Filed on behalf of the Applicants Witness Statement of Julian Diaz Rainey Statement No. 2 Date: 25 September 2017 Exhibits: JDR2

IN THE HIGH COURT OF JUSTICE CHANCERY DIVISION MANCHESTER DISTRICT REGISTRY 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 LTD

**Applicants** 

-and-

1) HARRY DAVIES 2) HANZA AHMED 3) ALISTAIR LAW 4) ALEXANDER FARRELL 5) KLAUS GUIP 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 <u>Respondents</u>

WITNESS STATEMENT OF JULIAN DIAZ-RAINEY

I, **JULIAN DIAZ-RAINEY** of Pinsent Masons LLP, 3 Hardman Street, Spinningfields, Manchester M3 3AU, **WILL SAY** as follows:

- I am a solicitor of the Senior Court in England and Wales and a Partner (or, more precisely, a Member) in the firm of Pinsent Masons LLP ("PM"), solicitors for City Football Group Limited ("CFG"). I am duly authorised to make this statement on behalf of both Applicants.
- 2. Save where stated to the contrary, the facts and matters contained in this witness statement are within my own knowledge (gained whilst acting as a solicitor for the Applicants) and are true. Where facts and matters are outside my knowledge, the source is stated and I believe those facts to be true.
- 3. During the course of this statement I will refer to certain documents, copies of which are exhibited in a paginated bundle marked 'JDR2' which accompanies this statement.
- 4. On 19 September 2017, I provided a witness statement in support of the Applicants' application for an interim injunction against the Respondents (the "First JDR Statement"). Mr. Graham Smith, a senior supervisor for CFG, also provided a statement in support of the application (the "GS Statement"). A hearing in respect of that application took place on Friday 22 September 2017 (the "Hearing"). Within this statement, I set out matters referred to during that Hearing that were not contained in either the First JDR Statement or the GS Statement.
- 5. I refer to the First JDR Statement and adopt the defined terms used therein.

## Commercial Enterprise

- 6. The Respondents' involvement in the First and Second Incidents goes beyond a desire for excitement; there is a business element that underpins their actions. As Mr. Law himself explains, those who upload content to the YouTube platform are paid by the company if their videos are viewed by other users. Mr. Law goes on to state that, until recently, he received £1,000 for every one million views of his videos (see page 1 of JDR2). As maintained in the First JDR Statement, Mr. Law's videos have been viewed, collectively, over 20 million times.
- 7. Mr. Law states that, as a result of the money he received from YouTube for advertrevenue, he was able to quit his day job (see page 2 of JDR2). Further, in response to a question on Facebook as to how he makes money, Mr. Law states "A number of revenues online, Licensing my videos to companies, YouTube ad-revenue (Although its terrible atm) selling posters & t-shirts, Patreon etc" (see page 3 of JDR2).

- 8. According to its Facebook account, 'Patreon is a way to get paid for creating the things you're already creating webcomics, videos, songs...' (see page 4 of JDR2). Fans pay a monthly or one-off fee for exclusive content. It provides tools needed to manage a business and gives its account-holders a consistent revenue stream. Mr. Law requests that users donate money to his account in return for access to videos (which, I assume, are of him climbing buildings / practising parkour).
- Mr. Brewer also operates a Patreon page; on which he complains about the reduction in money he is receiving via YouTube in the same vein as Mr. Law (see page 5 of JDR2).
- 10. Mr. Law's business enterprise even extends to selling posters of himself atop various buildings / objects. On the 'products' page of his website, users can purchase an A2 poster of a picture of the Etihad Stadium taken during the Second Incident. Further posters can be purchased of Mr. Law sitting on top of the 'Stealth' and 'The Big One' rollercoasters at Thorpe Park and Blackpool Pleasure Beach respectively. Mr. Law even offers to autograph any of the posters purchased from his website (see pages 6 to 7 of JDR2).

## Additional applicants / corporate structure

- 11. In light of the Hearing, the following parties have been joined as Applicants: New York City Football Club LLC; City Football Australia PTY Limited; Terenti S.A.D.; Girona Futbol Club S.A.D.; City Football Japan K.K; City Football Middle East FZ LLC; Melbourne City Football Club Pty Limited and City Football Singapore Pte Limited. Though CFG is the ultimate holding company for each of these joinder parties, the legal interest in some of the properties outlined at pages 1 to 4 of Exhibit JDR1 of the First JDR Statement is not held by CFG. A revised list of the properties subject to the application, and updated details of the parties in control, is set out at pages 8 to 10 of JDR2. In respect of CFG's corporate structure (Applicants identified in bold):
- 11.1 Manchester City Football Club:
  - 11.1.1 CFG owns 100% of the shares in Manchester City Limited which, in turn, owns 100% of the shares in **Manchester City Football Club Limited** (which is the football club's corporate vehicle).
- 11.2 New York City Football Club:
  - 11.2.1 CFG owns 100% of the shares in City Football Club Group USA. This entity controls 80% of City Football US Holdco LLC which, in turn, owns 100% of the shares New York City Football Club LLC (which is the football club's corporate vehicle);

- 11.3 Melbourne City Football Club:
  - 11.3.1 CFG owns 100% of the shares in MHFC Holdings Pty Limited which, in turn, owns 100% of the shares in **Melbourne City Football Club Pty Limited** (which is the football club's corporate vehicle);
- 11.4 Club Ateltico Torque
  - 11.4.1 CFG owns 100% of the shares in **Terenti S.A.D.** (which is the football club's corporate vehicle);
- 11.5 CFG also owns 100% of the shares in: City Football Australia PTY Limited; City Football Japan K.K; City Football Middle East FZ LLC; and City Football Singapore Pte Limited.

### **Cross-undertaking**

12. I can confirm that each of the Applicants is willing to give a cross-undertaking in damages in respect of any losses which may be suffered by the Respondents should the Court subsequently find that the proposed Order should not have been made.

### Statement of Truth

13. I believe that the facts stated in this witness statement are true.

Signed

JULIAN DIAZ-RAINEY

Dated: 25.09.2017

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**Applicants** 

-and-

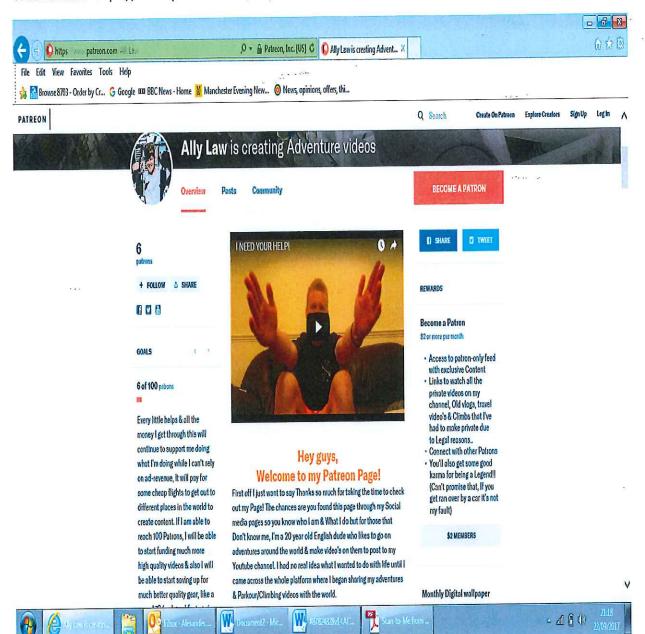
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**Respondents** 

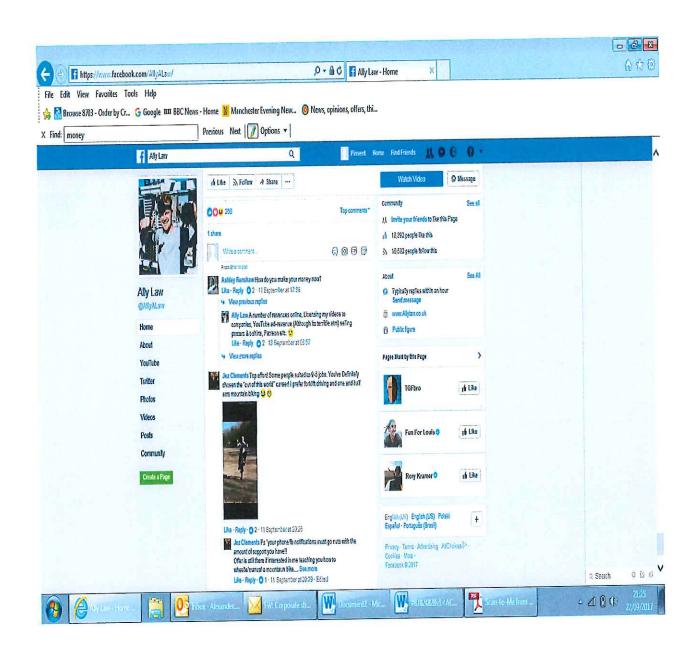
Exhibit JDR2 to Second Witness Statement of Julian Diaz-Rainey

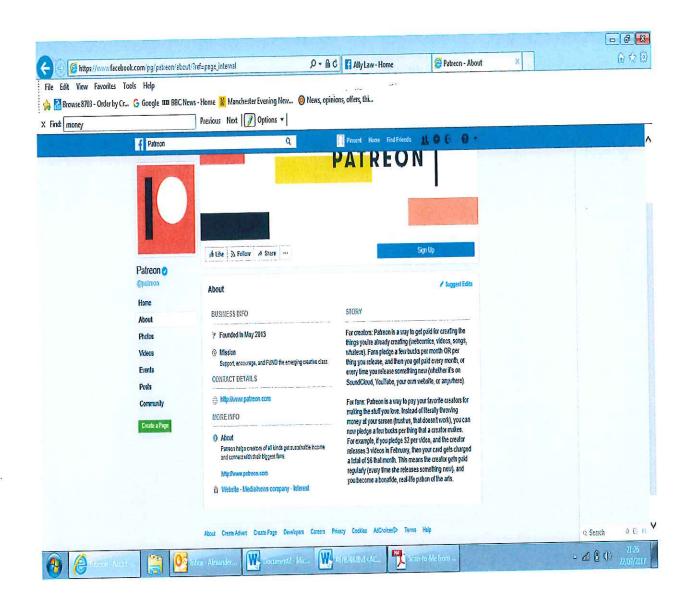


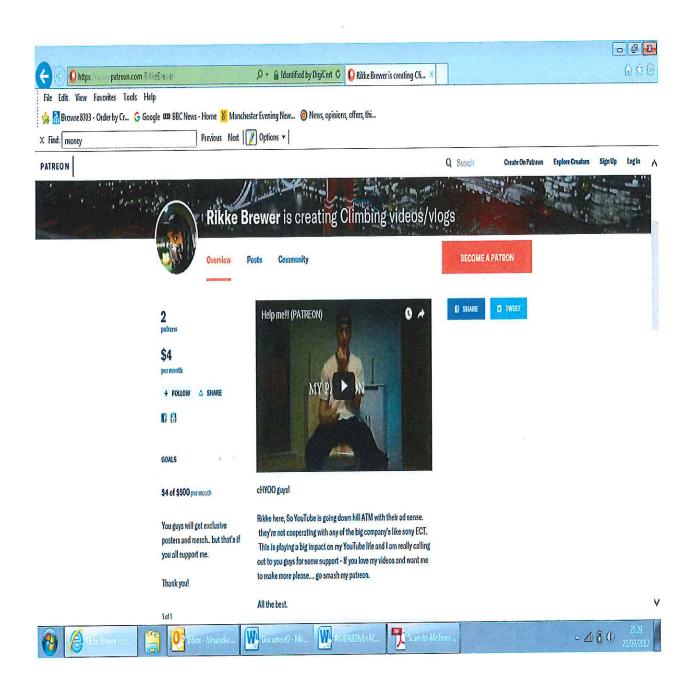
Website link: https://www.patreon.com/AllyLaw

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	101			In get straight to the point. I've got to the point where i need here Lost year I had been lucky enough to be able to support myself so	helv	to you includes					
				from Youtube ad Revenue & I was able to quit my day job (which I		· Access to Patro					
				hated) & every second of it has been an absolute crazy ride for me was able to get paid to do what I loved, it was amazing! It was gre		<ul> <li>Access to all m that aren't pub</li> </ul>					
				but sadly for the past 6 months now my Channel has been stuck i	in						
				"the Youtube Ad crisis" with the whole Youtube Algorithm changi which has resulted in ads not being shown to 90% of my viewers		\$5 MEMB	ERS				
				means I've lost 90% of the ad revenue, whereas for most channel	ls,						
				1000 views would = £1 & 1 Million views = £1000 In the past 6 mo my channel has received just over 6 million views which should =	1						
				£6000, Instead I have actually earned just under £550. It never n	really	Become buddies 110 or more per month	U.				
				bothered me too much as I had some money to continue doing w was doing & I thought it would get better, right? Sadly it hasn't go	ihat l ot any	• Private Email t	o contact me				
				better & I've got to the point where I need to find an alternative to	o fund	directly <ul> <li>One of my "Yo</li> </ul>	u've gotta do				
				making these videos		what makes Ye Wristband's					
				This is where Patreon comes into it	•	Includes					
				For you that don't know, Patreon works on a donation/reward sy		<ul> <li>Access to Pati Content</li> </ul>					
				Where you guys, can directly help to support my channel &		<ul> <li>Access to my aren't public a</li> </ul>					
				content. You are by no means whatever obliged to donate & If yo can't donate that is completely fine but If you do think my conte	entis	<ul> <li>Handpicked n wallpaper</li> </ul>	nonthly digital				
				worth something to you & you want to support what I am doing.	You	Sec. P. S.					
				can personally help support me & the video's by donating & you	Will	SIGNEL	IRERG				

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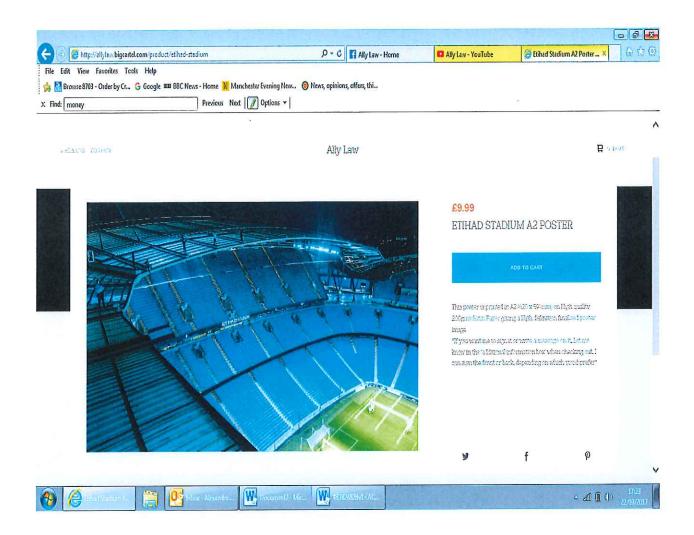






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# CFG-related Properties

Asset	Address	Control
Manchester City F	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 Fo	ootball Club	
Headquarters	600 Third Ave, 30th Floor, New York, NY 10016	New York City Football Club LLC rent the office space
Training Facility	SUNY Purchase, 735 Anderson Hill Road,	New York City Football Club LLC rent

	Purchase, New York, NY 10577	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 F	ootball 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 Limited on match days		
Club Atlético To	rque			
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		1		
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. Lluis, 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