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Neutral Citation No. [2024] EWHC 478 (KB)

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
INTERIM APPLICATIONS COURT

Claim No. QB-2018-003042

Royal Courts of Justice
Strand
London, WC2A 2LL

Friday, 9 February 2024

Before:

MR JUSTICE ANDREW BAKER

B E T W E E N :

KINSLEY EZEUGO — Claimant

- and -

MINISTRY OF JUSTICE — Defendant

THE CLAIMANT appeared In Person.

THE DEFENDANT did not appear and was not represented.

J U D G M E N T

(Approved Transcript)

(2.04 p.m.)

MR EZEUGO: May I please ask that the transcript of the hearing and the judgment be provided at public expense, please?

MR JUSTICE ANDREW BAKER: Take a seat, Mr Ezeugo. Before I start on my judgment, I was going to say to you, Mr Ezeugo, that in relation to the judgment I am about to give, for reasons that will become clear, I am going to be ordering a transcript of the judgment at public expense. I was going to mention that straight away, simply because, of course, it is not for me to stop you taking whatever level of notes you want to take as I am giving judgment, but it was to indicate to you that you should not worry if I take parts of it quite quickly and you do not get a good note or you are worried as to whether you get -- or how close you get to -- a verbatim note, because there will be a transcript.

I was also going to explain in relation to that -- it may be something you are familiar with from other cases -- that if you do in fact catch a completely verbatim note of some of what I say and when you then see what we would call an approved or perfected transcript, it comes out slightly differently, that is only a normal part of the process. When one gives, in our system -- and it has been the tradition for hundreds of years -- when one gives an oral judgment, you then receive as a draft transcript as the judge what the tape machine has caught you saying. When you then see it in black and white on the paper, if some parts of it you feel you did not express it as tidily as you would have liked to -- in my case, sometimes it is I see sentences that go on for rather too long and I could better break them up into some shorter sentences – you do that as part of making it a better version. Of course, the substance of the decision does not change, but I just wanted to reassure you about that.

In relation to the hearing, we will come back to that after I have given judgment, which will be an application you are going to make. But thank you for letting me know.

JUDGMENT

Mr Justice Andrew Baker:

Preliminary Matters

1 The claimant, Kinsley Ezeugo, has appeared before me today, Friday 9 February 2024, in the King's Bench Division Interim Applications Court ("Court 37"), to move applications that I shall describe shortly. The immediate background is that the claimant came to Court 37 on Tuesday of this week with a substantial bundle of papers while I was dealing with a matter that was listed for hearing that morning. He was directed by the Court 37 Associate to the Listing Office in the first instance. After I finished dealing with the listed matter, I was able to review a scanned copy that was sent to me of "Tab 1A", as it was called, of the claimant's bundle of documents. It comprised a bundle index running to nine pages, a draft application notice, a twenty-two page document entitled "Witness Statement of Kinsley Ezeugo", and a ten-page document entitled "Draft order and directions with findings and observations" to which I shall refer simply as the "Draft Order".

2 The third of those documents is unsigned, does not include any statement of truth, and by its content is not a witness statement, although it certainly includes factual matters asserted by the claimant. It is best described as a lengthy and densely detailed diatribe by which the claimant seeks to persuade the court to grant his various applications. Though 'witness statement' is therefore a misdescription, the document served the useful purpose of identifying that there was a substantial litigation history in the background and that it would be impossible to have a meaningful hearing of the claimant's applications or, indeed, to take an informed view on whether there should be a hearing, unless I had reviewed the rest of the claimant's bundle. By the time I conveyed that message to the Listing Office towards the end of the court day on Tuesday, the claimant had left, taking his bundle of documents with him.

3 Cutting a longer story short and, I should be clear, without criticising the claimant for this aspect, it was not until yesterday, Thursday, that a complete set of the documents the claimant wanted me to have reached me for review. The hearing was therefore listed for this morning, subject to confirmation or cancellation by me after I had reviewed the documents, and, having reviewed them, I confirmed that the hearing should go ahead. I suggested that it should have a time estimate of a maximum of one hour. I did have in mind in giving that estimate that that would probably not include time for me to give judgment, but I hoped it would give Mr Ezeugo sufficient time to develop orally to the extent he wished to what he had set out in writing.

4 In the event, and again I do not necessarily criticise the claimant for this in itself, his submissions, both so that he had the opportunity to say what he had wanted to say to

supplement his written arguments and also so that he could help me with a range of questions I had as to the history and the background and also the nature of the order that he was seeking, took the whole morning.

5 The final preliminary matter I should mention is that, as I shall have to touch on in this judgment, the claimant claims to be the victim of a conspiracy and wrongdoing against him on the part of a wide range of individuals involved in the civil or criminal justice systems, including many judges. While I cannot make the claimant take comfort from this if he does not find himself able or willing to do so, in the circumstances I repeat now as part of this judgment my confirmation to the claimant at the start of the hearing that I had no knowledge of him or his litigation history prior to looking at the papers he has submitted, and that I have considered for today's hearing only those papers plus certain published judgments to which they referred or alluded but copies of which I did not locate in the papers, namely:

(i) a judgment of the Court of Appeal dated 9 June 2010, *Kinsley v Commissioner of Police for the Metropolis* [2010] EWCA Civ 953;

(ii) a judgment of Jeremy Baker J dated 10 October 2017, *Sir David Robert Foskett and others v Eze Kinsley Ezeugo* [2017] EWHC 3749 (QB);

(iii) a judgment of McGowan J, DBE, dated 28 March 2018, *R (on the application of Kinsley Ezeugo) v Director of Legal Aid Casework* [2018] EWHC 691 (Admin); and

(iv) a judgment of Sir Peter Openshaw sitting as a High Court Judge dated 19 December 2018, *Sir David Robert Foskett and others v Eze Kinsley Ezeugo* [2018] EWHC 3694 (QB).

6 For completeness, I mention that the published version of the last of those judgments identifies Sir Peter as "Openshaw J", but that must be a drafting error that went uncorrected in the process of approving the transcript because by 19 December 2018 he had retired from full-time office and will have been sitting part-time in retirement, as he was eligible to do until reaching the age of 75.

7 Without lengthening this judgment considerably by quoting extensively from those judgments, and irrespective of any dissatisfaction the claimant may claim to have as to the outcomes at all events of the first instance judgments, I have no reason to doubt the procedural histories variously related by the Court of Appeal, Jeremy Baker J, McGowan J and Sir Peter Openshaw. I proceed on the basis that those histories are materially accurate and anyone needing or wishing to understand fully the judgment I am now giving should also read those four judgments for context.

The Applications

8 The draft application notice was dated 1 February 2024 on the first page and 5 February 2024 after the claimant's typed signature on the penultimate page. It was prepared by the claimant to be issued in this Claim, QB-2018-003042, but using its original Claim No.,

HQ18X04060. Briefly to explain that further, the King's Bench Division now uses digital filing in the HMCTS "CE-File" system. Pre-existing Claims like this 2018 Claim have been given a new Claim No. using the CE-File numbering system. The CE-File Claim No. assigned to this Claim, originally HQ18X04060, is QB-2018-003042, but it is the same Claim, now with an updated filing number, not a new Claim.

9 The application notice cross-refers the reader to the Draft Order for the claimant's answer to question 3, "*What order are you asking the court to make and why?*". On that basis, i.e. considering the terms of the Draft Order, the claimant seeks by the application notice:

(i) an order that a hearing for the assessment for damages and other relief in this Claim be adjourned pending the grant of funding by the Legal Aid Agency, with a direction that the claimant's solicitors are to notify the court and the defendant within 28 days of the Legal Aid Agency approving funding (the "Adjournment Application");

(ii) an order directing the Senior Legal Manager in the Administrative Court to issue various Claims in that court against the Criminal Cases Review Commission ("the CCRC"), with directions for the handling of those Claims, including that they be reserved to be heard by "*the Chief Justice or the President of the King's Bench Division or Special Judges nominated by them*" (the "CCRC Claims Application");

(iii) an order that an application for expedition in Claim No. AC-2023-LON-003294, a Claim in the Administrative Court against the Lord Chancellor relating to the Legal Aid Agency, be heard within 14 days together with the claim itself (if expedited), and that the hearing be before "*the Chief Justice or the President of the King's Bench Division or a Special Judge nominated by them*" (the "LAA Claim Expedition Application");

(iv) an order that an appeal against an order of DJ Sundstrem-Brown sitting in the Family Court in Bradford in Claim No. BT23P00129 be transferred to the High Court and heard within 14 days by "*the Chief Justice or the President of the King's Bench Division or a Special Judge nominated by them*" (the "Family Court Appeal Application").

10 By reference to the "Findings and Observations" section of the Draft Order, the application notice also proposes that in granting those various orders, if it did, the court would make a series of findings or observations across a wide range of matters and previous court proceedings. It is not for an applicant to seek to dictate to the court the terms of any judgment the court would seek to give to explain any findings it was making and any reasons why it was or was not granting the relief sought, or any relief. The general nature of the conclusions the claimant thus hoped to persuade the court to state is sufficiently indicated by quoting the header and footer that appears on every page of the "Tab 1A" documents other than the application notice itself:

- The header reads:
  "Public interest; The Unprecedented & Atrocious Obstructions & Miscarriages of Justice."

- The footer reads:
  "Decades of Unprecedented & Most Extreme Crimes by Met. Commissioner, MoJ & the so called Mr Justice Foskett+2; Abduction of Ezeugo Children & Destruction of the Family."

11 The "*so called Mr Justice Foskett+2*", as the claimant calls them, are Sir David Foskett, Emma Peters, and Suki Waschkuhn. Sitting as Foskett J, Miss Recorder Peters (as she was then – she is now a Circuit Judge), and DDJ Waschkuhn, they conducted court hearings in which the claimant was involved in 2011 and 2014 (Foskett J, in the High Court), 2014 (Miss Recorder Peters, in the Crown Court at Chelmsford), and 2016 (DDJ Waschkuhn, in the Clerkenwell and Shoreditch County Court). The detail is set out *in Foskett et al. v Ezeugo* [2017] EWHC 3749 (QB) per Jeremy Baker J at [1]-[17].

12 For the reasons given by Jeremy Baker J in that judgment, an injunction was granted against the claimant pursuant to the Protection from Harassment Act 1997. I have not seen a copy of the order drawn up on that judgment, but Jeremy Baker J said at [58] that it had been sought and was granted for a period of two years, so it would have expired on or about 10 October 2019. In December 2018 the claimant was found to have acted in breach of that injunction and in contempt of court by posting entries on Twitter and Facebook and sending numerous emails that were "*grossly offensive and abusive and ... plainly in breach of the order of [Jeremy] Baker J*": *Foskett et al. v Ezeugo* [2018] EWHC 3694 (QB), *per* Sir Peter Openshaw at [17]. The sentence imposed was 12 months' imprisonment.

13 That background is relevant now because the vast majority of what the claimant puts forward under his new application notice repeats and therefore seeks to re-litigate allegations that he has been the victim of a corrupt and racist conspiracy by child abusing judges for which, judged on the material submitted for this hearing, there has never been and is not now any basis. In finding the claimant to be in contempt of the injunction granted by Jeremy Baker J, Sir Peter Openshaw concluded that the conspiracy against him asserted by the claimant was a figment of his imagination: [2018] EWHC 3694 (QB) at [11].

14 It is apparent from the very many, voluminous and repetitive documents the claimant has for some years now been writing, and continues to write, that he refuses to accept or treat himself as bound by those findings of the court. Instead, he is wont to adopt the following conspiracy theorist's logic:

(i) there is a conspiracy against him led by (as he calls them) "*Foskett+2*" and involving various other parties but, particularly, the Metropolitan Police and various sections or employees of HMCTS;

(ii) the evidence for that is overwhelming and no rational, fair-minded judge could fail to see that;

(iii) *ergo* any judge who does not see that is irrational or biased;

(iv) *ergo* further, any such judge has been corrupted into becoming a co-conspirator of "*Foskett+2*".

The far more likely reality that there is no conspiracy in the first place is not a possibility the claimant seems willing to countenance.

15 The "*Abduction of Ezeugo Children*", as the claimant calls it, refers to the fact, as I understand it, that he is estranged from the three children of his second marriage under orders made in the Family Court. Without attempting to give a full history, for example:

(i) by order made on 28 January 2020 (and it seems in some respects amended a few days later on 31 January 2020), having noted and recorded, amongst other things, the claimant's conviction for offences of assault against his two sons, the three children being two sons and one daughter, the absence of contact between the children and the claimant since the date of the incident that gave rise to those convictions, and the existence from six weeks or so after that incident of a restraining order in respect of which the claimant had subsequently been convicted and sentenced for breach, and that at the time the claimant was subject to a Mental Health Act detention, Cobb J, sitting in the Family Court at Hull, ordered that there was to be "*no contact between the subject children and the First Respondent father, Kinsley Ezeugo, unless and until this court shall order otherwise*";

(ii) the claimant, further, was prohibited by that order from removing the children or any of them from the care of their mother, and she, by parity, was expressly authorised by the order unilaterally and without consultation with or participation of the claimant to exercise parental responsibility for the children and, in particular, to make arrangements for their medical care or treatment, obtain passports or other travel documents, or make arrangements for the provision of their educational needs;

(iii) most recently, and itself the subject matter of the Family Court Appeal Application, the order of DJ Sundstrem-Brown, sitting in the Family Court at Bradford on 13 December 2023, dismissed applications by the claimant which I understand were applications to vary the arrangements as they then stood under which he had no contact with the children and, further, directed pursuant to section 91(14) and 91A of the Children Act 1989 that the claimant may not make any further application for an order under the Children Act 1989 in relation to the children without the prior leave of the court for a period of three years, so that is until 13 December 2026.

(iv) In that regard, the order goes on to specify that:

"*Before any application is likely to be permitted to proceed, the applicant should show that he has either:*
a. accepted his criminal convictions ... and successfully undertaken suitable domestic violence work, or
b. successfully appealed these convictions."

16 As those Family Court orders further record, the claimant has taken his already extreme conspiracy theory to the further extreme that his ex-wife is a co-victim who has been

brainwashed by (as he calls them) "*Foskett+2*", or supposed agents of theirs, into making false allegations and applications against him.

17 I have considered with the fresh eyes of a judge with no prior familiarity with the case, and a focus on the material the claimant has submitted for this hearing, whether there is any credible evidential basis for the claimant's conspiracy theory. I have identified none.

18 I turn then to the several applications now made under the claimant's new application notice.

Adjournment Application

19 The Adjournment Application is misconceived. There is no hearing presently listed or due to be listed in this Claim to assess damages or any other relief in favour of the claimant. There is nothing to adjourn. For such a hearing to be called for, there would first need to be some judgment on liability upholding some cause of action raised by the claimant in these proceedings and ordering that damages or such other relief, if any, as might be appropriate be fixed at a subsequent hearing.

20 The claimant does not claim that any such judgment has been given in his favour and nothing in the materials he has submitted suggests there is even a possibility that such a judgment might have been given.

21 If, contrary to that understanding, this Claim was continuing, with a hearing due to occur that the claimant might wish to adjourn, then his proper course would have been to apply to the King's Bench Master with case management responsibility for the Claim. A copy of the Claim Form that appears in the papers the claimant has submitted evidences that the Claim was assigned for case management to Master Davison who is still in full-time office as a King's Bench Master.

22 The claimant's urgent without notice application brought to Court 37 so that, in the event, it came before me, was not a proper vehicle for seeking the adjournment sought if, contrary to my understanding of the factual position, there is something that the claimant might meaningfully be trying to have adjourned.

23 In fact, as I informed the claimant during the hearing, the court's CE-File record states that this claim is "Closed", i.e. not a live, ongoing set of proceedings at all. I am not in a position to say whether that is correct. With the claimant's assistance, to ensure I had identified in the documentary material (such as I have it in the papers he has provided) any procedural records that might assist, the position appears to be this:

(i) The claimant first sought the intervention of the court in relation to what became this Claim, a substantive claim against the Ministry of Justice, by seeking an urgent pre-action interim injunction, using documentation prepared by him on or about 9

November 2018. No pre-issue injunction was granted and the claimant issued his Claim Form on 14 November 2018.

(ii) The interim injunction application came before Dingemans J (as he was then) on 21 November 2018. He adjourned it to 29 November 2018.

(iii) On that occasion it came before Martin Spencer J, who adjourned it further to 19 December 2018.

(iv) The orders of Dingemans J and Martin Spencer J state a case reference of "Appeal No. IHQ/18/0667". I have not been able with the claimant's assistance to identify why that claim reference was used, but I proceed on the basis of the claimant's information that, at all events as best he recalls it, that interim injunction application was intended to be made and regarded as being made as part of this Claim, i.e. the Claim that now has the new Claim No. of QB-2018-003042.

(v) On 13 December 2018, the claimant lodged a request for a judgment in default of acknowledgement of service or defence. I should explain that apart from the documentation generated and submitted by the claimant for the applications I am dealing with today, the CE-File for these proceedings does not contain underlying documentation, only a number of entries purportedly evidencing what had happened in the proceedings at some date or dates prior to the digital records being created. According to one of those entries, the request for judgment in default was returned to the claimant on the basis that no certificate of service had been filed so as to render it a valid request to be considered. The digital entry to that effect bears a date of 28 December 2018 and refers to it as having involved a letter sent back, presumably to the claimant. I am unable to say from the record whether that is intended to indicate that the letter itself, if there was one, was dated or sent on 28 December 2018, or that it was sent prior to that, the date in that case being only the date when the entry was made on the system.

(vi) CE-File descriptive entries also state that an order of Sir Peter Openshaw was issued dated 19 December 2018, the date of the hearing and judgment in relation to contempt by the claimant to which I have already referred, the order apparently then being sealed on 21 December 2018 and sent to the defendant Ministry of Justice's solicitors for service. The descriptive entry suggests that that was an order "*that the claimant's application be dismissed and was totally without merit*".

(vii) The claimant indicated to me that he does not accept those descriptive entries as accurate. There is therefore, as things stand, a question and it may be a potential dispute to be resolved at some point in the future, if necessary, as to whether indeed the claimant's request for judgment in default was returned for the reasons stated and whether Sir Peter Openshaw dealt on that occasion in December 2018 also with, and dismissed, the claimant's application for an interim injunction.

24 On the face of things, even if those descriptive CE-File entries are factually accurate, this Claim has not been closed but, rather, it never really got going, unless perhaps the CE-File entries are accurate so far as they go but incomplete because the order of Sir Peter

Openshaw dismissed the Claim and not just an interim application within it. Tracking down a copy of that order if it exists, and I note again the suggestion is that it was sent to the Ministry of Justice's solicitors on 21 December 2018 for service by them, might be a first task for the claimant, if he wishes to try to pursue this Claim.

25 As to the extent to which, if it was not dismissed, the Claim never really got going, the claimant insists that the Claim Form was at least served, but I cannot say whether he is right about that. That does not matter for today's purposes, but if the claimant wishes to try to pursue this Claim, he may find that, as a first element within any case management application he may feel he should now make, he will be expected by Master Davison to demonstrate that the Claim Form *was* served, since, if it was not, it lapsed as a Claim Form valid for service approaching some four years ago now.

26 The need to solve problems such as that, together with the fact that it has been only barely possible in the time available to deal with the applications the claimant has made, meant it was not appropriate to contemplate today some new application that I now deal with or give directions about his default judgment request, or in some other way try to engage in case management for the future, as the claimant began at one point in the argument to propose.

CCRC Claims Application

27 The CCRC Claims Application is also misconceived. If the claimant had a legitimate concern that he had been prevented administratively from issuing new judicial review claims against the CCRC, that would be a matter to be taken up with the Administrative Court Office, which would no doubt refer it, if appropriate, to the judge in charge of the Administrative Court, currently Swift J, for direction. If a more formal application had to be made, it would be by nature an application to the Administrative Court, prior to the commencement of the relevant proposed proceedings, in relation to which guidance is given at para.16.2 of the Administrative Court Guide 2023.

28 Without taking up disproportionate time to rehearse the entire history, it is right that I mention two other aspects of the matter.

29 First, the claimant has referred to a letter he received from Collins J in April 2017, after (the claimant says) an appearance before that judge in court after he, the claimant, had submitted, intending it to be for the attention of that judge, some 26 or 27 files of material that the claimant says set out or evidenced concerns or complaints he had as to how attempts on his part to bring proceedings, either including or it may be entirely proceedings in the Administrative Court, were being handled.

30 Collins J's letter records an understanding on the part of that judge that the claimant said he felt much aggrieved and claimed to be the victim of a significant miscarriage of justice but,

understandably, made clear that the judge was not in a position in the way the claimant had presented matters to deal with what had been put in front of him. Any judge, he indicated, would only be in a position to look at the matter if some proper application were issued and put before them. There is nothing in that letter, quite apart from the fact that it was sent over six and a half years ago now, that would arguably justify pursuing an application in this court for a judge sitting as the King's Bench Division duty judge for interim applications to interfere in the administration of Swift J's lists and business in the Administrative Court.

31 The aftermath of Collins J's letter, as the claimant has explained it to me, was that he did seek to turn what had been his letter or submission to Collins J, hoping to have grievances looked at by that judge, into some species or set of applications in the Administrative Court, which came before, and was or were dealt with by, Supperstone J. The materials provided to the court today do not include the order made by Supperstone J, who at that time was the judge in charge of the Administrative Court, but the claimant acknowledged, as I inferred to be the position from an initial description he gave me of what that order was, that it was an order in some form or other stating a conclusion by Supperstone J that the claimant's application or set of applications was vexatious or totally without merit and imposing on the claimant an extended civil restraint order. Irrespective of the claimant's vigorous insistence that the order was improperly granted, indeed, he says, issued by Supperstone J only because he had been in some way induced, duped or misled into doing so by court staff, that order throws into stark contrast repeated assertions the claimant now considers himself able to make to other courts that no application he has made has ever been judged to be totally without merit.

32 The second matter I wanted to mention, for completeness, in relation to the CCRC Claims Application, is that I do not overlook that as long ago now as July 2013, the claimant, it seems, wrote to the judge then in charge of the Administrative Court, Ouseley J, expressing concern as to a practice which the claimant understood had developed at the Administrative Court Office of making a judge dealing with an Administrative Court claim or application brought by the claimant aware of the extent of the claimant's activity as a litigant in that court. I have not been provided with a copy of the July letter the claimant sent, but he has shown me the letter in response he received from Ouseley J in October 2013 stating that he had instituted a standing practice that a copy of the claimant's letter from July of that year would be placed with the file in any Administrative Court claim or application when it was being sent for consideration by or hearing before a judge.

33 Contrary to the submissions vigorously advanced by the claimant, none of that evidences any assessment or judgment on the part of Ouseley J that anything improper or untoward had occurred within the Administrative Court Office previously. It evidences no more than that, as a matter of balance, in fairness to a repeat litigant who had a concern that too much should not be made of the fact that he was a repeat litigant, his side of that aspect of his use

of the Administrative Court, as set out in his letter, should be with any judge who was considering any new application or claim made by him.

34 Finally, as to the CCRC Claims Application, although I shall dismiss it on the primary basis as I have indicated that it is misconceived to have made it in Court 37, I am quite unable to identify on the material provided by the claimant in support of it whether he has presently any legitimate concern or not as regards what he says have been his efforts to have five separate judicial review claims issued, each against the CCRC and each in some form or other related to the claimant's various grievances, as asserted by him, in relation to one or more of his criminal convictions. The claimant has taken me through certain correspondence but none of it evidences that I can see the taking by the claimant of the steps necessary for a new Claim in the Administrative Court to be issued and thus, all things being equal, requiring of the Administrative Court Office that they issue it, and then some failure or refusal by the Office, on an untoward or mistaken basis, to take that step.

35 That is not, because I am not in a position to make any such finding, a finding against the claimant that there is definitely no basis for concern on his part there. It does, however, reinforce the inappropriateness of this application in this court as a venue in which to explore what he says is his concern that his attempt to bring proceedings against the CCRC is being frustrated.

LAA Claim Expedition Application

36 The LAA Claim Expedition Application is likewise wrongly directed, and it is in any event an abuse of the process.

37 It is wrongly directed because the claimant's expedition application in Claim No. AC-2023-LON-3294 is a matter for the Administrative Court as part of dealing with that Claim. It is not appropriate to bring it to Court 37 with a request that the judge on duty there interfere. The fact that the Court 37 judge will be a judge of the King's Bench Division with authority to sit in the Administrative Court is nothing to the point. At any given time, different judges will be deployed as between Court 37 on the one hand and the Administrative Court on the other hand.

38 The LAA Claim Expedition Application is an abuse of the process in any event because the claimant's application for expedition in Claim No. AC-2023-LON-003294 was in substance dealt with promptly in the Administrative Court, being refused by order of Choudhury J dated 7 November 2023. By that order, Choudhury J gave a reasoned dismissal of the claimant's N463 application for urgent consideration, and directed that the Claim proceed in the ordinary course.

39 The claimant has issued a second application for expedition in that Claim by application notice dated 12 November 2023 and filed on 20 November 2023, but without there being any change of circumstance so that it is an abusive attempt to make the same application a second time. I pressed the claimant to identify, if he could, what, if anything, had changed in the factual circumstances relevant to his desire for expedition between 7 and 12 November, apart from Choudhury J's adverse decision on the point. He was unable to do so. His every response was rather, in my view, a reiteration of an aspect of the facts, as he says he sees them, or their implications, as he says he assesses them, that was the asserted basis for urgent consideration put before but rejected by Choudhury J.

Family Court Appeal Application

40 In much the same way, the Family Court Appeal Application was totally misplaced. In a comment that is sadly symptomatic of the thinking that pervades all of the claimant's materials, he claims that it was worrying that DJ Sundstrem-Brown "*directed who should hear my Appeal against his [as the claimant calls it] malicious order*". It is quite commonplace for a judge to identify for information the route of appeal that exists, if there is one, in respect of an order they have made. For example, if I thought that the claimant would not know this perfectly well already, I might note in the order drawn up for today's hearing, for his information, that if he wanted to appeal, his route for doing so would be by an appeal to the Court of Appeal, for which permission would be required.

41 Other things being equal, an order of DJ Sundstrem-Brown sitting in the Family Court in Bradford lay to a Circuit Judge sitting in the Family Court, and all that the District Judge did was say so in his order, adding a direction as to venue (Leeds), an administrative matter on which he was perfectly entitled to make an initial direction. There was no basis whatever for the claimant's appeal against the District Judge's order to be dealt with in the King's Bench Division instead, or for directions about it to be given in Court 37.

42 The Family Court Appeal Application was therefore misconceived and vexatious, and plainly so, without needing to set out the far-fetched reasons put forward by the claimant for labelling DJ Sundstrem-Brown's order as "*malicious and unlawful*".

43 In the event, the claimant's Family Court appeal was considered on the papers on Wednesday, 7 February, the day after the claimant first presented himself to Court 37. I am grateful to the claimant for bringing that to my attention yesterday, but for which I would have had no reason to be told about it or otherwise to find out about it prior to the hearing today. That review of the appeal on the papers was conducted by Poole J sitting in the Family Court in Leeds, I envisage in his capacity as Family Presiding Judge for the North-Eastern Circuit. For reasons he set out in his order, Poole J concluded and decided as follows:

> "In my assessment the orders made [i.e. the various orders in the order of DJ Sundstrem-Brown that the claimant sought to appeal] were... entirely consistent with the application of the District Judge's Case Management powers, properly considered the infringement of the Art 6 and 8 rights of all proposed parties and the factual basis that the appellant's views remain unchanged from 2020. No error of law or fact has been identified by the Appellant. There is clear guidance as to what the proposed appellant must do if he seeks to make any future applications.
>
> Permission to appeal is refused. The appeal has no realistic prospect of success and there is not [*sic*, no] other compelling reason why it should be heard. It is totally without merit."

44 In his email to this court providing a copy of Poole J's decision the claimant characterises it as a "*perverse paper order to stifle what any rational person would find to be a very highly meritorious Appeal in a matter of children's safety and security*". He accuses Poole J of obstructing justice, and continues that:

> "Most disturbing of all is Poole's statement that this clearly very highly meritorious Appeal he claimed is totally without merit. So again the court has been used in continuing to cover up and to perpetuate the abduction of my children and the destruction of my family. This perverse order is a extremely offensive, unlawful and malicious conduct; it is the gravest abuse of the court. I must rescue my children; I'll never stop. So I'm forced again to bring yet another Appeal to challenge these perverse and malicious orders that should never have been made in the first place. And but the evidence, unprecedented harassment and misfeasance by the police and Foskett+2 including their obstructions of justice and influences of these judges my children would not have been abducted from me and my family will not have been destroyed and none of these perverse order would have existed.
>
> So I'll be challenging this latest cover up in the long line of cover up. As you'll read in the Bundle the circumstance that led to my forced absence and the abduction of my children and the steps that the police and Foskett+2 took in destroying my family and covering up the abduction since is a matter of considerable public importance. I'm fighting for the very existence of my family. I'm fighting o rescue my children from my opponents who abducted them in their most desperate attempts to undermine and defeat me, because they could not defeat me by fair means. This is all the reminiscence of slavery when people kidnapped Black people and make their slaves. Here also my opponents kidnapped and forced me out of my home and abducted my children and turned them into their chattels to do as they pleases, then used judges and

> court officials to bogged me down endlessly with wrongful and malicious convictions on police trumped up charges and other perverse orders and to frustrate me in order to cover up the fact that my children have been abducted."

45 It is not for me to make any comment on the credibility or merits of that as a basis for a possible appeal against Poole J's decision, which would be a matter for the Court of Appeal if the claimant seeks to appeal further as he has indicated he is minded to do. The point for my purpose is that there was and is nothing jurisdictionally or procedurally inappropriate about the course adopted by Poole J. The claimant cannot be made to like the outcome or agree with the reasoning if he is unable or unwilling to do so, or chooses not to do so, but there was no reason for his Family Court appeal or, therefore, initially, the application within it for permission to appeal, to be considered in the King's Bench Division, and there would be no reason for it to be reconsidered now by a judge of the King's Bench Division were there some such power of reconsideration which anyway there is not.

46 The claimant, in a rare moment of realism, accepted that in the face of Poole J's decision, however unhappy he professes to be about it, this court now could not be seized of the application for permission to appeal, or the appeal if permission is granted, against the District Judge's order. He urged me, nonetheless, to interfere in the Family Court and/or appellate process by giving directions as to the constitution of any court that should be assembled to deal with that matter further. That is no more a proper function of the powers of this court than would have been the claimant's original proposal, made before Poole J had dealt with the matter on the papers.

<u>Conclusion</u>

47 For the reasons I have now given, I conclude that all of the applications put forward by the claimant's new application notice in this Claim were misconceived and totally without merit. I dismiss them all on that basis and with no order as to costs. It would have been an abuse of the process and vexatious to the defendant to have allowed the claimant to pursue any of those applications further or to have required the defendant to incur time and expense responding to them.

48 Pursuant to CPR rule 23.12, (a) the order drawn up on today's hearing will record the fact that I consider the applications put before me by the claimant to be totally without merit, and (b) I am obliged to consider whether it is appropriate to make a civil restraint order against the claimant.

49 In my judgment, there is a case for the claimant to answer that a general civil restraint order should be granted. I say that because:

(i) Poole J and I have now made two totally without merit determinations in the High Court in quick succession.

(ii) My determination concerning the total lack of merit of the claimant's applications is itself, in substance, a set of four totally without merit determinations, given the four related to some extent but nonetheless separate and disparate applications put before the court.

(iii) Both as between the matters I have dealt with and the matter dealt with by Poole J and, as will be clear from this judgment, within the scope of the matters I have dealt with, the claimant's vexatious approach to applications is cross-jurisdictional.

(iv) The claimant, as demonstrated by the materials provided for this application, both directly as the bundle of papers for this application and also, as related material, bundles of documentation that the claimant has put together for applications he pursues in other courts, shows an inability to do other than prepare and present voluminous, polemical, unfocused and repetitive documents, without regard to relevance, the disproportionate impact on the court's time, or the disproportionate and vexatious impact on a defendant or respondent if required to respond.

(v) Whilst at one level plainly retaining a very good and detailed recollection of all the many proceedings in which he has been engaged over the years, the claimant's materials evidence a repeated inability or unwillingness on his part to understand accurately the nature or impact of what has or has not been decided in proceedings or applications he has brought.

(vi) Provisionally, it seems a strong prospect that unless the claimant is restrained, such abuses of process by him will only be replicated over and over.

(vii) Provisionally again, and by contrast, there may yet be a chance that the need to pre-apply before pursuing claims or making applications, i.e. to obtain the leave of a High Court judge on paper, will not only, of course, prevent any such replication for the duration of an order, but could cause the claimant to develop the discipline and restraint required for coming to court at all only if there is a reasonable basis for doing so, and for doing so, if at all, in a reasonable, focused, relevant and concise manner.

50 I do not think it is necessary or appropriate to require the claimant to respond to that now. At the risk of displaying unrealistic optimism, I hold out the hope that the claimant might reflect on today's hearing and this judgment and recognise that his attitude and approach to litigation and the courts need to change. Other things being equal, the claimant's response by conduct in the next few months in the various litigation in which he is already engaged and in further claims, applications or appeals he may bring, if any, would properly be taken into account, as well as his response by way of argument against the imposition of a restraint order, in deciding whether the interests of justice did require such an order to be made at all, and, if so, with what scope and on what precise terms.

51 Finally, unless the claimant's way of thinking now changes, there is a prospect that he will treat this judgment as reason to imagine that I am part of the conspiracy that he imagines to exist against him. Though there would be no rational basis for such thinking, which would

be pure fantasy, and though I make clear that this is not any precedent for any other case, in this instance I prefer not to reserve to myself the decision whether the possibility of making a civil restraint order against the claimant should be taken further or, if it should, whether any further hearing should be listed before me or before a different judge.

52 In the circumstances, upon my consideration of the possibility of making a civil restraint order as mandated by CPR rule 25.12(b), I direct that:

(i) A transcript of this judgment be prepared at public expense, but reserving the question whether the claimant should be ordered to reimburse the costs incurred as a term of a civil restraint order if such an order is made against him hereafter pursuant to these directions.

(ii) The claimant is to file in this Claim, by 4.00 p.m. on Friday, 15 March 2024, a written outline of any argument he would advance why a civil restraint order at all, or a general civil restraint order in particular, should not be imposed on him, such outline to be limited to 15 pages (A4 pagination), within printable margins and with line spacing minimum 1.5, font size minimum 12.

(iii) This judgment, the order drawn up on this hearing, the order of Poole J in the Family Court in Leeds dated 7 February 2024, the papers submitted by the claimant for this hearing, and the written outline filed by the claimant, are to be referred to the judge in charge of the King's Bench Civil List (currently Soole J), as soon after 15 March 2024 as may be practicable, for a decision on the papers whether the court is to consider at a hearing the making of a civil restraint order against the claimant and for directions, if so, as to the listing of that hearing, as to whether the defendant should be required to attend, put on notice to attend if so advised, or not put on notice, and generally as to proper preparatory steps for that hearing.

MR JUSTICE ANDREW BAKER: Mr Ezeugo, thank you very much. So, on the basis I have explained at some length there, your applications are dismissed as totally without merit. There is no order as to costs, but you wanted to propose that my direction on a transcript at public expense, which you heard I am already making in relation to my judgment, should extend to a transcript of the entire hearing. What do you want to say in relation to that?

MR EZEUGO: Can I first of all say, the application before you was an application to ensure that I have justice. The evidence before you showed that I have not had justice in any jurisdiction. You have evidence, considerable evidence before you, which shows that my opponents are engaged, actively engaged, in obstructions of justice at every jurisdiction, and every rational judge that has looked at the appeals that I have brought-- appeals that I have brought for-- on my wrongful convictions, have confirmed that they are wrongful convictions, and taking

steps to suspend the order made in those-- by the judges who wrongly convicted me, and they have expressed that the matter should be referred to be quashed. That's the conclusion that any rational judge will come to.

Listening to you is absolutely disturbing. That you are a High Court judge with the information before you-- and the way you dealt with the evidence is beyond belief. It's absolutely beyond belief, and to even rub salt on injury, to talk about civil restraining order when I'm dealing with issues that-- real issues, issues which are evidence-based, which other rational judges, which you can read in the evidence before you, have already themselves visited and come to rational conclusions. For you to behave this way is absolutely disgraceful for you to be called a judge.

I'm fighting a case in which my children have been literally abducted from me, evidenced before you. I haven't committed any offence. That's the evidence before you. The judges who use that as a ruse to make this perverse order, these so-called judges you talked about, Sundstrem and Poole, they could see that evidence that any rational judge looking at this evidence would say that I have not been properly convicted. I should never have been separated from my family in the first place. That's the conclusion that rational judges came to. Any rational judge with the information before you will question, on what basis would this rogue psychiatrist lock me up in a mental institution in the face of what I'm dealing with? That is of the extreme-- obstructions of judges of extreme, I put (inaudible) to you. You can cover him up all you like.

Any rational judge, any rational member of the public looking at the evidence before you, and the nonsense, absolute nonsense that you deliver as a judgment, will see you as a total disgrace. You cannot be-- you cannot be seriously-- You cannot be taken as seriously as a High Court judge, because the evidence before you condemns this nonsense you call judgment.

MR JUSTICE ANDREW BAKER: Well, as you----

MR EZEUGO: It's utter-- it's utter nonsense. It's an abuse of your position as the judge.

MR JUSTICE ANDREW BAKER: Mr Ezeugo, I listened to all you had to say. I have delivered the judgment----

MR EZEUGO: I didn't ask you to do anything other than to ensure that I have justice.

MR JUSTICE ANDREW BAKER: I have----

MR EZEUGO: I didn't ask you to interfere with the appeal at the Family Court. All I asked you is to put the case so that the Chief Justice would deal with it to stop it being stifled.

MR JUSTICE ANDREW BAKER: Mr Ezeugo----

MR EZEUGO: And any rational judge will see that this so-called judge, Poole, stifled a highly meritorious appeal. That's what any rational judge will see.

MR JUSTICE ANDREW BAKER: Mr Ezeugo----

MR EZEUGO: You are a total disgrace. I tell you now, you are a total disgrace. You cannot be taken seriously as a judge.

MR JUSTICE ANDREW BAKER: Mr Ezeugo, you need to stop. I do not wish to talk over----

MR EZEUGO: I do not have respect for someone like you. You're a total disgrace. I repeat, you're a total disgrace.

MR JUSTICE ANDREW BAKER: If you do not wish to make any submissions on the application for a transcript at public expense----

MR EZEUGO: I have appeared before rational judges, very highly respected----

MR JUSTICE ANDREW BAKER: I cannot deal with this any further.

MR EZEUGO: -- judges in this country, and they have come to different conclusions. You are a total disgrace as a judge.

MR JUSTICE ANDREW BAKER: What I will say, only for completeness so that I hope it is noted by our court associate, is that the direction I have made for the preparation of a transcript at public expense should extend to the dialogue after the judgment as well.

MR EZEUGO: Yes. I want everything to be recorded.

MR JUSTICE ANDREW BAKER: That concludes the hearing.

MR EZEUGO: I want everything to be recorded----

MR JUSTICE ANDREW BAKER: That concludes the hearing. I will rise.

(3.20 p.m.)

CERTIFICATE

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