

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS IN MANCHESTER
PROPERTY TRUSTS AND PROBATE LIST (ChD)**

BETWEEN:

- (1) CITY FOOTBALL GROUP LIMITED
- (2) MANCHESTER CITY FOOTBALL CLUB LIMITED
- (3) NEW YORK CITY FOOTBALL CLUB LLC
- (4) CITY FOOTBALL AUSTRALIA PTY LIMITED
- (5) TARENTI S.A.D.
- (6) GIRONA FUTBOL CLUB S.A.D.
- (7) CITY FOOTBALL JAPAN K.K
- 8) CITY FOOTBALL MIDDLE EAST FZ LLC
- 9) CITY FOOTBALL SINGAPORE PTE LIMITED
- 10) MELBOURNE CITY FOOTBALL CLUB PTY LTD

Claimants/Applicants

-and-

- 1) HARRY DAVIES
- 2) HANZA AHMED
- 3) ALISTAIR LAW
- 4) ALEXANDER FARRELL
- 5) KLAUS GUIP
- 6) RIKKE BREWER
- 7) ADAM MARR
- 8) PERSONS UNKNOWN WHO ENTERED THE ETIHAD CAMPUS WITH THE THIRD,
FOURTH, FIFTH AND SIXTH RESPONDENTS ON 29 JULY 2017
- 9) PERSONS UNKNOWN ENTERING THE APPLICANTS' PROPERTIES LISTED IN
SCHEDULE 3 TO THIS ORDER WITHOUT THEIR EXPRESS OR IMPLIED CONSENT

Defendants/Respondents

THIRD WITNESS STATEMENT OF JULIAN DIAZ-RAINEY

I, **JULIAN DIAZ-RAINEY** of Pinsent Masons LLP, 3 Hardman Street, Spinningfields, Manchester M3 3AU, **WILL SAY** as follows:

1. I am a solicitor of the Senior Court in England and Wales and a Partner (or, more precisely, a Member) in the firm of Pinsent Masons LLP ("PM"), solicitors for City Football Group Limited ("CFG"). I am duly authorised to make this statement on behalf of all the Claimants.
2. Save where stated to the contrary, the facts and matters contained in this witness statement are within my own knowledge (gained whilst acting as a solicitor for the Applicants) and are true. Where facts and matters are outside my knowledge, the source is stated and I believe those facts to be true.
3. During the course of this statement I will refer to certain documents, copies of which are exhibited in a paginated bundle marked 'JDR3' which accompanies this statement.
4. On 19 September 2017, I provided a witness statement in support of the Claimants' application for an interim injunction against the Respondents. Mr. Graham Smith, a senior supervisor for CFG, also provided a statement in support of the application. A hearing in respect of that application took place on Friday 22 September 2017. Following the Hearing, His Honour Judge Pelling QC granted the Claimants an interim injunction against the Respondents. The order, dated 25 September 2017 (the "Order"), was accompanied by a second witness statement that I had provided (also dated 25 September 2017).

Service of the Order (and other documents)

First, Second, Third, Fourth, Sixth and Seventh Respondents

5. Service was effected on Respondents 1 to 7 (except Respondent 5) in accordance with the Order. Certificates of service were filed with, and received by, the Court on 26 September 2017.
6. We have received no response to the proceedings from those Respondents.
7. The only other contact there has been is that, as stated in the Claimants' Particulars of Claim (dated 4 October 2017), Pinsent Masons wrote to Respondent 3 (i.e. Mr. Alistair Law) and requested that he remove a picture he was selling on his website of the Respondents on the roof of the Etihad Stadium. Mr. Law complied and deleted the item (see page 1 of Exhibit JDR3), though he did not actually respond directly to the letter.

Fifth Respondent

8. In accordance with the Order, service of the original court documents – along with a copy of the Order itself – was effected on Ms. Isabella Ceausu (the mother of Respondent 5) on 25 September 2017 at her apartment. We have received no response from Ms. Ceausu.
9. The Claimants do not intend to seek any order in respect of Respondent 5 (i.e. Mr. Klaus Guip) or his mother at the return date.

Eighth Respondent

10. Service on the Eighth Respondent is deemed to have been effected on the basis that service has been effected on one or more of the First, Second, Third, Fourth, Sixth and Seventh Respondents.

Ninth Respondent

11. I can confirm that service has been effected in accordance with paragraph 6.3 of the Order.

Cross-undertaking

12. I can confirm that each of the Claimants is willing to give a cross-undertaking in damages in respect of any losses which may be suffered by the Respondents should the Court subsequently find that the proposed Order should not have been made.

Statement of Truth

13. I believe that the facts stated in this witness statement are true.

Signed



JULIAN DIAZ-RAINEY

Dated: 05.10.2017

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EXHIBIT JDR3

RICHARDSON Alexander

From: RICHARDSON Alexander
Sent: 02 October 2017 15:58
To: 'allylaww@gmail.com'
Cc: SEED Jo; DIAZ-RAINEY Julian
Subject: CFG / MCFC vs Harry Davies and Others [PM-AC.FID3220475]

Dear Mr. Law,

City Football Group Limited (“CFG”) and Manchester City Football Club Limited (“MCFC”) vs Harry Davies and Others (the “Respondents”)

It has come to our attention that, via your website <http://allylaw.bigcartel.com>, you are selling prints of a photograph taken of the Etihad Stadium, MCFC's home ground.

The photograph depicts Mr. Rikke Brewer on the stadium's roof and was taken while you and the other Respondents were trespassing on our clients' property. In light of this, before any further action is taken against you in this regard, you are required to refrain from selling any further copies of that print and to immediately remove the item from your website.

Yours sincerely,

Pinsent Masons LLP

Alexander Richardson
Solicitor
for Pinsent Masons LLP

Alexander.Richardson@pinsentmasons.com
www.pinsentmasons.com www.Out-Law.com

Winner - Legal Week British Legal Awards 'Law Firm of the Year'

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