



# Pinsent Masons

BY CE-FILE

The High Court of Justice  
7 Rolls Buildings  
Fetter Lane  
London  
EC4A 1NL

Your ref: BL-2023-000713  
Our Ref: 645003.07183

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21 December 2023

Dear the High Court of Justice

**BL-2023-000713: JOCKEY CLUB RACECOURSES LIMITED V (1) DANIEL FRANK PETER KIDBY; AND (2)-(8) VARIOUS PERSONS UNKNOWN; AND (9) MR BEN NEWMAN**

1. We act for the Claimant in the matter noted above. In accordance with paragraph 13.16 of the Chancery Court Guide, the Claimant requests that the Court give directions for the final disposal of the CPR Part 8 claim.
2. To assist the Court, we enclose a draft Order for directions to the final disposal hearing of the claim substantially in the form CH44.
3. In circumstances where no defendant has indicated a desire to defend the proceedings, the Claimant requests that:
  - 3.1 The attached draft directions are ordered on the papers, without a hearing;
  - 3.2 In the alternative, if the Court is minded to list the matter for a directions hearing, then a remote directions hearing is listed for one hour with one hour of pre-reading;
  - 3.3 The disposal hearing of the claim to be listed before a High Court Judge, owing to the complexities and high-profile nature of the matter.
4. Thank you for your assistance. We look forward to hearing from you.

Yours faithfully

**Pinsent Masons LLP**

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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

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DRAFT ORDER

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UPON reading the Claimant's letter dated 20 December 2023

AND UPON the time for filing an acknowledgment of service by the First to Eighth Defendants having expired

IT IS ORDERED THAT:

1. If the Ninth Defendant intends to contest the Part 8 claim, he shall by [14 days from the date of this order] file and serve on the Claimant:
  - a. an Acknowledgement of Service pursuant to CPR 8.3, and

- b. any written evidence on which he intends to rely, pursuant to CPR 8.5(3).
2. If the Ninth Defendant fails to file and serve any witness evidence by the date specified, he shall not be entitled to rely on any evidence at the disposal hearing unless the Court gives permission.
3. 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 no less than four weeks prior to the date of the disposal hearing;
4. The Claimants will serve any further evidence:
  - 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;
5. A disposal hearing is listed before a High Court Judge on the first available date from [1 March] with a time estimate of 1 day inclusive of reading in time, in accordance with the Claimant's filed dates of availability;
6. This Order shall be served by the Claimant on the Defendants:
  - 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. Any Defendant may within 7 days after service of this order upon it apply to have the order varied or set aside;
8. 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.

Dated