

(For the resumed ex parte hearing before Lok J on 28 July 2025 at 11:00 a.m.)

HCA 625/2025

Yan Yu Ying (“P”) v Persons Unknown and Others

**SUPPLEMENTAL SKELETON SUBMISSIONS OF THE PLAINTIFF**

1. These are P’s supplemental submissions on the legal basis regarding the description of the Intended D7. P’s stance is as follows:
  - (1) P humbly invites the Court to accept the description of the Intended D7 as shown at §1 of the Summons (“**25 July Description**”).
  - (2) In the alternative, if the Court considers the 25 July Description unclear, P proposes renaming the Intended D7 by cryptocurrency addresses as shown in the new draft orders (“**28 July Description**”).

**A. Legal principles**

2. In general, a plaintiff may bring claims against persons unknown: *Bloomsbury Publishing Group Ltd and another v News Group Newspapers Ltd and others* [2003] 1 WLR 1633 [SLA#1] (applied by the Hong Kong Court of Appeal in *Billion Star Development Ltd v Wong Tak Chuen* [2013] 2 HKLRD 714 [SLA#2]).
3. The description of the persons unknown “*must be sufficiently certain as to identify both those who are included and those who are not*”: *Bloomsbury* [SLA#1] at §21.
4. In *Cameron v Liverpool Victoria Insurance Co Ltd* [2019] 1 WLR 1471 [SLA#3], the English Supreme Court developed on the principles and distinguished two types of persons unknown (at §13):

*“The first category comprises anonymous defendants who **are identifiable but whose names are unknown**. Squatters occupying a property are, for example, identifiable by their location, although they cannot be named. The second category comprises defendants, such as most hit and run drivers, who are **not only anonymous but cannot even be identified**. The distinction is that in the first*

*category the defendant is described in a way that makes it possible in principle to locate or communicate with him and to know without further inquiry whether he is the same as the person described in the claim form, whereas in the second category it is not.”*

5. The crux of the matter is whether it is conceptually and practically possible to serve a writ on persons unknown: see *Cameron* [SLA#3] at §14. The English Supreme Court further held that (at §§15–16):

*“15. An identifiable but anonymous defendant can be served with the claim form or other originating process, if necessary by alternative service under CPR r 6.15. This is because it is possible to locate or communicate with the defendant and to identify him as the person described in the claim form... Where an interim injunction is granted and can be specifically enforced against some property or by notice to third parties who would necessarily be involved in any contempt, the process of enforcing it will sometimes be enough to bring the proceedings to the defendant's attention. In *Bloomsbury Publishing Group* [2003] 1 WLR 1633, for example, the unnamed defendants would have had to identify themselves as the persons in physical possession of copies of the book if they had sought to do the prohibited act, namely disclose it to people (such as newspapers) who had been notified of the injunction. The Court of Appeal has held that where proceedings were brought against unnamed persons and interim relief was granted to restrain specified acts, a person became both a defendant and a person to whom the injunction was addressed by doing one of those acts...*

*16. One does not, however, identify an unknown person simply by referring to something that he has done in the past. "The person unknown driving vehicle registration number Y598 SPS who collided with vehicle registration number KG03 ZJZ on 26 May 2013", does not identify anyone. It does not enable one to know whether any particular person is the one referred to. Nor is there any specific interim relief such as an injunction which can be enforced in a way that will bring the proceedings to his attention. The impossibility of service in*

*such a case is due not just to the fact that the defendant cannot be found but to the fact that it is not known who the defendant is. The problem is conceptual, and not just practical. It is true that the publicity attending the proceedings may sometimes make it possible to speculate that the wrongdoer knows about them. But service is an act of the court, or of the claimant acting under rules of court. It cannot be enough that the wrongdoer himself knows who he is.”*

6. In the context of cryptocurrency fraud, the English High Court applied two different interpretations of *Cameron*.
7. **First**, in *Tippawan Boonyaem v Persons Unknown* [2023] EWHC 3180 (Comm) [LA#7], the 1st defendants in that case were described by the act committed by persons unknown (see §28). The court refused to grant summary judgment against the 1st defendant as “[l]ike hit and run drivers, they cannot properly be sued to judgment unless and until they can be identified. The fact that they perpetrated the fraud on the claimant is not, of itself, a sufficient identification.” (§34)
8. **Second**, in *Mooij v Persons Unknown* [2024] 1 WLR 3800 [LA#8], the court disagreed with the ruling in *Boonyaem* (at §§44–45):

*“44...As I read Cameron the difficulty over the deputy judge’s first category of unnamed defendants (which is in fact Lord Sumption’s second category in Cameron at para 15) ie those who are anonymous and cannot be identified is that it not possible to establish jurisdiction over them. That is because, unlike the judge’s second category (or Lord Sumption’s first) they cannot be served; not even by a method of substituted service at a location by they may be identified or with which they can be associated.*

*45. For the reason explained by Lord Sumption, at para 14, the appeal in Cameron directly concerned a proposed amendment of the claim form to substitute in place of the defendant owner of the car (who had not been driving at the time of the collision with the claimant) the unknown person who had been driving it. But the real issue was as to how such a claim form was to be served within the*

*subsequent four months and determining that issue involved “asking whether it is conceptually (not just practically) possible to serve it” when “The court generally acts in personam”. On my reading of Cameron, at paras 13—17, Lord Sumption was therefore addressing the impossibility of service, not even substituted service, on an unknowable and unidentifiable defendant. Such impossibility would mean that the court would have no jurisdiction over the defendant, or none that could be exercised in accordance with fundamental principles of justice. To put it another way, His Lordship was distinguishing that class of defendant at the inception of the claim, for the purpose of establishing whether or not the court could properly assume jurisdiction over that defendant, rather than looking at the position at the stage reached in Boonyaem [2023] EWHC 3180 (Comm) and also in this case, which is to consider whether and how to exercise a jurisdiction assumed to have been established.”*

9. Regarding the two different approaches, P submits that:
  - (1) The interpretation adopted in *Boonyaem* was over-generalised, while the interpretation adopted in *Mooij* accurately depicted *Cameron*. P therefore invites the Court to apply *Mooij*.
  - (2) In both cases, an interim injunction was granted. In *Boonyaem*, the court recognised the difference between an interim relief and a final judgment (at §§31–34). On the assumption that *Boonyaem* was correctly held, P submits that *Boonyaem* does not rule out the availability of interim relief. The court can make interim orders even though the defendants are not readily identified: *Gee on Commercial Injunctions* (7<sup>th</sup> Edition, 2021) at §2-074 [SLA#4].

## **B. Examples of “Persons Unknown” accepted by courts**

10. In England and Wales:

- (1) *AA v Persons Unknown* [2020] 4 WLR 35 [LA#3]: the 1<sup>st</sup> defendant was “*persons unknown who demanded Bitcoin on 10 and 11 October 2019*” (see §1).
  - (2) *Gary Jones v Persons Unknown* [2020] EWHC 2543 (Comm) [LA#4]: the 1<sup>st</sup> defendant was “*persons unknown (being the individuals or companies who obtained access to the First Applicant's BTC accounts between about 22.1.2019 and 10.1.2020 and carried out the transactions [on or about the same dates] as a result of which the crypto currencies held in those accounts were transferred to other accounts*”.
  - (3) *CMOC v Persons Unknown* [2018] EWHC 2230 (Comm) [SLA#5]: the 1<sup>st</sup> defendant was defined as “*perpetrators of the Fraud (as particularised in the Particulars of Claim) whose identities are currently unknown, including: (1) any person or entity who carried out and/or assisted and/or participated in the Fraud; and (2) any person or entity who received any of the monies misappropriated from the Claimant (including the traceable proceeds thereof) other than in the course of a genuine business transaction with either another Defendant or a third party; in either case, other than (i) by way of the provision of banking facilities, and/or (ii) the Non Cause of Action Defendants named in Schedule 2 to the Claim Form.*” (see §9). Interim injunction was granted: see *CMOC v Persons Unknown* [2017] EWHC 3599 (Comm) [SLA#6].
  - (4) *PML v Person(s) Unknown* [2018] EWHC 838 (QB) [SLA#7]: the defendant was “*person(s) unknown (responsible for demanding money from the Claimant on 27 February 2018)*”.
  - (5) *Pippa Middleton v Persons Unknown* [2016] EWHC 2354 (QB) [SLA#8]: the defendant was described as person(s) “*who has or have appropriated, obtained and/or offered or intend to offer for sale and/or publication images contained on the First Claimant's iCloud account*” (see §18).
11. In Hong Kong, in *Calm Ocean Shipping SA v Win Goal Trading Ltd* [2020] HKCFI 801 [SLA#9], the court described the defendant as “*Persons Unknown*

*wherever situated or incorporated who have any claim against the Plaintiff as the Carrier under [the B/L] or in respect of the Cargo under [the B/L] or its proceeds of sale” (see §46).*

12. In other jurisdictions:

- (1) In *CLM v CLN* [2022] SGHC 46 [SLA#10], the first defendant was described as “[a]ny person or entity who carried out, participated in or assisted in the theft of the Plaintiff’s Cryptocurrency Assets on or around 8 January 2021, save for the provision of cryptocurrency hosting or trading facilities.” (see §34).
- (2) In *Zschimmer & Schwarz GmbH & Co KG Chemische Fabriken v Persons Unknown & Anor* [2021] 7 MLJ 178 [SLA#11], the defendant was described as “(a) any person or entity who carried out and/or assisted and/or participated in the fraud; (b) any person or entity who received any of the EUR123,014.65 misappropriated from the plaintiff (including any traceable proceeds thereof) other than in the course of a genuine business transaction with either another defendant or a third party; and (c) in either case of para 2(i) or (ii), other than by way of the provision of banking facilities” (see §42).
- (3) However, in *ChainSwap Ltd v Persons Unknown* [2022] BVIHC (COM) 0031 [SLA#12], persons unknown identified by their involvement in theft were held to be inappropriately named (see §3). It is noted that the BVI court did not offer any reason or explanation.

Dated 28 July 2025

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