Neutral Citation Number: [2022] EWHC 3203 (Admin)

Case No: CO/3719/2021

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

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 21/12/2022

Before :

MR JUSTICE JULIAN KNOWLES

- -

Between :

THE KING ON THE APPLICATION OF LEHRAM CAPITAL INVESTMENTS LIMITED	**Claimant**
- and -	
SOUTHWARK CROWN COURT	**Defendant**
-and-	
CYRITH HOLDINGS LIMITED	**Interested Party**

- -
- -

Maria Sokolova (lay person) addressed the Court on behalf of the **Claimant**
The Defendant did not appear and was not represented
Jonathan Ashley-Norman KC (instructed by **Edmonds Marshall McMahon**)
for the Interested Party

Hearing dates: **30 November 2022**

- -

Approved Judgment

This judgment was handed down remotely at 10.30am on 21 December 2022 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

.....

Mr Justice Julian Knowles:

Introduction

1. This is a claim for judicial review by the Claimant of the decision by the Defendant, Southwark Crown Court, to dismiss its appeal against conviction from the magistrates' court, where in 2021 it was convicted of offences under the Fraud Act (Charge 1) and the Companies Act 2006 (Charges 2 and 3). It was fined £60,000 and ordered to pay £200,000 costs. Enforcement proceedings are ongoing. Permission has been granted and I was told a hearing is due next year, although no date has yet been fixed. The Defendant in the magistrates' court proceedings and Claimant in these proceedings is an English company (Number 07839142). The prosecution was a private prosecution brought by the Interested Party, which is a Cypriot company.

2. On 1 December 2022 I held a case management conference (CMC). In circumstances which I will explain in a moment, I permitted Ms Maria Sokolova to address me on behalf of the Claimant. Jonathan Ashley-Norman KC appeared on behalf of the Interested Party. As is usual, the Defendant Crown Court has taken no active part in these proceedings.

3. I permitted Ms Sokolova to appear by CVP. She was not willing to say where in the world she was because of alleged fears for her safety, however the line was very poor and it was virtually impossible to hear what was being said. After a break, we reconvened by MS Teams which was much more satisfactory. I am satisfied that Ms Sokolova was able properly to take part in the hearing, which occupied most of the day. She addressed me clearly and courteously. I make (and made) allowance for the fact that English is not her first language. I also bear in mind that she is not an English-qualified lawyer, although, as I will explain in moment, she says she is legally qualified.

4. The CMC was ordered by Linden J following a hearing in May 2022 in which Ms Sokolova again took part. He originally reserved the matter to himself but in due course released it, which is how it came to be before me.

5. There are five main matters falling for determination: (a) should the Court grant Ms Sokolova permission to address the Court on behalf of the Claimant in future hearings ? (Issue 1); (b) should the Court grant a stay of the enforcement proceedings ? (Issue 2); (c) should the Court grant a costs order against the Interested Party for the permission stage ? (Issue 3); (d) should the Court make any disclosure or other order against the Defendant ? (Issue 4); (e) should the Court make any disclosure order against the Interested Party ? (Issue 5)

Discussion

Issue 1

6. Issue 1 arises because of the lack of clarity about Ms Sokolova's status. In an order dated 13 May 2022, Linden J required the Claimant to do the following:

> "The Claimant will file and serve evidence in the form of a witness statement or affidavit which complies with CPR Part 32

> and which clarifies [Ms Sokolova's] relationship with the Claimant and the capacity in which she is conducting these proceedings. The evidence should give full particulars of whether she is an officer or employee of the company or whether she is a representative who has been instructed or engaged to conduct the judicial review proceedings on its behalf and any terms on which she is engaged by the Claimant, including whether she is being paid for her services. If she is acting as a representative of the Claimant, she should give particulars of her relevant professional qualifications."

7. Reason 3 for the order said this:

> "I agree, however, that there is a question whether the court should permit Ms Solokova to address it and as to the basis on which she seeks to do so. It seems to me that there is force in the point that either she is to do so as an emanation of the Claimant – i.e. the Claimant appears through her as a litigant in person – or she is a representative of the Claimant, making submissions on its behalf. The letters of authority suggest that it is the latter, in which case the question arises as to whether she should be permitted to do so given the regulatory regime in this jurisdiction. I am conscious of the fact that Ms Sokolova told the Court, in answer to a direct question, that she is a lawyer, albeit without rights of audience in this country, and it therefore does seem to me that these issues need to be resolved. My directions on this question require full disclosure by her as to her relationship with the Claimant, her qualifications and authorisations as a lawyer and whether she is, in effect, a paid advocate or an officer or employee of the company. They also require evidence to be provided in support of what is said."

8. Following Linden J's order, Ms Sokolova on behalf of the Claimant served an unindexed, paginated 467-page bundle comprising a 76-page (323 paragraphs) document akin to a Skeleton Argument (pp1-76); (b) a witness statement from her of 37 pages (pp77-114); (c) separate exhibits numbered 1, 2, etc.

9. In her witness statement Ms Sokolova said this:

> "127. I have witnessed how pursuant to the power of attorneys from Mr Saavedra and Mr Vargas jointly with the request and authorization from Lehram's members and officers, when in late May 2021 / June 2021 the counsel acting for Lehram in the private prosecution *Cyrith v Lehram* demanded more fees which could not be satisfied, and Lehram and its members could not continue to instruct him, I took over assisting the officers of Lehram, and Lehram itself in relation to the private prosecution *Cyrith Holdings v Lehram Capital* as I speak multiple languages and the registered persons with significant control of Lehram who are also officers of Lehram do not speak any English.

> 128. I was authorized by Lehram and its officers to act for them since at least May 2021, as shown in the under penalty of perjury statements of its directors (pages 156, 157 of renewal bundle).
>
> 129. I am not legally trained in the UK and nor legally trained in any jurisdiction in the world regarding dispute resolution proceedings nor litigation to properly understand the difference between 'emanation of Claimant' and 'authorized by Claimant'.
>
> 130. I am not the legal person Claimant, neither a director of Claimant."

10. In a Reply from Mr Ashley-Norman dated 10 June 2022, and a witness statement from Andrew Marshall, a barrister and a partner with the firm representing the Interested Party, of the same date, and in its Skeleton Argument for this CMC, the Interested Party objects to Ms Sokolova taking (further) part in this case.

11. It says that despite Linden J's order, considerable doubt remains about Ms Sokolova's status and that: (a) if she is seeking to act as a *McKenzie* friend (which some of what she has written would suggest) then I should not let her address me, as *McKenzie* friends are generally not entitled to address the Court: Administrative Court Judicial Review Guide 2022, [4.6.2] and [4.6.3]; alternatively (b) if she is seeking to appear for the Claimant pursuant to CPR r 39.6, then she has not shown she is an employee (or a director) of the Claimant, and in any event I should exercise my discretion not to allow her to appear for the company because of how she has conducted the case to date.

12. Among the points it makes are: her witness statement does not comply with CPR Part 32 because it provides no place of residence [PD32 18.1(2)]; (b) she provides no occupation or, if she has none, her description [PD32 18.1(3)]; (c) she fails to indicate which of the statements in it are made from her own knowledge and which are matters of information or belief [PD32 18.2(1)]; (d) the format requirement is not met, in that the statement has been provided only in electronic form [PD32 19.1 (1)]. At [323], p76, of its Skeleton Argument, the Claimant requests electronic submission because it claims to have no printing facilities and claims physical submissions are impossible because of the Interested Party (an assertion which is not further explained).

13. Mr Marshall says this in his witness statement:

> "15. I consider so little is known of the witness such as to make her untraceable. In relation to a witness who will not attend the UK or the court, I consider there to be an importance to very clear identification of the witness. The witness is silent about all matters that provide a basis for identification
>
> a. No identity documents have been provided.
>
> b. The witness communicates (vis a vis this matter) only from an (untraceable Protonmail) email account.
>
> c. The witness' qualifications are unspecified, as is her (presumed) university.

> d. The witness' whereabouts in the world are unstated, her usual address is unstated and the location where the statement was made is unstated.
>
> e. Nobody vouches for her or introduces her save for documents whose provenance is equally unclear and whose authors are equally untraceable.
>
> 16. At paragraphs 64-69 of her statement, the witness states what she is not but at no point does the witness state these in the positive by providing such details about herself. Where she does state matters about herself, for example paragraph 68 WS, it is expressed in a way that provides no detail at all by which the witness may be identified – the witness avoids stating what job, when she held that job, with which employer and where that job was.
>
> 17. With a view to establishing evidence of identity, I carried out Google searches of the names 'Maria Sokolova' or 'Maria Vladimirovna Sokolova', the reason for the latter name explained below. Other than Companies House, I have been unable to find an internet mention of anyone that I consider likely to be the witness; to the best of my knowledge, none of the results showed an image that approximates to the image of the person I saw on the video link in the High Court on 4 May 2022. I am not a professional researcher but I did seek to find public source evidence of the witness."

14. On the morning of the CMC I received two documents from Ms Sokolova. One purported to be a Companies House form AP3 appointing her as the Claimant's secretary. It was accompanied by a 26-paragraph set of further submissions (which the Court had not asked for). These said at [25]:

> "25. In addition to the above, the LiP Claimant would like to inform the Court that despite Ms Sokolova's reluctancy to be appointed as a co-secretary of Claimant due to the risks its supposes because Claimant is exposing Kremlin-originated corruption arriving to England and to the West, in order to save time to the Court and to the Parties during the 1 December 2022, Ms Sokolova agreed to become an officer (co-company secretary) of LiP Claimant(see enclosed)addition to being an authorized person/an emanation of the directors of Claimant Mr Rudyk and Mr Vargas (their proxy)."

15. CPR r 39.6 provides:

> "*Representation at trial of companies or other corporations*
>
> 39.6 A company or other corporation may be represented at trial by an employee if –

> (a) the employee has been authorised by the company or corporation to appear at trial on its behalf; and
>
> (b) the court gives permission."

16. CPR Part 39 used to be accompanied by PD39A (since repealed), which provided at [5.2] and [5.3]:

> "5.2 Where a party is a company or other corporation and is to be represented at a hearing by an employee the written statement should contain the following additional information:
>
> (1) The full name of the company or corporation as stated in its certificate of registration.
>
> (2) The registered number of the company or corporation.
>
> (3) The position or office in the company or corporation held by the representative.
>
> (4) The date on which and manner in which the representative was authorised to act for the company or corporation, e.g. _____ 19____: written authority from managing director; or _____ 19____: Board resolution dated _____ 19____ .
>
> 5.3 Rule 39.6 is intended to enable a company or other corporation to represent itself as a litigant in person. Permission under rule 39.6(b) should therefore be given by the court unless there is some particular and sufficient reason why it should be withheld. In considering whether to grant permission the matters to be taken into account include the complexity of the issues and the experience and position in the company or corporation of the proposed representative."

17. Although the Practice Direction has been repealed, [5.2] is still helpful as to the sort of evidence a court would typically expect to see where an application is made for a company representative to appear for it in litigation before the High Court. There is little such evidence before me, despite Linden J's order. During the hearing I was shown two documents (in English) purporting to be from two of the Claimant's directors (who it is said do not speak English) purporting to appoint Ms Sokolova in some capacity, but these, and the general assertions made by her, are about the limit of it.

18. That said, I am prepared to assume – without deciding - that she has been duly appointed by the Claimant company to act for it, or that she is an employee. In saying that, I have not overlooked what Mr Marshall said at [33]-[34] and [36]-[38] of his witness statement:

> "33. I also note Ms Sokolova states she is not paid by the Claimant and has carried out 2,450 hours of work on this judicial

> review alone. The judicial review claim form was filed on 1 November 2021 and therefore, to the end of May 2022, some seven months have elapsed. That workload - divided equally - equates to 350hrs per month or 77.7 hrs per week (assuming 4.5 weeks per month).
>
> 34. Ms Sokolova states she will have to dedicate 'at least 3,000 additional hours on top of the already 2,450 hours' for the full hearing of this matter. It is therefore more than a full-time occupation for Ms Sokolova.
>
> …
>
> As the degree of Ms Sokolova's involvement with the Claimant effectively precludes other paid employment (and no other has been stated), I have seen no explanation from either the Claimant or Ms Sokolova as to how she is being funded to act for the Claimant on a full-time, long-term basis or any explanation as to why she is carrying out these tasks, in respect of both UK and USA litigation, for the Claimant in particular.
>
> 37. There is no explanation at all why Ms Sokolova is engaged on an arduous, unpaid, 5-year plus campaign for a claimed dormant UK company that has no income or assets and which (she claims) puts her in danger. The absence of any reference to Daniel Rodriguez from Ms Sokolova's account is striking, when contrasted with the pleadings in the American proceedings.
>
> 38. The evidence demonstrates a length, depth and nature of relationship that I consider to be devoid of any explanation from the Claimant and, accordingly, I do not consider the Claimant has clarified the relationship with the Claimant, as ordered."

19. I adopt the approach set out above, namely, that should I should grant Ms Sokolova permission to appear unless there is some particular and sufficient reason why it should be withheld.

20. However, even adopting that approach, I am clear that I should refuse, in my discretion, her application for permission to represent it, under CPR r 39.6(b). That is because the history of this litigation – in which Ms Sokolova has been involved for some time – demonstrates, with all due respect to her, that she is not able properly to represent the company and that she would not be able to meaningfully assist the Court were she to do so. That, in my judgment, is a 'particular and sufficient reason' for my refusing permission for her to act.

21. The starting point is to note what Lord Sumption said in *Barton v Wright Hassall Llp* [2018] 1 WLR 1119, [18] (emphasis added):

> "18 … I start with Mr Barton's status as a litigant in person. In current circumstances any court will appreciate that litigating in person is not always a matter of choice. At a time when the availability of legal aid and conditional fee agreements have been restricted, some litigants may have little option but to represent themselves. Their lack of representation will often justify making allowances in making case management decisions and in conducting hearings. But it will not usually justify applying to litigants in person a lower standard of compliance with rules or orders of the court. The overriding objective requires the courts so far as practicable to enforce compliance with the rules: CPR r 1.1(1)(f). The rules do not in any relevant respect distinguish between represented and unrepresented parties. In applications under CPR 3.9 for relief from sanctions, it is now well established that the fact that the applicant was unrepresented at the relevant time is not in itself a reason not to enforce rules of court against him: *R (Hysaj) v Secretary of State for the Home Department* [2015] 1 WLR 2472, para 44 (Moore-Bick LJ); *Nata Lee Ltd v Abid* [2015] 2 P & CR 3. At best, it may affect the issue "at the margin", as Briggs LJ observed (para 53) in the latter case, which I take to mean that it may increase the weight to be given to some other, more directly relevant factor. It is fair to say that in applications for relief from sanctions, this is mainly because of what I have called the disciplinary factor, which is less significant in the case of applications to validate defective service of a claim form. There are, however, good reasons for applying the same policy to applications under CPR r 6.15(2) simply as a matter of basic fairness. *The rules provide a framework within which to balance the interest of both sides. That balance is inevitably disturbed if an unrepresented litigant is entitled to greater indulgence in complying with them than his represented opponent. Any advantage enjoyed by a litigant in person imposes a corresponding disadvantage on the other side, which may be significant if it affects the latter's legal rights, under the Limitation Acts for example. Unless the rules and practice directions are particularly inaccessible or obscure, it is reasonable to expect a litigant in person to familiarise himself with the rules which apply to any step which he is about to take*."

22. Hence, generally speaking, the court's rules apply equally and in the same way to everyone, whether they be lawyer or lay person. In her submissions (both written and oral) Ms Sokolova mentioned several times by way of excuse that she was not an English lawyer. However, the rules apply to her and the Claimant in precisely the same way that they apply to the Interested Party and its lawyers.

23. I begin with the papers which have been filed. They are a mess. They already run to thousands of pages even though the underlying judicial review claim – which involves the main issue of whether the Crown Court acted unfairly in dismissing the appeal - is relatively straightforward. The amount of material that has been filed by Ms Sokolova is totally disproportionate. She has filed numerous different bundles (and sometimes the

same material in different bundles) and also sometimes without any proper index or pagination. There are numerous repetitive applications and Skeleton Arguments.

24. I add to this the fact that Ms Sokolova thinks that to prepare this routine and ordinary judicial review will require in excess of 5000 hours' work. I consider this to be a clear sign that she has no real idea about what work is genuinely necessary. It also demonstrates a likelihood that the Court will continue to be inundated with irrelevant and unnecessary material.

25. In a document dated 26 September 2022 the Interested Party wrote at [9]-[10]:

> "9. The Interested Party is yet to complete its detailed review of the material served on 21 September 2022, which amounts to over 1000 pages. The material supplied comprises:
>
> (i) A cover letter (4 pages);
>
> (ii) A skeleton argument (15 pages) addressing the stay of the enforcement proceedings at paragraphs 1 to 49 and the status of Ms Sokolova at paragraphs 50 – 73;
>
> (iii) A Form N244 Notice of Six Applications accompanied by detailed submissions on each application (total 134 pages). The Form N244 reduces the time estimate for the hearing to two hours;
>
> (iv) The Case Management Hearing Bundle (840 pages) which appears to comprise documents already filed before the Court, and do not appear, on initial review, to address the live issues.
>
> 10. The first document filed with the Form N244 is entitled 'Introduction and Summary of Deliberate Misleading Acts by the Solicitors of Edmonds Marshall McMahon and by Jonathan Ashley-Norman QC.' (19 pages). It is a sustained personal attack on the professional integrity of both the solicitors retained by the Interested Party and the undersigned, and for the avoidance of doubt is compendiously denied by both the undersigned and his instructing solicitor."

26. Equally concerningly, Ms Sokolova appears unable or unwilling to comply with court orders and directions, and has proved herself unable only to file relevant material. There is the matter of Linden J's order, which as I mentioned, the Claimant did not comply with. Further, when the CMC was first listed before me, and I saw the quantity of material which had been filed, I gave directions that the Claimant file a core bundle of no more than 100 pages, and a Skeleton Argument limited to 15 pages. My purpose in doing so was to keep matters within manageable limits.

27. Despite my directions, Ms Sokolova ignored them. Although she did file a core bundle and Skeleton Argument which complied with my directions, she also filed a further (nearly) 900 pages of material, most of which was totally irrelevant. Nor did her Skeleton Argument provide me with much in the way of assistance for the CMC. A lot

of it was taken up with personal attacks on the conduct of those representing the Interested Party (which is something of a repetitive theme in Ms Sokolova's filings).

28. As I have said, on the day of the CMC hearing, and again in breach of the order which I had made, Ms Sokolova sent in further submissions. Their flavour is given by the following:

> "1IN THE HIGH COURT OF JUSTICE -KING'S BENCH DIVISION ADMINISTRATIVE COURT King's Bench Division The Royal Courts of Justice Strand, London. WC2A 2LL. United Kingdom By email only.
>
> URGENT, HEARING TODAY: Application to remind the Interested Party of its ONGOING duty of CANDOUR/ DISCLOSURE combined with application to strike the Interested Party's 30 November 2022 submissions (except the Skeleton Argument submission)
>
> 1.The underlying case which has led to this application for Judicial Review of the Crown Court where permission was granted by this Court on May 2022, has plenty of similarities to the underlying issues of the Landmark case of Ahmed, R v (Rev1) [2021] EWCA Crim 1786 (25 November 2021. Within the underlying matter of Ahmed v Rev1, regulated legal professionals in England engaged in a campaign aimed at destroying a third party for which they did not bother of falsifying evidence and perverting the course of justice in order to falsely incarcerate a third party and eliminate that person.
>
> 2. On 10 August 2021 as a result of the multiple threats of murder against LiP Claimant, its members and officers by the members of Cyrith Holdings and its associates linked with the Russian criminal world and within the Russian Administration, a Court in the US(with the assistance of a contingency US civil lawyer)ruled as credible, real and uncontested the risks of Claimant and members of suffering physical harm and risk of facing fabricated prosecution, including incarceration.3.In this particular case the Kremlin-linked persons behind Cyrith Holdings not being satisfied with their participation in the illicit alienation of the shares of Gramoteinskaya Mine LLC that Claimant held as a holding company by procuring the unlawful arrest (and torture) of Claimant's director in Russia in order to force him to sign papers purporting the transfer of the shares Claimant held as a holding company, since March 2017 Cyrith Holdings (members and associates)have been engaged in a campaign of threats of murder, threats of kidnapping, hacking of private information, extortion and harassment which they exported into Europe and in to the UK in May 2018 when they (via Edmonds Marshall McMahon) began harassing Companies House into liquidating Claimant Lehram Capital while Cyrith and Lehram were opposing parties in civil proceedings in Russia. 4.Upon Companies House refusing to

> submit to Cyrith Holding's harassment and upon Companies House confirming Lehram's affairs with the Companies House and with the Companies Act were in order, Cyrith Holdings (a Cypriot company being would up) aimed to extinguish Claimant's right to exist and aimed to incarcerate members of Claimant via the institution of a made-up private prosecution which lacked the consent to prosecute, alleging that Claimant breached the Companies Act by filing inaccurate information when in fact the Companies House has repeatedly said to Cyrith Holdings that the Claimant is in compliance.
>
> 5.The elements of falsification of evidence, perverting the course of justice, fabrication of evidence, and deliberate misleading statements to the Court by Edmonds Marshall McMahon Jonathan Ashley-Norman have been the norm as shown in the introduction part of LiP Claimant's 21 September 2022 combined applications."

29. For the avoidance of doubt, the case of *R v Ahmed* has absolutely no relevance to any issue which could conceivably arise in the present case. It was a decision of the Court of Appeal (Criminal Division), given by myself as it so happened (with Edis LJ and HHJ Marson QC), in which we quashed a life sentence that had been imposed for an offence of perverting the course of justice. The Appellant had been an aspiring barrister.

30. Even after the hearing, Ms Sokolova continued to file material by email with the Court, which it had not asked for. This ran to several hundred more pages, with an invitation to consider hundreds of pages more. That was even though at the hearing I had pointed out to Ms Sokolova the importance of complying with the Court's orders, and that she had not complied with my directions that she only file 100 pages in a core bundle for the CMC, a point I thought she had understood. She said she had 'forgotten' to refer to some of this new material, and/or that she thought I had asked for it (I had not).

31. One document sent after the CMC (but dated 13 June 2022) signed by Ms Sokolova contained further personal attacks on Mr Ashley-Norman and Mr Marshall:

> "It is in the view of Claimant that Edmond Marshall McMahon and Jonathan Ashley Norman have chosen the wrong side in history by continuing (at any cost) enabling the Kremlin-linked lawfare in UK Courts of their Kremlin-linked masters in order to benefit the Russian Federation and its cronies."

32. This demonstrates a basic lack of understanding on the part of Ms Sokolova of how the English legal profession operates.

33. In a reply note dated 6 December 2022, Mr Ashley-Norman went through the post-hearing material filed by Ms Sokolova and concluded:

> "It is submitted that by these emails Ms Sokolova has revealed herself willing on behalf of the Claimant to ignore the clear directions of the Court and to attempt to flood the Court with

> material which is neither properly brought into evidence, nor relevant to the clearly articulated issues for the CMH. This is relevant and admissible material for the Court's consideration of the first issue [ie, whether she should be allowed to address the Court on behalf of the Claimant]."

34. I do not regard Ms Sokolova as being an appropriate or competent person to appear for the Claimant company and I refuse her permission in my discretion to allow her to appear for it.

35. As well as the points made by the Interested Party in its pleadings (which I adopt without repeating), that is because, in summary: (a) she does not comply with court orders and directions, and appears wilfully to flout them; (b) she files a disproportionate amount of material, much of which is irrelevant and/or not in proper form (eg, not properly identified or produced) and/or not in the electronic form required by the court's rules, making it very difficult to make sense of, or assimilate; (c) her submissions are prolix and, again, often irrelevant; (d) despite being given really very considerable time to address me at the CMC, she claimed she had still 'forgotten' to make submissions, necessitating (she said) the sending of yet further voluminous material; (d) she repeatedly makes personal attacks on those representing the Interested Party, which are an unnecessary distraction; (e) despite her lengthy involvement in the case there has been no focus – or certainly no real focus – by her on the substantive issues which will arise in this judicial review; (f) she seems to be easily distracted by side issues, such as whether the Interested Party has the necessary consent/permission/authorisation under Cypriot law to appear in these proceedings, and whether Mr Ashley-Norman and Mr Marshall are properly able to act for it – which is not a matter for her, or the Claimant, or even the court, but is entirely for them. I am wholly satisfied they are aware of their professional obligations; (g) she appears to think that thousands of hours of further preparation are necessary, when plainly that is not the case, and any competent representative would know that (the necessary preparation probably runs into tens of hours, and no more); and (h) perhaps most significantly, she attempts to make legal submissions which I am not satisfied she has a genuine understanding of, and I therefore doubt she would be able to provide much assistance to the Court, come the final hearing, were I to allow her to appear.

36. As to this last point, for example, and as I will come to shortly, she tried to argue that the Claimant was entitled to its costs at this stage of obtaining permission, and repeatedly cited a case, *Campaign to Protect Rural England (Kent Branch) v Secretary of State for Communities and Local Government* [2021] 1 WLR 4168, which was totally irrelevant and off-point. It concerned the award of costs to a successful *respondent* in a statutory appeal who had successfully *resisted* the grant of permission. It did not establish a claimant's right to costs of obtaining permission on some sort of interlocutory basis, as Ms Sokolova apparently believes.

37. Pursuant to CPR r 39.6(b), therefore, I refuse Ms Sokolova permission to appear on behalf of the Claimant at the hearing. She may not take any further part in these proceedings.

38. In the event I had granted Ms Sokolova permission to appear, I would have needed to consider whether I should, exceptionally, permit her to appear at the full hearing by CVP. (I allowed her to appear at the CMC that way as a pragmatic measure in order to make progress, without prejudice to what might happen thereafter). However, as I have refused her permission to appear, it seems to me that this issue must now be resolved, if it needs to be, if and when the Claimant company identifies a replacement for her. That person, if he/she wishes to appear remotely, will have to make a proper application, supported by cogent evidence. As to this, I refer to [7] of Linden J's order of 4 May 2022:

> "If the Claimant seeks to attend the full hearing by way of CVP, the Claimant must file and serve an application to do so together with such evidence (i.e. witness statement or affidavit in accordance with Rule 32 Civil Procedure Rules 1998 and therefore each containing a statement of truth together with any independent documents in support) in support as it wishes to rely on, by 4pm on 1 June 2022."

39. At present, for the reasons set out in the Interested Party's Reply at [17]-[21] and Mr Marshall's statement at [48]-[61], I remain unpersuaded that there is a proper basis for CVP.

Issue 2

40. I decline to order a stay of the enforcement proceedings. A stay has already been refused on two occasions, by Griffiths J (in November 2021) and Linden J (in May 2022) respectively. I accept there has been a change of circumstances, in that the Claimant now has permission, but nonetheless there is little or no risk of irreparable harm.

41. The matter is dealt with at [62] et seq of Mr Marshall's witness statement. He goes through the process which will need to take place. He says at [63]:

> "63. I am therefore not aware of any imminent proceedings against the Claimant that would cause irreversible harm to the Claimant which, in this context, I have considered to be its winding up. Therefore the various steps in the process prior to any winding up, together with the opportunity to be heard at such steps, remain in place."

42. Although this was from six months ago, Mr Ashley-Norman told me the position remained effectively the same.

Issue 3

43. On behalf of the Claimant Ms Sokolova made various applications for costs, including permission costs and wasted costs (the latter was mentioned orally). As I have already said, the application for permission costs was totally misconceived. As I explained to Ms Sokolova at the hearing, all matters relating to costs will be dealt with at the end of

the case, in the usual way. If wasted costs are to be pursued by the Claimant, then an application in proper form will have to be made. I decline to make any orders now.

Issues 4 and 5

44. These concern disclosure and I can take them shortly.

45. Issue 4 relates to [3] of Linden J's order of 4 May 2022:

> "3. The Defendant will provide to the Claimant and Interested Party a copy of any written Order or direction made by HHJ Griffith on 12 August 2021 in relation to attendance via video link at the appeal to be heard on the 17 August 2021, as described by HHJ Baumgartner at page 22D in his ruling dated 17 August 2021."

46. The Government Legal Department (GLD) (which appears for Southwark Crown Court) has confirmed (see Interested Party's submissions, 26 September 2022, [19]) that no such document exists. The GLD wrote on 27 May 2022 (in the Claimant's Bundle for the CMC, Part 1, pp493-4):

> "Pursuant to the above direction, SCC has made extensive enquiries with its administrative office, as well as HHJ Martin Griffith and HHJ Tony Baumgartner, and has undertaken all reasonable efforts to obtain a copy of the written Order/direction referred to above. However, despite its best endeavours, to date, SCC has been unable to locate a final version of the direction or confirm whether such an order was in fact sent to the parties …"

47. There is accordingly nothing to disclose.

48. As to disclosure by the Interested Party, it is aware of its responsibility. This judicial review concerns the lawfulness of the Defendant's decision. I am unpersuaded that any disclosure by the Interested Party is necessary or required at this stage. Those advising it are aware of their ongoing duty regarding disclosure.

49. The Interested Party must draw up an order reflecting the terms of this judgment.

Post-script

50. After this judgment was circulated in draft for the usual typographical, etc, corrections Ms Sokolova telephoned and then emailed my clerk on 14 December 2022 with yet further submissions about how, she said, the Interested Party and its legal representatives were not properly authorised under Cypriot law to appear in these proceedings (including at the CMC on 1 December 2022). She promised to send further submissions by 19 December 2022. In the event, none were received.

51. For the avoidance of doubt, I would have declined to consider any further submissions from Ms Sokolova. A party is not permitted to try and re-argue a case following receipt of a draft judgment. If that were not so, litigation would never end. Judgments are supplied in draft purely for the correction of typographical slips and obvious errors of fact. In *R (Edwards) v Environment Agency* [2008] 1 WLR 1587, the losing

party's counsel tried to submit further written submissions after receipt of a draft judgment. Lord Hoffmann said at [66]:

> "In my opinion the submission of such a memorandum is an abuse of process of the procedure of the House. The purpose of the disclosure of the draft speeches to counsel is to obtain their help in correcting misprints, inadvertent errors of fact or ambiguities of expression. It is not to enable them to reargue the case."

52. Lord Hope added at [73] that what counsel had done:

> "… was an attempt to re-submit submissions already made and to make new submissions. It was an abuse of the procedure."

53. Another reason I would have declined to consider Ms Sokolova's submissions is because I have refused her permission to appear for the Claimant. The fact that despite seeing my draft judgment, Ms Sokolova planned to send in yet further uninvited submissions (although in the event she did not), just goes to reinforce the conclusion I have reached about her lack of suitability to conduct this litigation on behalf of the Claimant.

54. Further, and in any event, whether or not the Interested Party has the necessary consent or permission under Cypriot law is not a matter for this court. It is a question of Cypriot law for a Cypriot court to resolve, if necessary. As far as this court is concerned, the Interested Party appeared in the court below, the Claimant chose to serve it with this judicial review application as an Interested Party, it has taken part, and so it is entitled to appear in these proceedings (see CPR rr 54.6. 54.7, 54.8 and 54.17).

55. This stage of the case is now at an end. I anticipate the full hearing will take place in the early part of next year. If the Claimant wishes to be legally represented, or to apply to appoint an alternative to Ms Sokolova to represent it under CPR r 39.6, then it would be well-advised to do so without delay.