



IN THE COURT OF FIRST INSTANCE AND THE COURT OF APPEAL
OF THE ASTANA INTERNATIONAL FINANCIAL CENTRE

24 September 2026

CASE No: AIFC-C/CFI/2023/0002

CASE No: AIFC-C/CA/2023/0040

CASE No: AIFC-C/CFI/2024/0018

MICHAEL WILSON & PARTNERS, LIMITED

Claimant

v

(1) CJSC KAZSUBTON
(2) KAZPHOSPHATE LLP
(3) KAZPHOSPHATE LIMITED

Defendants

- and -

MICHAEL EARL WILSON

Added Party

JUDGMENT AND ORDER ON THE THIRD DEFENDANT'S APPLICATION FOR
A COSTS ORDER AGAINST MR MICHAEL EARL WILSON

Justice of the Court:

Justice Sir Stephen Richards

ORDER

1. **The application by the Third Defendant (“KPL”) for a costs order against Michael Earl Wilson (“Mr Wilson”) personally pursuant to Rule 26.26 of the AIFC Court Rules is allowed.**
2. **Mr Wilson shall be jointly and severally liable with the Claimant (“MWP”) for the costs orders made in favour of KPL, in the total sum of USD 36,128.70, in Case No. AIFC-C/CFI/2023/0002 and Case No. AIFC-C/CFI/2024/0018.**
3. **Nothing in this Order shall prevent KPL from pursuing enforcement against either MWP or Mr Wilson in respect of such costs, provided always that the total amount recovered shall not exceed USD 36,128.70.**

JUDGMENT

Introduction

1. This is an application by the Third Defendant (“KPL”) for a costs order against Mr Michael Earl Wilson personally, pursuant to Rule 26.26 of the AIFC Court Rules. Mr Wilson is a solicitor who has acted at all material times for Michael Wilson & Partners, Limited (“MWP”), the Claimant in the proceedings in which the application is made. Awards of costs were made against MWP in favour of KPL at earlier stages in the proceedings. It has proved impossible to enforce those awards. KPL now seeks an order holding Mr Wilson jointly and severally liable with MWP for the relevant costs.

The procedural history

2. In the ordinary course I would deal relatively briefly with the procedural history. Mr Wilson, however, has raised such procedural objections, has shown such flagrant disregard of the Court’s directions and has bombarded the Court and KPL with so many emails and late material necessitating further directions and decisions, that I think it necessary to deal with the history in some detail before going on to consider the substantive issues in the case. I have nonetheless omitted reference to many emails and documents of lesser significance for the narrative.
3. The saga started, so far as relevant, with a claim by MWP in the AIFC Court of First Instance (“the CFI”) for an order recognising and enforcing various foreign judgments (Case No. 2 of 2023). In a judgment dated 26 September 2023 the CFI held that the Court had no jurisdiction to entertain the proceedings and that the Claim Form should be set aside and the proceedings dismissed. In a further judgment dated 31 October 2023 the CFI awarded costs of USD 14,238.45 against MWP in favour of the Second Defendant (“KPLLP”) and costs totalling USD 34,128.70 against MWP in favour of KPL.
4. MWP applied to the AIFC Court of Appeal for permission to appeal against those decisions. The application was determined on the papers without an oral hearing and permission was refused in a judgment dated 31 January 2024 (Case No. 40 of 2023). No order as to costs was made on that occasion.
5. MWP then applied for an oral renewal of the application for permission to appeal. The application was given a separate case number, as Case No. 18 of 2024. The application was refused in a judgment dated 28 August 2024. By a related Order dated 12 November 2024 the Court awarded costs of USD 2,000 against MWP in favour of KPL and also made an award of costs in favour of KPLLP.
6. MWP failed to satisfy the costs orders against it and enforcement processes produced only limited recovery in KPLLP’s case and none in KPL’s case.

7. On 31 December 2024 KPLLP applied for a costs order against Mr Wilson personally pursuant to Rule 26.26 of the AIFC Court Rules ("KPLLP's Application"). By paragraph 1 of a Directions Order dated 28 February 2025 I ordered that:

"Mr Wilson is added as a party to the proceedings in Case Nos. AIFC-C/CFI/2023/0002, AIFC-C/CA/2023/0040 and AIFC-C/CFI/2024/0018 for the purposes of costs only, pursuant to Rule 26.26(1)."

8. By a Judgment dated 6 May 2025 and a Judgment and Order dated 13 June 2025, I allowed KPLLP's Application and made the costs order sought. The Judgment of 6 May 2025 sets out the background to the matter at some length and contains much that it will be convenient to draw upon later when considering the issues in the present case.
9. On 22 July 2025 KPL applied for a corresponding costs order against Mr Wilson personally ("KPL's Application"). This was sent to the Court's Registry by an email of the same date which was copied to, among others, Mr Wilson at an address consistently used for communications with him at MWP (michael.wilson@mwp.kz). The validity of KPL's Application is one of the issues in the case.
10. By a Directions Order dated 26 September 2025 I directed a stay of KPL's Application pending a decision on the application that had by then been made for permission to appeal against my decision on KPLLP's Application and, if permission was granted, pending the determination of the appeal. I further directed that:

"Within 14 days after the Court's decision on the application for permission to appeal or, if permission is granted, within 14 days after the determination of the appeal, the parties are to file and serve proposed draft directions as to the further progress of [KPL's Application]."

The Court, having considered the parties' proposals, will then decide whether to hold a case management hearing and on the issue of further directions."

11. Permission to appeal against the decision on KPLLP's Application was refused by a Judgment and Order of Justice Tom Montagu-Smith KC dated 17 March 2026 (Case No. 35 of 2025). A subsequent application to "vacate, rescind, set aside and/or vary" that Judgment was dismissed by a Judgment and Order of the same Judge dated 17 July 2026 (Cases No. 35 and No. 48 of 2025).
12. By an email sent to the Registry on 31 March 2026 and copied to Mr Wilson, KPL submitted proposed directions pursuant to my Directions Order of 26 September 2025. Mr Wilson argued at the hearing in the present case that there was no final decision on the application for permission to appeal against the decision on KPLLP's Application until the Judgment dated 17 July 2026 and that the entirety of the procedure that followed in relation to KPL's Application was therefore based on an erroneously premature starting-point and was invalid. I reject that argument. The decision on the application for permission to appeal was plainly made by the Judgment and Order of 17 March 2026, and the timing of KPL's submission of proposed directions was therefore in accordance with my Directions Order; so too, my Directions Order of 24 July 2026, described below, was made at a proper time.
13. No proposal as to directions was received from Mr Wilson.
14. Having considered KPL's proposed directions, I decided not to hold a case management hearing but to make further directions. On 24 July 2026 I made a Directions Order in the following terms:

1. *"The Court considers that the stay on proceedings lapsed automatically upon the dismissal of the application for permission to appeal by the Judgment and Order of Justice Montagu-Smith KC dated 17 March 2026; but for the avoidance of any doubt the stay, if otherwise still in place, is hereby lifted.*
 2. *The Court further considers that Mr Wilson has already been joined as a party to the relevant proceedings, for the purposes of costs only, by paragraph 1 of the Court's Directions Order dated 28 February 2025 in the course of the application by the Second Defendant for costs against him personally, and that no further order for joinder as a party is needed.*
 3. *Mr Wilson is to file and serve any evidence, legal materials and submissions in response to the Third Defendant's Application by 17.00 Astana time on Friday 14 August 2026.*
 4. *The Third Defendant is to file and serve any reply by 17.00 Astana time on Friday 28 August 2026.*
 5. *Subject to any further directions by the Court's Registry, e-bundles for the hearing are to be prepared by the Third Defendant in accordance with the Court's Practice Direction No.5 and are to be filed and served by 17.00 Astana time on Friday 4 September 2026.*
 6. *The Third Defendant's Application is to be listed for a remote hearing by video-link, with a time estimate of 3 hours, on a date and at a time in the second half of September 2026 to be fixed by the Court's Registry and notified to the parties.*
 7. *The parties are to file and serve skeleton arguments, limited to 5 pages in length, no later than 3 clear working days before the date fixed for the hearing."*
15. Mr Wilson made no response to the Directions Order and filed no material by the deadline set out in paragraph 3 of that Order. In reply to an email from the Court's Registry referring to the deadline and noting that nothing had been received, an email from michael.wilson@mwp.kz on 25 August 2026 asserted that *"(1) the AIFC Registry has not responded [to a previous email]; (2) no application for permission to amend has been made to the Court; (3) no permission to amend has been granted by the Court; and (4) no purported Amended Applications have not [sic] been approved, issued, stamped, sealed, filed and served, accordingly as a matter of law and fact there is no amended application before the Court, and nothing to which MWP or Mr Wilson is required to reply at this stage"*.
16. My response, sent by email from the Registry on 26 August 2026, was:
- "My Directions Order dated 24 July 2026 laid down a clear framework for the future conduct of this case and provided Mr Wilson with a fair opportunity to respond to the Third Defendant's Application for a costs order against him personally (see in particular paragraph 3 of the Order). Such response could in principle raise procedural issues, including any challenge to the validity of the Application, as well as any matters going to the substantive merits of the Application. As Mr Wilson's email of 25 August 2026 makes clear, he has chosen not to pursue that course. That is a matter for him. Despite its terms, I am prepared to treat the email as Mr Wilson's response for the purposes of paragraph 3 of the Directions Order if he so wishes, and in those circumstances to extend the Third Defendant's time for a reply (paragraph 4 of the Order) to Friday 4 September 2026. But the email otherwise contains nothing to justify a departure from the terms of the Directions Order, and the case will therefore otherwise proceed in accordance with the timetable set out in the Order."*

17. A reply on the same day stated that MWP/Mr Wilson would be applying to adjourn and relist the hearing fixed for 16 September 2026 for various reasons, including unavailability because of other professional commitments (an issue considered further below).
18. Within the extension of time granted by me on 26 August 2026, KPL filed a Reply dated 1 September 2026 to Mr Wilson's response to its Application (though the ambit of that Reply is a further issue considered below). KPL also filed e-bundles for the hearing, on 4 September 2026, in accordance with the timetable laid down in the Directions Order dated 24 July 2026. The case was then ready for the hearing fixed for 16 September 2026, subject to the filing of skeleton arguments.
19. On 6 September 2026 MWP filed an application seeking wide-ranging relief, including my recusal, a declaration that the AIFC Court has no jurisdiction over Mr Wilson personally, the setting aside of my various directions and decisions in this case and in a separate case in which KPLLP and KPL seek civil restraint orders against MWP, the adjournment of the hearings fixed in those cases, and multiple other matters. On 11 September 2026 I ordered a stay of the application in the following terms and for the reasons given:

ORDER

MWP's application dated 6 September 2026 seeking wide-ranging relief is stayed pending the final determination of the application by the Third Defendant for costs against Mr Wilson personally and the applications by the Second and Third Defendants for civil restraint orders against the Claimant.

REASONS

1. *Any issues that can or could properly be raised in relation to the application by the Third Defendant for costs against Mr Wilson personally or the applications by the Second and Third Defendants for civil restraint orders against the Claimant should be raised or have been raised at the proper time within the specific procedural framework laid down by the respective Directions Orders in those cases, and/or in any appellate process that may follow from the judgments in those cases. It is not appropriate to raise them by way of a wide-ranging collateral challenge of the kind contained in MWP's application of 6 September 2026.*
 2. *All other issues raised by MWP's application of 6 September 2026 can appropriately be left for consideration after the final determination of the application by the Third Defendant for costs against Mr Wilson personally and the applications by the Second and Third Defendants for civil restraint orders against the Claimant.*
20. By an email on 9 September 2026 Mr Wilson then sent to the Court a "Second Witness Statement of Michael Earl Wilson" and exhibits thereto (a total of 1,342 pages). The Registry's reply email on 11 September 2026 set out my refusal of permission for the filing of that evidence, and the reasons for refusal:
1. *The permission of the Court is required for the filing of any evidence, legal materials or submissions outside the timetable laid down by the Directions Order dated 24 July 2026 relating to the Third Defendant's application for costs against Mr Wilson.*
 2. *Such permission is refused in relation to the second witness statement of Michael Earl Wilson dated 9 September 2026 and the exhibits thereto ... That evidence is put forward in total disregard of the timetable laid down by the Court, less than a week before the hearing date, without adequate explanation of its lateness and without even an application for permission to rely on it,*

and in circumstances where the Third Defendant cannot reasonably be expected to deal with it in time.

3. *Paragraph 3 of the Court's Directions Order dated 24 July 2026 provided ... [Relevant parts of the history above, including the contents of the Registry's email of 26 August 2026, were then set out.]*
4. *Against that background, the timing of Mr Wilson's second witness statement dated 9 September 2026 is simply unacceptable.'*

21. The same email set out my refusal of permission for reliance on much of the content of KPL's Reply:

"I also have a concern about the ambit of the Third Defendant's Reply dated 1 September 2026. It is directed in substantial part to the content of emails from Mr Wilson or MWP, such as the email assertion that Mr Wilson is not and has never been a director or shareholder of MWP (see paragraph 2 of the Reply). In general, however, such emails do not form part of any response by Mr Wilson as referred to in paragraph 3 of the Directions Order dated 24 July 2026 ("evidence, legal materials and submissions in response to the Third Defendant's Application"). The only email that falls to be treated as Mr Wilson's response is that referred to in the passage from me contained in the Registry's email of 26 August 2026, quoted at paragraph 3 above. The contention advanced in that email from Mr Wilson was that the Registry had not responded to something, no application for permission to amend had been made to the Court, no permission to amend had been granted by the Court, and no purported Amended Application had been approved, issued, stamped, sealed, filed and served; accordingly as a matter of law and fact there was no amended application before the Court, and nothing to which MWP or Mr Wilson was required to reply at that stage. Beyond that there was nothing for the Third Defendant to reply to. To the extent that the Reply raises further matters, it needs the permission of the Court, and such permission is refused. The extent to which any part of the Reply can be relied on in those circumstances can be canvassed at the hearing."

22. In acknowledgment of that concern Mr Tastanbekov, counsel for KPL, did not pursue the main content of section II of KPL's Reply at the hearing.

23. The Registry's email of 11 September 2026 also set out my reaction to Mr Wilson's continued objections to the timing of the hearing:

"As to Mr Wilson's objection to the hearing date of 16 September 2026, the Court has not received an actual application for the adjournment and relisting of the hearing, but I make clear that such an application would have been refused in any event. Mr Wilson has had ample time to ensure that preparations are in place for the hearing and to instruct an advocate to act for him if he knew that he himself was going to be unavailable. Paragraph 6 of the Directions Order of 24 July 2026 provided for the Third Defendant's Application to be listed for a hearing on a date in the second half of September to be fixed by the Registry. On the same day the Registry sent an email requiring the parties to notify it by 27 July 2026 of their availability during that period. No such notification was received from or on behalf of Mr Wilson. On 11 August 2026 the Registry informed the parties that the hearing had been fixed for 16 September 2026. The Registry's email of 26 August 2026, quoted in paragraph 3 above, made clear that the case would proceed in accordance with the timetable set out in the Directions Order. It was in response to this that Mr Wilson first indicated an intention to apply to adjourn and relist, citing a long-standing commitment by him and MWP to professional engagements elsewhere. Thus, he delayed too long before raising an objection to the hearing date; and, more importantly, he knew about the hearing in very good time to put in place suitable arrangements for his representation at the hearing. I would add that the issues involved in the Third Defendant's Application are neither

novel nor wide-ranging, so that the instruction of an alternative advocate should have posed no substantial difficulty.”

24. In the event, despite his previous complaint of unavailability, Mr Wilson appeared by video-link at the hearing and made oral submissions.
25. On 10 September 2026 Mr Tastanbekov, counsel for KPL, filed his skeleton argument in compliance with the Directions Order of 24 July 2026.
26. Late on 11 September 2026, just before the weekend, MWP sent to the Court two e-bundles, namely “MWP’s Bundle for the Remote Hearing on 16.09.26” (3,776 pages long) and “MWP’s Authorities Bundle” for the hearing (934 pages long). By email on 14 September 2026 KPL objected to those bundles on grounds of content, timing and failure to comply with directions. By an email from the Registry to the parties on 15 September 2026 I upheld that objection, accepting the reasons given for it and adding:

“The filing of separate e-bundles by Mr Wilson is in disregard of, and contrary to, paragraph 5 of the Court’s Directions Order dated 24 July 2026, and the matter is made worse by the inclusion in those e-bundles of a mass of material not filed previously in accordance with the Directions Order. The hearing will proceed on the basis of the e-bundles duly filed by the Third Defendant.”

27. On 13 September 2026 the Court was sent a Third Witness Statement of Michael Earl Wilson and the exhibits thereto (a total of 448 pages). The Registry’s email of 15 September 2026 communicated my refusal of permission in relation to the filing of that material –

“for essentially the same reasons as given in the Registry’s email of 11 September 2026 for the refusal of permission in relation to Mr Wilson’s Second Witness Statement. The Third Witness Statement is put forward even later than the Second Witness Statement and again in complete disregard of the timetable laid down by the Court’s Directions Order.”

28. On 14 September 2026 the Court was sent further documents, namely “MWP’s Application of 13.09.26” together with a supporting Fourth Witness Statement of Michael Earl Wilson also dated 13 September 2026, again seeking wide-ranging relief including the setting aside of previous directions and orders, my recusal, a stay of proceedings and the adjournment of hearings. By the Registry’s email of 15 September 2026, I dealt with it as follows:

“MWP’s Application is adjourned for consideration at a later date. For the immediate future, the position remains as per the Court’s Order dated 11 September 2026 staying MWP’s application of 6 September, which was based on similar grounds. In particular, the hearing fixed for 16 September 2026 of the Third Defendant’s application for costs against Mr Wilson will proceed as directed”.

29. Late on 15 September 2026, the evening before the hearing, MWP submitted a skeleton argument dated 14 September 2026, consisting of 9 closely printed pages. At the hearing I indicated that the timing and length of the document were in non-compliance with the Directions Order and that I had been able to look at it only briefly before the hearing; that it referred to e-bundles filed in breach of the Order and not to the e-bundles on the basis of which, as I had ruled, the hearing was to proceed; that it likewise referred to material which as a result of previous rulings was excluded from consideration; but that I would take it into account in conjunction with Mr Wilson’s oral submissions to the extent that it proved to have any relevance. On fuller reading I have found it to be replete with inadmissible and/or irrelevant material and generally unhelpful.

30. In the course of the procedural history I have generally treated material emanating from MWP as being submitted by or on behalf of Mr Wilson, the party against whom the costs order is sought. I have done so in Mr Wilson's favour and without prejudice to any findings about the relationship between him and MWP. Otherwise there would be little or nothing put forward by him or on his behalf in opposition to KPL's Application. I note that the fact that the application for permission to appeal against my decision on KPLLP's Application was made by MWP, not by Mr Wilson, was found to be fatal by itself because my Judgment and Order were made against Mr Wilson and not against MWP (see paragraph 23 of the Judgment and Order dated 17 March 2026).

The hearing

31. At the video-link hearing on 16 September 2026, KPL was represented by Mr Tastanbekov, to whom I am grateful for his restrained and well presented submissions. Mr Wilson represented himself and did not display the same restraint, seeking to canvass arguments that were not open to him on the basis of the directions and rulings I had previously made. It was not possible to keep him to the limited issues that were open to him. He also repeatedly interrupted Mr Tastanbekov's submissions.
32. At the outset Mr Wilson made an application that I should be recused, withdraw or be removed on the ground of actual or apparent bias, predetermination, lack of competence or relevant legal qualifications, and similar points of complaint. He referred to the various adverse decisions or rulings I have made in the present case and other cases in which he has been involved. He submitted that I had become an advocate for the Defendants.
33. I refused the application. The allegation of actual bias is a serious one and is baseless. Not a shred of evidence has been advanced in support of it. As to apparent bias, the history of my dealings with cases involving Mr Wilson, including numerous reasoned judgments and rulings, contains nothing remotely capable of leading a fair-minded and informed observer to conclude that there was a real possibility that I was biased (the test in *Porter v Magill* [2001] UKHL 67, [2002] 2 AC 356) or that I had predetermined the relevant issues. The allegation of bias has been made before and has been roundly rejected in refusals of permission to appeal against my decisions: see §§63-69 of the Judgment dated 17 March 2026 of Justice Tom Montagu-Smith KC in Case No.35 of 2025; and §§30-32 of the Judgment of the same date and of the same judge in Case No.48 of 2025. Nothing has changed. It is regrettable that Mr Wilson nonetheless persists in the allegation. I likewise reject the other misplaced personal criticisms that Mr Wilson made of me in support of his recusal/withdrawal/removal application.
34. To the extent that the few issues in the case that properly arise for consideration were then addressed in the hearing, I take account of the parties' submissions in dealing with those issues in the following sections of this Judgment. I leave aside, without substantive comment, the many irrelevant and/or inadmissible points raised in Mr Wilson's oral submissions. They included such matters as a contention that Kazakh law applies to the case and that the AIFC Court cannot determine questions of Kazakh law unless it sits with expert assessors and/or receives expert evidence; that the Defendants are employing disproportionate legal resources to keep MWP out of the money to which it is entitled and that the present application is pursued in an attempt to shut down MWP and Mr Wilson; that KPL's lawyers are not qualified in English law and that any pleadings concerning English law cannot properly be the subject of a statement of truth and should be struck out and/or be held in contempt of court; that this and other applications should be stayed pending the determination of other claims in which MWP contends that the original decision on jurisdiction in Case No.2 of 2023 was obtained by fraud and the withholding of relevant information; and that MWP is entitled to set off the AIFC Court's costs orders against the debts owed by KPLLP and KPL to MWP under foreign judgments.

35. After the conclusion of the hearing Mr Wilson sent to the Registry a copy of a UK Supreme Court judgment he had mentioned during the hearing. Mr Tastanbekov objected to the Court receiving it. I uphold the objection and have taken no account of the late material.

The basis of KPL's Application

36. I have already referred briefly to the background of the case, including the two relevant costs orders made by the AIFC Court against MWP in favour of KPL. Reference can be made to my Judgment dated 6 May 2025 on KPLLP's Application for a fuller account of the background.
37. The two costs orders in favour of KPL remain unpaid. Enforcement searches in Kazakhstan have identified no assets of MWP against which the orders can be enforced; and it has not been possible to enforce in the BVI where MWP is incorporated. KPL now seeks to recover those costs from Mr Wilson personally, pursuant to Rule 26.26 of the AIFC Court Rules.
38. The AIFC Court has a power expressed in wide terms to award costs in proceedings before it (see, in particular, Regulations 27 and 42 of the AIFC Court Regulations). That this includes the power to award costs against a non-party is recognised in Rule 26.26 which provides:

"26.26 Where the Court is considering whether to exercise its power to make a costs order in favour of or against a person who is not a party to the proceedings:

*(1) that person shall be added as a party to the proceedings for the purposes of costs only; and
(2) he shall be given a reasonable opportunity to attend a hearing at which the Court will consider the matter further."*

39. As to Rule 26.26(1), Mr Wilson was added as a party to these proceedings for the purposes of costs only by paragraph 1 of my Directions Order dated 28 February 2025, quoted at paragraph 7 above. Although made in the specific context of KPLLP's Application, that provision of the Directions Order was general in its terms and in its effect. It added Mr Wilson as a party to the proceedings for the purposes of costs, not for the purposes of KPLLP's Application alone. KPLLP and KPL were Defendants in the same proceedings and each had costs orders in their favour against MWP in those proceedings. Mr Wilson did not have to be added as a party again or separately for the purposes of KPL's Application. That was the position taken by me in paragraph 2 of my Directions Order dated 24 July 2026. I adhere to that position, and in so far as Mr Wilson makes the contrary submission I reject it. I note too that a submission that there was never any proper basis to seek to join Mr Wilson personally was rejected at paragraphs 32-34 and 53 of the Judgment dated 17 March 2026 refusing permission to appeal against my decision on KPLLP's Application.
40. As to Rule 26.26(2), it is obvious from the procedural history above that Mr Wilson was given a reasonable opportunity to attend (and did in fact attend) a hearing at which the Court considered the matter further.
41. That is the legal framework within which KPL's Application is made.

The validity of KPL's Application

42. Mr Wilson contends that there is no valid application before the Court. The reference in his email of 25 August 2026 to the absence of an application for, or grant of, permission to amend is an irrelevance since KPL has not amended or purported to amend its original application dated 22 July 2025. The question is whether the original application is valid.
43. Substantially the same issue was raised by Mr Wilson in his cross-application in respect of KPLLP's Application, dealt with as Issue (1) at paragraphs 22-31 of my Judgment dated 6 May 2025. Such points

as were advanced on the issue in the application for permission to appeal that decision were rejected in the Judgment dated 17 March 2026 refusing such permission (see in particular paragraphs 51-53). I adopt the reasoning in those Judgments without repeating the full detail. Mr Wilson's submissions simply ignore that reasoning.

44. I am satisfied that KPL's Application met all the relevant requirements for an application notice within Part 6 of the AIFC Court Rules. It was made in existing proceedings and was a document in which KPL stated its intention to seek a costs order against Mr Wilson. It was filed with the Court. It was served as required on Mr Wilson. It was accompanied by, and served with, the written evidence in support and a draft of the order sought.
45. Mr Wilson argues that the application notice was not "filed", since it was not reviewed, approved, issued, stamped and sealed by the Registry. I reject the argument. The Rules contain no such requirement. The language of issuing, sealing and so forth applies under Part 4 to a Claim Form by which proceedings are started. It does not apply to the filing of an application notice under Part 6 in existing proceedings, and specifically it is not applicable to filing an application notice as required by Rule 6.3. The application notice in this case was sent by email to the Registry, which acknowledged receipt. That was sufficient in the circumstances to constitute filing. The review and handling of the application were matters of internal management for the Registry.
46. Mr Wilson further argues that the application was not "served" on him, since mere copying to his MWP email address of the email sending the application to the Registry (see paragraph 9 above) did not constitute service on him, and it was necessary in any event to effect service out of the jurisdiction on him as a non-resident of Kazakhstan. It is doubtful whether the point is even open to him, having regard to my directions and rulings, but in any event I reject the argument. Rule 5.3 provides that a document *"may be served by any method which brings the document and its contents to the attention of the party being served"*. Service by email in the way done here was plainly effective in the circumstances to bring the application and its contents to the attention of Mr Wilson personally; and even if it did not come to his attention at first, the subsequent history shows that he was for a long time fully aware of the application. If Mr Wilson is a non-resident of Kazakhstan, that is irrelevant. The Rules do not require a respondent to be a resident of Kazakhstan, and they lay down no special requirements for service of an application notice on a non-resident. The provisions governing service of a Claim Form out of the Republic of Kazakhstan have no bearing on the situation.
47. If, contrary to the view I have taken, KPL's Application did fail to comply with any relevant rules or there was any procedural error, it would not invalidate any step taken in the proceedings and I would if necessary make an order to remedy the error, in the same way as I said I would have done in the case of KPLLP's Application: see paragraph 30 of my Judgment of 6 May 2025.
48. Accordingly, Mr Wilson's challenge to the validity of KPL's Application fails.

The merits of KPL's Application

49. In paragraphs 40-45 of my Judgment of 6 May 2025 on KPLLP's Application I considered the principles applicable to costs orders against a non-party (i.e. a person not originally a party to the proceedings but joined for the purposes of costs only), as they may be derived from the case-law of the courts of the United Kingdom under the corresponding provisions of the law of England and Wales or on appeal from jurisdictions with similar rules. At paragraphs 46-54 I considered the facts of the case in the light of those principles, making various findings and reaching my conclusions on the issue. There was no challenge in that case to the test I applied, nor to the way in which I approached it (see paragraph 35 of the Judgment dated 17 March 2026 refusing permission to appeal). Nor did I discern any such challenge in Mr Wilson's

submissions in the present case; and if I were wrong about that, I would reject the challenge as being unfounded.

50. I adopt the reasoning and conclusions in my Judgment of 6 May 2025 for the purposes of the present case. The following passages contain findings and conclusions of particular relevance:

“50. Standing back, the existence of a close connection between Mr Wilson and MWP is obvious. The company’s name reflects that of Mr Wilson. When he appeared before the CFI in the original proceedings, the link between him and the company was underlined by the Court’s reference to “Michael Wilson and Partners, Limited, ... represented before the AIFC Court by Mr Michael Wilson himself” (see paragraph 2 of the CFI’s judgment of 26 September 2023). The Judgment Debts that form the background to the case relate to unpaid fees for legal services said to have been rendered to the First Defendant and KPLL by MWP. Mr Wilson appears to have been closely involved in the conduct of the proceedings in the English and Dutch courts for recovery of the debts. So far as concerns the conduct of proceedings brought by MWP in the AIFC Court, he appears to have been the decision-maker at all material times. No other person has been identified as involved in the running of the AIFC Court cases for MWP.

51. ... (6) It is argued by Mr Wilson that all the relevant correspondence comes from, and all Court filings are made by, MWP rather than Mr Wilson himself. Attention is drawn to the fact that communications are in the name of MPW and end with the words “Yours faithfully, Michael Wilson & Partners, Ltd”, with a footer bearing MWP’s name and the address of its Branch; and it is said that when documents are signed, it is always done on behalf of MWP rather than by way of personal signature. All that may be true as a matter of form, and I accept that Mr Wilson may not write all the emails himself, but I am satisfied that he “runs the show”, sets the style and contents of the correspondence and Court filings and must bear personal responsibility for them. The style and content of Mr Wilson’s own witness statement, evidence in cross-examination and oral submissions in the present case are all consistent with and supportive of that view.

52. As I have said, those matters [i.e. paragraph 51(6) and the other matters discussed in paragraph 51] have a greater bearing on the issue of wasted costs than on the present issue of costs against a non-party. But what does strike me about them is that Mr Wilson’s conduct of the litigation in the AIFC Court has the character of a personal mission, lacking in balance and going well beyond the bounds reasonably to be expected of a person fulfilling the ordinary role and responsibilities of a legal representative. And the manner in which he has chosen to act has undoubtedly involved KPLL in unjustified expense.

53. This case lacks several of the features that have been held to justify the making of a non-party costs order in some of the cases discussed above. For example, I have referred to the evidence that Mr Wilson has no formal position within MWP beyond that of Head of the company’s Branch in Kazakhstan. Further, given the limited evidence about the shareholding structure behind MWP and the absence of evidence of who would benefit ultimately from recovery of the unpaid Judgment Debts owed to MWP, it is not open to the Court to find that Mr Wilson has been pursuing the litigation in the AIFC Court for his own personal benefit. Nor does the evidence admit of a finding that he has funded the litigation. Taking everything into account, however, I do consider it to be a fair inference that Mr Wilson has had and continues to have effective control of MWP’s litigation in the AIFC Court and that it is by reason of the decisions and conduct of Mr Wilson himself that KPLL has had to face the litigation and incur the associated costs, including in particular the costs that were ordered to be paid to it by MWP but are irrecoverable because of MWP’s location in the BVI.

54. I have borne carefully in mind the guidance in the authorities that this is a fact-sensitive area, that the ultimate question is whether it is just to make a costs order against a non-party, and that the Court is exercising a discretion not confined by specific limitations. Looking at the matter in the round, including the background to the case, I have reached the conclusion that it is just in all the circumstances to exercise the discretion in KPLLP's favour in this case and to make a costs order against Mr Wilson personally along the lines sought by KPLLP."

51. In paragraph 56 of his Judgment dated 17 March 2026 refusing permission to appeal, Justice Tom Montagu-Smith KC observed that my finding that it was fair to observe that Mr Wilson controlled the proceedings was an inference plainly available to me on the facts and, more than that, it was, in his view, right.
52. What I said in relation to KPLLP's Application applies equally to KPL. KPLLP and KPL were Defendants in the same proceedings and there is no material difference between them as regards the conduct of the proceedings by Mr Wilson or the effect of such conduct upon them. Nothing that I have heard in the present case casts any doubt on the findings I made in relation to KPLLP's Application or as regards their applicability to KPL. And Mr Wilson has adduced no new evidence, nor identified any material difference or change of circumstances, capable of justifying a different approach in relation to KPL's Application from that taken in relation to KPLLP's Application.
53. That is a sufficient basis for my conclusion that it is just in all the circumstances to exercise the Court's discretion in KPL's favour in this case and to make a costs order against Mr Wilson personally along the lines sought by KPL.
54. That conclusion does not depend on making any new or additional findings about matters such as Mr Wilson's status within MWP or its Branch in Kazakhstan. KPL's evidence about such matters was largely excluded in any event by my refusal of permission for reliance on the parts of KPL's Reply that raised them.

Conclusion

55. For the reasons I have given, KPL's application for costs against Mr Wilson personally pursuant to Rule 26.26 of the AIFC Court Rules is allowed. I will order Mr Wilson to pay to KPL the total sum claimed, namely USD 36,128.70, on the basis of joint and several liability with MWP.
56. KPL also seeks an order for the costs of KPL's Application itself. KPL is directed to provide details of the costs claimed within 10 days of the date of this decision, and Mr Wilson is directed to make any response in writing within 10 days thereafter. The Court will then decide that issue of costs on the papers, without a further hearing.

By the Court,

The Rt Hon. Sir Stephen Richards
Justice, AIFC Court



Representation:

The Claimant and the Added Party were represented by Mr Michael Wilson, Partner, of Michael Wilson & Partners, Ltd, Almaty, Kazakhstan.

The First Defendant was not represented.

The Second Defendant was not represented.

The Third Defendant was represented by Mr Usen Tastanbekov, Associate, Kinstellar LLP, Almaty, Kazakhstan.