

**IN THE HIGH COURT OF JUSTICE**  
**CHANCERY DIVISION**

**Case No 7571/08**

**His Honour Judge Pelling Q.C.**  
**(sitting as a Judge of the High Court)**  
**Thursday 21 May 2009**  
**BETWEEN:**

- (1) MICHAEL STIMPSON
- (2) MAXINE FOTHERGILL
- (3) ALFRED KNIGHT
- (4) SHULA RICH
- (5) RICHARD CLARK
- (6) MALCOLM CLARK
- (7) JOHN PETTMAN
- (8) JOHN THORPE
- (9) ANDREW LITTLEWOOD
- (10) GERTRUDE BYRNE
- (11) ALAN GOSS



**Claimants**

**-and-**

- (1) SOUTHERN PRIVATE LANDLORDS' ASSOCIATION
- (2) BARRY MARKHAM
- (3) KENNETH GROVES
- (4) MICHAEL COHEN
- (5) ANTHONY RICHARD
- (6) NATIONAL LANDLORDS' ASSOCIATION

**Defendants**

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**ORDER**

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UPON THE APPLICATION of the Claimants for permission to continue the claim herein ("the Claim") made by an Application Notice dated 4 September 2008 and issued on 5 September 2008 ("the Permission Application")

AND UPON an Application for interim injunctive relief by the Claimants made by an Application Notice dated 5 September 2008 ("the Injunction Application")

AND UPON an Application for issue of a writ of sequestration by the Claimants made by an Application Notice dated 19 January 2009 ("the Contempt Application")

AND UPON HEARING Counsel for the Claimants, Counsel for the Second to Fifth Defendants and Counsel for the Sixth Defendant

IT IS ORDERED THAT:-

1. The Claimants are refused permission to continue the Claim.
2. The Permission Application is dismissed.
3. The Injunction Application is dismissed.
4. The Contempt Application is dismissed.
5. The Claim is dismissed (for the avoidance of doubt, without prejudice to the Sixth Defendant's right to apply to enforce the undertaking as to damages given by the Claimants in the Order of Mr Justice Briggs of 15 September 2008).
6. For the avoidance of any doubt the Sixth Defendant is released from the undertakings that it gave to this Court on 15 September 2008 with immediate effect.
7. The Claimants are jointly and severally liable for the costs of the Sixth Defendant of the Contempt Application on the indemnity basis, to be subject to detailed assessment if not agreed.
8. Subject only to paragraph 7 above, the Claimants are jointly and severally liable for the costs of the First Defendant, of Second to Fifth Defendants and of the Sixth Defendant of the Claim herein (including for the avoidance of doubt the costs of both the above-mentioned applications, the costs of the hearing of the Injunction Application on 15 September 2008 reserved in the Order of Mr Justice Briggs of that date, the costs referred to in paragraph 2(3) of the Order of Sir Edward Evans-Lombe

of 19 March 2009 and the costs of the Sixth Defendant's application dated 19 January 2009) on the standard basis, to be subject to detailed assessment if not agreed.

9. The Claimants are jointly and severally liable to pay to the Second to Fifth Defendants on account of the costs referred to in paragraph 8 above the sum of £45,000 by 4.00 pm on 5 June 2009.
10. The Claimants are jointly and severally liable to pay to the Sixth Defendant on account of the costs referred to in paragraphs 7 and 8 above the sum of £85,000 by 4.00 pm on 5 June 2009.
11. The Claimants must:-
  - a. by 4.00 pm on Friday 22 May 2009 destroy:-
    - i. the electronic copy of the database referred to in the Order of Mr Justice Briggs of 15 September 2008 provided to them by the Sixth Defendant pursuant to paragraph 3 of the Order of Sir Edward Evans-Lombe of 19 March 2009 and
    - ii. each and every copy of that copy or of any part thereof that may have been made; and
  - b. by 4.00 pm on Friday 29 May 2009 swear, file and serve on the Sixth Defendant an affidavit by one of them stating that that has been done.

#### PENAL NOTICE

If you, the above-named Claimants (Michael Stimpson, Maxine Fothergill, Alfred Knight, Shula Rich, Richard Babbington Clark, Malcolm Babbington Clark, John Michael Pettman, John Edwin Thorpe, Andrew Peter Littlewood, Gertrude Byrne, Alan Goss) disobey paragraph 11 of this Order above you may be held to be in contempt of Court and imprisoned or fined or your assets seized. Any other person who knows of the terms of this Order and does anything which helps or permits you to breach the terms of paragraph 11 of the Order may also be held to be in contempt of Court and may be imprisoned or fined or have their assets seized.

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**Defendants**

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**ORDER**

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**Bircham Dyson Bell LLP**  
**50, Broadway**  
**Westminster**  
**London**  
**SW1H 0BL**  
**Ref: Simon Painter/Sinead Lester**