

Neutral Citation Number: [2020] EWHC 2605 (QB)

Case No: F90BM169

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**BIRMINGHAM DISTRICT REGISTRY**

Date: 25/09/20

**Before :**

**HHJ SHETTY SITTING AS A JUDGE OF THE HIGH COURT**

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**Between :**

**PERTEMPS MEDICAL GROUP LIMITED**

**Claimant**

**- and -**

**IMRAAN LADAK**

**Defendant**

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**Andrew George QC** (instructed by **Harrison Clark Rickerbys**) for the **Claimant**  
**The Defendant** appeared in person

Hearing date: 16 September 2020  
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**JUDGMENT**

**HIS HONOUR JUDGE SHETTY :**

1. In this hearing, the court is concerned with whether Imraan Ladak has committed a contempt of court by breaching an interim injunction granted on 19 July 2019 by His Honour Judge Worster (sitting as a High Court Judge) and a renewal of the same injunction by Pepperall J on 31 January 2020. The Claimant alleges that between 13 December 2019 and 30 January 2020 he sent three communications that breached paragraphs 1.1 and 1.2 of the order of HHJ Worster. It is further alleged that there were four communications sent between 29 April 2020 and 20 May 2020 which were in breach of paragraphs 1(a) and/or 1(b) of the Order of Pepperall J.
2. The interim injunction arose in an action by Pertemps Medical Group Limited (“PMG”) in which it claims that Mr Ladak (its former Chief Executive Officer), has breached contract and pursued a campaign of harassment against the company and its senior directors.
3. The interim injunction ordered, amongst other things, that Mr Ladak should not:

*1.1 make adverse or derogatory comments about PMG, its directors or employees including but not limited to Mr John Staden, Mr James Meazza and Mr Adam Parrish*

*1.2. do anything that might bring PMG, its directors or employees into disrepute; including but not limited to making adverse or derogatory comments about Mr Tim Watts*

*1.3 harass any individual, including but not limited to Mr John Staden, Mr James Meazza, Mr Adam Parrish and Mr Tim Watts, for the purpose of persuading PMG to provide money, assets or any other benefit to Mr Ladak.*

4. It was also ordered that in the event that Mr Ladak intended to exercise his rights under the Employment Rights Act 1996 to make a protected disclosure, he should first give PMG's solicitors 14 days' notice of his intended disclosure stating the purpose and intended form of disclosure, and to whom it would be made. If PMG objected to such disclosure, the judge ordered that Mr Ladak should not make it save with the permission of the court.
5. Pepperral J. continued the order on 31 January 2020. The new order replaced the numbering with lettering 1(a-c) but was operatively the same.
6. I have already determined a previous application by the Claimant that the Defendant was guilty of contempt of court for sending communications in breach of the injunction. That finding was made following a two-day hearing on 16<sup>th</sup> and 17<sup>th</sup> July 2020.

## **THE EVIDENCE**

7. Mr Thomas Williams, a Solicitor on behalf of Harrison Clark Rickerbys Limited (HCR) gave evidence in which he confirmed the contents of a second sworn affidavit dated 23 June 2020. Mr Williams' affidavit was in effect a consolidation of material which is not in dispute. Other than setting

out the orders of the court, the service of those court orders and the alleged breaches of those orders, Mr Williams also sets out briefly the Claimant's corporate structure and its personnel. It describes that a person with significant control of a company called Pertemps Network Group Limited is Mr Tim Watts who is a director of PNGL but not the Claimant or other associated companies. Mr Williams was not asked any questions in cross examination. This is understandable given that his evidence is not in dispute.

8. Mr Ladak also gave evidence. During that evidence he confirmed that he had sent the emails in question. Unfortunately, despite repeated warnings as to giving evidence on matters of relevance and importance to this hearing, he would often repeat assertions of fraud against the Claimant and persons connected with the Claimant and go on to describe conspiracies concerning him and others acting as whistle-blowers. He also tended from time to time to indicate that he did not understand the injunction or did not realise what he was doing was wrong. I had to remind him a number of times that the Court was concerned with whether there was an injunction in force, whether communications were sent by him and whether such communications breached that injunction (see below). During his evidence, after cross-examination he came fairly close to an apology when he said that after being 'prodded and poked, I did things I regret' but then said it was important for there to be a trail and record. He said that there were things which should have been different. He repeated this qualified regret later on in his closing submissions.

## THE ISSUES AND THE LAW

9. It is not in dispute that Mr Ladak was subject to the terms of the injunction that I have recited at paragraph 3 of this judgment. It is not in dispute that Mr Ladak wrote the communications that are the subject of these committal proceedings. The sole question is whether the communications breach the terms of the injunction.
10. As was said in *Sage v Hewlett Packard Enterprise Company* [2017] EWCA Civ 973 by Henderson LJ at paragraph 35:

“...I would also add that it is in my view a salutary discipline for any judge who is delivering or writing a judgment on a committal application to set out each relevant ground of committal before proceeding to consider whether it is made out on the evidence to the criminal standard of proof.”
11. Therefore, I will go through every relevant communication and the evidence on that email. I will then decide whether there has been a breach of the terms of the injunction.
12. The standard of proof is the criminal standard. In other words, the court has to be sure that the communication in question was in breach of the terms of the injunction. The burden of proof is on the Applicant/Claimant. Although there is some conflicting authority on the point, the law is that the respondent’s motive for a breach may be relevant to penalty but he cannot argue that his intention was not to breach/disobey or his intention was justified if he did breach. That is distinct from whether something is an intentional act.

13. In respect of the words used in the injunction of “adverse or derogatory” the word derogatory as defined in the Oxford Dictionary is as follows:

‘lowering in honour or estimation unsuited to one’s dignity or position; deprecatory, disrespectful, disparaging. If something is said which lowers the person spoken about in honour or estimation or is critical, it is disparaging and derogatory whether or not it is true.’

14. The last sentence above is particularly important. It is immaterial whether or not the matters directed are true or not. This was a concept that Mr Ladak appeared to have difficulty recognising or understanding during this hearing.

### **DID MR LADAK BREACH THE INJUNCTION IN THE COMMUNICATIONS?**

15. The first communication: A private message via LinkedIn at 17.26 on 13 December

16. This was a private message sent over LinkedIn which was sent to Louise Staden from the Defendant’s account on this platform. LinkedIn is of course a type of business social media which, amongst other things, professionals from all lines of work use for professional development and networking. Mrs Staden is the wife of John Staden. The message states:

“Yo Louise. I’m happy to face any consequence in return for the fraudsters to be locked away. And I can guarantee you now, that is going to happen. Nothing is going to be swept under the carpet.”

17. In context, John Staden is a specific person mentioned and protected in the injunction. He has been the subject of repeated allegations of fraudulent conduct by the Defendant within these proceedings.
18. The Applicant claims that this email breaches clauses 1.1 and 1.2 because it makes by inference, adverse or derogatory comment about John Staden and brings him into disrepute by alleging that he is a fraudster.
19. Mr Ladak's evidence about this message is that in fact the allegation of fraud was directed at Louise Staden only because she was a fraudster. He alleges that she claimed sick leave whilst performing work duties in another role. His argument is therefore that this has nothing to do with the Claimant or Mr John Staden.
20. Mr Ladak was cross examined about this. He was reminded that the communication mentions that Mr Ladak was saying he was happy to face any consequences in return for the fraudsters to be locked away. This reference to consequences, it was submitted, could only be reference to consequences of breaching the injunction or some kind of revenge being extracted on him by Mr Tim Watts. The latter threat is something he has repeatedly said. He was also reminded that in other correspondence that features in the application he is specifically attacking John Staden. For example, the second communication which is only five days later, particularly fixes (at a certain point) on John Staden. In the seventh communication on 20 May, the Defendant refers to "Lou and John" as the "husband and wife fraud team". In my view, the allusion to 'consequences' and the 'fraudsters' is undoubtedly about both the husband and wife. Mr Ladak also contended that he had a private

conversation with Louise Staden about her fraud in Centre Parks back in 2017. He says this message is in effect a continuum of that. In my view that is fanciful. I am quite sure that Mr Ladak was throwing an accusation or insult towards Mrs Staden but I am also quite sure that he was seeking to suggest that both her and her husband were fraudsters. That is clearly an adverse or derogatory comment about Mr John Staden and brings him (as an employee/director of the Claimant) into disrepute.

21. I am therefore satisfied on the criminal standard of proof that Mr Ladak breached the terms of the injunction by sending this communication.
22. Second Communication: Sending a series of private messages via the social network LinkedIn to Spencer Jones (a director of the Claimant) at 08.46, 11.46, 11.49, 11.58, 12.12 and 12.14 on 18 December 2019.
23. I set out these messages in a table below:

<b>TIME</b>	<b>Message</b>
06.46	For someone who checks my profile so many times a day, the least you could do is like an anti fraud post or two? If not then anti racism and sexual harassment from filthy old men? Perhaps?
11.46	Hi Spencer, I know there is so much I cannot say on linkedin so

	<p>do not worry, that will be direct to NHS trusts and candidates.</p> <p>Been taking a look at your doctors agencies margins over the weekend and wow, properly nawty</p>
<p>11.49</p>	<p>5 doctor agencies all breaking the law plus PMP...</p> <p>Don't you have some kind of professional obligation as a GFD?</p> <p>Plus fiduciary duties? Or did I get that all wrong</p> <p>Guess that's why 595 views from Pertemps this month and not a single like</p> <p>Thought the latest High Court submissions denied unlawful conduct and we haven't even talked about Staden's girlfriend Lynne. Surprised that was admitted- does he know you did that to him?</p> <p>Like I was with him in vegas when his wife went mental about lara being there but banging a granny auditor- how could you stich him up like that in public documents?</p> <p>Even I feel sorry for STaden now</p> <p>How's Lara by the way. Hope you're not the reason she's dumped Sagar?</p>
<p>11.58</p>	<p>I trust that MP's count as proper whistleblowing to your legal</p>

	reps?
12.12	Oh and let me know asap if you object to anyone in particular hearing the recording of staden during the HTE audit
12.14	It's only 2 <sup>nd</sup> to the hitman threat, which according to a recording of you isn't believed to have been recoded [sic] because I haven't used it- so just do the affidavit denying it happened and we will know either way the same day... x

24. Mr Ladak's evidence and his defence are that he sent these messages privately. He went on to say that if looked at in the round, he was talking about 5 medical agencies breaking the law in addition to the Claimant. When he was asked in cross-examination as to whether he was alleging that Mr Jones was in breach of his fiduciary duty he said that potentially Mr Jones has made a protected disclosure. Even if Mr Ladak was turning attempting to make a benign communication to Mr Jones (which I reject as a matter of fact), it is clear he is alleging that the Claimant is breaking the law. He is alleging that John Staden has been having sexual relationships with an auditor (something he maintains in evidence was public knowledge). He is also alleging that his life has been threatened by the use of a hitman which must be on the part of the Claimant, its agents/employees or Mr Watts.

25. I find on the appropriate burden and standard of proof that Mr Ladak's communications were adverse or derogatory comment about the Claimant, its directors or employees and are communications which could bring those personalities into disrepute.
26. Third Communication: An email of 30 January 2020 at 15.53
27. This e-mail was sent to a wide range of the Claimant's internal stakeholders (set out in a table at paragraph 17.3.3 of the Claimant's affidavit in support) who were copied in as recipients even though the primary recipient was Ms Elizabeth Beatty who is a Solicitor acting for the Claimant. It makes allegations that the Claimant had "knowingly deceived the NHS" and "deliberately impeded a criminal investigation". In context this e-mail was sent 1 day after the hearing in front of Pepperall J in which Mr Ladak had specifically been advised that the previous injunction would remain in force until at least the hearing on 31 January 2020 when judgment would be handed down.
28. Mr Ladak accepts that he sent the e-mail. In his evidence he said that he was trying to stop criminality as a shareholder because he had a fiduciary duty as a shareholder of the Claimant. Even if this was true, these remarks/communications are prohibited by the terms of the injunction. These are not protected disclosures made to the NHS Counter-Fraud Authority or under the Employment Rights Act 1996. Allegations of knowingly deceiving the NHS and impeding a criminal investigation are in my judgment, adverse or derogatory comments about the Claimant and may bring it into disrepute.

29. I conclude according to the criminal standard that the third email breached the terms of the injunction.
30. Fourth Communication: An email of 29 April 2020 sent at 01.06
31. This email was sent to two of the Claimant's senior internal stakeholders (including Tim Watts), as well as Court staff. It states "The purpose of the court injunction was most definitely not to give Pertemps the ability to intimidate my family and to lie to their clients and candidates about the fraud [the Claimant] committed and (temporarily) covered up". It also refers to "Time Watts (twice) threatened to hire a hitman and take the houses from his employees on 9<sup>th</sup> May 2019.." There is other material which narrates Mr Ladak's dissatisfaction with what can be inferred to be process servers.
32. Mr Ladak accepts that he sent the email. In his evidence he said that it is not an allegation of fact and then said "I have no defence do I?"
33. In my judgment this email constitutes an adverse or derogatory comment about the Claimant, as well as something that may bring it and Tim Watts into disrepute. I am not concerned about Mr Ladak's unhappiness regarding process servers and his feeling of intimidation by it. Preventing him from expressing such unhappiness was not of course the purpose of the injunction. However, it is clear that in alleging fraud and criminal behaviour on the part of the Claimant and Tim Watts, Mr Ladak was in breach of the injunction. I therefore find this allegation proved to the criminal standard.
34. Fifth Communication: An email of 9 May 2020 sent at 19.01

35. This email was sent to two of the Claimant's senior internal stakeholder (and Mr Tim Watts) and said the following:

“Today marks two years since Staden's fraud was discovered and the one year anniversary since Tim threatened and attempted to bribe me financially to drop the matter, in the presence of Jon Smith and Spencer Jones.

True to his word, Tim has thrown everything at me. I have not mentioned Pertemps publicly in any of my international media interviews but there now significant interest in the PPE fraud which happened because the medical sector was not cleaned up because of an injunction because of one line in a settlement agreement.”

36. There are further references to Mr Ladak's legally protected status as a whistleblower being breached which “was and remains criminal”. He goes on to describe new claims which will detail more fraud conspiracy than “anyone imagined”. He alleged that “you” have been trying to buy the names of protected whistleblowers. Mr Ladak goes on to giving the client (the Claimant) a year to admit fraud and remove the people responsible and that after today “you will have no control, opportunity or capability to intimidate, hide or deny”.

37. Mr Ladak accepts sending this email. His case is that he thought he was just writing it to Tim [Watts]. He gave a very verbose response when asked about it which did not set out any defence to the allegation. He went on to say that the Claimant had not included every email. Mr Ladak then said “They don't think it's adverse. What is adverse if it's true?”.

38. I find that the communication did make adverse or derogatory comment about the Claimant, its director or employees and it may have brought the same personalities as well as Mr Tim Watts into disrepute. The e-mail alleges criminal activity.

39. Sixth Communication: An email of 15 May 2020 at 04.04

40. This email was copied to five of the Claimant's senior internal stakeholders (including Tim Watts and Spencer Jones) and starts with "Hey crooks". It refers amongst other things to "the corruption of Per TEMPS and their friends in high places". It carries on in the following terms: "Tim, can I have your personal email for correspondence following your resignation? Harvey Weinstein

Jeffrey Epstein

Tim Wattstein

All brought to justice – by #metoo

If you thought I sounded (or read) like a scared little man, you'd better to stop viewing with beer goggles (glasses) and register with some immigrant reading glasses"

41. Mr Ladak accepts sending this email. His defence was that he was "placing things on record".

42. In my judgment, and on the criminal standard, this e-mail breaches the terms of the injunction. It is clearly adverse or derogatory and may bring the Claimant, its director or employees into disrepute. There are references to

corruption. There is a very clear insinuation that Tim Watts is in the social standing of sex offenders.

43. Seventh Communication: E-mail sent on 20 May 2020 at 21.10

44. This e-mail was addressed to Elizabeth Beatty and Mr Tim Watts. Its subject line is “Watt’s new pussycat...?”. It says “7 days is all it took to get evidence of Lou and John- the husband and wife fraud team. Ask them yourself to ask Parrish or ask Meazza or ask the 700 people that worked with her. She is absolutely despised by every company, just as much as her husband. Watt’s new”. There is then an image which is a screenshot of a post on a Facebook account in the Defendant’s name which refers to “a woman who managed to obtain roles as 4 big agencies having done terrible things at each previous role. Agencies that discover their staff have committed fraud do not want to expose themselves by publicising it so may deal with it internally.” There is also a more direct reference to Mr Watts where Mr Ladak articulates the following:

“Tim, unlike your poor board, I no longer have to listen to you gulp beer, shovel food and present any of your (repeated find some new material because if I heard the same story twice a year imagine what your ‘bored’ said to me) stories which require fake laughs to stroke that bigger than your belly ego (imagine how revolted the girls feel) demands”.

45. There is also an email included in this chain dated 20 May 2020 at 19.49 in which it states “I’ve viewed details of fraud by Staden at several companies prior to his employment at Pertemps. And his wife. Your client is aware.” This must have been sent to the Claimant’s solicitors.

46. Mr Ladak accepts he sent this email. He says that this email was about Mrs Staden.
47. The reference to 'husband and wife fraud team' obviously refers to John Staden who is a director of the Claimant company. There is abuse here directed at Mr Tim Watts.
48. On the criminal standard I am satisfied that the e-mail is adverse or derogatory comment about the Claimant, its directors or employees. Without having to pick apart the more general things that may concern the industry as apart from the Claimant, the abuse and suggestions of fraud may also bring the Claimant and Tim Watts into disrepute. I find that Mr Ladak breached the injunction by sending this e-mail.

## **CONCLUSION**

49. Therefore, I have concluded on the criminal standard of proof, with the burden of proof on the Claimant, that the Defendant has breached the terms of the two injunctions in question as alleged in the application notice. He is guilty of a contempt of court. The next step is to consider the sanction.
50. There is a hearing listed for 28 September 2020, which I indicated would be the hearing to hand down judgment, and determine sanction for the earlier breaches and, if necessary these ones if found to be proved (which has of course happened).

**His Honour Judge Rajeev Shetty**

**25 September 2020**