

BETWEEN:

JOCKEY CLUB RACECOURSES LIMITED

Claimant/Applicant

and

- (1) DANIEL FRANK PETER KIDBY
- (2) PERSONS UNKNOWN ENTERING THE AREA DESCRIBED BELOW AS THE “RACE TRACK” ON THE DAY OF A “RACING FIXTURE”, EXCEPT AT “CROSSING POINTS” WITH “AUTHORISATION”, AS DESCRIBED BELOW
- (3) PERSONS UNKNOWN ENTERING AND/OR REMAINING ON ANY “CROSSING POINTS” WITHOUT “AUTHORISATION” ON THE DAY OF A “RACING FIXTURE”, AS DESCRIBED BELOW
- (4) PERSONS UNKNOWN ENTERING THE AREA DESCRIBED BELOW AS THE “PARADE RING” WITHOUT “AUTHORISATION” ON THE DAY OF A “RACING FIXTURE”, AS DESCRIBED BELOW
- (5) PERSONS UNKNOWN ENTERING AND/OR REMAINING ON ANY PART OF THE AREAS DESCRIBED BELOW 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 BELOW
- (6) PERSONS UNKNOWN INTENTIONALLY OBSTRUCTING THE “HORSE RACES”, AS DESCRIBED BELOW
- (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 BELOW
- (8) PERSONS UNKNOWN INTENTIONALLY ENDANGERING ANY PERSON AT THE LOCATION DESCRIBED BELOW AS THE “EPSOM RACECOURSE” ON THE DAY OF A “RACING FIXTURE”, AS DESCRIBED BELOW
- (9) MR BEN NEWMAN

Defendants/Respondents

BUNDLE OF ADDITIONAL EVIDENCE
FURTHER TO CLAIMANT’S APPLICATION
DATED 1 JULY 2024

BUNDLE INDEX
ADDITIONAL EVIDENCE FURTHER TO CLAIMANT'S APPLICATION DATED 1 JULY 2024

TAB	DOCUMENT	DATE	PAGE NUMBER
WITNESS EVIDENCE			
1.	Second Witness Statement of Julian Diaz-Rainey	1 July 2024	3-7
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Filed on behalf of the Claimant

Witness Statement of Julian Diaz-Rainey

Statement No. 2

Date: 1 July 2024

Exhibits: JDR2

CASE NO: BL-2023-000713

**IN THE HIGH COURT OF JUSTICE
THE BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
CHANCERY DIVISION
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(9) MR BEN NEWMAN

SECOND WITNESS STATEMENT OF JULIAN DIAZ-RAINEY

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 ("**PM**"), solicitors for the Applicant / Claimant.
2. Save where stated to the contrary, the facts and matters contained in this witness statement are within my own knowledge (gained whilst acting as a solicitor for the Applicant) and are true. Where facts and matters are outside my knowledge, the source is stated and I believe those facts to be true.
3. During the course of this statement, I will refer to certain documents, copies of which are exhibited in a paginated bundle marked 'JDR2' which accompanies this statement. Save where stated otherwise, references below to page numbers are to the pages of exhibit 'JDR2'.

Duty of Full and Frank Disclosure

4. As recently re-affirmed by the case of *Wolverhampton City Council v London Gypsies and Travellers [2023] UKSC 47*, the Claimant is under an ongoing duty to provide full and frank disclosure to the Court, which requires reasonable research and diligence as to the circumstances around this case.
5. It has come to the Claimant's attention that there has been a change of circumstances that affects the content of the Second Witness Statement of Nevin Truesdale, Chief Executive Officer of the Claimant.¹ The purpose of this statement is to provide an update to the Court so that it is aware of the change in circumstances and current position.

Animal Rising - Website

¹ Pages 2 to 10 of JDR2 (Pages 531-539 of the Disposal Hearing Bundle.)

6. The Second Witness Statement of Nevin Truesdale provided further evidence ahead of the Disposal Hearing. The Court is referred to paragraphs 11 to 23 of this statement which provides details of the actions and statements of the protest group, Animal Rising (“AR”).²
7. Having monitored AR’s website, <https://www.animalrising.org/>, there have recently been a number of changes in its content, which impact on the evidence provided in the Second Witness Statement of Nevin Truesdale.
8. The ‘About Us’ section of AR’s website has been altered and the references to disrupting horse racing events detailed in paragraph 22 of the Second Witness Statement of Nevin Truesdale³ have been removed.⁴
9. The ‘How we achieve change’ section of AR’s website, which included mass trespass onto animal racing events detailed further in paragraph 22 of the Second Witness Statement of Nevin Truesdale⁵ has been removed.

Animal Rising – Recent Action

10. However, it is clear that those behind AR have not changed their objective of bringing about “the death of the racing industry”. On 5 April 2024, AR posted a petition to cancel the Grand National on its Facebook page, stating that *‘we can speed up the death of the racing industry if we keep shouting loudly and refuse to be silenced’*.⁶
11. On 13 April 2024, ahead of the Grand National, a statement from Mr Kidby was posted on AR’s website. Mr Kidby stated that AR’s actions in disrupting the Grand National in 2023 *‘shone a spotlight on the deaths’* of the horses and that AR *‘don’t believe disruption is needed to draw attention to this again’*.⁷
12. On the same date, AR posted another statement on its website criticising the horse racing industry which claims *‘to have the horses’ best interests at heart while literally racing them to death’*. Further, that *‘people are becoming more aware of the cruelty of horse racing, and we are relying on public pressure to help us take this ‘sport’ off our screens and consign it to the history books.’*⁸

² Pages 5 to 7 of JDR2 (Pages 534-536 of the Disposal Hearing Bundle.)

³ Page 7 of JDR2 (Page 536 of the Disposal Hearing Bundle.)

⁴ Pages 515 to 517 of JDR2

⁵ Page 7 of JDR2 (Page 536 of the Disposal Hearing Bundle.)

⁶ Pages 518 to 519 of JDR2

⁷ Pages 520 to 522 of JDR2

⁸ Pages 523 to 525 of JDR2

13. On 14 April 2024, AR posted a statement following the death of a horse at Aintree Racecourse asserting that AR will *'continue to call out the cruelty and lies'* in the horse racing industry.⁹ AR also posted on its Facebook page accusing the Grand National of attempting to *'rewrite history'* and *'scrambling for a PR win'* following the death of two horses.¹⁰
14. In the 'previous campaigns' section of AR's website, AR's actions at the Grand National are detailed under the heading '2023 Summer of Animal Rising'. AR state that the actions of its protesters at the Grand National *'achieved 9 front-pages and hours of broadcast air-time'* and that they *'disrupted three more horse racing events, occupied an intensive dairy farm, rescued three sheep from the King's land, demonstrated outside half of the UK's remaining greyhound racetracks and dropped a banner at the Greyhound Derby Final.'*¹¹
15. AR, accordingly, continues to trumpet the 'success' of its disrupting of horse/dog racing events. I note that a video featuring Alex Lockwood, a co-founder of AR, who looks back on AR's 'achievements' in 2023, which is referred to in the Second Witness Statement of Nevin Truesdale, remains on AR's YouTube channel, which has 3,250 subscribers¹². In that video, Mr Lockwood champions protest action at the 2023 Grand National, and the 2023 Derby in spite of the Interim Injunction Order. Mr Lockwood states that the Ninth Defendant's actions at the 2023 Derby created AR's "biggest ever press day" and helped the group to further its aims and agenda.¹³

Recent Protests at Sporting Events

16. I note also that the attraction of sporting events as a publicity vehicle for protean protest groups has very recently been underscored when, on 24 June 2024, protesters from the group Extinction Rebellion delayed the final round of the KLM Golf Open by blocking the entrance in Amsterdam. Later that day, protesters from the same group ran onto the 18th green at TPC River Highlands in the Travelers Championship, throwing red and white powder onto the green.¹⁴

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.

⁹ Pages 524 to 525 of JDR2

¹⁰ Page 526 of JDR2

¹¹ Page 527 of JDR2

¹² Page 528 of JDR2

¹³ Pages 474 of JDR2 (Page 1003 of the Disposal Hearing Bundle.)

¹⁴ Pages 529 to 534 of JDR2

A handwritten signature in black ink, appearing to be 'JD' or similar, written on a light-colored rectangular background.

Signed.....

Julian Diaz-Rainey

Date.....1 July 2024.....

JDR2

**SECOND WITNESS STATEMENT OF NEVIN
TRUESDALE**

**(PAGES 531-539 OF THE DISPOSAL
HEARING BUNDLE)**

EXHIBIT NT4

**(PAGES 540-1043 OF THE DISPOSAL
HEARING BUNDLE)**

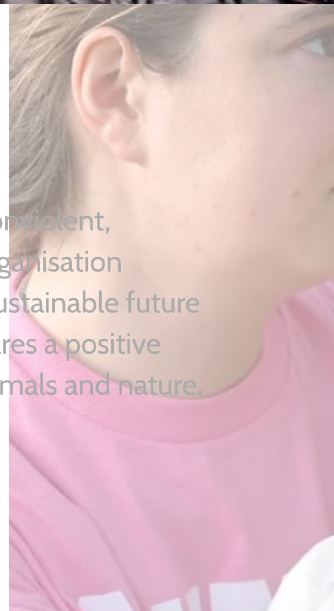
ABOUT US



FOR ALL LIFE

ANIMALS • NATURE • CLIMATE

Animal Rising is a nonviolent, people-powered, organisation working towards a sustainable future where humanity shares a positive relationship with animals and nature.



THE CHALLENGE

The animal farming and fishing industries are causing untold suffering to trillions of animals every year.

These industries, alongside fossil fuels, are a leading cause of the climate and ecological emergencies.

Urgent action is required to protect all life.



THE SOLUTION

The key solution to these challenges is to support farming and fishing communities in the necessary and urgent transition to a sustainable and just plant-based food system.

This will provide an abundance of food on far less land, providing the space for nature to recover and wildlife to return; whilst still feeding our growing population and drawing down carbon from the atmosphere.

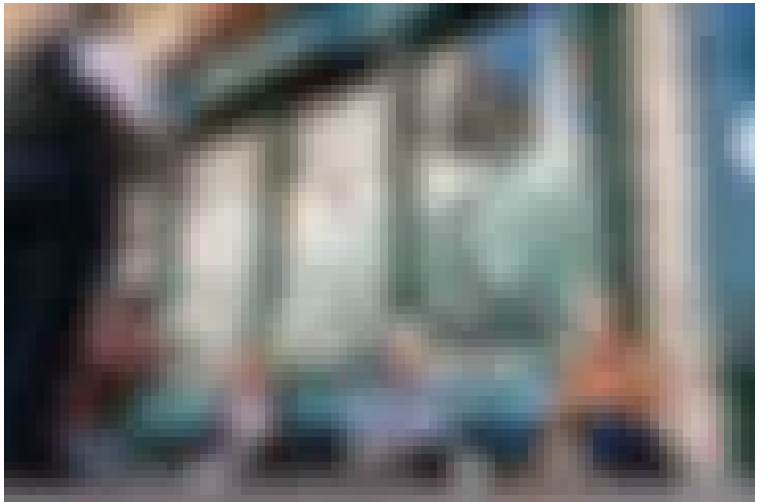
And, crucially, it will enable animals to live full, fulfilling lives free from the suffering experienced on farms.

HOW WE ACHIEVE IT

1. By generating a national conversation on the need to transform our food system with bold and impactful campaigns.

2. By supporting local people to create change for themselves by campaigning for 100% plant-based catering in influential institutions like Universities and Councils.

3. By building alliances with key stakeholders who are close to us, like within the climate and nature movements, and building bridges with those far away from us, like animal farming and fishing communities.



OUR VALUES

TRUTH

We tell the truth and act with the urgency it demands.

LOVE

We treat everyone with kindness and respect:
animals, farmers and the general public.

COURAGE

We are willing to stand up for what is right, no matter
the personal cost.

FAITH

We believe that transformative change is possible.

Contact us - info@animalrising.org

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About

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Animal Rising



5 Apr · 🌐

We Can End the Grand National!

Sign the petition to end the Grand National: <https://actionnetwork.org/petitions/cancel-the-grand-national/>

A year ago we delayed the Grand National and made headlines across the world, with over 100 Animal Rising supporters arrested as we protested the cruelty of horse racing. It led to a nationwide conversation on what it means to be an animal lover and the beginning of the end of horse racing in the UK.

This year, we want to let Aintree know – we don't need to be there to effect change, and the animal-loving British public demands an end to the industry - forever.

Don't be fooled by the industry's frantic new PR campaign promoting "welfare". To avoid further questioning on the ethics of racing, the Jockey Club has now reduced the maximum number of horses in a race to 34 to improve their chances of survival.

These changes show the impact of public protest and the importance of keeping the media's eye on horse racing. The world is watching as the Jockey Club continues to dig horse racing's grave deeper and deeper.



Home



Video



Friends



Marketplace



Notifications



Menu



Animal Rising



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The lives of hundreds of horses will be risked in the pursuit of profit next weekend and over the summer, and one death is too many. Sign the petition to end the Grand National: <https://actionnetwork.org/petitions/cancel-the-grand-national/>

We can speed up the death of the racing industry if we keep shouting loudly and refuse to be silenced.



👍👤❤️ 198

226 comments 95 shares

👍 Like

💬 Comment

📧 Send

➦ Share



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Notifications



Menu

 Animal Rising Press  Apr 13 2 min read

Jockey Club Communication Ahead Of Grand National 2024

- Ahead of 2024's Grand National, Animal Rising has communicated its decision not to disrupt the race to Nevin Truesdale personally.
- Dan Kidby, Co-Founder of Animal Rising, sent an email to Mr Truesdale and the Jockey Club on Thursday explaining the decision.

Full text:

I hope you are well.

I'm just writing to confirm with you that, as reported in the media, Animal Rising has no intention to disrupt the Grand National.

Animal Rising's actions last year shone a spotlight on the deaths that happen during the Grand National Festival. This light continues to shine and we don't believe disruption is needed to draw attention to this again.

Horses have died almost every single year at the Grand National; the safest bet one could make is that a horse would die. This continues to be the case in spite of rule changes, which are nothing more than a PR exercise to try to win back public opinion.

I pray no horse dies this year or the next, but when they sadly do, the public will see this, and they will be upset and outraged, and your social licence will continue to collapse. There will be nobody to else blame, and people will call for the end of this bloodsport itself.

It grieves me to know that more horses will have to die on your tracks before horse racing ends. As I write this, I think of Hill Sixteen who died on the first fence last year. I think of Eclair Surf who fell at the third fence in 2022 dying from traumatic head injuries. I think of the Long Mile who was killed in 2021 after they broke their leg. I think of Up For Review who fell at the first fence in 2019 and was convulsing on the floor after breaking their neck. I also think of all the others who have died at your events, the horse that dies every other day in British racing, and the countless number who are slaughtered before ever making it onto a racetrack.

Fortunately, society is progressing away from the cruel and barbaric bloodsports. We always are willing to engage in productive and open dialogue about the closure of this industry and the care of horses. I have faith that, as good people, you will one day be willing to have that conversation.

Best wishes,

Dan Kidby

Co-Founder Animal Rising

ENDS

High-Quality Pictures and Videos: <https://show.pics.io/animal-rising-breaking-news/>

All images and videos in this file, on our social media, and website can be used with credit to Animal Rising under 'fair use' for the purposes of reporting.

For more information or further comments, please contact:

Nathan (Press Back Office): +44 1225 29 6691

press@animalrising.org

Notes to Editor:

Animal Rising is a social movement to create a new relationship with all beings and give us a chance for a safe ecological future. The group primarily calls for the transition to a secure and sustainable plant-based food system, alongside a mass rewilding programme.



Grand National 2024: Animal Rising Statement

- Corach Rambler, last year's winner, fell early - unseating their rider and eventually gaining their footing. Alongside this, multiple jockeys were unseated with several horses pulling up.
- Animal Rising has reiterated its position that the changes made to the race are nothing more than PR exercises.
- The group has accused the Jockey Club of "celebrating on the graves of Giovinco and Pikar, the two horses who fell and died yesterday afternoon".

Orla Coghlan, Animal Rising spokesperson said:

"As long as racing continues, the industry will continue to gamble with horses' lives. The new safety rules are just window dressing to hide the grim reality of this so-called sport. The industry cannot claim to have the horses' best interests at heart while literally racing them to death.

"A horse may not have died during this race, yet one is killed every other day in British racing, and that's just the public face of the industry. People are becoming more aware of the cruelty of horse racing, and we are relying on public pressure to help us take this 'sport' off our screens, and consign it to the history books."

ENDS

Word count: 181

For interviews or further comments please contact our press office:

+44 1225 6691

press@animalrising.org

Photos: <https://show.pics.io/animal-rising-breaking-news/search?collectionIds=64f5a4b08e670f000ecc3bf8>

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Aintree Coverup Grand National Fall



- Corach Rambler, last year's winner, unseated their jockey at the first fence and then fell at the second and also appeared to be run over by two other horses.
- Many media outlets have used headlines stating "no horses fall at this year's event", a mistake that requires formal corrections to be issued. Aintree Racecourse is given as the source for this information, a flat out lie to the British media and public. However, it does show that the public are focused on the fate of the horses more than the race itself. [1]
- A RacingTV analyst speaking about Corach Rambler said that "he fell without the rider at the second". [2]
- The new PR campaign from BHA has already fallen at the first hurdle; honesty and transparency is nowhere to be seen.
- Animal Rising has reiterated its position that the changes made to the race are nothing more than PR exercises - horses will continue to fall, be injured, and die.

Orla Coghlan, Animal Rising spokesperson said:

“The industry is crumbling before our eyes following the spotlight we have put on them, and in desperation they have now outright lied to the media and public. It’s clear as day that Corach Rambler fell at the second fence, this is no accident from the Aintree spokesperson.

“Two horses died across the festival this year and the industry cannot claim to have the horses’ best interests at heart while racing them to death and lying to the public. A horse will continue to be killed every other day in British racing on average, and we will continue to call out the cruelty and lies. Public pressure will take this ‘sport’ off our screens, and consign it to the history books.”

ENDS

Word count: 287

For interviews or further comments please contact our press office: +44 1225 6691

press@animalrising.org

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Notes to Editor

[1] <https://news.sky.com/story/i-am-maximus-wins-grand-national-and-no-horses-fall-at-this-years-event-13114682>

[2] <https://www.youtube.com/watch?v=JciSL31UJ0s>

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ng



Animal Rising

14 April · 🌐

Death and lies at the Grand National as Aintree claim no horse fell yesterday.

The Grand National is scrambling for a PR win as the public wakes up to the cruelty of racing horses for profit. Desperate to avoid responsibility for the two deaths on Friday and a brutal fall yesterday, it is now rewriting history.

A series of headlines today quote Aintree racecourse as saying no horses fell in the main race yesterday.... See more



171

225 ● 56 ↗

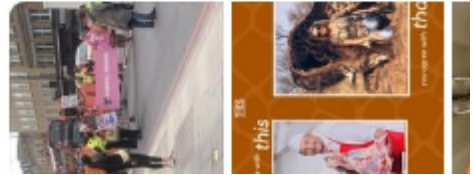


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PREVIOUS CAMPAIGNS

2023 SUMMER OF ANIMAL RISING

In the Spring of 2023 we launched Animal Rising with our boldest action yet: more than 100 people aiming to halt the Grand National, the UK's largest horse racing event.

Our intervention achieved 9 front-pages and hours of broadcast air-time, all shining a spotlight on our broken relationship with animals and nature.

But we weren't done there, as we disrupted three more horse racing events, occupied an intensive dairy farm, rescued three sheep from the King's land, demonstrated outside half of the UK's remaining greyhound racetracks and dropped a banner at the Greyhound Derby Final.



2022 ANIMAL TESTING



Animal Rising



@AnimalRising · 3.25K subscribers · 175 videos

Join us to take action for animals, nature and climate justice. [animalrising.org](https://www.animalrising.org) and 1 more link

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RSPCA: Covering Up Cruelty | Damning Na...

With over 40 Farms, over 50 investigators, hundreds of hours of footage and official published reports.

0:04 / 8:21 · Intro

RSPCA: Covering Up Cruelty | Damning Nationwide Investigat...

15,893 views · 3 weeks ago

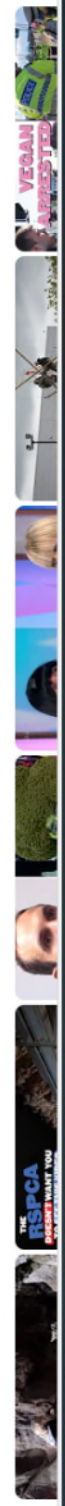
Sign the petition to end the RSPCA Assured scheme at <https://www.animalrising.org>

We have investigated 45 RSPCA Assured farms in the last four months. We have seen thousands of animals living in overcrowded and filthy sheds, living and dying in pain from lack of care...

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Sport > Golf

Climate protesters storm 18th green before Scottie Scheffler wins Travelers Championship

Extinction Rebellion claimed credit for the protest before Scheffler's dominance this season continued

Phil Casey • Sunday 23 June 2024 23:22 •  Comments



Protesters stormed the final green at the Travelers Championship (AP)



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Scottie Scheffler claimed his sixth win of the season in the Travelers Championship after a dramatic finish which saw **climate protesters** storm the 18th green at TPC River Highlands.

Scheffler was lining up a birdie putt on the 72nd hole when a protester ran into the bunker behind him, with others sprinting on to the green and throwing what appeared to be red and white powder on to the putting surface.

A number of the protesters were wearing white T-shirts bearing the slogan “No golf on a dead planet”.

They were quickly tackled by police officers and removed from the green, with Scheffler then narrowly missing his birdie attempt from 25 feet before Tom Kim holed from 10 feet for birdie to force a play-off.

Earlier in the day, tee times in the final round of the KLM Open were delayed by two hours when **Extinction Rebellion** activists blocked the entrance to The International in Amsterdam.



Climate protesters made their mark at the Travelers Championship (*Getty Images*)

The same organisation claimed credit for the protest in Connecticut via a press release which read: “With this action, Extinction Rebellion is NOT protesting any individual or organisation.

“Rather, the protest highlights the worldwide danger of climate breakdown. Case in point: the last 13 months were the hottest on record, with extreme weather events around the globe.

“The activists pointed out that natural disasters are already causing large-scale loss of human, animal, and plant life, as well as significant damage to infrastructure, property, and agriculture.

Asked about the protests on the 18th green, Scheffler told CBS: “Fortunately for Tom and me we’re great friends so we were able to kind of relax each other because you don’t really know what’s going on.

“You don’t really understand the situation, there’s people running around everywhere and you don’t really know what’s going to happen so it’s a bit confusing.



Security dealt with the protesters (AP)

Scheffler, who was **arrested ahead of the second round** of the US PGA Championship last month following an incident with a police officer outside Valhalla, added: “Fortunately the police did a great job getting everything in order very quickly.

“I don’t know how quick it was but it seemed really fast to us so we’re very thankful for them.”

A disappointed Kim, who had led **since an opening 62** the day before his 22nd birthday, said: “I fought hard, I really did.

“I played really good this week. Unfortunately the two bogeys I had came from three-putts. I’m not going to look back at this play-off and be like ‘I screwed up’.

“Just to force the play-off was really digging deep and I wish I would have had a bit more of a chance on 18 (in the play-off) but I’m taking this as a huge leap towards the rest of the season.”

More about: [Scottie Scheffler](#) [Pga Tour](#) [climate protests](#) [Extinction Rebellion](#)



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