

In the High Court of Justice  
Queen's Bench Division

Case no: HQ10X02725

Before the Hon Mr Justice Spencer  
Amended by the Hon Mr Justice Burnett  
Between:



- (1) Fortress Investment Group (UK) Limited (for and on behalf of all members of the Fortress Group who retain employees pursuant to CPR 19.6)
- (2) Peter Briger (for and on behalf of the Employees of the Fortress Group, its Shareholders, Suppliers and Service Providers pursuant to CPR 19.6)

Claimants

-and-

- (1) STOP HUNTINGDON ANIMAL CRUELTY ("SHAC") (an unincorporated association by its representatives Dr Max Gastone and Greg Avery acting for and on behalf of the members of SHAC and all protestors conducting activities against the Claimants pursuant to CPR 19.6)
- (2) GREG AVERY
- (3) NATASHA AVERY
- (4) HEATHER NICHOLSON (Also known as Heather James)
- (5) Dr MAX GASTONE

Defendants

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**ORDER DATED 15<sup>TH</sup> OCTOBER 2010 AND AMENDED ON 8<sup>TH</sup> JULY 2011**

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**PENAL NOTICE**

**IF YOU, BEING A WITHIN NAMED DEFENDANT, OR A PROTESTOR BOUND BY THIS ORDER, DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED OR FINED. THIS ORDER IS GRANTED UNDER SECTIONS 3 AND/OR 3A OF THE PROTECTION FROM HARASSMENT ACT 1997. BREACH OF THIS ORDER BY ANY PERSON BOUND BY IT MAY RESULT IN ARREST BY THE POLICE AND PROSECUTION AND YOU MAY BE FOUND TO BE GUILTY OF A CRIMINAL OFFENCE FOR WHICH YOU MAY BE IMPRISONED OR FINED OR BOTH**

## DEFINITIONS

This Order shall be construed in accordance with the following Orders and/or Definitions:-

1. Peter Briger shall represent the Employees of the Fortress Group, its Shareholders, Suppliers, Service providers and the Protected Persons pursuant to the Civil Procedure Rules 1998 (CPR) 19.6.
2. Dr Max Gastone and Greg Avery shall represent the members of the unincorporated association Stop Huntingdon Animal Cruelty ("SHAC") and all protestors conducting activities against the Claimants pursuant to CPR 19.6.
3. In this Order:
  - 3.1 "Harass" has the same meaning as in the Protection From Harassment Act 1997 ("the Act").
  - 3.2 "References" to "he", "him" or "his" shall be taken as meaning "she", "her" or "hers" where appropriate.
  - 3.3 "Exclusion Zone" shall mean any areas in which Protesting Activities (as defined in paragraph 5.8) are prohibited or curtailed by this Order or otherwise.
  - 3.4 The Fortress Group shall include ~~but shall not be limited to the First Claimant and the companies listed in Schedule 1 and the shareholders, suppliers and service providers shall include~~ LM Holdings Ltd and GMAC RFC Ltd and Mapeley Estates Limited ("the Fortress Group").
  - 3.5 "Designated Protest Areas" ("DPA") shall be the areas marked as such and delineated in green on Plans A, B, C ~~and D~~ annexed hereto.
  - 3.6 "Protestor" or "Protestors" shall mean:
    - 3.6.1 the Defendants whether by themselves, their servants, agents or otherwise;
    - 3.6.2 any person who is acting in concert with any of the named Defendants to do any act prohibited by this Order and who has notice of the terms of this Order whether by himself, his servants, agents, or otherwise;
    - 3.6.3 any other person who is protesting against:

- 3.6.3.1 the conduct of experimentation on live animals by Huntingdon Life Sciences (“HLS”);
  - 3.6.3.2 the business relationship between the Fortress Group and any animal research organisation (as defined by s.148 Serious Organised Crime & Police Act 2005).
- 3.7 Protected Persons shall mean:
- 3.7.1 the Second Claimant;
  - 3.7.2 the officers, employees and former employees of the Fortress Group;
  - 3.7.3 the employees of the Shareholders, Suppliers and Service Providers of the Fortress Group;
  - 3.7.4 the families (being immediate family members), servants or agents of the employees referred to above;
  - 3.7.5 any person other than a Protestor who is seeking to visit any premises referred to in this Order, or any premises or home belonging to or occupied by any Protected Person.

#### **THE ORDER**

**UPON HEARING the Solicitor for the Claimants and upon receiving representations from Stephen Parker, an interested party; and**

**IT IS ORDERED that the Claimants are entitled to and are granted summary judgment against the Defendants on the Claim in the terms of the injunction set out below**

**IT IS ORDERED until further order that:**

- 4. The Protestors be restrained from pursuing a course of conduct which amounts to harassment of the Protected Persons contrary to sections 3 and/or 3A of the Protection from Harassment Act 1997.

**AND**

- 5. In particular the Protestors be restrained under sections 3 and 3A of the Protection from Harassment Act 1997 from doing, causing, permitting, encouraging or assisting any of the following:

- 5.1 assaulting, harassing, molesting, threatening or otherwise interfering with any Protected Person;
- 5.2 photographing or videoing any Protected Person, or his vehicle or any premises or house belonging to or occupied by any Protected Person or otherwise recording registration details of Protected Persons vehicles (save that, for the avoidance of doubt, Protestors may photograph or video each other and Police Officers).
- 5.3 Making:
  - 5.3.1 any abusive or threatening communication whether orally, by telephone, in writing, by facsimile, by email or other electronic means to any Protected Person which shall include repetitive telephone calls, facsimiles, social network communications or emails;
  - 5.3.2 any communications whatsoever to any Protected Person at their homes, or on their private telephones, emails or social networking sites.
- 5.4 Knowingly picketing, demonstrating or loitering within 100 metres of any premises or home belonging to or occupied by any Protected Person. ~~5.4 Knowingly picketing, demonstrating or loitering within 100 metres of:-~~
  - ~~5.4.1 any premises or home belonging to or occupied by any Protected Person;~~
  - ~~5.4.2 any premises occupied by any of the Fortress Group (as defined in paragraph 3.4 above)~~
- 5.5 Knowingly entering onto, remaining on or trespassing on any premises or home belonging to or occupied by any Protected Person.
- 5.6 Publishing or procuring publication by any means whatsoever whether directly or indirectly by a third party publisher acting as agent or otherwise of names, addresses, telephone numbers, fax numbers, email addresses, car or other vehicle registration numbers or any other

material serving to identify a Protected Person or to publish his personal details.

**PROVIDED THAT** as and when a Protected Person is identified as such for the purposes of a newspaper article or a radio or television programme which is not published by a Protestor there shall be no restraint upon repetition of that which is so featured in the media nor upon the terms of any media response **SAVE THAT** any response must not contravene the terms of subparagraph 5.6.

5.7 Inciting, compelling or coercing any Protected Person against his will from doing something he is entitled or required to do or to do something that he is not under any obligation to do.

5.8 (Subject to clauses 5.9 and 5.10 below) coming to, remaining on, trespassing or conducting any demonstrations, processions or assemblies or protesting or other related activities ("Protesting Activities") within the following areas of land identified on the plans annexed hereto and coloured in pink, blue and yellow, being exclusion zones and being land situated in the immediate vicinity of the following premises:-

~~5.8.1 5 Savile Row, London W1S 3PD (Plan A) (note that the DPA shown in green on the plan is now situated 3 metres to the East of the DPA in paragraph 5.8.1 of the interim order dated 29 July 2010);~~

5.8.1 75 King William Street, London EC4N 7BE (Plan B A);

5.8.2 Innovation House, Unit 12a, Shuttleworth Mead Business Park, Blackburn Road, Padiham, Burnley, Lancashire BB12 7NG (Plan G B).

5.8.3 Blue Fin Building, 110 Southwark Street, London SE1 0TA (Plan D C).

**SAVE THAT** nothing in these provisions shall prevent Protestors from passing and re-passing in ordinary course in vehicles along the roads coloured blue;

**AND SAVE THAT**

5.9 Demonstrations may be conducted once every 7 days in each of the aforesaid exclusion zones in the following terms namely:

5.9.1 the number of Protestors present at such demonstrations shall not exceed 8 individuals; and

5.9.2 the maximum duration shall not exceed 60 minutes; and

5.9.3 demonstrations may only occur on Fridays as follows:

~~(a) 5 Savile Row, London W1S 3PD between 10am and 12pm~~

(a) 75 King William Street, London EC4N 7BE between 12pm and 2pm

(b) Blue Fin Building, 110 Southwark Street, London SE1 0TA between 2pm and 4pm

(c) Innovation House, Unit 12a, Shuttleworth Mead Business Park, Blackburn Road, Padiham, Burnley, Lancashire BB12 7NG between 10am and 12 pm

5.9.4 demonstrations may only occur within the DPA marked and coloured green on the scale plans annexed hereto; and

5.9.5 the Protestors may enter the exclusion zone for the sole purpose of gaining access to the DPA and the said Protestors shall place any banners, placards or signs which may be carried by them solely within the DPA without obstructing pedestrians, or distracting or obstructing drivers; and

5.9.6 the Protestors shall not park their vehicles within the boundaries of the exclusion zone except in cases of emergency other than in marked car parking spaces specifically allocated to members of the public; and

- 5.9.7 the Protestors may not use any instruments whatsoever (whether or not so designed) for the making of artificial or musical noise or to amplify sound including loud hailers; and
- 5.9.8 the Protestors may not wear balaclavas or face coverings (save for the purpose of adhering to genuinely held religious convictions or in prevailing cold weather), masks (whether skull, death, 'Scream', Halloween or otherwise) and/or blood splattered clothing or costumes; and
- 5.9.9 the Protestors must not at any time carry or ignite fireworks, operate pyrotechnics or set fire to or burn any material or substances including effigies.
- 5.10 It is a condition precedent that not less than 24 hours before any proposed demonstrations, the Protestors shall have first respectively notified the Claimants and the police on the following telephone numbers:-
- ~~5.10.1 in relation to 5 Savile Row aforesaid, Tel: 020 7290 5600 for the First Claimant and Tel: 0207 321 7524 for the Westminster Police Safer Neighbourhood Team.~~
- 5.10.1 in relation to 75 King William Street aforesaid, Tel: 020 7070 7443 for LM Holdings Ltd and Tel: 020 7601 2515 for the City of London Police Operational Planning Department.
- 5.10.2 in relation to Innovation House aforesaid, Tel: 0844 770 8045 for GMAC RFC Ltd, and Tel: 0845 125 3545 for the Lancashire Constabulary Control Centre.
- 5.10.3 in relation to Blue Fin Building aforesaid, Tel: 0845 11 33 444 for Mapeley Estates Limited, and Tel: 020 8721 2801 for the Metropolitan Police.
- 5.11 When notifying the police in accordance with sub-paragraph 5.10 above the Protestors must include the name of the group or groups, the registration number of any vehicles, the proposed number of

Protestors, the site, the proposed start and end time of any protest, the identity of the organiser and a contact telephone number.

- 5.12 When notifying the Claimants in accordance with sub-paragraph 5.10 above the Protestors must include the name of the group or groups and the site, date and time of the demonstration.

**IT IS FURTHER ORDERED THAT:**

6. This Order is binding on all Defendants and Protestors pursuant to CPR 19.6(4)(a).
7. There be substituted service of this Order herein on the Defendants (and the interested party Stephen Parker) by sending the same by pre-paid ordinary first class post in sealed envelopes addressed to:
  - 7.1 Stop Huntingdon Animal Cruelty ("SHAC") at 89 Bush road, East Peckham, Tonbridge, Kent TN12 5LJ and BM SHAC, London WC1N 3XX;
  - 7.2 Dr Max Gastone at 15 Sholbrooke Avenue, Leeds, LS7 3HB;
  - 7.3 Greg Avery [A4874AD] HM Prison Coldingley, Shaftsbury Road, Bisley, Woking, Surrey GU24 9EX;
  - 7.4 Natasha Avery [A5180AD] HM Prison Send, Ripley Road, Woking, Surrey GU23 7LJ;
  - 7.5 Heather Nicholson [A3158AJ] HM Prison Foston Hall, Foston, Derby, Derbyshire DE65 5DN;
  - 7.6 Stephen Parker of 76 Clarence Road, Hackney, London, E5 8HB.
8. There be substituted service of this Order by exhibiting the same on posts within the exclusion zones.
9. There be substituted service of this Order by posting a copy of the same on the Website [www.shac.net](http://www.shac.net) on terms that SHAC is ordered, within 5 working days of receiving a copy of this Order in electronic form from the Claimants' solicitors, to place and maintain copies of this Order on the above website or

any further websites created or controlled by them and to take all steps necessary to bring the same to the attention of their members or subscribers and to the attention of the Protestors referred to in this Order. In particular the Second, Third and Fourth Defendants are ordered to use their best endeavours to ensure that copies of this Order are placed on the websites referred to above.

10. The Defendants and any party affected by this Order may apply to the Court at any time to vary or discharge this order but if they wish to do so they must inform the other party in writing at least 21 days beforehand except in case of emergency and further that there be liberty to apply on short notice limited to an application to vary the number of protestors able to protest at the DPAs referred to above and the precise locations of those DPAs.
11. Liberty to apply generally.
12. No orders as to costs.

Dated this 15th day of October 2010

Amended this 8<sup>th</sup> day of July 2011

## **GUIDANCE NOTES**

### **THE EFFECTS OF THIS ORDER**

- I A Defendant or a Protestor 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 others acting on his behalf or on his instructions or with his encouragement.
- II A Defendant or a Protestor which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

### **INTERPRETATION OF THIS ORDER**

- III In this Order, where there is more than one Defendant, (unless otherwise stated) references to "the Defendant" means all of them.
- IV A requirement to serve on "the Defendant" means on each of them. However, the Order is effective against any Defendant on whom it is served.

- V An Order requiring "the Defendant" to do or not to do anything applies to all Defendants.

### **COMMUNICATIONS WITH THE COURT**

All communications to the Court about this Order should be sent to Room WG 08, Royal Courts of Justice, Strand, London WC2A 2LL quoting the case number. The telephone number is 0207 947 6010. The offices are open between 10 am and 4.30pm Monday to Friday.

#### **Schedule 1**

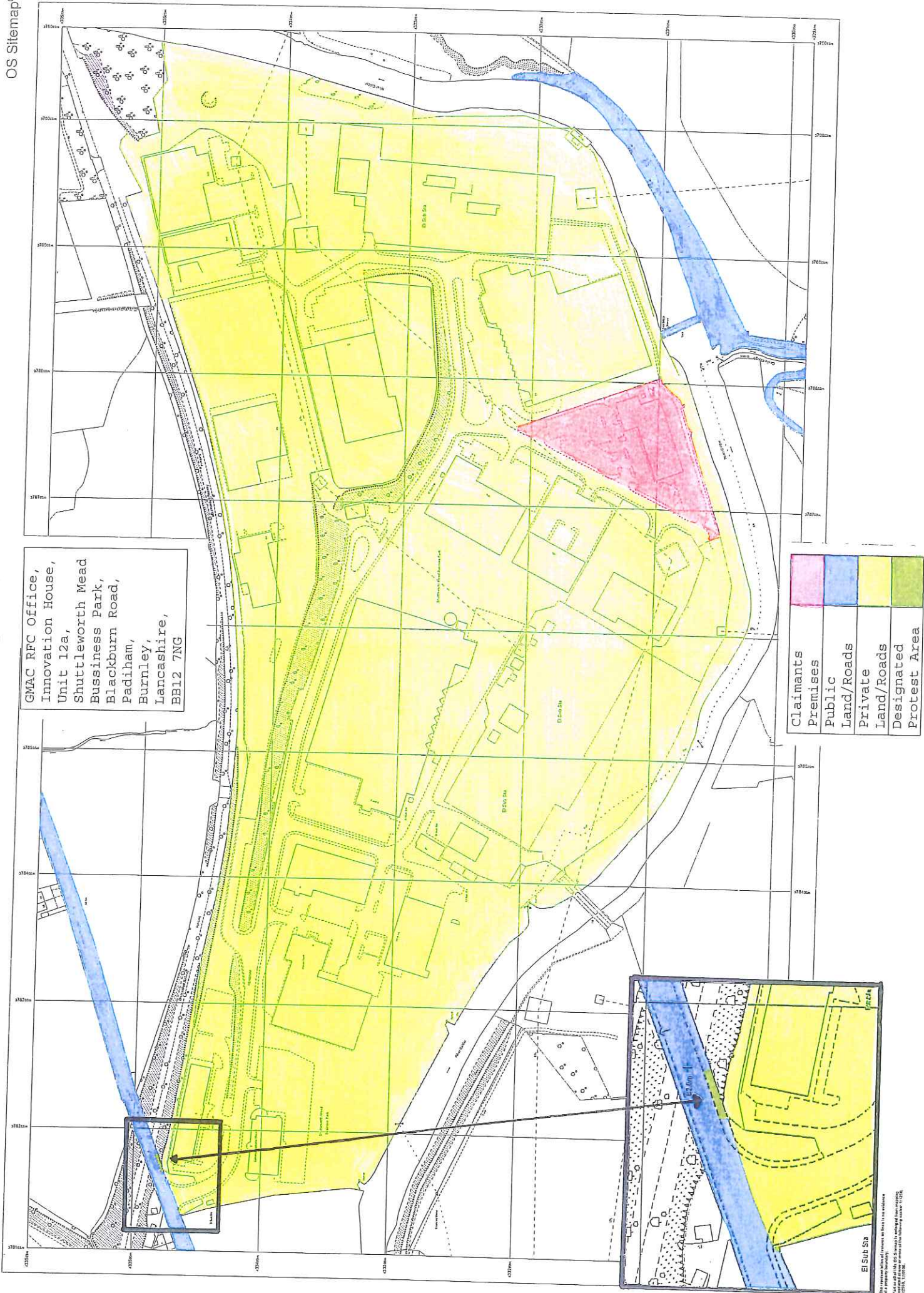
~~Fortress Investment Group LLC and any company partnership or other corporate entity directly or indirectly owned controlled or managed by it.~~

# PLAN A

Legg Mason International  
Distribution,  
75 King William Street,  
London,  
EC4N 7BE



Claimants Premises	
Public Land/Roads	
Designated Protest Area	



The representation of features on this map is not intended as a statement of fact. It is based on the best available information at the time of publication. It is not intended to be used for legal purposes. For more information, please contact Ordnance Survey on 0300 500050.

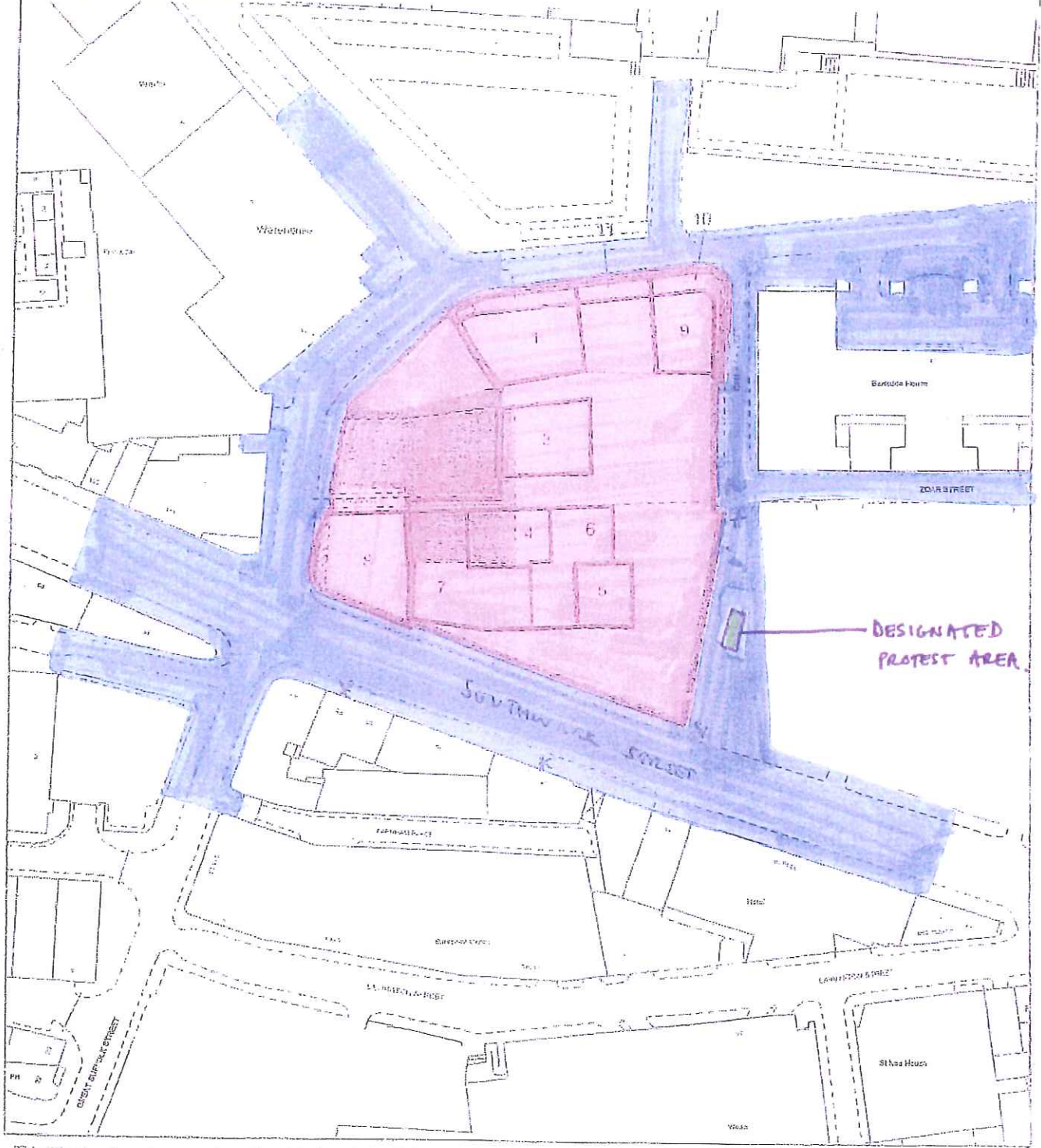
Mapeley Estates  
 Limited  
 Blue Fin Building  
 110 Southwark Street  
 London, SE1 0TA



ORDNANCE SURVEY MAP REFERENCE:

SCALE 1:1250

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 NOTE: SEE SUPPLEMENTARY PLAN S NO.1 to 6



This title plan shows the general position of the boundaries; it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry's *Guide to Title Plans*.  
 This official copy shows the state of the title plan on 24 March 2005 at 10:24:13. It may be subject to distortions in scale. Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.  
 Issued on 29 April 2005.  
 This title is dealt with by the Telford District Land Registry.

Claimants	
Premises	
Public Land/Roads	
Designated Protest Area	