

Committal or Other Order upon Proof of Disobedience of a Court Order or Breach of an Undertaking

In the	
BRENTFORD	
County Court	
Claim No.	Always quote this
	F00BF727

Between THE LONDON BOROUGH OF EALING Applicant

And BERNARD BASTIEN Respondent

Before Deputy District Judge Tear
Sitting at Alexandra Road, High Street, Brentford

on 30 January 2020

An application having been made by⁽¹⁾ London Borough of Ealing for committal of⁽²⁾ Bernard Bastien to prison for disobeying the order dated 6 June 2019 as amended 18 June 2019. The relevant terms of the order and the allegations made by the applicant are recited on the attached notice to show good reason.

UPON A Public hearing, and hearing Mr Baumohl of counsel for the Claimant, and the Defendant not appearing on the 8 November 2019 and the Court being satisfied of the conditions with CPR Part 81.10 and PD 81.15 are met, that the SEVEN Counts alleged by the Claimant against the Defendant were proved beyond all reasonable doubt;

UPON a Public hearing, and hearing Mr Baumohl of counsel for the Claimant, in relation to appropriate sentence and the Defendant not appearing

It is ordered that:

1. The Defendant is fined £120, for breach of the seventh allegation and taking into account the other six proven allegations, to be paid into Court within 21 days.
2. A transcript of the judgment be provided to the Defendant at public expense on an expedited basis.
3. The details contained within the Lord Chief Justice Practice Direction on committal be supplied to the email address judicialwebupdates@judiciary.gsi.gov.uk by the Court, alongside this order. The details are namely, that |mr Bernard Bastien, did sent email to protected parties by email contrary to the Order of the 6 June 2019, as amended by the Order of the 18 June 2019, between the 12 June 2019, and the 21 August 2019 in breach of the Order paragraphs 1(a) and 1(c). Further that Mr Bernard Bastien failed to return property identified to the Claimant by 23 June 2019 at 06.44. Following the finding of these contempts the defendant was fined £120; and
4. The Claimant is permitted to serve this Order, on the Defendant by sending it to him at the following email address b.bastien1@btinternet.com with deemed service being 3 days after the email is sent.

Following terms:

PROVISION FOR COSTS

And it is ordered that

record of service, hearing and contempts found proved, see overleaf

Date

For

RECORD OF SERVICE, HEARING AND CONTEMPTS FOUND PROVED

At the hearing

- (1) THE LONDON BOROUGH OF EALING was represented by Mr Baumohl
- (2) BERNARD BASTIEN did not attend

The court read the affidavits of Nour Yamout

Date affidavit(s) sworn: 13 June 2019 and 14 October 2019

And the court is satisfied having considered the facts that Bernard Bastien, the Respondent has been guilty of contempt of this court by disobeying the order dated 6 June 2019 as amended by the Order of the 18 June 2019

- COUNT 1: On 12 June 2019, the Defendant at 01.28 did email a protected party contrary to Paragraph 1(a) of the Order;
- COUNT 2: On 14 June 2019, the Defendant at 02.08 did email a protected party contrary to Paragraph 1(a) of the Order;
- COUNT 3: On 17 June 2019, the Defendant at 08.46 did email a protected party contrary to Paragraph 1(a) of the Order;
- COUNT 4 and 5: On 19 June 2019, the Defendant at 16.52 did email a protected party contrary to Paragraph 1(a) and Paragraph 1(c) of the Order.
- COUNT 6: The Defendant failed to comply with Paragraph 2 of the Order of the 6 June 2019 as amended as at 23 June 2019 at 06.44;
- COUNT 7: On 21 August 2019, the Defendant at 05.48 did email a protected party contrary to Paragraph 1(a) of the Order

And the Court did Fine the Defendant £120 for breach of the Orders.

RECORD OF SERVICE

Service of Injunction Order with Penal Notice incorporated or indorsed.

(Order dated
(for substituted) (dispensing with) service)
Service on

- Certificate of service
- Dated
- Certificate of bailiff
- Oral evidence of

Service of Notice to show good reason in form N78

(Order dated
(for substituted)(dispensing with) service)
Service took place in face of Court on

- certificate of service
- dated
- certificate of bailiff
- oral evidence of

Arrest under warrant of arrest

Respondent arrested on
by
in accordance with a
Warrant of arrest issued
On

Service of Immediate Custodial Order

I (*name of officer*) certify that I served the contemnor with a copy of this order by:

Delivery by hand to the contemnor before he was taken from the court building or other place of arrest to the place of detention

delivery by hand to the contemnor at (*time*) on (*date*) at (*place*)

**Where a suspended committal order is made, the applicant is responsible for service. (Rules of the Supreme Court Order 52 rule 7(2).)
Where there is a suspended committal order or penalty is adjourned on terms, personal service is advisable.**