Appeal No. A2/2015/2839 A

IN THE COURT OF APPEAL
CIVIL DIVISION
BETWEEN

(1) STEPHANE PARIS
(2) ANGEL GARDEN

Applicants/Claimants

-and-

(1) ANDREW LEWIS
(2) MELANIE BYNG

Respondents/Defendants

GROUNDS FOR RECUSAL OF LORD JUSTICE PEREGRINE SIMON

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1. This is a formal application for recusal of Lord Justice Peregrine Simon. Contrary to his Order (made without properly responding to our request), he was asked to recuse himself from case A2/2015/2839A on 14/11/2016 immediately when it was discovered that he would be dealing with this application.

2. There are several reasons for this, beginning with an earlier complaint after the permission to Appeal Hearing in March 2016 for case A2/2015/2839, in which, as well as demonstrating perceived bias in his obviously unequal treatment of the parties, which included refusing to postpone the hearing to allow the Applicants to get legal representation which had just been offered to them, he then undeniably materially misrepresented the Applicants' Grounds of that Appeal in an absolutely blatant fashion by denying that a Ground of appeal at point 28 was actually part of the Applicants' claim [AB-14] and points 91-98 of their skeleton argument [AB-38-40], and therefore dismissed it. (see attached said letter, sent on the 14/11/2016 [AE-7-10]).

3. The Ground of Appeal thus wrongly denied as existing clearly demonstrated provable criminal evidence tampering by Barrister Jonathan Price, deliberately altering sentences in an Open

Letter which has existed unaltered in the public domain since 2011, in order to create a non-existent paedophile smear out of an actual accusation of cultic grooming, upon which the case was erroneously and prejudiciously judged.

4. When the Applicants wrote to Lord Justice Simon asking him to recuse himself, they did not hear back from him, merely getting a response from someone called V Cahill nine days later stating that their correspondence had been noted. [AE-11]

5. Having failed to reply to the Applicant's request for his recusal, or acknowledge his earlier obvious errors, Lord Justice Simon then made a further unfair and unjust Order demonstrating further clear bias by making several further misrepresentations:

   a) he claimed the Applicants' recusal request was solely *"a response to my order that the respondents be given an opportunity to answer the application."* In fact, the request for recusal was sent urgently the moment he revealed himself as dealing with this new application, despite the Applicants having complained about his prior bias after he heard their original permission to appeal back in March 2016. Had the Applicants been made aware Lord Justice Simon was dealing with the case earlier, they would've submitted their request for recusal then. His comment is therefore inaccurate in a manner demonstrating further clear bias.

   b) The Lord Justice adopted all the Respondents' misrepresentations without any question, including their claim as to the privileged nature of an admission of using a doctor's credentials to spread a bogus mental health diagnosis. In fact it is materially incorrect to claim that the admission is privileged as it has been specifically referred to in open court when case C00SA374 was heard in the County Court. This was mentioned in the Applicants' response to the Respondents' Response [AE-22-27] which the Applicants sent just a day before receiving Lord Justice Simon's order.

   c) He further adopted the misrepresentations of the opposing barrister that the Applicants are somehow at fault for not having brought up this new information earlier, citing Unilever PLC v The Proctor & Gamble Co that any privilege in "without prejudice" communications cannot *"act as a cloak for perjury, blackmail or other "unambiguous impropriety""*. The Lord Justice unquestioningly adopted Jonathan Price's claim that the Applicants should have brought this up earlier, despite the fact that the Applicants were forcefully admonished *not* to release this admission prior to trial, by:
   - the respondents' representatives;
   - their own representatives;

- at the pre-trial review by Judge Seys-Llewellyn, who while making much of telling the Applicants that the opposing Barrister, as well as himself, had a duty to inform them of any relevant case-law that may have a bearing on the case, refused point blank the specific request to release the harassment from confidentiality so that it could be put in front of the CPS without mentioning that case at all. The relevant case, now cited by Barrister Jonathan Price was not mentioned until now by any of those claiming a duty to so inform the Applicants. By adopting this excuse, Lord Justice Simon is thus using this very case precisely to cover up this admission of perjury, and to make sure this admission stays covered up. This shows bias.

d) Lord Justice Simon's Order adopts wholesale the perverse denial by the Respondents that an admission of having made "understandably distressing" and "untrue" comments falsely using the medical credentials of a doctor to lever stigma in persuading others that someone is mentally ill [AD-15], is not such an admission at all, and his Order falsely states it is exactly the same as the Respondent's fervent denial of having made any such statements under specific questioning from the Judge in court [AD-36].

6. This blatant denial of a frank admission of lying, i.e. his immediate adoption of Barrister Jonathan Price's deliberate ignoring of the sentence *"Any comments I have made which might suggest otherwise are untrue and understandably distressing to Ms Garden"*, to obfuscate an obvious fraud being committed upon the court, is clearly not only biased but also a severe infringement of the Applicants' Human Rights Articles 2, 3, 6, 8, 9,10,11,14 and 17.

7. Judicial denial that an admission of lying was made which contradicts what was said in court can in no way disguise the truth of that admission of lying, and the Applicants prevail upon the Court of Appeal to require recusal of this Judge, and put fresh eyes on this case, including this admission of fraud, to pursue both basic grammatical understanding and justice.

8. The test for determining bias approved by the House of Lords at paras 102/3 following Porter and Magill [2002] has not been applied in this case: "*The court must first ascertain all the circumstances which have a bearing on the suggestion that the judge was biased. It must then ask whether those circumstances would lead a fair-minded and informed observer to conclude that there was a real possibility … that the tribunal was biased"*. As a result, Lord Justice Simon, who has provably failed to properly understand the Grounds of Appeal in court when dealing with this case in March 2016, simply refused to recuse himself with no proper communication. He then went on to make further damaging misrepresentations when dealing with case A2/2015/2839A. Porter V Magill 2002 makes it clear that this should not be a matter merely of the discretion or preference of the Judge facing such a request.

9. In all these specifics, this Judge has shown actual and perceived bias in a matter so weighing heavily on the Applicants and their family that they have lost their home, in breach of their Human Rights. He should not have been allowed to sit on this case further, having already refused to acknowledge his unmistakeable earlier bias. This demonstrates a perverse mind-set and creating an unnecessary and untenable conflict of interest.

10. This is not justice and discriminates against the Applicants as LiPs, as a family, as publishers, and as people, as well as punishing the Applicants' children for the knowing fraud of others by awarding the perpetrators their home.

11. The public interest cannot be served in this manner and is clearly indicated in a case examining topical and pressing matters concerning the preservation of freedom of speech in open publication with right of reply versus covert campaigns of harassment based on mental health smearing as per CPS guidelines. His refusal to recuse himself is unjust and itself proof of bias. His order for case A2/2015/2839A must be overturned, and a different unbiased judge must look at the facts in this case.

Monday, 5th December 2016

Stéphane Paris Angel Garden

Civil Appeals Office Registry Room E307
3rd Floor East Block
Royal Courts of Justice Strand
London WC2A 2LL

Stéphane Paris & Angel Garden
9 Lon Bryngwyn
Sketty
Swansea SA2 0TX

Monday, 17th of October 2016

Ref: 3SA90091 & A2/2015/2839

Dear Court of Appeal

On receipt of your letter of 19th September we made the indicated urgent application containing fresh evidence in cases 3SA90091 and A2/2015/2839 on the 4th October and it was received by you on the 5th at 10:31am although we have received no acknowledgement.

The fresh evidence is incontrovertible and admitted proof that a fraud was committed in court which is resulting in real and frightening injustice of criminal harassment by a fake mental health diagnosis being perpetrated while the perpetrators are given our home by a court order. Our application was for that unjust Order to be urgently set aside and appeals opened in both defamation, as the fresh evidence is an admission of malice, and also harassment as it is an admission of conscious harassment achieved by stalking, monitoring and spying.

In the interim, the urgency of the situation has been reemphasised by the release of updated CPS guidance, in which the course of conduct of the defendants is markedly present, including virtual mobbing, disability hate-crime, stalking, and the targeting of individuals.

If the Defamation Act is not up to prosecuting behaviour highlighted as criminal by the CPS, individuals targeted using covert means should not be asked to bear the brunt, having no other option than civil proceedings, due to the covert nature of the networked and coordinated abuse, and will have no effective remedy under the Protection from Harassment Act if such is arbitrarily denied. The fresh evidence submitted to the court on the 5th October shows the harassment being perpetrated even through legal action, as the convincing demeanour of the defendant is proved to be a fraud upon the court.

Where behaviour highlighted as criminal by the CPS is known, it must be justice that no Civil Act or process should be used or interpreted in such a fashion as to deny or hide that fact on any technicality. The police have been informed about the fraud, perjury and disability hate-crime, and they have advised us to come back to you in the first instance, as being the body with the power to overturn the unjust Order forcing us to give our home to the perpetrators.

Please tell us if the CPS Guidance constitutes fresh civil evidence and requires a submission.

While we are not hearing from you, the perpetrators of this fraud continue to pursue us aggressively, and this is a further injustice.

Yours faithfully,

Stéphane Paris & Angel Garden

FORM 271

IN THE COURT OF APPEAL, CIVIL DIVISION

REF: A2/2015/2839 A

(CA GS 01 07 13)

Her Majesty's Court of Appeal [SEAL]

11 NOV 2016

Paris and Garden –v– **Lewis and Byng**

ORDER made by the Rt. Hon. Lord Justice Simon

On consideration of the application for reconsideration of the order of 22 March 2016
And on consideration of the papers and without an oral hearing

Decision:

(1) The application should be served on the respondents' solicitors.
(2) The respondents to have 10 days in which to respond in writing.
(3) The response should then be placed before me, with a view to a determination on the papers.

Reasons

I have not formed any view of the merits of this application other than that the respondents should be given an opportunity to respond to the deployment of what appears to be a 'without prejudice' letter written over 2 years ago, and which appears to have been intended to settle matters between the parties on terms that it was not to be used 'for any public purpose.'

HER MAJESTY'S E & W COURT OF APPEAL

Date: 11 November 2016

By the Court

Dear Lord Justice Simon

We understand that a request for recusal of a judge should in the first instance be written as a letter direct to that judge. We therefore make this request that you recuse yourself on the bases of perceived and of actual bias, as detailed herein:

PERMISSION TO APPEAL HEARING

You have already shown yourself not to be impartial in this case.

At the permission to appeal hearing you were extremely intimidating to us as litigants in person. You made someone speak who was clearly so intimidated he was unable to breathe properly, and you wouldn't allow the other claimant to continue in his stead.

Having created that intimidation you were completely unwilling to properly examine the seriousness of the defendants' course of conduct, dismissing the criminality of deploying of a false mental health smear fuelled by a doctors' authority as being only a "submission", against established principle.

You then falsely claimed that evidence tampering was not one of our grounds of appeal, which it was at point 28 (page AB-14), and was further detailed and evidenced at points 91 - 98 of our skeleton argument (pages AB-38-40). We are attaching that portion of the transcript where you said *"well that is not a ground of appeal that you have raised"* at line 24-25 of page 36.

These are false statements concerning criminal acts.

You made an appearance of listening, and even assenting to cogent and substantive points, including the erroneous allowance of reply to attack privilege for what were clearly, by chronology, retorts, and you then ignored both the facts and established law on that to deny us appeal.

You showed clear bias towards them, and disguised that in your judgement by copious reference to the original judge having been persuaded by their demeanour. Your response to our objection in court on that over-reliance was to refuse to acknowledge it and you also dismissed relevant case law on that.

You justified giving our family home to those threatening our life and liberty by blaming us for having only a defamation case without even recording in your judgement that this was only achieved by a ruling of judge Seys-Llewellyn who, having firstly refused to allow the covert harassment claims in, despite seeing *"obvious candidates"* of it, then unarguably used the lack of those claims to prevent us from questioning Mrs Byng, to the point of proving malice.

Your actions have already compounded the dangerous allowance of the respondents to lie in court by using paedophilia as a smokescreen to disguise cultic abuse. This allowance cannot but be deliberate as it is very clear that we did not write their smear, which was only achieved by means of illegal tampering with a properly contextualised publication about cult abuse, freely available in the public domain since 2011 (two years before commencement of legal action), with no objection or reply by Mrs Byng.

The original judge, going against the judgement in BCA v Singh (which was supposedly so significant it changed the law), allowed the defendants to make a defence out of this criminal evidence tampering to attach a false and extreme meaning which we did not write. You have

colluded with this by means of your false statement, in an affront to articles 6, 8, 9, 10, 11, 14, and 17 of the Human Rights Act.

A non-existent paedophilic meaning has thus been literally and blatantly foisted upon people you yourself referred to as publishers, in the most dangerous manner, and is clearly as unlawful as the tampering with chronology to disguise Mrs Byng's malicious communications beginning well before anything done or published by us.

APPLICATION TO REOPEN APPEAL

Your notice regarding the nature of the fraud committed already shows further and similar bias and makes a false statement concerning the nature, relevance and admissibility of the fresh evidence.

Your Order claims that the *"respondents should be given an opportunity to respond to the deployment of what appears to be a without prejudice letter written over two years ago and which appears to have been intended to settle matters between the parties on terms that it was not to be used for any public purpose".*

In fact, as you are fully aware, the mediation letter was "deployed" by them in a separate case, C00SA374, in order to try to extract more money from us, and we are merely presenting the fresh evidence they themselves released from confidentiality. Whether they did this by design or mistake, it was certainly them who "deployed" it, and to say that they should be given the opportunity to respond to it without making that clear is ambiguous to say the least.

The perjury and criminal intent in Mrs Byng's statements cannot be dressed up as truth, or irrelevant by time or method of discovery, and ambiguity in the Order shows continuing bias.
It is not lawful to use Civil process to protect the secrecy of criminal acts, or to justify the heavy intimidation and abuse of admitting a criminal course of conduct in private while trying to enforce silence about it, and then lying about it in court, knowing we could not say so.

In fact, the letter was written only very shortly before the statements contradicting it in court, a circumstance entirely due to the length of time they refused our repeated requests for ADR, while committing these criminal acts, which eventually forced us, after years of abuse, to relocate and seek justice.

It was the court that relied so heavily on the demeanour of witnesses to the exclusion of facts and chronology. Demeanour was stressed over and over again, by HHJ Seys-Llewellyn, Lord Justice Floyd, and yourself. Now that demeanour has been shown to be fraudulent, and wrongly relied on to commit injustice.

If obvious perjury, evidence tampering and criminal harassment is to be continually ignored because of its private/secret nature, then justice is openly mocked.

RECUSAL

There is simply no equality in the treatment of the parties. The other party is not even expected to obey the law, and when they do not, we are blamed for it. For example, as already stated at point 21 of our original Grounds of Appeal (page AB-13), they are still in breach of an Order since February 2015 to reveal even more damning evidence they don't want anyone to know about. Yet we were made to lose by not knowing that evidence of further malicious communications, stalking, harassment, and threats to life and liberty upon our whole family.

It is clearly dangerously topsy-turvy to reward the acts of any defendants threatening life and liberty by setting them on their victims, yet you even suggested that open publication on matters of public interest with right of reply offered was the real problem compared to such covert skulduggery, and this affront augments the public interest element in this case at a time where free speech is under threat in an uncertain world.

Eventually this injustice must be turned round as the blatant inversion of true principles in it robs everyone in the UK of the freedom to defend themselves from dishonest and vicious networked and co-ordinated covert attack. It is dangerously wrong in principle and self-evidently wrong in fact and In truth proves the opposite of the statement by the Master of the Rolls that justice is a right, not a privilege.

Unfortunately you have demonstrated both perceived and actual bias in this matter already and as this remains unacknowledged by you, it must be hopeless to expect any different now.

In face of the blindingly obvious perjury in their contradictory statements, you have not even justly put an urgent stay on the execution of their legally sanctioned theft of our home, in reward for criminal harassment. This demonstrates and augurs further prejudice.

We therefore respectfully request that you recuse yourself from this case.

Yours faithfully,

Stéphane Paris Angel Garden

my child was school averse, which is why she apparently had made these offers, led us to write what we wrote which was that she had made these healing offers of help to reengage her with the school and sending her son out with the message that he came really only to talk to the daughter about his wonderful school in the country. This was an eleven year old child that she was communicating through with her son. When she then cut off communication why wouldn't we consider that that had been grooming behaviour? It was exploitative in the extreme. She has never denied doing it but the thing, the point that what the judge said comes straight from the respondents' solicitors who basically just ----

FIRST APPLICANT: Misquoted.

SECOND APPLICANT: Well, they chopped up the sentence and put a full stop after grooming in order to make it into some kind of sexual, scurrilous thing which they knew perfectly well that it was not. We do not recognise that as what we wrote, your Honour, and we can't because it is not what we wrote. They have removed two thirds of the sentence and they put that in front of the judge and he has been completely misled by it into thinking it was something that it was not. It is unbelievable that they should be allowed to get away with it.

FIRST APPLICANT: May I add that the judge ----

LORD JUSTICE SIMON: Well, that is not a ground of appeal that you have raised.

From: **Civil Appeals - CMSA** civilappeals.cmsa@hmcts.gsi.gov.uk
Subject: RE: COURT OF APPEAL ORDER - A2/2015/2839 A
Date: 23 November 2016 at 4:49 pm
To: anmletters@gmail.com

CA

Dear Sir/Madam,

We acknowledge receipt of your email the contents of which are noted.

Yours faithfully,

V Cahill
Case Management Section A
Room E323
Civil Appeals Office
Royal Courts of Justice
Strand
WC2A 2LL
DX: 44450 Strand
Tel: 0207 947 7985
civilappeals.cmsa@hmcts.gsi.gov.uk

-----Original Message-----
From: Civil Appeals - Associates
Sent: 14 November 2016 12:40
To: Civil Appeals - CMSA
Subject: FW: COURT OF APPEAL ORDER - A2/2015/2839 A
Importance: High

-----Original Message-----
From: ANM [mailto:anmletters@gmail.com]
Sent: 14 November 2016 12:33
To: Civil Appeals - Associates
Subject: Re: COURT OF APPEAL ORDER - A2/2015/2839 A
Importance: High

Dear Court of Appeal

Please pass on the attached letter to Lord Justice Simon.

We do not have access to a printer, nor as you know, can we access our home to retrieve mail, so please respond by email, and ask Lord Justice Simon to do the same.

Yours faithfully,

Stéphane Paris & Angel Garden

From: **ANM** anmletters@gmail.com
Subject: Re: COURT OF APPEAL ORDER - A2/2015/2839 A
Date: 24 November 2016 at 10:46 am
To: Civil Appeals - CMSA civilappeals.cmsA@hmcts.gsi.gov.uk

Dear V Cahill

Please clarify whether this communication is from the Lord Justice as he did not reply to our letter, and whether that means he is refusing to recuse himself.

Kind regards,

Steve Paris & Angel Garden

On 23 Nov 2016, at 4:49 pm, Civil Appeals - CMSA <civilappeals.cmsA@hmcts.gsi.gov.uk> wrote:

> Dear Sir/Madam,
>
> We acknowledge receipt of your email the contents of which are noted.
>
> Yours faithfully,
>
> V Cahill
> Case Management Section A
> Room E323
> Civil Appeals Office
> Royal Courts of Justice
> Strand
> WC2A 2LL
> DX: 44450 Strand
> Tel: 0207 947 7985
> civilappeals.cmsa@hmcts.gsi.gov.uk
>
> -----Original Message-----
> From: Civil Appeals - Associates
> Sent: 14 November 2016 12:40
> To: Civil Appeals - CMSA
> Subject: FW: COURT OF APPEAL ORDER - A2/2015/2839 A
> Importance: High
>
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> From: ANM [mailto:anmletters@gmail.com]
> Sent: 14 November 2016 12:33
> To: Civil Appeals - Associates
> Subject: Re: COURT OF APPEAL ORDER - A2/2015/2839 A
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>
> Dear Court of Appeal
>
> Please pass on the attached letter to Lord Justice Simon.
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> We do not have access to a printer, nor as you know, can we access our home to retrieve mail, so please respond by email, and ask Lord Justice Simon to do the same.
>
> Yours faithfully,
>
> Stéphane Paris & Angel Garden
>
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Appeal No: A2/2015/2839 A

IN THE COURT OF APPEAL

CIVIL DIVISION

BETWEEN:

(1) STEPHANE PARIS
(2) ANGEL GARDEN

Appellants/Claimants

-and-

(1) ANDREW LEWIS
(2) MELANIE BYNG

Respondents/Defendants

RESPONDENTS' WRITTEN RESPONSE PURSUANT TO

THE ORDER OF LORD JUSTICE SIMON DATED 11 NOVEMBER 2016

---

1. These submissions are made on behalf of the Respondents in response to the Appellants' application dated 4 October 2016 for reconsideration of the Order of 22 March 2016 (Ref: A2/2015/2839). References in these submissions are to the Appellant's bundle as provided to the Respondents by the Court of Appeal under cover of a letter dated 14 November 2016.

The Test To Be Adopted For Re-Opening Final Appeals

2. CPR 52.30[1] provides that:

> "*(1) The Court of Appeal or the High Court will not reopen a final determination of any appeal unless—*
>
> *(a) it is necessary to do so in order to avoid real injustice;*
>
> *(b) the circumstances are exceptional and make it appropriate to reopen the appeal; and*
>
> *(c) there is no alternative effective remedy.*

[1] The current numbering – previously CPR 52.17 and recorded as such in the 2016 edition of The White Book.

(2) In paragraphs (1), (3), (4) and (6), "appeal" includes an application for permission to appeal."

The Positions Of The Parties

3. The Appellants' application appears to be based solely on an extract from a without prejudice offer made in late 2014 by the Respondents in a good faith attempt to settle the dispute prior to trial (the "**Extract**"). The Appellants' position appears to be that:

   3.1 the Respondents have waived privilege over the Extract;

   3.2 the Extract proves that the Respondents have spread "*malicious lies*" about the Appellant; and

   3.3 as a result that the Second Respondents' defence of qualified privilege is defeated by malice.

4. The Respondents position, in summary, is:

   4.1 the Respondents have not waived privilege over the Extract;

   4.2 if privilege has been waived, the Extract is consistent with the evidence given by the Second Respondent at trial;

   4.3 the Extract does not prove malice on the part of the Second Respondent;

   4.4 the Extract does not bite at all upon the case of the First Respondent, or upon part of the case against the Second Respondent; and

   4.5 the Appellants had prior opportunities to apply to the Court to deploy the Extract either at trial, or in their earlier application for permission to appeal.

<u>The Respondents have not waived Privilege over the Extract</u>

5. The Extract formed part of an offer made, in numerous variations, by the Respondents on a number of occasions in late 2014, including on 22 October 2014 (AD-14). The offers were all expressed to be "*without prejudice, save as to costs*".

6. The Extract, which is taken from wording that was proffered (but not accepted) as a form of statement to be made by the Second Respondent as part of a proposed

settlement, was intended to address the Appellants' concern that, as had been revealed to them in disclosure, various emails sent by the Second Respondent to her friends might be taken to suggest that the Second Respondent's husband had diagnosed the Second Appellant with a mental illness (the "**Emails**"). The Second Appellant found this distressing. In the interests of resolving the litigation the Second Respondent was willing to email those same friends confirming that this was not the case. The Second Respondent was concerned that the Appellants might make use of the statement for other purposes and therefore did not consent to the Extract being circulated by the Appellants, hence the caveat that it should not be used "*for any public purpose*".

7. Unfortunately, no agreement could be reached between the parties. The case proceeded to trial in March 2015 and judgment was handed down by HHJ Seys Llewellyn Q.C. on 14 July 2015 dismissing all of the Appellants' claims. The parties subsequently agreed on a form of order pursuant to which the Respondents' costs were agreed in the sum of £240,000 and the Appellants' agreed to pay those costs by way of a payment of £100 on 20 August 2015; £220,000 on 8 February 2016; and £19,900 on 7 August 2016. The Order was subsequently sealed by the Swansea District Registry on 6 August 2015 (with some typographical errors).

8. The first payment of £100 was made. The Appellants' failed to make any of the further agreed payments. The Respondents' accordingly had to take steps to enforce the costs order. The Respondents' obtained a charge over the Appellants' property at 9 Lon Bryngwyn in Swansea (the "**Property**") and proceeded to enforce by way of an application for an Order for Sale. The application for the Order for Sale was given case number C00SA374 by the Swansea County Court (the "**Costs Enforcement Application**").

9. As part of the Costs Enforcement Application, the Respondents' submitted a witness statement setting out how the debt had arisen and making reference to the numerous attempts that the Respondents had made to settle the litigation with no order as to costs in support of their application that it was in the interests of justice and fairness that the costs order should be enforced by way of an Order for Sale.

10. The Costs Enforcement Application was subsequently compromised between the parties by way of a consent order in which the Appellants' agreed to vacate the Property by 15 October 2016 in return for the Respondents' agreement that they would not look to

recover further sums from the Appellants' than could be obtained by sale of the Property. When the Appellants' finally vacated the Property on 31 October 2016 it was discovered that they had caused thousands of pounds worth of damage to the Property prior to vacating it. The Respondents are in the process of selling the Property.

11. It is the Respondents' submission that the disclosure of the Extract in the Costs Enforcement Application formed part of the permitted use of the privileged correspondence which was made "*save as to costs*". The document containing the Extract was deployed to enforce a costs order against the Appellants. It was not deployed in the underlying libel claim. Accordingly, it is the Respondents' submission that privilege in the Extract has not been more generally waived such that the Extract can be deployed in the current application.

The Extract is Consistent with Trial Testimony

12. Further or in the alternative, the Respondents further submit that the Extract cannot be considered "*new evidence*" as it does not contradict, and in fact confirms, the testimony on the subject given by the Second Respondent at trial.

13. The Extract states that the Second Respondent confirms that there "*has been no clinical assessment of* [the Second Appellant's] *mental health by* [the Second Respondent's] *husband*, [the Second Appellant] *is not his patient and he has never diagnosed her with any mental health issue. Any comments* [the Second Respondent had] *made which might suggest otherwise are untrue…".*

14. During her testimony at trial, the Emails were put to the Second Respondent. The Second Respondent confirmed that her husband had not made any clinical judgement about the Second Appellant's mental health, which she described as *"impossible because* [the Second Appellant] *is not his patient"* (AD-36); that any conclusions as to the Second Appellant's mental health formed her own opinion based on her research; and that no diagnosis had been made by her husband (see transcript at AD-34 to 42).

15. The Appellants appear to submit that the Extract amounts to an admission that the Second Respondent did not honestly believe the Second Appellant to be mentally ill. The words of the Extract do not bear that meaning. The Extract simply confirms that the Second Respondent's husband was never in a position to make a formal diagnosis of the Second Appellant's mental state, and that he accordingly did not make any such formal

diagnosis. The Second Respondent gave evidence to that effect at trial. The Extract is perfectly consistent with the Second Respondent having concluded, on the basis of her own observations and research, that the Second Appellant is mentally ill.

16. The Respondents further note that the Second Respondent was cross-examined as to the extent to which the position she adopted in her oral evidence summarised in paragraph 13 was inconsistent with her position in private correspondence in the Emails. The Respondents submit that confronting the Second Respondent with the wording of the Extract would have added nothing to that cross-examination.

The Extract does not Prove Malice

17. The Appellants' grounds for appeal appear to proceed on the basis that the Extract proves that the Second Respondent spread "*malicious lies*" about the Second Appellant and that this is sufficient to prove malice for the purpose of defeating the defence of "Reply to Attack" qualified privilege found to be applicable in this case by HHJ Seys Llewellyn Q.C..

18. This likely stems from a misapprehension of the difference in the meaning of "*malice*" in everyday language and "*malice*" as a term of art in defamation actions. It is trite law that a claimant cannot prove "*malice*" by asserting that the defendant bore them general ill will, generally disliked the claimant, or published material which they knew would be defamatory of the claimant. The law is conveniently summarised by Eady J in Henderson v London Borough of Hackney [2010] EW HC 1651 (QB) at [34]:

> "*There must be something from which a jury, ultimately, could rationally infer malice; in the sense that the relevant person was either dishonest in making the defamatory communication or had a dominant motive to injure the claimant.*".

19. Firstly, the Extract does not confirm that the Second Respondent spread "*malicious lies*". At its highest the Extract is evidence that the Second Respondent acknowledged that the Emails could have been mis-interpreted to suggest that her husband had made a formal diagnosis of the Second Appellant's mental health. The Extract is perfectly consistent with the Second Respondent having herself come to an honest belief that the Second Respondent was mentally ill.

20. Secondly, the Emails were not the subject of the defamation action, which proceeded to

trial on the basis of postings by the Respondents on the internet and on Twitter. The defamation action, as it specifically related to the Second Respondent, related to i) postings by her on Twitter linking to a blog post written by the First Respondent (of which more below), and ii) a tweet which was re-tweeted by the Second Respondent and related to the characterisation of the Appellants' conduct towards the First Respondent (the "**Re-Tweet**"). The Re-Tweet read:

"*Lying, bullying, threatening…. How do [the Appellants] sleep at night?*"

21. If (which the Respondents do not admit) the Extract proves that the Second Respondent knowingly lied about the Second Appellant's mental health, that would not establish malice in respect of the Re-Tweet.

22. The Appellants did apply to re-amend their amended particulars of claim to include causes of action based on the Emails. Permission to re-amend was refused by HHJ Seys Llewellyn Q.C. by Order dated 4 February 2016, after the Appellant's application had been heard at the pre-trial review. The Appellants did not apply for permission to appeal against that decision.

The Extract Does Not Bite On The Case Of The First Respondent Or Part Of The Case Against The Second Respondent

23. Nothing in the arguments advanced by the Appellants can suggest that the position of the First Respondent is in any way affected by the Extract. He would still be successful and would be entitled to be awarded his costs in full.

24. As mentioned above, as well as the Re-Tweet, the case against the Second Respondent involved 3 Twitter postings she made which linked to a blog post written by the First Respondent. HH Judge Seys-Llewellyn Q.C. concluded that this blog post was not defamatory of the Appellants. Accordingly, it would not assist the Appellants if they were to prove that the Second Respondent was malicious in respect of those postings.

25. Accordingly, the Appellants' arguments, if successful, could only re-open the case in respect of a single publication against the Second Respondent. This would be entirely disproportionate.

The Appellants Should Have Previously Applied To Use The Extract

26. The line of authorities applying Unilever PLC v The Proctor & Gamble Co. [2000] 1 WLR 2436 makes it clear that any privilege in "*without prejudice*" communications cannot "*act as a cloak for perjury, blackmail or other "unambiguous impropriety*"". In such circumstances, it is open to a litigant to apply to the court to waive any privilege in the material.

27. If the Appellants took the view that the Extract would have fatally undermined the Second Respondent's defence by showing that the Second Respondent gave untrue evidence at trial, the proper course of action was for them to apply to the trial judge to admit the document containing the Extract. Failing that, they could have applied to the Court of Appeal to do so as part of their previous application for permission to appeal. They chose not to do so. Nor have they explained these failures.

28. Absent such an explanation, the Respondents invite the Court to conclude that the Appellants' true reason for not making such an application before now is that such an application would have caused the trial judge and/or the Court of Appeal to appreciate the generous terms upon which the Respondents were prepared to compromise the claim, and to draw adverse conclusions from the Appellants' refusal to accept the Respondents' offer.

29. For the avoidance of doubt, had the Appellants made any such application before now to adduce the Extract, the Respondents would have taken the position that the Extract did not reveal any "*unambiguous impropriety*", or, indeed, any wrongdoing at all.

Conclusion

30. The Respondents generally submit that this further application is prompted by the Appellants' various grievances against the Respondents rather than by an analysis of the claim which the Appellants actually took to trial. The Respondents submit that the Appellants' conduct of the trial, and of the subsequent appellate proceedings, has focussed upon these wider grievances rather than in establishing the Appellants' specific pleaded claims, and in seeking to rebut the Appellants' pleased responses to those claims. The Appellants may sincerely believe that the Extract generally discredits the integrity of the Second Respondent, or confirms other allegations the Appellants make against the

Respondents.[2] That does not mean that the Extract is of any relevance to the actual case tried before HHJ Seys-Llewellyn Q.C..

31. For the reasons set out above the Respondents submit that the Appellant's application should be denied as:

31.1 There is no new evidence for a trial judge to consider, either because the evidence relied on by the Appellants is privileged or because it is consistent with the evidence before the judge at trial

31.2 The Extract was evidence that was available to the Appellants at trial;

31.3 The trial judge was not misled, deliberately or otherwise, by the Respondents;

31.4 The Appellants could have applied to the trial judge and/or the Court of Appeal to introduce this material; and/or

31.5 There are no exceptional circumstances which would make it appropriate to re-open the appeal as there has been no injustice.

32. The Respondents submit that the Appellants application is totally without merit and seek a declaration to that effect.

JONATHAN PRICE

Doughty Street Chambers

ROBERT JAMES DOUGANS

SERENA HELEN COOKE

Bryan Cave

[2] For the avoidance of doubt the Respondents do not accept this. It is not appropriate to discuss this further in this submission.

From: **ANM** anmletters@gmail.com
Subject: Re: COURT OF APPEAL ORDER - A2/2015/2839 A
Date: 29 November 2016 at 11:11 am
To: Civil Appeals - CMSA civilappeals.cmsA@hmcts.gsi.gov.uk

Dear Court of Appeal

We are forwarding two unanswered communications, one letter sent by registered post on the 17th October (attached), and an email on the 24th November (copied below), both concerning our urgent application for relief from covert harassment and defamation in case A2/2015/2839 A.

One seeks clarification as to whether the new CPS guidelines need to be submitted to the court, by ourselves, in order to constitute new evidence in this case, in view of the similarity of the respondents' course of conduct, to behaviour described in those guidelines as criminal, including targeting, virtual mobbing, cyber-stalking, disability abuse, and harassment.

We respectfully also request an answer to our recusal request in which we have provided solid evidence that the Judge stated that a major ground of our appeal did not exist.

The extraordinary level of personal intimidation involved in bringing a case concerning covert attacks upon one's personal integrity, as well as being LiPs, means we obviously cannot be expected to effectively compete in an adversarial system, against trained legal experts who are allowed to openly and provably lie.

While we certainly hesitate to risk being seen to question the court, we need to respectfully remind the Court of Appeal that our words have been deliberately taken out of context and changed, that this has been denied, and that our family has been driven from our home, with absolute zero accountability for the defendants' failure to offer right of reply upon matters of public interest. In fact, this is recommended as necessary in democratic societies in accord with the Human Rights Act, as well as those revised CPS guidelines.

The extreme circumstance of a family with three children being driven from their home, as a consequence of so many undeniable anomalies, must in itself be a powerful accelerant for justice to honestly examine if indeed there has been a mistrial in this case.

We know that the Respondents have sent their submission last week, and yet we do not even know whether the Judge will admit to a clear conflict of interest, or subject us to further intimidation.

Yours faithfully,

Steve Paris & Angel Garden

> On 24/11/2016, at 10:03 am, ANM <anmletters@gmail.com> wrote:
>
> Dear V Cahill
>
> Please clarify whether this communication is from the Lord Justice as he did not reply to our letter, and whether that means he is refusing to recuse himself.
>
> Kind regards,
>
> Steve Paris & Angel Garden
>
> On 23 Nov 2016, at 4:49 pm, Civil Appeals - CMSA <civilappeals.cmsA@hmcts.gsi.gov.uk> wrote:
>
> > Dear Sir/Madam,
> >
> > We acknowledge receipt of your email the contents of which are noted.
> >
> > Yours faithfully,
> >
> > V Cahill
> > Case Management Section A
> > Room E323
> > Civil Appeals Office
> > Royal Courts of Justice
> > Strand
> > WC2A 2LL
> > DX: 44450 Strand
> > Tel: 0207 947 7985
> > civilappeals.cmsa@hmcts.gsi.gov.uk
> >
> > -----Original Message-----
> > From: Civil Appeals - Associates
> > Sent: 14 November 2016 12:40
> > To: Civil Appeals - CMSA
> > Subject: FW: COURT OF APPEAL ORDER - A2/2015/2839 A

Appeal No. A2/2015/2839 A

IN THE COURT OF APPEAL
CIVIL DIVISION
BETWEEN

(1) STEPHANE PARIS
(2) ANGEL GARDEN

Applicants/Claimants

-and-

(1) ANDREW LEWIS
(2) MELANIE BYNG

Respondents/Defendants

APPLICANTS' RESPONSE TO RESPONDENTS' RESPONSE

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1. Although the Applicants are very well aware that a further response by them was not asked for by the court, the Applicants need to address some points raised by the Respondents' Barrister Jonathan Price, in the Respondents' Response. The Applicants note and submit that this same Barrister did submit unrequested responses to both the Applicants' Closing Submissions and their Permission to Appeal, and that these unrequested responses were in fact accepted without censure.

The Extract Admitting Lying by the 2nd Respondent is Now Legally in the Public Domain

2. The Respondents state at Paragraph 5 that they have not waived privilege over the extract admitting lying which constitutes the Applicants' request for reopening appeal. This has no bearing on the fact that any documents quoted or referred to in open court are deemed to be public knowledge. This extract and the admission of lying was referred in open court when case C00SA374 was heard in Swansea Civil Justice Centre, and is therefore now in the public domain, as per CPR 31.22 (1)(a).

Why the Applicants Didn't Apply to Use the Extract Sooner

3. The Applicants had been advised and cautioned severally by both their lawyers and the Respondents' solicitors that this admission, made during mediation, *could not be revealed at any time*. Based on this advice they felt unable to do anything about it.
   Barrister Jonathan Price states at Paragraph 26 that:

   "The line of authorities applying Unilever PLC v The Proctor & Gamble Co. [2000] 1 WLR 2436 makes it clear that any privilege in "without prejudice" communications cannot "act as a cloak for perjury, blackmail or other "unambiguous impropriety"'. In such circumstances, it is open to a litigant to apply to the court to waive any privilege in the material."

   The Applicants are Litigants in Person, and as HHJ Seys Llewellyn said himself at the Pre-Trail Review, when he denied them their request to release disclosure material from confidentiality, that the opposing Barrister has a duty to inform LiPs or any case law which may be of benefit to their case since LiPs cannot be expected to be aware of all legal matters which could pertain to them. The fact that Barrister Jonathan Price remained silent about this until now, cannot and must not be used against the Applicants who were tortuously warned by him and solicitor Robert Dougans *not to tell anyone* that the 2nd Respondent had admitted using the credentials of a mental health doctor to have the 2nd Applicant shunned as having a non-existent condition while she was in fact being bereaved.

Malice

4. At Paragraph 15, Barrister Jonathan Price attempts to obfuscate malice by stating:

   "*The Appellants appear to submit that the Extract amounts to an admission that the Second Respondent did not honestly believe the Second Appellant to be mentally ill. The words of the Extract do not bear that meaning*."

   In fact he knows perfectly well that this misrepresents the Applicants' submission which is that the 2nd Respondent is admitting that she knowingly made false statements which were *"understandably distressing"* to the 2nd Applicant about her mental health, using Professor Byng's medical credentials. His further statements:

   "The Extract is perfectly consistent with the Second Respondent having concluded, on the basis of her own observations and research, that the Second Appellant is mentally ill."

   And at Paragraph 19:

   "The Extract is perfectly consistent with the Second Respondent having herself come to an honest belief that the Second Respondent was mentally ill."

both unsurprisingly totally ignore the end of the extract, which is the most crucial part:

> *"Any comments I have made which might suggest otherwise are untrue and understandably distressing to Ms Garden."*

Examples of such comments can be found at paragraph 5 of the Applicants' Grounds of Appeal (AD-1), and make it abundantly clear that far from doing any research, the 2nd Respondent used her husband's credentials liberally and maliciously to convince others the 2nd Applicant was mentally ill.

5. Even if the 2nd Respondent had genuinely done some research on the matter and came to that erroneous conclusion, this would be nothing more than a "personal opinion" and could never be a "clinical judgement" (AD-14). Stating that something is a clinical judgement, as the 2nd Respondent did, cannot but infer that a medical doctor - such as her husband - had looked at an actual patient and formed an official diagnosis, and she both acknowledged this and denied having made that inference when this was pointed out by HHJ Seys Llewellyn in court (AD-37/38).

6. Further, had the 2nd Respondent done any actual research on Borderline Personality Disorder, she would have immediately discovered that ostracisation is the main trigger for self-harm for a person suffering from this condition. Therefore even were the 2nd Respondent's belief in this matter honest and true, her widespread convincing of others to ostracise the 2nd Applicant cannot be seen as anything other than the 2nd Respondent attempting to lead the 2nd Applicant to commit suicide. This is certainly a malicious act of harassment, achieved by monitoring and spying, and one which must be properly seen as reckless as to the truth.

7. The Applicants are not disputing the salient fact, as per paragraph 15 of the Respondents' response, that *"Second Respondent's husband was never in a position to make a formal diagnosis of the Second Appellant's mental state"*. However, as per Paragraph 21 of the Applicants' Grounds of Appeal (AD-7), it is clear that Professor Richard Byng was very much involved in the hate campaign against the Applicants, and one doesn't need a *"formal diagnosis"* in order to spread about a fake clinical judgement.

8. The Applicants are amazed to read at Paragraph 29 that an admission of knowingly causing "*distress*" by making "*untrue*" statements is viewed by Barrister Jonathan Price as to "*not reveal any "unambiguous impropriety", or, indeed, any wrongdoing at all."* The Applicants agree that the impropriety revealed is indeed unambiguous, but not to see it as wrongdoing goes against all statute, including Defamation, natural law, the Human Rights Act and common sense.

Connecting the Extract of Admitted Lying to the Case

9. Barrister Jonathan Price states at paragraph 21:

   "If (which the Respondents do not admit) the Extract proves that the Second Respondent knowingly lied about the Second Appellant's mental health, that would not establish malice in respect of the Re-Tweet."

   The obdurate insistence on technicalities to avoid the clear malice and harassment in the 2nd Respondent's actions cannot hide her admission that she knew her statements to be *"untrue and understandably distressing to Ms Garden".* Neither can Mr Price's marked and unreasonable avoidance of the frankness of the admission that she was lying to knowingly cause damage and distress (i.e., conscious harassment), disguise the extent of the Respondents' covert course of conduct evidenced by the sheer amount of similar statements and comments, to so many people (see paragraph 19 of the Applicants' Ground of Appeal for some examples (AD-6)) and much of which is still unknown, having been admitted at trial to have been further communicated by telephone and in person, or in the case of the 1st Respondent, via still unreleased emails due to a breached Court Order. This context, and the consequent unreliability of the Respondents' testimony must be taken into account when considering the overt defamation in the round.

10. Although HHJ Seys Llewellyn refused to re-include the covert harassment in the case because there was too much of it, and it would cost too much in time and money to readjust the trial window to take it all into consideration, he did promise to look at the covert course of conduct as background to the case. He then failed to do so at trial, using the lack of harassment claims as the reason. This extract shows obvious lies and malice, and as HHJ Seys Llewellyn said himself in his judgement at paragraph 231ii:

    "in the case of each Defendant the defence will be defeated if malice is shown."

Affecting the 1st Respondent

11. Paragraphs 23-25 of the Respondents' response have already been dealt with by the Applicants at paragraphs 14-16 of their Grounds of Appeal (AD-5). They reassert the public interest of an influential person, falsely advertising that he always ignores hearsay and only

deals with evidence, yet privately accepts hearsay wholeheartedly and spreads malicious unsubstantiated rumours. This makes the 1st Respondent guilty of malice.

12. The 1st Respondent moreover remains in breach of an Order to provide evidence of further warnings he sent to the "big-hitters", which the Applicants were then blamed for not knowing. Given that following the 2nd Respondent's initial warning which was fully quoted in the judgement (complete with lies which were exposed as such at trial), the 1st Respondent instantly adopted and spread the notion that the 2nd Applicant suffers from mental illness, in terms referred to in Paragraph 16 of the Applicants' Grounds of Appeal (AD-5/6), it cannot be assumed that these undisclosed warnings to the "big-hitters" did not contain similarly false and reckless malicious statements to those of the 2nd Respondent.

Wider Grievances

13. In his conclusion at Paragraph 30, Barrister Jonathan Price states that the Applicants' Grounds of Appeal:

    "has focussed upon these wider grievances rather than in establishing the Applicants' specific pleaded claims"

    The Applicants submit that their grounds have been persuasively focused on proving malice, and that fairly examined, they defeat the Respondents' defence. The Applicants would also like to point out that Barrister Jonathan Price's submission completely avoids the reality of a admission of criminally and knowingly making distressing and untrue statements about the 2nd Applicant's mental health using a doctor's credentials, in order to cause social ostracisation, by irrelevantly focusing a large part of his submission on the costs order (paragraphs 5-11), within which he also states at paragraph 10 that:

    "When the Appellants' finally vacated the Property on 31 October 2016 it was discovered that they had caused thousands of pounds worth of damage to the Property prior to vacating it"

    Not only is this irrelevant to the pleaded issue, it is also untrue as it implies the Applicants have caused physical damage to their own property, whereas the most that could be said, is that the house wasn't fully cleared out prior to the Respondents breaking in and changing the locks without warning when properly challenged about their own refusal to obey Court Orders. Painted artwork on the walls of the Applicants' own home, is merely a cosmetic issue. If it is relevant, it is only relevant to the obligation upon citizens to raise robust objection to serious and damaging injustice.

Conclusion

14. In conclusion:

    i) the tortuous and malicious admission of knowingly lying by the 2nd Respondent, of which both Respondents and Professor Byng were fully aware at trial, and which Mr Price has failed to robustly address in his submission, is incontrovertible from the extract provided, which is now in the public domain;

    ii) the extract shows that when the 2nd Respondent insisted to the Judge that she had not used her husband's credentials, she was lying - i.e,. this is perjury - even when the Judge specifically said that her statements in emails indeed looked as if she was citing her husband's clinical judgement, which she strenuously denied;

    iii) this admission also applies to Dr Lewis, who was also similarly reckless as to the truth, the extent of which he has deliberately obfuscated by remaining in breach of a Court Order. Moreover he is an influential man who advertises himself to be evidence-based yet in reality spreads unsubstantiated and untrue statements about someone's mental health in order to have others shun them. This is in the public interest;

    iv) both Respondents have been reckless as to the truth of their statements, while claiming at trial, to know the symptoms and effects of Borderline Personality Disorder. Yet at the same time, they were conducting a covert campaign which they would have known, based on this claimed knowledge, would be likely to lead a person afflicted with such a disorder to commit suicide.

15. For these reasons, and those laid our in the Applicants' Grounds of Appeal, in order to avoid gross injustice, adhere to the CPR, obey natural law, uphold Human Rights and counter the deceits perpetrated upon the court by the Respondents and their legal representatives, this appeal must be reopened.

30 November 2016

Stéphane Paris Angel Garden

FORM 269F1

(GS.01.07.2013)

IN THE COURT OF APPEAL, CIVIL DIVISION

REF: **A2 2015/2839A**

[SEAL]

Paris and Garden –v– Lewis and Byng

ORDER made by the Rt. Hon. Lord Justice Simon

On consideration of an application to reopen an application or appeal, previously refused or dismissed

Decision: granted, refused, adjourned.

Refused

Reasons

In their application to reopen their appeal, the applicants rely on a passage in a letter from the respondents' solicitors, dated 22 October 2014 and headed 'Without Prejudice, Save as to Costs'. They draw attention to a passage in which the 2nd defendant offers to email a statement to a specified list of recipients a statement to the effect that her husband had made no clinical assessment of the 2nd claimant's mental health, she had not been his patient and had never been diagnosed with any mental health issues. There was an acknowledgement that any comments made by the 2nd defendant which suggested otherwise were untrue and would have been understandably distressing to the 2nd claimant.

The applicants seek to argue that this passage fatally undermines the judgment and order made by HHJ Seys-Llewellyn QC for the reasons set out in detailed grounds dated 4 October 2016, which conclude with the request to reopen the two appeals under CPR 52.17(1) (now CPR 53.30(1)).

CPR 52.30 provides that the Court of Appeal will not reopen a final determination of an appeal unless (a) it is necessary to do so in order to avoid real injustice, (b) the circumstances are exceptional and make it necessary to reopen the appeal, and (c) there is no alternate effective remedy. The circumstances in which the Court will reopen an application for permission to appeal are confined to exceptional cases, in which the integrity of the earlier litigation process has been critically undermined.

I have now seen the respondent's response to the application which clarifies, what is apparent from the letter itself, that the contents of the letter were privileged. The respondents contend that (a) they have not waived privilege in respect of the letter; but in any event, (b) the extract relied on by the applicants is consistent with the evidence given by the 2nd defendant at trial, (c) does not show malice and (d) the applicants have had prior opportunities to deploy this material either at trial or at the prior hearing for permission to appeal.

It is clear that 'without prejudice' communications cannot be used as cloak for impropriety. This contents of the letter were known to the applicants before the trial and, if it could properly have been deployed at trial, it would have been. The reason that it was not used was because (as the applicants knew) not only were the contents of the letter privileged, they did not materially assist their case, not least because the evidence given by the 2nd defendant was consistent with the contents of the letter: namely, that 2nd claimant was not her husband's patient and he had never diagnosed her (evidence at AD p.38 line 22-23). Such views as the 2nd defendant expressed as to the 2nd claimant's state of mind were her own (AD p.34 line 15-17).

The new material does not satisfy the test for reopening the application for permission to appeal, which is accordingly refused.

I should add that I have considered the applicants' further submission of 14 November 2016 that I should recuse myself on the grounds of bias. I note that this submission was not made in the original application to reopen the application for permission to appeal; and appears to be a response to my order that the respondents be given an opportunity to answer the application. The submission is, in any event, without merit.

HER MAJESTY'S E & W COURT OF APPEAL

Note:	Where the application is refused the decision of the judge is final and the application cannot be renewed to an oral hearing - see *Taylor v Lawrence [2002] EWCA Civ 90*

Signed: Peg Le Snow
Date: 28.11.2016

Case Number: A2 **2015/2839A**

By the Court