
From: Civil Appeals - CMSA <civilappeals.cmsA@justice.gov.uk>
Sent: 08 November 2022 10:43
To: Mary Barraclough
Cc: Petra Billing; Robert Shaw; Laura Higson
Subject: RE: URGENT REQUEST FOR EXTENSION OF TIME - CA-2022-001066 and 001105 - National Highways Limited -v- Persons Unknown and Others [DLAP-UKMATTERS.FID6085880]

****EXTERNAL****

Dear Madam,

Please be advised that an extension of time has been granted to 4pm on 28/11/22 for the Appellant to serve the documents on the Respondents.

Mrs R Persad
Case Manager
Civil Appeals Office
Rm. E328

Royal Courts of Justice|Strand|London|WC2A 2LL|DX 44456

From: Mary Barraclough < >
Sent: 07 November 2022 14:59
To: Civil Appeals - CMSA <civilappeals.cmsA@justice.gov.uk>
Cc: Petra Billing < >; Robert Shaw < >; Laura Higson < >
Subject: URGENT REQUEST FOR EXTENSION OF TIME - CA-2022-001066 and 001105 - National Highways Limited -v- Persons Unknown and Others [DLAP-UKMATTERS.FID6085880]
Importance: High

Dear Sirs

We act for the Appellant in this matter. This email has not been copied to each of the Named Respondents at this time, as explained further below.

We refer to the email from the court below attaching the Listing Window Notification Letter ("**Letter**").

In accordance with the Letter, the Appellant is required to carry out the following steps by Monday 14 November 2022:

1. Complete, file and serve the Appeal Questionnaire (paragraph 6 of the Letter);
2. Serve a proposed bundle index for the core bundle and any supplementary bundle (paragraph 8 of the Letter); and
3. File and serve the appeal skeleton argument (paragraph 9 of the Letter).

We are instructed by the Appellant to request, in accordance with paragraph 12 of the Letter, an extension of time of **2 weeks** to serve any documents arising from the permission to appeal application (including those listed at 1 – 3 above) on the Respondents (save for those which have already been complied with), effectively deferring the

directions timetable by 2 weeks, such that the Appellant shall serve the Respondents **by 4 pm on Monday 28 November 2022**.

The Appellant does not seek to adjourn the hear-by date.

The reasons for the Appellant's request for an extension of time are as follows:

- The timeframe for filing the skeleton argument (14 days) is very tight, particularly in light of pre-existing commitments of both Leading and Junior Counsel for the Appellant. In particular, Junior Counsel for the Appellant (alongside this firm) has been involved over the course of last week and the weekend, in obtaining an urgent interim injunction secured on 5 November 2022 before Chamberlain J (which has been widely publicised). The urgent application referred to has, unfortunately meant that Junior Counsel's attention has had to be diverted away from this matter. Retaining alternative Counsel to replace existing Counsel (who were involved in this matter in the Courts below) is not desirable or realistic.
- The requirement for the Appellant to serve the skeleton argument on the Respondents cuts the timeframe for serving it (14 days) even shorter given that the Appellant is (presently) required to print and post the documents out to all of the Respondents in order to effect service. This effectively means that the documents would need to be posted out by Wednesday 9 November 2022 in order to be served on the Respondents by 14 November 2022. There are 133 Named Respondents, and service of the documents by post is a significant undertaking in terms of both time and cost. In this regard, the Appellant has made an alternative service application (which was filed with the court on 3 November 2022) – the outcome of which is awaited, and hence why this email has not been copied to the Named Respondents.
- The internal processes of the Appellant means that additional time is required in order to finalise the skeleton argument with the Appellant and obtain sign-off / approval for the same to be filed.
- The hear-by date which has been assigned to this case is 2 October 2023. No application for expedition has been made by the Appellant which might otherwise contradict the Appellant's request for an extension of time.
- The extension of time requested by the Appellant is for a relatively short period which does not put at risk the hear-by date of 2 October 2023.
- The Respondents are not prejudiced in any way by the extension of time, as they are not required to take any steps until after the Appellant has served the various documents on them for which it is seeking an extension of time.
- The refusal of the requested extension would significantly prejudice the ability of the Appellant to prepare a skeleton argument in respect of the issues arising on the appeal.

We should be grateful if this request could be urgently referred to the supervising Lord / Lady Justice for consideration as soon as possible, and in any event, **before 4 pm tomorrow (Tuesday 8 November 2022)** given the service issue highlighted above if the alternative service application is not dealt with and approved by today. My colleague Laura Higson has emailed the court today asking for an update on that application for alternative service.

Should the court require any further information, please do not hesitate to contact the writer using the below contact details.

Yours faithfully

DLA PIPER UK LLP

Mary Barraclough
Senior Associate
