



Neutral Citation Number: [2020] EWHC 3460 (QB)

Case No: QB-2019-002634

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 18 December 2020

Before :

CHARLES MORRISON
(sitting as a Deputy Judge of the High Court)

Between:

LUCA MANETTA
- and -
KATIA DE FILIPPO

Applicant

Respondent

Arnold Ayoo (instructed by **Giambrone & Partners LLP**) for the **Applicant**
The **Respondent** in person

Hearing dates: 11 December 2020

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

CHARLES MORRISON
(sitting as a Deputy Judge of the High Court)

Covid-19 Protocol: This judgment was handed down remotely by circulation to the parties' representatives by email, release to BAILII and publication on the Court and Tribunals Judiciary website. The date for hand-down is deemed to be on 18th December 2020.

Charles Morrison (sitting as a Deputy of the High Court):

1. On Friday 11 December, I again heard counsel for the Applicant on an application for an Order designed to adapt for service in this jurisdiction, the Freezing Order (the **Italian Order**) that the Applicant obtained from a court in Italy in February of this year. On my first hearing of the application I was not persuaded that any order was necessary. I invited the applicant to pursue the question of compliance with the Italian Order, with those who might be affected by it. If it became clear that there would not be compliance, then I indicated that I was prepared to hear the matter again.
2. The matter was restored before me last Friday together with evidence that Nat West Bank would not, without more, give effect to the Italian Order. There had however been further developments. The solicitors charged with handling the sale of the matrimonial property (the **Property**) at the heart of the dispute had sought guidance from the County Court, which had for some time had the conduct of litigation between the parties. Acting with commendable speed, His Honour Judge Parfitt, sitting in the Central London County Court made an order on 10 December, in terms that the net proceeds of sale of the Property be paid into court pending that court's decision on distribution.
3. My Ayoo who again appeared on behalf of the Applicant (the Respondent appeared in person), was compelled to accept that the proceeds with which he was concerned were now under the control of HHJ Parfit, who in my judgement at any rate was best placed to decide upon any dispute as to the distribution thereof. I say under the control, because it was accepted that the solicitors would pay the funds, including the amount the subject of the Italian Order, into court.
4. The final matter of concern to Mr Ayoo was whether HHJ Parfit would give effect to the Italian Order. It was of course accepted that the Italian Order was conservatory (only) in nature. It seemed to me likely that on a proper consideration of the matter, and on the basis of the law as it currently stands, the County Court would give effect to the Italian Order, so far as it goes, in light of the provisions of Article 39 of the Recast Brussels Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. This position might very well however be affected by the expiry of the Brexit transition period.
5. At all events, given the helpful intervention of HHJ Parfit, I declined to make any adaptation Order pursuant to Article 54 of the Recast Regulations/CPR 74.11. If it transpires that the intervention of this court is considered necessary (because only this court can entertain an adaption application) then I will hear the matter again. I have no doubt that the learned judge in the County Court will consider the state of the law as it is when the question of distribution of the proceeds comes before him. That adjudication will decide the extent to which in this jurisdiction there needs to be cognisance taken of the Italian Order; it also means that there is unlikely to be any further involvement from this court.
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