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IN THE COMPETITION
APPEAL
TRIBUNAL

Case No.: 1404/7/7/21

Salisbury Square House
8 Salisbury Square
London EC4Y 8AP

Friday 12th April 2024

Before:

The Honourable Sir Marcus Smith
Eamonn Doran
Anthony Neuberger

(Sitting as a Tribunal in England and Wales)

BETWEEN:

Applicant

Maitland Walker LLP

v

Respondent

Maria Pruzhanskaya

A P P E A R A N C E S

Kirsty Malloch (Instructed by Maitland Walker) On behalf of Maitland Walker LLP

Maria Pruzhanskaya On behalf of Maria Pruzhanskaya

Transcript of Epiq Europe Limited
Lower Ground, 46 Chancery Lane, London, WC2A 1JE
+44 (0) 207 404 1400
Email: casemanagers@epiqglobal.com
(Official Shorthand Writers to the Court)

Friday, 12 April 2024

(2.00 pm)

THE PRESIDENT: Good afternoon.

I think before I invite the parties to address the Tribunal, I'll make a few introductory remarks.

First of all, these proceedings are being livestreamed.

Ms Pruzhanskaya, have I got your name right? Have I pronounced that correctly?

MS PRUZHANSKAYA: Yes. Thank you very much.

THE PRESIDENT: I'm grateful. Tell me if I get it wrong.

MS PRUZHANSKAYA: You can call me Maria if it is easier.

THE PRESIDENT: No, no, I will try and be formal, but thank you for that, that's very helpful.

So these proceedings are being livestreamed, which means they're being viewed over the -- or can be viewed over the internet. We don't have very high viewing figures, but that means that although these proceedings are being transcribed, no one else should either record or broadcast or photograph the proceedings, and a failure to abide by that rule would be a breach of the rules and shouldn't happen. I'm not addressing the people in the room, I'm addressing the people who are watching elsewhere.

But just so that you know, Ms Pruzhanskaya, that's a normal process here, we do that for all hearings, apart from those that need to be heard in private because of confidential information.

Secondly, I know that you're legally qualified, so don't worry about -- I'm sure you're very happy with the process, but if there's anything that makes you unhappy about the process, or you don't understand what's going on, then do please say and I will

address your concerns, because -- oh, yes.

MS PRUZHANSKAYA: I am not legally qualified, I have done the LPC course and I was on my way to be legally qualified, but after what happened I'm not sure if I will qualify at all.

THE PRESIDENT: I understand. My misspeaking. I'm really just saying that you've got a legal qualification and were hoping, as I understand from the papers, to embark upon a legal contract. But my point is really if there's anything that you don't understand or want to ask about, do please say.

Now, nextly, there is really only one matter before the Tribunal, and that is the application that is being made in regard to confidential information, and we may be talking about the laptop a great deal, but in fact the Tribunal is rather less interested in the laptop than in the confidential information that may be on it, and that is our primary interest and concern.

Now, Ms Pruzhanskaya, have you got the papers and have you read into them? I've got --

MS PRUZHANSKAYA: Partially.

THE PRESIDENT: Partially?

MS PRUZHANSKAYA: Yeah. So, what happened -- first, shall I stand up? I'm not sure, you tell me.

THE PRESIDENT: Whichever you're most comfortable with, you can stand or sit.

MS PRUZHANSKAYA: Oh, I can stand, it's not ...

So basically, I'm wondering about the stages of this hearing, because you said "parties" here, I'm not a party to this case. The parties sitting here and I'm wondering who am I to this case, and why was I called to the court? Who am I?

THE PRESIDENT: No, that's a very good point, and let me go through a few -- do sit

down again.

MS PRUZHANSKAYA: Thank you.

THE PRESIDENT: So, confidential information is an intrinsic part of most of the proceedings that go on here, and one of the ways in which the Tribunal protects that information is by the establishment of what are called confidentiality rings which, as part of those rings, oblige non-parties like yourself to sign undertakings which are given to this Tribunal.

If you look at page 9 of the bundle, we see there an undertaking which, so the applicant says, has been given by you. Do you have that?

MS PRUZHANSKAYA: Yeah. I had problems with receiving information. Yeah? Because I'm not sure if you know about circumstances. The hearing was appointed on 28 March, just before Easter. Yeah? And I told the registry, and in particular Trevor Gilbert, that it's not sufficient time to prepare everything.

THE PRESIDENT: No, Ms Pruzhanskaya, I've got well in mind the adjournment applications.

MS PRUZHANSKAYA: Okay.

THE PRESIDENT: I'm just trying to make sure that we know what we're talking about. What's going to happen is I'm going to explain to you where we're coming from, I'm going to advise Ms Malloch to make the application, and then you'll have all the time you need to respond to say why the application shouldn't be made, and I will come to the question about adjournment in a moment.

MS PRUZHANSKAYA: Can I please say once again, and I emailed the Tribunal, I haven't been served all the papers. The envelope which I received was open, and it's why I requested the Tribunal on 7 March, on 2 April, to send me the full set of papers. I don't know why the CAT Registry, with all respect, decided not to

communicate with me directly and not to send directly information to me. It created more costs --

THE PRESIDENT: Well, Ms Pruzhanskaya, let me -- and excuse the interruption.

MS PRUZHANSKAYA: Yes.

THE PRESIDENT: You are entitled to be served with the materials that are necessary for dealing with this application. I have seen a number of your requests for other documentation, but the reason I'm going through this as I am is to ensure that you've got the essential documents that --

MS PRUZHANSKAYA: But the application is the essential documents and it wasn't sent to me.

THE PRESIDENT: -- that enable me to decide the application.

So we'll go through those, and if you've got any procedural issues after we've done that and after I've heard Ms Malloch, then I'll obviously hear you, but we'll observe the order. At the moment I'm just trying to make sure that you are properly located in the very short application that is going on, and I just want to make sure that you've got and read the materials that --

MS PRUZHANSKAYA: No, I haven't received --

THE PRESIDENT: Let me go through the materials I think you need to see. All right?

MS PRUZHANSKAYA: Okay.

THE PRESIDENT: So, do you have a bundle of documents which are paginated bottom right-hand corner?

MS PRUZHANSKAYA: Which was sent yesterday or the day before?

THE PRESIDENT: I've got a little file here which runs to 126 pages. Do you have that?

MS PRUZHANSKAYA: I tried to print out something but not everything has --

THE PRESIDENT: Well, can we check what Ms Pruzhanskaya's got so that we can --

MS PRUZHANSKAYA: I understand that the bundle is --

THE PRESIDENT: I want to make sure that we're talking about the same documents, so that we can all --

MS PRUZHANSKAYA: Okay.

THE PRESIDENT: So what have you got in front of you? So that I know that when I'm referring to a document, you're looking at the same thing.

MS PRUZHANSKAYA: It wasn't served on me yet (inaudible)

THE PRESIDENT: Right. So would you mind opening that at page 9?

MS PRUZHANSKAYA: Huh?

THE PRESIDENT: Would you mind opening that at page 9?

MS PRUZHANSKAYA: Thank you. Yes.

THE PRESIDENT: So do you have a document headed "Schedule and undertaking"?

MS PRUZHANSKAYA: Yes.

THE PRESIDENT: Do you see, if you move over the page to page 10, your signature? What is said to be your signature; do you see that?

MS PRUZHANSKAYA: I see that. Can I comment on it?

THE PRESIDENT: No, not at the moment, but we will hear from you. I'm just trying to make sure we're all talking the same language. Okay?

MS PRUZHANSKAYA: Yes.

THE PRESIDENT: Good.

So that's the reason you're here, because this document, on the face of it, identifying

you as a paralegal and regulated by the SRA making an undertaking to the Tribunal, and the undertakings are then listed in those paragraph numbers, and I'm sure you've read this -- have you read this?

MS PRUZHANSKAYA: Of course.

THE PRESIDENT: Of course.

MS PRUZHANSKAYA: I signed.

THE PRESIDENT: You signed.

Well, if you look at, for instance, paragraph 7 of the undertaking, that contains an undertaking by you that "any and all copies of the documents containing confidential information will be securely disposed of insofar as is technologically possible or rendered inaccessible from any computer systems, disk or device, so that the confidential information is not readily available to any person at the conclusion of these proceedings".

So all we're worried about is the fact that this confidential information appears to be on the laptop and the laptop is not back where it should be, with Maitland Walker; and that is the first important document that I'm glad you've read.

The next document that I hope you've received and got is at page 15. Do you have that in the bundle?

(Pause)

After page 15, you have a statement on page 16 of Mr Maitland-Walker which explains the facts as he says them to be in regards to this application, and have you seen and read that?

MS PRUZHANSKAYA: Not everything, because I haven't been served.

THE PRESIDENT: Well. Does that mean you've never seen this document before?

MS PRUZHANSKAYA: No, I have seen it --

THE PRESIDENT: You have seen it.

MS PRUZHANSKAYA: -- actually I addressed to this in my --

THE PRESIDENT: Yes, that's what I thought. So you have seen it and you have read it?

MS PRUZHANSKAYA: I have something here.

THE PRESIDENT: Have you read it?

MS PRUZHANSKAYA: No. All my time went on discussion if I was served and then --

THE PRESIDENT: Well, Ms Pruzhanskaya, let's leave service to one side. Do I need to give you time to read this now?

MS PRUZHANSKAYA: Yes.

THE PRESIDENT: Okay. We'll rise for five minutes and you can read it now.

(2.11 pm)

(A short break)

(2.26 pm)

THE PRESIDENT: Thank you for taking the time to look at that.

The only other document that I want to mention is the written submissions that you presented for this hearing, which I've read with great care, and they're responsive to the written submissions of Ms Malloch, which I've also read with great care, and having looked at those, you make the point a couple of times that -- well, let's look at paragraph 4 of your submissions. Do you have your skeleton argument? What do you call it? Do you have your written submissions in front of you, Ms Pruzhanskaya?

MS PRUZHANSKAYA: Yes.

THE PRESIDENT: So if we look at paragraph 3 on the second page, you say there that MW, Maitland Walker, provided a laptop to you for work on the case, but forgot

to collect it on 10 November when you finished your engagement, in full knowledge that the laptop contained confidential information, and that you would not take any assignment with MW through Flex Legal or Mishcon de Reya.

So what you're saying, correct me if I'm wrong, is that, really, Maitland Walker could have done a better job of collecting the laptop and they didn't do a very good job and that's why the laptop's still with you. Is that fair?

MS PRUZHANSKAYA: Yes. Do you want me to explain?

THE PRESIDENT: No, no, we'll come to that. Really what I'm going to ask is: do you have the laptop with you today? I mean, we suggested you might bring it.

MS PRUZHANSKAYA: No.

THE PRESIDENT: No.

MS PRUZHANSKAYA: Yeah, when I received in the mail yesterday, I specifically requested who was writing to me because it was written "I suggest", but it's not an order and a direction.

THE PRESIDENT: No, it was not, I can't direct you to hand it up --

MS PRUZHANSKAYA: Was it you? Because it wasn't signed.

THE PRESIDENT: Ms Pruzhanskaya, I act through the very helpful Registry, who send letters out on my behalf, by the Tribunal. It was not an order, it was not a directive; it was a suggestion, because if you're saying "I'm willing to give up the laptop, it's just that Maitland Walker have failed to collect it properly", then one way of resolving all of this is for you to bring it here and we can sort it out now. But you haven't done that, and there we are.

MS PRUZHANSKAYA: Because they refuse to engage --

THE PRESIDENT: No, no, it is on this occasion, Ms Pruzhanskaya, you.

MS PRUZHANSKAYA: Pardon?

THE PRESIDENT: Well, you're giving --

MS PRUZHANSKAYA: I am here for the hearing --

THE PRESIDENT: Okay, that's fine. If you don't want to do it, I can't force you, not without an order, so that's fine.

MS PRUZHANSKAYA: No, I will give it, but I was called to the hearing and we are talking about this --

THE PRESIDENT: No, Ms Pruzhanskaya, you are clearly not willing and that's fine.

MS PRUZHANSKAYA: I am willing.

THE PRESIDENT: Are you?

MS PRUZHANSKAYA: I am.

THE PRESIDENT: Well, then, if that's the case, Ms Malloch, do we want to talk about how the matter can be resolved more quickly?

Ms Pruzhanskaya, how are you going to return the laptop, if you're willing? Well, how?

MS PRUZHANSKAYA: Should I ...?

THE PRESIDENT: Just tell me how we're going to resolve this. If you're willing to resolve matters, then we can -- you see, let me be frank, you've been quite evasive in terms of not answering your intentions regarding the laptop. This is the first occasion you've actually said that you're willing to return it. Now, if that's the case, then explain to us how you're going to do it and we can move on a little bit more quickly. But the ball's in your court there.

MS PRUZHANSKAYA: I am willing, was always willing to return it, but to return it safely and securely. These statements which you asked me to read --

THE PRESIDENT: Yes.

MS PRUZHANSKAYA: -- it's got some inaccuracies.

THE PRESIDENT: Well --

MS PRUZHANSKAYA: And that's why I haven't been able to return it securely and safely, because on 7 December a courier attended me --

THE PRESIDENT: Ms Pruzhanskaya, let's not talk about the past.

MS PRUZHANSKAYA: Yes.

THE PRESIDENT: The fact is you've today chosen not to bring it with you, despite a suggestion that it would be helpful that you should. I am not Maitland Walker, I am president of this Tribunal and a High Court judge. You can hand it over to me, you can hand it over to anyone. Now, you've chosen not to do that and that's why we are having to proceed.

MS PRUZHANSKAYA: (inaudible) ask me.

THE PRESIDENT: Okay.

MS PRUZHANSKAYA: All this communication is very strange.

THE PRESIDENT: That's fine. That's fine, okay, we'll move on.

The final few points before I hand over to Ms Malloch are these: you've made a number of allegations in the past about other people having breached the confidentiality regime and about Maitland Walker's conduct. I'll obviously hear you on that, but let me indicate now that they are not really very relevant for today's purposes. The only matter that is important today is the undertaking and the application against you. That's the matter that's before me today. If there are other issues regarding the conduct of other people, then of course we will look into them, but that is not the purpose of today's hearing.

So of course I'm not going to stop you talking about that, but I'm not really concerned with those matters, because the concern today is the application that is made against you under the undertaking, and so it may be that other people have not

protected confidential information as well, but two wrongs don't make a right, the fact is I'm only concerned with the confidential information that you have via the laptop.

So I just want to make that point clear.

Secondly, you've made a number of complaints against a number of people. Again, that's not a matter for me, except to the extent that I do understand that some complaints have been made against Tribunal staff. I think I should make clear that I direct the operations, through the Registrar, of this Tribunal, and the staff have really just been doing their jobs in order to have this application brought on in accordance with the Tribunal's responsibilities. If you have any issues about process, of course we will respond to your complaints separately, but we will take into account the fact that everything has been directed to ensuring that this hearing takes place.

Finally on this, other parties, they know about this application, they have chosen not to attend, their attendance is not necessary, this is a matter between the Tribunal, Maitland Walker and yourself.

Now, I know that you've made an adjournment application. I've refused it. Do you want to make a further application today to adjourn? I will hear you. I can't say that I'm very keen to adjourn, but if you have reasons that you want to suggest that we should adjourn, again, do speak now. If you don't want to, then we'll move on.

MS PRUZHANSKAYA: Can I have a minute to think?

THE PRESIDENT: Of course.

(Pause)

MS PRUZHANSKAYA: Yeah, so you asked me about an adjournment.

THE PRESIDENT: Yes.

MS PRUZHANSKAYA: I think because there were several outstanding applications,

in my opinion, and the CAT Registry refused to reply, so we're here now, yeah?

THE PRESIDENT: Yes.

MS PRUZHANSKAYA: And, okay, I haven't had a chance to receive legal advice, representation, and we are dealing with this as it is, though I asked this time to enable me to prepare properly, but as you see I didn't have time to prepare properly and I had to send these submissions in a hurry. We have what we have. So I think we have no choice now but to continue and leave unreplied and undetermined applications open. Because I also -- I requested to provide me a letter of Maitland Walker dated 6 February in full --

THE PRESIDENT: Well, Ms Pruzhanskaya, let me make it clear --

MS PRUZHANSKAYA: Yes.

THE PRESIDENT: -- that I'm not going to hear afterwards your complaining that matters which matter to you have not been presented. If you consider that you've been disadvantaged in not having certain material, then it's your right to apply to adjourn this application, and I will rule on matters. But if we are simply talking about things which don't matter not having been provided to you, then of course we'll go ahead. But I'm giving you the opportunity, if you think that this is prejudicing you, to apply to adjourn, but I'm not having you say later on "Oh, if only I had applied to adjourn, the judge would have adjourned and matters would have been different". So if you want to make the application, make it. If you don't, then we will move on, on the basis that you are happy to proceed.

MS PRUZHANSKAYA: Well, I couldn't prepare full submissions in the absence of all information, but I don't think it's any sense now to adjourn, because these applications are outstanding, we're here, so let's continue.

We don't change the fact that all the paper -- you say it doesn't matter; I think it

matters because it didn't enable me to reply in full. But we have what we have, and we need to deal with what we have.

RULING

THE PRESIDENT: Well, thank you, Ms Pruzhanskaya.

I have before me a litigant in person, Ms Pruzhanskaya, who is the respondent to an application made by the firm of Maitland Walker, who are the solicitors of a class representative.

Ms Pruzhanskaya has said on a number of occasions that she has not received all of the necessary material that she needs to prepare for this hearing. I have listened very carefully to her points in this regard, and I note that she has been able to file with the Tribunal a significantly detailed set of written submissions which are dated 12 April 2024 and which show a very clear understanding of the facts and matters underlying this application.

I have also, in the preliminary stages of this application, ensured that Ms Pruzhanskaya has seen and been able to read the material documents which, in particular, are the statement of Mr Maitland-Walker and the undertaking, apparently signed by her, to protect confidential information in these proceedings.

Although Ms Pruzhanskaya has not made an application to adjourn, she has not indicated that she considers it is fair to proceed, she has simply indicated a willingness to proceed.

The purpose of this ruling is to make clear that I have considered very carefully whether it would be fair to proceed, and I am satisfied that it would be, and accordingly we will proceed with this application.

And having gone through the preliminaries, Ms Malloch, I'm now going to hand over

to you to make the application.

APPLICATION

Submissions by MS MALLOCH

MS MALLOCH: May it please the Tribunal, I appear on behalf of the Class Representative, the applicant in this matter. Ms Pruzhanskaya appears in person. She is the respondent to this application.

We find ourselves here today in somewhat extraordinary circumstances. The application that is made is one concerning a very simple issue, and it concerns confidential information that is in the possession of Ms Pruzhanskaya, and therefore a laptop that was loaned to her and her confirmation that confidential information has been destroyed.

I'm sure the Tribunal is well versed in the factual background to this particular issue in the case. The Tribunal's confirmed it's seen my written submissions and the background is set out in some detail in Mr Maitland-Walker's witness statement, so I don't propose to go over that in any great detail.

But in summary, the Tribunal made a confidentiality ring order in December of 2021.

Ms Pruzhanskaya began working with those instructing me in 2023, and she was a paralegal and had been placed through Flex Legal, and for the purposes of her placement she was loaned a laptop by those instructing me, and she became a member of the confidentiality ring and made a personal undertaking which we've looked at already today.

Then Ms Pruzhanskaya left Maitland Walker late last year; she was asked to return the laptop. She refused to do so, and continues to do so. Several attempts were made to recover the laptop from Ms Pruzhanskaya's possession. Attempts were

made by courier, a courier service was arranged for 7 December, but Ms Pruzhanskaya refused to hand over the laptop. Further attempts were made with the courier. Attempts were also made through Flex Legal, and those instructing me also asked Ms Pruzhanskaya what the best form for her would be to return the laptop to Maitland Walker.

But despite all of those efforts, the laptop remains in Ms Pruzhanskaya's possession and she's not confirmed that the confidential information that was on it has been destroyed.

Now, to date no proper reasons that stand up to any is scrutiny have been provided as to why she is refusing to return the laptop, or indeed confirm that the confidential information has been destroyed.

Given that Ms Pruzhanskaya is no longer involved in the case, given that she has left Maitland Walker, those instructing me on behalf of the class representative will need to take steps to remove her from the confidentiality ring, in accordance with paragraphs 7 and 9 of the confidentiality ring order.

However, Ms Pruzhanskaya's removal from the confidentiality ring in accordance with those paragraphs is contingent upon her both returning the laptop and confirming that she has destroyed and no longer retains the confidential information in relation to this case.

Now, in my submission, her refusal to do so is a clear and continuing breach of the confidentiality ring order and her personal obligations by way of the undertaking that she gave the Tribunal.

In those circumstances, those instructing me sought the assistance of the Tribunal. Indeed, the Tribunal has written to Ms Pruzhanskaya, and did so on a couple of occasions, and asked her to provide an explanation as to why she was resisting the

return of the laptop. Again, Ms Pruzhanskaya declined to provide any proper reasoning to the Tribunal.

Both those instructing me and the Tribunal have afforded Ms Pruzhanskaya every opportunity over the past few months to explain her position, but she has continued to decline to do so, and regrettably, even at this point, Ms Pruzhanskaya has failed to provide any proper reasons for her conduct, despite the plethora of correspondence from her to both Maitland Walker and the registry on completely irrelevant and unrelated matters.

Some of the correspondence is in the hearing bundle, which no doubt the Tribunal has seen, but in the interests of proportionality not all of the email correspondence is in the hearing bundle because there is quite a lot.

Just to update the Tribunal on a couple of matters which had developed over the course of the last few days, firstly Ms Pruzhanskaya has intimated in correspondence that she is using the retention of the laptop to leverage her position in Employment Tribunal proceedings between herself and Maitland Walker. That email is at page 108 of the hearing bundle, if the Tribunal wishes to see that.

Now, Maitland Walker was served with Employment Tribunal proceedings yesterday, but this is a completely separate matter between Ms Pruzhanskaya and Maitland Walker, and that does not concern this Tribunal.

But if indeed Ms Pruzhanskaya is seeking to leverage her position by retaining the laptop, in my submission, that is wholly inappropriate and a deliberate breach of the confidentiality ring order, as well as her undertaking.

Secondly, concerns regarding Ms Pruzhanskaya's use of and access to the confidential information have somewhat escalated. On Wednesday this week, Ms Pruzhanskaya directly contacted senior individuals at Govia Thameslink Limited,

the defendants in these proceedings. Now, Freshfields acts on behalf of the defendant and have informed those instructing me that the email addresses for the particular individuals that Ms Pruzhanskaya contacted, those email addresses are not readily available to the general public.

There is now concern that Ms Pruzhanskaya is potentially using the confidential information for her own purposes, which, in my submission, is a very clear breach of the confidentiality ring order and, again, that personal undertaking that she has given to the Tribunal.

Ms Pruzhanskaya has continued to contact those individuals directly this week, as well as the funder in this case, and representatives for the other parties. The class representative's statement of costs was sent directly to these people by Ms Pruzhanskaya, accompanied by some somewhat inappropriate and factually inaccurate comments in the covering email.

In my submission, Ms Pruzhanskaya's conduct to date has been wholly inappropriate, which is both surprising and disappointing for someone who has had legal training and clearly has ambitions to have a career as a solicitor.

As identified in its order of 2 April 2024, the Tribunal places great importance on the parties and their advisers protecting confidential information, as it must, given the commercially sensitive nature of information that needs to be disclosed in many matters that are brought before this Tribunal. The confidentiality ring order and many similar orders would be rendered useless if the Tribunal was not prepared to enforce and uphold the terms.

It's extremely regrettable that this application has had to be made, and I invite the Tribunal to note that those instructing me made every possible attempt to resolve this matter without the involvement of this Tribunal, but unfortunately it became

apparent that this was not going to be resolved without the assistance of the Tribunal, and in those circumstances the application had to be made.

It appears that Ms Pruzhanskaya is going to continue to refuse to confirm that the confidential information has been destroyed or indeed return the laptop without an order of the court. As the Tribunal pointed out earlier, it's not necessarily the laptop in and of itself that is of particular importance to those instructing me, it is the confidential information that can be accessed on it.

So in those circumstances, I respectfully invite the Tribunal to make an order in the terms sought and allow the application.

THE PRESIDENT: Just remind me where I see that order in the bundle.

MS MALLOCH: Yes, of course.

THE PRESIDENT: I have seen it, but I'm ...

MS MALLOCH: The draft order begins at page 78. It runs on to page 79.

(Pause)

THE PRESIDENT: My numbering is a little different. I have got something which is headed a draft order which begins with a recital:

"Upon Competition Appeal Tribunal ordering the establishment of a confidentiality ring ..."

Is that the right ... it looks like it, but --

MS MALLOCH: It may be in the bundle on a couple of --

THE PRESIDENT: It's on a couple of occasions.

MS MALLOCH: -- occasions.

(Pause)

THE PRESIDENT: Well, looking at the order that I've got, and we'll soon find out whether it's the right order, I just want to explore with you, Ms Malloch, so that it's

clear to Ms Pruzhanskaya what we're doing, it seems to me that what you're looking for is an injunction, in other words what you want is the Tribunal to make a series of orders. One, to hand over the laptop, not because we're interested in the laptop but because we're interested in the confidential information. Secondly, to provide a confirmation that no other confidential information exists in Ms Pruzhanskaya's possession, custody or power apart from that in the laptop. And thirdly, given what you've recently said about an apparent use of confidential information, not to use confidential information going forward.

So it seems to me those are the three limbs of the sort of overall protection that you're seeking. Would that be fair?

MS MALLOCH: Yes, that is a fair assessment.

THE PRESIDENT: So the question is: how does one achieve that? I'm looking at the Tribunal's rules 67 and 68, which articulate the power of the Tribunal in England and Wales to make injunctions. Do I need to make Ms Pruzhanskaya a party just to ensure that she is bound by the order that you're inviting me to make?

MS MALLOCH: So I think that's perhaps a sensible route to take, so that she is bound by any order this court makes.

THE PRESIDENT: Indeed. I mean, I'm not saying that -- she wouldn't be as, as it were, a stranger to these proceedings, but I am anxious to ensure that everybody, including in particular Ms Pruzhanskaya, knows exactly where she stands.

It seems to me -- obviously I will hear from Ms Pruzhanskaya about this -- that it's only fair to her that she know that she is being joined for the express purpose, if I'm with you, of ensuring that the injunction that you're inviting me to make is properly made.

MS MALLOCH: Yes, sir, for the avoidance of any doubt. And I do know

Ms Pruzhanskaya raised at the outset she's not a party and questioned why she was involved, so perhaps for the sake of completeness, that would be sensible, if the Tribunal is with me.

THE PRESIDENT: Would you be seeking an order with a penal notice? I mean, is that something that -- I notice it's not on the draft order that I've got in front of me.

MS MALLOCH: There is a copy of the draft order with a penal notice --

THE PRESIDENT: There is? Right, I'm obviously looking at the wrong one.

MS MALLOCH: Apologies if you've not got that.

THE PRESIDENT: Not at all.

MS MALLOCH: I can hand a copy up --

THE PRESIDENT: Maybe I should, just to make sure that I'm looking at the same thing that you are.

MS MALLOCH: Thank you.

THE PRESIDENT: Thank you very much.

Ms Pruzhanskaya, do you have a copy of this?

MS PRUZHANSKAYA: On page 78 you meant?

THE PRESIDENT: Yes. My bundle 78 is different -- page 78 is different, I don't know why that is, but if you've got it at page 78, that would be helpful. There it is. Do you have it?

MS PRUZHANSKAYA: I just didn't understand what you meant.

THE PRESIDENT: No, don't worry, we'll be hearing from you. The point about my addressing this with counsel is to make sure that you are hearing what the applicant is seeking, and if you don't understand anything, of course you must say so when your turn comes.

Thank you, yes, I see that, that's very helpful.

We can discuss, I think, in a little greater detail the mechanics for handing things over. I mean, making available for collection hasn't worked very well so far. Ought one instead to put a positive obligation on Ms Pruzhanskaya to deliver up the laptop in a certain way? Is that something that Maitland Walker have considered?

MS MALLOCH: If I may just take some instructions.

THE PRESIDENT: Of course.

(Pause)

MS MALLOCH: So, yes, that's something that would be acceptable to Maitland Walker.

THE PRESIDENT: What I'm concerned about is I don't want to this to be thwarted. And the way you've framed it -- and I quite understand why you have, that Ms Pruzhanskaya shall permit the authorised representative of the class representative's solicitors to collect the laptop from the place where Ms Pruzhanskaya holds the laptop -- it has so many variables in it that I can see it just not working if there is a misunderstanding or an absence of co-operation or something.

Whereas if one says "Deliver up the laptop within seven days to X location", that makes life a little bit easier. That's all I'm thinking.

MS MALLOCH: Yes, sir, I completely accept the concerns of the Tribunal in relation to the wording. Now Ms Pruzhanskaya is in attendance today, perhaps if the Tribunal is with me on the application it will make things easier to find suitable wording and arrangements.

THE PRESIDENT: Well, that would be helpful, we'll see where we go. That's very helpful.

Then the last point, you're seeking your costs.

MS MALLOCH: Yes.

THE PRESIDENT: I wonder if you could just explain why the costs are the level they are, and -- because I'll obviously want Ms Pruzhanskaya to understand what's going on. And just so that we get everything done in one go, I'm obviously not saying I'm going to grant the application, but I think it's important that you explain why you're seeking your costs, should you succeed, and what those costs are.

Finally, I think you do need to explain the significance of the penal notice, bearing in mind that Ms Pruzhanskaya, although she is in part legally qualified, I'm treating as a litigant in person.

MS MALLOCH: Yes, of course.

Just on the penal notice --

THE PRESIDENT: Yes.

MS MALLOCH: -- the Tribunal has a number of tools in its armoury when enforcing orders or making orders, and how they will subsequently be enforced, and given Ms Pruzhanskaya's conduct to date in these proceedings and unwillingness to hand over the laptop and confirm the destruction of confidential information, in my submission it's appropriate that if Ms Pruzhanskaya continues to refuse to complete with orders of the Tribunal and any order the Tribunal makes in favour of the applicant today, there should be available the most serious of consequences, whether that be a fine or indeed imprisonment if the order is breached.

Just on the costs point, the costs may seem somewhat high, but that is a reflection, in my submission, of the significant amount of time that those instructing me have had to dedicate to what should have been a very straightforward issue, but turned into a matter that was very unusual and started to become more complex the more correspondence was sent by Ms Pruzhanskaya.

The issue first came about in December of last year, so the costs set out in the statement of costs are costs that have been incurred from December to date, so we've got a period of several months where individuals at Maitland Walker have had to respond to a significant volume of emails from Ms Pruzhanskaya and communicate internally about how to manage a situation that was continuing to escalate in a way that nobody envisaged.

The fact that Ms Pruzhanskaya has continued to ... provide any reasoning whatsoever for her failure to return the laptop or confirm the confidential information was destroyed, in my submission, amounts to unreasonable conduct, and the fact that it appears she has been using the confidential information for her own purposes, in my submission, warrants costs to be on the indemnity basis, if we get that far.

Just one further point, sir, to highlight. It's been suggested that these costs are being sourced from the funder and these are being taken away from the class representative, but that is a completely inaccurate summary of what's happened here. These costs have been borne by Maitland Walker, nobody else. But the significant amount of costs simply is a reflection of the amount of time that has had to be dedicated to this one issue. That is a matter that was out of Maitland Walker's control. An approach of trying to limit their engagement with Ms Pruzhanskaya was met with further emails demanding responses, which is why more time than perhaps should have been dedicated to this matter ended up being provided.

So that's the reason why the costs perhaps seem a little high, but in my submission they are entirely justified in somewhat unusual and perhaps extreme circumstances.

THE PRESIDENT: Thank you very much. I'm very grateful to you.

MS MALLOCH: Thank you, sir.

THE PRESIDENT: So, Ms Pruzhanskaya, over to you. You've heard what the

applicant is seeking. If there's anything you don't understand, do say so, but now is your time to explain why the order that is sought against you should not be made.

Submissions by MS PRUZHANSKAYA

MS PRUZHANSKAYA: Okay. I just heard about extreme circumstances, but these extreme circumstances were created by the applicants, because, in full knowledge that I would be leaving on 10 November, they didn't collect the computer at all.

In the morning I sent you an email, I found a lot of controversies in the fifth statement which you gave me time to read, fifth statement of Maitland Walker. Because, for example, I didn't start engagement on -- a lot of factual statements, yeah?

I didn't start engagement on 31 March, I started on 3 April. So Maitland Walker approached me directly, they gave this equipment directly, they said they loaned, they didn't sign any paper, they provided me this equipment. Yeah? I don't say that I'm not returning it, I'm just saying about the negligent way this information was treated.

Anyway --

THE PRESIDENT: Ms Pruzhanskaya, let's assume that's right. Why does that matter?

MS PRUZHANSKAYA: That matters because during the course of work with Maitland Walker, I saw some negligent treatment, and when something strange started happening, I thought, okay, probably they lost already confidential information and they demanded in the way --

THE PRESIDENT: But how does your keeping confidential information make things better? That's what we're worried about.

MS PRUZHANSKAYA: I keep. I don't lose it.

THE PRESIDENT: But you shouldn't have it.

MS PRUZHANSKAYA: Okay, so then the collection should have been organised properly.

THE PRESIDENT: Right.

MS PRUZHANSKAYA: Instead of this, it was submitted the collection was organised on 7 December --

THE PRESIDENT: Well, Ms Pruzhanskaya, you've said many times you're willing to give --

MS PRUZHANSKAYA: In safe way.

THE PRESIDENT: -- return the laptop --

MS PRUZHANSKAYA: In safe way, in safe and secure way.

THE PRESIDENT: -- but yet here we are and the laptop still isn't given up after four months.

MS PRUZHANSKAYA: Because when I wrote people say "We don't engage with you". How can I agree anything with them? Until 12 January, and I gave you this letter, 12 January, first time, three months after I finished the assignment, Maitland Walker contacted me. Why wasn't contact earlier? The 7 December --

THE PRESIDENT: Okay. Fine. But we're now in the middle of April.

MS PRUZHANSKAYA: Exactly.

THE PRESIDENT: And yet it's still --

MS PRUZHANSKAYA: Exactly. Exactly. People don't want to talk to me. They said to me, "we don't engage". So, to engage -- I am prepared to give in a secure way -- what I suggest to meet in person, not to pop into my house for a second, not to throw the laptop in the confidential information in the office that someone will open it for me, and not to go to an office in two hours straight away when everyone on

break, as Flex Legal offered to me. So it wasn't a secure way.

On 7 December, when a courier came and I asked for ID -- it was for a laptop with confidential information, I asked for ID -- and he ran away. I said, "Can you please write down everything", and he said, "No, just pack everything". It's not the way to pass confidential information. I wasn't enabled to do it. By Flex Legal, or by Maitland Walker. And even on 12 January -- and I think you have it in the documents I sent to you --

THE PRESIDENT: Yes.

MS PRUZHANSKAYA: -- this morning.

THE PRESIDENT: Yes, I've looked at those.

MS PRUZHANSKAYA: Yeah. If you look at the paragraph 1, 2, 3, 4, what have been asked by Flex. And if you see the last paragraph, please note that couriers don't carry ID, and there are certain requirements as to the packaging of items before they will accept a pick-up. From my understanding -- sorry, have you found it?

THE PRESIDENT: I have it, yes.

MS PRUZHANSKAYA: So from my understanding, it's not a secure and safe way to pass confidential information. For my understanding, if information is of such importance, as the applicant identified and as the Tribunal identified, so it should be done personally, not in a home environment but in an office so people check everything, record everything, and I pass the risk.

You know, I don't know what happened with the confidential information in possession of the applicants, but I saw many times when I asked -- my computer was broked in June. I've never seen anything like that, I have never had any computer broken in my life. It just died. Yeah? And it was sent to QSS, IT provider,

so they said -- they didn't do back-up, they sent information using Dropbox, they sent emails, confidential emails without passwords, multiple breaches of confidentiality. And this is what I am there trying just to cover everything. And when I ask about broken drive, Adrian Render told me, "Oh, we will send it to third party and I asked, "What about confidential information?", "No idea".

And I have it in writing.

So after that I was very, very cautious to pass it in person. I don't say no, I'm just begging for arranging proper passing of the laptop.

And talking about the undertaking, I didn't breach it, because I didn't pass information to anyone, I didn't do anything, it's safe. And people say please delete information, but they put passwords. How can I delete information if I can't get into the computer? By the way, which computer are we talking about? I had several computers.

THE PRESIDENT: Ms Pruzhanskaya, I'm listening.

MS PRUZHANSKAYA: I don't have computer M21, which was requested. Have they lost this computer as well? I don't have it.

So we have a problem with negligence.

And after that, they spent money, for £80,000, talking to each other instead of just giving me a call, a talk. I haven't talked to Adrian Render since 10 November. I asked him if he wants me to do anything else. It was Chris Thomas, it was Joe Siman, it was Adrian Render. And it's normal just to pass the laptop, especially with confidential information, on the last day.

I had many assignments. Everywhere people made sure, (inaudible) LLP, Simmons & Simmons, CNA Hardy, they made sure the computer is given back on the last day. It's very different with Maitland Walker.

So it's not my fault. I'm prepared to give it. I didn't breach any undertaking, because it's still with me. Yeah? I give undertaking not to give it to the third party. I didn't.

And moreover, if you look at the undertaking, though it's technicality, but I don't think it's valid, it's for Maitland Walker. I didn't work for Maitland Walker, I worked for Flex.

It's that -- I regulated by Solicitors Regulation Authority. I'm a paralegal. Yeah? So it should be solicitors who are responsible for this, not harassing me with costs or threats or that I won't become a solicitor, that my conduct isn't acceptable. You know, it's not right to put the blame to other people if they're at fault.

Here, I came here in person under protest, though I haven't received information but I came here to see people in person and finally talk to them. Talk. If people can't talk, and write to me "We won't engage", how can we talk? How we can decide?

You know, I'm a person, I don't need threats, I don't need harassment. Yes, I raised concerns. Yes, I can see the protected disclosures, because after 1 November and 6 November their treatment changed. But instead harassing me, just concentrate on what's needed, collect laptop with confidential information, close the matter and move on with their lives.

You know, they used my expertise of an economist of 20 years and paid £17.50. It's fine with me now. Yeah? Benefit of 200. It's fine. It's a question of litigation funding regulation, which should be raised. Yeah? But we are here not because of this.

I have a question. You told me that I'm a party to something. I'm not a party.

THE PRESIDENT: No, what I said was I would make you a party to the proceedings so that injunction --

MS PRUZHANSKAYA: How come? I'm not a party --

THE PRESIDENT: No, you are not at the moment.

MS PRUZHANSKAYA: -- so technically how is it possible?

THE PRESIDENT: Because I have the power to make you a party and I will be doing so if I accede to the application of the applicant. The reason that I will be doing that is that I can make, if so advised, an injunction ensuring that the confidential information which the applicant is seeking to protect is protected.

So that is the course that, if the application succeeds, I will be minded to take.

MS PRUZHANSKAYA: Okay. With regards for me, application for a possession of laptop, yeah, it's a possession claim?

THE PRESIDENT: No, it's not.

MS PRUZHANSKAYA: It's not. But I have nothing against passing safely, starting talking to people, you know. Just because I risk(?) protected disclosures, it's not the point, treated like me. For me it's like pure detriment, what they did to me.

And now they claim £80,000. Excuse me, for what? For talking? It's like double recovery. They are paid for by litigation funds monthly.

THE PRESIDENT: Well, Ms Pruzhanskaya, that is helpful that you raise this. There are two things that I'd particularly like you to address. One is the suggestion made by Ms Malloch that you have actually been using confidential information, for instance, to identify emails that otherwise are protected, in Govia and others, so --

MS PRUZHANSKAYA: It's public information, I --

THE PRESIDENT: I'll let you finish. The second point was costs. So if you could address those two points.

I'm sorry I cut you off there, but if you could address those two points, that would be very helpful.

MS PRUZHANSKAYA: I think they are unreasonable. "Attendance on colleagues". You see "attendance on colleagues" a lot, just people decided to talk to each other, agreed costs. It's unreasonable.

Instead of just picking up the phone and saying, "Okay, shall we collect directly?" You know? It's just because I raised directly the question with Adrian Render. He didn't want to talk to me. That's it. It's not -- you know, it's a childish behaviour, that's it. Just let's pass this laptop safely.

I can't do what they demand, to delete the information. It's passworded. You know, I can't get into this to delete it. I don't have laptop M21. Nobody from QSS came to me, contrary to what Julian Maitland-Walker stated. I have a reply from QSS saying: no, we didn't arrange engineers to come.

So it's a lot of questions of facts and why I am treated this way.

Okay, about the costs, I think they are completely unreasonable. What I tried is to pass safely. And I don't say no, I just want to have time and place arranged and I will pass everything. It's passworded, I can't breach it. Yeah?

It's another question that now I have a claim at the employment tribunal, including protected disclosures I made. I'm not -- I don't need all this confidential information in tranches provided. But what I need, I need some emails. Is it possible to use these emails?

THE PRESIDENT: Ms Pruzhanskaya, the employment matters are not before me. It's a different tribunal, and -- I can't --

MS PRUZHANSKAYA: I understand, but I would like to use emails that --

THE PRESIDENT: I can't give you advice as to how to conduct other litigation, I am here to decide the application that is before me.

Is there anything more you want to address us on?

MS PRUZHANSKAYA: Let me ...

THE PRESIDENT: Of course.

MS PRUZHANSKAYA: Yeah.

So, yeah, we have here a question who breached the order, for me. Because this is the question: who breached the order? Yeah? So was it my responsibility to delete everything and contact the party as per paragraph 9? Okay, so basically the application is based on paragraph 9 of the order, confidentiality order. Do you have it in front of you?

THE PRESIDENT: I have it.

MS PRUZHANSKAYA: Yeah. And it's clearly written:

"With the exception of solicitors or counsel's notes and to the extent permitted by law or any applicable professional conduct regulations, copies of all or any (as appropriate) Confidential Information disclosed pursuant to this Order must be destroyed insofar as it's technologically possible or made inaccessible at the conclusion of these proceedings, or when a Relevant Adviser ceases to be involved in these proceedings. Each Party shall notify the other Parties that the Confidential Information has been destroyed."

In particular, "when a Relevant Adviser ceases to be involved in these proceedings".

In particular, yeah?

So I finished working for Maitland Walker the 10 November. They knew clearly that I wouldn't come back.

THE PRESIDENT: Yes.

MS PRUZHANSKAYA: Because I sent you in the mail confirming that Chris Thomas on 1 December --

THE PRESIDENT: I don't think that's disputed.

MS PRUZHANSKAYA: Exactly. Just because in the fifth statement it said that Julian Maitland-Walker learnt about this on 4 December. It's not. Yeah? So they knew clearly. Yeah?

So it was up to the party to contact me to ensure that everything is taken and to -- to contact another party and remove from their confidentiality ring. And I hadn't been contacted by Maitland Walker for three months. So I think it's, you know ...

I -- honestly, I'm very surprised standing in here with myself, such a simple matter can be solved very simply, you know, just talk and agree the place, safe place to pass everything, and take a list of things, they can check everything and close the matter.

I don't know why it hasn't been done, I don't know why we're standing here now having this application for £80,000. I just see it as a money-making exercise. I'm very sorry, it's just because of litigation funding and -- it's double recovery and they're funded and they're sitting there creating this instead of collecting the computer in time.

THE PRESIDENT: Thank you very much, Ms Pruzhanskaya.

MS PRUZHANSKAYA: Let -- just a second. I am not a professional.

THE PRESIDENT: No, not at all.

MS PRUZHANSKAYA: I'm a professional economist. That's why I did the work for them for £17.50.

(Pause)

So, yeah, my main submissions, I don't know what -- the application should be refused, no costs. I was created a lot of costs, I was created stress. I think the overall situation is extraordinary, and it should be looked at carefully in the future by all the parties taking care of confidential information. But in my understanding I haven't breached order, I haven't done anything wrong. This is the party who is in charge in breach order and the costs are just another harassment and shouldn't be made. And, yeah, I think I requested to give me some costs, in my submissions.

THE PRESIDENT: Yes, I saw that. I saw that.

Thank you very much, Ms Pruzhanskaya, I'm very grateful to you.

Ms Malloch, I don't want to cut you off, but the only point that I would be grateful for your assistance on, in addition to anything you want to draw to our attention, is the point that was made about the laptop as described in your order not being the laptop in Ms Pruzhanskaya's possession.

MS MALLOCH: Well, sir, this is the first that we've heard that suggestion made.

THE PRESIDENT: Yes.

MS MALLOCH: I understand that is the serial number of the laptop that was loaned to Ms Pruzhanskaya. I think there's little more I can say to the Tribunal on that particular point, given that that is the laptop that was provided and this is the first time that such a suggestion has been made that Ms Pruzhanskaya is not in possession of that particular laptop.

THE PRESIDENT: Is there anything else you want me to hear?

MS MALLOCH: If I may?

THE PRESIDENT: Of course.

(Pause)

Reply submissions by MS MALLOCH

MS MALLOCH: I don't think it's denied by Ms Pruzhanskaya that she is in possession of a laptop. Issue is taken about the particular serial number, but it's certainly not denied, as far as I can understand, there is a laptop --

THE PRESIDENT: No, that was my understanding. It seems to me if we make an order -- and we will retire shortly to consider our ruling -- it would be in the shape of an obligation to deliver up all equipment received from Maitland Walker, including but not limited to [§<]. And, failing that, we may need to have some form of statement,

and I would have in mind I think an affidavit setting out that everything that has been received from Maitland Walker has been delivered back.

MS MALLOCH: A very sensible suggestion.

Just very briefly, Ms Pruzhanskaya says that this could have all been resolved very simply, but in my submission the correspondence reflects that it was Maitland Walker who were making numerous attempts to try to resolve this issue in the easiest way possible, but the resistance was very much coming from Ms Pruzhanskaya, and that is why this matter has escalated beyond comprehension.

So whilst it is a simple issue and one that could have been resolved much quicker and much earlier, the resistance was certainly not with the applicant but very much with Ms Pruzhanskaya.

We've spoken and looked at the undertaking that's been provided. There's a suggestion that that is not valid. In my submission, the points raised by Ms Pruzhanskaya just do not stand up. She has signed that document. There's no suggestion that it was done so under duress or anything of that nature. The signature of hers is on that document, and in my submission the wording of it captures the undertaking to this Tribunal, which she, in my submission, remains in breach of by refusing to confirm that the confidential information has been destroyed. Unless I can assist further, sir.

THE PRESIDENT: No, thank you very much, Ms Malloch, I'm much obliged.

What we will do is we'll rise to consider our ruling and then I will make an ex tempore ruling on the application. So we'll rise for five minutes.

(3.25 pm)

(A short break)

(3.38 pm)

THE PRESIDENT: I'm going to make a ruling, and then -- Ms Pruzhanskaya, I'm so sorry, yes?

MS PRUZHANSKAYA: Before you give your judgment or order --

THE PRESIDENT: Yes, of course.

MS PRUZHANSKAYA: Yeah. I just wanted to ask if you had any difficulties in understanding my English?

THE PRESIDENT: Not at all, no, you've been very clear.

MS PRUZHANSKAYA: Very clear? You understood everything?

THE PRESIDENT: I did.

MS PRUZHANSKAYA: Okay. I just -- because just in the conversation with Julian Maitland-Walker, when I left, he referred to my English, that somehow he -- do you think my English has anything to do with the conduct of Maitland Walker towards me?

THE PRESIDENT: Ms Pruzhanskaya, it's my job to ensure that I understand what everyone is saying to me, and if I'm concerned that I haven't, I'll make sure that I do, and I'm very satisfied that I know what your position is. So --

MS PRUZHANSKAYA: Okay.

THE PRESIDENT: -- I will now make a ruling. I'd be grateful if none of you would interrupt while I make the ruling, but obviously, Ms Malloch, Ms Pruzhanskaya, if there are any corrections that need to be made because I've misspoken, let me know, I will turn it into a proper judgment when I get the transcript.

And Ms Pruzhanskaya, if there's anything you don't understand after I have made the ruling, I can try to explain it to you a little further, and I'm quite sure that out of court Ms Malloch will explain anything that you're puzzled with as well. So we'll proceed in that way.

RULING (extracted)

THE PRESIDENT: Ms Malloch, is there anything that I've missed out that I ought to be dealing with, or any way in which I have misspoken which you feel you need to correct? I will obviously go through the transcript and render it into an appropriate ruling, but if there is anything that you want to draw to my attention now, I'd be grateful.

MS MALLOCH: Thank you, sir. No, there isn't.

THE PRESIDENT: I'm very grateful.

Ms Pruzhanskaya, do you understand what I have directed?

MS PRUZHANSKAYA: I didn't understand about the costs, you said it would be on the standard basis that I needed to make the payment of £10,000 in 28 days, and what about £70,000?

THE PRESIDENT: Yes. So that's a very fair point you've made, and let me explain how this works. Courts do not, generally speaking, order that costs be paid in precisely the amount asked for. That's because we want to check that they have been properly incurred. So what happens is there is a process which is called detailed assessment, but that's just a phrase, there's a process called detailed assessment that means that a specialist judge, not me but a costs judge, can look at the costs and see that they have been reasonably incurred.

Now, there are two ways in which a judge can do that. One is by reference to what we call the standard basis and the other is the indemnity basis.

Now, Ms Malloch asked for costs on the indemnity basis, which favours her client, and, I'll be frank, I was significantly inclined to make that order but did not. We ordered costs on the lower basis, the standard basis, and what would happen is that

the £79,000 would be processed and a figure reached that is a reasonable figure on the standard basis. That takes some time. It can be agreed between the parties, but if it isn't, then a judge will look at it.

In the meantime, I've made what is called an order that costs be paid on account, and that is the £10,000. It represents the irreducible minimum that will be recoverable, even if there has been significant overcharging -- I'm not saying there has been or hasn't -- but £10,000 is a sum which I consider you will inevitably be obliged to pay, and what I have made sure is that you are obliged to pay that within a little more generous period than is usual, the usual order is 14 days, I have ordered 28, and judges don't go beyond that, because 28 days really is the outer limit. So that's why I've made the order that way.

So the £79,000 remains in play, but it's £10,000 that will be payable within 28 days.

MS PRUZHANSKAYA: It seems very unfair, because I made £2,000 per month, and did a lot of work for them on which the economists asked for the disclosure, you know, I have --

THE PRESIDENT: Ms Pruzhanskaya --

MS PRUZHANSKAYA: I don't have this money, I'm not working because of them.

THE PRESIDENT: I have no doubt that you did valuable work for Maitland Walker, that is nothing to the point. What is to the point is that we have had an afternoon at which Maitland Walker have been obliged to attend, we've got a lot of documents, a lot of effort has been undergone, and you have lost the application that has been made. The usual rule is that costs are paid by the loser to the winner, and that is all I have done.

Now, I'm not ordering, I haven't ordered that the full £79,000 be paid. As I say, that's going to be the subject of a detailed assessment. I have ordered that £10,000 be

paid within 28 days, which is, I suspect Ms Malloch would say, on the low side, normally one goes to 50%, but I have strayed on the lowest end that one can because I do appreciate that you are a litigant in person and I have taken that into account.

MS PRUZHANSKAYA: But I don't have a job now because of them, so I don't have this £10,000, I will be made bankrupt just because I worked for them. I did the work and they went against me and now, instead of making money, I need to pay money for them, for their negligence.

THE PRESIDENT: Ms Pruzhanskaya, I'm sorry, I can't, as much as I would wish to, engage --

MS PRUZHANSKAYA: Is it possible to postpone just for the detailed assessment?

THE PRESIDENT: No. I'm sorry, I have made the order that I have. If there is anything more that you need to know by way of clarification -- I can't re-open what I have said.

MS PRUZHANSKAYA: You can't re-open it?

THE PRESIDENT: No.

MS PRUZHANSKAYA: Don't you think that it just related there with the parts that I'm of Russian origin and they treated me like this?

THE PRESIDENT: No, Ms Pruzhanskaya, we've decided the application. I just want to make sure that you understand what it is that has been ordered. I don't want you to leave the courtroom under any doubt.

MS PRUZHANSKAYA: Do you think it's right to do a lot of work for people benefit intellectually and financially and then they bankrupt other people. So you think it's right?

THE PRESIDENT: So, Ms Pruzhanskaya, I'm taking that as an indication you don't

have any further questions.

MS PRUZHANSKAYA: Okay.

THE PRESIDENT: In those circumstances, I will end the process.

MS PRUZHANSKAYA: Well, if it's life in the Competition Appeal Tribunal, and competition just because they are strong and I am small, and I can be paid £17.50 and they can be benefitted to £200 per hour and then, you know, instead of appreciation they turned against me and make me pay £80,000. I don't know if this is competition who big fish eat small fish, it's ... I don't know.

I don't know what to say, because I came here to raise questions about negligence, I came here to raise questions about that I made protected disclosure, and in turn these people didn't collect, these people didn't treat me correctly --

THE PRESIDENT: Ms Pruzhanskaya, Ms Pruzhanskaya, I'm going to stop you now.

MS PRUZHANSKAYA: It's okay. If you think it's right --

THE PRESIDENT: We're going back.

I've made my order, that's the end of the matter.

MS PRUZHANSKAYA: Of course.

THE PRESIDENT: I think you understand what I have done.

MS PRUZHANSKAYA: Yes, I understood what you have done, and I understood what they have done, especially Ms Malloch.

THE PRESIDENT: Ms Malloch, thank you very much.

We will rise now.

(4.10 pm)

(The hearing concluded)