



IN THE HIGH COURT OF JUSTICE

Claim No.: LM-2023-000308

16 Feb 2024

BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

LONDON CIRCUIT COMMERCIAL COURT (KBD)

Before His Honour Judge Pelling KC (Sitting as a Judge of the High Court)

LM-2023-000308

IN PRIVATE

BETWEEN :

THE AMTICO COMPANY LIMITED

Claimant / Applicant

and

- (1) PPG INDUSTRIES (UK) LIMITED
- (2) PERSONS UNKNOWN CATEGORY A
- (3) PERSONS UNKNOWN CATEGORY B

Defendants

and

[REDACTED]

Respondent

NON-DISCLOSURE ORDER

PENAL NOTICE

To the Respondent: [REDACTED]

IF YOU [REDACTED] DISOBEY THIS ORDER YOU OR YOUR DIRECTORS MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

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

ON THE APPLICATION of the Applicant dated 12 February 2024 (“the Application”)

AND ON HEARING counsel for the Applicant (Simon Mills)

THIS ORDER:

1. This is a non-disclosure order made against [REDACTED] [REDACTED] (“the Respondent”) on 15 February 2024 by His Honour Judge Pelling KC sitting in private at a hearing on the application of The Amtico Company Limited (“the Applicant”) appearing by counsel (Simon Mills). The Judge read a copy of the witness statements set out in Schedule A and accepted the undertakings set out in Schedule B at the end of this order, which include an undertaking to issue the Part 8 claim referred to in this order.
2. The Respondent has a right to apply to the court to vary or discharge the order – see paragraph 10 below.
3. Paragraph 8 of the Application and the Part 8 claim shall be listed to be heard on 26 February 2024 at 9.30am (“the Hearing Date”) in the London Circuit Court Procedural List for directions or disposal, with a time estimate of 1 hour.

ACCESS TO DOCUMENTS

4. Upon the Judge being satisfied that it is necessary:
 - (1) No copies of the Application or the Part 8 claim form or the witness statements (including exhibits), will be provided to a non-party without further order of the court.
 - (2) Any non-party other than a person notified or served with this order seeking access to, or copies of, the aforementioned documents, must make an application to the court, proper notice of which must be given to the other parties.

HEARING IN PRIVATE AND ANONYMITY ORDER

5. The Judge considered it necessary, pursuant to CPR 39.2(3)(a), to order that the hearing be in private.
6. Pursuant to CPR 39.2(4), the identity of the Respondent to the Application and Defendant in the Part 8 claim shall not be disclosed until the earlier of the 4.30pm of the Hearing Date, or 4.30pm 6 April 2024, or further order of the court.
7. Pursuant to CPR 39.2(5), the copy of the order to be published on the website of the Judiciary of England and Wales shall be redacted so as to remove all references to the identity of the Respondent.

NON-DISCLOSURE ORDER

8. Except for the purpose of obtaining legal advice, the Respondent must not directly or indirectly inform anyone of these proceedings (or of the Part 8 claim) or of the contents of this order or of the subject matter of the Application (or the Part 8 claim), or warn anyone that proceedings have been or may be brought

against him by the Applicant until 4.30pm on the Hearing Date or further order of the court.

COSTS

9. The costs shall be reserved until the Hearing Date.

VARIATION OR DISCHARGE OF THIS ORDER

10. The Respondent may apply to the court at any time to vary or discharge this order, but if it wants to do so it must first inform the Applicant's solicitors in writing at least 1 working day in advance. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Applicant's solicitors in advance.

INTERPRETATION OF THIS ORDER

11. A Respondent 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.

COMMUNICATIONS WITH THE COURT

All communications to the Court should be sent to:-

London Circuit Commercial Court, 7 Rolls Building, Fetter Lane, London EC4A 1NL quoting the case number. The telephone number is 020 7947 7156.

The offices are open between 10am and 4.30pm Monday to Friday.

SCHEDULE A

The Applicant relied upon the following witness statements:

1. Jason Paul Shelley dated 12 February 2024.

SCHEDULE B

Undertakings given to the court by the Applicant:

- (1) The Applicant will comply with any order the court may make, if the court later finds that this order or carrying it out has caused loss to the Respondent and decides that the Respondent should be compensated for that loss.
- (2) The Applicant will by 12 noon 16 February 2024 issue a Part 8 claim seeking the *Norwich Pharmacal* relief in the form of the draft order attached to the application notice dated 12 February 2024.
- (3) The Applicant will apply to join the Respondent to the Part 7 claim, if required by the court, whether on the application of the Respondent, or otherwise.
- (4) The Applicant will serve on the Respondent together with this order as soon as practicable:

- (i) The Part 8 claim.
- (ii) The application notice.
- (ii) Copies of the witness statement and exhibits containing the evidence relied upon by the Applicant, and any other documents provided to the court on the making of the application.
- (iii) A note of this hearing.

DATED this the 15th day February 2024

NAME AND ADDRESS OF APPLICANT'S LEGAL REPRESENTATIVES

The Applicant's legal representatives are –

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