

# HOWARD KENNEDY

**URGENT**

**FAO: Mr Singh, Case Manager**  
Civil Appeals Office  
Room E307, Royal Courts of Justice  
Strand  
London  
WC2A 2LL

Our ref 061514.00004  
Doc ref 67469760.3

**By CE File and by email**

E: [civilappeals.cmsB@justice.gov.uk](mailto:civilappeals.cmsB@justice.gov.uk)

Dear Mr Singh

27 March 2026

**Alkiviades David ("Appellant") v Mahim Khan ("Respondent")**  
**CA-2025-002562**

1. We refer to the above matter in which we act for the Respondent, Mahim Khan.
2. We have addressed this letter to you on the basis that we were informed by the Civil Appeals Listing Office by telephone on 5 March 2026 that case has been allocated to you.
3. Since then, we have attempted to contact both the Civil Appeals Office and you on the number provided to us, but there has been no answer. We have only been able to speak with the Listing Office which appears to be the only telephone number which is staffed.
4. We understand from the Listing Office that the Civil Appeals Office is currently undergoing refurbishment works which is likely the reason for there being no answer on the usual contact number. The Listing Office has also confirmed that the appeal was removed from the Dismissals List on 5 March but were unable to provide any further updates.
5. We also tried to contact your direct number and the Civil Appeals Office on 25 March 2026 and we immediately received the following automated message: "*Sorry, we are unable to complete your call at this time, please try again later*".
6. In the circumstances we are writing this letter because there appears to be a significant delay in dealing with the Appellant's appeal dated 20 October 2025 (filed now over five months ago) seeking to appeal (i) the judgment handed down by Mrs Justice Stacey on 16 October 2025 in which she found the Appellant to be in contempt of court ("**Contempt Judgment**"); and (ii) the cost order made against him by Mrs Justice Stacey at paragraph 4 of her Order for Contempt



dated 16 October 2025 ("**Costs Order**") (£80,000 on the standard basis, assessed summarily) ("**Appeal**"). This may be as a result of the volume of emails sent by the Appellant to the Civil Appeals Office and others having caused confusion and resulted in this delay.

7. We also wrote to the Civil Appeals Office on 6 January, 7 January and 17 February 2026 respectively ("**January Letters**" and "**February Letter**", respectively) and have yet to receive any substantive response regarding the status of the Appeal and any timeframe for filing and serving submissions in response if the Appeal is proceeding. Again, we deal with this in more detail below.
8. We are also mindful that the Appeal may have become lost, forgotten about or delayed, in consequence of the frequent and voluminous emails sent to the Court by the Appellant which seek to conflate proceedings in this jurisdiction and others, and try to raise new evidence for which the Appellant has no permission and is not relevant to the purpose of the Appeal set out above.
9. Accordingly, the purpose of this letter is to invite the Court to determine the Appeal on an expedited basis and on the papers without an oral hearing, the reasons for which are set out below.
10. We refer to the January Letters, the contents of which we do not intend to repeat, but invite the Court of Appeal to consider those letters in full when considering our request. As stated above we have not received any responses to the January Letters and February Letter which were provided to assist the Court, and which deal with the various procedural breaches by Appellant having failed to comply with various of directions made by the Civil Appeals Office in its letter dated 17 December 2025 ("**Directions Letter**"), and which set out the Respondent's position on the merits of the Appeal.

#### **Non-compliance with directions by the Appellant**

11. In our January Letters we set out details of the non-compliance with the directions in the Directions Letter by the Appellant. We confirm that, despite the passage of time, the Appellant has still taken no steps to comply with the Directions Letter.
12. As set out in our February Letter we gained access to the CE file following filing that letter with CE File which then enabled us to download from CE File a copy of the Appellant's Notice dated 20 October 2025 ("**Appellant's Notice**"), together with the Appellant's grounds of appeal which comprises eight grounds in total ("**Appeal Grounds**").
13. On 13 February 2026, the Civil Appeals Office wrote to the Appellant because he had failed to file a bundle of appeal documents ("**Second Directions Letter**") and requested that a bundle be filed by 16:00 on 23 February 2026, absent which his Appeal would be dismissed.
14. Our February Letter explains that the Appellant sent emails to the Civil Appeals Office on 13 February 2026 at 20:43 and 15 February 2026 at 00:30 and 00:58 filing documents with the Court which did not constitute compliance with the Court's Second Directions Letter, but if the Court were minded to accept the emails as the Appellant filing his appeal bundle, the Respondent would like again to bring to the Court's attention that the Appellant does not require permission to appeal the Contempt Judgment since he has an automatic right of appeal pursuant to CPR 52.3(1)(a)(i).

15. We understand from our call with the Listing Office on 5 March 2026 that the Appeal was removed from the Dismissals List that day. Accordingly, our understanding is that the Court has accepted the Appellant's email attaching documents as being compliant with the Second Directions Letter, though the provision of documents was not in the prescribed form of a bundle. We would be grateful if you could confirm that our understanding is correct.

#### **Current Position**

16. In our February Letter, we explained that the Respondent's position remains as set out in our 6 January 2026 letter which is that the Respondent has not been served with the Appellant's Notice or the Appeal Grounds by the Appellant. However, as we have previously advised in our letter dated 7 January 2026 (at paragraph 5.2), the Respondent is prepared to take a pragmatic approach to assist the Court of Appeal with managing the Appeal expeditiously and cost effectively by agreeing to the Appeal being determined notwithstanding there being no valid service by the Appellant on the Respondent.
17. Since the Appellant does not require permission to appeal the Contempt Judgment, the provision in paragraph 19(1)(a) of Practice Direction 52C, which permits the Respondent to file a brief statement within 14 days of service of an appellants notice or skeleton argument (neither of which have been served) setting out why permission should be refused, falls away. The Court has not issued any subsequent directions following the Appeal having been removed from the Dismissals List. Accordingly, we should be grateful if the Court would confirm a deadline by which it would like to receive submissions in response to the Appeal Grounds from the Respondent.

#### **Summary of Respondent's Response to the Appeal Grounds**

18. In the meantime, to assist the Court, and to the extent that the Court considers that it does not require formal submissions from the Respondent, we make the following points in relation to the Appeal Grounds.
- a. The Appeal is in respect of the Contempt Order only and any documents filed should be limited to documents filed in relation to that order and any submissions made should only be in respect of grounds upon which Mrs. Justice Stacey made the Contempt Order which are set out in the Contempt Judgment dated 16 October 2025 which was provided to the Civil Appeals Office by us on 7 January 2026. The Appellant was found to be guilty of contempt by breaching the freezing orders of Mr Justice Calver dated 26 June 2025, Mr Justice Freedman dated 4 July 2025 and Mr Justice Cotter dated 25 July 2025 ("**Freezing Orders**") which are also referred to below.
  - b. **Ground 1:** The 400 exhibits referred to by the Appellant were not before the court since they did not relate to compliance with the Freezing Order and in many instances, related to proceedings in other jurisdictions. Accordingly, they are not relevant to the Contempt Judgment, the Costs Order, nor the Freezing Orders which Mrs Justice Stacey found the Appellant to have breached.
  - c. **Ground 2:** The Defendant's disability was first considered by Mr Justice Cotter at the hearing before him on 25 July 2025 (i.e. the second return date hearing in connection with the Freezing Order), at which the Judge found that the Appellant had capacity to deal with the proceeding brought against him by the Respondent (*see judgment of Mr. Justice Cotter dated 25 July 2025 enclosed*). Mrs Justice Stacey was aware of this and

made suitable adjustments, which included permitting the Appellant to attend the hearing on 16 October 2025 remotely. Mrs Justice Stacey also deals with the Appellant's disability in the Contempt Judgment at paragraphs 18 and 28.

- d. **Ground 3:** This ground is false. There is no criminal investigation and the police have not been involved. It relates to service of the Contempt Application on the Appellant outside court 11 in the corridor in the Royal Courts of Justice in the presence of the court's security officers, whom we arranged to be present. Paragraph 25 of the Contempt Judgment of Mrs Justice Stacey confirms that she was satisfied service was validly effected on the Appellant.
- e. **Ground 4:** This ground is not understood in circumstances where, by the Appellant's own admission, Mrs Justice Stacey did consider the position on costs. Mrs Justice Stacey assessed the costs summarily and the amount claimed was reduced from £116,318.24 to £80,000, on the standard basis, which equates to reduction of around 31%.
- f. **Ground 5:** The Appellant's reference to proceedings in other jurisdictions are not relevant to the finding of contempt against him nor the Cost Order.
- g. **Ground 6:** The ground makes little sense. We have inferred that the Appellant's position is that he either seeks to adduce new evidence, which he is not permitted to do and/or his position is that his evidence was wrongly labelled or mischaracterised. Far from it, the hearing bundles before Mrs Justice Stacey comprised extensive evidence relevant to the contempt application. This is addressed in the Contempt Judgment at paragraph 24:

*"24. As I explained during the course of the hearing to Mr David I have to be sure to the criminal standard that the claimant has proved to me that he is in breach of paragraphs 9 and 10 of the First Freezing Order and the Second Freezing Order, that the failure is deliberate, and that he has the ability to perform the mandatory order. The evidence which I have had before me consisted of the extensive documentation and correspondence, affidavits from Ajay Fournillier filed on 23 July, 29 July and 29 September (he is a solicitor for the claimant), Bonizwa Dzere 2 July 2025 (a paralegal), the affidavit of Russell Sargent 2 July 2025 (process server) and the affidavit of Paul Cottee process server 23 July 2025 and 13 August 2025. The defendant was advised of his rights and that he was under no obligation to give any evidence and given the warning against self incrimination. He did not give evidence per se but I received all the information he gave in his submissions and I read the documents he had provided."*

- h. **Ground 7:** This ground has no merit and is based upon the Appellant conflating proceedings in this jurisdiction with proceedings in the Eastern Caribbean Supreme Court which are not relevant to the finding of contempt made against him, nor the Costs Order.

#### **Determination of the Appeal on an expedited basis and on the papers**

- 19. As stated above, the Appellant continues to send the Civil Appeals Office voluminous emails which seek conflate proceedings in various jurisdictions including proceedings where the Respondent is not a party, which have no bearing on the Appeal and create confusion. Those emails are copied to multiple parties. By way of example, between 17 and 25 March 2026, the Appellant sent 16 emails each of which includes numerous recipients, including the Civil Appeals Office, and others not relevant to the appeal, for example, Senior Master Cook (who is dealing

with the Third Party Debt Order Application (defined below), the Clerk to Senior Master Cook, Ms Ilaria Capanni, the Clerk to Mrs Justice Cotter, Ms June Morgan, various law firms, Kirsty Price of the Solicitors Regulation Authority and the High Court of Antigua.

20. Until the Appeal has been determined, we anticipate this pattern of communication will continue, as it has done in connection with the underlying proceedings, which will only result in further delay and potential confusion on the part of the court.
21. The Appellant has on a number of occasions sent abusive communications to the Respondent's solicitors. More recently, on 26 March 2026, the Appellant sent the Respondent's solicitors, including other recipients, such as newspaper outlets and the clerk to Mr Justice Cotter, Ms June Morgan, an email which stated, "*I challenge any of you to keep escalating - one more effort - come at me - April Fools Day is not a joke*". A copy of the email is enclosed.
22. We also consider that any further delay in the Appeal being determined will likely result similar emails being received, not only by this firm, but also the Civil Appeals Office and other parties, during the intervening period, including in response to this letter which is being copied the Appellant.
23. Separate to the Appeal, the Respondent made an application for a Third Party Debt Order on 5 November 2025 in respect of the costs awarded against the Appellant in the Costs Order ("**TPDO Application**"). On 27 November 2025, Senior Master Cook granted an Interim Third Party Debt Order ("**Interim Order**"). The Court has been unable to consider whether the Interim Order should be made final whilst the Appeal is outstanding, which has resulted in the hearing of the TPDO Application being adjourned on three occasions pending the outcome of the Appeal. Consequently, the delay in dealing with the appeal is causing procedural delays in connection with the TPDO Application even though there is no stay in respect of the enforcement of the Costs Order, thereby causing prejudice to the Respondent.
24. In addition, since the Appellant sends emails to multiple recipients and all court emails addresses known to him, for example, the Civil Appeals Office, the Clerk to Mr Justice Cotter, and the Clerk to Senior Master Cook, his emails are also causing confusion with regards to the KB Enforcement Section dealing with the TPDO Application. The Appellants abuse of the email system, including emails sent by him to Senior Master Cook directly, has resulted in Senior Master Cook informing the Appellant that if the abuse did not stop, he would be blocked (*see email enclosed dated 20 January 2026*):  
  

*"Will you please stop copying judges and particularly me into your e-mails sent in connection with your appeal. If you wish to communicat[e] with the Appeal Court do so by using the single e-mail address for Civil Appeals or use the Court's CE-file system. Any further abuse of the e-mail system will result in you being blocked."*
25. Despite the clear direction from Senior Master, the Appellant's abuse of the email system has not stopped and is unlikely to stop until his Appeal as been determined.

#### **Summary of the Respondent's Position**

26. For the reasons set out above including the Respondent's position on the merits of the Appeal, the Respondent believes that the Appeal is capable of being determined on the papers without a hearing and that the Appeal should proceed on an expedited basis which will avoid any further

delay, confusion and subject to the outcome of the appeal, allow the hearing of the TPDO Application to proceed without delay.

27. We have previously provided the Civil Appeals Office with a copy of the Contempt Judgment since it was not clear whether a copy had been filed by the Appellant. A copy of the Contempt Judgment is enclosed again.
28. If the Court of Appeal is not minded to determine the Appeal on the papers or it considers formal submissions by the Respondent in response to the Grounds of Appeal would be of assistance to it to determine the Appeal we would be grateful if the Respondent could be given 14 days to file and serve its response.
29. Please could this letter and the enclosures be placed before the Court of Appeal as a matter of urgency so that a decision may be made about the conduct of the Appeal and look forward to receiving confirmation of the outcome of that decision.
30. Thank you for your assistance.

Yours faithfully



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- Encs:**
1. Letter dated 6 January 2026;
  2. Letter dated 7 January 2026 (including enclosures) (duplicate enclosures omitted);
  3. Judgment of Mr Justice Cotter dated 25 July 2025;
  4. Email from the Appellant dated 26 March 2026;
  5. Email from Senior Master Cook dated 20 January 2026; and
  6. Contempt Judgment of Mrs Justice Stacey dated 16 October 2026.