

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

**CLAIM NO: KB-2024-BHM-000107**

**BETWEEN:-**

**THE UNIVERSITY OF NOTTINGHAM**

**-and-**

- (1) **MX JOEL BUTTERWORTH**  
(also known as **RIVER BUTTERWORTH (they/them)**)  
(2) **MR SAMEH ESMAILZADAH**  
(3) **MR JOHN ELDRIDGE**  
(4) **MS ARADHYA NEGI**



(5) **"Non students" PERSONS UNKNOWN, BEING PERSONS ENTERING OR REMAINING IN OCCUPATION OF LAND BY CAMPING ON THE JUBILEE CAMPUS AT THE UNIVERSITY OF NOTTINGHAM WHO ARE NOT CURRENTLY STUDENTS, STAFF OR EMPLOYEES OF THE CLAIMANT OR WHO UPON BEING ASKED WHETHER THEY CAN SHOW THAT THEY ARE STUDENTS, STAFF OR EMPLOYEES OF THE CLAIMANT, FAIL TO DO SO**

(6) **"Students" PERSONS UNKNOWN, BEING PERSONS ENTERING OR REMAINING IN OCCUPATION OF LAND BY CAMPING ON THE JUBILEE CAMPUS AT THE UNIVERSITY OF NOTTINGHAM WITHOUT THE CLAIMANT'S LICENCE OR CONSENT WHO ARE CURRENTLY STUDENTS, STAFF OR EMPLOYEES OF THE CLAIMANT AND WHO UPON ON BEING ASKED WHETHER THEY CAN SHOW THAT THEY ARE STUDENTS, STAFF OR EMPLOYEES, DO SO**

**Defendants**

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**ORDER**

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**BEFORE** The Honourable Mr Justice Ritchie, sitting at the Birmingham Civil Justice Centre, Birmingham on Friday 17<sup>th</sup> May 2024.

**UPON THE HEARING** of the Claimant's urgent claim for possession under Civil Procedure Rules Part 55 on 17 May 2024.

**AND UPON HEARING** Counsel for the Claimant, Miss Michelle Caney and the First Defendant in person (assisted by their McKenzie Friend, Mr Charlie Hindhaugh), and there being no appearance by or on behalf of any of the other Defendants.

**AND UPON** the Court granting the Claimant permission to discontinue the claim against the Second, Third and Fourth Defendants because they have each provided written confirmation that they are not involved in the tented encampment which forms the subject of the possession claim.

**AND UPON** the Court granting the Claimant permission to amend the description of the Fifth Defendants and to add the Sixth Defendants to the proceedings, as recorded in the title to this Order.

**AND UPON** the Court accepting that the Claimant is entitled to an immediate possession order against the Fifth Defendants (as amended in accordance with paragraph 2 of this Order).

**AND UPON** the Court recording that the Claimant is at liberty at the next hearing to invite the Court to extend the width of the possession order made against the Fifth Defendants today.

**AND UPON** the Court adjourning the claim for possession against the First and Sixth Defendants and the balance of the claim for possession against the Fifth Defendants.

**AND UPON** the Court being satisfied that alternative service is necessary to bring to the Defendants' attention the documents to be served in this action.

**NOW IT IS ORDERED THAT:**

1. The claim against the Second, Third and Fourth Defendants is dismissed.

**Amendment of Fifth Defendants and Addition of Sixth Defendants**

2. The Claimant has permission to amend the description of the Fifth Defendants (Persons Unknown) and to add the Sixth Defendants to the Claim Form and Particulars of Claim, described as follows:

(5) "*Non students*" PERSONS UNKNOWN, BEING PERSONS ENTERING OR REMAINING IN OCCUPATION OF LAND BY CAMPING ON THE JUBILEE CAMPUS AT THE UNIVERSITY OF NOTTINGHAM WHO ARE NOT CURRENTLY STUDENTS, STAFF OR EMPLOYEES OF THE CLAIMANT OR WHO, UPON BEING ASKED WHETHER THEY CAN SHOW THAT THEY ARE STUDENTS, STAFF OR EMPLOYEES OF THE CLAIMANT, FAIL TO DO SO.

- (6) "*Students*" PERSONS UNKNOWN, BEING PERSONS ENTERING OR REMAINING

IN OCCUPATION OF LAND BY CAMPING ON THE JUBILEE CAMPUS AT THE UNIVERSITY OF NOTTINGHAM WITHOUT THE CLAIMANT'S LICENCE OR CONSENT WHO ARE CURRENTLY STUDENTS, STAFF OR EMPLOYEES OF THE CLAIMANT AND WHO, UPON ON BEING ASKED WHETHER THEY CAN SHOW THAT THEY ARE STUDENTS, STAFF OR EMPLOYEES, DO SO.

3. Re-service of the Claim Form and Particulars of Claim is dispensed with.
4. The Court file shall be amended so that the title of the proceedings includes the Fifth and Sixth Defendants as described in the title to this Order.

**Possession Order against the Fifth Defendants (*Non students*)**

5. The Fifth Defendants (*Non students*) and each of them shall give the Claimant possession forthwith of the areas of land edged red on the plan attached to this Order and marked '**Plan B**' being part of the Jubilee Campus at the University of Nottingham.

**Self identification**

6. By **4pm on Monday 20 May 2024**, all those occupying the land edged red on the plan attached to this Order and marked '**Plan B**' by camping on the Jubilee Campus at the University of Nottingham shall identify themselves and prove their membership as a current student or member of staff of the Claimant by providing: (a) their full name; (b) student or staff identification number; and (c) an email address for service of documents; either verbally on the spot, when asked, or by emailing all of those details to the Claimant's solicitor ([Dannielle.Long@shma.co.uk](mailto:Dannielle.Long@shma.co.uk)).
7. Insofar as anyone occupying the land edged red on the plan attached to this Order and marked '**Plan B**' fails to identify themselves in accordance with paragraph 6 above, they will fall within the category of the Fifth Defendants and can accordingly be evicted, unless at the point of eviction, they comply with paragraph 6 above.

**Addition of Named Defendants**

8. In the event that anyone occupying the land edged red on the plan attached to this Order and marked '**Plan B**' identifies themselves in accordance with paragraph 6 or 7 above, they shall be added as a named Defendant to the proceedings.

**Directions for Further Hearing**

9. By **9.00am on Tuesday 21 May 2024**, the First and Sixth Defendants shall acknowledge service and, if so advised, indicate whether they intend to defend the possession claim which acknowledgement shall be filed by email to the Court ([kb.birmingham@justice.gov.uk](mailto:kb.birmingham@justice.gov.uk)) and served upon the Claimant by email to the Claimant's solicitor ([Dannielle.Long@shma.co.uk](mailto:Dannielle.Long@shma.co.uk)).
10. By **4pm on Tuesday 21 May 2024**, the First and Sixth Defendants shall, if so advised, file and serve any defences to the possession claim and any witness statements in response to the possession claim. Filing will be by email to the Court ([kb.birmingham@justice.gov.uk](mailto:kb.birmingham@justice.gov.uk)) and service upon the Claimant will be by email to the Claimant's solicitor



11. By 4pm on Thursday 23 May 2024, the Claimant shall file and serve any further witness statements in support of the possession claim by email to the Court at the above address and by CE-Filing.

12. By 4pm on Thursday 23 May 2024, the Claimant shall file an electronic, indexed, hyper-linked and bookmarked hearing bundle and shall serve the electronic hearing bundle upon the Defendants.

#### **The Hearing**

13. The possession claim shall be listed for a further hearing before The Honourable Mr Justice Ritchie at 10.30am on Friday 24 May 2024, with a time estimate of half a day.

#### **Service of Order and Documents**

14. Pursuant to CPR r. 6.27:

14.1 The Claimant has permission to serve: (a) this Order; and (b) any witness statements; and (c) all bundles for hearings and (d) all other documents which need to be served;

- (a) on the First Defendant by emailing them to the email address provided at Court today. Service shall be deemed to have been effected at 4pm on the day that the email is sent providing that it is sent by no later than 4pm.
- (b) on the Fifth and Sixth Defendants by the following methods:
  - Placing three stakes in the land which is being camped on at Jubilee Campus in places where they are clearly visible and attaching to each stake copies of the documents in a sealed transparent envelope addressed to 'the occupiers'; and
  - Publishing a copy of the documents on the Claimant's website; and
- (c) On the Sixth Defendants who have identified themselves, by emailing a copy to any person who has identified themselves and provided an email address in accordance with paragraph 6 above.

Service shall be deemed to have been effected on the Fifth and Sixth Defendants at 4pm on the same day providing that both of the steps are taken by no later than 4pm.

14.2 The Claimant has permission to serve this Order on the Second, Third and Fourth Defendants by emailing copies to the email addresses from which emails were received from each of those Defendants on 16 May 2024. Service shall be deemed to have been effected at 4pm on the day that the email is sent providing it is sent by no later than 4pm. It is recorded that there is no need for the Claimant to serve further documents on those Defendants as the claim against them has been dismissed.

#### **Liberty to Apply**

15. Any party affected by this Order may apply to have the Order set-aside, varied or stayed. Any such application must be made within 24 hours of service of the Order on that party. Any person applying to set-aside, vary or stay this Order must provide their full name, address and an email address for service, and must apply to be joined as a named Defendant to the proceedings at

the same time (unless they are already named as a Defendant).

**Costs**

16. There be no order for costs in respect of the Second, Third and Fourth Defendants.
17. Costs reserved in respect of the First, Fifth and Sixth Defendants.

**Communications with Claimant and the Court**

All communications to the Court about this Order (which should quote the case number) should be sent to:

Birmingham District Registry, Birmingham Civil Justice Centre  
Priory Courts, 33 Bull Street Birmingham B4 6DS  
E: [kb.birmingham@justice.gov.uk](mailto:kb.birmingham@justice.gov.uk)  
T: 0121 681 4441  
F: 01264 785 131  
DX: 701987 Birmingham 7

The Claimant's solicitors and their contact details are:

Shakespeare Martineau LLP  
No. 1 Colmore Square Birmingham B4 6AA  
E: [Dannielle.Long@shma.co.uk](mailto:Dannielle.Long@shma.co.uk)  
T: 0121 631 5218  
DX721090 Birmingham 43  
Ref: SHMA-ACTIVE.FID9282793

**NOTICE TO THE FIFTH DEFENDANTS (Non students)**

The Court has ordered you to leave the property described in paragraph 5 above immediately. If you do not do so, the Claimant can ask the court, without a further hearing, to authorise a High Court Enforcement Officer to evict you. (In that case, you can apply to the court to stay the eviction; a Judge will decide if there are grounds for doing so).

**SERVICE OF THIS ORDER**

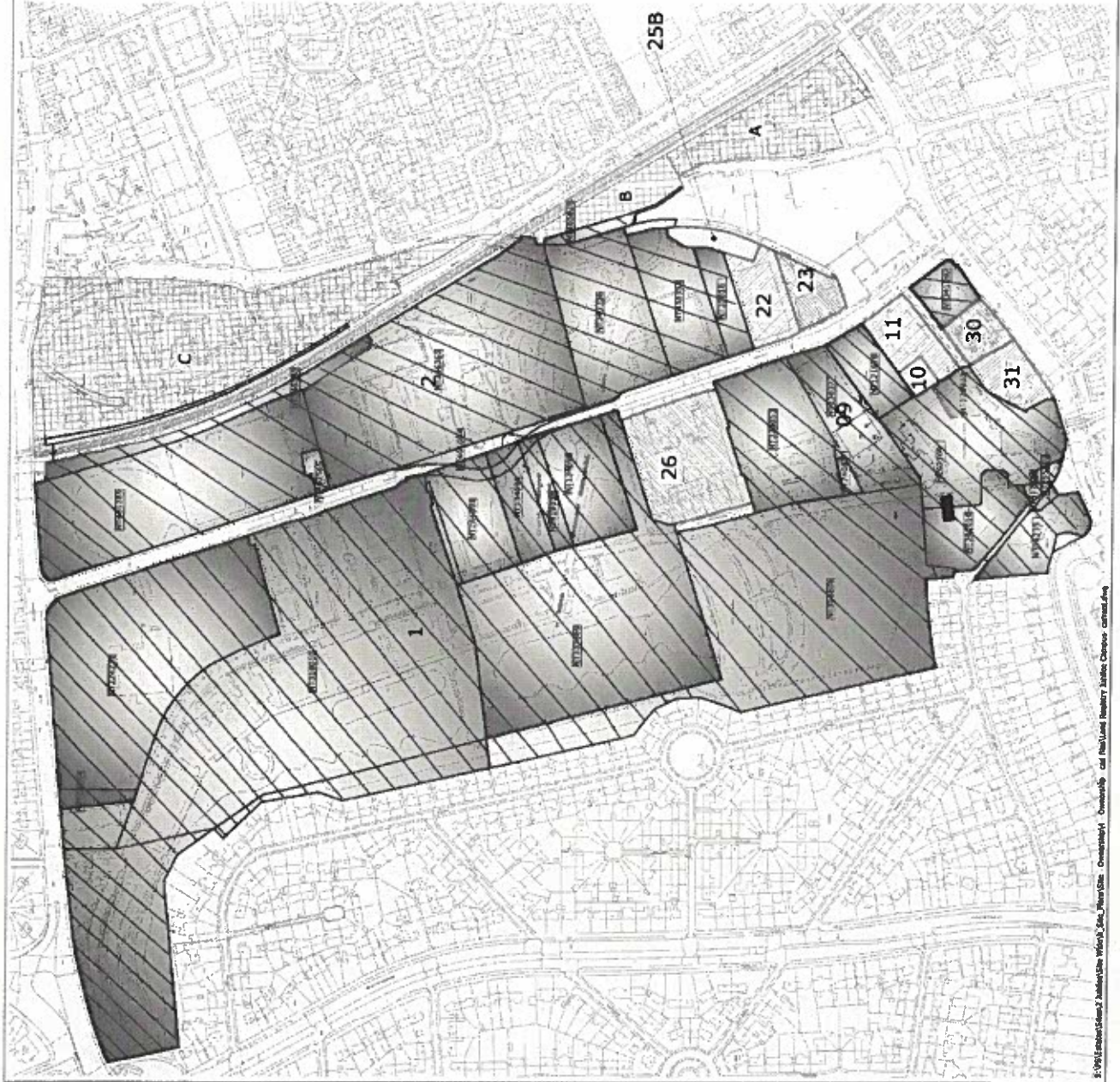
The Court has provided a sealed copy of this Order to the Claimant by its solicitors:  
Shakespeare Martineau LLP  
No. 1 Colmore Square  
Birmingham  
B4 6AA

A copy of the sealed Order will be sent by the Claimant to the Defendants in accordance with the terms of the Order above.

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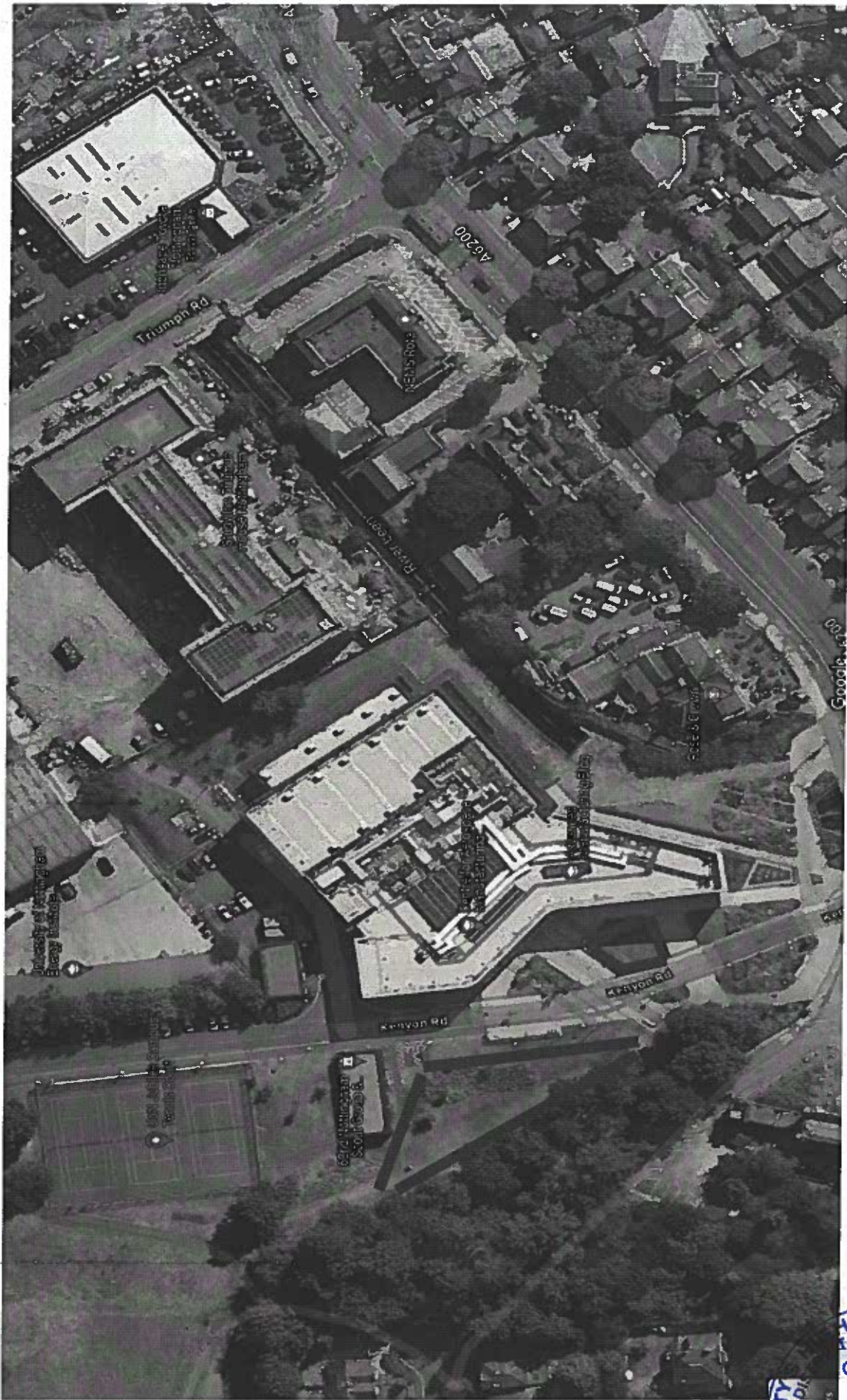


# PLAN A



Rev.	Date	Description	By	CHK'd
		Client		
		University of Nottingham Jubilee Campus and Environs		
		Project		
		Jubilee Campus & Innovation Park		
		Drawing Title		
		Site Areas, Boundaries and Land Ownership		
		CAD File No.		
		Drawn by		Checked by
		Kerry Allen (CAD)		
		Drawn Number		
		0115 051 1575		
		Drawing Date		
		20 July 2023		
		Scale		
		NTS		
		Project No.		Revision
		SP_JC_L_001		
		UoN 0115 051 2600		Fax 0115 051 6326
		http://www.nottingham.ac.uk/realise		
		Issue 2/2024 (2024)		





HIS MAJESTY  
THE KING  
COURT OF JUSTICE  
REGISTRY  
20 MAY 2024  
BIRMINGHAM



