

N244

# Application notice

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



Name of court <b>HIGH COURT OF JUSTICE, BUSINESS AND PROPERTY COURTS IN MANCHESTER, PROPERTY TRUSTS AND PROBATE LIST (ChD)</b>		Claim no. <b>D30MA930</b>
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 & 8 Others (see attached)		
Defendant's name (including ref.) See continuation sheet attached		
Date	23 March 2018	

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?

The Claimants

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

The Claimants apply pursuant to CPR 12.3 and 12.10 for default judgment for Declarations and final injunctions against the Defendants, on the terms set out in the attached draft order; because each of the said Defendants has not filed an Acknowledgement of Service or Defence and the relevant time for doing so has expired. The Claimants also seek orders relating to service of the Particulars of Claim and this Application Notice on the Eighth and Ninth Defendants. No order is sought against the Fifth Defendant.

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? 1 Hour 0 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 Circuit 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 statement and those referred to in Schedule 1 of the Order dated 12.10.17

the statement of case

the evidence set out in the box below

If necessary, please continue on a separate sheet.

*The Claimants have for the purposes of complying with CPR 12.4(2) set out the dates of birth of the Defendants in the attached witness statement*

**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 Pinsent Masons LLP Dated 23 March 2018.  
Applicant('s legal representative's)( 's litigation friend)

Position or office held Paralegal  
(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	M 3      3 A U

If applicable	
Phone no.	+44 (0)161 234 8234
Fax no.	+44 (0) 161 234 8235
DX no.	14490 Manchester 2
Ref no.	649218.07042

E-mail address	
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Continuation sheet 1

Claimants' names and addresses

- 1) CITY FOOTBALL GROUP LIMITED; Regent's Place 14th Floor, 10 Brock Street, London NW1 3FG
- 2) MANCHESTER CITY FOOTBALL CLUB LIMITED; Etihad Stadium, Etihad Campus, Manchester, M11 3FF
- 3) NEW YORK CITY FOOTBALL CLUB LLC; 600 Third Avenue, 30<sup>th</sup> Floor, New York, NY 10016, United States of America
- 4) CITY FOOTBALL AUSTRALIA PTY LIMITED; 2 Crissane Road, Bundoora, Victoria, Australia 3083.
- 5) TERENTI S.A.D.; 11100 Montevideo, Uruguay, Colonia 810, suite 4013
- 6) GIRONA FUTBOL CLUB S.A.D.; 17003 Girona, Avinguda Montilivi 141, Spain
- 7) CITY FOOTBALL JAPAN K.K.; Hibiya Central Building, 14th Floor, 1-2-9 Nishi Shinbashi, Minato-Ku, Tokyo, 105-0003, Japan
- 8) CITY FOOTBALL MIDDLE EAST FZ LLC; TwoFour54 Rotana Complex, Khalifa Park, Office 507 – C, PO Box 769321, Abu Dhabi, UAE
- 9) CITY FOOTBALL SINGAPORE PTE LIMITED; 1 George Street, #15-01, Singapore 049 145
- 10) MELBOURNE CITY FOOTBALL CLUB PTY LIMITED; 2 Crissane Road, Bundoora, Victoria, Australia 3083.

Continuation sheet 2

Defendants'/Respondents names and addresses

- (1) Harry Davies; 42 Rolleston Avenue, Pettswood, London BR5 1AL
- (2) Hanza Ahmed; 848 Kingsway, Burnage, Manchester M19 1QJ
- (3) Alistair Law; 1 Hepworth Close, Southampton SD19 0ST
- (4) Alexander Farrell; Middlehill House, Crondal Road, GO51 5SS
- (5) Klaus Guip (a child); 19 Hamilton Road, London W5 2EE (the address where he is believed to live with his mother Isabella/Claudia Ceausu).
- (6) Rikke Brewer; 20 Belle Vue Road, Aldershot GE12 4RX
- (7) Adam Marr; 32 Rigby Street, Salford, M7 4BJ.
- (8) PERSONS UNKNOWN WHO ENTERED THE ETIHAD CAMPUS WITH THE THIRD, FOURTH, FIFTH AND SIXTH DEFENDANTS ON 29 JULY 2017; address presently unknown
- (9) PERSONS UNKNOWN ENTERING OR REMAINING ON THE CLAIMANTS' PROPERTIES LISTED IN THE SCHEDULE BELOW AND SITUATED IN ENLAND AND WALES WITHOUT THEIR EXPRESS OR IMPLIED CONSENT; address presently unknown

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

**HHJ [            ] sitting as a Judge of the High Court  
[DATE]**

**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 THEIR EXPRESS OR IMPLIED CONSENT**

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**

IMPORTANT

UPON the Claimants' application by notice dated [ ].03.18 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 Claimants [and  
*any appearance or representation for the Defendants*]

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 express consent 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 [ ], draft order and evidence in support on [ ], 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 dated [ ] 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 express consent 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 express consent of the Claimant referred to in the 'Control' column of that table.
7. This Order shall be served as follows:
  - a. The Claimants shall by 4pm on [ ] serve this order on the First, Second, Third, Fourth, Sixth and Seventh Defendants in accordance with the Civil Procedure Rules.
  - b. 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.
  - c. The Claimants shall by 4pm on [ ] effect service of this Order on the Ninth Defendant as follows:
    - i. By affixing at the Etihad Campus transparent envelopes containing copies of the Application Notice dated [ ], the evidence in support and the sealed order in the same places as the envelopes containing the orders dated 22.09.17 and 12.10.17 were affixed.
    - ii. A notification that this order has been made shall be prominently displayed on a website of the Claimants, with a link to a page where copies of the following shall be displayed or may be viewed:
      - (i) the Claim Form;
      - (ii) the Application Notice dated 19.09.17 and the evidence in support;



- (iii) the order dated 22.09.17;
- (iv) the Application Notice dated 6.10.17 and the evidence in support;
- (v) the order dated 12.10.17;
- (vi) the Application Notice dated [        ] and the evidence in support;
- (vii) this order.

d. The Claimants' solicitors must file certificates of service within 3 days after service has been effected in accordance with paragraphs 6.1 to 6.3.

8. The First, Second, Third, Fourth, Sixth and Seventh Defendants must jointly and severally pay the Claimants' costs of the claim including this application, summarily assessed in the sum of [    ].
9. The Claimants are released from the cross-undertakings given in connection with the orders dated 22.09.17 and 12.10.17.
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.

#### **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 [].

**SCHEDULE 2**

<b>Asset</b>	<b>Address</b>	<b>Control</b>
<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 Victor 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