

IN THE HIGH COURT OF JUSTICE

CLAIM NO: PT-2025-000910

CHANCERY DIVISION

PROPERTY, TRUST AND PROBATE LIST

BETWEEN:

(1) MOOG WOLVERHAMPTON LIMITED

(2) MOOG FERNAU LIMITED

(3) MOOG READING LIMITED

(4) MOOG CONTROLS LIMITED

Claimants

and

PERSONS UNKNOWN

As more particularly described in the Claim Form

Defendant

CLAIMANTS' SKELETON ARGUMENT

**For return date hearing of Cs' application for an injunction:
time estimate 1.5 hours**

References to documents in the Hearing Bundle denoted by [page] and in the Authorities Bundle by [AB/page]

Suggested Pre-Reading (Time Estimate: 1.5 hours of judicial time)

- Order made by Meade J on 5 September 2025 [31]
- Draft Order [64]
- Application Notice dated 15 September 2025 [57] & Claim Form [5]
- Amended Particulars of Claim [14]
- First, Second and Third Witness Statements of Elwira Kelly [96, 364, 391]
- Note of the hearing before Meade J on 5 September 2025 [451]

INTRODUCTION

1. The Claimants (“Cs”) are the UK subsidiaries of Moog, Inc, a US-based designer and manufacturer of controls and systems for applications in aerospace, defence, industrial and medical devices (collectively, “Moog”).
2. Moog operates at 5 sites in the UK through the Claimants, as detailed in the Amended Particulars of Claim at ¶2–15 [15] (“the Sites”).
3. The Sites have become potential targets for Gaza-related protest. The threat was first intimated in July, when allegations appeared on the internet that Moog was a company involved in the supply of military aircraft parts to Israel. There is a strong association between allegations of this kind being made against businesses, and attacks ensuing on the premises of those businesses.
4. That threat materialised in the early hours of 26/8/2025 in an actual attack on one of Moog’s Sites. The four perpetrators rammed a vehicle through an entrance gate and made their way onto the roof of the premises in question, where they wreaked substantial damage. A preliminary estimate of the costs of repair alone is in the region of £1m. The overall cost to Moog arising from this incident is estimated to be likely to be in the region of £1.25–£2m. The four individuals involved were arrested by the police and remanded in custody with the criminal case against them now transferred to the Old Bailey. A bail hearing is listed on 3 October 2025. As such, Cs consider that those individuals present no immediate threat themselves. However, it appears plain from the evidence and the advice of the police that they are part of a much wider campaign and not “lone wolves”.
5. In the circumstances and on the advice of the police, Moog has sought the Court’s protection by way of an injunction, to restrain future incidents of trespass and other unlawful acts on or directly affecting the Sites, in order to avoid the risks to safety of persons and property and disruption of its operations at the Sites.
6. An interim injunction was granted on a without notice basis by Meade J on 5 September 2025, restraining the Defendants from:
 - (i) Entering, occupying or remaining on any part of the Sites including by climbing, breaking windows or external equipment, spray-painting, pouring, depositing, throwing or affixing anything, or ‘locking on’ to any part thereof by whatever means; or
 - (ii) Interfering or attempting to interfere with any of the services serving the Sites.
7. Cs had also sought relief to protect them from interference with ingress/egress to their premises, but Meade J adjourned that aspect of Cs’ application because he considered that it required more consideration than was possible on that occasion.

Cs seek that additional relief at this hearing, together with continuation of the relief granted by Meade J on 5 September 2025.

8. Cs have provided updating evidence in the form of a third witness statement of Elwira Kelly [391]. This addresses notification of the Order made by Meade J on 5 September, together with other documents, as provided for in that Order, and provides updating information on the threat to the Sites which has arisen since the Order was made. Cs seek the Court's permission to rely on that statement [89].

THE LAND SUBJECT TO THE INJUNCTION

9. Cs seek injunctions protecting the 5 Moog Sites in the UK, described in the PoC and the evidence as:
 - (1) the Wolverhampton Site;
 - (2) the Luton Site;
 - (3) the Reading Site;
 - (4) the Tewksbury Aircraft Site;
 - (5) the Tewkesbury Industrial Site.
10. The PoC ¶¶2–15 [15] and Kelly1 ¶¶16–53 [100] provide a description of each of the Sites. Further details on the area over which the injunction sought at the Luton Site are provided in Kelly2 [364].
11. In respect of the Wolverhampton Site, C1's land ownership is more extensive than the area over which the injunction is sought (edged red on Plan 1 to the PoC [26]). The area over which the injunction is sought is limited to the operational area of the Site. In respect of the Luton and Reading Sites, the geographical extent of the injunction sought includes land not demised to C2 and C3 under the relevant leases but which it enjoys a right to use, which are integrally linked to its use of and/or access to the demised land, and/or where actions of the nature sought to be restrained by the injunction would materially interfere with the operation of its facility.

THE THREAT

12. At Kelly1 ¶¶83–93 [121], Elwira Kelly describes the threat arising from Palestine Action and individuals associated with or espousing causes similar to that organisation, including the taking of direct – and unlawful – action against

companies or entities alleged to be involved in the supply of components or equipment to Israel: summarised at **Kelly1 ¶¶83-89**. Such action has not ceased with the proscription of Palestine Action: see **Kelly1 ¶¶94–96 [117]**.

13. Of greatest import to Moog was the action taken by 4 individuals claiming to be members of a group called “Palestinian Martyrs for Justice” at the Wolverhampton Site on 26 August 2025 (**Kelly1 ¶¶54-61 [105]**). In the early hours of the morning, those individuals:
 - (1) Rammed a vehicle into the front gates of the logistics entrance to gain access to the Site, then used the vehicle to block access to the Site by other vehicles;
 - (2) Cut the padlock to a security device securing a metal ladder leading to the roof of the building (and which was intended to prevent unauthorised access to the roof);
 - (3) Climbed onto the roof of the main building, smashing windows and skylights and destroying 95% of the solar panels (which are the property of Centrica Business Solutions (Generation) Limited (“Centrica”) and cutting holes in the roof;
 - (4) Were observed lighting at least one flare, with evidence of other flares having been dropped into the building itself, causing further damage.
14. Details of the damage are provided at **Kelly1 ¶62 [107]**, and photographs of the damage, in reports prepared by Centrica and by an employee of Moog, provided in **EK1/pp.81-103 [204]**. Current estimates for repair of the damage caused are well in excess of £1m (**Kelly1 ¶64 [108]**). In addition, there has been significant disruption to Moog’s business, as detailed at **Kelly1 ¶¶65-68**. The total financial cost to Moog (so far as capable of estimate at this point in time) is likely to be in the region of £1.25 - £2m (**Kelly1 ¶68**).
15. The incident occurred at a time when there were five security staff and six Moog employees on the Site. Fortunately, no one was hurt on this occasion. But it is clear that the presence of such persons on the Site did not in any way deter the individuals from the actions they undertook, despite the clear risks that they must have realised their actions could pose to them.
16. Subsequently to the hearing on 5 September 2025, nothing has occurred to indicate any abatement of the threat and corresponding risks –detailed in **Kelly1**. On the contrary, as detailed in **Kelly3 ¶¶13-17 [396]**:

- (1) Cs have experienced some vandalism by potential pro-Palestinian protestors, including graffiti – “Moog kill Palestinians” – written on the entrance walkway opposite the Tewkesbury Aircraft Site;
- (2) Drones have been flown over the Wolverhampton Site on multiple occasions, and on two occasions staff at the Wolverhampton Site have had cause to ask the police to investigate suspicious incidents of people in the vicinity of the site in the early hours of the morning;
- (3) A further article was published on the Declassified website alleging Moog’s involvement in supplying equipment from the Wolverhampton Site used to train Israeli pilots and alleging that Moog was “directly” supplying Israel’s Ministry of Defence;
- (4) Moog is named on a further website that targets companies alleged to be contributing to supplying the Israeli military, which website includes a link to the Palestine Action ‘Underground Manual’.

17. In light of:

- (1) the incident on 26 August 2025;
- (2) the history of similar action against other companies or entities which have been named in connection with the alleged export of equipment or components to Israel for ultimate use by the Israel Defense Forces;
- (3) advice from the police that Moog should seek injunctive relief to restrain further protest action at the Wolverhampton Site, given the fact that other facilities have been targeted more than once (**Kelly1 ¶¶102 [119]**);
- (4) the continued allegations as to Moog’s involvement in supplying components or equipment for use by the Israel Defense forces and other matters referred to in **Kelly3 ¶¶13-17 [396]**,

there is a real, credible and continuing risk that persons associated with or espousing causes similar to the groups or individuals who have undertaken such actions in the past will engage in (further) direct action at or otherwise affecting the Sites – regardless of the operations actually undertaken at a specific Site. That risk applies to all of the Sites, not just the Site which has previously been subjected to direct action: see **Kelly1 ¶¶77-8 & 101-103 [111, 119]**.

18. Moog therefore seeks a continuation of the injunctive relief granted by Meade J on 5 September 2025 to restrain:
- (1) Trespass into or damage to the Sites (including fencing and gates at the Wolverhampton Site and Tewkesbury Aircraft Site) including, for the avoidance of doubt, through climbing, cutting fencing, breaking windows or external equipment, ‘locking on’ (by whatever means) or spray-painting, pouring, depositing, throwing or affixing anything onto any part thereof;
 - (2) Interference or attempted interference with the services serving the Sites.
19. Additionally, Cs seek an order to restrain interference or obstruction (or attempted interference or obstruction) with access to or egress from the Sites by Moog, its agents, employees, contractors, suppliers, customers or other licensees.
20. The descriptions of action sought to be restrained reflect (i) the experience of what occurred during the incident on 26 August 2025, (ii) evidence of what occurred during similar incidents elsewhere, (iii) actions described in the Palestine Action ‘Underground Manual’ (a copy of which is exhibited **EK1/pp.151-164 [274]**), and (iv) the advice which Moog has received from the police (**Kelly1 ¶115 [121]**).
21. The risks and harms which could arise from such action include a clear risk of harm, not only to Moog employees, contractors, customers and suppliers but also to those trespassing on the Sites (on which, see **Kelly1 ¶¶23-28 [101]**) as well as damage to property. That is in addition to the risks and harms arising from disruption to business operations, not only to Moog but also to those whom it supplied: see **Kelly ¶¶104-109 [119]**.

INJUNCTIONS AGAINST “PERSONS UNKNOWN”: THE LEGAL CONTEXT

22. The Defendants are “newcomers” of the sort discussed in *Wolverhampton CC v London Gypsies & Travellers* [2024] AC 983: persons who are not identifiable at the date that proceedings are commenced, but who are intended to be bound by the terms of the injunction sought. **The proceedings are typically a form of enforcement of undisputed rights rather than a form of dispute resolution: ¶143(iv) [AB/1/56]**. They involve a “wholly new type of injunction with no very closely related ancestor from which it might be described as evolutionary offspring”: ¶144 [AB/1/57]. They are likely only to be justified as a novel exercise of an equitable discretionary power if the conditions in ¶167 are met: ¶¶167, 235 [AB/1/64,79].

23. The Supreme Court emphasised that its discussion had focused on injunctions against gypsies and travellers (in that context) and that “nothing we have said should be taken as prescriptive in relation to newcomer injunctions in other cases, such as those directed at protesters who engage in direct action by, for example, blocking motorways, occupying motorway gantries or occupying HS2’s land with the intention of disrupting construction. Each of these activities may, depending on all the circumstances, justify the grant of an injunction against persons unknown, including newcomers”: ¶235. At ¶236, it gave the following guidance with respect to ‘newcomer’ injunctions against protesters:

“Counsel for the Secretary of State for Transport has submitted and we accept that each of these cases has called for a full and careful assessment of the justification for the order sought, the rights which are or may be interfered with by the grant of the order, and the proportionality of that interference. Again, in so far as the applicant seeks an injunction against newcomers, the judge must be satisfied there is a compelling need for the order. Often the circumstances of these cases vary significantly one from another in terms of the range and number of people who may be affected by the making or refusal of the injunction sought; the legal right to be protected; the illegality to be prevented; and the rights of the respondents to the application. The duration and geographical scope of the injunction necessary to protect the applicant's rights in any particular case are ultimately matters for the judge having regard to the general principles we have explained.”

24. *Wolverhampton* shows that:

- (1) This is an emerging jurisdiction, equitable and discretionary, still in its early stages, with a dynamic role for the Courts to play in working out the ‘rules’ or practices which should apply as experience of such cases accumulates (¶185 [AB/1/68]). For that reason, it would be wrong to treat authorities articulating, or purporting to articulate, a series of principles or ‘tests’ as decisive or prescriptive at this point in time.
- (2) There is no difference in point of substance between interim and final orders, largely because whether expressed as an interim order or as a final order, they are always *ex parte* in relation to newcomers, with the result that it is never too late (before breach) for a newcomer to apply to vary or set aside the injunction in reliance on “any reasons which could have been advanced in opposition to the grant of the injunction when it was first made”; this principle, combined with express provision for anyone to apply to vary/ set aside the injunction, fully meets the requirements of procedural fairness: eg ¶¶ 139, 143, 144, 177, 178, 232 [AB/1/55-7, 67, 78]. See also more recently in the protest context, *Drax Power Ltd v. Persons Unknown* [2024] EWHC 2224 (KB) ¶18 (Ritchie J) [AB/5/212].
- (3) The overarching questions are those identified in *Wolverhampton* at ¶167 [AB/1/64], specifically: (i) is there a compelling need sufficiently

demonstrated by the evidence that justifies the exercise of the court's jurisdiction to give effective protection to the claimant's rights; (ii) have adequate procedural safeguards been provided to protect the affected newcomers; and (iii), overall, is it just and convenient for an injunction to be granted on the facts of the case.

25. Subject to that, the principles outlined by the Supreme Court in *Wolverhampton* were helpfully drawn together and synthesised with then-established practice, by Ritchie J in *Valero Energy Ltd v Person Unknown* [2024] EWHC 134 (KB) at ¶¶57–58 [AB/7/259], posing quite a long list of questions. Essentially the same requirements might be expressed in different and perhaps more succinct ways (eg, in *Jockey Club Racecourses Ltd v Persons Unknown* [2024] EWHC 1786 (Ch) at ¶¶14–20 [AB/6/224] and in *Shell UK Ltd v. Persons Unknown* [2025] PTSR 1213 at ¶59 [AB/4/156]) — but provided it is viewed (as intended) as a helpful checklist, rather than as a straitjacket, Ritchie J's approach has stood the test of time to date, so far as we are aware.

SUBMISSIONS

The substantive case for the injunction

26. There is a clear and compelling need for the injunction, sufficiently demonstrated by the evidence, to justify the exercise of the Court's jurisdiction to grant the injunction sought, which is necessary to protect Cs' rights effectively. Working through Ritchie J's checklist:
27. The causes of action on which Cs rely are detailed at ¶¶25–30 of the PoC [20]. They seek to restrain acts of trespass and of nuisance.
28. Trespass: Moog (through each relevant subsidiary C) owns (and is entitled to immediate possession of) each of the Sites, either in its entirety (the Wolverhampton, Tewkesbury Aircraft and Tewkesbury Industrial Sites) or in the main, with rights to use areas retained by the freehold owner, but in any event with a better entitlement to possession than any of the defendants (the Luton and Reading Sites).
29. Details are provided at **Kelly1** ¶¶16 - 22 [100] (Wolverhampton Site); ¶¶46-48 [104] (Luton Site), ¶40 [103] (Reading Site); ¶30 [102] (Tewkesbury Aircraft Site) and ¶35 [103] (Tewkesbury Industrial Site). Official copy entries of title are exhibited at **EK1** pp.7-25 [130] (Wolverhampton Site); pp.56-65 [179] (Luton Site); pp.48-55 [171] (Reading Site); pp.33-40 [156] (Tewkesbury Aircraft Site); and pp.41-47 [164] (Tewkesbury Industrial Site).

30. Nuisance: private nuisance is where acts of a defendant have wrongfully interfered with the claimant's use and/or enjoyment of its property. It is also now well established that acts of a defendant on a public highway which interfere with a claimant's right to take access from that highway to their property can found a claim in nuisance which can be restrained by injunction: see, inter alia, *High Speed Two (HS2) Limited v Four Categories of Persons Unknown* [2022] EWHC 2360 (KB) at ¶¶86–7, 188 and 217 [AB/8/288, 324, 331]. Interference with the exercise of an easement – where substantive – can also found a claim in private nuisance (*Gale on Easements* (22nd Edn, ¶¶13-01 – 13-03 [AB/10/377])).
31. There is sufficient evidence of the need for the injunction by reason of a real and imminent threat to the Sites: **Kelly1** ¶¶70–103 [109]. Moog has been advised by the Police to apply for an injunction to protect the Wolverhampton Site against further protest action: **Kelly1** ¶102 [119]. By reference to (i) the previous targeting of the Wolverhampton Site in the incident described above; (ii) the naming of both the Wolverhampton Site and the Tewkesbury (Commercial Aircraft) Site in publications alleging Moog's involvement in supplying arms to Israel (see **Kelly1** ¶¶77); and(iii) the history of similar action against other companies or entities occupying multiple sites which have been named in connection with the alleged export of equipment or components to Israel/the Israel Defense Forces, there is a clear, real and imminent risk to all of the Sites.
32. There is no realistic defence which could successfully be advanced by the Defendants.
33. ECHR: the Sites are situated on private land to which the public has no right of access whether for the purposes of protest or otherwise. The Court of Appeal has recently clarified that this is not enough to “disengage” Articles 10 and 11 completely, but they attract limited weight where the “protest / expression” relied on involves criminal trespass: *R v. Hallam* [2025] EWCA Crim 199; [2025] 4 WLR 33 *per* Lady Carr LCJ at ¶¶30–36 [AB/2/92]. Lady Carr also drew attention to Article 17 of the ECHR, which had not been relied on in the arguments in *Hallam*, but which provides:
- “ARTICLE 17 Prohibition of abuse of rights
- Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.”
34. Applying the balancing exercise which must be conducted in view of the framework summarised in *Hallam* ¶30, informed also by the principles enshrined

by Article 17, C would commend as directly or at least sufficiently analogous the recent evaluation in *Cambridge University v. Persons Unknown* [2025] EWHC 2330, *per* Butcher J at ¶¶54–66 (with the difference that C does not accept that it is a “public body”, unlike the concession made by the University) [AB/3/127].

35. In relation to the requested order for protection from interference with access to / egress from the Sites: it is conceivable that Defendants might deploy themselves on the nearby highway and, from / on the highway, seek to impede such access. Accordingly, it is necessary for the Court to balance the assertion by Cs of its rights, against the rights of the Defendants to be present on the highway including, in principle, for the purpose of protest.
36. This exercise has been conducted by many judges in the past few years in view of the environmental protests which took off in c2022. It goes without saying that each case depends on its facts, but in relation to the balancing exercise which is required, protest cases where the threat posed is to a claimant’s property (protected by law as well as by A1P1), the similarities are more significant than the differences. At the relatively early states of this jurisdiction, this topic received the most anxious consideration, as reflected in the substantial judgments of (and referred to by) Julian Knowles J in *Esso v. Breen* [2023] EWHC 2013 (KB) at ¶¶40–70 [AB/9/358]. Likewise *per* Dexter Dias J in *Shell UK* at ¶¶21–23, 54–58, 62–63, 116–141, 171 [AB/4/146, 154, 158, 175, 190]; and, more succinctly, *Drax per* Ritchie J at ¶32 [AB/5/217]. . On no occasion known to us has the balance come down in favour of withholding relief from persons threatened by disruptive action.
37. Conducting the *Ziegler* balancing exercise as outlined in those examples:
 - (1) The aim of any interference with the Defendants’ Article 10 and/or 11 rights is to protect the safe operation of the Sites, and, indeed, Cs’ rights as protected under Article 1 of the 1st Protocol. As in *Shell UK*, the Court may properly be satisfied that the aim is sufficiently important to justify interference with the Defendants’ Article 10 and/or 11 rights;
 - (2) There is a rational connection between the means chosen and the aim in view;
 - (3) There is no less intrusive means that could achieve that aim. Moog already has in place stringent security measures (**Kelly1** ¶¶110–112 [120]). That did not prevent the incident on 26 August 2025;
 - (4) The injunction would strike a fair balance between the rights of the Cs and of the Defendants. The injunction seeks only to restrain acts which would otherwise be unlawful (being acts of trespass and/or nuisance) and to

protect Cs' own protected rights.

38. Damages would not be an adequate remedy for the Claimant: see **Kelly1 ¶¶ 62-68 [107]** on the damage and disruption caused by the incident on 26 August 2025, and, at **¶¶ 104-9 [119] and 118 [122]** more generally.
39. There is a sufficiently real and imminent risk of damage so as to justify the grant of a precautionary injunction which has been substantiated by the Claimants' evidence. There is a compelling need for the Order.

The procedural requirements

40. The identity of the defendants: these have been identified by reference to the acts sought to be restrained, and by reference to the areas shown edged red (on Plans 1, 4 and 5) and edged yellow (on Plans 2 and 3).
41. The Order would have clear temporal and geographical limits. The land is shown by reference to the Plans. Cs seek an order for a review in one year's time (this being the period adopted in *Drax* and similar injunctions granted in respect of various airports last year) with machinery for order to lapse if an application for review is not made in time.”.
42. The draft Order contains the usual provisions for any person affected by it to apply to court for a variation thereof, on notice to Cs.
43. As to service/notification, in the present case, the Cs do not know the precise identity of the individuals who might fall within the description of the Defendants and/or are likely candidates for action of the kind which the injunction would restrain. Accordingly, there is no identifiable person on whom the proceedings could be served (cf *Wolverhampton* ¶221 [**AB/1/76**]).
44. Whilst Moog is aware of the names of the four individuals who broke into the Wolverhampton Site on 26 August 2025, those individuals are currently remanded in custody, with a bail hearing on 3 October 2025 (**Kelly3 ¶11 [396]**). Moog has been informed by Police that the CPS intends to link the offences with which those individuals are charged to terrorism, and that due to the severity of the offences, the criminal proceedings have been transferred to the Old Bailey. Cs do not, therefore, have reason to believe that those four individuals could (let alone would) be persons who might fall within the description of the Defendants and/or be intending to undertake such acts – at least, at present. Cs will, of course, keep that position under review – in particular, if those individuals were to be released on bail on 3 October or thereafter – but Cs do not at present consider they need to be personally joined as defendants to this claim.

45. Therefore, and in accordance with the approach set out in *Wolverhampton* (which distinguishes between ‘notification’ of the application/order to ‘Persons Unknown’ and ‘service’ on identifiable persons’: ¶¶221, 226, 230-231 [AB/1/76-78]) the Cs seek an order dispensing with any Order made by this Court and instead providing for its notification by the means provided for in the draft Order which replicate the provisions included in the Order made by Meade J on 5 September 2025 [31].

Full and frank disclosure

46. In order to support compliance with its duty of full and frank disclosure, Cs address two arguments which might be advanced against its application for the injunction.
47. First, it could be argued that the acts complained of could be restrained by other means. Whilst the Wolverhampton Site is a ‘prohibited place’ under s.7 of the National Security Act 2023 [AB/11/383], the Police have not suggested that the powers they may have under that Act would be adequate alternatives to the injunction sought (Kelly1 ¶29 [102]). The Sites do not fall within the definition of “key national infrastructure” in s.7 of the Public Order Act 2023 [AB/12/390] (consequently, the powers provided for under Part 1 of that Act in relation to such sites do not apply). Whilst the offence under s.1 of the Public Order Act 2023 [AB/12/386] of ‘locking on’ (and consequently powers available in respect of such offence) is not dependent upon a person intending to ‘lock on’ to “key national infrastructure” and so would, in principle, be available in respect of the Sites, the actions which are particularised in the PoC and draft Order (which include ‘locking on’) reflect advice received from the police (Kelly1 ¶115 [116]). Further, the current proceedings follow (i) the previous incident at the Wolverhampton Site and (ii) discussions with the police themselves: a compelling indication that the general law does not sufficiently vindicate Cs’ rights.
48. Secondly, the Defendants are seeking to exercise rights protected under Articles 10 and/or 11 ECHR. This has been addressed above.

TIMOTHY MORSHEAD, KC

JACQUELINE LEAN

2 October 2025

Landmark Chambers