

IN THE HIGH COURT OF JUSTICE

Claim No: HQ17D4332

QUEEN'S BENCH DIVISION

MEDIA & COMMUNICATIONS LIST

The Honourable Mr Justice Nicklin
20 September 2019

B E T W E E N:-

**(1) CANADA GOOSE UK RETAIL LIMITED
(2) MR JAMES HAYTON
(for and on behalf of the Employees, Security Personnel and Customers and
Protected Persons pursuant to CPR 19.6)**

Claimants

- and -

**(1) PERSONS UNKNOWN WHO ARE PROTESTORS AGAINST THE MANUFACTURE
AND SALE OF CLOTHING MADE OF OR CONTAINING ANIMAL PRODUCTS
AND AGAINST THE SALE OF SUCH CLOTHING AT CANADA GOOSE, 244 REGENT
STREET, LONDON W1B 3BR
(2) PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS (PETA) FOUNDATION
(A charitable company limited by guarantee (charity number 1056453, company
number 3135903) in its own right and for an on behalf of its employees and members
pursuant to CPR 19.6)**

Defendants

ORDER

UPON HEARING Michael Buckpitt of Counsel for the Claimants and the First and Second Defendants not being present or represented

AND UPON APPLICATION by the Claimants by Notice dated 29 November 2018 for summary judgment against the Defendants ("the Application")

AND UPON the Court determining that the Claim Form has not been validly served on the Defendants

IT IS ORDERED THAT:

Summary Judgment

1. The Application is dismissed.

Interim Injunction

2. The interim injunction granted by the order of 29 November 2017 (and continued by the order of 15 December 2017) is discharged.

Directions

3. The Claimants may, if so advised, by 4pm on 18 October 2019, file and serve an Application Notice (with evidence in support) seeking the following orders (or any of them):
 - a. an order, pursuant to CPR 40.12 ('the slip rule') amending the order of 29 November 2017 to include directions for alternative service of the Claim Form and Particulars of Claim on the Defendants (or either of them) pursuant to CPR 6.15;
 - b. an order, pursuant to CPR 6.16 dispensing with service of the Claim Form on the Defendants (or either of them);
 - c. an order, pursuant to CPR 6.15, for alternative service of the Claim Form on the Defendants (or either of them); and/or
 - d. a determination as to whether the period of validity of the Claim Form has expired pursuant to CPR 7.5 or whether the stay imposed on 15 December 2017 automatically extended the validity of the Claim Form or alternatively an order pursuant to CPR 7.6 extending the period within which to serve the Claim Form on the Defendants (or either of them).
4. If no Application Notice is filed and served pursuant to Paragraph 3 above, then the Claimants' Claim will be struck out without further order, without prejudice to the Claimant's right to bring a further claim against the Defendants or either of them.
5. The Claim is to proceed in the Media & Communications List.

Permission to appeal

6. The Claimants' application for permission to appeal is granted.

7. The date by which the Claimants must file their Appellants' Notice with the Court of Appeal is extended until 4pm on 18 October 2019.

Stay pending appeal

8. Paragraphs 2 to 4 of this Order are stayed on the following terms:
 - a. if the Claimants file an Appellants' Notice within the period provided in Paragraph 6 of this Order, the stay will continue until the Appeal is disposed of or further Order of the Court of Appeal in the meantime; or
 - b. if the Claimants do not file an Appellants' Notice within the period provided in Paragraph 6 of this Order, the stay will be lifted at 4pm on 18 October 2019.

20 September 2019

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Defendants

ORDER

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Ref: PH/114341.1

Solicitors for the Claimants