

BEFORE THE HONOURABLE MRS JUSTICE HEATHER WILLIAMS DBE

Dated: 11 July 2022

BETWEEN:-

WARD HADAWAY LLP

Claimant

- and -

Person or Persons Unknown

responsible for engaging in a cyber-attack on the Applicant which commenced on or about
8 March 2022 and/or who is threatening to release the information
thereby obtained

Defendant

PENAL NOTICE

**IF YOU THE RESPONDENT 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 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

THIS ORDER

1. Following an interim injunction and other orders being previously granted and continued against the Defendant, the Judge:
 - (a) read the application of the Claimant dated 1 June 2022 and the supporting witness statements referred to in Confidential Schedule 1 (“the Application”);
 - (b) heard from Counsel for the Claimant;

- (c) considered the Order made by Mr Justice Saini on 5 April 2022 and a note of his public reasons for granting the Order;
- (d) considered the Order made by Mr Justice Johnson on 26 April 2022;
- (e) considered the note of the judgment of Mr Justice Johnson at the hearing of 26 April 2022; and
- (f) considered the provisions of s.12 of Human Rights Act 1998 and the service of documents provisions in both Orders.

DEFAULT JUDGMENT

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

FINAL INJUNCTION

- 3. The Defendant must not:
 - (a) use, publish or communicate or disclose or give access through encryption keys or other method 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 proceedings or (ii) for the purpose of carrying this Order into effect) all or any part of the information in the Defendant's possession, custody or control, referred to in Confidential Schedule 2 to this Order (the **Information**).
 - (b) interfere, access, damage or alter in any way whatsoever with the Claimant's computer systems, IT network, internal or external servers or computer hardware, desktop computers, laptops, mobile phones or any type of equipment or device or software system owned, used or operated by the Claimant.
- 4. The Defendant must by 4pm on 25 July 2022 disclose to the Claimant's solicitors the following:

- (a) the identity of each and every journalist, press or media organisation, press agent or publicist or website or cache website or webserver or any other third party with a view to publication and/or storage, to whom the Defendant has disclosed and/or stored all or any part of the Information since engaging in the cyber-attack on the Claimant; and
 - (b) the date upon which such disclosure or storage took place and the nature of the information disclosed or stored.
- 5. The Defendant must by 4pm on 25 July 2022 deliver up to the Claimant’s solicitors and/or delete the Information in the Defendant’s possession, custody or control.
- 6. The Defendant must by 4pm on 1 August 2022 serve on the Claimant’s solicitors a witness statement with a statement of truth explaining: (i) that he (or she) has delivered up and/or deleted and/or destroyed the Information and explaining how he (or she) has done so; and (ii) giving details about whether he (or she) has passed (directly or indirectly or through encryption keys or other method) any of the Information to a third party and identifying any said third party and their contact details.
- 7. The order made in paragraph 3 above (“the paragraph 3 order”) will continue in effect for 3 years from the date of this Order or until further order (if earlier). If the Claimant wishes the paragraph 3 order to continue beyond that date, it must apply to the Court before the expiry of the 3-year period and, in such circumstances, the paragraph 3 order will continue until the Court’s determination of the Claimant’s application.

ACCESS TO DOCUMENTS

- 8. Upon the Judge being satisfied that it is strictly necessary:
 - (a)
 - (i) no copies of the statements of case, or confidential schedules to any statements of case or any order; and
 - (ii) no copies of the confidential witness statements (including schedules or exhibits) to the applications and to the skeleton arguments, and the application(s),

will be provided to a non-party without further order of the Court.

- (b) 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 other parties.

SERVICE OF DOCUMENTS

9. Pursuant to CPR 6.15, 6.27, 6.37(5)(b)(i) and/or (ii) and/or 6.38(1), the Claimant has permission to serve this Order and any other documents for this application on the Defendant by alternative method, by using the communications channel provided by the Defendant, service to be deemed to be effective by emailing the documents to the said email address, as set out in Confidential Schedule 2, save that:

unless or until the Defendant provides to the Claimant's solicitors his/her full name and an address for service, the Claimant is only required to serve on, or provide to, the Defendant, this Order, excluding the witness statements referred to in Confidential Schedule 1, in redacted form. Any documents, including the Order, bearing the names of individuals at the Claimant, the Claimant's expert(s), the Claimant's solicitors or of Counsel may be served on the Defendant with the names redacted.

PROTECTION OF HEARING PAPERS

10. 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 any exhibits thereto and information contained therein that are made, or may subsequently be made, in support of the Application or the Claimant's solicitors' notes of the hearing 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.
11. 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.

12. Subject to paragraph 9 above, 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.

PUBLICATION OF ORDERS

13. Only copies of Orders, without confidential schedules, may be made available on the Judiciary website.
14. Any transcript of the hearing of the application for this Order or of the Court's judgment shall not make any reference to the names of individuals at the Claimant, the Claimant's expert(s), the Claimant's solicitors or of Counsel.
15. For the avoidance of doubt, any reporting restrictions set out in the Order made by Mr Justice Johnson on 26 April 2022 in relation to the earlier hearings in this case are still in effect.

COSTS

16. The Defendant shall pay the Claimant's costs of the action as a whole save for the costs related to the hearing on 11 July 2022 where the Defendant shall pay 80% of the Claimant's costs, to be assessed if not agreed.

VARIATION OR DISCHARGE OF THIS ORDER

17. 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. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Claimant's solicitors in advance. The Defendant may agree with the Claimant's 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

18. A Defendant who is an individual who is ordered not to do something must not do it himself (or herself) or in any other way. He (or she) must not do it through others acting on his (or her) behalf or on his (or her) instructions or with his (or her) encouragement.
19. 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.

PERSONS OUTSIDE ENGLAND AND WALES

20. (1) Except as provided in paragraph (2) below, the terms of this Order do not affect or concern anyone outside the jurisdiction of this Court.
 - (2) The terms of this Order will affect the following persons in a country or state outside the jurisdiction of this Court:
 - (a) the Defendant or its officer or agent appointed by power of attorney;
 - (b) any person who:
 - (i) is subject to the jurisdiction of this Court;
 - (ii) has been given written notice of this Order at his (or her) residence or place of business within the jurisdiction of this Court; and
 - (iii) is able to prevent acts or omissions outside the jurisdiction of this Court which constitute or assist in a breach of the terms of this Order; and

- (c) any other person, only to the extent that this Order is declared enforceable by or is enforced by a court in that country or state.

PARTIES OTHER THAN THE CLAIMANT AND THE DEFENDANT

21. Effect of this Order

It is a contempt of court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be imprisoned, fined or have their assets seized.

NAME AND ADDRESS OF THE CLAIMANT'S LEGAL REPRESENTATIVES

22. The Claimant's solicitors are:

Kennedys, 4th Floor, Trinity, 16 John Dalton Street, Manchester, M2 6HY, United Kingdom.

Reference: 1072726. Telephone: +44161 817 2888. Fax: +44 161 819 2622. Telephone (outside of office hours): +44 (0)7584471349. Email: cyberUKinjunctions@kennedyslaw.com.

COMMUNICATIONS WITH THE COURT

23. 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 +44(0)20 3936 8957.

The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday.

11 July 2022