1. INTRODUCTION**

- 1.1 I am a partner at CMS and have conduct of this matter 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 of my knowledge.

- 1.3 References to page numbers in this statement are to page numbers in Exhibit EMPI2.
- 1.4 Following the hearing of the Claimant's application on the 14 April 2022 in respect of Shell Haven (as defined in the Court documents), the Claimant was granted an injunction by way of an order dated 14 April 2022 (the "**Order**").
- 1.5 As detailed below CMS then proceeded to serve the documents on behalf of the Claimant on the Defendant in accordance with the Order. The requirements in the Order are set out in paragraph 2 below.
- 1.6 During the course of the hearing on 14 April 2022, the description of the Defendant was updated. The documents served on the Defendant on 14 April 2022 (see further below) did not contain the updated Defendant wording. Accordingly, the Claimant sought permission from the Court on 15 April 2022 to amend and re-serve the Claim Form, Particulars of Claim and Application Notice on the Defendant correcting this mistake and reflecting the correct definition. Permission was granted by way of an order dated 15 April 2022 (the "**Subsequent Order**").
- 1.7 The Claimant then proceeded to serve the revised documents on the Defendant in accordance with the Subsequent Order, further details of which are set out in paragraph 6 below.

## **2. SERVICE OF DOCUMENTS**

- 2.1 Paragraph 8 of the Order required that the Order and the Claim Documents be served on the Defendant. For completeness, the Claim Documents are as follows:
  - 2.1.1 Claim Form
  - 2.1.2 Particulars of Claim
  - 2.1.3 Application Notice dated 14 April 2022
  - 2.1.4 Witness Statement of Stephen Brown dated 14 April 2022 and exhibit SIB1
  - 2.1.5 Witness Statement of Emma Pinkerton dated 14 April 2022 and exhibit EMPI1
  - 2.1.6 Order – dated 14 April 2022 (the "**Order**")
  - 2.1.7 Order – dated 15 April 2022 (the "**Subsequent Order**")
  - 2.1.8 Order – Kingsbury Terminal (the "**Kingsbury Order**")
- 2.2 Paragraph 8 of the Order states that service on the Defendant will be effected in the following ways:
  - 2.2.1 The Claimants shall affix at each entrance to each of the Sites, and around the perimeters of each of the Sites at no fewer than 10 locations, warning notices, no smaller than A3 in size. The said warning notices shall: (i) warn of the existence and general nature of this Order, and of the consequences of breaching it; (ii) identify a point of contact and contact details from which copies of the Order and Claim Documents may be requested; and (iii) identify a website address (the "**Claim Documents URL**") at which copies of the Order and the Claim Documents may be viewed and downloaded.
  - 2.2.2 The Claimant shall upload to the Claim Documents URL copies of the Order and the Claim Documents and a note of the hearing at which his Order was granted.
  - 2.2.3 The Claimant shall send by email a copy of the Order and a link to the Claim Documents URL to each of the email addresses listed in the Third Schedule to this Order.

**3. SERVICE BY AFFIXING OF WARNING NOTICE**

- 3.1 The Claimant, by way of its on-site security team (Jamie Winters (Terminal Operations Supervisor)), placed 10 warning notices of at least A3 size on each of the entrances of the Shell Haven site as shown on the photos attached at pages 4-16 of EMPI2 and as shown on the plan of Shell Haven at pages 2-3 of EMPI2.
- 3.2 I am told by Mr Winters that the warning notices were in place in locations shown at pages 2-3 by 10.30am on 15 April 2022.
- 3.3 Further warning notices were placed around the perimeters of the Shell Haven site as shown on the photos attached at pages 19-27 of EMPI2 and as shown on the plan of Shell Haven at pages 17-18 of EMPI2. A total of 17 warning notices have been displayed.
- 3.4 I am told by Mr Winters that the warning notices were in place in locations shown at pages 17-18 by 2pm on 21 April 2022.
- 3.5 For clarity, a copy of the warning notice is attached at page 1.

**4. SERVICE BY WEBSITE ON 14 APRIL 2022**

- 4.1 CMS have created a website, referred to above as the Claim Documents URL. Access to this website is via the following address: <https://shellservices.cmno.tech/>.
- 4.2 The following documents were uploaded to the website on 14 April 2022 and were in place and available to view and download by 9.30pm on 14 April 2022 at the latest:
  - 4.2.1 Sealed Claim Form
  - 4.2.2 Sealed Particulars of Claim
  - 4.2.3 Sealed Application Notice dated
  - 4.2.4 Witness Statement of Stephen Brown dated 14 April 2022
  - 4.2.5 Exhibit bundle SIB11
  - 4.2.6 Witness Statement of Emma Pinkerton dated 14 April 2022
  - 4.2.7 Exhibit bundle EMPI1
  - 4.2.8 Unsealed Order – dated 14 April 2022
  - 4.2.9 Order – Appendix 1 (plan of Shell Haven Site)
  - 4.2.10 N9 Response pack

**5. SERVICE BY EMAIL ON 14 APRIL 2022**

- 5.1 CMS created an email address, [shell.service@cms-cmno.com](mailto:shell.service@cms-cmno.com) from which to serve the various documents in this matter. I have access and control of and to this dedicated email address and personally arranged for the Court Documents as well as a copy of the Claim Documents URL to be sent by email to the addresses listed in the Order.
- 5.2 For completeness, CMS served all of the following documents on the Defendants by email to each of the email addresses listed in the Order and as set out at Appendix 1 to the Certificate of Service filed with this statement:

<b>Documents Served</b>	<b>Subject</b>	<b>Email date/time</b>
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<ul style="list-style-type: none"> <li>• Sealed Claim Form dated 14 April 2022</li> <li>• Particulars of Claim dated 14 April 2022</li> <li>• Sealed Application Notice dated 14 April 2022</li> <li>• Order of Mr Justice Sweeting</li> <li>• Response pack for the Defendants</li> </ul>	IMPORTANT - LEGAL DOCUMENTS BY WAY OF SERVICE - Email 1 of 3 [CMCK-UK.FID118272683]	14/04/2022, 19:40
<ul style="list-style-type: none"> <li>• First Witness Statement of Stephen Ian Brown dated 13 April 2022 and Exhibit SIB1</li> </ul>	IMPORTANT - LEGAL DOCUMENTS BY WAY OF SERVICE - Email 2 of 3 [CMCK-UK.FID118272683]	14/04/2022, 19:44
<ul style="list-style-type: none"> <li>• First Witness Statement of Emma Margaret Florence Pinkerton dated 14 April 2022 and Exhibit EMPI1</li> </ul>	IMPORTANT - LEGAL DOCUMENTS BY WAY OF SERVICE - Email 3 of 3 [CMCK-UK.FID118272683]	14/04/2022, 19:47

## 6. AMENDED SERVICE ON 15 APRIL 2022

6.1 Pursuant to the Subsequent Order, the Claimant amended the Claim Form, Particulars of Claim and Application Notice, and re-served these on the Defendant together with the Kingsbury Order and the Subsequent Order.

6.2 For completeness, the documents served on 15 April 2022 are as follows:

6.2.1 Revised Sealed Claim Form

6.2.2 Revised Sealed Particulars of Claim

6.2.3 Revised Sealed Application Notice

6.2.4 Unsealed Order – dated 15 April 2022 (the “**Subsequent Order**”)

6.2.5 Unsealed Order – Kingsbury Terminal (the “**Kingsbury Order**”)

6.3 The Claimant served the documents referred to at paragraph 6.2 above on the Defendant in accordance with paragraph 2 of the Subsequent Order (i.e. by the same means specified in the Order, the requirements of which are set out at paragraph 2 above):

6.3.1 Service by affixing of warning notice.

6.3.2 Service by website:

(a) The documents set out at paragraph 6.2 above were uploaded to the website in place of the previous versions on 15 April 2022 and were in place and available to view and download by 8.30pm on 15 April 2022 at the latest:

6.3.3 Service by email was effected to each of the email addresses listed in the Order and as set out at Appendix 1 to the Certificate of Service filed with this statement:

<b>Documents Served</b>	<b>Subject</b>	<b>Email date/time</b>
<ul style="list-style-type: none"> <li>• Order dated 15 April 2022</li> <li>• Claim Documents URL</li> </ul>	IMPORTANT - LEGAL DOCUMENTS BY WAY OF SERVICE [CMCK-UK.FID118272683]	15/04/2022, 12:07
<ul style="list-style-type: none"> <li>• Order of Mr Justice Sweeting dated 14 April 2022 confirming the Return Date</li> <li>• Order of Mr Justice Sweeting re Kingsbury Terminal</li> <li>• Order of Mr Justice Sweeting dated 15 April 2022</li> <li>• Updated Claim Form pursuant to the 15 April Order</li> <li>• Updated Particulars of Claim pursuant to the 15 April Order</li> <li>• Updated Application Notice pursuant to the 15 April Order</li> <li>• Claim Documents URL</li> </ul>	IMPORTANT - LEGAL DOCUMENTS BY WAY OF SERVICE [CMCK-UK.FID118272683]	15/04/2022, 18:38
<ul style="list-style-type: none"> <li>• Order</li> <li>• Order – Appendix 1</li> <li>• Claim Documents URL</li> </ul>	RE: IMPORTANT - LEGAL DOCUMENTS BY WAY OF SERVICE [CMCK-UK.FID118272683]	15/04/2022, 20:20

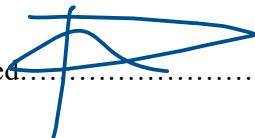
- 6.3.1 Following service of the emails on both 14 and 15 April I did receive some notifications of receipt from a limited number of the email addresses, and which were caught by our IT security system. Copies of an example of one such email and an extract of the email notification system are attached at pages 28-34.
- 6.3.2 I can confirm that CMS’ IT department have been asked whether it is possible to track any further “bounce back” emails following service on 14 and 15 April 2022. They have confirmed that as a result of the way in which the service email address has been set up it is not possible to check this.
- 6.3.3 I am however satisfied that emails to some of the addresses listed have been received and that service has also been effected via the dedicated website and by posting the

warning notices as required so that the latest date of service is the date of posting of the warning notices on 21 April 2022.

**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...22 April 2022.....

Emma Margaretha Florence Pinkerton  
Second Witness Statement  
Party: First and Second Claimant  
Exhibit: EMPI2  
Date: 22 April 2022

**IN THE HIGH COURT OF JUSTICE**

**Claim No: QB-2022-001241**

**BETWEEN**

(1) SHELL UK LIMITED  
(2) ESSAR MIDLANDS LIMITED

**Claimant**

- and -

**PERSONS UNKNOWN ENTERING OR REMAINING AT THE  
CLAIMANT'S SITE KNOWN AS SHELL HAVEN, STANFORD-  
LE-HOPE (AND AS FURTHER DEFINED IN THE  
PARTICULARS OF CLAIM) WITHOUT THE CONSENT OF  
THE CLAIMANT, OR BLOCKING THE ENTRANCES TO  
THAT SITE**

**Defendants**

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**WITNESS STATEMENT OF  
EMMA MARGARETHA FLORENCE PINKERTON  
EXHIBIT "EMPI2"**

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This is the exhibit marked "EMPI2" referred to in the Second Witness Statement of Emma Margaretha Florence Pinkerton dated 22 April 2022.

**Signed**



**Dated**

22 April 2022