

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
COMMERCIAL COURT

Royal Courts of Justice, Rolls Building
Fetter Lane, London, EC4A 1NL

Date: 8 July 2022

Before :

His Honour Judge Mark Pelling QC

Between :

- | | |
|---|-------------------------|
| (1) Eurohome UK Mortgages 2007-1 Plc | <u>Claimant</u> |
| (2) Eurohome UK Mortgages 2007-2 Plc | |
| (3) Saret Holdings Corp | |
| - and - | |
| (1) Intertrust Management Limited | <u>Defendant</u> |
| (2) Intertrust Corporate Services Limited | |
| (3) Intertrust Directors 1 Limited | |
| (4) Intertrust Directors 2 Limited | |
| (5) Ms Paivi Helena Whitaker | |
| (6) Intertrust Nominees Limited | |

Case No: CL-2021-000744

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
COMMERCIAL COURT

Between :

- | | |
|---|-------------------------|
| (1) Stratton Mortgage Funding 2019-1 PLC | <u>Claimant</u> |
| (2) Corelli Capital AG | |
| - and - | |
| (1) Intertrust Management Limited | <u>Defendant</u> |
| (2) Intertrust Corporate Services Limited | |
| (3) Intertrust Directors 1 Limited | |
| (4) Intertrust Directors 2 Limited | |
| (5) Ms Paivi Helena Whitaker | |

Charlotte Cooke (instructed by Bryan Cave Leighton Paisner LLP) for the Group 1

Hearing dates: 8th July 2022

RULING

His Honour Judge Mark Pelling QC
(11:39 am)

Friday, 8 July 2022

Ruling by HIS HONOUR JUDGE MARK PELLING QC

1. This is an application for an extended or general civil restraint order against Ms Annabel Watson. Ms Watson's role in these proceedings is that, first of all, she apparently signed the application notice seeking the joinder of the solicitors as defendants to the claim, which I struck out or dismissed as totally without merit earlier this morning; she apparently signed the particulars of claim in the Stratton proceedings which I struck out substantively earlier this morning; and in proceedings referred to in the evidence in this case as the Bluestone claims commenced in the Commercial Court in 2021, Ms Watson was involved as signatory of the claim forms in those proceedings as well. Both those claims were struck out as totally without merit by an order made by me on 19 May 2022. I am prepared to conclude therefore that there are at least three, and in reality four TWM orders in relation to claims or applications that could be attributed to Ms Watson, in theory at least, applying the reasoning identified in *Sartipy v Tigris Industries Incorporated*, the substance of which I set out earlier today.
2. However, the point which was made by Lord Justice Males in that case is that before an individual can be treated as someone against whom a civil restraint order can be made, the court has to be satisfied that that person is the "*real party*" behind the litigation. The difficulty about that is that the balance of evidence available to me suggests that this Ms Watson is a pseudonym of Mr Hussain. My reasons for reaching that conclusion include the fact that in the evidence available to me in relation to the Bluestone claims, it was apparent that there is a real Ms Annabel Rose Watson, who however is not in any way connected with any of this litigation.
3. Therefore, on the current state of the evidence, it is very difficult for me to be satisfied that Ms Watson, who on the balance of the material available appears to be a pseudonym of Mr Hussain, can be treated as being at least a "*real party*" for the purposes of making a civil restraint order.

4. The reality of all of this is if a party wishes to allege that there has been a breach by Mr Hussain of the general civil restraint order that has been made against him because he has caused proceedings to be issued or advanced by an individual that he chooses to identify as Ms Annabel Watson when that individual doesn't exist, then the proper course is to seek to enforce the general civil restraint order against Mr Hussain. There is no useful purpose to be obtained in my making a general civil restraint or extended civil restraint order against a non-existent individual. In those circumstances, it seems to me that the nettle that has to be grasped is whether or not it can be established that the requisite standard that the apparently non-existent Ms Watson is in fact Mr Hussain, and then to take steps accordingly. In those circumstances, I decline to make a general or extended civil restraint order against Ms Watson.