

# IN THE COURT OF APPEAL (CIVIL DIVISION)

Appeal No.: [to be assigned]  
High Court Reference: KB-2025-001991

## **Between**

ALKIVIADES DAVID – *Appellant*

and

MAHIM KAHN & HOWARD KENNEDY LLP – *Respondents*

## **SKELETON ARGUMENT ON BEHALF OF THE APPELLANT**

### **A. INTRODUCTION**

1. 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 and improper attempts to suppress the Appellant's participation.
2. The Appellant appears pro se owing to financial hardship and disability. The High Court failed to accommodate his limitations, disregarded material evidence, and tolerated intimidation by opposing counsel.

### **B. PROCEDURAL BACKGROUND**

3. The proceedings below (KB-2025-001991) involved more than 400 exhibits — sworn affidavits, expert reports, and official correspondence — much of which was excluded from judicial review.
4. The Appellant suffers from traumatic brain injury (TBI) affecting concentration and motor control. In earlier proceedings, Mr Justice Cotter recognised this, read the Appellant's skeleton argument aloud in open court, and appointed himself Special Master to ensure reasonable adjustments. Those measures were later withdrawn without notice, leaving the Appellant without equal access to CE-File or judicial communication.
5. Parallel litigation before the Eastern Caribbean Supreme Court (Antigua & Barbuda) has resulted in a sovereign default judgment against these same Respondents, confirming overlapping facts, parties, and liabilities ignored by the High Court.

### **C. GROUNDS OF APPEAL (SUMMARY)**

6. Failure to Consider Material Evidence – The High Court reached judgment on an incomplete record, contrary to *Fage UK Ltd v Chobani UK Ltd* [2014] EWCA Civ 5 and *Eagil Trust Co Ltd v Pigott-Brown* [1985] 3 All ER 119.
7. Disability and Equality-of-Arms Failures – After the withdrawal of assistance from Ms June Morgan, clerk to Cotter J, no reasonable adjustments were maintained for the Appellant's disability, contrary to Equality Act 2010 ss 15 & 20 and Article 6 ECHR.
8. Physical Assault and Intimidation – The Appellant was assaulted inside the High Court by A.J. Fournellier, associate at Howard Kennedy LLP, witnessed by CPC officers 10 and 26. No safeguarding response or investigation followed, despite the Appellant's vulnerability.
9. Attempt to Suppress and Remove Self-Representation – Counsel Rebecca Hume sought to have the Appellant prohibited from representing himself. Mrs Justice Stacey rebuffed the request, affirming his constitutional right to appear in person. The attempt itself constituted intimidation and procedural abuse.
10. Disproportionate and Irrational Costs Order – Respondents initially demanded £160,000, later halved to £80,000 after the judge called the claim 'strange.' The order remains punitive and irrational, in breach of CPR 44.3–44.4 and proportionality principles.

11. Jurisdictional Overlap and Comity – Identical parties and issues are before the Eastern Caribbean Supreme Court and U.S. Federal Courts. Ignoring this overlap risks inconsistent judgments and breaches principles of comity.

12. Sovereign and Diplomatic Context – The case concerns sovereign assets held under the SwissX Sovereign Wealth Fund of Antigua & Barbuda, a government-regulated entity audited by KPMG and BDO. Respondents' actions interfered with sovereign property and governmental programmes.

13. Parallel Sovereign Proceedings – The Eastern Caribbean Supreme Court entered default judgment for USD 10 billion (Claim No. ANUHCV 2025/0149) on identical facts, involving organised labour-racketeering, financial corruption, and concealment of illicit material (CSAM). Among the named parties is Ms Mahim Kahn, whose law firm was cited for participation in those acts.

14. Access to Justice – The Appellant's banking facility was frozen at the Respondents' request, obstructing payment of fees and breaching R (UNISON) v Lord Chancellor [2017] UKSC 51.

15. Public Interest – The Appellant's investigative journalism constitutes protected expression under Article 10 ECHR. Suppression efforts raise issues of public confidence in justice.

#### ***D. RELIEF SOUGHT***

18. The Appellant respectfully asks this Honourable Court to: (a) Grant permission to appeal; (b) Set aside the order of 15 October 2025; (c) Direct production of 400 emails relied on for costs; (d) Order a rehearing before a different judge with disability accommodations; (e) Acknowledge the Eastern Caribbean Supreme Court judgment (ANUHCV 2025/0149) and related U.S. proceedings; (f) Invite coordination of record and disclosure between this Court, the Eastern Caribbean Supreme Court, and relevant U.S. tribunals to prevent conflicting judgments under principles of international comity and CPR 1.4; (g) Grant such further relief as ensures full consideration of the transnational evidential record and compliance with Articles 6 and 10 ECHR.

#### ***E. STATEMENT OF TRUTH***

I, Alkiviades A. David, believe that the facts stated in this skeleton argument are true.

Signed electronically: /s/ Alkiviades A. David

Date: 18 October 2025