

## Solicitors Note of Hearing

**14:05: HHJ Kelly Enters**

**HHJ is reading the order**

**Claimant:** Counsel began by explaining that this is the return date of the interim injunction grant, and no changes have been observed on the site since the last visit (which was a few weeks ago).

**HHJ:** Mentions D's Solicitors.

**Claimant:** Brilliance solicitors – Howard believes these solicitors are situated in the midlands. Who represented 2 of those defendants previously.

**HHJ:** Clarifies D1 and D2 have passed away. Identifies D3 has 3 names based on comments made. Comments D5 (Martin Torrens) wife was served – which implies D5 is also living on site. Mentions Terressa and Helen were served. Confirms mother and son relationship.

**HHJ:** What service arrangements are you asking for.

**Claimant:** Alternative method of service arrangement in respect to D3 and D5. Mr. Torrens wife can also be included.

**HHJ:** Mentions we do not know if D3 lives on site.

**Claimant:** Explains D3 has connections with the site, at some point he will visit the land.

**HHJ:** What kind of order are you seeking? Similarly, status quo?

**Claimant:** Personal service, and for D3 and D5 to have accepted service in accordance with the terms for D8, granted retrospectively for Order dated 18<sup>th</sup> August 2025.

**HHJ:** What was the response you received from Mr. Brown.

**Claimant:** Mr. brown informed us he is no longer instructed in this matter; his assumption is Brilliance Solicitor's may be instructing the defendants.

**HHJ:** Going forward there are 8 defendants from the last order, D1 and D2 are removed. D3 is subject to alternative service prospectively both retrospectively and D5. D4 has received order via post and email. With D5 we should attempt service on site.

**Claimant:** Alternative service for D5 only retrospective.

**HHJ Kelly:**

- The matter was first presented in front of the courts on August 18<sup>th</sup>
- Granted without notice order in relation to site 1 and site 2 in Stoney Glebe Farm

- Provision was made for D1, D2, D3, D5, order. D4 was emailed and posted
- Alternative service for D8 – who is persons unknown
- We need to update our sites and social media with details
- No defendants attended
- We need to provide an updated witness statement
- Claimants attempt to comply with interim order
- D1 and D2 were not served due to their demise – need to remove them
- D3 will not be served personally – it appears there are numerous individuals with the name ‘Christopher Torrens’
- Property listed for service of D4 is owned by Midland Heart
- D4 has been served in provision of order
- D5 was not personally served
- D6 and D7 were personally served
- D8 – persons unknown served by alternative measure

#### **HHJ Kelly**

- D1 and D2 are discharged from compliance
- D3 has not been identified – attempt to deliver on site and then alternative methods
- Satisfied with D4’s service
- Retrospective service for D5 – hand papers to his mother and wife, alongside attaching them onto the site
- Satisfied with D6 and D7 being personally served
- D8 (persons unknown) – has approved alternative service (including signage on land and emailing documents to Brilliance Solicitor’s)

#### **HHJ Kelly**

- Nothing material has changed
- Today cannot be used as a final hearing as the defendants have not been notified. Therefore, this matter needs to be listed as final hearing
- Service of today’s order – replicate service provisions of last order and an addition of the removal of D1 and D2. Also, D3 mirrors the provision of D8. D5, D6, and D7 should be personally served.
- If the personal service provides difficulties, then revert to court and ask permission for alternative service
- Contact Brilliance Solicitors and notify them of this hearing – encourage them to contact claimant’s solicitors
- Costs will be reserved – can be dealt with at the final hearing
- Update evidence

- Fix the final hearing date today

**Claimant:** If defendants wished to pursue evidence, how would they?

**HHJ Kelly:**

- Paragraph 10 A in first order (opportunity was provided)
- 14 days of service file any evidence in response to claim
- Extend paragraph 10, 14 days from service
- Permission for claimant to serve any updated evidence

**HHJ Kelly:**

- Draft the order now
- Order needs to appear in the same numbering as previous order
- Recital of D1 and D2 passing away
- Bundle needs to be submitted 7 days before the hearing

**Next Hearing**

- 31st October 2025 at 10.30am.