

IN THE HIGH COURT OF JUSTICE

CLAIM No. COB-2018-000670

QUEENS BENCH DIVISION

MR JUSTICE MORRIS

BETWEEN

FORTUNE SAIL INTERNATIONAL LIMITED

CLAIMANT

-and-

**PERSONS UNKNOWN ENTERING OR
REMAINING IN THE AREAS OF 122 LEADENHALL
STREET, LONDON EC3 WHICH ARE IDENTIFIED
IN THE PARTICULARS OF CLAIM, OR UPON ITS
EXTERNAL STRUCTURE, WITHOUT THE
CLAIMANT'S PERMISSION**

DEFENDANTS



ORDER

PENAL NOTICE

IF YOU BEING ANY PERSON DESCRIBED ABOVE AS A DEFENDANT DO NOT COMPLY WITH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED OR FINED OR YOUR ASSETS MAY BE SEIZED

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

IMPORTANT

NOTICE TO THE DEFENDANTS

This Order prohibits you from doing the acts set out in this Order. You should read it all carefully. You are advised to consult a solicitor as soon as possible. You have a right to ask the Court to vary or discharge this order.

If you disobey this Order you may be found guilty of Contempt of Court and may be sent to prison, be fined or your assets may be seized.

UPON the Claimant's application dated 20 December 2018;

AND UPON HEARING Mr Toby Watkin for the Claimant;

AND UPON READING the evidence enclosed with this application and set out in Schedule 1 of this Order;

AND UPON ACCEPTING the undertakings from the Claimant in Schedule 2 of this Order;

IT IS ORDERED AS FOLLOWS:

THE INJUNCTION

- 1 **This injunction relates to the building known as The Leadenhall Building, 122 Leadenhall Street, London, EC3V 4PE shown edged red on the plan attached to this Order and referred to in this Order as "the Building".**
- 2 **The Defendants must not, without the permission of the Claimant:**
 - 2.1 **access or remain on the 42nd floor of the Building without the consent of the Claimant or any lawful licensee of the Claimant;**
 - 2.2 **access or remain on the 46th – 51st floors of the Building without the consent of the Claimant;**
 - 2.3 **access or remain on any basement areas of the Building below ground level, without the consent of the Claimant;**
 - 2.4 **climb upon any part of the exterior structure of the Building (including any areas of roof).**

VARIATION OR DISCHARGE OF THIS ORDER

- 3 Any person affected by this order may apply to the Court at any time to vary or discharge paragraphs 1 – 3 of this order, but must first inform the Claimant's solicitors in writing at least 48 hours before doing so.
- 4 Unless set aside or varied, paragraphs 1 and 2 of this order will remain in force until 20 December 2021.

COMMUNICATIONS AND NOTICE

- 5.1 Communications with the court should be sent to:
Queen's Bench Associates
Queen's Bench Division
The Royal Courts of Justice
Strand
London WC2A 2LL
Telephone
020 7947 7772
- 5.2 Communications to the Claimants should be sent to their solicitors:
Bryan Cave Leighton Paisner LLP
Adelaide House
London Bridge
EC4R 9HA
Ref: JSPH/

INTERPRETATION OF THIS ORDER

- 6 In this Order, where more than one person has been ordered not to do something, then none of those persons may do that thing, whether alone or in combination with any other person.

THE EFFECT OF THIS ORDER

- 7 A person who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through the other acting on his behalf or on his instructions or with his encouragement.
- 8 It is a contempt of court for any person notified in this order knowingly to assist or permit a breach of this order. Any person doing so may be imprisoned, fined or have their assets seized.

SERVICE OF THE PROCEEDINGS AND THIS ORDER

- 9 In this part of this Order, the term "the Proceedings" means copies of the following documents:
- 9.1 Sealed copy of the Claim Form;

- 9.2 Sealed copy of the Particulars of Claim;
 - 9.3 A copy of the Response Pack (Acknowledgment of Service form N9, Admission Form N9C, and Defence and Counterclaim Form N9D);
 - 9.4 A copy of the Claimant's Application dated 20 December 2018;
 - 9.5 A copy of the Witness Statement of Jason Leong dated 20 December 2018;
- 10 Service of the Proceedings of the Defendants is dispensed with however any person seeking a copy of the Proceedings may write to the Claimants' Solicitors requesting the same.
- 11 This Order shall be served by displaying a notice describing the effect of this order, and a summary of the content of its penal notice, prominently at all pedestrian and vehicular entrances and fire escapes of the Building and in prominent locations at ground level around the exterior of the Building. The notice shall include:
- (i) an address and telephone number for the Claimant's solicitors and a statement that a copy of the order and the proceedings can be obtained from them;
 - (ii) a website address at which a copy of the order can be viewed.

SERVICE OF THE ORDER

The court has provided a sealed copy of this order to the serving party, Bryan Cave Leighton Paisner LLP at Adelaide House, London Bridge, EC4R 9HA Ref: JSPH/39711/23

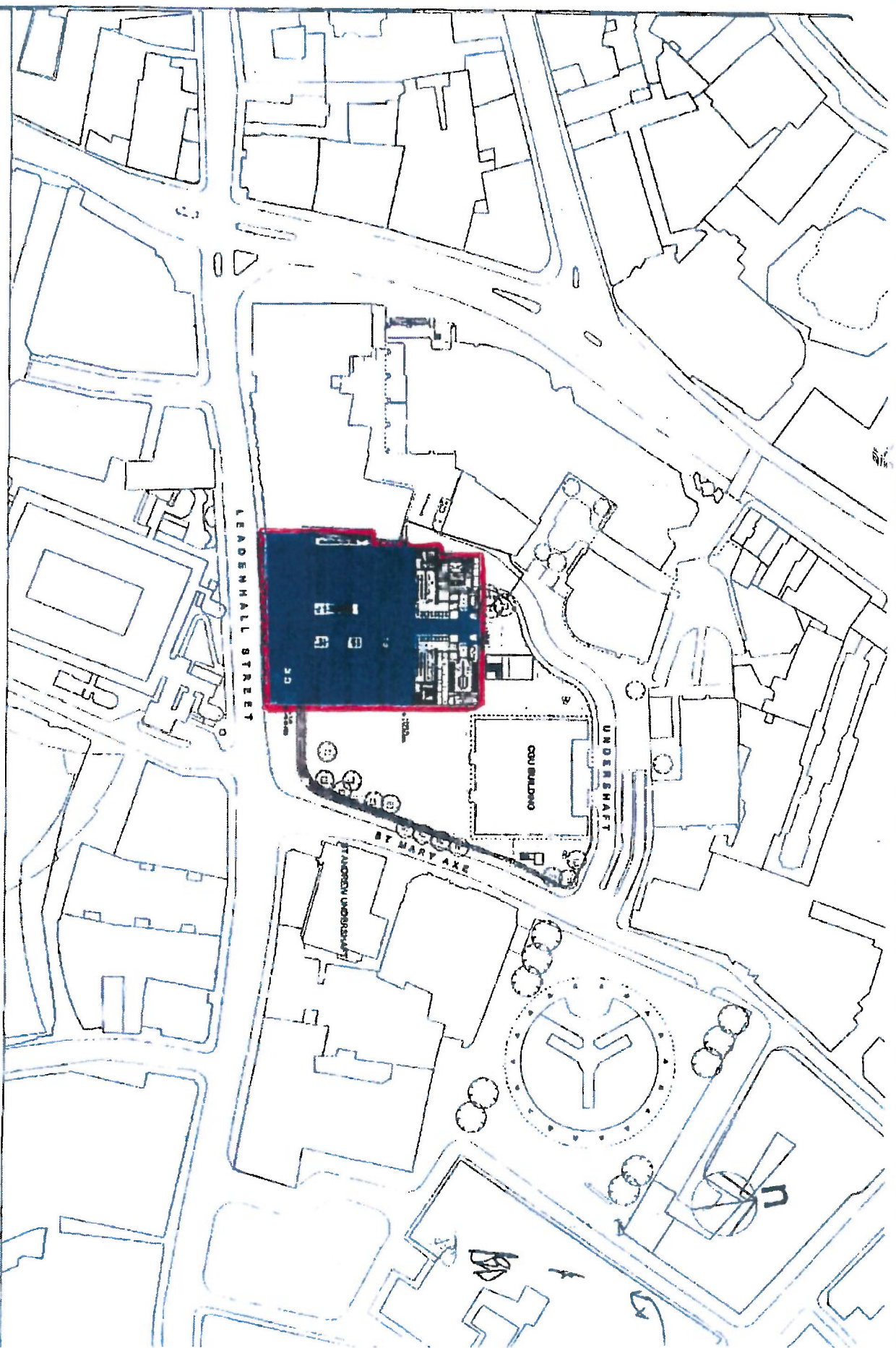
SCHEDULE 1

The judge read the witness statement of Jason Leong dated 20 December 2018 before making this order.

SCHEDULE 2

The Claimant has given the following undertakings to the Court:

- 1 If the Court later finds that this Order has caused loss to anyone and decides that the Defendant should be compensated for that loss, the Claimants will comply with any order the Court may make in that regard;
- 2 The Claimant undertake to serve this Order in accordance with its provisions.



The Leaderhall Building

Plan 2: Public Space beneath Building/REV C 1:500 at A1 22:03:05