

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
MANCHESTER DISTRICT REGISTRY

HHJ Pelling QC sitting as a Judge of the High Court
22 September 2017

BETWEEN:

- (1) CITY FOOTBALL GROUP LIMITED
- (2) MANCHESTER CITY FOOTBALL CLUB LIMITED
- (3) NEW YORK CITY FOOTBALL CLUB LLC
- (4) CITY FOOTBALL AUSTRALIA PTY LIMITED
- (5) TERENTI S.A.D.
- (6) GIRONA FUTBOL CLUB S.A.D.
- (7) CITY FOOTBALL JAPAN K.K.
- (8) CITY FOOTBALL MIDDLE EAST FZ LLC
- (9) CITY FOOTBALL SINGAPORE PTE LIMITED
- (10) MELBOURNE CITY FOOTBALL CLUB PTY LIMITED



Applicants

-v-

- (1) HARRY DAVIES
- (2) HANZA AHMED
- (3) ALISTAIR LAW
- (4) ALEXANDER FARRELL
- (5) KLAUS GUIP (a child)
- (6) RIKKE BREWER
- (7) ADAM MARR
- (8) PERSONS UNKNOWN WHO ENTERED THE ETIHAD CAMPUS WITH THE THIRD, FOURTH, FIFTH AND SIXTH RESPONDENTS ON 29 JULY 2017
- (9) PERSONS UNKNOWN ENTERING THE APPLICANTS' PROPERTIES LISTED IN SCHEDULE 3 TO THIS ORDER AND SITUATED IN ENGLAND AND WALES WITHOUT THEIR EXPRESS OR IMPLIED CONSENT

Respondents

ORDER

PENAL NOTICE

IF YOU, HARRY DAVIES, HANZA AHMED, ALISTAIR LAW, ALEXANDER FARRELL, RIKKE BREWER, ADAM MARR OR ANY PERSON DESCRIBED ON THE FIRST PAGE OF THIS ORDER NEXT TO THE NUMBERS (8) OR (9), DO NOT COMPLY WITH THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND IMPRISONED OR FINED, OR YOUR ASSETS MAY BE SEIZED

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE RESPONDENTS 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

UPON the Applicants' application by notice dated 19.09.17

AND UPON reading the evidence listed in Schedule 1 to this Order

AND UPON the Claimant giving the undertakings set out in Schedule 2 to this Order

AND UPON hearing Mr David Casement QC and Mr Ben Harding for the Claimant and there being no attendance by the Respondents

AND UPON it being recorded that on the evidence available to the Court the Fifth Respondent was born on 30.09.02 and so is 15 years old at the date of this order

IT IS ORDERED AS FOLLOWS:

1. New York City Football Group LLC, City Football Australia PTY Limited, Melbourne City Football Club Pty Limited, Terenti S.A.D., Girona Futbol Club S.A.D., City Football Japan K.K., City Football Middle East FZ LLC and City Football Singapore Pte Limited shall be joined as Applicants and as Claimants.
2. The Applicants will use all reasonable endeavours to effect service of the Claim Form, Application Notice dated 19.09.17, witness evidence in support, sealed order and any other relevant documents in accordance with the Civil Procedure Rules on Caudia / Isabella Ceausu at 19 Hamilton Road, London, W5 2EE, and in default shall leave a package of the relevant documents with her name clearly displayed thereon in the communal area of the said property.
3. The name of the First Respondent shall be amended to Harry Davies.
- 4.1. The First, Second, Third, Fourth, Sixth, Seventh and Eighth Respondents must not until the conclusion of the trial of this action or until further order in the mean time, enter the properties listed in the table in Schedule 3 at any time and for any purpose without the express consent of the Applicant referred to in the 'Control' column of that table.

4.2. The Ninth Respondent must not until the conclusion of the trial of this action or until further order in the mean time enter the properties listed in the table in Schedule 3 that are situated within England and Wales at any time and for any purpose without the express consent of the Applicant referred to in the 'Control' column of that table.

5. The First, Second, Third, Fourth, Sixth and Seventh Respondents must to the best of their ability within 7 days of service of this order on them send the Applicants' Solicitors in writing the names, address and any other contact details (including social media details) of:

5.1. Any other individuals who are or have been members of any group or groups of climbers and/or parkour practitioners and/or free-runners to which the Respondents (other than the Fifth Respondent) or any of them belong.

5.2. Any other individuals with whom the Respondents (other than the Fifth Respondent) or any of them have climbed buildings and/or entered land, in either case without the owner's consent.

6. This Order shall be served as follows:

6.1. The Applicants shall by 4pm on 25.09.17 serve this order, together with a note of the hearing and judgment and any further witness statement, on the First, Second, Third, Fourth, Sixth and Seventh Respondents in accordance with the Civil Procedure Rules.

6.2. Service on the Eighth Respondent shall be deemed effected by service on one or other of the First, Second, Third, Fourth, Sixth or Seventh Respondents in accordance with paragraph 6.1.

6.3. The Applicants shall by 4pm on Monday 25.09.17 effect service of this Order on the Ninth Respondent as follows:

6.3.1. By affixing at the Etihad Campus transparent envelopes containing copies of the Claim Form, the application notice dated 19.09.17, the evidence in support and the sealed order to posts in conspicuous places; and .

- 6.3.2. A notification that this order has been made shall be prominently displayed on a website of the Applicants, with a link to a page where copies of the order, the Claim Form, the Application Notice dated 19.09.17 and the evidence in support (including any further witness statement to be served pursuant to this Order) shall be displayed or may be viewed.
- 6.4. The Applicants must by 4pm on 25.09.17 file a witness statement setting out any matters referred to in the hearing and not contained in the witness evidence referred to in Schedule 1.
- 6.5. The Applicants' solicitors must file certificates of service within 3 days after service has been effected in accordance with paragraph 6.
7. Any person may apply to the court at any time to vary or discharge paragraphs 4 or 5 of this order but if he wishes to do so he must first inform the Claimant's solicitors in writing at least one working day beforehand.
8. There shall be a return date at 10am on 12.10.17.
9. The costs of this application are reserved to the Judge hearing the application on the return date.
10. A Respondent 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.
11. 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.

COMMUNICATION WITH THE COURT

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

The Manchester District Registry

Manchester Civil Justice Centre, Manchester

Telephone number 0161 240 5000

The offices are open between 10 a.m. and 2 p.m. Monday to Friday.

NAME AND ADDRESS OF THE CLAIMANT'S LEGAL REPRESENTATIVES

Pinsent Masons LLP (Julian Diaz-Rainey, Ref: JD20.649218.07042)

3 Hardman Street, Manchester, M3 3AU

SCHEDULE 1

The evidence read by the Court

1. First Witness Statement of Julian Diaz-Rainey dated 19.09.17
2. First Witness Statement of Graham Smith dated 19.09.17.

SCHEDULE 2

Undertakings given by the Applicants

1. If the Court later finds that this Order has caused loss to any Respondent (other than the Fifth Respondent) and decides that that Respondent should be compensated for that loss, the Applicants will comply with any order made
2. The Applicants undertake that anyone notified of this order will be given a copy of it by the Applicants' solicitors.

SCHEDULE 3

The Applicants' premises to which paragraph 2 of the order relates

CFG-related Properties

Asset	Address	Control
Manchester City Football Club		
Etihad Stadium	Etihad Campus, Manchester M11 3FF	MCFC control the stadium (and areas inside the gated perimeter) under a long lease from Manchester City Council
City Football HQ	North Gate, 400 Ashton New Road, Manchester M11 4TQ	MCFC owns the freehold
The Academy	West Gate, Etihad Campus, Alan Turing Way, Manchester M11 4TQ	MCFC owns the freehold
First Team Centre	South Gate One, Etihad Campus, 161 Clayton Lane, Manchester M11 4TS	MCFC owns the freehold
Facilities Management Building	South Gate One, Etihad Campus, 161 Clayton Lane, Manchester M11 4TS	MCFC owns the freehold
London Office	14th Floor, 10 Brock Street, Regent's Place, London NW1 3FG	Office space rented by MCFC from British Land
City Football Japan	Level 14 Hibiya Central Building, 1-2-9 Nishi Shimbashi Minato-ku, Tokyo 105-0003	City Football Japan K.K. rent the office space
City Football Middle East	TwoFour54 Park Rotana Complex, Khalifa Park, Office 807 – C, P.O Box 769321, Abu Dhabi, UAE	City Football Middle East FZ LLC rent the office space
City Football Singapore	1 George Street, #15-01, Singapore 049 145	City Football Singapore Pte Limited rent the office space
New York City Football Club		
Headquarters	600 Third Ave, 30th Floor, New York, NY	New York City Football Club LLC rent

	10016	the office space
Training Facility	SUNY Purchase, 735 Anderson Hill Road, Purchase, New York, NY 10577	New York City Football Club LLC rent the land from the State University of New York
Yankee Stadium	1 East 161st Street, Bronx, New York	Only occupied by New York City Football Club LLC on match days
Melbourne City Football Club		
City Football Academy Melbourne	2 Crissane Road, Bundoora, Victoria 3083 Australia	City Football Australia PTY Limited lease the land from La Trobe University
AAMI Park Stadium	Edwin Flack Field, Olympic Boulevard, Melbourne City, Victoria, Australia	Only occupied by Melbourne City Football Club Pty Ltd on match days
Club Atlético Torque		
Headquarters	Roque Graseras 694, Montevideo, Uruguay	Terenti S.A.D. lease from Algranati Group
Estadio Parque Alfredo Víctor Viera Stadium	Avenida Buschental s/n, 11.700, Montevideo, Uruguay	Terenti S.A.D. lease from Montevideo Wanderers Futbol Club
Complejo Daniel Marsicano Training Facility	Camino Curuzu Cuatia 3070, Montevideo, Uruguay	Terenti S.A.D. lease from Torque's Civil Association
Girona FC		

Estadi Municipal Montivili Stadium	Avinguda Montivili, 141 (17003), Girona, Spain	Girona Futbol Club S.A.D. rent from Girona Municipality
Anexo Estadi Municipal Montivili Training Facility	Avinguda Montivili, 141 (17003) Girona, Spain	Girona Futbol Club S.A.D. rent from Girona Municipality
Camp de Futbol Municipal de Riudarenes Training Facility	Av. dels Segadors, s/n (17421), Riudarenes, Girona, Spain	Girona Futbol Club S.A.D. rent from Riudarenes Municipality
Municipal De Peralada Training Facility	Municipal Peralada Passeig Catalunya, s/n (17491 Peralada), Spain	Girona Futbol Club S.A.D. rent from Peralada Municipality
Camp de Futbol Vilablareix Training Facility	Avda. Lluís Companys, 75 (17180 Vilablareix), Spain	Girona Futbol Club S.A.D. rent from Vilablareix Municipality
Camp de Futbol Municipal de Riudellots Training Facility	C/ Pineda, 18 (17457) Riudellots de la Selva, Girona, Spain	Girona Futbol Club S.A.D. rent from Riudellots Municipality
Camp de futbol Municipal de Torres de Palau Training Facility	Complejo Deportivo Torres de Palau, C/ Església de Sant Miquel, 16 (17003 Girona), Spain	Girona Futbol Club S.A.D. rent from Girona Municipality

Camp Municipal de Vila-Roja Training Facility	Grup Vila-Roja 181 (17004 – Girona), Spain	Girona Futbol Club S.A.D.rent (at certain times) from Girona Municipality
---	---	--