

IN THE COURT OF APPEAL (CIVIL DIVISION)

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

Between: ALKIVIADES DAVID – Appellant and MAHIM KHAN & HOWARD KENNEDY  
LLP – Respondents

----- GROUNDS OF APPEAL  
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Ground 1 – Failure to Consider Material Evidence The High Court failed to examine over 400 exhibits – including sworn affidavits, expert statements, certified government correspondence, and financial records – filed by the Appellant but not reviewed. Judgment was reached on an incomplete record, contrary to *Fage UK Ltd v Chobani UK Ltd* [2014] EWCA Civ 5 and *Eagil Trust Co Ltd v Pigott-Brown* [1985] 3 All ER 119.

Ground 2 – Disability and Equality-of-Arms Failures No reasonable adjustments were made for the Appellant’s severe disability, contrary to Equality Act 2010 ss 15 & 20 and Article 6 ECHR. Assistance previously provided by Ms June Morgan, clerk to Cotter J, ceased without notice, leaving the Appellant – who cannot operate CE-File unaided – unable to file or communicate effectively with the court.

Ground 3 – Physical Assault and Intimidation During the hearing before Cotter J on 25 August 2025, the Appellant was physically assaulted inside the High Court by A.J. Fournellier, an associate of Howard Kennedy LLP, witnessed by CPC officers. No safeguarding measures or investigation followed, despite the Appellant’s vulnerability.

Ground 4 – Disproportionate and Irrational Costs Order The Respondents initially claimed £160,000 in costs, later reduced to £80,000 after Mrs Justice Stacey called the figure “strange.” The order remained punitive and disproportionate, issued without consideration of necessity or proportionality under CPR 44.3–44.4, and in violation of equality and fairness principles.

Ground 5 – Jurisdictional Overlap and Abuse of Process The same parties and facts are before the Eastern Caribbean Supreme Court (Antigua & Barbuda) and in related proceedings in California, creating a risk of inconsistent judgments and breaches of international comity. The High Court erred in ignoring these parallel sovereign proceedings.

Ground 6 – Fraudulent Assembly of the Appeal Record New evidence demonstrates deliberate fraudulent assembly of the appeal record by omitting or mischaracterising key filings and exhibits. The 400 emails wrongly labelled “vexatious” contain exculpatory evidence showing collusion and suppression. The High Court’s reliance on an incomplete record constitutes a perversion of justice under CPR r.1.1 and Article 6 ECHR.

Ground 7 – Fraud on the Court and Cross-Jurisdictional Evidence Suppression Verified evidence now proves that Howard Kennedy LLP engaged in a deliberate campaign to bury and misrepresent the 400 emails and filings – including the Yelena Calendar and Gary

Shouefield affidavits, both registered with Justice Cotter. These documents have been accepted and validated by the Eastern Caribbean Supreme Court (Claim No. ANUHCV 2025/0149), confirming their authenticity. The Respondents' concealment of this evidence constitutes fraud on the court, a breach of duties of candour and disclosure under CPR 31.6, and violations of the SRA Code of Conduct (rules 1.4–1.5). The Court is invited to admit these materials as new evidence under CPR 52.21(2)(b) and refer the matter for investigation of professional misconduct and potential contempt.

----- RELIEF SOUGHT  
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1. Permission to appeal and a finding that the proceedings below were unjust due to serious procedural irregularities and fraud on the court. 2. Set aside the orders of 25 August 2025 (Cotter J) and 16 October 2025 (Stacey J), together with all related costs orders. 3. Order full production of the 400 withheld emails and affidavits, admitting them as evidence. 4. Rehearing before a different judge, ensuring full disability accommodations. 5. Recognise and give effect to the USD 10 billion default judgment in the Eastern Caribbean Supreme Court (ANUHCV 2025/0149). 6. Align this appeal with the California proceedings, in which the Appellant appears partly pro se. 7. Acknowledge disability and financial hardship resulting from the wrongful seizure of £54,000 by Howard Kennedy LLP, and waive or defer court fees. 8. Refer to SRA or CPS for investigation of professional misconduct and potential fraud. 9. Grant any further or consequential relief necessary to uphold Articles 6 and 10 ECHR, the Equality Act 2010, and the overriding objective (CPR r.1.1).

----- STATEMENT OF TRUTH  
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I, Alkiviades A. David, believe that the facts stated in these Grounds of Appeal are true.

Signed electronically: /s/ Alkiviades A. David Date: 20 October 2025