

## **Note of Hearing**

Moog v Persons Unknown – PT-2025-000910

**Date:** 5 September 2025

**Time:** 15:45

The hearing concerned an urgent without notice application by Moog (the Claimant), manufacturers with five UK sites, for an injunction against “persons unknown” to restrain direct action protests. Counsel for the Claimant (“C”) argued that the company had become the target of activists, particularly following allegations of involvement in supplying components to Israel during the Gaza conflict.

### **Background and Factual Context**

- Moog operates across multiple sectors, including defence and medical devices.
- From July 2025, there was growing concern that Moog sites would be targeted after media publications linked the company to Israel.
- On 26 August 2025, activists attacked Moog's Wolverhampton facility. Attackers rammed through the gates, climbed onto the roof, smashed up to 93% of solar panels, broke windows, and threw flares into the building. The incident caused an estimated £1.25m - £2 million in damage with losses from premises being out of operation costing around £10,000 per day.
- The standoff with police lasted 5.5 hours. Although arrests were made, the threat to Moog's other sites remains.

Moog previously improved security and liaised with police. It was always a judgement call to decide when to seek an injunction and the Wolverhampton attack crystallised the need for urgent court protection.

### **Claimant's Submissions**

C argued that:

- There is a “compelling need” for injunctive relief, citing comparable protest-related injunctions (e.g. Teledyne, HS2, Cuadrilla).
- Previous cases show injunctions are effective; they do not eliminate protest but channel it into lawful forms; unlawful actions tend to shift toward other targets.
- The relief sought is not intended to ban lawful protest on highways, but to safeguard Moog's premises. The requested order included prohibitions on trespass and obstruction of access/egress.
- Articles 10 and 11 (freedom of expression and assembly) of the ECHR are engaged but carry little weight on private land. C acknowledged the balancing exercise is different where rights of the public in respect of the highway may be engaged.
- The application was made ex parte due to “tipping off” risks: giving notice could itself trigger further unlawful action.
- Evidence, including extracts from the Palestinian Action Underground Manual, demonstrated a real and imminent threat of repeat attacks.

### **Judicial Concerns**

Mr Justice Meade raised several points requiring scrutiny:

1. Impact on lawful protest: An injunction over access/egress could risk chilling legitimate demonstrations about Gaza.
2. Ex parte nature: Recent Supreme Court authority (*Wolverhampton City Council case*) questioned when it is justified to withhold notice from defendants.
3. Evidence of specific threats: Whether a general risk is sufficient or an imminent threat to a particular site must be shown.

Mr Justice Meade stressed the importance of balancing protection of Moog's operations and staff against Convention rights and the public interest in protest. He expressed hesitation about drilling into detailed points without careful consideration.

### **Judgement**

The Judge concluded that the proper course was to grant the order sought save for certain paragraphs, which would be stood over to the return date. Reasons were given briefly.

The application was for injunctive relief against persons unknown, of the kind described as a "newcomers" action in *Wolverhampton City Council v London Gypsies and Travellers*. Whereas that case concerned encampments, the present application concerned protestors, including protestors who may act unlawfully. The claimants (collectively, "Moog") are group companies operating in the defence, industrial and medical sectors. Since July, Moog has been the focus of protests linked to the conflict in the Gaza Strip, following public allegations that it supplies parts to Israel. Moog made no admission as to those allegations, and it is not the court's function to determine them; what mattered was that there are protestors who consider the allegations well-founded and are prepared to act on them.

In August one Moog site was subjected to a serious attack causing substantial damage. No one was hurt. Those alleged to be responsible are currently in custody; they are not named here and are not said to present an immediate further threat. Nevertheless, there is continued focus by protest groups (the evidence referred in particular to Palestine Action), and Moog apprehends similar attacks at other sites. Materials exhibited, including what was described as a "PA underground manual", outline methods that present a real risk to property and, at least accidentally, to personal safety. The conduct described is serious.

The Judge had read the skeleton argument and witness statement, reminded himself of the principal authorities, and studied the draft order and the way it delineates the premises. As to legal principles, he had regard to *Wolverhampton* and to the helpful synthesis by Ritchie J in *Valero Energy v Persons Unknown*. Not all of those questions applied without adaptation, but the critical issues for present purposes were whether there is sufficient need, whether any realistic defence is available, and the position under the ECHR, particularly Articles 10 and 11.

The application was without notice in the practical sense that Moog had not attempted to alert those who might be affected. Counsel drew attention to passages in *Wolverhampton* concerning the logic of withholding notice in some contexts, including freezing orders. The judge accepted, at a high level of generality, that the Supreme Court did not foreclose ex parte relief in appropriate protest cases, especially where giving notice risks precipitating the very acts to be restrained.

Turning to the relief sought, in relation to sub-paragraphs (i) and (iii) of paragraph 1 of the draft order (and their site-specific analogues), which restrain trespass and unlawful interference, the judge was satisfied that there is a very strong cause of action, no realistic defence, and a compelling need. Articles 10 and 11 are engaged, but the balance clearly favours the claimants. By contrast,

sub-paragraph (ii), which concerns hindering access to or egress from the sites, directly interacts with lawful protest on the highway and risks a chilling effect if not tightly drawn. That feature warrants fuller adversarial scrutiny.

Accordingly, the court granted the injunction now in respect of sub-paragraphs (i) and (iii), on the basis that the ECHR balance does not materially favour the defendants and that notice may trigger the very misconduct to be restrained. The application in respect of sub-paragraph (ii) was stood over to the return date, when it can be argued with proper attention to ECHR rights and practical boundaries. In the judge's view this strikes a fair and appropriate balance: it protects Moog against serious unlawful interference while preserving the space for lawful protest and ensuring that any restriction on access and egress is considered with the care it requires at the return hearing.