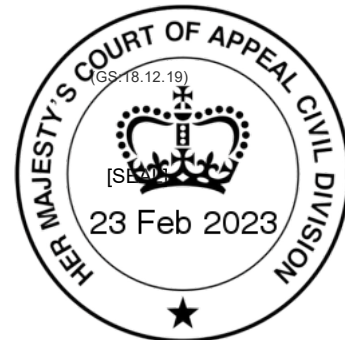




IN THE COURT OF APPEAL, CIVIL DIVISION

REF: CA-2023-000127

ELLIS –v– JOHNSON AND OTHERS



CA-2023-000127

ORDER made by the Rt. Hon. Lord Justice Bean

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal

Decision: Permission to appeal against the order of Eyre J dated 16 August 2022 REFUSED

Reasons

The General Civil Restraint Order against Mr Ellis was originally made by May J on 22 February 2018 and first extended by her in February 2020. Eyre J was entirely right to conclude in August 2022, for the reasons he gave, that the Appellant had yet again attempted to issue a claim which was bizarre and fanciful and totally without merit. Mr Ellis had by this time already been found to have acted in breach of the original GCRO and made subject to a suspended sentence of committal.

Eyre J was right to conclude that a further GCRO was necessary to protect litigants from vexatious proceedings and to protect the resources of the court from being wasted. An appeal would have no prospect of success and there is no other reason to allow an appeal to proceed.

Information for or directions to the parties

Mediation: Where permission has been granted or the application adjourned:

Does the case fall within the Court of Appeal Mediation Scheme (CAMS) automatic pilot categories (see below)? NO

Pilot categories:

- | | |
|---|---|
| <ul style="list-style-type: none"> • All cases involving a litigant in person (other than immigration and family appeals) • Personal injury and clinical negligence cases; • All other professional negligence cases; • Small contract cases below £500,000 in judgment (or claim) value, but not where principal issue is non-contractual; | <ul style="list-style-type: none"> • Boundary disputes; • Inheritance disputes. • EAT Appeals • Residential landlord and tenant appeals |
|---|---|

If yes, is there any reason not to refer to CAMS mediation under the pilot? NO

If yes, please give reason:

Non-pilot cases: Do you wish to make a recommendation for mediation? NO

Where permission has been granted, or the application adjourned

- a) time estimate (excluding judgment)
- b) any expedition

Signed:

Date: Lord Justice Bean
23rd February 2023
BY THE COURT

Notes

- (1) Rule 52.6(1) provides that permission to appeal may be given only where –
 - a) the Court considers that the appeal would have a real prospect of success; or
 - b) there is some other compelling reason why the appeal should be heard.
- (2) Where permission to appeal has been refused on the papers, that decision is final and cannot be further reviewed or appealed. See rule 52.5 and section 54(4) of the Access to Justice Act 1999.
- (3) Where permission to appeal has been granted you must serve the proposed bundle index on every respondent within 14 days of the date of the Listing Window Notification letter and seek to agree the bundle within 49 days of the date of the Listing Window Notification letter (see paragraph 21 of CPR PD 52C).