

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

Case No: CR–2025-005970

Room 17

The Rolls Building
7 Rolls Buildings
Fetter Lane
London
EC4A 1NL

Wednesday, 11th February 2026

Before:

THE HONOURABLE MR JUSTICE JOHNSON

INTELLIGENCE UK INVESTIGATIONS LTD
WALSH

v

GOVERNMENT LEGAL DEPARTMENT & ORS

NO APPEARANCE by or on behalf of THE FIRST CLAIMANT
THE SECOND CLAIMANT appeared IN PERSON
MR HODGE appeared on behalf of the DEFENDANTS

WHOLE HEARING

This Transcript is Crown Copyright. It may not be reproduced in whole or in part, other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved.

WARNING: reporting restrictions may apply to the contents transcribed in this document, particularly if the case concerned a sexual offence or involved a child. Reporting restrictions prohibit the publication of the applicable information to the public or any section of the public, in writing, in a broadcast or by means of the internet, including social media. Anyone who receives a copy of this transcript is responsible in law for making sure that applicable restrictions are not breached. A person who breaches a reporting restriction is liable to a fine and/or imprisonment. For guidance on whether reporting restrictions apply, and to what information, ask at the court office or take legal advice.

A **Case called.**
MR JUSTICE JOHNSON: Yes. Very good. Mr Hodge.
MR HODGE: Good morning, My Lord. May I check –?
MR WALSH: Good morning.

B MR JUSTICE JOHNSON: Good morning.
MR HODGE: May I check that you have the bundles which the GLD has supplied to the court?
MR JUSTICE JOHNSON: I believe so.
MR HODGE: There should be three which were initially supplied which contain – which is called the

C claimant’s documents, defendant’s documents and then the bundle produced specifically for this hearing.
MR JUSTICE JOHNSON: Yes.
MR HODGE: Then there was yesterday an attempt to be helpful a further supplementary bundle containing all the correspondence up to that date.

D MR JUSTICE JOHNSON: Yes.
MR HODGE: Your Lordship may have seen that even last night, this early this morning there were further emails which I may need to address you on later. The first issue which I understand is whether Mr Walsh should be permitted to represent the claimant as a litigant in person. It may be useful for me to just set out my position and the relevant law on this before Mr Walsh is

E permitted to make the application.
MR JUSTICE JOHNSON: Yes. And I think as a related point which is that there has been a request for Mr Millinder to attend this hearing.
MR HODGE: Perhaps you could address that. Well, that may be often in the Court’s hand, which order

F I address those matters.
MR JUSTICE JOHNSON: Well, let us deal with Mr Walsh’s position first.
MR HODGE: Yes.
MR JUSTICE JOHNSON: So I will hear from you, Mr Hodge, and then hear from Mr Walsh on the

G same point.
MR HODGE: I’m grateful.
MR JUSTICE JOHNSON: Mr Walsh –
MR WALSH: I’ve got no visual here at all. I can’t see anybody.
MR JUSTICE JOHNSON: No. I gather there is a problem with the camera but you can hear me.

H MR WALSH: Yes.
MR JUSTICE JOHNSON: Very good.

A MR HODGE: In that case, I'll proceed.
MR JUSTICE JOHNSON: Thank you.
MR HODGE: The starting point, My Lord, is in – is helpfully set out the law and the position is set out
in the *White Book* volume two.

B MR JUSTICE JOHNSON: Yes.
MR HODGE: I should say that this material has gone to the other side.
MR JUSTICE JOHNSON: Yes.
MR HODGE: Particularly on page 2829 of the *White Book* in section 13, Rights of Audience.
MR JUSTICE JOHNSON: Yes. Yes.

C MR HODGE: I'm looking at the heading representation at trial of corporations.
MR JUSTICE JOHNSON: Yes.
MR HODGE: And before the authors of the *White Book* get into the exception, which is 39.6, they set
out the general rule, the first paragraph there which says, "The general rule, subject to the
D important exception below, is that a corporate body can only be represented at a court hearing by
its legal advisers with appropriate rights of audience. It has no right comparable to the right that
litigant in person enjoys to represent itself. However, the Court may be prepared to exercise its
E discretion to relax this rule. This was demonstrated in cases decided before the CPR came into
effect. For example, it was held that a director of a company might appear as an advocate on its
behalf where the company's assets were frozen by a freezing order so it could not instruct
F solicitors." That's *Arbuthnot*. "Or where the director and his company were both parties to
proceedings and the Court might allow the director to appear in person for purposes which were
those also of the company." So in essence, there's - the Court has a discretion to grant a special
rights of audience to anybody. But the general rule is that companies should only be represented
at hearings by legal advisers.

MR JUSTICE JOHNSON: Yes.
MR HODGE: An important exception is 39.6, which applies only in trials. And of course today is not
G a trial so we say that simply doesn't apply. So the question for the Court is whether it should
grant a special right of audience.
MR JUSTICE JOHNSON: Yes.
MR HODGE: There's further guidance in this in the *White Book* as to how the Court should consider
exercising its discretion. For that purpose I'm looking at page 2832 under "exercise of the
H discretion", at the bottom paragraph of the page where the authors say, "It is submitted that where
an application is made in ordinary civil proceedings to grant a right of audience to a person who

A is not authorised to exercise it, the judge should take as their starting point the judgment of Court
of Appeal in *Clarkson*. In that case, Lord Woolf CJ says that if a party, having chosen to act in
person, wants someone who is not an advocate, who has no rights of audience, to appear on their
behalf, instead of someone who has rights of audience, that has to be justified. The litigant in
B person must satisfy the Court that that is appropriate.”

MR JUSTICE JOHNSON: Yes.

MR HODGE: So that’s a general starting point. The litigant in person, in this case, Mr Walsh, has to
satisfy you that it’s appropriate. And I should just round this point, the legal principles are quite
C related to the observation made by the authors at page 2834. At the very bottom, miscellaneous
observations, it said that, “It’s clear that a special right of audience cannot be conferred on a
person by consent of the parties. Even though it may be a matter of no importance to the parties,
the Court has to be mindful of the need to protect the integrity of the statutory scheme and other
legislation and their several objectives.”

D MR JUSTICE JOHNSON: Yes.

MR HODGE: In this case, My Lord, what you’re asked to do is to permit Mr Walsh to address you.
Our position is first, I can just show you one of the justifications, the main justification for him
not having instructed counsel, which is in the supplementary bundle produced by my solicitors
at page 70. This is the application to be heard.

E MR JUSTICE JOHNSON: Yes.

MR HODGE: The first thing I would just highlight is at paragraph three is that he accepts that in the
last sentence that he’s been commissioned through investigation prior to bringing the case to get
all the crucial facts and circumstances with Mr Millinder, the firm’s key witness. But getting to
F the nub of it as to why counsel hasn’t been instructed, there’s paragraph seven. I’m page 71
where Mr Walsh says it is the Court’s duty to ensure parties are on an equal footing and that
means being able to hear both sides. The claimant does not trust counsel in the UK and would
not use them. Not out of a lack of funds, far from it. It’s because most of them are, in my view,
G masters of deceit covertly working for Masonic brethren of common purpose on the other side
whilst being paid to act for the opposition. That statement, in my submission, does not tally
whatsoever with what’s been said in correspondence from Mr Walsh previous to this. If I just
may take you through that relevant correspondence. It starts off in the bundle for this hearing at
page 3160. And again, this is an email from Intelligence UK Investigations to multiple people.

H MR JUSTICE JOHNSON: Sorry, page?

A MR HODGE: 3160. 3160. The date of the email is 26 January 2026. And at paragraph two, Mr – I
think it’s Mr Walsh, who’s writing this says, “We refer to the Masonic signage on the hearing
notice left wide open with the three day window internal code for one they will dispose of without
B judging on anything as evident throughout this case.” And he attaches the hearing notice. “IUK
is instructing counsel to attend, yet it is all deliberately wide open like this. Nobody can organise
anything, not even knowing the hearing date, et cetera.” And at the end of this email, at page
3162, very end question, “Can you give us proper hearing date so that our solicitor and counsel
actually have more than a few hours’ notice to attend?” So solicitor and counsel apparently on
C board, or getting on board at that stage. We then have going into the supplementary bundle for
this hearing, further emails from Mr Walsh.

My Lord, I’m on page 11 of this supplementary bundle where Mr Walsh emails your clerk,
amongst other people, saying on paragraph one, “If I had known you were still acting without
D jurisdiction of the back of the automatically voiced stay order of Judge Prentis and Judge Barber,
when they knew as well as you should do that the case entails criminal matters, as it does civil
contempt on the part of Mr Flume and D4, Mrs Thornton, then I would not have even bothered
going to the expense of instructing counsel to attend. There’s not varying degrees of nullity. I’m
now going to cancel attendance.” So the position being expressed there is that counsel were
E instructed and then deliberately dis-instructed. And the position gets developed further on 5
February, page 40 of this same bundle, an email again from Mr Walsh and a vast paragraph, “I’m
happy to attend a remote hearing to then deal with the substance of litigation or to have counsel
attend in person, but there has to be a proper basis.”

So, My Lord, the position seems to be, firstly, that they were instructing solicitors and counsel,
F then that they instructed counsel and then dis-instructed them. And then as recently as 5
February, they’re happy – they’re telling the court they’re happy to get counsel to come in person,
but a deliberate decision is being made by Mr Walsh to not have counsel attend it seems, and the
explanation being given now is that he just doesn’t trust any counsel. In my submission, that’s a
G fanciful suggestion to make, there’s no serious basis to suggest that all counsel in this country
are part of the Masonic order. But obviously the decision for you, My Lord, is whether a proper
justification has been made for – by Mr Walsh to not instruct counsel to attend. Obviously you
have to consider all the circumstances but in my submission, there is no serious justification for
them not having counsel here. Judge, I’m in your hands as to how you wish to proceed. And
H obviously if you grant Mr Walsh rights of audience then we’ll deal with that.

A But the law is, in my submission, clear that there has to be justification for having no counsel and there simply isn't one.

MR JUSTICE JOHNSON: Can I ask you separately then about the position of Mr Millinder?

MR HODGE: Yes.

B MR JUSTICE JOHNSON: Who was asked to attend remotely as an observer. Do you have a position on that or?

MR HODGE: If he wishes to attend as an observer, as I believe your clerk mentioned, what seems to be the position is that Mr Millinder doesn't want to attend in person any hearing because he doesn't want to be arrested and then serve a sentence of civil contempt, 15 months plus three months for harassment. We have no particularly strong view as to whether he attends remotely, it's a matter for you and your discretion as to whether he does or not. We think the only reason he wishes to do so is to avoid serving justice. We would have strong objections to him addressing the Court in any way because – and advancing and being joined as a party certainly because I think that's one of the applications is that they wish to join him as a co-claimant on the basis that he wishes to attack the vexatious litigant order. But we would say that's simply inappropriate because there's been a vexatious litigant order in place. Mr Millinder sought to appeal it. That was dismissed.

C
D
E MR JUSTICE JOHNSON: Yes. Let me just ask this or put this point to you for Mr Walsh's benefit as well as for yours. Thinking about the substance of the matters before the Court today, you take a threshold point that the Part 8 claim issued in August last year is in effect a nullity because it has been brought without leave in breach of the section 42 all proceedings order.

MR HODGE: Yes.

F
G MR JUSTICE JOHNSON: That is a question that is at large and needs to be decided. If the answer to the question is yes and the proceedings are brought in breach of the order but if in the meantime Mr Millinder has been permitted to attend even as an observer remotely, it would follow it seems to me that the Court would then have facilitated his attendance at proceedings which he was inhibited from bringing. So my preliminary view on that point which I record now so that Mr Walsh can address me on it is that it would be quite wrong to allow any attendance by Mr Millinder until the threshold question of the actual appropriateness of the proceedings at all has been addressed and resolved.

MR HODGE: My Lord, yes, that seems to be the principal to approach.

H MR JUSTICE JOHNSON: So, Mr Walsh, I then turn to you. Could I have some brief comments from you, please, on first of all, the question of your representing the company and what you say is the

A proper justification for you doing so rather than solicitors and counsel. And then secondly, the question of Mr Millinder.

B MR WALSH: Right. Okay. Well, I've been involved in this for a very long time now. I witnessed what went on in Newcastle in my final statement that was set across the three [inaudible]. And such to touch on this, you know, at the end of the day, the crux of all of this is there's no money owed and it's being concocted to – in defraud of the bankruptcy laws. These three proofs of debt have been concocted and then withdrawn. And on the fact of that, they've used bankruptcy, they've used insolvency, they've used everything. And these sentences on the back of going in there and [inaudible] arrest, there's no money out and it's been admitted by the other side. And here we are now. And what I've seen, you know, with that Prince, Judge Prince up there, is he gave a sentence, a custodial sentence for trying to forward[?] your rights in that country. I can't believe what I'm seeing. I can't believe. And I've looked at various counsels, I know better than anyone else and I've got constitutional right to represent that company. That's my position.

D MR JUSTICE JOHNSON: Thank you. And on the –

E MR WALSH: And this is all the side wind this is it. Why don't we get into the substance of the litigation? That's what the overriding objective there. Let's get into the substance of the litigation because in my – can I read to you my skeleton here, we've got these A, B and C, which they do not want to go anywhere near. A being the contractual facts that were concealed and never touched on. C, the automatic engagement rule insolvency setup was fraudulently bypassed. Then fraud was concealed throughout by judges under D5 and D6 and C, the illegal trespass of Mr Millinder's privilege of absolute witness immunity in respect of the crucial evidence, contractual facts he first gave as a witness to the police on 9 January '17 and then as a witness in the court for EEI from 21 December 2017, the concealment of witness evidence in tandem by fraudulent [inaudible]. These are the issues. These would be the issues here. And this is all a big smokescreen. I see what's going on here. We need to – the overriding objective let's get to the issues.

G MR JUSTICE JOHNSON: All right. Well, thank you, Mr Walsh. What I propose to do is the following. As I have said already, there is a threshold question that we need to address about whether the Part 8 claim that is before the Court, has been issued in breach of the section 42 all proceedings order. To begin with, and with some reluctance I agree that I will – I have decided that I will hear from Mr Walsh on that point and I will deal with it as a preliminary issue. I say with some reluctance because I am not fully persuaded that there is any real justification for the company not having counsel or solicitors available to attend today in light of the correspondence I have

A | been shown, would suggest that there may, at an earlier stage, have been an intention to instruct
counsel.

Nonetheless, the situation is that if Mr Walsh is not permitted to say something on behalf of the
company, then it will, in effect, be unrepresented. And it seems to me that on the preliminary
B | issue I have identified, it would be useful for me to hear some short submissions from someone
speaking on the company's behalf. So, for that limited purpose at least to begin with, and in
order to address the threshold question which arises, I am prepared to hear from Mr Walsh. For
the reason I have already given, I am not prepared yet to allow attendance remotely by
Mr Millinder. It seems to me that is a matter that we will need to come back to once the threshold
C | question has been addressed.

If the result of investigating that threshold question is that the Part 8 claim is permitted to proceed.
So that is my position on the matters we have debated so far. What I would propose to do is to
invite relatively brief submissions from both parties, starting Mr Hodge, with you on this
D | threshold question. And if I could invite you to try and limit your submissions to, say, 30 minutes.
I will then allow Mr Walsh an equal amount of time to say what he wishes to say. I will then
come back to you and may invite some further observations from you or may not. It will depend
on how matters stand at that stage.

E | MR HODGE: I'm grateful, Judge.

MR JUSTICE JOHNSON: Thank you.

MR HODGE: As well. My Lord, in that case, it may be useful to you to start on my skeleton, because
I traced the history of the matter through the skeleton.

MR JUSTICE JOHNSON: Yes.

F | MR HODGE: Perhaps before I do anything related to the history, I'd just like to draw your attention,
My Lord, to one email from Mr Millinder himself, sent on 29 November last year which is at B
bundle so bundle to this hearing, page 2313.

MR JUSTICE JOHNSON: Two three one three.

G | MR HODGE: Yes. And this is an email from Mr Millinder to various people, including various judges,
in breach of the section 42 order. But the relevant part I invite you to look at, My Lord, is at page
2315.

MR JUSTICE JOHNSON: Yes.

H | MR HODGE: Where Mr Millinder says midway down the page, "I make no secret of the fact that
Fancourt got one part right. I am the mastermind behind this and I had to do what I had to do to
ensure this case was properly investigated and you lot were brought to justice for the indictable

A only crimes that you've proven beyond doubt to have committed." So this email was sent in
November last year, so relatively recently in the history of all this. That reference to Fancourt
having got one part right is an order which Mr Justice Fancourt made following a hearing of
B 23 January 2024, in which – it is addressed at paragraph 13 of my skeleton, in which two
applications were made by Deuda Limited, i.e., the claimant now, investigate – Intelligence
Investigations, the same claimant. Mr Justice Fancourt on 23 January dealt with that. The order
is at page 81 of this bundle. And –

MR JUSTICE JOHNSON: Sorry. Mr Walsh, would you mind just muting your microphone for the
time-

C MR WALSH: I'm sorry, I thought I had. I apologise. I thought I'd done it a number of different times,
but...

MR JUSTICE JOHNSON: Thank you very much. Thank you. Sorry, did you say page 81?

MR HODGE: Page 81. This is the order from Mr Justice Fancourt, 23 January 2024. The applicant is
D Deuda, so the same claimant. The claimant has changed its name. And you'll see at the last –
so still hearing noise coming from Mr Walsh's mic.

MR WALSH: Sorry. Sorry.

MR JUSTICE JOHNSON: Thank you. Thank you, Mr Walsh. Yes. Okay. So page 81. Yes.

E MR HODGE: Page 81. On page 82, the last recital, Mr Justice Fancourt found the primary application,
secondary application was made in breach of paragraph four, the vexatious litigant order.

MR JUSTICE JOHNSON: Yes.

MR HODGE: You know, each have been instituted by Mr Millinder, whether personally or through
F Deuda Limited and/or Mr Walsh acting on his behalf under his directions without permission of
the Court. And my submission is clear that Mr Millinder making reference in November 2025,
thankful having got one part right, that he was the mastermind behind this, is reference to this
order such that you can as a starting position be fairly confident that – well, be confident that
Mr Millinder remains behind the actions of the claimant now. So, to the current Part 8
G proceedings, well, actually what happened before the Part 8 proceedings is that there were some
KBD proceedings.

MR JUSTICE JOHNSON: Yes.

H MR HODGE: And I've set it – I set this out at some length in my skeleton, I don't propose to go over
it again, but that what they were seeking in the KBD was a draft declaratory judgment, and that
is effectively what's being sought now in the Part 8 proceedings. But those proceedings were
struck out by Master Armstrong in an order 23 January 2025. That's on page 83. For the reasons

A given on page 84 are that the claim form fails to contain a concise statement of nature, claim form
fails to identify any recognisable basis, fails to concisely state the facts, fails to identify an illegal
B basis upon which damages are sought, fails to identify any act of negligence, breach of duty,
breach of contractual obligations and appears to be a collateral attack. And there's another similar
order on 12 March 2025, page 91 of this bundle in relation to further applications made in the
KBD, and similar reasons are given on page 92. So turning now to Part 8 claim, after those
strikeout orders are made in KBD, the claimant has basically issued the same thing in Part 8 in
the Insolvency and Companies Court. You'll see the relevant claimant's bundle, page five.

MR JUSTICE JOHNSON: Yes.

C MR HODGE: It sought declaratory judgment as a standalone form of relief substantially resolving the
issues at the heart of the case, which has never been adjudicated on. That statement in itself is
Mr Millinder's repeated position is that matters have never been adjudicated on and so he's
entitled to reopen everything because all the previous orders are void, he says. There's lengthy
D followed on shoots, but it's clear, this is from page eight onwards of this bundle. And what's
being said paragraph, for instance 1.4, this is a claim for a declaratory – page eight, a declaratory
judgment against D1 and D2 as made expressly pursuant to section 213 of the Insolvency Act
seeking financial declaratory relief. "Finally, ascertaining the sum payable to compensation to
E C, the defendants are jointly and severely liable for damages sought for engaging in fraudulent
acts intended to defeat primary legislation, acting in fraud of bankruptcy laws to defraud
Mr Millinder of the liquidated net claim." So they're running Mr Millinder's alleged claim,
historic complaints. And these kinds of things are repeated throughout the entire document.
Court fraud allegations against judges, against every legal representative ever instructed by the
F GLD, it would seem, and every judge which has dealt with a claim. That was accompanied by a
number of statements from Mr Walsh, all of which say similar things, obviously exhibited to that
as I've said in paragraph 24 of my skeleton, with the same draft of clarity judgment sourced in
the KBD.

G MR JUSTICE JOHNSON: Yes.

MR HODGE: Including arguments that Mr Millinder's alleged absolute witness immunity from suit in
any civil litigation had been trespassed against. And as I've said at page nine of my skeleton,
one of the drafted declaratory judgments put in in relation in the Part 8 claim which can be found
at page 1264 of the claimant's bundle, document bundle.

H MR JUSTICE JOHNSON: 1264.

A MR HODGE: 1264. This is the judgment that was appended to the Part 8 claim as part of the declaratory
relief sort. It says at paragraph 51, “I can therefore without hesitation with a high degree of
assurance find that that IUK is entitled to the relief sought and that is in the interest of justice to
grant the interim declaratory relief pursuant to CPR 40.20 in this judgment, that at all times since
B 20 March 2017 Mr Millinder has been absolutely immune from suit and therefore I declare that
there was no jurisdiction to have made any civil restraint order or any civil order against
Mr Millinder. Consequentially, I declare the section 42 order made against Mr Millinder on
6 July 2021, the committal order of 1 November 2022 for civil contempt of court and the ECRA
C by His Honour Judge Pelling, case on 28 June 2018 and the general civil restraint order of 11
November 2020 by Fancourt J are void acts in excessive judicial jurisdiction and are herewith
declared to be void and set aside.”

It couldn't be clearer, in my submission, what is being sought in the context of this Part 8 is relief
in favour of Mr Millinder. It's Mr Millinder's orders– restraint order which they wish to have
D set aside. It's Mr Millinder's historic complaint which they wish to litigate despite the fact that
there are virtually every set of proceedings which in every application has been struck down on
the basis that it's an abusive process. So that's the position in relation to what's contained in the
Part 8 application. And there's just so much material that it's impossible to in 30 minutes do a
full analysis of it. But all of it is of a similar vein. And it's made even clearer from
E correspondence issuing from the claimant that Walsh and indeed Mr Millinder himself, when
Mr Millinder decides to take over, what the aim and what the arguments are all about. So for
instance in an email of 1 October 2025, Mr Walsh, so this was the day before the last hearing in
this application before Judge Vajda, and the email I'm referring to is at page 1799 of the bundle
F for this hearing.

MR JUSTICE JOHNSON: Sorry, just give me that page number again.

MR HODGE: 1799.

MR JUSTICE JOHNSON: In the hearing bundle.

G MR HODGE: Of the one we produced for this hearing. Yes.

MR JUSTICE JOHNSON: 1799.

MR HODGE: 1799.

MR JUSTICE JOHNSON: Yes.

MR HODGE: Actually, the email itself starts at the first – starts at page 1795.

H MR JUSTICE JOHNSON: Yes.

A MR HODGE: And this is sent from Mr Walsh. And if you just scroll down, you can just see from
what's been highlighted that it's all historic argument based upon what Mr Millinder has
historically argued. But then we get to the nub of it which is it conclusively on – the heading is
conclusively on page 1799. And Mr Walsh says, "Conclusively, there is no restraint order against
B C or Mr Millinder, in truth and reality it was all aggravated conspiracy to commit collateral fraud
and perversion by concealment of the crucial evidence and facts. B, even if there was a restraint
order against Mr Millinder, it was not finally decided by [Andrew Del J?] that the restraint order
does not prevent the claimant from litigating. Certifications as TWM in this case are all contrary
to the filed Court of Appeal public policy decisions."

C So again I highlight that again, it's Mr Millinder's orders which are being attacked by the
claimant. And My Lord, in my skeleton I addressed – well, you've seen the bundle for this
hearing is 3,267 pages. Majority, if not the vast majority of all of that is correspondence issuing
from the claimant and Mr Millinder. And they seem to do it in a relay. So the first week, first
D we have emails from Mr Walsh until about from the end of October, from 2 October till about
mid-November. Then Mr Millinder takes over from mid-November to mid-December, we hear
nothing from Mr Walsh. And then it goes back to the claimant's email address.

MR JUSTICE JOHNSON: Yes.

E MR HODGE: And there's various references in the correspondence to Mr Walsh having discussed the
matter with Mr Millinder. So, for example – I'm not going to go through all of the
correspondence because it's just far too much. But –

MR JUSTICE JOHNSON: Yes.

MR HODGE: – I'd like to just point out on page 1836 of the bundle for this hearing.

F MR JUSTICE JOHNSON: 1836.

MR HODGE: I'm sorry, 1833 where it starts.

MR JUSTICE JOHNSON: 1833, yes. Thank you.

G MR HODGE: Is an email of 4 October from Mr Walsh to Judge Barber, which is an extraordinary email
if you read it, but there's an extraordinarily abusive tirade here. But page 1836 is the relevant
part of the point I'm making. And you'll see under "questions for you", the second paragraph,
he refers to, he says, "Don't you dare come back to me, I don't litigate via correspondence, etc."
And then he says, "I showed Mr Millinder the skeleton of lies." So that's referring to my skeleton
from the last hearing. "And he and I would say he has blown his top over the continued
H defamation spread by the traitors, liars and cheats included with GLD who acted under order to
defame him by illegally granting him a [inaudible] litigant in the campaign of perversion,

A concealing and fraud. Mr Millinder has said he's immediately launching proceedings in Hong
Kong against the Attorney General McGibbon and those at the GLD and Hodge who must have
known everything he said in his skeleton and material facts for lies. So in my submission you
can see that from this that there's a lot of talking going on between Mr Walsh and Mr Millinder.
B Even Mr Millinder as I said at the start, Mr Millinder has said in terms in November 2025 that
he is the mastermind behind it all. And so for that reason it's in my submission clear that what's
going on is that Mr Millinder is dissatisfied with having been held to be a vexatious litigant. He's
exhausted his route of appeal. He's then been found in contempt. And seeing as he cannot
litigate in his own name because that would form an immediate filter, he has used the claimant,
C a company with Mr Walsh helping him to advance exactly the same kinds of arguments again.
And it was done, in my submission, to quite clearly sidestep the Section 42 order. And everyone
knows, including Mr Walsh, that there is a Section 42 order in place. Mr Walsh knows that he's
advancing the same arguments as Mr Millinder previously was. They're both working together.
D And for that reason I would say it couldn't be clearer that this is an attempted side stepping of
the Section 42 order. In fact, it is a breach of the order because Mr Millinder, I'd like you to
infer, has set up the claimant to bring this claim. And that's actually been held previously by
Fancourt J in January last year where similar points were being raised. I've been as brief as I can
to address you on that.

E MR JUSTICE JOHNSON: Thank you-

MR HODGE: My Lord, if there's anything else I can assist you with or any particular question, please
do let me-

F MR JUSTICE JOHNSON: -very much. I am just finding the order, the section 42 orders in the
defendant's documents, page 52. So the paragraph that you focus on presumably is paragraph
four. Mr Millinder shall not without the leave of the High Court, whether personally or through
any other person on his behalf or acting under his direction.

MR HODGE: Yes.

G MR JUSTICE JOHNSON: Institute civil proceedings here. There was no leave given for initiation of
the Part 8 claim. And your submission is that it is obvious you say that the claim is brought on
Mr Millinder's behalf or under his direction because the benefit it seeks to achieve is for him.

H MR HODGE: Yes. And it's clear that they seek to have all of the orders previously made in the
proceedings going right back to 2017 declared void and set aside, including the contempt and the
section 42 order itself, which has been attempted to be challenged by Mr Millinder. If I could

A just show you that, to show you exactly what happened there. It's in the – addressed in the contempt judgment.

MR JUSTICE JOHNSON: Yes.

MR HODGE: I'm just getting my hard copy because it's easier to navigate.

B MR JUSTICE JOHNSON: Yes.

MR HODGE: The contempt judgment starts in the defendant's documents under page 55.

MR JUSTICE JOHNSON: Yes.

MR HODGE: Lady Justice Andrews refers to paragraph two on page 56 to an email received, sent by Mr Millinder after he was served with the order where he says, "The judgment is void, is *ultra vires*." Says the order is *ultra vires* [inaudible] judges to make an order. First course of justice. And he says, "I will not comply with the void order. You will not restrain me. Not in the slightest." And then at paragraph three Lady Justice Andrew said Mr Millinder was true to his word and he has persisted in the act of disobedience. The relevant part, where he – where the Court of Appeal gets involved is after the section 42 order, which is addressed at paragraph 14 on page 58. Mr Millinder sought permission to appeal to the Court of Appeal against the section 42 order, permission was refused on papers by Lord Justice William Davis, November 2021. He gave unimpeachable reasons for refusing Mr Millinder's request that the application for permission be determined at an oral hearing. He noted that Mr Millinder did not attack the exercise of the Divisional Court's discretion, but rather his submission is that the basis for the Attorney General's application was fundamentally flawed and underpinned by fraud and *ultra vires* orders on the part of many different courts and judges. And then Lord Justice William made these observations. If I may just ask you to read those two paragraphs under paragraph 15.

F MR JUSTICE JOHNSON: Yes. Thank you.

MR HODGE: So that summarises Mr Millinder's appeal back in 2021. But in my submission, those are exactly the same points which are being run now by the claimants. And then Lord Justice David Williams pointed out that there's no basis for asserting his fraud allegations and he described many of them as salacious[?]. That's paragraph 16 and paragraph 18. And then Lady Justice Andrews concludes paragraphs 19 and 20 by saying the effect of the order of Lord Justice William Davis of the Appellate Court has made a final ruling binding on Mr Millinder and also on any lower court upholding the validity of the section 42 order. The Court of Appeal has determined there's no evidence of the division of court acting with any impropriety, as Mr Millinder alleges. And there are no arguable grounds with any real prospects of success of challenging the section 42 order on the basis that it is void because it's based on earlier orders

A which are also alleged to be void. And Mr Millinder cannot reopen those issues. They've been finally and definitively determined against him on the merits by an appeal court judge who, as he said in his order, had no prior knowledge of Mr Millinder's existence.

B So in my submission, what's clear that in seeking to re-open those points, re-open an attack on a section 42 order and the contempt order ultimately, is Mr Millinder, through the claim, taking the same, exactly the same points as he took before the Court of Appeal judge.

MR JUSTICE JOHNSON: Yes. Thank you, Mr Hodge.

MR HODGE: I'm grateful, Judge.

C MR JUSTICE JOHNSON: Thank you. So, Mr Walsh, I come to you. As with Mr Hodge, I will allow you up to 30 minutes to address me on this threshold question. And just so that you are focused on it, the question is whether the proceedings I am concerned with, the Part 8 claim infringe paragraph four of the section 42 all proceedings order because they are brought on behalf of Mr Millinder or by someone acting under his direction.

D MR HODGE: Right. Well, this is all been finally determined by Andrews in the administrative court. So if we go into our bundle C.

MR JUSTICE JOHNSON: Mm-hmm.

E MR WALSH: You'll see the table of contents there right in front of you. It says if the reader was a genuine assignee, then a ruling against Mr Millinder as an individual would have not had any bearing on its right to litigate. Now, what counsel is trying to float the idea is that if you know somebody and you get assigned rights of property because you know each other. Well, what he's actually doing here is using these to cover up all this fraud. Now, I'll now take you to bundle A. Well, so what he's relying on this [inaudible]. So if we go to Bundle A, number 16,

F MR JUSTICE JOHNSON: Right. Are they – forgive me, am I now – I am now in a different set of bundles to the ones I have been looking at already. Is that right?

MR WALSH: No, no, no. So you haven't looked at our bundles before then? Is that what you're now telling me?

G MR JUSTICE JOHNSON: Well, I have got – I am just opening up claimant's bundle A. It is just not on my screen at the moment. I have got it there. Thank you. Which page are you on?

MR WALSH: Right. We're going into my eighth witness statement. I just want to speak to my assistant here. Where is that eighth, what page is it on? 528. This one.

MR JUSTICE JOHNSON: Right. That is not in bundle A.

H MR WALSH: Right. Okay. Bundle A, number 16.

MR JUSTICE JOHNSON: Page 16?

A MR WALSH: Okay. So I'll just send this to you. But basically this was my submission regarding
[Inaudible] Davis[?]. So it's my eighth witness statement and I said this about the fraudulent
concealment in the Administrative Court and the Court of Appeal. There is no singular reference
to the simple contractual terms of setoff anywhere in the Administrative Court purported
B determinations either and least of all any mention of the crossover offences and the fraud
distinctively pleaded and proven by Mr Millinder in his appeal purported to have been
determined by [Inaudible] Davis.

Number 68, I refer to EX3, three of the – three of C schedule page – right, okay. Okay. So where
do I find this skeleton? Get it for me.

C **Discussion *sotto voce*.**

MR JUSTICE JOHNSON: Yes. Yes. Thank you. I have got that.

MR HODGE: My Lord, can I just interrupt briefly? I'm concerned given that I'm hearing a lot coming
from another person in the room with Mr Walsh and my suspicion frankly is that it's Mr Millinder
D who's there assisting Mr Walsh, which would be extraordinary in my submission, given your
ruling he's not allowed to attend.

MR JUSTICE JOHNSON: Yes. Mr Walsh, any comment? Who is your assistant? Are you able to tell
us?

MR MILLINDER: Yes, it's Mr Millinder yes, no problem. I'm the witness in this case and I'm giving
E assistance to Mr Walsh in relation to the evidence that I've both given. It's myself. Yes. Do
you have a problem with that? I'm going to use it as evidence in Hong Kong, in our High Court
for this conspiracy to [inaudible]. Do you have a problem with that?

MR JUSTICE JOHNSON: Well, there is a problem for the reasons I explained earlier.

F MR MILLINDER: Well, [Inaudible] just let me hear me out for one minute here. Your restraint order
has been used to conceal fraud against me by dishonest deprivation of the mandatory rule in
setoff. You're talking about [Inaudible] Davis LPA[?] who by far in ground six and my seventh
ground of appeal which was all about setoff because there's not one singular mention, not one
G singular judgment and ever in my case referring to setoff or 14.25A because they've been using
restraint orders to conceal the evidence that I'm going – given, which was that in factual terms,
the fact that no money was ever owed and the fact that they bypass the mandatory law of due
process in doing so. Your Lordship will appreciate that the only thing in the right out space is
another thing and there are various degrees nullity, My Lord. The fact is that the mandatory law
H of setoff which has been administered prior to making an insolvency.

A Your Lordship will know about [inaudible] paragraphs five to seven where the Lords talked about
the occasion for setting off, the occasion to pay the account. That all occurred prior to making
an insolvency order and in fraud they bypassed the mandatory rule depriving me of my statutory
rights granted within the scheme of law. Everything you've done is void. I respect the Court. I
B greatly respect the work of judges. But I will not comply with the nullity, and neither will I
comply with any illegal act in trespassing upon my absolute privileges with immunity considered
[inaudible] in relation to the evidence that I've first given as a witness to Northumbria Police and
to Cleveland Police when I reported the fraud on 9 January 2017 having discovered that the fourth
C defendant had withheld all of the evidence that I served on them by process server with the
statutory demand. And that is the evidence and the crucial fact that these judges involved prior
to yourself have been telling porky pies about as evidenced in the report that you should have
read, which is clear that you haven't read. It's clear that you haven't read Mr Walsh's skeleton.
And obviously, I did help him in preparing that. I'm completely honest. I've always been honest.
D I've always been forthright. It's just that everyone keeps concealing all of the evidence and facts
in conspiracy. That's why nobody is able to take us to any singular reference to setoff, or 14.25
in any of the [inaudible] determine, determination [inaudible] against making a perversion. And
that My Lord, we would like to try prove beyond reasonable doubt and we have done using AI
E search. So we've compiled all of the judgments and orders in chronological order from day one
when Earth Energy Investments, who are still my applicant[?] and witness for, attended court on
21 December 2017 in relation to the false proofs of debt which [inaudible] intended to be set up
in time as per the law. I'm not trying to educate Your Lordship about the scheme of law that
we're talking about. You know it only too well an insolvency judge. They bypass that law to
F defraud me of my assets because out of the contractual result which is the fact that no money is
owed arises the cross offence[?] vested in both of my companies.
They bypass the law to defraud me of my assets, that's why I'm insistent My Lord. I'm insistent
because justice has never been done. It's just that the crucial evidence of fact has been concealed
G throughout due to political interference with the judiciary because the fourth defendant is
politically connected, My Lord.
Unfortunately, I've never had the opportunity of being properly heard on any of these issues. So,
Martin had took the assignment legitimately. I had assigned the right of action under section 136
of the Law of Property Act on 25 March 2022. Now I assigned that action after negotiating with
H Mr Walsh in relation to a commercial deal for Mr Walsh's company Deuda, to acquire that right
of action because Mr Walsh who I've known for many many years identifying that I've been

A defrauded and fraud unravels all even post-judgment[?]. Those are orders though, two insolvency orders made against my company, [Empowering Wind MFC?] firstly and then the [Inaudible] Investment were both touted by Paul[?] and automatically void for failure to comply with the mandatory form of due process.

B Your Lordship would [inaudible] with everything that I'm saying. I'm not making any of this stuff up. Similarly, with Mr Hodge talking about Stanford. The case has no discernible legal basis. What it's actually doing there My Lordship is affronting the superior court's final decision from the scheme of law or the authorities that we rely on which are *Stein v Blake*, *Bresco Electrical v Lonsdale*, the Supreme Court judgment and then *Belmont Park*. And at paragraph C one of *Belmont Park* [inaudible] authority, it talks about the acts contrary to public policy in contracting out or obeying the primary insolvency legislation. Your Lordship is well acquainted with everything I'm saying here and that invented effectively the anti-deprivation law which becomes automatically engaged nullifying [inaudible] printing out in the form of the bankrupt D laws when somebody [inaudible] a deliberate act to contract out of the primary legislation as they've done here.

E And My Lord that's what my case is all about and that's what they bypass throughout every single proceeding even though the first ever case formed by EEI, the originating application case brought under 14.11 of The Insolvency Rules 2016 sought to deal with the proofs of debt of 14.25, the automatic engaged rule determined should never have been made against either of my companies. Setoff was to have been administered. Paragraph 30, registered electrical services [inaudible] issue of public reference, the authority in question. And what I'm referring to, keeping it as brief as possible, is that if the sums in – subject to the cross [inaudible] are in dispute F then those disputes first need to be resolved prior to arithmetic resuming. It means that the law [inaudible] cannot be contracted as they bypass the rule of due process, My Lord and then accused me of being a vexatious litigant meaning that my case has no discernible basis at all after fraudulently depriving me of my assets and my rights granted by the statutory engaged scheme G of law. That's why I'm not very happy about it.

[Inaudible] they must be relevant, this is a court of equity here. It's also an insolvency court whereby we are exercising the duty of inquiry wherein there's been miscarriage of justice, there has been of this court and has also been fraudulent concealment, the fraud unravels all in post-judgment. And there's every reason to it address the fraud that's never ever been addressed by H any court in the United Kingdom. That's my submission, My Lord. Thank you for hearing me.

MR JUSTICE JOHNSON: Mr Walsh, back to you. Do you have anything you would like to add?

A MR WALSH: My Lord, as he's mentioned Fancourt, well, Miles[?] J ordered a two and a half day trial and Fancourt dismissed – lied and dismissed it in five minutes and now they're relying on this. We can't – there's no judgment there.

MR MILLNDER: Fancourt dismissed Lady Justice [inaudible] had already determined [inaudible].

B MR WALSH: Yeah. And again, [inaudible] so.

MR MILLINDER: This is Justice Fancourt. There's a rule[?] on that point. And he also bypassed the setoff point which is the crucial point of the [inaudible] part of it. And he also bypassed my privilege of absolute immunity from [inaudible] in respect to the crucial contractual facts that I'm first given to plead[?] that I then first gave as a witness to EEI in this court in relation to the fact that no money is contractually owed and they form fraudulently or negligently forfeited [inaudible] at this 26-year lease on interest which was to construct, connect to the grid and operate the wind turbine. None of that's ever been adjudicated on My Lord. There has to be truth in this. There has to be facts, truth, law, administration of justice. And unfortunately, until Your Lordship became involved that has not happened to date, ever in any of these proceedings. And before the Court is bundle C of the three of the claimant's three bundles, deals with the real evidence the judge is actually lying that the crucial evidence and contractual facts. I don't believe Your Lordship has even considered in fact [inaudible].

E Judge Barber's[?] order provided for three hours pre-reading, it appears Your Honour has only pre-read one side of the material. So we're not off to a fair and even footing because you've only considered one side's arguments unfortunately. I think that's all we need to say for now. Obviously Your Lordship does need to read the claimant's skeletons and certainly the immunity that you rely on as a judge of the High court is the doctrine of judicial immunity which applies to the word spoken and the evidence that you look at and the things that you do in your act within jurisdiction as a judge. It is exactly the same in principle as the immunity from suit that I first gave as a witness in respect to the previous evidence of crimes that had been concealed by successive judges of this court and us by bypassing everything that ever needed to be determined.

G MR JUSTICE JOHNSON: All right. Mr Walsh any further –?

H MR MILLINDER: I can't understand why anyone can't hear me. I know more of the law [inaudible] combined. I could without looking at the paperwork, I could sit here all afternoon talking to you about insolvency law and the application of setup and why it's so crucial. But I think the super important *Bresco* [inaudible] [02:19:44] that I'm just relying on paragraph 27 to 34, it's the statutory law that's being bypassed here and I can't believe any proper judge would actually allow that to go on and that's I believe if you were exercising judicial capacity looking at this

A impassively from an independent judge coming into it, you would recognise that My Lord and say that actually justice needs to be done here because nothing has ever been determined that ever needed [inaudible]. Thank you, My Lord.

B MR WALSH: You know, just trying to round off here, I'd like to go and look at the order that we're looking for and the reasons why. This is the one that's in front of Judge Barber who acted without jurisdiction, but running through this we're saying that we heard by the previous – the guidance [inaudible] and it is ordered that the [inaudible] of 10 September stay in the claim he set aside, the order of 28 March '18 winding up Earth Energy is declared void and set aside. We're awarded this 1.4 million costs in the course. Now we get onto the reasons and make the order clear on the terms and for the reasons given by the claimant. The stay was granted in error in my judgment and it became clear to the Court that the claimant's place for service pursuant to CPR 6.231 had not changed during the course of litigation and there was no other reason to stay the claim. By order of 28 March '18, the claimant drew my attention to the short transcript of the hearing before me on 28 March '18. Mr Staunton, counsel for the 4th defendant negated to mention the EEI, 6 January 2007 statutory [inaudible] claim in the sum of 530 which was based on the [assigned investment?]. I read all the claimant's supported witness statements three to six with care and at paragraph 9.1 of Mr Woolf's fifth dated 26 September '25 he recited the passage from the official transcript before Justice Nugee on 5 February 2018. For clarity I recite the snippet for the transcript.

E MR MILLINDER: No one is transcribing. It might work taking the judge into the bundle [inaudible] where you're referring and the page. What's the page number of the judgment that you're reading out?

F MR WALSH: Right.

MR MILLINDER: So that everyone's on the same page [inaudible].

MR WALSH: Okay. So it says [inaudible] page 507 to 513.

MR MILLINDER: The claimant's bundle.

G MR WALSH: Yes. Okay.

MR JUSTICE JOHNSON: 507 bundle A I have got an order and then reasons. Yes?

H MR MILLINDER: Yes, that's it, My Lord. So I think the point that Martin's getting out is paragraph four. I read all the statements saying the 14 witness statements where you can see [inaudible] and at paragraph 9.3 of Mr Walsh's [fifth date?] is 25 September '25 recited a passage from the official transcript before Mr Justice Nugee and Mr Thornton saying what's assigned to EEI of investment my 200,000 lease premium. Nugee Judge said yes, but not for pause of action because

A in the second paragraph he said we agreed to separate [inaudible] investment to the project. So
there were two causes of action and it should have said that with the parent[?] not payment should
have said parent recovery funds invested and empowering recovering consequential loss.
Turning over the page, Nugee J then summarises it by saying well, I'm not sure I quite understood
B how that fits with the claim that that was in the statutory demand.
Because the statutory demand is for 200 on the lease – 200,000 on the lease premium and 330,000
in legal acceptable [inaudible] processes and that could be the parent investment, could it not?
And what the [inaudible] order says is at paragraph five it became clear to notice that on 5
C February 2018 it was Mrs Daunton, counsel for the board's defendant after acknowledging facts
and circumstance and to the assignment [inaudible] Earth Energy Investment claim against the
board of [inaudible] that at least 530,000 in brackets which he knew to be the sum of the EEI
statutory demand dated 6 January 2017 was assigned. The point being made is obviously that
the [inaudible] cross claims that extinguished their 25 grand reported petition debts. The
D significance of that being that [inaudible] was automatically engaged when [inaudible] presented
a petition in some 25,000 against EEI and [inaudible] due process was bypassed [inaudible] my
own investment which I'd assigned to my own company, My Lord.
So we carry on in this paragraph six, "Before me however, Mr Staunton," and this is obviously
Justice Barber, "Before however, Mr Staunton told me that the cross claim was the claim
E [inaudible] had invested in a subsidiary in Empowering Wind MFC [inaudible]." What happened
was that on 15 November 2017 EEI formed proceedings as a member of EECW under Rule 1411
of the Insolvency Law of 2016 against the first defendant Mr Hammond who as liquidator of EW
have accepted three proof of debt payments from the [inaudible] in substantially different
F amounts, [25626989, 5413889 and 4.111 million or 411187475?]. On 18 August 2017, counsel
[inaudible] instructed Edmund Robb of Prospect Law and serves Mr Hammond a letter before
action. And the first defendant – fourth defendant [inaudible] in EW the subsidiary that is said
to be net of interest in the Southern side for the 231,096 which is the net operating position of the
G turbine over the 25 year operational life of which EW was to have received statute through
guaranteed [inaudible] 20-year period minimum tariff payments for the sale of all energy
produced by the turbine. On 19 August 2015 the fourth defendant is elected by EW to affordably
and or negatively forfeited the wind turbine [inaudible] based on an unwarranted demand in the
sum of 25626989 which is the case they later sought to prove against EW. Whilst I'm not here
H to prejudge on the issue set out in the claims, the background is essential in what I'm getting
across.

A I easily established from the claimant's evidence that EEI had a claim against the four defendants
deriving from their 6 January 2017 statutory demand plus commercial rate interest on the
liquidated sum of the demand. EW has a claim against the fourth defendant exceeding 9.2
million. Both claims arise from pre-litigation direct contractual mutual dealing. [Inaudible] false
B representations by Mr Staunton before me on 26 – 28 March 2018.

MR HODGE: My Lord –

MR MILLINDER: Mr Staunton, counsel [inaudible].

MR HODGE: My Lord, to interrupt with respect, what's now occurring is the claimant through
C Mr Millinder is reading out a draft order which is submitted with a cessile application which is
effectively a fantasy order they would like the Court to make.

MR JUSTICE JOHNSON: I follow. What is also happening is that I am listening to information that
may assist me in deciding whether the part A claim is in fact being brought on behalf of
Mr Millinder or not. By my calculation, I think there are three minutes left on the clock for
D Mr Walsh to complete his submissions. Mr Walsh, is there more you would like to say in the
few minutes remaining?

MR WALSH: Yes. You know, the overriding of justice here. I mean what [inaudible] you know, the
intricacies of the actual litigation and in all of this, the other side A, B, C, nowhere do they go
anywhere near those three points because they can't.

E [Crosstalk]

MR WALSH: Then they bring on [inaudible] and they're using this restraint order which doesn't exist
because Mr Millinder's got absolute immunity. I was involved in a high profile case that went
out to the Supreme Court and I was hit over the head with this witness immunity. And this is
F why I found this all very interesting that –

MR MILLINDER: [Inaudible].

MR WALSH: Yes. This full stage run and the bottom line of this is in truth and reality they did not, as
per their own counsel, bring any claims.

G MR MILLINDER: Let me stop you there. By reading out paragraph 10 of this judgment, right, because
this is where it's all about support against EEI. On 28 March 2018 there's sum of the EEI claim
against the four defendants. My assigned investment was at the very least 607,684.93 of which
77684.93 accrued interest from 6 January 2017, the date of the service of the statutory demand.
There was no debt on which the fourth defendant's winding out petition with basis. It was an
H abusive process [inaudible] EEI on 28 March 2018 as it was an action that the court had no
jurisdiction to have done in absence of administration of the [inaudible] 14.55 Insolvency Law

A 2016. My order of 28 March 2018 is automatically void for failure to comply with the statutory requirements and the claimant asks the court to declare it to be so, exercising its right *ex debito justitiae* to do so.

B I had no option but to do so in these circumstances. The other rest of the order talks about failure to comply with the statutory requirements for consent order because 16 January 2017 consent order which was obtained by the board by failure to disclose the two [inaudible] letters and in breach of that continue to be in breach [inaudible]. Whereas had that disclosure arisen and the defendants did return to court with those two letters, it would have been discovered that I didn't consent paying the 25 grand cost. The appropriate order sought that each party was to bear their own cost and therefore the order the consent order underline the 25,000 is non-compliant with the statutory provisions as under practise direction 43, rule 3.41 and 3.4A and 3.4B. So the underlying order is void. Also, the failure to comply with the statutory requirements on consent order, My Lord. Nobody's ever touched on this. This is a core issue at the heart of the case. There's a [inaudible] determination, there are ranges [inaudible] determination which are just that, nullity, because they don't determine anything that needs to be ever at all.

MR JUSTICE JOHNSON: All right.

MR MILLINDER: There's no restraint in that.

MR JUSTICE JOHNSON: Thank you. Thank you both very much.

E MR WALSH: To summarise briefly, I mean, where we are at all of this and that's that they don't bring any claims. Their counsel confirmed that they don't bring any claims, that 25 grand was not authorised. So they had no claims and they had no costs. So how can you wind up companies with assets with no claims? And no – what policies? And this is what we've come here now to sort it out and get, you know, he's trying to obfuscate and act and carry through with direction. Let's get to the crux of the litigation, they do not bring any claims.

F MR JUSTICE JOHNSON: All right. Right. Well, I am going to stop you there, Mr Walsh, your time is now up. Mr Hodge, I do not think I need to hear from you any further. What I am going to do now is take a short break. I will come back into court at 12, 10 minutes past 12 and give my ruling. Thank you all very much.

G **Court rises.**

Court resumes.

MR JUSTICE JOHNSON: Thank you. I will now give my ruling.

H **Judgment transcribed separately.**

MR JUSTICE JOHNSON: Thank you. Mr Hodge.

A MR WALSH: We need to appeal. We've got a right to appeal this orally now because what's good for the goose must also be good for the gander.

MR JUSTICE JOHNSON: Well, sorry, Mr Walsh, let me stop you there. Let us deal with things in an orderly fashion. I am going to hear from Mr Hodge first. Thank you.

B MR HODGE: My Lord, this matter being declared a nullity, in my submission there's no basis to entertain his wish to appeal. The only thing you should be considering now is an order. We seek our cost going to deal with this matter. I've submitted a draft order which I think was in my skeleton. Simply we – just to run through that, we just simply recite the claim, recite the Prentis order of 11 September and the set side application.

C MR JUSTICE JOHNSON: Yes.

MR HODGE: This may need updating in relation to attendances.

MR JUSTICE JOHNSON: Yes.

MR HODGE: In your ruling that he should not attend, but then he actually did attend. Perhaps I can

D make that clear just with a recital.

MR JUSTICE JOHNSON: Yes. Yes.

MR HODGE: It said effectively to the effect that it was ruled that he should not be permitted to attend, but then did attend and addressed the Court in any event remotely.

MR JUSTICE JOHNSON: Yes.

E MR HODGE: And then the last recital is determination, this was these proceedings and the application were made in breach of the order.

MR JUSTICE JOHNSON: Yes.

MR HODGE: Similar to that made – to the order made by Mr Justice Fancourt so I took the wording

F from.

MR JUSTICE JOHNSON: Yes.

MR HODGE: And then just to reflect your order is that the application and the Part 8 claim are nullities and dismissed not totally without merit.

MR JUSTICE JOHNSON: Yes.

G MR HODGE: We then seek our costs.

MR JUSTICE JOHNSON: Yes.

MR HODGE: There is a statement of cost which was filed on 9 February. We seek £21,381.

MR JUSTICE JOHNSON: Yes. Let me just find the statement of costs. Is that in the bundle?

H MR HODGE: Well, it's not in the bundle, it's filed by my solicitors separately. I've got a spare one.

A MR JUSTICE JOHNSON: If there is a hard copy that you could hand up that would be helpful. Thank you very much. Yes. Thank you. Yes.

MR HODGE: First things first is we seek on indemnity basis, given the nature of what's occurred, we say it's totally out of the norm.

B MR JUSTICE JOHNSON: Yes.

MR HODGE: And we seek payment within 14 days, which is the usual period. I can just update that in the order subject to your ruling that with the actual date 14 days from today.

MR JUSTICE JOHNSON: Yes.

MR HODGE: And you can see that the sum is claimed in the judgment itself grand total £21,381. I'm happy to take you through each part of that or if the claimant is making a submission.

C MR JUSTICE JOHNSON: Well, let me hear from Mr Walsh –

MR HODGE: On that point.

MR JUSTICE JOHNSON: On that point.

D MR WALSH: Yes.

MR JUSTICE JOHNSON: Yes. Mr Walsh, let us take things in order. Do you accept that the ordinary consequence should follow and that the claimant company should bear the cost of the proceedings?

E MR MILLINDER: Absolutely not. Absolutely not, My Lord. Very simply because you are weighing into account for the fact that there's not bearing the agreements and other things. The orders are automatically void originating the proceedings and everything followed by.

MR JUSTICE JOHNSON: Right. Well, Mr Millinder, I am sorry, I am going to stop you there. I think the position is now clear that the proceedings we have –

F MR MILLINDER: [Inaudible] I'm going to the court here in Hong Kong on conspiracy to commit fraudulent charges and failure to judge. You've perverted the course of public justice by –

MR JUSTICE JOHNSON: Well, I – Mr Millinder, respectfully, I do not think it is appropriate for me to hear any more submissions from you. I am willing to listen to brief submissions from Mr Walsh and I am going to ask Mr Walsh the same question. If this carries on, I will simply terminate the link.

G MR WALSH: Well, I'm sure he will, but at the end of the day, A, B and C haven't been there [inaudible]. The simple fact of the matter is they don't – they haven't got any claims. They [inaudible] any consent order and it is all collateral.

H MR JUSTICE JOHNSON: Mr Walsh, let me ask you the simple –

MR WALSH: [Inaudible].

A MR JUSTICE JOHNSON: Right. Mr Walsh, let me ask you the simple question which now arises.
Mr Walsh, I see you are walking away from the camera and the microphone.
[Crosstalk]

B MR JUSTICE JOHNSON: I am going to give you one more opportunity to make submissions on costs.
But if the present behaviour continues, I am afraid I am going to have to terminate the link. Do
you have anything to say?

MR WALSH: [Inaudible] and it's all going to be on the tape.

MR MILLINDER: You're all going to get indicted internationally for being criminals.

C MR JUSTICE JOHNSON: Do you have anything to say on the question of costs?

MR MILLINDER: Yes. There can be no advantage gained by fraud. The costs are fraudulently obtained
by your failure to judge on the issues. We first need to judge on the proven nullity at the heart
of this case.

MR JUSTICE JOHNSON: All right.

D MR MILLINDER: Fraudulent proceedings come and get – come after us for cost [inaudible].

MR JUSTICE JOHNSON: Right. Well, my ruling on costs –

MR MILLINDER: [Inaudible].

E MR JUSTICE JOHNSON: My ruling on costs is that the defendant should recover their costs on the
indemnity basis. The claim is obviously out of the norm. Having looked at the cost schedule, it
seems to me that the figures set out there are reasonable, given the volume of work involved in
managing this case. So I will summarily assess the costs in the amount claimed. Thank you.

MR HODGE: My Lord, I'm grateful. That's it for me. And I will take carriage of the order, obviously,
and update it and send it to the clerk.

F MR JUSTICE JOHNSON: Thank you very much. One thing occurs to me now, I think there have been
a number of certifications of proceedings, applications made by the company that are without
merit. Certainly without merit.

MR HODGE: Yes.

G MR JUSTICE JOHNSON: It may not be a matter for immediate attention, but there may be
consequences flowing from that that you wish to consider.

MR HODGE: Yes. And My Lord, those are very much under review and have been for some time. But
we will take such steps as are necessary should we decide to do so.

H MR JUSTICE JOHNSON: Yes. Very good. Well, thank you very much. Unless there is anything
more I think the hearing can now be concluded.

A MR HODGE: My Lord, just in terms of the sending of the order to your clerk, I would normally copy it to the other side in the usual course, but given what's occurred today and given the nature of the correspondence, I'm not particularly willing to do so given the amount of vitriol which is directed at me.

B MR JUSTICE JOHNSON: Yes.

MR HODGE: I wonder whether you would be permitted just to send it directly to your clerk and they've obviously seen the draft order today, they've seen what you've ruled in relation to it, so.

MR JUSTICE JOHNSON: I think so if I am satisfied that the order properly reflects the ruling I have given, then it will obviously be unobjectionable.

C MR HODGE: I'm grateful.

MR JUSTICE JOHNSON: And I understand your reservations. So that course of conduct seems entirely appropriate to me.

MR HODGE: I'm very grateful, My Lord.

D MR JUSTICE JOHNSON: Very good. Thank you very much.

Court rises.

End of hearing.

E

F

G

H

A

B

C

D

E

F

G

H

Transcript from a recording by Acolad UK Ltd
291-299 Borough High Street, London SE1 1JG
Tel: 020 7269 0370
legal@ubiquis.com

Acolad UK Ltd hereby certify that the above is an accurate and complete record of the proceedings
or part thereof.