

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

**The Honourable Mr Justice Nicklin
3 November 2020**

B E T W E E N:

**(1) NUNEATON AND BEDWORTH BOROUGH COUNCIL
(2) WARWICKSHIRE COUNTY COUNCIL**



-and-

**(1) THOMAS CORCORAN
(2)-(53) OTHER NAMED DEFENDANTS
(54) PERSONS UNKNOWN**

Defendants

ORDER

UPON FURTHER REVIEW of the documents available on CE-File including documents uploaded by the Claimant pursuant to the Order of 16 October 2020

AND UPON NOTING

- (1) The Claim Form was issued on 22 Feb 2019 against 53 named defendants and "Persons Unknown forming unauthorised encampments within the Borough of Nuneaton and Bedworth" as the 54th Defendant.
- (2) An order for alternative service of the Claim Form on Persons Unknown by alternative means was granted on 22 Feb 2019.
- (3) An interim injunction order was granted "until further order" on 22 March 2019 against 50 named persons and "Persons Unknown".
- (4) The Claimants appear to have failed to progress the action to a final hearing and the grant of a final order disposing of the claim.

- (5) The Claimants have not sought to restore the claim following the decision of the Court of Appeal in **LB Bromley -v- Persons Unknown** [2020] PTSR 1043 handed down on 21 January 2020; and **Canada Goose -v- Persons Unknown** [2020] 1 WLR 2802.

WITHOUT A HEARING AND OF THE COURT'S OWN INITIATIVE IT IS ORDERED that:

1. By 4.30pm on 20 November 2020 the Claimants must file a witness statement which:
 - a. confirms whether (i) there has been full compliance with Paragraph 5 of the Order for alternative service of the Claim Form dated 22 Feb 2019 and (ii) copies of the Claim Form and Injunction Order have remained available and legible at all times at every site affected by the Order; and
 - b. explains why the Claimants have apparently failed to progress the claim to a final hearing, having been granted an interim injunction, and what steps the Claimants have taken to address the impact on the interim order of, the Court of Appeal judgments in **LB Bromley** and **Canada Goose** including responding to correspondence from groups representing the interests of Gypsies and Travellers.
2. Pursuant to CPR 3.3(5), the Claimant may apply to the Court for this Order to be varied or discharged. Any such application:
 - a. must be made by Application Notice and supported by evidence;
 - b. issued and filed by 4.30pm on 10 November 2020; and
 - c. unless otherwise directed, will be determined by Mr Justice Nicklin on paper.

REASONS

- (A) The Court wishes to be assured as to compliance with the Order for alternative service.
- (B) The Claimants appear to have obtained an interim injunction, but then failed to progress the claim to a final hearing. Such conduct is arguably an abuse of process. The description of the Persons Unknown Defendants is important – see **Canada Goose**. More generally, the Claimant has failed to address the impact on the final injunction of the Court of Appeal decisions in **LB Bromley** and **Canada Goose**.

3 November 2020