

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
COMMERCIAL COURT

Royal Courts of Justice, Rolls Building
Fetter Lane, London, EC4A 1NL

Date: 8 July 2022

Before :

His Honour Judge Mark Pelling QC

Between :

- | | |
|---|-------------------------|
| (1) Eurohome UK Mortgages 2007-1 Plc | <u>Claimant</u> |
| (2) Eurohome UK Mortgages 2007-2 Plc | |
| (3) Saret Holdings Corp | |
| - and - | |
| (1) Intertrust Management Limited | <u>Defendant</u> |
| (2) Intertrust Corporate Services Limited | |
| (3) Intertrust Directors 1 Limited | |
| (4) Intertrust Directors 2 Limited | |
| (5) Ms Paivi Helena Whitaker | |
| (6) Intertrust Nominees Limited | |

Case No: CL-2021-000744

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
COMMERCIAL COURT

Between :

- | | |
|---|-------------------------|
| (1) Stratton Mortgage Funding 2019-1 PLC | <u>Claimant</u> |
| (2) Corelli Capital AG | |
| - and - | |
| (1) Intertrust Management Limited | <u>Defendant</u> |
| (2) Intertrust Corporate Services Limited | |
| (3) Intertrust Directors 1 Limited | |
| (4) Intertrust Directors 2 Limited | |
| (5) Ms Paivi Helena Whitaker | |

Charlotte Cooke (instructed by Bryan Cave Leighton Paisner LLP) for the Group 1

Hearing dates: 8th July 2022

RULING

His Honour Judge Mark Pelling QC
(11:13 am)

Friday, 8 July 2022

Ruling by HIS HONOUR JUDGE MARK PELLING QC

1. This is an application for a general civil restraint order against the Corelli Capital AG (“Corelli”). The tests that I have to apply are those identified in the judgment I gave a few moments ago in relation to Saret and I incorporate that part of that judgment into this judgment so as to not to have repeat once again the principles that apply.
2. The jurisdictional test is persistence. I am satisfied that that is demonstrated by reference to the orders made in CL-2021-611 when I dismissed an application by Corelli for summary judgment declaring it to be totally without merit and struck out the claim, again declaring it to be totally without merit. That was on 12 April 2022. The previous month in Chancery proceedings bearing the number 2022-179, Mr Justice Miles dismissed an application by parties including Corelli for an adjournment as totally without merit and struck out the claim, brought inter alia by Corelli, again as totally without merit. That therefore is another two totally without merit orders and four within a period of rather less than a month. Finally, I should draw attention to the Great Hall claim again brought by Corelli, and which was struck out by me and again certified as totally without merit. Two further orders have been made in the current proceedings, both of which involve dismissals or strikeouts with certifications that the claims and applications made by Corelli were totally without merit. I am entirely satisfied therefore that the necessary level of persistence required by the practice direction has been established.
3. The next question that arises therefore is whether an extended civil restraint order will be adequate in all the circumstances, or whether it is necessary for me to go further and to make a general civil restraint order in order to protect litigants from vexatious proceedings and to protect the finite resources of the court.

4. In this case, I think I'm right in saying, there has been no extended civil restraint order made previously against Corelli. But by the same token, as I have already explained, there have been multiple claims and applications over a short period of time brought by Corelli against different parties, which have been dismissed and certified as totally without merit. I am satisfied in those circumstances that it is necessary for there to be a general civil restraint order for the purposes of protecting litigants and the resources of the court. In those circumstances, there will be a general civil restraint order. If one is not made, then it is likely that Corelli will be used as a vehicle for bringing other claims of an equally unmeritorious nature and therefore there must be a general civil restraint order. The application Judge will be me and the alternate will be Mr Justice Foxton.