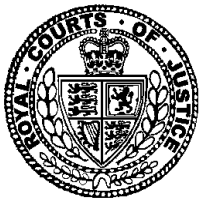

Neutral Citation Number: [2020] EWHC 3505 (QB)

Case No: QB-2020-00028

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 18/12/2020

Before :

MRS JUSTICE CUTTS DBE

- -

Between :

HER MAJESTY'S SOLICITOR GENERAL

Applicant

- and –

EDWARD WILLIAM ELLIS

Respondent

- -
- -

Aidan Eardley (instructed by **Government Legal Department**) for the **Applicant**
The Respondent represented himself

Hearing dates: 14th & 16th December 2020

- -

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....

MRS JUSTICE CUTTS DBE

Mrs Justice Cutts DBE :

1. The Applicant applies for an Order of Committal against the Respondent for contempt of court. This application is brought with the permission of Goose J, following a hearing on 17th June 2020.

2. The Applicant alleges that the Respondent is in breach of a General Civil Restraint Order (GCRO) imposed upon him on 22nd February 2018 by Mrs Justice May for a period of two years which was subsequently upheld by the Court of Appeal. The GCRO was imposed at the conclusion of committal proceedings when the judge found the Respondent to be in contempt of court for which she sentenced him to 3 months imprisonment suspended for 1 year. This application alleges nine separate instances of breach against Mr Ellis in 2019 arising from his behaviour since the imposition of the GCRO but after expiry of the suspended sentence order.

3. The permission order required the Respondent to file and serve an Acknowledgment of Service by 15 July 2020, he having previously failed to do so. It also required him to file and serve any evidence upon which he wished to rely by the same date and to inform the Applicant whether he wished to cross-examine Ms Ryan (Legal adviser to the Attorney General) upon whose affidavit the Applicant seeks to rely. The Applicant has received no such document or response from the Respondent in this regard.

4. This is the second listing of this application. On 3rd November 2020 at the Respondent's request Mr Justice Jay adjourned the proceedings part heard at the point it fell to the Respondent to elect whether or not to give evidence. This was on health grounds. The judge had earlier dismissed a number of applications. He granted the Respondent until 4 PM on 1 December 2020 to file and serve any witness statement or medical evidence upon which he wished to rely. No such documents have been served. After the hearing Jay J re-considered the application to recuse himself which he had previously dismissed. In a judgment dated 6 November 2020 he acceded to that application and directed that the next hearing, that is today's hearing, should proceed before a judge with no previous knowledge of the Respondent.

5. There has been a development in the time between the last listing of this case and the proceedings before me. The Respondent has received a letter from the Court of Appeal Office dated 12th December 2020 which acknowledges his lodging of an appeal notice against the permission decision of Goose J. The letter states that "the appellant's notice will be treated as filed in the Civil Appeal's Office on 22nd June 2020…" There is no explanation for the delay of six months. There is no suggestion that the Respondent is at fault. On the Respondent's application I have considered whether an adjournment should be granted to allow consideration of the application for leave to appeal before these proceedings take place. I have decided that I can continue to hear the case and determine the question of liability. I recognise that if the Respondent were to be granted leave and to be successful in any appeal then these proceedings may be void. For that reason, should I find any of the breaches proved I have decided that the question of penalty should await the disposal of the application to appeal.

6. I heard the substantive application on 14th and 16th December 2020 and on 16th December announced that I was satisfied so that I was sure that the Respondent had

breached the GCRO on all nine occasions alleged and that he was thereby in contempt of court.

7. These are my reasons.

The nature of the contempt alleged

8. Mr Eardly, who appears on behalf of the Applicant, has raised a preliminary issue as to whether these alleged breaches of the GCRO should be treated as a criminal or civil contempt although, as he concedes, there is little practical difference between the two in that the standard of proof and procedure is materially identical. I have considered his written and oral submissions with care. In essence he submits that a breach of a CRO is an interference with the administration of justice and breaches should therefore be treated as a criminal contempt. This may be arguable but in the light of the fact that he has not been able to show me any authority for that proposition or any previous case where a breach of a CRO has been so treated, I consider it appropriate to analyse the breach of a CRO in this particular case as a civil contempt.

9. The issues for me to resolve in these proceedings are thus whether the Solicitor-General has proved to the criminal standard that the Respondent was aware of the GCRO and whether he acted in breach of it on any of the nine occasions relied upon by the Applicant.

10. Mr Ellis has submitted that this does not properly reflect the law. It his submission that I cannot find contempt proved unless I am satisfied so that I am sure that he intended to pervert the course of justice when he acted as he did. In my view this is not an accurate reflection of the law for civil contempt. Mr Ellis' intent when he acted as he did would however be relevant at the time of sanction, should I find the alleged breaches proved.

Background

11. The background to this matter is set out in the judgment of May J. She described the Respondent's modus operandi in the following way:

> " 1. (The Respondent) has a fully formed and apparently internally consistent belief system focussed on corruption. He believes that some – perhaps all – previous Prime Ministers, all judges and magistrates, The Government Legal Service and Ministry of Justice together with "State officers" by which I took him to mean police and court staff and probably all sorts of other people and institutions, are corrupt and that the decisions they make are, without exception, fraudulent; hence his designation of judicial decisions as "frauds": for instance an "evidence irrelevance fraud" when I refused to consider a sheaf of documents he handed up as being of no relevance to the issues I had to decide on this application, or a "jurisdiction fraud" when I determined that I did have jurisdiction to hear the application. The list goes on.
>
> 2. These beliefs would have just been sad had Mr Ellis not acted upon them or if his "philosophy" (his word) had not attracted adherents. But he

has acted, unceasingly and voraciously over many years, and persons with grievances against the justice system have been attracted and recruited. The result is that claim forms, application notices, appeals are issued and documents purportedly filed or served at various courts, bearing all the hallmarks of Mr Ellis' unmistakable drafting. These are prolix, tendentious, mostly incomprehensible screeds, making the same assertions of fraud and corruption again and again.

3. Consistent with this activity in drafting and promoting the issue of claims, Mr Ellis would also attend hearings in courts and tribunals with litigants to conduct cases on their behalf, using the occasions to repeat in oral representation the turgid, inchoate passages made in documentary form. Increasing and unwelcome familiarity with Mr Ellis in the Master's Office led Senior Master Fontaine to issue her order of 8 March 2916."

12. The Order of the Senior Master to which May J was referring took the following form:

> "UPON it being brought to the attention of the court that:
> (1) Mr Edward William Ellis, not being an authorised person entitled to carry on a reserved legal activity or a legal activity under the Legal Services Act 2007, has issued claim forms and applications in the above and other proceedings on behalf of others and
>
> (2) The claim forms issued by Mr Edward William Ellis and the particulars of claim therein have been declared to constitute an abuse of process and a number of claims have also been found to be wholly devoid of merit.
>
> It is ordered that:
>
> 1. Mr Edward William Ellis is restrained from issuing claims on behalf of others or from assisting others to bring claims in contravention of the Legal Services Act 2007"

13. It was in respect of alleged breaches of this order, following an application by the Ministry of Justice, that the matter came before May J at the contempt hearing in February 2018. She found seven breaches proved and imposed the sentence and GCRO to which I have already referred.

14. May J made the following findings of fact in relation to those claims where the Respondent had drafted or provided wording for claim forms or application notices:

> "14. So far as it may be necessary for me to do so, I find so that I am sure that Mr Ellis is the driver of the vexatious, meritless claims and applications issued in the names of other persons who form the subject matter of this application. He has, in his own words, "recruited" people to the cause of compiling evidence to support a "mass remedy corruption process". According to him, the evidence-gathering process requires the

> issuing of a large number of claims and applications and attendance at court. He described himself as the "case manager" of this process. He accepted as accurate his description of himself in one of his claim forms as "Equity lawyer, recruited citizens, managed cases". Moreover in his evidence he referred to one citizen, a Mrs McNeill, who was misguided enough to reject his philosophy. "She did not co-operate" were his words, so he turned instead to her co-defendant in the same criminal case, Mrs Berry, who did.
>
> 15. The picture is of Mr Ellis looking for willing subjects whose own grievances could be turned to the service of Mr Ellis' "corruption remedy process". I interpose here that it is very sad that people whose dissatisfaction with their own experience of the justice system, regrettable in itself, should have their grievances falsely oxygenated by the beliefs of Mr Ellis. He described his supporters as "desperate" which makes their adherence to his belief system the more tragic for them."

The terms of the GCRO

15. The GCRO, dated 22nd February 2018, ordered that for a period of two years the Respondent be restrained from issuing any claim or making any application in the High Court or the County Court without first obtaining the permission of May J or any High Court or Deputy High Court Judge. The order makes clear that the reference to issuing any claim or making any application extends to procuring any other person to issue any claim or to make any application and sets out features of a claim form or application notice which would result in it being deemed to be a claim or application notice procured by the Respondent. The references are to phrases characteristic of the Respondent's drafting style as described in the passages from the judgment of May J set out at [4] above.

16. A penal notice in bold type appeared on the front page of the Order.

17. No application for the permission of May J or the High Court to issue proceedings has been sought by the Respondent. The GCRO was extended for a further two years by May J in February 2020.

The application

18. I turn to the application in this case. The Respondent was, as previously, unrepresented in these proceedings. I am satisfied that he is aware of his right to legal aid not least as the proceedings in 2018 were initially adjourned for him to obtain representation. He has no wish to be represented.

19. As in all his previous appearances before this court, it has been difficult to keep Mr Ellis' evidence and representations within reasonable bounds. He appears unwilling or unable to focus and confine himself to the issues which I have to resolve. When the hearing before Jay J was adjourned on 3rd November 2020 directions were set down for the management of this hearing. These were that the Respondent should be permitted to give his evidence in chief, if so advised for a maximum of 3 hours with a 15 minute break after 1½ hours. The Applicant should be permitted to cross-examine the Respondent for a maximum of 1 hour and the Respondent's closing submissions

should be limited to a maximum of 2½ hours. These were in my view sensible case management directions and unaffected by the judge's decision to recuse himself. I considered the position anew myself and was satisfied that such was necessary to keep the hearing within reasonable bounds consistent with the overriding objective. Three hours provided more than sufficient time in my view for the Respondent to address the allegations brought against him. I explained to him that if, after the time allotted to him, his evidence and/or submissions were relevant to the issues arising on this application and continued to be so I would afford him more time. After every break in his evidence I reminded the Respondent of the issues and the questions I had to resolve and asked him to address those in his evidence. Save for a denial that he had procured anyone to do anything, nothing Mr Ellis said in his evidence in chief assisted me in determining whether he acted in breach of the GCRO as alleged. Rather he used the time to repeat much of what he said in written documents placed before the court, in particular in a 50 page document entitled "Royal Commission + 2020 000286 Context + Motive +Case Dismissal Statement of Equity Lawyer" dated 30th November 2020 in which he sought "total surrender by the judiciary to the superior jurisdictions of Parliament, the Crown and Citizen". As with the document, his evidence was rambling and difficult to follow. In the course of his evidence the Respondent chose to press his case that a conspiracy exists between the courts, court officers, judges, legal professionals and others rather than to address the alleged breaches in this case. That is regrettable but it was his choice.

20. I turn to the allegations and to my conclusions on this application. As I have already stated the application concerns nine alleged breaches of the GCRO arising from his behaviour following the making of the order in February 2018. I remind myself again that although this is a civil action I cannot find any allegation proved unless I am satisfied so that I am sure of it.

21. The first question is whether the Respondent was aware of the GCRO at the time of the alleged breaches which start on 28th February 2019, six days after the expiry of the suspended sentence order. I am sure that he was. I have seen a transcript of the relevant part of the transcript from the hearing in 2018 and it is clear that Mr Ellis was present at the time that it was imposed. He also appealed against the making of the Order showing his knowledge of it.

22. Next I must consider whether I am sure that the Respondent "procured" the issuing of claims or the making of applications as alleged. The Order must of course be strictly applied and construed in favour of the alleged contemnor. "Procure" means to persuade or cause someone to act in a certain way. Put another way it is "to produce by endeavour" as defined within the criminal jurisdiction or to put it in a more colloquial way I must be sure that the Respondent put the named person on each document up to the issuing of it. As Mr Eardly accepts, merely to assist another to do what that person wished to do would not be enough.

23. The allegations concern claims/applications/appeals brought in the name of three individuals.

    i) Alleged breaches 1 and 2 concern those brought in the name of Mr John Paterson. Mr Paterson was before the High Court in relation to committal proceedings concerning filming in court. The first alleged breach relates to an application notice, the second to a claim form in relation to "Justice Perversion

Conspiracy + Superior Jurisdiction Protection Fraud". £20 million was sought in damages. It contains a note stating "the purpose of the corruption claim is to discover whether High Court Masters continue to provide Protection frauds for themselves."

ii) Alleged breaches 3, 4 and 8 concern those brought in the name of "Citizen Mr Bradley." Proceedings were brought against Mr Bradley for harassment in the Brighton County Court. Alleged breach 3 relates to an application notice which states "The Citizen, Crown and Lord Bishops managed a corruption remedy process. They used the secret service to set up conditions that got obvious fraud proof against law court judges." It goes on in similar vein. Alleged breach 4 concerns an appellant's notice to the High Court. The grounds are lengthy and contain references to "the corruption remedy process". The document is headed "The people against top judges; Citizen Mr Bradley v neighbours Mr and Mrs Faull and Citizen Paterson v Attorney General." There are frequent references to the Respondent's own cases and experiences within it. Alleged breach 8 concerns an Appellant's notice to the High Court. It contains references to the "Equity Lawyer".

iii) Alleged breaches 5, 6, 7 and 9 relate to those brought in the name of Mr Franklin Awodiya. It is difficult to ascertain any actual ongoing proceedings in relation to him save an action against HMRC in Manchester in February 2019. Alleged breach 5 concerns a claim form listing 16 defendants including the Prime Minister and opposition leaders. The document is headed "The People v Top Judges; Citizen Bradley v Mr and Mrs Faull". The particulars include reference to "The Crown and Lord Bishops…[needing] citizens to use test cases to discover how the law courts function under Prime Minister Mr Johnson." Alleged breach 6 is an application notice to the High Court headed "The People against Top Judges; Mr Franklin Awodiya v [14 named people – largely political party leaders]". It contains references to the Respondent being forbidden by Turner J from attending a contempt trial in 2017 and to "citizens using cases to get unviable proof that the Prime Minister can use to get fraud deal releases." Alleged breach 7 concerns an application notice at the High Court. It is again headed "The People against Top Judges" and contains references to claims brought by "Citizen Bradley" and "Citizen Awodiya". The application is said to be for a witness protection order for "Citizen Ms Sabine McNeil". It contains references to the Citizen, Crown and Lord Bishops having corruption control jurisdictions. Alleged breach 9 relates to an appellant's notice citing the Prime Minister as the Respondent. It is headed "The People v Corrupt MPs and Top Judges" and contains references to claims brought by "Citizen Bradley" and "Citizen Awodiya."

All were dismissed, seven of them said to be totally without merit.

24. The Applicant case is that the Respondent put each of those named as issuing these documents up to making these claims, applications or appeals. Mr Eardly submits that the evidence clearly shows that the Respondent wanted each of them to be made and has drafted them all, not to assist any of those named with their cases before the courts, but for his own purposes. It is his world view that he acts for the "Crown and Lord Bishops" in his capacity as an equity lawyer with special expertise in spotting the right sort of case to put before the courts to gain proof of judicial corruption. On

his own account Mr Paterson and Mr Bradley were vulnerable. Mr Eardly submits that the Respondent preyed on those vulnerabilities by persuading these men to waive privilege and confidentiality and to allow him to manipulate their cases for his own purposes. None of the applications or claims made were to secure any remedy that could assist those who purportedly brought them with their cases before the courts.

25. The Respondent does not accept that he procured any of those named to issue the documents relied upon in this case. He accepts that he drafted all of the documents relied upon by the Applicant. In cross-examination he accepted that the judgment of May J at paragraph 14 (See [14] above) accurately represents the position. He does recruit people to the cause of compiling evidence to support a "mass remedy corruption process". The evidence-gathering process requires the issuing of a large number of claims and applications and attendance at court. He was the "case manager" of this process. By "recruit" he explained that this involved the conversion of a victim or witness to "citizen status" when they would give a privilege waiver to allow their cases to be used to get "proof sets to meet the conspiracy proof standard". He had all the expertise to manage the cases and knew what to do with them to "service the Equity Monarchy Trusts". He stated that "we needed justice perversion proof against judges." All of the cases were designed so that the Crown and the Lord Bishops could decide what the judge should have done. All were test cases.

26. In relation to alleged breaches 1 and 2 he said that Mr Paterson needed things to happen in his case and did not know what to do. The application made in the document subject of alleged breach 2 was "one of those things".

27. He described Mr Bradley as a "vulnerable personality" who needed something to happen in his case. He wanted to know what to do. The Respondent said the application the subject of alleged breach 3 was the only thing he knew he could do. Nr Bradley was desperate for something to happen. He wanted action on the case and the Respondent would, on the appeal application the subject of alleged breach 4, get records which would assist his cause. He accepted that he personally took this document to the court office and got it stamped.

28. With regard to Mr Awodiya the Respondent said that he, Mr Awodiya, could only get redress by standing for Parliament. The documents were drafted by the Respondent to achieve electoral fairness. They were to get election fraud proof against the law courts. Mr Awodiya was making a decision about what to do and he, the Respondent suggested this course. The final document asked for witness protection for Ms McNeill. The Respondent said this would assist Mr Awodiya. Mr Awodiya wanted something to happen and these documents were the only thing he could think of to happen.

29. Mr Ellis' final submissions were as rambling and difficult to follow as his evidence. Concerning the case against him, he did submit that the Applicant had failed to prove it. He drew attention to the fact that none of the named applicants on the documents relied upon had given evidence.

30. I have considered each of the documents relied upon by the Applicant individually. I have taken account of the evidence and submissions of Mr Ellis so far as I can make them out. I am satisfied so that I am sure that the Respondent was the driver of all nine meritless claims and applications issued in the names of other persons, the

subject of this application and that he procured each of them to do so. I have come to this conclusion for the following reasons:

i) The Respondent has accepted drafting all of the documents in issue. He has accepted that they were used, he says in part, to obtain evidence to support his world view.

ii) I reject the Respondent's evidence that the documents were primarily issued to assist each of the named persons with their claim. No document addresses the issue in the legal proceedings in which the named person was involved. It is inconceivable in my view that the named persons would have brought the proceedings individually and sought only the Respondent assistance or passed details of their case to him for collation. Rather the documents show persistent attempts by the Respondent to press his cause and to gain the evidence of corruption he alleges. I am satisfied that he manipulated vulnerable people who were dissatisfied with their own cases into issuing applications and claims for his own purposes. The document seeking a witness protection order for Ms McNeill in alleged breach 7 is a particularly apposite example. It was brought in the name of Mr Awodiya but has absolutely nothing to do with any case in which he was or could be involved.

iii) The documents on their face show the true purpose for which they were drafted and issued. All those puportedly brought by the three named persons appear to be linked. Many of the documents in their names are headed "The People against Top Judges" with the name of the person purporting to be bringing the claim or making the application below it. In some cases the document also lists another of the claims in issue in this case. For example, the order sought in the application relied upon in alleged breach 7 brought in the name of Mr Awodiya is entitled, inter alia:

> " *The People v Top Judges*
> *Citizen Mr Bradley v Mr and Mrs Faull*
> *Citizen Mr Awodiya v Party Leaders + State + Media"*

iv) There is evidence of the Respondent's direct involvement in each of the cases in which the named individuals were involved.

a) There was a hearing before Swift J on 21st March 2019 to consider the application purportedly made by Mr Paterson which forms the basis of breach 1. The Respondent attended that hearing and was initially permitted to act as a McKenzie Friend. He was in possession of the documents to be handed to the court. He was told to be quiet by the judge on more than one occasion and told to be quiet if he did not. During the hearing Mr Paterson asked that the CRO against the Respondent be lifted. He told the judge "it is not just my case. Mr Ellis is managing a mass remedy process." I reject Mr Ellis's evidence that Mr Paterson was wrong in what he said. The statement accords with what happened during the hearing before Swift J and is in accordance with the Respondent's own admission that he managed such a process.

b) Following the harassment proceedings concerning Mr Bradley HHJ Venn drew the matter to the attention of the Attorney General as she was concerned with the way that the Respondent was involving himself in the claim. She produced a suggested draft order submitted in the course of the proceedings signed by the Respondent which sought inter alia to force Mr and Mrs Faull to negotiate with him, the Respondent, about "All corruption services by the State".

c) In February 2019 Turner J found that the Respondent had drafted the joint witness statement of Mr and Mrs Awodiya which related not to their case against HMRC but to advance his own political agenda. He was present at the hearing and seeking to make submissions. Although this hearing did not relate to the breaches alleged in this case it is evidence of the Respondent's relationship with Mr Awodiya and of his role in legal proceedings brought by Mr Awodiya.

d) Some of the documents issued in the names of others set out grievances held by the Respondent. For example, the appellant's notice to the High Court which forms the basis of breach 4. This refers directly to the Respondent, his health issues and contact with his doctors as well as to his obtaining "completion of corruption controller proof set against High Court Judges" on the date he was held in contempt by May J.

31. I am in complete agreement with the findings of May J about the Respondent's modus operandi. The general picture remains as she described in paragraph 15 of her judgment, that is of Mr Ellis looking for willing subjects whose own grievances could be turned to the service of his own "corruption remedy process". Mr Ellis complied with the suspended sentence order imposed upon him. Within six days of its expiry he once again began his campaign against the courts, using vulnerable people as his vehicle for so doing.

32. I am satisfied so that I am sure that the Respondent procured each of the documents relied upon by the Applicant, that the nine alleged breaches of the GCRO have been proved and contempt made out. As I indicated at the start of the proceedings I do not consider it appropriate to continue to sanction before the appeal against Goose J's decision on permission is resolved. These proceedings are therefore adjourned to a date to be notified. I remind Mr Ellis that he is still the subject of a GCRO. He must adhere to it. Any further breach is likely to make a material difference to the eventual sanction imposed.