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**By Email ([maphorn@yahoo.com](mailto:maphorn@yahoo.com))**  
**By Post**

Our Ref: FH1/OTD/64340-00002/70322122 v2

16 April 2018

Dear Sirs

**INEOS Upstream Limited and others -v- Persons Unknown and others**  
**Claim No: HC-2017-002125**

We refer to the copy of your Acknowledgment of Service filed at the High Court in relation to the above named proceedings, which relate to an injunction order obtained by INEOS Upstream Limited and 9 other claimants ("**INEOS**") on 12 December 2017 (the "**Injunction**").

A copy of your Acknowledgment of Service was served on us, as solicitors for INEOS, together with a copy of a purported defence to the Injunction which was dated 26 March 2018. The defence was endorsed by a statement of truth.

Pursuant to r.32.14 of the Civil Procedure Rules, which are the court rules governing the application for and the making of the Injunction, proceedings for contempt of court may be brought against a person if he 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.

In your purported defence to the Injunction, you allege that you did not receive notice of the application for the Injunction until 22 March 2018. INEOS went to very significant lengths to notify all interested parties of the application for the Injunction, the Injunction was made at a public hearing, and the existence of the Injunction and its terms were widely reported in both regional and national press, as well as on social media. To this end, whilst your statement is endorsed by a statement of truth indicating that you did not receive notice of the Injunction until 22 March 2018, a posting made from your Facebook account indicates that you were aware of the above named proceedings as at 9 November 2017.

Without prejudice to the foregoing matters, in respect of which INEOS' rights and remedies are fully reserved in all respects, given you have indicated you wish to be a named defendant in the above named proceedings, we have, under separate cover, provided a link to an online file hosting service, which

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provides full access to all documents submitted in support of the Claimants' application and the proceedings generally. You will have received an email from "iManage" which will afford such access.

### **Disclosure of documents to Defendants and duty of confidentiality**

Please note that any documents which are disclosed to you in pursuance of the above named proceedings are subject to an implied undertaking that they will be used only for the purpose of the proceedings in which they are disclosed (pursuant to rule 31.22(1) of the Civil Procedure Rules). This rule is subject to certain exceptions which do not apply in this case.

Further, the confidential nature of the information set out in the witness statements and exhibits, and the circumstances of disclosure, give rise to a duty of confidence. Examples of the confidential information include details of INEOS' business operations and land interests, and also the names and details of some of the relevant landowners, who are individuals rather than corporate entities. This information is confidential notwithstanding that some individual elements may be in the public domain: *Coco v AN Clark (Engineers) Ltd [1968] F.S.R. 415*. Accordingly, receipt of these documents gives rise to a duty of confidence.

If we discover that you have used the documents for purposes other than these proceedings and / or that the duty of confidence has been breached, INEOS may pursue you for damages and costs.

### **Breach of the Injunction**

You will note from the terms of the Order that, if the named Defendants in the Injunction or any of them, disobey the terms of the Injunction they will be held to be in contempt of Court and may be imprisoned, fined or have their assets seized.

### **Liability for costs**

Should you seek to defend the Injunction, or otherwise seek to vary or discharge the Injunction, then you may be liable to pay INEOS' costs of the Court proceedings if you are unsuccessful. As such, we strongly suggest that you take independent legal advice at the earliest opportunity in relation to the matters contained in this letter.

### **UKOG Application**

As you are aware, UK Oil & Gas Investments PLC ("UKOG") and others made an application to the High Court in London for interim injunctive relief against persons unknown on 1 March 2018. Whilst UKOG's claim for interim injunctive relief differs to the earlier application made by INEOS, we understand that you have also sought to defend UKOG's claim for injunctive relief, and that the defence lodged by you in relation to UKOG's application is in the same form to that filed by you at Court in relation to the Injunction.

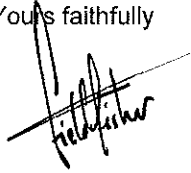
Leave for permission to appeal has been sought from the Court of Appeal by two of the defendants to the INEOS Injunction. The Court of Appeal is currently considering those defendants' applications for permission to appeal. As such, there are not currently any case management directions listed in the INEOS proceedings, nor is there a future hearing listed. We refer you to paragraph 17 of the Order dated 12 December 2017.

Given that you are seeking to defend both UKOG's claim and INEOS' Injunction on the same basis, we consider it likely that the Court will determine the merits of your defence in UKOG's claim. As such, we suggest that any application you wish to make in the INEOS proceedings is stayed pending the determination of your defence in the UKOG proceedings. This would mean that you would avoid potential liability for substantial costs in relation to both sets of Court proceedings.

**Independent legal advice**

As set out above, we strongly suggest that you seek independent legal advice in relation to the matters contained in this letter.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Fieldfisher', is written over a horizontal line.

**Fieldfisher**