

Application notice

For help in completing this form please read the notes for guidance form N244Notes.

Name of court Cancelled High Court of Justice, Queen's Bench Division, Manchester District Registry		Claim no. D30MA930
Fee account no. (if applicable)	Help with Fees – Ref. no. (if applicable)	
	H W F - [] [] [] - [] [] []	
Warrant no. (if applicable)		
Claimant's name (including ref.) (1) City Football Group Limited (2) Manchester City Football Club Limited		
Defendant's name (including ref.) See continuation sheet		
Date	19.09.17	

1. What is your name or, if you are a legal representative, the name of your firm?

Pinsent Masons LLP

2. Are you a Claimant Defendant Legal Representative
 Other (please specify) []

If you are a legal representative whom do you represent?

Claimant

3. What order are you asking the court to make and why?

(1) an interim injunction against the Respondents other than the Fifth Respondent
(2) an order appointing Caudia Ceausu as litigation friend for the Fifth Respondent
(3) orders relating to service of the interim injunction
And other directions as per the attached draft order

4. Have you attached a draft of the order you are applying for? Yes No
5. How do you want to have this application dealt with? at a hearing without a hearing
 at a telephone hearing
6. How long do you think the hearing will last? 2 Hours Minutes
Is this time estimate agreed by all parties? Yes No

7. Give details of any fixed trial date or period

none

8. What level of Judge does your hearing need?

s.9 Judge

9. Who should be served with this application?

The Applicants' solicitors will serve the application notice

- 9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

n/a

10. What information will you be relying on, in support of your application?

- the attached witness statements
- the statement of case
- the evidence set out in the box below

If necessary, please continue on a separate sheet.

Statement of Truth

(I believe) (The applicant believes) that the facts stated in this section (and any continuation sheets) are true.

Signed _____ Dated _____
Applicant('s legal representative)('s litigation friend)

Full name _____

Name of applicant's legal representative's firm _____

Position or office held _____
(if signing on behalf of firm or company)

11. Signature and address details

Signed jsed Dated 19/09/2017
Applicant('s legal representative)('s litigation friend)

Position or office held Senior Associate
(if signing on behalf of firm or company)

Applicant's address to which documents about this application should be sent

Pinsent Masons LLP
3 Hardman Street
Spinningfields
Manchester

Postcode

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If applicable	
Phone no.	0161 250 0236
Fax no.	0161 234 8235
DX no.	14490 Manchester 2
Ref no.	649218.07042

E-mail address Julian.diaz-rainey@pinsentmasons.com

Claim no. _____

IN THE HIGH COURT OF JUSTICE
Chancery QUEEN'S BENCH DIVISION
MANCHESTER DISTRICT REGISTRY

HHJ [] sitting as a Judge of the High Court
22 September 2017

BETWEEN:

- (1) CITY FOOTBALL GROUP LIMITED
- (2) MANCHESTER CITY FOOTBALL CLUB 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 WITHOUT THEIR EXPRESS OR IMPLIED
CONSENT

Respondents

Draft 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 SEIZED

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS 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 for the Claimant [and *anyone else appearing*]
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. The Court appoints Caudia Ceausu as litigation friend for the Fifth Respondent pursuant to CPR 21.6.
2. The Respondents other than the Fifth 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 at any time and for any purpose without the express consent of the Applicant referred to in the 'Control' column of that table.
3. The Respondents other than the Fifth Respondent must within 7 days of service of this order on them send the Applicants' Solicitors in writing the names, address (if known) and any other contact details (including social media details) of:
 - a. 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.
 - b. 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.
4. This Order shall be served as follows:
 - a. The Applicants shall serve a copy of this order on Caudia Ceausu by [DATE] by [METHOD OF SERVICE IF ALTERNATIVE METHOD DIRECTED].
 - b. [Any further service of the Claim Form, Application Notice, evidence in support on the litigation friend]

- c. The Applicants shall serve this order on the First, Second, Third, Fourth, Sixth and Seventh Respondents by sending:
 - i. a scanned copy of the sealed order to each of them by means of the email addresses and/or social media channels listed at page 38 of exhibit JDR1.
 - ii. If it is not possible to send or attach a scanned copy of the order, sending them a link to a webpage or network location where they may access a scanned copy of the sealed order.
 - d. Service of this order in accordance with paragraph 4.c. above shall pursuant to CPR 6.27 be deemed good service of the order on the Respondents referred on in paragraph 4.c.
 - e. The Applicants shall within [] days of this order affix a transparent envelope 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 round the perimeters of the Properties.
 - f. Service of the documents referred to in paragraph 4.e. in accordance with that paragraph shall, pursuant to CPR 6.15 and 6.27, be deemed good service on the persons unknown described as the Eighth and Ninth Respondents, and all such persons unknown shall be deemed to have been served on the date of affixation.
 - g. The Applicants' solicitors must file certificates of service within [3 days] after service has been effected in accordance with paragraphs 4.a, 4.c and 4.e.
5. Any person may apply to the court at any time to vary or discharge paragraphs 1 or 2 of this order but if he wishes to do so he must first inform the Claimant's solicitors in writing at least 12 hours beforehand.
6. There shall be a return date at [] on []. / *[possibly a separate return date in respect of the Fifth Respondent] [possibly no return date required in respect of persons unknown]*

7. The costs of this application are reserved to the Judge hearing the application on the return date.
8. A Respondent who is an individual who is order 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.
9. 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

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 from British Land
City Football Japan	Level 14 Hibiya Central Building, 1-2-9 Nishi Shimbashi Minato-ku, Tokyo 105-0003	CFG rent the office space
City Football Middle East	TwoFour54 Park Rotana Complex, Khalifa Park, Office 807 – C, P.O Box 769321, Abu Dhabi, UAE	CFG rent the office space
City Football Singapore	1 George Street, #15-01, Singapore 049145	CFG rent the office space
New York City Football Club		
Headquarters	600 Third Ave, 30th Floor, New York, NY	CFG rent the office space

	10016	
Training Facility	SUNY Purchase, 735 Anderson Hill Road, Purchase, New York, NY 10577	CFG rent the land from the State University of New York
Yankee Stadium	1 East 161st Street, Bronx, New York	Only occupied by the club on match days
Melbourne City Football Club		
City Football Academy Melbourne	2 Crissane Road, Bundoora, Victoria 3083 Australia	CFG lease the land from La Trobe University
AAMI Park Stadium	Edwin Flack Field, Olympic Boulevard, Melbourne City, Victoria, Australia	Only occupied by the club on match days
Yokohama F Marinos Football Club		
Headquarters	Yokohama Marinos, DSM Shinyokohama bldg., 5F 2-6-3 Shin-yokohama, Kouhoku, Yokohama, 223-0033 Japan	Information to follow
Nissan Stadium Football Offices	Yokohama Marinos Football Department, Nissan Stadium, 3300 Kozukuecho, Kōhoku-ku, Yokohama-shi, Kanagawa- ken 222-0036, Japan	Information to follow
Club Atlético Torque		
Headquarters	Roque Graseras 694, Montevideo, Uruguay	CFG lease from Algranati Group
Estadio Parque Alfredo Víctor Viera Stadium	Avenida Buschental s/n, 11.700, Montevideo, Uruguay	CFG lease from Montevideo Wanderers Futbol Club

Complejo Daniel Marsicano Training Facility	Camino Curuzu Cuatia 3070, Montevideo, Uruguay	CFG lease from Torque's Civil Association
Girona FC		
Estadi Municipal Montivili Stadium	Avinguda Montivili, 141 (17003), Girona, Spain	CFG rent from Girona Municipality
Anexo Estadi Municipal Montivili Training Facility	Avinguda Montivili, 141 (17003) Girona, Spain	CFG rent from Girona Municipality
Camp de Futbol Municipal de Riudarenes Training Facility	Av. dels Segadors, s/n (17421), Riudarenes, Girona, Spain	CFG rent from Riudarenes Municipality
Municipal De Peralada Training Facility	Municipal Peralada Passeig Catalunya, s/n (17491 Peralada), Spain	CFG rent from Peralada Municipality
Camp de Futbol Vilablareix Training Facility	Avda. Lluís Companys, 75 (17180 Vilablareix), Spain	CFG rent from Vilablareix Municipality
Camp de Futbol Municipal de Riudellots Training Facility	C/ Pineda, 18 (17457) Riudellots de la Selva, Girona, Spain	CFG 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	CFG rent from Girona Municipality
Camp Municipal de Vila-Roja Training Facility	Grup Vila-Roja 181 (17004 – Girona), Spain	CFG rent (at certain times) from Girona Municipality