

**IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION**

**Claim No. KB-2024-001774**

**Before Master Brown**

Dated 05 June 2025

**BETWEEN**

1. Perseus Ventures Ltd

**- and -**

1. David Keith Foskett,

2. Richard Guy Alford,

3. John Duffy,

4. Emma Louise Atkinson,

5. Barclays Bank UK PLC



KB-2024-001774

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**ORDER**

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**UPON** the adjourned hearing of the Claimant's application dated 26 September 2024 for an order for disclosure and the provision of further information (the "Claimant's Application")

**AND UPON** the Defendant's application dated 18 November 2024 for an unless order, an order striking out all or part of the Claimant's claim and for the provision of security for costs (the "Defendants' Application")

**AND UPON** the Case Management Conference of the Claimant's Claim

**AND UPON** hearing Mr James McWilliams of Counsel for the Defendants and the Claimant neither appearing nor being represented

**AND UPON** the Court reading the documents supplied to the Court by Mr Martin Walsh on behalf of the Claimant on 2 June 2025

**IT IS ORDERED THAT:**

### **The Claimant's Application**

1. The Claimant's Application insofar as it sought the provision of disclosure be dismissed.
2. The Claimant's Application insofar as it sought the provision of further information be dismissed as totally without merit.
3. The Claimant do pay the Defendants' costs of the Claimant's Application, to be the subject of a detailed assessment if not agreed on the standard basis.

### **The Defendants' Application**

#### *Strike Out*

4. The Claimant's Claim be struck out as against the First Defendant insofar as it brings a claim in fraud or conspiracy.
5. The Claimant's Claim as against the Second and Third Defendants be struck out in its entirety.

#### *Unless Orders*

6. Unless the Claimant do by 4pm on 24 June 2025 pay to the Defendants' solicitors client account the sum of £55,411.10 due pursuant to the Orders of Collins-Rice J and Freedman J dated 9 May and 23 July 2024 respectively, the Claimant's Claim be struck out without further order of the Court.
7. Unless the Claimant do by 4pm on 24 June 2025 pay to the Court the sum of £9,374 (being the difference between the issue fee paid by the Claimant to issue these proceedings on 4 June 2024 pursuant to CPR Part 8 and the issue fee that would have been payable had the Claimant issued these proceedings pursuant to CPR Part 7), the Claimant's Claim be struck out without further order of the Court.
8. Unless the Claimant do by 4pm on 8 July 2025 re-verify its Particulars of Claim with a Statement of Truth that complies with para. 2.1 of CPR PD 22 (i.e., it

provides that “*The Claimant believes that the facts stated in this Particulars of Claim are true. The Claimant understands that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.*”), the Claimant’s Claim be struck out without further order of the Court.

#### *Security for Costs*

9. The Claimant shall give security for the Defendants’ costs of this claim in the total sum of £50,000 being approximately 65% of the Claimant’s incurred costs as at 5 November 2024 (giving credit for those costs the subject of separate costs orders). Security in this amount should be paid into the Court Funds Office by 4pm on 8 July 2025.
10. If security is not provided by 4pm on the date specified by paragraph 9 of this Order, all further proceedings be stayed until such security is given.
11. If security is not provided by 4pm 14 days after the relevant date specified by paragraph 9 of this Order, the Claimant’s Claim be struck out without further order of the Court.
12. The Defendants have permission to apply for the provision of further security at any time.

#### *Costs*

13. The Claimant do pay the Defendants’ costs of and occasioned by the Defendants’ Application, to be the subject of a detailed assessment on the standard basis if not agreed. The Claimant do make an interim payment on account of those costs in the sum of £15,000.
14. The Claimant do pay the Second and Third Defendant’s costs of and occasioned by the proceedings, to be the subject of a detailed assessment on the standard basis if not agreed.

**CMC**

*Allocation*

15. The case do remain allocated to the multi-track.

*Costs Budgeting*

16. Subject to further order, costs budgeting in these proceedings be dispensed with.

*Disclosure*

17. There be standard disclosure between all parties by exchange of lists by 21 October 2025.
18. Any request for inspection or copies of disclosed documents be made within 7 days after service of the list and, unless objected to, be complied with not less than 14 days after service of the request.

*Witness Statements of Fact*

19. The parties do exchange signed statements of witnesses of fact by 10 February 2026. Any notices under the Civil Evidence Act 1995 are to be served by the same date.

*Expert Evidence*

20. Any application by a party to rely on expert evidence is to be made by 3 March 2026.

*Trial*

21. The claim be tried in a trial window between 1 November 2026 and 31 December 2026.

Royal Courts of Justice in London

Judge alone

Category C

Time estimate: 3 days plus half a day of Judge's pre-reading time

Certified fit for High Court Judge if available

22. A copy of this sealed order will be sent to the King's Bench Judges Listing Office, who will notify all parties of a listing appointment for a trial date or period within the trial window, which will usually be six weeks from the date the order is sealed. If parties have any queries in relation to the listing appointment, they should contact King's Bench Judges Listing on [kjudgeslistingoffice@hmcts.gsi.gov.uk](mailto:kjudgeslistingoffice@hmcts.gsi.gov.uk)
23. The parties do file pre-trial checklists as may be directed by the King's Bench Judge's Listing Office.
24. The Defendants shall, no later than 6 weeks before trial, serve upon the Claimant the following documents:
  - a. a draft chronology;
  - b. a draft dramatis personae;
  - c. a draft list of issues; and
  - d. a draft trial bundle index.
25. The Claimant shall provide its agreement or points of disagreement and reasons for disagreement within 14 days of receipt of the documents referred to at paragraph 24 above.
26. The parties do agree the contents of the trial bundle not less than 14 days before trial. Skeleton arguments are to be exchanged not less than 4 days before trial. The Defendants are to lodge the trial bundle and skeleton arguments not more than 7 and not less than 3 days before trial.

*Permission to restore*

27. There be permission to any party to restore for further directions if necessary.

*Settlement*

28. If the claim or any part of the claim is settled the parties must immediately inform the court, whether or not it is then possible to file a draft consent order to give effect to the settlement.

*Costs*

29. The costs of the case management conference are to be costs in the case (or otherwise as may be ordered).



**SERVICE OF THE ORDER**

The Court has sent sealed copies of this order to:

Addleshaw Goddard LLP, 1 St Peter's Square, Manchester M2 3DE

0161 934 6000, COOPT/OCALR/404857-1