

Party: Claimants
Name: Andrew James Todd
Number: Second
Date: 20 January 2025
Exhibits: AJT4

CLAIM NO: KB-2025-000136

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

B E T W E E N

**(1) WM MORRISON SUPERMARKETS LIMITED
(2) SAFEWAY STORES LIMITED
(3) WM MORRISON PRODUCE LIMITED**

Claimants

- v -

**(1) PERSONS UNKNOWN AS DESCRIBED IN THE SCHEDULE 1 ATTACHED TO
THE CLAIM FORM
(2) PERSONS UNKNOWN AS FURTHER DESCRIBED IN THE SCHEDULE 1
ATTACHED TO THE CLAIM FORM**

Defendants

**SECOND WITNESS STATEMENT OF
ANDREW JAMES TODD**

I **ANDREW JAMES TODD** of Eversheds Sutherland (International) LLP, Water Lane, Leeds LS11 5DR **WILL SAY** as follows:-

1. I am a Senior Partner in the firm of Eversheds Sutherland (International) LLP and am responsible for the overall conduct of these proceedings on behalf of the Claimants.
2. Following the hearing of the Claimants' application for an injunction in respect of the Claimants' Regional Distribution Centres ("**RDCs**") on Thursday 16 January

2025 ("**the Initial Hearing**"), the Claimants were granted an injunction by way of an order dated 16 January 2025 ("**Order**") (a copy of the Order is exhibited at "**AJT4**").

3. In general terms, the injunction was granted to prohibit the Defendants (who are Persons Unknown) from:
 - 3.1 entering, occupying or remaining upon any part of the Sites (as defined in the Order and consisting of 8 RDCs, split across eleven sites) without the consent of the Claimants; and/or
 - 3.2 creating or causing blockades, obstructions of traffic and/or otherwise impeding, preventing or interfering with the passage by the Claimants its agents, servants, employees, licensees, invitees to, from, with or without vehicles, including tractors or other agricultural vehicles and equipment, over and across the Access Roads (as defined in the Order) in connection with agricultural protests.
4. Pursuant to the terms of the Order, the injunction granted lasts until the return hearing which is listed for 20 January 2025 at 2pm ("**the Return Hearing**"), at which the Court is to consider whether the injunction should continue and, if appropriate, give case management directions for the progression of the claim.
5. I make this statement to assist the Court in considering such matters at the Return Hearing.
6. This witness statement has been produced by me with the assistance of my colleagues, Alex Wright, Louise Casey and Elin Owen.
7. The statements in this witness statement are from my own knowledge, save where I state otherwise. Where statements are matters of information or belief, I provide the source of that information or belief.
8. For ease of reference, this witness statement is divided into the following sections:
 - 8.1 Section 1 – Service of Claim Documents
 - 8.2 Section 2 – Service of Order
 - 8.3 Section 3 – Service of Note of the Hearing
 - 8.4 Section 4 – Notification of these proceedings to the Defendants

- 8.5 Section 5 – Identification of any persons falling within the category of the Defendants
- 8.6 Section 6 – Protest Action since Initial Hearing – RDCs
- 8.7 Section 7 - Protest Action since Initial Hearing – Supermarkets
- 8.8 Section 8 - Planned Further Future Action
- 8.9 Section 9 - Balance Of Convenience / Compelling Justification
- 8.10 Section 10 – Full and frank disclosure
- 9. I refer to exhibit marked “**AJT4**” in this statement. It has been produced to me and I verify that the documents in those exhibits are true copies of the documents.

SECTION 1 – SERVICE OF CLAIM DOCUMENTS

- 10. Paragraph 8 of the Order states service of the Claim Documents (being the amended Claim Form, the Application, and Witness Statements (with the names of the witnesses and addresses removed) with their exhibits) (“**the Claim Documents**”) on the Defendants shall be validly effected by:
 - 10.1 Uploading copies of the Claim Documents to the following website: www.morrisonscorporate.com/injunction (“**the Claimants’ Website**”);
 - 10.2 Sending an email to the email addresses listed in Schedule 4 of the Order being (info@farmerstoaction.org) (“**the Farmers to Action Email Address**”) stating that a claim has been brought and an application made, and that the Claim Documents can be found on the website referred to above; and
 - 10.3 Affixing the relevant Warning Notice (as defined in the Order) (“**the Warning Notices**”) at those locations marked with an “X” on the Plans (as defined in the Order) (“**the Plans**”) setting out where the Claim Documents can be found and obtained in hard copy.
- 11. From conversations and emails exchanged with relevant individuals providing instructions to this firm, I can confirm that of the Claim Documents:
 - 11.1 the Application and Witness Statements (with the names of the witnesses and addresses removed) with their exhibits were uploaded to the Claimant’s Website prior to the Initial Hearing; and

- 11.2 the Sealed Amended Claim Form was uploaded to the Claimant’s Website at 3.58pm on Friday, 17 January 2025.
12. I can confirm that the Claim Documents were served on the Defendants by emails sent to the Farmers to Action Email Address via the following emails:
- 12.1 on 16 January 2025 at 12pm – Sealed Claim Form, Application Notice, Witness Statement of Andrew Todd and Witness Statement of Joanna Goff. The email also confirmed the Court hearing time and the Court details;
- 12.2 on 16 January 2025 at 12.16pm – the remaining witness statements and exhibits;
- 12.3 on 16 January 2025 at 12.27pm – the draft Orders;
- 12.4 on 16 January 2025 at 12.46pm - the draft skeleton argument;
- 12.5 on 16 January 2025 at 1.05pm - exhibits AT1 and AT2;
- 12.6 on 16 January 2025 at 1.40pm - exhibit AT1 (via mimecast link) including plans to the Claim From and Certificate of Urgency;
- 12.7 on 16 January 2025 at 10.20pm - an unsealed but approved (by The Honourable Mrs Justice Rice Collins) Order;
- 12.8 on 17 January 2025 at 10.24am - the sealed Order; and
- 12.9 on 17 January 2025 at 4.00pm – the Sealed Amended Claim Form (redacted) and also the Note of the Hearing.
- 12.10 At 17.20 on 17 January 2025 I emailed the Farmers to Action Email Address to confirm Mr Justice Fordham would now hear the Return Day and that the Judge had requested any update and skeleton arguments on Monday morning (20 January 2025).

Copies of the relevant emails are exhibited at **"AJT4"**.

13. From conversations and emails exchanged with relevant individuals providing instructions to this firm, I can confirm that the Warning Notices were affixed at the relevant locations as detailed in the below table:

	Day / Time Affixed By

Swan Valley 1	17/01/25 at 13.00
Swan Valley 2	17/01/25 at 13.00
Swan Valley 3	17/01/25 at 13.00
Stockton	17/01/25 at 12.30
Sittingbourne	17/01/25 at 13.30
Gadbrook	17/01/25 at 11.50
Latimer Park Kettering	17/01/25 at 13.00
Latimer Park Corby	17/01/25 at 16.30
Willow Green North (Kings Dr)	17/01/25 at 11.00
Willow Green South (Bristol Rd)	17/01/25 at 11.00
Wakefield	17/01/25 at 13.00

SECTION 2 – SERVICE OF ORDER

14. Paragraph 9 of the Order states service of the Order on the Defendants shall be validly effected by:
- 14.1 producing a copy of the Order to the Claimant’s Website;
 - 14.2 sending an email to the Farmers to Action Email Address attaching a copy of the Order; and
 - 14.3 affixing a copy of the Order and the Plan applicable to the relevant Site in A4 size in a clear plastic envelope at those locations marked with an “X” on the Plans.
15. From conversations and emails exchanged with relevant individuals providing instructions to this firm, I can confirm that the Order was uploaded to the Claimants’ Website at approximately 11:05 on 17 January 2025.

16. As I state above, I can confirm that the Order was served on the Defendants by an email sent to the Farmers to Action Email Address at 10.24 am on 17 January 2025. A copy of this email is exhibited at **AJT4**.
17. From conversations and emails exchanged with relevant individuals providing instructions to this firm, I can confirm that a copy of the Order was affixed at the relevant locations as detailed in the below table:

	Day / Time Affixed By
Swan Valley 1	17/01/25 at 13.00
Swan Valley 2	17/01/25 at 13.00
Swan Valley 3	17/01/25 at 13.00
Stockton	17/01/25 at 12.30
Sittingbourne	17/01/25 at 13.30
Gadbrook	17/01/25 at 11.50
Latimer Park Kettering	17/01/25 at 13.00
Latimer Park Corby	17/01/25 at 16.30
Willow Green North (Kings Dr)	17/01/25 at 11.00
Willow Green South (Bristol Rd)	17/01/25 at 11.00
Wakefield	17/01/25 at 13.00

SECTION 3 - SERVICE OF NOTE OF THE HEARING

18. Paragraph 1 of Schedule 3 of the Order states that the Claimant will take steps to serve the Defendants with a note of the Hearing within 14 days of the date of the Order and provide the note of the hearing to the Court in order for it to be publicised on His Majesty's Courts and Tribunal Service website.

19. I can confirm that a note of the Initial Hearing (redacted) was served on the Defendants by email sent to the Farmers to Action Email Address at 16:00 on 17 January 2025. A copy of this email is exhibited at "**AJT4**".
20. From conversations and emails exchanged with relevant individuals providing instructions to this firm, I can confirm that a note of the Initial Hearing (redacted) was also uploaded to the Claimants' Website at 16:05 on Friday, 17 January 2025
21. I can confirm that a note of the hearing (redacted) was provided to the Court for it to be publicised on His Majesty's Courts and Tribunal Service website via email sent to the Clerk to the Honourable Mr Justice Fordham at 17:05 on 17 January 2025. The Clerk has recently confirmed that it was the Judge's intention for the Claimants to obtain a formal transcript so that could be publicised on the judicial website and an amended draft of the Order of Collins Rice J has been circulated to provide for that.

SECTION 4 – NOTIFICATION OF THE INJUNCTION AND THESE PROCEEDINGS TO THE DEFENDANTS

22. In this section I describe the efforts made to notify the Defendants of these proceedings. For completeness and in an effort to assist the Court further, I set out below the extent of such efforts (a) prior to the Initial Hearing; and (b) subsequently and prior to the Return Hearing.

Prior to the Initial Hearing

23. Prior to the Initial Hearing, the evidence available indicated that the direct action planned was potentially being coordinated by two groups (a) Farmers to Action; and (b) #Together.

24. I can confirm that the following efforts were made to identify email addresses for these groups:

24.1 *Farmers to Action*

- 24.1.1 My colleagues Louise Casey and Elin Owen undertook exhaustive web and social media site searches commencing on Sunday 12 January 2025 and ongoing up to the date of this witness statement. I have also undertaken my own searches. The only email address we have identified is via the Facebook account of Farmers to Action being info@farmerstoaction.org.

24.2 *#Together*

24.2.1 My colleagues Louise Casey and Elin Owen undertook exhaustive web and social media site searches commencing on Sunday 12 January 2025 and ongoing up to the date of this witness statement. I have also undertaken my own searches. We have not been able to identify any email address associated with this group.

Prior to the Return Hearing

25. The following steps have since been taken in an effort to bring these proceedings and the injunction granted pursuant to the Order to the attention of those potentially affected by it.

Farmers to Action

26. I can confirm that I instructed colleagues to make a further attempt to identify additional email addresses for Farmers to Action and can confirm that as stated above, we have been unable to locate any further email address.

The Farming Forum

27. I understand, from Leading and Junior Counsel who attended the Initial Hearing on behalf of the Claimants, that Mrs Justice Collins Rice suggested that efforts be made to submit a suitable post on 'The Farming Forum' website ([Forum list | The Farming Forum](#)) (being the website <https://thefarmingforum.co.uk>) – alerting its users to these proceedings and the injunction granted pursuant to the Order.

28. I accordingly instructed my colleague, Alex Wright, to seek to do so by using the 'Contact Us' function on the website. I understand from Mr Wright that he consequently sought to submit the following message at 18:53 on Friday 17 January 2025:

"Notification of High Court Injunction and Return Hearing on 20 January 2025 at 2pm

We act for Morrisons Supermarkets and we request that you post a link to our client's website at <https://www.morrisons-corporate.com/about-us/injunction/> on your forum at the earliest opportunity, by way of notification of the terms of an Injunction Order made by the Honourable Mrs Justice Collins Rice on 16 January 2025 against Persons Unknown.

A copy of the Injunction Order and copies of documents which relate to it may be viewed at the above website.

Please note that a return hearing has been listed to be heard at the High Court, Kings Bench Division on 20 January 2025 at 2pm before Mr Justice Fordham. The Defendants and any person affected by the Injunction Order is entitled to attend and make representations as to the matters before the court at that hearing.

The relevant address is King's Bench Division, The Royal Courts of Justice, Strand, London, WC21 2L".

A screenshot of Mr Wright's computer screen taken just before he submitted the above message is exhibited at **"AJT4"**.

29. Regrettably, I understand from Mr Wright that he received the following response upon submitting the above message, which suggested that it had not been accepted by the website:

"Your content can not be submitted. This is likely because your content is spam-like or contains inappropriate elements. Please change your content or try again later. If you still have problems, please contact an administrator"

A screenshot of Mr Wright's computer screen showing this message is exhibited at **"AJT4"**.

30. I understand from Mr Wright that he subsequently sought to submit the following revised message at 19:14 on Friday 17 January 2025:

"Notification of High Court Injunction and Return Hearing on 20 January 2025 at 2pm

We act for Morrisons Supermarkets and we request that you post a link to our client's website on your forum at the earliest opportunity, by way of notification of the terms of an Injunction Order made by the Honourable Mrs Justice Collins Rice on 16 January 2025 against Persons Unknown.

Details of the relevant website will be provided upon receipt of an email to andrewtodd@eversheds-sutherland.com – a previous attempt to provide it using this function having been rejected.

A copy of the Injunction Order and copies of documents which relate to it may be viewed at the above website.

Please note that a return hearing has been listed to be heard at the High Court, Kings Bench Division on 20 January 2025 at 2pm before Mr Justice Fordham. The Defendants and any person affected by the Injunction Order is entitled to attend and make representations as to the matters before the court at that hearing.

The relevant address is King's Bench Division, The Royal Courts of Justice, Strand, London, WC21 2L".

A screenshot of Mr Wright's computer screen taken just before he submitted the above message is exhibited at "**AJT4**".

31. I understand from Mr Wright that he did not receive a similar response to that received on his initial attempt to submit a message to the Farming Forum website and that he has no reason to believe that it was not accepted by it.
32. It is evident that members of the Farming Forum are aware of the Injunction Order and the Return Hearing:
 - 32.1 On 17 January 2025 at 19:52, a comment was posted on a thread on the Farming Forum entitled "*Supermarket Meet*"..... *tractors - 17th January*' (<https://thefarmingforum.co.uk/index.php?threads/supermarket-meet-tractors-17th-january.420478/post-9653300>) where a user shared the link to the Claimant's Website.
 - 32.2 On 19 January 2025 at 14:31 a new thread was created on the Farming Forum entitled '*Morrisons court injunction*' (<https://thefarmingforum.co.uk/index.php?threads/morrisons-court-injunction.420989/>) where a user shared the link to the Claimants' Website.
 - 32.3 The '*Supermarket Meet*"..... *tractors - 17th January*' thread, the '*Morrisons court injunction*' thread and other specific posts referencing the Claimant's Website and the injunction more generally are exhibited at "**AJT4**".
33. On 20 January 2025 at 9am, info@farmerstoaction.org emailed AndrewTodd@eversheds-sutherland.com and KBEnquiries@justice.gov.uk as follows:

"Urgent FAO: Mr Justice Fordham - Court 37

RE: Claim No. KB-2025-000136

Dear Sir or Madam,

We received the extensive documentation at the end of the day Friday. It would be greatly appreciated if can we have some time to read to determine if we need to seek counsel.

Many thanks in advance

FTA"

(exhibited at "AJT4").

34. On 20 January 2025 at 9.18am, I forwarded the FTA's abovementioned email address to Jessica.Turner1@justice.gov.uk, commenting on the FTA's email as follows:

"Dear Ms Turner

Please could you bring the below email to the Judge's attention ? In light of the email if the Judge was so minded the Claimants would be willing to agree an adjournment of the Return Day hearing for 7 days but provided the injunction is ordered to continue until the adjourned Return Day.

Yours sincerely

Andrew Todd"

35. I can confirm that following the Initial Hearing I have also instructed colleagues to make a further attempt to identify an email address for #Together and can confirm that we have been unable to find one despite extensive searches.

#Together

36. As an email address for #Together had not been identified by such time, I instructed my colleague, Alex Wright, to seek to submit a message to the #Together website ([With Our Farmers #together - Together Declaration / https://togetherdeclaration.org/campaigns/with-our-farmers-together/](https://togetherdeclaration.org/campaigns/with-our-farmers-together/)) using the 'Contact Us' function on it. I understand from Mr Wright that he consequently submitted the following message at 18:57 on Friday 17 January 2025:

"Notification of High Court Injunction and Return Hearing on 20 January 2025 at 2pm

We act for Morrisons Supermarkets and are contacting you to notify you of the terms of an Injunction Order made by the Honourable Mrs Justice Collins Rice on 16 January 2025 against Persons Unknown.

A copy of the Injunction Order and copies of documents which relate to it may be viewed at <https://www.morrisons-corporate.com/about-us/injunction/>

Please note that a return hearing has been listed to be heard at the High Court, Kings Bench Division on 20 January 2025 at 2pm before Mr Justice Fordham. The Defendants and any person affected by the Injunction Order is entitled to attend and make representations as to the matters before the court at that hearing.

The relevant address is King's Bench Division, The Royal Courts of Justice, Strand, London, WC21 2L".

37. A screenshot of Mr Wright's computer screen taken just before he submitted the above message is exhibited at **"AJT4"**.
38. I understand from Mr Wright that he did not receive a similar response to that received on his initial attempt to submit a message to the Farming Forum website and that he has no reason to believe that the above message was not accepted by the #Together website.
39. I can confirm that I received the following response from #Together at 18.58 on Friday 17 January 2025:

"Dear Andrew,

Thank you for your enquiry regarding:

Request type: Request Together Press Release

Company Name: Eversheds Sutherland

Message: Notification of High Court Injunction and Return Hearing on 20 January 2025 at 2pm We act for Morrisons Supermarkets and are contacting you to notify you of the terms of an Injunction Order made by The Honourable Mrs Justice Collins Rice on 16 January 2025 against Persons Unknown. A copy of the Injunction Order and copies of documents which relate to it may be viewed at <https://www.morrisons-corporate.com/about-us/injunction/>. Please note that a return hearing has been listed to be heard at the High Court, Kings Bench Division on 20 January 2025 at 2pm before Mr Justice Fordham. The Defendants and any

person affected by the Injunction Order is entitled to attend and make representations as to the matters before the court at that hearing. The relevant address is King's Bench Division, The Royal Courts of Justice, Strand, London, WC2A 2L.

The team will respond to your enquiry as soon as possible. If you need to contact us regarding your enquiry, please quote the unique reference above in any subsequent messages.

This is an automated email, please do not reply."

A screenshot of the above email response is exhibited at "**AJT4**".

SECTION 5 – IDENTIFICATION OF ANY PERSONS FALLING WITHIN THE CATEGORY OF THE DEFENDANTS

40. Paragraph 2 of Schedule 3 of the Order states that the Claimant will use best endeavours on an ongoing basis to identify any persons falling within the category of the Defendants and consider whether it is appropriate to join them as parties.
41. In this section I describe the efforts made by the Claimants to identify any persons falling within the category of the Defendants and why the Claimants do not consider it appropriate to join them as parties.
42. I understand from the X (formerly Twitter) account of Clive Bailye, with username @TWBFarms, that Mr Bailye is the founder and owner of the Farming Forum. Whilst it is evident from Mr Bailye's X account (exhibited at "**AJT4**" and available at <https://x.com/TWBFarms>) that Mr Bailye supported agricultural protests on 17 January 2025 (to which I refer at paragraph 46.2.1 below), and the recent agricultural protests more generally, the Claimants are not aware of Mr Bailye having attended protest activities at RDCs and have no basis for anticipating that he is personally committed to unlawful protest action at the Injunction Sites. I am also aware that whilst Mr Bailye is the founder and owner of the Farming Forum, the Farming Forum is a website on which users can share their views on a variety of farming topics and the Claimants cannot reasonably infer that Mr Bailye shares the views and/or intentions of the users who post on the website.
43. I understand that it is not possible for visitors to the Farming Forum website to obtain any personal data about other members who post public comments on the website. The Claimants have therefore not been able to identify individuals who may fall within the category of Defendants from the Farming Forum posts referred to in this statement.

44. The Claimants have not been able to identify individuals who may fall within the category of Defendants from other social media / online posts other than as set out in this statement.

SECTION 6 - PROTEST ACTION SINCE HEARING – RDCS

45. From conversations and emails exchanged with relevant individuals providing instructions to this firm, I understand that the Claimants are not aware of protest activities having occurred at the Claimants' RDCs since the grant of the injunction at the Initial Hearing.

45.1 Protest Action at RDCs operated by other operators

- 45.1.1 On 17 January 2025 at 2.46pm, X user @InevitableWest posted a video of protestors attending a Lidl distribution centre with the caption "*Farmers break out in laughter as Britain's incompetent police turn up to tow away nine 7-tonne tractors with a small van...*" (exhibited at "**AJT4**" and available at <https://x.com/Inevitablewest/status/1880265543074353325>). The video was reposted by X user @TPoint UK on 17 January 2025 at 4.13pm with the caption "*Farmers laugh at police who turn up with a small van to tow their tractors during a blockade of Lidl, in protest of the Labour government's war on farmers. Farmers matter. Credit: @Inevitablewest,*" (exhibited at "**AJT4**" and available at <https://x.com/TPointUK/status/1880287223578521735>). Whilst both videos were posted on 17 January 2025, the Claimants have been unable to verify the date on which the action took place. I understand from a Facebook post dated 10 January 2025, however, that a blockade of Lidl's distribution centre in Runcorn was reported on 10 January 2025, and therefore this action may have taken place prior to 17 January 2025 (exhibited at "**AJT4**" and available at <https://www.facebook.com/share/p/12BqKg2q9He/>).

SECTION 7 - PROTEST ACTION SINCE HEARING – SUPERMARKETS

46. From conversations and emails exchanged with relevant individuals providing instructions to this firm, I understand that the Claimants are aware of the following protest activities at supermarkets since the grant of the injunction at the Initial Hearing.

46.1 **Protest Action at the Claimants' Supermarkets**

46.1.1 On 17 January 2025, about 15 protesters, together with four tractors, commenced a protest at c.10:00 at the car park of the Claimants' supermarket in Bridlington. The protesters appeared to be farmers and they protested without substantive impact on the Claimants' operations from this supermarket (exhibited at "AJT4").

46.1.2 On 17 January 2025 approximately 50 protesters, together with c.15 tractors, commenced a protest at c.15:45 at the car park of the Claimants' supermarket in Gamston. The protesters appeared to be farmers and they protested without substantive impact on the Claimants' operations from this supermarket (exhibited at "AJT4").

46.2 **Protest Action at supermarkets operated by other operators**

46.2.1 I understand from the X (formerly Twitter) account of Clive Bailye, with username @TWBFarms, that Mr Bailye is the founder and owner of the Farming Forum. On 17 January 2025 at 12.28pm, @TWBFarms reported that 500 supermarket car parks had each been attended by 5-10 tractors (exhibited at "AJT4" and available at <https://x.com/TWBFarms/status/1880230662189257211>).

46.2.2 On 17 January 2025, BBC News published an article entitled '*Tractor convoys visit supermarkets in tax protest*' which reported that the following supermarkets had been or were to be affected by the 17 January action:

46.2.2.1 *"In Sussex, tractors will stop at seven supermarkets between Horsham and Brighton along the A24 to speak to the public, while others gathered at Tesco in Broadstairs, Kent."*

46.2.2.2 *"A 14-tractor convoy started at Tesco at Broadbridge Heath in Horsham on Friday morning and plans to stop at Lyons Farm Retail Park in Worthing, Tesco and M&S at Holmbush Centre, Sainsbury's at Portslade, Tesco in Hove and Asda Hollingbury in Brighton."*

46.2.2.3 *"Meanwhile seven tractors amassed at Westwood Cross in Broadstairs."*

(exhibited at "AJT4" and available at <https://www.bbc.co.uk/news/articles/cqx99e7ze15o>)

SECTION 8 - PLANNED FUTURE PROTEST ACTION

47. Since the grant of the injunction at the Initial Hearing, the Claimants are aware of the following planned protest activities more broadly, which give rise to a general threat of future protest action at the RDCs which are the subject of the current injunction.

48. On 17 January 2025 at 8.15pm, a Farming Forum member posted the following comment on the thread entitled "*Supermarket Meet*" *tractors - 17th January*' in response to a comment which posted a link to the Claimant's Website:

"Morrisons have now just made themselves target number one IMO. Wolves in sheep's clothing I'm glad the Nottingham lot called in there this evening after all."

(exhibited at "AJT4" and available at <https://thefarmingforum.co.uk/index.php?threads/supermarket-meet-tractors-17th-january.420478/post-9653334>)

49. On 18 January 2025 at 5.07pm, a Farming Forum member with username 'Clive' (marked as a 'moderator' of the thread entitled "*Supermarket Meet*" *tractors - 17th January*' posted the following comment on the same thread:

"the 5 of us that organised the westminster rally have had dialogue and it does continue/ we have advisors / lobbyists onside etc and they are listening to proposed solutions..... this however is no guarantee of actual changes though so we need to keep pressure on and make clear this is isn't going away"

(exhibited at "AJT4" and available at <https://thefarmingforum.co.uk/index.php?threads/supermarket-meet-tractors-17th-january.420478/post-9654389>).

50. On 17 January 2025 at 7.47pm, a Farming Forum member posted the following comment on the thread entitled '*Fragile supply chain.*':

"Maybe their distribution centre could be next, to encourage a change of mind."

(exhibited at "AJT4" and available at <https://thefarmingforum.co.uk/index.php?threads/fragile-supply-chain.420599/post-9653287>).

51. In response to the comment referred to in the above paragraph, a Farming Forum member posted the following comment on the same thread:

"better to blockade distribution centres, firstly it then affects lots of s/mkts, they get restocked every night, so empty shelves pdq, and secondly, we are not alienating our customers, the consumer, because they don't see us, and also don't see the massive expensive tractors,

I suspect the s/mkts might be supportive of farmers, they do rely on 60% home produced food, and they are very anti the NI raid, averaging £2,000+ per employee, and the fact that it will be incredibly hard to get rid of 'bad' staff.

it might just be a case of SStarma and co, have shafted themselves, when all the 'nasties' buried in the small print, are realised.

it was a very anti business budget, that they thought would be the absolute opposite ! "

(exhibited at "AJT4" and available at <https://thefarmingforum.co.uk/index.php?threads/fragile-supply-chain.420599/post-9653927>).

52. On 17 January 2025 at 5.45pm, a Farming Forum member posted the following comment on the same thread:

"I think you will find that the super markets have worked out how many tractors were out today and a small percentage of those could shut down there distribution centres. If they have not I suggest they do very soon. Apparently also, Andrew Ward got a dressing down from NFU HQ because they are frightened that the next NFU protest will not be as strong!! WB"

(exhibited at "AJT4" and available at <https://thefarmingforum.co.uk/index.php?threads/fragile-supply-chain.420599/post-9653118>).

Farming Day of Unity – 25 January 2025

53. I understand that the National Farmers' Union ('**NFU**') has organised 'The Farming Day of Unity' which is due to take place on Saturday 25 January 2025. The NFU

encourages its members to organise events on Saturday 25 January in their local counties, and set up displays in public areas and retail parks.

54. The event is described on the NFU's website as one that:

"will bring together farmers from across the UK to participate in events in town centres to demonstrate visual support for the #StopTheFamilyFarmTax campaign and provide an opportunity for the public to add their local support."

(exhibited at **"AJT4"** and available at <https://www.nfuonline.com/updates-and-information/farming-day-of-unity/>).

55. On 17 January 2025, FarmingUK.com published an article entitled 'Tractors rally outside supermarkets over inheritance tax change' which stated:

"On Saturday 25 January, towns across the UK will see farmer protests as part of the industry's next steps in raising attention to the issue."

(exhibited at **"AJT4"** and available at <https://www.farminguk.com/news/tractors-rally-outside-supermarkets-over-inheritance-tax-change-65960.html>)

56. A Farming Forum member posted the following comment on the thread entitled "'Supermarket Meet" tractors - 17th January' on 18 January 2025 at 2.59pm,:

"NFU tractor meet on the 25th Jan i believe (non member) Seems like they want to be the only stick,,,,,,,,,,,,,,,,,,,,,well that ones failed, due to lack of faith."

(exhibited at **"AJT4"** and available at <https://thefarmingforum.co.uk/index.php?threads/supermarket-meet-tractors-17th-january.420478/post-9654255>).

57. In accordance with the Claimants' ongoing duty to give full and frank disclosure, I note that the NFU has explicitly called for its members not to block public roads or access points when taking part in the Farming Day of Unity, and to "seek permission from the landowner before setting up any display on private land". I also note that as at 7am on Monday 20 January 2025 Farmers to Action released a FaceBook post supporting both ASDA and Morrisons entitled "Starmer is an ASDA harmer" and "Starmer is a Morrisons harmer" respectively.

SECTION 9 - BALANCE OF CONVENIENCE / COMPELLING JUSTIFICATION

58. I consider that paragraph 90.1.5 of my previous witness statement remains relevant. From the cases where an interim injunction has been granted, there seems to be a pattern of behaviour where the interim injunctions against protestors results in protests ceasing entirely or reducing significantly at the location subject to the injunction and moving to other sites.
59. For the reasons stated in this witness statement, the Claimants are concerned that the RDCs which are the subject of the current injunction will be the subject of unlawful protest action moving forward.
60. For the reasons explained in the First Witness Statement of Scott Roberts in these proceedings, any such unlawful protest action at one or more of such RDCs has the real potential to cause widespread disruption to the Claimants' business, on a national scale - resulting in:
- 60.1 a significant scale of loss and impact on the Claimants' business (which is and would be difficult to quantify);
- 60.2 a very significant and substantive impact to the country's grocery supply chain; and
- 60.3 limited availability of food in certain areas (especially relevant for supermarkets located in isolated, rural areas where there are a limited number of operators).
61. As set out in this witness statement, I believe exhaustive efforts have been undertaken to draw to the attention of any affected individual the application for an Injunction Order, the Injunction Order itself, the Return Day and all evidence in support. It is evident that members of The Farming Forum are aware of the Injunction Order and it has been the subject of online debate, including the comments raised by specific members that I identify in this witness statement which in my opinion highlight an ongoing risk of further disruption to RDCs certainly in the absence of the Injunction Order.
62. In the light of the above, the Claimants respectfully seek an order that the injunction granted pursuant to the Order be extended until 16 January 2026 (being 12 months from the date of the Application) (or until such time as the Court considers appropriate which I would respectfully suggest should be no less than 3 months from the Return Day) or until otherwise varied, discharged or extended by further order.

SECTION 10 – FULL AND FRANK DISCLOSURE

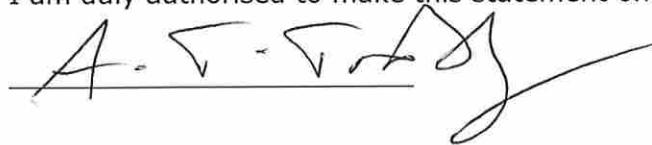
63. I am aware that the Claimants have to give full and frank disclosure and I confirm that the Claimants have given full and frank disclosure of all facts, matters and arguments which, after reasonable research, they are aware or could with reasonable diligence ascertain and which might affect the decision of the Court whether to grant the order or the terms of the order it is prepared to make.
64. With that duty in mind, I note that on 20 January 2025 at 7am, the Farmers to Action Facebook page uploaded a photo stating "*Morrisons. Thank you for supporting us. The farmers are with you. Starmer is a Morrisons Harmer. Starmer put £22,400,000 on their wage bill. The 104,813* workers won't see the money but GUESS WHO WILL PAY FOR IT? ...every week...*". The photo has been captioned with "*Morrisons Thank you for Supporting Us. The Farmers are with you. OUR FARMERS. YOUR FOOD. EVERYONE's FUTURE. #farmersprotest #farmers #together #farmerstoaction*" (exhibited at **AJT4** and available at <https://www.facebook.com/share/p/1Dgt67U9wA/>).
- 64.1 One Facebook user commented on the post "*Literally just had an injunction against farmers*"; and
- 64.2 One Facebook user commented on the post a link to the Claimant's Website.
65. On 20 January 2025 at 7am, the Farmers to Action Facebook page uploaded a photo stating "*ASDA. Thank you for supporting us. The farmers are with you. Starmer is an Asda Harmer. Starmer put £33,000,000 on their wage bill. The 145,000* workers won't see the money but GUESS WHO WILL PAY FOR IT? ...every week...*". The photo has been captioned with "*Asda. Thank you for Supporting Us. The Farmers are with you. OUR FARMERS. YOUR FOOD. EVERYONE's FUTURE. #farmersprotest #farmers #together #farmerstoaction*" (exhibited at **AJT4** and available at <https://www.facebook.com/share/p/17xmAV2gZc/>).

Statement of truth

I believe that the facts stated in this Witness Statement and Exhibits are true.

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I am duly authorised to make this statement on the Claimants' behalf.

A handwritten signature in black ink, appearing to read 'A. J. Todd', is written over a horizontal line. The signature is stylized and extends to the right of the line.

Andrew James Todd | 20 January 2025