

# Claim Form

In the **High Court of Justice**  
**Queen's Bench Division**  
**Commercial Court**  
**Royal Courts of Justice**

RE-ISSUED ON AMENDMENT

	<i>for court use only</i>
Claim No.	2013-FOLIO-192
Issue date	11/02/2013

**Claimant**

STIRLING MORTIMER GLOBAL PROPERTY FUND PCC LIMITED

Heritage Hall  
 PO Box 225  
 Le Marchant Street  
 St Peter Port  
 Guernsey  
 Channel Islands GY1 4HY



**Defendants**

- (1) ELS INTERNATIONAL LAWYERS LLP (IN ADMINISTRATION)
- (2) MR JOE EZAZ
- (3) MRS SARAH JANE LOUISE EZAZ
- (4) MR RICHARD NEILL TREVOR ROBERTS
- (5) MRS JANE SHERIDAN ELIZABETH ROBERTS
- (6) MS MARTINA FRITZSCHE
- (7) MR DANIEL WRIGHT
- (8) MR TOM JEREMIAH SHEEHY
- (9) MR NIALL MARTIN FLEMING
- (10) GO2CAPEVERDE LIMITED
- (11) REGAL PROPERTY HOLDINGS INCORPORATED

Name and address of Defendants receiving this claim form

Please see attached Continuation Sheet

Amount claimed	€45,957,581 plus interest
Court fee	£1,670
Solicitor's costs	
Total amount	

The court office at the Admiralty and Commercial Registry, Royal Courts of Justice, Strand, London WC2A 2LL is open between 10 am and 4.30 pm Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number.

Claim No. \_\_\_\_\_

**Brief details of claim**

The Claimant claims recovery of monies misappropriated from the Claimant in the sum of €45,957,581 (as currently estimated, potentially plus a further €1,124,830 if not returned by those presently holding it). Some of those sums were misappropriated directly from the client accounts held by the First Defendant.

The basis of the Claimant's claim is: (a) breach of contract, escrow arrangements and the First Defendant's retainer; (b) procuring breaches in (a); (c) breach of trust; (d) breach of fiduciary duties; (e) knowing beneficial receipt; (f) dishonest assistance; (g) deceit; and (h) unjust enrichment.

The Claimant further alleges that the Second and Fourth Defendants engaged in an unlawful means conspiracy, in that, by themselves and/or with other Defendants or persons, they combined or agreed to act to misappropriate monies belonging to, beneficially owned by, held for and/or payable to the Claimant, upon which they acted intending to misappropriate those monies, unlawfully as set out at (a) to (g) above, and did so misappropriate the said monies.

The Claimant further alleges that the Second, Fourth and Sixth Defendants have conspired between themselves and/or with other Defendants: (i) fraudulently to conceal the said unlawful conduct from the Claimant; (ii) dishonestly to assist in concealing the fact or amount of the said misappropriation from the Claimant and/or (iii) to dissipate the said misappropriated sums or seek to put them beyond the reach of the court or the Claimant.

By reason of all and each of the matters above: the Claimant has suffered loss and damage; the Claimant has been deprived of its own property and monies; the Defendants have been unjustly enriched thereby and/or hold the same on constructive trust for the benefit of the Claimant; and the Claimant is entitled to recover its own property and monies and damages (including exemplary damages), interest and costs.

The Claimant claims: (1) declarations; (2) accounts, including accounts of profits and benefits; (3) orders for payments to the Claimant pursuant to (1) and (2); (4) orders that the sums misappropriated be traced into the assets of the Defendants; (5) restitution; (6) damages; (7) further or other relief; (8) interest pursuant to section 35A of the Senior Courts Act 1981 or the Court's equitable jurisdiction as appropriate; (9) costs.

The claim is made in Euros, because that is the currency of the Claimant's operations and the accounts from which the sums were (or were mostly) misappropriated; it is therefore also the currency in which the Claimant suffered its loss. As at 11 February 2013, the sterling equivalent of €45,957,581 is £39,160,455 based on the € Euro:£ sterling exchange rate of 0.8521 as published by FT.com at 10.52 am on 11 February 2013.

**Statement of Truth**

The Claimant believes that the facts stated in this claim form are true.

I am duly authorised by the Claimant to sign this statement

Full name TIMOTHY MICHAEL CLINK

Name of Claimant STIRLING MORTIMER GLOBAL PROPERTY FUND PCC LIMITED

signed 

Claimant

position or office held DIRECTOR

(if signing on behalf of firm, company or corporation)

Maitland Walker LLP  
19 Imperial Square  
Cheltenham  
Gloucestershire  
England, UK  
GL50 1QZ  
DX: 7445 Cheltenham  
Ref: RLC/JEB/STIS-1

Claimant's or solicitor's address to which documents or payments should be sent if different from overleaf including (if appropriate) details of DX, fax or e-mail.

# Continuation Sheet

Continued from Form N1(CC)

Claim No. 2013-FOLIO-192

Name and address of Defendants receiving this claim form

- (1) ELS INTERNATIONAL LAWYERS LLP (IN ADMINISTRATION)  
Mountview Court  
1148 High Road  
Whetstone  
London  
N20 0RA
- (2) MR JOE EZAZ  
Arlington House  
5 Coombe Hill Court  
Windsor  
Berkshire SL4 4UL
- (3) MRS SARAH JANE ~~LOUISE~~ EZAZ  
Arlington House  
5 Coombe Hill Court  
Windsor  
Berkshire SL4 4UL
- (4) MR RICHARD NEILL TREVOR ROBERTS  
4750 North Jensen Street  
Las Vegas  
Nevada 89129  
USA
- (5) MRS JANE SHERIDAN ELIZABETH ROBERTS  
4750 North Jensen Street  
Las Vegas  
Nevada 89129  
USA
- (6) MS MARTINA FRITZSCHE  
Domus Venari Group  
Urb. Andasol - Ctra N340 KM189  
29604  
Marbella  
Spain
- (7) MR DANIEL WRIGHT  
Black Horse Management  
Calle Jaen 4  
Officinal 3E  
San Pedro  
29670  
Marbella  
Spain

## Continuation Sheet

- (8) MR TOM JEREMIAH SHEEHY  
Rua Mata De Mina  
Beloura 1  
Sintra 2710 692  
Lisbon  
Portugal
- (9) MR NIALL MARTIN FLEMING  
Rua do Moinho Novo,  
Quinta Da Baloura,  
Linho 2710-704,  
Lisboa  
Portugal
- (10) GO2CAPEVERDE LIMITED  
Michael Powell Services Ltd  
Floor 2  
5 Lapp's Quay  
Cork  
Ireland
- (11) REGAL PROPERTY HOLDINGS INCORPORATED  
c/o Business Filings Incorporated  
311 S Division St  
Carson City  
Nevada 89703  
USA

## Service out of the Jurisdiction

Name of court	HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION (COMMERCIAL COURT)
Claim no.	

Name of claimant	STIRLING MORTIMER GLOBAL PROPERTY FUND PCC LIMITED
Name of defendant	MARTINA FRITZSCHE

Where rule 6.34 applies this form must be completed and filed at court with the claim form.

Where a claim form for service on a defendant out of the jurisdiction under rule 6.34 is not accompanied by this form, the claim form may only be served once this form is filed with the court or if the court gives permission (rule 6.34(2)).

Where a claim form is served without particulars of claim, it must be accompanied by a copy of Form N1D - Notes for defendant on replying to the claim form out of the jurisdiction.

Please tick one of the following boxes as your statement of why the claim form can be served out of the jurisdiction without the permission of the court. Also delete anything in square brackets that does not apply.

In proceedings to which rule 6.32(1)(b)(i) or 6.33(2)(b)(i) applies, the statement is —

- "I state that the ~~[High Court of England and Wales]~~ County Court has power under the ~~[Civil Jurisdiction and Judgments Act 1982]~~ ~~[Judgments Regulation (as defined in CPR rule 6.31(d))]~~ to hear this claim, that the defendant is domiciled in ~~[the United Kingdom]~~ ~~[a Member State]~~ and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Member State."

In proceedings to which rule 6.32(1)(b)(ii) applies, the statement is —

- "I state that the ~~[High Court of England and Wales]~~ County Court has power under the Civil Jurisdiction and Judgments Act 1982, the claim being one to which paragraph 11 of Schedule 4 to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom."

In proceedings to which rule 6.32(1)(b)(iii) applies, the statement is —

- "I state that the ~~[High Court of England and Wales]~~ County Court has power under the Civil Jurisdiction and Judgments Act 1982, the defendant being a party to an agreement conferring jurisdiction to which paragraph 12 of Schedule 4 to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom."

In proceedings to which rule 6.32(2) or 6.33(3) applies, the statement is —

- "I state that the ~~[High Court of England and Wales]~~ County Court has the power to hear this claim under ~~[state the provisions of the relevant enactment or Community instrument]~~

which satisfies the requirements of ~~[CPR rule 6.32(2)]~~ ~~[CPR rule 6.33(3)]~~ and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom, in any other Convention territory of any Contracting State (as defined in section 1(3) of the Civil Jurisdiction and Judgments Act 1982) or in any other Member State."

In proceedings to which rule 6.33(1)(b)(ii) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982, the claim being one to which article 16 of Schedule 1 or article 16 of Schedule 3C to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Convention territory of any Contracting State (as defined in section 1(3) of that Act)."

In proceedings to which rule 6.33(1)(b)(iii) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982, the defendant being a party to an agreement conferring jurisdiction to which article 17 of Schedule 1 or article 17 of Schedule 3C to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or in any other Convention territory of any Contracting State (as defined in section 1(3) of that Act)."

In proceedings to which rule 6.33(2)(b)(ii) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has power under the Judgments Regulation (as defined in CPR rule 6.31(d)), the claim being one to which article 22 of that Regulation applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Member State."

In proceedings to which rule 6.33(2)(b)(iii) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has power under the Judgments Regulation (as defined in CPR rule 6.31(d)), the defendant being a party to an agreement conferring jurisdiction to which article 23 of that Regulation applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Member State."

In proceedings to which rule 6.33(4)(b)(i) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982 to hear this claim, that the defendant is domiciled in [the United Kingdom] [a Convention territory of a Contracting State (as defined in section 1(3) of the Act)] and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Convention territory of any Contracting State."

**Statement of Truth**

~~\*(I believe)~~ (The Claimant believes) that the facts stated in this notice are true.

~~\* I am duly authorised by the claimant to sign this statement.~~

Full name TIMOTHY CLINK

Name of claimant's solicitor's firm MAITLAND WALKER LLP

signed  position or office held DIRECTOR

~~\*(Claimant)~~ ~~(Litigation friend)~~ ~~(Claimant's solicitor)~~ (if signing on behalf of firm or company)

~~\*delete as appropriate~~

## Service out of the Jurisdiction

Name of court <u>HIGH COURT OF JUSTICE</u> <u>QUEEN'S BENCH DIVISION</u> <u>COMMERCIAL COURT</u>	
Claim no.	

Name of claimant STIRLING MORTIMER GLOBAL PROPERTY FUND PCC LIMITED

Name of defendant DANIEL WRIGHT

Where rule 6.34 applies this form must be completed and filed at court with the claim form.

Where a claim form for service on a defendant out of the jurisdiction under rule 6.34 is not accompanied by this form, the claim form may only be served once this form is filed with the court or if the court gives permission (rule 6.34(2)).

Where a claim form is served without particulars of claim, it must be accompanied by a copy of Form N1D - Notes for defendant on replying to the claim form out of the jurisdiction.

Please tick one of the following boxes as your statement of why the claim form can be served out of the jurisdiction without the permission of the court. Also delete anything in square brackets that does not apply.

In proceedings to which rule 6.32(1)(b)(i) or 6.33(2)(b)(i) applies, the statement is —

- "I state that the [~~High Court of England and Wales~~] [~~County Court~~] has power under the [~~Civil Jurisdiction and Judgments Act 1982~~] [~~Judgments Regulation (as defined in CPR rule 6.31(d))~~] to hear this claim, that the defendant is domiciled in [~~the United Kingdom~~] [~~a Member State~~] and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Member State."

In proceedings to which rule 6.32(1)(b)(ii) applies, the statement is —

- "I state that the [~~High Court of England and Wales~~] [~~County Court~~] has power under the Civil Jurisdiction and Judgments Act 1982, the claim being one to which paragraph 11 of Schedule 4 to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom."

In proceedings to which rule 6.32(1)(b)(iii) applies, the statement is —

- "I state that the [~~High Court of England and Wales~~] [~~County Court~~] has power under the Civil Jurisdiction and Judgments Act 1982, the defendant being a party to an agreement conferring jurisdiction to which paragraph 12 of Schedule 4 to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom."

In proceedings to which rule 6.32(2) or 6.33(3) applies, the statement is —

- "I state that the [~~High Court of England and Wales~~] [~~County Court~~] has the power to hear this claim under [state the provisions of the relevant enactment or Community instrument]

which satisfies the requirements of [CPR rule 6.32(2)] [CPR rule 6.33(3)] and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom, in any other Convention territory of any Contracting State (as defined in section 1(3) of the Civil Jurisdiction and Judgments Act 1982) or in any other Member State."

In proceedings to which rule 6.33(1)(b)(ii) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982, the claim being one to which article 16 of Schedule 1 or article 16 of Schedule 3C to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Convention territory of any Contracting State (as defined in section 1(3) of that Act)."

In proceedings to which rule 6.33(1)(b)(iii) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982, the defendant being a party to an agreement conferring jurisdiction to which article 17 of Schedule 1 or article 17 of Schedule 3C to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or in any other Convention territory of any Contracting State (as defined in section 1(3) of that Act)."

In proceedings to which rule 6.33(2)(b)(ii) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has power under the Judgments Regulation (as defined in CPR rule 6.31(d)), the claim being one to which article 22 of that Regulation applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Member State."

In proceedings to which rule 6.33(2)(b)(iii) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has power under the Judgments Regulation (as defined in CPR rule 6.31(d)), the defendant being a party to an agreement conferring jurisdiction to which article 23 of that Regulation applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Member State."

In proceedings to which rule 6.33(1)(b)(i) applies, the statement is—

- "I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982 to hear this claim, that the defendant is domiciled in [the United Kingdom] [a Convention territory of a Contracting State (as defined in section 1(3) of the Act)] and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Convention territory of any Contracting State."

**Statement of Truth**


~~I believe~~ (The Claimant believes) that the facts stated in this notice are true.

~~I am duly authorised by the claimant to sign this statement.~~

Full name TIMOTHY CLINK

Name of claimant's solicitor's firm MAITLAND WALKER LLP

signed



position or office held DIRECTOR

~~(Claimant)~~ ~~(Litigation friend)~~ ~~(Claimant's solicitor)~~

(if signing on behalf of firm or company)

~~delete as appropriate~~



## Service out of the Jurisdiction

Name of court	HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION COMMERCIAL COURT
Claim no.	

Name of claimant	STIRLING MORTIMER GLOBAL PROPERTY FUND PCC LIMITED
Name of defendant	TOM SHEEHY

Where rule 6.34 applies this form must be completed and filed at court with the claim form.

Where a claim form for service on a defendant out of the jurisdiction under rule 6.34 is not accompanied by this form, the claim form may only be served once this form is filed with the court or if the court gives permission (rule 6.34(2)).

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Please tick one of the following boxes as your statement of why the claim form can be served out of the jurisdiction without the permission of the court. Also delete anything in square brackets that does not apply.

In proceedings to which rule 6.32(1)(b)(i) or 6.33(2)(b)(i) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has power under the [Civil Jurisdiction and Judgments Act 1982] [Judgments Regulation (as defined in CPR rule 6.31(d))] to hear this claim, that the defendant is domiciled in [the United Kingdom] [a Member State] and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Member State."

In proceedings to which rule 6.32(1)(b)(ii) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982, the claim being one to which paragraph 11 of Schedule 4 to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom."

In proceedings to which rule 6.32(1)(b)(iii) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982, the defendant being a party to an agreement conferring jurisdiction to which paragraph 12 of Schedule 4 to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom."

In proceedings to which rule 6.32(2) or 6.33(3) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has the power to hear this claim under [state the provisions of the relevant enactment or Community instrument]

which satisfies the requirements of [CPR rule 6.32(2)] [CPR rule 6.33(3)] and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom, in any other Convention territory of any Contracting State (as defined in section 1(3) of the Civil Jurisdiction and Judgments Act 1982) or in any other Member State."

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"I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982, the claim being one to which article 16 of Schedule 1 or article 16 of Schedule 3C to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Convention territory of any Contracting State (as defined in section 1(3) of that Act)."

In proceedings to which rule 6.33(1)(b)(iii) applies, the statement is —

"I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982, the defendant being a party to an agreement conferring jurisdiction to which article 17 of Schedule 1 or article 17 of Schedule 3C to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or in any other Convention territory of any Contracting State (as defined in section 1(3) of that Act)."

In proceedings to which rule 6.33(2)(b)(ii) applies, the statement is —

"I state that the [High Court of England and Wales] [County Court] has power under the Judgments Regulation (as defined in CPR rule 6.31(d)), the claim being one to which article 22 of that Regulation applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Member State."

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In proceedings to which rule 6.33(1)(b)(i) applies, the statement is—

"I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982 to hear this claim, that the defendant is domiciled in [the United Kingdom] [a Convention territory of a Contracting State (as defined in section 1(3) of the Act)] and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Convention territory of any Contracting State."

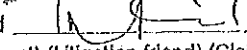
**Statement of Truth**

~~\*(I believe)\*~~ (The Claimant believes) that the facts stated in this notice are true.

~~\*I am duly authorised by the claimant to sign this statement.\*~~

Full name TIMOTHY CLINK

Name of claimant's solicitor's firm MAITLAND WALKER LLP

signed  position or office held DIRECTOR  
~~\*(Claimant) (Litigation friend) (Claimant's solicitor)~~ (if signing on behalf of firm or company)

~~\*delete as appropriate~~

## Service out of the Jurisdiction

Name of court	HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION COMMERCIAL COURT
Claim no.	

Name of claimant	STIRLING MORTIMER GLOBAL PROPERTY FUND PCC LIMITED
Name of defendant	NIALL FLEMING

Where rule 6.34 applies this form must be completed and filed at court with the claim form.

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In proceedings to which rule 6.32(1)(b)(i) or 6.33(2)(b)(i) applies, the statement is —

"I state that the ~~[High Court of England and Wales]~~ ~~[County Court]~~ has power under the ~~[Civil Jurisdiction and Judgments Act 1982]~~ ~~[Judgments Regulation (as defined in CPR rule 6.31(d))]~~ to hear this claim, that the defendant is domiciled in ~~[the United Kingdom]~~ ~~[a Member State]~~ and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Member State."

In proceedings to which rule 6.32(1)(b)(ii) applies, the statement is —

"I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982, the claim being one to which paragraph 11 of Schedule 4 to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom."

In proceedings to which rule 6.32(1)(b)(iii) applies, the statement is —

"I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982, the defendant being a party to an agreement conferring jurisdiction to which paragraph 12 of Schedule 4 to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom."

In proceedings to which rule 6.32(2) or 6.33(3) applies, the statement is —

"I state that the [High Court of England and Wales] [County Court] has the power to hear this claim under [state the provisions of the relevant enactment or Community Instrument]

which satisfies the requirements of [CPR rule 6.32(2)] [CPR rule 6.33(3)] and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom, in any other Convention territory of any Contracting State (as defined in section 1(3) of the Civil Jurisdiction and Judgments Act 1982) or in any other Member State."

In proceedings to which rule 6.33(1)(b)(ii) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982, the claim being one to which article 16 of Schedule 1 or article 16 of Schedule 3C to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Convention territory of any Contracting State (as defined in section 1(3) of that Act)."

In proceedings to which rule 6.33(1)(b)(iii) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982, the defendant being a party to an agreement conferring jurisdiction to which article 17 of Schedule 1 or article 17 of Schedule 3C to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or in any other Convention territory of any Contracting State (as defined in section 1(3) of that Act)."

In proceedings to which rule 6.33(2)(b)(ii) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has power under the Judgments Regulation (as defined in CPR rule 6.31(d)), the claim being one to which article 22 of that Regulation applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Member State."

In proceedings to which rule 6.33(2)(b)(iii) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has power under the Judgments Regulation (as defined in CPR rule 6.31(d)), the defendant being a party to an agreement conferring jurisdiction to which article 23 of that Regulation applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Member State."

In proceedings to which rule 6.33(1)(b)(i) applies, the statement is—

- "I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982 to hear this claim, that the defendant is domiciled in [the United Kingdom] [a Convention territory of a Contracting State (as defined in section 1(3) of the Act)] and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Convention territory of any Contracting State."

**Statement of Truth**

~~\*(I believe)~~ (The Claimant believes) that the facts stated in this notice are true.

~~\*I am duly authorised by the claimant to sign this statement.~~

Full name TIMOTHY CLINK

Name of claimant's solicitor's firm MAITLAND WALKER LLP

signed 

position or office held DIRECTOR

~~\*(Claimant)~~ ~~(Litigation friend)~~ ~~(Claimant's solicitor)~~

(if signing on behalf of firm or company)

~~\*delete as appropriate~~

## Service out of the Jurisdiction

Name of court	HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION COMMERCIAL COURT
Claim no.	

Name of claimant

Name of defendant

Where rule 6.34 applies this form must be completed and filed at court with the claim form.

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Please tick one of the following boxes as your statement of why the claim form can be served out of the jurisdiction without the permission of the court. Also delete anything in square brackets that does not apply.

In proceedings to which rule 6.32(1)(b)(i) or 6.33(2)(b)(i) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has power under the [Civil Jurisdiction and Judgments Act 1982] [Judgments Regulation (as defined in CPR rule 6.31(d))] to hear this claim, that the defendant is domiciled in [the United Kingdom] [a Member State] and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Member State."

In proceedings to which rule 6.32(1)(b)(ii) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982, the claim being one to which paragraph 11 of Schedule 4 to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom."

In proceedings to which rule 6.32(1)(b)(iii) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982, the defendant being a party to an agreement conferring jurisdiction to which paragraph 12 of Schedule 4 to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom."

In proceedings to which rule 6.32(2) or 6.33(3) applies, the statement is —

- "I state that the [High Court of England and Wales] [County Court] has the power to hear this claim under [state the provisions of the relevant enactment or Community instrument]

which satisfies the requirements of [CPR rule 6.32(2)] [CPR rule 6.33(3)] and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom, in any other Convention territory of any Contracting State (as defined in section 1(3) of the Civil Jurisdiction and Judgments Act 1982) or in any other Member State."

In proceedings to which rule 6.33(1)(b)(ii) applies, the statement is —

"I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982, the claim being one to which article 16 of Schedule 1 or article 16 of Schedule 3C to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Convention territory of any Contracting State (as defined in section 1(3) of that Act)."

In proceedings to which rule 6.33(1)(b)(iii) applies, the statement is —

"I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982, the defendant being a party to an agreement conferring jurisdiction to which article 17 of Schedule 1 or article 17 of Schedule 3C to that Act applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or in any other Convention territory of any Contracting State (as defined in section 1(3) of that Act)."

In proceedings to which rule 6.33(2)(b)(ii) applies, the statement is —

"I state that the [High Court of England and Wales] [County Court] has power under the Judgments Regulation (as defined in CPR rule 6.31(d)), the claim being one to which article 22 of that Regulation applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Member State."

In proceedings to which rule 6.33(2)(b)(iii) applies, the statement is —

"I state that the [High Court of England and Wales] [County Court] has power under the Judgments Regulation (as defined in CPR rule 6.31(d)), the defendant being a party to an agreement conferring jurisdiction to which article 23 of that Regulation applies, to hear this claim and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Member State."

In proceedings to which rule 6.33(1)(b)(i) applies, the statement is—

"I state that the [High Court of England and Wales] [County Court] has power under the Civil Jurisdiction and Judgments Act 1982 to hear this claim, that the defendant is domiciled in [the United Kingdom] [a Convention territory of a Contracting State (as defined in section 1(3) of the Act)] and that no proceedings are pending between the parties in the courts of any other part of the United Kingdom or any other Convention territory of any Contracting State."

Statement of Truth

~~(I believe)~~ (The Claimant believes) that the facts stated in this notice are true.

\* I am duly authorised by the claimant to sign this statement.

Full name TIMOTHY CLINK

Name of claimant's solicitor's firm MAITLAND WALKER LLP

signed T.C.L. position or office held DIRECTOR

~~(Claimant)~~ ~~(Litigation friend)~~ ~~(Claimant's solicitor)~~ (if signing on behalf of firm or company)

\*delete as appropriate