

**IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION**

**Claim No: QB-2020-003836**

**Before Master Gidden**

23 March 2021

**BETWEEN**

1. AGN

- and -

1. Secretary Of State For The Home Department



QB-2020-003836

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**ORDER**

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**UPON** the declaration as to breaches of Article 14 read with Articles 4, 8 and Article 1 Protocol 1 having been made on 16 September 2020

**AND UPON** this matter being transferred to the Queen's Bench Division on 2 November 2020

**AND UPON READING** the court file and case summary filed by the Parties

**AND FURTHER UPON** the parties having reached agreement as to directions

**IT IS ORDERED** that:

**ALTERNATIVE DISPUTE RESOLUTION**

1. At all stages the parties must consider settling this litigation by means of Alternative Dispute Resolution (including Mediation); any party not engaging in any such means proposed by another must serve a witness statement giving reasons within 21 days of that proposal; such witness statements must not be shown to the trial judge until questions of costs arise.

**STATEMENTS OF CASE**

2. The claim having been transferred pre-permission from the Administrative Court, statements of case in these proceedings will be dealt with as follows:

- a) By 4 pm on 17 May 2021, the Claimant shall file and serve Particulars of Claim in respect of the claim related just satisfaction of the declared breaches set out in the order of Mr Justice Henshaw of 16 September 2020.
- b) By 4 pm on 17 May 2021, the Claimant shall file and serve a Schedule of Loss.
- c) By 4 pm on 14 June 2021, the Defendant shall, if so advised, file and serve its Defence.
- d) By 4 pm on 28 June 2021, the Claimant shall, if so advised, file and serve her Reply.

### **DISCLOSURE**

3. Each party shall give to every other party standard disclosure of documents by list by 4 pm on 20 April 2021. All requests must be made to inspect the original, or to provide a copy of, document(s) by 4 pm on 4 May 2021. Any such request, unless objected to, must be complied with within 14 days of the request.

### **WITNESS EVIDENCE OF FACT**

4. By 4 pm on 2 August 2021, the parties must serve upon each other copies of statements of themselves of all witnesses on whom they intend to rely and all notices relating to evidence including Civil Evidence Act notices. No evidence is to be given unless the witness giving such evidence is tendered for questioning, save where excused therefrom by Order of this Court or written agreement of the parties. The parties agree that the Claimant is excused from questioning.
5. Oral evidence will not be permitted at the hearing from a witness whose statement has not been served in accordance with this order or has been served late, except with permission from the Court.

### **EXPERTS**

6. The Claimant shall have permission to rely on the reports of Psychiatrist, Dr Galappathie and Expert Witness, Dr McQuade.
7. Permission to the Claimant to serve an updated report in the field of psychiatry by 17 May 2021.
8. Permission to the Defendant to serve on the Claimant a report from a consultant psychiatrist by 14 June 2021.

9. Unless the psychiatric experts are in agreement there must be a without prejudice discussion between the experts by 11 July 2021 in which the experts will identify the issues between them and reach agreement if possible. The experts will prepare for the Court and sign a statement of the issues on which they agree and on which they disagree and a summary of their reasons in accordance with CPR 35.12. The signed and dated joint statement must be sent to both parties' solicitors to be received by 8 August 2021.
10. The parties have permission to call oral evidence from the psychiatric experts at trial as to matters remaining in issue.

### **TRIAL DIRECTIONS**

11. The trial will be listed as follows:
  - a) The trial shall be set down in a trial window commencing on 1 October 2021 to 3 December 2021.
  - b) The estimated length of trial is 3 days, to be listed as 2 consecutive days, with a 3<sup>rd</sup> day for judgment to be listed separately, 'Category B' trial, to be heard in London, with a judge alone.
  - c) A copy of this sealed order will be sent to the Queen's Bench Judges Listing Office, who will notify all parties of a listing appointment for a trial date or period within the trial window, which will usually be six weeks from the date the order is sealed. If parties have any queries in relation to the listing appointment, they should contact Queen's Bench Judges Listing on [qbjudgeslistingoffice@hmcts.gsi.gov.uk](mailto:qbjudgeslistingoffice@hmcts.gsi.gov.uk)
  - d) Not more than 10 nor less than 7 clear days before trial the Claimant must file at court and serve on the Defendant an indexed paginated bundle of documents which complies with the terms of CPR 39.5 and PD 32, paragraph 27. The parties must endeavour to agree the contents of the bundle before it is finalised. The bundle shall include a case summary, chronology and the trial timetable.
  - e) The parties must file at court and serve on each other their skeleton arguments and an agreed authorities bundle at least 3 clear days before trial. A Pre-Trial

Checklist must be filed with the Court at least 4 weeks before the start of the trial with a time estimate of 1 hour.

### **SETTLEMENT**

12. Each party shall inform the Court immediately if the case is settled, whether or not it is then possible to file a draft Consent Order to give effect to their agreement.

### **ANONYMITY**

13. There shall be substituted, for all purposes in this case, in place of references to the Claimant by name, the letters "AGN".
14. There is to be leave to restore for further directions.

### **COSTS**

15. Costs in the case.

**DATED** this 23<sup>rd</sup> day of March 2021

### **SERVICE OF THE ORDER**

The Court has sent sealed copies of this order to:

Deighton Pierce Glynn, Unit 10C Whitefriars, Lewins Mead, Bristol, BS1 2NT  
DX 7859 BRISTOL

Government Legal Department, 102 Petty France, Westminster, London, SW1H 9GL,  
DX 123243, Westminster 12