

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

CLAIM NO: KB-2025-001991

B E T W E E N:

MAHIM KHAN

APPLICANT/CLAIMANT

AND

ALKIVIADES DAVID (also known as ALKI DAVID)

RESPONDENT/DEFENDANT

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ON 9 OCTOBER 2025 (IN PERSON)**

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Contempt application

(other than an application under Part 8) CPR 81.3 and 81.4

Name of court High Court of Justice

King's Bench Division

Claim no.

KB-2025-01991

Claimant's name (including ref.)

MAHIM KHAN
Ref: RH/061514.00004

Defendant's name (including ref.)

ALKIVIADES DAVID (also known as Alki David)

Date

Day

Month

Year

23

July

2025

1. What is your name or, if you are a legal representative, the name of your firm?

HOWARD KENNEDY LLP

2. Are you a

Claimant

Legal representative of the claimant

3. Who should be served with this application?

First name(s)

ALKIVIADES

Last name

DAVID

4. Please give the service address of any party named in question 3

Building and street

4 WILTON PLACE

Second line of address

Town or city

County (optional)

LONDON

Postcode

S	W	1	X	8	R	H
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The written evidence of the claimant in support of this application, in the form of an affidavit or affirmation, is attached to this application

If permission is required to make this application, the application for permission (headed 'Application for permission') must be included in this application

To the defendant

If upon determination of this application you are held to be in contempt of court you may be imprisoned or fined, or your assets may be seized

Your rights

You have the right to be legally represented in the contempt proceedings.

You are entitled to a reasonable opportunity to obtain legal representation and to apply for legal aid which may be available without any means test.

You may be entitled to the services of an interpreter.

You are entitled to a reasonable time to prepare for the hearing of the contempt application against you.

You are entitled but not obliged to give written and oral evidence in your defence.

You have the right to remain silent and may not be compelled to answer any question the answer to which may incriminate you.

If you do not attend the hearing, the court may proceed in your absence. Whether or not you attend, the court will only find you in contempt if satisfied beyond reasonable doubt of the facts constituting contempt and that they do constitute contempt.

If the court is satisfied that you have committed a contempt, the court may punish you by a fine, imprisonment, confiscation of assets or other punishment permitted under the law.

If you admit the contempt and wish to apologise to the court, that is likely to reduce the seriousness of any punishment by the court.

The court's findings will be provided in writing as soon as practicable after the hearing.

The court will sit in public, unless and to the extent that the court orders otherwise. Its findings will be made public.

The following information is required to be included in the application pursuant to rule 81.4(2) of the Civil Procedure Rules 1998.

5. Nature of the contempt (for example, breach of an order or undertaking or contempt in the face of the court)

Breach of Order

6. Is the application based on breach of an order?

- Yes - go to question 7
 No - go to question 10

7. Date and terms of the order allegedly breached or disobeyed ('the order'). (If there is more than one such order, set out the date and terms of each order.)

The Defendant has failed to provide disclosure in accordance with paragraph 9 of the Freezing Injunction made by Mr. Justice Calver dated 26 June 2025 and paragraph 9 of the order continuing the Freezing Injunction made by Mr. Justice Freedman on 3 July 2025 ("**First Order**" and "**Second Order**" respectively, and together, the "**Freezing Orders**").

The terms of the orders breached by the Defendant are set out in Enclosure 1.

8. Date of personal service of the order

Day	Month	Year	
<input type="text" value="27"/>	<input type="text" value="June"/>	<input type="text" value="2025"/>	(In respect of the First Order)

If the order was not personally served, state the date and terms of any order dispensing with personal service of the order.

The First Order was served on 27 June 2025, and the Second Order was served on 7 July 2025, pursuant to an order for substituted service made on 26 June 2025 which provides at paragraph 15 that personal service of all orders on the Defendant shall be dispensed with and the Claimant's solicitors may effect service of all orders in these proceedings by the following methods:

- a. By hand and by post to the Defendant at 4 Wilton Place, London SW1X 8RH.
- b. By hand and by post to the addresses for service which are recorded at Companies House as addresses for the Defendant in his capacity as director of SwissX Redd UK Ltd company number 15376647, Filmon.TV UK Limited company number 066725244 and Filmon TV Limited company number 06047620:
 - i. 6th Floor London Wall Place London EC2Y 5AU; and
 - ii. 71-75 Shelton Street, Covent Garden, London WC2H 9JQ.

9. Did the order include a penal notice?

- Yes
 No

10. Date and the terms of any undertaking allegedly breached ('the undertaking'). (If there is more than one such undertaking set out the date and terms of each undertaking.)

N/A

11. Does the claimant, believe that the person who gave the undertaking understood its terms and the consequences of failure to comply with it?

Yes

No

12. Summary of facts alleged to constitute the contempt (set these out very briefly, in chronological order, in numbered points)

1. The terms breached are as set out in Enclosure 1.

2. The Freezing Orders both contain an penal notice which is in in bold and red at the beginning of the order with the heading "Penal Notice". The first paragraph of the penal notice states:
"If you Alkiviades David disobey this order you may be held to be in contempt of court and may be imprisoned , fined or have your assets seized."

3. The First Order was served in accordance with the order for substituted service referred to at section 8 of this application above, on 27 June 2025. Service was deemed effected on 30 June 2025.

4. The Second Order was served in accordance with the order for substituted service referred to above on 7 July 2025 and a copy was sent by email to the Defendant.

5. The penal notice was drawn to the Defendant's attention in the covering letter of service dated 27 June 2025.

6. On 2 July 2025 Howard Kennedy LLP ("**HK**") wrote to the Defendant and in that letter advised the Defendant that he had failed to provide the disclosure in accordance with the provisions of paragraph 9 of the First Order and requesting he provide the information by 3 July 2025. The letter also drew the Defendant's attention to the penal notice and that failure to comply could render the Defendant in contempt of Court and subject to sanctions.

7. On 8 July 2025 HK wrote to the Defendant enclosing a copy of the Second Order which was served in accordance with the order for substituted service above and referred to his disclosure obligations.

8. On 8 July 2025 the Defendant emailed HK and stated that he would provide all the material requested to the court at the next hearing on 25 July 2025 and referred to the materials being "*publicly and lawfully referred to in filings*".

9. On 9 July 2025 HK wrote to the Defendant to advise that the disclosure is required to be provided to HK and not the court and enclosed a further copy of the Second Order.

10. On 9 July 2025 the Defendant responded by email to state he would defer disclosure until the return date of 25 July 2025 because of his challenges to the enforcement of the Claimant's judgment which is the subject of these proceedings.

11. On 15 July 2025 HK wrote again to the Defendant and (amongst other things) stated that he is in breach of the Freezing Orders, referring him to the

penal notice and requesting the disclosure be provided by return.

12. On 15 July 2025 the Defendant responded to HK by email stating that the threat of contempt was premature and inappropriate because he had applied to strike out the Claimant's claim.

13. As at the date of this application the Defendant has failed to comply with the disclosure provisions at paragraph 9 of the Freezing Orders and has failed to swear and serve on HK an affidavit setting out the information requested at paragraph 9 of the Freezing Orders within 10 working days of service of the First Order i.e. by 14 July 2025.

14. In all the circumstances the Defendant is in breach of his disclosure obligations under the terms of the Freezing Orders.

Statement of Truth

The Claimant understands that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I believe that the facts stated in this contempt application are true.

The Claimant believes that the facts stated in this contempt application are true.

Signature for the Statement of Truth



Claimant

Litigation friend

Claimant's legal representative

Date

Day

Month

Year

23

07

2025

Full name

REBECCA HUME

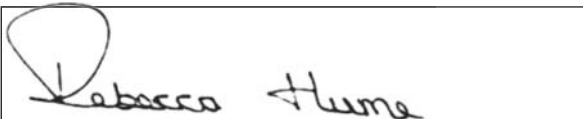
Name of Claimant's legal representative's firm

HOWARD KENNEDY LLP

Position or office held (if signing on behalf of a company)

PARTNER

Signature for the Contempt application



Claimant

Litigation friend

Claimant's legal representative

Date

Day

23

Month

07

Year

2025

Full name

REBECCA HUME

Name of Claimant's legal representative's firm

HOWARD KENNEDY LLP

Position or office held (if signing on behalf of a company)

PARTNER

Claimant's address to which documents about this application should be sent

Building and street

NO. 1 LONDON BRIDGE

Second line of address

Town or city

LONDON

County (optional)

Postcode

S E 1 9 B G

Phone number

+44 (0)20 3755 5696

Email address

rebecca.hume@howardkennedy.com

Fax number

+44 (0)20 3650 7000

DX number

Reference number

RH15/AP6/061514.00004

Court fee

What you need to pay

The court fee for this application is **£255**

How to pay the court fee

- I attached a **Cheque/Postal** order, made payable to 'HMCTS'
- A debit/credit card payment**
- I will pay over the phone, please call me on the number below

- please email me details on how to pay, my email address is

- Prepayment** – If you have already made a payment please note the reference number here

Your reference

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

- In person at** the court/office

- I have not included payment because**

- I have applied for Help with Fees online and my reference number is

H	W	F																	
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- I am applying for Help with Fees, see attached form **EX160**

- Other – please explain why

- Payment by account** – for use by legal professionals

Your account number

P	B	A	0	0	8	8	1	2	5
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Your reference (if applicable)

What if I cannot afford to pay a court fee?

You may not have to pay a fee, or you may get some money off it if you only have a small amount of savings and investments, receive certain benefits or are on a low income. This is sometimes known as 'fee remission.'

You can apply for help with court and tribunal fees online at www.gov.uk/help-with-court-fees or through the 'EX160 Apply for help with fees' form and 'EX160A - How to apply for help with fees' guidance.

Enclosure 1 – paragraph 7 of the Application Notice

By the order of Mr Justice Calver dated 26 June 2025 (the "**First Order**"), the Defendant was directed:

1. By paragraph 9 of the First Order, that unless paragraph 9(2) applied, the Defendant must by 1.00pm on 30 June 2025 and to the best of his ability:
 - a. Inform the applicant's solicitors of all his assets in England and Wales exceeding £20,000 in value whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets;
 - b. Exhibit bank statements for each of the accounts listed in paragraph 7 of the First Order as well as any other bank accounts in his name or to which he has access in England and Wales from 1 January 2024 to the date on which this order is served on him and, to the extent that that is not apparent from those statements, the name of the account holders of those bank accounts; and
 - c. Provide details of the source of funds for each of the accounts listed in paragraph 7 of the First Order.
2. By paragraph 9(2) of the First Order provided that if the provision of any of this information is likely to incriminate the respondent, she or he may be entitled to refuse to provide it but is recommended to take legal advice before refusing to provide the information. Wrongful refusal to provide the information is contempt of Court and may render the respondent liable to be imprisoned, fined or have its, her or his assets seized.
3. By paragraph 10 of the First Order, within 10 working days after being served with the First Order, swear and serve on the applicant's solicitors an affidavit setting out the above information, to the best of his ability.

By the order of Mr Justice Freedman dated 4 July 2025 (the "**Second Order**"), which was a continuation of the First Order, the Defendant was directed:

1. By paragraph 8 of the Second Order, that the Second Order is the continuation of the First Order and nothing in the Second Order discharges or varies the First Order which continues to remain in effect, without prejudice to the generality of the foregoing and for the avoidance of doubt includes paragraphs 9 and 10.
2. Paragraphs 9 and 10 of the First Order are the same (as referred to above) and are included in inverted commas.

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

Before: MR/MRS JUSTICE []

Dated: [] 2025

BETWEEN:

MAHIM KHAN

Claimant

-and-

ALKIVIADES DAVID

Defendant

[DRAFT] ORDER

UPON considering the application of the Claimant made notice in Form N600 dated 23 July 2025 for committal of the Defendant to prison (the "**Contempt Application**") for disobeying (i) paragraphs 9 and 10 of the Order of Mr Justice Calver dated 26 June 2025 and (ii) paragraphs 9 and 10 of the Order of Mr Justice Freedman dated 4 July 2025 (together the "**Freezing Orders**")

AND UPON READING the Affidavit of Ajay Fournillier sworn and filed on 23 July 2025 and exhibit marked AF1 referred to

AND UPON HEARING Hilary Stonefrost of Counsel for the Claimant, and [the Defendant][the Defendant not appearing or being represented]

AND THE COURT being satisfied beyond reasonable doubt that the Defendant is guilty of contempt of court in failing to comply with the Freezing Orders by (i) refusing to provide the disclosure ordered at paragraph 9 of the Freezing Orders, and (ii) failing to serve on the Claimant's solicitors an affidavit setting out the disclosure provided pursuant to paragraph 9 to the best of his ability ordered at paragraph 10 of the Freezing Orders

AND UPON the court being satisfied that the matters required by Rule 81.4(2) of the Civil Procedure Rules 1998 have been included in the Contempt Application

IT IS ORDERED that:

1. The Contempt Application be adjourned to [date] 2025 for sentencing.

2. A transcript of the judgments given at this hearing will be obtained at the public expense, on an expedited basis, and will be published on the website of the judiciary of England and Wales.
3. The Defendant shall pay the Claimant's costs of the Contempt Application to the date of this hearing on the indemnity basis, summarily assessed in the sum of £[amount].
4. This Order is to be served by the Claimant on the Defendant. Personal service is dispensed with, and the Claimant's solicitors may effect service of this order on the Defendant at the Defendant's email addresses: filmonpersonal@gmail.com and alki@filmon.com, email delivery to which will be considered good service.

Service of this order

The Court has provided a sealed copy of this Order to the serving party:

Howard Kennedy LLP, No 1 London Bridge, London SE1 9BG:

Rebecca.Hume@howardkennedy.com and Ajay.Fournillier@howardkennedy.com

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

Before: MR/MRS JUSTICE []

Dated: [] 2025

BETWEEN:

MAHIM KHAN

Claimant

-and-

ALKIVIADES DAVID

Defendant

[DRAFT] ORDER

UPON considering the application of the Claimant made notice in Form N600 dated 23 July 2025 for committal of the Defendant to prison (the "**Contempt Application**") for disobeying (i) paragraphs 9 and 10 of the Order of Mr Justice Calver dated 26 June 2025 and (ii) paragraphs 9 and 10 of the Order of Mr Justice Freedman dated 4 July 2025 (together the "**Freezing Orders**")

AND UPON the Contempt Application having been adjourned pursuant to the (variation) Order of Mr Justice Cotter dated 25 July 2025 and Freezing Orders being continued pursuant to the (freezing) Order of Mr Justice Cotter dated 25 July 2025 ("**Third Freezing Order**")

AND UPON READING the First, Second and Third Affidavits of Ajay Fournillier sworn and filed on 23 July 2025, 29 July 2025 and 30 September 2025 respectively

AND UPON HEARING Hilary Stonefrost of Counsel for the Claimant, and [the Defendant][the Defendant not appearing or being represented]

AND THE COURT being satisfied beyond reasonable doubt that the Defendant is guilty of contempt of court by breaching the Freezing Orders by (i) refusing to provide the disclosure ordered at paragraph 9 of the Freezing Orders (and paragraph 8 of the Third Freezing Order),

and (ii) failing to serve on the Claimant's solicitors an affidavit setting out the disclosure provided pursuant to paragraph 9 to the best of his ability ordered at paragraph 10 of the Freezing Orders (and paragraph 8 of the Third Freezing Order)

AND UPON the court being satisfied that the matters required by Rule 81.4(2) of the Civil Procedure Rules 1998 have been included in the Contempt Application

IT IS ORDERED that:

1. The Contempt Application be adjourned to [date] 2025 for sentencing.
2. A transcript of the judgments given at this hearing will be obtained at the public expense, on an expedited basis, and will be published on the website of the judiciary of England and Wales.
3. The Defendant shall pay the Claimant's costs of the Contempt Application to the date of this hearing on the indemnity basis, summarily assessed in the sum of £[amount].
4. This Order is to be served by the Claimant on the Defendant. Personal service is dispensed with, and the Claimant's solicitors may effect service of this order on the Defendant at the Defendant's email addresses: filmonpersonal@gmail.com and legal@swissx.commailto:, email delivery to which will be considered good service.
5. The Defendant shall not be heard or take proceedings in the same cause until such time the Defendant has purged his contempt.

Service of this order

The Court has provided a sealed copy of this Order to the serving party:

Howard Kennedy LLP, No 1 London Bridge, London SE1 9BG:
Rebecca.Hume@howardkennedy.com and Ajay.Fournillier@howardkennedy.com

On behalf of the Claimant
Name: Ajay Fournillier
First Affidavit
Exhibit: AF 1
Dated: 23 July 2025
Sworn: 23 July 2025

CLAIM NO: KB-2025-001991

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

BETWEEN:

MAHIM KHAN

Claimant

-AND-

ALKIVIADES DAVID

Defendant

FIRST AFFIDAVIT OF AJAY FOURNILLIER

I, **AJAY FOURNILLIER**, of Howard Kennedy LLP, No.1 London Bridge, London SE1 9BG (SRA ID: 557188), **MAKE OATH AND SAY AS FOLLOWS:**

1. I am a solicitor at Howard Kennedy LLP, the Claimant's solicitors in these proceedings. I have day-to-day conduct of this matter on behalf of the Claimant. I am supervised on this matter by Rececca Hume, a Partner at Howard Kennedy LLP.
2. I am duly authorised by the Claimant to make this affidavit on her behalf in support of the Claimant's contempt application dated 23 July 2025.
3. I believe that the facts stated in this affidavit statement are true. Except where otherwise stated, those facts are derived from my own knowledge or from the documents to which I refer.

4. There is now produced and shown to me marked "**AF1**" a paginated bundle of true copy documents to which I shall hereinafter refer to as follows: **[Exhibit AF1/page number]**.

Brief background to the claim

5. The Claimant, Mahim Khan, obtained a judgment against the Defendant, Mr David, on 21 January 2020 (as amended on 3 February 2021) for damages for the Defendant's sexual harassment of and battery against the Claimant in proceedings brought by the Claimant against the Defendant in the US in case number BC654017 ("**US Judgment**"). The awards made against the Defendant in the US Judgment are a judgment debt owed by the Defendant which the Claimant seeks to domesticate and enforce in this jurisdiction.
6. On 9 May 2025 the Claimant filed an ex parte application ("**Ex Parte Application**") with the Court seeking a freezing order over bank accounts belonging to the Defendant (8 HSBC bank accounts and 1 Barclays bank account) and an order appointing receivers over the Defendant's property in London. As explained in the first affidavit of Michelle Usitalo sworn on 8 May 2025 ("**Usitalo 1**") in support of the Ex Parte Application, the Defendant has already taken steps to frustrate enforcement of the US Judgment in the US, Greece and Switzerland. It was therefore necessary to make the Ex Parte Application in this jurisdiction, to prevent the Defendant from dissipating his assets in this jurisdiction.
7. The Claimant issued a claim by way of a Part 8 Claim Form and Particulars of Claim each dated 15 May 2025, for the purposes of domesticating the US Judgment and enforcing the awards made in this jurisdiction.

The making and service of the First Order

8. On 26 June 2025, the Honourable Mr Justice Calver granted the Claimant's Ex Parte Application for a freezing order ("**First Freezing Order**"). The First Freezing Order is exhibited at **Exhibit AF1/1-9** which required the Defendant to make various disclosures to the Claimant's solicitors, including the provision of an affidavit.

9. Paragraph 9 of the First Freezing Order provides:

"9. (1) Unless paragraph (2) applies, The Respondent must by 1pm on Monday 30 June 2025 and to the best of his ability:

(a) inform the Applicant's solicitors of all his assets in England and Wales exceeding £20,000 in value whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets.

(b) Exhibit bank statements for each of the bank accounts listed in paragraph 7 above, as well as any other bank accounts in his name or to which he has access in England and Wales from 1 January 2024 to the date on which this order is served on him and, to the extent that it is not apparent from those statements, the name of the account holders of those bank accounts.

(c) provide brief details of the source of funds for each of the accounts listed in paragraph 7.

(2) If the provision of any of this information is likely to incriminate the Respondent, she or he may be entitled to refuse to provide it but is recommended to take legal advice before refusing to provide the information. Wrongful refusal to provide the information is contempt of Court and may render the Respondent liable to be imprisoned, fined or have its, her or his assets seized."

10. Paragraph 10 of the First Freezing Order provides:

"10. Within 10 working days after being served with this order, the Respondent must swear and serve on the Applicant's solicitors an affidavit setting out the above information, to the best of his ability."

11. Mr Justice Calver also granted the Claimant's Ex Parte Application for an order appointing receivers over the Defendant's property at 4 Wilton Place London SW1X 8RH (the "**Receiver Order**"). A copy of the Receiver Order dated 26 June 2025 is exhibited at **Exhibit AF1/10-15**.

12. Pursuant to paragraph 15 of the Receiver Order, the Claimant's application for substituted service was granted, in respect of the Receiver Order and subsequent orders. Paragraph 15 sets out the addresses for service by hand and by post upon the Defendant (together the "**Service Addresses**") [**Exhibit AF1/36 - 44**]:
 - a. 4 Wilton Place, London, SW1X 8RH;
 - b. 6th Floor, 2 London Wall Place, London, EC2Y 5AU; and
 - c. 71-75 Shelton Street, Covent Garden, London, EC2H 9JQ.
13. Pursuant to paragraph 3 of undertakings at Schedule B to the First Freezing Order, the Claimant was granted permission to serve the First Freezing Order upon the Defendant by post and hand (i.e. at the Service Addresses). This also included service of the Claim Form and Particulars of Claim dated 15 May 2025, the Ex Parte Application, documents in support of the Ex Parte Application, a full note of the hearing, and permission to serve other documents on a USB stick [**Exhibit AF1/8**].
14. The Freezing Order, together with the Receiver Order, and other documents referred to above (i.e. the documents referred to in paragraphs 3 and 4 of Schedule B to the First Freezing Order and paragraph 15 of the Receiver Order) were served by hand at the Service Addresses on 27 June 2025 (the deemed dated of service was 30 June 2025 for all of the documents save for the Claim Form and Particulars of Claim which were deemed served a day later) by my colleague, Boniswa Dzere ("**Ms Dzere**"), a paralegal at Howard Kennedy LLP.
15. The first witness statement of Ms Dzere dated 2 July 2025 ("**Dzere 1**") together with Exhibit DB1 (filed with the Court the same day) deals with service of the First Freezing Order upon the Defendant.
16. The Freezing Order was served by hand at each of the Service Addresses by Ms Dzere on 27 June, as explained at paragraphs 6-16, 18-19 and 21-22, of Dzere 1 respectively. In each case, the Defendant was not there to personally receive the First Freezing Order. In respect of the first address,

the enveloped documents were left with the security officers at the building. In respect of the second address, the enveloped documents were placed through the letterbox which was carved into the closed shutters of the building façade. In respect of the third address, the enveloped documents were placed through the letterbox to the left side of the front door.

17. Hard copies of the First Freezing Order were also served upon the Defendant by First Class Post on 27 June 2025 at each of the Service Addresses, as explained at paragraphs 17, 20 and 23 of Dzere 1. The certificate of service (Form N215) filed with the court on 18 July 2025 in connection with service of the First Freezing Order is also exhibited at **Exhibit AF1/25-26** which was signed by me.
18. In each case, the First Freezing Order was accompanied by a covering letter from my firm dated 27 June 2025 [**Exhibit AF1/36-34**]. The letters set out an explanation of the claim against the Defendant, the orders which were being served, including the need for the Defendant to comply with the terms of the First Freezing Order. In addition, the letter made direct reference to the Penal Notice endorsed on the First Freezing Order and recommended that the Defendant take independent legal advice in relation to the contents of the letter, in particular, the First Freezing Order.
19. Following service of the First Freezing Order (and other documents) my firm received an email from the Defendant in the early hours of 1 July 2025 at 00:52 UK time [**Exhibit AF1/45-46**] from the email addressfilmonpersonal@gmail.com. A subsequent email was received from the Defendant at 01:10 UK time from the same email address. Both emails included in the email signature (i) another email address for the Defendant being alki@filmon.com and (ii) a UK mobile phone number for the Defendant (+44 7879 440604). The first email also included an address for the Defendant in the email signature being 4 Wilton Place, London, SW1X 8RH, which is the first of the Service Addresses referred to at paragraph 12 above.
20. In addition, my colleague Ms Dzere also received a voicemail the same day at 20:30 UK time (lasting 28 seconds) which advised that the caller had

received court documents in relation to these proceedings. The caller also quoted the claim number in these proceedings and requested a call back. Having listened to the voicemail, I believe that the voicemail was from the Defendant, though the caller did not leave their name. I also believe this because the voicemail was received from the same number the Defendant included in his email signature (+44 7879 440604). The voicemail stated *"Hello I am calling in reference to a matter sent to me regarding, uh, I will try to quote the number to you, KB2025001991. Please call me again on 447879440604"*.

21. In the circumstances the Freezing Order did come to the attention of and/or has been received by the Defendant, otherwise he would not have emailed us or left a voicemail from the UK mobile phone number in his email signature.

The Defendant's breach of the First Order

22. Under paragraph 9 of the First Freezing Order, the Defendant was required to provide the Claimant's solicitors with the disclosure set out at paragraph 9 above by no later than 1pm on Monday 30 June 2025.
23. The Defendant failed to provide or attempt to provide the disclosure ordered by 30 June 2025. On 2 July 2025 at 11:35 UK time, I sent an email to the Defendant's two email addresses enclosing a letter, together with copies of the Freezing Order and Receiver Order **[Exhibit AF1/51-53; 1-15]**. A copy of the letter and enclosures were also sent to the 4 Wilton Place Address by Post and Courier the same day. The letter, at paragraph 3, drew to the Defendant's attention that we had not received his disclosure in breach of paragraph 9 of the Freezing Order, and requested full disclosure of all documents and information responsive to paragraph 9 by no later than 08:00 UK time on 3 July 2025, being the date of the return date hearing ("**Return Date Hearing**"). The same paragraph of the letter also referred to the Penal Notice endorsed on the first page of the Freezing Order. At paragraph 4, the letter advised the Defendant of the Return Date Hearing listed on 3 July at 10:30 UK time **[Exhibit AF1/52-53]**.

The making and service of the Second Order

24. On 2 July, the Defendant sent three emails to the Court which copied in three email address from the firm of solicitors, Edwin Coe LLP ("**Edwin Coe**"). At 13:18, I sent a letter to those email address, requesting confirmation as to whether Edwin Coe were instructed in connection with the proceedings and whether they would attend the Return Date Hearing. I did not receive a response to that letter, but I did receive a call from Edwin Coe between 16:14 and 16:16 confirming that they were not on the record for the Defendant in the proceedings but that they were assisting the Defendant (i.e. off the record). At 17:02 UK time, I emailed the Court to confirm what Edwin Coe had stated and confirm that the time estimate for the Return Date Hearing should be reduced to 1 hour since only the Claimant would be in attendance at the hearing.
25. The Return Date Hearing in connection with the Freezing Order took place on 3 July 2025 before Mr Justice Freedman. Whilst the Defendant was not in attendance, nor represented by solicitors on the record, Ian Chai ("**Mr Chai**"), a barrister and Partner of Edwin Coe, was instructed by the Defendant to attend the hearing off the record.
26. Immediately before the hearing, I received a letter from Edwin Coe via email at 10:08 UK time confirming that they were not on the court record and that the Defendant was representing himself. The letter also confirmed that Mr Chai would be in attendance [**Exhibit AF1/59-60**]. Accordingly, the Defendant was aware of the Return Date Hearing and the Freezing Order, such that he was able to instruct solicitors to attend.
27. During the Return Date Hearing, Mr Chai confirmed to the Court that the Defendant did not oppose a continuation of the Freezing Order. Mr Justice Freedman appropriately raised concerns about the need for those instructions to come from the Defendant in circumstances where the Defendant did not have solicitors on the record. In this regard, Mr Justice Freedman afforded Mr Chai time to take instructions from the Defendant and allowed for a short recess for that purpose. Having taken instructions, he confirmed to Mr Justice Freedman that the continuation was not

opposed, and that the Defendant was sending the Court an email to confirm the position which Mr Chai showed to the judge on his mobile phone. The Defendant sent an email to the court timed at 12:00 UK time which in the body of the email, towards the end of the email, included in speech marks a message to be relayed to the Judge (although it referred to Mr Justice Calver, rather than Mr Justice Freedman) **[Exhibit AF1/61-63]**. The last sentence of the Defendant's email reads *"For the avoidance of doubt, I am happy for the Court to make an order continuing the freezing injunction, as stated on my behalf by Edwin Coe LLP. My primary concern is that these matters are fairly and fully ventilated before any further steps are taken"* **[Exhibit AF1/ 62]**.

28. In circumstances, Mr Justice Freedman ordered the continuation of the First Freezing Order. The order was made on 4 July 2024 ("**Second Freezing Order**") which I exhibit at **Exhibit AF1/16-24**. I refer to the First Freezing Order and Second Freezing Orders together as the "**Freezing Orders**". The Second Freezing Order records in the third recital that the Court heard from Mr Chai: *"instructed by the Claimant to attend the hearing but not being on the record for the Claimant"*. It also records in the fourth recital that the Court had read the letter from Edwin Coe to Howard Kennedy dated 3 July 2025 and the emails sent to the Court by the Defendant between 1 and 3 July 2025 inclusive (which included the email from the Defendant referred to at paragraph 27 above).

29. Paragraph 8 of the Second Freezing Order provides:

"8. This order is the continuation of the existing order dated 26 June 2025 and nothing in this order discharges or varies the previous order which continues to remain in effect, without prejudice to the generality of the foregoing and for the avoidance of doubt this includes paragraphs 9 and 10."

30. Paragraphs 9 and 10 of the First Freezing Order remain the same in the Second Freezing Order, save that they were included in inverted commas **[Exhibit AF1/18-19]**.

The Defendant's continuing breach of the Freezing Orders

31. The Second Freezing Order was duly served on the Defendant at the same Service Addresses, together with a covering letter on 7 July 2025 [**Exhibit AF1/68-70**]. The letter and Second Freezing Order were sent to the Service Addresses by First Class Post. They were also served by a Process Server by hand. The Process Server, Mr Paul Cottee of J S Knott Legal Services Limited ("**JS Knott**"), as at the time of me making this Affidavit, is making arrangements to swear his affidavit together with Exhibits PC1, PC2 and PC3, which deals with him serving the Second Freezing Order by hand. His affidavit will be sworn in the same or substantially the same form as that which I exhibit at **Exhibit AF1/31-35**. I also exhibit at **Exhibit AF1/29-30** an email confirmation from the director of JS Knott, Russel Sargent, confirming that the version which I have exhibited is the final version which Mr Cottee is arranging to be sworn. The certificate of service (Form N215) filed with the court on 18 July 2025 in connection with service of the Second Freezing Order is also exhibited at **Exhibit AF1/27-28** which was signed by me.
32. The letter made clear that the Defendant remained in breach of paragraph 9, having failed to provide the disclosure ordered by no later than 1.00pm on 30 June. The letter also made clear that failure to comply may result in sanctions against the Defendant, as referred to in the endorsed Penal Notice.
33. I also sent a copy of the letter and Second Freezing Order to the Defendant to his two email addresses on 8 July 2025 at 13:54 [**Exhibit AF1/67-70**]. In the body of my email I expressly referred to Defendant to paragraph 8 of the Second Freezing Order, making clear that paragraphs 9 and 10 remain effective and that the Defendant was in breach of paragraph 9: "*As referred to in our letters, we draw your attention to paragraph 8 of the Continuation Order, which makes clear that the directions at paragraphs 9 and 10 remain effective and must be obeyed. You are in breach of paragraph 9 and are required to provide the information immediately.*"
34. On 8 July 2024 at 14:41 UK time the Defendant sent an email to me with both my colleagues (Ms Hume and Ms Dzere) and the court (the KB Judges Listing Office and the Clerk to Mr Justice Freedman) in copy which stated

[Exhibit AF1/73-75]: *"I acknowledge receipt of your correspondence enclosing the Continuation Order of Mr Justice Freedman dated 4 July 2025, together with the related letters of service.*

Let me state clearly: I will provide the Court with all material requested and respond fully and appropriately at the hearing before His Lordship. I am not avoiding these proceedings, and I stand by my right to deliver all material in person before the Court where I shall also address matters of relevance that remain outside the narrow scope of your correspondence"

35. The Defendant sent a further email timed at 15:08 UK time Howard Kennedy, the Court, Edwin Coe and other individuals **[Exhibit AF1/76-79]**. Under the final heading in his email "5. *My Intentions*" the Defendant stated *"It is my sincere intention to comply fully with this Honourable Court's expectations"*.

36. On 9 July 2025 at 11:22 UK time, Ms Dzere responded to the Defendant's earlier email of 8 July 2025 (referred to at paragraph 34 above), but with only Howard Kennedy and Edwin Coe (Mr Sheppard, Mr Chai and Ms Sutton) copied **[Exhibit AF1/80-81]**. Under the second heading titled "*Compliance with freezing order*" her email stated:

"In your email timed at 14:41 (UK time), you have stated that you will provide the Court with the material requested and respond fully at the hearing before the Court. For the avoidance of doubt, the Order of Mr Justice Freedman dated 4 July 2025, which is a continuation of the Freezing Order made on 26 June 2025, makes clear that the information which you have been ordered to disclose at paragraph 9, is to be provided to the Applicant's solicitors, Howard Kennedy, and not the Court. We have also made this clear to you in writing, including the fact that you are in breach of paragraph 9.

Please provide this firm with the information you have been ordered to disclose pursuant to paragraph 9 of the Order, a copy of which we attach to this email for ease."

37. The Defendant responded to Ms Dzere's email the same day (9 July 2025) at 20:37 UK time [Exhibit AF1/80]. The last paragraph of his email stated: "*In this context, I will defer formal disclosure and submission until the return date, in good faith and in full respect of the Court's authority. I do not waive any rights in this matter and remain committed to transparency under the appropriate forum and procedure.*"
38. My understanding of the Defendant's response is that he did not consider it necessary to comply with the Court's order for disclosure. Rather, his view is that he can defer the requirement to comply with the disclosure orders until such time he thinks fit, despite being ordered to do so by 30 June 2025. The position adopted by the Defendant is also inconsistent with the email he sent on 8 July 2025 at 15:08 UK time regarding his "intentions" (see paragraph 35 above).
39. By 15 July 2025, the Defendant was now in breach of paragraph 10 of the Freezing Orders, having failed to serve an affidavit on the Claimant's solicitors by no later than Monday 14 July 2025, being 10 working days after the date of service of the First Freezing Order (i.e. 30 June 2025) (see paragraph 10 above). The Defendant failed to do so in breach of paragraph 10. As at the date of this Affidavit the Defendant has still not served an affidavit.
40. On 15 July 2025 at 16:55 UK time, Ms Hume sent the Defendant a letter which at paragraph 4 deals with the Defendant's non-compliance with the disclosure orders made [Exhibit AF1/87-90]: "*We note your refusal to comply with paragraph 9 of the Freezing Order by no later than 1pm on 30 June 2025. As you are aware the Freezing Order contains a penal notice. In the circumstances unless we receive the documents and information referred to at paragraph 9 of the Freezing Order by return, you leave our client with no alternative but to seek an order that the court hold you in contempt of court and issue costs sanctions against you. We trust that this will be unnecessary, and the documents and information will now be provided.*"

41. On 15 July 2025 at 17:40 UK time, the Defendant responded to the above email, and under the second heading of his email titled "*2. Re. Paragraph 9 of the Freezing Order*" stated "*Your threat of contempt is premature and inappropriate...*" [Exhibit AF1/91-94].

Conclusion

42. As at the date of this affidavit the Defendant is in breach of the order for disclosure made at paragraph 9 of the Freezing Orders, despite (i) our repeated requests for compliance and (ii) indicating that he would provide the material requested (albeit to the Court, and not the Claimant's solicitors).
43. Further the Defendant as at the date of this affidavit is in breach of the Order at paragraph 10 of the Freezing Orders. He has failed to serve an affidavit on the Claimant's solicitors by Monday 14 July 2025 being 10 working days after the date of service of the First Freezing Order (i.e. 30 June 2025) in accordance with paragraph 10 of the Freezing Orders.
44. In circumstances where the Defendant has instructed Edwin Coe (albeit not on the record) and Edwin Coe attended the Return Date Hearing, it seems unlikely that Edwin Coe has not advised the Defendant of the need to obey and comply with paragraphs 9 and 10 of the Freezing Orders.
45. In the circumstances, the Claimant invites the court to make an order for committal for contempt of court.

46. The Claimant respectfully requests the Court to consider this application at the next return date hearing, listed on Friday, 25 July 2025, before the court breaks for vacation.

SWORN this 23rd day of July 2025 at)

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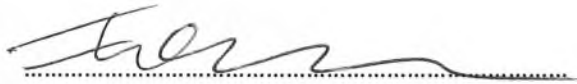
Ajay Fournillier

Before me,

Name

FURAN WOODMAN

Signature


.....

Solicitor/Commissioner

~~for Oaths~~

Womble Bond Dickinson (UK) LLP
4 More London Riverside
London
SE1 2AU

On behalf of: Claimant
Name: Ajay Fournillier
First Affidavit
Exhibit: AF1
Sworn: 23rd July 2025

Claim No. KB-2025-01991

IN THE HIGH COURT OF JUSTICE

KINGS BENCH DIVISION

BETWEEN:

MAHIM KHAN

Claimant

and

ALKIVIADES DAVID

Defendant

FIRST AFFIDAVIT OF AJAY FOURNILLIER

Howard Kennedy LLP
No. 1 London Bridge
SE1 9BG
T: +44 (0)20 3755 6000
Ref: RH15/061514.00004
Solicitors for the Claimant

On behalf of the Claimant
Name: Ajay Fournillier
Second Affidavit
Exhibit: AF 2
Dated: 29 July 2025
Sworn: 29 July 2025

CLAIM NO: KB-2025-001991

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

BETWEEN:

MAHIM KHAN

Claimant

-AND-

ALKIVIADES DAVID

Defendant

SECOND AFFIDAVIT OF AJAY FOURNILLIER

I, **AJAY FOURNILLIER**, of Howard Kennedy LLP, No.1 London Bridge, London SE1 9BG (SRA ID: 557188), **MAKE OATH AND SAY AS FOLLOWS:**

1. I am a solicitor at Howard Kennedy LLP ("**Howard Kennedy**"), the Claimant's solicitors in these proceedings. I have day-to-day conduct of this matter on behalf of the Claimant. I am supervised on this matter by Rececca Hume, a Partner at Howard Kennedy LLP.
2. I make this affidavit in relation to service of Claimant's contempt application dated 23 July 2025 ("**Contempt Application**") and to update the Court regarding the publication of related defamatory material online in relation to me and Howard Kennedy.
3. I believe that the facts stated in this affidavit statement are true. Except where otherwise stated, those facts are derived from my own knowledge or from the documents to which I refer.

4. There is now produced and shown to me marked "AF2" a paginated bundle of true copy documents to which I shall hereinafter refer to as follows: **[Exhibit AF2/page number]**. Where I refer to documents in my previous exhibit, these are referred to in the form: **[Exhibit AF1/page number]**.
5. Definitions used hereinafter are as defined in my first affidavit sworn on 23 July 2025 ("**Fournillier 1**") unless stated otherwise.

Service of Contempt Application

6. The Claimant's Contempt Application was filed with the Court on 23 July 2025 and the Claimant's solicitors requested that the Contempt Application be listed at the return date hearing on 25 July 2025.
7. Pursuant to CPR Rule 81.5(1), a contempt application and evidence in support must be served on the defendant personally. Very early on in these proceedings, following service of the First Freezing Order and Receiver Order, in accordance with the methods of service permitted (i.e. by hand and by post at the Service Address) the Defendant confirmed by email on 3 July 2025 at 09:31 UK time that he does not reside in the jurisdiction and that he lives in Antigua (though he did not confirm where) **[Exhibit RH1/169-170]**.
8. In the circumstances, at the time of making the Contempt Application it was not possible to serve the Defendant personally in accordance with CPR Rule 81.5(1).
9. The Defendant is also not represented in these proceedings, though he did instruct Edwin Coe to attend the (first) return date hearing, as to which the court heard from Ian Chai (then) of Edwin Coe but not being on record for the Defendant (explained at Fournillier 1 paragraphs 25, 26 & 28). Consequently, service of the Contempt Application in accordance with CPR Rule 81.5(2) was also not possible.
10. The permission granted by the Court to serve documents at the Service Addresses does not extend to service of the Contempt Application. To ensure that the Contempt Application would come to the attention of the

Defendant, noting that he had been corresponding with the Court and Howard Kennedy excessively in the period between service of the First Freezing Order/Receiver Order and the lead up to the second return date hearing listed on 25 July 2025 ("**25 July Hearing**") out of an abundance of caution, the Contempt Application was served on the Defendant by email at his two email addresses on 23 July 2025 at 18:15 UK time [**Exhibit AF2/1-3**]. For this reason, paragraph 4 of the draft Order enclosed with the Contempt Application seeks the following direction: "*Personal service is dispensed with, and the Claimant's solicitors may effect service of this order on the Defendant at the Defendant's email addresses: filmonpersonal@gmail.com and alki@filmon.com, email delivery to which will be considered good service.*"

11. On 24 July 2025 at 21:48 UK time and less than 24 hours before the 25 July Hearing the Defendant confirmed by email that "*[he] will appear in person*" [**Exhibit AF2/4 - 5**]. This presented what I considered to be the only opportunity by which it may be possible to personally serve the Defendant with the Contempt Application in this jurisdiction, noting that my firm did not have knowledge of where the Defendant would be staying and for how long. For example, we did not know if the Defendant intended to stay at 4 Wilton Place, London, SW1X 8RH ("**London Property**") being the property over which the receivers were appointed pursuant to the Receiver Order. My firm therefore prepared a hardcopy of the Contempt Application and evidence in support together with a covering letter in a small folder to serve on the Defendant personally once the 25 July Hearing had concluded, to avoid any derailment of the hearing. The covering letter was in the sleeve visible on the front of the bundle addressed to the Defendant, and with Howard Kennedy's letter dated 23 July stapled to it. I exhibit the covering letter at **Exhibit AF2/6 -7**.
12. At the 25 July Hearing I considered further when and where it would be appropriate to effect personal service upon the Defendant. I also considered the fact that the Defendant was in attendance at the hearing with a sizeable bodyguard (which he referred to as his "*guard*") and therefore attempting to serve the Defendant personally outside of the Royal Courts of Justice was

not without risk to my personal safety and therefore simply was not an option.

13. This was made clearer during the hearing when the Honourable Mr Justice Cotter was discussing with the Defendant the fact that the Receivers would need to attend the London Property to allow a valuation to be conducted for the purposes of ensuring the London Property (i.e. to assist with the preservation of the property and nothing untoward). The response from the Defendant was "*I will attack and destroy them*" (which he shouted), to which Mr Justice Cotter responded: "*I really wouldn't advise that*". The result of this was that Claimant's counsel (on instructions) suggested that the police should be in attendance. This was due to the belief that the Defendant was not speaking metaphorically but was expressly stating what he physically intended to do if the London Property was attended by the Receivers.

14. Having regard to the points above at paragraphs 12 and 13, and also taking account of the fact that the Contempt Application was now adjourned to enable the Defendant to comply with his breach of paragraphs 9 and 10 of the Freezing Orders, this would potentially leave a short window to effect personal service in accordance with CPR Rule 81.5(1), I considered that the only way to safely serve the Defendant personally would be to do so outside the Court in the presence of the Court security officers. Prior to becoming a solicitor I was a police officer in the Metropolitan Police Service for around 6.5 years, and I used the knowledge, experience and skills gained during my service in making this risk assessment. As part of that risk assessment, I considered that if I were to engage the Defendant on the road outside the Royal Courts of Justice there was a real risk of the Defendant and/or his bodyguard becoming physically violent, particularly since the Defendant had already expressed that he would "*attack and destroy*" the Receivers. I held the view that the risk of any such conduct would be significantly reduced in the presence of the court security officers, in the same way that the risk of the Defendant attacking the Receivers when attending the London Property ought to be significantly reduced in the presence of the police.

15. The hearing concluded at 15:20 and I left Court 11 via the door designated for claimants and walked towards the door designated for defendants. The two court security officers advised me to move back to the claimant's side, and I explained that I had with me a contempt application which needed to be served on the Defendant personally. The two security officers then walked to the side but were stood approximately three metres away with me in their view.
16. The female with the Defendant, who I now understand to be his partner, exited Court 11 first, followed by the Defendant. Once the Defendant exited and was now standing in the hallway I walked up to him holding the folder out in his reach and said, "*this is for you, you need to take it*". The Defendant immediately started shouting at me and pointing his finger telling me not to talk to him and was repeatedly shouting "*you're disgusting*". At this moment his bodyguard then exited Court 11 and walked up to me from behind the Defendant and was standing to my right with the Defendant still in front of me. I explained to the Defendant again that he needed to take the folder. The Defendant then reached out and took the folder from me. I then looked at my watch to check the time and said, "*Mr David you've just been served with the Contempt Application, the time is 15:21, you should read this*".
17. The Defendant immediately became aggressive and lunged towards me pointing his finger in my face and was shouting at me repeatedly. I do not recall everything he said due to him speaking so fast, but I do recall him shouting "*you are disgusting*" several times. The Defendant's bodyguard then intervened by turning side on to the Defendant and holding his arm out in front of him, during which time the two court security officers came and stood next to me. I then walked back to the door designated for claimants and into Court 11, and the Defendant continued shouting.
18. Around 20 seconds or so later I stepped back outside of Court 11 and could see that the bundle was now placed on the bench outside of the court room. The Defendant was still shouting but was stood by the door designated for defendants. The Defendant's partner was stood between the bundle and the Defendant, and I said: "*he needs to take that, you should take that*", and

she responded by waving her arms at me and telling me to "*scram*", which I had understood to be slang for "go away". I then went back inside Court 11 via the door designated for claimants. The Defendant then ran into Court 11 via the door designated for defendants carrying the bundle I provided to him in his hands shouting something along the lines of "*he just shoved this into my chest*", which was factually incorrect given that the Defendant took the bundle from me and asked the court clerks to give it to the judge. The Defendant then placed the bundle on the table before the court clerks leaving it there. I can make a further hardcopy of the bundle available to the Defendant if required.

Publication of Online Article

19. Later that day, at 19:04, the Defendant emailed the court copying in a number of individuals, including, for example, the Metropolitan Police Service and the SRA ("**25 July Email**") [**Exhibit AF2/8 – 10**]. In his email he makes a number of false allegations against me in an attempt to mislead the court, namely that I "*physically assaulted*" him. On 28 July 2025 timed at 15:56 the Defendant sent a further email to the court repeating the allegation but this time stating that it occurred "*inside Courtroom 11*" which is false [**Exhibit AF2/ 29-32**].
20. The allegations made by the Defendant in those emails are entirely false and do not reflect the facts, which I have described in detail above at paragraphs 15 – 18. Further, the Defendant's recollection of the 25 July Hearing in connection with the Contempt Application is wholly inaccurate – the Contempt Application was adjourned to enable him to comply with paragraphs 9 and 10 of the Freezing Orders, it was not dismissed.
21. Rebecca Hume, the partner with conduct of this matter at Howard Kennedy, drew to my attention that an online article was published on 25 July 2025 on Shockya.com ("**Shockya Article**"), repeating the untrue and defamatory allegations about me referred to in the Defendant's 25 July Email and making false and misleading statements about the 25 July Hearing [**Exhibit AF2/ 11 - 15**]. At 12:06 today, the Defendant emailed the Court regarding evidence he wishes to submit in support of his defence. That email

references another Shockya.com article which the Defendant says is evidence to substantiate his allegations and again references the false allegation of assault by me [Exhibit AF2/ 33-37]. The full website address for the article is <https://www.shockya.com/news/2025/07/25/209049/>. I believe that the Defendant owns and/or controls the website, as set out more fully below.

22. The Shockya Article is defamatory, false and significantly impugns my character and the reputation of Howard Kennedy. Further, it inaccurately described matters referred to at the 25 July Hearing including the ex tempore judgment given by Mr Justice Cotter. I explain this in further detail below at paragraphs 24 and 26.
23. My understanding is that this website is connected to the Defendant (see Hume 1 paragraph 11 and Exhibit RH1/ 170, 174, 538, 1801 and 1907). I exhibit at Exhibit AF2/ 16 -17 an email from the Defendant which includes the shockya.com website in his email signature. I also exhibit at Exhibit AF/ 18 - 19 an email from the Defendant dated 24 July 2025 at 16:54 UK time which includes in his email signature the following email address: press@shockya.com.
24. The publication is dated 25 July 2025 and is purported to be authored by "Grady Owen" and titled: "**ASSAULT IN COURT: HOWARD KENNEDY LAWYER ATTACKS ANTIGUA'S AMBASSADOR DURING HIGH COURT HEARING ON IP THEFT, VIRGINIA GIUFFRE'S MURDER, AND MEDIA-LEGAL TERRORISM**".
25. It includes a large image of me which is the photograph from my profile on my firm's website, which is subject to copyright [Exhibit AF2/ 12].
26. In particular, the publication, which should be read in full, makes the following false and/or misleading statements [Exhibit AF2/ 11 - 15]:
 - a. That the Defendant was assaulted by me and that the Defendant did not retaliate.

- b. That the Defendant is a foreign ambassador for Antigua and Barbuda. In this regard the Defendant's name does not come up when searching the government website of Antigua or Barbuda or searching for ambassadors of the country.
- c. The 25 July Hearing related to allegations about Virginia Guiffre, the Manchester bombing, the theft of sovereign IP and crimes against humanity. Mr Justice Cotter having (i) acknowledged allegations of murder, trafficking and mass media driven terror and (ii) refusing the Claimant's Contempt Application and ordering that there be no service of the Contempt Application.
- d. That Howard Kennedy has participated in enabling the crimes alleged by the Defendant.

27. The author of the Shockya Article has the same name as a fictional character from the Jurassic Park movies. When clicking on the author's name the webpage redirects to <https://www.shockya.com/news/author/grady/>. I exhibit that webpage at **Exhibit AF2/ 20 - 24** which at the top states "After training a pack of Raptors on Isla Nublar, Owen Grady changed his name and decided to take a job as an entertainment writer...". I also exhibit at **Exhibit AF2/ 25 - 26** a google search of "Grady Owen" which confirms that he is a fictional character. Grady Owen therefore appears to be a false name, and I can find no credible journalistic sources for this person, which I believe to be a nom de plume of the Defendant. The "About US" section of the website has a number of "Contact Here" links [**Exhibit AF2/27 – 28**]. Each of these links when clicked returns the email address shockyas@gmail.com [**Exhibit AF2/29**].

SWORN this 29th day of July 2025 at)

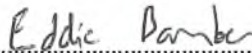
Womble Bond Dickinson (UK) LLP
4 More London Riverside
London
SE1 2AU

)
)
)
)


Ajay Fournillier

Before me,

Name



Signature



Solicitor/Commissioner for Oaths

On behalf of: Claimant
Name: Ajay Fournillier
Second Affidavit
Exhibit: AF2
Sworn: 29th July 2025

Claim No. KB-2025-01991

IN THE HIGH COURT OF JUSTICE

KINGS BENCH DIVISION

BETWEEN:

MAHIM KHAN

Claimant

and

ALKIVIADES DAVID

Defendant

SECOND AFFIDAVIT OF AJAY FOURNILLIER

Howard Kennedy LLP
No. 1 London Bridge
SE1 9BG
T: +44 (0)20 3755 6000
Ref: RH15/061514.00004
Solicitors for the Claimant

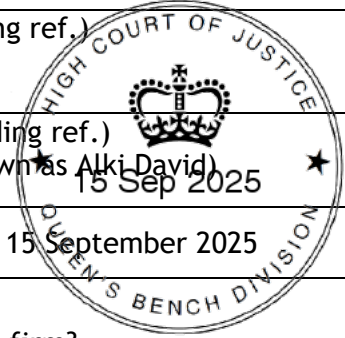
N244

Application notice

For help in completing this form please read the notes for guidance form N244 Notes.

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form:
<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

In the High Court of Justice King's Bench Division		Claim no. KB-2025-001991	
Fee account no. (if applicable)		Help with Fees - Ref. no. (if applicable)	
PBA0088125		H W F - [] [] - [] []	
Warrant no. (if applicable)			
Claimant's name (including ref.) Mahim Khan RH15/061514.00004			
Defendant's name (including ref.) Alkiviades David (also known as Alki David) 15 Sep 2025			
Date		15 September 2025	



1. What is your name or, if you are a legal representative, the name of your firm?
 KB-2025-001991
Sub Event ID: 49

2. Are you a Claimant Defendant Legal Representative
 Other (please specify)

If you are a legal representative whom do you represent?

3. What order are you asking the court to make and why?
filmonpersonal@gmail.com and alki@filmon.com because it is practical and convenient to do so, and an order for costs in the case of the application."/>

4. Have you attached a draft of the order you are applying for? Yes No

5. How do you want to have this application dealt with? at a hearing without a hearing
 at a remote hearing

6. How long do you think the hearing will last? Is this time estimate agreed by all parties?
 Hours Minutes
 Yes No

7. Give details of any fixed trial date or period

8. What level of Judge does your hearing need?

9. Who should be served with this application?

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in

question 9.

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

1. Pursuant to paragraph 15 of the order of Mr Justice Calver dated 2025 ("**Receiver Order**") the Claimant's application for substituted service (application notice dated 9 May 2025) was granted. Paragraph 15 of the Receiver Order provides that service of that order and any subsequent orders on the Defendant, including service of the Claim Form and Particulars of Claim dated 15 May 2025, the Order transferring the proceedings to the King's Bench Division dated 23 May 2025, and subsequent orders in the proceedings by post and by hand at the following addresses shall be considered good service:
 - a. 4 Wilton Place, London, SW1X 8RH ("**London Address**");
 - b. 6th Floor, 2 London Wall Place, London, EC2Y 5AU; and
 - c. 71-75 Shelton Street, Covent Garden, London, EC2H 9JQ(together the "**Service Addresses**")
2. The Claimant's solicitors have complied with Paragraph 15 of the Receiver Order, including more recently in relation to service of the Default Judgment entered against the Defendant on 18 July 2025 ("**Default Judgment**"). However, service at the Service Addresses by post and by hand is no longer practical, appropriate or cost effective for the following reasons:
 - a. The permission granted was to ensure that the proceedings, including the Receiver Order and freezing order of Mr Justice Calver dated 26 June 2025 granted at the ex parte hearing on 26 June 2025 were brought to the attention of the Defendant in circumstances where he does not permanently reside in the jurisdiction. These matters have been brought to the attention of the Defendant who is now actively participating in the proceedings by communicating with the Claimant's solicitors and the court solely by email from the email address filmonpersonal@gmail.com. The Defendant also attended the second return date hearing listed on 25 July 2025 in person, having travelled from Antigua to London.
 - b. The Defendant's main residence is in Antigua. He does not reside permanently at any of the Service Addresses and only visits the London Address which he owns when he is in London.
 - c. The Defendant has been responsive to emails from the Claimant's solicitors, including emails attaching copies of our letters enclosing any orders served at the Service Addresses.
 - d. The Defendant's sole method of communication with the Claimant's solicitors since 1 July 2025 to date has been by email using filmonpersonal@gmail.com, with most emails including alki@filmon.com in his email signature. Examples are exhibited to this application at **Exhibit/ 1-6**. The Claimant's solicitors have received circa. 400 emails from the Defendant between 1 July 2025 to the date of this application (including emails addressed to the Claimant's solicitors and to the Court, copied to the Claimant's solicitors).
 - e. On each occasion service is effected at the Service Addresses by hand using a process server, the cost of instructing a process server amounts to £480 plus VAT for service, plus disbursements relating to congestion charge fees and the cost of swearing an affidavit of service. The Claimant is therefore incurring costs of at least £500 (inc VAT) each time documents are served at the Service Addresses which is prohibitive when the Defendant has chosen email to communicate with the Claimant and the court and the value of the Defendant's assets in England and Wales does not appear to be sufficient to satisfy the Claimant's Default Judgment.
3. In the circumstances, the Claimant considers that the appropriate method of service of documents on the Defendant in these proceedings to be by email using the two email addresses from which the Defendant corresponds.
4. The Claimant therefore respectfully requests the court to make an order dispensing with the method of service prescribed by paragraph 15 of the Receiver Order and granting permission for the Claimant's solicitors to serve any subsequent orders and applications in the proceedings (including this application and any orders made in connection with it) on the Defendant to the Defendant's email addresses filmonpersonal@gmail.com and alki@filmon.com, which shall be considered good service, and an order that the cost of this application be costs in the case.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

No

Statement of Truth

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I believe that the facts stated in section 10 (and any continuation sheets) are true.

The applicant believes that the facts stated in section 10 (and any continuation sheets) are true. I am authorised by the applicant to sign this statement.

Signature



Applicant

Litigation friend (where applicant is a child or a Protected Party)

Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day

15

Month

09

Year

2025

Full name

AJAY FOURNILLIER

Name of applicant's legal representative's firm

HOWARD KENNEDY LLP

If signing on behalf of firm or company give position or office held

ASSOCIATE

Applicant's address to which documents should be sent.

Building and street

No.1 London Bridge

Second line of address

Town or city

London

County (optional)

Postcode

S	E	1		9	B	G
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If applicable

Phone number

+44 (0)20 3755 6000

Fax phone number

DX number

Your Ref.

RH15/061514.00004

Email

Rebecca.Hume@howardkennedy.com;
Ajay.Fournillier@howardkennedy.com;
Boniswa.Dzere@howardkennedy.com

CLAIM NO. KB-2025-001991

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

BETWEEN:

MAHIM KHAN

Claimant

-and-

ALKIVIADES DAVID

Defendant

EXHIBIT TO APPLICATION NOTICE
DATED 15 SEPTEMBER 2025

Ajay Fournillier

From: Alki David <filmonpersonal@gmail.com>
Sent: 03 July 2025 12:00
To: KB Judges Listing Office; KBJudgesListing@justice.gov.uk
Cc: Ajay Fournillier; Appiah, Akua; Rebecca Hume; Boniswa Dzere; Fred Sheppard; Jasmine Sutton; Ian Chai; dcetrone@kingworld.com; James Bohm
Subject: Re: URGENT - Supplementary Bundle - Return date hearing Thursday 03/07/2025 - KB-2025-001991 Khan v David (also known as Alki David) [FSI-FSI.FID4952873]

Alkiviades David SwissX Island St. John's, Antigua and Barbuda 📞 +44 7879
440604 📧 alki@filmon.com

1 July 2025

To: The Honourable Presiding Judge High Court of Justice (ANUHCV2025/0149) c/o The Registrar St. John's Antigua and Barbuda

RE: Notice of Malfeasance in Parallel UK Proceedings (KB-2025-001991 – Mahim Khan v Alkiviades David)

Dear Honourable Judge,

I write to formally notify the High Court of Antigua and Barbuda of serious procedural misconduct and jurisdictional interference occurring in the United Kingdom in relation to proceedings which substantially overlap with this Court's own ongoing matter: **ANUHCV2025/0149 – Alkiviades David v David Boies & Others**.

A hearing has been scheduled in London on **3 July 2025** before the Honourable Mr Justice Calver in the Commercial Division of the King's Bench (UK High Court). This hearing arises out of enforcement claims relating to the same parties and judgment that are already the subject of live judicial scrutiny before this Honourable Court.

The UK proceedings have proceeded **without valid service**, and in violation of international due process norms. Specifically:

- All correspondence has been directed to a **corporate registry address** in London, not my place of residence;
- I have been residing in Antigua and Barbuda and **was never lawfully served**;
- The opposing parties, including agents of **David Boies, Gloria Allred, and Anthony Pellicano, and Dani Peretz**, against whom an active arrest warrant has been issued by a Greek court for his role in the fraud, are all aware of my **disability status** and **international litigation posture**;
- There is a clear attempt to obtain **parallel rulings** in different jurisdictions, which may amount to **abuse of process and forum shopping**.

This conduct threatens the integrity of this Honourable Court's proceedings and may obstruct the administration of justice within the sovereign jurisdiction of Antigua and Barbuda.

Further, I wish to place on record that there is now an **active criminal investigation underway in the United Kingdom** relating to these same actors. I am in direct communication with **Detective**

Constable Caleb Pinkham (Badge No. P268883) of the **Hammersmith & Fulham Division of the Metropolitan Police**, who has received evidence and correspondence outlining:

- Allegations of witness intimidation;
- Forged or unlawful attempts at cross-jurisdictional service;
- Medical endangerment and procedural abuse tied to enforcement efforts by parties linked to the original judgment.

Correspondence and documentation have been shared with DC Pinkham, and I am informed that the matter is being reviewed within the criminal misconduct and judicial interference units. This UK criminal investigation directly overlaps with the factual matrix before this Honourable Court and further supports the need for this Court to retain its jurisdictional primacy.

In addition, I must highlight that I am a known whistleblower in matters involving CSAM (child sexual abuse material) trafficking through digital platforms. I have been actively targeted for exposing these issues, including through my public reporting at <https://url.uk.m.mimecastprotect.com/s/tUU0C3ZNSxwZztgflQRePK?domain=cbsyousuck.com>. My investigative work has directly implicated CBS Interactive and related entities, who have engaged in efforts to publicly humiliate and discredit me in retaliation. These same parties were found culpable in **FilmOn v. DoubleVerify** and **Alkiviades David v. CBS Interactive**, where the Court held them liable for copyright infringement and inducement related to CSAM proliferation and digital piracy.

The recent emergence of so-called "LimeWire 2.0"—a reboot of the original file-sharing platform previously implicated in CSAM distribution—further contextualizes the coordinated efforts to silence me. This is not simply civil enforcement—it is retaliatory in nature and intended to obstruct justice by undermining my credibility as a material witness and complainant in ongoing criminal and civil matters.

I trust this Honourable Court will assert its full jurisdictional prerogative in the face of external procedural interference.

As a matter of legal duty, this Honourable Court is also guided by principles set out in the **Judicature Act of Antigua and Barbuda**, including Section 3(1) which affirms the Court's inherent jurisdiction to prevent abuse of process and to uphold the rule of law. In accordance with **international comity** and the **doctrine of lis alibi pendens**, the Court is entitled to assert primary jurisdiction where overlapping or duplicative proceedings threaten the integrity of justice.

Additionally, the Court has a responsibility under the **Code of Judicial Conduct** to protect the administration of justice from manipulation or coordinated misconduct across jurisdictions. I submit this request in the spirit of those guiding principles.

I respectfully request that this letter be entered into the record of **ANUHCV2025/0149**, and that notice be taken of the UK proceedings for the purposes of judicial coordination, comity, and potential protective action.

Please do not hesitate to contact me should the Court require copies of the UK court papers, medical disclosures, or police filings relating to the malfeasance described above.

With respect,

In addition, I would be grateful if this message could be relayed to the Honourable Mr Justice Calver in the UK matter (KB-2025-001991):

"Good morning, Your Lordship. This is Alkiviades David, defendant in case KB-2025-001991. I have not yet had an opportunity to be heard. I currently reside abroad, was never lawfully served, and there are critical facts the Court may not be aware of — including my cognitive disability, ongoing sovereign proceedings in Antigua (ANUHCV2025/0149), and an active UK police investigation involving the same parties. I respectfully ask the Court to allow time for these matters to be properly considered. Thank you for your time and fairness."

For the avoidance of doubt, I am happy for the Court to make an order continuing the freezing injunction, as stated on my behalf by Edwin Coe LLP. My primary concern is that these matters are fairly and fully ventilated before any further steps are taken.

Alkiviades David
Claimant
ANUHCV2025/0149

www.ANAKANDO.com

Alki David
Founder & CEO Anakando Ltd.

Anakando Media Group <http://www.ANAKANDO.com>

some of our great sites & services

<http://www.FilmOn.com>
<http://www.HologramUSA.com>
<http://www.ETV.com>
<http://www.MondoTunes.com>
<http://www.BattleCam.com>
<http://www.TVmix.com>
<http://www.Shockya.com>

The information contained in this message may be privileged. If you have received this communication in error, please notify me immediately by replying to the message and deleting it from your computer. Thanks!

Ajay Fournillier

From: Alki David <filmonpersonal@gmail.com>
Sent: 16 July 2025 03:26
To: KB Judges Listing Office; KBJudgesListing@justice.gov.uk; Jenique Joseph; registrar@judiciary.gov.ag; agbenjamin@ab.gov.ag; Caleb.Pinkham@met.police.uk
Cc: Ajay Fournillier; Appiah, Akua; Rebecca Hume; Boniswa Dzere; Fred Sheppard; Jasmine Sutton; Ian Chai; James Bohm; kb.enquiries@justice.gov.uk; Ceci Preciado; Themis Sofos; Ryan Baker; Khadeeja Safdar; Alban Shabani
Subject: Re: URGENT - Supplementary Bundle - Return date hearing Thursday 03/07/2025 - KB-2025-001991 Khan v David (also known as Alki David) [FSI-FSI.FID4952873]

IN THE HIGH COURT OF JUSTICE KING'S BENCH DIVISION Claim No: KB-2025-001991

BETWEEN: MAHIM KHAN Claimant

-and-

ALKIVIADES DAVID Defendant / Cross-Claimant

SUPPLEMENTAL SUBMISSION: CONTEXTUAL BACKGROUND OF MONOPOLISTIC MOTIVE

1. The Defendant/Counter-Claimant respectfully submits this supplemental statement to assist the Court in understanding the broader commercial and procedural context in which this case arises.
2. While the causes of action advanced herein are not framed in antitrust or competition law, it is relevant that the pattern of conduct alleged — including forum shopping, strategic litigation, and transnational enforcement — occurred within a framework of monopolistic preservation by a coalition of dominant U.S. media entities.
3. The Defendant founded and operated FilmOn, an independent online television platform that disrupted traditional licensing and broadcast models. From its inception, FilmOn faced aggressive litigation from CBS, NBCUniversal, Fox, and Disney — the four major U.S. broadcasters, collectively controlling over 90% of American television distribution. The Defendant's platform offered consumers a lawful and innovative alternative to conventional broadcast delivery, including cloud-based DVR, micro-antenna signal capture, and open-access content models.
4. These coordinated legal actions were not grounded in fair commercial dispute but were executed as part of a transnational litigation campaign intended to suppress market competition. In addition to copyright-based lawsuits in the United States, enforcement efforts have been pursued in multiple jurisdictions, including Greece, the United Kingdom, and Antigua. The nature of these efforts reflects not a pursuit of justice, but rather a systemic effort to bankrupt the Defendant, deplatform FilmOn, and discredit its founder in public and legal domains.
5. As detailed in parallel proceedings in Antigua and referenced in evidence before this Court, legal actors such as Tom Girardi (now imprisoned) and Gloria Allred (exposed in global media investigations and named in misconduct complaints) played key roles in initiating and prosecuting fabricated or inflated claims. These actions were designed not to redress real

harm, but to generate judgments that could be exported and weaponized internationally against the Defendant's assets and reputation.

6. These proceedings, including the present one, should be understood in light of this wider pattern. The current Claimant, Mahim Khan, appears not as a stand-alone litigant but as a participant in a well-documented network of vexatious and retaliatory litigation. Her claims mirror those used in other jurisdictions to facilitate coordinated enforcement without regard to due process or evidentiary integrity.
7. The Defendant further submits that several judgments relied upon by the Claimant stem from proceedings in which material exculpatory evidence was withheld, counsel operated under undisclosed conflicts of interest, and judicial procedures were compromised. These tainted judgments, now presented for recognition and enforcement, are not neutral findings of law but strategic tools of economic and reputational sabotage.
8. It is submitted that the Court may take judicial notice of the pattern of abuse where judicial processes are used not for justice but as weapons of suppression. This is particularly relevant to the assessment of motive and proportionality in determining both the recognition of foreign judgments and the merits of the Counter-Claim.
9. Accordingly, the Defendant invites the Court to consider that this litigation was not organically initiated but is the latest in a chain of enforcement actions deployed by entrenched media monopolies to silence a lawful competitor and whistleblower. The Defendant respectfully submits that the public interest lies not in validating these manufactured claims, but in exposing and halting the abuse of international legal cooperation for monopolistic ends.

DATED: 15 July 2025

Signed: Alkiviades David Defendant / Cross-Claimant

www.ANAKANDO.com

Alki David
Founder & CEO Anakando Ltd.

Anakando Media Group <http://www.ANAKANDO.com>

some of our great sites & services

<http://www.FilmOn.com>

<http://www.HologramUSA.com>

<http://www.ETV.com>

<http://www.MondoTunes.com>

<http://www.BattleCam.com>

<http://www.TVmix.com>

<http://www.Shockya.com>

The information contained in this message may be privileged. If you have received this communication in error, please notify me immediately by replying to the message and deleting it from your computer. Thanks!

On Thu, Jul 3, 2025 at 11:27 AM Alki David <filmonpersonal@gmail.com> wrote:

To: The Court Registrar
Royal Courts of Justice

[Specific Division, if known]
Strand, London WC2A 2LL

Re: *Mahim Khan v Alkiviades David* (Case No. KB-2025-001991)

Request to Update Legal Representatives on the Court Record

Dear Registrar,

I write in my capacity as the Defendant in the above-referenced matter. I respectfully request that the following legal representatives and supporting counsel be added to the formal court record in relation to my defense and participation in these proceedings:

- **UK Counsel:** Ian Chai, Fred Sheppard, Jasmine Sutton – Edwin Coe LLP
- **U.S. Counsel:** James Bohm & Ceci Preciado – Bohm Wildish & Bohm LLP
- **Greek Counsel:** Themis Sophos – Sophos Law, Greece
- **Washington DC Counsel:** Dan Marino – Marno Finlay PLLC
- **Swiss Counsel:** Alban Shabani – Weinmann-Zimmerli, Switzerland

These individuals are advising and/or representing me in relation to overlapping civil, sovereign, and criminal proceedings directly connected to the issues before the Court.

Kindly confirm their inclusion on the record and ensure they are included in all future correspondence and procedural notifications.

Thank you for your attention and assistance.

Yours faithfully,

Alkiviades David

Defendant – *Mahim Khan v David*

alki@filmon.com | Tel: +44 7879 440604

SwissX Island, St. John's, Antigua and Barbuda

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

BEFORE: HIS/HER HONOUR JUDGE []

DATE: [] 2025

BETWEEN:

MAHIM KHAN

Claimant

-and-

ALKIVIADES DAVID

Defendant

Draft ORDER

UPON hearing the Claimant's application dated 15 September 2025 for amendment of the order for substituted service made on 26 June 2025.

AND UPON HEARING Hilary Stonefrost, Counsel for the Claimant, and [the Defendant]

IT IS ORDERED THAT

1. Paragraph 15 of the order of Mr Justice Calver dated 26 June 2025 be amended to provide that the Claimant's solicitors may effect service of this order and any subsequent orders, applications and any other court documents in these proceedings on the Defendant by email to the Defendant's email addresses filmonpersonal@gmail.com and alki@filmon.com, which will be considered good service.
2. Service of the Claimant's application dated 12 September 2025 by email to the Defendant's email addresses filmonpersonal@gmail.com and alki@filmon.com on 15 September 2025 shall be considered good service.
3. Costs in the case.

Service

The Court has provided a sealed copy of this Order to the serving party:

Howard Kennedy LLP, No. 1 London Bridge, London, SE1 9BG:
rebecca.hume@howardkennedy.com and ajay.fournillier@howardkennedy.com.

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

BEFORE: HIS/HER HONOUR JUDGE []

DATE: [] 2025

BETWEEN:

MAHIM KHAN

Claimant

-and-

ALKIVIADES DAVID

Defendant

Draft ORDER

UPON hearing the Claimant's application dated 15 September 2025 for amendment of the order for substituted service made on 26 June 2025

AND UPON the Defendant on 17 September 2025 by email having nominated service of documents in these proceedings going forward at the email addresses stated at paragraph 2 of this Order

AND UPON HEARING Hilary Stonefrost, Counsel for the Claimant, and [the Defendant]

AND UPON reading the evidence

IT IS ORDERED THAT

1. Paragraph 15 of the order of Mr Justice Calver dated 26 June 2025 be varied to provide that the Claimant's solicitors may effect service of this order and any subsequent orders, applications and any other court documents in these proceedings on the Defendant by email to the Defendant's email addresses

filmonpersonal@gmail.com and legal@swissx.com which will be considered good service.

2. Service of the Claimant's application dated 15 September 2025 by email to the Defendant's email addresses filmonpersonal@gmail.com and alki@filmon.com on 15 September 2025 shall be considered good service.
3. Costs in the case.

Service

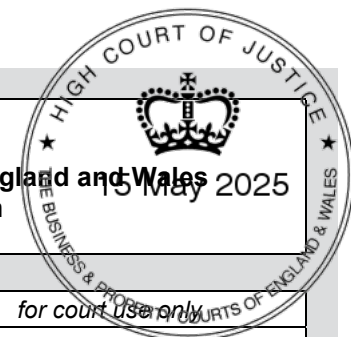
The Court has provided a sealed copy of this Order to the serving party:

Howard Kennedy LLP, No. 1 London Bridge, London, SE1 9BG:
rebecca.hume@howardkennedy.com and ajay.fournillier@howardkennedy.com.



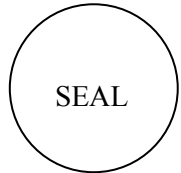
Claim Form (CPR Part 8)

In the	High Court of Justice Business and Property Courts of England and Wales King's Bench Division Commercial Court
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	for court use only
Claim No.	CL-2025-000224
Issue date	

Claimant(s)
MAHIM KHAN



Defendant(s)
ALKIVIADES DAVID (also known as ALKI DAVID)

Name and Address of Defendant receiving this claim form

Alkiviades David (also known as Alki David)
4 Wilton Place,
London
SW1X 8RH

Court fee	10000.00
Legal representative's costs	TBC

Claim No.	
-----------	--

Details of claim

See particulars of claim attached

Howard Kennedy LLP
No. 1 London Bridge,
London
SE1 9BG
Email: rebecca.hume@howardkennedy.com and
ajay.fournillier@howardkennedy.com
Ref: RH/061514.00004

Claimant's or legal representative's address to which documents or payments should be sent if different from overleaf. If you are prepared to accept service by DX, fax or e-mail, please add details.

Statement of truth

The Claimant understands that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

- I believe that the facts stated in this claim form and any attached sheets are true.
- The Claimant** believes that the facts stated in this claim form and any attached sheets are true. **I am authorised** by the claimant to sign this statement.

Signature



- Claimant
- Litigation friend (where claimant is a child or protected party)
- Claimant's legal representative (as defined by CPR 2.3(1))

Date

Day

Month

Year

15

05

2025

Full name

Rebecca Hume

Name of claimant's legal representative's firm

Howard Kennedy LLP

If signing on behalf of firm or company give position or office held

Partner

Claim No.

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
KING'S BENCH DIVISION
COMMERCIAL COURT**

BETWEEN:

MAHIM KHAN (Claimant)

and

ALKIVIADES DAVID (also known as ALKI DAVID) (Defendant)

PARTICULARS OF CLAIM

The parties and the claim

1. The Claimant worked for the Defendant and a number of companies in California. The Defendant was the Chief Executive Officer of all or most of the companies and during her employment, from October 2014 to 15 October 2015, the Defendant wilfully, knowingly and intentionally discriminated against her, subjected her to sexual harassment and sexual assaults and committed violent acts against her. As a consequence of the Defendant's conduct the Claimant suffered economic loss and suffered and will continue to suffer extreme and severe mental anguish and emotional distress.
2. On 14 March 2017 the Claimant commenced proceedings against the Defendant and (amongst other) various corporate entities of which the Defendant was President and CEO in the Superior Court of the State of California for the County of Los Angeles case

no BC654017 for damages for sexual harassment and battery of the Claimant at work (**US Proceedings**).

3. The Defendant filed a defence in the US Proceedings on 1 May 2017 and subsequently participated in and defended the US Proceedings including filing appeals against the decision of the Superior Court of the State of California for the County of Los Angeles.
4. On 21 January 2020, following a trial by jury in the US Proceedings judgment was obtained by the Claimant against the Defendant (and all other defendants) to the US Proceedings jointly and severally for damages (**Judgment**).
5. Pursuant the Judgment the following orders were made against the Defendant:
 - 5.1 Compensatory damages in the sum of US\$8,250,000 (**Compensatory Damages**) together with interest thereon at the rate of 10% per annum from 21 January 2020 until payment. The Compensatory Damages comprised past non-economic loss, including physical pain and mental suffering (US\$3,000,000); future economic loss, including physical pain and mental suffering (US\$5,000,000); past economic damages (lost earnings) US\$40,000 and future economic damages (future lost earnings and medical expenses (US\$210,000).
 - 5.2 What the US court describes as "*punitive or exemplary damages*" in the sum of US\$50,000,000 being in respect of the Defendant's harassing conduct with malice, oppression and fraud (**Exemplary Damages**) together with interest at the rate of 10% per annum from 21 January 2020 until payment; and
 - 5.3 Attorney's fees in the sum of US\$1,398,885, and costs in the sum of US\$74,165.60 (**Legal Costs**) together with interest at the rate of 10% per annum from 3 February 2021 until payment. The total sum the Superior Court of the State of California ordered the Defendant to pay to the Claimant was US\$59,723,050.60 together with interest thereon as set out in paragraph 5 (**Debt**).

6. On 9 November 2020 the Defendant appealed the Judgment to the Court of Appeal of the State of California (**US Appeal Court**) and on 27 May 2022 the Defendant's appeal was denied.
7. On 6 July 2022 the Defendant appealed the decision of the US Appeal Court and on 14 September 2022 the Supreme Court declined to hear that appeal. The Defendant's time to further appeal the Judgment has expired and all rights of further appeal of the Judgment have been exhausted. In the circumstances the Judgment is final and conclusive against the Defendant under US law.

Punitive/Exemplary Damages

8. The jury in the Trial Court found that the Defendant engaged "*in harassing and/or violent conduct with malice, oppression or fraud*" which justified the Exemplary Damages in the sum of US\$50,000,000 pursuant to Cal. Civ. §3294 which permits awards of punitive damages "*for the same of example and by way of punishing the defendant*". The Defendant, on appeal, contended that the award was reviewable as unconstitutional. The US Appeal Court reviewed the case by reference to the "constitutional goalposts", namely (1) the degree of reprehensibility of the defendant's misconduct (the most important factor); (2) the disparity between the actual or potential harm suffered by the Claimant and the punitive damages award; and (3) the difference between the punitive damages awarded by the jury and the civil penalties authorised or imposed in comparable cases. The US Appeal Court also reviewed the case law on the disparity between punitive damages and actual damages.
9. The US Appeal Court concluded that the 6 to 1 ratio of punitive damages (US\$50,000,000) and compensatory damages (US\$8,000,000) was warranted because the Defendant's "*highly reprehensible, degrading and outrageous behaviour, the award meets the overarching standard of "reasonableness"*" and stated that "*[The Defendant] took advantage of a low-wage entertainment industry worker, knowing it would be difficult for her to find paying work elsewhere or avoid homelessness unless she tolerated his abuse. His indecent conduct deserves the harshest community condemnation to serve as deterrent and punishment.*"
10. The US Appeal Court also took into account the judgments in other sexual harassment cases against the Defendant brought by the Claimant's co-workers the verdicts in which

had no impact on the Defendant's attitude, and which showed that his sexual misbehaviour was common practice.

11. In all the circumstances this is a case in which the English court should recognise the US Judgment for exemplary damages which is not impeachable on the ground that its enforcement would be contrary to public policy or otherwise.

Defendant's failure to comply with Judgment

12. The Defendant has failed to pay the Debt.
13. On or about 1 July 2021 the Claimant commenced enforcement proceedings in California and sought to enforce the judgment against the Defendant's beachfront mansion in Malibu (**Malibu Property**). The Defendant, as part of the transaction for the sale of the Malibu Property was required by the senior lender, Axos Bank, to make payments into two bank accounts. The Claimant applied for the funds in those accounts to be declared as owned by the Defendant and to be paid to her. Ultimately the Claimant received, pursuant to settlement involving others, an amount not exceeding \$1.2 million in November 2024 which sum has been applied in part satisfaction of the Claimant's Exemplary Damages.
14. On or about 14 October 2021 the Claimant pursued the domestication and enforcement of the Judgment in Switzerland and a request for the attachment of the Defendant's Swiss chalet. On 18 October 2021 the Claimant's request for an attachment of the Defendant's Swiss chalet was denied because the Judgment was not final and meet the requirements for recognition in Switzerland due to the Defendant's appeal referred to at paragraph 6 above. The Claimant failed to recover any money from the proceeds of sale from the Defendant's Swiss chalet due to the Swiss chalet being sold on or about 29 December 2022 being before the Claimant made a second request for the attachment of the Defendant's Swiss chalet made by the Claimant on or about 7 March 2023.
15. On 18 March 2022 the Claimant applied to the Greek court for the recognition of the US Judgment in Greece. On 3 February 2023 the Claimant's judgment was recognised by the Greek court in full (including the award of punitive/exemplary damages).
16. On 27 September 2023 the Defendant filed an appeal against recognition of the US Judgment in the Athens Court of Appeal. The appeal was refused on 8 January 2024.

17. On 12 February 2024 the Defendant appealed the decision of the Athens Court of Appeal to the Supreme Court. As at the date of hereof the Supreme Court has not handed down its decision.
18. In the meantime, the Defendant's property in Greece (**Spetses Property**) was sold at auction on 27 September 2023 for €13,120,014. The sum of €13,060,880.37 is currently held in escrow and a Greek notary has determined that €8,380,982.76 is to be distributed to the Claimant.
19. On 15 December 2023 the Defendant filed an objection against the list of creditors with the Piraeus First Instance Court which was heard on 25 October 2024 (**Creditor Objection**). No decision has been handed down by the Piraeus First Instance Court as at the date hereof.
20. On 10 April 2024 the Claimant (together with Lauren Reeves) filed an application before the Piraeus First Instance Court requesting the Court to require the notary to make an immediate distribution of the auction proceeds. The hearing took place on 9 October 2024. On 12 March 2025 the Piraeus First Instance Court denied the application but held that the Creditor Objection should not have the effect of suspending the distribution of the proceeds of sale from the Spetses Property because the Defendant is the debtor and not a creditor. The Claimant's share of the proceeds of sale from the Spetses Property referred to at paragraph 18 above, will be applied in part satisfaction of the Exemplary Damages once received by the Claimant.
21. In the circumstances as at the date of these Particulars of Claim the US Judgment against the Defendant is for:
 - 21.1 US\$8,250,000 in respect of the Compensatory Damages together with interest thereon of US\$4,387,191.83 from 21 January 2020 to the date of these Particulars of Claim which is in total US\$12,637,191.83 and interest is increasing by US\$2,260.27 a day until payment;
 - 21.2 US\$48,800,000 in respect of the Exemplary Damages (being the sum of US\$50,000,000 less US\$1,200,000 referred to at paragraph 13 above) together with interest thereon of US\$25,950,904.08 from 21 January 2020 to

the date of these Particulars of Claim which is in total US\$74,750,904.08 and interest is increasing by US\$13,369.86 a day until payment; and

- 21.3 US\$1,473,050.60 in respect of Legal Costs together with interest thereon of US\$630,384.93 from 3 February 2021 to the date of these Particulars of Claim which is in total US\$2,103,435.53 and interest is increasing by US\$403.58 a day until payment.
22. The Claimant, taking into account the sums already received by her from the enforcement in the US and applied to reduce the Exemplary Damages, seeks an order that the Defendant pays to the Claimant the following sums:
- 22.1 US\$8,250,000 in respect of Compensatory Damages together with interest thereon from 21 January 2020 to the date of these Particulars of Claim of US\$4,387,191.83; and/or
- 22.2 US\$48,800,000 in respect of Exemplary Damages together with interest thereon from 21 January 2020 to the date of these Particulars of Claim of US\$25,950,904.08; and/or
- 22.3 US\$1,473,050.60 in respect of Legal Costs together with interest thereon of US\$630,384.93;
- 22.4 AND interest from the date hereof to the date of payment on each of the sums at 22.1 to 22.4 inclusive at the rate of 10% per annum in accordance with the interest ordered in the US Proceedings;
- 22.5 In the alternative interest pursuant to Section 35A of the Senior Courts Act 1981 at such rates and for such periods or amounts as the Court thinks fit.

AND THE CLAIMANT CLAIMS:

- (1) payment of the sum set out in paragraph 22.1 above;
- (2) payment of the sum set out in paragraph 22.2 above;
- (3) payment of the sum set out at paragraph 22.3 above;
- (4) interest as set out in paragraph 22.4 above or in the alternative paragraph 22.5;
- (5) An order that the Defendant do pay the costs of an occasioned by this claim.

(6) Such further order or relief as the Court thinks fit.

Hilary Stonefrost

15 May 2025

Served this day of 2025, by Howard Kennedy LLP of No. 1 London Bridge,
London SE1 9BG, solicitors for the Claimant.

Statement of truth

I am duly authorised by the Claimant to sign this statement.

The Claimant believes that the facts stated in these Particulars of Claim are true. The Claimant understands that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Full name: Rebecca Hume

Position or office held: Partner

Signed:

(If signing on behalf of firm, company or corporation)

A handwritten signature in black ink that reads "Rebecca Hume". The signature is written in a cursive style with a large, looped initial 'R'.

Claim No.

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY
COURTS OF ENGLAND AND
WALES
KING'S BENCH DIVISION
COMMERCIAL COURT**

BETWEEN:

MAHIM KHAN **Claimant**

- and -

ALKIVIADES **Defendant**
DAVID (also
known as ALKI
DAVID)

**PARTICULARS
OF CLAIM**

Howard Kennedy LLP
No.1 London Bridge,
London SE1 9BG
Telephone: +44 20 3755 6000
Ref: RH/061514.00004
Solicitors for the Claimant

IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION

Before The Honourable Mr Justice Calver (sitting in private)
Dated 26 June 2025



KB-2025-001991

BETWEEN

MAHIM KHAN

Applicant

AND

ALKIVIADES DAVID

Respondent

ORDER

PENAL NOTICE

IF YOU ALKIVIADES DAVID DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE RESPONDENT TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

UPON the Applicant having applied by way of an ex parte application dated 9 May 2025

UPON HEARING Hilary Stonefrost, Counsel for the Applicant

THIS ORDER

1. This is a Freezing Injunction made against Alkiviades David (“**Respondent**”) on 26 June 2025 by Mr Justice Calver on the application of Mahim Khan (“**Applicant**”). The Judge read the Affidavits listed in Schedule A and accepted the undertakings set out in Schedule B at the end of this Order.
2. This order was made at a hearing without notice to the Respondent, at which the Court was satisfied that it was in the interests of justice to sit in private. Pursuant to CPR rule 39.2(5), in the interests of justice this order is not to be published on the judiciary website. The Respondent has a right to apply to the Court to vary or discharge the order — see paragraph 15 below.
3. There will be a further hearing in respect of this order on 3 July 2025 at 10:30am with a time estimate of 2 hours (“**Return Date**”).
4. If there is more than one Respondent: -

(1) unless otherwise stated, references in this order to “the Respondent” mean both or all of them; and

(2) this order is effective against any Respondent on whom it is served or who is given notice of it.

FREEZING INJUNCTION

5. Until after the Return Date or further order of the Court, the Respondent must not remove from England and Wales or in any way dispose of, deal with or diminish the value of any of its, her or his assets which are in England and Wales up to the value of £12,000,000.
6. Paragraph 5 applies to all the Respondent’s assets whether or not they are in its, her or his own name, whether they are solely or jointly owned. For the purpose of this order the Respondent’s assets include any asset which it, she or he has the power, directly or indirectly, to dispose of or deal with as if it were its, her or his own. The Respondent is to be regarded as having such power if a third party holds or controls the asset in accordance with its, her or his direct or indirect instructions.

7. This prohibition includes the following assets in particular –

(1) any money standing to the credit of the following bank accounts including the amount of any cheque drawn on such account which has not been cleared:

(a) HSBC Bank Plc – Accounts:

- a. account numbered 32129396 / sort code 40-04-09;
- b. account numbered 11508032 / sort code 40-04-09;
- c. account numbered 51515764 / sort code 40-04-09;
- d. account numbered 31549677 / sort code 40-04-09;
- e. account numbered 93664562 / sort code 40-04-09;
- f. account numbered 71646672 / sort code 40-04-09;
- g. account numbered 61656244 / sort code 40-04-09; and
- h. account numbered 93664554 / sort code 40-04-09

(b) Barclays Private Bank – account numbered: 000548315-DPSA-FBP-R.

8. If the total value free of charges or other securities (“**Unencumbered Value**”) of the Respondent’s assets in England and Wales exceeds £12,000,000, the Respondent may remove any of those assets from England and Wales or may dispose of or deal with them so long as the total unencumbered value of its, her or his assets still in England and Wales remains above £12,000,000.

PROVISION OF INFORMATION

9. (1) Unless paragraph (2) applies, the Respondent must by 1:00pm on Monday 30 June 2025 and to the best of his ability:

(a) inform the Applicant's solicitors of all his assets in England and Wales exceeding £20,000 in value whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets.

(b) Exhibit bank statements for each of the bank accounts listed in paragraph 7 above, as well as any other bank accounts in his name or to which he has access in England and Wales from 1 January 2024 to the date on which this order is served on him and, to the extent that that is not apparent from those statements, the name of the account holders of those bank accounts.

(c) Provide brief details of the source of funds for each of the accounts listed in paragraph 7.

(2) If the provision of any of this information is likely to incriminate the Respondent, she or he may be entitled to refuse to provide it but is recommended to take legal advice before refusing to provide the information. Wrongful refusal to provide the information is contempt of Court and may render the Respondent liable to be imprisoned, fined or have its, her or his assets seized.

10. Within 10 working days after being served with this order, the Respondent must swear and serve on the Applicant's solicitors an affidavit setting out the above information, to the best of his ability.

EXCEPTIONS TO THIS ORDER

11. This Order does not prohibit the Respondent from spending a reasonable sum on legal advice and representation, but before spending any money, the Respondent must tell the Applicant's legal representatives where the money is to come from.

12. This order does not prohibit the Respondent from dealing with or disposing of any of its, her or his assets in the ordinary and proper course of business, but before doing so the Respondent must tell the Applicant's legal representatives.

13. The Respondent may agree with the Applicant's legal representatives that this order should be varied, but any agreement must be in writing.

14. The order will cease to have effect if the Respondent—

(a) provides security by paying the sum of £12,000,000 into Court, to be held to the order of the Court; or

(b) makes provision for security in that sum by another method agreed with the Applicant's legal representatives.

COSTS

15. The costs of this application are reserved to the Judge hearing the application on the Return Date.

VARIATION OR DISCHARGE OF THIS ORDER

16. Anyone served with or notified of this order may apply to the Court at any time to vary or discharge this order (or so much of it as affects that person), but they must first inform the Applicant's solicitors. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Applicant's solicitors in advance.

INTERPRETATION OF THIS ORDER

17. A Respondent who is an individual who is ordered not to do something must not do it herself or himself or in any other way. She or he must not do it through others acting on her or his behalf or on her or his instructions or with her or his encouragement.

18. A Respondent which is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

PARTIES OTHER THAN THE APPLICANT AND RESPONDENT

19. Effect of this order

It is a contempt of Court for any person notified of this order knowingly to assist in or permit a breach of this order. Any person doing so may be imprisoned, fined or have their assets seized.

20. Set off by banks

This injunction does not prevent any bank from exercising any right of set off it may have in respect of any facility which it gave to the respondent before it was notified of this order.

21. Withdrawals by the Respondent

No bank need enquire as to the application or proposed application of any money withdrawn by the Respondent if the withdrawal appears to be permitted by this order.

FURTHER DIRECTIONS

22. The Applicant has permission to notify any relevant banks of the fact of this Order without providing prior written notice to the Respondent.

COMMUNICATIONS WITH COURT

All communications to the Court about this order should be sent to the King's Bench Division, KB Judge's Listing Office, Royal Courts of Justice, Strand, London, WC2A 2LL quote the case number. The Telephone number is 020 3936 8957.

The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday.

SCHEDULE A - AFFIDAVITS

The Applicant relied on the following affidavit-

1. First affidavit of Michelle Usitalo sworn on 8 May 2025 together with Exhibits MU1 and MU2 filed on behalf of the Applicant.

SCHEDULE B – UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT

- (1) If the Court later finds that this order has caused loss to the Respondent and decides that the Respondent should be compensated for that loss, the Applicant will comply with any order the Court may make.
- (2) As soon as practicable the Applicant will issue and serve a claim form in the form of the draft produced to the Court claiming the appropriate relief and pay the appropriate fee.
- (3) The Applicant will serve by post and by hand upon the Respondent together with this order as soon as practicable-
 - (a) the first affidavit of Michaelle Usitalo sworn on 8 May 2025 ("**Usitalo Affidavit**") together with exhibits and any other documents provided to the Court on the making of the application;
 - (b) the Claim Form dated 15 May 2025;
 - (c) the Particulars of Claim dated 15 May 2025;
 - (d) an application notice for continuation of the order; and
 - (e) a full note of the hearing.
- (4) The exhibits to the Usitalo Affidavit, court bundle and authorities bundle may be served on a USB stick (or other electronic drive) together with confirmation in writing that the Respondent may request from the Applicant's solicitors that such documents be provided to the Respondent in hard copy to an address to be provided by the Respondent or in electronic form via a Secure File Sharing Platform to the Respondent's email address if required.
- (5) Anyone notified of this order will be given a copy of it by the Applicant's legal representatives.

- (6) The Applicant will pay the reasonable costs of anyone other than the Respondent which have been incurred as a result of this order including the costs of finding out whether that person holds any of the Respondent's assets and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the Applicant will comply with any order the Court may make.
- (7) If this order ceases to have effect (for example, if the Respondent provides security) the Applicant will immediately take all reasonable steps to inform in writing anyone to whom he has given notice of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.

NAME AND ADDRESS OF APPLICANT'S LEGAL REPRESENTATIVES

The Applicant's legal representatives are-

Howard Kennedy LLP

No. 1 London Bridge

London

SE1 9BG

Ref: RH15/061514.00004

Tel: +44 20 3755 6000

Email: Rebecca.Hume@howardkennedy.com and Ajay.Fournillier@howardkennedy.com

IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION

Before The Honourable Mr Justice Calver
Dated 26 June 2025



KB-2025-001991

BETWEEN

MAHIM KHAN

Applicant/Claimant

AND

ALKIVIADES DAVID

Respondent/Defendant

ORDER

UPON THE APPLICATION of the Claimant by Application Notice dated 9 May 2025 made without notice.

AND UPON HEARING Hilary Stonefrost, Counsel for the Claimant

AND UPON READING the documents on the court file marked as having been read.

IT IS ORDERED THAT

Receiver Appointment

1. The **"Nominees"** shall mean Hannah Davie and Christopher Jones of Grant Thornton UK Advisory and Tax LLP of 30 Finsbury Square, London EC2A 1AG.
2. The Nominees to be appointed as joint receivers ("**Receivers**") and managers over the freehold and leasehold interests in the property known as 4 Wilton Place, London SW1X 8RH and registered in the name of the Defendant under HM Land Registry Title Numbers NGL948717 and NGL397869, respectively ("**Property**") pursuant to section 37(1) of the Senior Courts Act 1981.

Preservation of the Property and Co-operation with the Receivers

3. Until further order of the Court, the Respondent must not, and must not permit any other person other than the Nominees or their agents or employees to, dispose of or deal with the Property, other than with the written consent of the Nominees including for the avoidance of doubt any prior incumbrancer who must seek a further order of the Court before a receiver appointed by it may exercise any power conferred upon such receiver or before it may take possession.
4. Until further order of the Court, the Respondent must not in any way impede or interfere with the Nominees' functions and powers and must not permit or encourage any other person in any way to impede or interfere with the Nominees' functions.
5. No disposition, transfer, charge or interest shall be registered by the Respondent or any other party including those listed at paragraph 9 below with H.M Land Registry against the Property without the prior written consent of the Receivers or further order of the court.

Receivers Powers

6. The Receivers shall have power to:
 - a. register a restriction with HM Land Registry against Title Numbers NGL948717 and NGL397869 being the freehold and leasehold property interests that comprise the Property confirming the appointment of the Receivers and that no disposition, transfer, charge or interest shall be

registered against the Property without the consent of the Receivers or further order of the court.

- b. request any information and documents from Dorsey & Whitney Trust company LLC the Trustee of the Harmonia Trust and their solicitors Charles Russell Speechlys LLP in respect of the two applications dated 1 April and 9 April 2025 respectively to HM Land Registry to register a third party interest against the Property in favour of the Trustee to include but not be limited to all documents and information required by the Receivers to assess the validity of the Promissory Note dated 18 October 2018 and its effect on the Property, if any.
- c. request any information any third party who is within the jurisdiction or who falls within paragraph 9 below as the Receivers may reasonably require regarding the Property for the purpose of carrying out their functions as set out in this Order.

7. From 4:00pm on 26 June 2025 until further order, any third party who is within the jurisdiction or falls within paragraph 9 below shall not in any way impede or interfere with the Receivers' function and powers set out above and shall co-operate with the Receivers in order to enable the Receivers to carry out the Receivers' functions and exercise the Receivers' powers, including without limitation to procure their agents, nominees, trustees or attorneys to take all such steps, and shall in particular (but without limitation) do all in their power to:

- a. provide all such information and documents;
- b. attend on the Receivers at all such times; and
- c. do all such things

as the Receivers may reasonably and lawfully require for the purpose of carrying out their functions and powers as set out in this Order.

Security and Effect of Order

8. The Receivers shall provide security for any acts or omissions by them when acting in the capacity as receivers over the Property in the form of Grant

Thornton UK Advisory & Tax LLP's Insolvency Practitioner Bond Number 049-006-454R5 with Liberty Mutual Insurance Europe SE.

9. The terms of this Order will affect the following persons:
 - a. the Defendant's children Alexander David and Andrew David who may reside at the Property;
 - b. Dorsey & Whitney Trust company LLC as Trustee for the Harmonia Trust;
 - c. any nominee, trustee, agent or attorney appointed by the Respondent, or holding assets (whether directly or indirectly) for it;
 - d. any person who is: (i) subject to the jurisdiction of this Court; (ii) has been given notice of this Order at his residence or place of business within the jurisdiction of this Court; and (iii) is able to prevent acts or omissions in the jurisdiction of this Court which constitute or assist in a breach of the terms of this Order.
10. The Receivers may apply to the Court at any time for directions to assist them in carrying out their function as a receiver in accordance with Practice Direction 69 and CPR Rule 69.6.
11. The Receivers may act jointly and severally.

Receivers Remuneration, Costs and Expenses

12. The Receivers shall be entitled pursuant to CPR Rule 69.7 to charge for their services, to be paid fees and to be indemnified in respect of their liabilities, costs, expenses and disbursements out of the Property subject to the approval this Court.
13. The Receivers shall file accounts showing all monies received by them, distributed by them and remitted by them in 6 monthly intervals from the date of this Order. Those accounts shall be served on the Claimant and the Defendant.

14. Any party served with the Receivers' accounts may apply for an order permitting him to inspect any document in the possession of the Receivers relevant to those accounts by following the procedure set out in CPR Rule 69.8.

Substituted Service and service

15. The Claimant's application for substituted service is granted. Personal service of this Order and subsequent orders, is dispensed with, and the Claimant's solicitors may effect service of this order and any subsequent orders on the Defendant, including service of the Claim Form and Particulars of Claim dated 15 May 2025, the Order transferring the proceedings to the Kings Bench Division dated 23 May 2025, and subsequent orders in those proceedings, by the following methods which will be considered good service:
 - a. By hand and by post to the Defendant at the Property.
 - b. By hand and by post to the addresses for service which are recorded at Companies House as addresses for the Defendant in his capacity as director of SwissX Redd UK Ltd company number 15376647, Filmon.TV UK limited company number 066725244, and Filmon TV Limited company number 06047620:
 - i. 6th Floor, 2 London Wall Place, 6th Floor, London, EC2Y 5AU London;
and
 - ii. 71-75 Shelton Street, Covent Garden, London, WC2H 9JQ.
16. The Claimant's solicitors shall serve a copy of this Order on the Receivers.
17. The Claimant's solicitors shall personally serve Alexander David and Andrew David being the Defendant's children with a copy of this Order at the Property.
18. The Claimant shall serve Dorsey & Whitney Trust company LLC as Trustee of the Harmonia Trust with a copy of this Order at the Property and provide a copy of this Order to its solicitors Charles Russell Speechlys LLP.

Costs

19. The costs of the Receivership Application be reserved.

Liberty to apply

20. The Defendant shall have liberty to apply to set aside or vary this Order upon 48 hours' notice.
21. The Receivers shall have liberty to apply within 7 days of service of the Order.

Service

The Court has provided a sealed copy of this Order to the serving party:

Howard Kennedy LLP, No. 1 London Bridge, London, SE1 9BG:
rebecca.hume@howardkennedy.com and ajay.fournillier@howardkennedy.com.

IN THE HIGH COURT OF JUSTICE

KINGS BENCH DIVISION

Before: The Honourable Mr Justice Freedman

Date: 04 July 2025

BETWEEN

MAHIM KHAN

AND

ALKIVIADES DAVID



KB-2025-001991

Respondent

ORDER

PENAL NOTICE

IF YOU ALKIVIADES DAVID DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE RESPONDENT TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

UPON the Applicant having applied by way of an ex parte application dated 9 May 2025

UPON HEARING Hilary Stonefrost, Counsel for the Applicant

UPON HEARING Ian Chai of Edwin Coe LLP (Counsel), instructed by the Claimant to attend the hearing but not being on the record for the Claimant

AND UPON READING the letter dated 3 July 2025 from Edwin Coe LLP to Howard Kennedy LLP and the emails sent to the Court by the Defendant between 1 and 3 July 2025 inclusive

THIS ORDER

1. This is a Freezing Injunction made against Alkiviades David (“**Respondent**”) on 26 June 2025 by Mr Justice Calver on the application of Mahim Khan (“**Applicant**”). The Judge read the Affidavits listed in Schedule A and accepted the undertakings set out in Schedule B at the end of this Order.
2. The Respondent has a right to apply to the Court to vary or discharge the order — see paragraph 16 below.
3. There will be a further hearing in respect of this order on 25 July 2025 at 10:30am with a time estimate of 2 hours (“**Return Date**”).

FREEZING INJUNCTION

4. Until after the Return Date or further order of the Court, the Respondent must not remove from England and Wales or in any way dispose of, deal with or diminish the value of any of its, her or his assets which are in England and Wales up to the value of £12,000,000.
5. Paragraph 4 applies to all the Respondent’s assets whether or not they are in its, her or his own name, whether they are solely or jointly owned. For the purpose of this order the Respondent’s assets include any asset which it, she or he has the power, directly or indirectly, to dispose of or deal with as if it were its, her or his own. The Respondent is to be regarded as having such power if a third party holds or controls the asset in accordance with its, her or his direct or indirect instructions.
6. This prohibition includes the following assets in particular –

(1) any money standing to the credit of the following bank accounts including the amount of any cheque drawn on such account which has not been cleared:

(a) HSBC Bank Plc – Accounts:

- a. account numbered 32129396 / sort code 40-04-09;
- b. account numbered 11508032 / sort code 40-04-09;
- c. account numbered 51515764 / sort code 40-04-09;
- d. account numbered 31549677 / sort code 40-04-09;
- e. account numbered 93664562 / sort code 40-04-09;

- f. account numbered 71646672 / sort code 40-04-09;
- g. account numbered 61656244 / sort code 40-04-09; and
- h. account numbered 93664554 / sort code 40-04-09

(b) Barclays Private Bank – account numbered: 000548315-DPSA-GBP-R.

7. If the total value free of charges or other securities (“**Unencumbered Value**”) of the Respondent’s assets in England and Wales exceeds £12,000,000, the Respondent may remove any of those assets from England and Wales or may dispose of or deal with them so long as the total unencumbered value of its, her or his assets still in England and Wales remains above £12,000,000.

PROVISION OF INFORMATION

8. This order is the continuation of the existing order dated 26 June 2025 and nothing in this order discharges or varies the previous order which continues to remain in effect, without prejudice to the generality of the foregoing and for the avoidance of doubt this includes paragraphs 9 and 10.
9. "(1) Unless paragraph (2) applies, the Respondent must by 1:00pm on Monday 30 June 2025 and to the best of his ability:
- (a) inform the Applicant's solicitors of all his assets in England and Wales exceeding £20,000 in value whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets.
 - (b) Exhibit bank statements for each of the bank accounts listed in paragraph 6 above, as well as any other bank accounts in his name or to which he has access in England and Wales from 1 January 2024 to the date on which this order is served on him and, to the extent that that is not apparent from those statements, the name of the account holders of those bank accounts.
 - (c) Provide brief details of the source of funds for each of the accounts listed in paragraph 6.

(2) If the provision of any of this information is likely to incriminate the Respondent, she or he may be entitled to refuse to provide it but is recommended to take legal advice before refusing

to provide the information. Wrongful refusal to provide the information is contempt of Court and may render the Respondent liable to be imprisoned, fined or have its, her or his assets seized.

10. Within 10 working days after being served with this order, the Respondent must swear and serve on the Applicant's solicitors an affidavit setting out the above information, to the best of his ability."

EXCEPTIONS TO THIS ORDER

11. This Order does not prohibit the Respondent from spending a reasonable sum on legal advice and representation, but before spending any money, the Respondent must tell the Applicant's legal representatives where the money is to come from.
12. This order does not prohibit the Respondent from dealing with or disposing of any of its, her or his assets in the ordinary and proper course of business, but before doing so the Respondent must tell the Applicant's legal representatives.
13. The Respondent may agree with the Applicant's legal representatives that this order should be varied, but any agreement must be in writing.
14. The order will cease to have effect if the Respondent—
 - (a) provides security by paying the sum of £12,000,000 into Court, to be held to the order of the Court; or
 - (b) makes provision for security in that sum by another method agreed with the Applicant's legal representatives.

COSTS

15. The costs of this application are reserved to the Judge hearing the application on the Return Date.

VARIATION OR DISCHARGE OF THIS ORDER

16. Anyone served with or notified of this order may apply to the Court at any time to vary or discharge this order (or so much of it as affects that person), but they must first inform the Applicant's solicitors. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Applicant's solicitors in advance.

INTERPRETATION OF THIS ORDER

17. A Respondent who is an individual who is ordered not to do something must not do it herself or himself or in any other way. She or he must not do it through others acting on her or his behalf or on her or his instructions or with her or his encouragement.

18. A Respondent which is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

PARTIES OTHER THAN THE APPLICANT AND RESPONDENT

19. Effect of this order

It is a contempt of Court for any person notified of this order knowingly to assist in or permit a breach of this order. Any person doing so may be imprisoned, fined or have their assets seized.

20. Set off by banks

This injunction does not prevent any bank from exercising any right of set off it may have in respect of any facility which it gave to the respondent before it was notified of this order.

21. Withdrawals by the Respondent

No bank need enquire as to the application or proposed application of any money withdrawn by the Respondent if the withdrawal appears to be permitted by this order.

FURTHER DIRECTIONS

22. The Applicant has permission to notify any relevant banks of the fact of this Order without providing prior written notice to the Respondent.

COMMUNICATIONS WITH COURT

All communications to the Court about this order should be sent to the King's Bench Division, KB Judge's Listing Office, Royal Courts of Justice, Strand, London, WC2A 2LL quote the case number. The Telephone number is 020 3936 8957.

The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday.

Approved
Mr Justice Freedman
4 July 2025

SCHEDULE A - AFFIDAVITS

The Applicant relied on the following affidavit-

1. First affidavit of Michelle Usitalo sworn on 8 May 2025 together with Exhibits MU1 and MU2 filed on behalf of the Applicant.

SCHEDULE B – UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT

- (1) If the Court later finds that this order has caused loss to the Respondent and decides that the Respondent should be compensated for that loss, the Applicant will comply with any order the Court may make.
- (2) As soon as practicable the Applicant will issue and serve a claim form in the form of the draft produced to the Court claiming the appropriate relief and pay the appropriate fee.
- (3) The Applicant will serve by post and by hand upon the Respondent together with this order as soon as practicable-
 - (a) the first affidavit of Michaelle Usitalo sworn on 8 May 2025 ("**Usitalo Affidavit**") together with exhibits and any other documents provided to the Court on the making of the application;
 - (b) the Claim Form dated 15 May 2025;
 - (c) the Particulars of Claim dated 15 May 2025;
 - (d) an application notice for continuation of the order; and
 - (e) a full note of the hearing.
- (4) The exhibits to the Usitalo Affidavit, court bundle and authorities bundle may be served on a USB stick (or other electronic drive) together with confirmation in writing that the Respondent may request from the Applicant's solicitors that such documents be provided to the Respondent in hard copy to an address to be provided by the Respondent or in electronic form via a Secure File Sharing Platform to the Respondent's email address if required.
- (5) Anyone notified of this order will be given a copy of it by the Applicant's legal representatives.
- (6) The Applicant will pay the reasonable costs of anyone other than the Respondent which have been incurred as a result of this order including the costs of finding out whether that person holds any of the Respondent's assets and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the Applicant will comply with any order the Court may make.
- (7) If this order ceases to have effect (for example, if the Respondent provides security) the Applicant will immediately take all reasonable steps to inform in writing anyone to whom he

has given notice of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.

NAME AND ADDRESS OF APPLICANT'S LEGAL REPRESENTATIVES

The Applicant's legal representatives are-

Howard Kennedy LLP
No. 1 London Bridge
London
SE1 9BG
Ref: RH15/061514.00004
Tel: +44 20 3755 6000
Email: Rebecca.Hume@howardkennedy.com and Ajay.Fournillier@howardkennedy.com

IN THE HIGH COURT OF JUSTICE

KINGS BENCH DIVISION

Before: The Honourable Mr Justice Cotter

Date: 25 July 2025

BETWEEN

MAHIM KHAN

AND

ALKIVIADES DAVID



KB-2025-001991

Respondent

ORDER

AND UPON the application of the Applicant made notice in Form N600 dated 23 July 2025 for committal of the Defendant (the "**Contempt Application**") for breach (i) paragraphs 9 and 10 of the Order of Mr Justice Calver dated 26 June 2025 and (ii) paragraphs 9 and 10 of the Order of Mr Justice Freedman dated 4 July 2025 (together, the "**Freezing Orders**")

AND UPON a review of the Freezing Orders

AND UPON the application by the Applicant dated 23 July 2025 ("**Variation Application**") to vary the of the Order of Mr Justice Calver dated 26 June 2025 ("**Receivership Order**") appointing Hannah Davie and Christopher Jones as joint receivers ("**Receivers**") over the property known as 4 Wilton Place London SW1X 8RH ("**Property**")

AND UPON the application by the Applicant dated 21 July 2025 to stay the part of the claim relating to Exemplary Damages (as defined in the Particulars of Claim) ("**Stay Application**")

AND UPON the Claimant having requested judgment in default filed on 18 July 2025 ("**Default Judgment**")

AND UPON hearing Hilary Stonefrost, Counsel for the Applicant, and Alkiviades David, the Respondent

AND UPON READING the evidence filed in support of the Variation Application and the Stay Application and the emails sent to the Court by the Defendant between 3 and 25 July 2025 inclusive

AND FURTHER UPON the Court explaining that it acts upon formal applications (N244 as available on line) with fees paid or remitted, and not as a result of e-mails.

IT IS ORDERED that:

1. The Contempt Application shall be adjourned to case management conference ("**CMC**") referred to at paragraph 11 below provided that the Respondent must:
 - (a) provide the information ordered at paragraph 9 of the Freezing Orders to the Applicant's solicitors by no later than 4pm on 28 July 2025; and
 - (b) swear and serve on the Applicant's solicitors an affidavit setting out the information provided pursuant to paragraph 9 of the Freezing Orders to the best of his ability by no later than 4pm on 1 August 2025.
2. In the event that the Respondent fails to provide the information ordered at paragraphs 1(a) and/or 1(b) by the dates set out in those paragraphs the Applicant shall have liberty to apply to the Court to list the Contempt Application to be heard on an urgent basis prior to the hearing of the CMC referred to at paragraph 11.
3. The Receivership Order shall be varied to grant the Receivers and their employees servants or agents power to access the Property for the purposes of securing and valuing the Property for insurance cover and carrying out their functions and powers set out in the Receivership Order.
4. The Respondent must grant the Receivers, and their employees, servants or agents access to the Property for the purposes of carrying out the power set out in paragraph 3 by no later than 5pm on Friday 1 August 2025.
5. The Receivers and their employees, servants or agents shall be accompanied by the police when attending the Property in accordance with paragraphs 3 and 6.

6. In the event that the Respondent fails to grant the Receivers and their employees, servants or agents access to the Property in accordance with paragraph 3 above, the Receivers and their employees servants or agents shall be entitled to attend upon the Property and change the locks for the purposes of being able to carry out the power set out at paragraph 3 above.
7. The Attorney General of the Government of Antigua and Barbuda shall be at liberty to apply to vary or discharge the Receivership Order on the grounds that they have an interest in the Property on 14 days, notice to the Applicant.
8. Subject to the Respondent complying with paragraphs 1(a) and 1(b) above the Respondent may apply to set aside the Default Judgment.
9. Any application to set aside the Judgment in Default in accordance with paragraph 8 must be accompanied by a draft defence which must be contained in a single document and filed with the court and served on the Applicant by 4pm on 8 August 2025 and the appropriate application fee must be paid.
10. The part of the claim relating to Exemplary Damages set out at paragraphs 5.2, 8 to 11, 21.2, 22.2 and 22.4 (interest relating to paragraph 22.2 only) of the Particulars of Claim dated 15 May 2025 be stayed with liberty to apply.
11. The claim shall be reserved for case management by Mr Justice Cotter and a CMC to be listed on a date to be fixed with a time estimate of 1 day.
12. Costs Reserved.

AND FURTHER

The Court suggests/invites (BUT DOES NOT ORDER) that the Defendant seek some medical advice about the potential effects of his diagnosed medical conditions on, and implications for his health given the conduct of, this litigation

Service

The Court has provided a sealed copy of this Order to the serving party:

Howard Kennedy LLP, No. 1 London Bridge, London, SE1 9BG:

rebecca.hume@howardkennedy.com and ajay.fournillier@howardkennedy.com

IN PRIVATE

Neutral Citation Number: [2025] EWHC 2377 (KB)
Case No: KB-2025-001991

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

The Rolls Building
7 Rolls Buildings
Fetter Lane
London EC4A 1NL

Thursday, 26 June 2025

BEFORE:

MR JUSTICE CALVER

BETWEEN:

MAHIM KHAN

Claimant/Applicant

- and -

ALKIVIADES DAVID

Defendant/Respondent

MS H STONEFROST (instructed by Howard Kennedy LLP) appeared on behalf of the
Claimant/Applicant

The Defendant/Respondent did not appear and was not represented

JUDGMENT

(Approved)

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(Official Shorthand Writers to the Court)

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1. MR JUSTICE CALVER: This is an application by the claimant, Ms Mahim Khan ("Ms Khan") by which she seeks the following relief: firstly, an order that Hannah Davey and Christopher Jones of Grant Thornton UK Advisory & Tax LLP be appointed as joint receivers over the freehold and leasehold interests in the property known as 4 Wilton Place, London SW1X 8RH ("the Property") pursuant to section 37(1) of the Senior Courts Act 1981; in the alternative, she seeks a freezing injunction over the Property pursuant to the same section. Secondly, a freezing injunction over the defendant's eight bank accounts held with HSBC Bank plc at 16 King Street, Covent Garden, London, and over the bank account with Barclays Bank plc at 1 Churchill Place, London ("the Bank Accounts"), together with an order for disclosure of information such as bank statements for the purposes of enforcing the freezing injunction.
2. The way in which this claim arises is as follows. The claim that Ms Khan brings is in respect of judgment debts owed by the defendant to her pursuant to a judgment in her favour following a trial by jury in proceedings brought by her against the defendant in the Superior Court of the State of California for the County of Los Angeles ("the US Proceedings"). Ms Khan worked for the defendant and a number of companies in California. He was the CEO of most of those companies. The jury in the US proceedings determined that the defendant had wilfully, knowingly and intentionally discriminated against Ms Khan, subjected her to sexual harassment and sexual assault and committed violent acts against her. As a result, it was found that she had suffered economic loss and extreme and severe mental anguish and emotional distress.
3. The determination of the US court was that Ms Khan should be compensated in the total sum of \$59,732,050, and that was made up of three separate elements: firstly, compensatory damages in the sum of \$8,250,000, with interest thereon at a rate of 10 per cent per annum from 21 January 2020, which is the date of the judgment, until payment (that is the compensatory award); secondly, punitive or exemplary damages in the sum of \$50 million, and the reason for that award was because the defendant was found to have engaged in harassing and/or violent conduct with malice, oppression or fraud (interest ran at the same rate and date as the compensatory award); and thirdly, legal costs comprising attorneys' fees of some \$1,398,000 and costs of \$74,000-odd,

together with interest at a rate of 10 per cent per annum from 3 February 2021, which is the date of entry of the corrected judgment, until they are paid.

4. Ms Khan's claim in these proceedings is in respect of the entire judgment debt owed by the defendant to her. She gives credit for the sums she has to date managed to recover from the defendant's assets. Those sums are as follows. In the US she has recovered a share from the sale of the defendant's Malibu property which overall recovered some \$1.2 million. Separately, in proceedings in Greece, in relation to a property owned by the defendant there, she has recovered some \$9 million and, for the purposes of today at least, I take the figure as being roughly \$10.5 million recovered by her to date.
5. I emphasise that regarding those sums which Ms Khan has recovered, she has applied to reduce the punitive or exemplary element of her judgment award, which reduces it therefore from \$50 million down to some \$39.5 million. However, Ms Stonefrost, who appears on behalf of Ms Khan before me, has emphasised that, so far as this application is concerned, Ms Khan seeks relief in relation only to the compensatory award and the legal costs award, not the punitive exemplary award, recognising, sensibly and fairly, that there is an argument, to put it neutrally, that enforcement of a US judgment for exemplary or punitive damages might be refused on grounds of public policy (see *JSC VTB Bank v Skurikhin & Ors* [2014] EWHC 271 and the cases cited therein, namely *Lewis v Eliades & Ors* [2004] 1 WLR 692 and *SA Consortium General Textiles v Sun and Sand Agencies Ltd* [1978] 1 QB 279, in particular Lord Denning's judgment at pages 299 to 300).
6. So far as the compensatory damages are concerned, as at 8 May 2025 I am told that some \$11 million is owed, and so far as legal costs are concerned, some \$1.5 million is owed, and therefore the total sum owing (and obviously this sum continues to increase daily because of the interest on these sums) is some \$12 million or so. That is the background so far as the US Proceedings are concerned.
7. The background so far as the need to bring this application is concerned is set out fully and helpfully in particular in the first affidavit of Michelle Usitalo dated 8 May 2025 and summarised also helpfully in Ms Stonefrost's skeleton argument. It strongly supports Ms Khan's case that, given the defendant's statements and conduct to date, it is

highly likely that, unless restrained by this court, he will take steps to prevent Ms Khan from obtaining any value from the Property and may also seek to dissipate the assets he has available for enforcement here in England and Wales. In particular, Ms Usitalo refers to the fact that the defendant treated the trial process in California with contempt, he verbally abused the judge and the attorneys and on several occasions failed to comply with court orders. Following the delivery of the US judgment, there was a debtor's examination of the defendant during which he swore and threatened counsel, was escorted out of the examination room by the court sheriffs, and the court reporter had to call the police. Moreover, he failed to produce a single document reflecting his financial position despite being obliged to do so during the debtor examination. He filed at least six law suits in various states and federal courts of the United States, asserting claims against Ms Khan, her counsel Ms Reeves, who was another alleged victim of the defendant, the governor of California, the judges who presided over the trials and so on, and all of those lawsuits were either dismissed or withdrawn.

8. More specifically so far as properties are concerned and the need to appoint a receiver over the defendant's Wilton Place property, it is notable that the defendant sought to obstruct the enforcement of the US judgment in the United States against his Malibu property, and his behaviour caused the value of the Property to become significantly reduced. He sought to frustrate the sale by preventing access by using security guards, making it difficult to arrange viewings, and this affected the value of the Property. His US visa was revoked but nonetheless he still attempted to scare away potential purchasers by leaving guns around the Property and gaining access to the intercom system at the Property whereby he threatened to sue potential purchasers. The consequence of his behaviour was that the original sale price of the Malibu property of \$23 million was reduced and indeed the Property was sold for \$16.5 million, with the outstanding mortgage not being paid in full. That was the position with the Malibu property.
9. So far as the Property in Switzerland is concerned, his conduct was possibly even more outrageous because, as Ms Usitalo says in her witness statement at paragraph 48, following the defendant's unsuccessful appeal in the US Proceedings, the claimant filed a second request for the attachment of a Swiss chalet on 7 March 2023. The court granted the request and sent the attachment order confirming the attachment on

9 March 2023. The claimant continued the procedure to validate the attachment by the debt collection office, but in August 2023 Ms Usitalo says, "We were informed of the sale of the chalet by a press article. The Swiss chalet was sold by the defendant on or about 29 December 2022 to a third party for 27.5 million Swiss francs." That was despite the fact that Ms Reeves, who I mentioned earlier, had secured an attachment in October 2021 on the Swiss chalet in respect of her compensatory award.

10. So far as Ms Khan is concerned, when she sought to enforce the US judgment against the defendant's Swiss chalet, the defendant objected to that and appealed every filing and court decision. He then made allegations that Ms Khan was part of a conspiracy against him, that she was a criminal, and the Swiss court rejected all of his appeals and objections other than one, namely his objection to the recognition of the punitive or exemplary award of damages. Similarly, with the enforcement process in Greece against the Greek property that I have already mentioned, which was owned by the defendant, that enforcement process became significantly protracted because the defendant filed appeals, objections and lodged allegations of conspiracy to delay the enforcement, all of which were unfounded.
11. It follows, Ms Khan submits, that she needs the protection of a receiver in relation to the English property because if receivers are not appointed there is a clear risk that the Property will be damaged or dissipated by the defendant and that he will take steps in any event to significantly protract the process of enforcing against that property. His behaviour in relation to the other properties, as I have mentioned, firmly supports that fear.
12. The court has the power to appoint receivers over the Property pursuant to section 37(1) of the Senior Courts Act which provides:

"The High Court may by order (whether interlocutory or final) grant an injunction or appoint a receiver in all cases in which it appears to the court to be just and convenient to do so."

In deciding whether or not to appoint receivers, the demands of justice are the overriding consideration (see *Masri v Consolidated Contractors International (UK) Ltd (No 2)* [2008] EWCA Civ 303).

13. As to the principles on which a receiver is appointed by the court, those are helpfully summarised by Males J (as he then was) in *Cruz City I Mauritius Holdings v Unitech Ltd & Ors (No 2)* [2014] EWHC 3131 (Comm) at paragraph 47, and in particular paragraph 47(c), where the judge said this:

"The jurisdiction will not be exercised unless there is some hindrance or difficulty in using the normal processes of execution, but there are no rigid rules as to the nature of the hindrance or difficulty required, which may be practical or legal, and it is necessary to take account of all the circumstances of the case."

Subject to that, as the judge stated:

"The overriding consideration in determining the scope of the court's jurisdiction is the demands of justice. Those demands include the promotion of the policy of English law that judgments of the English court and English arbitration awards should be complied with and, if necessary, enforced."

14. The same applies, in my judgment, to judgments of, in this case, the Californian court which may be enforced by a claim for the amount due in this country, if the judgment is for a debt or a definite sum of money and the judgment is final and conclusive. Both of those features are present in the instant case and, as I have said, Ms Khan does not seek on this application to rely on the exemplary damages element of her judgment. Accordingly, Ms Khan invites me to appoint receivers over the Property to preserve it from the dangers that I have mentioned, which I consider are likely to transpire once the defendant becomes aware of the terms of the order I propose to grant.
15. The two insolvency practitioners whom I have mentioned are both experienced and have indicated they are willing to be appointed by the court to act as receivers, and security is to be provided in the form of a bond, provided under the Insolvency Practitioner Regulations to cover their appointment as court-appointed receiver. That bond is in place. Subject to the precise wording of that order, in my judgment it is appropriate, being clearly just and convenient, to make that order.
16. Separately, Ms Khan seeks a freezing order over the Bank Accounts of the defendant. Three requirements must be satisfied for a freezing order to be granted pursuant to the power set out in sections 37(1) to (3) of the 1981 Act, namely that there is a good

arguable case on the merits, that there is a real risk that a judgment against the respondent may not be satisfied as a result of unjustified dealing with the respondent's assets, and thirdly that it is just and convenient to grant the order sought. In this case the claimant has a judgment of the US court, which, so far as the compensatory and legal costs elements are concerned, is enforceable in the English jurisdiction. The function of a post-judgment freezing order was restated in *Emmott v Michael Wilson & Partners Ltd* [2019] EWCA Civ 219 [53] where Gross LJ said as follows:

"First, post-judgment Mareva injunctions are granted to facilitate execution, by guarding against a risk of dissipation over the period between judgment and the process of execution taking effect, where the judgment would remain unsatisfied if injunctive relief was refused ... by reason of its nature and as a matter of realism, a post-judgment [freezing order] will increase the pressure on a defendant to honour the judgment debt. The mere increase in such pressure does not make it illegitimate or 'in terrorem'."

17. In this context the authorities have repeatedly emphasised that a freezing order will be granted more readily after judgment than before (see, for example, *Masri v Consolidated Contractors (UK) Ltd* [2008] EWCA Civ 288 [134]). In the light of the features of the case I have already mentioned, I consider that Ms Khan can clearly establish a good arguable case.
18. Turning to the real risk of dissipation, the following principles are well known and were set out by Males J (as he then was) in *National Bank Trust v Yurov & Ors* [2016] EWHC 1913 [70], which has been cited with approval in a number of more recent cases, in particular *Ivanhoe Mines Ltd v Gardner* [2020] EWHC 144 (Comm) [10] per Foxton J, as follows:
 - (a) The claimant must demonstrate a real risk that a judgment against the defendant may not be satisfied as a result of unjustified dealing with the defendants' assets.
 - (b) That risk can only be demonstrated with solid evidence. Mere inference or generalised assertion is not sufficient.

IN PRIVATE

- (c) It is not enough to rely solely on allegations the defendant has been dishonest; rather, it is necessary to scrutinise the evidence to see whether the dishonesty in question does justify a conclusion that assets are likely to be dissipated.
- (d) The relevant enquiry is whether there is a current risk of dissipation. Past events may be evidentially relevant but only if they serve to demonstrate a current risk of dissipation of the assets now held.
- (e) The nature, location and liquidity of the defendant's assets are important considerations.
- (f) Whether or to what extent the assets are already secured or incapable of being dealt with is also relevant.
- (g) So, too, is the defendant's behaviour in response to the claim.
19. In addition to that general guidance, the authorities indicate that the following factors may be relevant to establish a real risk of dissipation. First is the fact that the judgment debt has not been paid. That has particular weight in a case such as the present where the respondent has made no adequate attempts to meet the judgment, and even on his own case has sufficient assets to pay the judgments but is simply refusing to do so. Second, evasiveness or a failure to disclose information about the respondent's assets is a relevant factor. Again, that applies in the present case. Third, findings of bad faith or dishonesty by the respondent or that the respondent has given evidence false or known to be false is relevant. That has increased weight where the false evidence is related to the sort of conduct that might be involved in evading enforcement or dissipating assets. In the present case that seems to me also to be applicable so far as the defendant's behaviour is concerned in relation to the Malibu property, the Swiss property and the Greek property.
20. It seems to me that in the light of the factors I have mentioned, Ms Khan has established a strong case for demonstrating there is a real risk of dissipation of the defendant's/respondent's assets in this case unless the court grants freezing injunctive relief. Certainly it is clear from his behaviour that he is likely not voluntarily to

cooperate with this court bearing in mind his lack of cooperation at all times with the American court.

21. Finally, coming to the balance of convenience, that requirement involves consideration of all the circumstances of the case to determine whether it is just and convenient to grant the order sought. Where a post-judgment freezing order is sought, the existence of a binding judgment against the respondent, combined with a real risk of dissipation, has been held to give rise to a powerful case for granting a worldwide freezing order such that there would have to be particularly strong grounds for refusing freezing order relief (see the case of *Great Station Properties SA v UMS Holding Ltd* [2017] EWHC 3330 [56], [63]). That is the case here.
22. So for all those reasons, I grant the relief sought both as to the appointment of a receiver and as to the freezing injunction relief, and it just remains to discuss the wording of those draft orders with Ms Stonefrost.

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Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof.

Lower Ground, 46 Chancery Lane, London WC2A 1JE

Email: civil@epiqglobal.co.uk

This transcript has been approved by the Judge

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

The Rolls Building
7 Rolls Buildings
Fetter Lane
London EC4A 1NL

Thursday, 26 June 2025

BEFORE:

MR JUSTICE CALVER

BETWEEN:

MAHIM KHAN

Claimant/Applicant

- and -

ALKIVIADES DAVID

Defendant/Respondent

MS H STONEFROST (instructed by Howard Kennedy LLP) appeared on behalf of the Claimant/Applicant

The Defendant/Respondent did not appear and was not represented

PROCEEDINGS

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A (2.00 pm)

MR JUSTICE CALVER: Yes. Good afternoon.

MS STONEFROST: Good afternoon, my Lord. You will have understood that I appear for Ms Khan, who is the claimant in these proceedings and the applicant, and that it is made without notice to Mr David.

B MR JUSTICE CALVER: Yes.

MS STONEFROST: The court file has also been sealed, although the existence of the application did make a brief appearance on Solomonic, I understand, for a couple of hours.

C MR JUSTICE CALVER: On what, sorry?

MS STONEFROST: Solomonic is the process where you get an email where you get told what cases are coming up.

MR JUSTICE CALVER: Ah.

MS STONEFROST: But it has been sorted out now.

D MR JUSTICE CALVER: Okay. Yes.

MS STONEFROST: I do not know what you have had. There is an awful lot of documents, most of which are there really as backup for the evidence before you.

E MR JUSTICE CALVER: Yes. I have read, I think, what I need to. What I would just like to understand is what recoveries you have made so far, as this is a little difficult to follow. They have all been applied, have they, to the exemplary damages element?

MS STONEFROST: Yes.

F MR JUSTICE CALVER: Is that because that is the uncertain element, as to whether you can enforce that, so she wants to maximise the sum that she can recover here?

MS STONEFROST: The compensation. Yes. I think, in summary, the position is this: in the US punitive damage is admitted, obviously, because the US court made the order in the first place. In Switzerland, as a result of litigation my client was involved in there, they are not permitted, but no recoveries have been made in Switzerland anyway, and in Greece they are permitted. So in the two jurisdictions where my client has made recoveries, it is permissible to apply to bring claims for punitive damages.

H MR JUSTICE CALVER: In Greece?

MS STONEFROST: In Greece and in the US, yes.

MR JUSTICE CALVER: Yes.

A

MS STONEFROST: The amount that has been recovered in the US -- well, there is \$1.2 million from the Malibu property, and we do not know precisely how much Ms Khan is going to get of that 1.2 million.

MR JUSTICE CALVER: I see, 1.2 million is what is recovered overall?

B

MS STONEFROST: It is what is left over after the charge-holder has been paid and expenses have been paid.

MR JUSTICE CALVER: I see. Right. So she will get a share of that.

MS STONEFROST: She will get a share of that under a confidential distribution agreement which is why I cannot tell you exactly how much it is.

C

MR JUSTICE CALVER: Yes, okay. Anyway.

MS STONEFROST: So we have deducted ... So the 1.2 million comes off the punitive damages which started at 50 million, and then there has been a recovery in the Greek proceedings -- I was just looking for the precise number, I did put it somewhere in my skeleton -- of about €8 million, I think. Oh, with interest, something in the order of 9 million.

D

MR JUSTICE CALVER: So what is that in dollars, roughly?

MS STONEFROST: \$9 million. It is actually in footnote 5. I am sorry.

E

MR JUSTICE CALVER: Yes.

MS STONEFROST: Since the application was issued, Ms Khan received 9,288,740, so it is from that.

MR JUSTICE CALVER: Yes, okay.

F

MS STONEFROST: So what that leaves is the punitive damages reduced from 50 million to 39 million-odd, leaving aside the interest that is accruing on that, 10 per cent per annum.

MR JUSTICE CALVER: Okay. Yes. So as a working figure, let us say 10.5 million has been recovered there.

G

MS STONEFROST: And those are the only recoveries.

MR JUSTICE CALVER: Okay, yes.

MS STONEFROST: So then the compensatory damages, which were calculated in sterling as at 8 May -- the dollar figures in the text, I just have the sterling one -- is 11 million.

H

MR JUSTICE CALVER: Sorry, what is the 11 million?

A MS STONEFROST: The compensatory damages, so the compensatory award that is the normal --

MR JUSTICE CALVER: You mean that she actually got?

MS STONEFROST: That she actually got, yes.

MR JUSTICE CALVER: Yes.

B MS STONEFROST: So --

MR JUSTICE CALVER: With interest?

MS STONEFROST: Yes. And then interest is accruing at about £2,000 a day.

MR JUSTICE CALVER: Hang on. As at 8 May, in US dollars, what was the figure?

C MS STONEFROST: About £11 million. Just over £11 million.

MR JUSTICE CALVER: Is owed. Okay. Yes.

MS STONEFROST: And interest is accruing at about £2,000 a day. There is no magic of 8 May. That was just the date on which the evidence was filed and the application was filed. And there is no issue about the enforceability of the compensatory award, the regular damages award, translated into a judgment debt.

D MR JUSTICE CALVER: Yes.

MS STONEFROST: Then there is a small amount of legal costs, which is probably about £1.5 million. There is no question about the enforceability of that.

E MR JUSTICE CALVER: That is about \$1.5 million, is it not?

MS STONEFROST: Yes.

MR JUSTICE CALVER: Yes.

MS STONEFROST: So that is what she is owed. The reason for --

F MR JUSTICE CALVER: I see, and that is why you have your figure of £12 million.

MS STONEFROST: Yes.

MR JUSTICE CALVER: Because you are looking at the compensatory and the legal costs.

MS STONEFROST: Yes.

G MR JUSTICE CALVER: Yes.

H MS STONEFROST: So I am looking at the debts in the judgment which are all awarded separately, which are undoubtedly enforceable in this jurisdiction. You will have seen from my skeleton that we will only have to look briefly at the *Dicey and Morris* issue and the enforceability of US judgments at common law in this

A jurisdiction because it is not something you are being asked to decide today, but I need to make sure, making full and frank disclosure on a without notice application, that we are not asking you to take into account punitive damages because there may be an issue about whether that is enforceable.

MR JUSTICE CALVER: Yes, that is why I wanted to understand the figures.

B MS STONEFROST: Yes. The other aspect of the figures, my Lord, is probably the value of the assets. Would it be helpful just to look at that as well?

MR JUSTICE CALVER: Yes.

MS STONEFROST: So what we are asking you to do is to appoint a receiver or alternatively make a freezing order over a property in London.

C MR JUSTICE CALVER: Yes.

MS STONEFROST: There has been a drive-by valuation of that property which has put it at £9 million.

MR JUSTICE CALVER: Yes.

D MS STONEFROST: Then there is a very complicated story involving entries on the Land Registry, which according to enquiries made by Ms Khan's legal team, looks very shadowy, but even if we take that into account, the most it looks like there is is a charge of \$3 million.

MR JUSTICE CALVER: Yes.

E MS STONEFROST: The most that could be charged is about \$3 million, so it still leaves a substantial amount of equity in the property of about 6 million. Well, it is the estimated value of the property taking into account that charge, which obviously, if the receivers are appointed, they will investigate. Well, sorry, there is not a charge, there is a promissory note and a reference to a charge and an entry F on the Land Registry. The estimated value is just over £6.5 million -- the equity value in that, which would be available to Ms Khan if the property were sold and if the promissory note and the charge were valid.

G MR JUSTICE CALVER: So if the exemplary damages award is not enforceable here as a matter of public policy, then if you get your receiver order plus your freezing order you would be overcompensated or you would freeze more assets than the value of the claim, would you?

H MS STONEFROST: No, the other way ... Well, leaving aside the bank accounts, because we do not know how much is in there --

MR JUSTICE CALVER: Well, you want to freeze 12 million.

A MS STONEFROST: The most that we can freeze is the maximum value of the property, 9 million.

MR JUSTICE CALVER: Well, in your draft order you have your receivership, appointment of receivers order over the property, and then you also have your freezing order up to the value of 12 million.

B MS STONEFROST: Well, "up to the value of" means that is the amount we know to be enforceable. The value of the assets do not come up to that. Well, the value of the property does not come up to that because it is 9 million and we have a debt of 12 million.

C MR JUSTICE CALVER: Sorry, I do not quite follow. You are saying that you want to freeze his assets up to 12 million and that he can pay the 12 million into court if he wants to avoid the effect of the order?

MS STONEFROST: Yes, because at the moment we are seeking the order in respect of the compensatory award and the legal costs, about 12 million.

D MR JUSTICE CALVER: Yes.

MS STONEFROST: If he pays that then we will have to see what we can do about the punitive damages because that is a different issue, but he has not paid it. At the moment, to the best of our information, the property is worth 9 million, so there is still going to be a shortfall on the property. What we do not know is what is in the bank accounts, but --

MR JUSTICE CALVER: So how have you arrived at these figures in para 8 of the draft order, the freezing order?

F MS STONEFROST: The freezing order or the ...?

MR JUSTICE CALVER: The freezing order.

MS STONEFROST: Okay. I will just look. **(Pause)**. I think that might be --

MR JUSTICE CALVER: Sorry, why is that not just 12?

G MS STONEFROST: I do not know the answer to that, my Lord. I think those numbers are just not right.

MR JUSTICE CALVER: No. Well, that is what was confusing me.

MS STONEFROST: Yes. I am sorry that is a confusion.

MR JUSTICE CALVER: No, it is all right.

H

A MS STONEFROST: I had not actually looked at the numbers in that order and I should have done, but I have given you the numbers from the sworn evidence. I think it was probably that it took a long time to put these things together and things moved on.

MR JUSTICE CALVER: Yes. The figure in 5 should be dollars, should it not, not pounds?

B MS STONEFROST: Yes. We can put dollars in.

MR JUSTICE CALVER: Well, I mean that is --

MS STONEFROST: The dollar equivalent.

MR JUSTICE CALVER: It should be, should it not?

C MS STONEFROST: Yes, yes.

MR JUSTICE CALVER: And then 8 will --

MS STONEFROST: And the dollar value there would be the compensation award and the legal costs award, together with whatever interest has accrued.

MR JUSTICE CALVER: Yes, exactly.

D MS STONEFROST: Sorry, my Lord. I did not realise the source of your confusion. I should have noted that.

MR JUSTICE CALVER: No, I just want to understand the figures. That is fine. Okay. I understand now.

E MS STONEFROST: So what we do not know is what is in the bank accounts, but obviously if a freezing order is made that is something we can find out quite quickly. There may be nothing or there may be a lot of money, but we just do not know what we might get out of that.

F MR JUSTICE CALVER: Yes. Obviously, you have had the proceedings in the States. In terms of making sure that the order or orders come to his attention, do you have email addresses or anything like that?

G MS STONEFROST: We do not. What we do have, and this is probably unusual because it has been ... Is a very clear service process under the Companies Act because --

MR JUSTICE CALVER: Yes, no. I am very familiar with --

MS STONEFROST: Yes. We do not know where he is and we do not have email addresses.

H MR JUSTICE CALVER: Okay.

MS STONEFROST: We have discovered there is, somewhere in the evidence, a glossy brochure with him appearing in it somewhere in Antigua.

A MR JUSTICE CALVER: Yes, I saw.

MS STONEFROST: He clearly has a business interest there, but whether he is there we just do not know.

B MR JUSTICE CALVER: Sorry, how were you communicating with him in the States? Was that just through his lawyers in the States?

MS STONEFROST: Yes.

MR JUSTICE CALVER: Yes.

MS STONEFROST: But then he got banned from the States so his visa was withdrawn.

C MR JUSTICE CALVER: Yes.

MS STONEFROST: So we knew where he lived in the States, he lived in Malibu, in a Malibu property, but he got his visa withdrawn so he cannot be living there. We just do not know where. And he is a British citizen so he might be here.

D MR JUSTICE CALVER: Yes, okay.

MS STONEFROST: Okay. Subject to anything you would prefer me to do, I was just going to show you some points about the defendant's behaviour, because it is really that that is driving the need to get as much protection for Ms Khan as we possibly can in terms of enforcing her judgment, and then address the power to appoint receivers unless you already are very familiar with --

E MR JUSTICE CALVER: I have the evidence about the way he has behaved, and it is pretty outrageous. So far as the appointment of receivers is concerned, do you want to add to what you have said in your skeleton?

F MS STONEFROST: Yes, I might just add a few points.

MR JUSTICE CALVER: Yes.

MS STONEFROST: I mean, on his behaviour I just want to make clear there are two angles. Well, there is what he was convicted of, but I will leave that to one side. There is also his conduct and his complete disregard for any court process or any orders of the court and complete disrespect.

G MR JUSTICE CALVER: Yes.

MS STONEFROST: I have picked out bits of the Court of Appeal's judgment on his behaviour but I am sure you do not need to see it.

H MR JUSTICE CALVER: If you want to show me, feel free, if there is --

A MS STONEFROST: If you are already of the view, having seen what you have got, that it is egregious, I do not need to do that.

MR JUSTICE CALVER: Yes.

B MS STONEFROST: But he did not comply. There is one point I ought to make because it might be said against us if this is ever opposed on an **inter partes** hearing: that the process was unfair because he was at one point told he could not represent himself anymore because of the disruption he was causing. But he obviously has the resources to employ lawyers, should he choose to do so. He appealed to the Court of Appeal on the grounds that that was an unfair process and that was dismissed by the Court of Appeal, so that has already been looked at because he was swearing at people in court, disparaging people in court, disparaging the judge, refusing to comply with any orders, storming out and shouting at members of the jury, just really no respect at all for the legal process, which is why we have kept what we could keep secret about coming here today to get the order, because he might well have disrupted everything had he known about it.

D MR JUSTICE CALVER: Yes, and you say that his behaviour, particularly in relation to the Malibu property, informs the relief that you require and not merely a freezing injunction but receiver order.

E MS STONEFROST: Receivers order, yes. I have to make clear, as I am sure your Lordship knows, that it is not that common to appoint receivers rather than get a freezing injunction, and it has to be some behaviour that is out of the norm, but in our submission his conduct is way out of the norm, both in terms of his contempt for everybody involved in the legal process and also the way he behaved over the sale of the Malibu property which ended up reducing the value that was obtained from it from about 23 million, which was the original offer price, to about 16 million because of the way he was disrupting the sales process and threatening potential purchasers.

F G MR JUSTICE CALVER: Yes.

H MS STONEFROST: So yes, there are two angles to it. There is the way he behaved in the court process and also the way he behaved once enforcement came along. The other reason for this is that in Switzerland, even though Ms Khan had an attachment order, he still managed to sell the property. So that is another reason

why we want to go one step further. She did not get anything out of the enforcement over the Swiss property.

A

MR JUSTICE CALVER: Yes.

MS STONEFROST: I do not think I need to say any more about what has driven us to come here. On the power to appoint receivers, let me just --

MR JUSTICE CALVER: The sale of the Swiss property in breach of the court order -- is that the Swiss chalet that you referred to in 28?

B

MS STONEFROST: Yes. The chronology of that is in paragraph 48 of the witness statement of Michelle Usitalo, which is --

MR JUSTICE CALVER: Yes, I have that. Sorry, para 48?

C

MS STONEFROST: Paragraph 48. Perhaps I could just ask you to read that.

MR JUSTICE CALVER: Yes.

MS STONEFROST: So managed to thwart that completely and then delayed hugely the Greek process, but she did in the end get something.

MR JUSTICE CALVER: Yes.

D

MS STONEFROST: So on the power to appoint receivers, you will have seen it is section 37(1). It is referred to as equitable execution, which seems just to be a tag that distinguishes it from being a creditors appointment under a mortgage or what used to be an appointment under the Insolvency Act. Most of the debate in the authorities is about whether the **(Inaudible)** and the restrictions on how the court could exercise its discretion to appoint receivers still continued after the 1981 statute that introduced those words. In general, the position is simply that there are no restrictions on what you can do. It all depends on the circumstances. It is not completely unfettered, but I can give you the summary that comes in. There is the case of *Cruz City 1 Mauritius Holdings v Unitech Ltd & Ors (No 2)* [2014] EWHC 3131 (Comm) in the authorities. I do not think I need to take you to it, but it is paragraph 47 of that authority. The judge makes five points. One is that the overriding consideration ... Would you prefer to see the authority?

E

F

G

MR JUSTICE CALVER: Yes, I would actually.

MS STONEFROST: Okay. Are you happy looking at your own screen or would you prefer a bundle?

MR JUSTICE CALVER: Let me see if I can bring it up. **(Pause)**. Yes.

H

MS STONEFROST: It is tab 5.

MR JUSTICE CALVER: Which paragraph is it?

A MS STONEFROST: I think it is 47. That is where you get Males J summarising the position.

MR JUSTICE CALVER: 47. Is it where he says, "The first question," or have I got --

MS STONEFROST: No, "In the light of these and others' statement cited."

MR JUSTICE CALVER: I have the wrong one, sorry. No, it is not right.

B MS STONEFROST: Are you in tab 5? It is *Cruz City* in tab 5.

MR JUSTICE CALVER: The authorities never made their way to me; I do not have any.

MS STONEFROST: Oh, okay. Can I hand you up a bundle.

C MR JUSTICE CALVER: Yes, thank you.

MS STONEFROST: I am sorry about that.

MR JUSTICE CALVER: No, I know it is not your fault. I suspect it is the listing office's issue. **(Handed)**. Thank you.

MS STONEFROST: Tab 5, paragraph 47.

D MR JUSTICE CALVER: Yes. **(Pause)**. Yes.

MS STONEFROST: It is probably only point (c), "unless there is some hindrance or difficulty", that needs to be addressed. In this case we are saying that hindrance and difficulty is the way the defendant conducts himself vis-à-vis other people.

E MR JUSTICE CALVER: Yes, thank you.

MS STONEFROST: We say that in the circumstances of this case it is just and convenient to appoint receivers and that it should be done to give the highest level of protection to Ms Khan in the context of Mr David's behaviour. The other advantages of having receivers in there is that they will be able to value the property, they will be able to investigate whether there is anything in this promissory note and the charge, and they will know about the property, so that when it comes to a sale, if it comes to that to get some money from Ms Khan, they will be in a much better position to proceed with a sale promptly.

F MR JUSTICE CALVER: Yes.

MS STONEFROST: Unless I can help you further on receivers, that is all I was going to say.

G MR JUSTICE CALVER: Thank you, yes.

H

A MS STONEFROST: On the freezing injunction point, the evidence of dissipation we have already dealt with in terms of Mr David's behaviour. There is an undertaking in damages included in the draft order that Ms Khan is prepared to give, so it really is whether there is a good arguable case on the merits.

B MR JUSTICE CALVER: And presumably you say the undertaking does not require to be fortified in circumstances where she has already received -- how much is it -- about 10 million?

C MS STONEFROST: Yes, we say that. Also it is difficult to see what possible loss could be caused in relation to the bank accounts, because once we know what is in them then a decision will be made one way or another and Mr David will have an opportunity to oppose the order should he wish to do so. However, they do not appear to be company trading bank accounts, so far as we can tell. So on the merits there is not really any issue as to the merits of --

D MR JUSTICE CALVER: No, this is post-judgment, is it not?

MS STONEFROST: It is post-US judgment. We have to enforce it here.

D MR JUSTICE CALVER: Yes.

E MS STONEFROST: So it is all those wrinkles in *Dicey and Morris* about enforcement of judgments at common law, but it is undoubtedly a final judgment. It is undoubtedly for a debt. Those are the two requirements. Then there are a lot of rules about when you cannot enforce a judgment. A couple of them could potentially apply to the punitive damages, but we are not asking you to decide that. I did bring along the relevant chapter of *Dicey and Morris* if you wish to go through --

F MR JUSTICE CALVER: I am aware of this point because I gave judgment in a case called *Motorola Solutions Inc & Anor v Hytera Communications Corporation Ltd & Ors* [2024] EWHC 2891 (Comm), which was concerned with the Protection of Trading Interests Act.

MS STONEFROST: Right, yes. So that is rule 60, is it not?

G MR JUSTICE CALVER: That is section 5 of the Protection of Trading Interests Act, yes.

MS STONEFROST: Yes.

MR JUSTICE CALVER: That is where you have a damages award that is a multiple.

H MS STONEFROST: Multiples, yes.

A MR JUSTICE CALVER: I am familiar with the cases on exemplary damages. There are basically three cases, are there not? There is *JSC VTB Bank v Skurikhin & Ors* [2014] EWHC 271 and then that case itself I think cites *Lewis v Eliades & Ors* [2004] 1 WLR 692.

MS STONEFROST: I did bring a copy of that, but I realise I have not referred to it in my skeleton.

B MR JUSTICE CALVER: Yes. Then there is Lord Denning's judgment, *SA Consortium General Textiles v Sun and Sand Agencies Ltd* [1978] 1 QB 279. My own view is I think there is a strong argument that the English court would not enforce an exemplary damages award that is of this sort of nature, but I can see it is arguable.

C MS STONEFROST: I think if I were on the other side what I might be saying is that *Dicey and Morris* has left open whether punitive damage is enforceable. That is arguable. There is also another issue in the multiple damages context because of the way the punitive damages could be said to be calculated in the US court because it is a ratio to the compensatory damages.

D MR JUSTICE CALVER: Yes.

E MS STONEFROST: So arguments that I could see the defendant might be making on punitive damages arise under the fairness which I have discussed, which in my submission has no merit at all, because that has already been decided by the court. It is the right to natural justice which means you have to be given the opportunity to represent yourself, but of course if you destroy that opportunity by your behaviour that is something different. Then with punitive damages there are issues of public policy --

F MR JUSTICE CALVER: The argument on your side is that it is not a penalty payable to the state, it is payable to the individual as compensation, you would say, albeit to English eyes it looks a bit odd.

G MS STONEFROST: And also the nature of the award. Because it is for sexual harassment and battery, there is something about the nature of the award that might make it ... I am not saying those are definitive arguments but they are arguments. There is also an argument that the way in which the punitive damages is calculated, although it is looked at overall by reference to the compensatory damages, is not an automatic multiple; all the merits of the case are considered when looking at how much extra should be added on. So they are not issues where

A I could definitely say I am going to succeed on those, but I do not need to before your Lordship today because we are relying only on the compensatory and legal awards.

MR JUSTICE CALVER: Yes. That was why I was wanting to know about the figures because if there were an element of reliance upon the exemplary damages then I would feel slightly more uncomfortable about freezing the significant sum of money.

MS STONEFROST: Yes. We understood that and, because we did not need to, decided to cut it out.

MR JUSTICE CALVER: Yes. No, that was very sensible.

C MS STONEFROST: I don't know. Let us see what is in the bank accounts and we will have to decide what we do.

MR JUSTICE CALVER: Yes, all right. Thank you. I do not need you to address me any further on the freezing order. Obviously, if there is anything you want to say in terms of full and frank disclosure over and above what you have already said --

D MS STONEFROST: I think I have said it. I do not know of anything factual I could say, and neither do my solicitors. I did check. I have made the legal points that I think would be made against me.

MR JUSTICE CALVER: Yes.

E MS STONEFROST: Of course I cannot anticipate anything, but I have looked through all the grounds on which you can say a judgment should not be enforced at common law, and I cannot find any other grounds where there could be an argument.

F MR JUSTICE CALVER: No.

MS STONEFROST: So it is (**Inaudible**) identified.

MR JUSTICE CALVER: There are some points on the orders that I want to discuss with you. One point that comes to mind on the freezing injunction is that there is no provision for his reasonable legal expenses.

G MS STONEFROST: Okay, yes.

MR JUSTICE CALVER: Anyway, we will look at that.

H MS STONEFROST: Yes. I think the only other issue was service. It is pretty straightforward on the authorities that I put in the bundle and that exist, and I looked in the White Book and there is now a note under one of the (**Inaudible**)

about the approach under the Companies Act. So I think, somewhat surprisingly to lots of people, if you are a director of an English registered company and you have an interest --

MR JUSTICE CALVER: Yes, I know about all of this.

MS STONEFROST: Oh, good. Okay.

MR JUSTICE CALVER: One of the last cases at the bar that I argued, I think it went to the Supreme Court in the end on section 1140, so I am pretty familiar with it.

MS STONEFROST: Good. Okay. We did check this morning that he still has the addresses I have set out in the evidence.

MR JUSTICE CALVER: Yes.

MS STONEFROST: So the only thing is that we wanted to serve the documents at the property as well, which is not one of the addresses that appears on the Companies House register, and we want --

MR JUSTICE CALVER: You mean the Wilton Street property?

MS STONEFROST: Yes. So what I was not at all sure of was whether I should ask you to ... Because the consequence -- you will know this better than me, having done this -- of being within the Companies Act section 1140 is that you have submitted to the jurisdiction irrespective of whether you are here or not. So, him having submitted to the jurisdiction, we were going to ask to get substituted service because we do not have an address for him or an email address, and the substituted service would be the address of the property. I could not find anything to help me answer this question, whether I should say we leap back into Part 6 and do it under 6.15, substituted service, because we have two parallel proceedings and we are saying he has submitted to the jurisdiction because of what he has done in relation to the Companies Act, and that is what the Companies Act is saying are the consequences of admission to the jurisdiction, or whether you could exercise your broad case management power to say that, yes, we should serve, or we can serve it on the property.

MR JUSTICE CALVER: Yes, I see the point you make. I do not think it matters very much. I think you should serve both on the company registered address and also at the property.

MS STONEFROST: Thank you.

MR JUSTICE CALVER: The important thing is obviously to bring it to his attention and to bring it to his attention as quickly as possible.

A

MS STONEFROST: Thank you.

MR JUSTICE CALVER: That is why, in these cases, I almost always grant alternative service, because the purpose is to bring it to the attention of the person who is subject to draconian relief which has a penal notice attached to it.

B

MS STONEFROST: Yes. Thank you. I do not think there was anything else. No. Just your comments on the terms of the order.

MR JUSTICE CALVER: Yes. I will give a short judgment and then we can discuss the terms of the order.

C

MS STONEFROST: Thank you.

MR JUSTICE CALVER: Thank you very much, Ms Stonefrost.

(2.36 pm)

(Judgment given)

(3.06 pm)

D

MS STONEFROST: Thank you very much, my Lord. We are very grateful for that.

MR JUSTICE CALVER: Let us just tidy up the orders. Taking the receiver one first, which is in tab 2 of the core bundle --

MS STONEFROST: Sorry.

E

MR JUSTICE CALVER: Have you got that to hand?

MS STONEFROST: Yes, I have. I was just being asked whether I wanted a Word version but I am okay.

MR JUSTICE CALVER: Okay. Obviously, check through these carefully afterwards,

F

but paragraph 7 will say from 4.00 pm on 26 June 2025. In paragraph 13 there is a typo in the last sentence. Those accounts, plural, it should say.

MS STONEFROST: Thank you.

MR JUSTICE CALVER: I think the substituted service in paragraph 15 is probably okay, is it not, in the light of our discussion?

G

MS STONEFROST: I think so, yes.

MR JUSTICE CALVER: We have post to the defendant at the property, and then you have the 1140 addresses. Yes.

H

MS STONEFROST: **(Hushed discussions)**. My Lord, I think we are going to do it not only by post to the property but also deliver it by hand.

MR JUSTICE CALVER: Yes, that is better. Do you want to just say by hand and post?

MS STONEFROST: Yes, please.

A

MR JUSTICE CALVER: To the defendant at the property. Then are you going to do the same for the company's addresses?

MS STONEFROST: Yes, we will do that.

MR JUSTICE CALVER: Yes. So say via hand and post. Yes. Then in paragraph 20, the defendant and receivers have liberty to apply -- well, the receivers are not going to be applying, are they?

B

MS STONEFROST: Actually, I think it probably needs to be separated out because the receivers need liberty to apply to change their powers sometimes.

MR JUSTICE CALVER: Oh, okay.

C

MS STONEFROST: So I think there needs to be a separate liberty for receivers to apply.

MR JUSTICE CALVER: Yes.

MS STONEFROST: Then leave that as the defendant.

D

MR JUSTICE CALVER: Yes, okay. I will leave you to do it. What I wanted to say was, rather than within seven days, I just wanted to say "upon 48 hours' notice".

MS STONEFROST: Thank you. So if we have, the defendant has liberty to apply to set aside or vary this order on 48 hours' notice, and liberty to the receivers to apply.

E

MR JUSTICE CALVER: Yes. Other than that, that one looks fine. Now, tab 3, "Upon the applicant having applied by way of an ex parte application dated 26th ..." No, sorry. What is the date of the --

MS STONEFROST: I think it is 8 May, but I will just check it. 9 May.

F

MR JUSTICE CALVER: Why don't you just say --

MS STONEFROST: Yes, 9 May.

MR JUSTICE CALVER: Okay. 9 May. Yes, okay. Then we have got to put the dates in and my name in on paragraph 1.

MS STONEFROST: Yes.

G

MR JUSTICE CALVER: Then paragraph 2 should say -- the last bit, see paragraph 15 below, that should say, because that is dealing with variation or discharge. Do you see that? Paragraph --

MS STONEFROST: 15, yes.

H

MR JUSTICE CALVER: Paragraph 2, it should say, "See paragraph 15 below."

MS STONEFROST: Yes, I have that.

A
MR JUSTICE CALVER: Yes. Then para 3, what I am going to say is there will be a further hearing in respect of this order on, I was going to say, 3 July -- obviously I will hear from you if you want to debate any of this -- with a time estimate of one hour because I think he should have the opportunity to come back before the court quickly if he wishes to. I mean, he will not be in a position, obviously, to sort of
B
get all the evidence together in a week to bring an application to set it aside and so on, but if he says he has some sort of knockout point ...

MS STONEFROST: Yes.

MR JUSTICE CALVER: Otherwise that hearing can just be used to set directions for
C
the proper **inter partes** hearing.

MS STONEFROST: And also, by then, we might know what is in the bank account so
(Overspeaking).

MR JUSTICE CALVER: Yes, exactly, because I am going to tie the timing in for that.
D
Maybe we should say with a time estimate of two hours, and then can you make sure that, if it is going to be less than that, if you just do not hear from him or he says he is not coming, let the court know and we can reduce it to one hour. So it will be: there will be a further hearing in respect of this order on 3 July 2025, let us say at 10.30 am, with a time estimate of two hours, and I will let listing know
E
about that.

MS STONEFROST: My Lord, I think I am available on that date, but just in case I cannot --

MR JUSTICE CALVER: Yes.

F
MS STONEFROST: When I check after court if that is a problem, can we change the date?

MR JUSTICE CALVER: Yes. I do not mind if it is moved to, say, 4 July. That is the Friday.

MS STONEFROST: Yes. Certainly I think I am free, but I do not know for certain.

G
MR JUSTICE CALVER: Yes.

MS STONEFROST: But I certainly will be here on --

MR JUSTICE CALVER: No, I understand. Okay. I think it needs to be in a week, more or less.

H
MS STONEFROST: Yes.

MR JUSTICE CALVER: Then your paragraph 5 --

MS STONEFROST: Do you want to change the number?

MR JUSTICE CALVER: It is \$12 million, is it not? We could put a --

MS STONEFROST: It is 14 including interest.

MR JUSTICE CALVER: Sorry, what is 14?

MS STONEFROST: 14 including interest, US dollars.

MR JUSTICE CALVER: Okay. That has already been converted into pounds, has it?

MS STONEFROST: Yes.

MR JUSTICE CALVER: Yes, okay. All right. That is fine. And then paragraph 8.

MS STONEFROST: Just going back to paragraph 6, my Lord, is it okay if we just do a calculation of what the amount is including interest as at today's date?

MR JUSTICE CALVER: Sorry, what?

MS STONEFROST: Looking at the £12 million that is there, can we put in the sterling equivalent of what the dollar amount would be as of today's date including interest?

MR JUSTICE CALVER: You mean it might be a bit more than 12 million?

MS STONEFROST: It probably is because the figures we have been talking about have all been converted. I do not know what has happened to the exchange rate, but subject to that not having changed a lot then it would be her, because it is £2,000 a day increase.

MR JUSTICE CALVER: What difference is that going to make in substance?

MS STONEFROST: It is how much there is in the bank accounts.

MR JUSTICE CALVER: No. I mean in terms of the overall sum. I mean, I do not think --

MS STONEFROST: In terms of the overall sum --

MR JUSTICE CALVER: It is not a precise science, this, really.

MS STONEFROST: Okay. I am being instructed we can leave it at 12 million.

MR JUSTICE CALVER: Yes, let us keep it as a round figure.

MS STONEFROST: Yes.

MR JUSTICE CALVER: Then that 12 million figure needs to come over into 8, does it not?

MS STONEFROST: Yes.

MR JUSTICE CALVER: So it will be:

"If the total value free of charges or other securities of the respondent's assets and ...**(Reading to the words)**... exceeds £12 million [and you can delete all of the stuff about exchange rates] the respondent may remove any of those assets, may deal with them as long as it remains above £12 million."

Yes?

MS STONEFROST: Yes.

MR JUSTICE CALVER: Okay. Then 9(1), "Unless paragraph (2) applies, the respondent must," and what I am minded to say is "must by 1.00 pm on Monday, 30 June," because that gives him the weekend. If he is going to engage in this process, he might need a bit of time to work out what he has got.

MS STONEFROST: Yes.

MR JUSTICE CALVER: So:

"... 1.00 pm on Monday, 30 June, to the best of his ability inform the applicant's solicitors of all his assets in England and Wales exceeding ..."

1,000 is definitely too low. I think I am minded to say £20,000.

MS STONEFROST: Okay.

MR JUSTICE CALVER: Then exhibit bank statements of each of the bank accounts listed in 7 above. Can we say "as well as" rather than "including"?

MS STONEFROST: Mmm-hmm.

MR JUSTICE CALVER: As well as any other bank accounts. Then (c), can we say "provide brief details of the source of funds"?

MS STONEFROST: Mmm-hmm.

MR JUSTICE CALVER: Then we are missing the legal advice. Where you have 11, we need to have a paragraph before 11, which for now I will call 10A, which will need to say: this order does not prohibit the respondent from spending a reasonable sum on legal advice and representation, but before spending any money the respondent must tell the applicant's legal representatives where the money is to come from.

MS STONEFROST: Thank you.

MR JUSTICE CALVER: Okay. And then 22 can come out and 23 can come out.

MS STONEFROST: 22, so no further ...

MR JUSTICE CALVER: Because we have already put a return date in.

MS STONEFROST: Oh, we have one in the receivers order, you mean?

MR JUSTICE CALVER: No.

MS STONEFROST: Oh, we have already put a return date in.

A

MR JUSTICE CALVER: We have already said in para 3 --

MS STONEFROST: Oh, yes, of course.

MR JUSTICE CALVER: -- that there is a further hearing on 3 July.

MS STONEFROST: Sorry, got that.

B

MR JUSTICE CALVER: So you do not need any of that. And then you have your undertakings. Yes. You probably should, in the undertaking at schedule B, paragraph 3 -- I think at (a) you do not need all that, you just say the first affidavit of Michelle Usitalo sworn on 8 May 2025 together with exhibits and any other documents provided to the court on the making of the application. Well, how are you going to do that practically? The exhibits are huge, are they not? Can you provide him with links or something? Oh, you are going to be doing it by hand and post, though, are you not?

C

MS STONEFROST: (**Hushed discussions**). Apparently it can be organised by hand and post, even that kind of volume.

D

MR JUSTICE CALVER: Oh, really? He is not going to thank you for that, is he?

MS STONEFROST: No.

MR JUSTICE CALVER: I just wonder whether ... Well, I suppose he has to have it all. Yes, okay. It is going to be what you have referred to in paragraph 1 of schedule A, is it not?

E

MS STONEFROST: Yes.

MR JUSTICE CALVER: Yes. Then you are going to be doing a claim form application to continue the order, and the note of the hearing ...

F

MS STONEFROST: Yes.

MR JUSTICE CALVER: I do not know how long it takes to get the ... because these are all recorded, but ...

MS STONEFROST: I think there has been a lot of typing going on behind me.

G

MR JUSTICE CALVER: Yes, okay. I think you need to serve that first at least, yes. Okay. Yes. Then I think that is fine.

MS STONEFROST: Thank you very much, my Lord, for everything.

MR JUSTICE CALVER: Thank you very much for all your help.

H

(3.22 pm)

(Hearing concluded)

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Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof.

A

Lower Ground, 46 Chancery Lane, London WC2A 1JE

Email: civil@epiqglobal.co.uk

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H

**IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION**

Before: The Honourable Mr Justice Calver

Date: 26 June 2025

BETWEEN

MAHIM KHAN

Applicant

AND

ALKIVIADES DAVID

Respondent

**NOTE OF JUDGEMENT GIVEN ON
EX PARTE HEARING ON
26 JUNE 2025**

In attendance:

Hilary Stonefrost, Counsel for the Claimant South Square ("HS")
Rebecca Hume, Partner Howard Kennedy LLP, solicitors for the Claimant
Ajay Fournillier, Associate, Howard Kennedy LLP, solicitors for the Claimant
Boniswa Dzere, Paralegal, Howard Kennedy LLP, solicitors for the Claimant

Hearing commenced before Mr. Justice Calver ("JC") at 2pm

1. JC – I will give a short judgement.
2. This is an application by the Claimant where she seeks the following relief:
 - a. That Hannah Davie and Tal Goldsmith of Grant Thornton be appointed as joint receivers over the freehold and leasehold interests in the property known as 4 Wilton Place, London SW1X 8RH (the "Property") pursuant to S.37.1 of the Senior Courts Act 1981. In the alternative, she seeks a freezing injunction over the Property.
 - b. Secondly, she seeks a freezing injunction over 8 Bank accounts with HSBC Bank at 16 King Street Covent Garden London WC2E 8JF and Barclays Bank 1 Churchill Place London E14 5HP. Plus an order for disclosure of information such as bank statements for the purposes of enforcement of the freezing injunction.

- c. The way in which the claim arises as follows: the Claim that the Claimant brings is respect of judgment debts owed to her, following successful claims brought in the US.
- d. Ms Khan worked for the Defendant at a number of his companies in California and the Defendant was CEO at these companies. A Jury in California found that the Defendant had knowingly discriminated against Ms Khan, subjected her to sexual harm and assault. She suffered economic loss, anguish, and emotional distress as a result. Determination of the US court was that Ms Khan be compensated 59,720,050 dollars, made up of separate elements.
- e. Compensatory award of USD 8.25million damages plus interest at 10% p.a. from 10 January 2020 to payment.
- f. Secondly, punitive damages at the sum of USD 50 million – reasons for that are the Defendant was found to have subjected the Claimant to harassment, malicious oppression, or fraud. Interest same date as for compensatory award
- g. Legal costs USD1, 398,885 together with interest at 10% p.a. from the date of the corrected judgment of 10 January 2020 until paid.
- h. Ms Khan claim in these proceedings is in respect of the entire judgment debt owed to her. She gives credit to sums she has been able to recover to date from the Defendant's assets. The sums are as follows:
 - i. In the US, the recovered share from the sale of Malibu property, which overall was a sum of USD1.2million and Ms Khan received a share of that sum.
 - ii. Separately in proceedings in Greece, in relation to a property owned by the Defendant, she recovered a sum of 9 million dollars - total for today is about 10.5 million USD recovered to date.
- i. I understand of those sums she has recovered she has applied them to reduce the punitive/exemplary damages element of her judgment from 50million to 39.5million, However Ms Stonefrost who appears on behalf of Ms Khan has emphasised that as so far as this application is concerned, the Claimant seeks relief for the compensatory award and not the punitive as she recognises, fairly, that there is an argument that enforcement of punitive damages may be refused on the grounds of public policy. See JSC VTB Bank v Skurikhin [2014] EWHC 271, and cases sighted therein namely Lewis v Eliades [2004] 1 WLR 692 and SA Consortium General Textiles v Sun and Sand Agencies Ltd [1978] QBD 279, in particular, see Lord Denning judgment at pages 299-300.
- j. So far as the compensatory damages as of 8 May 2025 USD11 million is owed. As far as legal costs USD1.5million total owing and continues to increase daily - the total is 12million or so.
- k. That is the background as so far as the US proceedings are concerned.
- l. The background as so far as for the need to bring this application is set out fully and helpfully in first affidavit of Michelle Usitalo dated 8 May 2025 and summarised also helpfully in Ms Stonefrost's skeleton. It strongly supports Ms Khan's case that given the Defendant's statements and conduct to date it is highly likely, unless restrained by this court, he will take steps to prevent Ms Khan from attaining any value from the property and dissipate assets which may be of value in England and Wales.
- m. In particular Michelle Usitalo refers to the fact the Defendant treated the trial process in US with contempt, abused judges and attorneys and failed to comply with orders. At the Debtor

examination the Defendant swore at sheriffs, had to be removed, and escorted from the court. He failed to supply documents and show any documents in respect of his assets. He filed 6 lawsuits in the US against the lawyers and Ms Reeves, another claimant who brought claims against the defendant. All the cases were dismissed or withdrawn.

- n. More importantly it is noticeable that the Defendant sought to obstruct the enforcement of his property in the US, the Malibu property, significantly reducing the value. He sought to prevent access using security guards to reduce viewings. His US visa was revoked but nonetheless, he managed to threaten potential buyers by leaving guns around, gaining access to the intercom and threatening to sue potential purchasers. The original sale price of 23million USD was reduced. In consequence of the reduced value the property was sold for 16.5 million USD with an outstanding mortgage not being paid in full. That was position with Malibu property.
- o. As far as the property in Switzerland is concerned, his conduct was possibly even more outrageous. Following the Defendant, Ms Michelle Usitalo says in her witness statement at para 48 following unsuccessful appeal in US [reads]. The Claimant filed a second request for the attachment of the Swiss Chalet. The court granted the request and sent the attachment order confirming the attachment on March 9, 2023. Claimant therefore continued the procedure to validate the attachment by the debt collection office, Ms Khan still in possession of the attachment order but in August 2023, was informed of sale of chalet by press article. The property was sold by the Defendant to a third party in December 2023. That was despite Ms Reeves receiving the attachment in October 2023.
- p. When Ms Khan sought to enforce her judgement, the Defendant appealed against that and made allegations of conspiracy, and that she was a criminal. The Swiss courts dismissed all bar one of his claims, namely that punitive damages are not recognised in Switzerland.
- q. Similarly in Greece with the Greek property, which I've mentioned, was owned by the Defendant, that enforcement process became significantly protracted because of appeals and allegations of conspiracy. All of which was unfounded. It follows Ms Khan submits she needs a protection of the receiver for the English property because if not the property will be damaged or dissipated, or the Defendant will take steps to protract the process. His behaviour in relation to the properties strongly supports these fears.
- r. The court has power to appoint receiver pursuant to section 37(1) Senior Courts Act 1981. High court can order interlocutory relief where it is just and convenient to do so. See *Masri v Consolidated...* [2008] EWCA 203, where receivers are appointed by the court and helpfully summaries in Cruz case [2014] EWHC 3131. At par 47 and in particular 47c *"The jurisdiction will not be exercised unless there is some hindrance or difficulty in using the normal processes of execution, but there are no rigid rules as to the nature of the hindrance or difficulty required, which may be practical or legal, and it is necessary to take account of all the circumstances of the case. That is all that is meant by dicta which speak of the need for "special circumstances": see in particular the decision of Tomlinson J in Masri cited above and also the decision of Arnold J in UCB Home Loans Corporation Limited v Grace [2011] EWHC 851 (Ch), holding that there were sufficient "special circumstances" rendering it just and convenient to appoint a receiver by way of equitable execution when it would be "difficult for the claimant to enforce its judgment by other means" and that the appointment of a receiver was the only realistic prospect available to the judgment creditor to enforce its judgment in the short term."* The same applies to my judgement. That the judgement of the US court can be enforced in the ..., the judgment is of debt and therefore can be enforced. This is present in this case. Ms Khan does not intend to enforce exemplary element of this judgement.

- s. The Claimant invites me to appoint receivers to prevent it from damage mentioned which I consider are likely to transpire unless an order is made.
- t. Two insolvency practitioners are experienced and will to be appointed as receivers and bond is in place. Subject to the precise wording of the order, in my judgment it is appropriate, clearly just, and convenient to make that order.
- u. Separately Ms Khan seeks a freezing order over the bank accounts Three requirements must be met for freezing order to be granted pursuant to pursuant to s37 Senior Courts Act 1981, namely that there a good arguable case on the merits, a real risk of the judgment against Defendant not being satisfied and that it is just and convenient to do so. In this case, Claimant has judgment of US court which, so far as compensatory damages and legal costs elements are concerned, is enforceable in the English jurisdiction. The function of post judgment freezing order was restated in Emmott against Michael ECWA 2019 Civ 219para 53, where Lord Justice Gross said as follows: First post judgment Mareva injunctions are granted to facilitate execution of a judgment where a judgment would remain unsatisfied if an injunctive relief is not permitted...the mere increase in pressure on the defendant to satisfy the judgment is not
- v. In this context, auth repeated order will be granted after rather than before. Masri Contractors para 384 of the judgment. In light of the features of the case that I've mentioned I considered that Ms Khan can establish a good arguable case. In light of the features of the case I already mentioned I consider Ms. Khan can establish a clear arguable case.
- w. Turning to real risk of dissipation, the following principles are well known and set out Mr J Nales National Trust bank, cited in approval in most recent cases Ivanhoe Mines Ltd (previously Ivanhoe Nickel and Platinum Ltd) v Gardner [2020] EWHC 144, para 10, Mr Foxton J. the claimant must show *"a real risk that a judgment against the defendant may not be satisfied as a result of unjustified dealing with the defendant's assets, the risk only be demonstrated with solid evidence; mere inference or generalised assertion is not sufficient. It is not enough to rely solely on allegations that a defendant has been dishonest; rather it is necessary to scrutinise the evidence to see whether the dishonesty in question does justify a conclusion that assets are likely to be dissipated. The relevant inquiry is whether there is a current risk of dissipation; past events may be evidentially relevant, but only if they serve to demonstrate a current risk of dissipation of the assets now held. The nature, location and liquidity of the defendant's assets are important considerations. Whether or to what extent the assets are already secured or incapable of being dealt with is also relevant. So too is the defendant's behaviour in response to the claim or anticipated claim."*
- x. In addition to the general guidance the authorities indicate that where the defendant has made no adequate attempts to pay the judgment. Evasiveness and failure to disclose information on defendant's assets. Poor behaviour and where Defendant has made false statement. In the present case this seems to also be applicable in so far as Defendant's behaviour is concerned regarding the Malibu, Swiss and Greek property.
- y. In light of the facts I have mentioned Ms Khan has established a strong case that there is a strong risk the Defendant will dissipate assets unless injunctive relief is granted.
- z. It is clear from his previous behaviour he is likely to not cooperate with this court given his behaviour with the American court. Finally considering all the circumstances of the case to determine it is just and convenient to grant the order sought. The existence of a binding judgment combined with risk of dissipation has been held to give rise to granting a worldwide

freezing order such that strong grounds required for relief. See UMS Holdings v Great Station Properties case, SA US holding limited [2017] EWHC 2473 paragraphs 56 and 63.

aa. For all the reasons set I grant the relief sought as to the appointment of the receiver and the freezing injunction relief.

bb. What remains to discuss is the wording of draft orders with Mrs Stonefrost.

3. HS - Thank you my Lord

4. JC – So let's tidy up.

Receivership order - amendments by Judge

5. Para 7 - from 4pm on 26 June 2025

6. Para 13 - those accounts (plural) typo

7. By post and also by hand - para 15a

8. Para 20 - receivers need to be able to apply to amend their powers.

9. On 48 hrs notice defendant has liberty to set aside and liberty for the receivers - para 20

10. Penal notice

Freezing order - amendments

11. Date and name in para 1

12. JC - Para 2 should say see paragraph 15.

13. HS - got it.

14. JC- para 3 - further hearing on 3 July 2025 with time estimate of 2 hours. I think he should have the opportunity to come back to the court quickly. Otherwise, if they don't respond, that hearing can be used to set out directions.

15. HS - By that time we may know what is in the bank accounts.

16. JC - Will say it will be 2hrs - if you think. If you it will be less, let the court know and reduce to 1hr.

17. JC - further hearing at 10:30 for 2hours

18. HS- I believe I'm free.

19. JC - it needs to be in a week or less.

20. Para 5 that s USD 12million

21. HS - it is 14 million including interest - already in pounds.

22. JC- its already in pounds - that's okay.

23. HS - para 6 can we set out in the amount as of today's date including interest. In dollar amount.

24. JC - what difference will it make in terms of the overall sum.
25. HS- I'm instructed to leave it at 12million.
26. JC- okay - that figure needs to come into 8.
27. HS - yes
28. JC - delete everything about exchange rates. Para 9.1 - respondent must by 1pm on Monday 30 June 2025- it gives him the weekend. If he is going to engage, he may need some time to work out what he is going to do.
29. Exceeding £20,000.
30. Para 9(b), second line put as well as instead of including in.
31. Para 9 (c)- brief details.
32. Para 11 - insert para before which I will call for now para 10a this order does not prohibit the respondent from spending reasonable sum on legal advice and representation. But before spending any money the respondent must tell the applicants legal reps where the money is to come from.
33. Para 22 and 23 - to be removed.
34. Schedule B Para 3a - the first affidavit of MU sworn on 8 May together with exhibits and any other documents provided to the court in making the application.
35. Can you provide them by link.
36. HS - It can be organised by post.
37. JC- I just wonder whether ...okay it is going into what you referred to in par 1 schedule a. and then you are going to be doing a claim form to continue the order.
38. Need to serve that first.
39. HS - Thank you my lord.
40. JC - thank you for your help.

Hearing concluded 15:25

IN THE HIGH COURT OF JUSTICE
KBD DIVISION (RCJ, Court 14)

Royal Courts of Justice
Strand
London WC2A 2LL

Thursday, 3 July 2025

BEFORE:

MR JUSTICE FREEDMAN

BETWEEN:

MAHIM KHAN

Claimant

- and -

ALKIVIADES DAVID

Defendant

MS H STONEFROST (instructed by Howard Kennedy LLP) appeared on behalf of the
Claimant

MR I CHAI (instructed by Edwin Coe LLP) appeared on behalf of the Defendant

PROCEEDINGS

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(Please note that due to the poor standard of audio recording it has not been possible to produce a high quality transcript in this case)

Thursday, 3 July 2025

(10.30 am)

CLERK OF THE COURT: Court rise. In the matter of Khan and David, KB-2025-001991.

MR JUSTICE FREEDMAN: Morning.

MS STONEFROST: Good morning, my Lord. I appear on behalf of Ms Khan in this matter. My learned friend Mr Chai, who is with Edwin Coe is here to speak for, to say something to you about Mr David's position. Edwin Coe are not on record. We have no objection to him telling you the contents of the letter, which we received shortly before we came to court, in which I can hand up a copy, which I just got from Mr Chai. In this, he says, "Mr David, he has no point in resisting the continuation of the freezing injunction tomorrow and would prefer to bring on his dispute of your client's underlying claim."

MR JUSTICE FREEDMAN: Would prefer?

MS STONEFROST: Prefer to bring on his dispute of the client's underlying claim. So he is going to take other steps, but not opposed to the continuation of the freezing order.

MR JUSTICE FREEDMAN: Just bear with me one moment.

MS STONEFROST: Perhaps I could hand this up to you, and ask you just to read that.

MR JUSTICE FREEDMAN: Yes. Thank you.

MS STONEFROST: My Lord, I do not really think have much to say about that letter except that obviously there is nobody resisting now the continuation of the freezing injunction. So, your Lordship would have seen my skeleton argument and dealing with, trying to deal with the points that Mr David raised in correspondence, none of which he has adduced any evidence on. Now apparently is going to do something at a later date.

So, unless there is something that is of concern to your Lordship, I would simply ask you to continue the freezing injunction beyond today. You do not need to do anything in relation to the receiver's appointment because they are appointed unless somebody applies to discharge or carry the order. Just on the letter, the

allegation that there was breach of the duty for full and frank disclosure because we did not anything about proceedings in Antigua.

We did not know anything about proceedings in Antigua. We still do not know what they are because we could not access the link that was sent by Mr David. We have no idea who is involved in this.

MR JUSTICE FREEDMAN: What did you say about the link?

MS STONEFROST: We could not get, he sent a link (**Overspeaking**)

MR JUSTICE FREEDMAN: Yes, I did.

MS STONEFROST: We you could get through to court, but you needed all kinds of codes and logins to be able to get access to any information.

MR JUSTICE FREEDMAN: I see. I mean, personally I saw the link, but I did not open any of the links.

MS STONEFROST: Well, I tried my Lord, but I am not technically very competent. So I asked someone who was to try, and they also could not.

MR JUSTICE FREEDMAN: Right.

MS STONEFROST: We do not know who the parties are. It is very unlikely to be our client. She is not likely to be subject to the jurisdiction of the Antigua report. So we know nothing about that. On the punitive, exemplary damages, I do not know if you had a chance to read the judgment that was handed, the notion of judgment from last Friday.

MR JUSTICE FREEDMAN: No, I would be grateful. Is that Mr Justice Calver's judgment?

MS STONEFROST: It is, yes.

MR JUSTICE FREEDMAN: I would be grateful for that. I do not recall receiving it.

MS STONEFROST: It is in the supplemental bundle exhibited to the statement, I think I ...

MR JUSTICE FREEDMAN: The supplemental bundle.

MS STONEFROST: Did you receive a further bundle yesterday?

MR JUSTICE FREEDMAN: I see this now.

MS STONEFROST: Page 158 to 160.

MR JUSTICE FREEDMAN: No, I have got a bundle of authorities.

MS STONEFROST: Right. I actually printed it off so I can --

MR JUSTICE FREEDMAN: Just bear with me one moment. I cannot find a supplemental bundle.

A MS STONEFROST: Okay. We have got a spare one here.

MR JUSTICE FREEDMAN: Yes, please. I will tell you what I have read. I have read the bundle for the *ex parte* application hearing. I have read a further skeleton argument from you. I have also read various emails between 1 July and 3 July from Mr David.

B MS STONEFROST: Other than the note of the hearing last week, I think that is all that you --

MR JUSTICE FREEDMAN: Where is the note of the hearing?

C MS STONEFROST: Page 158, I think in the --

MR JUSTICE FREEDMAN: Thank you.

MS STONEFROST: Tab 2.

MR JUSTICE FREEDMAN: So what is the first affidavit of Russell Sergeant about?

MS STONEFROST: That is dealing with the process serving.

D MR JUSTICE FREEDMAN: Right.

MS STONEFROST: There is no issue about that.

MR JUSTICE FREEDMAN: I am going to have to look at this.

MS STONEFROST: The judgment starts at page 163.

E MR JUSTICE FREEDMAN: Yes. All the bundles I have been given were for 26 June.

MS STONEFROST: I am sorry about that bundle. Sorry I did not make its way to you.

MR JUSTICE FREEDMAN: 163.

MS STONEFROST: Most of the material in the supplemental bundle is actually to do with service. So you have not this great deal by not ...

F MR JUSTICE FREEDMAN: Right. Do you want to sit down while I read this? Thank you. Is there anything else that I need to read in this bundle for the moment?

MS STONEFROST: No, I do not think so. You are seen now you have had an opportunity to read the judgment that there were very strong reasons for making the freezing order and appointing the receivers and nothing has changed.

G MR JUSTICE FREEDMAN: Where does Mr Justice Calver refer to various alleged statements of the defendant that he would make sure that make nobody gets paid?

MS STONEFROST: Yes. It appears in the witness statement of Ms Fusilito(?).

H

A MR JUSTICE FREEDMAN: It does. Is it referred to in the judgment? Have I missed it? Pages 163 to 166. I know it was an extemporary judgment in the usual way. Maybe it appears in little o where he talks about paragraph 48 and following. It is not in paragraph 48, but it may be in and following.

MS STONEFROST: It was something that was in evidence before that. I am not sure a particular play was made of it because there was so much misconduct around it.

B MR JUSTICE FREEDMAN: Yes, but it was --

MS STONEFROST: Because there was so much --

MR JUSTICE FREEDMAN: There is nothing more relevant to dissipation of assets than somebody saying, I am going to dissipate my assets.

C MS STONEFROST: Exactly. Well, that that is on a video link because it is accessible from Ms Fusilito's witness statement.

MR JUSTICE FREEDMAN: Yes.

MS STONEFROST: I have looked at it and it does say that.

MR JUSTICE FREEDMAN: Right.

D MS STONEFROST: So, I just wanted to make one point about the punitive damages because that is referred to in the letter that I just asked you to read. You will have seen from the judgment, there is a play made about, oh, well this somehow taints what we got. But because we are aware and *Dicey and Morris* actually says it is undecided. We recognise that it is an issue.

E So when we asked for the appointment of the receivers and the freezing order, we relied entirely on the compensatory award and on the legal costs award because we did not need to rely on punitive damages. The recoveries, such as they are that have been made by Ms Khan in relation to the three properties have been applied to reduce the punitive damages because it is not contrary to public policy as a matter of Greek law. This is in the evidence of **(Inaudible)**.

MR JUSTICE FREEDMAN: Yes, I remember.

F MS STONEFROST: To have punitive damages in that jurisdiction. So, there is nothing in the point made in the letter about punitive damages, at least not the **(Inaudible)** of the implications.

G MR JUSTICE FREEDMAN: Yes, I follow that. There was one aspect of that witness statement that may have indicated something else, just bear with me one moment.

H Now, I was just wondering whether there is any authority, and I suspect that I read

A somewhere that there was some argument in a foreign jurisdiction that raised a question about the recognition and enforcement of a judgment of a foreign court, that was a mixed judgment containing in part punitive damages and in part compensatory.

B MS STONEFROST: My Lord. All I am aware of in that, and I have not gone into in huge amount of detail is Rule 60 and *Dicey and Morris* is to do with when you have got multiple damages, which is not enforceable, I am doing this (**Several inaudible words**). There you certainly can spare compensatory awards from those that are not enforceable in the judgment.

MR JUSTICE FREEDMAN: That is at the end of your authorities bundle, is it not?

C MS STONEFROST: It is not. I have got a separate copy of *Dicey and Morris*, I can hand that up to you. Because I found that what I put in my authorities bundle did not really have enough material in it when I was --

MR JUSTICE FREEDMAN: Yes, thank you.

D MS STONEFROST: -- at the hearing. I think it is Rule 60, it has a title, but ...

MR JUSTICE FREEDMAN: Right. I am looking at 14(221), which defines what multiple damages is.

MS STONEFROST: Yes, so then it says:

E "Where a foreign court has given judgment in respect to several causes of action and the multiplication of damages has been applied to some, but not to others, the judgment may be severed."

F That makes practical sense. We could easily have brought, because you have to bring the claim here to enforce the judgment. You probably know better than me as a debt claim. We could easily just have pleaded a claim in respect to the compensation award and the legal costs award. But we do think the punitive damages issued is because of what *Dicey and Morris* says about it, is arguable here also as being enforceable as a foreign judgment from the commonwealth.

G MR JUSTICE FREEDMAN: Just bear with me one moment. Do you want to sit down?

MS STONEFROST: Yes.

H MR JUSTICE FREEDMAN: Right. There is an area where I need assistance. At 14(221) it says:

"Judgment for multiple damages is defined as a judgment for an amount arrived up by doubling, trebling, or otherwise multiplying a sum. But where a foreign court has given judgment in respect of several causes of action and the multiplication of damage has been applied to some, but not to others of them, the judgment may be severed and the prohibition imposed by section 5, confined to those causes of action for which damages were multiplied, leaving the others unaffected."

Now that refers to causes of action, but might it be said that there was one cause of action here or the damages arise out of either one or many causes of action. But they are not separate causes of action that lead to the penalty punitive damage.

MS STONEFROST: I understand, my Lord, in the judgment page that identifies the awards, there are separate items for what offences they relate to. So it is not just device, it is not a single pool of cause of action. Then you get this damages, those damages, back damages. It actually identifies what that for in respect to each of them.

MR JUSTICE FREEDMAN: But let us call compendiously what we are talking about, aggravated assault. All right. I am just using a convenient it is not what it is, but it is a convenient term to describe it compendiously. The aggravated assault, whether that is one cause of action or different causes of action, gives rise to remedies of compensatory damages and punitive damages.

MS STONEFROST: Yes.

MR JUSTICE FREEDMAN: So, therefore what I am exploring is could it be said that therefore the compensatory and the punitive damages arise out of the same causal causes of action?

MS STONEFROST: That is not the way that I understood the damages to have been apportioned. It is not an argument that has been raised by anyone until your Lordship has raised it. But my submission would be that no, they are not the same causes of action. They are separate offences in each of the headings. Perhaps I could show you might be sense --

MR JUSTICE FREEDMAN: Yes, please do.

MS STONEFROST: I just have to get my original skeleton to find it.

MR JUSTICE FREEDMAN: Yes.

MS STONEFROST: I think the order is in the core bundle page.

MR JUSTICE FREEDMAN: When you say the order, my core bundle is a core bundle that predated the order.

A

MS STONEFROST: Sorry, it is the US court order that I was looking at.

MR JUSTICE FREEDMAN: The US court order. Yes. Page. Well, it will not be in the core bundle, will it? It will be in the --

MS STONEFROST: It will be in the evidence sorry, it is referred to ... there is not enough either, I think in Ms Fusilito's witness statement. So we need to go to ... the judgment starts at page 20 in the first bundle.

B

MR JUSTICE FREEDMAN: Is this one of four or one of five?

MS STONEFROST: It is just 121 in one. Just the first one on page 20 judgment.

MR JUSTICE FREEDMAN: Right, I have got it. Thank you.

C

MS STONEFROST: The remit(?) of the damages is at ...

MR JUSTICE FREEDMAN: Page 24.

MS STONEFROST: Yes. So when you get to the punitive damages, the question is a different one.

D

MR JUSTICE FREEDMAN: Yes.

MS STONEFROST: Whether he engaged in harassing and/or violent conduct with malice (**Several inaudible words**)

MR JUSTICE FREEDMAN: Yes.

E

MS STONEFROST: So my understanding would be the cause of action B is different for the damages, whereas the harassing conduct is a substantial factor in causing harm. But then you have to have fraud to get to the punitive damages. So this was a jury trial, and the jury were being asked to make separate decision.

F

MR JUSTICE FREEDMAN: Can we just go to the act that we are talking about, which is the 1980 act that is referred to under Rule 60, because that might just be about ...

MS STONEFROST: About the trade.

MR JUSTICE FREEDMAN: About the trade.

G

MS STONEFROST: I do not have a copy of that, but I can probably find it.

MR JUSTICE FREEDMAN: I am just getting it up online.

MS STONEFROST: It does appear to be concerned that their trading interest, which is protected by the Secretary of State.

H

MR JUSTICE FREEDMAN: Where do we see that?

MS STONEFROST: Given the ... because at the beginning the description of the act affecting the trading on interest of persons in the United Kingdom.

A MR JUSTICE FREEDMAN: Yes.

MS STONEFROST: Then overseas motors affecting United Kingdom trading interests.

MR JUSTICE FREEDMAN: Yes.

B MS STONEFROST: So if it appears that Secretary of State and then it is all to do with what the Secretary of State can or cannot do about that kind of business of which the statute is concerned.

MR JUSTICE FREEDMAN: But in section 5, it says the judgment applies to any judgment given by a court of an overseas country being judgment for multiple damages within subsection 3.

C MS STONEFROST: Yes.

MR JUSTICE FREEDMAN: That does not contain some limiting words, judgment based on a provisional rule of law specified or described in an order under subsection 4 or the judgment.

D MS STONEFROST: This subsection 3 refers to offences under section one and two, which are concerned with notice of the secretary of State.

MR JUSTICE FREEDMAN: Sorry, subsection 3 of what?

MS STONEFROST: Sorry, section 3.

E MR JUSTICE FREEDMAN: Section 3. Thank you.

MS STONEFROST: The recovery, my submission is (**Inaudible**) the awards of not of the damages.

MR JUSTICE FREEDMAN: I mean, this is not a judgment for an amount arrived at by doubling, trebling, or multiplying a sum assessed as compensation, is it?

F MS STONEFROST: No, it is not. But I do have to step back. So it certainly is not in relation to the compensation award or the legal costs award. Those are arrived at as compensation. The legal cost is obvious, compensation is for physical harm, for loss of earnings, future and past. That is how that is calculated.

G The only context and I probably should have realised, the only context in which it could possibly be argued, and I think I did mention this at the hearing on 26 June, possibly it could be argued as a public policy argument against enforcement of the punitive damages. Is that in accordance with the US case law,

H

US case law does look at it as a multiple of the underlying damages, there is only the punitive damages element that is at multiple.

A

MR JUSTICE FREEDMAN: But was the punitive damages a multiple?

MS STONEFROST: No, it was not a multiple compensation order. It was what is a **(Several inaudible words)** it was arrived at by reference to case law, the US case law that says in this particular case, the punitive damages was three times compensation. In this particular case it was five times that. So it is used as a benchmark for the type of cases, but it is not the overall damages but in multiple. It is only the punitive damages and only by reference to what is an appropriate guidance from the previous case law.

B

C

MR JUSTICE FREEDMAN: I mean, if we just go back to the judgment itself for the order.

MS STONEFROST: Yes.

MR JUSTICE FREEDMAN: My point is simply this, that if you look at page 25, we have got 50 million for the punitive damages, and then we have got what is ordered and what is ordered is for the basic damages, the compensatory damages is 8,250, is that right?

D

MS STONEFROST: Yes.

MR JUSTICE FREEDMAN: Then 50 million for the compensatory damages. Now, as a matter of maths if you multiplied 8250 by 6, you would get, and I stand to be corrected by people who have got a calculator. You would then get a sum of 49.5. Is that right? Can somebody look at it on a calculate?

E

MS STONEFROST: I am sure someone behind me would tell me.

MR JUSTICE FREEDMAN: There is a non. So you get 49 and a half million. In other words, you cannot find that \$50 million is a multiple in that sense. It may take into account other cases where there have been multiples that have been awarded, but it is a separate sum not awarded as a multiplication.

F

MS STONEFROST: My Lord. That is absolutely right. The references I was making to you, in terms of the way that that was looked at, because it was challenged as too high in the Court of Appeal. It was in the Court of Appeal they looked at the case law and how that was approached. But it was not as a multiple of the compensation. The way that it was calculated in the first place, the assessment was, is this too high for punitive damages?

G

H

A MR JUSTICE FREEDMAN: What we also do not have is we do not have one sum which is a compound of the original sum and the multiplication. But this is all being looked at by me as part of a wider question as to whether, in terms of enforcement of common law, of a foreign judgment, whether there is any bar about the fact that one part of it arising out of the same causes of action was punitive. Or whether you can sever between the punitive and the compensatory. B Now, your whole application is premised upon that severance.

MS STONEFROST: Yes.

MR JUSTICE FREEDMAN: You are not at this stage, albeit that it is part of the claim, seeking to enforce the punitive damages in this country.

C MS STONEFROST: No. The reason was --

MR JUSTICE FREEDMAN: For the purpose of the freezing?

D MS STONEFROST: Yes. The reason for that is I did quite a lot of research to work out what we could and could not do as a matter of law enforcement. I did not find anything that said we could not sever the compensation. What I did find was *Dicey and Morris* saying, I can find the reference, it is in the text somewhere there, something along the lines of it is not clearly decided one way or another under, as a matter of public policy, although punitive damages is not awarded here, whether it can be enforceable as a matter of common law. So what we did not want to do was to get into that dispute. E

MR JUSTICE FREEDMAN: I follow that, but the point that I have been raising is a slightly different one.

MS STONEFROST: Yes.

F MR JUSTICE FREEDMAN: Well, in a sense it is more fundamental to the application. It may be wrong, but it is more fundamental. That is whether there is something that prevents enforcing the compensatory award because of its association with the punitive award.

G MS STONEFROST: I understand your point, my Lord. I have found nothing that says to the contrary. The only thing that I found that even touched on that was Rule 60, which I took your Lordship to.

MR JUSTICE FREEDMAN: Yes.

H MS STONEFROST: In relation to Rule 60, not clear that that statute flies in any event, even if it did, we are not talking about multiples in this case. Because you have

seen the order, you have seen how the orders for the different amounts of money have been arrived at. You need fraud and malice for punitive damages. It is a separate cause of action. The other --

A MR JUSTICE FREEDMAN: I do not see why it is a separate cause of action. For example, if you take *Rooks and Barnard* exemplary damages.

MS STONEFROST: Yes.

B MR JUSTICE FREEDMAN: It is not a separate cause of action, that one has to prove that it was a state action or something like that. That is just a part and parcel of the cause of action.

MS STONEFROST: Well, it is proving something different. You are proving that what was done was done in a particular way.

C MR JUSTICE FREEDMAN: So, it depends what cause of action then means, does it not?

MS STONEFROST: Yes.

D MR JUSTICE FREEDMAN: Yes. Does one get anything from the cases that are referred to at footnote 932 on page 827 of *Dicey and Morris*?

MS STONEFROST: I did look at some of these, but I do not think I did find anything of assistance.

E MR JUSTICE FREEDMAN: Right. Well, we will come back to that, but I probably would like you to check that before we go away today. I would like you to check those two authorities just to see whether it bears upon the points that we have been talking about. But in the meantime, what I propose to do, unless you have got some other submissions you want to make to me, is I propose to invite Mr Chai to speak.

F MS STONEFROST: I do object to him saying more than was in the letter because they are not actually instructed by Mr David. The one point that I would make to you is in relation, well, actually, I will come back to the *Dicey and Morris*.

MR JUSTICE FREEDMAN: Now. Go on to do that now.

G MS STONEFROST: Well, it is only that *Dicey and Morris* leaves open the question of whether he can enforce the judgment of punitive damages at common law in this jurisdiction.

H MR JUSTICE FREEDMAN: But that does not bother me at all because it may be that turns out to be right. Your particulars of claim comprehend a claim to enforce the

punitive damages, but for the purpose of the interim application, you have not pursued that. Yes. Thank you. Mr Chai, in what capacity do you attend the court?

MR CHAI: My firm Edwin Coe is instructed by Mr David, but we are not on the court record as learned friend points out. The basis upon which I am here is I believe Mr David has attempted to write the court requesting that he receive a video link to represent himself.

MR JUSTICE FREEDMAN: Yes.

MR CHAI: In the absence of that, I was instructed to confirm that he will not be resisting the continuing of the **(Inaudible)**

MR JUSTICE FREEDMAN: Now just help me about the video link. Assuming that he is somewhere on the other side of the Atlantic Ocean then most people are asleep at the moment, or most people are asleep, or they are waking up at the moment. He is not asking for the video link for today. Is he?

MR CHAI: I believe he was, I think I saw some correspondence from him to the court by email requesting that he receive a video link to appear, and that his disability is being accommodated that set up in his email. But I do not have any instructions beyond that because of previous **(Overspeaking)**

MS STONEFROST: He did raise that in the last email.

MR JUSTICE FREEDMAN: Right.

MR CHAI: Hence my firm being instructed.

MR JUSTICE FREEDMAN: Have you seen his emails?

MR CHAI: I have seen those emails.

MR JUSTICE FREEDMAN: So --

MR CHAI: So, there -- forgive me.

MR JUSTICE FREEDMAN: There are emails. The first email I have got is

1 July 2025, 12.25. Have you got that? Well, it is addressed, you are copied in.

MR CHAI: The first one I have is 11.51, and I think at paragraph 3 it says, "Conditional request to attend the hearing by video link."

MR JUSTICE FREEDMAN: So I do not have that. So is he somewhere at the moment available to be connected to Video Link?

MR CHAI: I have no instructions on that. I could find out.

A MR JUSTICE FREEDMAN: So, what I am not understanding is this is an application to continue a freezing injunction, and you are coming along, not on the record, telling the court with his authority as I understand it, that he will consent to the continuation of the freezing injunction.

MR CHAI: That is correct.

B MR JUSTICE FREEDMAN: So if I were to do that and I need to be satisfied myself that it is appropriate separate from anything he says, why then does he want a video link?

MR CHAI: I do not have instructions to that. All I can say is my instructions are to confirm that he consents to continuing on. I assume he would be reiterating my instructions now, had he had the opportunity to do so via video link.

C MR JUSTICE FREEDMAN: Well, I think I want some clarification of the position because he makes all sorts of statements in these emails including video link and disability. I want your confirmation that if the court thinks it is appropriate to continue the freezing injunction, he does not object to the court doing that without his appearance on video link. That does not mean that if he does want to appear on video link, I would necessarily agree. But I just want to remove any ambiguity which may arise from, on the one hand, his emails about wanting to appear and your letter on instructions about agreeing to the continuation of the freezing injunction.

MR CHAI: I understand if we may have some time to seek instructions.

D MR JUSTICE FREEDMAN: Yes. Well, I think is there anything else that you need to say at the moment?

F MR CHAI: No, my instructions are very limited.

MR JUSTICE FREEDMAN: Can you just help me as to why you are not on the record?

MR CHAI: I am afraid not, no. I do not have instructions to be on the record yet.

MR JUSTICE FREEDMAN: I see. But you have just got instructions to come along and tell the court this?

G MR CHAI: Yes, my Lord.

MR JUSTICE FREEDMAN: Right. That is very helpful. How long do you think you will need, about half an hour?

H MR CHAI: Half hour should be sufficient my Lord.

A MR JUSTICE FREEDMAN: Right. So, would that be all right, Ms Stonefrost, if I
adjourn for half an hour and then you can just help me as to what the law is in
relation to the application of anything about multiple damages to this order, and
also buttressing any submissions you have or furthering any submissions you have
in relation to why the order is not contaminated, why you can sever the order.
Why you can sever the judgment in America so that any objection to the punitive
B damages does not infect --

MS STONEFROST: Compensation.

MR JUSTICE FREEDMAN: -- the compensatory award. All right, so I will now
adjourn to midday and then we will come back. All right.

C MR CHAI: I am grateful, my Lord.

MR JUSTICE FREEDMAN: Thank you very much for your help.

CLERK OF THE COURT: Court rise.
(11.30 am)

(Adjourned for a short time)

D (12.00 pm)

CLERK OF THE COURT: Court rise.

MR JUSTICE FREEDMAN: Mr Chai, have you had an opportunity to (**Overspeaking**)

E MR CHAI: My Lord, I have sought some instructions from Mr David, and I believe in
the court's inbox should now be a separate email from him confirming that he is
happy for the court to make an order continuing the injunction.

MR JUSTICE FREEDMAN: Oh, well I would like to see that. I do not have the court
inbox.

MR CHAI: I am afraid I only have a copy on my phone.

F MR JUSTICE FREEDMAN: Have you?

MR CHAI: I would be happy to just pass up if that --

MR JUSTICE FREEDMAN: Would you mind if I looked at it?

MR CHAI: Not at all?

G MR JUSTICE FREEDMAN: Very modern

MR CHAI: There is some preamble, which (**Several inaudible words**)

MR JUSTICE FREEDMAN: Thank you. Do you mind if I read the preamble? Sorry.
Can you help me? I have lost it. Thank you. Have you got my clerk's email
H address?

MR CHAI: I have not.

A MR JUSTICE FREEDMAN: Do does your side have this email as well? You have not seen it? All right. Okay. I am going to ask if you can send that to my clerk. I am going to pass the telephone back down, and sorry, I am just going out for a moment to sort out the computer. **(Pause)** Right. So, have you been able to send that to her?

B MR CHAI: I have not, but I am looking at the email now and I can see that email address is copied in as well as my colleagues at the --

MR JUSTICE FREEDMAN: When was the email sent?

MR CHAI: This was sent received by my phone on at 12.00 pm.

C MR JUSTICE FREEDMAN: Oh, right, okay. So she should be here anyway. I think she will come in shortly. Oh no, I know she is gone away. Sorry, I know she is off. It is important that everybody has this email. I am not sure what to do. Is there a way that you can get it printed out yourself? Sorry. So, who should it be sent to?

D MS STONEFROST: My Lord, we do have a copy now?

MR JUSTICE FREEDMAN: You do have a copy now.

MS STONEFROST: It is a very, very long email.

MR JUSTICE FREEDMAN: Well, I would be grateful my clerk's out, so that will not help.

E MS STONEFROST: My Lord, the final sentence on the copy that we have says, "For the avoidance of doubt I am happy for the court to make an order continuing the freezing --"

F MR JUSTICE FREEDMAN: I have got that. But it is all right. If you just give that to counsel to Ms Stonefrost, just to Ms Stonefrost please. I would ask you to send it to me and then to get rid of that.

MS STONEFROST: Can I pass this to my solicitor?

MR JUSTICE FREEDMAN: Yes. But then I do not want to have any further communications on that.

G MS STONEFROST: I am sure, I do not either.

MR JUSTICE FREEDMAN: Whilst that is anything else that you wanted to say?

MR CHAI: No, my Lord.

H MR JUSTICE FREEDMAN: Thank you very much for your help. Did you find anything more about

MS STONEFROST: My Lord, I have got copies of the two cases referred to --

MR JUSTICE FREEDMAN: Yes. In

A MS STONEFROST: -- in footnote, if you would find it helpful for me to hang up. We have also of other cases, one of which I did have (**Several inaudible words**) bring to the court, they have not utilised(?) them, but perhaps they will.

MR JUSTICE FREEDMAN: Thank you. So, this is at paragraph 240, is it not?

B MS STONEFROST: Yes. I would, I think where we have got to with the subject (**Several inaudible words**) is that there is an issue about the severability of multiple damages where it is times two, times three, times four. But that is not the way in which the punitive damages were arrived on in this case. You have seen there is a figure that the jury pronounced, then when it is challenged by Mr David, the Court of Appeal, do not look at it is this a multiple of the compensatory or the leave of costs award. I will take you to that when we looked at the authorities.

C They look at it and on other cases, what has been, what is the proportion, what has been the ratio? It is within the bounds. So it is not an automatic multiple. So we say it falls outside. I did raise this I think in the context of the full and frank disclosure, that this is a possible argument, but not one that we thought had any merit because we thought the damages were approached differently.

D MR JUSTICE FREEDMAN: Were?

E MS STONEFROST: Approached differently in this case.

MR JUSTICE FREEDMAN: In other words, because they --

MS STONEFROST: Because they are not multiples.

MR JUSTICE FREEDMAN: Because they are not multiple. Yes.

F MS STONEFROST: So starting with the SAS (**Inaudible**), I think your Lordship has already --

MR JUSTICE FREEDMAN: I have read paragraphs, 240 to 248.

MS STONEFROST: There has clearly been some debate and disagreement about it.

G But what it comes down to, I think, is where there are multiple damages and it is a single cause of action, then the damages are not separable.

MR JUSTICE FREEDMAN: Yes.

MS STONEFROST: I do not think I can say anything else from that judgment.

H MR JUSTICE FREEDMAN: I also looked at service to myself. Which paragraph was that again?

MS STONEFROST: I think the discussion --

MR JUSTICE FREEDMAN: It was at 31 to 39.

MS STONEFROST: Yes.

MR JUSTICE FREEDMAN: Yes, I have read that. Yes.

MS STONEFROST: That does not really say anything.

MR JUSTICE FREEDMAN: What were you awaiting? The judgment Court of Appeal?

MS STONEFROST: Yes, so there are two other cases that I was waiting for. One is *JSC and VTB* and *Chicane(?)* and the other one is *Lewis and Elderite(?)*. But perhaps I could take you to the court.

MR JUSTICE FREEDMAN: Sorry, what was the second one?

MS STONEFROST: *Lewis Elidvardis*.

MR JUSTICE FREEDMAN: *Eliades*?

MS STONEFROST: Yes.

MR JUSTICE FREEDMAN: Yes, I read that as well. Sounds as if I know it a lot about the subject, but I have just been reading it in the last half an hour.

MS STONEFROST: Yes.

MR JUSTICE FREEDMAN: So I have read *Lewis and Eliades* and what was the other one?

MS STONEFROST: *JSC, VTB* and *Chicane*

MR JUSTICE FREEDMAN: No, I have not looked at that. What is that?

MS STONEFROST: That is a decision where it is actually directly on the enforcement of common law judgments and decides that I think it is a Court of Appeal decision, but it decides that you could sever a compensatory, or that I need to get the case to show you the circumstances.

MR JUSTICE FREEDMAN: Right.

MS STONEFROST: Perhaps whilst I am waiting for that, we could just look at how the Court of Appeal approached the challenge to punitive damages

MR JUSTICE FREEDMAN: In California?

MS STONEFROST: In California, yes. To show that it is not a multiple.

MR JUSTICE FREEDMAN: Yes, please.

MS STONEFROST: The place where you will find that is volume 1.

MR JUSTICE FREEDMAN: Yes.

MS STONEFROST: It is in the exhibit of, I think page, I think it is page 50.

MR JUSTICE FREEDMAN: Yes. What part of the page?

MS STONEFROST: I am sorry, I am having trouble getting to the page.

MR JUSTICE FREEDMAN: I mean, this assumes for the purpose of shorthand that it is a ratio of six to one.

MS STONEFROST: That is where it starts.

MR JUSTICE FREEDMAN: Yes.

MS STONEFROST: So they said at the beginning, David contends that an unconstitutional award is reviewable, even that information for a new trial, the imposition of grossly excessive or arbitrary rules is constitutionally prohibited.

MR JUSTICE FREEDMAN: Yes.

MS STONEFROST: So there was no, the starting point was there was no proper basis.

It is not saying that a multiple of two or a multiple of three or multiple of four is yes, is wrong. It is saying that there was no cross base. So then there is a reference to a few cases, and then the Court of Appeal goes on to say the constitutional guideposts for reviewing courts are, then they identified the kind of factors that they were taking into account when considering or to award punitive damages.

MR JUSTICE FREEDMAN: Yes.

MS STONEFROST: Then reprehensibility is the most important factor. Following paragraph, we do not need to go into the details of that, the unrefuted evidence shows highly representative of the case.

MR JUSTICE FREEDMAN: Well, we do not need to go into the next paragraph.

MS STONEFROST: We do not need to go into that. Then on the next page, Mr David argues the disparity between punitive damages and the actual damages. A ratio six to one is excessive. So it is not that it was decided that the punitive damages should be six times, which is anyway, should be six times the other damages. It was simply that is where it came out based on the, on his conduct. Though there is --

MR JUSTICE FREEDMAN: But we also know that the ratio is a mathematical shorthand because it is not a ratio of six to one.

MS STONEFROST: Yes.

MR JUSTICE FREEDMAN: Slightly different.

MS STONEFROST: Yes.

MR JUSTICE FREEDMAN: Yes.

MS STONEFROST: Then goes on to say there is no bright line ratio, which punitive damages awards cannot exceed. So what they are looking for here is what in previous case law appeared to be the range of the difference between the compensation. I am not saying it should be two times, three times, four times or anything of that nature.

MR JUSTICE FREEDMAN: Yes.

MS STONEFROST: They say a Supreme Court disappeared a ratio of 340 to one.

MR JUSTICE FREEDMAN: Yes, but that is just talking about something else, is it not?

It is talking about whether it was constitutionally prohibited in California. It is not talking about whether it is multiple damages.

MS STONEFROST: Yes.

MR JUSTICE FREEDMAN: Yes.

MS STONEFROST: As part of the general look at the case or that sets up guideline rather than, you know, because this is being challenged as unreasonable. So, let us see what has happened in other cases.

MR JUSTICE FREEDMAN: Yes.

MS STONEFROST: If not, that is the appropriate course. So it is on that basis that we say we are not dealing with multiple damages.

MR JUSTICE FREEDMAN: Yes. I think you are putting it in a number of ways. First of all that there is not an element here of multiple damages. There is not a multiplication that is made. There may be a reference and as to how much larger it would be, but there is not actually a multiplication.

MS STONEFROST: Yes. The reference was Mr David's own starting point in the Court of Appeal by saying six times, we already said it is too much.

MR JUSTICE FREEDMAN: Yes. But we do not have one award here that is based on multiplication. Secondly there are in fact two parts of the award. There is the compensatory and there is the punitive. Therefore you would say you can keep them separate. There is a question as to whether the 1980 Act applies outside antitrust, but I suspect that that is a shorthand because antitrust damages would normally be based on a multiple. Whereas in the context of an assault case or a personal injuries case, the damages would be not based on a multiple. The

multiplication would inform as regards whether it was in some way grossly excessive.

A MS STONEFROST: Yes. When you look at the factors, because they should be taken into account.

MR JUSTICE FREEDMAN: Yes.

MS STONEFROST: I mean that is our position.

B MR JUSTICE FREEDMAN: Right. Well, I think that is enough for now, is it not? I do not see I should be waiting for some case that may or may not arrive unless it has arrived.

MS STONEFROST: No. I think for now, we --

C MR JUSTICE FREEDMAN: I am not going to give any judgment in relation to this, all I am reviewing at the moment is bearing in mind that on one view, your duty of full and frank disclosure is continuing. Then it seemed to me to be important if there was a point about this, just for the court to have a look and it would still be available for the defendant at a later stage to see whether there was some point that he could make arising out of that. For the moment, I am satisfied that nothing that we have said removes the good arguable case that you require for the freezing order.

D
E So therefore we come to the next stage, which is to look at the freezing order that was made by Mr Justice Calver. Just remind me, where do I find that? Is that in the supplemental bundle?

MS STONEFROST: Yes.

MR JUSTICE FREEDMAN: So it is page 2.

F MS STONEFROST: Tab 1 is the freezing order. Yes. So page 11 is the receivership order.

MR JUSTICE FREEDMAN: So I do not need to look at the receipt report. I need to, because that, as I understand it continues until such time as it is discharged.

MS STONEFROST: Yes.

G MR JUSTICE FREEDMAN: There is presumably an application for liberty to apply is there?

MS STONEFROST: There is a provision for, I think there is provision for the receivers to apply either to change their **(Overspeaking)**

H

MR JUSTICE FREEDMAN: The defendant can apply paragraph 20 to discharge.

A Right. So I am looking at the continuation of this order. So if we go through this order, when are you seeking that it should continue until? The question is, is it anticipated that there is going to be another return day or is it simply until further order?

B MS STONEFROST: I think my Lord, since there is a provision for Mr David to challenge this or anyone else who wishes to challenge it, but it is sufficient just to leave it continuing until the final determination of the claim.

MR JUSTICE FREEDMAN: Is there anything in the letter that is relevant to Edwin Coe?

C THE LEGAL ASSESSOR: I do not know, I have not read the (**Inaudible**). You mean the letter received just now?

MR JUSTICE FREEDMAN: 3 July. No, the letter that you referred to right at the outset of this case.

D MS STONEFROST: I think he is just indicating that he will make an application.

MR JUSTICE FREEDMAN: Yes. So what he says in his letter is he will allow time for these matters to be properly considered, happy for the court to make an order continuing the freezing injunction. My primary concern is that these maths are fairly and fully ventilated before any further steps are taken. So I am wondering whether what one ought to do is to say, is to have a date in October with the liberty to apply earlier so that it then focuses the mind as to whether it is to be brought on.

MS STONEFROST: That is not a problem.

MR JUSTICE FREEDMAN: I think that is better than just leaving it entirely.

F MS STONEFROST: Yes. With a two hour return date with a two hour --

MR JUSTICE FREEDMAN: With two hours, but with the parties to give special thought as to whether in fact it would take longer.

MS STONEFROST: My timing --

MR JUSTICE FREEDMAN: So should we just say a date to be fixed in October?

G MR JUSTICE FREEDMAN: Can we just think we are, because I do not think, I do not have the impression that it is sensible to bring it on in July because it looks as if it is all going to take some time. But the important point is that the defendant can bring it on earlier if he wishes.

H MS STONEFROST: Yes. There is nothing to stop them doing that.

MR JUSTICE FREEDMAN: Yes. What are the procedural steps that are going to be taken in the case prior between now and then?

A

MS STONEFROST: So this is in relation to the bank accounts because freezing orders only apply to bank accounts. The receivers are appointed over the property. The bank accounts first to find out whether there is any money in them because at the moment they have been frozen.

B

MR JUSTICE FREEDMAN: He is going to have to answer.

MS STONEFROST: He has been asked to provide information he has not yet provided it. So he needs provide information, he should have done it by now. Then what happens next really depends on what that information shows us.

C

MR JUSTICE FREEDMAN: Slightly then concerned about leaving it over to October.

MS STONEFROST: Well, as you say, he could come in earlier and we could also come back earlier. Then you will say, if we were to discover, which does not seem, I can only speculate. If there was way more in the accounts, then we have actually got.

D

MR JUSTICE FREEDMAN: But if I do not bring it on earlier, I am concerned about the following. I am not passing any preconceived judgment about the behaviour of the defendant, but if the way in which the matter is portrayed by the claimant has credence, the next thing that is going to occur possibly is that there will be non-obedience of the information about the assets. If we just keep it open in this sort of way to October or to trial or whatever it is, the danger is that the next stage will be some form of application for contempt or something like that.

E

MS STONEFROST: Yes. I can see that is -- can I just say something?

F

MR JUSTICE FREEDMAN: So I think it sounds to me as if one needs to have a listing before the end of term and I will have to find out, I am sure the listing office will not like it if it is in the last week of term, but it does sound to me as if any earlier is unrealistic.

MS STONEFROST: I am in some difficulties for four days in the last week.

G

MR JUSTICE FREEDMAN: for?

MS STONEFROST: I am actually away for four days in the last week of term.

MR JUSTICE FREEDMAN: So, what date are you available?

MS STONEFROST: I think the Friday of that week.

H

MR JUSTICE FREEDMAN: What day is that?

MS STONEFROST: I need to rely on my phone for my calendar. I have switched it off, but it will be --

A

MR JUSTICE FREEDMAN: It is Tuesday the 29th, is it not? Therefore --

MS STONEFROST: Yes, I am aware the 28th, 29th, 30th, and 31st.

MR JUSTICE FREEDMAN: So you'd be available for a hearing on Friday the 25th?

MS STONEFROST: Yes, I would.

B

MR JUSTICE FREEDMAN: Yes. Right. Can I ask Mr Chai, it may be that you are unable to help about this, but what do you say about the listing of a return date?

MR CHAI: I am without instructions, but for what it is worth, I would be available if instructed.

C

MR JUSTICE FREEDMAN: On that day?

MR CHAI: Indeed.

MR JUSTICE FREEDMAN: I mean, it may be that your client would want just to have just general liberty to apply and do it that way, but I think it is probably, it sounds to me better myself as if we do have a date to come back to.

D

MR CHAI: I think that would focus minds for sure.

MR JUSTICE FREEDMAN: Yes, I think it would. Yes. Okay, that is helpful. Thank you. I have sent out an email to listing about the 25th.

MS STONEFROST: Thank you.

E

MR JUSTICE FREEDMAN: So, that is subject to confirmation.

MS STONEFROST: I have not checked my work diary. I do not know what might have happened while I have been here, but so far as I am aware it is free on the 25th, but if that changes, I would immediately --

F

MR JUSTICE FREEDMAN: Might be that you are leading in the Supreme Court on that day.

MS STONEFROST: Certainly hope not.

MR JUSTICE FREEDMAN: Right. Anything else?

MS STONEFROST: Yes, just two --

G

MR JUSTICE FREEDMAN: Yes. Sorry. We, we were going through the order.

MS STONEFROST: Yes. So we obviously need to revise paragraphs 203. The other hearing that is.

H

MR JUSTICE FREEDMAN: Yes. We will need to refer expressly to the email that has just been sent to me as well as to the Edwin Coe letter, both of them.

A MS STONEFROST: Yes. So I mean, it is really just paragraphs two and three. We can sort those out to reflect what has happened so far. There is paragraph 7, there is a minor error in the account number of the Barclays Private bank, which we just need to correct right at the end. It should say GBP, not FPD.

MR JUSTICE FREEDMAN: Right.

MS STONEFROST: Then there --

B MR JUSTICE FREEDMAN: Is there any need for paragraph 4?

MS STONEFROST: It is already ...

MR JUSTICE FREEDMAN: If there is more than one respondent, is there any other respondent?

C MS STONEFROST: There is only one respondent.

MR JUSTICE FREEDMAN: Yes.

MS STONEFROST: The only other one was the cost at 15, where we are suggesting that the cost of the application on the 26th and today's application are reserved to 25 July.

D MR JUSTICE FREEDMAN: Yes. What happened about paragraph 9?

MS STONEFROST: He has not applied to the request.

MR JUSTICE FREEDMAN: What do you want me to do about that?

E MS STONEFROST: I think I just want to leave that until 25 July, because it is still, we have chased him for it and told him he is in breach of the order. We have chased him and told him he is in breach of the order, and we will deal with that on the 25th, if he still has not complied.

F MR JUSTICE FREEDMAN: I think then that should be in a paragraph saying that the paragraph 9 and 10, that this order is a continuation of the existing order and that nothing in this order discharges or varies the original order, which continues to remain in full force and effect, and in particular, and including without prejudice of generality, the forgoing paragraphs 9 and 10.

MS STONEFROST: Thank you.

G MR JUSTICE FREEDMAN: But you are going to have a fully set out freezing terms. You are going to recite again, paragraphs 5, 6 and 7.

MS STONEFROST: Yes. Yes. We will produce a full order from today's --

MR JUSTICE FREEDMAN: Yes.

H MS STONEFROST: -- to the amendments.

MR JUSTICE FREEDMAN: Yes. All right. Can I just do a short judgment?

MR CHAI: One thing my Lord, it is just a very small point.

MR JUSTICE FREEDMAN: Yes, please.

MR CHAI: My diary has something in the afternoon of the 25th (**Several inaudible words**) throws a spanner in the works.

MR JUSTICE FREEDMAN: Yes. I mean, you might be able to alter it, might you on the afternoon.

MR CHAI: I wouldn't be able to make it if it were in the afternoon, but I am training(?)

MR JUSTICE FREEDMAN: Well, I cannot guarantee that the court --

MR CHAI: I appreciate that. If it could be accommodated (**Inaudible**)

MR JUSTICE FREEDMAN: They are not even on the record yet.

MR CHAI: I appreciate that as well.

(12.40 pm)

(Judgment given)

(1.10 pm)

MR JUSTICE FREEDMAN: Is there anything else?

MS STONEFROST: There is nothing further from us.

MR CHAI: Nothing more, my Lord.

MS STONEFROST: Thank you very much.

MR JUSTICE FREEDMAN: So will I get an order later today? Good. Thank you very much for your help.

(The hearing concluded)

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A

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IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Before: The Honourable Mr Justice Freedman

Date: 3 July 2025

B E T W E E N:

MAHIM KHAN

**Applicant/
Claimant**

- and -

ALKIVIADES DAVID (also known as ALKI DAVID)

**Respondent/
Defendant**

NOTE OF JUDGMENT GIVEN ON HEARING

ON 3 JULY 2025

In attendance:

Hilary Stonefrost, Counsel for the Claimant South Square ("C"),

Rebecca Hume, Partner Howard Kennedy LLP, Solicitors for the Claimant

Ajay Fournillier, Associate Howard Kennedy LLP, Solicitors for the Claimant

Boniswa Dzere, Paralegal Howard Kennedy LLP, Solicitors for the Claimant

Ian Chai - Counsel - Edwin Coe (IC) (NOT on the record but instructed to make submissions by the Defendant)

Andrew Walker KC (AWKC) - Counsel for Charles Russell Speechlys LLP (Observer)

David Gregory, Partner Charles Russell Speechlys LLP (Observer)

Joe Edwards, Partner Charles Russell Speechlys LLP (Observer)

Jasmine Sutton, Trainee Solicitor Charles Russell Speechlys LLP (Observer)

Hearing commenced at 10:33 before Mr. Justice Freedman ("J")

1. J - There is an application before the court for the continuation of a freezing injunction, made by Mr J Calver made 26 June 2025, on that date, Mr Justice Calver also made an order for the appointment of receivers. The application in respect of the application for the appointment of receivers has not come before court today because that did not have a return date, but there was provision for Defendant to have liberty to set aside or vary on

48 hours' notice. There is no application at this stage to vary or set aside. The Circumstances in which parties come to court today is that, today is the return date, of the order, made by Mr Justice Calver, as per Paragraph 3 of the Freezing Injunction, the Court knows that for Mr David, there was a provision for alternative service of this order, and the order has come to the notice of Mr David, in the sense that he has corresponded with the court by a number of emails between 1 July 2025 and 3 July 2025 in the course of those emails, he has made various objections. I do not set out them comprehensively but only to say that they include that he has been suffering from a cognitive disability and therefore needs adjustments to be made in light of his disabilities, he wished to attend the hearing by video of the court would proceed with the hearing, despite his disabilities, he referred to proceedings in Antigua which he said should prevail over proceedings in this jurisdiction. He mentioned police investigations. He also mentioned criticisms that he makes of the proceedings in California and allegedly fabricated evidence. All of this, these points are noted. That he also says that he is innocent of all these allegations made against him. All of these points are noted. But they have been overtaken by the readiness of the Defendant to accept that the freezing injunction should continue in force. By a letter dated 3 July 2025, from Edwin Coe LLP to Howard Kennedy LLP, the solicitors on record for the Claimant, the following is stated:

2. Edwin Coe is assisting Mr David in this matter albeit that it is not on the court record and Mr David is representing himself;
3. It is submitted that the orders for the appointment of receivers and freezing injunction were obtained in breach of the duty of full and frank disclosure by reason of the, full and frank, relating to proceedings before the courts of Antigua
4. Points are made as to the propriety of recovery of damages, to the punitive award, instead of to the compensatory award.
5. The penultimate paragraph of the letter reads as follows "*Mr David intends to vigorously oppose your client's underlying claims to enforce her California judgment. Notwithstanding that your client's application ought not to have been granted, including for the reasons set out above, in light of your refusal to agree to an adjournment for proper preparation, Mr David sees no point in resisting the continuing of the freezing injunction tomorrow, and would prefer to bring on his dispute of your client's underlying claim*". Mr Ian Chai, a barrister of Edwin Coe, has been in attendance. Although Edwin Coe is not on record, Mr Chai has instructions to confirm terms of order. Based on that, the court was concerned about the fact that on one the one hand, the nature of the emails to which I have made reference, making complaints, including reference to disability, and the process, and on the other hand, a letter from Edwin Coe, the solicitors not on the record, saying Mr David will not resist continuation of the injunction, I adjourned this case for half an hour so that instructions could be taken by Edwin Coe from Mr David to confirm what the position is. The result of that, Edwin Coe then started with, an email that was provided from Mr David to the Court timed at 12 noon, 3 July 2025, makes criticisms, but ends with following message to be related to the court
6. [FREEDMAN J READS THE FOLLOWING]

"Good morning, Your Lordship. This is Alkiviades David, defendant in case KB-2025-001991. I have not yet had an opportunity to be heard. I currently reside abroad, was never lawfully served, and there are critical facts the Court may not be aware of — including my cognitive disability, ongoing sovereign proceedings in Antigua (ANUHCV2025/0149), and an active UK police investigation involving the same parties. I respectfully ask the Court to allow time for these matters to be properly considered. Thank you for your time and fairness."

"For the avoidance of doubt, I am happy for the Court to make an order continuing the freezing injunction, as stated on my behalf by Edwin Coe LLP. My primary concern is that these matters are fairly and fully ventilated before any further steps are taken."

7. Having regard, I am now satisfied, in light of the above, the position referred to by Edwin Coe in their letter reflects instructions of Mr David and that he is consents to the matters to the freezing injunction, to any dispute relating to freezing injunction, he doesn't oppose to making of freezing injunction, to later stage so that he can ventilate, so that he can be heard in relation to his case. I have to be satisfied about the matters whether or not a freezing injunction is justified. I have read the papers that were before Mr Justice Calver, and I have been brought up to date with a supplementary bundle setting out how service has taken place. I am satisfied that the freezing injunction should continue for the reasons set out by Mr Justice Calver. It is unnecessary for me to repeat background facts or reasons, but just to dot his judgment. One matter I sought clarification, a question on whether it could be said that there was an objection to the enforcement of the judgment of the Californian court at common law on ground that part of it was an order for punitive damages. The Claimants case is that it is only seeking, although it seeks to enforce the award in its claim under common law, for purpose of the injunction, has confined its case to compensatory award. The question I asked was whether the claim for compensatory damages was in any way contaminated as a result that it arose out of a judgement that was for punitive damages. The answer to the question is that it is a good arguable case to the effect that the award is not contaminated or affected in that way and that it can be separate so that it can be dealing only with the compensatory award. Mrs Stonefrost helpfully referred me to Dicey and Morris. She referred to the Protection of Trading Interests Act 1980 and Rule 60 of Dicey & Morris which states that no judgment outside of the UK enforceable, re judgments from multiples, or order by secretary of state prohibition [...q] the question then arose as to whether judgment for multiple damage. Dicey 14.2.2.1 ...[reads] arrived at by double or treble multiple damages of judgment creditor [reads] at 162. The Court is only considering at this stage whether there is a good arguable case, compensatory damages. At this stage, it is made out, sufficient for the court to say good arguable case, because orders in Californian court do not involve an amount arrived at by doubling, trebling or multiplying amounts . Reason for that, the award separates out the compensatory award from punitive award, therefore, there isn't one, an award for compensation that involves multiplications. Second. Even if the punitive award was not arrived at using multiplication, even though ratio of punitive damages may have had regard, there is no ratio of a specific figure, but which gives rise to mathematical conclusion that the punitive damages were arrived at by multiplication. Multiplication by 6 would be USD 49.5m, whereas punitive award is USD 50m. May be other points that arise on more detailed clarification of points. Particularly the background to the 1980 Act, in relation to jurisdiction act of courts in anti trust jurisdictions. There may be a contrast between, that might explain the context in which

multiplication arise as opposed to order in this case where a jury separately assessed punitive damages, not by reference to multiple, but degree of oppression, to work out damages. It is therefore not necessary, this is in no way a decision about whether there is a point to be taken in this regard, sufficient at this stage to say good arguable case, for purposes of the freezing order. Sufficient confirmation to effect that the order in California may have sought to be enforced in this country to extent of compensatory award, doesn't enforce in front of punitive order as infringement of 1980, therefore, court will order continuation of injunction. The Court has been through the terms of injunction. The following to be stated:

First, the injunction is a continuation order, the previous order continues in full force and effect, in particular, attention drawn to provision of information at paragraph 9(1) which was by Monday 30 June 2025 and this information has not been provided. It is not the case that order made today supersedes the order of 26 June 2025, it is a second order relating to period of today. Three are provisions about what is to be done in the injunction granted if, and so far as, the Defendant does not comply, he risks committal proceedings. It also to be emphasised to him that fact that injunction is going to come back another day for further examination, does not provide a basis to disobey the injunction. That is the established position where a party has applied to set aside, even such an application doesn't affect the order to be complied with until set aside. Even more so where the injunction will come back to court for further review.

8. Next point that arises, for how long the injunction should continue. The suggestion was made that it should continue until further order, with the onus being on the Defendant to bring the injunction back to the court. Although that was a pragmatic course, it is not one that on reflection is appropriate. The reason for that is as follows.

First, the indications from Mr David, are that he does want to come before the court and to ventilate fairly and fully his concerns about injunction.

Second, the court, he has also said, he wants to do before ongoing steps taken in connection with Injunction

Third, there is the concern that he has [...] provision of information and what is happening in relation to those provisions.

9. In the circumstances, it, seems more appropriate for matter to come back on fixed return date. One stage in the discussion I thought to have return in October, but on reflection, matters ought to be reviewed before the end of term, available to parties, in advance in good time to agree a continuation of the injunction, so that matter comes on in the new term, until and or unless that happens, propose to fix return date for Friday 25 July 2025, subject to courts confirmation that matter can be heard on that date. I should be grateful if order was drawn to reflect the terms of the injunction. Reference in one, that in Edwin Coe letter, that Receiver Order adjourned as well, but that order doesn't arise for review for reasons I have given. However, if the Defendant wishes for hearing on next return date for receiver order to be varied, that can be done pursuant to liberty to apply at para 20 of the Receivership Order. In the meantime, it remains available for Defendant to bring on an application to set aside or vary the order. In the provisions in the order, the fact that this Return Date has come and gone should not affect that liberty to apply. It does not change the circumstances between now and then. As regards costs, propose to reserve costs until costs, without notice stage include today until [...]. That concludes my [...]. [13:10 hours]



Neutral Citation No: [2025] EWHC 2525 (KB)

Case No: KB-2025-001991

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Royal Courts of Justice
Strand, London
WC2A 2LL

Date: 25 July 2025

Before:

MR JUSTICE COTTER

Between:

MAHIM KHAN

Claimant

- and -

ALKIVIADES DAVID

Defendant

MS HILARY STONEFROST (instructed by **Howard Kennedy LLP**) for the **Applicant**

THE RESPONDENT appeared in **Person**

APPROVED JUDGMENT

If this Transcript is to be reported or published, there is a requirement to ensure that no reporting restriction will be breached. This is particularly important in relation to any case involving a sexual offence, where the victim is guaranteed lifetime anonymity (Sexual Offences (Amendment) Act 1992), or where an order has been made in relation to a young person.

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MR JUSTICE COTTER:

1. This is a review date of an application for an injunction, the Claimant having successfully applied *ex parte* for a freezing order and an order seeking the appointment of receivers. The application was made on 9 May and orders have been made by Calver J, on 26 June, and Freedman J, on 3 July. On 3 July, Freedman J continued the injunction, which had been granted *ex parte* by Calver J, but set a date for review.
2. Before me the Claimant asks for the determination of four applications. Firstly, that the freezing injunction continue; secondly, a contempt application in respect of Mr David's non-compliance with the order made on 26 June, and as continued on 3 July; thirdly, a variation of the powers of the receivers appointed under those orders, and, fourthly, an application to stay the claim in respect of exemplary or punitive damages, as defined in the particulars of claim.
3. Mr David has submitted a very large amount of material in support of his submissions in opposition to the applications.
4. It is necessary at the outset to deal with Mr David's vulnerability and consequential difficulties he faces within this litigation. He has referred to having suffered a traumatic brain injury when he was, he says, eighteen or twenty years old. Before me, in the bundle, there are two medical reports in relation to the injuries he sustained and their effect. There is also a scan showing the extent of the traumatic injury to Mr David's brain.
5. The medical reports, as supplied, before me are a medical report from Mr Karampoutakis and, secondly, a report from Mr Wexler. As I said, there is the scan attached.
6. I make it clear that I understand that Mr David's view is that his medical condition has been weaponised against him and that he does not agree with the content of the medical reports. He recognises the effects of his traumatic brain injury but does not recognise as accurate the contents of these reports, in particular that of Mr Wexler. Nevertheless, they are before me as medical reports and it is right that I take them into account when considering how the court should approach its hearings.
7. The first report, by Mr Karampoutakis following an examination on 28 and 30 September contains the opinion that Mr David has psychiatric symptoms, particularly as a result of continuous litigation, and that Mr David has developed longstanding ideas of persecution by third parties with financial incentives targeting his estate. These are matters that Mr David firmly believes are correct as I shall go on to consider in due course. The doctor recommended further clinical monitoring and potentially the use of medication as part of a therapeutic treatment.
8. Mr Karampoutakis gave the view that Mr David has full capacity to comprehend and deal with reality, possesses empathy as well as the ability to relate to others in an appropriate way. However he tends to externalise aggression directly related to the symptomatology and particularly linked to his intense fear that whoever approaches him shares the motives of the persons that he accuses in this court. The doctor felt that the symptoms required further monitoring and assessment.
9. As for Mr Wexler, who I understand and I am not certain ----

THE RESPONDENT: I've accused of murder, your Honour. Forgive me. I've accused that man of murder.

MR JUSTICE COTTER: Yes. As I said, let me finish.

-- of the exact detail of how he came to be appointed, also prepared a s report, which as I have indicated Mr David does not accept as accurate, believes that Mr David suffers from neurological damage, as is apparent from the scans, and psychiatric pathology. His view is that Mr David has psychosis (that is paranoid delusions) which could improve with pharmacotherapy; also that he has attention deficit impulsivity, and rage and aggression.

10. Mr David has, in his documents to the court, asked for the court to recognise the effects of his traumatic brain injury in the court's hearings. That I have sought to do to the best of my ability, including by providing a short written note at the outset of this hearing setting out what I understood the position to be.
11. It is important that I make it absolutely clear that there is no doubt about that in my mind, that Mr David firmly believes in the merits of what he is saying, indeed every aspect of it. The first issue for me at this stage, is the extent to which, if at all, the injunction should be continued and I have to bear in mind the totality of the evidence that is placed before me, which includes the medical evidence.
12. I return to the background history. Mr David was ordered to pay Ms Khan a compensatory award and a legal costs award, pursuant to a judgment in her favour in the Court of California, given on 21 January 2020, as later amended on 3 February 2021, in respect of sexual harassment and battery. The award, in terms of compensatory damages plus interest, was \$8.25 million and the punitive damages \$50 million, and attorney fees of nearly \$1.4 million and associated costs. So excluding the punitive award, the sum outstanding at present is said to be some \$14,612,000.

THE RESPONDENT: Of which 75% goes to Gloria Allred's pocket straightaway.

MR JUSTICE COTTER:

13. Mr David appealed on procedural grounds, including that the punitive damages award was excessive. On 27 May 2022 the Court of Appeal affirmed the decision of the California trial court and on 6 July Mr David appealed the decision to the Supreme Court of California, which the court refused to hear and the appeal stating "Permission for review denied". The time for any further appeal has now expired and Mr David's appeal rights, in respect of the claim brought by Ms Khan, are fully exhausted and the judgment is said to be final, conclusive and enforceable under US law.
14. There has been other litigation with Mr David as the Defendant and other substantial judgments. One of those, I understand from Mr David, is now the subject of an appeal.
15. The claimant's case is that, as set out at paragraph 80 of an affidavit, that Mr David has been clear in his objective to ensure that the claimant does not receive any sums in respect of the judgment in her favour
16. Returning to the application made on 9 May, it was supported by the first affidavit of Michelle Usitalo, sworn on 8 May 2025 – she is an attorney at a company in New York – and dealt with the history of the proceedings, and also enforcement.

17. Enforcement was first attempted in July in California, on 1 July 2021, in relation to a Malibu property, which was eventually sold at a value thought to be significantly less than the value when the proceedings started.
18. As I understand matters Mr David's US visa was revoked at some stage. He has since lived in the UK, Switzerland and Antigua, where he currently, I believe, spends much of his time.
19. There were enforcement proceedings in Switzerland, carried out by Swiss lawyers. I shall not deal with the nature of those proceedings ----

THE RESPONDENT: Why not?

MR JUSTICE COTTER:

-- in detail for the purposes of ----

THE RESPONDENT: They completely criminalised that whole situation and that's been proven as well.

MR JUSTICE COTTER:

-- of this judgment. Anyway, the effect was ----

THE RESPONDENT: See what these people are doing? They've taken everything on a pack of lies that they concoct.

MR JUSTICE COTTER: Mr ----

THE RESPONDENT: They completely concocted this, your Honour. They've fabricated and they continue to fabricate.

MR JUSTICE COTTER: Mr David ----

THE RESPONDENT: It makes me so angry to hear this. It makes me so, so sad to hear how my life has been ruined by lies and just extortion!

MR JUSTICE COTTER: You have got to ----

THE RESPONDENT: Your extortion!

MR JUSTICE COTTER: You have got to let me finish the judgment.

THE RESPONDENT: Yes, your Honour. Forgive me.

MR JUSTICE COTTER: Okay.

20. There have been enforcement proceedings in Switzerland and also enforcement proceedings in Greece.
21. Proceedings here were issued on 15 May. On 18 July the claimant has filed a request for judgment in default because Mr David has not filed a defence in this matter.

THE RESPONDENT: In where?

MR JUSTICE COTTER: This action here.

THE RESPONDENT: Oh. Forgive me.

MR JUSTICE COTTER:

22. On 21 July 2025 the claimant filed an application for a stay of the claim for exemplary damages, as defined in the particulars of claim. The stay is sought because it is said the claimant has not requested judgment in relation to those damages and unless further assets in the jurisdiction belonging to the defendant are discovered, the value of the assets realisable will not suffice for the compensatory damages let alone the punitive.
23. Calver J, on 26 June, granted an application for an order freezing assets, the provision of information and appointment of a receiver. It is the law, as I explained in my note, that an order made of that form continues to be in force until set aside.
24. The matter then had a return date, which is a date when an order has been made *ex parte* comes back before the court. That occurred on 3 July. Prior to 3 July, Mr David emailed the court with a significant amount of information. He made reference to the need for accommodation of his disability under the Equality Act and referred to his traumatic brain injury. He also referred to parallel proceedings in Antigua and to his overarching beliefs in relation to this matter which, as I have stated, he firmly of the view are correct and provable, he says, by evidence.
25. I summarise Mr David's beliefs. He submits that there is an organisation that transcends borders, a transnational syndicate that fuses the entertainment industry, psychiatry, corporate law and state aligned propaganda into a machinery for perception and control. It is a cartel that exerts influence over the majority of the world's "mind-share" and, through its monopolistic ownership of television networks, news media, streaming platforms and legacy publishing, dictates the global consensus, depresses dissent, manufactures reality to scale and it silences anyone who breaks the narrative. This cartel has not merely dominated markets, it has devastated lives. Its victims include children who have been groomed and commodified in the name of stardom, musicians and actors institutionalised or killed when they have sought autonomy, writers and performers and visionaries, whose creations were looted when their legacies were erased. Whistleblowers, like Mr David himself, are subjected to surveillance, false psychiatric labelling and financial annihilation. Mr David stated he stood against them in relation to the attacks against the successful businesses that he has developed over the years. So, in short, it is Mr David's case that there is an international cartel at play and they have engineered this litigation as they have other litigation and, indeed, other bodies.
26. There are a number of individuals named within an action brought by Mr David in the Court in Antigua including the fourteen defendants. That action was brought by Mr David against the parties that he believes are part of this international cartel, including lawyers David Boise, Gloria Allred, Danny Perez, Shari Redstone, and then other organisations, including Black Cube Limited, an Israeli-owned private telecommunications agency and other bodies. Mr David submitted in that claim, as he submits in this claim, that the defendants named comprise together a transnational syndicate of attorneys, intelligence agents, entertainment executives, political operatives for private contractors who, acting in concert, have conducted a coordinated campaign of harassment, fraud, extortion and racketeering against him. Mr David has residencies, offshore accounts and possess tangible and intellectual assets within the jurisdiction of Antigua and Barbuda, hence the claim in that jurisdiction.

27. There were a number of other allegations made prior to the hearing on 3 July.
28. On the hearing on 3 July, the matter came before Freedman J. He heard from Ms Stonefrost counsel on behalf of the claimant, then as she is now. Mr Chai, of Edwin Coe was counsel, instructed to attend , but not on the record, on behalf of the claimant. After some interaction, the information given to Freedman J was that Mr David did not oppose the continuation of the freezing injunction but wished and intended to contest the claim . What Mr David explained to me is that he simply had not enough time, he was abroad and he wanted to be able to get together the information with which to properly contest the matter. In any event, Freedman J continued the order.
29. As I have stated since that date, Mr David has provided a very great deal of information.
30. Mr David has urgently requested judicial action in response to what he believes is a coordinated international conspiracy. Included within his allegations is that the claimant's solicitors in this country, Howard Kennedy LLP are part of the conspiracy.
31. Mr David alleges judicial abuse and suppression of evidence across the United Kingdom, the United States and the Caribbean jurisdictions, use of litigation to give theft of intellectual property, involvement of espionage agencies, like Black Cube, via his brother-in-law, Danny Perez and systematic targeting of sovereign initiatives, including companies that have been set up. Mr David has explained the nature and wide extent of this cartel. He has explained how organisations such as Fox, Murdoch's group, and the Michael Jackson estate are seeking, through lawsuits, to strip him of the intellectual property, I have no doubt very valuable intellectual property, that he owns through his companies.
32. In relation to Howard Kennedy LLP, he makes reference also to the fact that Mark Stephens, a solicitor with Howard Kennedy, was involved with Julian Assange and a form of hologram technology, his technology was used by Howard Kennedy at that stage.
33. There is, as I have said, a very great deal of information before the Court. I have done my very best in the time available to try and piece it together and understand the nature and extent of the allegations, which have summarised.
34. It is difficult, at first blush so see how a number of wide-ranging allegations could possibly impact upon the judgment in California. However there are some specific allegations made by Mr David as to the foreign proceedings, specifically that the judgment was obtained through fraud and malice with the suppression of evidence. He has provided and relies upon statements, including one submitted today from Mr Stockdale, together with other documents are contained within his bundles which he says supports his case . In short he alleges that the proceedings in California were tainted by fraud.
35. It is the position, put shortly, in terms of international law in this country, that a foreign judgment which has been obtained by fraud may not be enforced as of right. So were Mr David to establish that there had been fraud then he would have a defence to this claim.
36. In terms of the key allegations in relation to fraud, Mr David states that the evidence of the claimant was dishonest and that she has been subjected to oppression through the cartel. There are also in what he has described as "key allegations and evidence" ; suppression of evidence and betrayal by his own lawyers, particularly Attorney Fred Heather and Robert Shapiro, who deliberately withheld 27 pages of exonerating texts

which Mr David has supplied to this Cour. He argues that this suppression , by his own lawyers, led to fraudulent judgments in the court. Mr David states that there was also forgery of court documents, State wide corruption, extortion and witness tampering, and the net effect is that the judgment is fraudulent.

37. Mr David has set out his arguments in a skeleton argument .
38. More recently, Mr David has through a notice to the Court, urged that this court acts upon evidence of treason, including in relation to allegation concerning the murder of Virginia Guiffre, allegations, as Mr David suggests, against Prince Andrew which are part of the overall attempts to undermine the Crown using falsified litigation to subvert the monarchy.
39. Mr David also refers to crimes against humanity, including the trafficking of minors and the use by different companies of platforms that have allowed the viewing of images of sexual abuse. He believes that the Crown Prosecution Service should be immediately notified, as should the Attorney General for England and Wales and, where applicable, the secret services, MI5 and MI6, because the actions of this cartel undermine the judicious sovereignty of this country.
40. The position on behalf of the claimant is that the judgment, as obtained in California, is currently unappealable i.e. the claimant has a judgment which is now unchallengeable by way of appeal because Mr David's appeal rights are exhausted. Also that various proceedings around the world in relation to enforcement have been unsuccessful or only partially successful by virtue of Mr David's actions. The claimant's case, therefore, is that this is a straightforward matter.

THE RESPONDENT: Your Honour, forgive me, that is just not true. That is just not true, your Honour.

MR JUSTICE COTTER: Okay, okay. Just let me finish.

THE RESPONDENT: That piece is not true.

MR JUSTICE COTTER:

41. I turn now to my analysis of the merits of the applications. As I set out in the note, which I hoped would give Mr David some assistance, the issue for me to determine today does not involve determining the matters of fact, detailed matters of fact, or indeed even complex matters of law that are raised by the assertions that he makes. Rather this is a review of an interim injunction which has been granted.
42. It is also important to note that interim injunctions are made alongside substantive actions. Here no defence has been served to the substantive action.

THE RESPONDENT: Other than two federal witnesses.

MR JUSTICE COTTER:

However, I am entirely satisfied, from the amount of information that Mr David has provided, that had he been properly advised or cognisant that what he had to do, as a first step, was put a defence in, that he would have done so. He has provided an awful lot of material to the court and I see no realistic argument that he would not have done the same by way of a defence document had he known he was required to do so to defend the action

However, as is pointed out, he has not done so to date , so he is technically in default of defence and I will return to this in due course.

THE RESPONDENT: By the court.

MR JUSTICE COTTER:

43. The issue, therefore, that I have to consider, two judges already having considered the matter, is whether the injunction should continue.
44. There is no doubt that I have been provided with a lot of information that was not available to Calver J and, although some of it was referred to in outline before Freedman J, not before Freedman J.
45. The material has been the subject of analysis on behalf of the claimant. There are large bundles and a very large amount of information which I am not going to descend into for the purposes of this short judgment.
46. Looking at the issues that are set out by Mr David in his skeleton argument, he sets out that the judgment is (a) contrary to public policy under section 32(1)(a) of the Civil Jurisdiction and Judgments Act 1982; (b) obtained through fraudulent and abusive legal process; (c) tied to a broader pattern of transnational lawfare and judicial weaponisation against the defendant and the sovereign actors; (d) in violation of the principles of international comity (by that I am sure he means the association of nations for their mutual benefit), sovereign immunity and non-justiciability of foreign state acts. He also seeks to strike out the judgment. He says this is not normal civil litigation. It is part of the well-documented transnational litigation campaign by a group of legal actors whose tactics are now public, regulatory and judicial in terms of their reach. Mr David is of the very firm view that these matters are now criminal in nature.
47. Mr David has referred to his difficulties in defending himself without legal representation, whilst managing a neurologically confirmed disability. The reality is, as best Mr David has tried today, difficulties which are outlined in the medical reports have come to light. As Mr David admits, he finds that under pressure he raises his voice when he tries to put his view across. It is difficult for him to hear matters that he believes are untruthful. That state of affairs is likely, it seems to me, to continue through future hearings.
48. I have considered the issue, and indeed Mr David is well aware of it having raised it himself, as to the extent to which the court would view certain matters that he has raised as indicative of paranoia. Mr David is adamant what was he says it is not due to paranoia. He says that he can support his allegations by evidence. Also, as I have set out he takes issue with the content of the medical reports.
49. The obvious issue which arises is one of capacity. I have carefully considered this issue. I have considered the nature and extent of the medical evidence provided and also the submissions made. I have, I freely admit, some very real concerns, but at this stage I think that there would be no adequate basis for a decision other than to continue on with the litigation on the basis that Mr David has capacity. However, although Mr David may not welcome it from me, I would urge that he consider whether or not a doctor, of which the court has no control over, that he chooses ----

THE RESPONDENT: I have no problem with that, your Honour.

MR JUSTICE COTTER:

-- may be able to help him ----

THE RESPONDENT: Not a problem. Not a problem, your Honour.

MR JUSTICE COTTER:

-- in terms of his continued stress under this litigation to enable him to better deal with what he has to deal with.

THE RESPONDENT: Forgive me, your Honour, I find that -- I find that deeply, deeply offensive, your Honour, because that is an attack on my disability directly and my understanding of my own health. Forgive me, I do not accept what you just said.

MR JUSTICE COTTER: All right. On I go.

THE RESPONDENT: I cannot possibly accept it. That is not right. It's also not lawful.

MR JUSTICE COTTER: It is an invitation for you to see your own doctor.

THE RESPONDENT: Yes, I ----

MR JUSTICE COTTER: It is no more than that.

THE RESPONDENT: -- I get that but, to be ----

MR JUSTICE COTTER: On the basis of the medical evidence that has been presented and the stress that you have clearly been under and the difficulties that you have had today caused by that stress, which I have seen. Anyway, that is a matter for you.

THE RESPONDENT: Thank you.

MR JUSTICE COTTER: It is not a matter for me. That was an invitation and it meant to be no more.

THE RESPONDENT: Thank you, sir. I understand. I understand that and I'm not going further, okay.

MR JUSTICE COTTER:

50. The merits of the application were considered at two previous hearings.

51. Mr David believes that, having submitted evidence which he argues supports his submissions, at this stage the court should accept it without more and without there being a chance to challenge it or a trial. However, the very purpose of a trial is to allow the challenging of evidence and the very purpose of pleadings (by that I mean setting your claim out in a claim, setting your defence out in a defence) is so that the other side knows what a party says and has an ability to gain evidence to controvert it.

52. In my judgment the issue for me is whether the additional material now submitted undermines the claimant's case that there is a good arguable case at this stage on behalf of the claimant?

53. In my judgment the reality of the matter is rather straightforward. The claimant has a judgment and the appeal rights against this judgment in the United States are exhausted. . Mr David may seek to challenge the judgment in the United States on the basis of fraud or he may not. He will certainly, it appears to me, wish to challenge it on the basis of fraud in this country . However at this stage, it seems clear to me that the claimant has still a good arguable case that she will succeed in her claim for enforcement.

THE RESPONDENT: It's a disgrace. It's a disgrace, your Honour. Forgive me, I cannot -- I cannot just sit here and listen to these words. She has no good claim. She's a liar, a fraud, and so are the lawyers. It's disgusting. It is absolutely disgusting.

MR JUSTICE COTTER: All right.

THE RESPONDENT: It's abhorrent and it's a crime against humanity what these people do. It's a crime against the realm, it's a crime against this court. It's disgusting, absolutely disgusting.

MR JUSTICE COTTER: Let me continue.

THE RESPONDENT: Yes, your Honour.

MR JUSTICE COTTER: Okay? Let me continue. All right?

54. In terms of this hearing, I cannot stress it highly enough that it is this is not a trial of the matter and it is not a determination ----

THE RESPONDENT: Your Honour, this is a treasonous act by players who are known to fiddle authorities in the United States as well.

MR JUSTICE COTTER:

55. I should turn briefly to the detail of some of the allegations. In terms of the conflict of interest, it is said that Howard Kennedy has a conflict of interest although the firm has never acted for the defendant. For my part at the moment, I cannot see any conflict of interest that I should view as having any effect. I recognise what Mr David says in relation to the involvement of one solicitor in Mr Assange's case, but I cannot see the relevance to the continuing proceedings before me.

56. In relation to the proceedings in Antigua, I have no doubt that in due course extensive reference will be made to those proceedings but at this stage they do not seem to me ----

THE RESPONDENT: Why are you pretending to be listening to me when you are not, your Honour? These are -- these are matters of law that you are completely ignoring. You're ignoring the two statements, the two witnesses, that I bring to this court. You've

completely ignored them and you are challenging my mental state over and over again in a very subtle, underhanded way, which I find really, really, really very, very disturbing.

MR JUSTICE COTTER: I am going to continue.

THE RESPONDENT: Yes, sir.

MR JUSTICE COTTER:

57. In relation to fraud and misconduct in the American trial process, whilst a number of things have been said, the matter of the alleged gross negligence of his own legal team is a matter that it is difficult to lie at the door of the claimant unless it is part of this wider conspiracy to which Mr David refers.

THE RESPONDENT: Obviously.

MR JUSTICE COTTER:

58. In relation to the foreign proceedings, as I said, they have been extensively challenged to date and it may ----

THE RESPONDENT: In a broken system where judges are at the hire of a raper, right. Right, a man that I put in jail, called Thomas Vincent Girardi, I put him in jail! I exposed him to the LA Times! I'm the one that refused to put it down and I put him in jail. Again I'm the one who just got Gloria Allred exposed. I am the one who added another seven years to Michael Avenatti's jail sentence, me, because I brought the truth and I bring the truth to this court again, to the realm, I bring it to the King, I bring it to the monarchy, that these people are criminals and they are intent to usurp this country!

MR JUSTICE COTTER: Okay. I am going to continue.

59. Mr David has contacted the police in this country in relation to what he describes as the well-documented network of vexatious and retaliatory litigation. As I explained to him, it is a matter for the police to conduct their investigations in line with their duties and the court, at this stage, cannot interfere. I pointed out that if, at the conclusion of a trial, a judge were of the view that information or evidence placed before the judge gave rise to prima facie evidence a crime, that that judge would, indeed, refer it to the criminal authorities but at this stage there has been no trial.

60. Mr David raised a number of different issues, some very serious, in relation to criminal acts which he believes have been committed by the cartel, including involvement in the Manchester bombing. He has referred to the assassination of a complainant in respect of the matter concerning Prince Andrew, and also he believes four of his lawyers have also been assassinated by this group.

61. These matters, if pleaded, will doubtless be considered by the claimants in due course and I do envisage that the defence will be wide-ranging in terms of the allegations. However I point out that the court must and will focus upon matters that are related to this claim and this claim alone.

62. For the reasons which I have set out I am satisfied that the injunction should continue at the moment. I think there is a strong arguable case. There is a risk of dissipation, as identified by Calver J, continues and I need not add anything to his analysis.

THE RESPONDENT: What is the strong case? What is the strong case that we keep hearing about? I want to know.

MR JUSTICE COTTER: The balance of convenience ----

THE RESPONDENT: I want to know what the strong case is because there is nothing there that they have not fraudulently done, which I have already evidenced. It doesn't require another trial really to figure out that these people are liars. A trial about the syndicate, yes, of course.

MR JUSTICE COTTER:

63. The balance of convenience ----

THE RESPONDENT: But these people ----

MR JUSTICE COTTER:

-- favours the granting of an injunction and it is also just and convenient to grant it.

64. I turn to the contempt application. The contempt application is based on the fact that, as I have said, Mr David has not submitted information in line with the order. Paragraph 9 required him to supply information. In relation ----

THE RESPONDENT: That is not true, your Honour. That is not true, your Honour. I have supplied plenty of information to prove that there is an active crime happening right now before the court. I've supplied overwhelming, overwhelming evidence to that fact, that right now there is a crime happening in real-time by these people.

MR JUSTICE COTTER: Okay.

THE RESPONDENT: I've provided overwhelming evidence and I've provided overwhelming witnesses and statements to that effect, your Honour.

MR JUSTICE COTTER: Okay.

THE RESPONDENT: That is just not true.

MR JUSTICE COTTER:

65. In relation to paragraph 9 of the order, there was a requirement that Mr David provide information as to certain bank statements and any assets over £20,000. During his

submissions, Mr David, although he deeply objects to the order for the reasons that I have outlined and as he has indicated during his comments within this judgment, attacks the overarching position, in terms of the information, he does not actually think that there is much that is problematic about its provision. He could give that. He just simply sees it as something that he should not give because it is part of a fraudulent use of the courts manipulated by the cartel.

66. There is an application in relation to receivership. As I have said, the receivership was granted by Calver J and continued by Freedman J. The receivers have explained, as set out within the statement of Christopher Jones, that they have a particular difficulty. The receivers are required to provide further information to insurers within thirty days of their appointment, including confirmation as to whether the property is occupied, and if this information is not provided then the insurer can decline insurance or reduce over or increase the excess. The receivers have found it difficult to gain access to the property.
67. They submitted that there should be a change of locks. What I am prepared to order is that they should have access to the property accompanied by the police, in the presence of Mr David, to be able to undertake what they say ----

THE RESPONDENT: Diplomatic police, your Honour. Forgive me, diplomatic police.

MR JUSTICE COTTER:

-- is a valuation of the property for insurance purposes.

68. In relation to the judgment in default, the position is, that it is likely that the judgment in default has been entered although no administrative confirmation has been given. I say that, given the date the application was made. However, the reality is, as I have said, is that Mr David has provided an awful lot of information to the court that he would set out within a defence and I am going to order that he has liberty to make an application to set aside judgment in default and, in so doing, set out his defence within a document. That will also give him his chance to draw together these strands in relation to his defence of this claim. If granted then I anticipate at that stage that there would be a chance for the parties, Mr David and the claimant, to review the position. Mr David may also wish to strike the claim out. He has already made one informal application but not a formal one. The defendant may wish to apply to the court for summary judgment or, indeed, to strike out elements of the defence. I think to case manage the case any further than these orders would be inappropriate at this stage.
69. So in short order, my order is I am going to continue the injunction in the terms ordered by Freedman J, and I am going to order compliance with paragraph 9 by Mr David by 4 o'clock on Monday, 28th. I do not think it is going to be very difficult, from what he says, for him to comply with that. I am going to order that any application to set aside judgment in default with a defence to be filed by a date, and I am going to give Mr David a significant amount of time for that. Then as regards any applications, I am going to allow further time for that. Then the matter to come back before me for a case management hearing with a time estimate of half a day to deal with a number of practical matters in the event that no applications are made, although I anticipate that it is highly likely that they will.
70. In relation to the Government of Antigua and Barbuda, if they have any application to make in relation to the order, including in relation to the property, they have liberty to apply through their law officers to set it aside.

71. I will not be, and I stress that so that Mr David understands it, I will not be the trial judge. What I am trying to do is draw together these case management strands so the case proceeds efficiently in compliance with the overriding objective. Also, because I have recognised the difficulties that Mr David has with the stress of this litigation and controlling his emotions when faced with what he believes to be, firmly believes to be, lies and part of an overriding construct, I think it would be useful to have the same judge for continuity purposes. It will also help Mr David to focus submissions because he would not have to deal with solely a court officer. The reality of the matter is what happens as when Calver J made the order, is that if a Judge does not reserve it to himself or herself any judge then hear further hearings and Mr David could find himself, were he to make an application to strike out the claim, or aspects of it, in front of a wholly different judge and have to start his submissions from scratch, which I think would be burdensome for him and not an appropriate use of course resources.

(This Judgment has been approved by the Judge.)

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IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Royal Courts of Justice
Strand, London
WC2A 2LL

Date of hearing: 25 July 2025

Before:

MR JUSTICE COTTER

Between:

MAHIM KHAN

Applicant

- and -

ALKIVIADES DAVID

Respondent

MS HILARY STONEFROST (instructed by **Howard Kennedy LLP**) for the **Applicant**

THE RESPONDENT appeared in **Person**

PROCEEDINGS

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A (Transcript prepared from poor quality recording due to the learned Judge's
microphone not working)

B MR JUSTICE COTTER: Yes. Before the case is commenced, concern has been raised – I do not exactly know how it has been raised – that someone might be thinking about filming these proceedings. If it is, it is potentially a criminal offence and a contempt of court and will be dealt with as such (inaudible). I do not know where it comes from. Yes.

C THE RESPONDENT: May I speak, my Lord?

MR JUSTICE COTTER: Yes.

D THE RESPONDENT: My name is Alki David. Sir, I bring in the evidence that has just arrived by post from the United States. It is very important that the court reads this. I have already submitted this digitally. However, it is important that the court sees this, the wet signature and also the notary from (inaudible), sir. And additionally what you just said, your Honour, leads to the very position of the courts that I speak of.

MR JUSTICE COTTER: Okay. Let us just take a moment. All right. Now, I prepared the note, Mr David. Have you had a chance to read it?

E THE RESPONDENT: Yes, sir.

MR JUSTICE COTTER: Okay. Well, let us go through this then because I think that might help us. The first point is that you have raised within the documentation provided to me an issue of disability and comparability.

F THE RESPONDENT: Yes, sir.

MR JUSTICE COTTER: Now, this is (inaudible) hearing and there are issues of confidentiality, anything about confidentiality, of which I will have (inaudible) mind but disrespect.

G THE RESPONDENT: I'm happy. I'm an open book so you can discuss my disability openly. It is what has been weaponised against me all these years so I'm very happy for you to discuss it openly, sir.

MR JUSTICE COTTER: Right. You talk about what you refer to as a traumatic brain injury.

H THE RESPONDENT: Yes, sir. I have supplied evidence *ad nauseam* to your court, sir.

MR JUSTICE COTTER: When was that?

THE RESPONDENT: When I was eighteen years old, sir, I was hit by a car outside the Royal Free Hospital. I was in a coma for four days. I had three fractures to my skull. I had a broken arm, a broken back and tibia, and I had seven years of recovery, actual physical recovery, and from that I sustained to my front right lobe -- 30% of my front

A right lobe is missing and I have supplied MRIs that, in fact, opposing counsel forwarded and had done, and weaponised it against me and is within exactly the statement that I will read to the court today. I think the court will be enormously surprised by what I have to bring to the court and, indeed, to the world.

B MR JUSTICE COTTER: All right. What you have provided to me, what I have seen, is a letter from a doctor which is dated 28th -- well, it follows an examination of you on 28 September.

THE RESPONDENT: I supplied much more, your Honour. Much, much more. Much,

C much.

MR JUSTICE COTTER: I have got that.

THE RESPONDENT: It's all on record, your Honour. It's all on record.

MR JUSTICE COTTER: Wait a second. You just have to concern yourself with me for a

D minute.

THE RESPONDENT: Yes. Oh, I see. Forgive me. Well, this court has changed literally last minute. So the court that it was in front of then has all of the evidence in a ----

MR JUSTICE COTTER: No, I have access to everything -- I have access to everything

E that ----

THE RESPONDENT: So please review this one page and it will change your entire view of what is happening in this courtroom today.

MR JUSTICE COTTER: Before we go through that ----

F THE RESPONDENT: Yes, sir.

MR JUSTICE COTTER: -- you will understand -- Just bear with me. I want to take this slowly.

THE RESPONDENT: Yes.

G MR JUSTICE COTTER: The first duty I have today is to ensure you can properly participate in the hearing.

THE RESPONDENT: Thank you.

MR JUSTICE COTTER: That is my first duty.

H THE RESPONDENT: Thank you, your Honour.

MR JUSTICE COTTER: So that is what I am investigating at the moment.

THE RESPONDENT: I thank you for that.

MR JUSTICE COTTER: All right. Now, the only report I have is the report of Dr Karampoutakis, following an examination on 28 and 30 September 2023, which

A refers to psychological and psychiatric issues. It does not mention at any stage or touch upon ----

THE RESPONDENT: That is the whole point, your Honour.

MR JUSTICE COTTER: -- any ----

B THE RESPONDENT: That letter was drafted, your Honour, in order to counteract the evil, weaponised, wrongful, criminal diagnosis that Dr Eric Webster, which is part of the syndicate that creates -- I will give you undeniable evidence today, your Honour, that is what is going on is treason on this court, fraud on this court ----

C MR JUSTICE COTTER: Let us -- Honestly, we will get ----

THE RESPONDENT: Okay, sir.

MR JUSTICE COTTER: -- we will get on much better ----

THE RESPONDENT: It's very ----

D MR JUSTICE COTTER: -- and more speedily in ----

THE RESPONDENT: Your Honour, I couldn't stand. May I make this statement, your Honour, just one statement and I'll shut up?

MR JUSTICE COTTER: Well ----

E THE RESPONDENT: May I, please?

MR JUSTICE COTTER: About what?

THE RESPONDENT: About this hearing. If I may?

MR JUSTICE COTTER: About the hearing?

F THE RESPONDENT: Yes, your Honour.

MR JUSTICE COTTER: The first point I want to understand, and I have not yet ----

THE RESPONDENT: I'm a sincerely disabled human being and that has been weaponised against me for years and years.

G MR JUSTICE COTTER: That's what I'm going to need.

THE RESPONDENT: And I have unmitigated, irrefutable evidence in many different ways. From MRIs and scans, in reviews by their own -- by their own hand as well.

MR JUSTICE COTTER: Okay. All right. I do not have any of that.

H THE RESPONDENT: Well, that is the reason why this court has been -- this court has been usurped by the criminal syndicate that I'm bringing to the court's attention today, your Honour.

MR JUSTICE COTTER: Okay. Wait a second. Just wait a second. The psychological issues that are raised in that report are of paranoid and persecutory ideas. You understand that?

A THE RESPONDENT: I do indeed, your Honour, and it's completely justifiable. As
Dr Karampoutakis says, who, by the way, is the leading physician in Greece and sees
everything neurological, whatever it is.

MR JUSTICE COTTER: That will (inaudible).

B THE RESPONDENT: Right? As opposed to their criminally botched -- Your Honour,
please review this document.

MR JUSTICE COTTER: Just one second. Honestly, just ----

THE RESPONDENT: You need to understand. If I were blind, you would understand. If I
C was an amputee you would understand. You cannot see that I am missing a third of my
front right brain and you -- and you are also denying me. This is extremely wrongful of
the court because I've supplied this *ad nauseam* to the court, my scans, my MRIs, in
triplicate, in quadruplicate, to make sure that the court is completely aware ----

D MR JUSTICE COTTER: Wait ----

THE RESPONDENT: -- and you are not aware which is obvious -- an obvious claim on this
court.

MR JUSTICE COTTER: Calm down. All right?

E THE RESPONDENT: Yes, sir.

MR JUSTICE COTTER: Please stay calm. When did you supply to this court the medical
evidence of the MRIs? To this court.

THE RESPONDENT: If you have -- if you have my evidence in the form that was delivered
F to Benjamin Powell, the Registrar of the court that answers to Justice Calver.

MR JUSTICE COTTER: I do, yes.

THE RESPONDENT: Right. So all -- so if you would just speak to Benjamin Powell right
now he would give you the story of exactly how my brain is.

G MR JUSTICE COTTER: No, no, no.

THE RESPONDENT: I've given him those scans in triplicate to this court.

MR JUSTICE COTTER: Because I have read through everything.

THE RESPONDENT: So you have been duped, your Honour.

H MR JUSTICE COTTER: So I have never seen any scans.

THE RESPONDENT: You've been completely duped and this will prove to you that what
they have duped you with.

MR JUSTICE COTTER: I have not seen any scans. But, anyway, let us move on ----

THE RESPONDENT: All right.

MR JUSTICE COTTER: -- in relation to this. The only medical report I have ----

A THE RESPONDENT: I can show you -- I can show you right now my scans and you can see my scan right now, if you wish.

MR JUSTICE COTTER: -- it refers to paranoid and persecutory ideas.

B THE RESPONDENT: Which is not surprising seeing I've had several attempts on my own life. I have had four of my attorneys murdered. It's all evidenced and this is why you do not see the evidence, your Honour, because they are fighting desperately to stop what is happening. It will not stop, your Honour. It will not stop. I mean, what these people have done -- if you allow me to read this, your Honour, I believe that you will be
C severely mis -- you have been severely misinformed, and you need to find out who has informed you, how and why, because that is the treasonous act that I bring to the court today.

D MR JUSTICE COTTER: So in relation to this medical evidence, which you say you have submitted ----

THE RESPONDENT: Many times over, your Honour.

MR JUSTICE COTTER: Yes, all right.

THE RESPONDENT: And this is all on the record, I assume.

E MR JUSTICE COTTER: Well, the issue is this ----

THE RESPONDENT: Your Honour, are we on the record?

MR JUSTICE COTTER: -- what are you saying ----

THE RESPONDENT: Your Honour, forgive me. Are we on the record?

F MR JUSTICE COTTER: What do you mean are we on the record?

THE RESPONDENT: Are we officially on the record? Are we being recorded and what -- the testimony that I'm giving you today is being recorded?

G MR JUSTICE COTTER: Well, what everyone said from the moment I came in is on the record.

THE RESPONDENT: Very well.

MR JUSTICE COTTER: What I'm interested in is what you say I should be doing to help you, bearing in mind what you -- That's what I'm driving at.

H THE RESPONDENT: Yes, sir.

MR JUSTICE COTTER: Do you understand?

THE RESPONDENT: What I would require -- the accommodations that I require is, the disability that I have, I today rest, I do not -- I do not need -- I no longer need accommodations. I am here. My whole purpose was to be here, sir, and my purpose was to be heard by you and that is the only thing that I have done, being protected by

A the Government of Antigua and Barbuda. I'm also here in an official capacity as ambassador at large for the island nation of Antigua and Barbuda representing the Government of Gaston Browne, which when you hear what I have to say, your Honour, you will be dramatically surprised.

B MR JUSTICE COTTER: Okay. All right. Now, what I have done in this note, and it is before we start the hearing, just so we understand ----

THE RESPONDENT: Yes, sir.

C MR JUSTICE COTTER: -- what the hearing is about. All right? Now, an injunction was granted by Calver J without notice freezing assets, requiring information, and this is all in the note of (inaudible). Now ----

THE RESPONDENT: Treason. Treason, your Honour! Treason! Treason on the court! They have all the evidence and that was copied, so that was copied to the -- That is treason, your Honour.

D MR JUSTICE COTTER: All right. Let us just calm down.

THE RESPONDENT: Treason!

E MR JUSTICE COTTER: Calm down. Calm down. You are shouting. This is what has happened.

THE RESPONDENT: But it's the King's court, your Honour.

MR JUSTICE COTTER: It is a matter of fact.

THE RESPONDENT: It is the King's court, your Honour.

F MR JUSTICE COTTER: I am one of his Majesty's Justices. I understand that. This is what has happened. What has happened -- I am telling you what has happened.

THE RESPONDENT: You have been robbed of the information by a broken system, which we will uncover today, your Honour, I promise you.

G MR JUSTICE COTTER: Good. But let us just -- What we are trying to do, first of all, if you just listen to me ----

THE RESPONDENT: Yes, your Honour.

MR JUSTICE COTTER: -- is work out what we ----

H THE RESPONDENT: I'm listening.

MR JUSTICE COTTER: -- aim to do today.

THE RESPONDENT: Yes, your Honour.

MR JUSTICE COTTER: Now ----

THE RESPONDENT: You'll take my statement on the record today, your Honour.

A MR JUSTICE COTTER: Let us just take it -- If you look at the note in front of you, it points out and tries to point out that the injunction -- this is what I have set out at 2 and 3 -- are injunctions before a trial. This is not the trial.

B THE RESPONDENT: It doesn't matter, your Honour. There are -- there are -- this is -- there is an act of treason and it doesn't really matter what's going on in the traditional sense of the word because I have irrefutable evidence that these people are part of a syndicate, a criminal syndicate, of law -- of law fare, organised, syndicated criminals that are usurping the criminal justice -- the justice system of this country and your court, this very moment, your Honour, and I have irrefutable evidence that (inaudible), and I also accuse the previous judge, Judge Calver, of profound misappropriations.

C MR JUSTICE COTTER: Okay. Well, in relation to this hearing, it was set up by the last judge, not Calver J but Freedman J ----

D THE RESPONDENT: So then he is a crook. He is a crooked lawyer and should be arrested immediately, your Honour, and you will find out shortly why. I beg the court to read this before we continue.

E MR JUSTICE COTTER: Let us just -- I will read -- I promise you I am going to read it. Okay?

THE RESPONDENT: Thank you, your Honour.

F MR JUSTICE COTTER: But before I read it, I just want you to understand what this hearing is about. Now, and it is important, it is very important that you listen because the injunction was granted. That is what happened. Whether you agree or whether you do not agree, it was granted, and it was continued. Now, an injunction ----

THE RESPONDENT: It was continued because I agreed to continue it, your Honour. That is why. I agreed to continue it so I could be in this court today, your Honour.

G MR JUSTICE COTTER: So the injunction ----

H THE RESPONDENT: If it please the court, I am a graduate of law and college bar. I am completely of my senses. I have run successful businesses. I am a completely -- I am not paranoid or schizophrenic as the -- as the opposing side would you like to lead you to think, which is how they like to weaponize the courts against individuals, disabled people, right?

MR JUSTICE COTTER: All right. One of the worries I have, Mr David, is they have not adduced a medical report that says you are currently unfit. You have.

THE RESPONDENT: No, your Honour. You're playing games, your Honour.

MR JUSTICE COTTER: I am not playing games.

A THE RESPONDENT: Forgive me. Please, I beg the court to read this.
MR JUSTICE COTTER: Now, Mr David, what I am trying to explain ----
THE RESPONDENT: Forgive me, your Honour.
MR JUSTICE COTTER: -- and I will look at it in a second, is this. This is not a trial of the
B main action.
THE RESPONDENT: Please. Please.
MR JUSTICE COTTER: Look, Mr David ----
THE RESPONDENT: Your Honour, you have to understand my TDI is exactly what this
C court is meant to be advised of and you have not been advised, and it's been
weaponised against me. I have been feeling -- I have a guard with me, protecting my
evidence. Not out of -- not out of extreme paranoia but out of the fact that four of my
attorneys are dead, your Honour, and I have proven to the court irrefutably, and you do
D not have the evidence because Benjamin Powell's emails and all of the -- all of the
articles, all of the exhibits, everything beautifully organised, multiple lawsuits, fifteen
years of work in the Supreme Court of California, multiple lawsuits that I have won.
There's a famous lawsuit called *Alki David v CBSI*, which is at the court of this
E treasonous act that I speak of. I bring before this court today, your Honour, irrefutable
evidence that these people today are causing a fraud on the court at this very moment.
MR JUSTICE COTTER: All right. Now ----
THE RESPONDENT: And beyond that, sir, for the last fifteen years, you have to understand
F that I have been living a life where I have been persecuted by criminal lawfare
organisation that has now also been -- And I have the Government -- and I come here,
by the way, in good standing with the Government of Antigua and Barbuda, represented
the Government of Antigua and Barbuda in this very matter.
G MR JUSTICE COTTER: I have read all of the information that has been uploaded. Now ----
THE RESPONDENT: Clearly not.
MR JUSTICE COTTER: -- what ----
THE RESPONDENT: Clearly not, your Honour.
H MR JUSTICE COTTER: I have.
THE RESPONDENT: Because you are saying to this court right now, your Honour, that I've
not provided my medical information, which is not true. I have provided that medical
information at least four times that I -- that I can -- I can spew up right now.
MR JUSTICE COTTER: Well ----

A THE RESPONDENT: So -- so -- and I -- and the very, very last document that I sent to this court included one big scan of my brain, left and right, that shows irrefutably the damage that I have to my brain. So you do not have that before you, your Honour.

B MR JUSTICE COTTER: It maybe that that evidence that I have no read and, in fact, from memory, I might have seen a scan now you mention it. But the point is this, in relation to the claim, if we can get back to what we are hearing today ----

THE RESPONDENT: Thank god I brought this, your Honour. Thank god. If God provided for this. My life -- my -- Your Honour, they have -- they have killed my people. They

C have attempted to murder me.

MR JUSTICE COTTER: Mr David ----

THE RESPONDENT: Your Honour, please, I beg you. Please just read this and let's get this over with. This will change the court's opinion instantly.

D MR JUSTICE COTTER: All right, all right.

THE RESPONDENT: Thank you, your Honour. It is forensically ready for future -- for future investigations. Excuse me, sir.

MR JUSTICE COTTER: Okay. **(After a pause):**

E THE RESPONDENT: The gentleman who's writing is a British citizen living in America.

(After a pause):

MR JUSTICE COTTER: Yes.

THE RESPONDENT: And that is the second person that's supplied that same affidavit,

F Yelena Calendar, who is the other person who is in that appeals document, has also -- has also sent an affidavit which I submitted to Benjamin Powell, but twice they referred -- referenced it in multiple exhibits and filings that I made. So it's been cross-referenced multiple times. The fact that this has not been brought before the court is

G testimony for the fact that there is a treasonous movement within this very court, your Honour.

MR JUSTICE COTTER: Calm down. Can I go back -- I have read it -- can I go back to what I was trying to get through to you, right? Now, let us just assume that you have

H evidence which you are satisfied showed there was fraud to get this judgment, okay? All right? This hearing, this is what I am trying to explain to you, is not the trial. Now, you might win the trial but this is not the trial.

THE RESPONDENT: I understand, your Honour.

MR JUSTICE COTTER: So the problem is, that is why I am trying to take it slowly with you, you ----

A THE RESPONDENT: Your Honour, your Honour, this is an act of treason on the court! It is not about a civil matter. This is a criminal matter. It is not about a civil matter. This has been referred multiple times in my filings. I filed this to the SRO. I filed this to MI5. The Government of Antigua and Barbuda is supporting everything that I've brought to this court today, your Honour. I'm not paranoid. I'm not mentally unwell. I am disabled. I am not sick. It is very important for you to understand, your Honour, my TDI is profoundly ----

MR JUSTICE COTTER: I have said before, Mr David, you do not shout.

C THE RESPONDENT: It is my TDI, your Honour. I cannot help it. I apologise.

MR JUSTICE COTTER: I have not medical evidence that says that TDI cannot speak with a shout.

THE RESPONDENT: Forgive me, your Honour. You are misinformed.

D MR JUSTICE COTTER: Okay. All right. Well, try your hardest not to shout at me.

THE RESPONDENT: Thank you, your Honour.

MR JUSTICE COTTER: Now, what I am trying to explain is this. Your evidence, okay, that you say supports the allegation is fraud, would normally come in – normally come in – at a trial. Now, what has happened here is there has been an injunction granted.

E THE RESPONDENT: A criminal injunction. A criminally filed, fraudulently brought upon the court, injunction, your Honour.

MR JUSTICE COTTER: Well, I will say please to listen me, without interrupting me. Just try and listen. All right? Now, that injunction has been granted not because the court is satisfied there was not fraud. Do you understand? The court is satisfied that the claimants have a good arguable case. That is the threshold for the grant of the injunction. And what normally happens is that that happens at that stage and then there is a trial. Okay? So the question for me, and I do not at this stage, neither did Calver J, neither did Freedman J, deal with the complicated allegations of fact or of law at this stage. It may be relevant at trial.

F Now, one of the things I have set out here is they have issued a claim against you but you have not defended it.

H THE RESPONDENT: Yes, I have, your Honour, and the court has been usurped. The court has been -- the court has been defrauded of the evidence, your Honour.

MR JUSTICE COTTER: But have you filed an acknowledgement of service?

THE RESPONDENT: Yes, your Honour.

MR JUSTICE COTTER: When did you do that?

A THE RESPONDENT: Multiple times. I have it all in my notes. Everything -- and it's all registered, and I even had a response. Your Honour -- your Honour ----

MR JUSTICE COTTER: The acknowledgement of service is a specific document. Can you give me any ----

B THE RESPONDENT: From? I can give you all the documents you wish. I have them on -- I have them on my phone and I can forward -- and I can show them to you in real time.

MR JUSTICE COTTER: When did you submit the acknowledgement of service?

THE RESPONDENT: When did -- Your Honour, I have been submitting documents for a

C month and a half to Benjamin Powell. I have submitted 50 -- evidence of that, pieces of evidence ----

MR JUSTICE COTTER: Not ----

THE RESPONDENT: -- that proves that there is a treasonous group within this court right

D now, this very, very moment, usurping the nation and the Sovereign State of Antigua and Barbuda for which I represent.

MR JUSTICE COTTER: Okay. The court does not work on the basis of ----

THE RESPONDENT: No, you're wrong, your Honour. This is treason. This is treason of

E the highest order and you are completely wrong, your Honour.

MR JUSTICE COTTER: You have not heard what I said. You keep on interrupting me, Mr David. You ----

THE RESPONDENT: Because you keep feeding me -- you keep telling me -- you keep

F telling me things that are unconstitutional.

MR JUSTICE COTTER: What have I told you that is unconstitutional?

THE RESPONDENT: You have told -- I have -- I have reported to you, before -- before your very eyes, you have a written -- you have a written notarised affidavit from

G misrepresented evidence which is at the core of your judgment today, which is the appeals document generated by a Girardi judge, and I was responsible for exposing Tom Girardi to the California legislator.

MR JUSTICE COTTER: What ----

H THE RESPONDENT: I am the one responsible for putting out Michael (inaudible) another seven years in jail, and I will put these people in prison today, I promise you.

MR JUSTICE COTTER: Okay. This is a statement and I understand what you are alleging. You are alleging that the judgment was obtained by fraud.

A THE RESPONDENT: No, your Honour. The judgment itself was fraud, your Honour, and that is proven categorically and supported by evidence and by other courts, including a Federal court of the United States.

MR JUSTICE COTTER: Now, at the moment the court of the United States, as I understand

B the ----

THE RESPONDENT: Not about me. About the Government of Antigua and Barbuda, sir.

MR JUSTICE COTTER: Mr David, it is impossible for me if you do not take ----

THE RESPONDENT: It is impossible for me to conduct -- I have severe -- I am disabled. If

C I was blind, your Honour, you would not tell me to look at something. If I was -- if I was an amputee you would not say, "Stand up" when it's time to stand up. Okay?

MR JUSTICE COTTER: Mr David, for this hearing to get anywhere ----

THE RESPONDENT: We've got somewhere, haven't we?

D MR JUSTICE COTTER: Well ----

THE RESPONDENT: Haven't we got somewhere?

MR JUSTICE COTTER: Okay? It is to be used (inaudible). Do you understand that?

THE RESPONDENT: Your Honour, I have a severe brain injury and I ----

E MR JUSTICE COTTER: You keep on telling me ----

THE RESPONDENT: -- have been running for fifteen years from murderers and thugs.

MR JUSTICE COTTER: I understand it but are you capable of conducting proceedings?

THE RESPONDENT: If you would respect my disability rather than pander to their lies and

F then mock me, is how I translate it.

MR JUSTICE COTTER: Then you were asked ----

THE RESPONDENT: Of course I understand that.

MR JUSTICE COTTER: -- what you wanted me to do. I have provided you with a written

G document that tries to help you with what the hearing is about.

THE RESPONDENT: Right.

MR JUSTICE COTTER: I can't see, if what you are going to do is interrupt me and not let me speak. Okay. Do you understand that?

H THE RESPONDENT: I do.

MR JUSTICE COTTER: Okay, good. Well, let us try and progress this. Okay. Now in terms of what we can achieve today, as I understand it you wish to defend this action, that is the whole action, on the basis of a number of different grounds, one of which is fraud. Yes?

THE RESPONDENT: Yes, your Honour.

A MR JUSTICE COTTER: And we can go through them. But, as I say, at the moment what I am concerned, with this injunction, is whether or not the claimant has a good arguable case that she should be able to enforce her judgment. Now, one of the questions I was going to ask you is this, I think yesterday or the day before you mentioned a further
B appeal in the United States. Tell me about that.

THE RESPONDENT: Yes, your Honour. There was a judgment of \$900 million found against me by a lawsuit that was drafted by one Tom Girardi, who is now in prison. That \$900 million lawsuit was drafted by Thomas Vincent Girardi and then handed over
C to one Gary Dawdy (?). Now, that lawsuit, in the process of me submitting evidence that these people had been receiving and forwarding back to the (inaudible) lawyers, which is Gloria Allred, Tom Girardi and Lisa Bloom syndicate. And I have irrefutable evidence from the courts, two courts now, two Federal courts in the States, one Federal
D court, that I was -- I don't know if you've ever heard of the lawsuit, the Alfa Nero lawsuit. It's a famous yacht that was in the Caribbean and ----

MR JUSTICE COTTER: I have.

THE RESPONDENT: Okay. So there was a big debacle over a yacht in Antigua called the
E Alfa Nero.

MR JUSTICE COTTER: I have read about it, and Russian oligarchs, and you ----

THE RESPONDENT: Right. And then I was -- what you may not know is that I was attached to that lawsuit in a fishing expedition by Roy Schiller and the Government of
F Antigua and Barbuda, and the Prime Minister, Gaston Browne, will verify what I'm saying to you today, without a problem.

MR JUSTICE COTTER: But the question I am asking you, Mr David ----

THE RESPONDENT: Yes, sir. And my name was attached to that lawsuit.

G MR JUSTICE COTTER: Let us ----

THE RESPONDENT: And the Federal court in the United States said that we were officially not liable because it was a lawfare tactic instigated by the law firm, Boies Schiller.

MR JUSTICE COTTER: What I am interested in is you mention another appeal.

H THE RESPONDENT: Yes.

MR JUSTICE COTTER: Is it an appeal against this judgment? That is what I am interested in.

THE RESPONDENT: Yes, Mahim Khan, absolutely. There are multiple appeals against Mahim Khan. First of all, there is one in the Supreme Court of the Eastern Caribbean and that is the most ----

A MR JUSTICE COTTER: In the US. What I am ----
THE RESPONDENT: And in the United States. And the United States.
MR JUSTICE COTTER: Because what I am told in the US is that what they refer to as the
appeal right is exhausted. In other words ----

B THE RESPONDENT: It is exhausted because of a fraud on the court. However, I attached
that lawsuit to the appeal against the \$900 million judgment that was procured by
Thomas Girardi. That has also got the Mahim Khan lawsuit rolled into the appeals of it.
That is under appeal and I have supplied that evidence to the court as well.

C MR JUSTICE COTTER: Well, all you have said is that there is an appeal.
THE RESPONDENT: Sorry?
MR JUSTICE COTTER: All you have said is that there is an appeal.
THE RESPONDENT: No, no, no. I've supplied the appeal document. I've supplied the

D appeal document and I've also supplied all the arguments that are going into the appeal,
that have gone into the appeal, and also James Bond, the attorney, the United States
attorney, that has handled that appeal, it's on the record as well with the court.
MR JUSTICE COTTER: So there is an ongoing appeal against connected lawsuits in

E America?
THE RESPONDENT: Yes, sir.
MR JUSTICE COTTER: Okay.
THE RESPONDENT: Headed by Thomas Vincent Girardi, who is now incarcerated.

F MR JUSTICE COTTER: Yes.
THE RESPONDENT: Because of me, your Honour.
MR JUSTICE COTTER: Okay. Now, the difficulty that I have, and it is in part an example

G of whether or not I have missed your scans in the amount of reading I have to do, and it
is a huge amount, is that you supply lots of information to the court but what we do not
have is a defence that sets out simply what -- I could look at different documents and I
could try and bring them all together.
THE RESPONDENT: I understand.

H MR JUSTICE COTTER: And try to see (inaudible) from them.
THE RESPONDENT: I understand that.
MR JUSTICE COTTER: The argument at the moment that the claimants will make, is that
you have not actually defended the action. What would normally happen would be you
put in all the arguments that you have put together in one document.
THE RESPONDENT: I understand.

A MR JUSTICE COTTER: Saying it was obtained by fraud, it is -- what ----

THE RESPONDENT: And that is where -- that is perhaps the breakdown of the court as well. I requested multiple times to Benjamin Powell that my disability be recognised and that the bundles be collected by him. Now, I have also -- and also, your Honour,

B this particular case right now is also under police investigation and I have all of the -- and I have the evidence for that. I've supplied that to the court as well.

MR JUSTICE COTTER: I know you have contacted Scotland Yard, putting a whole range of issues.

C THE RESPONDENT: Beyond that, your Honour. It's beyond -- it's beyond just contacting Scotland Yard.

MR JUSTICE COTTER: I do not understand many of the issues that you have brought. What on earth have they got to do with what I ----

D THE RESPONDENT: If you would allow me to read what I have as a statement to the court then perhaps we will be clear.

MR JUSTICE COTTER: Just so you understand where we are at the moment, right, what normally happens in these cases is, and forget the injunction for a second, someone

E brings a claim, somebody defends it, they exchange statements and documents, and there is a trial. That is the normal route. Okay? You do not just stick your documents in and say, "Look, Judge, I am sticking documents in", and you can say, "Summary judgment must follow. There is no case to answer." You can do that but normally it is

F put your case in, defend your case, and then, as I say, you can try and strike things out. Okay? Now ----

THE RESPONDENT: In a civil matter, your Honour. In a civil matter, your Honour.

MR JUSTICE COTTER: In a civil matter.

G THE RESPONDENT: Yes.

MR JUSTICE COTTER: The injunction runs alongside. Now, all the injunction is sought to do here ----

THE RESPONDENT: I follow the cross-train officially and it was recognised.

H MR JUSTICE COTTER: -- is to ----

THE RESPONDENT: And this is not being respected by the court at this moment. I don't understand.

MR JUSTICE COTTER: Because it has not been formally done.

THE RESPONDENT: But, your Honour, I'm disabled and it was accepted, clearly accepted, by the court that my disability was accepted and recognised by the court multiple times.

A MR JUSTICE COTTER: It is not ----
THE RESPONDENT: And forgive me if you -- if you said it was, I would say that you are being or you have been misinformed.
MR JUSTICE COTTER: No. Look, I can tell you there is no formal order at all in relation to
B how the court should approach your disability. At all. There is nothing. That is what I was trying to explore at the outset with you.
THE RESPONDENT: But there are laws in place to protect me, your Honour.
MR JUSTICE COTTER: Of course there are. And what do you think I am doing, Mr David?
C I am trying to explore them.
THE RESPONDENT: I see.
MR JUSTICE COTTER: All right?
THE RESPONDENT: I see. Thank you. Thank you, your Honour.
D MR JUSTICE COTTER: Why do you think I ran through the documents to try and help you?
THE RESPONDENT: You see, your Honour ----
MR JUSTICE COTTER: (Inaudible) ----
THE RESPONDENT: You see, my eyesight and my stress, and the stress levels for me with
E my TVI -- you know, my TVI is my sword and it's also my Achilles' heel, right?
MR JUSTICE COTTER: All right.
THE RESPONDENT: And if your Honour would really humour me to just get this off my chest.
F MR JUSTICE COTTER: Yes, look ----
THE RESPONDENT: It is fifteen years of targeted harassment and abuse and murder and many members destroyed my life and I wish the court would recognise it.
MR JUSTICE COTTER: I have and, of course, I will give you the opportunity to read the
G (inaudible), but what I am trying to explain to you, what I really am trying to get across here, is that what we are not going to deal with today is the trial of this action. We cannot.
THE RESPONDENT: You can in the form of treason, your Honour. Forgive me, you are
H wrong. With all the greatest respect, I'm bringing to you -- I'm bringing to you evidence, irrefutable evidence, that this court is being usurped by an act of treason.
MR JUSTICE COTTER: Do you know what treason is?
THE RESPONDENT: Yes, I do, your Honour. I'm extremely -- I am a 57 year old man who has -- I'm a graduate of law college. I was the -- I, sir, was also the Chief Petty Officer of the CC (inaudible) School. I'm a responsible human being. I'm a father of four. I

A am also a disabled person. I have been through the ringer, your Honour, and I bring to you evidence today that right now these people -- I accuse these people of treason and criminality beyond imagination, your Honour.

MR JUSTICE COTTER: But treason ----

B THE RESPONDENT: Yes, your Honour. If you will humour me, treason.

MR JUSTICE COTTER: Just calm down and just ----

C THE RESPONDENT: It's not. It's -- these -- what is coming out of my mouth, came into my voice, is from -- varies nothing to what -- to the evidence that comes out of my mouth.

MR JUSTICE COTTER: (Inaudible) should explain treason.

THE RESPONDENT: Okay. May it please the court?

MR JUSTICE COTTER: Okay, go on.

D THE RESPONDENT: My name is Alkiviades David and I'm a British citizen by birth. A father, an artist, a public servant. And I appear today as a master at large to the Government of Antigua and Barbuda, a Sovereign realm of the Commonwealth. I address this honourable court not in a capacity as a lawyer but as a voice of the

E sovereign nations, survivors and those murdered to protect the empire of lies we now expose. I am a living witness to coordinated crimes committed by a transnational criminal syndicate led by David Boies, Gloria Allred, Lisa Bloom and their international affiliates and many others. They deploy strategic litigation, asset raids,

F media defamation, psychiatric coercion and capture of regulators and judges. To dismantle lawful governments, silence whistleblowers and dominate global narratives through psychological warfare. They operate across multiple jurisdictions under the guise of legal legitimacy, while committing fraud and undermining democratic

G institutions at scale. Treason in multiple realms. Your Lordship, this is no longer an isolated corruption. This is widespread treason. Treason against the United Kingdom and the British Crown by subverting, attacking the Royal family to orchestrate media payoffs and misuse of UK courts to (inaudible) criminal conspiracies.

H 2. Treason against the Government and the people of Antigua and Barbuda through illegal lawfare, reputational sabotage and unlawful seizure of sovereign assets.

3. Treason throughout the SIDS. That is small island and developing states and the Commonwealth. At this time this syndicate has infiltrated small island states, weakened their legal integrity, hijacked their sovereignty through offshore ports,

A through financial coercion and through -- and through -- and they work to extinguish environmental and culture autonomy.

It is not long -- much longer. I will finish this and I will finish my points exactly. Number 4, increasingly treason against the constitutional order of the democratic
B nations worldwide, where weaponised litigation and media disinformation are used to destabilise elections, destroy lives and consolidate power to the hands of unelected individuals. Individuals. Not organisations. Individuals.

Also, your Honour, to colour my background, I was also at La Rose in Switzerland
C which gives me exposure to all of the kingships and leaders of this planet. I will continue.

Your Honour, I respectfully request that this court recognise my standing both as a private citizen and has an official representative of Antigua and Barbuda acting under
D the diplomatic appointment and international treaty. 2. Formally record the acts of treason committed against the British monarchy, against the Government of Antigua and Barbuda, and across the Commonwealth and SIDS nations affected by the criminal cartel. Refer David Boies, Gloria Allred and Lisa Bloom, and their network, to the
E Crown Prosecution Service for criminal investigation out of the charge of conspiracy to pervert the course of justice for malicious conspiracy, lawfare abuse and treason. 4. Issue, protect the borders for whistleblowers and sovereign (inaudible) targeted by this network, including Prime Minister Gaston Browne of Antigua and Barbuda, whose life is threatened by the same criminal cartel. Freeze enforcement of all tainted judgments
F and fraudulent instruments used to seize property, destroy rights or manipulate outcomes in foreign courts. And 6, order a judicial review of UK regulatory bodies, particularly Ofcom, the Solicitors Regulatory Authority and other actors who facilitated this corruption. 7. Coordinate with Interpol, which is already engaged, the Financial
G Conduct Authority and the Serious Fraud Office, to launch forensic audits, trace laundered assets and prosecute all partners under the Proceeds of Crime Act 2002 and intellectual treaty laws. Right?

H So this is a moment of reckoning, your Honour, a real reckoning. The evidence e that I supplied and the whistleblowers who have come with me make it irrefutable that these people today are committing treason on a scale that is disrupting. And furthermore, your Honour, the evidence that I have provided will also directly lead to the Manchester bombing. I will continue, your Honour.

A Let this court stand today as the first of the Commonwealth to draw the line. Let it
be said that justice returned there. Right? And that the Crown defended its own and the
people's voices who fight to be heard. Let the world know (inaudible - respondent
becoming distressed) that the Commonwealth has not fell to corruption and that we, the
B people of the free world, do not go quietly.

MR JUSTICE COTTER: Are you all right?

THE RESPONDENT: No, I'm not all right, your Honour. I'm not all right. My life has
been torn apart by these people and I bring to the court evidence that the acts of treason
C by the same people, the media cartel that I have been living in Hollywood for a very
long time. I run very successful companies. These people have pursued my IP. This
very firm has pursued my intellectual property, the hologram technological that
transmitted Julian Assange across from the Ecuadorian Embassy, that I was at, and I
D beamed him to a live event where he was persecuted in the same way by the very same
criminal cartel that sits here before you today, sir. This very law firm represented Julian
Assange at the time that I transmitted Julian Assange from the court -- from the
Ecuadorian Embassy, and they were his public representative, so they were my
E customer. Do you understand me? In 2011, I believe. I forget the date. I have
submitted the date, your Honour.

MR JUSTICE COTTER: Yes.

THE RESPONDENT: But for ten years these people have pursued my IP through their
F syndicates.

MR JUSTICE COTTER: In relation to the involvement of your software, Hologram Limited,
in the Julian Assange case, I am struggling to see what that has to do with your
allegations.

G THE RESPONDENT: Right. Well, basically my IP has been deeply involved in lawsuits all
over America, which I have successfully defended. I even have -- I even have ----

MR JUSTICE COTTER: This is not about your IP. This was a case about sexual
harassment.

H THE RESPONDENT: Yes, your Honour, and that was -- that was a wrong -- that was
completely fabricated, as before you you have evidence that the very appeal statement
came from a court, a known corrupted court in California, which is the Stanley Mosk
Courthouse, which is under investigation in many different ways by the BOJ, and that
very judge himself has been irrefutably proven to have lied by the very people that he

A says made a statement to these people, which is a lie. These people have defrauded you, your Honour, completely.

MR JUSTICE COTTER: Calm down. In this, this ----

THE RESPONDENT: That is my income.

B MR JUSTICE COTTER: This was Mr Shoefield.

THE RESPONDENT: Sure.

MR JUSTICE COTTER: He did not give any evidence.

THE RESPONDENT: Yes, he did, your Honour. No, that's correct. He did not give

C evidence. That is absolutely correct.

MR JUSTICE COTTER: So obviously ----

THE RESPONDENT: But in the appeals document that you have, the appeal statement by Judge Lui, by Judge Lui, you will see that Ms Yelena Calendar and Mr Gary Shoefield

D represented as having gone to the court, given a statement that I was a very bad person, and then they left the court, which is a complete lie. That was given to by the same syndicate, fed to the crooked judge, Judge Lui exposed irrefutably as having misrepresented his appeals statement that was filed under seal.

E MR JUSTICE COTTER: Okay. Now, all right.

THE RESPONDENT: What you have before you, you have a completely fabricated case and I can go through it if you would let me sit down with your clerk for two hours, I will pick it apart in 50 seconds to prove to you that there is active fraud on the court today

F with misstatements and attempted murder.

MR JUSTICE COTTER: All right. Now ----

THE RESPONDENT: And I can prove to you the murder, if you wish to go -- if you wish to go to -- You said you didn't want to do a trial. I wish to bring to the court there is a

G treason going on and I have supplied evidence *ad nauseam* that you have told me yourself you have not been able to connect.

MR JUSTICE COTTER: The difficulty is you say, for example, Mr David, that four attorneys have been assassinated.

H THE RESPONDENT: Yes.

MR JUSTICE COTTER: Just saying that is not evidence that they were.

THE RESPONDENT: Your Honour, I will supply -- I've even proven it in the evidence that I've given you. I've even actually fundamentally proven it.

MR JUSTICE COTTER: How would you ----

THE RESPONDENT: Four plea for enforcement.

A MR JUSTICE COTTER: How would you prove that four people were murdered?
THE RESPONDENT: Okay. Let's begin with one by one, if you wish.
MR JUSTICE COTTER: Yes, go on.
THE RESPONDENT: All right. So Barry Cable. Barry Cable, who was my attorney for

B several years ----
MR JUSTICE COTTER: Yes.
THE RESPONDENT: -- he admitted to me that he was part of a cartel of lawyers that
extorted ----

C MR JUSTICE COTTER: But how was he murdered?
THE RESPONDENT: I beg your pardon. He was still in the dentist chair with a heart maker
-- the coroner's result was heart attack.
MR JUSTICE COTTER: The coroner's report was heart attack but you say he was

D murdered?
THE RESPONDENT: Yes, sir.
MR JUSTICE COTTER: What evidence have you got?
THE RESPONDENT: I have plenty of evidence, your Honour.

E MR JUSTICE COTTER: Tell me what it is.
THE RESPONDENT: Okay. Are you familiar with a guy called Anthony Doican (?)?
MR JUSTICE COTTER: No.
THE RESPONDENT: Okay. Anthony Doican was a very famous -- even in this country he

F was -- All right, okay.
MR JUSTICE COTTER: Just help me.
THE RESPONDENT: Your Honour, if you had studied the evidence before you would
not ----

G MR JUSTICE COTTER: I have seen your repeated references to four assassinations.
THE RESPONDENT: Okay. I will go through them one by one. Barry Cable was
assassinated. He admitted to me that the funds were (inaudible) this lawyer, Barry
Cable ----

H MR JUSTICE COTTER: Just wait a second. Just wait a second.
THE RESPONDENT: A very famous ----
MR JUSTICE COTTER: Imagine I am ----
THE RESPONDENT: I know it's hard to believe but it is also not hard to believe that a
group of -- an insidious cartel wishing to usurp this monarchy, right, directly

A challenging Prince Andrew, directly targeting Prince Harry, and I can go through all of the evidence and the whistleblowers and everybody that I bring to the court today.

MR JUSTICE COTTER: You see, I will tell you what I am worried about, okay? What I am worried about is we are straying way, way off the mark here.

B THE RESPONDENT: No, your Honour, you're blaming, forgive me. You've put me in a position -- you know I'm a disabled human being, right, and you have asked me to basically prove my case in a heartbeat, which is nonsense. Your Honour, there is -- and you are -- and you are rallying back to that idea that I am somehow mentally impaired

C or paranoid to the point that what is coming out of my mouth is wrongful or misconstrued. It is not.

MR JUSTICE COTTER: In terms of the allegations that you make, just using one example ----

D THE RESPONDENT: Yes.

MR JUSTICE COTTER: -- right, one ----

THE RESPONDENT: Yes. Please.

MR JUSTICE COTTER: -- small example ----

E THE RESPONDENT: And I will be (inaudible).

MR JUSTICE COTTER: Okay. You said ----

THE RESPONDENT: But I will need to be able to calm down and be able to go through it.

MR JUSTICE COTTER: Yes. You have said repeatedly here there is some great

F overarching conspiracy which includes the assassination of four lawyers.

THE RESPONDENT: Barry Cable Rothman had 27 pages of text messages that I've supplied to the court that proves that this person's client lied. Right? Those text messages were buried by a guy called Fred Heather and Robert Shapiro.

G MR JUSTICE COTTER: I ----

THE RESPONDENT: And those -- No, I'm putting this on the record right away. Fred Heather and Robert Shapiro were representing me under the total (inaudible) in this particular -- in my ----

H MR JUSTICE COTTER: I do not suppose I really need go through that they suppressed the information, they did not deal with it ----

THE RESPONDENT: That's correct.

MR JUSTICE COTTER: -- and it is also another American litigation. I have read all that.

A THE RESPONDENT: And what is that evidence? What is the evidence that was being suppressed? It was 27 pages of text messages that proves that Gloria Allred was part of a collective group of plaintiffs, one of them being Mahim Khan ----

MR JUSTICE COTTER: It is ----

B THE RESPONDENT: -- who colluded to defraud me.

MR JUSTICE COTTER: Right, Mr David, listen to me. The allegation in relation to Mr Robert Shapiro is just one example. You make an allegation that he was murdered but you have just said there is a coroner's report that says he died of a heart attack in the dentist's chair. Now, I cannot -- no court can possibly determine that. No court can ----

C THE RESPONDENT: I'm not asking the court to do that, your Honour. There are many other infractions. This is the least of them.

MR JUSTICE COTTER: Yes, and also arguments about the death of Victoria Guiffre, a woman that ----

D THE RESPONDENT: Who?

MR JUSTICE COTTER: The ----

THE RESPONDENT: Sorry. Sorry, who?

E MR JUSTICE COTTER: The lady who ----

THE RESPONDENT: Rebecca Rini?

MR JUSTICE COTTER: No. It's Victoria Guiffre, I think her name is.

THE RESPONDENT: Oh, yes, Victoria Guiffre, yes.

F MR JUSTICE COTTER: You mentioned in documents. And the Manchester bombing and all these other ----

THE RESPONDENT: Yes, sir. I know it's hard to believe, right? It's very, very hard to believe but, do you know what, conspiracies in this realm happen all the time, and this was one of the greatest conspiracies of our modern time, your Honour.

G MR JUSTICE COTTER: But do you see, Mr David, you are an intelligent man, do you see the difficulties for me ----

THE RESPONDENT: Of course I do. Of course I do. There's no way that you are going to possibly absorb the gravity or the brevity of what's going on. It's impossible.

H MR JUSTICE COTTER: I have also got another concern, Mr David, and you have just expressed yourself a minute ago ----

THE RESPONDENT: Yes, sir.

MR JUSTICE COTTER: -- you are bright enough to see what my concern is and you already know what my concern is. My concern is that these matters sound like somebody who

A is paranoid and persecutory, which is exactly what the medical report you submitted says you are.

THE RESPONDENT: And I know you want me to be paranoid and be persecutory ----

MR JUSTICE COTTER: Look, I am not -- I am not ----

B THE RESPONDENT: -- because when you sit in a court and the judge looks at you straight in the eye and you know that that judge is lying through their teeth, that they have been bribed by Thomas Vincent Girardi, and they're looking at you in the case of Mahim Khan, in the case of Michelle Williams's court, the sitting judge, who I had filed a 70
C page document filed by the then lawyer who -- my lawyer, Ellyn Garofalo, right, who filed documents saying that her signature had been falsified by Nathan Dalberg, right, the litigant lawyer of this case, of Mahim Khan. Nathan Dalberg. Her signature had been falsified. That was evidence given to that court. That court completely denied it.
D That judge, Michelle Williams' court, originally went to that bar through Gloria Allred, when her husband was beating her. Thomas Vincent Girardi fast-tracked her through the mini-bar that they have over there to the State court.

MR JUSTICE COTTER: Okay.

E THE RESPONDENT: All right. Let me, please, continue. You asked me a question. I will continue, your Honour. Right? Now, that particular judge looked at me straight in the face and I said to her, "Are we living in Nazi Germany, your Honour?", and she took Ellyn Garofalo's falsified signature and discarded it as a mistake, and it was completely
F and utterly wrong for her, and I've submitted Ellyn Garofalo's submissions. And that is irrefutable again fraud on this particular matter. That is one.

Now, Ellyn Garofalo was aggressively forced out of representing me by Glaser Well's, which is Fred Heather, and I've submitted that evidence as well, which is an
G email chain between Ellyn Garofalo and Glaser Well's and Fred Heather, where they basically aggressively push her out of the case, take over the case, bury the evidence that they got from them, that Barry Rothman had for three years, and ----

MR JUSTICE COTTER: Yes.

H THE RESPONDENT: -- and you asked me where is the evidence of murder. The evidence of murder is 27 pages of text messages between Mahim Khan's crew talking about robbing me, lying about me and talking to Gloria Allred about lying and that is why Barry Rothman was murdered, and that's not where Barry Rothman and Gloria Allred's story starts. It starts all the way back in the 90s, right ----

A MR JUSTICE COTTER: Yes. What we are going to do, Mr David, is we are just going to stop. We are going to have a pause. We are going to pause for a second. Now, what is going to happen now is I am going to speak and I am going to speak without interruption. Okay?

B THE RESPONDENT: If you're going to put me -- if you're going to call me that I'm a lunatic, I'm going to pursue this because it's not fair. You haven't looked -- you have not looked at the evidence that I have supplied, your Honour. There is a treason on this court and if anybody dares to continue this treason I will not stop. My government is in support of me.

C MR JUSTICE COTTER: What I said is I am going to speak now and I would like you to listen. All right? I want to go back, if you could listen, to the notes I supplied to you about what we are here to do today. All right? Now, the defence of the action, which **D** you have outlined and you say it is fraud and you have a number of issues, has, I think we can agree, although it has been submitted in lots of documents in lots of different ways, not actually put in a simple straightforward defence that can be followed. In terms -- It is just not to the extent that ----

E THE RESPONDENT: And that is because I was told two -- three -- I only found out by chance that my house was being stolen three weeks before. I have never been served -- I was never served any documents.

F MR JUSTICE COTTER: Your house has not been stolen. All right? The house has not been stolen. This is what happens, Mr David, in relation to this. What we are trying to do is preserve things before a trial. It cannot be sold or anything like that. It is preserved before trial.

G THE RESPONDENT: How can it go -- how can things be preserved before a trial when you're telling me that the evidence that I'm supplying to you is not go ahead -- telling them it's inconclusive or (inaudible). And I beg to differ. I have supplied all along ----

MR JUSTICE COTTER: No, Mr David ----

THE RESPONDENT: -- you know, I've supplied a chain of ----

H MR JUSTICE COTTER: That is why you have not listened to me, Mr David.

THE RESPONDENT: It's hard for me to, your Honour.

MR JUSTICE COTTER: What I am saying to you is it not a trial. So your evidence ----

THE RESPONDENT: But, your Honour, that is a civil matter, your Honour. That is a civil matter.

MR JUSTICE COTTER: This is a civil court.

A THE RESPONDENT: Yes, your Honour, but it is also the King's court.

MR JUSTICE COTTER: It is a civil ----

THE RESPONDENT: It is also the King's court and I bring to your attention, to the court
B today, that there is a treasonous crew, a syndicated cartel of lawyers, sitting before the
court that is causing treason on this court and on this country.

MR JUSTICE COTTER: As I understand it, the treason is because there is some sort of
organisation that is trying to undermine multiple democracies. Is that right?

THE RESPONDENT: Yes. Would you like me to explain that to you?

C MR JUSTICE COTTER: And are trying to subvert the Crown here by improper pressure on
Prince Andrew. Frankly, Mr David, what I am struggling with is, we have got to get
back to the basic detail.

THE RESPONDENT: Do you -- But, sir, the enormity and the scope of this treason is
D exactly that.

MR JUSTICE COTTER: Yes. Anyway, as I was saying, so please listen, the defence has not
been served. Right?

THE RESPONDENT: I served a defence to you. Right in front of you, I -- there is a treason
E on this very matter. Right before you, you have evidence and that is not true. That is
just not true, your Honour.

MR JUSTICE COTTER: What I cannot cope with, apart from interruptions, I cannot cope
with a whole host of information supplied over numerous days in a fashion which
F contains matters that are very difficult to understand, which do not seem to have any
relevance at first blush to the issue. I understand some of the allegations you make.
They are clear and simple. I understand them but others I do not. Now, the point is
this ----

G THE RESPONDENT: I have lived for fifteen years, your Honour, and so, forgive me. I have
been -- again, I have been fraudulently brought to this court, right, with no time to
prepare at all. If I -- if I was given time to prepare the statements as they should be
presented to the court, I would have done them, but I only by chance found out that this
H was happening. I was abroad. I was never, ever served with papers to this -- to this
particular hearing.

MR JUSTICE COTTER: The case has progressed by an injunction to start off with. So we
have got the injunction, right, and all the injunction is to preserve things before a trial
and then they put their trial documents in and you have not yet responded. Okay?

THE RESPONDENT: What trial? There is no trial.

A MR JUSTICE COTTER: There ordinarily is a trial of a matter unless someone strikes a claim out or it is found to be one with no prospect of success in defending the action or there is no successful debate, nobody ----

THE RESPONDENT: But that is -- we are now talking about civil matters ----

B MR JUSTICE COTTER: Yes, we are.

THE RESPONDENT: -- and you are denying -- you're denying my evidence and you are -- you are mocking the murder of Barry Rothman by saying that my evidence does not compute. I strongly disagree.

C MR JUSTICE COTTER: No, no.

THE RESPONDENT: My evidence does compute.

MR JUSTICE COTTER: You see, the difficulty is what you say ----

THE RESPONDENT: And write. And supply evidence to.

D MR JUSTICE COTTER: -- does not of itself prove things, and that is why you have a trial, where a person gives evidence and ----

THE RESPONDENT: I see, I see, I see. Yes, I see. Yes.

MR JUSTICE COTTER: Yes? This would be sworn evidence on your oath, and they ask

E questions and they explain the position, having given a witness statement. There is a whole form of procedure and you have been through it in the United States. It is a different system but you know what a trial is. You have been through one.

THE RESPONDENT: Yes, through a kangaroo court that has now been proven, it has been

F proven.

MR JUSTICE COTTER: No, put that to one side.

THE RESPONDENT: Yes, sir.

MR JUSTICE COTTER: This is not a trial. This is what I keep on trying to say to you. This

G is a hearing ----

THE RESPONDENT: But it's not about the civil matter, your Honour. I'm not here about the civil matter. I'm here about a criminal matter, your Honour, that the right -- that your Honour has the right to rule on.

H MR JUSTICE COTTER: I do not have the right to rule on.

THE RESPONDENT: But you do. When it's treason, you do, your Honour. I beg to differ, your Honour.

MR JUSTICE COTTER: Well, I am afraid to say, treason is a criminal matter which is not ----

THE RESPONDENT: This is the High Court of the King's realm, your Honour.

A MR JUSTICE COTTER: What this court does is determine matters that are brought before it.
THE RESPONDENT: No. I've brought to you irrefutable evidence.
MR JUSTICE COTTER: It is not a criminal case. Now, if -- Hear me out.
THE RESPONDENT: Yes.

B MR JUSTICE COTTER: If you have information that a crime has been committed in -- and it does not matter whether someone has stolen your bike or you are alleging someone has defrauded, whatever, you go to the police. The police take action. The judges do not get involved in that.

C THE RESPONDENT: So I've been to the police and I've supplied the information and there is an active investigation, that there are Interpol arrests on one of the people.
MR JUSTICE COTTER: Do you understand, Mr David? The judges, who judge, who are impartial, do not get involved in that.

D THE RESPONDENT: But, Judge, unfortunately, unfortunately, your Honour, this particular case brings to the attention of the court the extraordinary fraud on this court system that we are now engaged with in real time, throughout the process of delivering evidence to the court ----

E MR JUSTICE COTTER: I understand that you -- I have repeatedly said this. I understand that you say that the judgment obtained in America was obtained by fraud. I understand that.
THE RESPONDENT: Okay. Now also your judgment that they are trying to obtain is also

F being obtained by fraud.
MR JUSTICE COTTER: Well, if you are right and you prove that to the court, then ----
THE RESPONDENT: Which court, your Honour? Which court?
MR JUSTICE COTTER: This court.

G THE RESPONDENT: But you are telling me it's not a trial.
MR JUSTICE COTTER: Yes.
THE RESPONDENT: Ah, okay. Good.
MR JUSTICE COTTER: Yes.

H THE RESPONDENT: So you're telling me that we get a retrial.
MR JUSTICE COTTER: No. This is what I am trying to set out to you.
THE RESPONDENT: So I -- so I will not have a chance to retrial is what you're saying?
MR JUSTICE COTTER: You have not had a trial.
THE RESPONDENT: Sorry?

A MR JUSTICE COTTER: You have not had a trial because we have not had the documentation you just gave us before a trial.

THE RESPONDENT: But there will be an opportunity to do that?

MR JUSTICE COTTER: Of course. If, subject to this point, which is what I have been

B trying to say to you, Mr David, you have not filed a defence yet.

THE RESPONDENT: I get it. I finally get it.

MR JUSTICE COTTER: Now, you file a defence then there is the procedure through to the trial. At that trial, Mr David, you might be successful. I do not know.

C THE RESPONDENT: Thank you, your Honour.

MR JUSTICE COTTER: So what I am trying to say at the moment, and let us try and get to that point, now, at the moment the difficulty is this. The group of lawyers, let us call them “the group of lawyers”, acting on behalf of the claimant in this matter are taking

D what any group of lawyers would do, any of them. In the absence of defence they say, and they are entitled to say to the court, “The person is not defending it. I am entitled to what is called a default judgment.” In other words, they do not defend. And this happens all the time, Mr David. If you imagine, if you go to (inaudible) and they see

E you, £200, you have got no defence, just ignore it, and the company then gets a default judgment and then they try to enforce it and so on. Now, you have not actually to set out a case. Now, I understand what you have said, that you have not understood the proceeding, and you have said that, by virtue – and I (inaudible) – that by virtue of your

F disability you say you have not understood. I understand what you are saying.

Right, now, just assume for a moment, just assume, I am not taking a side, just assume that there is ability for you to put a defence in, all right, and that would be a next step. What this hearing is dealing with is a limited question. Well, one. We have

G got other things but let us deal with one for a moment. Have the claimants got a good arguable case that they might win at trial? So it is a much lower threshold. Not “we will win”, but “we have a good arguable case we may win at trial”. Okay? “A good arguable case we will win at trial”, but good arguable case to win at trial. They, subject

H to other things, they say – and judges agree – that they are entitled to protect the asset before the trial. They cannot sell it. And they also wanted some information from you, solely so that they could protect the asset, and the reason for that is very simple, and the courts have to deal with it. It is say I have a failed business dealing, Mr David, with you, yes, and it is my fault and you are going to sue me but I happen to be a citizen in the country and I say, “Well, actually what I am going to do is clear my decks in the UK

A and go where Mr David (inaudible)". All right? In those circumstances, if people have got assets within this jurisdiction, and this is only related to assets in this jurisdiction, they apply to the court to preserve it pending a trial. If they lose at trial, they have given an undertaking in damages to pay you what they have caused if they do not win at trial. Yes? So it happens.

B Now, if that is the procedure, the question today, therefore, is, for me, a limited one. It is not are they definitely going to succeed at trial, have you got a reasonable defence? I do consider those features but essentially the test is have they shown there is a good and arguable claim for the trial? Right. Now, you have provided a lot of information but it is, being truthful with you, unstructured in the way it has been put together.

C THE RESPONDENT: I understand.

D MR JUSTICE COTTER: It has been a burst of information to the court. I understand the difficulties you have. I understand how you wanted to present it. But that is the way it has come and it has been very difficult ----

THE RESPONDENT: Yes, sir.

E MR JUSTICE COTTER: -- to try and put it all together. So the structure has been lost. This does not mean that I am adjudicating on anything that you say. Right? So that is the point I tried to get over to you.

F Now, the second point, and I must get to this, is they are saying the order, which decisions can be made, Freedman J has made, until a judge sets it aside it has to be obeyed, and they are saying that the judge made an order for the provision of information. You did not challenge it on 3 July. You said, "I have not been able to continue", but you have still not provided that information. Now, they then say you are in breach of a court order. It is contempt. All right? Now, that is because the judge made an order that was not appealed. It exists. Whether you agree with it or not, it exists and it has not been set aside. Now, that is another issue for today. All right?

G THE RESPONDENT: Is procedure not a question?

H MR JUSTICE COTTER: What do you mean?

THE RESPONDENT: Well, you are telling me this is the procedure. The procedure that you speak of is filled with fault. Why is that okay? Why is it okay for you to come into the court and say that somebody told you this. "I don't know how I was influenced, but I was influenced." That is what you told me when you walked in. That is what you told

A the whole court. I begged the court to ask you how that gets into your head, right, and how is it ----

MR JUSTICE COTTER: About someone filming this?

THE RESPONDENT: I beg your pardon?

B MR JUSTICE COTTER: You mean about someone filming the proceedings?

THE RESPONDENT: Yes.

MR JUSTICE COTTER: It was a complaint to me.

THE RESPONDENT: Right. By whom?

C MR JUSTICE COTTER: Well, by someone I ----

THE RESPONDENT: By them towards me.

MR JUSTICE COTTER: No, no. You were not accused of it. Somebody else in court. I do not know who it was. I did not get precise information. Not you. Somebody else in court it was thought was going to film the proceedings. That is what happened.

D THE RESPONDENT: All right. Right, okay, but you see -- Okay.

MR JUSTICE COTTER: It might be wrong; it might be right.

THE RESPONDENT: But nevertheless I wanted you to investigate where that came from.

E MR JUSTICE COTTER: Well, I can tell you, I have told you, I do not know the name of the person because, frankly, all I did was come into court and say what I said, which is ----

THE RESPONDENT: But how were you advised, your Honour? You weren't called up by that person. Somebody told you.

F MR JUSTICE COTTER: It was the court staff.

THE RESPONDENT: Right. So I will follow the trend and my point being ----

MR JUSTICE COTTER: But why does this matter, because whether that person was right or wrong, that is the route. We are getting sidetracked here and, frankly, it does not make any difference because no one is filming, as I understand it, and there is ----

G THE RESPONDENT: Right, but my point was you were telling me about procedure ----

MR JUSTICE COTTER: Yes.

THE RESPONDENT: -- right, and I had before the court procedural evidence to show that the procedure was -- is corrupt.

H MR JUSTICE COTTER: Well, there is not -- How can that possibly be corrupt?

THE RESPONDENT: (Inaudible) a signed declaration.

MR JUSTICE COTTER: What, this?

THE RESPONDENT: Yes.

A MR JUSTICE COTTER: Right, okay. No, what I am saying in relation to this is very simple. Yes, it ----
THE RESPONDENT: Is that serious to you?
MR JUSTICE COTTER: It is evidence, yes.

B THE RESPONDENT: But the evidence itself, what the evidence says ----
MR JUSTICE COTTER: Yes.
THE RESPONDENT: -- which says that my signature and my testimony was wrongfully inserted in a court -- in the Court of Appeal's opinion ----

C MR JUSTICE COTTER: Yes.
THE RESPONDENT: -- right, was completely wrong because I wasn't even there and I attest -- not only do I attest that that testimony is wrong but Mr Shoefield also says, and I've supplied this before, Mr Shoefield also says not only was my testimony wrongfully

D taken, Mr David did not do these things because Mahim Khan, he believes, is being persecuted by a syndicate of lawyers.
MR JUSTICE COTTER: Yes, I understand what (inaudible).
THE RESPONDENT: That is crime -- that is criminal, your Honour. That is not civil. That

E is criminal. So I beg the court to refer this to the CPS.
MR JUSTICE COTTER: Right. Well, this is not in this jurisdiction.
THE RESPONDENT: Gary Shoefield is British, and the case -- and the case refers to -- It's in the same jurisdiction as the case.

F MR JUSTICE COTTER: Yes, but this relates to American proceedings.
THE RESPONDENT: I beg your pardon?
MR JUSTICE COTTER: It is American proceedings.
THE RESPONDENT: No, it's not. It's not. It's your opinion that's being informed by

G American opinions that are tainted.
MR JUSTICE COTTER: Yes, that is the whole point. We keep on going round in circles. This, as I am trying to explain to you ----
THE RESPONDENT: Yes.

H MR JUSTICE COTTER: -- is -- Normally what would happen would be, in a criminal trial as well as a civil trial, someone produces a statement and says something. All right? They then come to court, swear that it is true and answer questions about it. It is the same whether it is civil or (inaudible). Just people file statements in saying, "Well, I would like to say".
THE RESPONDENT: True.

A MR JUSTICE COTTER: The court does not say, “Right, there is a statement from Mr David. His bike was stolen and send someone to prison who did it”. They do not get a trial?
THE RESPONDENT: Right, but the stealing of a bike does not affect the realm in the same way that I can ----

B MR JUSTICE COTTER: I ----
THE RESPONDENT: Listen, please understand that I’ve spent -- I’m 57 years old and I’ve spent most of my life in the entertainment business.
MR JUSTICE COTTER: Yes.

C THE RESPONDENT: I know literally where all the bodies are buried in the entertainment business. Literally I know the harm, the colossal harm, that the industry, which I’ve worked for for more than two decades, having graduated the Royal College of Art, I am a world authority in what I bring to you today and the facts are, your Honour ----

D MR JUSTICE COTTER: Yes.
THE RESPONDENT: -- regardless of whatever you tell me about this being a civil procedure, it is no longer a civil procedure. My disability is not to be treated ----
MR JUSTICE COTTER: Okay.

E THE RESPONDENT: -- as a sickness. I bring the court criminality in wholesale.
MR JUSTICE COTTER: Okay. Now, let us work on one basis, all right? In my court here now, all I am concerned with is civil.
THE RESPONDENT: Yes.

F MR JUSTICE COTTER: If you have got a criminal issue you go to the police.
THE RESPONDENT: So I ask the court -- I’ve already been to the police. Can I ask the court to refer this then to the CPS?
MR JUSTICE COTTER: No.

G THE RESPONDENT: Why not?
MR JUSTICE COTTER: Because judges do not do that.
THE RESPONDENT: So before you, you have evidence of wrongful doing by these people, this very moment, criminal wrongdoing, criminal wrongdoing before you, in the ----

H MR JUSTICE COTTER: If I was satisfied after a trial ----
THE RESPONDENT: Yes.
MR JUSTICE COTTER: -- if I was satisfied ----
THE RESPONDENT: Yes, sir.
MR JUSTICE COTTER: -- after a trial ----
THE RESPONDENT: I understand.

A MR JUSTICE COTTER: -- there had been something that needed to be reviewed by the
CPS, then I would do it.

THE RESPONDENT: But then ----

MR JUSTICE COTTER: But I cannot do it ----

B THE RESPONDENT: -- but, your Honour, I'm asking you ----

MR JUSTICE COTTER: Yes.

THE RESPONDENT: -- I'm asking you to show me some light because I'm bringing to you
C court -- fraud on this court, fraud on my life, attempts -- attempts -- multiple attempts of
different types of persecution on my life.

MR JUSTICE COTTER: Okay. Now, let us move on. We have got to try and make some
D progress here today because the position is this is a civil hearing. All right? At this
stage, it could be possible in the future but at this stage I am not going to make any
E reference to the CPS. Criminal matters can take their own course and I have no
involvement, save for this, any criminal matter that is relevant to the matters here can,
of course, be raised with the police. All right? So fraud is an example and you allege
this fraud (inaudible). Now, what I have formed, yes, as a preliminary view, and this is
F to try and help you with the way I see it, okay? Now, this is a preliminary view. You
can tell me if I have got it wrong. All right? This is the preliminary view I have got.
At the moment, on the evidence that I have got, the claimant's case is a good -- this is
what (inaudible) -- there is a sufficiently good and arguable case for the injunction that
we have in force to continue, point 1. That is the way I see it at the moment.

Point 2, there is no defence and you must serve one, bringing together these
allegations and why you say that the judgment should not be entered.

THE RESPONDENT: It's not fair. It's just not fair. I'm sorry. Forgive me, your Honour,
G your procedure is completely unfair. Right there you've completely -- you've
completely taken away my rights.

MR JUSTICE COTTER: Oh, let me ----

THE RESPONDENT: You have removed my right to -- removed my human rights and my
H disability rights in one fell swoop.

MR JUSTICE COTTER: Let us just continue then. Okay. Because at the moment to do that,
I will be taking a view, which would be thought by many to be favourable to you, that it
was proper to allow you to be able to continue because you are not ruled on today and
effectively you should have done. Now, if I was of that point -- if I was at that point --
preliminary basis, and (inaudible) decided yet, then you would have a chance to put a

A defence in. Then when the defence -- the next step is evidence. Right? Now, there is an ability, there is an ability, to apply to strike out a claim and there is an ability for someone to strike out bits of a defence. But ordinarily the court will need to have a proper application setting out why the claim should be struck out. Now, I remind you what I said at the beginning. At such an application, and like this application, the court is not concerned with complex issues of fact. That is for a trial. Now, what would ordinarily happen, if that does not then stop the action, is there will be exchange of evidence and a trial. Now, at the trial, in your case, you may be advancing that the American trial was one in which the judgment was obtained by fraud, and you set it out. All right?

THE RESPONDENT: Does the court know that the \$900 million lawsuit has -- they have rolled it back, or they were in the -- they were any file that appeals to stock. You're familiar with that?

MR JUSTICE COTTER: You just told me that there is an appeal in that.

THE RESPONDENT: Beyond the appeal. Beyond the appeal. Because of the evidence that I was supplying to the system, they were seeing in America, including the evidence of all of the colossal wrongdoing, they, the Girardi written lawsuit, the \$900 million lawsuit, has pulled back. In other words, they filed a -- I've supplied you, so it's a notice of retreat.

MR JUSTICE COTTER: Well, that would be part of your case that this was all a fraud.

THE RESPONDENT: Yes.

MR JUSTICE COTTER: I understand.

THE RESPONDENT: Yes.

MR JUSTICE COTTER: Well, that is the stage it would come and then the claimants would have the ability to consider what evidence they needed to get, and that may make them think. They may need issues in American law that would bring this up to date. Whatever. I do not know. And then there is a trial. All right? Now, at the trial the court then hears the claim, the defence, hears the witnesses, as far as they are called, makes a judgment. Now, coming back to the point you made, if at that stage the judge is of the view that, on the evidence before the judge, there was prima facie evidence of a crime, then the judge may refer it to the CPS. Okay? It could do it at that stage.

THE RESPONDENT: Right.

MR JUSTICE COTTER: It would not jump in and do it at that stage and that is why I am saying I am not going to do it.

A THE RESPONDENT: Yes, sir.

MR JUSTICE COTTER: Because if it comes to pass that it is there then, yes, I am dutybound to do it. But really what you are trying to do, and it is out of an anxiety to get your point across, is frontload everything onto me ----

B THE RESPONDENT: Forgive me, your Honour, that was not the purpose. The purpose was I usurped and I had no choice.

MR JUSTICE COTTER: There is a lot of information but a lot of it actually is difficult to see the relevance of it, and you refer to the overarching -- to understand the point. Even the

C treaty, now, I struggle a bit, Mr David, to see how it is relevant but you will have your chance to explain.

THE RESPONDENT: Thank you.

MR JUSTICE COTTER: But the first point then, and we have been all the way around this,

D if that were the case, what would I do with the injunction today? Now, you, as I understand it, say I should discharge the injunction because there is no arguable case against you.

THE RESPONDENT: Correct.

E MR JUSTICE COTTER: Right. And on the basis of the information that you have submitted, and I may say I can deal with that today and I can arrive at a judgment, but if I am against you or I am for you, they will still continue.

THE RESPONDENT: I understand.

F MR JUSTICE COTTER: And ----

THE RESPONDENT: I understand that and, your Honour, I accepted for it to continue in wanting to be before the court. I didn't want the court to change.

MR JUSTICE COTTER: Yes, but the trouble is -- and I keep on repeating this -- you have not

G filed a defence.

THE RESPONDENT: I have not had the chance, your Honour. I have been -- I had my rights removed, my human rights have been trampled on and my disability rights, completely abused by these people.

H MR JUSTICE COTTER: Well, you were served with the claim.

THE RESPONDENT: I was abroad, your Honour. I was not served with anything. I had one month to prepare a defence on my life and my home and everything, from people that have been -- have tried to kill me and, not only that, the Government of Antigua and Barbuda has filed a formal public statement to say that what I am saying is true.

MR JUSTICE COTTER: Now ----

A THE RESPONDENT: And accusing -- furthermore, I wish to accuse openly, on the record, Guy Osiri and Mike Rapino of the bombing in Manchester, being deeply involved with one Anthony Pelicano and syndicator David Boies.

MR JUSTICE COTTER: Now ----

B THE RESPONDENT: For which these people are (inaudible). You.

MR JUSTICE COTTER: Do you begin to understand how, again ----

THE RESPONDENT: I know it sounds crazy, right? It sounds completely crazy but the fact is the bombing happened and somebody did it, and these courts have not discovered

C who, and, guess what, I know exactly who it was! And why that should be weird to you is anathema to me.

MR JUSTICE COTTER: Really?

THE RESPONDENT: Yes.

D MR JUSTICE COTTER: There was a large public inquiry which you could have gone and given evidence to.

THE RESPONDENT: Which one of you lives in Hollywood, has a hologram (inaudible)?

E Gary Osiri himself, right, and Mike Rapino, and all of these characters, come and spend time with me. With me.

MR JUSTICE COTTER: If you have any information ----

THE RESPONDENT: I have plenty.

F MR JUSTICE COTTER: Listen to me. That would implicate anyone in the atrocity that happened in Manchester ----

THE RESPONDENT: I have plenty, your Honour.

MR JUSTICE COTTER: -- then you should be, should already have been, in contact with the police to give all the information.

G THE RESPONDENT: I have been, your Honour, for the last fifteen years of my life.

MR JUSTICE COTTER: No, the police and the investigators in this country.

THE RESPONDENT: I know, your Honour.

MR JUSTICE COTTER: Now, listen to me.

H THE RESPONDENT: I've already written to them. They are investigating.

MR JUSTICE COTTER: Well ----

THE RESPONDENT: And I have given that information to the court.

MR JUSTICE COTTER: Yes, well, they will get on with it. But in terms of this matter, do you understand and you were concerned, I think, you had some problems, I guess, that

A the only medical evidence that you have provided says you have those problems and you are making extraordinary allegations, do you understand the concern?

THE RESPONDENT: Sir, sir, I have given you my credentials. Inasmuch as you have credentials to issue the law and order, I have the best credentials in the world to say that

B these people, who are my immediate colleagues, for which in an industry that I helped create, that they are criminally liable for colossal crimes against humanity. Yes.

MR JUSTICE COTTER: Well, I am struggling a bit with that, Mr David.

THE RESPONDENT: And in time I will prove it to your Honour in -- *ad nauseam*.

C MR JUSTICE COTTER: But what I am worried about is this, have you read carefully and patiently ----

THE RESPONDENT: The defamation rule? I have won, your Honour -- I have won *FilmOn v DoubleVerify* in the Supreme Court of California, where I proved that the syndicate

D would be ----

MR JUSTICE COTTER: You keep interrupting me, Mr David. The medical report that you supplied ----

THE RESPONDENT: Yes. It says that I am suffering from trauma from persecution of

E welfare. It's called -- it's called ALS or L2, illegal abuse syndrome. It's a bona fide sickness for which I have suffered years of abuse in these courtrooms.

MR JUSTICE COTTER: But it says, in relation to this, and you have read it then ----

THE RESPONDENT: Mm-hmm. Which one are you reading? There are two. There is one

F by Eric Wexler, who is a criminal and should be put in prison immediately for the harm and the murder ----

MR JUSTICE COTTER: (Inaudible).

THE RESPONDENT: -- of multiple artists who have been kept in prison ----

G MR JUSTICE COTTER: This is a doctor ----

THE RESPONDENT: -- by a criminal system of coercion and, your Honour, I will get everything on the record that I can today that is possible.

MR JUSTICE COTTER: Well ----

H THE RESPONDENT: And I'm not defaming anybody. What I bring to you is evidence and it's true. I am speaking the truth, your Honour. I am not speaking fabrication or some mental defamation or anything that you might it is. I am speaking the truth and I'm speaking a hard-earned truth.

MR JUSTICE COTTER: It says, this is what I have got, and I ask for your response, it says:

A "The paranoia and persecutory ideas require further knowledge and assessment."

Have you had any further knowledge and assessment then?

THE RESPONDENT: I have. Of course I have.

B MR JUSTICE COTTER: And what have they said about the paranoia and persecutory beliefs?

THE RESPONDENT: That it was justified.

MR JUSTICE COTTER: That it was justified?

C THE RESPONDENT: That it was justified.

MR JUSTICE COTTER: Just a finding it was not paranoia?

THE RESPONDENT: I beg your pardon?

MR JUSTICE COTTER: The paranoia is not justified?

D THE RESPONDENT: Paranoia is -- if you look at paranoia, there are different degrees of paranoia. There are different degrees of everything. You can be mildly paranoid. You can be incredibly paranoid. You can be mentally psychologically, psycho-actively paranoid. I am none of those things.

E MR JUSTICE COTTER: Yes, but, you see, in relation to this I have concerns.

THE RESPONDENT: Of course you have concerns and you should have concerns because they've set me up in a beautiful way, for the court to believe in every way that I am unstable, that I am mentally unwell, all of these things that they weaponize again ----

F MR JUSTICE COTTER: It is not their report.

THE RESPONDENT: Yes, it is, your Honour, and I can prove it.

MR JUSTICE COTTER: It is yours.

G THE RESPONDENT: No, your Honour, it is their report. There are two reports. The reason I got that report was in order ----

MR JUSTICE COTTER: I am talking about the one that you submitted.

THE RESPONDENT: I have no other reports to prove that my brain is damaged. Okay? I have no other reports.

H MR JUSTICE COTTER: It does not say your brain is damaged.

THE RESPONDENT: What does it say?

MR JUSTICE COTTER: It says you have got paranoia and persecutory beliefs.

THE RESPONDENT: No, your Honour. No, your Honour, forgive me, you've then not been given the whole report. You're not reading the whole report clearly.

MR JUSTICE COTTER: I have got it.

A THE RESPONDENT: You're just reading somebody's choice, a one line in fifty other lines
that say that I am a respectable, normal, healthy -- healthy, intelligent, generous and I
have -- what was the other? I have empathy and that I'm a servant to the people. You
B didn't read any of that. You just isolated this one line that I'm justifiably paranoid and
justifiably persecuted by a criminal cartel.

MR JUSTICE COTTER: I am reading what you submitted, and I have read the whole report.
It is not a very long report.

THE RESPONDENT: It's not. Would you like to read it?

C MR JUSTICE COTTER: I have read it. I have read it ----

THE RESPONDENT: And does it not say -- What does it say? Does it not say that I suffer
from anything? And also that report, by the way, was given with not -- you know, not -
- not enough time or there's no treatment or any kind of -- The only treatment plan that
D I ever got was from Dr Eric Wexler with medication that would kill me. Eric Wexler is
responsible for incarcerating right now multiple well-known artists who are now today
held under duress by (inaudible) union control of their assets and physical control of
their wellbeing. It is a criminal cartel of the music industry and the estate industry that
E is causing this court to be defrauded. It is the same cartel that caused the bombing in
Manchester. It is Mike Rapino of Live Nation that is clear channel that is the
syndicated mob in America. It is Gary Osiri, who represents Ariana Grande, who is
today confined in her own home; an artist persecuted like every other major artist,
F including Michael Jackson, including me and my IP. Hollywood is under siege by
these criminals. These criminals have held artists -- 50 Cent.

MR JUSTICE COTTER: Okay.

THE RESPONDENT: Many artists and friends of mine will come and testify that these
G people are fraudsters, that they control IP, intellectual property, they hassle artists, they
defraud people on a daily basis, and I'm one of those victims.

MR JUSTICE COTTER: Yes. What we are concerned with is whether or not the judgment
that was obtained in this action by Ms Khan was obtained by fraud.

H THE RESPONDENT: Completely fraudulent and it has -- it's before the court also *ad
nauseam*.

MR JUSTICE COTTER: It ----

THE RESPONDENT: I have two people that say that their statements were wrongfully
inserted in the court judgment, that there were lies by the court, and that is their sworn
statements, right in front of you, your Honour.

A MR JUSTICE COTTER: Right. Now, I understand what you say then ----
THE RESPONDENT: That Mahim Khan lied, that these people forced her -- that statement says these people, this network, continues to force this woman to lie, which she's already recanted.

B MR JUSTICE COTTER: Yes, okay. Well, I understand what I say. I ----
THE RESPONDENT: What I say? You think that I'm saying -- you think that Gary Shoefield's statement says that my signature was wrongfully said, that my statements were falsified. That is what that document is saying and you are saying to me, your Honour, that there is no fraud on the court when the very person that these people are resting their whole case on is saying that it is a lie!

C MR JUSTICE COTTER: Calm down. Calm down. Okay. It does not help you or help me.
THE RESPONDENT: Yes, your Honour. Forgive me.

D MR JUSTICE COTTER: Okay.
THE RESPONDENT: It is how it is for me. I have no choice. My cadence and my words is what it is. That is my disability and this is it in real-time. Forgive me.
MR JUSTICE COTTER: What I have not got a response from you, you have not mentioned,

E is ----
THE RESPONDENT: Yes.
MR JUSTICE COTTER: -- what about this contempt allegation, that an order was made for you to provide information? Now, we still reference ----

F THE RESPONDENT: Such as the one that they just pulled back on, the \$900 million lawsuit, where they filed a voluntary retreat on exactly -- the debtor's examination because they know, just like this, regardless of whatever the court decides today, it's on the record, these people, syndicate, is now officially over. The world is going to start

G breathing again and CBS, ABC, NBC ----
MR JUSTICE COTTER: All right. Okay.
THE RESPONDENT: -- my old customers, your Honour!
MR JUSTICE COTTER: Okay.

H THE RESPONDENT: NBC paid me this week \$500,000 for the IP that these people have tried to steal from me.
MR JUSTICE COTTER: Okay.
THE RESPONDENT: NBC, that I've also accused of the (inaudible) wrongdoing, that I took to court, *FilmOn v DoubleVerify*, and I sued them in the Supreme Court of California and proved that these people today are causing fraud on the court!

A MR JUSTICE COTTER: Mr David, you are winding yourself up. Okay?
THE RESPONDENT: Yes, your Honour. I am.
MR JUSTICE COTTER: You are winding yourself up.
THE RESPONDENT: I am, your Honour.

B MR JUSTICE COTTER: You are not helping yourself and you are not helping me.
THE RESPONDENT: Forgive me, your Honour. It's been a long road.
MR JUSTICE COTTER: Now, in terms of today, it is a simple point, Mr David. The court made an order and the court requires ----

C THE RESPONDENT: The court is a liar and I've proven that he's a liar and he should be in jail, and why this court does not recognise that is an anathema.
MR JUSTICE COTTER: Two judges dealt with that.
THE RESPONDENT: Two judges that were all corrupted. They were all – all – paid -- paid

D and -- paid in -- in proven court documents, in every ideal (inaudible) documents.
MR JUSTICE COTTER: I am talking about the judges in this country.
THE RESPONDENT: No, I'm talking about -- I'm talking -- the judges in this country are absolutely affected by the same syndicate, completely.

E MR JUSTICE COTTER: Well ----
THE RESPONDENT: Your orders, your mind-share, is completely controlled by the lies of their clients.
MR JUSTICE COTTER: Can I ----

F THE RESPONDENT: The people that these people support ----
MR JUSTICE COTTER: Can I say ----
THE RESPONDENT: -- are the very same people that ruin this country.
MR JUSTICE COTTER: Can I ----

G THE RESPONDENT: They ruin this country by virtue of control of the news media that affects everything. I have never raped anybody. I never hurt Mahim Khan, not once. I never did anything wrongful to this woman and I have evidence to prove right in front of you that they are lying, they Mahim Khan lied, that there was a whole orchestrated

H organisation of people that their evidence was buried and that lawyer was killed, and that lawyer's long history with that very same cartel ----
MR JUSTICE COTTER: Right. Well ----
THE RESPONDENT: -- and that very same lawyer ----
MR JUSTICE COTTER: Calm ----
THE RESPONDENT: -- proved irrefutably these people killed him!

A MR JUSTICE COTTER: Calm down, Mr David. You are winding yourself up again. All right. Just calm down. The question I am asking is a simple one.

THE RESPONDENT: Yes, sir.

MR JUSTICE COTTER: Was there a suggestion – I thought there was – that you were

B actually -- you were going to provide some financial information today ----

THE RESPONDENT: I appeared to provide it.

MR JUSTICE COTTER: Well, the order was that you provided bank statements ----

THE RESPONDENT: I'm here to provide it right now.

C MR JUSTICE COTTER: Well, you are not going to provide it orally, are you?

THE RESPONDENT: I will.

MR JUSTICE COTTER: Well, I do not want it orally. That ----

THE RESPONDENT: I'm going to show it to you physically, not orally. I'll give it to you

D legally electronically. I'll give you a live bank account right now. I'm going to show you what my bank account has in it right now.

MR JUSTICE COTTER: No, I do not want ----

THE RESPONDENT: Would you like to see that?

E MR JUSTICE COTTER: -- (inaudible).

THE RESPONDENT: It's the only bank account. I will stand up and I will say, hand on heart, it is the only bank account I own and control and have any money in the world, cash in, is right here for you to see, your Honour.

F MR JUSTICE COTTER: Okay. Now, are you happy then to provide the details of paragraph 9 of ----

THE RESPONDENT: So that is another issue. I've always been happy and I have always supplied the information that they've ever asked me for, and the reason why we are here

G today is because one Joseph Choi ----

MR JUSTICE COTTER: Yes, all right.

THE RESPONDENT: -- right, the investigator fraudulently, repeatedly told the courts that I had assets that I don't have. They've asked to investigate banks that have been shut

H down as a result of this syndicate's activities.

MR JUSTICE COTTER: Now ----

THE RESPONDENT: You, you, especially you, you should be in prison right now. I don't know what you're doing in freedom. I really don't know why it is -- I don't understand, I just don't get it. I've given every ----

MR JUSTICE COTTER: Mr David ----

A THE RESPONDENT: No, I'm sorry. MI5 and MI6 should absolutely, 100%, be looking at this thing right now.

MR JUSTICE COTTER: Now ----

THE RESPONDENT: It is disgusting the way of this case!

B MR JUSTICE COTTER: Right.

THE RESPONDENT: It is a non-civil matter.

MR JUSTICE COTTER: Mr David ----

THE RESPONDENT: This is no civil matter.

C MR JUSTICE COTTER: Mr David, right, I am not going to have a bursts like that where you directly confront and threaten those people. The hearing will end.

THE RESPONDENT: My life is under threat by these people, your Honour.

MR JUSTICE COTTER: No, listen to me.

D THE RESPONDENT: I have security because of these people.

MR JUSTICE COTTER: Look at me. Look at me, please, and listen to me. I am not having other people in this court ----

THE RESPONDENT: Forgive me, your Honour. You're absolutely right. You're absolutely

E right.

MR JUSTICE COTTER: And you would not tolerate it if it happened to you, so do not do it to other people.

THE RESPONDENT: Forgive me, your Honour. They have persecuted me for a long time

F and I believe ----

MR JUSTICE COTTER: These people ----

THE RESPONDENT: -- as a human being, I believe that as a human being I have the right to do that actually.

G MR JUSTICE COTTER: These people have not ----

THE RESPONDENT: I actually -- Yes, they have, your Honour. This lady -- this lady has completely defrauded this court several times and I've proven it. It's in the evidence. Once you read the evidence you will see that this lady here has repeatedly lied to the

H court, misrepresented the facts and, right up to the very last minute, delayed, lied, misrepresented over and over again. This court -- these people, for example, they know categorically that their case is completely fraud and tainted by wrongful, wrongful, testimony. They know that. Yet they continue.

MR JUSTICE COTTER: Yes, okay.

THE RESPONDENT: That is a fraud on the court is real-time, your Honour.

A MR JUSTICE COTTER: I am getting to the stage, Mr David, where I cannot let this continue, all right. Now, I asked you a question about the provision of the information, and what you have told me is that you are happy to provide the information.

THE RESPONDENT: Absolutely.

B MR JUSTICE COTTER: And that is -- the court makes clear what that information was. There were a number of HSBC bank accounts, they are all listed in the order, and a Barclays account, and it said that you were to provide to the applicant's solicitors details of your assets exceeding £20,000 ----

C THE RESPONDENT: These people know for years that these accounts are dead. They know these accounts go into -- The only reason they use that is to try and impress the court that I'm hiding something. It's lies. Those accounts have been non-existent for at least three years!

D MR JUSTICE COTTER: Calm down. In which case ----

THE RESPONDENT: And they know that. Yet here they are presenting the court lies.

MR JUSTICE COTTER: In which case ----

THE RESPONDENT: And they know it!

E MR JUSTICE COTTER: Mr David, in which case it would be very easy to answer.

THE RESPONDENT: And here it is, and there's my answer and I've got it right here for you.

MR JUSTICE COTTER: It needs ----

F THE RESPONDENT: You asked me a question and there's your answer.

MR JUSTICE COTTER: It needs to be written down and details of your assets exceeding £20,000, whether in your name or not ----

THE RESPONDENT: Yes, I'm ready to give it to you, your Honour, right now. As I told

G you, I said that I would bring it to the court and I've got it right here.

MR JUSTICE COTTER: Where is it?

THE RESPONDENT: Right here. Right in front me. Would you like to see it?

MR JUSTICE COTTER: Yes. What are you showing me?

H THE RESPONDENT: I'm showing you my Revolut bank account, which is the only account in the world that I'm capable of having.

MR JUSTICE COTTER: That is not a list of your assets over £20,000, is it?

THE RESPONDENT: Yes, it is.

MR JUSTICE COTTER: Well, what about that to start with?

THE RESPONDENT: They have that already. They've taken everything.

A MR JUSTICE COTTER: No.
THE RESPONDENT: All my houses. My home in Switzerland was taken. My home in Greece, my ancestral home in Greece, was taken. They've now taken this one, on lies, completely fabricated lies, that these people know are lies!

B MR JUSTICE COTTER: Mr David ----
THE RESPONDENT: You know they're lies! Forgive me, your Honour, I can't believe -- I cannot believe this court does this to me, this court continues to do this.
MR JUSTICE COTTER: Yes.

C THE RESPONDENT: It is wrongful.
MR JUSTICE COTTER: No, Mr David ----
THE RESPONDENT: It is wrongful to be telling me that I have not -- I have not satisfied the court when the court has evidence to prove that these people are lying.

D MR JUSTICE COTTER: All right, Mr David. I have given you a warning about that. I am not having you shouting at other representatives.
THE RESPONDENT: This is my disability, your Honour. I have a big hole in my head and I'm not being respected. I'm in completely -- I've been complete ----

E MR JUSTICE COTTER: Mr David ----
THE RESPONDENT: This court is right now ----
MR JUSTICE COTTER: Okay. All right. Mr David ----
THE RESPONDENT: -- completely abusing my disability.

F MR JUSTICE COTTER: Mr David, listen to me. Okay? Just listen to me. You have told me that this accident happened when you were eighteen.
THE RESPONDENT: Yes.
MR JUSTICE COTTER: But you have also told me you have run lots of successful

G businesses and have been at the centre of this organisation with this brain injury.
THE RESPONDENT: Yes.
MR JUSTICE COTTER: So you are, therefore, capable of behaving entirely properly when it suits you.

H THE RESPONDENT: Apparently not. Apparently not, your Honour. Apparently not, as these people prove over and over again. And, yes, I do and, you know what, I run very successful companies.
MR JUSTICE COTTER: Well, if you do behave properly because you know how to do it.
THE RESPONDENT: Your Honour, I do. However, I'm looking ----
MR JUSTICE COTTER: Mr David, not at the moment.

A THE RESPONDENT: -- I'm looking at a judge who has the ability, right, to, in my mind, has the ability to completely ruin my life, which is a continuation of the fraud that these people done. And I've got the fraud court over and over again. You have told me that I haven't proven anything. That is completely wrongful, your Honour. I have -- I have
B evidence before you that Mahim Khan is lying. Right cold evidence, that immediately you should be saying, "What is this? Why?", none of that is happening. You're just telling me I'm mentally unwell, that I'm paranoid and that I have no room to judge, you have to wait this, maybe it will happen, maybe it won't. In the meantime you've got to
C give away your stuff. That is what you're saying to me.

MR JUSTICE COTTER: No, I am not.

THE RESPONDENT: Okay, well, then, your Honour, that is how I interpret it and that is how my disability interprets it.

D MR JUSTICE COTTER: Well, that is because you are not listening. Firstly, I go back to this, I have asked you about this -- about the effects of your disability. I have just told you the concerns I have. You said that you have a disability but it is clear to me, on your evidence, that this accident happened when you were eighteen, that you are quite
E capable of being an extremely successful businessman and ----

THE RESPONDENT: When I'm not attacked and lied on repeatedly ----

MR JUSTICE COTTER: -- and ----

THE RESPONDENT: -- by a syndicate of criminals.

F MR JUSTICE COTTER: Wait a second. -- and behaving appropriately. So at the moment, yes, I am struggling because I am thinking you can control it because your own evidence, so to speak, proves you can.

G THE RESPONDENT: My style, sir, my style, sir, you have to know, if I'm in a deal with somebody ----

MR JUSTICE COTTER: Yes.

H THE RESPONDENT: -- and it's looking like that person must have robbed me or lied to me or has lied to me, that's when I come out. That's when my -- that's when my mouth starts to go. I am completely in control of my faculties. I'm not out of control in any way. What comes out of my mouth is completely legitimate and my truth.

MR JUSTICE COTTER: Well, I am not accepting that you cannot behave better than you have been. So at the moment, do not shout at the people in the court. Right.

THE RESPONDENT: It's extremely difficult, your Honour, to not shout at people ----

MR JUSTICE COTTER: Well, do not.

A THE RESPONDENT: -- when they're trying to kill you.

MR JUSTICE COTTER: Do not, because if it happens again the hearing is over.

THE RESPONDENT: Perhaps, your Honour, the day will come when you will realise the gravity of what you're talking about and then you'll look at me say, "You know what,

B sir, I didn't realise just what you were going through". But I have been through it, your Honour. I have really been through it.

MR JUSTICE COTTER: Okay. Let us crack on, okay, because I want to hear what you have to say about this. Okay. You have submitted your evidence. You have made your

C submissions and I have a great deal, including the 27 pages of texts. I have the various submissions that you have made. Okay? It may well be that I am not as familiar with some aspects of the medical evidence, which I will try and see in relation to that, because I am not sure about whether I have seen scans or not. But, anyway, I have seen

D the medical report that you sent in and I will check through the other information. But that said, I have got all of your statements to the court, I have got all of the arguments that you have advanced. All right? Now, on the issue – on the issue, as I have tried to explain, that I am dealing with, of the discharge of the injunction before the matter gets

E off the ground, before there is any progression, is there anything else you want to add?

THE RESPONDENT: Yes, your Honour, I wish you to discharge everything in -- as fraud on the court and reverse everything. That is what I wish the court to do. I wish the court to recognise that there is a criminal syndicate at work and that they have usurped the

F Crown's -- the Crown's court, and that these people sit here today. That is what I wish for you to recognise.

MR JUSTICE COTTER: Okay. And in relation to the contempt, you are happy to provide the information, and in relation to the defence, and I am inviting this, you are asking, "I

G want extra time to put my defence in"?

THE RESPONDENT: Yes, your Honour.

MR JUSTICE COTTER: How long are you asking for?

THE RESPONDENT: Well, look, the good news is that I'm ready to go so I just need

H somebody to put it together for me and I thought Benjamin Powell was doing that for me. I thought that he was respecting my disabilities as he should.

MR JUSTICE COTTER: Benjamin Powell just works in the court office.

THE RESPONDENT: Yes, and, I mean, he's the registrar. He's the registrar. Technically he's (inaudible) everything.

A MR JUSTICE COTTER: He is not the registrar. He is just a member of the court staff who puts together hearings and bundles for judges.
THE RESPONDENT: Right. So as I understood it ----
MR JUSTICE COTTER: He is not a qualified lawyer.

B THE RESPONDENT: I have been communicating with him.
MR JUSTICE COTTER: I know you have. I have read it. But the point about it is, although you send him information, I do not know what you expect him to be doing with it other than just sending it on a judge.

C THE RESPONDENT: Well, I would have hoped that, in my -- perhaps my naivety, right, that I thought that they -- that back channels from Antigua, they'd got through to the -- got through to the Crown Prosecution. The police, I know, categorically are investigating.

D MR JUSTICE COTTER: I am not the Crown Prosecution. I am not ----
THE RESPONDENT: I know, I understand.
MR JUSTICE COTTER: -- the police.
THE RESPONDENT: I understand. I understand.

E MR JUSTICE COTTER: And (inaudible) officially. And, by the way, on that subject ----
THE RESPONDENT: Yes.
MR JUSTICE COTTER: -- you are here as a private citizen. This is a ----
THE RESPONDENT: I'm also here as a -- I'm also here as a representative of Antigua and

F Barbuda, your Honour.
MR JUSTICE COTTER: They are not a part ----
THE RESPONDENT: Yes, they are because this home illegally, and they have challenged it, this home is illegally an embassy extension on a consulate -- a consulate extension for

G the nation of Antigua and Barbuda and it has been for a number of years.
MR JUSTICE COTTER: In which case they can join as a party.
THE RESPONDENT: I beg your pardon?
MR JUSTICE COTTER: They can come to ----

H THE RESPONDENT: I am here. I am the representative. This is it. I am Antigua and Barbuda, your Honour.
MR JUSTICE COTTER: Okay.
THE RESPONDENT: And I come here as a representative of Gaston Browne, who is the sitting Prime Minister of Antigua and Barbuda, which is a Commonwealth nation.

A MR JUSTICE COTTER: That is not the way it works. If somebody says -- take, for example, (inaudible) ----

THE RESPONDENT: Yes.

MR JUSTICE COTTER: -- Mr David, says, well, at that stage, "Whoa, whoa, whoa, I own

B that house", or I, the judge, then they actually, the entity, which would be the Government of Barbuda and Antigua, would apply to join the proceedings.

THE RESPONDENT: In civil litigation. Yes, indeed.

MR JUSTICE COTTER: Yes.

C THE RESPONDENT: In civil litigation but not in criminal litigation, not when it is treason. Not when it is by the Government of Antigua and Barbuda, the Attorney General has issued a public statement in support of ----

MR JUSTICE COTTER: We have gone through that.

D THE RESPONDENT: Have you seen the video statement by the Prime Minister?

MR JUSTICE COTTER: No.

THE RESPONDENT: Right. Well, there is a public video on live television saying that

E Boies Schiller, that they represent, has usurped this nation and that he is personally suing Boies Schiller for what they did to destabilise the country.

MR JUSTICE COTTER: (Inaudible) put in evidence with statements in this action then no doubt you will be able to do so.

THE RESPONDENT: That has already publicly been issued by the Government as a public

F statement. It is publicly available and I've -- and I've given it as evidence.

MR JUSTICE COTTER: In relation to the evidence, I keep on saying this, you must provide it. I will bear it in mind.

THE RESPONDENT: Yes, sir.

G MR JUSTICE COTTER: I will analyse it as to whether at the moment there is an arguable case. But that is not determining whether or not you will win at trial. I keep on saying that.

THE RESPONDENT: Yes, sir. I understand.

H MR JUSTICE COTTER: Now, you ask for further time for the defence. You will provide the information. What is also finally asked for is that the receivers, who are in -- now, the receivers, it is important again that you absolutely understand this, are not able to sell the property. It is not what they do. They simply keep it safe and insured as an asset until we have a trial. Do you understand?

THE RESPONDENT: No, I don't understand, your Honour.

A MR JUSTICE COTTER: That is what they do.

THE RESPONDENT: Oh, well, your Honour, unfortunately -- unfortunately, and I know that, you know, the British court may want to sort of suck and see and wait and hold back and do all that it does, which is perfectly understandable, however, and this is a

B big “however”, we are talking about people that have killed British citizens and this is not a joke. I am not deluded. I am not wrong. I have the evidence. I’ve been living this all my life. All of my adult life and my student life, I know who these people are. I know exactly who they are ----

C MR JUSTICE COTTER: Yes, you keep ----

THE RESPONDENT: -- and I know what they do. One of them is my own brother-in-law.

MR JUSTICE COTTER: You keep saying ----

THE RESPONDENT: My own brother-in-law is part of the syndicate.

D MR JUSTICE COTTER: I have read that again. I have got that but we have gone way off track.

THE RESPONDENT: But, your Honour, we are talking about crimes against humanity on a colossal level.

E MR JUSTICE COTTER: I am asking a simple question. Are you objecting to the fact that if there is -- if ----

THE RESPONDENT: If I can live in it and be in it I have no problem because these people are all going to prison. Forgive me, they are going to go to prison for a very long time.

F MR JUSTICE COTTER: Now, in relation to the receivers, if they remain in position are you ----

THE RESPONDENT: I will just attack them and I will destroy them, is what I will do, your Honour, if they remain in position and it is my right to do that because they are acting --

G they’re an active part of a criminal cartel that is continuing to do that. So, yes, I will absolutely be on their ass.

MR JUSTICE COTTER: I really, really (inaudible).

THE RESPONDENT: But, your Honour, that is how I have survived all these years.

H MR JUSTICE COTTER: Yes.

THE RESPONDENT: That is how -- my transparency and my courage to come to this court to say things to you that you looking me in the face and tell me I am mentally unwell is wrongful of you, your Honour.

MR JUSTICE COTTER: (Inaudible) and you keep saying that.

A THE RESPONDENT: That is what I hear and that is not -- because -- because I supplied all this evidence. Over the last few weeks I've worked extremely hard to pull together fifteen years of evidence, right ----

MR JUSTICE COTTER: Which you have ----

B THE RESPONDENT: -- I've worked very hard and then you tell me -- you tell me that, "Oh, he was sending it to Benjamin Powers". I've been repeatedly emailing Benjamin Powell reminding him of my disability, assuming that he is converting it in a manageable bundle for the court so that you wouldn't have this problem. However, my

C disability was ignored. It was laughed at. It was ridiculed. It was called a mental illness. Even yourself, you know, you were triggered by the character that they presented in the press, that I would somehow be recording this or this would be being recorded or that there was something nefarious going on. That is what these people

D wish to do. Well, guess what, these people need to answer for their crimes ----

MR JUSTICE COTTER: Yes.

THE RESPONDENT: -- of what happened in Manchester, what happened -- what's happened in ----

E MR JUSTICE COTTER: Mr David, right, okay. All right.

THE RESPONDENT: And I can prove it today. I can prove today that Gary Osiri, Anthony Pelicano, right, and Mike Rapino orchestrated this syndicated move to kill people ----

MR JUSTICE COTTER: Okay.

F THE RESPONDENT: -- and do you know why? Do you know why?

MR JUSTICE COTTER: Is there anything else you want to say ----

THE RESPONDENT: Yes, there's a lot.

MR JUSTICE COTTER: -- in relation to the receivers?

G THE RESPONDENT: Yes, your Honour.

MR JUSTICE COTTER: What?

THE RESPONDENT: That they are absolutely colluding with this nefarious network to undermine the Crown and have already done so with my nation that I represent of

H Antigua and Barbuda, that I come in an official capacity.

MR JUSTICE COTTER: Okay. All right. Right, well, let us now hear on behalf -- from Ms Stonefrost on behalf of the claimant. Right, Ms Stonefrost, this is the way I am seeing it and you will appreciate that I am trying to do this in a way that assists Mr David, so he understands the position. Okay?

MS STONEFROST: I do, my Lord. Yes.

A MR JUSTICE COTTER: The current position is that there is no threat. Mr David explained, as he says, his disability and misunderstanding led to that but he has provided, as to be analysed on behalf of the claimant, a wealth of information. But it has not been distilled into a claim and entirely properly (inaudible) application has been. I get that.
B What I am trying to do here is take a pragmatic view in relation to matters.

In terms of that, I am minded to give an extension of time for the filing of a full defence. Okay. Now, I am sure that once a defence has been filed views may be taken on behalf of the claimant as to whether to apply to strike out, whatever, right, but an
C orderly defence. The difficulty, of course, is if default judgment is handled administratively, which it obviously is entirely properly, and what that means is that if you do not put a defence in the court office, (inaudible) give a defence judgment, okay? Which you have a right to apply to set aside and end up back in the same.

D THE RESPONDENT: That, of course, would be a court that would be tagging me out to incarceration as well.

MR JUSTICE COTTER: No, no. This is what happens when people do not serve defences. It happens in county courts up and down the land. It is the same in small cases. If you
E have not filed a defence the court will say, "No defence", and stamp it.

THE RESPONDENT: Okay.

MR JUSTICE COTTER: It is a procedure.

THE RESPONDENT: Okay.

F MR JUSTICE COTTER: The courts have no consideration of the merits or anything. Just a physical lack of defence. So if there was a defence, and (inaudible), Mr David has given his view and I recognise this from the bank accounts, that he will provide the information, to extend time in relation to that. Now, that is what I am minded to do.

G In terms of the contempt application, I recognise it. I can see why it was issued but I wonder as a matter again of pragmatism, I am going to give some time for you to take some instructions on all this because you were not taken, by the way, I am not going to -- that the way forward is not that to achieve it, which is where we are, bearing in mind,
H which is kind of what Mr David says, out of a misunderstanding of the court procedure and out of his disability.

On that, as I have made clear, I have read the report that Mr David submitted. I have not read, but I will now try and find if it is on the court file, as I said, I think I might have seen the scans.

MS STONEFROST: I can tell you where it is, my Lord. It is at bundle B, page 3295.

A MR JUSTICE COTTER: Thank you very much. Bundle B-3295. Right, so I will have a look at that.

MS STONEFROST: It came in very late. It probably just missed.

MR JUSTICE COTTER: Okay.

B THE RESPONDENT: It was the third time I've submitted that.

MR JUSTICE COTTER: Well, I will have a look at it.

MS STONEFROST: I think we only have one copy.

MR JUSTICE COTTER: Anyway ----

C THE RESPONDENT: Then you haven't read the documents.

MR JUSTICE COTTER: We will have a look at that. Mr David's objection to the receivers is one of principle and overarching rather than specifics of the application. If I am against him and the injunction was continued, I would be minded to extend it to that

D extend that Mr David's attack is more fundamental. It is root and branch on that. But it seems to me the issue I simply have to address is is there an arguable or a good arguable case for a continuation of the injunction. So at the moment that is the issue I need your submissions on.

E MS STONEFROST: Yes.

MR JUSTICE COTTER: And skilful though you might well be, I do not think you can pull me too far.

THE RESPONDENT: Seeing as Mr Howard was after my IP representing Julian Assange, I

F feel as if they are not particularly qualified clean hands either.

MR JUSTICE COTTER: I think a lot ----

THE RESPONDENT: Are they clean hands? Is that clean hands, your Honour? I think that's as dirty hands as you can possibly get.

G MR JUSTICE COTTER: Do you know, one thing you have got to work out here is that Ms Stonefrost is independent counsel. She is independent counsel. She is a barrister. She is not employed by Mr (inaudible) or any different firms of solicitors. She has a duty to me and the court and I think you should recognise that. She is not Howard

H Kennedy and she is presenting the case that she thinks proper and fit to represent her clients and we must respect that.

THE RESPONDENT: I don't respect that, your Honour ----

MR JUSTICE COTTER: So you ----

THE RESPONDENT: -- forgive me, I cannot respect a criminal ----

MR JUSTICE COTTER: I am ----

A THE RESPONDENT: -- who is part of a ----
MR JUSTICE COTTER: She is not a criminal and none of your allegations can be ----
THE RESPONDENT: I disagree, your Honour. If you were to understand my evidence, you
would be ----

B MR JUSTICE COTTER: Yes, well.
THE RESPONDENT: Your Honour, I've given you evidence about that.
MR JUSTICE COTTER: Yes, Mr David, if you are coming to an accusation that Ms
Stonefrost, as counsel, is involved in a wide conspiracy ----

C THE RESPONDENT: I am.
MR JUSTICE COTTER: -- then I am really worried. I am really, really worried.
THE RESPONDENT: Well, then -- well, then where does it stop? Where does the
conspiracy stop? Does it stop with her? She's clean? Is that it? Is that it? Do we get
to her and that's it, no more?

D MR JUSTICE COTTER: The medical report you have submitted, not the ----
THE RESPONDENT: Please stop harping on that, your Honour. You are wrongfully abuse
-- you are misleading yourself. Forgive me, you're misleading yourself. You have to
understand, your Honour, that ----

E MR JUSTICE COTTER: And I am telling you, Mr David, that in my view, prima facie, that
is paranoid.
THE RESPONDENT: Yes, it is paranoia. I agree with you. It is paranoia.

F MR JUSTICE COTTER: To accuse Ms Stonefrost of any involvement in this ----
THE RESPONDENT: I do.
MR JUSTICE COTTER: -- is paranoia.
THE RESPONDENT: No, it's not, your Honour. I have proven it. I have evidence. It's not

G paranoia.
MR JUSTICE COTTER: You have produced no evidence of that.
THE RESPONDENT: I have absolutely. It's right in front of you, your Honour.
MR JUSTICE COTTER: It's got nothing to do with her.

H THE RESPONDENT: Of course it is. Of course it is. She's aware of it. She is aware ----
MR JUSTICE COTTER: Okay, all right.
THE RESPONDENT: -- she is aware that that -- that what she's representing has been -- has
been on your ----
MR JUSTICE COTTER: Your speech is giving me more and more concern. Anyway, you
are ----

A THE RESPONDENT: Really?
MR JUSTICE COTTER: -- giving me more and more concern.
THE RESPONDENT: No, you're making me more -- you're making me more and more disabled.

B MR JUSTICE COTTER: No, I am not making you more disabled.
THE RESPONDENT: You are. You don't understand. You yourself have said that you haven't even seen the scan and you're saying, "No, no, no." You haven't taken any -- any kind of ----

C MR JUSTICE COTTER: No, sit down.
THE RESPONDENT: -- you haven't taken any kind of understanding of what is inside here.
MR JUSTICE COTTER: I have. I have because I have told you, you have been able, as you said and I repeat this ----

D THE RESPONDENT: Until I was repeatedly abused and attacked and people have been killed and you have ----
MR JUSTICE COTTER: Okay.
THE RESPONDENT: -- you have mocked -- you have mocked me bringing very serious

E charges. You think I'm a fool? That I bring these charges lightly? That I say treason, you think I say this lightly? You think that in my position I would -- I have evidence enough to prove that these people are lying. I should just stop it there, right? I should just stop there. Oh, I can prove immediately right in front of you, you have evidence,

F that these people are liars. This lady is a liar because she knows ----
MR JUSTICE COTTER: Okay.
THE RESPONDENT: -- matter of fact that Gary Shoe field and Yelena Calendar have said that their testimonies are lies.

G MR JUSTICE COTTER: We will just stop that there. Anyway, we will carry on.
THE RESPONDENT: I don't understand, your Honour.
MR JUSTICE COTTER: Carry on. So if I was satisfied that there was a good arguable case for the injunction to continue, I would in principle, I think, bearing in mind the

H arguments are (inaudible), extend the receivers and give time for a defence. Okay? Now, in relation to that, and I will hear Mr David on this, okay, I am minded to case manage this myself. What that means is I would not be the trial judge. It would be a different trial judge.
THE RESPONDENT: Okay.

A MR JUSTICE COTTER: But it means that the paperwork, organisation and everything has one judge that is in charge of it and not settled -- I am the third judge you have had, yes?

THE RESPONDENT: No, you're the first judge I've had, your Honour. Remember,

B remember, that all of these previous proceedings were completely fraudulently had.

MR JUSTICE COTTER: Well, yes, okay. Two other judges have received the case.

THE RESPONDENT: Wrongfully and the court was defrauded every time by them.

MR JUSTICE COTTER: All right.

C THE RESPONDENT: And my rights were completely abused and removed. Due process was not respected.

MR JUSTICE COTTER: I would be inclined to have another hearing, a case management hearing, in due course to consider where we go. Now, the reason for that is, it may be --

D it may be -- that Mr David wants to apply to strike the claim out at that stage, which he has intimated he wants to do.

THE RESPONDENT: I have already, your Honour.

MR JUSTICE COTTER: Well, you have not made an application. You need to make -- you

E should but no one did.

THE RESPONDENT: I understand.

MR JUSTICE COTTER: But at the same time, by parity of reasoning, and this is what happens in a case, the claimant may apply to strike out chunks of the defence.

F MS STONEFROST: Or summary judgment.

MR JUSTICE COTTER: Or summary judgment. And there will be (inaudible) track because you might want to make an application to strike the whole thing out. I have to say, this is a mundane matter. That is the issue. The court needs money. It is how this court

G works. It is how my salary gets paid. These applications, you have to put some money in.

THE RESPONDENT: You'll get your £500, your Honour.

MR JUSTICE COTTER: Yes. It is not mine but you have not paid anything so far.

H THE RESPONDENT: I did not have to pay because the fraud happened so fast. My last few dollars I would happily give to the court to be there.

MR JUSTICE COTTER: Right, okay. I am simply saying you do not have to apply to put a defence in but if you make an application to strike out the claim, you have got to put in form, pay the fee and then it is processed. Yes? All that Mr Powell is -- I should remind you, it is totally (inaudible), he is a bit like a post box. He gets information and

A puts it on the computer and he expects the judge then to read it on the computer. He does not do anything to progress the action apart from that. All right? He is not able to make any orders. So that is what I am minded to do.

MS STONEFROST: Can I make a couple of comments, my Lord, on that?

B MR JUSTICE COTTER: Yes.

MS STONEFROST: First of all, on the receivership.

MR JUSTICE COTTER: Yes.

C MS STONEFROST: So obviously we are asking you to continue the injunction, continue the receivership.

MR JUSTICE COTTER: Yes.

D MS STONEFROST: I do not know whether you had a chance to look at it, but the receivers' evidence is that they cannot -- they are having trouble with insurance because they need to get a proper valuation.

MR JUSTICE COTTER: Yes, I have read it. That is why they want to get in, because they do not know the state of the house ----

MS STONEFROST: Yes.

E MR JUSTICE COTTER: -- so they cannot apply for insurance to protect it in case it gets damaged.

MS STONEFROST: So we need a variation of the receivership order.

MR JUSTICE COTTER: Yes, I have got that. That was the application I meant.

F MS STONEFROST: Thank you. I did not know whether it was to do with ----

MR JUSTICE COTTER: That is what I was raising really. Because Mr David's defence is overarching, the receivership goes with everything else, the fraud. He has not specifically focused on that aspect. He will focus on the bigger picture.

G MS STONEFROST: Yes.

H THE RESPONDENT: I have also proven that the previous receiver that came to my house, the intimidating guy, there have been two, the previous guy, which I've supplied evidence to, did it fraudulently. He had no business coming to my home and making demands.

MR JUSTICE COTTER: The court has made an order.

THE RESPONDENT: Sorry?

MR JUSTICE COTTER: The courts have made an order.

A THE RESPONDENT: The courts may have made an order but he had no right to come up to the house when I wasn't there, when they know that I'm not there, pretending to be looking for me. That was completely wrong and they knew that I wasn't there.

MR JUSTICE COTTER: Yes, well, he is a receiver. He has power over that asset. It is a

B strange old business if I cannot go and look at what I am a receiver over, is it not?

THE RESPONDENT: Absolutely, but ----

MR JUSTICE COTTER: Yes.

THE RESPONDENT: -- we would go over with due process.

C MR JUSTICE COTTER: He is a receiver.

THE RESPONDENT: Is he?

MR JUSTICE COTTER: He is a court-appointed ----

THE RESPONDENT: So he's just a thug, is he, just allowed to go out and do things that --

D you know, whatever he wants to do?

MR JUSTICE COTTER: (Inaudible) ----

MS STONEFROST: The powers are set out in the order.

MR JUSTICE COTTER: -- he was in his car. It is not thuggery.

E THE RESPONDENT: Well ----

MR JUSTICE COTTER: I think, Mr David, it will help if you try and restrict your language and you are an intelligent and articulate man.

THE RESPONDENT: But that is what it is, because it has taken up with fraud and what that

F man is doing, he's perpetuating the fraud. I can absolutely, without a shadow of doubt, prove to you that these lawyers -- Your Honour, I can absolutely guarantee ----

MR JUSTICE COTTER: We have gone through that.

THE RESPONDENT: I can prove to you that they are a syndicated cartel of criminals who

G are working for a very nefarious organisation ----

MR JUSTICE COTTER: Yes.

THE RESPONDENT: -- that has an intent to usurp this very brave human.

MS STONEFROST: My Lord, I just had one further point to make.

H MR JUSTICE COTTER: Yes. And I must stress that what I am going to do, because I think it is useful to have a break ----

MS STONEFROST: Yes.

MR JUSTICE COTTER: -- as well, is it enables you to then, again having (inaudible) lots of cases, because whilst Ms Stonefrost speaks to me, she has clients behind, other people, who she has to ask -- you have seen it before -- ask instructions about. So simply over

A lunch, what she will say is, “The judge is suggesting this. Do we agree with that or are we arguing against it?” So that is what I mean by taking instructions.

MS STONEFROST: So the last point I wanted to raise before I do take instructions is that Mr David is in contempt of court because he has not complied with the orders.

B MR JUSTICE COTTER: Yes, I know you say so. Yes.

MS STONEFROST: And we do not think he should be entitled to file a defence unless and until he has purged that contempt, so he provides us with the information.

THE RESPONDENT: That is a clear contempt of court itself and an act of criminality, when

C you know yourself that Mr Shoefield and Ms Calendar have said that their testimony was wrongfully included, and you’re perpetuating the crime!

MR JUSTICE COTTER: Mr David, you said a minute ago it has provided the information. These bank accounts are not (inaudible) ----

D THE RESPONDENT: It’s not about the money. It’s not about the house.

MR JUSTICE COTTER: Well, all you have got to do is do that within forty-eight hours and then you can file your defence. That is it.

THE RESPONDENT: Well, I thought I had done that. Now, forgive me, I thought

E Mr Powell was supporting my disability ----

MR JUSTICE COTTER: No.

THE RESPONDENT: -- in the way that I thought it was.

MR JUSTICE COTTER: She is technically right. The truth of the matter is ----

F THE RESPONDENT: She may be technically right under fraudulent and criminal circumstances. That is not right.

MR JUSTICE COTTER: She is counsel who is saying to me ----

THE RESPONDENT: No, she is counsel within a syndicated network of ----

G MR JUSTICE COTTER: All right.

THE RESPONDENT: -- criminal lawyers that are a cartel that commit lawfare to destabilise the island nation of Antigua and Barbuda and that is a public statement that we have issued, your Honour.

H MR JUSTICE COTTER: She is pointing to me the correct steps and at the moment, if I do that, I agree, so I would adjourn the contempt application pending that and making the defence conditional on the service of that information. Okay?

THE RESPONDENT: Your Honour, may I ask a question?

MR JUSTICE COTTER: Yes, you can.

THE RESPONDENT: If, indeed, what I say is true ----

A MR JUSTICE COTTER: Yes.
THE RESPONDENT: -- where do they sit in that case?
MR JUSTICE COTTER: What do you mean where do they sit?
THE RESPONDENT: If what I'm saying to you, that there is a big network of lawyers who

B are syndicated as a criminal organisation, and she is one of them, what she just did is what?
MR JUSTICE COTTER: All she did is pointed out to me ----
THE RESPONDENT: Yes, but the very fact -- if she did it in the knowledge, right, that she

C is part of a syndicated network of criminals and she knows, for a fact, that this suit is completely tainted from beginning to end ----
MR JUSTICE COTTER: Can I cut you short?
THE RESPONDENT: Well, may I ----

D MR JUSTICE COTTER: No, you cannot. I am going to cut you short. Do you know what she did? What she said? She was saying this, "You are trying to help Mr David by getting rid of the contempt but you cannot actually do that, Judge, until he purges the contempt."
THE RESPONDENT: That is a civil matter, your Honour.

E MR JUSTICE COTTER: Yes.
THE RESPONDENT: I'm not interested in civil.
MR JUSTICE COTTER: You are ----

F THE RESPONDENT: I'm interested in criminal matters here, your Honour.
MR JUSTICE COTTER: She is ----
THE RESPONDENT: I am interested in supporting my nation's opinion that what is happening here is unadulterated lawfare.

G MR JUSTICE COTTER: Well, what I am explaining is that, to assist you, which the order would be, to assist you and would help you out of a hole ----
THE RESPONDENT: It's them who are in a hole, your Honour, not me. I don't care what they do. It's beyond me. Whatever the court decides, their lives are now destroyed for

H what they have done to humanity.
MR JUSTICE COTTER: You are in contempt of court. You have not complied with something. I am suggesting ----
THE RESPONDENT: Why am I in contempt, your Honour?
MR JUSTICE COTTER: -- that I give you time to comply, so you can get out of contempt of court, and to serve a defence, and counsel simply pointed out, "Judge, as a matter of

A principle, you put one before the other.” It is not really very tricky or controversial stuff, Mr David.

THE RESPONDENT: It’s beyond me to recognise that, your Honour. I am unable to recognise that.

B MR JUSTICE COTTER: All right.

THE RESPONDENT: You know, it’s ----

MR JUSTICE COTTER: Well, anyway, look, what I am ----

THE RESPONDENT: -- in writing where I’m at.

C MR JUSTICE COTTER: -- going to do, it has been a long morning, I am going to have a break, take some instructions, we will come back at two and tell me what you say and then we will see how we progress from that time.

THE RESPONDENT: Thank you very much.

D MR JUSTICE COTTER: Is this the only copy you have got of this statement?

THE RESPONDENT: It is the -- I gave you the -- No, I’ve scanned it. It’s the original. That is the original.

MR JUSTICE COTTER: Yes.

E THE RESPONDENT: That was sent -- I’ve kept the ----

MR JUSTICE COTTER: You keep the original. Okay. I have read it so you keep the original.

THE RESPONDENT: Okay, your Honour. You’re satisfied that it is ----

F MR JUSTICE COTTER: Mr David, I have a habit of losing documents.

THE RESPONDENT: Okay. Yes, I understand.

(Adjourned for a short time)

MR JUSTICE COTTER: Thank you.

G THE RESPONDENT: Your Honour ----

MR JUSTICE COTTER: Yes.

THE RESPONDENT: -- earlier you suggested that my mental capacity and my paranoia might be influencing my opinions.

H MR JUSTICE COTTER: Yes.

THE RESPONDENT: I would like to -- I have also submitted already to the court the affidavit, the sworn video affidavits, of one Mr Burgess and Ms Wright, both of whom were federal witnesses in the Southern District of New York, gave me personally direct affidavits as to the accusations that I made today to be also corroborated by them, which means that I have got sworn federal witnesses who have attested to my personal case

A and to me personally in video testimony, which I've submitted to the court, that the
accusations that I have made about this syndicated really cabal of lawyers who are
seeking to usurp this nation is correct and true. And, in fact, the State's witness, I'm
trying to remember his first name, Mr Burgess, he categorically said that the 1999 event
B in Anaheim, which I also evidence, happened and that that -- at that event there were
multiple witnesses to place members of the Royal family, who were being really cajoled
by this group of David Boies led lawyers, of which they're sitting in this courtroom
today. That event was witnessed by a federal witness, two, in my evidence that I gave
C to the court. So if it pleases the court, my opinions are corroborated by federal
witnesses as well.

MR JUSTICE COTTER: Thank you. Ms Stonefrost, where are we on ----

D MS STONEFROST: So, my Lord, I have taken instructions during the adjournment and
perhaps I could just run through what I would invite you to do.

MR JUSTICE COTTER: Yes.

E MS STONEFROST: The first is obviously to continue the freezing order and the second is to
continue the -- well, is to add a power to the receivership order which is the power -- I
do not know whether you have had a chance to look in tab 15 of the bundle?

MR JUSTICE COTTER: I have seen it. I have read the statements.

MS STONEFROST: Yes.

F MR JUSTICE COTTER: I know what the application is. I know why the application is made
on behalf of the receivers.

MS STONEFROST: That is all you need to know then.

MR JUSTICE COTTER: Yes.

G MS STONEFROST: So what we are going to suggest, now Mr David is here in this
jurisdiction, that he should have until next Friday to make arrangements with the
receivers to go in, so they do not need to change the locks to go in and do a proper
valuation, but he would have to be prepared to make an arrangement with them to go in
and let them have a valuer with them to go round and look properly at ----

H THE RESPONDENT: I wish them luck, your Honour. I wish them luck.

MS STONEFROST: Okay. Well, then that is obviously not going to ----

THE RESPONDENT: No, no, no. No, no, no, I'm perfectly happy for them to come -- to
come. I'm perfectly happy for them to come to my home. I'm more than happy for
that, your Honour.

A MS STONEFROST: And they would also have to be allowed to go and look around because it is for valuation purposes.

THE RESPONDENT: Oh, yes, I'm more than happy with that. My experience of that, of course, is that the week after that, my experience in Malibu, was when the very same thing happened, my security detail was taken, data was stolen and the following week --

B Oh, and the reason why they removed that was to remove the images of one Terry Vanterluce(?), who came to my home to kill me. Right? And that is in evidence. So my point is, your Honour, that what they are trying to do, and the experience that I've had with them was the reaction the others had to the (inaudible) of my house, my experience has been that people have attempted to kill me, have broken into my -- And I'm not being ----

C MR JUSTICE COTTER: Yes.

D THE RESPONDENT: -- paranoid.

MR JUSTICE COTTER: I am trying to be sensible here, Mr David.

THE RESPONDENT: Yes, as am I, your Honour.

MR JUSTICE COTTER: But is there anyone, apart from you, who could accompany them in

E for that purpose, so we did not have any ----

THE RESPONDENT: No, your Honour, the very -- the very fact that these treasonous, criminal murderers are entering my home, I find it offensive. I find it deeply offensive to the court and to the realm, that this -- that this malarkey is allowed to continue. This

F is a criminal matter, your Honour, not a civil matter!

MR JUSTICE COTTER: Okay, all right.

THE RESPONDENT: This is, I repeat, a criminal matter.

MR JUSTICE COTTER: Carry on.

G THE RESPONDENT: And I have witnesses in wholesale to say that what I'm saying is true.

MR JUSTICE COTTER: Yes, I have got it. I have got it.

THE RESPONDENT: Okay, sir.

MS STONEFROST: So, my Lord, either seven days to try and make it work or an immediate

H order that the receivers have the power to change the locks.

The other, I think uncontroversial, part of this is the application to stay the proceedings in respect of the punitive damages. Then what we ----

THE RESPONDENT: The punitive? I believe I thought those were illegal in Europe and in England as well.

MS STONEFROST: Can I finish making my submissions?

A MR JUSTICE COTTER: Yes.
THE RESPONDENT: And that's a criminal offence as well, isn't it?
MS STONEFROST: So what we want to do is stay the punitive damages because ----
MR JUSTICE COTTER: Yes, I have got that.

B MS STONEFROST: Got that. And then the contempt application, we would going to invite
you to adjourn it to a date in the week of ----
THE RESPONDENT: Just the fact that you (inaudible) of those ----
MR JUSTICE COTTER: (Inaudible) ----

C THE RESPONDENT: Forgive me. Forgive me, your Honour. Just the fact that they
submitted it was an act ----
MR JUSTICE COTTER: Mr David ----
THE RESPONDENT: -- it's a criminal offence.

D MR JUSTICE COTTER: Mr David, we have to go on and on with you now talking.
THE RESPONDENT: Forgive me, your Honour. I just -- I'm just hearing the very idea of
somebody entering my home makes me ----
MR JUSTICE COTTER: Yes, yes.

E THE RESPONDENT: -- mad as hell.
MR JUSTICE COTTER: Well, it might do. On we go.
THE RESPONDENT: And quite right.
MS STONEFROST: So that is the contempt application. We are asking you to adjourn it.

F MR JUSTICE COTTER: Yes.
MS STONEFROST: Then in relation to the defence, because we have applied for defence in
default, we think that what should happen is that Mr David, by all means he should
draft a defence, but he would also need to apply to set aside the ----

G MR JUSTICE COTTER: Has it actually been entered though?
MS STONEFROST: I do not know. We would not know because it comes with (inaudible)
totally so we would have to check with the court. But if it has been entered by the time
we manage to check on Monday, he would also need to apply to set aside. But what I

H was going to go on to say was if it was a cogent offence we would not be contesting a
set aside application.
MR JUSTICE COTTER: Yes.
THE RESPONDENT: That is a very deep grave you just dug yourself maybe.
MR JUSTICE COTTER: Okay.

A MS STONEFROST: So we do not think that -- So long as we have got a hearing date, and we would be grateful if you would case manage this case, for the contempt application, we can use that to deal with whatever may or may not have happened in relation to the defence. And then we would just like you to reserve the costs to that hearing.

B MR JUSTICE COTTER: Yes. Okay. Thanks. That is very helpful. Mr David, in terms of the receiver, okay, the receiver currently has powers over the house.

THE RESPONDENT: And unclean hands. And unclean hands.

MR JUSTICE COTTER: Would you just please focus?

C THE RESPONDENT: Yes, your Honour.

MR JUSTICE COTTER: Obviously just bear with it. By the court order that has been made, and the receiver cannot sell the house. The receiver is to preserve the asset and no more, and that is solely, but they cannot do that if they cannot insure the property properly until its proper valuation. Now, in relation to that, what is sought is access to be able to do that. Now, if the order is made, the choice is either you are there and they are allowed in or they are allowed to have access to change the locks, which you ----

D THE RESPONDENT: Forgive me, your Honour. I've given you two federal witnesses who state that what I am saying is true and you are allowing criminal murderers to enter my home. I find that offensive.

MR JUSTICE COTTER: Yes, well, okay. If I make the order, what would you do? Which one of those two would you want to do?

E THE RESPONDENT: I would not want either, your Honour. Forgive me, I cannot choose. It's not out of contempt. It is out of -- out of principle and moral duty. I cannot possibly accept that.

MR JUSTICE COTTER: So you have not got anybody, other than yourself, who ----

F THE RESPONDENT: I wouldn't want to put anybody. I would want to be there, your Honour. I would want to witness it. I would want to make sure that these people do not take any pictures, do not take a single thing out of my home, because the last time that somebody entered my home, forty/fifty people entered my home illegally in thirty days, two attempted murders in my home within thirty days, all documented. The two people that were caught breaking into my home with weapons, arrested, were eventually let go, after several months in detention. Right? Terry Vanterluce was never questioned, not once, by the police for attempting to break into my home and I have video evidence of it, and that is the video that -- So what they are proposing now is to enter my home and continue the murder, the mayhem, the criminality, that this syndicate is responsible for.

G

H

A Once again, your Honour, I bring your attention to the two factual statements made by two corroborating federal witnesses that corroborate everything that I've told you in this court today.

MR JUSTICE COTTER: Okay. Bear with me. **(After a pause):**

B THE RESPONDENT: Gloria Allred has effected pain on members of this realm.

MR JUSTICE COTTER: Okay, Mr David, I have got the picture.

THE RESPONDENT: Thank you, sir. **(After a pause):**

C MR JUSTICE COTTER: There is a big difference, Ms Stonefrost, between entering the property and changing the locks and being able to go in and do a valuation.

MS STONEFROST: You will have seen the receivers' evidence that if they cannot go in and get a proper value ----

MR JUSTICE COTTER: Yes.

D MS STONEFROST: -- then that is going to undermine the value of the property, which is the whole point that they are there for. It is essential to what they are going to do.

MR JUSTICE COTTER: Yes, yes. Fine.

THE RESPONDENT: In a civil matter.

E MR JUSTICE COTTER: Yes, this is a civil matter.

THE RESPONDENT: This is no longer a civil matter when I've brought you two federal witnesses who corroborate my claims. That is the law. And if it is a crime against the realm, it is even more so important that it is escalated immediately to the Security Services, if they're not already in the (inaudible).

F MR JUSTICE COTTER: The matter here, Mr David, at the last hearing, not me but ----

THE RESPONDENT: Which hearing was that, your Honour?

MR JUSTICE COTTER: The one in front of ----

G THE RESPONDENT: The one that I was completely usurped? The one that I had no notice of and had no idea what was happening?

MR JUSTICE COTTER: Well ----

H THE RESPONDENT: Yes, your Honour. I had no idea. I was living abroad. I was never served, not once.

MR JUSTICE COTTER: Could you just let me speak?

THE RESPONDENT: Forgive me, your Honour.

MR JUSTICE COTTER: All right.

THE RESPONDENT: Forgive me.

A MR JUSTICE COTTER: There is a lot of fact, I am going to say, tends to prove that you did (inaudible). On the last hearing, as I understand it, someone from Edwin Coe was there on your behalf. Is that right?

B THE RESPONDENT: Yes, sir. The (inaudible) bring lawyer in three days before -- sorry, forgive me, a week before coming here, I'm asked by one of their team, who have been a long-time property attorney of mine, Edwin Coe, it was their last -- they were last desperate job. I had no time to appoint anybody so I appointed them. They decided to -- the chap that I was dealing with decides to leave the company and says, "Why don't you give me the money?" and then the other company say, "Well, why don't you give me the money?", the additional 50 -- magical 50 grand that came up for somebody to come and sit next to me. You know, the truth of it is, your Honour, is that they are bringing criminality on a catastrophic scale on our species.

D MR JUSTICE COTTER: I have got that. I have got that.

THE RESPONDENT: Okay.

E MR JUSTICE COTTER: Of course, what I am trying to work out is, if somebody were to go along and enter the property and value the property, so that you would have the comfort that they were not doing anything ----

THE RESPONDENT: I would like police protection.

MR JUSTICE COTTER: Well ----

F THE RESPONDENT: I would like absolute police protection and I'd like Security Service protection, and if we have to play -- if we have to play this game of pretend then that's fine.

MR JUSTICE COTTER: Well, what I was going to ask you was whether or not someone from Edwin Coe could be there at the time.

G THE RESPONDENT: No, sir. You imagine -- Forgive me, my Lord, it is -- it is -- it is -- and actually to his Majesty, actually, by way of you, your Honour, your realm, your Honour, is at perilous risk of being overrun by a criminal organisation that is in this courtroom today and that is a fact and I have two federal witnesses who will attest to that, two federal witnesses that were at the (inaudible) trials, okay? These people are professional witnesses for the Federal Government of the United States, which is in complete support of what I am saying about David Boies and his network.

H MR JUSTICE COTTER: Now, I am just focusing on one small ----

THE RESPONDENT: Your Honour, the fact is that a criminal event is happening in real-time and these people wish to continue it, and please go ahead and do it at the pleasure

A of the court, if that's the case, but if that is the case then I will have my own protection. I will have my own government, because it is a government institution, the island nation of Antigua and Barbuda, I will have the -- you know what, let's call the -- let's call the diplomatic police, and the diplomatic police can begin their audit of what is going on,

B and I make a demand of this court that they order the diplomatic police to come to this property that is protected under many rules and, you name it, it's protected. And it's legally protected. These people cannot enter the home without the proper protections of diplomatic -- diplomatic procedure.

C MR JUSTICE COTTER: They can if I order it.
THE RESPONDENT: Yes, sir, and then -- and then -- sir, please ----
MS STONEFROST: Can I just try and cut this short?
MR JUSTICE COTTER: Yes.

D MS STONEFROST: This might solve some of the problems. I am told by my instructing solicitors, and on the basis of people who know, actually act as receivers, that if you make an order that the police should accompany the receiver, then the police will do so.
THE RESPONDENT: And you should make -- it has the -- by law it has to be the diplomatic

E police then.
MR JUSTICE COTTER: Well, is that so?
MS STONEFROST: The person behind is from Grant Thornton.
MR JUSTICE COTTER: No, no, I take it. I ----

F MS STONEFROST: I do not know it myself personally but I am told by someone who has done it.
MR JUSTICE COTTER: No, no, I take it and Mr David would be satisfied with that, I am sure, if the police are there.

G MS STONEFROST: Yes, that is what he seems to want.
THE RESPONDENT: I am. I am very satisfied with that.
MR JUSTICE COTTER: Very well.
THE RESPONDENT: But diplomatic police though.

H MR JUSTICE COTTER: No, I am not going to order diplomatic.
MS STONEFROST: No.
THE RESPONDENT: It has to be the diplomatic police because this is a diplomatic building. There is no ifs and buts on this. I apologise.
MR JUSTICE COTTER: Well.

A THE RESPONDENT: It is a diplomatic station, your Honour. It is a diplomatic station, your Honour, for the island nation of Antigua and Barbuda which is part of this Commonwealth. To do otherwise would be treason in itself.

MR JUSTICE COTTER: Okay. All right. Well ... **(After a pause):**

B THE RESPONDENT: And I have the evidence and the support of the government to prove it, your Honour. Despite their further lies and their attempts to undo that and to undermine my relationship with that government, it had the opposite effect. Again I bring to the attention of the court the notice of two federal witnesses that corroborate my statements, and there are more. There are many whistleblowers. Many lawyers, in fact, who corroborate everything that I say, that there is a criminal syndicate at work in this court. **(After a pause):**

MR JUSTICE COTTER: All right.

D THE RESPONDENT: Your Honour, there is also Daniel Capone and Alison Doe, who have also given video witness testimony to the same facts. So I bring two more names. So there are four witnesses, four recognised witnesses, because they are also under an FBI protection because they are whistleblowers in the same way as I am. I've never been afforded any protections. I have emailed this court for protections. I have had no sign of protection. I am a bona fide representative of a foreign government that is part of the Commonwealth realm. I have been treated with complete contempt and ridicule. This lady was laughing at me while I was telling you about my head injury. I find that deeply offensive and you call me contemptuous, your Honour. I find it difficult to compute that.

MR JUSTICE COTTER: I did not see anything like that.

THE RESPONDENT: Well, others did, your Honour.

G MR JUSTICE COTTER: Never mind. Well, I am not going to (inaudible) with that. All right. I am going to deliver a judgment. Decorum is that I deliver the judgment without interruption. If there is anything at the end of this you want to say, well, that is a different matter. I should at least be able to deliver it. All right.

H **(See separate transcript for judgment)**

MR JUSTICE COTTER: Right, that is where I am. Now, I appreciate, Mr David, that you do not agree with what I have said, but that is my order. It can be drawn up. You do not agree with it, I get that, but do you understand it?

THE RESPONDENT: I think so.

MR JUSTICE COTTER: Yes.

A THE RESPONDENT: I think so. I understand that basically I've brought irrefutable
evidence that there is a crime happening right now against both the realm and myself
and many people, I have many whistleblowers, I have many, many people lined up, I
B have listed them. I have given you the list of witnesses and whistleblowers and I know
it's not the trial, but in the overwhelming evidence that exists today on your bench, that
there is an actual fraud on the court. After listening to the procedure that you've laid
out, which is the correct procedure obviously, it sounds wise and correct, not in these
C circumstances. These are extreme circumstances, my Lord. These are circumstances
that go beyond the norm that you are used to. We are talking about a pan -- a global
cartel of extremely powerful and very qualified (inaudible), you know, militarily
organised syndicate of criminals who are in this court now. They may look normal and
you may know them for years and all of that, but they still part of a group of people that
D have lied ----

MR JUSTICE COTTER: Yes.

THE RESPONDENT: -- in wholesale to this court today, and I just don't understand how
you can -- how the court can process any of that regardless of the future expansion of
E information and whether my accusations of these people being evil on earth, whether
that is true is irrelevant. It is evidence that I bring you today and in the last month that
what they are doing now is complete and utter pack of lies and a crime against
humanity that I have proven to you! It's not about whether it's strung all over the place.
F You know what I'm saying is true. The authorities sitting back there know that what
I'm saying is true. Everybody in the legal world, lawyers, who are willing even -- even,
not (inaudible), I forget his name. I hired him for -- And he is deeply involved in the
whole Epstein matter. You know, I've got lawyers like your very own King's Bench is
G willing to come out and speak in my support. Stephen Ferguson, who supported Prince
Andrew in the Epstein matter will come out and say, "Yes, indeed, this is a criminal
cartel."

MR JUSTICE COTTER: Mr David, if you are right you will win.

H THE RESPONDENT: I know I will win. I will win, whatever you come up with, whatever
any court in the land comes up with, I will expose these people and the world can see
who they are!

MR JUSTICE COTTER: And you asked me, when you interrupted me during my judgment,
and I will repeat it, you said, "What is this strong case they have got?" The simple
answer is they have got a judgment which is appeal bombproof in America.

A THE RESPONDENT: It's not -- it's not bombproof. I'm sorry, you are wrong, your Honour.
MR JUSTICE COTTER: No, no, in America.
THE RESPONDENT: I have given you evidence ----
MR JUSTICE COTTER: No, no, no, no.

B THE RESPONDENT: -- right there that it's a lie.
MR JUSTICE COTTER: No, no, no, you've not heard me out. In America. It might be challengeable here, and that is what you are going to do ----

C THE RESPONDENT: In America it's challenged. The Department of Justice is all over it now. I've got an appeal over the \$900 million judgment. \$900 million? Which is supposed to be a percentage of my wealth? \$900 million, come on. That is a lie in itself. So that \$900 million judgment, which is now -- they have now pulled out. They've pulled out completely. They have issued -- they sent just now to my appeal

D team, they sent a letter that, "We're pulling out from questioning Mr David on his finances." They know officially that was sent to the court.
MR JUSTICE COTTER: But ----

E THE RESPONDENT: So -- so, based on the fact that they are enjoined -- the Mahim Khan name is enjoined to that lawsuit as part of the 27 pages that Barry Rothman died over, right, that -- Mahim Khan is named in those 27 pages. This law firm is named in those 27 pages. This law firm represents Gloria Allred, who is getting 75% of whatever this court decides to give of my wealth, that they are stealing, robbing me based on lies and

F fabrications, on a criminal cartel that any -- Look, the fact is this ----
MR JUSTICE COTTER: Yes.

G THE RESPONDENT: -- everybody knows that David Boies, everybody knows that David Boies is the biggest enemy of this state, so is Gloria Allred, and they represent him!
MR JUSTICE COTTER: Okay. Well, what I can tell you is, I understand what you are saying. I understand your belief. For the reasons I have outlined, I am not with you in terms of this application. I have tried to explain why as best I can.

H THE RESPONDENT: You're not with me in what sense? You're not with me because you don't believe me or you're not with me in this particular issue?
MR JUSTICE COTTER: The issue of the continuation of the injunction.
THE RESPONDENT: But, sir, sir, forgive me. You may be following form of the usual thing that is done. This is not normal ----
MR JUSTICE COTTER: Yes, I get that.

A THE RESPONDENT: -- form. I hope this may well be the first criminal case that crosses over, a repo case that crosses over ----
MR JUSTICE COTTER: Yes, but, look, Mr ----
THE RESPONDENT: -- a small (inaudible) but that's what it is.

B MR JUSTICE COTTER: -- Mr David, we are going over -- I have given you my honest judgment and I wanted to tell you this, because it is important I think, right, that you understand this. Firstly, I have never met any of them. They have never appeared in front of me.

C THE RESPONDENT: Well, you are very fortunate, your Honour.
MR JUSTICE COTTER: No, but so you understand, I do not know them. I have never met them. They have never appeared in front of me.
THE RESPONDENT: It doesn't matter. You don't need to know anybody in this cartel.

D MR JUSTICE COTTER: But ----
THE RESPONDENT: You don't have to know anybody. It's managed, it's beautifully managed.
MR JUSTICE COTTER: But in terms of me, and you should understand this, I swore an

E oath, yes, and I stick with it ----
THE RESPONDENT: All right.
MR JUSTICE COTTER: -- and I do my best, and do you know ----
THE RESPONDENT: If that's the case, your Honour, you will respect my disability ----

F MR JUSTICE COTTER: -- do you know, Mr David ----
THE RESPONDENT: -- and you will respect that what I have to prove to you is absolutely -- I cannot lie. I'm not capable of lying.
MR JUSTICE COTTER: Wait a second. You are not letting me finish again. I might get

G things wrong, Mr David, but, I will tell you what, I do them honestly and I have given you my honest, best effort at getting justice in terms of, as you say, the right procedure. Now, that is what I have done.
THE RESPONDENT: Yes, sir. I appreciate that and I recognise -- my brain recognises that

H you hear me. I recognise and see that. Thank you for -- thank you. This is the only court, right, the only court that speaks English, right, other than my court in Antigua that is way back because it's dealing with transnational people like this attacking that country. That very small country, right, is being attacked ruthlessly by these people. That is what ----
MR JUSTICE COTTER: Well ----

A THE RESPONDENT: -- and I am here to represent that and that is a publicly -- that has been publicly published by our government in every way that is reasonable and can ----

MR JUSTICE COTTER: Okay.

THE RESPONDENT: -- be acceptable to this court.

B MR JUSTICE COTTER: Now, look, what I am going to do is I am going to ask, because we have run over, I am going to ask – and that is not because of any, and again I want you to understand this, I do this virtually every time – I am going to have, of my order, ask if you would have a first crack at drawing one up. That is applied to you as well, right?

C Simply someone is going to do a first draft of the order, of what I have decided.

THE RESPONDENT: With the coming into the house thing?

MR JUSTICE COTTER: The whole lot.

THE RESPONDENT: Right.

D MR JUSTICE COTTER: Okay?

MS STONEFROST: My Lord, can I just clarify a couple of things for the purposes of the order?

MR JUSTICE COTTER: Yes.

E MS STONEFROST: So you did order a stay of the ----

MR JUSTICE COTTER: Yes.

MS STONEFROST: -- the claim in respect of the ----

MR JUSTICE COTTER: Yes.

F MS STONEFROST: And I may have missed it but did you adjourn the contempt application?

MR JUSTICE COTTER: Yes.

MS STONEFROST: Thank you. And could we have costs reserved?

G MR JUSTICE COTTER: Yes. What that means is I do not make any order about costs. At the end of the day, costs is dealt with at the end of the day.

THE RESPONDENT: I understand that, your Honour. Yes.

MS STONEFROST: There is just one other ----

H MR JUSTICE COTTER: Yes.

MS STONEFROST: -- case management point, that one of the problems is that a lot of money is being used up with us having to analyse endless emails to see whether there is -- because we did genuinely, and my solicitor did genuinely, look at the emails to see whether there was anything that could be said to be a defence, and that is costing our client a lot of money. And it would be helpful, I think, to give Mr David a direction

A that if he is going to make an application, if he is going to challenge something, it should be done in the proper form. My solicitors did send him emails explaining to him about ----

THE RESPONDENT: I find that disgusting. I have done everything correctly.

B MR JUSTICE COTTER: No, no, no.

THE RESPONDENT: Everything has been done absolutely correctly.

MR JUSTICE COTTER: No, Mr David ----

THE RESPONDENT: And I have ----

C MR JUSTICE COTTER: Mr David ----

MS STONEFROST: I am sorry, I have not ----

THE RESPONDENT: -- conversations with -- What you are saying is just disgraceful.

MR JUSTICE COTTER: No, but you have not heard her out. I think you are

D misunderstanding her, Mr David. I think you are misunderstanding.

THE RESPONDENT: She's just lost. She's -- I've exposed your firm, your firm, to the world as to what you're doing and I'm find you particularly ----

MR JUSTICE COTTER: Okay. Okay, all right.

E THE RESPONDENT: -- selfish. Your laughter is disgusting! Your mocking is revolting and you should be reprimanded ----

MR JUSTICE COTTER: Mr David, leave him alone.

THE RESPONDENT: I don't like him laughing at me.

F MR JUSTICE COTTER: He is not laughing at you.

THE RESPONDENT: Yes, he was. Yes, he was. Yes, he was.

MR JUSTICE COTTER: In fact, Mr David, concentrate on me.

THE RESPONDENT: Yes, your Honour.

G MR JUSTICE COTTER: To be honest with you, I think they are restrained considering how much a go you have had at them. It has been quite exemplary. Let us carry on with it.

THE RESPONDENT: They are terrified, your Honour. These people ----

MR JUSTICE COTTER: Well, they might be.

H THE RESPONDENT: -- are scared.

MR JUSTICE COTTER: Well, can I say this ----

THE RESPONDENT: They're already on notice. They know ----

MR JUSTICE COTTER: Yes.

THE RESPONDENT: -- through the filings that I've made that they ----

MR JUSTICE COTTER: Okay.

A THE RESPONDENT: -- are completely exposed.
MR JUSTICE COTTER: Yes, I have got that. Let me just hear what is going to be said.
MS STONEFROST: Yes. So all I was trying to ask for, which seems to have caused the
B trouble, is that everything be done properly and in accordance with practice and
procedures.
MR JUSTICE COTTER: That is why I am going to case manage it because one of the
mistakes, Mr -- and it is a mistake but it has not been held against you, is you have got
to make these formal applications and pay for them. I explained that. Right?
C Otherwise they do not get viewed by a judge.
THE RESPONDENT: I -- forgive me, I believe that they were.
MR JUSTICE COTTER: No, no, I ----
THE RESPONDENT: I believe that the system is a disgrace. I believe that they were.
D MR JUSTICE COTTER: It has not -- it has not been held against you but what is being said
is could that please be done properly. Part of the reason for that would be, if you make
an application -- whatever, I cannot think of it, but say you make an application and you
have got a proper application, right, that will come to me ----
E THE RESPONDENT: You'll find it's already there, sir.
MR JUSTICE COTTER: -- I will look at it ----
THE RESPONDENT: It's already there.
MR JUSTICE COTTER: -- and I will decide what -- Yes, but it is not in the formal
F application form and it might be something that happens in the future. You might have
a piece of information that you gave, whatever it is ----
THE RESPONDENT: No, sir, I did ----
MR JUSTICE COTTER: -- strike it out, whatever.
G THE RESPONDENT: -- with my applications, I make formal, proper, legal applications.
They're in your documents. They're there.
MS STONEFROST: My Lord, there are no formal applications.
THE RESPONDENT: There are no formal applications? Then what is -- then what is a
H formal application to you?
MR JUSTICE COTTER: A formal application to me is on a form which attaches the
arguments and which is paid for. That is what is meant by ----
THE RESPONDENT: So what is my argument? What about my counter-argument that now
brings in criminal sanctions? And what about my witnesses and what about that? I

A mean, you say that this is not the forum for it. If the -- if the High Court is not the forum for treason on the Crown then which is?

MR JUSTICE COTTER: We are going to hear that, Mr -- I keep on saying this. The difference ----

B THE RESPONDENT: What, are we going to wait for another bombing?

MR JUSTICE COTTER: The difference ----

THE RESPONDENT: Are we going to wait for another -- are we going to wait for more destruction of the realm? Are we going to wait for somebody to be assassinated?

C MR JUSTICE COTTER: The difference between us is as set out in my judgment. You think at this stage I should throw it all out ----

THE RESPONDENT: No, I think you need to look at the evidence before you make any decision.

D MR JUSTICE COTTER: Well, that is what effectively ----

THE RESPONDENT: Then why give them -- why give these criminals an edge of something that they can then go and continue exploiting me with, which is what they're -- which is what they're going to do if you give them an inch. You need to stop this, look at the evidence and then decide. You haven't looked at the evidence and I'm attesting that I've brought witnesses that say that the Crown is under siege by these people!

E MR JUSTICE COTTER: Yes, I have got it. I have done my best. There is an order that is going to be drawn up. You will get it in draft. Right? At the moment I am the judge who is managing it. I have explained my reasons why. I have also, I hope, given you comfort that I am not going to be the judge trying it.

F THE RESPONDENT: I would like you to be the judge trying it because you allow me the conversation. I've never, ever been allowed the conversation of what has happened to me, ever. In any of these courts that you talk about, I haven't appeared once. In the Mahim Khan trial I was removed from being (inaudible) because I was speaking the truth. My lawyer, from the Mahim Khan trial, was removed for speaking the truth.

G MR JUSTICE COTTER: Yes. Part of the problem ----

H THE RESPONDENT: And this ----

MR JUSTICE COTTER: Yes.

THE RESPONDENT: -- and I'm not -- I'm not quibbling, I'm not making anything up.

MR JUSTICE COTTER: No, no, no. But the last thing I am going to say, Mr David, is part of the problem is this, and again, I am recognising what you have told me about the effects of your traumatic brain injury.

A THE RESPONDENT: No, please do not kindly -- my brain ----
MR JUSTICE COTTER: No, no, no, no. Into ----
THE RESPONDENT: The way I speak in court should be allowed anyway, with or without
the brain injury.
B MR JUSTICE COTTER: Well, I can ----
THE RESPONDENT: Because of what these people are doing to this country, to this court,
my speech, the cadence of my voice, is more than appropriate, your Honour.
MR JUSTICE COTTER: Well, I think you will find, and I do not know whether other judges
C have not, I think you would find that some judges would struggle with that.
THE RESPONDENT: And you know what, they should be in jail because they've
completely trampled on my human rights.
MR JUSTICE COTTER: I have done my best. If we could get the order sorted.
D THE RESPONDENT: I don't agree with you, your Honour.
MR JUSTICE COTTER: Thank you.
THE RESPONDENT: Thank you. Thank you, your Honour. God save the King!

E

F

G

H

Marten Walsh Cherer hereby certifies that the above is an accurate and complete record of the proceedings or part thereof.

Digital Transcription by Marten Walsh Cherer Ltd
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Web: www.martenwalshcherer.com

**Judgment for Claimants against the Defendant
(In Default)**

In the King's Bench Claims of the High Court of Justice	
Claim Number	<u>KB-2025-001991</u>
Claimants	1. Mahim Khan
Defendant	1. Alkiviades David (also known as Alki David)
Date	17 05 Aug 2025 18-07-2025

To the Defendant

1. Alkiviades David (Alkiviades David (also known as Alki David))

4 Wilton Place, London SW1X 8RH



KB-2025-001991

To the Defendant

UPON this Order being amended pursuant to "The Slip Rule" CPR 40.12

You have failed to file an Acknowledgement of Service or a Defence in this claim

It is therefore ordered that you must pay the Claimant USD \$14,913,777.61 and GBP £10,140.00 (inclusive of costs)

You must pay to the Claimants a total of

USD \$14,913,777.61 and GBP £10,140.00 (inclusive of costs)

Warning

If you ignore this order your goods may be removed and sold, or other enforcement proceedings may be taken against you. If this happens further costs will be added. If your circumstances change and you cannot pay, ask at the court office what you can do.

Notes for the Defendant

If you did reply to the claim form and believe judgment has been entered wrongly in default, you may apply to the court office giving your reasons why the judgment should be set aside. An application form is available for you to use and you will need to pay a fee. A hearing be arranged and you will be told when and where it will take place. If you live in, or carry on business in another court's area, the claim may be transferred to that court.

If your judgment is for £5,000 or more, or it is in respect of a debt which attracts contractual or statutory interest for late payment, the claimant may be entitled to further interest.

Address for Payment

Howard Kennedy LLP, No. 1 London Bridge, London
SE1 9BG

[[Claimant Legal Representative Reference]]

Solicitors for the Claimants

How to Pay

- **Payment(s) must be made to the person named at the address for payment, giving the claimant's reference and claim number.**
- **DO NOT bring or send payments to the court – They will not be accepted.**
- You should allow at least 4 days for your payment to reach the claimant or his representative.
- Make sure that you keep records and can account for all payments made. Proof may be required if there is any disagreement. It is not safe to send cash unless you use registered post.
- Leaflets on registered judgments, how to pay and what to do if you cannot pay are available from the court

The Court Office at Room E07, Royal Courts of Justice, Strand, London, London WC2A 2LL, DX 44458 Strand is open between 10 a.m. to 4:30 p.m. Monday to Friday. When corresponding with the court, please address forms or letters to The King's Bench Division and quote the case number.

Details of this Judgment will be entered in a public register, the Register of Judgments Orders and Fines. They will then be passed to credit reference agencies, who will supply then to credit grantors and others seeking information on your financial standing. **This will make it difficult for you to get credit.** A list of credit reference agencies is available from Registry Trust Limited, 153/157 Cleveland Street, London, W1T 6QR. **If you pay in full within one month,** you can ask the court to cancel the entry on the Register. You will need to give the court proof of payment. If you **also** want a Certificate of Cancellation from the court, there is a fee for this. If you pay the debt in full after one month, you can ask the court to mark entry as satisfied and, for a fee, obtain a Certificate of Satisfaction to prove that the debt has been paid.

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

Before: MR JUSTICE COTTER

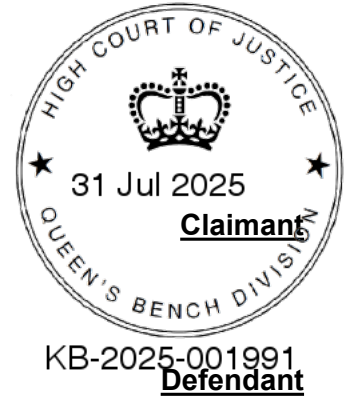
Dated: 30TH July 2025

BETWEEN:

MAHIM KHAN

-and-

ALKIVIADES DAVID



ORDER

FURTHER TO the orders made on 25th July 2025

UPON considering the Defendant 's e-mails of 28th and 29th July 2025

AND UPON READING the letter from the Claimant's solicitors received on 29th July enclosing the affidavit of Ajay Fournillier sworn and filed on 29th July 2025

AND UPON the Court acting of its own motion

IT IS ORDERED that:

1. There is no further order save that in the event that a hearing is required in this action (as opposed to any other action which is not the subject of the order in relation to case management) on an urgent basis and Mr Justice Cotter is not available the matter is released to another High Court Judge.
2. Liberty to apply to vary or set aside this order any application to do so to be filed (with the appropriate fee or remission application) within seven days service of the order .

Brief reasons

The Claimant's Counsel provided suggested drafts of the orders which I made on 25th July for my consideration (as I indicated in Court this is common practice). No application was made

for anything further by way of order. I have now amended the drafts and the orders are in their final form.

As I stated during the hearing on 25th July simply e-mailing the Court is not a formal application as there is a prescribed form for applications (N244 available online) and a fee to be paid (or fee remission sought)

The Defendant has alleged that he was assaulted after the hearing (during service of documents). Mr Fournillier has responded within an affidavit denying any assault and referring to allegedly defamatory comments made by the Respondent (paragraphs 21 and 22 of his affidavit) including through content of a website (Shockya.com).

The Claimant has requested (no application having been made) that I “take appropriate steps to ensure that the Defendant refrains from such conduct” and direct that the article be taken down forthwith.

The alleged assault is not a matter for determination in this action. A complaints that a crime has been committed should be made to the Police and disciplinary complaints are not matters for this Court; rather they are matters for the relevant disciplinary body. Any cause of action in defamation or harassment through publication is a separate matter (with proceedings to be issued in the Media and Communications Court; see CPR 53.1). If an injunction is sought in relation to the statements on the website it must be sought through an application in the usual way.

The Court is always concerned with any contempt in the face of the Court; but the alleged assault occurred after the hearing had concluded and I witnessed no contempt in court by the Claimant’s solicitors. For the avoidance of any doubt I did not see, or hear, any laughing or mocking (or disability harassment) of the Respondent during the hearing. As for the alleged “culture of hostility” it was the Respondent who raised his voice (for reasons which he stated was due to his disability), pointed his finger at the Claimant’s legal team on a number of occasions and referred to them as disgusting and also criminals. As I stated in Court I considered the conduct of the Claimant’s legal team (to extent that I saw/heard it) to have been entirely appropriate at all times.

Either party has liberty to apply for a transcript of the hearing (no order from me being required).

There is therefore no appropriate relief (beyond that set out in the orders of 25th July) to grant to either party and the orders remain entirely appropriate.

From: KB Judges Listing Office <KBJudgesListingOffice@Justice.gov.uk>
Sent: 04 September 2025 11:49
To: Rebecca Hume; Ajay Fournillier; Boniswa Dzere; 'Jessica Green'; Lucy Rockley
Subject: KB-2025-001991 Mahim Khan -v- Alkiviades David (also known as Alki David)

Dear all,

The hearing of the **Claimant's Contempt Application dated 23rd July 2025** has been listed for:

9th October 2025 for **half a day** before a High Court Judge, in person.

The Judge and time of the hearing will be confirmed on the working day before on the Daily Cause List (from 3pm):

<https://www.gov.uk/government/publications/royal-courts-of-justice-cause-list/royal-courts-of-justice-daily-cause-list#kings-bench-judges-daily-cause-list>

Please forward a copy of this listing notice to all interested parties.

Kind regards



Subash Vasudevan

Judges Listing Office Team Leader

8x8 Contact Centre Supervisor

Room WG04 | King's Bench Division | HMCTS | Royal Courts of Justice | Strand | London | WC2A 2LL
DX: 44450 Strand | T: 020 3936 8957 | W: www.gov.uk/hmcts



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KB-2025-001991

IN THE HIGH COURT OF JUSTICE

KINGS BENCH DIVISION

B E T W E E N:

MAHIM KHAN

Claimant

-and-

ALKIVIADES DAVID

Defendant

WITNESS STATEMENT OF BONISWA DZERE

(WITNESS STATEMENT OF SERVICE)

I, **BONISWA DZERE** of Howard Kennedy LLP, No.1 London Bridge, London, SE1 9BG (SRA ID: 557188) **WILL SAY AS FOLLOWS:**

1. I am a paralegal at Howard Kennedy LLP. I am supervised by Rebecca Hume, a Partner at Howard Kennedy LLP, with day-to-conduct of this matter on behalf of the Claimant.
2. I believe that the facts stated in this witness statement are true. Except where otherwise stated, those facts are derived from my own knowledge, from the documents to which I refer, or information provided to me at the time of service of the Receiver Order (defined below).
3. There is now produced and shown to me marked "**BD1**" a paginated bundle of true copy documents to which I shall hereinafter refer to as follows: **[Exhibit BD1/page number]**.

BACKGROUND

4. I refer to the Order of the Honourable Mr Justice Calver dated 26 June 2025 (sealed on 27 June 2025) granting a freezing injunction over 9 bank accounts held by the Defendant (8 bank accounts with HSBC Bank Plc and 1 bank account with Barclays Bank Plc) pursuant to section 37(1) of the Senior Courts Act 1981 (the "**Freezing Order**").

5. I also refer to the Order of The Honourable Mr Justice Calver dated 26 June 2025 (sealed on 27 June 2025) appointing Hannah Davie and Christopher Jones of Grant Thornton UK Advisory and Tax LLP as receivers over the property known as 4 Wilton Place, London SW1X and 8HR and registered in the name of the Defendant under HM Land Registry Title Number NGL948717 and NGL397869 pursuant to section 37(1) of the Senior Courts Act 1981 (the "**Receiver Order**").
- a. (together, the "**Orders**")
 - b. The requirements for personal service of the Orders and the documents referred to in them upon the Defendant are as set out in (i) the undertakings given to the Court at paragraphs (3) and (4) of Schedule B of the Freezing Order; and (ii) the directions made at paragraph 15 of the Receiver Order. I deal with service of those documents in further detail below, by reference to the addresses which I attended, in the order in which I attended them.
 - c. In respect of each address I attended, I had a sealed envelope addressed to the Defendant (each stating the relevant address) which enclosed a letter from Howard Kennedy dated 27 June 2025, each enclosing hardcopies of the following documents:
 - i. Freezing Order;
 - ii. Receiver Order;
 - iii. Application Notice dated 9 May 2025;
 - iv. Affidavit of Michelle Usitalo sworn 8 May 2025;
 - v. Witness Statement of Tal Goldsmith dated 8 May together with exhibit marked TG1;
 - vi. Witness Statement of Hannah Davie dated 8 May 2025 together with exhibit marked HD1;
 - vii. A note of the hearing of the application (the hearing on 26 June 2025);
 - viii. Skeleton argument for use at the hearing of the application;
 - ix. Sealed Claim Form dated 15 May 2025;
 - x. Particulars of Claim dated 15 May 2025;
 - xi. Defendant's Response Pack;

- xii. Notes to the Defendant;
 - xiii. Transfer Order; and
 - xiv. Letter form the Court dated 9 June 2025 confirming the new claim number as being KB-2025-001991.
- d. Each letter also enclosed a USB stick in accordance with paragraph (4) of the undertaking listed at Schedule B to the Freezing Order, which included electronic copies of:
- i. Exhibits MU1 and MU2; and
 - ii. Copies of the hearing and authorities bundle.
- e. (together, the "**Service Documents**")

6TH FLOOR, 2 LONDON WALL PLACE, LONDON, EC2Y 5AU

6. On Friday, 27 June 2025, at 18:57 hours, I attended 2 London Wall Place (an office building) and I entered the building seeking to effect service of the envelope containing the Service Documents on the Defendant on the 6th floor [**Exhibit BD1/5 – 151 and 154**]. I was informed by the security officer in the building there were two companies on the 6th floor, MHA and Baker Tilly International. I acknowledged these were not companies related to the Defendant. The security officer noted that the address on the envelope referred to 2 London Wall and suggested I attend a different building (to attend to 2 London Wall being a different address). Accordingly, I left 2 London Wall Place to verify the address.
7. At 19:10 hours, I telephoned my colleague, Ajay Fournillier (Associate), who also has conduct of this matter, to confirm that the Service Documents should be served at 2 London Wall Place. Mr Fournillier confirmed that 2 London Wall Place was the correction location. I therefore returned to 2 London Wall Place at or around 19:22 hours, to serve the Service Documents enveloped for service at that location upon the Defendant.
8. As stated above, the address is an office building which has building security officers. At the time of my second arrival (at around 19:22 hours), the doors to the building were closed but I was able to again access to the building through the side door next to the revolving door, which the security officer (who I met the first time) unlocked to allow me entry. I exhibit at [**Exhibit BD1/152 – 154**] pictures of the building signage, the entry doors to the building and the envelope containing the Service Documents.

9. I attended to the security officer on the ground floor who was also manning the reception desk. He explained to me that I would need to go to the relevant floor, being the 6th floor, to deliver the documents. The security officer then noted that the businesses of the Defendant (FILMON.TV UK LIMITED (company no. 06675244) and FILMON TV LIMITED (company no. 06047620) were no longer located on the 6th Floor of 2 London Wall Place, London, EC2Y 5AU, and that I was therefore not permitted to attend the 6th Floor.
10. Using my mobile phone, I conducted a company search of FILMON TV LIMITED on Companies House website which shows that the company is active and that its registered office is 6th Floor, 2 London Wall Place, London, England, EC2Y 5AU. I showed this to the security officer who confirmed that the address I was at was the same as the address stated on Companies House website, and therefore I was in the correct office building. In this regard, I exhibit at **[Exhibit BD1/155]** an excerpt from Companies House website taken as at 30 June 2025, which confirms the registered office of FILMON TV LIMITED.
11. The security officer then informed me that the only businesses on the 6th floor were MHA and Baker Tilly International. I exhibit at **[Exhibit BD1/156 – 157]** a picture of the document the security officer showed to me which lists the businesses located on each floor, which does not include the Defendant's service address (as director of his companies)/the registered office of his companies.
12. I enquired as to whether there was a letterbox in which I could leave the sealed envelope in. I was advised that the delivery bay was closed and there was nowhere I could deliver the Service Documents.
13. I explained to the security officer that the documents in the envelope contained court orders which required personal service upon the Defendant at the address and that if I was not allowed to attend to the 6th Floor or there was not a letterbox for me to deposit the envelope I would have to leave them at the ground floor reception. The security officer informed me that he could not accept delivery of the documents and him doing so would cause him issues. I apologised for any issues that he may encounter but reiterated that I was required to leave to documents to effect personal service.
14. I then left the envelope by placing it on the ground floor reception counter at 19:26 hours.
15. I tried to leave the building but since it was after 19:00 hours the doors were locked (the security offer had confirmed to me earlier that the doors are locked from 19:00 hours) and therefore I needed the security officer to open the side door so that I could leave. The security officer refused to open to doors so that I could exit the building. As I was walking towards the exit he followed me and

attempted to place the envelope into my handbag. I did not accept the return of the envelope to me. I then noticed that there were some employees leaving the building and so I ran toward those doors and exited the building immediately after them. The envelope containing the Service Documents remained with the security officer, in the lobby of 2 London Wall Place, London, EC2Y 5AU.

16. I note that the address on the letter from Howard Kennedy does not contain the word "Place" after "2 London Wall" however, the Service Documents were personally served by me at the correct address.
17. Hardcopies of the Service Documents [**Exhibit BD1/158 - 161**] were also placed in the post on 27 June 2025, also with the word "Place" omitted. This was sent via First Class Post. My firm has considered whether it would be appropriate to arrange for service by post again with the word "Place" included and my understanding is that it should still be possible for the Royal Mail to deliver the Service Documents already posted to the same address using the postcode. Further, even if we attempted to correct service by Post, firstly, the Defendant has already been served personally, and secondly it would not be appropriate to serve again via Post in circumstances where (i) the Defendant's businesses are no longer at 2 London Wall Place; (ii) the Service Documents which also enclose a password protected USB stick, are unlikely to be received by the Defendant at the address; and (iii) the Freezing Order were made an private and sending them again may risk the contents falling into the public domain.

71-75 SHELTON STREET, COVENT GARDEN, LONDON, WC2H 9JQ

18. Following attendance at 2 London Wall Place, I attended the above address to personally serve the Service Documents enveloped for service at that location upon the Defendant, which are exhibited at [**Exhibit BD1/162 - 165**].
19. I arrived at the address at 19:46 hours. The façade to the property had closed rolling shutters and the signage on the front which reads "71-75 Shelton St" [**Exhibit BD1/166 - 167**]. There was no access to the premises due to the shutters being closed and there was also no doorbell. I therefore served the Defendant by posting the sealed envelope through the letterbox which was cut into the closed shutters at 19:47 hours [**Exhibit BD1/165 and 168**].
20. Hardcopies of the Service Documents [**Exhibit BD1/169 - 172**] were also placed in the post on 27 June 2025. These were posted on using First Class post.

4 WILTON PLACE, LONDON, SW1X 8RH

21. Following attendance at the Covent Garden location, I attended the above address to personally serve the Service Documents enveloped for service at that location upon the Defendant, which are exhibited at **[Exhibit BD1/173 - 175]**.
22. I arrived at the property, which is a residential address, at 20:20 hours. Access to the front door to the property is gated, but the gate was open on my arrival **[Exhibit BD1/176]**. Once gaining access through the gate, I proceeded to serve the defendant by posting the sealed envelope through the letterbox on the left side of the front door **[Exhibit BD1/177 - 178]**.
23. Hardcopies of the Service Documents **[Exhibit BD1/179 - 182]** were also placed in the post on 27 June 2025. These were posted on using First Class post.

SERVICE ON ALEXANDER DAVID, ANDREW DAVID AND DORSEY & WHITNEY TRUST COMPANY LLC

24. In accordance with paragraph 17 and 18 of the Receiver Order, I arranged for Alexander David, Andrew David and Dorsey & Whitney Trust Company LLC to be personally served by a process server, Russell Sargent. An email instructing Mr Sargent is exhibit at **[Exhibit BD1/183]**. Personal service was affected on 28 June 2025 by Russell Sargent on Alexander David, Andrew David and Dorsey & Whitney Trust Company LLC.

SERVICE ON CHARLES RUSSELL SPEECHLYS LLP

25. In accordance with paragraph 18 of the Receiver Order, a copy of the Receiver Order was provided to Charles Russell Speechlys LLP ("**CRS**") by way of email on 27 June 2025 at 17:02 hours. A copy of the email to CRS is exhibited at **[Exhibit BD1/184-185]**. My colleague, Ms Hume, received an automatic reply to the email on same day at 17:38 hours, which is exhibited at **[Exhibit BD1/186]**.
26. A copy of the letter and documents to CRS were also sent by tracked post on 27 June 2025. Confirmation of the delivery is exhibited at **[Exhibit BD1/187-189]**.

SERVICE ON BARCLAYS BANK PLC

27. On 27 June 2025, a letter enclosing the Freezing Order on Barclays Bank PLC was served by email at 16:38 hours **[Exhibit BD1/190-191]**. A read receipt was received on 29 June 2025 at 09:42 hours **[Exhibit BD1/192]**.
28. A copy of the letter and documents to Barclays were also sent by tracked post on 27 June 2025. Confirmation of the delivery is exhibited at **[Exhibit BD1/193]**.

29. On 1 July 2025 at 11:36 hours, we received an email from Barclays confirming receipt of the Freezing Order and advising they were unable locate the account in the Freezing Order.
30. On same day, my colleague, Mr Fournillier, replied to Barclays advising there was a typographical error in the Freezing Order and the correct account was "000548315-DPSA-GBP-R." *A copy of the email correspondence is exhibited at [Exhibit BD1/194-195].* My firm has received no further communications from Barclays.

SERVICE ON HSBC BANK PLC

31. On 27 June 2025, a letter enclosing the Freezing Order on HSBC Bank PLC was served by email at 16:34 hours [EXHIBIT BD1/196-198].
32. A copy of the letter and documents to HSBC were also sent by tracked post on 27 June 2025. Confirmation of the delivery is exhibited at [Exhibit BD1/199].
33. On 2 July 2025 at 10:20 hours, we received a response from HSBC in the form of a letter dated 1 July 2025 [Exhibit BD1/200-202]. HSBC acknowledged receipt of the Freezing Order. We received a further email from HSBC timed at 11:16 hours, attaching the same letter dated 1 July 2025 [Exhibit BD1/ 203-204]. At 14:37 hours, my firm sent an email to HSBC requesting confirmation that the HSBC bank accounts had now been frozen in accordance with the terms of the Freezing Order. As at the time of writing this statement, no response has been received from HSBC.

ACKNOWLEDGMENT OF SERVICE

34. On 30 June 2025, according to Microsoft Teams, I received three missed calls from the telephone number 07879 440 604 [Exhibit BD1/206]. A voice message was left at 20:30 hours from the same number [Exhibit BD1/207]. The voice message stated
- "Hello, I am calling in reference to a matter sent to me regarding, I will try and quote a number to you, KB2025001991. Please call me again on 447879 440604"*
35. On 1 July 2025, my colleagues, Ms Hume and Mr Fournillier, and I, received two emails from the Defendant confirming that he was in receipt of the Service Documents. The first email was received at 00:52 hours, which is exhibited at [Exhibit BD1/212-214]. The second email from the Defendant was received at 01:13 hours (together, the "1 July Emails") [Exhibit BD1/208-211]. Both emails made unfounded allegations but show that the Defendant is in receipt of the Service Documents.

36. On 2 July 2025 at 00:54 hours, the Defendant emailed the Court confirming he had instructed local counsel to assist with the matter [Exhibit BD1/215-216]. Three individuals from Edwin Coe LLP were also copied to that email.

FURTHER CORRESPONDENCE BETWEEN THE PARTIES

37. On 2 July 2025, my firm sent a letter to the Defendant in response to the 1 July Emails, and the above email, which, amongst other things, confirmed that Howard Kennedy and the Claimant deny the allegations made by the Defendant in the 1 July Emails [Exhibit BD1/217-219]. We also sought confirmation as to the lawyers which he had instructed.

38. On 2 July 2025 at 12:13 hours, we received an email from the Defendant, again making unfounded and baseless allegations against the Howard Kennedy [Exhibit BD1/220]. The email includes a link to a Claim form allegedly in the Eastern Caribbean Supreme Court with case number ANUHCV2025/0149. The link provided does not work and so my firm has been unable to download a copy of that claim form. The Court, Edwin Coe LLP and an individual from Sofos Law Firm (a Greek law firm), were copied to the email.

39. On 2 July 2025 at 12:26 hours, we received a further email from the Defendant. This email was marked for the attention of the Court [Exhibit BD1/221]. This email also copied in Edwin Coe and Sofos Law Firm.

40. At 13:18 hours, my firm sent a letter to the individuals at Edwin Coe seeking confirmation as to whether Edwin Coe had been instructed by the Defendant in connection with these proceedings and whether they would be in attendance at the Return Date hearing [Exhibit BD1/222-223]. My firm has not received a response to that email, or any read receipts.

41. My firm was subsequently copied to an email from the Defendant to the Court at 13:30 hours [Exhibit BD1/224-225]. As can be seen from the email, both Edwin Coe and Sofos Law Firm were not copied to that email. Parts of the email are in square brackets, suggesting that the email may be a template.

42. On 2 July 2025, the Receivers sent letters (dated 1 July 2025) to the Defendant, Alexander David, Andrew David and Dorsey and Whitney Trust Company LLC seeking disclosure of information so that they may report to the Court on the Return Date [Exhibit BD1/226-239]. The letters were personally served at 4 Wilton Place, London SW1X 8RH on the morning of 2 July. A copy of the letter addressed to the Defendant was also emailed to him at filmonpersonal@gmail.com. A copy of the letter to Dorsey and Whitney was also emailed to Charles Russell Speechlys LLP (david.gregory@crsblaw.com).

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Name: Boniswa Dzere

Position: Paralegal, Howard Kennedy LLP

Signed: 

Dated: 2 July 2025

**IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION**

B E T W E E N:

MAHIM KHAN

CLAIMANT

-and-

ALKIVIADES DAVID

DEFENDANT

WITNESS STATEMENT OF BONISWA DZERE

WITNESS STATEMENT OF SERVICE

Howard Kennedy LLP

No. 1 London Bridge
London SE1 9BG
T: +44(0)20 3755 6000
F: +44(0)20 3650 7000

Ref: 061514.00004

On behalf of: Claimant

On behalf of: Applicant/Claimant
Name: Russell Sargent
First Affidavit
Exhibits: RS1, RS2 & RS3
Sworn: 2 July 2025

IN THE HIGH COURT OF JUSTICE

CLAIM NO: KB-2025-001991

KING'S BENCH DIVISION

BETWEEN:

MAHIM KHAN

Applicant/Claimant

and

ALKIVIADES DAVID

Respondent/Defendant

FIRST AFFIDAVIT OF RUSSELL SARGENT

I, **RUSSELL SARGENT**, process server of J S Knott Legal Services Limited, Innovation Centre Medway, Maidstone Road, Chatham, Kent, ME5 9FD, **MAKE OATH AND SAY AS FOLLOWS:**

1. I am a process server and have been instructed by Howard Kennedy LLP, No 1 London Bridge, London, SE1 9BG, Solicitors for the Claimant.
2. The facts and matters set out in this affidavit are derived from my own personal knowledge and from review of the documents and are true to the best of my own knowledge information and belief.
3. That I did on Saturday, 28 June 2025, at 0730 hours, attend 4 Wilton Place, London, SW1X 8RH (the "**Property**"), to personally serve each of the following with the Order of The Honourable Mr Justice Calver dated 26 June 2025 (sealed 27 June 2025) (the "**Order**"), together with covering letters addressed to each of them (enclosing the Order) from Howard Kennedy LLP dated 27 June 2025:
 - a. Mr Andrew Alexander David;
 - b. Mr Andrew David ; and

c. Dorsey & Whitney Trust Company LLC as Trustee of the Harmonia Trust.

4. There is now produced and shown to me marked "RS1" true copies of the documents served on Andrew David Alexander.
5. There is now produced and shown to me marked "RS2" true copies of the documents served on Andrew David.
6. There is now produced and shown to me marked "RS3" true copies of the documents served on Dorsey & Whitney Trust Company LLC as Trustee of the Harmonia Trust.
7. The Property was found to be a large, terraced house with steps leading to a black painted front door with just a knocker and letterbox on it. The front door did not have a doorbell.
8. That I did knock hard on the door several times to which there was no answer. I do not know if there was anyone in at the time of my call.
9. That I did wait until 0750 hours before placing the originals of the copy documents in my exhibits marked **RS1**, **RS2** and **RS3**, into three separately sealed and fully addressed envelopes and placing each of them through the letterbox of the Property at 0750 hours having been unable to obtain any answer at the Property. Accordingly, the Order was served on the those identified at paragraph 4 above at 0750 hours.

SWORN this 2 day of July 2025 at)

0500 5 High St Gillingham
Kent ME7 1BE

)

RSargent

)

Russell Sargent

P. Donaghey

Before me,

Solicitor

DAVIS SIMMONDS & DONAGHEY SOLICITORS
5 HIGH STREET
GILLINGHAM
KENT
ME7 1BE
DX: 6608 GILLINGHAM

Name

Peter Donaghey

Signature

P. Donaghey

SOLICITOR

DAVIS SIMMONDS & DONAGHEY SOLICITORS
5 HIGH STREET
GILLINGHAM
KENT
ME7 1BE
DX: 6608 GILLINGHAM

On behalf of: Applicant/Claimant

Name: Russell Sargent

First Affidavit

Exhibits: RS1, RS2 & RS3

Sworn: **2** July 2025

Claim No. KB-2025-001991

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

BETWEEN:

MAHIM KHAN

Applicant/Claimant

and

ALKIVIADES DAVID

Respondent/Defendant

FIRST AFFIDAVIT OF RUSSELL SARGENT

(STATEMENT OF SERVICE)

Howard Kennedy LLP
No. 1 London Bridge
SE1 9BG
T: +44 (0)20 3755 6000
Ref: RH15/061514.00004
Solicitors for the
Applicant/Claimant

On behalf of: Applicant/Claimant
Name: Paul Cottee
First Affidavit
Exhibits: PC1, PC2 & PC3
Sworn: **23** July 2025

IN THE HIGH COURT OF JUSTICE

CLAIM NO: KB-2025-001991

KING'S BENCH DIVISION

BETWEEN:

MAHIM KHAN

Applicant/Claimant

and

ALKIVIADES DAVID

Respondent/Defendant

FIRST AFFIDAVIT OF PAUL COTTEE


I, **PAUL COTTEE**, process server of J S Knott Legal Services Limited, Innovation Centre Medway, Maidstone Road, Chatham, Kent, ME5 9FD, **MAKE OATH AND SAY AS FOLLOWS:**

1. I am a process server and have been instructed by Howard Kennedy LLP, No 1 London Bridge, London, SE1 9BG, Solicitors for the Claimant.
2. The facts and matters set out in this affidavit are derived from my own personal knowledge and from review of the documents and are true to the best of my own knowledge information and belief.
3. That I did on Monday 7th July 2025, at 1505 hours, attend 4 Wilton Place, London, SW1X 8RH, to personally serve ALKIVIADES DAVID with the Order of The Honourable Mr Justice Fræman dated 4th July 2025 (sealed 7th July 2025) (the "**Order**"), together with covering letters (enclosing the Order) from Howard Kennedy LLP dated 7th July 2025, true copies of which are now exhibited hereto marked "**PC1**".
4. The property was found to be a large, terraced house with steps leading to a black painted front door with just a knocker and a letterbox on it. The front door did not have a doorbell.

5. That I could not obtain any answer there from knocking hard on the door several times. I do not know if there was anyone in at the time of my call.
6. That I did wait until 1507 hours before placing the originals of the copy documents in my exhibit marked **PS1** in a sealed fully addressed envelope to ALKIVIADES DAVID and inserted that through the letterbox of the property at 1507 hours having been unable to obtain any answer at the property. Accordingly, the Order was served at 1507 hours.
7. That I did on Monday 7th July 2025, at 1521 hours, attend 71-75 Shelton Street, Covent Garden, London, WC2H 9JQ, to personally serve ALKIVIADES DAVID with the Order, together with covering letter (enclosing the Order) from Howard Kennedy LLP dated 7th July 2025, true copies of which are now exhibited hereto marked "**PC2**".
8. That I found the address to be Virtual Offices so I placed the originals of the copy documents in my exhibit marked **PS2** in a sealed fully addressed envelope to ALKIVIADES DAVID and left that with an adult female at the address at 1521 hours, who provided her name as "Munna" and who confirmed that the documents would be passed on to the Respondent. Accordingly, the Order was served at 1521 hours.
9. That I did on Monday 7th July 2025, at 1535 hours, attend 6th Floor, 2 London Wall Place, London, EC2Y 5AU, to personally serve ALKIVIADES DAVID with the Order, together with covering letter (enclosing the Order) from Howard Kennedy LLP dated 7th July 2025, true copies of which are now exhibited hereto marked "**PC3**". That I was directed to the post room so I placed the originals of the copy documents in my exhibit marked **PS3** in a sealed fully addressed envelope to ALKIVIADES DAVID and left that with an adult male security guard at 1540 hours, who provided his name as "Greg" and who confirmed that the documents would be passed on to the Respondent. Accordingly, the Order was served at 1540 hours.

SWORN this ^{23rd} day of July 2025 at)

Rawford, Essex)


.....

Paul Cottee

Before me,

Name

SANGEET TATEM
Solicitor

Signature

S. Tatem

SOLICITOR

Sangeet Tatem TEP
Solicitor & Notary Public
F Barnes Solicitors Limited
1-5 High Street
Romford
RM1 1JU

On behalf of: Applicant/Claimant

Name: Paul Cottee

First Affidavit

Exhibits: PC1, PC2 & PC3

Sworn: 23 July 2025

Claim No. KB-2025-001991

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

BETWEEN:

MAHIM KHAN

Applicant/Claimant

and

ALKIVIADES DAVID

Respondent/Defendant

FIRST AFFIDAVIT OF PAUL COTTEE
(STATEMENT OF SERVICE)

Howard Kennedy LLP
No. 1 London Bridge
SE1 9BG
T: +44 (0)20 3755 6000
Ref: RH15/061514.00004
Solicitors for the
Applicant/Claimant

On behalf of: Applicant/Claimant
Name: Paul Cottee
Second Affidavit
Exhibits: PC4 to PC7
Sworn: 13 August 2025

IN THE HIGH COURT OF JUSTICE

CLAIM NO: KB-2025-001991

KING'S BENCH DIVISION

BETWEEN:

MAHIM KHAN

Applicant/Claimant

and

ALKIVIADES DAVID (also
known as Alki David)

Respondent/Defendant

SECOND AFFIDAVIT OF PAUL COTTEE

I, **PAUL COTTEE**, process server of J S Knott Legal Services Limited, Innovation Centre Medway, Maidstone Road, Chatham, Kent, ME5 9FD, **MAKE OATH AND SAY AS FOLLOWS:**

1. I am a process server and have been instructed by Howard Kennedy LLP, No 1 London Bridge, London, SE1 9BG, Solicitors for the Claimant.
2. The facts and matters set out in this affidavit are derived from my own personal knowledge and from review of the documents and are true to the best of my own knowledge information and belief.
3. That I did on Thursday 7th August 2025 at 1255 hours, attend 4 Wilton Place, London, SW1X 8RH, to personally serve ALKIVIADES DAVID with the Judgment in Default entered on 18th July 2025 (sealed 5th August 2025) in favour of the Claimant (the "**Judgment Order**"), together with a covering letter (enclosing the Judgment Order) from Howard Kennedy LLP dated 6th August 2025, which also enclosed a copy of Howard Kennedy's Client Account details in both USD & GBP, true copies of which are now exhibited hereto marked "**PC4**".

4. The property was found to be a large, terraced house with steps leading to a black painted front door with just a knocker and a letterbox on it. The front door did not have a doorbell.
5. That I met with an adult male at that address who I would describe as white, with white hair and aged around 55 years of age. The male would not provide his name so I placed the originals of the copy documents in my exhibit marked **PC4** in a sealed fully addressed envelope to ALKIVIADES DAVID and handed the envelope to the adult male who accepted the documents for service. Accordingly, the Judgment Order was served at 1255 hours. The male then came outside of the property and started taking photographs and videos of me and my motorcycle using his mobile phone. I am informed by Howard Kennedy that ALKIVIADES DAVID sent pictures and videos of me to the KB Judges Listing Office. A copy of the photograph is enclosed in my exhibit marked "**PC5**", which appears on the Instagram story of the Instagram account named "*alkidavid*", being an alias of Defendant's name. Whilst the male did not identify himself to me I believe that the individual I served was ALKIVIADES DAVID given his subsequent communication to the court and that the photograph taken of me was uploaded to his Instagram story.
6. That I did on Thursday 7th August 2025 at 1240 hours, attend 71-75 Shelton Street, Covent Garden, London, WC2H 9JQ, to personally serve ALKIVIADES DAVID with the Judgment Order, together with covering letter (enclosing the Judgment Order) from Howard Kennedy LLP dated 6th August 2025, which also enclosed a copy of Howard Kennedy's Client Account details in both USD & GBP, true copies of which are now exhibited hereto marked "**PC6**".
7. That I found the address to be Virtual Offices so I placed the originals of the copy documents in my exhibit marked **PS6** in a sealed fully addressed envelope to ALKIVIADES DAVID and left that with an adult female at the address at 1240 hours, who provided her name as "Kimberley" and who confirmed that the documents would be passed on to the Defendant. Accordingly, the Judgment Order was served at 1240 hours.
8. That I did on Thursday 7th August 2025, at 1158 hours, attend 6th Floor, 2 London Wall Place, London, EC2Y 5AU, to personally serve ALKIVIADES DAVID with the Judgment Order, together with covering letter (enclosing the Judgment Order) from Howard Kennedy LLP dated 6th August 2025, which also enclosed a copy of Howard Kennedy's Client

Account details in both USD & GBP, true copies of which are now exhibited hereto marked "PC7".

9. That I was directed to the post room so I placed the originals of the copy documents in my exhibit marked **PS7** in a sealed fully addressed envelope to ALKIVIADES DAVID and left that with an adult male security guard at 1158 hours, who would not provide his name but who confirmed that the documents would be passed on to the Respondent. Accordingly, the Judgment Order was served at 1158 hours.

SWORN this ^{13th} day of August 2025 at)

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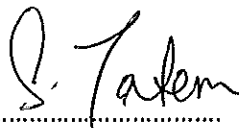
Paul Cottee

Before me,

Name

.....
SANGEET TATEM, SOLICITOR

Signature

.....


SOLICITOR

Sangeet Tatem TEP

Solicitor & Notary Public
F Barnes Solicitors Limited
14 Chase Cross Road
Collier Row
Romford RM5 3PS