IN THE HIGH COURT OF JUSTICE **CLAIM NO: PT-2025-000910**

BUSINESS AND PROPERTY DIVISION

PROPERTY, TRUSTS AND PROBATE LIST

BETWEEN:

(1) MOOG WOLVERHAMPTON LIMITED
(Company number 07008386)

(2) MOOG FERNAU LIMITED
(Company number 989895)

(3) MOOG READING LIMITED
(Company number 00586505)

(4) MOOG CONTROLS LIMITED
(Company number 01171948)

Claimants

and

(1) PERSONS UNKNOWN WHO FOR THE PURPOSE OF PROTEST OR SABOTAGE ENTER OCCUPY OR REMAIN ON, OR DAMAGE, THE LAND AND PREMISES SHOWN EDGED RED ON PLAN 1 BEING MOOG AIRCRAFT GROUP WOLVERHAMPTON, VALIANT WAY, PENDEFORD, WOLVERHAMPTON WV9 5GB, OR WHO OBSTRUCT AND/OR INTERFERE WITH OR ATTEMPT TO OBSTRUCT AND/OR INTERFERE WITH ACCESS TO OR EGRESS FROM THAT LAND AND PREMISES (FIRST DEFENDANT)

(2) PERSONS UNKNOWN WHO FOR THE PURPOSE OF PROTEST OR SABOTAGE ENTER OCCUPY OR REMAIN ON, OR DAMAGE, THE LAND AND PREMISES SHOWN EDGED YELLOW ON PLAN 2 BEING MOOG CONTROLS LTD LUTON, UNITS C AND J AIRPORT EXECUTIVE PARK, PRESIDENT WAY, LUTON LU2 9NY, OR WHO OBSTRUCT AND/OR INTERFERE WITH OR ATTEMPT TO OBSTRUCT AND/OR INTERFERE WITH ACCESS TO OR EGRESS FROM THAT LAND AND PREMISES (SECOND DEFENDANT)

(3) PERSONS UNKNOWN WHO FOR THE PURPOSE OF PROTEST OR SABOTAGE ENTER OCCUPY OR REMAIN ON, OR DAMAGE, THE LAND AND PREMISES SHOWN EDGED YELLOW ON PLAN 3 BEING MOOG READING LIMITED, 30 SUTTONS BUSINESS PARK, READING, BERKSHIRE RG6 1AW, OR WHO OBSTRUCT AND/OR

INTERFERE WITH OR ATTEMPT TO OBSTRUCT AND/OR INTERFERE WITH ACCESS TO OR EGRESS FROM THAT LAND AND PREMISES (THIRD DEFENDANT)

(4) PERSONS UNKNOWN WHO FOR THE PURPOSE OF PROTEST OR SABOTAGE ENTER OCCUPY OR REMAIN ON, OR DAMAGE, THE LAND AND PREMISES SHOWN EDGED RED ON PLAN 4 BEING MOOG AIRCRAFT GROUP TEWKSBURY, ASHCHURCH, TEWKESBURY, GLOUCESTERSHIRE GL20 8NA, OR WHO OBSTRUCT AND/OR INTERFERE WITH OR ATTEMPT TO OBSTRUCT AND/OR INTERFERE WITH ACCESS TO OR EGRESS FROM THAT LAND AND PREMISES (FOURTH DEFENDANT)

(5) PERSONS UNKNOWN WHO FOR THE PURPOSE OF PROTEST OR SABOTAGE ENTER OCCUPY OR REMAIN ON, OR DAMAGE, THE LAND AND PREMISES SHOWN EDGED RED ON PLAN 5 BEING MOOG INDUSTRIAL GROUP, ASHCHURCH PARKWAY, TEWKESBURY, GLOUCESTERSHIRE GL20 8TU, OR WHO OBSTRUCT AND/OR INTERFERE WITH OR ATTEMPT TO OBSTRUCT AND/OR INTERFERE WITH ACCESS TO OR EGRESS FROM THAT LAND AND PREMISES (FIFTH DEFENDANT)

Defendants

CLAIMANTS' SKELETON ARGUMENT

For the first annual review of the Order of Thompsell J made on 6 October 2025, listed for hearing 18 November 2026

Listed for 2.5 hrs

Suggested pre-reading: **bundle refs: [tab/page]**

A. Previous Order & Note of Hearing:

(1) Order of 6 October 2025 **[4/47]**

Note of hearing of 6 October 2025, including note of judgment **[5/74]**

B. Updating evidence for the present review

(2) Fifth Witness Statement of Elwira Kelly 5 **[20/315]**, which cross-refers to her First Witness Statement filed with the claim in September 2025 **[16/228]**

(3) Sixth Witness Statement of Elwira Kelly **[21/493]**

(4) Seventh Witness Statement of Elwira Kelly (provided separately)

C. The Claimants' application to join named defendants and re-amend the Amended Claim Form and Re-Amended Particulars of Claim:

(5) The application **[12/166]** (supported by **Kelly 4**)

(6) Proposed Re-Re-Amended Particulars of Claim **[15/216]**

D The draft Order sought at the review hearing **[13/178]**

A. Introduction.

1. This is the first annual review of an injunction granted on 6 October 2025 against "Persons Unknown" pursuant to the jurisdiction clarified by the Supreme Court in *Wolverhampton CC and others v. London Gypsies and Travellers and others* [2023] UKSC 47; [2024] AC 983 ("*Wolverhampton"*) **[AB/2]**.

2. The injunction was originally made on an interim *ex parte* basis by Meade J on 8 September 2025 against Persons Unknown **[3/21]** to restrain trespass to, or interference with services serving, the five sites detailed in ¶¶2-15 of the Re-Amended Particulars of Claim **[7/92]**. That order was continued and extended to restrain obstruction or interference (or attempted obstruction or interference) with access to or egress from the sites by Thompsell J on 6 October 2026 ("the Injunction Order") **[4/47].**

3. As explained in *Wolverhampton* at ¶225 **[AB/77]**, the purpose of a review is that it:

> " …will give all parties an opportunity to make full and complete disclosure to the court, supported by appropriate evidence, as to how effective the order has been; whether any reasons or grounds for its discharge have emerged; whether there is any proper justification for its continuance; and whether and on what basis a further order ought to be made."

4. That formulation assumes a "contested" review. In the present case, no person has, to date, sought to identify themselves as a person falling with the description of the First Defendant to Fifth Defendants, and/or indicated an intention to attend the hearing to oppose continuation of the injunction.

5. In the case of an un-contested review, the Courts have held that the primary focus for the Court on review is not to revisit the merits of the case as if *de novo* but, rather, to assimilate each matter sufficiently to take an informed view about whether the injunction has outlasted the compelling need which led to its being made in the first place, in view of any changed circumstances. Lambert J has provided a helpful summary in *Valero Energy Limited v. PU (2026 review)* [2026] EWHC 397 (KB) at ¶¶5–13 **[AB/183-5]**.

6. In addition, the Claimants now apply: (a) to join 4 named defendants to the claim ("the Named Defendants"), and (b) to re-amend the Claim Form and Particulars of Claim, with the injunction thereafter applying to those defendants individually as well as to Persons Unknown as currently described ("the Joinder Application") **[12/166]**. Two of those Named Defendants have indicated that they do not oppose that application on the basis that the Claimants do not apply for costs against them. (**Kelly 7 ¶¶4-6**: communications with solicitors instructed by them in other proceedings, although not on the record in this claim). The Claimants have informed all Named Defendants that they intend to ask the Court to consider that application at this hearing **[21/646, 648, 650, 652].** An application of this kind is within the (so to speak) "tidying up" category, recognised by the authorities as suitable to be conducted within / as part of an annual review.

B. Background.

7. 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").

8. Moog maintains 5 sites in the UK through the Cs, as detailed in the Re-Amended Particulars of Claim at **¶2–15 [7/92-95]** ("the Sites"), referred to in these proceedings as:

   (1) the Wolverhampton Site;

   (2) the Luton Site;

   (3) the Reading Site;

   (4) the Tewksbury Aircraft Site;

   (5) the Tewkesbury Industrial Site.

9. The Sites have become (potential) targets for Gaza-related protest. The threat was first intimated in July 2025, when allegations appeared on the internet that Moog was a company involved in the supply of military aircraft parts to Israel (**Kelly 1 ¶¶ 70-6 [16/241-3]**). That threat materialised on 26/8/2025 in an actual attack on

one of Moog's Sites. The four perpetrators rammed a vehicle through an entrance gate, made their way onto the roof of the premises in question, where they remained for about 5½ hours, and wreaked substantial damage (**Kelly 1¶¶54-68 [16/237-241]**. Those individuals claimed to be members of a group called "Palestinian Martyrs for Justice". It appears plain from the evidence, and the advice Moog has received from the police, that they were/are part of a much wider campaign and not "lone wolves".

10. The four individuals involved were arrested by the police and remanded in custody until 26 September 2025. On 27 February 2026 they were bailed on conditions, at a plea and case management hearing (**Kelly 5 ¶44 [20/326]**). This took place at the Central Criminal Court, the proceedings having been transferred there due to the severity of the offence – **Kelly 3 ¶10 [18/266]**. At the trial in June 2026, despite the Named Defendants admitting their role in the incident, the jury was unable to reach a verdict. Further details of the incident, as reported from the evidence given at the criminal trial this summer, can be found in an online report of the proceedings at **[20/360-3].** A re-trial has been listed for March 2027 (**Kelly 5 ¶15 [20/319]**).

11. Whilst Cs have not experienced any other incidents of the severity of the incident at the Wolverhampton Site in August 2025, Moog remains the subject of adverse publicity/online campaigning, including a dedicated website – www.moog4.org – which lists all of the Sites and states that the Wolverhampton Site (and other Moog Businesses) have shipped components/equipment to the Israeli military (**Kelly 5 ¶ 16 [20/319],[20/348-58]**. That website also describes the incident of August 2025 as having had a "measurable impact" on Moog's exports to Israel **[20/362].** There has also been localised campaign activity and anti-Moog sentiment in the vicinity of the Sites themselves, including a number of incidents of suspicious/hostile activity at the Wolverhampton and Tewkesbury Sites in particular (**Kelly 5 ¶¶21-23, 31-33 [20/320-4], Kelly 6 ¶16 [21/500]**).

12. The adverse publicity and other problems experienced by Cs are not isolated events. Other companies operating in the defence sector continue to be the subject of attack – both online and through direct action directed at their sites and, concerningly, their employees (**Kelly 5 ¶¶24-30 [20/321-2], Kelly 6 ¶¶18-19 [21/500-1]**).

13. Cs rely on **Kelly 5 [20/315]** (as updated by **Kelly 6**) as evidence of the current state of play including the continuing threat of direct action, and the potential implications for Cs if such action were to occur.

C. Service / notification.

14. **Kelly 5 ¶¶40-41 & Schedule 1 [20/325, 328-331]** confirm that the steps required to be taken for notification of the Injunction Order were complied with.

15. **Kelly 6** details:

    (1) the steps taken to serve the Named Defendants with the Joinder Application, the application to review the Injunction Order and other previous documents in the claim in accordance with the Order of Master McQuail dated 3 September 2026 **[11/155]** (which permitted service on the Named Defendants by alternative means, pursuant to Cs application of 28 July 2026 **[10/143]**) (**Kelly 6 ¶¶5-8) [21/495-8]**); and

    (2) to notify the First to Fifth Defendants of the Joinder Application and application to review the Injunction Order in accordance with paragraph 10 of the Injunction Order **[4/54]** (**Kelly 6 ¶15 [21/499]**).

16. The Certificate of Service at **[27/725]** confirms service of **Kelly 6** and a copy of the amended draft Order sought at this hearing on the Named Defendants. **Kelly 7 ¶11** confirms, by reference to **Kelly 6,** that the First to Fifth Defendants have been notified that all applications/documents which have been or may be filed ahead of the review hearing can be found at www.moog.co.uk/injunction (accessible by a QR code on the notice) or by emailing mooglegal@moog.com as required by paragraphs 10 and 11 of the Injunction Order. Copies of the relevant notices are exhibited to **Kelly 6** at **[21/555-9]** with photographs of the notices as displayed on site at (inter alia) **[21/ 606, 608]**.

17. **Kelly 7 ¶10** also confirms steps taken to serve the Named Defendants with documents filed / to be filed since **Kelly 6** on the Named Defendants.

D. The Sites.

18. The injunction protects the five Sites described in the Re-Amended Particulars of Claim at **¶2–15 [7/92-5]. Kelly 1 ¶¶14–53 [16/231-7] (**read with **Kelly 2** in respect of the Luton Site **[17/257-8]**) provides a description of each of the Sites and their operations and confirms Cs' interests in the Sites.

19. In respect of the Wolverhampton Site, C1's land ownership is more extensive than the area over which the injunction was sought and granted (which was limited to the operational area of the Site)**.** In respect of the Luton and Reading Sites, the geographical extent of the injunction includes land not demised to C2 and C3 under the relevant leases but which they enjoy a right to use, which are integrally linked to 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 the facility. When the Injunction Order was granted, the Reading Site was in the process of being closed down, but C3 was expected to continue to occupy the Reading Site until at least mid-2026 (**Kelly 1 ¶42 [16/235]**). **Kelly 5 ¶37** confirms that the Reading Site is no longer used for the operations described in **Kelly 1 ¶42**, as Moog is in the process of closing the facility (the site is still guarded by security personnel and is access controlled) but that the Reading Site continues to be named online as one of Moog's Sites **[20/324-5]**.

20. In granting the Order, Thompsell J was satisfied that the Cs had sufficient interest in each of the Sites, and that it was appropriate to grant injunctive relief over the whole of the Sites shown marked on the Plans annexed to the Order **[5/78-9]**.

21. Further, that it was appropriate to grant injunctive relief restraining the Defendants from deliberately and with knowledge of the Injunction Order obstructing/interfering with (or attempting to obstruct/interfere with) access to or egress from the Sites, with or without vehicles, by the Cs, their agents, employees, contractors, customers, suppliers or other licensees, not only in respect of private access roads but also where it applied to conduct on/from the public highway **[5/78-9]**.

F. Continued threat of direct action by Persons Unknown.

22. Cs rely on **Kelly 5**, as updated by **Kelly 6** as evidence of the current position, including the continuing threat of direct action, in particular **Kelly 5 ¶¶11-33 [20/318-324]**. The evidence indicates that the threat has not by any means abated and the risk of direct action remains real and tangible. Staffordshire Police have confirmed that, from a policing perspective, they consider the Injunction Order to have been effective in preventing a recurrence of unlawful activity and that *"Evidence clearly supports that businesses who do not have injunctions in place continue to be targeted and are victims of both serious disruption and damage"* (**Kelly 5 ¶ 35 [20/324]** & **[20/415]**).

G. Harm.

23. The risks and harms which could arise from the direct action enjoined by the Injunction Order include a clear risk of harm to Cs' employees / contractors, of damage to property and also the implications for police resources (see **Kelly 1 ¶¶54-68 [16/237-41]** on the August 2025 incident, **¶¶104-9 [16/251-2]** on the commercial risks more generally, and **[20/415]** for implications on police resources).

H. Submissions.

24. The legal principles are as stated in ¶¶3 and 5 above.

25. Cs submit that nothing material has changed since the Injunction Order to warrant discharge or amendment of that Injunction Order. There is a continued threat of direct action at the Sites for the reasons set out above. The injunction has not outlasted its need.

(1) How effective has the Order been?

26. There have been no further incidents of the severity of the August 2025 incident at the Sites since the Injunction Order was made. Cs submit that it may properly be inferred from the same that the Order has been effective in deterring further incidents of direct action at the Sites – a view supported by Staffordshire Police **[20/415]**.

(2) Have any reasons or grounds for its discharge emerged?

27. No: rather the reverse. Cs submit that it is clear from the evidence that apart from a continuation of the injunction there remains a real and tangible risk of direct action at one or more of the Sites.

28. In *Exolum Pipeline System Limited v Persons Unknown* [2025] EWHC 1913 (KB), at ¶14 **[AB/162]**, Swift J observed:

> "The continuation of the Order made by Bennathan J has become necessary as orders of this type have themselves become features of what appear to be contests of attrition between activist organisations, such as Just Stop Oil, and any event or operation that those activists consider will, if disrupted, obtain publicity for and advance their cause. The attacks that Just Stop Oil undertakes are essentially opportunistic. As one or other target is made less accessible by orders such as the one now under consideration, activists will turn their attention somewhere else. The application to continue the Order made in 2022 rests on the premise that were this order to be discharged these terminals would once again be targeted and, having previously been the subject of an injunction, those terminals would be all the more an attractive target. Experience shows that such pessimism is warranted. I fear that, once made, the need for orders such as this one can almost become self-perpetuating, in that any decision to remove the order would, from the point of view of the activists, wave a flag above these terminals marking their return to the category of targets for disruption. Even though Just Stop Oil and other likeminded organisations may be opportunistic, experience shows that they are also persistent and will take any opportunity that presents itself."

(3) Is there any proper justification for continuance of the injunction?

29. Yes: this is a corollary of the foregoing submission and, on the facts of the present case, raises no separate issues.

(4) Whether and on what basis a further Order ought to be made

30. Cs ask that the Court order that the Injunction Order be continued on the same terms as against the First-Fifth Defendants. The basis for the continuation of the Injunction Order remains the same as that which justified it being granted in the first place.

I. The Joinder Application.

31. As set out in **Kelly 1 (¶¶117-8 [16/254])** when Cs applied for the injunction, the identity of the four Named Defendants was known but as they had been remanded in custody Cs had not sought to name them as defendants to the claim as it was unlikely, at least in the short term, that they would undertake the activities sought to be restrained, and it was considered that they risk that they might post might be affected by the criminal proceedings which were then at a very early stage. Cs now apply to have the Named Defendants joined as parties to these proceedings and for the injunction to be extended to cover them personally, in light of: (a) the developments in those proceedings (see **¶10** above), (b) the fact that the Named Defendants are on bail, (c) the prospect that the second trial could also result in a mistrial (with the bail conditions thereafter falling away) and (d) the judgment of Ritchie J in *Hanson Quarry Products Ltd (t/a Heidelberg Materials UK) v Davies* [2026] EWHC 118 (KB) (especially at ¶25) **[AB/174]** on the enforcement of newcomer injunctions against persons who identity is, or becomes known, to a claimant.

32. Cs served the Named Defendants with the Joinder Application by posting the documents to the addresses specified in the Order of Master McQuail on 13 October 2026 (and, additionally, by hand delivering them to each of those addresses by process server) on 14/15 October 2026 (**Kelly 6 ¶8 [21/496-7]**). Two of the Named Defendants –Hanah Yun Stevens and Iain Evans (the proposed Sixth and Eighth Defendants) – have confirmed through solicitors instructed in the criminal proceedings that they are aware of the applications and do not oppose them (**Kelly 7 ¶¶3-7).** No communications have been received from the other Named Defendants. In light of the endorsement made by the Court Office on the Joinder Application Notice **[12/166]** Cs have written to each of the Named Defendants asking them to confirm whether they agree to the Joinder Application being heard at this hearing **(Kelly 6 ¶¶13-15 [21/499] & [21/639-645])** and confirming that Cs will be asking the Court to deal with that application at this hearing **[21/646, 648, 650, 652].**

33. In C's submission there is a clear justification for adding the Named Defendants as parties to the proceedings. It was their conduct, on 26 August 2025, which was the trigger for this application. Despite admitting their involvement in the incident,

which included the deliberate selection of the Wolverhampton Site because of the disproportionate effect it could have on production **[20/360],** they have declined to accept their criminal responsibility for the same. Cs, and this Court, can have no confidence that they would not take such action again, particularly if the re-trial again does not result in a conviction.

34. As to any interference with the Named Defendants' ECHR rights, Articles 10 and 11 were addressed by Thompsell J in granting the Order **[5/78-9]**. There is no reason to conclude that that balance would be any different for the Named Defendants than for persons falling within the description of the First to Fifth Defendants.

35. As noted above, the proposed Sixth and Eighth Defendants do not oppose the application.

J. Full and frank disclosure.

36. **Kelly 5 ¶37 [20/324]** confirms that the Cs are aware of the ongoing duty of full and frank disclosure. Details are provided of the changes at the Reading Site and the fact there have been no incidents of comparable severity to that in August 2025 at any of the Sites since the Injunction Order was granted.

37. In respect of the Joinder Application **Kelly 5 ¶44 [20/326]** acknowledges that the Named Defendants' bail conditions are "stringent" but explains why Cs wish to ensure that the Sites are protected through the Named Defendants being joined as parties to these proceedings, as (if, as it must be prudent to assume, *Hanson* is right on this point) the injunction would no longer be enforceable against them (being persons whose identifies are known to Cs). Full details are provided in **Kelly 6** and **Kelly 7** of the steps taken to serve the Named Defendants and where documents have not been accepted at an address or have been returned.

38. A potential for a defence based on ECHR Articles 10 and 11 was addressed by Thompsell J in granting the Order. There is nothing which has occurred, or come to light, since that hearing which provides any basis for departing from that analysis.

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