

Application notice

For help in completing this form please read the notes for guidance form N244Notes.

Name of court CARDIFF COUNTY COURT	Claim no. 1CF03361
Fee account no. (if applicable)	Help with Fees – Ref. no. (if applicable)
	H W F - [] [] - [] []
Warrant no. (if applicable)	
Claimant's name (including ref.) MAURICE JOHN KIRK	
Defendant's name (including ref.) CHIEF CONSTABLE OF SOUTH WALES POLICE APO.SWP01-464	
Date	2 NOVEMBER 2017



1. What is your name or, if you are a legal representative, the name of your firm?

DOLMANS SOLICITORS

2. Are you a Claimant Defendant Legal Representative
 Other (please specify) []

If you are a legal representative whom do you represent?

THE DEFENDANT

3. What order are you asking the court to make and why?

Stay of Proceedings or an extension of time to comply with the request for inspection made of the Defendant for the reasons set out in the attached letter of 30 October 2017

4. Have you attached a draft of the order you are applying for? Yes No
5. How do you want to have this application dealt with? at a hearing without a hearing
 at a telephone hearing
6. How long do you think the hearing will last? [1] Hours [] Minutes
 Is this time estimate agreed by all parties? Yes No

7. Give details of any fixed trial date or period

NONE

8. What level of Judge does your hearing need?

HHJ KEYSER QC

9. Who should be served with this application?

THE CLAIMANT

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

If necessary, please continue on a separate sheet.

The Defendant has written to the Court on 30.10.17 querying whether the Court ought, of its own volition, vary the order as to inspection made by the Court on 12.06.17 due to the failure of the Claimant to comply with prior orders for the filing of pleadings relating to his claim and his further failure to comply with an order as to disclosure. Pending the reply of the Court to this correspondence the Defendant is currently obliged to deal with paragraph 8.3 of the order of 12.06.17. The Court ordered at paragraph 8.2 of the order that the parties should make a request for inspection by 4pm on 13.10.17. The Claimant made a request for inspection prior to 4pm on 06.10.17. Although the Defendant objects to inspection it is not clearly understood if this permits the Defendant to resist disclosure within 28 days of the date of the request which is calculated to be the date of 03.11.17. The Defendant had previously submitted an application for the dates of disclosure and inspection to be extended but the Court ordered that the directions should stand. The Defendant is keen to comply with the rubric at the head of the order of 12.06.17 and therefore makes further application pending the response of the Court for relief from sanction so that the Defendant is not required to comply with paragraph 8.3 of the order of 12.06.17 pending the Court responding to the letter of 30.10.17 or the hearing of this application and the imposition by the Court of a stay of these proceedings or alternatively granting of further time to comply with the request for inspection made of the Defendant.

Statement of Truth

(I believe) (The applicant believes) that the facts stated in this section (and any continuation sheets) are true.

Signed A.P. Oliver, DL Dated 2 NOVEMBER 2017
Applicant('s legal representative)'(s litigation friend)

Full name ADRIAN PAUL OLIVER

Name of applicant's legal representative's firm DOLMANS SOLICITORS

Position or office held SENIOR PARTNER
(if signing on behalf of firm or company)

11. Signature and address details

Signed A.P. Oliver, DL Dated 2 NOVEMBER 2017
Applicant('s legal representative)'(s litigation friend)

Position or office held SENIOR PARTNER
(if signing on behalf of firm or company)

Applicant's address to which documents about this application should be sent

DOLMANS SOLICITORS ONE KINGSWAY CARDIFF							
Postcode <table border="1"><tr><td>C</td><td>F</td><td>1</td><td>0</td><td>3</td><td>D</td><td>S</td></tr></table>	C	F	1	0	3	D	S
C	F	1	0	3	D	S	

If applicable	
Phone no.	029 20 345531
Fax no.	029 20 398206
DX no.	122723 CARDIFF 12
Ref no.	APO.SWP1-464

E-mail address adriano@dolmans.co.uk

One Kingsway
Cardiff CF10 3DS
www.dolmans.co.uk

DOLMANS
S O L I C I T O R S

Tel: 029 2034 5531
Fax: 029 2039 8206
DX 122723 Cardiff 12

The Court Manager
Cardiff County Court
2 Park Street
CARDIFF
BY HAND

OUR REF: APO.SWP001-464
YOUR REF: 1CF03361
DATE: 30th October 2017
EMAIL: adriano@dolmans.co.uk

For the urgent attention of Barry Sharples Clerk to His Honour Judge A Keyser QC

Dear Sirs,

Maurice John Kirk v South Wales Police (6th Action including Firearms arrest)

We refer to the above matter and the Court Orders of His Honour Judge Keyser QC dated 12 June 2017 and 1 September 2017 and our application to the Court of 1 August 2017.

The purpose of this letter is to enquire whether the Court would wish to make an order in this matter based on its own discretion or whether the Defendant can receive guidance from the Court as to whether it is necessary for the Defendant to make a formal application for extension of the directions in this matter, recognising that the Defendant has already made one application seeking an extension of time of directions and the appropriate relief from sanctions which has been dealt with by the Court order of 1 September 2017. The circumstances have changed since the Defendant's application of 1 August 2017. The Defendant would not wish to be seen to be in a position where the Defendant was not adhering to the Court's intentions, but similarly, the Defendant would not wish to take up valuable court time unnecessarily.

In another current action involving this Claimant, action D00CF279 Kirk v South Wales Police, in which the same parties are involved, the Court has currently advised the parties as to the operation of a stay of the proceedings. The Defendant's intention in writing this letter is to seek to ascertain whether the Court would intend to make a similar order in this case (once appraised of the facts) or whether it would be appropriate for the Defendant to make a further application to the Court to seek to extend directions in order that the Court might have the opportunity of hearing the parties on the issues.

Order of 12 June 2017

At the present time the Court ordered sequential directions on 12 June 2017. Those directions related to the pleadings, disclosure and inspection, exchange of witness statements, a further case management hearing and costs.

By that order the parties were advised that failure to comply with the order might lead to sanctions being imposed, albeit the order did not make specific reference to a stay of proceedings. By the order the Claimant was first required by paragraphs 2 and 3 of the order to regularise the pleadings as to which document would be taken as identifying his allegations. These two orders were complied with by the Claimant.

Thereafter by paragraph 4 of the order the Defendant was permitted to request Further Information in respect of the Amended Particulars of claim by 23 June 2017.

Such a request was made by the Defendant on 23 June 2017 and remains unanswered. The Claimant failed to comply with paragraph 4 and did not respond to the request by 30 June 2017.

The Defendant was given permission to file a re-amended Defence by 25 August 2017 by paragraph 5 of the order.

Defendant's application of 1 August 2017

On 1 August 2017 the Defendant issued an application advising the Court that the Claimant had not complied with paragraph 4 of the order and requesting further extension of the directions timetable.

In the event, the Court was not able to deal with that application prior to the extension of time of paragraph 4 of the order elapsing and therefore, whilst the application for extension of time was outstanding, the Defendant sought to comply with paragraph 5 of the order by serving an Re-amended Defence on 25 August 2017, even though the Claimant had not complied with paragraph 4 of the order.

1 September 2017

On 1 September 2017 the Court made a further directions order, taking into account the Defendant's application notice of 1 August 2017.

By that order the Claimant was required by paragraph 1 of the Order to provide by 15 September a response to the Defendant's Request for Further Information, albeit in restricted form. The Claimant has failed to comply with that second order of the Court as to this pleading. By paragraph 2 of the Order the time for service of the Re-amended defence was extended to 6 October 2017. By this time a Re-amended Defence had already been served on 25 August 2017.

By paragraph 6 of the Order of 12 June 2017 the Claimant was responsible for the costs of and occasioned by the amendment of the Particulars of Claim in any event. It is the Defendant's understanding that the Court ordered the service of the Request for Further Information in order that the parties might better understand the matters alleged and the failure to serve a response does raise an issue as to costs should the Defendant be required to further amend its defence upon receipt of any further pleading.

Returning to the order of 1 September 2017 this indicated at paragraph 3 of the order that the case-management directions of 12 June 2017 at paragraphs 8 – 12 would continue to have effect.

Paragraphs 8 – 12 of order of 12 June 2017

Paragraph 8 of the order dealt with the Court's directions as to disclosure and inspection.

Standard disclosure was ordered by 29 September 2017. By the order of 1 September 2017 the amended timetable required the Claimant to file the Request for Further Information by 15 September 2017 and the Defendant to file the Re-amended Defence by 6 October 2017. That order was issued after the Defendant had sought to comply with the order of 12 June 2017 pending the Court's decision on the application of 1 August 2017.

The Claimant did not file and continues not to respond to the Request for Further Information.

That default was not apparent until sometime after 15 September 2017 and at that time the Defendant was faced with the deadline of 29 September 2017 for compliance with standard disclosure and was alert to the fact that an application for extension of time for compliance with the same had already been rejected by the Court. Accordingly the Defendant sought to comply with the court directions and a copy of the Defendant's list of documents was sent to the Court on 29 September 2017.

By paragraph 8.1 of the order of 12 June 2017 the Claimant was required to serve a list of documents by 29 September. In the event the Claimant served two lists, dated 30 September and 1 October, neither of which were served in compliance with the Court deadline and where no application for relief from sanction had been sought. In the terms of the order the Court had indicated that "The Claimant's list must include all documents concerning the matters set out in the Amended Particulars of Claim, including such documents as touch upon the allegation of an overarching conspiracy by the Defendant against the Claimant". We enclose copies of the same. The Court will note that the Claimant has served two lists of documents which identify that which the Claimant does not have, rather than disclosure of documentation.

It is therefore submitted that the Claimant is in obvious breach of paragraph 8.1 of the Court order and has not sought relief from sanction.

The Claimant sought to request inspection from the Defendant by email dated 6 October 2017 thereby triggering compliance by 3 November 2017 if paragraph 8.2 of the order is intended to run from the date of request (paragraph 8.3 of the order) rather than the date of 13 October 2017 (paragraph 8.2 of the order). On 13 October 2017 we wrote to the Claimant identifying why we considered that the service of these lists failed to deal with disclosure and that the Claimant had frustrated the inspection process. A copy of that email is attached. The Claimant was asked to acknowledge that email but to date, he has declined to do so.

This presents the Defendant with a dilemma. No similar request for inspection has been made by the Defendant as the Claimant's list(s) does not offer any documents for inspection. The Defendant is therefore faced with a "one-way street" where the Defendant is being put to expense and cost whilst the Claimant appears to be in flagrant breach of the Court's directions.

The Defendant would normally seek to make application to the Court to extend the time for compliance with directions and / or seek a stay of directions pending compliance by the Claimant. The Defendant is conscious that such a stay and extension has been sought by the application of 1 August 2017 but been rejected by the Court. The Defendant is also conscious that the circumstances have altered since that date but that the Court would not necessarily be aware of the same.

The guidance that is sought at this stage is whether the Court might, of its own volition, make an order to stay the proceedings reflecting the fact that the Claimant has not met the timescale ordered as to disclosure and has not complied with the terms of disclosure identified in paragraph 8.1 of the order of 12 June 2017.

Alternatively guidance is sought as to whether the Court might, of its own volition, make an order to stay the proceedings reflecting the fact that the Claimant has failed to comply with both orders requiring the Claimant to file a response to a Request for Further Information as ordered in paragraph 4 of the order of 12 June 2017 and paragraph 1 of the order of 1 September 2017.

The Defendant is conscious that he is being requested by the Claimant to provide inspection of documents by 3 November 2017 when the Claimant has not dealt with an outstanding pleading. This must give rise to a concern that the Claimant might plead his case with the benefit of documentation provided to him from the Defendant with the inherent risks in such an approach being permitted.

Summary

The Defendant is prepared to comply with the Court's directions in this matter but in view of the alteration of the timetable and the failure of the Claimant to adhere to the timetable there is a concern that the Court's intentions might be frustrated and that the Defendant is being put to significant expense whilst the Claimant is not demonstrating a willingness to case manage this case to trial.

It is recognised that this Claimant is a litigant in person but one with considerable experience of appearing before the Cardiff County Court. It is therefore considered that the Court should be made aware of this default.

The Defendant does not seek guidance in order to determine its position but only in order that the Court might successfully case manage the directions in this matter and to ensure that court time is not wasted and that the parties are able to control costs in this matter.

The Defendant submits this correspondence for the attention of the Judge and await the response of His Honour Judge Keyser QC, failing which a further application for

extension of the directions will be submitted by the Defendant in order to obtain relief from sanctions.

The Claimant has been advised that the Defendant objects to inspection of documents in accordance with paragraph 8.3 of the order of 12 June 2017.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D. Dolmans', with a stylized initial 'D'.

DOLMANS

List of documents: standard disclosure

Notes

- The rules relating to standard disclosure are contained in Part 31 of the Civil Procedure Rules.
- Documents to be included under standard disclosure are contained in Rule 31.6
- A document has or will have been in your control if you have or have had possession, or a right of possession, of it or a right to inspect or take copies of it.

In the County Court of Cardiff	
2 nd Claimant list of documents submitted owing to computer problems whilst abroad	
Claim No.	1CF03361
Claimant (including ref)	Maurice J Kirk
Defendant (including ref)	Chief Constable of South Wales Police
Date	1 st Oct 2017

Disclosure Statement

I, the above named

- Claimant
- Party (if party making disclosure is a company, firm or other organisation identify here who the person making the disclosure statement is and why he is the appropriate person to make it)

state that I have carried out a reasonable and proportionate search to locate all the documents which I am

required to disclose under the order made by the court on (date of order)

12th June 2017

I did not search for documents:-

pre-dating Feb 2009

located elsewhere than

in categories other than

for electronic documents

I carried out a search for electronic documents contained on or created by the following:
(list what was searched and extent of search)

Depending on whether the full list of documents were successfully electronically transferred to Cardiff Court yesterday and sent to Defendant

The list continues:

20th August 2012? detailed 6 page MG11 Claimant complaint, one of many, re South Wales Police machine-gun conspiracy

and

Cardiff Courts Manager
1CF03361
Wales
16th March 2017

Dear Sir/Madam,

Corruption in Our Law Courts

In the light of little if no disclosure of the evidence you control being given up to me, for trial, may I then be expected for a candid and detailed reply to the following for any further potential hearings?

1. After my acquittal requiring no defence evidence for the South Wales Police's malicious prosecution, re 'being in possession of a machine-gun', I and members of my family received alarming feed-back from nine of the disgusted jury.
2. All of them were extremely suspicious of the only juror who had refused to discuss the case each day, over two weeks and appeared to be the 'police informer'. Coupled with the 'Foxy' faked police officer, trying to buy the 'gun', it is in keeping with other such conduct I seem to witness in your so-called 'courts of law'.
3. I require the Ministry of Justice's procedure laid down for selecting judges and jurors and a copy of the actual records of when you selected them for my January 2010 Crown court trial.
4. I also require copy of the transcript and court log for any future case relating to it.
5. Previously jurors have asked for sight of court records only to be refused. Why is that?
6. On no less than seven occasions your courts have denied my access to any of your buildings despite my being a party in the proceedings without legal representation. Why is that?
7. Following the concocted 'machine-gun' trial your court continues to protect the South Wales Police by not allowing me any effective civil redress or remedy. Why is that if not perverse?
8. Following the 'machine-gun' trial I was mysteriously no longer a dangerous MAPPA level 3 category 3 registered victim nor suffering from a psychological disorder to concern the Civil Aviation Authority. Why was that if not concocted by the Crown Prosecution Service?
9. Following acquittal, I was diagnosed with 'no cancer' nor 'significant brain damage' and even found a surgeon now prepared to carry out my long overdue hip replacement. Why?
10. Are you prepared to give evidence, on oath, in these matters without subpoena?

Yours,
Maurice J Kirk BVSc

And

South Wales Police Machine-gun Plot to block Their Victim's Civil Proceedings Chronology of Civil and Criminal Cases

[RED for police interference]

[Green for police victim's civil court process against the South Wales police]

Jan 2001

1. 6th Jan 2001 Insp Collins' letter of Barry Police station triggered RCVS action to curtail their victim's income to fight police through civil courts

Comment [MK1]:

N265 Standard disclosure (October 2005)

Crown Copyright. Reproduced by Sweet & Maxwell Ltd

I did not search for the following:-

documents created before

documents contained on or created by the Claimant Defendant

- | | |
|--|--|
| <input type="checkbox"/> PCs | <input type="checkbox"/> portable data storage media |
| <input type="checkbox"/> databases | <input type="checkbox"/> servers |
| <input type="checkbox"/> back-up tapes | <input type="checkbox"/> off-site storage |
| <input type="checkbox"/> mobile phones | <input type="checkbox"/> laptops |
| <input type="checkbox"/> notebooks | <input type="checkbox"/> handheld devices |
| <input type="checkbox"/> PDA devices | |

documents contained on or created by the Claimant Defendant

- | | |
|--|---|
| <input type="checkbox"/> mail files | <input type="checkbox"/> document files |
| <input type="checkbox"/> calendar files | <input type="checkbox"/> web-based applications |
| <input type="checkbox"/> spreadsheet files | <input type="checkbox"/> graphic and presentation files |

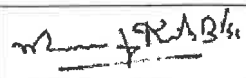
documents other than by reference to the following keyword(s)/concepts
(delete if your search was not confined to specific keywords or concepts)

I certify that I understand the duty of disclosure and to the best of my knowledge I have carried out that duty. I further certify that the list of documents set out in or attached to this form, is a complete list of all documents which are or have been in my control and which I am obliged under the order to disclose.

I understand that I must inform the court and the other parties immediately if any further document required to be disclosed by Rule 31.6 comes into my control at any time before the conclusion of the case.

I have not permitted inspection of documents within the category or class of documents (as set out below) required to be disclosed under Rule 31(6)(b) or (c) on the grounds that to do so would be disproportionate to the issues in the case.

Signed



Date

(Claimant)(Defendant)(s litigation friend)

List and number here, in a convenient order, the documents (or bundles of documents if of the same nature, e.g. invoices) in your control, which you do not object to being inspected. Give a short description of each document or bundle so that it can be identified, and say if it is kept elsewhere i.e. with a bank or solicitor

I have control of the documents numbered and listed here. I do not object to you inspecting them/producing copies.

List and number here, as above, the documents in your control which you object to being inspected. (Rule 31.19)

I have control of the documents numbered and listed here, but I object to you inspecting them:

Say what your objections are

I object to you inspecting these documents because:

List and number here, the documents you once had in your control, but which you no longer have. For each document listed, say when it was last in your control and where it is now.

I have had the documents numbered and listed below, but they are no longer in my control.

List of documents: standard disclosure

Notes

- The rules relating to standard disclosure are contained in Part 31 of the Civil Procedure Rules.
- Documents to be included under standard disclosure are contained in Rule 31.6
- A document has or will have been in your control if you have or have had possession, or a right of possession, of it or a right to inspect or take copies of it.

In the Cardiff County Court	
Claim No.	1CF03361
Claimant <small>(including ref)</small>	Maurice Kirk
Defendant <small>(including ref)</small>	Chief Constable of South Wales Police
Date	30 th Sept 2017

Disclosure Statement

I, the above named

Claimant

Party (if party making disclosure is a company, firm or other organisation identify here who the person making the disclosure statement is and why he is the appropriate person to make it)

state that I have carried out a reasonable and proportionate search to locate all the documents which I am

required to disclose under the order made by the court on

12th June 2017

I did not search for documents:-

pre-dating

Feb 2009

located elsewhere than

lap top

in categories other than

lap top

for electronic documents

I carried out a search for electronic documents contained on or created by the following:
(list what was searched and extent of search)

- I have had the documents numbered and listed below, but they are no longer in my control.

 1. MAPPA Executive Summary devoid of relevant Defendant data disclosing the facts relied upon for level 3 category 3 registration
 2. 12 02 07 Police officer Holder statement refusing a machine-gun conspiracy investigation
 3. 12 06 01 Holder letter conclusion
 4. 16 07 12 Claimant letter CCRC re refusing their release of Cardiff court records

5. MG CPS brief to jury re Claimant 'trading in machine-guns'
6. 1206 18 Police officer Ponting letter
7. 16 02 17 Police solicitor Hill affidavit
8. 16 02 28 Claimant disclosure request of Defendant
9. 16 07 12 CCRC refused disclosure of relevant defendant data
10. 09 02 13 MG trigger combination letter hatching the machine-gun conspiracy
11. 11 08 20 Claimant MG11
12. 19 0219 Mr Morris witness statement

Sample of documents indicating an over-arching view of a malicious conspiracy

1. Crown Prosecution, Defendant and NHS (Wales) documents served on the Claimant during the course of his 22nd June 2009 arrest to his 10th Feb 2009 Crown Court machine-gun acquittal, requiring no need for defense evidence for an obvious acquittal, after the 2nd day, in the view of the jury is indictable enough of proof of an over-arching conspiracy
2. 1st, 2nd 3rd and 4th breach of restraining order jury trials, ending in T20170239, also revealing an over-arching conspiracy using fake MAPPA data to procure an application that the Claimant be incarcerated in Ashworth, indefinitely, reliant on the false information within the CPS data presented to juries, GMC, RCVS, IPCC, CCRC & foreign jurisdictions.
3. Defendant disclosure of Claimant's 22nd May 1993 police interview tape identifying fabricated indictable offences whilst having successfully applied to have him remanded in custody until 'identified' when actually delaying on the fantasy the Guernsey police would extradite their victim back to the Bailiwick.
4. The thirty-three failed malicious prosecutions, in case number BS614159 +2 others, 4th action D00CF279, 5th action (false imprisonment), 7th C90CF012 and 8th action, all before the Cardiff County court, also contain an over-arching view of a malicious based conspiracy so easily proven by the simple disclosure of police and court records all under the control of the Defendant but repeatedly DENIED to the Claimant when DENIED in 2013 substantive trial with over one hundred witnesses.
5. Refusal by Defendant to disclose Defendant's Feb 2009 sworn affidavit confirming full disclosure in first 33 failed Defendant malicious prosecutions, the subject of BS614159 +2others claims
6. The above documents within the above examples are all in the control of the Defendant

I did not search for the following:-

documents created before

documents contained on or created by the Claimant Defendant

- | | |
|--|--|
| <input type="checkbox"/> PCs | <input type="checkbox"/> portable data storage media |
| <input type="checkbox"/> databases | <input type="checkbox"/> servers |
| <input type="checkbox"/> back-up tapes | <input type="checkbox"/> off-site storage |
| <input type="checkbox"/> mobile phones | <input type="checkbox"/> laptops |
| <input type="checkbox"/> notebooks | <input type="checkbox"/> handheld devices |
| <input type="checkbox"/> PDA devices | |

documents contained on or created by the Claimant Defendant

- | | |
|--|---|
| <input type="checkbox"/> mail files | <input type="checkbox"/> document files |
| <input type="checkbox"/> calendar files | <input type="checkbox"/> web-based applications |
| <input type="checkbox"/> spreadsheet files | <input type="checkbox"/> graphic and presentation files |

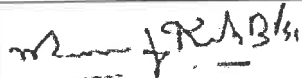
documents other than by reference to the following keyword(s)/concepts
(delete if your search was not confined to specific keywords or concepts)

I certify that I understand the duty of disclosure and to the best of my knowledge I have carried out that duty. I further certify that the list of documents set out in or attached to this form, is a complete list of all documents which are or have been in my control and which I am obliged under the order to disclose.

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Signed



Date

30th September 2017

(Claimant)(Defendant)(s litigation friend)

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I have control of the documents numbered and listed here. I do not object to you inspecting them/producing copies on a date, place and appointment time to be arranged.

List and number here, as above, the documents in your control which you object to being inspected. (Rule 31.19)

I have control of the documents numbered and listed here, but I object to you inspecting them:

Say what your objections are

I object to you inspecting these documents because:

List and number here, the documents you once had in your control, but which you no longer have. For each document listed, say when it was last in your control and where it is now.

I have had the documents numbered and listed below, but they are no longer in my control.