

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
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

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

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

³ Page 7 of JDR2

⁴ Pages 515 to 517 of JDR2

⁵ Page 7 of JDR2

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

¹⁴ Pages 529 to 534 of JDR2



Signed.....

Julian Diaz-Rainey

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