

IN THE HIGH COURT OF JUSTICE

Claim No: QB-2021-002499

QUEEN'S BENCH DIVISION

MEDIA AND COMMUNICATIONS LIST

**The Honourable Mr Justice Nicklin
13 September 2021**

BETWEEN:

**(1) 4 NEW SQUARE LIMITED
(2) – (88) THE MEMBERS OF 4 NEW SQUARE (IDENTIFIED IN
SCHEDULE A)**



Claimants
QB-2021-002499

-and-

PERSON OR PERSONS UNKNOWN

responsible for engaging in a cyber-attack on the Applicants on or about 12 June 2021 and/or who has threatened to disclose the information thereby obtained

Defendant

PENAL NOTICE

IF YOU THE DEFENDANT DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED OR FINED OR HAVE YOUR ASSETS SEIZED.

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

ORDER

THIS ORDER

1. Following an interim injunction and other orders being previously granted and continued against the Defendant, the Judge:
 - 1.1 read the application of the Claimants dated 13 September 2021, together with the supporting witness statement of David Barker ("the Application");
 - 1.2 considered the Order made by Mrs Justice Steyn on 28 June 2021 together with a note of her public reasons for granting the Order;
 - 1.3 considered the Order made by Mrs Justice Collins Rice on 9 July 2021;
 - 1.4 considered the provisions of s.12 Human Rights Act 1998 and the service of documents provisions in both Orders; and
 - 1.5 was satisfied it was appropriate to determine this application on paper having had regard to CPR 23.8(c).

DEFAULT JUDGMENT

2. Pursuant to CPR 12.3(1), it is ordered that judgment in default be entered for the Claimants.

FINAL INJUNCTION

3. The Defendant must not use, publish or communicate or disclose to any other person (other than (i) by way of disclosure to legal advisers instructed in relation to these proceedings for the purpose of obtaining legal advice in relation to these proceedings or (ii) for the purpose of carrying this Order into effect) all or any part of the information referred to in Confidential Schedule 2 to this Order (the **Information**).
4. The Defendant must by 4pm on 27 September 2021 deliver up to the Claimants' solicitors and/or delete the Information in his possession, custody or control.
5. The Defendant must by 4pm on 4 October 2021 provide to the Claimants' solicitors a witness statement with a statement of truth explaining: (i) that he has delivered up and/or deleted and/or destroyed the Information and

explaining how he has done so; and (ii) giving details about whether he has passed any of the Information to a third party and identifying any said third party and their contact details.

ACCESS TO DOCUMENTS

6. Upon the Judge being satisfied that it is strictly necessary:
 - 6.1 no copies of the confidential schedules to any statements of case or any order; and
 - 6.2 no copies of the confidential witness statements or confidential schedules or exhibits to the applications and to the skeleton arguments,will be provided to a non-party without further order of the Court.

7. Any non-party, other than a person notified or served with this Order, seeking access to, or copies of the abovementioned documents, must make an application to the Court, proper notice of which must be given to the Claimants via their solicitors.

SERVICE OF DOCUMENTS

8. The Claimants have permission to serve this Order and any other documents for this application on the Defendant at the email address set out in Confidential Schedule 2, service to be deemed to be effective by emailing the documents to the said email address save that, unless and until the Defendant provides to the Claimants' solicitors their full name and address, the Claimants are only required to serve on, or provide to, the Defendant this Order, excluding Confidential Schedule 1 in redacted form. Any documents bearing the names of individuals at the Claimants' solicitors or identifying Counsel may be served on the Defendant with the names redacted.

PROTECTION OF HEARING PAPERS

9. The Defendant must not publish or communicate or disclose or copy or cause to be published or communicated or disclosed or copied any statements of case and any schedules, witness statements and exhibits thereto and information contained therein that are made, or may subsequently be made, in support of the Application (the Hearing Papers), provided that the Defendant shall be permitted to copy, disclose and deliver the Hearing Papers to the Defendant's legal advisers for the purpose of these proceedings.

10. The Hearing Papers must be preserved in a secure place by the Defendant and/or by the Defendant's legal advisers on the Defendant's behalf.

11. The Defendant shall be permitted to use the Hearing Papers for the purpose of these proceedings provided that the Defendant's legal advisers shall first inform anyone to whom the said documents are disclosed of the terms of this Order and, so far as is practicable, obtain their written confirmation that they understand and accept that they are bound by the same.

COSTS

12. The Defendant shall pay the Claimants' costs of this application and the action as a whole, to be assessed if not agreed.

VARIATION OR DISCHARGE OF THIS ORDER

13. The parties or anyone affected by any of the restrictions in this Order may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but they must first give written notice to the Claimants' solicitors. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Claimants' solicitors in advance. The Defendant may agree with the Claimants' solicitors and any other person who is, or may be bound by

this Order, that this Order should be varied or discharged, but any agreement must be in writing.

INTERPRETATION OF THIS ORDER

14. A Defendant 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.
15. A Defendant which is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

NAME AND ADDRESS OF THE CLAIMANTS' LEGAL REPRESENTATIVES

16. The Claimants' solicitors are Pinsent Masons LLP, 30 Crown Place, Earl Street, London EC2A 4ES. Email: cyber.litigation@pinsentmasons.com

COMMUNICATIONS WITH THE COURT

17. All communications to the Court about this Order should be sent to: Room WG07, Royal Courts of Justice, Strand, London, WC2A 2LL, quoting the case number. The telephone number is 020 3936 8957. The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday.

REASONS

- (A) The Defendant has not engaged with the proceedings and have not filed an Acknowledgement of Service or Defence. Little has changed since the hearing before Steyn J on 28 June 2021. Having considered the most recent witness statement, I am satisfied that the Claimants are entitled to default judgment. It is justified and necessary to continue the restrictions on non-party access to certain documents on the Court File.
- (B) I have dealt with the application on the papers for the reasons explained in ***Clarkson plc -v- Person or Persons Unknown [2018] EWHC 417 (QB)***. I am satisfied that the principles of open justice will be safeguarded

if a copy of this Order (without confidential schedules) is made available on the Judiciary website and will so direct.

13 September 2021

Schedule A

4 New Square Members

First Name	Surname	First Name	Surname
Mark	Cannon	Helen	Evans
Nicholas	Davidson	Carl	Troman
Justin	Fenwick	Miles	Harris
Murray	Rosen	Matthew	Bradley
Roger	Stewart	Tim	Chelmick
Graham	Eklund	Richard	O'Brien
Patrick	Lawrence	Benjamin	Wood
David	Halpern	Shail	Patel
Graeme	McPherson	Kendrah	Potts
Ben	Hubble	Hugh	Saunders
David	Turner	Tom	Asquith
Ben	Patten	George	McDonald
Nicholas	Bacon	Can	Yeginsu
Paul	Nicholls	Lucy	Colter
Ben	Elkington	Thomas	Ogden
Nicholas	Fletcher	Tom	Shepherd
Hugh	Jory	Christopher	Greenwood
Jonathan	Hough	Ben	Smiley
Graham	Chapman	Nicholas	Broomfield
Benjamin	Williams	Pippa	Manby
Neil	Hext	Jonathan	Worboys
Jamie	Smith	Benjamin	Fowler
Paul	Mitchell	Matthieu	Gregoire
Alison	Padfield	Anthony	Jones
Robert	Marven	Paul	Fisher
Nicole	Sandells	Peter	Morcos
Sian	Mirchandani	Saaman	Pourghadiri
Daniel	Saoul	Marie-Claire	O'Kane
Roger	Mallalieu	Theo	Barclay
Richard	Liddell	Mark	Cullen
Amanda	Savage	Joshua	Folkard
Clare	Dixon	Diarmuid	Laffan
George	Spalton	Simon	Teasdale
Cyril	Chern	William	Harman
Paul	Parker	Seohyung	Kim
Hugh	Evans	Usman	Roohani
Nigel	Burroughs	Benjamin	Archer
Andrew	Nicol	Hannah	Daly
Charles	Phipps	Ian	McDonald
Nicola	Shaldon	John	Williams
Paul	Cowan	Melody	Ihuoma
Michael	Bowmer	Will	Cook
Scott	Allen		
Peter	Feldschreiber	Stephen	Innes

