Neutral Citation Number: [2020] EWHC 3022 (QB)

Case No: QB-2019-004619

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 17/09/2020

Before :

MR JUSTICE CHOUDHURY

- -

Between :

MB	**claimant**
- and -	
RBG	**defendant**

- -
- -

No appearance by or representation for the **claimant**
MR MATTHEW GILLETT (instructed by **Legal Department of RBG**) for the **defendant**

Hearing dates: 17 September 2020

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APPROVED JUDGMENT

Mr Justice Choudhury :

1. This hearing has been fixed to consider several applications from both parties, including an application for committal for contempt brought by the claimant against several individual members of the defendant's staff.

2. The background to this matter may be briefly stated as follows. The defendant is local authority for the purposes of the homelessness provisions of the Housing Act 1996. Between 2011 and 2017, the claimant was resident in Housing Association property located in the borough. He was evicted from that property on 9 November 2017 because of rent arrears amounting to around £11,000. The claimant moved into temporary accommodation in a hostel also within the borough.

3. On 31 January 2019, the claimant applied to the defendant to be accommodated pursuant to its homelessness obligations. It appears that the application was made in person by attending the defendant's premises. There were subsequent visits to those premises in February and March. These visits were all highly fraught with the claimant acting in an increasingly aggressive manner towards staff. A visit to the premises in March was particularly difficult with the claimant's behaviour leading to the police being called. The defendant was thereafter banned from attending the premises in person in order to protect staff.

4. In April 2019, the defendant sent a letter to the claimant requesting further information before a final decision was reached. The claimant failed to respond directly to the requests and in particular failed to give any reason for his eviction or the rent arrears.

5. The defendant eventually determined that the claimant was intentionally homeless from his last settled address as a result of building up substantial arrears of rent, and his application was declined. That decision was communicated to the claimant by letter dated 17 July 2019.

6. On 1 August 2019, the claimant requested a review of that decision. It was suggested, amongst other matters that the defendant had failed to make proper inquiries before its decision, that he had had to spend money on medical treatment for his child, that it was not reasonable for him to continue residing in the property because it was unaffordable and that he had not made himself intentionally homeless. The defendant has a contractual arrangement with a neighbouring local authority to conduct such reviews and the matter was taken up by that Borough.

7. In the meantime, the claimant issued a letter before claim against the defendant on 1 May 2019 and had also lodged complaints against various members of staff arising out of alleged harassment and bullying during the visits to the defendant's premises. The allegations in the letter before claim were all denied, whilst the complaints were investigated in accordance with the defendant's procedures. The complaints were subsequently dismissed.

8. The claimant issued his Claim Form on 4 October 2019. The Brief Details of Claim contained allegations of "Extreme Bullying" by the defendant's staff, including "Criminal Negligence" and "Racist Treatment" of the claimant and his children. There are also allegations of "Malicious Falsehood", dishonesty and failure to make adequate inquiries before making decisions. The majority of these allegations are not

particularised. The Claim Form asserts, without any basis whatsoever, that the value of the claim is £10.5 million pounds. Despite the size of the sum claimed, the Claim Form was lodged in the County Court.

9. The defendant was served with the Claim Form on 9 October 2019. The defendant had until 23 October 2019 to file its Acknowledgement of Service (AoS). Ms H, of the defendant's Legal Services team, sent the AoS, denying the claim in its entirety, to the Court by DX on 23 October 2019. She believed that by doing so she had filed in time. I shall return to this question below.

10. On 30 October 2019, the County Court Money Claims Centre (CCMCC) issued judgment for the claimant in default for failure to reply to the Claim Form. The defendant was ordered to pay the claimant the sum of £10.5 million forthwith. I pause here to note that this action by the CCMCC appears to have been taken without any judicial input.

11. Unsurprisingly, the defendant applied on 5 November 2019 to have the judgment in default set aside. That application also asked for the Claim Form to be struck out as being totally without merit and for the defendant to be awarded its costs. The matter was transferred to the High Court.

12. On 12 February 2020, for reasons that are not at all clear, Master Eastman acceded to a request from the Clamant that the case and all documents pertaining to it are to be Private and Confidential and that all hearings pertaining to the case are to be held in private. That strikes me as being quite an extraordinary order to make in circumstances where neither party can be described as vulnerable and there is no obvious reason why open justice should be overridden in this way. Certainly, the mere fact that the defendant had not objected to the claimant's application, which appears to be part of the reason, would not suffice. However, the matter has remained confidential ever since and I do not set aside that order in the absence of some change of circumstances since it was made and because I have not heard from the claimant about it.

13. On 1 June 2020, the claimant made an application to add his partner and children as parties to the Claim. On 9 June 2020, the claimant made an application to commit Ms H for contempt. The contempt is said to arise out of a statement made by Ms H in support of the defendant's application to set aside the default judgment. Then on 7 July 2020, the claimant applied for a Freezing Injunction to prevent the defendant from dissipating its assets and not to incur any expenditure above £1m without seeking the claimant's permission.

14. The defendant considered each of these applications to be totally without merit. Accordingly, on 24 July 2020, it applied for Civil Restraint Order (CRO) against the claimant.

15. These applications were listed to be heard on 29 July 2020. However, on 27 July 2020, Stewart J adjourned the hearing on the grounds that the matter had been listed with the claimant being given inadequate opportunity to indicate his availability. The matter was relisted to be heard on 17 September 2020. Stewart J observed that the matter should not be delayed any longer than necessary and that it must be ready to proceed on that date, i.e. today.

16. The claimant then made two unsuccessful attempts to have today's hearing adjourned. On 25 August 2020, Murray J refused the application to adjourn. The claimant had relied upon what he described as a "binding contract" between himself and the defendant's Solicitor, that the matter would be heard on 29 October 2020. Murray J found that the Court could not be bound by such an agreement even if one did exist and that it was not consistent with the Overriding Objective for the matter to be delayed any further.

17. On 9 September 2020, Cavanagh J refused a further application to adjourn. The claimant relied upon the same alleged contract as before. Cavanagh J certified the application as being totally without merit. A transcript of Cavanagh J's judgment has been made available. Cavanagh J was also asked to make a CRO and to award costs against the claimant on an indemnity basis. The CRO application was adjourned to today's date. As for costs, Cavanagh J indicated that he "might well have been minded to make such an order" but as the claimant was not in attendance at the hearing the issue of costs would also be postponed.

18. Finally, on 10 September 2020, the claimant sought an injunction preventing the defendant from taking any further part in the proceedings and to adjourn all further hearings in these proceedings indefinitely. Cavanagh J refused that application declaring it "plainly wholly misconceived".

19. To bring the background up to date in relation to the claimant's housing application, by a letter dated 15 November 2019, the neighbouring borough stated that it was minded to make an adverse decision. The reasons included the fact that there was no evidence of the claimant having paid any medical bills and that the property remained affordable for the claimant throughout his tenancy. By a further letter dated 20 December 2019, the neighbouring borough confirmed its decision to uphold the defendant's decision that the claimant had become intentionally homeless. The claimant has a statutory right of appeal against that decision but appears not to have exercised it.

20. I turn then to consider the five applications that are before me. These are as follows:

    i) The defendant's application dated 5 November to set aside the default judgment entered against it on 30 October 2019;

    ii) The claimant's application dated 1 June 2020 to join additional parties to the claim;

    iii) The claimant's application dated 9 June 2020 to commit Ms H for contempt of court;

    iv) The claimant's application dated 7 July 2020 for a freezing injunction; and

    v) The defendant's application dated 24 July 2020 for a CRO.

21. It is appropriate to deal with these applications in that order. As Mr Gillett points out in his helpful skeleton argument, if the defendant's application to set aside succeeds and the claim is struck out, then the claimant's applications to join additional parties and for a freezing injunction would fall away. As the contempt application is based on the evidence relied upon by the defendant in support of the application to set aside, it makes

sense to deal with the defendant's application ahead of that too. The application for a CRO is appropriately considered at the end once the Court has reached conclusions on the other matters.

22. The claimant is unrepresented today and made no appearance. I have already ruled that it is appropriate to proceed in his absence. I rely upon the many written statements of his case in setting out his position on the various applications before me.

Defendant's Application to Set Aside Default Judgment and strike out Claim

23. Mr Gillett contends that the AoS was filed on 23 October 2019 and submits that pursuant to CPR r.13.2, the Court must set aside the default judgment.

24. The claimant maintains that the defendant's AoS was filed late in that the Court would only have received the AoS the day after it was sent by DX. That is to say it was received on 24 October 2019 and there are no grounds for setting aside.

25. CPR 10.3 and 10.4 deal with the period for filing an AoS. CPR 10.4 provides that upon receipt of an AoS the Court must notify the claimant in writing. "Filing" has a specific meaning in this context, as is made clear by the commentary in CPR 10.4.1 (which refers to the definition of "filing" under CPR 2.3 and also at 10.1.1): it means delivering by post or otherwise to the Court office. The date of filing is, accordingly, the date on which it is received by the Court Office and not when it is sent out.

26. There are conditions to be satisfied before a default judgment may be entered because of a failure to file an AoS. These are set out in CPR 12.3

> "(1) The claimant may obtain judgment in default of an acknowledgment of service only if at the date on which judgment is entered–
>
> (a) the defendant has not filed an acknowledgment of service or a defence to the claim (or any part of the claim); and
>
> (b) the relevant time for doing so has expired." (Emphasis added).

27. The words "only if" were added by amendment introduced by the *Civil Procedure Amendment Rules 2020* (SI 2020/82). However, it is made clear in the commentary to the rule that the words were introduced to resolve an ambiguity that had previously been thought to exist as to whether it was open to the Court to grant default judgment as soon as the time for filing the AoS had expired irrespective of whether it was subsequently filed, or only when, as at the date of entering judgment, no AoS had been filed. The amendment makes it clear that it is the latter interpretation that is correct.

28. CPR 13.2 and 13.3 set out the circumstances in which the Court must and may respectively set aside or vary a default judgment. The Court must set aside if a judgment was wrongly entered because, in the case of a judgment in default of an AoS, any of the conditions in CPR 12.3(1) and 12.3(3) was not satisfied. In any other case, the Court

may set aside or vary a default judgment if the defendant has a real prospect of successfully defending the claim.

29. Applying these provisions, it is clear that the defendant is wrong to say that the AoS was filed in time; it was not. As Ms H acknowledges in her evidence, by sending the AoS by DX on 23 October 2019, it would have been received by the Court Office the following day, which was one day out of time. However, that does not help the claimant because it is clear that the judgment in default was itself wrongly entered. That is because, as at the date of entering judgment, i.e. 30 October 2019, the AoS had on any view been filed. The conditions in CPR12.3(1), namely that the defendant has not filed an AoS *and* that the relevant time for doing so had expired, were not satisfied. The time for filing had expired but an AoS had been filed.

30. In these circumstances, pursuant to CPR 13.2, the Court has no option but to set aside the default judgment. I therefore do precisely that. The judgment in default is set aside and is of no effect.

31. Even if I had not been bound to set aside, I would have done so pursuant to the discretion afforded to the Court under CPR 13.3 as the defendant plainly has a real prospect of successfully defending the claim. In fact, as I go on to explain below, it is the claim that has no real prospect of success.

32. The claimant challenges the defendant's decision not to provide him with accommodation. The claimant has several courses of action to challenge that decision including the ones he has taken up, namely the review of the defendant's decision and the complaints procedure. The housing decision appears on the face of it to have been properly made after a thorough investigation of the facts. That decision has subsequently been the subject of a detailed review by another borough which has upheld the original decision. The claimant has not sought to exercise any further right of appeal, and nor has he, as I understand it, launched proceedings for judicial review. Instead, the claimant has launched a grossly inflated claim for damages which has no, or no proper legal basis. Such conduct is of itself an abuse of the court's process and renders the claim liable to be struck out.

33. I shall deal first with the claim as it stands in the claim form. No separate particulars of claim were served at the time. The claimant has belatedly sought to expand upon his claim by serving lengthy additional causes of action and particulars of those with his application for a freezing injunction. Even making allowances for the fact that the claimant is an unrepresented litigant in person, this attempt, without justification, to add to the claim many months after it was lodged, after judgment has been entered, and long after the expiry of the period for lodging particulars of claim, is also an abuse.

34. The claim form contains brief details of claim as follows.

> "From January 2019 to present I have experienced extreme bullying from the staff at [the Council], including and not limited to criminal negligence and racist treatment of persons including two young children and intentionally attempting to cause my children harm. I am accusing [AM] and other staff at [the Council] of malicious falsehood and injurious falsehood which is a tort. [AM] has told a number of lies on behalf of [the

> Council] out of pure malice. [AM], in housing inclusion, knew that the statements he was making were false and would cause damage and harm to myself and my family and my children.
>
> [SH and KH] lied when they provided me with a decision letter that was negative without doing the legal checks required by law before making such a decision.
>
> 8.3 section 188.1 of the 1996 Act requires housing authorities to secure that accommodation is available for an applicant if they have reason to believe that the applicant may be homeless, eligible for assistance and have a priority need. The housing authority may bring this interim accommodation duty to an end during the relief stage if they subsequently find that the applicant does not have priority need or are not eligible or not homeless, and issues a decision that the applicant will not be owed further duties at the end of the relief duty. The council must perform the adequate checks before making any such decision and it is unlawful to make any decision regarding a person's wellbeing without doing so.
>
> Value: £10.5 million."

35. Ms H, in her evidence, comments on that part of the claim form in her statement as follows:

> "The claim is confused and incoherent. There is no clear link between the version of events set out, how the defendant is said to have caused the problems complained of and what loss is said to have been sustained as a result. Nor is there any explanation whatsoever as to how the claim reached the figure of £10.5 million when valuing the claim. Further, where any specific element of the claim is factually coherent, it does not [I interpose here to note that the word "not" was missing from the original version of the statement] give rise to a cause of action recognised at law.
>
> 21. The claim for damages is not set out in a way which is understandable. The defendant does not know the claim it has to meet nor the basis for it. There is no detail as to the allegations of criminal negligence, racism, malicious falsehood or injurious falsehood. It is not said what acts or emissions constitute those purported causes of action, nor are any factual specifics given as to the circumstances in which they are said to have occurred.
>
> In respect of the claim for criminal negligence, that is clearly a matter for the criminal court, but the defendant maintains it has not committed any negligence whatsoever. The defendant refutes in the strongest possible terms any accusations of racism."

36. Coming back to the claim form, under 'Particulars of Claim', the claimant provides some further details of his claims.

37. Ms H comments on that entry in the claim form as follows:

> "23. The claimant gives further particulars as to the dishonesty allegations and malicious and injurious falsehood. However, he fails entirely to say what was said, how it was wrong and how the false statements caused him or his family any loss or damage. Insofar as they relate to his homelessness application, they are properly a matter for the court seized with the judicial review claim.
>
> 24. The defendant confirms, as set out above in the decision letter sent to the claimant, that it did carry out the relevant checks to determine his application for assistance.
>
> 25. As to the particulars of claim enclosed with the claim form, much of the content repeats the above accusations of dishonesty and criminal conduct, any allegations of criminal conduct cannot found a civil claim without more, and in any event are insufficiently particularised to prove any losses suffered.
>
> 26. The claimant alleges that there has been misconduct in a public office and states that this is an offence "triable only on indictment". As such, it cannot be brought within the County Court.
>
> 27. The claimant also asserts that he and his family have been bullied and poorly treated, but nothing is said as to how they were treated or how they should have been treated. The defendant is thus unable to respond to the claim properly as it does not know the claim it has to meet. Similarly, it is said the defendant, its employees and/or agent, have sought to cause deliberate harm to the claimant and his family. This claim must fail as there are no details provided in support of it which would enable the defendant to understand the claim it has to meet.
>
> 28. The claimant asserts that there has been child neglect, but fails to provide any support to that allegation at all. This claim cannot succeed.
>
> 29. The losses claimed are also not coherent or valid claims at law. There are no details as to the way in which the claimant has reached the demonstrably fanciful figure of ten and a half million pounds for his damages.
>
> [...] 31. There are therefore no reasonable grounds for bringing a claim which is incoherent and discloses no claim for which the defendant could be liable and accordingly has no real prospect of success."

38. I agree with that commentary on the claimant's claims. Most egregious is the totally baseless claim for 10 and a half million pounds. There is no conceivable basis on which the claimant could recover any such sum from the defendant for any of the various acts alleged. Seeking grossly inflated damages is itself an abuse of the court's processes.

39. For these reasons, I am satisfied that the claim form and enclosed particulars of claim disclose no reasonable grounds for bringing the claim within the meaning of CPR Rule 3.4(2). This is not a case where an opportunity to amend the statement of case would be likely to improve the position. The claimant's further particulars, submitted with the freezing application, extend to some 27 pages and contain 15 "causes of action". However, they are repetitive and largely unenlightening. They do no more in most cases than provide further factual details of allegations of alleged lying and bullying on the part of the defendant's staff, which, even if true, do not give rise to any discernible cause of action sounding in any damages against the defendant, let alone in the sum of 10 and a half million pounds.

40. By way of example only, I refer to a few of the causes of action set out.

    i) The first cause of action is said to be "aggravated damages", however no details are provided as to the conduct that is said to give rise to such damages or to the claims to which they relate. This is little more than a bare assertion.

    ii) The second and third causes of action are said to be "mental distress" and "harm to dignity". In relation to the mental distress claim, the claimant does no more than set out some legal commentary without any real explanation as to how any of it might apply in his case. There is certainly no attempt to explain how any of the matters complained of could sound in damages to the tune of several million pounds. The underlying basis for these complaints is the defendant's alleged failure to provide the claimant and his family with housing. However, even if any private law cause of action could emerge from that complaint, it is difficult to see how the loss which he or his family have incurred could exceed the cost incurred in spending a few nights in hotels. Even if there were any mental distress or harm to dignity, as alleged, there is no basis for saying that this would warrant damages in the sum of several millions of pounds. Such wildly speculative claims are not grounded in any of the well-established principles for assessing loss in respect of such matters, and can be said to have been included as, to put it colloquially, 'a try-on'.

    iii) The seventh cause of action is loss of amenity. This is not explained at all.

    iv) The tenth cause of action is child endangerment and child neglect. The factual allegations made in respect of bullying and harassment by members of the defendant's staff come nowhere near establishing these claims of child endangerment and neglect. In any case, the claim of child endangerment would appear to be a matter for the police and not a civil action in the High Court.

41. In the interests of keeping this judgment within proportionate bounds, I do not deal with all the remaining causes of action, some of which include alleged defamation, emotional distress, breaches of data protection and racism. Suffice it to say that I have considered each one and have concluded that none of them has any merit whatsoever.

42. Before striking out a claim, it is necessary to consider whether a fair trial of the matter is possible. In my judgment, a fair trial of this matter is not possible, because it is impossible for the defendant properly to understand what the claims against it are, let alone to respond to them. I therefore unhesitatingly come to the conclusion that the only proper course for me is to strike this claim out so as to avoid any further time or money being wasted on what is clearly an abuse of the Court's process.

43. Judgment is entered for the defendant. The claim is certified as being totally without merit.

The application to add claimants.

44. This application falls away as there is now no claim to which any additional parties may be added. Even if the claim had not been struck out, I would have refused the application. CPR 19.2 provides that the Court may order a person to be added as a new party if a) it is desirable to add the new party so that the Court can resolve all the matters in dispute in the proceedings, or b) there is an issue involving the new party and an existing party which is connected to the matters in dispute in the proceedings and it is desirable to add the new party so that the Court can resolve that issue. Neither of these applies in this case. An incoherent and baseless claim does not become more coherent or acquire a firmer foundation by adding further claimants. I agree with Mr Gillett that nothing would be achieved by the joinder of these additional parties other than to add further matters disclosing no reasonable cause of action to the mix.

45. It is clear from the grounds in support of adding the further parties that the claimant relies upon the same facts and matters as pertaining to his own case. As such, the addition of further parties would not further the Court's understanding of the issues already before it, and nor would it assist in resolving those issues. The addition of further parties would be wholly undesirable. They would not assist the Court in resolving the issues as there are no such issues properly warranting resolution. I note also that the application is made many months after the original claim was issued and judgment being entered, with no apparent justification or explanation for the delay. There seems no reason why these claimants or additional parties could not have been included with the claim from the outset. This application would have been refused had the claim not been struck out and I certify it as also being totally without merit.

The claimant's application to commit Ms H for contempt of court.

46. The claimant appears to rely upon Part 6 of CPR 81 which applies to committal for making a false statement of truth or a disclosure statement. CPR 81.18 provides:

> "81.18(1) A committal application in relation to a false statement of truth or disclosure statement in connection with proceedings in the High Court, the Divisional Court or the Court of Appeal may be made only a) with the permission of the court dealing with the proceedings in which the false statement or disclosure statement was made, or b) by the Attorney General.
>
> (2) Where permission is required under paragraph 1(a) Rule 81.14 applies as if the reference in that rule to a Part 8 claim form were a reference to a Part 23 application notice and the

> references to the claim form were references to the Part 23 application notice [...]"

47. The claimant must therefore first obtain permission from this Court before he can proceed to make his application for committal. The reasons for this gateway requirement are clear: committal proceedings for falsehoods in documents signed by a statement of truth are brought in the public interest and not for the private interests of the party said to be affected by the falsehood. (See *KJM Superbikes Ltd v Hinton (Practice Note)* [2008] EWCA Civ 1280 (referred to at CPR 81.18.2)).

48. Before granting permission to proceed with such an application, the Court must be satisfied that it is a case where the public interest requires that the committal proceedings be brought and that the applicant is a proper person to bring them (see *KJM)*. It was also made clear in that case that:

    i) The discretion to grant permission to bring such applications should be exercised with great caution;

    ii) There should be a strong prima facie case against the deponent;

    iii) The Court should, without going into the merits, consider whether the public interest requires committal proceedings to be brought; and

    iv) Any such proceedings should be proportionate and in accordance with the overriding objective.

49. The claimant has not expressly sought permission to make the application; however, I take account of the fact that he is a litigant in person and I consider that it would be fair and just to treat his application to commit as if it included an application for permission. The alleged contempt in this case arises out of Ms H's contention, set out in paragraph 7 of her first statement in support of the application to set aside, that the AoS was served in time. Ms H contends that she believed this to be true at the time based on her interpretation of the relevant rules. Straightaway one can see that this aspect of the statement was based on an interpretation of the rules and was not an assertion of fact that was known or believed to be untrue. Thus, although I have found in an earlier part of this judgment that the AoS was not filed on time, there was no falsehood in believing that the rules provided otherwise.

50. I need say no more about the alleged contempt, save that this is about as far from a strong prima facie case of contempt as one could get. There is also no conceivable public interest in permitting contempt proceedings here. Taking a view as to the effect of certain rules, even if that view turns out to be incorrect, discloses no discreditable conduct that would warrant the penalty and/or deterrent effect of committal proceedings. Such proceedings would also not be proportionate or consistent with the overriding objective. The underlying claims are hopeless and a waste of the Court's time and resources, not to mention the defendant's funds. It would hardly be proportionate to permit further satellite proceedings when there is no merit in the main proceedings.

51. The final question to be asked is whether the claimant is a proper person to bring these proceedings. Clearly, he is not. He has brought a manifestly unfounded claim with a

grossly exaggerated claim for damages. In doing so he has abused the Court's processes in a number of ways, as set out above. It would be profoundly inappropriate, in my judgment, to permit the claimant to bring committal proceedings of this type against an officer of the court.

52. I therefore refuse permission to proceed with the committal application and it is dismissed.

53. I am asked to certify this application as being totally without merit as well. I must have regard to all the circumstances, including the fact that the claimant is a litigant in person, albeit one with, it would appear, considerable experience of the litigation process. The AoS was not filed on time and one can see how a litigant in person might view a declaration that it was in time to be untruthful. The distinction between an assertion as to an interpretation of the rules, and the assertion of a fact, may not be as obvious to the layperson as it is to lawyers. To that extent, whilst the application was objectively misconceived, it is not one that could be said to lack any rational basis whatsoever.

54. However, notwithstanding that, I still consider the application to be an abuse. The claimant is clearly familiar with aspects of the Civil Procedure Rules, even if his understanding of them is not always sound. He has rushed to bring committal proceedings without properly checking the procedures or following the procedural requirements, such as swearing an affidavit in support. He has also harassed and hounded Ms H in numerous items of correspondence, some of which is abusive and in intemperate language. Ms H has clearly been caused considerable distress by these matters, including an unjustified referral of her conduct to the Solicitors Regulatory Authority.

55. It is clear to me, given all of the surrounding circumstances of the application, that the real purpose of it was to harass and/or to intimidate Mr H and the defendant and not in order to expose deceitful conduct in the public interest. Furthermore, the claimant did not wait until there was a determination by a Court as to the truth or otherwise of the contents of Ms H's statement before launching his committal proceedings. For all of these reasons, I consider that the claimant's application, whilst it may have had some rational basis from the perspective of a litigant in person, amounts to an abuse of process, and, as such, I certify it as being totally without merit.

The claimant's application for a freezing injunction.

56. As I have set aside the default judgment and struck out the claim, this application for a freezing injunction falls away. I deal with it nonetheless as it is so manifestly misconceived that it warrants some comment.

57. The first point to note is that although the freezing order is sought against the defendant, the penal notice appended to the draft order accompanying the application is directed not only at the defendant but also to a number of the defendant's staff. There is no basis in law for seeking to freeze the assets of staff. The attempt to do so can be seen for what it undoubtedly is, an attempt to harass and intimidate staff who appear to the claimant to have treated him badly. This is once again an abuse of the Court's process. The fundamental requirements for a freezing injunction are:

    i) that there is a strong prima facie case;

ii) that there is a risk of dissipation of assets; and

iii) that the balance of convenience favours the grant of relief.

58. For reasons already set out above, this is about as far from a strong prima facie case as one could get; the claim is hopeless. There is also no risk of dissipation of assets. The defendant is a publicly funded local authority. There is not one iota of evidence to suggest that it would or could act in such a way as to conceal assets from the reach of the court. Either the claimant has given no or no proper thought to his application before making it, or he has made it deliberately in the knowledge that it lacked any merit. Either way, his conduct is abusive.

59. The application for a freezing injunction is dismissed. It too is certified as being totally without merit.

The defendant's application for a CRO.

60. The defendant seeks an extended CRO against the claimant. An extended CRO may be made by the Court where a party has persistently issued claims or made applications that are totally without merit (see CPR 3.11 and Practice Direction 3C at paragraph 3.1). CPR 3.4(5) provides that whenever a Court strikes out a claimant's statement of case and considers that it is totally without merit, the Court must consider whether it is appropriate to make a civil restraint order. As the claimant's claim form has been struck out, I would have been obliged to consider making a CRO even in the absence of any application from the defendant.

61. As the relevant practice direction makes clear, a limited CRO may be made where there are two or more applications or claims that are totally without merit, and an extended CRO may be made where such claims or applications have been issued or made "persistently". It has been held that proof of three unmeritorious claims is the minimum needed to constitute persistence: see *Re Ludlem (A bankrupt)* [2009] EWHC 2067 (Ch). Further guidance was provided by the Court of Appeal in *Sartipy and Tigris Industries Inc.* [2019] EWCA Civ 225. There it was held that although at least three totally without merit claims or applications are the minimum, the question remains whether the party concerned is acting "persistently". That will require an evaluation of the parties' overall conduct. In deciding to make a CRO, the Court is entitled to take into account any previous claims or applications that were found to be totally without merit.

62. In the present case, even before today's proceedings, the claimant was the subject of a totally without merit certification by Cavanagh J in relation to his application to adjourn and in respect of his application for an injunction preventing the defendant from further participation in the proceedings.

63. This morning, I dealt with a further application to adjourn and an application to set aside Cavanagh J's decision on the injunction application. For reasons I have already given, I refuse both of those applications and certify both of them as being totally without merit. There are therefore four applications certified as being totally without merit even before we get to the applications which are before me today.

64. For the reasons set out, I have certified that his claim, the application to add additional parties, the application for a freezing injunction and the application to commit Mrs H for contempt (or for permission to do so) are all totally without merit.

65. That makes a total of eight claims or applications that are totally without merit made over the space of less than a year, with six of those applications being made within a period of just a few months. I find that the claimant has persistently issued claims or made applications that are totally without merit. The threshold for the making of an extended CRO has been crossed. This claim and these applications have wasted an inordinate amount of time and costs and are, as I have described above, an abuse of process. I note also from Ms H's evidence that the claimant appears to have brought other unmeritorious and grossly inflated claims against other parties. From the newspaper reports to which she refers and which are exhibited to her statement it can be inferred that those other proceedings also led to a limited CRO being imposed on the claimant last year.

66. For all of these reasons I consider it to be fair and just to impose an extended CRO on the claimant so as to prevent him from issuing further claims or applications in the High Court or the County Court without the express permission of a High Court judge.

67. Given the nature of the claimant's various applications and the number of such applications over an extended period, it seems appropriate to me that the period of the extended CRO should be the maximum of two years from today's date.

68. That concludes my decision on all of the applications before me today. I thank Mr Gillett for his very helpful skeleton argument and submissions, and his fair and even-handed assistance to the Court. As I have said already, the privacy and confidentiality order made by Master Eastman still stands, notwithstanding my reservations as to whether that order was properly made. For that reason, any publicly available version of the transcribed judgment should be appropriately anonymised.