



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

22 October 2026

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

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

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

CASE No: AIFC-C/CFI/2025/0021

MICHAEL WILSON & PARTNERS, LIMITED

Claimant

v

(1) CJSC KAZSUBTON

(2) KAZPHOSPHATE LLP

(3) KAZPHOSPHATE LIMITED

Defendants

JUDGMENT AND ORDER
ON THE APPLICATIONS OF THE SECOND DEFENDANT AND THE THIRD DEFENDANT
FOR A CIVIL RESTRAINT ORDER AGAINST THE CLAIMANT

Justice of the Court:

Justice Sir Stephen Richards

JUDGMENT

1. The Court has before it applications by the Second Defendant (“KPLLP”) and the Third Defendant (“KPL”) for an extended civil restraint order (“ECRO”) or alternatively a limited civil restraint order (“CRO”) against the Claimant (“MWP”). The terminology of CRO and ECRO, and the principles sought to be applied, are taken from the practice of the courts of England and Wales, where civil restraint orders of various kinds have been developed to protect the courts from abuse of their process by litigants. In summary, a limited CRO restrains a party from making any further applications in the particular proceedings without the permission of the court, whereas an ECRO goes further by restraining a party from making any claims or applications concerned with the same subject matter without the permission of the court. The applicants submit that this Court can and should adopt a similar approach in order to prevent abuse of its process; and they contend that an ECRO or alternatively a limited CRO is called for in view of a sustained and continuing pattern of meritless, repetitive and procedurally abusive filings by MWP.

The relevant practice of courts in England and Wales

2. In *Bhamjee v David Forsdick and Others* [2003] EWCA Civ 1113 the English Court of Appeal described the range of measures then available to the courts to protect their processes from being abused by litigants who persisted in making applications or instituting claims that were totally devoid of merit. Whilst some of those measures were statutory, others depended on a court’s inherent powers, as first discussed in section 3 of the judgment of the court:

“3. A court’s inherent powers

11. The power to protect its processes from abuse is vested in every court

...

15. The court, therefore, has power to take appropriate action whenever it sees that its functions as a court of justice are being abused. The advent of the [Civil Procedure Rules] makes the nature of those functions more transparent. A court’s overriding objective is to deal with cases justly. This means, among other things, dealing with cases expeditiously and allotting to them an appropriate share of its resources (while taking into account the need to allot resources to other cases). This objective is thwarted and the process of the court abused if litigants bombard the court with hopeless applications. They thereby divert the court’s resources from dealing with meritorious disputes, delay the handling of those disputes, and waste skilled and scarce resources on matters totally devoid of any merit”

3. The court later summarised the principles as follows:

“33. It is therefore well established on authority that:

- (i) This court, like any court, has an inherent jurisdiction to protect its process from abuse;*
- (ii) The categories of abuse of process will never be closed;*

- (iii) *No litigant has any substantive right to trouble the court with litigation which represents an abuse of its process;*
 - (iv) *So long as the very essence of a litigant's right to access the court is not extinguished a court has a right to regulate its processes as it thinks fit (absent any statute or rule or practice direction to contrary effect) so long as its remedies are proportionate to the identified abuse (whether it is existing or threatened);*
 - (v) *One way in which a court may legitimately regulate its processes is by prescribing a procedure to be conducted entirely in writing."*
4. The court then examined the range of available remedies, including a "*Grepe v Loam* order" (which became known as a limited CRO) and an "extended *Grepe v Loam* order" (which became known as an ECRO): as summarised at paragraph 36 of the judgment, a *Grepe v Loam* order is to the effect that no further applications in that action may be issued without the permission of the court; whereas the range of activities covered by an extended *Grepe v Loam* order is extended to embrace the institution of separate actions concerned with the same subject matter. Consideration was also given to a new form of "general civil restraint order", but that is not sought in the present case and I say no more about it.
5. The court concluded, at paragraph 54 of the judgment, by pointing out that the inherent jurisdiction of the court had always existed side by side with its rule-derived jurisdiction and that the Rules Committees would no doubt wish to consider whether it would be desirable to exercise their rule-making powers in that regard. The Civil Procedure Rule Committee took up that invitation, making provision in the Civil Procedure Rules (CPR Rule 3.11 and Practice Direction 3C) for the making of limited CROs, ECROs and related measures. Whilst the subsequent case-law has focused on the application of the rule-based regime under the CPR, that regime represents the practical working out of principles that apply under the inherent powers of the court. Reference to it is therefore of assistance even in a context where the rule-based regime itself is absent.
6. Under CPR Practice Direction 3C, a limited CRO may be made where a party has made two or more applications which are totally without merit; and an ECRO may be made where a party has persistently issued claims or made applications which are totally without merit. *"The case-law recognises that "totally without merit" means "bound to fail"; that "persistently" for these purposes means on three or more occasions; that the Court looks to see whether previous courts have certified claims or applications as totally without merit; and that the Court may revisit whether a claim or application, albeit not so certified, was in fact totally without merit"* (per Fordham J in *Reelworld Europe Ltd v Uddin* [2021] EWHC 535 (QB) at §15).
7. If the threshold requirement for the making of an order is met, the question whether an order should be made is a matter of discretion based on an evaluation of all the material circumstances. As stated by Leggatt J in *Nowak v Nursing and Midwifery Council* [2013] EWHC 1932 (QB) at §§68-69:

"The second question is ... to ask what risk the litigant has objectively demonstrated that he will, if unrestrained, issue further claims or make further applications which are an abuse of the court's process.

The fact that the litigant has repeatedly issued claims or made applications which are totally without merit will itself almost inevitably demonstrate the existence of such a risk. But in considering the extent of the risk it may also be relevant to consider other factors, such as

any statements of the litigant's future intentions, other aspects of the litigant's conduct and whether the circumstances which have generated the hopeless claims or applications are continuing."

8. It is then necessary to ask what order, if any, it is just to make to address the risk identified. *"[B]ecause a civil restraint order represents a restriction on the right of access to the courts, any such order should be no wider than is necessary and proportionate to the aim of protecting the court's process from abuse. In accordance with this principle, the court should therefore approach this question by asking 'what is the least restrictive form of order shown to be required?'"* (per Leggatt J in *Nowak* at §70). That concerns not only the broad category of order (such as CRO or ECRO) but also the detail to be included in it.
9. It is important to note that, although a civil restraint order represents a restriction on the right of access to a court, it does not prohibit such access. It merely requires that any claim or application falling within the scope of the restraint imposed by the order is reviewed first by a judge to determine whether it should be permitted to proceed.

The power of the AIFC Court to make orders equivalent to CROs and ECROs

10. The powers of the AIFC Court as set out in Article 27 of the AIFC Court Regulations are plainly wide enough to include the making of restraining orders to protect the Court from abuse of its process. Article 27(1) provides that *"The Court has the power to take all steps that are required or expedient for the proper determination of a case"* (a provision echoed in Rule 3.1 of the AIFC Court Rules); and Article 27(3) provides that *"The Court may grant all such relief and make all such orders as may be appropriate and just, in accordance with the overriding objective of the Court as set out in these Regulations"*. The overriding objective as set out in Article 8(2) of the Regulations is to deal with cases justly. By Article 8(3), dealing with cases justly includes, so far as practicable, ensuring that litigation takes place expeditiously and effectively, using no more resources than is necessary. As was said in *Bhamjee v Forsdick* in relation to the equivalent provision of the Civil Procedure Rules, *"This objective is thwarted and the process of the court abused if litigants bombard the court with hopeless applications. They thereby divert the court's resources from dealing with meritorious disputes, delay the handling of those disputes, and waste skilled and scarce resources on matters totally devoid of any merit"* (see paragraph 2 above). Thus, the making of a restraining order to prevent such abuse of process falls squarely within the powers of the AIFC Court.
11. As to the kinds of order that may be suitable and the specific conditions for the making of such orders in the absence of specific provision in the AIFC Court Rules or a Practice Direction, it is appropriate for the Court to draw on the practice of the courts of England and Wales. That accords with the approach in Article 13.5 of the AIFC Constitutional Statute (Constitutional Statute No.438-V ZRK of 7 December 2015), which provides that the activities of the AIFC Court are governed by a resolution of the AIFC Management Council *"which is based on the principles and legislation of the law of England and Wales and the standards of leading global financial centres"*. And by Article 29(1)(c) of the AIFC Court Regulations, the AIFC Court in exercising its powers and functions shall apply *"such law as appears to the Court to be the most appropriate in the facts and circumstances of the dispute"*.
12. Accordingly, it is appropriate in my view to adopt the terminology of ECRO and CRO in the context of proceedings in the AIFC Court and to apply the same general approach towards the making of those orders as applies in the courts of England and Wales.

13. That is the basis on which the present applications by KPLLP and KPL are put forward.

The litigation history giving rise to the applications

14. The first part of the relevant litigation history was set out in paragraphs 2-3 of my judgment dated 6 May 2025 on KPLLP's application for a costs order against Mr Wilson personally. For convenience, however, I will repeat and expand upon it here as well as taking it forward in time.

15. The background to the case is that MWP has in its favour a number of judgments of the English and Dutch courts relating to unpaid fees for legal services said to have been rendered by MWP to the First Defendant and to KPLLP. The proceedings in the AIFC Court arise out of an attempt by MWP to enforce those foreign court judgments through the AIFC Court following its failure to secure enforcement through the ordinary courts of Kazakhstan:

- (1) First, MWP applied to the Court of First Instance ("the CFI") for an order recognising and enforcing the judgments (Case No. 2 of 2023). The application was heard by the then Chief Justice, Lord Mance, who held in a judgment dated 26 September 2023 that the Court had no jurisdiction to entertain the proceedings and that the Claim Form should be set aside and the proceedings dismissed. He also held that the claim against KPL failed in any event on the further basis that none of the foreign judgments sought to be enforced was against KPL. By a further judgment dated 31 October 2023 Lord Mance awarded costs against MWP in favour of KPLLP and KPL. Paragraphs 2 and 3 of the costs Judgment included observations about the main case that foreshadowed features of future rounds in the litigation: the application "*was accompanied by the filing of extensive documentation, some of no apparent relevance*" and "*was accompanied by a number of untenable submissions*"; and "*the claim has been presented in an expansive and expensive way, with a number of points made proving in reality to lack any real prospect of success from the outset*".
- (2) MWP then applied for permission to appeal against those decisions. The application was determined on the papers without an oral hearing and permission was refused by my judgment dated 31 January 2024 (Case No. 40 of 2023). The arguments advanced were in large measure a repetition of those rejected by Lord Mance, including several untenable submissions ("*lacks any merit* - §8; "*wholly unconvincing*" - §10). The arguments were all held to have no real prospect of success.
- (3) MWP applied next for an oral renewal of the application for permission to appeal. The application was refused by my judgment dated 28 August 2024 which described the application as "*misconceived*" (§4) and "*standing no realistic chance of success*" (§5), holding that there is no right to an oral renewal or oral hearing of a permission application following refusal of the application on the papers (Case No. 18 of 2024). Although not so certified at the time, I am satisfied that MWP's application for an oral renewal of the permission application was totally without merit. By a related order dated 12 November 2024 an award of costs was made against MWP in favour of KPLLP and KPL.
- (4) Execution orders to give effect to the costs order made by Lord Mance were issued on 23 February 2024. MWP applied subsequently for their withdrawal and re-issue in amended form so as to remove errors in them concerning its address and company registration details and to

remove reference to the company's Branch in Kazakhstan. The application was allowed by an order dated 15 January 2025, to the limited extent of varying the execution orders to include details of MWP's identity as a BVI company with a BVI address and company number, but retaining details of the company's Branch in Kazakhstan. As explained in the accompanying reasons, the need for a variation arose from the fact that MWP's initial Claim Form (in Case No. 2 of 2023) and its subsequent application for permission to appeal (Case No. 40 of 2023) were deficient and potentially misleading in their failure to give accurate details of the BVI company.

- (5) MWP applied for permission to appeal against the order dated 15 January 2025. The application was refused by Lord Burnett, Chief Justice, in a judgment dated 28 May 2025 (Case No. 4 of 2025), on the basis that there had been an *"entirely misconceived"* reliance on the impracticability of compliance with Rule 29.24 (the requirement to set out grounds of appeal) and that *"The appeal court is left with an application for permission to appeal with no substance whatsoever"* (§§9-10). This was clearly an application totally without merit, even though the Chief Justice did not certify it as such at the time. He did refer (at §16) to the common law's recognition of the right of a court to protect itself from vexatious proceedings, expressing the hope that *"the time will not come when the AIFC Court is required to consider the nature and extent of its powers to restrain a litigant from making applications without the prior leave of the court, whether in existing proceedings or generally, on the grounds that he has behaved vexatiously"*.
- (6) In the meantime, on 31 December 2024, KPLLP applied for a costs order against Mr Michael Wilson personally pursuant to Rule 26.26 of the AIFC Court Rules, on the basis of joint and several liability with that of MWP under the costs orders made in the litigation to date (Cases No. 2 of 2023, No. 40 of 2023 and No. 18 of 2024). Mr Wilson was added as a party to the proceedings for the purposes of costs only and directions were given for the future conduct of the case. MWP then made a cross-application, dated 2 April 2025, for a declaration that KPLLP's purported application was not a proper and valid application and that the directions be rescinded and set aside. KPLLP's application and MWP's cross-application were heard together on 23 April 2025. By a judgment dated 6 May 2025 I allowed KPLLP's application and dismissed MWP's cross-application. Although KPLLP's application was against Mr Wilson personally it is relevant to the present issue because of the close connection between Mr Wilson and MWP. I treated material emanating from MWP, including the cross-application, as being put forward as much on behalf of Mr Wilson as on behalf of MWP (§29). As regards the sending of excessive and inappropriate correspondence by MWP, I was satisfied that Mr Wilson *"runs the show, sets the style and contents of the correspondence and Court filings and must bear personal responsibility for them"* (§51(6)). I found further that his conduct of MWP's 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"* (§52); and that it was *"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 KPLLP has had to face the litigation and incur the associated costs"* (§53).
- (7) At the conclusion of my judgment dated 6 May 2025 I gave directions as to the submission of a draft order for the Court's consideration and as to any consequential application for costs. Before I could rule on those matters MWP made a further application, to *"recall and re-open"*

the hearing held on 23 April 2025 and to “*rescind, set aside and vary*” the judgment of 6 May 2025. By a judgment and order dated 13 June 2025 I refused that application (for reasons given at §3 of the judgment), formally allowed KPLL’s application for a costs order against Mr Wilson personally and dismissed MWP’s cross-application, and made a further costs order in KPLL’s favour. Although I did not deal with the point at the time, I am satisfied that MWP’s application to recall and re-open the hearing and to rescind, set aside and vary the judgment of 6 May 2025 was totally without merit.

- (8) By a claim form registered on 3 June 2025, MWP next brought a late challenge to the lawfulness of the AIFC Court’s role in relation to the initiation of the enforcement process following the making of the execution orders referred to at (4) above (Case No. 21 of 2025). In a judgment dated 23 September 2025 I rejected all MWP’s arguments save one, where I held that the Registry had been procedurally in error but I refused relief as a matter of discretion and dismissed the claim. I subsequently awarded costs against MWP in favour of KPLL and KPL.
- (9) At this point in the chronology mention should be made of a number of further claims or applications that were initiated in mid-2025 but were dealt with, for various reasons, only in mid-2026: (a) an application by KPL dated 22 July 2025, corresponding to the application by KPLL already adjudicated upon, for a costs order against Mr Wilson personally, pursuant to Rule 26.26; (b) the present applications by KPLL and KPL for an ECRO or a limited CRO against MWP; and (c) a claim by MWP against CAF Holding Ltd and KPLL, registered on 26 August 2025 (as Case No. 36 of 2025), for the recognition and enforcement of certain foreign court judgments, including some of the foreign court judgments in relation to the recognition and enforcement of which Lord Mance had ruled in Case No. 2 of 2023 (paragraph 15(1) above) that the AIFC Court had no jurisdiction.
- (10) MWP applied for permission to appeal against my decisions dated 6 May 2025 and 13 June 2025 on KPLL’s application for a costs order against Mr Wilson personally (paragraph 15(6)-(7) above). The application was refused by a judgment and order of Justice Tom Montagu-Smith KC dated 17 March 2026 (Case No. 35 of 2025). MWP’s subsequent request for an oral hearing of the permission application was refused by a judgment and order of the same judge dated 14 April 2026. By a further order, dated 19 June 2026, KPLL was awarded its costs of the application for permission to appeal.
- (11) MWP applied for permission to appeal against my decision dated 23 September 2025 dismissing the claim concerning the Court’s role in relation to the initiation of the enforcement process (paragraph 15(8) above). The application was refused by a judgment and order of Justice Tom Montagu-Smith KC dated 17 March 2026 (Case No. 48 of 2025). Here, too, MWP’s subsequent request for an oral hearing of the permission application was refused by a judgment of the same judge dated 14 April 2026. By a further order dated 19 June 2026, an award of costs of the application for permission to appeal was again made against MWP.
- (12) MWP then applied to “*vacate, rescind, set aside and/or vary*” the judgments of Justice Tom Montagu-Smith KC dated 17 March 2026 and 14 April 2026 and the associated costs orders. The application was dismissed for reasons given in a judgment and order dated 17 July 2026. The judge concluded his judgment by these observations:

“32. I further consider that the application is totally without merit. No rational basis for the application is articulated or exists. This is the latest in a long series of applications for which there is no realistic basis. For the reasons set out in [the previous judgments] I consider that the arguments raised there were similarly totally without merit.

33. In my view, the time is approaching where it may be necessary to make orders to restrain or restrict the Applicants’ rights to make claims and applications in this Court, in order to protect other litigants and the resources of the Courts.

34. In the circumstances, I will certify this application and the applications for permission to appeal as being totally without merit. If the Applicants persist with other meritless applications and claims, then they run the risk of the Court imposing a civil restraint order of one form or another.”

The Court’s order dated 17 July 2026 certified accordingly that the following applications were totally without merit: (a) the application dismissed by that order; (b) the application for permission to appeal against my judgments and order dated 6 May 2025 and 13 June 2025; and (c) the application for permission to appeal against my judgment and order dated 23 September 2025.

- (13) Following the refusal of those applications for permission to appeal I issued directions for the future conduct of (a) the application by KPL for a costs order against Mr Wilson personally, and (b) the applications by KPLLP and KPL for an ECRO or a limited CRO against MWP. The history of the latter is set out later in the present Judgment. The history of the former is set out in my judgment dated 24 September 2026 by which I allowed KPL’s application for a costs order against Mr Wilson personally. As explained at §2 of that judgment, *“Mr Wilson ... 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 ...”*.
- (14) Among those procedural matters was an application by MWP dated 6 September 2026 (over three weeks after the time allowed by my directions for the filing of submissions and evidence by Mr Wilson) seeking wide-ranging relief, including my recusal, a declaration that the AIFC Court had no jurisdiction over Mr Wilson personally, the setting aside of my various directions and decisions in the case and in the separate case in which an ECRO or limited CRO was sought against MWP, the adjournment of the hearings fixed in those cases, and the joinder of other parties to the proceedings. By an order dated 11 September 2026 I stayed the application pending the final determination of the two cases, giving as my reasons that any issues that could properly be raised in relation to them 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 might follow, and that it was not appropriate to raise them by way of a wide-ranging collateral challenge of the kind raised in MWP’s application; and that all other issues raised by the application could appropriately be left for consideration after the final determination of the two cases. After further exchanges about the attempted late filing of evidence, MWP filed a further application and witness statement (dated 13 September 2026 but sent to the Court on 14 September), again seeking wide-ranging relief including the setting aside or previous directions and orders, my recusal, a stay of proceedings and the adjournment of hearings. By email on 15 September 2026 I

adjourned the application for consideration at a later date, stating that for the immediate future the position remained as per the order dated 11 September 2026 staying MWP's application dated 6 September 2026 which was based on similar grounds; and that, in particular, the hearing fixed for 16 September 2026 would proceed as directed. The hearing did proceed by video-link on that date and Mr Wilson did appear at it. I refer at §§31-34 of my judgment dated 24 September 2026 to the many irrelevant and/or inadmissible points raised in his oral submissions.

- (15) On 28 August 2026 MWP and Mr Wilson filed a Claim Form (registered as Case No. 51 of 2026) seeking to *"stay, vacate, rescind, set aside and/or vary all of the judgments/orders issued in all of"* the previous proceedings (Case No. 2 of 2023, Case No. 40 of 2023, Case No. 18 of 2024, Case No. 21 of 2025, Case No. 4 of 2025, Case No. 35 of 2025 and Case No. 48 of 2025), *"including, inter alia and without limitation, for the reasons summarised in MWP's emails of 18.08.26 to 28.08.26 as well as the documents being filed"*. The documents filed included four witness statements of Mr Wilson, extending to over 1,500 pages. After giving the claimants a fair opportunity to make representations in writing as to why a strike-out order should not be made (an opportunity that they used by filing a 25-page "Outline Particulars of Claim" and a further lengthy witness statement of Mr Wilson), I struck out the Claim Form pursuant to Rule 3.10(1) and (2), as disclosing no reasonable grounds for bringing the claim and as an abuse of the Court's process, for reasons set out in my judgment dated 5 October 2026. I also certified that the claim was totally without merit.
- (16) On the same date, 5 October 2026, I ordered a stay of MWP's claim in Case No. 36 of 2025, which had not previously been dealt with by the Court. The stay was expressed to be pending any application for permission to appeal against the strike-out decision in Case No. 51 of 2026 and, if such an application was made, pending the final determination of the application and, if permission to appeal was granted, the final determination of the appeal. The reasons given for the stay were in summary that the decision in Case No. 51 of 2026, if upheld, was likely to be decisive against the claim in Case No. 36 of 2025 as well.
16. That is a summary history of cases involving MWP to date, save for the procedural history of the present applications by KPLLP and KPL, to which I now turn.

The applications by KPLLP and KPL for an ECRO or a limited CRO

17. KPLLP's application was filed on 28 June 2025 by email to the Court, copied to MWP. KPL's application was filed on 1 July 2025 by email to the Court, again copied to MWP. I should deal at once with an argument advanced by MWP that neither application was properly filed or served, on the ground that it was not approved, registered, stamped, sealed and formally issued by the Registry, and only when that process is completed does the question of service arise. Substantially the same argument was raised in relation to applications by KPLLP and KPL for costs orders against Mr Michael Wilson personally which were the subject of my judgments dated 6 May 2025 and 24 September 2026 (see paragraph 15(6) and (13) above). In both judgments I rejected the argument: see §§22-30 of the judgment dated 6 May 2025 and §§42-47 of the judgment dated 24 September 2026. I adopt those reasons here without repeating them. Suffice it to say that I am satisfied that the applications by KPLLP and KPL for an ECRO or a CRO were duly filed for the purposes of Part 6 of the AIFC Court Rules and were duly served on MWP for the purposes of Part 5. MWP's repetition of the contrary argument is without merit.

18. The applications were put on hold by the Registry pending the outcome of other MWP cases, including in particular applications for permission to appeal against previous decisions. Then, on 24 July 2026, having taken the view that the applications should now proceed to a hearing, I issued a directions order as follows:
1. *The Second Defendant and the Third Defendant have permission to amend their respective Applications to take into account developments since they were originally filed, such amended Applications to be filed and served by 17.00 Astana time on Friday 7 August 2026.*
 2. *The Claimant is to file and serve any evidence, legal materials and submissions in response to the Applications by 17.00 Astana time on Friday 28 August 2026.*
 3. *The Second Defendant and the Third Defendant are to file and serve any reply by 17.00 Astana time on Friday 11 September 2026.*
 4. *Subject to any further directions by the Court's Registry, e-bundles for the hearing are to be prepared by either the Second Defendant or the Third Defendant (who are expected to liaise over this) in accordance with the Court's Practice Direction No.5 and are to be filed and served by 17.00 Astana time on Friday 18 September 2026.*
 5. *The Applications are 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 week beginning 28 September 2026 or the week beginning 5 October 2026 to be fixed by the Court's Registry and notified to the parties.*
 6. *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.*
19. Following enquiry by the Registry as to the parties' availability for a hearing within the period set by paragraph 5 of that directions order, the parties were notified that the hearing had been fixed for Wednesday 7 October 2026.
20. KPLLP and KPL each filed an amended application by the date specified in paragraph 1 of the directions order. At the hearing MWP raised the same argument as in relation to the original application, that the amended applications were not duly filed and served. I reject the argument for the same reasons as before. MWP also raised a further objection, that the amended applications included matters for which no permission had been sought or granted. I am satisfied, however, that the amendments fell within the scope of the permission granted by paragraph 1 of the directions order ("*to take into account developments since they were originally filed*") and that no separate grant of permission was required. In any event MWP was on notice of the points raised and had ample time to deal with them.
21. MWP did not file any substantive response to the amended applications by the date specified in paragraph 2 of the directions order.
22. In the circumstances KPLLP and KPL made only brief replies pursuant to paragraph 3 of the directions order, referring in each case to MWP's position as it appeared from email correspondence. In particular, they rejected the arguments that the amended applications had not been properly filed

and served and that no permission had been granted for them. KPL also submitted a revised draft order, contending that it merely clarified the relief sought but applying for permission to rely on it should permission be necessary. I do not consider that such permission is needed but I grant it if necessary.

23. In the meantime MWP filed its application dated 6 September 2026, referred to in paragraph 13(14) above, which I stayed by my order dated 11 September 2026; and this was followed by MWP's application dated 13 September 2026, referred to in the same subparagraph, which I adjourned for consideration at a later date, whilst making clear that the immediate position remained as previously directed.
24. On 18 September 2026 KPLLP and KPL filed e-bundles for the hearing in compliance with paragraph 4 of the directions order. They consisted of a core bundle, an authorities bundle and seven supplementary bundles of correspondence extending in total to some 2,000 pages. MWP did not contribute to the preparation of the bundles although invited to do so.
25. On 27 September 2026 MWP filed a further application seeking wide-ranging relief, together with a witness statement of Mr Wilson (his "Fifth Witness Statement", dated 26 September 2026), expressed to be in support of that application, in opposition to the applications by KPLLP and KPL for an ECRO or a CRO, and for various other purposes. By an order dated 29 September 2026 I dealt with MWP's application as follows. I refused it in so far as it sought (1) my recusal; (2) to "*stay, vacate, rescind, set aside and/or vary*" the Court's judgments, orders and/or directions dated 24 July 2026, 11 September 2026, 15 September 2026 and 24 September 2026; (3) a stay of "*proceedings in which applications have been made for wasted and personal costs orders and restraining orders*"; (4) "*all necessary extensions of time and/or relief from sanctions, including retrospectively*"; and (5) the adjournment of the hearing fixed for 7 October 2026. As to (5), I spelled out that the hearing was to proceed on that date and on the basis of the material filed in compliance with the Court's relevant Directions Order dated 24 July 2026 and any other material for which the permission of the Court had been properly sought and duly granted. I ordered that the application be otherwise stayed pending the final determination of KPL's application for a costs order against Mr Wilson personally (in relation to which time was still running for the making of an application for permission to appeal) and of the applications by KPLLP and KPL for an ECRO or a limited CRO. The order was accompanied by a statement of reasons which I do not repeat here.
26. On 1 October 2026 skeleton arguments were filed by KPLLP and KPL in compliance with paragraph 6 of the directions order dated 24 July 2026. A chronology of relevant events, agreed between KPLLP and KPL, was also filed. Although not strictly covered by the directions order, it was a non-controversial document and I did not understand MWP to raise an objection to it.
27. On 6 October 2026, the day before the hearing, MWP filed two e-bundles of its own for the hearing, namely a main bundle of almost 6,500 pages and an authorities bundle of over 1,000 pages. Not only were those bundles filed in breach of my directions as to the preparation and filing of e-bundles, but they also contained a mass of material that had not been filed in compliance with the directions order and for which permission had not been sought or granted.
28. On 7 October 2026, shortly before the commencement of the hearing, MWP followed this up with a 35 page skeleton argument, again in breach of the directions order both as to timing and as to length.

29. The hearing duly took place by video-link on 7 October 2026. KPLLP was represented by Mr Bakhyt Tukulov and Ms Maria Petrenko (who made the main submissions for her client). KPL was represented by Mr Usen Tastanbekov. MWP was represented by Mr Michael Wilson himself.
30. I indicated at the outset of the hearing that I was not going to spend time on the admissibility of MWP's e-bundles and skeleton argument but would reserve my position on all the material and would see what use was sought to be made of it in the course of the oral submissions on behalf of MWP and on what if any basis it was said that MWP should be permitted to rely on it; and I would then deal with the issue in my written judgment. In the event, as explained below, the oral submissions for MWP and the references made in the course of them to MWP's skeleton argument and bundles raised very little of relevance to the issues I have to decide in the present case. In the circumstances I will refrain from making a formal ruling as to inadmissibility. Out of fairness to MWP, given the potential significance of the case for it and despite its repeated disregard of the Court's directions, it is preferable that I deal briefly with the points raised rather than simply excluding the material altogether.
31. A threshold issue was raised by Mr Wilson in the form of yet another application for my recusal. I had recently refused a similar application, for reasons given at §§32-33 of my judgment dated 24 September 2026 on the application by KPL for a costs order against Mr Wilson personally (paragraph 15(13)-(14) above). In addition to the allegations previously made as to bias and unsuitability for judicial office, Mr Wilson relied in the present case on my decisions to strike out the claim in Case No. 51 of 2026 and to stay the claim in Case No. 36 of 2025 (see paragraph 15(15) and (16) above), as evidence of predetermination and acting to help and favour the Defendants. In each case, however, I sought to make the right decision "without fear or favour, affection or ill will", in accordance with my judicial affirmation. It will be for others to decide whether the decisions were correct, if applications are made for permission to appeal against them. Mr Wilson does not seem to understand that an adverse judicial decision is not evidence of bias or predetermination.
32. I declined to treat any other issues as preliminary issues, ruling instead that I would hear submissions on all issues in the round and would rule on them in due course as appropriate in this judgment.
33. I have dealt already with issues raised as to the validity of KPLLP's and KPL's original and amended applications.
34. Counsel for KPLLP and KPL addressed the power of the AIFC Court to grant a restraining order, the relevant principles and their application in the present case. Those central issues are all dealt with in other sections of this judgment. Mr Wilson put the focus of his submissions elsewhere. Although I was invited by counsel for KPL to treat as a further example of abuse of process Mr Wilson's repeated and unnecessary interruptions of counsel's submissions, I will leave that on one side and deal only with the substance, or lack of substance, of Mr Wilson's own submissions.
35. Mr Wilson referred to the English and Dutch judgments in MWP's favour and raised irrelevant points about judgment-proofing and dissipation of assets by the Kazphosphate Group in order to avoid payment of the debts due under those judgments. He argued that the present applications were no more than further judgment-proofing, seeking to stop recovery of judgment debts by MWP. That is irrelevant, however, to the question whether MWP's pursuit of litigation in this Court has been such as to warrant the making of an ECRO or a limited CRO against it.

36. Mr Wilson argued that, on the facts as now established by MWP but wrongfully withheld from Lord Mance at the time of the original proceedings in Case No. 2 of 2023, the AIFC Court had jurisdiction to recognise and enforce those judgments. That, however, was the subject-matter of Case No. 51 of 2026 in which MWP's Claim Form was struck out and the claim was dismissed by my Judgment dated 5 October 2026 (see paragraph 15(15) above). And essentially the same jurisdictional issue was raised by MWP's claim in Case No. 36 of 2025 which I stayed by Order dated 5 October 2026 on the basis that the decision in Case No. 51 of 2026, if upheld, was likely to be decisive against that claim as well (see paragraph 15(16) above). If those decisions had not already been made, the reasons given for them would have led to precisely the same rejection of Mr Wilson's argument in the present case.
37. Mr Wilson referred to the first instance judgments dated 27 May 2026 and 7 July 2026 in Case No. 66 of 2025, *Posco Co. Ltd.*, and Case No. 2 of 2026, *National Joint Stock Company "Naftogaz of Ukraine" JSC*, and to the current appeal against those decisions. Those cases relate, however, to the recognition and enforcement of foreign arbitration awards, not of foreign court judgments, and in any event the decisions in them do not undermine in any way Lord Mance's decision as to the absence of jurisdiction to recognise and enforce foreign court judgments.
38. Mr Wilson argued that the AIFC Court does not understand Kazakh law and should sit with a judge qualified in Kazakh law. The argument is misconceived and irrelevant in any event to the issues in the present case.
39. He also argued that the Court should not receive submissions about English law from lawyers who do not have English law qualifications and without expert evidence; and this led on to complaints about ghost-writing and the pretence that submissions drafted by others were the lawyers' own work. Such arguments are likewise misconceived. In particular, it was plainly open to the Defendants' lawyers in this case to make submissions as to the relevant practice of the courts of England and Wales irrespective of whether they had qualifications in English law; and the Court was able to assess such submissions for itself. Nor is it relevant whether the lawyers drew on the assistance of others in preparing their submissions.
40. Mr Wilson complained about the timetable set by the directions order dated 24 July 2026, arguing that it was impracticable to meet the deadline and that applications for an extension of time were wrongly refused. I consider, however, that the period allowed was amply sufficient for the preparation of a properly focused response, especially given that MWP had had notice of the applications for over a year and the amendments were only an updating exercise; nor was there any timely or reasoned application for an extension of time. One particular aspect of the complaint concerns the Defendants' reference to litigation concerning a Mr Emmott. This, said Mr Wilson, led to the need for MWP to bring in a mass of material relating to that litigation, to show that the final outcome of the proceedings was entirely favourable to MWP, and it was preposterous to require a response by the date set by the directions order. But it was plain that the Defendants' reference to the Emmott litigation was only for the limited purpose of showing judicial criticism of MWP's *conduct* of the litigation, not for making any point about the substance of the litigation. Moreover, reference to the Emmott litigation was included in the original applications, so that MWP was already on notice of it.
41. I have mentioned what appear to me to have been the main points raised in Mr Wilson's oral submissions. I have also considered the contents of MWP's so-called skeleton argument and the evidence to which it refers. I do not think that there is any other point in them worth mentioning.

Whether an ECRO or limited CRO should be made and, if so, in what terms

42. I will consider the case for an ECRO first, since that was the principal target of KPLLP's and KPL's submissions. For the relevant principles, as explained above, I draw on the practice of the courts of England and Wales. But as regards the application of those principles I concentrate on MWP's conduct in the AIFC Court. Although KPLLP and KPL drew attention to orders made against MWP and Mr Wilson in England and Wales and in other jurisdictions, the issue in this case is whether an order should be made so as to protect the processes of *the AIFC Court* from abuse, and what has happened in other jurisdictions is of limited if any relevance to that issue.
43. The first question is whether MWP has persistently made claims or applications which are totally without merit, that is to say which were bound to fail. A finding of persistence in this context requires a minimum of three claims or applications totally without merit but account should also be taken of the position over time and of overall conduct.
44. In this case the minimum requirement is more than satisfied:
- (1) The order of Justice Tom Montagu-Smith KC dated 17 July 2026 (paragraph 15(12) above) certified *three* applications as being totally without merit, namely (a) the application dismissed by that order; (b) the application for permission to appeal against my judgments and order dated 6 May 2025 and 13 June 2025; and (c) the application for permission to appeal against my judgment and order dated 23 September 2025.
 - (2) My order dated 5 October 2026 striking out the claim in Case No. 51 of 2026 (paragraph 15(15) above) certified that the claim was totally without merit.
 - (3) The Court may also consider whether other claims or applications were totally without merit although not so certified at the time. I am satisfied that there were at least *three* such applications, as referred to above: (i) MWP's application for an oral renewal of the application for permission to appeal against Lord Mance's judgment dated 26 September 2023 and related costs decision (paragraph 15(3) above); (ii) MWP's application for permission to appeal against my order of 15 January concerning execution orders (paragraph 15(5) above); and MWP's application to set aside etc. my judgment of 6 May 2025 on KPLLP's application for a costs order against Mr Wilson personally (paragraph 15(7) above).
45. As to the position over time and overall conduct, the claims and applications found to have been totally without merit are not isolated instances but permeate the history of MWP proceedings summarised above. Moreover, from the very start, as the history shows, MWP has caused the Court and the parties to have to deal with numerous unmeritorious, untenable and/or irrelevant points. MWP has also burdened the Court and the parties with a mass of repetitive and irrelevant material, often submitted outside the timetable set by the Court's directions, together with a host of repetitive and unnecessary emails. That can be illustrated by the procedural history set out at §§5-19 of my Judgment dated 6 May 2025 on the application by KPLLP for a costs Order against Mr Wilson personally (paragraph 15(6) above); the procedural history set out at §§2-30 of my Judgment dated 24 September 2026 on the corresponding application by KPL (paragraph 15(13) above); and the procedural history of the present applications for an ECRO or a limited CRO (paragraphs 17-40 above). The applications for costs orders against Mr Wilson personally are relevant because the

material on behalf of Mr Wilson was submitted by MWP and I also made a finding, upheld on MWP's application for permission to appeal, that Mr Wilson had effective control of MWP's litigation in the AIFC Court.

46. That conduct has caused the AIFC Court to devote disproportionate judicial and administrative resources to the proceedings involving MWP and has caused the Defendants to incur substantial irrecoverable costs, especially as MWP's incorporation in the BVI and negligible assets in Kazakhstan have shielded it from effective enforcement of costs orders against it.
47. I take into account that MWP had limited success in its application to vary the execution orders (paragraph 15(4) above) and that its late challenge to the Court's role in relation to the initiation of the enforcement process established a procedural error but relief was refused as a matter of discretion (paragraph 15(8) above). These instances do not cancel out or counterbalance the abuses of process to which I have referred. Moreover, an ECRO or a limited CRO will not preclude a claim or application that has merit but will simply subject future claims or applications to review by a judge of the AIFC Court to determine whether they should be permitted to proceed.
48. I therefore have no hesitation in finding that the threshold condition of persistence in filing claims or making applications totally without merit is met.
49. That leads to the second question, as to the risk that, unless restrained, MWP will file further claims or make further applications which are an abuse of the Court's process. That risk is amply demonstrated by MWP's behaviour to date. It is clear that MWP is unwilling to accept the original decision by Lord Mance that the Court does not have jurisdiction to recognise and enforce the foreign court judgments upon which MWP relies, nor the related decision as to costs; and that unless restrained, MWP will continue to burden the Court and the parties with unmeritorious attempts to challenge, re-open or circumvent Lord Mance's decisions and the various decisions as to permission to appeal, enforcement and costs that followed on from them. It has not been deterred by the warnings given by the Chief Justice, Lord Burnett, in his Judgment dated 28 May 2025 (paragraph 15(5) above) and by Justice Tom Montagu-Smith KC in his Judgment dated 17 July 2026 (paragraph 15(12) above).
50. Furthermore, MWP has already extended the ambit of its litigation efforts by the introduction of a further party, CAF Holding Ltd, in the claim in Case No. 36 of 2025 attempting to establish jurisdiction for the recognition and enforcement of foreign court judgments by the AIFC Court. And it has already sought to go further. The relief claimed by its application dated 6 September 2026, which I stayed (paragraph 15(14) above), includes: *"to join all of Kazchemicals, CAFH, KPF, KFF, Kazakhmys Holdings Limited of the AIFC and Messrs A.M. Essimov, A. Essim, G. Yessenov, Nurkhan and Nurzhan Nurlanov, E. Ogai, Y.Pak, S. Khairzhanova, V.S. Kim and D. Strezhnev as parties to these proceedings ..."*. MWP has also threatened proceedings against the legal firms and individual lawyers representing the Defendants.
51. I am satisfied that the risk is such as to justify the making of an ECRO.
52. That leads to the final question, as to the appropriate terms of an ECRO. KPLLP and KPL have each provided a draft of the order sought. The drafts are in similar terms but the order sought by KPL is fuller and in its revised form (paragraph 22 above) includes a provision by way of clarification of the scope of the order. I prefer KPL's draft and have substantially adopted it in the order I make below.

It not only spells out the extent of the restraint imposed on MWP by the ECRO but also specifies the procedure to be followed for obtaining permission to make any further claim or application or to take any further step within the scope of the order. It should be noted that the order is not made against Mr Wilson personally (he was added as a party to relevant proceedings “*for the purposes of costs only*”) but that the restraint imposed by the order applies *inter alia* to MWP acting through Mr Wilson as an associated person, representative or agent.

53. An Order in those terms is no wider than is necessary and proportionate to the aim of protecting the AIFC Court’s process from abuse.
54. My conclusion as to the appropriateness of an ECRO in those terms makes it unnecessary to consider the alternative of a limited CRO, save to note that it would be insufficient to protect against MWP’s abuse of the Court’s process.

Conclusion

55. For the reasons I have given I allow the applications by KPLLP and KPL and make an ECRO in the terms set out in the order below.
56. KPLLP and KPL also seek orders as to the costs of their applications. They are directed to provide details of the costs claimed within 10 days of the date of this Judgment, and MWP is directed to make any response within 10 days thereafter. The Court will then decide the issue of costs on the papers.

ORDER

UPON the applications by the Second Defendant (Kazphosphate LLP) and the Third Defendant (Kazphosphate Limited) seeking an Extended Civil Restraint Order or alternatively a Limited Civil Restraint Order against the Claimant (Michael Wilson & Partners, Limited)

IT IS ORDERED THAT:

1. The applications by the Second Defendant and the Third Defendant for an Extended Civil Restraint Order are allowed.
2. Michael Wilson & Partners, Limited, whether acting directly or through any associated persons or representatives or agents, including Mr Michael Earl Wilson, is restrained from making any further claims or applications in the AIFC Court concerning or relating to the matters forming the subject of the following cases:
 - Case No. AIFC-C/CFI/2023/0002
 - Case No. AIFC-C/CA/2023/0040
 - Case No. AIFC-C/CFI/2024/0018
 - Case No. AIFC-C/CA/2025/0004
 - Case No. AIFC-C/CFI/2025/0021

or otherwise arising out of or connected with those proceedings or related to the parties to those proceedings, without first obtaining the permission of a Judge of the AIFC Court.

3. For the avoidance of doubt, the restraint imposed by paragraph 2 applies irrespective of the identity of the proposed defendant or respondent and includes, without limitation, any claim or application against Kazphosphate LLP or Kazphosphate Limited, any of their current or former legal or other representatives or any other person where that claim concerns or relates to the matters forming the subject of the said proceedings or otherwise arises out of or is connected with any of those proceedings.
4. Any application for the permission required by paragraph 2 must:
 - (i) be made in writing;
 - (ii) identify this Order;
 - (iii) enclose a draft of the claim or application for which permission is sought;
 - (iv) set out concise reasons explaining why the claim or application is not totally without merit.

The decision whether to grant or refuse permission shall be made on paper unless the Judge considering the matter otherwise directs. The Judge may invite submissions from any intended defendant or respondent before reaching a decision.

5. The Registry of the AIFC Court shall not accept for issuing or filing any claim or application falling within the scope of the restraint imposed by this Order unless the permission required by paragraph 2 has been obtained first.
6. The restraint imposed by paragraph 2 does not apply to the making of an application for permission to appeal the Order itself or an appeal against the Order if permission to appeal is granted.
7. This Order shall remain in force for a period of two (2) years from the date of the Order unless varied or discharged by the Court.

By the Court,

The Rt Hon. Sir Stephen Richards
Justice, AIFC Court

Representation:

The Claimant was represented by Mr Michael Wilson, Partner, Michael Wilson & Partners, Limited.

The Second Defendant was represented by Mr Bakhyt Tukulov, Partner, and Ms Maria Petrenko, Senior Associate, both of TKS Disputes LLP, Almaty, Kazakhstan.

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