

IN THE COURT OF APPEAL (CIVIL DIVISION)

Appeal No: CA-2025-002562

High Court Reference: KB-2025-001991

Between

ALKIVIADES DAVID – Appellant

and

MAHIM KAHN & HOWARD KENNEDY LLP – Respondents

REPLACEMENT SKELETON ARGUMENT

(Application for Permission to Appeal – Updated 13 February 2026)

A. INTRODUCTION

This is an application for permission to appeal the order of Mrs Justice Stacey dated 15 October 2025.

Permission is sought pursuant to CPR 52.6 on the grounds that the appeal has a real prospect of success and/or there is some other compelling reason for it to be heard.

The appeal concerns procedural fairness in enforcement proceedings including failure to engage with material evidence, failure to implement reasonable adjustments for a disabled litigant in person, unresolved service disputes, and proportionality of the costs order.

The Appellant acts in person and suffers from traumatic brain injury (TBI) materially affecting executive function and digital filing.

B. RELEVANT BACKGROUND

The Respondents sought to enforce a foreign judgment (Los Angeles Superior Court BC654017, December 2019 verdict upheld May 2022, total \$58.25M) in England.

An order dated 15 October 2025 included a costs order of £80,000.

Procedural issues were not conclusively determined prior to the order.

C. GROUNDS OF APPEAL

Ground 1 – Failure to Engage with Material Evidence

Substantial documentary material relevant to service, proportionality and procedural fairness was placed before the Court but not addressed in the judgment.

Omission of material evidence justifies appellate interference (*Fage UK Ltd v Chobani UK Ltd* [2014] EWCA Civ 5).

Ground 2 – Failure to Make Reasonable Adjustments

The Appellant's TBI was known to the Court.

No structured Equality Act 2010 analysis (ss 15, 20, Sch 13) appears in the judgment.

Courts have an anticipatory duty to prevent substantial disadvantage (*Rackham v NHS Professionals Ltd*; *ZH v Commissioner of Police*).

Article 6 ECHR requires equality of arms.

Ground 3 – Service and Procedural Fairness

Service was disputed at the Appellant's known residential address.

Failure to conclusively determine service prior to final order renders procedural fairness arguable under CPR Part 6.

Ground 4 – Disproportionate Costs

Costs were reduced from £160,000 to £80,000 but remain disproportionate given disability and procedural disputes.

Costs must be proportionate under CPR 44.3 (*Lownds v Home Office*).

Ground 5 – Enforcement Context

Parallel proceedings abroad affect enforcement timing and context.

Principles of comity require caution where overlapping proceedings risk inconsistent outcomes (*Airbus Industrie GIE v Patel*).

D. RELIEF SOUGHT

Permission to appeal.

Stay of enforcement pending appeal determination.

Directions for structured consideration of reasonable adjustments and service issues.

STATEMENT OF TRUTH

I believe that the facts stated in this skeleton argument are true.

Signed electronically: /s/ Alkiviades A. David

Dated: 13 February 2026