

**IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION**

**Claim No. KB-2025-002052**

**Before the Honourable Mr Justice Butcher**

**SITTING IN PRIVATE**

**Dated: 13 June 2025**

**BETWEEN:**

**SHM**

**Intended Claimant/Applicant**

**– and –**

**PERSON(S) UNKNOWN**

**(who without authorisation have accessed electronically and copied and/or exfiltrated confidential information and data belonging to the Claimant and who have threatened to disclose the information thereby obtained)**

**Intended Defendant(s)/Respondent(s)**

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**ORDER**

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**PENAL NOTICE**

**IF YOU THE RESPONDENT(S) DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.**

**ANY OTHER PERSON OR THE DIRECTOR OR OFFICER OF ANY OTHER 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 ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.**

**NOTICE TO ANYONE WHO KNOWS OF THIS ORDER**

**You should read the terms of this Order and the Practice Guidance on Interim Non-Disclosure Orders very carefully. You are advised to consult a solicitor as soon as**



**possible. This Order prohibits you from doing the acts set out in Paragraph 11 below and requires you to do the acts set out in Paragraphs 12, 13 and 14 below. You have the right to ask the Court to vary or discharge the Order. If you disobey this Order you may be found guilty of contempt of court and you may be sent to prison or fined or your assets may be seized.**

## **THIS ORDER**

1. This is an Interim Injunction, with other orders as set out below, made against the Defendant(s) on 13 June 2025 by the Judge identified above (the “**Judge**”) on the urgent application (the “**Application**”) of the Intended Claimant (the “**Claimant**”), heard in private. The Judge:
  - (a) read the Application Notice filed in anonymised form on 12 June 2025;
  - (b) considered the information in Confidential Schedule 1 to this Order;
  - (c) considered the Claimant’s confidential skeleton argument and the confidential witness statement and exhibit identified in Confidential Schedule 2 to this Order;
  - (d) accepted the undertakings set out in Schedule A at the end of this Order; and
  - (e) considered the provisions of the Human Rights Act 1998 (“**HRA**”), section 12.
2. This Order was made at an urgent hearing (in private) without notice to those affected by it, the Court having considered section 12(2) HRA and being satisfied that there are compelling reasons for notice not being given, namely: 1) the Defendant(s)’ identity is unknown; 2) the Defendant(s) threaten to publish the Claimants’ confidential information on or soon after Sunday 15 June 2025; 3) the Defendant(s) appear implicitly to be holding the Claimants’ confidential information to ransom and 4) if notice were provided to the Defendant(s) they would be tipped off in respect of this application in relation to which there is a real risk of provoking earlier publication of the stolen data which would defeat the purpose of this Order. The Defendant(s) (and anyone served with or notified of this Order) has a right to apply to the Court to vary or discharge the Order (or so much of it as affects them): see paragraph 21 below.
3. If more than one person meets the description of the Defendant(s)/Respondent(s) (“*who without authorisation have accessed electronically and copied and/or exfiltrated confidential information and data belonging to the Claimant and who have threatened to disclose the information thereby obtained*”) then each and every such

person is bound by and must comply with every provision of this order, and each reference in this order to “Defendant” or to “Respondent” is to be read as a reference to each such person.

4. There shall be a further hearing in respect of the Application (the “**Return Date**”), on notice to the Defendant(s), on 4 July 2025, with a time estimate of 1.5 hours inclusive of 30 minutes pre-reading.

### **HEARING IN PRIVATE**

5. The Judge considered it strictly necessary, pursuant to CPR 39.2(3)(a), (c) and/or (g), to order that the hearing of the Application be in private.
6. In accordance with CPR39.2(5) the Court shall omit Confidential Schedules 1, 2 and 3 hereto from the Order that the Court publishes on the website of the Judiciary of England and Wales.

### **ANONYMITY**

7. The Judge, being satisfied that it is strictly necessary as a temporary, short-term measure to permit the orderly notification of affected data subjects, ordered that until 4 p.m. on 19 June 2025:
  - (a) the Claimant be permitted to have issued and pursue the Application anonymising the Claimant as “SHM” and giving an address c/o the Claimant’s solicitors;
  - (b) 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 letters at subparagraph (a).
8. By 4 p.m. on 19 June 2025, the Claimant shall make any application for continuation of the anonymity order in paragraph 7 to the Return Date, such application to be heard on the first available date in the week commencing 23 June 2025.
9. In the event of the Claimant making an application under paragraph 8, the anonymity order in paragraph 7 shall be continued until the Court’s determination of the application. Unless the Claimant makes such an application by 4 p.m. on 19 June

2025: a) the anonymity order shall lapse without further order of the Court; b) the Claimant shall by 4pm on 19 June 2025 file unanonymised versions of the Application Notice dated 12 June 2025 and Claim Form; and c) an unanonymised version of this Order (omitting Confidential Schedules 1, 2 and 3) shall be published on the website of the Judiciary of England and Wales.

## **ACCESS TO DOCUMENTS**

10. Upon the Judge being satisfied that it is strictly necessary:

- (a) no copies of the statements of case will be provided to a non-party without further order of the Court;
- (b) any request by a non-party for access to the Court file under CPR 5.4C(2) shall be made on notice to the Claimant's solicitors;
- (c) notice of any application for an order under paragraph (a) or of any request under paragraph (b) shall be given to the Claimant's solicitors at least 24 hours before the Court deals with the application or request.

## **INJUNCTION: NON-DISCLOSURE**

11. Until the Court makes a decision upon the Return Date or until further order of the Court, the Defendant(s) must not:

- (a) 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 (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 referred to in Confidential Schedule 1 to this Order (the “**Information**”); or
- (b) publish any information which is liable to or might identify the Claimants as a party to the proceedings and/or as related to the Information or which otherwise contains material which is liable to, or might lead to, the Claimants' identification in any such respect, provided that nothing in this Order shall prevent the publication, disclosure or communication of any information which is contained

in (a) this Order other than in the confidential schedule or (b) any public judgment of the Court in this action given on 13 June 2025.

### **INJUNCTION: SELF-IDENTIFICATION**

12. The Defendant(s) shall by 12 noon on 16 June 2025 identify themselves by their true name or names to the Claimant's solicitors and provide an address for service.

### **INJUNCTIONS: DELIVERY UP AND PROVISION OF INFORMATION**

13. The Defendant(s) shall by 12 noon on 14 June 2025 deliver up to the Claimant's solicitors the Information and any data derived from it in the Defendant(s)' possession, custody or control, and delete or otherwise destroy any other copies of the same, provided that the Defendant(s) are at liberty to request that the Claimant's solicitor provide copies of the Information to the Defendant(s)' legal advisors.
14. The Defendant(s) shall by no later than 12 noon on 16 June 2025 provide to the Claimant's solicitors a witness statement verified by a statement of truth complying with Practice Direction 22:
  - (i) confirming that the Defendant(s) have delivered up and/or deleted and/or destroyed the said Information and explaining how the Defendant(s) have done so; and
  - (ii) identifying with specificity whether and if so where, when and to what extent the Defendant(s) (or anyone else to the Defendant(s)' knowledge) have published or communicated or disclosed any of the Information to a third party, specifically identifying any said third party, their contact details, and what Information was provided to them.

### **SERVICE OF DOCUMENTS**

15. The Claimant has permission pursuant to CPR 6.37 and Practice Direction 6B, paragraph 3.1(21), to serve the claim form and any other documents in these proceedings out of the jurisdiction, if required.

16. Pursuant to CPR 6.27 (and if necessary CPR 6.15(1)) the Claimant has permission to serve this Order and any other documents in these proceedings on the Defendant(s) by an alternative method of service, namely by the encrypted messaging platform Tox using the unique identifier set out in Confidential Schedule 3, or any reasonable method of service that the Claimants can identify in order to bring this Order to the attention of the Defendant. Such documents are to be deemed served at the time of sending in accordance with this Order.
17. Unless and until the Defendant(s) comply with paragraph 12 of this Order and provide an address for service within the United Kingdom, the Claimant is only required to serve on, or provide to, the Defendant(s), (i) this Order excluding Confidential Schedule 2, (ii) the Claim Form (in anonymised form) and (iii) the Application Notice dated 12 June 2025 (in anonymised form) (iv) and an application notice for the Return Date (in anonymised form), such documents to be deemed served at the time of sending pursuant to paragraph 16 of this Order.

#### **PROVISION OF DOCUMENTS AND INFORMATION TO THIRD PARTIES SERVED WITH THE ORDER**

18. The Claimant shall be required to provide to the legal advisers of any third party served with a copy of this Order promptly upon request, but only upon receipt of their written irrevocable undertaking to the Court to use those documents and the information contained in those documents only for the purpose of these proceedings a copy of any materials read by the Judge, including material read after the hearing at the direction of the Judge or in compliance with this Order.
19. Save to the extent that the Court may order otherwise, the Claimant is not required by paragraph 18 to provide Confidential Schedule 2 to this Order or the materials identified therein to any third party and are permitted to redact Counsel's skeleton argument for sensitive information prior to its provision to any third party. The Claimant is entitled to redact any sensitive information identifying any individuals in any Court documents prior to providing the same.

#### **COSTS**

20. The costs of and occasioned by this Application are reserved to the Return Date.

## **VARIATION AND DISCHARGE OF THIS ORDER**

21. 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(s) 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**

22. A Defendant who is an individual who is ordered not to do something must not do it himself/herself or in any other way. S/he must not do it through others acting on his/her behalf or on his/her instructions or with his/her encouragement.

23. 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**

24. (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 his/her 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 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 CLAIMANTS AND THE DEFENDANT**

### **Effect of this Order**

25. 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 CLAIMANTS' LEGAL REPRESENTATIVES**

26. The Claimants' solicitors are: Mishcon de Reya LLP, Africa House, 70 Kingsway, London, WC2B 6AH. Telephone: 020 3321 7000 Email: projectandulo@mishcon.com

## **COMMUNICATIONS WITH THE COURT**

27. All communications to the Court about this Order should be sent to: Room WG08, Royal Courts of Justice, Strand, London, WC2A 2LL, quoting the case number. The telephone number is 020 7947 6010. The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday.



## **SCHEDULE A**

### **UNDERTAKINGS GIVEN TO THE COURT BY THE CLAIMANT**

- (1) If the Court later finds that this Order has caused loss to the Defendant(s), and decides that the Defendant(s) should be compensated for that loss, the Claimants will comply with any order the Court may make.
- (2) If the Court later finds that this Order has caused loss to any person or company (other than the Defendant(s)) to whom the Claimant has given notice of this Order, and decides that such person should be compensated for that loss, the Claimant will comply with any Order the Court may make.
- (3) By 4pm on 16 June 2025, the Claimant will file a Claim Form for issue seeking the appropriate relief.
- (4) By 4pm on 30 June 2025, the Claimant shall have filed for issue an application notice for the Return Date and file a witness statement addressing, to the best of the Claimant's knowledge and belief, the extent to which the Claimant and the Defendant(s) have complied with this Order and exhibiting a copy of the transcript of this hearing and of Counsel's skeleton argument.
- (5) At the Return Date the Claimant will inform the Court of the identity of all third parties that have been notified of this Order. The Claimant will use all reasonable endeavours to keep such third parties informed of the progress of the action insofar as it may affect them, including, but not limited to, advance notice of any applications, the outcome of which may affect the status of the Order.
- (6) If this Order ceases to have effect or is varied, the Claimant will immediately take all reasonable steps to inform in writing anyone to whom s/he has given notice of this Order, or whom s/he has reasonable grounds for supposing may act upon this Order, that it has ceased to have effect in this form.

(7) The Claimant undertakes to serve a copy of the Claim Form on the Defendant(s) as soon as reasonably practicable upon issue, save that, unless the Defendant(s) have complied with paragraph 12 of this Order, the Claimant shall have liberty to redact the name, signature and any information identifying the individual signing the Statement of Truth on the Claim Form.

