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

Royal Courts of Justice
Strand
London

**Before THE HONOURABLE MRS JUSTICE HILL DBE**

**IN THE MATTER OF**

**EZEUGO** **(Claimant)**

**-v-**

**BARNET, ENFIELD AND HARINGEY MENTAL HEALTH TRUST**
**(aka NORTH LONDON NHS FOUNDATION TRUST and others)**

**(Defendant)**

**THE CLAIMANT appeared in person**
**THE DEFENDANT did not attend and was not represented**

**JUDGMENT**
**8th JANUARY 2025**
**(APPROVED)**

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MRS JUSTICE HILL:

## Introduction

1. The Claimant, Kinsley Ezeugo, appears before me today in my capacity as the judge sitting in the King's Bench Division Interim Applications Court ("Court 37"). He relies on an application notice dated 7 January 2025, filed at court today.

2. The Defendant is a mental health trust. The Claimant has had a lengthy history of dealings with the Defendant, having been detained by them under mental health legislation at Chase Farm Hospital from 1 August 2019 to 25 August 2022.

3. The application notice is supported by a series of documents. The Claimant has completed the application notice at paragraph 10 with evidence. He has provided a statement of facts in support of the application and has written a covering letter that provides further details. He also lodged a bundle in support of the application that contains voluminous documentation, running to several hundred pages. He has quite fairly apologised for the fact that there is no index for the bundle and that it is unpaginated. It contained many original documents such that the Claimant asked me to return them at the end of the hearing. I took copies of those I considered most relevant and then returned the bundle to him as requested. I considered these to be reasonable adjustments to the usual court processes given that the Claimant may be vulnerable within CPR PD 1A.

## The order sought

4. The Claimant invites me to make an urgent order without notice to the Defendant. The draft order is lengthy. It contains a series of prohibitory and mandatory injunctions. Its provisions can be summarised as follows.

5. *First*, at paragraph 1 of the draft order the Claimant invites me to make an order restraining the Defendant and their officers or agents from doing further acts that he contends amount to harassment of him and his family.

6. *Second*, under paragraph 2 he seeks an order preventing the Defendant from (i) referring to him as a "patient"; (ii) contacting him by phone, email or letter; (iii) visiting his address, or directing anyone to do so; or (iv) engaging with him or members of his family.

7. *Third*, under paragraphs 3, 4, and 6 the Claimant seeks an order preventing the Defendant from doing anything to tamper with, delete, or destroy files on his hard drive and recording devices that he contends were unlawfully seized from him in 2020. He also invites me to order that the Defendant return the items to him.

8. *Fourth*, under several further paragraphs he seeks orders that the Defendant preserve and disclose to him certain documents, including all communications from a series of people he has listed, as well as certain CCTV footage. That broad category of covers what I consider to be paragraphs 5, 7, 8, 9, 10, and 11 of the draft order, and the further sub-paragraphs on page 14 to 15 of the bundle.

9. *Fifth*, under paragraph 12 of the draft order the Claimant invites me to make an order that the Defendant must within 14 days through the relevant local authority provide him and his family with what he describes as "normal/independent accommodation" in accordance

with certain assessments that had been carried out including by an independent psychiatrist. He has specified that the accommodation must have at least four bedrooms and be completely free of "any health or medical setting". It must be furnished "just like the…family home" which the Applicant contends the Defendant "unlawfully disposed [of] during his unlawful detention".

**The Claimant's submissions**

10. The Claimant made submissions for around an hour and a half. At times it was a little hard to follow what he was saying. It eventually became clear that the Claimant's particular concern is that the Defendant will seek to "section" him again. He relied on some events that took place between 8.00 and 8.40am yesterday morning. The Claimant said he was working at home on the application he intends to make to the "International Tribunal" when there was a loud banging at the door, a doctor called his name, threatened him, and said "Kinsley, I know you are suing the hospital". He recorded that interaction and invited me to consider the audio recording. I did not consider that necessary as the Claimant's submissions were sufficient for me to understand the point he was making. In summary, he has taken what happened yesterday as an indication that the Defendant will continue to harass him and in particular will try to section him again.

11. In *Ezeugo v Ministry of Justice* [2024] EWHC 478 (KB) at [5], Andrew Baker J described the Claimant as believing he is the victim of a "conspiracy and wrongdoing against him on the part of a wide range of individuals involved in the civil or criminal justice systems, including many judges". The Claimant's application to me was explicitly advanced on this basis in both writing and orally.

12. In fairness to the Claimant, he made clear that some aspects of the draft order, in particular those relating to disclosure, did not necessarily have to be dealt with urgently but could be dealt at a later date.

**Previous cases involving the Claimant**

13. Prior to the hearing, I had no knowledge of the Claimant or his litigation history. However, in order to prepare for the hearing I read certain published judgments in relation to him. From this material it is clear that the Claimant has been involved in bringing civil litigation for many years: see, for example, the list of claims in *Ezeugo v Ministry of Justice* [2024] EWHC 478 (KB) at [8].

14. In *Foskett v Ezeugo* [2018] EWHC 3694 (QB), the Claimant was found to be in contempt of court because he had repeatedly breached an order that prohibited him from harassing certain judges before whom he had previously appeared. On 18 December 2018, he was sentenced to 12 months' imprisonment: see *HM Solicitor General v Millinder* [2022] EWHC 2832 (Admin) at [87]. It appears that the period of mental health detention referred to at [2] above followed on directly from the Claimant's prison sentence: indeed he described to me being "taken" by the Defendant to Chase Farm Hospital directly from prison. He remained in hospital until 25 August 2022.

15. In 2023, he was involved in, at least, bringing (i) Claim No. AC-2023-LON-3294, a claim in the Administrative Court against the Lord Chancellor relating to the Legal Aid Agency; (ii) an application relating to contact with his children in the Family Court at

Bradford on 13 December 2023: *Ezeugo v Ministry of Justice* [2024] EWHC 478 (KB) at [9(iii)] and [15(iii)].

16. On 9 February 2024 he appeared before Andrew Baker J in Court 37, bringing four applications relating to a number of civil claims and appeals, summarised in *Ezeugo v Ministry of Justice* [2024] EWHC 478 (KB) at [8]. All four applications were refused and certified as totally without merit. Poole J had given the same certification to an application made to him in the Family Court on 7 February 2024: [43] and [47]-[49].

17. Andrew Baker J directed that the Claimant file evidence or submissions by 15 March 2024 as to why a civil restraint order should not be made against him: [52(iii)]. He instead sought to complain about some of the judges and appeal the judgment of Andrew Baker J. On 8 April 2024, Soole J as the then Judge in charge of the King's Bench List, gave the Ministry of Justice permission to apply for a civil restraint order against the Claimant by 6 June 2024. I was informed by court staff that no such application has been made. It does not appear from publicly available records that such an order has been made by another court.

18. On 16 August 2024 the Claimant appeared before Farbey J, again as Court 37 judge. She dismissed his application and certified it as totally without merit.

19. I include that this narrative, because it provides some context to the application before me and because it was important for me to understand before hearing from the Claimant whether there is in a civil restraint order in place in relation to him. As explained above my understanding is that there is not.

**<u>KB-2024-004231 and other claims brought by the Claimant in late 2024</u>**

20. This application is brought in Claim No. KB-2024-004231. The claim was issued on 20 December 2024. In fact, on interrogating the court's CE-File system before the hearing, it became clear that Master Gidden had made an order staying the claim on the same day as it was issued. It is a matter of concern that the bundle provided to me by the Claimant, although voluminous, did not contain this order, nor did the Claimant draw it to my attention during the hearing.

21. The Master noted in the preamble to the order that the claim form and accompanying documents – and he observed that the Particulars of Claim were some 77 pages long – were "[s]uch that they disclose no reasonably coherent or intelligible grounds for bringing the claim and have every appearance of being an abuse of the process of the court or otherwise being highly likely to obstruct the just disposal of any proceedings". The Master stayed the claim, making clear that as a result the Defendant did not have to file an Acknowledgement of Service.

22. However, he gave the Claimant an opportunity to remedy the defects in how the claim had been advanced. The Master's order gave the Claimant until 4.00 pm on 27 January 2025 to make an application to have the stay lifted. The Master directed that any such application had to be supported by draft Particulars of Claim that fully comply with CPR Part 16 and the associated practice direction, in that they "coherently and credibly set out the legal basis for the claim in a manner which properly identifies the causes of action relied upon, and the loss and damage claimed so that both the court and the defendant are able to understand the claim without recourse to surmise or conjecture". The Master said that the application must also

identify all other claims currently brought by the Claimant and explain why separate claims had been brought and how the claims differ.

23. In the reasons given for the order, the Master noted at paragraph 1 that this appeared to be the fifth claim presented by the Claimant in recent months.

24. He explained at paragraph 2 of the reasons in simple terms what the stay meant.

> "A stay…effectively means the claim has been put into a deep sleep. It is inert and nothing can be expected of it or done with it until it is revived and made active once again. This means no other step may be taken in the claim until such time as the stay is lifted. Application must therefore be made to satisfy the Court that it is right to lift the stay, and the Court must order this before it or anyone else can be asked to do anything else in the claim".

25. I emphasise this part of the Master's reasons,

> "It is not possible to bypass the stay simply by applying for some other permission or step to be taken. Only the court acting to lift the stay of a claim can revive the claim once it is stayed".

26. I checked with the Claimant during the hearing whether he had received the Master's order and he confirmed that he had. He also confirmed that he understood what it meant. That is not a surprising proposition because in fact the court's system shows that the Master had made materially identical form orders in the other four claims brought by the Claimant referred to in his order. These were all made between 23 November and 20 December 2024. These orders were made in the claims with numbers KB-2024-003788, brought by the Claimant against Hugh Tomlinson KC, a barrister; KB-2024-003922, against Brett Wilson LLP, Legal Futures Publishing, Bailey and various other defendants; KB-2024-003927 against "The Government of the United Kingdom"; and KB-2024-004238, against Deighton Pierce Glynn and various other lawyers. All these orders give the Claimant until 4.00 pm on 27 January 2025 to apply for a lifting of the stay accompanied by properly constituted Particulars of Claim.

27. The Claimant told me he does not accept the five orders staying his claims and has sought to appeal them.

**<u>Submissions and decision</u>**

28. In light of Master Gidden's 20 December 2024 order I explained to the Claimant that the fundamental difficulty he faced in relation to the application before me was that the claim is currently stayed.

29. It is a well established principle of our constitutional law that a court order must be obeyed unless and until it is set aside or varied by the court: *R (on the application of Majera, (formerly SM Rwanda)) v Secretary of State for the Home Department* [2021] UKSC 46 at [44]. Furthermore, Master Gidden's order is clear on the face of it that this claim is stayed, and that if the Claimant wishes to pursue this claim against the Defendant he needs to take steps to address the defects in his pleaded case. The Master has given him until 27 January

2025 to do that. The Master's order is very clear that no further step may be taken in the claim until such time as the stay is lifted.

30. I expressed my provisional view to the Claimant that I simply had no power to make the order sought, irrespective of its merits. This is a claim that is stayed, and the Master's order is very clear that no other judge has power to take steps in it until such time as the stay is set aside. As I have indicated, that is consistent with Supreme Court authority.

31. As I have noted the Claimant accepted that he knew about the stay and understood what he meant. However he contended that I could still make the order for the following reasons.

32. *First*, he argued that I should ignore the order because he is seeking to appeal it. However I was shown no evidence that any such appeal has succeeded. Indeed, given that the stay was only imposed on 20 December 2024 and today is 8 January 2025, it would be very surprising indeed if the Claimant's appeal had been determined within that timescale (not least as this period falls within the court vacation). However, as a matter of law, the fact that somebody has appealed an order does not, as I have indicated, stop the order having effect, so at the moment the fact of an appeal is not a persuasive basis for me to ignore the stay.

33. *Second*, the Claimant sought to persuade me that the order was improperly made by Master Gidden. He argued that he is yet another judge who is corrupt and who has made decisions as part of the broad conspiracy between judges and other members of the British establishment I referred to at [11] above. Consistent with that he referred in box 10 of the application notice to Master Gidden as "#childrapistgidden". During the hearing he repeatedly referred to Master Gidden as the "so-called Master". The Claimant does not accept that Master Gidden had the necessary authority to make the order. Putting aside the grossly offensive and inappropriate language used by the Claimant about the Master, the fact remains that until such time as any order is set aside, it must be followed by other courts.

34. *Third*, the Claimant argued that the merits of his application are so persuasive that I should make the order he sought, irrespective of the fact that the stay exists: he contended that any reasonable judge would do so. He sought to persuade me of this by taking me to a series of transcripts of covertly recorded conversations that he had prepared.

35. The first related to somebody he described as "British Government Agent Pig 1" inside the Royal Courts of Justice Building and then the Thomas More Building on 13 December 2018. According to this transcript this person said to him, essentially, that the entire British establishment had been turned against him and that no judge in the courts would give him a fair hearing.

36. The second related to a conversation with an unnamed mental health professional on 10 January 2020, while he was detained at Chase Farm Hospital. According to the transcript this person told the Claimant he was going to be killed within mental health detention. Further, the Claimant suggested that this person was so concerned about his safety that he gave the Claimant a pen even though he was not otherwise meant to have one, so that he could do something about his position.

37. The third related to a conversation covertly recorded on 31 July 2018 with a prosecutor at the Willesden Magistrates' Court in which, according to the transcript, she was indicated to the Claimant that targeted arrests and prosecutions were being brought against him because of his intended claims against the Ministry of Justice. The transcript recorded her as saying

"The reason why they are bringing these prosecutions against you is to defeat your lawsuits and stop you suing them again".

38. I come back to the fundamental principle that the stay has been imposed and has not been set aside. As a matter of law therefore it is simply not appropriate for me to descend into considering the merits of the application in the way that the Claimant invited me to do.

39. In absolute fairness to the Claimant because he is a litigant in person and appears vulnerable, I have given some thought to whether it is appropriate to construe the application as in fact a pre-action application in a further claim. However, having done so, I have concluded that that is simply not right. It is plain that the applications relates to this Defendant and to this claim: indeed the Claimant put the claim number KB-2024-004231 on the application.

40. Even if, by some very liberal construction of the application it could be seen as an application brought on a pre-action ahead of a fresh claim, I would still have concluded that notice was required for the reasons given above.

**Conclusion**

41. In my judgment therefore, the existence of the stay by Master Gidden is sufficient to dismiss this application and I so dismiss it.

42. In any event I would not have been prepared to deal with this application on a without notice basis. Under CPR PD 23, paragraph 3, applications may be made without serving an application notice only in certain narrowly defined circumstances, such as where there is exceptional urgency. None of them applied here.

43. The Claimant contended that there was an urgency because in light of the events of yesterday described at [10] above, he feared that the Defendant's staff might attend at his property again, at any time, and seek to section him. Quite aside from whether any such order would be legally or factually appropriate, in the general King's Bench Civil list rather than the Administrative Court, this is not the sort of order that could properly be made without inviting a response from the Defendant. Accordingly even if the stay was not in place I would not have been persuaded to make this order on a without notice basis, and I would have listed this for an on-notice hearing.

44. I remind the Claimant that Master Gidden's order does not dismiss his claim against the Defendant. It gives him an opportunity to correct his pleadings and put his Particulars of Claim into a CPR-compliant form. He has until 27 January 2025 to do that. I would encourage the Claimant to focus on complying with what the Master is giving him the opportunity to do.

45. Although I have dismissed the application I do not consider that it was totally without merit. A judge hearing a further application in a claim where a stay is imposed may take a different view in light of this judgment which has fully explained the position to the Claimant.

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This transcript has been approved by the Judge