

Party: Claimants

Name: Andrew James Todd

Number: Fifth

Date: 6 February 2025

CLAIM NO: KB-2025-000136

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

B E T W E E N

- (1) WM MORRISON SUPERMARKETS LIMITED**
- (2) SAFEWAY STORES LIMITED**
- (3) WM MORRISON PRODUCE LIMITED**

Claimants

- v -

- (1) PERSONS UNKNOWN WHO ENTER AND REMAIN UPON ANY OF THE DISTRIBUTION CENTRES WHICH ARE DEFINED IN SCHEDULE 1 TO THE CLAIM FORM WITHOUT THE CONSENT OF THE CLAIMANTS IN CONNECTION WITH AGRICULTURAL PROTESTS**
- (2) PERSONS UNKNOWN WHO CREATE OR CAUSE BLOCKADES AND OTHER OBSTRUCTIONS TO THE ACCESS ROADS TO THE SAID DISTRIBUTION CENTRES, WHICH ARE SHOWN ON THE PLANS AT SCHEDULE 2 TO THE CLAIM FORM, WITH OR WITHOUT VEHICLES, INCLUDING TRACTORS OR OTHERWISE, IN CONNECTION WITH AGRICULTURAL PROTESTS**

Defendants

FIFTH WITNESS STATEMENT OF

ANDREW JAMES TODD

I **ANDREW JAMES TODD** of Eversheds Sutherland (International) LLP, Water Lane, Leeds LS11 5DR **WILL SAY** as follows:-

1. I am a Senior Partner in the firm of Eversheds Sutherland (International) LLP and am responsible for the overall conduct of these proceedings on behalf of the Claimants.
2. Following the Claimants' application for an injunction in respect of the Claimants' Regional Distribution Centres ("**RDCs**") dated 15 January 2025, the Claimants were granted an injunction by way of an order dated 16 January 2025 ("**Collins Rice J Order**") which was then continued by an order dated 20 January 2025 ("**First Fordham J Order**").
3. A subsequent injunction was then granted by way of an order dated 21 January 2025, which was amended on 24 January 2025 ("**Second Fordham J Order**").
4. The Second Fordham J Order (as amended) listed a further return date on 29 January 2025 at 12pm ("**Further Return Hearing**"). Following the Further Return Hearing, the Claimants were granted a continuation of the injunction by way of an order dated 29 January 2025 ("**HHJ Tindal Order**"), which operates with immediate effect until varied, discharged or extended by further order.
5. The HHJ Tindal Order grants an injunction which, in general terms, prohibits the Defendants from:
 - 5.1 entering, occupying or remaining upon any part of the Distribution Centres without the consent of the Claimants in connection with agricultural protests;
 - 5.2 creating or causing blockades, obstructions of traffic and/or otherwise impeding, preventing or interfering with the passage by the Claimants, its agents, servants, employees, licensees, invitees to, from, with or without vehicles, including tractors or other agricultural vehicles and equipment, over and across the Access Roads in connection with agricultural protests.
6. I make this statement to confirm the steps taken to serve the Defendants with documents relating to the Further Return Hearing and pursuant to the HHJ Tindal Order, including the discharge of the undertakings given to the Court at Schedule 3 to the HHJ Tindal Order.
7. This witness statement has been produced by me with the assistance of my colleagues, Alex Wright and Alisha Rylatt.

8. The statements in this witness statement are from my own knowledge, save where I state otherwise. Where statements are matters of information or belief, I provide the source of that information or belief.
9. For ease of reference, this witness statement is divided into the following sections:
 - 9.1 Section 1 – Service of HHJ Tindal Order
 - 9.2 Section 2 – Service of other documents in the proceedings
10. I refer to exhibit marked "**AJT6**" in this statement. It has been produced to me and I verify that the documents in those exhibits are true copies of the documents.

SECTION 1 – SERVICE OF HHJ TINDAL ORDER

11. Paragraph 11 of the HHJ Tindal Order states that service of that order on the Defendants shall be validly effected by:
 - 11.1 producing that a copy of the order is uploaded to www.morrisonscorporate.com/injunction ("**Claimants' Website**");
 - 11.2 sending an email to the email addresses listed in Schedule 4 of the order (being info@farmerstoaction.org) ("**the Farmers to Action Email Address**") attaching a copy of the order; and
 - 11.3 affixing a copy of the order and the Plan (as defined in the HHJ Tindal Order) applicable to the relevant Distribution Centre (as defined in the HHJ Tindal Order) in A4 size in a clear plastic envelope at those locations marked with an "X" on the Plans.
12. From conversations and emails exchanged with relevant individuals providing instructions to this firm, I can confirm that the HHJ Tindal Order was uploaded to the Claimants' Website at 17:00 on 29 January 2025.
13. I can confirm that the HHJ Tindal Order was served on the Defendants by an email sent to the Farmers to Action Email Address at 16:38 on 29 January 2025. A copy of this email is exhibited at "**AJT6**".
14. From conversations and emails exchanged with relevant individuals providing instructions to this firm, I can confirm that a copy of the HHJ Tindal Order and relevant Plan were affixed at the relevant locations as detailed in the below table:

	Day / Time Affixed By
Swan Valley 1	5 February 2025, 1500
Swan Valley 2	5 February 2025, 1500
Swan Valley 3	5 February 2025, 1500
Stockton	5 February 2025, 1140
Sittingbourne	5 February 2025, 1400
Gadbrook	5 February 2025, 1200
Latimer Park Kettering	5 February 2025, 1115
Latimer Park Corby	5 February 2025, 1400
Willow Green North (Kings Dr)	5 February 2025, 1200
Willow Green South (Bristol Rd)	5 February 2025, 1215
Wakefield	5 February 2025, 1650

SECTION 2 – SERVICE OF OTHER DOCUMENTS IN THE PROCEEDINGS

15. Paragraph 15 of the HHJ Tindal Order states that service on the Defendants of any further applications or documents in the proceedings by the Claimants shall be validly effected by:
- 15.1 Uploading copies of the documents to the Claimants’ Website; and
- 15.2 Sending an email to the Farmers to Action Email Address stating that the documents can be found at the Claimants’ Website.
16. From conversations and emails exchanged with relevant individuals providing instructions to this firm, I can confirm that:
- 16.1 The Skeleton Argument for the Further Return Hearing on 29 January 2025 was uploaded to the Claimants’ Website at 18:02 on 28 January 2025;

- 16.2 The Second Witness Statement of Scott Roberts and Exhibit to the Second Witness Statement of Scott Roberts were uploaded to the Claimants' Website at 18:19 on 28 January 2025;
- 16.3 The Fourth Witness Statement of Andrew Todd and Exhibit to the Fourth Witness Statement of Andrew Todd were uploaded to the Claimants' Website at 18:19 on 28 January 2025; and
- 16.4 A note of the hearing on 29 January 2025 was uploaded to the Claimants' Website at 10:30 on 4 February 2025.
17. I can confirm that the following documents were served on the Defendants by emails sent to the Farmers to Action Email Address via the following emails (as exhibited at "AJT6")
- 17.1 on 28 January 2025 at 18:04 - The Skeleton Argument for Further Return Hearing on 29 January 2025;
- 17.2 on 28 January 2025 at 18:05 - The Second Witness Statement of Scott Roberts and Exhibit to the Second Witness Statement of Scott Roberts;
- 17.3 on 28 January 2025 at 18:05 - The Fourth Witness Statement of Andrew Todd and Exhibit to the Fourth Witness Statement of Andrew Todd; and
- 17.4 on 4 February 2025 at 12:14 - A note of the hearing on 29 January 2025.

Statement of truth

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.

I am duly authorised to make this statement on the Claimants' behalf.



Andrew James Todd | 6 February 2025