

On behalf of: the Claimant
By: Petra Billing
No: 2
Exhibit: PXB1

Date: 23 April 2024

QB-2021-003576

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

BETWEEN:

NATIONAL HIGHWAYS LIMITED

Claimant

- and -

(1) PERSONS UNKNOWN CAUSING THE BLOCKING OF, ENDANGERING, OR PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25 MOTORWAY, A2 A20 AND A2070 TRUNK ROADS AND M2 AND M20 MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING

(2) CATHERINE RENNIE-NASH AND 9 OTHERS

Defendants

**SECOND WITNESS STATEMENT OF
PETRA BILLING**

I, PETRA BILLING, of DLA Piper UK LLP, 1 St Pauls Place, Sheffield S1 2JX, **WILL SAY** as follows:

1. I am a solicitor of the Senior Courts of England and Wales and a Partner at DLA Piper UK LLP with day-to-day supervisory conduct of this matter. I am authorised to make this my second Witness Statement on behalf of the Claimant. Where I rely upon information supplied to me, I state the source and believe that information to be correct.

2. I make this statement in support of the Claimant's application dated 23 April 2024 referred to as **the Application** in this witness statement, which reference is intended to include those supporting documents filed with the application notice dated 23 April 2024 (the draft order sought ("**Draft Order**") and this witness statement), seeking an order without notice and without a hearing for permission that:
 - 2.1 Michael Fry of Counsel be permitted to join the in person hearing now listed for ½ a day on 26 April 2024 before Mrs Justice Collins Rice ("**Review Hearing**") by video link for those health reasons set out in this witness statement; and
 - 2.2 That the Application be dealt with without notice and without a hearing under CPR r. 23.8 (1)(c) given the purely procedural nature of this Application which does not prejudice the Defendants in any way.
3. Defined terms in the Application and Draft Order are adopted in this Witness Statement.
4. Michael Fry of Counsel may or may not be able to represent the Claimant in person at the Review Hearing. I refer to a true copy of an email received by me on 22 April 2024 from Mr Fry at PXB1 ("**Email**") which explains why an order is sought in the terms of the draft order lodged with the Application. The attachment to the Email confirms he has an appointment on 24 April 2024 at the Spencer Private Hospital in Margate for a minor medical procedure.
5. Mr Fry was originally told he would be mobile and able to attend the Review Hearing in person, but at his pre-op review last week was told that it is very unlikely that he will be fully mobile until the week commencing 29 April 2024. Whilst it is Mr Fry's intention to do everything he can to attend the Review Hearing in person there is a risk that he will be physically unable to travel.
6. Mr Fry's junior, Michael Feeney will attend in person, so will be able to assist with any issues on the day and discharge any duties to litigants in person should any attend. Mr Feeney is more than competent to make the application to extend the injunction at the Review Hearing, but Mr Fry is of the view it might assist the Court if he made submissions himself rather than briefing his junior.

7. Mr Fry offers his sincere apologies to the Court and asks the Court to note that he will do everything he can to attend the Review Hearing in person even if the Application to appear remotely be granted. Should Her Ladyship or the Judge dealing with the Application require more information, Mr Fry would be pleased to provide it, but he would prefer to keep his medical details as private as possible hence the lack of a more detailed explanation here.
8. The Draft Order does contain the appropriate protections that CPR r. 23.8(3)(a) and r. 23.10 require at clauses 7-10 as regards drawing to the Defendants' attention that if they are affected by any Order made they can apply to vary or discharge it or set it aside if the Court were to grant the Draft Order and deal with the Application without a hearing and without prior service of the Application on the Defendants. The Claimant submits they are not in any way prejudiced if the Draft Order were granted.

Statement of Truth

9. I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone 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.

Dated: 23 April 2024

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EXHIBIT PXB1

This is the exhibit marked PXB1 referred to in the Second Witness Statement of Petra Billing dated this 23rd day of April 2024.

Signed: 

Mary Barraclough

From: Michael Fry <Michael.Fry@ftbchambers.co.uk>
Sent: 22 April 2024 10:31
To: Petra Billing
Cc: Robert Shaw
Subject: NHL 2024 Injunction Review Hearing
Attachments: New Appointment - Margate PP M Fry.pdf

****EXTERNAL****

Dear Petra

I have had a minor operation scheduled for Wednesday 24 April for a couple of months. I was originally told I would be up and about by Friday, but at the pre-op review I was told that it is very unlikely that I will be fully mobile until after the weekend.

I have tended to recover quite quickly and my intention is to do everything I can to attend the hearing on Friday in person. However, I am concerned that there is a risk that I am physically unable to travel. Although I appreciate it is not ideal, I hoped that you would be kind enough to apply to the Court for me to appear remotely (if required) please?

My junior, Michael Feeney will attend in person, so will be able to assist with an issues on the day, and discharge any duties to litigants in person should any attend. Michael Feeney is more than competent to make the application to extend the injunction, but as there are some minor novel propositions, I think it might assist the Court if I made those applications myself rather than briefing my junior.

Please offer my sincere apologies to the Court, and note that I shall do everything I can to attend in person even if the application to appear remotely be granted. I attach an appointment letter in case it is required. Should her Ladyship require more information, I would be pleased to provide it, but I would rather keep my medical details as private as possible hence the lack of a very detailed explanation here.

Kind regards

Michael

Michael Fry
Barrister

E: michael.fry@ftbchambers.co.uk

M: [REDACTED]

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Michael Fry

Please consider the environment before printing this email

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**SECOND WITNESS STATEMENT OF
PETRA BILLING**

Ref: MEB/MEB/439241/15/UKM/133737964.1
Solicitors for the Claimant