CR-2017-000140

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
INSOLVENCY AND COMPANIES LIST (ChD)

Mr Justice Snowden
23 February 2021

B E T W E E N:

PAUL MILLINDER

Claimant

-AND-

MIDDLESBROUGH FOOTBALL & ATHLETIC COMPANY (1986) LIMITED

Defendant

ORDER

UPON considering the Application issued by Paul Millinder dated 14 January 2021 ("the Application") seeking the variation or setting aside of a General Civil Restraint Order made against him by Fancourt J on 11 November 2020 and other relief as set out therein

AND UPON the Court considering the Witness Statement of Paul Millinder dated 15 December 2020 and the other materials sent to the Court by numerous emails from Mr Millinder

AND UPON the Court considering that a hearing would not be appropriate

IT IS ORDERED THAT:

1. The Application is dismissed.

2. The Court certifies that the Application was totally without merit.

3. Any application for permission to appeal this order must be made in accordance with paragraph 3 of the said General Civil Restraint Order made by Fancourt J on 11 November 2020.

REASONS

1. On 11 November 2020, Fancourt J made a general civil restraint order ("the GCRO") against Mr Millinder.

2. Mr Millinder has made an application to me dated 14 January 2020 (the "Application") which purports to be an application to vary or set aside the GCRO, together with various other relief. Such an application can be made, with permission, under paragraph 3.2(2) of CPR PD 3C.

3. Under paragraph 4 of the GCRO, Mr Millinder is required to apply to me for permission to make an application for amendment or discharge of the GCRO.

4. I have treated Mr Millinder's Application as an application for permission under paragraph 4 of the GCRO and paragraph 3.2(2) of CPR PD 3C.

5. As directed by the GCRO, I have dealt with that application on paper and for the reasons set out below, I refuse permission.

6. None of the other aspects of the Application are applications for permission or otherwise comply with the GCRO. Nor are they matters with which I am directed to deal under the GCRO. In any event, for the reasons set out briefly below I do not consider that they ought to be dealt with otherwise or require a hearing.

7. All aspects of the Application are totally without merit.

Background

8. I shall state the background briefly for context. It relates to a series of disputes between Mr Millinder (or companies he controlled and owned on the one hand, and Middlesbrough Football & Athletic Company (1986) Limited ("Middlesbrough FC") on the other. Mr Millinder's companies included in particular Empowering Wind MFC Ltd ("Empowering Wind") and Earth Energy Investments LLP ("Earth Energy"). Those companies have now been dissolved.

9. Earth Energy and Middlesbrough FC entered into an option agreement on 15 June 2012 granting Empowering Wind an option for a period of four months to lease part of the club's Riverside Stadium to construct a wind turbine. Subsequently, on 17 June 2003, Middlesbrough FC granted Empowering Wind a lease over part of the Riverside Stadium. Middlesbrough FC and Empowering Wind also entered into an energy supply agreement to supply energy produced by the wind turbine to the club.

10. The relationship between Middlesbrough FC and Empowering Wind appears to have broken down quickly over the connection of the wind turbine to the grid. In June 2015, Middlesbrough FC claimed rent totalling £256,269.89 and threatened to forfeit the lease. Mr Millinder contended that Empowering Wind was protected from such claims by *force majeure* clauses in the lease and in the energy supply agreement and that Middlesbrough FC in fact owed Empowering Wind £200,000 in respect of a lease premium that should be repaid. That alleged debt is said by Mr Millinder to have been assigned on 29 June 2015 to Earth Energy, as reflected in a minute of a board minute of Empowering Wind of that date.

11. On 19 August 2015, Middlesbrough FC purported to terminate the energy supply agreement for non-payment and to forfeit the lease.

12. HMRC presented a winding-up petition against Empowering Wind in respect of unpaid tax liabilities on 2 June 2016. Middlesbrough FC served a notice of intention to appear on that petition and to support it.

13. Empowering Wind was dissolved on 23 August 2016, but Chief Registrar Baister made a double-barrelled order on 19 September 2016 restoring it to the Register and placing it into liquidation.

14. Mr Millinder then caused Earth Energy to seek to recover an alleged debt of £530,000 said to be owed to it by Middlesbrough FC. That amount included the £200,000 allegedly assigned from Empowering Wind to Earth Energy, together with claims for consequential damages said to have been suffered by Empowering Wind (which had not in fact been assigned).

15. A statutory demand was served by Earth Energy on 6 January 2017, but Arnold J granted Middlesbrough FC a without notice injunction restraining the presentation of a winding-up petition on 9 January 2017 (the "Arnold Order").

16. On 16 January 2017, a consent order was made by Norris J extending the injunction and requiring Earth Energy to pay costs (the "Consent Order").

17. On 30 January 2018, Earth Energy issued an application to set aside the Consent Order for alleged material non-disclosure to Arnold J. In essence Earth Energy contended that Arnold J had been misled on 9 January 2017 about whether there was an applicable *force majeure* clause in the lease and was not shown the minutes of the board meeting of 29 June 2015.

18. Nugee J rejected that application on 5 February 2018, indicating, among other things that whatever the rights and wrongs of events before Arnold J, it would not have made any difference to the outcome before Arnold J or the making of the Consent Order by Norris J. The Chancellor described the position at paragraph [41] of his later judgment (see below) as follows,

> "Nugee J concluded that, after Arnold J's order on 9 January 2017, Earth Energy had to choose between relying on the non-disclosure to try to set aside the order restraining presentation of a petition, or accepting that there was a bona fide dispute and agreeing that the injunction should continue. Nugee J decided, as Mr Millinder had told him, that he (Mr Millinder) had accepted on behalf of Earth Energy, that the injunction should continue. Whilst Mr Millinder had submitted to Nugee J that he had not agreed to the costs order against Earth Energy, Nugee J did not accept that as a reason for setting the consent order aside. Accordingly, as from 5 February 2018, the alleged non-disclosure issue had been determined, the injunction remained in full force and effect, and none of the orders made by Arnold

> J, Norris J or Nugee J was the subject of an appeal by Earth Energy to the Court of Appeal."

19. Mr Millinder caused Earth Energy to make a further application on 1 March 2018 to set aside the Consent Order and Nugee J's order of 5 February 2018. At around this time there were also a number of applications and hearings before judges of the Insolvency and Companies Court (ICC) in relation to (i) the conduct of the winding up of Empowering Wind, and (ii) a petition that Middlesbrough FC had presented against Earth Energy based upon the costs order made by Norris J in the Consent Order. The petition led to a winding up order being made in relation to Earth Energy on 28 March 2018.

The ECRO

20. On 7 and 23 June 2018 HHJ Pelling QC heard and dismissed (i) the application of 1 March 2018 to set aside the Consent Order and Nugee J's order of 5 February 2018, (ii) an application to set aside the winding up order in relation to Earth Energy and (iii) an application to set aside the orders made by the ICC Judges in connection with the winding up of Empowering Wind. HHJ Pelling QC subsequently held on 28 June 2018 that all these applications were totally without merit, and he made an Extended Civil Restraint Order against Mr Millinder ("the ECRO").

21. Mr Millinder sought to set aside the ECRO in an application dated 30 September 2018. The application also asked the court to set aside the various orders made in the Insolvency and Companies Court, the winding up order against Earth Energy, and to declare that none of Mr Millinder or any of his companies owed any money to Middlesbrough FC.

The Chancellor's judgment

22. This application was heard and determined by the then Chancellor (Vos LJ) in January 2019. In a lengthy reserved judgment given on 8 February 2019 Vos LJ refused to set aside the ECRO: see [2019] EWHC 226 (Ch), [2019] 1 WLR 3709.

23. The Chancellor's judgment contains a clear statement of the jurisdiction of the court to amend or discharge a civil restraint order, and a detailed analysis of the previous history of the proceedings and of the underlying dispute.

24. At paragraphs [83]-[92] of his judgment, the Chancellor considered the jurisdiction to amend or discharge a civil restraint order and concluded that there was no general power to set aside a civil restraint order without the defendant having appealed, and that by analogy with CPR 3.1(7) such an application could ordinarily only be made where there had either been a material change of circumstances since the order was made, or where the facts on which the original decision was made were misstated.

25. At paragraph [93] the Chancellor summarised Mr. Millinder's complaints as follows,

> "In essence, his submissions fall into three main categories as follows:
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> (i) The submission that Empowering Wind MFC never owed Middlesbrough anything, and conversely that Middlesbrough

> was liable to repay Empowering Wind MFC its lease premium of £200,000 and other damages. Accordingly, neither Empowering Wind MFC nor its alleged assignee, Earth Energy, should ever have been wound up, and no proofs by Middlesbrough should ever have been allowed by Mr Hannon. All this is based on the proposition that Empowering Wind MFC's failure to build the wind turbine or to supply the agreed electricity to Middlesbrough was excused by (a) misrepresentations by Middlesbrough in relation to, and/or implied terms requiring Middlesbrough to agree, its entry into a connection agreement with Northern Powergrid and/or its taking ownership of two sub-stations at the Property, which it failed to do, and/or (b) the force majeure clauses in the Lease and the ESA. If Mr Millinder's companies never owed Middlesbrough anything, they should never have been wound up, and none of the applications that Mr Millinder has made, and that have founded the ECRO, would have been necessary. All Mr Millinder contends that he has been doing is trying to defend his human rights and to vindicate the legitimate claims that his companies have against Middlesbrough ("the contractual submissions").
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> (ii) The submission that the first, second and third applications that Judge Pelling QC held to have been totally without merit were not in fact unmeritorious, so that the ECRO ought not have been made ("the TWM submissions").
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> (iii) The submission that Middlesbrough failed fraudulently to disclose certain documents to Arnold J when he granted a without notice injunction to restrain Earth Energy from presenting a winding-up petition against Middlesbrough on 9 January 2017 ("the non-disclosure submissions")."

26. In his judgment, the Chancellor explained at some length why each of these arguments was misconceived or failed on the facts, why Mr Millinder was no longer able to raise the arguments on behalf of his companies that had gone into liquidation or been dissolved, and, perhaps, most significantly, why Mr. Millinder was long out of time to raise such matters having not sought to appeal any of the key decisions at the relevant times.

27. In particular, the Chancellor explained why there was no satisfactory evidence of an assignment of the claim of £200,000, why the decisions of HHJ Pelling QC and Nugee J to that effect could not, in absence of any appeals, be challenged, and why, by accepting that the injunction should continue in the Consent Order, Mr Millinder thereby conceded that Earth Energy only had (at best) a disputed debt against Middlesbrough FC: see paragraphs [106]-[110] and [118].

28. The Chancellor concluded his analysis as follows, at [129]-[130],

> "129. I return then to Mr Millinder's core submission that Empowering Wind MFC never owed Middlesbrough anything, and that Middlesbrough was liable to repay Empowering Wind MFC its Lease premium of £200,000 and other damages. This dispute between Empowering Wind MFC and Middlesbrough could not be determined summarily without a trial in properly constituted proceedings. Mr Millinder never started any such proceedings. It was never open to Mr Millinder to allege that his companies' claims, whether in contract or fraud, were open and shut, as he seems to have thought. The windings up of Empowering Wind MFC and Earth Energy were not the product of any conspiracy or fraud as Mr Millinder repeatedly alleges. They were simply the inevitable result of non-payment of established debts, and the failure to take a valid assignment or to enunciate clearly any substantial cross claim in Earth Energy.
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> 130. It is not possible for me, any more than any of the other judges that have considered it, to determine whether Empowering Wind MFC's non-payment of rent was excused either by misrepresentation, some implied term requiring Middlesbrough to agree a connection agreement or to take ownership of the two sub-stations, or by the force majeure clauses in the Lease and the ESA. Such determinations could only have been made after hearing evidence in a normal CPR Pt 7 action. The time for bringing such an action has passed now that both Mr Millinder's companies have been wound up. He could have funded such claims before the windings up or he could have tried to fund the liquidator to bring such claims, but he failed to do so, even when it was explained to him that such a course was available. All this has nothing to do with human rights as Mr Millinder suggests. It is a function of his repeatedly missing opportunities to take the appropriate legal steps as I have explained."

29. In the course of his judgment on these matters, the Chancellor also explained in some detail why Mr. Millinder had been acting inappropriately in making applications seeking to set aside the various orders with which he disagreed. He said, at paragraphs [99]-[103],

> "99. That brings me to the second of Mr Millinder's apparent misunderstandings. Mr Millinder's conduct leads me to believe that he has thought all along that it is or was open to him or his companies, as an alternative to appealing orders of the court, to apply (sometimes repeatedly) to different judges in the same court that made those orders, to set them aside. I asked him about this in oral argument, and he said that he had never appealed the orders because the court had not addressed "the preliminary considerations, so there was really nothing much to appeal".

> 100. As I have already made clear, the circumstances in which a court can set aside or even investigate, the correctness of orders, save in the context of properly constituted appeals, are very strictly limited. Our courts rightly set great store by the finality of the orders that are made after argument. The option for taking two bites at the cherry are limited indeed.
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> 101. This second misunderstanding may, I suspect, have given rise to some of Mr Millinder's more extravagant fraud and conspiracy allegations, on the basis, as he sees it, that fraud unravels all: see Lazarus Estates v Beasley [1956] 1 QB 702, 712, per Denning LJ. But, as I explained to Mr Millinder in the course of oral argument, fraud needs to be strictly proved in these courts. It cannot simply be assumed because it has been asserted. Mr Millinder's repeated practice has been to allege fraud against Middlesbrough and others, on the basis of what he perceives they knew or ought to have realised. But that is not an approach that the court can accept. Fraud can only be established after a detailed consideration of oral and written evidence at a trial at which those accused of fraud have the opportunity fairly to present their case.
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> 102. That leads directly to what I see as Mr Millinder's third fundamental misunderstanding. That is that one can or properly should make allegations of fraud or conspiracy against anyone, let alone professionals, civil servants and judicial office holders, without a sound evidential basis for those allegations. I would want to emphasise that, however tempting it may seem to do so, the practice of making wild allegations of dishonesty against everyone involved in a case, as Mr Millinder has done here, is much to be deprecated. Mr Millinder seemed to accept in oral argument that he may have overplayed his hand.
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> 103. I can say at once that I have been through all the papers in this case in meticulous detail, and I have seen no evidence of any kind for any of the allegations of fraud, conspiracy or misdealing that Mr Millinder has made. He has made these allegations when he became frustrated by his seeming inability to find a forum in which he would vindicate what he saw as his companies' irrebuttable claims. He should not have done so, nor should he have threatened any of these professionals or public servants as he has sought to do. I hope that, once he has read and digested this judgment, he will understand why this behaviour has been inappropriate. I hope also that it will hereafter cease."

30. That explanation is relevant, because notwithstanding its clarity and Vos LJ's hope that what he said would be heeded, Mr Millinder has since ignored it.

31. Mr Millinder was refused permission to appeal by the Chancellor on 8 March 2019: see [2019] EWHC 1465 (Ch).

Events leading up to the GCRO

32. On 12 April 2019 Nugee J was appointed first designated judge under the ECRO in place of Arnold J. Commencing on that date, Mr Millinder sent Nugee J or his clerk a total of 85 emails containing a wide variety of requests, demands and materials. All of these were read and listed and those that could count as applications were comprehensively considered and rejected by Nugee J in a written ruling on 18 June 2019.

33. After the ECRO expired on 28 June 2019, Mr Millinder made an application dated 20 July 2020 to set aside all previous orders that had been made. Nugee J dismissed this application on 4 August 2020 and determined that it was totally without merit.

34. Mr Millinder then issued a claim in the Queen's Bench Division on 7 August 2020 alleging "interference with the proper administration of justice" and "breach of judicial and official duties" against a number of judges (including The Chancellor, Nugee J and HHJ Pelling QC), the Lord Chancellor and various government officials, lawyers and court staff. The claim was stayed by Master Yoxall.

35. On 24 August 2020 Murray J dismissed Mr Millinder's application to set aside the stay and certified the application as totally without merit. Murray J also struck out the claim in its entirety and certified the claim as being totally without merit. There was no appeal against those decisions or certifications.

36. In early October 2020, Mr Millinder resumed his offensive against Middlesbrough FC, serving it with a statutory demand based upon the same allegations of debt that had been made and comprehensively dismissed in the earlier proceedings. Middlesbrough FC sought and on 23 October 2020 obtained from Mann J an interim injunction to restrain presentation of a petition by Mr Millinder. Middlesbrough FC also issued an application for a new extended civil restraint order against Mr Millinder. In response Mr Millinder sought to set aside Mann J's order for alleged fraudulent non-disclosure, as well as applying to set aside the Arnold Order of 9 January 2017 and the Consent Order made by Norris J on 16 January 2017.

37. On 6 November 2020, Fancourt J granted Middlesbrough FC a permanent injunction against the presentation of a petition on the basis that the alleged debt upon which Mr Millinder relied was subject to a genuine dispute and that a petition would be an abuse of process. He also rejected Mr Millinder's challenge to Mann J's order of 23 October 2020.

38. Fancourt J also dismissed the application to set aside the orders from 2017 as totally without merit, but adjourned the application for a new civil restraint order: see [2020] EWHC 3159 (Ch). That adjourned application was listed to be heard on 11 November 2020.

39. The day before the application for a new civil restraint order was due to be heard, 10 November 2020, Mr Millinder made an application to set aside Fancourt J's order of 6 November 2020.

Fancourt J makes the GCRO

40. On 11 November 2020, Fancourt J heard argument and gave a detailed judgment deciding to impose the GCRO on the grounds that Mr Millinder had persistently made applications that were totally without merit: see [2020] EWHC 3202 (Ch).

41. At paragraph [15] of his judgment, Fancourt J summarised what he understood to be Mr Millinder's two essential contentions as regards the orders that had been made and the applications that had been certified as totally without merit,

> "First, that all the orders were made as part of a corrupt conspiracy involving the judges in question in an attempt to defraud Mr Milliner and/or his companies and favour [Middlesbrough FC]. Second, on the basis that the underlying case that his companies originally sought and now he seeks to advance did have merit in terms of the contractual dispute and therefore any application made by him in that regard cannot have been made totally without merit."

42. As to the second ground, Fancourt J held (at [16]-[17]) that unless or until the various orders and "totally without merit" certifications of other judges were set aside he was bound by them since they were matters of record, and that it was inappropriate to seek to go behind such orders and certifications. That was obviously correct. Mr Millinder had not sought to appeal any of the earlier decisions of Murray J or Fancourt J.

43. On the first ground, and addressing the question of persistence in issuing applications that were totally without merit, Fancourt J held (at [17]) that it was clear that Mr Millinder had continued persistently to make applications that are totally without merit. Again, that conclusion was obviously correct.

44. Fancourt J then went on to consider, in his discretion, whether to make a civil restraint order. He decided that it was, stating, at [21]-[25],

> "21. As I have already said, I am quite satisfied that there is a need to restrain Mr Millinder and accordingly at least an Extended Civil Restraint Order is required in order to prevent a substantial waste of the Court's time, both judges' time, judges' clerks' time and the time of the Court staff time in dealing with applications that have no merit; and also to prevent any Respondents from such applications incurring very substantial costs in dealing with them.
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> 22. I also bear in mind when assessing the need for the Civil Restraint Order the nature of the applications that Mr Millinder makes and the abusive and threatening nature of the correspondence that he conducts, and outrageous allegations of judicial impropriety (and impropriety on the part of the Club's lawyers) that he routinely makes. The applications are burdened with extremely large exhibits of documents (indeed, a whole database on a website, which Mr Millinder expects to be read), and lengthy argumentative witness statements and

written arguments, which require considerable time to attempt to digest and understand. The applications that are made therefore impose a very substantial burden on anyone – respondent or judge – who has to deal with them.

23. Since the hearing on 6 November 2020, there has been a torrent of vitriolic and threatening correspondence emanating from Mr Millinder and indeed repeated to a substantial degree in his skeleton argument in connection with this application. This is unjustifiable but for present purposes it is the irrational approach taken that underscores the likelihood of further meritless applications being made, at length.

24. It is very clear to me that Mr Millinder genuinely believes himself (or his companies, or both) to have been treated unjustly and that he is entitled to a remedy. It is evident that he will seek to pursue it at almost all costs. He will do so by seeking to reopen all the matters that have previously been canvassed in hearings and decisions from 2015 onwards.

25. I have no doubt that he will seek by means reasonably available to him to continue to have such matters heard by the courts. There is currently outstanding an application that Mr Millinder seeks to have heard by the Master of the Rolls, alleging conspiracy and contempt of court against all those who have previously been involved in hearings. In my judgment it is not appropriate that Mr Millinder should continue to be able to issue claims and make applications without restriction, because the applications that he persistently makes are entirely without merit. If any application he wishes to make is a reasonable application that has some prospect of success then a designated judge will give permission for it to be pursued."

Subsequent events

45. By an order dated 27 November 2020 Miles J dismissed Mr Millinder's application to set aside Mann J's order of 23 October 2020 and Fancourt J's order of 6 November 2020. Miles J certified that the application as totally without merit. In his reasons for judgment, Miles J remarked at [15]-[16] that:

"15. [Mr Millinder] says that the two orders were procured by fraud and fraud upon the court. His supporting evidence contains nothing at all to support this very serious allegation. He has made a series of wild and unsubstantiated allegations of fraud and corruption against many parties including the various judges who have ruled against him and the Club's lawyers. He has also accused the Court officers of being part of a conspiracy. That is wholly unjustified.

> 16. A party dissatisfied with a Court's order cannot seek to set it aside without proper reason. Simply saying that the order was founded on fraud is not enough. There must be proper evidence, and here there is none. This aspect of the application is totally without merit."

The Application

46. As indicated at the start of this ruling, Mr. Millinder's application first seeks the variation of setting aside of the GCRO on the basis that it was a false instrument made by Fancourt J to conceal indictable offences and fraud.

47. Secondly, he alleges that all of the lease premium of £200,000 and investment he made in Empowering Wind and Earth Energy (said to amount to £770,000) are proceeds of crime and asks that Middlesbrough FC confirm the position in respect of alleged reporting duties under the Proceeds of Crime Act 2002 when it took steps in the litigation against him.

48. Thirdly, Mr Millinder makes allegations of fraud and criminal activity against the solicitors for Middlesbrough FC, again citing aspects of the Proceeds of Crime Act 2002.

49. Fourthy, Mr. Millinder seeks an order setting aside the winding up order in respect of Earth Energy and restoring both Earth Energy and Empowering Wind to the Register of Companies.

50. Fifthly Mr Millinder seeks "an enquiry in the public interest" into the conduct of the Official Receiver.

51. Finally, and revealing his overall intentions, Mr. Millinder ends his application with a request,

> "11. That there be a trial of the issues that have been evaded by the corrupt judiciary in these proceedings from the outset based on the contents of my index of exhibits.
>
> 12. That the claim I made on 1 November 2018 that was never tried nor heard due to the corrupt acts of Arnold be restored and that the right of action that vests in Empowering Wind, being that claim, is assigned to me under the terms of the agreement between the Empowering Wind creditors for pursuance in the best interests of creditors.
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> 13. That all of the orders in this case be set aside as they were founded by fraud upon the court and collusion.
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> 14. That the Court awards me aggravated damages compensation in the sum of £5 million against the defendants who are jointly and severally liable and that costs are awarded in my favour…."

Analysis

52. As indicated above, I intend only to deal with the first matter listed above. It will be apparent from what I say, however, that none of the other matters are properly raised in the Application or have any merit whatever.

53. As Vos J set out in his judgment on the ECRO (above), I do not have a general jurisdiction to amend or discharge the GCRO made by Fancourt J. Such a challenge could only be made by way of an appeal to the Court of Appeal, but that is not what Mr. Millinder has sought.

54. Instead, it is clear from the summary of the relief sought by Mr Millinder, and from his voluminous evidence and submissions, that Mr Millinder does not point to any change of circumstances since the date of Fancourt J's judgment. His complaints all relate to the pre-history of events that were comprehensively dealt with by Vos LJ in his judgment in 2019, or by judges since in judgments that have not been appealed.

55. Nor does Mr Millinder suggest that there was any material misstatement by Fancourt J of the factual basis upon which he decided to make the GCRO. There is no dispute that the certifications that applications made by Mr. Millinder were totally without merit had been made, were a matter of record, and had not been appealed.

56. What Mr Millinder seems to complain of is that Fancourt J did not conduct his own investigation of the underlying facts of the dispute going back to 2015. But as Vos LJ explained, that is not how the legal process works. Mr. Millinder had the opportunity to appeal the relevant determinations long ago and failed to do so. Fancourt J was entirely right not to be drawn into some reinvestigation of the long history of the underlying dispute when considering whether to make the GCRO.

57. Nor has Mr Millinder demonstrated any other exceptional circumstance that would conceivably justify any other first instance judge exercising the power to amend or discharge the GCRO.

58. Rather, Mr Millinder simply continues to peddle the myth that he is the victim of an ever-widening conspiracy that has involved every lawyer, civil servant and judge who has had contact with his case. Mr Millinder mindlessly contends that anyone who does not agree with his assertions must be guilty of fraud or corruption. But there is simply no evidence to support such ludicrous allegations. For all the same reasons that were clearly explained by Vos LJ in 2019, such allegations are totally improper and should never have been made. However, the fact that Mr Millinder chooses to ignore the guidance given to him by Vos LJ and continues to behave in this way simply reinforces a conclusion that Fancourt J's reasons for exercising his discretion to make the GCRO were well-founded.

59. In that regard I should add that, consistent with what appears to be Mr Millinder's chosen *modus operandi*, after receiving the Application, myself and my clerk have been subject to a large number of emails from Mr Millinder or his proxies, many of which were largely duplicative of earlier communications. By my count, Mr Millinder has sent me and my clerk about 30 such emails at the rate of about one a day. They are wide ranging in content and include numerous attachments that Mr. Millinder apparently wished me to read. They also repeat Mr Millinder's unfounded

allegations of conspiracy, fraud and corruption, indicate that proceedings have been or will be commenced against various judges (including myself) and others in the UK and abroad, and have become increasingly wild, abusive and threatening.

60. To give just one example I set out an email sent to myself and my clerk at 5 a.m. on Wednesday 10 February 2021,

> "Further to my submission, I want to add that you, Snowden J and the rest of your cohorts, the white-collar criminals pretending to be "honourable" judges are nothing other than a total disgrace, the lowest of the low, morally bankrupt traitors and enemies of the people who go to work only to defraud innocent parties who seek justice in the "courts", assisting fellow criminals in using the court to defraud whilst providing impunity to the fraudsters.
>
> You can take your false instrument restraining orders, your legal fiction and your human rights abuse and enjoy whilst you still can, I am not playing your games any longer. The corrupt court is unfit for purpose, you and the rest of the fake judges are one and the same as the principal offenders. Karma is coming to work its course.
>
> I have reviewed all of the applications I made, they will be used as evidence in the overseas indictment I have filed. Enough of your nonsense, enjoy playing judge whilst you still can with your spin of deceit and spoliation [sic] of evidence, I am coming to take each and every single one of you out and put you in prison where you belong. Your games will be exposed internationally.
>
> Carry on evading the emails (they are all tracked so I have gathered the intel). You have been instructed by the corrupt [Attorney General's Office] to do this. The conniving administrative staff who work to support you in stealing people's assets, ruining people's lives against the public interest at the expense of the taxpayer are just as bad, morally bankrupt quislings. You are no judge, you have breached your oath many times over, you are just another lawyer, a cog turning the wheels of the systemic corruption, part of the racketeering enterprise there to use the façade of insolvency law to defraud.
>
> Go and do what you want with the application, justice delayed, justice denied. I do know, the entire reason Fancourt made the false instrument in the first place is so you can continue perverting the course of justice, which is why the first false instrument ECRO was created by the other parasite criminal, Pelling. That is why Fancourt put you behind it. You can all go to hell you bunch of cowardly, predatory vile quislings.

> We are making a documentary to expose this cesspool and you will feature in it. Take the application, roll it and stick it in a dark place, I cannot trust any of you to do justice, you insult the name of justice."

61. As other judges have remarked, with remarkable temperance, such emails do not advance Mr Millinder's cause. As Fancourt J and Miles J also rightly observed, such emails require time to read that could and should be given to the cases of other litigants who use these courts. Whatever Mr. Millinder may or may not believe as to the rights and wrongs or his case, his campaign of vitriol and threats is wholly inappropriate and simply serves to reinforce the correctness of Fancourt J's decision to make a GCRO.

62. I therefore see no possibility whatever that any application to amend or discharge the GCRO might succeed. The Application is totally without merit and is refused.