

N244

Application notice

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Name of court The High Court of Justice, The Business and Property Courts of England and Wales, Chancery Division		Claim no. BL-2023-000713 11 Aug 2023										
Fee account no. (if applicable)		Help with Fees - Ref. no. (if applicable) BL-2023-000713										
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Warrant no. (if applicable)												
Claimant's name (including ref.) Jockey Club Racecourses Limited												
Defendant's name (including ref.) (1) Daniel Frank Peter Kidby (2) Persons Unknown entering the area described in the Claim Form as the "Race Track" on the day of a "Racing Fixture", except at "Crossing Points" with "Authorisation", as described in the Claim Form (3) Persons Unknown entering and/or remaining on any "Crossing Points" without "Authorisation" on the day of a "Racing Fixture", as described in the Claim Form (4) Persons Unknown entering the area described in the Order dated 26 May 2023 as the "Parade Ring" without "Authorisation" on the day of a "Racing Fixture", as described in the Claim Form (5) Persons Unknown entering and/or remaining on any part of the areas described in the Claim Form as the "Horses' Route to the Parade Ring" and/or the "Horses' Route to the Race Track" without "Authorisation" on the day of a "Racing Fixture", as described in the Claim Form (6) Persons Unknown intentionally obstructing the "Horse Races", as described in the Claim Form (7) Persons Unknown intentionally causing any object to enter onto and/or remain on the "Race Track" without "Authorisation" on the day of a "Racing Fixture", as described in the Claim Form (8) Persons Unknown intentionally endangering any person at the location described in the Claim Form as the "Epsom Racecourse" on the day of a "Racing Fixture", as described in the Claim Form												
Date		11 August 2023										

1. What is your name or, if you are a legal representative, the name of your firm?

Pinsent Masons LLP

2. Are you a Claimant Defendant Legal Representative

Other (please specify)

If you are a legal representative whom do you represent?

Claimant / Applicant

3. What order are you asking the court to make and why?

(1) Permission for service of the Contempt Application and the Order on the Second to Eighth Defendants by alternative means, as set out in the Draft Order.

4. Have you attached a draft of the order you are applying for?

Yes No

5. How do you want to have this application dealt with?

at a hearing without a hearing

at a telephone hearing

6. How long do you think the hearing will last? Is this time estimate agreed by all parties?

Hours Minutes

Yes No

7. Give details of any fixed trial date or period

8. What level of Judge does your hearing need?

Please see cover letter

9. Who should be served with this application?

Each of the Defendants - as set out in the attached Draft Order.

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

If necessary, please continue on a separate sheet.

I, JULIAN DIAZ-RAINEY, of Pinsent Masons LLP, 30 Crown Pl, Earl St, London EC2A 4ES, WILL SAY as follows:

1. I am a solicitor of the Senior Court in England and Wales and a Partner (or, more precisely, a Member) in the firm of Pinsent Masons LLP, solicitors for the Applicant / Claimant.
2. The Applicant has today filed in addition to this Application, a Committal Application on Form N600. The Committal Application is made against Mr Ben Newman.
3. The Committal Application will be served on Mr Newman personally in accordance with CPR 81.5.
4. The Committal Application is not made against the First Defendant, but will be served on the First Defendant in accordance with CPR 6.
5. The Applicant respectfully requests an Order as set out in the enclosed draft in respect of alternative service of the Committal Application on Defendants (2)-(8) inclusive, in accordance with CPR 6.15 and 6.27.
6. CPR 6.15 is engaged where it appears to the Court that there is a good reason to authorise service by alternative means. Defendants (2)-(8) are persons unknown and accordingly conventional methods of service (which are self-evidently designed for known defendants) are of no utility. I therefore submit that there is a good reason to authorise service by alternative means and, as to this, rely upon the decision of Sir Anthony Mann to authorise service of the underlying Claim Documents and Order by such alternative means.

Statement of Truth

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.

I believe that the facts stated in section 10 (and any continuation sheets) are true.

The Applicant believes that the facts stated in section 10 (and any continuation sheets) are true. I am authorised by the applicant to sign this statement.

Signature



Applicant

Litigation friend (where applicant is a child or a Protected Party)

Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day

11

Month

08

Year

2023

Full name

Julian Diaz-Rainey

Name of applicant's legal representative's firm

Pinsent Masons LLP

If signing on behalf of firm or company give position or office held

Partner

Applicant's address to which documents should be sent.

Building and street

3 Hardman Street

Second line of address

Town or city

Manchester

County (optional)

Postcode

M 3 | | | 3 | A | U |

If applicable

Phone number

+44 (0) 20 7418 7000

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DX number

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Your Ref.

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