

IN THE COURT OF APPEAL (CIVIL DIVISION)

Appeal No.: [to be assigned]

High Court Reference: KB-2025-001991

Between:

ALKIVIADES DAVID – Appellant

and

MAHIM KHAN & HOWARD KENNEDY LLP – Respondents

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NATURE OF THE APPEAL

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This appeal concerns the right of a disabled, self-represented litigant to a fair hearing and equal treatment under law. It challenges procedural irregularities, discriminatory conduct, and a punitive costs order imposed despite unconsidered evidence. The case also raises issues of public interest and freedom of expression where whistle-blowing, sovereign-affairs, and media-accountability evidence were before the High Court.

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INTRODUCTION

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The Appellant appeals from orders of the King’s Bench Division (KB-2025-001991).

Over 400 exhibits – sworn affidavits, expert statements, certified government correspondence, and financial records – were filed but not reviewed.

Both Mr Justice Cotter and Mrs Justice Stacey recognised that the issues are of public interest. The Appellant also serves as Ambassador-at-Large for the Green Economy of Antigua & Barbuda, representing sovereign sustainability programmes.

The Appellant appears pro se because he lacks the financial means to obtain continuous legal representation. Previous counsel who assisted at various stages are no longer available, leaving the Appellant to conduct his own case. He therefore asks the Court to read these papers with the allowance ordinarily extended to an unrepresented and disabled litigant.

Several individuals formerly involved in related proceedings or who acted as legal representatives are now deceased. Their absence has complicated continuity of legal assistance and contributed to the Appellant's present need to appear pro se. These deaths are matters of public record but are not issues for determination in this appeal.

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## GROUNDS OF APPEAL

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### 1 Failure to Consider Material Evidence

The High Court failed to examine the evidential record, contrary to *\*Fage UK Ltd v Chobani UK Ltd\** [2014] EWCA Civ 5, *\*Eagil Trust Co Ltd v Pigott-Brown\** [1985] 3 All ER 119, and Article 6 ECHR. The judgment was reached on an incomplete record and is therefore unsafe.

### 2 Disability and Equality-of-Arms Failures

No reasonable adjustments were made for the Appellant's disability. Between May and July 2025, the Appellant relied on **\*\*Ms June Morgan\*\***, clerk to Mr Justice Cotter, to upload and manage electronic filings because of documented disability-related limitations. After July 2025 that assistance ceased without notice, leaving the Appellant — who could not use CE-File unaided — without an effective means to submit further evidence.

The Appellant repeatedly wrote to the Court expressing consternation about this situation and raised it *on the record* before Mrs Justice Stacey, requesting that the missing filings be restored or acknowledged. No remedial action was taken. The failure to maintain this reasonable accommodation deprived the Appellant of a fair opportunity to present his case, contrary to *Equality Act 2010 ss 15 & 20* and *Article 6 ECHR*, and directly contributed to the procedural unfairness and incomplete record now under appeal.

### 3 Attempt to Remove Self-Representation

Respondents' counsel sought to bar the Appellant from appearing in person. *Mrs Justice Stacey* questioned the request and confirmed his right of self-representation, observing that the number of filings was not evidence of vexatiousness (*Annex N-4*).

### 4 Disproportionate and Irrational Costs Order

The costs order is manifestly disproportionate, punitive, and inconsistent with both the evidence and the reasoning recorded at the hearing. The Respondents initially sought *£160 000*, citing the volume of approximately *400* emails and filings submitted by the Appellant. When *Mrs Justice Stacey* questioned this figure, Respondents' counsel *Ms Rebecca Hume* conceded that the emails had been "discounted" as unnecessary or irrelevant — yet still sought to recover costs for allegedly reviewing them. Mrs Justice Stacey expressly remarked that such reasoning was "strange" and reduced the amount by half, imposing an *£80 000* order instead.

That sequence of events demonstrates that the figure was not properly assessed under *CPR 44.3–44.4*, which require the court to consider proportionality, necessity, and fairness in relation to the work actually done. The approach taken conflated legitimate filings with alleged excess, failed to separate necessary from unnecessary costs, and punished the Appellant for his disability-related reliance on electronic correspondence. The order therefore breaches the proportionality principles affirmed in *Halsey v Milton Keynes General NHS Trust* [2004] EWCA Civ 576 and the equality obligations under the *Equality Act 2010*.

### 5 Jurisdictional Overlap and Abuse of Process

Identical parties and issues are before the **Eastern Caribbean Supreme Court (Antigua & Barbuda)** and the **California Courts**. Failure to consider this overlap risks inconsistent judgments, contrary to comity principles in *Dicey & Morris*, Rule 36 (**Annex E-1 – E-2**).

## 6 Sovereign and Diplomatic Context

The Appellant's ambassadorship for Antigua & Barbuda is evidenced at **Annex E-3**. The property concerned forms part of the **Antiguan Sovereign Wealth Fund**, supporting renewable-energy and biodiversity projects. The Respondents' actions interfered with those sovereign interests, constituting an abuse of process with international implications.

> The **SwissX Sovereign Wealth Fund of Antigua & Barbuda** is a government-regulated public-benefit vehicle **100 % owned by the Farmers Antigua Trust**, which holds the Fund in trust for the citizens and farming co-operatives of Antigua & Barbuda. It operates under independent audit and applies the secular principle of **Karmic Economics** – a verified impact-investment model linking returns to measurable environmental and social benefit in line with international ESG standards.

### 6A Parallel Sovereign Proceedings and Default Judgment in Antigua & Barbuda

The Appellant respectfully notifies this Honourable Court that the **Eastern Caribbean Supreme Court (High Court of Justice, Antigua & Barbuda)** has entered **default judgment in the sum of USD 10 billion** in favour of the Appellant (Claim No. ANUHCV 2025/0149) against substantially the same respondents and on substantially identical facts. The judgment is final as to liability and awaits only the formal sealed order from the Registrar. All defendants were duly served and failed to appear or defend.

This Antiguan judgment, issued by a Commonwealth court of record, confirms the seriousness and cross-border nature of the matters before this Court. It demonstrates that the respondents have already been found in default by a sovereign tribunal, reinforcing the Appellant's submission that the High Court below erred in ignoring the existence of overlapping international litigation and the resulting obligations of comity.

Upon receipt of the sealed final order, the Appellant will proceed with recognition and enforcement in multiple jurisdictions, including the United States, Switzerland, and Greece. The Antiguan proceedings further substantiate that the Appellant's claims are lawfully adjudicated elsewhere and that the respondents' continuing obstruction in the UK forms part of a wider pattern of abuse of process intended to frustrate enforcement of valid sovereign judgments.

## 7 Judicial Recognition and Overwhelming Evidence

Both **Mr Justice Cotter** and **Mrs Justice Stacey** acknowledged that the case raises matters of substance and public interest (**Annex N-5 & N-8**). The evidential record – over 400 documents – includes sworn affidavits, expert reports, government letters, and financial data cross-referenced in Annexes A–M. Their omission from analysis rendered the decision procedurally defective.

## 8 Access to Justice and Financial Obstruction

The Appellant's sole banking facility, **Revolut**, was frozen during proceedings. A screenshot showing "account suspended on request of opposing solicitors" forms **Annex C-1**. During the hearing of [date], counsel mocked this exhibit as inadequate. The obstruction prevented the Appellant from meeting filing fees and defending the case, contrary to **R (UNISON) v Lord Chancellor** [2017] UKSC 51. Metadata confirming authenticity is preserved and available on request.

## 9 Public Interest and Protected Expression

The Appellant has long published through the **SwissX Island Network** (**Shockya.com**, **TVMix.com**, **SwissXTV.com**) reporting on corporate and governmental misconduct. The litigation arises in the context of this work as a **whistle-blower and journalist engaged in protected expression under Article 10 ECHR**, guaranteeing the right to impart information on matters of public concern. Attempts to silence or discredit such reporting form part of the factual matrix before the Court. The **Prime Minister of Antigua & Barbuda**, Hon. Gaston Browne, publicly described the actions against the Appellant as "lawfare" and affirmed his good standing (**Annex N-7**). The case therefore engages public confidence in justice and media ethics.

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## CONCLUSION

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The Appellant seeks not special treatment but a lawful and balanced process. This Honourable Court is invited to reaffirm that justice must not depend on representation or wealth, and that equality before the law extends to every litigant – including those with disabilities and those acting in the public interest.

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## RELIEF SOUGHT

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- Permission to appeal and setting aside of the judgment and costs order.
- Admission of Annexes A–N under **CPR 52.21 (2)(b)**.
- Remittal for re-hearing before a different judge with reasonable disability adjustments.
- Such further directions as may ensure equality of arms and compliance with **Articles 6 and 10 ECHR**.

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## STATEMENT OF TRUTH

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I, **Alkiviades David**, believe that the facts stated in these Grounds of Appeal are true. This document includes **Ground 6A – Parallel Sovereign Proceedings and Default Judgment in Antigua & Barbuda**.

Signed electronically: /s/ Alkiviades David

Date: 16 October 2025