

N244

## Application notice

For help in completing this form please read the notes for guidance form N244 Notes.

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<b>Name of court</b> The High Court of Justice, The Business and Property Courts of England and Wales, Chancery Division	<b>Claim no.</b> BL-2023-000713									
<b>Fee account no.</b> (if applicable)	<b>Help with Fees - Ref. no.</b> (if applicable)									
	<table border="1"><tr><td>H</td><td>W</td><td>F</td><td>-</td><td></td><td></td><td>-</td><td></td><td></td></tr></table>	H	W	F	-			-		
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<b>Warrant no.</b> (if applicable)										
<b>Claimant's name</b> (including ref.) Jockey Club Racecourses Limited Ref: 645003.07183										
<b>Defendant's name</b> (including ref.) (1) Daniel Frank Peter Kidby (2) Persons Unknown entering the area described in the Claim Form as the "Race Track" on the day of a "Racing Fixture", except at "Crossing Points" with "Authorisation", as described in the Claim Form (3) Persons Unknown entering and/or remaining on any "Crossing Points" without "Authorisation" on the day of a "Racing Fixture", as described in the Claim Form (4) Persons Unknown entering the area described in the Order dated 26 May 2023 as the "Parade Ring" without "Authorisation" on the day of a "Racing Fixture", as described in the Claim Form (5) Persons Unknown entering and/or remaining on any part of the areas described in the Claim Form as the "Horses' Route to the Parade Ring" and/or the "Horses' Route to the Race Track" without "Authorisation" on the day of a "Racing Fixture", as described in the Claim Form (6) Persons Unknown intentionally obstructing the "Horse Races", as described in the Claim Form (7) Persons Unknown intentionally causing any object to enter onto and/or remain on the "Race Track" without "Authorisation" on the day of a "Racing Fixture", as described in the Claim Form (8) Persons Unknown intentionally endangering any person at the location described in the Claim Form as the "Epsom Racecourse" on the day of a "Racing Fixture", as described in the Claim Form (9) Mr Ben Newman										
<b>Date</b>	1 July 2024									

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?

The Claimant is seeking permission from the Court to rely on additional witness evidence in accordance with CPR 8.6(1)(b).

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 remote hearing

6. How long do you think the hearing will last? Is this time estimate agreed by all parties?

Hours

Minutes

Yes

No

7. Give details of any fixed trial date or period

Disposal hearing to be listed in a 2-day window covering 8 July 2024 and 10 July 2024.

8. What level of Judge does your hearing need?

Please see the covering letter.

9. Who should be served with this application?

Each of the Defendants - as set out in the attached Draft Order.

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

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

the attached witness statement

the statement of case

the evidence set out in the box below

If necessary, please continue on a separate sheet.

1. I, JULIAN DIAZ-RAINEY, of Pinsent Masons LLP, 30 Crown Pl, Earl St, London EC2A 4ES, 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, solicitors for the Applicant / Claimant;
2. The Claimant in this matter, Jockey Club Racecourses Limited, seeks relief by way of a final injunction prohibiting the Defendants from unlawfully entering Epsom Racecourse for the purposes of disrupting horseracing events held there. The Claimant has already obtained an interim injunction in this regard, by way of an order dated 26 May 2023;
3. Agreed terms for such final injunction have been reached with all named Defendants to the action (i.e. Defendants 1 and 9). The matter proceeds against the unnamed Defendants (2-8);
4. The Claimant served its evidence in support of the claim, pursuant to CPR 8.5, on 22 May 2023 and further evidence pursuant to the Order of Mr Justice Roth dated 15 March 2024 on 5 April 2024;
5. Since that date, there has been a material change of circumstance which affects the Claimant's evidence, such that it needs to be updated to ensure that the Claimant complies with the requirement to provide full and frank disclosure to the Court;
6. Pursuant to CPR 8.6 (1) (b), if a party to Part 8 proceedings wishes to rely on evidence served other than under CPR 8.5, it must seek the permission of the Court to do so;
7. The Applicant respectfully requests an Order as set out in the enclosed draft for permission to rely on additional witness evidence, which is contained in Schedule 1 of the enclosed draft Order.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

No

# Statement of Truth

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I believe that the facts stated in section 10 (and any continuation sheets) are true.

The applicant believes that the facts stated in section 10 (and any continuation sheets) are true. I am authorised by the applicant to sign this statement.

## Signature



Applicant

Litigation friend (where applicant is a child or a Protected Party)

Applicant's legal representative (as defined by CPR 2.3(1))

## Date

Day

Month

Year

1

July

2024

## Full name

Julian Diaz-Rainey

## Name of applicant's legal representative's firm

Pinsent Masons LLP

## If signing on behalf of firm or company give position or office held

Partner

Applicant's address to which documents should be sent.

Building and street

3 Hardman Street

Second line of address

Town or city

Manchester

County (optional)

Postcode

M 3 3 A U

If applicable

Phone number

+44 (0) 20 7418 7000

Fax phone number

DX number

14490 Manchester 2

Your Ref.

JDR\645003.07183

Email

julian.diaz-rainey@pinsentmasons.com