

N244

Application notice

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Name of court The High Court of Justice King's Bench Division		Claim no. KB-2024-2473	
Fee account no. (if applicable)		Help with Fees – Ref. no. (if applicable)	
		H W F - - - - -	
Warrant no. (if applicable)			
Claimant's name (including ref.) Birmingham Airport Ltd and others			
Defendant's name (including ref.) Persons unknown as more particularly described in the claim form			
Date		2 June 2025 02 Jun 2025	

1. What is your name or, if you are a legal representative, the name of your firm?

Eversheds Sutherland (International) LLP

KB-2024-002473

2. Are you a ☐ Claimant ☐ Defendant ☒ Legal Representative
☐ Other (please specify)

If you are a legal representative whom do you represent?

3. What order are you asking the court to make and why?

1. To list a hearing (time estimate 1 day) to review the injunction made by orders of Jacobs J dated 6 August 2024 on 20 June 2025 or as close to that date as is convenient for the Court.

2. To consolidate the claim under CPR rule 3.1(2)(h), alternatively case manage and hear it under rule 3.2(i) and/or (p) with the following claims:
 (a) London City Airport Ltd and ors v PU - claim no KB-2024-001765;
 (b) Manchester Airport Plc and ors v PU - claim no KB-2024-002132; and
 (c) Leeds Bradford Airport Ltd and ors v PU - claim no KB-2024-002317 (“the Other Airports Claims”).

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? ☐ Hours ☐ Minutes
 Is this time estimate agreed by all parties? ☐ Yes ☐ No
7. Give details of any fixed trial date or period
8. What level of Judge does your hearing need?
9. Who should be served with this application?

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



N244 Application notice (06.22)

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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. The orders of Jacobs J are attached, together with the orders made by:-
 - (a) Julian Knowles J dated 20 June 2024 made in claim no KB-2024-001765;
 - (b) Her Honour Judge Coe KC dated 5 July 2024 made in claim no KB-2024-002132; and
 - (c) Ritchie J dated 18 July 2024 made in claim no KB-2024-002317 (as amended pursuant to the slip rule on 19 and 21 July 2024).

The review hearing

2. Paragraph 2 of the Orders of Jacobs J in the instant case provide for those Orders to be reviewed "... annually on each anniversary of the Order (or as close to this date as is convenient having regard to the Court's list) with a time estimate of 2¹/₂ hours".
3. The Claimants invite the Court to list the review hearing pursuant to paragraph 2 of that order on 20 June 2025 or as soon as is convenient thereafter.

Consolidation / case management with the Other Airports Claims

4. All of the injunctions granted in the Other Airports Claims are subject to review at 12 month intervals and the Claimants in those cases also seek review of the injunctions and have, by Eversheds Sutherland (International) LLP also made applications of even date to this application (and also for consolidation or case management with this case and the Other Airports Claims.
5. In those cases:-
 - (a) Paragraph 3 of the Order of Julian Knowles J made in claim number KB-2024-001765 provides for a time estimate of 1.5 hours for the hearing of the review application made in that claim.
 - (b) No time estimate is provided in the Orders of HHJ Coe KC or Ritchie J. However, it is anticipated that a similar time estimate would be required.
6. In view of the similarity of factual and legal issues in this claim and the Other Airports Claims, it would be beneficial for the claims to be consolidated, alternatively case managed and heard together, in order to determine the cases in accordance with the overriding objective and in specific to (a) minimise the demands placed on the court resources by a multiplicity of hearings which would require more than a day of court time; and (b) avoid the risk of inconsistent decisions.
7. The Court is invited to make an order on the papers in the form of the draft order. The Claimants will notify the Defendants of any order made by the Court and the application following the making of the 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

2

Month

June

Year

2025

Full name

Stuart Sherbrooke Wortley

Name of applicant's legal representative's firm

Eversheds Sutherland (International) 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

One Wood Street

Second line of address

Town or city

London

County (optional)

Greater London

Postcode

E	C	2	V	7	W	S
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If applicable

Phone number

0771 288 1393

Fax phone number

DX number

Your Ref.

SSW

Email

stuartwortley@eversheds-sutherland.com