

IN THE HIGH COURT OF JUSTICE

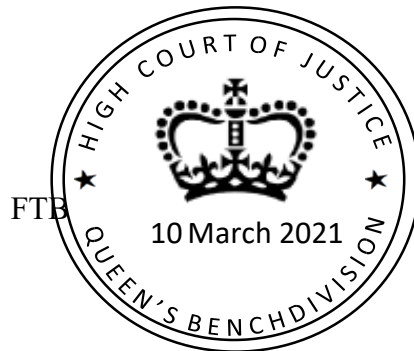
QUEEN'S BENCH DIVISION

Claim No.

(IN PRIVATE)

Before the Honourable Mrs Justice Stacey

Dated 10 March 2021



Claimant

and

TON

Defendant

PENAL NOTICE

IF YOU THE RESPONDENT DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED (IN THE CASE OF THE FIRST DEFENDANT AND THIRD DEFENDANT) OR FINED OR HAVE YOUR ASSETS SEIZED

ANY PERSON WHO KNOWS OF THIS ORDER AND DISOBEYS THIS ORDER OR 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

1. This is an Injunction, with other orders as set out below, made against the Defendant by the Judge identified above (the Judge) on the application (the Application) of the Claimant. The Judge:
 - i. read the witness statements referred to in Schedule 1 at the end of this Order
 - ii. accepted the undertakings set out in Schedule 2 at the end of this Order; and
 - iii. considered the provisions of [Section 12](#) of the Human Rights Act 1998 (HRA)
2. This Order was made at a hearing without notice to the Defendant, the Court having considered Section 12(2) of the HRA and being satisfied that there are compelling reasons for notice not being given, namely the allegations of attempted blackmail/threats of violence by the Defendant against the Claimant's husband contained in the Claimant's statement. The Defendants have a right to apply to the Court to vary or discharge the Order.

ANONYMITY

3. Pursuant to Section 6 of the HRA and/or [CPR 39.2](#) the Judge, being satisfied that it is strictly necessary, ordered that:
 - i. the Claimant be permitted to issue these proceedings naming the Claimant as FTB and giving an address care of the Claimant's solicitors;
 - ii. the Claimant be permitted to issue these proceedings naming the Defendant as TON,
 - iii. there be substituted for all purposes in these proceedings in place of references to the Claimant by name, and whether orally or in writing, references to the letter FTB and
 - iv. there be substituted for all purposes in these proceedings in place of references to the Defendant by name, and whether orally or in writing, references to the letters TON

INJUNCTION (Protection from Harassment Act 1997)

4. The Defendant must not:
 - i. Threaten or use violence against the Claimant or any member of her family as described in (iii) below;
 - ii. Engage in conduct which amounts to harassment of the Claimant
 - iii. Contact or attempt to contact or threaten to contact the Claimant or any member of the Claimant's husband, father, mother, children or the Graham family (being the Claimant's neighbours)

- iv. Save as is permitted by paragraph 5(i) of this order disclose or threaten to disclose any information to any person concerning;
 - a. any intimate, personal or sexually explicit details about the relationship between the Claimant and the Defendant including any facts of a sexual nature;
 - b. any audio or visual recording, or photographs or other still images of the Claimant and the Defendant or the Claimant alone involved in any intimate or sexual activity, including the facts or existence of the above-mentioned recording, photographs or still images;
 - c. any letter, email, contact, memo, text, or any other document (in whatever medium held or stored) containing any of the information listed above;
 - d. any private information whatsoever concerning or purporting to concern the Claimant's health, medical history or her family members.

INJUNCTION (Misuse of Private Information)

- 5. Until the return date or further Order of the Court, the Defendants must not:
 - i. Use, or communicate or disclose to any other person (other than (i) by way of disclosure to legal advisers instructed in relation to these proceedings (the Defendant's legal advisers) for the purpose of obtaining legal advice in relation to these or those proceedings or (ii) for the purpose of carrying this Order into effect or (iii) by way of compliance with a direction from the police) all or any part of the information referred to in Schedule 3 to this Order (the Information);
 - ii. Use or communicate or disclose any information which is liable to or might identify the Claimant as a party to the proceedings and/or as the subject of the Information.

- 6. The Defendant must within 24 hours of service of this order ;
 - (i) disclose to the Claimant's legal representatives the identity of any persons to whom he has disclosed the information referred to in schedule 3 below, and
 - (ii) must take all reasonable steps to bring this order to the attention of such persons.

PROTECTION OF HEARING PAPERS

7. The Defendant must not publish or communicate or disclose or copy or cause to be published or communicated or disclosed or copied any witness statements and any exhibits and information contained within that are made, or may subsequently be made, in support of the Application 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.
8. The Hearing Papers must be preserved in a secure place by the Defendant and/or his legal advisers on the Defendant's behalf.
9. The Defendant shall be permitted to use the Hearing Papers for the purpose of these proceeding.

SERVICE

10. The Claimant's representatives must serve this order personally on the Defendant and also serve it by email at mulberry.landscapes@outlook.com. In the event that personal service cannot be effected the order will be deemed validly served if it is posted through the letterbox of 3 Kingsridge Gardens, Dartford DA1 3AB and emailed to the Defendant Mulberry.landscapes@outlook.com being his business email address.

FURTHER EVIDENCE

11. Any evidence upon which the Defendant intends to rely at the return date must be served on the Claimant's legal representatives no less than 3 clear days before the return date.

NEXT HEARING/RETURN DATE

12. The Claimant's application will be considered again by this court at 10.00 am on 24 March 2021

COSTS

13. The costs of and occasioned by the Application are reserved.

VARIATION OR DISCHARGE OF THIS ORDER

14. 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 Claimant's solicitors.

INTERPRETATION OF THIS ORDER

15. 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.

NAME AND ADDRESS OF THE CLAIMANT'S LEGAL REPRESENTATIVES

The Claimant's solicitors are:

Judge Sykes Frixou Limited

23 Kingsway

London WC2B 6YF

Reference: MDA/MC/M130735

Telephone: 020 7379 5114

Out of office number: 07572 301669

Fax: 020 7836 4974

DX 419 London Chancery Lane

E-mail: MCastellanos@jsf-law.co.uk

COMMUNICATIONS WITH THE COURT

All communications to the Court about this Order should be sent to:

Royal Courts of Justice, Strand, London, WC2A 2LL, quoting the case number. The telephone number is 020 7947 6010. The offices are open between 10am and 4.30pm Monday to Friday.

Schedule 1

The Claimant relied on the following witness statements and other documents:

1. Witness statement of the Claimant dated 9 March 2021;

Schedule 2

Undertakings given by the Claimant to the Court.

1. If the Court later finds that this Order has caused loss to the Defendant and decides that the Defendant should be compensated for that loss, the Claimant will comply with any order the Court may make.
2. In the event that the injunction remains in force following the next hearing , by 4.30pm 7 days after the return date the Claimant will issue a Claim Form claiming the appropriate relief.
3. Supply the Defendant with a brief note of this hearing when serving this order.

Schedule 3

CONFIDENTIAL SCHEDULE

Information referred to in the Order

Any information or purported information concerning:

1. any intimate, personal or sexually explicit details about the relationship between the Claimant and the Defendant including any facts of a sexual nature;
2. any audio or visual recording, or photographs or other still images of the Claimant and Defendant together or of the Claimant alone involved in any intimate or sexual activity, including the facts or existence of the above-mentioned recording, photographs or still images;
- iii. any letter, email, contact, memo, text, or any other document (in whatever medium held or stored) containing any of the information listed above;
- (iv) any private information whatsoever concerning or purporting to concern the Claimant's health, medical history or family members.