IN THE HIGH COURT OF JUSTICE **CR-2017-000140**

INSOLVENCY & COMPANIES LIST

IN THE MATTER OF THE INSOLVENCY ACT 1986 AND IN THE MATTER OF MIDDLESBROUGH FOOTBALL & ATHLETIC COMPANY (1986) LTD

AND;

PURSUANT TO SECTION 9 OF THE CRIMINAL JUSTICE ACT 1967 AND SECTION 9(2) OF THE CRIMINAL PROCEDURE RULES

BETWEEN:

MR PAUL MILLINDER
(Claimant)

V

MIDDLESBROUGH FOOTBALL & ATHLETIC COMPANY (1986) LTD
(First Defendant)

GIBSON O' NEILL COMPANY LTD
(Second Defendant) & others

SKELETON OF CLAIMANT DATED 26TH OCTOBER 2020

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In this skeleton I refer to my exhibit, the PDF Portfolio: **PM-26-11-2020**

1. I make this skeleton upon review of the two transcripts, the first of which I intended to adduce as evidence of dishonesty ex-parte and to prove the case, this was held back until 19th November 2020 when I made the 48 hour turnaround request on 7th November 2020 at 6.00AM.

2. The transcript of 6th November 2020 proves that firstly, nothing has ever been tried in these proceedings from start to finish, secondly, because Fancourt admitted he has twice evaded all of my evidence for both the hearing of 6th November 2020 and later on 11th November 2020 when by 11th November 2020 he was in any event disqualified from the hearing and thirdly, because the statutory demand of 5th October 2020 is not and cannot possibly be disputed.

Indisputable manifest error – miscarriage of justice and fraud upon the Court

3. In this case there is substantive evidence of miscarriage of justice. Irt is never too late to remedy a miscarriage of justice. In *Dawodu v American Express [2001] BPIR 983*, Etherton J considered an appeal by Mr Dawodu against a bankruptcy order founded on a petition in respect to a 'series of judgment debts and interest' amounting to £15,000. None of the orders relied upon by the petitioning creditor American Express had been appealed by Mr Dawodu. After referring to the established threshold of 'some fraud, collusion, or miscarriage of justice', Etherton J in Dawodu said at 990D:

The latter phrase is of course capable of wide application according to the particular circumstances of the case. What in my judgment is required is that the Court be shown something from which it can conclude that had there been a properly conducted judicial process it would have been found, or very likely would have been found, that nothing was in fact due to the Claimant.
It is clear that in those circumstances the Court can enquire into the judgment and the judgment debt, even though the debtor himself has previously applied to have the judgment set aside, and even though that application has been refused and that refusal has been affirmed by the Court of Appeal — see Re Fraser [1892] 2QB 633.'

4. The case referred to, ***Re Fraser [1892] 2QB 633***, concerned a judgment debtor, who had exhaustively challenged in the ordinary civil courts, the imposition of a judgment debt upon him, but without success. In the ordinary civil courts, his application to set aside the judgment debt had failed before a Master (twice), Judge (once), Divisional Court (once) and Court of Appeal (once). But this presented no bar in the Bankruptcy Court. It is that authority in Fraser that I had referred to, but as usual, it was ignored by the corrupt judiciary who seek to sustain the fraudulent claim to deprive me of my democratic rights as majority creditor of Empowering Wind MFC Ltd. It was the aim of this cabal to sustain the fraudulent claim, contrary to the public interests and the law, to assist the offenders in defrauding me under the guise of the Insolvency Act 1986 that is designed principally to recover assets for creditors of insolvent estates. It is total outright corruption, but rightfully, there is fraud and miscarriage of justice, there is also collusion and fraud upon the Court.

5. I refer to **tab 27** of my trial bundle of evidence that was ignored by Fancourt, just as all of my evidence and submissions have been ignored throughout by the corrupt judiciary. I quoted two authorities that apply in this case. The first deals with the duty of Hannon as liquidator to establish the validity of proofs of debt. In this case, Hannon knew the proofs of debt were false, which is why he admitted them, to assist the offenders in defrauding me of the claim. I referred to ***Re Home and Colonial Insurance Co [1930] 1 Ch 102*** where it was cited that:

'It has long been the law that an office holder is under a duty to examine every proof and consider the validity of the debt which is sought to be proved"

6. The second is ***Re Fraser [1892] 2QB 633*** referred to above wherein I quoted the precedent: It was found by Lord Eldon that:

"Proof upon a judgment will not stand merely upon that, if there is not a debt due in 'truth and reality,' for which the consideration must be looked to." Can this judgment be treated as conclusive in bankruptcy because the debtor has unsuccessfully attempted to set it aside? I think not, and I cannot see how the matter is any more res judicata because there has been an unsuccessful appeal to this Court. I agree in all that the Master of the Rolls has said on this point.

7. It is this law that has been evaded by the corrupt judiciary, who sought, following in the footsteps firstly of Hannon, the fraudster and Jones the white-collar criminal, to sustain the claim, a fraud by false representation, exceeding £4.1 million to permanently stymie the liquidation.

8. Indeed Hannon has breached his fiduciary duty, constituting misfeasance but much more, in accord with section 212 of the Insolvency Act 1986. The application of 20th July 2020 is one of the applications relied upon by Fancourt has being "totally without merit" due to the malicious certification by Nugee, who has been perverting the course of justice and was conflicted from the outset, due to his personal affiliation with Staunton. **Tab_10** of my evidence is dedicated to analysis of that particular decision.

9. It was evaded entirely, both by Murray, the white-collar criminal who has perverted the course of justice and then by Fancourt, who admitted he ignored all of my evidence during the hearing of 6th November 2020 and on 11th November 2020 invalidating his orders.

10. I refer to tab_10, my affidavit dated 5th August 2020. None of the issues raised with the claim were ever tried, the claim was illegally disposed of my Murray who was instructed by the defendants, Burnett and Buckland to dispose of it. There was no consideration whatsoever of any of the matters addressed in the claim because from the outset, the corrupt court has been providing impunity to criminals disguised as lawyers and an insolvency practitioner. That malfeasance spilled over into the magistrates courts, the instructions are coming from the top, which is why they have become the offenders.

11. **Tab_10** provides a most detailed and comprehensive analysis of the application of 20th July 2020. It was relied upon as evidence during the hearings of 6th November 2020 and 11th November 2020 but it was evaded entirely. All my evidence has been evaded by the corrupt judiciary from the outset. At page 2, paragraph 9, I set out clearly why the application is not and cannot possibly be without merit. The affidavit from paragraph 9 to the end proves that Nugee has been perverting the course of justice, that is, in reality why the corrupt judiciary have been evading all of my evidence. The affidavit was evaded altogether, indeed, the entire claim, that sought to deal with the multiple false statements, frauds and fraudulent non-disclosure was disposed of by Murray in its entirety. Murray adopted the same mala fide under handed tactic as the rest of the white-collar criminals purporting to be judges. He certified as "totally without merit" without any consideration of the case whatsoever. In fact however, no committal application was ever made previously, but Murray asserted bringing the claim is an "abuse of process", yet the issues, by Fancourt's own recent admission, had never been tried. These people are some kind of comedy act, total and outright abuses of the public's trust, they must all be jailed for conspiracy to pervert the course of justice.

Nugee has perverted the course of justice on 5th February 2018 and several times thereafter – Nugee committed fraud by false representation

12. Likewise, moving to **tab_07**, my 54-page report, page 36, it is proven beyond doubt that Nugee tampered with the evidence and committed fraud by false representation conveyed in his order of 5th February 2018 to assist the offenders in evading justice whilst defrauding me of £530,000 plus interest.

13. It is proven beyond reasonable doubt therein that Nugee did dishonestly manipulate the terms of the assignment to make it not absolute when there is an absolute assignment of the "investments", being all of the investments made in Empowering Wind MFC Ltd to Earth Energy Investments LLP and the principal offenders have been aware of the assignment from 29th June 2015 onwards. It was served on them 4 times from 30th June 2015 (hard copy), then on 3rd January 2017 (by email) and on 6th January 2017 (hard copy with the demand) and then on 12th October 2020.

14. There is proven evidence of fraud on the part of the judiciary in this case, a proven fraud upon the Court, in fact on multiple levels. Where there is a fraud upon the court, all of the orders in the case are void ab initio, one does not have to appeal a void order founded by fraud, for it ceases to exist from the outset.

15. The evidence has been evaded entirely, nothing has ever been considered, least of all the report that was also withheld from the ex-parte hearing of 23rd October 2020.

16. Total evasion of all of the evidence, facts, points of law and moreover, proven evidence of dishonesty constitutes indisputable manifest error for which the orders must be set aside.

17. Both orders must be set aside, for Fancourt was disqualified from hearing the case on 11th November 2020 by virtue of the fact that he perverted the course of justice and that he heard only one side and deliberately evaded all of my evidence that proves fraud beyond reasonable doubt. Fancourt evaded the evidence by his own admission. All of my evidence has been evaded throughout these premeditated proceedings designed to prevent justice being served on the offenders.

18. There has been a fraud upon the court and all of the orders in this case are void ab initio and setting aside orders founded by collusion, miscarriage of justice and fraud upon the court is a fresh cause of action and there is fresh evidence of dishonesty adduced.

19. My application of 28th October 2020 and my application of 10th November 2020 have never been heard or dealt with.

20. Likewise, the application for committal was never heard or dealt with by Murray, there is a deliberate pattern in these purported judges perverting the course of justice, evading doing what they are duty bound in law to do, to prevent justice being served on the offenders. That pattern is prolific, it started with Jones and ended with Fancourt.

21. Fancourt was deployed only to assist the offenders in evading justice and even in light of being served with an application for a warrant for his arrest on 10th November 2020 he still proceeded with the pre-conceived plan to make the GCRO knowing he was conflicted and had no locus from which to have heard the case whatsoever. One cannot be a judge of his own cause, the doctrine of nemo judex in causa sua applies.

22. The GCRO was originated once again to further conceal the frauds but they failed altogether to identify any single application that is "totally without merit" because in fact, none of my applications ever were. My evidence, the facts, the applicable laws and all of my submissions have been completely and recklessly disregarded in all of the proceedings from start to finish, but yet my case has been proven from the outset.

23. There is no excuse for this malfeasance, it is disgraceful, outright corruption and perversion of the course of justice. I will not stand for it, I know the law, I have integrity, I am sensible, I will not tolerate this nonsense and spin of trickery and deceit. I will not tolerate this unconstitutional ruination of the rule of law and the principles of natural justice.

24. If these purported judges behave like this with me, when I do know the law, how many hundreds of innocent parties have been defrauded by them in a similar way? It is out of control, complete and utter madness. Nobody is concealing this any longer, the system is rotten to the core, this will be exposed internationally and anyone else that attempts to follow in the footsteps of these perverse idiotic, state terrorists will join them. That is not a threat, it is a promise and I always keep my promises.

25. For ease in reference I have marked the transcripts **Tab_T1-06-11-2020** and **Tab_T2_T2-11-11-2020**. I start with the first one of 6th November 2020, being the one that I had requested an urgent turnaround on, making the request at 6.00AM on Saturday 7th November 2020.

    I made the urgent turnaround request so at least I had it as evidence on which I sought to rely with the application of 10th November 2020. On today's date, although the application was accepted by the Court on 10th November 2020, I don't have a hearing date or a sealed application.
    That, in itself has tendency to interfere with the proper administration of justice, all part of the conspiracy by this corrupt, unconstitutional Public Authority that has been "got at" to provide impunity to the white-collar criminals.

26. It was in fact my application of 28th October 2020 for trial that was to be heard first. It was not heard at all, it was disposed of when Fancourt admitted he "***could not access your evidence***", being tabs_01 to tab_37 in the PDF Portfolio; **EX-PM-27-10-2020.** I enclose below, a copy of the filing record, proving that indeed that PDF Portfolio was filed with the application for trial on 28th October 2020. . Fancourt lied at the later hearing and attempted to assert that the PDF was not filed, when he knew it was. It was just a pathetic excuse to prevent justice being served on the offenders, which is what all of the purported judges involved in this case have done from the outset.

Filing record showing that Fancourt had the evidence he evaded and then lied about in his possession on 28th October 2020

29-10-2020	30-10-2020	Non Originating Application (Insolvency Act) - Within proceedings on notice	Within proceedings on notice - Mr Millinder to email Judges Listing

27. That is the application I made for a 21 hour trial to try all of the instances of fraud and dishonesty that have been concealed by the corrupt judiciary who are, in this case, one and the same as the principal offenders. There were three filings:

APPLICATION_NOTICE_N244_28_10_2020_FNL_PM_01.pdf

WITNESS-STATEMENT-P.MILLINDER-28-10-2020.pdf

EX-PM-27-10-2020.pdf

28. The application was evaded entirely and was not tried by Fancourt in any way shape or form. The 3rd filing is the bundle of evidence Fancourt evaded, by his own admission. The witness statement of 28th October 2020 and all of the written submissions refer to the evidence in that bundle of evidence.

29. The 30-page witness statement with the application is concise and sets out the issues that are proven to the criminal standard of proof. It was evaded entirely by Fancourt. Page 2 contains a drop-down table of contents for ease in navigation of the issues to be tried and page 1 refers to the same PDF portfolio of evidence. All of those issues in that table of contents have never been tried and they need to be tried with this application of 10th November 2020. Likewise, the issues in my skeletons and this one in particular, need to be tried.

30. The application of 10th November 2020 to recuse him and set aside the mala fide order of 6th November 2020 was also to be heard first, prior to the application by the offenders for the ECRO false instrument, yet both my applications of 28th October 2020 and 10th November 2020 had not been dealt with in any way shape or form. The application of 10th October 2020 sought to recuse Fancourt as he is biased and has deliberately evaded all of my evidence to favour the white-collar criminals with zero standard of review when he owes a duty in the public interest and to me to conduct a diligent standard of review respective of the further instance of fraudulent non-disclosure ex-parte. It was all deliberately evaded, because the purproted judges have been perverting the course of justice to provide impunity to white-collar criminals disguised as lawyers and Hannon, they co-conspirator.

Fancourt himself found that nothing has ever been adjudicated upon by a Judge

31. I refer to **tab_T1**, the transcript of the hearing of 6th November 2020 that was held back from me, because it proves further dishonesty on the part of Ohrenstein and his instructing solicitors. At page 10 of 81 (B) Ohrenstein lied and asserted that:

"it has already been determined by the courts that the chain of assignment breaks down at the first stage"

32. The correct position is this: **Fancourt J:** "*Well, it seems to me the position is that the, the validity of the assignment by EW MFC to EE was never actually decided by a judge at a, at a trial."*
33. Ohrenstein knew the statement he was making was blatantly false, which is in fact why they dishonestly withheld the 54-page report that he later lied about having been disclosed knowing it was not. In fact, the materiality of the report is abundantly clear, but, as I say, the purproted judges have been perverting the course of justice throughout, the standard of review in the public interest has been deliberately non-existent, yet it is the public that pays these criminals to act "without favour or ill-will" "according to the law", what a joke. The point I make is a very simple one, the assignment cannot be diminished, neither of them can, for the law makes the assignments valid from the date they were served on the offenders. Moreover, Staunton himself admitted that the assignments were valid, twice, on two separate occasions:

34. I turn to that report at tab_07. At page 37 of 54, lines 23 & 24, Staunton acknowledged the correct factual position on 5th February 2018;

Mr Staunton: "*Second page in. Reading that second paragraph, what's assigned to EEI are the investments, the £200,000*"

35. It is proven beyond doubt therefore that on 5th February 2018, Staunton and his instructing solicitors knew that the assignment of the abortive costs, in fact totaling £770,000 were assigned. That fact is clearly material, issue estoppel applies to that as it does the later finding of Briggs (even though he was conflicted).

36. During the predetermined hearing by Briggs, who met with Hannon at Radcliffe Chambers on 22nd November 2017 after approving the filings relating to the unwarranted demands with menaces originating from the two false instrument applications to Bristol County Court certified as true by the lawyers acting for the 1st Defendant when they were both false, the lies on the part of Staunton and the cover up by Briggs were absolutely obvious and prolific. The report made all of that abundantly clear, which is why it was dishonestly withheld form the ex-parte hearing of 23rd October 2020.

37. I refer to page 42 of 54 (tab_07), reading line 25 through to 32. Knowing of Nugee's misrepresentation, Staunton sought to rely on that to further fraudulently misrepresent the assignment when he himself admitted that the assignment is valid. Both Nugee and Staunton, who have a close personal relationship, knew the assignment was valid on 5th February 2018, which is why Nugee fraudulently misrepresented its terms, making it not absolute when he knew it was. That is a big part of the protracted conspiracy to defraud. Vos also sought to undermine the assignment, but the assignment cannot be undermined, for any disagreement as to its validity, is not a disagreement with me, but it is one that affronts the supremacy of the rule of law itself that makes the assignment valid, namely section 136(1) of the Law of Property Act 1925.

38. At page 43 of 54, Staunton reenforced his lie by stating:

MR STAUNTON: *That's an exact quote by Mr Justice Nugee of the resolution*

39. Both Nugee and Staunton had the premeditated intent to fraudulently misrepresent the assignment, that was, in any event, deliberately withheld from the ex-parte hearing of 9th January 2017 but yet the assignment is valid, they all knew it was from the outset. The fact of the matter is that the assignment, together with Part B of the demand, with the demand also explaining how the abortive costs were incurred cannot be disputed and the assignment was valid from 30th June 2015 when it was first served on the offenders. From that date on, interest continued to accrue.

40. Also at page 43 of the 54-page report, there is another important finding at line 15 and 16 on the part of Briggs, one that extinguished the alleged petition debt of £25k that was extinguished anyway in its own right:

THE CHIEF REGISTRAR: *Well I, I - Mr Staunton, you're free to obviously go through - I've read your skeleton argument as I've read Mr Millender's skeleton argument, but I am interested obviously in it as an outstanding matter which is to be decided. I'm particularly interested in that.*

41. There are two indisputable facts here. The first is that the alleged petition debt never existed because it was extinguished by the £770,000 "investments" that were assigned to Earth Energy Investments LLP and then back to me on 18th March 2018 because I knew these offenders and their conspirators were colluding to defraud, using insolvency law to defraud me, a creditor. The second is what Briggs alluded to insofar as, stating the obvious, an alleged debt that is subject to challenge is not and cannot possibly be a petition debt, but they all knew that. Nugee knew it, which is why he evaded his duty to give the directions I requested on 7th February 2018, it was all premeditated, but that directions application was served on the offenders on 7th February 2018, as was the application of 1st March 2018 and the subsequent order of 21st March 2018. They all knew, from 29th June 2015 and from then on, that neither I, nor any of my companies owe the defendants a single penny. It was all orchestrated conspiracy to defraud under the guise of insolvency, when none of my companies were ever insolvent. As I said, a cesspool of lawlessness, fraud and corruption, the court is as much a part of the fraud as the principal offenders and the Insolvency Disservice sham entity that conspires to defraud creditors.

The directions application proving dishonesty that Nugee evaded of 7th February 2018

42. It is necessary to carry out a standard of review on that directions application at **tab_T7**. My case is defined in that directions application itself. Nugee knew that, which is why he evaded altogether providing those directions and from then on, those matters have been concealed by the collusive, dishonest, corrupt traitors of the people pretending to be honourable when they are entirely dishonourable.

The purported judges, including Vos, Murray and Fancourt have been "cheating" the rule of law, the principles of justice and me. Cheating is dishonest, in direct context with the applicable test for dishonesty in *Ivy v Genting Casinos 2017.*

43. One of the many points that comes out of that, is that Nugee refused to certify the application as "totally without merit", because, in fact, he knew that the application was "proven beyond doubt".

44. Issue estoppel applies to that finding, but yet, the corrupt underling, who was factored in by Briggs, who failed in his duty to set aside the malicious winding up petition when he knew the petition never even existed, came along and certified the application that Nugee refused to certify as "totally without merit" as totally without merit when in fact, it is proven beyond doubt. I do not owe the offenders £25k and the application sought to recuse Jones, because Jones was perverting the course of justice.

45. The fact that Hannon has continued the conspiracy, fraudulently abusing his position by disposing of Empowering Wind MFC Ltd knowing that it has an asset to be realised does not alleviate the issue any more than the corrupt court retaining the £4.1 million fraud by false representation it has a duty to have removed. Any subsequent application to remove the fraudulent claim and set aside Jone's order is not without merit, but it is proven. The asset is still an asset that vests in Empowering Wind MFC Ltd. The fact that Hannon has continually fraudulently abused his position, working in conspiracy to defraud me under the façade of the fraudulent claim does nothing to assist.

46. The fresh evidence of dishonesty on the part of Hannon I adduced in the application of 20th July 2020 was evaded by Nugee, who is one of the defendants.

47. Jones, by his own admission, did not have the locus to do what the application intended to do, in dealing with the frauds. Jones admitted on 21st December 2017 that:

"*For my purposes, dishonestly is not going to matter because I can't judge*"

48. It was the application that came later to set aside the fraudulent proof of debt and the void order made by Jones knowing he had no jurisdiction to make it that Pelling falsely certified as "totally without merit" to originate the false instrument ECRO.

49. Pelling had no jurisdiction to certify the application of 1st March 2018 as totally without merit because the application is proven beyond doubt. Pelling cannot certify the application that Nugee refused to as "totally without merit" when he spoliated all of my evidence.

50. All of those points were advanced in the 10-page submission to Drewett that Arnold evaded altogether, because he, like the rest of them, have been perverting the course of justice, relying on sustaining the false instrument to prevent justice being served on the offenders, it is all part of the fraud.

Two counts of making and using a false instrument – The ECRO and the GCRO

51. At **tab_13** of the hearing bundle that Fancourt evaded, I made it expressly clear that none of my applications were without merit, they cannot possibly be. One must conduct a diligent standard of review respective of that submission, it has never been considered by any judge. Everything that does not suit their corrupt and sinister motives is just evaded, this is how the UK's courts now operate. I refer to page 3 of the 10-page letter addressed to Drewett, paragraph 12. I refer there to "**tab_14**", that I exhibit with this skeleton at **tab_T3**. Again, that exhibit has also been evaded but its contents are absolutely material.

52. It is in fact necessary to follow the written submission, because it proves that the order made by Vos, the dishonest white-collar criminal, is also founded by fraud, yet it is what they all seek to rely on to sustain the false instrument ECRO and to conceal the frauds.

53. It is necessary to read it in conjunction with that judgment, easiest to do so using the online version; https://www.bailii.org/ew/cases/EWHC/Ch/2019/226.html

54. The application in question sought to deal with the multitude of frauds and the fraud upon the court that founded the false instrument ECRO in the first place.

55. The common synergy is that Vos sought to evaded entirely to do what the application sought to do. Vos lent credence to Jones and the fraudulent claims in insolvency proceedings that criminalises any such activities, because, essentially, he was perverting the course of justice. That is why and how that order originated. The proof is all in the pudding as it were, namely **tab_13**. I do not have to appeal a void order for some other white-collar criminal who has been promoted for following orders by the kleptocrats at the helm of the injustice system who will do the same as the rest have done. I will make this absolutely straight forward;

56. At page 3, paragraph 13 of my 10-page submission to Drewett that was ignored entirely, along with every single submission I have made in these proceedings from start to finish, I refer, correctly to the applicable authority of the Court of Appeal; *Wasif and another v Secretary of State for the Home Department [2016].* I expand on the submission somewhat, because I also rely on it herein respective of the second false instrument ECRO concocted by Fancourt to assist the offenders. I refer to the 7 inescapable points when any judge is considering certifying an application as "totally without merit" and I highlight the passages applicable to this case accordingly:

1. Judges should "certainly not" certify applications as "totally without merit" as an automatic consequence of refusing permission. The criteria are different.

2. No judge should certify an application as "totally without merit" unless he or she is: "confident after careful consideration that the case truly is bound to fail. He or she will no doubt have in mind the seriousness of the issue and the consequence of his decision in the particular case." (per Maurice Kay LJ in Grace).

3. A case should only be certified where the judge is satisfied that a hearing could serve no purpose in allowing the claimant to address perceived weaknesses or omissions in the case.

4. As a "thought-experiment" it may assist a judge to consider whether he or she can conceive of a judicial colleague taking a different view on the granting of permission. (The Court was careful, though, to stress that this was not a formal test – "the point of a renewal hearing is not that the claimant is entitled to another dip into the bran-tub of Administrative Court of Upper Tribunal judges in the hope of finding someone more sympathetic.")

5. Where a judge suspects that there may be an arguable claim, even if the point in question has not been pleaded properly or at all, then it should not be certified as "totally without merit".

6. A case should not be certified as "totally without merit" on the basis of a point raised in the summary grounds of defence to which the claimant may have an answer (given that at that stage the claimant would not have seen the summary grounds).

7. Where a claim is certified as "totally without merit" then "peculiar care must be taken to ensure that all the arguments raised in the grounds are properly addressed" when the judge gives reasons for coming to his or her decision. Separate reasons should be given for the certification (as opposed to the refusal of permission), even if those separate reasons rest on what has been said previously. The reasoning need not be lengthy, but it should be structured

57. None of my applications are totally without merit, on the contrary, the evidence, facts, statements and points of law have been spoliated to provide unjust assistance to the offenders, in other words, a conspiracy to pervert the course of justice.

58. No single judgment provides any rationale or reasoning as to coming to the conclusion that any one application is totally without merit. All of the orders have been founded by a fraud upon the court and the principle frauds that have been evaded in the process. It is an utter disgrace, total ruination of our justice system, but furthermore, serious corruption and human rights abuse on the part of a compromised, utterly corrupt, dishonourable judiciary who have failed in every way possible.

It is all about preventing justice being served on the offenders. None of the 7 points highlighted above have been applied, but yet the preliminary considerations that "go to the heart" of every application have been evaded. Fancourt knew this, which is why, during the hearing of 6th November 2020 he cited (See: Tab_T1, page 11 (E), that:

"The Chancellor was saying was that, that the underlying substantive issues have never in fact been tried"

59. So therefore it is proven beyond doubt that Fancourt knew that the "***substantive underlaying issues have never been tried"***.

60. From the Court of Appeal judgment, the 7 -points I quoted at page 15 and 16 above, point 2 does not come into the equation because nothing has ever been tried. Point 3 was evaded altogether respective of Murray, the other white-collar criminal who perverted the course of justice when it is proven that firstly the Master was precluded in law from making any order in the case (**Practice Direction 2B**), secondly that Hannon has dishonestly withheld both the exhibit and the proofs of debt in his possession he is under a continuing duty to disclose and that thirdly, the defendants have made false statements constituting criminal contempt of Court, as they have, dishonestly withheld all of the evidence that would have otherwise proven my case against them ex-parte. That application is not and cannot possibly be without merit, on the contrary, it is proven to the criminal standard of proof, but further, Murray did not even try the issues, the claim was illegally disposed of, when he knew doing so would pervert the course of justice, that's why he did it. For precisely the same reason, Fancourt disposed of the application for trial of the issues that have been evaded, being the application of 28th October 2020. The petition for mandatory order was addressed to the President of the Queen's Bench Division. Petitions for mandatory order must be heard, that too was disposed of by Murray without any consideration whatsoever. In order to certify as "totally without merit" the issues first need to be tried and heard, that has never happened.

Short chronology – Fraud upon the court and evasion of the applications to deal with fraud

61. There is a clear and obvious pattern of collusion and dishonest concealment convened to prevent justice being served on the principal offenders. Here is the chronology:

(a) **The application of 15th November 2017**: "To be heard by a High Court Judge". Sought to deal with the fraud by failing to disclose information ex-parte of 9th and 16th January 2017. The frauds by false representation in insolvency proceedings, the fraud by failing to disclose information against Hannon, the false statement ex-parte on the part of Bloom, the false instrument applications to Bristol County Court certified as true when the offenders knew they were false. The 3 unwarranted demands with menaces, with the first being the one in the sum of £256,269.89 used to unlawfully forfeit the Lease. The application was circumvented by Jones, under the instruction of Briggs, who "crossed out" the request that the application be heard by a High Court Judge and put it before Jones, so that Jones could dispose of it without trying any of the issues whatsoever. At the first hearing of 21st December 2017, Jones made the admission *"dishonesty is not going to matter, I can't judge"*. When fraud is an issue, dishonesty does matter.

(b) The application of 28th February 2018 that came before Nugee who was conflicted in any event: Sought to deal with the fraudulent non-disclosure ex-parte, to recuse Jones, because he, by his own admission, had no jurisdiction to do what the application intended to do (therefore his orders are void as ultra vires). Sought to deal with the offences (s.5 of the Perjury Act 1911), the false instrument applications to Bristol County Court resulting in two further unwarranted demands with menaces and the indisputable case that the offenders failed in duty of candour to disclose the fact that they "u-turned" on the completed collateral contract affirming the connection configuration they themselves agreed in open email correspondences during the option period. Nugee refused to recuse Jones.

Refused to set aside the orders of 9th January 2017 and 16th January 2017 when it is proven beyond doubt that both were founded by fraud and failure to disclose information in what is the most prolific case of fraudulent non-disclosure ex-parte in the history of UK law. Nugee fails to conduct any standard of review whatsoever, but does manage to dishonestly misrepresent the terms of the assignment, working in conspiracy with his close personal associate, Staunton. Nugee fails to deal with the fraudulent claims that he found to be false, knowing that they were frustrating the insolvency. Nugee finds, stating the obvious, that the offenders did unlawfully forfeit the Lease, therefore he knew that the demand was proven, both in relation to the assignment and the claim founded by unlawful forfeiture. Nugee dismissed my application and ordered I pay costs of £10,000 for the privilege of being defrauded by the corrupt court and his personal associate, Staunton, who even lied twice about the operative provision of Force Majeure within the Lease.

(c) **The directions application of 7th February 2018:** I make the directions application two-days after the hearing to address what Nugee failed (deliberately) to address to prevent justice being served on his cohorts. Nugee failed altogether to deal with the directions application.

(d) **12th February 2018:** A covert (without notice and without service) winding up petition is presented against Earth Energy Investments LLP by the principal offenders for the £25k they knew (by Staunton's own admission during the hearing of 5th February 2018) that was extinguished by the cross claim, but yet they also knew any such alleged debt was subject to challenge in the ongoing proceedings for fraud by failing to disclose information ex-parte founded the alleged costs in the first instance.

(e) **1st March 2018:** Application is made to set aside the orders of 9th January 2017 and 16th January 2017 on the basis of what Nugee failed to deal with in the directions application and on the basis of the irrefutable position that the offenders also failed in their continuing duty to disclose the Penningtons Manches LLP complaint of material non-disclosure of 11th January 2017 (See: **tab 23** of my trial bundle).

There is an absolutely indisputable position that proves my case beyond doubt, but yet again, that too was ignored by the corrupt judiciary who have been perverting the course of justice:

Had the defendants fulfilled their continuing duty to disclose (a legal duty) ex-parte and acted accordingly, on 11th January 2017, by disclosing that letter, any judge would have discovered what is the most prolific case of non-disclosure ex-parte in the history of UK law and no judge would have made the order of 16th January 2017.

Likewise, had that disclosure been made, it would have been made clear that there is no consent to the alleged £25k costs that were founded by their own fraud and on both grounds, the order of 16th January 2017 would not have been made.

The position conveyed in bold above proves my case beyond doubt, that the non-disclosure was material and was convened with dishonest intent to conceal their material non-disclosure during the ex-parte hearing of 9th January 2017. The non-disclosure was convened to prevent justice from being served on the principal offenders and their conspirators. That position is not "totally without merit" as the corrupt, beetroot faced stuttering white-collar criminal dotard who was acting under orders attempted to apply so that he could found the first ECRO false instrument, but it is in fact proven beyond reasonable doubt. The orders of 9th January 2017 and 16th January 2017 were founded by fraud. No order made since can remedy the position, for the correct position is that conveyed at page 2, paragraph 8 of my skeleton with that application dated 1st March 2018 (**tab T8**);

"*fraud vitiates all transactions known to the law of however high a degree of solemnity*".

Likewise, the applicable authority at paragraph 13 of page 2:

"No Court in this land will allow a person to keep an advantage he has obtained by fraud. No judgment of a court, no order of a Minister, can be allowed to stand if it has been obtained by fraud. Fraud unravels everything"

Likewise at page 3, paragraph 14:

"Fraud is conduct which vitiates every transaction known to the law. It even vitiates a judgment of the Court. It is an insidious disease, and if clearly proved spreads to and infects the whole transaction (Jonesco v Beard [1930] AC 298 at 301-302)."

Yet the skeleton, which was evaded completely by the parasite white-collar criminal, Pelling, who was factored in to originate the false instrument ECRO. Pelling entirely evaded, not only the indisputable point in relation to the continuing duty of disclosure ex-parte and that Penningtons complaint and the fact that in order to be consent, there must first be genuine consent by the parties which there was not, but the fact that the skeleton also proved fraud respective of the false representations (s.2 of the Fraud Act 2006) and the false instrument applications to Bristol and the unwarranted demands, but yet all of those frauds are also proven.

This was one of the applications Pelling relied upon as being "totally without merit" when the judgment of the Court of Appeal proves that it cannot be, not in any way, shape or form, for in fact, the application is proven beyond reasonable doubt on all counts. It is this malfeasance, originated by Nugee, then continued by Pelling, Arnold, Vos and then Nugee and now Murray and Fancourt that was principle cause of this outright fraud upon the court and gross miscarriage of justice and likewise, it is this application that Fancourt, the idiotic white-collar criminal who has evaded all of my evidence twice over to favour the offenders, also sought to again certify as "totally without merit", but in fact, the position is that:

In *Wasif and another v Secretary of State for the Home Department [2016].* The inescapable points set by the Court of Appeal that must be applied when any judge is considering certifying an application as totally without merit, point 5:

5. Where a judge suspects that there may be an arguable claim, even if the point in question has not been pleaded properly or at all, then it should not be certified as "totally without merit".

Nullifies these proceedings entirely, because there has been a fraud upon the Court, the purported judges have been perverting the course of justice and the Court has been the aider and abettor of fraud. The corrupt judiciary have consistently evaded doing what they are duty bound to do in law and the applicable authority is that set out in page 34 below. The Court has a duty to remove any proof of debt in insolvency proceedings if there is not *"a debt due in truth and reality for which the consideration must be looked into".*

The position invalidates the ECRO that was founded illegally only to pervert the course of justice in any event, for one of the other applications relied upon by Pelling as being "totally without merit" is the application to set aside the orders of Jones that are void as ultra vires in any event and there is no bar on asking to set aside a void order and likewise there is no res judicata on setting aside a proof of debt that is not due in "*truth and reality*".

On precisely the same basis, there is an extremely wide jurisdiction of the court to set aside orders founded by fraud or orders that were otherwise made improperly, including orders that were founded by collusion and fraud upon the court. That is not an abuse of process, but it is a rule of law. I had addressed that substantially within by affidavit that Murray evaded. I turn to **tab 10**, page 9, paragraph 47, reading from there to paragraph 63 of page 12 of that affidavit. In reality, that is the reason both Fancourt and Murray wanted to evade all of those submissions, because they are proven beyond doubt. They have all been conspiring to pervert the course of justice. Indeed, doing so, does constitute perverting the course of justice.

I need not in fact continue with the chronology of the mala fide orders founded by fraud for all I need do is consolidate by focusing on the fact that Pelling certified the application for rescission also as totally without merit when it is proven beyond doubt on these grounds;

(a) **That the £25k petition debt never existed because it was extinguished by the cross claim**;

(b) **That the £25k petition debt never existed because it was subject to challenge**; by order of a High Court Judge and an alleged debt that is subject to challenge is disputed on genuine and substantial grounds and is not and cannot possibly be a petition debt (double standards corruption)

(c) **That the alleged petition or bundle was never even served**; and Staunton admitted it had never been served in the skeleton that Vos allowed him to retract and replace minus the dishonesty because he was perverting the course of justice (invalidating the order of Vos that did not deal with the application in any way, shape or form). I refer to **tab_28** of my bundle of evidence with my application for trial of 28th October 2020. At paragraph 37, Staunton "U-turned" on the claims he himself admitted were false by reason of "Force Majeure" on 9th January 2017, but dishonestly omitted the conditional nature of the Energy Supply Agreement and the operative provision of Force Majeure within the Lease that applies for the same reason, the effect being, that the first instalment of rent was not due until 15th September 2015, after the unlawful forfeiture. Vos sought to cover all that up in his nonsense, mala fide order designed to assist the offenders and to sustain the false instrument ECRO (a fraud). At paragraph 40, Staunton stated that:

"The Club's sols were under no obligation to inform A that a petition had been presented"

Implying that it is perfectly fine for anyone to present a petition with no notice or service whatsoever, but moreover, even knowing that no money is owed to the offenders in any event. All of those issues (that were again deliberately evaded by Fancourt) hark back to the same authority and that is: "if there is not a debt due in truth and reality the consideration must be looked into".

It was not looked into by this corrupt court because they have all been conspiring to defraud under the façade of insolvency. That is why Vos allowed Staunton to retract and replace his skeleton.

Likewise, that is why Vos evaded the proven, conscious and premeditated dishonesty on the part of Staunton that I had addressed in some finite detail within my report at **tab_07** wherein it is proven beyond reasonable doubt that in any event the order of 28th March 2018, the winding up order was founded by fraud, fraud by false representation on the part of Staunton and his perjuries. Likewise, it is for that reason the offenders dishonestly withheld the 54-page report, along with the 13-attachments and my email of 24th October 2020 complaining of material non-disclosure and which is why Ohrenstein then lied about it at the hearing of 6th November 2020 and why Fancourt then ensured that the transcript was held back from me so he could rush through and make another false instrument restraining order to pervert the course of justice.

62. To be clear, I refer to the report, (**tab_07**), working from the first page (is it all absolutely material), but clicking on "***Staunton lied to Registrar Barber and falsely misrepresented the cross claim that extinguished the (non-existent) alleged petition debt***" taking you to page 39 of 54 and carrying out the standard of review that has been deliberately absent by you, Vos, and the rest of your conspirators, reading from line 9 through to line 39 of page 40.

63. The point I make should now be obvious. They all knew, on 5th February 2018, but actually long prior, on 30th June 2015 when they had the assignment in their possession, that my cross claim, being the "investments", in fact all of the investments I had made in Empowering Wind MFC Ltd had been assigned to Earth Energy. Staunton himself admitted that on 5th February 2018 and just two-days after, they had that directions application in their possession (tab_T8) that also referred to the assignment and the dishonesty. Therefore it is proven beyond doubt that they knew I did not owe them £25k, but the position is entirely the opposite.

64. That is why Staunton then made the conscious and premeditated decision to lie to ICCJ Barber and misrepresent the cross claim they had all known about all along and it is for precisely the same reason Ohrenstein did the same during the hearing of 6th November 2020.

65. The point I make is that the £25k petition debt is a nullity, it ceased to exist from the outset, as did the order of 28th March 2018 and therefore it is proven beyond doubt that;

66. None of my applications are without merit, because my case is proven beyond reasonable doubt. The applicable authority that applies also to the illegal winding up on the basis of the alleged nullity petition debt is basically, those authorities I refer to more fully at page 34 below.

67. Point 5 of the inescapable points that must be applied when certifying as totally without merit also applies to all of my applications, none of them are without merit, because in fact, it is proven that the 1st Defendant did unlawfully forfeit the Lease after refusing the connection that was the entire purpose of the contracts in the first place.

68. Likewise, it is proven that all of the claims made by them are false, but the Court is an absolute failure, a reckless and protracted failure to do justice and to administer the law. That is the only part that is without merit, the perpetrator's continued existence as judges.

69. This brings me on to the authorities respective of claims in insolvency proceedings that are blatantly false (see page 13 below). It is all causally linked to the material non-disclosure ex-parte that both Nugee and Fancourt were concealing, again, to prevent justice being served on the perpetrators. The point I make is a very simple one, that is, the during the first ex-parte hearing of 9th January 2017, Staunton himself admitted that no claims could be established owing to "Force Majeure", which is my advancement entirely, but in fact there is much more to it than that. Staunton made the conscious and premeditated decision to present a false case ex-parte, by failing in his duty of candour to disclose the following critical material particulars that prove my case beyond doubt;

(a) His client "U-turned" on the connection configuration that was affirmed by collateral contract during the option period (See: **Chapter 17 – The grid connection – a completed collateral contract**)

(b) That the **Energy Supply Agreement** is conditional upon my "full satisfaction of" the **Connection Agreement**, his client refused, encompassing the 3 salient contracts they also withheld from the ex-parte hearing of 9th January 2017. Likewise, it was the same facts that the offenders failed to disclose during the ex-parte hearing of 23rd October 2020 complete with presentation of a false case.

(c) That there is a Force Majeure provision in the Lease that suspends obligations accordingly and in particular the 12-month period free of rent from which to commission the wind turbine that suspended any obligation to pay rent whatsoever until 15th September 2015 had the 1st Defendant not then refused the connection, rendering the project useless and preventing me from performing on the rights granted. Moreover, all of that was readily available to the offenders, but they dishonestly concealed it all from the Court when they knew my case was proven.

Fancourt just assisted them because he one and the same as the principal offenders, as are the rest of the purported judges involved who have been actively aiding and abetting fraud whilst abusing the rule of law to procure pecuniary advantage in abuse of their duties to assist likeminded white-collar criminals disguised as lawyers and insolvency practitioners.

Those three material facts above are somewhat relevant, because they prove I have never owed the 1st Defendant a single penny and indeed, that Staunton and his instructing solicitors have presented an entirely false case from the outset, in tandem with their fraudulent non-disclosure.

The false instrument GCRO invented by Fancourt

70. It was the premeditated intent of Fancourt to dispose of my application for trial, knowing that nothing has ever been tried and then to make another false instrument GCRO after himself attempting to follow in the footsteps of what Pelling did. This is how they behave, they spoliate all of the evidence and then certify what they have not even considered as "totally without merit". The submissions I made however, at both hearings, make it absolutely clear that none of my applications are without merit, they cannot possibly be.

71. Fancourt made the false instrument GCRO based on "a further 3 applications being totally without merit" but those applications were not specified. No reasoning was given, but in fact, I gave ample reasoning as to why they were not, but Fancourt evaded all of that, as he evaded all of my evidence and the proof that the sum of the statutory demands cannot be disputed in any way shape or form and that the alleged £25k petition debt never even existed. The 7 inescapable points set out by the Court of Appeal were, once again, deliberately evaded. The strategy of these white-collar criminals, who have been colluding with the offenders from the outset, is to make the ECRO / GCRO and then constantly refuse permission to bring applications as the means of perverting the course of justice.

72. That is, in reality, why both false instrument ECROs came about and whilst is why there is absolutely no reasoning whatsoever in even beginning to come close to justify why even one of my applications are totally without merit. They cannot. These people are the scourge of our society, a law unto themselves, traitors to the people. They all need to be jailed. The position I conveyed in my 10-page letter to Drewett is the correct position respective of the first false instrument ECRO, it applies equally to the second, only this time, the GCRO has been made "blind" and there is no identification of any one application that is said to be "totally without merit".

73. Fancourt certified the applications to set aside the orders of 9th January and 16th January 2017 as "totally without merit", whilst admitting that he had not even considered any of my evidence or written submissions.

74. If he had, he would know that in fact the applications cannot be disputed in any way shape or form, because the orders are founded by fraud and fraud upon the court but moreover, the additional ground to set them aside is because they prevent me form my democratic right to recover the indisputable debt by instigating winding up proceedings. That is what the 1st Defendant was permitted to do to my company, when their alleged debt does not even exist, but the corrupt court prevents me from any remedy whatsoever even in light of the multiple frauds. I will not mince my words, it is a total sham and a cesspool of corruption. The court is the fraud, the judges are fraudsters and aiders and abettors, all part of the conspiracy.

75. The malicious and nonsensical certifications as "totally without merit" are convened to conceal the multiple frauds and indictable offences, preventing the matters from being tried at an oral renewal hearing when nothing has ever been tried. Likewise, the malicious certifications as "totally without merit" is to deprive me of the right to appeal and to send a message to the Court of Appeal that the applications appear to be without merit when nothing has ever been tried. Those actions clearly interfere with the proper administration of justice. Under CPR 54.12(7), where a case is considered "totally without merit", no additional oral hearing is allowed. This is done to circumvent my right of access to a fair and unbiased trial when the frauds have been deliberately and dishonestly concealed.

76. Now I come on to the evidence that Fancourt evaded. I refer to the transcript of the hearing of 9th January 2017 that I recently obtained to prove my case at the trial Fancourt deprived me the right of having. I turn to **tab_18,** the transcript of the hearing of 9th January 2017 ex-parte. All of the submissions made by Staunton ex-parte are lies and fallacies. There is no candour whatsoever of the correct factual circumstances, but this utterly corrupt, unfit for purpose Court that is infiltrated by criminals disguised as judges, just cover for the offenders anyway. Nugee, Staunton's drinking associate, then awarded them £10,000 in costs for their fraudulent non-disclosure. Fancourt then dismissed my application for trial without trial and certified the application to discharge the two orders ex-parte (9th January 2017 and 16th January 2017) and the order ex-parte of 23rd October 2020 as "totally without merit" when in fact, the applications are proven beyond doubt.

77. The fact of the matter is, that the claim for unlawful forfeiture is proven, because no money was ever owed to the 1st Defendant and likewise, the assignments are valid and therefore none of my applications are without merit and likewise, my abortive costs, plus standard interest, cannot be disputed and I am owed over £1.1 million that can be recovered by statutory demand and that is what I was doing. The orders of 9th January 2017 and 16th January 2017 need to be discharged with the order of 23rd October 2020, because they prevent me from my democratic right to serve a winding up petition for the indisputable debt.

78. Moving to the transcript (**Tab T1**); At page 4, (E), Ohrenstein refers to the fact that I have served a demand for the indisputable debt plus interest. That is correct and I am entitled to, the debt cannot be disputed.

79. At page 5, (B) and (C), Ohrenstein talks of the issuance of a fresh restraining order, which was the premeditated conspiracy

80. The GCRO was founded, but no applications were identified as being totally without merit, yet all of my evidence was ignored when that evidence proves that none of my applications can possibly be without merit.

81. At page 5(H) and 6(A) Fancourt indicates his intent to dispose of my applications without any consideration of the evidence whatsoever.

82. The contents of (A) at page 6 prove that Fancourt is assisting the offenders and that it's all predetermined as it has been throughout;

Conscious and premeditated dishonesty on the part of Ohrenstein who continued to present a false case as he, his client and instructing solicitors have done throughout these proceedings

83. At page 11, paragraph (A) and (B) Ohrenstein stated this:

"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 … and the failure to take a valid assignment or to enunciate clearly any substantial cross claim in Earth Energy."

84. The premeditated dishonestly quoted in paragraph 28 above falls in tandem with Ohrenstein and his instructing solicitor's fraudulent non-disclosure ex-parte on 23rd October 2020 and failure in their continuing duty to disclose my email of 24th October 2020 at 06.34AM complaining of material non-disclosure: (See: **EX-PM-08-11-2020** , **tab 03D**).

85. At the second paragraph of my email complaining of material non-disclosure during the hearing of 23rd October 2020 I specifically reminded Ohrenstein and his instructing solicitors, who received the same email, of their continuing duty to disclose and I expressly requested that the email is presented to the Court with evidence it had been done.

The standard of review in the public interest when fraud and material non-disclosure is an issue was once again deliberately non-existent

86. The standard of review that is inescapable when fraudulent non-disclosure is an issue, when the Court owes a duty in the public interest to do so, was, once again, deliberately non-existent.

87. Hence, the evidence on which I see to rely to prove dishonesty was completely evaded, but that evidence is absolutely steadfast.

The public interest and the duty of full and frank disclosure ex-parte

88. The Court owes a duty in the public interest to be penal by nature respective of any non-disclosure ex-parte. The general rule that where there have been breaches of the duty of full and frank disclosure the court should normally discharge the order and not re-grant it.

89. That has never happened in the three instances of significant material non-disclosure in this case, fundamentally, because the judiciary have been "got at" by corrupt central government officials who are intent on providing impunity to the defendants, the white-collar criminals and their conspirers. That is why justice has never been served in this case.

90. The court must consider all relevant circumstances, including:

(a) The need to protect the administration of justice and public interest in requiring full and frank disclosure;

(b) The degree and extent of culpability with regard to the non-disclosure;

(c) The importance and significance of the matters not disclosed to the outcome of the application;

(d) The merits of the applicant's case, but this should not be allowed to undermine the policy objective of the principle;

(e) The principle should not be carried to extreme lengths or become an instrument of injustice; and

(f) Proportionality between the punishment and the offence.

91. In the four instances of material non-disclosure in this case, namely on 9th January 2017, on 11th January 2017, on 23rd October 2020 and on 24th October 2020, the offenders have been allowed to profiteer from their own wrongdoings, the Court has provided them with impunity, disregarding the legal precedents and the culpability of the non-disclosure altogether. The malfeasance was not accidental, it was pre-meditated and deliberate.

92. The legal principles in compliance with the duty of full and frank disclosure are:

(a) The applicant must draw to the attention of the court all matters that would be relevant for the judge to know.

(b) The question of materiality is a matter for the court, not the subjective judgment of the applicant or the legal advisers.

(c) Adverse facts and matters, such as potential arguments or defenses that would be available to the respondent, must also be disclosed.

(d) The presentation of relevant matters must be fair. Burying a material fact in an exhibit, or only partially explaining a disclosed matter will not be sufficient.

(e) The applicant must not only disclose what he knows, but also what he ought to have known had he made reasonable and proper enquiries.

(f) The duty also applies to the applicant's legal advisers as well as to the litigant.

(g) The court has a discretion to re-make or continue an order notwithstanding material non-disclosure, though the discretion is exercised sparingly.

The authorities – breaches of the duty of full and frank disclosure ex-parte

93. I had adduced many authorities respective of material non-disclosure ex-parte, but once again, all of my evidence has been evaded with intent to interfere with the proper administration of justice.

94. In my skeleton of 5th November 2020 that Fancourt evaded (**SKELETON-PM_05_11_2020**), I referred to my authorities bundle. I referred to some of the many authorities respective of breaches of duty of candour ex-parte (paragraphs 3, 18,19). At page 2 of that skeleton, paragraph 3, I headlined the authority that is essentially mirrored in the applicable authorities I quoted:

"The litigant has an absolute duty to provide full, frank and clear financial disclosure whether within the context of informal and voluntary discussions and negotiations or as part of financial remedy proceedings. If a party is in breach of the duty, whether by failing to disclose certain relevant facts and circumstances or actively presenting a false case then the court may set aside the order and make a costs order against that party"

95. In my written submissions that were all consistently evaded, I referred to those precedents several times. Not one single judgment deals with the materiality of the non-disclosure. It is a shocking, total and outright deliberate failure to penalise the offenders, not only for what are the most serious breaches of full and frank disclosure ex-parte on four counts, but also failure to deal with the frauds by false representation in proceedings under the Insolvency Act 1986 that criminalises any such fraud against creditors.

96. The multitude of false statements made by the 1st Defendant and their purported lawyers and the fact they have presented a false case both ex-parte and on notice. The false instrument applications to Bristol County Court certified as true by the lawyers acting for the 1st Defendant when they knew they were false.

97. The unwarranted demand used to unlawfully forfeit the Lease and the subsequent blackmails stemming from the false instrument applications to Bristol County Court when they all knew I do not owe the 1sst Defendant a single penny. It is a case of "justice subject to status", not one law fits all, but impunity provided to criminals disguised as lawyers and insolvency practitioners irrespective of the number of offences they commit.

98. None of my submissions were even read by Fancourt, it was his job to continue perverting the course of justice, evading my proven case, whilst concealing the frauds, denying my right of access to a fair and unbiased trial and rushing through another false instrument restraining order acting under instructions so that more corrupt judges could continue perverting the course of justice by carrying on the pattern of evading (spoliating evidence) of fraud whilst refusing permission to make any application whatsoever irrespective of the contents, to conceal the multiple indictable offences.

99. It is the intent of the corrupt judiciary to provide impunity to Hannon and his conspirators , who has dishonestly abused his fidicuary duty to me, otherwise majority creditor. The interests of justice and the public interest, protecting the public by prosecuting dishonest lawyers and insolvency practitioners is non-existent.

100. The applicable authorities I have presented time and time again respective of the frauds by false representation in insolvency proceedings have been evaded. Jones, working in conspiracy with Hannon, sought to degrade and misrepresent the applicable law (rule 14.11 of the Insolvency Rules 2016) to sustain the £4.1 million fraud against creditors. Fancourt did precisely the same, yet those authorities prove indeed that none of my applications to deal with Jones's malfeasance or to apply again to set aside the proofs of debt were without merit, on the contrary, the Court has failed to administer the law, because its judicial officers have breached their oaths by perverting the course of justice.

The authorities – False proofs of debt and duties of the liquidator

101. The Insolvency Act 1986 provides for actions against liquidators who act in breach of certain duties. Section 212, the summary misfeasance provision, applies also to liquidators (The misfeasance provision for trustees-in-bankruptcy, who are liable on the same principles as liquidators, is section 304). The liquidator's misfeasance may consist of negligence in admitting to proof claims against the insolvent estate, as is the case here, without making proper inquiry. (Re **Windsor Steam Coal Co [1929] 1 Ch 151**). It is the summary misfeasance provision that founded my application that was disposed of by Nugee J who was conflicted since 5th February 2018 for the reasons made absolutely clear in the same report (**tab_07**) that was withheld by the defendants during their last ex-parte hearing.

102. Nugee then went on to dispose of the application for permission to appeal the order he has no locus to make (because he has perverted the course of justice), being the application of;

9th July 2020. It is that application that is relied upon as being "totally without merit" when in fact it is also proven beyond doubt. I refer to the statement with that application at **tab_38** of my trial bundle. The application is "*to be heard by Lady Justice Thirlwall*", but it was again circumvented by Nugee who has continually perverted the course of justice from

5th February 2018 onwards. He then gets rewarded for following his orders, along with Arnold and gets promoted to a Lord Justice of Appeal.

This is why the corrupt judiciary involved are so keen to push me up the ladder into the Court of Appeal so that fellow white-collar criminals can repeat the process of abuse I have endured in the lower court, spoliating my evidence and providing dishonest assistance to the fraudsters when nothing has ever been tried. There was in fact nothing to appeal, because Nugee did what he has always done, which is the same as what Arnold has done, because they were using the ECRO false instrument to pervert the course of justice. They consistently refuse permission to bring the applications. That is why the ECRO was originated in the first instance and that is why Fancourt has originated yet another. It ceases to exist from the outset, all part of the conspiracy.

103. I turn to page 3 of that statement (tab_38), again, there is a clear tool for navigating the statement, the dropdown table of contents. The headlines of that table makes the position absolutely clear. I click on this one "***Breach of fiduciary duty on the part of Hannon as Liquidator – a fraud***", taking us to page 9. Paragraph 35 recited the applicable authority in *Re Home and Colonial Insurance Co [1930] 1 Ch 102.* I quote:

'It has long been the law that an office holder is under a duty to examine every proof and consider the validity of the debt which is sought to be proved"

104. That is a fiduciary duty Hannon owes to me and it is a duty he has breached respective of malfeasance (s.212 of the Insolvency Act 1986), but this corrupt public authority has been supporting white-collar criminals. I will elaborate substantially on the criminality and the real reason Fancourt deliberately evaded all of my evidence and written submissions further into this skeleton.

105. At page 10, paragraph 36, I quoted another applicable authority in *Re Fraser, ex parte Central Bank of London [1892] 2 QB 633, CA*. I recite it here for good measure, it applies to one of the 3 applications Pelling certified as "totally without merit" to originate the first false instrument ECRO:

"Proof upon a judgment will not stand merely upon that, if there is not a debt due in 'truth and reality,' for which the consideration must be looked to." Can this judgment be treated as conclusive in bankruptcy because the debtor has unsuccessfully attempted to set it aside? I think not, and I cannot see how the matter is any more res judicata because there has been an unsuccessful appeal to this Court. I agree in all that the Master of the Rolls has said on this point"

106. I repeat, for clarity, it was Briggs who met with Hannon on the evening of 22nd November 2017 after approving the confidential filings I made in CR-2017-008690, respective of the unwarranted demand in the sum of £619,774.48 stemming from the false instrument application to Bristol County Court (one of two counts of s.5 Perjury 1911 in that respect). Briggs knew of the fraud and criminality and implemented Jones after "crossing out" my request that the application be heard by a High Court Judge, because it sought to deal with the instances of fraud and dishonesty collectively. None of it has ever been dealt with at all, the corrupt judiciary have perverted the course of justice too cover it all up. The fact of the matter is that Jones, by his own admission at the first hearing cited "***dishonesty is not going to matter, I can't judge***". Jones was operating non-judicially, knowing he had no jurisdiction to hear the application. It was Jones's job to dispose of it, to conceal the fraud against creditors, preventing justice being served on Hannon and the 1st Defendant.

107. The fact of the matter is however, that the 1st Defendant, Womble Bond Dickinson, Staunton, Ohrenstein, Hannon, Jones, Briggs, Nugee, Pelling, Arnold, Briggs, Vos, Murray and Fancourt, all knew there was no debt due in truth and reality, but they did not want to look into it, because they were perverting the course of justice, using the façade of insolvency legislation that is designed to recover assets for creditors of insolvent estates (of which I was otherwise by far majority with over 90% of the requisite majority), to defraud creditors. This is where I come onto some other relevant authorities that effectually provide a duty on the Court to investigate and act if there is not a debt due in "truth and reality".

108. Likewise however, it is the rule of law, namely rule 14.11 of the Insolvency Rules 2016 that provides a duty on the court to "*amend down, exclude or remove a proof of debt" "where the office holder declines to interfere in the matter"*.

109. *In Ex parte Kibble, re Onslow, (1875) LR 10 Ch App 373* James LJ said, at 376–377:

'It is the settled rule of the court of bankruptcy on which we have always acted, that the court of bankruptcy can enquire into the consideration for a judgment debt. There are obviously strong reasons for this, because the object of the bankruptcy laws is to procure the distribution of a debtor's goods amongst his just creditors. If a judgment were conclusive, a man might allow any number of judgments to be obtained by default against him by his friends or relations, without any debt being due on them at all. It is therefore necessary that the consideration of the judgment should be liable to investigation.'

110. It is, in fact, that authority that founded the basis of the application pursuant to **rule 14.11 of the Insolvency Rules 2016.** The one that Jones disposed of because he was perverting the course of justice, but likewise, Vos, the other dishonest little coward white-collar criminal, condoned when he knew that the Court has a duty to remove the fraudulent proof of debt. It was in fact both the application that Jones circumvented and the application that Vos evaded dealing with, that asked the Court to remove the fraudulent proof of debt and to assign the right of action respective of the proven damages claim, to me. The Court did neither, but yet it is proven beyond doubt (and found by Nugee) that indeed the 1st Defendant did unlawfully forfeit the Lease, founded the claim in damages. That claim is, quite categorically an asset of the meaning conferred in rule 14.25(5) of the Insolvency Rules 2016. (See: **tab B** of my trial bundle).

111. It is the claim that the conspirators have defrauded me of. The applicable rule of law, namely rule 14.25 of the Insolvency Rules 2016, applies equally in conjunction with the applicable authority "*if there is not a debt due in truth and reality then the consideration*

must be looked in to" respective of the nullity £25k alleged petition debt that was extinguished in full by the cross claim of £530,000 plus interest.

112. I address that part substantially later into this skeleton, but in fact, I did address it, also in the report that was dishonestly withheld form the ex-parte hearing of 23rd October 2020. (See: **tab 07**, page 37 "***The cross claim extinguished the alleged (non-existent) petition debt"***). Again, that position is absolutely material to the ex-parte case being advanced by the 1st Defendant and their conspirators, particularly because both Stewart of Womble Bond Dickinson and Ohrenstein were citing a "void disposition" knowing that their alleged petition debt never even existed.

113. It is absolutely material that Ohrenstein's own colleague, Staunton, his predecessor who has gone "AWOL" because his dishonesty and fraud in this case has caught up with him, made the sound admission on 5th February 2018 that "*what's assigned to EEI are the investments, the £200,000*". That is in context with the law on assignments (**tab A**), which makes the assignment of the "investments" (£770,000 invested by me in Empowering Wind MFC Ltd) valid. That position cannot be diminished in any way shape or form, for doing so is not disagreeing with me, it is affronting the rule of law that makes it do. I repeat (for good measure, as I have done in detail further into this document), the assignment extinguished their alleged £25k petition debt and they all knew it on 5th February 2018, but in fact, they all knew it long before. I refer specifically to **tab 35,** of my trial bundle evaded by Fancourt, page 8. The email is from me to Brown of Womble Bond Dickinson, dated 23rd June 2017 at 11.52AM. It is plainly evidenced in that exhibit that Womble Bond Dickinson responded to that email in June 2017 and therefore they were abundantly well aware of the assignment. They knew therefore that the assignment extinguished the alleged £25k "debt" that was never a debt.

114. At **tab 34**, we have the first of the two false instrument writ applications to Bristol County Court made under instruction of Womble Bond Dickinson. The application is certified as true, when the applicants, the instructing solicitors knew that it was false.

115. At **tab_36**, we have the email chain dated 22nd November 2017 bearing a court seal on the same day.

116. This was served on Womble Bond Dickinson by email by me on the same day. Likewise, I has served on them, on 21st November 2017, a copy of the unwarranted demand with menaces (**s.21 of the Theft Act 1968**) which also bore a seal of the same date (see: **tab_32**). The point I make is, again, an absolutely indisputable one, substantiated by the evidence I refer to in this paragraph and paragraph 37 above. At **tab_36**, pages 1 and 2 of 14 Stewart of Womble Bond Dickinson is responding to my emails contained at pages 3 through to 14.

117. At page 4 of 14 (**tab_36**), there are some important submissions, it is necessary for My Lordship to read that email and carefully consider the context in line with the fact that they knew, in fact as it is evidenced, on 9th January 2017, that neither my companies or I owe the 1st Defendant a single penny, not £256,269.89, £541,308.89, circa £4.1 million, £555,000, £619,774.49 or £25k, but not a single penny, the position is entirely the opposite. Again, I reiterate, the point I make is absolutely simple, it is respective of the two false instrument applications certified as true by the lawyers acting for the 1st Defendant when it is proven beyond doubt against the evidence that all of the offenders knew I do not owe them a penny.

118. At page 1 of tab_36, Stewart responded to my chain of emails on 22nd November 2017 at 14.22PM, points 1 – 3 onto page 2.

119. I quote from point 3 of Stewart's nonsense:

"The papers served on you yesterday related to EEI's failure to pay in accordance with the terms of the Consent Order. There was an error in the papers prepared by the High Court Enforcement Officer because the amount referred to as being outstanding should have been £25,000 plus interest and costs. I anticipate that your response to this error will be to assert that we have acted fraudulently. We have not – this was an honest mistake made by the High Court Enforcement Officer, which will be rectified"

120. In full knowledge of the application of 16th November 2017 that had been served on them and in full knowledge I do not owe them a single penny, Stewart made yet another false application to Bristol County Court. I refer to **tab 34**. The application is certified as being true and that there is:

"I certify that the details I have given are correct and that to my knowledge there is no application or other procedure pending"

121. Womble Bond Dickinson knew that there was an application and other procedures pending and it is proven beyond doubt by virtue of the evidence I have just addressed that they did. Therefore it is proven that the declaration made on both writ applications is false and it is proven beyond reasonable doubt that both the 1st Defendant and Womble Bond Dickinson knew the details they had certified as true, on both occasions, were blatantly false. Womble Bond Dickinson and the 1st Defendant are guilty of two counts of section 5 of the Perjury Act 1911 and of three counts of blackmail, as in an unwarranted demand with menaces and of five counts of fraud by false representation as in section 2 of the Fraud Act 2006 and of 4 counts of fraud by failing to disclose information but all of the offences were committed in conspiracy to defraud.

122. The fact of the matter is that there never was any legitimate consent. Womble Bond Dickinson were colluding with Penningtons, who I promptly sacked in January 2017 after finding out of their wrongdoings. The letter dated 11th January 2017 that was withheld (breaching their continuing duty to disclose ex-parte) denoted a "shopping list" of material exhibits withheld from the ex-parte hearing of 9th January 2017 but also clearly stated that I did not consent to costs. By that time, there was a police investigation in place and therefore I did not want to do anything that may impede or frustrate the investigation that Cleveland Police failed to investigate, because they are also one and the same as the offenders and the corrupt judiciary, but the fact of the matter is, absolutely indisputable, that had that disclosure been forthcoming, any judge would have discovered what is the

most prolific case of fraudulent non-disclosure ex-parte in the history of UK law and no judge would have made the order of 16th January 2017. The order was founded by fraud.

123. Further, there was no consent to costs, I would not agree to pay the offenders a single penny after they defrauded me of over £770,000 and left me with over 4 years of solid commitment in developing a wind turbine, without a connection, down the drain. They all knew, that without a connection, the turbine is defunct.

False proofs of debt – fraud against creditors & fraud by false representation – The indictable offences

124. That is what Hannon and his conspirators, including the corrupt judiciary, wanted to avoid at all costs, because the conspiracy was to sustain the £4.1 million fraudulent claim to defraud me of the £9.2 million damages claim, founded by the proven unlawful forfeiture of the Lease. They were all, acting in conspiracy, using the fraud by false representation (**s.2 of the Fraud Act 2006**), to make a gain for the 1st Defendant and to cause a loss to me, otherwise majority creditor, when they all knew, long prior to 19th September 2016, that the claims, all of them, they were advancing were blatantly false. The report that was dishonestly withheld from the ex-parte hearing of 23rd October 2020 proves those frauds to the criminal standard, which is why they withheld it and which is why Fancourt then evaded all of my evidence and disposed of my application for trial after admitting that "*the substantive issues have never been tried*" and that "*the issue around the assignment has never been tried*". The fact of the matter is that there has been a protracted fraud upon the Court and that in addition, nothing has ever been tried, so these malicious certifications as totally without merit are just part of the protracted conspiracy to defraud under the façade of "insolvency" and "justice".

125. **What use is a judge that deliberately evades evidence?** As much use as a chocolate fireguard, but Fancourt deliberately evaded the evidence to prevent justice being served on the offenders. We shall conduct a standard of review on the evidence, namely **tab_03D,** that email complaining of material non-disclosure.

126. I retain my right to be heard and I retain my right to a fair and unbiased trial of the issues, not a "rush through", completely evading all of my evidence, statements, facts and the applicable laws to assist the offenders. That's all that has happened to date, who is falling for this nonsense? It certainly is not me.

127. At page 2 of **tab_03D**, the paragraph I marked as (1), I cite the obvious, insofar as the assignment cannot be diminished nor degraded, for the assignment meets the criteria of section 136(1) of the Law of Property Act 1925. Any deviation away from this position is not a disagreement with me, but it is a flagrant challenge to the supremacy of the rule of law itself, which makes both of the assignments valid. So, on this ground, the sum of the demand cannot be disputed, yet Fancourt evaded that entirely, he has been assisting the offenders. Judges are meant to do justice, not join the fraudsters.

128. I would have thought, turning to page 3, the first paragraph, that would have made the position clear enough, but it did not matter, the offenders knew they were safe in the hands of Fancourt, who is one and the same as them. At (1), I refer to my first affidavit, the matters in that affidavit have never been tried, but they are absolutely material to the ex-parte case being advanced by the offenders. Page 5, paragraph 18 refers to the transcript and order of 5th February 2018 that was withheld from the ex-parte hearing of 23rd October 2020 when the offenders knew I sought to rely on the issue estoppel position respective of the fact that (stating the obvious), unlawful forfeiture of the Lease is proven. That position however, was made much clearer at paragraph 1.1, where I list the next material exhibit that was also attached to same email (the 13 attachments withheld). That paragraph itself is material, because it proves that when the offenders unlawfully forfeited the Lease on the grounds of non-payment after they refused the connection, the first instalment of rent was not payable until 15th September 2015 and no energy supply was due. In reality, that is why the offenders dishonestly withheld all of those exhibits I refer to in that email, but then to withhold the email complaining of non-disclosure is absolutely dishonest and was convened with intent to conceal their own wrongdoings during that ex-parte hearing,

breaching their continuing duty to disclose, yet again, history repeats itself, as it does with the purported judges providing impunity to the offenders.

129. I focus on the materiality. I refer to that exhibit, being just one of the 37 exhibits Fancourt deliberately evaded for the same reasons as the offenders did, namely, because he has been perverting the course of justice as the rest of the dishonest cretins have done, including Vos. As I said, one seeks to rely on what the last never did as an excuse not to do what he should have done and the rest is that nothing ever gets done. That is why Fancourt cited during the hearing that "***The substantive issues have never been tried***", well, heartening news, hey ho, what an achievement, after 20 odd hearings and nearly 3 years later and still the preliminary considerations have been evaded. Absolutely pathetic, total ruination of our justice system because of kleptocrats who have broken down the independence of our judiciary, coercing them to behave in this way. Now, let's turn to that exhibit, **tab_22** of my index of exhibits with the application of 28th October 2020 that Fancourt did not try. As I said, we are now embarking on the standard of review;

130. The second paragraph refers to the report that was also dishonestly withheld from the ex-parte hearing of 23rd October 2020. The materiality of which I shall make absolutely clear. It is necessary for you, My Lord, to read and digest the contents of that exhibit. The reason this was withheld is actually self-evident. The clue is in the highlighted parts of that 2-page email. It is absolutely material to the ex-parte case that no money was ever owed to the 1st Defendant, but Ohrenstein has known this all the way along, which is why he lied, as I said, the offenders have consistently presented a false case, they have used the court to defraud and the purported judges have assisted them. I quote again from the passage of the transcript I cited at paragraph 9 above:

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

131. But yet that exhibit in its own right proves fraud to the criminal standard. It refers to the fact that Staunton himself, Ohrenstein's predecessor in the conspiracy to defraud,

admitted on 9th January 2017 "*For the purpose of the Energy Supply Agreement, Force Majeure has effect*";

but yet they all dishonestly withheld the correct factual circumstances; insofar as what I recited in paragraph 1.2 of page 1, through to paragraph 2 of page 2. All of that harks back to the report of 2nd June 2020 (**tab_07**) of the 37 exhibits Fancourt evaded to assist the offenders.

132. The report is item 4 at the bottom of page 3 of **tab_03D**, being one of the 13 attachments that was dishonestly withheld from the ex-parte hearing. I think, in fact, the contents of that email of 24th October 2020, setting out the position in my own words (I believe in being direct and exercising freedom of speech, calling a spade a spade), does make the position clear, which is why the offenders failed in their continuing duty to disclose any material change in circumstances ex-parte and which is why Ohrenstein then lied about and likewise, which is why Fancourt twice evaded the evidence and wanted to rush through making another false instrument restraining order.

133. The material withheld proves that in fact there is a conspiracy to defraud and that there was no non-payment and Ohrenstein, as well as his instructing solicitors have known this from the outset, but they are liars and cheats. The Court has consistently acted against the public interest and the interests of justice by supporting these cretin white-collar criminals, assigning them in defrauding me when my case was proven from the outset.

Staunton himself admitted that the assignment is effective on 5th February 2018 – That is why the report was dishonestly withheld from the ex-parte hearing

134. I will cut to the chase. We move to page 1 of the report (**tab_07)**, also containing a dropdown table of contents. In fact, the titles in the table of contents are rather self-explanatory, but the corrupt judiciary just ignore everything that does not suit their sinister motives in abusing their positions to defraud me whilst preventing justice being served on the offenders. I have already proven that no money was owed to the 1st Defendant for rent or energy supply, so that part is covered. Now I focus on the evidence contained within that report, it is absolutely critical to my case, none of the issues have been tried, Vos

evaded it altogether, but yet there is proof of conscious and premeditated dishonesty (fraud) on the part of Staunton.

135. Ohrenstein and his white-collar criminal instructing solicitors, the aptly named "Womble" Bond Dickinson, with its head office located in Atlanta, USA. Follow this very carefully, My Lord;

136. At page 37 of the report "***The cross claim extinguished the alleged (non-existent) petition debt***", at lines 23 and 24, I quoted from the transcript of the hearing of 5th February 2018, out of the horse's mouth, from Staunton himself:

Mr Staunton: *"Second page in. Reading that second paragraph, what's assigned to EEI are the investments, the £200,000"*

137. He is correct, what is assigned are the "investments", the £770,000 I had invested in the project on the basis of the completed collateral contract affirming the connection that required the 1st Defendant to take ownership of its substations so that the connection for the wind turbine could be established.

138. Anyone with half an ounce of common sense could determine that there was dishonest concealment of the fact that the offenders failed altogether to disclose anywhere (during the first ex-parte hearing of 9th January 2017 and during the second on 23rd October 2020), that the 1st Defendant "U-turned" on the connection, rendering the project useless. That is in fact somewhat material, because, stating the obvious, without a connection, it is impossible for me to perform on the rights granted by the Lease and the Energy Supply Agreement, which is why, the option period came about in the first instance. If one cannot rely on the terms of a completed contract (Lease, Energy Supply Agreement, Connection Deed, Collateral Contract during the option period), then one cannot have any faith in the courts or the UK market, because it is absolutely corrupt and rotten to the core. A cesspool of fraud and corruption.

139. The point I make is that the offenders, in particular Staunton, but all of them, knew of the assignment from 9th January 2017, but Bloom of the 1st Defendant knew about it much earlier, on 30th June 2015 when he was served a hard copy.

140. On 3rd January 2017 when he was served a copy with the demand by email and on 6th January 2017 when the 1st Defendant was served a hard copy with the demand (together with Part B of the demand constituting a valid assignment in accord with s.136(1) of the Law of Property Act 1925. It is clearly material that they all knew that neither I, nor Earth Energy Investments LLP, or Empowering Wind MFC Ltd owed the 1st Defendant a single penny.

141. On 5th February 2018, Staunton himself admitted that the "investments" were assigned to Earth Energy, therefore it is proven, to the criminal standard of proof, he knew that the alleged £25k that was founded by fraud on two counts (fraud by failing to disclose information ex-parte), was extinguished by the cross-claim. Nugee, Staunton's co-conspirator, also knew that the assignment was valid, which is why he perverted the course of justice and then, stepping into the shoes of the principal offenders, dishonestly misrepresented the terms of the assignment to make it not absolute so he could formulate his mala fide order designed to pervert the course of justice so that he could assist the offenders in furthering the fraud. Defrauding me of £530,000 plus interest off the back of the £25k that was founded by failure in duty of candour to disclose the material fact that;

142. The 1st Defendant rendered the project useless by breaching the completed collateral contract that went in tandem with Bloom's false statement he knew to be false and in tandem with fraudulent non-disclosure of 172 pages of witness exhibit constituting what is, categorically, the most prolific case of fraudulent non-disclosure ex-parte in the history of UK law. Nugee, the pathetic, dishonest criminal, then awarded costs, assisting them in making further gains, the fruits of their multiple frauds. Nugee was conflicted form that day on, which is why Vos, after removing Arnold, put him in charge of the ECRO false instrument, to continue where Arnold left off, failing to try a single part of my case, but refusing every application as "totally without merit" whilst concealing the proven frauds.

That is why Fancourt wanted to make the second false instrument GCRO, to continue perverting the course of justice in this way.

143. Now, back to the premeditated dishonesty that Ohrenstein has sought to conceal with the assistance of Fancourt. Read from line 25 of page 37 of the report, through to line 37 of page 47. It is therein proven beyond reasonable doubt that firstly the alleged £25k petition debt never even existed and secondly, that Staunton himself admitted that the cross claim was valid both before Nugee and Briggs but the purproted judges were part of the conspiracy, so they just assisted the offenders in furthering the frauds anyway. The point I make is a very simple and a proven one. The highlighted parts of page 47 provides all of the answers. That is why the offenders dishonestly withheld both the email of 24th October 2020 and the 13 exhibits of material information I refer to.

144. The fact of the matter is that the report proves the conspiracy to defraud. Ohrenstein knew this, which is why he lied (s.5 of the Perjury Act 1911) and cited that:

"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"

145. Ohrenstein knew that the winding up of Empowering Wind MFC Ltd was founded by the false representation claim in the sum of £256,269.89, being the unwarranted demand.

146. Ohrenstein also knew that Staunton had committed fraud by false representation that founded the winding up of Earth Energy Investments LLP, so he knew that both winding ups were founded by fraud and that no money was ever owed to the 1st Defendant, the position is entirely the opposite.

147. Now we come on to the dishonestly I wanted to rely on in the transcript of the hearing of 6th November 2020, the predetermined hearing by Fancourt to assist the offenders in defrauding me of over £1.1 million whilst preventing justice being served on the principal offenders.

148. We move back to that transcript: **T1-06-11-2020**, turning to page 15 of 81. Read page 15, My Lord. Now we move to page 17, read page 17 very carefully, My Lord. At (H) Fancourt states this:

Well, it seems to me the position is that the, the validity of the assignment by EW MFC to EE was never actually decided by a judge at a, at a trial

149. Yet the correct factual position is that issue estoppel applies to the finding of Staunton himself who admitted on 5th February 2018 that "***What's assigned are the investments, the £200k***" so nothing needs to be decided by a judge at trial respective of the assignment because it is in fact how the law on assignments states and that is, the position that was in fact conveyed to Briggs by Staunton himself who again lied. I refer to page 45 of the report, quoting lines 32 and 33 of the transcript of the rigged rescission hearing before Briggs (who was conflicted anyway):

MR STAUNTON: --*and paras.17 to 24. So there's a cross claim which extinguishes the liability to pay 32 £25,000.*

150. That is the correct factual position, there is a cross claim that extinguished the alleged £25k petition debt founded by fraudulent non-disclosure, twice, ex-parte. At line 34 of page 45, Briggs agrees with Staunton's assertion quoted above.

151. Now, My Lord, read line 35 of page 45, through to line 37 of page 36. I can and will expand on the detail. You need to pay attention to both of those transcripts. I will make the point right now:

152. Read page 36 also very carefully. Now we come on to page 47, I quote the fraud by false representation made by Staunton to defraud me of the "investments" he himself admitted were assigned on 5th February 2018:

"*Well, the subsidiary has a significant claim for damages against Middlesbrough", but it never brought any proceedings*"

153. That comment is linked directly to the fact that Staunton was part of the conspiracy to defraud, wherein he knew, by his own admission, on 9th January 2017 that "for the purpose fo the Energy Supply Agreement, Force Majeure has effect", but in fact, he knew it had effect respective of the Lease for the same reason, namely, because his client and his instructing solicitors "U-turned" on the connection, rendering the project entirely useless. I repeat, that is the material fact concealed from the first ex-parte hearing and likewise, history repeats itself.

154. Fancourt then has the audacity to attempt to certify the application to set aside all 3 ex-parte orders founded by fraud as "totally without merit" whilst himself admitting he evaded each and every single part of my evidence. Fancourt then lied about reading my skeleton during the second rigged hearing of 11th November 2020 when in fact, it is proven he read nothing whatsoever, it is all fraud and perversion of the course of justice, all peas of the same pod, dishonest cowardly colluders, strength in numbers. They are all going to prison.

155. I don't think I need to further spell out that Ohrenstein has deliberately presented a false case, he is guilty of perverting the course of justice and conspiracy to defraud. I am going to go into much more detail with the indictment, but just to prove his conscious and premeditated dishonesty, I refer back to that transcript: **T1-06-11-2020** and I turn to page 18. At page 18 (A), Fancourt and Ohrenstein stated this:

Fancourt J: *But there is no, there is, the point has never actually squarely been decided at a, at any sort of trial, has it?*

Mr Ohrenstein: *There has not been a trial of these matters.*

156. Earlier during the hearing, Ohrenstein sought to mislead the Court by lying and stating that the assignment and all of the issues had been decided, but in fact nothing has ever

been decided because it has all been concealed. There has been a most serious and protracted fraud upon the court.

157. The judicial mechanics are compromised. All of the orders in the case are void ab initio, including the false instrument ECRO and GCROs used to pervert the course of justice.

158. The matter that Ohrenstein and his instructing solicitors, but also the 1st Defendant were abundantly well aware of from the outset is that no rent is due and no energy supply was due but yet they made fraudulent claims (s.2 of the Fraud Act 2006) to stymie the liquidation to prevent me from calling a meeting of creditors to remove Hannon, their co-conspirator white-collar criminal, who was retaining fraudulent claims to assist the offenders in defrauding me under the guise of insolvency. I repeat, Ohrenstein knew all of this, yet he asserted:

"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"

159. The fact of the matter is that the 1st Defendant, their instructing solicitors and Ohrenstein had all of that evidence in their possession, they knew no payment was ever owed. The email they withheld of 24th October 2020 had all of that evidence with it, they made the conscious and premeditated decision to withhold it to prevent justice from being served on themselves and their conspirators. It is absolutely material that Staunton "U-turned" on the claims he knew were false by his own admission on 9th January 2017. I refer back to the report (**tab_07**), working from page one (just read it and follow the titles), but I refer to this:

160. "***Ulick Staunton – Counsel for MFC admitted in writing that the claims are false on 9th January 2017***" – Reading page 14, line 5 to line 33.

161. "***Gill of Womble Bond Dickinson, Bloom and MFC knew the claims were false long prior to 9th January 2017***" – Reading page 15, line 23 through to line 12 of page 18.

162. Now, staying on page 18 "***STAUNTON "U-turns" on the claims on 14th November 2018***" reading from line 13 through to line 38 of page 20.

163. This is where the "authorities" I quoted come in, but Fancourt evaded all of my evidence, the facts, the law and everything that did not suit his sinister motives in assisting the offenders to defraud me of the indisputable claim exceeding £1.1 million whilst concealing the conspiracy to defraud (perverting the course of justice). I refer to tab_27, where I clearly refer to the applicable authorities. Jones kept the fraudulent claim there, because he was working in conspiracy with Hannon, the 1st Defendant, Staunton, Ohrenstein and the aptly named "Womble" Bond Dickinson to defraud me of the proven £9.2 million claim in damages founded by their unlawful forfeiture using the £4.1 million fraudulent claim to do so. This is where all the rest of my evidence, statements and submissions come into play, which is why I requested a 21 hour trial of the issues that Fancourt, by his own admission, knew had never been tried, but yet those issues are already proven. Fancourt wanted to dispose of it in less than 2 hours, knowing that his actions would prevent justice being served on the offenders, that was his motive.

164. Lastly, I refer to the conscious and premeditated dishonesty on the part of Ohrenstein, but also his instructing solicitors respective of the 13 attachments that were dishonestly withheld, along with that email of 24th October 2020 (**tab_03D**).

165. We move now to the transcript; **T1-06-11-2020**, to page 18 of 81. At (F) and (G) Fancourt continued to assist the offenders in progressing their utter nonsense argument that the sum of the demand is disputed.

166. At page 29 of the 81 page transcript, Fancourt admits he does not have any of my evidence, yet it was filed with the application of 28th October 2020 and relied upon in all the submissions. Now read pages 31 and 32. I made it clear that all the evidence I rely on is within the trial bundle I filed on 28th October 2020 with the application for a 21 hour trial to deal with the multitude of frauds and false statements. It was all evaded.

167. Now we move to page 33 of 81, reading my submission from (F) through to (F) of page 34. The submission is clear, it proves that no money was owed to the 1st Defendant pursuant to the Lease or the Energy Supply Agreement.

168. That clearly extinguished the £256,269.89, the £541,308.89 and the later £4.1 million all founded by the unwarranted demand with menaces of 25th June 2015 the 1st Defendant used to unlawfully forfeit the Lease after refusing the connection and preventing me from performing on the rights granted (Force Majeure).

169. At page 35 (B) through to (G) I make it clear that the transcript and the order of the proceeding of 5th February 2018 was withheld by the offenders during the ex-parte hearing of 23rd October 2020. Now read page 36 (A) through to page 44 (H).

170. Staying on page 44, reading my submission between (C) and (E), I was talking about the proven fact that the offenders dishonestly withheld the email of 24th October 2020 with the 13 attachments (including the report), being **tab 03D**. In summary of that submission I cite:

"And Mr Ohrenstein, even having that email in his possession, failed to disclose it to the Court. Therefore, they have breached their duty and continuing duty of candour ex parte. The order was founded by fraud"

171. At page 45 (D) through to (F) of 46, I round off, rightfully, by stating that Ohrenstein and his co-conspirators are in contempt of Court. In response to those substantive submissions, Ohrenstein further lied. At page 50 (H) I cited that:

"Well, it is not in their bundle. They have withheld it. That is the whole purpose. It is not in"

172. Fancourt then asked Ohrenstein. Now read page 51 of 81, My Lord, you will need to digest that in relation to the position of issue estoppel on which I sought to rely, being the transcript and order of 5th February 2018. It is absolutely material that my position on Force Majeure was found and proven at that hearing.

173. At (G) of page 51, Fancourt correctly cited this:

"I think Mr Ohrenstein, he, he is referring to Nugee J's judgment of 5 February 2018"

174. But I was in fact referring to both the transcript and the judgment at **tab_08** of my trial bundle. Ohrenstein then responded as follows:

Fancourt J: *Is that in the bundle?*
Mr Ohrenstein: *I am not sure that it is.*

175. At page 60 pf 81 (G), I asked Fancourt a simple question:

"You, how can you, how can you possibly try the issues when you have not even got the evidence before you?"

176. At page 62, Fancourt, in full knowledge he has not even read a single part of my evidence to get to any of the matters in question, he seeks to limit my timing to make submissions to just 11 minutes when he knew full well all of the evidence was evaded entirely. That action in itself has tendency to interfere with the proper administration of justice. Fancourt did not seek to adjourn the hearing, he was working for the offenders, he wanted to make the costs order and dispose of the application of 28th October 2020 without trying a single part of it whatsoever. That is precisely what he did.

177. Now, I draw your attention to the rushed submissions I had to make that prove beyond doubt none of my applications are without merit, referring to the evidence Fancourt evaded and the authority I quoted in tab_13, one of the 37 exhibits he evaded. Read from page 62(F) through to page 66 (D).

178. Now read page 69. Ohrenstein admitted that the counterpart assignment had been withheld from the ex-parte hearing of 23rd October 2020. History repeating itself, as this was also withheld from the ex-parte hearing of 9th January 2017 and without it, the assignment is not complete. The assignment is that, which is the absolute assignment of the

"investments" together with part B of the statutory demand, both of which were served on the offenders multiple times constituting a valid assignment.

179. At page 69, Ohrenstein lied and said he did not have the report, when the report is one of the 13 attachments with the email of 24th October 2020 that was addressed to him. I refer to that exhibit (**tab_03D**). At page 6 of the 13-page exhibit, it is evidenced that Mr Justice Mann read the email, because I had blind copied him to it as I knew the offenders would withhold that material information from the Court. As I said, history repeats itself.

180. At page 7 of the 13-page exhibit it is evidenced that Simmons, of Womble Bond Dickinson, had read that email complaining of material non-disclosure on 10 separate occasions from 25th October 2020 to 3rd November 2020. It is proven beyond reasonable doubt that non-disclosure of this email and the 13-attachments was therefore deliberate and of dishonest intent to conceal the material facts of the case.

181. At page 70 of 81, here is where Ohrenstein lied yet again. At (E), Ohrenstein stated:

"Any emails that he may have attempted to send to my solicitors which my solicitors received, some of which may have referred to me as a, as one of the many parties on, on, on, on the receipt, those are exhibited to the bundle"

182. Ohrenstein and his instructing solicitors withheld the emails I refer to complaining of material non-disclosure. They did precisely the same with the Penningtons Manches LLP complaint of material non-disclosure of 11th January 2017 (**tab_23**), on both occasions the non-disclosure was convened with dishonest intent to conceal the most significant material non-disclosure ex-parte, but with intent to pervert the course of justice.

183. Ohrenstein went on to continue his lies:

"It may be that something came this morning that did not quite make it to the bundle, but certainly everything else in the bundle. Any attachment to any email that he sent is, is in the bundle. Things have not been necessarily accessed if he has put links to videos or to websites

and so forth. That, that is not, those have not been pursued, but all the emails which he has sent with attachments are in the bundles today"

184. The ex-parte bundle used during the hearing of 23rd October 2020 did not contain any of the 13 attachments referred to in the email of 24th October 2020 (tab_03D) and none of those 13 attachments, nor same email were in the bundle Ohrenstein and his cohorts presented for the return date hearing. This is conscious and premeditated dishonesty, providing beyond reasonable doubt that the orders of 23rd October 2020 and 6th November 2020 were founded by fraud and should therefore be set aside accordingly for the reasons made absolutely clear herein.

185. Fancourt was conflicted, from 6th November 2020 and thereafter. There never was any jurisdiction to make the GCRO, it was all premeditated conspiracy, as such the GCRO must be set aside as must all of the orders in this case.

186. Now, all I am missing is the long awaited remedy. The same remedy I sought before you, Lord Justice Vos, if that is what you are supposed to be, when I made an application for you to assign the right of action, the proven claim in damages exceeding £18.7 million to me. You ignored every part of my application and just prior to that, Arnold, the white-collar criminal came along and disposed of my damages claim that sought financial restitution for the multiple frauds and wrongdoings, all originating from the unlawful forfeiture of the lease.

187. The proceedings were irredeemably void from the outset, when the originating application sought also assign the right of action to me, but Jones evaded it and when I made the claim, seeking to remove the fraudulent £4.1 million claim, you, Lord Justice Vos, sought to fetter the Court's jurisdiction to do so, citing res judicate when you knew the claim was a fraud, but you cited "I see no evidence of fraud and collusion" when the fraud and collusion has been concealed by you and your cohorts from the outset. You are, I can confirm, guilty of conspiracy to defraud and conspiracy to pervert the course of justice and any judge that behaves even close to the way the purported judges have done in this case,

have breached their oaths and judges that breach their oaths and pervert the course of justice, acting with favour and ill-will, are not judges, they are one and the same as the offenders and therefore all of your orders are void as ultra vires, because you had no standing to make any order after you breached your oaths.

I rely on this skeleton of 56-pages in the prosecution accordingly, along with all of my written submissions, evidence and statements submitted in CR-2017-000140 that have been evaded by the corrupt judiciary.

Paul Millinder

Dated: 26th November 2020