



Amended on 15 March 2024 pursuant to CPR 40.12

**IN THE HIGH COURT OF JUSTICE
THE BUSINESS AND PROPERTY COURTS
OF ENGLAND AND WALES
BUSINESS LIST (ChD)**

**Case No. BL-2023-000713
BL-2023-000713**

**BEFORE MR JUSTICE ROTH
DATE: 14 MARCH 2024**

BETWEEN:

JOCKEY CLUB RACECOURSES LIMITED

Claimant/Applicant

and

- (1) DANIEL FRANK PETER KIDBY**
- (2) PERSONS UNKNOWN ENTERING THE AREA DESCRIBED BELOW AS THE “RACE TRACK” ON THE DAY OF A “RACING FIXTURE”, EXCEPT AT “CROSSING POINTS” WITH “AUTHORISATION”, AS DESCRIBED BELOW**
- (3) PERSONS UNKNOWN ENTERING AND/OR REMAINING ON ANY “CROSSING POINTS” WITHOUT “AUTHORISATION” ON THE DAY OF A “RACING FIXTURE”, AS DESCRIBED BELOW**
- (4) PERSONS UNKNOWN ENTERING THE AREA DESCRIBED BELOW AS THE “PARADE RING” WITHOUT “AUTHORISATION” ON THE DAY OF A “RACING FIXTURE”, AS DESCRIBED BELOW**
- (5) PERSONS UNKNOWN ENTERING AND/OR REMAINING ON ANY PART OF THE AREAS DESCRIBED BELOW 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 BELOW**
- (6) PERSONS UNKNOWN INTENTIONALLY OBSTRUCTING THE “HORSE RACES”, AS DESCRIBED BELOW**
- (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 BELOW**
- (8) PERSONS UNKNOWN INTENTIONALLY ENDANGERING ANY PERSON AT THE LOCATION DESCRIBED BELOW AS THE “EPSOM RACECOURSE” ON THE DAY OF A “RACING FIXTURE”, AS DESCRIBED BELOW**
- (9) MR BEN NEWMAN**

Defendants/Respondents

ORDER

UPON hearing Counsel for the Claimant, and the First Defendant

UPON the Ninth Defendant not appearing

AND UPON the time for filing an Acknowledgment of Service by the First to Ninth Defendants having expired

IT IS ORDERED THAT:

1. The Claimant shall file an Amended Claim Form setting out the basis of its interest in, and entitlement to hold Racing Fixtures at the Epsom Racecourse by 4pm on 15 March 2024.
2. If the First and Ninth Defendants intend to contest the Part 8 claim, they shall each by 25 March 2024 file and serve on the Claimant:
 - a. an Acknowledgment of Service pursuant to CPR 8.3, and
 - b. any written evidence in response to the evidence already filed by the Claimant in these proceedings, and/or any further evidence on which they each intend to rely, pursuant to CPR 8.5(3).
3. If the First and Ninth Defendant fail to file and serve an Acknowledgment of Service and any witness evidence in accordance with paragraph 2, they shall not be entitled to rely on any evidence at the disposal hearing unless the Court gives permission.
4. The Claimant has permission to rely on further written evidence, pursuant to CPR 8.6(1)(b), to be filed and served on all Defendants to the Claim by 5 April 2024.
5. The First and Ninth Defendants, provided that they have filed an Acknowledgment of Service in accordance with paragraph 2 above, have permission to file and serve on the Claimant any evidence in response to the Claimant's further written evidence by 17 April 2024.
6. The Claimants will serve the Amended Claim Form, its further evidence, this Order and any further Order in these proceedings:
 - a. on the First and Ninth (named) Defendants in accordance with CPR 6; and
 - b. on the Second to Eighth (Persons Unknown) Defendants, pursuant to CPR 6.15 and 6.27, by:
 - i. posting digital copies on its website and Facebook page;
 - ii. affixing sealed copies in transparent containers in at least 2 conspicuous locations at public entrances to the Epsom Racecourse; and
 - iii. providing digital copies to the organisation Animal Rising by email.
7. A disposal hearing shall be listed before a High Court Judge on the first available date after 1 May 2024, with a time estimate of 1 day inclusive of reading in time, in accordance with the Claimant's and the First and Ninth Defendants' filed dates of availability.
8. Any Defendant may within 7 days after service of this Order upon it apply to have the Order varied or set aside.
9. Costs are reserved.

Name and Address of the Claimant's Solicitors

1. The Claimant's solicitors are Pinsent Masons LLP, of 30 Crown Place, Earl Street, London, EC2A 4ES; +44 (0) 20 7418 7000.