

**Claim no. D30MA930**

**IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS IN MANCHESTER  
PROPERTY TRUSTS AND PROBATE LIST (ChD)**

**HHJ Pelling QC sitting as a Judge of the High Court  
23 April 2018**



**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**

**Claimants/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 DEFENDANTS ON 29 JULY 2017**
- (9) PERSONS UNKNOWN ENTERING THE CLAIMANTS' PROPERTIES LISTED  
IN SCHEDULE 2 TO THIS ORDER AND SITUATED IN ENGLAND AND  
WALES WITHOUT PERMISSION**

**Defendants/Respondents**

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**ORDER**

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## 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 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 Claimants' application by notice dated 23 March 2018 for default judgment  
AND UPON reading the evidence listed in Schedule 1 to this Order  
AND UPON hearing Mr David Casement QC and Mr Ben Harding for the Applicants, and  
the First, Second, Third, Fourth, Sixth and Seventh Defendants in person

IT IS DECLARED THAT:

1. The First, Second, Third, Fourth, Sixth, Seventh and Eighth Defendants are and were not entitled to enter the premises listed in the table at Schedule 2 at any time and for any reason without the permission of the Claimant referred to in the 'Control' column of the table.

AND IT IS ORDERED AS FOLLOWS:

2. The First, Second, Third, Fourth, Sixth and Seventh Defendants having been served with the Particulars of Claim on 5 October 2017, the Eighth Defendant is deemed to have been served with the Particulars of Claim at the same time.
3. The First, Second, Third, Fourth, Sixth and Seventh Defendants having been served with the application notice dated 23 March 2018, draft order and evidence in support on 27 or 28 March 2018, the Eighth Defendant is deemed to have been served with the said documents at the same time.

4. Service of the Particulars of Claim and the application notice on the Ninth Defendant be dispensed with.
5. The First, Second, Third, Fourth, Sixth, Seventh and Eighth Defendants must not enter the properties listed in the table in Schedule 2 at any time and for any purpose without the permission of the Claimant referred to in the 'Control' column of that table.
6. The Ninth Defendant must not enter the properties listed in the table in Schedule 2 that are situated within England and Wales at any time and for any purpose without the permission of the Claimant referred to in the 'Control' column of that table.

7. This Order shall be served as follows:

7.1. The Claimants shall by 4pm on Friday 27 April 2018 serve this order on the First, Second, Third, Fourth, Sixth and Seventh Defendants in accordance with the Civil Procedure Rules.

7.2. Service of this order on the Eighth Defendant shall be deemed effected by service of this order on one or other of the First, Second, Third, Fourth, Sixth or Seventh Defendants in accordance with paragraph 7.1.

7.3. The Claimants shall by 4pm on Friday 27 April 2018 effect service of this Order on the Ninth Defendant as follows:

7.3.1. By affixing at the Etihad Campus transparent envelopes containing copies of the sealed order.

7.3.2. A notification that this order has been made shall be prominently displayed on a website of the Applicants, with a link to a page at <https://www.cityfootballgroup.com/Trespass-Injunction> where copies of the following shall be displayed or may be viewed:

- (i) the Claim Form;
- (ii) The Particulars of Claim;
- (iii) the Application Notice dated 19 September 2017 and the evidence in support;

- (iv) the order dated 22 September 2017;
- (v) the Application Notice dated 6 October 2017 and the evidence in support;
- (vi) the order dated 12 October 2017;
- (vii) the Application Notice dated 23 March 2018 and the evidence in support;
- (viii) this order.

7.4. The Claimants' solicitors must file certificates of service within 3 days after service has been effected in accordance with paragraphs 7.1 to 7.3.

8. The First, Second, Third, Fourth, Sixth and Seventh Defendants must jointly and severally pay the Applicants' costs of the claim including this application, summarily assessed in the sum of £8,903.
9. The Claimants are released from the cross-undertakings given in connection with the orders dated 22 September 2017 and 12 October 2017.
10. A Defendant 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.
12. Anyone falling with the description of the Ninth Defendant on the first page of this order will be at liberty to apply to set aside or vary this order within 14 days of (a) service of the order on them; or (b) the existence of the order coming to their attention. Any person making such an application must give the Claimants' solicitors 48 hours' written notice of the application using the address and reference stated below.

#### **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 CLAIMANTS' 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
3. Second Witness Statement of Julian Diaz-Rainey dated 25.09.17
4. Third Witness Statement of Julian Diaz-Rainey dated 5.10.17.
5. Fourth Witness Statement of Julian Diaz-Rainey dated 23.03.18.

## SCHEDULE 2

Asset	Address	Control
<b>Manchester City Football Club</b>		
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
<b>New York City Football Club</b>		
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, Purchase, New York, NY 10577	New York City Football Club LLC rent the land from the State University of New York
Yankee	1 East 161st Street, Bronx, New York	Only occupied by New York City

Stadium		Football Club LLC on match days
<b>Melbourne City Football Club</b>		
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
<b>Club Atlético Torque</b>		
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
<b>Girona FC</b>		
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